



## FESTIVITIES MARK THE END OF AN ERA

April 19, 2007 was a day to celebrate the completion of a project that has spanned almost three decades. The occasion was the official presentation to the Supreme Court of the final volume of the *Documentary History of the Supreme Court of the United States: 1789-1800*. Justice David H. Souter hosted the reception, and Leon Silverman, Chairman of the Board of Trustees, presided over the ceremony. Chief Justice Roberts and Justice Scalia attended the ceremony. During the program, Dr. Maeva Marcus spoke about the project and offered thanks

to the organizations and individuals who had championed it throughout its lifetime.

He recognized the many contributions made by past and present members of the staff, thanking them all for bringing their unique talents and capabilities to the finished product. Mr. Silverman expressed thanks on behalf of the Society to all involved in the successful conclusion, and Justice Souter made brief remarks referring to his service as the Court's liaison to the work.

Guests at the reception included members and officers of the Court, Trustees of the Society, current and former staff members and representatives of the three principal sponsoring and supporting organizations. The Supreme Court Historical Society has been the primary sponsor of the Documentary History Project (DHP) since its inception in 1977, when the members of the Executive Committee determined to endorse a proposal presented by Dr. Marcus. In the ensuing years, the DHP has been the Society's preeminent research effort. Dr. Marcus has led the endeavor for the entire time. The second

important sponsor has been The National Historic Publications and Records Commission. (NHPRC). The Society has received grant money from NHPRC for the Documentary History throughout the course of its work. In addition to providing vital funding, specialists of the NHPRC have furnished advice and constructive assistance in managing and conducting documentary editing. During these years, NHPRC has also considered the DHP to be one of its most important projects. NHPRC has provided crucial financial support and

guidance without which the Project could not have been completed. Timothy Connelly, Director for Publications of NHPRC attended the reception.

The third partner has been Columbia University Press (CUP). Throughout the publishing process, the Press has exhibited a deep commitment to the effort. The completed volumes are a reflection of not only the painstaking labor of Dr.



Chief Justice Roberts, Justice Souter and Dr. Maeva Marcus display Volume 8 of the *Documentary History of the Supreme Court 1789-1800*.

Marcus's staff in preparing the manuscripts, but also of the professional care and efforts of the Press to create volumes that are attractive and accessible to scholars and students of Supreme Court history. Peter Dimock represented the Press on April 19, accompanied by his colleagues, Leslie Bialler, Clare Wellnitz, Elizabeth Nuxall, Brad Hebel and Meredith Howard.

Utilizing primary sources pertaining to the Court's founding decade, the eight volumes attempted to reconstruct more than just a record of the way the Court handled its caseload. It has explored all aspects of the operations and development of the Court, and it provides an interesting

## A Letter from the President



In past letters to the membership, I have usually reported on the ways in which the Supreme Court Historical Society seeks to carry out its mission. This letter deals with a less serious subject. I am indebted to our longtime Assistant Director, Kathy Shurtleff, who brought the trivia

described hereafter to my attention.

The humble tomato might seem an improbable subject for a Supreme Court case but it too has had its day in the High Court.

Initially, tomatoes were thought to be poisonous, but by the time the tomato made its way to the Supreme Court, it was not considered dangerous. In a case styled as *Nix v. Hedden*, 149 U.S. 304 (1893), the issue was whether the tomato was a fruit or a vegetable. An action had been brought by the Nix brothers against Edward L. Hedden, collector of the port of New York, in an attempt to recover duties paid under protest. Under the Tariff Act of March 3, 1883, duty was imposed on the importation of "vegetables in their natural state, or in salt or brine, not specially enumerated or provided for in this act. . . ." The Nix brothers argued that the tomato was a fruit, and pointed out that no duty was imposed upon "[fr]uits, green, ripe, or dried, not specially enumerated or provided for in this act."

At trial, counsel for the plaintiffs read definitions of the words "fruit" and "vegetables" from several dictionaries. They then called upon two witnesses who had been selling fruits and vegetables for 30 years and asked if after hearing the definitions just read they construed the tomato to have any "special meaning in trade or commerce, different from those read." The first witness expressed the opinion that within the trade, the term fruit was applied only to plants or parts of plants containing seeds. He further observed that the dictionary definition of vegetables specifically enumerated cabbage, cauliflower, turnips, potatoes, peas, beans, "and the like", and argued that tomatoes fell within the "and the like" portion of the definition. The second witness concurred.

Not to be outdone, counsel for the defendants also relied on the dictionary, reading aloud the definitions of pea, eggplant, cucumber, squash and pepper. In rebuttal, counsel for the plaintiffs read the definitions of potato, turnip, parsnip, cauliflower, cabbage, carrot and bean. No evidence was offered by either party at the trial. The lower court ruled in

favor of the defendant, thus holding that the tomato was for the purposes of trade, a vegetable.

This holding was affirmed unanimously. Justice Gray, wrote for the Court that, "[t]he single question in this case is whether tomatoes, considered as provisions, are to be classed as 'vegetables' or as 'fruit,' within the meaning of the Tariff Act of 1883." He too referred to dictionary definitions, but reasoned that while "[b]otanically speaking, tomatoes are the fruit of a vine, just as are cucumbers, squashes, beans, and peas", in the common language of the people, "all these are vegetables which are grown in kitchen gardens, and which, whether eaten cooked or raw, are, like potatoes, carrots, parsnips, turnips, beets, cauliflower, cabbage, celery, and lettuce, usually served at dinner in, with, or after the soup, fish, or meats which constitute the principal part of the repast, **and not, like fruits generally, as dessert.**" (Emphasis added). Apparently, timing is everything, even in the classification of foods.

In an interesting note at the end of the opinion, Justice Gray alluded to the fact that the tomato was not the only questionable vegetable to have made its way to the high Court. He referred to ". . . a recent attempt to class beans as seeds. . ." In that opinion, Justice Bradley noted that he did not see why beans should be classified as seeds "any more than walnuts should be so classified. Both are seeds, in the language of botany or natural history, but not in commerce nor in common parlance." Justice Bradley later commented that beans, "[a]s an article of food on our tables, whether baked or boiled, or forming the basis of soup. . . are used as a vegetable, as well when ripe as when green." Perhaps the *Nix* suit would have fared better if beans had not already made their appearance before the high Court.

And so, thanks to Kathy, I pass on this trivia for your consumption. At the same time I can't resist adding that in 1897 one Joseph Campbell starting selling a condensed tomato soup, a product that set his company on the road to success, and further endeared the tomato to the hearts of the American public.

Frank Jones

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## CURRENCY AND SUPREME COURT JUSTICES

The Society has recently acquired a ten-dollar bill issued in 1945-46 with the printed signature of then-Secretary of the Treasury Fred M. Vinson. Vinson served slightly less than one year as Treasury Secretary before his appointment, on June 6, 1946, as Chief Justice of the United States. He was confirmed by voice vote less than three weeks later, on July 20. Vinson's signature was affixed to all paper money issued between July 23, 1945 and July 23, 1946.

During Vinson's tenure at Treasury, millions of individual bills were printed in all denominations except \$1,000. All of the Vinson bills were countersigned by W. A. Julian, long-time Treasurer of the United States. Bills with Vinson's signature are something of a curiosity because of his short tenure in Treasury, but except in the larger denominations (\$500, \$5,000 and \$10,000) they are not especially rare, and are relatively easy to find through coin dealers who also carry paper currency.

Fred Vinson had a distinguished career. Born in Louisa, Kentucky, he was the son of the local jailer (Vinson often quipped that he was born in jail.) After receiving his undergraduate and law degrees from Centre College in Danville, Kentucky, he served briefly in the Army during World War I. He then practiced law and dabbled in politics locally in his hometown of Louisa. In 1924, then in his early thirties, he was elected to Congress, gradually assuming influential assignments on the Appropriations, Ways and Means, and Military Affairs Committees.

In 1937, President Franklin D. Roosevelt appointed him to a judgeship on the Court of Appeals for the District of Columbia. But during World War II, the President persuaded Vinson to resign from the bench and he occupied a series of significant administrative positions, working closely with



Bureau of Engraving and Printing

Fred M. Vinson was appointed Secretary of the Treasury in July 1945.



Above, is a portion of a ten dollar bill issued when Vinson was Secretary of the Treasury.

"domestic czar" James F. Byrnes, himself a former Justice. Vinson was appointed Secretary of the Treasury at the very end of the War in July 1945, by his old friend and crony Harry Truman.

Vinson was actually the fourth Secretary of the Treasury to become a Supreme Court Justice: Roger B. Taney, Levi Woodbury and Salmon P. Chase preceded him, but Taney and Woodbury were Secretaries before there was government-issued paper money.

Although Chase's picture appears on some bills, in his day paper notes were signed by other officers, not by the Secretary of the Treasury. Notes with the Vinson signature are therefore the only paper currency bearing the signature of a secretary that later became a Justice.

A number of Supreme Court Justices are honored by an appearance on stamps, and none, of course, appear on coins except John Marshall whose image was featured on a commemorative issue silver dollar minted in 2005. The association of paper currency with Justices is also sharply limited. Besides the bills with Vinson's signature, only two other Justices are featured: Salmon P. Chase and John Marshall.

Prior to the Civil War, government-issued paper money was not generally used as circulating currency, although individual banks printed notes backed by their deposits and assets. But when the Civil War began, the demands for circulating cash multiplied precipitously, and the coin supply could not meet the demand. Congress handled the cash crisis by authorizing paper currency in various denominations. This "legal tender" currency was not redeemable in specie. Public distrust of this new-fangled money was widespread. Lenders who had advanced gold were reluctant to accept paper in payment.

Currency continued on last page

DHP—continued from page 1

account of the formative years of the federal judiciary as well. There are also insights into the arduous challenges of circuit riding and the growing pains of a court system that was struggling to invent itself. The volumes also shed light upon the Justices who served on the Court and their relationships with one another.

The creation of the volumes was in itself a journey of discovery and evolution. In her first assessment of the potential scope of the project, Dr. Marcus assumed that records for the period would be scant and would result in no more than three volumes, estimating completion in a five-year period. The reason for this initial characterization is that during the War of 1812 major records of the Supreme Court were destroyed when the British burned the Capitol Building. Ultimately, after combing through newspaper accounts, far-flung collections of public and private papers, personal journals and other sources, the staff assembled over 20,000 documents pertaining to those twelve years of the Court's history. Unexpectedly, the research process also uncovered a sizeable amount of material relating to the Eleventh Amendment. Unwilling to abandon the fruits of that discovery, the original plan for volumes was amended to allow for a separate volume treating only the Eleventh Amendment. It was published as Volume 5 in the series.

While Dr. Marcus served as the chief editor for its duration, she was assisted in the work by a number of staff members over the years. Stephen Tull joined Dr. Marcus early on and remained to the end making him the longest serving member of the staff after Dr. Marcus. Other staff members made valuable contributions to the work during their tenure with the Project. These dedicated scholars include Elliott Ashkenazi, Sarah E. Blank, James Buchanan, William B. R. Daines, Robert Frankel, Mark G. Hirsch, Christine Jordan,



The last three staff members working with Dr. Marcus on the Documentary History were (left to right) Stephen Tull, Robert Frankel and Natalie Wexler.

Tony Joseph, Robert Karachuk, Sandra Van Burkleo, Emily Van Tassel, Natalie Wexler, the late James Perry and the late James Brandow. Marc Pachter, now Director of the National Portrait Gallery, provided invaluable assistance as illustrations editor for the volumes.

Financial support was another important element in the completion of the Project. In addition to receiving funding from NHPRC, other important financial support was received from several private foundations over the years. These donors were the Andrew W. Mellon Foundation, The William Nelson Cromwell Foundation, the Whiting Foundation, the Park Foundation and the Humanist Trust. The Supreme Court of the United States itself provided office space and assistance for a period during the early years of the work.

A summary of the contents of the volumes hints at the breadth of the effort. The first volume of the series was published in two parts. The first half presented documents establishing the structure of the Court, and also recounted the official record of the Court's activity during the first decade. The second part of Volume 1 contains commentaries on appointments to and proceedings of the Court

The second volume focuses on the circuit duties of the Justices between the years 1790-1794, and the workings of the Court's experimental practice of sending Justices around the country to serve as judges at sessions of the various federal circuit courts. It includes first-hand accounts of the perils and challenges of this aspect of the Court's work, and also reveals concerns the Justices had about the "propriety—and perhaps constitutionality—of assigning the same individuals to act as superior and inferior court judges."

Volume 3 discusses the Justices' Circuit Court duties from 1795-1800. The fourth volume explores the statutory development of the federal judiciary from 1789-1800, from the First through the Sixth Congresses, outlining all the major and minor legislation relevant to the establishment of the American judicial system in the period. A review of that legislation reveals that Congress was grappling with the entire notion of a separate judiciary. Issues that became the subject of legislative changes included circuit riding, the method of juror selection, and the assignment of duties to judges that were not strictly judicial in character.

Volume 5 considers suits against states, or those cases brought against a state by a citizen of another state or foreign nation during the 1790s. It includes a discussion of the landmark case of *Chisolm v. Georgia*, and six lesser-known cases of a similar nature. These cases prompted the general discussion of state sovereignty, an issue that would remain a divisive one for many years. Volume 6 covers the cases heard by the Court from 1790-1795 and treats the beginnings of federal admiralty and equity jurisprudence, habeas corpus, judicial review, foreign affairs, and the relationship of the national judiciary to the state court system. Of special interest in the volume is an appendix of documents pertaining to the question of whether the Supreme Court could issue advisory opinions at the request of the executive branch.

Volume 7 treated suits coming before the Court in



Photo by Steve Peltaway

Justice Souter hosted the reception. He is shown at the podium. With the Justice from left to right are: Peter Dimock of CUP, Dr. Marcus, and the Chief Justice.

the years 1796 and 1797. These included such landmark constitutional cases as *Ware v. Hylton* and *Hylton v. United States*. Advocates before the Court during the period included Alexander Hamilton and John Marshall. It was also the time in which the Court laid the foundation for its authority to exercise judicial review, and for the first time, the Supreme Court overturned the ruling of a state's highest court.

The final volume, number 8, covers the cases heard before the Court in the years 1798-1800. Cases from this period included disputes concerning land ownership, trade violations and bankruptcy laws. These issues provided the Court the opportunity to lay down procedural guidelines and to exercise the power of judicial review. Other cases concerned alien and sedition issues, and issues that affected the position of the United States in the world. During these years, "the Court made clear it did not exist to serve any other branch and would not shrink from reviewing acts of Congress and state legislatures."

The volumes have been characterized by reviewers as "truly outstanding . . . indispensable to those interested in the

early foundations of the American republic and the American judicial system." A reviewer in the *Journal of American History* observed that volume 4 "is a treasure trove of new, previously unavailable material whose presentation makes the editorial project a model for all others of its kind." Dr. Marcus and her staff members have completed an outstanding series of books and the Society is proud to have played a major role in the production of these volumes that will serve as the basis of scholarly research for many generations to come.



Photo by Steve Peltaway

Dr. Marcus and the Chief Justice look on during Justice Souter's remarks. Natalie Wexler is in the background.

## INTERTWINED HISTORIES OF THE SUPREME COURT OF THE UNITED STATES AND DACOR BACON HOUSE

By William D. Calderhead\*



The Supreme Court's history has a close connection to the house now designated the DACOR Bacon House.

The intertwining of the histories of the Supreme Court of the United States and landmark DACOR Bacon House began in the early 1830s. This historic link has been continuous throughout the ensuing 175 years just as a sense of early 19<sup>th</sup> century time and place has been constant at 1801 F Street, NW, where DACOR Bacon House stands in the shadow of the White House.

The Diplomatic and Consular Officers, Retired (DACOR), a private foundation, owns and operates the house under the formal name DACOR Bacon House Foundation. The house itself was built ca. 1825 by Tench Ringgold, the U.S. Marshal for the District of Columbia. In keeping with the custom of the era, Ringgold offered board and lodging to visiting government officials among whom, in 1832 and 1833, were Chief Justice John Marshall, and Associate Justice Joseph Story. Congressional Directories of the period show that Ringgold's hospitality was also enjoyed by Associate Justices William Johnson, Gabriel Duval, Smith Thompson, John McLean and Henry Baldwin. During Marshall's tenure as Chief Justice, it was the custom for the Justices to board together at some inn or boarding house. This allowed the Justices greater scope for interaction and collegiality.

Often recounted at the Supreme Court and at DACOR Bacon House is the tale, credited to Story, that the Justices would frequently enliven their conferences with a glass of madeira. Occasionally, according to the tale, Marshall might say: "Brother Story, step to the window and see if it doesn't look like rain." If Story reported the sun was shining, Marshall would order the wine anyway, saying, "All the better,

for our jurisdiction extends over so vast a territory that the doctrine of chances makes it certain that it must be raining somewhere." While no claim is made that the tale's foundation lies at DACOR Bacon House, it is reasonable to assume that the justices practiced the wine-at-conference custom while deliberating in the historic home. Thus, to this day, sipping a glass of wine in front of the fireplace in the south drawing room where Marshall and his colleagues gathered inspires reflection on the role Marshall and the House played in the evolution of our country's judicial system.

Tench Ringgold, the builder of DACOR Bacon House, and his second wife, Mary Aylett Lee, daughter of Thomas Ludwell Lee of the Virginia "Stratford Lees," contributed to the history of the Supreme Court in another way. Their daughter, Katherine Sidney Lee Ringgold, born 1817 and called Sidney, married Congressman Edward Douglas White who, from 1829 to 1834, represented Louisiana's St. Martin's Parish in the US House of Representatives. Later, after serving as Louisiana's seventh governor from 1835 to 1839, he returned to the US Congress to serve two additional terms. In 1843 the Whites returned to Louisiana where their fifth child, Edward Douglass White was born in 1845. The son for some unknown reason spelled his middle name differently from his father, adding an extra "s" at the end of Douglas. As he was not known as Edward Douglas White, Jr., the spelling



Edward Douglass White's (above) mother was the granddaughter of Tench Ringgold, the builder of the DACOR Bacon House.

may have been his attempt to differentiate himself from his father. Following a successful career in Louisiana politics, including service as a Justice on the Louisiana Supreme Court, the younger White was elected in 1890 to the United States Senate. Four years into his six-year term, he was nominated by President Grover Cleveland to fill the court vacancy created by the death of Associate Justice Samuel Blatchford. White served as an Associate Justice until 1910.

At DACOR Bacon House the 60-year period from 1835 to 1895 is known as the Sprigg-Carroll era. Chief Justice Marshall, at the urging of Secretary of State Henry Clay, appointed William Thomas Carroll to be Clerk of the Supreme Court in 1827. A member of America's richest, largest and most prominent dynasty, he served as clerk until his death in 1863. Mrs. Carroll, the daughter of Samuel Sprigg, Maryland's 19th governor, continued to live in the house until her death in 1895.

Following Mrs. Carroll's death, the House was purchased by Mary Ellen (Coolbaugh) Fuller, the wife of Melville Weston Fuller, the sitting Chief Justice of the United States. In 1888 President Grover Cleveland nominated Fuller to fill the vacancy created by the death of Chief Justice Morrison R. Waite. Wealthy and socially prominent, the Fullers arranged social seasons that included entertaining President and Mrs. Cleveland, hosting an annual dinner for the Supreme Court Justices, and offering welcoming dinners for newly-seated Associate Justices, of whom there were 14 during his 22 years on the bench. Fuller was delighted to live in the house where John Marshall and several members of his Court had boarded, and he often voiced pride in holding his weekly Saturday morning Court conferences in the same room of the house where Marshall's Court had deliberated in 1832 and 1833. It was at these weekly conferences that Fuller may have initiated the custom, followed to this day, of having the nine Justices shake hands before beginning their deliberations.

To fill the vacancy created by Fuller's death in 1910, President Taft nominated sitting Associate Justice Edward D. White, Jr. to be Chief Justice. White had derived great pleasure in attending Fuller's weekly conferences in the house his maternal grandfather, Tench Ringgold, had built and in which his mother had lived before marrying his father. He was also no doubt pleased that he would be the third Chief Justice, along with John Marshall and Melville Fuller, to contribute to the intertwined history of the Court and the 1801 F Street mansion.

The Robert and Virginia Bacon era, which extended from 1924 to 1980, entailed a primarily social connection to the Supreme Court. Congressman Robert Low Bacon's wife, Virginia Murray Bacon, was one of Washington's "Three B's." Together with Mildred Bliss and Marie Beale, she was a patron of the arts and was much admired for her generosity and hospitality. Presidents, Supreme Court Justices, Cabinet members, and Congressional, social and cultural leaders were often guests in the Bacons' home.

Since 1985 DACOR has endeavored both to preserve the past and to foster the present historic link between the Supreme Court and DACOR Bacon House. Affixed to the



Justice Melville Fuller is shown at home in the DACOR Bacon House in 1899. Visible in the photograph are pictures of earlier members of the Court.

front of the House is a bronze plaque attesting to Marshall's long-ago residence, and the District of Columbia's *Inventory of Historic Sites* identifies the Federal-style mansion as the "John Marshall House." Four of the home's 24 rooms are named in honor of John Marshall, Melville Fuller, William Carroll, and Tench Ringgold, and there are exhibited in various rooms portrait engravings, silhouettes, and commemorative medals and coins honoring these distinguished early American figures.

Enjoying pride of place in DACOR's library is a 1901 photoengraving of John Marshall, made from the 1808 original by Charles B.J.F. St. Memin. As in the original portrait, Marshall, in left profile, is shown on pink paper within an oval black mat mounted in a knotty pine frame. It is one of nine copies made for President Theodore Roosevelt, who gave them as Christmas presents to the then-sitting Supreme Court Justices. One recipient was Chief Justice Melville Fuller, another was Associate Justice Edward D. White, Jr. The copy that hangs at DACOR was given to Associate Justice Horace Gray. Following his death in 1906, his copy was acquired at auction by a New England lawyer whose son, a Dacorin, almost a century later, donated it to DACOR.

For the past two decades the President of the Supreme Court Historical Society, or his designee, has been a member of DACOR Bacon House Foundation's Board of Trustees. Most recently, in 2003, Chief Justice William Rehnquist was the guest of honor and spoke at a reception that celebrated the 175-year-long link between the Supreme Court and DACOR Bacon House.

\*William D. Calderhead is the Curator of DACOR Bacon House.

## THE CASE FOR LOVE

By Natalie Wexler\*

*Editors' Note: The following essay—originally published in the Summer 2006 issue of The American Scholar—was written by Natalie Wexler, a former associate editor of The Documentary History of the Supreme Court of the United States, 1789-1800. While working on the Documentary History project, Ms. Wexler became intrigued by the private lives of two of the early Justices, James Iredell and James Wilson, and of their respective wives, both named Hannah. Earlier this year, Ms. Wexler published a novel based on the intertwined lives of these four historical figures, incorporating excerpts from actual letters to, from, and about them. The book, titled A More Obedient Wife: A Novel of the Early Supreme Court, has been awarded a bronze medal in the historical fiction category of the 2007 Independent Publisher Book Awards.*

*In this essay, Ms. Wexler details the facts behind the novel and describes the combination of imagination and educated guesswork that went into the creation of her story.*

On Sunday, June 9, 1793, James Wilson—an Associate Justice of the Supreme Court of the United States who, at 51, was generally regarded as one of the nation's wealthiest and most brilliant men—attended church at "Doctor Thatcher's meeting" in Boston. There he spotted Hannah Gray, a 19-year-old auburn-haired beauty from a well-connected Boston family. By the time Wilson had left town 10 days later—to hold court in Newport, Rhode Island, the next stop on the judicial circuit he was riding—he had asked Hannah to marry him. "I long for an Answer," the judge wrote pleadingly from Newport. "Do let that Answer be speedy and favorable: Let it authorize me to think and call you mine." Hannah—apparently unfazed by the age difference, and unfazed as well by the fact that Wilson, a widower, had six children back home in Philadelphia, two of whom were older than she was—accepted the proposal.

The local gossips had a field day: they immediately concluded that young Miss Gray had been swayed by the judge's wealth, telegraphed by the "very handsome chariot and four" in which he had arrived at her family's house to court her. Young John Quincy Adams, then in Boston, wrote to his brother that Wilson had been "Smitten at meeting with a first sight love—unable to contain his amorous pain, he breathed

his sighs about the Streets, and even when seated on the bench of Justice, he seemed as if teeming with some woful ballad to his mistress eye brow." Although describing himself as a friend of Hannah's, Adams added scornfully, "Cupid himself must laugh at his own absurdity, in producing such an Union: but he must sigh to reflect that without the soft persuasion of a deity who has supplanted him the breast of modern beauty, he could not have succeeded to render the man ridiculous & the woman contemptible."

The conclusion that Hannah had been persuaded not by Cupid but by Mammon—or by that other time-honored aphrodisiac, power—was not unreasonable: after all, what else could she have been thinking after having known Wilson for a

mere 10 days? Stiff and stodgy, with a round face and glasses that were frequently slipping down his nose, the middle-aged Justice was not the kind of man likely to inspire love at first sight. And yet, three years later, when Wilson's shaky finances began to come crashing down around him, launching an ignominious decline that landed him—while still a sitting Supreme Court Justice—in debtor's prison, Hannah confounded those scornful Boston gossips. Braving poverty and disgrace, she stood staunchly by her husband's side rather than running home to mother, a choice that her contemporaries would surely have found understandable given the circumstances. True love, it seems, had in fact taken root during those 10 days in Boston or, at least, had grown on Hannah sometime later.

Or had it? After being ill-used and neglected by a husband who—despite his early

ardor—was increasingly preoccupied by the demands of his creditors, had Hannah Wilson perhaps sought comfort from another man? And might that other man have been one of her husband's own colleagues on the nation's highest Court, his friend James Iredell (whose marriage to another Hannah had not gone altogether smoothly?) Wouldn't Iredell, a charming and gregarious man with an eye for the ladies, have been much more Hannah Wilson's type? More than 200 years later, there is no way of answering these questions with certainty. But the letters left behind by the four principals—the two Jameses and the two Hannahs—open the door to some tantalizing speculation.



James Wilson was 51 when he fell in love with beautiful 19-year-old Hannah Gray.

Collection of the Supreme Court of the United States



Young John Quincy Adams (above) wrote that Wilson had been smitten "with a first sight love" for Hannah.

As an editor of documents relating to the early history of the Supreme Court, I'm not really supposed to give much thought to matters like this. My mission—and that of my colleagues who have worked on the eight volumes of *The Documentary History of the Supreme Court of the United States, 1789-1800*—is to trace the origins of the institution, painstakingly re-creating its inner workings during the first 10 years of its existence and dredging up the details of cases that are mostly long forgotten. And that is what I do devote myself to, for the most part. But every once in a while some human tale leaps out and takes hold of me, and I find myself delving into documents that we've set aside as inappropriate for publication.

It can be frustrating of course, to try to piece together what might have happened in the private lives of people who lived two centuries ago. There are huge gaps in the documentary record—some people wrote few letters, some letters have disappeared, and of course some things were better left unrecorded—and those documents that have survived are often torn or barely legible. (Having once tried to write with a quill myself, I'm surprised that anyone back then managed to write legibly at all.) And yet I can happily puzzle over some antique spidery scrawl for hours, mesmerized until my eyes begin to ache: there's nothing like an old letter to bring the past vividly to life—even if you can never know the whole story behind it.

And the very elusiveness of the facts, combined with the

letter writers' remoteness in time, has a liberating effect on the imagination. I feel free to speculate about the Wilsons and the Iredells in a way I'd never think of doing about people who are still alive. It's as though I'm exploring a wreck that's half submerged in the depths of time, freely poking into its various holds and chambers, fantasizing about what might have taken place there and who might have said what to whom—with no one left to shout, "Hey you,—no trespassing!" After contemplating these semi-historical figures for years, and reading every letter of theirs I could get my hands on, I feel I truly know them—but of course, what I know is largely what I've made of them. They've become ghostly emanations, hovering in some limbo between truth and fiction.

It was a letter by an Iredell, not a Wilson, that first grabbed me—a letter written almost three years before the Wilsons' fateful meeting in Boston. "I have made no visits," Hannah Iredell wrote to her husband in November 1790 "I could not prevail on myself to run about the town alone after people whom I had never seen & whom I did not care if I never saw again. It is impossible for you to make a fashionable woman of me & therefore the best thing you can do with me I think will be to set me down in Edenton again where I should have nothing to do but to attend to my Children & make perhaps three or four visits in the year, what a dreadful situation that would be for a fine lady, but to me there could be nothing more delightful."

Compared to the polite and tepid circumlocutions that constitute the general style of 18<sup>th</sup> century correspondence, this passage was like a splash of ice water, brimming with raw emotion and frustration. Where had this *cri de coeur* come from, and what lay behind it? As I soon discovered, Hannah Iredell was an intensely, perhaps pathologically shy woman, who—despite being unusually well educated for the time—was by her own description "almost as helpless as a Child amongst Strangers." Some months before, she had reluctantly abandoned her small, cozy hometown of Edenton, North Carolina, to follow her husband to the bustle of New York, which was the temporary national capital. And there James Iredell—who was as much in his element "amongst Strangers" as she was out of hers—had left her in order to fulfill his judicial duty of riding around the country holding circuit courts. His parting injunction was that Hannah must pay the visits and social calls expected of a lady of her station. This was difficult enough with her husband by her side, but—as Hannah put it in an earlier letter, written just after James had left—"When shall I get spirits to pay all the social debts I owe, now that I have not you to go with me?"

The letter provided another clue as well, a hint of underlying tensions in the Iredells' marriage: Hannah's despairing conclusion that her husband would never "make a fashionable woman" of her. The letters that James Iredell wrote to his wife during the several months of each year that he spent riding circuit—sometimes at the rate of one or more a day—frequently remark on the charms of other ladies he has encountered: for example, he observed that a young matron in Charleston was "very pretty"; reported that at a ball in



Collection of Jereco Edenton

**Hannah Iredell was shy by nature and was very uncomfortable with the social demands required of her in Philadelphia as the wife of a Justice. After a brief time she returned home to Edenton, NC where she was more comfortable.**

Boston “there were at least 6 Beauties of the small number present—and several more that were nearly such”; and told his wife that he had “refused a seat in a coach with a very fine young lady, to come home and write this letter”—adding, “However I must go and drink tea with her.” Some women might have scarcely noticed such comments, but—several years older than her husband, and already in her mid-40s—Hannah was no longer young, and she had apparently never been beautiful. When Hannah was only 22, Iredell had written a letter to his father in England—a letter that he may actually have shown to Hannah—describing his then-fiancee’s face as “not what is generally called handsome” (although he added that “there is an expression of goodness and benignity in it that is infinitely charming”). The only existing portrait of Hannah—albeit painted when she was an old lady—seems to confirm Iredell’s assessment. Under the circumstances, wouldn’t the frequent reminders that her husband valued good looks have been somewhat galling?

Beyond that, there was the issue of Hannah’s extreme

shyness, which seems to have puzzled—and no doubt frustrated—the naturally outgoing James Iredell. In that same letter to his father, Iredell had written that his beloved was “very sparing” of her conversation “among all but her intimate friends, and even with them too diffident to be properly communicative.” Her reticence, and Iredell’s dissatisfaction with it, clearly persisted. Alluding to a lady he had met in Charleston in 1792, Iredell advised his wife: “The only fault imputed to her is the very same to which you are liable, her too great fondness for retirement, and an exclusive attachment to domestic life. “As a creature of her times, who accepted the idea that her position in the marriage was subordinate—she addressed her husband in her letters as “Mr. Iredell,” while he addressed her by her first name—Hannah would certainly have received criticism from her husband more graciously than would many modern women. Not only that, she would have tried her hardest to be the woman she believed her husband wanted her to be, a “fashionable” lady who chattered gaily at balls and tea parties, no matter how much it went against the grain. As a naturally shy person myself, I can well imagine the pain she must have felt, struggling—and failing—to muster the courage to transfer herself in this way.

It would be misleading to portray the Iredells’ marriage as tempestuous and unhappy: their letters are also replete with expressions of affection and concern for one another’s welfare, and they both took obvious joy in the three children they eventually had together—children born after 11 years of barrenness, and the death of their first child at the age of only two days. But even people who love each other can be mismatched. In the Iredells’ case, there were temperamental differences that were exacerbated by circumstances. If they had stayed in familiar, cozy Edenton—rather than moving to a national capital that had borrowed the trappings of English court society, with mandatory attendance at levees and reciprocal social calls—and if James Iredell had not been on the road so much, perhaps things would have gone more smoothly.

Then again, perhaps not. In 1779—after six years of marriage, and long before their move away from Edenton in 1790—James Iredell did something that caused him to write a series of letters abjectly begging Hannah for forgiveness, pledging to “atone for every thing wrong that is past,” and declaring that he was “as deep a Penitent as Man can be.” The details of what he had done have been lost to history, but it requires no wild leap of speculation to conclude that some kind of marital infidelity was involved—a transgression that Hannah eventually forgave, but presumably could never entirely forget. Add to all this the fact that Iredell had greatly enhanced his career prospects by marrying Hannah: she was the sister of Samuel Johnston, a prominent North Carolina lawyer and politician of considerable wealth (little of which seems to have passed to her), to whom the ambitious and penniless James Iredell had apprenticed himself shortly after his arrival from England at the age of 17. Wouldn’t any wife in this position have suffered from some insecurity concerning her husband’s affections? And wouldn’t she have worried

that her susceptible husband might be seduced by some of the “fashionable Ladies”—endowed with the conversational skills and beauty that she herself so noticeably lacked—that he encountered on his travels or in the ballrooms of the nation’s capital?

Into this maelstrom of marital tension and lingering jealousy and suspicion (or rather the maelstrom that I have conjured up) stepped the young, attractive, and “fashionable” Hannah Wilson. Her portrait—painted around 1805, when she was 30 or so—depicts her in a vaguely Oriental headdress, from which peek out artfully arranged curls, and an Empire-style, high-waisted dress that shows off her bosom. Although she looks fairly somber in her portrait, she was probably a bit of a coquette as well: the few letters she wrote that have survived reveal a playful, flirtatious disposition, even though most of them were written when she was very much down on her luck. And she must have done *something* to bewitch James Wilson so thoroughly over the course of those days in Boston in 1793.

In fact, Mrs. Wilson (I will now resort to last names in an effort to keep this confusingly named cast of characters straight) didn’t actually step *directly* into the maelstrom where I have placed the Iredells. By the time she reached Philadelphia—now the national capital—in late 1793, the Iredells had at last decamped to return to their home in Edenton, no doubt to Mrs. Iredell’s great relief. The two women did not cross paths until December 1794, and then only briefly. The Wilsons riding the southern circuit together that fall, accepted Mr. Iredell’s invitation to visit Edenton and may have spent Christmas and New Year’s there. But Mrs. Wilson would almost certainly have encountered *Mr.* Iredell



Collection of the Supreme Court of the United States

**James Iredell was a faithful correspondent with his wife Hannah, and a good friend to his colleague James Wilson.**

before that, in August 1794, when he traveled to Philadelphia for a sitting of the Supreme Court.

Justices Wilson and Iredell considered themselves friends—when Iredell was in Philadelphia to attend court he visited the Wilsons frequently—although the two men were as different as were their wives. Iredell (despite occasional remarks in his letters to his wife that strike us as cruel, or at least inconsiderate) was a generous, empathetic person whose letters also reveal his wry sense of humor, his curiosity about the world, and his willingness to freely express his emotions. Wilson’s letters—with the exception of the one he wrote in 1793 to his future wife, pleading for a favorable answer—are cold, businesslike, and often stern. (“I never expect to hear in a letter from you how you or your Family are,” his friend Iredell once wrote to him good-naturedly.) Of course, people sometimes come across differently in person than they do in their letters—and, as a documentary editor, I may be biased in favor of Iredell, because he left behind such a wealth of material. But the fact is, their contemporaries made similar assessments of the two men: Iredell appears to have charmed virtually everyone he met, whereas Wilson managed to antagonize all sorts of people. We can’t know for certain how the first meeting went between Mrs. Wilson and Mr. Iredell, but presumably—like everyone else—she was charmed. And it’s reasonable to assume that he was, too.

As far as we know, things went fairly smoothly for the Wilsons over the next few years—although Mrs. Wilson would have had to adjust to her new role as the instant mother of six children, ranging in age from 8 to 21. She developed a particularly close relationship with Bird Wilson, roughly two years her junior and Wilson’s favorite son and heir apparent. “Do not let anybody see this, as I should not be as open to everyone as I am to you.” Mrs. Wilson once wrote to Bird after confessing some theological doubts. Although she signed her letters “Your affectionate Mother,” it’s difficult not to wonder if her feelings were something other than strictly maternal, if Bird’s were something other than filial, and if the relationship raised any eyebrows in gossip-ridden Philadelphia society. There’s no hard evidence, of course, but Bird lived to a ripe old age, eventually becoming a minister and dean of the General Theological Seminary in New York, and he never married. Is it possible he never got over a youthful passion for his young and captivating stepmother?

But when the year 1796 rolled around, the Wilsons’ affairs started to go rapidly downhill. In May of that year, Mrs. Wilson gave birth to a son—the only child the Wilsons would have together—who died in infancy. And before the Wilsons would have had a chance to recover from that blow, a general financial crisis that was sweeping the country began to shake the foundations of Wilson’s apparent wealth.

*The second half of this article will appear in the next issue of The Quarterly.*

*A More Obedient Wife* by Natalie Wexler can be purchased through the Society’s Gift Shop by calling or through the gift shop link on the website: [supremecourthistory.org](http://supremecourthistory.org)

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Jay Schultz, Houston  
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Christopher C. Soileau, Houston  
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Chris Hailey, Williamsburg  
Grayson P. Hanes, Falls Church  
Paul W. Jacobs II, Richmond  
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Sean P. Kelly, McLean  
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Joseph Gordon Hylton, Milwaukee  
Beth Kushner, Milwaukee  
Mike Lapin, Milwaukee  
Alan Lepp, Kenosha  
Joseph A. Pickart, Milwaukee  
William S. Pocan, Wauwatosa  
Richard H. Porter, Milwaukee  
Alex G. Seifert, Mukwonago  
Peter M. Sommerhauser, Milwaukee  
Michael P. Sullivan, Brown Deer  
Walter E. Zimmerman, Milwaukee

#### WYOMING

James E. Fitzgerald, Cheyenne

#### AP

Kyle Siftar, FPO

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Judy Wubnig, Ontario

##### GUAM

R. Todd Thompson, Hagatna

##### MEXICO

Arturo Ramos Sobarzo, Mexico City, Distrito Federal

##### UNITED KINGDOM

Joseph D' Inverno, Edinburgh, SCOTLAND  
Andrew Yong, London, ENGLAND



*Currency—continued from page 3*

Ultimately when the questions about the constitutionality of paper money in peacetime first reached the Court in 1870, it was Chief Justice Salmon Chase who wrote the majority opinion condemning the practice initiated a decade before by Secretary Salmon Chase! As students of the Court well remember, the case was revisited a year later and Chase's initial judgment was reversed by a narrow 5-4 vote.

When the first paper certificates were issued in 1862, Secretary Chase not so modestly pictured himself on the one-dollar bill. Some wags speculated that Chase, already gearing up for a challenge to Lincoln in 1864, valued the free publicity associated with his statesmanlike visage on the most widely used bill.

Chase is also pictured on two interest-bearing bills in ten dollar and fifty dollar denominations. These bills are more like savings bonds than currency, and are very rare as collectables.

Chase's picture is also found on the \$10,000 bill—the largest denomination bill ever issued by the government. It was never meant for general circulation, but in an era before electronic transfers of funds, was used in transactions between banks. They are no longer printed. A small number of these bills picturing Chase are signed by Vinson—two Chief Justices on one bill!

The final Supreme Court Justice with a paper money association is John Marshall. Beginning in 1918, a \$500 bill was printed with his picture engraved on it. The total number of the Marshall bills was small, and they are now coveted by collectors.



The coversheet of a piece of piano music titled, *Secretary Chase March & Quick Step*, reflects public reaction to Secretary Chase's vanity in putting his image on paper currency. The small print shows it was also known as "No. 8 Greenback Quick Step."