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FROM COLUMBIAN MAGAZINE, JANUARY, 1790.

CONGRESS HALL

An address by Hon. SAMUEL W. PENNYPACKER, LL.D., at the Last Session of the Court of Common Pleas, No. 2, in Congress Hall, Philadelphia

SEPTEMBER SIXTEENTH

MDCCCXCV

Printed for the
Philadelphia Bench and Bar
1895

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Press of
Edward Stern & Co., Inc.
Philadelphia

On September 16, 1895, the Common Pleas No. 2 of Philadelphia County sat for the last time in Congress Hall, at the southeast corner of Sixth and Chestnut streets. The Hall had been occupied by that Court continuously from its organization in 1875, and before that time by the District Court of the City and County of Philadelphia. It had been the scene of many great trials, and of many of the greatest forensic efforts by the leaders of the Philadelphia Bar. On the day above mentioned, and in order that the occasion might be fitly marked, a large attendance of the Bench and Bar was had and an address by Hon. Samuel W. Pennypacker, an Associate Judge of the Court, was delivered.

The Hon. John Innes Clark Hare, LL.D., President of the Court, occupied the chair, and upon the Bench with him, in addition to his associates, Hon. Samuel W. Pennypacker and Hon. Mayer Sulzberger, there were present the following Judges: Justices James T. Mitchell and D. Newlin Fell, of the Supreme Court; Judges James Gay Gordon, and Theodore F. Jenkins, of the Common Pleas; and Hon. F. Carroll Brewster, of the Old Court of Common Pleas and formerly Attorney-General. There was a large attendance of the Bar. Judge Pennypacker's address was listened to with the greatest attention and pleasure, and with feelings of the liveliest and most

profound satisfaction. At its conclusion, Judge Hare, in a few remarks, referred to the history of the Hall and to his own long and happy associations with the place, as well as with his colleagues and with the Bar during his judicial career. It was the unanimous sentiment of the members of the Bench and Bar then present, in which it was felt that the entire Bench and Bar of Pennsylvania would most cordially concur, that the learned, instructive and interesting paper of Judge Pennypacker should be preserved, and to that end it was resolved that the thanks of the Bench and Bar should be presented to Judge Pennypacker, and that the address should be printed.

The thanks of the profession were then tendered to Judge Pennypacker; and the undersigned were appointed a committee to cause the address to be printed.

EDWARD SHIPPEN,
SAMUEL DICKSON,
GEORGE TUCKER BISPHAM.

FROM BIRCH'S VIEWS, 1798.

Address.

Gentlemen of the Philadelphia Bar:[1]

"When your children ask their fathers in time to come, saying, what mean ye by these stones? Then ye shall answer them."—Joshua, Chap. IV, Verses 6 and 7.

"*Les grands édifices, comme les grands montagnes, sont l'ouvrage des siècles.*"—Notre Dame de Paris, by Victor Hugo.

It is proper and fitting that the Court of Common Pleas No. 2, in finally departing from the building in which its sessions have for so long a time been held, should recall the remarkable associations of the venerable structure. The events of human life are necessarily connected with localities. The career of a man is somewhat influenced by the house in which he was born and the place he calls home, and in the growth and development of nations, such buildings as the Parthenon, the Pyramids, St. Peter's, the Prinzen Hof at Delft, Westminster

[1] In the preparation of this address I have used freely Thompson Westcott's "History of Philadelphia," as printed in the *Sunday Dispatch;* John Hill Martin's "Bench and Bar"; Frank M. Etting's "History of Independence Hall," F. D. Stone's edition; Hon. James T. Mitchell's "Address Upon the District Court," and John William Wallace's "Address Upon the Inauguration of the New Hall of the Historical Society."

I have been materially aided by Mr. Andrew J. Reilly, Mr. Luther E. Hewitt, Mr. John W. Jordan, Mr. Julius F. Sachse and Mr. F. D. Stone.

Abbey, and Independence Hall, about which important memories cluster, become an inspiration for present action and an incentive for future endeavor. When we search with due diligence we find good in everything and sermons in stones and bricks.

The idea of the erection of a hall for the use of the county originated with the celebrated lawyer, Andrew Hamilton, to whose efforts we owe also the State House. He, as early as 1736, secured the passage of a resolution by the Assembly of Pennsylvania looking to the accomplishment of this purpose. The Act of February 17, 1762, provided for a conveyance to the county of a lot at the southeast corner of Sixth and Chestnut streets, containing in front on Chestnut Street fifty feet, and in depth along Sixth Street seventy-three feet, on which should be erected within twenty years a building to be used "for the holding of courts" and as a "common hall." The project progressed slowly, and when it was finally carried forward to completion, two different funds were used for the purpose. The first of them had a curious origin. It was a time-honored custom among the early mayors of the city to celebrate their escape from the labors and responsibilities of their office by giving a public banquet, to which their constituents were generally invited. In 1741, James Hamilton, a son of Andrew Hamilton, and mayor at the time, considering it a custom more honored in the breach than in the observance, gave, in lieu of the entertainment, the sum of one hundred and fifty pounds, to be used in the erection of an exchange or other building for public purposes, and subsequent mayors

followed his example. If our late mayor, when he vacated his office in March last, sent no prandial communication to you, these early qualms of conscience may explain the omission. The other fund was raised in 1785, by the sale of "the old gaol and work-house." On the 29th of March, 1787, fifteen feet were added to the depth of the lot by an Act of the Assembly; soon afterward work was commenced upon the cellar by gangs of convicts called "wheelbarrowmen,"[1] and the building was completed in the early part of 1789, just in time to insure its future fame and importance. On the 4th of March of that year, the Assembly, acting by authority of the representatives of the city and county of Philadelphia, tendered to Congress, for the temporary residence of the Federal Government, the use of the building "lately erected on the State House Square." In the year 1790, Congress, after a long and somewhat embittered struggle, finally determined to fix the location of the capital on the banks of the Potomac, and Philadelphia, mainly through the efforts of Robert Morris, and much to the dissatisfaction of the people of New York, was selected as the seat of government for the intervening period of ten years. On the 6th of December, 1790, the first Congress, at its third session, met in this building, the House of Representatives on the floor below us, and the Senate in this room.

In the *Columbian Magazine* for January, 1790, is a copperplate representation of the building as it was when completed, taken from the southwest. This view shows five windows in each story of the west wall, two chimneys on the west, a cupola

[1] "Historical Magazine," Vol. X, p. 105.

on top, a brick wall enclosing the square on Sixth Street, and the rear of the building pretty much as it is at present. The text describes it as "a large new building, finished in a neat and elegant style," and the square as "a beautiful lawn, interspersed with little knobs or tufts of flowering shrubs and clumps of trees well disposed. Through the middle of the gardens runs a spacious gravel walk, lined with double rows of thriving elms and communicating with serpentine walks which encompass the whole area. These surrounding walks are not uniformly on a level with the lawn, the margin of which being in some parts a little higher forms a bank which, in fine weather, affords pleasant seats."

From the books of foreign travellers and others we get a pretty good description of the internal arrangement and appearance of the building. Isaac Weld, an Englishman, says:

"The room allotted to the representatives of the lower House is about sixty feet in length and fitted up in the plainest manner. At one end of it is a gallery, open to every person that chooses to enter it; the staircase leading to which runs directly from the public street. The Senate chamber is in the story above this, and it is furnished and fitted up in a much superior style to that of the lower House."

The eagle with its thunderbolts, and the centrepiece of grapevine with thirteen stars, still seen in the ceiling, marred by the useless and unornamental glass knobs, scattered over it only a few years ago, is a remnant of that "superior style" in which the Senate chamber was then fitted up. The gallery in the lower room had accommodations for three hundred

FROM A PAINTING OF AN ELECTION, BY JOHN LOUIS KRIMMELL, ABOUT 1815.

persons. In this room stood a large pyramidal stove. A broad aisle ran through the centre.

We are told by a contemporary: "The House of Representatives in session occupied the whole of the ground floor, upon a platform elevated three steps in ascent, plainly carpeted, and covering nearly the whole of the area, with a limited logea or promenade for the members and privileged persons, and four narrow desks between the Sixth Street windows for the stenographers, Lloyd, Gales, Callender and Duane. The Speaker's chair, without canopy, was of plain leather and brass nails, facing the east, at or near the centre of the western wall. The first Speaker of the House in this city was Frederick Augustus Muhlenberg, who, by his portly person and handsome rotundity, literally filled the chair. His rubicund complexion and oval face, hair full powdered, tambored satin vest of ample dimensions, dark blue coat with gilt buttons, and a sonorous voice, exercised by him without effort in putting the question, all corresponding in appearance and sound with his magnificent name, and accompanied as it was by that of George Washington, President, as signatures to the laws of the Union; all these had an imposing effect upon the inexperienced auditory in the gallery, to whom all was new and very strange. He was succeeded here by Jonathan Dayton, of New Jersey, a very tall, rawboned figure of a gentleman, with terrific aspect, and, when excited, a voice of thunder. His slender, bony figure filled only the centre of the chair, resting on the arms of it with his hands and not the elbows. From the silence which prevailed, of course, on coming to order after prayers by

Bishop White, an occasional whisper, increasing to a buzz, after the manner of boys in school, in the seats in the lobby and around the fires, swelling at last to loud conversation wholly inimical to debate. Very frequently at this stage of confusion among the babbling politicians, Mr. Speaker Dayton would start suddenly upon his feet, look fiercely around the hall, and utter the words, *order*, *order*, *without the bar*, in such appalling tones of voice that as though a cannon had been fired under the windows in the street, the deepest silence in one moment prevailed, but for a very short time."

The voice of Muhlenberg seems to have impressed his contemporaries. In "He would be a Poet," a satire upon John Swanwick, published in Philadelphia in 1796, occur these lines:

> "I'll tell them all how great Augustus spoke;
> With what an awful voice he called to order
> Whene'er the gallery did on tumult border."

In the "House of Wisdom in a Bustle," a satire published in 1798, we find the following:

> "The clock had just struck; the doors were extended;
> The Priest to his pulpit had gravely ascended.
> Devoutly he prayed, for devoutly he should
> Solicit for wicked as well as for good.
> He prayed for the Gentile, for Turk, and for Jew,
> And hoped they'd shun folly and wisdom pursue,
> For all absent members—as some have a notion
> To dispense with this formal and pious devotion.

This duty performed, without hesitation,
He left to their wisdom the charge of the nation.
When the parson retired, some members sat musing,
Whilst others were letters and papers perusing.
Some apples were munching ; some laughing and joking :
Some snuffing, some chewing, but none were a-smoking ;
Some warming their faces."

This picture, indicating a lack of decorum in the House, is, perhaps, not overdrawn, since we are informed by another writer that a few of the members "persisted in wearing, while in their seats and during the debate, their ample cocked hats, placed fore and aft upon their heads, with here and there a leg thrown across the little desks before them."

A happy chance has preserved this further piece of contemporaneous color. "At the easternmost part of Congress Hall is a bench, on which stands a pitcher of water to cool the throats of the thirsty members."[1]

Henry Wansey, an Englishman, who was here in 1794, says: "Behind it is a garden which is open for company to walk in. It was planned and laid out by Samuel Vaughan, Esq., a merchant of London, who went a few years ago, and resided sometime in Philadelphia. It is particularly convenient to the House of Representatives, which, being on the ground floor, has two doors that open directly into it, to which they can retire to compose their thoughts or refresh themselves after any fatigue of business, or confer together and converse without interrupting the debate."

[1] Note to "House of Wisdom in a Bustle."

John Swanwick, himself a noted member of Congress from Philadelphia, as well as a poet of reputation at the time, in some verses "On a Walk in the State House Yard, June 30, 1787,"[1] which he seems to have made with his Delia, "to see her smile and hear her gentle talk," describes it as a place where the young people of that day did their courting. He pays a warm tribute to the man who

> "planned this soft retreat
> And decked with trees and grassy sod the plain,"

in lines which predict

> "Oh! how much more shall he be crowned by fame
> Who formed for lovers this auspicious grove;"

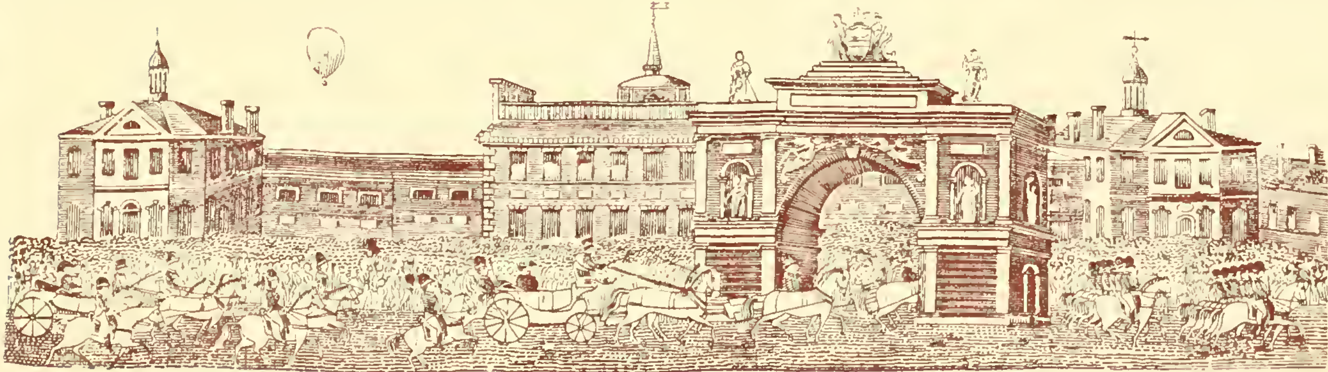
and while he does not forget that

> "Even now the sages whom the land convenes
> To fix her empire and prescribe her laws,
> While pensive wandering through these rural scenes,
> May frame their counsels for a world's applause,"

he nevertheless thinks it more suited for enraptured swains who twine sportive garlands and reveal their wishes and fears.

Brissot de Warville came to Philadelphia in 1788. He was much impressed by our Quaker people, and was on terms of close and intimate friendship with many of them, including Miers Fisher, the noted lawyer. His head, filled with decided opinions concerning philanthropy and the rights of mankind, was cut off by the guillotine in the early days of the French

[1] "Swanwick's Poems," p. 94.



GENERAL LAFAYETTE'S ARRIVAL AT INDEPENDENCE HALL, PHILADELPHIA, SEPT. 28TH, 1824.

Revolution. He describes what we call the square in this way: "Behind the State House is a public garden. It is the only one which exists in Philadelphia. It is not large, but it is agreeable. One can breathe there. There are large squares of green divided by walks."

Judge Mitchell, in his interesting address upon the District Court, delivered twenty years ago, says: "There was no entrance on Sixth Street, no partition between the present Quarter Sessions room and the room of the Highway Department, and no stairs at that point leading to the second story. The entrance was on Chestnut Street into a vestibule, thence into a sort of second vestibule or foyer for spectators, and then a large room, occupied during the time the Congress sat here after its completion by the House of Representatives. The staircase to the second story was in the vestibule next to Chestnut Street, and led up to a similar vestibule, from which ran a broad entry southward to the Senate Chamber, which was the present District Court room No. 1. The space now occupied by the District Court room No. 2, and the witness rooms, lately the Law Library, was divided into four committee rooms, two on each side of the broad entry I have mentioned. On the north side of the Senate Chamber was a gallery, attainable only by a steep spiral staircase leading up from what has since been the east or conversation room of the Law Library. This gallery was not a part of the original plan of the building, and was put there after the room was accepted by the Senate. It was very close to the ceiling, narrow, dark and uncomfortable. After the room came to be used by the courts the

gallery was commonly kept closed, as I learn from Judge Coxe, because it became a place of resort for the hangers-on, who frequently went to sleep and snored, to the great disturbance of the proceedings. It was finally removed in 1835."

The late John McAllister used to tell that once, in his boyhood days, he and another urchin found their way into this gallery and sat down to watch the proceedings of the Senate. He and his friend were the only spectators. Presently Thomas Jefferson arose and announced: "The Senate is about to go into executive session. The gentlemen in the gallery will please withdraw." Whereupon the two boys took their hats and departed, often afterwards saying, that at least they could claim to be gentlemen upon the authority of Jefferson. Those certainly were days of simplicity, when the only listeners that the debates of the Senate of the United States could attract were two errant urchins over whose heads time hung heavily.

The same contemporary authority we have before cited describes the Senate in this way: "In a very plain chair, without canopy, and a small mahogany table before him, festooned at the sides and front with green silk, Mr. Adams, the vice-president, presided as president of the Senate, facing the north. Among the thirty senators of that day there was observed constantly during the debate the most delightful silence, the most beautiful order, gravity and dignity of manner. They all appeared every morning full powdered and dressed as age or fancy might suggest in the richest material. The very atmosphere of the place seemed to inspire wisdom, mildness and condescension. Should any one of them so far forget for

a moment as to be the cause of a protracted whisper while another was addressing the vice-president, three gentle taps with his silver pencil case upon the table by Mr. Adams immediately restored everything to repose and the most respectful attention."

If we were to suppose, however, that in that early period of the history of the republic the politicians and statesmen treated each other with gentle and kindly courtesy, awarded to their opponents due measure of credit, and fought out their controversies without heat and wrath, we should be very much mistaken. No unprejudiced person can carefully compare the records they have left to us with those of the present without perceiving that in the course of the century which has elapsed there has been a decided advance both in morals and in manners, and it strengthens our faith in the stability of the government to believe, as we properly may, that future generations will look back with as great pride and satisfaction upon the labors of the earnest and worthy men of to-day as do we upon those of the members of the earliest Congress, admirable as was much of their work and great as was their merit. William Maclay, United States Senator from Pennsylvania in the first Congress, kept a journal of the proceedings of the Senate while he sat with them in this room. Upon one occasion General Dickinson came and whispered to him: "This day the treasury will make another purchase, for Hamilton (Alexander) has drawn fifteen thousand dollars from the bank in order to buy." Maclay complacently adds: "What a damnable villain!" At another time he gives expression to this devout

wish: "Would to God this same General Washington were in Heaven."

Giles, the new member from Virginia, is preserved after this fashion: "The frothy manners of Virginia were ever uppermost. Canvas-back ducks, ham and chickens, old Madeira, the glories of the Ancient Dominion, all fine, were his constant themes. Boasted of personal prowess; more manual exercise than any man in New England; fast but fine living in his country, wine or cherry bounce from twelve o'clock to night every day. He seemed to practise on this principle, too, as often as the bottle passed him."

In 1798 two of the members of the House, both of them from New England, Matthew Lyon, of Vermont, and Roger Griswold, of Connecticut, had a series of rencontres, which caused much commotion and comment, and became the subject of squibs and caricatures, and of at least two satires in verse, "The Legislative Pugilists" and "The House of Wisdom in a Bustle." On the 22d of January, while the House was voting for members upon the committee to prosecute the impeachment of Senator Blount, some allusion was made by Griswold to a story that Lyon, during the Revolutionary War, had been compelled to wear a wooden sword because of cowardice in the field. Lyon made answer by spitting in his face. A motion was made to expel Griswold, a committee was appointed to investigate, the committee reported a resolution in favor of the expulsion of Lyon, and the House negatived the resolution. On the 15th of February, while Lyon was writing at his desk, Griswold came up and hit him over the head and shoulders with

FROM BOWEN'S VIEWS OF PHILADELPHIA, 1838.

a club. Lyon managed to get hold of the tongs in use about the stove, and, defending himself, they beat each other until separated. Some time afterward they met in an ante-room, and Lyon struck Griswold with a stick. Sitgreaves ran, and having found a hickory club, gave it to Griswold, but they were again separated. While the matter led to much discussion, no definite action was taken by the House.

Perhaps the most interesting event in the history of the building was the inauguration of Washington as President of the United States on the 4th of March, 1793. The oath of office was administered to him by Judge Cushing in the room in which we are now sitting. Stansbury, in his "Recollections and Anecdotes of the Presidents of the United States," has given this description of the scene: "I was but a school boy at the time, and had followed one of the many groups of people who, from all quarters, were making their way to the hall in Chestnut Street at the corner of Sixth, where the two Houses of Congress then held their sittings, and where they were that day to be addressed by the President on the opening of his second term of office. Boys can often manage to work their way through a crowd better than men can. At all events, it so happened that I succeeded in reaching the steps of the hall, from which elevation, looking in every direction, I could see nothing but human heads—a vast fluctuating sea, swaying to and fro, and filling every accessible place which commanded even a distant view of the building. They had congregated, not with the hope of getting into the hall, for that was physically impossible, but that they might see Washington. Many an anxious

look was cast in the direction from which he was expected to come, till at length, true to the appointed hour (he was the most punctual of men), an agitation was observable on the outskirts of the crowd, which gradually opened and gave space for the approach of an elegant white coach, drawn by six superb white horses, having on its four sides beautiful designs of the four seasons, painted by Cipriani. It slowly made its way till it drew up immediately in front of the hall. The rush was now tremendous. But as the coach door opened there issued from it two gentlemen with long white wands, who, with some difficulty, parted the people so as to open a passage from the carriage to the steps on which the fortunate school boy had achieved a footing, and whence the whole proceeding could be distinctly seen. As the person of the President emerged from the carriage a universal shout rent the air, and continued as he deliberately ascended the steps. On reaching the platform he paused, looking back on the carriage, thus affording to the anxiety of the people the indulgence they desired of feasting their eyes upon his person. Never did a more majestic personage present himself to the public gaze. As the President entered all arose and remained standing until he had ascended the steps at the upper end of the chamber and taken his seat in the speaker's chair. It was an impressive moment. Notwithstanding that the spacious apartment, floor, lobby, galleries and all approaches were crowded to their utmost capacity, not a sound was heard. The silence of expectation was unbroken and profound. Every breath was suspended. He was dressed in a full suit of the richest black velvet; his lower limbs in short clothes and

diamond knee buckles and black silk stockings. His shoes, which were brightly japanned, were surmounted with large square silver buckles. His hair, carefully displayed in the manner of the day, was richly powdered and gathered behind into a black silk bag, on which was a bow of black ribbon. In his hand he carried a plain cocked hat, decorated with the American cockade. He wore by his side a light, slender dress sword, in a green shagreen scabbard, with a richly ornamented hilt. His gait was deliberate, his manner solemn but self-possessed, and he presented altogether the most august human figure I had then or have since beheld.

"At the head of the Senate stood Thomas Jefferson in a blue coat—single breasted, with large, bright basket buttons—his vest and small clothes of crimson. I remember being struck by his animated countenance of a brick-red hue, his bright eye and foxy hair, as well as by his tall, gaunt, ungainly form and square shoulders. A perfect contrast was presented by the pale, reflective face and delicate figure of James Madison, and, above all, by the short, burly, bustling form of General Knox, with ruddy cheek, prominent eye, and still more prominent proportions of another kind. In the semi-circle which was formed behind the chair, and on either hand of the President, my boyish gaze was attracted by the splendid attire of the Chevalier D'Yrujo, the Spanish embassador, then the only foreign minister near our infant government. His glittering star, his silk *chapeau bras*, edged with ostrich feathers, his foreign air and courtly bearing, contrasted strangely with those nobility of nature's forming who stood around him. It

was a very fair representation of the old world and the new. Having retained his seat for a few moments, while the members resumed their seats, the President rose and, taking from his breast a roll of manuscript, proceeded to read his address. His voice was full and sonorous, deep and rich in its tones, free from that trumpet ring which it could assume amid the tumult of battle (and which is said to have been distinctly heard above its roar), but sufficiently loud and clear to fill the chamber and be heard with perfect ease in its most remote recesses. He read, as he did everything else, with a singular serenity and composure, with manly ease and dignity, but without the smallest attempt at display. Having concluded, he laid the manuscript upon the table before him, and resumed his seat, when, after a slight pause, he rose and withdrew, the members rising and remaining on their feet until he left the chamber."

This graphic and somewhat highly wrought narrative is certainly entertaining and interesting, but there are some features about it which suggest the query as to whether or not it is entirely trustworthy.

The celebrated William Cobbett, one of the great masters of the English language and later a member of Parliament, was present upon all but five days of the session of 1795–6. "Most of the members will without doubt," he says, "recollect seeing a little dark man, clad in a grey coat something the worse for wear, sitting in the west corner of the front seat. That has been my post." On the 8th of December, 1795, Washington came before the Senate and House assembled in the hall

of the House, to present his message concerning Jay's treaty with England. He found Congress in a state of "composed gravity" and "respectful silence," and the gallery "crowded with anxious spectators." Cobbett then proceeds:

"The President is a timid speaker. He is a proof among thousands that superior genius, wisdom and courage are ever accompanied with excessive modesty. His situation was at this time almost entirely new. Never till a few months preceding this session had the tongue of the most factious slander dared to make a public attack on his character. This was the first time he had ever entered the walls of Congress without a full assurance of meeting a welcome from every heart. He now saw even among those to whom he addressed himself numbers who to repay all his labors, all his anxious cares for their welfare, were ready to thwart his measures and present him the cup of humiliation filled to the brim. When he came to that part of his speech where he mentions the treaty with his Britannic majesty he cast his eyes toward the gallery. It was not the look of indignation and reproach, but of injured virtue which is ever ready to forgive. I was pleased to observe that not a single murmur of disapprobation was heard from the spectators that surrounded me; and if there were some amongst them who had assisted at the turbulent town meetings I am persuaded that they were sincerely penitent. When he departed every look seemed to say: God prolong his precious life."

John Adams, the second President of the United States, was inaugurated here on the 4th of March, 1797. As Adams

and Jefferson entered, they were each applauded by their respective party followers. Adams took his seat in the chair of the speaker; Jefferson, Washington, and the secretary of the Senate were upon his left hand, and the Chief Justice and Associate Justices of the Supreme Court of the United States at a table in the centre. General James Wilkinson, commander-in-chief of the army, all of the officers of State and foreign ministers were present. Adams made a short speech, and then, going down to the table at which the judges were sitting, took the oath of office administered to him by the Chief Justice, Oliver Ellsworth. After his withdrawal, Jefferson was sworn into office as Vice-President. John McKoy, who was present, wrote a description of the scene for Poulson's *Daily Advertiser*. He says: "The first novelty that presented itself was the entrance of the Spanish minister, the Marquis Yrujo, in full diplomatic costume. He was of middle size, of round person, florid complexion, and hair powdered like a snowball; dark striped silk coat, lined with satin; white waistcoat, black silk breeches, white silk stockings, shoes and buckles. He had by his side an elegant hilted small sword, and his chapeau, tipped with white feathers, under his arm. Thus decorated, he crossed the floor of the hall with the most easy nonchalance possible and an occasional side toss of the head (to him habitual) to his appointed place. He was viewed by the audience for a short time in curious silence. He had scarcely adjusted himself to his chair, when the attention of the audience was roused by the word 'Washington,' near the door of the entrance. The word flew like lightning through the assembly, and the

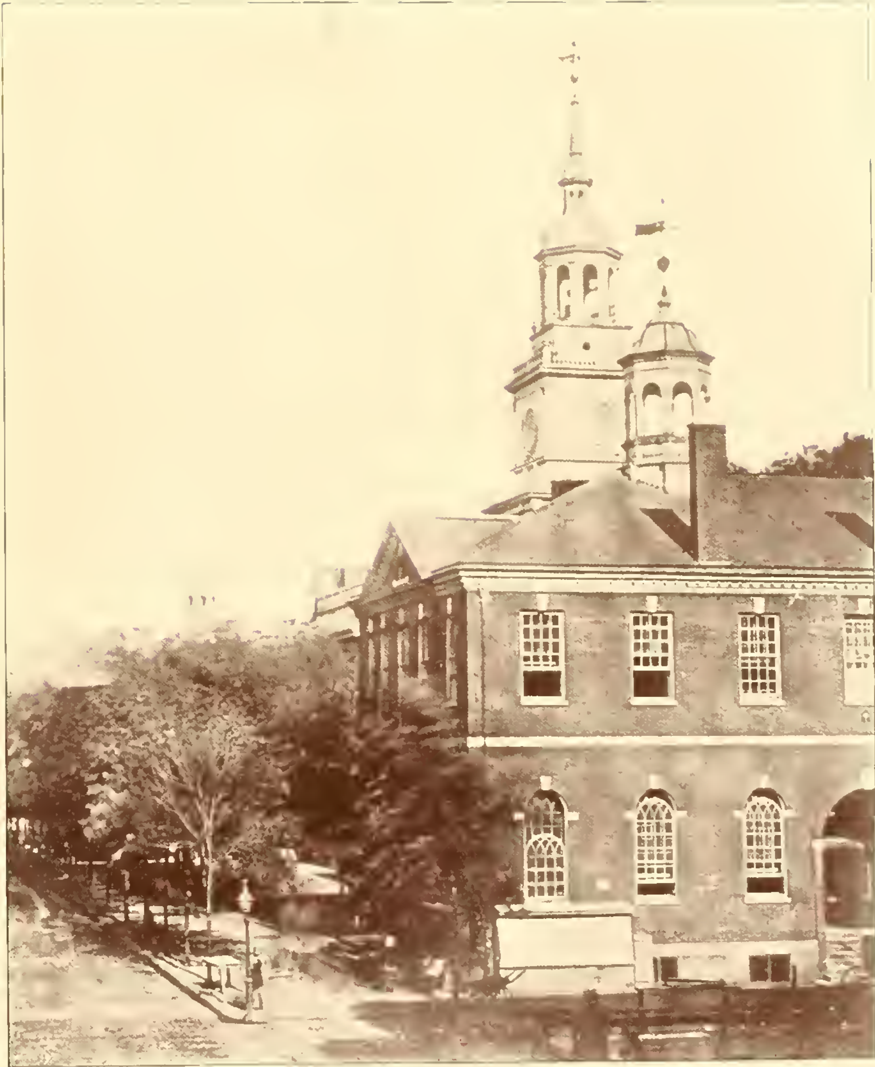
subsequent varied shouts of enthusiasm produced immediately such a sound as

'When loud surges lash the sounding shore.'

It was an unexpected and instantaneous expression of simultaneous feeling which made the hall tremble. Occasionally the word 'Washington,' 'Washington,' might be heard like the guns in a storm. He entered in the midst and crossed the floor at a quick step, as if eager to escape notice, and seated himself quickly on his chair, near the Marquis Yrujo, who rose up at his entrance as if startled by the uncommon scene. He was dressed similar to all the full length portraits of him—hair full powdered, with black silk rose and bag pendant behind as then was usual for elderly gentlemen of the old school. But on those portraits one who had never seen Washington might look in vain for that benign expression of countenance possessed by him and only sufficiently perceptible in the lithographic bust of Rembrandt Peale, to cause a feeling, as Judge Peters, in his certificate to the painter, expresses it. The burst at the entrance had not subsided, when the word 'Jefferson,' at the entrance door, again electrified the audience into another explosion of feeling similar to the first, but abated in force and energy. He entered, dressed in a long, blue frock coat, single breasted, and buttoned down to the waist; light sandy hair, very slightly powdered and cued with black ribbon a long way down his back; tall, of benign aspect and straight as an arrow, he bent not, but with an erect gait moved leisurely to his seat near Washington and sat down. Silence again ensued. Presently an increased bustle near the

door of the entrance, and the words 'President,' 'President Adams,' again produced an explosion of feeling similar to those that had preceded, but again diminished by repetition in its force and energy. He was dressed in a suit of light drab cloth, his hair well powdered, with rose and bag like those of Washington. He passed slowly on, bowing on each side, till he reached the speaker's chair, on which he sat down. Again a deep silence prevailed, in the midst of which he rose, and bowing round to the audience three times, varying his position each time, he then read his inaugural address, in the course of which he alluded to, and at the same time bowed to, his predecessor, which was returned from Washington, who, with the members of Congress, were all standing. When he had finished, he sat down. After a short pause, he rose up and, bowing round as before, he descended from the chair and passed out with acclamation. Washington and Jefferson remained standing together, and the bulk of the audience watching their movements in cautious silence. Presently, with a graceful motion of the hand, Washington invited the Vice-President, Jefferson, to pass on before him, which was declined by Mr. Jefferson. After a pause, an invitation to proceed was repeated by Washington, when the Vice-President passed on towards the door and Washington after him."

Among the spectators of this interesting scene was Rembrandt Peale, the artist, who had a seat in the gallery. Mrs. Susan R. Echard, who in 1859 was still living in Philadelphia at the age of eighty-three years, and who was present, wrote a contemporary letter to a kinsman in which she said: "When



FROM PHOTOGRAPH OF 1855.

General Washington delivered his Farewell Address, in the room at the southeast corner of Chestnut and Sixth streets, I sat immediately in front of him. It was in the room Congress occupied. The table of the speaker was between the two windows on Sixth Street. The daughter of Dr. C. (Craik), of Alexandria, the physician and intimate friend of Washington, Mrs. H. (Harrison), whose husband was the auditor, was a very dear friend of mine. Her brother Washington was one of the secretaries of General Washington. Young Dandridge, a nephew of Mrs. Washington, was the other. I was included in Mrs. H.'s party to witness the august, the solemn scene. Mr. H. declined going with Mrs. H., as she had determined to go early, so as to secure the front bench. It was fortunate for Miss C. (Custis), (afterward Mrs. L. (Lewis), that she could not trust herself to be so near her honored grandfather. My dear father stood very near her. She was terribly agitated. There was a narrow passage from the door of entrance to the room, which was on the east, dividing the rows of benches. General Washington stopped at the end to let Mr. Adams pass to the chair. The latter always wore a full suit of bright drab, with lash or loose cuffs to his coat. He always wore wrist ruffles. He had not changed his fashions. He was a short man, with a good head. With his family he attended our church twice a day. General Washington's dress was a full suit of black. His military hat had the black cockade. There stood the "Father of his Country," acknowledged by nations the first in war, the first in peace, and the first in the hearts of his countrymen. No marshals with gold-colored scarfs attended

him ; there was no cheering, no noise ; the most profound silence greeted him, as if the great assembly desired to hear him breathe, and catch his breath in homage of their hearts. Mr. Adams covered his face with both his hands ; the sleeves of his coat, and his hands were covered with tears. Every now and then there was a suppressed sob. I cannot describe Washington's appearance as I felt it—perfectly composed and self-possessed till the close of his address—then, when strong nervous sobs broke loose, when tears covered the faces, then the great man was shaken. I never took my eyes from his face. Large drops came from his eyes. He looked to the youthful children who were parting with their father, their friend, as if his heart was with them, and would be to the end."[1]

While Congress held its sessions in this building, the United States Mint and the United States Bank were established ; Vermont, Kentucky and Tennessee were admitted into the Union ; the army and navy were organized upon a permanent basis ; Jay's treaty, determining our relations with England, resulting in much difference of opinion, was considered and ratified ; the whiskey insurrection was suppressed ; the wars with the Indians, conducted successively by Harmar, St. Clair and Wayne—all of them Pennsylvanians—were fought, and, in the ably managed campaign of Wayne, the power of the hostile tribes was finally broken, and the West won for civilization ; and the brief war with France, reflecting much credit upon our youthful navy and upon Commodore Thomas Truxton, afterward Sheriff of Philadelphia County, was cour-

[1] G. W. P. Custis's "Recollections of Washington," p. 434.

ageously undertaken and maintained. Here, too, was officially announced the death of Washington, when John Marshall offered a resolution "that a committee, in conjunction with one from the Senate, be appointed to consider on the most suitable manner of paying honor to the memory of the man first in war, first in peace and first in the hearts of his countrymen," thus originating an expressive phrase destined in America never to be forgotten. Congress sat here for the last time on the 14th day of May, 1800. The last act of the Senate in this building was to request the President to instruct the Attorney-General to prosecute William Duane, editor of the *Aurora*, for a defamatory libel. Then, after the passage of a resolution extending its thanks to "the commissioners of the city and county of Philadelphia for the convenient and elegant accommodations furnished by them for the use of the Senate during the residence of the national government in the city," that august body adjourned to meet thereafter in the city of Washington, and the éclat incident to the location of the capital of the country departed from Philadelphia forever.

At a later period a committee of Congress recommended the appropriation of a sum of one hundred thousand dollars as compensation by the Government for the use of these buildings, but nothing came of the proposition, and this city has the satisfaction of knowing that among its many patriotic services is the fact that without return of any kind, it furnished during ten years an abiding place to the homeless nation.[1]

[1] Broadhead's "Location of the National Capital," *Magazine of American History*, January, 1884.

The subsequent history of the building is less eventful, and, though covering a period when it would seem that the facts ought to be accessible, is in reality much more obscure. A plan in a volume entitled "Philadelphia in 1824," shows that at that time the north room of the lower floor was occupied by the District Court, the south room by the Common Pleas, the north room of the upper floor by the Supreme Court of Pennsylvania, the south room by the Circuit Court of the United States, and that between these two rooms on the upper floor on the west was the Law Library, and on the east the Controllers of Public Schools. Definitely when these courts began their sessions here neither Judge Mitchell, nor Thompson Westcott who made a thorough search of the newspapers and most other sources of contemporary information, was able to ascertain. Some further light can now, however, be given. In the printed report of the trial, in 1809, of General Michael Bright, before Judges Bushrod Washington and Richard Peters, in the Circuit Court of the United States, an important case which involved a question of jurisdiction between the State of Pennsylvania and the United States Government, and whose events of a very warlike nature caused the house at the northwest corner of Seventh and Arch streets to be known as Fort Rittenhouse, upon page 201, there appears an affidavit of Thomas Passmore, an auctioneer of the city. He deposed "that, on Sunday last, the 30th of April, ultimo, between five and six o'clock in the afternoon, as he was standing near the door of the County Court House, at the corner of Sixth and Chestnut streets, he heard some voices calling from the balcony

FROM PHOTOGRAPH OF 1895.

of the Court House, 'Corless, that's wrong.' Upon looking round this deponent saw Matthias Corless, who this deponent understood was one of the jurors in the case of the United States against Bright and others, passing from the said Court House across the street towards the Shakespere Hotel, a tavern situate at the northwest corner of Sixth and Chestnut streets." That court was therefore sitting here in 1809. The directory for 1809 says that the Orphans' Court then sat "on the third Friday of every month at the County Court House." The jurisdiction of the Orphans' Court was at that time exercised by the judges of the Court of Common Pleas, who were also the judges of the Courts of Oyer and Terminer and of the Quarter Sessions. It is probable, therefore, that the United States Courts and the Common Pleas, with its accessories, commenced their sessions here soon after the building was surrendered by the Congress, and presumably the Common Pleas continued to hold its sessions in the building until the number of criminal cases became so great as to require continuous sessions of the criminal courts. The United States Courts remained until September 15, 1826. According to Westcott, the District Court began to hold its sessions here in 1818, and it continued to sit here until its final dissolution on the 4th of January, 1875. The following list of the judges of that court while in this building is taken from Martin's "Bench and Bar":

PRESIDENT JUDGES.

JOSEPH HEMPHILL, May 6, 1811.
JOSEPH BORDEN MCKEAN, October 1, 1818.
JARED INGERSOLL, March 19, 1821.
MOSES LEVY, December 18, 1822.
JOSEPH BORDEN MCKEAN, March 21, 1825.
JOSEPH BARNES, October 24, 1826.
THOMAS MCKEAN PETTIT, April 22, 1835.
JOEL JONES, April 8, 1845.
GEORGE SHARSWOOD, February 1, 1848.
JOHN INNES CLARK HARE, December 1, 1867.

ASSOCIATE JUDGES.

ANTHONY SIMMONS, May 6, 1811.
JACOB SUMMER, June 3, 1811.
THOMAS SERGEANT, October 20, 1814.
JOSEPH BORDEN MCKEAN, March 27, 1814.
JOSEPH BARNES, October 1, 1818.
JOSEPH BORDEN MCKEAN, March 17, 1821.
BENJAMIN RAWLE MORGAN, March 29, 1821.
JOHN HALLOWELL, March 27, 1825.
CHARLES SIDNEY COXE, October 24, 1826.
THOMAS MCKEAN PETTIT, February 16, 1833.
GEORGE MCDOWELL STROUD, March 30, 1835.
JOEL JONES, April 22, 1835.
JOHN KING FINDLAY, February 5, 1848.
JOHN INNES CLARK HARE, December 1, 1851.
MARTIN RUSSELL THAYER, December 1, 1867.
THOMAS GREENBANK, December 7, 1868.
MARTIN RUSSELL THAYER, March 27, 1869.
JAMES LYND, December 5, 1870.
JAMES TYNDALE MITCHELL, December 4, 1871.
AMOS BRIGGS, March 25, 1872.

Upon the abolition of the District Court and the reorganization of the Courts of Common Pleas, the south room of the upper story C and the north room D were assigned to the Court of Common Pleas No. 2, and have been occupied by that court until to-day. The judges of No. 2 who have sat here have been:

PRESIDENT JUDGE.

John Innes Clark Hare, January 4, 1875.

ASSOCIATE JUDGES.

James Tyndale Mitchell, January 4, 1875.
Joseph T. Pratt, January 4, 1875.
David Newlin Fell, May 3, 1877.
Samuel Whitaker Pennypacker, January 9, 1889.
Theodore Finley Jenkins, January 1, 1894.
Mayer Sulzberger, January 1, 1895.

Three of the judges have gone from this building to the Supreme Court of Pennsylvania—George Sharswood, James Tyndale Mitchell and David Newlin Fell—and perhaps no living American is more widely respected among men of the English-speaking races for his learning and attainments as a jurist than the president judge of this court. The south room of the lower floor was used by the Court of Oyer and Terminer until the erection of the brick building on Sixth Street below Chestnut, in 1867, as I am informed by Judge F. Carroll Brewster; and among the famous murder cases tried here were those of Richard Smith, Arthur Spring, Charles Langfeldt, and that most ferocious of Philadelphia murderers, Anton Probst. The Court of Quarter Sessions continued to hold its

sessions in that room until its removal to the City Hall, at Broad and Market streets, July 31, 1891. From that time until the present, it has been used for jury trials by Judges Craig Biddle and François Amedée Bregy, of the Court of Common Pleas No. 1. For many years the Law Academy of Philadelphia held its moot court in room D.

The Law Association had its meetings and kept its library upon the upper floor from 1819 till 1872, and on October 28, 1841, made a circular announcement that "Gentlemen who wish to converse will be pleased to withdraw to the conversation room on the east side of the hall."

The north room of the first floor has been the office of the Prothonotary of the Courts of Common Pleas, Colonel William B. Mann, since January, 1879. Before that date it was occupied as the Tax Office, and at a still earlier time by the Highway Department.

The venerable building has not been without its vicissitudes. On the 26th of December, 1821, a fire, caused by a defective flue, burned the northern part of the roof and injured the cupola, but the activity of the firemen preserved it from destruction. During a conflagration at Hart's building in December, 1851, it caught fire several times and was in the greatest danger, but was again happily saved. At one time legislation was proposed and passed by one of the Houses at Harrisburg to tear down the State House and other buildings and sell the ground for what it would bring at auction. The Act of August, 5, 1870, providing for the appointment of a building commission, directed that this hall should be removed,

but, fortunately, that part of the Act has never been carried into effect, and was repealed at the last session of the Legislature. Nor has it been without a suggestion of tragedy. Upon the morning of December 11, 1866, Judge F. Carroll Brewster, though holding the Court of Common Pleas, sat temporarily in room D to hear an application for the appointment of a receiver in a case of Vankirk vs. Page. As he leaned forward to talk to an officer an iron ventilator weighing seventy pounds fell from the ceiling and crushed the back and legs of his chair.[1]

On the 16th of February, 1893, the case of Lukens vs. The City, which had been on trial in room D for four days, was given to the jury shortly after 3 o'clock in the afternoon. As the judge left the court-room, the plaintiff asked him whether he would not wait and take the verdict. After a momentary consideration, he declined, saying it could be sealed and brought into the court the next morning. A short time afterward, a mass of plaster and lath, eight inches in thickness and weighing hundreds of pounds, fell upon the bench and chair, crushing the bench to the floor, and so filling the room with débris that for some days the court was held in the lower story. The danger to the judges had no effect to deter a ribald wit of the Bar from suggesting, "Fiat justitia, ruat *ceiling*."

The hour for departure has arrived. There is a French proverb which runs, that the man who wears silk stockings is careful about stepping into the mud. It has been the good fortune of the Court of Common Pleas No. 2 hitherto to conduct its proceedings amid surroundings and influences calculated

[1] *The Press*, December 12, 1866.

to be helpful in aiding it to maintain a high standard of rectitude and professional effort. In this place those measures were taken which established the government of the United States upon a firm basis, and started it upon its wonderful career of development and prosperity. Here for the greater part of a century the rights of personal liberty of the citizens of Philadelphia were decided, and their rights of property, since the judgments of the District Court were for the most part final, were determined. The tread of Washington and Adams and Jefferson had scarcely ceased to resound amid these walls, before they began to hearken to the learning of McKean and Sharswood and Hare. The eloquence of Stockton and Morris, of Marshall and Boudinot, strenuous and urgent about matters of state and finance, died away into the past only to give place to the eloquence of Binney, and Meredith, and McCall, and Cuyler,[1] and Brewster, and Sheppard, striving for the solution of abstruse and intricate legal problems, and that of Reed, and Brown, and Mann, and Cassidy, contending over questions of life and death. And it is to be hoped that the end is not yet. We depart with an assured faith that the people of this efficient and forceful community, possessing as they do the sacred fanes of America, and mindful as they are of the importance and value of such possession, will see to it that this building is retained unchanged for the future generations of citizens, and that its hallowed memories are carefully preserved and proudly cherished.

[1] An eminent Philadelphia lawyer says of Mr. Cuyler that he possessed the highest qualifications of an advocate, and that "he could persuade a jury to find a verdict against the evidence, and the Supreme Court to render a decision contrary to the law."

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