

DANIEL L. McCARTHY

By George Weitzman

MAY IT PLEASE THE COURT:

On March 4, 1918, Daniel L. McCarthy, Bethlehem born, was admitted to the practice of law in Northampton County before President Judge Russell C. Stewart and his fellow bencher, Judge William M. McKeen. He vigorously practiced law, public and private, until his retirement in 1969. After a lengthy illness, in which he received the daily, hourly ministrations of a most loving wife, the former Frances Welch, he died at the age of 85 on September 16, 1976.

I am aware that there are others at this great Bar that knew Dan as well, better, longer than I but I trust that what I have to say is accepted on the basis that I loved him. It would be easier to write a book about the complex person of Daniel McCarthy, his life, his contributions, his times, than to utter these few words of tender regard, respect and recollection.

After being admitted in 1918, he went off to serve his country in World War I and then entered the practice of law on the South side of Bethlehem. He had a brief experience as a member of the firm of Taylor and McCarthy but before and after, practiced alone, a situation that better suited his temperament.

He always had an active, effective and deep interest in County Democratic politics. In 1928, he was appointed an Assistant District Attorney and served with fellow assistants, William G. Barthold and E. J. Fox. In 1930, he was appointed Bethlehem City Solicitor serving Robert Pfeifle, Mayor, for twenty (20) years and then for eleven (11) of the twelve (12) years of the mayoralty of Earle Schaeffer, Democrat. When he retired in 1961 from this office, after thirty-one (31) years as City Solicitor, he was senior as such in the Commonwealth. From 1935 to 1942, while City Solicitor, he compromised over 125 different land owner rights-of-way problems that were inherent in Bethlehem bringing water to the City from the Wild Creek Reservoir in Carbon County, a distance of twenty-three miles. When we realize that but two of these cases reached Court, we knew that too much cannot be said about his ability to compromise, get the job done and save money for the taxpayers. He probably was proudest of his accomplishments as City Solicitor and with good reason.

Bethlehem had only recently united with the Borough of South Bethlehem. It occupied a large land area in two Counties. It was divided geographically by rivers and bridges; compounding the problems were ethnic differences in an assorted population along with the counter-strivings of North side and South side competing in industry and commercial activity. Its collisions in religion and culture were apparent to an outsider, but the City is better and stronger for having survived all of that. His solicitorship of thirty-one years was a great factor in ameliorating the differences so that there was steady municipal growth in which his share of credit was a major one.

In 1935, he was the successful candidate in the Democratic primary for District Attorney, it being the only occasion that William G. Barthold, later revered President Judge of the County, was defeated in an election. However, Dan lost to William A. Frack in the general election for the office of District Attorney. A few years later, when Judge Barthold ran for the first time to retain his seat to which he had been appointed on the death of William McKeen, one of his most ardent supporters was Daniel McCarthy. I tagged along on most of those late afternoons and evening rounds.

In 1936 to about 1939, while conducting an extensive, private practice and being almost totally involved as Bethlehem City Solicitor, he served as County Solicitor under the leadership of John Sandt, President of the County Commissioners. With the encouragement of President Judge Frank P. McCluskey, Northampton County row officers were dragged kicking and screaming into the 20th Century when we were made into a proper Fourth Class County. The County Solicitor filed exceptions to the accounts of the row office holders; appeals to the Supreme Court followed; the County lost almost every case in the Supreme Court but the results were salutatory: the funds and fees of the row offices belonged to the County while the office holders were entitled to receive their statutory emoluments and salaries.

In 1936 I was admitted. I was poor. I was friendless and alone. I was then and am now forever grateful to him for his kindnesses to me. I strongly suspect that in the matters he assigned to me, he gave me the whole of the fee involved — and this during the depression when this meant survival. He trusted me to argue cases for the City when he was ill. He asked me to draft Briefs for the County cases when he was Solicitor but hid me from the fray. He did not want his

enemies to be mine.

In his younger years, at the Bar, he had an active practice defending those accused of crime. In later years, his practice was almost wholly in the Civil Courts. He tried cases on behalf of the Firemen's Fund, State Farm Insurance Co. resisting negligence claims in many different Counties. His commanding size, presence, preparation made him an able and successful trial adversary.

He wore his profession around him like a cloak. The Court minutes in the Prothonotary's office is filled with his appointments and reappointments by this Bench to serve on the Library Committee, to serve on the Board of Benchers. He was capable of great and sustained legal effort, tireless research in his most extensive Law Library which was larger than some small County Law Libraries. He loved the law. He loved books. He loved people. He loved the theatre, but above all these, he loved his church and his family. To meet all the constant challenges that surrounded him, he would be comforted and renewed by his church and in his home, where there was surpassing love from his son Daniel, son James, son Justin, a member of this Bar, and his loyal, loving, encouraging wife Frances. In his 6 grandchildren and 2 great grandchildren, he felt he had been especially rewarded.

From the above, you should recognize that he was eternally embroiled in controversy, professionally and politically. He was a factor in so many areas. He never could be discounted or avoided. People felt strongly about him, for him or against him. Life from whence he came and where he was going was a colorful battlefield of blazing encounter. It was full of glorious victories and noisy defeats. It was crowded with problems, issues and causes. It was rich. It was full. It was exciting. It was Dan McCarthy.

In feeling diminished by his death, I move this Court that when it adjourns this day it does so out of memory and respect for Daniel L. McCarthy.

January 10, 1977