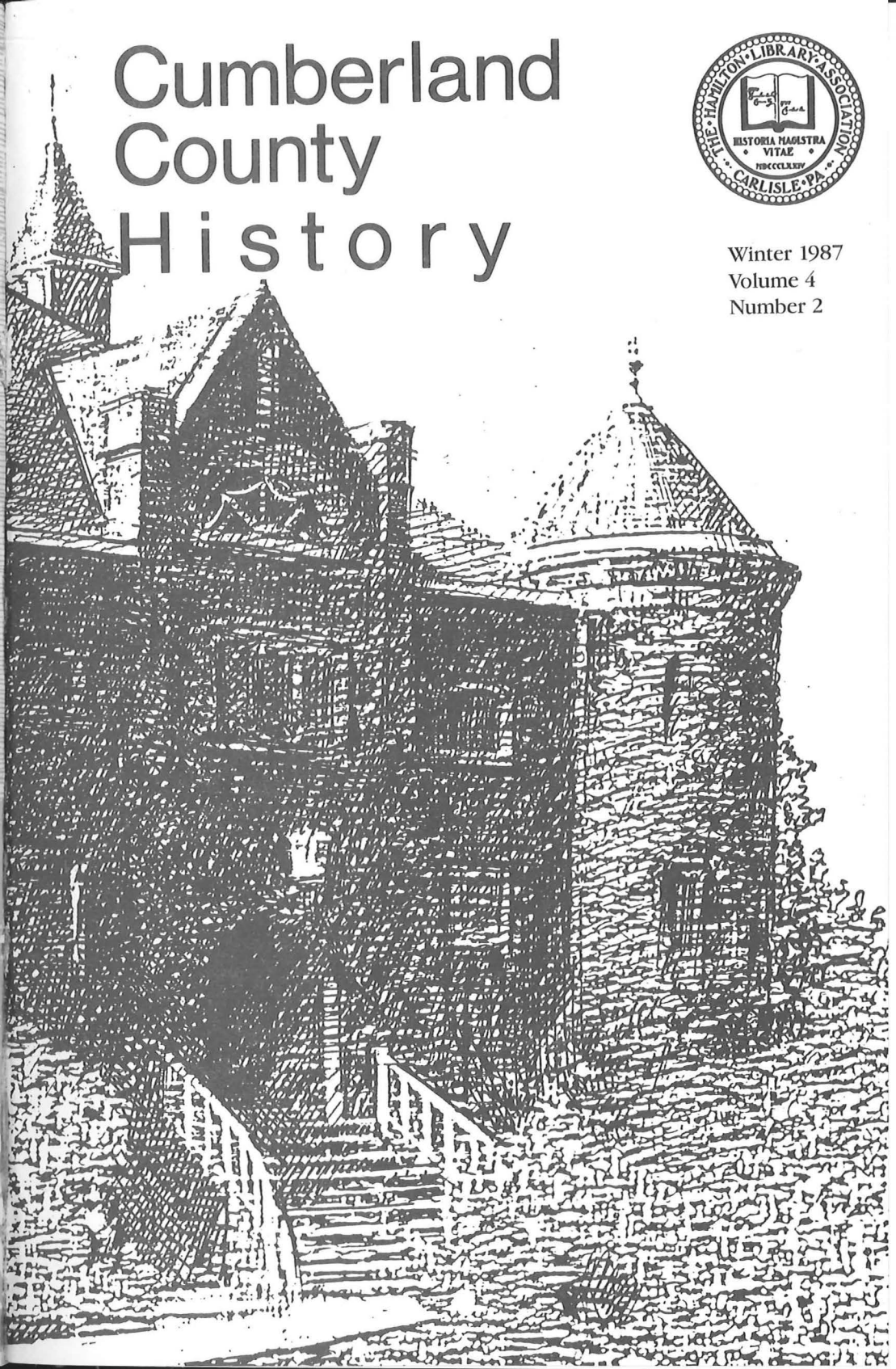


# Cumberland County History



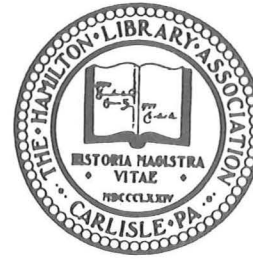
Winter 1987  
Volume 4  
Number 2



# Cumberland County History

Volume IV, Number 1  
Winter 1987

Published by the  
Cumberland County Historical Society  
and Hamilton Library Association  
27 North Pitt Street  
Carlisle, Pennsylvania 17013



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The publications committee invites the submission of articles or notes dealing with all aspects of the history of Cumberland County. Articles may investigate new areas of research or may reflect past scholarship. Manuscripts should conform to the University of Chicago *Manual of Style*, 13th ed. Footnotes should be doublespaced and placed at the end of the manuscript. Manuscripts should be sent to the Editor at 1915 Walnut St., Camp Hill, PA 17011.

## Membership and Subscription

*Cumberland County History* is published semi-annually. All members of the Cumberland County Historical Society receive a copy of the journal as part of regular membership. The regular membership fee is \$20.00 annually. Members receive other benefits, including a quarterly newsletter, special invitations to programs and exhibits, and the satisfaction of joining with others to preserve county history. Correspondence regarding membership should be addressed to the Executive Director, Cumberland County Historical Society, 21 North Pitt Street, P.O. Box 626, Carlisle, PA 17013.

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Cover: Sketch of Stewart Hall, Shippensburg, by William Davis, of the Shippensburg State University faculty, who also provided the cover sketch of the Carlisle Barracks for the Summer 1987 issue of this journal.

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## Bullets for a Revolution: Daniel Roberdeau's Leadmining Expedition of 1778

Robert L. Emerson

Images of patriots toppling New York's equestrian statue of King George III and molding the material into musket balls, or of Philadelphia ladies sacrificing their table service to provide lead for supplying the Continental Army with ammunition capture the popular imagination. Indeed, among the many shortages that plagued American forces during the Revolution was the shortage of lead for the manufacture of small arms ammunition. Diverting lead from domestic uses served a purpose, and certainly made good propaganda but was at best a stopgap measure and could not begin to answer the needs of the Army.\*

A clear solution to the problem was the development of domestic lead mines. By the 1770's lead deposits had been discovered in western Virginia, New York, Connecticut, the Northwest (present Illinois) and in Spanish territory (present Missouri). In the Spring of 1778, lead mines in western Pennsylvania came to the attention of State authorities, and an expedition was organized from Carlisle under the direction of General Daniel Roberdeau to exploit the mines for the military. The problems encountered by Roberdeau, his associates, workmen, and military support illustrate the difficulty with which this primitive extractive industry was introduced and maintained in a frontier environment. The difficulties experienced were first, problems of defense on an Indian ravaged frontier 100 miles northwest of Carlisle, secondly, lack of capital on the part of the government or private investors, thirdly, shortages of skilled labor and finally, low or fluctuating yield.

The lead deposits in question were located in Sinking Spring Valley (by then part of Bedford County but originally with Cumberland County) on the eastern side of the Allegheny Mountain, eight miles northeast of present Altoona. The valley was narrow and V-shaped, bounded on both sides by steep, wooded mountains, and drained by a stream which sank beneath the limestone surface and reappeared several times giving the valley its curious name. The value of the lead deposits had been recognized prior to the Revolution, as the Penn heirs, learning of the deposits from travelers, employed George Woods of Bedford County to survey the valley. In 1776 some sixteen thousand acres of land was retained and

\* A line of roughly 4800 men, firing a volley allowing for 25% misfires would use approximately 250-300 pounds of lead in one shot.

withheld from sale by the Penns in order to retain ownership of the mineral rights.<sup>1</sup>

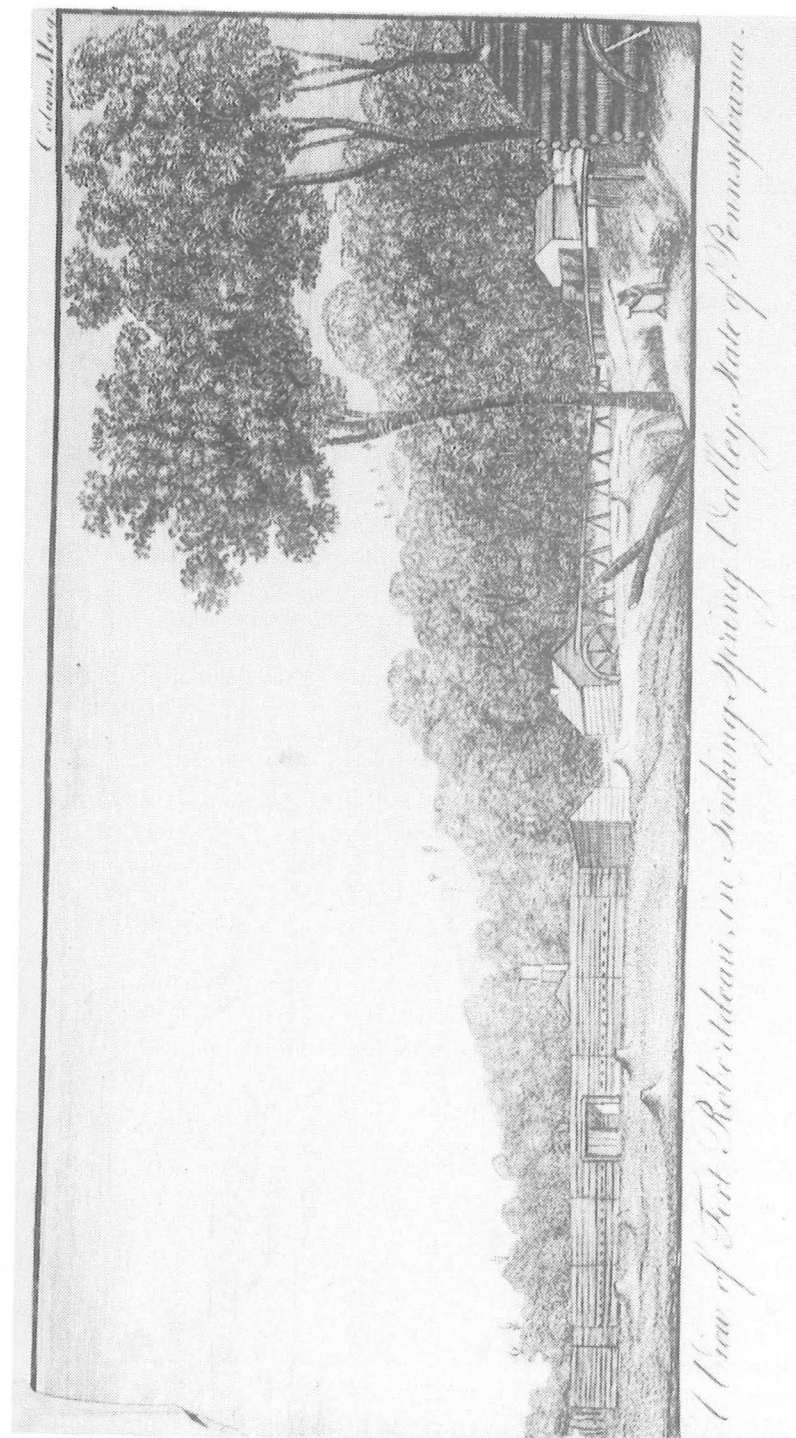
Because of the remoteness of the location, little was done to exploit the lead deposits until 1778, when high demand brought about by military necessity made mining the deposits more attractive. Government interest in the lead deposits began early in 1778 when Harman Husbands, a member of the Pennsylvania Assembly, brought their existence to the attention of General John Armstrong of Carlisle. Armstrong in turn discussed the matter with General Horatio Gates (then President of Congress' Board of War). Gates showed an immediate interest in exploiting the lead deposits. On February 23, Armstrong notified President Wharton of the State's Supreme Executive Council of the lead's existence and urged him to ask Husbands to confer immediately with the Board of War about mining the lead. Armstrong also urged that the State take immediate action to prevent the use of lead by private citizens, who inhabited the neighborhood.

Shortly thereafter, Daniel Roberdeau, Philadelphia merchant, militia general, and member of Congress from Pennsylvania formed a company, explored and tested the lead deposits and on March 30, with the support of Congress, petitioned the Assembly to vest the lands upon which the lead was located within his company. The Assembly gave Roberdeau and company permission to mine the lead and agreed to indemnify the company against "any loss they may have sustained or may sustain in the opening of the said mine and smelting the ore."<sup>2</sup>

By mid-April Roberdeau took leave of his seat in Congress, then sitting at York, and traveled to Carlisle, where he recruited workmen and arranged for shipments of mining tools, supplies, and provisions to Sinking Valley. Roberdeau's selection of Carlisle as the staging ground for his mining expedition was no accident: the town was not only a major supply base for Fort Pitt and the western Department and a jumping off point for westward travel, it was also the site of the Army's Artificers' Laboratory where ammunition was prepared, cannon, shot, harnesses, cooperage, gun carriages, and nails were manufactured and large quantities of arms and powder stored.

On April 17, Roberdeau dispatched a few men and materials westward to proceed with mining operations. While at Carlisle another problem became ever more apparent: the threat of Indian attack on the area surrounding the mines. Part of the northeastern corner of then Bedford County (current Blair County), it had fallen under intermittent Indian attacks during the autumn of 1777. Two Bedford County militia officers related the situation to the State's Supreme Executive Council in November 1777,

A day hardly passes without our hearing of some new murder, and if the people continue only a week longer to fly as they have done for a week past, Cumberland County will be the frontier. . . . (the settlers) are fled or fortified . . . for all the defense that can be made here, the Indians may do as they please . . . all that we can do is weak and ineffectual . . . one half of the people are fled . . . and those that remain are too busily employed in putting their families and the little of the effects that they can save and take into some place of safety, so that the whole burden falls on a few frontier inhabitants . . . not one man



From Columbian Magazine Illustration courtesy of Fort Roberdeau Association

in ten is armed and if they were armed . . . there is not one fourth man that is fit to go against Indians . . . in a whole class (of militia) there might not be a single man who is acquainted with the Indian ways or the woods . . . 3

Defense would be very difficult in an area where these problems existed. As more settlers fled to the east, the mining operations would become ever more exposed to attack.

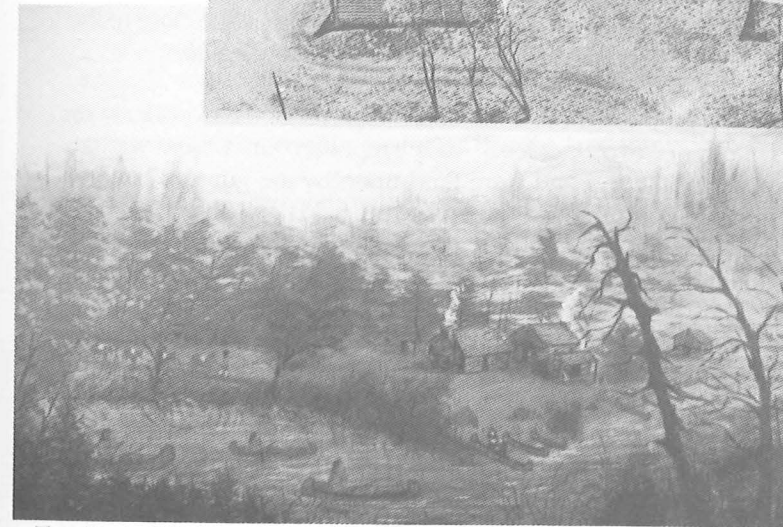
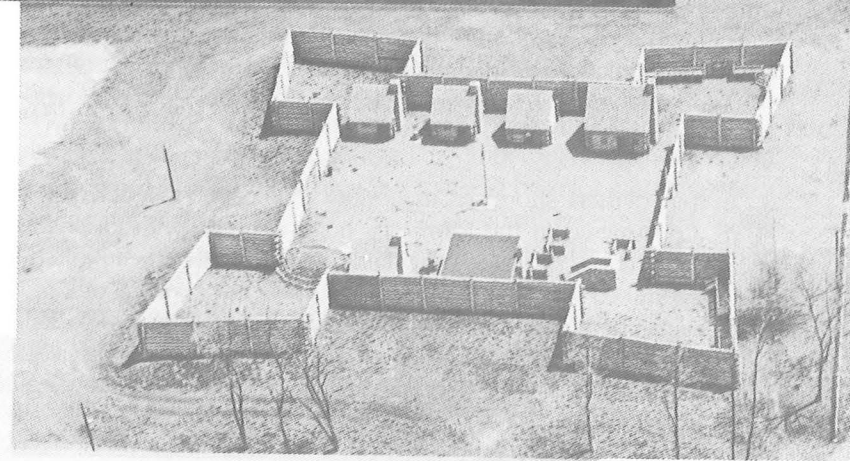
To provide for defense and raise the spirits of the workers and the local settlers, Roberdeau drew out of the public stores at Carlisle twenty-five stand of arms and a quantity of gunpowder. After conferring with Cumberland County Militia Lieutenant John Carothers and the County Commissary, Roberdeau stated "I was confirmed in a pre-conceived intention of erecting a stockade fort in the neighborhood of the mine I am about to work" In building the fort he would need the help of the frontier inhabitants, who could be induced to aid in the fort's construction as an asylum for their families. Roberdeau continued, "I intend to build such a fort, as with sufficient provisions . . . would enable me to defend it against any number of Indians that might presume to invest it."<sup>4</sup> This fort would become an essential part of the lead mining operation and as such would have to be large enough to protect the many people involved.

Carothers offered one company of Cumberland County Militia, about forty men, to be placed under Roberdeau's command. Another company of about the same size was expected for the expedition unless otherwise ordered by Council.

Provisions had to be located and purchased before the operation could begin. \$1200.00 was provided by a public officer in Carlisle, but this would only purchase enough provisions to last a short time. One source of provisions was a quantity of salted beef at Harris's Ferry which could be shipped up the Juniata if the need arose.

By April 23rd Roberdeau had traveled up the Juniata to Standing Stone (Huntingdon). The arms sent from Carlisle had not yet arrived because of contrary winds and lowness of water. From Standing Stone Roberdeau wrote to Carothers, "Your aid is greatly wanted to stimulate the militia and furnish arms, ammunition and pack horses and everything necessary in your line of duty."<sup>5</sup>

While Roberdeau was on his way to Sinking Valley, other events were taking place which jeopardized his intended operation and the frontier as a whole. A group of about thirty loyalists from the frontiers banded together in mid-April and marched to Kittanning with the intention of joining a larger group of Indians there and returning to lay waste to the settlements along the Juniata. The plot came to nothing after the leader of the group was shot in a misunderstanding with the Indians and other members of the band scattered into the woods. Even so, hysteria swept the country and exaggerated accounts of Tory activities abounded. Roberdeau urged calling out more of the Cumberland County militia to meet the threat and also asked Lieutenant Carothers to station militia at Sinking Valley to aid in the erection of the fort. Writing from Standing Stone on April 23, Roberdeau reported: "With ten men under the command of Lt. Cluggage in Continental service until the first of December next, I intend to move forward, to



Top: Start of Construction of Fort Roberdeau

Middle: Fort Roberdeau, Sinking Valley, Blair County, PA. Constructed in 1778 to protect lead miners from Indian War Parties

Bottom: Lead being delivered at Waterstreet for canoe shipment to Valley Forge

*Illustrations courtesy of Fort Roberdeau Association*

afford an escort to Sinking Valley, where I shall be glad to meet as great a number of militia as you will station there, to enable me to erect a stockade."<sup>6</sup> These militia were slow to respond because of lack of supplies and equipment, and even when they did respond, they were obliged to defend other areas of the frontier as well. Upon arriving in Sinking Valley that same week, Roberdeau complained of the deficiency of workmen but mentioned the discovery of a new abundant vein of ore.

The next step was the construction of a smelting furnace for reducing the lead. This crude furnace would smelt the lead from the ore, forming the lead into ingots for shipment by pack horse to Water Street on the Juniata and then by boat down the River to Middletown where the lead was re-refined for the production of musket balls.

Even though mining and smelting operations began in earnest, problems continued to plague the operation. Soldiers were lacking and provisions would soon run out. The construction of the stockade fort, so necessary to the safety of the entire operation, was hampered by lack of manpower. Of forty-six militia ordered to the Valley, only seven were actually on duty with Roberdeau at the end of April.

In spite of these shortages, the fort was completed to a defensible state by June 1778. Constructed in the form of a hollow square with loopholes at shoulder height and barracks inside a stockade wall, Fort Roberdeau, often simply called the "leadmines fort" was built from logs laid horizontally, one atop another, to the desired height. In most frontier forts, the outer wall was built by standing poles upright in a ditch, but, because of an outcropping of limestone close to the ground's surface, digging the ditch was impossible at Fort Roberdeau.

Indian raids continued throughout 1778, and the garrison was constantly on guard. During mid-June two incidents were reported in which Indians approached the walls of the fort and were fired upon by the guard. The fort's commandant, (after Roberdeau's departure in late May), Major Robert Cluggage, was forced to employ his already strained garrison in guarding trails and supply routes. Settlements in the area clamoured for protection, but a frustrated Major Cluggage could do very little to help.

Because of the scarcity of records it is difficult to say exactly which military units served at Fort Roberdeau during 1778 and when they served, but several generalizations can be made. Rangers from Bedford county under the command of Major Robert Cluggage and recruited for nine months garrisoned the fort. Short term militia from Bedford and Cumberland Counties served at the fort, but militia strength is difficult to calculate. These units served for no more than sixty days at one time, and they came and went, creating a great fluctuation in strength from day to day. As seen above, Roberdeau was promised one and perhaps two companies of Cumberland County militia for his expedition of April, 1778. When the Tory scare occurred the same week, the marching classes of the 5th Battalion, Cumberland County militia under Colonel Arthur Buchanan marched off with those men the Colonel could collect and eighteen muskets to augment

the arms Roberdeau had already taken with him. It is certain that the Cumberland County militia that did arrive on the frontier were assigned other duties besides protecting the lead mines, so Roberdeau could only count on part of their total strength. By June many of these militamen had quit the service as their terms of enlistment had ended, but Major John McIllhatton volunteered to remain on the frontier for a few months more to afford better protection to the miners and settlers in the area.

It is little wonder that Cumberland County units played a role of some importance in the establishment of the mines and the fort in Sinking Valley. As described previously, Bedford County was having some difficulty in defending itself with its own militia. In addition, Cumberland County at this time extended well into what is now Huntingdon County, so the lead mines were only a short distance from the then-existing County line. When the Tory scare developed in April 1778, western Cumberland County was also threatened, so it was only logical to dispatch Cumberland County militia to meet the threat.

In the spring of 1779 Fort Roberdeau took on another important function. Throughout the State, five companies of rangers were raised for the defense of the frontier. The Bedford County Company under the command of Thomas Cluggage (Robert's brother) was stationed at Fort Roberdeau. The fort would serve not only as a protection for the mines, but also as a base for ranging parties and an important supply post. On April 8, 1779, President Joseph Reed of the Supreme Executive Council specified to the State's commissaries locations along the frontier where magazines would be established to supply the ranging companies. Fort Roberdeau became one of these supply posts.

As it would take several months to recruit these ranging companies to full strength, militia from Cumberland and York Counties was ordered to frontier posts, but the turnout was very poor. Colonel Buchanan's Battalion, which had seen service the previous year guarding the lead mines, refused to turn out.

As Spring arrived, it brought with it planting season, and many frontier soldiers were forced to leave military posts or shy away from militia service in order to work their fields. Unfortunately, Spring also brought a resumption of Indian raids. A petition from Bedford County officials dated May 29, 1779 testifies to these troubles: "The Indians being now in the country, the frontier inhabitants being generally fled, leaves the few that remain in such a distressed condition that pen can hardly describe."<sup>7</sup>

Meanwhile, Captain Cluggage's new ranging company slowly grew. Officers had been appointed in April and money voted by the Assembly to supply the rangers from Carlisle. Clothing provided included hunting shirts, leggings, and shoes, and arms consisted of rifles discarded by the Army which had been returned to Carlisle for repair.<sup>8</sup> While most of the clothing was indeed received, records indicate that the men were without blankets as late as October.

One private soldier was enlisted in April 1779 was Luke Tipton, a local settler. Tipton described his service:

In March or April 1779, the Indians and Tories got so bad that my father and family was induced to move into the leadmines fort for safety and there Major Robert Cluggage was recruiting soldiers in and about the fort, offering \$60.00 county and \$8.00 per month and myself and my brother Mishac concluded we had as well enlist as to lay about the fort doing nothing for ourselves or our country and we both took the bounty \$60 for the term of nine months and when the nine months was expired, Capt. T. Cluggage discharged all the company except 8 men and myself, and I was one of the 8 that was continued in service 3 months longer to guard the magazine as to our quarters it was in the leadmines fort . . . our daily duty was to parade at the sound of Reveille on the parade ground and then get our breakfast and then prepare for a day or two scout chasing the Indians and Tories sometimes after them and sometimes they after us. As to the probable number there was between 60 and 200 soldiers at our fort at different times.<sup>9</sup>

By summer 1779, as the lead ore supply dwindled and mining efforts lagged, the fort's role as a haven for local settlers began to overshadow its original and primary role as a protector of the lead mines. Even so, Cluggage's men could do little to prevent Indian raids or avenge them after the fact. By the autumn of 1779 mining operations had ceased entirely. In addition to the shortage of military support, the failure of the mines was caused by shortages of labor both skilled and unskilled, lack of sufficient capital thoroughly to explore and exploit the lead deposits, difficulties in transporting the lead to Army magazines and finally poor yield from the mines themselves.

After the collapse of Roberdeau's mines, local settlers attempted to have the fort maintained as a haven, but unfortunately the fort was ill-situated to defend anything but the lead mines. Miles from any important road, Indian trail or mountain pass, Fort Roberdeau could not be a base to stop raiding parties of Indians on their way to the settlements, By May 8, 1780, the cannon and military stores which had been deposited at the fort were removed to Carlisle. In all only 1,500 pounds of lead can actually be documented as having been produced by Roberdeau's mines.

In spite of the failure of the mining operations, Roberdeau's efforts remain noteworthy for the remarkable effort that was made one hundred miles north-west of Carlisle, deep in the wilderness, to provide the Continental Army with ammunition. The fact that Roberdeau and his men ventured forth to a ravaged frontier, risked lives and fortunes, and carried on a mining operation of some magnitude in the face of overwhelming difficulties deserves a place in the History of the Revolution.

## Endnotes

- 1 Craine, Eugene, R. *The Story of Fort Roberdeau* (Chamber of Commerce, Altoona, 1941), p. 3.
- 2 *Ibid.*, p. 10.
- 3 *Pennsylvania Archives*, 1st Series, vol. VI, pp. 39-40 1853, Sevens and Co. Philadelphia.
- 4 *Ibid.*, p. 423.
- 5 *Ibid.*, p. 437.
- 6 *Ibid.*
- 7 *PA Archives*, 1st Series, vol. VIII, p. 445.
- 8 *Ibid.*, p. 282.
- 9 Luke Tipton, Private under Major Robert Cluggage, Pension Application on file, National Archives.

## Riots over Ratification of the Constitution

*Milton Flower*

The frontier in American history, in fact and in fiction, was everywhere the site of excesses, violence and license. Cumberland County from its first settlements through the post revolutionary years was no exception. Striking examples of revolt are found in James Smith's "Black Boys" Rangers; another in the seizure of Stump and Ironcutter, known murderers of friendly Indians, from our county jail by an angry mob. These and many similar events were considered justified by the perpetrators because they believed the authorities ignored both legalities and reason.

The Pennsylvania Assembly's disregard of the Indian attacks on settlers in the first decade of Carlisle's history helped turn the county seat into a never-ending refugee center. Its refusal to give Cumberland and other western counties equal representation with those of Philadelphia and the three eastern counties were additional reasons for subsequent revolutionary support.

Independence resulted in Pennsylvania adopting in 1776 the most radical of any state constitution. Harsh restrictions were placed on government. Property qualifications for voting were abolished. Representation was now based on population. Whereas in 1775 Philadelphia and the three eastern counties had twenty-six representatives in the Assembly, the eight western counties with half the colony's population were allotted only fifteen; with the new State Constitution the Eastern section had twenty-four representatives versus forty-eight for the western counties.

The Articles of Confederation, as originally written in 1776 to unite the former colonies, when submitted to the Continental Congress were strongly national in character. Three years later when finally approved by the Congress new compromises rendered it weak and inefficient. For a decade national leaders sought amendments to strengthen it. The first move was the calling of the Annapolis Convention in 1786. Its primary purpose was to discuss problems of trade and commerce and correct, somehow, the financial instability within the country. Although nine states had agreed to send representatives, only twelve men from

five states showed up. The problems were considered so great that a new Convention was asked for with representatives present from all the states to make the Articles "adequate to the exigencies of the Union." The result was the Federal Convention in Philadelphia in the summer of 1787.

The fifty-five delegates who attended in secret sessions, decided to write a new constitution rather than amend the old Articles. The history of the Federal Conventions which through thoughtful deliberation and hard forged compromise resulted in our Constitution is a separate story.

The Convention ended September 17, 1787. The Pennsylvania General Assembly was meeting at the same time in the same building in regular sessions and immediately received a copy of the proposed Constitution from their Pennsylvania delegates. Proper procedure meant waiting to take action on ratification only after the Confederation Congress in New York moved to submit it, for approval or rejection, to the individual states. Supporters in the Assembly had been apprised that favorable action would be taken by the Congress, and accordingly they were eager to call a state convention to ratify it (as they hoped) before their adjournment on September 29. The opposition, newly named the Anti-Federalists, wanted to hold up such action until after the new elections for the Assembly were held on October 6. They viewed the new document with some apprehension. In the morning session, the day before Assembly adjournment, George Clymer, an Assemblyman, who had been a delegate to the Federal Convention, presented a resolution calling for a State Convention to consider the Constitution, procedures for electing delegates, etc. Without taking immediate action, the Assembly adjourned until afternoon. When four o'clock arrived a quorum was lacking, two-thirds of the members being required to be present.

Saturday morning an express rider from New York brought formal news of the Congressional resolve to submit the Constitution to the states. The Assembly was again convened, but the opposition members failed to attend. The Sergeant-at-Arms was sent forth to round them up. Their meeting place was broken into, two recalcitrant members were seized among angry protests and dragged to the Assembly Hall. The requisite number present for voting was thus achieved. Clymer's motion of the day before was voted affirmatively and a date set for the State Ratification Convention.

The seceding Anti-Federalists (that is those opposed to ratification) were led in the debates by Robert Whitehill of East Pennsborough Township Cumberland County, and William Findley of Westmoreland. Each was strongly supported by the majority of their fellow western representatives. Thomas Kennedy and David Mitchell, also representatives from Cumberland County, sided with their leader. Defense of their action took the form of a broadside published October 2 both in English and German and circulated throughout the state.

News spread quickly back to Carlisle. Thomas Duncan, a local lawyer, on October 3 wrote William Irvine member of the Congress in New York on receiving word of the Assembly's resolution and the "very improper conduct of the



men representing on this side of the Susquehanna." He asserted that "a great majority of the people (here) cry out for its adoption" as a result of first impressions. He also noted, "The people on the hills (are) against those in the valleys." That very day Federal supporters met in the Cumberland County Court house with Major General John Armstrong in the chair. Colonel Magaw read the new Constitution, and resolutions of support were adopted. The meeting concluded its report "we can assure the public that the meeting was the most large and respectable that has been in place since the Declaration of Independence, and that the greatest unanimity and concord prevailed amongst the people. This has inspired the true lovers of their country with the hope that party spirit is extinct." These resolves were printed in a Philadelphia newspaper, eight times in other Pennsylvania newspapers and republished elsewhere ten times from New Hampshire to New York.

Concord was not to be, as the men at that meeting certainly should have known. After all, three of the four Cumberland County representatives had tried to wreck the plans of the supporters of the new Constitution by absenting themselves from the Assembly. Ephraim Blaine (on October 15) in a letter to Benjamin Rush reported an Anti-Federalist "Stony Ridge convention" in East Pennsborough township which had nominated Robert Whitehill, Jonathan Hoge and John Harris as candidates to the Ratification Convention. He also feared a majority (of voters) would be against "federal measures."

Monday, the 22nd, a number of Carlisle gentlemen gathered at Postlethwaite's tavern suggested that freeholders from the town and townships meet at the Court House on the 25th. On that occasion, General Armstrong again chairman, exhorted those gathered "to unite and act as one man for the public good" in the important crisis "rather than preferring narrow party interests." That evening three representatives from each township met at Semple's Tavern. Four men were nominated: John Harris, Jonathan Hoge, William Brown Esq. (Juniata) and John Rehnolds, Esq. Each was an Anti-Federalist and together had attempted to delay the call for a convention to ratify.

On November 6, Delegates were elected to the Convention set to meet 20 November. In Carlisle a petition to the Convention was circulated and reputedly signed by all but three or four persons to whom it had been presented. There was little modesty in the resolution which noted that "the respectable names affixed to it comprehend all the clergy, principal burgesses, members of the learned professions and principal inhabitants of this place; men who possess the means of information, and are entirely exempt from any private or public interest." They petitioned "with the most pure and patriotic motives, [a] wish for the Constitution's unanimous adoption."

The Anti-Federalists did not take that lying down. A petition of their own, likewise addressed to the Honorable Convention in Philadelphia, was, moreover, signed by "upwards of one hundred and seventy in Carlisle, who in their humble opinion, possess equally good means of information, and are free from any private or party interest." The petitioners prayed "the Convention not to adopt the said proposed plan, until a bill of rights shall be framed and annexed, so as to

secure to the citizens of each state, such rights as have been mentioned (we mean to say) those relating to conscience, trial by jury, in court cases as well as in criminal cases; the liberty of the press, and such other liberties as to you may seem necessary to be secured and preserved." This response to the local Federalists' petition was presented to the Convention on December 12, but that body refused to consider their recommendations.

Sixty-nine delegates attended the Pennsylvania Convention which met. Twelve of them rose to debate; nine in favor with James Wilson, once a Carlisle, the chief proponent for adoption. Robert Whitehill from Cumberland, John Smilie of Fayette and William Findley, Westmoreland, argued for the opposition. It was not alone the lack of a Bill of Rights that caused their negative stand. They felt consternation over the provision that a Supreme Court could overturn a law of Congress; they opposed the control of the militia and considered the distribution of votes unequal. Smilie saw it as "a complete system of government in itself and not a confederation." Indeed, he argued that the proposed constitution favored tyranny, so far did he go in his arguments. Whitehill suggested somewhat irrationally that the States themselves might be abolished.

On December 12 debate ended. Robert Whitehill that afternoon moved that the convention be adjourned until some later date so the people might consider amendments or alterations to the proposed Constitution. The motion lost forty-six to twenty-three. Lines were clearly drawn. When the original question to ratify the Constitution earlier moved by Thomas McKean was called, again the division was forty-six to twenty-three.

The Anti-Federalists at once summarized their arguments in a "Dissent of the Minority of the Convention," signed by twenty-one of the twenty-three members who had voted against ratification. It was a forceful document, an analysis of the Constitution by men who sincerely believed in state sovereignty and who feared individuals might easily be deprived of their rights and liberties.

Today, considering the almost religious veneration accorded our Constitution, it is impossible to realize the bitter political divisions over its ratification. The majority of citizens of Cumberland County opposed it. It was basically town versus county. Approval of the Anti-Federalist dissent was formally issued by thirty East Pennsborough men who met regularly in a discussion group. They were scarcely, as John Montgomery called them, "Chiefly Boys" nor did their Address lay the foundation as he thought for the disturbance that was to follow. Not until a week later, in the same issue the subsequent Riot was reported, did the Address appear in the *Carlisle Gazette*. But in his letter to William Irvine, Montgomery was undoubtedly correct in stating that a great majority (locally) was in opposition to the Constitution. Worst of all, he wrote, neighbor was pitted against neighbor, often passing each other without speaking.

Carlisle's Federalists planned a rally at the Square to celebrate Pennsylvania's ratification. The first account of that disastrous occasion in the *Gazette* written, from a Federalist point of view, was answered subsequently by another article in

part correcting that report. The newspaper articles, private letters and other accounts are so obviously prejudiced it is difficult to find truth in the details. Yet the picture of what became known as the Carlisle Riots, taken as a whole, does emerge with some clarity.

Three Federalists, Major James Armstrong Wilson in the lead, formed the committee to organize the celebration. At five o'clock, December 26th, the Court House bell rang loud and long signaling Federal supporters to assemble. This was augmented by a roll of a drum. A cannon on its carrier had been hauled from Foster's Tavern, nearby on North Hanover Street, to the site. Materials also had been collected for a bonfire to be lighted as dusk came on.

Scarcely had the Federalists gathered than from side streets or alleys around the Square, opposition men carrying sticks, staves and what were described as bludgeons, moved out from the shadows toward the celebrants. They harassed the assembled citizens with shouts and insults. Major Wilson at first ignored the ruffians and began to load the cannon. Threats against that action and the lighting of the bonfire became more harsh. Wilson suggested that those not willing to join the celebration, if lovers of liberty, ought to withdraw and not hinder the pleasure of others. More jeers and shouts of derision were now accompanied by a shower of sticks and staves. Angered, Wilson with a stick in his hand lunged forward and struck one of the men. The Major was immediately attacked by six or seven men who beat him with sticks and bludgeons. Wilson fell and the men continued to beat him, we are told, until an old soldier threw himself on the Major and took a few blows himself. While this was going on Robert Miller was also forcefully attacked.

Consternation set in. The Federalists retreated from the melee. Then the Anti-Federalist mob took over, spiked the cannon, lit the bonfire and threw the cannon and its carriage upon it. Obtaining a copy of the Constitution they hurled it into the flames and cheered with delight as they watched it burn. The event thus ended in disaster.

The Federalists did not give up. The next day, Thursday, the Friends of Government, as they called themselves, again assembled, this time at mid-day and now armed for protection with muskets and bayonets. A new bonfire was lit and the ratification of the Constitution passed by the Assembly read, followed by rousing cheers, volleys of musketry, and the firing of a cannon. After two hours the celebration broke up.

Scarcely had the Federalists left the site than members of the group which had broken up the rally the night before and who had been hovering about at some distance took their place. They brought in more fire wood and two fully-dressed effigies, one labeled Thomas McKean, the State's Chief Justice, and the other, James Wilson, the leading proponent of the new Constitution, nicknamed the Caledonian. The effigies were paraded up and down the streets by the men now assembled in marching order, led by their captain Joseph Frazier. Finally on their return to the square to loud shouts the effigies were thrown into the flames. The reporter, who called himself "An Old Man," observed that many men in the mob

were recognized, some of whom he noted had only come into the county within the previous two years.

That evening, having shown their public support of the Constitution, a number of the Federalists met for an "elegant" supper at Joseph Postlethwaite's tavern and "spent the evening with the most perfect harmony, good humor, and conviviality." Twelve toasts were drunk at the conclusion of the supper. They included ones to Major James Armstrong Wilson, the organizer, the Hon. James Wilson, Esq. of Philadelphia — known to them all — and, Number 11 — "May the flag of United States fly triumphant in all the ports of the world." Major Wilson probably was not present. On March 18, aged 36, he died after "a short illness", possibly never having recovered from the attack less than three months before.

The initial newspaper account of the riot which appeared in the *Carlisle Gazette* on January 2, was reprinted five times in Philadelphia newspapers, once in Lancaster and by March 10, thirty-one times from Maine to Georgia.

The turmoil that began the night of December 26 lasted until March 1, ending in what John Montgomery writing James Wilson described as a "harmless comic opera."

On January 23, the Pennsylvania Supreme Court ordered Sheriff Leeper to bring the rioters, who included among others John Jordan, Presiding Judge of the Cumberland County Court of Common Pleas, William Petrekin and twenty-one others, all yeomen, before either one of the Judges of the Supreme Court or Justices of the Peace in Cumberland County to be "dealt with according to the law" for their "riotous, routous and unlawful manner" in assaulting, beating and wounding James Armstrong Wilson, Robert Miller and others, and otherwise disturbing the peace.

Then next day, the Supreme Court Order not yet known locally, Petrekin wrote John Nicholson of Philadelphia, an Anti-Federalist, who had once lived in Cumberland County:

Both the Clergymen in this town are against us, but particularly Davidson (a minister at the First Church and a professor at the College) is our inveterate enemy, he declares he'll leave the congregation if the mob (as he calls them) that opposed the rejoicing is not prosecuted with vigor; the truth is he is an insignificant tool of the mock gentry here. John Creigh is our most malicious enemy . . .

Justices John Agnew and Samuel Irwin were perplexed when they finally received the Supreme Court order and decided to let the men named go on parole. Seven of the twenty-one arraigned insisted on a trial, refused bail which they could have easily obtained, preferring to go to jail rather than accept parole as others did in the like situation. Consequently, they were committed, declaring they were unfairly accused and prosecuted "to gratify party spite" rather than guilty of crimes against the law.

News of the jailing spread quickly. In Carlisle, Montgomery wrote James Wilson, that a drum beat and the Court House bell was rung at the first report of the

jailing. "A few creatures of no character and a number of blackguard boys collected," he reported, but not being joined by others they expected, dispersed in short time. However thereafter "such boys and fellows of dissolute character went through the town every night beating the drum." Anti-Federalist riders meanwhile went throughout the county and into neighboring ones seeking support for those jailed. Carlisle Federalists feared a dangerous confrontation. Certain Anti-Federalists described as men of "character and property" came to town in an attempt to calm the situation, offered bail to the seven prisoners. Their offer was rejected.

The next day, Saturday, March 1, at daybreak the Court House bell once again rang. It continued to ring all morning as companies of militia, armed and under command of their officers, marched into town from all parts of the county, some singing "Federal Joy," the Anti-Federalist song. The number also included a few supporters from Dauphin County and still others from Redlands in York County. By ten o'clock they had taken possession of the Court House. Their number was estimated variously from 250 to 1500, but Montgomery thought that there were about five hundred who by ingenious maneuvers made the number seem greater. John Shippen, a Dickinson College student, wrote his father, "such a number of dirty, rag-a-muffin blackguards I have never beheld." A meeting was effected between some of the militia officers and local inhabitants, both Federalists and Anti-Federalists. They agreed that "the prosecutors" should request the Executive Council to recommend that the Attorney General enter *noll pross*, and at the same time the militia return to their homes. The militia agreed to leave and then marched to the jail "where the voluntary prisoners presented themselves, were freed, and conducted to the Court House in triumph." There the discharge was read and loud cheers went up from the assembled militia and friends of the prisoners. Rifles were shot off right and left as marks of joy. The militia groups then marched out of town in good order we are told, "without inuring any person or property, except two balls which was fired through a tavern-keeper's sign who is said to be a warm Federalist." So concluded the account in the *Gazette*. This news story, like the one on the Riot of December, was reprinted in five Pennsylvania newspapers and reprinted or summarized thirteen times in papers in other states from Maine to South Carolina.

Cumberland County's opposition was perhaps more violent than elsewhere, but Anti-Federalist sentiment existed elsewhere. Sam Adams in Massachusetts opposed the Constitution; Patrick Henry in Virginia fought it; New York ratified it by a narrow margin. North Carolina and Rhode Island refused to accept it. So carefully was the campaign organized that although only one-sixth of the white male voters favored adoption, the Constitution was ratified by the necessary nine states.

The primary objection everywhere to the Constitution was the lack of a Bill of Rights. When the First Congress met the first ten amendments were voted almost at once. For many this is the Constitution. Without the determination of the Anti-Federalists many of our vaunted personal freedoms might well be circumscribed or lacking. Certainly our two-hundred-year-old frame of government "speaks to

eternal political problems and addresses permanent political principles." Even its ambiguities and generalities assist in making it a vibrant, living document for every age. As Gladstone, without much hyperbole, once declared: "It is the most wonderful work ever struck off at a given time by the brain and purpose of man."

#### Bibliographic Note

This article is not footnoted. Many years ago this writer had read several accounts of the Carlisle Riots as well as the East Pennsborough "Junta" recommendation of Robert Whitehill and others absenting themselves from the Pennsylvania Assembly, which appeared in *Klines Weekly Carlisle Gazette*. Those dealing with the riots were slanted according to the political leanings of the reporters and are difficult to weigh for the truth. The columns have now been re-published along with many illuminating accounts in letters written by Carlisle citizens to their friends.

The late Merrill Jensen, editor of the *Documentary History of the Ratification of the Constitution, Vol. II, Pennsylvania*, (State Historical Society of Wisconsin: Madison: 1976) deserves plaudits for this remarkable compilation of documents. All of the sources are to be found in Section III, p. 617 *et seq.* and Section IV (The Aftermath to Ratification in Pennsylvania) pp. 642-725 of the above marked volume. Not only does one find intimate glimpses of the riots and the aftermath, including legal proceedings, but additionally many past errors have been corrected, such as James Armstrong Wilson being cited as a Federalist leader, a man too often confused with James Wilson, the Signor, who had moved from Carlisle to Philadelphia ten years before. Moreover, an anti-federalist leader, William Petrekin, some of whose letters are in the Pennsylvania State Archives, helps to reveal a new dimension to the period. — M.E.F.

## The Constitution and the Lessons of History

*Eugene W. Hickok*

This paper focuses upon three contemporary issues: 1. According to the Constitution, who has the power to make war? 2. According to the Constitution, what is the nature of the Senate's role in confirming presidential nominees to the federal courts? 3. How should one attempt to understand or interpret the Constitution?

First, a look at the war powers. This is an issue that has confronted the country since the birth of the Republic. At this moment, members of Congress are arguing that the President must abide by something called the War Powers Act with regard to recent initiatives in the Persian Gulf. That debate occurred today on the floor of the Senate and the House of Representatives. Meanwhile, this President, not unlike every one of his predecessors since the Act became the law of the land, has argued that the War Powers Act is unconstitutional. Given all of this, it is little short of an understatement to say that in determining the war power under our Constitution the nation confronts a political problem embraced in a constitutional conundrum.

Where can one turn for insight? Consider for a moment those provisions of the Constitution that are directly related to the power to make war. Article I, section 8, that long list of enumerated powers of the Congress of the United States, includes the power to "declare war," to "provide and maintain a navy," to "raise and support an army," and so forth. At the end of that same section of the Constitution there is the famous (or infamous, depending on point of view) "necessary and proper clause," which states that the Congress shall possess the authority to "make all Laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

That is Article I, that portion of the Constitution dedicated to the powers of the national legislature. Look also at Article II, that section of the Constitution that concerns the executive branch. Section 1 states that the "executive Power shall

be vested in a President of the United States." Some have argued that this is little more than a title conferred upon an officer under the Constitution, but that is hardly the case. Much of this nation's political history concerns the attempt to come to grips with just what is meant by "executive power." Toward the end of that same section is the presidential oath of office to "faithfully execute the Office of President of the United States and . . . preserve, protect and defend the Constitution of the United States." Article II, section 2, states that the President shall be "the Commander-in-Chief." It goes on to state that the President shall receive ambassadors, appoint ambassadors "by and with the advice and consent of the Senate," and make treaties "provided two-thirds of the Senators present concur."

The text of the Constitution, then, is rather explicit, straightforward, and not very helpful. The Constitution presents something of a mixed picture. Does the commander-in-chief provision confer some title or is it a grant of authority? In other words, does a President acting as commander-in-chief take his orders from the Congress or does he act on his own? Does he, as commander-in-chief have the authority to initiate action, or is he only possessing the authority to respond to attack? What about Congress's power to declare war? Is the power to declare war tantamount to the power to make war? If so, then most United States wars have been clearly unconstitutional because most have not been declared. If not, then what is the act of declaration? Why give this power to Congress if it makes little practical sense? On the other hand, can the citizenry rely upon Congress as an institution to act with speed, decisiveness, and secrecy on issues relating to war?

These are the sorts of questions that a cursory reading of the Constitution raises with regard to the war power. Moreover, they are the very same sorts of questions that were raised by the delegates to the Constitutional Convention in 1787. For those in Philadelphia that important summer the way to structure the war powers was of considerable importance. It was debated often. As recorded by James Madison, the words of the Framers might be instructive.

Early in June John Rutledge of South Carolina offered his opinion that the executive power should be vested in a single individual (something of a novel idea at the time) and that that person should not be given the power of making war and peace. James Wilson of Pennsylvania, one of the primary actors at the Convention and perhaps best regarded as the primary architect of the presidency, concurred. He argued that a single executive was needed to give energy, dispatch and responsibility to the office but that war and peace are legislative in character, and that the powers should therefore be placed in a Congress.<sup>1</sup>

The sentiment for placing these awesome responsibilities in the hands of the national legislature seemed to prevail, at least until the first draft of the Constitution was presented to the delegates by the Committee on Detail on August 6.

That draft states that the legislature shall have the power to “make war,” “build and equip fleets,” “call forth the militia,” and perform other defense-related powers. In addition, it refers to the chief executive as “his excellency” and lodges the power of commander-in-chief in the executive branch.<sup>2</sup>

Approximately a week later the delegates debated the war powers once again, in reaction to the report of the Committee on detail. Charles Pinkney of South Carolina argued against placing the power to make war in the hands of the Congress. In his mind a legislature moves too slowly, meets too infrequently, and is usually too numerous an assembly to be trusted with the responsibility of committing a nation to war. His fellow South Carolinian, Pierce Butler, agreed, and argued that the power should be placed in the hands of the executive, “who will have the requisite qualities and will not make war but when the nation supports it.”<sup>3</sup>

Debate continued without resolution until James Madison, joined by Elbridge Gerry, moved that the draft should be changed. They argued that the word “make” should be changed to “declare” and that the power to declare war should be lodged in the Congress. This would mean, according to Madison, that the nation could only enter war after deliberation in the national legislature, but the chief executive would remain free to repel sudden attacks and secure the defense of the nation. Roger Sherman of Connecticut agreed with Madison’s reasoning but opined that Madison’s suggested editing would leave room for a chief executive to commence military action in the absence of a declaration of war. He argued that “make” ought to stand, therefore, so that it was clear that the chief executive could only respond to attacks and not initiate war.

The final draft of the Constitution reflects Madison’s suggestion, but surely the debate that transpired during the Convention should help us explain the nature of the war powers under the Constitution. The delegates were wary of the possibility of a president initiating combat without the support of the nation and of the nation’s legislature. It seems all were agreed on that. Madison’s motion carried because of the reasoning that went into it, and that reasoning should not be forgotten when one attempts to determine the nature and scope of the war powers today.

One can look elsewhere for insight into this important question, as well, as for example, in the debate between Hamilton and Madison over the scope of the president’s authority in foreign affairs. The debate centered on whether the President, George Washington, had the authority to declare the United States neutral with regard to Europe’s conflicts in 1793. Alexander Hamilton, writing under the penname of “Pacificus,” argued that the president possessed the authority because foreign policy was essentially an executive function and unless the Constitution placed some sort of restriction upon an executive function the president was vested with it exclusively. In response, Madison, writing as “Helvidius,” argued that declaring neutrality was similar to declaring war in that both acts

related to the decision of whether or not to enter war. The power to declare war was placed with Congress, and so, reasoned Madison, the president was overstepping his authority.

These debates are interesting for a number of reasons. The current acrimony over President Ronald Reagan’s foreign policy with regard to the Iran-Contra connection and, even more recently, the Persian Gulf Initiative, parallels the debates that transpired in 1787 and 1793 between Hamilton and Madison. They reflect the theme that runs throughout history concerning the scope of executive power under the Constitution. The question simply put is this: Is the President supposed to be an active, energetic leader of the government or is he more correctly understood to be more akin to a “constitutional clerk,” there to make sure the laws are enforced and the policies implemented; carrying out the wishes of Congress? That question has never been adequately answered. In 1793 President George Washington did declare neutrality.

The Constitution and the lessons of history do explain much about the war power under the Constitution. Since 1789 the power has been claimed by both the Congress and the President at different times, for different reasons, and regarding various conflicts. More recently the presidency has assumed the advantage and has maintained that advantage, over the protestations of Congress. That situation has led to the creation of the War Powers Act, legislation designed to involve Congress in the deliberations that might lead to conflict.

There is not time here to go into that legislation. It is troublesome for many reasons, but suffice it to say that its constitutionality matters less than its prudence, and it seems to be less than a prudent piece of legislation. It may indeed be constitutional, but that is only a threshold measure of the suitability of legislation. The Congress passes a great many pieces of legislation that are constitutional but imprudent. The War Powers Act is imprudent. Why? Because it transforms a political question — whether or not the nation should commit itself to hostile action and troops into situations in which hostile action may be imminent — into a legal question, thereby detracting from fundamental questions of strategy and defense while focusing on rather technical points of law. Thomas Jefferson said it best many years ago: “If the present Congress errs in too much talking, how can it be otherwise, in a body to which the people send one hundred fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour? That one hundred fifty lawyers should do business together, ought not to be expected.”<sup>4</sup>

To turn to a separate question that is receiving a great deal of attention, what is the nature of the Senate’s constitutional responsibilities regarding the confirmation of presidential nominations to the Supreme Court? Again, the document should be examined.

The Constitution outlines the powers of the executive branch under Article II.

In Section 2 of that Article it states: He [the President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court . . ." That is all that is said that relates to Senate confirmation of judicial nominations. It does not say much, but it does say something. The Constitution outlines a two-stage process. The President makes a nomination and then the Senate offers its "advice and consent." Only after the Senate consents to the appointment does the President possess the actual authority to appoint the nominee. It is an example of another shared responsibility under the Constitution.

The appointment power was debated extensively during the Constitutional Convention of 1787. At first the delegates agreed that it should be lodged exclusively within the legislative branch. The argument was that the representatives of the people and of the States should have a voice in the selection of judges, but not a direct voice, and yet at the same time the judiciary needs to remain independent. By lodging the appointment power in Congress, the delegates figured they could satisfy both criteria,

The more ardent proponents of a strong national executive, however, argued that the power should be vested in the chief magistrate (as he was referred to by the delegates). James Wilson argued early in the Convention that "experience showed the impropriety of such appointments by numerous bodies. Intrigue, partiality and concealment were the necessary consequences. A principal reason for unity in the Executive was that officers might be appointed by a single responsible person." James Madison, initially anyway, was hesitant to provide the executive with such authority and was inclined to give it to the Senate. By July 21, he changed his view, coming to accept the idea of executive dominance on the process of judicial appointments. "If the Senate alone would have this power," he argued, "the judges might be appointed by a minority of the people, though by a majority of the States, which could not be justified on any principle as their proceedings were to relate to the people rather than to the States." Madison supported the idea of executive appointment, then, because, "the executive magistrate would be considered as a national officer, acting for and sympathizing with every part of the United States."<sup>5</sup>

Gradually the advocates for executive power began to pull the friends of legislative power to a middle ground. On June 18, Alexander Hamilton suggested that the appointment power be lodged in the executive, subject to Senatorial acceptance or rejection.<sup>6</sup> A month later, Nathaniel Gorham offered Hamilton's plan to the delegates but it went down on a tie vote.<sup>7</sup> However, by September 7, the delegates had voted to accept that approach.

Hamilton had argued for Senatorial confirmation because he felt the role of the Senate would be largely limited to assuring the fitness of the nominee. For Hamilton, nomination by a president would be close to tantamount to appoint-

ment by the president. The Senate's job, according to Hamilton, was to check any "spirit of favoritism in the President and prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity."<sup>8</sup> Hamilton was wrong. Early on, the Senate assumed the right of rejecting a nominee on any ground it pleased.

Even a cursory glance at the history of confirmation battles between the President and Senate will reveal the degree to which the process of advice and consent is a political one. George Washington's nominee to the Court, John Rutledge of South Carolina, was turned down by the Senate for political reasons: he had not supported a treaty that the Senate had supported. Rutledge was a delegate to the Constitutional Convention, a leading figure during the revolution, a principal architect of the Constitution, and during the summer of 1787 had argued that the Senate should appoint judges. Rutledge was not confirmed by the Senate for political reasons.

Roger Taney [Dickinson graduate], nominated by Andrew Jackson, underwent a tremendous political attack in the Senate, led by the three giants of the time: Daniel Webster, Henry Clay, and John C. Calhoun. They opposed Taney because he had participated with President Jackson in a dispute with the Senate over the president's authority to fire executive officials. That dispute had resulted in a series of heated exchanges between the Senate and the President. When Jackson named Taney, the level of debate increased considerably. In the end, however, Taney was able to secure confirmation.

More recently the nomination by Woodrow Wilson of Louis Brandeis created a political controversy in the Senate, as conservative members looked upon the talented attorney as a radical who could not be trusted on the Court while simultaneously questioning the wisdom of appointing a Jew. Then, of course, there was the political storm created by President Franklin Roosevelt's plan to "pack" the Supreme Court so that it would begin to support the New Deal programs that he felt were so vitally needed in the wake of the Depression.

The current debate between the Senate and President Reagan over his choices for the Supreme Court should not come as a surprise to anyone who has studied the history of the confirmation process. The Constitution and political history suggest that the process of confirming nominees to the Court is a political process, and Senators may vote against a nominee for any reason at all. Typically, the process of advice and consent is a spirited, partisan, and very political enterprise.

If the character of the current debate is troublesome, if the level of the rhetoric and the public campaigning for and against the nominee is a matter of concern, one should try to understand that now there is a great deal at stake in filling a Supreme Court vacancy; much more than there used to be and certainly much more than the framers of the Constitution ever envisioned there could possibly

be. Today the Supreme Court is a major policy making institution. Interest groups know this, and so do Senators and presidents. Confirming a nominee to the Court has come to resemble campaigning — with all the good and bad that comes with it. The Court dominates the landscape of American politics in a way that would profoundly concern the generation of men who created this great Republic. How has this come about? Because, today, the great majority of American citizens, and hence the majority of their representatives in government, have come to view the Constitution as what the judges say it is. Who becomes a judge is a matter of great debate.

This leads to the last issue to be discussed here: How to understand and interpret this Constitution. It is for all to understand — not only the lawyers or the judges.

First and foremost one should bear in mind that the United States has a written constitution, an important point. This country inherited two primary roots to a theory of individual rights: From English philosophers came the theory of natural rights; from English jurists came the theory of legal rights. Together these ideas formed the matrix of an emerging jurisprudence of liberty. Jefferson's statement concerning "inalienable rights" in the Declaration of Independence represents an American variation on the philosophic themes of English liberalism. The rights are derived from nature, not law. But the rights nature gave are insecure, and it is up to mankind to institute governments to secure those rights. However, the only legitimate basis of government not so derived were deemed by the laws of nature to be illegitimate and unjust.

The written constitution, then, represents an attempt to ensure that this single fundamental principle is upheld. A written constitution was to serve as an external and tangible check on any arbitrary exercise of governmental power. It is what Thomas Jefferson once described as "our peculiar security." The fact that it is a written constitution matters, therefore. Because it is written, presumably it cannot be ignored. One must begin with this very elementary but very important assumption. To allow the test of the Constitution, let alone the intentions of those who framed it, to be displaced by an appeal to the demands of the times, or the needs of good policy, or the pursuit of justice is to accept the misguided notion that a written constitution can somehow be made viable only by ignoring or supplanting it.

The second important point is that the written constitution still matters. It was written two hundred years ago and yet it still should provide the basis for judicial interpretation today. Again this may seem commonsensical, but for many this presents a problem. After all, the argument goes, times have changed, the framers lived in a different world, and the issues of today are beyond the wildest imaginations of Madison and his cronies. Not quite. It is less than fair to assume that the problems are more vexing now than the sorts of problems they confronted two hundred years ago were to them. More importantly, the principles that inform

the Constitution were not "born in the Philadelphia summer." They are "permanent" political principles: the product of centuries of experiences; they were tested. They are no less applicable to present problems, no less relevant to current times, than they were two hundred years ago. A written constitution embraces certain permanent political principles that are timeless because they address the permanent problems of politics. The exact nature or character of a problem may change — for example, it was once slavery, more recently school desegregation —, but the issue was forever equality.

Third, the nation must pay attention to the arguments of those who wrote, ratified, and acted according to the Constitution they created. There is nothing particularly controversial about this. To state that judges should interpret the Constitution as intended by those who wrote and ratified it is only to state the basic premise of our political-legal system that the function of judges is to apply, not to make, the law.

A sound approach to constitutional interpretation includes the following: Where the language of the Constitution is specific it must be obeyed; where there is demonstrable consensus among the Framers and ratifiers as to a principle stated or implied by the Constitution, it should be followed; where there is ambiguity, the document should be interpreted and applied in such a manner as to at least not contradict the text of the Constitution itself.<sup>9</sup>

The strongest argument in favor of such an approach to constitutional interpretation is that the Constitution, by its very nature, is supposed to be a limiting document. It is, in a way, a statement that "government can only do certain things in certain ways" and as long as that statement is not ignored outcomes are somewhat predictable. Indeed, the whole idea of "getting it down in writing" is to help shape history to it. The argument is not whether the document is flexible enough to adjust to the times but whether as a people the citizenry is dedicated to making sure government and society continue to reflect the demands of the document. That, after all, is what the rule of law is all about. If there are defects or deficiencies in the document, the document should be changed by the amendment process to address those problems. That is the only legitimate route to Constitutional change. It is not legitimate to pour into the text of the Constitution whatever meaning we feel is needed in order to address contemporary problems.

During the Bicentennial years the country will continue to hear much about how our "living Constitution" remains vital and relevant. This paper may have provided testimony as to the continuing relevance of this document. However, the metaphor is wrong. It isn't a living Constitution but a permanent Constitution. The examples above demonstrate that. History testifies to it.

## Endnotes

- 1 See *Notes of the Debates in the Federal Convention of 1787 as reported by James Madison* (Ohio University Press: Athens, 1966), p. 46.
- 2 *Ibid.*, p. 389.
- 3 *Ibid.*, p. 475.
- 4 From Thomas Jefferson's autobiography, p. 53.
- 5 Madison's *Notes*, p. 327.
- 6 *Ibid.*, p. 138.
- 7 *Ibid.*, p. 314.
- 8 See Hamilton's speech, p. 129.
- 9 For more extended commentary in this vein see the writing and public presentation of Attorney General Edwin Meese III and Judge Robert Bork.

## The J. W. Ringrose Fly Net and Collar Manufacturing Company

W. J. Murray

### Author's Headnote

Soon after my wife and I purchased our first home, an end of the row house on East Keller Street in Mechanicsburg, an elderly neighbor told me that the house was originally a factory of some sort. She was not sure what type of factory or when it was in operation but had been told by her father that at some time in the past it had indeed been a manufacturing plant. I was intrigued.

After a few hours in the Cumberland County Courthouse basement going through some very dusty ledgers and deeds and reading handwriting almost as bad as my own, I discovered that my neighbor's oral history was correct. A deed written December 21, 1886 proved that I was living on "the eastern part of the property known as the 'Fly Net Factory.'"<sup>1</sup> It was on this date that Levi Martin purchased the home from Jessie and Dessie Ringrose. It was Jessie who operated the factory; The Jessie W. Ringrose Fly Net and Collar Manufacturing company. This paper evolved from my subsequent investigations.

A number of authors writing during the period knew of his enterprise. An 1882 work described the factory as "One of Mechanicsburg's industries worthy of more than passing notice" and went on to state that "this thriving town (Mechanicsburg) had no industry of more promise of enlargement and growth than this establishment which bids fair to become one of the largest houses of its line of manufacturing to be found in the country."<sup>2</sup>

Although less flowery in its prose, Ringrose's "was one of the largest manufacturing establishments of its kind in the United States."<sup>3</sup>

Ringrose was not a native of Cumberland County, but he was the youngest of eight children and was born in Columbia County, Pennsylvania. It was here that he grew up, went to school, and worked as a grocery clerk. Later he was to be



part owner in a flower, bread, and cracker manufactory company, grocery store owner, and both an undergraduate and medical school student. He came to Mechanicsburg sometime after 1877.

According to the 1880 census, in June both he and Dessie were boarding at the American House Hotel just off the square. His age was listed as thirty-six, while his wife's was twenty-five. His occupation was listed as a safe agent.<sup>4</sup>

Ringrose changed professions again during the next year when he purchased a property at South Market Street near Main.<sup>5</sup> It was here that he would produce the fly net, a new idea for which the United States Patent Office awarded him a patent on October 26, 1880 under the title "Fly Nets for Horses."<sup>6</sup> At this time his operation consisted of two work rooms, a salesroom, a packing room and a store room and he employed eighteen skilled workers who, in 1882, turned out one thousand five hundred fly nets per month. With these facilities, manufacturing states that, "the factory is running behind in its orders, and Mr. Ringrose finds it necessary to enlarge his buildings."<sup>7</sup>

He did this in 1883 when he purchased five lots on East Keller Street from Mrs. Susan K. Long, whose husband was an heir to the John Coover estate. During his lifetime Coover controlled most of the land to the south of Simpson Ferry Road, and his heirs began to section the land off into building lots and sell them to the public. It was part of this estate that Ringrose purchased and built his factory.<sup>8</sup>

Ringrose continued to expand his business and was awarded a second patent for "treating leather thongs for the manufacture of fly nets" on June 8, 1886.<sup>9</sup> The fly net factory business by 1886 "employed 75 to 100 workers and used steam heat in the manufacturing process. His three traveling salesmen covered the entire United States and generated \$60,000 worth of business" in 1885.<sup>10</sup>

The increased volume made it necessary for him to expand again in 1886, when he divided the factory into individual homes, sold the eastern section to Martin, and moved his entire operation to a new factory at the corner of Race and Allen Streets where he advertises in a local business directory.<sup>11</sup>

What happened to Ringrose and his factory after that remains a mystery. The 1890 census was destroyed by fire, and the 1900 census does not list either Jessie or Dessie as living in Pennsylvania. The only other reference to the factory was by Donahoo, who stated that the Ringrose Fly Net Factory was one of many "manufacturing plants (in Mechanicsburg) that had filled their mission and ceased."<sup>12</sup> In 1900 he was only age 56, and Dessie was only 45. While possible, it seems unlikely that they would have both died. The 1891 edition of *Farmer's Friend and Grange Advocate* listed an ad for L. H. Lamb, a manufacturer of Leather Fly Nets in Mechanicsburg.<sup>13</sup> It seems likely that Ringrose sold the business to Lamb and retired to become a gentleman.

And what became of the former factory on E. Keller Street? A deed search shows that it was bought and sold five more times until the Murray family purchased it in 1977. The home was, according to a number of city directories of the period, not lived in by the people that owned it. It was to remain a rental property until now.

Living in a home that is over a hundred years old has its problems: drafty rooms, leaky pipes, and an unusual floor plan. There is one consoling fact. Who else can say with honesty that he lives in a one hundred year old factory?

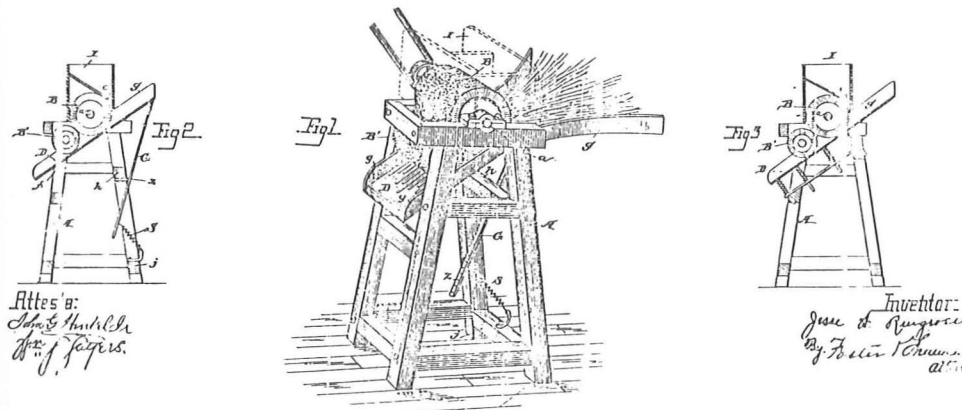
## Endnotes

- 1 Deed, Cumberland County Pennsylvania (B 4 379).
- 2 *The Manufacturing and Mercantile Resources of the Cumberland Valley* (Industrial Publishing Company: 1882), p. 57.
- 3 *The History of Cumberland and Adams Counties, Pennsylvania* (Wamer, Beers, and Company, 1886), p. 431.
- 4 1880 United States Census Report for Cumberland County Pennsylvania.
- 5 *Boyd's Business Directory of the Principle Towns in the Cumberland Valley* (1888) listed his residence as 20 South Market. Beers comments that he began business in the basement of his home. It seems logical that this property was the original factory.
- 6 Patent Number 233,806.
- 7 *Manufacturing*, p. 57.
- 8 *Beers*, p. 407.
- 9 Patent Number 343,202.
- 10 *Beers*, p. 431.
- 11 John C. Randall, 1892-93 *Randall's Business Directory of Chambersburg, Carlisle, Mechanicsburg, Waynesburg, Newville, and Shippensburg Pennsylvania* (Martinsburg, W. VA.), 1893.
- 12 George P. Donahoo, *A History of the Cumberland Valley in Pennsylvania* (Harrisburg: 1939), p. 477.
- 13 *Farmer's Friend and Grange Advocate* (Mechanicsburg: 1891).

(New Model.)

J. W. RINGROSE.

TREATING LEATHER THONGS FOR THE MANUFACTURE OF FLY NETS.  
No. 343,202. Patented June 8, 1886.



## Sale of a Wife by her Husband at Carlisle

Alice K. Marshall

Reprint from *The Philadelphian* of June 28, 1832

On Saturday, the 7th instant, the inhabitants of this city witnessed the sale of a wife by her husband, Joseph Thompson, who resides in a small village about three miles from this city. He rents a farm of about forty-two or forty-four acres, and was married at Hexham, in the year 1829, to his present wife. She is a spruce, lively, buxom damsel, apparently not exceeding twenty-two years of age, and appeared to feel a pleasure at the exchange she was about to make. They had no children during their union, and that, together with some family disputes, caused them by mutual agreement to come to the resolution of finally parting. Accordingly, the bellman was sent around to give public notice of the sale, which was to take place at twelve o'clock. This announcement attracted the notice of thousands. She appeared above the crowd, standing on a large oak chair, surrounded by many of her friends, with a rope or halter made of straw around her neck. She was dressed in rather fashionable country style, and appeared to some advantage. The husband, who was also standing in an elevated position near her, proceeded to put her up for sale, and spoke nearly as follows:

"Gentlemen — I have to offer to your notice my wife, Mary Ann Thompson, otherwise Williamson, whom I mean to sell to the highest and fairest bidder. Gentlemen, it is her wish as well as mine to part forever. She has been to me only a bosom serpent. I took her for my comfort, and the good of my house, but she has become my tormentor, a domestic curse, a night invasion, and a daily devil, [great laughter.] Gentlemen, I speak the truth from my heart, when I say; may God deliver us from troublesome wives and frolicsome widows, [laughter.] Avoid them the same as you would a mad dog, a roaring lion, a loaded pistol, cholera morbus, Mount Etna or any other pestilential phenomena in nature. Now I have shown you the dark side of my wife, and told you her faults and failings; I will now introduce the bright and sunny side of her, and explain her qualifications and goodness. She can read novels and milk cows: she can laugh and weep with

the same ease that you could take a glass of ale when thirsty: indeed gentlemen, she reminds me of what the poet says of women in general —

'Heaven gave to women the peculiar grace  
To laugh, to weep, and cheat the human race.'

She can make butter and scold the maid, she can sing Moore's melodies, and plait her frills and caps; she cannot make rum, gin, or whiskey, but she is a good judge of the quality, from long experience in tasting them. I therefore offer her, with all her perfections and imperfections, for the sum of fifty shillings."

After an hour or two, she was purchased by Henry Mears, a pensioner, for the sum of 20s, and a Newfoundland dog. The happy people immediately left town together amidst the shouts and huzzas of multitudes, in which they were joined by Thompson, who, with the greatest good humour imaginable, proceeded to put the halter which his wife had taken off, round the neck of his Newfoundland dog, and then proceeded to the first public house, where he spent the remainder of the day.

In the 28 June 1832 issue of *The Philadelphian* as printed above appears an account of the ancient practice of wife-selling as practiced in Cumberland County and reported originally in the *Lancaster Herald*. Some comment on the matter seems appropriate.

Wife-sale was never acknowledged officially but seems to have been an ingenious (if sexist) answer to a bad marriage among the less respectable parts of society in eighteenth and early nineteenth centuries England and America. Divorce at the time was out of reach for all those who could not afford great expense but were willing to see their reputations ruined in a lengthy court trial.

The wife-sale, on the other hand, was simple, quick and cheap — a folk custom that publicly sanctioned the dissolution of a marriage which neither party wanted any longer. The sale was usually set up ahead of time by mutual agreement of the husband, the wife and the potential purchaser. According to *The Laws Respecting Women*, a 1777 publication of which the title page is printed as an illustration to this brief note:

A purchaser is generally provided before hand on these occasions, for it can hardly be supposed that the delicate female would submit to such public indignity unless she was sure of being purchased when brought to market.

Many times the married pair was already living apart, and the purchaser was known to the wife as an admiring neighbor, a former suitor, or, in some cases, already her lover. The sum paid was simply a token. The halter placed around the

woman's neck was also part of the ritual and seems to have been accepted with good humor by her. Women in those times had the legal status of an under-age child and could otherwise never hope to escape what she may have considered an intolerable situation. The cheerful acquiescence of the young lady in the Carlisle case would indicate her matter-of-fact acceptance of herself as property which a man could dispose of as he would his cattle.

In at least one case reported in Bridget Hill's *Eighteenth Century Women: An Anthology* the former husband participated in his former wife's subsequent marriage ceremony, giving away the bride to the purchaser. Another case tells of one wife sold for "a quarter guinea and a gallon of beer." Another tells of the first husband being so pleased with the arrangement that he gave the town bellringers "a crown to ring a merry peal on the occasion."

T H E  
L A W S  
R E S P E C T I N G  
W O M E N,  
As they regard their NATURAL RIGHTS,  
O R T H E I R  
C O N N E C T I O N S A N D C O N D U C T ;

In which their Interests and Duties as

DAUGHTERS,	WIVES,
WARDS,	WIDOWS,
HEIRESSES,	MOTHERS,
SPINSTERS,	LEGATEES,
SISTERS,	EXECUTRIXES, &c.

Are ascertained and enumerated:

Also, the Obligations of

P A R E N T A N D C H I L D ,

And the Condition of

M I N O R S .

The Whole laid down according to the Principles of the Common and Statute Law, explained by the Practice of the Courts of Law and Equity, and describing the Nature and Extent of the Ecclesiastical Jurisdiction.

In which are inserted a great Variety of curious and important Decisions in the different Law Courts, and the Substance of the Trial of ELIZABETH Duche's Dowager of KINGSTON, on an Indictment for Bigamy, before the House of Peers, April 1776.

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I N F O U R B O O K S .

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*Ut monitus caveas ; ne forte negoti  
incentiat tibi quid sanctorum incertitia legum.*

Caution'd, beware ; lest direful Ills attend  
Those who thro' Ignorance of Law offend.

HOR.

ANON.

---

L O N D O N :

Printed for J. JOHNSON, No. 72, St. Paul's Church-Yard,  
M D C C L X X V I I .

## Diary of John A. Smith

Robert J. Smith, Editor

*Cumberland County History* prints below excerpts from the 1912 entries in the diary of John A. Smith of Dickinson Township, taken from the original in the possession of his, the Editor. Besides giving insight into life three generations ago in the County, the entries represent an expansion of a matter mentioned in passing by Dr. Warren Gates in his article in this journal one year ago. The incident involved the visit of a presidential candidate to the Great Grangers Picnic, Woodrow Wilson. The diarist expands his own involvement in the arrangements.

John A. Smith was born in Centreville, Penn Township, in 1890 and died there in 1972. In 1906 he was among the first graduates of the local high school and in 1908 of the Cumberland Valley Normal School at Shippensburg.

He began a teaching career at the Cherry Grove school in East Pennsboro Township. Later he taught at Gratz, Enhaut, Upper Strasburg, and Penn Township. While at Enhaut he met and married Nellie Waidley. Five children, including this editor, were born of the marriage. In the 1920s he was among a group of citizens who successfully advocated consolidating the one room schools of his home district into a central school.

The winter of 1910-11 was pretty dull. I sold a few furnaces but discovered that a young fellow had little chance to match wits with older competition.

When summer rolled around I decided that I should try to teach again. Penn Township needed a teacher at Quarry Knob south of the Longsdorf warehouse. That summer I occupied myself with the usual harvest chores and after the work was done and supper over we would sit around on the grass in the yard and talk. One evening Ralph said to me, "What do you know about the Grange?" and I said,

In his non-teaching years Smith was Contract Manager at the Bethlehem Steel Company labor camp commissary at Steelton. He also was for a time proprietor of a grocery store, of a soft drink bottling plant, of a small bus line, and of a small trucking business.

He was active in the Grange at local, county, and state levels. For a number of years he was an elder of the Disciples of Christ Church in Lemoyne, and he was for a decade county chairman of the March of Dimes.

A life-long Democrat, he ran successfully for the General Assembly in 1934 and 1936. A try for Congress in 1940 was not successful. In the 1940s he served as Secretary of the Pennsylvania Production and Marketing Administration for the United States Department of Agriculture.

In the 1950s he was Radio Farm Director for radio station WCMB. Governor Leader named him to the Pennsylvania Milk Control Commission, a post he held for nine years.

In his retirement Smith wrote articles on local history for the Newville and Shippensburg newspapers, using his hobby of photography to illustrate his articles.

"Nothing, what is the Grange?" Then he told me what he had been reading in the *Pennsylvania Stockman* and suggested that I write to the editor. In the course of a few days I had a letter from A. Nevin Deitrich, editor of the *Grange News*, published in Chambersburg. He suggested that we get some people together and he would come down and talk to us. Ralph Myers and I took to the road and the telephone and called a group of farmers together at the hall and Deitrich came and met with us. We were really impressed and decided to circulate a petition for a charter. When he returned for a second meeting we had between fifty and one hundred

names on the roster. He initiated the group in the first two degrees and sent our petition in to the state secretary and in a short time we had a charter from Jerome T. Ailman of Thompsonstown with his signature and that of State Master William T. Creasy.

It then dawned on me that the man I had admired in the Pennsylvania Legislature was now the agricultural leader of the Pennsylvania State Grange. He and state secretary Ailman took particular interest in us because it was in Cumberland County that the Grange gained much impetus when first organized. Robert L. Thomas of Mechanicsburg was the original secretary and organized the Granger's Picnic, an institution that went on for years without real Grange sponsorship. Both Creasy and Ailman hoped this rejuvenation of the Grange in Cumberland County was a real revival of interest here. I was made the first secretary and Dr. H. H. Longsdorf was made the first Master because he had in his possession some of the implements of the original Grange which had met in a Grange Hall at the Mains farm near Palmstown. Our new organization decided to meet on the second floor of the Penn Hall and signed a lease with John LeFever, who was also a member, for fifty dollars a month.

The Grange became quite active during the first year; in fact, it became so active that I was kept busy nearly every evening doing Grange work and thus neglected my school duties with the result that I was told not to apply for another term at Quarry Knob. In the meantime I was becoming better acquainted with the State Grange leaders. I was appointed a deputy which meant that I was a personal representative of the State Master in Cumberland County. The people in Newton Township invited me to come up there and organize a Grange. At Shippensburg and Middle Spring they wanted to organize. Bob Thomas at Mechanicsburg was anxious to revive Monroe Grange and at Bowmansdale a new Grange was organized.

Thomas was so anxious to get the Grange behind the so called Granger's Picnic that he offered to turn the Thursday program over to the Grange as was done many years ago and I was asked to take the matter up with the Master. The answer was favorable and when I reported to Thomas I was told to arrange to take over the Thursday program. State Master Creasy was the Democratic candidate for Lieutenant Governor that year and Woodrow Wilson was the Democratic candidate for President. Consequently I asked Secretary Ailman to try through his Princeton connections to get Wilson to take a place on our Grange program on the Thursday agreed to by Thomas. Ailman and Creasy soon realized that more pressure would be needed to secure a speaker of national importance for what had become an obscure affair. Consequently Creasy appointed me as Grange manager for the Granger's Picnic and suggested that I talk to Vance C. McCormick who had become the Democratic National Chairman. I went to Harrisburg to see Mr. McCormick who was pleased with the idea as suggested and advised me to talk to Dr. D. M. Dougherty of Mechanicsburg who had been a delegate who supported Wilson at the National Convention in Baltimore. McCormick said that he would enlist the aid of A. Mitchell Palmer, [later Wilson's Attorney-General] the Democratic National Committeeman from Pennsylvania.

When I talked to Dr. Dougherty I found that he and Grosscup, the New Jersey delegate who took the lead for Wilson at the convention, were close friends and he agreed to call Grosscup to get action on the opening address by Wilson. To make it official I addressed a letter to Governor Wilson at Trenton on the gaudy letterhead of the Granger's Picnic and requested that he take over the platform on the particular Thursday and address the nation's farmers from the Picnic. I received a reply from his secretary, Walter Mesaday, stating that the time of the Governor was entirely under the jurisdiction of the National Committee and that no answer could be given to my request until the committee set up a schedule. In the meantime wheels revolved within wheels but no decision was forthcoming. Finally a counter offensive evolved, Theodore Roosevelt turned against his old friend, William Taft, and sought the Republican nomination for himself. The professional politicians took charge of the convention and as designated by Senator Boise Penrose of Pennsylvania, President Taft was renominated. Roosevelt bolted the convention and organized the Bull Moose Party (called the Washington Party in Pennsylvania). Because of the furor of excitement surrounding him and because he was immensely popular in Pennsylvania, Bob Thomas decided to support Roosevelt for President. At this point he called me and said, "I'm going to get Teddy Roosevelt for that Thursday meeting." I said, "You can't go back on your word. You have promised the Grange to give us that Thursday program and you can't go back on Master Creasy and his announced plans. More than that we have arranged to get Woodrow Wilson here for that day and you can't have two headliners." He said, "But you don't have Wilson's consent and I won't miss the greatest drawing card in the world if I can get Roosevelt. How soon can you get Wilson's word that he will come?" I said, "Five days." He consented to hold off for five days.

I immediately wrote Wilson what was in the wind. I called Vance McCormick and told him it would be either Wilson or Roosevelt and immediately we had a reply from Wilson. I quote:

My dear Mr. Smith:

In reply to your letter of August fourteenth, I would say that I am expecting to give myself the pleasure of being present at the Grangers' picnic at William's Grove August twenty-ninth. I am sorry that I should have been so obliged to keep you waiting for this definite acceptance.

Cordially and sincerely yours,

Woodrow Wilson

I passed the information on to Bob Thomas at once and while he was sorry that he could not have his choice, he was satisfied that there would be a national candidate on hand at the Granger's Picnic as an attraction. That was his greatest day and he planned a great spectacle.

Now, to return to the mundane matter of making a living I decided to try my luck at Gratz again. I received a letter telling me that they had a satisfactory teacher but that they had referred my name to Berrysburg where a principal was needed. There I was elected without writing an application. Just as I was at the point of accepting I went to Millersville to attend the commencement of Margaret LeFever. She was seeking a job as supervisor of music and I took her to see a member of the Swatara Township Board where I had been told a music supervisor was needed. We went to see W. H. Hoerner of the Swatara Township Board. He was an employee of the Department of Internal Affairs and was readily accessible. He had some reservations about the music position but looked me over and wondered what I was doing. He said they needed a principal at Enhaut and suggested that I submit an application. The salary was eighty dollars a month, a munificent sum in that day and age. I notified my friends at Berrysburg with regret and thanked them for their expression of confidence. The Board of Swatara acted favorably on my application after I made a short trip to Enhaut to look over the physical property involved and to meet the two Enhaut directors, Dr. D. W. Schaffner and Percy Pathemore.

I was told that the new Supervising Principal would be George W. Dunkleberger who was closing his work at Newport and moving to Oberlin as soon as he could find a house. I addressed him at Newport and got his consent to order some stationery at the *Carlisle Sentinel* which would carry both our names. We made plans to meet and liked each other immediately.

What I did not sense at the time but what became more obvious after I arrived at Enhaut was the fact that there was bitter antipathy between the towns of Enhaut and Oberlin and more particularly a deep political enmity between Dr. Schaffner, a stalwart Democrat, and W. H. Hoerner, a powerful Boise Penrose Republican. Both were powerful in their home districts and it was difficult to remain friendly with one without incurring the ill will of the other. Dr. Schaffner gloated over the fact that I was a Woodrow Wilson devotee and I was invited into his house as a social and political equal. Living with him were a son, Meade, who was preparing for college, and Gertrude Brubaker, a sixth grade teacher. We got along well because Meade was a member of the younger social set who went on hikes and parties that made up the center of the social life that made living in Enhaut interesting. Schaffner maintained a tennis court on a vacant lot for any of the young people to enjoy and no lines were drawn.

The supervising principal lived in Oberlin and was on friendly terms with Hoerner. He was a quiet and unobtrusive Democrat and was also liked by Schaffner. He was highly professional and showed no preference in dealing with the two communities. He was an active Lutheran, having coming from the Reformed Church of Freeport. He had graduated from the Lutheran college of Susquehanna University. In fact his educational background was impressive. He decided to go to college after he was married and his wife worked in a textile mill in Freeport to pay his way. He was an excellent student and was especially strong in psychology. He finally majored in this subject and received a teaching fellowship and earned his doctorate at New York University. He was Pennsylvania Dutch through and through and while his accent was broad he was a pleasant public

speaker and well received everywhere. For some reason his broad Dutch accent deceived many people into thinking that he had a Harvard accent and many would comment on his Harvard background. He had no children and often gave the impression of being a lonely man. He was an excellent teacher and a successful supervising principal and after many years of teaching and advanced study he returned to Susquehanna University to head the Education Department. He remained there until his retirement.

I left the Williams Grove event with the account of Wilson's acceptance of the invitation to speak. I was given charge of the Grange headquarters, but Bob Thomas made all the arrangements and then notified me of his decisions. The Democratic National Committee with Vance McCormick at the head, went ahead with the arrangements to have Governor Wilson arrive by train to Harrisburg where he would be met by a reception committee which would accompany him to Williams Grove on a special campaign train. I was named to a place on that committee but had no accommodations to get to Harrisburg. I called Vance McCormick's office and was told that Mr. McCormick's private Locomobile would pick me up at ten o'clock and bring me to Harrisburg. I was, therefore, able to get a place on the rear platform of the train and converse briefly with Governor Wilson as he looked over the fine farm land around Mechanicsburg. When the train arrived at the Grove, a big Winton automobile picked up the Governor and his immediate party and took him to the cottage of Bob Thomas where a special meal was served. I too was given a place at the big table in the crowded cottage. Many years later Mary Thomas told me that she had a memento of the Governor's visit. Wilson had lost a handkerchief during that meal, and she was the finder. This she cherished very much because of the record Wilson made in world affairs.\*

The procession to the auditorium was lead by State Master Creasy and me. I was not able to get into the auditorium because of the press of people but heard Wilson's speech to an overflow audience as he stood in the Winton car made available for his use. The speech was directed to the American farmer and received wide publicity. The Philadelphia papers used a seventy-two point lead cast in a streamer slung across the top to announce the speech and used a photograph four columns wide showing Wilson in the Winton car. I was standing in full view of the cameraman beside the car. This picture, as well as the signed letter sent me by Wilson accepting the invitation, was framed and kept for many years as a memento of a great occasion. Finally when Fred Richardson, my grandson, went to Princeton to do graduate work, I gave him the framed picture because at Princeton the name of Wilson is legend.

Following this great event political excitement grew high. It was supposed that this visit to Pennsylvania and the fact that the Democratic National Chairman was a Pennsylvanian would influence the election and it very well might have except for the popularity of Theodore Roosevelt. Roosevelt and his Washington Party swept

\*The handkerchief is now in the Cumberland County Historical Society collection, the gift of Mary Thomas Brouger.

Pennsylvania and influenced the election by electing several Congressmen. Wilson won the national election however, and made a popular and powerful president.

My return to Enhaut after those hectic days was noted by my new friends there when I got off the trolley car the following Monday morning with a large suitcase upon which I had pasted the large letters W.W., the initials of Woodrow Wilson. This, of course, pleased Dr. Schaffner and Percy Parthemore and the Enhaut members of the School Board immediately committed me to a political position in the town. Dr. Schaffner was prompt in inviting me to join the Central Democratic Club and secured my admittance. When he took me to the first meeting I remember meeting John K. Royal, a former mayor of Harrisburg and next to Vance McCormick, the best reform mayor the city ever had.

(All of the six letters that follow are in the possession of the Smith family.)

July 15, 1912

My dear Mr. Smith: [sic]

I warmly appreciate the invitation conveyed by your kind letter of July 4th, but feel that it would be very imprudent for me to make engagements at present before the plans for the campaign are definitely formed. Our national organization will be effected very shortly now and as soon as possible after that the plans will be so matured that I shall know how far I am at liberty in these matters.

I warmly appreciate your thoughtfulness and know that you will understand the difficulty of my situation in these matters.

Sincerely yours,  
Woodrow Wilson

Mr. Jno. A. Smith,  
Dickinson, Pa.

July 24, 1912.

John A. Smith, Manager,  
Grange Headquarters,  
Dickinson, Penna.

Dear Sir: I have your several letters in relation to securing the attendance of Governor Wilson at the Grangers' Picnic in August and am also in receipt of a letter from Mr. Vance McCormick, who has asked me to do what I can to secure him. I think it would be a very wise thing for the Governor to be present and I will submit the matter to the Campaign Committee at its next meeting in New York on Monday, next, when I hope to get some definite assurance that he will be there. You will understand, however, that no very definite plans can be made about Governor Wilson making any campaign trip until after the notification ceremony on August seventh.

How many people would you be likely to have at the picnic? Please give me as accurate an estimate as possible, based on past experience, so that I may submit the matter intelligently to the Campaign Committee.

Yours truly,  
A. Mitchell Palmer

July 23, 1912.

Dear Mr. Smith:-

Thank you sincerely for your letter of July 18th to Governor Wilson. He would have replied to it personally, except that it is physically impossible for him to handle all the mail that comes to him. I shall see that the two interesting suggestions you make are placed before him, and you may be certain that he will give them both his earnest consideration.

Yours very truly,  
Walter Messaday  
Assistant to the Governor.

Mr. John A. Smith,  
Dickinson,  
Penn.

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July 31, 1912.

John A. Smith, Esq.,  
Dickinson, Penna.

Dear Sir: I saw Governor Wilson yesterday in relation to the Grangers' Picnic at Williams Grove. While it has not been so definitely settled that you should advertise it, I think I am safe in saying that we will finally get his agreement to be present. Immediately after the Notification Ceremonies next week, the matter will be definitely settled and I will advise you at once. I have urged him very strongly to come and am pretty confident that it can be arranged.

Yours truly,  
A. Mitchell Palmer

Aug. 2, 1912. AMP) Wash-dc [sic]

Dear sir;- I thank you for yours of 31st. inst.

I can now avoid the "Bull Moos3rs" [sic] who wanted their Idol to speak Thursday. And, now how about helping Vance Mc Cormick and State Master Creasy to escort [sic] him to the Grove from Harrisburg.

Very truly yours,

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August 26, 1912

Dear Mr. Smith:

For Governor Wilson I beg to acknowledge receipt of your letter of August 23d requesting Mrs. Wilson's presence at your picnic. This matter will be called to the Governor's attention immediately upon his return to Sea Girt.

Yours very truly,  
M. Tumulty  
Secretary to the Governor.

Mr. John A. Smith  
Dickinson, Pa.

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## What's in a Name? Shippensburg

*Samuel Hozman*

Shippensburg, the second oldest town west of the Susquehanna river, was named for Edward Shippen, but the founding and naming of the town is much more than these simple facts.

The first settlement of the area came in June of 1730, when twelve families traveled from Harris Ferry on the Susquehanna River. They set up camp and lit fires. They decided they liked the locale, so they built cabins, and the town was started.<sup>1</sup>

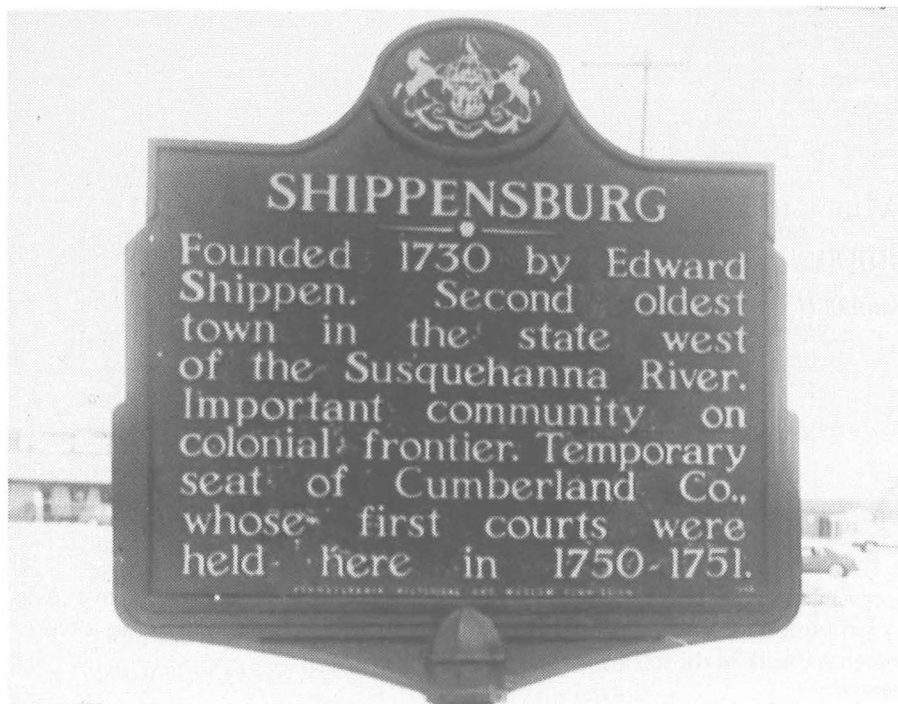
Before the year 1736, the entire North Valley was owned by the Indians, who called it the Kittochtinny (Kittatinny) Valley.<sup>2</sup> The Penn family purchased the area from the Indians during that year, following their tradition of peaceful relations with the native people.<sup>3</sup>

Edward Shippen, one of Pennsylvania's wealthier citizens at that time, purchased the 404-acre tract of land that contains Shippensburg on March 20, 1737, making a total of 1,312 acres of the Cumberland Valley owned by him.<sup>4</sup> He built the town with some help from his son-in-law, Colonel James Burd.<sup>5</sup> It was laid out *circa* 1749 with its principal street, King Street, following an old Indian Trail.<sup>6</sup>

He named the village after himself, but in its early days it was also occasionally referred to as Shippen's Farm or Shippen's Town.<sup>7</sup> Eventually, the current name of Shippensburg was adopted by all and has remained ever since.

Shippen was born in Boston on July 9, 1703 and died in 1781. As an adult he lived in Philadelphia and was a businessman, a mayor, and a justice of the town, but he later moved to Lancaster. He built a house for himself in Shippensburg that he used when he visited his town.<sup>8</sup>





The surname "Shippen" is an English name which, at one time, designated someone who lived or worked at Shippen (cow shed), in the West Riding of Yorkshire.<sup>9</sup>

1 William H. Burkhart, ed., *The Shippensburg Story* (Shippensburg: 1970), p. 1.

2 *Shippensburg Story*, p. 4.

3 Conway P. Wing, *History of Cumberland County, Pennsylvania* (Reprint Edition, Salem, W. Va.: 1982), p. 245.

4 Matt Miller w/William Burkhart, *Olde Shippensburg* (Shippensburg: 1980), p. 44.

5 *Shippensburg Story*, p. 8.

6 F. W. Beers, *History of Cumberland and Adams Counties, Pennsylvania*, (Chicago: 1886), p. 259.

7 *History of Cumberland and Adams Counties* (Warner, Beers: 1886), p. 262.

8 *Olde Shippensburg*, p. 44.

9 Elsdon C. Smith, *New Dictionary of American Family Names*, (New York: 1973), p. 466.

## Publication of Interest

*Autumn Leaves Since Shinar*. By M. A. Miller (Altoona: Mirror Printing Co., 1952.) pp. 135. Illustrations.

*Autumn Leaves Since Shinar* does not attain the status of a literary masterpiece. The novel is, however, unusually informative and entertaining because of its association with Cumberland County and the lands west of the Susquehanna River. The author, born on a farm near Mechanicsburg, expertly weaves legend, history, and fiction into a colorful picture of the past, in the first part of the book. Then he concentrates on his personal life and relationship with the early growth of the electric utilities and those with whom he was associated for forty-six years.

An ancient legend associated with Biblical times is revived and revised as an introduction, to the book, which, from then on, continues in chronological order. The legend deals with the origin of the Leni Lenape (Delaware) Indian tribe and their association with the famous standing stone at Huntingdon.

This is followed by some facts concerning the establishment of Penn's Woods together with the resulting flood of immigration, including the Scots-Irish. At this point a fictional character, David Carnes, is introduced.

Carnes displays courage and determination from the very beginning by assuming the name of a benefactor, battling religious dissidents and immigrating to the New World. His long and adventurous life is excellently portrayed in several chapters, including association with such familiar characters as Chief Shikellimy, Conrad Weiser, Peter Chartier, George Croghan, Jonas Rupp and others of his day. Interesting also is the reason for his decision for settling his family near the present site of Lisburn, in Lower Allan Township.

A son is born to the Carnes and oddly named "Mister X" for reasons explained in a previous chapter. From then on a detailed record of Mister X's 100-year life, its connection with French and Indian War and the development of the lands west of the Susquehanna River, prior to the 1850's, adds spice to the story.

The book is divided in two sections, the first as detailed above. The second features the autobiography of the author and the history of the expansion of the electric utility business during the years between 1902 and 1952.

Explaining the reason for choosing the title for his work, Miller writes:

"In Autumn the leaves fall. In the autumn of life these leaves become memories."

Richard H. Steinmetz, Sr.

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## Partial List of Cumberland County Publications in Print

Order your copy by sending a check (adding 6% sales tax and 85¢ postage and handling) to the Society at 21 North Pitt Street, P.O. Box 626, Carlisle 17013).

### Biographies

*Jim Thorpe: Carlisle Indian.* Wilbur Gobrecht. \$3.00

*Peter Chartier: Knave of the Wild Frontier.* William Hunter. \$2.50

*William Thompson: A Shooting Star.* Allan Crist. \$2.50

*George Stevenon: Conservative as Revolutionary.* Roland Baumann. \$3.00

### Community History

*Planning of Carlisle and its Center Square.* James Flower. \$5

*James Silver and his Community.* Norman Keefer. \$2

*History of Cumberland County.* Conway Wing. Reprint \$40

*18th and 19th Century Courthouses.* Murray and Flower. \$2.25

*Camp Hill, A History.* Robert G. Crist. \$23 including tax and mailing.

### Other

*Indian Industrial School, Carlisle.* R. H. Pratt. Reprint. \$3

*The Lyceum in Carlisle and Cumberland County.* Warren Gates. \$2.25

*Index to the Biographical Annals of Cumberland County.* Cordelia Neitz. \$5

*Three Cumberland County Woodcarvers: Schimmel, Mountz, and Barret.* Milton E. Flower, \$10.

*Guide to the Historical Markers of Cumberland County, Pennsylvania.* \$1.00

*Cumberland County History.* Previous Issues, \$5.00

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Summer 1988  
Volume 5  
Number 1

