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AN ORPHAN BECAME PENNSYLVANIA'S CHIEF JUSTICE*

By

W. H. HITCHLER

A great master of phrases has defined a true alumnus as a devoted son of a loving mother. A son best serves his mother by leading a proper and successful life and by remembering her in his strength and her weakness. Judged by such a standard, Justice Kephart takes high rank. From the time when he was graduated from the Dickinson School of Law until the present, he has been unfaltering in his loyalty, intense in his enthusiasm, and assiduous in his labors for Dickinson. His attitude toward his Alma Mater quite accurately reflects his attitude toward all the activities of his life. He is a man of steadfast allegiances, ardent optimism, and unremitting endeavor.

The story of the life of such a man is the heritage of those who come after him and serves as an example and an incentive. Its publication is not only a labor of affection but also the performance of a public duty.

John W. Kephart was born in Wilmore, Pa., on November 12, 1872. His parents were Samuel H. and Henrietta B. Kephart. His father, who had served distinction in the Civil War and who at the time of John's birth was the proprietor of the general store at Wilmore, died in 1874, when the future Chief justice was two years old, leaving a widow and five children.

Three years later the five children entered the Soldiers Orphan School at McAllisterville, which was a military school supported by the state. His career at this school was quite remarkable. He entered as one of the youngest of its students, was appointed colonel of the school battalion, which was the highest honor attainable in the school, and was graduated therefrom two years in advance of the prescribed time as the valedictorian of his class.

After leaving this school he worked as a telegrapher for the Pennsylvania railroad, living frugally and saving carefully in order that he might attend college later. He did enter Allegheny College but was compelled to leave before graduation because of his lack of funds.

After leaving college he again entered the service of the Pennsylvania railroad. Because of his natural aptitude and the faithful and efficient character of

*By Walter Harrison Hitchler, D.C.L., LL. D., Dean of the Dickinson School of Law. Dickinson Alumnus—Vol. 13, No. 3—February, 1936.

his service, the officials of the railroad so arranged his employment that he was able to enter the Dickinson School of Law from which he was graduated on June 4, 1894. Dr. Trickett, who was the dean of the school, later stated that as a student John Kephart was quick in apprehension, profound in penetration, and sound in conclusion.

On June 5th, the day after his graduation, he was admitted to the bar of Cumberland County by Judge Wilbur F. Sadler, who was to become one of his best friends and whose son, Sylvester B. Sadler, later served with him on the Supreme Court of Pennsylvania. Later he was admitted to the bar of his home county, Cambria, where he soon became a prosperous lawyer, and a leader in state and county politics. After serving as county solicitor for a number of years, in 1913 he was selected, from a field of 16, as one of the non-partisan nominees for Judge of the Superior Court and was subsequently elected. His work as a judge of this court was of such a meritorious character that in 1919 he was elected to the Supreme Court. In January, 1936, he became the Chief Justice of this court.

During his 22 years of service as a Judge of the appellate courts, he has heard more than 10,000 cases and has written more than 1,100 opinions. Twelve of these opinions were reviewed by the United States Supreme Court and only one was reversed. They are all characterized by liberalness of view, preciseness of arrangement, and lucidity of expression.

It is one of the penalties of being a judge of an appellate court that any manifestation of individuality becomes a fault. In the preparation of opinions the personal equation must be eliminated and their excellence is determined by the inexorability of their logic and their correspondence with precedent. When, therefore, one reads the opinions of an able jurist, one cannot expect to find therein a complete replica of the character and temperament of the writer. These are more accurately portrayed in the other activities of his life. Justice Kephart's are portrayed in the variety of his interests, the number of his acquaintances, the closeness of his friendships, the charity and benevolence of his disposition, and the successful fruition of his manifold endeavors.

As the arduous judicial labors of Justice Kephart, *lucubrationes viginti annos*, will long remain an incentive to those who toil unsparingly in the just administration of the law, so his career as a whole will demonstrate to the youth of the nation the truth of the words of Patrick Henry, "Be of good courage, my son, and remember that the best men always make themselves."