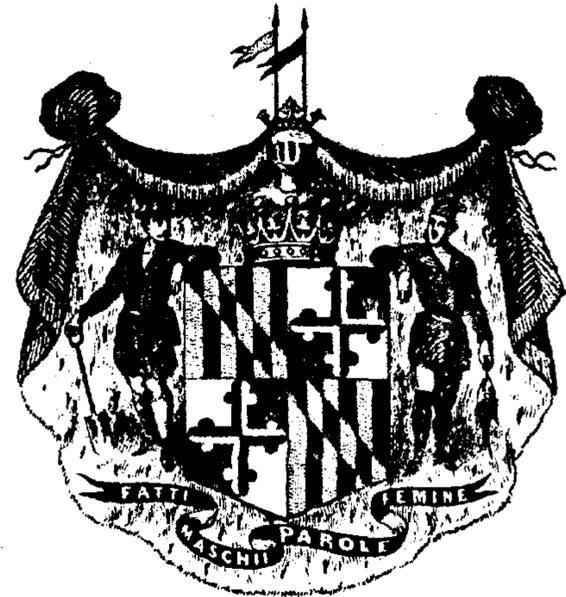


VIEW OF ANNAPOLIS.

HISTORY  
OF  
MARYLAND

From the Earliest Period to the Present Day.



BY

J. THOMAS SCHARF,

New Foreword by  
MORRIS L. RADOFF

New Index prepared for this Edition

IN THREE VOLUMES.

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State and City of Baltimore in a position to resist the passage of the Northern troops. But, in truth, the Legislature could not, had it been ever so willing, have possibly done a tithe of what some persons expected; and, moreover, if, under the circumstances, it had taken any such steps, its rashness would have visited the city and State with heavy penalties. Any attempt to offer armed resistance to the proceedings of the Federal government, would have not only resulted in failure, but in the certain destruction of Baltimore. The State was in a more defenceless condition than it had been for years; the militia were scant in numbers, undisciplined, and officered by men of no military experience. Cannon, there were none worth speaking of in the State; and of the few muskets that could have been collected, part were wholly unserviceable, and the rest of inferior quality and obsolete pattern. Upon whom the responsibility should rest that the State, when a crisis that had been so long foreseen had at last arrived, was found utterly defenceless, we will not here inquire. Such was the condition of things which the Legislature found; and before it had time even to consider the situation, the administration had already completed its arrangements for taking control of the State.

The President's call for seventy-five thousand volunteers had been rapidly answered, and from every Northern State regiments were tendered for instant service. In an emergency he could have thrown into the State fifty thousand men, well armed and equipped, and accompanied with the necessary artillery. He could have sent a fleet of light-draught steamers up our bay and rivers, which could have landed troops at any point, and prevented the erection of defensive works. At this very time the Federal government had a strong garrison at Fort McHenry, it was strongly intrenched at Washington, it held a firm grasp of Annapolis and of the intermediate lines of communication; and was master of the mouth and head-waters of the Chesapeake, and of every navigable river in the State. It could, therefore, have brought troops to Washington, or thrown them into the State faster than they could have been organized in Baltimore, especially as our whole northern frontier lay open. From the South we were cut off by rivers which they controlled; and even Virginia could have given us no help, as her state of preparation was scarcely better than our own.

Such was the position of affairs on the 27th of April. So rapid were the movements of the administration, that within eight days it had established a formidable post at the Relay House, on the Baltimore and Ohio Railroad, thus cutting off communications between Baltimore and Harper's Ferry. With equal ease, had the occasion demanded it, the heights commanding Baltimore could have been seized, men and artillery been brought by land and water to man them, and the city laid in ruins.

These facts stared the Legislature in the face, and they acted in accordance with their duty, and the weighty trust reposed in them, in resisting the mad unreasoning clamors of those who wished to precipitate a conflict. Whatever may have been their personal views of the justice of the war that

was being waged, their first duty was to save the lives and property of Marylanders; and they performed that duty firmly and well, as all men now cheerfully admit. They stood upright at their posts, neither truckling to armed force on one side, nor the wild demands of an excited people on the other; and like the "just and firm man" of the poet,—

"Nec civium ardor prava jubentium,  
Nec vultus instantis tyranni,"

availed to turn them from the path of wisdom and of right.

On the 2d of May, the Legislative Committee on Federal Relations, "in view of the seizure of the railroads by the general government, and the erection of fortifications," presented resolutions appointing commissioners to the President to ascertain whether any becoming arrangements with the general government were practicable for the maintenance of the peace and honor of the State, and the security of its inhabitants. The report was adopted, and Otho Scott, Robert M. McLean and William J. Ross, were appointed commissioners. They accordingly visited Washington on the 4th of May, and "were received by the President with respectful courtesy, and they made such representations as were necessary to convey to him the sense of the General Assembly of Maryland, in relation to the occupation" and seizure of the territory and property of the State, and of private citizens; and "his attention was called to the suspension of intercourse between Baltimore and Washington, and of all parts of the State with Annapolis, and to the indignity put upon a State in the Federal Union by such an interference with the private rights of its citizens, and by such an occupation of its soil and ways of communication by the Federal government." Full explanations were exchanged between the commissioners and the Secretary of War and the Secretary of State, who were present and participated in the discussion, as to the facts and circumstances that rendered necessary the extraordinary incidents accompanying the passage of federal troops through Maryland *en route* to the City of Washington, and especially in reference to those acts of the authorities of the City of Baltimore which arrested the progress of the troops by the railroads leading from Pennsylvania and Delaware into Maryland. "In regard to the general principles at issue," the committee in their report to the Legislature on the 6th of May, say "a concurrence of opinion was reached. The president concurred with the undersigned in opinion, that so long as Maryland had not taken, and was not about taking a hostile attitude to the Federal government, that the exclusive military occupation of her ways of communication, and the seizure of the property of her citizens, would be without justification; and what has been referred to in this connection so far as it occurred, was treated by the government as an act of necessity or self-preservation."

On the 10th of May, the Committee on Federal Relations in the House of Delegates, consisting of Messrs. S. Teackle Wallis, chairman, J. H. Gordon, G. W. Goldsborough, James T. Briscoe and Barnes Compton, presented a

report and set of resolutions "in regard to the calling of a sovereign convention," which met the hearty approval of an overwhelming majority of the members of that body. In the House the vote stood, ayes, 43; nays, 12; and in the Senate, ayes, 11; nays, 3.

In their report the committee made a lucid, able and comprehensive review of the question they were called upon to consider, and the following resolutions which accompanied it are couched in bold but dignified language and explain the relations of Maryland with the Federal government:

"WHEREAS, In the judgment of the General Assembly of Maryland, the war now waged by the Government of the United States upon the people of the Confederate States is unconstitutional in its origin, purposes and conduct; repugnant to civilization and sound policy; subversive of the free principles upon which the Federal Union was founded, and certain to result in the hopeless and bloody overthrow of our existing institutions; and

"Whereas, The people of Maryland, while recognizing the obligations of their State, as a member of the Union, to submit in good faith to the exercise of all the legal and constitutional powers of the general government, and to join as one man in fighting its authorized battles, do reverence nevertheless, the great American principle of self-government and sympathize deeply with their Southern brethren in their noble and manly determination to uphold and defend the same; and

"Whereas, Not merely on their own account, and to turn away from their own soil the calamities of civil war, but for the blessed sake of humanity, and to arrest the wanton shedding of fraternal blood, in a miserable contest which can bring nothing with it but sorrow, shame and desolation, the people of Maryland are enlisted with their whole hearts upon the side of reconciliation and peace,

"Now, therefore, it is hereby *Resolved*, by the General Assembly of Maryland:

"That the State of Maryland owes it to her own self respect and her respect for the Constitution, not less than to her deepest and most honorable sympathies, to register this, her solemn protest, against the war which the Federal government has declared upon the Confederate States of the South and our sister and neighbor Virginia, and to announce her resolute determination to have no part or lot, directly or indirectly, in its prosecution.

"*Resolved*, That the State of Maryland earnestly and anxiously desires the restoration of peace between the belligerent sections of the country; and the president, authorities and people of the Confederate States having over and over, officially and unofficially, declared that they seek only peace and self-defence, and to be let alone, and that they are willing to throw down the sword, the instant that the sword now drawn against them shall be sheathed:

"The Senators and Delegates of Maryland do beseech and implore the President of the United States, to accept the olive branch which is thus held out to him, and in the name of God and humanity, to cease this unholy and most wretched and unprofitable strife, at least until the assembling of the Congress at Washington shall have given time for the prevalence of cool and better counsels.

"*Resolved*, That the State of Maryland desires the peaceful and immediate recognition of the independence of the Confederate States, and hereby gives her cordial consent thereunto, as a member of the Union, entertaining the profound conviction that the willing return of the Southern people to their former federal relations is a thing beyond hope, and that the attempt to coerce them will only add slaughter and hate to impossibility.

"*Resolved*, That the present military occupation of Maryland, being for purposes which, in the opinion of this Legislature, are in flagrant violation of the Constitution, the General Assembly of the State, in the name of her people, does hereby protest against the

same, and against the arbitrary restrictions and illegalities with which it is attended; calling upon all good citizens at the same time, in the most earnest and authoritative manner, to abstain from all violent and unlawful interference of every sort, with the troops in transit through our territory or quartered among us, and patiently and peacefully to leave to time and reason the ultimate and certain re-establishment and vindication of the right.

"*Resolved*, That under existing circumstances it is inexpedient to call a Sovereign Convention of the State at this time, or to take any measures for the immediate organization or arming of the militia."

On the 13th, both Houses adopted a resolution providing for a committee of eight members (four from each House), to visit the President of the United States and the President of the Southern Confederacy. The committee to visit Jefferson Davis were instructed to convey the assurance that Maryland sympathized with the Confederate States, and that the people of Maryland were enlisted with their whole hearts on the side of reconciliation and peace. The next day, the 14th of May, the Legislature adjourned until the 4th of June.

The day of the adjournment of the Legislature, proved an eventful one for Baltimore. The arrest of Mr. Ross Winans, a member of the House of Delegates, and the action of Major Morris, the commander of Fort McHenry, in refusing to obey a writ of *habeas corpus*, marked the rapid strides toward despotism which the administration was making. Mr. Winans, while returning from his legislative duties, was seized and held a close prisoner by an armed force, on a charge of high treason. The arrest was made at the Relay House, on the Baltimore and Ohio and Washington Branch Railroad, by order of General Butler, and although Governor Hicks and a large number of the members of the Legislature were in the same car, they were powerless to prevent the seizure of Mr. Winans, who was at once conveyed to Annapolis, and subsequently to Fort McHenry. Here he remained a short time in custody, and was finally released without trial. His friends being very indignant at his arrest, nominated him the next day for Congress, but the substitution of military for civil rule in Baltimore, and the consequent political changes thereby, prevented any attempt to elect him. His name was withdrawn and Hon. Henry May, the "independent" and conservative Union candidate was substituted in his stead.

Major Morris was, on the 4th of May, served with a writ of *habeas corpus*, by Judge William F. Giles, of the United States District Court, for the purpose of releasing from the United States service an enlisted soldier, named John George Mullen, who had petitioned for release on the ground of minority. Major Morris, in a letter to Judge Giles, dated May 7th, refused to obey the writ, and the case attracted very great attention, from the fact of an army officer daring to resist such an order, a refusal being almost unprecedented, thereby taking upon himself the gravest responsibility, and rendering himself liable to be court-martialed and cashiered, unless fully sustained by the government. The writ was extended to May 13th, but Major

Morris still refused to obey. Dr. N. S. Jervis, the medical examiner of Fort McHenry, however, appeared, and testifying that the soldier was under age, he was discharged. The last few days of May were signalized by another



CHIEF JUSTICE TANEY.

*habeas corpus* case, of even greater note than the foregoing, being rendered famous by the issue of the writ, and the filing of an elaborate opinion in the case by Chief Justice Taney. Mr. John Merryman, of Baltimore County, was arrested at his dwelling on the 25th of May, by an armed force, and removed to Fort McHenry, under a charge of treason. On the following day a writ of *habeas corpus* was issued by Chief Justice Taney, directed to General George Cadwallader, returnable Monday, May 27th. Upon that day Colonel Lee, aid-de-camp of General Cadwallader, appeared in court,

and stated that he had been directed by his commanding officer to appear and express his regrets that his engagements at the fort prevented his appearing in person, but that he had charged him to read to the court a letter as his answer to the writ which had been issued against him.

In this letter, directed to Judge Taney as Chief Justice of the United States, General Cadwallader said that Merryman had been arrested without his knowledge or direction, by Colonel Samuel Yohe under orders of Major General William H. Keim, both being military officers of the United States, but not within the limits of his command. The charges against Merryman were that he belonged to an organization as lieutenant in a company arrayed in armed hostility against the United States, and had made "open and unreserved declaration of hostility to the government and was in readiness to co-operate with those engaged in the present rebellion," etc. He further informed Judge Taney that he was *authorized by the President* to suspend the writ of *habeas corpus* in such cases, and requested that further action should be postponed until he could receive additional instructions from him. After reading the letter the chief justice observed that the writ positively commanded General Cadwallader to deliver up the body of Mr. Merryman that day, but as he had disobeyed, he would direct an attachment to be issued against him, returnable on the next day. An attachment was accordingly issued against General Cadwallader, citing him to appear before the court to answer for contempt in refusing to obey the writ previously issued. On the deputy United States marshal proceeding to Fort McHenry to serve the writ, he was met at the outer gate, and sending in his name, the messenger returned with the reply that there was no answer to the marshal's card, and further, that he would not be permitted to



JOHN MERRYMAN.

enter the gate of the fort. Upon thus reporting to court, the chief justice after making some remarks regarding General Cadwallader's refusal, said that he would reduce his opinion regarding the statute of *habeas corpus* to writing, and that he should report the case to the President of the United States. The chief justice accordingly not long afterward rendered an elaborate opinion, marked with all the legal ability for which he was so distinguished, proving that the President of the United States could not under the constitution suspend the privilege of the writ of *habeas corpus*, nor authorize any military officer to do so.

In defiance, however, of the highest legal authority in the land, Mr. Merryman was still detained in confinement, and finally released without trial.

In consequence of the arrest of Mr. Winans and other citizens of Maryland, the Legislature at its adjourned session, on the 22d of June, passed a series of resolutions remonstrating against these acts. They declared that

"The unconstitutional and arbitrary proceedings of the federal executive have not been confined to the violation of the personal rights and liberties of the citizens of Maryland, but have been extended into every department of oppressive illegality, so that the property of no man is safe, the sanctity of no dwelling is respected, and the sacredness of private correspondence no longer exists; and,

"WHEREAS, The Senate and House of Delegates of Maryland, recognizing the obligation of the State, as far as in her lies, to protect and defend her people against usurped and arbitrary power, however difficult the fulfilment of that high obligation may be rendered by disastrous circumstances, feel it due to her dignity and independence, that history should not record the overthrow of public freedom for an instant within her borders, without recording likewise the indignant expression of her resentment and remonstrance.

"Now, therefore, be it resolved, That the Senate and House of Delegates of Maryland, in the name and on behalf of the good people of the State, do accordingly register this their earnest and unqualified protest against the oppressive and tyrannical assertion and exercise of military jurisdiction within the limits of Maryland, over the persons and property of her citizens by the government of the United States, and do solemnly declare the same to be subversive of the most sacred guarantees of the Constitution, and in flagrant violation of the fundamental and most cherished principles of American free government."

Thus did the Legislature of the State of Maryland remonstrate against the indefensible conduct of the United States Government. It displayed a spirit of heroism worthy of her liberty-loving people. Sitting in a city surrounded, occupied, and threatened on all sides by Federal bayonets, speaking for a sovereign State which the mandates of a Federal Executive had hoped to silence, unawed by threats of violence and unmoved by apprehensions of personal harm, remembering that it was the constituted and authorized guardian of citizens who had been unlawfully seized and imprisoned, and of property which had been illegally occupied and destroyed, its calm, dignified voice of protest rose like the utterances of Senates and Consuls of classic days, and as worthy as they to be recorded in history.

At the same session of the Legislature the two committees appointed on the 13th of May to visit the President of the United States and the President of the Southern Confederacy, made their reports. Messrs. John B. Brooke, G. W. Goldsborough, George H. Morgan and Barnes Compton, the committee appointed to visit President Lincoln, and "secure, if possible, through the instrumentality of Maryland, peace to our distracted country; and if failing in that, then a cessation of hostilities on the part of the armies of the Federal and Confederate troops, until Congress should express its opinion on the subject which now agitates the people," submitted a report, in which they say: "These purposes being defeated in the movement of the Federal troops on Virginia, and an active commencement of hostilities, we have considered our mission as ended, and, therefore, have not felt authorized, on the part of the sovereign State of Maryland, to present a request which has in advance been repudiated."

At the same time Messrs. Thomas J. McKaig, Coleman Yellott and Charles A. Harding, the commissioners appointed by the Legislature to visit Jefferson Davis, at Montgomery, Alabama, presented their report, accompanied by a letter from Mr. Davis, dated May 25th, expressing his gratification to hear that the State of Maryland was enlisted on the side of peace and reconciliation, and avowing that the Confederate government would readily entertain any proposition from the government of the United States, tending to a peaceful solution of existing difficulties.

On the 10th of June, Major General Nathaniel P. Banks, of Massachusetts, was appointed to the command of the department of Annapolis, with headquarters at Baltimore, relieving General Cadwallader. And, on the 13th of the same month the election for the special session of Congress called by President Lincoln, to meet on the 4th of July, took place, and Messrs. John W. Crisfield, Edwin H. Webster, C. L. L. Leary, Henry May, Frank Thomas and Charles B. Calvert were elected. At this election public interest was mainly centred upon the issue in the then fourth congressional district, and there the defeat of Mr. Henry Winter Davis was more overwhelming than his most sanguine opponents ventured to anticipate. A few days before the election, Mr. Robert M. McLane, the State-Rights candidate, withdrew from the contest, and although many of his party persistently declined to vote for Mr. May, the "independent" and conservative Union candidate, and though eight or ten hundred citizens, of strong Southern proclivities, were absent from the district, Mr. May, out of a total vote of 14,621, received a majority of 2,045 votes.

The election passed off so quietly that no stranger could have supposed that any event of more than ordinary importance was taking place; and its fairness none disputed. Though it was apparent, throughout the day, that the authorities were resolved and fully able to protect, impartially, the person and rights of every voter, desperate efforts were made by the partisans of the administration to secure the presence of troops in the city, in the hope of provoking a riot, or, at least, causing Messrs. May and Preston to retire from

the contest. Despatches were sent to Washington, reporting that a conflict was raging, and that "Union men" were driven from the polls; and, on the strength of these, orders were issued for troops to proceed to Baltimore. Fortunately these nefarious schemes were frustrated, and the only disturbances which occurred, were occasioned by the noisy and threatening demonstrations of the defeated party on the following night. This election, however, secured for the city authorities, and especially the Board of Police, the undying hatred of Mr. Henry Winter Davis, of his Know-Nothing friends, of the "Plug Uglies," "Tigers," "Blood Tubs," and other similar associations, whose characters were well expressed in their names, and of the whole class of those whose careers of lawlessness and crime had been checked by the removal of authorities who winked at their excesses when they did not pander to them.

Long before the election, these persons, and the representatives of Northern journals in the city, had clamorously demanded that the Police Board of Baltimore should be superseded by the Federal authorities; and that all citizens who opposed the policy of the self-styled "Union party," should be disarmed while the latter was furnished with arms by the general government. Three of the adherents of the administration<sup>1</sup> who had been connected with the old know-nothing party in Baltimore, and who were indebted to the faithful service of the ruffian clubs for political preferment, had the audacity to demand, under their own signatures, in the *New York Tribune*, that the arms which were then in "the arsenals and forts within this State," should be placed in the hands of their partisans. So atrocious a proposition—that one political party in the State should be disarmed, while the other was armed by the Federal or State authorities—had never before been broached in Maryland; yet it did not startle nor greatly surprise the people, who were no longer astonished at any base or shameful act or scheme from men who had long been used to call in the aid of lawlessness and violence to secure their ends.

To give some color to their proposal, these men unblushingly alleged that the authorities of the city had placed arms in the hands of the States-Rights party, and were persistently working to plunge the State into revolution. To this falsehood, the history of the previous two months furnishes a conclusive answer. The whole accusation against the authorities grew out of the occurrences of the 19th of April, and the following days. As we have shown already, these disturbances were a sudden outbreak of indignation, on the part of the people, at the presence and passage of Northern troops, destined, as they believed, to an unconstitutional, wicked, and uncalled-for war upon their brethren. The outbreak was instantly and courageously resisted by the city authorities, and in a few hours the turbulence was under complete control, though the excitement continued. The events of the following Sunday, and the entire absence of anything like riot, or dissensions among

<sup>1</sup> James R. Partridge, Henry Winter Davis and Archibald Stirling, Jr.