

INDIANA COUNTY PENNSYLVANIA

HER PEOPLE, PAST AND PRESENT

Embracing a History of the County Compiled by

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And a Genealogical and Biographical Record of Representative Families

IN TWO VOLUMES

ILLUSTRATED

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BIOGRAPHICAL

HON. THOMAS WHITE. Some one writing of this great lawyer and jurist who brought fame of such splendid character to Indiana county, his home, says: "No one has ever been more deservedly honored for intellectual power and a pure record of public and private life than Thomas White, who was an eminent lawyer, an upright judge and a just man." With this preface we come to the facts of Thomas White's life.

He was of Irish ancestry, belonging to the Whites, Butlers and Burkes of Counties Antrim and Cork, on his father's side. The Whites of County Cork were persons all of culture, wealth and power, the grandfather of Thomas White, John White, being chief justice of the highest tribunal of Ireland. Richard White, Thomas White's father, was an officer in the service of King George III., stationed at Hastings, in the south of England.

Here, at Battle Abbey, the old Senlac of Saxon history, in the garrison which Maj. Richard White commanded, Thomas White was born on Dec. 14, 1799. In 1809 Major White, having resigned from His Majesty's service, sailed with his family for the United States. The voyage then lasted three months, after which time they arrived safely in New York. After traveling about somewhat in this new country, Major White because of some friends, the Perry-Vaughns, settled in Philadelphia. Here he established a classical school for boys which became very popular.

Thomas White received most of his education in his father's school and from his mother, a remarkable, brilliant and beautiful woman. His father's death occurred in 1814, two years after which Thomas entered the law office of William Rawle, to prepare himself for the practice of law. At this time William Rawle was one of the great lawyers of the United States. Associated in his office as

students with Thomas White were three other young men who later became famous, David Paul Brown, afterward a leader of the Philadelphia Bar, Persifer F. Smith, a distinguished officer of the United States army, and William Penn Smith, lawyer and poet.

He also read Justinian and the Civil Law which is practiced in the Louisiana Courts. After perfecting himself for practice in this system of law, he started for New Orleans in 1821. The method of travel then being slow and generally by stage coach, he stopped, en route, at Huntingdon, Pennsylvania, to visit some family friends there, by the name of Smith. Mrs. Smith having died, while he was awaiting her funeral, by a coincidence, he met a young girl, by name Catharine Brooks McConnell. She is said to have been a beautiful and attractive girl, and was the daughter of Alexander McConnell, Esq., a then prominent owner of farms and mills in Huntingdon county. The heart of the young Philadelphia lawyer, en route to the Crescent City, away at the mouth of the Mississippi, was stricken by the attractions of this young Juniata Valley girl.

Interest, if nothing more, in the society of this girl delayed the hitherto haste of this young man's travel. Being of a social disposition with attractive manners himself, he met warm welcome in Huntingdon society, and young friends, who had interests and acquaintances out in the town of Indiana, suggested to the intended New Orleans lawyer that an opening out in the county of Indiana, by the death of James M. Kelly, who had been the leading lawyer there, was presented and that Mr. White, with his Philadelphia education, might find it profitable to visit there.

Interest in this Huntingdon maiden made the young Philadelphia lawyer entertain suggestions about profitable delay in Pennsylvania. Before this young Philadelphian had

started on his tour to Indiana, he was informed that some eastern capitalists had considerable land interests in the then new counties of Cambria, Indiana and Jefferson, which were in charge of James M. Kelly, as their representative. Huntingdon friends again suggested that after the death of their representative, this young Philadelphia lawyer might take Mr. Kelly's place. This and kindred suggestions caused Mr. White to visit the town of Indiana.

Indiana was then only a sparsely populated village with few lawyers since the death of Mr. Kelly. Indiana being by road but sixty-six miles west from Huntingdon, it appeared to be a short ride on horseback to where this young accomplished lawyer left that, to him, charming girl. The result was that Thomas White, instead of becoming a lawyer in the Crescent City, settled down in western Pennsylvania, and became one of the leading lawyers there at that time.

Success attended his professional and business efforts. This young girl, whom he had so accidentally met in Huntingdon, became his wife in 1825. This marriage was the origin of the White family in western Pennsylvania. This family never had extended connections, as none of that name in this region outside of the family were related.

In person, Thomas White was attractive and with manners more elegant than were common at that time in western Pennsylvania. Hence he was often, by his colleagues at the bar and others, called "Gentleman Tom."

In his profession he was a close student, and never went into the courts or tried a case without a careful brief and thorough preparation. One of his old students, in speaking of the course of instruction Judge White thought was necessary for admission to the bar, said he had read the Term and all other law reports before being admitted to the Bar. It may be said, however, that with the great increase in law books of reports, such education would be impossible for admission to the Bar to-day.

The custom was, when young Mr. White located in Indiana to practice law, for the lawyers to ride the circuit. The Judicial District, in which Indiana county was at that time, was called the "Old Tenth." It was composed of the counties of Armstrong, Cambria, Indiana, Somerset and Westmoreland. Somerset, however, was soon stricken off to another district. The courts in these different

western counties were held in alternate weeks so as not to conflict, and, thus, the business of the courts in the different counties of the district was generally tried by the lawyers who rode the circuit. Many varied and amusing incidents could be narrated among the lawyers while they rode the circuits. Thomas White was employed in most of the important civil cases that were tried in these different counties. The more important cases were actions of ejectment on original titles to real estate. Actions of ejectment was a specialty with Mr. White, and it is said that Chief Justice Gibson once remarked, "I consider Thomas White one of the best ejectment lawyers in Pennsylvania."

The courts were then composed, in the different counties of the State, of a President Judge and two Associates. The President Judge was required to be learned in the law or a lawyer; and the two Associates laymen, not lawyers.

When Mr. White came to the Bar in this district, John Young of Westmoreland county was President Judge. He retired in 1836. Joseph Ritner, a Whig in politics, was then the Governor of Pennsylvania. When Judge Young retired, Governor Ritner appointed Thomas White as President Judge of the Tenth Judicial District.

Appointments to the bench then were made under the Constitution of 1790 and were, in the case of President Judge, for life. Judge White's commission as President Judge, which is on record in Indiana county, was for life, "Dum Bene Sese Gesserit" (While he should behave himself well).

The Constitutional Convention of 1838 changed the tenure of judges from a life to a ten year term.

Judge White, after he went upon the bench, soon became recognized as an able and just judge, and very popular with all the people of his district. There were but fifteen President Judges then in the State, and none, confessedly, abler than he. In the course of the discussion of the judiciary article of the present constitution in the convention of 1873, Judge Jeremiah S. Black said that Thomas White was the ablest Common Pleas Judge before whom he had ever tried a case.

His contemporaries said of him that while on the bench, in the trial of cases, he was most considerate and agreeable to young and inexperienced lawyers, by a tactful and prudent suggestive way assisting them; this al-

ways, if they had the just side of the case and against them some experienced leader of the bar.

That old one time able leader of the Indiana county Bar, William Banks, Esq., a few days after Judge White's death meeting his son Harry said to him: "Your father's death gives me great sorrow. Starting about the same time at the bar, we were always friends. No professional conflicts ever disturbed our friendship, and Pennsylvania never had an abler or more just judge. While socially most agreeable, he had the highest ideas of preserving the public respect for and confidence in the dignity and justice of the judiciary. My only criticism ever was, that everybody knowing our close intimate friendship, I sometimes thought he leaned a little against me in a trial, lest it would be thought that his friendship affected his fairness and impartiality on the bench."

It was rare education for a boy to sit and hear these learned lawyers and other friends of a winter evening at Judge White's home, before a big coal fire, on their social visits, talk and discuss the law, politics and the current events of the State and Nation. Then when Mrs. White would bring in the waiter of rambo and other choice apples, fruit growing, farming and kindred topics would be the theme. The leading members of a community nowadays are too much in a hurry for that agreeable and instructive social intercourse that so often occurred at Judge White's fire-side.

Under the provisions of the constitution of 1838 his term expired in 1847. Francis R. Shunk, a Democrat, was then Governor. The people of the district, irrespective of party, sent petitions with not less than 25,000 signers to the Governor for Judge White's reappointment. It so happened that while the Governor was a Democrat the Senate, which was required to confirm the appointments of the Governor, had a Whig majority of one. The Governor, because Judge White was a Whig, refused to reappoint him, but instead sent in the name of Jeremiah M. Burrell to the Senate. Mr. Burrell was a Democratic lawyer of Westmoreland county. The Senate rejected his appointment. The Governor then sent in the name of Wilson McCandless of Allegheny county. He was also rejected. The Governor then sent in the name of Benjamin Champney of Bucks county. He was also rejected. The Legislature soon adjourning, the Tenth District was left without a President Judge. After the adjournment of the Legis-

lature the Governor appointed, until the next meeting of the Legislature, Jeremiah M. Burrell. The Quo Warranto proceedings, reported in the Supreme Court Reports 7 Barr, Page 34, attest the right of Judge Burrell to preside in the courts under this appointment. Some confusion arising, the late John C. Knox of Tioga county was, in 1848, appointed as a compromise, and presided in the courts of the district until 1851.

The refusal of Governor Shunk to reappoint Judge Thomas White for political reasons, caused extended discussion on the manner of selecting the Judiciary. When, then, the Legislature of 1848 met, the proposition was introduced to amend the constitution so as to make judges elective. To amend the constitution requires the consent of two successive Legislatures, and then a submission to the people. This amendment, having passed the Legislatures of 1848 and 1849, was adopted by the people in 1850, and the first election of judges in Pennsylvania was in 1851. This change in the manner of electing our Pennsylvania Judiciary was, indeed, caused by the refusal of Governor Shunk to reappoint Judge Thomas White at the expiration of his term, for political reasons.

While Judge White had always been a Whig in politics, yet while on the bench he did not participate in political contests; but subsequent occurrences in the political history of the country, ultimating in the great Civil war, make it pertinent to note a case in 1845 that occurred in the Indiana county courts.

Dr. Mitchell and other citizens of Indiana county were decided abolitionists. The Doctor on one of his farms had an underground railway station, as it was called; that is, a place for fugitive slaves. Among others, one negro, Anthony Hollingsworth, escaping from his masters, the Van Meters of Pendleton county, Virginia, was refuged on the farm of Dr. Mitchell, where the borough of Clymer now stands. One Van Meter, claiming to own this negro as a fugitive slave, followed him to Indiana county. As the Fugitive Slave law was then, David Ralston, then sheriff of the county, with Van Meter captured this slave on Dr. Mitchell's farm and brought him to Indiana, en route to the return to slavery in Virginia.

The opponents of slavery employed Wm. Banks, Esq., to take out a Habeas Corpus to inquire by what right this negro was to be deprived of his liberty. This writ was made returnable before Judge White, his court then being in session. At the hearing the Judge

inquired by what right this man was arrested and deprived of his freedom. It was replied that he was owned by his masters, the Van Meters, as a slave in Virginia; whereupon, Judge White required legal evidence to be produced of the existence, legally, of slavery in Virginia, and that this man was rightfully held as a slave under such laws. This was before the days of active telegraphing or telephoning and legal evidence of the existence of slavery, under the constitution and laws of Virginia, could not be immediately produced. Whereupon Judge White, following the ruling and language of Judge Mansfield of England in the famous Somerset case, decided that freedom, being the natural condition of man, this man could only be deprived of it when charged with crime or by virtue of some positive municipal law, and no crime being charged, and no legal evidence of the existence of any municipal law that deprived this man of his liberty produced, discharged him.

While there was much comment at that time about this decision, yet it was in line with that famous utterance of Charles Sumner in the United States Senate in 1856 when he made that speech, "Freedom National, Slavery Sectional," for which he was clubbed by Mr. Brooks of South Carolina.

When Judge White left the bench he had no desire for political office but resumed the practice of law, and for that purpose formed a partnership with his nephew, Titian J. Coffey, who himself was a distinguished lawyer and afterwards became a member of Mr. Lincoln's cabinet.

The old firm of White and Coffey was engaged in the trial of nearly every important case in the different counties of the District until its dissolution in 1860.

While Judge White, himself, did not seek public office, yet in 1848, after he had left the bench, took a great interest in public affairs and was elected from the then Congressional District, a delegate to the National Whig Convention, which met at Philadelphia that year, to nominate candidates for President and Vice President. He was anxious for the success of his party and realized that the voters of Pennsylvania were generally supporters of a military hero for President. Having familiarized himself with the political character of General Zachary Taylor, a hero of the Mexican War and commonly called "Old Rough and Ready," actively advocated his nomination for President, even against Henry Clay and General Scott. It is said that Judge

White was entitled to the credit of swinging the whole Pennsylvania delegation to the support of General Taylor, who was nominated and afterwards elected.

In 1860, after the election of Mr. Lincoln, the war of the Rebellion seemed to be inevitable. With the hope of averting it, Virginia proposed to the border States the convening of a Peace Congress in Washington City. Most of the northern states accepted this proposition and selected, as their representatives to this congress, many of their wisest and most patriotic men. Governor Curtin appointed from Pennsylvania seven delegates, among whom was Judge Thomas White. Deliberations of this Congress are matters of history. Judge White made a remarkable speech before this Congress in the interest of peace and to avoid the calamity of civil war.

When the war came, although advanced in years, Judge White was ceaseless in his efforts to save the union. Two of his sons became conspicuous in the war. His first born son, Richard White, raised and commanded the 55th Regiment Pennsylvania Volunteers, and Harry, his youngest son, was commissioned a Major in 1861 by Governor Curtin and raised the 67th Pennsylvania Volunteers. The story of Harry White's capture and detention for sixteen months in the different Rebel prisons, because of his prominence in Pennsylvania affairs, is a matter of history.

Judge White was greatly distressed at the long confinement of his son Harry in the Rebel prisons. He made every effort he could to have his son released. He traveled to Washington City and elsewhere, from time to time, where he could have any influence for the purpose. This distress and his continual efforts in behalf of his son, traveling often day and night, really hastened his death, for, when he died on the 22d of July, 1866, he was only sixty-six years of age and possessed of his old mental activities.

There were four children born in the White family: Richard, the eldest son, born in 1826, after an active career died, at the close of the Civil war in 1865, of rheumatism contracted while in service in the Virginia Swamps; Alexander, born in 1828, died in 1890; Juliet, born in 1831, an only daughter, was of a rare and lovely character, whose death in 1853 in Philadelphia was a crushing sorrow from which her devoted father never recovered; Harry was the fourth and youngest, who followed, as a lawyer, the profession of his father, and after a varied career

sat on the same bench his father had occupied in the courts of Indiana county.

Judge Thomas White was not only a great lawyer but a most enterprising, accurate, careful and successful business man.

Until 1851 the town of Indiana was enclosed almost by a Chinese wall. The only way of getting to, or going from it by public conveyance, was by the old stage coaches, often called "Butter Peddling Wagons." By unremitting effort, Judge White with several other public spirited citizens, succeeded in inducing the Pennsylvania Railroad Company to build a branch from Blairsville to Indiana. Through the efforts of Judge White and these citizens, the Indiana Branch of the P. R. R. has been one of the important feeders to the main line, and became important to the travel of this region.

While in the activities of his professional career he was a great friend to and gave encouragement to the young men of the community. There were many lawyers who received their early instruction in their profession in Judge White's office. There would often be a half dozen students studying law in his office. The Hon. S. S. Blair, who afterwards resided in Blair county and became one of the leading lawyers of central Pennsylvania, often publicly said that Judge Thomas White was the most careful, conscientious and competent instructor of young men studying law in his office (there were many of them) he ever knew.

While many of the students afterwards became leading lawyers, being, however, while in the Judge's office of active minds and not yet of the sedateness of older citizens, they often played pranks; sometimes on the Judge himself.

As we have said the counties of Armstrong, Cambria, Indiana and Westmoreland made the old "Tenth District." From Indiana to Kittanning, county seat of Armstrong, it was by road twenty-six miles; to Ebensburg of Cambria, twenty-six miles; to Greensburg of Westmoreland, thirty-five miles. The Judge and some lawyers would go to the courts of these counties on horseback. Judge White always had good riding horses, and careful men to attend them.

He usually started on the circuit on Sunday. One of his men of all work about house and stable was a Welshman named David. While the students then, differing from these high cost living days, made the fires and swept the office, David was often about. There happened to be in the back office an old militia

officer's coat. One Saturday before a December week of Cambria County Court, the students got David into the office and said to him: "You know, David, in Wales the judges wear uniforms on the bench, and in Cambria county, where there are so many Welsh, Judge White wears this military coat. When he came from the last court there, by mistake, he brought this coat home, so, when you bring the Judge's horse out to his front door for him you must have this coat back of the saddle, spread over the horse's rump. Don't rumple it up." David, in his innocence, believed all this. The students managed that David should bring the horse to the Judge's front door, on Philadelphia street, which was just where now the street car office is, about the time the people were coming from church on Sunday, so that many people would be on the street. Sure enough at the proper time, which was about the usual time for the Judge to start, David had the horse at the front door with this military coat attached to and spread behind the saddle. When ready to start, the Judge, bundled up for the winter ride, came to the front door, Mrs. White accompanying him to say good-bye, when to his surprise he saw his uniformed horse and the people standing on the street looking. The Judge, surprised, but having a spirit of humor, could only say, "Why, David," when to keep from laughing outright he retreated into the house. Some of the authors of the joke were near by, and relieved the situation by telling David they had just learned that the Judge had bought a new coat for Cambria, and to now take the horse to the stable and remove this coat. There was a good laugh in the community about this practical joke of the Judge's students, who were never rebuked, as the Judge himself enjoyed the prank.

Judge White sold more land in various counties in western Pennsylvania than any other man of his time. Among other land holders that he represented was George Clymer, one of the signers of the Declaration of Independence, a great friend of George Washington, and through whose influence Indiana county, in 1803, was created. He represented, also Timothy Pickering of Boston, Horace Binney of Philadelphia, and other prominent men.

Near the town of Indiana and north of it the Gilpins of Philadelphia owned a large body of land. Beginning in 1847 Judge White, as the representative of the Gilpin Estate, subdivided into farms these Gilpin lands and sold them to various persons who

occupied them as farms. Most honest and patient was he with many of these people, who starting in with practically nothing, yet through his indulgence and encouragement, paid for their farms with their products.

While Judge White was a professional man, yet he took great interest in farming and agriculture. In 1854 through his influence and activity the Indiana County Agricultural Society was organized, and he became president of it and continued from year to year until his death, the first fair under his jurisdiction being held in 1855.

In his private life Judge White was a pure and upright man. There never was a more devoted husband and father. The happiness of his home and the comfort of his family were always his first thought, and no sacrifice was too great for him to make, to secure them.

In his religious life he was a sincere and earnest Christian, despising cant, hypocrisy or pretense. His chosen church was Protestant Episcopal, and through his efforts, and mainly from his personal estate, the first Episcopal Church was built in Indiana and a congregation established.

There never lived in Indiana county a man more sincere, honest, enterprising, kind and encouraging to the poor man struggling for a living, and just to all men, than Judge Thomas White.

As he lies on the hillside overlooking Indiana, in what is called White's vault, this generation knows little personally of him, but if the graves of many of his time, who started with nothing but good health, strong arms, honesty, industry and a desire for a fair chance to get homes in this, then, new country, could speak, the kindly utterance would be heard, we never had a better friend in our struggles than Thomas White.