

# Benjamin Silliman: The Gift Planner Behind the First Modern Charitable Annuity

## Part 1

### Introduction

Professions such as law and medicine have their heroes: Clara Barton, founder of the American Red Cross; Justice Oliver Wendell Holmes, Jr.; medical researcher Louis Pasteur.

Gift planning has Benjamin Silliman, a Yale scientist who overcame financial, legal, political, and donor-relations challenges to arrange America's first charitable gift annuity in 1831, create the country's first college art gallery, and endow it with paintings by John Trumbull, chief visual recorder of the American Revolution.

Silliman told the story of Trumbull's gift in an extraordinary reminiscence, never fully published, written in a notebook 26 years after the annuity agreements were signed.<sup>1</sup> Begun on July 3, 1857, the day before Independence Day, Silliman's narrative describes negotiations which were "effected primarily through my agency, cooperating with colleagues and other friends."<sup>2</sup>

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<sup>1</sup> Benjamin Silliman, "The Trumbull Gallery: History of the Paintings, July 3, 1857" in *Reminiscences and Miscellaneous Notices, June 18, 1857*, Yale University Library, Silliman Family Papers, MS 450. Quotations not otherwise identified are from the *Reminiscences*.

<sup>2</sup> Quoted by Theodore Sizer in *The Works of Colonel John Trumbull, Artist of the American Revolution*, rev. ed. (New Haven and London: Yale University Press, 1967), p. 168. Sizer observed that Trumbull "set down these words – then modestly crossed them out" in his notebook. Sizer was a scholar who served as director of Yale's Art Gallery (1940-47), published parts of Silliman's essay, and provided important contextual details.

## 1. Gift Planning Begins

Discussion of a gift began in the summer of 1830, when Silliman visited Trumbull in his lower Manhattan apartment. Trumbull's oil paintings filled the walls, an "unexpected vision." There was his Declaration of Independence, with the faces of 47 signers; soul-stirring scenes of the battles at Bunker's Hill, Quebec, Trenton, Princeton, and Saratoga; The Surrender of Lord Cornwallis at Yorktown; General Washington resigning his commission in Annapolis; and miniature portraits of leading American patriots.



John Trumbull, *The Battle of Bunker's Hill, June 17, 1775* (1786)

Trumbull, age 75, widowed and alone, confessed that expenses had far exceeded his income. Silliman asked what he intended to do with the paintings, and recorded Trumbull's response:

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Reference: Ronald A. Brown, Gift Planning History.org, Benjamin Silliman: The Gift Planner Behind the First Modern Charitable Annuity, retrieved on [insert date]

I will give them to Yale College to be exhibited forever for the benefit of poor students provided the College will pay me a competent annuity for the remainder of my life.

Thrilled by the offer, Silliman returned to New Haven, and found President Jeremiah Day, his friends in the senior faculty, and “officers of the fiscal department” (later identified as “the Prudential Committee”) generally receptive to the idea of a gift of Trumbull’s paintings, but they depended on him to work out the practical details and come back with an acceptable gift proposal. His odyssey began in the absence of formal legal authorization: “being as yet without authority from the college senate, the corporation of the institution, we had no power to make a binding contract.”

Silliman’s *Reminiscences* is the first extended description of challenges faced and resolved by a charitable gift planner. Ever the indomitable problem-solver, Silliman describes some difficulties, alludes to others, but prefers to report on successful results. His primary goal was not to record his efforts, though he does so brilliantly, but to explain how it came about that America’s most important visual depiction of the people and events of its War for Independence was preserved forever at the college Silliman loved.

The challenges would have given a lesser man serious doubts. Yale College was suffering a financial crisis, yet agreed to pay Trumbull a life annuity of \$1,000, a considerable sum in 1831. At a time when no other college in America had an art gallery or any courses in art history, Yale contracted to build a gallery designed by Trumbull himself to house more than 50 of his paintings – and agreed never to sell any of them to finance his annuity payments or pay for construction.

Donor complications arose. Trumbull was persuaded by a wealthy family member (and Yale donor) to split his paintings between Hartford and New Haven; a year later, he changed his mind back to a single gallery at Yale. Creditors appeared: Trumbull had borrowed money against some of the paintings. Fearful of default in his annuity payments, Trumbull wrote to the president of Harvard and told him if anything went awry with Yale, his alma mater in Cambridge would get the paintings.

There were legal questions; few reliable precedents guided those deliberations. In the absence of an American public policy framework for life-income gifts to a charity, what documents needed to be invented, with what terms and safeguards, in order for all parties to agree on the gift transfer? Yale, Silliman, Trumbull, and Trumbull's lawyer Peter Augustus Jay considered several gift structures, including a charitable trust, and settled on two formal contracts: an Annuity Bond, an early example of adapting familiar concepts from the world of commercial finance to a charitable life income gift; and an Indenture, spelling out Yale's obligations (see Appendix I and II and discussion below).

Personal, legal, and charitable elements bonded in creating America's first modern gift annuity, all reflected in the terms of the gift annuity bond and indenture:

- The major donor: John Trumbull, and his family
- Two gift planners: Benjamin Silliman and Peter Augustus Jay, the lawyer whose contributions went unrecognized by Silliman and his biographers
- Yale College, which issued the annuity
- Five donors who pledged annual gifts of cash to relieve Yale of some of its financial obligations
- And the Connecticut legislature, which made a highly unusual grant as a result of Silliman's lobbying, and of religious politics not articulated in his *Reminiscences*.



John Trumbull, *Benjamin Silliman* (1825)

## 2. Child of the American Revolution: Benjamin Silliman, Patriot

Before exploring in depth the gift annuity negotiations and those extraordinary gift documents, it is appropriate to devote a few pages to the character of our hero, Benjamin Silliman: Yale's first professor of science, an attorney, chemist, educator, writer, patriot, donor, life insurance executive, and entrepreneur, who spent 18 months of his life in the pursuit of Trumbull's gift.

There is no evidence that Silliman had artistic talent or a passion for education in the arts. What drove him to become the catalyst for this hard-won gift of historical paintings?

Silliman was literally a child of the American Revolution. A brief review of his family's experiences illustrates why Trumbull's scenes from the War of Independence acted powerfully upon Silliman's imagination. In 1776 his father,

Gold Selleck Silliman, was appointed Brigadier General in command of the Connecticut militia. Silliman fought battles in New York and in Danbury alongside George Washington's army of regulars, and became a prosecutor of disloyal colonists.

In May 1779, General Silliman was abducted from his home in Fairfield, CT by local Tories (sympathizers with the King) and imprisoned by the British Army. His pregnant wife Mary Fish Noyes Silliman was left to manage her household and four young boys in wartime as a single woman.<sup>3</sup> In July 1779 she fled the family's home to escape from rampaging British troops, taking refuge in Beach's Tavern in the town of Stratford, now Trumbull, CT. One month later, Benjamin was born in the tavern.

Mary Silliman pleaded unsuccessfully with Connecticut Governor Jonathan Trumbull, Sr., father of painter John Trumbull, and General George Washington himself to take action for the quick release of her husband from the British. He spent a year in captivity. Released in May 1780, he died in 1790, a month before Benjamin's 11<sup>th</sup> birthday.

Though not wealthy, Mary was determined that her children should receive a good college education: all five boys graduated from Yale College, alma mater of their father Selleck (Class of '1753), and grandfather Major Ebenezer Silliman ('1727).

Benjamin Silliman '1796, who taught at Yale from 1799 to 1855, considered bringing Trumbull's paintings to campus a fitting memorial for people like his father and the ancestors of other students, who fought to create a free and independent country. Silliman underscored the importance of the Trumbull Gallery in preserving images from the birth of the United States, and through the images, understanding the realities of this war:

The pictures . . . are of inestimable value, and we are most fortunate in possessing them . . . Every passing year will add to their value and they will be still more highly prized by a remote posterity . . . The efforts, the

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<sup>3</sup>See *The Way of Duty: A Woman and Her Family in Revolutionary America* (W.W. Norton, 1984), by Joy Day Buel and Richard Buel, Jr. The TV movie *Mary Silliman's War* (1994) is based on this scholarly biography.

sacrifices, the sufferings and the indomitable firmness of the men of that day in the great conflict, which, under God, secured our liberties and made us a great & prosperous nation, are in danger of being undervalued and forgotten now that almost three generations have been born since the blood of their fathers ceased to flow – the blood that was the holy sacrifice on the altar of liberty.

Silliman made himself a student of the war. Long before 1857, when he wrote the passage above, Silliman took responsibility for providing Americans with an aid to memory of their Revolution. In 1819, he and his relative Daniel Wadsworth traveled from Hartford to Quebec, and Silliman published an account of what they had seen and heard.<sup>4</sup> A long set-piece (pages 79-129) vividly describes the sites of important battles in and around Quebec, incorporating interviews with aging veterans from a generation that “is now almost passed away,” who “speak in their own language” about “the places where they and their companions fought and bled, and where sleep the bones of the slain.”

Silliman hoped his personal narrative will renew the Founders’ values:

To rekindle those [feelings] of genuine patriotism – should it revive in any one, a veneration for the virtues of those men who faced death, in every form, regardless of their own lives, and bent only on securing to posterity, the precious blessings, which we now enjoy . . . the time occupied in this sketch, will not have been spent in vain. History presents no struggle for liberty, which has in it more of the moral sublime than that of the American revolution.<sup>5</sup>

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<sup>4</sup> Benjamin Silliman, *Remarks Made on a Short Tour, Between Hartford and Quebec, in the Autumn of 1819* (New Haven: S. Converse, 1820). Wadsworth, an amateur artist, provided engravings of a number of scenes.

<sup>5</sup> John Trumbull used similar rhetoric explaining to President Madison his selection of *General George Washington Resigning his Commission* for the Rotunda of the U.S. Capitol Building: “one of the highest moral lessons ever given to the world was that presented by the conduct of the Commander-in-Chief resigning his power and commission.” Quoted by Irma B. Jaffe in *Trumbull: The Declaration of Independence* (London: Penguin Books Ltd., 1976), p. 15.



John Trumbull, *The Death of General Montgomery in the Attack on Quebec, December 31, 1775* (1786)

Benjamin Silliman never served in uniform, but compared himself to a military hero to dramatize his commitment: he was “resolving like Col. Miller at Lundy’s Lane that I would try” to capture the prize.<sup>6</sup>

Silliman mustered powerful intellectual and political capital for the task. He had studied law at Yale and was admitted to the Connecticut bar in 1802. With encouragement from President Timothy Dwight, Silliman changed course, joined the Yale faculty, was appointed a full professor at the age of 23, and became one of

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<sup>6</sup> The simile is from the War of 1812, the war of Silliman’s generation against the British, and refers to a heroic charge of the 21st U.S. Infantry Regiment under Colonel James Miller at a battlefield west of Niagara Falls. Ordered to take a hill where deadly British guns were emplaced, Miller responded “I’ll try, Sir!” His successful charge uphill was a turning point in the bloodiest battle of that war. Silliman’s comparison of himself with a legendary war hero, a contemporary of his but written forty years after the battle of Lundy’s Lane, was a deep gesture of faith-keeping with his family’s military virtues, and a recognition of the degree of difficulty he faced meeting the terms of Trumbull’s gift annuity.



America's greatest teachers of chemistry and natural history. In 1818 he founded the American Journal of Science, still active today. He started a natural history collection, including fragments of a meteor he analyzed in 1807 and Sillimanite crystals he discovered, and was one of two professors who raised \$14,000 in 1825 to buy the Gibbs Cabinet of minerals for Yale. These became the foundation for Yale's Peabody Museum.

Silliman was one of four faculty members of the Yale Medical Institution, founded in 1813, a joint effort with the Connecticut Medical Society, which received a grant of \$20,000 from the state legislature in 1815. This controversial grant, made possible through windfall income resulting from the charter of the Phoenix Bank, created an important precedent for a grant to Yale in 1831 obtained through Silliman's lobbying. Yale used most of this grant to build the Trumbull Gallery.

He was an entrepreneurial businessman, serving as a founder and President of American Mutual Life Insurance Co. of New Haven.<sup>7</sup> In 1842 he agreed to become a leading spokesman for a fund raising campaign at Yale.<sup>8</sup> College president Theodore Dwight Woolsey called Silliman "our standing orator, the principal medium between those who dwelt in the academic shade and the great public."<sup>9</sup> Silliman College at Yale is named for him.

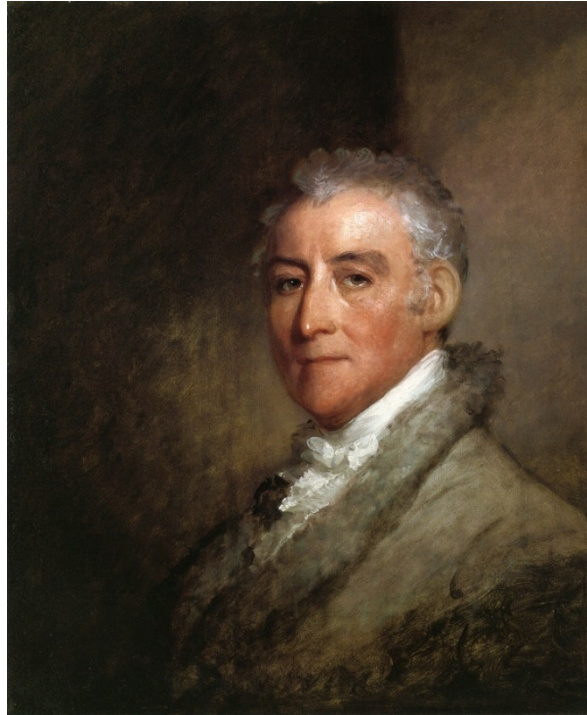
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<sup>7</sup> Founded in 1847, the company was managed by Benjamin Noyes, a bad actor whom Insurance Commissioner Elizur Wright prevented from doing business in Massachusetts, and who eventually landed in jail. Wright had been a student of Silliman's at Yale.

<sup>8</sup> Silliman, *An Address Delivered Before the Association of the Alumni of Yale College, in New Haven, August 17, 1842* (New Haven: B.L. Hamlen, 1842). As he spoke to a gathering of the Yale alumni association, Silliman used military metaphors to describe students enrolled but not graduated from Yale: "Some drop off from ill health; some from change of circumstances and destination; some to remove to other institutions; and not a few from the operation of the rules of discipline, which show no favor to the indolent, negligent, apathetic or vicious youth . . . From all these causes it happens, as in the armies of Napoleon, pushing forward in the forced marches of an arduous campaign, that many are enrolled who do not reach their destination . . . only the hardy and the brave live it through; the phalanx, thinned in numbers but tempered by hardship and toil, arrives on the field of conflict, with men of iron bodies and indomitable minds, and the shout of victory follows hard upon the cry of battle." (page 12)

<sup>9</sup> Quoted by Brooks Mather Kelly in *Yale: A History* (New Haven and London: Yale University Press, 1974), page 171.

Silliman had a strong link to John Trumbull's family: he married Trumbull's niece Harriet, and maintained a lifelong friendship with the artist. In negotiating with Trumbull, Peter Augustus Jay, Daniel Wadsworth, Yale's Prudential Committee, and the Connecticut legislature, Silliman would draw on all his political and personal capital.



Gilbert Stuart, *John Trumbull* (1818)

### 3. Artist and Donor: Colonel John Trumbull (1756-1843)

And now a few words about our donor. John Trumbull is generally recognized as the greatest historical painter of the American Revolution. Trumbull knew many of the young Republic's leaders and painted their portraits from life, inaugurating an American tradition of documentary realism. We know many of their faces today primarily, sometimes solely, through his paintings.<sup>10</sup>

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<sup>10</sup> John Trumbull did not live to see a photograph. On the other hand, Benjamin Silliman's life (1779-1864) spanned from the American War of Independence to the Civil War. A short four years after his *Reminiscences* celebrated the power of Trumbull's paintings to illustrate courage

As a result of his gifts, Yale has by far the largest and best Trumbull collection, an extraordinary treasure. Eight oil paintings dramatize events from the Revolution. These Trumbull executed at the height of his powers and are known as the “national history” series. Congress commissioned Trumbull to paint large copies of four of these, which now hang in the Rotunda of the U.S. Capitol. His Declaration of Independence graces the two dollar bill.



John Trumbull, *The Declaration of Independence in Congress, July 4, 1776* (1786-1820)

Also part of the original gift to Yale were large portraits of General Washington in military dress, Alexander Hamilton, Rufus King, and Christopher Gore; 30 miniature portraits painted from life; and nine religious subjects copied from Old Masters, lesser paintings completed in his later years.<sup>11</sup> Trumbull gave many other paintings to Yale after his original gift, and asked no compensation for them.

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and patriotism, photographers like Matthew Brady would use their new technology to memorialize people and events in an even larger and equally important conflict.

<sup>11</sup> See Appendix II for the schedule of paintings included in Trumbull’s gift of 1831.

His family and personal connections permitted John Trumbull easy access to American, British, and French leaders; his Harvard education, personal experiences, and expert legal counsel made him a shrewd negotiator.

The Trumbull family of Hartford, Connecticut was a leading political force; certainly the family's influence facilitated Silliman's lobbying of the state legislature in the summer of 1831. John's father Jonathan Trumbull, Sr. was a hero of the Revolution. Governor of Connecticut from 1769 to 1784, one of only two colonial governors to remain in office after the Declaration of Independence, Trumbull served as a close friend and important supplier of troops and material to General Washington. Trumbull College at Yale is named for him.

John's brother, Jonathan Trumbull, Jr., became the second Speaker in the U.S. House of Representatives, and was just finishing twelve years as Governor of Connecticut in 1809 when Benjamin Silliman married his daughter.

John Trumbull was expected to follow his family into public service. Virtually blinded in his left eye in an accident when he was five, he still determined on a career as an artist. He became a student of the painter John Singleton Copley at Harvard, and of Benjamin West in London.

Just 19 years old when Congress adopted the Declaration of Independence, Trumbull joined the Continental Army, sketched plans of the British fortifications at Boston, witnessed the Battle of Bunker Hill, served briefly as an aide to General Washington, and served a year as deputy adjutant-general to General Horatio Gates. He attained the rank of Colonel.

Following the war, Trumbull served as Secretary to Ambassador John Jay in London together with Jay's son Peter Augustus Jay, as the ambassador negotiated the terms of the Jay Treaty. John Jay had been appointed the first Chief Justice of the U.S. Supreme Court in 1789 and continued serving as the nation's highest judge while on his mission in Great Britain. His son Peter became Trumbull's lawyer for the gift annuity negotiations.

We will pass over Trumbull's long and well-documented career as an artist,<sup>12</sup> and sketch a few scenes from his last years. With difficult gift negotiations completed and all documents signed, on September 27, 1832 Trumbull boarded the steamboat carrying his paintings from New York to New Haven, then personally directed the hanging of his works in the newly-completed Trumbull Gallery on the Yale campus which he had designed.

He returned to live alone in New York, but five years later (1837) he moved in with the Silliman family in New Haven and lived cordially until 1841. While in New Haven, at the request of some Yale undergraduates, Trumbull delivered the earliest art history lectures given at a college in the United States.<sup>13</sup> While in his 80s, Trumbull wrote the first book-length autobiography by a major American painter, and moved back to his apartment in New York upon its publication in 1841.<sup>14</sup> He included a short chapter on his gift to Yale, consisting primarily of copies of the Indenture and the Annuity Bond (discussed below).

When his wife Sarah died in 1834, Trumbull had her body interred beneath the Gallery. At his own death in 1843, Yale honored his wish to be buried below his gallery also. When Yale opened its Street Gallery in 1869 and moved Trumbull's paintings there, their remains were reinterred below the new building. The present Yale Art Gallery was built in 1928, and once again Yale honored Trumbull's request to be buried in a tomb below his paintings.

Benjamin Silliman served as executor of his uncle-in-law's estate, and as curator of the Trumbull Gallery until his death in 1864.

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<sup>12</sup> See Helen A. Cooper, *John Trumbull: The Hand and Spirit of a Painter* (New Haven: Yale University Press, 1983); Irma B. Jaffe, *John Trumbull, Patriot-Artist of the American Revolution* (Boston: New York Graphic Society, 1975); Theodore Sizer, ed., *The Works of Colonel John Trumbull: Artist of the American Revolution* (New Haven: Yale University Press, 1967); and of course: [http://en.wikipedia.org/wiki/John\\_Trumbull](http://en.wikipedia.org/wiki/John_Trumbull)

<sup>13</sup> Sizer, *The Works of Colonel John Trumbull*, p. 174.

<sup>14</sup> *Autobiography, Reminiscences and Letters of John Trumbull, from 1756 to 1841* (New Haven: B.L. Hamlen, 1841). Sizer calls this "the earliest extended account of an individual artist written and published in the United States." *Works of John Trumbull*, p. 173.

#### 4. A Trumbull Gallery for Hartford?

The legal documents for the annuity were signed eighteen long months after the conversation in Trumbull's New York apartment. In recording his extended gift negotiations, Silliman was careful to check his sources, which were voluminous: "I have now lying before me about forty letters addressed by me to Col. Trumbull" in 1831-32, and "other letters addressed to persons more or less interested."

Silliman wrote that "no small part" of this correspondence related to the proposal for a second Trumbull gallery to be located in the family's home town of Hartford. This was suggested by Daniel Wadsworth, one of the wealthiest men in Connecticut,<sup>15</sup> who had also married a Trumbull niece, and some of his friends, including the banker Alfred Smith. This group, "having a just appreciation" of Trumbull's paintings, "early manifested an interest" in making a case for Hartford, and "entered warmly into the deliberations and discussions."

Although Silliman gamely records that "we had him and his friends with us as efficient allies and co-workers", a few pages later he admits that "From the first suggestion of a plan for dividing the Paintings, I regretted that it should have been proposed." Fans of Trumbull's paintings would have to travel to both Hartford and New Haven, while neither gallery could offer a complete collection. From the perspective of a gift planner managing relationships, legal, and financial issues, Hartford's entry complicated Silliman's negotiations immensely.

In John Trumbull's curious autobiography, published when he was 85, there is no hint of Silliman's protracted efforts to arrange Yale's annuity. Trumbull's very brief account begins and ends with a friend from Hartford:

The thought occurred to me, that in an age of speculation, it might be possible, that some society might be willing to possess these paintings, on condition of pay by a life annuity . . . I hinted this idea to a friend, (Mr.

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<sup>15</sup> Daniel was the son of Jeremiah Wadsworth, who according to the Connecticut Historical Society "was one of the founders of the Bank of North America and the Hartford Bank, and was an executive with the Bank of New York and United States Bank. He was involved with some of the earliest manufacturing and insurance partnerships in Hartford." Daniel later founded the Wadsworth Atheneum. See [http://www.chs.org/finding\\_aides/finding\\_aids/wadsworth.html](http://www.chs.org/finding_aides/finding_aids/wadsworth.html).

Alfred Smith, of Hartford,) – it took – was followed up, and resulted in a contract.<sup>16</sup>

Trumbull explains nothing about how his conversations with Alfred Smith of Hartford ended with his paintings hanging in New Haven. One of Silliman's goals in his *Reminiscences* was to fill in this part of the record. In his telling, negotiations between Trumbull and himself, representing Yale, began in his New York apartment in the summer of 1830. Wadsworth and Smith intervened in the conversation near the end of 1830 by offering a second gallery and an additional annuity.

Wadsworth's proposal was that Yale would receive the paintings originally offered to Silliman, and Hartford would receive others, particularly new, large-format copies of the national history series to be painted by Trumbull. In exchange, the Yale corporation and the trustees of the proposed Hartford gallery would each pay Trumbull a life annuity.

Trumbull found this suggestion quite attractive. A letter from him to Wadsworth dated January 7, 1831 refers to Wadsworth's plan: "I read your proposition with the attention it merited" and alludes to legal counsel: "intending after fair deliberation to reply advisedly (as the Lawyers say)." Trumbull told Wadsworth he is hard at work on new paintings intended for Hartford, and "give every hour I can to advance my preparation for your City."

Trumbull's support for a Hartford gallery put Silliman in a difficult position. Not only was Trumbull the captain of his paintings' fate; Wadsworth and his friends were major donors to Yale:

From a delicate respect to the wishes of Mr. Wadsworth and his friends which were favored by Col. Trumbull, I acquiesced, and put forth my best efforts to carry the scheme into effect, nor did I reveal to any one the doubts which I felt . . . I felt my own position to be a difficult one as Mr. Wadsworth and other gentlemen in Hartford had on former occasions made

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<sup>16</sup> *Autobiography*, ed. Sizer, pp. 284-285.

liberal contributions to Yale College, and any coolness on my part would have appeared equally uncourteous and ungrateful.

Negotiations between Hartford and Trumbull became increasingly specific. A letter from Trumbull to Silliman dated April 13, 1831 spoke of very concrete legal arrangements: “What I have said of the Ownership & Trustees for the part of the Collection intended for Hartford, is I trust sufficiently explicit.”

Trumbull’s use of the legal concept “trustees” in relation to ownership of the Hartford paintings is important. The source of this was his lawyer Peter Augustus Jay, an unsung hero in the negotiations. We will return to the Hartford plan after describing the state of negotiations with New Haven.

As summer loomed in 1831, two very large parts of Silliman’s gift plan for New Haven were still missing. Yale had no money to build a gallery; Silliman would appeal to the Connecticut legislature in May for public funding. Prospects for success there were far from certain. And Yale had no money to pay Trumbull’s annuity.

Trumbull and Jay had taken the lead in developing practical details of a gift exchange with Hartford. Wadsworth and the men of Hartford had deep pockets. Would the Hartford plan become the model for Yale – or its alternative? Trumbull had asked Yale to go all in to construct a gallery and pay him a life annuity. Could he be certain that the college was capable of carrying out the plan?

Silliman must have known that if Yale faltered, Hartford stood ready to buy the Trumbull collection. In May of 1831 he provided Trumbull with a positive report on Yale’s progress. In response, Trumbull wrote to Silliman on May 28 that he had instructed his lawyer to arrange a bequest to Yale as a safeguard:

Your last letter detailing the doings of your Prudential Committee etc I have placed in the hands of my friend P.A. Jay for the purpose of drawing a Will, which in case I should be removed before the arrangement can be entirely completed, may insure to Yale College the possession of the small paintings etc according to the plan of the room which I gave; to be applied to the Education of poor Scholars.



This written commitment of an intended bequest to Yale in case of Trumbull's untimely death must have heartened Silliman. Trumbull expressed very different sentiments to Harvard late in the summer of 1831.

In the autobiography, which Trumbull published ten years later (1841), he perversely wrote that he originally considered Harvard as recipient of his paintings and guarantor of his life annuity, but decided in favor of Yale because it was "poor":

I first thought of Harvard College, my alma mater, but she was rich, and amply endowed. I then thought of Yale – although not my alma, yet she was within my native state, and poor.<sup>17</sup>

Trumbull did not publish his letter of September 16, 1831 to President Josiah Quincy of Harvard, in which he first voiced his odd rationale about Yale's lack of money. Greater than his concern about money was Trumbull's distrust of Yale's fidelity. Trumbull expressed to President Quincy a plan to include a provision in his Yale annuity agreement to benefit Harvard in case of a "perversion" of his intentions:

I have Conveyed my original paintings of Subjects of the Revolution, with others, to the President and Fellows of Yale College – burthened with payment of an annuity to me during my Life: – and afterwards the income which may be derived from the Exhibition of them to be applied forever to the Education of poor Scholars – to guard against the possibility of a perversion to any other purpose in any future time I wish to insert a Clause in virtue of which (in case of such perversion) the whole may pass into the possession of my Alma Mater, Harvard, to whom I should have offered the donation in the first instance had she not been very rich and Yale very poor. It is necessary to know accurately the Legal Style and title or Appellation of Harvard for the purpose – may I beg you to give me as soon as may be this information.<sup>18</sup>

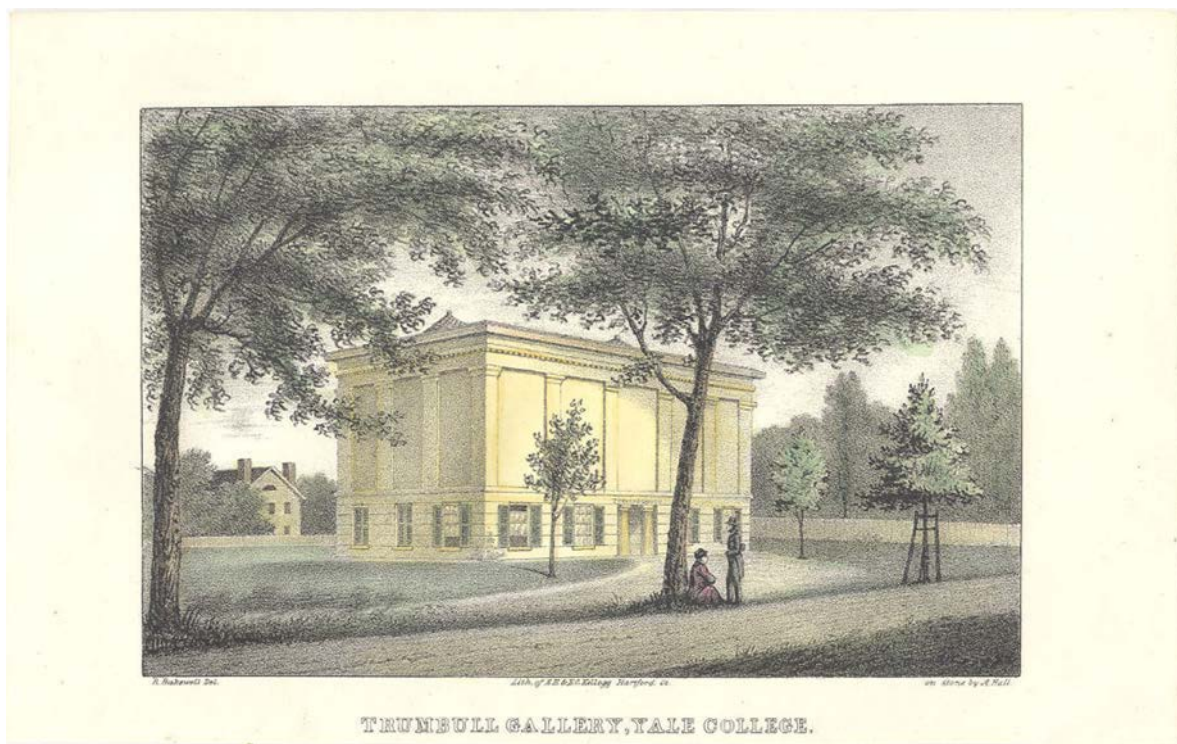
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<sup>17</sup> *Autobiography*, ed. Sizer, p. 284.

<sup>18</sup> Trumbull's letter is in the Yale University Library.

Peter Augustus Jay must have encountered other clients who wished to provide permanent safeguards against the misuse of their gifts to charity after their death. Whether Jay included Harvard in an early draft of Yale's indenture is unknown. In the documents executed in December 1831, which contain no mention of Harvard, Trumbull retains the right to take back the paintings if Yale defaults on its responsibilities during his life, and the college swore that any net income from selling tickets to an exhibition of Trumbull's paintings "shall be sacredly applied to the purposes before mentioned [i.e., the education of poor scholars], and to no other."

Trumbull should have trusted Yale to honor his intentions, as it has done with great care. Whether Benjamin Silliman could find money for the college to build Trumbull's gallery and pay his life annuity remained an open question for all concerned in May of 1831.



## 5. The Art of Grantsmanship: Public Funding for Yale's Gallery

Immediately following the end of classes in May of 1831, Professor Silliman went to Hartford and spent a month lobbying the Connecticut legislature for a grant to Yale.

Funding was needed because the college had no appropriate space in which to exhibit Trumbull's paintings, and had no capital for a new building. In fact, Yale's fund raising appeals during the early 1800s make clear that the college was in desperate financial condition, lacking money for core services: hiring qualified instructors, stocking the campus with books and equipment, providing financial aid for poor students. Its finances took a sharp turn for the worse in 1825, when an unwise investment in a bank failed, causing the loss of roughly half of Yale's endowment.

In 1831, the very year in which Silliman was trying to put together financing for Trumbull's new gallery and life annuity, Yale launched a sorely needed endowment campaign to raise \$100,000 from its alumni.<sup>19</sup> Moreover, in May the Wadsworth plan for a second Trumbull gallery in Hartford was still very much alive. Silliman faced a complex challenge in making the case for a grant.

We will return to Silliman's expert handling of the opportunities for public funding following a brief look at the case his predecessors at Yale College had made to the Connecticut legislature over and over again – unsuccessfully – for the previous thirty-five years.

## 6. The Case for Giving to Yale

In 1818, Yale published a fundraising pamphlet, "its first general request for funds in the college's history,"<sup>20</sup> which described in detail the financial needs of the

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<sup>19</sup> See *A Statement of Facts Pertaining to the Case of Yale College* (New Haven: 1832). Benjamin Silliman and Daniel Wadsworth each contributed \$1,000 to Yale through this campaign.

<sup>20</sup> Kelley, *Yale: A History*, page 144.

college.<sup>21</sup> The lack of money made it increasingly difficult to maintain the college's excellence. Only one professorship was endowed, and that only partially. The library was aging and small. There was not enough financial aid ("A large portion of the students, especially from Connecticut, have a bare sufficiency to pay the expenses of their education, and not a few of them are indigent"). Competition for students was growing, as a result of new, nearby colleges at Hamilton, Middlebury, Union, and Williams.

Most troubling to James L. Kingsley, the pamphlet writer in 1818, and challenging for Silliman's appeal to the legislature in 1831, was that Yale College had received no public funding from Connecticut since 1796. Kingsley observed that other states were far more generous. The Massachusetts constitution provided for "the most liberal grants" to Harvard College. New York had granted \$750,000 in recent years to Columbia, Hamilton, and Union colleges. South Carolina had made capital grants of \$200,000 for buildings at its college over the past twenty years, plus \$12,000 annually "from the publick treasury" for support of its faculty.

While it had been generous to Yale for the first 75 years of its existence, Connecticut no longer recognized a duty to support the only college in the state: "The College, from its foundation [in 1701], to the commencement of the revolutionary war [1776], received from the legislature an annual grant. At this time, on account of the publick necessities, the grant was discontinued."

Connecticut had made its last grants to Yale in 1792 and 1796 as the college, its potential students, and their parents recovered from the economic effects of the War for Independence. The pamphlet points out that in 1792 "The whole annual income of the College from permanent funds, which could be appropriated to the support of instruction, was less than one thousand dollars." From 1792 to 1818, Yale "accumulated so little property, that its whole annual income from perpetual funds, is now less than four thousand dollars."

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<sup>21</sup> James Luce Kingsley, *Remarks on the Present Situation of Yale College; For the Consideration of its Friends and Patrons* (New Haven: Yale College). The pamphlet was re-issued in 1823, adding the need for a new dormitory and chapel.

Despite the need for funding, and the examples of other enlightened states, no grant from the Connecticut legislature came to Yale in 1818. In 1822 Yale appealed again to the legislature, without success.

With the help of gifts and bequests from individual donors, Yale made some progress building its endowment, until a financial crisis caused by the failure of the Eagle Bank in 1825. Bolstered by confidence in the men behind this bank, Yale received special legislation from Connecticut allowing the college to “invest more than the statutory limit of \$5,000 in one bank. Then it proceeded to pour money into the stock of the bank, even borrowing money to do so . . . the bubble burst in September 1825, and with it went some \$21,000 of the funds of the college.”<sup>22</sup> This at a time when college professors earned between \$600 and \$1,000 per year.

Yale historian Brooks Mather Kelley details the extent of Yale’s crisis: “Total endowment income, exclusive of library funds, had fallen to only \$1,800. Debts amounted to over \$19,000.” But the legislature turned down Yale’s request for funding in 1825 and again in 1830.

Remembering his own lobbying efforts, Silliman wrote that “We were afraid on all hands, that it would be impossible to extract any money from the treasury of the State.” The only hope was for the College to benefit from a bonus from the charter of a new bank: “possibly the Legislature might give us a dividend of an expected bonus to be paid for the charter of a Bank at Bridgeport.”

Despite Yale College’s long history of rejection from the state legislature, Silliman appealed to Hartford in 1831 because he knew from past experience that windfall income could become available to a worthwhile cause when the state approved the charter of a bank. In 1815 the new Yale Medical Institution, formed as a professional school in a joint venture with the Connecticut Medical Society, had received a controversial grant as a bonus resulting from the charter of Phoenix Bank at Hartford.<sup>23</sup> While Silliman’s *Reminiscences* does not delve into the

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<sup>22</sup> Kelley, *Yale: A History*, page 150.

<sup>23</sup> “In 1810 the Connecticut General Assembly established the Medical Institution of Yale College, giving Yale and the Connecticut Medical Society shared jurisdiction over the training of physicians. The school opened its doors in 1813 with four professors and 37 students and conferred its first degrees the following year.” See <http://medicine.yale.edu/about/history.aspx>

controversy, as a faculty member of the medical school at the time, Silliman and the legislators were very aware that the school had received this grant.

There were other charitable suitors at the time of the Bridgeport bank charter in 1831. How did Silliman position Yale College to receive its first public funding since 1796?

## **End of Part 1**

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### **Coming in Part 2:**

**Rivals with a Common Agenda: Yale and Washington College**

**Representing the Episcopal Church: Charles Sigourney**

**History of the Trumbull Gallery Building**

**Financing Trumbull's Life Annuity with Yale**

**Silliman, Trumbull, and Jay Bring the Gift Plans to a Successful Conclusion**

**Terms of the Yale Annuity Bond**

**Terms of the Yale Indenture**

**Reflections on the Trumbull Gift Annuity**

**Appendix I: Yale's Annuity Bond with John Trumbull**

**Appendix II: Yale's Indenture with John Trumbull**