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Samuel M. Goodyear

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JAMES HUTCHISON GRAHAM, PIONEER JURIST

*SAMUEL M. GOODYEAR

The background and family history of the Honorable James Hutchison Graham is the same as that of many of the Scotch-Irish settlers of the Cumberland Valley. Originally emigrants from Scotland, after a brief sojourn in northern Ireland, they came to Pennsylvania for refuge from the religious and political persecution of their native land. Generically these Scotch-Irish were courageous, of high intellectual attainments and strong and pronounced in their convictions on matters of public concern. To the land of their adoption they brought the desire to shape and fashion a home and a nation along lines that would insure freedom of conscience and adequate protection of the rights of the individual.

Born of such pioneers as these, and with such ancestry, the Honorable James H. Graham was endowed with the talents that insured his success and distinction in life. The original Graham was James Graham who early in the eighteenth century took up his residence in Salisburg Township, Lancaster County. While residing there he received from Thomas Penn and Richard Penn, the proprietaries of Pennsylvania, a grant of land in West Pennsboro Township, Cumberland County, along the Conodoguinet Creek and from this date—March 13, 1734—the history of the family has been intimately connected with Cumberland County. James Graham never moved his home to Cumberland County, but at his death his son, also James Graham, occupied the property he owned there. On the death of the second James Graham, ownership passed to his son, Isaiah Graham, who was the father of James Hutchison Graham. By the time that the latter was born the log cabin of the first settler had been replaced by a fine mansion and the erection of a tannery gave evidence of the prosperity of the family.

James Hutchison Graham was born on September 10th, 1807 on the ancestral property in West Pennsboro Township and after some education in the home was sent to Gettysburg Academy to prepare for college. Returning from this course of preliminary education he entered Dickinson College from which he graduated in 1827. His legal education was acquired in the office of Andrew Carothers, one of the leaders of the Cumberland County Bar, and after his course of training was completed, young Graham was admitted to the Bar. In that day there were giants at the Bar of Cumberland County—Andrew Carothers, Samuel Alexander, Charles B. Penrose, William M. Bidle, Frederick Watts and John D. Mahon—and to win a place in their respect any new lawyer had to be both talented and diligent. Soon James Graham

*President of the Hamilton Library Historical Association.

acquired a large clientele and forged to the front of the Bar. In 1862 Dickinson College called him to its faculty to be Law Professor and the same year conferred on him the honorary degree of LL.D. and this was almost the only diversion from the intense application that he gave to his private practice. Offered a nomination to Congress without opposition, and virtually assured of election, he refused to accept this honor on the ground that it would interfere with his practice of the Law. He was active and interested in politics but not to the extent of holding public office, until the call came from his friends and professional associates for him to grace the Bench.

In 1850 when by constitutional amendment the selection of Judges was made by vote of the people rather than by appointment by the Governor, the Democratic Party of Cumberland, Perry and Juniata Counties, which comprised the Ninth Judicial District, and members of the Bar generally, endorsed Mr. Graham for the position of President Judge. He consented to be a candidate and in October, 1851 was elected to the Bench. Thus at the age of forty-four years he attained the peak of the profession and left the duties of a busy practice for the less arduous but not less honorable duties of the judgeship. He had gained this eminence by unremitting devotion to the study of the law, by his vigorous intellect and the native talents with which he was so generously endowed. His record as Judge for ten years justified most amply the confidence of his friends in electing him and again in 1861 he was elected Judge to serve a second term of ten years.

Twenty years as jurist seemed to satisfy his judicial aspirations and at the close of his second term he resumed his private practice. From 1871 to his death in 1882 he had associated with him his son, Duncan M. Graham, who later was admitted to the Bar and carried on the family tradition. Judge Graham's record, however, made in stirring times, when politics was a serious business with many and the campaigns of candidates aroused the electorate to a high pitch, when the Bar was led by men of great intellectual attainments and it was indeed difficult for a young man to forge to the front, when there were difficulties and distractions for any young man, stands out as one that was noteworthy indeed.

Judge Graham died in the fall of 1882, having spent his entire life, which was both a busy and a useful one, in our community. His remains were laid to rest in the Old Graveyard, leaving many of his friends and neighbors to testify that throughout his life he was an outstanding citizen, a wise counsellor-at-law, an eminent jurist, a devoted father, a prominent banker, an honored teacher and a faithful churchman.