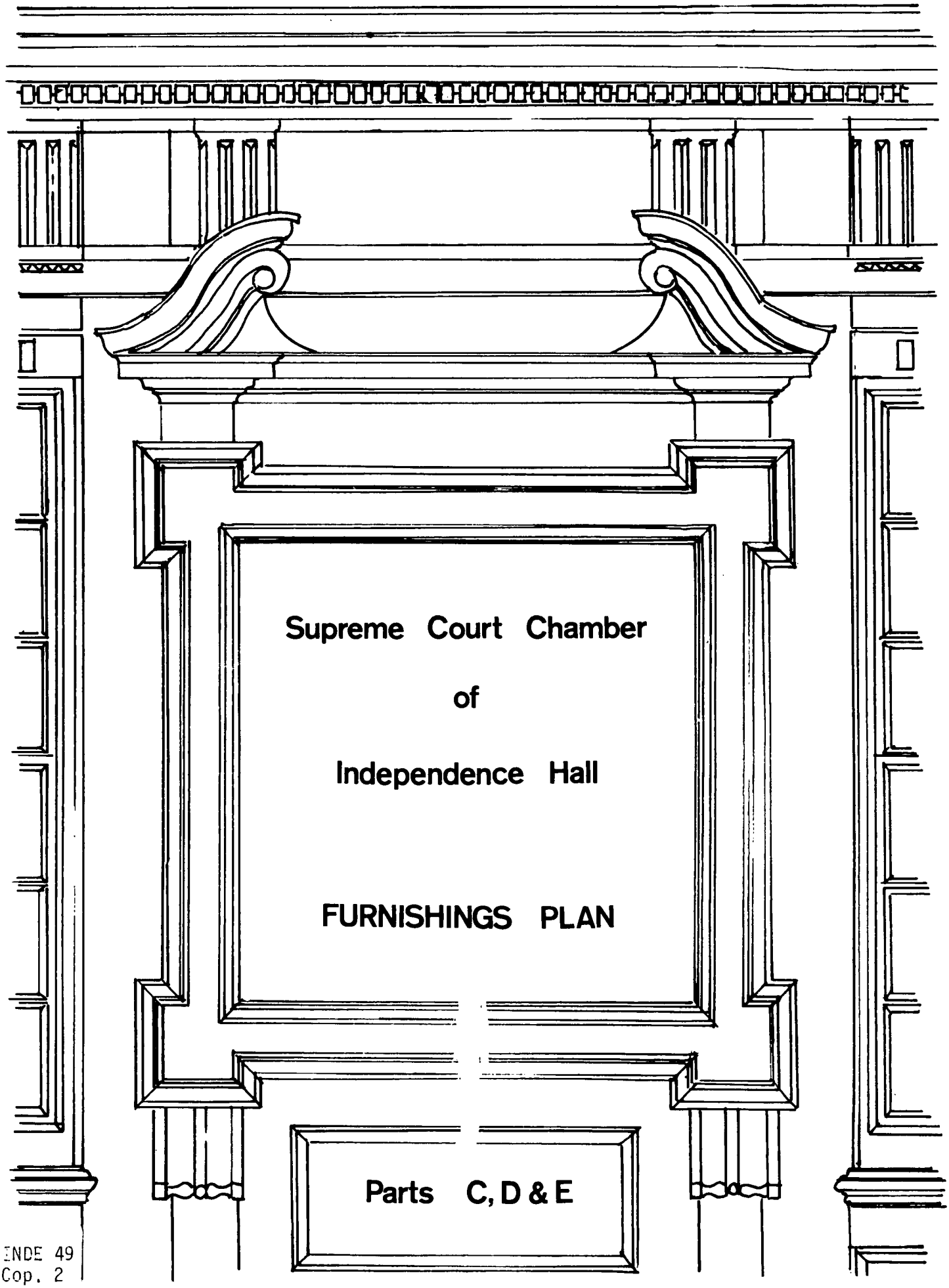


Supreme Court Chamber

of

Independence Hall

FURNISHINGS PLAN

Parts C, D & E

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SUPREME COURT CHAMBER
OF INDEPENDENCE HALL
FURNISHINGS PLAN
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Supreme Court Chamber

of

Independence Hall

FURNISHINGS PLAN

Parts C, D & E

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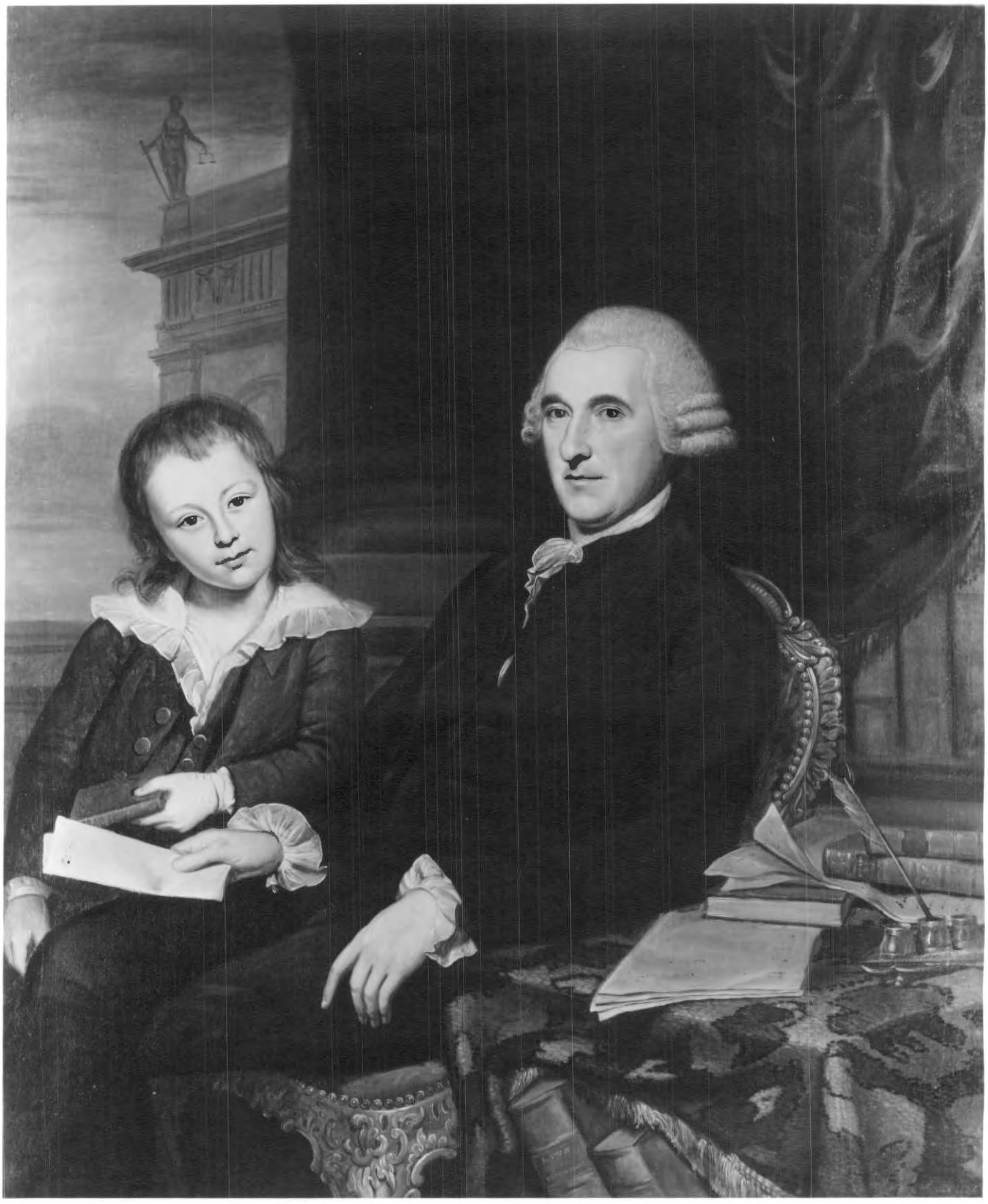
Floor Plan Illustration: Jane B. Kolter
Curator of Exhibits

August, 1979

PORTRAIT: CHIEF JUSTICE THOMAS McKEAN AND THOMAS McKEAN, JUNIOR. Oil on canvas, by Charles Willson Peale, 1787. Bequest of Phebe Warren McKean Downs, Philadelphia Museum of Art, Accession Number 68-74-1.

This portrait leaves no doubt about this man's career. He is a man of law. The figure of justice in the background hints at a position beyond a mere member of the bar, for her traditional association is not with the partisan behavior of a lawyer, but with the ideal of a cool, dispassionate judge. In fact, this man, Thomas McKean, was Chief Justice of the Pennsylvania Supreme Court from 1777 until his election as governor of Pennsylvania in 1799.

In the role of Chief Justice, Thomas McKean sat on the bench of the Supreme Court Chamber for the prime years of the post-Revolutionary historical period. On a daily basis he saw the arrangement and embellishments of the courtroom as it was rebuilt by Master Carpenter Robert Allison in the winter of 1778-1779. He therefore knew the room on an intimate level. Could this painting speak, one wonders what secrets it would reveal about a chamber which itself is an enigma to the modern researcher.



In lieu of a separate report prepared by the Park Historian, Section C, Documented Account of Original Furnishings, has been included in this volume. It was prepared by Daniel J. Sharp, Assistant Curator, and reviewed and approved by Martin I. Yoelson, Chief Park Historian.

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SECTION C: DOCUMENTED ACCOUNT OF HISTORIC FURNISHINGS

General Introduction

Somehow, the title to Section C does not seem in the least appropriate. Instead, it should be called, "Hypothetical Account of Historic Furnishings." The direct documentation for the historic appearance of this chamber is extremely sparse, especially for the period during--and before--the Revolutionary War. Although an impressive volume of material has been uncovered over the years which deals with the room, this evidence (i.e., the historic documentation, technology and design of the original fabric, as well as the appearance of contemporary courtrooms) has revealed little that is other than ambiguous, thus leaving the great majority of material open to subjective interpretation. A review of the evidence will clarify this point.

First of all, the most desirable source of information a researcher in this field could hope for, a picture, is, of course, missing. Here the courtroom is at no disadvantage to any other room in the Park (save Bishop White's study). The earliest depictions are from 1873 and 1876, when a series of photographs were taken of the National Museum, part of which was displayed in this room. Unfortunately, by this time severe alterations had been made to the architectural implacements, which left nothing of the design or layout of the room before

1821. Yet, the photographs do yield invaluable information on the original paneling and design features.

Because of the greater expectations one might have of gaining information from the written documentation, it disappoints the researcher even more than the pictorial evidence, for beyond a general and often tenuous reference to the room's contents, little has been revealed by going through available historical records. This paucity of good, direct, descriptive information is due to several factors, two of which stand out as exceptionally noteworthy.

The first is the informal nature of the vouchers, bills, and estimates of the day. Both Robert Allison and Joseph Rakestraw were very competent--even exceptional--craftsmen and supervisors, but when they submitted their estimates and bills, they used very sketchy language because the persons for whom they wrote knew both the room and the local architectural terms--two advantages we do not have today.

The other noteworthy reason for the paucity of useful documentation results from the basic conservatism of courtroom design. In England and America precedent reigns in law, as well as in the accommodations for the law. It seems that certain features, and certain terms used to describe these features, are rooted in remote English antiquity. These features were so accepted, so taken for granted, that they were never worthy of direct comment. Thus, when accounts were written of events in courtrooms, specific elements of the rooms in which the trials occurred were rarely mentioned in detail, and no

action was ever referred to in other than traditional terms.

Ironically, this last source of ambiguity can also assist us, for the powerful traditions of law increase the reliability of eighteenth-century prints of English and American courts as models for conjuring the likely appearance of the Supreme Court Chamber. Surely if long antiquated terms like "Oyer and Terminer" survived the centuries and a passage across the Atlantic (Oyer and Terminer is a Middle French survivor from the centuries after 1066 when English royalty spoke only French), then basic courtroom features like accommodations for the judges, jury, and lawyers would have survived as well. Even a cursory examination reveals this to be true. Courtrooms on both sides of the ocean have a judges bench, jury box, tables for the lawyers and officers of the court, etc.

Yet the specific location and design of these features occupy a broad band in the spectrum of eighteenth-century architectural design. A room can merely provide the minimum necessary to qualify as a courtroom (See Illustration 28) or it can be very complex, with elaborate devices designed to accommodate the principals of a trial (See Illustrations 34-40). Fortunately, this variety in outfitting courtrooms can be limited by relying only on representations of higher courts of record, although even within this limited sample important elements may be missing or very different from the normal pattern. At least the higher courts share a certain ambience, which is derived

from elements of design and placement with enough tradition to make them reliable as models for the Supreme Court Chamber.

Finally, the work done by the restoration architects in the 1950s and 1960s revealed a wealth of previously unknown information about the original design and layout of the courtroom. For example, it was revealed that over the years there had been not one, but two levels of judges benches along the west wall of the room. Also, evidence of the existence of some sort of sloping or stepped platform beneath the north and south center windows was found which corroborates the frequent references to galleries in the eighteenth-century accounts of trials in the courtroom. However, these two rather typical examples illustrate well the limitations of this evidence, for little more is known about these two structures: we have no idea when they occupied those spots, their overall dimensions, or their appearance.

This brief summary will, I hope, serve to prevent any mistaken impressions about the nature of the work in this section of the furnishings plan. Much of even the most certain or well-documented features are little more than the resolution of several incomplete sources into their lowest common denominator, and many parts of the section are conjectural or even educated guesses. So, as this plan is reviewed, the reader should not assume that the writer intends it to be the gospel, immutable truth. It is merely one interpretation of the available evidence, assembled at one place, and at one time.

JUDGES BENCH

Introduction

The chief concerns of this section will be: first, to establish that a judges bench existed in the Supreme Court Chamber of Independence Hall; then, to locate this bench within the room, and finally, to examine the evidence--both historical and physical--to extract the information available on the design of the bench during the historical period c. 1740 to 1816. I have chosen to handle the problems involved with chronologically arranging the physical wall evidence in a separate appendix (Appendix A), not only because the problem is mostly an architectural matter, but also because the material involved in ordering the wall evidence is extremely complex and should be handled alone, unencumbered by other considerations.

The judges bench seems a good point at which to start this Furnishings Plan. There is a great deal of precedent for the use of this implacement found in contemporary plans and prints, and fortunately, unlike virtually every other major feature of courtrooms, the bench is relatively consistent throughout these sources in design, placement, and, of course, function. Even the bar, which

is the only other truly universal feature of Anglo-American courtrooms, waxes inconsistent and confusing in both design and function when compared to the judges bench.

A judges bench can be found in every available depiction of the higher English courts of record.[1] In these prints the bench seems to enhance the men it holds by locating them in the architectural focal point of the courtroom, and by separating them from and elevating them above the rest of the persons in the room. The bench visually places the judges with the room's symbols of authority (either the Royal Coat of Arms or a secular figure of justice). Together with their ubiquitous wigs and gowns, the judges are symbolically as well as visually raised to another plane. In this manner the judges' role as the living repository of the English Common Law is affirmed.

The Supreme Court Chamber Judges Bench

The Supreme Court in Pennsylvania had more than one judge throughout the historical period of the room. Although the exact number varied, an act of 1722 established a Supreme Court of three judges which existed until 1767 when another act made provision for an increase to four.[2] The number of judges remained legally authorized at four throughout the rest of the historical period, although before 1780 frequently only three men filled the positions.[3]

To supplement these official acts, we can turn to the many personal accounts thus far uncovered which refer to the judges of this court as they sat during trials. These accounts are all from the 1780's and later, because there is a strange dearth of descriptive narrative on the Court from before or during the Revolution, including a total lack of material which even mentions the judges.[4] In the 1780's, though, the number of newspaper articles and personal letters which describe the events of trials in detail greatly increases, especially from 1785 onward, because in that year the judges of the Court suddenly adopted red robes--a most controversial move. These accounts also make it obvious that during a trial before the Supreme Court, anywhere from two to four judges could be sitting after 1780, which information corroborates the Oyer and Terminer Docket for this period.[5] Three representative accounts are listed here:

> The Chief Justice, when on the Bench, wore an immense cocked-hat, and was dressed in a scarlet gown.

> Proclamation--
> whereas the honourable Thomas McKean, esq. Chief justice, the honourable William Augustus Atlee esq second justice, the honourable John Evans, esq third justice, & the honourable George Bryan, esq fourth justice of the Supreme Court, & the courts of oyer & terminer & general jail delivery, for the commonwealth of Penna, have issued their precept...

> ...[I] make a point of attending the opening of our court of Oyer and Terminer and general gaol delivery unless prevented by sickness or indisposition. But I was astonished the last term to find an unusual parade of pomp on the occasion, and our Supreme Judges dressed in scarlet robes and vestries.
> ...scarlet robes, long and sportive habits with large trunk-sleeves, and seemed to convert the old Congress room into a ward-room or court-lobby, to dress themselves...
> ...extraordinary that judges should pitch upon scarlet. It is peculiarly obnoxious to the Americans...Remember the Red-coats in the beginning of the late war!
> Timothy Tickle[6]

Thus, both the eighteenth-century Anglo-American courtrooms discussed earlier and the above accounts establish that the Supreme Court Room certainly had a judges bench during the historical period; indeed, in light of this evidence it is inconceivable that such a high court, which conducted its affairs with such regalia, would be without so important a furnishing, though final confirmation of the bench's existence must be found elsewhere.

That confirming piece of historical evidence can be found in the carpenter's bill submitted by Joseph Rakestraw in 1789. In it he writes: "To laying a floor in the Court Room Lenthing [sic] the Judges seat..." Next to the section that contained this entry is written, "not done," and the total £75 which was charged for this work, plus the £15 cost of materials, was deducted from both

this bill and the Comptroller General's records four years later in 1793.[7] This one seemingly innocuous entry thus confirms all the previous documentary evidence, for it shows that a bench existed in the room both before and after 1789. It also reveals that the bench remained unaltered throughout the post-Revolutionary War period, a fact which will play an important role later as we try to discern the bench's design.

But what of its location in the room? This problem is as easy to solve as the one concerning its existence, and is accomplished best by referring to the manuscript discussion of the southwest door evidence by Penelope Hartshorne Batcheler:

> In 18th century design there was a sense of hierarchy--a sense of building up to a focal point. In domestic structures the focal point of a room was usually the fireplace or chimney breast. In more complex public structures the leadership of the body public was given the seat and setting of honor. In the case of the Assembly Room, the Speaker of the Assembly was placed on a raised dias and backed up by a tabernacle frame motif flanked by fluted pilasters, a balanced support of the chimney breasts, and symetrically placed closet doorways with pediments.
>
> In the case of the Supreme Court Room, the judges are centered on the focal wall, raised on their bench and backed up by a centered tabernacle frame. Flanking this centrality were other symetrical elements--two windows, fluted pilasters, and <u>then</u>, the known doorway bay to the south...[8]

Mrs. Batcheler had two very telling pieces of evidence in mind as she wrote this passage, the first of which she mentioned directly in the above quoted passage: the typical arrangement of public rooms in the eighteenth century. By referring to the illustrations discussed on page 1 of this section one can easily see that the sense of hierarchy of which she writes was especially evident in eighteenth-century English courtrooms.

Such a hierarchical trait is indigenous to the nature of a trial, and lends itself well to the demands of courtroom design with its need for a visual emphasis for the judges in order to bear tacit witness to their overwhelming importance in the administration of justice.[9] For this reason, these hierarchical propensities continued in the courtrooms designed in the new Republic after the Revolution.

Relying on eighteenth-century architectural practice alone, we could easily place the judges bench in the "focal point" of the courtroom, the west wall. The wall serves as a natural spot for the bench by virtue of its design and location. It is situated directly opposite the three arches of the east wall, making it the only wall capable of displaying to the widest area any symbols it may have contained (such as a coat of arms or figure of justice). The tabernacle frame known to have been on this wall only strengthens

this conclusion.[10] After all, we know that the King's Coat of Arms was torn from over the judges seat, (see the section on the coat of arms, pages 78-79), and that Rutter and Jugiez replaced it with a Pennsylvania Coat of Arms, which was likewise over the bench in 1785. Where else could these symbols be placed? The logic of the room's design--and available space--make the tabernacle frame the only possible choice.[11]

Although she merely refers to it tacitly, the second piece of evidence Mrs. Batcheler had in mind is really the conclusive proof we need to confirm the above discussion. Along the west wall, running a few feet above the floor level, was found a double row of joist holes, one of which ran 11" higher than the other, and both of which ran the full twenty feet of the wall. These two parallel rows of joist holes confirm that at one time a low platform ran the wall's length: a platform which, in light of the above discussion, could only have been a judges bench.

This double row of joist holes running along the length of the west wall proves to be the most complex of all the physical evidence so far uncovered on the courtroom. These joist holes and the related features of the paneling reveal much about the chronological sequence of evidence when examined with the available historical data; however, as I stated at the beginning of the section, this

evidence will be handled separately in Appendix A. Once examined, though, the sequence established by the joist holes reveals much that is of importance to any discussion of bench design. Thus, a summary of the findings of Appendix A is appropriate before we continue.

The most important finding of Appendix A establishes that during the historical period not one, but two benches occupied the west wall. The first occupied the lower joist hole level evident in Drawing 1 and was built c. 1740 as a part of the original paneling system. This first bench was torn out either by the British during their occupation of the building in 1777-78, or by Robert Allison in 1779 as a part of his massive reconstruction of the room. In any event, we are reasonably certain that a new, higher bench was installed by Allison in the winter of 1779, when seven or eight of his workmen labored fifteen weeks in the Supreme Court Chamber, "finishing it" for a total sum of £1476.16.4 in pay, plus whiskey.[12] The new, higher bench remained about thirty-seven years, until the County Commissioners tore it out during their "improvements" on the building during 1816-18. No further engaged bench occupied the wall until the restoration work of T. Mellon Rodgers during the 1890's (for proof of this detail, see Appendix A, pages 1-6); in 1898 a bench was installed at the higher row of

joist holes which was mistakenly identified as the level of the original bench.

The most important fact to keep in mind is that during the historical period--that is, between c. 1740 and c. 1816--two benches occupied the west wall, one of which replaced the other in 1779. Because of this, we will examine each bench in turn for evidence of its original design.

The First Judges Bench, c. 1740-1778

If we were forced to rely on the historical evidence alone we would never be able to prove that a judges bench existed in the room before the Revoluntionary War, for the record is strangely silent on all aspects of the Supreme Court Chamber's design, including the judges bench. Fortunately, the wealth of physical evidence more than compensates for this deficiency. For instance, all of the features of the chamber's wall design--such as the tabernacle frame, windows and pilasters--were originally designed to accommodate this bench, not the later one. Thus, what we know about the original panel design and framing system can be used to discern the appearance of the first bench.

As far as specifics of design are concerned, we know that between 1722 and 1767 the legally established number of judges on the Provincial Supreme Court was three. Because the room was

intended for the Supreme Court, the bench installed c. 1740 must have been designed to accommodate this number. Obviously, the twenty foot bench indicated by the joist holes is much too long to reasonably seat three men.

As a result, we can assume that the judges sat relatively close together in the center of the bench, beneath the backdrop formed by the tabernacle frame and two windows. (By thus increasing the association between the judges bench and the architectural and symbolic features, this arrangement conforms best to that shown in contemporary prints and plans. See Illustrations 27 through 41). In this way the windows could have adequately provided light; indeed, as Lee H. Nelson pointed out, lighting for the judges bench must have been of great importance to the designers, otherwise they would have opted for the fireplaces precluded by the installation of these windows. If light were so important (and Lee H. Nelson does a good job of proving that it was), then it is natural to assume that the window placement would reflect the natural seating arrangement of the judges: that is, if they were meant to be spread out along the full length of the bench, the windows would be designed to equally illuminate the whole.[13] But it has already been shown that the windows were close together, flanking the center tabernacle frame. This can only lead one to the conclu-

sion that the back wall, as designed, was intended to visually and functionally accommodate a few men clustered in the center of the bench length.

This conclusion, based on the window placement, is further supported by the joist hole evidence for the lower level. The architects discovered that the spacing of joist holes at this level was not at all even: at the extremes the joists are on 16 inch centers, but in the area beneath the windows and frame the joists are on 6 foot centers. Unfortunately, all evidence of how far this wider spacing extended beyond the presently known parameters is fated to remain a mystery, for in 1854 flues were chased into the original wall on either side of the windows and obliterated all the evidence there (see Drawing 1).[14]

Even with this handicap, though, the wider spacing at the middle portion tells us a great deal, for it is a strong indication that this area received some sort of special treatment. Penelope Hartshorne Batcheler and Lee H. Nelson felt that this six foot spacing indicates a slightly raised area of the bench.[15] They reasoned that the floor boards would not be able to span such a distance directly, and thus a secondary system of joists must have been laid across these widely spaced beams, upon which

the floor boards then could be placed. The standard depth of such beams was estimated by the architects to be six inches, so the middle length of the bench would have been raised six inches above its extremities.

Thus, the judges probably sat together in the center portion of a bench which was engaged to the entire length of the wall. The section on which they sat was most likely raised above the two end portions of the bench by about six inches, and although we have no physical proof of how wide this raised area must have been, the width implied by the two windows is logical enough to compel us to assume that the raised section extended to approximately their extreme outside jambs.[16]

Although there is no empirical evidence, circumstantial data strongly suggest the existence of at least one set of stairs leading from the main floor of the courtroom to the level of the bench. For one thing, we know that the bench which replaced this one in 1779 and the bench present in the room in 1850 each had a means of access between the bench and the room; this is very clear from the documentary evidence (see page 15). Also, there is a great deal of information which establishes that such steps were common on all eighteenth-century judges benches in the higher courts of record (note the benches pictured in Illustrations 1-4, 8, 9, 27-30, 34, 38, 40).

Such a feature was also necessary to the proper execution of ceremony which usually accompanied trials before the higher courts. Many of these traditions are still current in England today, where policemen often play the role of the tipstaff in preceding and announcing the entrance of the judge at the opening of the assizes.[17] This ceremony also existed in eighteenth-century Pennsylvania courts, and although we do not have any specific descriptions of the opening ceremonies of the Supreme Court, Chester County has left record that their court opened with the announcement by the tipstaff of the entrance of the judges.[18] More often than not, the judges entered by their own private door behind the bench, preceded by the tipstaff. At least the post-1779 bench of our room had a private back entrance at the level of the bench.[19] If this was the case, then the tipstaff almost certainly would need access to the main floor, and if any of the other court officers joined in a procession, there is no doubt that they would have needed access to the main floor as well.

One last point about the steps: they would have been at the ends of the bench. The benches shown in the diagrams and prints of the period show this to be a universal aspect of courtroom bench design: be there one or two sets of steps, they were always at the extreme ends.

Higher Bench (c. 1779 - c. 1816)

This bench provides us with much less physical evidence of its design than the first. For one thing, the joist holes it left behind are undifferentiated in their spacing and thus leave no indication of whether the bench was structurally or visually one single, long structure, or divided into sections as its predecessor was.

The wall's paneling system is likewise useless to us here. As I pointed out earlier, this bench was built 11 inches higher than the original one which it replaced; therefore, the bench was an imposition on the structure--and possibly the design--of the original paneling. In addition, its height establishes that it certainly was not identical to the first bench in appearance. As a result, we cannot rely on the wall paneling or window placement to discern the later bench design. Instead, we must rely on other sources of information.

Happily, compared to the original bench, there is a wealth of documentary material to go by. Especially from the period after 1785, when the Supreme Court judges doned their controversial red robes, there exist a great many documentary sources which mention the judges (see the quotes on page 3). Also, William Cobbett, no stranger to our courtroom, has provided us with several depictions of the judges, each of which is colored by his acerbic wit.[20]

The bench itself must have been built to accommodate approximately three or four judges. This is based on the fact that the bench had three judges commissioned to it in 1777; George Bryan was commissioned the fourth judge in 1780, and after that date the number was never to fall below four during the historical period of the room.

Another clue about its original construction is contained in the print by William Birch of the State House Yard, done in 1799 (Illustration 26). On the exterior of the west wall one can see a door several feet above the ground which has what appears to be a set of stone steps leading up to it. Beside these steps is a cord of wood piled against the wall. We know from the joist hole evidence that the bench extended all the way to both end walls. If this is the case, then the door led to the floor of the judges bench. This fact takes on significance when one considers that two ten plate stoves were installed in 1791 in the main part of the room to provide it heat (in the print the flues can be seen coming out the two west wall windows). It stands to reason that if the bench had no steps or other means of reaching the rest of the room with a minimum of disturbance to the trial taking place, the wood would have been piled by another door, because without steps on the

interior side of the door there would be no means of carrying the fuel to the stoves. Hence, this pile of wood indicates that the bench had a comparable set of steps on the other side of this door, leading down to the main floor of the room.

For further information on the possible design of this later judges bench we can again turn to the bill by Joseph Rakestraw: "To Laying a floor in the Court Room lenthing the Judges seat..." As pointed out in Appendix C, Rakestraw never executed any of the jobs listed in this section. This fact is very significant, for if he never altered the bench in any way, then the joist hole evidence we see today indicates the bench as Rakestraw described it: that is, unlengthened. The wall evidence, however, indicates a structure that ran the length of the wall. The best explanation of this contradiction is that the later bench, though higher, still retained an important feature of the first: namely, it continued to provide an area in its middle for the judges to sit with its extremities somehow not designed to hold seated men.

Thus the second bench, built in 1779, would have been higher than the first, but possibly still in possession of a center section for the judges and at least one--perhaps two--sets of stairs at its ends to provide access to the main floor of the room. With this new bench the west wall might have appeared less imposing as

a whole, or at least visually less balanced. After all, the paneling and window proportions were designed with a lower bench in mind. If the newer structure had a center portion for the judges which was deeper than, or in any other way emphasized more than, its extremities, then it would have been tricky for the carpenter to keep it from making the area of the tabernacle frame and window visually bottom heavy. Even more difficult would have been the task of keeping this part of the bench from visually encroaching on the lower part of the frame and windows.

The possibility that this bench and the wall together formed a less balanced composition should not be lightly discounted, because we have on record that many aspects of the room finished by Robert Allison in 1779 were less than perfect. Repeatedly in the 1780's, motions appear in the minutes of the Pennsylvania Assembly which call for the alteration of the room to make it more "convenient" (Appendix C). Joseph Rakestraw's bill reflects this fact well, even though little of the proposed work was done besides the enclosure of the room. So, if the room were laid out poorly, it would not be surprising to find it less aesthetically balanced.

Ultimately, when we choose a bench to put in the room, we will have to satisfy ourselves with a mostly conjectural restoration. Neither bench reveals much about its original construction or

design, which, based on the amount of evidence alone, leaves us with no preference for the use of either bench. We will have to rely on some other factor of the room's design or history to choose whether the pre-Revolutionary or post-Revolutionary bench should be reconstructed.

BAR

Introduction

The word "bar," as it is used in the legal world, is a term with many meanings. These range from such broad and abstract concepts as the profession of the law to a specific, concrete object, such as the railing in a courtroom which divides the participants from the onlookers. Within this range exist many gradations of meaning, indicating a variety of both abstract and physical elements of the law. To emphasize this observation, the following representative list of definitions has been culled from the Oxford English Dictionary:

18. A plea or objection of force sufficient to arrest entirely an action or claim at law.

19. An obstruction, obstacle; a barrier.

III. A rail or barrier acquiring from its use special technical significance; the space it encloses.

22. The barrier or wooden rail marking off the immediate precinct of the judges seat, at which prisoners are stationed for arraignment, trial, or sentence.

23. This barrier, as the place at which all the business of the court was transacted, soon became synonymous with: Court; esp. in phr. At (the) bar: in court, in open court. Trial at bar: a trial before the full court in which the action or indictment is brought;

b. A (particular) court of law, esp. in the phr. To practice at (such a) bar.

In the Inns of Court.

24. A barrier or partition separating the seats of the benchers or readers from the rest of the hall, to which students, after they had attained a certain standing, were 'called' from the body of the hall, for the purpose of taking a principal part in the mootings or exercises of the house. Obs See Barrister. Hence the phrases: To be called to the bar: to be admitted a barrister. To cast over the bar: to deprive of the status of a barrister, to disbar.

25. The whole body of barristers, or spec. the barristers practicing in a particular court, circuit, or country.

26. abstractly (combining 23 and 24): Occupation as counsel in a court of justice; the profession of a barrister.

The nebulous definition of the word "bar" and its frequent use by persons discussing the events which occurred in a courtroom make the task of reconstructing the Supreme Court Chamber from documentary sources extremely dangerous, for the entire range of meanings listed above has been used in descriptions of the courtroom. Thus, their interpretation is left at best, tentative, at worst, impossible; however, try we must. The relative profusion of written accounts describing events in the courtroom compels us to attempt an interpretation of this material, and if we carefully

read the accounts, while relying on the analysis of other available sources (e.g., physical evidence, contemporary courtrooms, etc.) either to corroborate or to disprove our interpretation of the writing, then we have a good chance of producing a room which at least approximates the design of the original chamber. We may never know enough to refurnish it exactly, but this approximation--if correctly done--can bemore than adequate for our needs.

The following section is divided into elements of the courtroom whose existence is established in contemporary accounts but whose relationship to the bar is unknown. These include (in order of appearance): the galleries, jury box, prisoner's dock, witness stand and bar. Keep in mind that not all these elements need have been a part of the bar complex. On the other hand, that the bar incorporated many more functions than a simple dividing rail is implied both by the surviving documentation and by the design of contemporary courtrooms of a status as high as ours. Any of these elements could have been a part of the bar; thus, they are included here, even though the subsequent analysis may decide on another location within the room for some of them.

Galleries

The identity of those who may have used the galleries

Besides such active participants as the defendant, plaintiff, judges and other officers of the court, there were usually many

groups of onlookers, ranging in capacity from those whose function was passive, though official (such as jurors), to those who merely came to observe in the most informal of ways (such as the general public). In analyzing the evidence for the galleries in the Supreme Court Chamber, it would be wise to identify and examine these passive onlookers, because any--or all-- of them might have been occupants of the structures which were in this room.

Certainly the stepped structures indicated by the wall evidence could not have accommodated any group of participants whose presence was more noticed than the general public. The general public was often a very real--sometimes the most real--presence during a trial. Indeed, the right to an open trial was a basic tenant of English law established in the seventeenth century, and assiduously guarded by the American colonists (and later, citizens), at least as vehemently as their right to a trial by jury. This concept is reflected in the very structure of the Supreme Court Chamber itself.

It is telling that the man who designed and superintended the construction of the State House was a lawyer, especially that he was Andrew Hamilton. One cannot help but hear his defense at the Zenger trial when looking at the room with its large arches. Who was more aware of the abuses behind the closed doors of the

Star Chamber? Who in our early years was a greater advocate of the public's right to know? Surely if there were no need for so large and drafty an inconvenience, these archways would never have seen reality. Without them the room could have been heated (witness the alterations moved for by Brackenridge in the 1780's and executed by Rakestraw in 1789),[21] and the public, which the court often saw as bothersome, could have been controlled--if not excluded (see pages 32-33 of this section for a related discussion).

Thus, from the very beginning, the State House courtroom was built to accommodate the public. That the good citizens of Philadelphia, and Pennsylvania in general, frequently attended these trials is well documented. In casting aspersions on their conduct (and opinion), William Cobbett makes their QUITE noisy presence apparent (see page 27 of this section). He is not our only source, though. From earlier and later accounts we have ample evidence of the quantity and warmth of the public's attendance at various trials, especially the sensational ones.

Another group of onlookers, though all but unknown in courtrooms today, was a major presence in an eighteenth-century trial: I speak of lawyers. Not the advocates (i.e., attorneys for the prosecution or defense), but lawyers who attended trials as

observers to record the events, particularly the circumstances and evidence of the trial and the decision and sentence of the court. Not until the late eighteenth century did published case books which recorded the trials of a given court by subject become current. During the eighteenth century a lawyer was dependent on attending the sessions of a (hopefully) local court to build up his own personal record of 'precedent.' This personal book, along with standard authors such as Viner and Blackstone, and the laws of the colony, comprised the bulk of the legal references lawyers had in the years the room was the Supreme Court Chamber of Pennsylvania. Students, in particular, attended these court trials as a part of their training. There are many accounts of youths from Boston through Virginia who learned the law in this way; it was regarded as an effective means of training young men in the discipline and knowledge necessary to be effective practitioners of the law.[22]

Finally, juries were a constant presence in American and English courts. Every person had--and has--a right to a trial by his peers, a right which the early colonists and first American citizens jealously guarded. In general, there were two basic types of juries. One, the grand jury, consisted of a range of citizens, usually around twenty, who decided on indictments brought against the defendant during the preliminary trial or hearing. The

other type of jury actually sat during the trial, and was comprised of twelve citizens of good standing from the community. Because the trial jury had fewer members, it was referred to as the petit jury. In virtually every illustration, description, or diagram of an official courtroom in America, one will find provisions for these two ancient and vital bodies.

The above review makes it very clear that any major trial in the Supreme Court Chamber--and this room had its fair share of them--would have had, as a major component, a very large and diversified body of onlookers, all of whom were at least entitled to admittance to the room, if not actually necessary to the trial's expedition. The task now is to ascertain how these people would have been accommodated. To accomplish this, what little physical evidence has been uncovered will be examined, then an attempt will be made to explain this rather enigmatic evidence in terms of the available documentation.

Physical Evidence: A Summary of Appendix B

In 1956 a series of stepped holes was found beneath the center window of the north wall and the south wall of the Supreme Court Chamber.[23] As Penelope Hartshorne Batcheler points out on page 26 of her preliminary report, these holes have some very interesting

attributes. For instance, they are placed approximately in the center of their respective walls and directly across from one another, so that if one were to draw a line across the room between these two groups of holes, it would divide the room roughly in half. The hole placement suggests a depth of about ten feet along each wall. This is quite a wide swath cut through the room. In fact, ten feet comprises about twenty-five percent of the room's total depth.

These stepped holes almost certainly are evidence of some type of platform, perhaps like those in the 1870's photographs of the National Museum (Illustration 12).[24] The architects feel that these holes in the masonry most likely contained nailing blocks to fasten the loose ends of glued-up die boards, which were probably cut to cope over the gallery risers and treads, as was the custom in eighteenth-century construction. In any event, the wall evidence clearly indicates some sort of stepped structure which cut across the center of the room. As Appendix B makes clear, these structures existed, at the very least, between 1779 and 1816, and it is very possible that structures like these could have been indigenous to the original 1740's layout of the room. Our chore now will be to see if any further evidence from this period (i.e., between 1779 - 1816), especially documentation, can shed light on the intended function of this very important feature of the room.

Documentary Evidence

Up until now I have occasionally referred to these implacements as galleries. I realize that this may have been prejudicing the examination, but it was not done lightly, for as we will now see, the evidence points overwhelmingly toward this interpretation of the evidence. As a matter of fact, I feel that the available documentation points so thoroughly toward such an interpretation that except for their occasional use by juries, no other possible use or name could be ascribed to these structures.[25]

For instance:

> [From a 1791 diary entry by a visiting sailor who went to see a trial]
>
> The Court of Oyer and Terminer was crowded, but I obtained a place in the Gallery to hear the trial of four convicts...
>
> [In reference to a trial in the Supreme Court Chamber in December 1799]
>
> The few faint attempts that were made, by Messrs. Tilgman and Rawle, to repel the abominable aspersions, which were cast on my [Cobbett's] character and conduct, were replied to by hissing and cursing from the sovereign people in the gallery and in the area of the court house.
>
> [Also, about the same trial]
>
> When Shippen closed his charge there was a clapping of hands, amongst the people, who filled the galleries and the area of the court house; and when the verdict was pronounced, the joy of the malignant wretches broke out into loud and repeated acclamations! Nor was this joy

> confined to the herd of spectators; the shouting in the Court-house was the next day recorded by the news-printers, who exulted in this proof of the zeal of their fellow citizens! [December 14, 1799] [26]

They make it abundantly clear that some sort of gallery was a major feature of the post-1779 room. But exactly what were these two writers referring to? We have evidence that during the late eighteenth-century, "gallery" was a word which denoted a specific type of area whose design could vary. This leaves us no choice but to examine the word more closely to see if we can discern exactly what these authors meant when they used it.

A good source of comparison are surviving post-Revolutionary War references to the Assembly Room across the hall, not only because of its close proximity, but also because we know from the physical and documentary evidence exactly what fixtures the room had to accommodate the public. These were very simple, consisting merely of a railing (bar) which crossed the room just over two thirds the distance from the front (or east) wall of the room for the convenience of those who attended the sessions of the Assembly.[27] In 1786 we read that the Assembly appointed a committee: "to make an estimate of the expense of erecting a gallery in the Assembly room, for the convenience of those citizens who may choose to attend debates;"[28] and four years later Elbridge Gerry was to make the point in Congress that: "The State

House of Philadelphia has no gallery..."[29] So obviously, at least by the definition of the word in the seventeen-eighties and nineties, the Assembly Room did not have a gallery, even though evidence exists which establishes that the same simple barred-off area existed in this room after the war, as well as before it.[30]

To carry the investigation even further, though, consider Congress Hall. Among the wealth of documentation on this building we have the following passages: (Describing the House Chamber),

> PHILADELPHIA, DEC. 26, 1795.
> There is a good deal of room outside the semicircle, or, as we speak, 'without the bar,' to which we introduce strangers to hear the debates, and where considerable numbers are always in attendance, as well as in the gallery which is at the north end. [31]

(Title on a voucher):

> Expenditure by the Commissioners of the City & County of Philadelphia in erecting a Gallery in the Chamber of the United States Senate, Viz..." [Dated January 9, 1796].[32]

It is obvious from both of these passages that the balconies in the House and Senate Chambers were referred to as galleries. This conclusion is further supported by the Oxford English Dictionary, which gives the following as its only definitions of the word gallery in the sense of an area to house a group of people:

> 3. A platform, supported by columns or brackets, projecting from the interior wall of a building, and serving e.g. to provide additional room for an audience....
>
> 4. b. The body of persons who occupy a public gallery in a senatorial chamber....

Thus at least by the 1780's, if not sooner, "gallery" implied an area for the public which was always a stepped, enclosed space. Often a balcony, a gallery was at least a defined structure within a public room.

With this definition in mind, the stepped holes in the Supreme Court Chamber of Independence Hall become more significant, because they indicate the only structural candidates for the "gallery" referred to in the earlier passages (page 27), especially when one remembers that in both of the quoted passages from The Rush Light, as represented in Porcupine's Works, William Cobbett does not simply refer to the, "people in the gallery," but, "...in the gallery and in the areas of the court house."[33] (Note that the one passage quoted earlier from The Rush Light used the plural form, "galleries.") He makes it clear that the public occupied not one, but at least two areas of the courtroom, one of which was a gallery (or "galleries," p. 27).

Finally, one last bit of information indicating that the wall evidence found is the remains of the gallery referred to by Kelly and Cobbett can be found in an article from the Public Ledger of

August 30, 1850. As pointed out in Appendix B, pages 2-3, the writer is referring to the same structures as shown against the east wall in the photographs of the National Museum (from the 1870's) when he writes: "In the spectators' galleries the old benches have been removed to make way for new settees." It is undeniable that he is referring to other structures than the historical ones indicated by the stepped holes, but, as Appendix B shows, the platforms flush against the east (or back) wall replaced the structures beneath the center windows around 1816, and, as such, were their direct descendents. The new location against the back wall could have meant that a different function was found for this type of structure, especially by 1850; but considering that the designers of 1816-1818 chose to retain such a feature--altered as it may have been--argues strongly that the feature was saved because of the importance of its utility, a utility which likely would not have been changed as long as the room was a courtroom and contained these structures.

Establishing the general appearance - or even name - of these structures is not enough. To have a better idea of their relationship to the room, an examination of their probable function is needed. To do this, we will now examine the three groups of passive observers outlined earlier to ascertain their relationship to the galleries.

The Extent to Which the Galleries were used by Various People

Public

We can be fairly sure that in their long history at least part of the large structures indicated by the stepped holes was sometimes occupied by the public. It is very probable that over the thirty-seven to seventy-six years these galleries existed they changed function several times, especially after the enclosure of the room by Joseph Rakestraw in 1789, for this change would have drastically altered the space available for the accommodation of the public and could have put pressures on the unaltered appointments of the newly enclosed room (See Appendix C).

However, regardless of who sat in the galleries when, the record of documentation makes it very clear that the public stood in the area to the east (behind) the galleries both before and after the work by Joseph Rakestraw. The following passages explain:

> Mr. Oswald,
>
> I attended the Supreme Court on Friday last, where curiosity led me, with a vast number of others, to hear the trial of John Schaffer. Considering the great crowd together with the nature of the trial, it was generally thought the people behaved with uncommon decency: there were two things happened which soon drove me home with disgust and mortification. A glass in one of the windows was broke, upon which the goaler was suffered, club in hand, and with the most insulting language, to drive the spectators out of the windows, off the steps, and in short from whatever place he chose, threatening to knock them down instantly if they refused: amongst these were persons of respectable characters as citizens, and

> would be considered such in any court of justice in the United States (except Pennsylvania)...
>
> [Signed]
>
> A Militia Man of the Northern Liberties
> February 16, 1788. [34]

The following are excerpted from The Rush Light and were included more fully earlier, (p. 27):

> ...hissing and cursing from the sovereign people in the gallery and in the area of the court-house.
>
> ...there was a clapping of hands, amongst the people, who filled the galleries and the area of the court house,...

(1802, Dec. 16)

> [Mr. Hugh Henry, witness, answering the question of the lawyer, Caesar Rodney, concerning the events of Dec. 16, 1802 while he was in attendence at the Supreme Court during Passmore's trial].
>
> Mr. Levy [brother of the lawyer speaking before the court] was standing nearly behind me at this time and appeared extremely hurt and irritated.
>
> ...
>
> ...I was walking in the outside of the bar, where it is common for people to walk and stand in, when Mr. Dallas [a lawyer] came out of the bar... [35]

The first of these passages makes it clear that the public could be an overwhelming presence, filling every available space in their alacrity. (The present day interpreters in Independence Hall should be especially interested in this passage. The public still has a tendency to sit in the windows during tours. How many times have

they had to be "chased out?" - only a bit more politely). The two Cobbett snips strongly imply that the public occupied more than one area, and the last two passages establish the existence of an area "outside of the bar, where it is common for people to walk and stand in...,"[36] which could only be the area east of (behind) the center galleries but within the now enclosed arches. Mr. Henry also makes it clear that this defined area behind the galleries had no seats.[37] Thus, the public occupied at least part of the galleries during the historical period and were the exclusive (and much noticed) inhabitants of the eastern portion of the room, outside the bar.

Lawyers

We know from the record, and copious documentation on general eighteenth-century legal practice, that at least the higher courts of record in America had provisions for lawyers and students of law who came to observe and take notes at trials. As with virtually every other aspect of the law, this practice was inherited from England, whose courts are well illustrated in prints from the eighteenth and nineteenth centuries. These prints show that while the nature of the accommodations for lawyers did vary, they generally can be put into one of two broad categories: 1) those accommodations that merely included the observing lawyers and

students with the practitioners, 2) and those that provided a separate area for the observers, usually fenced off, and often involved enough to consist of a raised box or platform with writing surfaces and built-in benches. This latter type of accommodation was frequently in the rear of the action, say, as a part of the bar, and most often faced the judges, looking past the backs of those speaking to, or facing, the bench. (For a review of lawyers areas, see illustrations 9, 27, 31, 32, 34-39, 41).

These accommodations interest us, for we know that at least as early as 1773 the Supreme Court Chamber had a separate area for students of law. On January 14, of that year Jared Ingersoll, at this time a young law student, wrote a letter in which he told of attending the trial of a man accused of murdering a watchman. He spoke of a great crowd in the courtroom through which he finally struggled "to the Bar & got a seat."[38] That he was struggling to a special area of the courtroom for students is certain; that practicing lawyers also sat in collected groups is likewise abundantly documented both for this and other American courtrooms.

This corps of professionals must have been a prominent - sometimes obnoxious - feature of every trial.[39] After all, Cobbett admonished: "...Go to the Court-house, it is crowded with vagrants who have nothing to do, but study law," and others wrote of these

sometimes scurrilous men of law in the Pennsylvania Supreme Court Chamber:

(From 1791 we have):

> ...The crier was adjourning the Court when he made a mistake and instead of saying 'Save the Congress' he said 'Save the King,' which caused a laugh amongst the lawyers...

(Also, from the same period)

> The moment the sound of the word Cobbett struck the ear of M'Kean, he turned towards the bar, and having learnt the subject of the petition, began to storm like a madman. A dead silence ensued. The little scrubby lawyers (with whom the Courts of Pennsylvania are continually crowded) croched down for fear, just like a brood of poultry, when the kite is preparing to pounce in amongst them;...

(In 1799 someone wrote):

> I went today to the Supreme Court...
> On the floor in front of this place [judges' bench] there was a circle of seats around an oval table, and here were seated the lawyers. One arose to speak... the attorneys all bare headed but the spectators with their hats on.

(James Milnor, Esq., a non-participating lawyer at Passmore's trial on Dec. 16, 1802, testified before the Pennsylvania Senate in January of 1805):

> My sitting in Court was inside of the bar appropriated to the profession;...

(And finally, from the same trial):

> Mr. BOILEAU: Mr. Henry has stated that Mr. Levy was frequently interrupted in the course of his argument. I wish him to state whether those interuptions [sic]

> proceeded from all or only one of the Gentlemen of the bench; or whether they proceeded from the bar? [40]

It is obvious from the above accounts that the room had an abundance of lawyers, many of whom were not involved with any case.

Although any of these accounts alone could have placed all the lawyers around the oval table beneath the bench, I do not think the physical evidence would allow for such an arrangement. We know from accounts of trials that often the active prosecutors and counsels in any given case could by themselves total as many as six men.[41] The space required to accommodate these advocates alone would have to be generous. Imagine the space needed for the lawyers waiting for their cases to come forward, those attending merely to record the trial in their case books, and the numerous students who must have capitalized on the opportunity to observe and record the Supreme Court. The meagre space available between the galleries indicated on the walls and the judges' bench was just too small: it had to contain the court officers, plaintiff and defendant, not to mention a jury. The physical evidence alone argues strongly that some additional space was needed. The best candidates to serve as likely supplements to the floor area were those generously proportioned galleries crowding the bar into the judges bench.

One last piece of evidence helps substantiate that the lawyers were using the galleries at least before 1789. I am speaking of the estimate, bill, and payments for work done by Joseph Rakestraw (Appendix C) a section of which is included below:

> To Laying a floor in the Court Room Lenthing [sic] the Judges Seat: Rasing [sic] the floor & seats, whare the Lawyers sett...Repairing the Baces [sic] - and Pedistals - and side of Lining on the wall - by the steps...[42]
>
> not done x75-0-0

In this bill he mentions the floor and seat where the lawyers sit. By interpreting the word rasing to mean "razing," or taking down, (which is the only logical interpretation of the word in this context), we can see that Rakestraw must have intended to remove a raised area for lawyers. Furthermore, his bill makes it clear that removal of the raised area required work to the pilaster bases, pedestals and die boards. As drawings 2 and 3 show, the galleries indicated on the walls ran along such features in the courtroom, features which definitely would have needed repair once exposed by the removal of the galleries. This work was never done, and Rakestraw was never paid for it, which means (as established in Appendix C) that the floor and seats where the lawyers sat continued to exist (Appendix B, pages 6, 7) into the seventeen-nineties and nineteenth century. Hence, except for the description

written by the Portugese Naturalist in 1799, any of the excerpts listed on pages 36 and 37 could have referred to lawyers in the galleries as well as at the table below the judges bench.

Jurors

The last group of onlookers who might have used these galleries was the most active of the three considered in this section. I am speaking, of course, of the juries, both grand and petit. Of these two types of juries, the larger, the grand jury, decided on the merit of all indictments brought before the court. If the nineteen to twenty-four men who commonly sat on the grand juries for the Supreme Court returned an indictment "ignoramus" after hearing the preliminary charges of the prosecution, then the case was dismissed and the defendant able to leave a free citizen; however, if they decided otherwise, a trial ensued.

The trials of the Supreme Court had a jury in attendance which was always comprised of twelve local citizens of good moral standing in the community.[43] Though the selection process was somewhat simpler in the eighteenth century than now, it was still regarded with the utmost attention and care, for these twelve men had a most important responsibility: to discern the guilt or innocence of the accused. Depending on the alleged crime, this could mean the difference between a hellish existence of hard labor or

freedom; in extreme cases - such as murder - it meant life or death. Thus the placement of these two types of juries, both very different in size and function, is an extremely important process.

Location of the juries: The galleries and the jury box

To begin, it must be pointed out that besides the galleries, there is insufficient room within the bar to properly seat the up to twenty-four men of a grand jury. The narrow space between the galleries and the judges bench had to house the advocates, court officers, witnesses (who in the eighteenth century sat apart from the public while waiting their turn), and the defendant. Considering that the cases before the Supreme Court had many active advocates (lawyers), and that there were many officers of that same Court, it is easy to see that an area large enough for twenty-four men would have placed an undue hardship on the available space. Thus, by default, the grand juries must have used one or both of the galleries.

The trial (or petit) juries present an entirely different situation. There are several factors at work which indicate that their location was in the bar area between the galleries and the judges bench. For one thing, there is sufficient room in this area for the trial jury, so that space is negated as a factor

which would place this jury in the galleries. A more pertinent factor is the customary eighteenth-century (and modern) practice of placing the jury so that their line of view is at a right angle to the main action of the trial or hearing. This is very important, for among courtrooms, where virtually every feature of their arrangement is as mutable as the whim of the designer, one of the few elements of design to stand out as immutable is the direction in which the jury faces: it sits always at a right angle to the line of the action. Thus if the judge sits on a bench along one wall and faces out over the room, then the jury sits so its members can view across his line of sight at a right angle. They, the judge and jury, each look out over the same area, but from different perspectives. This is especially true when the lawyers sit across from the judge (which they almost always do), for in this situation, the only way the jury could avoid looking at the back of a lawyer or other participant would be to sit to one side and look out across the width of the room. Seated to one side, the jury would also be able to see the face of both the defendant at the bar and the witness, two who often (but by no means always) faced each other. (See the following illustrations for a review of contemporary jury boxes _in situ_: 1-6, 27, 30, 34, 36-40).

Our room was laid out roughly along these standard lines: Of course we don't know where the prisoner or witness stood (see Witness section, page 72; Dock section, page 45), but the evidence clearly places the judges bench along the west wall (see Drawing 1).[44] Add to this knowledge the description by the Portuguese visitor which says: "On the floor in front of this place there was a circle of seats around an oval table, and here were seated the lawyers. One rose to speak..."[45] and the descriptions from the Trial of Edward Shippen which strongly imply that the defendant stood before the bench, and we can easily see that the arrangement of the lawyers and judge in the period after the alterations by Robert Alison in 1779 was very typical indeed. The jury, therefore, almost certainly sat to either the north or the south end of the area within the bar.

Lacking any further evidence on their location, the decision on which end of this area to place the jury must be based on simple common sense. I pointed out in an earlier section that a set of steps almost certainly led from the bench to the main floor of the room in the southwest corner (see Judges Bench section, pages 12-13, 16). If this is the case then the only remaining alternative would be to place the jury in the north end of the floor within the bar, between the judges bench and the gallery.

Concerning the type of accommodation the trial jury might have had, there are two choices: juries usually sat in either a "box" (i.e., paneled enclosure) or on a set of benches. Choosing which of these two alternatives is proper for the Supreme Court Chamber is relatively easy; not only does the room lend itself best to a paneled box (because of its wall paneling, similar to the typical appointments of Crown courts in England), but also, in 1783 the following account appeared in Freeman's Journal: "...it need hardly be added that the jury without leaving the box, honourably acquitted the defendents..."[46] Granted, this is not much to go by, but in lieu of further evidence, it will have to suffice for documentary evidence. Because we have virtually nothing on the jury's area before 1779, we will have to assume that the jury had a box during this period also.

Finally, the box probably had benches, not individual seats. This seems to have been the most common way to build paneled enclosures designed for seating people in eighteenth-century Anglo-American courtrooms. (See Illustrations 5, 6, 27, 30, 36 and 40 for an idea of how the benches might have been constructed).

Prisoner's Dock

Going to trial can never be easy, especially for the defendant. Imagine the impact this ordeal must have had on the psyche of a citizen in England or America two hundred years ago. At that time the person on trial did not sit with his counselor, apart from the lawyers for the prosecution. Instead, he was usually made to stand, not merely on the floor, but frequently in a device called a dock, which, by means of a platform, raised its poor subject above the level of the other persons in the bar so that all in the courtroom could see him.[47]

Imagine the effect of standing in a box similar to the one in Illustration 41. As its occupant, the person on trial was both isolated and exposed: isolated from his lawyer, who sat with the prosecution at one table; and exposed to the curious - perhaps condemning - stares of the public. Surely it was not designed with its occupant's comfort in mind. Yet, this arrangement was the typical one throughout the eighteenth century; indeed, it can still be seen in such rooms as the magistrate's court of Beverley, England, which remains in use today.

Summary of Evidence

In turning to the dock we now experience a complete breakdown of all three of the common corroborative sources of infor-

mation. For instance, the physical evidence available for the room's architectural implements just does not exist for the dock. This is only natural, though, for rarely would a dock sit adjacent to the walls of its courtroom, (which fact leads one to assume that the Supreme Court Chamber was typical in this respect). Likewise, no physical evidence has survived on the floor or its framing, simply because both were torn out of the chamber long ago.[48]

Even when compared to the paucity of direct historical documentation for the other features of the room, the dearth of historical information on the Supreme Court Chamber's dock is noteworthy for its abysmal depth. This unfortunate situation results from the methods of record keeping in the eighteenth-century legal world. Clerks, in recording the docket of a court, never listed more information than the dates, the principals' names, perhaps the charges, and the disposition of the case; besides, the gaps in the records of the provincial court of Pennsylvania are extensive, depriving us of even the miniscule information available from this source.[49] Personal docket books which were assembled by lawyers rarely improve on the quality of descriptive information found in the official records. Even period newspapers reveal nothing, for they were similar to today's publications in their preoccupation with the predicament

of the accused. Rarely had a paper the space for such extraneous matters as the room's appearance. Lacking today's abundance of illustrations, eighteenth-century papers ultimately provide us with nothing on the appearance or location of the dock.

Finally, even a reliance on contemporary examples for guidance in constructing an approximation of the original dock through surviving period pieces and illustrations of period trials proves to be a most dubious task. For one thing, virtually no period, untampered American or English prisoner's dock has survived with its original fabric and an unquestionable provenance in tact; thus, any hope of relying on period pieces dissipates before it has a chance to build. Turning to period illustrations for guidance, we find no lack of depictions which include a dock, usually in the center of a dramatic trial or courtroom fight. However, note the variety: some docks are very formal structures which elevate and isolate the accused from the other occupants of the room; others are at floor level; a few are paneled boxes; while others are simply rails behind which the person stood before the court. Quite a few rooms simply had a designated area on the floor to which the person accused of a wrong would be brought, usually accompanied by a tipstaff or two (Illustrations 1-6, 9, 10, 22, 28, 30, 31, 34-36, 39-41). Choosing a likely model from this group for the Pennsylvania

Supreme Court Chamber is, therefore, rendered extremely precarious. Only careful consideration, based on a thorough knowledge of additional background information, can assure us any modicum of success in extracting a model from contemporary illustrations for a dock reconstruction.

So, how is it known that the Pennsylvania Supreme Court Chamber had a dock in the eighteenth century, a dock similar to the one described in the opening page of this section? It isn't. There exists not a shred of evidence which would even hint at the existence of such an implacement in the State House courtroom during the historical period. This fact, then, leads to another question: why install such a device in the reconstruction? To this one can only answer that to provide any other means of accommodating the accused in an eighteenth-century courtroom is totally out of the question. Contemporary illustrations and legal treatises show that only this method of accommodating the accused existed in a criminal trial of that period. Never did the person on trial sit with his lawyer; he was always in easy view of everyone in the room, especially in the higher courts of record. Therefore, to claim to have accomplished a "whole" rendering of an eighteenth-century courtroom without one is presumptuous. The task of this section on the dock will not be to prove that a dock existed in the Supreme Court Chamber, but rather to discern what <u>type</u> of dock the citizens found there as they watched a trial unfold.

Because the avenues of investigation are limited by the paucity of historical and physical evidence, this section will be forced to rely on other means to achieve its ends. The following pages will consider eighteenth-century attitudes toward the accused in Pennsylvania. Great reliance will be placed on this consideration to discern what character the dock should assume (i.e., whether it should be spiked, cage-like, merely railed, or perhaps balustered). If the character indicated by this study is blended with devices of similar temperment shown in contemporary prints, and if this blend is then folded into the character of the Supreme Court Chamber's design, the exercise should produce a tolerable approximation of what once was found in this room.

To better accommodate the nature of the evidence which will be used, this section will rely on different dates to divide the provincial from the early commonwealth periods. Instead of following the plan's earlier practice of dividing the two periods at 1779, when Robert Alison altered the room for £3,600, it will follow the more traditional division at 1776. Therefore, the first - or provincial - part of this section will consider the dock of c. 1740 - 1776, and the second part will discuss the dock of 1776 to 1799. This division better follows the historical, rather than physical, nature of the evidence for the dock.

Dock: 1740-1776

Fortunately, provincial Pennsylvania was very similar to England in her penal and judicial system. The details of structure and operation differed, but the close regulation which the mother country exercised over the legislation of this colony throughout the pre-revolutionary period assured that the courts and laws of this province would not wander far from the English point of view.[50] It behooves us to take advantage of this fact by examining English legal philosophy and drawing parallels between it and the Pennsylvania attitudes of the time. Considering the comparative wealth of information on England's courts and law, this should prove a fruitful exercise.

The single most authoritative source of information on English law of the mid to late eighteenth century is the series of four volumes written by William Blackstone between 1753 and 1765, The Commentaries on the Laws of England. Although it reflected a conservative philosophy, Blackstone's work was a reflection of the most advanced opinion on the laws. His four volumes became a standard introductory text for law students in England and America for decades to come, and thus exercised a direct influence on the attitudes of the American bar.[51] On an indicted person, Blackstone says:

> ...he cannot be affected in either his property, his liberty, or his person, but by the unanimous consent

of twelve of his neighbors.

> ...Upon the whole, if the offense be not bailable, or the party cannot find bail, he is to be committed to the county gaol by the mittimus of the justice, or warrant under his hand and seal, containing the cause of his commitment; there to abide till delivered by due course of law. But this imprisonment, as has been said, is only for safe custody, and not for punishment: therefore, in this dubious interval between the commitment and trial, a prisoner ought to be used with the utmost humanity; and neither be loaded with needless fetters, or subjected to other hardships than such as are absolutely requisite for the purpose of confinement only;...
>
> ...The prisoner is to be called to the bar by his name; and it is laid down in our antient books, that though under an indictment of the highest nature, he must be brought to the bar without irons, or any manner of shackles or bonds; unless there be evident danger of an escape, and then he may be secured with irons. [52]

In each of these passages Blackstone takes great pains to advocate moderation in the treatment of a person indicted by a grand jury. On the other hand, note that in none of the passages does he assert the innocence of a person so indicted. True, the first excerpt above can be interpreted as a statement of an indicted person's innocence until otherwise established by a jury of his peers, but Blackstone's true estimate of the subject's status is revealed in the next passage. When describing the period between arrest and the trial, he calls it: "...this dubious interval between the commitment and trial..."

Blackstone's reference to the person on trial is extremely telling. The poor soul is not the defendant, but the "prisoner." A most revealing word, because its use was prevalent throughout the

eighteenth-century English-speaking world. It seems that especially in criminal trials the word "defendant" never appeared. The terms "accused," or "offender," as well as "prisoner," are common (depending on the state of the person on trial and the whim of the speaker); however, the semantic care deemed important--even of paramount importance--to discussions of an unconvicted felon today was totally missing in the eighteenth century. In that time, Anglo-American criminal justice was much simpler and much more swift in its application.

In contrast to the wealth of such works on English law as the above cited Commentaries, no known treatise on the criminal laws of provincial Pennsylvania was ever written before the Revolution, so that little direct evidence has survived which would indicate the local attitudes towards an accused; however, an examination of the punishments meted out for crimes in this vicinity confirms that the local bench and bar reflected the philosophy of the broader English community. For the best compilation and analysis of the provincial records yet completed, the reader can turn to Herbert William Keith Fitzroy's, "The Punishment of Crime in Provincial Pennsylvania," (PMHB, Vol. 60, 1936, pp. 242-269). By carefully analyzing all the surviving Pennsylvania records on the subject, Fitzroy shows that the provincial habits of punishment were very different from today. A few of the trends he draws out from the information are summarized here.

Prisons were rarely used for any other purpose than the extremes of life imprisonment and the detention of those awaiting trials; the record of more intermediate terms is slim indeed. The explanation for this situation rests on many factors, including the wide spread use of alternative punishments and the choice of the convicted subjects themselves. It seems that often, when a convicted person was given the choice between a prison term and, say, a very heavy fine, the latter option was invariably chosen. This trend implies much about the harshness of Pennsylvania's provincial prisons.[53]

In contrast to the infrequency of moderate prison sentences, physical punishments were used with abandon. Ranging from the pillory to physical mutilation (eg., branding, whipping, or severing of parts), these punishments had many advantages in the colonial mind. They were expeditious, cheap, very painful, embarrassing, and never severe enough to prevent the subject from returning to work in a very short time. The one punishment which, by virtue of its frequency, deserves special mention in this category is whipping. Not only was it the quickest and easiest to apply of all these punishments, but by its sheer frequency, it underwent some very common variations, the most prevalent of which was to tie a convicted offender to an ox cart on market day for his (or her) "applications." A very common sight in the Philadelphia of

the proprietary was to see some poor soul being pulled about the streets on market day, to be stopped at certain designated corners and receive a predetermined number of lashes at each. Of course, each lash was to be "well laid on."[54]

One last punishment that should be relayed to the reader is the fine. The frequency of fines levied both as a preventive measure, as well as a punishment, far exceeds all other punishments in its sheer ubiquity.[55] Virtually everything could be punished by a fine of some sort, either in whole or in part. Being a typical government, the proprietary councils and assemblies favored the fine (whether levied as bail, levied to ensure good behavior, or given as a punishment) because it created revenue for the government. Surely this attribute didn't inhibit the great increase in the amount charged for a fine between 1718 and 1776.[56]

This brief outline of legal theory and punishment in Pennsylvania and England provides a feel for the nature of attitudes toward the accused (and convicted) during the colonial period. One can also discern these attitudes in the codes and decisions of the period which reveal a much more expeditious nature. They confirm that the niceties and refinements of twentieth-century legal theory did not apply to the eighteenth-century convict, even though the English and Pennsylvanians were each extremely proud of their moderate treatment of these unfortunates. Likewise, the record reveals a concern with punishment, not reform. Pennsyl-

vania's prisons were largely holding cells with none of the reformatory programs of later years. Derived from England's early eighteenth-century gaols, this provincial system survived without improvement until independence, at which time a revolution in criminal and penal theory broke forth in Pennsylvania.

Based on the above account, the dock should perhaps reflect the simple, expeditious nature of colonial Pennsylvania law, with its lesser concern for the subtleties of the defendant's appearance (and rights) and its swifter justice. On the other hand, one must remember that the room in which the dock sat was a high court, from whom appeals could only be made to the Privy Council, and whose room reflected its status in every element of design--from its high-style woodwork to the imposing arches which fronted the hall. Considering that the closest English parallels were the Crown Courts, these should be relied on for comparative material. Note, though, that the Crown Courts illustrated here (numbers 1-5, 9, 31-2, 34-41), are almost all from after the 1770s, the only exceptions being numbers 31, 32 and 35.

These last are all prints showing earlier courtrooms. Of them, the only two to show clearly definable docks are 31 and 35. This is not very much data on which to base a conception of the Supreme Court Chamber's pre-Revolutionary dock design, but compared to the dearth in equivalent American depictions of colonial

docks, this is a relative surfeit of material; besides, these few English prints serve well as a supplement to the previous discussion of Pennsylvania's provincial laws and prisons by confirming that the earlier eighteenth-century trend in dock design was much less elaborate.

If a dock representing the provincial period were to be installed, it would be wise to select a design which reflects the spirit of these simpler devices. The particulars of its design are a problem, because they are entirely conjectural. The final choice, however, should be in harmony with the overall character of the known and conjectural features found in the present room, and it should blend with these features in the same manner as known eighteenth-century docks in similarly designed chambers. If, in addition to this, the dock reflects (or at least is not inconsistent with) the nature of Pennsylvania's provincial law, then it would blend well with the room and not be too far afield from what must have been found in the room originally.

Dock: 1776-1799
The legal and penal reforms of Pennsylvania

The laws and penal system of post-independence Pennsylvania present an extreme contrast to those of the province. Perhaps no other state saw more frequent or more advanced reform in both its laws and penal system than this commonwealth did in the first years after the war. In the very constitution of Pennsylvania,

written on the heels of independence from Britain, one can see the first statement of reform:

> Section 38: The penal laws, as heretofore used, shall be reformed by the legislature of this State as soon as may be, and punishments made, in some cases less sanguinary, and, in general, more proportionate to the crimes.
>
> Section 39: To deter more effectually from the commission of crimes by continued visible punishment of long duration and to make sanguinary punishment less necessary, houses ought to be provided for punishing by hard labor those who shall be convicted of crimes not capital, wherein the criminal shall be employed for the benefit of the public or for reparation of injuries done to private persons.57

But the sentiments of this document's authors did not end in 1776. Ten years later, after the completion of the war, the Assembly passed legislation which drastically amended the code of capital punishments and all but replaced the old penal system. This law, entitled "An Act Amending the Penal Laws of this State," was passed on September 15, 1786. The document itself best explains the spirit in which it was written in its statement of purpose:

> [Section I. P.L.] ...whereas it is the wish of every good government to reclaim rather than to destroy, and it being apprehended that the cause of human corruptions proceed [sic] more from the impunity of crimes than from the moderation of punishments, and it having been found by experience that the punishments directed by the laws now in force as well for capital as other inferior offences do not answer the principal ends of society in inflicting them, to wit, to correct and reform the offenders, and to produce

> such strong impression upon the minds of others as to deter them from committing the like offences,...[58]

This act then proceeds to reduce three crimes from capital offences to something lighter, requiring only forfeiture of goods and imprisonment for crimes which once required the hangman's noose.[59] In addition, this act abolished physical punishments completely, including branding, cutting off of ears and nailing the ear (or ears) to the pillory, placing persons in or upon the pillory, whipping, and imprisonment for life.[60] The second part of the act (sections VIII through XVI) establishes all the details of prison life. Some of the administrative "improvements" which this extensive part made to the prison affected the quality of food, lodgings, clothing, sanitation, daily employment, and internal discipline.

The prison reforms were the first manifestation of the revolution in penal theory which occurred in this State over the next ten years. In this legislation, the Pennsylvania law makers undertook a system of hard labor. The system attempted to impress both the prisoner and the public with the wages of crime. It was hoped that by employment in a constructive pursuit, this system would work on the mind of the convict by providing him with the opportunity to ruminate on his deeds while also giving him the chance to attone for past wrongs through public works. No longer would the prison merely be an aggregation of cells; the first step had been taken toward establishing a penitentiary.[61]

The next move toward reform occurred just a few years after the 1786 act. It was soon discovered that simple, hard labor at public projects was inadequate as a tool of criminal reform. Caleb Lownes reports in 1792 that between 1786 and 1791 severe problems resulted from this method of public employment.[62] Prisoners escaped, and hardened murderers and thieves influenced youths who were attracted to these work sites through idle curiosity. Lownes also claims that the internal affairs of the prison were not well. He describes, in the prison of this time, all manner of filth, immorality, and depravity, with men and women mixing freely in common areas and corrupt jailors overseeing it all.

As a result of this situation, further reforms were quickly effected. In 1791 the Philadelphia Society For Alleviating The Miseries Of Public Prisons was formed and this philanthropic group accomplished drastic changes in the internal government of the prison. It attempted to institute a penal system that would not merely punish the prisoner less harshly than had the Province, but also attempt to reform him whenever possible.

A concern for the health and moral soundness of the prisoners crystalized. The men were separated from the women, the hardened criminals from the new offenders, and each was regularly given clean, adequate clothing as well as a clean cell in which to sleep. The Society also ended the public labor, and attempted instead to find suitable employment for each within the prison according to his or

her skills. Industry was rewarded, idleness punished, and, in all, by the mid-1790's this State had what was generally believed to be the nearest solution possible to the dilemma of criminal behavior; indeed, Pennsylvania was on the vanguard of penal reform in the States throughout the period with which we are concerned. Perhaps more importantly, the people of this State saw themselves as the instigators of sweeping changes in the philosophy and process of criminal and civil justice. James Wilson expressed this view enthusiastically when he wrote:

> Probably no city in modern times has contributed more to both thought and experiment in the field of criminal law over a period of many years than Philadelphia. [63]

But one must return again to Caleb Lownes for the most florid and enthusiastic expression of this observation:

> ...a system founded upon the clear and unquestionable rights and duties of citizens of a mild and well ordered government, has not yet met the public eye: - Pennsylvania has gone the farthest in the formation of such a system, of any government that has come to my knowledge, and from the exertions of the present legislature, we have reason to hope that she will be the first to place the fair "key stone to the arch of this benevolent work."[64]

So, by the 1790's, the liberal spirit planted that busy summer of 1776 came to fruition. These last two passages evince a certain pride by the members of that revolutionary generation in this spirit. It is this pride, this idealism on the part of the legislators, which is most important to the selection of a dock design for the Supreme Court Chamber. No matter what the shortcomings were of the penitentiary's day-to-day operation, they resulted not

from a backward, mediaeval group of law makers, but from the mistakes which are always inherent in any new, innovative project. By keeping this fact in mind, the negative impression created by such vehement critics as William Cobbett can be given its proper perspective.[65] A realization of the idealistic motives behind these reforms shows that although the law and its officers in Pennsylvania could on occasion be arrogant, petty, and perhaps even cruel, the overall legal concepts of the time--the force whose character is the one ultimately revealed in the trappings of the law--were becoming very similar to modern notions of justice. Therefore, such a severe, even incriminating, "trapping of the law" as the one pictured in illustrations 31 & 36 would never have been tolerated by the men in government who supported and passed these penal reforms through the legislature. It would be incongruous for these reforms to exist with such a severe dock standing across the hall.

Contemporary eighteenth-century docks
Documentary Evidence

Before recommending a specific design for the dock of the post-independence Supreme Court Chamber, a brief review of contemporary late eighteenth-century docks in England and America is in order. Here, we are fortunate, for there are copious prints of period courtrooms, especially from England. In addition, published accounts of two spectacular trials in Pennsylvania around eighteen hundred--near the end of the period concerning us--have left be-

hind a very few tantalizing hints on the possible nature of docks in the higher Philadelphia courtrooms. This material is not on its own complete enough to be adequate for this study, but, if used in conjunction with the preceding summary of Pennsylvania penal reform, it can serve well as a supplement in reconstructing a dock for the Supreme Court Chamber.

In 1805, Justice Samuel Chase was tried in Washington for certain inequitable procedures in the trial of John Fries five years earlier in Philadelphia. During the course of testimony on Chase's case, several references were made to various features of the courtroom used for the Fries trial in Philadelphia. Although the trial of John Fries took place in the United States Supreme Court Chamber in City Hall (at Fifth and Chestnut), the comments made about Fries' location are revealing to our purpose, for the Chamber of City Hall (the neighbor of the State House) must have been as close as any courtroom of this period to the Pennsylvania Supreme Court Chamber, both in location and in status.[66]

Of all the details hinted at in the testimony, one indubitable fact about the Federal Court Chamber of City Hall stands out: it had a box for the prisoner. The following excerpts illustrate this point:

> Testimony:
>
> Edw. Tilghman Sworn.
> ...I stepped towards Mr. Lewis, and met him directly opposite the entrance into the prisoner bar.

> Alexander J. Dallas sworn.
> ...In the morning fixed for the trial, I entered the Court-room sometime after the court had been opened. Fries was standing in the prisoner's box: The jurors of the general pannel appeared to be in the jury boxes: And the hall was crowded with citizens.
> . . .
>
> On the next day, the court was opened, Fries was placed in the prisoner's box, the jury attended, and the number of spectators were increased.
>
> Wm. Rawle affirmed.
> On the 23d April, John Fries was brought and put to the bar,... [67]

We can assume from the above testimony, especially that of A. J. Dallas, that prisoner's boxes were a feature of some higher courtrooms in Pennsylvania. Perhaps the box described here was similar to the one illustrated in the Dublin courtroom scene of 1803. (Illustration 41); or it could have been an independent, free-standing paneled implacement similar to the vaguely discernible structure(s?) visible on the right side of the bar area in Lewis Miller's watercolor of the York County Courthouse (Illustration 27). Regardless of its appearance, it is unfortunate that similar evidence for the Pennsylvania Supreme Court Chamber cannot be found; indeed, its total omission from an extensive body of testimony describing a trial in the State Houses' courtroom at this time is perplexing.

The testimony of which I speak is from an 1805 publication entitled Report of the Trial and Acquittal of Edward Shippen... [68] Much as the book on Chase's trial, this volume relates the testi-

mony at an impeachment of a judge for misconduct. In this case, it is for an alleged circumvention of due process in the case of Thomas Passmore, which came up before the Pennsylvania Supreme Court in the fall of 1802. Among the plethora of testimony describing the activity in the Court Chamber while Passmore was before the judges, not a shred of evidence is to be found which even hints at a prisoner's dock or box. True, Passmore was before the court merely to answer interrogatories in a civil case (Fries was on trial for high treason, the highest capital offence); however, in describing his peregrinations through and about the room, one would think that somebody would mention the prisoner's area as a reference point, even if it were empty. Edward Tilghman does just this in his testimony at Chase's trial.[69] By omitting any hint of a box, or prisoner's area, the report of Edward Shippen's impeachment implies the lack of this device. This is an extremely tenuous point, however, on which to assert that the late eighteenth-century Supreme Court Chamber had no dock, because several explanations can be found for its omission from the testimony which still allows for its presence in the room.[70]

Late eighteenth-century Prints and Drawings

Turning to contemporary illustrations of courtrooms, it becomes immediately evident that the later eighteenth-century English criminal courts had very elaborate facilities for handling the prisoners during sessions of oyer and terminer and gaol delivery (the

name given to all the higher criminal proceedings). The following are some typical examples:

The plans and elevations for the Essex Court House, England (Illustrations 1, 2 & 3) portray the prisoner's facilities in this building from several perspectives. Note how a passage ascends from the basement (where a holding cell is located) to the "jailor's bar" in the courtroom itself. One cannot find a more typical late eighteenth-century arrangement. In addition, the location of this Crown Court next to a nisi prius (civil) courtroom provides an interesting comparison between the facilities for criminal and civil cases. In contrast to the above "jailor's bar" and connected passage, the nisi prius courtroom merely has a witness stand: it lacks the dock and detention accoutrements found in the neighboring room.

The most noteworthy dock/detention area can be found in the Sessions House next to Newgate Prison in London. Known as the Old Bailey, this courtroom was the principal court for gaol deliveries. Of the three illustrations depicting the Old Bailey in this plan, two show the court after it was rebuilt in 1774 (Illustrations 34 & 35). Both these views show the dock in its location behind the witness stand. It is an extremely substantial structure with a hinged mirror to reflect light from

the windows on the back wall (not visible in these illustrations) on to its occupant; however, documentation reveals that there is even more to the dock than is pictured here. In The Microcosm, the author writes that: "The prisoners are brought to this court from Newgate by a passage that closely connects the two buildings; and there is a convenient place under the Sessions House in front, for detaining the prisoners till they are called upon their trials..."[71] A quick survey of the prints in the Carson Collection will show that these features remained in the room throughout the nineteenth century.

Available information on contemporary American docks indicates that arrangements as elaborate as these simply were not to be found in this country. Included here are two drawings which illustrate this fact. Both date from after 1800, but each depicts a room which was laid out at about the same time as the post-independence Supreme Court Chamber. They are illustration 10 (of the New Castle County Courthouse), and illustration 27 (of the York County Courthouse). In the former illustration (number 10), one finds a clearly labeled "criminals box" in the center of the bar railing; the latter illustration (number 27) shows a courtroom which we know contained only a simple dock, for documentary sources reveal that this room lacked any complicated passage. One can easily see the contrast between these courtrooms--which were

important in their respective States--and the examples from Britain. Neither of these Delaware Valley rooms has anything approaching the complexity of the dock/detention areas found in the English examples. Considering that they are typical of their period, one is left with the conclusion that by the late eighteenth century American courtrooms were developing along lines quite different from those in the former mother country.

The structure and history of the Supreme Court Chamber itself precludes the possibility of a complex detention area and passage. Virtually no evidence indicating such an arrangement was found in the architectural investigations of the room; besides, the room was structurally complete by the early 1740s, long before any elaborate dock/detention area became common in England. Even the extensive alterations of 1779 could not have effected such an alteration: Robert Allison simply was not paid enough, and there survives no account of masonry work extensive enough to have accomplished an entirely new basement, passage, and cell area.

Lacking a separate detention area, the only way the Supreme Court Chamber could have accommodated the day's docket for the criminal proceedings would have been to seat those awaiting their turn at the bar somewhere in the room itself.[72] A common method of seating waiting defendants--especially during gaol deliveries--was not to put them on settees open to the rest of the bar, but to hold these persons either in the dock itself or in an adjacent enclosed area.

For an example of an enclosed area for the waiting docket, look at the docks from Ireland illustrated here. The sketch of the Hillsborough courtroom and the print of a 1803 trial in Dublin, Ireland (Illustrations 9 & 41) bear a close similarity to one another. Looking past the somewhat distorted perspective of the trial scene, one can make out a central, paneled box which occupies the back half of the area shown. The rim of the box has spikes, and in the front part the prisoner stands, exactly on the center axis of the room, facing the judges over the heads of the lawyers while admonishing the court to take up arms. On either side of this box two smaller boxes flank it, standing flush to the front rail of the dock itself. In each of these boxes sits a man, while behind them and around the dock stands the public on the main floor, not able to see much, and well policed by uniformed guards.

The two men flanking the defendant are almost certainly the sheriff and crier (See Illustration 41). But of greater interest to this plan is the size of the dock. From the perspective of the viewer it appears to be quite large. If it contains stairs which lead from a subterranean passage, like the dock of the Essex County Court House (Illustrations 1, 2, & 3), then its size is well accounted for; however, it may be similar to the courtroom planned for Hillsborough, Ireland (Illustration 9). Here, the dock is

totally without stairs, but just as large as the one in the trial scene. The interior line running parallel to three of the dock's walls strongly indicates a bench. This is almost certainly for the persons (i.e., prisoners) waiting their turn at trial. The Dublin trial scene could be showing a similar dock. The fact that it is empty means little, because this was a spectacular trial which was expected to occupy the entire day's docket.

If nothing else, this review illustrates the extreme variety of docks in eighteenth-century courtrooms. In this welter of designs, however, one can extract some useful information: the Supreme Court Chamber lacked subterranean steps and the building lacked a detention area; the court was a high one, with full cognizance of all cases, civil and criminal; and Philadelphia was a large metropolitan area providing plenty of work for its court system.[73] Taking all of these facts into consideration, it would seem that a dock could have been provided to hold more than the person (or persons) on trial at the moment. True, the prisoners awaiting trial could have been held either outside the south-west door or in the west wing, but these possibilities present problems, and with consideration, prove highly unlikely.[74] The dock itself would probably have a bench for the people to sit on while awaiting trial, but because of the scarcity of floor space in the bar, it

probably would lack appendages for a tipstaff, sheriff, or crier. Instead, all these officers of the court - or any one of them--would probably have sat near the dock, in their own defined implacement.

But what of the dock's location in the room? Of course the variety of documented examples allows it to be placed almost anywhere inside the bar without being incorrect; however, based on a consideration of the implacements and furnishings that will be put in the room as a part of the refurnishing, a few locations prove better than others.

The room of 1776 to 1777 (that is, after the first state constitution and before the British occupation) may have had its dock in another location. During this brief period the room's major elements rested exactly as they were under the Province; therefore, as likely as not, the galleries were not yet built (see Appendix B, pages 5-8). If, indeed, they were not present, then plenty of room could have existed along the length of the bar for a dock, perhaps directly in its center, much as the preponderance of the rooms here illustrated are arranged.

For the room of 1779 to 1816 (i.e., between the work of Robert Allison and the County Commissioners), the galleries are a major consideration. This is the only period during which their existence is a certainty. Considering that the original structures probably extended as far into the room as the galleries

shown in the 1873 to 1876 photographs, then little room existed between them - in reality, little more than a passage. I would therefore suppose that the dock was placed to the south end of the bar area, between the south gallery and bench. By standing here the dock would keep the center floor open for the lawyers, and the passage between the galleries clear for the occupants to enter and leave. Also, the prisoner on trial would be facing the petit jury on the north end of the bar (which makes him eminently visible and audible to that body). Finally, if he were raised a bit by a platform, he would still be visible to everyone in the room.

Finally, the dock's appearance must be considered. If the dock were large enough to hold several persons, and if it existed under the late eighteenth-century government mentioned earlier, then it seems highly unlikely that the dock would have been as small or severe as the one which now resides in the courtroom. The incongruity of retaining a cage-like device during such a period of reform would lead one to suspect that the officers of the court - its judges if no one else - would have had so severe a structure removed before cases under the new Commonwealth were to begin. Besides, it would seem strange for the legislature of the 1776 constitution to walk past a spiked cage after their daily work upstairs in the State House.

Witness Stand

Like the prisoner's dock there is no documentation for the witness's stand, though it is inconceivable that the room would have been without one. As this plan has repeatedly pointed out, the room was heavily used for a variety of trials, hearings, inquiries, and so on. At all these sittings the witness plays a vital role. Surviving Oyer and Terminer dockets from after the Revolution show that the frequency and quantity of witnesses used at each criminal sitting of the Supreme Court compared to today's use of this type of human evidence.[75] So, even if little is known of its construction, to include the witness stand is as important to the refurnishing of the Supreme Court Chamber as the prisoner's dock.

Design of the Witness Stand

The Rowlandson and Pugin prints of the Old Bailey and the Court of Kings Bench provide two excellent examples of witness stands as they appeared in the courts at Westminster around 1800. The Kings Bench example is especially useful to this study, for its implacements have paneled--rather than balustered--railings, and the room itself accommodates the highest regular court in the land. The paneled and raised box illustrated here, simple in form and requiring its occupant to stand, follows the most basic style of witness stand to be found in higher, paneled courtrooms. Their

character varies little from courtroom to courtroom (unlike the very mutable dock), as any survey of period rooms would reveal. Thus, by basing the design of the reconstructed witness stand on this or some similar example, one will be assured of remaining close to what must have been in the Supreme Court Chamber in the eighteenth century.

Location of the Witness Stand

An unfortunate trait which the witness stand shares with the dock--indeed, in which it perhaps even surpasses it--is the whimsy with which it seems to be placed in the room. Besides practical necessity, little else seems to rule its location. Of the courtrooms illustrated in this plan, five have features which are unmistakably witness stands. These are: the 1837 floor plan for the New Castle County Court House in Delaware (Illustration 10), the views of the Old Bailey, Westminster (Illustrations 34 & 36), the Court of Kings Bench, Westminster (Illustration 37), the plan and elevation of the Essex County Court House, England (Illustrations 1, 2, 3), and John Nash's plan of 1789-91 for an unidentified courtroom (Illustration 4). Except for Nash's plan, all these rooms place the witness stand to the side of the bar. It is raised to the extent needed to make the witness visible and audible to everyone, including the public, and usually interferes visually with no one's view of the room.

COAT OF ARMS: THE HISTORICAL DOCUMENTATION

Introduction

Courts are powerful institutions. In their rooms the fate of countless persons is decided every day. A mute affirmation of this awesome responsibility is vested in the rooms themselves: high ceilings, classical architecture, and the arrangement of participants all coalesce to lend dignity to the proceeding, and to strike the eye of the citizens with the weight of this body. Yet, with all their power, with all the strength of their antiquity, the courts of justice look to still a higher source for their authority to judge. It is only through the commission--the permission-- of the sovereign power that any court, no matter how high its cognizance, can exist; without sovereign approval, a court is insipid, totally powerless, and without respect.

Hence, courts of authority enhance the effect of their room's design with the symbol of the sovereign. Prominently displayed, it bears strong, though tacit, legitimacy to the court and reaffirms its rightful position in the scheme of civil government.

But a court must not merely establish its authority. If it is to be respected, its decisions must be just. The ideal is to impartially weigh the facts. "Oyer and terminer," Middle French for

"to hear and determine," is a commission given to certain courts which grants them the cognizance of serious crimes and capital offences. Ancient in origin, the term at once describes the process of dispensing justice and implies the passive nature of a judge's duty.

This cool, passive integrity is evinced in the figure which adorns many courtrooms. It is the sculpture of Justice herself. She stands impassive, almost aloof, holding scales of justice before her blindfolded eyes and the sword of justice at her side. In this manner this ancient Roman allegory embodies both the impartiality and the force of the law.

Thus, even if there were no documentation which explicitly puts a coat of arms or a figure of justice in the Supreme Court Chamber of the State House, it would seem almost inconceivable to claim to have accomplished a "whole" refurnishing of the room without one. True, such symbols are not an immutable feature of every courtroom, but among the higher courts of record in both England and America one finds that the incidence of their occurence far exceeds their omission. Courtrooms ranging from those at Westminster or Newgate, to those at York, Pennsylvania, have this feature in common. In fact, were it not for the particular sovereign the arms invoke, one would find it hard to discern between the English and American, or the pre- and post- independence rooms.

Fortunately, we do not need to concern ourselves with the precedent of contemporary illustrations too much, for documentation has survived which places a coat of arms in the room both before and after the Revolution. In fact, documents show that arms of some sort or another have occupied the spot above the judges bench for nearly one hundred fifty years, from the 1740's until 1896. In this study, our concern will be to present the historical evidence, and then to relate this evidence to surviving objects in the collections of Independence National Historical Park.

ROYAL ARMS (c.1740-1776)

Sovereignty under the King

The preceding introduction shows that every court needs some source of authority: it cannot wield authority in a vacuum. Hence, it follows that each court has a place in the hierarchy of government, with some courts being of greater, some of lesser authority. In the case of the Supreme Court of Pennsylvania, we know that it was of the highest cognizance in the Province and was commissioned to hear the most severe criminal and civil cases. It relied directly on the charter of the Penn family and the approval of the Privy Council for its legitimacy, both of which in turn derived their legal authority from the office of the king himself.

In mid-eighteenth-century England, however, sovereignty was not a simple emanation from the crown. In order to understand properly the significance of royal authority and royal symbols found in courtrooms of that period, a brief discussion is needed on the relationship between ultimate sovereignty and the dispensation of justice in England. To accomplish this task, it will be wise to draw heavily from Blackstone's lucid discussion of sovereignty and the courts found in his Commentaries on the Laws of England.[1]

In mid-eighteenth-century England, ultimate, or original, power of judicature was considered to reside, not in the king, but in the society at large; however, it was perceived that just as any nation must, for practical reasons, delegate its judical authority to a magistrate, so England "since time immemorial" had lodged this responsibility with the king.[2] The king, however, could not personally carry his trust into execution; indeed, it was believed that he should not because of his concurrent role as the prosecutor of criminal cases. As a result, courts were deemed necessary to assist the king in executing this power.

It was also considered necessary that the courts be erected by his authority. He alone had the right of erecting courts of judicature. Hence, all court jurisdictions were regarded as either "mediately or

immediately" derived from the crown. The proceedings ran generally in the King's name, passed under his seal, and were executed by his officers.[3]

Because of this royal commission, the judges' power was only an "emination of the royal prerogative": they represented the king. Blackstone explains it eloquently when he writes that: "His [the king's] judges are the mirror by which the king's image is reflected". Indeed, the regal office (rather than the royal person) was legally ubiquitous, and although he could not personally distribute justice, his majesty, in the eye of the law, was always present in all his courts.[4]

Thus, by a somewhat circuitous route, the original power of judicature traveled from its possessor, the public, through the king as its sole administrator, and to the courts and their judges who meted out justice in the name of their appointer, the king. Of course in Provincial Pennsylvania this already convoluted line of power was complicated further by the charter given the Penn family by the crown, in which Penn and his heirs and assignes were granted the power to establish courts and appoint their officers and judges;[5] but this interposition of the Penn family's delegated powers in no way diminished the ultimate authority of the king. The laws of physics did not apply to the royal presence: neither geographical nor political distance

diminished his ultimate prerogative over the proceedings of any court in the realm. His legal presence was as great in Pennsylvania's Supreme Court Chamber as in the courts of Westminister.

Because of their exclusive reliance on the king for their authority, the coats of arms commonly displayed in the halls of justice assumed a particular importance in addition to their role as the arms of the realm. Unlike the agents of the colonial assemblies or Parliament, the only connection between the courts and the sovereign power of the nation was through the king. Being agents of the monarch, they were not a separate branch of the Government. As such, the courts used the royal arms as their claim to authority: these arms symbolized the royal force with which they used the law.[6]

The Documentation for Royal Arms in the Supreme Court Chamber

It is ironic that the only references we have which mention the royal arms of the Supreme Court Chamber describe their destruction on July 8, 1776. This situation can perhaps be explained by the fact that the king's coat of arms was such an accepted feature of the court-room that no one bothered to mention it until the extraordinary events of 1776. That this particular coat of arms was chosen from among all the royal symbols removed that month to top the bonfire the evening

of July 8 says much about its significance. Its proximity to the deeds of the Continental Congress, and its symbolic function at the head of the ever unpopular courts, must have been the attributes which recommended it to the colonists for use as kindling. The following two accounts tell everything we know about the role of the royal arms in the first reading of the Declaration of Independence.

> [July] 6. ...Near eight went to committee Philosophical Hall....Agreed that the Declaration of Independence be declared at the State House next Second Day. At [the] same time, the King's arms there are to be taken down by nine Associators, here appointed, who are to convey it to a pile of casks erected upon the common for the purpose of a bonfire, and the arms placed on the top.
>
> [July] 8. ...Warm sunshine morning. At eleven went and met Committee of Inspection at Philosophical Hall; ...went in a body to State House Yard, where, in the presence of a great concourse of people the Declaration of Independence was read by John Nixon. The company declared their approbation by three repeated huzzas. The King's Arms were taken down in the Court Room, State House [at the] same time...
>
> On Monday last [i.e., 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 heart-felt satisfaction--And in the evening our late King's coat of arms was brought from the Hall, in the State-House, where the said King's courts were formerly held, and burned, admidst the acclamations of the crowd of spectators.[7]

The Construction of the Royal Arms in the Supreme Court Chamber

Besides the fact that they were made of some combustible material, the available documentation reveals little about the construction of the royal arms. As a result, we must rely on other sources to guide us in ascertaining the construction of the arms which were burned that day in 1776.

Looking to other examples of royal arms from the period, there are four different types which are common and could have hung on the wall of the Supreme Court Chamber: those carved in wood and painted, those which were merely painted on wooden boards, those painted on canvas, and those which were embroidered on tapestry. Any of these materials would have burned very well, and so can fit the accounts of 1776. To reduce the field of possibilities further, we must turn to the physical evidence provided by the original features of the Supreme Court Chamber's west wall.

The only available spot in the entire room for a coat of arms is in the tabernacle frame of the west wall. Considering this frame's location over the judges bench, it seems impossible that the arms would have hung anywhere else. This consideration is enhanced in importance by a fortuitous find. In 1966 a board from the original field panel of the tabernacle frame was found

during the examination and removal of the lowered ceiling installed in 1898. The board, about 5 ½ feet by 9 ½ inches in size, had apparently been adapted by the 1898 "restorationists" as a scab to furr down the Supreme Court ceiling after the tabernacle frame was torn out at that time.

What makes the board important, though, is a broken wrought-iron hook which was found screwed to it (See Drawing 5). The architects have shown that this hook once occupied the spot almost exactly in the center of the tabernacle frame field. Based on a careful anaylsis of the paint layers found on, beneath, and beside the hook, they have likewise dated its installation and final breaking to the period between the 1740's (when the room was completed), and the 1770's (when it underwent extensive repairs - see Appendix E on the Paint Layering for more information on the nature of this evidence).[8]

Assuming that these dates are correct, the hook can tell us much about the nature of the arms it once held. For instance, of the four likely mediums for a coat of arms, a stretched canvas or tapestry arms can be eliminated because of the interference which a hook of the size indicated by the broken hook plate would have caused; besides, neither a framed painting nor a hanging tapestry

would have been hung from a large hook resting behind its mid-point (See Drawing 5).

The hook's strength reveals further information about the arms. The two original screws which hold it in place have great strength in shear, which would have been superfluous for a framed painting or tapestry. Whoever installed the hook must have had something much heavier in mind to go to the trouble of hanging one so strong. As a result, arms carved in wood remain the most logical alternative. Such a coat of arms would have been heavy compared to another media, and required a more substantial hook.

The expense of carved and painted arms suits well the extravagance of the room's paneled finish. Placed in the architectural woodwork of the west wall, such arms would have provided the right amount of visual impact to enhance both the meaning of the arms themselves and the elegance of the room in which they sat. In this manner, the room speaks eloquently for the authority of the Court. (See Illustration 25 for an example of a local Royal Arms carved in wood.)

PENNSYLVANIA'S ARMS

The End of Royal Control

In their view, the colonists conducted an extremely legal, even proper, act when they broke away from the king in the summer of 1776.

They felt that the king had abrogated his ancient authority through his alleged repeated usurptations, and that, as a consequence, the freemen of the colonies were left with no choice but to take sovereign power away from the king and government of England and return it to its original source, the people. Never again were the citizens of this land to trust a monarchy or aristocracy. From now on the government was to be: "...derived from, and founded on the Authority of the people only, agreeable to the Directions of the Honourable American Congress."[9]

In the new state constitution, Pennsylvania's courts were to be founded on the authority of the Commonwealth. The Supreme Court of Judicature's judges were appointed by the president of the Supreme Executive Council, with five of the Council's members participating as a quorum.[10] The judges' commissions were, "in the name and by the authority of the freemen of the Commonwealth of Pennsylvania."[11] Indeed, so immediate was the public's sovereign authority in the courts of the new government that all prosecutions were "in the name, and by the authority, of the freemen of the Commonwealth of Pennsylvania." And instead of crimes being listed in indictments as "either against the king's peace, or his crown and dignity", the new constitution directed that indictments be laid on crimes "against the peace and dignity of the freemen of the Commonwealth."[12]

Hence, the Supreme Court of Pennsylvania now looked to the people, via their constitution, for its authority. As a result, a symbol of this authority was needed. New arms were created by the revolutionaries almost in the same breath they used to denounce the king, and soon after normal life resumed, many of the spots which formerly held the bearings of a feudal system now showed the new symbols of a revolutionary democracy. As early as 1779, the Assembly Room of the State House received the new State Arms in the niche formerly occupied by the Penn family seal; however, for some unknown reason, it was not until 1785, nine years after independence, that the Supreme Court Chamber received a replacement for the royal arms which were so dramatically destroyed in the excitement of 1776.

Hiatus of 1776 to 1785

No record of a state coat of arms has yet appeared for this period, which is hardly surprising considering the events of these busy years. The Supreme Court Justices under the new constitution had hardly received their commissions in late July and August of 1777, when they, along with the rest of the radical government, were forced to flee the city before the advancing British troops.

While the British were in the city between September, 1777, and June, 1778, they wreaked havoc on the fabric of the State House, leaving it such a mess that the General Assembly had to undertake extensive repairs before they could again use this building that following summer. The Supreme Court Chamber must have been particularly abused, for the work on it by Robert Allison, house carpenter, lasted from July, 1778 until May of 1779. So extensive were his repairs that by 1779 he had received a total of £ 3600.0.0 for his work on the courtroom alone. (See Appendices B & C).[13]

While these repairs were being effected, the justices of the Supreme Court conducted their legal business in other locations. Thomas McKean, the Chief Justice, was sitting at the Court House on High Street in July of 1778 to hear the cases of persons accused of treason during the recent occupation.[14] When the Supreme Court finally met in Philadelphia on September 21, 1778, they sat, not in the State House, but in College Hall until the session ended on December 5 of that same year.[15]

Not until April 5 of 1779 did the Supreme Court of the Commonwealth of Pennsylvania finally sit in their own chamber of the State House. Newly refurbrished, the room still lacked an American re-

placement for the royal coat of arms which was burned almost three years before. Despite the absence of a wall hanging, however, the Court was supplied with a newly engraved seal just in time for this first meeting in the Supreme Court Chamber.[16]

No further record of an official symbol exists for the Supreme Court Chamber until 1785, when the long series of petitions by George Rutter and Martin Jugiez begins. These documents constitute a major body of evidence which reveals much about the post-Revolution appointments of a chamber which, in the next decade, was about to enter its period of greatest importance to the infant nation.

The Pennsylvania Coat of Arms: 1785-1809

In the year 1796, after eleven years of repeated petitioning to the legislature, George Rutter, sign painter, and Martin Jugiez, carver and gilder, gave up their efforts to receive compensation for the "armorial bearings" of Pennsylvania, which they framed and placed over the judges bench of the Supreme Court Chamber in 1785. It must have been an exasperating experience, and even now one can feel sorry for them. But we must feel pity with a grain of salt, for had they received an expeditious payment, we would know much less today about the symbolic decorations of the Supreme Court

Chamber in the late eighteenth century. The only surviving references to the State Arms of the period involve this unsuccessful series of six repeatedly submitted petitions.

By carefully examining the petitions and debates surrounding them, one learns that Rutter and Jugiez painted and framed the State Arms before they "fixed" them to the wall of the Supreme Court Chamber over the judges bench.[17] As a part of the same contract, a figure of justice was placed with the arms, which combination managed to "convey an impressive symbol of the powers and objects" of the Supreme Court.[18] In addition, these two men installed venetian blinds in the court's windows, perhaps at the same time as the installation of the symbolic devices.

We do not know how long the arms and figure of justice remained over the bench in the room; however, the last clear reference to it occurs on February 19, 1796, when Martin Jugiez was, for the last time, given leave to withdraw his petition after a protracted debate in the Pennsylvania House of Representatives.[19] Whether he took the arms down, was paid at a later date from another source, or left them in place even though he was not paid, we cannot tell from the surviving record. It seems unlikely, though, that a set of blinds

a canvas painting, and a figure of justice, all of which had been in place for over ten years, would have been of any value to the petitioners except to remove out of spite. (See Appendix D for a consideration of why Rutter and Jugiez received no compensation).

One final reference to a State Arms survives from 1809. The Board of Auditors Minute Book for 1810 to 1826 has recorded on page 9 the following entry:

> 1809, Feb. 23, no. 88 - Hugh Grannon was paid $2.62 for cleaning and repairing State Arms and no voucher appearing for it. It being sent to Lancaster, etc.

and lower on the same page:

> 1809, March 20, no. 110 - Samuel W. Morton paid for repairing and cleaning State Arms and no voucher appearing for it, $4.43. It being sent to Lancaster etc.[20]

No connection can be drawn between the State Arms mentioned in the above entries and the arms that Rutter and Jugiez produced in 1785. It is interesting to note, however, that a Lancaster District of the Supreme Court was created in March 11 of 1809, and was scheduled to sit in Lancaster on the third Monday in May.[21] A connection could exist between this reorganization and the City's efforts to clean a coat of arms to send to Lancaster, but until more evidence is uncovered we will never know.

The Post - 1800 Court Chamber: The City Takes Over

The nineteenth century hearkened a new episode in the history of the State House complex. By the summer of 1800 both the state and federal governments had vacated these buildings, leaving the State House largely at the disposal of the City and County of Philadelphia who finally purchased the building in 1818.[22]

One of the most striking aspects of these buildings in the nineteenth century is the proliferation of courts. All levels of government had their tribunals located on this square block until the completion of the present City Hall in the 1890's. Such bodies as the Mayor's Court, Orphan's Court, Common Pleas, and Courts of Oyer and Terminer and General Goal Delivery sat here, as well as several levels of state and federal tribunals. As a result of the proliferation of courts, many of the rooms in the complex were converted to courtrooms over the years. In fact, so great was the crowding that in 1867 a new court house was constructed behind Congress Hall to supplement the available facilities.[23]

The welter of courts and courtrooms leaves the record of use of the Supreme Court Chamber somewhat confused, especially in the earlier part of the century. Rarely do the official court records give the specific location of a court; usually just the city in which

it sat is recorded, or, at most, the intersection of streets within the city where the building stood. This tendency is carried over into the City Directory which, unfortunately, renders it much less useful than it might otherwise be to us.[24] Add to this paucity of information the fact that courts often moved about the rooms in the complex, sometimes sharing rooms when necessary, and one can see the difficulty in trying to compile a clear, concise register of occupants for the old Supreme Court Chamber of the nineteenth century.

Despite the difficulties in ascertaining the courtroom's use from the surviving source material of this period, several secondary sources from the late nineteenth century delineate the overall pattern of use between 1821, and the installation of the National Museum in 1873. These sources can be trusted in general outline because the sketchy source material from the period in no way refutes the information of the later authors.

One fact about which there is little question is that the Mayor's Court first used the courtroom in 1821.[25] This court remained until the late 1830's and was succeeded by both the Court of Criminal Sessions and the Court of General Sessions during the next six or seven years. In 1844 the Court of Common Pleas began its twenty-nine year tenure in the room. This was the last court to use the

chamber as its principal seat, for in 1873 it removed to make way for the National Museum.[26]

Thus, at least from 1821, perhaps sooner, the former Supreme Court Chamber was not only the property of the City, but was the principal seat of one or another of the Philadelphia courts. One would now expect the chamber to receive a new decoration over the judges bench which would reflect the municipal authority of its new occupant. Here we are not disappointed by the historical record, for on August 30, 1850, the Public Ledger printed an article which described the face-lift recently given to the chamber of the Court of Common Pleas (in the former Supreme Court Chamber) which read in part: "The coat of arms appears in a new dress - and is ornamented with a new gilt frame; over the coat of arms a large gilt American Eagle has been placed." That this coat of arms was of the City and not the State, is confirmed by a letter written twenty-three years later by Frank Etting to the Mayor about the discrepencies he found in the various city seals. This letter of 1873 states: "A further investigation shows that the arms (which should be authoritative) displayed in the Court of Common

Pleas agrees with neither the one [i.e., the Mayor's official seal] nor the other [i.e., the arms over the Mayor's chair - probably in the Mayor's Court Room of Old City Hall where a set of city arms painted by John A. Woodside could have been hanging at this time.]..."[27]

Etting had little to worry about with the Common Pleas arms, though, for in a few months the room was vacated by the court to make way for a new occupant, the National Museum. The alterations and repairs to the old courtroom in the spring of 1873 were very hasty so that the Museum could open by July 4th. Before too much of the clutter shown in INHP Negative Numbers 5742, 174, and 178-c could be brought in (Illustrations 13, 11, and 12), the room had to be cleaned and patched, which job was completed in four days during May of 1873.[28]

The price of this amazing speed was an inadequately repaired courtroom. After Independence Day of 1873, the room was cleared, and the floor, including all the boards and framing system, was torn out and replaced by a new, tiled one.[29] Likewise, the hasty refurbishment of the courtroom that spring of 1873 must explain why, twenty-three years later in 1896, the city coat of arms was found beneath a sheet of zinc in its original spot in the tabernacle

frame, so soiled and grimy that it was unidentifiable as such until it received a cleaning.[30] Apparently Etting's men of 1873 had merely covered the arms for the sake of expedition, and after West's painting, "Penn's Treaty with the Indians," was hung over it, no one bothered to remove or clean anything beneath until the Mainline Philadelphia architect, T. Mellon Rodgers, began his "restoration" work in 1896. (For a clear view of the tabernacle frame area as it looked while the National Museum occupied the room, see INHP negative 5742. The strip of cardboard is visible behind West's painting).

After its discovery, the painting of the city arms was immediately sent to H.B. Wilkinson at 1006 Chestnut Street, who cleaned it along with all the other paintings in the State House.[31] What happened to the painting in the first years after its cleaning is not too clear, but one can assume that it was taken directly to the Mayor's Office in the new City Hall at Broad and Market Streets, for we have evidence that by the twentieth century it was at this location. In specimen folder number 13.389 is a photograph of the Reception Room of the Mayor's Office with two letters from 1905 which discuss a painting in the room. The photograph reveals an interesting

decoration in this room. Over the fireplace is clearly shown the rendition of the city arms which today is a part of the City collection in the Park's care (Specimen Number 13.389). That specimen number 13.389 is the arms found in the court-room in 1896 is proven by the label on its back. Written by H.B. Wilkinson, it describes the work he did to this painting, attributes it to Thomas Sully, and then notes that:

> This painting was made to fill a recess in the wall over the seat of the judge in the Court Room, when court was held in the State House, the room now used as a museum & where it remained until by order of A.S. Eisenhower it was Restored in 1896 by
>
> H.B. Wilkinson [32]

The painting remained in or around the new Mayor's Office until March of 1923, when it returned to the old State House group as a result of the efforts of Wilfred Jordan, curator of Independence Hall.[33] The painting has been in the collection associated with these buildings ever since. As of this writing it graces the area between galleries on the second floor, north, of the Second Bank Portrait Gallery (See Illustration 24)

COAT OF ARMS: TWO PAINTINGS IN THE PARK COLLECTIONS

Pennsylvania Coat of Arms. (Oil on canvas. Framed. Signed: "G. RUTTER/PHILADA/PINXIT." Size [framed]: H. 56 3/8" x W.55 1/4". Catalog Number: [painting] 2108; [frame] 2340.)

The purchase of this coat of arms was a fortuitous accession. Had the dealer who found it not contacted the Park, one of the most exciting finds in the preservation history of Independence Hall would have gone, perhaps unnoticed, to some private collection or local historical society. Today it hangs in a place of honor above the judges bench in the Supreme Court Chamber. It occupies this spot by virtue of an impressive body of evidence which firmly links it to the courtroom of the last decades of the eighteenth century.

Historical Evidence

Independence National Historical Park purchased the framed painting of the Pennsylvania Coat of Arms (catalog numbers 2340 and 2108) from a local dealer, Robert Carlen, on November 11, 1961. Although the practices of his trade will not allow him to divulge his sources, Mr. Carlen did reveal that he bought the framed oil painting from an elderly couple living near Lancaster who were descendants of the artist, G. Rutter.[34] The full inscription

identifying the artist can be found on the bottom banner of the painting itself. It reads: G. RUTTER/PHILAD^{A}./PINXIT.

Historical documents dating between 1785 and 1796 reveal that George Rutter and Martin Jugiez painted and framed a coat of arms of Pennsylvania for the spot over the judges bench in the Supreme Court Chamber of the State House. They hung it there in 1785, and petitioned unsuccessfully for payment until 1796 when they gave up. Documents also reveal that a state arms was cleaned by the City and sent to Lancaster in 1809. The connection between this latter entry and the arms painted by Rutter has never been established; however, the fact that a Lancaster District of the Pennsylvania Supreme Court commenced existence in that year would seem to imply that the symbolic decoration, no longer needed in the State House, was sent by the new occupant of that building, the City of Philadelphia.

The connection between the painted arms from Robert Carlen and the historical arms of 1785 is thus fairly obvious. Each was painted by G. (or George) Rutter of Philadelphia, and each has a rather tenuous connection with Lancaster.[35]

Stylistic Evidence

The only book which thoroughly delineates the stylistic development of the coat of arms and seal of Pennsylvania from its founding 1682 until 1875, when the modern arms first took form, was published by James Evelyn Pilcher in 1902.[36] On page 13 he illustrates the State arms as they appeared in 1778. They consisted of two black horses wearing trappings for a harness and flanking, en rampant, a shield which bears the triple motif of sheaves, plow, and ship. Pilcher writes that in 1790 the shield of the State arms turned to a cartouche. He then relates how in 1805 the horses lost their trappings and then, by 1820, turned white.[37]

On examination, however, one sees that INHP 2108 has a cartouche (instead of a shield), and two white horses, neither with trappings. According to the line of development established by James Pilcher, the Park's version could not have been made in 1785, its earliest possible date being 1820. This apparent contradiction, however, should pose no problem, for, as we will now see, Pilcher was wrong.

This fact is illustrated by examining the arms displayed on the title page of the Journals of the House of Representatives... of Pennsylvania, printed in 1782, and the arms in the original watercolor of the York County Courthouse, sketched by Lewis Miller in 1801.[38] Both vary greatly from the chronological

line of development established by Pilcher, the former bearing a cartouche eight years before he dates its adoption, the latter having two white horses nineteen years before their supposed appearance. Although James Pilcher's line of development is based on sound information, the two examples cited above, being period renditions, must be correct. This leads one to the conclusion that Pilcher's mistake lay, not in the quality of his data, but in its quantity: i.e., he did not have enough of it (insufficient data is often as misleading as incorrect data). In this case, the author was led to believe that a single line of development existed where, in reality, the arms of the State experienced a variety of details, depending on the whim of the designer. This concurrent variety in design would do much to explain why G. Rutter's coat of arms differs so much from the arms of 1782 in the House minutes, or the arms engraved by Caleb Lownes in 1778. Besides, Rutter died in 1798, so no matter how much his painting strays from this line of development, it had to be designed and executed before 1798.

Structural Evidence

The preceding outline of the historical and stylistic connections between the Park's coat of arms (catalog number 2108), and the arms by Rutter in the historical record, strongly indicates that, indeed, George Rutter's coat of arms has returned to its former spot. Yet, the most convincing link between the two still has not be examined. This link, the final to be examined here, is the amazing similarity in size between the tabernacle frame field panel and the framed coat of arms in the Park's collection.

In the mid-1960's, the National Park Service restoration architects managed to calculate the precise measurements of the original tabernacle frame field panel which once hung on the west wall. These calculations were based on a careful analysis of photographs surviving from the nineteenth century, before the west wall paneling was removed in 1898 (e.g., Illustrations 11, 12, and 13). By allowing for distortion from perspective and dividing the areas of the photos to the smallest discernable unit (60 units per inch), the architects calculated that the field of the tabernacle frame was 57 1/2" wide.[39] In 1966, a vertical board from the

original field panel was found where it had been reused as scabbing in the furred down ceiling of 1898. The painted area of this board (which delineates the height of the original field panel area) varied from 57 3/8" to 57 1/2".[40] Hence from these two sources - the photographs and the surviving board - an exact knowledge of the dimensions and location of the original tabernacle frame was established. (See Drawing 5.)

These dimensions, H. 57 3/8" x W. 57 1/2", bear great significance when considered in light of the Park's framed painting by G. Rutter. Not only is the coat of arms square, but with its companion frame, it measures H. 56 3/8" x W. 55 1/4". If centered in the tabernacle frame, this coat of arms would leave about 1 1/8" play at each side and 1/2" play at the top and bottom. An amazingly close fit. As a coincidence, it is too strong to ignore. The chances that a State coat of arms would fit this tabernacle frame so well and not be made especially for it are slim--too slim to allow for any other explanation than that they were made for the spot over the judges bench.

Thus, in light of the earlier evidence (the similarity in motif, artist, and location in which each coat of arms was made) it

becomes nearly impossible for a reasonable person to avoid the obvious conclusion: that the framed coat of arms in the Park's collection, (catalog numbers 2108 and 2340) was painted by George Rutter for the spot over the judges bench in 1785.

Philadelphia Coat of Arms (Oil on canvas. Attributed to Thomas Sully. Size: H. 54 1/4" x W. 55 1/4". City Collection Specimen Number: 13.389)

The fact that the Philadelphia Coat of Arms, Specimen Number 13.389, hung over the judges bench cannot be doubted. The earlier discussion examined the ample newspaper and diary accounts describing the discovery of this painting in 1896, when restorationists found it within the tabernacle frame of the Supreme Court Chamber, so black with dirt that it was almost mistaken for a piece of oilcloth. This clarity of record does not mean that the story of the painting has survived without confusion. When the arms were painted and for what reason remains a mystery which will probably never be solved; however, some new information which has come to light from Thomas Sully's account book at least precludes some heretofore accepted possibilities.

ARMS

The attribution of Specimen Number 13.389 has never been a problem. Virtually everyone who examined it has come to the same conclusion: that Thomas Sully was the artist. There has been some confusion, however, over the circumstances under which it was made. It seems that from its discovery in 1896 until the early twentieth century it was believed simply that Sully painted the arms "for the particular niche" over the judges bench. Then, in 1909, Charles Henry Hart published his superb Register of Portraits Painted by Thomas Sully, 1801-1871 in which he wrote:

> In September, 1824, he painted in a week, for William Strickland, the architect, the Arms of the City of Philadelphia to be placed over the triumphal arch for the reception of LaFayette. It is still intact in possession of the city.

This short passage changed the interpretation of the reasons for which Sully painted the arms of the Supreme Court Chamber. People began to assume that it once topped the triumphal arch of 1824. The curator of Independence Hall, Wilfred Jordan, refered to this painting as, "The coat-of-arms by Sully ~~was~~ painted as part of the decoration of a triumphal arch erected in front of Independence Hall in 1824 for the reception of Lafayette." As things will happen, this interpretation remained, and still appears today from time to time in various discussions on this coat of arms.

Upon looking closely at the historical record, one finds that Mr. Hart was only partially correct. Sully did indeed paint a copy of the City arms for the triumphal arch of 1824. The entry appears in his account book (at the Manuscript Department of the Historical Society of Pennsylvania). However, the size of the triumphal arch arms is entirely different from the one in the Supreme Court Chamber. The entry in Sully's account book reads:

1824

Begun	Size	For whom painted	Price	Finished
...	...	...	...	...
Sepr 1	8 feet. 6 feet.	Strickland, for City Council, Arms of the City, to be placed on the Triumphal Arch, for LaFayette	80	September 8th

As this passage reveals, the City arms he painted that week in 1824 were eight feet by six feet. In addition, a toile in the Park Collection (Catalog Number 2761), printed just after the event, pictures the arms as being at the same height as the figures of Wisdom and Justice which flank it. These figures--actually wood carvings by William Rush--have survived in the collection of the Pennsylvania Academy of Fine Arts and stand at 96 inches (i.e., eight feet). Considering that the painting found in the Supreme

Court Chamber is only 55 1/4" square, it would seem that it is an entirely different painting. Besides, Specimen Number 13.389 is painted in a highly finished manner, which is not at all in keeping with the rather hasty slap-dash execution common to large temporary scenes and embellishments.

FIGURE OF JUSTICE

Historical Background of Allegory

The tradition of representing moral concepts in human form runs deep in the fabric of Western civilization. The European practice can be traced directly to ancient Rome, which had developed a complex system of symbols and patterns for representing virtures and vices from even earlier Greek and Eastern traditions. The early Christians quickly adapted the Roman iconography to their own uses. From the very heart of the Dark Ages, in the fifth century AD, there arose a tradition of depicting the inner conflict of the human soul by the allegory of battle between figures representing vice and figures representing virtue. Painted on the walls of the early Christian chapels, these scenes supplemented the depictions of biblical stories to permit the illiterate congregations to participate with the literate theorists of the Church in the contemplation of Christian history, philosophy, and truth.

As with any cultural tradition, though, the use of these moral figures envolved. By at least the ninth century AD, mediaeval Christians had altered the older depictions of mortal conflict between the vices and virtues into a series of individual figures, each of which stood motionless, displaying its attributes quite

apart from the others within the group. Within this series every personification revealed his or her attribute (be it greed, honor, falsehood, or wisdom) through a complex iconography, which was designed to convey precisely the essential nature of its moral quality, and to convey it in a manner so standard--so established--that all who had knowledge of these symbols could clearly understand their meaning.[41]

This tradition of allegory was transferred to the mainstream of Renaissance Europe chiefly by means of iconographical catalogs which illustrated each moral personification and explained its attributes. The ultimate among these catalogs was Cesare Ripa's Iconologia (1593). Drawing heavily on its author's deep learning, it provided the artist or architect with a thorough consolidation of the classical, contemporary, and Christian traditions into one comprehensive source. It proved so authoritative that for the next two hundred years it dominated the artistic rendition of allegorical figures throughout Europe. So great was its popularity, that it was translated into four languages to accomodate all who wished to use it.[42]

One of these four languages was English. In fact, during the eighteenth century alone, two major English editions of Ripa's scholarship appeared. The first of these was printed in 1709 by Benjamin Motte and contained 326 figures of "Virtues, Vices, Passions, Arts, Humours, Elements and Celestial Bodies." The second appeared exactly seventy years later, in 1779, and was an expansion on the theme, containing 424 representations of "Remarkable Subjects", with a completely new text and illustrations. Both these volumes were intended to be used primarily by, "Orators, Poets, Painters, Sculptors, and all Lovers of Ingenuity."[43]

In light of their past Christian significance one might think that the wide-spread use of these allegorical figures in post-Renaissance England and Europe indicated a high level of religious fervor. This, however, was not the case; as a matter of fact, quite the contrary is indicated.

Even prior to the work of Ripa these powerful and instructive figures, once the exclusive tools of the Church, had undergone a distinct secularization in both the source of their inspiration and the method of their use. An increasing interest in classical antiquities gradually circumvented the mediaeval adaptations of Greek and Roman themes. For the first time since the beginning of the Middle Ages, generations of Europeans were gaining a direct view

of the classical world and could apply their own unique interpretation to what they perceived. One by-product of this development was the rediscovery of the original--or Roman--significance of the allegorical figures. By drawing on direct classical sources in their compilations, catalogers such as Ripa participated fully in this age and brought to the artist, architect and poet a resource which was based as firmly on an understanding of the classical world as it was on the Christian or contemporary traditions. Many figures developed ancipital identities--one sacred, one profane--but most remained a simple amalgam of both. With their secular aspects, the allegories once again became suitable for public buildings and by virtue of their great symbolic and instructive impact were rapidly adopted for non-religious use. In this manner, these former outward manifestations of Christian concepts lost their religious impact. Instead of evoking religious contemplation of its particular attribute, each allegorical figure, when used, often personified a secular, perhaps civic, concept.

Use of these figures only further increased during the clasical revolution wrought by the finds at Herculaneum (which was transferred to England by Robert Adam). By the late eighteenth

century, everyone with pretentions to learning in America, England and the Continent could boast familiarity with many, if not all, of the virtues and vices in the published catalogs. In their most reduced state, the only true function of these figures was, by this time, to display the erudition of the designer and owner. What a degeneration in significance was suffered by some of these figures! From symbolizing in the thirteenth century, the "sum total of all morality" in Notre-Dame of Paris, they could sometimes become, by the late eighteenth century, suitable as mere embellishments on a Sheraton Commode.[44]

The Use and Meaning of Justice in Courtrooms

It is in the context of this later European use of iconography that one must think when considering the use of a figure of Justice in the Supreme Court Chamber of Independence Hall, for regardless of whether or not one was used in the room, Pennsylvania was a very active part of the European cultural and political community. But what of Justice in the eighteenth century? What exactly was its appearance and meaning? A logical point in the evidence at which to start is at the source of design for these figures in England, the eighteenth-century translations of Ripa's design book.

JUSTICE

In the 1779 edition one reads about Justice under plate LX, figure 227 [p. 21]:

> In a moral sense, is one of the four cardinal virtues, which gives every person his due; and according to the poets, was one of those celestial beings that condescended to inhabit our earth, in the first happy ages of the world. It is represented by the figure of a woman, dressed in white robes; she holds a sword in the left hand, and in the right a pair of scales on the balance. She is sitting with a bandage over her eyes. The white robes and bandage over her eyes, allude to incorrupt justice, disregarding every interested view, by distribting [sic] of justice with rectitude and purity of mind, and protecting the innocent. The scales on the balance denote that this virtue directs to equity and upright judgement: and the sword is allusive to the punishment of a delinquent.[45]

Thus, by various means, Justice is shown to be incorrupt, disinterested, a protector of the innocent, and pure of mind. Her tools--the scales and sword--indicate her equity and willingness to punish guilt.

In Anglo-American courtrooms she was commonly displayed directly over the judges, even surmounting the symbol of sovereign authority, the coat of arms itself (see Illustration 35). By displaying her in so prominent - and sensitive - a position, each court visually asserted for itself those ideals which she embodied. In fact, such a close juxtaposition of the judge (s), arms, and Justice made visually manifest that relationship of which the theorists were always writing: the law, the authority by which the courts decided

the law, and the ideals on which the law was based. So, through its participation in the representation of these concepts, the symbol of justice was one allegorical figure which came full circle by the eighteenth century and, as once in the Middle Ages, gave visual impetus to some of the most advanced theoretical concepts of the time.

Documentation for the Use of Justice in the Supreme Court Chamber

Provincial Period

In turning to documentation on the Supreme Court Chamber, a recurring pattern of evidence is met: that is, from the Provincial period virtually nothing on allegorical embellishments has survived, while from the early State period a few leading insinuations remain. The documentation for an allegorical figure in the Provincial Chamber is rendered even more bleak by the total lack of strong precedent among contemporary courtrooms. Unlike the dock or witness stand, which were ubiquitous among the higher courts of record, the representation of Justice, though common, was by no means universal. Many high courts merely had the sword of Justice above the judges, while many more had no symbolic feature at all. As a result, Justice, as an embellishment of the Provincial Chamber, will have to remain an unreconcilable mystery.

Commonwealth Period

Were it not for one small entry in the Journal of the House of Representatives of Pennsylvania, we would be just as ignorant about the use of Justice as a decoration in the post-independence Supreme Court Chamber. On March 15, 1792, however, Mr. Vaux, a member of the House, moved that:

> Whereas the arms of Pennsylvania, with the figure of justice fixed over the seat of the state judiciary, where the courts are held, are proper appendages to, and convey an impressive symbol of the powers and objects of, such courts, and as this suitable exhibition of attributes, which has long decorated the before-mentioned place, is discovered to be the property of George Rutter and Martin Jugiez - Resolved, That a committee be appointed to contract with the said persons for the purchase of the same, on the best possible terms, for the use and advantage of the state.[46]

For its size, this motion reveals much. Among other things, we learn from it that in their day, the arms and figure of Justice were considered to form a symbolic unit, deemed by its contemporaries as instructive and "suitable". In addition, this entry forms a strong association between the figure of Justice and the two petitioners: at the very least we know that they supplied the carving; in fact, they almost certainly fashioned it.

But of what was this figure made, and in what manner was is fashioned? All indications are that it was almost certainly a small statue carved in wood. Illustrations 27 and 35 show figures of Justice affixed above the judges bench of their respective courtrooms much as the allegory must have hung in the Supreme Court Chamber. That they are typical of period depictions of courtrooms with a figure of Justice makes them both significant, but Illustration 27 attains an even greater importance because of its location in York, Pennsylvania in 1801. (This is the room, by the way, in which the State's Supreme Court sat while on circuit each year).

The figure of Justice depicted in this courtroom, which was so close to the Supreme Court Chamber of the State House, was a small, painted carving in wood and, as Frances Lichten points out, was almost certainly carved by a local German artist, John Fischer. A small, brightly painted figure of Justice from York County has survived which is attributed to him. Its uncanny resemblance to the one pictured in Illustration 27, and the fact that no other building in York would have used this allegory, strongly suggest that the 21 1/2" high carving, holding metal scales, once hung in that courtroom.[47] Painted wood carvings such as this

were common in America, and the variety of their subjects attests to a firm tradition of locally produced figures made for locations ranging from the prows of ships and tavern signs, to the facades and interiors of public buildings.[48] Nevertheless, the most persuasive evidence that the figure of Justice was carved in wood is provided simply by identifying the actual trades which Rutter and Jugiez practiced.

Though little has survived which reveals much about Martin Jugiez, newspaper advertisements from 1763 until his death in 1815 reveal that he worked as a carver, especially in the period directly after the war. This difficult, sensitive craft was his speciality, and he seemed to support himself well by practicing it.[49] George Rutter, on the other hand, was a sign painter, or "limner." Copious advertisements and notices from the last two decades of the century indicate that he formed, broke, and reformed partnerships with the relative frequency often found among craftsmen of his period. He worked in a particularly competitive market, which situation forced him to invest heavily in advertisements.[50] For whatever reasons, though, these efforts seem not to have helped him, for in June 1798, George Rutter applied to the Court of Common Pleas as an insolvent debtor. Two and a half months later, he was dead.[51] Despite his apparent failure as a businessman, both a letter by John Penn,

which in 1789 described him as, "the best sign painter, perhaps in any country," and the State Arms he painted, which hang today in the Supreme Court Chamber, attest to his skill as a painter.[52]

Thus, the figure of Justice which these two men supplied for the spot over the judges bench in 1785 must have added a decorative, meaningful touch to the Supreme Court Chamber for over a decade, perhaps longer. (See pages 87-89 in the Coat of Arms section for a more detailed consideration of how long this figure and the arms probably occupied the west wall). Were it a typical product of its source, this figure would have been carved in wood by Jugiez and perhaps painted by George Rutter to appear much as the figure in the York County Courthouse. Concerning her pose, we can assume that Justice held in her right hand a metal sword, "allusive to the punishment of a delinquent," and in her left hand, the scales, which denote that justice, "directs to equity and upright judgement." She may have held these tools in the manner of the York County figure of Justice, or in some other way, perhaps, similar to the lady in the background of Chief Justice Thomas McKean's portrait (Frontispiece). Whatever the specifics of her appearance, we know from Mr. Vaux's motion that Justice, in combination with the painted, framed State Arms, conveyed, "an impressive symbol of the powers and objects of" the courts which met in the Supreme Court Chamber.

WINDOW HANGINGS

Curtains

There is virtually no precedent for window dressing among courtrooms contemporary with the Supreme Court Chamber. By examining the prints which accompany this Plan, the reader will discover a wide variety of windows, ranging from the gothic splendor of Westminster to the plain functionalism of the Crown Court in Hartford, England (Illustrations 27, 32, 34-40). Naturally, the high windows at Westminster, decorated with stained-glass motifs, would not have been curtained, but notice that even the more typical windows with wooden sashes do not usually sport embellishments of fabric. In fact, the three illustrations here which do show curtains (Illustrations 34, 35, and 36), all depict the same courtroom: the "Old Bailey", or Newgate Prison (otherwise known as the Central Criminal Court). The curtains in this room, however, hardly qualify as such: they are simple drapes or swags. It seems that the supple richness and luxury of textiles did not lend itself to the finish of an eighteenth-century courtroom.

Documentation for the Supreme Court Chamber itself indicates that the room lacked curtains. The Assembly of Pennsylvania authorized all expenditures for the Province, including repairs

on the State House. The records of this body hint at a marked contrast between the treatment of windows in its own room, the Assembly Room, and of those in the Supreme Court Chamber, across the hall. For its own room, the Assembly passed the following two resolutions not long after the Assembly Room's completion:

> In 1745:
> Ordered, That the Superintendents of the State-House provide some Means of breaking the Echo in the Assembly -room, that the Members may better hear one another.
>
> And three years later, in 1748:
> Ordered, That the Superintendents of the State-House provide Screens and Curtains for the Assembly Room.

Two entries from the mid-1750's confirm that the latter resolution was carried out.[53]

By means of this sparse--though adequate--documentation, we know that the Assembly Room had curtains before the Revolution. In contrast, the Assembly's records say nothing about window hangings for the Supreme Court Chamber during the same period: never does the Assembly refer either to the installation or maintenance of curtains in this room. Yet, it was the Assembly which authorized all the construction and outfitting of the Supreme Court Chamber (See Appendix A). The record's silence towards the room's window hangings continues until after the

Revolution, when, in 1785, venetian blinds were installed in the courtroom (these will be considered in the second half of this section).

The lack of documentation for curtains in the Supreme Court Chamber implies that the courtroom had no such hangings in the eighteenth century. This assumption gains strength in light of the above entries for the Assembly Room. Considering the general dearth of curtains in other courtrooms of the period, we today may safely assume that the Supreme Court Chamber of the historical period lacked these finishing embellishments.

Venetian Blinds

Venetian blinds were first introduced to Philadelphia sometime before the Revolution, but it was not until the later years of the eighteenth century, in the 1780's and '90's that this form of light regulation caught on with the local inhabitants. But catch on it did. The list of buildings in the Park alone which used venetian blinds by the 1790's is impressive. It includes the Chamber for the House of Representatives of the United States, the office for Congress, the Offices for City Hall, sundry rooms in the State House, and even domestic structures, such as the Todd House. These buildings represent the general trend in Philadelphia during the period around 1800.

As common as venetian blinds were, however, none used in the eighteenth century have survived for study today. The oldest known blinds from the area are those which were installed in the Arch Street Friends Meetings (at Fourth and Arch Streets) in 1811. By virtue of their status as the oldest known Philadelphia-made blinds, the Arch Street blinds have served as examples for reconstructing the blinds in the other Park buildings listed above.[54]

In its use of blinds, the Supreme Court Chamber was very much a room of its times. The ever-valuable series of petitions submitted to the House by George Rutter and Martin Jugiez reveal that in 1785 these two men fitted the windows of the courtroom with venetian blinds:

> March 8, 1792...
> ...That the petitioners [Rutter and Jugiez] have never received any compensation, either for the said arms, or for the blinds to the windows of the room wherein the same are placed, which were also at the same time furnished by them.[55]

The blinds were part of a job which included the painting and framing of the State Arms, the manufacture of a figure of justice, and the installation of these two decorations over the judges bench (See Coat of Arms section). They never did receive compensation for their work, and it remains a mystery today, whether or not they removed the arms and blinds after the final, unsuccessful

petition in 1796.[56]

Thus, the Supreme Court Chamber had venetian blinds on its windows--at least between 1785 and 1796, perhaps longer. The blinds were a common window hanging at this time, and though there is no proof, it is safe to assume that the blinds were very similar to the examples surviving from the Friends Meeting at Fourth and Arch Streets.[57]

HEATING DEVICES

Fireplaces

There can be no doubt that when the Supreme Court Chamber was first conceived, its designers chose to build it without any form of heat. Evidence of this choice is found in the fabric of the room itself. For purposes of their own, the designers built three large archways facing on to the central hall (see the Bar section, Section C, Part I, in this Plan). In that location the arches would render even the most substantial fireplace or stove totally inadequate to the task of heating the room, simply because all the heat would rise into the hall and out its large, drafty doors. In addition, architectural investigations have revealed that the room was designed with two windows on its west wall, behind the judges bench. These windows, though fine for

lighting the bench, totally preclude the installation of fireplaces on this, the only wall in the room with access to flues and a chimney. Since architectural investigations have shown that the east wall's arches and the west wall's windows were indigenous to the fabric of the building, the only conclusion possible is that the room was designed and built without fireplaces. (See Drawing 1.)[58]

Two surviving plans of the State House from the early 1730's establish that this omission was made by design and not mere chance. The older of the two plans dates from around 1730 (Illustration 1 in the Historic Structures Report, Part II, Independence Hall). It was drawn before the construction of the State House started in 1732 and is a valuable record of the intentions of the builders. The plan shows, for instance, that the large arches were intended for the room from the very start. But more importantly, note that the Supreme Court Chamber is the only room along the east or west walls of the building which lacks fireplaces. Particularly noteworthy are the two fireplaces directly above the courtroom, in the Long Gallery and the Council Chamber: considering that the courtroom is unique among the rooms of the State House in its lack of fireplaces, the existence of these directly

above it would indicate that their absence in the courtroom below was due to purposeful design rather than to chance or mere omission.[59]

Another plan of the State House was drawn around 1735, after the brick shell and major carpentry work had been completed (Illustration 2, Historic Structures Report, Part II, Independence Hall). In this plan the room is still shown with archways and no fireplaces, which indicates that although changes had been made to other features of the building, the earliest intentions of the designers were carried out in the Supreme Court Chamber.

Stoves

In addition to a lack of fireplaces, the record indicates that the Supreme Court Chamber existed without stoves for most of the eighteenth century. Despite the fact that there were numerous entries for the installation of stoves in the Assembly Room as well as in other rooms of the State House in the 1770's and 1780's, virtually nothing has been found to indicate that the courtroom received similar amenities before 1791, two years after the arches were sealed and the room enclosed.[60] The legislation for this improvement first appeared in 1786 when Hugh Henry Brackenridge, a prominent lawyer and member of the Assembly, moved that:

[November 23, 1786]
...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 further consideration thereof be postponed.[61]

Although this particular motion was not successful, the room was enclosed two years later, in 1789, by Joseph Rakestraw as part of the general repairs which were made to the State House:

Bill of Carpenters Work at the Statehouse by Joseph Rakestraw
...
To Making a Partition between the Entry and Court Room and repairing the Mouldings at Imposts - & Bace of Pilasters and a Pair of Large Foulding Doors £8..0..2 [62]

Two years later, Jacob Eckfeldt was paid for supplying and installing two stoves and piping in the Supreme Court Chamber of the State House:

[January 19, 1791]
To Expense a/c
Jacob Eckfeldts for putting up two stoves in the Court Room cost of stoves and pipes 24.14 --
3.13.5
29. 7.5

Feby 8 [1791] Exam^{d} & settled the acco^{t} of Jacob Eckfeldt for 2 stoves set up in the Court Room in the State house
@ £5.15.0 --- 11.10. 0
213^{lb} of pipe for d^{o} @ 1/4 14. 4. 0
25.14. 0
Disc^{t} 12 1/2 -3.13. 5
210 29. 7. 5 order[63]

HEATING

William Birch drew a view of the back of the State House in 1799 (Illustration 26), which pictures a pile of wood by the steps of the courtroom and a pair of stove pipes projecting above its two west windows. This print confirms several accounts for maintenance on stoves in the Supreme Court Chamber throughout the 1790's the last of which appears in 1799:

> Orders were drawn on the Treas. in favour of the following persons, to Wit.---
>
> No. 22 Thomas Mingus, for the Sum of Seven Dollars & eleven Cents, for cleaning Stove Pipe & c. in Court Room 7.11 [64]

How long these stoves remained in the room after 1799 is not certain. An entry in the Select Council Minutes from 1831 calls for the removal of a stovepipe from the front window of the State House.[65] This pipe may have extended from a window to the Supreme Court Chamber (occupied in the 1830's by city courts), because in 1812 the room's west windows were bricked up to accommodate the new Mills wing buildings: they no longer could project stove pipes. Without fireplace flues to vent out of (because of the lack of fireplaces in this room), the stove pipes would have had to divert to a side window--apparently, in this case, a front window. In February of 1847, a certain Daniel Dylet was paid $1.50 for removing stoves from this room, and in the same year furnaces were added to

the building, which addition ushered in a whole new era for the occupants' comfort.

So, from 1791 until 1847, this room was heated by stoves which vented their smoke through its windows via pipes. Whether the stoves Jacob Eckfeldt installed in 1791 remained this entire period or, in the interim, were replaced is not now known. It seems likely, though, that Eckfeldt's stoves survived the entire fifty-six year period, because unless their users objected to them aesthetically, or found an improved design, these simple, sturdy devices could have warmed the courtroom indefinitely.

Postscript: The Design of the 1791 Stoves

These stoves were almost certainly "Close stoves": that is, rectangular boxes whose six sides were made of sheets of iron. This type of stove stood on iron legs which raised it about one foot off the floor and vented its smoke by means of a pipe, which lead either to a convenient chimney flue or out a window.[66] An excellent break-down of the costs involved in installing a large "tenplate" stove (i.e. a stove with six exterior sheets to make up the box, and four smaller interior sheets--with doors--to form an oven) can be found in the disbursements of the Supreme Executive Council for 1788:

For 1 large ten plate Stove, for the Council Chamber, with solid plates, in order to use it as a six plate Stove	£	5..15.. 0
Cash paid Lewis Prahl for the Smithwork thereto, viz-		
Doors	£	1.. 4.. 0
3 Rods & Screws		6.. -
Collar to the Top Plate		4.. 8
Foot		10.. -
drilling 4 Holes into the Side Plates & Knobs in do. for the inside plate to rest on		5.. 4
29 lb. Pipe a 2/		2..18.. -
hammering out & fitting some old Pipe and putting up the Stove		-..10.. -
Ditto paid Porterage of the Stove to the Smith's Shop & thence to the State House		-.. 4.. -
Paper Money	£	11..17.. 0

[other side]

No. 3172
Hillary Baker's account No. 1347
for a stove
Read in Council January 23rd. 1788 approved and an order drawn

James Trimble
for Chas Biddle Secry[67]

The above entry shows that during this period the cost of a large ten plate stove, without the considerable reworking involved with installation, was about £ 5.15.0. Since Jacob Eckfeldt supplied two stoves for the courtroom at £ 5.15.0 each (before installation), it seems likely that both his and the one supplied by Hillary Baker (above) were the same size: that is, large. Larger closed stoves from this period measure about 4 feet long x 16 inches wide x 2 1/2 feet high. On its legs, a stove this size would have stood another foot higher, at 3 1/2 feet.[68]

William Birch's view, mentioned above (Illustration 26), shows wood piled by the steps of the courtroom, which means that its stoves would have burned wood, just as some stoves in Congress Hall did in the same period. The type of wood used might have been hickory, a good, clean-burning wood which was used in Congress Hall at this time.[69] Although no record has been found of who kept the stoves burning during trials, it could have been a petty officer of the court (e.g., a tipstaff) or Joseph Fry, the building's caretaker during this time period.

A sense of how the keeper would have handled his stoves during a trial is provided by a depiction of a service in the Old Lutheran Church of York, Pennsylvania; it was drawn by Lewis Miller, a Pennsylvania German chronicler, in 1800.[70] In the center of the floor is a very large stove which is being stoked by the "fire maker." With their bulky, black pipes running in the air to the west windows and their need for frequent attention, the stoves in the Supreme Court Chamber must have constituted a striking--though necessary--addition to the room.

TABLES

Summary: Tables in Contemporary Courtrooms

A quick survey of the period illustrations in this plan will show that tables of varying sorts were used by the occupants of the bar during trials. The most common table pictures in these prints and plans is a large one, situated directly below the bench. When it exists, it is the dominant movable furnishing in the bar, often able to hold as many as a dozen of the lawyers who practiced before that bench (Illustrations 1-6, 9, 10, 27, 31, 32, 34-6, 39, 40). In some of the illustrations this table attains such great proportions that it engulfs all the available space on the floor of the bar (Illustrations 1-4, 9, 27, 32, 34-6, 39, 40).

In the rooms where this happens the clerk is often compelled to join the lawyers at the major table. However, this most important record-keeper (who was sometimes called the prothonotary--or protonotary --after the Latin for "chief clerk") usually sat at his own table, directly under the judges bench (Illustrations 4, 5, 9, 10, 27, 29, 37, 38, 41). From this spot he and his staff, if he had one, faced out over the room, in the same direction as the judges above.

Another occupant of the bar usually found at a table is the sheriff. He is rarely identifiable in the prints, but one can be assured that the sheriff's responsibility for raising the juries,

announcing the sessions of the court (via newspaper ads and broadsides), serving writs, and so on, required that he have a table, or at least a flat surface, so that he could maintain his records during trials. Few, if any, of the other court officers in these illustrations ever sat at tables in the courtrooms: the constables (tipstaves), jailor, bailiff, or crier can be found in boxes, on platforms, seated, or standing, but almost never are they found seated at a table or other writing surface.

The Lawyers' Table in the Supreme Court Chamber

The Supreme Court of Pennsylvania had a full complement of officials attending its sessions, including the ubiquitous lawyers, a prothonotary, a sheriff, a jailor (when appropriate), constables (tipstaves), and a crier (who was a sort of specialized tipstaff).[71] The court for whom these officials worked was the highest court in the state. It supported the largest, most sophisticated bar in America. Yet, despite the court's power and sophistication, its chamber was built by provincials on the fringes of the British Empire and was used by their descendants. The courtroom showed great ambition in its wall treatment, its situation within the

building, and its layout; however, it certainly did not come up to the size or sophistication of the courtrooms at the king's own center at London, the courts of Westminster. Thus, even though the inspiration for its layout probably came from these great Common Law courts (as did most of the king's courts), the Supreme Court Chamber more likely resembled its cousins, the Crown Courts of the English boroughs and colonies.

What this means for the Supreme Court Chamber's tables is simply that instead of following the pattern of the Westminster courts with their large, semi-attached tables and multi-tiered bars and boxes (Illustrations 37 and 39), the Supreme Court Chamber probably resembled more the courtrooms in the other illustrations: that is, it probably had a large, centrally located and detached table for the lawyers, and possibly the clerks.[72]

Surviving documentation bears out this conjecture. In the winter of 1778-79 Robert Allison, Master Carpenter, supervised a massive repair project on the Supreme Court Chamber which involved the labor of seven to eight men for fifteen weeks. Between January 1 and April 9 of 1779, these men used between 2500 and 4000 square feet of pine board and a variety of turnings purchased from a local

turner, John Cornish.[73] About half-way through the project, in the eighth week of construction (i.e., the week of February 16), Allison bought the following:

To John Cornish----------D^{r} s d

...

1779

Feb^{r} 17 To 12 Posts for a Table a 12/6------7..10..-

...

The Above work was Engaged by me for the Use of the State House Court Room

Robert Allison[74]

The exact appearance of the table for which so many turned legs were made is, of course, unknown. It is safe to assume, however, that it was large--perhaps very large. If this was the case, the locations where it would fit in the room Allison rebuilt are very limited. Physical and documentary evidence discussed elsewhere in this Plan indicate that Robert Allison included two large galleries which extended into the center of the room from the north and south walls (Appendix B). With the galleries occupying so much room, the only appreciable amount of space remaining within the bar would have been the floor in the center, directly below the bench: only here could a large table fit. Considering the trend in period courtrooms, it is safe to assume that this twelve-legged table accommodated the lawyers serving as advocates.

This assumption is borne out by later documentary evidence. Indications are that even though attempts had been made to alter the interior of the Supreme Court Chamber, its overall arrangements remained intact nineteen years after Robert Allison completed his work (Appendix A, Appendix C). Therefore, it can be safely assumed that in December of 1798, the Portuguese visitor was describing essentially the same room arrangement that Robert Allison installed for £3600 when he wrote:

> I went today to the Supreme Court...There was a little raised place where seated the four justices, wrapped in great capes and with their hats on their heads because of the cold. There was a table in front of them on which they wrote. On the floor in front of this place there was a circle of seats around an oval table, and here were seated the lawyers. One arose to speak...the attorneys all bare headed but the spectators with their hats on.[75]

The same room was described in the testimony given at the impeachment trial of Edward Shippen, Chief Justice of the Supreme Court of Pennsylvania, in 1805. The testimony below is from his trial. It was given by lawyers who were describing their location during an incident which occurred in the Supreme Court Chamber in 1803:

> James Milnor, Esq. -affirmed.
> ...I was present, sir, on the morning that Mr. Passmore was called forward to receive the sentence of the Court. My sitting in Court was inside of the bar appropriated to the profession;...

> ...
> D. [A.J. Dallas]. I ask the witness, whether he sat near his brother, during the discussion of the attachment? L.[Sampson Levy]. I sat in the bar, but not along side of him; I sat in the centre of the table, my brother sat about six feet from me. [The witness was a brother of Moses Levy, lawyer for Passmore, who was the defendant in 1803].
>
> ...
> D.[Dallas]. Did he [McKean] not observe an uncommon degree of heat between the counsel for the prosecution and Mr. Levy which will account for his indignation? McK.[McKean]. Levy sat on the west side of the table, Mr. Dallas on the east, and I think I sat in the front;...[76]

The best visual indication of the appearance of this large table in its setting can be found in Illustration 27, "The Court of Quarter Sessions and Court of Common Pleas" at York, Pennsylvania in 1801. This sketch by a local chronicler, Lewis Miller, shows a very large table in the center of the bar area, at which a great many attorneys sit.[77] Although the Supreme Court Chamber's galleries do not allow enough room to accommodate so large a table, this drawing at least gives a good sense of what the lawyer's table of the State House must have looked like during a trial in the late eighteenth century. Note how the table appears rounded at the ends, and how the line of lawyers' chairs implies other than a straight side to the table by the manner in which it bows. Indeed, it somewhat resembles the oval table described in the Supreme Court Chamber

by the Portuguese visitor. Of course, it is difficult to be certain about the shape of this table; Lewis Miller rarely depicted his world with a precision even remotely approaching that of a draftsman. Yet, it is hard to ignore the similarity in overall shape between this table and the one that many have existed in the Supreme Court Chamber at the same time.

Construction

Before leaving the large central table of the lawyers, a brief consideration of its construction is in order. It was established above that the table built by Robert Allison in 1779 was a large oval table, for which he ordered twelve posts from a turner in February of that year. Initially, it may seem hard to imagine such a table without conjuring images of a twelve-legged behemoth; however, there survive from the early nineteenth century several oval tables which use twelve turned legs. None of these tables are huge: none cover scores of square footage on the floor. Rather, they are much more reasonable in size, ranging from 4 1/2 x 5 1/2 feet to 7 x 8 feet. These tables are known as double gate-leg tables and manage to use so many turned posts because on each end they sport not one, but two gate (or swinging) legs.[78]

A large, oval table which contracts when not used, but whose leaves cannot be removed, is perfect for the role of a lawyers' table in the Supreme Court Chamber. The bar had precious little room, in either the Provincial or State periods. Considering that the number of lawyers varied from day to day, a table which adjusted to the needed size would have allowed maximum floor space while accommodating those lawyers who attended court. Likewise, the folding leaves could have moved out of the way without causing a storage problem or being exposed to theft. That early Pennsylvanians recognized the utility of such a table is attested to by the records of the Chester County Historical Society which record the installation of a large, oval table in the Chester courthouse in 1725.[79]

At this point a logical question arises: why would Robert Allison install a double gate-leg table? After all, it is generally believed that such tables had lost currency in the later eighteenth century. Two factors mitigate these concerns. First of all, the earlier discussion already establishes that this type of table would be compatible to the situation in which the lawyers' table was used: that is, it would put a minimum strain on the resources of the court-room's bar by being adjustable, large, and by having permanently affixed leaves. In addition, Allison mostly replaced the fixtures

and furnishings of the courtroom which the British destroyed the previous year. He drew up his own plan and probably made some adjustments on the layout of the former, ravaged room, but he must have based his ideas on the previous appointments. Such a pattern was found in the west wall evidence for the judges bench, which shows that Allison installed an engaged, raised bench along the same lines as the original bench of the same wall (see Appendix A). Considering the suitability of a double gate-leg table, and its close relationship to the bench, it would seem natural that he replaced this feature as well.

The Prothonotary's Table

The prothonotary--or clerk--of the Supreme Court of Pennsylvania was one of the busiest persons in the courtroom during a trial. His responsibilities ranged from taking the oaths of witnesses and jurors to maintaining all the records of this very busy court. There was nothing in the proceedings of the Supreme Court that did not come under the responsibility of this office.[80] It therefore would be inconceivable to refurnish the Supreme Court Chamber without including some sort of table or desk for the prothonotary.

The dearth of information on the appearance and location of the prothonotary's table in the Supreme Court Chamber can be compensated for by examining period prints. As page 128of this section

mentions, these prints show that the trend in eighteenth-century courtrooms was to place the prothonotary directly below the judges bench. In local courtrooms this officer mostly sat at his own table, apart from the common one shared by the lawyers, and either sat in his own barred-off area (as in the New Castle County Courthouse, Illustration 10) or shared space with everyone else on the main floor of the bar (as in the York County Courthouse, Illustration 27).

Of these two arrangements, the latter seems most compatible with available information on the nature as well as the details of the Supreme Court Chamber's bar. No record of an inner bar rail survives. Likewise, architectural investigations have proven that the floor of the bar was all at one level, so that even this variant method of defining spaces within a courtroom is eliminated; besides, the bar was so confined that either a rail or a platform would have permanently cramped the already confined space. In the sketch of the York County Courthouse the clerk, Charles Hardly, sits at his own small table to the left side of the bench and behind the lawyers. He is seated so that he can see out over the room while he writes down notes on paper. By looking carefully, one can detect a slight hint of a slope to the surface of the table, which feature indicates that perhaps this was a writing desk

of some sort-a notion easy to accept in light of the prothonotary's chief function of record keeping.

This sketch compares more closely with the known features of the Supreme Court Chamber than any other view that has yet been found. This fact, in conjunction with the lack of other documentary sources, renders the Lewis Miller watercolor sketch the only reliable model for the equivalent desk in the Supreme Court Chamber itself. Considering the cramped quarters of the bar, a small, functional writing desk for the prothonotary would be perfect for the area directly below the bench, to either its left or right end.

The Sheriff's Table

The only other officer of the court who may have had his own table was the sheriff. The man who filled this ancient office was indispensible to the operation of the court. It was the sheriff who raised the citizens for the juries and enforced their attendance at the proper session of the court. He also served writs, bills, or whatever else was to be delivered by the court. He maintained order in the courtroom, and even headed the retinue of the justices during the commencement ceremonies of each term.[81] Because of the documents these duties generated, the sheriff certainly needed a table on which to write and organize his papers, even though his equipment--from the table itself to

the writing implements--would probably have been much less elaborate than the prothonotary's. Like the prothonotary, he would have sat in the front, directly below the bench.

CHAIRS

Chairs in the Bar

Little survives which mentions the movable seating of the bar in the Supreme Court Chamber. Of course, all indications are that this courtroom followed the typical practice of incorporating large architectural implacements into its general layout. These implacements (such as a jury box or gallery) would almost certainly have had benches. Hence, their existence would at least partially explain the dearth of information about chairs. If benches were widely used, the opportunity for mentioning whatever chairs were in the room would have been reduced. Despite the lack of references to the chairs in the bar of the courtroom, little question remains about their existance, or even appearance, for much survives about the chairs in the State House as a whole, especially after 1778, when the building was repaired and re-fitted with furniture.

It appears that before the Revolution rush bottom (or slat back) chairs dominated the common office furniture of every room in the State House, with the notable exception of the Governor's

Council Chamber. For example, records indicate that the Assembly ordered twelve rush bottom chairs in 1733 and another twelve in 1760. They may have ordered more chairs on other occasions, though no such record has ever been recovered. After the Continental Congress arrived at the State House in May, 1775, the Assembly again purchased furnishings, but this time they were windsor--not rush bottom--chairs:

> [October 18, 1775]
> Ordered, that one Dozen and a half of Windsor Chairs be immediately procured for the Use of the House.
>
> [May 31, 1776]
> Dr. Cash pd. Francis Trumble for 2 tables and 12 chairs. May 31, 1776...£6.14.0 [82]

Of the four orders discussed so far, including the two which go back to 1733, only two specify the Assembly or its chamber as the recipient. Of the remaining two, the last (from May 31, 1776) is cited by Horner as being for the "Court Room, where the delegates [of the Assembly] met temporarily" at that time. Considering Horner's uncanny accuracy in other topics, it would seem safe to trust him in this case as well.[83]

This pattern of procurement has significance for the Supreme Court Chamber, because in each of their purchases the Assembly ordered a relatively cheap, durable furnishing which could be used anywhere

in a public building. Considering the nature of such functional furniture in public buildings, these chairs probably dispersed within a very short time. Certainly after many years in the State House the original use or identity of the surviving older chairs would have long been forgotten. Thus, before the British occupation of the winter of 1777-78, the Supreme Court Chamber probably shared in this mixture of old and new--rush bottom and windsor--chairs.

After the State government returned in June of 1778 it immediately set out to repair and re-outfit the much-abused State House. Between July, 1778 and March, 1779 the following accounts, which dealt with chairs, appeared:

> [July 21, 1778]
> The Council Room in the State House being now cleaned and in order for the reception of Council; except only that there are no Chairs therein.
> Ordered, that the Secretary procure eighteen Windsor Chairs for the Council Room.
>
> [August 20, 1778]
> An order was drawn on the Treasurer in favor of Francis Trumble for 19 Windsor Chairs, for the sum of Sixty Four Pounds Two Shillings and Six Pence.
>
> [August 27, 1778]
> To Francis Trumble for Windsor Chairs 84 pounds 15 shillings.
>
> [September 11, 1778]
> Pd. Michael Kurtz for making benches for the Assembly by order of the Assembly September 16, 3 pounds.
>
> [November 27, 1778]
> Pd. Francis Trumble for 20 Windsor Chairs for the use of the Assembly November 27, 1778, 60 pounds.

[March 29, 1779]
The State of Pennsylvania
To John Pinkerton D^r
To 2 Settees for the Court-room in the Steate house at 25£
p^r Piece £50..0..0

The Above mintioned [sic] Settee Chairs was made at my Request
April 3^d 1779 Robt Allison

[On the reverse side of this bill]

In Council
Philadelphia July 7th 1779
Sir Pay to Mr John Pinkerton on his order the Sum of fifty pounds the amount of the within account

To David Rittenhouse Esqr Treasurer
Jos. Reed Pres^d.

July 8, 1779 Received the Contents Jo. Pinkerton.

In addition to the above, the following were obtained six years later, after the Revolutionary War:

[November 24, 1784]
2 dozen Windsor Chairs for the State House at £1 per doz...[84]

The meaning of all these entries becomes clear when they are set in their context. For one thing, none of the older style rush bottom chairs were purchased in, or after, 1778, which means that none were probably to be found in the State House after that date. Additionally, of these accounts, three are to Francis Trumble whose contribution at this time was estimated by Horner at 78 chairs. (It is easy to estimate from the accounts shown that he supplied at least 60 chairs, perhaps more.) Finally, Horner cites in his Blue

Book of Philadelphia Furniture that Trumble's accounts were settled for: " 'Round Top Scrol arm Chairs', 'Ditto plain do do', 'Low back', and 'Sack back Windsors'."[85] We know that in today's vernacular these terms correspond as follows: a "Round Top Scrol arm Chair" is a bow back windsor with carved knuckles; a "Round Top Plain arm Chair" is, of course, the same, only without the carved knuckles; a "Low back windsor" is referred to as just that in today's language; and a "Sack back Windsor" is also known by the same name today. The chairs procured in that year included an interesting mixture of types, the reason for which is not known today.

Only two of the above listed orders for windsor chairs are for the Assembly, and only one is for the Governor's Council Chamber. The other two orders only record the State House in general as the recipient. This leaves forty-three chairs unspecified (see the entries of August 20, 1778 and November 24, 1778), and at least forty-five, perhaps as many as sixty-four, chairs for the use of the Assembly. Considering that the Assembly also had a separate chair for its speaker (made in 1779 by John Folwell) and benches, perhaps for the public, (see entry above of September 11, 1778), we can easily see that the thirty-five to fifty members who habitually attended would have been adequately accommodated by a portion of the windsors bought in 1778.

CHAIRS

There certainly was a surfeit of chairs after the order of November 24, 1784, for by then the Continental Congress had left Philadelphia for the last time, thus freeing whatever of the State House furnishings it would have used from 1778 on. Only the unicameral legislature (i.e. the House of Assembly), the Governor's Council, and the Supreme Court remained in the State House, with their attendant offices, to use a total of one hundred twenty chairs. Of course, this reckoning fails to take into account the lost or broken furniture that the 1778 batch of windsors surely suffered by then; however, in light of the special seating for the "dignified" members (such as the Speaker, Justices, and President of Council), and the benches in the room of the Assembly and Supreme Court Chamber, it seems very likely, almost certain, that extra chairs were shuffling around within the building.

This situation has great significance for the furnishings of the Supreme Court Chamber. We know that at least by 1798, the bar of the Supreme Court Chamber had seats within it:

> December 19, 1798...On the floor in front of this place [the judges bench] there was a circle of seats around an oval table, and there were seated the lawyers...[86]

Considering the abundance of windsor chairs in the State House, it would seem hard to imagine any other type around this table. This assumption gains strength from a survey of other court-

rooms in the Delaware Valley. Every one for which we have records used windsor chairs: the Chester, New Castle, Lancaster, and York courthouses, and the Federal Supreme Court Room in Old City Hall. The drawing of the York County Courthouse, in fact, shows lawyers seated in windsor chairs around a great table (Illustration 27).

Thus, it is safe to assume that after 1778, the Supreme Court Chamber had windsor chairs within its bar. Before that date rush bottom chairs may have occupied that area. These chairs supplemented the benches by serving those who did not sit within one of the large implacements (e.g., the galleries). The later windsors (of after 1777) were of several varieties, including low back chairs, bow back chairs with and without scrolled knuckles, and sack back chairs. Because we don't know their distribution, it seems safe to assume that these varieties were more or less evenly mixed throughout the building, including the bar of the Supreme Court Chamber.

Windsor Settees

On page 142 of this section there appears a bill from, and record of payment to, John Pinkerton, a turner, for two settees. They were made for the Supreme Court Chamber as a part of Robert Allison's general renovations to that room. Though no product of Pinkerton's shop has ever been identified, the settees he provided were probably

typical of the period: that is, they most likely were either "low back" or "sack back" windsor settees similar to the one in Illustration 17. Like the chairs, windsor settees were a functional, sturdy furnishing which could provide a surprising degree of comfort, yet endure the vagaries of public use.

Use of windsors within the bar

The physical implacements of the Supreme Court Chamber precisely define the parameters of use for the windsor furnishings of the bar. The implacements preclude the jury members, public, and prisoner from the use of these simple chairs and settees (See, in general, the "Bar" section of this plan). Likewise, observing lawyers and perhaps some of the officers of the court (e.g., the jailor) could possibly have used some hitherto undetected bench or ledge somehow attached to--or associated with--these implacements. However, among the advocates (lawyers), court officers, witnesses, plaintiff and defendant or prisoner, the use of windsor furnishings can be discerned to varying degrees of accuracy.

The lawyers, for instance, are the best documented users of windsor chairs. The excerpt quoted from 1778 (earlier, pages 141-143), in combination with the precedent established by Illustration 27, leaves little question of their use by lawyers at the large table

below the judges bench. Of the court officers, at least the sheriff and prothonotary would have had chairs because of their use of desks. Contemporary practice indicates that the other officials of the court--the constables, jailor and crier --could either have stood or sat during a trial, depending on local custom. We have nothing which indicates the practice of the Supreme Court regarding its officers, but if any sat, they would have used windsor chairs.

Witnesses in the eighteenth century were not called from among the general onlookers to give their testimony as they are today. The public at that time could be too unruly to trust the attendance or attention of the waiting witnesses to that area of the courtroom, especially when the public stood, as they did in the Supreme Court Chamber. As a result, witnesses were virtually always kept together, within the bar. Because the only period depictions of courtrooms which identify the waiting witnesses show them seated on benches, it would seem that similar accommodations were provided them in the Supreme Court Chamber. The best candidates for this role in the room are the two windsor settees provided by John Pinkerton in 1779. These, together, could hold the four to nine witnesses which commonly testified at trials in the Supreme Court Chamber during the historical period. The settees would be

commodious and comfortable, and yet not compete with the status of the judges, lawyers, and higher officials of the court.

Of the remaining persons to consider, the plaintiff and defendant of a civil action would probably have sat with their counsels at the large, central lawyers' table. This was common practice at civil cases in this period. If room at the large table were short, they could have had their own chairs in a spare area on the floor of the bar, presumably near their respective lawyers. Of course, the plaintiff and defendant each stood while addressing the Court itself and occupied the witness stand while undergoing examination.

Finally, the prisoner (alias defendant) at a criminal trial presents a special problem. Whenever there was only one criminal trial (gaol delivery) to be heard in any given day, the person tried stood in the dock his entire time before the Court; however, usually more than one criminal trial a day was heard by the Supreme Court during the historical period. As a result, one or more prisoners would be left waiting under the watchful eye of the jailor. Because the State House provides no side chamber in which to hold them, the prisoners most likely waited in the bar of the Supreme Court Chamber itself. The discussion of the dock in the Bar section of this Plan points out that the best solutions to this mystery are either: (1) that the prisoners waited in the dock, on a bench

similar to that in Illustrations 21 and 22; or (2) that they waited in a box adjacent to the dock. In either arrangement, they are kept secure from escape and undue intercourse with others in the bar. Naturally, the comfort of a chair--windsor or otherwise--would not have been offered them, a simple plank bench being more than sufficient for that low state to which they had been brought.

Summary of Chair Seating within the Bar

A person who entered the Supreme Court Chamber in the historical period, therefore, certainly saw chairs within the bar of the room. The lawyers would have used them around their great table, as well as the prothonotary and perhaps the sheriff. Although the specifics of the rest of the occupants of the bar are far less certain, it seems reasonable to assume that the witnesses sat on two settees while waiting to give testimony. Some of the other officers may have had a stray chair, but only provided that they were permitted to sit and there was no appropriate bench or plank seat provided for them in or adjacent to an architectural implacement.

The chairs used after 1778 certainly would have been some of those windsors which were in all the rooms of the State House. There may have been a mixture of low back, bow back and sack back arm chairs with little discrimination over who had what type of chair. To one side (or at least out of the way) would have been

the settees, provided for the use of the witnesses. And lastly, any prisoners waiting their moment before the bench would not have had even a windsor chair, their seats being nothing more than a wooden bench, secure and inconspicuous.

Chairs on the Bench

Over this scene sat the judges. From their own exalted spot, before which all else was laid out, they commanded the respect and attention of all in the bar and area of the courtroom. This Plan has already examined how important their role was to the dispensation of justice: these men embodied the common law as its "living repositories"; they represented the sovereign right of society to punish wrongs; and they personified that cool, disinterested dignity embodied in Justice herself (Section C, Part I, Judges Bench).

Accordingly, the room reflected their status in its physical layout. The scene which greeted one's eye along the west wall was among the most impressive of any courtroom of the period, English or American. The judges sat amongst the symbolic displays of their wisdom, power and dignity, on a bench, which raised them above those who came before them. In such a setting, grand, high-backed chairs would be superfluous, a fact which was recognized in the

furnishings of equally impressive courtrooms (Illustrations 27, 34, 35, 36, 37, 39). Yet, a tradition has been handed down of certain large armchairs which once were used by the Supreme Court of Pennsylvania.

According to this tradition, which comes to us from the nineteenth century, three great upholstered armchairs in the Park's collections were used by the Supreme Court of Pennsylvania while that body sat in the State House (Illustrations 18, 19 and 20). These chairs held the judges, as such immense armchairs ought. This tradition is a most exciting prospect, for, if true, the chairs would be the only furnishings to survive from the historical period of the courtroom. Just as the Assembly Room has its "Rising Sun Chair" and "Syng Inkstand," so would the Supreme Court Chamber have its "Supreme Court Chairs" (as they have come to be known).

Unfortunately, this tradition is based on the same wistful distortion of fact as the story of the "Signers' Desk" or the Sully Arms "painted for the Triumphal Arch of Lafayette." Although these three armchairs stylistically fit the historical period, an examination of their structure has shown that they have a great deal in common with the body of smaller armchairs made for the Federal Congress in

1790 and 1793. An extremely detailed analysis is included in Appendix III of the Furnishings Plan for the Second Floor of Congress Hall, Part D, pages 157-61, which examines these chairs in the context of the larger body of furnishings from Congress Hall. It is not necessary to repeat or summarize its analysis here, but a statement of the conclusions would be helpful. They are as follows: that the "Supreme Court Chairs," together with a chair in Dearborn, Michigan, hold striking stylistic resemblance to other chairs which survive from Congress Hall in the 1790's; that Specimen Number 6.026 was probably a part of the group of chairs known to have been made by Thomas Affleck in 1790 for use of the Federal Congress when it first arrived in Philadelphia; that Specimen Numbers 6.024 and 6.025 closely match the construction details of the group of chairs known to have been made by Affleck in 1793, when Congress expanded dramatically; and that despite these close associations between the Congress Hall chairs and the "Supreme Court Chairs," we do not know the uses to which the latter were put.[87]

They could be the survivors of a large body of oversized arm-chairs which could have been made for the Speaker of the House, President of the Senate, Supreme Court Justices, and the high officers of the State government, all of whom met on Independence Square in the 1790's. However, despite all these considerations the most important factor is the chairs' date of construction: even if some were used by the Supreme Court of Pennsylvania, the

earliest date of their manufacture was almost certainly 1790. This date limits their use to when the arches of the Supreme Court Chamber were sealed up, which is after the historical period under consideration for refurnishing.

By eliminating the tradition of the "Supreme Court Chairs," we are left with nothing on the seating of the judges. Not a bit of documentation, direct nor indirect, survives which indicates what form of seating the judges had on their bench. This hiatus extends from the earliest period of the Supreme Court Chamber's use in the 1740's to the 1790's. We are thus left with examining the courtroom itself, its situation and other furnishings, for an indication of the type of seating the justices may have had.

In the 1780's the Supreme Court Chamber was frequently used by other courts. One of these was the High Court of Errors and Appeals. Though it met twice a year, both its sessions occurred in the same months the Supreme Court sat in Philadelphia, September and April. This semi-annual doubling of schedules was necessary, because four of the nine judges who sat on the High Court were the judges of the Supreme Court. In addition, during most of this period the Admiralty Court of Pennsylvania sat in the State House, but like the High Courts, its sessions

occurred mostly in the early spring and fall. In the 1780's therefore, the room was busy just over half the year and dormant the rest. This dormancy has significance for the furnishings of the courtroom.

Because of its arches the Supreme Court Chamber was constantly open to the public in a very busy building. Time and again the historical record indicates that private citizens were admitted to observe sessions of the Assembly as well as the courts. Likewise, persons constantly had business with the Supreme Executive Council on the second floor, and space was frequently rented out for meetings of various societies, clubs, and so on. All this activity is naturally expected of a major governmental center. However, when the public's extensive use of this buildings is considered in light of the regular vacancy of the Supreme Court Chamber, it is easy to see how frequently the room was exposed, while empty, to inspection by curious visitors from the city, state and nation. After all, the arches could not be shut.

To deal with this situation the workmen of the State House might have stored the furniture when the room was vacant for long periods, but this procedure certainly would not have been feasible between sittings or during the shorter recesses of the courts.

Besides, there was no easy means of moving furniture to adequate storage space, and no bill for such work ever appears in the records as it might, had it been an annual chore. As a result, we may safely assume that the furniture of the courtroom remained in the chamber the entire year and therefore was built to be as plain and durable as possible.

In light of this evidence it seems doubtful that any large, upholstered armchairs sat on the bench. It is well known that leather upholstery damages far more easily under hard use than, say, painted wood, and it is much more expensive. The government would not have left four such chairs in the empty Supreme Court Chamber so that anyone could get to them.

More importantly, the number of judges who sat on the High Court of Errors and Appeals often reached nine, including the President of the Supreme Executive Council, the four judges of the Supreme Court, the judge of Admiralty, and three worthy citizens. Not by any means could nine chairs like the "Supreme Court Chairs" fit on the bench. And even if four such chairs were there for regular court sessions, this situation would cause problems of protocol, for the gap in prestige between such impressive seats

and any other locally found chair is great. Those in the upholstered armchairs would have been in a far more prestigious setting than those on the more ordinary chairs. Who would sit in what chair? After the President of Council and Chief Justice, this would have been a hard--perhaps insolvable--question.

Because of these observations we are left with the consideration of less fragile, expensive, and cumbersome chairs for the bench of the Supreme Court Chamber. In light of the earlier discussion of the chairs in the bar of this and other Delaware Valley courtrooms (page 139), the most logical type to choose would be windsors. The inclusion of windsor chairs on the bench of this courtroom, which had windsors in its bar, would be in harmony with the few other courtrooms of the area for which documentation has survived: in the case of the Chester, New Castle and Dover courtrooms, windsors were used on the bench as well as the bar of the room. In deference to the status of the justices of the Supreme Court, high back windsors could have been used, but even these would not have been needed admist the elegant symbols of their bench. Simple sack back or bow back armchairs would have sufficed.

MISCELLANEOUS ITEMS

Table Covers

It was the custom in the eighteenth century to use green cloth whenever tables were covered in public buildings. During most of the century this cloth draped over the sides of the tables in a generous flow which reached the floor. In later years, however, the practice sometimes changed to merely tacking green cloth to the top surface of the table, without leaving any to drape over the sides.[88] In the former of these methods, the cloth was an easily removable, separate item; in the latter, it was attached to the table in a manner akin to the in-set felt surface of a nineteenth or early twentieth-century writing desk.

Firm documentation survives which shows that tables in the State House were covered so that the cloth on them flowed freely to the ground. Edward Savage's print, "Congress Voting Independence," is a remarkably accurate depiction of the events which occurred in the Assembly Room in early July, 1776. In the left foreground he shows a table draped in such a manner, and while it is not possible to tell what type of cloth was used, firm documentation has been found which shows that, at least in the 1780's, green baize (i.e., a woolen, felt-like cloth) was purchased for the Assembly.

MISCELLANEOUS ITEMS

In 1780, a committee of the Assembly wrote the following authorization:

> ...please pay unto Mr. Thomas Fitzgerald the sum of two hundred & forty Six pounds one Shilling and ten pence for Baize for covering the Tables in the Assembly Room [which,at this time, was on the second floor of the State House].[89]

And on the same day the Comptroller General's books show: "Paid Thomas Fitzgerald per do for Green Cloth £246.1.10."[90]

No record survives which directly indicates that table coverings were used in the Supreme Court Chamber itself, but the precedent for the State House established by this above authorization would imply that the same was done to at least the officials' tables of the courtroom. Clear precedent survives for draping the lawyers' table with green cloth in the eighteenth-century prints of the Carson Collection (Free Library of Philadelphia). Considering the lack of fireplaces and stoves in the room, it would seem natural that a firm custom of the period was taken advantage of, and that warm, green baize was supplied for the tables of those who had to work there for many hours at a time. The long folds of the cloth would at least provide a comfortable hedge against the chill.

Box for Jury Lots

In May, 1795, Albert Gallatin described the jury selection system in Pennsylvania when he wrote:

> The petty jury consists of 108...[who]...compose the venire & their names put in a box, out of which 12 are drawn by lot to try the issue...[91]

Though this letter was written after the historical period, it describes a timeless procedure, which is still followed in State and City courts in Philadelphia. The box used today is very plain, often only an old cigar box. The box used by the Supreme Court in the eighteenth century was probably not much better. It was most likely a small, plain wooden box which had a simple lid (if any at all) and unfinished sides. Because jury collections were under the control of the sheriff, this box probably sat on his table like the one pictured in Lewis Miller's drawing of the York County Courthouse (Illustration 27); however, it is very likely that the crier drew and/or called out the names of the persons drawn from the box, much as it is done today.

Lighting

A Philadelphian, Jacob Hiltzheimer, served on juries of the Supreme Court many times during the late eighteenth century, and has left in his diary several accounts of sittings which lasted well into the afternoon and late evening.

> 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...
>
> Nov. 5, 1781...Judge McKean gave us his charge about midnight, after six lawyers for several hours had addressed us.
>
> Oct. 5 [1786] Went to the State House; there attended as a struck juryman on a Course between Thomas Green Pollard, plaintiff, and Samual Garrigues, defendant, until ten o'clock at night.
>
> Oct. 6 [1786] These gentlemen [i.e., the six lawyers arguing the case] kept us from ten o'clock in the morning until ten at night, notwithstanding the Hon. Judge McKean limited them to forty-five mintues each to speak...[92]

Such late-night sittings would naturally make some form of artificial lighting absolutely necessary. This fact is confirmed by the Court's heavy consumption of candles. The records of the Comptroller General repeatedly show payments like the following:

> William Will esquire To John Reynolds for public use D^r
>
> ...
>
> | | | |
> |---|---|---|
> | | 870 Dollars Exchange at 70 for one equal to | £ 4.13. 2 1/2 |
> | | To 1 lb of Candles of the Trial | |
> | 1781 | of Rutter and Preston | 0. 1. 6 |
> | Sept | at the Court of Oyer and Ter- | |
> | | miner 8 1/2 lb of Candles @ 1/6 p lb | 0.12. 9 |
> | | To 2 lb of Mold Candles | 0. 4. 0 |
> | | To Toddy for the Constables after | |
> | | Hanging Green & Cannon | 0.16. |
> | | To 3 lb of Candles at Decr Court of | |
> | | Quarter Ses^{ns} 1781 | 0. 4. 6 |
> | | To 2 lb of Candles at Decr Ditto | |
> | | Ditto | 0. 3. 0 |
> | | | £ 6.14.11 1/2 |
>
> Received the Above Sum of the Sheriffs Dec 31st 1781
> [signed] John Reynolds[93]

As these entries reveal, candles were bought by the pound. They were probably stored elsewhere in the building, perhaps in the same location as the candles for the Assembly Room, and were brought out as needed.[94]

Candlesticks

Unlike the Assembly Room across the hall, no documentation for a chandelier has survived for the Supreme Court Chamber. As a result, those who worked in the courtroom would have had to rely solely on candlesticks, placed on desks and tables, to hold the candles which lighted their night-time work. No documentation has been found which reveals what type of candlesticks these people had in the Supreme Court Chamber. For this reason we must again turn to the accounts for the State House as a whole to gain an idea of what type of stick would have been found in the courtroom at the time.

The State government of the historical period probably used candlesticks of three materials: silver, steel, and pewter or tin. "Plated" sticks were ordered for the Supreme Executive Council in April of 1777, which extravagance was perhaps inspired by Governor John Penn's furnishings, removed the year before.[95] In contrast, a simple pair of steel candlesticks with snuffers was purchased for

the office of the Receiver General in November of 1785.[96] The record for tin (or pewter) sticks is open to much more interpretation.

In December of 1778, Lewis Grant, coppersmith, was paid £10.0.0 for "Candlesticks, snuffers, & c. for the use of the Assembly..."[97] The seventy-two elected Assemblymen would have required at least as many sticks as the average number of them who appeared at each session: forty to fifty.[98] Although no type of candlestick is mentioned in the payment of 1778, the minimum quantity needed, together with the modest amount of £10.0.0 in inflated currency, would indicate that plain, serviceable candlesticks and equipment were ordered. In light of the extreme shortage of brass and copper at this time, we can assume that the sticks for the Assembly were probably of pewter or tin.[99] This means that although the State government could succumb to extravagance, most of the candlesticks it purchased after 1778, were merely functional, which simplicity fits well the rest of the furnishings in the Assembly Room.

It seems very likely that the Supreme Court Chamber of the State House was fitted up in the same manner. Simple steel or tin candlesticks of American manufacture would have been the best choice

for furnishing a room which was subject to so much public access during trials; besides, it seems unlikely that the bar would have had furnishings superior to the other publicly attended body of State government, the Assembly.

As time progressed and the last decade of the century began, it is almost certain that the accoutrements of the Court, as well as the other State bodies, improved. By the 1790's, at least the judges may have had brass candlesticks, if not the entire bar. This fact is attested to by the purchase of a pair of brass sticks for the United States Circuit Court in the 1790's, while it met in the Supreme Court Chamber.[100] Yet, it is the decade between the late 1770's and the late 1780's with which we are most concerned, and it is in this period that the courtroom probably showed a simpler mode of lighting.

Footwarmers

Without fireplaces or stoves and with a large, open east wall, the Supreme Court Chamber must have been drafty, if not on occasion frigid. The unmitigated chill of the courtroom is a good explanation of why the courts rarely met there past November or before March of each year, even though the dockets were full to overflowing. Not until the 1790's, after the courtroom had been enclosed and stoves installed, did courts regularly use this room the entire year.[101]

Therefore, in the 1770's and 1780's, when the crowded schedules forced the Supreme Court to push the useful limits of the room, the wise lawyer, sheriff and judge probably brought his own footwarmer when the temperature of the courtroom reached an unhealthy low. Each little box would have sat on the floor near the feet of its owner and dispensed a low, though steady, amount of heat by means of hot coals which sat in a tray inserted through its side door. In conjunction with baize table cloths of wool, it would have been a useful hedge against the cold.[102]

Books

Published case books of decisions made in American courts did not exist until the appearance in 1790 of Alexander J. Dallas's Reports of Cases Ruled and Adjudicated in the Courts of Pennsylvania... Before that year a lawyer had to attend a court and copy its decisions himself if he was to have any idea of what precedent was being established in the courts of this land. The care with which they were bound in leather attests to the value of these personal manuscripts, and except for the mutual borrowing and lending which sometimes occurred among the bar of a particular court, these volumes never left the jealous possession of their owners.

Despite this lack of published case books before 1790, the law still managed to produce a prodigious amount of published material in the form of pamphlets and books. These materials were mostly commentaries and criticisms, and before the Revolution were almost all imported from the source of American law, England. After the Revolution this situation, of course, changed, but not at a rate fast enough to affect the character of legal literature in the first decade of the new Nation. Thus, the well equiped library of an American lawyer in the 1780's would still contain mostly the same English authors it did before the Revolution. Among these volumes, one could find such universally recognized authors as Sir Edward Coke, Charles Vinier, Alexander Pope, Thomas Wood and Sir William Blackstone. Added to these would be the statutes of the State, as well as whatever rules were published for the smooth conduct of court preceedings. These sources were read with alacrity (and anxiety) by law students, quoted by lawyers at trials, and criticized by colleagues of the bar.

Nothing survives which would indicate that a great number of books were kept in the Supreme Court Chamber for reference. Nevertheless, the room must have been crowded with volumes during trials, for each lawyer brought his own books for arguments, a practice which was common throughout the eighteenth century:

> [Spring, 1759]
> The whole Afternoon was Spent in arguing this Point, and 20 Volumes of Institutes and Reporters, I suppose were produced as authorities.
> (Otis aside [To other lawyers at the table]. It makes me laugh to see Pratt lugg a Cart load of Books into Court to prove a Point as clear as the Sun. The Action is as dead as Hubb.)[103]

George Bryan, a Justice of the Supreme Court, mentions in his notes several instances of this practice at trials in the Supreme Court Chamber itself. For instance:

> [October 18, 1782]
> Mr. Bradford read 1 Blackstone p. 21 22 upon Lunacy.

> [April 20, 1789]
> The defs are not officers of Justice therefore, not liable to attachment. Inform Black. 202, what§.. Burris Jus 24 as to inf: Strance 212 (Read's the Rules of Court.) ...[These are apparently law books to which the defense counsel refered].[104]

Likewise, judges may have kept an occasional volume at their elbows for reference during trials. That a great number of books were vital to the operation of the bench and bar of the Supreme Court is attested to by the unsuccessful attempt in 1793 to have a library and conference room built adjoining the Supreme Court Chamber for the use of the justices:

> [proceedings of Pa. House of Reps., March 19]
>
> A petition from the directors of the law library company was presented by Mr. Morgan, and read the first time--representing that judges of the courts, and the gentlemen

> of the law of this state, have been incorporated for the purpose of establishing a law library near the hall assigned for holding the supreme court of judicature and the high court of errors and appeals, in the state-house ...and considering that a room adjoining the hall of the supreme court has been much wanting for the judges to retire into, for the purpose of conferences and other occasions; the incorporation is induced to request that the legislature would be pleased to appropriate the second floor or a story of the building to be erected at the west end, for a library room for the books of the company, and a chamber for the judges; and that a door may open into it from the hall of the court;...
> The public advantage to be derived, in the administration of justice, from an easy and speedy resort to books of authority, to a place where the judges may confer in private on points of law arising on trials and arguments, appears to evident, that they flatter themselves with the assent of the legislature. This petition was signed by the chief justice, judges Bradford and Biddle, and by the attorney-general, Mr. Lewis and Mr. Ingersol.[105]

For an idea of the rich variety of legal commentary and reporting available to the lawyer in Philadelphia at various periods, note the advertisements listed below:

> [January 16, 1776]
>
> For Sale at Robert Bell's
> ... Reports by Burrow, Lord Raymond, Atkyns, Willson, Leving, Salkeld, Strance, Ventris, Vezey, Saunders, Lily, Skinner Vaughn, Coke, Croks, Cases in Equity, etc etc.
>
> Swinburne on Wills, Wood's Institute, Hawkin's Pleas of the Crown, Tremaine's Pleas of the Crown, Coke on Littleton, Jacob's Law Dictionary, Instructor Clericalis, Bacon and Seldon on Government etc. etc.

[February 22, 1783]

> Woods Institutes of the laws of England, Modern Cases of Equity, Flemmings Collection of all the Statutes, Book of Rates, Bolton's Justice of the Peace, Bohun's Practicing Attorney 2 vol.s to be sold by Samuel Dellays, Third and Chestnut.[106]

Bible

Of all the books used by the law, the only one known to have existed in every Anglo-American courtroom was the Bible. It was not a legal reference but was kept for oaths, swearing in jurymen, etc. We know that the Supreme Court had a copy of this indispensible tool on the clerk's table of its chamber, and while we do not know its size or publisher, it must have been well used, for many accounts survive which mention it.

[August 22, 1775]

> Philadelphia--
> Before George Bryan One of the Justices came Isaac Penrose of Southwark in said County, Merchant--& Dominick Joice of Philadelphia City, merchant & being severally sworn on the holy gospels do depose, testify & say in manner following...

[Spring, 1797]

> ...But, neither these execrations, nor the savage looks that accompanied them, prevented me from fulfilling my purpose. I went up to the clerk of the court, took the book in my hand, and, holding it up that it might be visible in all parts of the hall, I swore, in a voice that every one might hear, that I preserved my allegiance to my King; after which I put on my hat and walked out of court, followed by the admiration of the few and by the curses of the many.[107]

Papers and Documents

The Supreme Court generated an impressive volume of paper during the course of a typical session. The range in variety extended from the writ, which was an order to someone given under the seal of the Court, to panels (i.e. lists) of prospective jurors drawn up by the sheriff.[108] In addition to the papers of the Court itself, the lawyers present had their own documents, including written requests, pleas, arguments, and evidence, as well as personal notes and letters. Thus even though most of the Court's official documents were printed forms (with appropriate blanks left for the details), the majority of the papers one would have found in the courtroom during a trial were the handwritten briefs, minutes, notes, and letters of the bar.

Green Bags

One of the more unique customs of the bench and bar was the use of bags. It seems that lawyers who were admitted to the bar of a court were accorded the privilege of using a cloth bag with a drawstring to carry their briefs and other materials. This custom varied greatly from jurisdiction to jurisdiction, and even in England, the source of this custom in America, the history of their use, color, and meaning is fraught with contradictory details.

Nevertheless, two facts about the use of cloth bags in eighteenth-century America seem clear: they were green, and they were ubiquitous.

Writing in 1883, John Hill Martin described the custom in Philadelphia as follows: "The profession generally, until after the Civil War of 1861-5, carried green bags, though a few of the older lawyers varied the custom by using those of a blue color, but red bags are a modern innovation, within the last ten years."[109] To confirm this statement about green bags, one need only review the English prints on file in the Carson Collection in the Rare Book Department of the Free Library of Philadelphia. In everything from serious portrayals of news events to caricatures lampooning the legal profession, one can find cloth bags dangling from the hands of lawyers, laying on the floor in bars, or sprawled out half empty on lawyers' tables. Nine times out of ten the bags are green. Never are they other than a simple cloth bag with a drawstring.

We can assume that the lawyers who sat around the table in the bar of the Supreme Court Chamber had similar bags. Even if John Hill Martin had never written about these bags their ubiquity throughout the Anglo-American legal profession would recommend their use by this state's bar. Green, and of a rugged woolen material, they would have provided their users with an ideal tool with which to carry a bulky load, and they would have served as a means to distinguish the members of the bar from the students of the law.

Seal of the Supreme Court

The instrument with which the prothonotary applied the seals of the Supreme Court to its official documents was authorized and purchased in 1779:

> [April 1, 1779]
>
> (Section I, P. L.) Whereas since the late glorious revolution it is become expedient and proper to have a new seal for the supreme court and the courts of oyer and terminer and general gaol delivery of this state:
> [Section I.] Be it enacted and it is hereby enacted... That a new seal shall be procured and made under the direction of the prothonotary or clerk of the said supreme court having the arms of the state engraven thereon with such other devices as the justices of the said court shall direct, with an inscription round the edge and near the extremity thereof in these words, to-wit: "Seal of Supreme Court of Pennsylvania" and with figures 1776 underneath the arms; and that the same from and after the receipt thereof by the prothonotary of said court shall be the seal of the said courts and used as such upon all occasions whatsoever...[110]

Payment for the seal was made on April 1, 1779:

> [April 1, 1779]
>
> Conting. Exp. for 1779
> Pd. David Tew engraving a seal for Supreme Court pd. by order of Council...
> April 1... £15.0.0[111]

Little else is known about the device with which the seal impressions were made. When it was replaced in the nineteenth century, the seal was probably broken so that it wouldn't be used to forge documents. Thus, all we have today are the impressions it left on the official issuances of the Supreme Court.

Writing Implements

The profusion of handwritten documents naturally implies that a great deal of writing took place within the bar during trials. Without a court stenographer the prothonotary would have been responsible for recording a summary of each case; and likewise, the lawyers who wished a record of the trial would have been compelled to write much more voluminously while in court than their modern counterparts. This is ironic, for the office worker of that day lacked even the simple conveniences that we today take for granted. The men in the bar lacked ball point pens, cheap pencils, paper clips, staples, and pre-ruled paper--not to mention the more complicated products of technology, such as typewriters or xerox machines. Their repertoire of writing tools was vastly different from our own, and except for a few items (e.g., scissors, and gum erasers), the modern writer would never recognize the use of most without help.

Because virtually no information has been found on the writing implements which were once in the bar of the Supreme Court Chamber, this section will indulge in an examination of the standard fare used by the eighteenth-century writer. Each item that was usually found in an average writing desk will receive a brief review, ending with an examination of the type of inkstand that many have occupied the bar during the historical period.

The best list of basic stationary articles available in Philadelphia in the 1780's appears in an advertisement in the Independent Gazetteer of August 10, 1782. It reads:

> To be sold, by Retail
> At the Printing Office. the very next door
> to the coffee house, in Market square, a
> Small Assortment of
> Stationary,
> Among which are
> Blank Account Books of various Sizes,
> Receipt and Memorandum Books, Writing
> paper by the Ream or Quire, Letter Papers
> Ink-powder, Pen-Knives, Sealing Wax, Wafers,
> Black Lead Pencils, Paper and Brass
> Ink-Stands, Spelling Books and Primers
> Blanks

Some of the above items are not of interest to us here (e.g., Spelling books, primers and letter papers), and many are similar enough to modern equivalents to render discussion of them unnecessary (e.g., account books, receipt books, memo books and writing paper).

The remainder of the items, however, are of great interest, because they, together with quills and sand, were universal writing instruments and therefore must have been used in the Supreme Court Chamber during trials.

Ink

Dobson's Encyclopaedia defines ink as: "...a black liquor used in writing, generally made of an infusion of galls, copperas, and gum-arabic."[112] Ink was a popular writing medium, for if good, it was the most permanent of writing materials, yet cheaper to use than pencils. The United States District Court, which met in the Supreme Court Chamber in the 1790's, used bottled ink, as the following account shows:

For the Use of the
District Court of the U.S.

John Smith Esq.

To W. Duane D[illegible]

1802		
May 7	To 1 quart Ink.	6.40
10	To 1/2 ream writing paper	2.50
20	To 1 quart ink	6.40
	1 ream writing Paper	5.00
	To 1 Ct quilts sic	3.00
	...	
	Received payment of the above.[113]	

Although no similar account survives for the Supreme Court of Pennsylvania, we can be certain that ink was used and that it was purchased by the bottle, as in the above account.

Quills (Pens)

Ink was applied to paper in writing by means of large feathers whose hollow, horny barrels (or stems) had been trimmed to the proper shape by small instruments known as pen knives. The type of feathers used were: "Quills of geese, swans, peacocks, crows, and other birds..." [114] Denis Diderot pictures in his L'Encyclopédie ou Dictionnarie Raisonné des Sciences, des Arts et des Métiers, Volume II, the method by which these feathers--or quills--are transformed from instruments of flight to tools of writing. Sometimes the plume of the feather was clipped to bring the quill to a very small size, but this practice only gained currency in the later portion of the eighteenth century. In the 1770's and 1780's, quills were still almost exclusively whole feathers whose ends had been sculpted for writing.[115]

The pen knives used in late eighteenth-century Philadelphia must have resembled those illustrated in Joseph Smith's Key to the...Manufactures of Sheffield, which catalog gives an excellent account of the knives being manufactured in the early nineteenth century, with over 102 samples illustrated.[116] Despite their variety, these knives were mostly small items, designed for the delicate art of fashioning a feather into an instrument suitable for dispensing ink on paper in the quantity and manner desired.

Sand

This item was a black, shiny variety of sand which was used to blot drying ink before the invention of blotting paper in the late nineteenth century. Unfortunately, none of the period sources so far uncovered give any more information on the specific identity of the sand that was used for this purpose in the eighteenth century. It may have come from a microscopically porous, volcanic stone, such as pumice.[117] To blot the ink the writer merely shook the sand from a small container with a perforated top (much like a pepper shaker) on to the inked paper. After waiting a moment, he then carefully blew or shook the sand off the paper.

Pencils

All that need be said about writing pencils can be found in Dobson's Encyclopaedia, for in most respects, they were very similar to today's item:

> PENCIL, is also an instrument used in drawing, writing &c. made of long pieces of black-lead or red-chalk, placed in a groove cut in a slip of cedar; on which other pieces of cedar being glued, the whole is planed round, and one of the ends being cut to a point, it is fit for use.

> Black-lead in fine powder, stirred into melted sulphur, unites with it so uniformly, and in such quantity, in virtue perhaps of its abounding with sulphur, that though the compound remains fluid enough to be poured into moulds, it looks nearly like the coarser sorts of black-lead itself.
>
> These pencils are...seldom so perfect as could be wished...being very unequal in their quality, on account of different sorts of the mineral being fraudulently joined together in one pencil, the forepart being commonly pretty good, and the rest of an inferior kind. Some, to avoid these imperfections, take the finer pieces of black lead itself, which they saw into slips, and fix for use in port-crayons: this is doubtless the surest way of obtaining black-lead crayons, whose goodness can be depended on. [118]

The writing produced by this tool was erased with a separate eraser, which was a ball of india gum, very similar to a product still available in art supply stores.

Wafers

Office workers performed daily tasks without paper clips or staples. Since the glue of the period was too difficult to handle for the incidental need to seal pages together or attach slips of paper to larger ones, the role of the simple office fasterner was filled by the wafer. A wafer was a thin, brittle adhesive disc which also worked as the basis for seal impressions, when such were desired without the effort of melting wax from a taper. When

one wished to use a wafer, he simply moistened it and pressed it between two papers. A well-stocked desk of the late eighteenth-century had a handy supply of these, just as a modern desk has a supply of paper clips and staples.

For an exact idea of the composition of eigthteenth-century wafers, we can again turn to Dobson's Encyclopaedia:

> Wafers, or Sealing Wafers, are made thus: Take very fine flour, mix it with glair of eggs, isinglass, and a little yeast; mingle the materials; beat them well together; spread the batter, being made thin with gum-water, or even tin plates, and dry them in a stove; then cut them out for use.
>
> You may make them of what colour you please by tinging the paste with brasil or vermilion for red; indigo or verditer, &c. for blue; saffron, turmerics, or gamboge, &c. for yellow.[119]

Sealing Wax

The more important documents were sealed and closed with sealing wax, including all the official issues of the Supreme Court. David Paul Brown goes to great length to praise the wax of the Provincial Court when he writes:

> The writs...are always sealed with care and neatness; and when sealing-wax is used--as it consistently is--we find it to be that known in England, as "East India wax"; a species of wax made hard with resin, in order to resist the effects of heat of climate and pressure from the papers on which it is put, being packed tightly in bundles. The result is that on many of our old court papers, the impression of the seal remains as "sharp", at the distance of a century from the time it was put there, as it was the hour in which it was made.[120]

The high quality sealing wax mentioned in this passage is described more thoroughly in Dobson's Encyclopaedia, which gives its recipe:

> Sealing-Wax, or Spanish-Wax, is a composition of gum-lac, melted and prepared with resins, and coloured with some suitable pigment.
>
> There are two kinds of sealing-wax in use; the one hard, intended for sealing letters, and other such purposes; the other soft, designed for receiving the impressions of seals of office to charters, patents, and such written instruments. The best hard red sealing-wax is made by mixing two parts of shell lac, well powdered, and resin and vermilion, powdered, of each one part, and melting this combined powder over a gentle fire; and when the ingredients seem thoroughly incorporated, working the wax into sticks.[121]

As the above recipe reveals, the wax was fashioned into sticks (which varied in length from a couple to, perhaps, six inches). These were stored at the desk of the writer until used, at which time the amount needed was melted from the end by means of a candle.

Another, more common means of melting wax at the desk was to use it in the form of a taper, which was nothing more than a wick set in a very thin case of wax. Tapers varied in shape from very thin candles to long, rope-like strands of waxed wicks. The former of these were held in small holders which resembled thin candlesticks, called "taper-sticks"; the latter wound around the vertical shaft of a special holder/dispenser, which was called a "taper-jack."[122]

MISCELLANEOUS ITEMS

Inkstands

These items were an indispensable part of the writer's desk. They came in a variety of sizes, ranging from the small inkwell (or inkpot) to a large, rectangular box with compartments for bottles of ink and sand, as well as drawers for other stationary items. In addition, inkstands came in a great number of metallic, wooden and ceramic materials and could assume a variety of shapes.

Very little is known about the type of inkstand that was used in the State House after the British occupation ended in June of 1778. No accounts recording the purchase of these survive for either the Assembly or the Supreme Court. Perhaps the inkstands were saved during the evacuation in the fall of 1777 (along with the silver inkstand of the Speaker, the lead downspouts, and the bells) so that the British would not obtain the scarce pewter they contained.[123] In this case, no new inkstands would have been purchased in 1778.

Despite the lack of accounts, evidence exists which indicates that at least a few inkstands were purchased. Soon after the Congress returned to Philadelphia, the Reverend William White remarked to one of its members: "You have been treating yourselves, I perceive, to new inkstands." It may be one of these new inkstands which Edward Savage's "Congress Voting Independence" shows on the table in the left foreground. Long, rectangular inkstands of this type were common in the eighteenth century and were usually made of pewter.

Despite pewter's popularity, accounts show that not all the inexpensive inkstands in the building on the State House Square were of this material. In November of 1790, the clerk of the United States House of Representatives requested the following item for each of the committee rooms of the House: "1 complete wooden inkstand, with drawer, glasses, &c."[124] Such a large inkstand could have served the needs of many people sitting around one table and may have looked very much like the ones shown in the view of the Board of Trade and Trinity House, London, in Volume III of Ackerman's The Microcosm of London (pages 197 and 201).

The only known record of an inkstand for the Supreme Court Chamber is found in a purchase made for the judge of the Admiralty Court in 1788, while he still sat in that room: "Judge Hopkinson Dr. 1 ink pot " " 8"[125] From its price, it would seem that this was a very simple item. Perhaps it was round and of the standard office material, pewter. This type of inkstand occurs repeatedly in the various prints included in this Plan (Illustrations 27-41). With rare exception, each of these courtrooms sport several round inkwells capable of holding only a small bottle of ink and a few spare quills.

Such pewter "ink pots" were likely scattered about the bench and bar of the Supreme Court Chamber; however, considering the needs of those in the bar, these simple items may have been supplemented by a few larger, more complex inkstands. Especially the prothonotary would have needed more than just an inkwell. His duties in the courtroom ranged the full gamut of record keeping and certainly would have required most of the office tools available in that day. Even the lawyers before the bench kept themselves busy with a variety of note-taking and record-keeping activities. They could have made good use of a larger inkstand to supplement the simple bottles of ink. (See Illustration 31 for such arrangement on a lawyers' table.) Yet, need does not imply possession. If we are to base the furnishings in the room on the best available evidence, then the lawyers table will have to do without more than a few scattered inkwells, for with but one exception, all the prints in this Plan show little else on the lawyers' table. And even this one exception can be explained by the apparent presence of the clerk at this table with the lawyers.

The Period Recreated

The historical period of the Independence Hall complex spans over sixty years, from its construction in the 1730's to the departure of the United States Congress in the spring of 1800. The Supreme Court Chamber cannot be furnished to represent that entire period. Much happens to a room in sixty years, and the Supreme Court Chamber is no exception. So many changes were made to that chamber over this period that it becomes necessary to select a limited span of years as the basic time frame upon which a furnishing of the room can reasonably be based. The time frame chosen should not be a rigid limit upon the furnishings chosen; however, if it is reasonably adhered to, it can provide a solid reference point upon which to create a cohesive, convincing setting. Without a limited time frame, the room will become a hodgepodge of colonial and early federal equipment. Such a setting certainly did not exist in the Supreme Court Chamber--a room which was totally destroyed and re-outfitted early in the Revolution.

But what time span would be appropriate? The choice is limited by several factors, including: Independence Hall's story; periods already recreated in other parts of Independence Hall; the Coat of Arms of Pennsylvania, which is the only known original furnishing; the severe alterations made to the Supreme Court Chamber after the British occupation of 1778; the enclosure of the room by Joseph Rakestraw in 1789; and, finally, the fact that virtually nothing has

survived which indicates either the nature of the Provincial Supreme Court or the nature of the Chamber which it occupied. These factors limit any refurnishing of the Supreme Court Chamber to the period between 1778 and 1789: i.e., between the work of Robert Allison and the enclosure of the room by Joseph Rakestraw. This period spans the years between the great events of 1776 and 1787. Much more is known about the court of this period than is known about the Supreme Court of the Province.

Like the Assembly Room the Supreme Court Chamber will contain one anachronism. Its present bench, installed by the restoration architects in the 1960's, depicts the earlier of the two benches which accommodated the judges during the historical period. That first bench was replaced during the 1778 repairs to the room. It has no relation to the post-Revolution Supreme Court Chamber; however, since it is the only bench for which competent architectural data survived, it remains the only logical choice for the west wall. Besides, the difference in height which existed between the two benches--nine inches--means little to the naked eye.

The years between 1778 and 1789 span the period of the Pennsylvania Supreme Court's greatest influence in national affairs--a period when no court in the land superceded the power of the supreme state tribunals. The Pennsylvania court of this period was led by a vigorous man, Thomas McKean, who fought to keep his court independent from the

Supreme Executive Council and who was an ardent advocate of that novel idea, an independent judiciary. He, along with Atlee, Evans, and Bryan, worked across the hall from the nation's congress until that body moved to New York in 1783. Thereafter, these men worked in the midst of the new and impressionable federal government between 1790 and 1800. The sessions of the court were frequently visited by travellers as well as by visiting lawyers. In fact, because of its locations, the Supreme Court of Pennsylvania must have had more visitors than any other state tribunal of the period. With such power and with such exposure, this court must have had a tremendous impact on the formation of an independent case law for the new nation--a body of law which has set the character of today's business and social community.

Summary List of Furnishings

The following materials present a summary list of the furnishings which should be placed in the Supreme Court Chamber. Although most of these items are already on exhibit in the chamber, the list proposes a few subtle changes to the items found on the tables of the room (e.g., folded and tied briefs; printed court forms, such as bail certificates). Following the list are two proposals: one for a change to the prisoner's dock, the other for the addition of a figure of justice. Neither of these proposed changes are particularly expensive; nor are they especially dramatic. But each provides a subtle improvement to the interpretation of the chief seat of the Supreme Court of Pennsylvania.

AROUND ROOM

-- Pennsylvania Coat of Arms by George Rutter. Oil on canvas, framed. (INHP Collection, catalog numbers 2108 and 2340).

-- Figure of Justice. Carved in wood and painted.

-- Two tipstaves. (INHP Collection).

-- Two or three footwarmers around all the tables of the bar, American, wood and tin, or European, brass, late 18th century. (INHP Collection).

-- Windsor settee, sack back, Philadelphia, c. 1770. (INHP Collection).

-- Windsor settee, low back, Philadelphia, c. 1770. (INHP Collection).

-- Windsor armchair, sack back, Philadelphia, c. 1770. (INHP Collection). At the rail, for the crier.

JUDGES BENCH

-- Three high back windsor armchairs, Philadelphia, c. 1750-1780. (INHP Collection).

-- Three three-part footed inkstands, pewter, English, late 18th - early 19th century. (INHP Collection).

-- Three brass candlesticks, English, c. 1750-1780. (INHP Collection).

-- Quills.

LAWYERS' TABLE

-- Double gateleg table with oval top, approximately 6-8 feet long, American, c. 1750.

-- Green baize table cover draped to the floor.

-- Eight windsor chairs, Philadelphia, c. 1770-1785. An assortment of bow back, low back and sack back chairs, preferably branded by, or attributed to, Francis Trumble or James Lees. (INHP Collection).

-- Large wooden inkstand with compartments and drawers, American or English, c. 1780.

-- Quills and wafers.

-- Three tin candlesticks, English or American, c. 1750-1800. (INHP Collection).

-- Four green bags, of woolen material, square or rectangular with drawstrings.

-- Several briefs, folded into bundles and tied with red ribbon.

-- Eight to ten books (see book list). (INHP Collection).

-- Assorted papers: manuscripts and printed court forms. (INHP Collection).

PROTHONOTARY'S TABLE

-- Slant top writing table of pine, American, c. 1770.

-- Windsor armchair, Philadelphia, c. 1770-1785. Preferably by, or attributed to, Francis Trumble or James Lees. (INHP Collection).

-- Tin candlestick, English or American, c. 1750-1800. (INHP Collection).

-- Three-part footed inkstand, pewter, English, late 18th - early 19th century. (INHP Collection).

-- Quills, pen knife, pencils, wafers, eraser of India gum, sand shaker, ink (in liquid form).

-- Seal of the Pennsylvania Supreme Court.

-- Taperjack and taper, and sticks of hard sealing wax.

-- Bible.

-- Document box.

-- Assorted papers: manuscripts and printed court forms. (INHP Collection).

SHERIFF'S TABLE

-- Small pine stretcher table, American, c. 1770. (INHP Collection).

-- Windsor armchair, Philadelphia, c. 1770-1785. Preferably by, or attributed to, Francis Trumble or James Lees.

-- Tin candlestick, American or English, c. 1750-1800. (INHP Collection).

-- Inkpot, pewter, English, late 18th century.

-- Quills, sand shaker.

-- Printed jury list. (INHP Collection).

-- Plain wooden box (with or without top) for jury lots.

-- Wand, of hickory.

Recommendations for Changes to the Present Supreme Court Chamber

Prisoner's Dock

Because we have so little information on the original dock from any period of the eighteenth century, an elaborate structure which consumes much space and whose design makes a strong statement about the nature of early American law should be avoided; indeed, it is tempting to exclude a dock entirely from the reconstruction because of the problems associated with its design and placement. Yet, if we are to furnish a courtroom, some statement about the defendant in a criminal trial must be made.

To do this, I first recommend that we keep in mind the brief period between the British ravagement of the room in 1777 and the completion of Robert Allison's repairs to the room in 1779. This was a transition period for the room as well as the State, with elements of the provincial and revolutionary governments intermixing. By looking to this period we can choose a dock design which will blend well with the room by virtue of its compromising design: it can accurately complement both the provincial judges bench which has recently been reconstructed and the Pennsylvania Coat of Arms from 1785 which has been placed over that bench. Also, choosing this brief period permits us to place the dock between the galleries, in the center of the bar. To place it here during any period after 1779 would be unacceptable because the galleries which existed by 1779 were

probably too large to permit more than a passage between them (see Appendix B and the discussion of the Bar in Section C, Part I). We can take advantage of the generous space between the narrower galleries placed in the room during the recent reconstruction by putting the dock in that area, back toward the bar railing itself.

For the actual dock structure, I propose that the device found in the Rochester Guildhall be copied (Illustrations 21 and 22). This metal device is an ideal model, for although its date of construction is unknown, it displays many of the attributes common to docks of the eighteenth century.[1] By following the plans in Illustrations 21 and 22, we derive three other advantages in representing a dock: 1) it would sport a plain rail instead of spikes, which is more in harmony with the docks pictured in contemporary prints; 2) its design is very plain and thus says as little as possible about the appearance of the original dock; and 3) it could be easily removed in the event that either more information should one day arise or a more precise interpretation of the material should be developed. The metal structure could perhaps be placed on a simple pine platform, about six inches high, to raise its occupant a bit, so that he or she would be visible to all in the room.

Figure of Justice

If the Pennsylvania Coat of Arms painted by George Rutter is to remain in the Supreme Court Chamber, a figure of justice should be

included to complete the "exhibition of attributes" described in Mr. Vaux's 1792 motion. Without Justice, the Coat of Arms fails to convey all that the historical decorations of the west wall once evoked. The allegorical figure becomes especially important in light of Lewis Miller's 1801 sketch of the York County Courthouse (Illustration 27). The painted and framed arms topped by Justice in this room--which was occupied twice annually by the Supreme Court on circuit--appears too similar to the descriptions of Rutter and Jugiez's work to ignore. As a result, the decorations in the Supreme Court Chamber should copy the arrangement in this sketch (only without the small eagle at top--it is an item for which the Supreme Court Chamber has no equivalent documentation).

Since the likelihood of finding an acceptable antique carving of Justice is dim, the Park should contract for a reproduction to be carved. The sword and scales should be in metal - perhaps bronze - to copy common practice in equivalent renditions of Justice.[2] In addition, the carving should be 21 1/2" tall and painted in bright colors, after the manner of John Fischer's carving.

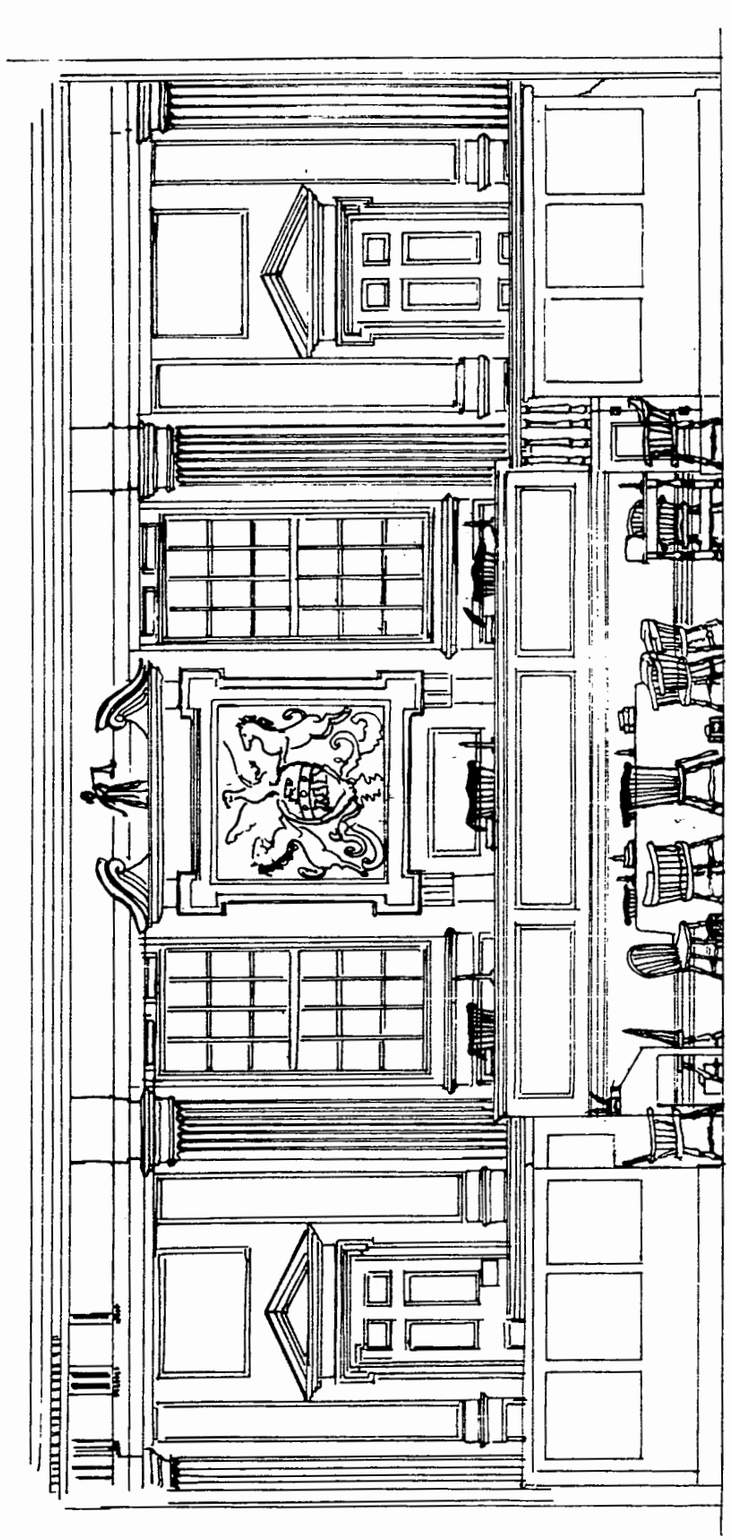
To choose the position in which Justice holds her instruments, another model exists: the painting of Justice in the left background of Charles Willson Peale's portrait of Thomas McKean, Chief Justice of the Supreme Court of Pennsylvania (Frontispiece). This small rendition of Justice cannot be ignored as a possible model, for the artist of the portrait, its subject, and date of sitting (1787) all

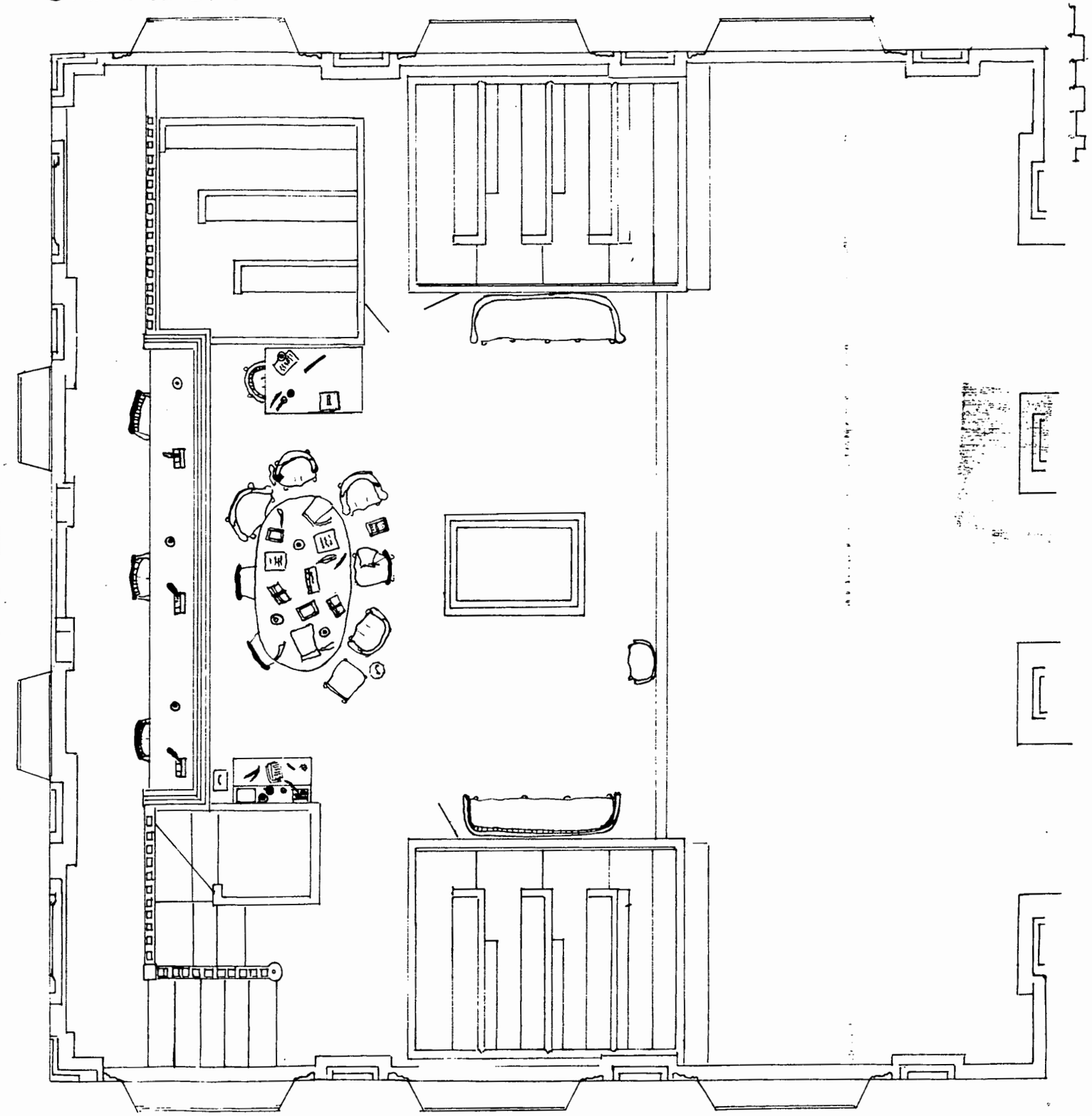
render very strong its connection with the Supreme Court Chamber's figure. Considering that by the time of this sitting Thomas McKean had been sitting beneath Jugiez's figure of Justice for two years, it would seem natural that the association between him and the allegory of Justice should be transferred to canvas in 1787. Of course, Justice was generally symbolic of those attributes considered germain to the proper function of a court of law. As such, the allegory would have been included in the portrait anyway, but speculation is hard to avoid. How much did Jugiez's carving influence this painting of Justice? It is obviously impossible to tell. However, the constant, almost daily, exposure of both these men to the carved figure in the State House renders very strong the possibility of an association between this painting and the carving. This possible association is our closest link to the pose of the historical carving. It, therefore, should be taken advantage of. The pose of the reproduction carving should be modeled after the depiction of Justice in Peale's 1787 portrait of Thomas McKean.

One final point should be made about the sophistication of the reproduction. John Fischer was a jack-of-all-trades. Though uneducated, he was an intelligent man who migrated from Germany to York, Pennsylvania in 1749 and was known as an accomplished clock-maker. He also made his living as an organ-maker, woodcarver, engraver, and painter.[3] Martin Jugiez, on the other hand, was a carver, nothing else.[4] His

ability to support himself as such in a competitive market, and his constant dealings with London imports before the war, would suggest a fair degree of proficiency and sophistication. He certainly could produce a carving with more molding, more plasticity, than the figure of justice attributed to John Fischer. The reproduction should therefore reflect the technical accomplishments of a successful urban carver of the late eighteenth century. For a measure of the appropriate level of skill needed, the works of Jugiez's contemporaries, the Skillin brothers of Boston, can be consulted. Their carving of Justice, made for a niche on the facade of the Boston Custom House, has the right feel. As Ervin O. Christensen observes, this carving combines an academic tradition and a folk expression. Infinitely more sophisticated than John Fischer's carving, this statue nevertheless lacks the sophistication of, say, the European sculptors. The statue reflects the accomplishments of an American craft tradition, a tradition to which Jugiez's carving must have belonged. By reflecting this tradition in the reproduction, we will not only accurately convey the feel of the original, but also stylistically match the Coat of Arms by Rutter.

SUPREME COURT CHAMBER





NOTES

Section C: Architectural Implacements

[1]English eighteenth-century judges benches are shown in Illustrations 1-4, 7, 31-2 and 34-40 in this Plan.

[2]"An Act to Amend the Act, Entitled 'An Act for Establishing Courts of Judicature within this Province,' " passed May 20, 1767. Commonwealth of Pennsylvania, The Statutes at Large of Pennsylvania from 1682 to 1801 (Harrisburg: State Printer, 1896-1915), Volume 7, Chap. DLX, pp. 107-10.

[3]The justices commissioned by the State Government between 1776 and 1780 were Thomas McKean, commissioned July 28, 1777; William Augustus Atlee, commissioned August 16, 1777; John Evans, commissioned August 16, 1777; George Bryan, commissioned April 3, 1780. John Hill Martin, Martin's Bench and Bar of Philadelphia (Philadelphia: Rees Welsh & Co., 1883), pp. 22-3.

[4]Even the court records are very niggardly in the amount of information they reveal on the judges. The pre-Revolution Supreme Court records are replete with yawning gaps and incomplete, sketchy notations. A microfilm copy of the Supreme Court Docket, on deposit at the Historical Society of Pennsylvania, illustrates this situation. It covers the years 1753 to 1767, and rarely gives more than a cryptic reference to individual cases which were heard during that period. None of these cases were grouped by the sittings of the court, and, therefore,

nowhere does it reveal how many judges were sitting on the bench at any given time. See: Supreme Court Docket [Pennsylvania], 1753-1767, HSP, microfilm.

The situation is much better for the post-Revolution Supreme Court: the Prothonotary's Office of the present-day court has the docket for the Supreme Court sitting as a criminal court between the years 1778 and 1827. This Oyer and Terminer docket lists all the participants for each case, including the jury members, and it groups the cases chronologically, by sitting of the court in each county. At the opening of each session it lists the names of the judges present, as well as the names of the sheriffs and grand jury members. See: Commonwealth of Pennsylvania, Court of Oyer and Terminer Docket, 1778-1827, INHP Library, microfilm.

[5]Oyer and Terminer Docket, 1778-1827.

[6]Alexander Graydon, Memoirs of His Own Time (Philadelphia: Lindsay and Blakiston, 1846), p. 121n.; Freeman's Journal, 2 April 1783; Independent Gazetteer, 21 May 1785.

[7]"Joseph Rakestraw, Bill of Carpenters Work, No. 21, £292..5..--," M - Independence Square, State House, Maintenance Vouchers, 1789, January - October; State Archives, Harrisburg.

[8]Lee H. Nelson and Penelope Hartshorne Batcheler, Summary Notes on Justification of the Placement of Architectural Elements in the Supreme Court Room of Independence Hall, MS, c. 1968, Volume 1, pp. 101-2.

[9]Sir William Blackstone succinctly explains the great significance of judges of the common law to Anglo-American justice: "Some have divided the common law into two principal grounds or foundations: 1. Established customs;... 2. Established rules and maxims... But here a very natural, and very material, question arises: how are these customs or maxims to be known, and by whom is their validity to be determined? The answer is, by the judges in the several courts of justice. They are the depositories of the laws; the living oracles, who must decide in all cases of doubt, and who are bound by an oath to decide according to the law of the land. ...And indeed these judicial decisions are the principal and most authoritative evidence, that can be given, of the existence of such a custom as shall form a part of the common law." Sir William Blackstone, Commentaries on the Laws of England..., 12th edition (London: T. Cadell, 1793), Volume 1, p. 68. For an interesting summary of the pomp surrounding the opening of the courts in London, see James Derriman's account in his book Pageantry of the Law (London: Eyre & Spottiswoode, 1955), pp. 196-203. This ceremonial entry of the judges also existed, to varying degrees, in the courts of Pennsylvania; see: Wilbur W. MacElree, Side Lights on the Bench and Bar of Chester County (West Chester, PA: n.p., 1918); Independent Gazetteer, 21 May 1785; David P. Brown, The Forum (Philadelphia: H.R. Small, 1856), Volume 2, p. 327.

[10]Nelson and Batcheler, Summary Notes, MS, Volume 2. This entire second volume is devoted to the study of this one feature of the Supreme Court Chamber.

[11]Also, Lee H. Nelson has shown that the two windows once along this wall could only have been put in to provide light for a judges bench; Summary Notes, MS, Volume 1, pp. 66-73.

[12]"State of Pennsylvania to Robt. Allison/Finishing the Court Room State House," D - Independence Square, State House, Work Rolls, 1779, January 1 - March 22; State Archives, Harrisburg.

[13]Nelson and Batcheler, Summary Notes, MS, Volume 1, pp. 66-73.

[14]Public Ledger, 29 September 1854.

[15]Nelson and Batcheler, Summary Notes, MS, Volume 2, pp. 23-4.

[16]Nelson and Batcheler, Summary Notes, MS, Volume 1, pp. 24-5.

[17]Derriman, pp. 196-203, and the illustration "Assize pageantry of today, Monmouth: 1938," p. 193.

[18]MacElree, p. 103.

[19]Print: "Back of the State House," by William Birch, 1799 (Illustration 26); Nelson and Batcheler, Summary Notes, MS, Volume 1, pp. 91-142.

[20]Description of a scene in the Supreme Court of Pennsylvania, December, 1797: "It was towards the evening of the last day of the session, when Mr. Thomas [Cobbett's lawyer], albeit unused to the modest mood, stole up gently from his seat and in a faint and

trembling voice, told the Bashaw M'Kean, that he had a petition to present in behalf of William Cobbett. For some time he did not make himself heard. There was a great talking all round the bar; Levi, the lawyer, was reading a long formal paper to the Judges, and the Judges were laughing over the chit-chat of the day. ...By and by, one of those pauses, which frequently occur in even the most numerous and vociferous assemblies, encouraged him to make a fresh attempt. 'I present,' says he, 'may it please your Honours, a petition in behalf of William Cobbett.' The moment the sound of the word Cobbett struck the ear of M'Kean, he turned towards the bar, and having learnt the subject of the petition, began to storm like a madman. A dead silence ensued. The little scrubby lawyers (with whom the Courts of Pennsylvania are continually crowded) crouched down for fear, just like a brood of poultry, when the kite is preparing to pounce in amongst them; whilst hapless Thomas, who stood up piping like a straggled chicken, seemed already to feel the talons of the judicial bird of prey. ... When he [i.e., Thomas] came to the words, 'subject of his Britannic Majesty,' M'Kean did, indeed, grin most horribly and I could very distinctly hear, 'Insolent scoundrels!'---'damned aristocrat!'---'damned Englishman!' &c. &c. from the mouths of the sovereign people." William Cobbett, Porcupine's Works (London: Cobbett and Morgan, 1801), Volume 11, pp. 360-1.

[21]Pennsylvania Gazette, 20 December 1786. The Pennsylvania Gazette contains a summary of the Minutes of the Pennsylvania Assembly in 1786, which includes Brackenridge's temporarily unsuccessful proposal to have a partition built to divide off the room from the hall and to install a stove for heat. Though no connection has been found, it seems very likely that this proposal by Brackenridge and the work of three years later are related, for between 1789 and 1791 the room was enclosed and stoves were installed. See: M - Independence Square, State House, Maintenance Vouchers, 1789, January - October; State Archives, Harrisburg.

[22]An example of these personal collections of cases can be found in the Park's collection--it is a leather bound legal docket compiled in John Todd's hand, and located in the Todd House law office (INHP catalog number 11125). For information on this eighteenth-century practice, see: Lawrence M. Friedman, A History of American Law (New York: Simon and Schuster, 1973), p. 282; Catherine Fennelly, The Country Lawyer in New England 1790-1840 (Sturbridge, MA: Old Sturbridge Village, 1968), p. 12. Information on the educational process can be found in Friedman, pp. 280-1, and Fennelly, pp. 17-31, and especially pages 17 and 29. The diary of John Adams provides many personal insights into the education and practice of a mid-eighteenth-century lawyer. For a few of his comments on his own experiences as a student,

including his attendance at court to observe, see: L. H. Butterfield, ed., Diary and Autobiography of John Adams (Cambridge: The Belknap Press, 1961), Volume 1, pp. 54-9, 90-3.

[23]Penelope Hartshorne, Architectural Analysis of the Supreme Court Room of Independence Hall, TS, April, 1959, p. 26.

[24]As the architects have pointed out, the holes are too irregular to be part of a gallery framing system. Besides, a structure such as the one indicated in the 1870s photographs would not need joist holes as a part of its supporting frame. See: Hartshorne, pp. 33-5.

[25]Nelson and Batcheler, Summary Notes, MS, Volume 1, p. 7.

[26]Crosbie Garstin, ed., Samuel Kelly, An Eighteenth Century Seaman (New York: Frederick A. Stokes, Co., 1925), pp. 213-4; Cobbett, Volume 11, p. 374 and Volume 11, p. 383.

[27]The drawing from an eyewitness account of the reception of Conrad Alexandre Gérard by the Continental Congress on August 6, 1778, makes the layout of the Assembly Room in the late 1770s absolutely clear, and thus corroborates much other documentation. See: Staff, Independence National Historical Park, Furnishing Plan for the Assembly Room, Independence Hall, TS, February, 1970, p. 73: Province of Pennsylvania, Votes and Proceedings of the House of Representatives of the Province of Pennsylvania... October... 1757 (Philadelphia: B. Franklin, 1758), pp. 12, 14, 27, 33, 34-5. Edmund C. Burnett, ed.,

Letters of Members of the Continental Congress (Washington, D.C.: The Carnegie Institution of Washington, 1926), Volume 3, p. 363. Confirmation that this layout continued into the 1780s can be found in a report by the Secretary of the Congress, Charles Thomson, dated May 13, 1782. While relating another reception of the French Minister, he describes the same layout illustrated four years earlier. See: "Notes and Queries," PMHB, XXIX (1905), 497-9.

[28]Pennsylvania Evening Herald, 9 September 1786.

[29]Pennsylvania Gazette, 9 June 1790.

[30]This statement is based upon records of the Pennsylvania Assembly. Many brief references in these records strongly indicate a barred (or railed) off area similar to that shown in the plan of Gérard's reception in 1778. For example: "Upon the Conclusion of which Speech, a loud tumultuous Stamping of Feet, Hissing, and Clapping of Hands, being set up by a few of the Prisoner's Friends, Orders were given from the Chair to shut the Doors, and seize the Persons concerned in so riotous an Insult on the House. ..." Votes and Proceedings... 1757, pp. 33, 12, 14, 27, 34-5.

[31]Letter of Theophilus Bradbury to his daughter, Harriet, "Notes and Queries," PMHB, VIII (1884), 226.

[32]"Records for Expenditures for the Erection of the Senate Gallery," MS, Pennsylvania Historical and Museum Commission, Harrisburg.

[33]Cobbett, Volume 11, p. 363.

[34]Independent Gazetteer or The Chronicle of Freedom, 19 February 1788.

[35]Cobbett, Volume 11, pp. 213-4, 363; William Hamilton, Report of the Trial and Acquittal of Edward Shippen, Esquire... (Lancaster: Printed by the Reporter, 1805), pp. 78, 122.

[36]Hamilton, p. 122.

[37]Note the letter on page 32 of this section from the Independent Gazetteer, 19 February 1788. This narrative also implies the lack of seats or other accoutrements outside the bar.

[38]Letter of Jared Ingersoll, Jared Ingersoll Papers, New Haven Colony Historical Society.

[39]Fennelly, p. 12; Dudley C. Lunt, Tales of the Delaware Bench and Bar (New Castle: University of Delaware Press, 1963), pp. 78, 119-20, 158-9.

[40]Cobbett, Volume 7, p. 75; Reflections on the Administration of Justice in Pennsylvania... (Philadelphia: Hopkins and Earle, 1809), pp. 42, 48--The latter of these two sources gives as dim a view of Pennsylvania lawyers as the first; Garstin, pp. 213-4; Cobbett, Volume 11, pp. 360-2; Robert C. Smith, "A Portuguese Naturalist in Philadelphia, 1799," PMHB, LXXVIII (1954), 71-106; Hamilton, p. 97; Hamilton, p. 86.

[41]Jacob Hiltzheimer's diary entry of November 5&6, 1781, reads: "November 5. --Went to State House and joined following gentlemen as

a jury...[ten names listed]...Judge McKean gave us his charge about midnight, after six lawyers for several hours had addressed us." "Nov. 6--At eleven o'clock we met again and carried in our verdict, which was delivered to the court by our foreman, John Hazelwood. Messrs. Ingersoll, Bradford, and Coxe, represented Phile and the Commonwealth, and Wilson, Lewis, and Sergeant, Warder and Parker." Five years later, on October 6, 1786, Hiltzheimer described another trial on which he sat as a juryman: "Counsel for the plaintiff were James Wilson, Alexander Wilcocks, and William Bradford; on the other side John Coxe, William Lewis, Rawle, and Ingersoll. These gentlemen kept us from ten o'clock in the morning until ten at night, notwithstanding the Hon. Judge McKean limited them to forty-five minutes each to speak, but I wished that he had limited the number of speakers on each side likewise, for one on each side would have been enough." Jacob C. Parsons, ed., Extracts from the Diary of Jacob Hiltzheimer, of Philadelphia. 1765-1798 (Philadelphia: Wm. F. Fell & Co., 1893), pp. 41, 100.

[42]"Joseph Rakestraw, Bill of Carpenters Work, No. 21, £292..5..--," M - Independence Square, State House, Maintenance Vouchers, 1789, January - October; State Archives, Harrisburg.

[43]This number of members on the petit jury was bequeathed to the eighteenth-century (and present) courts of England and America by some remote, totally forgotten antiquity. The prevalence of the

twelve-man jury in Pennsylvania's courts is well established. See: Oyer and Terminer Docket, 1778-1827.

[44]Hartshorne, pp. 21-5.

[45]Smith, pp. 71-106.

[46]Freeman's Journal, 29 January 1783. Juries usually departed the room to make their decisions much as they do today in Pennsylvania courts. The juries of the Supreme Court Chamber had to find odd locations for their deliberations, because even though a jury room was originally planned for the State House, it apparently was never installed. (See: Staff, Independence National Historical Park, Historic Structures Report, Part II, Independence Hall, TS, April, 1962. Illustration 1 in this document shows the plan prepared in 1732 for the second floor of the State House; Illustration 2 shows the plan of three years later. Note how the latter of these plans is missing the jury room shown in the former). From Jacob Hiltzheimer's diary it is known that the juries of the 1780s used the tavern across the street for their deliberations: "[1781] November 5-...We proceeded to Baker's, opposite the State House, and there remained until seven o'clock before we agreed upon a verdict,...;" [1786] October 6, 1786-...We went to the tavern opposite the State House and there stayed." See: Parsons, pp. 46, 100.

[47]This word, dock, should not be confused with the word docket. The latter usually denotes either the schedule of those to appear

before a court during a specified period of time, or a register of legal judgments by a court. See: The Oxford English Dictionary (Oxford: At the Clarendon Press, 1933).

[48]In fact, the floor was torn out and replaced in the summer of 1873. See: "Estimate for putting in a new floor under Court of Common Pleas," June 3, 1873, Independence Hall Restoration, Bills, 1873-1876, Etting Collection, HSP, n.p.

[49]See Judges Bench Section of this Plan, p. 3n.

[50]The acts of 1718 and 1722 combined to assure not only the similarity of Pennsylvania's laws to England, but also the ascendancy of the crown in all matters dealing with the adjudication of those laws. As a matter of fact, the king in council had more direct control over the Pennsylvania court than over the courts of Westminster. For instance, the Privy Council had the power to veto any law passed by the local assembly within five years, and one could appeal a decision by the Pennsylvania Supreme Court directly to the Privy Council. Statutes at Large, Volume 3, Chap. CCXXXVI, pp. 199-221, "An Act For The Advancement of Justice, And The More Certain Administration Thereof;" John Purdon, A Digest of the Laws of Pennsylvania... (Philadelphia: M'Carty & Davis, 1824), pp. 395-7. The most infamous effect of these reforms, particularly the 1718 act, was to increase the number of capital crimes (punishable

by hanging) from two to twelve. Perhaps just as noteworthy is the trend it set for the rest of the provincial period: between 1718 and 1776 six more offences were added to the list of those punishable by death. Thus, the act of 1718 was not an isolated occurrence. It served as the forerunner of a whole new era of legislation, during which the laws of this Province were almost identical to those of England. See: Herbert William Keith Fitzroy, "The Punishment of Crime in Provincial Pennsylvania," PMHB, LX (1936), 254; William Bradford, An Enquiry How Far the Punishment of Death is Necessary in Pennsylvania (Philadelphia: n.p., 1793), pp. 14-20. For a very pertinent discussion of this entire issue of royal control see: Joseph H. Smith, "Administrative Control of the Courts of the American Plantations," in Essays in the History of Early American Law, ed. David H. Flaherty (Chapel Hill: The University of North Carolina Press, 1969), pp. 281-335, especially pp. 290-300. The development of capital offences in the Province during the various periods can be easily summarized. Before 1718, the only two capital offences were premeditated murder (Statutes at Large, Volume 2, Chap. XIII, p. 14, passed November 27, 1700); and treason, defined as assaulting the Proprietary and Governor (Statutes at Large, Volume 2, Chap. XLVII, pp. 52-3, passed November 27, 1700). The act of 1718 created the following body of capital offences: high treason,

including offences against the king's government and counterfeiting; murder; sodomy; rape; robbery near a highway by putting in fear; a woman killing her bastard child, with the burden of proof on the defendant; killing by stabbing; premeditated mayhem; witchcraft; burglary; arson (Statutes at Large, Volume 3, Chap. CCXXXVI, pp. 199-214). The six offences made capital crimes between 1718 and 1776 were: riotous assembly (Statutes at Large, Volume 6, Chap. DVII, pp. 325-8, passed February 3, 1764; Volume 8, Chap. DCXVIII, pp. 5-9, passed February 9, 1771; Volume 8, Chap. DCXC, pp. 366-9, passed January 22, 1774); counterfeiting gold or silver coin (Statutes at Large, Volume 7, Chap. DLVII, pp. 90-2, passed February 21, 1767); refusing to move from Indian lands (Statutes at Large, Volume 7, Chap. DLXX, pp. 152-5, passed February 3, 1768); going armed in disguise (Statutes at Large, Volume 7, Chap. DCXII, pp. 350-3, passed February 24, 1770); burning the State House, schools or libraries (Statutes at Large, Volume 8, Chap. DCLII, pp. 183-4, passed March 21, 1772); and counterfeiting paper money (Statutes at Large, Volume 8, Chap. DCLXXXVI, pp. 339-40, passed September 28, 1773).

[51]Julius S. Waterman, "Thomas Jefferson and Blackstone's Commentaries," in Flaherty, pp. 452-7.

[52]Blackstone, Volume 4, p. 349; p. 299; p. 322.

[53]Fitzroy, p. 259.

[54]Statutes at Large, Volume 3, Chap. CCXXXVI, p. 212; John F. Watson, Annals of Philadelphia, and Pennsylvania, in the Olden Time... (Philadelphia: Leary, Stuart Co., 1927), Volume 1, p. 309; Philadelphia Court Records, Volume 24 (1736) and Volume 12 (August, 1730), MS, HSP.

[55]Fitzroy, p. 262; Thomas R. Meehan, "Courts, Cases, and Counselors in Revolutionary Pennsylvania," PMHB, XCI (1967), 23.

[56]This increase in the fine's severity may also have been due to the general increase in sanguinary punishments during this period and a low--though incessant--level of inflation.

[57]William Mason Cornell, The History of Pennsylvania (New York: Charles Drew, 1879), p. 225.

[58]Statutes at Large, Volume 12, Chap. MCCXLI, p. 280.

[59]Statutes at Large, Volume 12, Chap. MCCXLI, p. 281.

[60]Statutes at Large, Volume 12, Chap. MCCXLI, p. 283.

[61]The Walnut Street Prison was built between 1773 and 1775 and was at first not heralded as anything but "monstrous": "They are building a Monster of a large strong Prison here, near the State House: which if it is necessary, is no Credit, as Govr. Hopkins observed, to any Province." (Letter of Dr. Solomon Drowne to his sister, Philadelphia, December 2, 1774. See: Harold E. Gillingham, "Dr. Solomon Drowne," PMHB, XLVIII (1924), 239). Because of the interruptions of the war, this structure was not used as an ordinary prison

until 1784, when the old stone prison at Third and Market Streets (1723-1785) was demolished and its occupants moved to Walnut Street at Sixth. The Walnut Street Prison was torn down upon its sale to private investors in 1835, and its inmates were moved in that year to the brand-new Moyamensing Prison. See: Watson, Volume 3, pp. 179-82.

[62]Caleb Lownes, An Account of the Alteration and Present State of the Penal Laws of Pennsylvania, containing also an Account of the Goal [sic] and Penitentiary House of Philadelphia and the Interior Management Thereof (Philadelphia: n.p., 1793), p. 246-70.

[63]Homer T. Rosenberger, "James Wilson's Theories of Punishment," PMHB, LXXIII (1949), 46.

[64]Lownes, p. 247.

[65]The following excerpt from William Cobbett's philippic against Pennsylvania's courts and law presents a graphic foil to the high, almost florid, idealism of Caleb Lownes and James Wilson: "By only casting our eyes on the Chief Judge's Charge, we shall perceive that the punishments are ten fold more severe in America than in England. In England, a transgressor of the laws of the press, or, in other words, a libeller, is punishable by fine, by imprisonment in jail, by standing in the pillory; or by any two, or all three, of them. But, what is his punishment in America? Why, in the first place, fine and jail imprisonment, as in England, and to these may be added imprisonment at hard labour, and even solitary confinement

in a dungeon, at the discretion of the court; and all this too in a country, where the prosecutor may have a choice of courts!" Cobbett, Volume 7, p. 98.

[66]These rooms must have been very similar in overall function and effect, if not detail. The following, written in 1809, supports this possibility: "The circuit court of the United States for the Pennsylvania district holds its sessions twice a year in Philadelphia. In this court the same general law, and precisely the same forms of doing business, prevail, as in the courts of the state; the attorneys are the same; the very jurors the same. And yet, in this court, we never hear of procrastination." See: Reflections on the Administration of Justice..., p. 4.

[67]Charles Evans, The Trial of the Hon. Samuel Chase (Baltimore: Samuel Butler and George Keatings, 1805), pp. 143-4; p. 137-9; p. 146.

[68]Hamilton.

[69]Evans, pp. 143-4.

[70]For instance, even though there is no documentation to support these suppositions, one might assume that the dock could have been portable and thus removed during non-criminal proceedings; or, simply, that it was not mentioned in the testimony even though it was in the room.

[71]The Microcosm of London or London in Miniature (1800; rpt. New York: Charles Scribner's Sons, 1904), Volume 2, p. 211.

[72]Both the plan by John Nash (Illustration 4) and the plan of the Newcastle, Delaware courtroom from 1837 (Illustration 10) indicate that their day's docket of prisoners could have waited elsewhere, perhaps in a side room. The Supreme Court Chamber, sitting as it did without adjacent rooms, almost certainly held those awaiting trial in the chamber within the bar.

[73]Reflections on the Administration of Justice....

[74]To quickly dispel any notion that the West Wing might have been used to hold prisoners awaiting trial, I must point out that we know who was in the building during this period, and not once between 1776 and 1816 did either of the two first floor rooms contain other than governmental offices; in fact, there is no reference to any room in that building being fitted as a cell. The possibility of an outside waiting area may initially seem logical, but a little consideration dispels this notion quickly. First, the State House Yard was an attraction, an enhancement to the area. It seems unlikely that a bevy of prisoners standing in line would have been deemed desirable. In addition, we know that the public often stood out back as well as out front for elections and general recreation. If prisoners were held there, then they would have been held in a contained area of some sort both to protect the innocent public and and to prevent escape. Not only is there no record of such a

structure, but it is also doubtful if such a structure would have been desirable. Lastly, it seems unlikely that the prisoner would have used the southwest door while the judges were present, for he or she would have been using a very elaborate entrance and have been higher than the seated judges while entering. Even modern courtrooms which have a door along the bench wall place that entrance below the level of the judges if it is to be used by a person on trial.

[75]Oyer and Terminer Docket, 1778-1827.

NOTES

Section C: Furnishings

COAT OF ARMS

[1] The edition used here is a reprint of Blackstone's Commentaries: Sir William Blackstone, Commentaries on the Laws of England, in four books (London: T. Cadell, 1793-95), Volumes 1-4.

[2] In fact, society at large had delegated all its power and rights in the execution of the laws to the King, which explains the practice, so common today, of equating modern notions of a chief executive with the eighteenth-century concept of a monarch. See: Blackstone, Volume 1, p. 266.

[3] Even courts using the civil and ~~common~~ canon laws (e.g., church courts, military courts, admiralty courts, and the courts of two universities) were subservient to, and superintended by, the courts of common law (i.e., the courts at Westminster), and their decisions were subject to ultimate appeal to the King, which "proves that the jurisdiction exercised in them is derived from the crown of England, and not from any foreign potentate, or intrinsic authority of their own." Blackstone, Volume 1, pp. 118, 267.

[4] Blackstone, Volume 1, p. 270.

[5] The King, however, retained direct appeal over all decisions passed in the courts of the colony. This power of appeal was firmly established and jealously guarded by the King in council through many legal confrontations over the issue with the Pennsylvania Assembly. See: Joseph H. Smith, "Administrative Control of the Courts of the American Plantations," in Essays in the History of Early American Law, ed. David H. Flaherty (Chapel Hill: The University of North Carolina Press, 1969), pp. 290-300.

[6] This direct reliance on the crown by the judiciary was the source of much distrust of the courts during the eighteenth century. Judges were, by and large, unpopular figures in the colonies at this time, and were perceived as one more vehicle by which the royal ministers could wield unfettered power. This fact was recognized at the time. Late eighteenth- and early nineteenth-century theorists and observers used this colonial mistrust of the bench as the explanation for the continued unpopularity of judges after the war. See: Bernard Bailyn, The Origins of American Politics (New York: Vintage Books, 1970), pp. 68-9; Reflections on the Administration of Justice in Pennsylvania, by a Citizen (Philadelphia: Hopkins and Earle, 1809).

[7] William Duane, ed., Extracts from the Diary of Christopher Marshall... 1774-1781 (Albany: J. Munsell, 1877), pp. 82-83; Pennsylvania Journal and Weekly Advertiser, 10 July 1776. For other accounts of that act, see also: Letter of Eldridge Gerry, 8 July 1776, Papers of Eldridge Gerry, MS, Box 1, Library of Congress; John Adams to Samuel Chase, Philadelphia, 9 July 1776, Knollenburg Collection, TS, Yale University; William Ellery to Benjamin Ellery, Philadelphia, 10 July 1776, Pennsylvania Magazine of History and Biography X (1886), 320-21.

[8] Lee H. Nelson and Penelope Hartshorne Batcheler, Summary Notes on Justification of the Placement of Architectural Elements in the Supreme Court Room of Independence Hall, MS, c. 1968, Volume 2, p. 31, INHP Museum Office. This is a surviving note from the work which went into drawing IND NHP 3425/18 of 50, "Tabernacle Frame Evidence," which is included in this study (Drawing 5).

[9] Commonwealth of Pennsylvania, "The Constitution of Pennsylvania - 1776" Preamble, in Pennsylvania Archives (Philadelphia: Joseph Severns & Co., 1856), Volume 12, p. 52.

[10] "Constitution of Pennsylvania - 1776," Section 20, p. 61.

[11] "Constitution of Pennsylvania - 1776," Section 21, p. 61.

[12] "Constitution of Pennsylvania - 1776," Section 27, pp. 62-63; Blackstone, Volume 1, p. 268.

[13] Comptroller General's Financial Record, MS, Journal "A-1" (1775-86), pp. 90-91, Account Number 92; State Archives, Harrisburg.

[14] Pennsylvania Evening Post, 8 July 1778.

[15] See: Pennsylvania Packet, 21 July, 4 August, and 20 August 1778 for notice announcing sessions of the Admiralty Court in the State House; Pennsylvania Packet, 5, 12, 15, 22 and 24 September and 29 October for notices of the Admiralty Court holding sessions in the Court House. This switch in location indicates the period when work on the Court Chamber of the State House must have begun in earnest. Regarding the Supreme Court, when it sat as a court of oyer and terminer, its full title was, "The Supreme Court of the Commonwealth of Pennsylvania, and Court of Oyer and Terminer and General Gaol Delivery for the City and County of Philadelphia." (See: Pennsylvania Packet, 12 December 1778.) The Pennsylvania Evening Post, 19 October 1778, summarized the meeting of the Supreme Court and Court of Oyer and Terminer and General Gaol Delivery for the fall, 1778 season as follows: met September, 1778, and continued by adjournment to October 18 with Thomas McKean, William Augustus Atlee, and John Evans sitting. It adjourned on October 18 until November 2. The Pennsylvania Packet of 29 October 1778 announces that the Court of Oyer and Terminer is to be held by adjournment, on Monday, November 9, at College Hall in Philadelphia. The Pennsylvania Packet of 12 December 1778 summarizes the work of this session of the Supreme Court, which ended on December 5, 1778, and announces its next meeting on April 5, 1779.

[16] The Seal was made legal the year before, on January 2, 1778. See: Commonwealth of Pennsylvania, The Statutes at Large of Pennsylvania from 1682 to 1801 (Harrisburg: State Printer, 1896-1915), Volume 9, pp. 171-2. On April 1, 1779, David Tew was paid £15.0.0 for engraving the court's seal. See: Comptroller General's Financial Record, MS, Journal "A-1" (1775-86), p. 87; State Archives, Harrisburg.

[17] Commonwealth of Pennsylvania, Journal of the Second Session of the Third House of Representatives of the Commonwealth of Pennsylvania. . . (Philadelphia: n.p. 1793), p. 243; Journal of the First Session of the Second House of Representatives of the Commonwealth of Pennsylvania. . . (Philadelphia, n.p., 1792), p. 239.

[18] Journal of the First Session of the Second House, p. 239.

[19] Commonwealth of Pennsylvania, Journal of the First Session of the Sixth House of Representatives of the Commonwealth of Pennsylvania (Philadelphia: n.p. 1795 [sic]), p. 256.

[20] Board of Auditors Minute Books, 1810-26, p. 9; Philadelphia Municipal Archives.

[21] Statutes at Large, Volume 18, Chapter MMMXLIII, pp. 962-67, especially p. 963.

The Supreme Court of Pennsylvania was split into separate districts three times between 1806 and 1809. In 1806 a Western and an Eastern District were established, each having its own prothonotary. The following year, in 1807, a Middle District was added to these, whose seat was in the borough of Sunbury in Northumberland. Finally, in 1809, two more districts were established: one called the Lancaster District; the other, the Southern District. Again, each of these new districts was to have its own prothonotary. The Eastern District continued to sit in Philadelphia despite these extensive

changes. Statutes at Large, Volume 18, Chap. MMDCXLVI, pp. 61-73 (1806); Chap. MMDCCCLVIII, pp. 630-2 (1807); Chap. MMMXLIII, pp. 962-67 (1809).

[22] The entire transaction actually took about two years, from 1816 to 1818. The City was prompted to undertake the purchase by a group of citizens who were concerned about the State's tentative plans to demolish the building and subdivide the plot into lots for auction. Commonwealth of Pennsylvania, Acts of the General Assembly of the Commonwealth of Pennsylvania . . .1815 (Harrisburg: Printed by Jacob Elder, 1816), Chap. LXXIX, pp. 109-12; "Deed to State House and State House Square," June 29, 1818, in Independence Square Papers, State Archives, Harrisburg.

[23] Independence National Historical Park, Historic Grounds Report, Part I, The State House Yard, TS, June, 1959, Chap. II, p. 17.

[24] An example can be taken from the City Directory for 1824, page VII: "District Court, held S. E. corner of Sixth and Chestnut." Philadelphia Municipal Archives.

[25] Charles S. Keyser, The Supreme Court Room of the Province of Pennsylvania (Philadelphia: 1899), p. 12; City of Philadelphia, Minutes of the Common Council, Book 4, Vol. 5, March 25, 1819 - October 3, 1823, INHP Library, microfilm reel #460.

[26] Keyser, p. 12.

[27] City of Philadelphia, Journal of the Select Council of the City of Philadelphia, January 1, 1873 - July 1, 1873 (I), Appendix, pp. 260-64, Philadelphia Municipal Archives.

[28] From a letter by Etting to a group of ladies to meet in Independence Hall on July 2, 1873, to establish the National Museum: "Not a little wonder has been excited in the minds of those who knew the repulsive and filthy condition of this Common Pleas Court-room by its complete transformation in

the incredibly short space of four days." Etting Collection, Independence Hall Restoration. Small volume (unlabeled scrapbook), p. 16. HSP.

[29] Journal of the Select Council . . ., Appendix #128, p. 275; Bill of Sharples & Watts, for laying tile floor, and Estimate of Charles F. Westerhood, June 3, 1873, Etting Collection. Independence Hall Restoration. Bills, 1873-1876, HSP.

[30] The full account of the discovery follows: "Last July, when workmen were removing West's "Penn's Treaty" from the center of west wall of Supreme Court chamber, behind it was noticed a strip of brown wrapping paper apparently pasted to the wall. Under this was found a long and broad sheet of zinc. Back of that was what appeared to be a very grimy and much cracked square of old oilcloth. They tried to remove this but found it was panelled in the wall embrasure by a slight moulding. When the strips of moulding were removed, the cloth fell forward, the stretcher falling to pieces. Chief Eisenhower, suspecting that the oilcloth was an oil painting, rolled it up and sent it to John B. Wilkinson, restorer for the Academy of Fine Arts. Wilkinson cleaned off the dirt, removed the discolored varnish, and scraped the surface, finally disclosing an early painting by Sully of the Seal of Philadelphia. Wilkinson proceeded to restore the painting which was badly flaked, which took about six months." The Philadelphia Evening Telegraph, 29 December 1896 (INHP Scrapbook No. 2).

[31] The Philadelphia Evening Telegraph, 29 December 1896 (see above); Curator's Record, 1877-1898, TS, Entry of 9 April 1897. Chew Collection, INHP Museum Office. "--A Lady to see Coat of Arms that was [sic] originally on the frame--but is not there now. I sent her to Mr. Wilkinson, 1006 Cbestnut St he cleaned all the paintings in State House and Mr Cremer (?) done up the frames (or a man named Bolan)."

[32] See: Specimen Folder number 13.389, City Collection, INHP Museum Office.

[33] Letter from Wilfred Jordan to the Chief of the Bureau of City Property, March 8, 1922. Specimen Folder number 13.389, City Collection, INHP Museum Office.

[34] This dealer's unwillingness to divulge his source is the greatest weakness in the body of historical evidence which has built up over the last eighteen years. Nevertheless, the following information was told David Wallace on November 9, 1961: "Owners elderly couple living near Lancaster, descendents [sic] of the artist. Painting said to have been done for a Court House, in family for generations. Stored in attic." See: MS, notes by David Wallace, INHP Accession Folder 653.

[35] Robert Carlen's claim that he purchased the arms from an elderly couple near Lancaster gains credibility when it is realized that Park historians discovered the two 1809 entries for cleaning and sending the state arms to Lancaster in 1963, almost two years after Carlan told David Wallace of his source. The entries were found in the Board of Auditors Minute Books, 1810-26, p. 9, Philadelphia Municipal Archives--hardly what one would call a well-known location. It therefore seems very likely that Carlan was giving the Park an accurate account of his source, at least as far as its general location is concerned. There is a problem, however, with his account of the couple's relationship to the painting's artist: it is the only part of his story which has no parallel evidence to corroborate it.

His claim that he bought the arms near Lancaster makes sense, since he traded in the area at the time. His statement that the arms were made for a courthouse is consistent with the typical medium in which arms were rendered

for courtrooms one hundred fifty years ago in Pennsylvania (see, for instance, Illustration 27). But his claim that he purchased the arms from descendents of the artist stands quite alone: there is not a shred of additional evidence to support it. Consider, as well, the dealer's refusal to identify his sources, even nineteen years after the purchase, and one can see that this is a mighty precarious piece of evidence with which to question the very significant coincidence that an 1809 reference to the state arms in the City records, a piece of legislation from 1809 creating a new district of the Supreme Court, and the source of Mr. Carlen's purchase all involve movement to Lancaster, Pennsylvania. Unless more information arises on the subject, this part of Mr. Carlen's statement will have to remain in doubt.

[36] James Evelyn Pilcher, The Seal and Arms of Pennsylvania (Harrisburg: W. S. Ray, State Printer, 1902).

[37] Pilcher, pp. 13-15.

[38] Journals of the House..., 1776-1781 (INHP cat. no. 1227).

[39] Nelson and Batcheler, Summary Notes, MS, Volume II, p. 1/20 to 4/20.

[40] Nelson and Batcheler , p. 4/20; Drawing NHP-IND 3425-18 of 50 (Drawing 5 in this plan).

FIGURE OF JUSTICE

[41] Adolf Katzenellenbogen, Allegories of the Virtues and Vices in Mediaeval Art, Alan J. P. Crick, trans. (New York: W. W. Norton & Co., Inc., 1964), Introduction, pp. VII-VIII.

[42] Erwin Panofsky, Meaning in the Visual Arts (Garden City, N.Y.: Doubleday & Co., Inc., 1955), pp. 163-64.

[43] P. Tempest, Iconologia or, Moral Emblems by Caesar Ripa (London: n.p., 1709), p. 103; George Richardson, Inconology; or, A Collection of Emblematical Figures, 2 volumes (London: n.p. 1779).

[44] Thomas Sheraton, The Cabinet-Maker and Upholster's Drawing Book (1793; rpt. New York: Dover Publications, Inc., 1972), plate LXVI, p. 202. Note the contrast between the direct religious significance of the figures and reliefs of Chartres as described in Adolf Katzenellenbogen, The Sculptural Programs of Chartres Cathedral: Christ-Mary-Ecclesia (New York: Johns Hopkins, 1959), and the modern application of moral decorative motifs found in Sheraton's description of his "English State Bed" (Drawing Book: pp. 170-84). Sheraton uses the iconological catalogs of his day to appeal to his customers' sense of fashion.

[45] Richardson, p. 21.

[46] Journal of the First Session of the Second House. . ., p. 239, March 15, 1792.

[47] Erwin O. Christensen, Early American Wood Carving (Cleveland: World Publishing Co., 1952), p. 73; Frances Lichten, Folk Art of Rural Pennsylvania (New York: Charles Schribner's Sons, 1946), p. 113; L. H. Butterfield, "Dr. Benjamin Rush's Journal of a Trip to Carlisle in 1784", PNHB, LXXIV (1950), 453-54.

[48] Wayne Craven, Sculpture in America (New York: Thomas Y. Crowell Co., 1968).

[49] See the following issues of the Pennsylvania Gazette (microfilm at the APS) for advertisements and notices involving Martin Jugiez: 15 December 1763, 10 March 1773, 15 June 1774 and 8 March 1775; Pennsylvania Post (microfilm at the APS): 17 November 1777; The Philadelphia Directory (HSP) for the years 1791, 1793 and 1794; Will No. 55 (1815), Will Book 6, p. 6, Register of Wills, Philadelphia Municipal Archives (Martin Jugiez's will).

[50] A review of the following entries in the Aurora will give a summary example of the manner in which partnerships formed and lasted: 15 February 1796, 7 June 1796, 13 December 1797. The run of advertisements and notices in one issue of the Gazette of the United States, 12 May 1798 (microfilm at the APS), attests to the number of painters in the area and Rutter's need to convince potential customers of his superior services.

[51] Gazette of the United States, 16 June 1798 and 2 October 1798.

[52] "John Penn's Journal of a Visit to Reading, Harrisburg, Carlisle, and Lancaster, in 1788," PMHB, III (1879), p. 235.

WINDOW HANGINGS

[53] Commonwealth of Pennsylvania, Pennsylvania Archives, Eighth Series (Harrisburg: Department of Property and Suppliers, 1931), IV, 3081, 3233; Votes...of the House... 1754 (Philadelphia: Printed by B. Franklin, 1755), p. 187 and Votes and Proceedings. . . 1755. . . (Philadelphia: Printed by B. Franklin, 1756), p. 163.

[54] See: Ruth M. Knapp, Materials on Venetian Blinds, TS (Draft), INHP (December 1961); Wendy Kaplan, "The Venetian Blind," Interpretive Bulletin Number 67, INHP Museum Office.

[55] Journal of the First Session of the Second House. . . p. 209.

[56] It seems highly unlikely that the blinds would have been worth removing--if in place at all - by 1796. In 1791 David Evans was paid £3.10.0 for repairing two blinds in the courtroom. Four years later, in May of 1795, Thomas Proctor was first allotted, then refused £12.0.0. for, " 2 Setts Venitian blinds for the windows of the Supreme Court in the State House." These entries imply that the blinds Rutter and Jugiez installed received hard usage over the years, and that at least some of them may have needed replacing by the spring of 1795.

[57] Frederick B. Hanson and Ruth Matzkin, Furnishing Plan for the First Floor of Congress Hall, Part D, TS, March, 1961, Section III, pp. 38-40, INHP Museum Office.

HEATING DEVICES - FIREPLACES AND STOVES

[58] Lee H. Nelson, Historic Structures Report, Part II (portion), Architectural Data Section: Independence Hall, Supreme Court Ceiling, Entablature, and Wall Panelling for the North, South and East Walls, TS, August 1966, p. 31-38; Penelope Hartshorne, Architectural Analysis of the Supreme Court Room of Independence Hall, TS, April 1959, pp. 16-18; Nelson and Batcheler, Summary Notes, MS, Volume I, pp. 66-73.

[59] Speculation on why the designers and builders would have omitted fireplaces so purposefully has produced two traditional hypotheses: (1) that there simply was not enough room along the west wall after the judges bench and other fixtures were laid out; and (2) that the designers of the room considered light for the bench to be so important that when they were faced with the choice between heat for the room or light for the bench, they chose the latter. It has also been acknowledged that the large arches precluded heat for the room, which fact has been recognized as a tribute to the period's commitment to the concept of public trials; however, all these speculations - no matter how sound they may be, fail to convey a sense of the context in which the decisions were made. While I have not had the time to conduct a comprehensive survey, my work for this plan has repeatedly hinted at a very interesting pattern in the building practices of the eighteenth century and earlier: it seems that in both England and America, public rooms frequently lacked heating devices, be they fireplaces or stoves. The churches were particularly noteworthy for

their unmitigated drafts, but this trait was shared by the courtrooms as well. The following magistrates courts (lower courts) in English Guildhalls all lack fireplaces: that in Rochester (built 1687), Beverley (1762), Surrey (early 1600's), and High Wycombe (1757). Of course, in America there is the Supreme Court Chamber of the Pennsylvania State House to add to this chilly list, but to show that this was not an isolated instance in the Delaware Valley, I need only point to the courthouse of New Castle, Delaware (built 1732), whose courtroom was likewise built - and apparently used - without fireplaces or stoves. When one keeps in mind this heartiness of spirit, the decisions of the Supreme Court Chamber builders are given a new perspective. True, they may have considered light for the bench more important than heat for the room, especially in view of the space consumed by the bench itself. Likewise, large arches may have been installed, despite the fact that they would make the room impossible to heat. However, the sacrifices made in heat for these other features were not so great to that generation as they would be to us today. So, when we say that heat and comfort were denied a chamber which was used by courts in all but the few bitterest months of the year, we must not imagine a Herculean feat of self-denial for the sake of, say, arches or windows, but of a decision of forgo the "luxury" of heat for the advantages gained by these other features. Hartshorne, Architectural Analysis, pp. 17-18; Nelson and Batcheler, Summary Notes, MS, Volume 1, pp. 69. For information on English Magistrates Courtrooms, see: INHP Negative Numbers 4599, 6084, and 4598 (INHP Library); correspondence between Daniel J. Sharp and various Guildhall librarians in the correspondence folder of Daniel J. Sharp, 1978 (INHP Museum Office Files).

[60] The Assembly Room, for instance, received two stoves, in addition to its two fireplaces, in 1772. These were replaced after the upheavals of the British occupation of the winter of 1777-78 by the Assembly in early 1779. See: Furnishing Plan for the Assembly Room, Independence Hall, Section D, TS, February 1970, pp. 103-07, INHP Library and Museum Office.

[61] Commonwealth of Pennsylvania, Minutes of the First Session of the Eleventh General Assembly of the Commonwealth of Pennsylvania (Philadelphia: 1786), p. 47, the Pennsylvania Gazette, 20 December 1786 (microfilm at the APS), has a brief account of this motion in its extracts from the Assembly's Minutes.

[62] "Bill of Carpenters Work, No. 21", M-Independence Square, State House, Maintenance Vouchers, 1789, Jan.-Oct., State Archives, Harrisburg.

[63] Register of Register General Accounts, 1790-1792, Various Numbered 5D to 9, Box 2, Records of the Comptroller General, RG-4, State Archives, Harrisburg.

[64] County of Philadelphia, Minute Book of the Philadelphia City and County Commissioners, Volume 2, n.p. INHP microfilm reel 390.

[65] [January 27, 1831] "Resolved by the Select and Common Councils that the Committee on the State House and Independence Square be requested to cause the stove pipe now projecting through one of the front windows of the State House to be forthwith removed, Select Council Concurred" From: City of Philadelphia, Minutes of the Select Council, Book 6, Oct. 15, 1830 to June 8, 1832, p. 39. INHP microfilm, reel 458.

[66] Samuel Y. Edgerton, Historic Structures Report, Part II, on Congress Hall, Chapter III, Architectural Data Selection, Supplement No. 1, Restoration of Original Heating Apparatus, TS, October 1961, pp. 3, 35-36.

[67] M-Independence Square, State House, Maintenance Vouchers, 1788, Jan.-Oct., State Archives, Harrisburg.

[68] Edgerton, 37n.

[69] Edgerton, p. 44; Independence National Historical Park Staff, Furnishing Plan for the Second Floor of Congress Hall, TS, October 1963, pp. 75-76.

[70] Robert P. Turner, ed., Lewis Miller: Sketches and Chronicles (York, PA: The Historical Society of York County, 1966), p. 13. The stove pictured in this sketch seems to be very large, much larger than the bills for the two stoves of the Supreme Court Chamber indicate. For a better idea of how the stoves of the courtroom must have appeared, see the drawings on pages 68 and 110 of the same book.

[71] Statutes at Large, Volume 9, Chap. DCCXCIII, pp. 229-230; Chap. DCCXXVIII, pp. 320-22. The minutes of the Supreme Executive Council, 1779, provide additional details:

> Agreed Unanimously, That the said Declaration of the Election of the President and Vice President of the Supreme Executive Council, be publickly read at the Court house, in the city of Philadelphia, by the Secretary of the Council. . .
>
> Agreed, that the Order of the Precession to the Court House be as follows, to Wit:
>
> Constables with their staves.
> Sub-Sheriffs with their wands.
> Coroner with his wand.
> Judge of the Supreme Court.
> Prothonotary of the Supreme Court.
> Judge of the Admiralty, and Marshall of the Admiralty.
> Treasurer of the State, and Attorney General.
> Justices of the Peace.
> Prothonotary of the Court of Common Pleas.
> Secretary of the Council.
> His Excellency the President, and Honour'e the Vice-President.
> Members of the Council, two and two.
> Doorkeeper of the Council.
> Serjant at Arms with the Mace.
> The Honourable the Speaker of the House.

Clerke of the House and his assistant.
Members of the General Assembly, two and two.
Citizens.

Commonwealth of Pennsylvania, Minutes of the Supreme Executive Council of Pennsylvania (Harrisburg: Published by the State, 1853), in Colonial Records XII, 165.

[72] Wilmer W. MacElree records a petition filed in 1797, by some disgruntled members of the bar in Chester County. It shows that the sister courthouse in Chester, Pennsylvania also had a large, central table below the bench: "The undersigned Gentlemen of the Bar take the Liberty respectfully to represent to the Court, the extreme inconvenience, Interruption, and disgust to which they are exposed by the indiscriminate admission of mere Spectators to seats round the table within the Bar. They have always supposed this table to have been exclusively designed for the accommodation of the Gentlemen of the Bar, the immediate Officers of the Court, the Students at Law, and such of the parties to a Cause under Trial whose presence may be necessary to their Counsel. It is obvious that if all the persons of these descriptions should be in Court at any One time the Seats round the Table would not be sufficient for their use and that in fact they are not more than sufficient for those who do in general, actually attend. The Intrusion of persons not entitled operates, therefore, as an exclusion of those who are entitled, and if the Gentlemen of the Bar are able to crowd into a seat they are nevertheless inconvenienced by the pressure, the Heat of the Conversation, the Impertinence, and other Circumstances still more disgusting and oppressive to such a degree, as to render their situation in Court extremely unpleasant and uncomfortable and frequently to prevent their proper and necessary attention to the business in which they are engaged." Wilmer W. MacElree, Side Lights on the Bench and Bar of Chester County (West Chester: n.p. 1918), pp. 142-43.

[73] There are manuscript notes in the Office of Historic Structures (Denver Service Center) at the Customs House, Philadelphia which speculate on the great quantity of wood Robert Allison must have used on the Supreme Court Chamber: it was estimated that the total square footage of board needed to construct the galleries, judges bench, witness stand, jury box, and tables (for the lawyers, clerk, and sheriff) was about 1800 square feet, perhaps a little more (this figure includes 10% wastage). Between July 1778 and April 1779, Robert Allison purchased a total of about 5,000 square feet of board. Of this quantity, 2485 square feet were labeled specifically for the Supreme Court Chamber; the rest was unspecified. Considering that Allison did little to the wall paneling and floor besides repair and patching, this is a huge quantity of wood.

[74] "1779 recd. . .July 19th. . . John Cornish, account for turning work for the Courtroom, £ 66-15-0, Continj Expences [sic], 1779", C-Independence Square - State House, Maintenance Vouchers, 1779, Jan.-July, State Archives, Harrisburg.

[75] Robert C. Smith, "A Portuguese Naturalist in Philadelphia, 1799," PMHB, LXXVIII (1954), 71-106.

[76] William Hamilton, Report of the Trial and Acquittal of Edward Shippen, Esquire, Chief Justice, and Jasper Yeates and Thomas Smith, Esquires, Assistant Justices, of the Supreme Court of Pennsylvania (Lancaster: Printed by the Reporter [Hamilton], 1805), pp. 96-97, 102, 165.

[77] See also Turner, ed., p. 9. This book reproduces the same watercolor sketch of the York County Courthouse in color.

[78] Each gate leg uses two leg posts: one which serves as the axis for the unit, and one which swings out as the "leg." Considering that four of these double units were mounted on the usual stationary four-legged frame,

it is easy to see how the number of legs quickly mounted to twelve. For illustrations of these tables, see: Luke Vincent Lockwood, Colonial Furniture in America, 3rd edition (New York: Castle Books, 1957), Volume 2, 172-74; Wallace Nutting, Furniture Treasury (Mostly of American Origin) (New York: Macmillan Co., 1948), Vol. 1 n.p., plate nos. 935-36; Percy Macquoid and Ralph Edwards, The Dictionary of English Furniture (New York: Charles Scribner's Sons, 1924), Volume 2 p. 152; Volume 3, pp. 226, 229.

[79] Margaret Berwind Schiffer, Furniture and Its Makers of Chester County, Pennsylvania (Philadelphia: University of Pennsylvania Press, 1966), pp. 190-91; MacElree, pp. 185-86.

[80] The following is a detailed accounting of the duties of the clerk in the provincial court. This list was drawn up in 1767:

Dep. Gov. John Penn to Earl of Shelburne on Fees of Office in Pennsylvania

[p. 205]

Fees belonging to the clerk of the Supreme Court for Entring every action or cause there	0..1..0
Filing the Errors assigned in every cause	0..1..0
Every Retraxit Discontinuance or Quashing of a Writ of Error	0..1..0
Entring every Appearance	0..1..0
Filing & Entering every Demurer, Plea Replication & every other subsequent Plea and Issue	0..1..6
Calling the Jury & attesting them	0..1..6
Attesting every witness in every cause	0..0..9
Recording every Verdict	0..1..6
——— every Judgment	0..1..0
Entring every Continuance	0..1..6

____ the arrest of Judgment	0..1..6
____ the Warrant of attorney, committatur or Rule of Court	0..1..0
Reading the Record which is all Proceedings below & above	0..2..0
Every Noli Prosequi	0..1..0
Filing a Declaration	0..1..6
Reading every affidavit	0..0..9
acknowledging Satisfaction upon Record	0..1..6
[p. 206] Every subpoena to give Evidence	0..1..6
Drawing every Bill of cost at large	0..1..6

From: Penn to Shelburne, April 25, 1767, "Answers to American Circulars In the Years 1766, 1767, Vol. 2", pp. 205-6, Earl of Shelburne Papers, The Clements Library, University of Michigan. For the duties of the prothonotary of the state court, see: Statutes at Large, Volume 14, Chapter MDLXXV, Section XII, p. 114; Chapter MDCI, Section VIII, p. 195.

[81] The sheriff's name appears at the head of each session of the Supreme Court in its Court of Oyer and Terminer Docket for the Commonwealth of Pennsylvania, 1778-1827, MS, 2 volumes, State Archives, Harrisburg (INHP Library, microfilm reel #541). For his role in the opening ceremonies for each session see: David Paul Brown, The Forum; or Forty Years Full Practice at the Philadelphia Bar (Philadelphia: H. R. Small, 1856), I, 327-28. A typical proclamation, signed by the sheriff, appears in Freeman's Journal or North American Intelligencer, 22 June 1785. Several references to the sheriff in processions can be found in Colonial Records: V, 381 (May 1749); VII, 144 (June 1756); IX, 348 (December 1766); XII, 165 (October 1781).

CHAIRS

[82] Pennsylvania Archives, Eighth Series, VIII, 7308; Cash Book, Ms., (Dec. 1, 1775 to Feb. 11, 1780), p. 36, State Archives, Harrisburg.

[83] William Macpherson Hornor, Jr., Blue Book of Philadelphia Furniture (1935; rpt. Washington, D. C.: Highland House, 1977), p. 305. See also: John Fanning Watson, Annals of Philadelphia; and Pennsylvania, in the Olden Time (Philadelphia: Leary, Stuart Co., 1927), III, 212.

[84] Colonial Records, XI, 535, 558; in the Comptroller General's Financial Record, Journal "A-1", p. 45, State Archives, Harrisburg, the following appears under August 22, 1778: "paid Francis Trumble for 19 windsor chairs at the State House August 22, 64.2.6.". Journal of the House of Representatives, 1776-1781 (Philadelphia: Printed by John Dunlap, 1782), I, 298; see also the Comptroller General's Financial Record, Journal "A-1", p. 58, August 27, 1778; p. 76, Sept. 11, 1778; p. 85, Nov. 27, 1778. John Pinkerton's Bill, State House Papers, State Archives, Harrisburg. Independence Square, State House, Maint. Vouchers and List, 1784, Oct. 10 to December 21, No. 1-25, State Archives, Harrisburg.

[85] Hornor, p. 306.

[86] Smith, "A Portuguese Naturalist. . .,", p. 79.

[87] See: Specimen Folders 6.024, 6.025, 6.026; folders marked "Supreme Court Justices' Chairs" and "Congress Hall Chairs" in the Museum Office's files; and the Accession Folders for various Congress Hall chairs. These sources contain the notes and lists of comparative data which resulted from an extensive physical examination of the Park and City Collection Chairs.

MISCELLANEOUS ITEMS

[88] The practice of draping cloth over tables can be seen repeatedly in the prints of courtrooms found in the Carson Collection of the Rare Book

Department, Free Library of Philadelphia. For some good examples in this collection, see: "The Trial of Lord William Russel: 1683" (LC28/1.1/A-Z); "A Peer-les Examination of the R-t private works in Italy", c. 1800, London (LC28/2/Caricatures & Cartoons [box 2]); "Tit for Tat or Every dog has his day," 1827, London (LC28/2/Caricatures & Cartoons [box 3.]); "King Henry VIII. Act II, Scene IV", C. 1800, London (LC28/2/Caricatures & Cartoons [box 2]). For an idea of the later practice in the context of London as a whole, see the Rowlandson and Pugin prints in The Microcosm of London or London in Miniature. (1800; rpt. New York: Charles Scribner's Sons, 1904), Volumes 1-3. A review of this set of books will provide the reader with many examples of tables covered by green cloth. They attest to the universal appearance of this color cloth in public buildings, ranging from the House of Commons to Newgate Prison's austere chapel.

[89] "Authorization of the Committee of Assembly," Sellers Family Papers, MS, Volume 6, p. 7, Manuscript Collection, A. P. S.

[90] Comptroller General, Financial Records, Journal "A-1" (1775-85), MS, Contingent Expenses, 1780, p. 119 Acc't #77, State Archives, Harrisburg.

[91] "Letter of A. Gallatin to J. Badollet," May 20, 1795, pp. 2-3, Gallatin Box 4 (1795-8), Gallatin Papers, MS, New York Historical Society.

[92] Jacob Cox Parsons, ed., Extracts from the Diary of Jacob Hiltzheimer of Philadelphia. (Philadelphia: William F. Fell & Co., 1893), pp. 27, 46, 100.

[93] Records of the Comptroller General, "Accounts Folder: 1781," State Archives, Harrisburg.

[94] It is difficult to tell exactly what the consumption of candles was at any given time. One order for the Court of Oyer and Terminer, for instance, records 8 1/2 pounds of candles. Not only could the number of candles per pound vary from 12 to 20, but the rate of burning of each

depended upon a host of variables, including the size of the wick, quality and size of the wax stick, how well the candle was tended, and the conditions under which it burned (e. g., drafty vs. still air). Considering that in 1781 this court sat in the Supreme Court Chamber from September 23 until the end of December (with long adjournments), the consumption of 8 1/2 pounds of candles - though great - is not so extravagant. The court often worked well into the night. Encyclopaedia; or, a Dictionary of Arts, Sciences, and Miscellaneous Literature. . . (Philadelphia: Printed by Thomas Dobson, 1798), II, 94. Court of Oyer and Terminer Docket, 1778-1827, (INHP Library, microfilm reel #541).

[95] Comptroller General's Financial Record, Journal "A-1," Contingent Expenses, MS, p. 42, Account #68, State Archives, Harrisburg.

[96] Records of the Comptroller General, 1782-1809, Folder: "1785," State Archives, Harrisburg.

[97] Comptroller General's Financial Records, Journal "A-1" (1775-86), p. 86.

[98] Commonwealth of Pennsylvania, Journals of the House of Representatives of the Commonwealth of Pennsylvania. . ., Volume 1 (1776-1781). (Philadelphia: Printed by John Dunlap, 1782), pp. 97-98; for an idea of average attendance, see: Ibid., pp. 177, 178, 197, 200, 202, 203, 211, 226, 232, 241, 251, etc.

[99] The very man who supplied the Assembly with candlesticks, Lewis Grant, was commissioned to collect and use for the"defence of the United States" all "superfluous" metals. Of these metals, the most scarce were brass and copper. Pennsylvania Archives, Eighth Series, III, 2154, 2213. The following ad appeared in the Pennsylvania Evening Post on February 15, April 8, and April 22, 1777:

> Wanted immediately, a large quantity of BRASS, COPPER, PEWTER, BLOCK TIN, LEAD, SHEET TIN, SPELTER, AND LAPIS CALAMANARIS, & c.
> It is hoped that every person, having any of the above articles, will immediately apply to the subscriber, who will give the best price for any

quantity of the above articles, and the public may be assured that all that shall be bought in shall be applied for the purpose intended, which is for the defence of the United States. It is therefore desired that every person, having his country's good at heart, will spare some of these superfluous articles, when so good a cause requires it, and send them to the subscriber, four doors from the Coffee-house, in Market Street, where they shall receive ready cash for the same.

LEWIS GRANT, appointed for the purpose.

[100] Philadelphia, Clement Biddle, Esq, for the use of Circuit Court of the United States.

Bought of James Stoker

1793	April 15	1 pr. Brass Candlesticks		1. 5. 0
		2 ——	19/6	1 .19..0
		2 lbs. candles	13d	2..2
	24	2 pr. snuffers	6/1	12. 2
		1——————		3. 9
		2 candlesticks	20/6	2.. 1. 0
			£	6..2 11"

From: Miscellaneous Treasury Records of the General Accounting Office, Account 4887 (R.G. 217), National Archives, Washington, D.C.

[101] See: Oyer and Terminer Docket, 1778-1827 (microfilm in INHP Library); Supreme Court Docket [Pennsylvania], 1753-1767 (microfilm at HSP); Court of Common Pleas, Appearance Docket, 1762-1913 (881 volumes and index) and Minutes, 1789-1792, 2 Volumes, Philadelphia Municipal Archives.

[102] One many wonder how the owner of a footwarmer would have obtained the needed hot coals in a room totally devoid of any fire. The best explanation is simply that he would have brought them with him from his home or boarding room. Though the art is lost to us today, it has been observed that if properly attended, a small group of hot coals will last for hours, certainly

long enough for a lawyer to carry them to court, set them up and enjoy their heat for a long while. The best modern equivalent is the barbecue fire. Once started, the coals will continue to produce a prodigious amount of flameless heat long after the starting fuel has been consumed.

[103] L. H. Butterfield, ed., Diary and Autobiography of John Adams (Cambridge: The Belknap Press, 1961), I, 90.

[104] Notes on Republica v. Snyder et al., 18 October 1782, and Commonwealth v. Andr. Brown and Fn. Mitchell, George Bryan papers, Boxes 1782, 1788-89, HSP.

[105] Dunlap's American Daily Advertiser, 23 March 1793.

[106] Pennsylvania Evening Post, 16 January 1776; Independent Gazetteer 22 February 1783.

[107] George Bryan, MS, Box 781 in the Roberts Collection, Haverford College; William Cobbett, Porcupine's Works. . . (London: Cobbett and Morgan, 1801), XI, 361-62.

[108] Some of the purposes for which writs were issued included: to redress a wrong (writ of spoilation); to enforce a right (writ of dower, writ of entry, and writ of possession); or to deal with a particular legal account (writ of account). The following examples are accounts of official documents issued during a trial:

[September 22, 1778]

> "high treason shall have a copy of the whole
> "indictment (but not of the names of the wit-
> "nesses) a reasonable time; not less than one day,
> "before the trial, his attorney and counsel, or agent,
> "requiring the same, and paying reasonable charg[es]-
> "therefor [sic]; and shall also be furnished with a
> "copy of panel of jurors, who are to try
> "him, duly returned by the sheriff, and delivered
> "to him, or his counsel a reasonable time, not less
> "than one day, before trial."

From: Pennsylvania Evening Post, 23 September, 1778.

[April 27, 1774]

"PHILADELPHIA, April 27.

We hear that death warrants for six of the criminals, (capitally convicted at the last Court of Oyer and Terminer, held in this city for the city and county) are signed, and that they are ordered for execution on Saturday next."

From: New York Gazette and Weekly Mercury, 2 May 1774.

109 John Hill Martin, Martin's Bench and Bar of Philadelphia (Philadelphia: Rees Welsh & Co., 1883) vii.

110 Statutes at Large, Volume 9, pp. 171-72.

111 Comptroller General's Financial Records, Journal "A-1" (1775-1786), p. 87, State Archives, Harrisburg.

112 Dobson's Encyclopaedia, IX, 234.

113 Miscellaneous Treasury Accounts of the General Accounting Office, Account 13753 (R.G. 217), National Archives, Washington, D.C.

114 Dobson's Encyclopaedia, XVIII, 917.

115 Denis Diderot, L'Encyclopédia, ou Dictionnaire Raisonné des Sciences, des Arts et des Métiers (1763; rpt. New York: Dover Publications, 1959), II, 359-86; The Chronicle of the Early American Industries Association, Vol. VII, No. 2, 22-23.

116 Joseph Smith, Explanation or Key, to the Various Manufactories of Sheffield, with Engravings of Each Article (1816; rpt. South Burlington, Vt: The Early American Industries Association, 1975), Ed. John S. Kebabian. The knives illustrated in Joseph Smith's catalog are particularly valuable indications of what was used in Philadelphia, because this country continued to import many of its small manufactured items from England and the Continent after the Revolution. As a matter of fact, a major exporter

to the United States was the tool manufacturing center of Sheffield, England. For an advertisement which confirms this trade with Philadelphia, see: the ad of Joseph Anthony, Jr., Silversmith, in the Pennsylvania Packet, 7 December 1790, which reads, in part:

> "... On the South Side of Market Street, between Second and Third streets, Philadelphia, Has imported in the last ships from London, A Large and General Assortment of Silver, Plated-Ware, Jewellery and Cutlery: Consisting, among others, of the following Articles, which are immediately from the Manufactories: . . .A great variety of sportsmens pocket and pen-knives. . ."

[117] A source of confusion in the attempt to identify sand, or "shining sand" is the confusion of sand with pounce which began in the eighteenth century: "[Pounce was] . . .a preparation of powdered cuttle-fish or sandarach, the resin of the sandarach-tree, formerly used for drying ink on the roughened surface of vellum, parchment, or paper where an erasure had been made; later, the word was also given to the black sand used generally as a dusting-powder for drying ink. . . The "pounce-box" or "pouncet-box" was a familiar object on all writing-tables until that time. . ."
From: Encyclopaedia Britanica (1910-11 Edition), XXII, 221.

[118] Dobson's Encyclopaedia, XIV, 116-17.

[119] Dobson's Encyclopaedia, XVIII, 697.

[120] Brown, The Forum, I, 244-45.

[121] Dobson's Encyclopaedia, XIV, 819-20.

[122] For examples of a taperstick, see: Geoffrey Wills, Candlesticks (New York: Clarkson N. Potter, Inc., 1974), p. 59; Peter, Nancy and Herbert Schiffer, The Brass Book (Exton, PA; Schiffer Publishing, Ltd., 1978) p. 208. For some examples of an ordinary taperjack, see Schiffer, p. 214.

[123] Pennsylvania Archives, Eighth Series, III, 2213.

[124] Staff, Independence National Historical Park, Furnishing Plan for the Second Floor of Congress Hall, TS, October 1963, Part C, p. 55 and Appendix J.

125 "Waste Book of Robert Aitken," MS, Col. 479, Library Company of Philadelphia.

NOTES

Section D: Descriptive List of Proposed Furnishings

[1] T.J. Hogarth, Director of Leisure Services, Medway Borough Council, England, to Daniel J. Sharp, Museum Intern, INHP, 1978. File number D62-IH/INDE, INHP correspondence files.

[2] It seems that the sword and scales of justice were commonly rendered in a metal, then set into the stone or wood of the carved figure itself. This especially holds for the scales, which are almost impossible to fashion in stone or wood. A figure of justice executed in wood by a comparable craftsman is in a private collection in Massachusetts. Carved by one of the Skillin brothers, either John or Simeon, it has a sword of wood, but scales of metal. See Christensen, p. 73.

[3] L.H. Butterfield, "Dr. Benjamin Rush's Journal of a Trip to Carlisle in 1784," PMHB, LXXIV (1950), 454n.

[4] Before the Revolution he is invariably listed as a carver and gilder, but after the Revolution his title is always simply carver. Two examples of his pre-Revolution advertisements are: The Pennsylvania Gazette, 16 December 1763 and 8 March 1775. The Philadelphia Directories of 1791, 1793 and 1794 are typical of the references to him after the Revolution.

APPENDIX A

Judges Bench: Explaining the Physical Evidence

In 1897, when the architects under T. Mellon Rodgers completed their investigation of the original wall fabric in the Supreme Court Chamber, they reported to the Committee on the Restoration of Independence Hall that, among other findings: "Mr. Haddock discovered the joist holes for the dias platform. A photograph or drawing will be made at once showing the exact locations of these holes....We conclude to treat the west wall for a dias as indicated physically by the conditions discovered..."[1] A bench was installed and could be seen until its removal in the 1960s by National Park Service restoration architects.

As this late nineteenth-century reconstruction was removed in 1963, the architects found out that the level Mr. Haddock discovered and used was only the higher of two joist hole levels along this wall.[2] This discovery created new problems of interpretation, for there is no source of documentation which alone can explain the meaning of these two rows of joist holes. Fortunately, it is possible to unravel the mystery of this evidence by resolving the available documentation and physical evidence into one logical sequence. To accomplish this, we will work back over 150 years, from the restoration work of the 1890s to the earliest records of initial installation in the 1730s.

Appendix A

Photographic Evidence: 1873-1876

The report from 1897, mentioned above, is not the only evidence of the lack of an engaged bench along the west wall in the nineteenth century. There are several extant photographs of the National Museum taken just after its installation in this room in June of 1873 and during the Centennial in the summer of 1876.[3]

The latter of these photos, from 1876, gives a broad, clear view of the west wall against which nothing more is visible than a sofa, table, display case, and other assorted odds and ends (Illustration 13). Note that the wall itself is no more than a flat, plastered expanse, interrupted by a large tabernacle frame with broken pediment. In this photograph the wall is framed at the top by a doric entabulature, has a half pilaster along its northern side, and a length of vertical beaded board with chair rail along the bottom. There is absolutely nothing here to imply a judicial bench.

The earliest photograph of this room known to us, though, is from July 4-8, 1873, taken just before some renovation work was done (Illustration 11). The proliferation of historical exotica in this photo is a bit frustrating in that it hides a good deal of evidence, but looking past the clutter one can see some interesting features. For instance, there is a large, flag-draped object beneath the pedimented frame. That this object

is draped, as well as the bar cornered by the post in the foreground, leads one to assume that it must have been in the room for a while and thus extraneous to the needs of the brand new occupant, the National Museum. This assumption is substantiated by the available documentation which reveals that the National Museum had just displaced the Court of Common Pleas that summer and had not enough time substantially to adapt the room to its needs before its scheduled grand opening on Independence Day, 1873.[4] Thus, one can assume from its position in the room and its overall size that this object must have been a bench when the Court of Common Please met here.

When it was installed is hard to say. The turned voluted ends, which project beyond the flag and hold lamps, suggest a style of the 1830's to 1850's; indeed, there is record of an extensive face-lift which this room received in 1850: "The bench has been handsomely carpeted and furnished with new desks. Iron bronzed railings have been put up on each side of the desks, extending to the entrances to the bench. Blue worsted curtains have been placed beneath them, which give to the whole arrangement a pleasing effect."[5] This account could easily fit the evidence in the photograph. Metal railings could very conceivably have extended on either side of this piece of furniture to end in a gate at either extreme. The judge's side could have

been carpeted differently from the main floor and then hidden from easy view by a blue curtain hanging from the railing.

After continuing his description of the other furnishings in the room, our reporter of 1850 described the paint job:

> The painting of the room has been done with great taste. The wall behind the desk is of peach blossom color....The side work has been painted white and the ceiling sky blue color. The whole room presents an elegant and cleanly appearance.[6]

A very important piece of evidence found by the restoration architects in the 1960s was a bit of plaster a few inches above the original (lower) floor level, below the area of the tabernacle frame (See Drawing 1). It has what appears to be the peach blossom color on it. If this is the case, then it serves as further corroborating evidence that, indeed, no bench could have been part of the wall's framing system after 1850.

It should be pointed out that this bit of peach blossom plaster is but one part of extensive plaster evidence found in the 1960s on the west wall and in the areas beneath the window sills on the north and south walls. All this plaster was part of the finish of the nineteenth-century room which was covered in the 1897-98 work. The restoration architects, however, found no plaster evidence on the walls in areas where original paneling survived, which fact led them to conclude that the original walls of the room were entirely paneled. This conclusion is borne out by additional examination of those areas once

plastered. They reveal evidence of a system of stiles and rails, nailing blocks, and metal anchors, all of which would have been used to secure a paneled finish.[7] Considering that the bench indicated by the joist holes has been shown by the architects to be integral to the original design and structure of the room's paneled finish, it follows that one need only show when the paneling of the walls was removed and their expanse plastered, to show when the engaged bench itself disappeared.[8]

Available documentation places the date of this traumatic alteration to sometime during the period of 1816 to 1818. We know that while the City of Philadelphia and the State of Pennsylvania worked out the transfer of the State House, the Philadelphia County Commissioners had responsibility for the upkeep of the State House. These Commissioners exceeded the bounds of their authority at this time by ordering some very costly alterations to the building which involved the destruction of extensive areas of original fabric.[9] We know what was done to the fabric of the State House from accounts written by several outraged citizens; however, to discover more specifically what work, if any, was done on the west courtroom, we must rely on other, more indirect, sources.[10]

On February 2, 1818, an insurance survey was made of the State House in which a brief description of the Supreme Court Chamber

appeared. In it, the writer described the room in very scant detail, referring to no furnishings nor judges bench and only mentioning its: "...12 large fluted pilasters and Entabulature near the ceiling...."[11] That no account is given of such a substantial structure as the judges bench or galleries--especially when the account gives such detail to similar items in the other rooms--would lead one to believe that by 1818 they were no longer present. But even more telling is the description of only 12 pilasters when the evidence clearly indicates that there were 14 in the room originally. The two missing pilasters must have been removed from either side of the tabernacle frame where capitals supported by carved brackets are visible in the 1876 photograph (Illustration 13).

These pilasters were probably removed in 1816, when most of the money was spent on the State House by the Commissioners. It was at this time that William Thackara, Master Plasterer, submitted his bills, and his work in the State House was measured. The exact nature of this work is not known today, but the fact that such a large sum ($31.20) was charged for measuring his work attests to its complex and extensive nature: it almost certainly extended to the walls and ceiling of the Supreme Court Chamber.[12] This supposition is supported by the remaining physical evidence. When the lowered ceiling of 1898 was removed and the evidence it hid was examined, evidence was uncovered of

an earlier replastering which utilized the same type of early cut lath nails as the replastered sections of the hallway ceiling known to have been applied in 1816 by William Thackara.[13] Thus it was definitely at this time that the courtroom's ceiling, west wall, and side walls were plastered; and this plaster, surviving below the joist levels, precludes any possibility of a judges bench from the plaster's application in 1816 to the renovation of the room in 1850 when, as pointed out, new "desks" for the judges were installed and the wall behind them was painted a "peach blossom" color.

The above survey establishes, rather exhaustively, that no judges bench or raised platform of any sort was engaged to the wall between 1816 and 1897; the joist holes found must have been installed prior to this period, sometime between 1740 and 1816. Based on the material reviewed so far, the joist levels permit one of two possible explanations: either they were both utilized simultaneously in one framing system; or they represent two benches which occupied the location at two different times, one of which was higher than the other. Regarding the first of these possibilities, not only is such a clumsy and redundant structural system against all the known methods of the usually efficient eighteenth-century American carpenter, but the direct evidence available on the west wall makes it plain that, indeed, at one time one bench must have been torn out only to be replaced later

by another at a different level. As a matter of fact, we will see that the surviving physical evidence even reveals which level was the earlier and establishes that this first bench was indigenous to the original c. 1740 framing of the west wall woodwork.

Pilaster Evidence: Chronological Sequence of the Two Joist Hole Levels

As the Park Service restoration architects examined the framing system to the courtroom's woodwork they discovered that the west wall's corner stiles were nailed to the side wall corner stiles from the rear.[14] This firmly establishes what one might already assume: that the end (or west) wall was designed and executed either before, or simultaneously with, the side walls; and that it was laid out as an integral part of the room's overall design. That it is the result of careful planning and execution is evident from such features as the height of the windows (which allows for a bench--their brickwork was finished perhaps years before the joinery) and the overall care in design and execution which the surviving structural systems show.

The indigenous nature of the judges bench is evident not only from such design features as the above mentioned window height, but also from the surviving corner pilasters and stiles.[15] The northwest pilaster is particularly important, because on the

supporting stile below the fluted shaft one finds evidence which establishes the sequence of alterations made to the engaged benches along this wall before 1816 (Drawing 1). The stile's most striking attribute relates it to the lower course of joist holes: it ends at what would have been the floor level of the bench constructed along this lower course. This association clearly indicates that this level was that of the original bench. As if to confirm the veracity of this conclusion, the accompanying side wall stiles to both this and the southwest pilaster end at just above the lower course of holes.[16]

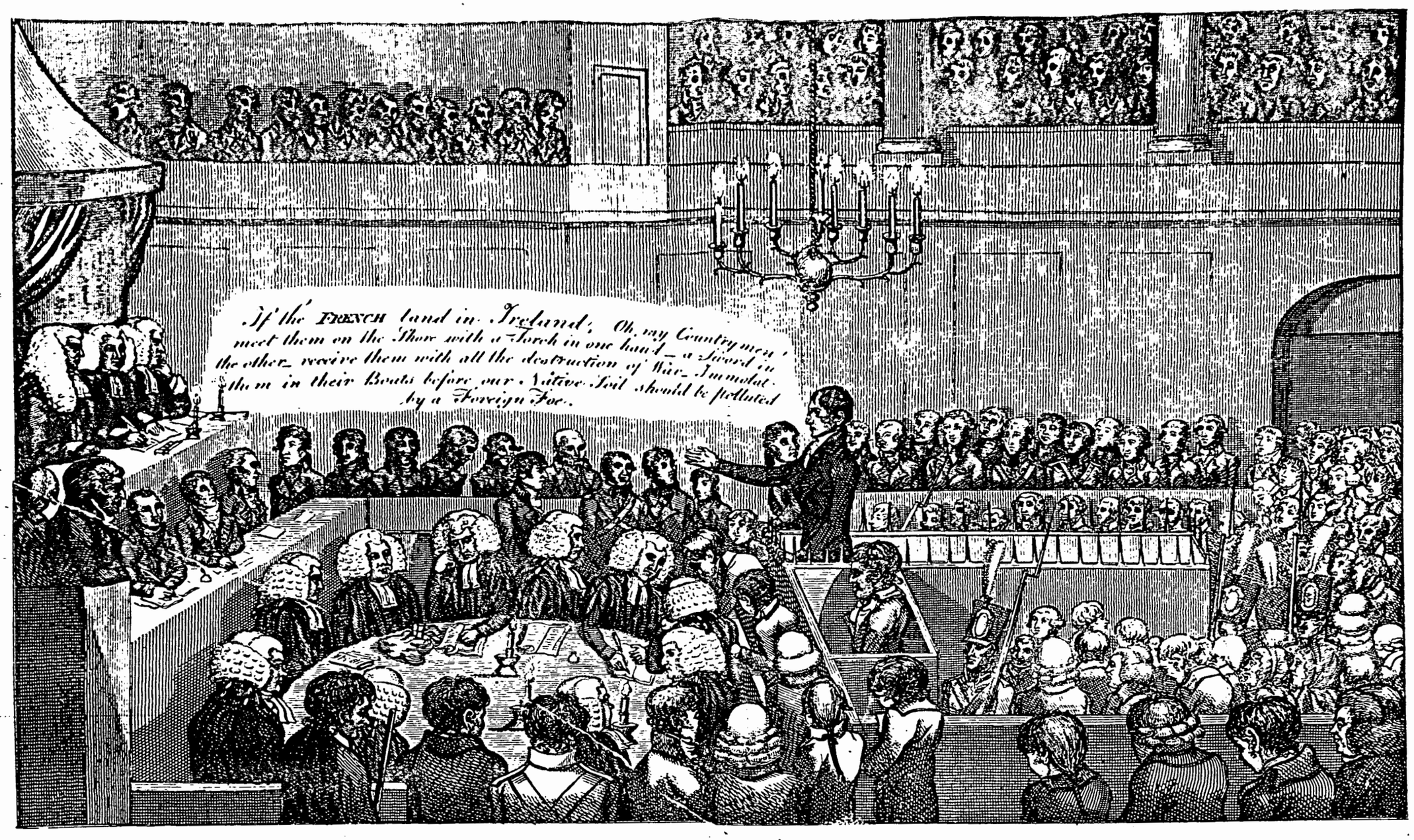
The physical evidence alone shows the lower course of joists to be original to the room's design and construction, as well as earlier than the upper course of joists. However, even more evidence is available by further examining the northwest pilaster. The northern-most joist hole (to the extreme right in the drawing) in the upper range of holes overlaps the area occupied by the northwest pilaster's base stile. In order to make room for it the pilaster's stile had to be cut in a few inches, and this was done in a somewhat crude manner. Both the overlap of these two structural elements and the rough manner in which the pilaster was cut back are out of character with the otherwise carefully executed elements of the original paneling. This is further evidence that the upper level of the joists is not original to the

construction of the room and therefore must have been installed at a later date.

Further Evidence on the Northwest Pilaster

On the northwest pilaster the restoration architects found a molded base which was held in place by early machine-cut nails with hand upset heads.[17] These nails were dated by the architects to be from c. 1816, or just about the time the County Commissioners conducted their rehabilitation of the room. When the restoration architects removed this molded base, they uncovered a swatch of paint on the pilaster's stile which was the width of the shaft and approximately 6" in height. To be painted, this area must have been exposed at one time without its base. More significantly, if the present base was installed c. 1816, and we know (from the earlier discussion) that there was no bench engaged to the wall from this date until 1898, then the molded base must not only have been missing sometime prior to 1816, but it also may have been missing during a period when the wall was occupied by a bench. If this is true, then the bench which occupied the wall during its absence must have been at the higher level: the paint ends exactly at where the floor to a platform would be at the higher joist level.

One possible scenario is that the stile beneath the northwest pilaster was cut back crudely by those who installed the next



PRINT OF A TRIAL IN DUBLIN, IRELAND. September 20, 1803. The two figures on either side of the prisoner (standing and talking) are probably the crier (on the near side) and a witness (standing on the far side). See illustrations 4 and 9 in this plan for similar docks.
FROM A BROADSIDE PRINTED AND PUBLISHED BY J. SHEA. NATIONAL LIBRARY OF IRELAND, PHOTOGRAPHIC DEPARTMENT.

MEMOIRS OF MR. EMMET,

Executed in Thomas-ſtreet, City of Dublin, for High Treaſon, on Tueſday, the 20th September, 1803, after an Impartial Trial which laſted Thirteen Hours, before a moſt Reſpectable Jury.

bench level. When the job was finished off, the workman either reinstalled the base poorly, so that it soon was knocked off, or they didn't bother to replace it, perhaps because the area of the base was not visible to the room.[18]

The Original Construction of the Supreme Court Chamber: 1736-1743

As a result of the close relationship between the west wall framing and the earlier (lower) judges bench, an examination of the date the room's paneling was installed will also reveal when that bench was first conceived and built. To date the installation of the room's paneling, however, requires careful work, for only a few clues have been bequeathed to us by a fickle posterity.

While under Andrew Hamilton's control in the 1730's and 40's, the Supreme Court Chamber first developed into the chamber as it appeared during the Revolutionary War.[19] Evidence that the paneling itself was essentially complete by his death in 1741 can be found in several sources. For instance, Hamilton apparently had been trying to procure plasterers for the State House as early as 1738, when he paid a certain Captain Wright £ 24.19.10 to procure two such men from London.[20] Plastering was usually only done to a new room after its woodwork had been installed. This fact, therefore, suggests that the paneling of the courtroom and Assembly Room was nearly finished by the late 1730s.

This assumption is confirmed by the report to the Assembly of "the Committee to enquire into the Reasons of the present Delay in finishing the State House." Submitted in June, 1741, before Andrew Hamilton's death, it reads, in part:

> ...that the Carpenters Work however was now finished; that the sashes were made, and the Glass ready to put in...that as to the Plastering, notwithstanding the Pains he had taken for that Purpose, he had not been able to procure a Workman capable of doing it, as, in his Opinion, it ought to be done, tho' he had now Hopes of getting such a One by next Spring; but if the House would be content with such Work as is commonly done here, he would have it speedily performed...[21]

In addition, John Harrison, the carpenter hired by Hamilton sometime in 1740, submitted the following to the Assembly in August, 1741, immediately after Hamilton's death:

> [A petition]...that he had been employed to do the Inside Work of the State-house, which he had accordingly performed; and praying that the House would order a Survey to be made of his Work, and allow him what shall be reasonable for the same.[22]

This carpentry work was embellished a bit after the superintendent's death and painted sometime in either late 1741 or early 1742, which act essentially completed the wall paneling of the first floor chambers.[23]

It was during this period under Hamilton's direction that the judges bench was designed and perhaps even installed in its spot along the west wall. The vertical members of that wall's framing system (i.e., the stiles), are all cut to end precisely at the

level indicated at the lower joist line (Drawing 1). The length of the fluted corner pilasters, the height of the brick window openings, and the position on the wall of the tabernacle frame, all indicate that the bench was intended to sit along the west wall from the earliest period of masonry construction, and that this intention was followed through in the actual installation of the room's wall features.

However, just as one is about to conclude that the bench was built in the period of c. 1738-41, the record offers a challenge to the interpretation. In reading further into the minutes of the Assembly, one finds the following in the year 1743:

> May, 1743: Ordered, that the Superintendents of the Building of the State-house proceed to finish the Room at the West End, as soon as conveniently may be...[24]

And Six months later:

> November, 1743: A Plan for the Finishing the Court-room of the State-house, and the Piazza's [sic] between the chief Building and the Offices, was laid before the House, and approved of; and the Superintendents of the Building were directed to go on to finish the same accordingly, with all convenient Expedition.[25]

If the room's wall paneling was for the most part complete in 1741, then why do these entries occur? Surely there is potential for confusion here. Yet, upon careful examination, the wording of these entries dispells any notion of a contradiction in the evidence. Here, for the first time since the

initial construction of the State House, a plan is called for, reviewed, and approved. The fact that the plan is for the courtroom relates well to the known interior arrangements of the building's room, for it is known that the Supreme Court Chamber was the only room in the State House to have permanent interior implacements beyond a simple railing. Typical appointments for this genre of room include a jury box, witness stand, bar, bench, etc., all of which require careful layout and design, as well as the skills of a master carpenter. It is, therefore, very probable that the wall paneling of the Chamber, including the judges bench, was complete by 1741, and that the other appointments of the room were not installed until a few years later.

Robert Allison and Joseph Rakestraw: Sequence of joist holes

The previous sections have established the parameters of time within which the bench level must have been altered from the lower to the higher joist hole levels. As was pointed out, the change must have occurred sometime between the installation of the room's paneling and the extensive alterations by the County Commissioners: that is, between the early 1740s and c. 1816-1818. The last remaining step in tracing the meaning behind the two rows of joist holes involves examining any avail-

able documentary evidence to see if we can discern from it exactly when this shift in bench levels occurred.

There remains to us today the record of two major carpentry projects on the Supreme Court Chamber which took place between the years 1743 and 1816. The first of these was superintended by the master carpenter, Robert Allison, in 1778-79, immediately after the British occupation of this building. The second set of repairs and alterations on the courtroom, conducted by Joseph Rakestraw, took place in 1789. In both of these cases the courtroom work was part of a larger repair contract for the entire building.[26]

Of these two carpentry projects, the work conducted under Robert Allison was by far the more substantial. Seven to eight men were employed for fifteen weeks on a project in the courtroom which required a plan, and involved such material as wood boards (measured in thousands of feet), extensive turnings (balusters, newel posts, etc.), new glazing, and a completely new coat of paint (See Appendix C).

Joseph Rakestraw's work in 1789 was far more limited. At first he was to alter many of the features in the courtroom, as his bill of carpenters work shows:[27]

> To Making a Partition between the Entry and Court Room and Repairing the Mouldings at Imposts & Bace of Pilasters and a Pair of Large foulding Doors. 8.02
>
> - - - -

Appendix A

(not done)	To Laying a floor in the Court Room Lenthing [sic] the Judges seat Rasing the floor & seats whare the Lawyers sett. Repairing the Baces and Pedistals-and side of Lining on the wall-by the steps.	x75.00
(not done)	For Board-scantling, nails, sprigs & e.- for the Above Room.	x15-0

The £90-0-0 charged for the main body of work is quite a sum and would have effected some major alterations to the room including the judges bench, but note the "not done" marked to the left of the last two entries. It seems that these items were never executed; indeed, the records of the auditor general of Pennsylvania for 1793 show that the cost of the above jobs was deducted from the final payments to Rakestraw.[28] In the end, the only work in the courtroom accomplished by Rakestraw was the installation of partitions between the room and the hallway, for which he received £8.0.2.

Therefore, if Joseph Rakestraw did no real work on the interior features of the courtroom, and if no other work was done in the room during the period outlined above (1740's-1816), then the only possible conclusion is that Robert Allison was responsible for changing the bench level in 1779. Perhaps the British took out the original bench during their occupation of the State House, or perhaps Allison himself was responsible for removing the lower bench. We don't know. All that matters is that before 1777, the lower bench level was used. After 1778, the higher bench was installed and used until 1815. There may have been

alterations made to the higher bench because it was "inconvenient," but whatever these alterations were, they must have been minor, for there is no further record of substantial carpentry work on the courtroom before 1811.

To summarize, the sequence of bench levels was as follows: in 1738 Andrew Hamilton tried to procure plasterers from London to finish the State House, which means the woodwork must have been nearly complete. Sometime during this period, perhaps by the last carpenter's bill in 1741, the bench was complete.[29] It remained in place until the British occupation, during which the building was greatly damaged. Either because the British tore it out, or because Allison had good reason, the first bench was replaced by a new, higher one in early 1779. The new bench, though inconvenient, remained for the next thirty-seven years. Finally, sometime around 1816, this bench was removed and the end wall plastered. No other bench was to be engaged to the wall until the restoration projects of the 1890s, during which Haddock discovered the joist holes and assumed that the original bench level was at the higher course.

The bench which these "restorationists" installed in 1897 remained in place until the work by the National Park Service in the 1960s. In 1966, the restoration architects had a new bench installed at the lower course, according to original wall evidence and documentary information. This bench can be seen in place along the west wall.

NOTES

Appendix A

[1] Minutes of the Meeting of the Commission on the Restoration of Independence Hall, December 1, 1897, "Documents Relating to the Physical History of Independence Hall, 1891-99;" Harrison Collection, APS.

[2] Penelope Hartshorne, Architectural Analysis of the Supreme Court Room of Independence Hall, TS, April, 1959, p. 22.

[3] The photographs to which I refer are all available in the INHP negative files. Their numbers are: July 4-8, 1873 (178-A, 178-B, 178-C and 178-D); from the spring of 1875 (2110-C); from c. 1876 (5742, 5743, 174); from 1896 (1650, 1651). For a brief history of the National Museum as it relates to the Supreme Court Chamber, see: Staff, Independence National Historical Park, Historic Structures Report, Part II, Independence Hall, TS, April 1962, Chap. II, Sec. 1, pp. 111-3; and, Frank M. Etting, An Historical Account of the Old State House of Pennsylvania, 2nd edition (Philadelphia: Porter & Coates, 1891), pp. 179-82, 183.

[4] Independence Hall Restoration, small volume (unlabeled scrapbook), p. 16 (clipping, n.d., no identification), Etting Collection, HSP.

[5] Public Ledger, 30 August 1850.

[6] Ibid.

[7] Lee H. Nelson and Penelope Hartshorne Batcheler, Summary Notes on Justification of the Placement of Architectural Elements in the Supreme Court Room of Independence Hall, MS, c. 1968, Volume 1, pp. 35-65.

[8] Lee H. Nelson, Historic Structures Report, Part II (portion) Independence Hall, Supreme Court Ceiling, Entablature, and Wall Panelling for the North, South and East Walls; Architectural Data Section, TS, August 1966,

pp. 14-17; Nelson and Batcheler, Summary Notes, MS, Volume 1, pp. 35-65, especially pp. 49-50; Architectural Evidence Drawings - see Drawings 1, 2 and 3 in this Plan.

[9] Commonwealth of Pennsylvania, Acts of the General Assembly of the Commonwealth of Pennsylvania. . . 1815 (Harrisburg: Printed by Jacob Elder, 1816), Chap. CXVIII, pp. 162-63. The entire history of this unfortunate event can be traced in the 1816-1818 records of the City (County) Auditor's Minutes, 1810-1826, Philadelphia Municipal Archives.

[10] Apparently, the "alterations" of the County Commissioners were very unpopular, even at the time they occurred: The Portfolio, XVII (1824), 310-11: John Read, Jr., to City Commissioners, 7 September 1816, Book 5, John Read, Jr. Papers, 1769-1859, Library Company of Philadelphia; C. G. Childs, Views in Philadelphia, Etc. from Original Drawings, 1827-1830. n.p. In addition, the County Commissioners unanimously moved on March 6, 1817, to disallow the expenditures made by the Commissioners in repairing the State House: City [County] Auditor's Minutes, 1810-1826, entries from March 6-7, 1817. See also: Poulson's Daily American Advertiser, 23 April 1817. Note, however, that the Auditor's decision was appealed and won in court by the County Commissioners: City [County] Auditors' Minutes, 1810-1826, "Auditors Report on Accounts of County Commissioners, 1818", n.p., Philadelphia Municipal Archives.

[11] Philadelphia Contributionship Survey No. 3795, Survey Book 1795-1824, 2nd Mo. 26, 1818. [Signed] JNO. C. Evans. (INHP Library, microfilm reel #12).

[12] Philadelphia Day Book of an unknown plasterer, 1812-1818, MS, HSP. See entry for 20 September 1816, p. 191.

[13] Lee H. Nelson, Historic Structures Report, Part II, (portion), Architectural Data Section on Independence Hall, Supreme Court Ceiling,

Entablature, and Wall Panelling for the North, South and East Walls, TS, August, 1966, pp. 14-17.

[14] Nelson and Batcheler, Summary Notes, MS, Volume 1, p. 40.

[15] Summary Notes, Volume 1, pp. 23, 40, 60-64, 69-71; Evidence Drawing, West Wall, 3425/4 of 50 (Drawing 1).

[16] Unfortunately, the south-west pilaster lost the stile below its fluted shaft sometime during the many alterations to the area, but happily, this lost evidence would almost be superfluous in light of the evidence from the other elements just discussed.

[17] Evidence Drawing 3425/4 of 50 (Drawing 1).

[18] The fact that the area beneath the pilaster base was painted would be significant for dating purposes, except that the one layer of finish paint found there does not match any single layer of paint from elsewhere in the room sufficiently enough to establish a relationship: Memo to Miss P. Hartshorne, architect, from A. F. Clapp, conservator, October 19, 1958; Penelope Hartshorne, Log of Restoration of Independence Hall, 1955, 56, 57, 59, Supreme Court Room, MS, INHP Files.

[19] Investigations of the room's fabric have revealed that its paneling predates that of the hallway, which was installed in the 1750s. The bills and vouchers for the carving of the hallway paneling by Samuel Harding are very complete, and make no mention of any work on the two first floor chambers which flanked the hallway. Thus, the period of extensive construction previous to the hallway installation must be examined for documentary corroboration of the physical evidence. See: Norris Papers, Issac Norris, Province of Pennsylvania Account, Loan Office Accounts, 1756-1766, MS, HSP: Pennsylvania, Department of Property and Supplies, Pennsylvania Archives,

Eighth Series, VI, 4860; Edmund Woolley's Account with the Province of Pennsylvania, 1750-1758, in Norris Papers, MS, HSP.

[20] Pennsylvania Archives, Eighth Series, III, 2682; IV, 2716.

[21] Pennsylvania Archives, Eighth Series, III, 2682.

[22] Pennsylvania Archives, Eighth Series, III, 2689.

[23] James Hamilton, the executor of his father's estate, is listed in one of the settlements of accounts as having charged £ 35.0.0 ". . . in full satisfaction for the Carved Work in the said Building." Pennsylvania Archives, Eighth Series, IV, 2716. Gustavius Hesselius is recorded in the May 29, 1742, settlement of Andrew Hamilton's accounts as being owed ". . .a considerable sum. . ." for painting the State House. This entry probably marks the final stage of the installation of the paneling in the lower chambers of the pre-tower State House, for the last step in constructing any paneling system is to paint it. The extent of his work is indicated by the committee's entry, ". . . a considerable sum. . ." and the amount actually paid him, which, for the day, was considerable indeed: £ 31.18.4. Pennsylvania Archives, Eighth Series, IV, 2767, 2857.

[24] Pennsylvania Archives, Eighth Series, IV, 2868.

[25] Pennsylvania Archives, Eighth Series, IV, 2909.

[26] A complete list of the accounts for both of these carpentry projects can be found in Appendix C of this study.

[27] "Bill of Carpenters Work at the Statehouse by Joseph Rakestraw, No. 21. For £ 292. . .5. .-.", M-Independence Square, State House Maintenance Vouchers, 1789, January-October, State Archives, Harrisburg.

[28] Register General Financial Record, Journal, MS, July 2, 1792--March, 1796 entry for March 14, 1793, pp. 241-2; Ledger: July 2, 1792 - November 28, 1793, Records of the Office of Register General, Papers of the

Register General, R.G. 24, entry for March 18, 1793, pp. 269-70, both at State Archives, Harrisburg.

[29] See also: Appendix C, p. 15. Journals of the House of Representatives of the Commonwealth of Pennsylvania. . . 1776-1781. . . (Philadelphia: Printed by John Dunlap, 1782), entries on 21 January 1784, p. 103; 1 March 1784, p. 159; 8 March 1784, p. 174. The above entries trace the history of a motion in the House to have the courtroom made "more convenient." Though finally passed on in the negative, the attempt in 1784 by someone in the legislature to have £ 150 spent on making the courtroom more convenient belies the quality of the plan for the room which Robert Allison drew up in 1778. A hint of just what must have been inconvenient about the room is perhaps supplied by the itemization in Joseph Bakestraw's bill from 1789, which includes the entry, ". . .Lenthing [sic] the Judges Seat. . .". The connection between this proposed work and the needs expressed in the motion of five years earlier is strengthened by a proposal by H. Brackenridge in 1786 to have the room enclosed, for Joseph Rakestraw included the partitioning of the room from the hallway in his 1789 bill. It is very likely that all the much needed work on the room was included in Rakestraw's one bill. "Bill of Carpenters Work at the Statehouse by Joseph Rakestraw. . .", State Archives, Harrisburg; for a contemporary account of Brackenridge's proposal, see the Pennsylvania Gazette, 23 November 1786.

APPENDIX B

GALLERIES: THE PHYSICAL EVIDENCE

(Note: Any conjecture about the identity or use of the galleries, while touched upon here, is handled more thoroughly in the "Bar" section of the Plan, Section C, Part 1).

In 1956, the north and south wall dado was removed in the course of investigations on the courtroom to see why it had been replaced in the 1896 restoration. Beneath this paneling many holes were discovered in the brick wall. According to Penelope Hartshorne Batcheler, "They had been dug out, used, and refilled. The holes which could be interpreted as a group, implying a particular use, were the series under the middle windows, of the north and south walls. The holes of the two groups, directly opposite each other, are in a stepped pattern, rising to the east side of the room."[1]

Unlike the joist holes on the west wall, the holes on the side walls cannot be specifically dated. The adjacent woodwork, which might have provided a means of dating, had been removed in c. 1816 when the chair rail was raised.[2] The only remaining recourse--to date the mortar in-filling--was attempted in 1956 and 1957 and provided no useable results.[3] With all the physical sources of dating information exhausted, there remained but one recourse: to date these holes by examining the available documentary evidence. Fortunately, at least a partial solution to the mystery of identification and dating lies here.

Appendix B

The Nineteenth-Century Galleries

A critical point in the history of the courtroom occurred in the 1890s when T. Mellon Rodgers directed the restoration of the Supreme Court Chamber. His work is so vital, not only because of the original features that were forever destroyed by this "restorer," but also because he left to posterity a complete photographic and written account of his work. Two photographs of particular importance were taken during the work of December, 1897. One shows the dismantling of the northeast archway partition; the other, the take-down of the southeast partition (Illustrations 15 and 14). From these two photographs alone one can see that the enclosed spaces within the end arches had once been closets. In particular, note the slanted rail visible to the right in photograph number 15, and the height of the floor line indicated on the back sheathing boards: obviously these partitions must have included more than a simple closet and door in their structure. The explanation of this evidence is found in an earlier series of photographs taken of the National Museum between 1873 and 1876.

Illustration number 12 gives an excellent view of a pair of stepped platforms. At the back of each is a door which, as the 1896 photos revealed, leads to enclosed, shelved closets.[4] Of special interest, though, are these stepped platforms. They obviously are remnants of the former courtroom, requisitioned from the Court of Common Pleas for the National Museum in 1873. As with the judges bench, the platforms are features which originally served a

different function but are adapted to a new use by the museum. Looking at the structures and considering their location within the room, one might guess that they were intended for some sort of audience, such as a spectator's area.

Indeed, an article from the Public Ledger written in 1850 indicates such a use: "In the spectator's galleries the old benches have been removed to make way for new settees."

The reporter, because of his use of the plural, could only have been talking about these stepped platforms at the east end of the room. Thus, during this period, these platforms were galleries for the public. Before 1850, benches sat on their steps; after that date, settees were on them. But when were these galleries first built? To answer this question we must return to the work of the Park Service restoration architects in the 1960s.

In 1962 four of the boards from the inside closet sheathing of the north archway were found in the lowered ceiling. Apparently, when T. Mellon Rodgers lowered the ceiling in 1896 his men reused some of the wood they tore out. These four boards were used as scabbing in the framing for the new (lowered) ceiling (Drawing 6).

When reassembled they reveal some interesting characteristics. For instance, by examining them one learns that they were, with the galleries, part of one framing system, because the boards terminate at the exact height of the back line of the galleries. More importantly, examination reveals that the boards must have been

installed at the same time as the galleries to form one framing system, because they contain only one set of nail holes. If these boards had first been put up, then later taken down when the galleries were installed, only to be shortened and put back up, they would show this reinstallation by the number of sets of nail holes they contain. That the boards only have one set of holes substantiates that they were only put up once--and that when they were, the galleries were a part of the system they formed.

Of the nails in the boards, two general types were found. The more common were wrought nails. As the drawing shows (Number 6), these nails were found in the center portions of the boards and were used to hold the shelving in place. At the ends of the board, used to hold them to the wall, were found cut nails. Wrought nails were used for the shelving so that they could be clinched on the inside to hold the shelves in place, while the harder--but more brittle--machine cut nails were used to hold the boards in place. These cut nails are important, for as the text of the drawing points out, such machine-cut nails were in use between c. 1815 and 1830.

The only record we have of major work during this period is the "improvements" of the County Commissioners in 1816-18. Although these repairs are on the early end of the period given for this type of nail, the validity of assigning these boards to this period is substantiated by two other pieces of evidence.

One is the fire reported in March of 1824.[5] The paper reported that a fire was set against the east wall of the courtroom but was stopped before any serious damage was done. L. H. Nelson reports evidence of this fire on the southeast archway. He also points out that the charring on the intrados ends abruptly a few inches in from the edge--just where the sheathing must have been.[6] Thus, the sheathing was in place by the date of the fire, 1824.

The other evidence placing the construction of these boards to the 1816-18 period has been lost, but we have record that found on the back of the boards to these partitions was the inscription, "McDonald, 1818."[7] If reported accurately, this graffiti certainly places the construction of the inner--or room side--sheathing to the last year of the County Commissioners' work when they spent a great deal of money on the State House for work of an undetermined nature.

The Eighteenth-Century Galleries

In the section directly above the existence, function and location of the two rear galleries was established for the period from 1816 to 1896. This chore was necessary to show that from 1816 on, there was no structure attached to the side walls beneath the center windows, for as long as the galleries against the rear (or east) wall of the room were in place, they left no room for any large structure beneath the center windows. We will now learn from the evidence when, during the 76 years from c. 1740 to c. 1816, similar

structures to the photographed galleries existed across the center of the room.

It is known that throughout the period between 1740 and 1816 there were two major contracts let out to alter the Supreme Court Chamber. Also, as the records make clear (Appendix C), the man to oversee the most extensive alterations to this room, Robert Allison, left no record of what was done by his workers. We only know that enough materials were purchased and enough men were employed to effectively rebuild all of the large implacements within the room. Without physical evidence such as that which is available for the judges bench, we will be unable to know conclusively the extent of Allison's involvement with the structures beneath the center windows. The fact that his work was so extensive, however, makes it highly likely that he either introduced the structures to the room or copied them from ones which existed before the British occupation of 1777-78; for, as the "bar" section of the plan makes clear (pp. 27-31), copious references exist from the 1780s and 1790s which mention galleries or imply a gallery-like area.

The most important substantiation that large implacements existed here at the end of the 18th century can be found in the records of the other master carpenter to work on this room during the period, Joseph Rakestraw. In his "Bill of Carpenters Work at the Statehouse" dated 1789, Rakestraw writes:[8]

	To Laying a floor in the Court Room	
	Lenthing [sic] the Judges Seat - Rasing the floor	
not done	seats whare the Lawyers sett--Repairing the Baces-and	x75-0-0
	Pedistals-and side of Lining on the wall-by the steps....	
	For Board scantling, nails, sprigs & c. for the Above Room.	x15---0

The records clearly show that the above job was never done. On this very bill someone marked that these jobs were yet to be done, and the final disposition of accounts to Joseph Rakestraw show that he received the billed amount, less the cost of the above. Thus, assuming the word "rasing" to mean razing (which only makes sense in the context it is used--see Appendix C), we can conclude that Rakestraw never razed the implacements he was paid to remove, and so never had to repair the pilaster bases, pedistals or wall lining that would have been exposed had he taken the structures away from their spots on the wall.

Returning to the work of Robert Allison in 1779, we can briefly examine the record of repairs to the State House available from before his employment by the State to see if indeed he created an entirely new feature by building the galleries referred to in the 1780's and 1790's, or if he merely replaced an earlier feature when he drew up his plan of work to be done. Unfortunately this record is somewhat sparse, but there are two items from 1773 and 1774 which might help shed some light on the mystery.

In January of 1773, Jared Ingersoll, then studying law in Pennsylvania, wrote a letter to "Jno Ingersoll" in which he described

his attendance at a crowded trial in the State House. Describing his entrance to the courtroom he said, "I struggled to the bar and got a seat."[9] Admittedly this isn't much to go by, but it does establish that either within the bar, or as a part of it, there was an area reserved for lawyers observing the trials in the State House. As pointed out in the "bar" section of this plan (pp. 34-39), this was a universal feature of courtrooms in England and America in the 18th century. Certainly such accommodations were provided in the colony with the largest and most prestigious bar in America.

The Votes of Assembly, as recorded in Pennsylvania Archives, Eighth Series, have in October 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.[10]

That this refers to more than just a bar in its most simple, physical sense is very likely, for the resolution makes no sense when applied to a simple railing. The Assembly must have had more in mind when they passed this resolution, perhaps an area for lawyers such as the one Jared Ingersoll spoke of the year before.

Thus, such structures as galleries may have existed in the Supreme Court Chamber before the Revolutionary War. That lawyers had a defined area either as a part of, or within, the bar is certain, but whether they had boxes similar to the one pictured in the Court of Chancery or the 1870s photographs of the Supreme Court Chamber, we don't know. The only concrete statement that can be

made about the date of the center window structures is that Allison almost certainly built the ones which remained in the room from 1779 until c. 1816; all evidence indicates that the British damaged the fixtures of the room too heavily to leave much more for Robert Allison to do than draw a plan and build an entirely new courtroom. Whether Allison copied his "galleries" from an earlier plan or whether he created them entirely new will have to remain unanswered until new evidence turns up which will shed a bit more light on the subject.

NOTES

Appendix B

[1] Penelope Hartshorne, Architectural Analysis of the Supreme Court Room of Independence Hall, TS, April, 1959, p. 26.

[2] Lee H. Nelson, Historic Structures Report, Part II, (portion), Architectural Data Section on Independence Hall, Supreme Court Ceiling, Entablature, and Wall Panelling for the North, South, and East Walls, TS, August, 1966, pp. 41-43.

[3] Penelope Hartshorne, Log of Restoration of Independence Hall, 1955, 56, 57, 59 Supreme Court Room, n.p., MS, INHP Files.

[4] That the archway enclosures were closets is amply stated in a newspaper from the period of the room's restoration: "At some period early in the century the northern and southern arches were completely closed by boarding up the hallway and room sides and placing in the room a door and using each enclosure as a closet." The Times Sunday Special, 3 July 1898, p. 17.

[5] Democratic Gazette, 25 March 1824, in Nelson, pp. 35-36, FN 28.

[6] Nelson, p. 36.

[7] The Times Sunday Special, 3 July 1898, p. 17.

[8] "Joseph Rakestraw, Bill of Carpenters Work, No. 21, £ 292..5..--," M-Independence Square, State House, Maintenance Vouchers, 1789, January - October, State Archives, Harrisburg.

[9] Letter of Jared Ingersoll, Jared Ingersoll Papers, New Haven Colony Historical Society.

[10] Pennsylvania Archives, Eighth Series, VIII, 7158.

APPENDIX C

ALLISON AND RAKESTRAW ACCOUNTS

Documentation for Allison and Rakestraw's work on the Supreme Court Chamber is available in a number of primary source documents. Many transactions appear in two or three different sets of records. The accounts included in this appendix are a selected sample of those extant. The end of a citation is indicated by five asterisks (* * * * *).

Accounts Related to the Work of Robert Allison

Mss Bill from an English Collection, Marian Sadtler Carson Collection, Bryn Mawr — March 20, 1778

Expence attending ye fitting up ye Barracks for ye Royal Artillery, at ye state House, School House & in Chesnut Street Philadelphia March 20th 1778

	£ s d
For 9328 feet of Deal at £ pr 1000 s10	93 5 -
250 lb of nails at 1.3 lb	17 12 6
500 feet of Board for Scantling 2d pr foot	4 3 4
3 Iron stoves, 2 at £4 one at 5	19 18 8
3 overseers, one at each Barrack 36 days at 1.6 pr day	8 2 -
12 Carpenters do at 1/3 272 days	17 - -
3 Labourers do 10d 108 Do	4 10 -
Glaziers Bill	33 8 -
Total	197-19-6

6th April

W.fford 1st Lieut. QM [?]

Recd the above in full
W.fford

Royal Regmt of Artillery

* * * * *

Appendix C

Pennsylvania Magazine of History and Biography — July 13, 1778
Volume 22, page 114

Josiah Bartlett to Col. Langdon

"Philadelphia, July 13th 1778.

"Dear Sir.

"The Removal of Congress to this City has greatly retarded Business, we have not yet procured proper offices for our several Boards and Committees; hope in a few days we shall be better accommodated and attend with more alacrity to business.

"The Congress meets in College Hall, as the Sta te House was left by the enemy in a most filthy & sordid situa tion, as were many of the public and private Buildings in the City. ....

* * * * *

Records of the Supreme Executive Council — 18 July 1778
Executive Correspondence 1778
Division of Public Records, Harrisburg

In Council
Philadelphia July 18 1778

Ordered

That Mr Robert Allison be directed to secure the plank, scantling &c left by the enemy on the lines and in the redoubts and remove them to places of safety. And that he provide suitable materials for repairing the Court room in the State house and draw a plan for the necessary repairs.

Extract from the minutes
Ty Matlack Secy

[Reverse]

110. 9. 6
49. 8. 3
16.15
176. 2. 9
335.14. 8
511.17. 5

Mr. Robert Allison
p [covered]

* * * * *

Burnett, Letters of Members of the Continental Congress, III, 340 — July 20, 1778

Josiah Bartlett to William Whipple

...the State House which was left by the enemy in a most filthy situation[3] and the inside torn much to pieces and is now cleansing and repairing for the purpose...

[3]The Sparks copy has "condition." Cf. nos. 404, 411, ante.

* * * * *

Burnett, Letters, III, 351. — July 27, 1778

#438. Josiah Bartlett to William Whipple.[1]

. . . . The (State) House (is) nearly cleansed and fitted up. (for the Gerard Ceremony of an audience) . . . .

1. Library of Congress, Force Trans., Whipple, p. 525; Harvard Univ. Lib., Sparks MSS., no. 52, vol. II., f. 214 1/2.

* * * * *

Britton & Allibone's Bill, — 7 Oct. 1778
State House Papers,
Public Records Office, Harrisburg

Colon[11] Allison for the state of Pensylvania
1778 To Britton & Allibone D[r]

October 7 th To 1204 feet of Inch & q [r] pine boards @ 64 £ 38.10.6

To 37 do hart 2 Inch pine plank @ 9 1. 7.9

£ 39.18.3

Rec[d] the Above Boards for the Court Room

Rob[t] Allison

...

* * * * *

Appendix C

B- Independence Square, State House, Sept. 11-Oct. 30, 1778
Maintenance Vouchers, 1778, Sept.-Dec.
State Archives, Harrisburg

September 11d The State of Pensilvany
Octobr 31d To Piles & Truman
1778 To 313 feet of 1 [torn] pine bords ---------- £ 15- 7-10
To 1202 feet of 1i pine bord ---------- 31- 6-10
To 5 Bundles of plastering Lath ---------- 1-17- 6
£ 48-12- 2

S The Above was dilivrd to Mr Robbert Allison for the house of the State [of Pennsylvania (this is torn)]

Sir
Mr Piles has Applyed to me Respecting ye Above Account I Do Remember in getting Some Boards but to what Amount I Can Not Now Recolect As I Signed the Account as I got it I Dare Say ye Rec[ord] may be Just-
from Your Obd St
Robert Allison

[on other side:]
Note Mr Alliso[n] had monies advance to him [a]nd in his Acct. [Settled ?] by Assembly he has charged for lumber purc[ha]sed of Sundry persons he Must [s]epose that this is not contained therein otherwise the claim lies ag[ain]st him
[J. L. (?)]

* * * * *

B-Independence Square, State House, Nov. 15, 1778
Maintenance Vouchers, 1778, Sept.-Dec.
State Archives, Harrisburg

Philada Novr 15th 1778

Mr Robt Alison
Bought of John M'Culloh for the use of court room
631 feet of 5/4 pine boards ---------- a 64∫1 ---£20. 4.--
200 Shingles for the use of the old Work=House ---------- a 45∫----- 4.10.--
£24.14.--
100 lb of 12d [6?] ---------- a 7/6 ---- 37.10.--
20 ob of 8d ---------- a 8/ ----- 8.--.--
£70. 4.--

To Col1 Matlack Esqr
The Above Recd
pr me-Robt Allison
[on other side of this:]
John MCulloch
Accott-Contingent Expences
£70..--..4
Tr [obliterated]rs Accot 1779
Col: Alison

* * * * *

Painting Measurer's bill 21 Dec. 1778
State House Papers
Public Records Office, Harrisburg

Measured painting Done by Wm Fling for the
State of Pennsylvania on a necessary at the
State House & find
40 Yards at 8 p yd ₤ 16..-..-
Meas g 20) Decemr ye 21st 1778 p Jo Thornbill 10..6
To paintg and Glazing 32 lights 10 by 8 at 10d each 16..-..0
To 1 lb. white lead at my Request ..11..-
Robert Allison ₤ 33 .. 1 .. 6

* * * * *

State Archives, Harrisburg Jan. 29, 1779
Comptroller General Financial Records
Journal "A-1" (1775-1786) p. 87

Contingent Exp. for 1779

Pd. John McCullock ... boards, shingles & nails for the Court room in the State House ... Jan. 29, 1779 ... ₤70.4.0

* * * * *

State Archives, Harrisburg Feb. 1, 1779
Comptroller General Financial Records
Journal "A-1" (1775-1786) p. 87

Contingent Exp. for 1779

Pd. William Fling, painting & glazing at the State & Work House ... Feb. 1 ~~xxx~~ ₤101.5.6

* * * * *

C-Independence Square, State House, [Feb. 26, 1779]
Maintenance Vouchers, 1779,
Jan-July, State Archives, Harrisburg

To the Honnourable
The Executive Council-
I Am Sorre that I am so troublsome to Council, I Received an Order for four

hundred Pounds on Feby 1 which was only half I then Expected which if my Request had been Complyed with would Not have troubled Council for some time. Your Complyance with an Order for four fundred pounds will Greatly Obligge

Your very humble Servant
Robert Allison

N.B. I should be glad also to have as Much money [to(?)] Discharge the Inclosed Acct^{s} as they look to me for the money. Otherways Grant An Order for the payment's thereof

[on other side:]

To Honnourable
The Executive Council

1779 rec^{d} February 26th
From Robert Allison

* * * * *

C-Independence Square, State House, Oct. 12, 1778
Maintenance Vouchers, 1779, Ap. 3, 1779
Jan-July, State Archives, Harrisburg

State of Pennsylvania

1778		To John Cornish ------	D^{r}	s	d
Oct^{r}	12	To Turning & Ball for the State House ------	£6..	0..	--
1779					
Feb^{r}	17	To 12 Posts for a Table a 12/6 ----------	7..	10..	--
Mar	3	To 9 Arcle[1] Mouldings ----------	8..	5..	--
	5	To 8 Newell Posts a 18/9 ----------	7..	10..	--
Apr	3	To 1 Collum ----------	6..	--	--
		To 7 Doz Bannisters with Squares a 90/ --	31.	10..	--
			£ 66..	15..	--

The Above work was Engaged by me for the Use of the State House Court Room &

Robert Allison

[on other side:]
1779 rec^{d}. July 19th John Cornish
account for turning work for
the Court room
£ 66-15- 0

Continj Expences
1779

[1]Later, handwritten notation: Circle

* * * * *

C-Independence Square, State House, Feb. 24-April 4, 1779
Maintenance Vouchers, 1779,
Jan.-July, State Archives, Harrisburg

The State of Pensylvania
To William Hurrie D[r]
For his attendance as door keeper and Cash Laid out
for the Use of the House

1779

Febrauary:	24 working dayes a pr day	£
March	27 Ditto -	
Aprile	4	
	64 Dayes at 1..10.. 0 - - - - - - - - - - - - -	£ 96..00.. 0

Hono[bl] Gentlemen I have put in this bill without an ffixt price to the dayes I Leave to the hon[ble] House to doo as they know very well
My fatuge this Session and the prices of things.

Jan[ry] 28.	To Cash paid for a scrubing brush - - - - - - - £	1.. 6.. 3
	Ditto Cash pd a woman for washing out Both Rooms- - -	1..17.. 6
	To Ditto Cash pd for sawing two Cord of Wood and Carying it in a 1 £:15 sh pr - - -	3..10.. 0
febry 12	To Cash pd for sawing and Carying in of four Cord of wood - - - - - - - - - - - - - - - - - -	7.. 0.. 0
	To Cash pd for 3 yards & one half of tape - -	0.. 3.. 6
March 4	To Cash pd for one sweeping brush - - - - - - -	1..10.. 0
7	To Cash pd for sawing 3 Cord and Carying in -	5.. 0.. 0
29	To Cash pd for 2 Cord and a half - - - - - - -	4.. 7.. 6
		£ 24..19..19

[on other side:]

No 5188 4964

Account of Wm Hurrie
1779

* * * * *

Folder "D" Independence Square, State House Jan. 1 - Apr. 9, 1779
Work Rolls 1779, Jan. 1 - Mar. 22
Int. Improvements File
Public Records Office, Harrisburg

State of Pensylvania To Rob[t] Allison D[?]
Finishing the Court Room State House
Jan[y] 1 1779-

George Wood	2 D a 6 D[s] £	4.10.0
Joseph Rhoads	2 D a 6 D[s]	4.10.0
Allan McRollin	2 D @ 5 D[s]	3.15.0
Geo: Candish	2 D @ 5 D[s]	3.15.0

Appendix C

Thos: Blair	2 D @ 5 D	3.15.0
Robt Leetch	2 D @ 5 Ds	3.15.0
William McKlarey	2 D @ 5 Ds	3.15.0
14 1/2 pints whiskey		5.15.0
2d Week Jany 4th		33. 0.0
George Wood	6 D a 6 Ds	13.10.0
Joseph Rhoads	6 D @ 6 Ds	13.10.0
Allan McRollin	6 D @ 5 Ds	11. 5.0
Geo: Candish	6 D @ 5 Ds	11. 5.0
Thos: Blair	6 D @ 5 Ds	11. 5.0
Robt Leetch	6 D @ 5 Ds	11. 5.0
William McKlarey	6 D @ 5 Ds	11. 5.0
42 1/2 pints whiskey		7.17.6
3d Week Jany 11		£91. 2.6
George Wood	6 D @ 6 Ds	13.10.0
Joseph Rhoads	6 D @ 6 Ds	13.10.0
Allan McRollin	6 D @ 5 Ds	11. 5.0
Geo: Candish	6 D @ 5 Ds	11. 5.0
Thos: Blair	6 D @ 5 Ds	11. 5.0
Robt Leetch	6 D @ 5 Ds	11. 5.0
William McKlarey	6 D @ 5 Ds	11. 5.0
42 1/2 pints whiskey		7.17.6
4 Week Jany 18		£91. 2.6
George Wood	6 D @ 6 Ds	13.10.0
Joseph Rhoads	6 D @ 6 Ds	13.10.0
Allan McRollin	6 D @ 5 Ds	11. 5.0
Geo: Candish	6 D @ 5 Ds	11. 5.0
Thos Blair	6 D @ 5 Ds	11. 5.0
Robt Leetch	6 D @ 5 Ds	11. 5.0
William McKlarey	6 D @ 5 Ds	11. 5.0
42 1/2 pints whiskey		7.17.6
		£91. 2.6
5 Week Jany 25		
George Woods	6 D @ 6 Ds	13.10.0
Joseph Rhoads	6 D @ 6 Ds	13.10.0
Allan McRollin	6 D @ 5 Ds	11. 5.0
Geo: Candish	6 D @ 5 Ds	11. 5.0
Thos: Blair	6 D @ 5 Ds	11. 5.0
Robt Leetch	6 D @ 5 Ds	11. 5.0
William McKlarey	6 D @ 5 Ds	11. 5.0
42 1/2 pints whiskey		7.17.6
		£91. 2.6
6 Week Feby 2		
George Wood	6 D @ 6 Ds	13.10.0
Joseph Rhoads	6 D @ 6 Ds	13.10.0
Allan McRollin	6 D @ 5 Ds	11. 5.0
Geo: Candish	6 D @ 5 Ds	11. 5.0
Thos Blair	6 D @ 5 Ds	11. 5.0
Robt Leetch	6 D @ 5 Ds	11. 5.0
William McKlarey	6 D @ 5 Ds	11. 5.0
42 1/2 Whiskey £3.10		8.13.2
		£91.18.2

Appendix C

7 Week Feby 9		
George Wood	6 D @ 6 Ds	13.10.0
Joseph Rhoads	6 D @ 6 Ds	13.10.0
Allan McRollin	6 D @ 5 Ds	11. 5.0
Geo: Candish	6 D @ 5 Ds	11. 5.0
Thos Blair	6 D @ 5 Ds	11. 5.0
Robt Leetch	6 D @ 5 Ds	11. 5.0
William McKlarey	6 D @ 5 Ds	11. 5.0
42 1/2 pints Whiskey		8.13.2
		£ 91.18.2
8 Week Feby 16th		
George Wood	6 D @ 7 Ds	15.15.0
Willm Moore	6 D @ 7 Ds	15.15.0
George Candlish	6 D @ 6 Ds	13.10.0
Allan McRollen	6 D @ 6 Ds	13.10.0
Thomas Blair	6 D @ 6 Ds	13.10.0
Robt Leetch	6 D @ 6 Ds	13.10.0
Levi Roach	6 D @ 6 Ds	13.10.0
Willm McKlarey	6 D @ 6 Ds	13.10.0
48 1/2 pints Whiskey		10.10.0
		£123. 0.0
9th Week Feby 22		
George Wood	6 D @ 7 Ds	15.15.0
Willm Moore	6 D @ 7 Ds	15.15.0
George Candlish	6 D @ 6 Ds	13.10.0
Allan McRollen	6 D @ 6 Ds	13.10.0
Thomas Blair	6 D @ 6 Ds	13.10.0
Robt Leetch	6 D @ 6 Ds	13.10.0
Levi Roach	6 D @ 6 Ds	13.10.0
Willm McKlarey	6 D @ 6 Ds	13.10.0
48 1/2 pints Whiskey @ 4		12. 0.0
		£124.10.0
10th Week March 1		
George Wood	6 D @ 7 Ds	15.15.0
Willm Moore	6 D @ 7 Ds	15.15.0
George Candlish	6 D @ 6 Ds	13.10.0
Allan McRollen	6 D @ 6 Ds	13.10.0
Thomas Blair	6 D @ 6 Ds	13.10.0
Robt Leetch	6 D @ 6 Ds	13.10.0
Levi Roach	6 D @ 6 Ds	13.10.0
Willm McKlarey	6 D @ 6 Ds	13.10.0
48 1/2 pints Whiskey @ 4		12. 0.0
		£124.10.0
11th Week March 8th		
George Wood	6 D @ 7 Ds	15.15.0
Willm Moore	6 D @ 7 Ds	15.15.0
George Candlish	6 D @ 6 Ds	13.10.0
Allan McRollen	6 D @ 6 Ds	13.10.0
Thomas Blair	6 D @ 6 Ds	13.10.0
Robt Leetch	6 D @ 6 Ds	13.10.0
Levi Roach	6 D @ 6 Ds	13.10.0
Willm McKlarey	6 D @ 6 Ds	13.10.0
48 1/2 pints Whiskey @ 4		12. 0.0
		£124.10.0

Appendix C

12th Week March 15		
George Wood	6 D @ 7 D^{s}	15.15.0
Willm Moore	6 D @ 7 D^{s}	15.15.0
Allan McRollen	6 D @ 6 D^{s}	13.10.0
George Candlish	6 D @ 6 D^{s}	13.10.0
Thomas Blair	6 D @ 6 D^{s}	13.10.0
Robt Leetch	6 D @ 6 D^{s}	13.10.0
Levi Roach	6 D @ 6 D^{s}	13.10.0
Willm MKlarey	6 D @ 6 D^{s}	13.10.0
48 1/2 pints		13.10.0
		Ł126. 0.0
13th Week March		
George Wood	6 D @ 7 D^{s}	15.15.0
Willm Moore	6 D @ 7 D^{s}	15.15.0
Allan McRollen	6 D @ 6 D^{s}	13.10.0
George Candlish	6 D @ 6 D^{s}	13.10.0
Thomas Blair	6 D @ 6 D^{s}	13.10.0
Robt Leetch	6 D @ 6 D^{s}	13.10.0
Levi Roach	6 D @ 6 D^{s}	13.10.0
Willm McKlarey	6 D @ 6 D^{s}	13.10.0
48 1/2 pints Whiskey @ 4.10		13.10.0
		Ł126. 0.0
14 Week March 29		
George Wood	6 D @ 7 D^{s}	15.15.0
Willm Moore	6 D @ 7 D^{s}	15.15.0
Allan McRollen	6 D @ 6 D^{s}	13.10.0
George Candlish	6 D @ 6 D^{s}	13.10.0
Thomas Blair	6 D @ 6 D^{s}	13.10.0
Robt Leetch	6 D @ 6 D^{s}	13.10.0
Levi Roach	6 D @ 6 D^{s}	13.10.0
Willm McKlarey	6 D @ 6 D^{s}	13.10.0
48 1/2 pints Whiskey		13.10.0
		Ł126. 0.0
15 Week April 5th		
George Wood	2 D @ 7 D^{s}	5. 5.3
Allan McRollen	2 D @ 6	4.10.0
Willm McKlarey	4 D @ 6	9. 0.0
8 1/2 pints Whiskey		2. 5.0
		Ł21. 0.0
My own time from Jany to April 9th		
Making in all 91 days a Ł4.10 p^{r} Diem		
		409.12.0
91 1/2 pints Spirits		38.10.0
Cash p^{d} for Lumber		76. 0.0
Cash p^{d} for Sundry hallings		12.10.0
D^{o} for Hinges and Screws		2. 0.0
To Brass Lock for Drawer		1. 0.0
To 122 Nails		122. 0.0 [?]
5 lbs Glew		7.10.0
To Sanded paper and Glass		5. 0.0
To Cleaning Out ye Courtroom		3.10.0
4000 Sprigs		12. 0.0
		Ł689.15.0

Amounts of Sums Each week

N° 1	Ł 33. 0.0		Ł2835.14.8
2	91. 2.6	Cash Received	1500
3	91. 2.6	Ballance	Ł1335.14.8
4	91. 2.6		[?]
5	91. 2.6	Errors Excepted	
6	91.18.2	for Robt Allison	
7	91.18.2		
8	123. 0.0		
9	124.10.0		
10	124.10.0		
11	124.10.0		
12	126. 0.0		
13	126. 0.0		
14	126. 0.0		
15	21. 0.0		
	Ł1476.16.4		
	689.15.0		
	669. 3.4	Ballance for Acc^{t}	
	Ł2835.14.8		

* * * * *

Independence Square, State House — Jan 1-Apr 9, 1779
Work Rolls, 1779, Jan-Apr.
Division of Public Records, Harrisburg

[Summary]

[7 to 8 men worked 15 weeks in the Supreme Court Chamber "finishing it."

Cash paid of lumber Ł76.0.0

* * * * *

C- Independence Square, State House — May 4, 1779
Maintenance Vouchers, 1779,
Jan.-July, State Archives, Harrisburg

To the Honorable The Pres^{t} and Council

As I have rendered in my last Acct About ten days ago should be very glad to have my Accts Settled When Convenient to Council, I now stand in need of money for myself and to Others I had employed-I understood when I Delivered my Acct that money was not plenty in the Treasury made me Decline Asking till now-I should be glad to be informed Whether Council chuses to finish

some Necessary Repairs to the Court Room if so I shall set one hand about it- I would recommend to Council to paint the work that has been Lately done in the Courtroom, which must be of great service to the work- if so I shall see it Done Your Answer's of the Above shall be Duly obeyed by

Philad[a] — Your very Humber Servant-
May 4, 1779 — Robert Allison

N.B. I have Declined my Trade at the Present but never the less shall see Any thing done you may Require of me-

[Letter addressed:]
To
The Honnorable the
Executive Council-
of
Pennsylvania
[Also on outside of this:]
1779 May 4[th] From
M[r] Robert Allison

* * * * *

C-Independence Square, State House — July 28, 1778 - May 11, 1779
Maintenance Vouchers, 1779,
Jan.-July, State Archives, Harrisburg

Dr

M[r] Robert Allison, House Carpenter,
To Cash paid him by Order of Council from July 28 1778 to May 11[th], 1779 inclusive
Viz

1778	July 28[th]	₤	150
	Aug 8		600
	31		800
	Sep. 25		500
	Oct. 27		200
	Nov. 21		600
1779	Jany. 2		300
	14		100
	Feb. 3		400
	March 1		300
	17		200
	April 5		500
	May 11		1000
		₤	5650

Dav[d] Rittenhouse Treasr

* * * * *

Appendix C

State Archives, Harrisburg
Comptroller General Financial Records (MS)
Journal "A-1" (1775-1786) pp. 90-91
Acc't No. (92)

Oct. 27, 1778 - May 11, 1779

Robt. Allison, House Carpenter - Pd. by order of Council on Account

Oct. 27, 1778 ...	£200.0.0	
Nov. 21, 1778 ...	£600.0.0	
Jan. 2, 1779 ...	£300.0.0	
Jan. 14, 1779 ...	£100.0.0	
Mar. 17, 1779 ...	£200.0.0	
Feb. 13, 1779 ...	£400.0.0	paid by order of Council on account for Work at the Court Room
Mar. 1, 1779 ...	£300.0.0	
Apr. 5, 1779	£500.0.0	
May 11, 1779	£1000.0.0	
	£3600.0.0	

* * * * *

C-Independence Square, State House,
Maintenance Vouchers, 1779,
Jan.- July, State Archives, Harrisburg

July, 1778 - May, 1779

Robert Allison House Carpenter Dr. To David Rittenhouse Esqr Trear
recd from him At Sundry times between July, 1778 & May 1779
---- £ 5650. 0. 0

Contingent Expenses for the year 1779 Dr.
To Robert Allison fore the Amount of his Account for his Own Services And Sundry Workmen and Expences engaged in taking down Redoubt, making Necessary House, Making Presses for the Records laying New Floor, repairing the old Work house, the Schuylkill Bridge and Sundry Small Jobs from July 1778 to April 1779 5650. 0. 0
Exclusive of the Sum of £ 511.17. 5 paid by Davd Rittenhouse Feby 1780 and charged to Tinginj' Expences being the balance As Settled by Committee of Assembly - - - - - - - - - - - - - - - - -

July 13th. 1783 [J.L.(?)]

[on other side:]
[4705 (torn)] No 698
Robert Allison House Carpenter
£ 5650
1778 & 1779
Settl [J.L.(?)]

* * * * *

Appendix C

State Archives, Harrisburg — Sept. 24, 1779
Comptroller General Financial Record (MS)
Journal "A-1" (1775-1786)
Contingent Expenses, 1780
p. 117 Acct. #77

Paid Levi Budd - by order of Council for Boards used in repairing the Court Room ₤ 25.4.6

* * * * *

Journal: Mar. 5, 1780 - Apr. 12, 1782, General Accounts, Records of office of State Treasurer, R.G. 28, Records of Treasury Department, Division of Public Records, p. 87 — Nov. 21, 1778 - Mar. 23, 1781

March 23d 1781

Sundry Accots Dr to State Treasurer

. . .

Robert Allison Carpenter for Cash paid him on Acct Novr 21st 1778	600
ditto for Cash paid him on Acct Jan 14th 79	100
ditto for ditto ditto for work done at Court Room in ye State House Mar 17 1779	200
ditto for Cash paid him on Acct Feb 3	400
ditto ditto ditto Mar. 15	300
ditto ditto ditto April 5	500
ditto ditto ditto May 11	1000
	3100

* * * * *

Appendix C

Accounts Related to the Work of Joseph Rakestraw

Minute Book, Oct. 27, 1783 - Mar. 19, 1784, p. 184, RG-7, Records of the General Assembly, Public Records Office, Harrisburg — Jan. 21, 1784

Wednesday January 21, 1784:

. . . . . .

Resolved, That a Committee be appointed to confer with the Judges of the Supreme Court, on such alterations, as may be necessary to reder the Place of holding said Court in the state House more convenient; and that the Committee report to the House an Estimate of the Expences attending the same.

Ordered, That Mr Colliday, Mr Rush, and Mr Potts be a Committee, for the Purposes contained in the foregoing Resolution

* * * * *

Minute Book, Oct. 27, 1783 - Mar. 19, 1784, p. 358, RG-7, Records of the General Assembly, Public Records Office, Harrisburg — March 1, 1784

Monday March 1, 1784. A.M.

. . . . . .

The Committee appointed January 21 last, to confer with the judges of the Supreme Court on such alterations as may be necessary to render the Place for holding the said Court in the State House more convenienct made Report, which was read, and

Ordered to lie on the Table

* * * * *

Minute Book, Oct. 27, 1783 - Mar. 19, 1784, p. 393, RG-7, Records of the General Assembly, Public Records Office, Harrisburg — March 8, 1784

Monday March 8, 1784. A.M.

. . . . . .

The Report of the Committee read March 1. was read the Second time as follows viz.

Appendix C

The Committee appointed to consult the Judges, respecting the Alterations necessary to be made in the Place, where the Supreme Court is held, beg leave to report.--

That they are unanimously of Opinion, that Alterations are absolutely necessary, and offer the following Resolution:

Resolved, That the Sumn of One hundred and fifty Pounds be appropriated, towards making the necessary Alterations for the Accomodation [sic] of the Supreme Court, and the President in Council be empowered to draw on the Treasurer of the State for the said Sum, and employ a proper Person, to make said Alterations

And on the Question--"Will the House adopt the same?"--it was carried in the negative

* * * * *

Minutes of 1st Session of Eleventh General Assembly of the Commonwealth of Pennsylvania, p. 47 — 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 exspense of setting up a stove therein.

Ordered that the further consideration thereof be postponed.

* * * * *

Minutes of Pennsylvania Assembly, 1778-1789, p. 134 — Mar. 10, 1789

State House in need of repairs. Messrs. Colliday, Hicke and Rakestraw to examine and estimate the necessary repairs.

* * * * *

Minutes of Pennsylvania Assembly, 1778-1789, pp. 157-158, 181. — Mar. 20, 1789; Mar. 25, 1789

Assembly discusses the need of repairs at the State House and that something should be done about it.

Appendix C

Minutes of Assembly of Pennsylvania, 1786-1789, Second Session, 13th Assembly, pp. 134-5 — March 10, 1789

The Council President delivered a letter dated March 10, 1789 stating needs of repairs to State-House building and enclosing an estimate. Ordered to lie on table.

p. 143, Read second time — March 13, 1789
Referred to a committee of three

p. 158, A resolution reported — March 20, 1789

Resolved, That the Supreme Executive Council be requested to have the necessary repairs done to the State House and the wings thereof, and to draw their warrant, or warrants on the State Treasury for any sum or sums, not exceeding eleven hundred pounds in the whole, for that purpose. Ordered to lie on the table.

p. 181, Read second time. Supreme Executive Council ordered to have work done by contract. — March 25, 1789

* * * * *

M- Independence Square, State House, Maintenance Vouchers, 1789 - Jan.-Oct., State Archives, Harrisburg — Jan. - Oct. 1789

Bill of Carpenters Work at the Statehouse by Joseph Rakestraw

To taking down a partition, Repairing it and puting it up in the Second Story of the Statehouse	£ -..15..0
To 700 small Sprigs 2 lb. of Nails, 1 Piece of Sash Cord and 2 dozn. of Screws - one pair of T hinges & Making a Small Door	-..16..6
To 133 Squr. 64 feet of Shingling and Shifting the lath	141..10..5
210 feet of Mouldings, Seri[aore]t, to the Shingling - Repairs under the Clock , a Copper gutter Shingles in the front Eves & 2 guters in the Back	8..3..2
Taking up the Balustrod on the top of the house and fasting them down after the Copper was Lay'd, and Repairing the Posts, & C	8..6..6

Appendix C

Taking down the Steps & Rails of the Stairs from the top of the house in to the Stepel and Making Most Part of them New.	
Taking off the Shingling on the top pitch - Repairing the Roof and Laying it all over with Boards - Sap. and groved to Copper - on	13..17..3
Repairing the Out-Side Stairs, going in to both Wings - and puting pules to both gates, 4 New Paniles in the Shuters of West-Wing = Making a Scaffold across the Inside of Stepel for the Pleasters and taking it down after theay had done the Cealing	4..12..6
To Sundry Repairs in the Assembly Room - Mending the Pilasters, Doors - and [Sur]bace &c = Sundrys on the Stairs and in all the Chambers of the Second Storey - and Repairing 27 Windows	13..1..-
To Making a Partition between the Entry and Court Room and repairing the Mouldings at Imposts -& Bace of Pilasters and a Pair of Large foulding Doors	8..0..2
To puting a Large Number of Pidgen holes - in Book Cases, and Descks - in Council Chamber and two New Locks	3..2..6
not done To Laying a floor in the Court Room Lenthing the Judges Seat - Rasing the floor & Seats, Whare the Lawyers Sett - Repairing the Baces - and Pedistals - and Side of Lining on the Wall - by the Steps -	x 75..0..0
not done For Boards - Scantling - Nails, Springs, &c - for the Above Room	x 15..-..0
℔	292..5..0

x q this And them is yet to be done the laying Court Room &- the Materials p Estimate above computed at ℔ 90-

(other side)

Joseph Rakestraw
Bill of Carpenters Work
No. 21
℔ 292..5..-

* * * * *

State Archives, Harrisburg
Register General Financial Record (MS)
Journal July 2, 1792 - March 1796
pp. 241-242

March 14, 1793

General Revenues Dr. to Jos. Rakestraw
For amt. his acct. for sundry Repairs to the State House

John & Thos. West - bill for Shingles, June 1789	₤ 54.13.9
Christ, Watson carrying & piling Do.	16.8
Wattson for carved work	3.11.1
Battes Clymer - hauling shingles	3. 0.0
Gerard Craig - Pointing	15. 5.0
Michael Gankle - nails	5. 8.11
Daniel McCully - do	9.18.4
Jos. & William Sansom - Copper	201.16.5
Robins & Weld - Lime	1. 2.6
Paul Engle & Co. - nails	6. 4.8
George Lebrand - Bricks	12.17.1
John & Thomas West - for Lumber	24.19.7
Harrison & McGee - Shingles	8. 5.3
Hauling a lood of Boares	0. 2.0
Samuel Fletcher - turning Posts	0. 8.0
Fincher Hillings - Plaisterer	11.14.11
Jos. & Wm. Sansom - Cooper	32. 5.7
Robert Haydock - Painting, Glazing, and putting on the Copper Roof	465. 3.11
Richard North's for marble work &c.	7.17.1
John West for Lumber	33. 7.10
Zebaten Potts - Lime	2. 9.6
his own Bill for Carpenters Work	292. 5.0
An Estimate for laying the Hall & Entry to the State House with Brick	40. 5.0
His trouble for seeing the different work executed & collecting materials	20. 0.0
	₤ 1258.14.4

By nett proceeds v ₤ 1100 paper money c1785 sold for specie received in sundry warrants	₤ 928. 0.0
By Copper Clippings & Laod Sold R. Haydock	35.18.1
By part v. load v Lime Sold	1. 2.6
By R. Haydock for sundry work a/c, not done	27. 0.7
By R. Qarth for a Door Sill not put in	3. 7.1
By charged by J. R. for laying the Court Room Floor & materials - work not done	90. 0.0
Do the Hall and Entry Bricks - not done	40. 5.0
	₤ 1125.13.1

133.1.1 = 354.81

* * * * *

APPENDIX D

QUESTION: WHY WERE GEORGE RUTTER AND MARTIN JUGIEZ NOT PAID?

Without a thorough investigation of late eighteenth-century Pennsylvania politics, it is impossible to develop a conclusive explanation for why Rutter and Jugiez could not obtain payment for their services. A clue, however, can be provided by reading the consideration by the House of the six petitions submitted by these two artisans between 1785 and 1796. The following list summarizes all the committee reports which either give a reason for non-payment, or provide some other related hint:

> November 1-10, 1785 Upon consideration of the first petition: report by committee of House recommends payment by the President of the Supreme Executive Council. Negative Vote.[1]
>
> February 11, 1789 Third petition: committee recommends that Rutter and Jugiez "ought to apply to their employers, and have leave to withdraw their petition."[2]
>
> March 8, 1792 Third petition: committee finds that Rutter and Jugiez were employed by the Supreme Executive Council, "in whose chamber a draft of the plan on which the same was intended to be made had been previously exhibited, and some alterations in the execution thereof suggested by them adopted."[3]
>
> February 13, 1796 Sixth petition: committee reports and recommends that Rutter and Jugiez, "...had placed the armorial bearings of this State, in the hall of the Supreme Court, without any authorized direction..."[4]

The above entries make it evident that the Supreme Executive Council ordered the Coat of Arms for the Supreme Court Chamber. Such an order by the Council would make sense. Not only were they in the habit of ordering artistic embellishments for the State House (witness the portrait of George Washington it ordered in 1779 from Charles Willson Peale),[5] but in the 1780's the courts were a part of the Council's executive responsibility. Having the authority to "draw upon the treasury for such sums as shall be appropriated by the House,"[6] it was the Council, not the courts, which had direct access to State funds. But here's the rub. In the section from the State constitution just quoted, one reads that the Council's power to draw on funds only extended to "such sums as shall be appropriated by the House." Even though the first three entries above clearly establish that Rutter and Jugiez were employed by the Supreme Executive Council, the last entry states that these two "had placed the armorial bearings of the State, in the hall of the Supreme Court, without any authorized direction." I believe that this apparent contradiction can best be explained by assuming that the Council had ordered the arms without first seeking an appropriation for the project from the House. Having no appropriation, the Council would be powerless to pay, and the House, being under no obligation, would have to consider <u>whether</u> to pay.

This supposition, however, merely deals with the House's excuse for not paying Rutter and Jugiez. But what of its motive? Without more detailed political information on the period, it would be hard to say. Reading the above entries carefully, though, it seems that the eternal struggle between the legislative and executive has something to do with the explanation. From the very start the House recommends that Rutter and Jugiez apply to the Supreme Executive Council for payment, but these two men repeatedly returned to the House, only to receive the same recommendation. It seems that the two artisans were caught between a Council which spent funds without the legislature's release, and a House resentful over this fact. Despite the compassion for these two men some members of the House expressed, political realities won out in the end.[7] In this light there is a biting irony to the recommendation that Rutter and Jugiez: "ought to apply to their employers, and have leave to withdraw their petition."

NOTES

Appendix D

[1] Commonwealth of Pennsylvania, Journal of the General Assembly of the Commonwealth of Pennsylvania... 1785 (Philadelphia: 1786 [?]), p. 35.

[2] Commonwealth of Pennsylvania, Journal of the General Assembly of the Commonwealth of Pennsylvania... 1788-89 (Philadelphia: n.d. [?]), p. 66.

[3] Commonwealth of Pennsylvania, Journal of the First Session of the Second House of Representatives... (Philadelphia: 1792), p. 209.

[4] Commonwealth of Pennsylvania, Journal of the First Session of the Sixth House of Representatives... (Philadelphia: 1795), p. 234.

[5] Commonwealth of Pennsylvania, Minutes of the Supreme Executive Council in Colonial Records, X1, 671-2.

[6] Section 20 of the Pennsylvania Constitution of 1776 in Pennsylvania Archives, XII, 61.

[7] That there was sympathy in the House for the cause of George Rutter and Martin Jugiez is amply shown by the record of the debates. Many committee reports expressed support for their petition, and the final showdown in the House over this issue on February 19, 1796 reveals a firm base of support for their cause. Several representatives made an attempt that day to block a resolution denying payment by offering their own motions to make payment. Journal of the First Session of the Second House (1792) p. 209; Journal of the First Session of of the Sixth House (1795), p. 234.

APPENDIX E

PAINT LAYERING

The following lists the paint layer sequences taken from various pieces of the original Supreme Court Chamber woodwork. More detailed information on many of these pieces can be found in Appendix A, Historic Structures Report, Part II (portion), Architectural Data Section on Independence Hall, "Paving in the Central Hall and Tower Stairhall," February, 1966, Lee H. Nelson; and in the Architectural Data Section from the same report, titled, "Supreme Court Room Ceiling, Entablature & Wall Paneling for the North, South and East walls," August, 1966, Lee H. Nelson.

At the end of this list is a memorandum written by Historical Architect Penelope Hartshorne Batcheler, which further explains the data presented in this appendix.

The numerical notations are from the Munsell Color Company System.

Paint Layering Uncovered Around the Broken Plate Found on the Surface of Catalog Number 6580. [Data repeated from Drawing NHP-IND 3425, 18 of 50].

Layering found on the open board surface as well as adjacent to the broken edge of the plate.*

Wood
Red iron-oxide (7.5 R 3/8)
Undercoat of warm tan (7.5 YR 6/5)
Finish coat of warm tan (8.1 YR 6.08/5.1)
   Hardened surface with dirt, causing upper
   layers to fracture off easily.
Greenish cream (2.5 Y 7/4)
Yellow cream (2.5 Y 8/4)
Tan cream (2.5 Y 7/2)
Cream (2.5 Y 8/2)
Light cream (2.5 Y 8.5/2)
Yellow cream (2.5 Y 8/4)
Yellow cream (2.5 Y 8/4)
   Dirt and darker surface.

*This sequence is the same as the layering on the
   original entablature corona board.

Layers under the plate.

Wood
Red iron-oxide (7.5 R 3/8)
Undercoat of warm tan (7.5 YR 6/5)
Finish coat of warm tan (8.1 YR 6.08/5.1)
   Hardened surface
   Uneven dirt and rust deposits

Layers on the broken plate and on the screw heads and exposed shank.

Iron
Rust
Greenish cream (2.5 Y 7/4)
Yellow cream (2.5 Y 7/4)
Cream (2.5 Y 8/2)
Light cream (2.5 Y 8.5/2)
Yellow cream (2.5 Y 8/4)
Yellow cream (2.5 Y 8/4)
   Dirty, darker surface.

Pre-1753 Baseboard Paint Layers. (Baseboard was found in situ at the pilaster between the center and north archways, south jamb).

INHP Catalog number 6226. [Data repeated from a memorandum dated July, 1966 from P. Hartshorne, Architect, to Lee H. Nelson, Architect].

Wood
Red iron-oxide primer (7.5 R 3/6)
Buff second coat, very thin (10 YR 7/4)
Warm tan finish coat (7.5 YR 6/6)
Next, at the washboard level:
Black.

Original Entablature Corona Board Layering, INHP Catalog number 6060. [Data repeated from a memorandum dated November, 1965 from P. Hartshorne, Architect, to Lee H. Nelson, Architect].

Wood
Red iron-oxide prime coat in wood pores (7.5 R 3/8)
Thin light buff second coat (10 YR 7/4)
Pumkin finish coat (7.5 YR 6/6)
Dirt
Greenish dark buff (2.5 Y 7/4)
Yellow surface coating
Thick layer of cream buff
Thick layer of cream buff
Layer of light cream
White
Dirt

Paint Layering on a Supreme Court Chamber Original Entablature Metope. (Originally centered above the north window of the west

wall). INHP Catalog number 6578. [Data repeated from a memorandum dated July, 1966 from P. Hartshorne, Architect, to Lee H. Nelson, Architect].

Wood
Red iron-oxide (7.5 R 4/10)
Buff second coat (10 YR 6/4)-(10 YR 7/4)
Warm tan finish coat (7.5 YR 6/6)
Hardened surface with dirt, causing upper layers to fracture off easily.
Greenish buff (2.5 Y 7/4)
Greenish buff (2.5 Y 7/4)
Greenish buff (2.5 Y 7/4)
Cream buff (2.5 Y 7/3-8/2)
Cream buff (2.5 Y 7/3-8/2)
Cream buff (2.5 Y 7/3-8/2)
Cream buff (2.5 Y 7/3-8/2)
Greenish white (5 Y 8.5/2)
Dirt
Greenish white (5 Y 8.5/2)
Dirt.

From a manuscript note in the Supreme Court Chamber files in the Historic Structures Office, Philadelphia, Pennsylvania:

Supreme Court Room, Independence Hall

Paint Evidence:

1. All original paint layers on metope areas will be left in place and painted over.

2. Some metope areas will be covered with 16 gauge stainless steel sheets to protect the original paint layers.

The following metopes are to be covered:

South wall - west window, 2nd metope from east jamb
- east window, furthest east metope

East wall - south bay, furthest south metope
North wall - west window, 2nd metope from east jamb

On the back of these plates the following was written:

"These plates are installed to protect the accumulated paint layers dating between 1740's - 1890's on the original metope areas. Between the 1890's - 1960's no additional paint layers were added because the 1898 entablature covered these areas.

Do Not Damage this Evidence!

National Park Service Restoration of the Original Entablature, October 1966 Architects Lee H. Nelson & Penelope Hartshorne.

See Independence National Historical Park Catalogue No's 6577(1), & 6578."

Note Signed,

October 13, 1966

L.H. Nelson

P. Hartshorne

Appendix E

December 20, 1978

Memorandum

To: Daniel J. Sharp, Assistant Curator

From: Penelope Hartshorne Batcheler, Historical Architect

Subject: Supreme Court Room, Independence Hall, Comments on Paint Research and Color Identification and Notations

The architectural restoration of Independence Hall utilized paint color research not only to establish the final colors to be used in the restoration, but to identify original fabric, explain sequences in changes to the building, and to provide locations and conformation of missing elements.

For instance, the paint layering on woodwork or plaster known to be original was compared with the layering on loose, out of context, pieces. Thus the provenance of the pieces was more easily established.

The process of writing down the observations of paint layering can be done verbally using terms such as cream or buff, or greyish yellow or light brown. But these terms are vague. Thus, for the sake of communication the architects have used the notation system of the Munsell Color Company, identifying the color's hue (color range), value (lightness or darkness), and chroma (intensity or saturation).

The Munsell system has a book of removable color papers which can be held next to the paint layers for matching. Each paper chosen for its similarity has a notation of its hue, value and chroma. There are times however when the paint to be matched is not precisely the same as the paper samples. The system is such that one can estimate more precisely the value by saying that the reading is half way to the next sample. A color may fall in chroma between 2.5Y 7/2 and 2.5Y 7/3, and therefore receive the designation 2.5Y 7/2.5. If the value is varied a color could read 2.5Y 6.5/2.5. (In this example 2.5Y indicates hue, 7 indicates value, and 2.5 indicates chroma).

It is possible within the same room for the same layer of paint to read differently in different locations. Fading, darkening, brush strokes, thinness or thickness of layer, uneven color due to handground pigments, any of these characteristics could cause a color to vary. Thus one finds that for the color sequences on various pieces of wood, although they have the same basic layering, their color notations may vary.

In reading the memorandum of color observations made in Independence Hall's 1960's architectural research it would be helpful to have a Munsell color chart available.

In an effort to restore the Supreme Court Room with the closest possible approximation of the original color designated to be used, a piece of corona board from the original cornice (INHP catalogue #6577-1), with the original paint color exposed to view, was sent to the Munsell Company for a more accurate reading. Verbally we had been referring to this color as "pumpkin," "orange buff," "warm tan color." Numerically we had found this color to be close to Munsell No. 7.5YR 6/6. The Munsell Company accurate reading for the original Supreme Court Room finish paint color was found to be: 8.1 YR 6.08/5.1, Lot 22850, 45 Gloss on 60° gloss meter. This reading was received on June 14, 1968 from the Munsell Color Company, 2441 No. Calvert Street, Baltimore, Md., 21218.

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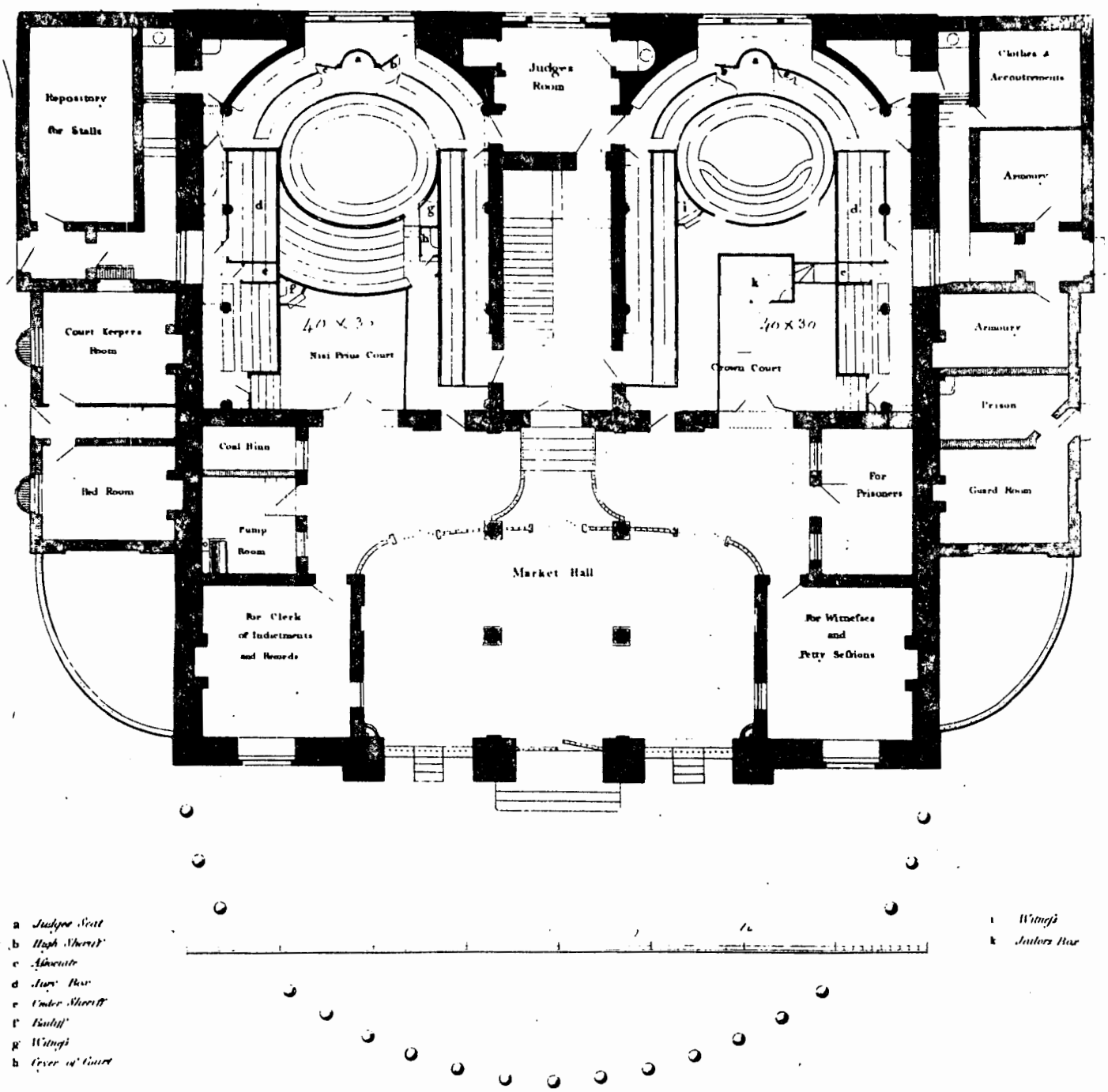
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PLAN OF THE PRINCIPAL STORY OF THE ESSEX COUNTY HALL, ERECTED 1789-1791. From: John Johnson, Plans Sections and Perspective Elevations of the Essex County Hall at Chelmsford (1808), Plate II. THE ROYAL INSTITUTE OF BRITISH ARCHITECTS, LONDON, ENGLAND. NEG. NO. 4596.

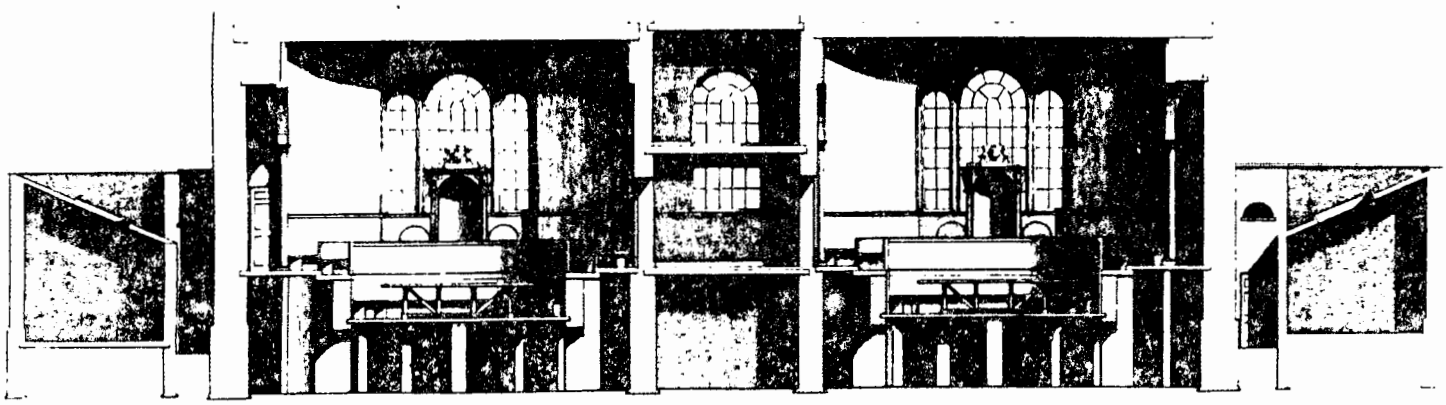


Section across the Crown Court &c.

SECTION ACROSS THE CROWN COURT OF THE ESSEX COUNTY HALL, ERECTED 1789-1791. This view shows the underground passage and staircase leading from the "Bail Dock" to the "Gaoler's Box". From: John Johnson, Plans, Sections and Perspective Elevations of the Essex County Hall at Chelmsford (1808), Plate VIII. THE ROYAL INSTITUTE OF BRITISH ARCHITECTS, LONDON, ENGLAND. NEG. NO. 4595.

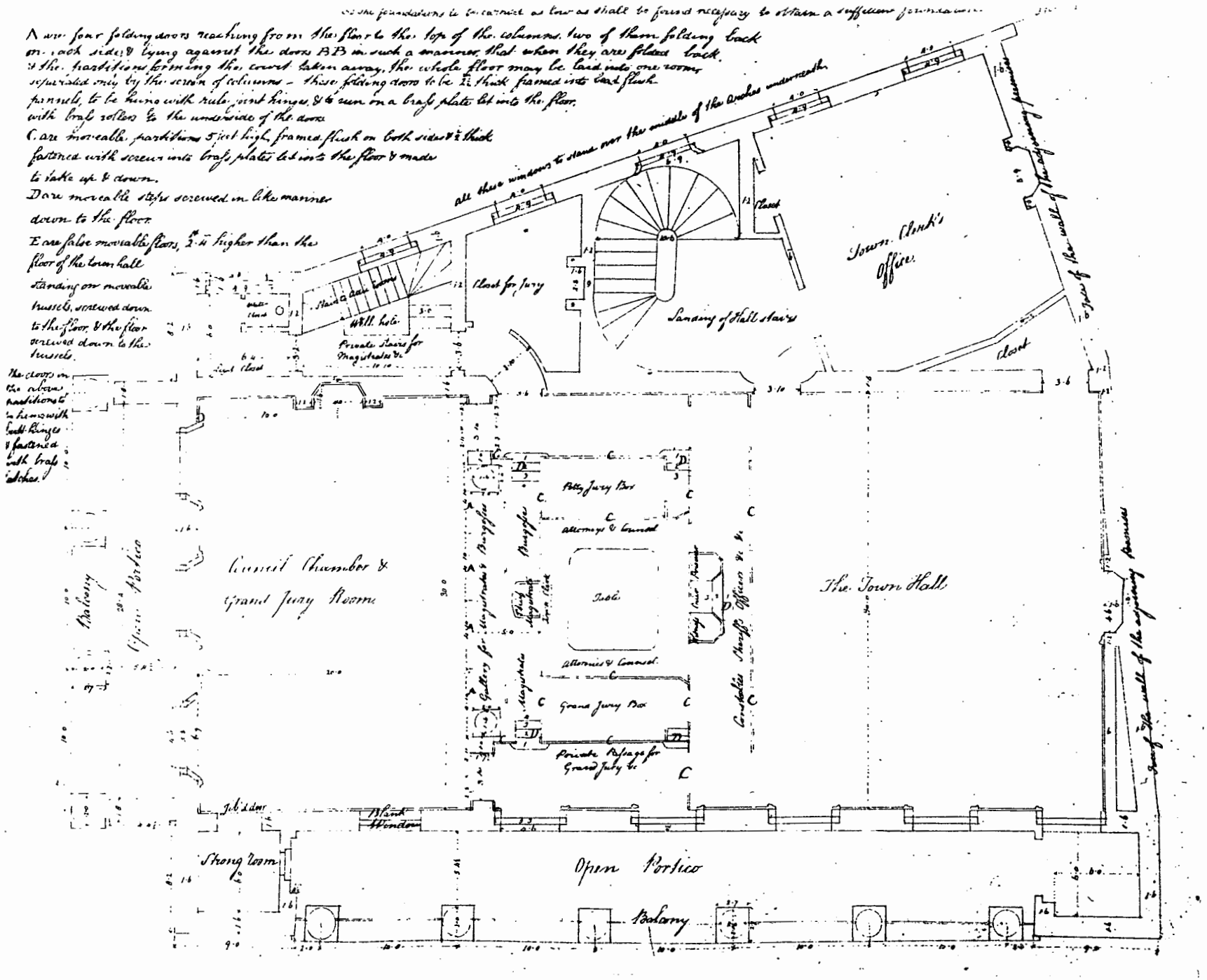


Section in the Courts shewing the Galleries &c



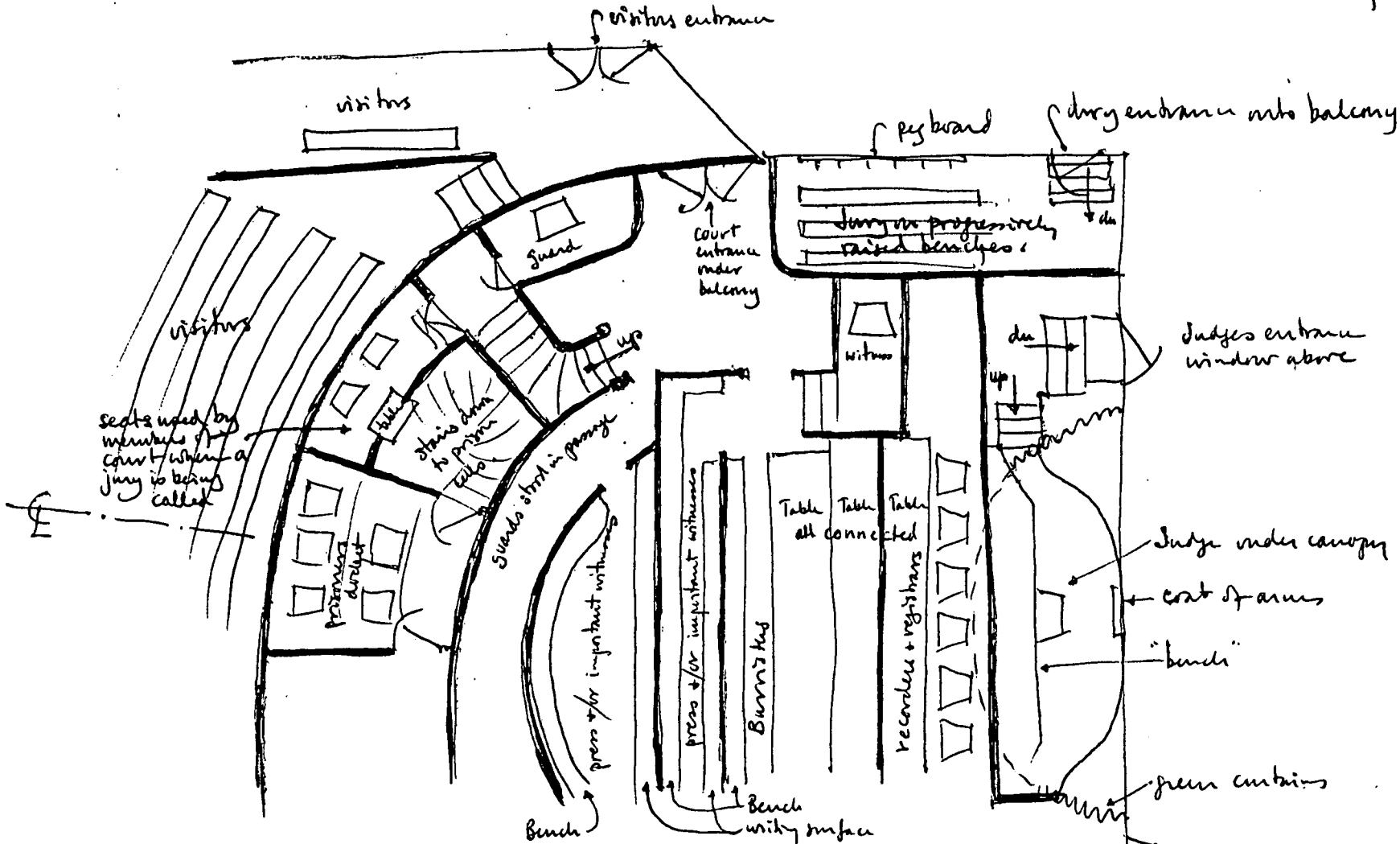
Section in the Courts facing the Entrance

SECTIONS OF THE COURTS IN THE ESSEX COUNTY HALL, ERECTED 1789-1791. From: John Johnson, Plans, Sections and Perspective Elevations of the Essex County Hall at Chelmsford (1808), Plate IX. THE ROYAL INSTITUTE OF BRITISH ARCHITECTS, LONDON, ENGLAND. REG. NO. 4595.

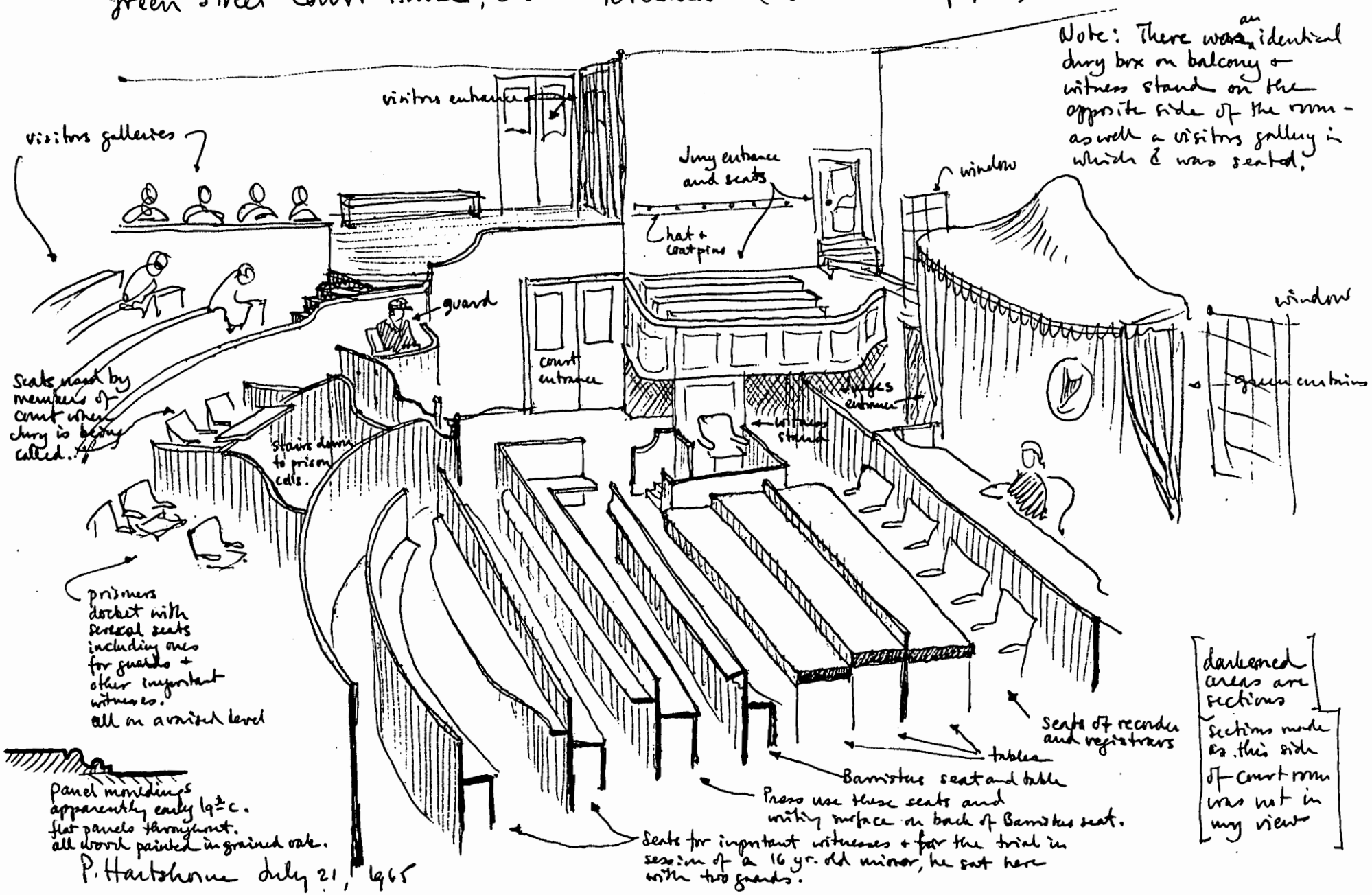


PLAN OF A COURTROOM FOR AN UNIDENTIFIED TOWNHALL. From: John Nash, Volume of Working Drawings (c.1796-1800), p. 22. ROYAL INSTITUTE OF BRITISH ARCHITECTS, LONDON, ENGLAND. NEG. NO. 4597.

Green Street Court House, Dublin, Ireland (late 18th or early 19th c.) see perspective



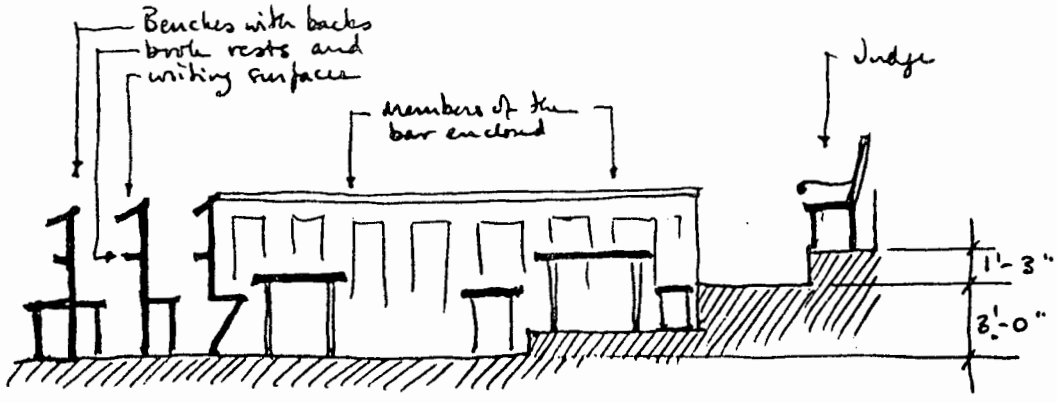
DRAWING: GREENE STREET COURT HOUSE, DUBLIN, IRELAND. Drawn by P. Hartshorne, 1965. HISTORIC STRUCTURES FILES. (To be deposited at INHP.)



DRAWING: GREENE STREET COURT HOUSE, DUBLIN, IRELAND.
HISTORIC STRUCTURES FILES. (To be deposited at INHP.)

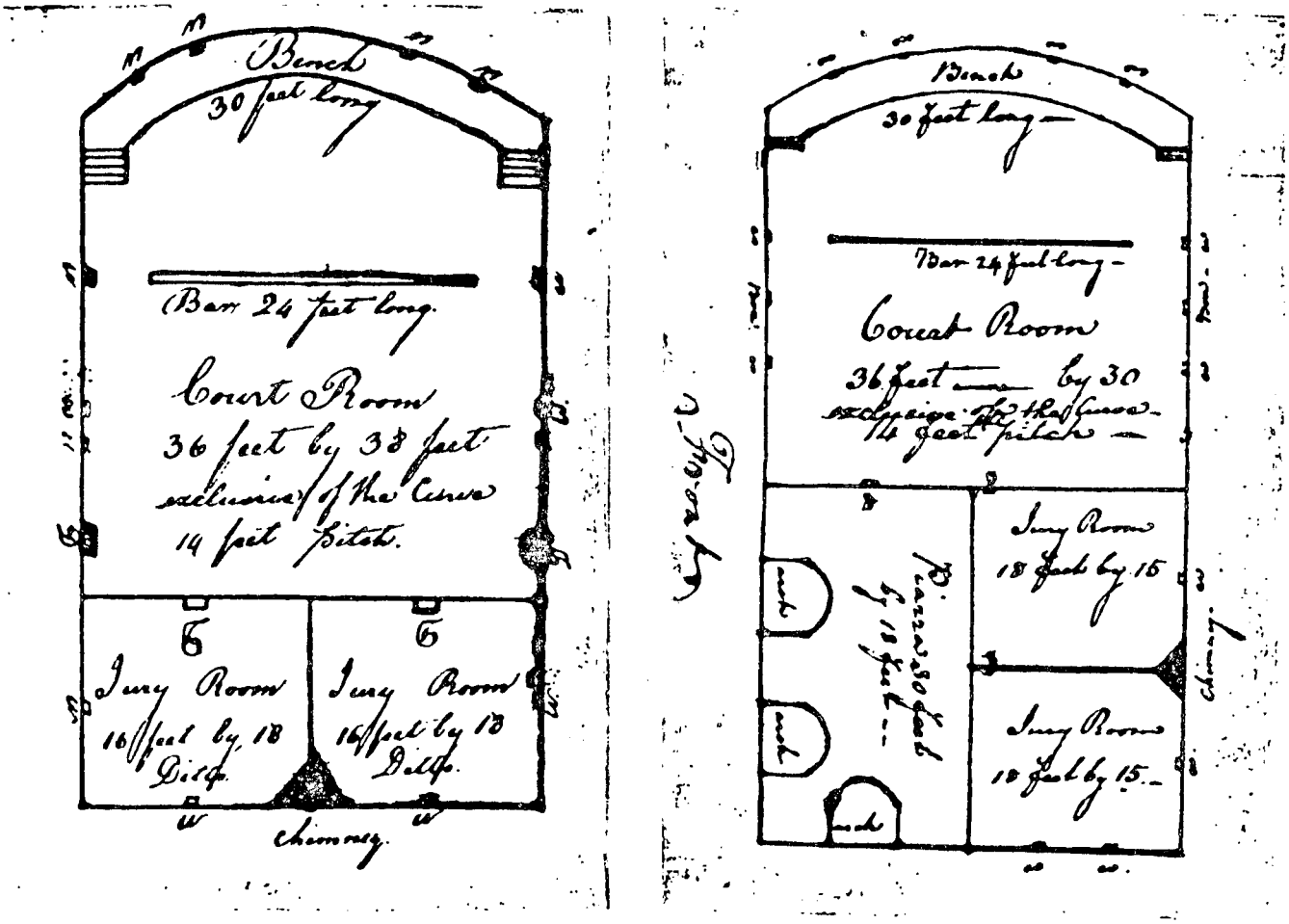
Victoria + Albert Museum, London, England
Print Department
Pressmark 93 E 18 - p.96

Drawings by Sir John Soane
Subject: Designs for the Court of Chancery
Cross-section [quick sketch of]

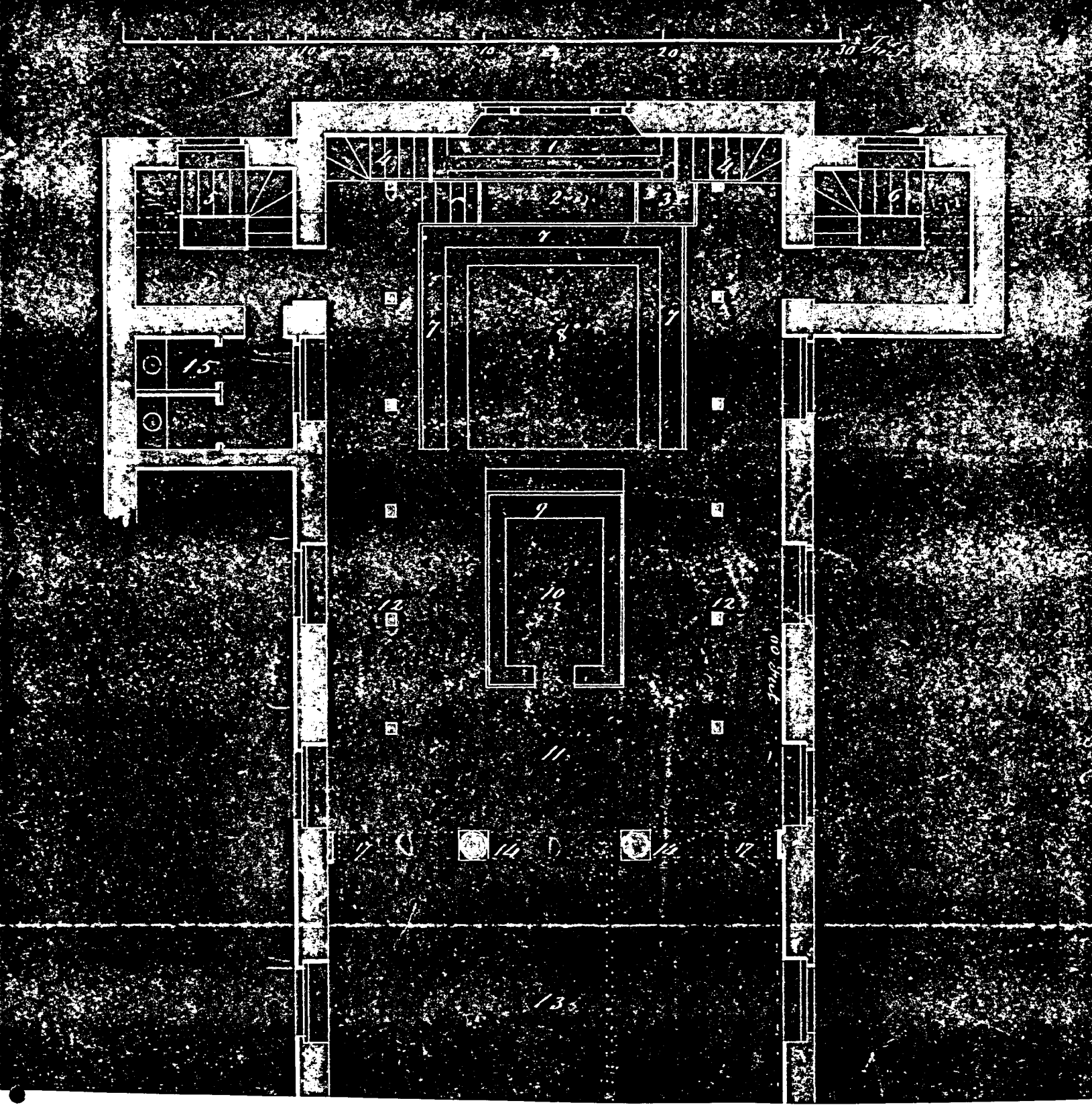


P. Hartshorne, July 19, 1965.

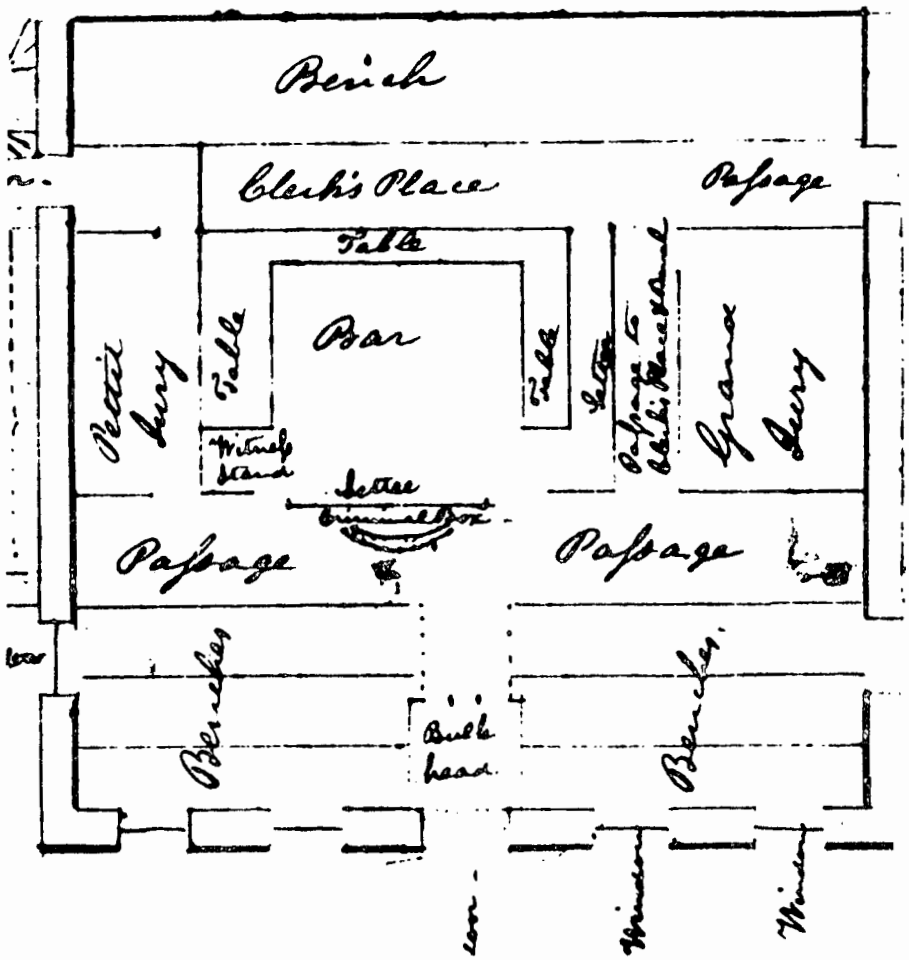
CROSS SECTION OF BENCH SEATS IN THE COURT OF CHANCERY.
Copied by P. Hartshorne from a drawing by Sir John Soane.
VICTORIA & ALBERT MUSEUM, LONDON.



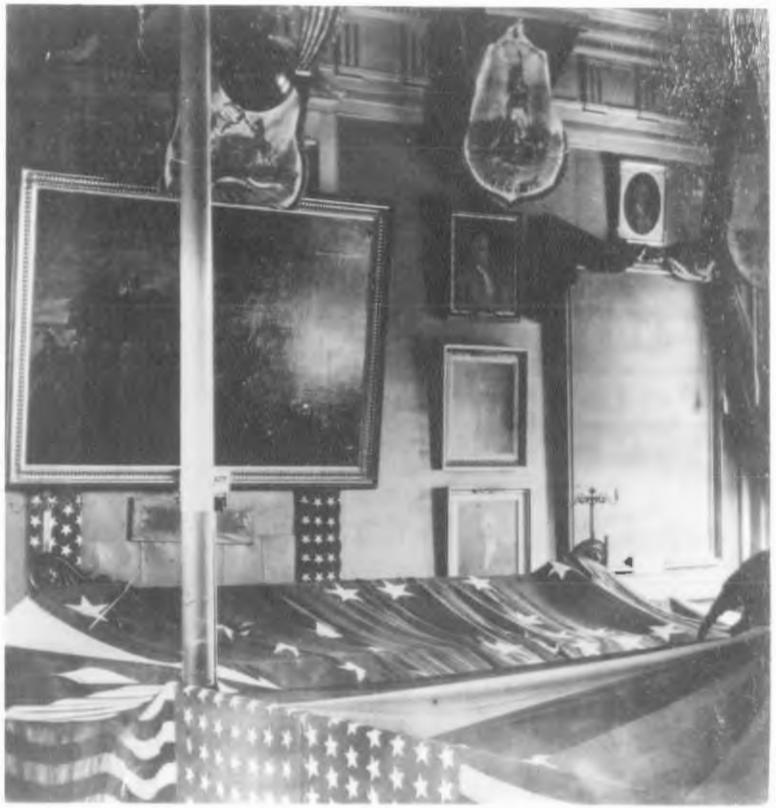
SKETCH PLANS FOR THE COURT HOUSE, NELSON COUNTY, VIRGINIA, 1809.
VIRGINIA HISTORICAL SOCIETY.



PLAN: DESIGN FOR HILLSBOROUGH SESSION HOUSE, HILLSBOROUGH, IRELAND. January, 1819. References: 1 The bench; 2 Clerk; 3 Sheriff's box; 4 Steps up to the bench and sheriff's box; 5 Petty jury stairs to gallery room; 7 Seats for attorneys and lawyers; 8 Table; 9 Bar; 10 Dock; 11 Court; 12 Pillers of galleries; 13 The hall; 14 Column; 15 Privies and yard. PUBLIC RECORD OFFICE OF NORTHERN IRELAND.

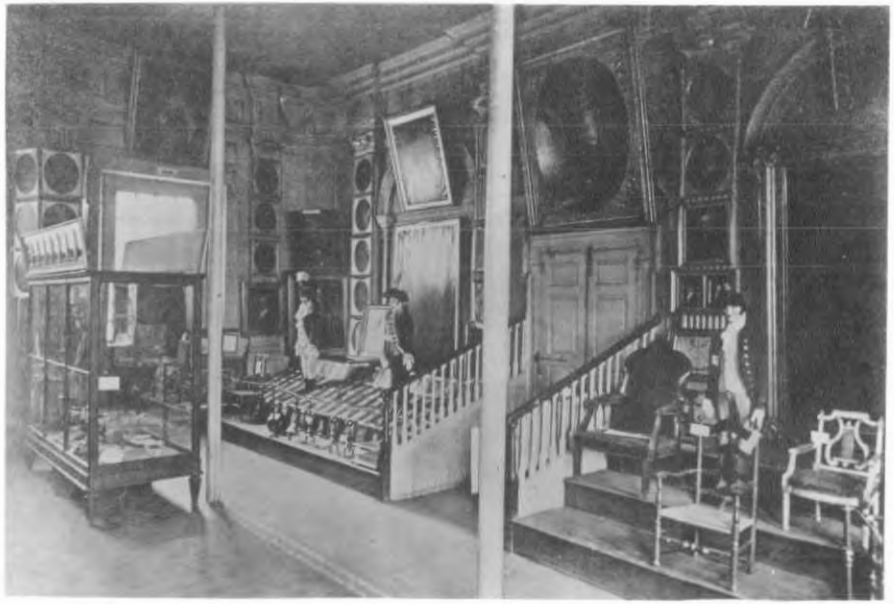


PLAN FOR FIREPROOFING THE WINGS OF THE NEW CASTLE COURT HOUSE IN NEW CASTLE, DELAWARE. DRAWN IN 1837. This courtroom was finished sometime between 1791 and 1792. Although the plan shown is from long after the completion of the room, it is safe to assume that the room suffered relatively few changes in the years before 1837. This is the earliest known drawing of a plan for a courtroom from the mid-Atlantic states. FROM: THE LEVY COURT PAPERS, NEW CASTLE COUNTY (ROAD PAPERS), 1837. DIVISION OF HISTORICAL AND CULTURAL AFFAIRS, HALL OF RECORDS, DOVER, DELAWARE.



NATIONAL MUSEUM, WEST WALL OF THE SUPREME COURT ROOM, c. 1873. Note the flag draped structure directly beneath the large painting; only its voluted ends (which protrude from beneath the flag) are visible. This piece is almost certainly the "desk" referred to in a description of the judges bench and room in The Public Ledger, August 30, 1850. It was removed from the room in the late summer or fall of 1873 when a new floor was laid. INHP NEG. NO. 178-C.

NATIONAL MUSEUM, EAST WALL OF THE SUPREME COURT ROOM, FACING NORTH, c. 1875. These two stepped structures are the galleries described in The Public Ledger article of August 30, 1850, mentioned above. About these structures, it says: "In the spectators' galleries the old benches have been removed to make way for new settees." The paintings behind each of these galleries cover closet doors which are visible in two other photographs of the National Museum not included in this study: INHP negative numbers 2110-C and 5743. INHP NEG. NO. 174.





NATIONAL MUSEUM, SUPREME COURT ROOM, INDEPENDENCE HALL, c. 1876. This photograph provides the best view of the west wall of any from the late nineteenth century. Note the c. 1816 carved bracket to the right of the Tabernacle Frame's frieze and the c. 1857 chair rail and wainscotting barely visible between the exhibit case and sofa. INHP NEG. NO. 5742.



SUPREME COURT ROOM RESTORATION, DECEMBER, 1897. This photograph shows the south-east arch of the court room just after the c. 1816 closet sheathing boards had been removed. The old closet door can be seen through the arch. Also, note the horizontal lines marking the shelf locations on the interior face of the archway itself. INHP NEG. NO. 1637.



SUPREME COURT ROOM RESTORATION, DECEMBER, 1897. This view is of the opposite, or north-east, arch during the same restoration as INHP 1637 (left). The angled railing on the right is to the disassembled gallery pictured in INHP NEG. NO. 174. Note the shelf lines visible on the still intact back sheathing boards. In the cove created by the missing front wall can be seen some of the former sheathing boards and, to their right, a pile of original triglyphs taken from the room's entahulature.
INHP NEG. NO. 1638.



WINDSOR SACK BACK ARMCHAIRS. BRANDED BY FRANCIS TRUMBLE. These two windsor armchairs are typical of the furniture that was purchased for the State House from 1775 on. The Assembly paid Francis Trumble £6.14.0 for two tables and twelve chairs in May of 1776, just as that body took up temporary quarters in the court room to make way for the Continental Congress. Two years later, as a part of the repairs following the British occupation, the Assembly outfitted the building with new furniture; it made a series of three payments to Trumble between August 22 and November 27 of 1778 for at least sixty windsor armchairs. Other windsor chair makers who in later years supplied furniture to the State House were John Pinkerton and James Lees: Robert Allison ordered two settees from Pinkerton for the court room in the spring of 1779, and in 1784, Lees supplied two dozen windsor chairs to the State House at £12 per dozen. The two chairs pictured above are now a part of the Assembly Rooms' furnishings. INHP NEG. NO. 9227.

WINDSOR SETTEE, SACK BACK, PHILADELPHIA, c. 1775. In 1778 John Pinkerton made two settees for the Supreme Court Chamber. No settee or chair known to have been made by Pinkerton now exists; however, we can assume that the settees he made looked very much like the one above. Not only was this a common form of settee in the eighteenth century, but it blends well with the windsor chairs known to have been supplied for the chamber during the same period. CAT. NO. 1101. NEG. NO. 10917.





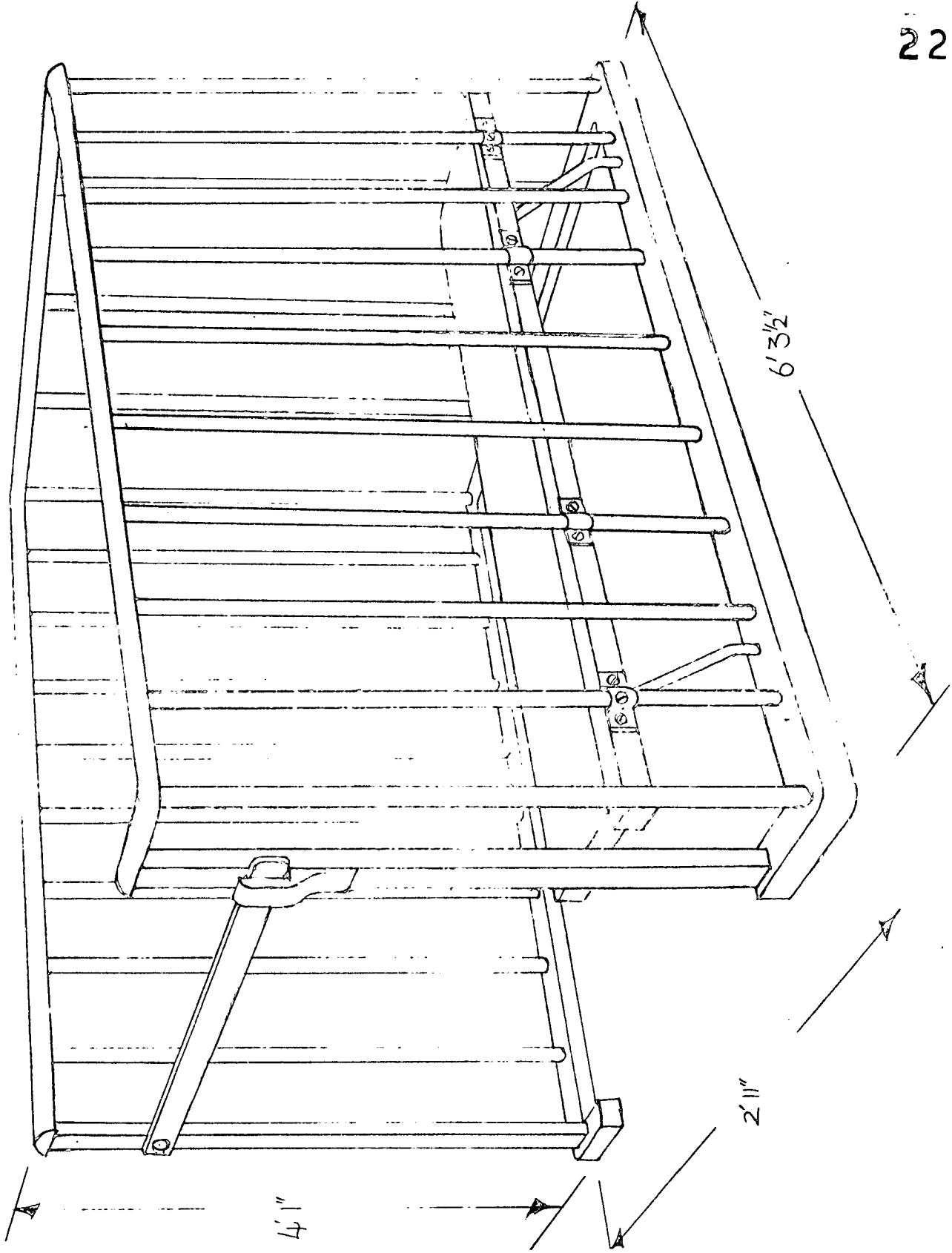




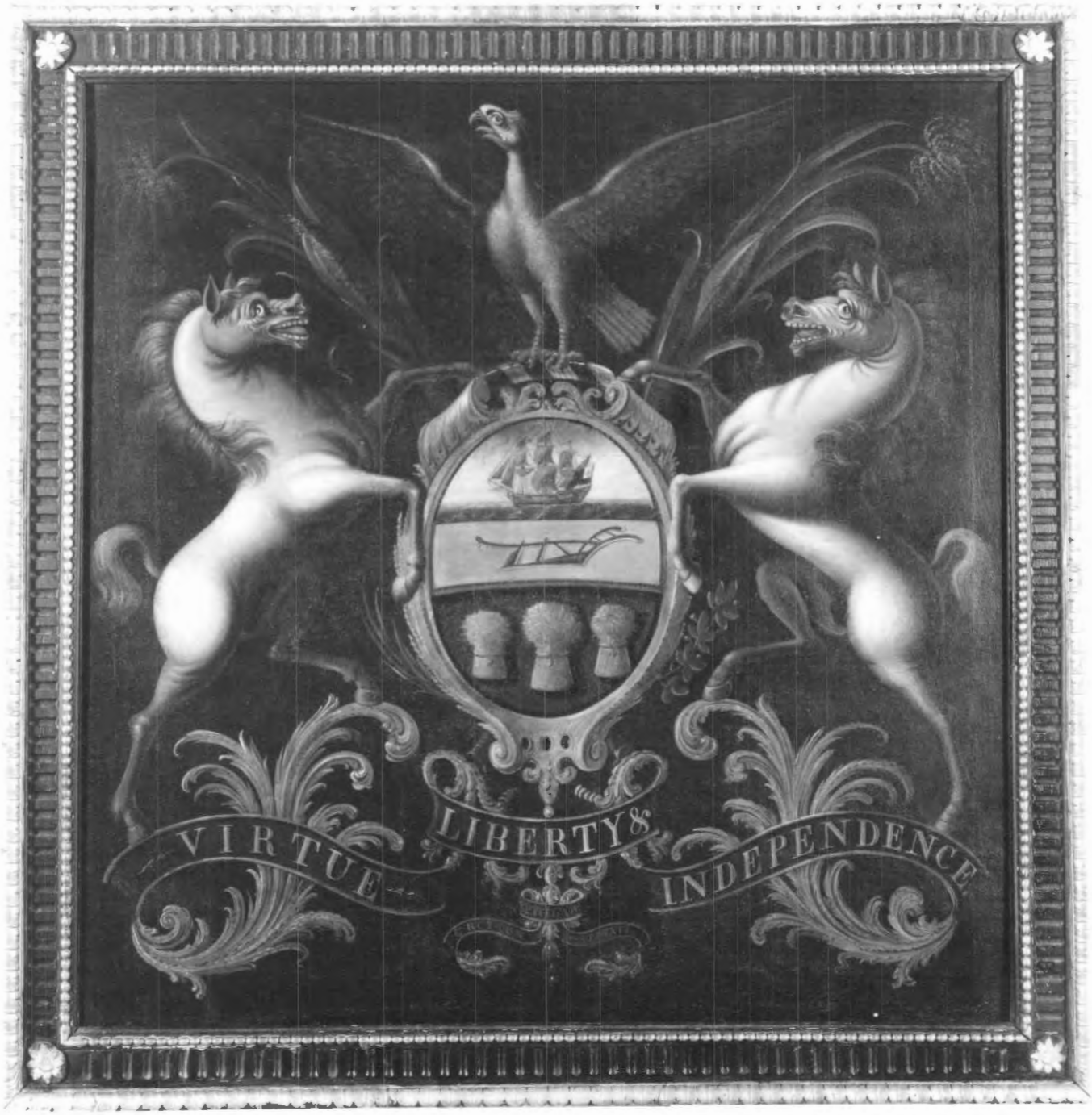
UPHOLSTERED ARMCHAIRS. Pictured here are three of the four great upholstered armchairs which have close associations with Independence Square. Specimen Number 6026 (top left) and Specimen Number 6025 (top right) have been in the collection at least since 1854. Specimen Number 6024 (bottom right) was presented to Independence Hall in 1873 by Edward Olmstead. The fourth chair of this group is in the Henry Ford Museum in Dearborn, Michigan. Despite the research that has been done on these chairs over the years, little is known about their original use. CITY COLLECTION: SN.6026 (INHP NEG. NO. 17206); SN.6025 (INHP NEG. NO. 18453); SN.6024 (INHP NEG. NO. 18453-A).



PHOTOGRAPH: COURTROOM OF THE GUILDHALL, ROCHESTER, KENT, ENGLAND, 1955, BY SYDNEY S. BRADFORD, PARK HISTORIAN. This metal dock, though undocumented, is believed by the Museum Section of the Medway Borough Council to be of eighteenth century construction. The courtroom in which it sits was built in 1687, but note the chairs: the room's age is no indication of its furnishings' age. INHP NEG. NO. 4598-2



DRAWING: PRISONER'S DOCK PRESENTLY IN USE IN THE GUILDHALL COURTROOM, ROCHESTER, KENT, ENGLAND. The only thing generally known about the age of this dock is that it has been in use a very long time. A search by the Curator of Eastgate House Museum through the Meeting Day books failed to turn up any information on the date of the dock's manufacture. Nevertheless, the Guildhall has always had a metal dock for the accused and a wooden enclosure for the witness. The wooden rail along the top was recently installed to replace a series of spear point finials.
LETTER: T. J. HOGARTH, DIRECTOR OF LEISURE SERVICES, GUILDHALL, ROCHESTER, KENT, ENGLAND, TO D. J. SHARP, MUSEUM CURATOR, INHP. JUNE 16, 1978.
INHP CORRESPONDENCE FILES, D 62-IH/INDE.



COAT OF ARMS OF PENNSYLVANIA, BY GEORGE RUTTER, c. 1785. This Coat of Arms, which still rests within its original hand carved frame, was purchased by the Park in 1961. It was an exciting find, for both it and its frame fit remarkably well within the tabernacle frame field panel which once dominated the west wall above the judges' bench. This coincidence in size is further enhanced by writing painted on the lower banner of the arms, which reads: "G. RUTTER/PHILA/PINXIT." George Rutter was a sign painter in Philadelphia from about 1780 until his death in 1798. The records of the Assembly show that from 1785 until 1796 he and Martin Juqiez, carver and gilder, submitted a series of unsuccessful petitions requesting payment for "painting the Arms of this State, & c. over the seat of the Supreme Court of Juricature." CAT. NO. 2108, FRAME CAT. NO. 2340. INHP NEG. NO. 8891.



COAT OF ARMS OF PHILADELPHIA, ATTRIBUTED TO THOMAS SULLY, EARLY NINETEENTH CENTURY. CITY COLLECTION, SPECIMEN NO. 13,389. This coat of arms of Philadelphia occupied the west wall tabernacle frame field panel from at least the 1840's, perhaps earlier. It was covered in 1873 by Benjamin West's Penn's Treaty which was installed as a part of the newly established National Museum. When restoration work was done on the room twenty-three years later, this all but forgotten device was rediscovered behind West's painting and a "sheet of zinc." Although attributed to Thomas Sully from the day of its rediscovery, it was not identified as the arms he painted for Lafayette's triumphal arch in 1824 until thirteen years later when Charles H. Hart published his "A Register of Portraits Painted by Thomas Sully." Unfortunately, Mr. Hart fails either to document or explain why he dates this particular coat of arms to that event; nevertheless, from that day onward this coat of arms has always been known as the arms painted by Sully in 1824 for Lafayette's triumphal arch. INHP NEG. NO. 10793.

COAT OF ARMS OF EITHER GEORGE II OR GEORGE III, CARVED IN PINE AND PAINTED. This fragment of a carved coat of arms of the king was found in the attic of Christ Church during restoration work on the building in the 1960's. The fact that it is a fragment hints at a violent end for these arms, perhaps in July of 1776, when royal symbols were, in general, destroyed throughout the colonies. This coat of arms is not the only royal arms to have survived in Christ Church. A much smaller, but complete, carving of the arms of William and Mary remains within the church and today hangs over the governor's pew. CHRIST CHURCH, PHILADELPHIA. NEG. NOS. 157.2301 and 157.2302.

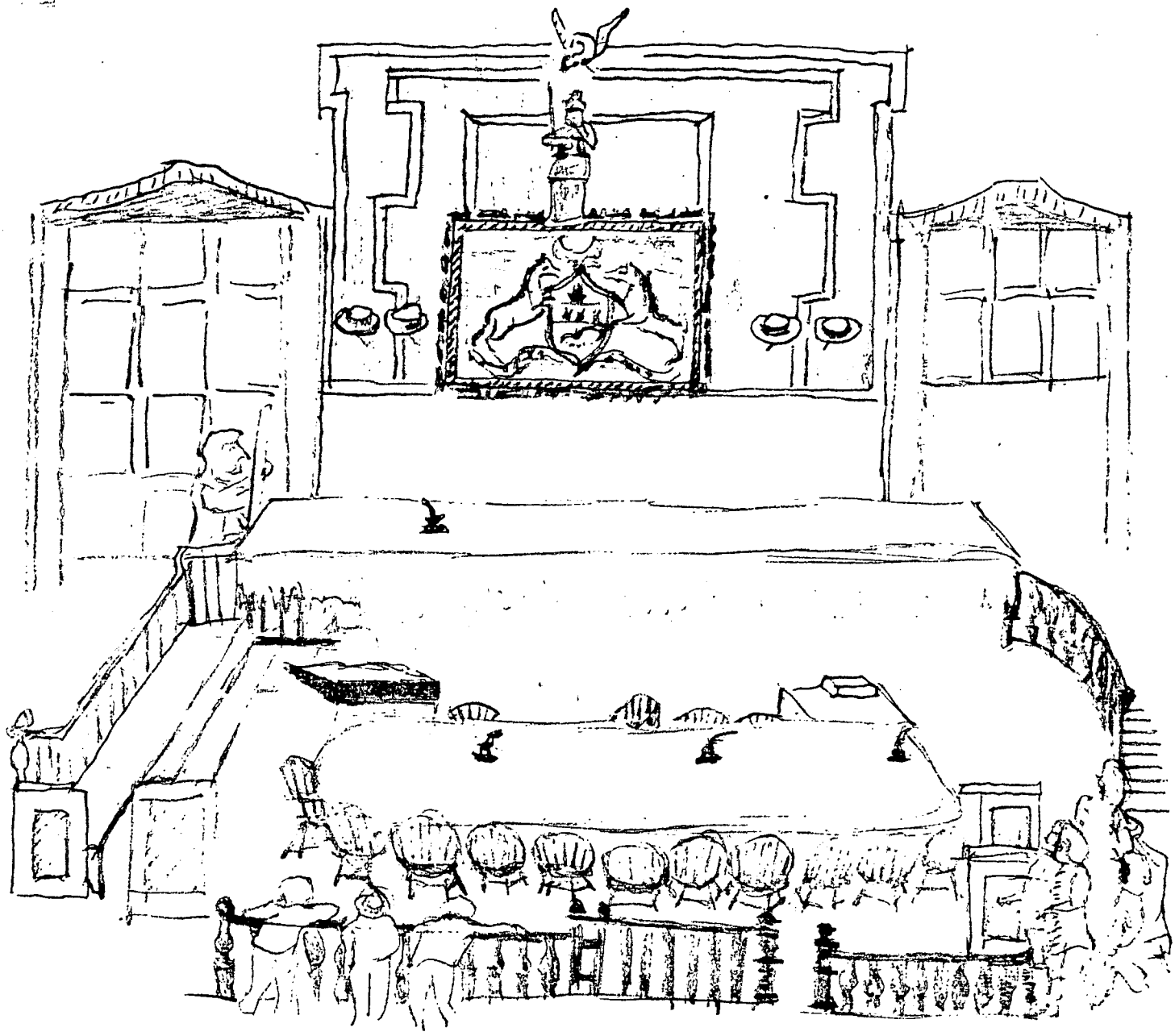




WOOD PAINTING OF THE COAT OF ARMS OF QUEEN ANNE, c. 1702-1710. FOUND IN THE LOFT OF THE STATE HOUSE, c. 1840-1845. These arms are believed to have hung in the Court House built in 1709 at Second and Market Streets during Queen Anne's reign. Sixty-seven years later Christopher Marshall entered in his diary for July 1, 1776, that at, "Past ten, went to Coffee House; thence to Court House. The said jury insisted that the Kings' Arms in the Court Room should be taken down. The same, I am informed, was done." Thus, if this painting did originally adorn the Court Houses' walls, its survival could be explained by its removal seven days before the general destruction of royal symbols on July 8, 1776. Its appearance in the State House loft in the early 1840's may be explained by the fact that the Court House was torn down in April of 1837. Certainly any of the old clap-trap in the Court House worth saving would have been removed to the loft of the city-owned old State House for storage. INHP NEG. NO. 285.



PRINT: BACK OF THE STATE HOUSE, PHILADELPHIA, BY WILLIAM BIRCH & SON, 1799. This extremely valuable print is the only known exterior view of the west wall from the eighteenth century which shows all of the known features of that wall: the clock, windows, door, steps, and the relationship of these elements to each other. Note the stove pipes extending up from the windows and the pile of wood outside the door. CITY COLLECTION, SPECIMEN NO. 1,005. INHP NEG. NO. 7170.



SKETCH: COURT OF QUARTER SESSIONS AND COURT OF COMMON PLEAS, YORK, PENNSYLVANIA. 1801. This sketch was made by a Pennsylvania German folk artist named Lewis Miller. It is the closest we will ever come to seeing a courtroom used by the Pennsylvania Supreme Court in the eighteenth century. Between 1777 and at least 1806, the Supreme Court sat in this room twice a year as it travelled its circuit throughout the counties. Because this is a Pennsylvania courtroom from the eighteenth century, its appointments, arrangement, and general charcter assume great wieght in any contemplation of the Supreme Court Chamber in the State House. The similarities between this drawing and the documented furnishings of the State House's Chamber are amazing. For instance, the windsor chairs and lawyers table are identical to those known to have been in the Supreme Court Chamber after 1778. The framed arms and figure of justice above the bench bear an uncanny resemblence to the arms and justice which George Rutter and Martin Jugiez installed above the Supreme Court Chamber bench in 1785 (see illustration 23). Note: in the original sketch the covering on the bench table is green. The above tracing was made without the figures (except where they block or confuse features) so that a clearer view of the room's furnishings could be obtained. THE HISTORICAL SOCIETY OF YORK COUNTY. INHP Neg. No. 4551.

Old mr Joseph Kraft Saddler, told me that he saw when - old Libby was put to the whipping post and lashed, and his Ears cut of and nailed to the post, and the boys pelting him with rotten Eg's. it was done for Stealing a horse, of mr. Ritter, and he saw nagel-hung. and one Summer.

Court of Quarter Sessions and Court of Common Pleas. York 1801.

Judge's.
Henry.
Franklin.
Bradford.
Burke.
Fisher.

in the new Court-house.



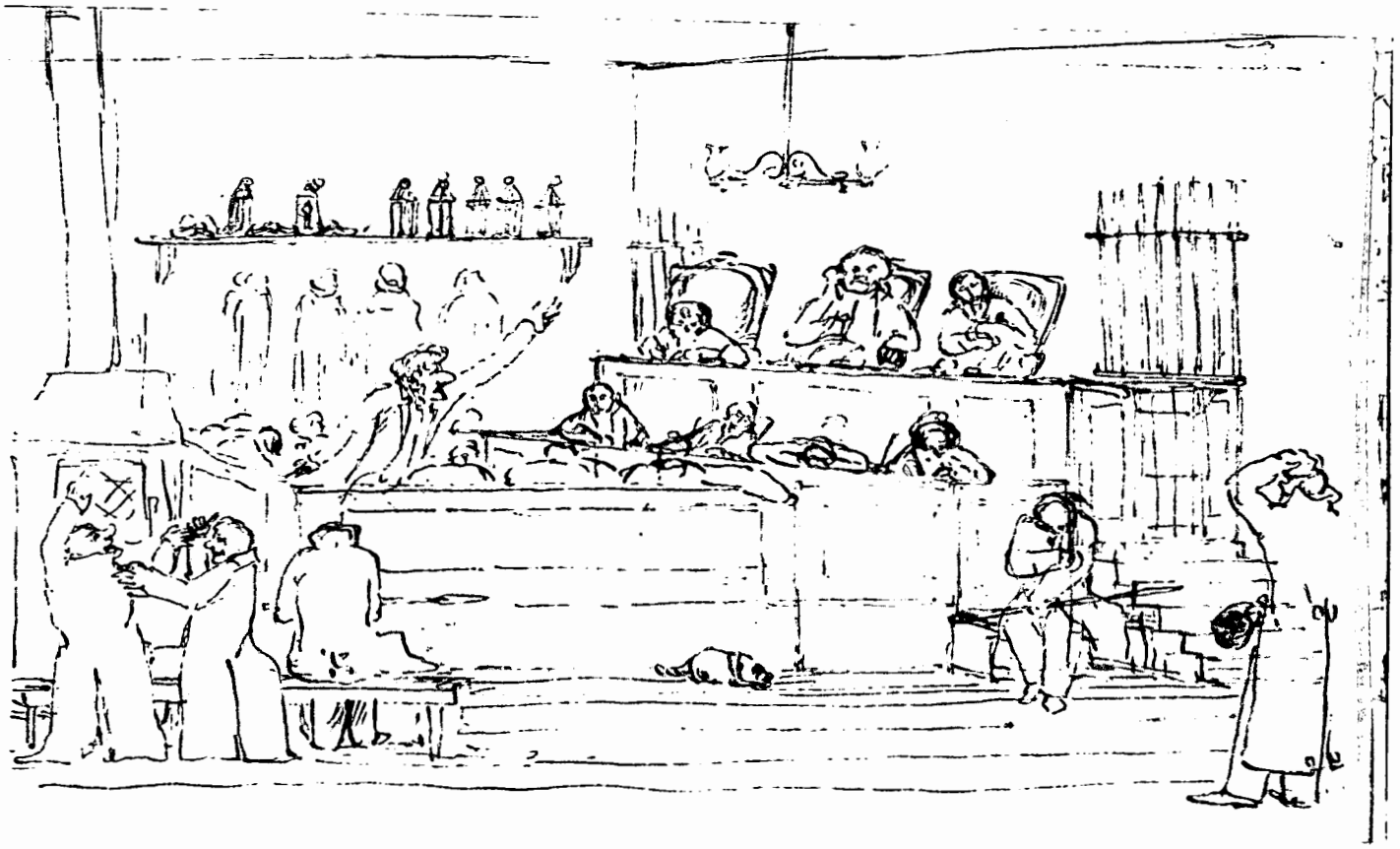
Judge. Henry. Rudisell. Robinson. Glasgow. Sheriff — nicholas Getwicks, Court Cryer William Norris, Clerk of Court. charles hardly. Attorney's of law. Bowie. Rofs. Kelly. Clark. Smith. montgomery. Lucas. Chassat. Duncan. Precor. Hockens. Stroman Barnitz. Barber. Constable, Horse, Appociate Judge. Hostetter.

George Barnitz. Finkel. Jacob B. Wentz. Judge Franklin. Burkey.

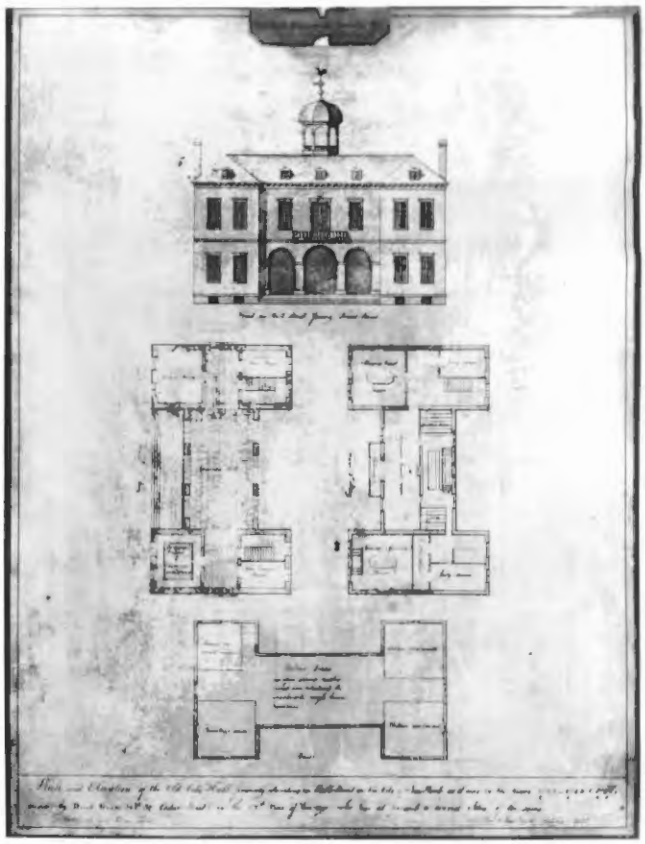
Robert Fisher.



SKETCH FROM JOHN KRIMMEL'S SKETCHBOOK, 1809-1821. This sketch is almost certainly of the Mayor's Court, which met in Old City Hall in the first decades of the nineteenth century. The subject of the sketch can be identified because of an insurance survey of the Mayor's Office dated December 24, 1861. Its description includes, in part: "...has a bar in the middle of the floor, raised two steps, & furnished with a circular rail & turn,d banisters, panel'd below about 3 feet wide..." Survey from: Contributionship, Survey Book, 1795-1824, Survey No. 4045, pp. 368-9. SKETCH: H. F. DU PONT WINTERTHUR MUSEUM, WINTERTHUR, DELAWARE.



SKETCH: "THE COURTROOM SCENE". FROM A CARTOON SEQUENCE ENTITLED, "THE LECTURER". DRAWN BY FRANCES B. MAYER (1827-1899). THE BALTIMORE MUSEUM OF ART.



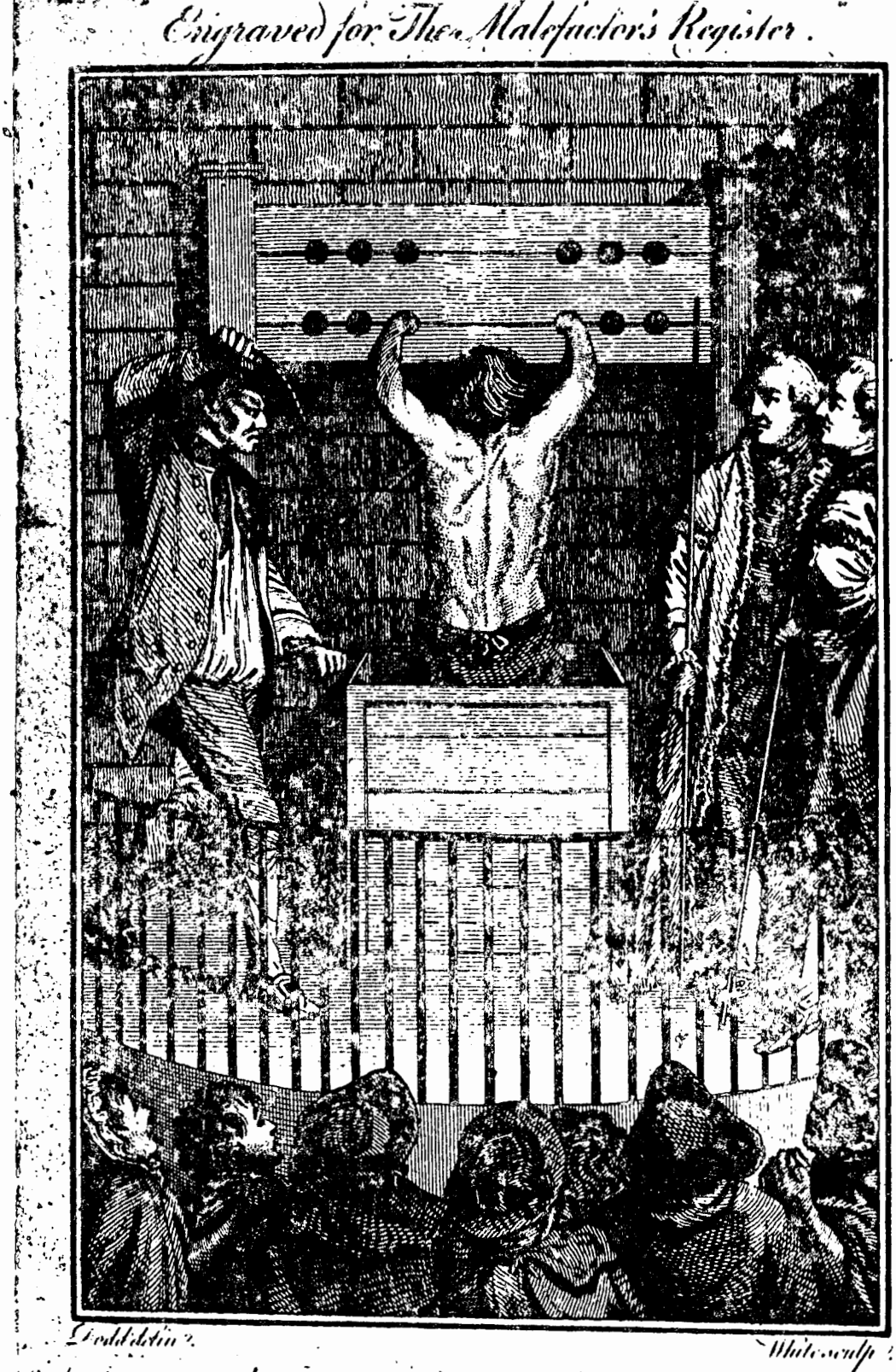
FLOOR PLAN: NEW YORK, OLD CITY HALL. THE TEXT AT THE BOTTOM READS: "Plan and Elevation of the Old City Hall formerly standing in Wall Street in the City of New York as it was in the years 1745-1746 & 1747: made by D...d G..m (No. 30 Cedar Street) in the 82d year of his age who has at present a correct Idea of the same. New York October 1818." COURTESY OF NEW YORK HISTORICAL SOCIETY, INHP NEG. NO. 8931.



PRINT: ELIZABETH CANNING AS SHE STOOD AT THE BAR TO RECEIVE HER SENTENCE IN THE SESSIONS HOUSE, August 16, 1754. This trial took place in the Old Bailey, London. Note the dock in this early depiction of that building and compare it to the dock pictured on the extreme right of the newer and later court room shown in the Microcosm of London, first published in 1800. INHP NEG. NO. 3437.



32 COURTESY OF THE FREE LIBRARY OF PHILADELPHIA, RARE BOOK DEPARTMENT, CARSON COLLECTION.
UNEP NEG NO 11463



PRINT: MAN PUBLICKLY WHIPPED IN THE SESSIONS HOUSE YARD, LONDON. COURTESY OF THE FREE LIBRARY OF PHILADELPHIA, RARE BOOK DEPARTMENT, CARSON COLLECTI



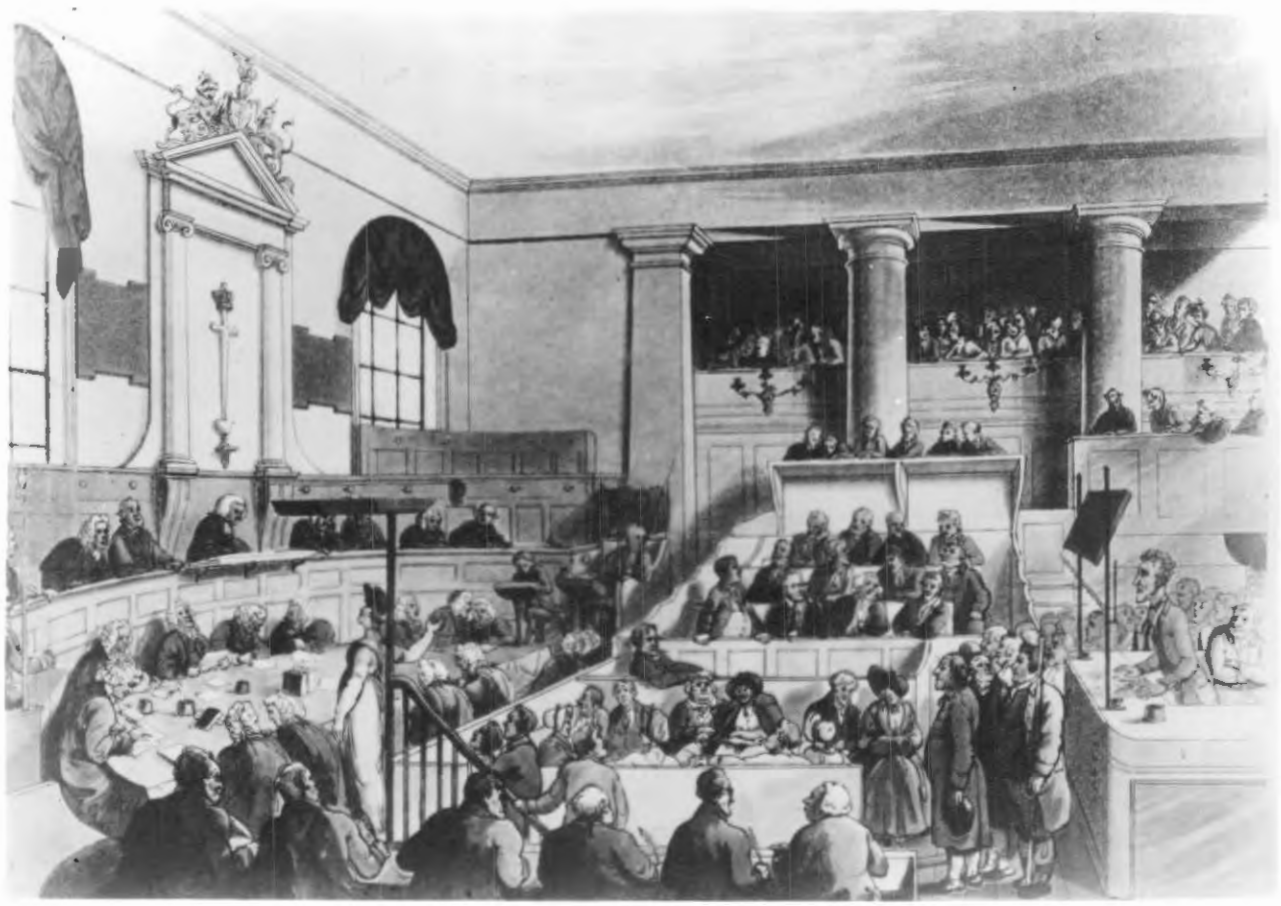
Inside View of
JUSTICE HALL, *in the* **OLD BAILEY,**
The Court Sitting, *and the manner of*
Trying Prisoners *at the* Bar.

COURTESY OF THE FREE LIBRARY OF PHILADELPHIA, RARE BOOK DEPARTMENT, CARSON COLLECTION.
INHP NEG NO 11461



COURTESY OF THE FREE LIBRARY OF PHILADELPHIA, RARE BOOK DEPARTMENT, CARSON COLLECTION.

INHP NEG NO 11462



PRINT: "OLD BAILEY", BY ROWLANDSON & PUGIN. From, The Microcosm of London or London in Miniature, Volume II, (London, 1800), page 211. The following is taken from the text accompanying the print: "There is a flight of steps which leads to a gallery on each side of the court, for the accomodation of spectators. It is a very elegant and commodius room. The entrance into the area is narrow, to prevent the sudden irruption of the mob: above it is a figure of Justice. ... The prisoners are brought to this court from Newgate by a passage that closely connects the two buildings; and there is a convenient place under the Sessions House in front, for detaining the prisoners till they are called upon their trials: there are also rooms for the grand and petty juries, with other accomodations.

"At the back of the Sessions House is a convenient passage, covered over, for the judge and counsellors that attend the court.

"The plate represents the court employed in the examination of a witness, who appears to have just received the usual admonition upon these occasions, of 'Hold up your head, young woman, and look at his lordship!'" [Text from: The Microcosm of London, Volume II, page 213.] COURTESY OF THE FREE LIBRARY OF PHILADELPHIA, RARE BOOK DEPARTMENT, CARSON COLLECTION. INHP NEG. NO. 3805.

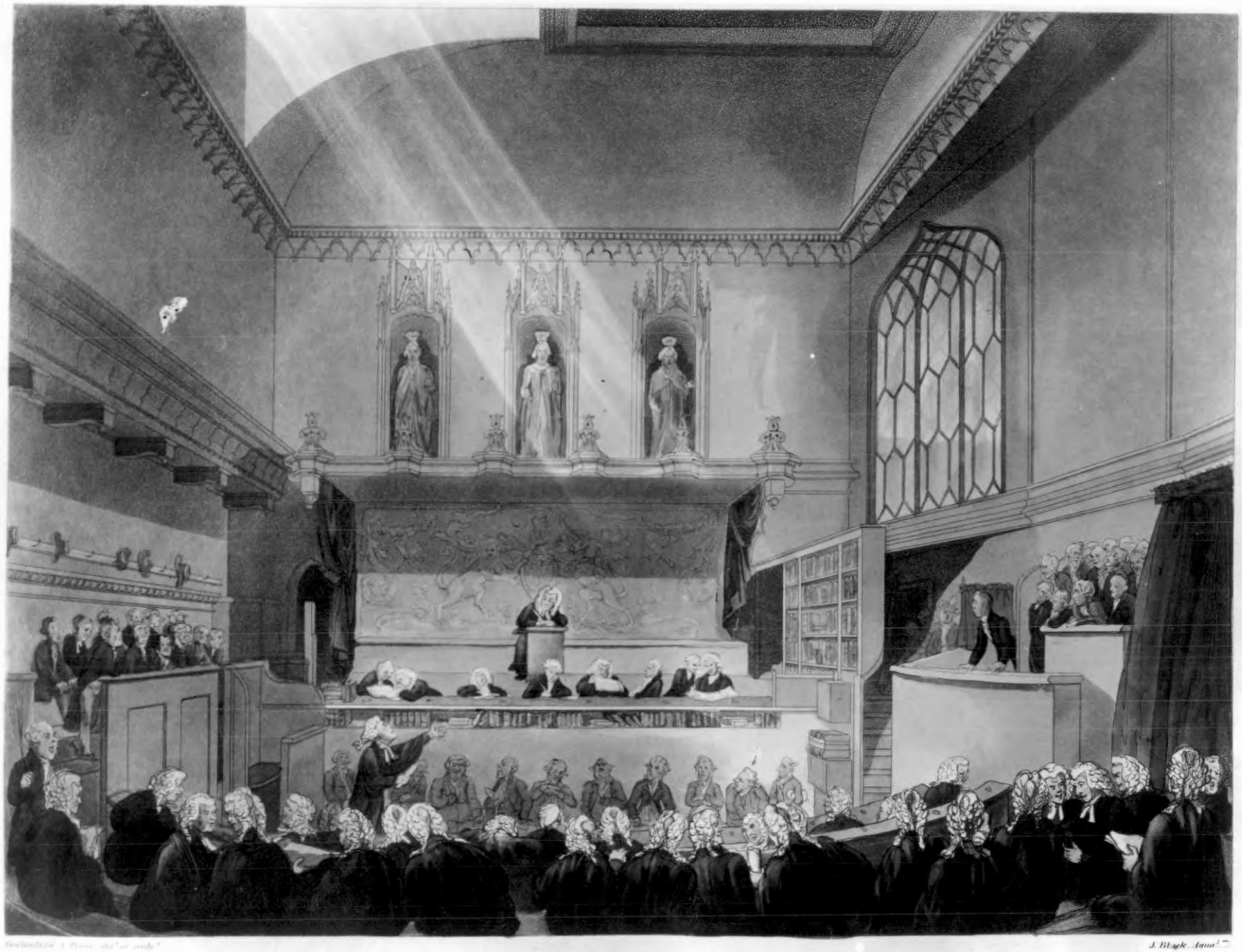
PRINT: COURT OF KINGS BENCH, BY ROWLANDSON & PUGIN. From, The Microcosm of London or London in Miniature, Volume I (London, 1800), page 205. The following is taken from the text accompanying the print: "It is the supreme common law court in England, and is so called because the king formerly sat there in person: indeed, in all the courts the king is supposed (in contemplation of law) to be always present...

"The jurisdiction of this court is very high. It keeps other courts within their respective bounds, and may either remove their proceedings or prohibit their progress... It is likewise a court of appeal, into which may be removed, by writ of error, the determinations of all the other courts of record in England, and also from the Court of King's Bench in Ireland.

"One cannot dismiss this subject without observing upon the mildness introduced in the administration of criminal justice in this kingdom above all others: indeed, there have been writers of the first eminence, who, more sensible of the necessity of public order, than alive to the feelings of humanity, do not hesitate to say, that too many delinquents escape with impunity. Beyond that respect which is necessary to strengthen the feebleness of law, there is nothing in our criminal tribunals to excite a fear in the bosom of innocence: they are neither wrapt up in mystery, nor rendered more formidable by secrecy or darkness: every thing is open to the public; every form of procedure, every circumstance tends to the acquittal of a delinquent; even the prejudices of mankind are admitted in his favour, and he sees in the persons who are to determine his case by their verdict, those whom a similarity of rank and circumstances might engage to take an interest in his fate.

"The voice of nature cries out, 'RATHER SAVE TWENTY GUILTY PERSONS, THAN PUT ONE INNOCENT MAN TO DEATH.'

"The plate represents the chief justice sitting at Nisi Prius, and the counsel examining a witness. It is altogether a very exact representation of the objects which it professes to exhibit." [Text from Volume I, pages 205-6.]



COURT OF KINGS BENCH,
WESTMINSTER HALL.

PRINT: COURT OF CHANCERY, BY ROWLANDSON & PUGIN. From, The Microcosm of London or London in Miniature, Volume I (London, 1800), page 193. The following is taken from the text accompanying the print: "The Court of Chancery is represented in the plate during the sittings in vacation, which are held here [in Lincoln's Inn Hall] by permission of the honorable society. ...In term-time, the business of this court is transacted in the Court of Chancery at Westminster Hall. The lord high chancellor is the sole judge, or cancellarius, who presides...

"The office of chancellor is, by 5th Eliz. c. 18. declared to be the same as that of lord keeper, and is created merely by delivery of the great seal into his custody, whereby he becomes, without writ or patent, an officer of the greatest weight and power of any now subsisting in the kingdom, and superior in point of precedency to every temperal lord. He is a privy counselor by his office, and...prolocutor of the House of Lords by prescription. To him belongs the appointment of all justices of the peace throughout the kingdom... He is the guardian of all infants, idiots and lunatics, and has the general superintendence of all charitable uses in the kingdom: and all this over and above the vast and extensive jurisdiction which he exercises in his judicial capacity in the Court of Chancery, wherein...there are two distinct tribunals; the one being a court of common law, the other a court of equity. But...if any fact be disputed between the parties, the chancellor cannot try it, having no power to summon a jury, but must deliver the record propria manu into the King's Bench. In this legal court is likewise kept the Officina Justitiae, out of which do issue all original writs that pass the great seal, and all commissions of charitable uses, sewers, bankruptcy, idiotcy, lunacy, and the like. In fact, the lord chancellor of England is, in many respects, what the praetor was at Rome..."[Text from Volume I, pages 193-202.]



Rowlandson & Pugin del.t et sculp.t

J. C. Stadler Aquat.

COURT OF CHANCERY,
LINCOLN'S INN HALL.

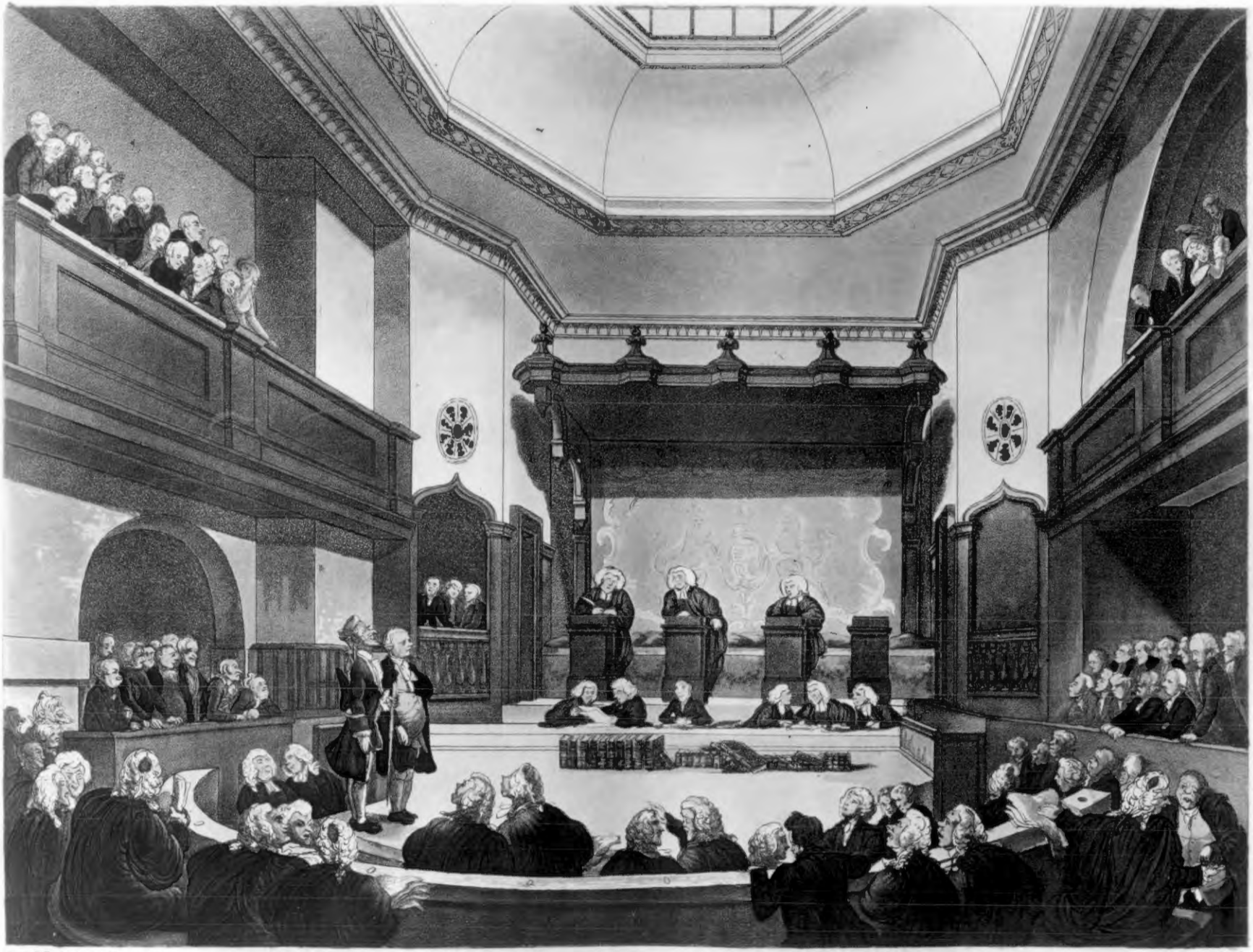
London Pub.d 1.st June 1808, at R. Ackermann's Repository of Arts 101 Strand.

PRINT: COURT OF COMMON PLEAS, BY ROWLANDSON & PUGIN. From, The Microcosm of London or London in Miniature, Volume I (London, 1800), page 203. The following is taken from the text accompanying the print: "This court...is one of the four great courts of the kingdom.... It is so called, because in this court are tried the usual or common pleas, which include all cases whatsoever of a civil nature between subject and subject.... It is a court of record, and styled by Sir Edward Coke, "the lock and key of the common law," 4 Inst. 99; for herein only can real actions be brought. The Court of King's Bench has a concurrent jurisdiction in most personal actions; a writ of error lies from this court by way of appeal to the Court of King's Bench.

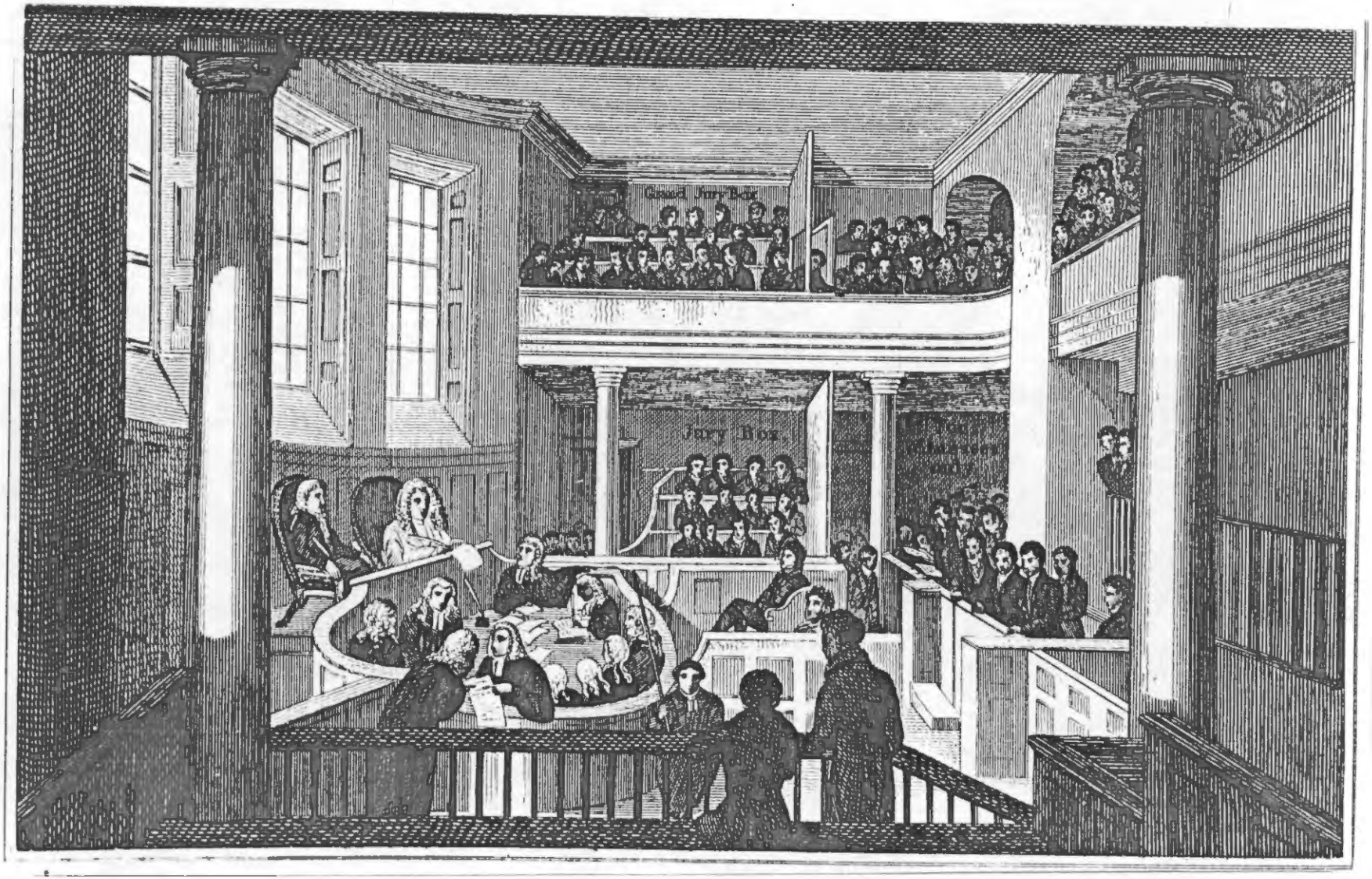
"Each of the courts [i.e., King's Bench and Common Pleas] is adorned with a piece of tapestry, in the middle of which are the arms of England: but they are neither of them striking in their decorations; they are rather reduced to depend upon their intrinsic dignity for the admiration which they excite, particularly when visited by foreigners. 'I have seen,' says an intelligent French writer with some naiveté, 'when there was a great crowd, young persons with frocks as dirty as those who walk the streets of London, fill two or three vacant places close to the lord chief justice!'

"The judges, whilst they sit upon the bench, have presented to them every day large nosegays, and these supply the place of perquisites which these magistrates receive in other countries...

"The court is represented in the plate as employed in the examination of bail. The Israelite, with his gold-lace coat... is well contrasted with his round-bellied co-bail."
[Text from Volume I, pages 203-4]



COURT OF COMMON PLEAS,
WESTMINSTER HALL.



PRINT: INTERIOR OF THE CROWN COURT OF HARTFORD, ENGLAND. COURTESY OF THE FREE LIBRARY OF PHILADELPHIA, RARE BOOK DEPARTMENT, CARSON COLLECTION. NEG. NO. 3803.

21'-0 9/16"

REFERENCE

FRAGMENT OF FRIEZE OF ORIGINAL ENTIRE STUDY (REMOVED 1897), SALVAGED, RECONSTRUCTED, AND REPLACED IN ITS ORIGINAL POSITION (1964) - SEE SHEET 19 FOR DETAIL EXPLANATION.

1965 STEEL DRILLAGE BEAM

REMAINS OF ORIGINAL TRIMMER ARCH

1951 BRICK PATCH

1961 BRICK PATCH

W.I. ANCHOR (FL DN)

T-HEAD WROUGHT NAIL

ORIGINAL WOOD DRILLAGE BEAM

ORIGINAL PERF. RELIEVING ARCHES

WAILING BLOCK HOLE

ANCHOR HOLE

MORTISES WHICH RECEIVED TENONS OF ORIGINAL FRIEZE BOARDS

RABBET (STILES WITH RABBET ARE FOUND IN SCR. ONLY WHEN THEY ARE TO RECEIVE RAISED PANELS NOTE NORTHEAST AND SOUTHEAST CORNERS OF S.C.R. SEE SHT. 7)

ORIGINAL STILE (CUT OFF)

DIRT LINE

PAINT SEEPAGE BETWEEN UPPER & LOWER ARCHITRAVE FASCIA BOARDS.

WAILING BLOCKS APPEAR NEW WITH WIRE NAIL HOLES

ANCHOR HOLE

NO PLASTER EVIDENCE BEYOND THESE LINES

CRACK

ANCHOR HOLE. 1¼" DP, 9/16" H, ⅜" W, PROBABLY 1816. TO FASTEN REMAINING STILE AFTER REMOVAL OF PANELING.

PLASTER TRACES ON ORIGINAL BRICK

1898 PATCH NO TRACES OF PLASTER ON THESE BRICKS

1898 BRICK ARCH, NO PLASTER, BRICKS REUSED

ORIGINAL PILASTER

1962 BRICK PATCH FILLING C.1854 FLUE

1898 BRICK PATCH

1898 BRICKWORK

SEE SHEET 7 FOR CORNER PILASTER DETAILS

PILASTER SHAFTS CUT OFF BELOW ELUTING, BUT ORIGINALLY THEY EXTENDED DOWN TO FILLED HOLES AS AT NW CORNER & AS INDICATED BY STILE AGAINST SOUTH WALL

FILLED HOLES

1898 STONE SILL

OPEN HOLE

1898 BRICKWORK

PLASTER TRACES ON THIS BRICKWORK

PLASTER

FOR ARCHITECTURAL EVIDENCE ON ORIGINAL WINDOW FRAMES SEE SHEET 19

NAIL HOLE PROBABLY FROM A WROUGHT NAIL BUT DATING FROM 1898 TO FASTEN CARVED BRACKETS

1898 NAILING BLOCKS

OPEN HOLE

WOOD BLOCK MISSING

ANCHOR HOLE

OPEN HOLE

ORIGINAL TABERNACLE FRAME IN THIS AREA UNTIL 1896 IS NO PLASTER EVIDENCE ON WALL ABOVE THIS LINE.

ORIGINAL WINDOW FRAME

1898 SILL BLOCKING

PLASTER TRACES ON ORIGINAL BRICK. PLASTER ADDED WHEN WOODWORK REMOVED C. 1816.

± 2'-5½"

FAINT TRACE OF STILE

SCRIBE LINE IN BRICK SURFACE AND BENEATH PLASTER TRACES. QUESTION: COULD THEY RESULT FROM PROCESS OF REMOVING WOODWORK, C. 1812 & OR 1816 ?

WOOD PLUG PROJECTS ⅜-⅝" FROM WALL. PLUGS USED FROM A 1816-1896

WOOD PEGS, ⅞" DIA., UNUSED PROBABLY 1898

SCRIBE LINE

FILLED HOLE

PL

NO PLASTER EVIDENCE WITHIN DOTTED LINES

FOR SAMPLE OF PLASTER SEE NHP ACC. NO. 2491

PLASTER 1816 OR LATER

DIRT LINE

6'-2⅜"

WIRE SPIKE

WOOD BLOCK MISSING

ANCHOR HOLE

OPEN HOLE

ORIGINAL WINDOW FRAME

1898 SILL BLOCKING

SCRIBE LINE IN BRICK SURFACE AND BENEATH PLASTER TRACES. PLASTER EDGE.

JOISTS FOR 1ST JUDGES' BENCH (DOTTED LINES INDICATE PROBABLE JOISTS) HOLES PROBABLY USED IN 1838 FOR 2ND TIME

FILLED HOLES AT THIS LEVEL ARE ORIGINAL JUDGES' BENCH FLOOR JOIST POCKETS - SEE CORNER PILASTER EVIDENCE.

HOLES FOR MISSING STILE BLOCKING (PLUGS) USED FROM 1816-1896 FOR EXTENSIONS OF ORIGINAL STILES.

7'-2⅜"

CUT NAIL HOLE USED TO FASTEN 1816 CARVED BRACKETS.

PLASTER

OPEN HOLE

1898 NAILING BLOCKS

1898 BRICK PATCH

ORIGINAL PILASTER

SCRIBE LINES

PLASTER TRACES ON ORIGINAL BRICK

OPEN HOLE

HOLE DUG IN WALL FILLED WITH MORTAR

1898 NAILING BLOCKS

FILLED HOLES

PLASTER EVIDENCE IN THIS AREA DATES FROM 1816

MODERN NAILING BLOCKS

PRESENT FLOOR LINE (PRE-NPS 1968 RESTORATION)

PLASTER

REMAINS OF ORIGINAL TRIMMER ARCH

W.I. ANCHOR (FL DN)

MORTISES WHICH RECEIVED TENONS OF ORIGINAL FRIEZE BOARDS

RABBET TO RECEIVE RAISED PANELS

ORIGINAL STILE (CUT OFF)

1898 WOOD BLOCKS

NO PLASTER EVIDENCE BEYOND THESE LINES

POSITION OF ORIGINAL STILE INDICATED BY CLEAN BRICK AREA AS STILE REMAINED IN PLACE UNTIL 1896

REFERENCE

SEE SHEET 7 FOR CORNER PILASTER DETAILS.

PILASTER BASE (NOT SHOWN) DATES FROM 1816 - APPLIED WITH NAILS OF THAT PERIOD

PILASTER SHAFT CUT BACK TO INSERT JOIST OF SECOND JUDGES' BENCH C. 1838, AT HIGHER LEVEL

RELATIONSHIP OF SHAFTS TO FILLED JOIST HOLES INDICATES LEVEL OF THE ORIGINAL JUDGES BENCH. SEE NPS HISTORIC STRUCTURES REC. 157.7228

REFERENCE

DATUM

PAINTED SURFACE, EXPOSED WHEN BRICK & RAISED F NOT BASES AS PLAC

ORIGINAL WOOD BLOCK

ORIGINAL STILE

ORIGINAL WOOD BLOCK

ORIGINAL STILE

ORIGINAL WOOD BLOCK

ORIGINAL STILE

ORIGINAL WOOD BLOCK

ORIGINAL STILE

ORIGINAL OAK NAILING BLOCK

SMALL NAILING BLOCK

WROUGHT NAIL HOLE

EXISTING WROUGHT NAIL

CUT NAIL HOLE

EXISTING CUT NAIL

FILLED HOLE IN BRICK WALL

AS NOTED

IRON ANCHOR – ORIGINAL UNLESS OTHERWISE NOTED. ATTITUDE OF ANCHOR NOTED WITH RESPECT TO POSITION OF THE FLANGE.

FLANGE DOWN | FLANGE LEFT | FLANGE RIGHT | FLANGE UP

BASIC DATA: EXISTING CONDITIONS – FEBRUARY 1965

SUPREME COURT ROOM – WEST WALL.

ORIGINAL WOODWORK IN SITU AND ARCHITECTURAL EVIDENCE ON BRICK WALL AFTER REMOVAL OF THE 1897-98 PANELLING SYSTEM.

¾" = 1'-0"

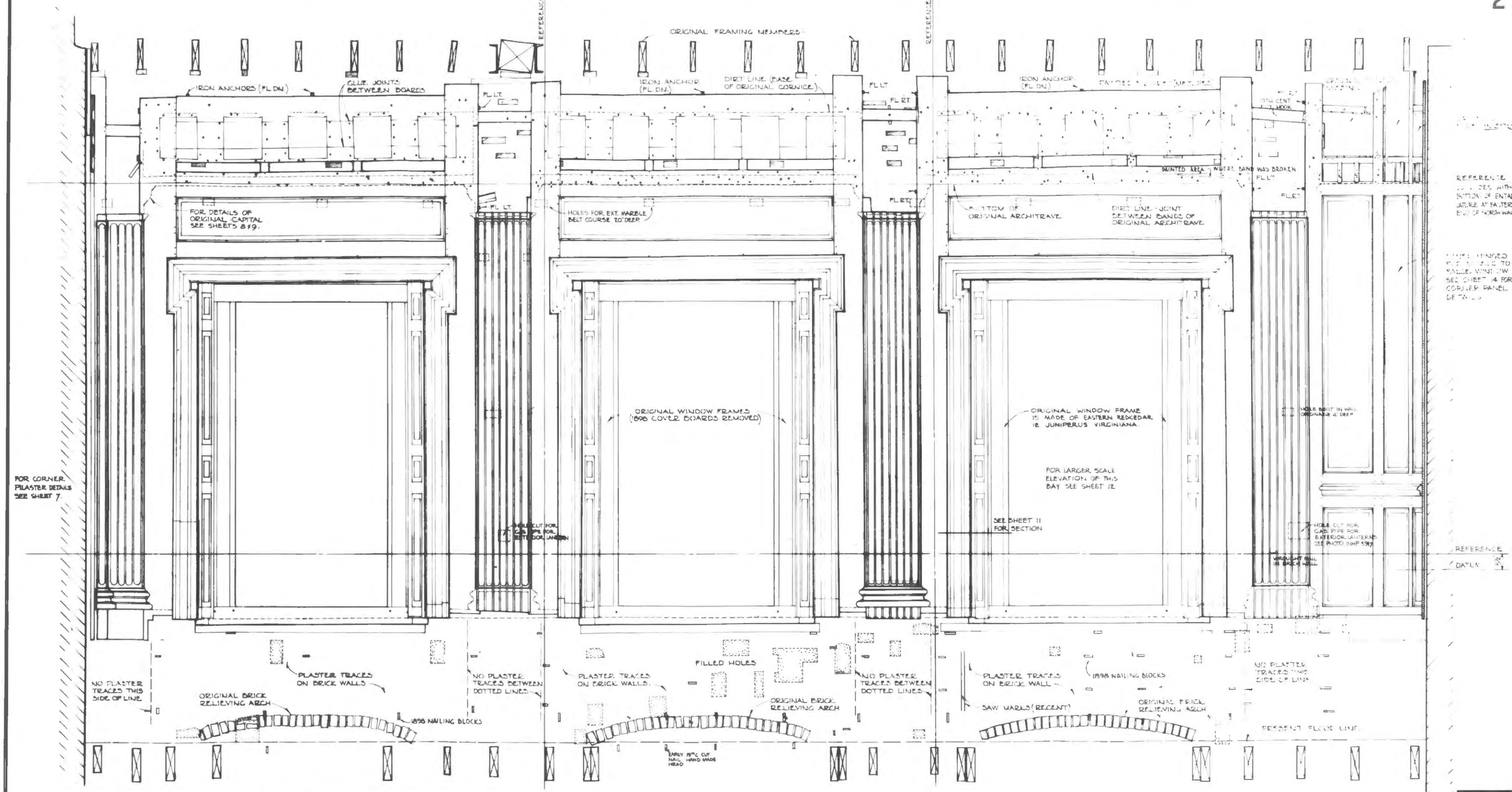
0 3 6 12 2' 3' 4'

REVISION: THIS DWG REVISED AS EVIDENCE WAS FOUND / UNDERSTOOD

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DIVISION OF DESIGN AND CONSTRUCTION
PREPARED BY
PHILADELPHIA PLANNING AND SERVICE CENTER
OFFICE

ARCHITECTURAL EVIDENCE, WEST WALL
TITLE OF DRAWING
SUPREME COURT ROOM – INDEPENDENCE HALL
LOCATION
INDEPENDENCE NATIONAL HISTORICAL PARK
PARK

PREPARED MILNER, STEWELL - HAMPTON
CHECKED NELSON
REGION NORTHEAST
RCP NO. D-146
SHEET 4 OF 50
DRAWING NO. NHP-IND 3425
DATE JULY 1965



ORIGINAL OAK NAILING BLOCK
SMALL NAILING BLOCK
WROUGHT NAIL HOLE
EXISTING WROUGHT NAIL
CUT NAIL HOLE
EXISTING CUT NAIL
FILLED HOLE IN BRICK WALL
AS NOTED

• IRON ANCHOR – ORIGINAL UNLESS OTHERWISE NOTED. ATTITUDE OF ANCHOR NOTED WITH RESPECT TO POSITION OF THE FLANGE. STILE ANCHORS BEHIND PILASTERS NOT SHOWN.

FLANGE DOWN · FLANGE LEFT · FLANGE RIGHT · FLANGE UP

BASIC DATA: EXISTING CONDITIONS - FEBRUARY 1965

SUPREME COURT ROOM – NORTH WALL

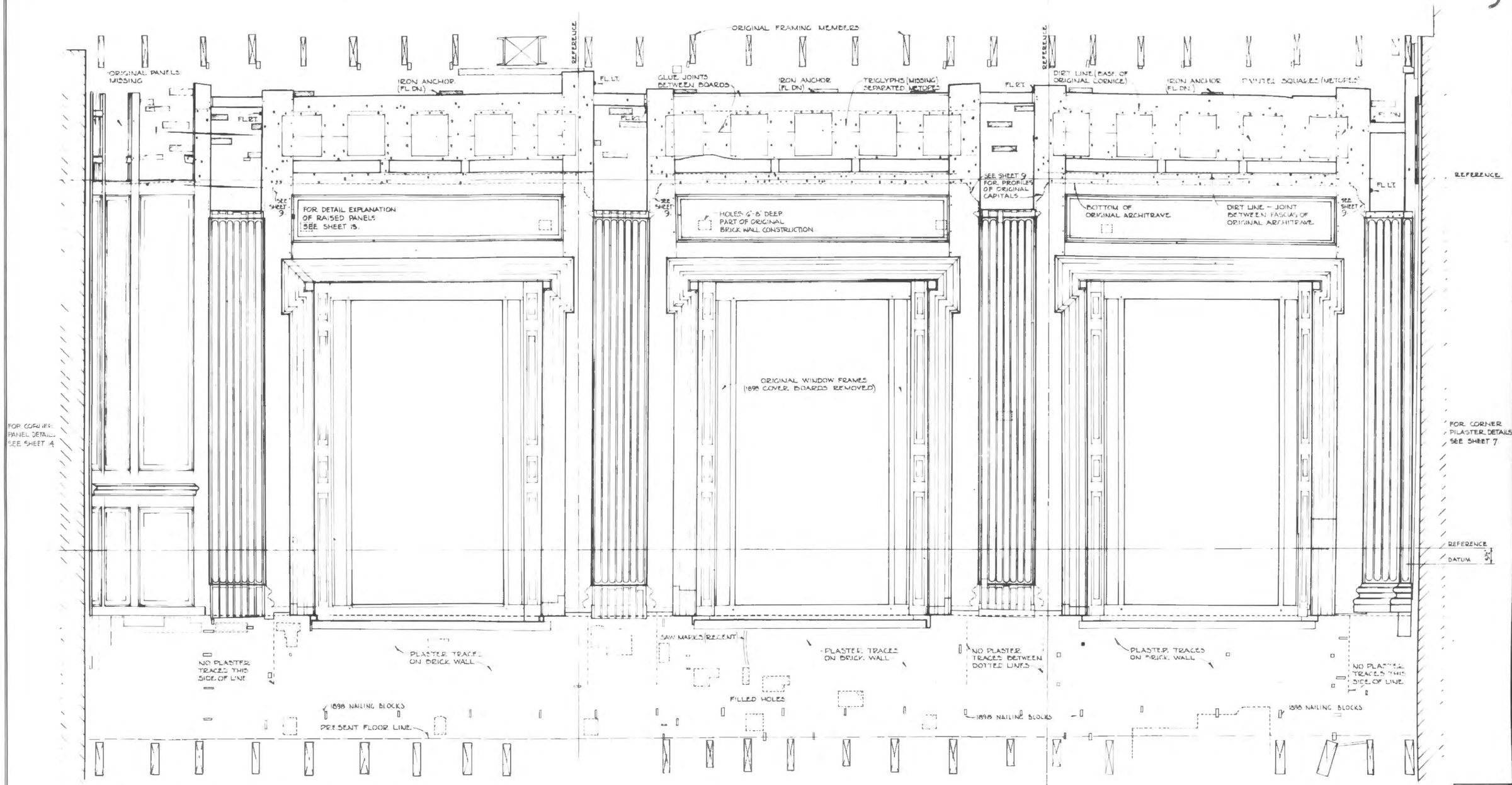
SURVIVING ORIGINAL WOODWORK IN SITU AND ARCHITECTURAL EVIDENCE OF MISSING FEATURES. 1897-98 ENTABLATURE AND WAINSCOT REMOVED IN 1964.

3/4" = 1'-0" 0 5 6 12 2 3 4'

PREPARED OFFICE: MINE HALTHORNE
CHECKED NELSON
REGION NORTHEAST
RCP NO. E-146
SHEET 1 OF
DRAWING NO. NHP ND 3425
DATE JULY 1966

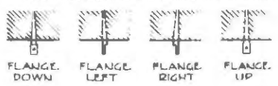
UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE DIVISION OF DESIGN AND CONSTRUCTION PREPARED BY PHILADELPHIA PLANNING AND SERVICE CENTER OFFICE

ARCHITECTURAL EVIDENCE NORTH WALL
TITLE OF DRAWING
SUPREME COURT ROOM - INDEPENDENCE HALL
LOCATION
INDEPENDENCE NATIONAL HISTORICAL PARK
AREA



ORIGINAL OAK NAILING BLOCK
SMALL NAILING BLOCK
WROUGHT NAIL HOLE
EXISTING WROUGHT NAIL
CUT NAIL HOLE
EXISTING CUT NAIL
FILLED HOLE IN BRICK WALL AS NOTED

• IRON ANCHOR - ORIGINAL UNLESS OTHERWISE NOTED. ATTITUDE OF ANCHOR NOTED WITH RESPECT TO POSITION OF THE FLANGE. STILE ANCHORS BEHIND PILASTERS NOT SHOWN.



SUPREME COURT ROOM - SOUTH WALL

SURVIVING ORIGINAL WOODWORK IN SITU AND ARCHITECTURAL EVIDENCE OF MISSING FEATURES. 1897-98 ENTABLATURE AND WAINSCOT REMOVED IN 1964.



BASIC DATA: EXISTING CONDITIONS - FEBRUARY 1968

PREPARED PICKARD-MULLER-HARTSHORNE
CHECKED NELSON

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DIVISION OF DESIGN AND CONSTRUCTION
PREPARED BY OFFICE
PHILADELPHIA PLANNING AND SERVICE CENTER

ARCHITECTURAL EVIDENCE, SOUTH WALL
TITLE OF DRAWING
SUPREME COURT ROOM - INDEPENDENCE HALL
LOCATION
INDEPENDENCE NATIONAL HISTORICAL PARK
PARK

REGION NORTHEAST
P.C.P. NO. 0-148
SHEET 3 OF
DRAWING NO. NHP-IND 3425
DATE: JULY 1968

PENT. CUT BACK FOR 20th CENTURY UTILITIES

SPLIT MORTISE & TENON JOINT

REFERENCE

ORIG. PANEL IN SITU

GLUE JOINT BETWEEN FRIEZE BOARDS

DIRT LINE (BASE OF ORIGINAL CORNICE)

ORIGINAL BEAM

ORIGINAL BEAM

FRAGMENT OF ORIGINAL TRIGLYPH (SEE SHEET 17 FOR DETAIL)

REFERENCE

ORIGINAL BEAM

TRIGLYPHS (MISSING) SEPARATED METOPES

PAINTED SQUARES (METOPES)

19TH CENT HOOK

SEE SHEETS 8 & 9 FOR ORIGINAL CAPITAL PROFILES

REFERENCE

PANEL HINGED FOR ACCESS TO FALSE WINDOW SEE SHEET 14 FOR CORNER PANEL DETAILS

DUTCHMEN BETWEEN SPANDREL BOARDS INSTALLED 1958

DIRT LINE + JOINT BETWEEN FASCIAS OF ORIG. ARCHITRAVE. BOTTOM LINE OF ORIGINAL ARCHITRAVE.

SEE SHEETS 15 & 16 FOR DETAILS OF ARCHWAY TRIM

SCORCH MARKS, PROBABLY FROM FIRE OF MARCH 24 1824. EVIDENCE ON SOFFIT SHOWS POSITION OF CLOSET SHEATHING PREVIOUSLY INSTALLED IN ARCHWAY. SEE PHOTOGRAPH NHP #3527.

SEE SHEETS 5 & 6 FOR PILASTER DETAILS.

DOTTED LINES INDICATE POSITION OF STILES AND RAILS BEHIND PILASTERS

SEE SHEET 21 FOR EVIDENCE DRAWING OF SALVAGED CLOSET SHEATHING USED IN THIS ARCHWAY IN THE 19TH CENTURY. SEE 1976 PHOTOGRAPH NHP #210-C.

BEADED COVER BOARDS (ORIGINAL) OVER STILES

COVER BOARDS CUT TO RECEIVE PILASTER BASES

1898 NAILING BLOCKS

SEE SHEET 10 FOR ORIGINAL BASE AND CHAIR RAIL DETAILS

COVER BOARDS CUT BACK TO RECEIVE BASEBOARDS.

ORIGINAL NAILING BLOCKS

1898 NAILING BLOCKS

REFERENCE DATUM

PRESENT FLOOR LINE

ORIGINAL FLOOR LINE ON COURT ROOM SIDE OF PIERS IS DERIVED BY SUBTRACTING FULL HEIGHT OF ORIGINAL CENTRAL HALL BASEBOARDS FROM THE TOP LEVEL OF THE ORIGINAL SUPREME COURT ROOM BASEBOARDS.

ORIGINAL OAK NAILING BLOCK
SMALL NAILING BLOCK
WROUGHT NAIL HOLE
EXISTING WROUGHT NAIL
CUT NAIL HOLE
EXISTING CUT NAIL
FILLED HOLE IN BRICK WALL
AS NOTED

• IRON ANCHOR – ORIGINAL UNLESS OTHERWISE NOTED. ATTITUDE OF ANCHOR NOTED WITH RESPECT TO POSITION OF THE FLANGE. STILE ANCHORS BEHIND PILASTERS NOT SHOWN.

FLANGE DOWN | FLANGE LEFT | FLANGE RIGHT | FLANGE UP

SUPREME COURT ROOM – EAST WALL

SURVIVING ORIGINAL WOODWORK IN SITU AND ARCHITECTURAL EVIDENCE OF MISSING FEATURES. 1897-98 ENTABLATURE AND PILASTER PEDESTALS REMOVED 1964.

3/4"=1'-0" 0 6" 1' 2' 3' 4'

BASIC DATA: EXISTING CONDITIONS – FEBRUARY 1965

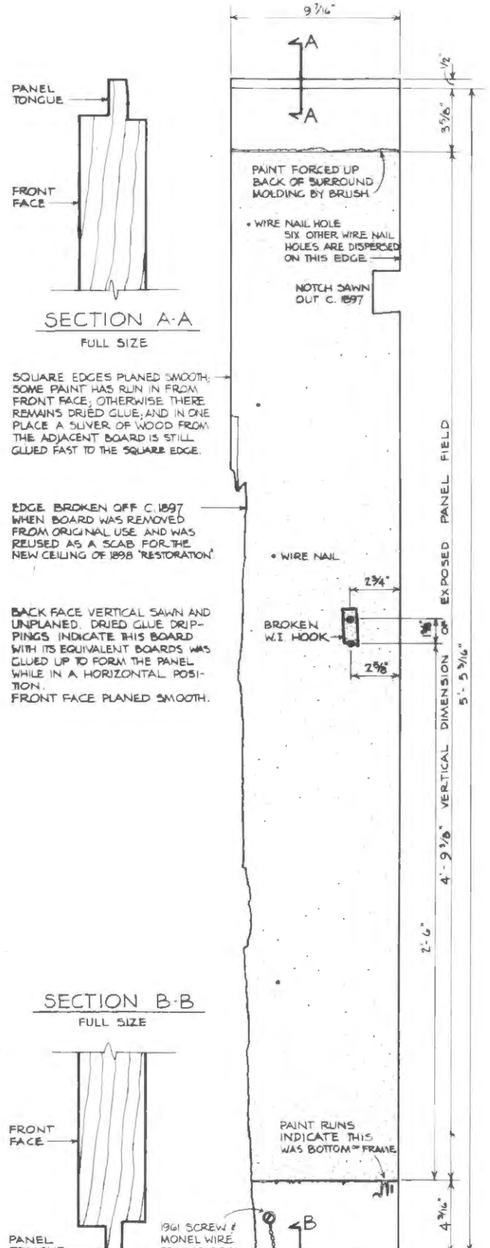
PREPARED GIEBAUS-ULMER HARTSHORNE

CHECKED NELSON

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DIVISION OF DESIGN AND CONSTRUCTION
PREPARED BY PHILADELPHIA PLANNING AND SERVICE CENTER OFFICE

ARCHITECTURAL EVIDENCE, EAST WALL
TITLE OF DRAWING
SUPREME COURT ROOM – INDEPENDENCE HALL
LOCATION
INDEPENDENCE NATIONAL HISTORICAL PARK
PARK

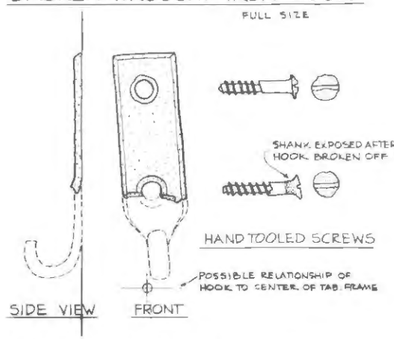
REGION NORTHEAST
P.E.P. NO. B-148
SHEET 2 OF
DRAWING NO. NHP-IND 3425
DATE JULY 1966



ORIGINAL PANEL BOARD FROM TABERNACLE FRAME —
3" = 1'-0" INHP CATALOGUE NR 6580

BROKEN WROUGHT-IRON HOOK

FULL SIZE



THIS PLATE IS MOUNTED ON THE ORIGINAL FINISH PAINT LAYER. IT WAS BROKEN BEFORE THE APPLICATION OF SUBSEQUENT PAINT LAYERS. (THE BROKEN EDGES HAVE THE SUBSEQUENT PAINT LAYERS ON THEIR SURFACES.) THE PIECE BROKEN OFF UNDOUBTEDLY WAS A HOOK SIMILAR TO THAT INDICATED ABOVE.

THE FOLLOWING PAINT LAYER DISTRIBUTIONS BEAR OUT THE ABOVE STATEMENTS:

PAINT LAYERING UNDER HOOK PLATE:
WOOD; RED IRON-OXIDE 7.5 R. 3/6; UNDERCOAT OF WARM TAN 7.5 YR. 6/6; FINISH COAT OF WARM TAN 8.1 YR. 6.08/5.1; HARDENED SURFACE; UNEVEN DIRT AND RUST DEPOSITS.

PAINT LAYERING ON TOP OF BROKEN PLATE AND ON THE SCREW HEADS AND EXPOSED SHANK:
IRON; RUST; GREENISH CREAM 2.5 Y 7/4; YELLOW CREAM 2.5 Y 8/6; CREAM 2.5 Y 8/2; LIGHT CREAM 2.5 Y 8.5/2; TWO LAYERS OF YELLOW CREAM 2.5 Y 8/4; DIRTY DARKER SURFACE.

PAINT LAYERING ON OPEN BOARD SURFACE AS WELL AS ADJACENT TO BROKEN EDGE OF PLATE:
WOOD; RED IRON-OXIDE 7.5 R 3/6; UNDERCOAT OF WARM TAN 7.5 YR. 6/5; FINISH COAT WARM TAN 8.1 YR 6.08/5.1; HARDENED SURFACE WITH DIRT, CAUSING UPPER LAYERS TO FRACTURE OFF EASILY; GREENISH CREAM 2.5 Y 7/4; YELLOW CREAM 2.5 Y 8/4; TAN CREAM 2.5 Y 7/2; CREAM 2.5 Y 8/2; LIGHT CREAM 2.5 Y 8.5/2; TWO LAYERS OF YELLOW CREAM 2.5 Y 8/4; DIRT AND DARKER SURFACE.
(NUMERICAL NOTATIONS ARE IN REFERENCE TO THE MUNSELL COLOR CO. SYSTEM. — 2441 N. CALVERT ST., BALTO. 18, MD.)

ACCURATE NOTATION FOR ORIG. FINISH COLOR WARM TAN 8.1 YR 6.08/5.1, LOT 22850, 45 GLOSS ON 60° GLOSS METER.

THE CONCLUSION THAT THIS BOARD IS ORIGINAL IS BASED ON THE FACT THAT THE PAINT LAYERS ON ITS SURFACE ARE THE SAME AS THE LOWER LAYERS ON THE ORIGINAL ENTABLATURE METOPE AREAS ON THE N. S. & E. SUP. CT. RM. WALLS.

THE CONCLUSION THAT THE BOARD WAS PART OF THE WEST WALL TABERNACLE FRAME IS BASED ON THE EVIDENCE THAT IT WAS PART OF A GLUED UP PANEL TONGUED INTO CONTINUOUS GROOVED RAILS. AS IT WAS FOUND USED IN THE 1897 "RESTORATION" AS A SCAB TO FURR DOWN THE SUPREME COURTROOM CEILING, IT WITHOUT DOUBT WAS PART OF THE PANELED FRAME ON THE WEST WALL WHICH WAS DESTROYED AT THAT TIME (SEE 1896 PHOTOGRAPHS).

HYPOTHESIS: BROKEN W.I. HOOK SUPPORTED KING'S ARMS c.1740-1776

JULY 1 1776 "the 5th day insisted that the Kings arms in court room should be took down." Christopher Marshall Diaries HSP

JULY 8 1776 "And in the evening our late King's coat of arms was brought from the Hall, in the State-House, where the said King's courts were formerly held, and burned amidst the acclamations of a crowd of spectators." Pa. Journal & Weekly Advertiser July 10, 1776

NOV 1785 "Petition of George Rutter & Martin Jugiere ... That your petitioners have painted and finished the Arms of this State and Decorations and Ornaments for the seat of the Supreme Court of Judicature of this State and the same is now fixed over the seat of Justice in the State House ..." GEN'L ASSEMBLY PPS.

1785-1796 Rutter and Jugiere repetitioned repeatedly for payment for "the arms of Pennsylvania with the figure of justice over the seat of the state judiciary ..." March 15, 1792 Journal First Session ... Second House of Representatives of ... Pennsylvania.

FEB. 1796 "Resolved That the petitioners have leave to withdraw his petition." Ibid.. Rutter probably removed his State coat of arms from the State House after his petition was withdrawn.

1821-1873 City of Philadelphia held several of their courts in the west room of the State House. In the center the city coat of arms appears in a new dress - and is ornamented with a new gilt frame; " Public Ledger Aug. 30, 1850

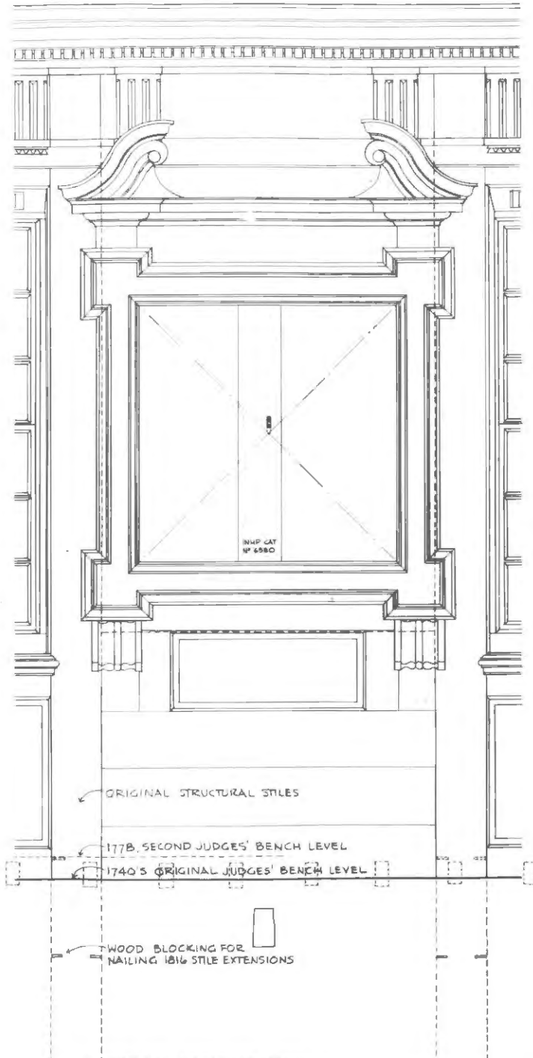
1896 DEC. [When workmen were dismantling the National Museum, and were removing West's "Penn's Treaty" from the center of the West wall of the Supreme Court chamber, behind it was noticed a strip of brown wrapping paper apparently pasted to wall. Under this was found "a long broad sheet of zinc. [Back of that was what appeared to be] a very grimy and much cracked square of old oilcloth. [They tried to remove this] but found it was panelled in the wall entrasma by a slight moulding. [When the strips of moulding were removed, the cloth fell forward, the slat then falling to pieces] ... It must be the original copy of the city's coat of arms which was painted for the particular niche." Phila. Evening Telegraph Dec 29, 1896
SEE PHOTOGRAPHS OF 1876 AND 1896: INHP 5742 & 1651, AND OAHP 157.2095.
SEE IND HALL COLL. SN-18,989

1961 NOV. 6 INHP Museum Division purchased a painting of the Pennsylvania Coat-of-Arms (cat N° 2108), signed "G. RUTTER/ PHILAD/ PINXIT" and mounted in a hand carved 18th cent frame. The painting was purchased from descendants of Rutter. The frame measures 4'-8 1/2" high by 4'-7 1/8", ie. it fits within Tabernacle frame field panel. We conclude that this is the State Coat of Arms which Rutter painted c 1785, and for which Martin Jugiere carved the frame.

EXAMINATION OF ABOVE EVIDENCE:
1. The Philadelphia City Coat-of-Arms did not hang from a hook - it was fastened by surrounding moldings.
2. The Rutter Pennsylvania State Coat-of-Arms, upon examination of the original frame, has always hung from its upper corners - ie the centered hook could not have been used.

CONCLUSION:
The broken wrought-iron hook, not applying to the City or State Coat-of-Arms, and having been screwed onto the panel board when the original warm tan finish color was in use, must have supported the King's Coat-of-Arms from c 1740-1776 on July 8, when it was broken while the Arms were taken down.

ADDENDUM:
c.1785-1796 Rutter and Jugiere petitioned for payment also for "the figure of justice over the seat of the state judiciary ..." This figure would have been centered within the broken pediment. Its presence suggests that c.1740-1776 there may have also been a carved figure of justice in this position.



WEST WALL CENTER BAY
3/4" = 1'-0"

ENTABLATURE
SALVAGED FRAGMENTS ESTABLISHED POSITION AND DIMENSIONS OF DETAILS, SEE D'WG. NHP-IND 3425, SHEETS 17 & 25.

TABERNACLE FRAME
PHOTOGRAPHS: INHP 5742 (c.1876), INHP 1651 (c.1896), STEREOGRAPH (c.1896) INHP CAT N° 6908 COPY NEG. OAHP N° 157.2095; ESTABLISH APPEARANCE OF THE BROKEN SCROLL PEDIMENT, KNEE'D TABERNACLE FRAME, AND THE INTERRUPTED SPACING OF THE ENTABLATURE TRIGLYPHS.

PHOTOGRAPHS ALSO ESTABLISH THAT THE STILE AND RAIL SYSTEM USED TO SUPPORT THE TABERNACLE FRAME WAS AN INTEGRAL PART OF THE ENTABLATURE CONSTRUCTION. AS THIS WEST WALL ENTABLATURE IS A CONTINUATION OF THE ORIGINAL ENTABLATURE ON THE OTHER WALLS, WE CONCLUDE THAT THE PEDIMENT AND TABERNACLE FRAME ARE ORIGINAL.

THE ORIGINAL PANEL BOARD INHP CAT. N° 6580 ESTABLISHED THE HEIGHT OF THE TABERNACLE FRAME FIELD PANEL.

DRAWING NHP IND 3425, SHEET 28 GIVES DERIVATIONS OF DETAILS AND DIMENSIONS FOR THE TABERNACLE FRAME AND PEDIMENT, BASED ON ALL SALVAGED FRAGMENTS AND MATHEMATICAL PROPORTIONS FIGURED FROM PHOTOGRAPH OAHP N° 157.2095 (INHP CAT. N° 6908).

TABERNACE FRAME BRACKETS ARE CONJECTURAL, BASED ON SIMILAR USAGE IN TOWER STAIRHALL, IND. HALL; AND THE POSSIBILITY THAT JOHN HAVILAND IN 1831 ECHOED THIS FEATURE WHEN HE COPIED THE SUPREME COURT ROOM FOR HIS "RESTORATION" OF THE ASSEMBLY ROOM (SEE VIEW OF HAVILAND'S ASSEMBLY RM., INHP 7358). THE FORM OF THE BRACKETS IS DERIVED FROM THE SUPREME COURT ROOM ARCHWAY KEYSTONES.

THE RAISED PANEL CENTERED UNDER THE TABERNACLE FRAME IS A FEATURE ALSO USED IN THE TOWER STAIRHALL & HAVILAND'S ASSEMBLY RM "RESTORATION," BUT IT ALSO EXPLAINS WHY ITS UPPER EDGE, IE. THE DOTTED LINE, BECAME THE BOTTOM LIMIT OF THE ORIGINAL WOODWORK TO SURVIVE THE DENUDATION OF THE WEST WALL C. 1816. BELOW THIS DOTTED LINE THERE IS EVIDENCE OF PLASTER HAVING REPLACED THE WOODWORK. AS THE TABERNACLE FRAME WAS NOT REMOVEABLE IN 1816, IT BEING AN INTEGRAL PART OF THE ENTABLATURE WHICH WAS BEING KEPT, THEY REMOVED ONLY THAT WOODWORK IN THIS BAY WHICH WAS EASILY REMOVEABLE: THE RAILS AND PANEL BETWEEN THE STILES, STOPPING SHORT OF THE RAIL SUPPORTING THE FRAME. THUS BOTH THE RAISED PANEL & BRACKETS WERE REMOVED IN 1816.

JUDGES' BENCH FLOOR LEVELS
THE ORIGINAL 1740'S BENCH LEVEL IS SHOWN BY THE RELATIONSHIP OF THE BOTTOM LIMIT OF THE ORIGINAL NW & SW PILASTER SHAFTS &/OR ADJACENT STILES TO THE JOIST POCKET EVIDENCE (SEE D'WG. 3425-4). WITHIN THE CENTER BAY THE ORIG. BENCH JOIST POCKETS ARE 6 FT. O.C. (THEY ARE 15 IN. O.C. AT THE NW & SW CORNERS). THIS VARIATION IN SPACING IMPLIES THAT THE CENTER SECTION OF THE BENCH HAD A SUB-SYSTEM OF 8 IN. MEMBERS AND, WE ASSUME, A SUPERIMPOSED SYSTEM OF 6" SLEEPERS WHICH RAISED THE ACTUAL BENCH ONE STEP ABOVE THE FLANKING ACCESS PLATFORMS.
THE SECOND JUDGES' BENCH WAS PROBABLY BUILT IN 1778 AFTER THE BRITISH OCCUPATION OF THE STATE HOUSE. THE ORIGINAL PILASTER SHAFT IN THE NW CORNER WAS CUT BACK TO ALLOW A JOIST OF THIS SECOND BENCH TO SEAT IN A POCKET AT A HIGHER LEVEL. THE TABERNACLE FRAME STILES SEEM TO HAVE BEEN CUT OFF TO MEET THIS HIGHER FLOOR LEVEL, FOR WHEN EVENTUALLY THIS SECOND BENCH WAS REMOVED C. 1816, THE STILES WERE PIECED OUT TO EXTEND TO THE C 1816 MAIN FLOOR(?). THE EXTENSIONS BEING NAILED TO WOOD BLOCKING DRIVEN INTO MORTAR JOINTS.

MAIN FLOOR LEVEL
THE ORIGINAL MAIN FLOOR LEVEL IS ESTABLISHED THROUGH THE OPEN ARCHWAYS IN THE CENTRAL HALL WHERE ORIGINAL BRICK FLOORING AND INTACT BASE BOARDS SURVIVED.

BASIC DATA

PREPARED BY ARCHITECTURAL RESEARCH TEAM L.H. NELSON (CHARTHORSE BATCHELOR)	UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE OFFICE OF ARCHEOLOGY & HISTORIC PRESERVATION BRANCH OF RESTORATIONS	REGION NORTHEAST
DRAWN BY (CHARTHORSE BATCHELOR)		PCP NO. 5-142
CHECKED BY L.H. NELSON	TABERNACLE FRAME EVIDENCE SUPREME COURT ROOM INDEPENDENCE HALL INDEPENDENCE NATIONAL HISTORICAL PARK	SHEET 12 OF 50
		DRAWING NO. NHP-IND 3426
		DATE: 10/76

INHP MUSEUM CATALOGUE NO 6060 FOR BOARDS A, B, C, & D

NOTES:

DATING THE CLOSET SHEATHING

1789 INDEPENDENCE SQUARE, STATE HOUSE
MAINTENENCE, VOUCHER 1789 JUNE 12
FOLDER N
DIVISION OF PUBLIC RECORDS
HARRISBURG

BILL OF CARPENTER'S WORK AT THE STATE HOUSE BY JOSEPH BAKESTRAW; "TO MAKING A PARTITION BETWEEN THE ENTRY AND COURT ROOM AND REPAIRING THE MOULDINGS AT IMPOST AND BASE OF PILASTER AND A PAIR OF LARGE FOULDING DOORS — 8 . 0 . 2 ."
THIS BILL PROBABLY REFERS TO THE CENTRAL HALL SIDE OF THE ARCHWAY SHEATHING WHICH MADE NICHES OF THE ARCHES AS SEEN FROM THE SUPREME COURT ROOM.

1815 TO 1830 THE EXISTING CUT NAILS ON THE S.C.R. SHEATHING [SHOWN AT RIGHT(*)] ARE EARLY MACHINE CUT NAILS WITH ECCENTRIC MACHINE MADE HEADS AND SHEAR MARKS ON OPPOSITE SIDES. THE NAILS WERE MADE CA. 1820-30. THE REASON FOR THE USE OF WROUGHT NAILS, ALSO TO BE FOUND ON THESE BOARDS, IS BECAUSE THEY CAN BE CLINCHED — CUT NAILS WOULD BREAK. THE SHELF RESTS WERE NAILED FROM THE CLOSET SIDE AND THE NAILS CLINCHED ON THE S.C.R FACE.

1824 UNIDENTIFIED NEWSPAPER CLIPPING OF 1924
REPRINTED ARTICLE, FROM DEMOCRATIC GAZETTE OF MARCH 25, 1824

THE REPORT OF A FIRE IN "THE MAYOR'S COURT ROOM IN THE WEST END OF THE STATE HOUSE ... VILLAINS ENTERED THE ROOM, PILED UP SOME CHAIRS AGAINST THE WAINSCOTING AT THE EAST END OF THE ROOM AND SET THEM ON FIRE." THE SCORCH MARKS ON THE ARCHITRAVE AND KEYSTONE OF THE SOUTHEAST ARCHWAY CAN BE SEEN IN INHP PHOTO(NEG NO.3327) TAKEN WHEN PAINT WAS REMOVED FROM THIS AREA IN 1956. THE SCORCH MARKS STOP SHORT OF THE CLOSET SHEATHING POSITION ON THE S.C.R. SIDE PREVENTING THE FLAMES FROM REACHING THE UNDERSIDE OF THE ARCHWAY. THUS, THE S.C.R. SHEATHING WAS IN PLACE IN 1824

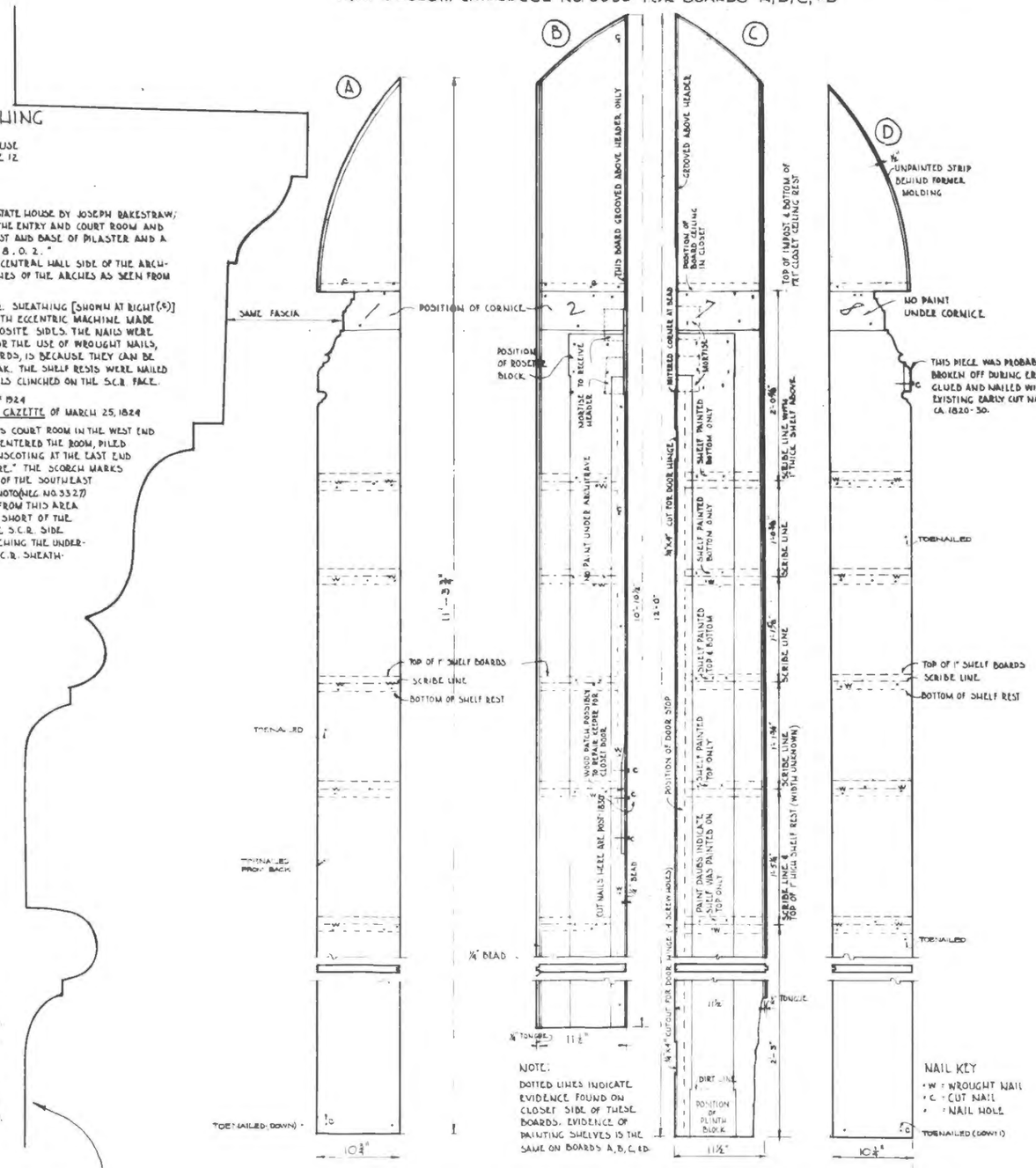
GENERAL NOTES

EACH BOARD WAS NUMBERED IN PENCIL (AREA COVERED BY CORNICE) BY THE CARPENTER TO FACILITATE ERECTION; SEE ELEVATIONS AT RIGHT.

IMPOST PROFILE (CUTOUT) IS TAKEN FROM BOARD PENCILED NO. 1 (SEE 'A' AT RIGHT)

UNPAINTED ½" STRIPS AT THE TOP OF EACH BOARD INDICATE THE POSITION OF A MOLDING WHICH FOLLOWED THE ARCH - IMPOST TO IMPOST.

SHELF RESTS WERE NAILED FROM THE CLOSET SIDE WITH WROUGHT NAILS AND CLINCHED ON S.C.R. SIDE. CUT NAILS WERE DRIVEN FROM THE S.C.R. FACE INTO THE SHELVES. WIRE NAILS AND HOLES OF 1898, WHEN SHEATHING BOARDS WERE USED AS FURRING, HAVE NOT BEEN RECORDED ON THIS DRAWING.

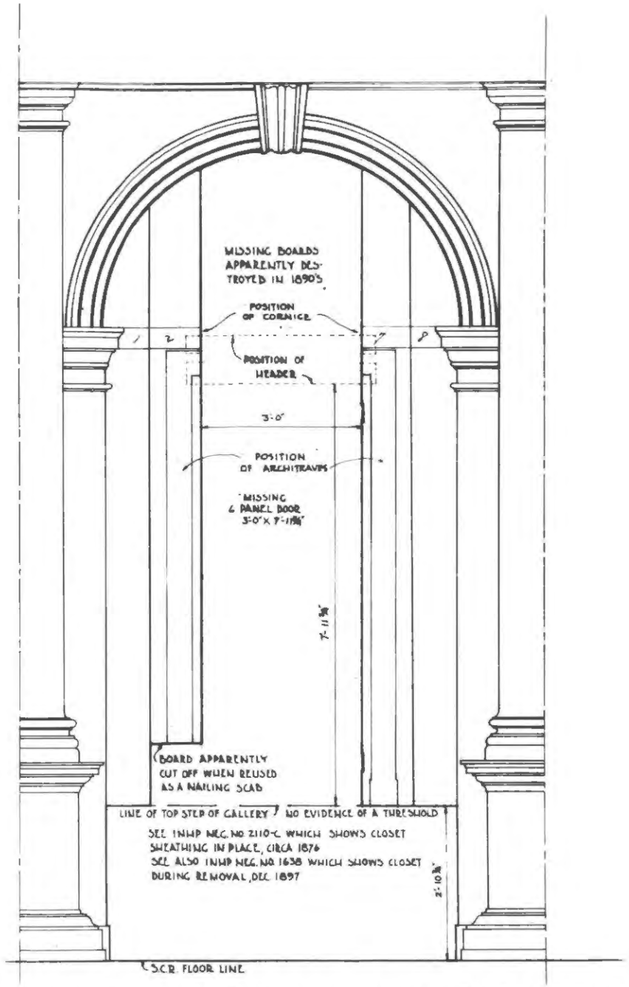


NOTE:
DOTTED LINES INDICATE EVIDENCE FOUND ON CLOSET SIDE OF THESE BOARDS. EVIDENCE OF PAINTING SHELVES IS THE SAME ON BOARDS A, B, C, & D.

NAIL KEY
• W = WROUGHT NAIL
• C = CUT NAIL
• = NAIL HOLE

TRACING OF IMPOST CUTOUT
FULL SIZE

ELEVATIONS, CLOSET SHEATHING FROM SUPREME COURT ROOM SIDE
SCALE 1½" = 1'-0"



ELEVATION OF NORTH ARCH SHOWING CLOSET SHEATHING AS REASSEMBLED, EAST WALL, SUPREME COURT ROOM
SCALE ¾" = 1'-0"

BASIC DATA INDEPENDENCE HALL, PHILADELPHIA COUNTY, PA., JULY 1962.
BOARDS FOUND OVER SUPREME COURT ROOM - REUSED AS NAILING SCABS FOR FURRING-OUT CEILING IN 1890'S (FOUND JUNE 1962) SEE PHOTOS INHP 2110-C, 5743.

0 4 8 12 24 36 48 INCHES
0 2 4 8 12 16 24 INCHES
0 ¼ ½ 1 1½ 2 3 INCHES F.S.

SCALE AS NOTED

RECOMMENDED DATE
APPROVED

ORIENTATION

PREPARED K. CLARK
DESIGNED CLARK & STONE
DRAWN NELSON
CHECKED

MARK	DESCRIPTION OF REVISION	DATE	INITIALS
		REVISED	

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DIVISION OF DESIGN AND CONSTRUCTION
PREPARED BY
PHILADELPHIA PLANNING AND SERVICE CENTER
OFFICE

CLOSET SHEATHING EVIDENCE:- NORTH ARCHWAY, EAST WALL
TITLE OF DRAWING
SUPREME COURT ROOM - INDEPENDENCE HALL
LOCATION WITHIN PARK
INDEPENDENCE NATIONAL HISTORICAL PARK
NAME OF PARK

REGION NORTHEAST
PCP NO. P-142
SHEET 21 OF
DRAWING NO. NHP: IND 3425
DATE JULY 1962