

History of the District Court of the City and County of Lancaster.

A history of the establishment and abolition of the District Court of the City and County of Lancaster may not be important to the present generation, and it is easily ascertained by any one who is willing to make diligent search. A resume of it may prove, however, not wholly uninteresting to the members of the Bar and to those of our citizens who delight in antiquarian research. It was the second Court of this character established in the State, the first one being in the county of Philadelphia. Therefore, to place the subject in concrete form for easy reference, I briefly sketch the substance of the acts of Assembly relating thereto.

The Act of March 27, 1820, P. L. 113, was entitled, "An Act to provide for the erection of an additional Court within the city and county of Lancaster." Section 1 provided "that there shall be a Court of Record established in and for the city and county of Lancaster by the name and style of 'The District Court for the City and County of Lancaster,' which shall consist of a president, who shall have power to try, hear and determine all civil pleas and actions, real, personal and mixed.....provided that the said Court shall have no jurisdiction, either originally or on appeal, except when the sum in controversy

shall exceed three hundred dollars." By authority contained in Section 2, suits of this character might, within a stipulated time, be transferred at the election of either party from the Court of Common Pleas to the new Court. The Act was to remain in force for four years. By the Act of March 10, 1823, P. L. 66, the county of Dauphin was added to the District Court, and the President Judge was authorized to exercise such powers within the county of Dauphin as were granted to him in the city and county of Lancaster. The Act of 1820 was thereby continued in force for four years more from March 27, 1824, and the salary of the Judge was fixed at \$1,600. The Act of April 10, 1826, P. L. 277, continued the Act of 1820, and certain supplements (so far as they related to the District Court or the City and County of Lancaster) in force until the first day of May, 1833, and declared that the Court should consist of two Judges, namely, the President and Assistant Judge. The Governor was directed to appoint and commission an Assistant Judge. The Court was to have no jurisdiction, except as to cases then pending therein, either original or on appeal, unless the sum involved exceeded \$100, and suits in the Common Pleas, where the sum in controversy exceeded \$200, were, after May 1, 1826, to be transferred to the District Court, and the original jurisdiction of the Common Pleas, where the amount exceeded \$200, was to cease. By the seventh section of the Act, the county of York was annexed to the district, and thereafter the district was composed of the city and county of Lancaster, the county of Dauphin and the county of York. This situation continued until

March 27, 1828, when the Act of March 10, 1823, expired of its own limitation. It was not renewed by subsequent legislation so far as Dauphin county was concerned; that county, after 1828, ceased to be part of the district.

By the Act of April 14, 1828, P. L. 446, the Judges were required to reside within the bounds of their district, and under certain other supplements the jurisdiction of the Court was enlarged, but not to an extent requiring special comment. By the Act of April 8, 1833, P. L. 215, the county of York was made a separate district, and the respective District Courts were continued in force until May 1, 1840. Under the Act of March 11, 1840, P. L. 122, the District Court of the City and County of Lancaster was re-established and continued for ten years from May 1, 1840, and by the Act of March 29, 1849, P. L. 256, the Court was abolished, and its records and business was transferred to the Court of Common Pleas.

SKETCHES OF THE JUDGES OF THE DISTRICT COURT, AND ALSO OF THE ASSOCIATE AND ADDITIONAL LAW JUDGES OF THE SEC- OND JUDICIAL DIS- TRICT OF PENN- SYLVANIA.

Charles Smith.

The first Judge of this Court was Charles Smith. He was born in the City of Philadelphia on March 4, 1765. He was the son of William Smith, D. D., Provost of the College of Philadelphia. His early education was un-

der the care of his father, and he afterwards graduated from Washington College, Maryland, on May 14, 1783. He studied law with his brother, William Moore Smith, who resided in Easton, and he was admitted to the Philadelphia Bar in June, 1786, and to practice before the Supreme Court of Pennsylvania on January 8, 1787. He began the practice of the law at Sunbury, and then coming to Lancaster, he was admitted there at the May term of 1787. He was a delegate to the Constitutional Convention of 1790, and was elected to the State House of Representatives from this county in 1806, 1807 and 1808. He was a member of the State Senate in 1816. On March 27, 1819, he was appointed President Judge of the Ninth Judicial District, then made up of the Counties of Adams, Cumberland and Franklin, as successor of Judge Hamilton, of Carlisle; but, nevertheless, he retained his residence in Lancaster. He served in this position until April 27, 1820. On April 28, 1820, he was commissioned President Judge of the District Court of the city and county of Lancaster, and he served as such until March 27, 1824, when the Act of March 10, 1823, went into effect, and Ebenezer G. Bradford was appointed under its provisions to the presidency of that Court. In disgust, he then sold his house and moved to Baltimore, Maryland. He ultimately returned to Philadelphia, where he died at Belmont on April 18, 1836. His body is interred in the graveyard of the Church of the Epiphany, in Philadelphia. He was appointed by the Legislature to revise the laws of the Commonwealth and to frame a new compilation of the same, and in 1810 there was published by John Bioren, under the authority of the State, four volumes known as "Smith's Laws on Pennsylvania." In

1812, volume 5 was issued, and in 1822 volumes 6 and 7. He also was the author of a treatise called "Land Laws of Pennsylvania."

He was married to Mary, daughter of Judge Jasper Yeates, and when he came to Lancaster, he purchased a tract of land east of the city, along the Conestoga River, and built "Hardwick," well known to our older citizens. This beautiful country seat afterwards came into the ownership of Captain James Wiley, and it was conveyed indirectly by him to the Pennsylvania Railroad Company in 1882, when what is now known as the "Cut-off" was constructed to the north of the city.

Alexander Thomson.

Alexander Thomson was born at Scotland, in Franklin county, on January 12, 1788. His parents died when he was young, and at the age of fifteen, he was apprenticed to his uncle, Andrew Thomson, to learn the trade of sicklemaking. While so engaged, he pursued his studies and acquired the rudiments of Greek and Latin. He afterwards taught school for three years in a select school in Northumberland, and then went to Bedford, where he took charge of an academy. While so engaged, he studied law with Judge James M. Riddle, who, after retirement from the Bench in 1804, practiced law in Chambersburg. In 1816, he was admitted to the Bedford County Bar. In 1823, he was elected to the State House of Representatives from Bedford county, and in 1824 he was a member of the Eighteenth Congress from the Thirteenth Congressional District of this State, composed of the counties of Bedford, Somerset and Cambria, as the successor of John Tod, resigned.

He was also a member of the Nineteenth Congress. He served in Congress until May 1, 1826, when he resigned. On that day, he was commissioned by Governor John Andrew Shulze, under the Act of April 10, 1826, Assistant Judge of the District Court of the city and county of Lancaster and the counties of Dauphin and York, and he continued to hold that office until June 25, 1827, when he resigned. On June 25, 1827, he was appointed and commissioned President Judge of the Sixteenth Judicial District, composed of the counties of Franklin, Bedford and Somerset, as the successor of John Tod, who was appointed a Justice of the Supreme Court. He then moved to Chambersburg, and lived there until his decease. In 1837, he opened a law school in Chambersburg, which was subsequently made the law department of Marshall College. This college was then located at Mercersburg, Franklin county. There were no formal lectures, the course being conducted by oral instruction and examinations. The law college was in a one-story building, adjoining his residence, on Main street, near the public square. After he left the Bench, he resumed the practice of the law, using this building also as his office. He was the last Judge appointed under the Constitution of 1790, and his commission expired, as provided for in the amendments of 1838, on June 30, 1841. His successor was Judge Jeremiah S. Black. The date of his admission to the Franklin county Bar cannot be ascertained, as the records were destroyed during the War of the Rebellion, when Chambersburg was burned by the Confederates under General McCausland. He died at Chambersburg on August 2, 1848, and was buried in the graveyard of the Falling Spring

Presbyterian Church, on the banks of the Conococheague. He was married on October 21, 1817, to Abigail Blythe, of Bedford county, and after her decease to Jane Graham. Frank Thom-san, a son of the first marriage was, on February 3, 1897, elected President of the Pennsylvania Railroad Company, in which position he continued until his death.

Ebenezer Green Bradford.

Ebenezer Green Bradford was the son of Rev. Ebenezer Bradford and Elizabeth Green. He was a direct descendant of that William Bradford, who came over in the Mayflower and who became the Second Governor of the Plymouth Plantation. His father was ordained evangelist by the Presbytery of New York in 1775, and supplied the church at Danbury, Conn., from April 9, 1777, to November 22, 1779. On August 4, 1782, he was made pastor of a church at Rowley, Mass. The subject of this sketch was born at Danbury on February 19, 1777. He was educated at Dartmouth College, graduating in the class of 1796. I am not certain when or where he was first admitted to the Bar. He was, however, admitted at Philadelphia on March 1, 1802, and on February 14, 1814, at the first Court held at Mifflinburg, Union county, he, on motion of Enoch Smith, Esq., was sworn in as one of the attorneys. He was a member of the Northumberland county Bar, for he at one time resided in Sunbury, and he was appointed Deputy Attorney General for that county on January 19, 1809. He continued to hold that office until January, 1821. In December, 1822 he was a candidate for the State Senate from the Northumberland district, but was defeated by Lewis Dewart. On May

3, 1824, he was commissioned by Governor John Andrew Shulze, President Judge of the District Court, then composed of the city and county of Lancaster and the county of Dauphin, and on March 27, 1828, he was again commissioned to the same office by the same executive, the district being then the city and county of Lancaster and county of York. Under this second commission he remained in office until May 1, 1833, when the district was divided and each county became a separate district. His son, Rev. Arthur G. Bradford, was born in Reading, in 1810; but whether or not Judge Bradford lived there at the time, I am unable to ascertain. He lived in Sunbury until the Act of 1828 was passed, requiring Judges to reside in their respective districts, whereupon he moved to the borough of Columbia, in this county. After his term of office expired, he went to York. He died suddenly on May 17, 1836, in Pottsville, at Pennsylvania Hall, from an attack of apoplexy. The Miners' Journal, of that borough, in making mention of his demise, speaks of him as "Judge E. G. Bradford, of York," and states that his "remains were accompanied to the grave by a portion of his bereaved family and a numerous concourse of friends." Pennsylvania Hall, which was opened in 1831, is one of the leading hotels in Pottsville. Judge Bradford was interred in an old cemetery in Pottsville, wherein also was buried John Potts, the founder of that city. In 1895, this cemetery was appropriated by the school district, and his remains were then removed to the Presbyterian Cemetery, where they now lie. A flat tombstone contains the following inscription: "Sacred to the memory

of Ebenezer Green Bradford, 17th May, 1836. Aged 59."

The assessment book of Norwegian township, Schuylkill county, shows: "Judge E. G. Bradford, 400 acres." This tract is supposed to be underlaid with coal and to be now of great value. In his lifetime he sold the one-half of it to one Martin Weaver for \$9,250, and after his death a decree for specific performance of the contract was entered in the Orphans' Court of York county, and his administrators thereupon executed a deed for it. What became of the other half does not appear from the records of Schuylkill county. He left a widow, May Bradford, who lived with her two minor daughters, Sarah Ann and Emily, at Northumberland, and also four sons, who were then of age, namely, Rev. Arthur B., Albert G., Charles A. and Oscar. His widow and John Evans, of York, were his administrators.

Alexander Laws Hayes.

Alexander Laws Hayes was born in Kent county, in the State of Delaware, on March 7, 1793. After a preliminary education in Newark Academy he entered Dickinson College, at Carlisle, and graduated there in 1812. He then began the study of law in the office of Hon. H. M. Ridgely, of Dover, in the State of Delaware, and he was admitted to the Kent county Bar on November 15, 1815. In the meantime he, in 1814, served as clerk of the State Senate of Delaware, and in 1815 he was elected and served as clerk of the State House of Representatives. He practiced law in Dover until 1820, when he removed to Philadelphia, and he remained in that city for one year. From there he went to the city of Reading, in this

State, and practiced his profession in Berks county for six years. During this period, namely, on April 19, 1824, he was, on motion of Molton C. Rogers, Esq., admitted to the Lancaster Bar. While living in Reading, he, under a special appointment of Attorney General Frederick Smith, served for three sessions as Deputy Attorney General in prosecuting the criminal pleas of this county.

By the Act of March 27, 1820, P. L. 113, "The District Court for the City and County of Lancaster" was established, and on June 25, 1827, Judge Hayes was appointed by Governor John Andrew Shulze Assistant Judge of that Court. By virtue of the Act of April 8, 1833, P. L., 215, it was provided that the several acts of Assembly then in force relative to the district Courts of the city and county of Lancaster and the county of York should be continued until the first day of May, 1840, but that, after the first day of May, 1833, the city and county of Lancaster should form a separate district, and the county of York should form a separate district, and that the Governor should appoint and commission a Judge of competent legal attainments for each district. In pursuance of this authority, and at the instance of the Bar of Lancaster county, Governor George Wolf, on May 1, 1833, commissioned Judge Hayes as President Judge of this Court, to serve until the first day of May, 1840. By the Act of March 11, 1840, P. L. 122, the Court was re-established for the term of ten years from May 1, 1840, and Judge Hayes was appointed and commissioned on May 1, 1840, by Governor David R. Porter, to serve for said term. He, however, resigned on January 1, 1849,

and entered upon mercantile pursuits.

Under the act of April 13, 1854, P. L. 369, the Governor was directed to fill the vacancy then existing in the office of Associate Judge of the Court of Common Pleas of this district, by appointing thereto a competent person, learned in the law, to continue until the first Monday in December, 1854, and that, at the next general election, the electors of the county should elect such a person, "learned in the law," to be an Associate Judge of said Court, to hold office therein for ten years from the said first Monday in December. I can find no record that any appointment was made in the interim, but at the general election of 1854, Judge Hayes was elected Associate Judge, and on November 13, 1854, he was commissioned by Governor William Bigler for a term of ten years from the first Monday in December of that year. Under the act of March 25, 1864, P. L. 94, the Act of 1854 was continued for another period of ten years, with the like provision that "an Associate Law Judge" should be elected at the ensuing general election and he was, on the fall of 1864, again elected. He was commissioned by Governor Andrew G. Curtin on November 23, 1864, for a term of ten years from the succeeding first day of December. By virtue of the Schedule to the Constitution of 1873, his term was extended to the first Monday in January, 1875. The Constitution of 1873, abolished the office of Associate Judge in counties forming separate districts, and by the Act of April 9, 1874, P. L. 54, it was provided "that the qualified electors of.....the county of Lancaster, constituting the Second dis-

strict....." should "at the next general election, in the manner prescribed by law for the election of President Judges, elect one person..... learned in the law, to serve as an additional Judge of the several Courts in.....said" district. In the fall of 1874 Judge Hayes, William Augustus Atlee and David W. Patterson became candidates for this office at the Republican primary election, and David W. Patterson was nominated by a plurality of 473 votes over Mr. Atlee, the next highest candidate, Judge Hayes than became an independent candidate at the general election, but was defeated. He then retired to private life and died in his home on South Prince street, this city, on July 13, 1875, at the venerable age of eighty-two. He lies buried in the graveyard adjoining St. James' Episcopal Church, in this city. He served longer than any Judge who ever occupied a judicial position in this county, namely, six and a-half years as Assistant Judge of the District Court, sixteen years as President Judge of that Court, and twenty years as Associate Law Judge of the Court of Common Pleas. His total service was forty-two and a-half years.

David Watson Patterson.

David Watson Patterson was born in Rapho township, this county, just outside the limits of the borough of Mt. Joy, on August 30, 1815. He was educated at Lititz, and also took a preparatory classical course at Moscow Academy, Chester county, and at the Old Milton Academy, Northumberland county. He entered Washington College (now Washington and Jefferson), and graduated there in 1839. He studied law under John R. Mont-

gomery, Esq., and was admitted to the Bar of this county on June 20, 1842. In 1847 he was elected as a Whig to the State House of Representatives, serving one term, and in 1853 he was elected to the office of District Attorney, for a term of three years. He was active in the organization of the Republican party in 1856. In 1872, he was chosen a member of the Constitutional Convention, from the Ninth Senatorial District, and in the fall of 1874, was elected Additional Law Judge. The vote at the Republican primary was: David W. Patterson, 5,078; A. L. Hayes, 880; William Augustus Atlee, 4,605; and at the general election, David W. Patterson, 9,514; A. L. Hayes, 7,035. His commission, by Governor John F. Hartranft, was dated December 3, 1874, and was for ten years from the first Monday in January, 1875. In 1884, he was re-elected for another term of ten years, but he died on February 21, 1892 in the seventy-seventh year of his age. His remains lie buried in Lancaster Cemetery, in this city.

David McMullen.

David McMullen was born near Mount Hope, Lancaster county, on October 20, 1844. He was educated in the public schools, in Yeates Institute, in the Vermont Episcopal School at Burlington, Vt., and at the Millersville State Normal School, from which last-named institution he graduated in 1868. He first began the study of law under Hugh C. Graham, Esq., of Oil City, but afterwards entered the office of Samuel H. Reynolds, Esq., of Lancaster city. He was admitted to the Bar on December 23, 1871. He was elected to the office of School Director of the city of Lancaster in 1889, and he continued to serve as

such until February 27, 1909. He was president of the School Board from November, 1890, to November, 1906. On March 2, 1892, he was appointed and commissioned by Governor Robert E. Pattison, Additional Law Judge, as the successor of David Watson Patterson, lately deceased, and he served in that office until the first Monday of January, 1893. Being a Democrat in politics, he was the candidate of that party for the office of Judge at the general election held in the fall of 1892, but he was defeated by Henry Clay Brubaker, the Republican candidate. After the expiration of his term of office, he resumed the practice of the law, and he continues at this time to follow his profession.

Henry Clay Brubaker.

Henry Clay Brubaker was born in West Earl township, Lancaster county, on March 5, 1843. When quite a young boy, his father moved to Lancaster city, and it was there that he lived during the greater portion of his life. He was educated in the public schools of the city, and subsequently attended Franklin and Marshall College, from which institution he graduated in 1864. After his graduation, he went to Cambridge in the State of Indiana, and he there studied law and was admitted to the Bar. He practiced in that State for a short time, and then returned to Lancaster to assist his father, who had been elected District Attorney of this county. On October 26, 1865, on motion of his father, George Brubaker, Esq., he was admitted to the Lancaster Bar. He was twice a candidate for nomination to the office of District Attorney, and once for that of City Solicitor, but each time he was de-

feated. In 1891, he became a candidate for Judge at the Republican primary election, against John B. Livingston, who was seeking a re-election. The contest was close, and, after a prolonged hearing before the Board of Return Judges, it was announced that he had eleven majority, excluding two of the wards of the city. The friends of Judge Livingston refused to abide by this result, and both of the candidates, and also Hugh M. North, Esq. as the nominee of the Democratic party, entered into the contest at the general election held in the fall of 1891. Judge Livingston was elected by a majority of 155 votes over Judge Brubaker, his nearest competitor. When Judge Patterson died on February 21, 1892, David McMullen was appointed Judge to serve until the first Monday in January ensuing. Judge Brubaker becoming a candidate at the Republican primary, he was nominated for Additional Law Judge by that party. At the general election of 1892, he was elected over Judge McMullen, and he took his seat on the first Monday in January, 1893, under a commission issued by Governor Robert E. Pattison, dated December 19, 1892. He died, after a comparatively short illness, on March 29, 1899. By his special directions, his body was cremated. On the death of Judge Brubaker, the writer of these sketches was appointed by Governor William A. Stone as his successor in office, and was commissioned April 11, 1899, to serve until the first Monday in January, 1900. Having been elected at the general election held in 1899, he was, on December 7, 1899, commissioned by the same Executive for a term of ten years, from the first Mon-

day in January, 1900. Judge Livingston, however, having retired on February 13, 1904, he became President Judge, and Judge Hassler was thereupon appointed Additional Law Judge of the district.

Aaron Bilyeu Hassler.

Aaron Bilyeu Hassler was born at Centre Square, Montgomery county, on April 13, 1860. His father, a clergyman of the Lutheran Church, having moved to New Holland, in this county, his son was educated first in the public schools of that vicinity, and afterwards at Muhlenberg College, where he graduated in 1882. He read law with George Nauman, Esq., and was admitted to the Lancaster county Bar on June 5, 1885. He served for two years as solicitor for the Board of Prison Inspectors, and three and a-half years, from 1897, as County Solicitor. He resigned the latter office on May 17, 1901, to accept the office of County Controller, an office which, by force of the Constitution, was then established for the first time in this county. He served under this appointment until the first Monday in January, 1902. At the general election of 1901, he was elected for a full three-years' term. Upon the retirement of Judge Livingston, on February 13, 1904, the writer became President Judge, and on February 18, 1904, Judge Hassler was appointed and commissioned by Governor Samuel W. Pennypacker as Additional Law Judge, to serve until the first Monday in January, 1905. At the general election held in the fall of 1904, he was elected for a full term of ten years, and his commission, issued by Governor Pennypacker, bears date December 6, 1904. Ordinarily

his term would expire on the first Monday in January, 1915; but, owing to the adoption of an amendment to the Constitution of the State at the general election held in 1913, it has been extended to the first Monday in January, 1916. He is now serving acceptably in his office.

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