

to meet in Annapolis on the 26th and take measures to maintain peace and order within the limits of the State, but two days afterward, "on account of the extraordinary condition of affairs," he changed the place of meeting to Frederick. The men who composed the Assembly were men of great weight and force of character, and they maintained the constitutional rights of the State with much ability. They refused to negotiate a treaty of alliance, offensive and defensive, with Virginia. On the 27th of April the Senate, by a unanimous vote, issued an address to the people, declaring that it had no authority to take any action leading to secession, the House of Delegates following with a similar declaration. Then both House and Senate passed a series of resolutions protesting against the war as unjust and unconstitutional, and declaring that Maryland would take no part in its prosecution.

On the 5th of May General Benjamin F. Butler, with two regiments and a battery of artillery, took possession of the Relay House, some seven miles from Baltimore, and fortified his position. On the night of the 13th of May, and while a violent thunder-storm was raging, he entered Baltimore and took possession of Federal Hill, which overlooks the harbor and commands the city. He met with no opposition, and yet for this exploit he was made a Major-General, thus showing, as Shakespeare says, that "while some men are born great and some achieve greatness, others have greatness thrust upon them."

A memorable event next followed. The President had suspended the writ of *habeas corpus* without the sanction of an Act of Congress, and on May 25th Mr. John Merryman was arrested by General Keim, of Pennsylvania, and lodged in Fort McHenry. A petition was presented for the writ of *habeas corpus* to Chief Justice Roger B. Taney, of the Supreme Court of the United States, who at once issued the writ to General Cadwallader, then in command in Maryland, ordering him to produce the body of Mr. Merryman in Court on May 27. On that day an **aid-de-camp** appeared with a letter from the General, stating that Mr. Merryman had been arrested on charges of high treason, and that he had been authorized by the President of the United States in such cases to suspend the writ of *habeas corpus*. The Chief Justice ordered an attachment to issue against General Cadwallader for disobedience to the writ, returnable at noon of next day.

At that hour the case was called, and the Marshal stated that he had gone to Fort McHenry to serve the writ; that he sent in his name at the outer gate; that the messenger returned and said that there was no reply, and that, therefore, he could not serve the writ. The Chief Justice then said that he had the power to summon the *posse comitatus* to bring the defendant into Court, but that he (the Marshal) would in such an event be resisted in the discharge of his duty by a force much superior to his own. He would therefore not require him to perform that duty, although if the defendant were before him he would punish him by fine