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THOMAS M. MARSHALL.

THOMAS M. MARSHALL, of Pittsburgh, one of the most distinguished lawyers of Western Pennsylvania, was born in County Londonderry, Ireland, Nov. 20, 1819. His parents, James Marshall and Jean Peebles, emigrated to the United States in the summer of 1822, bringing with them a family of eleven children—eight sons and three daughters—the subject of this sketch being the youngest. After spending a little more than a year in Pittsburgh, Mr. Marshall removed with his wife and family to Butler County, Pennsylvania. In 1827 Thomas returned to Pittsburgh to enjoy the educational advantages which that place possessed over the country. His abode was with his elder brother James, under whom he was brought up for a mercantile life, and with whom he remained in commercial pursuits until 1843, when he relinquished his business prospects to engage in the study of law in the office of the Hon. Charles Shaler, who was then the President-Judge of the Court of Common Pleas of the County of Allegheny. His legal

studies were pursued irregularly, but he successfully passed the required examinations, and was admitted to the bar in 1846. Early in life he took a warm interest in public affairs. His parents were Covenanters—the extremest and most strict of the Protestant sects. The teachings of his infancy and youth were all scriptural, and his early training evinced itself in his uncompromising hostility to human slavery. Actuated solely by principle, he became a warm, daring and constant advocate of the abolition of slavery, and in common with the members of his family, he gave time, money and earnest effort to the work of aiding fugitive slaves through the North to Canada. His labors in this field ceased only with the emancipation. In other directions he has been no less ardent and enthusiastic for the cause of right and justice. Even from boyhood he has been distinguished by his open, bold and frank advocacy of whatever he believes to be right, never counting the cost or inquiring as to consequences to himself. When engaging in the practice of his profession, he at once took position as a fiery, eloquent and impassioned advocate of the rights of his clients. Imbued with the thought and inspiration that the lawyer, in taking the name “advocate” assumed, in some degree, the grave responsibility of the Great Advocate of law breakers, he has been distinguished, especially in criminal practice, as the lawyer for the defence, and as such is perhaps without a peer before a jury. The power, the eloquence and the masterful will with which he controls jurymen and influences verdicts are truly remarkable. He has been in full practice for over fifty years, and in all that time has never accepted a retainer against human life. From boyhood he has resolutely opposed capital punishment as inhuman, unwise, and without the sanction of right. Hence, in the trial of hundreds of homicide cases in Western Pennsylvania and the adjoining States he has always appeared for the defence. Although often solicited and tempted by offers of large retainers to conduct the prosecution, his invariable reply has been, “No, when I rest from my work, my children shall not live upon the wages earned in the sacrifice of the Divine gift—life.” Mr. Marshall has tried more cases termed “murder trials” than any other lawyer in Pennsylvania. He early in practice established certain rules to which he has scrupulously adhered. First: That an advocate had no right to decline serving a defendant who made him his first choice, fee or no fee. Second: That the poor and helpless had higher and stronger claims upon the advocate than the rich and powerful. Upon these rules he has practiced, with what success the records of the courts will bear emi-

nent evidence. Many of his most famous cases have been fought without fee or hope of reward. Of the large number of capital cases, approaching two hundred, in which he has defended the lives of his clients, he has lost but five. No detailed account of this extraordinary practice can be given here; it must suffice to state that he has had the control of nearly every case of great public interest tried in Western Pennsylvania for the last thirty years. Notwithstanding his desire to retire from active practice, he is still retained in nearly every case where his services can be obtained; for although his enthusiasm has been modified by years, his old time earnestness and vigor are unimpaired. That his skill has not been confined to criminal cases the book of reports of the Supreme Court of Pennsylvania bear abundant witness; it being shown therein that his practice has extended to all branches of the law. It would be impossible to enumerate the qualities and causes which have rendered Mr. Marshall eminent and successful as a lawyer. As a jury lawyer for many years he has been distinguished among his brethren. His success with juries may be rightly described as phenomenal, and is the wonder and admiration of his younger brethren, and frequently the disgust of the Court. The secret of his power with a jury is still a secret. Possibly the most potent element is in his modes of address and argument. He never flatters a jury. He never assumes superior knowledge. He never speaks for himself—always for his cause. He enters the jury box without warning to the jurors. His manner of opening is so quiet, simple and unobtrusive, that the "twelve" are frequently thrown off their guard, and then the opportunity of the lawyer is improved. Another superior advantage Mr. Marshall possesses is his great knowledge of human nature, his acquaintance with the secret springs of human action. In the choice of jurors his wise caution has long been known to the profession. Above all things he possesses the power of making a jury believe in the advocate's earnest, honest conviction of the truth of his utterances. The career of Mr. Marshall as a lawyer is almost without parallel, for he entered upon it without special advantages of educational culture, being in no sense "college bred." At the outset he plunged into an extensive and absorbing practice that prevented the quiet study and digest of student reading which is generally so essential to the make-up of a successful lawyer. From the day of his admission to the bar he has been in constant contact with the oldest and ablest members of the legal profession, and he has won his proud position in the strife of intellectual battle. Many of the younger

members of the bar imagine from the readiness with which he takes hold of a case that he tries without preparation. This is a great mistake on their part. No man works harder. Even now, when nearly "three score and ten," he does not hesitate to give all the night to the consideration and preparation of a case, that he may be effectively prepared for the next day's conflict. Gifted with a wonderful memory, he makes no notes of testimony, yet he has every fact of the case on trial under instant and ready command. The official reporter of the court hesitates before he differs with Mr. Marshall's memory of the testimony of a witness; and in many instances the verity of memory has been more than equal to the reporter's notes. This facility of memory in connection with other characteristics of Mr. Marshall has occasionally led to unpleasant feelings. Mr. Marshall is no respecter of persons. The judge upon the bench is as likely to be criticised as any other person. The most self-important citizen, clothed with wealth and social importance, when he lends the presence of his greatness in court as a witness or party, is most likely to leave with a fracture in his self-estimation, if he is adverse to the interests of Mr. Marshall's client. Mr. Marshall early engaged in political life. From 1838 to 1880 no political contest has been waged in which he has not borne a full and earnest part. An anti-slavery advocate from instinct and education, a Republican from the birth of the organization, his political services have been in constant demand by his party. All through Pennsylvania and also in the neighboring States his voice has been heard in the impassioned advocacy of his political convictions. No man has a larger or more intense command of an audience. Full of ready wit and a master of repartee, he makes short work of any adversary whose misfortune it is to interrupt him. His power as a platform orator lies, doubtless, in the intense conviction of the speaker, the daring of his character, and the wonderful passion of his oratory. Probably no man in Pennsylvania has so often been before the people as a political and popular orator. His fame as a speaker is such that waiting crowds attend his appearance on any rostrum. For many years he was the political idol of his party. In 1872 he espoused the candidacy of Horace Greeley for the Presidency. That was the last campaign into which he threw heart and soul. Mr. Marshall has never sought office. In fact he has persistently declined it, for his nomination would have been equivalent to an election, so great is the esteem in which he is held by his fellow-citizens, irrespective of party. The people of Allegheny County and Western Pennsylvania would have read-

ily bestowed upon him almost any office in their gift, but he has steadily and resolutely refused political preferment. He was urged to accept Congressional honors, and in 1868 he was presented as a candidate for United States Senator, but in neither instance would he permit the use of his name. In 1882 he was a delegate to the Republican State Convention of Pennsylvania, in the interest of his nephew, Major A. M. Brown, of Pittsburgh, who was then a candidate for the office of Judge of the Supreme Court. Mr. Brown failed to receive the nomination, but the convention, in an outburst of passionate enthusiasm, nominated Mr. Marshall as a candidate for Congressman-at-large. The representation of the Keystone State without the irksome obligations of a local constituency, was probably as severe a test as Mr. Marshall's principles could be put to, but they stood the ordeal easily. Rising in his place in the convention Mr. Marshall, repeating what he had so frequently before declared, that under no circumstances would he accept public office, declined the nomination. But the convention was determined that he should run, and after nominating him it adjourned in the excitement of the moment, without completing all the details of its business. There was no doubt of Mr. Marshall's election by a large majority. The leading men of the party all sought to induce him to accept, and had he permitted his name on the ticket the "independent" movement in the Republican party in that campaign would most likely have resulted in naught. But he was resolute. He declined to run. The Republican party was defeated, Mr. Pattison being elected Governor over General Beaver. Mr. Marshall's near friends—who alone knew the motives which prompt him so persistently to decline all public office—declare that they are alike honorable to his head and heart, and characteristic of the man. Enjoying one of the largest and most lucrative practices ever granted to a lawyer, Mr. Marshall has not amassed a large fortune. He has been the recipient of many large fees, and with ordinary business care he would be rich, but his heart, hand and pocket—like those of his illustrious countryman, Oliver Goldsmith—have always been wide open to the suffering, the sorrowing and the scantily supplied. The social life of Mr. Marshall has been singularly happy. He has been twice married. His first wife, Miss Ellen Algeo, living but a few years, in 1858 he married Miss Mary M. Patterson, the daughter of Sheriff Patterson, of Pittsburgh. This marriage was a great social event, both in its manner and surroundings. The groom, a brilliant man of the world, was thirty-eight; the bride, just home from six years of seminary life, but seven-

teen. The devotion of their lives to each other was known to all. Mrs. Marshall died in 1880, leaving five living children, upon whom the father has since lavished his affections. Mr. Marshall is to-day, notwithstanding his sixty odd years, a fine specimen of intellectual and physical vigor; he is nearly six feet in height, and as erect in body as he is alert in mind. His wide fame as a lawyer secures him more than full professional employment. He may not have gathered up his earnings into great riches, but he holds a prouder and more satisfactory possession in the respect and love of his associates and juniors at the bar, and of hundreds of the poor and needy who think of him as a friend, a counsellor and a brother. The conscious possessor of wonderful physical power, he has never spared himself in action. It may be said that no occasion has occurred in his profession when he was not ready for battle. As was said of him by a learned judge—"It is impossible to measure that man. The unexpected is always within his reach." No matter how plain and clear the law may appear against his cause, he has a way and an answer. A text from the Book of Books has, on occasion, been brought to the rescue; and an answer is never wanting to the clearest proposition. Mr. Marshall has recently visited Europe as a needed relaxation from the pressure of business cares and responsibilities.
