A HISTORY OF THE WORCESTER COUNTY BAR ASSOCIATION 1900s - 1930

Kathleen M. Jones
Worcester State College
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The first third of the twentieth century is evidenced by isolationist attitudes prevailant in Worcester, Massachusetts as well as those reflected by the nation. This was a quiet time, outside of the war years, where history was simply made and not recorded.

The activities of the Worcester Bar Association were not much different from those taking place in the 60's, 70's and 80's, although the legal profession itself has gone through significant changes. One of the virtures of the Worcester County Bar Association that remains constant throughout time is the outstanding members it provides to the community, both in terms of practicing law and public service.

On January 3, 1900, Herbert Parker, former Worcester District Attorney spoke in Milford, Massachusetts before the Thurber Medical Association to educate those in attendance about medical jurisprudence. This practice of informing the community on issues important to the ~~era~~ has continued through today.

During January of 1900 the Bar Association turned its attention to the appointment of a new superior court Judge to replace the resigning Charles Lilley. A petition was started for the appointment of Charles A. Merrill of Worcester, Massachusetts. However, public opinion at the time considered the prospective appointment of Attorney Merrill as something of a long shot because there were two Judges on the court already representing Worcester; Judges Gaskins and Hopkins. On January 12, 1900 Frederick Lawton of Lowell, Massachusetts was appointed to succeed Judge Lilley and on January 19th, he was sworn into office.

Attorney Lawton became Superior Court Judge at the age of forty-eight. He was graduated from Harvard College in 1874 and admitted to the bar in Lowell in 1880. In 1893 he served as State Representative. He married Helen Spalding Mack in the year 1880.

A major tragedy struck the Worcester Bar Association when, on January 10, 1900 the President, William Swinton Bennett Hopkins died. He had not been in very good health for some time, and he had reached an age when an apparently slight affliction may develop into a fatal illness. His fellow citizens had always been ready and anxious to bestow public honors upon him, and very recently he had generally been mentioned for three positions of responsibility, a seat in Congress, the attorney generalship and a place on the bench of either the Superior Court or Supreme court. There was no thought that his age or his health presented any obstacles to his accepting these honorable offers, and the fact that he displayed no desire to secure them was looked upon merely as a natural preference to continue in the active practice of the profession which he had already so greatly dignified. The Worcester Evening Gazette reported:

> "There are few men in Worcester whose death could touch popular sympathies more than Col. Hopkins'. He was a man who was always a popular favorite".

In his profession Col. Hopkins had attained an eminence which left him no rivals in the community and few in the State. Among the lawyers in active practice before the Worcester County Bar Col. Hopkins was the unquestioned leader.

Col. Hopkins attained a very large and lucrative practice. He was a brillant rather than a learned jurist. There was no question as to his knowledge of the law, but his success was due not so much to close study as to the happy faculty of grasping the essential point and even more fortunate faculty of impressing it forcibly upon a jury. In the court room he exercised a power of fascination over the jury, bench and bar unequalled by any other lawyer who had practiced in Worcester at the time. He was born in Charleston, South Carolina on May 2, 1836, and was within four months of his 64th birthday when he died. Col. Hopkins was educated at private classical schools and at Williams College where he graduated in the class of 1855. Upon graduating he studied law in the office of William Allen in Northampton, Massachusetts, then went to the Harvard School of Law and was admitted to the bar in January, 1858. He opened an office in Ware, Massachusetts and practiced there until the outbreak of the civil war at which time he gave up his office and enlisted in the 31st Massachusetts regiment. There he served as Captain until December, 1862, and was then promoted to lieutenant-colonel. Upon leaving the army Col. Hopkins took up the practice of law in New Orleans, where he remained from May, 1884, acting during part of that time as special counsel for the United States treasury. He then returned to Massachusetts and located in Greenfield, where he remained until 1873. In 1873, he came to Worcester and went into partnership with Peter C. Bacon, one of the foremost members of the bar.

The major part of Col. Hopkins' practice had been in the civil courts. He was not, however, lacking in ability as a criminal lawyer.

Col. Hopkins was, at the time of his death, president of the Worcester County Bar association, which position he had held for 11 years. He was president of the Worcester club, first commander of the Worcester Continentals, a member of the Grand Army and senio vice commander of the Department of Massachusetts.

As to his private life, he married Elizabeth Sara Peck, daughter of Dr. Addison S. Peck of Northampton in 1859. They had four children: Sarah Bennett Hopkins, Erastus Hopkins, Elizabeth Peck (Aiken) and W.S.B. Hopkins, Jr.

The Worcester Evening Gazette portrays the President of the Worcester Bar Association as "a liberal, kind-hearted man, unwilling to believe or speak evil, and ready to extend sympathy to those in distress. Together with brilliant intellectual gifts, ... made him a man far above the common-place, and his loss will be sorely felt".

After the death of Mr. Hopkins, the bar and its association enjoyed relatively quiet years. On October 2, 1905, the Supreme Judicial Court opened their sitting for hearing Worcester Cases in its Annual Session. Sitting for the Court was Chief Justice Knowlton and Associate Justices Lathrop, Loring, Hammond and Braley. Court came to order at 10:25 a.m. and a prayer was offered by Rev. A.W. Hitchcock. There was a fair attendance of attorneys from the city and county. Of the 29 cases on the calendar, 14 were submitted for argument and 14 were submitted on briefs. The remaining case was taken under consideration by the court.

The attorney handling this case asked the court to assign a time when the case could be argued at Boston in January. This was the case of Walter H. Blodget,et ali v. Worcester Consolidated Street Railway Company. City Solicitor A.P. Rugg stated to the court that B.W. Warren, senior counsel for the defendant company had been ill for some time and unable to prepare his brief. Counsel advised the court that both sides desired to argue before the court at a later time. Chief Justice Knowlton said that the condition of the docket at Boston made it difficult for the court to take time from cases pending there to hear the Worcester case. The court finally decided to take the matter under consideration. A sampling of cases submitted on briefs were Commonwealth vs. Roland H. Sherman,an automobile case which came before the court on the defendant's exceptions to his conviction of exceeding the speed limit in Leicester. He was convicted at Fitchburg on September 1, 1905 and sentenced to pay a fine of $15.00. The parties to the case had filed a statement of agreed facts and Judge Crosby stated that he believed there was ground for doubt as to the justice of the judgment. Another case submitted on brief was Christian W. Moeckel v. C.A. Cross & Co. This case was a tort action for damages to several greenhouses and plants. The jury found for the plaintiff. The first case argued was that of Commonwealth vs. Joseph Tircinski. The defendant had been convicted for the manslaughter of a person.by the last name of Milos. His appeal was based on the fact that evidence of the deceased's known temper had not been submitted during the original trial. The case was not overruled.

The quietness of these years is reflected by the number of cases that came before the court in September, 1910. The same Supreme Court that had heard 29 cases in 1905 heard only 18 cases on September 23, 1910. Primary source information states that his was one of the smallest dockets heard by the court in years. The court sat for only two days. What is important to note is the fact that this was a time when England was severly embroiled in talks with Germany. The younger members of the bar were facing possible conscription into the armed forces and preparation for World War I was underway, although the United States would not enter the war for a few more years.

There were many members of the bar who were involved in the defense and prosecution of the above mentioned cases who later served in World War I. One such young attorney was Samuel Seder who was born in Manchaug, Massachuestts on December 18, 1896. He graduated Classical High School and from there entered Boston University Law School. At the time, a college degree was not a requirement for entrance, although in order to pass the bar one was required to be twenty-one years of age. Having not yet reached his 21st birthday, Sam Seder took the bar exam but could not be sworn in. Knowing he could not yet practice law, he enlisted in the Navy to fight in World War I. When the armistice was declared he returned to Worcester and was sworn in for his first position in the office of attorney William C. Mellish. Here he served until Mr. Mellish took a position as Worcester City Solicitor. It is at this time that Attorney Samuel Seder opened his own office on the third floor of the Slater Building in downtown Worcester.

His practice continued to prosper and grow. In 1921 his brother, Saul Seder, graduated from Clark University and decided to attend Boston University Law School where he was a member of the honor society and the law review. In September 1925, Saul Seder took the bar exam and was scheduled to be sworn in to practice with his brother at the Slater Building office. However, it was revealed at that time that the bar exam questions had either been pre-released or had been stolen. Now Saul was required to take the bar exam over. He did so in December of 1926 and upon being sworn in became associated with the firm of Samuel under the name of Seder and Seder. During his lifetime, Samuel Seder was President of the Worcester Bar Association (1953) and was the founder of the Worcester Legal Aid Society which provides legal services to those members of the community whose income would not otherwise allow them the luxury of retaining a lawyer. Samuel Seder died in 1964 after enjoying a very successful life as an important member of both the legal community and the community at large.

Saul Seder continued the firm of Seder and Seder and through the years, as his practice continued to grow, found it necessary to hire other young attorneys. He recalls many outstanding members of the bar throughout his fifty plus years as an attorney. Of his many recollections that are often humorous as well as interesting, he recalls how the members of the bar not only assisted new young attorneys in learning "the ropes", but often helped them try their cases. This feeling of brotherhood within the ranks of the bar is an outstanding trait of the time and

is supported by any member who practiced law during this era.

An example of the devotion that Saul Seder has to his clients and the legal profession is the fact that at the age of eighty he continues to report to the office at 7:45 each day, leaving a 5:00 p.m., and can still be found often working on Saturday and Sunday. His influence within the legal community can only be complimented by the fact that two of his three sons, Richard and Jonathan, have also passed the bar.

Of the many outstanding members of the Worcester County Bar Association, Saul Seder recalls George Hammond Mirick who was born on September 7, 1885. Mirick attended Worcester public schools and was granduated from Clark University in 1907. Commuting by train daily, George Mirick attended Harvard Law School and passed the Massachusetts Bar exam[illegible] at the completion of his second year at Harvard. Unlike today, up until 1937 any person with the equivalent of two years of night high school education could take the Bar examination. He then became associated with the Worcester firm of Thayer, Smith & Gaskill where he remained from 1909 to 1914. In 1915 George Mirick opened his own office on the eighth floor of the Commerce Building at 340 Main Street, Worcester, Massachusetts and became associated with Charles Belcher Rugg who was graduated from Harvard Law School in 1914. In 1917 Rugg left to join the Navy. Upon his return at the close of the War, a partnership was formed between George Mirick, Charles Rugg and Albert W. Blackmer (who practiced

law in the office across the corridor from the first office opened by Mirick and Rugg in 1915). The firm became known as Mirick, Blackmer & Rugg. In 1922, the firm hired an associate, Douglas Whitcomb, a graduate of Harvard Law School. After four years as an associate, Whitcomb became a partner. His early partnership was a reward for the substantial clientele which he brought to the office. In 1930 the firm of Mirick, Blackmer, Rugg & Whitcomb hired another associate, Paul Revere O'Connell. He was born on April 19, 1905 in Revere, Massachusetts and moved with his family to Worcester in 1908. He attended North High School and went on to Dartmouth College where he was graduated in 1927. At the end of his second year at Harvard Law School in July, 1929, he worked for the firm. At the time that O'Connell became an associate with the firm, George Mirick had served on the Worcester City Council, and Charles Rugg, in 1930, went to Washington, D.C. to serve as Assistant Attorney General of the United States during the Hoover Administration. Upon his return to Worcester he accepted a partnership in the trial department of the firm of Ropes, Gray, Best, Coolidge & Rugg, Boston, Massachusetts. He remained a partner in the firm throughout his lifetime.

Of the many interesting cases defended and prosecuted by the firm, through George Mirick, was the case involving Theordore T. T. Ellis, the inventor and manufacture of the Ellis fiber blanket for printing presses, and owner of the Worcester Telegram & Gazette.

In 1929 Ellis made an investment of $250,000.00 in the C.T. Sherer Company, a department store operating on Front Street. He was encouraged to do so by the representations of Joseph F. Sherer as to the amount of business and profits which had been earned by the Company. Afterwards, disillusioned as to his investment, he sought assistance from Mirick. The firm brought an action for rescission of the contract of investment. The defendants were represented by Charles C. Milton, the most prominent trial attorney in Worcester County. The case, tried by Mirick in the Superior Court before Justice Dillon over a period exceeding a week, resulted in a finding for the plaintiff (Ellis) of the largest amount then recorded in a civil action in the county of Worcester. O'Connell had assisted on preparing the brief, but Mirick argued the case. On appeal the judgment was sustained by the Supreme Court. Since a bond to release attachment had been secured with a surety in the person of Forrest Taylor (the largest owner of downtown real estate in Worcester) the judgment was paid in full with interest.

George Mirick, like all of the prominent members of the Worcester County Bar Association, was also deeply involved in community service. He was a trustee of Clark University for more than thirty years and served as Director of Worcester County Institution for Savings and the predecessor of Worcester County National Bank. He, like Saul Seder, was extremely dedicated to his clients which was evidenced by the long hours he worked. His devotion to the law profession was obvious when he sat as Master on many important civil cases.

There were many outstanding members of the Worcester County Bar Association during the 1920s and 30s who were devoted not only to the legal profession but community service as well. Such men as Michael N. Abodeely, Sr. Born in 1904 to parents who had immigrated from Lebonnon (Syria today), his family moved to Worcester, Massachusetts during his early boyhood years. This was a time when many different ethnic groups were entering Worcester County to establish their families. Attorney Abodeely recalls times when he drove his father around the Worcester countryside on Sunday afternoons so he could enjoy the sights of the Worcester hills that reminded him so much of his homeland.

Before passing the Bar exam in 1928, Abodeely played for the Boston University football team where he was named all New England, and was drafted by the professional football team that was the predecessor to the New England Patriots. His college coach admired not only is superior athletic ability, but also admired his academic achievements. He advised the young Abodeely to enter law school and give up the professional football. After long hours of contemplation, Mike Abodeely decided to give up his first love of sports and enter law school in order to one day financially assist his family. After passing the bar he opened his own office in Worcester and began to practice criminal law. He recalled for me many fascinating incidents that took place during his early years of practice, but what was most outstanding in his recollections is the close relationship that the members of the Bar held. He described this feeling of brotherhood by explaining how younger lawyers were assisted by more seasoned

attorneys. There were times, he said, that a recess of a case would be called and adversary attorneys would assist one another. The attorneys were always willing to discuss matters together.

What has changed, however, is the use of six man juries in District Court and preliminary conferences. During the period of the twenties, these two legal procedures were unheard of.

The competition existing today within the legal profession has changed "the good old days". The practice of law is a business. One of the many points that Attorney Abodeely made was the fact that he has never and would never charge a client for advice or consultation. This honorable practice has drifted quietly into history and like most of the activities of the early twentieth century will probably pass into time unnoticed.

Postscript

The original courthouse itself has not changed at all since its construction in 1845 and is visually described in the attached photographs taken in 1982.