

THE LANCASTER LAW LIBRARY ASSOCIATION

By DANIEL B. STRICKLER, ESQ.

The history of the Lancaster Law Library Association goes back eighty years to the time of the abandonment of the old court house, which stood in Penn Square in the city of Lancaster. The court and bar had just moved into the new court house at the corner of East King and North Duke streets, in the year 1854. This court house was one of the largest and finest structures of its kind in the Nation and afforded ample facilities for the growing legal and governmental departments of the county. The large brown-stone blocks used in its construction attracted wide attention. It is said that these blocks were hammered out of native stone and not a chisel touched them. The figure of the Goddess of Justice, with a huge sword in one hand and the balance, or scales, of Justice in the other, was mounted on the cupola. It was carved out of wood and stood there throughout the years until the remodeling of the court house in 1929, when it was replaced by a new figure, similar to the old one, with the exception that the Goddess held a smaller sword which she could apparently wield in better fashion to meet the ends of Justice. The late Honorable Charles I. Landis¹ personally attended to the selection of this new emblem of Justice. The large wooden head of the old statue rests at present on top of the book cases in the judge's chambers of Honorable Benjamin Champneys Atlee.²

Before going further into the history of the Law Library, it might be of interest to digress a bit and consider the character of the court and bar of Lancaster county prior to the Civil War.

Lancaster county became a municipal sub-division of the Province of Pennsylvania by the authority of the act of General Assembly of the Province, May 10th, 1729. Prior to the constitution of Pennsylvania, and the act of April 13th, 1791, carrying the constitution into effect, the courts of the county were presided over by various justices of the peace of the city and county. The first sessions of the court of Lancaster county were held in August, 1729, at John Postlethwait's tavern near the Conestoga creek in Conestoga town-

¹ Charles Israel Landis was commissioned an "additional law judge" for Lancaster county on April 11th, 1899; and on the retirement of Judge Livingston on February 13th, 1904, he was named president judge, a position he filled with rare ability until he retired January 1st, 1931.

² Benjamin Champneys Atlee was commissioned associate law judge November 6th, 1930, and became president judge on the retirement of Judge Groff on September 1st, 1932.

ship, about seven miles southwest of Lancaster city, and were presided over by the following justices: John Wright, Tobias Hendricks, Andrew Cornish and Samuel Jones.

The first actual court of Lancaster county was established in 1791, and William Augustus Atlee was the first judge commissioned to preside over the court,—he having been commissioned August 17th, 1791. Since the death of Judge Atlee, in 1793, eleven judges have been commissioned to preside over the courts of Lancaster county: John Joseph Henry, Walter Franklin, Charles Ogle, Oristus Collins, Benjamin Champneys, Ellis Lewis, Henry G. Long, John B. Livingston, Charles I. Landis, John M. Groff and Benjamin C. Atlee.³

Under act of April 13th, 1791, four associate judges, commonly called "Lay Judges," were appointed and commissioned for the county of Lancaster. There were nineteen of these so-called "Lay Judges" who were commissioned from time to time up to 1874, when the office became wholly abolished by the new constitution.

It appears that there was also a district court for the city and county, established under Act of March 27th, 1820, which had power of common pleas court over any matters real, personal and mixed, where the sum in controversy did not exceed three hundred dollars. It was abolished, however, by act of February 6th, 1849. During that period there were commissioned four such judges of that court and two associate judges.

There also seems to have been a mayor's court for the city of Lancaster, established by act of March 20th, 1818, which was possessed with power and jurisdiction within the said city of like character and extent as those of any court of quarter sessions of the peace, oyer & terminer, and jail delivery of any county within the Commonwealth. This court was abolished by act of February 6th, 1849. During the period of its existence, four judges were commissioned.

It is interesting to note that the first lawyers to practice before the courts of Lancaster county were admitted in 1729. Since that time, to the beginning of the Civil War, approximately four hundred and sixty-three members had already been admitted to the bar of Lancaster county, and, since that war, there have been approximately an additional three hundred and seventy-seven more. Among the members of the Lancaster county bar there have been outstanding judges, jurists, statesmen, educators, practitioners, and soldiers. Among the prominent early members were such men as George Ross, signer of the Declaration of Independence; James Buchanan, fifteenth President of the United States; Thaddeus Stevens, known as the "Great Commoner" and founder of the public school system in Pennsylvania.

It was the custom in the early days of the bar for young men in the community to enter upon an apprenticeship with an older lawyer, and, under his guidance and tutelage, prepare themselves for examination and admission to the bar. There was always a pride on the part of the older members of the bar

to maintain a high standard of qualification for admission. Nothing seemed to be left undone even after admission, to encourage the young members to continue study in order to be more proficient in the practice of law.

During the 1840's, the younger members of the bar associated themselves together for mutual benefit, by forming a society called the "Lancaster Law Association." It was instituted November 23rd, 1840. The Society continued until 1844, so far as can be learned from its original minute book, which is now lodged in the Lancaster Law Library.

The "Purpose of the Society" was for the improvement of its members in legal knowledge and forensic eloquence.

It was customary to have the president of the Society, who was called the "Judge," to render his decisions and opinions following the discussion of various subjects. Questions for dispute were selected at each meeting and four disputants were appointed by the president,—two in the affirmative, and two in the negative. The argument was presented at the meeting following the appointment of the disputants. The arguments were submitted in writing and followed by oral debate.

The following were members of that old association: William Porter Steele, Amos Slaymaker, William Mathiot, J. C. Passmore, G. M. Kline, D. W. Patterson, William Huston, Junius B. Kauffman, A. Herr Smith, Horace Hopkins, D. C. Eshleman, Jesse Landis, Samuel S. Carpenter, C. P. Waller, Lewis R. Hammersley, Samuel Brownwell, Abram A. Groff, Thomas Pennington, L. F. Heiner, Davis Evans Bruner, A. D. Ditmars, Charles Denues, Fred S. Gossler, Isaac E. Hiester, Charles A. Tomlinson and John S. Clendenan.

It was the custom in the early days of the bar for lawyers to secure their own books and build up their own libraries. These private libraries included some of the finest collections of English text books, reports and digests. This was expensive for the young lawyer and even for the older ones as the field of law developed in Pennsylvania. The members of the court and bar felt a strong need for a public law library or at least one that was accessible for the bar as a whole.

With the new court house affording facilities, the Lancaster Law Library Association was formed at a meeting of the bar of Lancaster county, held at the public house of J. Leaman, corner of West King and Prince streets, Lancaster, on Thursday, November 16th, 1854, and was presided over by Hon. Thaddeus Stevens. Alexander H. Hood was the secretary.

The original minute book of the Association is in the possession of the secretary of the Association. This book is an interesting record of the doings of the Association. All of the minutes for the past eighty years are intact in this book, written in long hand, by the various secretaries. It contains the signatures of the organizers and first members and the constitution and by-laws, charter, and amendments made from time to time.

At the first meeting, the following members of the court and bar of Lan-

caster county associated themselves together as a society, to be styled the "Lancaster Law Library Association:" H. G. Long, Thaddeus Stevens, Alexander H. Hood, George G. Breneman, W. W. Brown, James Black, Benjamin Herr, Emlen Franklin, Thomas E. Franklin, Edward Reilly, F. S. Pyfer, I. E. Hiester, William B. Fordney, Benjamin Champneys, James L. Reynolds, A. Slaymaker, Newton Lightner, Hiram B. Swarr, John A. Hiestand, Samuel H. Reynolds, J. B. Omwake, D. W. Patterson, Edward Champneys, D. G. Eshleman, George W. Kline, John B. Livingston, O. J. Dickey, Daniel G. Baker, N. Ellmaker, Benjamin F. Baer, Reuben H. Long, William A. Atlee and J. B. Kauffman.

It was then decided that D. G. Eshleman, Col. D. W. Patterson and O. J. Dickey be a committee to wait on the county commissioners, and, in conjunction with them, to devise a plan to fit up a library room in the new court house; said committee to report at an adjourned meeting.

A committee of seven was appointed by the chairman, whose duty it was to take into consideration and report the proper means of procuring a library to be placed in the court house for the use of the members of the bar, and also to report rules and regulations for the management of the same to a meeting of the bar, to be called by said committee. The following made up the committee: Thaddeus Stevens, chairman; William B. Fordney, Col. Reah Frazer, Thomas E. Franklin, Samuel Parke, Benjamin Herr and Alexander H. Hood.

The committee rendered a report on November 28th, 1854, as follows:

"The committee to whom was referred the duty of considering and reporting upon the propriety and expediency of raising a Law Library, for the benefit of the members of the Lancaster bar beg leave respectfully to report, that they have given the subject submitted to them careful consideration, and have no question of the immense and palpable importance of having a Law Library within the reach of and accessible to every individual connected with the administration of justice, thereby facilitating and expediting it; and have no doubt of the practicability of the plan, and the ample capacity and inclination of the members of the bar to carry it out."

The committee thereupon recommended that a society be established in the city of Lancaster to be called the "Lancaster Law Library Association" to be composed of the court and bar of Lancaster county.

At a meeting held January 1st, 1855, it was reported that \$1,135.00 had been subscribed by the members toward the Library. It was decided to procure from the Misses Catharine and Margaret Yeates a portrait of Judge Jasper Yeates for the purpose of placing the same in the room of the Law Library; also that Mathias Zahm be employed as curator of the Library, for one year, at a salary of \$25.00 per year.

On June 8th, 1857, it was resolved at a meeting held by the Association, to purchase from the administratrix of Col. Reah Frazer, the law publication called the "Law Library" for the sum of two hundred dollars.

Not until the year 1833 was the first step in the direct line of development of the modern legal encyclopaedia taken, and that step was taken in the United States. It was the publication from 1833 to 1860 of a series of reprints of leading English treatises. The series ran to well over a hundred volumes, and aspired to cover every important topic of English law. It had two of the characteristics of an encyclopaedia—comprehensiveness, and textual form. It lacked alphabetical arrangement and extensive citation of cases. The next step was the development of Bouvier's Law Dictionary, in the edition of 1868, into a concise encyclopaedia. Keeping the alphabetical form, it expanded its definitions into more extensive statements and increased its citation of cases. Meanwhile general encyclopaedias and encyclopaedias of special arts and sciences outside of legal field had received extensive development. The time was ripe for the application of the encyclopaedia plan in its entirety to Anglo-American law.

At a meeting held June 5th, 1857, it was decided that the Lancaster Law Library Association hold its first annual dinner at Wabank.

At a meeting held January 2nd, 1862, it was decided that the members of the Association in the army be exempted from dues.

At a meeting held January 1, 1867, it was reported by Judge Long that the county commissioners cheerfully placed a grand jury room at the disposal of the Association for the use of the Law Library.

At a meeting on January 1, 1868, it was reported that the Association was chartered on the 25th day of February, 1867, and that the charter was recorded in Book O, Volume 9, Page 485.

At a meeting held January 1st, 1869, Judge Hayes offered the following statement and resolution which was adopted:

“The auditor to distribute the balance in the hands of the executor of Catharine Yeates, deceased, reports that the executor aforesaid pay to the Lancaster Law Library Company the sum of \$150.00 upon the said Company stipulating to preserve and take care of the library of the late Judge Yeates agreeably to the will of the deceased. Therefore, resolved: That this Company accordingly hereby agree to take care of and preserve the said law library of Judge Yeates, which they have received for the purpose and in accordance with the last will of the said Catharine Yeates, deceased.”

This valuable collection, known as the “Yeates Library” is one of the most valuable parts of the present Law Library. These books were collected by the late Hon. Jasper Yeates, deceased, in the course of an extended and successful practice in the courts of Pennsylvania, for which he had been qualified by a thorough legal education, completed by attendance and study at the Inns of Court, London. At his death in 1817, after a service of many years on the bench of the supreme court, his law library was taken, at a proper valuation, by his daughter, Miss Catharine Yeates, with the intent of preserving it, as far as practicable, in the condition in which her venerated parent

had left it. It was kept in the same apartment, arranged on the same shelves and in the same order, as during his life. In her last will, Miss Yeates expressed a desire that it should continue to receive the like care which she had bestowed upon it. She set apart a small sum as a yearly compensation to the party performing the duty.

Her executors having sold the mansion in which the library was kept, it became necessary to provide another repository, with the result that the Lancaster Law Library Association consented to attend to the custody and care of the same.

This fine library contains one thousand and forty-three volumes, and at the time of Judge Yeates' death, it was considered almost a complete collection of works on legal subjects then in existence.

At a meeting held January 1st, 1880, a rule was passed providing for the registration examination of law students.

At a meeting held January 1st, 1881, a resolution was passed providing for having the Association separate and apart from the Bar Association, and to consider matters pertaining to the Library only.

At a meeting of the Association held January 11th, 1929, it was reported that the court house remodeling had been completed and adequate provisions made for the new Library.

At a meeting held June 10th, 1929, Benjamin C. Atlee, Esquire, reported to the Association that the late Hugh M. North, Esquire, died May 20th, 1929, leaving his last will in which he provided as follows:

"I order and direct my hereinafter named executors to separate my books which are now in my office in Columbia into two groups of which the law books, forming one group, I do give, devise and bequeath to the Lancaster Law Library Association, and the other group containing books pertaining to historical and general subjects, I dispose of further on in this will."

At a meeting held January 10th, 1930, it was reported that certain books of the late Hugh M. North, Esquire, had been turned over to the Library and duplicate books were sold and a sum of \$2,458.00 was received and placed with the First Columbia National Bank, in trust, and to pay the income thereof annually to the Law Library Association. Said fund to be known as "The Hugh M. North, Jr., Fund."

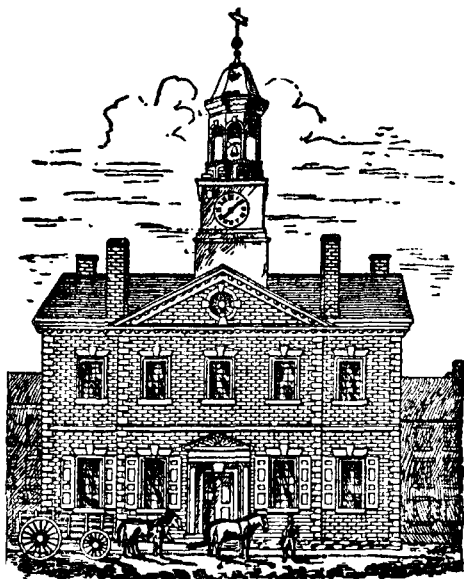
At a meeting held January 19th, 1934, Daniel B. Strickler, secretary of the Association, reported that in pursuance of a resolution, the committee had placed on the shelves of the Library the Hugh M. North set of "The Lancaster Bar" complete in volumes one to fifteen, and had sold to George T. Bisel Co., Philadelphia, Pa., the complete set of the "Lancaster Bar," together with six odd volumes which were in triplicate.

THE LAW LIBRARY

The Law Library is located on the court room floor of the present court

house, in a well equipped room, with all the modern setup for the custody, care and use of books. It is managed by a Library Committee appointed by the Law Library Association, and this committee purchases the books from year to year, necessary to keep the Library up to date.

The present custodian and librarian is Henry K. Palmer, who is employed in that capacity by the Library Association and is on duty every day in the week, all day long. He sees it that all the books of the Library are catalogued and arranged on indexed shelves; keeps the Library clean and renders



SECOND COURT HOUSE WHICH STOOD IN PENN SQUARE,
LANCASTER, PA., FROM 1784 TO 1853.

service to the attorneys using the Library. He also enforces the rule of the Association prohibiting books being taken from the Library except for use during court sessions.

The Law Library is supported by the dues paid by the members of the Association and by a small annual fund from the county of Lancaster set aside by the judges of the courts, in accordance with an act of Assembly. This latter fund is put into the hands of a committee, known as "The Free Law Library Committee," for the purchase of books.

The Law Library contains 12,414 volumes, some of which are as follows:

The Yeates Library Collection of 1043 volumes, and numerous English works of great value.

English: Reports, Digests, Treatises, Encyclopedias, Admiralty Reports, Ecclesiastical and Chancery Reports.

American: Digests, Encyclopedias, Pennsylvania State Reports and many other State Reports, various sectional Reports known as—Atlantic and Pacific, Northeastern, Northwestern, Southeastern, Southwestern, and Southern Reports; District and County Reports of Pennsylvania, Bankruptcy Reports and Federal Court Reports.

There are other American works such as Corpus Juris, Purdon's Digest, Ruling Case Law, American Law Reports, American Law Journals, State Journals, Journals of the Pennsylvania Legislature, Pennsylvania Statutes, County Periodicals, Dictionaries and Text Books on Practice, Procedure, and all subjects of the Law.

The Lancaster Law Library has a reputation of being one of the finest, most complete and best preserved Law Libraries in the State of Pennsylvania. It is the work shop of the law student, the lawyer, the practitioner, the solicitor, the counsellor, the judge and the jurist. The latest and most advanced reports and decisions having a bearing on the daily life of this community are promptly filed and placed on the shelves of the Library so that those involved in the legal work of the community may have the latest and most complete law on all matters if they desire to avail themselves of it.

Anyone who passes through the shelf tiered sections of the Library is bound to be impressed by the truth of the saying that "one, to be a good lawyer must, first of all, know where and how to find the law."



— POSTLEWAITE'S TAVERN —
First Courts of Law (so held here)
— 1719 —

³ After the adoption of the constitution of 1874, provision was made for the commissioning of associate law judges of the courts of Lancaster county. The first one to be commissioned was Alexander L. Hayes on November 13th, 1854. He was followed by David W. Patterson, David McMullen, Henry Clay Brubaker, Charles I. Landis, Aaron B. Hassler, John M. Groff, Benjamin C. Atlee, and Oliver S. Schaeffer.