REMARKS

OF

BENJAMIN S. EWELL,

PRESIDENT OF THE

College of William and Mary,

IN VIRGINIA,

BEFORE THE COMMITTEE OF EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES,

In support of the Petition of the College for an Appropriation by Congress because of Revolutionary Losses, and because of the Destruction of its Buildings and other Property by United States Troops during the late Civil War—Delivered April 1, 1874.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE:

Having had the honor of appearing before the Committee of Education and Labor of the Forty-first, and also that of the Forty-second Congress, as the representative of the College of William and Mary, I would not, willingly, ask now to be allowed to come before you... I do not think my remarks might save time and labor to these gentlemen present who are not familiar with the antecedents of the College. Of those to whom I am repeating "a thrice told tale" I ask pardon for thus again taxing their patience.

Within twelve years of the settlement of Jamestown, in 1607, steps were taken by the friends of the colony of Virginia in England to establish and endow a college. Land was purchased for this purpose, and a competent gentleman, Mr. George Thorpe, was sent from England to be its superintendent.
The Indian massacre of 1622, in which he, with three hundred and forty of the colonists, including nine of the College tenants, perished, effectually defeated the attempt. Again in 1760, and with more success, "provision for a College" was made by the Colonial Assembly. Steps were taken to collect money by subscription. Lands were ordered to be purchased and buildings to be erected.

It did not receive "a local habitation and a name" till 1693, when a charter of the College of William and Mary, conferring valuable privileges and rich endowments, was granted by the English Sovereigns William and Mary. Assuming 1698 to be the date of its foundation, it is next to Harvard the oldest college in the country. The charter was not obtained without opposition. When the Rev. Dr. James Blair, the founder, in fact, of the College, went to the Attorney General Seymour with the royal command to prepare a charter, he was met by remonstrances against "the expensive liberality." Seymour declared he saw "no occasion for a college in Virginia." Dr. Blair replied that ministers of the church were needed there as the people of Virginia had souls as well as those of England, and a college was necessary to educate them. "Souls," exclaimed Seymour in reply, "Damn their souls, let them make tobacco." The charter was, however, soon prepared, and the College entered on a career of usefulness and prosperity, which it uninterruptedly pursued, with but one serious misfortune, soon overcome, the burning of its just-completed building in 1705, till the year 1776. During this period the Kings, Lords, and Commons of England, the House of Burgesses, Governors, and citizens of the colony seemed to vie with each other in their benefactions to this then favored college. The charter gave it large grants of money and land, the duty of a penny a pound on all tobacco exported from the colonies of Virginia and Maryland, and the office of Surveyor General of Virginia.

It held in trust the Boyle fund, a legacy of the Chris-
dured by the Revolutionary contest. During the siege of Yorktown, in 1781, its buildings were held as hospitals by the French troops. While so held one of them, the president's house, was destroyed by fire, with a wing of the main building. The president's house was rebuilt at the expense of the French Government. No compensation was made by the General Government for the injury to the main building, nor for its rent while used as a hospital and while undergoing repairs; nor for the rent of a house for the president during the rebuilding of that burned. And, further, the General Assembly of Virginia gave to the College, in 1784, the "Palace Lands, together with the houses thereon, so far as the public interest therein extends." In June, 1776, the Legislature of Virginia appropriated the palace and outbuildings to the use of the Continental troops as a public hospital. They were so occupied till 1781, on the 23d of December of which year they were burned down. Under the Articles of Confederation the United States were bound to pay the State of Virginia rent for the palace, and to indemnify her for the loss of the building while in their occupation. By virtue of the statute vesting the title to this property in the College of William and Mary it became entitled to the claim of the State of Virginia on the United States for the rent and for the indemnity.

Further, the Brafferton and Doxhill estates, in England, purchased with the Boyle fund, to the rents and profits of which the College was entitled, were, after the Revolution, confiscated, and their revenues applied by the English Court of Chancery to a different charity. The fee simple value of these estates was about fifty-three thousand dollars. The foregoing facts are taken from a report accompanying a claim of the college, founded on them, against the United States Government, and presented to the Senate in 1855. The claim was referred to the Senate Committee on Revolutionary Claims. No report on it was made so far as is known. The total sum thus claimed amounted to one hundred and fifteen thousand dollars. In support of this claim, it was urged that the United States had paid like claims to Rhode Island college for rent from 1776 to 1780 and for damage done the building, to the proprietor of Pennsylvania hospital, and others. The Rev. Dr. Witherspoon was charged with nineteen thousand and forty dollars, in 1779, on the books of the Quartermaster's Department to pay for repairs of Princeton College, and on these claims Alexander Hamilton, then Secretary of the Treasury, states "that it appears to him most consistent with the justice and liberality of the Government to authorize the allowance of reasonable compensation in all cases in which any place of religious worship or any seminary of learning has been occupied or injured by the troops of the United States, the act of limitation to the contrary notwithstanding."

---(See American State Papers, 19; Claims Library of Congress.)

General McComb paid to the University of Vermont $5,000 a year rent during the war of 1812.—(See Thompson's Vermont.)

The British Parliament paid the Messrs. Martin, of Virginia, after the Revolution, the value of their property in that State, which they failed to recover.—(See "American Loyalist," in Congress Library.)

In a letter on file in the State Department, from Count Rochambeau to General Washington, dated Williamsburg, December 24, 1781, the following is found: "We are likewise plagued with fire in this town, where we have no water nor buckets to put it out." "The wing of the College where we lodged our wounded officers has begun to be burnt down." "Last night the same accident happened to the palace, in which was the American hospital. All the sick were saved, as well as the greater part of the effects." This establishes the fact of the fires.

General Washington wrote a letter bearing on this subject October 27, 1781:
"To the President and Masters or Professors of the University of William and Mary:

GENTLEMEN—I accept very kindly the address of the President and Professors of the University of William and Mary. The reduction of the British force in this State, for which I feel myself highly indebted to the noble exertions of our brave and generous allies, is a circumstance which gives me great pleasure, not only as it affords a return of peaceful security to many of my fellow-citizens, but as it will, I hope, in its event, be productive of more extensive good consequences. The seat of literature at Williamsburg has ever, in my view, been an object of veneration. As an institution important for its communication of useful learning, and conducive to the true principles of national liberty, you may be assured that it shall receive every encouragement and benefit in my power toward its re-establishment. The sick and wounded of the army, whom my necessities have compelled me to trouble you with, shall be removed as soon as circumstances will permit, an event which will be as pleasing to me as agreeable to you.

I am, &c.,

GEORGE WASHINGTON."

(See Sparks’ Writings of Washington.)

Thus it is seen that the College property was held and injured by the Continental troops, and precedent and equity justify the college in seeking from the United States some compensation. But, notwithstanding the prospect of these losses and their realization, the College and its teachings, before, during, and after the war of independence, ever remained true and loyal to the great cause of American freedom.

"A child of the revolution of 1688, a revolution ‘second to none that had gone before it,’ its sons were the warm and enthusiastic advocates of that of 1776." Among them, "Primum inter pares" was to be found Jefferson, "holding in one hand the bill establishing religious freedom, and in the other the immortal Declaration—the one setting free the human mind, the other emancipating a continent—the truest representative of the people and of democracy this country ever produced, who first proclaimed, as a fitting motto for free America, "Universal emancipation and universal education;" next James Monroe, the pure patriot and good man, who shed his youthful blood at the battle of Brandywine, and was distinguished by a long career of valuable public service; then Peyton Randolph, the first President of the glorious Continental Congress, and his nephew, Edmund Randolph, to whose great mind and patriotic labors the Constitution is in part due, "and John Marshall, who did good service in the fields of Brandywine, of Germantown, and of Monmouth, and under Steuben—who inspired such confidence in his purity and patriotism that the loftiest honors Washington and Adams could bestow were within his reach;" the legislator, the statesman, the great Chief Justice, and a host of their peers whom time will not allow me even to name, "each distinguished for some great quality, and many of them master workmen, who gave aid in building up the fabric of government, Federal and State, and in shaping that system of domestic and foreign policy which has borne America through difficulties and dangers, and placed her in companionship with the most powerful nations of the earth." The College gave to the country four signers of the Declaration, three Presidents of the United States, (two of these have been mentioned; the third was the honest and the fearless John Tyler, to whom the credit of the Ashburton treaty and the annexation of Texas justly belongs.) "It has given to the nation Cabinet officers, Senators and Representatives, Judges, Officers of the army—among them a Lieutenant General whose conquest of Mexico rivals that of Cortez—and Officers of the Navy—Paladins of the Sea;" in all, more than two hundred sages and heroes pre-eminently distinguished in public service and place. Nor is the College limited to the past. Among its living alumni are eminent men who add to its renown.

Excepting Harvard, it has in its national character and services exceeded all of our literary institutions.

In 1859 the College lost by an accidental fire its main building, erected nearly two centuries before. "When this building was erected," to adopt the language of one among the most distinguished of the alumni of the College,
and whom I have already largely quoted, "it looked out upon a country in the early infancy of settlement, containing a population not greater than that which at this day is found in the smallest State of the Union.

"It beheld that population expanding over regions bounded by two great oceans, to be counted by millions in place of the scattered thousands of that day. It has seen the colonies shake off the badges of puberty and put on the 'toga virilis.' It saw the Congress before and after it had assembled under the Articles of Confederation, and those articles of the Constitution under which it now is our happiness to live. It re-echoed the words of the forest-born Demosthenes in 1765, asserting the rights of America to be 'natural, constitutional, chartered,' and in thunder tones, at an after day, its walls resounded to the words, 'Liberty or Death,' uttered by the same eloquent lips.

"Under the influence of its teachings its students threw aside for a season their volumes, and girded on the sword to do battle in the great cause of liberty.

"The calm and silver-toned voice of philosophy heard within its walls has been oftentimes hushed by the clanger of drums and trumpets. At one time it gave reluctant shelter to the British troops as they passed on to Yorktown; and, soon after, its gates were opened wide to give willing and exultant reception to the troops, with their tattered banners, which followed Cornwallis to his last retreat.

"Its walls were alternately shaken by the thunder of the cannon at Yorktown and by the triumphant shouts of the noble bands who had fought and conquered in the name of American independence.

"The boy had gone forth with the surveyor's staff, which it had placed in his hands, into the wilderness of the West, and now returned the hero and the conqueror, and once more stood within its walls, surrounded by the chivalry of France and America, wearing on his brow imperishable laurels, and making the name of Washington foremost on the rolls of fame."

In the early part of 1861, the College of William and Mary, at Williamsburg, Va., gave every promise of a prosperous and useful career. In its endowments, its appliances, (including buildings, library, and apparatus,) in the public confidence it enjoyed, its friends and patrons had every reason to feel satisfied. Its main building stood on the site of that destroyed in 1859, and was, together with a well-selected library and an ample chemical and philosophical apparatus, entirely new. In May, 1861, when "madness ruled the hour," the existence of actual war on its very threshold (the distance from Fortress Monroe is not more than thirty-five miles) rendered it necessary to suspend its academic exercises and to close its doors, and subjected it to more serious reverses than it had before met during its long and varied life.

The building was immediately seized by the military, and first as a barracks, and then as a hospital, held until the evacuation of the Peninsula and the advance of General McClellan, in May, 1862. To a force holding the York and James rivers, Williamsburg is the key to the lower part of the Peninsula. The tides ebb and flow in two deep creeks, one emptying into each river, and both flanked by impassable morasses, within a mile of the town.

The position is a narrow gorge, less than two miles wide, where the roads from above and below converge. It was, therefore, held as an important point from May, 1862, till the termination of the war. At times it was contended for by the opposing troops.

After a conflict, on the 8th of September, 1862, between the garrison and a body of South Carolina cavalry, the latter took possession of the town for a few hours. After the withdrawal of this force, (it had gone before 11 A.M.,) returning parties of the garrison, in the excitement arising from the contest, fired and destroyed, late in the after-
noon of the same day, the main College building, with
furniture and apparatus, keeping the citizens of the town
from attempting to extinguish the flames.

At later periods all the remaining houses on the College
premises were, with the inclosures, burned, or wholly or
in part pulled to pieces. The buildings, not fully de-
stroyed, and the grounds, were held by the Union forces
from May, 1862, to September, 1865, for depots of stores
and for other purposes.

Of all this full proof by living eye-witnesses has been
furnished. It has been the aim and wish of the College
authorities to learn the truth in this matter, and I declare
as my earnest conviction that if the College was not de-
stroyed in the manner above described, no faith can be
attached to any human testimony however direct, posi-
tive, and conclusive.

General Meade thus writes in relation to this destruc-
tion:

"I am satisfied, on examination of the facts of the case, that the
destruction of the buildings of William and Mary College by our troops
was not only unnecessary and unauthorized, but was one of those de-
plorable acts of useless destruction which occur in all wars.

"In this view, and believing that its reconstruction will tend to
crement and strengthen the bonds of union and to give encouragement
to the growth and spreading of Union principles, I take great pleasure
in recommending the appeal of Professor Ewell to all those who have
the means and the disposition to assist him in the good work in which
he is engaged."

But, notwithstanding this and other outrages, greatly
to be deplored, I can testify, as an eye-witness of many of
the events of the war as well in the West as in the East,
that no war of equal magnitude and duration was ever
waged in which the outrages were fewer; and in this I
am sustained by several of the most prominent leaders of
the Southern armies, and among them General Joseph E.
Johnston.

That this should have been so, though engaged in a
fierce civil war, is to the infinite honor of the American
people.

In the next place I will read from a letter written by
Colonel Robert W. Hughes, the former able editor of the
Richmond State Journal, afterward United States District
Attorney, in Virginia, and now Judge of the United
States District Court, in the same State, to a member of
the last Congress, on the petition before you:

"A memorial, signed by the Governor and all the members of the
Legislature, without distinction of party, has gone to Congress, asking
aid for the ancient College of William and Mary.

"The profoundest sympathies of our Virginia people are enlisted in
the fortunes of this historical corporation, and we shall look with fond
and earnest solicitude to the action which Congress shall take upon
this memorial of our Legislature.

"During the War of Independence the buildings of William and
Mary were repeatedly occupied by British troops.

"They were in every instance respected, as sacred to the cause of
letters, and left intact.

"After the close of the war, Louis XVI, the ally of America, caused
the building accidentally destroyed by his troops to be replaced, and
every injury repaired, doing royal homage to the sacred cause of learn-
ing.

"In 1865, when General Sheridan passed through Charlottesville,
the seat of the University of Virginia, he detached a faithful guard
to protect the institution from all injury, and the fact is recorded, to its
sustaining honor, upon the archives of the University.

"Thus this noble institution, which Thomas Jefferson gave to our
country, was fortunately preserved, although the more venerable col-
lege which gave him to America had fallen a victim to the Molech of
war.

"With such conspicuous examples of homage to learning from kings
and heroes, presented by the history of these two learned corporations
of our State, I cherish the loyal belief that it will be only necessary to
bring the facts of this case before Congress to secure from that body
the action which is prayed for in the memorial to which I have re-
ferred.

"I refer you to the proofs filed with the Committee on Educa-
tion, &c., of the House, of the facts of burning and destruction, and to va-
rious letters in possession of the committee from distinguished person-
gees, for full information respecting the merits of this appeal on behalf
of William and Mary, and especially do I refer you to the letters of
Generals Grant, Sherman, Butler, Meade, McClellan, Schofield, Burn-
side, and the Rev. Henry Ward Beecher and the Rev. Dr. Tyng, gen-
erously commending the claims of the College to public favor.

"May I venture the hope that Congress will embrace all such occa-
sions as this application presents of conquering a genuine loyalty at the South by a policy of noble liberality."

It is proper here to state that the memorial referred to by Colonel Hughes and the letters of the gentlemen he names are filed with the petition.

Thus it is seen that the people of Virginia, their Legislature, their executive, and the friends of education everywhere, unite in this petition.

The entire Virginia delegation in Congress, believing it would be "right and expedient to grant the relief begged for," ask you "to make your action as favorable as your sense of public duty will permit." And all this without distinction of party. It is refreshing and encouraging to find men, in political doctrine and practice diametrically opposite, meeting and harmonizing in support of educational interests. While literature and science know no North, no South, no East, no West, it is equally true that they know no politics, and hence recognize and claim all parties as their protectors and friends. The object of this union in the present case is to beseech you that, as the mission of the Union armies was to save and restore, not to destroy, this ancient College be relieved.

No institution of learning in the South lost so much by the civil war, by actual destruction of property, and by consequent inability to resume its exercises as soon as peace was declared, save two, perhaps. Indeed, so far as I am informed, the losses of William and Mary exceeded those of all other Southern colleges combined, with the exception of the two just mentioned.

Apprehensions have been expressed that, if Congress were to give what is now sought, a precedent would be established, and large demands on the Treasury thereby justified.

If my estimate of the damages inflicted by the Union forces on Southern institutions of learning be approximately correct, no great depletion of the Treasury could ensue.

But, remembering the antecedents of William and Mary, and what it lost by the Revolutionary war, and by Virginia's cession of a territory from which have been formed more States than framed the Constitution, I assert that a precedent could not be established, for the case has, and can have, no parallel.

Col. Hughes says, in the letter before referred to:

"There has been no period in the history of the State in which the cause of education has so largely engrossed the thoughts of our people as at present, in which the necessity of making education as universal as the suffrage was more generally acknowledged, more apparent, and more urgent, and in which the people were less able than they now are to accomplish the general desire in this important direction.

"To look over our State at the extent of ignorance, to observe the magnitude of the work needed to be done, and to contrast this with the puerility and feebleness of our means for performing the task before us, fills the hearts of many of our most enlightened men with dismay.

"We are not only wasting in pecuniary means, but we are especially wanting in teachers. These latter can only be supplied by our colleges, and the endowments of our colleges were either lost altogether or greatly diminished during the war. But in no direction have the recuperative energies of our Commonwealth been more decidedly displayed than in the important business of restoring to efficiency its collegiate institutions; and while our citizens are exhibiting such commendable enterprise in this behalf, I am sure that an appeal for aid to Congress, upon a claim of simple justice, such as that presented with so much force and eloquence in the petition of the Rector and President, which has been filed along with the memorial of our Legislature, will be favorably considered."

The College of William and Mary has, notwithstanding crippled resources and ruinous buildings, given gratuitous instruction, since the re-establishment of peace, to not less than two hundred and fifty scholars, unable without such assistance to get an education. It is an earnest supporter of the free schools of the State, and has established a scholarship in each school district of the State, which is filed on the recommendation and nomination of the District Superintendent. It is the only College in tide water Virginia, a section destined to become the most attractive in the State, with its wonderful variety of soil, the ease with which it is improved, and its capacity for
production, its bland climate, its general health, as good as that of any part of the State, and its cheapness of living. To quote again: "Do not the associations which cluster around the locality render it attractive? Can the young heart maintain a quiet pulse in wandering amid the ruins that tell of a glorious past, and everywhere meet his eye? Will he not gather from the very fragments which lie scattered over the earth at Jamestown, almost in sight, a lesson never to be forgotten, inspiring him with courage and perseverance in the great battle of life? Will not those fragments tell him a tale of hardship and suffering on the part of the early settlers, unequalled in the history of his race, and of an ultimate triumphant conclusion more grand in its results than fancy ever sketched, or poet in wraptd imagination ever sung.

"Will not that broken steeple, reared centuries ago in honor of the living God, preach to him like an aged minister, and impress upon his heart the all-governing truth, that without Divine assistance nothing great and nothing good can ever be accomplished? Does he seek incentives to an ardent and burning patriotism, let him visit the ruins of the old Capitol and ponder there until his heart expands, and his lips give utterance to that exclamation which aroused a continent from its slumber. Let him then find his way to the old Apollo, and mix with the noble spirits in their deliberations on the great crisis that had arisen. Those who had assembled there were, for the most part, his elder brothers, sons of the same Alma Mater. After this he will in fancy accompany his fellow-students of another day to the place of the royal governor, with the settled purpose to recover the arms provided for the public defense, which had been improperly removed, and to restore them to the Powder magazine, where they belonged. A few hours thereafter he will find himself wandering over the entrenchments at Yorktown, behind which British power made its last retreat. Tell me not that these memorials of the mighty past are mute and voiceless. They speak more eloquently than the Roman or Athenian of old before the Senate, or the assembly of the people. They tell of past glory and are the oracles that unveil the future. Sinking deep into the youthful heart, they inspire it with lofty desires, which make ambition virtue."

The aggregate of the losses of the College from 1861 to 1862 is at least eighty thousand dollars. Indeed, this sum is not sufficient to put the College in the condition it was in 1861.

"These last losses," the petition before you declares, "were the effects of a lamentable civil war. In no war can civilization look upon ravages like this of William and Mary College without the sternest reprehension and without appeal for all the reparation that can be made. But in the late war of the Union with the States, the very end and aim of the Union was to save, not to destroy. This was an unauthorized act or accident of war, the end of which was to save everything precious to the care of a parental government, or which was peaceful in the conflict of arms, or useful to the country, or sacred to learning, arts, science, or religion. This act was done against the patriotic purposes of Congress, against its own moral and Christian sense, and now will not Congress restore, in a case of this kind, what it did not save? Will it not manifest its condemnation of this unlicensed act of war by the most appropriate mode of reparation? Does not the patriotic policy of restoring harmony and peace call for an example of paternal protection?"

"Grant the prayers of petitions like this, and no more ever, will the Union need arms to save the people, or their families, or their schools, or their houses of charity and learning, or their houses of God, from the ravages of civil war. This mode of treating the wounds of the past would be a salve indeed, and heal them."

"This appeal to Congress is based on two distinct grounds: the first is because of Revolutionary losses of chartered
rights for property confiscated by the British Government, and for the use and destruction of the College property by the Continental and French soldiers, and is founded in equity and justice; the second is because of losses by the accidents of war during the late civil contest, and peace and protection are thereby sought, rather than justice "stricti juris." The latter appeals to Congress to raise up again a venerable mother of instruction, to repair the forbidden blow at a college, and by so doing Congress will vindicate its own character and motives of civilization and parental government."

"And the College, if this prayer be granted, will rise with renewed vigor, with improved faculties to repay any beneficence which Congress may bestow, by giving again back to the Union, what money can not buy, another host of mighty men to guard constitutions and laws, and the love of the nation as devotedly as even its liberties."