THE MACLAY MANSION:
A CELEBRATION OF TWO CENTURIES

The Pennsylvania Bar Association honors
U. S. Senator William Maclay and the home he gave us
Maclay Mansion Bicentennial Celebration
Friday, October 18, 1991
Pennsylvania Bar Association Headquarters

8:00 a.m.  Continental Breakfast
8:30 a.m.  Commemorative Ceremony

Master of Ceremonies: Leonard Tintner, Chairman
Maclay Mansion Bicentennial Committee

Keynote Address:  U.S. Congressman George Gekas

Presentations:  Sen. John J. Shumaker
Rep. Jeffrey E. Piccola
Dauphin County Commissioner Sally Klein
Harrisburg Mayor Stephen R. Reed

Remarks:  PBA President Thomas L. Cooper

9:15 a.m.  Unveiling of Bust of Sen. Maclay
9:20 a.m.  Maclay Mansion Tours Begin
Conducted by Dauphin County Lawyers’ Auxiliary

Special Feature:  A room decorated with period furniture courtesy of
the Dauphin County Historical Society

Maclay Mansion Bicentennial Committee

Leonard Tintner, Chairman
Allen Levinthal, Vice Chairman

Paul B. Beers
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David Vaughn Stivison
William C. Adrian Boyle
William Maclay, Pennsylvania's first U.S. Senator and Builder of the mansion in 1791.
William Maclay Mansion
Home of the Pennsylvania Bar Association

After 200 years, the William Maclay Mansion and the Bill of Rights of the U.S. Constitution still flourish, thanks to strong foundations and proper appreciation.

Maclay built his 3-story limestone house with 18-inch-thick walls in 1791, shortly after he left the First U. S. Senate. That same fall the Bill of Rights, of which he was an outspoken proponent, took effect.

The Pennsylvania Bar Association purchased the mansion on Harrisburg’s prestigious Front Street in 1948 and its attached former quarters of the Harrisburg Academy in 1971. The Bar celebrated the restoration of the complete structure in 1975.

With commendable foresight, the PBA’s leadership and membership acquired not only a distinctive headquarters, but one with roots in the pasts of America, the Commonwealth, and the legal profession.

The Maclay Mansion today is a National Historic Site, a showcase for the PBA, a busy center meeting the needs of thousands of law practitioners and those furthering the progress of justice, as well as a lasting tribute to that frontier lawyer and nation-builder, the irascible Senator Maclay.

“Beloved and venerated,” a man with a “superior mind” who had “firmness and integrity,” Maclay’s obituary read in 1804. He stands tall, at 6-foot-3 no less, as a model for the Pennsylvania lawyer with his qualities of brilliance, steadfastness and honesty. Even that questionable accolade “beloved”—in dour Maclay’s case perhaps a hyperbolic compliment—is a worthy attainment for any attorney after a long, laborious career.

The Schnader Lounge, named for Philadelphia lawyer William A. Schnader who was Attorney General of Pennsylvania and president of the PBA in 1962.
The Maclay Mansion has additional significance, in the footnotes of the fastidious, for being the site where Andrew Gregg Curtin of Bellefonte, the great trial lawyer and famous Civil War governor, attended the Harrisburg Academy, itself the 10th oldest independent preparatory school in the nation.

The late Col. John McI. Smith, prominent attorney and PBA secretary, enjoyed pointing out that the Maclay Mansion is described in Joseph Hergesheimer's well-known novel *Three Black Pennies*. Violet Oakley used its basement for the preparation of her murals for State Supreme Court and Senate Chambers at the nearby Capitol, the American Red Cross had an active blood bank in it during World War II, and in 1812 its garden produced the first tomatoes in Central Pennsylvania.

Now as a busy center serving and speaking for the PBA's 28,000 members, the Maclay Mansion doubles as a valuable heritage resource of Pennsylvania law and lawyers. With portraits, memorabilia, and the aura reflecting the hallowed continuity of the law and its leaders, the PBA at its splendidly appointed headquarters is adding to the "yeasty ferment in the life and legal profession in this Commonwealth," as Philadelphia member Henry Thomas Dolan stated in his 1971 invaluable history of the association.
The Board Room, once Maclay’s parlor where he compiled his famous diary of the first U.S. Senate.

Lawyers and laity alike are fascinated by what they find in the Maclay Mansion.

The first floor has the William A. Schnader Lounge, honoring that outstanding Philadelphian (1886–1968) who was Pennsylvania’s Attorney General and the leading exponent of constitutional reform for almost four decades. The lounge contains historical Bar publications and also a picture gallery of past presidents that includes Chief Justice William I. Schaffer who was the great-great-grandson of Maclay.

The Board Room, once Maclay’s parlor where he compiled his famous diary of the first U.S. Senate, and its adjacent President’s Conference Room are dedicated to one of the PBA’s finest champions, Morton S. Klaus of Philadelphia’s Blank, Rome, Klaus and Comisky.

Also on the first floor is the Sterling G. McNees Conference Room, named for the PBA president who was the founder of McNees, Wallace and Nurick. The Main Reception Area is dedicated to another Harrisburger, Thomas D. Caldwell, senior partner in his firm and father of two sons, one a federal judge and the other a lawyer and civic leader. The Chief Justice Horace Stern Room adjoins the Reception Area, and was the gift of the appreciative law clerks of that 1950's Justice.

The classic Main Stairwell, one of the handsomest anywhere, was added after Maclay’s time and is dedicated to William Clarke Mason and Arthur Littleton, both PBA presidents, chancellors of the Philadelphia Bar Association and senior partners in Philadelphia’s Morgan, Lewis and Bockius.

The Stairwell has portraits of Senator Maclay and LeRoy S. Zimmerman, the first elected Pennsylvania Attorney General. It also features the 1780 grandfather clock and the 1830-35 mahogany secretary of the famous George Wharton Pepper, once U.S. Senator and president of the PBA.

The Executive Director’s Office replaced the original Conference Room on
Independence Hall in Philadelphia.

The original Dauphin County Courthouse, where Maclay served as judge.
The capitol of Pennsylvania in 1822, situated on land owned by Maclay.

A view of Front St. in Maclay's time.
the second floor in what was Maclay's master bedroom. The office also shares part of the Bar's library. The room was a contribution from the Pittsburgh firm of Reed Smith Shaw & McClay in memory of two of its partners, Philander Chase Knox and Edwin Whittier Smith. Both were PBA presidents, and Knox also was a U.S. Senator, Attorney General, and Secretary of State between 1901-21. Smith represented the United States in the 1909 International Conference on Maritime Law.

Chief Justice Schaffer is honored in the Finance Office, also containing the library and research material.

On the second floor also is a photographic exhibit of the past chairmen of the Young Lawyers Division, founded in 1935 by Gilbert Nurick who 32 years later was president of the PBA. For the curious, this display could be the most interesting in the Maclay Mansion. It includes future Federal Judges Daniel H. Huyett, 1955, and William W. Caldwell, 1960; future Governor and U.S. Attorney General Dick Thornburgh, 1963; Carroll F. Purdy, 1965, who two decades later was Pennsylvania's first attorney with a heart transplant; and Leslie Anne Miller, 1981, the first woman chairman of the Young Lawyers Division who now a decade later is the first woman chairman of the House of Delegates.

The Young Lawyers Division is for lawyers under age 35 and today has 14,000 members, almost three times the Bar's entire membership when it purchased the Maclay Mansion.

The Frank B. Boyle Conference Center of the Pennsylvania Bar Institute is located on the lower level of the mansion. This York attorney was PBA President from 1983-1984. His late wife Virginia is honored with a portrait by the Pennsylvania Lawyers' Auxiliary, whose leaders are displayed in past photographs.

William Maclay had expansive dreams for his Commonwealth and he built well, but the results must far exceed any of his expectations.

As a special Pennsylvania commissioner, he helped buy what are now 23 counties west of the Susquehanna. Then in 1773, he built what contemporaries called "the most substantial and pretentious of the early private houses" in Sunbury, which he founded. ("Pretentious" to Northumberland Countians and other Upstaters before the 20th Century meant "dignified." The word since has acquired a cynical connotation. Maclay himself was the obstinate opposite of what modern Americans think of as "pretentious").

The Maclay family lived in its limestone manor at Sunbury's Arch and Front Streets until 1791, when he built the larger rectangular limestone dwelling at Harrisburg's South and Front Streets.

Earlier in 1785, Maclay laid out Harrisburg, helped establish Dauphin County, and wrote the will of his father-in-law, John Harris II the city founder, reserving four acres for the future Pennsylvania capitol. The borough line went to South Street, where Maclay's estate, called Maclaysburg, started.

After Maclay's death in 1804, his son William II sold 10 acres to the Commonwealth for the site of the 1822 Capitol that was replaced by today's 1906 resplendent Capitol. Young Maclay probably acted on his father's instructions to make State Street 120 feet wide so the intended Capitol would have a proper vista to the Susquehanna River, just as the Maclay Mansion has.

In the 1830s, Maclaysburg was incorporated into Harrisburg. Appropriately, today's Governor's Mansion is at Front and Maclay Streets.
The circa-1780 grandfather clock of the famous George Wharton Pepper, a U.S. Senator and PBA president.

The Harrisburg Academy, founded in 1784, owned the Maclay Mansion from 1827 to 1908. Maclay had been a trustee of the school. Headmaster for almost 50 years was the incredible Jacob Fridley Seiler of York, a linguist, mathematician, historian, trout fisherman and theologian. Seiler resided in Maclay's original dwelling and most classes were conducted in the north wing, added in 1847, where the Schnader Lounge is today.

Following Seiler's death in 1908, trustee chairman Vance C. McCormick moved the school north on Front Street and sold the property to the Bailey family of Harrisburg National Bank, today's Commonwealth Bank and a Mellon affiliate. The Baileys tastefully refurbished the mansion and added, among other improvements, certainly the California redwood woodwork and probably the Main Stairwell.

The last of the Baileys, bank president George Reily Bailey and his wife Elizabeth Scott Bailey, conveyed the original part of the mansion to the Bar Association in 1948, while they resided in the academy section until they sold
The circa-1830's mahogany secretary, also belonging to Senator Pepper.

It to the PBA in 1971. They had an appreciation of history and a seriousness about preservation. George's father Edward was treasurer of the commission that built the 1906 Capitol. Elizabeth's family included John Scott of Pittsburgh, who left the U.S. Senate in 1875, as he told colleagues, for the more important post of chief legal counsel to the Pennsylvania Railroad.

William Maclay's famous diary contains numerous notations of his desire to return to his limestone house on the banks of the Susquehanna. It was home to this lawyer-statesman, and 200 years later its legacy continues as the proud home of the Pennsylvania Bar Association.

"It would not be the same, if the Association had come to be housed in some modern edifice, not in its own right historic. There would not be those links with the past that are the pulse beats of the laws...(those) murmers to us not only of the law that was, and the law that is, but of the law that is to be..." wrote Henry Thomas Dolan with appealing sensitivity 20 years ago in his history of the Pennsylvania Bar Association.
WILLIAM MACLAY (1737-1804)

BIRTH: July 20, 1737, at New Garden Twp., Chester County, but raised on the frontier northwest of Shippensburg.

FAMILY: Second of five children of immigrant Scotch-Irish farmers, successful enough to educate their children. William's younger brother Samuel assisted him as a surveyor, served five years in State House, five years in State Senate including one year as Speaker, two years in U.S. House, eight as U.S. Senator. Older brother John was in State House three years.

MILITARY: A lieutenant in Gen. John Forbes' march to Pittsburgh and in famous Battle of Bushy Run with Col. Henry Bouquet in French and Indian War. A militia officer in Revolution, also commissary officer for Northumberland County.

PROFESSION: Admitted to York County Bar in 1760 at age 23. Applied legal knowledge to skills in surveying and real estate, wealthy by age 40. From 1768-85 the Penn Family's frontier land agent. Owned thousands of acres in Susquehanna Valley, also grist and saw mills.

HOME: Mifflintown, 1767-71; Sunbury, 1771-91, then Harrisburg until death in 1804.

MARRIAGE: At age 32 in 1769 married Mary Harris, 19, daughter of John Harris II, founder of Harrisburg. Mary's uncle, Dr. William Plunket the physician, colonel, judge and capitalist, became his mentor. Plunket's daughter married brother Samuel Maclay. The Maclay-Harris marriage produced nine children, of whom seven lived beyond infancy.

POLITICS: In public life 45 years, holding elective office 14 and appointed office 28. In State House from Northumberland County four years and from Dauphin County, five. On Pennsylvania Supreme Executive Council three years under President Benjamin Franklin. First Pennsylvania U.S. Senator, 1789-90. Also 20 years as associate judge in Northumberland and Dauphin counties. The first prothonotary, register and clerk of courts in Northumberland, also prothonotary in Cumberland County, and, among other posts, Northumberland County commissioner.

DEATH: April 16, 1804 age 66, at Harrisburg home. Buried at Paxton Presbyterian Church graveyard at Paxtang.
Sen. Maclay's gravesite in Paxtang Presbyterian Church cemetery.

The Maclay Mansion in the early 1900s.
JUST A COUNTRY LAWYER

Sen. William Maclay

Although many of his colleagues were acclaimed “Founding Fathers” of this nation and commonwealth, the unpretentious but self-assured William Maclay was content not to be in the roll call of immortals.

“A bird alone” this lawyer and Pennsylvania’s first U.S. Senator called himself, and posterity unfortunately accepts Maclay’s misleading self-effacement. Forceful advocate and energetic achiever though he was for 45 years in public life, the irascible Maclay had an exaggerated sense of propriety. Like many fellow frontiersmen, he abhorred vanity.

As a self-proclaimed “man of republican respectability,” he set a career path none has dared to follow—he happily left the U.S. Senate, scoffing that it was trying to be a House of Lords, and became a county judge and then a state legislator. Back in the Pennsylvania House where he had started, he graciously refused to be Speaker. Maclay, eminent statesman though he was, disdained accepting any privileges or perquisites.

Today Maclay is known as the “American Pepys.” His diary of the first U.S. Senate is regarded as the most important personal journal in American history.

Typically, Maclay never thought of publishing it, even if to prove lawyers indeed can write lively prose. His nephew saved the diary from extinction 76 years after the Senator’s death. Johns Hopkins University Press recently published a deluxe annotated edition, and scholars, as well as general readers, are discovering the missing American statesman who was a common man with uncommon genius.

The law profession has yet to recognize what an influence William Maclay has had on free self-government in the United States and Pennsylvania.

Decades ago, historians casually assumed that after Maclay was admitted to the York County Bar in 1760 he never practiced law in the remaining 44 years of his life. That misconception was taken as gospel, reinforced by Maclay’s sharp Mecklenesque putdowns of fellow practitioners—such as: “Lawyers have keenness and a fondness for disputation. Wrangling is their business, but long practice in supporting any cause that offers, has obliterated all regard to right or wrong. The question only is, which is my side? And this the slightest circumstance, a Word, a hint, a nod, a Whim or silly concit, often determines, even with them Who are above pecuniary influence.”

It is true that the baldish, classically educated “apostle of agrarian simplicity” had no courtroom triumphs. His law offices were his front-room parlors in Sunbury or Harrisburg.

What is overlooked but just as true about Maclay is his sterling record of legal statesmanship and how right he was about so many important matters.

The always-alert, highly intelligent Maclay was an expert in putting communities, counties, a state, and a nation together in a constitutional system that worked. He could see the trees and the forest of law and society in his day, and he had the vision to help fashion both for an orderly future.

It is astonishing how right Maclay was about so many things—an attribute of a good lawyer. He was right about the Declaration of Independence, the
Bill of Rights and due process, government with checks and balances and two-house legislatures, a strong state and local court system, and much more.

A reader of his diary of the first U.S. Senate of 1789-90 gets caught up in Maclay's arguments. His insights and arguments remain as pertinent as when he was irritating Senate President John Adams with motions and objections. When President Washington and Adams wanted "advise and consent" to mean the Senate's simple head-nodding acquiescence, Maclay won the fight for confirmations facing a vote of approval or rejection.

The issue of honorary titles, such as "His Majesty" for the President, infuriated Maclay who despised "fooleries, fopperies, fineries and pomp of royal etiquette."

In the midst of winning the battle against pomposity, Maclay was greeted by his friend Rep. Peter Muhlenberg, who jokingly called him "Your highness of the Senate." Maclay was aghast. "Well," explained the former Revolutionary general from Montgomery County, "I just met a senator and he called me 'Your Highness of the Lower House.'"

Maclay learned his constitutional law as a diligent reader of classical law and by working for years as a lawyer with the people creating their free frontier societies.

Of his 45 years in public life, Maclay held elected legislative office for 14 years and appointed office 28 years—20 of them as an associate judge in Northumberland and Dauphin Counties. His civic involvement included 22 years as a charter trustee of Dickinson College.

A little known fact is that Maclay is regarded as the founder of the Democratic Party, because he was 11 months ahead of his friend Thomas Jefferson in organizing opposition to the Federalists. In his day, Democrats were called Anti-Federalists or Republicans.

He is the only Pennsylvanian to help form two counties, Northumberland in 1772 and Dauphin in 1785, as well as lay out their county seats, Sunbury and Harrisburg.

He wrote the will of his father-in-law, John Harris II, to set aside four free acres for the state capitol and as a legislator began the process to make Harrisburg the capital city. After his death, his family sold to the commonwealth the 10 acres where today's Capitol stands.

Maclay was a real estate lawyer extraordinaire, in addition to being an accomplished surveyor. For 17 years he was the land agent for the Penn family.

History is still asleep in recognizing that Maclay played key roles in getting more land for Pennsylvania than any other person but William Penn himself. As a commissioner for the Indian treaty of 1784, he negotiated the purchase of what are now 23 western counties—for $5,000 he helped increase the size of the Commonwealth by a third. Then as a U.S. Senator, he played a role in Pennsylvania's securing the Erie Triangle from New York State, gaining eight new counties covering a fourth of the state.

Like Ben Franklin, he was frugal and smart enough to be independently wealthy by age 40—thanks to earnings from law, real estate that amounted to 2,400 acres in the Sunbury area alone, grist and saw mills and other ventures. He also enjoyed a happy marriage to the daughter of the richest man in Harrisburg. Like Franklin, but unlike his Pennsylvania colleagues Sen. Robert Morris and Justice James Wilson, he was prudent enough to keep his money and not go bankrupt.
Aloof with an independent nature, grouchy with rheumatism, and compulsive about expressing his cutting wit, Maclay cared little about popularity. Historians still underrate him as being just another obstinate frontiersman.

He thought George Washington to be "peevish" with "sullen dignity." "Bonny Johnny" Adams was a tired "old royalist." Even Ben Franklin got his barb: "never much of an admirer of the Doctor....He had many faults of Vanity, ambition, want of Sincerity, etc."

William Maclay would be a great American lawyer in any era, but he would be too outspoken for contemporary politics. One of his maxims in his diary, however, should be chiseled at the entrance of every courthouse, capitol or the White House itself: "We come here the Servants, not the Lords, of our Constituents."

Pennsylvania Bar Association

"To advance the science of jurisprudence; to promote the administration of justice; to secure proper legislation; to encourage a thorough legal education; to uphold the honor and dignity of the Bar; to cultivate cordial intercourse among the lawyers of Pennsylvania; and to perpetuate the history of the profession and the memory of its members."
—Charter of the Pennsylvania Bar Association, July 1, 1895

The founding of the Pennsylvania Bar Association (PBA) by 592 charter members in 1895 took place amidst a national drive by those trained in law, medicine, the sciences, education and other professions to organize, upgrade, self-regulate, and set recognized public standards for their services and livelihoods.

The unheralded efforts by thousands of trained leaders in communities and states helped prepare American professionals for the world leadership this nation assumed in the 20th Century.

The Commonwealth by 1895 had a population of 6 million, or about half
of what it has today. There were local bar associations in 39 counties. The law quickly was becoming more complex and competitive.

Pennsylvania’s second appellate court, the Superior Court, was born just as the statewide Bar was chartered. George B. Orlady of Huntingdon County had the unusual distinction of being on the first Superior Court as he helped found the PBA. Orlady became the Superior Court’s second President Judge 20 years later.

The PBA had a truly distinguished list of founders. Among them were Alexander Simpson Jr. of Philadelphia; later a Supreme Court justice; Indiana County Judge Harry White, the last-living founder of the Pennsylvania Republican Party, a Civil War hero, and Speaker of the State Senate before he became an outstanding jurist; and future U.S. Sen. George Wharton Pepper, only 28 years old at the time.

Dauphin County Judge John W. Simonton was the first president. The third president in 1897 was Philander Chase Knox of Pittsburgh, who soon became U.S. Attorney General, then Secretary of State, and finally a U.S. Senator.

Splendid as its beginnings were, the PBA endured its first quarter century thanks to its presidents conducting the association’s business from their own private law offices. The first Executive Secretary did not come until 1920 when membership hit 1,500, but the indomitable Mrs. Barbara Lutz stayed 48 years.

The statewide Bar came of age, as membership approached 5,000, in 1948 when it purchased the William Maclay Mansion two blocks from the State Capitol.

Full maturity was achieved with the naming of Dauphin County attorney Frederick H. Bolton in 1967 as the Bar’s first Executive Director. Bolton had been Assistant Secretary from 1958-65. Following a close primary defeat to the State House, he was ready to devote his full talents and the rest of his life to bettering his beloved legal profession. After Fred Bolton’s untimely death in 1977, his colleagues hung his portrait at the Maclay Mansion. Peter P. Roper became Executive Director, 1978-85, and then Theodore Stellwag, the current Executive Director.

As part of its growth, the Bar created its House of Delegates in 1966 with
David F. Maxwell of Philadelphia as the first Chairman. Maxwell had the rare honor of also becoming President of the American Bar and Chairman of its House of Delegates.

With nearly 300 elected members, the PBA House of Delegates is an outstanding representative governing body, one delegate standing for about 100 Bar members.

Today the Pennsylvania Bar has a record 28,000 members. It continues to be one of the nation's most effective organizational advocates for justice and high professional standards.

The State Bar's record over the decades in advocating constitutional revision, merit selection of judges, modern corporation, public administration, and penal codes, public defenders, legal aid, improved and continued legal education, and other progressive measures has earned the Pennsylvania Bar high respect in the nation's legal community and an allegiance from its membership that would make its bewhiskered founders proud.
Acknowledgements

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Henry Thomas Dolan, Esq., a Philadelphia attorney since the early 1930s. His The Diamond Anniversary History of the Pennsylvania Bar Association filled the entire PBA Quarterly of January, 1971, and is an invaluable resource.

David V. Stivison, Esq., another Philadelphia attorney, an historian of the U.S. Bill of Rights, and the indefatigable genealogist of the Maclay family, some 500 members from the 1734 immigrants Charles and Eleanor Maclay and their famous sons William and Samuel to descendents in the 20th Century.

The Dauphin County Historical Society, executive director Peter Seibert and archivist Warren Wirebach

Diary of William Maclay, editors Kenneth R. Bowling and Helen E. Viet, Johns Hopkins University Press, 1988

Independence Hall National Park Service, Philadelphia

Northumberland County Historical Society

Pennsylvania Historical and Museum Commission
