

IN THE

# Supreme Court of Pennsylvania

EASTERN DISTRICT

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PROCEEDINGS ON THE OCCASION OF  
THE INDUCTION OF  
HONORABLE SAMUEL J. ROBERTS  
AS A JUSTICE OF THE SUPREME COURT  
OF PENNSYLVANIA

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Present: BELL, C. J., MUSMANNO, JONES, COHEN,  
EAGEN and O'BRIEN, JJ.

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The proceedings on the opening of the Supreme Court on Monday, January 7, 1963, were as follows:

MR. CHIEF JUSTICE BELL: The Court is specially convened today for the induction of Judge SAMUEL J. ROBERTS. The Court, and particularly Judge ROBERTS, are honored by the presence of Governor-Elect and Mrs. Scranton, United States Senator Scott, former Chief Justice STERN, Lieutenant Governor-Elect Shafer, General Baker, General Alessandroni, Mr. Schnader, the President of the Pennsylvania Bar Association, Mr. Littleton, former President of the Pennsylvania Bar Association, and a host of other distinguished guests.

The Court now recognizes Mr. William Knox, President of the Erie County Bar Association.

MR. WILLIAM KNOX: May it please the Court, we trust the Erie County Bar Association will be forgiven for the pride with which it presents to you one of its

most distinguished members for induction as a member of this, the oldest Supreme Court in the United States. Many members of our Bar, together with their spouses, have traveled the 450 miles from Erie to be present here for this occasion. Some of them are acting as special escort here for the new Justice, and others will assist in his robing.

HON. SAMUEL J. ROBERTS was called to the Bar of Erie County in 1931, and we have fondly watched his progress through the years to his induction into this high office.

While Erie is the third city of the Commonwealth, the Sixth Judicial District comprising the County of Erie has only been privileged to present one of its sons to this court three times in the history of the state. On December 7, 1857, Chief Justice JAMES THOMPSON, took his seat on your bench, and on January 3, 1916, our Bar was here for the induction of Mr. Justice EMORY A. WALLING as a member of this Court.

The aphorism that familiarity breeds contempt is not true in this case. Judge ROBERTS is a graduate of the Wharton School of Finance, University of Pennsylvania, in the Class of 1928, and of Pennsylvania Law School in the Class of 1931. In law school he was a member of the Order of the Coif and an editor of the Law Review. He was an honored member of the Bar from his earliest days to his taking his seat on the orphans' court bench in 1952. His work as a lawyer won our respect from the beginning. Personally I can recall many hard-fought cases with him that are treasured by any lawyer, including one at this very lectern; but we know our personal friendship has remained undisturbed by the strains of legal contest.

His work as President Judge of the Orphans' Court of Erie County since 1952 has truly astounded us. We

have seen him frame a modern set of workable rules integrated completely with the rules of this Court regulating practice in orphans' court. We have seen adoptions expeditiously and kindly handled. We have seen the orphans' court judge taking his fair share of the work of common pleas and quarter sessions, not only in civil and criminal trials, but also in the day-to-day work of sentencing, juveniles, arguments, and all the other tedious details of a nisi prius court. He has presided in other courts throughout the state. He has taken an unusually active part in civic and welfare activities.

This experience at the age of 55 eminently fits him for membership in your great tribunal. Coming to you at this age, he should have years to ripen into a great Justice of your Honorable Court. With the learning, ability, character, and well-rounded judicial experience he brings to this august body, we know we from Erie County are giving the best to you and the Commonwealth.

I request that Judge BURTON R. LAUB from our county be recognized for the purpose of presenting the new Justice.

MR. CHIEF JUSTICE BELL: Thank you, Mr. Knox.

The Court recognizes Judge BURTON R. LAUB of the Court of Common Pleas of Erie County.

JUDGE BURTON R. LAUB: May it please the Court, when last I stood in the well of this Court, it was to discuss the sordid and distressing business of a sentence of death; and it was a particularly sad occasion for me, for it was to mark my last appearance as an advocate before the Supreme Court of Pennsylvania. Now upwards of eighteen years later I have returned, this time on a happy and a wholesome mission, for I

have been accorded the high privilege of introducing formally Judge SAMUEL J. ROBERTS to the bench of the Court which he will soon grace by his presence.

Under the rules of evidence I feel competent to express an opinion regarding Judge ROBERTS, and it might be well if I stated the source of my expertise at the very outset. Although separated by a few years, we attended the same high school together, we attended the same undergraduate school together, we graduated from the same law school, we sat as friendly adversaries across the counsel table in civil court at the same Bar, and we stood shoulder to shoulder as fledgling assistant district attorneys in the criminal courts, and for the past ten years have sat together as brothers upon the same bench. And in all these years we have shared the same hopes, the same ambitions, and the same love of justice. We have stood together on the same rungs of the ladder serving the law as best we might, and now his sturdier legs must carry him upward to the destiny which has been awaiting him since childhood. And those of us who love him and know him best rejoice tremendously at his success; but we are not surprised by it, for even when a bird walks we can see that it has wings, and we expect it to spread its pinions and soar upward to a higher level.

Judge ROBERTS needs no encomiums strewn in his path; his industry, his learning, his humanity, have been established by the evidence, not beyond a reasonable doubt, but beyond all doubt. He has been one who has built; he has not been content merely to live in our social house, and the world has been made better by his presence.

Today's business marks the beginning of a new career for a fully dedicated man who has the structural sense of a legal architect and all of the attributes and concomitants of a great judge whose only fear is that

in a moment of abstraction or human weakness he may poison the waters of truth with unwitting error.

I should like to give just one simple anecdote which will epitomize Judge ROBERTS for you. Last Friday, four days ago, was the day set apart for the hearing of nonsupport cases in Erie County. Official commitments made it difficult for me to assume my share of the case load, but out of the depths of his generosity and his friendship, Judge ROBERTS assumed my share of that list and disposed of it. Thus, his last official appearance as a *nisi prius* judge on the bench of Erie County was to hear lowly nonsupport cases. This is truly a wonderful gesture by one who is soon to become a Justice of the Supreme Court of Pennsylvania.

I present to you, therefore, Judge SAMUEL J. ROBERTS, knowing that here is a man who will wear his robe with honor, expounding the law as a scholar, and sparking his writings with the brilliance of his intellect, and signing them with the substance of his soul. Thank you.

MR. CHIEF JUSTICE BELL: Thank you, Judge LAUB.

The Court recognizes Mr. Arthur Littleton, former President of the Pennsylvania Bar Association.

MR. ARTHUR LITTLETON: If Your Honors please, never do I come within these walls that I do not observe them as something more than wood and paint and plaster tastefully compiled; rather are they witnesses between those who see them now and those by whom they once were seen. They have gathered unto themselves the beauty of association. For this is a place which fills the imagination, and memorializes the past, and links the things which are with the great and stable things which have been, for the enrichment and inspiration of us all.

Over the years the judges of our Commonwealth, as an institution in society, have maintained a prestige and have commanded a respect which can only be a reflection of their quality in the function which has been entrusted to them. Thrust physically and visually above their fellows, working daily, hour by hour, full in the public eye, as no soldier or scientist or preacher or politician or journalist ever does, spending their lives determining disputes, and thereby inevitably disappointing by their decisions one-half of those who submit themselves to their arbitrament, they have nevertheless, as a body, maintained an astonishing ascendancy over the public mind. Traditionally they are elite, few in number, for by the very nature of things there are but comparatively few men who have the character and the quality which is required by their task. Such a one we present to you this morning: SAMUEL J. ROBERTS of Erie, who has been chosen by the vote of a majority of all the people to take a place with Your Honors as a Justice of this high court.

The decision of the electorate gave due, if unexpressed, heed to the opinion, the general opinion, of the profession, which assesses its members shrewdly as regards their integrity, their strength of character, their learning, and their experience in the courts. We of the profession find in Judge ROBERTS a wise, tested man, rich in counsels, and knowledgeable of the way that is plain and safe. He is one who is possessed of a balanced, well-rounded knowledge of things as they are, a happy familiarity with things as they were, and above all, a dream of things as they might be. His courtesy he can never lay aside, since it is the garment of his inner self.

As we present him to Your Honors for induction and investiture in his new robe of office, we can agree with those extreme so-called utilitarians that a judge

sitting naked on a packing-case would have just as much law in his head and just as much strength in his personality as if he were garbed in the most resplendent of robes. But in human affairs it has always been found practical to have some outward and visible sign of inward grace. Judicial robes are something even more than such a symbol. They are a language of their own; for while the ones worn by our judges are neither so colorful nor so resplendent as those of their English counterparts,—those gorgeous robes which are part medieval, part Tudor, part Stuart, and part 18th Century,—like them, they speak of a continuing development of responsibility. They clothe the individual with the corporate authority of the law. Accordingly, as there is draped about his shoulders his new judicial robe, plain and black and unadorned, may it remind Justice ROBERTS that he is not an isolated individual working and acting for himself alone, here today and gone tomorrow, and that his task is not a mere matter of personal whim or fancy, but that it is one which in the light of history is weighty with the ages, and is far more splendid than crimson and gold.

Thank you.

MR. CHIEF JUSTICE BELL: Thank you, Mr. Littleton.

The Court now recognizes Mr. George I. Bloom, another distinguished lawyer, who will read the commission.

MR. GEORGE I. BLOOM: If the Court please, this is indeed an honor and a pleasure to participate in this affair because of my long personal friendship with Judge ROBERTS, but more important than that, the great record that he has made as a private citizen, as a public servant, and as President Judge of the Orphans' Court of Erie County; and with the Court's permission, I will now read the commission which has

been issued by His Excellency, the Governor of Pennsylvania.

(The commission of SAMUEL J. ROBERTS as a Judge of the Supreme Court, dated January 2, 1963, and signed by David L. Lawrence, Governor and E. James Trimarchi, Secretary of the Commonwealth, with the great Seal of the State affixed, was then read.)

If Your Honor pleases, I now move that the constitutional oath of office be administered to Judge SAMUEL J. ROBERTS.

MR. CHIEF JUSTICE BELL: Thank you, Mr. Bloom.

Judge ROBERTS, will you step to the lectern?

Judge ROBERTS, we cordially welcome you to this historic Court. The Supreme Court of Pennsylvania was created in 1722. It antedates the Supreme Court of the United States by 67 years and is the oldest court in the United States of America. For over 200 years it has been widely recognized by judges, lawyers, and scholars alike as one of the greatest courts in America. Judge ROBERTS, you have earned the confidence and the esteem of the Bench, the Bar, and the people of Pennsylvania; and we are confident that you will maintain the high traditions of this Court and will continue the wonderful record that you have made as a judge of the courts in Erie County. Will you ascend to the bench for the administration of the judicial oath.

(MR. CHIEF JUSTICE BELL then administered the constitutional oath to Justice ROBERTS.)

MR. CHIEF JUSTICE BELL: Congratulations.

Will you be seated.

When I came into the chamber and looked at the sea of faces and saw so many lovely ladies, I was blinded, and I did not recognize Lieutenant Governor John



Morgan Davis, and time prevented my referring to the very many distinguished judges and other members who are here present as guests. A record of these proceedings will be recorded in the official State Reports, together with a list of many of Justice ROBERTS' distinguished friends who are present at this time.

A reception in Justice ROBERTS' honor will be held right after this in our court conference room, which is directly in back of this courtroom.

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Reporter's Note : Those present also included : Governor elect and Mrs. William W. Scranton ; General Milton G. Baker ; Senator Hugh Scott ; Lt. Governor elect Raymond P. Shafer ; Jefferson B. Fordham, Dean of the University of Pennsylvania Law School ; former Chief Justice HORACE STERN ; Honorable Walter E. Alessandroni, Attorney General designate ; Honorable Theodore B. Smith, Secretary of Revenue designate ; Honorable Arlin M. Adams, Secretary of Welfare designate ; Mrs. Samuel J. Roberts and other members of the family of Justice ROBERTS ; Mrs. Anna Roberts, mother ; Mr. and Mrs. Louis I. Pollock, daughter and son-in-law ; Mr. and Mrs. Morris N. Blumberg, parents-in-law ; his sisters and brothers-in-law, Dr. and Mrs. Joseph Marks, Mrs. Ruth Strauss, Mr. and Mrs. Herbert C. Blumberg, Mr. and Mrs. Eugene D. Blumberg ; nieces and nephews, Mr. and Mrs. Arnold Malkin, Mr. and Mrs. Harvey Shapley, Beaty Strauss and Marc Marx ; Mrs. John C. Bell, Jr., Mrs. Benjamin R. Jones, Mrs. Herbert B. Cohen, Mrs. Michael J. Eagen and Mrs. George W. Maxey, together with many judges of the Federal, State and County Courts and a large number of attorneys and a large delegation of members of the Erie County Bar Association accompanied by their wives.