

IN THE  
Supreme Court of Pennsylvania  
EASTERN DISTRICT

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PROCEEDINGS ON THE OCCASION OF  
THE INDUCTION OF  
HON. JOHN C. BELL, JR.  
AS CHIEF JUSTICE OF THE SUPREME COURT  
OF PENNSYLVANIA

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Present: BELL, C. J., MUSMANNO, JONES, COHEN,  
EAGEN and ALPERN, JJ.

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The proceedings on the opening of the Supreme Court on Wednesday, September 13, 1961, when the HONORABLE JOHN C. BELL, JR., was inducted as Chief Justice, were as follows:

CHIEF JUSTICE BELL: This is a special session of the Court for the formal public induction of the new Chief Justice, who was privately inducted six weeks ago on July 31st.

The Court recognizes Mr. Rhoads.

C. BREWSTER RHOADS, ESQ.: With submission to Your Honors: Mr. Chief Justice, I am deeply grateful for the privilege of addressing this Court on the occasion of your accession to the office of Chief Justice. I am happy, Sir, for a number of reasons, some of which are indeed quite personal. It so happens that your distinguished father and mine were classmates at

the old Central High School in the City of Philadelphia. They had been boyhood friends. They graduated together from the stage of the old Chestnut Street Opera House, in Philadelphia, in the Class of 1880. They went through Law School together. In a short span of years these two young men joined forces and soon the firm of Bell and Rhoads appeared in the orbit of the legal profession here in Philadelphia. That warm friendship between our fathers, Mr. Chief Justice, continued for many years.

It then so happened, Sir, that, in the passing of years we, as youngsters, discovered each other in adjoining seats in classes at the University of Pennsylvania. That friendship of our fathers was rekindled in us, and I now venture to suggest that it has matured, deepened in affection and grown over the years. You may readily understand, therefore, how deeply I have appreciated the invitation that you have extended to me to address this Court on this momentous occasion. It seems to me, Sir, that we might almost say, to paraphrase John Milton's sonnet: this is a tribute to the distinguished son of a most distinguished father.

It is a heart-warming experience, Mr. Chief Justice, to address your Honors as we foregather in this historic courtroom, so full of vibrant memories, to bid, as we do today, an affectionate professional farewell to our cherished friend, CHARLES ALVIN JONES, and to welcome you, Sir, into this new group of the elect, the Chief Justice of the Supreme Court of Pennsylvania. We extend to you our warm congratulations. You have our hopes and our admiration.

In the departure of CHARLES ALVIN JONES from the far-reaching activities of this high judicial office, this Court does lose the example, the guidance, the precept of a truly great jurist. I am sure that your Honors will miss the constant companionship of a

man warm-hearted, friendly, of unmatched scholarship, tolerant always of human frailties, but ever impatient of hypocrisy. Deep indeed would be the loss to the Commonwealth of Pennsylvania in his retirement were it not for our conviction, Mr. Chief Justice, that, in his successor, this Court will be blessed by the guiding genius of a man of equal stature, attainments, spiritual equipment, a new Chief Justice, Sir, worthy of our profound pride and confidence.

During the span of some 45 years in which it has been my privilege and honor to practice before the bar of this Court, I have come to cherish the memory of those great Chief Justices whose warm friendship, advice and guidance has served to enrich the lives of that fast growing group of lawyers, many of whom are now legendary figures on the canvas of this great Court.

We recall, your Honors, with deep affection, the rugged physique and powerful mind of Chief Justice J. HAY BROWN, who presided as Chief Justice when I was admitted to this Court. We vividly remember the firm but kindly FRAZER; the eloquent, loveable, humanitarian, MAXEY; the penetrating directness of KEPHART; the always courtly and scholarly SCHAFER; and the never failing kindness, the vast intellectual interests of our beloved Chief Justice STERN. These great Chiefs of the past have in the short span of our own lives preserved the bright flame of judicial accomplishment and added lustre to the historic stature of this Court.

And today, Mr. Chief Justice, it gives me a deep personal joy, in the name of your host of friends, to welcome you to that group of the elect; those Chief Justices of yesteryear. It has now become your personal destiny to guide the fortunes of this Court at a time when the old concept of the rule of law is being

shaken by the impact of warring philosophies. You may enter upon those grave responsibilities ever confident of the warmth of our affection, and of our conviction that the scales of justice now yielded to you will ever be justly balanced, held high in your competent hands.

May I say, Sir, that few men in the history of this distinguished Court have succeeded to the responsibilities of Chief Justice endowed as you are by training, experience and temperament to meet the pressures of your new office.

Yours has been a life dedicated always to the public service. In the full vigor of early manhood you made a conscious choice: To serve your State, to enhance the glory of your profession, and to contribute to your Community, Sir, with single-minded unselfish devotion. You have done so. You have kept the faith. Early in your career you gave generously of your professional talents to further elevate the traditional high stature of the office of City Solicitor of Philadelphia. You followed the brilliant example of that great legal warrior, your father, as a dynamic Assistant District Attorney, where you earned the respect of the Bar as a fearless prosecutor, but one ever gentle and understanding in your concern for a solution of the causes which had brought a defendant to the bar of justice—conscious always of the admonition, “There, but for the grace of God, go I.” As Secretary of Banking and as Lieutenant Governor, you gained further distinction through your rare ability to diagnose and solve the intricate problems of fiscal policy at a critical juncture in the financial destiny of the Commonwealth. Those activities forecast the judicial character of the man who soon was to be elevated to this Court. There you demonstrated those qualities of fair-mindedness, sound judgment and courage which were to become the cherished assets and the hallmark of the Justice, and now

the Chief Justice, of this Court. Those years of service, culminating as they did in your accession to the highest executive office in the gift of the people of this Commonwealth, have endowed you with a unique understanding and appreciation of that fine balance which must ever be preserved between the conscience of the individual, his right to be unhampered in the exercise of his freedoms, and the duty of the State, in the protection of Society, to be ever alert in discerning the distinction between liberty and license.

These qualifications, Mr. Chief Justice, which I have noted, while they are truly personal and have been bequeathed to you by a life of experience and activity, are nonetheless only the material weapons which comprise the arsenal of the master workman, which you, throughout your career, have used with such fine understanding and ability. They are not alone, however, the attributes of greatness, nor should they be equated with the heritage of character. We are indeed grateful, Mr. Chief Justice, that you have brought to your new responsibilities this intangible which we need, a genuine capacity for gracious living, a vigorous inquiring mind, boundless energy, integrity, a generosity of thought, the chivalry of the court room, the keen-tempered versatile mind of the experienced advocate, a love for your fellow man, and above all, Sir, in my lexicon, a rugged philosophy sparked by dedication to the job of making this Republic tick under a Constitution of which we as lawyers and you as Judges should be passionately proud.

Mr. Chief Justice, we know that you will ever steadfastly uphold the high traditions of this Court over which you now preside in the life of greater service to which you have been called. May the burden and sometimes the loneliness of the grave decisions which in the future must be yours, be lightened by the

knowledge that you now possess and ever may claim our abiding faith, our confidence and our loyalty.

CHIEF JUSTICE BELL: The Court recognizes former Chief Justice STERN.

CHIEF JUSTICE HORACE STERN: May it please the Court.

I esteem it a great honor to have been granted the privilege of addressing the Court on this important occasion.

In viewing the ever changing personnel of the Court as the years roll by, one finds himself, consciously or unconsciously, reflecting on the antiquity of this venerable tribunal. As we all know, it was founded in 1722 and therefore antedates the Supreme Court of the United States by 67 years; it is indeed the oldest appellate court in the country. This is both a comforting fact and a justified source of pride because there is a great difference between people and institutions when it comes to the matter of age; people, especially women, are eager to be young, whereas institutions like to be as old as possible and to boast about it. The reason for the difference is obvious. The older a human being the sooner he is likely to die, but the older an institution the longer it is apt to live; the fact that it has survived is the best evidence of its worth and the surest guarantee of its continued existence. Measured by that standard the Supreme Court of Pennsylvania should endure forever because, during those high unto 240 years, the Court has continuously, in the course of resolving controversies between litigants, formulated and established the law governing the social, economic and civic life of the people of the Commonwealth, under which they have enjoyed the freest, happiest, and most stimulating life of any people in the world. How different our heritage of the common law and its administration in our courts from the

legal system employed in Communist Russia,—if indeed it can be called a system,—with its arbitrary and discriminatory decrees based, not on moral law or any conceptions of justice, but purely on considerations of governmental policy and political expediency. And during that long period the orderly, consistent, scholarly, and progressive flow of the decisions that have moulded and developed our law has never been interrupted or diverted by the inevitable changes from time to time in the composition of the Court. Of Chief Justices alone, 35 have served since 1722, 19 of them in my own lifetime, so that, if I may be pardoned a personal word, I can truly say,—to freely paraphrase the speech of Aeneas to Queen Dido,—“*Quaeque ipse vidi et quorum pars fui*” (I have modestly omitted “*magna*” from “*pars*”); “much of which I saw and part of which I was”. And all of these Chief Justices, together with their colleagues, made their contributions to the erection of the never finished structure of the law on the foundations which their predecessors had built.

Today we are witnessing the inauguration of a new incumbent of that high office. I assume we all know that a Chief Justice is more than a mere administrative head of the Court to preside over its conferences like the chairman of an ordinary board meeting. In large measure he is popularly and properly regarded, not only as the representative of the Court in all of his public utterances, but as personally responsible for the degree of efficiency, whether good or bad, with which it performs its work. I am sure I express the opinion of those who know him best that Chief Justice BELL will, in all respects, meet every requirement of the office. To be sure it will not be an easy task to measure up to the standard set by CHARLES ALVIN JONES and to equal his performance of the duties of Chief Justice, because we all know that no Chief Jus-

tice served in that capacity with greater dignity, ability, scholarly attainments, and overall kindness than Chief Justice JONES, thereby winning for himself the profound respect, admiration and affection not only of the members of the bar but of all the people of the Commonwealth. Fortunately, Chief Justice BELL, son of a distinguished Pennsylvanian who held high positions in public life, comes to this office extraordinarily well equipped therefor by having likewise devoted himself to a career of public service,—as assistant City Solicitor, assistant District Attorney, Secretary of Banking, Lieutenant Governor, for a short period Governor of the Commonwealth, and for the last 11 years a Justice of this Court. Indeed he is probably the only person in the history of our State to have served at the head of all of the three branches of government, legislative, executive, and judicial. In all of those capacities, Mr. Chief Justice, you have established an outstanding reputation for administrative ability, boundless energy, independence in thought and in judgment, a passionate desire to serve the people and to serve them well, intense devotion to American ideals of government, law and justice, and a stalwart conservatism in viewpoints tempered always however by an intelligent and sympathetic recognition of the ever changing conditions of our social and economic life. You have certainly been a stimulating influence in the Court, where your work has been uniformly characterized by legal learning, by a quick grasp of facts and issues, and by clear and vigorous expression in setting forth the reasons for the decision of the Court or for your own individual views as the case may be. The people have consistently and in many ways shown their appreciation of your labors on their behalf, and only recently the legislature of the Commonwealth formally and unanimously expressed its own commendation, saying:



"The Commonwealth of Pennsylvania can be justly proud in the elevation of Justice JOHN C. BELL to the high office of Chief Justice of the Supreme Court of Pennsylvania . . . Because of his background and judicial temperament, we know that he will exercise the powers and duties of his office without fear or prejudice . . . [We] congratulate [him] . . . and commend him for his past public service to the Commonwealth of Pennsylvania."

And so, Mr. Chief Justice, in the light of your past accomplishments, your zeal always to acquit yourself creditably, your high sense of duty, and all the promise which you hold out for the future, we look forward with confidence to your administration of the office into which you are now entering. We feel sure that it will be distinguished; we pray that it will be long.

CHIEF JUSTICE BELL: The oath will now be administered by the senior Associate Justice, Justice MICHAEL A. MUSMANNO.

JUSTICE MICHAEL A. MUSMANNO: I would not want to dissent from anything stated by our venerable and beloved former Chief Justice HORACE STERN but I must disagree with his statement that it is only the women who want to remain young. I think that the men are just as eager to remain young, and especially the bachelors. In fact, I find it quite startling that I should now be the senior Justice of this Court when it seems such a short time ago that I was being referred to as junior counsel in arguments being made before this tribunal.

As senior Justice of this Court I am now about to fulfill a duty which affords me gratification and extreme pleasure because it not only accomplishes the elevation of one superlatively worthy of the office which he is about to occupy but it means the honoring

of one who has been a true and delightful friend to me ever since I came to this bench.

Our new Chief Justice is friendly by nature. In our discussions in the Consultation Room he brings to the table of deliberation not only heavy tomes of jurisprudence but from time to time a box of chocolates, to sweeten the arguments perhaps and to prevent them from becoming acerbic.

Chief Justice BELL is always a delightful companion. But with that felicitous camaraderie there goes a very serious nature, one that worries over the problems which come before this Court, one that is deeply concerned over the constitutional and legal safeguards of the citizenry of our Commonwealth.

Mr. Rhoads has referred to this occasion as a momentous one, and indeed it is. It is regrettable that this function is not taking place in a larger chamber or vaster assembly hall because the ceremony here is not only momentous but memorable—and it is historic. It is the first time in the history of our glorious Commonwealth that one man shall have occupied the highest office in each of the three great departments of our government. JOHN C. BELL, JR., was President of the Pennsylvania State Senate, and as such presiding officer of the joint sessions of the Legislature; he was Governor; and now he becomes Chief Justice.

He knows every strand of the texture of our current government because he helped to weave it in the executive, in the legislative and in the judicial workshops. He possesses not only the maximum in jurisprudential equipment but he has the capacity to feel the intensity of the issues which come before this Court because his life has not been a cloistered one. He has battled in the arena of the law as an active practitioner. He was a vigorous prosecuting attorney in the criminal

courts. He was an industrious Assistant City Solicitor, participating in every type of litigation which passes through that legal factory, the City Solicitor's Office of the County of Philadelphia. He is the author of several booklets on government.

Chief Justice BELL is as American as Plymouth Rock and outdoor sports. He early showed his qualities of leadership by captaining at school and college (University of Pennsylvania) a total of six teams in various sports. In 1914 he was selected All-American soccer player. In 1920 he ranked among the first ten in lawn tennis in the United States. For five years he rated second in the United States in court tennis. We have a great admiration for versatility of that kind in American life because the resiliency and the stamina which develop from participation in athletics often supplies that athletic person with resourcefulness so necessary in meeting the problems of public life. Chief Justice BELL has demonstrated this capacity in so many different areas in his long, active and constructive career. As Secretary of the Banking Department of the Commonwealth of Pennsylvania he exercised the quality of resourcefulness in that highly technical field in such extraordinary degree and in such fashion that throughout his entire incumbency there were only five bank failures in the entire State of Pennsylvania.

Chief Justice BELL is always ready to defend the rights of the accused in the criminal courts but he is always ready also to defend the rights of society to enjoy tranquility, security and safety. He is quick to detect the misuse of the Constitution for devious purposes and does not hesitate to condemn those who would hide behind the Bill of Rights in fashioning instruments to destroy our democratic form of government.

He is not that kind of a judge who strains at the gnat of a technical formalism and yet swallows the whole camel of subversive chicanery and destruction. He does not belong to that class or group of so-called "ultra liberals" who would concede that it is wrong for the Communists to build a wall across Berlin but are only too ready and willing to allow Communists to dig trenches in the school yards of the Commonwealth of Pennsylvania into which children may fall into the holes of Bolshevistic teachings.

Chief Justice BELL has a high respect for lawyers as all of us do and believes as I believe and all of us do that the lawyers of this Commonwealth represent the highest type of citizenship and are of exemplary character. But there is an exception now and then and, when that rare exception glaringly occurs, our Chief Justice is of the conviction that if a lawyer is not truthful and honest with the Court and at the same time gives aid and comfort to the international Communist conspiracy which would destroy our government by force and violence, then no amount of fine spun argument justifies retaining such a lawyer within our honored profession to prey on those good people who are humbly grateful to the patriots who shed their blood for God and Country.

Chief Justice BELL founded in 1934 and became the Commander of an organization known as the Crusaders of Pennsylvania, an organization devoted to combatting Communism, protecting individual liberties and opposing excessive centralization of federal control.

Chief Justice BELL is indeed an All-American, not only in the field of sports but in all that we hold dear in America: devotion to God, loyalty to the ideals of our Republic, and justice in the Courts, and love for the Golden Rule.

He has asked me, as I administer the oath of Office, that I open the Bible at the 5th Chapter of the Gospel of St. Matthew, so that he may rest his hand on the memorable and sacred Sermon on the Mount, and I cannot conceive of anything more beautiful.

(Whereupon, Justice MICHAEL A. MUSMANNO administered the Oath of office of Chief Justice of the Supreme Court of Pennsylvania.)

CHIEF JUSTICE BELL: The Chief Justiceship is not only an office of high honor but a sacred trust. That trust with its accompanying tremendous responsibility must be reflected and evidenced not only in our Opinions but also in our principles, in our character, and in our life on and off the Court.

As Chief Justice STERN said, the Supreme Court of Pennsylvania is the oldest appellate Court in this Country and the oldest Court of record in continuous existence in the United States. It has long been recognized as one of the great Courts of our Country because the giants of yesteryear established and brilliantly preserved the fundamental principles of law and justice which have guided this Nation to greatness. I hope to continue the high tradition which Chief Justice STERN and Chief Justice JONES so ably maintained. Your presence today is a tribute to this historic Court which is genuinely appreciated.

One of my goals will be to modernize Court functions, duties and procedures, and make Justice swifter and more certain. In order to accomplish these desirable and necessary objectives I am holding a Conference tomorrow of all the Judges in this Commonwealth. We too often forget that an independent Judiciary such as ours is the last bulwark in the preservation of human rights and the liberties of free men. In these revolutionary days when tyrannical ter-

roristic Dictatorships are ruthlessly ruling and brutally enslaving the peoples of many Nations throughout the world, it is well to remember that in many Countries there is no such thing as individual freedom or Courts of Justice—there are either *no Courts*, or, what are euphemistically called “Courts,” are merely Punch and Judy puppets of a Dictator.

May I add my personal thanks and appreciation to Chief Justice STERN and to Mr. Rhoads, and to Justice MUSMANNO. Chief Justice STERN is universally recognized as one of the greatest Justices who ever presided in this Court and I know from my many years’ close association with him how well-deserved this reputation is.

Brewster Rhoads, your scholarly address, delivered with your extraordinary charm is—like that of Chief Justice STERN’S—praise indeed from Sir Hubert. Our friendship goes back to the days of childhood and recalls sentimental memories because our fathers were law partners.

My friend of recent years, Justice MUSMANNO, has achieved not only state-wide, but international acclaim for his championing of the underdog and his surpassing eloquence. You gentlemen have adorned the record with a touch of your heart, the magnitude and imagery of your mind, and the music of your voice.

There will be a brief reception in our Conference Chamber which is right in back of this Courtroom and can be reached through the adjoining hall corridor.

MR. WILLIAM FELS, CRIER: This Court is now adjourned.