

Memorial Services for Charles P. Maxwell
in the Court of Common Pleas of Northampton County
Monday, April 29, 1974

Remarks by John Francis Goldsmith

Your Honors the Judges and Members of the Bar:

It becomes my solemn duty to inform the Court that once again the Grim Reaper has moved among us, and has cut down our venerable and distinguished member, Charles Pomp Maxwell.

His death occurred in Easton on November 27, 1973, at the age of eighty-six.

Charles Maxwell was the son of John Maxwell, whose great-grandfather, also John Maxwell, was a Captain in the Continental Lines during the Revolutionary War. His mother, Susannah Mixsell Pomp, was the granddaughter of the Reverend Thomas Pomp, who for fifty-six years was pastor of the German Reformed Church, now the First United Church of Christ, of Easton.

Mr. Maxwell attended Easton private schools and was graduated with the degree of Bachelor of Arts from Lafayette College in 1908. Thereupon he studied law in the offices of his cousin, Henry D. Maxwell, of the law firm which was then known as Kirkpatrick and Maxwell. He was admitted to the Bar of Northampton County in 1911, and immediately entered into the general practice of the law.

Upon the entry of the United States into the First World War he attended officers' training school and was commissioned a Captain of Infantry. He was promoted to the rank of Major and commanded the 25th Divisional Machine Gun Battalion of the 9th Division, and also served the Division as Trail Judge Advocate.

Re-entering civilian life upon the conclusion of the war, he resumed his law practice and additionally taught a course of the Common Law at Lafayette College, his textbook being the renowned Commentaries of Sir William Blackstone.

The course was given at eight o'clock in the morning — not a very popular nor productive hour for planting the seeds of learning — and it was by sheer Herculean effort that he succeeded in introducing to the undergraduates of the 1920's the basic principles of the common law of Merrie England. It was my privilege to be one of his students. If I remember nothing else, I remember his lectures, from Blackstone, on the Four Estates at Common Law: Tenancy in Common, Joint Tenancy, Tenancy by the Entireties, and Coparcenary. All

of us, of course, fully understand the first three of these four Common Law estates, but there exists a reasonable doubt whether any lawyer in this room can recall the definition of Coparcenary, the fourth estate. Time and again, through the many years, I would encounter Mr. Maxwell on various occasions and in various places and would ask him to refresh my memory as to the definition of Coparcenary, and as often as he did so my understanding would again fade into the limbo of forgotten things.

Lest my brethren at the Bar out of sheer aggravating curiosity rush from this room to the law dictionaries, where perchance they might encounter the Judges, I should say that Coparcenary is an estate of inheritance which descends jointly to two or more heirs by whom it is held as an entire estate. In the United States such a joint inheritance has been converted by statute into a Tenancy in Common.

Charles Maxwell was in the best and truest sense a scholar of the law. He was a lawyer of impeccable ethics and a gentleman of sterling integrity. His scholarship was enhanced by this course in the Common Law which he taught from Blackstone, that fundamental treatise of the law of which the younger members of our Bar have hardly heard and the older ones have mostly forgotten. Additionally, in 1924 Mr. Maxwell was appointed by the Supreme Court as a Member of the Pennsylvania State Board of Law Examiners, serving in this capacity for a period of thirty-four years. This long period of service in the preparation of the state examinations for admission to the Bar and in the correction of the examination papers was indeed an enhancement to his profound legal scholarship.

Often it has been remarked upon these occasions of paying tribute to the members of this Bar long since gone, that there were giants in those days. Charles P. Maxwell was the last of the giants.

Memories of these lawyers play like the Northern Lights within the walls of this Courtroom. Their voices can still be heard, their skills admired. Among them were William Huntington Kirkpatrick, Russell Chidsey Stewart, and Calvin Franklin Smith. The younger members of the Bar might well take heed that scholarship pays — not in gold and silver, but in longevity — for each of these scholars, like Charles Pomp Maxwell, lived well into his eighties.

And as we reflect upon these and the others of our brethren at the Bar who have marched beyond the distant horizon, there comes to mind the passage from Thanatopsis:

*And what if thou withdraw
In silence from the living, and no friend
Take note of thy departure? All that breathe
Will share thy destiny. The gay will laugh
When thou art gone, the solemn brood of care
Plod on, and each one, as before, will chase
His favorite phantom; yet all these shall leave
Their mirth and their employments, and shall come
And make their bed with thee. As the long train
Of ages glide away, the sons of men —
The youth in life's green spring, and he who goes
In the full strength of years, matron and maid,
And the sweet babe, and the gray-headed man —
Shall, one by one, be gathered to thy side
By those who in their turn shall follow them.*

It is old adage that the law is a jealous mistress. Charles Maxwell heeded that admonition faithfully. The law was his vocation and his avocation. If it was not his only hobby, it was his chief hobby.

His professional experience was rounded out by his service from 1920 to 1924 as Assistant District Attorney of Northampton County, by his service as a member of the County Law Library Committee from 1922 until his retirement, and by his membership in the Northampton County Bar Association, the Pennsylvania Bar Association, the American Bar Association, and the American Judicature Society.

Mr. Maxwell's mind, however, was not a one-track entity. He had other interests, all of them intellectual, constructive, or related to the social amenities. He was greatly interested in history, and was a member of the Northampton County Historical and Genealogical Society, of which body he served as curator. He likewise served as a member of the Board of Trustees of the Easton Hospital and other charitable societies. He held membership in the various veterans' organizations, in the outstanding social clubs, and in the College Hill Presbyterian Church.

He married Katharine Stewart Vigelius, who survives him together with a son Peter Maxwell, a stepson William Anderson, a stepdaughter Mrs. Jeanette Traugott, four grandchildren and nine step-grandchildren.

Charles P. Maxwell's long and varied life brings vividly to mind Shakespeare's Seven Ages of Man, although fortunately he escaped the handicaps of the last of these:

*All the world's a stage,
And all the men and women merely players.
They have their exits and their entrances;
And one man in his time plays many parts,
His acts being seven ages. At first the infant,
Mewling and puking in the nurse's arms.
And then the whining school-boy, with his satchel
And shining morning face, creeping like snail
Unwillingly to school. And then the lover,
Sighing like furnace, with a woeful ballad
Made to his mistress' eyebrow. Then a soldier,
Full of strange oaths and bearded like the pard;
Jealous in honour, sudden and quick in quarrel,
Seeking the bubble reputation
Even in the cannon's mouth. And then the justice,
In fair round belly with good capon lined,
With eyes severe and beard of formal cut,
Full of wise saws and modern instances;
And so he plays his part. The sixth age shifts
Into the lean and slipper'd pantaloon,
With spectacles on nose and pouch on side;
His youthful hose, well saved, a world too wide
For his shrunk shank; and his big manly voice
Turning again toward childish treble, pipes
And whistles in his sound. Last scene of all
That ends this strange eventful history,
Is second childishness and mere oblivion,
Sans teeth, sans eyes, sans taste, sans everything.*