

HISTORY
OF THE
COUNTY OF WESTMORELAND,
PENNSYLVANIA,
WITH
BIOGRAPHICAL SKETCHES
OF MANY OF ITS
PIONEERS AND PROMINENT MEN.

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JOHN BYERS ALEXANDER.

At the beginning of the present century, Westmoreland, relatively speaking, was yet in the backwoods. At that time there were no turnpikes, not to say canals or railroads. Although the people were industrious and energetic, yet they were, as is always the case in like circumstances, in too many instances inclined to be quarrelsome and fond of litigation. The class which made up the great majority of the early inhabitants were proverbially fonder of the sight of a court-house than a church. Its county town was, therefore, taking all things together, a good location for a young lawyer of able body and practical mind—characteristics and acquirements which nearly all the eminent lawyers of that day possessed in a marked degree. Among these first lawyers was John B. Alexander.

John Byers Alexander was born in Carlisle, Cumberland Co., Pa., and emigrated to Greensburg early in the present century. He was admitted to the Westmoreland bar on motion of William Wilkins, Esq., at the December term of court, 1804. He opened his first office here, engaged in the practice of the law, and resided here until the war of Eighteen-Twelve commenced. Mr. Alexander had been liberally educated, having been graduated at Dickinson College, Carlisle, when that institution had a first-class reputation. He was a good Latin scholar, readily reading and explaining old law writers to the court. In his

old age he was heard to quote Horace in the original in ordinary conversation with gentlemen of culture. But Coke says that the law is a jealous mistress, and requires an undivided attention. Alexander was of the same opinion, and had little regard for any literary pursuit outside of his profession. He was no politician, and read no newspapers, novels, magazines, or histories. His sole literary recreation was the reading of Shakspeare. This he knew so well that he quoted it regularly in court, and could repeat whole scenes without any mistake, and with proper manner and pronunciation. And to him, in his profession, the great dramatist was undoubtedly of great use, and particularly in this, that it supplemented him with a fund of quotations with which in addressing juries he could relieve the dryness and dullness of professional language.

His father having a large family to support, he, after having received his collegiate education, was thrown upon his own resources. He studied much, worked hardly and carefully, and as a return rose to the front rank at the bar, and gained the best practice in the county.

Only on two occasions did he allow his mind to be drawn away or diverted from the practice of his profession, in which he was making money and gaining reputation. The first of these occasions was the war of Eighteen-Twelve. When that war with Great Britain commenced he collected a company of volunteers, and served with credit under Gen. Harrison in several engagements with the British and Indians. The name of his company was "The Greensburg Rifles," and an account of its services in that campaign will be found in the chapter of this book in which the subject of that war is treated of.

After his return he resumed the practice of the law, rose to the head of the Greensburg bar, and obtained a lucrative practice in this and the adjoining counties. But notwithstanding his peaceful profession, Alexander still retained a taste for military display. His town of Carlisle had been the site of a British barracks and a military rendezvous, and hence there had grown up among the inhabitants an admiration of a soldier's character and a fondness for a soldier's life. But in the case of Alexander, he was born with the instincts of the soldier, and members of his family had raised the name to distinction in the military annals of the Revolutionary era on the side of the colonies. The title for which he felt a fondness and expressed a preference was the familiar one of "Major," by which he was known all over the State, and which he justly and honorably had earned in the field.

Moved by this military taste, Alexander raised a company of artillery for "parade duty," when

"No war or battle's sound
Was heard the world around;
The idle spear and shield were high up hung;
The hooked chariot stood,
Unstain'd with human blood;
The trumpet spake not to the armed throng."

¹ See biographical sketch of Judge Hunter.

The company was the model company of the military division in which the militia of the State was divided, and was truly a fine one in appearance. The men were handsomely uniformed, were all over six feet in height, and their two handsome brass cannons were drawn by large gray horses. The rank and file consisted of substantial farmers and stout mechanics and laborers. In rich and gaudy uniform, Alexander always commanded in person, and he expended a large sum of money in equipments, horses, and donations. He, with his company, turned out in honor of Lafayette when he passed through the southwestern part of our county, and he commanded this company in person at the execution of Joseph Evans.

Alexander not only encouraged the profession of arms by his example, but he went so far as to acknowledge the code of honor in theory and practice. He fought a duel with a Mr. Mason, of Uniontown, Fayette Co. They exchanged shots, but neither was wounded. Both desired a second fire, but the seconds refused on the ground that the point of honor for which they fought did not require another interchange of deadly missives, and neither had the satisfaction of putting a bullet-hole into the body of his antagonist.

This fondness for military parade and display thus became rather a weakness with Alexander. As he grew older he became vain of military titles and reputation, and was easily cajoled and flattered on this point.

His military reputation, however, rested on a more substantial foundation. Of his popularity, based upon his military exploits, is related a curious incident. Some time about 1838, when Sanford, who introduced upon the stage the "Jim Crow" minstrelsy, intended to dance and sing, Alexander was in Pittsburgh, attending the Supreme Court. He went to the theatre, and on his appearance in the boxes it was suggested to Sanford to make him a compliment. Jim Crow improvised the following:

"Ole Gen'ral Harrison,
He was the big commander,
And the next big hero there
Was Major Alexander!
"So wheel about," etc.

This drew attention to the box of Alexander, and was received with uproarious applause. The old Major was highly gratified.

But on his return from the war he quietly returned to his profession, not using his military reputation as a stepping-stone to popular favor. His military services were such as to have made him a distinguished citizen of the county had they not been very largely lost sight of in his more brilliant reputation as an eminent lawyer. In this character shall we chiefly regard him in this sketch.

The second and less fortunate occasion which drew off his attention from the agreeable toil of the office and the bar was his election to the State Assembly.

Prior to that, and until the advent of Gen. Jackson into the political arena, he had taken no part in politics. At that time he avowed himself a strong Jackson man. The individuality and the upright and simple character of that remarkable leader drew to his support many of contrary political opinions and preferences. On the first evidences of the popularity of that military citizen he was claimed by both parties which were then in antagonism, and probably the Federalists, or Whigs, had more right to class him with those in their faith than had the Democrat-Republicans. But Alexander, although a Federalist of Federalists, was among the first of Jackson's supporters in Westmoreland, and remained the friend of his administration, without the hope of preferment or of party patronage.

In 1834 one of the representatives of Westmoreland in the General Assembly, James Findlay, having been appointed Secretary of the Commonwealth by Governor Wolf, a vacancy was made in the representation, which was filled at a special election by returning Maj. Alexander.

The professions of the law and of arms have from times of high antiquity been regarded as inimical professions. *Inter arma silent leges.* But Alexander was attached to both of them. It may be said of him too, as it was said of another, that law was his business and arms was his recreation, in relative degrees. For politics, however, he had no predilection. It is seldom that eminent lawyers are successful as politicians or as legislators, and especially when they enter public life advanced in years. The political and legislative careers of such eminent jurists as William L. Meredith and James M. Porter, of Rufus Choate and Horace Binney, were in nowise successful, and certainly added nothing to their reputation as lawyers.

Alexander was unanimously elected to fill the vacancy, and thereupon went to Harrisburg. It was admitted by all that his representative career was a failure. He was like a fish out of water. He there came in contact with men who, although they could scarcely have spelled their way through the horn-book, could have bought him and sold him in legislative trickery every hour in the day. For those he had the utmost contempt, and he appeared to regard the whole legislative body somewhat as Gulliver regarded a similar assemblage in Lilliput. Before the session closed he left them in disgust, mounted old "Somerset," and rode home.

Thenceforth he took no part in politics whatever until 1840, when his old commander was nominated for the Presidency. During that campaign he consented to preside at a Harrison meeting at Greensburg. He was then on the verge of eternity, and died shortly after, in the same year.

The position of Mr. Alexander at the Westmoreland bar for a period of about twenty years is generally admitted to have been at its head. There were

then at the bar other lawyers who rose to eminence after his day, and at his day there were gentlemen who were justly regarded as able lawyers, but these were mostly younger and less experienced. Richard Coulter, a younger man, was his superior in eloquence, Alexander Foster in extensive reading and discursive knowledge, and several others in general accomplishments, but when he was in the full vigor of his intellectual manhood, as a learned lawyer he had no superior. But in the end his inclination and ability for work decreasing with lost vigor, his former position was secured by others.

Probably the great secret of the success of Alexander as a lawyer was his sedulous and exclusive devotion to the profession of his choice. More than one of the text-writers and expositors of the English jurisprudence have, in giving their experience and advice, laid stress on the observation that to succeed at the law all thought of advancement elsewhere must be abandoned. Bacon, who undoubtedly was vain of his intellectual powers, admitted the superiority of Coke, his one-time rival for the enviable distinction of being the oracle of that code which, taking shape in the Institutes, soon after came to be regarded as a not unworthy rival of the imperial jurisprudence, the code of the civil law of the Latin civilization; and this superiority which Bacon admitted in Coke he attributed not to superior intellect or attainments, but to a closer and more exclusive study of the groundwork and superstructure of the English common and statute law. It is said by Chitty, the elder, that the law as a jealous mistress submits to no division of affection. It was a well-known apothegm, traceable to the earliest of the law-writers of England, and which Blackstone regards with the veneration due to a saying so old, and which he has made part of the text of the Commentaries, that to make a good lawyer, a lawyer sufficient to judge the laws, requires the ceaseless lucubrations of twenty years; and all his disciples know that before the master entered upon that course of study which qualified him to expound the laws of his country, and to lay out the plan of a new academical science, he bade adieu to polite literature in elegant and expressive verse, entitled "The Lawyer's Farewell to his Muse," and which began "Shakspeare no more."

In one particular the writer of the Commentaries seems in his actual literary experience to have been at issue with his own advice, for notwithstanding this adieu, and although he did devote himself to the mastery of the law, yet Blackstone really never did abandon his Shakspeare, but was in his lifetime regarded one of the best Shaksperian scholars in England, and found time to annotate, correct the text, and offer valuable suggestions for an edition of the dramatist's works, edited by a friend towards the end of his life. But he read Shakspeare as a lawyer would read it.

This advice Alexander followed in all parts. Shakspeare he did not and could not forego,—it was

his *vade-mecum*. In Blackstone he saw the perfection of human reason, in Shakspeare the perfection of human wisdom. From the one he obtained his knowledge of law, and from the other his knowledge of human nature. In his speeches before the jury he constantly drew from the serious portions, the proverbial expressions, and the didactic moral passages of his author; and in his peculiar humor, when away from professional restriction, he acted, with appropriate "'Fore-God-well-said-my-lord-, and-with-a-proper-accent-and-manner," the comic scenes.

The high reputation of Alexander as a lawyer was well deserved. His mind was a legal one, clear, logical, and practical, and from early life he had been a close and severe student. Once, when complimented upon his legal knowledge as if coming by nature, he replied, "I owe my legal knowledge, whatever may be its extent, to hard study. I rose and studied when others were in their beds." This habit of study he retained until old age. It was said that he read Blackstone every year, and at all favorable opportunities refreshed his memory with the other standard law authorities. In short, he read nothing but law-books and Shakspeare.

As a sound and well-read lawyer he had, as we said, no equal at the Westmoreland bar, and in the special branch of the law relating to land title he had no superior in Western Pennsylvania. He was retained as counsel in many cases of disputed title in the court of last resort in the State, and even in some cases of a like character which were adjudicated in the highest court of the United States. He was the counsel in one particularly heavy land-title case on an appeal to the Supreme Court of the United States, wherein his adversary was the celebrated William Wirt. Alexander gained his cause, and the argument displayed such legal acumen that he astonished the bench as well as the bar. At its conclusion he was complimented by Mr. Wirt and by Daniel Webster, who was present, and who expressed in his warm-hearted way his approbation of the manner he had handled his case, of his exposition of the law, and the profundity of his legal reasoning and learning. It is said, furthermore, that Alexander recognized these marks of approbation by such an expression as left a questionable doubt as to his appreciation of them; for, as he was reputed one of the best lawyers, so he was reputed one of the best cursers in the State.

In the intricate and abstruse practice of the land law of Pennsylvania Alexander was, without doubt, the superior of Wirt. Wirt was a politician, an orator, and a literary man, but to the law alone had Alexander devoted an almost entire attention. If Wirt were the Bacon, Alexander was the Coke.

His contemporaries used to relate many instances of his success at the bar in the management of his cases, and many anecdotes illustrative of his peculiar characteristics. Some of these have come down to our own times.

A young lawyer of Armstrong County once secured the services of Alexander in an important land trial. Alexander took the case, made an examination of it, and prepared a memorandum and brief. He duly attended the Armstrong court when the case was set for trial; but having met an old acquaintance there, who, like himself, was of a convivial disposition, the Major became so intent in "fighting his battles o'er again" that he did not care whether court kept or no. The Armstrong lawyer became uneasy, went to Alexander, whom he found in bed, told him that everything depended on his assistance, and that his client was anxious for the trial to proceed. Thereupon the Major asked for his saddle-bags, and opening them he took out a bundle of papers. "Take these papers," said he, with a hasty imprecation, "go into court, and if you cannot win the case upon them you are not much of a lawyer." The young lawyer did so; he went into court, and entirely upon the precedents and authorities cited in the papers drawn up by Alexander obtained a verdict in favor of his client. When the term of court was over the young attorney called upon Alexander, who still remained in his room with his old military companion, and asked him what was his fee and what the services of both should be. "Why, you may charge as little as you please," he replied; "but I'm not going to have all this trouble and toil for less than one hundred dollars."

We have been told that the fees of Alexander were fair, moderate, and never exorbitant. He was no professional shark. Notwithstanding all the great land trials in which he was engaged, the largest fee he ever secured was one of a thousand dollars.

He greatly distinguished himself in one of the most remarkable cases ever tried in the Westmoreland courts. A negro man named Tom Morgan had been charged with an attempt to commit a rape upon a girl who was weak in intellect if not actually imbecile. The outrage excited such indignation in Greensburg that a party of stout men armed themselves with cowhides and wattles, dragged the black man from his house, and so beat and whipped him that nothing saved his life but the sheriff and the posse, who took him out of the hands of the mob, lodged him in jail, and placed a guard round the jail building. Before yet the excitement had subsided the negro was indicted in the Oyer and Terminer Court. Eminent counsel, at private expense, was secured to assist the Commonwealth in the prosecution. Conway, one of the first lawyers of Cambria County, and Coulter, one of the first lawyers of Westmoreland, both of them eloquent advocates, were with the deputy attorney-general.

When the case came on to be heard the negro was brought into court. A more pitiable appeal to a sensitive mind of our generation could not well be made than did this despised, friendless negro. But at that day a negro was regarded even in Pennsylvania as more a beast than a man. Popular prejudice was

against him, and this popular prejudice was instigated and then influenced by all arts and all arguments. The character of the prosecutor was lost sight of in the wide-spread opinion of the guilt of the prisoner.

Mr. Alexander was designated by the court to take the cause of the defense. Among the first questions raised was the question of the competency of the prosecutor to testify. The question was one of the greatest importance in the trial of the cause, as her testimony was necessary for a conviction. To gain this position and allow the testimony both Conway and Coulter spoke, and doing so they addressed much of their discourse to the jury and to the audience, although towards the judge. They argued the point with ability and eloquence. A latitude was given the argument unknown in ordinary trials, for it was more than an ordinary trial. The court-house was filled with people, and the audience was in sympathy with the orators. Coulter acquitted himself with more than ordinary satisfaction. He displayed the highest gifts of the orator. In his peroration he addressed himself to the subject of his eloquent labor, and drew all eyes and all hearts to the girl as she sat there within the bar. She alone was unmoved, and there was something in her half-idiotic look which with the words and manner of the counsel drew all hearts to her in pity, so that the cause of the girl was made the cause of the people. The advocate had, from the pathetic and tragic rendition of his story, the bench, the jury, the audience, many of the bar, and even the prisoner in tears, and it was evident that if the point had been at the ruling of those who heard him their sympathy would have carried all before it.

Mr. Alexander then rose to take exception at the court ruling for the admission of the testimony of the prosecutor in the case under reason of the law. He said that he had never, as counsel, been spoken to by the negro; that he cared nothing for him, whether he was white or black; nor did he wish to extenuate his guilt if he were guilty; but that he desired to see the law vindicated. He then examined the condition of the girl. Where the counsel for the prosecution had raised pity he raised doubt; and where the one had appealed to sympathy the other appealed to reason. Those who listened soon began to perceive from the evidences of their own senses that the poor girl was but a demented creature, whose ideas of discriminating right and wrong were vague, and whose notions of female chastity were still vaguer; and so the accused and the accuser stood on the same ground.

But the counsel for the prisoner did not stop at this. He lost sight of his client in the magnitude of the cause. He brought to his case his stored-up learning of the common law, he recalled old judicial decisions, quoted black-letter authority from the law-Latin and Norman-French text-books of the Middle Ages, marshaled together all the maxims of the common law bearing on the capacity and the incapacity of

witnesses to testify, drew the legal distinction of idiocy, lunacy, and dementia, and brought the court from the fountain sources of legal wisdom down through a long series of English decisions to a modern date, and examining into the law of evidence as it was recognized in Pennsylvania, he applied his argument to the case in hand; and in the end ruled the court by quoting a recent decision of the president judge, where, in a similar case, the testimony of the main witness had been rejected. To the astonishment of the bystanders, who had expected that the prisoner would go to the penitentiary to serve out in solitary confinement the rest of his days, Tom Morgan walked out of the court-house a free man.

As most everything connected with the life of such a distinguished man has some interest, we shall now have something to say on the family relations, the personal appearance, and the habits of Maj. Alexander.

His ancestors were Scotch-Irish, and they had emigrated to this country before the Revolution. His father, Peter Alexander, was born in Cumberland County, Pa. The family were Whigs and patriots during the war of the Revolution. The wife of John B. was a Miss Smith, of Cumberland County, a sister of the wife of Dr. Postlethwaite. He had no children. Two of his sisters married in Westmoreland; one was married to Joseph Kuhns, Esq., and the other to Eli Coulter, Esq., the father of Gen. Richard Coulter and Alexander Coulter, Esq., of Greensburg. His wife survived him, and on her death the property went to the collateral heirs. Besides two sisters he had two brothers, Samuel Alexander, who was a leading lawyer of the Carlisle, Cumberland County, bar, and Thomas Alexander, who once lived with his brother in Greensburg, and who was never married.

In personal appearance he was a large, fat man. His height was about five feet ten inches, and his weight about the year 1834 must have been about two hundred and forty pounds. Of his personal appearance there is one thing which has been remarked by all those who remember him. He had a most remarkable head, and a description of it may not be uninteresting to the students of phrenology. It was unusually large, but not well rounded. It was elongated from the occiput to the sinciput, that is to say, it was inordinately long from the hind part of the skull to the forehead, and in this direction it was disproportionate to the height. It was large and prominent in front of the ears, extended far behind them, but was not developed in proportion above the ears. It seemed—from this description and judging scientifically—to be deficient in veneration and the moral sentiments.

In the vigor of his life and manhood he had been well formed and muscular, but in his old age he had become very corpulent. His nose was large and straight, and his complexion between fair and florid. In his younger years he was undoubtedly a good-looking man, but the exposure of an active campaign,

and careless and unwatched habits in eating and drinking had in time made his skin and features rough. Yet even in his old age when in good humor he had a pleasant and genial smile, and when he chose his manners were polished and genteel. In company with women no man could be more gentle and good-humored. His rudeness belonged in great part to the times and the society around him.

Alexander rose the year round at the break of day, studied his cases, answered his letters, and did the heavy part of his business before breakfast. When his business did not absorb his attention he read in some law-book. After breakfast he visited the offices and taverns, and chatted with clients and acquaintances. Although he kept a sideboard with liquors for callers, he treated at the taverns. He was no churl, and was popular with inn-keepers and drinking men. Although he has had, among a certain class, a reputation for using blackguard expressions, yet he never descended to relate obscene stories or retail low gossip. In warm weather he slept in the afternoon, and had the habit of reading his favorite author in bed at night.

In business transactions the integrity of Alexander was inflexible. He was never known to do a dishonest or dishonorable action. No man could say that he ever defrauded him of a dollar. His handsome fortune was all gained by honorable professional toil. In his marital relation he was a pattern. No lady in the days of chivalry was ever treated with more attention and courtesy than Mrs. Alexander. His character was really an elevated one, and it was only when the "times were out of joint" that he was, as he was commonly reported, rude, overbearing, or quarrelsome.

He resided for years in a large brick house on Main Street, diagonal to the Methodist Church. This house with many alterations is now and has long been used for hotel purposes, and during the civil war obtained the name of the "Richmond House." His law-office was in the same building. Some time between 1830 and 1840 he removed to the township. Then both his residence and law-office were in a house half a mile southwest of the borough. Every business day he rode into town on a beautiful sorrel horse with a silvery mane and tail, called "Somerset." He employed and amused himself in agriculture and horticulture, and in the improvement of the breed of cattle and poultry. The culture of the fields became with him quite a hobby, and with all the modesty of his profession he always maintained that his apples, hogs, turkeys, and chickens were the best in Westmoreland.¹

¹ ACTION OF THE COURT ON THE DEATH OF JOHN B. ALEXANDER, ESQ.

May term, 1840.

From the Record for Saturday morning, May 23, 1840:

The court being in session, the Hon. Richard Coulter rose and announced to the court the death of John Byers Alexander, Esq., the eldest brother of this bar.

That the members of the bar unanimously desire the ordinary business of the court be suspended for this day, that they may pay a merited and just tribute of respect to the memory of their deceased brother, and have an opportunity of attending his funeral:—Mr. Coulter said it was customary to give testimonials of respect to the memories of distinguished members of the bar by a suspension of the business on account of their decease, and he felt unmingled pleasure in offering to the court the full and entire concurrence of all the members of the bar in that practice. He said the brethren of the bar all acknowledged their indebtedness to Maj. Alexander for the many advantages they individually and collectively derived from their intercourse at the bar with him. They recollected his vigorous intellect, which seized with a giant's grip every cause in which he was professionally engaged; they recollected many passages of pleasant professional intercourse with the deceased, and now when he was removed from among them they desire to bear to his memory the token of respect which was accorded by the profession to their eminent brethren. He therefore moved the court to adjourn over this day.

Per curiam. We have pleasure in announcing to you our cordial approval of the practice suggested, and sincerely join with the members of the bar in their merited tribute to the memory of the deceased.

The court then adjourned.