

IN THE
Supreme Court of Pennsylvania

EASTERN DISTRICT

PROCEEDINGS ON THE OCCASION OF
THE INDUCTION OF
HONORABLE BENJAMIN R. JONES AND
HONORABLE HERBERT B. COHEN
AS JUSTICES OF THE SUPREME COURT
OF PENNSYLVANIA

Present: CHARLES A. JONES, C. J., BELL, CHIDSEY,
MUSMANNO and ARNOLD, JJ.

The proceedings on the opening of the Supreme Court on Monday, January 7, 1957, were as follows:

Mr. Chief Justice JONES: The Court recognizes Mr. Arthur H. James.

Mr. ARTHUR H. JAMES: If the Court please, on behalf of the Wilkes-Barre Law Library Association of Luzerne County, I have the very distinct honor of introducing to the members of this Court an able lawyer and a distinguished jurist who has been elected by the people of the great Commonwealth of Pennsylvania to become a Judge of this Supreme Court.

With the indulgence of Your Honors, I would like to read the Commission:

(Whereupon Mr. James read the Commission of BENJAMIN R. JONES as a Justice of the Supreme Court of Pennsylvania.)

Mr. Chief Justice JONES: The Court recognizes Mr. Paul Bedford.

Mr. PAUL BEDFORD: Honorable Chief Justice, and Justices of the Supreme Court: It is an honor and a privilege to present to this Court my former colleague and law partner, whom I have known from boyhood.

The son of an illustrious judge of the Luzerne County Court, whose name he bears, he has been destined as a member of a family of lawyers for a career in the law.

Prepared for that profession by graduation in the liberal arts at Princeton University, followed by graduation from the University of Pennsylvania Law School, where he was an editor of the Law Review, he was thereafter admitted to the Bar.

His progress was rapid and comprehensive. He soon became known as a wise adviser and a skillful advocate. He held places of responsibility as a member of the district attorney's office, as a referee and arbitrator in diverse proceedings. His fellow lawyers chose him as president of the county bar association.

During the Second World War, he entered the United States Navy, rendering services of efficiency and receiving at the conclusion an honorable discharge.

He has always found time in a busy life to devote many hours to the affairs of his community, including activities as an officer of his church, a trustee of the public library, director of a bank, trustee of a coeducational seminary, and president of the United Fund of the Welfare Agencies. He knows the people. He has proved his understanding of humanity.

Elected as judge of the Orphans' Court of Luzerne County in 1951, he has achieved recognition as an able

jurist, learned, industrious, of impeccable integrity, and his judicial record discloses that on appeals from decisions he has been upheld uniformly by this Court. His opinions are marked by clarity in analysis of facts supported by logical conclusions of law.

Moreover, indicative of his capacity for work, he has voluntarily requested and received frequent assignments to trials of cases in the courts of common pleas and quarter sessions.

He now becomes your associate at fifty years of age, in the prime of life, rich in the lore of the law, with a future of rare usefulness.

His personality is a friendly attitude toward all, combined with sincerity, geniality, and a true sense of humor. His creed is faithful performance of every duty.

In his severance from our jurisdiction, we of Luzerne County yield him to you with feelings of deep regret, surmounted at the same time with pride in his elevation to this great Court of finest traditions, the highest in our Commonwealth.

I commend to your service BENJAMIN ROWLAND JONES.

Mr. ARTHUR H. JAMES: If Your Honors please, I now move that the oath as a Judge of the Supreme Court be administered to HONORABLE BENJAMIN R. JONES.

(At this point, Chief Justice JONES administered the oath to BENJAMIN R. JONES.)

Mr. Chief Justice JONES: The Court recognizes Attorney General McBride.

Attorney General THOMAS D. McBRIDE: May it please the Court, it is with a great deal of pleasure that

I read to the Court the Commission of HERBERT B. COHEN to be a member of this Court:

(Whereupon the Attorney General read the Commission of HERBERT B. COHEN as a Justice of the Supreme Court of Pennsylvania.)

Mr. Chief Justice JONES: The Court recognizes Judge Harvey A. Gross of the Orphans' Court of York County.

Judge HARVEY A. GROSS: Mr. Chief Justice and other members of this Court: First, I want to apologize for the inability of the members of the York County Bar to get here in time, thereby causing this Court to decide to continue these ceremonies until this moment.

I want to say that the members of the York County Bar affirm that decision of the Supreme Court, and we are very happy to be here on this occasion.

The other delay in these proceedings I will not mention because the Chief Justice has already explained that delay.

This day is one of the happiest days of my entire professional career because two persons are being honored on this occasion. I will ask you to excuse me for referring to myself first as one of those persons. This unusual reference to myself may be ascribed to the fact that I am growing a little bit older as the days roll by, having long since passed my three score and ten, which includes fifty-four years of membership in the York County Bar and almost twenty years on the bench.

I am getting somewhat vain again, as I was vain when I was a young man at the bar. My vanity flowers this morning and I began to think as I did when I was a young practicing lawyer, that I would soon have this world on a string.

I am honored and proud to speak a few words on behalf of my good friend HERBERT B. COHEN, who will soon take a seat alongside of you gentlemen as a member of this Court.

I have always had the greatest admiration for him, and my admiration in recent years has grown, and I have developed a species of affection for him, which manifests itself in my conduct here today. The poet Lord Byron said:

“Years steal

Fire from the mind as vigor from the limb;

And life’s enchanted cup but sparkles near the brim.”

And Longfellow said:

“Time has laid his hand

Upon my heart, gently, not smiting it,

But as a harpist lays his open palm

Upon his harpstrings to soften their vibrations.”

Yes, on this occasion my enchanted cup sparkles from the brim and my harpstrings are in full vibration. Yes, my joy comes not only from my heart but from my very soul. My cup is full, pressed down, shaken together and running over.

I am honored on this occasion to present my good friend Mr. Cohen to this Court. The people of this great Commonwealth by electing him to high office expressed their hopes, their faith and confidence in Mr. Cohen. The fine representation of the York County Bar at this ceremony is conclusive evidence of their high regard for Mr. Cohen’s character and ability and their loyalty to him.

I knew Herbert Cohen’s parents before he was born, and what grand parents they were. I am a competent

witness to testify under the Act of 1887, unless this Court should reverse me before I get through, on behalf of Mr. Cohen, because I well remember when he was born, and have watched his entire career in life with sympathetic interest.

I remember the humility of his birth, on the other side of the tracks. I remember, too, figuratively speaking, of seeing him crawl to this side of the tracks.

I have full knowledge of the progress he made while going through the public schools in the City of York, and his rank as a student while attending our public schools. I am acquainted with the progress he made while attending the University of Pennsylvania Wharton School and the University of Pennsylvania Law School.

I was present on the seventh day of February, 1927, when he was admitted to the bar; and it was one of the joys of my life to see him try his first important and, may I say, notorious, the famous hex case in the City of York, and succeed in keeping his defendant from the electric chair.

I voted for him four times when York County sent him to the Legislature. During that time he was not only a member of many important legislative committees, but also the successful majority leader of his party. That made him next to the Speaker of the House and the second in rating in the legislative department of the Commonwealth of Pennsylvania.

I conferred with him on numerous occasions when he was chief director of the Legislative Reference Bureau in Harrisburg. He made a magnificent job of that position.

He filled all these important positions with credit to himself and to the honor of the people of York Coun-

ty. I applauded with all my heart when he received the appointment as Attorney General of this great State two years ago, which office I think he has filled with credit, dignity and integrity, and with unusual ability.

And now after having built his house upon those rocks of rich experience, the people of Pennsylvania have elected him to this high office. It is the pride and joy of the members of the York County Bar to know that Mr. Cohen will occupy a seat on the Supreme Court of Pennsylvania. More than a hundred years have elapsed since it has had a Supreme Court Justice, and it is about time we got one.

Mr. Cohen was a tremendous worker in the practice of law. His humble birth, his overwhelming ambition to succeed and his incessant toil and industry is what has landed him on the Supreme Court bench of this State.

I know of no man that it would please me more to have and to see on this bench than Mr. Cohen. He did not have and did not need a Brooklyn Bridge to cross the troublesome streams of his life. All he needed was a few stepping stones, like we boys from the country needed to cross over a stream of water step by step. And so Mr. Cohen, with his industry, his willingness to work, and his ambition to succeed, carried himself by stepping stones, across those troublesome streams of life, and made his life a success.

I am happy therefore to present to this Court Mr. Cohen. As I look around this room and see the portraits of the great judges who have graced the bench of this Court and served the Commonwealth in past years with dignity and renown, I am reminded of their strength of character, their knowledge of the law, their

fine discretion, impartial discretion, exercised by them in the administration of the law, and I feel sure that the same degree of intelligence and rectitude of character exists in the Supreme Court today and will continue to exist.

I say that with a great deal of pride, in expressing my confidence in the courts of this State. There is a true glory and a true honor, the glory of duty well done and the honor of integrity of principle.

Let it be said truthfully that the Justices of the Supreme Court in the past and in the present, and may we be assured in the future, have enjoyed both true glory and honor.

As I said, while I have lived my three score and ten years, I hope to live long enough to see my friend HERBERT B. COHEN add to the luster and dignity of this bench.

Attorney General THOMAS D. MCBRIDE: May it please the Court, I move that the oath be administered, which will make Mr. Cohen Judge COHEN of this Court.

(Chief Justice JONES thereupon administered the oath to HERBERT B. COHEN.)

(At this point, Justices BENJAMIN R. JONES and HERBERT B. COHEN put on their robes, ascended the bench, signed the oath, and took their respective seats upon the bench.)

Mr. Chief Justice JONES: It is with a great deal of pleasure that we receive into the membership of the Court Judge JONES and Judge COHEN. They have been elected to a long term on this Court, which will give them an opportunity for a lifetime of work and service devoted to the public interest. There is none of us who has any doubt but that they will acquit themselves

with honor and distinction and benefit to the public so that at the end of their terms it may be said of each of them, "Well done."

The Court will recess now for the purpose of giving an opportunity to Judge JONES' and Judge COHEN's friends to greet them and extend their good wishes at a reception which will be held in the Conference Room to the rear of this room.

The Prothonotary was directed to record in the report of the proceedings the presence of His Excellency, George M. Leader, Governor of the Commonwealth, retired Chief Justice Horace Stern, Mayor Richardson Dilworth, of Philadelphia, City Solicitor David Berger, Secretary of the Commonwealth, James A. Finnegan, former Governor John S. Fine and former Governor Arthur H. James, and Judges Flannery, Aponick, Lewis, Pinola and Valentine of the Court of Common Pleas of Luzerne County and Judge Walter I. Anderson of the Court of Common Pleas of York County. There were also present Mrs. Benjamin R. Jones, Judge Jones' stepson Edward Griffith, and sons, Benjamin R. Jones, 3rd and Morgan R. Jones and Mrs. Herbert B. Cohen, daughter Margaret and son Donn and his wife, and Mrs. Charles Alvin Jones, wife of the Chief Justice.