

JOHN MARSHALL IN LANCASTER

By William Frederic Worner

John Marshall, one of the greatest among the great Virginians of his day and generation, won fame in a field in which there is but little of dramatic incident to relate,—that of the Supreme Court of the United States, of which, for more than three decades, he was the fourth Chief Justice. The greatest of all our Chief Justices, he is also known as the ablest expounder of the Constitution. This noble instrument owes its popularity very largely to his wise and luminous interpretations and decisions.

The oldest of fifteen children, he was born September 24, 1755, in what is now Fauquier county, Virginia, at a little settlement then known as Germantown—now Midland—on the Southern railroad, a few miles south of Manasses. His life was one of varied activity before he reached the bench of the Supreme Court. There are many things of interest that could be told of him, but the space allotted to this article will not permit.

At the outbreak of the American Revolution, he accompanied his father, Thomas, to war, as a lieutenant; and, in a year or two, became a captain. He was at Valley Forge, and between 1776 and 1779 was active in the battles of Brandywine, Germantown, Monmouth, Stony Point and Paulus Hook.

In the summer of 1780, he received a license to practice law in Virginia. In the spring of 1782, he was elected to the Virginia House of Burgesses; and, in the autumn of the same year, to the "Privy Council," or "Council of State." Eight times he was a member of the Assembly. A decided advocate of the Constitution of the United States, he was elected in 1788 to the Virginia Federal convention that was called to consider its ratification.

In August, 1795, Washington offered him the position, which he declined, of Attorney General of the United States. In the summer of 1796, he also declined the position of Minister to France as successor to James Monroe; and General Pinckney was appointed in his stead. As the French Directory refused to receive Mr. Pinckney, and ordered him to leave the country, no other representative was sent to France until John Adams became President.

In the spring of 1793, France declared war against England. The sympathies of America were with France. On the day that the French minister landed on American shores Washington issued a proclamation of neutrality. In 1794, Chief Justice John Jay secured from Great Britain the famous treaty that bears his name. This treaty became the subject of bitter controversy and was opposed by many citizens of all ranks.

The French revolutionary authorities bitterly resented the Jay compact. They accused the American government of violating its treaty with France; denounced the United States for ingratitude; and abused it for undue friendship with Great Britain. The French Republic showed its resentment by encouraging a piratical warfare on American commerce by French privateers.

Mr. Adams, who had succeeded Washington in the presidential chair, determined to conciliate the French government, if possible, and with that end in view, sent to that country a special mission, composed of General Charles Cotesworth Pinckney, Elbridge Gerry and John Marshall.

These envoys were as unsuccessful in establishing diplomatic relations with the French Republic as Pinckney had been. They arrived in Paris in September, 1797, and communicated with Talleyrand, the minister for foreign affairs; but were cajoled and trifled with. Secret agents of Talleyrand approached them with a demand for money—50,000 pounds sterling—for private account, and a loan to the government. Repelling, with indignation, these shameful suggestions, the envoys sent the minister an elaborate paper, prepared by Marshall, which set forth, with great precision and force of argument,

the views and position of the United States, and the earnest desire of their country to maintain friendly relations with France. But arguments availed nothing. Pinckney and Marshall were determined not to accede to the unjust and unreasonable demands of the French government. Gerry, however, urged their acceptance, maintaining that they were the best that could be secured. As no agreement could be reached, Pinckney and Marshall, who were Federalists, were finally ordered to leave the territories of the Republic; while Gerry, as a Republican, was allowed to remain in Paris. Pinckney, whose daughter was seriously ill and could leave the country only at the risk of her life, had much difficulty in securing permission to stay in the south of France.

Meanwhile the dispatches, which the envoys sent from Paris in October, 1797, arrived in Philadelphia in March of the following year. They told of the French demands and machinations. The President informed Congress that the envoys could not succeed "on terms compatible with the safety, the honor, or the essential interests of the nation." The effect of this information upon public opinion was instantaneous and far-reaching. Marshall's disclosures in these dispatches "produced such a shock on the republican mind as had never been seen since our independence." Public meetings were held everywhere, and the disgraceful conduct of France towards the United States was indignantly denounced. In the midst of this excitement John Marshall unexpectedly returned home.

On April 24, 1798, he sailed from Bordeaux in the ship *Alexander Hamilton*, commanded by Captain Wise. After a voyage of 53 days, he arrived in New York on Sunday, June 17, 1798. Albert Beveridge, in his admirable "Life of John Marshall" vol. 2, page 344, states: "On June 18, 1798, he entered the capital." This is incorrect as he did not arrive in Philadelphia, then the capital of the United States, until Tuesday evening, June 19, 1798. Everywhere he was received with demonstrations of the highest respect and approval. Never before had an American, excepting Washington, been so honored. Members of Congress in carriages, and crowds of people on horseback and on foot, went to greet him. A fine pen picture of General Marshall's spectacular arrival in the capital of the United States appeared in *Porcupine's Gazette*, a newspaper published in Philadelphia, under date of Wednesday, June 20, 1798. I make no apology for quoting this article in full, since it describes the event more graphically than any account I have been able to find elsewhere:

"Arrived here last evening [June 19, 1798] in a carriage, accompanied by the Secretary of State, and escorted by the city cavalry, together with a great number of the most respectable gentlemen of the city and county of Philadelphia. A small detachment of the Light Horse had been sent off to Bristol early in the day; in the afternoon the whole of the three troops (about 200 in all) marched out to meet him at Frankford; from which place the cavalcade proceeded in regular order into the city, which has seldom witnessed a more pleasing spectacle, or one more honourable to itself. From Mr. Marshall's approach towards Kensington 'till he arrived at the city tavern, the streets, the windows, and even the tops of the houses in many instances, were crowded with people, whose voices seemed to vie with the joyful peals from the steeple of Christ church in giving him a sincere and hearty welcome."

Claypoole's Daily Advertiser, another newspaper published in Philadelphia, also states, under the same date, that he was "escorted to town by the city cavalry, commanded by Captains Dunlap, Singer and Morrell. The bells were rung, and the streets crowded with citizens, who appeared anxious to evince their affectionate respect to the distinguished talents and character of their fellow citizen, and their satisfaction at his safe return from a very arduous and important mission, the event of which is so big with consequences to the independence and happiness of the country."

Marshall remained in the capital nearly a week. Beveridge states in his

work, vol. 2, page 348, that on the night before his departure from Philadelphia the members of Congress gave John Marshall, the hero of the hour, a dinner at O'ellers tavern "as an evidence of their affection for his person and their gratified approbation for the patriotic firmness with which he sustained the dignity of his country during his important mission." Mr. Beveridge is wrong about this, as Marshall did not leave Philadelphia until Monday morning, June 25, whereas the banquet was held on Saturday evening June 23, 1798. (See Philadelphia Gazette, June 27, 1798 and Gazette of the United States, June 28, 1798.)

Claypoole's Daily Advertiser for Monday, June 25, 1798, thus describes the banquet given in honor of the distinguished diplomat:

"On Saturday the members of both houses of Congress gave a dinner at O'ellers hotel, to General Marshall, late envoy extraordinary to the French Republic, as an evidence of their affection for his person, and their grateful approbation of the patriotic firmness with which he sustained the dignity of his country during his important mission. The company, amounting to above 120 persons, consisted of General Marshall and the gentlemen of his suite, the speaker of the House of Representatives and the members of both houses, the Right Reverend Bishops Carroll and White, the heads of departments, and all the principal officers of the executive and judiciary branches of government, the speaker of the Senate of Pennsylvania, General MacPherson, the field officers of the army of the United States now in the city, the captains of the three city troops of dragoons, and other distinguished public characters."

At this banquet a number of toasts were drank with unbounded plaudits. Several of them were encored with enthusiasm. The most celebrated toast was "Millions for defense, but not one cent for tribute!" This sentiment was afterwards echoed and re-echoed throughout the country. It was, indeed, an entertainment so honorable to the gentleman to whom it was dedicated and so pleasant to those who partook of it, that it has rarely, if ever, been excelled in this country. Beveridge, in his "Life of John Marshall", vol. 2, page 349, says: "Thus the Marshall banquet in Philadelphia, June 18, 1798, produced that slogan of defiant patriotism which in one of the slowly accumulating American maxims that have lived." Beveridge is mistaken in the date, as the banquet was not held until Saturday, June 23, 1798.

Having learned that his wife was in Winchester, Virginia, John Marshall left Philadelphia for Winchester on Monday morning, June 25, 1798. His departure was as spectacular as his arrival. (See Beveridge vol. 2, page 351.)

On the afternoon of Monday, June 25, he arrived in Lancaster, Pa., according to the following excerpt (which is a free translation), copied from "Der Deutsche Porcupein und Lancaster Anzeigs Nachrichten" of Wednesday, June 27, 1798:

"On Monday afternoon [June 25, 1798] the worthy patriot, General John Marshall, arrived here on his way home to Virginia. The local mounted troops, besides many mounted citizens, rode out five miles to meet him and escorted him to the city. The light infantry, under command of Captain Barton, formed in order near the city and amidst the ringing of bells and the cheers of a crowd of spectators, escorted him, together with the procession, to the city, where he lodged at Mr. Slough's tavern. Yesterday [Tuesday] he continued his journey with the best wishes of all honest and good people. On no occasion as on this were so many people seen gathered in Lancaster. What may our anxious friends [probably sarcasm] have thought?"

The Gazette of the United States, for Thursday, June 28, 1798, states that John Marshall "was met and escorted into Lancaster by the cavalry and uniform companies of that place;" and adds the following statement, which was not mentioned in the account that appeared in the Lancaster newspaper "and welcomed by a discharge of artillery."

The foregoing extracts from these old newspapers are indeed interesting

and illuminating. If the account that appeared in the local newspaper is reliable, the crowd that assembled in town to welcome John Marshall, "the hero of the hour," was greater than any that had ever gathered before in the old borough of Lancaster. The "Mr. Slough's tavern" referred to in the local weekly, was none other than the famous White Swan inn that stood on the southeast corner of Queen street and Penn square. It will be recalled that it was in this celebrated hostelry that Presidents George Washington and John Adams were entertained when they visited Lancaster borough.

After bidding the good people of Lancaster adieu, Marshall continued his homeward journey. At York, Pa., it seems that he was given even a more enthusiastic reception, if that were possible, than that tendered him at Lancaster. In describing his stay in the latter borough, I can do no better than quote in full the account that appeared in "The Pennsylvania Herald, and York General Advertiser," a newspaper published in York, under date of Wednesday, June 27, 1798:

"General Marshall, one of the envoys extraordinary lately sent by the American government to the Republic of France, arrived here yesterday [Tuesday, June 26, 1798] on his way to Virginia.

"He was met about three miles below this place, by the burgesses, militia officers, a detachment of Light Horse, and a number of other gentlemen of the borough and its vicinity, who, escorted him to town. His entrance was announced by three discharges of artillery, and Captain Gossler's company of light infantry received him with military honors. The bells, too, proclaimed the joy of the citizens on the return of this respectable patriot to his native country. After partaking of a handsome public dinner, to which the clergy of every denomination in the place were invited, General Marshall proceeded on his journey, respectfully attended out of town by the volunteer corps of infantry, and citizens, in the same manner in which he was introduced. His departure was marked with the same demonstrations of esteem which had been shown him on his arrival.

"How gratifying to the feelings of American citizens, to have an opportunity of publicly testifying their respect and approbation of the person and services of a character who has so honorably and ably acquitted himself in the discharge of the important trust lately committed to him by his country.

"In taking leave of those gentlemen who accompanied him out of town, General Marshall, in the handsomest terms, expressed his high sense of the honor done him, and considered the attention shown him by the inhabitants of York, as the best evidence that his late official conduct had met their approbation."

Beveridge, in his admirable work on John Marshall, tells us that "his journey throughout Pennsylvania and Virginia, repeating scenes of his welcome at Philadelphia and Lancaster, ended at Richmond. There, among his old neighbors and friends, the demonstrations reached their climax."

Little did Marshall dream, as he rode out of the ancient borough of Lancaster on that Tuesday morning in June, 1798, that 55 years later, almost to a day, there was destined to rise on the heights a mile and a half to the north-west of the then little town of Lancaster, a college that to this day considers it an honored privilege to bear his name. It is an institution of which Lancaster is justly proud. Dr. Dubbs, in his valuable history of Franklin and Marshall college, tells us that shortly before the death of Judge Marshall, he was informed that a college was to bear his name; and that the Chief Justice is said to have been highly gratified by the information. The portrait which appears on the seal of this honorable educational institution was presented to the college by a member of the Marshall family.

The college was founded in 1835, and was for eighteen years located in the little town of Mercersburg before it was united with Franklin college of Lancaster. It was a worthy monument to the memory of America's foremost jurist.

In passing, it might be of interest to state that it is singular that Franklin college, founded and fostered very largely by the Lutheran and Reformed Churches, should take its name from Benjamin Franklin, who may be claimed as an Episcopalian; while Marshall college, the outgrowth of a high school of the German Reformed Church at Mercersburg, was named in honor of John Marshall, the eminent jurist, who was a devout communicant of the Episcopal Church, and a vestryman in his own parish in Richmond.

In 1799, Mr. Marshall was elected to Congress; and in 1800 he became Secretary of State in President Adams' cabinet.

On January 31, 1801, he was commissioned by the President to the position of Chief Justice of the Supreme Court of the United States. Here he remained for the remaining 34 years of his life. The profound knowledge, wisdom and judgment which he displayed in this high office gave him rank as the ablest of the able men who have filled it.

Chief Justice Marshall died at Philadelphia, July 6, 1835. The *Examiner* and *Herald*, a newspaper published in Lancaster, Pa., under date of Thursday, July 9, 1835, with columns edged in heavy black, contains the following eulogy:

"As a feeble tribute to the memory of the venerable patriot, who, in all that was great, and good, and noble, was without his equal in the nation, we have caused our columns to be arrayed 'in all the habiliments of woe.' No man enjoyed to so great a degree the confidence and respect of his fellow citizens, and we hazard nothing in saying that the death of no individual would be so deeply, so sincerely, so universally regretted as will that of Chief Justice John Marshall. Who will supply his place? Where shall the country find his equal?"

This is surely an eloquent tribute to one who was in every way worthy of it; and it is the more remarkable when we consider that the *Examiner* and *Herald*, which uttered it, was the rabid organ of the Anti-Masonic party. The dead jurist had been a prominent Mason; and, if I mistake not, he had once served as the Worshipful Master of his lodge, in Richmond.

Justice Marshall's death occurred at a boarding house kept by Mrs. Crim, in Walnut street, between Fourth and Fifth streets, Philadelphia, where he had been stopping for a short time, on his way to Virginia. He was unable to proceed, however, on account of the illness which was destined to be fatal. A meeting of prominent Philadelphians was held on the following day and resolutions expressive of sorrow and of admiration for the character of the eminent jurist were adopted. A meeting of lawyers of the city was held at the same time, and representatives were appointed to accompany the remains to Virginia.

We learn from Scharf and Wescott's History of Philadelphia that "On the morning of July 8, about five o'clock, the remains of Chief Justice Marshall were removed from Mrs. Crim's boarding house, and, attended by city officers and councils, members of the bar and citizens, were carried by the most direct route to the steamboat lying at the foot of Chestnut street wharf. The mayor and councils and many citizens went down with the boat as far as New Castle, and the bar committee traveled to Richmond."

The famous old liberty bell was cracked while being tolled during the funeral procession; and since that time its ringing notes that once thrilled the hearts of freemen the world over, calling upon Americans especially to defend and maintain their political liberties, have been mute, although the noble old bell itself remains, in Independence Hall, Philadelphia—the object of a nation's reverence.

Among the illustrious men who have faithfully served our beloved land, and who by their eminent abilities and lofty devotion to patriotism have contributed so materially to its present exalted position among the nations of the world, the name of Chief Justice Marshall will occupy a foremost place so long as we revere justice, virtue and liberty.