

## Portraits In The Court House

By JOSEPH R. BYRNES

DEPUTY CLERK OF THE SUPREME BENCH OF BALTIMORE CITY

It was on June 25, 1896, that Senator William Pinkney Whyte, in a brilliant dedicatory speech at the laying of the cornerstone of the Court House, expressed the hope that the Bench and Bar of this city would perpetuate the memory of leaders of our Bar by hanging their portraits in the new Court House. On that historic occasion the Senator said: "Over its (Court House) spacious arches, there shall be no inscriptions, in English or in Latin, born of the poet's fancy and traced by the artist's hand; but hereafter, on its costly frescoes, there should be painted the faces of those, who, in their lives, walked in the paths of honor and rose to the highest eminence of the Bench and Bar, that they may excite the rising generations of lawyers to emulate the example of the Dulany, Pinkney, Wirt, Taney, Johnson, Nelson, Steele, Wallis, and the long line of distinguished worthies whose professional lives shone with such unaltered lustre, and whose memories are as green in our hearts as the ivy which creeps over their silent graves."

How well this hope has been fulfilled can be seen by a visit to some of the courtrooms in the building that is now close to forty years old. Forty-five portraits in the various rooms give mute evidence that our leaders are being remembered. The left hand of the artist has preserved for posterity the features of five of the exemplars noted by Senator Whyte. Of the seven lawyers named in ex-Senator William Cabell Bruce's book, *Seven Great Baltimore Lawyers*, the portraits of six hang in the Court House. By far the greatest number of these portraits are in the Superior Court, Room 201. In 1930, when Judge Eugene O'Dunne presided over that Court, he had a catalogue printed listing the names and location of each portrait in that room. This catalogue is attached to the courtroom door.

Just what manner of men were these so honored. With but two exceptions

they were leaders of the Bench and Bar of this State from the days of the Revolution down to the present, including two eminent living ex-Judges of the Supreme Bench.

It is in the Superior Court room that one sees the well-rounded features of the brilliant but eccentric man whom John Randolph of Virginia once referred to as "the most formidable of American advocates, the rollicking, witty, audacious Attorney-General of Maryland, the notorious reprobate genius—Luther Martin." Petty weaknesses, however, dimmed his brilliance, and Martin was saved from an old age of penury only through the gratitude of Aaron Burr, whom he had defended when Burr was tried for treason, and through an unusual Act of the Maryland General Assembly which provided that lawyers of this State should pay an annual tax of \$5 toward his support. Another portrait here preserves the handsome features of a genius of a later day, the gifted and accomplished John H. B. Latrobe (1808-1891). Leader of the Bar, artist, writer, architect, and even inventor (he invented the Latrobe stove), the achievements of Latrobe bespeak a life filled to the very brim.

Chancellor Bland, author of *State's Reports*; George R. Richardson, Attorney-General of Maryland (1848-1861); Thomas S. Alexander, eminent equity lawyer; and William F. Frick, George Hawkins Williams, and John V. L. Findlay, all advocates of exceptional ability, are likewise remembered here.

The judge presiding in this courtroom must give his rulings knowing that the eyes of eight of his predecessors are upon him. For in this room, which seems to be the chief repository of portraits of members of the Supreme Bench, we find the pictures of Chief Judge George W. Brown (1873-1888); Judges William A. Fisher (1892-1897); Edward Duffy (1892-1892); Albert Ritchie (1892-1903); George M. Sharp (1897-1911); Thomas S. Baer

(1803-1806); William A. Stewart (1882-1892), and Charles E. Phelps (1882-1903). The majority of these judges are still remembered by many Court House attaches.

Past dignitaries of the Court of Appeals are represented by the portraits of three former Chief Judges of that Court: Stevenson Archer (1844-1848); John C. LeGrand (1851-1861), and James McSherry (1896-1907). Judge Archer served several terms in Congress before ascending the Bench. Judge LeGrand, whom Judge McSherry considered one of the three ablest judges ever to sit in the Court of Appeals, was defeated for re-election in the fall of 1861 as a result of his advocacy of secession. His defeat was made possible through the intervention of Federal troops, who controlled the election. Learned, gentlemanly, and cultured, James McSherry represented the best traditions of the Maryland Bar. He was a member of the Court of Appeals for twenty years, ten as Chief Judge.

The artist portrayed Senator Reverdy Johnson in the winter of his life, the summer and fall of which were spent in the services of his State and country. United States Senator, Attorney-General of the United States, and Minister to the Court of St. James were but three of the many offices he held. For a number of years he was a leader of the Bar of the Supreme Court. He died in Annapolis, February 10, 1876, as a result of a fall from the porch of the Executive Mansion.

Arthur W. Machen (1827-1915); I. Nevitt Steele (1809-1891), and S. Teackie Wallis (1816-1894), three legal giants of their day, and one might say of any day, appear to be watching with keen interest the activities of the Court. What an array of legal talent! Where can be found three lawyers who possessed more argumentative skill, wit, and forensic ability than this trio. Each of this triumvirate held at different times the title of "Dean of the Maryland Bar."

But a few steps away in Superior Court, Part II, Room 202, are ten more portraits, memorializing, with but two exceptions, leaders of the Maryland Bar. These exceptions are Daniel Webster and John Marshall. It is to be regretted that a Maryland contemporary of Webster, and the only man

whom he is said to have feared, William Pinkney, is not among those remembered. The pictures of Daniel Dulany, Chancellor John Johnson, and William Gwynn, however, pay tribute to the early history of our Bar. Gwynn also edited the controversial *Federal Gazette*.

Perhaps the most valuable portrait in the possession of the Supreme Bench is that of John Marshall, Chief Justice of the Supreme Court for 34 years. A Rembrandt Peale, it measures approximately 12 feet by 6. It is but fitting that a superb artist should have portrayed the man who in one masterful decision after another made possible the strong central government necessary for the preservation of the Union. It is but fitting, too, that the city in which John Marshall was once burned in effigy, because the Supreme Court ruled against the State of Maryland (*State of Maryland vs. McCulloch*), should hang his portrait in one of its courtrooms "to excite the rising generations of lawyers to emulate his example."

Appropriately, the picture next to Marshall is that of Roger Brooke Taney (1774-1864), who filled the chair left vacant when death claimed the great Marshall. In 1831 President Jackson selected Taney, then the Attorney-General of Maryland, to become Attorney-General of the United States. When the President made war on the Bank of the United States, standing by his side was Taney, whose services to his chief were such that a political and personal friendship began that has not been surpassed in the political history of this country. He became Chief Justice of the Supreme Court in 1836, and, until the Dred Scott decision (1857), was hailed as a worthy successor to Marshall. His decision in that case brought forth an avalanche of criticism that would have buried many of less heart and courage. Time, however, has laid its cooling hand on the fires enkindled during that distraught era, and Taney has today regained his rightful standing as one of Maryland's greatest contributions to the Nation.

In 1914 the Avalon Chapter of the D. A. R. presented to the Supreme Bench a portrait of Francis Scott Key, author of the "Star-Spangled Banner," and a prominent lawyer. Although today Key's reputation rests upon his

composition of our national anthem, it should not be forgotten that he was also an able practitioner at the Bar. In fact, when memorial proceedings were conducted for him at the Court of Appeals in 1848, no mention was made of his authorship of that immortal poem.

The two panel portraits on either side of the Bench are those of the late Judge Henry Stockbridge, Jr., a member of the Supreme Bench (1896-1911), and member of the Court of Appeals (1911-1924); and Judge James P. Gorter, member of the Supreme Bench (1907-1921) and Chief Judge of that body for seven years (1921-1923). The presentation of Judge Gorter's portrait on November 18, 1923, marked the first time that a portrait of any living judge or lawyer had been placed in the Court House. In the concluding part of his speech accepting the painting, Chief Judge Samuel K. Dennis said: "We admire his (Judge Gorter's) character. He has suffered disappointments without repining, bereavements without shrinking; ill health with sunny, abundant courage. . . . We are somehow glad of the circumstance that Judge Gorter has the strength of his admirable weaknesses—weaknesses which though in no wise diminishing any one's respect, win every one's affection: namely, gentleness, tender-hearted mercy and a love for his fellowman."

Another mecca for those who cherish the memories of our leaders is the Baltimore City Court, Room 134. The nine portraits in this room represent contemporaries of many of the present Bar, men with whom they shared the trial table, and with whom they often walked with measured tread the corridors of the Court House. When Senator Whyte admonished his hearers to keep alive the spirit of the outstanding men of our Bench and Bar, he perhaps did not foresee that his portrait would one day hang in this gallery of the great. His portrait, a gift of Isaac Lobe Straus, and splendidly painted by Thomas C. Corner, hangs here to inspire those who would serve their State and country zealously, ably and unselfishly. Able advocate and brilliant orator though he was, the public record of Senator Whyte would in itself entitle him to the appreciation of a grateful State: Member of the House of Delegates, City Solicitor, Mayor, Attorney-General, Governor and

United States Senator! What a mark for the politically ambitious, and what a memory to be revered!

Could the Senator visit this room, he would see the familiar faces of some of his contemporaries, such as Edgar H. Gans (1856-1911), skilful trial lawyer; William Shepard Bryan, Jr. (1859-1914), Attorney-General of Maryland (1908-1907); United States Senator Isidor Baynes, famous for his defense of Admiral Schley, and John P. Poe, whose book, *Poe's Pleading and Practice*, is a living testimonial to the brilliant mind and industry of this remarkable man.

The two panel portraits in this room are those of Bernard Carter (1834-1912) and Colonel Charles Marshall (1830-1902). Of distinguished ancestry, Bernard Carter wrote a page in the legal history of this State worthy of his illustrious forbears. Lawyers of the present Bar recall him as a giant, mentally, morally and physically. Although a fiery and formidable advocate at the trial table, Colonel Charles Marshall is perhaps better remembered as the trusted adjutant of General Robert E. Lee. When the Army of Northern Virginia was surrendered at Appomattox Court House by General Lee, it was this gallant Baltimorean who stood by the side of his beloved chief.

Another portrait presented during the lifetime of its subject is that of former Chief Judge Henry D. Harlan, who presided over the Supreme Bench for twenty-six years, from October 23, 1888, to January 1, 1914. He was one of the youngest judges ever to preside over the Bench, becoming its Chief Judge on his thirtieth birthday. His retirement was regretted by Bench and Bar alike.

Perhaps the most arresting portrait in this room is that of Major German H. H. Emory. This striking picture commemorates the memory of this courageous lawyer, who was killed on November 1, 1918, while leading his battalion up the north slope of the Ravine aux Pierres in France.

The three remaining portraits in the Court House are in the Criminal Court, Part I, Room 103. Here we see the benign features of T. Parkin Scott, first Chief Judge of the Supreme Bench, and who appears to be looking at the unfortunate traverser sitting in the prisoner's dock. This portrait, painted by the late Willem Wirtz,

from a photograph, was presented to the Bench by Mr. T. Parkin Keech, of the Baltimore Bar, a great-nephew of Judge Scott. Artist Thomas C. Corner has, with remarkable accuracy, given us the likeness of the gentlemanly and genial Judge John J. Dobler, Judge Dobler was a member of the Bench for twenty-eight years (1894-1922). In direct contrast to the length of Judge Dobler's service on the Bench is that of Judge Conway W. Sams, who was appointed May 2, 1908, and died eighteen months later. This portrait was painted by Marie Keller.

What a field for retrospection these portraits present to those who would keep alive their memory and who strive to be worthy of their heritage. Truly "a long line of distinguished worthies whose professional lives shone with such unsullied lustre." We stand in the Criminal Court room and hear the great Gans plead for the life of one

who stands in the shadows of the gulls; we hear the reverberating voices of Wallis and Whyte as they expound the righteousness of their client's cause. We admire the adroitness of the statute Steele and can picture the heroic figure of Bernard Carter, as he addresses the Court. We can see, too, the gaunt Taney defying the President of the United States by his issuance of the writ of habeas corpus when that writ had been suspended by the President. In these rooms "unreconstructed rebels" faced again their Union foes, but this time across the trial table and not in some crimson-stained meadow. Worthy sons of Maryland, we salute you. Your memories are indeed "as green in our hearts as the ivy which creeps over your silent graves."

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