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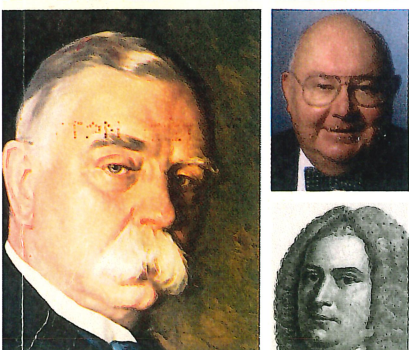
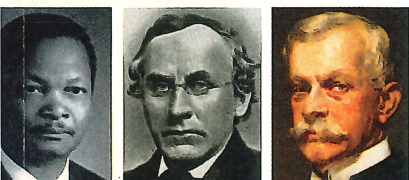
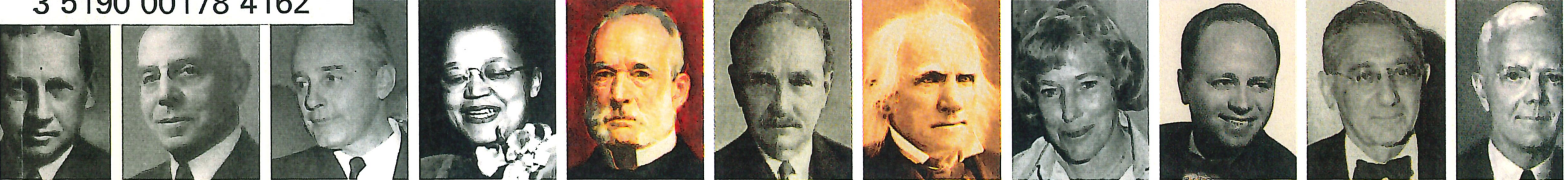
# THE PHILADELPHIA LAWYER



JENKINS MEMORIAL LAW LIBRARY, PHIL. PA.



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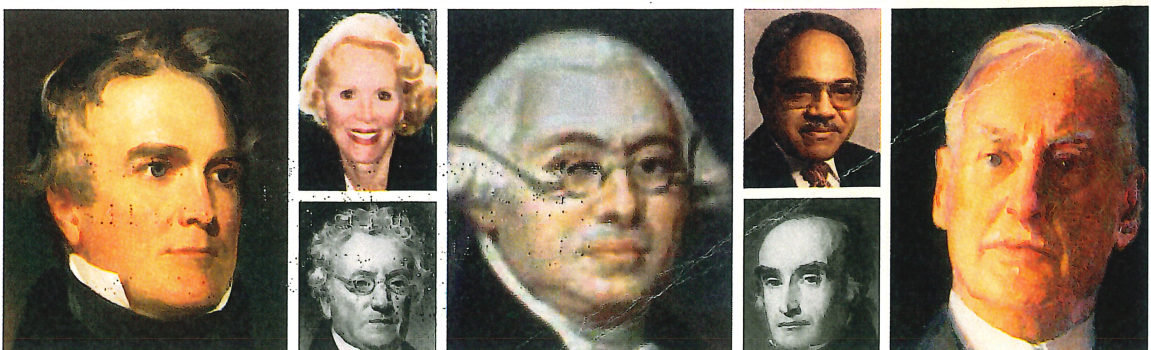
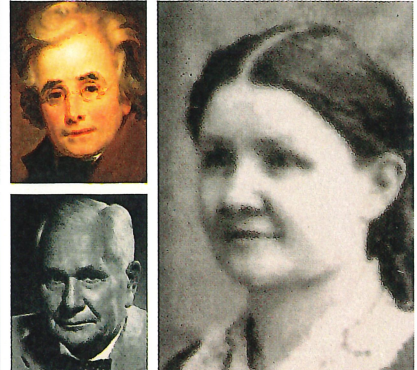


CENTURY

1802  
  
 2002

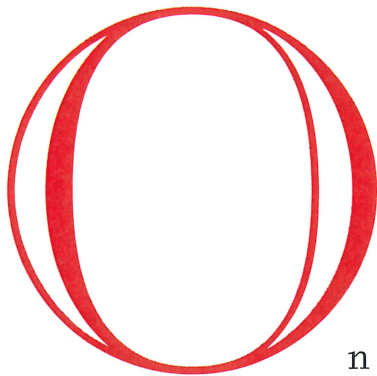


PHILADELPHIA  
BAR ASSOCIATION



# The Beginnings

1802 ♦ 1852



On March 13, 1802,

The Law Library Company of the City of Philadelphia was created by a charter signed by seventy-one attorneys and approved by the three justices and the chief justice of the Pennsylvania Supreme Court. It was a stock company with shares at a par value of twenty dollars and annual dues of two dollars per member. The charter named as directors Joseph B. McKean, William Lewis, Edward Tilghman, William Rawle, Jasper Moylan, Joseph Hopkinson and John B. Wallace. The Law Library Company was located in the State House, i.e., Andrew Hamilton's "Independence Hall," in a small room adjoining the main building at the southeast corner. It stayed there until 1819 when it was moved to the second floor of Congress Hall, just west of the State House.

A list of the members of The Law Library Company, 1809 (TOP). Water Works at Centre Square circa 1810. City Hall now occupies this site (RIGHT).



# A List of the Members

OF THE

LAW LIBRARY COMPANY OF THE CITY OF PHILADELPHIA.

WILLIAM LEWIS,  
Jared Ingersoll,  
Moses Levy,  
Charles Heatly,  
Jasper Moylan,  
William Rawle,  
Edward Tilghman,  
A. J. Dallas,  
Thomas Ross,  
P. S. Duponceau,  
Joseph B. M'Kean,  
B. R. Morgan,  
S. Levy,  
John Hallowell,  
Robert Porter,  
J. W. Condy,  
Joseph Hopkinson,  
James Gibson,  
John Read, Jun.  
John R. Smith,  
Walter Franklin,

*Mr. Allison*  
~~W. H. Tod,~~  
W. H. Tod,  
James Milnor,  
J. L. Leib,  
Joseph Reed,  
William Meredith,  
Mahlon Dickerson,  
T. B. Zantzingar,  
Charles Chauncey,  
Samuel Shoemaker,  
George Heyl, Jun.  
E. S. Burd,  
John B. Wallace,  
Joseph Hemphill,  
A. S. Magaw,  
Charles W. Hare,  
Z. Phillips,  
H. Binney,  
J. Sergeant,  
Samuel Holmes,  
*Is. Barnes*

Samuel Ewing,  
~~Richard Rush,~~  
Richard Rush,  
Richard Peters, Jun.  
W. S. Biddle,  
George Vaux,  
Thomas Sergeant,  
C. J. Ingersoll,  
Peter A. Browne,  
William Smith,  
Charles Swift,  
John F. Mifflin,  
J. H. Brinton,  
M. Keppele,  
Miers Fisher,  
Collinson Read,  
H. Wikoff,  
J. R. Coates,  
J. C. Wells,  
N. Biddle.  
*J. R. Ingersoll*

*THOSE Gentlemen of the Bar, not members of the Company, and desirous of becoming such are requested to apply to the Directors or any one of them. The use of the Books, HEREAFTER, will not be permitted to any but Members and the Judges.*

March 20, 1809.

## LEGENDS of The BAR

### NICHOLAS WALN 1742-1813

was admitted to the bar in 1762 and quickly (before reaching the age of 21) had one of the largest trial case loads of any Philadelphia lawyer. He left Philadelphia in 1763 to study at the Inns of Court in London, returned in 1764 and achieved immediate success and prosperity. He left the practice of law to become an extraordinarily eloquent and famous Quaker preacher. He mentored many successful Philadelphia lawyers.



### JARED INGERSOLL 1749-1822

was called "a most consummate advocate" and "without comparison" in handling a jury trial, by no less an authority than Horace Binney. His cases before the U.S. Supreme Court in the 1790s included *Chisolm v. Georgia* and *Hylton v. United States*, among the first to flesh out the structure of the federal system. He counted Stephen Girard among his clients. He was a delegate to the 1787 Constitutional Convention, served twice as attorney general of Pennsylvania, and was the Federalist candidate for Vice President of the United States in 1812. A founding member of The Law Library Company of Philadelphia in 1802, Ingersoll was elected the first Chancellor of The Associated Members of the Bar of Philadelphia in 1821.

### EDWARD TILGHMAN 1750-1815

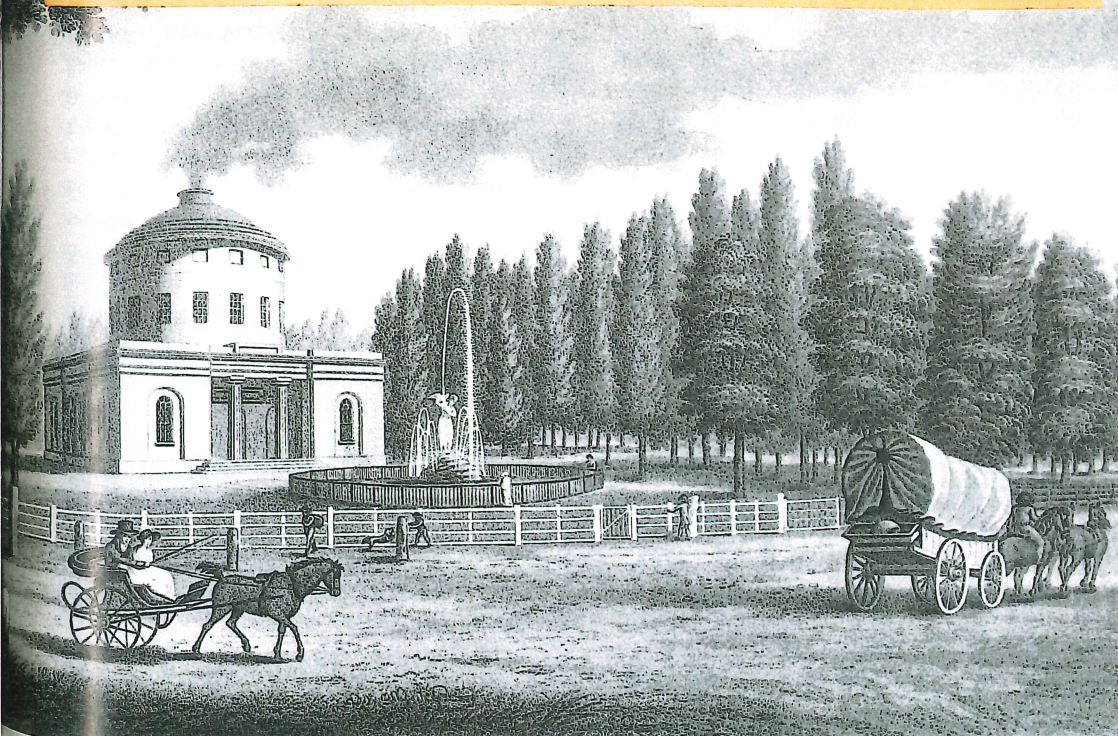
was a superb jury trial lawyer who talked to jurors as if he was one of them. He mastered what was in his time the most intellectually difficult area of the law, contingent remainders and executory devises. A contemporary analysis of his capabilities noted that he was "an advocate of great powers, purest integrity and brightest honor."

### WILLIAM LEWIS 1750-1819

specialized in defending people charged with high treason. Lewis was very active in efforts to abolish slavery and promoted the Act of 1st March 1780 for the gradual abolition of slavery in Pennsylvania. He was a confidant of, and consultant to, Alexander Hamilton while Hamilton served as treasury secretary.



Jenkins Law Library, photographed by Will Brown (document): "Water Works," The Law Library Company of Philadelphia



## LEGENDS of the BAR

**GOVERNEUR MORRIS 1751–1816** graduated from Kings College in 1768 at the age of 16, was admitted to the New York bar at 19 and built up a superb practice. During the Revolution he worked to support the Continental Congress and helped prepare the New York Constitution. He was a member of the Continental Congress in 1778-1779. After being defeated as a congressman, he moved to Philadelphia and again built an excellent practice. He was a delegate to the Constitutional Convention of 1787 and wrote much of the Constitution. He became minister to France in 1792 and served as U.S. senator from 1800 to 1802. He also served as chairman of the commission that governed the building of the Erie Canal.



Jenkins Law Library (2)

**WILLIAM BRADFORD JR. 1755–1795** was appointed by President George Washington in 1794 as the second attorney general of the United States. A former justice of the Pennsylvania Supreme Court, he also served for eleven years as the state's attorney general. He influenced the revision of criminal jurisprudence in Pennsylvania through a statute substituting hard labor for the death penalty.

**WILLIAM TILGHMAN 1756–1827** was appointed to the bench of the U.S. Circuit Court in 1801 by President John Adams. In 1806, Governor McKean appointed him chief justice of the Pennsylvania Supreme Court.



Jenkins Law Library

**HORACE BINNEY 1780–1875** was a charter member of the Philadelphia Bar Association. Binney represented the First and Second Banks of the United States as well as several major insurance companies. In 1832, he was one of the leading advocates in Congress for the renewal of the charter of the Second Bank of the United States. In 1843, he came out of retirement to represent the City of Philadelphia in a landmark case involving the will of Stephen Girard and its charitable bequest that established Girard College. Binney's victory in the U.S. Supreme Court assured the future of Girard College and affirmed the City's handling of Stephen Girard's multimillion-dollar estate. Binney was the official reporter for the Pennsylvania Supreme Court from 1807 to 1814 and was Chancellor of the Philadelphia Bar Association from 1852 to 1854. Twice he was offered nominations to the U.S. Supreme Court. After retiring from the practice of law, he continued to be Philadelphia's most prominent public citizen, taking leadership positions on major issues of that era. Binney also wrote historical sketches of some of the Philadelphia lawyers and judges of his day.

By and large, the lawyers of the early nineteenth century were a well-to-do lot. They were selected that way. In the first instance, not everyone in that era had the requisite education. Also, access to a practicing lawyer willing to sponsor the novice was a threshold barrier to entry into the legal profession. Horace Binney, 22 years of age when he signed the charter for the Law Library Company, would later recall that he waited eight years for his first opportunity to represent a major client in a major case. Young Binney's wait was made more tolerable by his appointment as the official reporter for the Pennsylvania Supreme Court. The official court reporter was an entrepreneur who kept the profits on all sales, just like any other bookseller. When success finally came, Binney quipped that Philadelphia lawyers owed much of their livelihood to the ingenuity of Napoleon Bonaparte. Bonaparte would not only confiscate the cargoes of ships taken on the high seas but would also justify the takings on novel grounds that did not fit neatly into the exclusions of commercial insurance policies. Rather than writing off the value of the ships and cargoes as would normally be done with acts of piracy or war, buyers, sellers and shipping companies brought suit against the insurers, usually in Philadelphia.

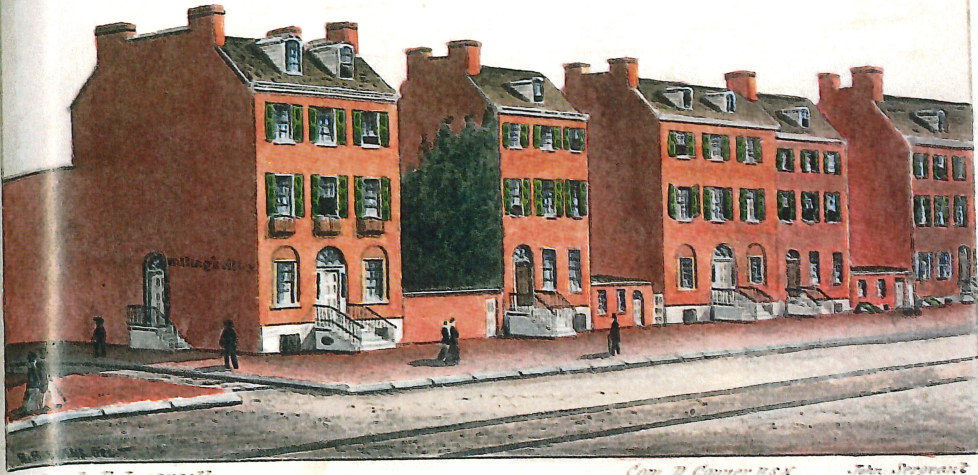
The Law Library Company served its purpose reasonably well. In 1805, and again in 1811, William Rawle, an alumnus of London's Middle Temple, published catalogues of the books of the Law Library Company showing mainly English case reports and treatises on commercial law and maritime insurance. Rawle was an ideal person to maintain the records of the law library. His lawyer-grandfather had been admitted to the Philadelphia bar in 1725 and was a charter member of the Library Company of Philadelphia, which was founded by Benjamin Franklin in 1731.

In 1820, Philadelphia's lawyers addressed the

need for training novice lawyers. The Law Academy of Philadelphia was patterned roughly after a short-lived lecture program presented by James Wilson in 1790. The first Provost was Peter S. DuPonceau who, as a teenager, left an abbey in France and using his facility with languages, accompanied Baron Steuben to America. DuPonceau's linguistic ability led to his employment in a Philadelphia law office, and he was admitted to practice in 1785. President Thomas Jefferson offered DuPonceau an appointment as chief justice for Louisiana but he declined. He would rather be in Philadelphia.

In 1821, sixty-seven Philadelphia lawyers formed The Associated Members of the Bar of Philadelphia. It had two standing committees, a Committee of Censors and a Committee of Finance. Jared Ingersoll was elected Chancellor and Horace Binney was elected Vice Chancellor. The Associated Members of the Bar did not have a long life as a separate organization. On April 2, 1827, The Law Library Company merged with The Associated Members of the Bar to form The Law Association of Philadelphia. The corporate charter was the one issued to The Law Library Company in 1802. William Rawle was elected the first Chancellor and Horace Binney the first Vice Chancellor. More than 100 years later, the Association would change its name to the Philadelphia Bar Association.

The Second Bank of the United States on Chestnut Street near Fifth was a mainstay of Philadelphia's economy. When it opened in 1816, it had the full support of the secretary of the Treasury, Alexander J. Dallas. But by 1832, the bank had powerful enemies. One such enemy was President Andrew Jackson; another was "Old Hickory's" secretary of the Treasury, Philadelphia lawyer William J. Duane. Daniel Webster was the bank's main spokesman in the Senate. In the House, the leading advocate for the bank was



Joseph A. Ingersoll  
231 South 4th St

Horace Binney  
241 245 South 4th St

John Sergeant  
251 253 4th St

**HORACE BINNEY**  
241 245 South 4th St

The homes and offices of, from left, Joseph Ingersoll, Horace Binney and John Sergeant, right.

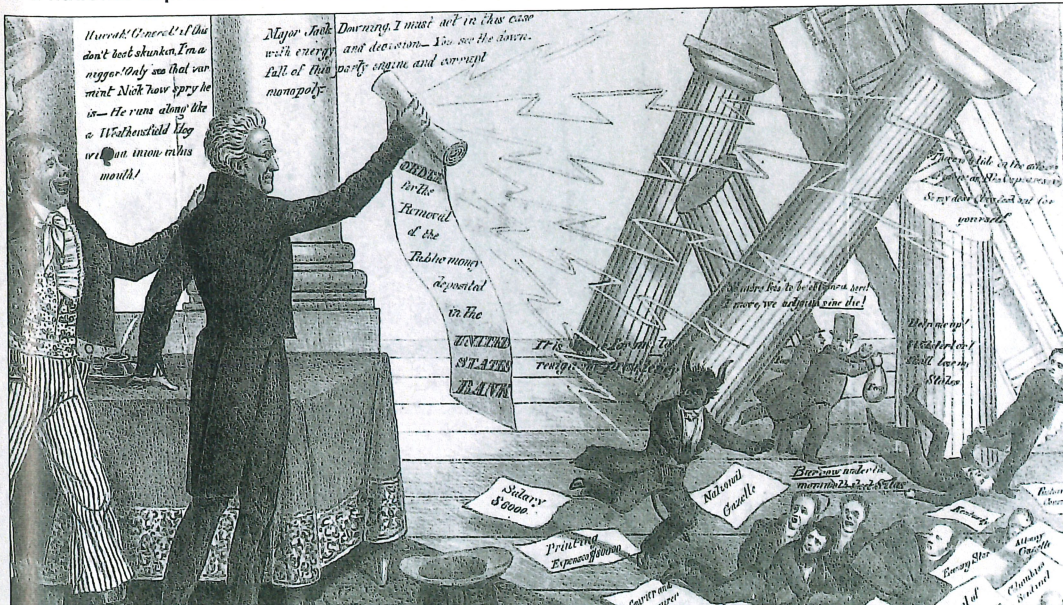
Philadelphia lawyer Horace Binney, serving his only term in Congress. Webster and Binney succeeded in achieving legislation to renew the bank's charter, but Jackson vetoed the bill and instructed Duane to withdraw federal funds from the national bank. Duane refused. He opposed the national bank but he would not destroy it. Jackson responded by removing Duane from office and replacing him with Attorney General Roger Brooke Taney (pronounced "Tawny") who carried out the President's order. The results were financial chaos and a severe depression. And Philadelphia was no longer the center of finance in the United States.

In the meanwhile, the Estate of Stephen Girard made its first appearance in Philadelphia's legal scene. Girard's heirs brought suit against the City of Philadelphia, seeking to set aside the multimillion-dollar bequest to establish the institution known as Girard College. A ruling that required a return of Girard's money would

have been devastating. Fortunately, the Circuit Court ruled in favor of the city and dismissed the complaint. Girard's heirs appealed to the U.S. Supreme Court. Unexpectedly, the court listed the case for reargument. Girard's heirs sensed an opportunity for a reversal. Daniel Webster was retained to present their case at reargument. The city fathers, too, worried that the court had doubts, and now they were also worried about the fabled forensic skills of Webster. The city needed a new lawyer. The city needed Horace Binney. But Binney had retired from active practice. Hats in hand, the city fathers went to see Binney and pleaded with him to take one more case. Binney agreed to take on the representation but only on the condition that John Sergeant would stay on as co-counsel. Sergeant had read the law alongside Binney in the office of Jared Ingersoll.

Binney found strong support for the validity of Girard's bequest in the well-established law of

**President Andrew Jackson's actions against The Second Bank of the United States resulted in a national depression and ended Philadelphia's reign as financial center of the country.**



The Library Company of Philadelphia

**LEGENDS of The BAR**

**ALEXANDER J. DALLAS 1759–1817** served as secretary of the Commonwealth of Pennsylvania, U.S. attorney for the Eastern District of Pennsylvania under President Thomas Jefferson and finally as secretary of the Treasury under President James Madison. He took over the bankrupt treasury of the young republic and left it in a solvent state after two years in office.

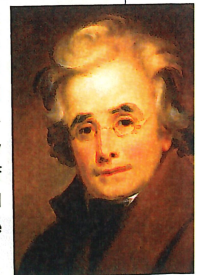
**WILLIAM RAWLE 1759–1836** was a lawyer and district attorney of early nineteenth-century Philadelphia. He studied law with the attorney general to the Royal Governor of



New York, completed his studies in London at the Middle Temple, and returned to Philadelphia in 1783 to set up an active practice. Rawle was a charter member of The

Law Library Company of Philadelphia and was elected its first Chancellor when that organization became the Law Association. Rawle & Henderson still bears his name; it is the law office with the longest continuous practice in the United States.

**PETER STEPHEN DUPONCEAU 1760–1844** was the second Chancellor of the Philadelphia Bar Association. He came to America as secretary to Baron von Steuben and served at Valley Forge during the Revolution. DuPonceau became an assistant to Robert Livingston, U.S. secretary for foreign affairs, and was quite useful in the role because he spoke English, Latin and French; understood German, Italian and Spanish; and could translate Danish and Dutch. He was a charter member of The Law Library Company of Philadelphia. He argued many cases before the U.S. Supreme Court.



**JOSEPH B. MCKEAN 1764–1826** was the son of Thomas McKean. From 1800 to 1808 he served as the attorney general of Pennsylvania. He was appointed associate judge of the District Court for the city and county of Philadelphia in 1817 and eventually became president judge.

Jenkins Law Library (2)

The Library Company of Philadelphia

## LEGENDS of The BAR

**JOSEPH HOPKINSON 1770-1842,**

the son of Francis Hopkinson, was admitted to the bar in 1791 and quickly developed a notable reputation as a trial lawyer. He served as counsel for Justice Samuel Chase in defense of an impeachment charge. Elected to Congress in 1814, he was appointed by President John Quincy Adams as judge for the U.S. District Court for the Eastern District of Pennsylvania in 1828. He composed "Hail Columbia."

**JOHN SERGEANT 1779-1852**

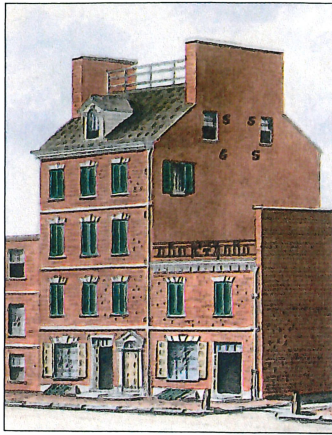
was a charter member of The Law Library Company of Philadelphia and served as Chancellor of the Law Association from 1845 to 1852. Sergeant studied law in the office of Jared Ingersoll. He served in Congress from 1815 to 1820. In 1832 he was the Whig candidate for Vice President. In 1836 he was a member of the Pennsylvania Constitutional Convention.

**RICHARD RUSH 1780-1859**

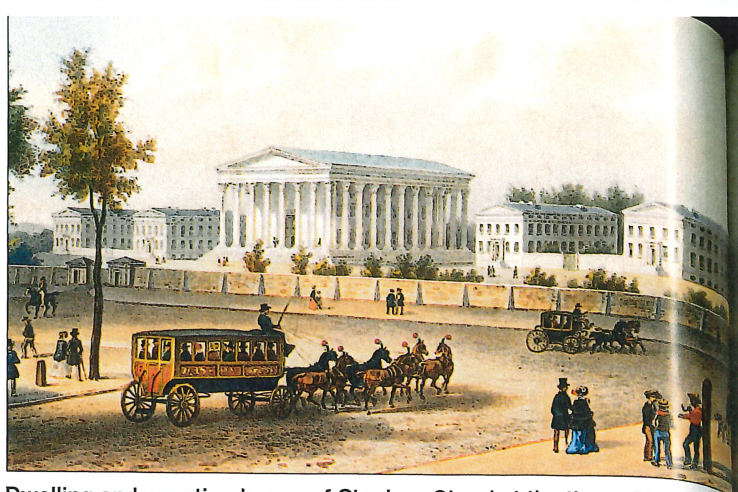
served as U.S. attorney general, secretary of state and was a U.S. minister to England until 1825, when President John Quincy Adams appointed him secretary of the Treasury. As minister to Great Britain in 1818, Rush negotiated the agreement that fixed the 49th parallel as the boundary between Canada and the United States from Minnesota west. In 1836 President Andrew Jackson sent Rush to England to pursue from a British court the legacy of James Smithson to the United States. Rush was successful in gaining the full amount of the legacy (\$515,169). This money was used to create the Smithsonian Institution. Rush bequeathed his estate to the Philadelphia Public Library.

**GEORGE M. DALLAS 1792-1864**

was of the first generation of Philadelphia lawyer-leaders born in the post-Colonial, independent epoch. He seemed to move freely through local, state and federal office, something that happened frequently from Colonial times through the mid-twentieth century. He served as mayor of Philadelphia, attorney general of Pennsylvania, Vice President of the United States (under President James K. Polk),



The Library Company of Philadelphia (2)



Dwelling and counting house of Stephen Girard at the time of his death in 1831 (LEFT) and Girard College circa 1848 (ABOVE).

England. His argument was unassailable. At the conclusion of the oral argument, Webster is reported to have said, "Mr. Binney, you buried my argument under a ton of granite." Not long after the Girard case was decided, Binney was offered, but declined, an appointment to the U.S. Supreme Court. Binney had the good sense to recognize that lawyering and adjudicating are two different skills. At heart, Binney was an advocate. His greatest skill was in gathering all of the available material relevant to an issue and then constructing the most persuasive argument possible in support of his asserted proposition. Twenty years later, he would again reject an appointment to the Supreme Court, this time upon the death of Chief Justice Roger B. Taney.

As the Law Association approached the end of its first half-century, its role as spokesman for the bar of Philadelphia expanded. Association leaders represented all Philadelphia lawyers in welcoming Chief Justice John Marshall on his many vis-

its to the Philadelphia office of Dr. Philip Syng Physick. It was during these visits to the doctor that the Association commissioned the portrait of Chief Justice Marshall that still hangs today in its offices. In 1835, Chancellor William Rawle led the honor guard of lawyers that accompanied Marshall's body from Philadelphia back to Richmond, Virginia. And in 1850, virtually all of the leaders of the Law Association spoke out, albeit unsuccessfully, against a constitutional amendment that they believed would weaken the independence of the judiciary by making the judiciary an elected office. On the other hand, the election of judges marked the beginning of a judiciary that more closely mirrored the make-up of Philadelphia's citizenry.

Philadelphia lawyers fretted about the qualifications of the young men entering the legal profession. In 1850, George Sharswood was appointed professor of law at the University of Pennsylvania. Sharswood was a well-respected



The Historical Society of Pennsylvania

The Protestant-Catholic riots of July 1844 led Horace Binney to establish a volunteer militia.

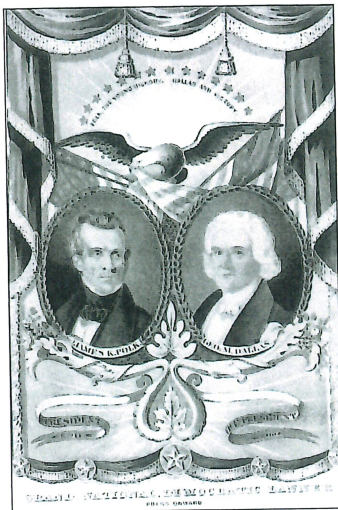
judge of the Philadelphia Court. He would later be chief justice of the Pennsylvania Supreme Court and the author of a text upon which the rules of professional conduct would be based. Under Sharswood's direction, the university created an undergraduate law department and a two-year law program for part-time students. As a practical matter, the law department courses supplemented rather than replaced law office training. For most Philadelphians it was difficult to acquire even a high school education. Philadelphia had only one public high school, Central High School, which had just moved from the present site of the Wanamaker Building north to the corner of Broad and Green streets.

Lawyers' offices were in their homes, usually within walking distance of the courts located at Fifth and Chestnut streets. The parlor served as a reception area. Behind the parlor was a room occupied by a law clerk or law student with a desk or table and files. The lawyer had a small office in the back of the house. When no clients were in the office area, it was common for members of the family to use that space. The close proximity of the home offices of Philadelphia's lawyers brought those



The Historical Society of Pennsylvania (2)

President Zachary Taylor and his cabinet; William Morris Meredith, secretary of the Treasury, is second from left (ABOVE); a presidential campaign poster by Currier for James Polk and George Dallas (LEFT).



lawyers, their law clerks and their families into frequent social contact. Lawyers were, in effect, a family.

Philadelphia lawyers of this era also made their marks in distant locales. Richard Rush went to England as an agent of the United States and guided the will of James Smithson through the Court of Chancery. He returned to Washington with the bequest and helped to establish the Smithsonian Institution. In the new state of Texas, a community on the Trinity River was named after Philadelphia lawyer George Mifflin Dallas who was then Vice President of the United States.

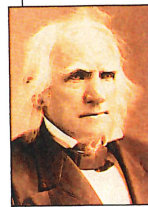
## LEGENDS of The BAR

and minister to Russia, and later Great Britain. Dallas, Texas, is named after him.

**DAVID PAUL BROWN 1795-1872** was a renowned lawyer, orator and dramatist. A protégé of William Rawle, he won distinction and praise for his brilliant and successful defense of Judge Robert Porter in a famous impeachment trial. He wrote reviews of books and plays and wrote a tragedy in verse produced in 1830. Brown was a skilled cross-examiner who was retained in almost every important criminal case in the Philadelphia courts.



**ELI KIRK PRICE 1797-1884** was a leading authority in real estate law. He authored "Law of Limitation Liens Against Real Estate," which became an act adopted by the Assembly in 1853. While a member of the state Senate, he took the lead in bringing about the Consolidation Act of 1854, which extended



the boundaries of the City of Philadelphia to coincide with the boundaries of Philadelphia County, a consolidation that roughly tripled the size of Philadelphia.

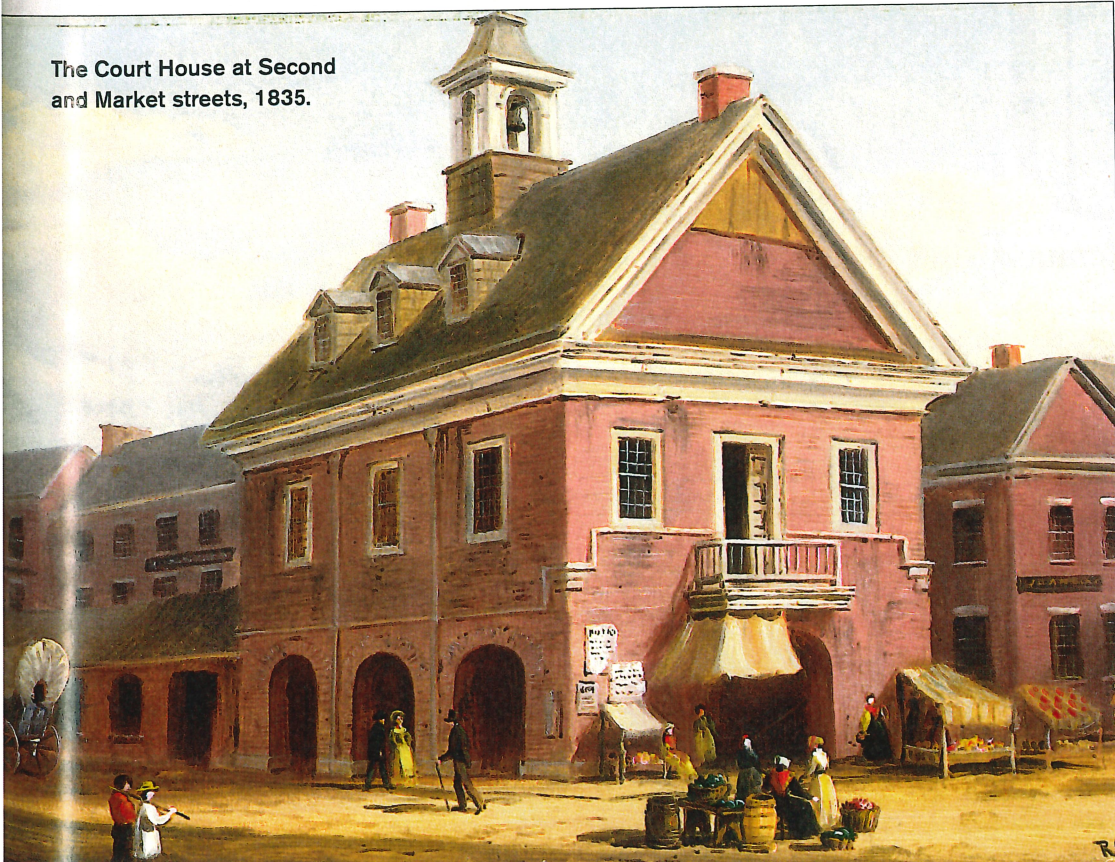
### WILLIAM MORRIS MEREDITH

**1799-1873** served as president of the Select Council of Philadelphia, as secretary of the Treasury under President Zachary Taylor, and as attorney general of Pennsylvania during the Civil War (a position of crucial importance). He was the sixth Chancellor of the Philadelphia Bar Association and the first president of the Union League. He died while serving as president of the Pennsylvania Constitutional Convention.

### JOHN CADWALADER 1805-1879,

a leader of the Philadelphia bar, taught numerous students how to practice law. The hallmark of his teaching style was his emphasis on the highest standards of practice and excellence in the performance of legal services. Cadwalader served as a federal district judge from 1858 to 1879 and was a U.S. congressman.

The Court House at Second and Market streets, 1835.



The Historical Society of Pennsylvania

Jenkins Law Library (2)