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" WHAT DID DOCTOR WITHERSPOON SAY? "

A POSTSCRIPT

BY LOUIS F. BENSON, D.D.

I

In the number of this JOURNAL for June, 1916, I printed a paper bearing the above heading; whose purpose was to appraise the critical part so often assigned to Dr. Witherspoon in the debates of the Continental Congress resulting in their adoption of the Declaration of Independence, and to discuss the authenticity of the speech at that crisis attributed to him in so many (presumably) historical publications and in part inscribed upon the two monuments dedicated to his memory.

The conclusions arrived at in that paper, after a detailed consideration of all the evidence available, were in brief that Dr. Witherspoon was not present during the crucial debate ending in the declaration of Independence on July 2nd, 1776, but arrived before the adoption of the Declaration itself on July 4th; that "Wilson and Witherspoon are said to have spoken;" that for what Dr. Witherspoon actually said we are wholly dependent upon the recollections of Dr. Ashbel Green of conversation with him recorded forty-five years after his death; and that Witherspoon's words on that occasion as recalled by him for Dr. Green's benefit and as recorded so long afterward by Dr. Green, bear no resemblance at all to the alleged speech delivered by him and so frequently quoted.

That I published such conclusions, contradicting others so

long established, is, I hope, evidence that I had no question in my own mind that they rested on reality and were as near the truth as the state of the evidence permitted us to come. But I can remember myself thinking that the conclusions would be unwelcome to what I may call "the sectarian mind" and would be resisted by those whose motto is, "Tradition, right or wrong." It turned out that I underestimated the spirit of free inquiry and candor of mind prevailing among ourselves. Numerous letters of appreciation came, and such church periodicals as noticed the paper without exception accepted its conclusions. The only dissenting voice was in a letter to *The Presbyterian Banner*, signed "William C. Paden, classmate of Dr. Benson, Princeton Seminary," to the effect that the methods of criticism pursued in my paper and endorsed by the *Banner* would prove disastrous if applied to the historical records of Scripture. To this somewhat disheartening suggestion the editor of the *Banner* administered a very succinct and, I should think, very proper rebuke.

II

We may then perhaps regard the question of the authenticity of Dr. Witherspoon's alleged speech as finally disposed of by the paper in question. The speech was neither composed nor delivered by him, but was a fabrication pure and simple.

That was as far as I could go in 1916 upon the evidence gathered. The question remained as to who the fabricator was who set the ball arolling, what was the actual source from which Dr. Krebs in his sermon of 1841 quoted the alleged speech of Witherspoon.

The only evidence (if we are to call it so) was the communication of "W. P. V." I had found in *The Presbyterian*, of September 21, 1867, quoting his recollection of a strikingly similar passage from a Fourth of July oration heard by him in "1824" at "Morristown;" and which (if his remembrance of words heard forty odd years earlier had not been confused by later readings of Dr. Krebs' sermon or the many books copying Dr. Krebs) would seem to indicate a probable source of the fabricated speech.

At the time of writing I could neither identify the Fourth of July orator nor track his oration. There was no particular difficulty about the quest. It was simply a case of farsightedness on the part of the questor. W. P. V. described the orator as "the somewhat noted but eccentric Hooper Cumming;" a description that sent me too far afield,—to compendiums of American oratory and mentions of "somewhat noted" orators, while in fact all the data for his identification lay near at hand. And Cumming was in fact nothing other than a Presbyterian clergyman.

The clue I happened upon was a short notice in William Allen's *The American Biographical Dictionary* (3rd edition, Boston, 1857) of "Cumming, John Noble, general, a hero of the Revolution," which ended by saying, "His son, Hooper Cumming, D.D., minister of Newark for a few years, died at Charleston, S. C., in December, 1825." After that the going was of course easy enough.

Before long there turned up at a book auction in New York an octavo volume of 255 pages, with this title:

*"Official Documents of the Presbytery of Albany, exhibiting the Trials of the Rev. John Chester and Mr. Mark Tucker; together with the whole case of the Rev. Hooper Cumming. Published by Order of the Presbytery, in conformity to a resolution of the Synod of Albany. Schenectady; published by Henry Stevens & Co.; I. Riggs, Printer. 1818."*¹

In this the person and career of the "eccentric" orator stood disclosed in the white light of judicial process through attested records of judicatories, admitted letters from his father and friends and sworn testimony of fellow presbyters, parishioners, personal friends and, it may be, personal enemies.

Finally I found in the book catalogue (No. 190) of Noah Farnham Morrison this item:

An Oration, delivered at Newark, N. J., July 4, 1823. By Hooper Cumming, D.D., Pastor of the Presbyterian Church in Van Der Water Street, New York. Newark; printed by John Tuttle & Co., 1823. 8vo., stitched; pp. 23.

On page 13f of this oration appears the following passage:

¹ This copy may now be consulted in the Library of this Society.

"But an ardent love of liberty guided the counsels, and inflamed the zeal of the Continental Congress. And it must be a source of proud exultation to a Jerseyman, that one of the Representatives of his native State, by a lackonick speech, signalized for its energy, its disinterestedness, and its burning patriotism, turned the scale which was at that moment equipoise, and decided the passage of the Declaration of Independence. 'There is,' as I have been credibly informed, 'there is' said the venerable Witherspoon, when he perceived the house wavering, 'there is a tide in the affairs of men—a nick of time. We perceive it now before us. To hesitate, is to consent to slavery. That noble instrument upon your table, which ensures immortality to its author, should be subscribed this very morning by every pen in this house. He who will not respond to its accents, and strain every nerve to carry into effect its provisions, is unworthy the name of freeman. For my own part, of property I have some—of reputation more. That reputation is staked on the issue of this contest—that property is pledged. And although these gray hairs must soon descend into the sepulchre, I had infinitely rather they would descend thither by the hands of the public executioner, than desert, at this crisis, the sacred cause of my country.'—The Declaration was signed by every member present,—and the heart of the illustrious Jefferson palpitated with joy."

Here then we have before us what is undoubtedly the source of the alleged speech of Witherspoon quoted by Dr. Krebs in his sermon and again and again repeated on Krebs' authority until established as an episode of American history.

And I think we may fairly conclude that in the passage before us we have also the original of the speech itself. This latter conclusion, however, requires more consideration, and I venture to support it by the following propositions:

1. The speech is a fabrication by some hand. It is outside of any actual relation to what was done and said in 1776.
2. It appears here for the first time, full-blown. Nothing of an earlier date is known with which it has to be compared or even contrasted.
3. It is given as a text, not as a recollection of things once

said or an impression made by them. It is given with the precision of a quotation.

4. It is a very carefully articulated piece of structural composition, and not an aggregation of sentences accumulating in the course of time around an original nucleus.

5. It was composed by the skillful hand of a man with a decided gift of historical imagination and oratorical composition, and practiced in the art of producing dramatic effects.

6. Mr. Cumming himself was richly endowed with these gifts and habitually successful in producing these effects. Whatever else he may have been he was an orator.

7. He was not a man to be deterred by any nicety of scruple from putting his own words into the mouth of a historical character for the sake of gaining or enhancing such effects.

8. The speech itself, while bearing no resemblance to Witherspoon's style, is entirely congruous with Mr. Cumming's own style, its manner and cadences. His oration contains numerous sentences that might be worked into the quoted speech without suggesting interpolation.

Before reaching any conclusion it may however be prudent to consider just what measure of attention should be given to Mr. Cumming's claim to have received the text of Witherspoon's speech from an earlier hand, or at least the vague suggestion of it contained in his words introducing the quotation,—"as I have been credibly informed." Just what these words mean or imply in their natural sense, as an introduction to the text of a lengthy quotation of an author's words, I am unable to determine. I judge that the impression which the orator aimed to make upon the minds of his hearers was that a copy of Witherspoon's speech was in existence and had been shown to him, and that he was satisfied of its authenticity, and anxious to give it wider currency. He achieved his object certainly. In the literal sense he made "history." But in refraining from revealing his "informant" or identifying his source he remains the sole witness as to the actual existence of such a source, and the question narrows down to the credibility of the witness himself.

III

The books and pamphlets I have gathered together as bearing upon the present matter reveal Mr. Cumming's personality as richly gifted, virile, magnetic, but ill-balanced, impetuous, unsubmitive to social and moral standards and often apparently irresponsible. His career was a series of successes earned by his gifts, shadowed by his character, and overthrown by his conduct. He made trouble wherever he went, and in leaving left it behind him. All these deplorable things are of record already in open print, but forgotten. And the necessity of reviving the memory of them in our present connection will perhaps explain why I have hesitated so long to add this needed postscript to the tale of my researches into "What did Doctor Witherspoon say?"

Hooper Cumming was born in Newark in 1788, graduated by Princeton College with the class of 1805, and by Andover Seminary later.² As a boy he had been amiable and lovable, but after-events constrained the Rev. Dr. Edward D. Griffin (in whose home he spent some years) to testify: "As to his departure from the truth, I find that when he was a school boy he was constitutionally addicted to that sin."³ He became in 1811 the first pastor of the Second Presbyterian Church in his native town. In January of the year following, his young wife met a tragic death at Passaic Falls, from which time, his friends thought, began the eccentricities and infelicities of his career.⁴ Charged with "gross and scandalous misconduct," immorality and preaching other men's sermons, he announced his retirement from his parish and renounced the jurisdiction of Presbytery. The question of his mental responsibility was already raised, but, after much vacillation on his part and suspension by Presbytery, he was allowed to accept a call to Schenectady.⁵

² *The Lives and the Labors of . . . Pastors of the Third Presbyterian Church of Albany, N. Y.* N. p., 1905, p. 9. The volume contains a rude portrait of Cumming.

³ *Official Documents of the Presbytery of Albany*, p. 232.

⁴ *Idem*, pp. 186, 232.

⁵ The Minutes of the Presbytery of Jersey covering the case are in *Official Documents*, pp. 201-212.

The great success of his preaching there led to the organization of a Third Presbyterian Church of Albany for the sake of securing his services. But the presentation of the call to Presbytery in February, 1817, moved one of its members to present charges against Mr. Cumming, which as formulated were:

1. Plagiarism in preaching other men's sermons:
2. Breach of promises to refrain therefrom:
3. Deliberate falsehood and prevarication (two specifications); to which was afterward added,
4. The intemperate use of intoxicating liquor.

Mr. Cumming's friends of the Third Church forthwith laid counter-charges against the Rev. John Chester and licentiate Mark Tucker of slander in circulating the reports on which these charges rested. Evidently their trial would be virtually an indirect trial of Mr. Cumming and their inevitable acquittal a condemnation of him without a hearing. There was no help for it, and the unanimous acquittal of these gentlemen left Mr. Cumming revealed by the testimony as (morally) guilty on all the charges. But under the sympathetic guidance of Dr. Nott, who as moderator declined to administer the witness's oath to Mr. Cumming as "partially deranged,"⁶ the feeling spread through the Presbytery that he was a subject for sympathy rather than discipline. In the end a trial was averted by allowing Mr. Cumming to withdraw; Presbytery putting on record its conviction of his "partial derangement of mind" and its refusal of any responsibility for his future acts.⁷

Mr. Cumming continued for several years to serve his Albany congregation as an independent body, holding a large congregation by the eloquence of his preaching but still attracting some criticism outside the pulpit. At the date of the oration of 1823 he had accepted a call to the First United Presbyterian Church of New York City. He had hardly begun there when compelled to go South in pursuit of health. He visited Charleston, S. C., only, in the words of a successor

⁶ *Official Documents*, p. 46.

⁷ *Official Documents*, p. 239.

in the pulpit of the re-established Third Church of Albany, "to die, a stranger at an inn, and to find a stranger's grave."⁸

Our immediate concern with Mr. Cumming is as to his credibility as a witness claiming to have received a given text (which he offers) from a "credible" source rather than to have composed it himself. We cannot follow Moderator Nott's course in declining to administer the oath to him as irresponsible; for his testimony is already in. But as a help toward determining witness's credibility we may consider Dr. Nott's own sworn testimony; for none knew Mr. Cumming better and none dealt with his case more sympathetically or more fairly:

"There was a strange obliquity in Mr. Cumming's statements and conduct, that was difficult to explain. It appeared to the witness [*i. e.*, to Dr. Nott] either that Mr. Cumming did not make those distinctions between truth and falsehood that other men made, or that he did not feel those obligations which other men felt. He often made statements in open presbytery, and sometimes appealed with apparent sincerity for the truth of what he said, to those very members who, he must know (if he was in his right mind) were perfectly acquainted with the incorrectness of his statements; and yet witness had not been able to discover at the time any indication of distrust or of compunction in his manner, or in the expression of his countenance."⁹

In view of such testimony from such a source, corroborated by the testimony of other witnesses at the Chester trial to specific instances of falsehood and misrepresentation, I do not for my part hesitate to conclude:

1. That Mr. Cumming is not a credible witness:
2. That his vague and veiled allusion to an earlier source of the speech in question is to be ignored:
3. That he was the fabricator of the speech he attributed to Witherspoon, and is responsible for all the falsification of history which began with its publication in 1823.

In the case of an ordinary man I should have to add a third

⁸ *Two Discourses delivered to the Third Presbyterian Church, Albany. By Rev. E. A. Huntington, D.D.* Albany: Fisk and Little, 1855; p. 97.

⁹ *Official Documents*, p. 229.

specification to the third charge brought against him in the Presbytery of Albany. In this particular case it is enough to reveal all the facts with the candor and frankness which the pursuit of truth demands; and, having done so, to emulate the example of Presbytery by refraining from instituting process against his memory.

Mr. Cumming made a good deal of trouble for a good many people in his lifetime, has misled a succession of later writers who made much use of the materials he fabricated in their “histories” and carved some of it upon historical monuments; and I for my part have done what I could to prevent his continuing to mislead others who will read the older books or write the new ones. Some one did me the honor of referring to the effort of 1916 as “a good detective story.” Whatever it be I hope I have now brought it to “a successful conclusion.”

Detective stories are not supposed to have a “moral” appended to them. But I should like to add to this paper what the Puritan divines called an “application.” In writing history it makes no practical difference, as concerns the consequences, whether we misrepresent the facts that occurred through a willingness to deceive, a partisan bias, an oratorical striving to produce effects, or a labor-saving unwillingness to investigate the sources at first-hand.