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The History of the Superior Court of Pennsylvania
Hon. Charles E. Rice
First President Judge 1895-1915
The Luzerne County Courthouse

Wednesday, June 22, 2022
9:30 a.m.

200 North River Street
Wilkes-Barre, Pennsylvania

Lisa L. Tratthen, RPR
Notary Public

DEVINE DEPOSITIONS
573 Indian Run Drive
Hummelstown, Pennsylvania 17036
(717) 612-2403.

1 JUDGE PANELLA: Good morning everyone.
2 We're going to begin our program with the Pledge of
3 Allegiance and the National Anthem. So for those of
4 you who are not yet standing, please stand. I would
5 first like to call upon Cheryl Sobeski-Reedy in the
6 Pledge of Allegiance.

7 (Pledge of Allegiance.)

8 JUDGE PANELLA: Thank you. And would you
9 all please remain standing for the National Anthem
10 which will be sung by Stefanie Fernandes accompanied
11 on keyboard by Christine Leandri.

12 (National Anthem.)

13 JUDGE PANELLA: Thank you and you may be
14 seated. I know you just did this but we have to do
15 this again. That was so beautiful. Stefanie is a
16 member of the bar here. We've got to give Stefanie
17 another round of applause. That was so beautiful.
18 We're very privileged that she joined us this morning.

19 Well, good morning everyone. It's such a
20 pleasure for all of us to be here today. It's always
21 wonderful to be in this City and in this County. On
22 behalf of all the Superior Court Judges, we thank you
23 for attending today, and we're here sort of to
24 celebrate our 125th anniversary, even though that was
25 two years ago but just like everybody else, we got

1 delayed because of Covid. So we are here now and, by
2 the way, we would also like to recognize that this
3 year marks the 300th anniversary of the Pennsylvania
4 Supreme Court older than the United States Supreme
5 Court, so we acknowledge the great work done by our
6 Supreme Court.

7 Joining me today from the Superior Court,
8 I'll introduce them. President Judge Emeritus John
9 Bender; Judge Victor Stabile; Judge Maria McLaughlin;
10 Judge Megan King and Judge Daniel McCaffery. Now
11 there's one more, everyone here knows him well. He
12 just has so many titles I never -- I'm never sure what
13 exactly how to introduce him; but it would be Senior
14 Judge, President Judge Emeritus, retired justice, it's
15 Judge Correale Stevens from Luzerne County.

16 We also really want to show our
17 appreciation for the members of the Luzerne County
18 Court of Common Pleas in joining us, and I'd like to
19 call up here now President Judge of Luzerne County,
20 Michael Vough, to introduce the judges from Luzerne
21 County.

22 JUDGE MICHAEL VOUGH: Thank you everyone.
23 Welcome to Luzerne County. I want to thank the
24 Superior Court for coming here and honoring one of our
25 own, Judge Rice. When you become a judge, you're

1 basically told you have to be personal, you have to
2 decide cases based upon the facts and the law, and we
3 do that everyday in this courthouse. But two things
4 that I'm not very partial about is this building and
5 the people I work with. In my opinion, very biased
6 opinion, I believe this is the nicest courthouse in
7 Pennsylvania and it's an honor and a privilege to work
8 in this building everyday. I'm an early riser. I
9 come to work very, very early and I get here in the
10 morning and there's no one here but me and you walk
11 through the halls upstairs and you look up at the dome
12 and I realize how lucky I am everyday to be in this
13 building.

14 I'm also very, very lucky to work with
15 distinguished colleagues and friends on the Luzerne
16 County bench, and it's my distinct honor this morning
17 to introduce the members of our bench who work
18 everyday in this building, in buildings elsewhere in
19 the county to it provide a perfect justice system for
20 our residents.

21 First, Judge David W. Lupas, Judge Tina
22 Polachek-Gartley -- please hold your applause until
23 the end, please -- Judge Jennifer Rogers, Judge Joseph
24 F. Sklarosky, Jr., Judge Lisa Gelb who had a prior
25 commitment and couldn't be here this morning; Judge

1 Richard M. Hughes, III, Judge Fred A. Pierantoni, III,
2 Judge Stefanie J. Salavantis, Judge Tarah C. Toohil;
3 and our two senior judges, who help out greatly, Judge
4 Joseph M. Augello and Judge William H. Amesbury.
5 Please give a round of applause for our bench.

6 (Applause.)

7 I also want to acknowledge all the other
8 people that work in our court system, all the
9 employees of Luzerne County. Back in my day, there
10 was a Webster dictionary. I don't know if Webster
11 even prints a dictionary any longer but I did a Google
12 search this morning of what public service means and
13 the best definition I could find for public service is
14 service rendered in the public interest. And that's
15 what we do everyday in this courthouse, and that's
16 what all of our employees do and they work, they toil
17 without any recognition, and I want to basically give
18 them some recognition today while I have this forum.

19 All of our employees that work in the
20 court system and all of the employees of Luzerne
21 County are true public servants and do everything that
22 they can to make sure our county government runs
23 appropriately. I want to thank them for their
24 service. (Applause.)

25 And I also, obviously, would like to

1 thank Judge Panella and the Superior Court for coming
2 here, having cases in our courthouse and recognizing
3 one of our own, Judge Rice. I thank you very much and
4 I'm done.

5 JUDGE PANELLA: Now I have a special tie
6 to this county because just about 32 years ago, Judge
7 Augello, Judge Stevens and I went to new judge school
8 together and I said to a group of lawyers last night,
9 and they gave me this blank stare and I realized none
10 of them had been born yet, so we've been around a
11 little while.

12 But we're here this morning looking back
13 at the creation of the Superior Court in 1895. Of
14 course Pennsylvania was being served by the
15 Pennsylvania Supreme Court at that time but the work
16 of that court had become overwhelmed. Well, why
17 should we have this review? Why should have we have
18 this program? It just gives us a moment to sit back
19 and pause and maybe realize what's the need for a
20 court. What's the need for the administration of
21 justice?

22 Well, the provision of justice has been
23 part of this country since before we became a country.
24 In his criticisms of King George, III in the
25 Declaration of Independence, Thomas Jefferson wrote

1 about the need for judicial independence. He stated,
2 the history of present King of Great Britain is a
3 history of repeated injuries and usurpations, all
4 having in direct object the establishment of an
5 absolute tyranny over these states.

6 He has obstructed the administration of
7 justice. He has made judges dependent on his will
8 alone. Well after we gained our independence in our
9 Constitution, James Madison followed up with that and
10 stated that the establishment of justice was a
11 necessary component of a more perfect union, and we
12 cannot lose sight of the role that the courts play in
13 maintaining this union, this democracy.

14 Our democracy. Freedom of religion.
15 Freedom of speech. Personal liberties. We provide in
16 this country the foundation for the world in the
17 recognition of human rights, and is there any element
18 more important to this republic form of government,
19 more important to its effectiveness and it's
20 continuity than the independence of the judicial
21 branch and their ability to uphold the rule of law?

22 As stated by the American Bar
23 Association, the rule of law is a set of principles,
24 or ideals for ensuring an orderly and just society.
25 And in the words of former Justice Sandra Day

1 O'Connor, when a judge does what is right according to
2 the law, when a judge decides each case strictly on
3 the merits, when a judge gives every case and every
4 person the same treatment, our courts are what they
5 have always been and must always be... fair and free.

6 And that's why we need the judiciary in
7 America. That's why we need the judiciary in
8 Pennsylvania, and that's why we needed the Superior
9 Court back in 1895 and today.

10 Well our first speaker in this program is
11 the President of the Wilkes-Barre Law and Library
12 Association, Girard Mecadon. Girard?

13 GIRARD MECADON: Thank you for being
14 here. I want to first thank our Superior Court Judges
15 for being here today. It's always a thrill and a
16 pleasure to have the appellate courts in Luzerne
17 County and give us some recognition and put us on the
18 map. Judge Panella -- President Judge Panella has
19 been exceptionally wonderful to work with. It was his
20 idea to come here and to have our presentation today,
21 our program, and we thank him for all his efforts.

22 We also want to thank President Judge
23 Vough. Obviously we wouldn't be here without having
24 the ability to let Judge Vough allow us to have use of
25 the courtrooms for the Superior Court as well as the

1 rotunda; and I'm especially thankful that he allowed
2 us to mess up his trial week because it's a criminal
3 week and we're smack dab in the middle of it and I
4 know how he is about wanting to move cases and we
5 appreciate that, Judge Vough, very much. Thank you so
6 much.

7 I want to thank Cathy O'Donnell for being
8 here. Cathy's our immediate past president of the
9 Wilkes-Barre Law Library Association and she actually
10 spearheaded the effort two years ago to start this
11 program for Judge Rice. Unfortunately, Covid had
12 other ideas so that didn't happen but she did a lot of
13 the groundwork to help make this day possible.

14 I also want to thank Anthony -- Tony
15 Brooks is here. Tony's going to give a little speech
16 later with regard to Judge Rice. And if anybody ever
17 has the opportunity, Tony does a fantastic courthouse
18 tour. As Judge Vough said earlier, this is just an
19 amazing building. It's now 113 years old and it has
20 certainly withstood the test of time and it's just
21 full of historical figures. All of the Frescos in the
22 ceiling of our county forefathers and founders of this
23 county. It's just amazing the information that's
24 contained here.

25 And I certainly want to thank

1 President -- Past President Judge Emeritus Correale
2 Stevens. Judge Stevens has been such a friend of the
3 Wilkes-Barre Law Library Association. He has just
4 done a tremendous amount of work in the background.
5 He's always willing to lend a hand. And he certainly
6 makes me look good because he'll call and say, Jerry,
7 do you need a speaker? Do you need a CLE? And it's
8 like boom, he makes a phone call and it's done, and
9 it's so amazing to have Judge Stevens. He's just a
10 treasure for our association.

11 Earlier this year I was at a conference
12 of county bar leaders seminar in Harrisburg and one of
13 the big issues was getting membership to show up at a
14 bar association meeting and they found, even before
15 Covid, that it was trailing off and a suggestion was
16 to try to reach out to the appellate courts because
17 that seems to bring members in. And people we're
18 talking about, you know, different presidents of
19 different counties of the trouble they had trying to
20 reach an appellate judge or their office and get a
21 response if they can attend a meeting or get a CLE.
22 And, I mean, with Judge Stevens, we're just so lucky
23 to have him. He's really been great to work with for
24 our association.

25 And you know what I'd like to do right

1 now, speaking of which, I know Mr. Burke, we have a
2 few things here. First, we want to call Judge Vough
3 up because we're dedicating a room in our law library.
4 It's going to be called the President's Room and we're
5 going to do our CLEs there and what we're going to do
6 is have pictures of all the president judges of
7 Luzerne County, of course, ending with the current
8 judge, Judge Vough, so we'd like to have you come up.

9 (Applause.) And we certainly don't want
10 to forget that although he wasn't a president judge
11 for Luzerne County, Judge Stevens was a President
12 Judge of the Superior Court of Pennsylvania, and so we
13 certainly want to honor him as well. (Applause.)

14 JUDGE STEVENS: They always use my high
15 school picture.

16 MR. MECADON: If you don't like it, blame
17 Judge Panella because I never know if he's playing a
18 joke on you or not, but that's the picture he picked
19 for you, Judge.

20 Anyway, so, as I said, we're going to
21 have a room now all the president judges' pictures are
22 going to hang there, including Judge Rice and, of
23 course, Judge Stevens. We're going to use it for our
24 CLE programs and have live presentations as well as
25 hybrid. So anyone is welcome to see that after the

1 program.

2 I just want to mention, and I don't want
3 to go too far into it, but there's one particular
4 thing I found interesting about Judge Rice. Well
5 actually two. One is that Judge Stevens and Judge
6 Rice had very similar parallels even though they live
7 decades apart. Judge Rice was a District Attorney of
8 Luzerne County as was Judge Stevens. Judge Rice was a
9 Court of Common Pleas Judge of Luzerne County, as was
10 Judge Stevens. And Judge Rice was the President Judge
11 of the Pennsylvania Superior Court as was Judge
12 Stevens, so I think that's interesting. Although I
13 think Judge Stevens has him beat because he was a
14 state rep and also on the Supreme Court of
15 Pennsylvania so we have -- we have to give you extra
16 points for that.

17 But I just wanted to read one passage
18 from the memorial from Judge Rice back when he passed
19 away. It's in the Reporter and it just kind of struck
20 me. It says, it's impossible to put into words his
21 service to the profession. He was never engaged in or
22 identified with any business undertaking. His law was
23 his mistress and to her he rendered assiduous and
24 loyal service. Guided by the simplest and kindness
25 ideals with an entire absence of pretence, he combined

1 with the highest standard of clean living, a thorough
2 and accurate knowledge of the law and the ability to
3 use it effectively in dealing with all complicated,
4 legal problems. Neither public clamor nor personal
5 friendship ever swerved him from the straight, clear
6 line of official duty. His courage and loyalty to
7 service were always consistent.

8 As a fair illustration, when he was
9 District Attorney of Luzerne County, at the conclusion
10 of a trial he stated to the court, there should be no
11 conviction. Despite his protest, a conviction was
12 secured. He refused to move forward to sentence. And
13 on review by the Supreme Court, he appeared at the bar
14 and stated that he was obliged to say, under his oath
15 of office, there should be no conviction. The
16 judgment was reversed and in an scathing opinion by
17 Paxton (phonetic), which he said, there was no
18 evidence to justify the jury in rendering a verdict of
19 guilty or the court in sustaining. The jury were not
20 only erroneously instructed upon the law but were
21 probably misled by the comments of the court upon the
22 evidence. The record of such abuse of judicial power
23 and the courage of a conscientious District Attorney
24 is preserved in the profession in Pauli versus
25 Commonwealth, 89 PA, 432. He was regarded by the

1 profession not only as an able jurist and an honest
2 man but a firm, fair and courtly administrator of the
3 law. Thank you.

4 JUDGE PANELLA: Thank you, Jerry.

5 Where's that portrait? Corey, he hasn't aged a day,
6 has he?

7 Our next speaker is Catherine O'Donnell,
8 immediate and past president of the Wilkes-Barre Law
9 Library Association whose going to make comments on
10 the need for an intermediate appellate court in 1895.
11 Attorney O'Donnell?

12 CATHERINE O'DONNELL: Thank you. And
13 before I begin, I do want to thank President Judge
14 Panella, Attorney Philip Young and Attorney Brooks for
15 they provided to me all of the publications,
16 periodicals and some very interesting journals that
17 allowed me to assemble my presentation this morning,
18 so thank you.

19 The need for an appellate court in 1895.
20 Travel with me to the last quarter of the 19th Century
21 in the Commonwealth of Pennsylvania. It was a time of
22 great growth caused in major part from the Industrial
23 Revolution and the conclusion of the Civil War. It
24 was the "Gilded Age" which saw growth in technology
25 and development of almost every sector of the economy.

1 Our part of the Commonwealth was growing
2 rapidly too. By 1890 the population in Luzerne County
3 grew by more than 70,000 people from the previous
4 decade to a grand total of approximately 200,000,
5 while the City of Wilkes-Barre itself grew by over
6 14,000 people in that same decade. Due to this huge
7 growth, five new post offices were opened throughout
8 the county. There was vast construction and the
9 Wilkes-Barre and Eastern Railroads had tracks
10 everywhere with service to Philadelphia, Harrisburg,
11 Pittsburgh and even New York. The local newspaper,
12 The Wilkes-Barre Record, had to buy a new printing
13 press for \$9,000 in order to service all of its
14 patrons. Bicycle tournaments were a big part of the
15 landscape and being held in the Westside Park on a
16 regular basis.

17 By 1892 a new Market Street Bridge was
18 completed for \$85,000 and an electronic trolley was
19 operated across it. There was a very close
20 presidential election that year too, and even though
21 Grover Cleveland won Luzerne County by 1500 votes, it
22 was Benjamin Harrison who won Pennsylvania and was
23 elected the new president.

24 By 1893, the southern section of the
25 county surrounding Hazleton wanted to secede and

1 become a Quay County, but the measure failed in
2 Pennsylvania legislature. The new Carey Avenue school
3 opened in Wilkes-Barre with the county
4 superintendent's salary at \$2,500.

5 In 1894 county expenditures were about
6 \$237,000, and there were 2000 marriage licenses issued
7 that year. In sports, the Wilkes-Barre baseball team
8 in the Eastern league was in next to last place with
9 41 wins and 68 losses. And there were four Luzerne
10 County Court of Common Pleas Judges, including
11 President Judge Charles Rice, our guest of honor this
12 morning, who had six years left on his term and a
13 salary of \$4,000.

14 By 1895, the year of the creation of our
15 Superior Court, Pittston became a third-class city and
16 there were public discussions of the need for a new
17 courthouse. Almost all of this growth here in our
18 area was, of course, attributable to King Coal. In
19 1982, nearly 130,000 people or approximately 65
20 percent of all Luzerne County residents were employed
21 as coal miners and aggregate production of 45 million
22 tons and rising by about 300,000 tons annually.

23 This vast growth throughout the
24 Commonwealth stressed all sectors of government
25 including our judicial system. The Supreme Court

1 could not keep up with all of the appeals filed which
2 resulted in an enormous backlog. The Supreme Court
3 justices could not consider, digest and write opinions
4 for all of the cases before them. This did not allow
5 for final disposition of a number of cases which
6 affected how and what many of these emerging
7 industries could or could not do.

8 Industrial and commercial leaders
9 demanded reforms to end abuses and allow for needed
10 progressive movements forward. This required changes
11 to the Commonwealth's Constitution and resulted in the
12 formation of the 1873 Constitutional Convention.

13 Unfortunately, however, no agreement on
14 how to improve the Commonwealth's judicial system
15 could be achieved at this convention so the
16 inefficiency and hindrances of the Supreme Court on
17 the voluminous number of appeals filed lumbered on for
18 another 20 years.

19 In 1895, the Pennsylvania Bar Association
20 President John Simonton made judicial reform a
21 priority of the Association indicating that he had had
22 discussions with the justices and that they could not
23 transact the business of the appellate appeals court
24 in the manner they desired nor that ought to be done.
25 Under great pressure and complaints from not only the

1 Bar Association but also business leaders throughout
2 the Commonwealth, the legislature formed the Judicial
3 General Committee in 1895. The purpose of this
4 committee was to take testimony and consider proposals
5 for relief. This committee produced a number of
6 proposals from legislators, prior justices and judges
7 and exemplified just plain old politics at its best.

8 One of the proposals was from former
9 Supreme Court Justice Heydrick. He wanted the trial
10 court to be the sole arbitrator of any controversy
11 less than \$500, which is about \$17,000 in today's
12 money. His thought was that this would immediately
13 strike about 40 percent of the Supreme Court's
14 caseload. This proposal came to be seen as dangerous
15 and unfair to the poor, opening the door for
16 corruption and favoritism on an unchecked court.

17 Other proposals sought to increase the
18 Supreme Court by two justices and split the court into
19 two divisions, but the 1873 Constitutional Convention,
20 which had just concluded, fixed the number of justices
21 to seven, making this proposal impossible. There was
22 then a discussion on establishing two appellate courts
23 for all the appeals but the concern of costs to these
24 courts quickly ended that discussion.

25 Former Chief Justice Woodward who was a

1 principal drafter of the judiciary article of 1838 and
2 the inclusion of it in the state constitution still
3 had a great influence at this time in 1895. He
4 proposed 12 circuit courts throughout the
5 Commonwealth. Each circuit court would have a circuit
6 court judge. Each circuit would also have two Court
7 of Common Pleas judges join that judge.

8 Representative George Kunkel embraced
9 this option in the legislature. However the format
10 was shot down for fear of a lack of conformity in the
11 law with a potential for the circuit courts to be in
12 conflict with each other.

13 By March of 1895, Representative Kunkel
14 revised his proposal and introduced a Bill for our
15 current Superior Court which had the unanimous support
16 of the Judicial General Committee and the Pennsylvania
17 Bar Association. There would be a single intermediate
18 court staffed exclusively by seven appellate judges
19 who were to be elected by the Commonwealth voters.
20 The Bill went on to provide that the first judges
21 would be appointed by the Governor, at this time,
22 Republican Governor Hastings, who was a Republican,
23 with confirmation by the Pennsylvania Senate.

24 As a final point of interest, the Kunkel
25 Bill had given the new court the power to fix the time

1 and place of when and where it would meet, except the
2 court had to meet at least once in Pittsburgh,
3 Harrisburg and Philadelphia. Representative Charles
4 O'Malley, who was an attorney from Olyphant and just
5 elected one year prior in 1894, objected and wanted
6 Scranton as the metropolis of Northeastern
7 Pennsylvania to be added to the list of required
8 annual meeting cities. He went on to form an alliance
9 with Representative Niles and Collins to make the
10 required annual meeting cities for the court to
11 included both Williamsport and Scranton. So out of
12 chaos and need came compromise and solution. A
13 solution which has evolved into one of the most active
14 appellate state courts in the United States -- our
15 Pennsylvania Superior Court. (Applause.)

16 JUDGE PANELLA: Thank you, Attorney
17 O'Donnell.

18 Well, it's about time we spoke a little
19 bit about President Judge Charles E. Rice who was the
20 first President Judge of the Superior Court appointed
21 by the Governor back in the creation of the court.

22 We're very fortunate to have as our
23 speaker Anthony T. P. Brooks who is Director of the
24 Wilkes-Barre Preservation Society and locally heads
25 the museum. Mr. Brooks?

1 MR. BROOKS: Thank you. So I'm going to
2 put you to work. I love doing tours of this building.
3 Thank you, Jerry, for mentioning that. I am not the
4 only person who does tours. Judge Hughes, you're
5 doing a tour on a Wednesday coming up shortly. But if
6 you look up at the dome, I want you to take a look at
7 two presidents, a founding father and a boy from
8 Wilkes-Barre.

9 The two presidents are George Washington
10 and Abraham Lincoln. The founding father is Benjamin
11 Franklin, who was President of Pennsylvania when
12 Luzerne County was created. But who is the boy from
13 Wilkes-Barre? I think I heard you say something,
14 David. So Google George Catlin and see and figure out
15 why with the citizens of Luzerne County in 1909 put
16 George Catlin, a boy from Wilkes-Barre, next to
17 Abraham Lincoln, George Washington and Benjamin
18 Franklin. Okay.

19 Thanks again for including me in this
20 presentation. Of course I love always to research new
21 history and I love what was written about Judge Rice
22 and I actually love the language that was written, and
23 you will certainly see.

24 Charles Edmund Rice of Wilkes-Barre is a
25 descendant of an old and honored Connecticut family.

1 Judge Rice was born September 15, 1846 at Fairfield,
2 New York and died here in Wilkes-Barre, May 16, 1919.
3 His ancestor descended from an old Wallingford,
4 Connecticut family of that name, his great-grandfather
5 having been a school teacher in Wallingford and New
6 Haven for over 40 years prior to the revolution.
7 That's 1776, folks.

8 His grandfather, Moses Rice, was a native
9 of Wallingford where he was born in 1797 but he moved
10 to Upstate, New York at an early age and died in 1880.
11 His wife -- this would be Charles' great
12 grandmother -- was named Roxana Cook and she was a
13 daughter of Atwater Cook whose family emigrated to the
14 new world to Plymouth in 1640. Thomas Rice, father of
15 Charles Rice, was a leading man in his town and for
16 many years was a trustee of Fairfield Academy and
17 Fairfield Medical College.

18 Judge Rice was prepared for college at
19 Fairfield Academy in New York. This institution was
20 incorporated in 1803 and for the first 12 of its 15
21 years of its existence, was the only school of its
22 kind in Upstate, New York. After leaving the academy,
23 Rice entered Hamilton College in Clinton, New York,
24 which he graduated in 1867. Later after leaving
25 college, he went to Bloomsburg where he taught at the

1 Bloomsburg Literary Institute for one year, later to
2 be known as Bloomsburg University. And meanwhile he
3 was in Bloomsburg, he started to read for the law with
4 John G. Freeze.

5 In 1868 and 1869 he attended the Albany
6 Law School from which he graduated in the latter part
7 of the year and was admitted to the bar of the Supreme
8 Court of the State of New York. He then comes to
9 Wilkes-Barre where he reside -- where he entered the
10 office of his relative, Lyman Hakes, and was admitted
11 to the bar on February 21, 1870.

12 In 1874, he was a candidate for Orphans'
13 Court judge but was defeated by the incumbent Danny
14 Rhone. In 1876 he was the Republican nominee for
15 District Attorney of the county and was elected over
16 P.J. O'Hanlan, a Democrat, by a majority of 2,444, and
17 this is the same year that gave Samuel Tilden won the
18 presidency in Luzerne County by a majority of 4,000.

19 In 1879 he was elected candidate of his
20 party for law judge and elected over William McLean, a
21 Democrat, and John Lynch, a labor reform party member.
22 Judge Rice served as President Judge of Luzerne County
23 until he was appointed President of the newly formed
24 Superior Court of Pennsylvania being elected twice in
25 his own right in 1895 and 1905, and he served until

1 his retirement in 1915.

2 Mr. Rice was the charter trustee of
3 Memorial Presbyterian Church, which is just up here on
4 North Street. It's now the chapel for King's College,
5 and he was a trustee of the Wilkes-Barre Female
6 Institute which still exists today as the lower school
7 at Wyoming Seminary.

8 In 1873 he marries Maria Fuller, daughter
9 of Congressman Henry Fuller and they had two children,
10 Charles, Jr. and Philip Sydney Rice.

11 There have been good lawyers who have not
12 made good judges, and there have been some judges who
13 are not among the best lawyers. Now I know that's not
14 true in this room. The man who combines the qualities
15 essential to success, both at the bar and on the
16 bench, and whose qualities never forsake him or fail
17 him in either capacity, is a remarkable man. The man
18 who combines the qualities essential to success -- I'm
19 sorry. The man who reaches the bar and sits long
20 enough on it to warrant this verdict of himself is one
21 man among ten thousand.

22 This reads like an extravagant
23 commendation, yet it is fully merited in the case of
24 Judge Hughes -- Judge Rice. His progress to one of
25 the highest honors of the profession, to a position

1 that would justify the honorable seeking a lifetime,
2 has been rapid, yet he has had no aids, and his reward
3 is solely on valuable services faithfully performed.
4 Judge Rice's practice in the courts attracted
5 attention with its very beginning. There was a quiet
6 force in his method and a clean-cut vigor in his
7 arguments that brought him at once into an enviable
8 notoriety.

9 A testament of this was his nomination
10 for the responsible position of judge of the Orphans'
11 Court within five years after his admission to the
12 bar. Men of even less service in the profession have,
13 upon occasion, had similar honors awarded them but it
14 was generally in recognition of their activity and
15 worth as workers in partisan politics, a field in
16 which Judge Rice has never made himself conspicuous.

17 Only two years later, he was made a
18 candidate for the District Attorney ship, and the
19 remarkable majority by which he was elected was as
20 much a deserved tribute to the popular esteem in which
21 he was held. A prosecutor of the pleas of the
22 Commonwealth, he achieved a most enviable reputation.
23 He was always ready. He was rigorously impartial.
24 The public had a live and trusty representative on the
25 bench. And while the law of the facts was never

1 strained to convict the accused for the glory of the
2 prosecution, the wrongdoer who had not escaped the
3 gauntlet of the grand jury room was made to realize
4 that the law could not be offended or public rights or
5 individual liberties infringed with impunity within
6 his jurisdiction.

7 He never promised more than he felt he
8 could fully prove and seldom proved less than he had
9 promised. There was never any rant or straining for
10 dramatic effect in this presentations or summing up of
11 a case. His pleas were calm, dignified, incisive and
12 without any waste words. The duties of the office
13 were performed, in short, with such becoming
14 earnestness and fidelity as is seldom equaled and
15 never excelled. In such a position and thus
16 discharging his trust, he made enemies, of course, but
17 they were the sort of enmity begets for its object the
18 friendship of better men.

19 When in 1879, therefore, he was nominated
20 for additional law judge, the people had come to have
21 great faith in him, knowing that his comparative youth
22 was set off by soberness of mind and maturity of
23 judgement far in advance of his years. He was chosen,
24 in a three-handed contest that followed, and with the
25 retirement of Judge Harding in 1879, he became the

1 President Judge of Luzerne County and then six years
2 later, President of the Superior Court of
3 Pennsylvania.

4 It's interesting to note how powerful
5 Wilkes-Barre and Luzerne County were in the later part
6 of the 19th and 20th century. According to the
7 census, Luzerne was the third largest county in the
8 state. The other two being Philadelphia and
9 Allegheny. Its population of mixed nationalities and
10 the vast mining and other property interests located
11 in within its borders give its courts and its judicial
12 proceedings an importance which reaches out beyond its
13 limits, and is, relatively to those of its sister
14 counties, very great. In no county are questions of
15 greater variety likely to arise for judicial
16 procedure, and few, if any, is there as frequent call
17 for original authoritative determination of the
18 meaning of the unwritten and statutory law. There are
19 responsibilities here involved are assuredly of a safe
20 test of the capacity of the mans, or men, upon whose
21 shoulders they are foisted.

22 Judge Rice has acquitted himself of them
23 with remarkable success, displaying a legal acumen and
24 nicety of logical discrimination, the best proof of
25 the sufficiency of which is the frequency with which

1 it has found endorsements in higher tribunal; or
2 rather, the infrequency of the occasion upon which it
3 has failed of securing such approval. If any of our
4 local judiciary have a higher standing in the Supreme
5 Court, few, if any, are more frequently quoted; non
6 are more uniformly patient and conscientious in their
7 research or wiser or more courageous in determination
8 than Judge Rice.

9 Personally, Judge Rice is all that
10 constitutes a good citizen and a delightful companion.
11 He takes acts with interest in all public affairs, and
12 his counsel in matters outside the law is held in
13 highly esteemed by friends and neighbors and in the
14 various associations, religious or otherwise, with
15 which he is connected. His bearing is rather reserved
16 but that is a surface indication only. Beneath it is
17 a generous and captivating affability. He has read
18 extensively, and when "off duty", enjoys general
19 conversation, which his native wit and acquired
20 intelligence never fail to pleasantly enliven. He is
21 a keen reader of men, besides adding to his efficiency
22 on the bench, enables him to always accommodate
23 himself appropriately to the company in which he is
24 placed.

25 He is a studious man, loves his home, his

1 books and his family engage the greater part of the
2 intervals between the sessions of court. The purity
3 of his private life and the unbending integrity and
4 superior achievements of his public career have
5 enlisted the respect and admiration of all who know
6 him. Judge Rice's name will go down in our local
7 annuals written in letters that will not fade. Thank
8 you. (Applause.)

9 JUDGE PANELLA: Thank you very much, Mr.
10 Brooks. Well, we're going to conclude, almost, our
11 program today with comments from your representative
12 on the appellate courts, Judge Correale Stevens.
13 Judge Stevens?

14 JUDGE STEVENS: Welcome. Welcome
15 everyone. Thank you to Association President Jerry
16 Mecadon, immediate past president Cathy O'Donnell,
17 past president David Schwager -- well that's not a
18 past president. That's my brother taking a picture.
19 I don't know what's going on here. I just want to --
20 I'm going to condense my remarks. I'd also like to
21 thank the Pennsylvania Cable Network for their
22 continued commitment to the public's right to know and
23 to education.

24 But in the interest of time, I want to
25 mention a few things about our Superior Court. This

1 is a community session and the reason that we're out
2 in the community from time to time is because of our
3 President Judge -- where is he -- Jack Panella, who
4 moves around very quickly. He wants communities to
5 see and hear the appellate court and to better
6 understand them. We decide -- we are the busiest
7 intermediate appellate court in the country. With my
8 colleagues, we handle over 8,000 cases a year and we
9 do so in panels of three judges that are chosen at the
10 beginning of every year.

11 So I have the pleasure and honor of
12 serving today, for example, with President Judge
13 Emeritus John Bender and Judge Vic Stabile. And what
14 we'll do is we'll sit in a courtroom, which is open to
15 the public, and we'll hear oral arguments. All of our
16 cases are decided by at least three judges. Never is
17 the case decided by one judge. And with the volume of
18 cases, we depend on our executive administrator, Chris
19 Nace, on our law clerks, on our staff.

20 I also want to mention during the
21 pandemic, the height of the pandemic, we were able to
22 continue to meet our responsibilities. And I want to
23 mention again our President Judge Jack Panella. He
24 created an environment that we can meet our
25 responsibilities but he made sure that at no time was

1 any judge, staff member or lawyer put at risk of their
2 health during the pandemic so we were able to move on.

3 So we hear these cases. We make our
4 decisions. I'm making it really simple because of
5 time here. Okay? We also handle hundreds of motions
6 every week which are written requests by lawyers,
7 maybe to continue a case or to do other things.

8 Couple -- just one or two more things.
9 Wiretaps. Wiretaps are an investigative tool that the
10 Attorney General and the District Attorneys can use.
11 We have drug cartels operating in Northeastern
12 Pennsylvania and to break into those drug cartels,
13 sometimes there has to be a wiretap. There's no other
14 way. And it's the Superior Court, by law, that a
15 Superior Court judge has to meet with the Assistant
16 Attorney Generals and the law enforcement to make sure
17 there's probable cause to have a wiretap, and it
18 doesn't end there. Every ten days, we get a progress
19 report to protect everybody's rights.

20 I have to say, in my 25 years on this
21 court, I've never seen a problem with law enforcement
22 violating anybody's rights. They have always come to
23 me with probable cause. So that's another important
24 function of our court.

25 We do a lot of other things. One more

1 thing. We do legal education for lawyers and judges.
2 We volunteer our time. A few weeks ago, Judge King
3 and I were here and we did a seminar for lawyers who
4 are not familiar with being in virtual court using
5 zoom. Example, last year I had a session where when
6 we opened the session, there was just a dark room and
7 out of the darkness came a booming voice, "Your
8 Honors". We jumped out of our chairs. It was like a
9 movie like Halloween or something. The lawyer was
10 sitting in the dark. So we went over things about
11 zoom and how to do things.

12 Judge Tina Gartley and I gave a seminar
13 to all the trial attendings in Pennsylvania about
14 serial killers. I think when we were talking about
15 the serial killers, one or two detectives had to
16 leave. They didn't -- they were a little concerned
17 about that discussion.

18 And President Judge Panella and I, we've
19 traveled the state doing these legal education. So
20 that's just a few things that we do. But we are very
21 happy to be here.

22 Before I sit down, I want you to take a
23 look at these judges in their robes right here. In
24 some states, political committees appoint their
25 judges. You, in Pennsylvania, have a constitutional

1 right to choose your judges. I want to tell you, you
2 can be very proud. You've chosen very well because as
3 I cross the state, these judges are among the most
4 respected you will ever see, and we appreciate the
5 work and their commitment to the people of
6 Pennsylvania. (Applause.)

7 And these judges, they're very hard
8 working too and I'm very proud to serve with these
9 judges and I thank them for taking the time to come to
10 our community session. So, again, thank you for being
11 here. We are going to have to get to work in few
12 minutes so I'm going to call President Judge back.

13 JUDGE PANELLA: Well, before we conclude
14 our program, we'd like to thank PCN for helping us
15 televise this program. We'd like to thank the
16 Administrative Office of Pennsylvania courts who are
17 also present today and the Luzerne County Bar
18 Association that made arrangements for us to record
19 this program.

20 I am going to ask our Superior Court
21 Judges who are here just to make a brief comment, but
22 there's somebody we really have to thank in organizing
23 program. Where's Joe Burke? The Director of Luzerne
24 County Bar Association. (Applause.) Where is he?
25 Come on up. Technically we as elected officials are

1 not allowed to have alcohol in this building, but
2 we're going to make an exception for you, Joe. We
3 thank you very much for all the work you do.

4 Well, in order of seniority, first I'm
5 going to call President Judge Emeritus John Bender.
6 Judge Bender?

7 JUDGE BENDER: Thank you. It's very nice
8 to be here. I want to thank the bench, the judges who
9 sit on the bench in Luzerne County for their
10 hospitality and their welcome that we received. It's
11 been very nice. I would also like to thank the bar
12 association and the leadership and the membership for
13 their warm welcome.

14 I've been here -- this is the third time
15 I've been in this courtroom or this courthouse and it
16 is quite spectacular. The first time, I was running
17 in 2001 and I was just trying to drum up votes doing a
18 courthouse visit we called it and it struck me, and
19 I'd forgotten how beautiful it was. It's of the scale
20 of the Capitol. I mean, it's just incredible, the
21 amount of marble.

22 The next time I was here was when Judge
23 Stevens was sworn in to the Supreme Court. There was
24 a ceremony that we had right in this area. And now I
25 have the privilege today to do our second day of our

1 8:14 session so I will actually finally, after 20
2 years, get to do to work in this building, and I look
3 forward to that. Thank you again. (Applause.)

4 JUDGE PANELLA: And now we'll hear from
5 Judge Victor Stabile. Judge Stabile?

6 JUDGE STABILE: Thank you. It's a
7 pleasure to be here. Judges, members of the public,
8 the media, distinguished folks in the audience today,
9 it's always a pleasure to be up here in Luzerne County
10 and your welcome for us for this special session is
11 most appreciated. It's also special because we've
12 taken an occasion to recognize the leadership of
13 Luzerne County and it's first President Judge of the
14 Superior Court of Pennsylvania. No organization
15 survives or prospers without good, strong and honest
16 leadership and I'm happy to say that, from my
17 observations, those characteristics and that
18 leadership has continued through this day through our
19 current President Judge and we are fortunate to have
20 also two former PJs, Judge Bender and Judge Corey
21 Stevens, who have followed in that tradition as well,
22 and I'd like to thank them and recognize them
23 underneath the auspices of Judge Rice who started the
24 leadership on this court.

25 On a personal note, I can tell you I've

1 always been privileged to serve on the Superior Court;
2 and while I can tell you I appreciate the fact that I
3 was elected judge, I fully know that everyday you have
4 to work to earn the right to be called Honorable.
5 That's a daily challenge and one that I willfully and
6 gladly accept everyday in order to see that your
7 rights are protected under our constitutions and that
8 every citizen in this great Commonwealth of
9 Pennsylvania is given the equal protection of laws
10 that they all so deserve and are entitled to under our
11 laws.

12 And I thank you for having us and being
13 here today and I look forward to continuing our
14 session. Thank you Luzerne County and thank you Judge
15 Rice. (Applause.)

16 JUDGE PANELLA: And next we will have
17 Judge Maria McLaughlin. Judge McLaughlin, please.

18 JUDGE McLAUGHLIN: Well for me it's
19 always great to be in NEPA and spend some time here.
20 Because, like my colleagues, I hold this county near
21 and dear to my heart. I started my judicial career
22 ten years ago with a majority of your bench that are
23 still here, my dear friends. So you make that
24 connection and it never ends. So I'm so happy to be
25 here with all of you today and to thank the bar

1 association who always welcomes me every time I enter
2 your county, so thank you.

3 In my family, I was the first one to go
4 to college so to be part of a court with this
5 incredible history and to me to be part of that
6 history, all I can say is I'm humbled. I'm humbled
7 and honored and so happy to spend some time in the
8 hometown of our first President Judge. So thank you
9 for inviting me to share in the celebration, and I'm
10 honored to be here always. Thank you. (Applause.)

11 JUDGE PANELLA: Have you noticed I've
12 been moving around as the judges get up? For the
13 viewing audience at home, it's going to be like,
14 Where's Waldo? Where's Jack?

15 So, you know, we have been blessed on
16 this court with the election of the judges. A couple
17 years ago, of course, Judge McLaughlin joined us.
18 Just since I got elected to this court, Judge Stabile.
19 The next two judges were both elected in the same year
20 and once again, God was looking down on us. We are so
21 fortunate to have them with us. First Judge Megan
22 King. Judge King?

23 JUDGE KING: Thank you so much. It is an
24 honor and a privilege to be here and I just want to
25 add to the sentiments of my colleagues. I want to

1 thank you, the speakers for your eloquent message and
2 I also want to speak -- thank the Lackawanna County
3 and Luzerne County Bar Associations for your warm
4 hospitality. And finally I want to thank all of you
5 for hosting this amazing event in this beautiful
6 venue. And President Judge Panella -- oh, he keeps
7 moving around. There he is. I just want you to know
8 that this is my official request to sit on the next
9 panel here. Thank you again. (Applause.)

10 JUDGE PANELLA: And, of course, lastly
11 will be Judge Daniel McCaffery. Judge McCaffery?

12 JUDGE McCAFFERY: It's always nice to be
13 bottom cleanup in the bottom of the 27th inning. So I
14 just wanted to echo what Judge Stevens said because I
15 got elected in 2019 to the Superior Court with Judge
16 King; and before that, I spent 28 years as a trial
17 lawyer in the City of Philadelphia and I spent six
18 years as a trial judge in the City of Philadelphia.
19 So I thought I knew a little bit about what it meant
20 to be a good lawyer and a good trial judge. Sitting
21 on our court and Superior Court it gives you a very
22 unique perspective because when you think about our
23 jurisdiction, how wide it is and how deep it is, we
24 get to review the work product of every trial judge in
25 the Commonwealth of Pennsylvania and a lot of the

1 appellate lawyers. And I can say this from the bottom
2 of my heart, as Cory Stevens just mentioned, we handle
3 over 8,000 appeals a year. Each one of us is
4 responsible to write over 300 opinions a year and sit
5 on panels with about a thousand cases a year. And I
6 can say this from the bottom of my heart, and I truly
7 mean it. I'm a Philadelphia guy. I practiced law in
8 Southeastern, Pennsylvania. The work product that the
9 Luzerne County bench puts out on a consistent daily
10 basis is nothing short of outstanding. It's
11 consistently well written, well reasoned and well
12 researched, and I know that this particular bench
13 leads the way in the Commonwealth of Pennsylvania. So
14 when you hear judge after judge on the appellate court
15 come up here and compliment the Luzerne County bench,
16 understand that we're not saying it because we're
17 standing in your beautiful courthouse. We're saying
18 it because we mean it. We couldn't do the job that we
19 do without the job that you do. And I know, speaking
20 from the bottom of my heart again, that every one of
21 the judges in this bench came from the bar in Luzerne
22 County. And if the bar is representative of the
23 bench, Luzerne County leads the way and I want to
24 thank you. (Applause.)

25 JUDGE PANELLA: Thank you very much

1 Judges. Well, we're at the end of our program and,
2 you know, with the division that we have in our
3 country nowadays, I never remember seeing it like
4 this, and I'm 67 years old. We thought it might be
5 nice for you all of us to show unity, and I would ask
6 all of you if you would like to join us as Stefanie
7 Fernandes ends our program singing God Bless America.

8 (God Bless America and then the program
9 ended at 10:36 a.m.)

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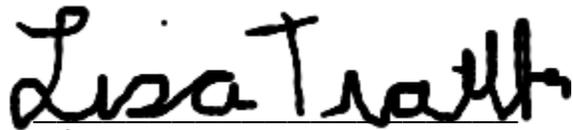
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C E R T I F I C A T E

I, Lisa L. Tratthen, RPR, Court Reporter
Notary Public in and for the Commonwealth of
Pennsylvania, certify that the foregoing is a
true and accurate transcript of the
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Lisa L. Tratthen, RPR
Notary Public

<u>WORD INDEX</u>			
< \$ >	1919 22:2	89 13:25	ago 2:25 6:6 9:10
\$17,000 18:11	1982 16:19	< 9 >	32:2 36:22 37:17
\$2,500 16:4	19th 14:20 27:6	9:30 1:6	agreement 17:13
\$237,000 16:6	< 2 >	< A >	aids 25:2
\$4,000 16:13	2,444 23:16	a.m 1:6 40:9	Albany 23:5
\$500 18:11	20 17:18 35:1	ability 7:21 8:24	alcohol 34:1
\$85,000 15:18	200 1:6	13:2	Allegheny 27:9
\$9,000 15:13	200,000 15:4	able 14:1 30:21 31:2	Allegiance 2:3, 6, 7
< 1 >	2000 16:6	Abraham 21:10, 17	alliance 20:8
10:36 40:9	2001 34:17	absence 12:25	allow 8:24 17:4, 9
113 9:19	2019 38:15	absolute 7:5	allowed 9:1 14:17
12 19:4 22:20	2022 1:5	abuse 13:22	34:1
125th 2:24	20th 27:6	abuses 17:9	amazing 9:19, 23
130,000 16:19	21 23:11	Academy 22:16, 19,	10:9 38:5
14,000 15:6	22 1:5	22	America 8:7 40:7, 8
15 22:1, 20	25 31:20	accept 36:6	American 7:22
1500 15:21	27th 38:13	accommodate 28:22	Amesbury 5:4
16 22:2	28 38:16	accompanied 2:10	amount 10:4 34:21
1640 22:14	< 3 >	accurate 13:2 41:6	ancestor 22:3
17036 1:25	300 39:4	accused 26:1	anniversary 2:24 3:3
1776 22:7	300,000 16:22	achieved 17:15 25:22	annual 20:8, 10
1797 22:9	300th 3:3	achievements 29:4	annually 16:22
1803 22:20	32 6:6	acknowledge 3:5 5:7	annuals 29:7
1838 19:1	< 4 >	acquired 28:19	Anthem 2:3, 9, 12
1846 22:1	4,000 23:18	acquitted 27:22	Anthony 9:14 20:23
1867 22:24	40 18:13 22:6	active 20:13	anybody 9:16
1868 23:5	41 16:9	activity 25:14	anybody's 31:22
1869 23:5	432 13:25	acts 28:11	Anyway 11:20
1870 23:11	45 16:21	acumen 27:23	apart 12:7
1873 17:12 18:19	< 5 >	add 37:25	appeals 17:1, 17, 23
24:8	573 1:24	added 20:7	18:23 39:3
1874 23:12	< 6 >	adding 28:21	appeared 13:13
1876 23:14	612-2403 1:25	additional 26:20	appellate 8:16 10:16,
1879 23:19 26:19, 25	65 16:19	administration 6:20	20 14:10, 19 17:23
1880 22:10	67 40:4	7:6	18:22 19:18 20:14
1890 15:2	68 16:9	Administrative 33:16	29:12 30:5, 7 39:1,
1892 15:17	< 7 >	administrator 14:2	14
1893 15:24	70,000 15:3	30:18	applause 2:17 4:22
1894 16:5 20:5	717 1:25	admiration 29:5	5:5, 6, 24 11:9, 13
1895 6:13 8:9 14:10,	< 8 >	admission 25:11	20:15 29:8 33:6, 24
19 16:14 17:19 18:3	8,000 30:8 39:3	admitted 23:7, 10	35:3 36:15 37:10
19:3, 13 23:25	8:14 35:1	advance 26:23	38:9 39:24
1895-1915 1:2		affability 28:17	appoint 32:24
1905 23:25		affairs 28:11	appointed 19:21
1909 21:15		Age 14:24 22:10	20:20 23:23
1915 24:1		aged 14:5	appreciate 9:5 33:4
		aggregate 16:21	36:2
			appreciated 35:11
			appreciation 3:17

<p>appropriately 5:23 28:23</p> <p>approval 28:3</p> <p>approximately 15:4 16:19</p> <p>arbitrator 18:10</p> <p>area 16:18 34:24</p> <p>arguments 25:7 30:15</p> <p>arrangements 33:18</p> <p>article 19:1</p> <p>assemble 14:17</p> <p>assiduous 12:23</p> <p>Assistant 31:15</p> <p>Association 7:23 8:12 9:9 10:3, 10, 14, 24 14:9 17:19, 21 18:1 19:17 29:15 33:18, 24 34:12 37:1</p> <p>associations 28:14 38:3</p> <p>assuredly 27:19</p> <p>attend 10:21</p> <p>attended 23:5</p> <p>attending 2:23</p> <p>attendings 32:13</p> <p>attention 25:5</p> <p>Attorney 12:7 13:9, 23 14:11, 14 20:4, 16 23:15 25:18 31:10, 16</p> <p>Attorneys 31:10</p> <p>attracted 25:4</p> <p>attributable 16:18</p> <p>Atwater 22:13</p> <p>audience 35:8 37:13</p> <p>Augello 5:4 6:7</p> <p>auspices 35:23</p> <p>authoritative 27:17</p> <p>Avenue 16:2</p> <p>awarded 25:13</p> <p>< B ></p> <p>Back 5:9 6:12, 18 8:9 12:18 20:21 33:12</p> <p>background 10:4</p> <p>backlog 17:2</p> <p>bar 2:16 7:22 10:12, 14 13:13 17:19 18:1</p>	<p>19:17 23:7, 11 24:15, 19 25:12 33:17, 24 34:11 36:25 38:3 39:21, 22</p> <p>baseball 16:7</p> <p>based 4:2</p> <p>basically 4:1 5:17</p> <p>basis 15:16 39:10</p> <p>bearing 28:15</p> <p>beat 12:13</p> <p>beautiful 2:15, 17 34:19 38:5 39:17</p> <p>becoming 26:13</p> <p>begets 26:17</p> <p>beginning 25:5 30:10</p> <p>behalf 2:22</p> <p>believe 4:6</p> <p>bench 4:16, 17 5:5 24:16 25:25 28:22 34:8, 9 36:22 39:9, 12, 15, 21, 23</p> <p>Bender 3:9 30:13 34:5, 6, 7 35:20</p> <p>Beneath 28:16</p> <p>Benjamin 15:22 21:10, 17</p> <p>best 5:13 18:7 24:13 27:24</p> <p>better 26:18 30:5</p> <p>beyond 27:12</p> <p>biased 4:5</p> <p>Bicycle 15:14</p> <p>big 10:13 15:14</p> <p>Bill 19:14, 20, 25</p> <p>bit 20:19 38:19</p> <p>blame 11:16</p> <p>blank 6:9</p> <p>Bless 40:7, 8</p> <p>blessed 37:15</p> <p>Bloomsburg 22:25 23:1, 2, 3</p> <p>books 29:1</p> <p>boom 10:8</p> <p>booming 32:7</p> <p>borders 27:11</p> <p>born 6:10 22:1, 9</p> <p>bottom 38:13 39:1, 6, 20</p> <p>boy 21:7, 12, 16</p>	<p>branch 7:21</p> <p>break 31:12</p> <p>Bridge 15:17</p> <p>brief 33:21</p> <p>bring 10:17</p> <p>Britain 7:2</p> <p>Brooks 9:15 14:14 20:23, 25 21:1 29:10</p> <p>brother 29:18</p> <p>brought 25:7</p> <p>building 4:4, 8, 13, 18 9:19 21:2 34:1 35:2</p> <p>buildings 4:18</p> <p>Burke 11:1 33:23</p> <p>busiest 30:6</p> <p>business 12:22 17:23 18:1</p> <p>buy 15:12</p> <p>< C ></p> <p>Cable 29:21</p> <p>call 2:5 3:19 10:6, 8 11:2 27:16 33:12 34:5</p> <p>called 11:4 34:18 36:4</p> <p>calm 26:11</p> <p>candidate 23:12, 19 25:18</p> <p>capacity 24:17 27:20</p> <p>Capitol 34:20</p> <p>captivating 28:17</p> <p>career 29:4 36:21</p> <p>Carey 16:2</p> <p>cartels 31:11, 12</p> <p>case 8:2, 3 24:23 26:11 30:17 31:7</p> <p>caseload 18:14</p> <p>cases 4:2 6:2 9:4 17:4, 5 30:8, 16, 18 31:3 39:5</p> <p>Catherine 14:7, 12</p> <p>Cathy 9:7 29:16</p> <p>Cathy's 9:8</p> <p>Catlin 21:14, 16</p> <p>cause 31:17, 23</p> <p>caused 14:22</p> <p>ceiling 9:22</p> <p>celebrate 2:24</p>	<p>celebration 37:9</p> <p>census 27:7</p> <p>Century 14:20 27:6</p> <p>ceremony 34:24</p> <p>certainly 9:20, 25 10:5 11:9, 13 21:23</p> <p>certify 41:5</p> <p>chairs 32:8</p> <p>challenge 36:5</p> <p>changes 17:10</p> <p>chaos 20:12</p> <p>chapel 24:4</p> <p>characteristics 35:17</p> <p>Charles 1:2 16:11 20:3, 19 21:24 22:11, 15 24:10</p> <p>charter 24:2</p> <p>Cheryl 2:5</p> <p>Chief 18:25</p> <p>children 24:9</p> <p>choose 33:1</p> <p>chosen 26:23 30:9 33:2</p> <p>Chris 30:18</p> <p>Christine 2:11</p> <p>Church 24:3</p> <p>circuit 19:4, 5, 6, 11</p> <p>cities 20:8, 10</p> <p>citizen 28:10 36:8</p> <p>citizens 21:15</p> <p>City 2:21 15:5 16:15 38:17, 18</p> <p>Civil 14:23</p> <p>clamor 13:4</p> <p>CLE 10:7, 21 11:24</p> <p>clean 13:1</p> <p>clean-cut 25:6</p> <p>cleanup 38:13</p> <p>clear 13:5</p> <p>clerks 30:19</p> <p>CLEs 11:5</p> <p>Cleveland 15:21</p> <p>Clinton 22:23</p> <p>close 15:19</p> <p>Coal 16:18, 21</p> <p>colleagues 4:15 30:8 36:20 37:25</p> <p>College 22:17, 18, 23, 25 24:4 37:4</p>
---	--	--	---

<p>Collins 20:9 combined 12:25 combines 24:14, 18 come 4:9 8:20 11:8 26:20 31:22 33:9, 25 39:15 comes 23:8 coming 3:24 6:1 21:5 commendation 24:23 comment 33:21 comments 13:21 14:9 29:11 commercial 17:8 commitment 4:25 29:22 33:5 Committee 18:3, 4, 5 19:16 committees 32:24 Common 3:18 12:9 16:10 19:7 Commonwealth 13:25 14:21 15:1 16:24 18:2 19:5, 19 25:22 36:8 38:25 39:13 41:4 Commonwealth's 17:11, 14 communities 30:4 community 30:1, 2 33:10 companion 28:10 company 28:23 comparative 26:21 complaints 17:25 completed 15:18 complicated 13:3 compliment 39:15 component 7:11 compromise 20:12 concern 18:23 concerned 32:16 conclude 29:10 33:13 concluded 18:20 conclusion 13:9 14:23 condense 29:20 conference 10:11 confirmation 19:23</p>	<p>conflict 19:12 conformity 19:10 Congressman 24:9 connected 28:15 Connecticut 21:25 22:4 connection 36:24 conscientious 13:23 28:6 consider 17:3 18:4 consistent 13:7 39:9 consistently 39:11 conspicuous 25:16 constitutes 28:10 Constitution 7:9 17:11 19:2 Constitutional 17:12 18:19 32:25 constitutions 36:7 construction 15:8 contained 9:24 contest 26:24 continue 30:22 31:7 continued 29:22 35:18 continuing 36:13 continuity 7:20 controversy 18:10 Convention 17:12, 15 18:19 conversation 28:19 convict 26:1 conviction 13:11, 15 Cook 22:12, 13 Corey 14:5 35:20 Correale 3:15 10:1 29:12 corruption 18:16 Cory 39:2 costs 18:23 counsel 28:12 counties 10:19 27:14 country 6:23 7:16 30:7 40:3 County 1:3 2:21 3:15, 17, 19, 21, 23 4:16, 19 5:9, 21, 22 6:6 8:17 9:22, 23 10:12 11:7, 11 12:8, 9 13:9 15:2, 8, 21, 25</p>	<p>16:1, 3, 5, 10, 20 21:12, 15 23:15, 18, 22 27:1, 5, 7, 14 33:17, 24 34:9 35:9, 13 36:14, 20 37:2 38:2, 3 39:9, 15, 22, 23 Couple 31:8 37:16 courage 13:6, 23 courageous 28:7 course 6:14 11:7, 23 16:18 21:20 26:16 37:17 38:10 Court 1:1 2:22 3:4, 5, 6, 7, 18, 24 5:8, 20 6:1, 13, 15, 16, 20 8:9, 14, 25 11:12 12:9, 11, 14 13:10, 13, 19, 21 14:10, 19 16:10, 15, 25 17:2, 16, 23 18:9, 10, 16, 18 19:5, 6, 15, 18, 25 20:2, 10, 15, 20, 21 23:8, 13, 24 25:11 27:2 28:5 29:2, 25 30:5, 7 31:14, 15, 21, 24 32:4 33:20 34:23 35:14, 24 36:1 37:4, 16, 18 38:15, 21 39:14 41:3 Courthouse 1:3 4:3, 6 5:15 6:2 9:17 16:17 34:15, 18 39:17 courtly 14:2 courtroom 30:14 34:15 courtrooms 8:25 courts 7:12 8:4, 16 10:16 18:22, 24 19:4, 11 20:14 25:4 27:11 29:12 33:16 Court's 18:13 Covid 3:1 9:11 10:15 created 21:12 30:24 creation 6:13 16:14 20:21 criminal 9:2 criticisms 6:24 cross 33:3</p>	<p>current 11:7 19:15 35:19 < D > dab 9:3 daily 36:5 39:9 dangerous 18:14 Daniel 3:10 38:11 Danny 23:13 dark 32:6, 10 darkness 32:7 daughter 22:13 24:8 David 4:21 21:14 29:17 day 5:9 7:25 9:13 14:5 34:25 35:18 days 31:18 dealing 13:3 dear 36:21, 23 decade 15:4, 6 decades 12:7 decide 4:2 30:6 decided 30:16, 17 decides 8:2 decisions 31:4 Declaration 6:25 dedicating 11:3 deep 38:23 defeated 23:13 definition 5:13 delayed 3:1 delightful 28:10 demanded 17:9 democracy 7:13, 14 Democrat 23:16, 21 depend 30:18 dependent 7:7 DEPOSITIONS 1:24 descendant 21:25 descended 22:3 deserve 36:10 deserved 25:20 desired 17:24 Despite 13:11 detectives 32:15 determination 27:17 28:7 development 14:25 DEVINE 1:24</p>
---	--	--	--

dictionary 5:10, 11
died 22:2, 10
different 10:18, 19
digest 17:3
dignified 26:11
direct 7:4
Director 20:23 33:23
discharging 26:16
discrimination 27:24
discussion 18:22, 24
 32:17
discussions 16:16
 17:22
displaying 27:23
disposition 17:5
distinct 4:16
distinguished 4:15
 35:8
District 12:7 13:9,
 23 23:15 25:18
 31:10
division 40:2
divisions 18:19
doing 21:2, 5 32:19
 34:17
dome 4:11 21:6
door 18:15
drafter 19:1
dramatic 26:10
Drive 1:24
drug 31:11, 12
drum 34:17
Due 15:6
duties 26:12
duty 13:6 28:18

< E >

earlier 9:18 10:11
early 4:8, 9 22:10
earn 36:4
earnestness 26:14
Eastern 15:9 16:8
echo 38:14
economy 14:25
Edmund 21:24
education 29:23
 32:1, 19
effect 26:10
effectively 13:3

effectiveness 7:19
efficiency 28:21
effort 9:10
efforts 8:21
either 24:17
elected 15:23 19:19
 20:5 23:15, 19, 20, 24
 25:19 33:25 36:3
 37:18, 19 38:15
election 15:20 37:16
electronic 15:18
element 7:17
eloquent 38:1
embraced 19:8
emerging 17:6
Emeritus 3:8, 14
 10:1 30:13 34:5
emigrated 22:13
employed 16:20
employees 5:9, 16, 19,
 20
enables 28:22
ended 18:24 40:9
endorsements 28:1
ends 36:24 40:7
enemies 26:16
enforcement 31:16, 21
engage 29:1
engaged 12:21
enjoys 28:18
enlisted 29:5
enliven 28:20
enmity 26:17
enormous 17:2
ensuring 7:24
enter 37:1
entered 22:23 23:9
entire 12:25
entitled 36:10
enviable 25:7, 22
environment 30:24
equal 36:9
equaled 26:14
erroneously 13:20
escaped 26:2
especially 9:1
essential 24:15, 18
establishing 18:22
establishment 7:4, 10

esteem 25:20
esteemed 28:13
event 38:5
everybody 2:25
everybody's 31:19
everyday 4:3, 8, 12,
 18 5:15 36:3, 6
evidence 13:18, 22
evolved 20:13
exactly 3:13
example 30:12 32:5
excelled 26:15
exception 34:2
exceptionally 8:19
exclusively 19:18
executive 30:18
exemplified 18:7
existence 22:21
exists 24:6
expenditures 16:5
extensively 28:18
extra 12:15
extravagant 24:22

< F >

fact 36:2
facts 4:2 25:25
fade 29:7
fail 24:16 28:20
failed 16:1 28:3
fair 8:5 13:8 14:2
Fairfield 22:1, 16, 17,
 19
faith 26:21
faithfully 25:3
familiar 32:4
family 21:25 22:4,
 13 29:1 37:3
fantastic 9:17
far 12:3 26:23
father 21:7, 10 22:14
favoritism 18:16
fear 19:10
February 23:11
felt 26:7
Female 24:5
Fernandes 2:10 40:7
fidelity 26:14
field 25:15
figure 21:14
figures 9:21
filed 17:1, 17
final 17:5 19:24
finally 35:1 38:4
find 5:13
firm 14:2
First 1:2 2:5 4:21
 8:10, 14 11:2 19:20
 20:20 22:20 34:4, 16
 35:13 37:3, 8, 21
five 15:7 25:11
fix 19:25
fixed 18:20
foisted 27:21
folks 22:7 35:8
followed 7:9 26:24
 35:21
force 25:6
forefathers 9:22
foregoing 41:5
forget 11:10
forgotten 34:19
form 7:18 20:8
format 19:9
formation 17:12
formed 18:2 23:23
former 7:25 18:8, 25
 35:20
forsake 24:16
fortunate 20:22
 35:19 37:21
forum 5:18
forward 13:12 17:10
 35:3 36:13
found 10:14 12:4
 28:1
foundation 7:16
founders 9:22
founding 21:7, 10
four 16:9
Franklin 21:11, 18
Fred 5:1
free 8:5
Freedom 7:14, 15
Freeze 23:4
frequency 27:25
frequent 27:16
frequently 28:5

<p>Frescos 9:21 friend 10:2 friends 4:15 28:13 36:23 friendship 13:5 26:18 full 9:21 Fuller 24:8, 9 fully 24:23 26:8 36:3 function 31:24</p> <p>< G > gained 7:8 Gartley 32:12 gauntlet 26:3 Gelb 4:24 General 18:3 19:16 28:18 31:10 generally 25:14 Generals 31:16 generous 28:17 George 6:24 19:8 21:9, 14, 16, 17 getting 10:13 Gilded 14:24 Girard 8:12, 13 give 2:16 5:5, 17 8:17 9:15 12:15 27:11 given 19:25 36:9 gives 6:18 8:3 38:21 gladly 36:6 glory 26:1 go 12:3 29:6 37:3 God 37:20 40:7, 8 going 2:2 9:15 11:4, 5, 20, 22, 23 14:9 21:1 29:10, 19, 20 33:11, 12, 20 34:2, 5 37:13 Good 2:1, 19 10:6 24:11, 12 28:10 35:15 38:20 Google 5:11 21:14 government 5:22 7:18 16:24 Governor 19:21, 22 20:21</p>	<p>graduated 22:24 23:6 grand 15:4 26:3 grandfather 22:8 grandmother 22:12 great 3:5 7:2 10:23 14:22 17:25 19:3 22:11 26:21 27:14 36:8, 19 greater 27:15 29:1 great-grandfather 22:4 greatly 5:3 grew 15:3, 5 groundwork 9:13 group 6:8 Grover 15:21 growing 15:1 growth 14:22, 24 15:7 16:17, 23 guest 16:11 Guided 12:24 guilty 13:19 guy 39:7</p> <p>< H > Hakes 23:10 Halloween 32:9 halls 4:11 Hamilton 22:23 hand 10:5 handle 30:8 31:5 39:2 hang 11:22 happen 9:12 happy 32:21 35:16 36:24 37:7 hard 33:7 Harding 26:25 Harrisburg 10:12 15:10 20:3 Harrison 15:22 Hastings 19:22 Haven 22:6 Hazleton 15:25 heads 20:24 health 31:2 hear 30:5, 15 31:3 35:4 39:14 heard 21:13</p>	<p>heart 36:21 39:2, 6, 20 height 30:21 held 15:15 25:21 28:12 he'll 10:6 help 5:3 9:13 helping 33:14 Henry 24:9 Heydrick 18:9 high 11:14 higher 28:1, 4 highest 13:1 24:25 highly 28:13 hindrances 17:16 historical 9:21 History 1:1 7:2, 3 21:21 37:5, 6 hold 4:22 36:20 home 28:25 37:13 hometown 37:8 Hon 1:2 honest 14:1 35:15 honor 4:7, 16 11:13 16:11 30:11 37:24 honorable 25:1 36:4 honored 21:25 37:7, 10 honoring 3:24 honors 24:25 25:13 32:8 hospitality 34:10 38:4 hosting 38:5 huge 15:6 Hughes 5:1 21:4 24:24 human 7:17 humbled 37:6 Hummelstown 1:25 hundreds 31:5 hybrid 11:25</p> <p>< I > idea 8:20 ideals 7:24 12:25 ideas 9:12 identified 12:22 III 5:1 6:24 illustration 13:8</p>	<p>immediate 9:8 14:8 29:16 immediately 18:12 impartial 25:23 importance 27:12 important 7:18, 19 31:23 impossible 12:20 18:21 improve 17:14 impunity 26:5 incisive 26:11 included 20:11 including 11:22 16:10, 25 21:19 inclusion 19:2 incorporated 22:20 increase 18:17 incredible 34:20 37:5 incumbent 23:13 Independence 6:25 7:1, 8, 20 Indian 1:24 indicating 17:21 indication 28:16 individual 26:5 Industrial 14:22 17:8 industries 17:7 inefficiency 17:16 influence 19:3 information 9:23 infrequency 28:2 infringed 26:5 injuries 7:3 inning 38:13 Institute 23:1 24:6 institution 22:19 instructed 13:20 integrity 29:3 intelligence 28:20 interest 5:14 19:24 28:11 29:24 interesting 12:4, 12 14:16 27:4 interests 27:10 intermediate 14:10 19:17 30:7 intervals 29:2 introduce 3:8, 13, 20</p>
--	---	---	--

<p>4:17 introduced 19:14 investigative 31:9 inviting 37:9 involved 27:19 issued 16:6 issues 10:13 its 7:19 15:13 18:7 22:20, 21 25:5 26:17 27:9, 11, 12, 13</p> <p>< J > Jack 30:3, 23 37:14 James 7:9 Jefferson 6:25 Jennifer 4:23 Jerry 10:6 14:4 21:3 29:15 job 39:18, 19 Joe 33:23 34:2 John 3:8 17:20 23:4, 21 30:13 34:5 join 19:7 40:6 joined 2:18 37:17 Joining 3:7, 18 joke 11:18 Joseph 4:23 5:4 journals 14:16 Jr 4:24 24:10 Judge 1:2 2:1, 8, 13 3:8, 9, 10, 14, 15, 19, 22, 25 4:21, 23, 24, 25 5:1, 2, 3, 4 6:1, 3, 5, 6, 7 8:1, 2, 3, 18, 22, 24 9:5, 11, 16, 18 10:1, 2, 9, 20, 22 11:2, 8, 10, 11, 12, 14, 17, 19, 22, 23 12:4, 5, 7, 8, 9, 10, 11, 13, 18 14:4, 13 16:11 19:6, 7 20:16, 19, 20 21:4, 21 22:1, 18 23:13, 20, 22 24:24 25:4, 10, 16 26:20, 25 27:1, 22 28:8, 9 29:6, 9, 12, 13, 14 30:3, 12, 13, 17, 23 31:1, 15 32:2, 12, 18 33:12, 13 34:5, 6, 7, 22 35:4, 5, 6, 13, 19, 20, 23 36:3, 14, 16, 17,</p>	<p>18 37:8, 11, 17, 18, 21, 22, 23 38:6, 10, 11, 12, 14, 15, 18, 20, 24 39:14, 25 judgement 26:23 Judges 2:22 3:20 5:3 7:7 8:14 11:6, 21 16:10 18:6 19:7, 18, 20 24:12 30:9, 16 32:1, 23, 25 33:1, 3, 7, 9, 21 34:8 35:7 37:12, 16, 19 39:21 40:1 judgment 13:16 judicial 7:1, 20 13:22 16:25 17:14, 20 18:2 19:16 27:11, 15 36:21 judiciary 8:6, 7 19:1 28:4 jumped 32:8 June 1:5 jurisdiction 26:6 38:23 jurist 14:1 jury 13:18, 19 26:3 justice 3:14 4:19 6:21, 22 7:7, 10, 25 18:9, 25 justices 17:3, 22 18:6, 18, 20 justify 13:18 25:1</p> <p>< K > keen 28:21 keep 17:1 keeps 38:6 keyboard 2:11 killers 32:14, 15 kind 12:19 22:22 kindness 12:24 King 3:10 6:24 7:2 16:18 32:2 37:22, 23 38:16 King's 24:4 knew 38:19 know 2:14 5:10 9:4 10:18, 25 11:1, 17 24:13 29:5, 19, 22</p>	<p>36:3 37:15 38:7 39:12, 19 40:2 knowing 26:21 knowledge 13:2 known 23:2 knows 3:11 Kunkel 19:8, 13, 24</p> <p>< L > labor 23:21 lack 19:10 Lackawanna 38:2 landscape 15:15 language 21:22 largest 27:7 lastly 38:10 law 4:2 7:21, 23 8:2, 11 9:9 10:3 11:3 12:22 13:2, 20 14:3, 8 19:11 23:3, 6, 20 25:25 26:4, 20 27:18 28:12 30:19 31:14, 16, 21 39:7 laws 36:9, 11 lawyer 31:1 32:9 38:17, 20 lawyers 6:8 24:11, 13 31:6 32:1, 3 39:1 leaders 10:12 17:8 18:1 leadership 34:12 35:12, 16, 18, 24 leading 22:15 leads 39:13, 23 league 16:8 Leandri 2:11 leave 32:16 leaving 22:22, 24 left 16:12 legal 13:4 27:23 32:1, 19 legislators 18:6 legislature 16:2 18:2 19:9 lend 10:5 letters 29:7 liberties 7:15 26:5 Library 8:11 9:9 10:3 11:3 14:9</p>	<p>licenses 16:6 life 29:3 lifetime 25:1 limits 27:13 Lincoln 21:10, 17 line 13:6 Lisa 1:8 4:24 41:3, 12 list 20:7 Literary 23:1 little 6:11 9:15 20:18 32:16 38:19 live 11:24 12:6 25:24 living 13:1 local 15:11 28:4 29:6 locally 20:24 located 27:10 logical 27:24 long 24:19 longer 5:11 look 4:11 10:6 21:6 32:23 35:2 36:13 looking 6:12 37:20 lose 7:12 losses 16:9 lot 9:12 31:25 38:25 love 21:2, 20, 21, 22 loves 28:25 lower 24:6 loyal 12:24 loyalty 13:6 lucky 4:12, 14 10:22 lumbered 17:17 Lupas 4:21 Luzerne 1:3 3:15, 17, 19, 20, 23 4:15 5:9, 20 8:16 11:7, 11 12:8, 9 13:9 15:2, 21 16:9, 20 21:12, 15 23:18, 22 27:1, 5, 7 33:17, 23 34:9 35:9, 13 36:14 38:3 39:9, 15, 21, 23 Lyman 23:10 Lynch 23:21</p> <p>< M ></p>
---	---	--	---

<p>Madison 7:9 maintaining 7:13 major 14:22 majority 23:16, 18 25:19 36:22 making 18:21 31:4 man 14:2 22:15 24:14, 17, 19, 21 28:25 manner 17:24 mans 27:20 map 8:18 marble 34:21 March 19:13 Maria 3:9 24:8 36:17 Market 15:17 marks 3:3 marriage 16:6 marries 24:8 matters 28:12 maturity 26:22 McCaffery 3:10 38:11, 12 McLaughlin 3:9 36:17, 18 37:17 McLean 23:20 mean 10:22 34:20 39:7, 18 meaning 27:18 means 5:12 meant 38:19 measure 16:1 Mecadon 8:12, 13 11:16 29:16 media 35:8 Medical 22:17 meet 20:1, 2 30:22, 24 31:15 meeting 10:14, 21 20:8, 10 Megan 3:10 37:21 member 2:16 23:21 31:1 members 3:17 4:17 10:17 35:7 membership 10:13 34:12 memorial 12:18 24:3</p>	<p>Men 25:12 26:18 27:20 28:21 mention 12:2 29:25 30:20, 23 mentioned 39:2 mentioning 21:3 merited 24:23 merits 8:3 mess 9:2 message 38:1 method 25:6 metropolis 20:6 Michael 3:20, 22 middle 9:3 million 16:21 mind 26:22 miners 16:21 mining 27:10 minutes 33:12 misled 13:21 mistress 12:23 mixed 27:9 moment 6:18 money 18:12 morning 2:1, 18, 19 4:10, 16, 25 5:12 6:12 14:17 16:12 Moses 22:8 motions 31:5 move 9:4 13:12 31:2 moved 22:9 movements 17:10 moves 30:4 movie 32:9 moving 37:12 38:7 museum 20:25</p> <p>< N > Nace 30:19 name 22:4 29:6 named 22:12 National 2:3, 9, 12 nationalities 27:9 native 22:8 28:19 near 36:20 nearly 16:19 necessary 7:11 need 6:19, 20 7:1 8:6, 7 10:7 14:10, 19</p>	<p>16:16 20:12 needed 8:8 17:9 neighbors 28:13 Neither 13:4 NEPA 36:19 Network 29:21 never 3:12 11:17 12:21 24:16 25:16, 25 26:7, 9, 15 28:20 30:16 31:21 36:24 40:3 new 6:7 15:7, 11, 12, 17, 23 16:2, 16 19:25 21:20 22:2, 5, 10, 14, 19, 22, 23 23:8 newly 23:23 newspaper 15:11 nice 34:7, 11 38:12 40:5 nicest 4:6 nicety 27:24 night 6:8 Niles 20:9 nominated 26:19 nomination 25:9 nominee 23:14 non 28:5 North 1:6 24:4 Northeastern 20:6 31:11 Notary 1:11 41:4, 13 note 27:4 35:25 noticed 37:11 notoriety 25:8 nowadays 40:3 number 17:5, 17 18:5, 20</p> <p>< O > oath 13:14 object 7:4 26:17 objected 20:5 obliged 13:14 observations 35:17 obstructed 7:6 obviously 5:25 8:23 occasion 25:13 28:2 35:12 O'Connor 8:1</p>	<p>O'Donnell 9:7 14:7, 11, 12 20:17 29:16 offended 26:4 office 10:20 13:15 23:10 26:12 33:16 offices 15:7 official 13:6 38:8 officials 33:25 oh 38:6 O'Hanlan 23:16 Okay 21:18 31:5 old 9:19 18:7 21:25 22:3 40:4 older 3:4 Olyphant 20:4 O'Malley 20:4 once 20:2 25:7 37:20 open 30:14 opened 15:7 16:3 32:6 opening 18:15 operated 15:19 operating 31:11 opinion 4:5, 6 13:16 opinions 17:3 39:4 opportunity 9:17 option 19:9 oral 30:15 order 15:13 34:4 36:6 orderly 7:24 organization 35:14 organizing 33:22 original 27:17 Orphans 23:12 25:10 ought 17:24 outside 28:12 outstanding 39:10 overwhelmed 6:16</p> <p>< P > P.J 23:16 PA 13:25 pandemic 30:21 31:2 panel 38:9 PANELLA 2:1, 8, 13 6:1, 5 8:18 11:17 14:4, 14 20:16 29:9 30:3, 23 32:18 33:13</p>
--	---	---	--

<p>35:4 36:16 37:11 38:6, 10 39:25 panels 30:9 39:5 parallels 12:6 Park 15:15 part 6:23 14:22 15:1, 14 23:6 27:5 29:1 37:4, 5 partial 4:4 particular 12:3 39:12 partisan 25:15 party 23:20, 21 passage 12:17 passed 12:18 patient 28:6 patrons 15:14 Pauli 13:24 pause 6:19 Paxton 13:17 PCN 33:14 Pennsylvania 1:1, 8, 25 3:3 4:7 6:14, 15 8:8 11:12 12:11, 15 14:21 15:22 16:2 17:19 19:16, 23 20:7, 15 21:11 23:24 27:3 29:21 31:12 32:13, 25 33:6, 16 35:14 36:9 38:25 39:8, 13 41:5 people 4:5 5:8 10:17 15:3, 6 16:19 26:20 33:5 percent 16:20 18:13 perfect 4:19 7:11 performed 25:3 26:13 periodicals 14:16 person 8:4 21:4 personal 4:1 7:15 13:4 35:25 Personally 28:9 perspective 38:22 Philadelphia 15:10 20:3 27:8 38:17, 18 39:7 Philip 14:14 24:10 phone 10:8 phonetic 13:17 picked 11:18</p>	<p>picture 11:15, 18 29:18 pictures 11:6, 21 Pierantoni 5:1 Pittsburgh 15:11 20:2 Pittston 16:15 PJEs 35:20 place 16:8 20:1 placed 28:24 plain 18:7 play 7:12 playing 11:17 Pleas 3:18 12:9 16:10 19:7 25:21 26:11 pleasantly 28:20 please 2:4, 9 4:22, 23 5:5 36:17 pleasure 2:20 8:16 30:11 35:7, 9 Pledge 2:2, 6, 7 Plymouth 22:14 point 19:24 points 12:16 Polachek-Gartley 4:22 political 32:24 politics 18:7 25:15 poor 18:15 popular 25:20 population 15:2 27:9 portrait 14:5 position 24:25 25:10 26:15 possible 9:13 post 15:7 potential 19:11 power 13:22 19:25 powerful 27:4 practice 25:4 practiced 39:7 prepared 22:18 Presbyterian 24:3 present 7:2 33:17 presentation 8:20 14:17 21:20 presentations 11:24 26:10</p>	<p>Preservation 20:24 preserved 13:24 presidency 23:18 President 1:2 3:8, 14, 19 8:11, 18, 22 9:8 10:1 11:6, 10, 11, 21 12:10 14:8, 13 15:23 16:11 17:20 20:19, 20 21:11 23:22, 23 27:1, 2 29:15, 16, 17, 18 30:3, 12, 23 32:18 33:12 34:5 35:13, 19 37:8 38:6 presidential 15:20 presidents 10:18 21:7, 9 President's 11:4 press 15:13 pressure 17:25 pretence 12:25 previous 15:3 principal 19:1 principles 7:23 printing 15:12 prints 5:11 prior 4:24 18:6 20:5 22:6 priority 17:21 private 29:3 privilege 4:7 34:25 37:24 privileged 2:18 36:1 probable 31:17, 23 probably 13:21 problem 31:21 problems 13:4 procedure 27:16 proceedings 27:12 produced 18:5 product 38:24 39:8 production 16:21 profession 12:21 13:24 14:1 24:25 25:12 program 2:2 6:18 8:10, 21 9:11 12:1 29:11 33:14, 15, 19, 23 40:1, 7, 8 41:7 programs 11:24</p>	<p>progress 24:24 31:18 progressive 17:10 promised 26:7, 9 proof 27:24 property 27:10 proposal 18:14, 21 19:14 proposals 18:4, 6, 8, 17 proposed 19:4 prosecution 26:2 prosecutor 25:21 prosper 35:15 protect 31:19 protected 36:7 protection 36:9 protest 13:11 proud 33:2, 8 prove 26:8 proved 26:8 provide 4:19 7:15 19:20 provided 14:15 provision 6:22 Public 1:11 5:12, 13, 14, 21 13:4 16:16 25:24 26:4 28:11 29:4 30:15 35:7 41:4, 13 publications 14:15 publics 29:22 purity 29:2 purpose 18:3 put 8:17 12:20 21:2, 15 31:1 puts 39:9</p> <p>< Q > qualities 24:14, 16, 18 quarter 14:20 Quay 16:1 questions 27:14 quickly 18:24 30:4 quiet 25:5 quite 34:16 quoted 28:5</p> <p>< R > Railroads 15:9</p>
--	---	---	---

<p> rant 26:9 rapid 25:2 rapidly 15:2 reach 10:16, 20 reaches 24:19 27:12 read 12:17 23:3 28:17 reader 28:21 reads 24:22 ready 25:23 realize 4:12 6:19 26:3 realized 6:9 really 3:16 10:23 31:4 33:22 reason 30:1 reasoned 39:11 received 34:10 recognition 5:17, 18 7:17 8:17 25:14 recognize 3:2 35:12, 22 recognizing 6:2 record 13:22 15:12 33:18 reform 17:20 23:21 reforms 17:9 refused 13:12 regard 9:16 regarded 13:25 regular 15:16 relative 23:10 relatively 27:13 relief 18:5 religion 7:14 religious 28:14 remain 2:9 remarkable 24:17 25:19 27:23 remarks 29:20 remember 40:3 rendered 5:14 12:23 rendering 13:18 rep 12:14 repeated 7:3 report 31:19 Reporter 12:19 41:3 Representative 19:8, 13 20:3, 9 25:24 </p>	<p> 29:11 39:22 republic 7:18 Republican 19:22 23:14 reputation 25:22 request 38:8 requests 31:6 required 17:10 20:7, 10 research 21:20 28:7 researched 39:12 reserved 28:15 reside 23:9 residents 4:20 16:20 respect 29:5 respected 33:4 response 10:21 responsibilities 27:19 30:22, 25 responsible 25:10 39:4 resulted 17:2, 11 retired 3:14 retirement 24:1 26:25 reversed 13:16 review 6:17 13:13 38:24 revised 19:14 Revolution 14:23 22:6 reward 25:2 Rhone 23:14 Rice 1:2 3:25 6:3 9:11, 16 11:22 12:4, 6, 7, 8, 10, 18 16:11 20:19 21:21, 24 22:1, 8, 14, 15, 18, 23 23:22 24:2, 10, 24 25:16 27:22 28:8, 9 35:23 36:15 Rice's 25:4 29:6 Richard 5:1 right 8:1 10:25 23:25 29:22 32:23 33:1 34:24 36:4 rights 7:17 26:4 31:19, 22 36:7 rigorously 25:23 </p>	<p> riser 4:8 rising 16:22 risk 31:1 River 1:6 robes 32:23 Rogers 4:23 role 7:12 room 11:3, 4, 21 24:14 26:3 32:6 rotunda 9:1 round 2:17 5:5 Roxana 22:12 RPR 1:8 41:3, 12 rule 7:21, 23 Run 1:24 running 34:16 runs 5:22 < S > safe 27:19 salary 16:4, 13 Salavantis 5:2 Samuel 23:17 Sandra 7:25 saw 14:24 saying 39:16, 17 says 12:20 scale 34:19 scathing 13:16 school 6:7 11:15 16:2 22:5, 21 23:6 24:6 Schwager 29:17 Scranton 20:6, 11 search 5:12 seated 2:14 secede 15:25 second 34:25 section 15:24 sector 14:25 sectors 16:24 secured 13:12 securing 28:3 see 11:25 21:14, 23 30:5 33:4 36:6 seeing 40:3 seeking 25:1 seen 18:14 31:21 seldom 26:8, 14 </p>	<p> seminar 10:12 32:3, 12 Seminary 24:7 Senate 19:23 Senior 3:13 5:3 seniority 34:4 sentence 13:12 sentiments 37:25 September 22:1 serial 32:14, 15 servants 5:21 serve 33:8 36:1 served 6:14 23:22, 25 service 5:12, 13, 14, 24 12:21, 24 13:7 15:10, 13 25:12 services 25:3 serving 30:12 session 30:1 32:5, 6 33:10 35:1, 10 36:14 sessions 29:2 set 7:23 26:22 seven 18:21 19:18 share 37:9 ship 25:18 short 26:13 39:10 shortly 21:5 shot 19:10 shoulders 27:21 show 3:16 10:13 40:5 sight 7:12 similar 12:6 25:13 Simonton 17:20 simple 31:4 simplest 12:24 singing 40:7 single 19:17 sister 27:13 sit 6:18 30:14 32:22 34:9 38:8 39:4 sits 24:19 sitting 32:10 38:20 six 16:12 27:1 38:17 Sklarosky 4:24 smack 9:3 soberness 26:22 Sobeski-Reedy 2:5 society 7:24 20:24 </p>
--	--	--	---

<p> sole 18:10 solely 25:3 solution 20:12, 13 somebody 33:22 sorry 24:19 sort 2:23 26:17 sought 18:17 Southeastern 39:8 southern 15:24 speak 38:2 speaker 8:10 10:7 14:7 20:23 speakers 38:1 speaking 11:1 39:19 spearheaded 9:10 special 6:5 35:10, 11 spectacular 34:16 speech 7:15 9:15 spend 36:19 37:7 spent 38:16, 17 split 18:18 spoke 20:18 sports 16:7 Stabile 3:9 30:13 35:5, 6 37:18 staff 30:19 31:1 staffed 19:18 stand 2:4 standard 13:1 standing 2:4, 9 28:4 39:17 stare 6:9 start 9:10 started 23:3 35:23 36:21 state 12:14 19:2 20:14 23:8 27:8 32:19 33:3 stated 7:1, 10, 22 13:10, 14 States 3:4 7:5 20:14 32:24 statuary 27:18 Stefanie 2:10, 15, 16 5:2 40:6 Stevens 3:15 6:7 10:2, 9, 22 11:11, 14, 23 12:5, 8, 10, 12, 13 29:12, 13, 14 34:23 </p>	<p> 35:21 38:14 39:2 straight 13:5 strained 26:1 straining 26:9 Street 1:6 15:17 24:4 stressed 16:24 strictly 8:2 strike 18:13 strong 35:15 struck 12:19 34:18 studious 28:25 success 24:15, 18 27:23 sufficiency 27:25 suggestion 10:15 summing 26:10 sung 2:10 superintendent's 16:4 Superior 1:1 2:22 3:7, 24 6:1, 13 8:8, 14, 25 11:12 12:11 16:15 19:15 20:15, 20 23:24 27:2 29:4, 25 31:14, 15 33:20 35:14 36:1 38:15, 21 support 19:15 Supreme 3:4, 6 6:15 12:14 13:13 16:25 17:2, 16 18:9, 13, 18 23:7 28:4 34:23 sure 3:12 5:22 30:25 31:16 surface 28:16 surrounding 15:25 survives 35:15 sustaining 13:19 swerved 13:5 sworn 34:23 Sydney 24:10 system 4:19 5:8, 20 16:25 17:14 </p> <p>< T ></p> <p> take 18:4 21:6 32:22 taken 35:12 takes 28:11 talking 10:18 32:14 </p>	<p> Tarah 5:2 taught 22:25 teacher 22:5 team 16:7 Technically 33:25 technology 14:24 televise 33:15 tell 33:1 35:25 36:2 ten 24:21 31:18 36:22 term 16:12 test 9:20 27:20 testament 25:9 testimony 18:4 Thank 2:8, 13, 22 3:22, 23 5:23 6:1, 3 8:13, 14, 21, 22 9:5, 7, 14, 25 14:3, 4, 12, 13, 18 20:16 21:1, 3 29:7, 9, 15, 21 33:9, 10, 14, 15, 22 34:3, 7, 8, 11 35:3, 6, 22 36:12, 14, 25 37:2, 8, 10, 23 38:1, 2, 4, 9 39:24, 25 thankful 9:1 Thanks 21:19 thing 12:4 32:1 things 4:3 11:2 29:25 31:7, 8, 25 32:10, 11, 20 think 12:12, 13 21:13 32:14 38:22 third 27:7 34:14 third-class 16:15 Thomas 6:25 22:14 thorough 13:1 thought 18:12 38:19 40:4 thousand 24:21 39:5 three 30:9, 16 three-handed 26:24 thrill 8:15 tie 6:5 Tilden 23:17 time 6:15 9:20 14:21 19:3, 21, 25 20:18 29:24 30:2, 25 31:5 32:2 33:9 </p>	<p> 34:14, 16, 22 36:19 37:1, 7 Tina 4:21 32:12 titles 3:12 today 2:20, 23 3:7 5:18 8:9, 15, 20 24:6 29:11 30:12 33:17 34:25 35:8 36:13, 25 today's 18:11 toil 5:16 told 4:1 tons 16:22 Tony 9:14, 17 Tony's 9:15 Toohil 5:2 tool 31:9 total 15:4 tour 9:18 21:5 tournaments 15:14 tours 21:2, 4 town 22:15 tracks 15:9 tradition 35:21 trailing 10:15 transact 17:23 transcript 41:6 Tratthen 1:8 41:3, 12 Travel 14:20 traveled 32:19 treasure 10:10 treatment 8:4 tremendous 10:4 trial 9:2 13:10 18:9 32:13 38:16, 18, 20, 24 tribunal 28:1 tribute 25:20 trolley 15:18 trouble 10:19 true 5:21 24:14 41:6 truly 39:6 trust 26:16 trustee 22:16 24:2, 5 trusty 25:24 try 10:16 trying 10:19 34:17 twice 23:24 two 2:25 4:3 5:3 9:10 12:5 18:18, 19, 22 19:6 21:7, 9 24:9 </p>
--	---	---	---

<p>25:17 27:8 31:8 32:15 35:20 37:19 tyranny 7:5</p> <p>< U > unanimous 19:15 unbending 29:3 unchecked 18:16 underneath 35:23 understand 30:6 39:16 undertaking 12:22 unfair 18:15 Unfortunately 9:11 17:13 uniformly 28:6 union 7:11, 13 unique 38:22 United 3:4 20:14 unity 40:5 University 23:2 unwritten 27:18 uphold 7:21 upstairs 4:11 Upstate 22:10, 22 use 8:24 11:14, 23 13:3 31:10 usurpations 7:3</p>	<p>voters 19:19 votes 15:21 34:17 Vough 3:20, 22 8:23, 24 9:5, 18 11:2, 8</p> <p>< W > Waldo 37:14 walk 4:10 Wallingford 22:3, 5, 9 want 3:16, 23 5:7, 17, 23 8:14, 22 9:7, 14, 25 11:2, 9, 13 12:2 14:13 21:6 29:19, 24 30:20, 22 32:22 33:1 34:8 37:24, 25 38:2, 4, 7 39:23 wanted 12:17 15:25 18:9 20:5 38:14 wanting 9:4 wants 30:4 War 14:23 warm 34:13 38:3 warrant 24:20 Washington 21:9, 17 waste 26:12 way 3:2 31:14 39:13, 23 Webster 5:10 Wednesday 1:5 21:5 week 9:2, 3 31:6 weeks 32:2 Welcome 3:23 11:25 29:14 34:10, 13 35:10 welcomes 37:1 Well 2:19 3:11 6:16, 22 7:8 8:10, 25 11:13, 24 12:4 20:18 29:10, 17 33:2, 13 34:4 35:21 36:18 39:11 40:1 went 6:7 19:20 20:8 22:25 32:10 We're 2:2, 18, 23 6:12 9:3 10:17, 22 11:3, 4, 5, 20, 23 20:22 29:10 30:1 34:2 39:16, 17 40:1 Westside 15:15</p>	<p>We've 2:16 6:10 32:18 35:11 wide 38:23 wife 22:11 Wilkes-Barre 1:8 8:11 9:9 10:3 14:8 15:5, 9, 12 16:3, 7 20:24 21:8, 13, 16, 24 22:2 23:9 24:5 27:5 willfully 36:5 William 5:4 23:20 Williamsport 20:11 willing 10:5 wins 16:9 wiretap 31:13, 17 Wiretaps 31:9 wiser 28:7 wit 28:19 withstood 9:20 won 15:21, 22 23:17 wonderful 2:21 8:19 Woodward 18:25 words 7:25 12:20 26:12 work 3:5 4:5, 7, 9, 14, 17 5:8, 16, 19 6:15 8:19 10:4, 23 21:2 33:5, 11 34:3 35:2 36:4 38:24 39:8 workers 25:15 working 33:8 world 7:16 22:14 worth 25:15 write 17:3 39:4 written 21:21, 22 29:7 31:6 39:11 wrongdoer 26:2 wrote 6:25 Wyoming 24:7</p>	<p>35:2 36:22 37:17 38:16, 18 40:4 York 15:11 22:2, 10, 19, 22, 23 23:8 Young 14:14 youth 26:21</p> <p>< Z > zoom 32:5, 11</p>
<p>< V > valuable 25:3 variety 27:15 various 28:14 vast 15:8 16:23 27:10 venue 38:6 verdict 13:18 24:20 versus 13:24 Vic 30:13 Victor 3:9 35:5 viewing 37:13 vigor 25:6 violating 31:22 virtual 32:4 visit 34:18 voice 32:7 volume 30:17 voluminous 17:17 volunteer 32:2</p>	<p>< Y > year 3:3 10:11 15:20 16:7, 14 20:5 23:1, 7, 17 30:8, 10 32:5 37:19 39:3, 4, 5 years 2:25 6:6 9:10, 19 16:12 17:18 22:6, 16, 21 25:11, 17 26:23 27:1 31:20</p>		