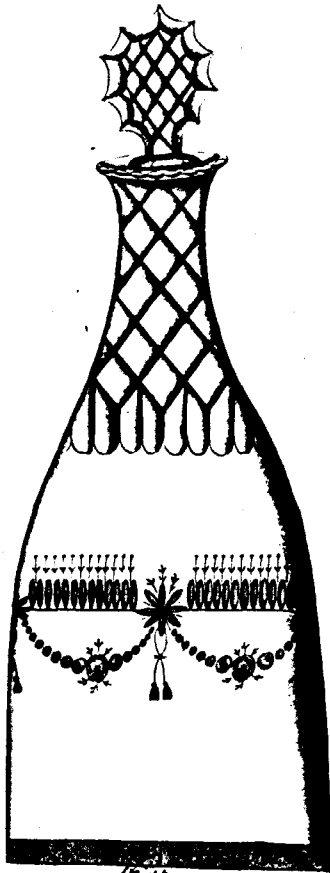


Winterthur Portfolio 5



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Edited by Richard K. Doud

Published for

The Henry Francis du Pont Winterthur Museum

by the University Press of Virginia

Charlottesville

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Winterthur Museum

First published 1969

The University Press of Virginia

Standard Book Number: 8139-0280-0

Library of Congress Catalog

Card Number: 64-7642

Printed in the United States of America

The title page illustrations are from
figures appearing on pages 33, 75,
135, and 176.

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The objective of The Henry Francis du Pont Winterthur Museum in publishing *Winterthur Portfolio* is to make available to the serious student an authoritative reference for the investigation and documentation of early American culture.

The publication will present articles about many aspects of American life. Included will be studies that will extend current information about objects used in America in the seventeenth, eighteenth, and nineteenth centuries; or about the makers, the manufacture, the distribution, the use, and the settings of such objects. Scholarly articles contributing to the knowledge of America's social, cultural, political, military, and religious heritage, as well as those offering new approaches or interpretations concerning research and conservation of art objects, are welcome.

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Stephen Bordley of Colonial Annapolis

Joseph C. Morton

BY 1750, Annapolis, originally designated the political capital of Maryland as a consequence of royal and Protestant ascendancy, had attained a cultural sophistication and importance far out of proportion to its size and population. Indeed, contemporary visitors invariably took note of the social and cultural brilliance of the relatively small Chesapeake Bay port. For example, in 1744 William Black observed that "the graces were not only cultivated, but learning and the arts and sciences were duly appreciated."¹ Twenty-five years later William Eddis, English Surveyor of Annapolis, called the city "the Bath of America" and claimed that "there are few towns, of the same size, in any part of the British dominions, that can boast a more polished society."²

The nabobs of Maryland's provincial capital readily accepted, and indeed assiduously imitated, the cultural leadership of London in literature, drama, architecture, dress, social customs, and values. Maryland, however, was not England and Annapolis was not London. Exact duplication of English society was impossible. The relative newness of the colony, the heterogeneous population, and the staple crop economy were all factors that worked against precise imitation. Even so, a British visitor could find much that was familiar in a society that prided itself on the English traditions of its institutions, customs, and social behavior.

The English-oriented, aristocratic families of colonial Maryland, with but few exceptions, have

not received their due from historians and biographers.³ Although caused in part by the paucity of private letters, diaries, and other personal papers, this failure should, and can, be corrected. Family studies of the Lloyds, Taskers, Dorseys, Goldsboroughs, Tilghmans, Hammonds, Platers, Bordleys, and Protestant Carrolls are needed. Until the economic, political, and social contributions of these proud and wealthy clans are known, our knowledge and understanding of eighteenth-century Maryland will be incomplete. Fortunately, a family biography of the influential Bordleys of colonial Annapolis is now possible.

The abundant public records and the five extant letter books of one of the family's most literate members show that from the early years of the eighteenth century, when Thomas Bordley rose to legal, political, and social prominence, to the first years of the nineteenth, when John Beale Bordley died at the age of seventy-seven, there were only a few years when a Bordley did not occupy a position of power and influence in Maryland.⁴ Stephen, as the middle member of the talented eighteenth-century Bordley triumvirate, was the link between his contentious father, Thomas, and his versatile half brother, John Beale. Like the

³ See, for example, Aubrey C. Land, *The Dulans of Maryland: A Biographical Study of Daniel Dulany, the Elder (1685-1753) and Daniel Dulany, the Younger (1722-1797)* (Baltimore: Maryland Historical Society, 1955). I am indebted to Professor Land not only for awakening my interest in Maryland's colonial past but also for directing me to a study of the Bordley family.

⁴ The five Stephen Bordley Letter Books, now on deposit at the Maryland Historical Society (hereafter MHS) in Baltimore, contain only his outgoing correspondence for the following years: 1728-1735, 1738-1740, 1741-1747, 1749-1752, and 1756-1759.

¹ "Journal of William Black, 1744," *Pennsylvania Magazine of History and Biography*, I, No. 2 (1877), 118.

² William Eddis, *Letters from America, Historical and Descriptive; Comprising Occurrences from 1769 to 1777, Inclusive* (London: The author, 1792), p. 19.

Roman god Janus, he looked both ways: backward to the rowdy years at the beginning of the century and forward to the more cultivated decades toward the end.

Born in Annapolis early in 1710, Stephen Bordley grew up and lived in a society where class distinctions and family name were extremely important.⁵ Thomas Bordley, his father, and Mrs. Rachel Beard were married on December 26, 1708.⁶ From this marriage there were at least eight children, of whom only four grew to maturity. Information on the family background and early life of Stephen's mother is sparse; she died in November, 1722, apparently having done little to distinguish herself.⁷ It was his father, Thomas, who provided Stephen Bordley with the prestige of descent so necessary for advancement and preferment in Tidewater Maryland. Of course, inherited position and wealth did not guarantee admittance into the aristocracy; ability, ambition, diligence, and good luck were also needed. Happily, Thomas Bordley possessed these qualities, with the resultant establishment of the distinguished Bordley family of colonial Annapolis.

In 1694, at age twelve, Thomas migrated from Yorkshire, England, to Kent County, Maryland, with his older brother Stephen. It would be interesting to learn why they left England, but nowhere is the reason given. Perhaps the allure of adventure and economic betterment provided the incentives to undertake what was, by all odds, a dangerous and sometimes fatal trip.

The two youthful travelers bore the surname of a family well known and respected by the proud burghers and cottagers of their native Yorkshire. Both their father and paternal grandfather were educated Anglican clergymen. The grandfather, William Bordley, graduated from Cambridge and served, perhaps briefly, as headmaster of Hawkshead, an ancient Westmorland County grammar school. His son Stephen also attended Cambridge, receiving his Master of Arts degree in October,

⁵ Stephen Bordley's precise birth date is unknown. He was baptized in the Anglican Church on March 30, 1710, and since baptism usually followed birth rather closely, we can surmise that the birth occurred sometime between December, 1709, and March, 1710. See St. Anne's Parish Register, 1708-1785, p. 10 (Maryland Hall of Records, Annapolis, Md. [hereafter MHR]).

⁶ *Ibid.*, p. 7.

⁷ Significantly, in the hundreds of extant letters by Stephen there is no mention of, or allusion to, his mother, Rachel Beard Bordley.

1689. With the esteem and deference that parishioners were wont to give an educated churchman, Rev. Stephen Bordley passed his years first as prebendary of St. Paul's Church in London and later as rector of St. Mary's Parish, Newington. He raised four children on the meager remuneration accorded Anglican parsons and left his heirs a legacy not of wealth and high position but rather of respectability. In the parish records of St. Mary's, Newington, the following notation appears: "Stephen Bordley, M.A. 1689, 1695 died."⁸ As the progenitor of both branches of the Bordley family in Maryland, this Anglican pastor can be credited with laying the foundations for subsequent family distinction.

Stephen, by eight years the older of the two immigrants, followed in the footsteps of his grandfather and father. Upon completion of his studies at Cambridge, he secured an appointment from the Bishop of London as rector of St. Paul's Parish, Kent County, Maryland. This furnished him and young Thomas the occasion to seek their fortunes in the Chesapeake tobacco country. Maryland in 1694 was a happy choice for the ambitious Bordley brothers. Although undergoing a period of political and religious uncertainty caused by the temporary fall of the proprietary government, Maryland presented manifold opportunities to resourceful and unindentured new arrivals. Class stratification and social rigidity were not yet insurmountable obstacles to the able and fortunate.

The Kent County branch of the Bordley clan descending from Stephen the immigrant achieved eminence in its own right. Stephen married Ann Hynson, daughter of the prominent Colonel John Hynson; thus, the Bordleys gained the prestige of an advantageous marriage. The third child of this union, Stephen Bordley, Jr., became a successful lawyer and local politician. Unlike his more famous Annapolis cousin and contemporary of the same name, who was English trained, Stephen was educated in Maryland.

For his part, Thomas Bordley remained only a few years in Kent County. Annapolis, soon to become the provincial capital, appeared to offer the best opportunities for a young man with promise and ambition. Through diligent and persistent study Thomas quickly rose to eminence at the

⁸ Letter from William Brewer (parish clerk), July 29, 1927, to Dr. James Bordley (Bordley Papers, MHS).

Maryland bar. Positions of profit and political importance marked his advance as a legal practitioner. In 1710, when his son Stephen was only a few months old, Thomas was elected a delegate to the Lower House of Assembly.⁹ In addition, he managed to secure for himself the appointment as Surveyor General of the Western Shore in 1717. This office brought little prestige, but was remunerative and thus widely sought.

In 1718 Bordley came into the top stratum of officialdom when he was appointed commissary general (probate judge) and, a few weeks later, attorney general.¹⁰ These two offices of profit were the highest the proprietor could bestow, and the incumbents were accorded the esteem and respect of the entire province. Elevation to the Council of State and Upper House of Assembly in 1720 only confirmed Thomas Bordley's rise to aristocratic status in colonial Maryland.¹¹

Several years before his untimely but not unexpected death, Thomas Bordley had made certain decisions concerning the education of his oldest son, Stephen. He had sent the boy to grammar school in England with the hope that he would obtain the excellent classical education not generally available in the colonies during the first quarter of the eighteenth century. Convinced that Stephen had the mental capability of achieving great things, Thomas had made provision to ensure the development of his intellectual potential.¹²

Always frail and sickly, Thomas Bordley returned to England in 1726 to have what was probably a gallstone removed by the renowned London surgeon Dr. William Cheselden. While in London, but before the fatal operation, Stephen saw his ailing father several times at the home of William Hunt, Thomas' London agent. Thomas Bordley died on October 11, 1726, apparently unable

to survive the shock of early eighteenth-century surgery.

Both friend and foe respected the able but controversial Thomas Bordley. Enemies he had in abundance, but this was the natural consequence of his boundless ambition, independence of spirit, and disregard for convention and custom. News of his death reached Annapolis in late 1726 and was received by most with genuine sorrow and regret. Among the many expressions of sympathy was Rev. John Humphreys' eulogistic sermon delivered before Bordley's relatives and friends in St. Anne's Church in Annapolis. "The more I Consider him," the minister declared, "the more he gained upon my admiration and respect. As a very rigid lover of Justice [and] a man of great probity & sincerity, Mr. Bordley Esquire was an ornament to our city." The churchman concluded by saying, "He was a good patriot to his country, in the service of which, he very much spent himself and injured his health."¹³ Thomas Bordley had indeed achieved distinction and honor both for himself and his family (Fig. 1).

¹³ "The Sermon Preached at St. Anne's Church in Annapolis by the Rev. John Humphreys Occasioned by the death of Thomas Bordley who died in London October 11, 1726" (Bordley Papers, MHS).

⁹ Thomas Bordley served as a delegate from Annapolis to the House of Delegates from 1710 to 1712 and from 1716 to 1720, and from Anne Arundel County in 1716 and from 1722 to 1726. See *Archives of Maryland* (Baltimore: Maryland Historical Society, 1883-1961 [hereafter *Archives*]), XXVII, 517; XXIX, 33; XXX, 95 and 360; XXXIII, 53, 201, and 366; XXXIV, 344 and 613; and XXXV, 89, 295, and 461.

¹⁰ Testamentary Proceedings, Liber 23, folios 224-226, and Provincial Court Judgments, Liber P. L. No. 4, folios 91-92 (MHR).

¹¹ *Archives*, XXXIII, 494.

¹² Letters from Thomas Bordley, Jan. 10, 1724, May 31 and Aug. 6, 1725, to Stephen Bordley (Bordley Papers, MHS).

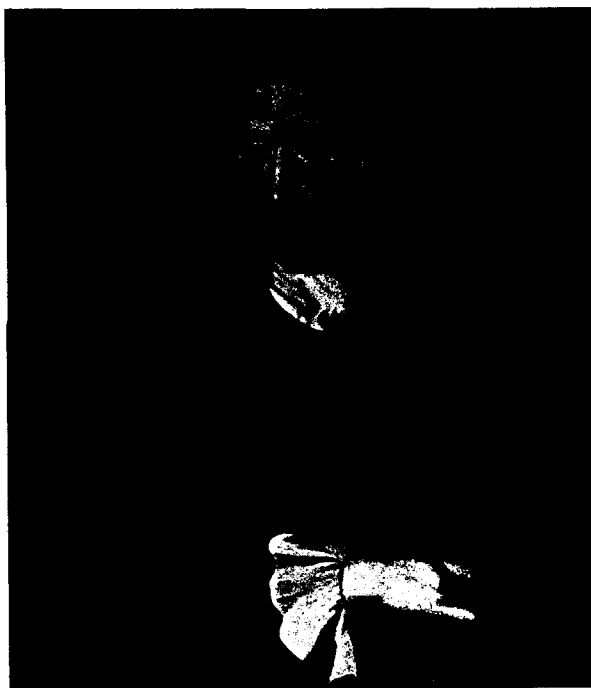


FIG. 1. Gustavus Hesselius, *Thomas Bordley*. Maryland, 1711-1726. Oil on canvas; H. 30", W. 25". (Dr. James Bordley III: photo, Frick Art Reference Library.)

However, family honor and prestige were not all Thomas Bordley bequeathed to his heirs; Stephen, as the eldest son, inherited plantations, Annapolis city lots, and other symbols of earthly wealth.¹⁴ In his last will and testament, signed June 29, 1726, just before his departure for England, Thomas made distribution of what was by any standard a sizable estate.¹⁵ After the final inventory had been made and the legitimate debts had been paid, his estate was estimated to be worth approximately £4,300 sterling, £800 currency, and 1,200 pounds of tobacco; and this did not include the value of his considerable land holdings.¹⁶

Stephen Bordley had been a student in England for at least three years when his father died in late 1726. As a pupil at "Mr. Richardson's School on Blackheath near Greenwich," the young colonial obtained the foundations of a classical education. Here Bordley gained a thorough knowledge of Latin, along with the rudiments of Greek and arithmetic. Not only were Stephen and his classmates taught to read and write Latin, but, in addition, they were required to speak it with facility. After attaining a measure of proficiency in grammar, they were compelled to read, in the original, works of some of the more famous Roman authors. Thus, Bordley became well acquainted with the writings of Cicero, Ovid, Tully, Terence, Virgil, and other classical Latin writers. This familiarity was repeatedly demonstrated to his many correspondents, for his neat, well-written letters contain frequent references to these ancient authors as well as numerous Latin quotations.¹⁷ After completing grammar school, Bordley spent a few months learning merchant accounts from a Mr. Snell in London. The prospect of a career in business did not appeal to the restless Bordley,

however, and he was forced seriously to consider plans for an alternative profession.

"It was my fathers opinion a little before his operation," Bordley wrote in 1728, "that I should be fittest for the Law."¹⁸ Heeding this advice, he secured a legal apprenticeship with a Mr. Page. His enthusiasm for his new employment was frequently manifested. "Nothing is wanting," he cheerfully declared, "to render me as Compleatly happy as this world can admitt."¹⁹ In the years to come this initial optimism and zeal for the law were to develop into a deep appreciation and thorough understanding of the orderly and tradition-bound canons of English common law.

Doubtless he was a conscientious student, for time and again he mentioned his strong wish "to improve" himself by diligent application and by a proper and efficient apportionment of all his waking hours. Moreover, he was concerned lest he would not be worthy of his family's confidence and trust. He frequently wrote of his intention to remain in England until such time as "I may be able to serve & be a pleasure to others as well as to myself."²⁰ This early, often-expressed fear of not measuring up to the expectations of friends and relatives indicated Stephen Bordley's generally serious disposition and his determination to succeed and excel in all endeavors.

On November 5, 1729, Bordley was "received for admittance" into the Inner Temple.²¹ Possibly an Inner Templar himself, Bordley's legal mentor doubtless arranged for his young clerk's entrance into this ancient and esteemed institution. Now, as a member of one of the Inns of Court, Bordley joined a select group. Membership in one of the Inns of Court would, upon his return to America, ensure a favorable position at the Maryland bar and give him an advantage in competing against less fortunate provincial legal adversaries. During the entire colonial period probably fewer than forty Marylanders achieved admission to one of the Inns, and over half of these were not admitted until after 1750.

¹⁴ Stephen's tangible inheritance was considerable. He succeeded to most of his father's extensive Annapolis property, 1,340 acres of undeveloped land "on the branches of the Patuxent," "Grimes Addition up Severn," and "Sandgate" or "Town Plantation," a 300-acre farm just outside Annapolis. Moreover, he inherited numerous personal possessions of value and a considerable amount of money. See Anne Arundel County Original Wills, Box B (MHR).

¹⁵ Anne Arundel County Original Wills, Box B (MHR).

¹⁶ Anne Arundel County Inventories, Liber 12, folios 71-91; Liber 15, folios 304-309; and Liber 18, folios 12-18 (MHR).

¹⁷ See, for example, letter of Jan. 22, 1729, to William Tilghman and of March 27, 1729, to Dr. Alexander Fraser (Bordley Letter Book [hereafter BLB], 1728-1735, MHS).

¹⁸ Letter of Jan. 22, 1728, to Ariana Bordley (BLB, 1728-1735, MHS).

¹⁹ Letter of Sept. 27, 1729, to Rev. William Bordley (BLB, 1728-1735, MHS).

²⁰ Letter of Aug. 16, 1728, to Ariana Jennings (BLB, 1728-1735, MHS).

²¹ Richard Arthur Roberts (ed.), *A Calendar of the Inner Temple Records* (London, 1933), IV, 209; and Edward Alfred Jones, *American Members of the Inns of Court* (London: Saint Catherine Press, 1924), pp. 26-27.

Located in the heart of the city not far from the Thames, the venerable Inns of Court can be traced back to the Middle Ages. Despite the laxity and often total absence of formal lectures, the lack of any type of examination, and the prevailing dilatory attitude, this "legal university" enabled the ambitious among its members to obtain what was perhaps the best legal education then available. It was during informal discussions and individual contacts between the master benchers, barristers, and students (rather than formal instruction) that the complexities of the law were investigated, debated, and learned. Thus, the Inner Temple provided the opportunity for Bordley to study law with the assistance of and in association with the most distinguished and learned barristers of the realm. He seized this opportunity without hesitation.

Personal relations between Bordley and Mr. Page had never been cordial, and in 1733, when the opportunity arose to terminate his legal apprenticeship, Bordley left his "Tyrannical M--r."²² Apparently he had contemplated this move for some time but waited until Page became so dissatisfied that he paid his legally bound clerk to break his indenture. This seemingly rash act was probably nothing more than a manifestation of an impatient and eager young attorney's desire to begin the practice of law. In 1733 Bordley returned to Maryland anxious to make his mark.

Annapolis was the center of the legal profession in Maryland; and some of the most distinguished barristers in all British America plied their trade there, for the opportunities were manifold and the remuneration great. In time, despite keen competition, Bordley was to achieve distinction in this competitive field.²³ But in the summer of 1735 he had not yet had an opportunity to display his exceptional abilities. Indeed, he was just another young and inexperienced attorney struggling to establish himself at the Maryland bar.

Bordley, however, enjoyed certain advantages that eased his climb to legal pre-eminence. As an

Inner Templar, his training in the law had been far superior to that of most of his contemporaries, who were products of an informal apprentice system that was frequently haphazard and empirical. He possessed the keen intelligence and inquiring mind necessary for legal advancement in a province where the ablest lawyers were accorded high social and political positions and the average planter-merchant was often an attorney in fact. His assiduous attention to details served him in a profession that demanded such pedantry from its practitioners. The legal contacts and associations developed by his father also helped Bordley as he embarked on his career just nine years after his father's death. Thus, in 1735 he had a speaking acquaintance with many of the practicing attorneys and justices who had known and respected his contentious but able father.

There were a number of courts of judicature in the province. Some twenty years after Bordley started practicing Andrew Burnaby listed, in addition to the county courts, the Provincial Court, Chancery Court, Prerogative (or probate) Court, Vice Admiralty Court, the mayor's court of Annapolis.²⁴ There were also intermittent assizes for the Eastern and Western Shores and special courts of oyer and terminer and general goal delivery. Whether or not all of these were in existence in 1735, Bordley at first practiced exclusively before the county courts. He handled small suits in which there was little opportunity to display his legal talents. In fact, a demonstration of great legal knowledge was likely to be frowned at by the ill-trained lay justices. Much of Bordley's legal work in these early years was that normally assigned, in England, to a scrivener or notary. He drew up wills, indentures, deeds, and other legal documents for the small fees they brought. However insignificant this work might have seemed, it gave Bordley practical experience that proved useful later and sustained him during this period. The drudgery of handling cases where a minimum of legal knowledge was required was endured for the fees. Normally his pay was 100 pounds of tobacco for any case involving 2,000 pounds of tobacco or ten pounds sterling or less, and 200 pounds of tobacco for any action involv-

²² Letter from Stephen Bordley, Feb. 24, 1733, to Richard Ford (BLB, 1728-1735, MHS).

²³ In 1754 Secretary Cecilius Calvert wrote that Stephen Bordley was "the most able Lawyer" in the province, and four years before Bordley's death Governor Horatio Sharpe observed that his "abilities as a Lawyer Cannot be questioned" and for this reason "his opinion in matters of Law will always determine me." See *Archives*, VI, 134, and IX, 425-26, respectively.

²⁴ Andrew Burnaby, *Travels Through the Middle Settlements in North-America in the Years 1759 and 1760 With Observations upon the State of the Colonies* (London: T. Payne, 1775), p. 49.

ing more than that. Thus, the number of cases handled determined his remuneration.

By the late 1740's Stephen Bordley was one of the busiest, as well as one of the most successful, attorneys practicing before the county courts. For example, in Anne Arundel County, between 1748 and 1751, Bordley's name appears in the court records more often than that of any other attorney.²⁵ During the same period he was extremely active in the county courts of Frederick, Baltimore, and especially Prince George's. Even the early 1740's his legal practice was wide and his position secure. "I have at last," he proudly wrote in 1741, "gott into a Settled Course of Practice in the Law, after a long course of Study in it."²⁶ In 1743, while lamenting the "Shortness" of the previous tobacco crop, Bordley confidently informed the same correspondent that he had finally "got now into so Established a way of business as not to be easily hurt by it."²⁷

On October 16, 1739, Bordley took a decisive step in his climb to top rank as a legal practitioner. With his boon companion James Tilghman, he was admitted to practice before the Provincial Court.²⁸ Here the fees were bigger, the cases more challenging, and his professional adversaries more adept at manipulating juries and convincing judges. In the Provincial Court Bordley's legal talents were utilized to their utmost. Almost without exception, only lawyers of first ability appeared before this august body. Stephen proved himself by both the number of cases handled and by the legal agility, skill, and proficiency he employed. He was at his best in civil actions, where his rational, systematic presentation was considered by dispassionate justices rather than by a jury that was often unduly swayed by emotional appeals. Thus, as in the county courts, a vast majority of his cases before the superior court involved civil proceedings.

From 1739, when he was admitted to practice, to 1756, when he became attorney general, Stephen Bordley was one of the most active and successful barristers practicing before the Provincial

²⁵ Anne Arundel County Court Judgments, Liber I.S.B. No. 1 (MHR).

²⁶ Letter of March 22, 1741, to William Hunt (BLB, 1741-1747, MHS).

²⁷ Letter of May 21, 1743, to Hunt (BLB, 1741-1747, MHS).

²⁸ Provincial Court Judgments, Liber E.I. No. 6, p. 1 (MHR).

Court of Maryland. Thomas Harris and John McHenry chronicled eighteen cases as being the most important during this period.²⁹ Fifteen lawyers were involved in these actions, either singly or with one or two others, as prosecuting or defending attorneys. In twelve of these cases Stephen Bordley appeared as one of the attorneys of record.

Financial prosperity followed achievement at the bar. Although the recipient of a handsome patrimony, Bordley was not in the class of such Annapolis grandees as the Daniel Dulany's (father and son), Edward Dorsey, or Dr. Charles Carroll. However, he earned more from his legal practice than all but a few of his professional colleagues. Practice before the various superior and special courts brought the fattest legal fees. For every suit handled in the Provincial Court, Bordley received 400 pounds of tobacco; fees for cases heard before the court of appeals, Chancery Court, and the Prerogative Court were equally lucrative.

By the mid-1740's Stephen Bordley had become both well known and prosperous. His fees for 1746, for example, amounted to over 80,000 pounds of tobacco. As was the custom, he sent his fee accounts to the county sheriffs, who were required to collect the tobacco for his account. He did not, however, receive this entire sum, since there were commissions to be paid to the sheriffs who collected the tobacco and to the agents who marketed it for him. Nevertheless, his net income in 1746 from these collections alone was probably close to £400 sterling.

In 1756, when he accepted the appointment as attorney general, Stephen Bordley had reached the pinnacle of success in his chosen profession. Not only was he considered the most learned barrister in the province, but he was probably earning over £600 sterling per year from tobacco fees alone.

By 1740 the practice of law had become respectable enough to constitute an important avenue to political office. Moreover, the intricacies of law-making and public administration made a knowledge of the law extremely useful, if not absolutely necessary, for the aspiring public servant. Thus, Stephen Bordley's entrance into politics not only was expected but also was a natural concomitant

²⁹ Thomas Harris, Jr., and John McHenry, *Maryland Reports* (New York: I. Riley, 1809), I.

to his rising legal practice. Public office was almost the exclusive prerogative of the patrician families. The idea of *noblesse oblige* was widely held, and political activity represented a social obligation to many of the gentry. In addition, Maryland was an oligarchy, ruled by, and for the benefit of, the rich and well-born. Many who had the wealth and leisure to pursue a calling in politics simply desired to maintain the status quo. As members of the governing class, they could ensure their exalted position by subverting any democratic or egalitarian tendencies of the "middling sort."

The period from 1739 to 1776 was one of constant political warfare. Bordley's entrance into the political arena coincided almost exactly with the Lower House's famous attack against proprietary pretensions on June 6, 1739, and his death in 1764 removed him from the political scene just prior to the Stamp Act crisis of 1765 and the turbulent decade that followed. Stephen Bordley's career spanned an eventful period when the ideological quarrels of the 1720's and 1730's developed into a clearly defined political estrangement that presaged the complete overthrow of the proprietary establishment.

In Maryland the struggle was carried on against the proprietor rather than the Crown and Parliament. Of course, the proprietor represented British control in the colony and, indeed, sided with the mother country in the controversies leading to the American Revolution. But, at least until 1765, the political dispute was antiproprietary, not anti-British. The two warring groups were both upper class in composition. Political leaders, regardless of factional affiliations, were all members of the colonial gentry. This established a basic social homogeneity that somewhat mitigated the bitterness of the struggle. Essentially, the political wars were fought by two aristocratic factions both contending for political supremacy in the class-conscious society of eighteenth-century Maryland.

Of the two factions, the proprietary or "court party" possessed certain assets that gave it a decided advantage. Composed primarily of the governor, members of the Council, a minority of the delegates in the Lower House of Assembly, Anglican clergymen, and officials appointed by the proprietor or governor, this group had both the support of the Crown and the proprietor and the prestige that accompanies adherence to tradition and precedence. In most eras conservatives have

had the advantage over the more liberal elements because they are generally concerned only with maintaining the status quo. Their opponents, on the other hand, suffer the opprobrium that advocacy of change and departure from the familiar often bring. Hence, the court party was firmly entrenched politically and enjoyed the respectability of resisting innovation.

The antiproprietary or "country party" was composed of those lawyers, merchants, and planters who opposed, for one reason or another, the existing power structure. The House of Delegates was its stronghold. In general, the strategy employed by the leaders of this group was to follow the precedents set in the English constitutional struggles between the Crown and the House of Commons in the seventeenth century. Specifically, the country party attacked the economic and political privileges of the proprietor and his numerous placemen. The inevitable conflict was waged between these two factions, and the battleground was the General Assembly. Until 1765, when parliamentary interference in colonial affairs introduced a new issue, the role of the masses was passive and apathetic.

Stephen Bordley's frequently expressed opposition to the court party endeared him to the country party leaders in the House of Delegates. In May, 1739, Bordley was chosen clerk of the Lower House Committee of Aggrievances, which was dominated by the antiproprietary element in the legislature. Although it was not a lucrative post, this clerkship afforded him an excellent opportunity to become well acquainted with legislative procedures and to gain a measure of influence in the councils of the political opposition. His efficient and orderly discharge of clerical duties in this committee led to his selection as clerk of the powerful Committee of Laws. Thereafter, he came into frequent contact with the astute Dr. Charles Carroll and Philip Hammond, the acknowledged leaders of the country party.

These two political realists became Bordley's mentors. He might never have sought public office if Carroll and Hammond had not insisted that he accept the legislative clerkships and, later on, that he stand for election to the Assembly. Their influence over Bordley, however, was never such that he became their stooge or puppet. Throughout his political career Bordley maintained a high degree of independence, as evidenced by his refusal to

vote consistently with the country party in legislative affairs; this was more vividly demonstrated in the early 1750's when he gravitated toward the proprietary camp.

In the summer of 1744 Bordley succumbed to the pressure from Carroll and Hammond to stand for election to the General Assembly. "As I am Engaged in an Election in Town," he wrote his brother John, "I must Insist on your Coming down to give your vote for me at the time, of which I shall give you notice."³⁰ It was known that Governor Thomas Bladen would soon dissolve the Assembly elected in November, 1741. The country party leaders were already laying plans to unseat one of the two steadfast supporters of the proprietor (Captain Robert Gordon or Dr. George Steuart) and, in his place, to get Bordley elected from Annapolis. Although open solicitation by the candidate was out of the question—it was deemed improper to canvass publicly for votes—Carroll, Hammond, and the other skilled antiproprietary chieftains worked clandestinely to line up support for Bordley. The writs of election were finally issued and the voting took place in March, 1745.

"At the late General Election," the revived *Maryland Gazette* of April 26, 1745, announced, "the following Gentlemen were Chosen: For the City of Annapolis: Capt. Robert Gordon and Dr. George Steuart." Although Bordley's first exposure to the whims of the electorate was an unhappy one, his discouragement was short lived. His astute political mentors discovered a way to thwart the apparent wishes of the voters. Not long after the election Carroll and Hammond informed Bordley that they planned to contest the recent election of Dr. Steuart. Thereupon, the Lower House "proceeded into their Enquiry into the Merits of the Election for the City of Annapolis."³¹ The exact nature of Bordley's complaint was not given; however, the speed of the inquest and the unanimous bipartisan vote to declare Dr. Steuart's election invalid and to seat Bordley indicated that his charge of election fraud was more than a political trick. On the next day Stephen Bordley qualified by taking the necessary oaths, took his seat for the first time as a legislative rep-

resentative, and was immediately appointed to the influential Committee of Laws.³²

Bordley's views on the important issues of the day placed him in the center of the political spectrum. If Carroll and Hammond thought they had secured another dependable partisan adherent to the country party, they were to be disappointed! Bordley displayed an independence in the legislative battles of the late 1740's that often irritated his political friends and gave hope to his opponents. At heart, he was not a partisan politician. He disliked the petty quarreling and recriminations of his legislative colleagues. The 1740's and 1750's were years of partisan political turmoil in Maryland; and, as political divisions hardened, Bordley's middle-of-the-road position became increasingly untenable.

Bordley's election record was not impressive. Of the five elections in which he was a known (if not active) legislative candidate, he was the clear victor in only two: in 1749, when he replaced Henry Hall as a delegate from Anne Arundel County, and in 1754, when he was elected from Annapolis. Both times he tried to succeed himself but was defeated: in 1745, by Walter Dulany, and in 1751, by Henry Hall. His first attempt at the polls resulted in the contested election with Dr. Steuart.

His legislative career in the 1750's followed the pattern set during his first session as a delegate. He voted on the merits of specific questions rather than on whether the proposal was a proprietary or antiproprietary measure. His apparent inconsistency was the manifestation of his constant endeavor to stay clear of political entanglements. This approach to politics did not endear him to either the fickle, unpredictable voters or the more zealous partisans of the two contending political factions.

As early as 1754 both the governor and principal secretary commented on Bordley's apparent desertion of his earlier antiproprietary position. His frequent support of government policies, both in and out of the Assembly, was noted and gave the ruling clique the idea that perhaps he should be rewarded. In May, 1754, in answer to the secretary's request for the name of a suitable replacement for Edmund Jenings, whose resignation as deputy secretary seemed imminent, the governor recommended Bordley, stating, "He is a Gentn of

³⁰ Letter of July 7, 1744, to John Bordley (BLB, 1741-1747, MHS).

³¹ *Archives*, XLIV, 75.

³² *Ibid.*, pp. 75-76.

the Law in great practice well esteemed & I am persuaded from his Behaviour & Professions at my Arrival & his Conduct since that He will not fail in his Duty either to the Govt or to yourself."³³ Although the post was given to another, in March, 1755, the governor reiterated his earlier statement that Bordley was deserving of "his Ldp's . . . mark of favour."³⁴

Bordley's career as a member of the House of Delegates ended abruptly, although not unexpectedly, as a result of the proprietor's "mark of favour." On September 14, 1756, "the Honourable Lower House of Assembly, ordered Writs of Election for a Delegate to represent this City, in the Room of Stephen Bordley, Esq. who, since his election, has accepted the Offices of Attorney-General and Naval Officer of the Port of Annapolis."³⁵ Lord Baltimore, Secretary Cecilius Calvert, and Governor Horatio Sharpe thought they had finally appointed an attorney general who was both honest and well versed in the law, and hoped their new appointee was also unequivocally committed to the proprietary cause. Bordley's actions in the Assembly after his election in November, 1754, gave every indication that their trust was not misplaced. His conduct as a proprietary placeman would, however, be the acid test of his political reliability.

At first glance he seemed to have made a complete political turnabout. In the late 1730's and early 1740's Bordley was considered a leader of the antiproprietary faction. However, a closer look at his legislative career reveals that he was a political independent. He deplored extremism, and his support of the court party during his last years as an assemblyman was merely the manifestation of his basic conservatism. His earlier opposition to the government of Charles, Lord Baltimore, and Governors Samuel Ogle and Thomas Bladen was founded on personal considerations rather than on political conviction. His father's feud with the proprietary establishment postponed Bordley's reconciliation with his natural political allies.

In his mature years Bordley's legalistic outlook forced him to reconsider his earlier antipathy to the political rulers. They sought to maintain the status quo, as did he. Their position was sup-

ported by tradition and precedent; he, too, by dint of his legal training, revered the past and disliked innovation. Although by virtue of birth, education, and position Stephen Bordley was a true conservative, he was not a reactionary. Furthermore, as his proprietary colleagues would learn, he could not be coerced or manipulated. Even as a member of the inner governing circle, he retained that measure of independence so noticeable in his father's checkered public career. Bordley's commitment to the proprietary faction was sealed in 1756, when he accepted the dual appointments of attorney general and naval officer for the port of Annapolis. Prior to accepting these appointments, he had repeatedly demonstrated a political independence that precluded classification as an ardent partisan in the struggle between the factions. Henceforth, he would employ his considerable abilities in the service of Frederick, Lord Baltimore, as a defender of established policy.³⁶

Although Bordley sometimes seemed awkward in the game of political intrigue and favoritism, he was decidedly in his element when it came to legal matters. His appointment in 1756 as attorney general thrust him into a job for which he was eminently qualified. Thomas Bordley had held this position for only three years and then had been summarily fired by a suspicious governor. Stephen, on the other hand, remained attorney general of Maryland for seven years. His resignation was accepted only after he had repeatedly pleaded that he could not continue to discharge the duties of the office because of failing health.

Stephen Bordley's commission directed him to prosecute all legal actions in which the proprietor was concerned, whether they were "Criminal or Civil Real Personal or Mext or of what nature or kind soever."³⁷ In the pursuance of his duties he was instructed to prosecute in both the Provincial Court and those county courts in which he had a practice. In the other counties he was directed to appoint deputies, known variously as clerks of the peace or clerks of indictments. In compliance with

³³ *Ibid.*, VI, 64-65.

³⁴ *Ibid.*, p. 182.

³⁵ *Maryland Gazette* (Annapolis), Sept. 16, 1756.

³⁶ Bordley's adherence to the court party became so evident that the nonpolitical Eastern Shore merchant, Henry Callister, was prompted to classify him as "one of his Lordship's Champions." See letter from Henry Callister, July 28, 1762, to George Garnett (The Maryland Diocesan MSS, on deposit at MHS).

³⁷ Provincial Court Judgments, Liber B.T. No. 1, pp. 7-8 (MHR).

his commission Bordley became the proprietor's chief legal prosecutor. He restricted his court appearances, however, primarily to cases heard before the Provincial Court and the Baltimore County court, with only an occasional action in the county court at Annapolis.

As attorney general Bordley not only prosecuted on behalf of Lord Baltimore but also gave legal advice, when requested, to the governor, Council, and other officers in the proprietary establishment. On occasion Bordley offered unsolicited comment. For example, in 1758 he told Governor Sharpe that he could not find a copy of the Maryland Charter; and since it was the legal basis of the entire proprietary government, Calvert was quick to dispatch a copy of the organic document to Sharpe with his thanks to the observant attorney general.³⁸

In early 1761 the secretary alluded to additional preferment for the attorney general. Bordley knew full well what Calvert had in mind. In the secretary's game of office rotation Bordley was scheduled to be commissary general, on the condition that he resign as naval officer of Annapolis. He was, however, so angered at having been passed over for the deputy secretaryship somewhat earlier that he steadfastly refused the offer. So adamant was he that Lord Baltimore finally instructed Sharpe in October, 1761, to appoint Charles Goldsborough to the post should Bordley not soon accept the position. Bordley's stated reason for initially declining what was a position of the highest honor and trust was revealing. He claimed that the duties of the probate office required such constant attendance that his acceptance of the office would endanger his health. Sharpe knew better. "Envy at Mr Dulany's Success or an Opinion that People will say he must take & be glad with his Leavings" was, according to the governor, the real cause of Bordley's unseemly behavior.³⁹ Calvert noted that Bordley's "refusal of Commissary Genl is injustice to himself" and indicated that he was as "acrimonious as . . . his Father."⁴⁰ Calvert, of course, meant this as a derogatory comparison, but Bordley would have considered it high praise indeed.

Bordley eventually accepted the post and erased

³⁸ Letter from Cecilius Calvert, March 3, 1758, to Horatio Sharpe, *Archives*, XXXI, 497.

³⁹ Letter of April 19, 1761, to Calvert, *Archives*, IX, 498.

⁴⁰ Letter of Oct. 8, 1761, to Sharpe, *Archives*, IX, 542.

much of the ill feeling that his refusal had created. This new office was one of the most valuable in His Lordship's service. In 1761, shortly before Bordley assumed office, Sharpe estimated the net annual income of the commissary general to be about £250 or just £50 less than that of the deputy secretary. His duties, moreover, were almost nominal. Most of the routine work was handled by the clerk of the Prerogative Court or by the thirteen deputy commissaries. Bordley presided over the Prerogative Court, which handled the probate of wills and the administration of all matters testamentary. A later incumbent of the office claimed that the commissaryship was "not a Sine Cure Office which admits of a Gentleman's engaging in other Pursuits."⁴¹ Bordley evidently would not have agreed with this, for when failing health necessitated a reduction of official duties, he surrendered the attorney generalship and remained commissary general until his death.

In addition to his legal and probate duties, Bordley served with distinction as a member of his Lordship's Council of State and the Upper House of Assembly.⁴² As a councilor and attorney general he exerted a great deal of influence in proprietary affairs. Moreover, the governor frequently used Bordley's considerable talent for writing by having him draft Council and Upper House resolutions and messages. In addition, Bordley was considered, and actually served, as an able "Counter Ballance to the Family [Dulany] . . . whose Voices generally determine every point at that Board council by their Attendance always at hand."⁴³ Sharpe had good reason to respect, and even fear, the political influence of the Tasker-Dulany clan; and even Calvert developed a healthy regard for the able and ambitious Daniel Dulany and his numerous well-placed relatives. Bordley gladly assumed the role as a check to Dulany, for he disliked the arrogant, but capable, younger Daniel, who had snatched the deputy secretaryship from him. Failing health, however, soon cut short his career as a proprietary placeman (Fig. 2).

Although Bordley did not live in a style of unrestrained extravagance, he always demanded

⁴¹ Letter from Walter Dulany, Sept. 29, 1768, to Hugh Hamersley (Dulany Papers, MHS).

⁴² Letter from Calvert, Nov. 27, 1758, to Stephen Bordley (Bordley-Calvert Papers, MHS).

⁴³ Letter from Calvert, Dec. 20, 1760, to Sharpe, *Archives*, IX, 473.

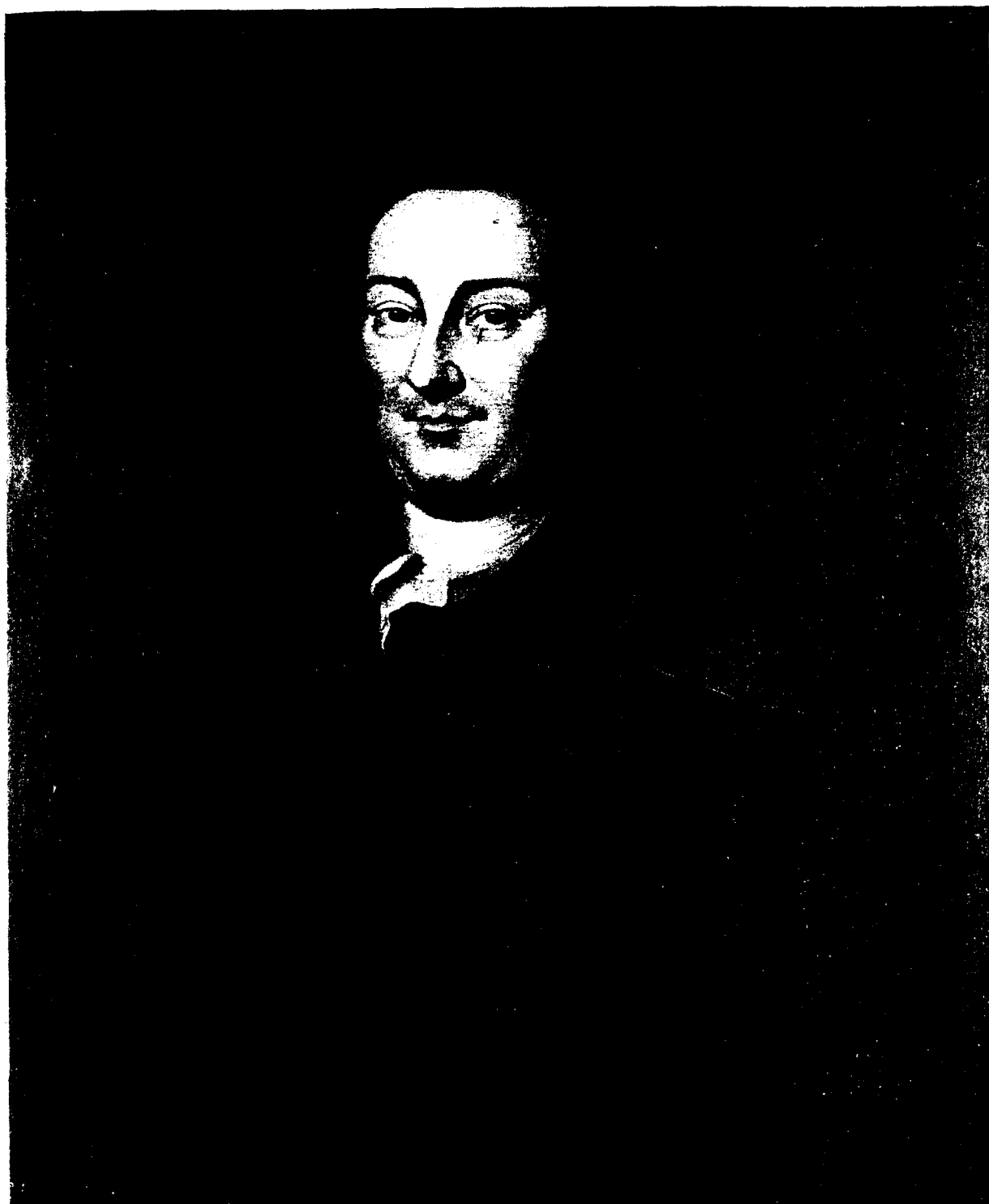


FIG. 2. John Wollaston, *Stephen Bordley*. Maryland, 1749-1758. Oil on canvas; H. 29 $\frac{3}{4}$ "", W. 25". (Dr. John E. Bordley: photo, Frick Art Reference Library.)

comfort and ease. In the midst of his legal, political, and mercantile activities he found ample time to gratify his desire for a genteel life. He indulged in the pleasures that the cultured society of colonial Annapolis afforded its ruling social class. Dances, horse races, the theater, literary clubs, and lavish dinners were a normal part of his social life, and no Chesapeake grandee relished more the conviviality of the aristocratic society.

With a connoisseur's taste for gracious living, he furnished his stately home with the finest accouterments available to an eighteenth-century colonist.⁴⁴ Most of his furniture was imported, and silver tankards, spoons, forks, and candlesticks always adorned his table. Indeed, beauty and good taste were everywhere in evidence when Bordley and his sister entertained in their "Batchelors House," which they did often and lavishly.⁴⁵

Bordley's love of a congenial bumper and intellectual banter was happily gratified at the weekly meetings of "The Ancient and Honourable Tuesday Club."⁴⁶ Established in 1745 by Dr. Alexander Hamilton and Jonas Green, this group met at the homes of its members for social intercourse, the interchange of not-too-serious ideas, and the generous absorption of liquor. Although not a charter member, Bordley attended meetings in the early years as a visitor and was finally asked to join in January, 1749. Dedicated to merriment, the Tuesday Club afforded its members an opportunity to forget the cares of the world and indulge in railery. Perhaps because of his often serious demeanor, Bordley was installed as deputy president with all the pomp and ceremony the club usually accorded such momentous events.

Until the club outlawed it in 1750, the most fre-

⁴⁴ Despite the ravages of time this house still stands and is now known as the Bordley-Randall house. Built early in the eighteenth century by Thomas Bordley, this well-constructed home was the lifelong residence of both Stephen Bordley and his sister, Elizabeth. The present owner and occupant, Capt. P. V. H. Weems, kindly allowed the writer to tour its thirty-some rooms.

⁴⁵ In a letter from Stephen Bordley, Sept. 4, 1758, to John Gibson, Bordley stated, "My Sister & Self have now kept Batchelors House together 20 Years" (BLB, 1756-1759, MHS).

⁴⁶ The "Records of the Tuesday Club," now on deposit at the MHS, were penned by the witty and talented Dr. Alexander Hamilton, who was not only a charter member but also one of its most gay, facetious, and affable members. The club flourished from 1745 to 1755. When failing health prevented Hamilton from attending the weekly sessions, it fell apart. See *Md. Gaz.*, May 13, 1756, for the obituary of this remarkable and much beloved individual.

quently played game involved conundrums. Each time a member stumped his colleagues, they "drank a bumper," whereas he paid the same penalty if someone guessed the correct answer. Bordley did well to hold his own in the company of such notables as his brother John Beale, Hamilton, Green, Walter Dulany, William Cumming, John Bullen, and Witham Marsh. As often as anyone, Stephen solved the riddles posed. To the question: "Why is a good clergyman like a pair of clogs?" he answered smartly, "Because he preserves soles—souls."⁴⁷ With such nonsensical amusements Bordley whiled away many a pleasant evening. Although the group remained active until 1755, when Dr. Hamilton became too ill to attend the weekly meetings, Stephen Bordley does not seem to have been an active member after May, 1752.

As Bordley entered middle age, it became evident that he would remain unmarried. In 1737 he wrote, "I am . . . still single, and at present continue so as well as to avoid the noise and uneasiness of a large family & the continual labour and fatigue of providing fortunes to be left them at my death, as the lessening my power of doing for my dear Bett anything that may contribute towards making her happy."⁴⁸ In 1750 he again wrote that he was single; he then added that he planned to remain so.⁴⁹ With his sister, Elizabeth, as hostess, Bordley substituted hospitality and good cheer for domestic blessings (Fig. 3). His door was always open to friends and relatives, and his guests were treated to the finest foods and wines available in provincial Annapolis.

As a philosopher Stephen Bordley hardly qualified for membership in the school of thought that was making the century in which he lived the Age of the Enlightenment. Although he read widely and critically, his thinking did not take the form of questioning the assumptions of the world in which he lived. Like Voltaire's Dr. Pangloss, he believed that his was the best of all possible worlds. To Bordley, the structured society of colo-

⁴⁷ "Records of the Tuesday Club," March 13, 1750 (MHS).

⁴⁸ Letter of Sept., 1737, to Aunts Mary and Elizabeth Bordley, quoted in Elizabeth Bordley Gibson, *Biographical Sketches of the Bordley Family of Maryland for Their Descendants*, ed. Elizabeth Miffin (Philadelphia: Printed by H. B. Ashmead, 1865), p. 43.

⁴⁹ Letter of Nov. 20, 1750, to Richard Ford (BLB, 1749-1752, MHS).

nial Maryland, with its squirearchy as the dominant element, represented a normal and desirable state. For a man of ability, born to high station, this attitude was entirely understandable. As he admitted, he lived in comfort and enjoyed the respect of his social "inferiors" and the esteem of his peers.

In the summer of 1763 Bordley suffered a stroke that greatly weakened his already frail body and brought about a nervous quivering of legs and arms. Even before his crippling stroke made his resignation imperative, the burdens of high office had so impaired his health that he had attempted to resign as attorney general. He finally had to step down as the proprietary's chief legal adviser in December, 1763.

During the spring and summer of 1764 Bordley's decline was slow and agonizing. "Being indisposed in body but of sound and disposing mind and memory," he drew up and signed his last will

and testament in early February.⁵⁰ Although he refused to relinquish his posts as commissary general and as a member of the Council, he performed only the most pressing duties of these two offices. With the coming of fall he became virtually an invalid. The cool weather and beautiful colors of autumn bolstered his spirits somewhat, but he realized fully that his days were numbered. He could no longer read or even hold a quill in his trembling hand, so his activities were limited to visiting with the many friends and neighbors who came to pay their respects and to sitting alone in quiet contemplation and reflection. When alone, he had ample opportunity to think along the lines suggested by Dr. Hamilton's cogent remark of twenty years earlier when he thought his own demise was near. "Death is a grim attendant," the doctor had written, "that haunts a man every hour of his life."⁵¹ Bordley knew the end was near, and, according to his brother John Beale (who, with Elizabeth, was constantly with Stephen those last few weeks), he was serenely reconciled to the final summons.⁵²

By the first of December he was confined to his bed, being too weak even to sit up. On Thursday evening, December 6, 1764, Stephen Bordley died "without a groan" in the arms of his brother.⁵³ His obituary was a simply worded tribute to a distinguished barrister and a conscientious public servant:

Last Thursday Evening, Departed this Life at his House in Town, after a tedious Indisposition with Complicated Disorders, in the LVth Year of his Age, the Hon. Stephen Bordley, Esq. one of his Lordship's Council of State, Commissary-General of the Province, and one of the Aldermen of this City. He was a Gentleman Eminent for his Knowledge in, and Profession of, the Law, and many young Gentlemen have studied under him, do Honour to his Memory. Mr.

⁵⁰ He bequeathed his entire estate, real and personal, to his only surviving brother, John Beale Bordley, with three exceptions. His sister, Elizabeth, was permitted to remain in the ancestral house and was given an annual stipend of £100 sterling; his favorite nephew, Stephen Bordley, the son of his brother William, was given £1,000 sterling; and Sarah Turner, "brought up and now living with me," was left £1,000 current money "to be paid her at her Age of Twenty one Years or Day of Marriage which shall first happen." See Anne Arundel County Original Wills, Box B (MHR).

⁵¹ Letter from Alexander Hamilton, Oct. 20, 1743, to unknown recipient (Hamilton Letter Book, 1739-1743, Dulany Papers, MHS).

⁵² Gibson, *Biog. Sketches of Bordley Family*, p. 50.

⁵³ *Ibid.*



FIG. 3. Charles Willson Peale, *Elizabeth Bordley*. Maryland, ca. 1770. Oil on canvas; H. 30", W. 25". (Mrs. Charles A. Webb: photo, Frick Art Reference Library.)

Bordley formerly Represented this City and County, in the General Assembly, was Naval Officer of this District, and Attorney General of the Province. And his Remains, Interr'd with great Decency, were Entomb'd on Tuesday in his Family Vault.⁵⁴

Colonial Maryland was on oligarchy in which a

⁵⁴ *Md. Gaz.*, Dec. 13, 1764.

relatively small number of wealthy and entrenched families wielded dominant economic, social, and political power. The oligarchy was increasingly under attack and would eventually fall when democracy finally became a reality. Stephen Bordley was a respected member of one of the ruling clans and, as an eminent legal practitioner, sought to preserve the social and political order that had given him a privileged status.