

A Summary Report
on the historical basis
for the refurnishing of the
Supreme Court chamber, Independence Hall

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Prepared by:
History and Interpretation Branch
Independence National Historical Park
Philadelphia, Pennsylvania

U.S. Department of the Interior
National Park Service
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FOREWORD

The initial phase of the comprehensive program for restoration and refurnishing of the first floor of Independence Hall was accomplished in May, 1955 with the substantial refurnishing of the Assembly Room. Work on the second phase of the program---restoration and refurnishing of the Supreme Court chamber---followed immediately.

While general research on Independence Hall and the many other buildings in the Park has been carried on for five years, only recently has it been possible to concentrate research activities on the Supreme Court chamber. For several months the historical staff has devoted almost its entire research activities to the courtroom; while the architectural staff since December of 1955 has been concentrating on the physical investigation of the room itself. All paint has been removed from the woodwork, and the wainscot panelling along the north and south walls has been removed to permit study of the original brick wall.

These investigations have revealed little in the way of specific information concerning the furnishings and appearance of the chamber in the 18th century. The documentary sources covered to date, despite sanguine expectations, proved somewhat disappointing; while the architectural investigation, still in its preliminary stage, has raised new questions.

BASIC CONCLUSIONS:

Despite lack of information, it is possible on the basis of present knowledge to draw certain basic conclusions concerning the Supreme Court chamber project and to proceed on the following assumptions:

1. The Supreme Court chamber should be refurnished and restored to the same historic period, 1775-1787, used for the Assembly Room, in order

that both rooms on the first floor of Independence Hall will depict the same period.

2. A conservative policy should be followed in making architectural changes. Changes will be made only on the basis of exhaustive documentary research and architectural investigation.

3. It is reasonably certain that the original furnishings of the Supreme Court, except possibly the "Justices' Chairs," no longer exist, or if they have survived, it would be very difficult to locate and authenticate them.

4. The Chamber, while shared by several courts, was designed primarily for the use of the Supreme Court of Pennsylvania; consequently the restoration should favor as much as possible items which relate directly to the Supreme Court.

5. However, should it prove impossible in the end to develop all the essential details for a faithful restoration of the Supreme Court scene, it will be necessary to consider completion of the restoration by using typical items of furnishing, common to all courtrooms of the period.

RECOMMENDATIONS

In keeping with recommendations adopted at the January meeting of the Refurnishing Advisory Committee, the following policy will govern the Supreme Court restoration project:

Research on full scale---architectural and historical---will continue until the next meeting of the Advisory Committee. At that time, all evidence on furnishings will be presented for review. Those items which have been identified as part of the original Court will be

acquired. If by then we know more of the authentic structural appearance of the chamber, those details will be restored. For those items which have not specifically been traced to the original chamber, but which must have been necessary to the operation of the court (such as a bar or jury box), we will consider supplying details from other courtrooms of the period.

HISTORICAL BACKGROUND OF THE SUPREME COURT CHAMBER

In early colonial days Philadelphia lacked a public building where court sessions could be held. William Penn had intended, in his plan for the City, that public offices be housed in Center Square, but that location was as yet too far removed from the center of population. To fill the need, a "small, quaint two-story structure" was built at 2nd and Market Streets, which was to house the city and county courts and the General Assembly, and to serve the general purposes of a city hall for many years.

The Supreme Court of the province met in this building twice a year until, in the 1740's, it moved into the State House on Chestnut Street. Because the court chamber in the State House may well have been patterned after the old one (there was probably little difference in the architectural layout and furnishings of courtrooms during the colonial period), the few details known about the old courtroom at 2nd and Market may prove valuable in the restoration of the Supreme Court room of the State House. The old Court House was torn down in 1837.

While the west room of the State House is familiarly known as the "Supreme Court" chamber, its use, during the 18th century, was not restricted to that particular court nor was it used solely for court purposes. Quite naturally this large chamber was in demand for other public purposes: by the Council of Pennsylvania, by delegations of Indians petitioning the Governor, or even by the Assembly itself. However, these were but momentary intervals in the continuing judicial use of the chamber which was chiefly used as a courtroom and which housed at least half a dozen major courts during the period from 1774 to 1800.

Prior to the Revolution three principle courts held sessions there: the court of vice-admiralty, the court of oyer and terminer and general gaol delivery, and the Supreme Court. (See Fig. 1.) At that time the Supreme Court enjoyed general appellate jurisdiction from inferior courts and original criminal jurisdiction in capital cases.

At that time original jurisdiction in civil cases seems to have been ill-defined but was assumed to exist in cases of fines and common recoveries. Jury trials were held if the case involved a dispute of fact. The Supreme Court sat twice a year in Philadelphia and rode the circuit to other counties as need directed.

Out of the political cleavage from England in 1776 arose immediate need for new courts. As a result three newly created legal bodies sat in the Supreme Court chamber in the years following.

The Continental Congress had advised state legislatures to establish courts of admiralty to replace the courts of vice-admiralty whose jurisdiction ended with the Revolution. In 1776 the Pennsylvania Assembly established a court of admiralty (which met twice a year at the State House) to try cases of captured vessels brought to the port of Philadelphia. Later, with the adoption of the Constitution, admiralty jurisdiction passed to federal courts.

In 1780 Pennsylvania established a High Court of Errors and Appeals, to receive appeals from decisions of the Supreme Court, which had formerly been carried to the King. Soon afterward a District Court of the United States for the Pennsylvania area was created. Both courts held sessions in the Supreme Court chamber.

The highest of all tribunals, the Supreme Court of the United States, held a brief session in the State House court chamber in the spring of 1791 before settling into its quarters in nearby City Hall where it remained until 1800.

Thus during the historical period commemorated by Independence National Historical Park, from 1774-1800, four state and two federal courts sat in the court chamber of the State House---the courts of admiralty, oyer and terminer and general gaol delivery, the Supreme Court, the High Court of Errors and Appeals, and the United States District Court and Supreme Court. In the 19th century, other lower courts such as common pleas and the mayor's court, held session at the State House.

From our general knowledge of the courts of the period we can sketch in outline the probable features and details of the courtroom. On the raised judges bench against the west wall sat the presiding justices in their legal robes. Their number varied, from four for the Supreme Court to nine for the High Court of Errors and Appeals. Above the bench appeared in the time of the Proprietary government, the Kings Arms; after 1776, the arms of the commonwealth.

Below the bench, around a long table, sat the robed attorneys for prosecution and defense, perhaps as many as a dozen in some cases. Along the north or the south wall, we do not yet know which, was the jury area or "box." Here, on benches or settees, sat the trial jury composed of 12 men; or the grand jury, recorded at as high as 19 persons.

Also within the area below the bench stood chairs and tables for lesser court officials---sheriff, tipstave, court cryer, clerk, etc.

Witnesses were called to a "box" or "chair" which may have been located in the area opposite the jury.

Separating the active participants in a case from the onlookers was a "bar," or railing, extending probably from the north to the south wall. Spectators in the area beyond the bar, the "gallery," either stood or sat upon benches or settees.

To recreate the court scene of the period 1775-1787 is the objective of the restoration program for the Supreme Court chamber. It is evident from the above that our picture of the Supreme Court room of the late 18th century is still somewhat shadowy. However, it is hoped that the historical and architectural investigations now underway will produce the necessary details.

Historical Background

DOCUMENTARY DATA

1. (n.d.) In early days there was no public building where court could be held. Penn had intended that public offices be placed in Centre square, but that place was then too far from center of population. A "small, quaint, two-story structure" was built at 2nd and Market, which served all purposes of a town hall.

Here the assembly met until the State House was erected. Besides city and county courts, the Supreme Court sat here twice a year until it moved into State House.

[William Loyd, The Early Courts of Pennsylvania
(Boston, 1910) 108, 109]

2. (n.d.) The court of vice admiralty was ended by the Revolution. The Continental Congress advised the legislatures to establish courts of Admiralty.

[William Loyd, The Early Courts In Pennsylvania
(Boston, 1910) 126-128]

3. (Aug. 24, 1744) A Council meeting held at Philadelphia in Chamber of Supreme Court on 24th of August 1744, A. M.

[Colonial Records, Minutes of the Supreme Executive Council, IV, 1744]

4. (July 1, 1749) At a Council held at Philadelphia, in the Supreme Court, July 1st, 1749.

Present:

The Honourable James Hamilton, Esqr., Lieutenant Governor
Indians

Three Senecas, two Onantagos, some Tulatos and others, Nantycokes and Conoys

[Colonial Records, Minutes of the Supreme Executive Council, V, 388]

5. (June, 1772) On Tuesday last at a Court of Oyer and Terminer, and General Gaol Delivery, held at the State-House, . . .

[Pennsylvania Packet, June 22, 1772]

6. (July 6, 1773) Notice is hereby given, that a Mayor's Court will be held, for the city of Philadelphia, at the State-House in the said city, on Tuesday, the sixth day of July next.

Judah Foulke, Sheriff
[Pennsylvania Packet, June 28, 1773]

7. (Oct. 27, 1774) . . . Went . . . to the State House, to see the Supreme Court sitting. . . .
[C. F. Adams, ed., Works of John Adams (Philadelphia, 1871) II, 402]
8. (Feb. 28, 1780) Under Act of February 28, 1780, a High Court of Errors and Appeals was created to hear appeals from the Supreme Court, The Registers Courts and the Court of Admiralty.
[William Loyd, The Early Courts of Pennsylvania (Boston, 1910)]
9. (June 14, 1780) That the Court of Appeals of the United States of America lately established by Congress, will sit in the State-House in the city of Philadelphia, on Wednesday the fourteenth day of June.
[Pennsylvania Packet, May 30, 1780]
10. (Nov. 25, 1789) On Tuesday the 10th, District Court of U. S., District of Pa., opened in State House by Hon. Francis Hopkinson, Esq., Judge of the Court.
[Pennsylvania Journal and Weekly Advertiser, 25 Nov. 1789]

good, farming utensils, one cow, hogs, a mare and calf, and sundries.

As also at the same time will be sold, the House and Lot whereon the said James now lives, containing two acres of land, a two story stone house, a good stone spring house, with sundry fruit trees and a garden thereon, being 3 miles from Philadelphia: Taken in execution as the property of James Lukins, and to be sold by

THOMAS PROCTER, Sheriff.

BY Virtue of a Writ of Venditioni Exponas to me directed, (by adjournment) on SATURDAY the 2d of July next, at 11 o'clock in the forenoon, will be exposed to Public Sale at the premises, viz.

No. 1. A two story frame Dwelling-House, (20 feet by 26) conveniently finished, and a lot of Ground thereunto belonging, situate on the west side of Fourth-street, between Lombard and South-streets, in the city of Philadelphia, 21 feet 9 inches front on Fourth-street, and 200 feet 7 inches and an half front on a 30 feet wide street called Gaskell-street; on said lot is stabling for 30 horses, &c. Said house is occupied as a public inn, known by the sign of the Golden Fleece, the whole subject to a ground rent of 7l. 12s. 3d. per annum, Pennsylvania currency; said premises now leased to Luke Ledwith for the term of 6 years, from the 6th day of May next, at the yearly rent of 100l. And on said day at 4 o'clock in the afternoon, on the premises will be sold

No. 2. A certain messuage and about 17 acres of land, situate in the township of Passyunk and county of Philadelphia, on the west side of a road leading from South-street to the river Schuylkill, and about one mile from the city: there are many valuable improvements thereon, is very pleasantly situated, and is occupied as a public house of entertainment. Also at said time and place, will be sold

No. 3. A lot of improved land, on the east side of said road, and opposite to the last above described messuage and lot, fronting on said road 48 perches, and containing about 16 acres, about 6 acres of which is orchard, chiefly winter fruit; five acres of upland meadow, a good barn walled with stone, 44 feet by 21, and stables for 21 horses, bounded by lands of the Rev. Mr. White, Samuel Shober and others. Taken in execution as the property of Benjamin Hemmings, by

THOMAS PROCTER, Sheriff.
Philadelphia, June 23, 1785.

TO BE SOLD,

In Penn-street, at the STORES of

Willing, Morris & Swanwick,

A large Assortment of
MERCHANDISE:

Among which are the following Articles,

WRITING Paper and other Stationary,
Silks and satins,

Gauze handkerchiefs and cambrics,

Chip and straw Leghorn hats,

Chintzes and calicoes,

Muslins,

Printed linens,

Pins and needles,

Threads of various qualities,

Bindings, tapes and garterings.

time and place will be sold, sundry sorts of household goods, plantation utensils and much more. Taken in execution as the property of William Lukins, by

THOMAS PROCTER, Sheriff.

PROCLAMATION!

WHEREAS the Honorable Thomas M'Kean, Esquire, Doctor of Laws, Chief Justice of the Supreme Court of the State of Pennsylvania, and of the courts of Oyer and Terminer and General Goal Delivery in and for said State, and the Honorable Jacob Ruth, Esquire, one of the Justices of the same courts, have issued their precept, bearing date the tenth of June, instant, to me directed, for holding a Court of Oyer and Terminer and General Goal Delivery, at the State House, in the city of Philadelphia, on Thursday, the Seventh day of July next:

AND whereas the said Honorable Thomas M'Kean, Esq. the Honorable Francis Hopkinson, Esq. Judge of the Admiralty for Pennsylvania, and the Honorable Jacob Ruth, Esq. one of the Justices as aforesaid, have issued their precept bearing date the said sixteenth day of June, instant, to me directed, for holding a court of Admiralty sessions for the United States of America, at the said State House, on the seventh day of July next:

NOTICE is hereby given to all Justices of the peace, the Coroners and Constables within the city and county of Philadelphia, that they be then and there in their own persons, with their rolls, records, inquisitions and other remembrances, to do those things which to their office in that behalf appertain to be done; and also all who will prosecute against the prisoners then and or then shall be in the goal of the city or county, are to be then and there, to prosecute against them as shall be just.

Dated at Philadelphia, the seventeenth day of June, in the year of our Lord, one thousand, seven hundred and eighty-five, and in the ninth year of American Independence.

THOMAS PROCTER, Sheriff.
G O D Save the Commonwealth!

FOR SALE,

An Elegant New

ARCHITECTURAL REPORT

SUMMARY

At the time of this report the architectural investigation of the Supreme Court chamber was in its preliminary stages. The wainscot panelling along the north and south walls and a small section of the adjoining west wall has been removed and careful drawings of the panelling are being prepared. Drawings of the brick walls are included (Figs. 1 and 2). It is therefore not possible to offer more than a preliminary report at this time. Until the removal of panelling is complete and the entire picture studied, the final architectural estimate cannot be made.

WEST WALL

It is believed that the panelling of the west wall (with exception of the columns of the NW and SW corners) was constructed during the 1898 restoration, and at that time the cornice style was changed and the old door and windows reopened.

To establish evidence of any earlier conditions, the brick wall under the judges bench and behind the false door in the NW corner was investigated, and the wainscoting in the NW and SW corners was removed.

Two kinds of brickwork were found: English Common Bond and a relatively modern type of bonding with header bricks every sixth course. The latter bond was found in two symmetrical areas located 3 feet from the north and south walls and extending some 6 or 7 feet.

Upon the surface of the English Common Bond walls were found patches of what appears to be plaster with tufts of various types of fur

and hair still binding the plaster. There are four portions of these sections of the English Common Bond wall which, as far as our research has gone, appear to have no signs of plaster: the spaces behind the pilasters in the NW and SW corners and two vertical stripes some 13-1/2 inches wide located symmetrically in the center of the wall.

CONCLUSION

This evidence would appear to show that when the Mills buildings were built in 1812, new doors were cut through at the floor level; and subsequently, when the arcades and wings were reproduced, these doors were filled in.

When the plaster was used, one cannot as yet say; however, it must have been before the 1898 restoration, since there are no signs of plaster on the brickwork of the filled-in doors.

NORTH AND SOUTH WALLS

The panelling of these two walls is of different periods. The cornice, capitals, window frames, sills, and the wainscoting are of the 1898 restoration, or at least of such a late period. The wainscoting itself is of wood planed on both sides, with a prime coat of paint on the back side; and the nails used in attaching the panelling were all wire or else oval-headed screws. The nailing strips under each pilaster extending from sill plate to sill plate are themselves fastened with wire spikes. Thus, these panels must have been placed in the late 1800's. (See Figs. 3 and 4.)

The columns, window trim, window jambs and heads, and raised panelling are of a reddish tone, due possibly to the type of wood or the surface treatment. The column fluting construction is of two

different types from that of the Assembly Room. They are either planed straight through with block stops chiseled out to the round ends while in place, or else the round ends are chiseled out of the solid board. The latter method is found only in the columns of the NW and SW corners. The column of the NW corner varies from the others we have uncovered in that it extends below the sill level, almost to the top of the 13th brick course. The column of the SW corner does not itself extend below the sill level; however one of its framing boards does, indicating that probably the SW column was once symmetrical with the NW column.

The brick bonding of the North Wall (Fig. 5) is entirely of English Common Bond, broken under each window where there are the brick arches of the cellar windows. Along both the north and south walls are individual and groups of "Dutchmen" or filled-in holes. Many of the wooden plugs in the mortar joints are for nailing fast the present panelling. There are also some plugs with cut nails in them which date from some previous panelling. Also, there are some cut nails which are imbedded directly in the mortar.

The same patches of plaster have been found on these walls, again with the exception of what appear to be clean portions behind the present pilasters. The fact that these plaster patches appear to be on the surfaces of the fill bricks of the "Dutchmen" should be noted. Thus the plaster might have been used after the holes had been used.

CONCLUSION

The filled holes are proof that structural members for an unknown purpose were once tied into the north wall. During a yet unknown period the wall was probably plastered. The columns, window trim, and

raised panelling, appear to be the oldest portion of the woodwork.

FLOOR

The present floor was laid in 1916. This flooring extends up to and around the judges bench and up to and around each pilaster uncovered so far. Under the judges bench the flooring is that laid in 1898, and under the pilasters in the NW corner this 1898 flooring still exists. Under the other pilasters there is no flooring. No further investigation of the flooring or floor joists has been made as yet.

CEILING

No investigation has been made of the ceiling as yet, except for the center decor, which is agreed not to belong.

RECOMMENDATION FOR FURTHER RESEARCH

Along with the historical research to be done here and abroad, the physical research should continue.

The remaining panels of the wainscoting should be removed (marked and noted on drawings) and the walls behind should be investigated, drawn, and photographed. Samples of the plaster, mortar, all foreign elements, and the woodwork should be taken and investigated. The second floor joists should be examined to determine the type of cornice originally used and the possible ceiling level.

The paint should be removed in the Hallway (Fig. 6) in part or whole, to see what kind of wood exists there and how it compares with that of the Supreme Court room and the Assembly room.

In other words, to arrive at any kind of solution for the Courtroom, the investigation should be thorough, and should not be limited to the bounds of that room as the other rooms undoubtedly have great bearing upon the course of changes in the Courtroom.

Fig. 1

Detailed drawing of bricks along north wall beneath window #1 (after panelling had been removed) in Supreme Court chamber, December 13, 1955; part of the architectural investigation of this room.

NORTH ELEVATION -

WINDOW # 1

WALL BEHIND WAINSCOTING

DEC. 13, 1955

SCALE :



WEDGES IN MORTAR JOINTS

CUT NAILS IN MORTAR JOINTS

GLAZED BRICKS

9'-5"

LINE OF COLUMN RETURN

19 1/2

0 45

16 5/8

LINE OF JOIST HOLES

68 1/4

10 3/8

20

WINDOW SILL

MORTAR BED UNDER SILL

SILL PLATE MARKED WITH MACHINE CIRCULAR SAW CUTS

BEVELED OFF FOR MORTAR

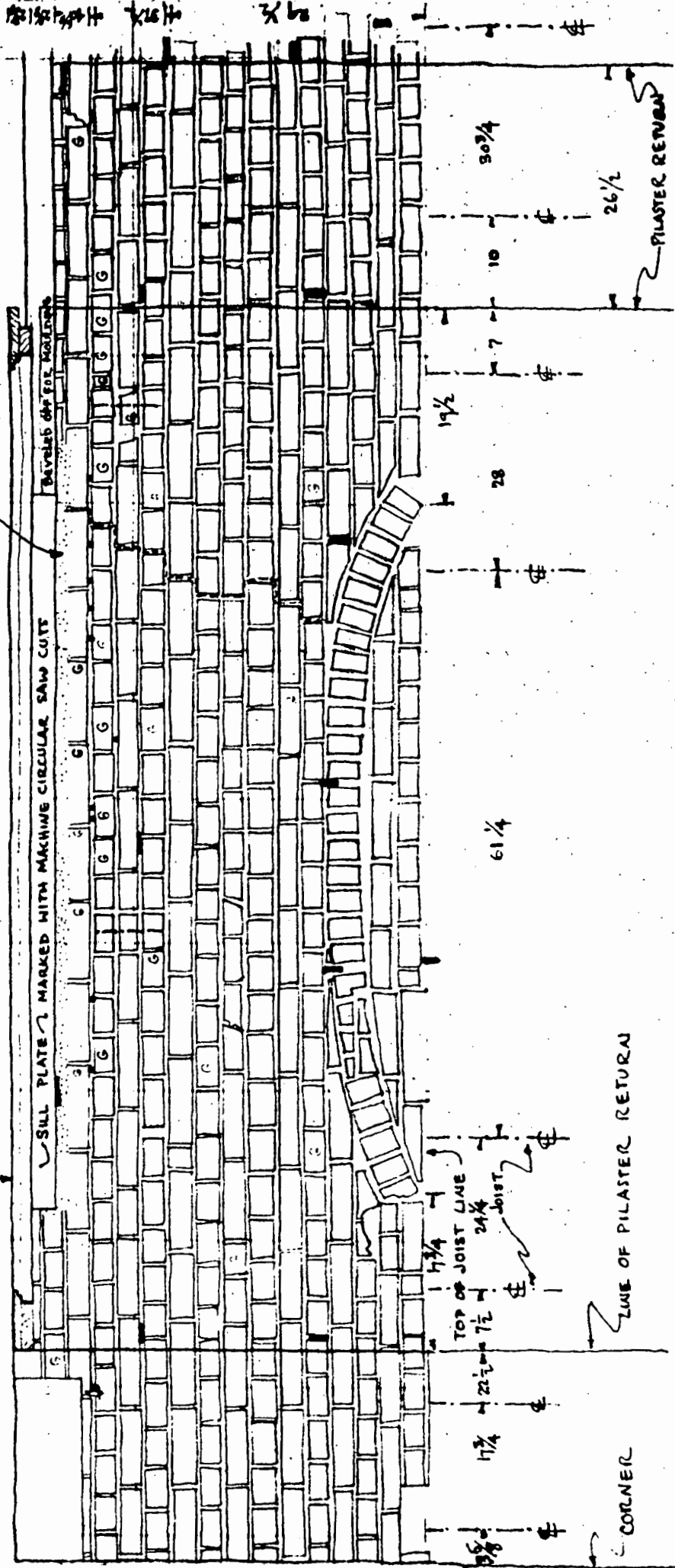


Fig. 2

Detailed drawing showing the distribution of plaster and foreign matter in the bricked north wall of Supreme Court chamber, December 13, 1955, part of the architectural investigation of this room.

ELEVATION - WINDOW # 1

- WHITE POWDER SUBSTANCE
- PLASTER WITH HAIR + FUR
- MORTAR SIMILAR TO TYPE B OF WESTNALL
- GREY PAINT SPRAYED UP FROM BASEMENT

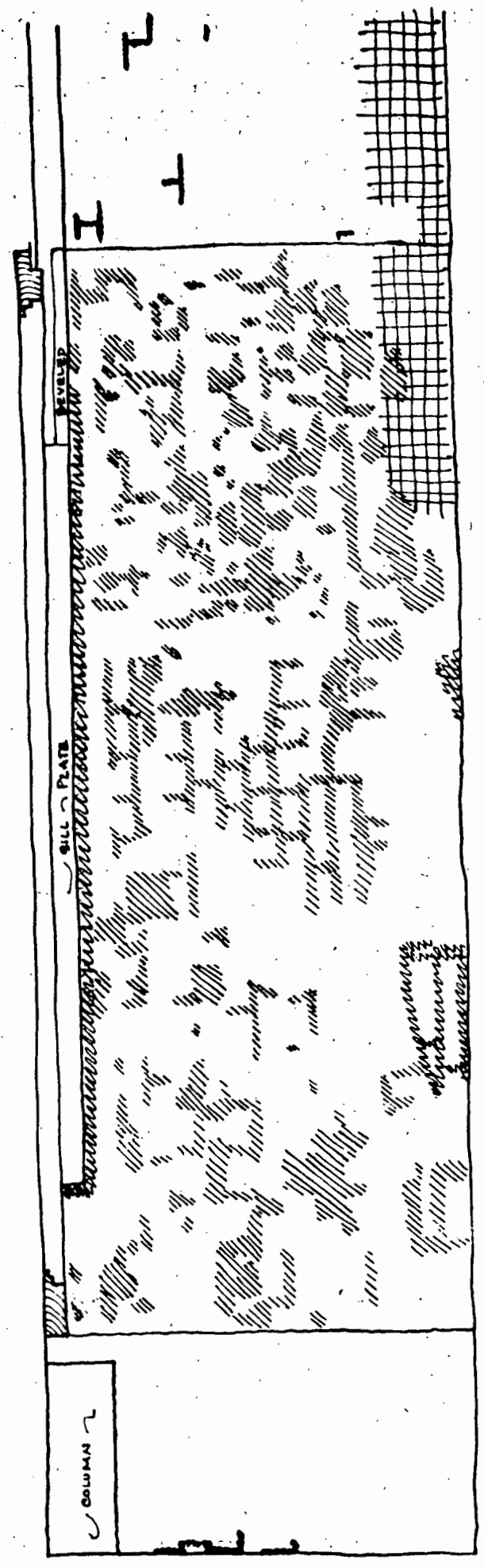


Fig. 3

Supreme Court chamber, south wall, 1955. Removal of paint from south wall as a part of the architectural investigation.

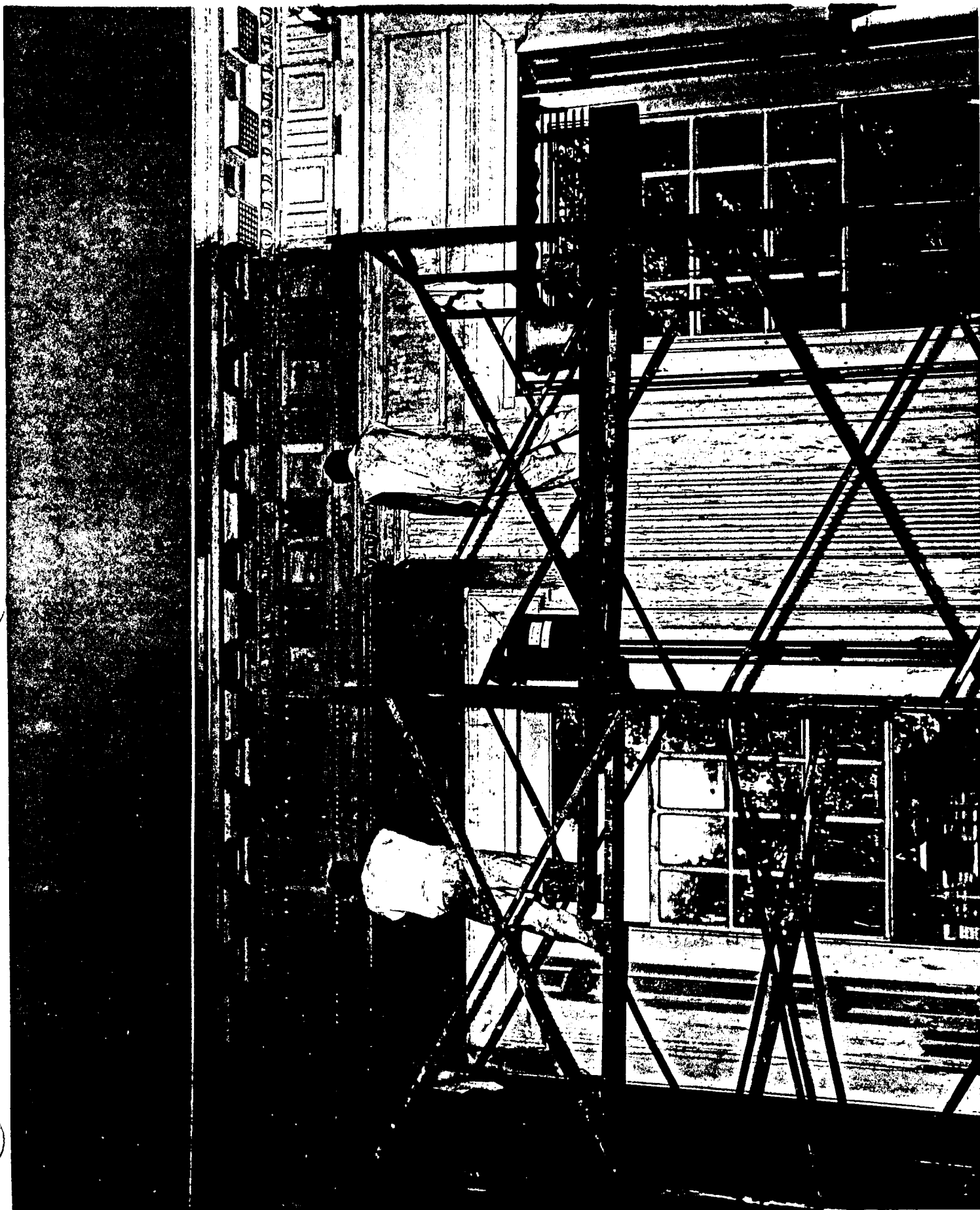


Fig. 4

Paint removed from the panelling beneath the northwest windows as part of the architectural investigation. Compare with Fig. 5 showing panelling removed from same area.



Fig. 5

View of original brick wall, northwest corner below windows.
Same area with panels shown in Fig. 4.

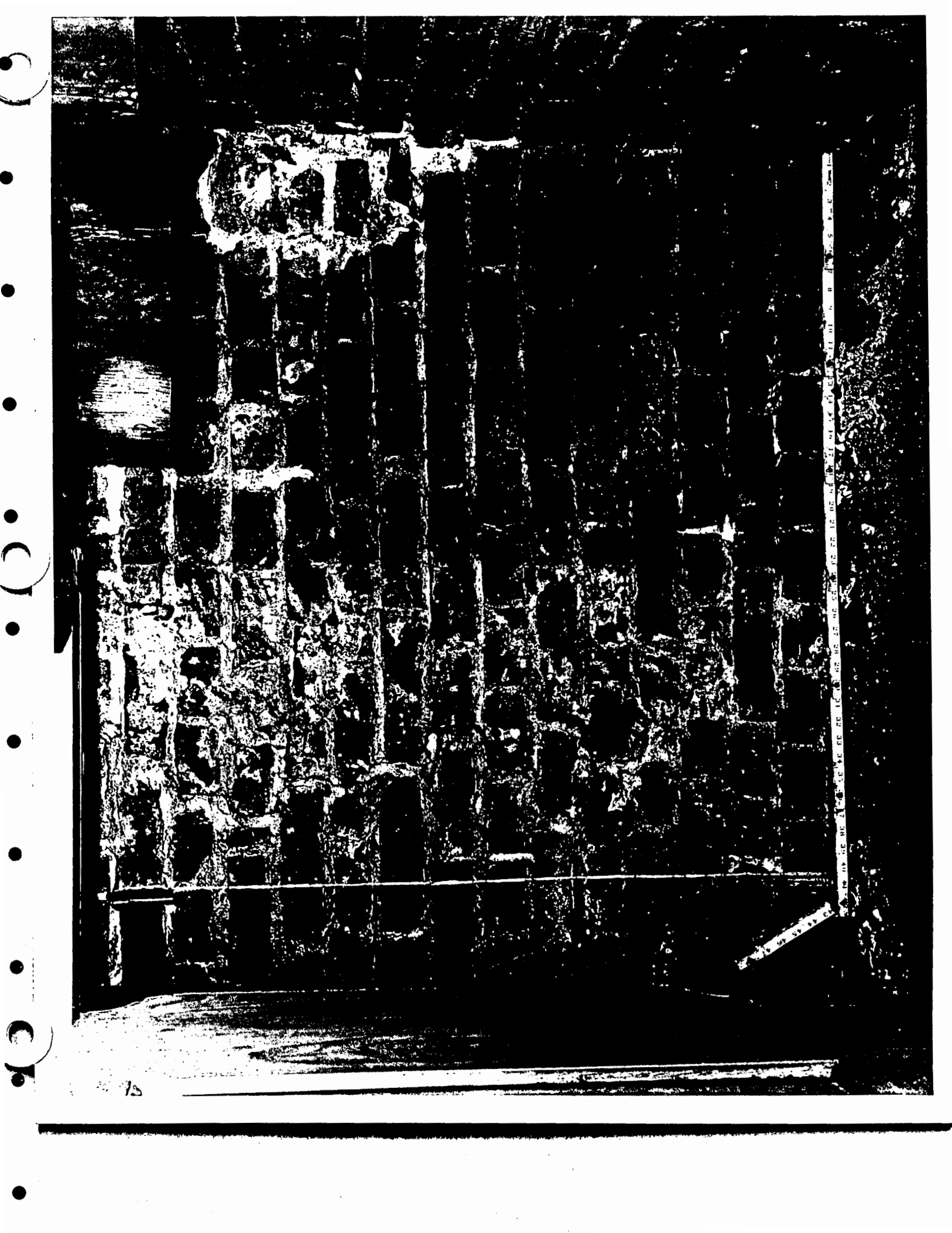
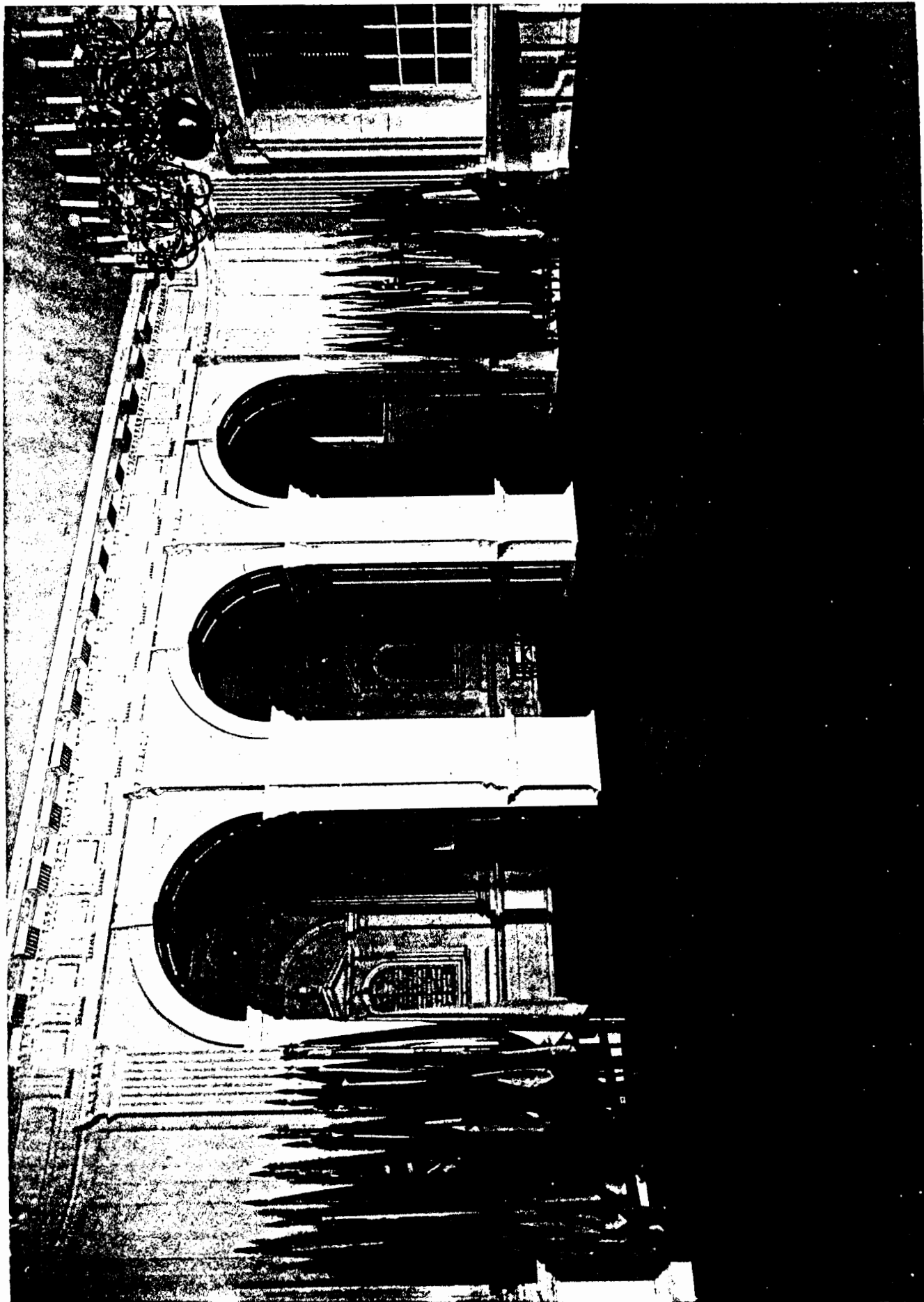


Fig. 6

Supreme Court chamber, looking east into the Hallway, 1950, showing architectural details of the archway. The grouped flags on the right and left are flags of the United Nations, temporarily displayed and since removed.



List of Proposed Refurnishings

Bar of Court

Books

Chairs-Justices'

Chairs-Miscellaneous

Coat of Arms - The King's

Coat of Arms - Pennsylvania

Judges and Lawyers Apparel

Judges Bench

Jury Box

Lighting

Original Documents

Stoves

Tables - Lawyers'

Tables - Miscellaneous

Venetian Blinds

Writing Materials

BAR OF THE COURT

SUMMARY

Courtrooms have always contained, as an essential feature of the chamber, a "bar," generally a railing, which separated spectators from the participants---lawyers, jury, witnesses, and attendants. The particular problem faced in this study is the precise location of the bar and its design.

HISTORICAL EVIDENCE

We have a specific reference to the Supreme Court bar; in 1774 it was removed and replaced by a "larger" and "more convenient" one. Another State House repair item which may prove to refer to the bar of the courtroom is included among disbursements for the Supreme Court room in April, 1779, this one for seven dozen "Bannisters." These bannisters, or balusters, were apparently used either for the bar, or for the railing along the steps to the judges bench, or both. If the lawyers' area was enclosed in the fashion of the Chester County court house, the bannisters might have been used for that purpose.

It is interesting to note that Architect Charles Grossman, in reconstructing the bar of the Assembly Room, in part from a piece of bannister found in the tower of the State House, used 82 balusters. If all of the 84 "Bannisters" in 1779 were used for the bar of the Supreme Court chamber, it would be quite similar to the restored bar in the Assembly Room. (See Fig. 1.)

ARCHITECTURAL EVIDENCE

Removal of paint and panelling along a part of the north wall has uncovered no evidence to help place or date the bar, nor would there

be any clues in the flooring, which is recent. It is not likely that a bar would have had to be tied into the brick wall, lessening the possibility of evidence from that exploration.

CONCLUSION

Architectural and historical research should continue to discover the design and location of the bar.

RECOMMENDATION

Consideration should be given to the possibility of reconstructing in the Supreme Court chamber a bar similar to that in the restored Assembly Room.

Bar of Court

DOCUMENTARY DATA

1. (Oct. 21, 1774) Ordered,...That the Superintendents of the State-House do give Directions for removing the Bar of the Supreme Court, and cause a larger and more convenient one to be erected in its place.

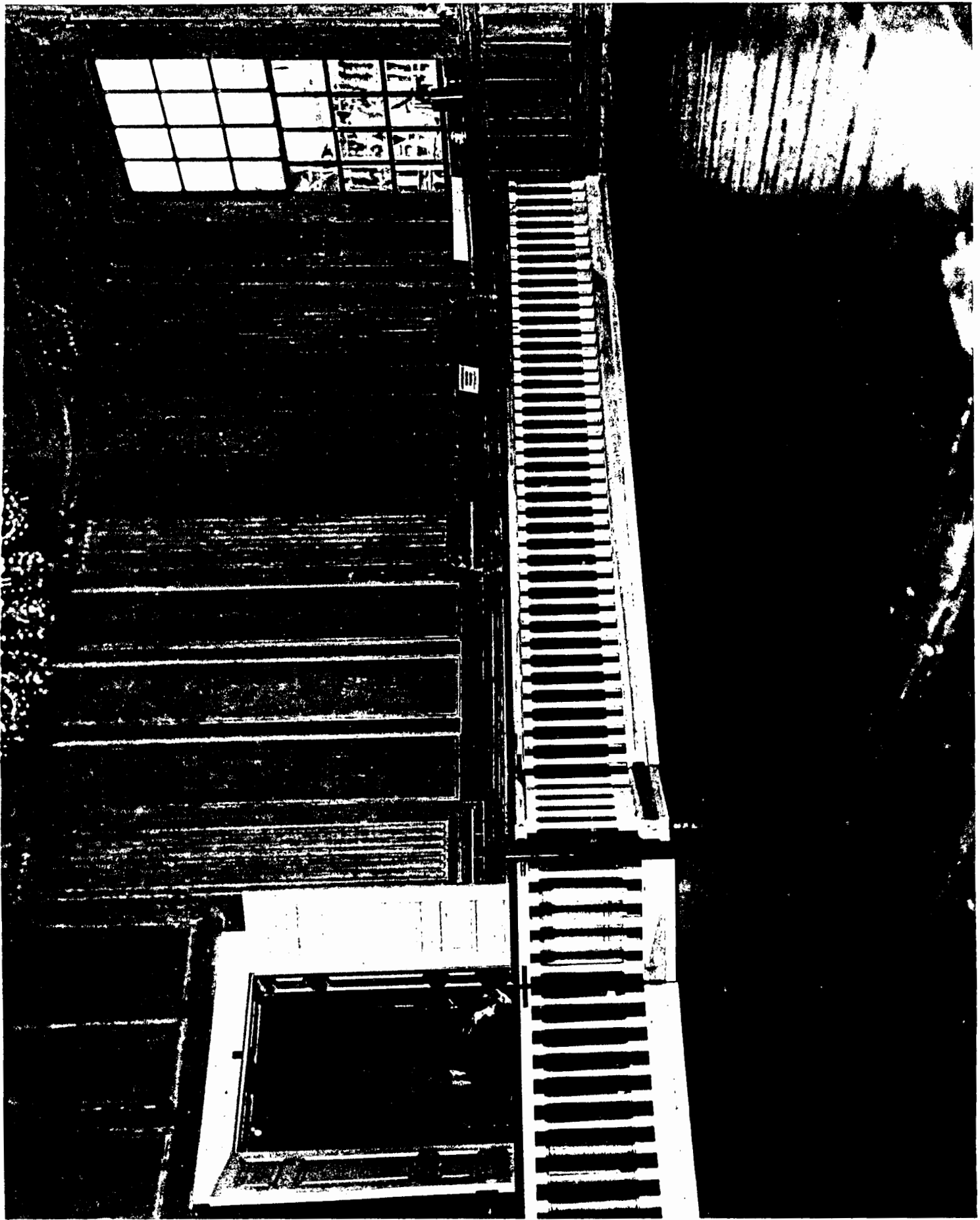
[Pennsylvania Archives,
8th Series, VIII, 7158]

2. (April 3, 1779) (Among items paid "for turning work in the Court room")
7 Doz. Bannisters with Squares L 3:10

[Independence Square,
State House Maintenance
Vouchers "C" (Jan.-July
1779) Division of Public
Records, Pennsylvania
Historical and Museum
Commission, Harrisburg].

Fig. 1

Reconstruction of Bar of Assembly Room, with 82 balastrades.
Supreme Court bar may have been of this type.



BOOKS

SUMMARY

Contemporary reproductions of courtroom scenes show books present both on the lawyers' table and on the judges bench. These were undoubtedly legal reference books, and the lack of trained lawyers at that time might have necessitated considerable use of reference books.

HISTORICAL EVIDENCE

We have evidence that Blackstones' Commentaries was quoted from during a trial in the Supreme Court chamber. An American edition of this work was printed in Philadelphia in 1771, of which about 1400 copies were subscribed in advance. Copies of Blackstone's Commentaries and Burn's Justice were ordered in 1777 for the use of the Executive Council which met in the State House, probably at the direction of George Bryan who was legal advisor to the Council and later a justice of the Supreme Court.

CONCLUSION

Undoubtedly there were a selection of law books present at almost every meeting of every court, depending upon the needs of lawyers and judges. Advertisements in contemporary newspapers should help us in identifying law books which might have been in use.

RECOMMENDATION

Acquisition of a set of Blackstone's Commentaries, period edition. Further research to establish identity of other volumes.

Books

DOCUMENTARY DATA

1. (1771) Soon after the first complete edition [of Blackstone] appeared in England an American edition was printed at Philadelphia in 1771, of which about 1400 copies were subscribed to in advance. This sale was even more impressive considering that 1,000 copies of the English edition had been imported to America and sold.

[William Loyd, Early Courts of Pennsylvania (Boston, 1910) 119-120]
2. (March 10, 1777) It is interesting to note that two volumes, Burn's Justice and Blackstone's Commentaries, were ordered on March 10th for the use of the Council, and that would undoubtedly be done at Judge Bryan's suggestion, as he was the legal adviser of the Council.

[Burton A. Konkle, George Bryan and the Constitution of Pennsylvania 1731-1791, (Philadelphia, 1922) 139]
3. (July 15, 1786) An advertisement by Wm Prichard, Philadelphia bookseller, lists
 "Jacob's Law Dictionary"
and Blackstone's Commentaries.

[Independent Gazetteer, July 15, 1756].

CHAIRS - JUSTICES'

SUMMARY

For many years three leather-covered arm chairs have been displayed on the judges bench of the Supreme Court chamber. Traditionally known as the "Justices' Chairs," they are believed to have been used in the 18th century by the justices of the "Supreme Court," presumably the State Supreme Court (See Figs. 1 and 2).

HISTORICAL EVIDENCE

However, Hornor in his definitive work on Philadelphia furniture, though as usual not revealing his source of information, attributes the chairs to the Supreme Court of the United States. The latter, moving from New York to Philadelphia in 1791, held its first session in the Supreme Court chamber of the State House before moving to the newly constructed City Hall building just east of the State House. Hornor declares that Thomas Affleck, a master craftsman of the city, was selected to make chairs for the justices.

Affleck constructed the three chairs now known as the "Justices' Chairs," one of which was of slightly different design and was intended for the use of Chief Justice John Jay. The chairs were presumably used both in the Supreme Court chamber of the State House and in City Hall, during the time the United States Supreme Court met there.

CONCLUSION

We may presume on the strength of Hornor's generally reliable authority, that the "Justices' Chairs" were used in the Supreme Court chamber in 1791 at least. And while this is four years beyond the basic historical period of the room, 1775-1787, the association of the

U. S. Supreme Court with the Supreme Court chamber of Independence Hall is important, one which merits careful consideration in plans for the refurnishing of the chamber.

RECOMMENDATION

It is recommended that the "Justices' Chairs" be restored to the chamber, at least until such time as the chamber of the U. S. Supreme Court in old City Hall has been restored and/or the essential facts as to the appearance of earlier chairs established.

Chairs - Justices'

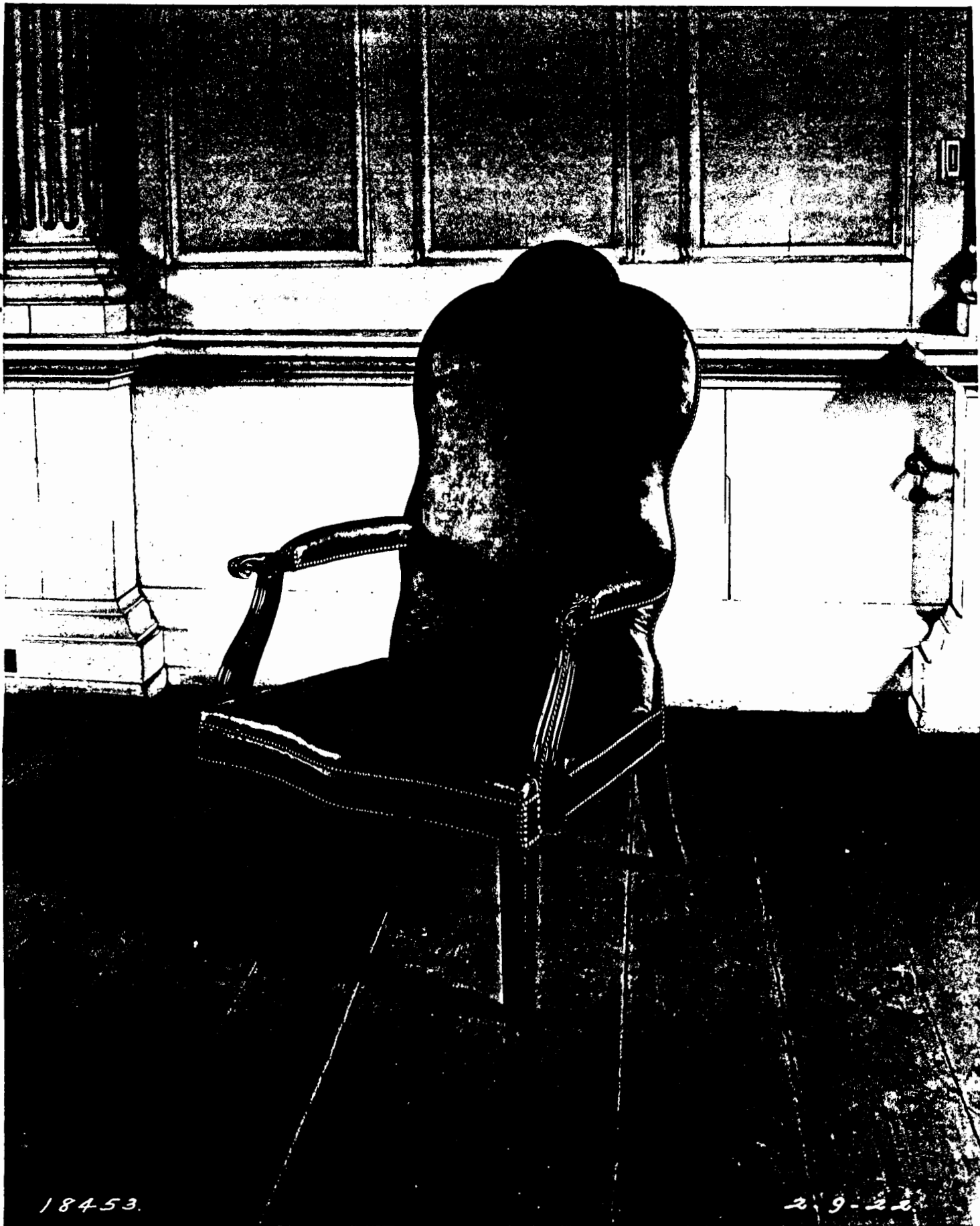
DOCUMENTARY DATA

1. [1789-1791] Before it [the new City Hall] was finished the Federal Government removed from New York to Philadelphia, and the only available chambers for the Supreme Court of the United States were in the new City Hall. For this august assembly Thomas Affleck was delegated to make the important chair . . . for John Jay and those . . . for the associate justices.

[William MacPherson Hornor,
Philadelphia Furniture,
(Philadelphia, 1935) 185]

Fig. 1

Restored "Justice" chair, 1922. One of the two "Justice" chairs believed to have been made by Thomas Affleck before 1792 for use by the United States Supreme Court and probably used by the Justices of the Pennsylvania Supreme Court in the Supreme Court chamber. Note camel hump on upholstered part of chair differing it from the "Chief Justice" chair (see Fig. 2). Courtesy of Bur. of City Prop., City of Phila.

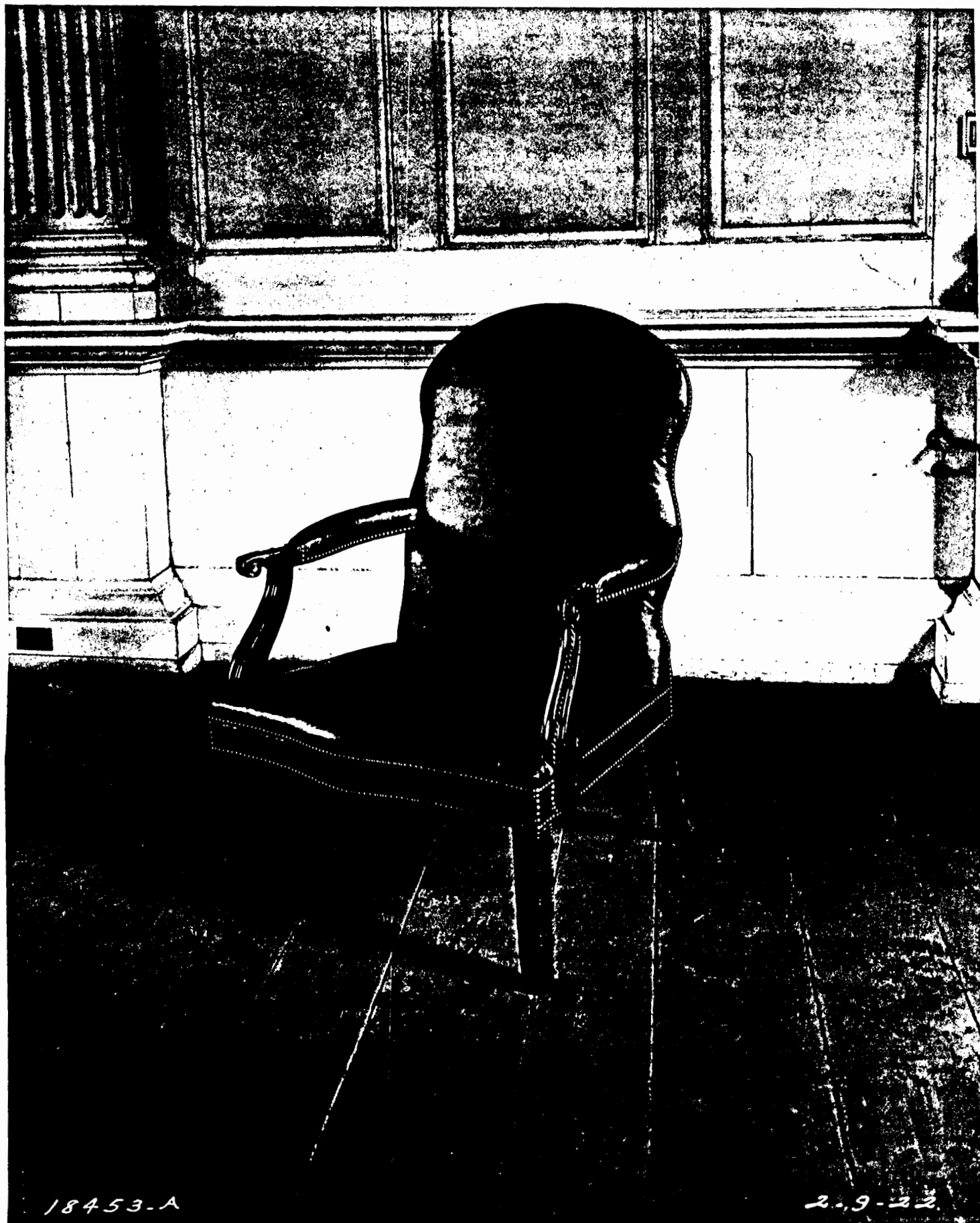


18453.

29-22

Fig. 2

Restored "Chief Justice" chair, 1922. Believed to have been made by Thomas Affleck prior to 1792 for use by the United States Supreme Court and probably used by the justices of the Pennsylvania Supreme Court in the Supreme Court Chamber. Courtesy of Bur. of City Prop., City of Phila.



18453-A

2.9-22

CHAIRS - MISCELLANEOUS

SUMMARY

Over the years, there were undoubtedly many different kinds of chairs used in the Supreme Court chamber. Undoubtedly chairs were moved from room to room in the State House as they were needed, and there must have been frequent replacement.

HISTORICAL EVIDENCE

Two types of chairs are known to have been used in the chamber. On March 30, 1776 the Pennsylvania House of Representatives, temporarily meeting in this room, paid Francis Trumble for "2 Tables & 12 [windsor] Chairs" to supplement the furniture of "the Court Room." In 1779 payment was made for two settees for the courtroom.

RECOMMENDATION

Windsor chairs and settees as well as other types of period chairs should be acquired for the restored courtroom. (See Figs. 1, 2, and 3.)

Chairs - Miscellaneous

DOCUMENTARY DATA

1. (1776-1778) The State House was for the most part furnished with Windsors, seventy-eight of which were supplied by FRANCIS TRUMBLE...between 1776 and 1778. On April 13, 1791, the State Assembly purchased Windsor chairs to the amount of £ 61-5-0 from Joseph Henry...

[William Hornor, Blue Book, Philadelphia Furniture (Philadelphia, 1935) 257]
2. (Mar. 30, 1776) ...[On] March 30, 1776,...the [Pennsylvania House of Representatives] paid Francis Trumble 'for 2 Tables & 12 Chairs,' ammounting in all to £ 6.14.0. These supplemented the furniture of 'the Court Room,' where the delegates met temporarily...

[William Hornor, Blue Book, Philadelphia Furniture (Philadelphia, 1935), 305-306]
3. (July 21, 1778) Ordered, That the Secretary procure eighteen Windsor Chairs for the Council Room.

[Colonial Records, Minutes of the Supreme Executive Council, XI, 535]
4. (July 8, 1779) Pd. John Pinkerton for 2 settee chairs for the Court Room...July 8... £ 50.0.0

[Comptroller General Financial Records, Journal "A-1," (1775-1786-87) Division of Public Records, Pennsylvania Historical and Museum Commission, Harrisburg]
5. (Nov. 24, 1784) Captⁿ James Pearson To James Lees Dr
To 2 dozen Windsor Chairs for the State House
at £ 12 per do^r - - - - - to 24 - 0 - 0
To repairing & Painting 4d^o for d^o at
8/4 pr pe - - - - - 1- -13- 4

25..13..4

[Independence Square, State House, Maintenance Vouchers & List. (1784, Oct.-Dec.), Division of Public Records, Pennsylvania Historical and Museum Commission, Harrisburg]

Fig. 1

Supreme Court chamber, State House, looking west, 1952. The eighteenth-century Windsor benches and chairs (on loan from the David Stockwell Collection, Philadelphia) are of the type once used in this and other rooms of the State House. The original settees and chairs were probably very similar to those shown here.

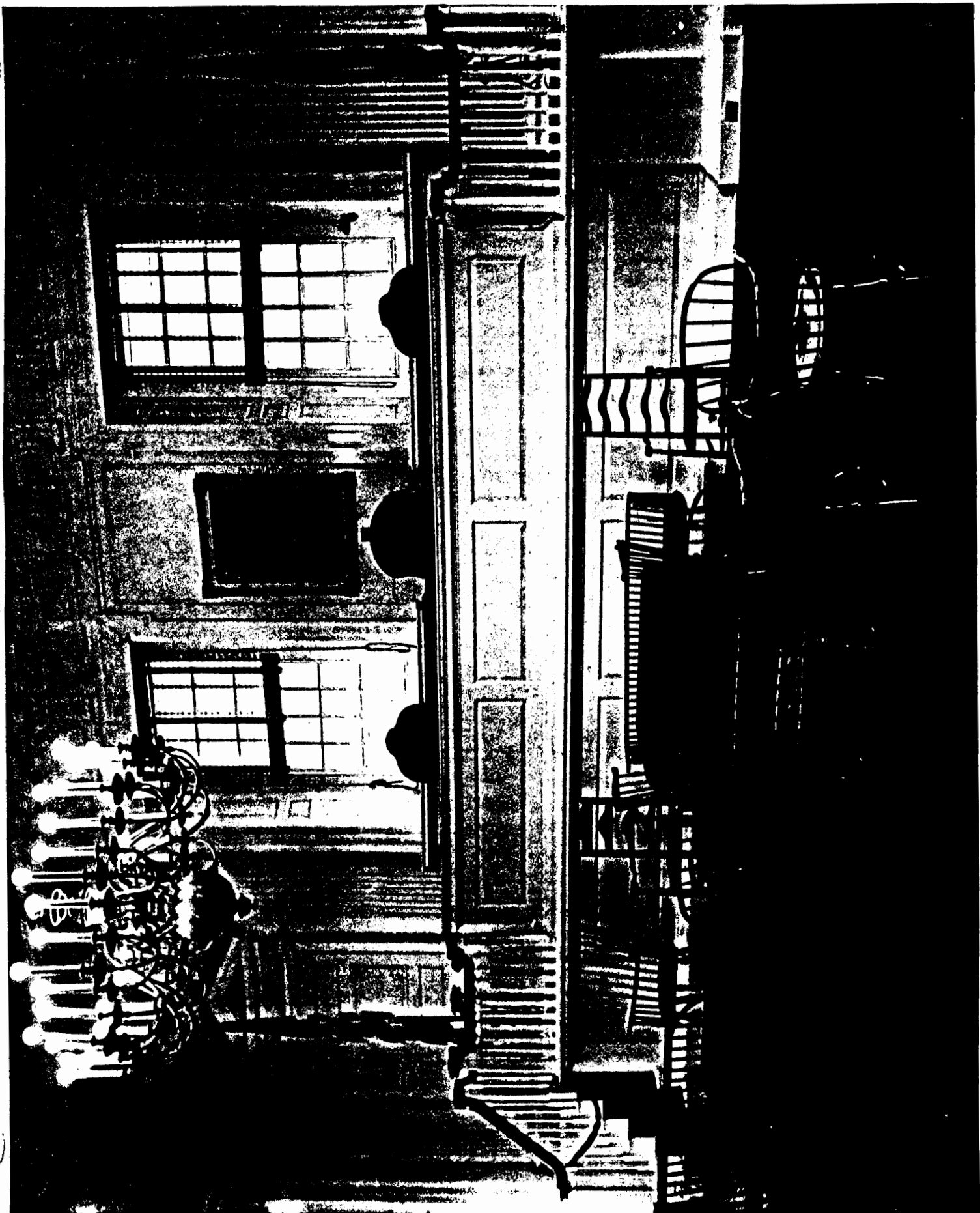


Fig. 2

Congress Hall, 1952. The eighteenth-century Windsor benches and chairs (on loan from the David Stockwell Collection, Philadelphia) are of the type probably used in the Supreme Court chamber and other rooms of the State House.



Fig. 3

Congress Hall, 1952. The eighteenth-century settees and chairs (on loan from the David Stockwell Collection, Philadelphia) are of the type probably used in the Supreme Court chamber.



COAT OF ARMS - THE KING'S

SUMMARY

As evidence of the authority of the crown, the King's Arms were displayed in colonial law courts. In appearance, the arms may have resembled the Arms of Queen Anne (1702-10), a surviving example of which (see Fig. 1) was found in the State House and may have been used in the old courtroom at 2nd and Market Streets.

HISTORICAL EVIDENCE

Attending a court session in the State House on July 1, 1776, an observer noted that the jury demanded the King's Arms be removed from the courtroom. This demand was carried out and a newspaper account of July 10, 1776, which relates the stirring events of the reading of the "Declaration of Independence" to the people in Independence Square on July 8, observes the King's Arms were taken from the State House and burned.

CONCLUSION

The King's Arms, possibly on a wooden plaque or on canvas, hung in the courtroom until July 8, 1776.

RECOMMENDATION

The Arms of Pennsylvania, rather than the Royal Arms, would be more appropriate for the restored chamber. (See Coat of Arms-Pennsylvania) It spans the greater part of the focal period, 1775-1787, and symbolically will be more in harmony with the Park Story, the story of independence, than would be the Royal Arms.

Coat of Arms - The King's

DOCUMENTARY DATA

1. (July 1, 1776) July 1. Past ten, went to Coffee House; thence to Court House . . . The said jury insisted that the King's Arms in the Court Room should be taken down. The same, I am informed, was done.

[W. Duane; ed., Extracts...
Diary of C. Marshal (Philadelphia,
(1877) '80]

2. (July 8, 1776) On Monday last [July 8] the Committee of Safety and the Committee of Inspection went in procession to the State House where the Declaration of Independency of the United States of America was read to a very large number of the inhabitants of this city and county, which was received with general applause and heartfelt satisfaction---and in the evening our late King's coat of arms was brought from the Wall in the State-House where the said King's courts were formerly held, and burned amidst the Acclamation of a crowd of spectators.

[Pennsylvania Journal and
Weekly Advertiser, July 10,
1776]

Fig. 1

Wood painting of Coat of Arms of Queen Anne, c.1702-1710.
Found in the loft in the State House c.1840-1845; believed to have
been used in the Old Court House, Philadelphia (Second and Market
Streets). Courtesy of Historical Society of Pennsylvania.

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LIBRARY OF THE
HISTORICAL SOCIETY

COAT OF ARMS - PENNSYLVANIA

- SUMMARY

With the coming of the Revolution, the King's Arms, symbol of Royal authority in colonial courts, was replaced by the Arms of Pennsylvania. This may have taken place as early as the fall of 1776, although present evidence does not date installation of the Arms of Pennsylvania until 1785.

HISTORICAL EVIDENCE

In the year 1785 George Rutter and Martin Jugiez petitioned the General Assembly for payment of their account for painting the Arms of Pennsylvania "over the seat of the Supreme Court of Judicature." In 1788, a Philadelphia newspaper commented that the Arms of Pennsylvania had been placed above the judges bench, "three years ago." Fig. 1 shows the Arms of Pennsylvania, of the 1788 design. The painting of the York County courthouse shows that the typical location of Arms in courtrooms of the 18th century was above the judges bench. (This representation of the Pennsylvania Arms was on canvas.)

CONCLUSION

Evidence is conclusive that from 1785 on, at least, the Arms of Pennsylvania appeared above the judges bench of the Supreme Court chamber. As to whether such Arms may have been in evidence even earlier, is a matter for conjecture; it may be suggested, however, that a hiatus of nine years, between 1776 when the Royal Arms were removed and 1785 when we have evidence for the presence of the Arms of the Commonwealth, would seem most unlikely.

An important gap in our knowledge of the arms concerns the

kind of material used in the device, its dimensions, and whether engraved, carved, or painted. The design could have been engraved, painted on wood or canvas, or carved; Martin Jugiez was a "carver" noted for his skill and artistry, and the Queen Anne Arms, (see Coat of Arms - The King's), gives an excellent example of painting upon wood.

RECOMMENDATION

Subject to further research to provide the essential data for a precise execution of details, the Arms of Pennsylvania should be reproduced and placed in its historic position above the judges bench,

Coat of Arms - Pennsylvania

DOCUMENTARY DATA

1. (Nov. 1, 1785) A petition from George Rutter and Martin Jugiez was read, including an account for painting the Arms of this State over the seat of the Supreme Court of Judicature and praying payment of same.

[Journal of the Assembly
of Pennsylvania, 1785, 11]

2. (Nov. 19, 1788) Arms of Pennsylvania placed in Supreme Court Room, executed by Martin Jugiez and George Rutter "three years ago," placed over the seat of the judges of the Supreme Court."

[Pennsylvania Gazette,
November 19, 1788]

Fig. 1

Coat of Arms of Pennsylvania, 1778. (From James Pilcher, The Seal and Arms of Pennsylvania, Harrisburg, 1902) The Arms of Pennsylvania was placed above the judges bench after the King's Arms was torn down in 1776.



The Arms of 1778.

22. A. Special publications and radio, television, or other media, patents or inventions, your most important publications (do not submit complete articles; request to see them; speak to a publisher; book experience; membership in professional or scientific societies, etc.)

**Computers, Data Bases Articles in Journal of the Historical Society of W. Pa.,
Audio-visual equipment NPS Courier, WV Libraries, NPW The Breeze, The Happy
Commissioned preacher, teacher, lay minister Wanderer, and others**

B. Kind of license or certificate (print: registered nurse, lawyer, radio operator, CPA, etc.) 	C. Latest license or certificate Year: _____ State or other licensing authority: _____	D. Approximate number of words per minute Typing: _____ Shorthand: _____
--	---	--

23. A. Did you graduate from high school or will you graduate within the next nine months? or do you have a GED high school equivalency certificate? Yes: _____ No: _____ Highest grade completed: _____ X 6/66	B. Name and location (city and State) of latest high school attended: Triadelphia HS Wheeling, WV
--	---

C. Name and location (city, State, and ZIP Code, if known) of college or university attended to graduate within nine months. Give MONTH and YEAR you expect to receive your degree.	Dates Attended		Years Completed		No. of Credits Completed		Degree e.g., B.A.	Year Completed
	From	To	Day	Month	Semester Hours	Quarter Hours		
Wheeling College Wheeling, WV 26003	9/66	5/70			161		BA	1970
Sangamon State University Springfield, IL	6/74	12/75			30		MA	1976
Library School, University of PGH Pittsburgh, PA 15260	9/76	8/77			39		MLS	1977

D. Chief undergraduate college subjects	No. of Credits Completed		E. Chief graduate college subjects	No. of Credits Completed	
	Semester Hours	Quarter Hours		Semester Hours	Quarter Hours
History	45		History	26	
Education	18		Resources	24	

F. Major field of study at highest level of college work Library Science	
--	--

G. Other schools or training (for example, trade, vocational, Armed Forces or business). Give for each the name and location (city, State and ZIP Code, if known) of school, dates attended, subjects studied, number of classroom hours of instruction per week, certificate, and any other pertinent data.

24. **Order of Jerusalem, 1982, Cum Laude college graduate, 1970
Special Achievement Award, NPS 11/82; Who's Who in American Women, 1976**

25. Languages other than English. List the languages (other than English) in which you are proficient and indicate your level of proficiency by putting a check mark (✓) in the appropriate columns. Candidates for positions requiring conversational ability in a language other than English may be given an interview conducted solely in that language. Describe in item 34 how you gained your language skills and the amount of experience you have had (e.g., completed 172 hours of classroom training, spoke language at home for 18 years, self-taught, etc.).

Name of Language(s)	PROFICIENCY							
	Can Prepare and Deliver Lectures		Can Converse		Have Facility to Translate Articles, Technical Materials, etc.		Can Read Articles, Technical Materials, etc. for Own Use	
	Frequently	With Difficulty	Frequently	Passably	Into English	From English	Easily	With Difficulty
German		X		X	X	X		X

26. References. List three persons who are NOT related to you and who have definite knowledge of your qualifications and fitness for the position for which you are applying. Do not repeat names of supervisors listed under item 21. Experience.

Full Name	Present Business or Home Address (Number, Street, City, State and ZIP Code)	Telephone Number (Include Area Code)	Business or Occupation
Richard Russell	Berryville, VA	703/955-1105	Retired NPS
Glenn Hinsdale	Pacific NW Regional Office		NPS
Rev. D.G. Wood	Summit Point, WV	304/725-9467	Priest

JUDGES' AND LAWYERS' APPAREL

SUMMARY

Judges in colonial courts followed the English custom of wearing wigs and robes; lawyers generally wore robes, and possibly wigs also. After the Revolution the wigs were discarded, as being too closely identified with English ways.

HISTORICAL EVIDENCE

In the middle of the 18th century, judges of the Supreme Court wore robes of scarlet faced with black velvet in winter, in the summer they wore full black silk gowns. Following the separation from England, red robes were abandoned for black, but by 1785 there were complaints that the judges had returned to the unpopular red robes. At this latter date the judges were using the Assembly Room to change into their legal habits.

CONCLUSION

The question of use of robes is pertinent, because such robes might serve as an item of furnishing in the restored courtroom. This would depend upon finding evidence of where the robes were kept. While it seems unlikely the judges would leave their robes hanging in the chamber between sessions, the presence of robes and possibly wigs in the restored chamber would help re-create the 18th century court atmosphere.

RECOMMENDATION

Further research in court procedure and apparel.

Judges and Lawyers Apparel

DOCUMENTARY DATA

1. (1748) In the Supreme Court the Judges, in winter, wore robes of scarlet, faced with black velvet: in the summer, full black silk gowns.
[Elizabeth F. L. Ellet, Queens of American Society (New York, 1867) 15]
2. (1777-1779) . . . The judges, it is true, had thrown off their wigs, but they nevertheless retained the robes and such other appliances, as probably, in their opinion, contributed to make "ambition virtue." . . .
[David Paul Brown, The Forum (Philadelphia, 1856) I, 327]
3. [1780] The Supreme Court room, or west room, at the State House was not occupied, after the High Court adjourned on April 6, 1780, until the 10th, when the April term of the Supreme Court itself began with the black-robed court sitting in the same place. . . .
[Burton A. Konkle, George Bryan and the Constitution of Pennsylvania 1781-1791 (Philadelphia, 1922) 139]
4. (April , 1785) [The judges of the Court of Oyer, Terminer and General Gaol Delivery] . . . seemed to convert the old Congress room into a ward-room or court lobby, to dress themselves.
[Independent Gazetteer, May 21, 1785]
5. (May 21, 1785) . . . That the judges had laid aside the fruit of black dress in which they had hitherto appeared, and adopted scarlet robes, long and sportive with large trunk sleeves.
[Independent Gazetteer, May 21, 1785]

JUDGES BENCH

SUMMARY

The seat of the judges in a courtroom has traditionally been a raised one. Such an arrangement would require steps at either end or at both ends of the bench. The judges bench in the Supreme Court chamber was against the west wall, with the two windows in that wall necessarily raised well above the level of those in the north and south walls (See Fig. 1). The size of the original bench is not yet known, nor is its design.

A discussion of the chairs used on the judges bench will be found under the heading, "Chairs - Justices'."

HISTORICAL EVIDENCE

Only two vague references to the judges bench have been found, and these offer little help in determining the original appearance of the judges bench. In 1779 "8 Newell Posts" and "7 Doz Bannisters" were ordered for the courtroom. Newell posts are generally used for a curved railing, especially for stairways, and these items may have been used in part for the stairway or stairways leading to the judges bench. A 1789 maintenance voucher for repairing the "Bares - and Pedestals" along the wall "by the Steps," is evidence that a stairway to the judges bench was located against or close to the wall or perhaps both walls.

ARCHITECTURAL EVIDENCE

There is no evidence as to what happened to the original judges bench. It is likely the original bench was discarded in 1874 (when the chamber ceased to be a courtroom and was used as a museum) or possibly

even earlier, and the present bench constructed sometime after 1895 (See Figs. 2, 3, 4, and 5).

Behind the judges bench on the west wall is evidence of two levels of joist holes: the present holes in use, and three holes at a lower level. Removal of a portion of the west wall has uncovered two joist holes 19-1/4 inches on center from the north and south walls, the top of the holes being 17 courses above the joists of the ground-floor. This is exactly the number of courses from the ground-floor to the joists of the present judges bench, indicating that the present level may be correct and that the bench might have extended to within 20 inches of the north and south walls (the present bench extends to within 3 feet 10 inches of the north wall). Strengthening this possibility is the fact that a portion of the left return of the column shaft in the north-west corner of the chamber is chiseled off, probably to permit insertion of a member into the joist hole; three nail holes can be seen in the rough face of the left return where the member may have been tied in with the column shaft. This might indicate that the pilaster in the northwest corner dates back to the original bench.

Six other openings into the west wall were revealed when the panels were removed, three in the north-west and three in the south-west corners, each 13 courses above the main floor joists. Although it may be a coincidence, the columns in the north-west and south-west corners extend down to a floor thickness above the top line of these three joist holes. It is therefore possible that these holes at one time bore some relation to the corner pillars and to the judges bench.

CONCLUSION

The judges bench, as it exists today, is not the original bench; most probably it was built at the time of the 1895-99 restoration (See Fig. 6). The details of construction---wood, nails, screws---are modern. Evidence of joist holes in the wall, however, indicate the level of the bench is probably correct, but that the original bench might have been longer.

RECOMMENDATION

Further architectural and historical research. Unless this research produces tangible evidence which would warrant alterations, it is recommended the present bench be incorporated "as is" in the projected restoration of the chamber.

Judges Bench

DOCUMENTARY DATA

1. (1789) To Laying a floor in the Court Room Lenthing the Judges Seat---Razing the floor---and Seats, Whare the Lawyers Sett---Repairing the Bares---and Pedistals---and Side of Lining on the Wall---by the Steps 75..0.10. ["not done" appears as a marginal note in the source.]
[Independence Square, State House Maintenance Vouchers "M," (Jan.-Oct. 1789) Division of Public Records, Pennsylvania Historical and Museum Commission, Harrisburg]
2. (Dec. 4, 1897) The Committee on Restoration holds occassional meetings to decide points which arise as the work progresses. At the meeting held on Wednesday it was reported by Mr. Haddock that the joist holes for the platform on which the Supreme Court Justices sat had been found in the western wall of the State House. This determines the height of that platform and settles the propriety of the height of the door on the southwest corner.
[Public Ledger, Dec. 4, 1897]

Fig. 1

Restored Supreme Court chamber, looking northwest, 1920. Note judges bench against west wall. The centerpiece or medallion (part of restoration of 1897-1899) and the modern type bronze chandelier (installed in 1920) have no historical basis; the latter has since been permanently removed. Courtesy of Bur. of City Prop., City of Phila.



9.16.20

Fig. 2

Earliest known photograph of the Supreme Court chamber, northeast corner, c.1874. The Court of Common Pleas vacated the chamber late in 1873 in order to provide quarters for the "National Museum," an adjunct of the restoration program for the Assembly room founded by Frank M. Etting and a group of ladies. The museum was opened in 1874 on a tentative basis, with a miscellaneous collection of relics, antiques, state shields and curios. From small photo in Etting's "Memorial of 1776," Etting collection, Historical Society of Pennsylvania.

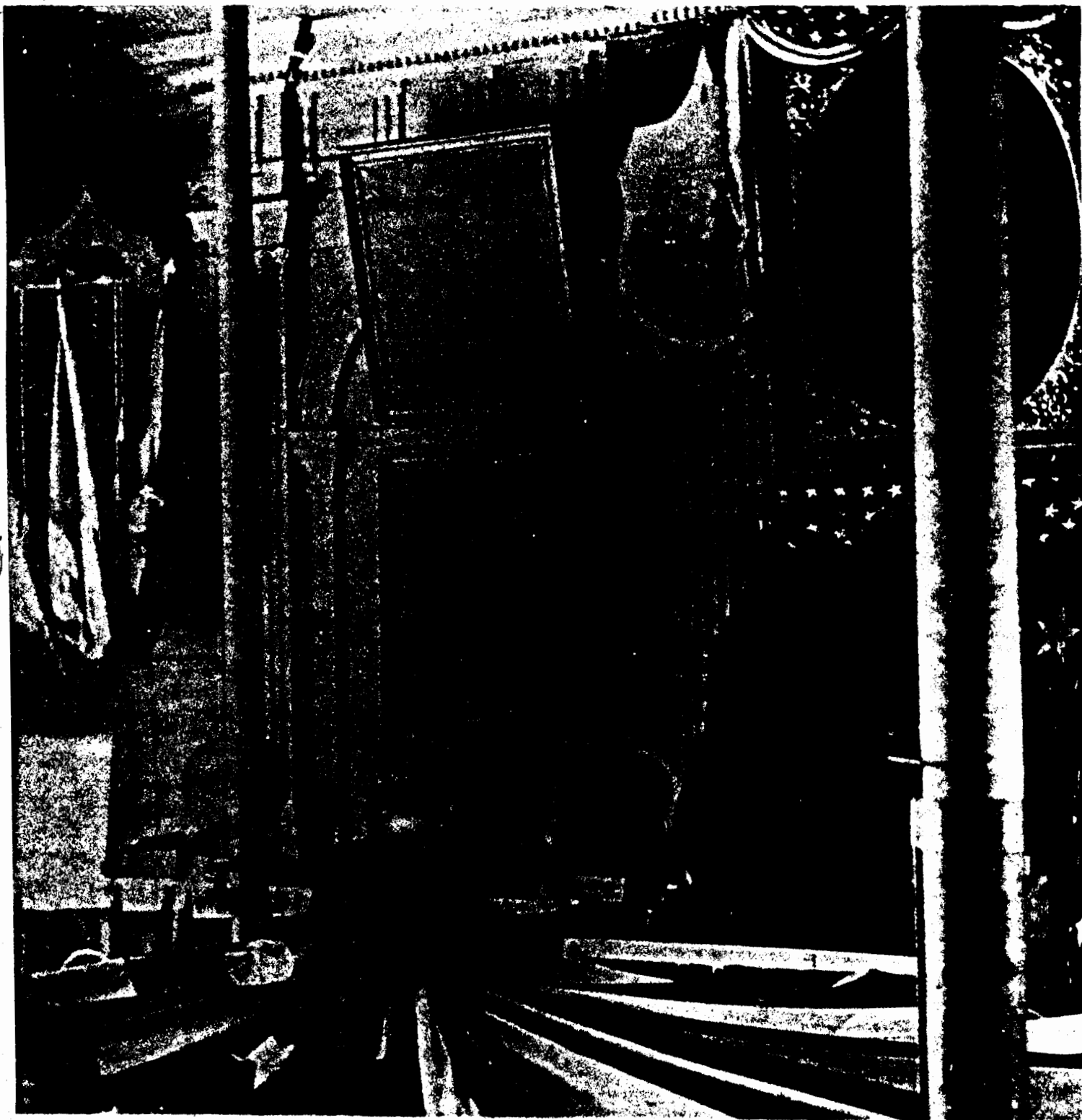


Fig. 3

Supreme Court chamber looking southeast in use as a "National Museum" ca. 1874. Note cased arches and incongruous cast iron pillars which were removed in the restoration of 1897-1899. From small photo in Etting's "Memorial of 1776," Etting Collection, Historical Society of Pennsylvania.

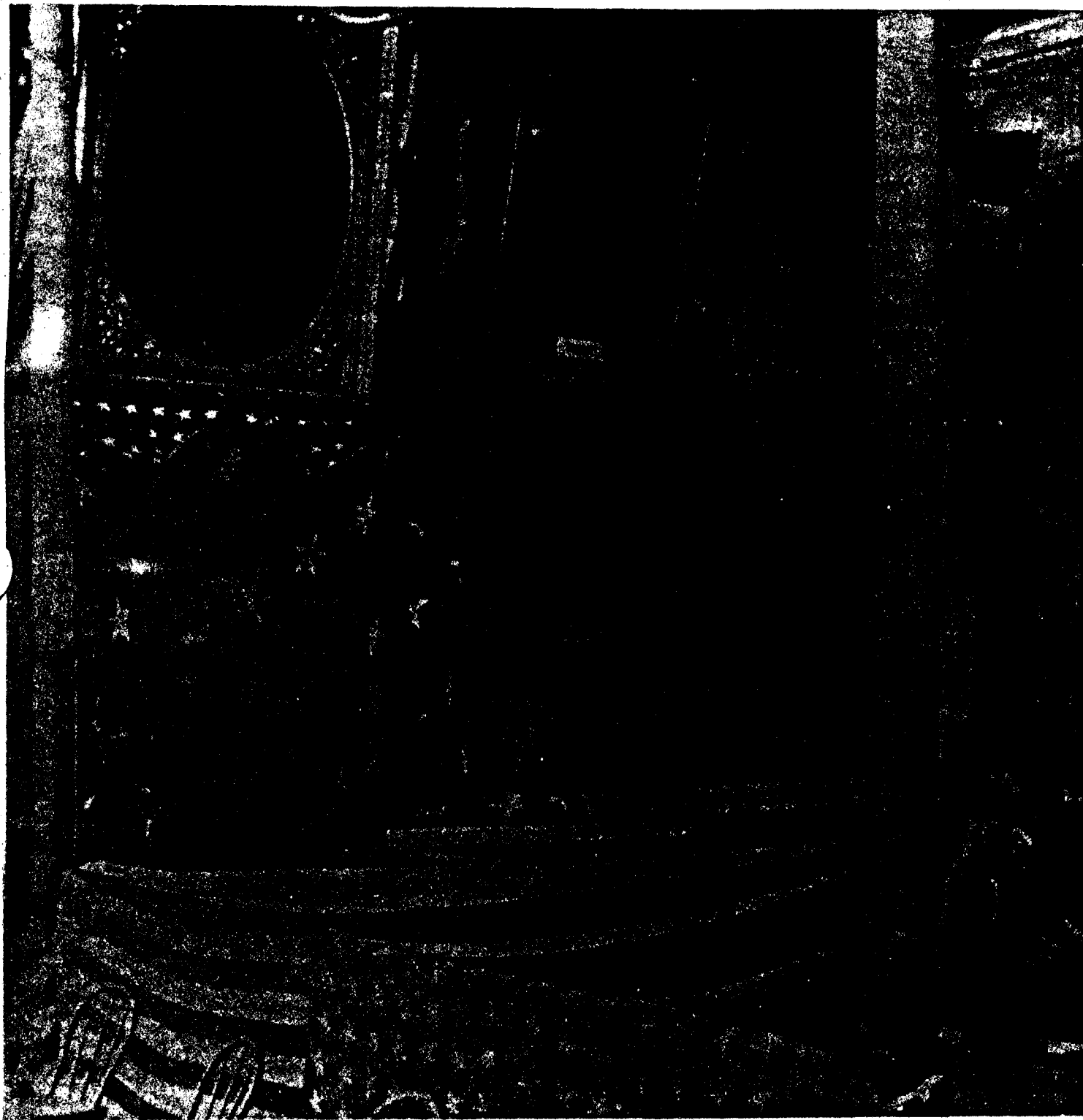


Fig. 4

Supreme Court chamber looking northeast, c. 1876, before restoration. The reorganized "National Museum" continued in this chamber until 1896-1897 when the chamber was restored to its earlier condition; at that time the pillars and gallery were removed and the cased arches opened. From Frank M. Etting, An Historical Account of the Old State House of Pennsylvania ... (2nd edition, Phila., 1891).

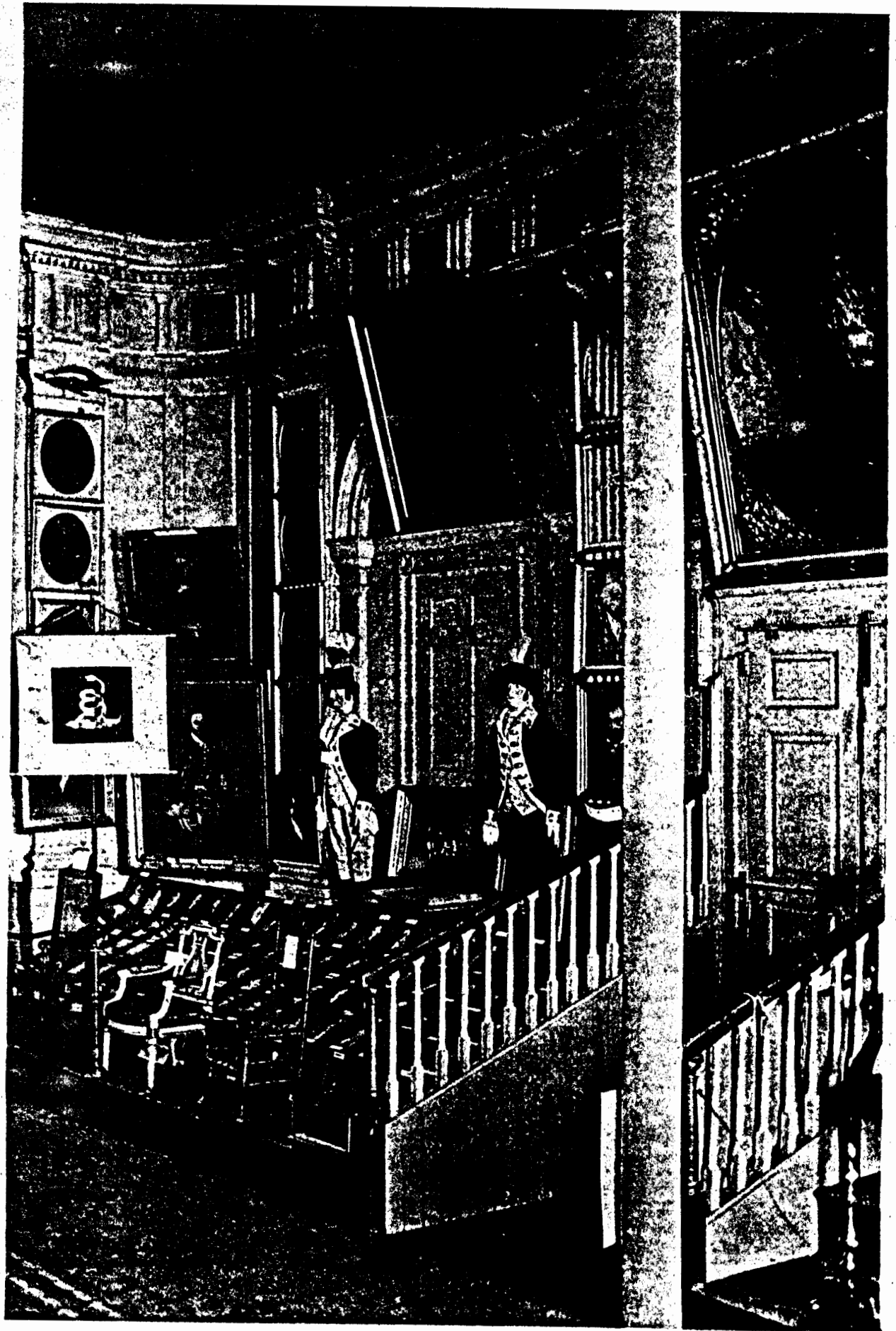
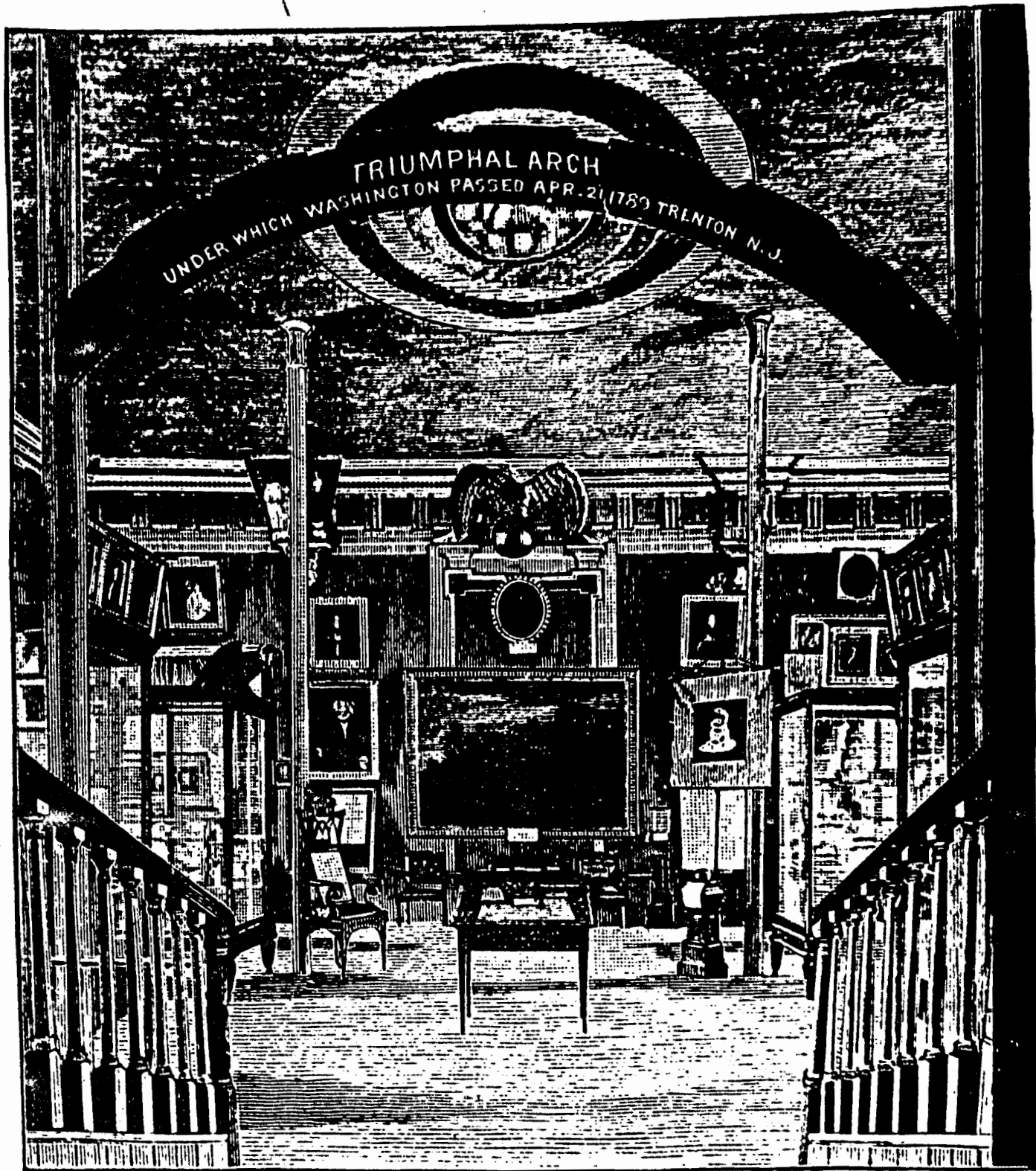


Fig. 5

Supreme Court chamber, looking west from cased arches, c.1888-1890. The judges bench and other courtroom features had been removed to provide quarters for the "National Museum" from 1874 to 1895. From David Scattergood, Hand Book of the State House at Philadelphia (Philadelphia, 1890).

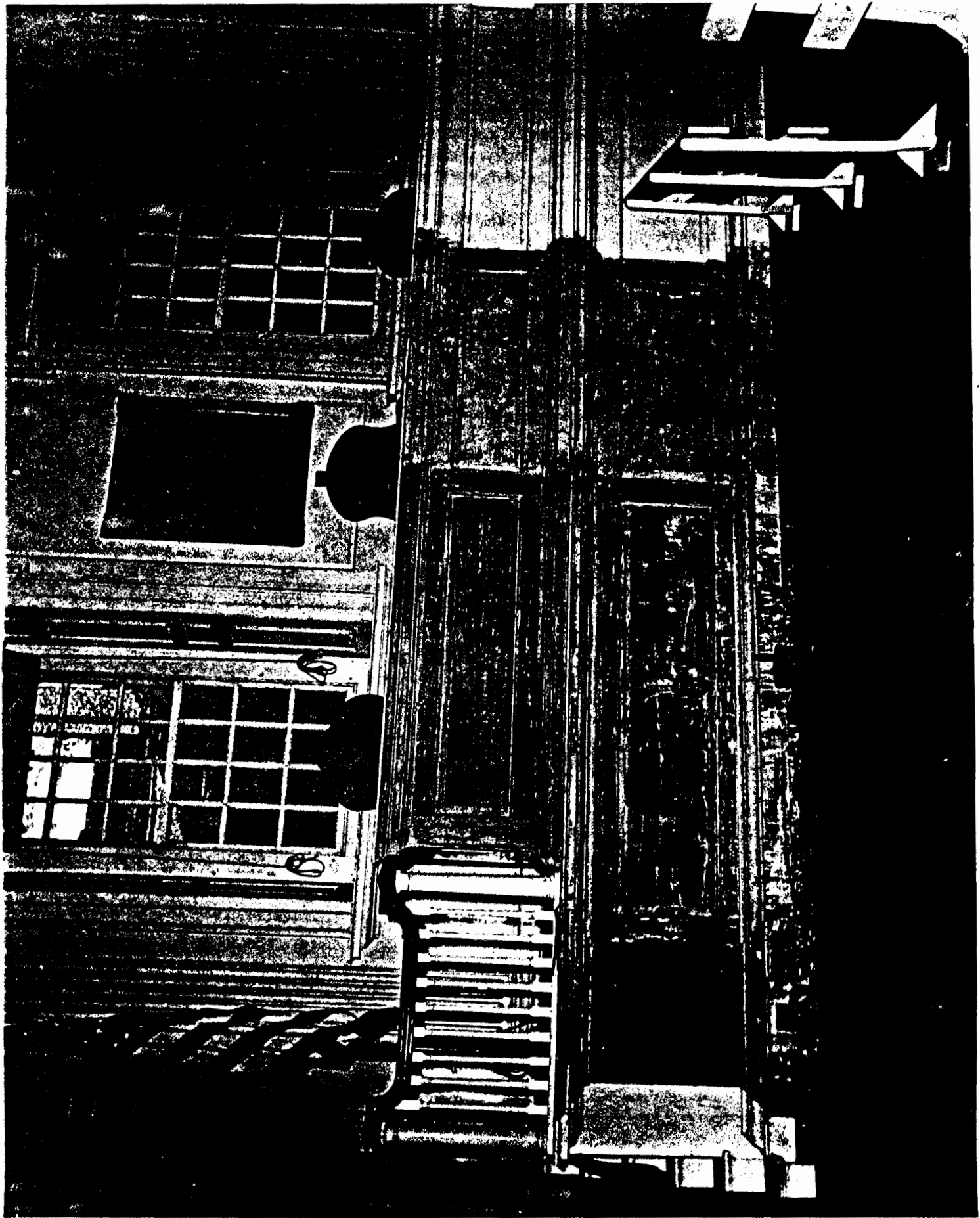


NATIONAL MUSEUM—WEST ROOM.

RELICS IN THE NATIONAL MUSEUM.
(WEST ROOM.)

Fig. 6

Supreme Court chamber, west wall, 1955. Removal of paint from the judges bench. "Judges' Chairs" in place behind bench.



ARCHITECTURAL EVIDENCE

Removal of paint and panelling along the north and south walls of the chamber has failed to reveal any evidence which might establish the location of the jury box. The wainscot panels below the windows (Fig. 4) are now believed to be of recent date, thus accounting for the absence of the hoped-for evidence. The floor is of 1916 vintage. To conclude this tale of woe, it seems unlikely that further architectural investigation will help in establishing the location of a jury box.

CONCLUSION

Present evidence offers no answers to the two important questions: the design of the jury box and its location.

RECOMMENDATION

Further research.

JURY BOX

SUMMARY

Trial by jury was a frequent occurrence in the Supreme Court room. Trial juries generally consisted of 12 men, Grand Juries of 19. It would seem that some kind of permanent accomodation must have been provided for the juries.

The location of the jury was generally the same in all courts--- near or along one wall, at right angles to the bench and facing the area in front which was reserved for the lawyers. (See Figs. 1, 2, and 3.) The York County court scene (Fig. 1) indicates the jury occupied one long bench to the right of the judges bench.

The jurors probably sat either on long formal benches or on settees. To have used individual chairs would have resulted in a disarrangement of the jury with a consequent loss of that severe formality or order so characteristic of courts.

HISTORICAL EVIDENCE

In 1767 the city made a disbursement for putting a new bench in the jury box in the old court quarters at 2nd and Market Streets. This entry indicates use of a jury bench or "box" in the old court, an arrangement which may have been used in the Supreme Court chamber of the State House as well.

In 1779 two settees were ordered for the Supreme Court chamber. These probably replaced others destroyed by the British or carried away by them when they evacuated Philadelphia in the preceding year. These settees might have been intended for the jury; but they might also have been intended for the use of lawyers or spectators.

ARCHITECTURAL EVIDENCE

Removal of paint and panelling along the north and south walls of the chamber has failed to reveal any evidence which might establish the location of the jury box. The wainscot panels below the windows (Fig. 4) are now believed to be of recent date, thus accounting for the absence of the hoped-for evidence. The floor is of 1916 vintage. To conclude this tale of woe, it seems unlikely that further architectural investigation will help in establishing the location of a jury box.

CONCLUSION

Present evidence offers no answers to the two important questions: the design of the jury box and its location.

RECOMMENDATION

Further research.

Jury Box

DOCUMENTARY DATA

1. (n.d.) Where a case appealed involved issues of fact, such issues were tried in the Supreme Court before a jury.
[William Loyd, Early Courts of Pennsylvania, (Boston, 1910) 106]
2. (Dec. 13, 1745) And at a special Court of Common Pleas held at Philadelphia the 13 Day of December 1745. the Sheriff Vizt. Nicholas Scull Esqr. ret. a Certain jury Vizt Joseph Sims Town-Send White William Humphreys Samuel Carson Alexander Stedman Alexander Graydon Joseph Shippen on their oath and Charles Norris John Stamper John Pole Francis Richardson and John [sic] Fisher on their Solemn Affirmation who being elected tryd and respectively Sworn and affirmed on their respective Oath and affirmation do say they find for the Plaintiffs four hundred Seventy two Pounds ten Shillings---Damages and six Pence Costs
Judge Nisi
[James Hamilton Docket Book. 1745, MSS., Historical Society of Pennsylvania, 55]
4. (Dec. 4, 1767) To cash paid Thomas Newell for putting a new Bench in the Jury Box in the Court House - £ 14 - 4 - 2
[Miscellaneous Book City Comms. MSS, Historical Society of Pennsylvania, 5]
5. (July 7, 1779) An order was drawn for the Treasurer in favor of John Pinkerton for sum of 50 pounds, the amount of this account for making two settees for the Court Room by order of Robert Allison.
[Colonial Records, Minutes of the Supreme Executive Council, XII, 40]

Fig. 1

View of Court of Quarter Sessions and Court of Common Pleas, York, Pa., 1801 in session. Note arrangement of judges bench, Arms of Pennsylvania, lawyers' area, jury bench, writing materials and books and bar of court. Courtesy of York County Historical Society.

Fig. 2

View of National Park Service diorama of "Peter Zenger Trial," in New York City, 1735. Note physical arrangement of courtroom and the furnishings and fixtures.

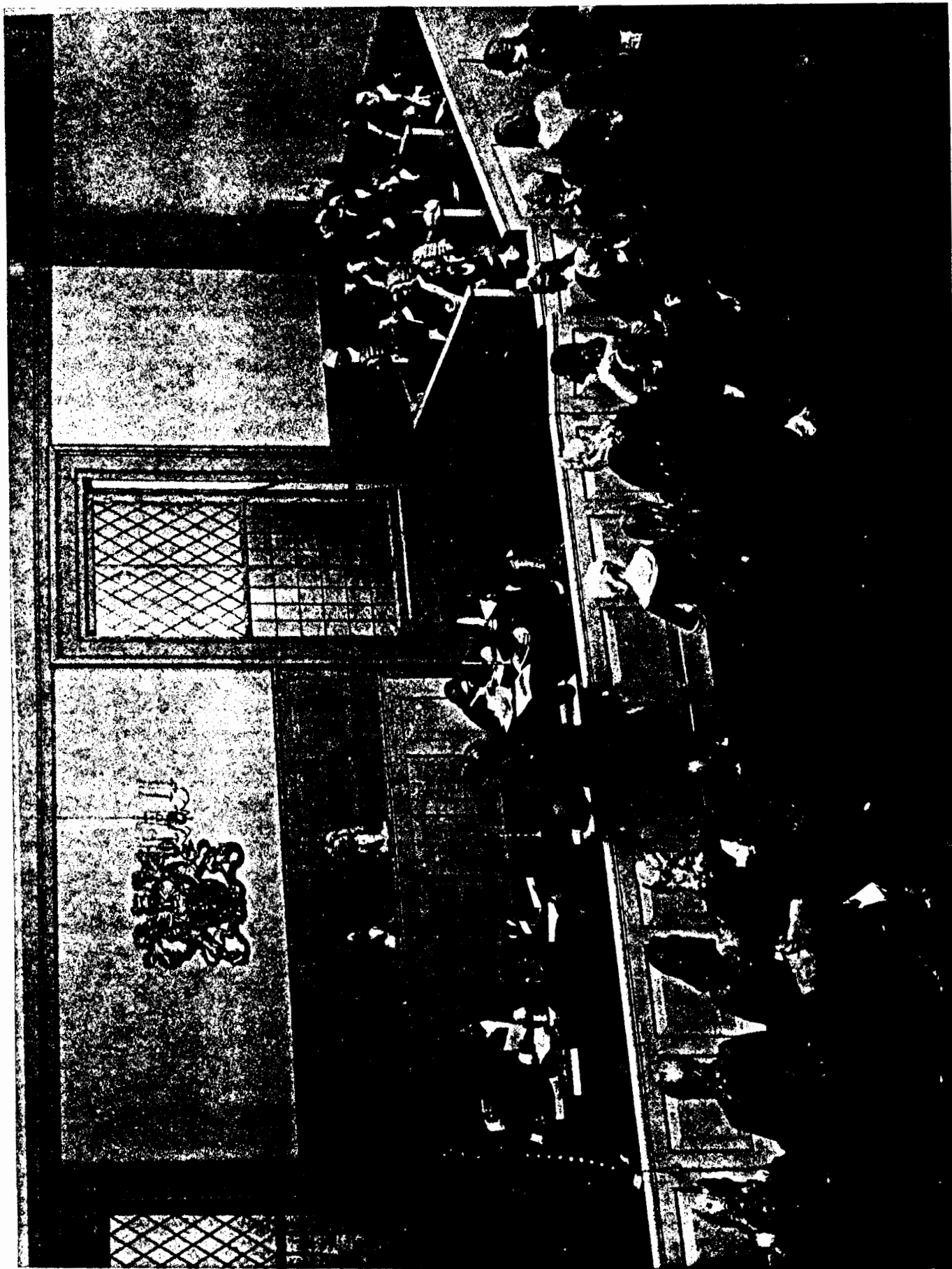
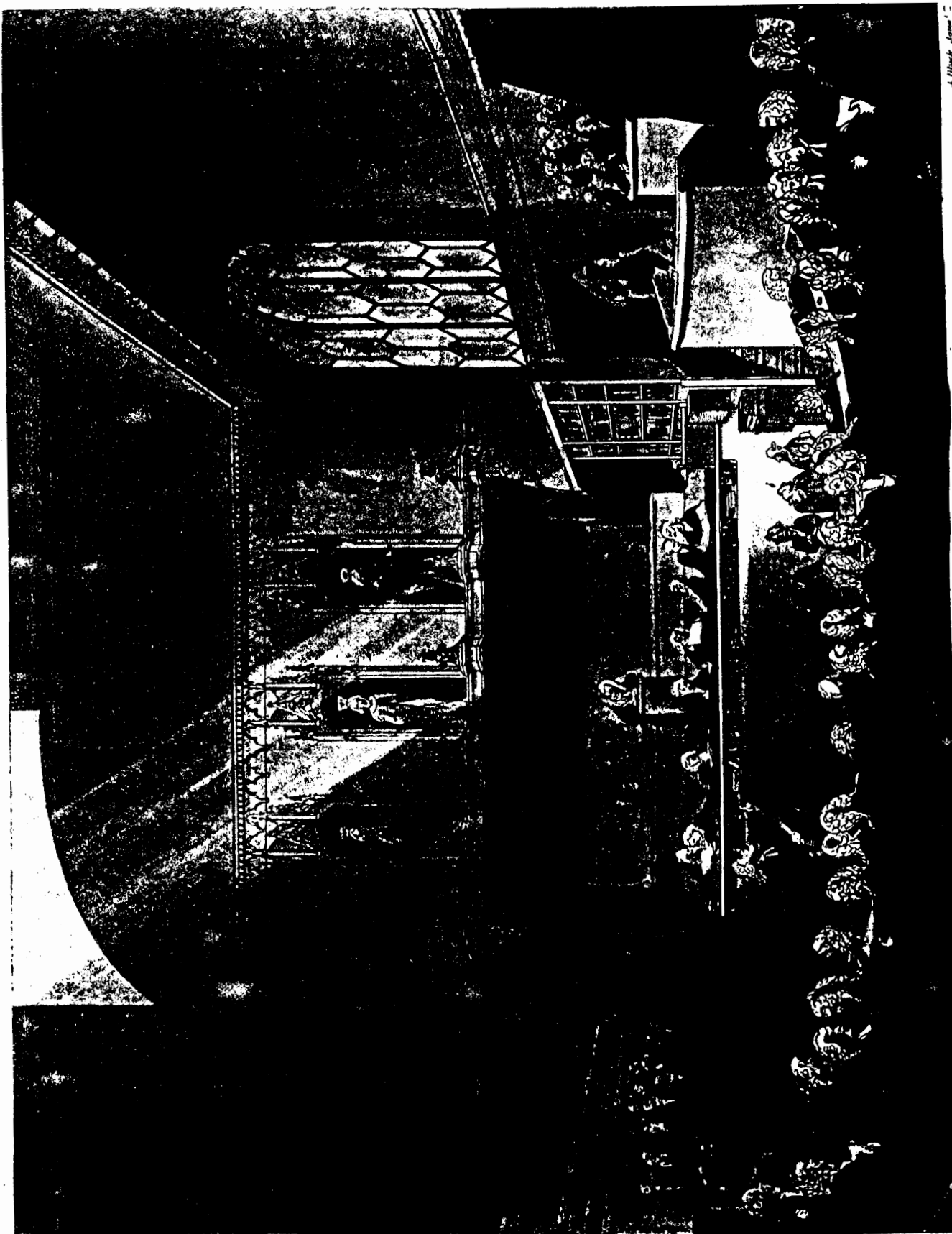


Fig. 3

View of Court of Kings Bench, Westminster Hall, June 1, 1808. Note arrangement of judges bench with Kings Arms above, wigs and robes, lawyers area, and jury. Courtesy of R. Ackermann's Repository of Arts, London.

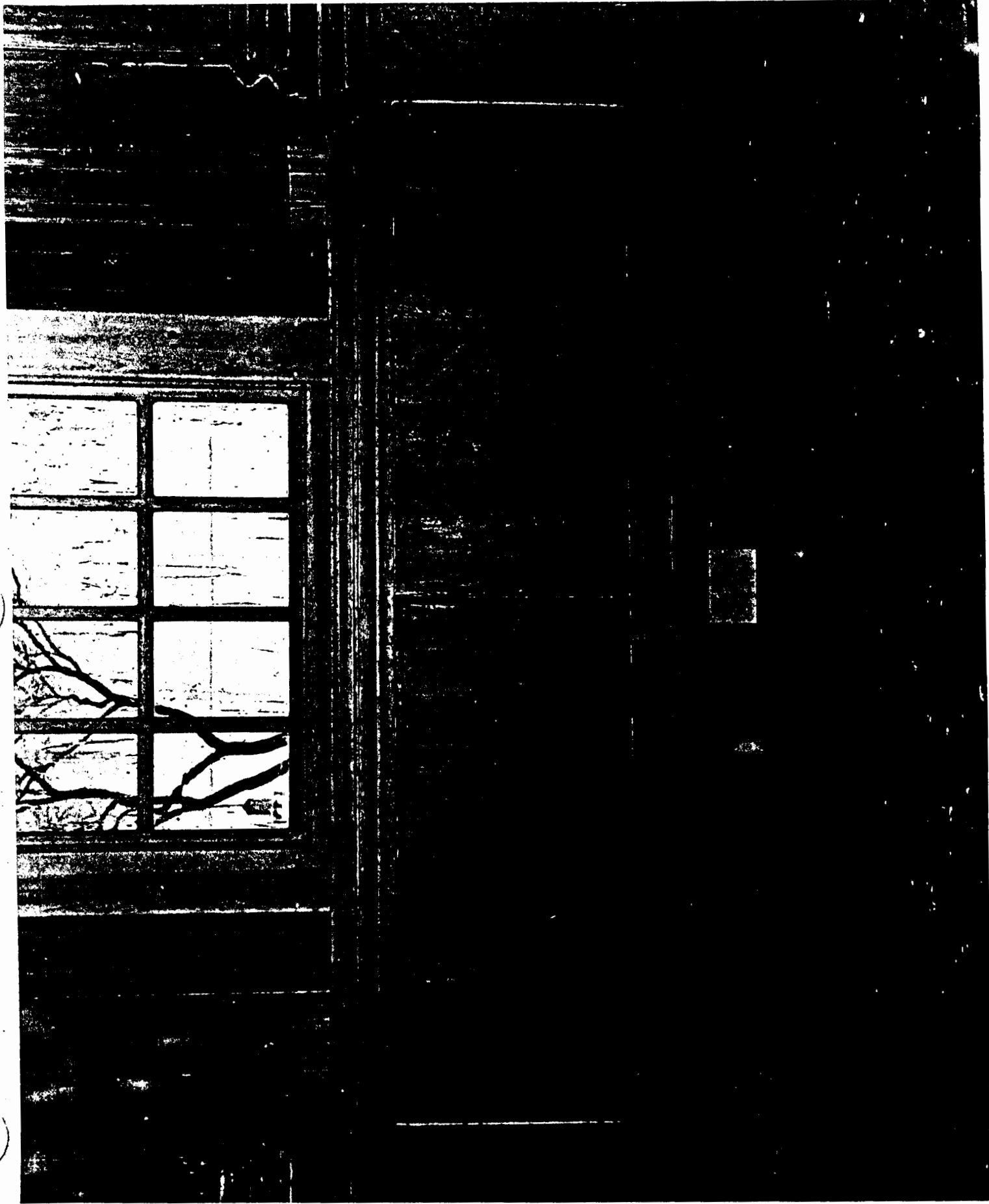


COURT OF KINGS BENCH,
WESTMINSTER HALL.

London: Pub. by J. H. & J. W. G. at the Old Bailey, & Republishers of 'The Old Bailey'.

Fig. 4

View of window #3 on north wall of Supreme Court chamber. Note different color of wood panels below and above window sill level. Note also patches on both sides of window.



LIGHTING

SUMMARY

Many contemporary references have been found showing that court sessions were held not only in the daytime but also in the evening even until midnight. The need for lighting, thus, is established. As to the kind of fixtures used, however, no evidence has yet been found. From research on the Assembly Room, it is known that when darkness came, the Speaker of the Assembly would call for candles and the doorkeeper would bring in the candles.

CONCLUSION

It seems not unlikely this custom prevailed in the Supreme Court also. Because courts in those days met infrequently, generally for short periods of time, there is less likelihood that sconces (Fig. 1) or other permanent fixtures would have been used. But we may assume that candlesticks formed a part of the furnishing of the courtroom. (See Fig. 2)

RECOMMENDATION

Acquisition of 8 or 10 candlesticks of the period, or at least enough to supply the judges' bench and the lawyers table. (See Fig. 2.)

Lighting

DOCUMENTARY DATA

1. (Oct. 13, 1773) In the evening went to the State House to hear the trial between the Proprietor and one Mr. Baroom, concerning 244 feet of land on South Street....

[J. C. Parsons, ed.,
Extracts from the Diary
of Jacob Hiltzheimer
(Philadelphia, 1893) 27]

2. (Nov. 8, 1781) . . . We tried a case between Dr. F. Phile and the Commonwealth of Pennsylvania, and Jeremiah Warder and J. Parker, concerning goods brought into the State from St. Thomas and proven to be British Manufacture. Judge McKean gave us his charge about midnight, after six lawyers for several hours had addressed us. . . .

[Ibid. 46]

Fig. 1

An eighteenth-century (c.1780) fire-gilded, double, rococo, twisted candle sconce with masked backplate and candles from the David Stockwell collection, Philadelphia, 1954. Candle sconces similar to the one shown here may have been used in the Supreme Court chamber.

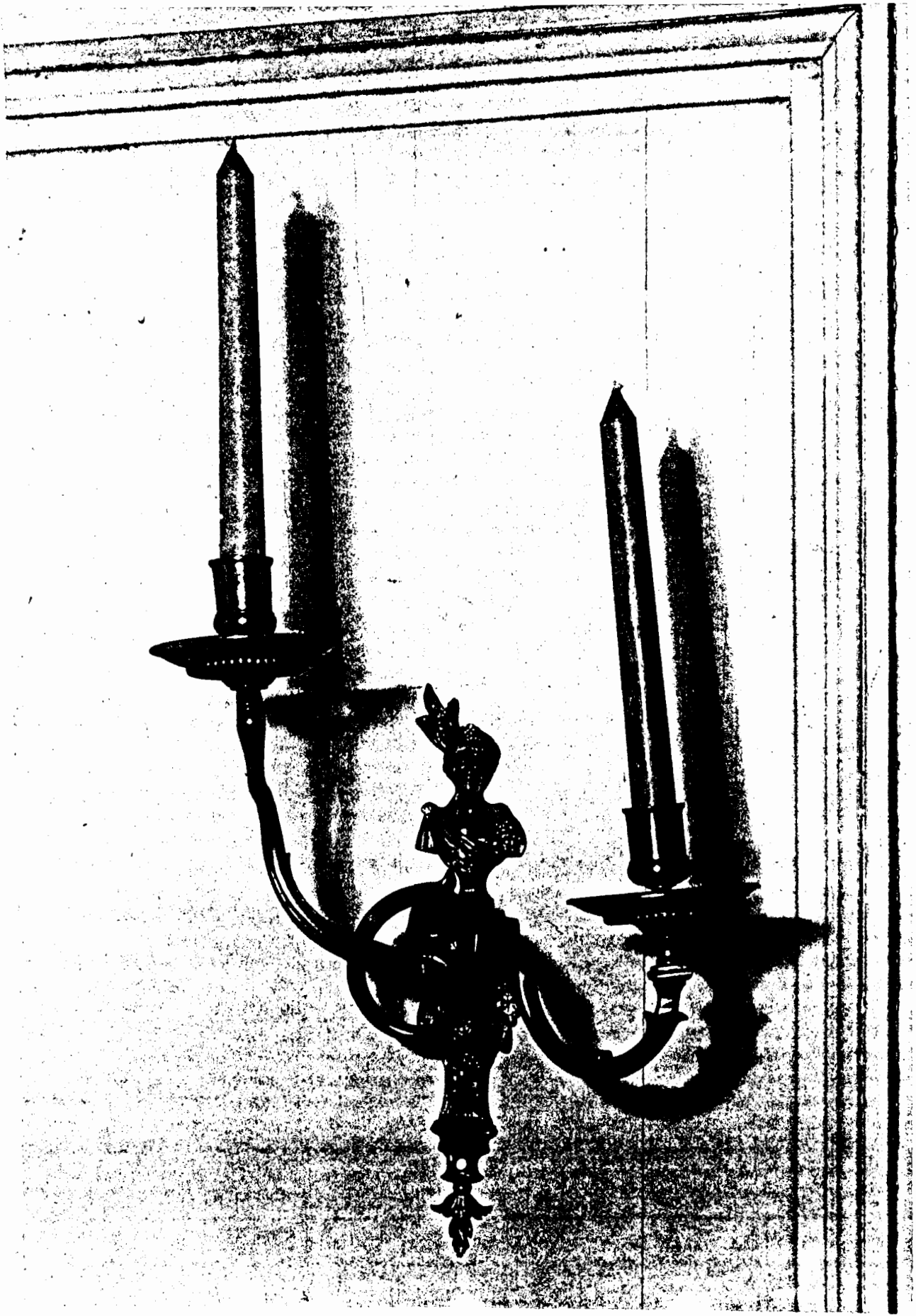
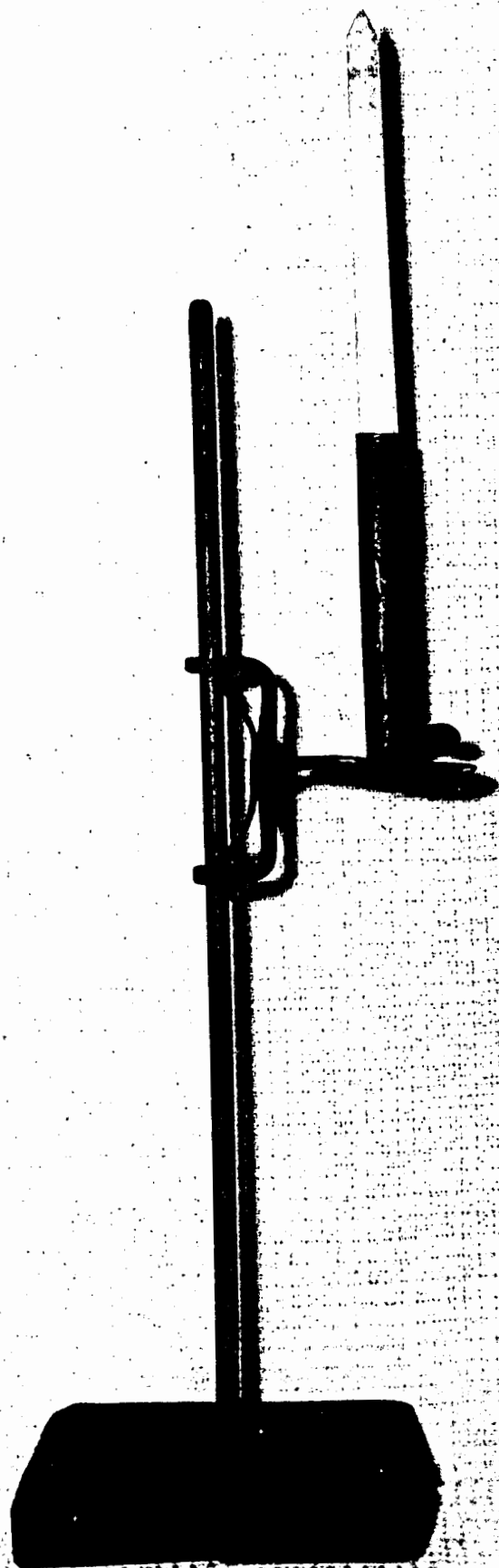


Fig. 2

An eighteenth-century iron and wood candleholder with candle in the David Stockwell collection, Philadelphia, 1954. While little is known as yet concerning fixtures in the Supreme Court chamber, it is possible candleholders very similar to the one shown here were used in this room and other rooms in the State House.



ORIGINAL DOCUMENTS

SUMMARY

Still surviving among the voluminous records of the Pennsylvania Supreme Court are many documents for 1774-1800.

In the custody of the Prothonotary of the Supreme Court (in Philadelphia's City Hall), on shelves and in filing cabinets, are volumes and loose documents listed as: Precepts and Minutes, Cases, Miscellaneous, Trial Listings, depositions, certificates, admiralty proceedings, summons for juries, and special verdicts.

CONCLUSION

The ledger books and papers, some of the latter on parchment with wax seals and ribbons, would make excellent exhibits on the tables in the restored chamber. The Prothonotary of the Supreme Court has expressed the wish that some responsible agency, such as the Historical Society of Pennsylvania, take custody of the material and provide for its proper care. It should be possible therefore to obtain select items on loan for exhibit purposes.

RECOMMENDATION

Negotiations with the Prothonotary of the Pennsylvania Supreme Court should be initiated to determine whether the desired original documents and ledgers might be obtained on permanent loan. Photostats of the documents could be placed in the Prothonotary's files.

STOVES

SUMMARY

The problem of heating was probably a vexing one from the first occupancy of the courtroom. The Supreme Court met twice a year, usually in spring and again in fall or winter, and there are plentiful reports of various court sessions during cold winter months. With no provision for fireplaces, as in the Assembly Room, it was necessary from early use of the chamber to consider the use of stoves.

HISTORICAL EVIDENCE

The casing of the archways in 1789 may have been intended at least in part to improve the heating situation. In 1786 the General Assembly discussed a resolution for casing the arches and placing a stove in the Supreme Court chamber, but the matter was tabled. However, payment for "two stoves purchased... and set up in the Courtroom in the State House, and for two hundred and thirteen pounds weight of Stove pipe" was approved by the Assembly in 1791, and the stoves were apparently installed in that year. (See Fig. 1.)

CONCLUSION

The type of stove bought for the courtroom is not known. Open, or "Franklin" type stoves would have required fireplaces. Closed stoves, either "six-plate" or "ten-plate", would probably have been awkward and impractical for a public place. It is therefore possible that the stoves were of the "cannon" type, popular during that period.

The use of 213 pounds of stove pipe indicates the stoves must have been placed well back from the chimneys in the west wall.

It is likely that they were situated beyond the bar, if not further back towards the east wall of the court.

RECOMMENDATION

The stoves were not placed in the chamber until after the historical base period of the room, 1775-1787. For that reason, as well as on aesthetic grounds, it is recommended stoves (and stove pipes) not be considered for the restored Supreme Court room.

Stoves

DOCUMENTARY DATA

1. (Feb. 20, 1777) At a Court held at the State house Feb
20th 1777 . . .

[Court of Admiralty Papers
1766-1789, "Baldwin, Capt.
John, Feb. 29, 1777," Mss.
Historical Society of Penn-
sylvania]

2. (Nov. 23, 1786) A motion was made by Mr. Brackenridge and
seconded by Mr. Smith,

That a Committee be appointed to report an estimate of the expense
of dividing, by a partition from the entry, that part of the State
House in which the Supreme Court usually meet and the expense of
setting up a stove therein.

Ordered that the further consideration thereof be postponed.

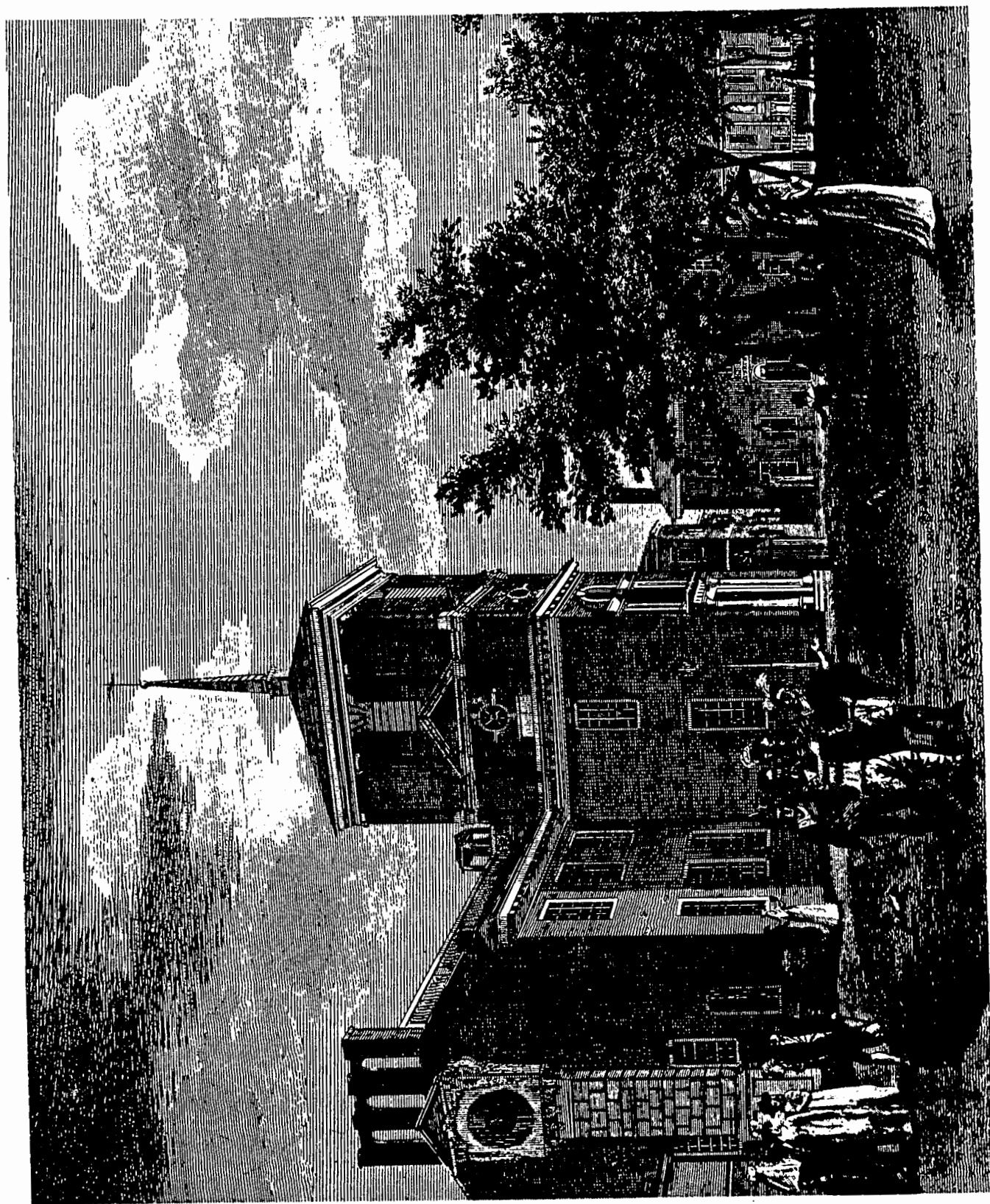
[Minutes of 1st Session of
Eleventh General Assembly
of the Commonwealth of
Pennsylvania, p. 47]

3. (1791.) Account of Jacob Eckfelt for two stoves pur-
chased of him and sett up in the Court room in the State house,
and for two hundred and thirteen pounds weight of stove pipe...

[Pennsylvania Archives,
9th Series, I, 29-30]

Fig. 1

View of State House from the State House Yard, Birch Print, 1800.
Note the stairs and doorway leading into the interior of the Supreme Court chamber (area of judges bench), and the stove pipes leading through the west windows.



TABLES - LAWYERS

SUMMARY

It was customary for the lawyers engaged in a trial to sit together at a long table immediately below the judges bench. An example of such a table may be seen in the illustrations under the heading "Jury Box" in Figs. 1, 2, and 3. Evidence shows that there was a special table for lawyers in the Supreme Court chamber, and that it was a particularly long one. Although we do not have any dimensions, there is some indication of the size of this table in the fact that upon occasion as many as six lawyers had to be accomodated.

HISTORICAL EVIDENCE

During the repairing of the Supreme Court in 1779, after the British occupation, one of the items of expense was "12 Posts for a table." The "posts" were of course legs, to replace those which may have been hacked off by the British for firewood. This table might have rested on a platform (as appears to have been the case in the old Chester County courthouse) judging from a statement for disbursement in 1789, for "Rasing" the floor where the lawyers "Sett." While "rasing" could also mean removing for repair, the possibility that the lawyers' area was in fact elevated, must be seriously considered on grounds of both precedent and practicality. Another possibility is that this area occupied by the table might have been enclosed by a bannister, as in the Chester County court, although there is at this time no direct evidence either for or against such a possibility.

CONCLUSION

Evidence shows that a long table for the use of the lawyers

was a part of the original scene. Its position was undoubtedly parallel to and just below the judges bench. The area of the table may have been elevated; this point, however, is not fully established.

RECOMMENDATION

Further research.

Tables - Lawyers

DOCUMENTARY DATA

1. (Feb. 17, 1779)

State of Pennsylvania
to John Cornish---Dr

1779

Feb^r 17 To 12 posts for a Table a 12/6? --- 7 . . 10 . . ---

[Independence Square, State
House Maintenance Vouchers
"C," (January-July 1779)
Division of Public Records,
Pennsylvania Historical and
Museum Commission, Harris-
burg]

2. (1789) To Laying a floor in the Court Room. Lenthing
the Judges Seat - Razing the floor and Seats. Where the Lawyers
Sett - . . . ["not done" appears as a marginal note in the source]

[Independence Square, State
House Maintenance Vouchers
"M," (Jan. - Oct. 1789) Di-
vision of Public Records,
Pennsylvania Historical and
Museum Commission, Harris-
burg]

3. (Nov. 5, 1781) . . . Judge McKean gave us his charge about
midnight, after six lawyers for several hours had addressed us. . . .

[J. C. Parsons, ed.,
Extracts from the Diary
of Jacob Hiltzheimer
(Philadelphia, 1893) 27]

TABLES - MISCELLANEOUS

SUMMARY

There is no positive evidence establishing use of tables in the Supreme Court chamber other than the lawyer's table. However, the York County court scene lists a sheriff, court cryer, and clerk among the attendants, and it appears likely there were two or more small tables for the use of court attendants. (See Fig. 1 under heading "Jury Box.") A contemporary description of the opening of the Supreme Court indicates the presence of a number of court attendants.

HISTORICAL EVIDENCE

Green baize was a common, if not universal accompaniment to all tables in the State House. References are noted for green baize for specific tables in various rooms. Although no direct reference is made for the Supreme Court chamber, a payment of a considerable sum for "green cloth" indicates that the cloth was ordered for all tables in this building at one time. This expenditure would have been too large for covering tables in one specific room of the State House.

CONCLUSION

It is a reasonable assumption, that small tables were used in the courtroom. These tables were probably covered with green baize, as in the Assembly Room. (See Fig. 1 under heading "Writing Materials.")

RECOMMENDATIONS

That further research attempt to substantiate this point, but in any event, that small tables typical of the period be acquired or reproduced for use in the restored Supreme Court chamber. The chamber, then, from the point of view of these tables, would represent a typically

18th-century court, (See Fig. 1) rather than the original State House courtroom. And should direct evidence at some future date develop to establish the precise condition, this "typical" feature could be easily converted to, or replaced by, the original feature.

Tables - Miscellaneous

DOCUMENTARY DATA

1. (1777-1779) In opening the sessions of his courts, it was done with great ceremony and form, and the Chief Justice Thomas M'Kean held all his attendants to the most rigid observance of respectful duty.... The Sheriff, in all his pomp, together with tipstaves and attendants, assembled at the commencement of the term, and swelled the retinue of the Chief Justice and his associates, as they proceeded to assume their respective places upon the judicial seat.

[David Paul Brown, The Forum (Philadelphia, 1856) I, 327-328]
2. (Nov. 9, 1780) Paid Thomas Fitzgerald per do for Green Cloth £ 246.1.10

[Comptroller General Financial Records, Journal "A-1" (1775-1785), Contingent Expenses, 1780, Acct. #77, Division of Public Records, Pennsylvania Historical and Museum Commission, Harrisburg]
3. (May 13, 1782) ...the house [Continental Congress in the Assembly Room of the State House] was arranged in the following order - - - The President in a chair on a platform raised on two steps from the floor with a large table before him. The members of Congress in chairs on the floor to his right and left with small tables before them. The tables were all covered with green cloth.

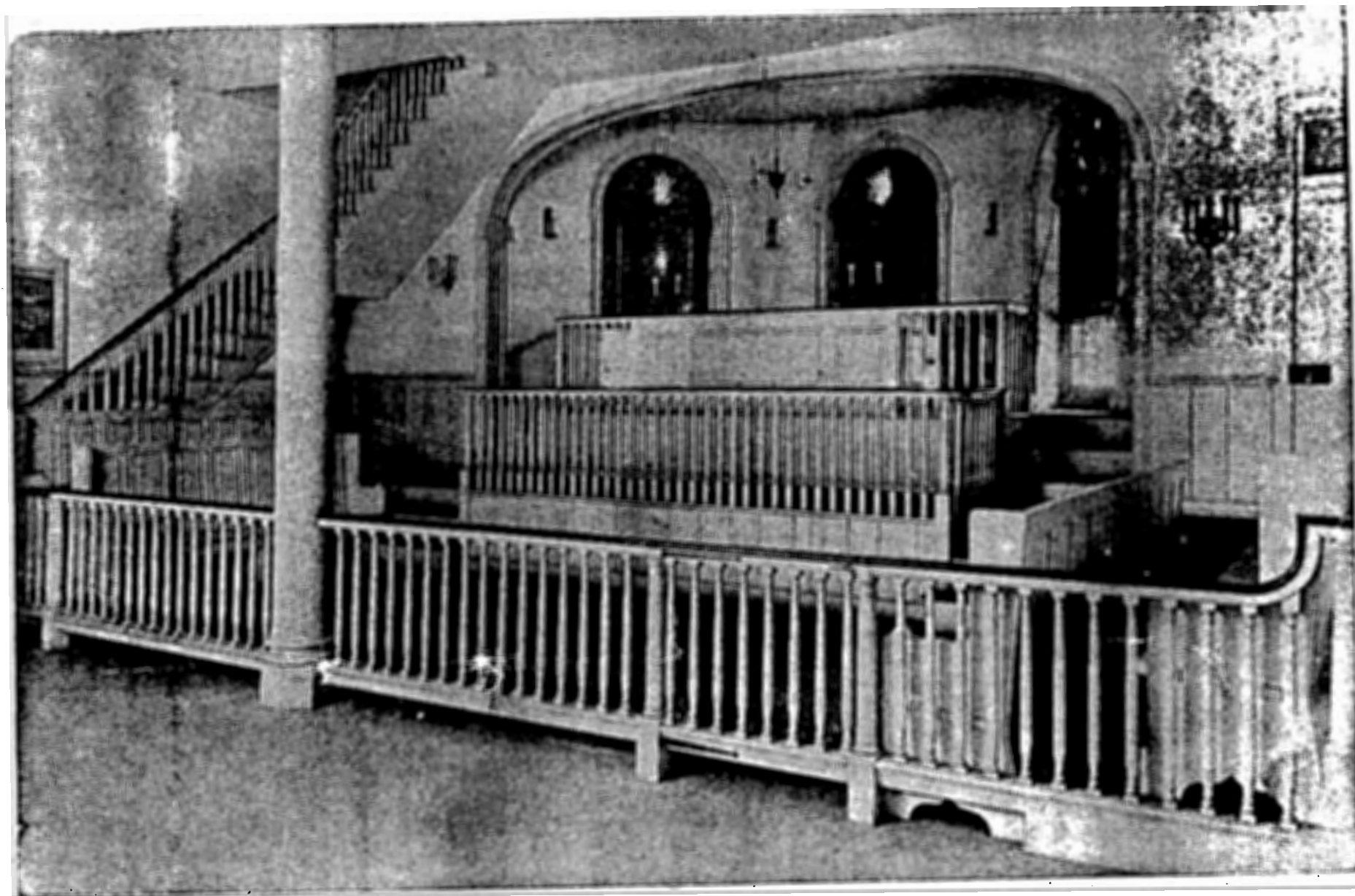
[Report, The Secretary of Congress (Charles Thomson) in Burnett, Letters of Members of Continental Congress, VI, 348-350]

Fig. 1

Restored Colonial Court House, Chester, Pennsylvania, c.1950. Note arrangement of judges bench, jury boxes, and bar of the court. Courtesy of Delaware County Historical Society.

COLONIAL COURT HOUSE

Headquarters of Delaware County Historical Society



BY CHRISTINE C. MORLEY

VENETIAN BLINDS

SUMMARY

It is generally believed that venetian blinds had been introduced into the American colonies by about 1700. We know that by 1767 advertisements were appearing in Philadelphia newspapers from individuals styling themselves "Upholsterers and Venetian Blind makers." In the latter year an "Upholsterer," recently arrived from England, advertised: "Venetian sun blinds for windows,... stain'd to any colour, wires to any position, so as to give different lights, screens from the scorching rays of the sun,... draws up as a curtain, and prevents from being overlooked." The blinds were efficient, which accounts for their apparent popularity at this early date.

HISTORICAL EVIDENCE

Venetian blinds (Fig. 1) were a common, if not universal accompaniment to windows in the State House. There are a great many references to payments for venetian blinds or for the repair of parts--- "tossel, cord and pins." While references are mostly for the State House in general, a number of times the reference is to the Assembly Room, Council Chamber or Supreme Court chamber.

Also a part of window fixtures of at least parts of the State House were the "Screens and Curtains for the Assembly Room" which were ordered in 1748. Just what these screens and curtains were and how many rooms, if any, other than the Assembly Room were provided with them, is not yet known.

That venetian blinds were part of the furnishing of the Court Chamber is attested by the receipt of 1791 "In favor of David

Evans for repairing two venetian blinds for two windows in the Court Room in the State House at the request of the Supreme Court."

CONCLUSION

While references have been found to associate venetian blinds with only three rooms of the State House---Assembly Room, Council Chamber and Supreme Court Chamber---it would seem highly probable that such blinds were a feature of all the rooms of the State House. Using written descriptions available from contemporary advertisements, and especially the photograph of an advertised venetian blind (Fig. 1) in the New York Argus of June 6, 1795, it should be possible to reproduce accurately venetian blinds of the period.

RECOMMENDATION

It is recommended that acquisition of such blinds for the courtroom be arranged for immediately, to be installed upon their delivery. It is further recommended that at the same time blinds be ordered for installation in the Assembly Room, under the terms of the General Federation of Women's Clubs grant. It seems logical also, although it may not fall within the above grant, to acquire venetian blinds for all windows of the State House.

Venetian Blinds

DOCUMENTARY DATA

1. (1748) Ordered, That the Superintendents of the State-house provide Screens and Curtains for the Assembly Room.
[Pennsylvania Archives, 8th Series, IV, 3183]
2. (August 20, 1767) John Webster, Upholsterer, from London, at house of Mr. Rush in Arch St. near 2nd... "Also, the newest invented Venetian sun blinds for windows, on the best principles, stained to any color; moves to any position, so as to give different lights, screens form the scorching rays of the sun, draws a cool air in hot weather, draws up as a curtain, and prevents from being observed and is the greatest preserver of furniture of anything of the kind ever invented. As said Webster has had the honour of - - - - with applause, for several of the nobility and gentry in England and Holland, hopes he will meet with a small degree of encouragement amongst the benevolent of Philadelphia. as they may depend on being punctually and reasonably served."
[Pennsylvania Journal. Aug 20, 1767].
[Prime, Arts and Crafts 1721-1785, (Topsfield, Mass., 1929) 214, 215]
3. (Oct. 4, 1784) Receipt for furnishings of Venetian Blind: Sundries Dr to David Kittenhouse Esq. Treasurer; Contingent Expences of Government for the year 1784, Samuel Williams, in full for completing a Venetian window blind for the Assembly room, August 25, 1784,...
£ 9-0-0
[Pennsylvania Archives, 3d Series, V, 136]
4. (July 15, 1787) Philadelphia July 15, 1787. ... I am getting a Venetian blind ⁷³ to send round; that others may be made at home, by it. Tell Mathew to have poplar sawed for this purpose, as thin as it can be, that it may Season against the Pattern arrives. When dressed the pieces will be about the length that the Window is wide; not more than the 1/8 of an Inch thick, and about 5 Inches wide each piece. ... ⁷³ "On July 12 Washington wrote a brief note to Clement Biddle, requesting that the upholsterer [John] Davis be sent to him to make 'one of the blinds.'
..."

[George Washington to George Aug. Washington, July 15, 1787, John C. Fitzpatrick, ed., Writings of George Washington, 1747-1799, XXIX (1939), 247]

5. (Dec. 10, 1790-) Receipt: In favor of David Evans, for the sum of £ 8-4-8, being the amount of his account for making a new Venetian blind, and repairing and painting an old one, and also fixing a cord, tassel, and pins thereto, in the State Senate Chamber.

[Colonial Records, Minutes
of the Supreme Executive
Council, XVI, 534].

6. (July 18, 1791) Receipt: In favor of David Evans for repairing two Venetian blinds for two windows in the Court room in the State house ...

— [Pennsylvania Archives,
9th Series, I, 160]

7. (July 2, 1791) To repairing 2 Venetian blinds in the Supreme Court Room

[Register General Accounts
(MSS) Journal "B," (1790-
1792), 297, Division of
Public Records, Pennsyl-
vania Historical and Museum
Commission, Harrisburg]

Fig. 1

Advertisement of Window Blinds in The [New York] Argus or Greenleaf's New Daily Advertiser, June 6, 1795. Venetian Blinds, probably very similar to the type shown in the advertisement, were used in the Supreme Court chamber and other rooms in the State House. Courtesy of New York Historical Society.



THE Subscriber takes this method of informing the public, that he carries on the Window-Blind Manufactory, at No. 5 Robinson Street. Having a large assortment of Blinds on

hand at present, which he will sell on the most reasonable terms; he hopes, that his former customers will continue their favours; and any orders from the country shall be properly attended to, and executed with neatness and dispatch.

N. B. Also, all kinds of cabinet work carried on as above.

JOSEPH FULLER.

March 5, 1795.

56-2aw.3m.

WRITING MATERIAL

SUMMARY

There is no doubt that writing materials were used by court participants. It would have been impossible for lawyers and judges to conduct court sessions without the essential writing materials of the period---quill pens, inkstands and paper. (See Fig. 1) The evidence of the York County court (See heading "Jury Box" - Fig. 1) indicates the use of these materials, and their presence upon tables in the restored courtroom would do much to help restore the original setting.

RECOMMENDATION

Writing materials of the period, such as were used in restoring the Assembly Room, should be acquired.

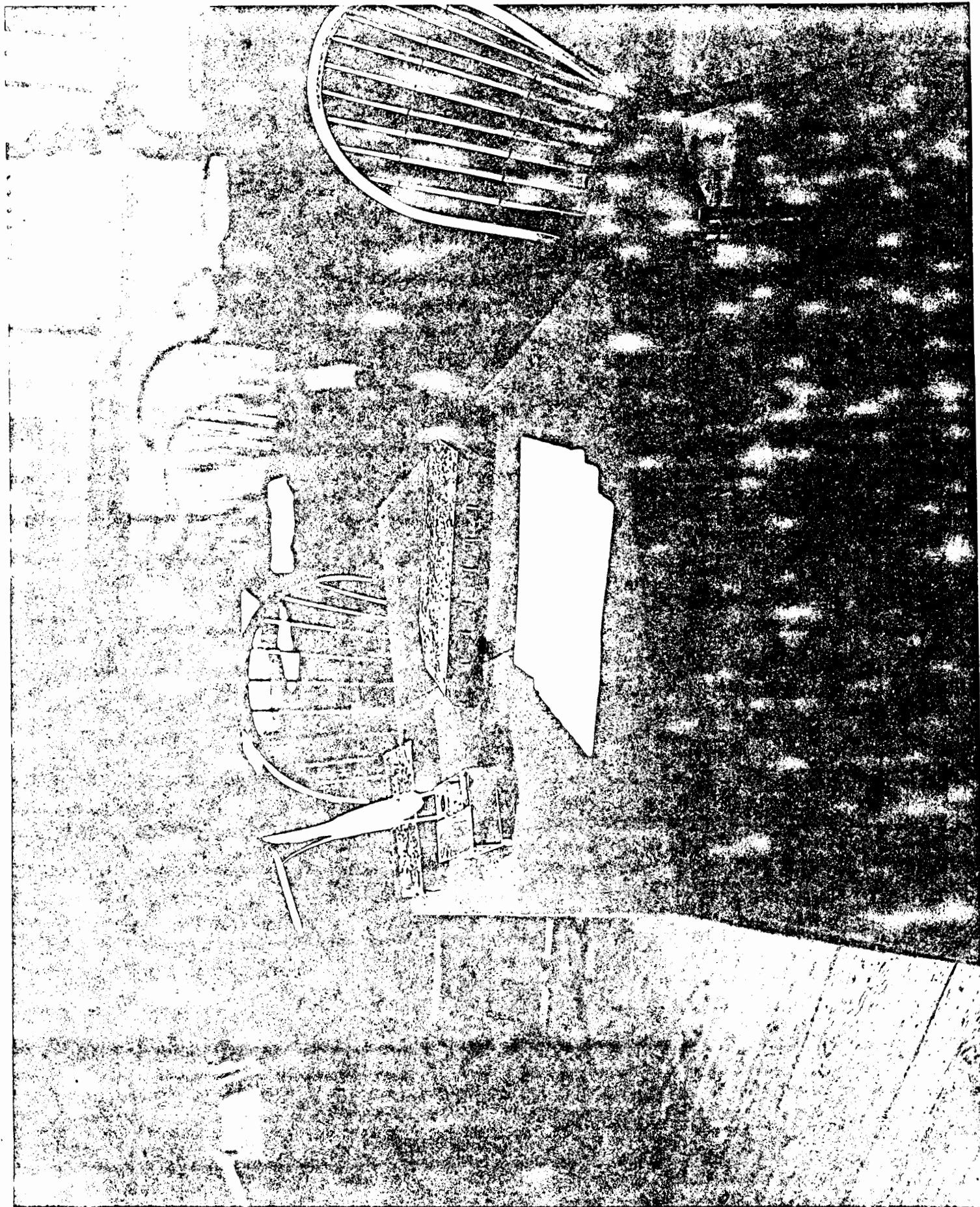
Writing Materials

DOCUMENTARY DATA

1. (Oct. 7, 1779) By John Morris, esquire, for
paper, quills, &c furnished for the use of the
assembly 74-5-0
[Journal of the House of
Representatives of the
Commonwealth of Pennsylvania,
1776-81. I, 634]
2. (Nov. 29, 1779) By Thomas Paine, for
paper, wafers, ink &c purchased for the use of the assembly.
163-10-0
[Ibid, I, 635]
3. (April 11, 1780) Paid William Trickett for
stationery for Council per order of Council L 132.0.0
[Comptroller General Finan-
cial Records, Journal "A-1,"
(1775-1785), 117, Division
of Public Records, Pennsyl-
vania Historical and Museum
Commission, Harrisburg]

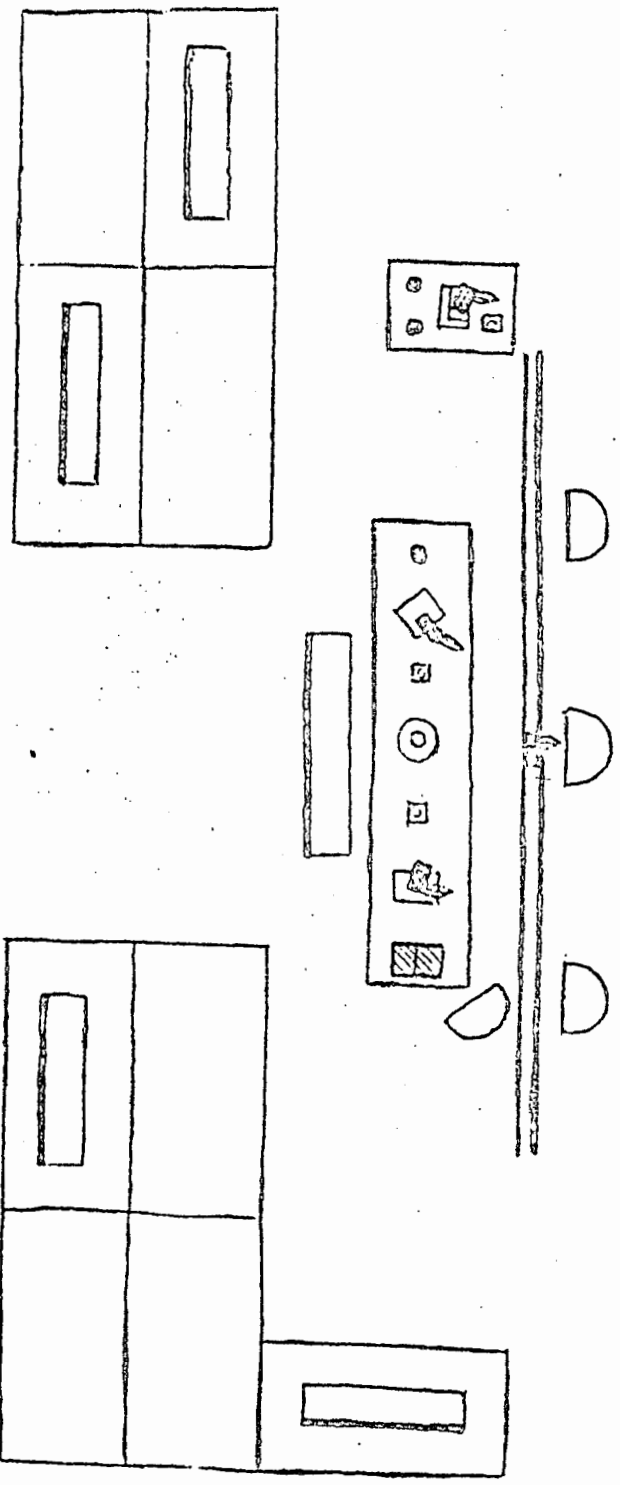
Fig. 1

View of partially refurnished Assembly room, State House, 1955.
The eighteenth-century Windsor Chairs shown here were the type
once used in the Supreme Court chamber and other rooms of the
State House. Note the writing materials, typical of the period.



Interim Furnishing Plan for Supreme Court Room

J. Mulcahy, 1956



LEGEND -

-  - PENTER INKSTAND
-  - SHEET PAPER
-  - QUILL PEN
-  - OPEN BOOK
-  - BRASS INKSTAND
-  - BOXES INKSTAND
-  - CANDLESTICK WITH CANDLE
-  - PENTER INKSTAND

SUPREME
COURT
CHAMBER

JAN. 1957

Independence Hall
Interns Furnishing Plan for
Supreme Ct. Room.

- J. Mulcahy, 1956