

IN THE

# Supreme Court of Pennsylvania

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PROCEEDINGS ON THE OCCASION OF  
THE INDUCTION OF  
HON. BENJAMIN R. JONES  
AS CHIEF JUSTICE OF THE SUPREME  
COURT OF PENNSYLVANIA

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The session of the Supreme Court of Pennsylvania was officially opened by Court Crier William T. Fells at 2:20 p.m. in the rotunda of the Luzerne County Court House, Wilkes-Barre, Pennsylvania, on Friday, January 7, 1972.

The following Justices of the Supreme Court of Pennsylvania were present:

The Honorable MICHAEL J. EAGEN

The Honorable HENRY X. O'BRIEN

The Honorable SAMUEL J. ROBERTS

The Honorable THOMAS W. POMEROY, JR.

The Honorable ROBERT N. C. NIX, JR.

The Honorable LOUIS L. MANDERINO

Senior Associate Justice MICHAEL J. EAGEN presided at the Induction Ceremony.

MR. JUSTICE EAGEN: Will you please remain standing.

The Invocation was offered by The Right Reverend Monsignor Matthew F. Boylan of St. Ignatius Church, Kingston, Pennsylvania.

MR. JUSTICE EAGEN: The Supreme Court of Pennsylvania was established by an Act of the Provincial Assembly on the 22nd day of May in the year 1722.

Thus, the Court celebrates this year the 250th Anniversary of its founding.

Today the Court, breaking with tradition, convenes officially here in the City of Wilkes-Barre to induct into office a native son as its new Chief Justice.

Over the two and a half centuries spanning the Court's existence, only a limited number of men have been called to serve in this exalted position.

Understandably then, this is a day of unusual joy for the thousands of friends of the new Chief Justice throughout the Commonwealth.

This is also a day of joyful pride for the people of the Wyoming and Lackawanna Valleys.

But for us who know the new Chief Justice well, today is much more than that. For we recognize that the office of the Chief Justice is a position which entails awesome responsibility and is one that challenges the best powers of a man's intellect and the noblest qualities of the human heart. And we see in the person BENJAMIN R. JONES a man with a stout and cheerful heart, an alert and well-balanced mind, a man with talent for work and leadership.

Yes, we see a man who will enhance and inspire respect for the Court in the years ahead, a man who will help insure justice for all men and the protection of the rights of all men.

The Commission of Office of the new Chief Justice will now be read by one of his beloved sons, Morgan R. Jones, Esquire.

MORGAN R. JONES, ESQUIRE: With the Court's permission, I will read the Commission.

"In the Name and by Authority of the Commonwealth of Pennsylvania, Governor's Office.

"BENJAMIN R. JONES of the County of LUZERNE in the Commonwealth of Pennsylvania

"GREETINGS:

"WHEREAS, it appears by the records in the office of the Secretary of the Commonwealth of Pennsylvania that at the election in the several counties of this Commonwealth held on the Tuesday next following the first Monday of November, Anno Domini one thousand nine hundred and fifty-six, being the sixth day thereof, you were duly chosen a Judge of the Supreme Court of Pennsylvania:

"AND WHEREAS, The Governor of the Commonwealth in pursuance of the provisions of the Second Section of the Fifth Article of the Constitution and of the provisions of an Act of the General Assembly, entitled, 'An Act fixing the time when the term of office of Judges of the Supreme Court and other Judges learned in the law shall commence,' approved the thirtieth day of April, Anno Domini one thousand eight hundred and seventy-four, did on the seventeenth day of December, Anno Domini one thousand nine hundred and fifty-six, commission you to be a Judge of the Supreme Court of Pennsylvania for the term of twenty-one years to be computed from the first Monday of January Anno Domini one thousand nine hundred and fifty-seven:

“AND WHEREAS, It is provided in and by the Tenth Section of the Fifth Article of the Constitution as amended one thousand nine hundred and sixty-eight that the Judge whose commission shall first expire shall be the Chief Justice, and thereafter, each Judge whose commission shall first expire shall in turn be Chief Justice:

“AND WHEREAS, A vacancy has occurred in the office of Chief Justice of the Supreme Court of Pennsylvania, by reason of the retirement of the Honorable John C. Bell, Jr., effective on the first Monday of January, Anno Domini one thousand nine hundred and seventy-two:

“AND WHEREAS, It appears by the records in the office of the Secretary of the Commission that you shall be the Justice longest in continuous service and by virtue of the provisions of the Constitution of this Commonwealth you will be entitled to hold the office of Chief Justice of the Supreme Court of Pennsylvania for the remainder of the term for which you were elected and commissioned:

“NOW KNOW, That in pursuance of the Constitution and Laws of this Commonwealth there is granted to you, BENJAMIN R. JONES, full right and title to have and execute all and singular the powers, jurisdictions and authorities and to receive and enjoy all and singular the emoluments to the office of

CHIEF JUSTICE OF THE SUPREME COURT OF  
PENNSYLVANIA

“TO HAVE AND TO HOLD the said office until the first Monday of January, Anno Domini one thousand nine hundred and seventy-eight, that being the expiration of your term of office, if you shall so long behave yourself well.

“THIS COMMISSION to take effect on the first Monday of January, Anno Domini one thousand nine hundred and seventy-two.

“GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-ninth day of December, in the year of our Lord one thousand nine hundred and seventy-one, and of the Commonwealth the one hundred and ninety-sixth.

(s) Milton J. Shapp  
*Governor*

“BY THE GOVERNOR:

(s) C. DeLores Tucker  
*Secretary of the Commonwealth*”

MR. JUSTICE EAGEN: The Court now recognizes Arthur Silverblatt, Esquire, President of the Wilkes-Barre Law and Library Association. Mr. Silverblatt.

ARTHUR SILVERBLATT, ESQUIRE: May it please the Court, Governor Shapp, Ladies and Gentlemen, and everyone of this glittering array:

On this historic occasion when a new Chief Justice of the oldest Supreme Court in the land is about to be inducted into office, my memory takes me back to a much less important period of time and to a much less significant occasion—the forming of a law partnership in Luzerne County by six lawyers—all of them close friends of the man who today is to be elevated to be the chief presiding officer of this Court. The new partnership was headed by former Governor Arthur James and consisted besides himself of Edwin Shortz, Jr., William S. McLean, Charles H. Miner, Jr., Frank Townend and myself. After great thought and study we had adopted the original and provocative firm name of Shortz, James & McLean. This title intrigued young Benjamin R. Jones, Jr., whose offices were on

the same floor of the Miners National Bank Building and appealed to his irrepressible sense of humor. He insisted on referring to Governor James' dignified law firm as "Short Change McLean."

This exercise in affrontery brought forth a response in rhyme and the words of that rhyme were as follows:

In days of old  
 When SHORTZ disclosed  
 A man and not a Jane  
 When oft there pealed  
 The SILVERBLATT  
 Of horns from clan MCLEAN  
 When MINER, TOWNEND led the ranks  
 Of England's famous names  
 And all Great Britain fealty paid  
 To gents by name of JAMES  
 Whose history  
 You still can see  
 Inscribed on famous stones  
 Whoever heard  
 Of any bird  
 By name of Benny Jones?

That was 1950 and the stream of history in Pennsylvania has flowed since then. The Benny Jones whom we scoffed at with some poetic license in 1950, if he had not been heard of in days of old, has certainly been heard of since. A distinguished lawyer in 1950, he fulfilled the promise of his early years, was elected to the Bench of Luzerne County in 1951, to the Supreme Court of Pennsylvania in 1956, and now becomes its fiftieth Chief Justice.

By a coincidence, which is happy for me, I stand here today to mark this occasion very much like the character in W. S. Gilbert's "Yarn of the Nancy Bell" who was the cook and the captain bold and the mate

of the Nancy Brig. I stand before you today, in several capacities, any one of which may have entitled me to this honor. First, as a lifelong friend and companion of Justice Jones, as his oldest son's law partner, as an associate of his at the Bar for many years and one who practiced both before him as a Luzerne County Judge and his highly respected father who also graced the Luzerne County Bench. Secondly, as a representative of the Luzerne County community which rejoices at the distinction and honor that have come to a native son 109 years after another Luzerne County native, George Washington Woodward, was Chief Justice of this Court. Thirdly, as President of the Wilkes-Barre Law and Library Association, known as the Luzerne County Bar Association, which is one of the four or five oldest bar associations in this entire country, which Justice Jones served as President for three years beginning in 1948.

This is a great day for the Supreme Court of Pennsylvania and for Justice Jones, but it is a proud day for that large and fervent band of friends of Ben Jones, for the entire County of Luzerne and for the Wilkes-Barre Law and Library Association.

Fifteen years ago to this very day that grand old man, who had been Justice Jones' partner and mentor, Paul Bedford, presented Justice Jones to this Court as its most newly elevated member and said most prophetically:

"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.”

What Mr. Bedford predicted has come to pass. In the fifteen years that have gone Justice Jones has applied himself to the work of this competent and industrious Court and has won the affection, respect and admiration of his colleagues on the Court and, even more significantly, his true constituency, the Bench and Bar of Pennsylvania. Many years ago, Prime Minister Stanley Baldwin addressed the members of his own party in the House of Commons. “Don’t ever lose touch,” he said, “with your constituency; don’t ever mistake the voice of the club man and the voice of the press man in London for the voice of the country. It is the country which has returned you; it is the country that will judge you.” The Judge, if he is to steer his course wisely, should never lose touch with the one constituency that is competent to judge him, the constituency of the Bar, and the Bar has followed the career of Justice Jones, has appreciated his never failing courtesy and friendliness, the quality of his written opinions, the depth of the scholarship which has gone into them, the interest he has shown in the problems of court administration and his impeccable insistence upon the highest standards of legal and judicial conduct.

He has lacked judicial temperament as Mr. Dooley defined it. “If I had me job to pick out,” said Mr. Dooley, “I’d be a Judge. I’ve looked over all th’others an that’s th’ony wan that suits. I have th’ judicyal timperamint, I hate wurruk.” That statement represents the popular misconception that Judges don’t have to work. Justice Jones never hated work. He loves work and thrives on it.



What else has made Justice Jones a good Judge? It is a pertinent inquiry at this time in our national life when we are engaged in a national debate on judicial qualifications. The subject was examined so thoroughly years ago by Mr. Justice Cardozo in his famed lectures on "The Nature of the Judicial Process." Certainly his training and education at our finest institutions have contributed to it. The family tradition that began with his father, a Luzerne County District Attorney and Judge, and his affectionately remembered uncle, Evan C. Jones, whose skills at cross-examination are still legendary in this County, have aided the process. Years of practical experience in the practice of law, in the District Attorney's office, as a Party Chairman, as a trial lawyer, as an Orphans' Court Judge, have been valuable ingredients. But primarily, Pennsylvania's newest Chief Justice is the man he is because of the deep and continuous compassion, interest and understanding that he has for his fellow men. Ben Jones is a good Judge because he is a compassionate and friendly person, one who all his life has found his friends among the common people around him, a man completely devoid of pride and self-aggrandizement, free of prejudice and bigotry in any form, a Judge who knows people and likes people.

His good friend and colleague, Justice Curtis Bok, wrote a book entitled, "The Back Bone of the Herring." In that book the mythical character, Judge Ulen, ruminates about the function of a Judge. "It was in Court," Bok wrote, "that the conviction which later settled in him like fire deep in wood began to take form, that Justice has to do with the play of an enlightened personality within the boundaries of a system."

Chief Justice Benjamin R. Jones is an enlightened personality. Luzerne County, the Bar of Luzerne Coun-

ty, the friends of Chief Justice Jones, are confident that the Supreme Court of Pennsylvania has at its helm a lawyer and jurist who will do honor to this Court and who is destined to contribute substantially and dramatically to the administration of justice in Pennsylvania.

MR. JUSTICE EAGEN: The Oath of Office will be administered to the new Chief Justice by another of his beloved sons, Benjamin R. Jones, III. The Bible will be held by two of his five grandsons, Evan L. Jones and Benjamin R. Jones, IV.

BENJAMIN R. JONES, III, ESQUIRE: Repeat after me.

I, Benjamin R. Jones, do solemnly swear before Almighty God that I will support, obey and defend the Constitution of the United States and the Constitution of Pennsylvania and that I will discharge the duties of the office of Chief Justice of the Supreme Court of Pennsylvania with fidelity. So help me God.

MR. JUSTICE EAGEN: The new Chief Justice will be assisted in his robing by his beloved stepson, Edward Griffith, II.

(Chief Justice Jones dons judicial robe.)

MR. JUSTICE EAGEN: Ladies and gentlemen, the new Chief Justice of Pennsylvania.

CHIEF JUSTICE BENJAMIN R. JONES: Members of the clergy, my colleagues, Governor Shapp, Lieutenant Governor Kline, my brethren of the Bench and my brethren of the Bar, and all my other friends,

My long-time friend, Dr. Francis Wood, who honors me today with his presence, has a favorite expression, "When the ship is in a storm, don't polish the brass." Emotionally, I'm in a "storm" and, perhaps, I am in error in attempting to "polish the brass" to the extent

of saying anything on this occasion. However, so many people have devoted so much time and effort to make this occasion noteworthy, I indeed would be remiss if I did not express my deep appreciation for their efforts.

I cannot begin, of course, to thank everyone—and they are so many—for that which they have done but I do want particularly to thank the officers and members of the Luzerne County Bar Association for sponsoring this event, the Commissioners of our County for permitting the use of the Court House facilities and, last but certainly not least, all those people, judges, members of the Bar, laymen and women who have come from long distances and from all parts of the Commonwealth to honor us today by their presence.

Today, by virtue of seniority of service, which perhaps in my case could be equated with senility, I am privileged to become the Chief Justice of this Court which, as Mr. Justice Eagen has noted, celebrates this year its 250th anniversary.

Our Court came into existence fifty-four years before the birth of our Nation and sixty-seven years before the formation of the United States Supreme Court. Perhaps that latter fact explains the “generation gap” between some of the decisions of our Court and those of the United States Supreme Court.

Since the adoption of the new Constitution several years ago, our Court, by constitutional mandate, now fills a dual role: first, in the determination of legal controversies at the highest appellate level; and, second, in the supervision and control of the entire judicial system of this Commonwealth. The latter role places upon our Court a very grave responsibility and a responsibility which must command our immediate and vigorous attention. If we are to instill in the public

mind respect for the judiciary of our Commonwealth, we must immediately bend every effort to eliminate delays in the administration of justice and to do everything possible to reduce the backlog of cases, both criminal and civil, now pending.

Trite but true it is, that justice delayed is justice denied. The elimination of delay in the law must command the priority of our attention and, while it means that all of us at every judicial level must work harder than ever, let me recall that we asked to be Judges and that the judgeships were not thrust upon us. To this work of streamlining the judicial system in our Commonwealth and to the elimination of delay, I, with the aid and assistance of my colleagues, shall dedicate myself.

I am aware of the responsibilities attached to my new office. I know that I shall have the wholehearted aid and assistance of my colleagues, and I pledge to you that, within the limitations of my abilities, I shall devote all of my time and effort to the performance of my duties in such manner that this occasion today shall not be without meaning.

I am happy and proud, with deep humility, to be inducted into office in this edifice wherein I have spent the bulk of my adult professional life, in this County where I was born and raised and in the presence of so many lifelong friends.

Of worldly possessions I have but little, but I do claim two assets which make me feel very affluent—my friends and my family.

Many years ago—too long for me to want to recall it—in Wyoming Seminary in a Latin class, I read the story of Cornelia, a wealthy matron of ancient Rome. One day Campagna, loaded with baubles and jewels,

came to call upon Cornelia, who had no jewels. Campaigna inquired of Cornelia, "Where are your jewels?" and Cornelia answered, pointing to her family, "Haec mea ornamenta sunt" ("These are my jewels"). Today, I want to acknowledge my jewels, my family—my wife, my sons, my daughters-in-law, my sister, my niece, my nephew-in-law, and, last but certainly not least, my five grandsons.

MR. JUSTICE EAGEN: The roster of guests here to-day reads like "Who's Who" and "Who are Important in Pennsylvania." It's not feasible to specifically introduce anyone, and I hope you'll understand.

The leaders of Government, the distinguished present Governor, former Governors, members of the judiciary from all over the Commonwealth of Pennsylvania, leaders of the Bar from all over Pennsylvania, leaders of business, leaders of all phases of life are here to show their friendship, devotion and honor to the new Chief Justice and, in a word, we thank you all for coming and for lending to this occasion by your presence.

There is just one person I'd like to introduce, the first lady of the Supreme Court of Pennsylvania, Mrs. Jane Jones.

MR. JUSTICE EAGEN: The Benediction will be offered by Dr. Wallace F. Stettler, President of Wyoming Seminary.

Dr. Wallace F. Stettler offered the Benediction.

COURT CRIER WILLIAM T. FELS: This Court is now adjourned.

The Prothonotary was directed to record in the report of the proceedings the presence of His Excellency, Milton J. Shapp, Governor of the Commonwealth, His Excellency, Ernest P. Kline, Lieutenant Governor of the Commonwealth, The Honorable Robert P. Casey, Auditor General of the Commonwealth, The Honorable George M. Leader and The Honorable John S. Fine, ex-Governors of the Commonwealth, The Honorable Martin L. Murray, President Pro Tempore of the Senate, The Honorable Robert D. Fleming, Minority Leader of the Senate, The Honorable T. Newell Wood, Senator, The Honorable Herbert Fineman, Speaker of the House of Representatives, The Honorable K. Leroy Irviss, Majority Leader of the House of Representatives, The Honorable Kenneth Lee, Minority Leader of the House of Representatives, Judges G. Harold Watkins, Robert Lee Jacobs and J. Sydney Hoffman of the Superior Court, President Judge James S. Bowman and Judges James C. Crumlish, Jr., Roy Wilkinson, Jr., Theodore O. Rogers and Genevieve Blatt of the Commonwealth Court, The Honorable Earl S. Keim and The Honorable Alexander F. Barbieri, former Justices of the Supreme Court, The Honorable Francis L. Van Dusen, The Honorable Arlin M. Adams and The Honorable Max Rosenn of the United States Court of Appeals for the Third Circuit, The Honorable John B. Hannum, United States District Court for the Eastern District of Pennsylvania, Chief Judge Michael H. Sheridan and Judge William J. Nealon of the United States District Court for the Middle District of Pennsylvania, H. Reginald Belden, Alexander Unkovic and Frederick H. Bolton, President, President-elect and Secretary of the Pennsylvania Bar Association, the members of the Civil Procedural Rules Committee and the Criminal Procedural Rules Committee, many Judges, both Federal and State, a large number of attorneys and guests,

among the latter being Chief Justice Jones' wife, Mrs. Jane Randall Jones, his sons, Benjamin R. Jones, III, and Morgan R. Jones, his stepson, Edward Griffith, II, his daughters-in-law, Jane S. Jones, Helen L. Jones and Linda S. Griffith, his grandsons, Evan Llewellyn Jones, Benjamin R. Jones, IV, Morgan R. Jones, Jr., Trevor Scribner Griffith and Dylan Snowdon Jones, his sister and brother-in-law, Margaret Jones Millington and H. Sheldon Millington, the latter's daughter, Margaret Millington Lewis, and her husband, Warren Lewis, his sister-in-law, Nancy R. Gwilliam, his brothers-in-law, David V. Randall and George Gwilliam, Jr., and Mrs. Bruce Payne, great-granddaughter of Chief Justice George Washington Woodward of the Supreme Court and a resident of Luzerne County.