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THE JAMES WILSON MEMORIAL.

by

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Secretary of the James Wilson Memorial Committee.

The courtesy of the AMERICAN LAW REGISTER in consenting to the issue of this Wilson number as a part of the official Memorial Program is warmly appreciated by the committee, and the secretary heartily responds to the request of the *Register* for a brief account of the event and its origin, which will receive fuller treatment in the Memorial Proceedings volume soon to be issued by the committee.

One cannot long delve in the original records of events that have happened within the historic territory of Pennsylvania, before he begins to see the shadows that could only be cast by towering figures, and that was my own experience in regard to James Wilson, nearly a decade ago, as it was in regard to at least two other personages of striking stature, George Bryan and David Lloyd. It happened to be my duty, as well as desire, to some time present these characters more fully to his-

torical students at large; for no one knows so well as the historian that American history, and especially history within Pennsylvania, is very far from having been fully explored and presented. I do not mean to say that Wilson was unknown or that his name was in "oblivion," so-called. Such a statement would only raise a smile in, if not on, the student of constitutional history; I mean merely that there was no Life of him, as there is none of Benjamin Rush, or of David Lloyd, whom Professor Channing has recently described as one of the greatest figures in the colonial history of America. Neither was there a statue of him. Had he gone into the picturesque office of President of the United States, or been a dashing Secretary of the Treasury with a picturesque duel to close his career, instead of being buried in the sober and unpicturesque halls of the Supreme Court, he might have been in the popular thought as fully as he has always been in that of the student of constitutional history. Emperor William sends over a statue of Frederick, not Baron Stein; but some of us would like to see one of the great Baron quite as well.

Therefore, it is not well to over-emphasize the fact that one has "discovered" Wilson, for it is liable to suggest vast pleasures before the erstwhile and more or less surprised "discoverer." No student who has read Madison's notes on the Convention of 1787 but knows Wilson's great place in history—as Attorney General (now Justice) Moody, who has been so valuable an advocate for us at the White House said to me one day, in telling the basis of his own admiration for him: "There is no need to go farther." It was there that the present writer first adequately appreciated Wilson—in the testimony of James Madison, and I have been studying him ever since. Just as I had suggested portraits of George Bryan and others, it occurred to me that his remains should be brought back to Christ Church, and that he was worthy of more than a portrait—he, and also his great friend Morris, ought to have a statue. Unfortunately for me, the only knowledge I had of any other efforts in this di-

rection was of those of Judge Harry White in the State Bar Association, when he offered that body a thousand dollars as a nucleus to a statue fund, in vain. Nor did I know of other efforts until after I had worked over a year at my plans and organized the original committee.

I had secured the sympathetic coöperation of the owner of the old gubernatorial plantation at Edenton, J. G. Wood, Esq., one of the leading men of that place, and also W. D. Pruden, Esq., the president of the North Carolina Historical Society, and had decided on a committee which would be recognized there as able to voice the wishes of Pennsylvania. Fortunately, I had occasion to visit Senator Knox at Valley Forge on July 17, 1905, and in an accidental turn of the conversation, the Senator expressed his admiration for Wilson's great work and I told of my plan. He said it would be a public service and wished to aid it. He there became my first associate on the James Wilson Memorial Committee. I then sought Attorney General Carson, and also wrote to Governor Pennypacker, Senator Penrose, Chief Justice Mitchell, President (*pro tem.*) Sproul of the Senate, Francis Rawle, of the American Bar Association, and Alexander Simpson, of the State Bar Association, all personal friends, who authorized me to act in their names with full power to bring about the result in a wise way. Mr. Carson handed me a package of material he had gathered on Wilson, saying that it contained some material also from Dr. S. Weir Mitchell, who was interested in Wilson. I at once wrote Dr. Mitchell, who also heartily joined. It was under this original committee that informal possession of the remains was secured, and I desire to see proper credit given these gentlemen, for the result could not have been accomplished without them.

Incidentally I afterwards learned that Dr. Mitchell had urged the removal upon leaders of the Law Association and Law School, but the gentlemen had never met. At my request, the three institutions, by representatives—Chancellor Dickson, Provost Harrison and Dean Lewis—joined the Committee, and other officials of State,

city, and societies and individuals, who naturally had an interest in Wilson, were added as the work grew, until it finally stood as follows, with Chancellor Dickson as chairman, Francis Rawle, Esq., as Treasurer, and myself as Secretary:

I. Public Officials.—Hon. Samuel W. Pennypacker, Governor of Pennsylvania; Hon. Hampton L. Carson, Attorney-General of Pennsylvania; Hon. William C. Sproul, State Senator and presiding officer of the Senate at the time of his election; Hon. Harry Walton, Speaker of the House of Representatives; Hon. James T. Mitchell, Chief Justice of Pennsylvania; Hon. Boies Penrose, and Hon. P. C. Knox, United States Senators; Hon. H. H. Bingham, M. C.; Hon. George M. Dallas, Hon. John B. McPherson, Hon. George Gray and Hon. Joseph Buffington, Judges of the United States Court, and Hon. John Weaver, Mayor of Philadelphia.

II. Executors of the last heir of James Wilson, Miss Hollingsworth, and her relatives.—Israel W. Morris, Esq.; Effingham B. Morris, Esq.; Dr. J. Cheston Morris; Galloway C. Morris, Esq.; the Misses Anne C. and Susan Carson; the Misses Anna and Mary H. Stewardson, and Mrs. Caroline H. and Miss Letitia A. Humphreys.

III. Organizations or Officers of Organizations.—Dr. C. C. Harrison, Provost, for the University of Pennsylvania; Dr. William Draper Lewis, Dean, for the Law School; Dr. Samuel Dickson, Chancellor, for the Law Association of Philadelphia, Chairman; W. W. White, Esq., Warden, for Christ Church; Bishop Whitaker, of the Protestant Episcopal Church; President Edgar F. Smith and Secretary Dr. I. Minis Hays, of the American Philosophical Society; John B. Colahan, Esq., (President at the time of his appointment), and Secretary William H. Staake, of the Pennsylvania Bar Association; President Albert Yoke Smith, of the Pittsburg Bar Association; President Brown, of the Lawyers' Club, of Philadelphia; President Cadwalader, of the Sons of the Revolution; President Boyd, of the St. Andrew's Society.

IV. Citizens of Pennsylvania.—Hon. E. S. Stuart, Governor-Elect of Pennsylvania; Hon. George Shiras, Jr., the last Pennsylvania successor of Justice Wilson on the national Supreme Bench; Judge Harry White, of Indiana County, who advocated a statue to Wilson as far back as 1873; Dr. S. Weir Mitchell, who has advocated honors to Wilson ever since he described him in his "Hugh Wynne;" Francis Rawle, Esq., a founder of the American Bar Association; Alexander Simpson, Jr., Esq., a founder of the State Bar Association; Hon. Edward W. Biddle, who has written on Wilson's life at Carlisle, Pa.; William McLean, Jr., Esq., the Historian of the Law Academy; L. H. Alexander, Esq., of the junior Philadelphia Bar, and Burton Alva Konkle, of the Historical Society of Pennsylvania, Secretary of the Committee.

Some of these have been so active as to deserve special mention—Senator Knox, Attorney General Carson, Chairman Dickson, Mr. Rawle, Dr. Mitchell, L. H. Alexander, who was unofficial assistant to the Secretary, Wm. McLean, Israel W. Morris, Governor Pennypacker, Sena-

tor Sproul, Mayor Weaver, Dr. I. Minis Hays, Judge Staake, Wm. White, Dr. Lewis, President Cadwalader and President Boyd.

As it was first intended to have the removal take place in May, 1906, the Historical Society of Pennsylvania opened the official program on the 14th, the anniversary of the day set for the meeting of the convention of 1787, with the annual address, by the Secretary of the Wilson Committee, on "James Wilson and the Constitution." In the autumn, as President Roosevelt was unable to be present at the date finally fixed, November 22, he appointed Attorney General Moody as his representative, and himself paid his own tribute to Wilson at the Capitol Dedication at Harrisburg on October 4. On November 14, that ancient legal society, the Law Academy, with the Supreme Court room as its meeting place, in view of the necessarily limited admission at the main ceremonies at Christ Church, opened the autumn program at Philadelphia by having the Secretary of the Wilson Committee repeat his Historical Society address.

On the evening of November 17, the U. S. S. "Dubuque," Captain A. F. Fechteler, dropped anchor in midstream at League Island preparatory to the historic duty to which she had been assigned by Secretary Bonaparte, the removal of General Wilson's remains from the South; for it must be remembered Wilson served as Colonel in the Revolution, and was Brigadier-General of Pennsylvania's militia. Owing to illness and other unavoidable causes, the party appointed by Chairman Dickson to go to North Carolina was materially changed at the last moment. Major-General J. S. P. Gobin, who was delegated to represent Governor Pennypacker, and Burton Alva Konkle, the Secretary, were the only members of the original committee ready, and as the St. Andrew's Society had kindly presented the beautiful casket, the Secretary requested President Boyd to send as his personal representative Mr. L. H. Alexander. This party boarded the "Dubuque" Saturday night and, with the

casket draped in the colors and under guard of a marine, the "Dubuque" steamed down the river early Sunday morning. The dignity of the occasion was somewhat infringed upon late on Sunday afternoon, when Neptune attacked the Pennsylvania delegation, with a large degree of success. On Monday morning, however, all dignity was restored when the "Dubuque" dropped anchor before Norfolk and fired her Admiral's salute. The casket was sent with the Secretary's assistant to Edenton with instructions to have the disinterment performed by Mr. Bringhurst and the local undertaker, in the presence of Mr. Wood, so that it should be finished when the party arrived Tuesday morning. This was done and it is interesting to record that the results were so favorable that it is now known that Wilson's heavy hair, tied in the fashion of the day, was of a slightly sandy color, not unlike that of President Roosevelt, and his well-preserved teeth also rivalled those so well known at the White House. The cenotaph, which the Wilson Committee had sent on, was placed and all was ready for the ceremonies.

Tuesday morning, November 20, the President's special train of the Norfolk and Southern Railway, in charge of Vice-President King and his aides, as host, with Chief Justice Walter Clark of North Carolina, representing that state, received General Gobin, Captain Fechteler and the Secretary on board, and at 9.30 A. M. we were in Edenton. Here we were met by a distinguished local Wilson Committee, with W. D. Pruden, Esq., as chairman, Lieutenant Governor Winston, representing the Governor, a distinguished guard from the Society of the Cincinnati and Sons of the Revolution, Mr. Wood and many others and we were soon at the beautiful plantation of "Hays," with its tiny cemetery plumed with evergreens, and its mansion, the seat of the early governors of North Carolina, overlooking the head of the Albemarle Sound.

Chairman Pruden presided and in the presence of the draped casket and cenotaph, and after prayer by Rev. Drain, Secretary Konkle read the formal, signed parch-

ment request for permission to remove, Chairman Pruden, read a like reply from Mr. Wood, and the Lieutenant Governor replied for the Governor. General Gobin then eloquently accepted the casket and, unveiling the cenotaph, read thereon:

"James Wilson, a Signer of the Declaration of Independence, a maker of the Constitution of the United States and a Justice of the United States Supreme Court at its creation, born September 14, 1742, died August 28, 1798, at Edenton, N. C. On November 20, 1906, the Governor and People of Pennsylvania removed his remains to Christ Church, Philadelphia, and dedicated this tablet to his memory. *'That the Supreme Power, therefore, should be vested in the People, is, in my judgment, the great panacea of human politics.'*—Wilson."

After luncheon at the mansion, almost the entire company, with the cordial hospitality which characterized all that was done by the generous people of North Carolina, accompanied the casket to Norfolk, through courtesy of Vice-President King, and at 2 P.M. the "Dubuque," which was docked at the railway's Berkeley wharf, received the casket, with flag at half-mast, and minute-guns, and marines and sailors at attention, while all the vessels of the harbor had flags at half-mast and the Navy Yard also thundered minute-guns. The casket was draped in the colors on the after deck, and guarded by marines, and with General Gobin and Secretary Konkie and Mr. Wood, the special guest of the Committee, Captain Fechteler's white cruiser steamed down the harbor, receiving proper salutes from American and foreign ships on her entire route. The rest of the party returned to Philadelphia by train, while the "Dubuque" was halted with many other vessels, by a dense and persistent fog that hung over the breakwater and threatened to seriously interfere with the program at Philadelphia. It was the purpose to arrive at Chestnut Street wharf at 3 P. M., Wednesday, "D. V." as Captain Fechteler was wont to add; but the Captain's skill equalled his hospitality—which could not be surpassed—and, in spite of the fog he enabled the "Dubuque" to preserve our program by arriving in sight of League Island Navy Yard

Thursday morning, where the usual honors were shown by minute-guns, marines and sailors at attention, flags at half-mast, and with a convoy of Admiral Craig's cutter, and city and government vessels, the "Dubuque" steamed up to Chestnut Street wharf, while foreign vessels dipped their colors, as the bell tolled at Independence Hall. The minute-guns of the "Dubuque" told to all that the casket was being landed, and the escort, composed of the Governor, the Mayor, the Presidents and members of Councils, the North Carolina guests and a company of marines, formed in procession to Independence Hall, following the casket borne on the shoulders of sailors from the "Dubuque," while the solemn notes of a funeral march by the marine band were heard. The hall was most impressively draped and, about 11 A. M., as the casket was in place on a catafalque, in the Declaration Room, under a guard of the First City Troop, with a life-size portrait of Wilson by Rosenthal overlooking it, General Gobin, in a few well-chosen words, delivered the casket to the Governor, who formally accepted it, and the room was opened to the public. With James Wilson's remains thus honored in the midst of the very walls which witnessed his great work for the state and nation, and which echoed his eloquent periods as he won men's minds to the Constitution, there was probably no more impressive scene in all this beautiful and noble memorial than at that moment. A laurel wreath from President Roosevelt was on the casket of the man of whom Washington said he would "add lustre" to the Supreme Bench which was the "chief pillar" of the Constitution.

At 1.30 P. M. distinguished delegates and guests began to assemble at Independence Hall and under the guidance of Grand Marshal General Gobin and his aides, the procession formed with the First City Troop as escort. The honorary pall-bearers were—Chief Justice Fuller, and Justices White, Peckham, Holmes and Day of the National Supreme Court. With the Governor and Chairman Dickson were Attorney General Moody, special representative of the President, and other speakers and guests, such as

Hon. Alton B. Parker, Mr. Carnegie, Dr. Mitchell, Attorney General Carson, Dr. Lewis, Ex-Ambassador Choate and Mr. Cadwalader of New York—a list entirely too numerous to reproduce in a sketch of this length. The color guard of the Sons of the Revolution was a conspicuous feature of the distinguished procession of delegates from various legal, civic, patriotic and like societies and institutions, as it passed down Fifth Street and paused for a moment on Arch Street at the tomb of Franklin, Wilson's great colleague. At Christ Church the assemblage, with its large element of delegates from ladies' patriotic societies, rose as the organ pealed forth our national hymn, indicating the approach of the cortege. Not in many a day has historic old Christ Church had a more distinguished gathering. In President Washington's pew were the members of the Supreme Court of the United States. Bishop-Coadjutor Mackay-Smith, with his assistants, conducted the religious service, and, with the draped casket before them, the various speakers paid their tributes to the great statesman and political scientist, whom leaders of all political faiths delight to honor—the one man, as Attorney General Moody said, who, in himself represented both democracy and nationalism (not federalism). Governor Pennypacker, presiding, gave the tribute of the State, drawing attention to Wilson's unique experience as a signer of the Declaration and the Constitution and as an official interpreter of the Constitution; Chairman Dickson, in his tribute of the Bar of Pennsylvania, drew discriminating attention to him as a great lawyer; Dr. Lewis, in giving the tribute of the University, described Wilson's work as instructor, trustee and Professor of Law; Dr. Weir Mitchell gave a characteristically beautiful tribute from American literature; Mr. Carnegie extolled him as a contribution from Scotland to American institutions; Hon. Alton B. Parker gave a most happy tribute from the American Bar; Senator Knox, unfortunately, could not be present; Justice White, in giving the tribute from the Supreme Court of the United States, eloquently praised the moral sig-

nificance of the work of the fathers; and Attorney General Moody, representing the President, in giving the tribute of the Nation, emphasized in a most luminous way, Wilson's belief in the people, the creators of both state and nation, his unique and scientific combination of democracy and nationalism. These brief tributes were followed by State Attorney General Carson's scholarly and formal oration on Wilson's life, which closed as beautiful and noble a service as Americans have ever witnessed. The committal service occurred just outside the church at the base of the south wall, in a crypt where Mrs. Wilson's remains lie, and, in the pavement of the church-yard, is an exact duplicate of the cenotaph at Edenton, except that the date is the 22nd of November.

In the evening the distinguished guests were given a reception at the Historical Society of Pennsylvania, where there was an exhibition of Wilsoniana. This society's courtesy in offering its halls as headquarters for the Wilson Committee was warmly appreciated. During this memorial week also there was an exhibition of oil portraits of the first national Supreme Court, appointed by Washington, in their original room in the old City Hall at Fifth and Chestnut Streets, due largely to the generosity of Mr. Albert Rosenthal. By arrangement of the Secretary with the editor of the *North American Review*, a résumé of estimates of Wilson published as an article by a member of our committee and appearing during memorial week was made a part of the program, but the Committee distinctly disclaims responsibility for the personal views of the writer of the article. The committee is a memorial body, and has no desires for propaganda, nor does it consider that there is any basis for a "doctrine" so-called. The article was offered the *Review* because the Secretary declined to have his address published, preferring rather to write as a historian when the time came, and not as a propagandist. Following the present Wilson number of the *American Law Register*, the Committee's issue of a volume of Memorial Proceedings will close its work in all probability. The

next steps will be a statue and a Life and Works of Wilson, both of which have for some time been well in hand. The idea which more than any other has prompted these honors to this great political scientist is expressed in the address before the Historical Society, at the opening of the memorial program: "What Jefferson was to the Declaration of Independence, what John Paul Jones was to the navy and George Washington to the army, what Robert Morris was to the finance of the Revolution and Franklin to its diplomacy, that, in fullest measure, James Wilson was to the Constitution of the United States."