

Access to Justice: a Foundation for the Future

is the theme of the First Judicial District of Pennsylvania Special Biennial Report, for 1996-1997. Composed in the twilight of the twentieth century, our report will introduce the reader to the various courts, divisions, judges, administrators, and support staff that comprise the First Judicial District of Pennsylvania, now more than 200 years old. For the first time in one report, FJD accessibility, progress, and productivity are measured by descriptive narrations, supportive statistics, and detailed graphs and charts. Text, photos, and illustrations provide insight into FJD cutting-edge technology, in-house training programs, committees, and expanded facilities. The Special Report's presentation of the Court's organizational structure, services, and links to allied agencies and other groups will demonstrate how closely aligned the District is with the theme of our report, Access to Justice.

One element of this introduction is to provide a historical perspective. Moreover, the concepts contained in the theme of our report — *Access, Justice, Foundation, and Future* - need to be defined for the purpose at hand, then interplayed in an historic context throughout the perspective. Toward that end, the following are provided:

- Access: easy to obtain; the right to enter, approach, or use.
- Justice: fairness; the use of authority to uphold what is right, just, or lawful.
- Foundation: establishing a supportive base with provisions for upkeep and maintenance.
- Future: time that is to come; what will be; the prospective condition of a person, place, or thing.

Now, with definitions in hand, please join us as we touch on an integral component of the historic overview of the FJD: The Judicial Reorganization Act of 1791.

The Judicial Reorganization Act of 1791
 3 Smith's Laws of Pennsylvania 28 (1791)

Chapter MDCXIII

An ACT to establish the judicial courts of this
 commonwealth, in conformity to the alterations and
 amendments in the constitution.

*In establishing
 the five judicial
 districts, the
 Judicial
 Reorganization
 Act of 1791
 provided the
 footing for
 ACCESS.*

{Section II

And be it further enacted by the authority aforesaid, That in order to render effectual the provisions made in the said constitution for establishing the courts of common pleas, this commonwealth shall be and hereby is, divided into five districts, or circuits, to be limited as follows, that is to say; the first circuit to consist of the city and county of Philadelphia,.....}

{Section III

And be it further enacted by the authority aforesaid, That in and for each of the said districts, or circuits, a person of knowledge, integrity, and skilled in the laws, shall be appointed and commissioned by the governor, to be President and Judge of the courts of Common Pleas within such district; which said Presidents and Associate Judges shall have and execute all and singular the powers, jurisdictions and authorities of Judges of the Court of Common Pleas, Judges of the Courts of Oyer and Terminer and General Goal (Jail) Delibery, Judges of the Orphans' Courts, and Justices of the Courts of Quarter Sessions of the Peace, agreeably to the laws and constitution of the Commonwealth.}

On the 13th day of April, 1791, an Act was passed in the Pennsylvania General assembly — 3 Smith's Laws 28 — which put effect on the judicial features of the 1790 Pennsylvania Constitution. The Act created five judicial districts by which all of the counties then in existence were divided. Prior to 1791, each county court consisted of a quorum of Justices of the Peace or Justices of the Court appointed for the county. The object of the creation of judicial districts, consisting of several counties each, was to provide courts with President Judges learned in the law without providing such Judges for each county. Although in existence since 1682, a President Judge was now required by the 1791 Reorganization Act to be a person of knowledge, integrity and skilled in the laws.

The five original districts created by the Act were the First Judicial District which included the populous eastern counties of Philadelphia, Montgomery, Bucks, and Delaware. The counties of Chester, Lancaster, York, and Dauphin went into the Second Judicial District. The large Third Judicial District in the north contained the counties of Berks, Northampton, Luzerne, and Northumberland. The Fourth Judicial District was composed of Cumberland, Franklin, Bedford, Huntingdon, and Mifflin counties. The Fifth Judicial District covered the western part of the Commonwealth and included the counties of Allegheny, Fayette, Washington, and Westmoreland.

Periodic journeys to county seats were necessary in discharging the official duties of the President Judges. These journeys were usually performed on horseback, over dangerous and difficult roads which were a haven for rogue indians, armed highwaymen,

insurgents, and rebel militia. During inclement weather, roads and trails were almost impassable. Often upon these perilous pilgrimages, a President Judge's escort included a group of lawyers. It was custom for many members of the bar of that period to accompany the courts upon their circuits. The Judges were looked upon as personages of great importance by the citizenry and holding court in the various counties was re-



A view of the Walnut Street Jail at 6th & Walnut, circa 1791; America's first modern penitentiary.

garded as a highly notable public event. Sheriffs, constables, and members of the public met the President Judge and his group as they approached the county seat. Seemingly an official parade or pageant, the true object of such a meeting was to provide safety to his Honor.

HISTORICAL PERSPECTIVE

The President Judges: to the First District, Honorable James Biddle; to the Second District, former Pennsylvania Supreme Court Justice William Augustus Atlee; the Third District, former Pennsylvania Supreme Court Justice Jacob Rush; to the Fourth District, future Pennsylvania Supreme Court Justice Hon. Thomas Smith, and

to the Fifth District, Hon. Alexander Addison. These were all steadfast, eminent, and heroic men. The districts of Pennsylvania had a uniformly strong set of Presidents during this period, one which included one of the most stirring, dramatic, and glorious eras in American history.

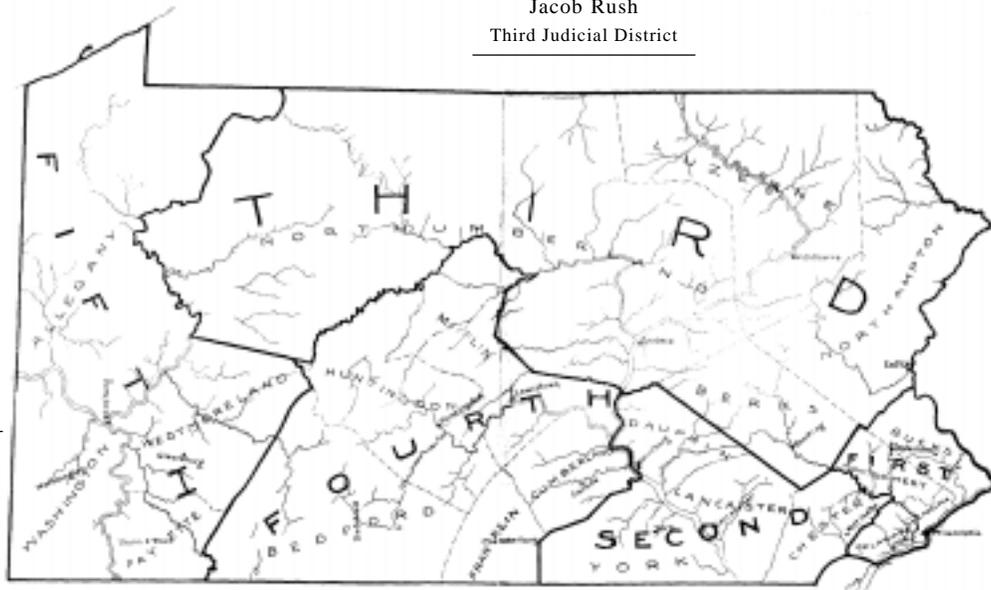
Judicial Districts of Pennsylvania 1791



Jacob Rush
Third Judicial District



Alexander Addison
Fifth Judicial District



James Biddle
First Judicial District



Thomas Smith
Fourth Judicial District

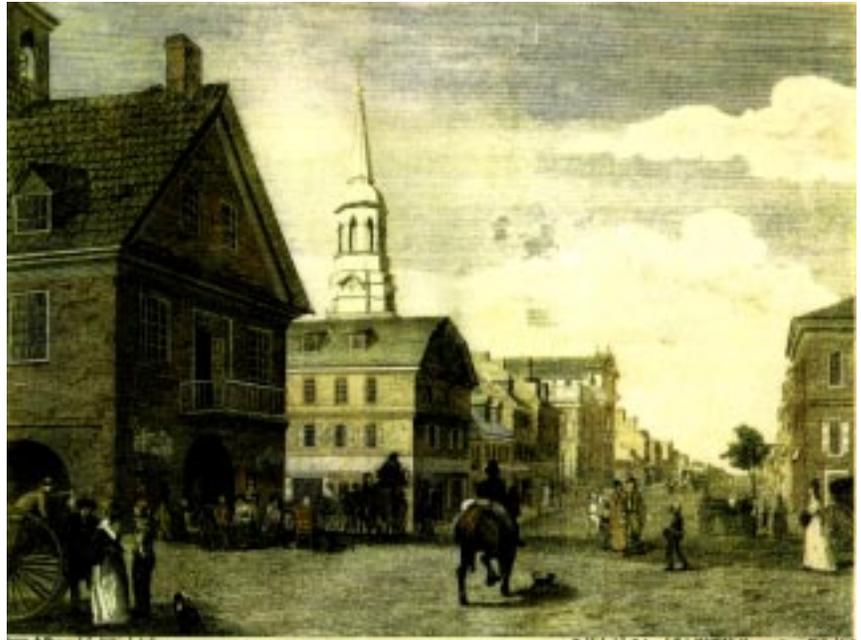


William A. Atlee
Second Judicial District

**The silhouettes of the President Judges were created from actual portraits. In place of Jacob Rush (portrait unavailable), we have inserted the silhouette of former Pennsylvania Supreme Court Chief Justice Benjamin Chew.*

President Judge James Biddle, a native Philadelphian of English descent, was born on February 18, 1731, and belonged to a very distinguished family of prominent Whigs during the Revolution. He studied law in the office of John Ross, then one of the foremost lawyers in the Province. He was admitted to the Philadelphia bar on April 18, 1765. In 1788 he was appointed Prothonotary for the Philadelphia Court of Common Pleas and, later that year was commissioned one of the associate judges of that county. He was commissioned President Judge of the First Judicial District on September 1, 1791, and held that office until his death on January 14, 1797. President Judge Biddle was a vestryman of Christ Church in 1776 and led their resolution to omit prayers for the Crown of Great Britain from the liturgy.

President Judge William Augustus Atlee was also a native Philadelphian. Born on July 1, 1735, he later moved to Lancaster county where he read law with Edward Shippen, Esq. (future Chief Justice of the Pennsylvania Supreme Court). Admitted to the bar on August 3, 1758, Justice Atlee served on the Pennsylvania Supreme Court from 1777 to 1791. Under the Reorganization Act, he was selected to head the court of the Second District. An avowed Constitutionalist, his burning patriotic views during the Revolutionary period earned him the name "savage Atlee". Also, it is actually written that Justice Atlee was probably the most handsome of the five new President Judges. Justice Atlee held the office of President Judge for the Second Judicial District until his death on September 9, 1793.



At far left, James Biddle's 1791 courthouse at Second and High (now Market) Street, with Christ Church in the background.

Appointed the first President Judge of the Third Judicial District, Jacob Rush was born November 24, 1747, in Philadelphia. He was a brother of Dr. Benjamin Rush, signer of the Declaration of Independence, eminent physician, and philanthropist. Jacob Rush graduated the College of New Jersey (Princeton University) in 1765 and later received the Doctor of Laws. He was admitted to the bar February 7, 1769, and served as member of the Supreme Bench of Pennsylvania from 1784 until his appointment to the Third District in 1791. He was later appointed, in 1806, the President Judge of the First Judicial District. Justice Rush was a man of great legal ability, firmness, character, and eloquence. He was a zealous patriot and ardent Federalist who promulgated his political views in charges to grand juries. Next in importance to his faith in Federalism, Justice Rush strongly believed in the

The President Judges, all persons of wisdom and righteousness, and accomplished in the laws, were the epitome of JUSTICE.



Philadelphia's State House; the seat of State and Federal Government in 1791.

*President Judge
Smith and his
colleagues
built the
FOUNDATION
for justice in
Pennsylvania.*

maintenance of social order by the literal and rigid enforcement of laws against vice and immorality. By many he was regarded as a moral censor of the severest school. He was a terror to evildoers and was pointed in his concerns for the youth of the day. Under instructions from Justice Rush, little boys were arrested by constables for playing ball in the public streets on Sundays. Jacob Rush passed on January 5, 1820, his legacy permanently etched in legal decisions, published and unpublished legal opinions, papers, and literary essays.

Surveyor, pioneer, lawyer, Prothonotary, Recorder, Deputy Register of Wills, Member of the Assembly, and Justice of the Common Pleas, Thomas Smith of Bedford was appointed President Judge of the Fourth Judicial District in 1791. Born in Scotland in October, 1745, Justice Smith arrived in America in 1768. Here, he joined his

distinguished half-brother, William Smith, first Provost of the old College of Philadelphia (University of Pennsylvania), in building a foundation for the Commonwealth's future. He was a Master in Land Law and foremost among Pennsylvania land lawyers. Thomas Smith was devoted to Dickinson College and was among the College's first trustees. He was also a member of both the Constitutional Convention and Continental Congress. In 1810, his nephew and former student, Charles Smith, was appointed editor of the Laws of Pennsylvania. His scholarly treatment of this appointment created Smith's Laws of Pennsylvania, a previously cited reference which, coincidentally, contains the Judicial Reorganization Act of 1791. President Judge Smith was commissioned Justice of the Supreme Court on January, 31, 1794, and served until his death on March 31, 1809.

Appointed to the Fifth Judicial District was the Honorable Alexander Addison. Born in Scotland in 1759 and educated at Aberdeen as a Presbyterian clergyman, Judge Addison was a preacher of liberal sentiment in the western Pennsylvania mountain region. This same sentiment may have given cause for his later impeachment. Alexander Addison studied law and was admitted to practice at the Washington county bar in 1787. He was the youngest of the newly appointed President Judges at age thirty-two. He was described by Thomas Smith as an example of diligence and perseverance, aided by proper education, strength of mind and prudent deportment. However, impeachments were the order of the times. Judges were proceeded against, not for high crimes and misdemeanors, but for alleged arbitrary

methods of administration. The popular jealousy of the life tenure of their appointments had much to do with the opposition to the judiciary as a class, independent of partisan considerations. President Judge Addison's bold stand, and published grand jury charges in favor of the Federal government during the Whiskey Insurrection, and his opposition to French emissaries and to secret political societies led to his impeachment and removal from office in 1803. President Judge Addison resumed his law practice in the Washington county area in 1804 until his death in 1807.

By virtue of their appointments, each of the five President Judges was also a member of the Pennsylvania High Court of Errors and Appeals. The Judicial Reorganization Act stated that the High Court of Errors and Appeals was also to include the four Pennsylv-

nia Supreme Court Justices: Chief Justice Thomas McKean, Justice William Bradford, Justice Edward Shippen, and Justice Jasper Yeates, three persons of known legal abilities (two of whom were apparently never appointed) which included the President of the Court, former Supreme Court Chief Justice Benjamin Chew. Created in 1780 and reorganized in 1791, the High Court of Error and Appeals had appellate jurisdiction over the Supreme Court itself, whose decisions it usually affirmed but only occasionally reversed. The High Court was abolished in 1806.

In the same year, the city and county of Philadelphia became the only division of the First Judicial District of Pennsylvania — 4 Smith's Laws of Pennsylvania 270 (1806) — where it has remained until the present.

*As the basis for ACCESS,
led by learned and honorable President Judges
to dispense JUSTICE and to guide others to do likewise,
building the FOUNDATION for a fair and equitable system
that evolved and memorialized judicial administration
for the next two centuries, up to this day and into the FUTURE,
the First Judicial District and the four 1791 contemporary districts,
whose numbers have expanded to 60 today,
are the real manifestation of:*

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