

# The Life of William Uhler Hensel

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## PREFACE

In order to determine the significance of William Uhler Hensel's role in history it was necessary to first look at the many and varied activities to which his life was devoted. It is almost inconceivable that one man could have been involved in so many facets of human activity. Hensel's great drive and zeal brought him to prominence in many different fields. This study has been devoted to analyses of areas of endeavor in which Hensel was most prominent, but the biographical sketch presented in Chapter I was designed to show the superficial Hensel through which the real Hensel was discovered. The guidelines presented in that chapter served as a foundation for more detailed study by putting the life of the subject in the proper perspective according to time, place, and events. However, events not studied in later chapters have been emphasized in this overall picture of Hensel's life.

I am very grateful for the help and cooperation which I have received during the preparation and writing of this thesis. The Honorable W. Hensel Brown, Mrs. Jay Gilbert, Mrs. Frederick Foltz, Mrs. Beatrice Hensel, J. Guy Eshleman, and W. U. Hensel III were invaluable in guiding me to research materials that I otherwise would have been unable to secure. I am also indebted to Dr. Abram

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J. B. G.

## CHAPTER I

### A BIOGRAPHICAL SKETCH

William Uhler Hensel was born in Quarryville, Pennsylvania on December 4, 1851.<sup>1</sup> He was the son of George Washington Hensel and Ann Maria Uhler Hensel.<sup>2</sup> George Washington Hensel was of German and English stock, and his wife was a descendant of the Uhler and Light families of Lebanon, Pennsylvania. Both of these families were of German descent.<sup>3</sup> In addition to William Uhler Hensel there were nine children in the family: Leander T., Harry H., Charles C., George W. Jr., Clara E., Ella M., Anne L., Sue R., and Daisy M. Charles died in his youth as a result of a respiratory ailment, probably tuberculosis.<sup>4</sup>

George Washington Hensel was fourteen years old when he moved to Quarryville from Harford County, Maryland, in 1837. The town was then known as Barr's Quarries, being named after Martin Barr who was the first man to quarry limestone and make lime there. Young Hensel took a job as clerk in Lewis Haines's store and became a partner by 1842 and full owner of the store by 1855.<sup>5</sup> He later became president of the Quarryville National Bank, a director of the Quarryville Railroad, head of a local insurance company, a trustee of Franklin and Marshall College, county auditor, and a leader of the Quarryville Reformed Church.<sup>6</sup> The store was operated by the Hensel family at the same location until 1959 when it was torn down to be replaced by a gas station.<sup>7</sup>

William Uhler Hensel received his early education in the public schools of Quarryville and later attended the academies at Chestnut Level, Parkesburg, and Paradise. He entered the preparatory department of Franklin and Marshall College in the autumn of 1865 and graduated in 1870 as class valedictorian. Turning his attention to the legal profession, Hensel studied law under Isaac E. Heister, and after Heister's death, under David G. Eshleman. He was admitted to the Bar on January 23, 1873. That same year he was selected to deliver the Master oration at Franklin and Marshall College, and the subject on which he spoke was "Robert Burns."<sup>8</sup>

During the time Hensel was reading law, he managed a dry goods store in Lancaster for a New York firm and wrote local stories for Major Elwood Griest's newspaper, the *Inquirer*. This journalistic work served as his recreation as he was not paid for it. A large group of men met in his room on Sundays for an intellectual

symposium. These were young men on their way up in the professions: lawyers, doctors, theologians, journalists, engineers and educators. Although Hensel was one of the youngest members of the group, he usually led the conversation which varied from the latest novel he had read to the Darwinian theory.<sup>9</sup>

Throughout Hensel's life he showed a deep devotion to his Alma Mater. While still a student at Franklin and Marshall College he was one of the founders of the periodical, *College Days*, later known as *College Student*.<sup>10</sup> He also became a member of Phi Kappa Sigma Fraternity and was on the Executive Board of the Grand Chapter from 1869 until 1872. The Grand Chapter was responsible for coordinating the activities of the fraternity in all member colleges. In 1875, Hensel was elected Grand Alpha which was the highest office of the order in the United States. About 1910, he and two other men organized a subscription drive to purchase a permanent meeting place for the local chapter, Zeta,<sup>11</sup> and in September, 1919, a house on James Street was purchased for \$7,500.<sup>12</sup>

Theta Chapter of the Phi Beta Kappa Fraternity was chartered at Franklin and Marshall in 1908, and Hensel was one of the first men elected to membership. He also served for three years on the Executive Committee which worked with the faculty in choosing new members from the senior class.<sup>13</sup>

Hensel's contributions to the college in money and time were an important factor in the growth of the institution. The completion of a gymnasium for the college in 1891 was due chiefly to his subscriptive activities and donations.<sup>14</sup> The greatest impetus toward the development of a library endowment fund and for contributions of books on an individual basis came in a speech which Hensel made before the Lancaster Alumni Association in February, 1901. He suggested that each alumnus choose a department of the college and contribute a certain number of books to it each year. Following his own suggestion, he made many contributions of books and money including a sum of \$2,000 during the 1913-14 school year for the establishment of an endowment fund. The books purchased through this fund formed the Hensel Alcove of American and English Belles-Lettres.<sup>15</sup> The library still receives a yearly income from the endowment. The sum which it received in 1965 was \$220.07. The Hensel Prize in English for the member of the senior class presenting the best essay in American or English literature was established from a contribution of \$1,000 from his estate and is still being given.<sup>16</sup>

As a trustee of the college, Hensel played an important role in policy-making for twenty-five years. He became a member of the Board of Trustees in the 1890-91 term, and was elected first vice-president the following term. He served in this office until the 1909-10 term when the board decided that there should be two vice-presidents of equal rank. Hensel and John W. Skiles were chosen as the vice-presidents. During his years as a trustee, Hensel was usually on at least five of the eleven standing committees and was the dominant force on the Finance and Discipline committees. He continued

as vice-president of the Board until 1914 when he became president, replacing George F. Baer who had died.<sup>17</sup>

Hensel was the speaker at many of the Franklin and Marshall Commencements and other college functions. He kept his audience spellbound for nearly an hour during the Centennial Celebration of 1887 with an oration on the dignity and worth of a liberal education for its own sake. The name of the speech was "The College and the Community." The celebration was held in honor of Franklin College which had been established in 1787. Marshall College was united with it in 1853, and a Golden Jubilee was held in 1903 in recognition of the union. Hensel played an important part in the planning of these events and brought many of his prominent friends to the college both as speakers and financial contributors.<sup>18</sup>

In 1874, Hensel entered upon a career of journalism as half-owner and co-editor of the *Lancaster Intelligencer*. He also continued his law practice which he had instituted in 1873. Journalism brought him national recognition, but he sold his share of the newspaper in 1886. However, his writing was not confined to editorials; he was a historian of some note and a writer of many pieces of polite literature or belles-lettres.<sup>19</sup>

Although embarking on careers in journalism, law, and politics, Hensel found time to court and marry Miss Emily Flinn of Lancaster. Their life together was brief for Mrs. Hensel died in 1882. One daughter, Elizabeth, was born of the union.<sup>20</sup>

The political career of W. U. Hensel began before he was old enough to vote and continued until the late 1890s when he became a man without a party. He was an active Democrat in local, state, and national politics. After outstanding work on the state political scene, he served as Attorney General of Pennsylvania from 1891 to 1895 under Governor Robert E. Pattison. He was a personal friend of such prominent Democrats as Samuel J. Tilden, Thomas A. Hendricks, Allen G. Thurman, Samuel J. Randall, and Grover Cleveland.<sup>21</sup> However, after taking an active role in national campaigns from 1880-1892, he became disenchanted with his party. His conservatism would not allow him to accept William Jennings Bryan's crusade for "free silver."<sup>22</sup>

In 1886, Hensel sold his interest in the *Lancaster Intelligencer*, and the following year he became the law partner of J. Hay Brown. The law firm, Brown and Hensel, became famous throughout the state and both men later gained important state positions. Hensel became Attorney General of Pennsylvania in 1891, and Brown was elevated to the Pennsylvania Supreme Court in 1899.<sup>23</sup> Hensel became the solicitor for many of the industries and governmental units in Lancaster County.<sup>24</sup> He was involved in cases which set precedents in Pennsylvania law, and also in the Carpenter Case, 1895, which so concerned the legislators that they changed the law.<sup>25</sup> As Attorney General, Hensel did an outstanding job of representing the interests of the state in the court room, in collecting money from delinquent corporations, and in prosecuting state and local officials who were involved in illegal activities.<sup>26</sup>



**WILLIAM UHLER HENSEL**

**4 December 1851—27 February 1915**

Another important aspect of Hensel's life was his role as founder of, and participant in, historical, social, and cultural organizations in his native county and state. He was one of the founders of the Cliosophic Society of Lancaster and of the Lancaster County Historical Society, and he was the dominant force behind the activities of these organizations until his death.<sup>27</sup> He was the president of the Pennsylvania-German Society of Lancaster and often spoke to the group about the history of the German people in Lancaster County.<sup>28</sup> Hensel was one of the founders of the Hamilton Club of Lancaster, a social club for men, and was its president from 1903 until his death.<sup>29</sup> He was a member of the Rittenhouse Club of Philadelphia and often a guest and speaker at the Terrapin, Clover, Poor Richard, and other Philadelphia clubs. Many of his speeches were printed in full in the Philadelphia newspapers.<sup>30</sup> Hensel was also vice-president of the Pennsylvania Society of New York.<sup>31</sup>

The obligations which a citizen has to his community and to his church were not neglected by Hensel. He was a member of the Board of Trustees of the First Presbyterian Church of Lancaster, and he was instrumental in bringing the Reverend Robert MacGowan from Scotland to be its minister. He was one of the original members of the Board of Directors of the Henry G. Long Asylum Commission and became president of the Board. The Henry G. Long Asylum was located in Lancaster and was a home for elderly women. Hensel was also on the Board of Directors of the Lancaster Charity Society and was one of its main donors. He was an outspoken advocate of better roads for Lancaster City and County and supported the cause as an editor and later through a series of speeches.<sup>32</sup>

A book entitled *Resources and Industries of the City of Lancaster* was written by Hensel in 1887 for the Lancaster Board of Trade.<sup>33</sup> The book explained how the Board had operated in the past and presented a brief history of the city's business community. With the statistical data on business and business opportunities which the book offered, the members of the Board of Trade were awakened to their present situation and to policies that could be used to bring more business to Lancaster. Hensel was elected first vice-president of the Board in 1904.<sup>34</sup> "The Town We Live In: What It Has, and What It Wants," a speech delivered by Hensel before the Board of Trade in 1886, was probably the reason he was chosen to write the book. The speech was an eloquent plea to people interested in the city's welfare to unite in an effort to make Lancaster grow.<sup>35</sup>

The literary excellence which Hensel displayed and his many accomplishments as a lawyer brought him honorary degrees from three colleges. He received the Doctor of Laws degree from Dickinson College at Carlisle, Pennsylvania, in 1909, and the same degree from Washington and Lee College at Lexington, Virginia, in 1910. Franklin and Marshall awarded him the Doctor of Letters degree in 1912.<sup>36</sup> The Hensel name was memorialized at Franklin and Marshall when the corner stone of Hensel Hall was laid on November 13, 1925.<sup>37</sup>

In the spring of 1914, Hensel suffered a decline in health signalled by a massive nasal hemorrhage suffered at the Hamilton Club. It was discovered that he had cirrhosis of the liver, and he was taken to Jefferson Hospital in Philadelphia where he was reported to be in critical condition. After being released from the hospital, he returned to Lancaster, but it was apparent to his friends that the hearty and robust Hensel was gone forever. Always a solidly built and heavy man, Hensel's loss of weight changed his appearance so much that he appeared to be a different person. His great energy was gone, but his love of life still remained. Although he dropped his law practice, he devoted his time to writing local history and reading again many of the books from his large personal library.<sup>38</sup>

On February 15, 1915, Hensel and a group of friends departed for Jacksonville, Florida. Among the group which accompanied him were his daughter, Elizabeth, Miss Dorothy Flinn, and Hensel's physician.<sup>39</sup> Miss Flinn was the sister of Hensel's wife who had died when Elizabeth was only a child. Miss Flinn had raised Elizabeth and had also often served as Hensel's hostess at social gatherings.<sup>40</sup> The group cruised on former-Senator Donald Cameron's yacht near Savannah, Georgia, for several days in the hope that the peaceful tranquility would improve Hensel's health. However, his condition became critical and the yacht moved to Cameron's plantation on St. Helen's Island. He was then taken to Olgethorpe Sanatorium in Savannah where he died about 1:30 A.M., Saturday, February 27, 1915.<sup>41</sup>

The estate which Hensel left amounted to more than \$250,000. Much of this was real estate, including his house at 42 North Lime Street, Lancaster, and Bleak House, his beloved summer home which was located along the Lincoln Highway just east of Kinzers, Pennsylvania.<sup>42</sup> In accordance with his will, a trust was established which paid his daughter an income until her death. After her death it paid an income to Franklin and Marshall College, Miss Dorothy Flinn, and to four of his siblings: Harry H. Hensel, Leander T. Hensel, Sue E. Rohrer, and Daisy M. Todd. When the last of the heirs died in 1951, the remaining principal and the income from the trust went to the college. After the inheritance tax and other deductions were subtracted, the college received a total of \$77,088.<sup>43</sup>

## THE MAN

The character and personality of W. U. Hensel were such that he had a charismatic effect upon all with whom he associated. His charm, grace, alert mind, and genuine concern for others made him a natural leader of men. Whether at a social affair, participating in a historical or political debate, or trying a case in court, his great ability as an orator made him the center of attraction. According to Mr. Linn L. Reist, a lawyer and contemporary of Hensel, "When Hensel was in a group it was a lively group."<sup>1</sup>

The real Hensel was so accomplished in the many realms of human activity that he could not be adequately described with the use of labels such as lawyer, journalist, or politician. Barr Ferree, Director of the Pennsylvania Society of New York, said:

. . . Here, at last, was the real Hensel, resourceful, alert, learned, rapid in thought and in action, keen in research, swift in application, bold in expediencies, polished in thought and in direction, endowed with a natural eloquence that long practice had brought to a rich fruition.

And it is in the real Hensel that the great interest lies; not in the journalist, not in the politician, not in the lawyer, but in the man himself; in that richly dowered mind, supersaturated with knowledge, overrunning with learning, keenly alive to life and all that it means; a man not only in touch with many forms of activity, but actually dominating them; a man who, time and again, brought forth the quiet learning of the library and set it out in the broad light of life; a man of kindly feelings and warm friendships, and of amazing sociability, whose impromptu entertainments, often arranged on a most astonishing scale, were a constant delight to those who participated in them.<sup>2</sup>

F. Lyman Windolph, a Lancaster attorney, stated that "Hensel's most striking quality was exuberance; he was eager to eat, drink, talk, and work."<sup>3</sup> Mr. Hensel was an extrovert and could not restrain himself from participating in the activities about him. Although he tended to be a dominant figure in whatever activity he engaged, people enjoyed his leadership. He was a leader because he worked hard and could not bear to disappoint those who had confidence in him. Feeling that the obligation of a leader for service was greater than that of a follower, in his relations with his fellow men, he always gave more than he took. Robert Blair Risk stated that "He was born to be a leader and in the front, and he could no more escape the tendencies of his inner forces than can the bobolink of spring refrain from song."<sup>4</sup>

Wherever he went Hensel made a lasting impression upon people. J. Guy Eshleman, who traveled to England with him in 1912, said that Hensel was recognized and greeted as an old friend by many of the people they met. According to Eshleman, Hensel was well-known for his impromptu speeches. On one occasion, Eshleman and Hensel attended a Quaker funeral with the latter's brother, George W. Hensel, Jr. After a long silence during which no one said a good word for the deceased, Hensel lost his restraint, rose

and related the virtues of the fine Quaker gentleman. George W. Hensel, Jr. commented to Mr. Eshleman later that it was the first time he had ever heard Willy preach a sermon.<sup>5</sup>

About 1910, Hensel made a famous impromptu speech in Lancaster. After Albert Hubbart, an agnostic, made a speech about the folly of organized religion, Hensel answered him with a flamboyant and eloquent oration in defense of religious doctrine. He stated that the church spires of Lancaster would be standing long after Hubbart was dead. Hubbart got his revenge in the next edition of a magazine which he published by describing Hensel as fat and full of whiskey.<sup>6</sup>

Although Hensel played a leading role in law, politics, and journalism on a state and national level, no occasion was too unimportant and no detail too minute for his close attention. He made the plans for a semicentennial celebration at Chestnut Level Academy in 1902. After planning every detail, including the guest list, transportation, menu, and entertainment, he prepared and delivered a speech about the value of learning in a changing world.<sup>7</sup> About the same time, Hensel became convinced that there were certain areas of learning that were being neglected in the curriculum of Franklin and Marshall College and participated in a series of lectures to the student body.<sup>8</sup> He felt obligated to use his great talent to its limit no matter what the task.

In a speech to the boys of The Yeates School of Lancaster in 1909, Hensel revealed the key to his success. His advice to the students on how to make the best use of time showed how he was able to accomplish so much in one lifetime:

Since history began men of genius and high enterprise have marked the immeasurable value of time, the irreparable loss in its waste and the inexorable operation of its laws. The wind bloweth where it listeth and the tide moveth a pace, now swift, now sluggish, but Time, with never quickened, never halting step, moves evenly, resistlessly, without haste, without rest, neither cruel nor kind, passionless and remorseless . . .<sup>9</sup>

Hensel thought it was important to have an effective system of organizing the day's activities:

I deem it of the largest advantage to the student youth to cultivate early in life and to rigorously discipline himself to make systematic division of the day. Four claims challenge his consideration. He must—six days in the week—sleep, eat, work and play; and our blessed religion, as well as our social economy, prescribes that on one day of the week he shall not (at least he need not) work. The normal or average young man is entitled to eight hours sleep, and two hours for his meals. He will, in the long run, lose by curtailing these, and time borrowed from either must sometime be repaid with compound interest. The average healthy young person scarcely needs, beside the Sabbatical rest, four hours of daily average recreation and exercise; which allowance leaves ten hours for actual work . . .<sup>10</sup>

A hard worker himself, Hensel obviously had little patience with those who talked of being overburdened:

. . . I am aware of a somewhat widely spread apprehension that the brain of the student may be overloaded, and dire results ensue, from continuous application, but making a fair division of the time I have indicated among study, the class room and the lecture hall,

There is slight danger of imposing upon the shoulders of the average student a yoke unfitted to them or a burden they cannot carry . . . .<sup>11</sup>

Hensel believed that the planned day would allow a person to accomplish what he set out to do. However, he said that

. . . far beyond the mere economy of time has been the effect of the system as a means of mental discipline. It has developed exactness of action, force of executive direction, logical and orderly reasoning, and unique powers of mental concentration.<sup>12</sup>

Although he was involved in many activities, the fine quality of his work was due to concentration on one task at a time. Hensel disclosed the secret of his success when he advised:

. . . He who gives to a fixed time one task will not only find himself facilitated by working to a plan, but universally helped by the absence of other intruding and conflicting claims to the same time. Gradually he acquires that most valuable power of concentrating his energies, which has been a chief characteristic of the masters in action or in ideas. A thousand slender strands that separately would support but trifling weight may be welded into a cable that will raise tons . . .<sup>13</sup>

As Hensel spoke to the boys of The Yeates School, he probably thought of his own childhood. When he was eleven years old he entered the Chestnut Level Academy where he was the youngest and most precocious student. The instruction at the academy was based on rote learning and "the discipline of fear and half melancholy devotion to religious observances and instruction."<sup>14</sup> The students were not permitted to read fiction because the directors of the Academy considered it the work of the devil. In this depressing and oppressive environment, Will Hensel and his friend Robert Blair Risk often lost interest in their studies and became involved in mischievous pranks.<sup>15</sup>

One of Will Hensel's most frequent offenses against Academy rules was bringing novels and newspapers back to school with him after spending a weekend at home. Will's father, George Washington Hensel, had a fine library and subscribed to several newspapers. Business affairs often made it necessary for him to travel to the big cities, and when he returned he shared his experiences with his children. He spent many evenings reading Shakespeare to his family as he had heard it performed on the stage. This home background and his ability to absorb with ease whatever he read made Will Hensel the leader of boys who were mostly older than himself. He was kept after school many evenings for not memorizing his lessons, but he brought an appreciation of good literature to many of the oppressed scholars at Chestnut Level Academy.<sup>16</sup>

Because of the aggressiveness, character, and personality which young Hensel displayed as a college student and later while reading law, his friends called him the human dynamo. These were the men who met in his room for debates on Sundays, and with whom he often played billiards. During these years Hensel developed his ability to concentrate on one problem and to use his time wisely. In later years, this ability to pursue a problem and ignore the distractions of his immediate environment gave some people the idea that he was rude and overbearing. However, in times of leisure he

was a joy to everyone about him. Because of his large physique, he often hid his sentimental nature behind a haughty or austere front, but his great love of poetry and his warmth, affection, and concern for others often betrayed him.<sup>17</sup>

Hensel was loyal and generous in his friendships and made new friends wherever he went. His letters provide evidence that his circle of friends included many prominent people. Among those who corresponded with him were Grover Cleveland, Daniel H. Hastings, governor of Pennsylvania from 1895 to 1899; F. W. Woolworth, Henry Ford, Lloyd Mifflin, the writer of sonnets from Columbia, Pennsylvania; and Jessie Wilson Sayre, daughter of Woodrow Wilson.<sup>18</sup> Most of these letters expressed gratitude to Hensel for a gift he had sent or a service he had performed. A letter from F. W. Woolworth expressed appreciation for an eloquent speech which Hensel had delivered to the Woolworth store managers.<sup>19</sup> Henry Ford thanked Hensel for sending him literature on Lancaster County and stated that he was looking forward to a tour which Hensel had promised him.<sup>20</sup>

Praise and admiration were necessities to Hensel, and he worked hard to make his friends proud of him. For although he amassed a fortune as a lawyer, much of his time was devoted to writing local history and other literature, civic projects, public speaking, and other activities for which he received very little monetary compensation. Like other humans he needed recognition, and he achieved it with the same dedication and labor which brought him wealth and reputation as a professional man. In a letter from the sculptor, R. T. McKenzie, it was illustrated how Hensel shared his sense of accomplishment with his friends. McKenzie expressed gratitude for a replica of a medal presented to Hensel on his sixtieth birthday.<sup>21</sup> The medal was presented to him for his service to his native county, and he spared no expense in having beautiful copies of it made for his friends.<sup>22</sup> It was not an ordinary form of braggadocio, but then W. U. Hensel was not an ordinary man.

Some men who came to know Hensel were so overwhelmed by his loyalty and generosity that they suspected his motives. Grover Cleveland tried to avoid him for some time because he thought that anyone who worked as hard as he did at being a friend must surely be after a political job.<sup>23</sup> However, they became close friends and Hensel played a significant part in Cleveland's three campaigns for the presidency. Cleveland presented him with a gold-handled walking cane as a token of friendship at Easter in 1893.<sup>24</sup> After Cleveland retired from public life he again found it necessary to shy away from his old friend at times, for Hensel was associated with many groups and organizations and tried frequently to acquire Cleveland's services as speaker.<sup>25</sup>

His friendship with Lloyd Mifflin was typical of Hensel's associations with poets, writers, and artists. He had fine taste in art and literature and many times served as a critic. Mifflin sent sonnets to Hensel to examine before he tried to get them published.<sup>26</sup> Being

of poor health, Mifflin admired Hensel's physical stamina and became very dependent upon him. Hensel read Mifflin's sonnets at public meetings if the poet was too ill to attend, and he would often take issue with those who criticized Mifflin's work.<sup>27</sup>

Although Hensel often told his law partner, J. Hay Brown, that the best policy toward the family was to take care of the lineals and let the collaterals take care of themselves, he did not follow his own advice.<sup>28</sup> He never neglected any of the members of his family. When he traveled abroad he always sent gifts and wrote letters to his brothers and sisters. He sent one letter to his law office, and J. Guy Eshleman sent copies of it to the family. This was done for convenience and also because Eshleman seemed to be the only one who could read Hensel's poor handwriting. The family loved and respected him for his kindness and geniality and often went to him for advice. Whether the problem was legal, financial, or personal, they had no doubts that Will would have a solution.<sup>29</sup>

In 1894, Hensel purchased a twenty-four room house along the Lincoln Highway just east of Kinzers.<sup>30</sup> He named his gloomy, victorian mansion, Bleak House,<sup>31</sup> and it became his summer home. It was here that he forgot the pressures of his profession and played host to many renowned guests. There were great balls, picnics, meetings of political leaders of national significance, and simple garden parties for local friends. Among those who visited Bleak House were governors of Pennsylvania, members of the Congress of the United States, presidents of railroad companies, metropolitan editors, writers, and diplomats of several foreign countries.<sup>32</sup>

As a host, Hensel saw that each guest received an equal portion of his attention. Entertaining was an art to him, and he made his guests feel that they were conveying a pleasure to their host instead of the latter extending one. His wit and humor were a constant delight to his guests. He was particularly delightful in a small group and would often talk into the morning hours with two or three of his friends. In this close fellowship the busy, sometimes harsh, lawyer becomes the merry jester and story teller. His guests especially enjoyed his anecdotes of public men and his reflections on foreign travel.<sup>33</sup>

One of the diplomats who availed himself of the hospitality of Bleak House later became a villain to Americans. Count Johann-Heinrich von Bernstorff, German Ambassador to the United States, was a guest at Bleak House when he came to Lancaster to address the graduating class of Franklin and Marshall College in June, 1912.<sup>34</sup> During the first World War, von Bernstorff master-minded a network of sabotage in the United States.<sup>35</sup>

Bleak House was the center of attraction for the people of Lancaster County. There was always speculation in the summer and fall as to what famous person had his private railroad car pulled onto the siding near the mansion. The side track was a branch of the Pennsylvania Railroad's main line, and there were sometimes as many as four private cars on it at one time. It was commonly

believed that the Pennsylvania Railroad had built the side track just for the convenience of Hensel's friends. However, Mrs. Frederick Foltz<sup>36</sup> of Lancaster said the story was a myth, but that the trains did make unscheduled stops at Bleak House to discharge guests.<sup>37</sup>

The porch of Bleak House was decorated with Japanese lanterns in the summer, and three famous tavern signs were displayed on the wall of the west portico. These signs were historically significant, and Hensel was very proud of them. One of the signs had the words, "Three Crowns," and an emblem of the British monarchy on one side and the words, "Waterloo Tavern," on the other side. The Three Crowns Tavern had been built along the road from Lancaster to Philadelphia (now the Old Philadelphia Pike) in 1771, but during the Revolution some American soldiers had used the emblem of the monarchy for target practice. The owner, Archibald Henderson, then changed the name of the tavern and used the other side of the sign to display the new name. The second sign bore the word "Grapes" and had a picture of grapes in the background. It first appeared in front of the old Hubley Tavern in center square Lancaster in 1769. The third sign had the word "Hat" on it and a picture of a top hat in the background. It was believed that the "Grapes" and "Hat" were painted by Benjamin West.<sup>38</sup>

Bleak House was the scene of activity almost every weekend in the spring and summer, including fox hunts in the spring and fire works on Independence Day. One of Hensel's favorite sports was fox hunting, and a large group of men, horses, and dogs assembled at Bleak House each spring for a chase. He did not participate in the hunt, but he always astounded the experienced hunters with his knowledge of the sport during the conversation which accompanied the partaking of food and drink which the host made available for the entire group. He was the lord of the manor and he enjoyed every minute of it.<sup>39</sup>

There were so many stories told about Hensel that he actually became a legend in his own time. One of the most famous of these stories concerned the tavern signs at Bleak House. Two travelers saw the signs and thought Bleak House to be a tavern. Instead of explaining the situation, Hensel asked them what they desired to eat and drink. He then had the cook prepare an elaborate meal, and he served them the food along with some of his finest wine. When the meal was finished he charged each traveler a fee of fifteen cents. It was not until the two gentlemen reached the Gap and began to boast about the fine service they had enjoyed at the tavern down the road, that they discovered they had been the guests of the Attorney General of Pennsylvania.<sup>40</sup>

Hensel traveled throughout the United States and abroad. Since his wife had died before he could afford much extended travel, he often took his friends with him, and paid their way. Wherever he went he kept a diary of activities and a list of the people he met.<sup>41</sup> A series of letters which he sent to J. Guy Eshleman in 1915 during

the trip south from which he would not return, showed the enthusiasm with which he gained new friends and enjoyed the beauty of nature even when the killing pains of a fatal disease were upon him. Hensel liked travel because he enjoyed people and learned a great deal about the world from them. A sample of his writing aboard ship on his way to England in 1905 shows this:

Noon, Saturday, June 24.

. . . A Swiss, returning to his native country, after forty-five years' absence, interested me very much. He came over at 18, fought as a soldier in the War of the Rebellion, and settled down in Dayton, Ohio, where he has evidently prospered. He now takes his "second wife" and two daughters to his native village and to see his father.

It is this kind of interesting people and their life stories that engage one's attention all the time, and the voyager who does not pick them up, or even hunt them out, loses more than half the value of a trip across the ocean.

Sunday, June 25.

Last night a purse was raised for the band and the side of the deck was walled in with canvas, the floor sanded and a very sprightly ball "ensued" from 9 o'clock to midnight. I entertained my old friends, the Annidoners (aged 80 and 82) at whist until 10, and after they had retired, the Captain of the ship, Dr. Metzger and Prof. Warren, of Albany, N. Y., and I kept it up for two hours. Then I was introduced to and joined an entirely new party—the Senatorial and Ministerial Wilsons *en route* for the "throne of Belgium", and a very "society" woman, Mrs. Perkins and husband, from Louisville, Ky.

I am sure if the voyage lasted one more week we would know everybody on the boat.

One woman defies every attempt to classify her as wife, widow or "grass widow". I told her I had marked my passenger list with comments on all acquaintances made, and when she asked me what I had said about her, I told her only an "?". She laughed, but didn't answer. An old man with grotesque painted whiskers and weak eyes, a recluse and apparent woman hater, suspected of being either "the Wandering Jew", or a Russian Nihilist, turns out to be the mildest man on board, a quiet inoffensive New York millionaire, escaping summer heat and bound for two months at Berlin, . . .<sup>42</sup>

Hensel paid the way for Heitshu, Eshleman, and Shead.<sup>43</sup>

Aside from his other talents, W. U. Hensel was probably most remembered for his ability as an orator. According to W. Hensel Brown, Grover Cleveland considered Hensel to be the best public speaker in the country.<sup>44</sup> F. Lyman Windolph compared Hensel's style of speech to that of Daniel Webster. He said that Hensel used long sentences but somehow managed to get the verb in the right place.<sup>45</sup> His memory was good and he often used quotes from Shakespeare's works and other classics to illustrate his points.<sup>46</sup>

W. U. Hensel was a conservative and a rugged individualist. He was proud of the wealth that he had acquired and defended the morality of wealth at a time when Karl Marx and others were attacking the system of capitalism. In a speech, he defended wealth as

. . . the inherent tendency in mankind and throughout all nature to acquire, increase, exercise, retain and transmit material possessions. I believe this is sanctioned by the laws of God and the better experience of man; that the tendency to despise and condemn it, and to promulgate the doctrine of communism, and to attack the rights of property, is as destructive of the interests of organized society as it is repugnant to every decent system of ethics or religion.<sup>47</sup>



Left to right: Frank B. Trout, cigar manufacturer; Henry C. Miller, treasurer of the Lancaster Trust Co.; J. Guy Eshleman, member of W. U. Hensel's staff at the law office; James B. Rose, umbrella mfr.; W. U. Hensel; Joseph P. Brene-man, contractor; Dr. Richard Conrad Schiedt, F & M professor; Edward R. Heitshu, member of Hensel's staff at the law office; and Redmond Conyngham, a lawyer.

Hensel believed that a man could not gain wealth without hard work, and if he were born with wealth he would not long retain it if he did not work. He said "it can be maintained that wealth is an honor to man and a blessing of God, while poverty is often a blunder and sometimes a crime."<sup>48</sup> He believed that God supplied man with the raw material from which wealth was created and that

Labor is God's appointment; it is man's obligation; the material and forces of nature are his inheritance . . . . All wealth is the outcome of skill and labor laid to the elements . . . . The earth and sea, the sky and sun, the wind and tide, gravity and electrical energy are man's capital; his brain and arm are the machinery which he applies to the raw material, thus freely furnished to all.<sup>49</sup>

The death of W. U. Hensel was noted across the country, and many tributes were written in memory of him. The Pennsylvania House of Representatives passed a special resolution in honor of his memory.<sup>50</sup> Lloyd Mifflin wrote a sonnet in honor of the man whose friendship he so dearly cherished.

What shall we say of him whose words of weight  
Swayed his rapt hearers, and whose Attic phrase  
Charmed at the board all guests in happier days?  
'Tis now "Bleak House" indeed—where once, elate,  
He showered hospitality, till fate  
Called him beyond the chorus of our praise—  
Him whose broad intellect, in a thousand ways,  
Brought honor to his region and the State.

The highest eulogies, when all is said,  
Are futile still, and show him but in part,  
Yet I would pay some homage to the dead:  
Let me, recalling through that life of stress  
The unfailing fountain of his kindness,  
Offer my tribute to his golden heart.<sup>51</sup>

## JOURNALIST

In May, 1874, W. U. Hensel bought Henry G. Smith's half-interest in the *Lancaster Intelligencer* for approximately \$15,000.<sup>1</sup> Hensel's father provided him with the capital for the purchase.<sup>2</sup> Andrew Jackson Steinman owned the other half of the newspaper, and he and Hensel became co-editors. Hensel brought a new spirit to the newspaper, evidenced by the fact that the weekly and daily editions were both enlarged in 1874 and a monthly edition was added in 1875. The latter was devoted to literature, art, and local history.<sup>3</sup>

The *Lancaster Intelligencer* supported the Democratic party and had been, since its beginning in 1799, the outspoken enemy of privilege and corruption. The editorials which appeared in the newspaper during Hensel's tenure as co-editor clamored for limitation of corporate power and for municipal reform.<sup>4</sup> When A. J. Steinman and W. U. Hensel became partners in 1874, they pledged themselves to the principles of the Democratic party but promised to condemn wrong and error wherever they existed.<sup>5</sup> This was a great understatement for their editorials were often sweeping and scathing. They were frank and highly opinionated and attacked anything from moral standards to the latest theory of the universe.<sup>6</sup>

Although Hensel tried to hold up all wrongdoers to public scorn, the angry young crusader most often attacked the Republican party. The corruption of Grant's administration gave him a huge target, but he did not neglect the state and local governments. Although the Pennsylvania legislature was forbidden by the state constitution to pass special laws for one city, they got around this by passing special laws for cities with populations of more than 300,000. Philadelphia was the only city in Pennsylvania with that many people. A *Lancaster Intelligencer* editorial pointed out how the Republican-controlled legislature disregarded the constitution and added that "We have yet to hear of a body of men surpassing the last Legislature in that sort of astuteness which is not to be distinguished from knavery."<sup>7</sup> When Steinman and Hensel were prodded by the *Lancaster Examiner*, the rival Republican daily, to admit that the Republican road supervisor of Lancaster, Mr. Bitner, was doing a good job, they wrote:

... We confess that we would be somewhat apprehensive for our safety in driving over our streets in their present condition. But if Mr. Bitner can drive up North Queen street without breaking a spring, out East James street without sticking in the mud, and down South Duke street without upsetting, then we will admit that he is a skillful driver, if not, that he keeps the streets in good repair.<sup>8</sup>

Noticing that Hensel had given the *Lancaster Intelligencer* new

life in attacks on the Republican party, the *Lancaster Examiner* stated that

The newly fledged editor . . . W. U. Hensel . . . must be a very irritable gentleman. From his articles, nothing done by either National, State, County, or Municipal authorities is, in his opinion, done right. His criticisms may please himself and those akin to him in sentiment, but we doubt if his advice and assumed mandates will have the effect to revolutionize the world.<sup>9</sup>

In Hensel's reply to the editorial, he stated that public funds of the city and county were being deposited in the pockets of a few Republican leaders under the pretense of making improvements. He also wrote:

When the powers of the National Government are used to protect all manner of national corruption and trample upon the sovereignty of the States—when the State Legislature has become a synonym for jobbery, bribery and fraud . . . public sentiment becomes 'irritable' . . .<sup>10</sup>

Apparently Hensel believed it was his duty as an editor to reflect this irritability.

In addition to its editorials, the *Lancaster Intelligencer* was a very educational newspaper. During the time that Hensel was connected with the newspaper, it printed fiction, poetry, humor, literary criticism, original essays,<sup>11</sup> and other works in the fields of religion, science, history, travel, and agriculture.<sup>12</sup> Hensel's love of Shakespeare was often reflected in the literary section of the newspaper. On one occasion he wrote an editorial criticizing those who said that Shakespeare was not the real author of many of the works attributed to him.<sup>13</sup>

It is interesting to note that on one occasion Hensel's desire to print essays on local history had some undesirable repercussions. The Lancaster County Historical Society was formed in 1886, and he was one of the founders and a member of the executive committee. F. R. Diffenderffer, associate editor of the *Lancaster New Era*, was also one of the founders. At a meeting in February, 1887, Dr. Joseph H. Dubbs of Franklin and Marshall College read one of his own essays. He had promised Diffenderffer that after he had read the essay all of the information gathered in its preparation would be given to the *Lancaster New Era* for printing. However, when Diffenderffer asked Dubbs for the material, Dubbs replied that he had given it to Hensel that day and that Hensel had promised to edit the copy and send proofs to the other daily newspapers. Diffenderffer resented the fact that a rival had taken from him what had been promised to him less than forty-eight hours before. He also felt that he was just as capable of editing the copy as Hensel was. Diffenderffer left the meeting in anger and the rift which ensued between the two men caused the Lancaster County Historical Society to be inactive for nine years.<sup>14</sup>

The Pennsylvania Railroad was one of the *Intelligencer's* favorite targets, in its editorials against powerful corporations. This is ironic because Hensel would later become the company's solicitor in Lancaster County. In one editorial the question was raised as to why the last meeting of the stockholders of the Pennsylvania Rail-

road lasted only nine minutes. The answer to the question showed the attitude of the editors toward all big corporations.

The fact is that it is quite a fiction to say that in this country the stockholders of a great company own it. The truth is that those who are normally its servants are really its masters. The officers of a great corporation like the Pennsylvania Railroad control a vast deal of patronage and power; they can turn the stream of Pactolus into such pockets as they please, and if they please to so direct it as to control a majority of the stock, they make sure of maintaining their control of the fountain, and cause its refreshing and fructifying waters to eternally fall upon their own fields. With such a pleasant arrangement made, they can snap their fingers at the minority of the stockholders, and speedily cause them to see the vanity of their appearing at the annual stockholders meeting to seek to obtain information or to give instructions or advice.<sup>15</sup>

The *Lancaster Intelligencer* was a cheerleader for the Democratic party in Lancaster and always displayed optimism about the party's chances in an election.<sup>16</sup> It clearly demonstrated this attitude by continually praising Democratic candidates, predicting their election, and expressing regrets when they were defeated. In the few cases when Democrats were elected, the voters were congratulated upon their wisdom.<sup>17</sup>

In January, 1880, a case was tried in the Lancaster Court of Quarter Sessions that was to make the names of A. J. Steinman and W. U. Hensel known across the country. Michael Snyder of Lancaster was accused of selling liquor on Sunday, and two witnesses, John Fritsch and E. E. Snyder, testified that they had drunk liquor at the defendant's place of business on a Sunday in the spring of 1878. However, the defense pointed out that the defendant had been tried for selling liquor on Sunday and acquitted in August, 1878. Therefore, the jury was instructed to disregard charges against the defendant except those which had reference to a time since the last acquittal. Michael Snyder was again acquitted and a *Lancaster Intelligencer* editorial declared:

Michael Snyder is acquitted not because he had not violated the law, but because he had already been acquitted of the offense laid in the present indictment. That first acquittal was accomplished, as has been shown, by J. W. Johnson, executive-chairman; J. Hay Brown, executive-chairman, and District Attorney B. F. Eshleman, chairman of the Republican county committee, by false representations to the court, made for the corrupt consideration that the Snyder's [sic] were the best Republican workers in the Eighth ward. Logically the last acquittal, like the first, was secured by a prostitution of the machinery of justice to serve the exigencies of the Republican Party. But as all the parties implicated as well as the judges belong to that party the court is unanimous—for once—that it need take no cognizance of the imposition practiced upon it and the disgrace attaching to it.—EDS.  
INTELLIGENCER<sup>18</sup>

The editorial criticized the actions of Judge John B. Livingston of Snyder's first trial, but Judge David W. Patterson, who presided at the second trial, ordered Steinman and Hensel to appear before the court.<sup>19</sup> When Steinman and Hensel, both lawyers, learned that they faced contempt-of-court charges and possible disbarment, they declared,

. . . deny that the court has any power over us as editors because of our capacity as attorneys . . . Indeed we are satisfied that somebody is going to be hurt before the battle is over. And the brief list of killed and wounded will be interesting to the victims and their political relatives.<sup>20</sup>

The editors stated that J. Hay Brown and District Attorney Eshleman had admitted that political considerations were involved in the case. They also said that they had criticized the actions of the first Snyder case before and that Judge Patterson had remained silent as long as Judge Livingston received all the blame.<sup>21</sup> Steinman and Hensel were probably correct in their assumptions about Judge Patterson for the two judges demonstrated mutual dislike.<sup>22</sup>

When called before the court, Steinman and Hensel admitted that they had written the editorial about the Snyder case. They were then asked if they were in agreement with the opinions expressed in the editorial. Seeing this as an attempt to get them to commit an offense in the presence of the court, for which they could be held in contempt, they answered that they were responsible for the paragraph on the Snyder case in no way except as editors. Because they refused to disclaim the editorial, Judge Patterson ordered them to answer for contempt-of-court charges and to show cause why they should not be disbarred.<sup>23</sup>

The next day, the *Lancaster Intelligencer* editorialized:

No judge and no court, high or low, is beyond the reach of public and individual criticism. After a case is disposed of, a court or judge has no power to compel the public or any individual thereof, attorney or otherwise, to consider his ruling correct, his integrity free from stain, or to punish for contempt or any mere criticism or animadversion thereon, no matter how severe or unjust.<sup>24</sup>

In regard to Judge Patterson's attempt to get the editors to repeat in court as lawyers what they had written as newspapermen, the editorial stated that,

Judge Patterson must be presumed to know the law, because he is a judge, and, if this presumption is not too violent, he knew that he could not reach Messrs. Steinman and Hensel for their unofficial conduct beyond the court's presence. Hence his disingenuous attempt to make them commit the alleged contempt in his presence, summoned there as lawyers. If he could make them say in open court that as lawyers they "adopted these sentiments," expressed outside of court as editors, they could be caught in the trap. The bait, however, was not inviting. The concern was awkwardly set.<sup>25</sup>

The editorial also described how J. Hay Brown and District Attorney Eshleman expressed their opinions in regard to Judge Patterson's action.

Lawyers Brown and Eshleman claimed the "exclusive" privilege of proclaiming among their fellow members of the bar this morning that "it was right." There was once a fox who lost his tail in a trap and henceforth devoted the remainder of his days to trying to make wiser foxes believe that to be without a tail was the fashion.<sup>26</sup>

In another editorial, Steinman and Hensel noted that Judge Patterson was apparently being advised by J. Hay Brown. This seemed to the editors to be an intolerable situation, because Brown was one of the lawyers whom they had accused of perpetrating the imposition upon the court in the Snyder case. After warning Judge

Patterson that those who took advice from J. Hay Brown often came to grief, the editors advised him "to drop Brown, lest he be done brown, as Brown's political friends are apt to be done."<sup>27</sup> To Judge Patterson, the editors said, "Let us have a jury on it, Judge, to whom you will show the resplendent whiteness of your judicial ermine and prove that Judge Livingston is the nigger in the wood-pile who had made all the mischief."<sup>28</sup>

Steinman and Hensel hired two very prominent Philadelphia lawyers, Rufus E. Shapley and James E. Gowen, to defend them.<sup>29</sup> These attorneys declared that the respondents were guilty of no misconduct in the office of attorney. They also stated that the contempt rule was wrongfully entered for it was based on matters that had not occurred in the courtroom. Judge Patterson delivered his judgment, in which Judge Livingston concurred, on April 3, 1880. He declared that the rule for contempt should be discharged, but that the rule for disbarment should be made absolute. The defense appealed to the Pennsylvania Supreme Court, and the case was argued in May, 1880.<sup>30</sup>

Alexander K. McClure represented Steinman and Hensel before the Supreme Court. He argued that disbarment could not be ordered for a matter which occurred outside the court, without sworn evidence produced before the court. In answer to the charges that the editorial about the Snyder case was libelous, he stated that a lawyer cannot be disbarred for a libelous publication unless first indicted and convicted.<sup>31</sup>

The Supreme Court reversed Judge Patterson's decision. It stated that the right to criticize official conduct of public officials was provided for in the Pennsylvania Constitution of 1874, and that lawyers are probably the best qualified to evaluate the conduct of a judge. Chief Justice Sharswood stated in his delivery of the Supreme Court's opinion that

. . . To say that an attorney can only act or speak on this subject under liability to be called to account and to be deprived of his profession and livelihood by the very judge or judges whom he may consider it his duty to attack and expose, is a position too monstrous to be entertained for a moment under our present system.<sup>32</sup>

The case was a victory for freedom of the press and was carried in newspapers all over the United States. It established a legal precedent in Pennsylvania that a lawyer could not be disbarred for a publication affecting a public officer providing the information published was proper for public information or investigation.<sup>33</sup> However, the Lancaster Bar Association issued the statement that the Supreme Court had not used its power wisely.<sup>34</sup>

In addition to his work with the *Lancaster Intelligencer*, Hensel was involved in other journalistic enterprises. For example, he was a strong believer in cremation, and founded the publication called *The Crematist* which became the national organ of the proponents of this method of preparing corpses for burial. Ironically, he made no provision for his own cremation and was buried conventionally in Woodward Hill Cemetery, Lancaster.<sup>35</sup>

Hensel wrote for the New York *Independent*, New York *Sun*, *Philadelphia Times*, *Philadelphia Press* and other newspapers. He often wrote articles about famous men, such as his "Reminiscences of Francis Scott Key" for the *Philadelphia Press*. During the political campaign of 1884, Hensel edited and published a Democratic weekly called the *Post*. The *Post* reached a circulation of 40,000, and President Cleveland said it was the best thing of its kind he ever saw. Hensel was president of the Pennsylvania Editorial Association in 1882 and 1883, and he traveled through several states making speeches to journalistic groups.<sup>36</sup>

In the early 1880s, Hensel received an offer to become the managing editor of the *Philadelphia Times*. A. K. McClure, who held the position, was ready to step down, and Hensel could become the controlling mind of the newspaper. The position would have paid him about \$10,000 a year and a share of the profits. However, he was thinking about leaving the field of journalism and devoting full time to his law practice. He also did not want to leave Lancaster. Caught in this dilemma, he sought advice from his old friend, Charles A. Dana, the editor of the New York *Sun*.<sup>37</sup> Dana advised him to go into law, and in 1886 Hensel sold his half of the *Lancaster Intelligencer* to Richard M. Reilly and Robert Clark.<sup>38</sup>

## CHAPTER IV

### HISTORIAN

W. U. Hensel was a defender of James Buchanan and championed the role of the country lawyer. He did much research on Grover Cleveland and other prominent Democrats and wrote essays and biographies for use by the Democratic National Committee in political campaigns. When he wrote for the Democratic party, he presented a point of view which he hoped others would accept, but he was also the author of many objective historical works. His many essays on local history and his book, *The Christiana Riot and the Treason Trials of 1851*, are proof of his objective handlings of resource materials.

Hensel was associated with the Lancaster County Historical Society from the time it was founded until his death. Although begun in 1886, the Historical Society did not function for nine years because of the split between Hensel and F. R. Diffenderffer. In 1896, the organization became active, and Hensel was elected to head the executive committee. In 1911, Diffenderffer was elected first vice-president and Hensel became second vice-president.<sup>1</sup> His re-election to these positions was a matter of form and from then he dominated the activities of the organization.<sup>2</sup>

Placing markers at historical spots in Lancaster County, planning historical commemorations, and writing essays dominated Hensel's activities as a member of the Lancaster County Historical Society. In 1909, he suggested that the organization have an outing each year to be held at some point of historical interest. The suggestion was approved, and in 1911 he planned all the details for the celebration of the sixtieth anniversary of the Christiana Riot.<sup>3</sup> The following year he made all the arrangements for a celebration honoring General Edward Hand.<sup>4</sup>

One of the last acts of Hensel's life was to have a plaque made for the Hotel Brunswick lobby. It was to commemorate the site upon which Abraham Lincoln, James Buchanan, Horace Greeley, General Winfield S. Hancock, and Theodore Roosevelt had made speeches to the people of Lancaster.<sup>5</sup> Hensel composed a paper to be read when the members of the Historical Society would gather at the Brunswick for the presentation. Although he had died six weeks earlier, his paper was read on April 9, 1915, when the presentation was made.<sup>6</sup>

In the paper, Hensel described many important social and political events which took place in Lancaster and then discussed what the Brunswick site really meant to the people.<sup>7</sup> In his description of the joys and tragedies of everyday life which are the real history that people know and feel, he wrote that

... this site and this balcony witnessed thousands of scenes, which, though commonplace to the historian, were as important to

their participants as Presidential visits or the applause of listening thousands. Across the street in that busy centre of traffic and travel, for well nigh three-quarters of a century, what mute and tearful farewells have surged the hearts and dimmed the eyes of silent griefs? What joyous welcomes have quickened the pulse and brightened the eye of reunited families and lovers? What thousand brides, with fluttering hearts, have started life's honeymoon amid pelting showers of new rice and old shoes; what thousand corteges of mourners have not transferred with tender hands the bodies of their beloved dead from funeral train to the dark van that led the long way to endless shade? Hence went the brave boys in blue, to the tune of "The Girl I Left Behind Me," "Lancaster's Own," to fight and suffer and to die, that their union and Government might live; and hither came back the survivors, to the music of "Johnny Comes Marching Home," with battle-stained banners and bullet-riddled flags, to attest their bravery, loyalty and fidelity.<sup>8</sup>

That Hensel realized that his life was nearly over is indicated by this sentimental and nostalgic account of life in the city he loved.

The Cliosophic Society of Lancaster was organized in 1879, and Hensel was one of the founders. Its goals were to promote literary study and to improve and refine social intercourse among people of similar tastes. Many of the members were professors and their wives from Franklin and Marshall College and the Theological Seminary. Members wrote essays on historical and cultural subjects and read them at the meetings. A period of debate followed each reading.<sup>9</sup>

Hensel wrote at least one essay each year for reading at the Cliosophic Society meetings and he led the debates to make sure the discussions did not stray from the central theme. It was not unusual for him to defend both sides of an issue at different times during a debate if he felt that all the important points had not been discussed. He also acted as peacemaker when debate became too heated. If the essayist of the evening was absent, Hensel read one of his papers. If it was not convenient for any of the other members to entertain the group on a given evening, his house was always available. It was his leadership that kept the Cliosophic Society going and he became its president in 1904.<sup>10</sup> H. M. J. Klein wrote that

The election of William Uhler Hensel as the third President of Clio brought a fresh breeze over the heather. He was one of the founders of the Society and for many years had been the leading factor in the Executive or Business Committee . . . Mr. Hensel's dynamic personality changed the scholastic period of Clio into a Renaissance.<sup>11</sup>

Under Hensel's leadership the Victorian reserve and delicacy faded and the Cliosophic essays and debates began to express a new freedom of thought and tolerance of opinion.<sup>12</sup>

The many essays of Hensel remain as memorials of his love for Lancaster County and its people. He knew the history and geography of the county. His knowledge of genealogy was enough to astound people by telling them of their own family trees.<sup>13</sup> One of

Hensel's favorite activities was to take his friends on tours throughout the county and enlighten them upon the finer points of its history and culture. They would often stop at the old taverns which were once havens for the Conestoga wagon drivers.<sup>14</sup> The Reverend Robert MacGowan, speaking at Hensel's funeral, asked

... But how shall I speak of his love for his native country? With what pride he led me by the winding Conestoga! How his heart swelled to tell of the early Presbyterian settlements in the Pequea Valley! How he gazed on the pine-clad Welsh Mountains and on the towers of the city of his adoption! His writings will receive a place among the historical records of the country. I cannot forget my last ride with him by Millersville and back to the city from the South. There was something sadly prophetic in the tears which glistened in his eyes for a moment as he looked at the sun-kissed city that he loved so well. He knew every step of the way for miles and miles around. The highways lived again with new peoples and the farm dwellings and ancient taverns shone with romance. Such men serve their country well. They are faithful.<sup>15</sup>

In his essays, Hensel loved to glorify the little-known historical and literary characters of Lancaster County. His protagonists were Jimmy Brown, a poet from Bart Township;<sup>16</sup> Sally Hastings, a poet from Donegal;<sup>17</sup> Jacob Hiltzheimer, a man who wrote a diary about Lancaster County after the Revolutionary War;<sup>18</sup> Alexander Lowery, a squire of the area which is now Marietta;<sup>19</sup> the leaders of the Presbyterian settlements; the ironmasters; the country lawyers; and many other unsung heroes. He shouted the praises of his native county and state in his speeches delivered in many different states. Once he traveled to Seattle, Washington, to deliver a speech about Pennsylvania.<sup>20</sup> He also mailed copies of his essays to many of his friends around the country.

Always an admirer of those who worked hard and stood up for what they believed, Hensel had a great respect for the German plain sects of Lancaster County. Therefore, he went on the defense when writers throughout the state poked fun at the way the Pennsylvania Germans lived. The German settlements were being described as common, sordid, and medieval. Hensel stated these conclusions were based on first impressions and not on a real knowledge of the German people.<sup>21</sup> He said that

... the literary methods of dealing with the ideals of the plainer people have been those of the surgeon, who would exploit the beauty of the Greek Venus by the ruthless process of the clinic, or demonstrate the splendor of an intellect by laying the scalpel to the brain.<sup>22</sup> He also stated that customs which a people practice with sincerity and honesty should not be subjects for mirth. According to Hensel, those who would write about the Pennsylvania Germans should do some serious study, and they would find the German's patient persistence and toilsome achievement as dramatic as that of Quaker or Puritan."<sup>23</sup>

The role of the country lawyer was a subject upon which Hensel did much speaking and writing. He felt that the cases involving common law which the rural practitioner faced required a training

and experience which the city lawyers did not have. Along with the development of natural resources in Pennsylvania came a great variety of new legal questions.<sup>24</sup> Hensel stated that this was so,

. . . first, because the increase in value of timber, the requirements of railroads, the discovery of oil and the development of coal made vital the disputes over boundary lines of valuable property; and, secondly, the processes of development involved wholly new problems—to be tested and settled, however, by analogy with old principles of law and equity . . . .<sup>25</sup>

Hensel cited cases involving mining rights, the right to divert the flow of a stream, and many other situations in which there were no legal statutes upon which a lawyer could depend. He pointed out how the decisions in many of these cases were not based on ironclad rules, but on the common law. He then gave examples of how these common law precedents were used as a basis for later court decisions.<sup>26</sup>

Thaddeus Stevens was mentioned by Hensel as an example of a country lawyer. Even though Hensel did not have a high opinion of Stevens' political career, he had great respect for him as a lawyer. Thaddeus Stevens had a quick mind and was a master in the use of wit and sarcasm.<sup>27</sup> Hensel described him as

. . . a skillful, brilliant and successful trial lawyer. To this task he brought undoubtedly great natural qualities, a liberal education and arduous special preparation. These were supplemented by a broad and intimate knowledge of men, gained in the varied fields of business, legal and political activity; by unbounded physical courage, and moral fearlessness to even do the wrong.<sup>28</sup>

In his writing, Hensel displayed a wide knowledge of historical landmarks in Pennsylvania. He was a student of colonial architecture and was familiar with the personal history of many of the old mansions in Lancaster County.<sup>29</sup> Desiring that the historical shrines of the state be preserved for posterity, he often contributed generously to that cause. His great-grandfather, William Hensel, had spent the winter of 1777-78 with George Washington at Valley Forge, and Hensel made a contribution of land to the Washington Memorial Chapel Fund in 1914. The land was part of a farm which he owned at Valley Forge, and he contributed a seven-acre tract on which a bell tower and replicas of soldiers' huts were built.<sup>30</sup>

A work which gives evidence of Hensel's ability in historiography is *The Christiana Riot and the Treason Trials of 1851*. According to John W. W. Loose, it was a pioneer work in modern historical research. He also stated that Hensel was very critical in his research and went to great lengths to verify the accuracy of his source material.<sup>3</sup> Frederic Shriver Klein described the work as "accurate, thorough, and objective," and said, "No one has been able to do better on it, nor have they found much wrong with the way he treated it."<sup>32</sup>

In *The Christiana Riot and the Treason Trials of 1851*, Hensel approached his subject from several angles. He described how the

laws of Pennsylvania and Maryland differed in regard to slaves, and he told of the federal laws involved. He explained how the differences between the social and political institutions of Pennsylvania and Maryland could lead owner and slave alike to believe in the righteousness of his cause.<sup>33</sup> It was truly an objective and interpretive history.

Edward Gorsuch, the man who came to Christiana to retrieve his slaves, had been killed, and Hensel described the mob's action in descriptive terms, such as this excerpt:

. . . infuriated women, forgetful of all humane instincts, revenging on a humane Christian gentleman's lifeless body the wrongs their race had suffered from masters of altogether different mould, rushing from the house and with corn cutters and scythe blades hacked the bleeding and lifeless body as it lay in the garden walk.<sup>34</sup>

The work also included humorous anecdotes. An example is a statement from an interview which Hensel had with Peter Woods, a negro who described how he and his boss were arrested after the riot. Joe Scarlet was the white man for whom Peter Woods worked, and Woods said that

. . . When Scarlet was arrested they were rough in arresting him. They took him by the throat, and pointed bayonets at him all around him. I said to myself if you arrest a white man like that, I wonder what you will do to a black boy.<sup>35</sup>

Hensel's many works about James Buchanan included "A Bachelor President,"<sup>36</sup> *James Buchanan as a Lawyer*,<sup>37</sup> *A Pennsylvania Presbyterian President*,<sup>38</sup> *The Religious Convictions and Character of James Buchanan*,<sup>39</sup> *The Attitude of James Buchanan Towards the Institution of Slavery in the United States*,<sup>40</sup> and *Buchanan's Administration on the Eve of the Rebellion*.<sup>41</sup> In the latter work Hensel defended Buchanan against the historians who had described him as weak, vacillating, and even treasonous. Hensel stated that

. . . Mr. Buchanan was no more of a disunionist than Mr. Lincoln . . . that in his efforts to maintain peace and prevent dismemberment of the Union, Mr. Buchanan was more aggressive, positive and definite than was Mr. Lincoln at the time . . . that the attitude of Lincoln's administration toward the Confederate agents of peace was more conciliatory than Buchanan's; that in his efforts to preserve peace and effect a compromise, Mr. Buchanan had the encouragement and support of an overwhelming majority of the Northern people, and was hearkening to the almost unanimous voice of those who represented their great moral and material interests; that no act of his hastened or encouraged the outbreak of hostilities, and that nothing he might have done, and left undone, could have checked, prevented or suppressed the rebellion and the ensuing war; that Mr. Lincoln's utterances against force, invasion of Southern territory and resort to arms, from the time of his election until his inauguration, were much more emphatic for peace and conciliation than Mr. Buchanan's; that a Republican House of Representatives and Congress, as a whole, during that period, did nothing, and did not offer to do anything, to justify or support the president in assuming any other attitude toward the South or its rebellion than he assumed . . . that Mr. Buchanan did no less than Mr. Lincoln would or could have done in his place during those four months, and Mr. Lincoln did, dared and said nothing be-

fore, at and immediately after his inauguration to show he was not in full accord and sympathy with the policies of the Buchanan administration.<sup>42</sup>

It is interesting to note that Philip Shriver Klein in his recent biography of Buchanan expressed many of the same ideas regarding the last days of Buchanan's presidency. Klein pointed out how Buchanan sent the ship, *Star of the West*, to reinforce Fort Sumter when South Carolina ordered all United States ships away from the vicinity. He also stated that when Buchanan appointed a new customs collector at Charleston, the Senate refused to confirm the appointment. This deprived the President of his only legal grounds to use force on South Carolina. Klein also cited Lincoln's statements against the use of force and Republican unwillingness to have the problem solved by compromise while a Democrat was still in the White House.<sup>43</sup>

## THE POLITICIAN

Although his father, George W. Hensel, was a Republican, W. U. Hensel cast his fortunes with the Democratic Party. His political career began in 1872, when at the age of twenty he attended a state convention at Reading. He supported Charles R. Buchalew<sup>1</sup> for governor and Horace Greeley<sup>2</sup> for president in the 1872 campaign, and he made thirty speeches on behalf of the ticket in Lancaster, York, and Chester Counties. The campaign was not very successful for the Democratic party, but the foundation was laid for Hensel's political career.<sup>3</sup>

After his initial experience, Hensel could not stay away from politics even though he was busy as a law student. The people of Lancaster and surrounding counties were well aware of his political views long before he began to speak through *Lancaster Intelligencer editorials*.<sup>4</sup> He favored a strict interpretation of the Constitution, states' rights, and dependence upon local government units in the solution of local problems. A rugged individualist himself, he believed that the people could stand on their own feet without being supported by federal help. His belief in frugality and simplicity caused him to speak out against corruption in the Republican-controlled governments on all levels, business excesses which the Republicans tolerated, and the radical reconstruction policy.<sup>5</sup> He advocated reform of the ballot, a lower tariff, and civil service.<sup>6</sup> Hensel was a constitutional conservative who during his years as a newspaper man was also a reformer.

Hensel's conservatism was reflected in his opinions on various subjects. In regard to the Negro, he favored separate but equal schools.<sup>7</sup> He believed that the activities of the Ku Klux Klan were not as bad as pictured in Republican propaganda,<sup>8</sup> and he urged southern whites to speak to the North through the Democratic newspapers.<sup>9</sup> In noting that the Negro voters were in control in some areas of the South and that they were manipulated by carpetbaggers, he called for a return to power of those men who had the education and background necessary for public office.<sup>10</sup> In regard to South Carolina, a *Lancaster Intelligencer* editorial stated how the situation would be remedied when the Democrats came to power:

... It is a horrible thing to know that the white people of [South] Carolina are under the domination of ignorant negroes; and it will be one of the first duties of the Democracy to see that these people are dismissed to their proper place, and that this noble state is restored to the control of its intelligent white citizens.<sup>11</sup>

Hensel was apprehensive of many liberal movements of his time such as equal rights for women. He stated that

God designed her to be—the help mate of man. I am well aware that, in standing out against the coeducation of the sexes, against the so-called “higher culture” and “equal rights” of woman, I confront the prejudices and perhaps the “experience” of the age. But I am, none the less, unshaken in my confidence that no advancement of science, no permanent development of our education, and no lasting stride of our religion, will so far change the social system as to make the spheres of man and woman identical instead of coordinate.<sup>12</sup>

In 1875, after a year of editorially fighting local Republicans, Hensel was elected chairman of the Lancaster County Democratic Committee. He continued to serve in this capacity until 1887, except for two years during his tenure as state Democratic chairman.<sup>13</sup> His participation in politics on the state level began in 1878 when he was sent as a delegate to the Pennsylvania Democratic convention at Pittsburgh. At the convention, he was chosen as secretary of the committee on contested seats. Thereafter, he became a power in the conventions and affairs of the Democratic party in Pennsylvania, writing all or part of every party platform until 1887.<sup>14</sup>

In 1881, Hensel was unanimously elected permanent chairman of the state convention at Williamsport.<sup>15</sup> The following year he was the choice of the state convention to be the party's candidate for Congressman-at-Large. However, he declined in favor of Mortimer F. Elliott, who was elected.<sup>16</sup> Hensel was then elected chairman of the Pennsylvania Democratic Committee and was re-elected at the next four conventions. He declined the nomination for the position in 1887, but his five years at the helm of the party was a longer period of time than any other person had served as state chairman.<sup>17</sup>

The *Lancaster Intelligencer* was used effectively by Hensel during political campaigns. Simon Cameron and his son, Donald, Republican bosses in Pennsylvania, suffered continuous harassment from the editorials of Steinman and Hensel. In 1877, when Simon Cameron retired from the Senate and his son was elected to serve out his unexpired term, Steinman and Hensel expressed the desire that Cameron's influence would die out:

. . . Certainly, the time of its decay is fully due. It is probably a sound doctrine that Providence permits nothing to live and flourish that is without cause; and so we are compelled to believe that the Cameron domination in the state was permitted for some wise purpose and that THE FAMILY has not been without its use. Just what that has been is entirely hidden from finite human comprehension; but we permit ourselves now to hope that, whatever its usefulness has been, it has now survived it and may be safely spared. With the most devout disposition to patiently submit to all the chastening that is sent us for our good, human nature cannot but be gratified when the plagues are permitted to pass away.<sup>18</sup>

The *Lancaster Intelligencer* played an important role in getting John L. MacGonigle, a Democrat, elected mayor of Lancaster in 1877. MacGonigle defeated the Republican incumbent, William D. Stauffer. After congratulating themselves for reaching the vot-

ers, Steinman and Hensel commented on the election in an editorial:

. . . We congratulate Mr. MacGonigle on his election; we congratulate the Democracy upon their splendid victory; we congratulate the citizens generally upon the prospect of a highly salutary change of administration; and we can congratulate Mayor Stauffer that he will now have an opportunity, relieved from the cares of public life and the responsibilities of official station, to settle with his conscience and the public for the many offenses against both that he has committed during the past four years.<sup>19</sup>

W. U. Hensel was making waves that were becoming more and more difficult for the Republican hierarchy of Lancaster to sail over.

When Hensel embarked upon his first campaign as state chairman in 1882, he found himself in a situation which called for a great deal of political tact. The regular Republican convention had met in Harrisburg and nominated General James A. Beaver for governor. Although the Independent Republicans had no objection to General Beaver, they feared political boss Matthew Quay and the Cameron machine, who had secured Beaver's nomination. Therefore, the Independents held their own convention and nominated John Stewart, a state senator from Franklin County, for governor.<sup>20</sup> Their platform said that

We demand, instead of the insolence, the proscription and tyranny of the bosses and machine rulers, the free and conscientious exercise of private judgment in political affairs, and the faithful discharge by those who assume representative trust of the express will of the people.<sup>21</sup>

Being aware of the split in the ranks of the opposition, the Democratic convention of 1882, referred to earlier, was conducted in an atmosphere of optimism and caution. After Hensel presented a conservative platform which was unanimously adopted, the delegates nominated Robert E. Pattison for governor. Since the way to victory was through attracting a significant number of Independent votes, Pattison was a wise choice.<sup>22</sup> He was from Philadelphia where he had gained a reputation as a reformer during his two terms as controller.<sup>23</sup>

Hensel supported Silas M. Clark, a Pennsylvania Supreme Court judge from Indiana County, for the gubernatorial nomination. After Pattison's nomination, Hensel was elected state chairman over the opposition of the Pattison forces. However, Hensel managed the campaign with such skill that he soon won the admiration and support of those who had opposed him. Working closely with William F. Harrity, the chairman of the Philadelphia Democratic committee, Hensel's leadership brought victory for the entire state ticket. Pattison was elected by a plurality of more than 40,000 votes.<sup>24</sup>

The success of the Democratic ticket was due to Hensel's thorough organization of the party and to his astute handling of

the issues. He conducted a hard-hitting campaign emphasizing the ideas which were common to the Democrats and Independents. This policy was followed because the main goal of the Independents was the defeat of the regular Republicans, and the Independent ticket had no chance of winning. Therefore, the Democrats made reform and the fight against political machines the main issues in the campaign. Hensel avoided the discussion of free trade and other issues which could have driven the Independents into the Beaver camp.<sup>25</sup> The Independents respected Pattison for his integrity and his zeal for reform, and the tone of the campaign led them to believe that as governor he would rise above partisan influences.<sup>26</sup>

State Senator Thomas Cooper, who headed the regular Republican organization, stated that he had never faced a shrewder or quicker political opponent than Hensel.<sup>27</sup> However, it was to Cooper's advantage to make this statement for he would want others to believe that it took the greatest Democrat in the state to defeat him. The truth was that Cooper made a mistake which drove many Independents into the Pattison camp. He had played into Hensel's hands by boldly predicting a decisive victory over both the Democrats and Independents. This move frightened thousands of Independents into turning away from Stewart, their own candidate, and voting for Pattison.<sup>28</sup>

In 1883, Hensel was involved in an incident which antagonized the Pattison administration. He had been writing letters to George H. Welshons, correspondent of the *Pittsburgh Dispatch*,<sup>29</sup> and other editors across the state giving them what he called "points" on the current political situation.<sup>30</sup> These letters often included personal opinions which were not for publication but simply to help his editor friends in their political evaluations. When Pattison appointed Lewis C. Cassidy<sup>31</sup> as Attorney General, Hensel made known his disapproval in a letter to Welshons.<sup>32</sup> Somehow, the letter fell into the hands of a member of the Pattison administration who accused Hensel of creating dissension in the party.<sup>33</sup>

The Democratic party elected nobody to state office during the remainder of Hensel's years as State chairman. In 1883, Governor Pattison lost the support of the Independent Republicans in a dispute over congressional and judicial reapportionment, and the regular Republican ticket was elected with a majority of nearly 20,000 votes. In 1884, Republican candidate James G. Blaine won the presidential contest in Pennsylvania and carried the state ticket into office on his coattails.<sup>34</sup> The Democratic state convention of 1886 was divided between the forces of Samuel J. Randall and William A. Wallace.<sup>35</sup> Although Wallace had declared himself a candidate for the gubernatorial nomination, Randall's forces dominated the convention and secured the nomination of Chauncey F. Black. Matthew Quay kept the Independent Republicans pacified, and they supported the regular Republican gubernatorial nominee, General Beaver. The entire Republican ticket was elected.<sup>36</sup>

Hensel declined re-election to the state and county Democratic chairmanships in 1887 and devoted his energies to his law practice.<sup>37</sup> As his law practice grew, his local political activities decreased. Many of the prominent Republicans of Lancaster became his clients and he could no longer afford to agitate them.<sup>38</sup> W. W. Griest, Republican "boss" of Lancaster, had a way of eliminating political enemies by bringing them into his own organization.<sup>39</sup> Thus, Hensel was hired to represent many of Griest's interests including the Conestoga Traction Company.<sup>40</sup> The people of Lancaster County lost a political watchdog who had for so long given the dominant Republican party the criticism which it deserved. It appears that Hensel became part of the hierarchy which he had set out to destroy.

As the law firm of Brown and Hensel became one of the most prominent in the state, Hensel formed friendships with many men of wealth and influence, most of whom were Republicans. There was kind of a gentleman's agreement between Hensel and his friends that nothing learned at a social affair would be used in politics. Thus, he ignored information about local Republicans which he heard while fraternizing at the Hamilton Club.<sup>41</sup>

In 1890, Hensel returned to action on the state political scene. He headed the Lancaster County delegation at the Democratic state convention at Scranton. Here he found himself at odds with William F. Harrity, the man who had been invaluable to him in the 1882 campaign. Harrity supported Pattison for the gubernatorial nomination, and Hensel joined in an attempt to nominate William A. Wallace. When it became apparent that Wallace did not have enough support, Hensel favored Silas M. Clark of Indiana County. However, Wallace could not convince his followers to vote for Clark and Pattison was nominated.<sup>42</sup>

The Lancaster delegation was pledged to Hensel at the convention, and there was an outside chance that he would be nominated for governor as a compromise candidate. This may have been a factor in his willingness to support a candidate who could give Pattison some serious opposition.<sup>43</sup> It has also been claimed that Hensel's actions at the convention were the result of a deal with Harrity. Since Hensel never officially released his delegates for Wallace or Clark, he may have worked with Harrity in an effort to block Wallace and assure the nomination of Pattison.<sup>44</sup> The convention remains somewhat of a mystery, but the honesty and frankness of Hensel's character were certainly inconsistent with the idea that he was a party to a deal with the Pattison forces.

After Pattison's nomination, Hensel delivered several campaign speeches for him in cities across the state. One of these speeches was presented at the Academy of Music in Philadelphia, and A. K. McClure described it as "one of the ablest of the political deliverances of the time."<sup>45</sup> William F. Harrity was Pattison's campaign manager, and Hensel worked vigorously for the Democratic

ticket to repay Harrity for help in the campaign of 1882. Pattison won the election and appointed Harrity as the Secretary of the Commonwealth and Hensel as Attorney General.<sup>46</sup> Harrity did such an outstanding job in the campaign that he was chosen as the head of the Democratic National Committee in 1892, and conducted Cleveland's successful campaign for the presidency.<sup>47</sup>

Hensel was very interested in national politics. He was co-editor of the *Lancaster Intelligencer* during the presidential campaign of 1876. Samuel J. Tilden, the Democratic presidential nominee, was praised in editorials, and Republican papers were verbally chastised for their criticism of him. On one occasion, a *Lancaster Intelligencer* editorial stated that the Republican newspapers were wrong when they said Tilden did not turn against machine politics until it was to his political advantage to do so. It showed that Tilden had fought the Tammany machine of New York as early as 1868. The editorial also expressed the opinion that the local Republican newspapers were under Donald Cameron's influence and that they would have little success in influencing the people:

In the grand onset against the allied powers of corruption a fraud entrenched in federal power the influence of such pop-guns as the *Express*, *Examiner*, and *Harrisburg Telegraph*, and other minor elements of Don Cameron's forces, will not be felt in the solid ranks of the Democracy.<sup>48</sup>

Although Tilden won a plurality of more than 250,000 popular votes, the electoral votes of four states were held up because of election irregularities.<sup>49</sup> When Hayes was inaugurated, the *Lancaster Intelligencer* had broad black lines between its columns in mourning for the Republic. The editorial that day questioned how the will of the people could be cast aside in a democracy, and it placed full blame on the Democrats in Congress for allowing it to happen.<sup>50</sup>

Hensel was a delegate to the Democratic national conventions of 1880, 1884, 1888, and 1892. During the 1884 campaign, he published the *Post*, a Democratic campaign weekly which was highly praised by presidential candidate Grover Cleveland. He also wrote a biography of vice-presidential candidate Thomas A. Hendricks which appeared in full in the Democratic National Committee's campaign textbook of 1884.<sup>51</sup>

Although Hensel was not involved in much action on the floor of the 1880<sup>52</sup> and 1884<sup>53</sup> conventions, he became a nationally recognized leader of the party. It appears that he became known through his work with the Democratic National Committee, his friendships with Cleveland and other party leaders, and his exuberance at social affairs attended by delegates. During a floor fight in the 1888 convention, a delegate from Maryland referred to Hensel as "our well-known friend from Pennsylvania."<sup>54</sup>

Hensel was the temporary chairman of the Democratic state

convention of 1888, and he and the permanent chairman, William A. Wallace, convinced the convention to endorse Cleveland for president.<sup>55</sup> Hensel's biographies of Grover Cleveland and Allen G. Thurman were published as part of the campaign literature in 1888. In the former, he expressed his admiration for Cleveland's businesslike manner and conservative nature and condemned those who would rule by personality and "ballyhoo."<sup>56</sup>

Hensel was the chairman of the Pennsylvania delegation at the 1892 convention, and he made one of the Cleveland nomination speeches.<sup>57</sup> William F. Harrity was the chairman of the Democratic National Committee during the campaign and thus Hensel played a large part in the development of party strategy.<sup>58</sup> During the campaigns of 1888 and 1892, he was the channel through which other political leaders around the country could make their feeling known to the National Committee. A. B. Parker, a political leader of New York, wrote a letter to Hensel suggesting actions that the National Committee would have to take in order to win in Indiana in 1888.<sup>59</sup> The last paragraph of the letter gives evidence of Hensel's influence in national politics:

I trust you will pardon this somewhat long and rambling letter. It is not written with any desire or intention to belittle the managers of the Party in whose success I am so interested, in my native State but to give you, who have the ear of the President, and of political leaders, the ideas of an humble but devout adherent of the Democratic party, who is profoundly impressed with the importance of keeping what we have and getting what we can.<sup>60</sup>

In 1887, Cleveland offered to appoint Hensel a United States marshal, but Hensel turned it down stating that he was going to devote his time to his law practice.<sup>61</sup> Cleveland wrote in a later letter that he respected Hensel's decision even though his first impulse was to coax him to accept the position.<sup>62</sup> According to F. Lyman Windolph, it was commonly believed in the Lancaster area that Cleveland offered Hensel the position of Attorney General of the United States and that Hensel declined because he did not want to leave his home state.<sup>63</sup> Their correspondence shows that Cleveland relied heavily upon Hensel's opinion when making federal appointments in Lancaster and surrounding counties and that Hensel kept Cleveland well versed on the political situation in Pennsylvania. If a Democrat wanted a federal job, such as a postmastership, Hensel was the man to see.<sup>64</sup>

When William Jennings Bryan came to the helm of the Democratic Party, Hensel made his exit from politics. He could not accept the "free silver" idea, but he refused to join the Republican Party whose policies of centralization and high tariff he had fought for years. As he got older, he became so conservative that he opposed almost all innovations in government and politics. He became a man without a party or perhaps belonged to a party of one composed of himself.<sup>65</sup> During the last two decades of his life he formed friendships with many of the Republican leaders whom he had earlier antagonized. A weighty bit of evidence is the fact that he was on Donald Cameron's yacht when he died.<sup>66</sup>

## CHAPTER VI

### THE LAWYER

As noted earlier, Hensel was admitted to the bar in 1873 and practiced law during his years as a journalist. It was during this time that the famous Steinman and Hensel disbarment case took place.<sup>1</sup> However, Hensel became prominent as a lawyer after he gave up his career in journalism and accepted an offer to become the law partner of J. Hay Brown.<sup>2</sup> This was a great opportunity for Hensel since Brown had a long-established and very prosperous law practice.<sup>3</sup>

Brown and Hensel were different in many ways but they worked well together. Brown, a Republican, and Hensel, a Democrat, made politics subsidiary to their law practice which became famous throughout the state.<sup>4</sup> The personalities of the two men complemented each other as Brown was reserved and businesslike and Hensel was outgoing and genial.<sup>5</sup> A further advantage was that the two men were personally acquainted with many people in the city and county. They catalogued the people for voter and jury lists and with their many connections drew clients from all over the county.<sup>6</sup> The partnership was one of close friendship and mutual respect.<sup>7</sup>

Hensel practiced law with Brown for about four years before being appointed Attorney General of Pennsylvania. After this public service, he again practiced with Brown until 1899 when the latter became a justice of the Pennsylvania Supreme Court. Hensel then continued the law practice until his health failed in 1914.<sup>8</sup>

During this long and successful law career, Hensel became the solicitor of the Lancaster Trust Company, Fulton National Bank, Conestoga Traction Company, Quarryville Water Commission, and banks in Strasburg, Quarryville, Marietta, Christiana, Gap, Mount Joy, and Elizabethtown. He was borough solicitor of Mount Joy, Akron, Quarryville, and Christiana, and he represented the Pennsylvania Health Department in Lancaster County. He also represented the Lancaster County interests of the Pennsylvania Water and Power Company, National Transit Company, Standard Oil Company, Bell Telephone Company, and Edison Electric Company.<sup>9</sup> One of the greatest compliments to his legal ability came when he was hired as solicitor of the Pennsylvania Railroad in Lancaster County. At that time, the man chosen to represent the Pennsylvania Railroad was looked upon as the best lawyer in the area.<sup>10</sup> Hensel's high rank as a corporation lawyer was evidenced by the fact that his opinion was sought by committees of both the United States Congress and the Pennsylvania Legislature. He was also appointed by John K. Tener, Republican governor of Pennsylvania from 1911 to 1915, to a commission designed to codify the state's election laws.<sup>11</sup>

Hensel was president of the Lancaster Bar Association and an officer of the Lancaster Law Library Association.<sup>12</sup> He attended a number of conferences which brought about the first meeting of the Pennsylvania Bar Association in 1895. Recognized as a founder of the organization, he served as its president in 1897 and 1898.<sup>13</sup> He was a familiar figure on the floor of its conventions, and lawyers from throughout the state congregated in his room for conversation and free refreshments.<sup>14</sup>

On the national level, Hensel was a vice-president of the American Bar Association<sup>15</sup> and was for nearly two decades an active member of the Commercial Law Committee. This was one of the major standing committees of the organization and it consisted of five members. He also served on a committee which planned a celebration honoring the centennial anniversary of the Louisiana Purchase. The committee completed its work a year behind schedule, but the Louisiana Purchase Exposition was finally held in 1904. Hensel also helped to plan, and participated in, a Universal Congress of Jurists and Lawyers, which was sponsored by the American Bar Association and took place in St. Louis, Missouri, in 1904.<sup>16</sup>

In 1891, Hensel's appointment as Attorney General of Pennsylvania was confirmed unanimously by a Republican-controlled Senate. He had an unusually busy term during which he collected nearly \$3,000,000 for the state, mostly from corporations who were delinquent in their tax payments.<sup>17</sup> Hensel reported that "In many instances of instituting suit,<sup>18</sup> and his correspondence discloses that a threat to bring suit was often sufficient to bring payment.<sup>19</sup>

Hensel also did a great deal to control corporation power. When electric and steam power companies claimed exemption from corporation taxation because their product was not tangible, he led the fight in the courts to get these companies classified as manufacturing interests.<sup>20</sup> A suit which he brought against the Philadelphia Railroad Company in 1892 preventing them from purchasing another small railroad company, is an example of how Hensel endeavored to curtail monopolies.<sup>21</sup> The Farmers Cooperative Association of Meadville, Pennsylvania, was carrying on a banking business without a charter from the state. They claimed legality for their actions through a private banking statute, but Hensel informed them that their activities were not legal and that suit would be brought if they continued. The Association finally accepted his view and applied for a banking charter.<sup>22</sup>

The interests from which Hensel collected money for the state were also required to pay an Attorney General's fee. As he collected an unusual amount of money for the state, his own earnings were high. He brought about payment in some cases which had been tied up in the courts for years. In 1891, he reached an agreement with the Delaware and Hudson Canal Company concerning four cases then pending in the courts. As a result, the company paid nearly \$80,000 to the state and a large fee to Hensel.<sup>23</sup>

The Bardsley cases were the most famous legal encounters that Hensel was involved in as Attorney General. John Bardsley, treasurer of Philadelphia City and County, had misappropriated large sums of money collected by him for the state, and Hensel brought criminal charges against him in the courts of Dauphin County. He then brought suit against Philadelphia County for property taxes collected in 1890 and against Philadelphia City for revenue from licenses for the same year. Since the two banks in which Bardsley deposited the collected state revenues had failed, and since there were many other claims against Bardsley in addition to the state's, a long legal battle ensued before the affair was settled.<sup>24</sup>

One of the problems in the Bardsley cases was to recover from corporations and individuals the money loaned to them by Bardsley or owed to him on other accounts. In his report to the legislature in January, 1893, Hensel reported that

Until further progress is made with these suits, and until the amount of his own indebtedness is determined, it is utterly impossible to forecast what dividend may be realized upon the judgment thus obtained by the Commonwealth, or when it will be paid. Its status and amount, however, are finally fixed.<sup>25</sup>

However, Hensel remained alert to the situation, and as funds trickled into the Bardsley estate he laid claim to them for the state. He collected \$120,000 from John and James Dobson, who were unfortunate enough to be co-signers on a bond which Bardsley had given to the state. Also by proving that the money was really part of the state revenue funds, Hensel took over \$12,000 from the funds Bardsley had deposited in The Manufacturers' National Bank of Philadelphia.<sup>26</sup>

By the time Hensel retired from office in 1895, he had collected nearly \$405,000 in the Bardsley cases. This figure included money paid out of the Philadelphia City Treasury to cover license fees collected for the state in 1890.<sup>27</sup> In his report to the legislature in January, 1895, Hensel said

. . . it appears that already the Commonwealth has realized, by including interest, penalties and various recoveries, altogether as much as its original loss; and in a liberal view of the case it may fairly be said that what has been paid into the State Treasury, and what will surely be recovered from assets secured aggregate more than sufficient to balance every dollar of the Bardsley defalcation of 1891.

It is simple justice to John Bardsley himself to say, that despite his unfortunate situation—in which the strong arm of the Commonwealth is laid upon him—he has at every stage of this litigation, for nearly four years past, continuously given every possible aid to the State in tracing funds to which it could lay any claim and in establishing its right to recover . . .<sup>28</sup>

As Attorney General, Hensel was a corporation lawyer who made large fees by cracking down on corporations. However, the paradox went further, for he was also a former newspaperman who turned his wrath upon several newspapers. One of the largest sums of money which he collected during the Bardsley cases was the

\$59,508.54 paid to the state treasury by six Philadelphia newspaper companies.<sup>29</sup> The case was important because the principle involved had never been decided in an American court before.<sup>30</sup>

An investigation by the legislature of Pennsylvania disclosed that from 1889 to 1891 the publishers of certain Philadelphia newspapers, selected by the Auditor General and Bardsley, had carried advertising for the state and had been paid the maximum rate of thirty cents a line to print the material. It was further disclosed that the newspapers had then paid a forty percent rebate to the Auditor General for giving them the advertising. The Commonwealth of Pennsylvania had suffered no direct loss since the advertising was sold at a price no higher than that authorized by law, but Hensel contended that

. . . individuals dealing with a public official had no right to pay him a rebate, bribe or commission for the exercise of his official discretion in such manner as to benefit them, and that any commissions thus illegally paid to a public officer could be recovered in an action at law.<sup>31</sup>

Although there was no precedent, the Dauphin County Court agreed, stating that it was wrong for a public officer to make private profit during the discharge of his duties, and that recovery might be had from the negligent participant in the transaction. The Supreme Court of Pennsylvania affirmed the judgment and the newspapers had to pay the amount of the rebates into the state treasury.<sup>32</sup>

In addition to Auditor General Thomas McCamant's involvement in the newspaper rebates, it was also discovered that State Treasurer Henry K. Boyer had been involved in Bardsley's embezzlement of school tax money collected in Philadelphia County.<sup>33</sup> In view of the situation, Governor Pattison called a special session of the Senate to determine if there was sufficient evidence to merit removal from office for the two officials. McCamant and Boyer were Republicans, and the Senate was controlled by the same party. The Senate, not willing to take action against the men, followed a route of escape suggested by Rufus E. Shapley,<sup>34</sup> attorney for McCamant and Boyer. Shapley stated that the two men were under indictment and that the Senate could not usurp the functions of the grand jury. He said it would be time enough for the Senate to act after the courts had finished with the men. Therefore, he called for the Senate to vote "no jurisdiction" in the case.<sup>35</sup>

Hensel appeared before the Senate on November 6, 1891, and presented the state's case. A majority of the Senate, for political reasons, had already pledged themselves to follow Shapley's suggestion. In a five-hour speech he demolished all the arguments which Shapley and his assistants had presented. He cited precedents showing how the Senate had acted in similar cases.<sup>36</sup>

To those who declared that the Senate's special session was a political show staged by Governor Pattison, a Democrat, Hensel answered that the evidence against the defendants was available

during the regular session and that action should have been taken then. Shapley tried to interrupt Hensel several times, but each time he was humiliated as Hensel proved that much of the material included in Shapley's defense had absolutely nothing to do with the case. It was simply a cleverly worded excuse for the Republicans to vote "no jurisdiction." Hensel swept away all that the Republicans had planned to hide behind, and an eye witness reported that they sat red-faced as Hensel delivered his scholarly and eloquent plea for justice. In spite of personal feelings on the issue, many senators from both parties crowded around Hensel after he presented the prosecution's case and congratulated him for his brilliant presentation.<sup>37</sup> The Senate voted "no jurisdiction," but Hensel had placed a brand of illegitimacy upon the entire affair. Republicans had no excuse for their stand except an obligation to the party machine, and the Democrats had made political hay.<sup>38</sup>

It was said of Hensel in a contemporary biographical account that "his career as attorney general was a brilliant and notable one, and marked by the same honesty, disinterestedness and sound judgment that distinguished him in all political affairs."<sup>39</sup> After completing his term, he resumed his law practice in Lancaster and during the last two decades of his life was involved in several famous cases. In fact, W. Hensel Brown stated that the most productive period of Hensel's career as a lawyer was after 1890.<sup>40</sup>

In 1895, Hensel and J. Howard Neely represented the collateral heirs in a Juniata County case involving the estate of James Carpenter. The latter had been murdered, and his son, James B. Carpenter, had been convicted of the crime. The wife of the deceased and mother of the murderer, Hetty Carpenter, had been convicted of being an accessory after the fact. The auditor for the case, George J. Parker, decided that although the crimes of the son and widow of James Carpenter were perpetrated in order to secure his estate, there was no legal way to keep the estate from them. This report was filed on March 12, 1895, but it brought no satisfaction to James B. Carpenter for he had already been hanged for his crime.<sup>41</sup>

At this time, Hensel and Neely were hired by the brothers and sisters of James Carpenter to keep his estate from being turned over to Hetty Carpenter and to her son's estate.<sup>42</sup> Before the Orphans' Court of Juniata County, Hensel and Neely stated three reasons for the reversal of the auditor's decision.

1. That James B. Carpenter murdered his father, James Carpenter, deceased, on December 16, 1893, for which crime he was convicted and hung and Hetty Carpenter, the wife of the deceased, was an accessory after the fact to said murder, and of this offense she pleaded guilty.

2. That the proofs on the trial of the said crime established the fact that this murder was committed to enable James B. Carpenter and Hetty Carpenter to get the estate of James Carpenter, deceased.

3. That no estate ever vested in either James B. Carpenter, the son, or Hetty Carpenter, the wife, from the estate of James Carpenter, deceased and they had no interest that could be assigned.<sup>43</sup>

Believing that the case should be settled on the basis of common law and according to conscience, the lawyers stated that "the question for the determination of the Auditor and of the Court is, whether the widow and heir can inherit from the ancestor whom they murdered."<sup>44</sup> Hensel and Neely then concluded that the auditor had erred in not granting the estate of James Carpenter to the collateral heirs.<sup>45</sup>

In April, 1895, the Orphans' Court affirmed the opinion of the auditor, and stated that

If the law is unwise or unjust, the Legislature alone can make the change. Courts have no rights to arrogate to themselves a wisdom superior to that of the Legislature, and interpret and construe an Act of Assembly so as to give it a meaning which the plain and unmistakable words used in the act would not convey . . .<sup>46</sup>

The decision was in complete agreement with the auditor's view that Pennsylvania's inheritance laws provided no exceptions under which legal heirs could be deprived of their inheritance. The auditor had said that "when a statute makes no exceptions the Courts can make none."<sup>47</sup>

In their plea to the Pennsylvania Supreme Court, Hensel and Neely said that the state's inheritance laws were designed to cover the "peaceful and ordinary devolution of property from the ancestor to the heir."<sup>48</sup> They further stated that the legislature would never pass a law allowing a murderer to benefit by his crime, and therefore the omission of exceptions to the inheritance laws did not mean that exceptions were not intended. Disagreeing with the lower court's statements on the clear literal meaning of the laws involved, the lawyers stated, "when words are not precise and clear and where any particular construction would lead to an absurd consequence, it will be presumed that some exception or qualification was intended by the Legislature to avoid such conclusion."<sup>49</sup>

On July 18, 1895, the Supreme Court of Pennsylvania reported its decision in which it rejected the appeal by Hensel and Neely. The Court reported that

The penalty for murder in the first degree in Pennsylvania is death by hanging. No confiscation of lands or goods, and no deprivation of the inheritable quality of blood, constitutes any part of the penalty of this offence . . . The Legislature has never imposed any penalty of corruption of blood or forfeiture of estate for the crime of murder, and therefore no such penalty has any legal existence.<sup>50</sup>

Therefore, the estate of James Carpenter went to his widow and the estate of their son, James B. Carpenter.

Hensel and his associate lost the case, but the legislature was made aware of the fallacy in the law. They then changed the inheritance laws to prevent a convicted murderer or accessory from receiving the estate of the victim.<sup>51</sup>

In 1899, Hensel accepted an offer to act as prosecutor in a murder trial. The case was tried in the Court of Oyer and Terminer of Lancaster County and involved Ralph W. Wireback, who was on trial for the murder of his landlord, D. B. Landis. The defense attorney claimed that Wireback was insane when the crime was committed and therefore could not be held responsible for his actions.<sup>52</sup>

Hensel contended that the accused was sane before and after the crime, and therefore must have been sane when the crime was committed. He pointed out that D. B. Landis owned the house where Wireback lived and had been trying to evict him. The prosecution also described how Wireback had carefully loaded his gun, hid behind a barricade at the head of the attic steps, lured the victim to the bottom of the steps, and then shot him in the head. Hensel concluded that these were hardly the actions of an irrational or insane man.<sup>53</sup>

The defendant was found guilty and sentenced to be executed. After the Pennsylvania Supreme Court affirmed the decision, the sentence was carried out.<sup>54</sup> The premise established in this case for determining sanity at the time an act was committed was another precedent for Hensel's legal trophy case.

One of the largest fees which Hensel ever received came from the breaking of a trust in the Packer Case of 1914. The case involved about \$500,000 and dealt with the interpretation of Asa Packer's will.<sup>55</sup> Much of Packer's wealth was in railroad stock and he had set up a trust for his children. This gave them the power to regulate the stock. The will also included a provision that the trust should terminate twenty-one years after the death of the last surviving child. After the death of Mary Packer Cummings, the last survivor, Hensel represented nine other heirs who filed suit to terminate the trust.<sup>56</sup>

Hensel maintained that the twenty-one years were not intended as an exact stipulation of the time of termination. His case rested on the contention that it was not the purpose of Asa Parker to prolong the trust, but simply to keep the control of his stocks in the hands of his children as long as any of them lived. Hensel concluded that the purpose of the trust had now been fulfilled. An indication of Packer's intention was included in his will.<sup>57</sup>

To avoid any possible misapprehension as to my purposes in the said will I now repeat that I wish my executors and trustees to retain and continue my investments in the stock and other securities of the Lehigh Valley Railroad Company and other companies connected with it during the continuance of the trusts under said will or for as long a period as in their discretion may be deemed best.<sup>58</sup>

The lower court declared that the trust of Asa Packer ended upon the death of Mrs. Cummings,<sup>59</sup> and the Pennsylvania Supreme Court affirmed the decision.<sup>60</sup> The latter declared:

As pointed out by the learned court below, the Packer will does not show a fixed intention that, under any and all conditions, the trust

should continue for twenty-one years; and when its real purpose was accomplished, under the relevant principles of law, it came to an end . . . In other words, the testator's dominant purpose was to keep the Lehigh Valley securities under the control of his trustees and to protect his three living children and their issue for as long a time as permitted by law,—not to create a trust for the definite period of twenty-one years.<sup>61</sup>

In a further explanation of their decision the Supreme Court stated that

It is a fundamental proposition in construing wills that the testator's intention must govern and that this intention is to be gathered not from any particular words, phrase or paragraph but from the four corners of the will, and the best way of arriving at that intention is to place ourselves in the position of the testator and from that standpoint read the will.<sup>62</sup>

An evaluation of Hensel as a lawyer was sought from critical and analytical sources, members of the same profession. W. Hensel Brown described him as a "prominent trial lawyer."<sup>63</sup> William Schnader said Hensel was a "great lawyer," and that he had done an "outstanding job as Attorney General."<sup>64</sup> F. Lyman Windolph stated that Hensel was a good lawyer "in his day," but that during the last years of his life he did not prepare his cases well, and "charmed his way through."<sup>65</sup> A group of Lancaster lawyers presented the following tribute to Hensel at a Pennsylvania Bar Association meeting in 1915.

In the years that have passed since we have joined the ranks of this Bar men have come and men have gone. Lawyers of talent and learning have run their course, and each has left his impression on the minds of his associates and successors, but no one has reached so high a plane, has shown the same versatility of genius, or the wide range of knowledge and achievement, as he whose career has now been closed by death.<sup>66</sup>

## CHAPTER VII

### CONCLUSION

W. U. Hensel lived sixty-four years among the people of Lancaster County, and he took advantage of every minute of it. He was a man of varied interests and careers and of many successes. This was due to his great power of concentration, his boundless energy, and his great capacity for work. Born in Quarryville, he made his home in Lancaster City from the time he became a student at Franklin and Marshall College until his death.

As co-editor of the *Lancaster Intelligencer* from 1874 until 1886, Hensel was a constant critic of the policies of the Republican Party. The Republicans controlled the city and county, and Hensel's harassment was a healthy thing. However, when he devoted himself to the law in 1887, many of the leading Republicans became his clients. Thus, his local political crusading ended and the people of Lancaster County lost a tribune.

A possessor of great social charm, Hensel was a member of many social, cultural, and historical associations. He was a leader and policy maker in all the association with which he was connected. Generous, warm, and loyal in character, his circle of friends was large and included many people of high station.

Hensel was one of a now almost extinct breed of lawyers who also write polite literature and history. He was a founder and active member of the Lancaster County Historical Society, and he glorified the little known literary and historical characters of the county in his writing and speeches. However, he was also a student of James Buchanan and wrote a great deal about him. Hensel and Buchanan were both constitutional or conservative Democrats, which could explain the former's admiration for the political career of the latter.

A rugged individualist, Hensel's political activities were concentrated on fighting the excesses of the Republican Party. He fought against corporate power and harsh reconstruction policies and remained active in politics on a state and national level until the late 1890s. He was Attorney General of Pennsylvania from 1891 to 1895 and had a great deal of influence in national politics during the Cleveland era. It was said of Hensel

. . . as it is said of few aspirants in the political arena, that he had the party's good and only and solely that, at heart. He sought office neither for himself nor friends; nor cared for personal advantage, power and patronage. Friends and foes alike have conceded his political career to have been in every sense manly and honorable.<sup>1</sup>

As a lawyer, Hensel was involved in several cases that set legal precedents. His ability as an orator and his scholarly preparation

made him effective in the courtroom, and the law firm of Brown and Hensel was one of the best known in the state.

Hensel was very aptly described by a committee of the Franklin and Marshall faculty in 1915 as

Straightforward and frank in his dealings with men, fearless in expressing his opinion and yet generous to a fault, steadfast in his convictions, almost superhuman in his capacity for work and devotion to duty and yet enjoying all the amenities of life to the fullest, William Uhler Hensel represented the best type of the American College Man, and Franklin and Marshall rejoices in being privileged to count him her son.<sup>2</sup>

W. U. Hensel was a great spokesman for Lancaster County and her people, who should not forget this man of many talents.

## NOTES

### FOOTNOTES TO CHAPTER I

<sup>1</sup>*Biographical Annals of Lancaster County, Pennsylvania* (J. H. Beers and Company, 1903), p. 373. Hereafter cited as *Biographical Annals*.

<sup>2</sup>*Report of the Twenty-first Annual Meeting of the Pennsylvania Bar Association*, Vol. XXI (Philadelphia: George H. Buchanan Company, 1915), p. 300.

<sup>3</sup>*Biographical Annals*, *loc. cit.*

<sup>4</sup>Statement by Mrs. Beatrice Hensel at a personal interview.

<sup>5</sup>George W. Hensel, "Reminiscences of Thirty-five Years Experience in a Country Store," *Lancaster County History*, Vol. IV of a collection compiled by William Uhler Hensel (Lancaster: Inquirer Printing and Publishing Company, 1873), pp. 3-28.

<sup>6</sup>*Biographical Annals*, *loc. cit.*

<sup>7</sup>*Lancaster New Era*, July 22, 1959. W. U. Hensel III, the grandson of Leander T. Hensel, was the last in the family line to operate the store.

<sup>8</sup>*Biographical Annals*, *loc. cit.*

<sup>9</sup>Robert Blair Risk, "Reminiscences of William Uhler Hensel," *Lancaster Daily Examiner*, March 13, 1915; March 20, 1915.

<sup>10</sup>H. M. J. Klein (ed.), *Lancaster County, Pennsylvania, A History*, Vol. II (New York: Lewis Historical Publishing Company, Inc., 1924), p. 891. Hereafter cited as Klein, *Lancaster County*.

<sup>11</sup>*General Register of the Members of the Phi Kappa Sigma Fraternity: 1850-1910* (Philadelphia: John C. Winston Company, 1910), pp. 9-28, 279.

<sup>12</sup>*General Register of the Members of the Phi Kappa Sigma Fraternity: 1850-1930* (Philadelphia: Lancaster Press, Inc., 1931), p. 192.

<sup>13</sup>*Handbook of the Franklin and Marshall Chapter of Phi Beta Kappa Theta* (History of the Fraternity: 1908-1933. Lancaster: Phi Beta Kappa Theta, 1933), pp. 21-28.

<sup>14</sup>Joseph Henry Dubbs, *History of Franklin and Marshall College* (Lancaster: Franklin and Marshall College Alumni Association, 1903), p. 354.

<sup>15</sup>Article about the Franklin and Marshall Library in the *Franklin and Marshall Paper*, September, 1937.

<sup>16</sup>Statement by Herbert B. Anstaett at a personal interview.

<sup>17</sup>*Catalogue of Franklin and Marshall College*, before 1909 known as the *Annual Register of Franklin and Marshall College and the Theological Seminary* (All issues consulted for the years 1891 to 1915. Lancaster: Franklin and Marshall College, 1891-1915), pp. 1-10 in each catalogue.

<sup>18</sup>H. M. J. Klein, *History of Franklin and Marshall College* (Lancaster: Franklin and Marshall Alumni Association, 1952), pp. 117-136.

<sup>19</sup>*Biographical Annals*, pp. 373-75. The belles-lettres served as a key to his character and were explored in the preparation of Chapter II. For a detailed account of Hensel's accomplishments as a journalist see Chapter III. His contributions as a historian are discussed in Chapter IV.

<sup>20</sup>*Ibid.*, p. 376.

<sup>21</sup>Klein, *Lancaster County*, pp. 892-93.

<sup>22</sup>Risk, *loc. cit.* Hensel's political career is the subject of Chapter V.

<sup>23</sup>*Biographical Annals*, p. 375.

<sup>24</sup>Klein, *Lancaster County*, pp. 891-94.

<sup>25</sup>Statement by W. Hensel Brown at a personal interview. The 'Carpenter Case' is discussed in Chapter VI.

<sup>26</sup>*Biographical Annals*, p. 375. The results of a detailed investigation of Hensel's career as a lawyer are presented in Chapter VI.

<sup>27</sup>Risk, *loc. cit.*

<sup>28</sup>Klein, *Lancaster County*, p. 893.

<sup>29</sup>Obituary in the *Harrisburg Telegraph*, February 27, 1915.

<sup>30</sup>Klein, *Lancaster County*, p. 894.

<sup>31</sup>*Programme of the Fourteenth Annual Dinner of the Pennsylvania Society of New York* (Waldorf-Astoria in New York City: December 14, 1912), p. 13.

<sup>32</sup>Klein, *Lancaster County*, pp. 893-94.

<sup>33</sup>The Board of Trade united with the Lancaster Retail Merchants Association to become the Lancaster Chamber of Commerce in 1910.

<sup>34</sup>Minutes of the Lancaster Board of Trade, 1887-1904 (unpublished, in the possession of Lester Newcomer, Lancaster, Pennsylvania).

<sup>35</sup>*Biographical Annals, loc. cit.*

<sup>36</sup>*Report of the Twenty-first Annual Meeting of the Pennsylvania Bar Association*, Vol. XXI, p. 300.

<sup>37</sup>*Class of Nineteen Six: Twenty-fifth Anniversary*, Booklet Prepared for the Class of 1906 Alumni Luncheon (Lancaster: Franklin and Marshall College, 1931), p. 13. This edifice was built at a cost of \$166,800 and took its place among the imposing structures on the Franklin and Marshall Campus along College Avenue.

<sup>38</sup>*Lancaster Daily Examiner*, February 27, 1915.

<sup>39</sup>*Ibid.*

<sup>40</sup>Statement by Mrs. Jay Gilbert at a personal interview.

<sup>41</sup>*Lancaster New Era*, March 1, 1915.

<sup>42</sup>*Sunday News* [Lancaster], August 5, 1962.

<sup>43</sup>*Intelligencer Journal* [Lancaster], April 4, 1952.

## FOOTNOTES TO CHAPTER II

<sup>1</sup>Statement by Linn L. Reist at a personal interview.

<sup>2</sup>Barr Ferree, *William Uhler Hensel* (A Speech Before the Pennsylvania Society of New York on April 20, 1915. New York: The Pennsylvania Society, 1915), pp. 5-6.

<sup>3</sup>Statement by F. Lyman Windolph at a personal interview.

<sup>4</sup>Robert Blair Risk, "Reminiscences of William Uhler Hensel," *Lancaster Daily Examiner*, March 13, 1915, March 20, 1915.

<sup>5</sup>Statement by J. Guy Eshleman at a personal interview.

<sup>6</sup>Statement by W. Hensel Brown at a personal interview.

<sup>7</sup>Risk, *loc. cit.*

<sup>8</sup>Klein, *Franklin and Marshall College*, p. 133.

<sup>9</sup>William Uhler Hensel, *Time as an Asset* (An Address to the Boys of The Yeates School. Lancaster: 1909), p. 4. Property of W. U. Hensel III, Quarryville, Pennsylvania.

<sup>10</sup>*Ibid.*, p. 7.

<sup>11</sup>*Ibid.*, p. 8.

<sup>12</sup>*Ibid.*, p. 10.

<sup>13</sup>*Ibid.*, p. 12.

<sup>14</sup>Risk, *loc. cit.*

<sup>15</sup>*Ibid.*

<sup>16</sup>*Ibid.*

<sup>17</sup>*Ibid.*

<sup>18</sup>Letters of William Uhler Hensel in the possession of Mrs. Jay Gilbert, Lancaster, Hereafter cited as MSS Gilbert papers.

<sup>19</sup>F. W. Woolworth, Letter (Gilbert papers), June 12, 1901.

<sup>20</sup>Henry Ford, Letter (Gilbert papers), February 5, 1912.

<sup>21</sup>R. T. McKenzie, Letter, (Gilbert papers), June 3, 1911.

<sup>22</sup>Statement by Mrs. Jay Gilbert at a personal interview.

<sup>23</sup>Statement by J. Guy Eshleman at a personal interview.

<sup>24</sup>The cane is now the property of the Lancaster County Historical Society.

<sup>25</sup>Grover Cleveland, Letter (Gilbert papers), February 15, 1904. A copy of such a letter appears in Appendix A.

<sup>26</sup>Lloyd Mifflin, Letter, (Gilbert papers), August 31, 1910.

<sup>27</sup>Lloyd Mifflin, Letter, (Gilbert papers), Undated.

<sup>28</sup>Statement by W. Hensel Brown at a personal interview.

<sup>29</sup>Statement by Miss Rachael McSparran at a personal interview.

<sup>30</sup>William Uhler Hensel, *Lancaster County, Pennsylvania, The Garden Spot of the United States* (Pamphlet Prepared for the Lancaster Traction Company. Lancaster: 1908), p. 21.

<sup>31</sup>*Bleak House* was the title of a novel by Charles Dickens, published in 1852.

<sup>32</sup>*Sunday News*, [Lancaster], August 5, 1962.

<sup>33</sup>Risk, *loc. cit.*

<sup>34</sup>*Lancaster Intelligencer*, June 13, 1912.

<sup>35</sup>Don Whitehead, *The FBI Story* (New York: Random House, 1956), pp. 29-32.

<sup>36</sup>Mrs. Foltz is a niece of Mrs. William Uhler Hensel.

<sup>37</sup>*Sunday News*, [Lancaster], August 5, 1962.

<sup>38</sup>Hensel, *Lancaster County*, p. 21. These signs were on display at the Stevens House in Lancaster for several years, and they are now the property of Carl E. Pyle, the owner of the Conestoga Motor Inn which is located north of Lancaster on Route 222. Statement by Mrs. Robert Shoemaker at a personal interview.

<sup>39</sup>*Lancaster Intelligencer*, February 16, 1895. After Hensel's death Bleak House became bleak indeed, for it was like a ship without its captain. No more was it the center of furious activity set in motion by the exuberance of its owner. It was sold by the estate to Lyle L. Ratiff of Sadsburyville in 1947, and three years later to the Veterans of Foreign Wars post at Gap. In 1960, a group of forty members of the newly formed W. U. Hensel Democratic Club met at Bleak House. The festivities of the evening featured speeches by John A. Taddie of Quarryville, then the Democratic candidate for the state senate, and Albert Fritz, for many years one of the leaders of the Democratic party in Lancaster County. This was the last memory of its master that the old mansion was to experience for it was destroyed by fire in 1962. See the *Sunday News* [Lancaster], August 5, 1962 and the *Intelligencer Journal* [Lancaster], August 19, 1960.

<sup>40</sup>Statement by W. Hensel Brown at a personal interview.

<sup>41</sup>Statement by J. Guy Eshleman at a personal interview.

<sup>42</sup>William Uhler Hensel, (Unpublished diary of a voyage on the *S. S. Vanderland*, 1905. Property of Mrs. Frederick Foltz, Lancaster, Pennsylvania).

<sup>43</sup>The picture is a copy of a print which is the property of J. Guy Eshleman. W. Hensel Brown identified the characters in the picture.

<sup>44</sup>Statement by W. Hensel Brown at a personal interview.

<sup>45</sup>Statement by F. Lyman Windolph at a personal interview.

<sup>46</sup>Risk, *loc. cit.* However, even though he could carry on an extended conversation by using only quotes from Shakespeare and the Bible, he often forgot little details like tying his shoes. See *Sunday News*, [Lancaster], August 5, 1962.

<sup>47</sup>William Uhler Hensel, *Wealth and Worth* (An Address Delivered at Lehigh University on February 22, 1907. South Bethlehem, Pennsylvania: 1907), p. 7.

<sup>48</sup>*Ibid.*, p. 11.

<sup>49</sup>William Uhler Hensel, *The Great End and the Real Business of Living* (An Address to the Literary Societies of Washington and Lee College, Lexing-

ton, Virginia, on June 14, 1910. Lancaster: Intelligencer Printing Company, 1910), pp. 11-12.

<sup>50</sup>See Appendix B.

<sup>51</sup>Lloyd Miffin, "William Uhler Hensel," *The Daily News* [Lancaster], March 2, 1915.

### FOOTNOTES TO CHAPTER III

<sup>1</sup>The value of Hensel's share of the *Lancaster Intelligencer* was found in a history of *Lancaster Intelligencer* ownership (unpublished in the possession of Lancaster Newspapers). Hereafter cited as Lancaster Newspapers.

<sup>2</sup>*Reading Eagle*, as quoted in the *Lancaster New Era*, March 1, 1915.

<sup>3</sup>Franklin Ellis and Samuel Evans, *History of Lancaster County* (Philadelphia: Evens and Peck, 1883), pp. 499-500.

<sup>4</sup>*Ibid.*

<sup>5</sup>*Lancaster Intelligencer*, May 6, 1874.

<sup>6</sup>*Ibid.*, 1874-1886.

<sup>7</sup>*Ibid.*, May 22, 1874.

<sup>8</sup>*Ibid.*, June 12, 1874.

<sup>9</sup>*Lancaster Examiner*, as quoted in the *Lancaster Intelligencer*, June 11, 1874.

<sup>10</sup>*Lancaster Intelligencer*, June 11, 1874.

<sup>11</sup>Mr. Hensel was a member of the Lancaster County Historical Society and the Clisophic Society of Lancaster and often published essays which were read at the meetings.

<sup>12</sup>*Lancaster Intelligencer*, 1874-1886.

<sup>13</sup>*Ibid.*, September 9, 1874.

<sup>14</sup>F. R. Diffenderffer, "Seedtime and Harvest," *Papers Read Before the Lancaster County Historical Society*, Vol. XXI, No. 1 (Lancaster: New Era Printing Company, 1917), pp. 41-46.

<sup>15</sup>*Lancaster Intelligencer*, March 15, 1876.

<sup>16</sup>A detailed account of W. U. Hensel's political career appears in Chapter (V).

<sup>17</sup>*Lancaster Intelligencer*, 1874-1886.

<sup>18</sup>*Ibid.*, January 20, 1880.

<sup>19</sup>*Ibid.*, January 21, 1880.

<sup>20</sup>*Ibid.*

<sup>21</sup>*Ibid.*

<sup>22</sup>*Ibid.*, November 24, 1923.

<sup>23</sup>*Ibid.*

<sup>24</sup>*Ibid.*, January 21, 1880.

<sup>25</sup>*Ibid.*

<sup>26</sup>*Ibid.*

<sup>27</sup>*Ibid.*, January 23, 1880. It should be noted that J. Hay Brown and W. U. Hensel later became close friends and law partners.

<sup>28</sup>*Ibid.*

<sup>29</sup>Statement by William Schnader at a personal interview.

<sup>30</sup>*Lancaster Intelligencer*, November 24, 1923.

<sup>31</sup>*Ibid.*

<sup>32</sup>*Lancaster New Era*, October 4, 1880. The decision of the Pennsylvania Supreme Court appears in full in Appendix C.

<sup>33</sup>Frederick Shriver Klein, *Lancaster County Since 1841* (Lancaster: The Lancaster County National Bank, 1955), p. 83.

<sup>34</sup>Philip D. Baker and S. W. Shadle (eds.), *The Lancaster Bar*, Vol. XII (Lancaster: J. H. Barnes, 1880), p. 74.

<sup>35</sup>*Sunday News* [Lancaster], August 5, 1962.

<sup>36</sup>*Biographical Annals*, p. 374.

<sup>37</sup>Robert Blair Risk, "Reminiscences of William Uhler Hensel," *Lancaster Daily Examiner*, March 13, 1915, March 20, 1915.

<sup>38</sup>*Lancaster Newspapers*.

<sup>1</sup>Hensel and Diffenderffer had by this time become close friends. The correspondence between the two men during the years that Diffenderffer was the secretary of the Lancaster County Historical Society showed that they had great respect for each other. Some copies of these letters are found in a volume of *The Christiana Riot and the Treason Trials of 1851* at the Lancaster County Historical Society.

<sup>2</sup>Minutes of the Lancaster County Historical Society, 1886-1932 (unpublished, unpagged, in the possession of the Lancaster County Historical Society). Hereafter cited as Minutes.

<sup>3</sup>Hensel also wrote his book *The Christiana Riot and the Treason Trials of 1851* for the celebration.

<sup>4</sup>Minutes.

<sup>5</sup>The speeches had been delivered from the balcony of Cadwell House, the old hotel that had stood on the same spot as the Brunswick.

<sup>6</sup>"Report of the Committee on the W. U. Hensel Tablet Unveiling," *Papers Read Before the Lancaster County Historical Society*, Vol. XIX, No. 4 (Lancaster: Lancaster County Historical Society, 1915), pp. 89-113.

<sup>7</sup>*Ibid.*, pp. 100-19.

<sup>8</sup>*Ibid.*, pp. 119-20.

<sup>9</sup>William Uhler Hensel, et. al., *Thirty-five Years of the Clio* (Lancaster: Privately printed for the members of Clio, 1914), pp. 11-14.

<sup>10</sup>*Ibid.*, pp. 29-103.

<sup>11</sup>H. M. J. Klein, *Seventy-five Years of the Clio: 1879-1954* (An address to the members of the Clisophic Society of Lancaster, January 22, 1954. Lancaster: The Clisophic Society, 1954), pp. 19-20.

<sup>12</sup>*Ibid.*

<sup>13</sup>C. E. Postlethwaite, "Postlethwaite Family," *Papers Read Before the Lancaster County Historical Society*, Vol. XII, No. 8 (Lancaster: New Era Press, 1915), p. 293.

<sup>14</sup>Statement by Linn L. Reist at a personal interview.

<sup>15</sup>Robert MacGowan, Sermon delivered at W. U. Hensel's funeral and printed in the *Daily News* [Lancaster], March 2, 1915.

<sup>16</sup>William Uhler Hensel, "Gentle Jimmy Brown, the Bashful Bard of Bart," *Historical Papers and Addresses of the Lancaster County Historical Society*, Vol. XIX (Lancaster: New Era Press, 1915), pp. 5-15.

<sup>17</sup>William Uhler Hensel, *Presbyterianism in the Pequea Valley and Other Historical Addresses* (Lancaster: The Brecht Printing Company, 1912). pp. 34-37.

<sup>18</sup>*Ibid.*, pp. 59-78.

<sup>19</sup>*Ibid.*, pp. 27-28. When two citizens brought a problem to Squire Lowery he had them participate in a fist fight in order to determine who was in the right.

<sup>20</sup>William Uhler Hensel, *Historic Pennsylvania* (An address, delivered before the Pennsylvania Society of Washington at the Alaska-Yukon Pacific Exposition, Seattle, Washington, August 16, 1909. Seattle: Pennsylvania Society of Washington, 1909), 25 pp.

<sup>21</sup>William Uhler Hensel, "The Picturesque Pennsylvania Germans," *Lancaster New Era*, April 9, 1910.

<sup>22</sup>*Ibid.*

<sup>23</sup>*Ibid.*

<sup>24</sup>William Uhler Hensel, *The Country Lawyer* (An address before the Sharswood Club of the Law School of the University of Pennsylvania on April 16, 1910. Reprinted from the *University of Pennsylvania Law Review and American Law Register*, Vol. LVIII, No. 9, June, 1910), pp. 5-10.

<sup>25</sup>*Ibid.*, p. 7.

<sup>26</sup>*Ibid.*, pp. 9-20.

<sup>27</sup>William Uhler Hensel, *Thaddeus Stevens as a Country Lawyer* (An address before the Pennsylvania State Bar Association at Bedford Springs, Pennsylvania, June 27, 1906), p. 1.

<sup>28</sup>*Ibid.*, pp. 23-24.

29 William Uhler Hensel, *The Passing of an Old Landmark* (A paper read before the Lancaster County Historical Society, December 4, 1914. Lancaster: New Era Printing Company, 1915), pp. 3-13.

<sup>30</sup>*Sunday News* [Lancaster], July 3, 1932.

<sup>31</sup>Statement by John W. W. Loose at a personal interview.

<sup>32</sup>Statement by Frederick Shriver Klein at a personal interview.

<sup>33</sup>William Uhler Hensel, *The Christiana Riot and the Treason Trials of 1851* (Lancaster: New Era Press, 1911), pp. 1-14.

<sup>34</sup>*Ibid.*, p. 33.

<sup>35</sup>*Ibid.*, p. 42.

<sup>36</sup>William Uhler Hensel, "A Bachelor President" (unpublished address before the Philobiblon Club of Philadelphia, December 18, 1913, in the possession of Mrs. Frederick Foltz, Lancaster, Pennsylvania).

<sup>37</sup>William Uhler Hensel, *James Buchanan as a Lawyer* (An address before the Law School of the University of Pennsylvania, March 28, 1912. Reprinted from the *University of Pennsylvania Law Review and American Law Register*, 1912), 36 pp.

<sup>38</sup>William Uhler Hensel, *A Pennsylvania Presbyterian President* (An address before the Presbyterian Social Union, Philadelphia, November 25, 1907), 16 pp.

<sup>39</sup>William Uhler Hensel, *The Religious Convictions and Character of James Buchanan* (Lancaster: Intelligencer Print, 1912), 34 pp.

<sup>40</sup>William Uhler Hensel, *The Attitude of James Buchanan Towards the Institution of Slavery in the United States* (Lancaster: New Era Printing Company, 1911), 20 pp.

<sup>41</sup>William Uhler Hensel, *Buchanan's Administration on the Eve of the Rebellion* (Lancaster: The Cliosophic Society, 1908), 41 pp.

<sup>42</sup>*Ibid.*, pp. 10-12.

<sup>43</sup>Philip Shriver Klein, *President James Buchanan: A Biography* (University Park, Pennsylvania: The Pennsylvania State University Press, 1962), pp. 382-402.

## FOOTNOTES TO CHAPTER V

<sup>1</sup>Buchalew received the Democratic gubernatorial nomination but was defeated by John F. Hartranft, the Republican candidate. See Wayland F. Dunaway, *A History of Pennsylvania* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1948), pp. 442-43.

<sup>2</sup>Greeley was nominated for the presidency by both the Liberal Republicans and the Democrats. The latter supported him because they knew it was their only hope against Ulysses S. Grant, the regular Republican nominee. The Democrats and Liberal Republicans called for honesty and sound judgment in the federal government and a more moderate policy toward the South. Many in both parties favored a lowering of the tariff, and some Democrats called for free trade. Greeley was a poor choice. In spite of his new views, people remembered that he had long been an abolitionist, had supported radical Republican reconstruction policies and high-tariff. He was also known as a man whose energy outran his judgment. Democrats remembered how in 1866 he had described their party as traitorous. Greeley's nomination made victory easy for Grant, who carried all but six states. See Richard Hofstadter, William Miller, and Daniel Aaron, *The United States: The History of a Republic* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1960), pp. 407-408.

<sup>3</sup>*Biographical Annals*, p. 375.

<sup>4</sup>*Ibid.*

<sup>5</sup>Conclusions based on William Uhler Hensel's writings including *Lancaster Intelligencer* editorials, 1874-1886.

<sup>6</sup>William Uhler Hensel, Letter, December 16, 1889. (MSS in Grover Cleveland Papers, Library of Congress, Washington, D. C.). Hereafter cited as Cleveland papers.

<sup>7</sup>*Lancaster Intelligencer*, May 6, 1874.

<sup>8</sup>*Ibid.*, September 14, 1874.

<sup>9</sup>*Ibid.*, October 1, 1874.

<sup>10</sup>*Ibid.*, December 19, 1874.

<sup>11</sup>*Ibid.*

<sup>12</sup>William Uhler Hensel, *A Word for the Women* (An address before the graduates of Linden Hall Seminary, Lititz, Pennsylvania, June 26, 1894), p. 4.

<sup>13</sup>*The Daily New Era* [Lancaster], January 20, 1891.

<sup>14</sup>*Biographical Annals*, p. 375. Hensel reduced his political activities in 1887 so he could devote more time to his law practice.

<sup>15</sup>*The Daily New Era* [Lancaster], January 20, 1891.

<sup>16</sup>A. K. McClure, *Old Time Notes of Pennsylvania*, Vol. II (Philadelphia: The John C. Winston Company, 1905), pp. 578-79.

<sup>17</sup>Klein, *Lancaster County*, p. 892.

<sup>18</sup>*Lancaster Intelligencer*, September 15, 1877. It should be noted that Hensel and Donald Cameron later became good friends, and that Hensel died aboard Cameron's yacht.

<sup>19</sup>*Ibid.*, February 21, 1877.

<sup>20</sup>Dunaway, *op. cit.*, p. 450.

<sup>21</sup>*Ibid.*

<sup>22</sup>*Ibid.*, pp. 450-51.

<sup>23</sup>Robert Fortenbaugh and H. James Tarman, *Pennsylvania: The Story of a Commonwealth* (Harrisburg: The Pennsylvania Book Service Publishers, 1940), p. 290.

<sup>24</sup>McClure, *op. cit.*, pp. 541-79.

<sup>25</sup>*Lancaster Intelligencer*, March 2, 1915.

<sup>26</sup>McClure, *op. cit.*, p. 545. The record shows that the Independent Republicans were disappointed in the amount of influence they were able to exert during Pattison's administration. See *Ibid.*, pp. 542-48.

<sup>27</sup>*Lancaster Intelligencer*, March 2, 1915.

<sup>28</sup>McClure, *op. cit.*, p. 540.

<sup>29</sup>*Pittsburgh City Directory: 1883-1885*. in the possession of the Historical Society of Western Pennsylvania, Pittsburgh, Pennsylvania.

<sup>30</sup>George H. Welshons, Letter, June 18, 1883. (MSS in the possession of Mrs. Frederick Foltz, Lancaster, Pennsylvania.) Hereafter cited as Foltz papers.

<sup>31</sup>Cassidy, a Democrat, was known for his political deals with the regular Republicans. During the campaign of 1882, many Democrats and Independents feared that if Pattison were elected, Cassidy would take a place in his Cabinet and be the real power in Harrisburg. About a month before the election, Cassidy made a public statement to the effect that he would accept no state office if Pattison was elected. See McClure, *op. cit.*, pp. 542-43.

<sup>32</sup>William Uhler Hensel, Letter (Foltz papers), July 27, 1883. In this letter Hensel referred to a private letter which he had written to Welshons concerning the Cassidy affair. Hensel expressed concern that the letter had fallen into the wrong hands and was being held for blackmailing purposes.

<sup>33</sup>*Ibid.*

<sup>34</sup>McClure, *op. cit.*, pp. 542-552. The Democratic National Committee considered Pennsylvania to be a lost cause and concentrated its efforts on New York during the campaign of 1884. The strategy proved successful as Grover Cleveland took New York and the presidency. See *Ibid.*, p. 552.

<sup>35</sup>Randall had been Speaker of the federal House of Representatives and Wallace a United States Senator, but they were rivals even though they were both Pennsylvania Democrats. Each had presidential aspirations and felt that the other stood in his way. Wallace had drawn first blood in the feud when he used his influence among Democrats in the House and kept Randall from being elected Speaker in 1875. However, Randall was elected to the post the following year. See *Ibid.*, pp. 387-95.

<sup>36</sup>*Ibid.*, pp. 563-64.

<sup>37</sup>*Biographical Annals*, p. 375.

<sup>38</sup>Statement by William Schnader at a personal interview.

<sup>39</sup>Statement by John W. W. Loose at a personal interview.

<sup>40</sup>Klein, *Lancaster County*, p. 894.

<sup>41</sup>Statement by John W. W. Loose at a personal interview.

<sup>42</sup>McClure, *op. cit.*, pp. 577-78.

<sup>43</sup>*Lancaster Intelligencer*, March 2, 1915.

<sup>44</sup>*The Daily New Era* [Lancaster], January 20, 1891.

<sup>45</sup>McClure, *op. cit.*, p. 579.

<sup>46</sup>*Ibid.* Hensel's years as Attorney General of Pennsylvania are discussed in Chapter VI.

<sup>47</sup>George P. Donehoo (ed.), *Pennsylvania: A History* (New York: Lewis Historical Publishing Company, 1926), p. 1504.

<sup>48</sup>*Lancaster Intelligencer*, July 28, 1876.

<sup>49</sup>Hofstadter, *op. cit.*, pp. 427-30. Double sets of returns were reported from three states, and a congressional commission was set up to solve the problem. The commission voted in favor of the Republican candidate, Rutherford B. Hayes, and southern Democrats in Congress accepted Hayes in return for Republican promises of aid for the South.

<sup>50</sup>*Lancaster Intelligencer*, March 3, 1877. The editorial appears in full in Appendix D.

<sup>51</sup>*Biographical Annals*, p. 375.

<sup>52</sup>*Official Proceedings of the National Democratic Convention of 1880* (Dayton, Ohio: Daily Journal Press 1882), pp. 60-137.

<sup>53</sup>*Official Proceedings of the National Democratic Convention of 1884* (New York: Douglas Taylor's Democratic Printing House, 1884), pp. 150-265.

<sup>54</sup>*Official Proceedings of the National Democratic Convention of 1888* (St. Louis: Woodward and Tiernan Printing Company, 1888), p. 87.

<sup>55</sup>William Uhler Hensel, *Life and Public Service of Grover Cleveland and Allen G. Thurman* (Philadelphia: Hubbard Brothers, 1888), p. 286.

<sup>56</sup>*Ibid.*, p. 176.

<sup>57</sup>*Official Proceeding of the National Democratic Convention of 1892* (Chicago: Cameron, Amberg and Company, 1892), pp. 133-34.

<sup>58</sup>*Ibid.*, pp. 210-13.

<sup>59</sup>A. B. Parker, Letter (Cleveland papers), June 26, 1888.

<sup>60</sup>*Ibid.*

<sup>61</sup>William Uhler Hensel, Letter (Cleveland papers), May 20, 1887.

<sup>62</sup>Grover Cleveland, Letter (Foltz papers), May 24, 1887.

<sup>63</sup>Statement by F. Lyman Windolph at a personal interview.

<sup>64</sup>Letters (Cleveland papers), 1886-1894.

<sup>65</sup>Robert Blair Risk, "Reminiscences of William Uhler Hensel," *Lancaster Daily Examiner*, March 13, 1915, March 20, 1915.

<sup>66</sup>*Lancaster Intelligencer*, March 2, 1915.

## FOOTNOTES TO CHAPTER VI

<sup>1</sup>See Chapter III.

<sup>2</sup>*Biographical Annals*, p. 375.

<sup>3</sup>Statement by W. Hensel Brown at a personal interview.

<sup>4</sup>*Biographical Annals*, p. 375.

<sup>5</sup>Statement by J. Guy Eshleman at a personal interview.

<sup>6</sup>Statement by Linn L. Reist at a personal interview.

<sup>7</sup>Brown named one of his sons William Hensel Brown, who is now a judge of the Lancaster County Court.

<sup>8</sup>*Biographical Annals*, p. 375.

<sup>9</sup>Klein, *Lancaster County*, pp. 891-94.

<sup>10</sup>Statement by F. Lyman Windolph at a personal interview.

<sup>11</sup>Klein, *Lancaster County*, pp. 893-94. Tener had been elected through the efforts of Boies Penrose, Republican party boss. Penrose had taken over the old Cameron machine after the death of Matthew Quay in 1904. His rule was just as absolute and unscrupulous as that of Quay or Simon Cameron, and he was just as zealous in serving the corporate interests. Hensel's appointment to the commission showed how he had buried his political hatchet and had become associated with many prominent Republicans. He was then a wealthy corporation lawyer, and his circle of friends were of his own economic class. His business and social affairs brought him into contact with few Democrats and his associates frowned on reformers who spoke against corporate power. In spite of his true feelings about corporate power, he now remained silent because as a lawyer his largest fees came from corporations. Dunaway, *op. cit.*, pp. 479-82, and a statement by John W. W. Loose at a per-

sonal interview.

<sup>12</sup>Klein, *Lancaster County*, p. 891.

<sup>13</sup>*Report of the Twenty-first Annual Meeting of the Pennsylvania Bar Association*, Vol. XXI (Philadelphia: George H. Buchanan Company, 1915), pp. 71-72.

<sup>14</sup>Statement by F. Lyman Windolph at a personal interview.

<sup>15</sup>*Lancaster Daily Examiner*, February 27, 1915.

<sup>16</sup>*Reports of the American Bar Association* (Philadelphia: Dando Printing and Publishing Company, 1900-1906. Baltimore: The Lord Baltimore Press, 1907-1913).

<sup>17</sup>Klein, *Lancaster County*, p. 892.

<sup>18</sup>*Report of the Attorney General of the Commonwealth of Pennsylvania for the years 1891 and 1892* (Harrisburg: Edwin K. Meyers, State Printer, 1893), p. 2. Hereafter cited as *Attorney General: 1891 and 1892*.

<sup>19</sup>Letter Press Books, Office of Attorney General: 1875-1907 (unpublished correspondence found in record group fifteen, box two of the Pennsylvania Historical and Museum Commission, Harrisburg). Hereafter cited as Letter Press Books.

<sup>20</sup>*Lancaster Intelligencer*, June 3, 1891.

<sup>21</sup>*Ibid.*, March 15, 1892.

<sup>22</sup>Letter Press Books, pp. 47-91, 143.

<sup>23</sup>*Ibid.*, p. 259.

<sup>24</sup>*Attorney General: 1891 and 1892*, pp. 4-5.

<sup>25</sup>*Ibid.*, p. 4.

<sup>26</sup>*Ibid.*, p. 5.

<sup>27</sup>*Report of the Attorney General of Pennsylvania for the Two Years Ending December 31, 1894* (Harrisburg: Clarence M. Busch, State Printer, 1895), p. 13. Hereafter cited as *Attorney General: 1893 and 1894*.

<sup>28</sup>*Ibid.* Bardsley had by this time been sentenced by the Dauphin County Courts to fifteen years in prison, and he cooperated with the state in its investigation, from behind bars. See *Attorney General: 1891 and 1892*, p. 4.

<sup>29</sup>The case involved The Press Company, Limited, publishers of *The Press*, and five other Philadelphia newspaper interests: the *Inquirer*, *Democrat*, *Evening Bulletin*, *North American*, and *The Evening Telegraph*. See *Attorney General: 1893 and 1894*, p. 12.

<sup>30</sup>*Ibid.*, pp. 11-13.

<sup>31</sup>*Ibid.*, p. 11.

<sup>32</sup>*Ibid.*, pp. 11-12.

<sup>33</sup>*Lancaster Intelligencer*, November 7, 1891.

<sup>34</sup>It should be noted that Shapley was one of the men who defended Steinman and Hensel in 1880. See Chapter III.

<sup>35</sup>Donehoo, *op. cit.*, p. 1504.

<sup>36</sup>*The Record* [Philadelphia], November 7, 1891. Among the examples was the Senate's recommendation that James Gilbridge, a Scranton Alderman, be removed from office for drunkenness and theft. Gilbridge had not been convicted by a court when the recommendation was made.

<sup>37</sup>*Ibid.*

<sup>38</sup>Donehoo, *loc. cit.*

<sup>39</sup>*Biographical Annals*, p. 375.

<sup>40</sup>Statement by W. Hensel Brown at a personal interview.

<sup>41</sup>*Paper Book of the Appellant in the Estate of James Carpenter, Deceased* (Lancaster: The New Era Press, 1895), pp. 1-5.

<sup>42</sup>*Ibid.*, p. 5.

<sup>43</sup>*Ibid.*, p. 7.

<sup>44</sup>*Ibid.*

<sup>45</sup>*Ibid.*, p. 16.

<sup>46</sup>*Ibid.*, p. 18.

<sup>47</sup>*Ibid.*, p. 10.

<sup>48</sup>*Ibid.*, p. 29.

<sup>49</sup>*Ibid.*

<sup>50</sup>*Ibid.*, p. 67, p. 1 of the opinion of the Supreme Court.

<sup>51</sup>Statement by W. Hensel Brown at a personal interview.

<sup>52</sup>George Ross Eshleman (ed.), *The Lancaster Law Review*, Vol. XVI

(Lancaster: The Wickersham Printing Company, 1899), pp. 133-36.

<sup>53</sup>*Ibid.*, pp. 137-43.

<sup>54</sup>*Ibid.*, pp. 142-43.

<sup>55</sup>Statement by W. Hensel Brown at a personal interview.

<sup>56</sup>Pennsylvania State Reports, Vol. CCXLVI (Philadelphia: The George T. Bisel Company, 1915), pp. 97-107.

<sup>57</sup>*Ibid.*, pp. 105-7

<sup>58</sup>*Ibid.*, p. 103.

<sup>59</sup>*Ibid.*

<sup>60</sup>*Ibid.*, pp. 107-15.

<sup>61</sup>*Ibid.*, p. 114.

<sup>62</sup>*Ibid.*, p. 97.

<sup>63</sup>Statement by W. Hensel Brown at a personal interview.

<sup>64</sup>Statement by William Schnader at a personal interview.

<sup>65</sup>Statement by F. Lyman Windolph at a personal interview.

<sup>66</sup>*Report of the Twenty-first Annual Meeting of the Pennsylvania Bar Association*, Vol. XXI (Philadelphia: George H. Buchanan Company, 1915), p. 93.

## FOOTNOTES TO CHAPTER VII

<sup>1</sup>*Biographical Annals*, p. 375.

<sup>2</sup>"An Expression of Appreciation of the Life and Labors of Honorable William Uhler Hensel, LL. D., Litt. D." Minutes of the Franklin and Marshall College (unpublished, found in the restricted section of the Franklin and Marshall College Library, 1915), p. 2.

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Mrs. Jay Gilbert, niece of W. U. Hensel.

Mrs. Beatrice Hensel, wife of the late W. U. Hensel II.

Mrs. Meta Hensel, distant relative of W. U. Hensel—resident of Strasburg, Pennsylvania.

W. U. Hensel III, great-nephew of W. U. Hensel.

Frederic Shriver Klein, professor at Franklin and Marshall College.

John W. W. Loose, Secretary of the Lancaster County Historical Society.

Miss Rachael McSparran, former ward of W. U. Hensel.

Lester W. Newcomer, former secretary of the Lancaster Chamber of Commerce.

Linn L. Reist, prominent Lancaster Attorney.

George Reynolds, Jr., officer of the Hamilton Club.

William Schnader, president of the Board of Trustees of Franklin and Marshall College.

Mrs. Robert Shoemaker, manager of the Stevens House, Lancaster.

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## APPENDICES

### APPENDIX A

Princeton Feby 15, 1904

My dear Mr. Hensel,

You need no assurance that an uncomplicated prospect of seeing you and any friend of yours, would be regarded by me with enthusiasm.

I hope however you will not resent my frankness, when I intimate to you that there is something ominous and disquieting in the statement that your friend is President of the Pennsylvania Bar Association. I am disturbed by the fear that the object of your visit is to urge me to make an address before that Association. It is absolutely impossible for me to accept such an invitation; and for two succeeding years I have felt obliged to decline doing such a service for the New York Bar Association—though I have belonged to the organization for many years and though its President who urged my acceptance, is one of my best and longest attached friends. More than one reason—

I may say a number of inexcusable hindrances— forbid my undertaking such a task; and I feel like begging you as my friend, to intervene for my protection against impertunity in that direction.

Perhaps all this is absolutely irrelevant. I hope so, and I hope I have not written in any way with irritating bluntness.

With the reservations stated, I shall be most happy to see you and your friend.

Yours very Sincerely  
Grover Cleveland

Hon. W. U. Hensel  
Lancaster  
Pa.<sup>1</sup>

<sup>1</sup>This typed copy of the manuscript letter from Cleveland is in the possession of Mrs. Jay Gilbert, Lancaster, Pennsylvania.

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## APPENDIX B

Proceedings of the House of Representatives Upon the Death of the Honorable William Uhler Hensel, Tuesday, March 2, 1915.<sup>1</sup>

Mr. Geiser made the following resolution.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania in the death of Hon. William U. Hensel, former Attorney General of this Commonwealth, another great citizen of Pennsylvania has been taken away, and be it further

Resolved, In the taking away of William U. Hensel this State has been deprived of the presence of a most charming personality, a man of integrity of the highest degree, a man of eloquence, of unusual literary ability, a man deeply learned in the law and a fellow citizen who ever held this Commonwealth in the greatest love and reverence, and whose ethical standards were ever of the highest nature, and be it further

Resolved, Inasmuch as Pennsylvania has been bereft of one who at one time filled one of the highest and most difficult and trying offices in the State, it is but fitting that this body should publicly evince some token of the great respect and esteem in which he was held by his fellow citizens; therefore be it

Resolved, That when this House adjourns this week it adjourn in memory of the late William U. Hensel, former Attorney General of Pennsylvania, and be it

Resolved, That a copy of this resolution be spread upon the Journal of the House, and a copy thereof be sent to the family of the deceased.

Mr. Speaker, I move that this resolution be adopted at once.

Mr. Hess rises to speak.

Mr. Speaker, and members of the House, it is with deep regret and sadness that I arise to second this motion. In the death of William Uhler Hensel, Lancaster has lost its foremost citizen and the Commonwealth of Pennsylvania one of its most worthy sons. He brought to the field of his various activities a strong body and a vigorous mind. As an editor he proved to be one of the most versatile of the men of letters. His contributions to the literature of his day reflect a scope of vision that makes the reason for his greatness plain. His great soul dwelt on the borderland of the infinite and as he caught glimpses of the larger life beyond he sketched them with his pen that they might serve as beacon lights to guide his fellow men along life's way. As a lawyer he was a leader not only of the bar of Pennsylvania, but of the Union. His general learning and his professional ability deserved and received the respect and the admiration of all who knew him. His genial personality won for him the love of all who knew him well. As Attorney General he reflected lustre upon the office and established an ideal that his successors can be proud to follow. As an historian his great heart found its best expression. His busy life was not permitted to crowd out the opportunities he sought to study the characters of those who have gone before and whose efforts have made this Commonwealth what it is, and his home county and the State at large can well be proud of the numerous shafts and tablets that mark the surging tide of history as Quaker and Mennonite and Scotch Irish coped with the antagon-

ism of a wilderness to make of it a "Land of Flowers." But the richness of his life becomes more apparent as we study him as a man. Of him it can well be said that he was a true friend and that to know him was to love him. From the grind of a busy professional life he would frequently turn aside to extend to a fallen friend a strong arm, and much of the joy of his life was won by sharing his great strength with his weaker fellow men. At no time was the beauty of his strength more pronounced than in the quiet, patient, resignation, as he saw the forces of decay steal ruthlessly upon him, and when the end was near he bowed his head in patient submission to the will of Him, "who doeth all things well."

William Uhler Hensel is dead, but his eloquence and influence still lives. England has had her Gladstone; Ireland has had her O'Connell, and Lancaster has had her Hensel.

The resolution was unanimously adopted.

<sup>1</sup>*Proceedings of the House of Representatives Upon the Death of Honorable William Uhler Hensel* (Harrisburg, Pennsylvania: House of Representative, March 2, 1915), pp. 1-4.

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## APPENDIX C

The decision of the Pennsylvania Supreme Court in the Steinman and Hensel disbarment case<sup>1</sup>

The record before us has been brought up by a writ of error under the act of assembly approved May 19, 1879, 6066, entitled "an act regulating proceedings against attorneys-at-law in this Commonwealth." It provides that "in all cases of any proceedings in any court of this commonwealth against any attorney of said court for unprofessional conduct as an officer of such court said attorney shall be entitled to a writ of error from the Supreme Court of this commonwealth, as in civil cases, to said court from any judgment, order, or decree of said court against him as such officer, which writ of error shall remove the records and all the proceedings therein to the Supreme Court of this commonwealth and it shall be the duty of said court to review the same *de novo*,<sup>2</sup> and the complainant shall have the right to offer new testimony by deposition or otherwise, as said Supreme Court may direct, and, upon hearing, said court may modify, reverse or affirm said judgment, order or decree of the court below, as the justice of the case may require."

Other provisions are added as to the hearing of the cause in any district, and giving it preference over all other than homicide cases, and as to the costs—all of which, to say the least, are unusual.

The remedy by writ of error, which properly requires two parties, is certainly not the best which could have been devised; and what is meant by reviewing the case *de novo* is not very intelligible, unless it be from what follows, that the Court is to hear any new testimony which may be offered by the complainant, but not by the court below or any other parties, if there can be any other. On the whole it is a curious piece of legislative patchwork. How far the provision that this court shall hear new testimony and decide the case as if it was a new one is consistent with that article of the constitution which prohibits the Supreme Court from the exercise of any original jurisdiction (except in a few specified cases) is a question which does not arise, as the controversy here is presented fully in the record, and we are not asked to look out of it.

The complainants were members of the bar of Lancaster county, and were also the editors of a newspaper published there; they printed in their paper an article very severely reflecting upon the conduct of the Court in a certain prosecution in the Quarter Sessions, in which the defendant had been acquitted on an indictment for violating the liquor law.- It charged that the acquittal was "secured by a prostitution of the machinery of justice to serve the exigencies of the Republican party," and added that as the judges belonged

to that party, the Court was "unanimous—for once—that it need take no cognizance of the imposition practiced upon it and the disgrace attaching to it." We may safely assume that it meant to charge, and did charge, that the judges had decided the case wrongfully from motives of political partisanship.

We have no hesitation in pronouncing such a publication to be a gross libel on its face. Nothing can be more disgraceful, not even perhaps that of direct bribery, than such an imputation on the motives of judges in the administration of justice. The Court thereupon sent for the complainants and on their appearance, and taking upon themselves the responsibility of the publication in question, entered a rule upon them to show cause why they should not be disbarred and their names stricken from the list of attorneys for misbehavior in their offices as attorneys. To these rules they appeared and put in an answer, respectively, and the rules were afterwards made absolute.

Many objections have been made to the proceeding, which we will not stop to consider; we entertain no doubt that a Court has jurisdiction, without any formal complaint or petition, upon its own motion, to strike the name of an attorney from the roll in a proper case, provided he has had reasonable notice and been afforded an opportunity to be heard in his own defense.

No question can be made of the power of a Court to strike a member of the bar from the roll for official misconduct in or out of court. By the seventy-third section of the act of April 14, 1834, 60,354 it is expressly enacted that "if any attorney at law shall misbehave himself in his office of attorney he shall be liable to suspension, removal from office or such other penalties as have heretofore been allowed in such cases by the laws of this commonwealth." We do not mean to say—for the case does not call for such an opinion—that there may not be cases of misconduct not strictly professional which would clearly show a person not to be fit to be an attorney nor fit to associate with honest men: thus, if he was proved to be a thief, a forger, a perjurer, or guilty of other offences of the *crimen falsi*.<sup>3</sup> But no one, we suppose, will contend that for such an offense he can be summarily convicted and disbarred by the Court without a formal indictment, trial and conviction by a jury, or upon conviction in open court. Whether a libel is an offense of such a character may be a question; but certain it is that if the libel in this case had been upon a private individual or upon a public officer, such even as the District Attorney, the Court could not have summarily convicted the defendants or disbarred them. The office of an attorney is his property and he cannot be deprived of it unless by the judgment of his peers or the law of the land—this last phrase meaning, as we have been taught by Lord Coke, "due process of law."

By the seventh section of the first article of the constitution of 1874, the bill of rights, it is declared that "no conviction shall be had in any prosecution for the publication of any paper relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury."

This is a new and very important provision, introduced into the bill of rights by the Constitution of 1874. It would be a clear infraction of the spirit, if not the letter, of this article to hold that an attorney can be summarily disbarred for the publication of a libel on a man in a public capacity, or where the matter was proper for public investigation or information; for a man certainly does not forfeit his constitutional rights as a freeman by becoming an attorney. It guarantees to him immunity from all liability to punishment in case of the publication of papers relating to the official conduct of officers or men in public capacity, "where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury." But the gravamen of the offense of the complainants was that the publication was a libel on the Court of which they were attorneys, and this, it is earnestly contended, was misbehavior in their office, which gave the Court power to exercise summary jurisdiction by removing them.

The duty of an attorney is briefly comprehended in the terms of his oath, "to behave himself in the office of attorney according to the best of his learning and ability, and with all good fidelity as well to the Court as to the client." Was the publication in question a breach of this oath? Fidelity

to the Court includes many particular, but they all evidently concern his official relations. "The sum of the matter," says Chief Justice Gibson in the Austin case, 5 Rawle 205, "is that an attorney at law holds his office during good behavior, and that he is not professionally answerable for a scrutiny into the official conduct of the judges which would not expose him to legal animadversion as a citizen."

Some of the remarks in the opinion in that case have been much relied on by the learned council, who have argued as "*amici curiæ*"<sup>4</sup> in support of the action of the Court below. But there are two considerations bearing upon the question which now exist, but did not at the time that decision was rendered. The first is the new provision on the subject of the liberty of the press which has been introduced into the bill of rights of the constitution of 1874 and the second is that at that time the judiciary was not elective. Judges in 1835 were appointed by the Governor and their tenure of office was during good behavior. There might then be some reason for holding that an appeal to the tribunal of popular opinion was, in all cases of judicial misconduct, a mistaken course and unjustifiable in an attorney. The proceedings by impeachment or address were the only ones which could be resorted to effectually remedy the supposed evil. To petition the legislature was then the proper step; to appeal to the people was to diminish confidence in the Court and bring them into contempt, without any good result. We need not say that the case is altered and that it is now the right and duty of a lawyer to bring to the notice of the people who elect the judges, every instance of what he believes to be corruption or partisanship. No class of the community ought to be allowed freer scope in the expression or publication of opinions as to the capacity, impartiality or integrity of judges than members of the bar. They have the best opportunities of observing and forming a correct judgment. They are in constant attendance on the courts. Hundreds of those who are called on to vote never enter a court room, or if they do it is only at intervals as jurors, witnesses or parties. To say that an attorney can only act or speak on this subject under liability to be called to account and to be deprived of his professional livelihood, by the very judge or judges whom he may consider it his duty to attack and expose, is a position too monstrous to be entertained for a moment under our present system.

In admitting, as he seems to do, that a libel on the Court may be a breach of professional duty in an attorney, Chief Justice Gibson adds a most material qualification: "The motive should be clearly shown to have been the acquirement of an influence over the judge in the exercise of his judicial functions by the instrumentality of popular prejudice." No such motive has been or can be imputed to these complainants. The learned judge who delivered the opinion of the Court below imputes no such motive to them. He says: "Their motive, though not openly or at all avowed in the publication is too obvious to admit of doubt. The least reprehensible motive by which their professional misconduct can be supposed to have been animated is a desire for prominence or notoriety in the editorial cors [sic]. The real or true motive could be no other than partisan malice, or a willful headlong zeal to promote partisan interests in the face of their official fidelity to this court, regardless of all consequences." Suppose the motives here assigned to be the true motives which actuated the complainants, "a desire for notoriety," "partisan malice" and "willful, headlong zeal to promote partisan interests," what had they to do with professional conduct or fitness to practice law. The complainants in their sworn answers to the rule over that they were "acting in good faith without malice and for the public good." Of course we mean to express no opinion upon the merits of the controversy between the Court below and the complainants. We concede to the court all that has been claimed on their behalf, that the publication in fact was a false and malicious libel, and that in making the rule absolute they were actuated by a simple desire to uphold the authority and dignity of the Court. If this was a mere question of discretion, we are of opinion that their order was a mistake.

The act of 1879 gives this court jurisdiction to review the discretion of the Court below, and we think it was not in this case wisely exercised. The order which made absolute the rules to show cause why the names of the complainants should not be stricken from the list of attorneys is hereby vacated

and the rules discharged, and it is ordered that the complainants be restored to the bar, the costs of this proceeding and writ of error to be paid by the county of Lancaster.

<sup>1</sup>Lancaster New Era, October 4, 1880.

<sup>2</sup>Anew.

<sup>3</sup>False accusation.

<sup>4</sup>Friends of the Court.

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## APPENDIX D

*Lancaster Intelligencer* Editorial—"The Death of the Republic"<sup>1</sup>

We clothe ourselves in mourning for the apparent death of the republic. It has lived a hundred years and closes its centennial with the installation of a fraudulently-elected president. No question is raised on any hand that he is a fraudulent president, and no resistance is made by any party to his inauguration. We do not understand how these things can happen in a nation supposed to be ruled by the people, without indicating the destruction of its republican form of government. It would be a contradiction of terms to say that in a government of the people, the will of the majority may through any device or fraud be supplanted by the will of the minority. It is universally conceded that this strange misfortune has now befallen the United States. The people, by a majority of their individual votes, chose a majority of the presidential electors, but the Congress of the people's representatives has nevertheless declared that the people's choice has not been chosen.

Therefore we array our columns in mourning, and believe that we have abundant cause for assuming this sombre attire. We mourn for the republic; and we mourn for the Democratic party; for the death of one means the destruction of the other. If the sovereignty of the people has departed from them the Democratic party is without a mission; it has no place in any government but a free republic. In such it is its function to defend the right of the majority to rule, protecting this fundamental idea of a republican form of government from encroachment by force or fraud. This was its function in this nation; it has now failed to execute it, and the question is whether it has failed forever. It may be that it will still be strong enough to stand on its legs, notwithstanding the blow which it has received full in the face, and quietly submitted to. But experience does not encourage a very confident expectation that the men or the party that once submits to being cheated and insulted will thereafter be able to redress an injury.

It is true that this is not quite the position of the Democratic party. It is not its own weakness or cowardice that has placed it in its present humiliating position. It is simply the cowardice and stupidity of some of its representatives in Congress, aiding the malignancy of the Republican representatives. When the control of the issue was in the hands of the voters of the party, they proved their courage and their strength by securing a majority of the states, a majority of their people, and a majority of the electoral vote. It was only when the Democratic duty fell upon the Democratic representatives in Congress that it failed to be performed. It was apparently a simple duty; just to count the electoral vote—only this and nothing more. And yet, alas! they were not equal to it; but, through some demoniac influence, were inspired to commit the task to eight Republicans, and they the most partisan of men.

It has been therefore its misrepresentation by its representatives that has brought the Democratic party low, robbed it of the fruit of its victory, and elevated to the chief magistracy a fraudulently-elected president. And so it may be that the Democratic ship will recover from the blow, when it has cut down these broken masts and cast them into the sea; sound as to its hull, its weakness aloft should not sink it. But there must be a remorseless cutting away of the wreck, and disrating of faithless officers. The party has plenty of time and its voters have abundant inclination, to thoroughly perform the work of refitting and reofficering their vessel; and it will be done.

<sup>1</sup>Lancaster Intelligencer, March 3, 1877.

## ABOUT THE AUTHOR

J. Barry Girvin is a native of lower Lancaster County, and was educated in the schools of the Solanco District, being graduated from Solanco High School at Quarryville in 1958. He graduated from Millersville State College in 1962, and received his master's degree from the same college in 1966. Mr. Girvin is a social studies teacher at Conestoga Valley Senior High School; he is married, and is the father of three children.