

Delaware Bar Loses Its Nestor In Retirement of Alex. B. Cooper

New Castle Octogenarian Practiced His Profession Almost Three Score Years and Ten in Delaware; Regarded as One of the Very Ablest Lawyers of This State

The retirement of Hon. Alexander B. Cooper from the active practice of the law, as announced a few days ago, removes from the bar one of its ablest and most interesting members. Mr. Cooper was the oldest practicing lawyer of this county at the time of giving up his work. He is in his 80th year,—will have attained his four score years in November and in May will have been a lawyer for 57 years—having been admitted to the bar May 6, 1867. He, however, is still a junior if classed with George Gray and Ignatius C. Grubb who came to the bar in 1863 and 1862 respectively. Mr. Cooper, however, preceded Edward G. Bradford to practice by three years, Harry Conrad by seven and John R. Nicholson by ten. There were therefore ten years interval between the admission of Mr. Cooper and Mr. Nicholson, who now becomes the ranking member of the bar of New Castle county, so the senior of the local association is a young man contrasted with the venerable attorney from New Castle, who has laid down his life work for rest and the enjoyment of his future ease. Between the name of Alexander

B. Cooper, admitted 1867, and William Henry Foulk, at the tail of the list, admitted in 1923 there are 150 names—the roll of members embracing 153 individuals including two Portias, Evangelyn Barsky and Sybil U. Ward,—very distinctive forenames that have the claim of being uncommon and suggestive of romance. Both are new comers and they perhaps, as all of the other junior members, might well model their own professional life after the retiring octogenarian. Mr. Cooper has practiced under almost innumerable judges in the state courts, who seem to change much more frequently than do the federal jurists. When he came to the bar the imposing and courtly Joseph P. Comegys was Chief Justice, Edward Wooten and John W. Houston were the associate Justices, Willard Saulsbury was chancellor, and Edward G. Bradford the elder was at the head of the United States District Court. There has been a long line of new faces rising from the seats of justice and the pay of judges has gradually moved upwards from less than \$2,000 to \$7,500—plus: the plus

standing for the extra emoluments enjoyed by some of the judiciary.

There Were Giants In Those Days

Mr. Cooper came to the Delaware bar when it was conspicuous for the able men who practiced at the state courts. He has had such associates as George Gray and Ignatius C. Grubb, neither in active practice, Levi C. Bird, Anthony Higgins, Benjamin Nields, Charles B. Lore, the elder Leonard E. Wales, George Gordon, three Bayards, James A., son and grandson, George H. Bates, both the Edward G. Bradfords, Victor du Pont, William C. Spruance, John H. Rodney, Samuel M. Harrington, Jr., James H. Hoffecker, Henry C. Conrad, John Biggs, William T. Lynam, Herbert H. Ward, Charles M. Curtis, John Bassett Moore, Andrew E. Sanborn, George Lodge and hosts of the younger members of the New Castle county bar, including Albert F. Polk, whom Mr. Cooper knew in Georgetown before coming to Wilmington.

George V. Massey had already been established in the law at Dover two years when Mr. Cooper was admitted to practice. He is perhaps the only Kent County contemporary of Mr. Cooper who is still living (making his home in Philadelphia), James L. Wolcott, Beniah Watson, Shadrack Raughley, two Saulsburies—Eli and the former Chancellor, James Penniwill, Nathaniel Smithers, are some of the attorneys in Kent County who were friends and fellow workers of Mr. Cooper.

In Sussex there were such men as Alfred P. Robinson, Jacob Moore, John R. McFee, Charles M. Cullen, Charles F. Richards, Alfred P. Wooten, who were active in practice for much of the period of Mr. Cooper's career.

Was Born in Middletown

Mr. Cooper first came into the light at Middletown where his father was preaching the-gospel to an appreciative God-fearing congregation. The family subsequently removed to Media, Pennsylvania, where Mr. Cooper attended school. Later he came back to Delaware and subsequently matriculated at the University of Pennsylvania, paying careful attention to the academic

branches and the classics, graduating at an early age, for he had finally completed his law studies in the office of the late Eli Saulsbury in Dover, at 23—in 1867. His first venture in the profession was at Wilmington where he opened an office in 1868, but in a year he shifted his office and his home to New Castle then the county seat and wherein centered the legal business of the county.

Mr. Cooper is still remembered as United States District Attorney, and later, from 1881 to 1885, as assistant Attorney General serving under George Gray, who began his public career as prosecuting and legal guardian of the state. In this post the young New Castle lawyer made a reputation as a prosecuting lawyer. Much of his effort was directed to the indictment phase of the work, and up to the moment of his retirement he was reputed to be without an equal in that feature of practice.

Only once did Mr. Cooper venture into the political field in his own behalf. Then—in 1883-1885—he was a member of the State Senate, presiding as speaker of that body for the last session of his term. While occupying that post he had the opportunity of voting for his Chief—George Gray who was elected to the United States Senate, and at that time made his entrance into the national field of politics, which claimed almost all of his subsequent years.

Mr. Cooper never ventured again into office, but contented himself with the practice of law. He naturally opposed the removal of the county seat from New Castle, as did most of all of the residents of the town. He however, followed the seat of justice re-establishing an office in this city in 1881 traveling to and fro twice a day for almost 43 years. The Venerable attorney not only became the nestor of the Delaware bar, but he was regarded as one of the best-read attorneys in the state, and his advice was sought by his fellow lawyers in the solution of complicated legal problems. He frequently and perhaps habitually shunned or refused to defend accused persons whom he knew to be guilty of some criminal offense, and it is recorded that he declined to participate in an effort to save some of the workers of his own political party from the penalty attaching to the violation

of a law intended to guarantee honest elections. It was related by a friend, a day or two ago, that among Mr. Cooper's late important cases he was opposed in a referee hearing by two or three bright younger members of the bar, who despite the fact that they claimed an easy victory were brought to book by "the learned counsel" and completely routed on legal points.

Everyone Knows Him; He Knows

Few Now

The younger Wilmington men and women remember Mr. Cooper as the tall, slight and latterly, slightly stooped figure that invariably, about four o'clock in the afternoons, left his office in the Equitable building and proceeded down Market street to the trolley or train which conveyed him to New Castle. His green bag was a never forgotten accompaniment and latterly he looked almost in vain for acquaintances among the passing pedestrians. He formerly knew everybody. Now he knows but

Exhibit F (2 pages)

stitute for his missing locks, war-
ing off the dangerous drafts, and it has
come almost a part of the man and
lawyer. He is methodical in his tastes,
and has a wonderful memory. Whatever
of interest in the last sixty years he
can not readily recall he may im-
mediately find in a carefully penned
manuscript in book form wherein he
set down day by day almost all im-
portant happenings. He can turn almost
at once in the pages of this historic
diary and tell the outstanding happen-
ings in the state from the time of his
admission to the bar until the present
moment. A little volume in his script
which perhaps may never see the light
of publicity might be termed "Mirrors
of the Delaware Bar." In it he has set
down his estimate of his fellow lawyers,
rating their ability and emphasizing
their achievements and personality.
Doubtless it is a fair appraisal; noth-
ing is written down in malice, but much
in admiration and every step of the
progress of the outstanding members of
the Delaware bar is noted concisely and
clearly. The political progress of the
Delaware attorneys is put down with
wonderful detail until the "book is in-
deed a mirror in fact, if it is not in
name. Mr. Cooper too found diversion
in writing a history of the founding
and settlement of New Castle, gather-
ing the data with the greatest care, and
industry, while it was printed serially
in The Sunday Star years ago.

It will be a positive loss to the his-
tory of the state if it is not published
in more durable form.

It is New Castle more than any other
place in the world that interests Mr.
Cooper. He is the patriarch of the com-
munity. In the summer evenings he
goes about the town calling here and
there at the home of friends or greeting
passers by on the street. Everybody in
the ancient town knows and reverently
salutes him as he passes, but there, as
in Wilmington, he finds new generations
of people on the scene since his youth
and only a few of them he remembers,
or knows even by sight. Such is one
of the worst penalties of advancing
years.

New Castle Always Close To His Heart

Mr. Cooper knows his New Castle as
well as the school child knows its
alphabet, and woe be the history
"fakir" who goes astray on the past
of the town. When he went to New
Castle first to make his home the town
had scarcely ceased aspiring to become
a commercial centre, as indeed, it had

been the most exclusive social com-
munity in this country. There perhap-
were more distinguished men lived in
New Castle in her early days than in
any other town of the United States.

To her court house, the oldest
structure devoted entirely to such uses,
came the ablest attorneys of the entire
country and from New Castle went
many others to take up their work else-
where. Mr. Cooper is just at home in
such a setting. He is almost the last
of his generation over there, except per-
haps Francis N. Buck. But among his
other neighbors he will still find mem-
bers of the family of the late Dr. J. J.
Black, and of the family of his lifetime
friend, John H. Rodney, the Holcombs,
and the Janviers. His leisure will give

have occurred in New Castle in the last
half century and he will find many,
very many, of his earlier friends at rest
in the church yard of old Immanuel and
few in the congregation that sat under
the preaching of the beloved Dr. Burr.

The old jail too has faded away, out-
grown and discarded. Perhaps Mr. Coop-
er will repeat for the amusement of the
younger folks the story of "Uncle
Tommy" Giffen's experience in obtain-
ing a position for a prisoner who was
convicted of murder but escaped capital
punishment, and eventually was par-
doned. After the man, who had been
ten years in the jail had been ordered
freed by the governor, he bethought
himself, on the eve of his leaving his
cell, that he had no place to go nor any
work that would enable him to earn a
livelihood. Thomas Giffen then, and for
almost half a century later, deputy
sheriff, lived with his superior officer
in the jail building and spent consider-
able time in the evenings cheering
prisoners. The pardoned murderer be-
thought himself of "Uncle Tommy" (as
Mr. Cooper remembers it and recalled
it a short time ago) and asked that
genial deputy sheriff to write him a
recommendation to "whosoever it may
concern." "Uncle Tommy" could not re-
fuse such request. Indeed he was
anxious to help the fellow get a job. He,
however, had a fine sense of humor that
was as marked as his high ideal of
justice so he wrote, truthfully to the
effect that the bearer was a steady,
reliable man not given to the bad habit
of running about much either at night
or by day, and adding that he had
known him intimately for ten years and
never in that time was he out at night
and never by day, "so that I did not
know where to find him." The letter
eventually won for the man, but he
never quite lived up to the reputation
Uncle Tommy had given him for being
home of nights.

Mr. Cooper will be missed by his
confreeres here, but he carries into re-
tirement the good wishes of every
lawyer and all friends. All concede that
he had risen to the top of his profes-
sion. In all those years of his activity
his integrity has never been called into
question, nor his high ideals of profes-
sional conduct dimmed by the modern
commercial spirit that has edged its
way into almost every vocation of the
day.

