

THE NAMES OF THE GREAT LAWYERS ON THE FRIEZE OF THE BALTIMORE SUPREME BENCH COURT ROOM¹

By HENRY D. HARLAN

On the plaster frieze of the Court House in Baltimore there are inscribed twenty-four names. How they got there and who they were is a story that has never been told, and as I am the last survivor of the Court House Commission which had them placed there, and of the Supreme Bench which selected them forty-two years ago, I feel that the obligation is upon me to tell this story.

The new Court House was first provided for by popular vote in 1892. The architects, Wyatt and Nolting of Baltimore, were chosen by a competition conducted by the Court House Commission, which at that time consisted of Ferdinand C. Latrobe, Mayor, *ex officio*, James Hodges, James E. Tate, Robert H. Smith, Henry D. Harlan, Frank N. Hoen, Felix Agnus, and Augustine J. Dalrymple. Plans and specifications were submitted to contractors in 1895, and the bid of John Gill & Sons and D. W. Thomas of Ohio, associate contractors, was accepted, and the contract was awarded to them on July 22, 1895. The first brick was laid January 30, 1896. The cornerstone was laid with Masonic ceremonies, June 25, 1896. The Court House was in process of construction during the ensuing five years and was dedicated on January 8, 1900.

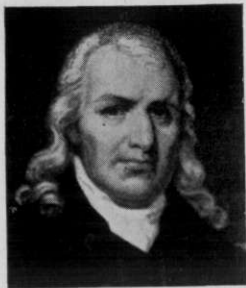
While the Court House was being constructed, the Commission had visited some of the newer court houses and other public buildings in the eastern states, and had observed that names were being effectively used in their decorations. Sometime early in 1899 I suggested to my associates the use of the names of some celebrated lawyers of Maryland who were deceased, who had been in some way connected with our Bar or whose fame was so illustrious that they belonged to us as to the whole State of Maryland. The Commission thought well of my suggestion and on January 25, 1899, adopted the following resolution:

Resolved, that the Judges of the Supreme Bench of Baltimore City be requested to express their opinion as to the propriety of placing the names

¹ Address before the Society, February 9, 1942.



DANIEL DULANY
THE YOUNGER



SAMUEL CHASE



CHARLES CARROLL
BARRISTER



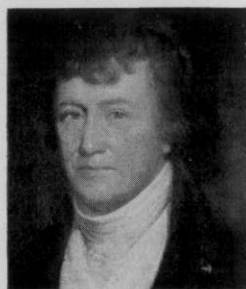
ROBERT SMITH



LUTHER MARTIN



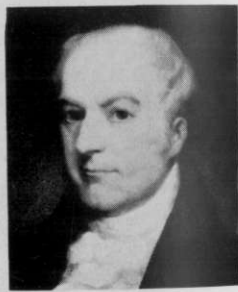
WILLIAM PINKNEY



ALEXANDER C. HANSON



GABRIEL DUVAL



ROBERT GOODLOE HARPER

of some leading members of the Bar on the walls of the Supreme Bench Room of the New Court House, and if of an affirmative opinion, that they be requested to furnish the names of twenty-four men whom they consider to be entitled to that honor.

At this time the Supreme Bench consisted of the following members: Henry D. Harlan, chief judge; Charles E. Phelps, J. Upshur Dennis, Daniel Giraud Wright, Pere L. Wickes, Albert Ritchie, John J. Dobler, Henry Stockbridge, George M. Sharp, associate judges, several of whom were peculiarly qualified by reason of long knowledge of the history of the Bar and of the State to give most valuable assistance in the selection of the twenty-four names of lawyers entitled to this honor. To the letter of the Commission the Supreme Bench replied on February 7, 1899. In the meantime the matter was the subject of discussion and study. Other members of the Bar were consulted. Lists were prepared from all suggestions, and used in choosing the names to be recommended by the Bench. Between the date of the letter of the Court House Commission and the reply of the Supreme Bench, certain members of the Bench and some of the older and leading members of the Bar dined with me at my then home, 9 West Bidle Street, and discussed the selection of the names for the frieze, after dinner had been served, around the dinner table. I do not recall all who were present. It was a small dinner because I lived in a small house. However, those present were leading members of the Bar and Bench. Their opinions were invaluable in making any selection of those most celebrated and worthy of honor, whom they knew personally or with whose reputations and achievements they were familiar by history or tradition. The twenty-four names recommended in the letter from the Supreme Bench to the Court House Commission were adopted and under the Commission's orders were inscribed on the frieze.

The Supreme Bench Court Room has been pronounced one of the most effective chambers of its size in existence. It is entirely surmounted by a dome resting upon walls and sixteen columns of richly colored marble. This marble was procured from a quarry near Rome, which is the property of the Holy See, and the product of which, owing to its rare beauty and fineness, has long been employed almost exclusively in the construction of altars for churches. The supply of stone is nearly exhausted and consequently is used sparingly. It was in compliment to Cardinal Gibbons, whose interest in this, as in all other matters connected with his native city, was active and heartfelt, that the Pope consented that this almost priceless

stone should be used to adorn the chamber of the highest legal tribunal in the city which was the seat of the Senior Prelate of the Roman Catholic Church in the United States." ²

The names on the frieze of this room are a notable list of great lawyers, many of whom were not only outstanding at the Bar but eminent in the halls of legislation and as counsellors of the State and Nation, as attorney generals, and as holders of other high and important offices.

It was no easy task to choose twenty-four names (and there was not space for more). Opinions differed as to the most worthy. For instance, Judge Charles E. Phelps at first thought the name of Henry Winter Davis should be included, as appears from his original letter which I have. And I have a letter from a relative of T. Parkin Scott, the first Chief Judge of the Supreme Bench of Baltimore under the Constitution of '67, earnestly protesting the omission of that name.

There had been before the building of the new Court House other great lawyers, not then living, whose names, had there been space for them, would have been included in the list, and there have been great lawyers deceased since its dedication whose fame would have called for inclusion had they been then dead, such as John P. Poe, William F. Frick, William A. Fisher, Bernard Carter and Arthur W. Machen, to mention only a few.

Having told something of how the names came to be placed where they are, it seems worthwhile to justify their choice by some brief narrative of those so honored. It is manifestly not the time or the place to give twenty-four biographies. What I may say is but the most meagre portrayal. I have, however, in addition to an endeavor to be accurate in statement and that you may glimpse them as they were in life sought to secure portraits, and have finally succeeded as to all. For their reproduction, in lantern slides and their exhibition tonight, I am indebted to my talented friend, Mr. Paul W. Englar, who is an amateur photographer and a valued associate in the Fidelity Trust Company.

As the frieze under the dome in the Supreme Bench Room is circular, the list of names there inscribed has no beginning and no end, but it seems best to take them up substantially in the order of their several births.

² John M. Powell in *Baltimore: Its History and Its People* (1912) I, 321.

DULANY, 1721-1797

No one even slightly acquainted with the history of our Bar would question that the name of Dulany is entitled to a place of honor, probably the most pre-eminent place. This name carries us back to provincial times. It is associated with two individuals, the fame of either of whom would have justified inclusion. Of Daniel Dulany, the elder, it is said that he was "as conspicuous among contemporaries as his more accomplished son, and enjoyed a reputation in the province surpassed only by that of his son." But it is Daniel Dulany, the son, for whom the inscription was made. For many years before the downfall of the Proprietary Government he stood without a rival in this colony, as a lawyer, a scholar and an orator, and had among the sons of Maryland no superior. Says one historian:

We may admit that tradition is a magnifier, and that men seen through the medium and the lapse of half a century like objects in a misty morning loom large in the distance; yet, with regard to Mr. Dulany, there is no room for such illusion. . . . The legal arguments and opinions of Mr. Dulany which yet remain to us bear the impress of abilities too commanding and of learning too profound, to admit of question. [Even the Chancellor of England submitted questions to his award.] Unrivaled in professional learning, he added to all his traits the power of the orator, the accomplishments of the scholar, the graces of the person, and the suavity of the gentleman. Mr. Pinkney himself, the wonder of his age, who saw but the setting splendor of Mr. Dulany's talents, is reputed to have said of him that even among such men as Fox, Pitt and Sheridan he had not found his superior.³

If any name in the list is entitled to the appellation *nomen clarissimum* it is Dulany.

CARROLL, 1723-1783

Here, too, we have a name that is illustrious in Maryland. When one hears it as of the time of the Revolution, there springs into mind, Charles Carroll of Carrollton, the Signer, who was indeed a lawyer of more than ordinary ability. The Carroll, however, who was most in our minds to honor was Charles Carroll, the barrister, born at Annapolis, who died in Baltimore, at his home "Mount Clare" in what is now Carroll Park, a beautiful colonial mansion which he built, and which containing many

³ Conway W. Sams and Elihu Riley, *Bench and Bar of Maryland* (1901), I, 167-169.

antiques, is now open to the public and will well repay a visit. Barrister Carroll, while now less heard of than his cousin, Charles Carroll of Carrollton, was one of Maryland's great Revolutionary heroes. On the walls of old St. Anne's Church in Annapolis, of which he was a vestryman, is a tablet dedicated on Sunday morning, November 21, 1937, in his memory, which bears this inscription:

Patriot and Leader in the cause of America's independence — Eminent Jurist and Churchman — President of the Convention of 1776 which gave the State of Maryland its Bill of Rights and First Constitution — Honored by his Country for his outstanding talents and virtues — He lived to see the attainment of his high endeavors — He died respected and beloved.

CHASE, 1741-1811

The name of Chase belongs also to the stirring times of the Revolution, and the founding of the Federal Government and of the government of the State of Maryland, after independence was achieved. Samuel Chase was born in Somerset County. He studied law at Annapolis and was admitted to the Bar at 20. He contributed more to the success of independence than any man of Maryland. He was called the "torch of the Revolution" and was a member of "The Sons of Liberty." It is not, however, as an outstanding patriotic leader, an intrepid member of the Continental Congress, a signer of the Declaration of Independence, that we honor him, but as a great lawyer and fearless judge. While Chief Judge of the Criminal Court of Maryland a riot occurred, and he caused the arrest of two of its ring-leaders. They refused to give bail and the sheriff feared a rescue, if he undertook to take them to jail. "Call the *posse committatus*" said Judge Chase. "Sir, no one will serve," replied the sheriff. "Summon me, then. I will take them to jail," the Judge replied. In 1791, Chase was made Chief Justice of the General Court of Maryland.

Chase was appointed to the Supreme Court of the United States as Associate Justice by President Washington in 1796, where he served until 1811, fifteen years. In 1804 he was impeached for alleged misdemeanor during the trial of Fries and Callendar for sedition 5 years previously, and for a recent intemperate address to a Grand Jury in Maryland. The impeachment was really an attack by the legislative branch of the Government upon the independence of the Judiciary. The House of Representatives

impeaches, the Senate tries. A two-thirds vote of the Senate is necessary to a conviction, and as this was not received the attempt failed. One author says:

Zealous, ardent and courageous, Samuel Chase threw his talents, fearlessness and youth into his leadership of the spirit of revolution in Maryland rising against the measures of George III, and his fame survives as a precious legacy of a State prolific in courageous leaders and eminent lawyers.⁴

MARTIN, 1744-1826

Here was one of the most astonishing characters that the Bar of the United States has ever had—a great lawyer, an ardent patriot, a colossal figure in the Convention which framed the Constitution of the United States and singularly enough, an opponent of its adoption by the State of Maryland. The grounds given in an argument against the proposed plan of federal union are said to be the ablest extant, the soundness of which subsequent events have demonstrated. Martin was of counsel for the defense of Judge Chase in the impeachment trial. His argument in that case has been reported never to have been exceeded "in powerful and brilliant eloquence in the forensic oratory of our country."

So, too, Aaron Burr, who presided in the Chase trial, was tried for treason in 1817 at Richmond before Chief Justice Marshall, Martin was counsel for Burr and exerted all the powers of his splendid genius in securing Burr's acquittal. When Martin had wrecked his life by drink and profligacy and was reduced to poverty, to Burr's lasting credit, the latter out of gratitude took Martin into his home in New York as a guest until he died. This also happened: the General Assembly of Maryland in 1822, passed an act "unparalleled in American history" by which every lawyer in the State was required to pay a license fee of \$5 per year, the entire proceeds to be for the support of Luther Martin. No lawyer of the State except one, I believe, who did not present his objection, declined to pay on the ground that the act was manifestly unconstitutional. It was written of Martin that he had a heart full of kindness and a hand that responded in sympathy to those in sorrow.

HANSON, 1749-1806

This is also an illustrious name in colonial and Revolutionary days. John Hanson of Maryland "was President of the United

⁴*Ibid.*, 159.

States in Congress Assembled" under the Articles of Confederation, 1781-1782. His son, Alexander Contee Hanson, became Chancellor of the High Court of Chancery of Maryland at the age of 39, and died in office after a distinguished career on the Bench of over 16 years, in 1806. It was the younger Hanson's fame and his work as a chancellor that was intended to be commemorated in our frieze. One act as an associate judge of the General Court of Maryland, before his chancellorship, marks him as a man of stern devotion to duty. In 1780 seven loyalists were tried before him for high treason in conspiring to release British prisoners of war held in Frederick Town. The trial lasted ten days, and all seven were convicted. In pronouncing sentence Judge Hanson declared: "In view of the attitude of mockery of the accused, and their apparent belief that America dared not punish Tories conspiring against her . . . they ought to suffer to the full the penalty for high treason," and thereat sentenced all seven to be hanged, drawn and quartered.

DUVALL, 1752-1844

Gabriel Duvall was born in Prince George's County, was admitted to the Bar and attained a position among its leaders; became a Congressman, and in 1796 resigned to accept the appointment to the Bench of the highest court of Maryland. In 1802 he was appointed by President Jefferson, comptroller of the United States Treasury. He continued to hold this office until November, 1811, when he was appointed by President Madison associate justice of the Supreme Court. There are no long biographies of him extant, but the fact that he was for 25 years on the Supreme Court of the United States beside Marshall, Story and other great judges, and maintained a high reputation for ability, integrity and independence justified the honor accorded to him.

SMITH, 1757-1842

The Smith here memorialized is Robert Smith. He was a Revolutionary hero, a volunteer at the age of 14. At the close of the war he studied law, was admitted to practice, and settled in Baltimore in 1788; was chosen a Presidential Elector and was the last survivor of that College. He was a Maryland Senator and a member of the House of Delegates; secretary of the navy, attorney general of the United States, and from 1809 to 1811 Secretary of

State. In 1813 he was made Provost of the University of Maryland. He died in 1842, at the age of 84 years.

For the many public positions of importance, usefulness and responsibility which he held, he is entitled to be held in remembrance.

PINKNEY, 1764-1822

This is one of the proudest names in the annals of the American Bar, and the life of William Pinkney, for whom it stands, is an alluring topic. This I dare not undertake. My good friend William L. Rawls, Esq., himself an outstanding member of our Bar, has at my earnest request given me a brief outline of Pinkney's life and his important accomplishments. Compact as it is, I am constrained to omit the reading of all of it, and to justify the use of William Pinkney's name by evidence from one or two contemporaries. Justice Story said: "Never do I expect to hear a man like Mr. Pinkney. He was a man who appears scarcely in a century." Chief Justice Marshall said Mr. Pinkney was "the greatest man I have ever seen in a Court of Justice," "the undoubted head of the American Bar." John Randolph in announcing his death to the House of Representatives said "such a man as has existed may exist again. There has been a Homer, there has been a Shakespeare, there has been a Newton, there has been a Milton; there may be a Pinkney, but there is none now."

HARPER, 1765-1825

Robert Goodloe Harper, for whom the name Harper was inscribed, was by birth a Virginian. His parents emigrated to North Carolina, while he was young. When hostilities ceased in 1781, he attended Princeton College, then settled in Charleston, S. C., where he gained admission to the Bar in one year. Because of conspicuous ability and eloquence, he was elected to Congress where he was a leader of the Federalist Party. The triumph of the Jefferson or Democratic Party ended his Congressional career. Having married Catherine, second daughter of Charles Carroll of Carrollton, he moved to Baltimore and soon became eminent in the legal profession. With Luther Martin and other eminent counsel he took part in defending Justice Chase in his impeachment trial. He also was of counsel for Aaron Burr in the latter's trial for treason. He became a United States Senator from Mary-

land, but resigned because of the demands of his law practice in Baltimore. He was an outstanding public citizen, a defender of Baltimore in the Battle of North Point, a staunch patriot and an eminent lawyer.

KILTY, 1757-1821

William Kilty was another of the great chancellors of Maryland. The office of chancellor of the High Court of Chancery was one of dignity and power created in early times by Lord Baltimore under the charter granted by the King of England. It was not so great an office as that of Lord High Chancellor of England who was and is the greatest peer in the realm, next to the king himself and the royal princes, and presides in the House of Lords. It was, however, patterned upon that office. The Chancellor of Maryland was keeper of the great seal and administered the principles and practice of equity jurisprudence.

Kilty was chancellor from 1806 until his death in 1821, and left a reputation of great ability and learning. As there were no reports of the decisions of the Court of Chancery in that day, few, if any, of his opinions are preserved. He, moreover, conferred a boon on the Bar by his report of the British Statutes in force in Maryland, a task of vast importance. We adjudged him worthy of remembrance.

WIRT, 1772-1834

William Wirt was attorney general of the United States for 12 years, a period surpassing that of any of his predecessors or successors, and by the brilliant performance of the duties of that office he gave it a dignity and importance which it has ever since retained. He was a Marylander by birth, but won his first fame as a lawyer in Virginia, where he became the head of the bar. He first came to the attention of the nation in the celebrated Callender trial, when he was retained at the suggestion of Jefferson as one of the counsel for the defense, and again gained renown as a lawyer and orator in the trial of Burr for treason, where he was for the prosecution.

While Attorney General he took part in the great constitutional cases, such as *McCulloch vs. Maryland*, *Gibbons vs. Ogden*, the *Dartmouth College Case*, which are commonly regarded as the most momentous of John Marshall's decisions. He was unusually handsome, of great charm, and was said to be the "most

beloved of American advocates." When Wirt died in 1834 the news was everywhere greeted with keenest regret. No member of the American Bar was held in dearer esteem than William Wirt.

WINDER, 1775-1824

William Henry Winder was born in Somerset County, studied law in Annapolis, and began practice in Princess Anne, but in 1802 removed to Baltimore.

By 1812 he had gained such prominence as a lawyer that his name appeared in more than one-third of the cases reported in the Court of Appeals. When the War of 1812 was impending, the appeal of patriotism was too strong to be resisted, and he left his practice to become a soldier. He entered the army and attained by merit the rank of brigadier general. Among other battles, he fought in that of Bladensburg, and in the defense of Baltimore against the British.

When peace came, he returned to the practice of the law, and was soon again in the full tide of professional activity. During the next 9 years, until his death at 50 in 1824, no litigation of importance occupied the State or Federal Courts in Maryland in which he was not occupied. Winder is said to have tried more cases with success than any other member of the Bar, not excepting such lawyers of the time as Taney, Martin, Pinkney, Harper or Wirt. This applies also to the United States Supreme Court.

Famous as soldier, lawyer, citizen, his place in the civic life of Baltimore, and in the affectionate regard of his fellow citizens was attested at his funeral, which was more elaborate than any theretofore conducted in Baltimore.⁵

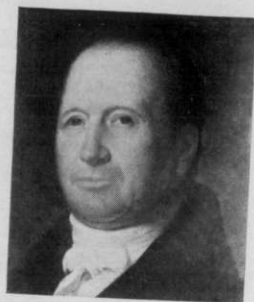
BLAND, 1776-1846

Theodorick Bland was probably the greatest of the chancellors. He was not a Marylander by birth, having been born in Virginia in 1776. Of his early life and education I have not found much. In 1807 he was elected to the Maryland House of Delegates. In 1812 he was appointed associate judge of the Sixth Judicial District, including Baltimore and Harford counties. He was secretary of the Committee of Safety in the War of 1812, and was

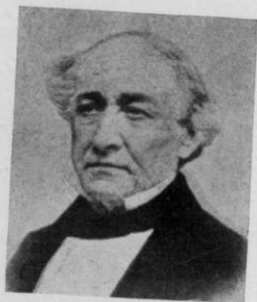
⁵ For information about Winder I am indebted to my friend, Ralph Robinson, Esq., one of today's leaders of the Baltimore Bar.



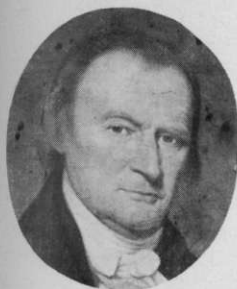
WILLIAM H. WINDER



THEODORICK BLAND



JOHN NELSON



WILLIAM KILTY



WILLIAM WIRT



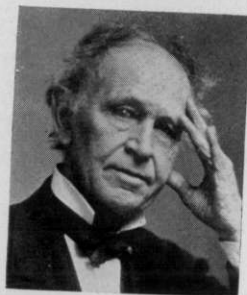
ROGER B. TANEY



REVERDY JOHNSON



JOHN V. L. McMAHON



WILLIAM SCHLEY

active in the defense of Baltimore in that war. Under appointment by President Monroe he served as commissioner to South America. When he became chancellor in 1824 he gave to the duties of this office such diligent and assiduous attention as has never, in my opinion, been surpassed in Maryland. He not only rendered clear and convincing opinions,—the result of careful examination and research,—but, since in his time there were no chancery reports, he reported and published these opinions for the benefit of the litigants and the Bar in three volumes, known as "Bland's Chancery Reports." They are a mine of learning and information.

TANEY, 1777-1864

There is needed no justification for the use of the name of Roger B. Taney, who was a native of Maryland, a leading member of the Baltimore Bar, an attorney general of Maryland, attorney general of the United States, secretary of the treasury of the United States, and a chief justice of the Supreme Court of the United States for twenty-seven years in succession to John Marshall. I had prepared a longer statement as to his immensely interesting career, but I shall not use it tonight for there is no one here who does not know the place of Roger B. Taney in American history. I add only this, that after all the acrimony and bitterness arising out of the Civil War had passed, Chief Justice Hughes declared that Taney was "a great chief justice." We did not err in including the name of Taney.

NELSON, 1791-1860

John Nelson, another of Frederick's great sons, was a United States attorney general, one of the most brilliant members of the American Bar. The reputation handed down to the profession is that he was a man of commanding character, masterful resources, and brilliant professional attainments.

JOHNSON, 1796-1876

The renowned Reverdy Johnson of Baltimore is here commemorated. Of all accounts of him that I have read, and I have read a number, though I know of no long biography, the most pleasing to me is that in an address by a former associate of mine on the Supreme Bench, the late Judge J. Upshur Dennis, delivered

before the State Bar Association at Hagerstown in 1905.⁶ This address most strikingly reveals the great advocate. After describing Mr. Johnson's personal appearance, Judge Dennis refers to his almost total blindness in his later years as a result of an untoward accident which occurred while he, as a second, was practicing with his principal, Mr. Stanley of North Carolina, for a duel with Mr. Wirt of Virginia. In the early thirties Mr. Stanley and Mr. Wirt had gotten into a fracas on the race course at a great match race about a horse owned by President Jackson and one owned by Judge Gabriel Duvall of Maryland. In consequence of the fracas a challenge had been issued and accepted. Mr. Johnson fired at a hickory sapling. The bullet, striking it, rebounded and struck Mr. Johnson in the eye, destroying his eye, and the other eye became affected from sympathy.

Distinguished as was his career as a Senator and Attorney General of United States, distinguished too as Minister to England . . . his highest fame will always rest . . . upon his achievements as a constitutional lawyer. . . . Universally recognized as one of the greatest among the acknowledged great . . . yet, [said Judge Dennis], I entertain the belief that his greatest forte was as a *nisi prius* lawyer. . . . Those who knew him in his prime entertained the belief that at the trial table he never had a superior, if an equal, in this country and it is doubtful if Lord Abinger himself ever surpassed him as a verdict-getter.

Judge Dennis also gives some charming anecdotes of Mr. Johnson's fun and technique at the trial table and concludes with a brief account of his tragic death by falling from the Governor's Mansion into the areaway which surrounds the building. In his partial blindness he had mistaken a window for the front door to the open porch. Falling, he crushed his head. At that time I was a student at St. John's College and well remember the shock and grief occasioned by this catastrophe.

The fame of Reverdy Johnson was national and international.

SCHLEY, 1799-1872

William Schley was for many years one of the leaders of the Baltimore Bar, and one of the most distinguished and successful advocates the State of Maryland has ever had. He commenced practice in Frederick County, and in 1837 removed to Baltimore where he rapidly rose to distinction. In 1836 he was a member of

⁶ Published in the *Report of the Tenth Annual Meeting*.

the General Assembly, when the question of constitutional reform created great agitation throughout the State. In the discussions which followed it was reported to Mr. Schley that remarks had been made by William Cost Johnson reflecting upon his actions and ascribing his course to personal motives. Resenting the imputation upon his official integrity, and having no reason to doubt that Mr. Johnson's words had been correctly reported to him, Mr. Schley sent Johnson a peremptory challenge, which was accepted. They met near Alexandria, Virginia, April 13, 1837. There was a single exchange of shots. Both were wounded, Mr. Schley slightly, Mr. Johnson more seriously. Distinguished friends, seconds and surgeons were in attendance. After the exchange of shots, Mr. Johnson in the handsomest manner and of his own accord stated he was aware of the inaccurate report made of his language to Mr. Schley, and that the latter was perfectly justified in basing his challenge upon such report, and that he regretted that he had not felt at liberty upon the receipt of the challenge to deny having uttered a single word reflecting upon or in any way impugning Mr. Schley's motives. The parties were reconciled upon the spot and remained warm friends thereafter. The affair received the name of "the pattern duel," both from the extreme punctilio exhibited by the parties, and the exact observance by the seconds of all the rules and courtesies proper to such an occasion, and from the happy and becoming manner in which the meeting terminated.⁷

As an advocate Schley had few equals.

MCMAHON, 1800-1871

John V. L. McMahon, who is here remembered, was born at Cumberland in 1800; was a man of brilliant talents, a historian who wrote the best history of early Maryland, a lawyer of extraordinary gifts, one of the finest intellects that ever adorned the bar, and an orator of surpassing ability. It has been said of him that he never lost a case. This sample of his oratory on the hustings is preserved. In the "Log Cabin" and "Hard Cider" campaign of 1840, McMahon was chairman of an immense *ratification* meeting, at which Henry Clay and Webster were present. When he arose he opened the proceedings thus: -

⁷ This account is condensed from *Baltimore: Past and Present* (1871), p. 446-447.

Let the nation come to order. The mountains have sent forth their rills; the hillsides their streams; the valleys their rivers; and lo, the avalanche of the people is here.

He drew the incorporation act of the Baltimore and Ohio Railroad Company, the first incorporation act of the kind ever prepared in this country. Most of his professional life was passed in Baltimore to which he had removed in 1826. His eyesight failed him in 1855 and compelled him to relinquish his profession. He died in Cumberland in 1871. He was called "the Great McMahon."

ALEXANDER, 1801-1871

Thomas Stockett Alexander was born in Annapolis the 23rd day of December, 1801, and was admitted to the Bar at the age of 20. He gained the reputation of being the greatest equity lawyer that the State had ever produced. He placed the Bar under a very deep debt of gratitude by the preparation and publication of *Maryland Chancery Practice*, a textbook written with an unsurpassed knowledge of his subject, and in language of singular clarity and directness. From the time of the publication of this textbook until the abolition of the Court of Chancery in 1854, he was employed in every important case in that Court. At the age of 66 he seemed to desire a wider field in which to practice, and removed to New York, but he contracted pneumonia in 1871 and died after a brief illness on December 4.

LEGRAND, 1814-1861

Of French ancestry, John Carroll LeGrand first intended to be a merchant, but changed to law, and early demonstrated talents of the highest order. He became Speaker of the House of Delegates at his first term, when elected to the Maryland legislature, was secretary of state for two years; was appointed associate judge of the Baltimore County Court at the age of 30, and was appointed chief judge of the Court of Appeals at the age of 37. He served with distinction until the Constitution of 1854 went into effect and the system of selecting judges by election was adopted in place of selection by appointment. He died December 30, 1861, at the age of 47 years.

Chief Judge McSherry said in a discriminating address on "Former Chief Judges of the Court of Appeals," which he pre-

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He drew the incorporation act of the Baltimore and Ohio Railroad Company, the first incorporation act of the kind ever prepared in this country. Most of his professional life was passed in Baltimore to which he had removed in 1826. His eyesight failed him in 1855 and compelled him to relinquish his profession. He died in Cumberland in 1871. He was called "the Great McMahan."

ALEXANDER, 1801-1871

Thomas Stockett Alexander was born in Annapolis the 23rd day of December, 1801, and was admitted to the Bar at the age of 20. He gained the reputation of being the greatest equity lawyer that the State had ever produced. He placed the Bar under a very deep debt of gratitude by the preparation and publication of *Maryland Chancery Practice*, a textbook written with an unsurpassed knowledge of his subject, and in language of singular clarity and directness. From the time of the publication of this textbook until the abolition of the Court of Chancery in 1854, he was employed in every important case in that Court. At the age of 66 he seemed to desire a wider field in which to practice, and removed to New York, but he contracted pneumonia in 1871 and died after a brief illness on December 4.

LEGRAND, 1814-1861

Of French ancestry, John Carroll LeGrand first intended to be a merchant, but changed to law, and early demonstrated talents of the highest order. He became Speaker of the House of Delegates at his first term, when elected to the Maryland legislature, was secretary of state for two years; was appointed associate judge of the Baltimore County Court at the age of 30, and was appointed chief judge of the Court of Appeals at the age of 37. He served with distinction until the Constitution of 1854 went into effect and the system of selecting judges by election was adopted in place of selection by appointment. He died December 30, 1861, at the age of 47 years.

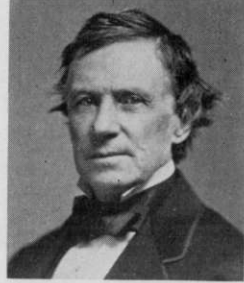
Chief Judge McSherry said in a discriminating address on "Former Chief Judges of the Court of Appeals," which he pre-



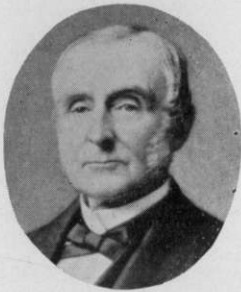
JOHN C. LE GRAND



THOMAS S. ALEXANDER



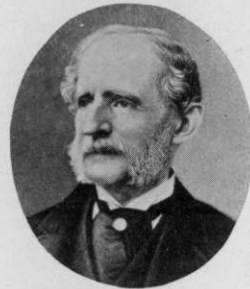
JAMES L. BARTOL



I. NEVITT STEELE



JOHN H. B. LATROBE



S. TEACKLE WALLIS



WILLIAM F. FRICK *



JOHN P. POE *

** These two men were among the great lawyers active at the time the Court House was built. Had they not been alive, their names might have been among those honored.*

sented before the Maryland State Bar Association at Annapolis in 1903:

From among the Chief Justices of whom I have spoken, three stand out in bold relief as pre-eminently great—John Buchanan, John Carroll LeGrand, and Richard H. Alvey. It is difficult to determine which of them ranks the highest.⁸

BARTOL, 1813–1887

James Lawrence Bartol was born at Havre de Grace, and studied law in the office of Otho Scott at Bel Air. In 1836 he was admitted to the Bar. He commenced practice in Caroline County, and for seven years practiced on the Eastern Shore. In 1845, he removed to Baltimore where his reputation as a lawyer increased. He was appointed to a vacancy on the Court of Appeals occasioned by the death of John Thomson Mason in 1857, and in 1867 he was elected to the new Court of Appeals and designated by Governor Ligon as chief judge. His fairness of mind, strict impartiality, calm judicial temperament, readiness to hear patiently both sides and reserve judgment until the case was fully before him characterized his whole judicial career. At the time of his resignation, on account of increasing infirmities, after 27 years of judicial service, his associates wrote to him: "We express the sentiments of the entire profession and of the public and our own when we say that you have performed the work and lived the life of an able, upright and impartial judge."

LATROBE, 1803–1891

Latrobe is a familiar name in Baltimore. Here it stands for John H. B. Latrobe who lived in this city for 88 years. He was not only an eminent lawyer, but was a man of many and various talents. He had unusual skill with his pencil and in earlier life, in order to support himself and aid his family while he was studying law in the office of Senator Harper, he illustrated a series of publications for the well known publisher, Fielding Lucas, Jr., of that day, by drawing and by painting, for he also painted with skill. He had a most retentive memory, and used "scraps of time" as he called them, in accumulating an astonishing amount of valuable information of the most varied character. A vivid biography of him by John E. Semmes, Sr., is most interesting. He

⁸ *Report of the Eighth Annual Meeting of the Maryland State Bar Association.*

was counsel for the Baltimore and Ohio Railroad Company from 1828 until his death in 1891. He had the distinction of having, on the suggestion of President McLane, examined the invention of Morse, the electric telegraph for sending messages over wires, and advised President McLane to grant to Morse the right to string wires over the right-of-way of the Baltimore and Ohio between Washington and Baltimore, in order to demonstrate the practicability of the telegraph. The wires were strung, and the first long distance message "What hath God wrought" was sent.

I had the honor of Mr. Latrobe's acquaintance, first gained when I was a student in Mr. John P. Poe's office and had occasion to go to the office of Mr. Latrobe on the east side of the building then at the northeast corner of St. Paul and Lexington streets, where the Preston Gardens now are, in order to get him as a regent of the law school of the University of Maryland, to sign the diplomas of the graduates. The memory of these meetings I shall always treasure. My remembrance is of meeting a wise old veteran of the law giving to a youngster just entering the profession cordiality of the most agreeable kind and valuable advice. Mr. Latrobe was not only an author of note in prose literature and poetry, but he also wrote Latrobe's *Justice's Practice*, a book of the greatest value to justices of the peace, constables and lawyers, which passed through at least seven editions. He also wrote a biography of Charles Carroll of Carrollton. And, last but not least, he was a President of this honorable Society 1871 to 1891.

STEELE, 1809-1891

I do not think I can do better than tell you briefly what Judge J. Upshur Dennis had to say about I. Nevitt Steele in the address to which I have already referred, "Recollections of a Quartet of Baltimore Lawyers"—Johnson, Schley, Steele and Wallis. After stating that Mr. Steele was a native of Dorchester County, and one of the sons of the Eastern Shore whose fame is a heritage belonging to the whole State, he said: "I never heard his equal in argumentative power." Judge Fisher, than whom there could be no more competent critic, said:

With the exception of John Nelson, Mr. Steele on his feet was the strongest man I ever heard. Steele spoke with the most perfect forensic diction. If ever a man drew from the "well of English undefiled," it was Steele.

Every word of this encomium, I myself confirm. He was the greatest lawyer I ever knew. Whenever it was possible for me to do so, I went into Court, as did all the Bar, to hear him speak when he was trying an important case, and I do not think I ever heard more clear, logical or convincing arguments at the Bar. I also had the great privilege of a somewhat familiar acquaintance with him in his home. I knew his wife and his handsome daughters and his fine sons.

WALLIS, 1816-1894

That the name of Severn Teakle Wallis could not be omitted from any list of lawyers where great lawyers of the State and Nation are placed *causa honoris* no one will deny who has read Maryland history or listened to tradition. Mr. Wallis was not only a lawyer of consummate ability at the *nisi prius* trial table, but also on appeal. His name appears as leading counsel for plaintiffs or defendants throughout the reports of the Court of Appeals of Maryland and the reports of cases in the Supreme Court of the United States during his long career more frequently than that of most others of his generation. His reported arguments, and the cases in which he was successful in gaining a verdict or obtaining a favorable decree for his clients are irrefutable evidence of his talents.

Mr. Wallis was not only a great lawyer, but he was much more than a great lawyer. He was an illustrious citizen. He was an orator of consummate ability, capable by the strength of his logic, the clearness of his statements, the winsomeness of his diction and the shafts of the ridicule which he could employ, of swaying vast audiences on the hustings. He stood for justice in civic affairs. He was the Sir Galahad of the Bar. Of spotless reputation, armed with righteousness, he was always ready to enter the lists against those who did or countenanced fraud or wrong. He was master of the art of wit and repartee, of scorn and satire, and had command of a diction that was the admiration of all and envy of many. I knew him better than any others on the list, for he was provost of the University of Maryland for many years. It was part of my duty while connected with Dean Poe's office to take him in a carriage from his office on St. Paul street to the theatre where the commencement exercises were customarily held,