



New York State Bar Association Bulletin, December, 1947

Reminiscences After Sixty-Four Years at the Bar



On Monday, August 4, 1947, occurred a rare, if not unique, incident in the annals of the New York Bar. A ninety-three-year-old attorney, Israel T. Deyo, sixty-four years a practicing lawyer, with law offices located in the Security Mutual Building, Binghamton, offered for probate a will executed in his office more than fifty-seven years before. All of the witnesses, and every individual names in the will, except the attorney-executor who probated it, had passed on. Upon receiving advice of the testatrix's death, this elder statesman of the Bar, found her will safely reposing in his office vault, where it had lain for nigh fifty-eight years. Surrogate Page of Broome County, New York, admitted the will to probate upon due proof identifying the signatures of the testatrix had witnesses. ^[1]

What makes for a satisfying life-time at the Bar? Who better to answer the question than one who can glance back over sixty-four years of active legal practice? The observations which follow are not intended so much as a biography of an attorney, as the calm and thoughtful reminiscences of a successful upstate lawyer whose life span stretches from the arrow to the atom bomb!

"When you ask me what it's like to be able to look back on sixty-four years in the practice of law, I'm reminded of Viscount Haldane's answer to the question, 'Would you like to live your life over again?' He concluded he 'would not if I could take the chance of living life over again.' ^[2] For, as Haldane observes:

"... we are apt greatly to underrate the part which accident and good luck have really played in the shaping of our careers and in giving us such successes as we have had."

"I put the same question to Elihu Root on his ninetieth birthday and he was inclined to agree with Haldane. Yes, there are pitfalls, a great many of them, and the distinction between the right and the wrong is often very indistinct. Fortune, whether it be good or bad, plays a tremendous part in the shaping of our lives. From boyhood, hard work was, by economic necessity, my lot; and now that I look back over the years, I realize that that was about as fine a heritage as I could have been given. I think the fact that I was not born of wealthy parents had a tremendous bearing on my whole life.

"My father and mother had lived down in Columbia County. They were married just about the time the migrations to the west began. They, too, decided to 'go west,' which in the 1840's and 1850's meant western New York and Ohio. Of course, neither the railroads nor the Canal served this area at that time. In 1850 or '51 mother and father started overland by horse and wagon along with my older brother and sister, the wagon containing all their worldly goods. They had planned to cross the ice over the Hudson River late in February but a thaw prevented that. They were finally able to cross the river at Albany and made their way overland here to

Binghamton. The population then was only five thousand. Today the city is almost twenty times that big.

"They settled down on about forty-four acres of land covered with stumps at the time. They paid twenty-six or twenty-seven dollars an acre for it and today the same farm isn't worth much more as land. There's where we children were born, up on our hill farm. I was born in 1854. We grew up like most farm families in those days with plenty of work for all of us. Our wants were few and our pleasures were few. Taken all in all, we seemed to have just about as good a time as children do today.

Footnotes

Footnote 1: Estate of Alpha M. Sibley, Surrogate's Court, Broome County, New York, No. 1725.

Footnote 2: Richard Burdon Haldane, *An Autobiography* (Garden City, N.Y.: Doubleday, Doran & Company, 1929), page 376.



"Among my earliest recollections is that of the soldiers going off to the Civil War. One day I asked my oldest sister whether there was going to be a war and I recall her telling me that they were already fighting. Yes, I remember the Battle of Gettysburg because I was about nine then. I remember General Lee's surrendering to General Grant. Grant impressed me as being generous. At Appomattox, when the Confederate officers delivered up their swords, the southern cavalymen brought in their horses. General Grant told the men to keep their horses because they would need them on their farms when they got home. That was a generous thing to do, wasn't it?"

"Yes, I remember hearing about Abraham Lincoln, too, but I never actually saw him when I was a boy. He was assassinated in '65 when I was eleven. That was a gloomy time, when Lincoln died. The Gettysburg Address didn't make any stir, as I recall. But when the Civil War ended, people went wild-just the way they did recently on V-J day. I remember they shot off cannons down on the Court House square. In those days cannons were muzzle-loaders, you know. While one of the local town boys was tamping the wadding into one of the cannons during the celebration, the cannon fired. The blast blew both his hands off. Late he married and was able to do enough gardening to make his own living. He wouldn't quit.

"In those days the schools didn't have separate classes. The students used to read from different readers, like the Fourth Reader and the Fifth Reader, and so forth. We managed somehow to get an education. As a boy, I used to walk four miles to a high school where we only had one classroom. The school used to be located down by the Court House on the plot where the City Hall now stands. I'm the only one that's still living of our high school class and still get a kick out of recalling that I was its valedictorian.

"About 1871 I went off to normal school for a semester and then because my money gave out, I started teaching near here in a small town. I taught the whole year of 1872. Later, when I was graduated from normal school, I look a job teaching at a one-room schoolhouse out in the country. There were seventy-five pupils in that school and some of them were older than I was. We were all in the one room and I was the only teacher. When it came to Algebra, some of the pupils had gone father in Algebra than I had. I'd only had a year, and some of them had had two years. So I suggested that we have a review class in Algebra which gave me a chance to keep ahead of the class.

"In 1879 I was graduated from Amherst College and our class has dwindled to three. I keep in touch with the other two alumni of '79 because I'm the class secretary. This year we had a class reunion and two-thirds of us were there. At Amherst I was elected to Phi Beta Kappa.

"After I got out of college, I again taught school to earn my living. At night I used to study law in the offices of some of my family's friends who were lawyers. In those days most young men didn't go to law school but just studied law in a lawyer's office. After he had studied for two years, his lawyer preceptor would file a certificate with the court that the young man had been registered with him for the required period and the court would admit him to practice on motion. That is all there was to it. Sometimes the judge himself would examine us on our knowledge of the law.

"In those days we young men weren't paid anything while we were studying law. We were like apprentices and were glad to get our education in return for running errands and serving papers for the lawyers. In those days the bulk of law practice consisted mostly of real estate cases, wills, making title searches, and handling the business affairs of our clients. Of course, in the 1880's there weren't any automobiles, so there weren't the negligence

cases there are today.

"After I was admitted, I went into partnership with one of the older lawyers with whom I had studied. We each had a desk in the office which was diagonally across the street from the county court house. In those days there wasn't a lawyer in the city who had a full-time secretary. There were only two legal stenographers in the town at that time and they were both me. One of them, a man named Briggs, used to have a desk in our office. Whenever anybody needed any typing done, they would call in one of these court stenographers to do the work. Most of our pleadings were written out in longhand. When I started in to practice in 1883, the typewriter had just come into vogue. You remember the story in Bellamy Partridge's *Country Lawyer*^[3] about the problem they had with the first typewriter in their office. When I started out, typewriters were just a little better known. We didn't have any office help at all at first.

Footnotes

Footnote 3: New York: Grosset & Dunlap, 1939. The incident referred to appears in Chapter 11, pages 124, *seq.*



"Our office rent for our second-floor office across from the court house was only \$5.00 *a year* back in the 1880's. Now you can just about get an office down town that would hold two lawyers at that *monthly* rent. We had to sweep out our own offices because the building provided no cleaning women to do that work. We didn't have a central heating plant either, but we used to haul the coal for our own little office stove. However, we managed to get along and do our part in helping the city grow.

"It is one of my beliefs that sensible and reasonable men can generally adjust matters if they sit down and are willing to look at the facts in the case. I was mostly a business-man's lawyer. I wasn't much of a trial lawyer myself. However, we did have a young man in our office who subsequently became one of the best-known trial lawyers in upstate New York. He served in our State Senate and ran for Governor. But personally, I never spent too much time in trying cases.

"Of course, I had my ups and downs, all of which played a part in shaping my life. Just when I'd reached a point in professional life when everything seemed to be going nicely, one of the young men in the office got involved in the stock market and embezzled not only the firm's funds, but our client's as well. He practically floored us, but eventually my partner and I were able to make good his losses and I'm rather proud of the fact that we never lost a client as a result of it.

"What do I think makes for success at the Bar? Good character and good judgment are the qualities that stand out. In the law, success cannot be measured in dollars and cents. If a young man wants to make money, he should look elsewhere. However, if he wants the satisfaction of having been able to serve his community and of contributing something to mankind, the law affords him that opportunity. My life has not been exceptional and my accomplishments have not been unusual but I do feel that my life has not been wasted. Looking back over the years, the things that give me the most satisfaction are not of a strictly legal nature at all. I helped to found the Boys Club, the Y.M.C.A. and the Farm Bureau. Did you know that the Farm Bureau, now national in scope, had its beginning right here in Broome County? Well, it did, and I am glad to have had a hand in it. I was also instrumental in getting Andrew Carnegie to give our city \$75,000 for the establishment of the library that you see down town every day. When you reach my age, it is things like this that give you far more satisfaction than the money you may have been able to accumulate.

"Politics? Most lawyers have a flair for politics and should actively participate in politics as another method of rendering services to their community. The contacts that are made, too, are worth a lot. As a member of the State Legislature and the Constitutional Convention of 1915, I was privileged to know such men as Jim Wadsworth, the father of the present congressmen; Elihu Root, Seth Lowe, Henry Stimson and General Wickersham. My association with them was a liberal education in itself and the friendships I founded were well worth the time and effort.

"Yes, we're having a lot of labor troubles today. Just after the Civil War we used to pay a man \$1.50 per day for laying up the stone walls you see in the country. The rate was 50¢ a rod, that is, 16½ feet, and a good man could lay up three rods a day. Wages have certainly skyrocketed since those days.

"No, I don't think there is any universal solvent for the ills of the world. Men will probably continue to fight unless they decide to follow the teachings of the Master. I don't believe you can force men to be free and I don't believe you can build yourself up by tearing the other fellow down. That may sound like a sermon but I don't mean it to be 'churchy.' I just believe it is a fact. I've gotten to be sort of a fundamentalist, I guess. I have reached

the point where, like Thomas Jefferson, I give more weight to what the Master *said Himself* than what is *said about Him*. I think we ought to learn to respect the views of each other. If a man or a woman can acquire the true spirit of the Master, well and good.

"I once suggested a motto for our church and here it is:

'In essentials — unity; in non-essentials — liberality; in all things — charity.'

"Tennyson has said it far better than I can in his verse, 'In Memoriam' that goes like this:

'O thou that after toil and storm
Mayst seem to have reached a purer air,
Whose faith has center everywhere,
Nor cares to fix itself to form.

'Leave thou thy sister when she prays,
Her early Heaven, her happy views,
Nor thou with shadowed hint confuse
A life that leads melodious days.'

"Well, son, that's the way life looks to a lawyer after sixty-four years at the Bar. Old age may be a distinction, but in itself it is not an honor. My life covers a period from the bow and arrow to the atomic bomb, from the pony express to television, from the horse and wagon to jet planes. It took in four major wars, but I have reached the time where I can view the foibles of the world with some detachment—a part of it, but apart from it. As Justice Holmes said, 'A man may live greatly in the law as well as elsewhere.' I believe that after my sixty-four years at the American Bar. Now, I am waiting calmly for the 'Ferryman' to come and ferry me across."

"The most beautiful and the rarest thing in the world is a complete human life . . ." — *Charles Evans Hughes*.

Editor's Note: The Bulletin is grateful to Eugene C. Gerhart of Binghamton for the above article covering Mr. Deyo. The Bulletin plans to include articles of this nature on the older members of the Bench and Bar of the State. Members are requested to communicate with the Editor in connection with such articles covering biographies and experiences of the Deans of the profession. Such articles make interesting reading and the experiences and philosophy of the seasoned and matured members of the profession should serve a good purpose for the law students, our lawyers of tomorrow.

[Reprinted with permission from the New York State Bar Association *Bulletin*, December 1947, Vol. 19, no. 5, published by the New York State Bar Association, One Elk Street, Albany, New York 12207.]
