

PROCEEDINGS OF THE CELEBRATION
OF THE
FIRST CENTENNIAL
OF THE
ORGANIZATION OF
THE COUNTY OF VENANGO,
PENNSYLVANIA,
FOR
JUDICIAL PURPOSES.

HELD AT
FRANKLIN, PENNSYLVANIA,
SEPTEMBER 12, 13, 14, 1905,
UNDER THE AUSPICES OF THE
VENANGO COUNTY BAR ASSOCIATION.

Haec olim meminisse juvabit.

IN MEMORIAM

SAMUEL C. T. DODD.

Mr. Dodd having died before the final proofs of this volume had been received from the printer, the committee in charge delayed publication for the preparation and insertion of the following memoir:

Samuel Calvin Tait Dodd was a scion of one of the oldest American families who have left an impress upon the civilization of the country. From the family records and traditions, supported by ecclesiastical and other institutional records and local histories, it is learned that in the year 1636 two brothers, Daniel and Stephen Dod (so the patronymic was then and for some generations thereafter spelled), leaving their ancestral home in England, settled in Branford, Connecticut. One branch of the family was some time thereafter established in Guilford, in the same state, whence Stephen Dod, from whom the subject of this memoir was descended, removed, with other members of the clan, to the neighborhood of Newark, New Jersey, where the family name appears among those of the first freeholders of that province, and there were born to him two sons, Thaddeus and Daniel, the former, March 7, 1740. Thaddeus worked his way through the College of New Jersey, now Princeton University, graduating with the class of 1773, and becoming a minister of the Presbyterian Church, while Daniel, the great-grandfather of Samuel Calvin Tait Dodd, became an "all-round" mechanic and builder. After the close of the Revolutionary war, these brothers pushed out to Washington county, Pennsylvania, with intent to establish a Presbyterian College and settlement. While Thaddeus preached the Gospel, Daniel built a saw-mill, established a pottery, and built a log school house in which his clerical brother began teaching in 1782. This laid the foundation of Washington Academy, chartered in 1787, and of which Dod was chosen the first principal. Out of this movement grew Washington

College, and, by its merger with Jefferson, Washington and Jefferson College.

Ithiel Dodd (so the name began with this generation to be spelled), son of Daniel, obedient to the hereditary impulse which had so far guided the family, removed from Washington county to Fairfield, Mercer county, Pa., and there gave the land for, and built the first Presbyterian Church edifice in that immediate locality, and, until a minister was secured, exercised ministerial functions, and, upon the organization of the church, became one of its ruling elders. To him was born a son, Levi Dodd, who married Julia Parker, foster daughter of Rev. Dr. Samuel Tait, then of Mercer, and in 1824 settled in Franklin, where he soon became, with others, one of the founders of the first (an undenominational) Sunday School, and its superintendent; a ruling elder in the Presbyterian Church, and, until his death, a most exemplary and highly respected citizen. To Levi and Julia Parker Dodd were born eight children, worthy of their parentage, of whom the subject of this memoir, born February 20, 1836, was one.

He attended the Franklin schools, and continued his educational studies at the Waterford (Erie county, Pa.) Academy, and at Jefferson College (now Washington and Jefferson), and was graduated from the latter institution with the class of 1857. He immediately thereafter entered the office of the late James K. Kerr, already mentioned in these memoirs, as a student of the law. Having served the then usual clerkship, he was admitted to the bar of Venango county at August term, 1859.

Mr. Dodd's rise in the profession was by no means rapid during the first ten years of his practice; he was quite as modest and unassuming as became his youth and inexperience; he seemed unambitious, and, to the casual observer, even indolent. But the sequel proved that the years of waiting for recognition had been devoted to preparation for the work that came to him later. His first manifestation of ambition for advancement, now remembered, was a series of

articles published over his name in a local newspaper about the time of the passage of the Act of April 11, 1872, providing for a convention to revise or amend the constitution of Pennsylvania. In these articles he took strong ground in favor of such revision of the organic law of the Commonwealth as should forever prohibit discrimination, by its carrying corporations, in favor of, or against any person or place, an intolerable evil from which the people of the oil region, especially, were then suffering, and of which they were bitterly complaining.

The effect of the publication of these articles was to single out their author as the choice of the people most immediately and excitedly interested in their subject, for a place on the ticket of the Democratic party for "delegate at large" to the authorized convention. This apparent choice having been ratified by the Democratic state convention, and the enabling act having provided for "limited voting," his election was assured.

When the convention assembled it was found that a large majority of its members were in favor of striking at the root of corporate criminality—criminality because it was known and had been proved that the corporations owning or controlling all the railways over which the chief product of northwestern Pennsylvania could reach the markets of the world, had solemnly covenanted and agreed, in violation of the common law of Pennsylvania, with another corporation which was the genesis of the Standard Oil trust, to establish and maintain rates of transportation which would have been ruinous to all shippers of oil except that other corporation; an agreement indictable at common law and as immoral in its purpose and tendency as technically criminal.

But as to the form of the remedy that ought to be provided, they were at sea. Added to the ordinary difficulty of reconciling the different views of a considerable number of men, even when devoted to the accomplishment of a common object, was the presence of two able men in the dual capacity of representatives of railway interests and members of

the convention, who cast an apple of discord into the reform ranks by holding up that bogie of "vested rights," the Dartmouth College case, and adroitly pointing out that any attempt to shear existing transportation companies of their power for evil would be abortive and tend to discourage the construction of new and competing lines from which relief was hoped for. This was temporarily a stunning blow to the cause of constitutional reform, whose forces began to melt away as they saw cherished hopes for new railways go glimmering.

Mr. Dodd was discouraged, and coming home on a visit to his family conferred anxiously with such of his friends and professional brethren as he thought might be able and willing to help him devise a scheme of revision of the law of transportation which should reunite the reformers. The conclusion reached by the conference, despite the bogy of "vested rights," was expressed by one of the participants, who, quoting the words of the old Roman, "*tempora mutantur, et nos mutamur in illis*," said: "Let them have their vested rights; they have no vested right to any ungranted powers or privileges: stand firm and sooner or later they will come on their knees asking something that they do not now possess, upon any condition that shall be prescribed." As a result of this conference a paper upon the subject was prepared, the original draft of which is yet in existence, concluding with the recommendation that all legislation upon the subject should be forbidden, "except such as shall impose burdens until they (the carrying corporations) shall surrender their present charters, and require the common law and statutory penalties to which they may be liable to be rigidly enforced, until they shall be driven to seek shelter under general laws to be provided." This paper was submitted by Mr. Dodd to the proper committee of the convention, and comparing it with Art. XVII of the revised constitution it is found to cover substantially the leading salutary provisions of that Article.

When it was reported from the committee, Mr. Dodd defended it on the floor of the Convention against the assaults

made upon it by the members, who, in their dual capacity, represented especially the railroad companies. When in the convention he was not on his feet as often, and when he did rise, did not claim the attention of that body as long, as many other members, but the published "Debates" show that when Article XVII was on the anvil he *was* on his feet, and that to say the right and efficient word, and then sit down.

The importance of the provision noted, found in Sec. 10 of Art. XVII of the revised constitution, is disclosed by the fact that since its adoption the large carrying companies of the commonwealth, which theretofore in many respects were not subject to legislative control, have been compelled by the demands of their increased traffic and business to seek legislative aid, and therefore to accept the provisions of the article referred to, thereby placing themselves under the general law of the commonwealth and subject to its control.

About the time of his election as a member of the Constitutional Convention Mr. Dodd became associated in the practice of the law with James Wilson Lee, then a rising young member of the Venango county bar, afterwards a State Senator, and now of Pittsburg, Pa. This partnership continued during the period of Mr. Dodd's subsequent residence at Franklin.

In 1873 a dispute threatening serious litigation arose between the members of a firm operating and extending a pipe line in Butler county, and Mr. Dodd was retained as counsel by one of the parties. Thereupon the dispute was quickly composed by Dodd's client purchasing the interest of the other in the joint property, which in a short time passed to the Standard Oil Company. This incident brought him in contact with the agents of that company and led to his employment in such business as they had in Western Pennsylvania, and finally to an offer of the relation of general counsel to the Standard Oil Company, which being accepted, he removed to New York in 1881. The relation so established continued until physical infirmity compelled him to seek retirement from active service.

While a practitioner in the Courts of Venango county, his causes were usually, if not always, well prepared when called for trial, and tried without "*fuss*:" and his arguments to courts and juries alike were usually brief and to the point, without any attempt at rhetorical embellishment, but none the less effective on that account.

His conception of his duty as a lawyer and of the legal profession generally was expressed by him at a banquet tendered him by the Venango county bar on the eve of his departure for New York, in these words: "I learned that my duty as a lawyer was not to achieve success but to deserve it—not to win causes, but to so uphold the cause of my clients that ultimate justice would prevail—not to advise how the law might be violated with safety, but to show how it should be kept in its letter and in its spirit. And the advice I leave as a parting legacy to my younger brothers of the bar, is that they, as lawyers, neither do any wrong, nor advise nor permit it to be done, as far as it lies in their power to prevent it. It is not necessary to make a fuss about it, nor to be loud in your protestation of devotion to right." It is believed to have been the unanimous opinion of the members of the Venango bar that the sentiments so expressed had been exemplified in his practice from the day he took the oath of office as an attorney of the court, until he withdrew from their fellowship. After such withdrawal, and when he had assumed the important professional relations which thereafter continued during his life, those coming in touch with him and qualified to judge, affirm that he remained loyal to these lofty ideals.

In this later employment he had to consider and deal with problems affecting not only his employers, but the public largely as well, and so zealous was he for the good name of his profession and to such an extent did he regard his office of attorney, within the scope of his employment, as judicial in its essential character, that he declined to become financially interested in the enterprises of his clients lest such personal interest might affect his judgment. While therefore associating almost daily for many years with persons of large

wealth, he died, considering his station in life, not rich, but possessed only of a fair competence, sufficient for the demands of the simple life which his nature craved, with something for those dependent upon him.

The thought that a legal adviser or advocate is the keeper of his clients' consciences, springs from a misconception or ignorance of the duty of members of the legal profession. The oath taken by every lawyer upon his admission to practice in the courts, enjoins fidelity to the law, fidelity to the court, and fidelity to the client. Fidelity to the client ordinarily requires no more than that the counsellor, or advocate, shall judicially examine the cause or question submitted, and then declare the law applicable, and the consequences of its transgression; if then the client should show a disposition to violate or evade the law, but appears to be in a receptive mood, a strong dissuasion ought to be added. If, however, the client, having a strong will and a judgment and conscience warped by inordinate greed or lust of power, shall complain of the law as stated, the advisor may well reply in the language of the old lawyers: "*Perquam quidem durum est sed ita lex scripta est,*" and leave him to his fate. In either case the lawyer's lips are forever sealed as to communications made by the client, and advice given or not given, and hence he cannot notice criticisms of himself based upon the delinquencies of his clients.

The words "fidelity to the Court," in the professional oath, imply duty to the Court. That special duty or service can be rendered in no other way than by aiding the Court to pronounce righteous judgments, and is best performed in our system of jurisprudence by presenting the cause of a client, after a careful examination, as strongly as the facts and the law justify, leaving the case of the opposite party to be, in like manner, presented by his own counsel. It is violated by any conduct tending to deceive or mislead the Court or opposing counsel or party. If, by such means, an unjust result is accomplished, a double wrong is done; a party is robbed of his right, and the good name of the judge, and re-

spect for the administration of justice, may to some extent suffer.

As a citizen, Mr. Dodd's life was exemplary but not aggressive in the promotion of causes in harmony with his judgment and example, except in the one instance already mentioned. He was a diligent and eager student in science, philosophy and general literature, and his scholastic attainments were wide, rich and varied. He was gifted with exceptional powers of analysis, condensation and clear, terse statement. In politics he was a Democrat of the Jeffersonian school. In social life he was genial, companionable, entertaining. Denominationally he was a Presbyterian and was, until he left Franklin, a teacher in the Sunday School of that church, where he attracted a large class of young men.

Mr. Dodd died January 30, 1907, at his winter home in Pinehurst, North Carolina, survived by three children, Frederick G., by a first marriage, and Lee Wilson and Marjorie by a second. His remains were brought to Franklin and interred in his family lot in the cemetery.