

John Marshall and the Justices at Ringgold House

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John Marshall, chief justice of the Supreme Court 1801-1835, established the custom of having all the justices board together during the two-month term they spent in Washington. The idea, as often explained, was to encourage congeniality among the group, some of whom came from the South, others from New England, and the newer ones from the West, with the idea of promoting a common viewpoint among them regarding the issues presented to them. As Paul writes in his new biography of Marshall, “When Marshall came to Washington in 1801 or so, he arranged for the justices to live together as boarders at Conrad and McMunn’s Boarding House on Capitol Hill. They were to be charged 15 dollars a week, which covered candles, firewood and wine.”¹ Space had become available at Conrad and McMunn’s house after Thomas Jefferson was elected to the presidency and he and his entourage then moved to the President’s Mansion.



Conrad and McMunn’s boarding house where Marshall and the justices first boarded ca 1801.

Photo courtesy: <https://thehillshome.com/2009/03/lost-capitol-hill-conrad-and-mcmunns-boarding-house-2/>

Thus, the custom began, and in the ensuing thirty years they continued to board together at one boarding house or another. For the 1831 term, they had taken rooms at the house of Mrs. Peyton. But as the 1832 term was approaching, John Marshall wrote Justice Joseph Story in October 1831, “... We need to make arrangements for ‘our next winters’ accommodations. Brother Baldwin prefers to stay at Mrs. Peyton, but has not made arrangements.” Marshall wanted to make immediate action, but learned of a communication between Richard Peters, the Court reporter, and Tench Ringgold, the U.S. marshal and a court official whose position was unexpectedly not renewed in February by Andrew Jackson, about the possibility of accommodating them.

“When Mr. Peters mentioned the subject to me I expressed my decided approbation to the proposal of our old friend to receive us in his house provided it was agreeable to our brothers. On reflection I suspect the situation of the house between the palace [i.e. the Capitol] and Georgetown – will not be to your mind nor to the mind of other judges. I shall suggest this to Peters. Should this conjecture be well founded I think we shall do well to engage immediately with Mrs. Peyton.”²

Then in November, Marshall wrote to Story,

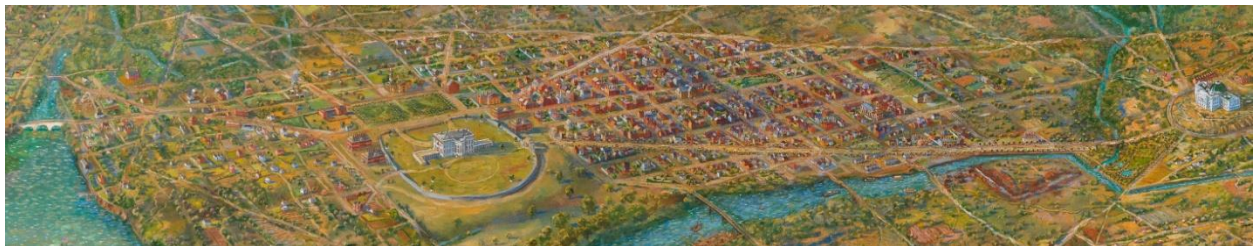
“There has been some difficulty with next winter’s accommodation.... At length it seems fixed that we quarter with Ringgold. You may not like being out of the center of the city, but your other friends seem to think you will be greatly pleased. I am told that our accommodations as to rooms will be convenient, and as to everything else you know they will be excellent. Mr. Johnson will quarter by himself – and our brother MacLain [sic] will preserve his former position. The remaining five will I hope be united.”³

In the same letter to Story, they exchanged information about their health. Marshall had gone to Philadelphia in the fall of 1831 and been operated on for gall stones in October. Then as he was recovering that fall and winter in Richmond, his wife Polly, to whom he had been married for forty-six years, died on Christmas Day, 1831. He was grief-stricken by her loss and though weak from his operation made plans to proceed to Washington in January for the new Supreme Court term.

Marshall and Ringgold were acquainted with each other through their work in the court and on Capitol Hill. Ringgold in fact was listed as a member of both the Supreme and the circuit courts, and as marshal was expected to attend the opening ceremonies of the Supreme Court.⁴ When new court officials were appointed and required offices, it was Ringgold to whom they went in order to obtain the keys to their assigned space.⁵ Ringgold and Marshall also played roles in the inaugural ceremonies every four years: Marshall administered the oath of office and Ringgold was in charge of arrangements. When Ringgold was not given a new term as marshal by President Jackson, Marshall wrote his wife, Polly, in early February 1831, “I suppose you have heard we have lost our marshal. Poor Ringgold is out of office, and I fear greatly that his family and himself will be distressed. He just left us. Brother Story and myself condole with him very sincerely, and he is grateful to us for our friendly regard.”⁶

Ringgold was awaiting the justices’ arrival. On December 21, the estate of old friend James Monroe, who had died in the summer of that year, sent a cartload of food from the Monroe plantation at Oak Hill in Loudoun County, Virginia, with John Barker, one of the enslaved workers. It consisted of “16 turkeys 9 geese 34 pounds butter, 16 hams weighing 140 pounds,” according to a note in a ledger of one of the plantation overseers.⁷ To assist Ringgold in taking care of his guests, he could rely on a staff of ten or more enslaved house-workers, including the woman named Betsy, who had come from his first wife’s father, ex-governor Thomas Sim Lee, and Betsy’s daughter, Ellen, then aged about 10. Living with him at the time were his eldest daughter, Mary, who probably managed the household and its workers, a son, Benjamin, and his two youngest children, teenaged Thomas and Catherine. Tench’s second wife had died in 1828, leaving him a widower in his older age.

The justices arrived in early January. In addition to Marshall and Story, they were Justice Smith Thompson from New York, Justice Gabriel Duvall from Maryland, and Justice Henry Baldwin from Connecticut. Justice John McLean from Ohio made other arrangements, and Justice William Johnson from South Carolina was absent altogether this term due to illness. The Court tended to convene very shortly in the New Year. According to Court records, arguments were presented to the justices that year as early as January 11.⁸ Marshall, though still weakened by his surgery and grieving for his wife was found “in tears” one morning in Ringgold’s house by Justice Story who wrote to his wife what a remarkable person she must have been. Nonetheless, Marshall was assiduous in his work habits and he and the justices gathered around Ringgold’s dining room table or in the drawing rooms to discuss the cases as they were argued. By February, he was feeling better and wrote to his son Edward Carrington Marshall that he could “walk without fatigue” the two miles between the Ringgold’s house and the court chambers on Capitol Hill.⁹



Bird’s-eye view of Washington in 1825 showing how the two-mile hike between Ringgold House and the Capitol where the Court was located might have looked. Map painted by Peter Waddell.

When John Marshall came to Washington from Richmond via road, he may have ridden horseback as he often did or taken a coach as he was still weak from his operation. The road from Richmond to Washington was often rough and could be covered with ice if the weather were inclement. Marshall may have brought an enslaved worker with him: sometimes his enslaved servant Peter accompanied him on his trips, often packing his bags.¹⁰ If he or his coachmen accompanied in 1832, he would also have been accommodated at the Ringgold house. On days that the weather was inclement, he and the other justices may have preferred to take the coach to the Capitol building rather than walking through muddy streets, and the older justices may always have preferred to go by coach. Tench Ringgold’s own coach was at their disposal.



Restored Court room in the Capitol Rotunda

The case was argued before the court on February 21, 22, and 23rd, and decided on March 5th. The decision was 5 to 1 in favor.

The term concluded in the third week of March and the justices prepared to depart for their various homes. Marshall returned to Richmond, where he resumed his responsibilities as a judge riding circuit in Virginia and North Carolina, the largest circuit court in the country at the time.

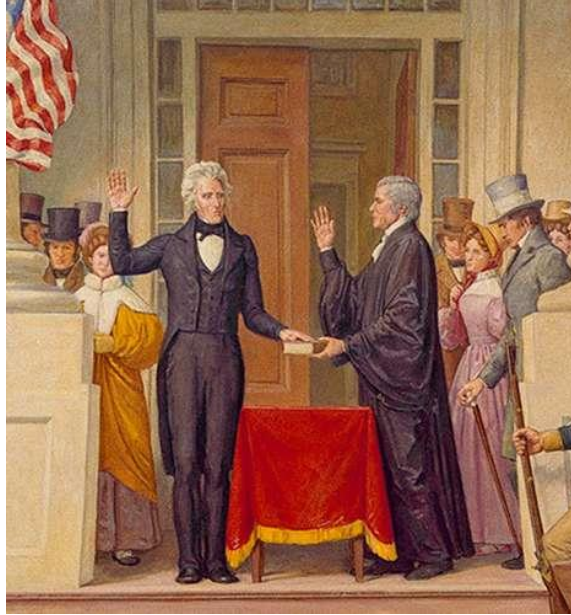
For the 1833 term, Marshall and Story, who had developed a close friendship over the years, opted to stay once more with Ringgold and his family. The other justices preferred to stay in other quarters, private residences or boarding houses, closer to the Capitol building where they met. The “judicial fraternity” that Marshall had nurtured almost from the beginning had dissolved, as one Marshall biographer put it. Soon after getting accommodated at the house, Story suggested to Marshall that they go to the theater – which Marshall loved. Playing at the theater in Washington that winter was the celebrated English actress Fanny Kemble performing as Beatrice in a production of “Much Ado About Nothing.” As Marshall entered the theater and was recognized by the audience, he was greeted with cheers.¹² The reception cheered him up, Story wrote his wife the following day. Toward the end of the month, Marshall was also comforted by being invited to a dinner at the White House by President Jackson.¹³



Fanny Kemble as Beatrice by Thomas Sully, painted in 1833

Marshall administered the oath of office to Jackson for a second term on March 4, and Story said that he never looked better. “The Chief Justice looked more vigorous than usual. He seemed to revive and enjoy anew his green, old age,” Story wrote his wife.¹⁴

The major decision of the 1833 court was *Barron vs. Baltimore*. Here, the Supreme Court ruled that the Bill of Rights was intended to protect individuals against infringement of their rights by federal government and that the guarantees were not binding upon state governments. It established a precedent that remained in effect until the passing of the 14th Amendment which guaranteed civil rights to all, regardless of which state they lived.



Chief Justice John Marshall swears in Andrew Jackson as President, 1829.

Despite the justices not all boarding together this year, the court was remarkably unanimous in its decisions that term. The justices heard 41 cases, only one of which was not unanimous.

After the term ended toward the end of March, Marshall and the justices departed for their homes. Two months after they left, Tench Ringgold found himself in deep trouble with the courts. His debts proved his undoing, and in May the circuit court in Washington foreclosed on his house to force the payment of a debt owed to one of his daughters. In July the house was auctioned off and he had to vacate the house. In September, he bought a property in Alexandria County, now Arlington, across the river from Washington City. In October or November he wrote Marshall that he could not accommodate him for the following court term. After hearing this unexpected news, Marshall conferred with Story and they agreed to stay at Mrs. Dunn's for the 1834 term.¹⁵

¹ Joel Richard Paul, *Without Precedent: Chief Justice John Marshall and His Times* (New York: Riverhead Books, 2018), 235.

² Charles Hobson, ed., *The Papers of John Marshall Digital Edition* (Charlottesville: University of Virginia Press, Rotunda, 2014), vol. 12, 119.

³ *Ibid.*, vol. 12, 124, dated November 10, 1831.

⁴ As reported in the papers in 1822 and 1823: *Washington Gazette*, February 6, 1822, p. 2; *Washington Gazette*, February 5, 1823, p. 2.

⁵ Marshall wrote Ringgold in 1828 to provide a room and key for the newly appointed clerk of the court, William T. Carroll: *Papers of John Marshall Digital Edition*, vol. 10, 410.

⁶ *Ibid.*, vol. 12, 17.

⁷ "References to James Monroe's Slaves with a Focus on Loudoun County, Virginia," compiled by Lori Kimball and Wynne Saffer, Loudoun County, Virginia: <https://www.leesburgva.gov/home/showdocument?id=8851>, p. 1.

⁸ <https://www.supremecourt.gov/opinions/datesofdecisions.pdf>, p. 31-32.

⁹ Hobson, *Papers of John Marshall Digital Edition*, Preface, vol. 12, xxii. Sometimes John Quincy Adams, who after he left the White House and was living on Lafayette Square as a member of the House of Representatives would

join him on his walk to the Capitol: Paul C. Nagel, *John Quincy Adams: A Public Life, A Private Life* (New York: Knopf, 1997), 332.

¹⁰ Paul, *Without Precedent*, 275.

¹¹ William D. Calderhead, *DACOR Bacon House* (Washington: DACOR Bacon Foundation, 1999), 43-44.

¹² *The (Washington) Globe*, January 19, 1833; Paul, 428.

¹³ Paul, *Without Precedent*, 428.

¹⁴ Jean Edward Smith, *John Marshall, Definer of a Nation* (New York: Henry Holt & Co., 1998), 520.

¹⁵ According to Hobson, *Papers of John Marshall Digital Edition*, vol. 12, 309. Mrs. Dunn's boarding house was located on A Street between North Capitol and 1st Streets, within easy walking distance of the Capitol.