CHAPTER XI

The Dragon's Teeth

Politics often sails under false colors, and it will deceive the historian unless he is exceedingly vigilant.—Edward Eggleston.

In the preceding pages a number of references have been made to threats of secession. Some of these threats originated in New England; some in the far South. When the people of the commercial states of the Northeast feared a serious lessening of their influence in the Federal Union because of the expansion of the Southwest they began to consider separation. After this expression of dissatisfaction in the War of 1812 Southern and Western statesmen, largely under Calhoun's leadership, sought with protective tariffs to placate the New Englanders for the losses they had suffered under embargo, nonintercourse, and war conditions. When, however, these tariffs kept on increasing, the burden of them in the then wholly agricultural South became intolerable; and Henry Clay's high tariff and internal improvements plan helped to develop the sectional difficulties which he is credited with having from time to time settled by compromise.

With regard to those Maryland statesmen who had objected to the original form of the Federal Constitution the warnings of Martin and Paca stand out most strongly. Martin, like Patrick Henry, objected outright to ratification, while Paca, like Samuel Adams and George Mason, urged amendments to meet the objections that the Constitution did not sufficiently guarantee the liberties of the individual or the rights of the states. They recommended what was in their opinion the ounce of guarantee that was to prevent the disease of dissolution or the surgery of coercion. Martin, Paca, Henry, Samuel Adams, and other objectors had passed off the scene when Jefferson, in letters to Lafayette, Gallatin, John Adams, Charles Pinckney, Hugh Nelson, and Richard Rusk forecast sectional conflict. Jeffer-

son's prediction may, perhaps, be best illustrated by a letter addressed to John Holmes in April, 1820, in which the prime mover of the Northwest Ordinance wrote:

> A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper.

Had Jefferson written this letter in 1831, when open conflict was barely averted, he must have made specific reference to the economic basis of sectional trouble, which, however much it has been neglected in the treatment of American history, was the principal cause for division.[1]

In the midst of this dissension, neither the voice of coercion on the one hand nor that of disunion on the other was heard within the borders of the Old Line State. Or, if it be an exaggeration that no such discordant note was heard in Maryland, it was sounded in so minor a key as to excite no special notice. This did not mean that, in both a political and a sectional sense, Marylanders were not partisan; but, although divided in their sympathies and personal interests they were not persuaded to acknowledge the divine right either of King Coal, on the one side, or of King Cotton, on the other. In order to understand the position of Maryland, conditions throughout the Southern states must be reviewed. The antebellum South, of which Maryland was a part, had three principal causes for complaint in the Federal Union. The first of these was concerned with the economic policies pursued by the Federal government. The second involved incessant attempts at Federal interference with one of principal economic and social problems of the South, the process being coupled with violent vituperation and sporadic efforts to stir up servile insurrection. The third consisted of legislative nullification by the Northern states of definite provisions of the Federal Constitution, including attacks upon the persons of Southerners seeking to regain runaway slaves.*

In regard to the first of these complaints Edmund Burke, of

*"It will not be denied that the South not only believed that the Federal Government was one of limited and specific powers, but that the Constitution had been violated in the refusal by several of the States to surrender fugitives held to service, and by the imposition by the Government of high protecting duties on importations for the benefit of sectional interests."—Speech of George Vickers, U. S. Senate, January, 15, 1872.

New Hampshire, declared that in the sixty years following upon the adoption of the Constitution the North had received $43,-000,000 of the $54,000,000 expended for custom house employees, buildings, and upkeep. This was in regard to one item. Other contemporary statisticians asserted that "eight-tenths of the disbursements of the government went to the North, and that two-thirds of the revenues from customs were derived from goods imported in exchange for Southern products."[2] With regard to the economic question of the tariff, sentiment in Maryland was divided. The land-holding classes of the Eastern Shore and of southern Maryland were in favor of a tariff for revenue, technically known as free trade. It was natural for the farmers or plantation owners to be in favor of an open market wherein to buy the manufactured products which they required, particularly since they had to compete in the open markets of the world in selling their cereals, tobacco, timber, and so forth. On the other hand, the people of Baltimore became increasingly interested in manufacturing, and it was natural for those so concerned to favor tariff subsidies. Against this high tariff sentiment there was arrayed the local shipping interests. These, having made Baltimore famous in the days of the fast-sailing "clippers," now perceived with dismay that increases in the tariff rates tended to destroy the carrying trade which had contributed so greatly to the city's earlier growth and prosperity. With the preponderant weight of the Federal government thrown in, the manufacturers won.*

In elaborating upon the second cause for sectional complaint

*An illustration of the struggle between shipping and manufacturing interests is to be seen in the contemporaneous change of attitude on the part of Daniel Webster. In 1816, Webster represented shipping interests. Consequently he prepared a strong argument against the protective tariff. During the next decade, however, this once eloquent advocate of freedom in trade became an equally eloquent advocate of high imposts, since, in the meantime, many of his constituents were building factories. The clash of economic interests throughout the Union was summed up by George McDuffie, of South Carolina, who declared: "It is this very tie binding the majority of Congress to execute the will of their constituents which makes of them our inexorable oppressors. They dare not open their hearts to the sentiments of human justice, or to the feelings of human sympathy. They are tyrants by the very necessity of their position, however elevated may be their principles in their individual capacities." Many years before, this situation had been precisely forecast by Richard Henry Lee, mover of the Declaration of Independence; and it was this fruitful cause of sectional discord that Paca sought to remove when he offered his amendment: "That no regulation of commerce, or navigation act, shall be made unless with the consent of two-thirds of the members of each branch of Congress."

one finds that, for some time after the Revolution, the South had by far the greater number of active emancipation societies; but these societies were contending with a problem of huge proportions, while it was comparatively easy to provide for the emancipation of the small number of negroes living in the Northern states. Abolition in one section and the continuance of slavery in the other had the unfortunate effect of sharply accentuating the differences that were more or less inherent in the political and economic conditions of the two sections. However shameful it may have been, it was not unnatural for politicians to promote their personal fortunes through the diligent cultivation of sectionalism. As pointed out by Jefferson, the moral issue was seized upon as the plank sure to win the support of a large section of the so-called "Church vote," which could also be manipulated as a lever to exalt the political prestige and economic prosperity of the North at the expense of the South.[3]

Reviewing further the third complaint, involving the rights of the Southern people under the Constitution and under the application of the so-called "compromises" arranged by Congress, it may here be said that perhaps no subject in American history has been so generally misunderstood. A number of otherwise excellent historians have given currency to the statement that these compromises always meant concessions on the part of the North, although nothing seems clearer than that the South yielded important political rights in every one of these agreements and received therefor no real or lasting recompense. In fact the Northern leaders shrewdly outmaneuvered the Southerners in the issue of all these arrangements. Things "conceded" to the South usually covered guaranties already inherent in the Federal compact. Such guaranties, regardless of additional Federal enactments, were not carried out, because the Northern states declared them null and void.[4] These facts moved Webster to declare that: "A bargain broken on one side is broken on all sides"; hence, the Southern states "would no longer be bound to keep the compact." As the South sought to regain some of her rights and enforce others under the Constitution it was not denied that the rights existed; but it was openly asserted by political leaders that in these respects the Federal Constitution must be disregarded, either by popular refusal to obey it, or by the deliberate interposition of state

legislatures. Whether the fugitive slave law, against which these later nullification acts were directed, constituted a political blunder or not, the act itself presents a classic example of the difficulty of enforcing a Federal statute against the sentiment of the people in their respective states or communities; even though, in this instance, the law was enacted to aid in carrying out a clause in the body of the Constitution.*

When Southern slave owners desired to carry their slaves into the Western territories to provide labor on their newly acquired farms; or when they wished to take with them their "servants" for sojourns in the Northeastern states, the moral question assumed social and political aspects. But, in the Northwest, in particular, what is now widely believed to have been a whole-hearted interest in human freedom was at that time very largely a pronounced dislike of the possible intrusion of the negro into "the white man's country"; hence the severe laws passed by the Northwestern states against the advent or prospective colonization there of the negro, regardless of his status. Upon this storm-tossed sea of sectional controversy, Maryland constantly strove to pour the oil of conservative patriotism, understanding, and sound common sense. In this Marylanders had the good wishes, wise counsel, and constructive assistance of union-loving patriots, North and South. The noted New England advocate of emancipation, Dr. William E. Channing, declared that the

> Abolitionist proposed indeed to convert the slave-holders; and for this reason he approached them with vituperation and exhausted upon them the vocabulary of reproach;[5]

and, in a eulogy of Clay, Abraham Lincoln exclaimed:

> Those who would shiver into fragments the Union of these States, tear to tatters its now venerated constitution, and even burn the last copy of the Bible, rather than slavery should continue a single hour, together with all their more halting sympathizers, have received, and are receiving their just execration.[6]

As a member of the Illinois Legislature of 1837 Lincoln had signed a statement that although he believed slavery was

*The Constitutional arguments in favor of the Southern contentions were difficult to refute; hence, the famous appeal to a "higher law" above the Constitution, above the Federal courts, and above Congressional legislation.

"founded on injustice and bad policy" the "promulgation of abolition doctrines tends rather to increase than abate its evils." His statement was thus elaborated by Stephen A. Douglas, July 16, 1859:

> This gradual system of emancipation went on quietly, peacefully and steadily so long as we in the free States minded our own business and left our neighbors alone. But the moment the abolition societies were organized throughout the North, preaching a violent crusade against slavery in the Southern States, this combination necessarily caused a counter-combination in the South.[7]

Again, when Lincoln declared the power of Congress to abolish slavery in the District of Columbia "ought not to be exercised unless at the request of the people of the District," he was setting forth the fundamental American doctrine of local self-government. It cannot be too strongly stressed that these expressions, proceeding from sources of national importance, set forth the views of the majority of the people of Maryland. Had Lincoln not become identified with a distinctly sectional political organization, the membership of which was believed to consist largely of "South-baiters" and other extremists he would have received political support in Maryland, provided these views could have been made clear to the electorate. As early as 1835, in terms not unlike those used by Lincoln, Governor James Thomas had reviewed the abolitionist threats of disruption as follows:*

> The country had been much and deeply agitated by the machinations of sundry misguided and wickedly disposed citizens residing chiefly in the Northern and Eastern States of the Union, who, associating themselves with certain unprincipled foreign emissaries, have sought, and it is believed are still seeking, by every means within their power, to destroy the peace, happiness and security of the citizens of this and of all our sister States of the South. Presses are maintained, from which issue, in a constant stream, the most exciting and inflammatory addresses to our slave population, which are circulated among them by means of the post-offices and by secret agents, dispersed in every direction. These addresses inculcate not the doctrines or principles by which their authors profess to be actuated; they inculcate not philanthropy, humanity or brotherly love; but they teach, and are designed to excite to rebellion, murders and bloody slaughter. Their authors seem anxious to involve us in all the horrors of servile war, and profess to do it, too, in the name of outraged humanity and religion.

In the same year the free negroes of Baltimore met and publicly expressed their "disapprobation of the measures pur-

*Message to the General Assembly, 1835.

sued by the anti-slavery" societies of the North. Members of the African Methodist Episcopal Church declared:

> We do most firmly and sincerely believe that the dissemination of inflammatory appeals addressed mainly to the prejudices and passions without reference to the reason, instead of promoting the object professed to be had in view, will greatly aggravate the evils already existing, and create others of a far more alarming and calamitous nature; will render the situation of that portion of a colored people now in possession of liberty, awfully precarious, rivet the fetters still more closely on the slave; and jeopard the prosperity and happiness, nay, the life itself of the whole population of the Southern States, both white and black. . . . Influenced by these considerations, and determined by the harmless rectitude of our deportment, to manifest our heartfelt, and unconquerable abhorrence of the atrocious attempts of mistaken, hot-headed zealots to plunge the country into anarchy and discord, and to deluge it with torrents of blood: We do hereby sacredly pledge ourselves not to receive any of the vile, mischievous and incendiary publications now so industriously scattered abroad.

Nothing that is at all conjectural seems clearer than that Maryland would—nay, must—have soon followed her sister states of the North in the matter of emancipation. The fanatical violence of the unreasonable type of abolitionist served merely to delay the issue. Emancipation sentiment among the slaveholders in the state was remarkably vigorous, in view of the refusal of the people of Northern neighbor states to obey Federal laws. Several citizens of Maryland were set upon in Pennsylvania by mobs that did not balk at murder. Possibly the most noted example of this early exercise of lynch law occurred in the case of Edward Gorsuch, of Baltimore County, who, in September, 1851, went to Christiana, Lancaster County, Pennsylvania, to secure the persons of four such fugitives. On this mission Mr. Gorsuch was accompanied by a deputy United States marshal and several relatives and friends. Information, it appears, had been previously sent to the people of that neighborhood of the approach and intention of the marshal and his party. In any event, shortly after their arrival they were surrounded by armed men who had assembled at a preconcerted signal. Finding that it was useless to attempt any arrests the marshal was in the act of retreating and had called upon his companions to follow him when the mob attacked them. Edward Gorsuch was killed and his body mutilated, while his son, Dickinson Gorsuch, was badly injured. Previously James H. Kennedy, a citizen of high standing from Hagerstown, secured,

in June, 1847, the arrest of runaway slaves in Carlisle, Pennsylvania. In court he formally claimed them under the Constitution and the Act of Congress. The judge, however, decided that by an act of the Pennsylvania legislature of that year, the Court could not hold jurisdiction in the case and that the sheriff was forbidden to render assistance or to use the jail for safekeeping. Upon leaving the courtroom to enter his carriage at the curb Kennedy was attacked by a mob and so severely beaten that he died a few days later.[8]

In a message to the General Assembly in 1847, Governor Pratt denounced this incident and added further testimony as to the practice of nullification in Pennsylvania:

> On the 26th of April last [he wrote] I demanded of the Governor of Pennsylvania, as a fugitive from justice, Isaac Brown, the slave of Mr. Alexander Somerville of Calvert County, who had been indicted for an attempt to assassinate his master. The Governor in this case issued his warrant for the arrest and delivery of the criminal to the agent of this State. He was arrested in Philadelphia, and after a protracted trial before one of the tribunals of that city, involving the legality of the Governor's warrant, the court directed his delivery to the officer of this State. . . . Immediately after the case was supposed to have been thus terminated, a writ of *habeas corpus* was issued by some other tribunal than that before which the case had been tried, and the criminal was rescued by the populace, and placed beyond the reach of the officer of this State.

Since the Fugitive Slave Law has frequently been referred to as a political and tactical blunder, whether the law itself was based upon the provisions of the Federal Constitution or not, it is well to remember that, as a member of the House of Representatives, Abraham Lincoln had drawn up a bill containing the following provision:

> The municipal authorities of Washington and Georgetown, within their respective jurisdictional limits, are hereby empowered and required to provide active and efficient means to arrest and deliver up to their owners all fugitive slaves escaping into said district.[9]

Despite all these untoward circumstances, the various censuses from 1790 to 1860 showed a steady increase in the number of free negroes living within the bounds of Maryland. In 1790, there were but 8,043 "free persons of color" in Maryland. By 1810, before the abolitionist activities had attained widespread virulence, the number had rapidly increased to 33,927 or one third the number of negroes in slavery. Thereafter

the increase was slower, yet at the rate of more than 10,000 every ten years, so that by 1860 the number of free negroes in Maryland was nearly equal to the number still in bondage.[10] That the sentiment of the state was heartily in favor of emancipation is shown by the fact that in 1831 the Assembly passed a bill appropriating $260,000 for the transportation of freed negroes to Africa. Expenditure was to stretch over a period of twenty-six years; and this amount represented, for those days, a liberal outlay. Further proof as to the willingness of the people of the state to make sacrifices on behalf of emancipation is evidenced by the additional facts that even during the stress of a national panic, when the state could not pay interest on its public debt, the emancipation fund was not cut off; and that the annual appropriation was twice renewed after the first twenty-six-year period had elapsed. In addition, the Colonization Society of Maryland, acting as an auxiliary of the general Society in Washington, was incorporated with full powers to carry out the ends it had in view.*

Whatever may have been the economic and social evils arising from negro slavery—and under modern conditions this social status was growing more anachronistic every year—slavery made possible the free and economically independent country life in the Southern states. It had served a good purpose in making it possible for men of an unusually high type to enter public life, particularly during the formative period of the Republic. These men genuinely loved the Federal or dual form of representative government which their fathers had so largely helped to create and which they sought to foster and promote. The border statesmen in particular endeavored to emphasize the fact that the minority of disunionists in the North, however noisy, did not represent the sober thought of the people of that section, many of whom were constantly protesting against the

*As President, Lincoln fostered an unsuccessful attempt to carry out the emancipation ideas so long prevalent in Maryland. To a group of negroes called together to consider the matter of deportation Lincoln said: "And why should the people of your race be colonized, and where? Why should you leave this country? This is perhaps the first question for proper consideration. You and we are different races. We have between us a broader difference than exists between almost any other two races. Whether it is right or wrong I need not discuss; but this physical difference is a great disadvantage to us both as I think. Your race suffer very greatly, many of them, by living among us, while ours suffer from your presence."—Raymond's *Lincoln*, p. 504.

fury of those who thought that the Union, with slavery, "should not endure for a day," or who agreed with William Lloyd Garrison that the holder of slaves had "forfeited the right to live."* In view of the popular conception that the abolitionist agitators were responsible for eventual emancipation, this great body of constructively conservative people has been almost forgotten. Not infrequently, exasperated unionists in New York, Philadelphia, and Boston attacked the more radical abolitionist gatherings; but these attacks served to make heroes of the disunionists; for nothing seemed clearer than that their idea was a right one, however culpable they were in their methods of carrying it out.

One of the greatest evils resulting from the violence of the abolitionist agitation lay in the abuse, or at least the misuse, of the pulpit in a large number of the churches. It is a saddening commentary upon human weakness to note that the rarity of Christian charity was illustrated in hundreds, if not thousands, of pulpits, whose occupants lent themselves to the most extraordinary denunciations of their brethren and fellow countrymen of the Southern states. The forum took up the refrain, and the country rang with the unqualified indictment of an entire people. Besides these more modern outbursts the old Puritan hell-fire sermons seemed to pale into insignificance; for the Puritan theologians dealt largely in abstractions on the human race in general. Their successors, on the other hand, preached the total damnation of their fellow countrymen in particular.

Politicians were quick to appreciate the power of this agitation. Those who were unscrupulous perceived how they could, with excellent effect for themselves, bring back the Church into politics in a new form, just after the founders of the Union thought that, under the new order, Church and State had been definitely separated so that men could henceforth be free to render unto Cæsar the things that are Cæsar's and unto God the things that are God's. In fine, this "crusade" against the "sum of all villainies" had the unhappy effect of convincing millions of good people that other people equally good, in another section of the Republic, were as debased as any that the world had known. Many declared, with unconscious pharisaical fervor, that the people of the "free" states should not maintain

*See reference to Robespierre and San Domingo, *supra*, p. 404.

political, religious, or social associations with their fellow citizens of the South. In an address which was printed at the expense of public-spirited citizens of New York by way of protest against the bitterness that was splitting asunder many of the churches, Bishop John Henry Hopkins of Vermont declared, in reference to the extremist attitude and agitation:

> The eloquent preacher chooses it for the favorite topic of his oratory. The theme is well adapted to rouse the feelings, and it is usually by no means difficult to interest and gratify the audience, when the supposed sins of others, which they are under no temptation to commit, are made the object of censure. In due time, when the public mind is sufficiently heated, the politician lays hold of the subject, and makes the anti-slavery movement the watchword of party. And finally the Press follows in the wake of the leaders, and the fire is industriously fanned until it becomes a perfect blaze; while the admiring throng surround it with exultation, and fancy its lurid light to be from heaven.*

The effort of these zealots bore its natural fruit of violence and bloodshed in the John Brown invasion, in which Maryland was chosen as the soil upon which an overt defiance of state and Federal law was to be promoted. In 1857, "Captain" Brown, having collected funds in New England and New York, met an English adventurer, "Colonel" Hugh Forbes. The latter made so great an impression upon the mind of the Kansas agitator that,

> John Brown, the reticent and self-contained, unbosomed himself to this man as he had not to his Massachusetts friends who advanced the money upon which he lived and plotted.[11]

The abolitionist engaged Forbes to drill the troops Brown and his accomplices were to raise. At the same time Brown ordered hundreds of spears or pikes, which he intended to put in the hands of the negroes he planned to liberate. Secretly Brown prepared the blow in Maryland that was to descend upon Virginia, and doubtless the whole South. His first objective was to add to his store of arms by the capture of the United States arsenal, armory, and gun factory at Harper's Ferry. In the French West Indies servile uprisings had been encouraged by communists and atheists; but, judging from the tone of thousands of pulpits in the North, Brown felt he could depend upon

*A *Scriptural, Ecclesiastical, and Historical View of Slavery.*

the sentiment of a "militant Church" aroused on behalf of a campaign of liberation of which he was to be the leader.

A clear comprehension of John Brown's plans and ideas helps us to understand certain misconceptions spread all too widely throughout the North. It appears that Brown believed not only that the negroes were ready to rise on every hand; but that the disunionists in the North would rally at the announcement of his early successes. Should the latter alone not serve to throttle Federal interference, he had prepared to win to his cause the rank and file of the United States Army. For this purpose, with at least the silent consent of his sympathetic friend, the Reverend Theodore Parker, he prepared a tract which he hoped would, by its quiet distribution among the United States regulars, effect the desired change in allegiance. As Brown expressed it, it was to bring about an "actual exchange of service from that of Satan to the service of God."

John Brown used several aliases in the course of his career. In Kansas he was known as Shubel Morgan; but, when he began operations in Maryland he went under the names of S. Monroe and I. Smith. On July 3, 1859, Brown, and part of his "Provisional Army" arrived at Sandy Hook, on the Baltimore and Ohio Railroad. Inquiry on the part of the supposed "New York farmers" developed that the Kennedy farm could be rented near Harper's Ferry on the Boonsboro road, while some of the conspirators were posted at Chambersburg for the purpose of forwarding supplies from friends in the North.* Brown not only had begun to collect his provisional army, composed of whites and negroes; but he also had prepared a provisional government. His great problem was to keep his proceedings under cover; hence, friendly or curious Maryland neighbors were not welcome. However, no one seemed to suspect the design that "I. Smith," his sons, and their company had in view; so that in the night of October 16, 1859, the band set out on an uninterrupted march of about five miles to their first and last military rendezvous, Harper's Ferry. Having taken into custody the bridge watchman and the watchman on duty at the

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*Among Brown's active friends or passive acquaintances and at least partial sympathizers were Thomas Wentworth Higginson, Benjamin Sanborn, Gerrit Smith, Rev. Theodore Parker, Samuel G. Howe, George L. Stearns; also, less intimately, even more noted admirers and eulogists: Henry D. Thoreau, Wendell Phillips, William Lloyd Garrison, and Ralph Waldo Emerson.

armory gates the conspirators were soon in possession of the United States arsenal and valuable supplies of arms and ammunition. The watchmen were formally told of Brown's intentions; but the Baltimore and Ohio porter, a free negro, was shot and mortally wounded for failing to halt at the orders of the conspirators. The commander in chief's detachments sent out that night were active and successful in achieving their long-prearranged plans. The first of these groups had been dispatched to seize the persons of John H. Allstadt and Lewis W. Washington. At the home of the latter the raiders seized a pistol given to George Washington by Lafayette together with a sword presented by Frederick the Great.

> With these weapons in his hands [writes Oswald Garrison Villard][12] John Brown, beginner of a new American revolution, wished to strike his first blow for the freedom of a race. When, in addition, the raiders attempted to take his watch Colonel Washington remarked: "I am going to speak very plainly: you told me your purpose was philanthropic, but you did not mention at the same time that it was robbery and rascality. I do not choose to surrender my watch."*

Although the news of this raid aroused nation-wide excitement, the present narrative is concerned specifically with the details affecting the people of Maryland. In the first place the Baltimore and Ohio Railroad was immediately involved, and communication with the West had been cut both by rail and by wire. At Monocacy the conductor of the early morning train telegraphed to Baltimore that Brown had finally permitted his train to go through. He added, however, that the raider had declared:

> "This is the last train that shall pass the bridge either East or West; if it is attempted, it will be at the peril of the lives of those having them in charge."

Within a few hours volunteer companies at Frederick wired President Buchanan that they were prepared for instant service, and Baltimore reports showed that volunteers there were equally ready for action. Great crowds cheered the departing Baltimoreans. East of Harper's Ferry, at Sandy Hook, these were united with a detachment of United States Marines; and Colonel Robert E. Lee, of the regular army, took command. Frederick volunteers having driven the marauders back from

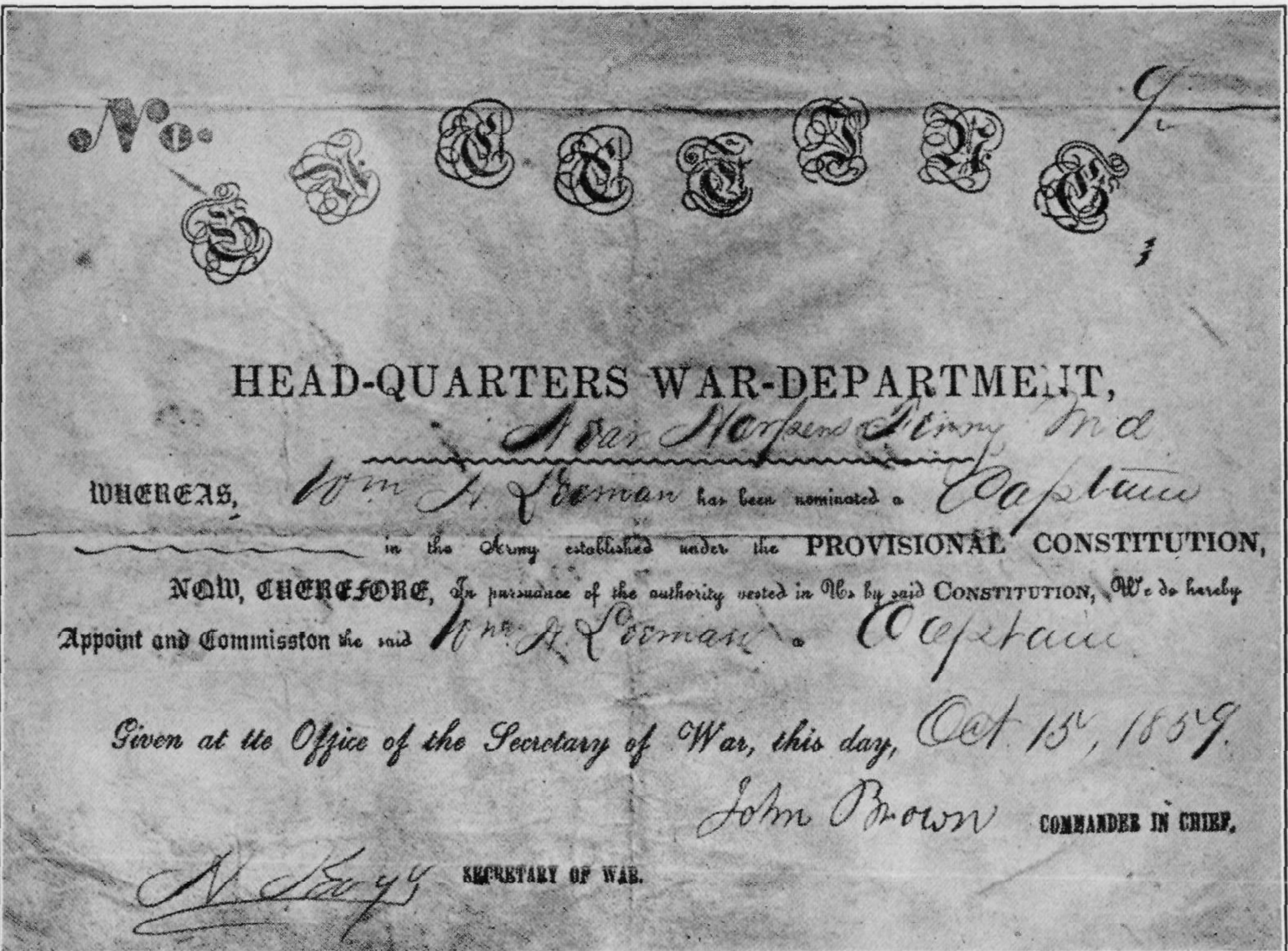
**Senate Document,* Thirty-sixth Congress.

the Potomac bridge to the armory Colonel Lee directed the Marylanders to stay on the Maryland side, whilst he proceeded with the marines to Harper's Ferry, where companies of Volunteers from Harper's Ferry, Charles Town, Shepherdstown, and Martinsburg had already gathered.

A résumé of the casualties of the day's engagement with Brown's outlaws is of no particular importance here, except that several citizens were killed or wounded and several of the conspirators lost their lives. Besides the death of the negro porter, the Baltimore and Ohio Railroad suffered another casualty in the death of Fontaine Beckham, station agent for the company and also Mayor of Harper's Ferry.[13] The Baltimore Greys were awarded custody of the munitions of war that had been transferred from the farm headquarters in Maryland to a nearby schoolhouse. The pikes were confiscated; and wherever these went through the South they created deep resentment, the more especially as their receipt was accompanied or followed by the news of Northern church bells ringing requiems for John Brown, all of which was coupled with the hysterical utterances of highly educated and otherwise sane men, who acclaimed Brown as one of the world's noblest characters, Ralph Waldo Emerson going so far as to declare that, "The new saint will make the gallows glorious like the Cross."*

During these times, which tested men's patience to the utmost, it was fortunate that Marylanders had extensive business and social connections in the North; they knew that their friends there deeply deplored the misunderstanding that was prevalent in that section. Consequently, Marylanders had faith in the Union. Despite all that had happened they felt assured of the sound good sense and the genuine patriotism of the majority of their Northern associates, and they believed that these would gain the upper hand over a violent sectionalism that had been artificially cultivated through the dissemination of falsehoods. On the other hand, it is not surprising that increasing numbers of the people of the far South should come to judge all Northerners by the fanaticism of those who seemed to them to be

*The utterances of Phillips, Beecher, Parker, and others present a picture of spiritual aberration that, in so far as a highly intelligent class or group is concerned, has, apparently, no parallel in modern history. In fact, the frenzy leaped the Atlantic, and Thomas Hughes declared that John Brown was the only character in human experience that could be compared with Jesus Christ.[14]



No. 9

HEAD-QUARTERS WAR-DEPARTMENT,

Near Harpers Ferry Md

WHEREAS, Wm. H. Leeman has been nominated a Captain in the Army established under the PROVISIONAL CONSTITUTION,

NOW, THEREFORE, In pursuance of the authority vested in Us by said CONSTITUTION, We do hereby Appoint and Commission the said Wm. H. Leeman a Captain

Given at the Office of the Secretary of War, this day, Oct 15th, 1859.

John Brown COMMANDER IN CHIEF.

SECRETARY OF WAR.

This commission was issued by John Brown's "Secretary of War" under his "Provisional Government." After the insurrection had been put down, it fell into the hands of Colonel John T. Gibson. Reproduced by courtesy of Mrs. Augustine Jaquelin Todd, granddaughter of Colonel Gibson and a near relative of Colonel Lewis W. Washington, one of the citizens held as "hostages" by the insurrectionists.

bent upon their destruction whilst professing to be apostles of peace.

In order more fully to appreciate the events of the time three illustrative quotations may here be given—one from George Lunt, a Constitutional unionist of Boston who issued an interesting exposition of the causes of the sectional conflict; the second by Professor John W. Burgess, of Columbia University, and the third by Abraham Lincoln. All bear upon John Brown's murderous invasion of the South by way of Maryland. In 1866 Lunt wrote:

> "It thus appears that an active and alarming system of aggression against the South was in operation at the North thirty years ago, threatening to excite servile insurrection, to imperil union, to stir up civil war. This fact rests upon testimony which cannot but be considered impartial and conclusive.[15]

> If the whole thing [writes Professor Burgess], both as to time, methods, and results, had been planned by his Satanic Majesty himself, it could not have succeeded better in setting the sound conservative movements of the age at naught, and in creating a state of feeling which offered the most capital opportunities for the triumph of political insincerity, radicalism, and rascality over their opposites. No man who is acquainted with the change of feeling which occurred in the South between the 16th of October, 1859, and the 16th day of November of the same year can regard the Harper's Ferry villainy as any other than one of the chiefest crimes of our history.[16]

Finally, there is the perplexity felt by Lincoln when he declared:

> If all earthly power were given me, I should not know what to do as to the existing institution. My first impulse would be to free all the slaves, and send them to Liberia—their native land. But a moment's reflection would convince me that whatever of high hope (as I think there is) there may be in this in the long run, its sudden execution is impossible. . . . What then? Free them all and keep them among us as underlings? Is it quite certain that this betters their condition? I think I would not hold one in slavery at any rate; yet the point is not clear enough to me to denounce people upon. What next? Free them and make them politically and socially our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment is not the sole question, if indeed, it is any part of it. A universal feeling, whether well or ill founded, cannot be safely disregarded. We cannot then make them equals.[17]

Like many other Americans seeking a solution of the problem, it seems that Lincoln did not realize that the inexorable pressure of economic laws would alone have forced an end to slavery. As previously indicated, Maryland was on the way to freeing the slaves, and since the majority of the people were opposed to the institution they would have demanded emanci-

pation even if a few landholders had desired to cling longer to a patriarchal inheritance. Another phase of the situation merits attention: an astonishing proportion of the negroes were contented with their lot and regarded their owners with affection. All these things were observed and understood by conservative Northern unionists. These men naturally deplored the fiery recriminations of Toombs, Yancey, and others of the far South, who condemned the entire North for violence when they should have confined their counter attacks to the noisy minority who were setting the Union ablaze.

Another incident of national import pertaining to the political disputes of the day involved the reputation of Roger Brooke Taney, Chief Justice of the United States Supreme Court. In March, 1856, Taney had delivered his historic opinion in regard to Dred Scott. At once a gross misrepresentation of the decision was scattered broadcast over the country, to the effect that the Chief Justice had proclaimed, as a general dictum rather than as a point in law, that negroes had no rights which a white man "is bound to respect."* These misrepresentations were followed by the accusations of Senator Seward, sponsor of the "higher law" doctrine, that Chief Justice Taney—to say nothing of five associate justices—had connived with President Buchanan to bring on a special trial in order to serve political ends. There is now no need to vindicate the integrity of Judge Taney; nor is it, perhaps, necessary to explain the true significance, within the law, of his decision; but it is highly desirable, in order to understand the trend of events, to present these political accusations and record the effect they produced. A few sentences from Senator Seward's accusation is sufficient to show the ugly character of the innuendoes he employed in taking advantage of the temporarily successful effort to blacken the name and reputation of this able jurist. Speaking of the induction into the Presidency of James Buchanan, the man he hoped to succeed or supplant, Senator Seward said:

> The day of inauguration came, the first one, among all the celebrations of that great national pageant, that was to be desecrated by a coalition between the Executive and Judicial departments to undermine the national legislature

*This was a "perversion," said Vickers (U. S. Senate, February 25, 1870)—"a separation of those words from the context which give them a very different sense, and suited the unworthy purpose for which the distortion was made. He was reviewing the history of slavery in the European and civilized nations."

and the liberties of the people. The President, attended by the usual lengthened procession, arrived, and took his seat on the portico. The Supreme Court attended him there, in robes which yet exacted public reverence. . . . The President addressed them in words as bland as those which the worst of all the Roman emperors pronounced when he assumed the purple. He announced (vaguely, indeed, but with self-satisfaction,) the forthcoming extra-judicial exposition of the Constitution, and pledged his submission to it as authoritative and final.[18]

Senator Seward spoke further of a "mock trial" held "in the basement" of the Capitol, with the inference that it had been transferred to such a place as being too disgraceful an affair to bear the light of an upper chamber.

These reckless charges against an honored son of the state led to the calling of a public meeting in Baltimore. Unable to address the gathering Reverdy Johnson wrote from Washington a letter in which he declared that Seward had "evidently from mere party ends subjected" a coördinate branch of the government to

as calumnious an attack as ever dishonored human lips. These are strong terms to apply to a Senator of the United States; but the relation which I held to what is known as the Dred Scott case, and which furnished the pretext for the libel, and the knowledge which this gives me, justifies me in their use. There is not, I know, a word of truth in his direct charges, nor the slightest foundation for the uncharitable and unmanly insinuations in which he indulged.

Johnson then took up the additional misstatements and carefully phrased innuendoes of the Senator, closing with the prediction that the slander upon Taney and the five other justices was

so gross and revolting, that, instead of finding a lodgment in, it cannot but ultimately, if not at once, disgust the public mind.

It should be noted that one year later Chief Justice Taney delivered an opinion upholding the authority of the Federal courts against the defiance of a state. At that time, Sherman M. Booth, of Wisconsin, had aided in the escape of a fugitive slave. Taney's opinion opened with a review of the claim of Wisconsin to set aside at will a judgment of a Federal court and discharge (as it did) a prisoner who had actually been tried and found guilty of an offense against a Federal law. Taney then proceeded:

These propositions are new in the jurisprudence of the United States, as well as of the States; and the supremacy of the State Courts over the Courts of the United States, in cases arising under the Constitution and laws of the United States, is now for the first time asserted and acted upon in the Supreme Court of a State.

To this declaration, the Legislature of Wisconsin replied by the passage of joint resolutions, which concluded

that the several States which formed that instrument [the Federal Constitution] being sovereign and independent, have the unquestionable right to judge of its infractions; and that a positive defiance [on the part] of those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy.

It is a peculiarly difficult matter to preserve a proper sense of proportion in the presentation of the events that were rapidly carrying the states more and more toward open conflict. The problem seems to resolve itself into understanding a series of misunderstandings. We find Abraham Lincoln excoriating the abolitionists as being chiefly responsible for blocking the progress of Constitutional emancipation; we see Lincoln in Congress presenting a fugitive slave bill, while Wendell Phillips denounced the future "Emancipator" as "the slave hound of Illinois," and subsequently called him, as President, the outstanding tyrant of his times. In the narratives of the fiercely partisan 'fifties we read the strident cries of the abolitionist group calling for the dissolution of the Union. In the following decade these original disunionists appear as the supporters of the Federal authority. Lincoln became known as the savior of the Union; yet better recognized representatives of his own party in and out of Congress had insistently declared for dissolution rather than continued partnership with a slave régime. It came to be held that the far South was the hotbed of disunion sentiment; yet for every disunion address made in South Carolina, two to ten were made in Massachusetts—and, it would appear, none at all in Maryland by any person of consequence.*

On February 3, 1860, Governor Gist, of South Carolina, addressed a letter to Governor Hicks of Maryland in which he wrote:

*William Lloyd Garrison aroused the radical reformers with the declaration: "The Union is a lie; the American Union is a sham, an imposture, a covenant with death, an agreement with hell, and it is our business to call for a dissolution. Let the Union be accursed."

I belong to that class of politicians who have been denounced as "fire-eaters," and never for a moment have I desired a dissolution of the Union, if our rights in the Union are respected and our equality recognized. And I solemnly believe the very best way to preserve the Union is, for the Southern States to meet and insist upon their rights, and to act in concert in defending them. If the South were united, they could preserve the Union, and at the same time have their rights respected and recognized. It is because the Southern States have acted with so much jealousy and distrust toward each other, that the North has been able to encroach upon their rights and war upon their institutions. If I desired a dissolution of the Union, and wished to effect it, nothing would please me more than the refusal of the slave-holding States to meet in Convention; for then the North will continue its aggressions, and some of the slave-holding States, goaded to madness, will secede.

Governor Gist, member of the noted Maryland family of that name, had in mind the insistence of the Republican leaders upon the nomination of a candidate for Speaker of the House of Representatives who had shown particular hostility to the South; hence his proposition to hold "a convention of Southern States" to concert measures for political defense. Governor Hicks presented the proposal to the General Assembly, and the duly elected representatives of the people of Maryland replied in a series of resolutions, the tone and purport of which are of sufficient importance to present them here in full, showing that the Marylanders agreed with Governor Gist as to the wrongs complained of but felt the proposed solution would have a tendency not so much to preserve the Union as to precipitate division. Two of these resolutions will serve to illustrate the tenor of the whole reply, and with it the true attitude of the Old Line State:

Resolved, That in the spirit of the patriots of the Revolution, we are willing to exhaust all reasonable means to convince our Northern adversaries that a mutual interest and a mutual patriotism, and a common destiny shall bind us together as brethren rather than sever us as foes, and with this purpose we desire to express to them our deep apprehensions of the threatening prospect of our internal affairs; our remonstrance against the spirit of intolerance and aggression, and our fixed determination to cling to the Union so long as its great principles can be preserved, and the blessings for which it was intended can be secured, but our deep and solemn conviction that the Union must be torn in fragments unless equal rights to all sections of the country are sacredly preserved; we also respectfully, but earnestly, desire to assure our brethren of South Carolina, that should the hour ever arrive when the Union must be dissolved, Maryland will cast her lot with her sister States of the South, and abide their fortune to the fullest extent.

Resolved, That we deem it inexpedient to call a Southern convention in the present excited condition of the country, relying upon the belief that the recent outrages against the South have already awakened the patriotism and

justice of the majority of our Northern brethren, but should this fond hope result in a shameless failure, our earnest protest be disregarded, and the disruption of these States be rendered inevitable, that Maryland will then be prepared to meet her sister States of the South in a Southern Convention for the protection of Southern rights.

In April, 1860, the Democratic National Convention opened at Charleston, South Carolina. No agreement as to candidate or platform could be reached because of the determination of the adherents of Senator Stephen A. Douglas to nominate him only; while opposed to this group there arose an extreme element in the Cotton States demanding the unqualified recognition of slavery in the party platform on the basis of all rights guaranteed under the Constitution, even if Congressional compromises must be set aside. These elements appeared irreconcilable. While the demands of the Southern extremists were based, in the last analysis, on their Constitutional rights, nevertheless it was apparent that modern material progress and the attitude of the Northern people would render a platform plank acknowledging these rights of slaveholders a political policy difficult to defend. Failing to secure their demands a number of the Southern delegates withdrew from the Convention, thus justifying the prediction of Douglas (*supra*), that the continued existence of an unreasonable abolitionist party in the North would create an irreconcilable element in the South. In brief, the delegates at Charleston could not agree upon a candidate and adjourned to meet in Baltimore. In Baltimore the Convention was again split and delegates withdrew. Those who remained nominated Douglas. Those who withdrew nominated John C. Breckenridge. Thus by reason of the Democratic split in July the way was paved for the victory in November of the newly formed Republican party. The "regular" delegates that nominated Douglas continued their meetings in the old Front Street Theater; while the "bolters" held their meetings in the Maryland Institute.

In the meantime another political convention had met in Baltimore. This was the "Constitutional Union" Convention, which gathered at the First Presbyterian Church, then situated on the corner of Fayette and North streets. Those present represented a remarkable group of well-known statesmen from North and South, whose platform declared simply for "the Union, the

Constitution, and the enforcement of the laws." John Bell of Tennessee and Edward Everett of Massachusetts were its nominees.

One week later, the National Republican Convention assembled at Chicago. It represented almost exclusively the Northern states. In the course of the session the party rejected its leading candidate, William H. Seward of New York, and nominated Abraham Lincoln of Illinois. It has been asserted that the Republican party had at this time no supporters in Maryland, but this is a manifest error. Other Southern states lacked Republican personnel, but in Maryland there was an early drift from the standards of the Know-nothing party toward the Republican banner, as the Know-nothing organization began to disappear from the political arena; and this drift became more pronounced as time went on. In Maryland the leading Know-nothing advocate of fusion with the Republican party was Henry Winter Davis, who, in 1859, had declared that he saw "no difference of opinion on public measures, which ought to keep them asunder at the next presidential election." In any event, there was held in Baltimore a Republican state convention. This was first assembled in the Rechabite Hall on April 20, 1860. Its principal figures were Montgomery Blair, chairman; Francis P. Blair, Sr., of Montgomery County, and William L. Marshall, Judge of the Court of Common Pleas.*

This Republican gathering adopted resolutions instructing its delegates to the National Convention to advocate the passage of a plank favoring the plan of colonizing free negroes in some neighboring country, a plan which Lincoln subsequently attempted to carry out during his administration. It was, in effect, a variation of the Liberian colonization programme which had so long engaged the attention and support of the people of Maryland, regardless of party designations. That the Republicans did not, however, have a large following in the state is shown by the fact that Lincoln and Hamilton received but 2,294 votes out of a total of 92,421. Breckenridge and Lane carried the state by a margin of 720 votes over Bell and Everett.

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*Judge Marshall had married Robert E. Lee's sister, and their son enlisted in the Federal army. Prior to the second battle at Manassas Junction General Lee wrote humorously to his wife to tell his youngest son, Robert, a private in the Rockbridge Artillery, "to catch Pope for me, and also bring in his cousin Louis Marshall, who, I am told, is on his staff."

The people of Maryland heard the result of the election with comparative calm; but in the far South matters had reached the boiling point, and the predictions of Governor Gist of South Carolina, expressed in his letter to Governor Hicks, were immediately justified by the outcome. Gist had recommended that the South Carolina Legislature remain in session to prepare for the crisis which it was asserted was forced upon the state by the accession to power of a political party many of whose leaders had expressed open hostility to the interests of the South. The legislature at once called for a state convention by which the powers originally ceded to the Federal government were "resumed" by the state.

In the midst of the confusion created by the action of South Carolina, followed by the withdrawal of other Cotton states, the position of Maryland was, for a time, clear. An overwhelming majority of the people were warmly opposed to secession, and they took up this opposition where their representatives not then in session, had left off. By way of illustration, when a handful of partisans of South Carolina unfurled the emblem of that state in Baltimore, the *Exchange,* ardently Southern in its sympathies, declared emphatically: "Most of all do we protest against any enrollment of any portion of our people, no matter how insignificant, under the 'palmetto' banner." Governor Hicks, however was swayed first one way then the other. As previously indicated, Thomas Holliday Hicks was a holdover from the Know-nothing régime of the 'fifties. Apparently he was charting his course with a view to getting on the winning side.

In his earlier statements Hicks used expressions that seemed to exceed the most pronounced utterances of the "fire-eaters" of the far South. From this extreme his views veered to milder assertions, in which he declared that while Maryland must stand or fall with the South, the demands of the people for a meeting of the General Assembly in an effort to bring about settlement through official approval should be ignored for the reason that some hasty action might be taken which would endanger the best interests of the state. From that point he eventually swung with opposite emphasis to the support of the coercive measures which he had previously denounced. Undoubtedly, he had had the support of the people when on the

19th of December, 1860, he had refused to receive *officially* the commissioner appointed by Mississippi to visit Maryland, although, *unofficially* the people were glad to hear what Commissioner Handy had to say at a meeting held at the Maryland Institute. Here the representative of a state having secession under discussion made the following interesting declaration:*

> Secession is not intended to break up the present government, but to perpetuate it. We do not propose to go out by way of breaking up or destroying the Union as our fathers gave it to us; but we go out for the purpose of getting further guarantees and security for our rights—not by a convention of all the Southern States [as proposed by Governor Gist, *supra*], nor by Congressional tricks [compromises] which have failed in times past and will fail again, but our plan is for the Southern States to withdraw from the Union, for the present, to allow amendments to the Constitution to be made, guaranteeing our just rights; and if the Northern States will not make those amendments, by which these rights shall be secured to us, then we must secure them the best way we can.

At this juncture, in a kind of modified support of the Gist proposal, John Pendleton Kennedy, author, Congressman and quondam Secretary of the Navy under Fillmore, brought out a carefully prepared argument advocating a Confederation of border states, *pro tem.*, which should act as an intermediary, or a peacemaking body, between the North and the South.[20] Again, looking at the matter from the fundamentally important economic angle, the Baltimore *American* commented editorially:

> We take refuge in the oft-repeated assertion that Americans cannot be driven into internecine war. If complete reconciliation is not possible, it is still possible to separate peaceably. . . . But supposing there is common sense enough left in the dismembered Republic to avoid a profitless contest and to agree upon terms of peaceable dissolution, there are very grave obstacles in the way of continued friendly relations. It is not probable that a tariff agreeing in all particulars will be in operation North and South. The doctrine of protection has always been an unpopular one in non-manufacturing States. The ground of objections is also perfectly understood, and the complaint that every dollar of revenue derived from this source was indirectly drawn from the Southern consumer has been an argument in favor of actual free trade any time these twenty years. . . . Since 1842 there has been no scheme concocted in connection with this branch of legislation that has not been a cunningly contrived compromise.

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*Judge Alexander H. Handy was born in Somerset County, December 25, 1809. He went to Mississippi in 1836. After the war, on finding the Mississippi courts under military jurisdiction and in the lands of the "carpet-bagger" government, he returned for a while to his native state, accepting a position as professor of law in the University of Maryland.[19]

The day before the commissioner from Mississippi spoke in Baltimore, Senator Wade, of Ohio, had declared:

> I do not so much blame the people of the South because . think they have been led to believe that we, to-day the dominant party, who are about to take the reins of government, are their moral foes, and stand ready to trample their institutions under foot.

Nevertheless, his colleagues set themselves to reject any and all compromises offered by the conservatives of either section who still hoped to reunite the states under the Constitution. In particular Maryland's voice was strong for conciliation and union, both in the Senate and the House, but the protests of her representatives went for naught. It is interesting, therefore, to conjecture what influence Maryland would or could have exerted had its legislature been allowed to assemble to give expression to the evident antisecession and anticoercion ideas of the majority of her people. Some such definite official declaration by the state might have restrained the will-to-war spirit significantly set forth by Senator Zachariah Chandler of Michigan, who, when it seemed that agreement might be reached, wrote to Governor Austin Blair under date of February 11, 1861:

> Some of the manufacturing States think that a fight would be awful. Without a little blood-letting, this Union will not, in my estimation, be worth a curse.*

Such were the conditions that Maryland faced in her efforts to support the proposal of Virginia for a peace conference. By this time the Maryland press and people fully realized the gravity of the situation, but, as above indicated, the peace conference was blocked in all its efforts for reconciliation; and its proposals were refused consideration by those in control of Congress.

In the belief that a detailed and more or less chronological description of the numerous efforts by various groups of patriotic Marylanders to restore harmony in national councils would prove wearisome, only the general purport of these efforts is here presented. It is especially worthy of note that the

*On March 15, 1861, Secretary Seward read to Mr. Justice Campbell and others a letter from Thurlow Weed to this effect that "the surrender of Sumter would damage the [Republican] party in the elections."[21]

majority of those who were so earnestly seeking to restore the Union were heartily in favor of having Maryland openly and frankly declare her position. They felt that the people of either section would misunderstand a silent Maryland and hold that she was indifferent to the great problems of the day. They thought that a declaration of definite opposition to extreme measures would have a salutary effect. But Governor Hicks hesitated, temporized, and, at times, contradicted himself; while, during this period of intense anxiety, the people of Maryland held unofficial peace assemblages, one of the most notable being that called on February 18, 1861. Previously, on January 12, 1861, the Baltimore *Sun* had published a significant review, the substance of which should be better known; for there is no doubt that the writer echoed the conservative sentiment of the people who were about to become the vicarious victims of circumstances brought on by the clash of irreconcilable elements. In part, the article reads:

> Shall we at once conclude that the door of reconciliation is closed, the temple of Janus thrown wide open for an indefinite term, and an era of bloody strife inaugurated? Let us accept no such proposition as this. On the contrary, in the very zest of a "sensation," and the intensity of excitement, let us cherish the hope that not even the sudden clash of arms, the boom of cannon, or the shedding of blood shall prove an insurmountable obstacle to the restoration of peace and union. It is only in a positive, and organized process of warfare that hope itself will go out, flickering to the last in the gulf which shall then divide the States. We observe the "prompt alacrity" with which the intelligence from Charleston of the firing upon the *Star of the West* was paraded before the people, with the entirely gratuitous announcement: "THE WAR COMMENCED BY SOUTH CAROLINA." Whether this particular declaration was flashed over the wires from South Carolina, or was tacked on to the news at some way station as a sort of indictment which she was expected to traverse in the premises, does not appear. It proves, however, how very ready somebody is to do injustice, to prejudge upon the slightest and most shadowy pretext, and to excite and exasperate public sentiment.*

The intimation made by the *Sun* that mischief makers were afoot striving to plunge the nation into civil war was further borne out by the report that a conspiracy had been hatched in Baltimore to do violence to Mr. Lincoln and prevent his inauguration. The annalist Scharf, who collected much data concern-

*The *Star of the West* had, on January 9th, been fired upon and driven off in an attempt to carry supplies to Fort Sumter.

ing this episode, strongly intimates that Governor Hicks was *particeps criminis* in the circulation of the report; but whether he purposely helped the cause of these trouble makers or not, he was at least a victim of the misinformation he passed on; for upon a Congressional investigation it was brought out that the Governor had but the flimsiest of reasons upon which to base his indefinite reference to some dark and desperate plan. President-elect Lincoln had left Springfield on February 11th in order to make, prior to his inauguration, a tour through several states. While in Philadelphia he and his advisers, including his personal friend Ward H. Lamon, were warned of the alleged plot. Some years later Lamon took the time to examine the evidence then submitted, and, in his *Life of Abraham Lincoln,* wrote:

> For ten years the author implicitly believed in the reality of the atrocious plot which these spies were supposed to have detected and thwarted; and for ten years he had pleased himself with the reflection that he also had done something to defeat the bloody purpose of the assassins. It was a conviction which could scarcely have been overthrown by evidence less powerful than the detective's weak and contradictory account of his own case. In that account there is literally nothing to sustain the accusation and much to rebut it. It is perfectly manifest that there was no conspiracy—no conspiracy of a hundred, of fifty, of twenty, of three; no definite purpose in the heart of even one man to murder Mr. Lincoln at Baltimore.[22]

In view of this testimony there is little to gain in any way by going into the details of the story of the alleged conspiracy. It is sufficient to say that the circulation of the rumor was an undeserved reflection upon Baltimore and Maryland. Greatly elaborated in the North, it served further to inflame the people; and there were those who rejoiced in the political advantages the rumors provided.*

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*Senator Seward had sent his son on to meet Lincoln in Philadelphia to inform him "that about *fifteen thousand men* were organized to prevent his (Lincoln's) passage through Baltimore, and that arrangements were made by these parties to blow up the railroad track, fire the trains, &c."[23] Thereupon, Greeley's New York *Tribune* printed the following reflections upon Maryland and the South: "One section of the country is only semi-civilized. . . . In a society so constituted it is not strange that there should be found many persons who could conceive and execute some diabolical plot of slaughter, sparing neither age, nor sex, nor numbers—such as the destruction of a railroad train—that the death of one man might be compassed in the hope of accomplishing thereby the overthrow of a popular constitutional government. . . . It seems probable that had not Mr. Lincoln resorted to this method of escape, neither he nor any of his party would have ever reached Washington alive."

It is now difficult to realize that there was, or could be, such widespread doubt as to the course of the Federal government in regard to secession. It is necessary to bear in mind the fact that seven states had withdrawn from the Union; that the flag had already "been fired upon" in the attempted reinforcement of Fort Sumter by the *Star of the West;* that months had passed since the secession, under Buchanan, of South Carolina; and that additional weeks had passed without action under the Lincoln administration. This doubt and uncertainty can be fully appreciated only by reading the newspapers of that day, together with private letters and journals. No one could say definitely whether the seceding states would be conciliated and brought back into the Union by peaceful means and under fresh Constitutional guarantees; or if they would be allowed to "depart in peace," as so strikingly advocated by the *Tribune;* or again if they were to be coerced into reunion by Federal power. Undoubtedly, the majority of the people of Maryland heartily favored the first of these courses, earnestly deprecated the second, and were strongly opposed to the last, preferring any policy rather than war with their Southern brethren. From the first they had so opposed the idea of secession that at a time when New York freely welcomed vessels flying the palmetto flag public sentiment in Maryland had not permitted that ensign to float in the harbor of Baltimore. In fine the confusion of political thought and opinion throughout the country is unparalleled in modern history. It extended from the humblest citizens to high authorities in the Federal government. This long-continued era of uncertainty was ended only on April 15, 1861, when the Federal government issued a call to the states to furnish a force of 75,000 volunteers to suppress "unlawful combinations" in the South. At the time the government was cognizant of the opposition in Maryland to this policy and prepared to temporize until it was in a position to dominate the situation and force the state into line behind a programme of compulsion. Although, following the receipt of the news of the fall of Fort Sumter, the appearance of emblems in sympathy with Southern secession had provoked opposition and attack, local opinion turned violently against the call to arms. No recruits could be had in Maryland for any invasion of the South, it was freely

said; and active opposition was proposed to the passage of troops for any such purpose through the city. To Marylanders a union held together by force seemed an intolerable or impossible thing—a new form of tyranny.*

On April 18th the vanguard of the Federal forces arrived in Baltimore, consisting of several hundred Pennsylvania militiamen and two companies of United States artillery. These were safely conducted from Bolton Station through the city under the protection of the police. It is peculiarly significant of the occasion and of popular sentiment that the United States Regulars were not annoyed by jeers or derogatory remarks. It was instinctively appreciated that it was their duty to answer the call of the power that employed them; but, to the local mind, the State volunteers were under no obligation to carry out a policy so repugnant as the proposed invasion of sister States. On the afternoon of the 18th, Governor Hicks arrived in Baltimore and issued a proclamation which is of special interest and importance if we are to understand the subsequent events in the city. In this proclamation, the Governor declared that no troops should be sent from Maryland except for the defense of the national capital, further assuring the people that opportunity would be given them to decide by the ballot whether they were for supporting the war or not.

The following day—the eighty-sixth anniversary of the battle of Lexington—witnessed the first bloodshed of a conflict destined to mark the climax of fifty years of sectional antagonism on economic and political policies. In regard to this event Baltimore has often been misrepresented; for such blame as may justly rest upon the action of a number of its people, on April 19, 1861, should at least be shared by those Federal authorities who should have taken the course recommended by the mayor of the city, a course already successfully pursued in the case of the passage of other troops. In fact a clear understanding of the events of April 19th cannot be had without taking into account the inexplicable blunder involved in a secret change of plans which placed all of the Massachusetts troops in an un-

*From the opposite point of view, this thought was set forth in Greeley's *Tribune,* which at one time regarded a "union held together by bayonets" as utterly impractical and repugnant to American ideals.

necessarily dangerous position, and some of them in an extremely critical one.*

The Sixth Massachusetts reached Philadelphia on the night of the 18th. The men were then notified that they were likely to meet with opposition in Baltimore.

Therefore, Colonel Edward F. Jones, the commanding officer, caused "ammunition to be distributed and arms loaded." He also directed: That the regiment should march through the mile or more of Baltimore streets from station to station in a body; that the men were not to notice insults, abuse, or even the throwing of missiles; that, if they were fired upon, the officers would give the order to fire, not promiscuously, but in the direction of the point of attack. The order, in all its parts, is highly commendatory; unfortunately, in no part was it properly carried out. The first and most serious mistake was in so changing the plan as to prevent efficient self-protection by dividing the regiment into companies, and even parts of companies, for transportation across the city in cars drawn by horses. Such a move seemed to invite attack, if attack were but half intended. This is a condensed statement of the first great blunder. To appreciate the second it is necessary to take the view of the much harassed civil authorities in their earnest attempts at maintaining a position of neutrality until, as they believed, the will of the people should be expressed by the General Assembly or by a convention. That they might be prepared to afford protection to the troops it was essential that the police should know when regiments or companies were due to arrive; also, at what points and in what numbers. On the 19th the Mayor of Baltimore was utterly unable to secure this information in any particular until too late to provide an adequate escort for the soldiers; although frequent attempts by telegraph were made to secure the information from the offices of the railroad company in Philadelphia. This was the second great blunder.

*After the war, Mayor Brown declared that this address of Governor Hicks showed that the latter "had then little idea of the course he himself was soon about to pursue"; but the Governor's position was not unique; the President's Cabinet was divided; and historians may never discover whether the President himself knew of the statement made through Justice Campbell of the United States Supreme Court that the last of a series of promises to evacuate Sumter would be carried out: *viz.*, "Faith as to Sumter fully kept; wait and see." This message was sent out from the office of the Secretary of State as late as April 7.[24]

If the above conditions are borne in mind it is seen that the events that followed were the more or less natural outcome of the mistakes made.

The Massachusetts troops, together with seven unarmed Pennsylvania companies, arrived about noon at the President Street station of the Philadelphia, Wilmington, and Baltimore Railroad. As intimated above, it was then the custom to convey passengers from the Philadelphia, Wilmington, and Baltimore station to that of the Baltimore and Ohio in the railroad coaches, which were drawn through the streets by horses. This arrangement was adopted in lieu of the original plan to march in a body from one station to the other. The route lay along President Street northward to Pratt Street and west for about a mile to Howard Street, and thence to the Camden Street station on the Baltimore and Ohio. Seven companies, in several cars, were conveyed through the city without casualty; but as the troops were being drawn through the city the news of their arrival spread. The casual number of people along the route increased, and measures were taken by a small group to obstruct the street against the passage of the remainder. Near the corner of Gay and Pratt streets a load of sand was seized and dumped upon the track. A few merchants and clerks, aided by negro sailors, dragged anchors from the near-by dock and placed them across the rails. Cobblestones were at hand, which were also hastily piled up on the tracks. One of the transfer cars was stopped by these obstructions, whereupon its driver hitched the horses to the rear and retreated rapidly to the President Street station, turning back other cars as he met them. The troops thus turned back consisted of four companies, numbering about two hundred and twenty men. These forthwith formed at the station, and the order was then given to march forward on foot.

After some preliminary disorder a command to double-quick was given. This was near the Pratt Street bridge; and apparently it was here that the first firing by the soldiers was begun; some accounts say "accidentally," others say "in a desultory manner and wildly," and still others "by command of the officers." As the troops were certainly firing at will when later they were met by Mayor Brown it is probable that they fired "at will" from the first, instead of at a definite command.

The Pratt Street bridge was then undergoing repairs; but

the workmen had gone to dinner, leaving joints, scantling, and saw horses half blocking the bridge. At least one witness declared that stumbling over these obstructions caused the accidental discharge of two muskets. Whether this statement be fact or fiction, it seems certain that the firing of the soldiers became general shortly after the crossing of the bridge. By this time, Mayor Brown, who, with Marshal Kane and a strong police force, had been protecting the troops at the Camden end, had learned that these belated companies were being attacked. Sending word to Marshal Kane to follow, the Mayor hastened alone to the scene of trouble.* Having ordered the removal of obstructions along the route of march he met troops running before the mob just west of the Pratt Street bridge. In an account published in 1887 Mayor Brown makes the unexpected statement that, while "the uproar was furious," the crowd did not seem to be a large one. A more specific statement is made by C. W. Tayleure, in the Boston *Herald* in 1883, that there were only about two hundred and fifty in the attacking party at the first, and that five hundred was the maximum at any stage of the march. Mr. Tayleure was an eyewitness of the fray and was then on the staff of a local paper. Whatever may have been the size of the mob it was now thoroughly angry and was pursuing the soldiers "with shouts and stones," to which the soldiers replied by firing, not so much at those rushing at them from flank or rear, but at bystanders in their front.[26]

Immediately upon his arrival at the scene of conflict, Mayor Brown introduced himself to the captain in command. He at once objected to the double-quick as a movement likely to provoke assault. For a while the presence of the Mayor had a quieting effect; but soon the attack was renewed. At the corner of South and Pratt streets several citizens were killed or wounded. At the corner of Light Street, two squares to the west, a soldier fell mortally wounded, a boy on a vessel in the dock was killed, and the head of the advancing column fired into an apparently unoffending group on the sidewalk with fatal effect.[27] The untrained recruits were evidently irresponsible from fear and shot at all citizens, wherever grouped, as active or potential foes. The soldiers had now reached a point between Light and Charles

*The city officials had accidentally heard of the arrival of troops, and the news came to the Mayor's law office from Camden Station.[25]

streets. Four had been killed and thirty-six wounded. Eleven citizens had been killed, while an indefinite number had been more or less seriously wounded. The passions of the crowd had become thoroughly aroused and a third of the distance to Camden had yet to be covered before the detached companies could join their companions. They were in a critical condition. But effective intervention was now at hand: about forty men, with Marshal Kane at their head, were now seen coming from Camden Station at a run. With revolvers drawn and in good order they quickly placed themselves in the rear of the soldiers and in front of their pursuers, Marshal Kane adding emphasis to the action by shouting: "Keep back, men, or I shoot!" One leading rioter, a young man of excellent reputation in the community, tried to force his way through the line, but the Marshal himself stepped forward and seized him.

The fighting was now over, and, under escort of the police, the troops soon joined their comrades at Camden Station. The blinds of the coaches were ordered closed, and the train started for Washington at about one o'clock amid hisses and groans. But the death record for the day was not yet complete. Robert W. Davis, a well-known merchant of Baltimore, was standing beside the railroad tracks at the edge of the city. As the train passed by, the merchant, expressing the feelings of the times and ignorant of the events in the city, shook his fist at the troops. He was immediately fired upon from a car window and fell forward into a small ditch, shot through and instantly killed.

However much the opinions of the people of Baltimore differed otherwise, all seemed to be agreed on one thing—that no more troops could pass through the city without precipitating more bloodshed. The militia was called out, and Governor Hicks, Mayor Brown, and others addressed a great assemblage in Monument Square. The almost unanimous sentiment of the people was to prevent further bloodshed, or the risk of it, in the streets of Baltimore. The voice of the unconditional unionist was wholly lost in the surging excitement. Governor Hicks declared, in keeping with the generally expressed sentiments of the hour:

> I bow in submission to the people. I am a Marylander; I love my State and I love the Union, but I will suffer my right arm to be torn from my body before I will raise it to strike a sister State.

A dispatch had previously been sent to President Lincoln by Governor Hicks and Mayor Brown to the effect that the state militia had been called out to preserve order; but that no more Federal volunteers should be sent through Baltimore. Subsequently the Mayor sent a special message to President Lincoln by the hands of Hon. Hugh Lennox Bond, George W. Dobbin, and John C. Brune, in which the Mayor declared:

> It is my solemn duty to inform you that it is not possible for more soldiers to pass through Baltimore unless they fight their way at every step. I therefore hope and trust and most earnestly request that no more troops be permitted or ordered by the Government to pass through the city. If they should attempt it, the responsibility for the bloodshed will not rest upon me.

No reply came from Washington until the following day, and as reports were in circulation of the coming of other troops from Harrisburg and Philadelphia, the Governor, the Mayor, and the Police Board decided on a radical step to prevent further conflict. This was to burn the railroad bridges on the roads leading into the city from the north, so that the troops could not, for the time being, at least, enter the city. This was accordingly done; but the Governor, it was noted, retired to Annapolis and left to the city authorities the responsibility of the recent acts. Finally, President Lincoln wrote to Governor Hicks:

> Your letter by Messrs. Bond, Dobbin and Brune is received. I tender you my sincere thanks or your efforts to keep the peace in the trying situation in which you are placed. For the future, troops must be brought here, but I make no point of bringing them through Baltimore.

Not only did representatives of the civil authorities of Baltimore journey to Washington to consult with the President in the day or two following, but delegations of citizens did likewise. In the editorial columns of the *Sun* of April 23d appeared this account of an interview with the President:

> We learn that a delegation from five of the Young Men's Christian Associations of Baltimore, consisting of six members from each, yesterday proceeded to Washington for an interview with the President, the purpose being to intercede with him in behalf of a peaceful policy and to entreat him not to pass troops through Baltimore or Maryland. Rev. Dr. Fuller, of the Baptist Church, accompanied the party by invitation as chairman.
>
> Our informant, however, vouches for what we now write. He states that upon the introduction they were received cordially by Mr. Lincoln, and Dr. Fuller sought to impress upon Mr. Lincoln the vast responsibility of the

position he occupied, and that upon him depended the issues of peace or war:
"But," said Mr. Lincoln, "what am I to do?"
"Why, sir, let the country know that you are disposed to recognize the Independence of the Southern States, and war may be averted."
To which Mr. Lincoln replied: "Then, what is to become of the revenue? I shall have no government—no resources."

Dr. Fuller's apparently patronizing suggestion of an easy way out of the difficulty may now seem strange; but, as heretofore pointed out, issues were by no means clearly joined in April, 1861. J. Morrison Harris, an ardent unionist, was one of a second committee of citizens who waited upon President Lincoln on April 20th. In a paper read before the Maryland Historical Society after the war Mr. Harris stated that

Salmon P. Chase was present during the discussion at the War Office; and in talking over the conditions of affairs generally expressed to me with much earnestness the opinion that the best way out of the difficulty would be to let the Cotton States go and trust to arrangements of amity and commerce for the preservation of peace and their ultimate return to the Union.

For several days following the combat of the 19th it seemed that Baltimore had well-nigh unanimously joined its fortunes with those of the Confederacy. Southern emblems—which had been frowned upon by all elements for the Union—forthwith began to appear. If immediate official assurances from Washington had not come in to the effect that the troops were designed only for defense of the Capital against attack and not for invasion of the South, it is by no means improbable that Maryland, by reason of her geographical position, would have furnished then and there the arena for a sharp and perhaps decisive struggle. Resolutions passed in mass meeting by the citizens of Baltimore on the evening of April 19th declared that,

It becomes all good citizens to unite in a common effort to obliterate all party lines which have heretofore unhappily divided us, and to present an unbroken front in the preservation and defense of our interests, our homes and our firesides, to avert the horrors of civil war, and to repel, if need be, any invader who may come to establish a military despotism over us.*

Armed companies were then marching into the city from the counties; but immediate conflict in Maryland was avoided by

*The clash in Baltimore "made a great sensation at the time in Europe as well as here, and some thought that it would mean a rising in Maryland which might affect the issue of war."—James Bryce, in letter to the author, dated Washington, D. C., May 11, 1911.

the action of President Lincoln, who, on Sunday, April 21st, summoned the Mayor of Baltimore to Washington for a consultation. With the Mayor were George W. Dobbin, John C. Brune, and Severn Teackle Wallis. In the course of the conference the President declared that the troops brought through Maryland were not intended for any purpose hostile to the state, or for aggressive measures against the South; but that the troops must be brought through or the capital abandoned.[28] The delegation then took their leave; but, while they were still in Washington, a telegram from John W. Garrett, president of the Baltimore and Ohio Railroad, announced that 3,000 Northern troops were reported at Cockeysville; that they were advancing on Baltimore; and that further bloodshed would follow should they march into the city. The Mayor and his party at once returned to the White House; and the President, in the presence of General Scott and the Baltimoreans, said that the troops should march around Baltimore and not through it. The effect of this announcement cannot be calculated. Had it been otherwise, Baltimore and Maryland must have been plunged at once into the civil conflict—and on the side of the South*

Meanwhile time and general developments were working on the side of the Federal government. Opposition to it meant at least temporary disaster to business; while acquiescence spelled renewal of trade. On May 2d the Corn Exchange made a formal plea for the complete reëstablishment of the lines of trade with the North. Commerce with the South had been suspended; so that the city was truly set between two fires. Those who upheld the coercive measures of the Federal government declared that the interests of the city lay in supporting the Administration. On the other hand, those who opposed the war urged that Maryland should at once ally herself with the other Southern states in that such an attitude would compel the Federal government to offer acceptable terms of reconciliation and readjustment.

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*President Lincoln's promises on behalf of the Federal government, and their contrary fulfillment when the government was in a position to force its will left an unfavorable opinion; and this opinion has persisted in Maryland for more than half a century. Further grounds for this attitude may be found in the subsequent Presidential statements as to the course of the government in other matters, particularly the use of force at the polls, concerning which the "War Governor" of Maryland, A. W. Bradford, a vigorous Federalist, took sharp issue with the President (*infra*).

Immediately after the bloodshed in Baltimore renewed pressure had been brought to bear upon Governor Hicks to call a special session of the General Assembly. This time the mercurial executive yielded and issued a call for the Legislature to convene at Annapolis on April 26th. Shortly after the announcement Annapolis was occupied by Federal troops, and the Assembly was directed to convene at Frederick. In the meantime, or on the 24th of April, a special election took place to fill the seats of the Baltimore delegates in the General Assembly declared vacant by the previous Legislature (*supra*). Those elected were Messrs. John C. Brune, Ross Winans, Henry M. Warfield, J. Hanson Thomas, T. Parkin Scott, H. M. Morfit, S. Teackle Wallis, Charles H. Pitts, William G. Harrison, and Lawrence Sangston. These men formed a remarkable delegation of well-known and highly respected citizens, a majority of whom were nominated in this crisis because of their conservative views.

Upon the first full legislative day the Senate approved of an address to the people of Maryland which declared that the Assembly (regardless of the personal wishes or predilections of its members) could not, in accordance with the State Constitution, pass an ordinance of secession. This declaration of their stand within the letter and spirit of the law and against popular pressure cannot but recall the proceedings that marked the first untrammeled exercise of self-government in the Convention and the Assembly of Revolutionary days. The "address" was unanimously adopted by the Senate, and a similar declaration was passed by the House of Delegates by a vote of 53 to 12. In brief, the members of the Assembly, assured of the Constitutional correctness of their position, refused to be swayed by their own feelings or by the pleas and demands of their constituents. They were equally resolute against yielding to Federal threats of the confiscation of their property and the imprisonment of their persons if they raised objections to an arbitrary exercise of military power such as had not been known in America.

Whilst the Administration was promising the deflection of troops coming in from the North, and declaring that they were not intended for purposes of aggression, it was simultaneously making rapid preparations to secure such a firm military control over the state as, effectually and finally, to enable it to disre-

gard all opposition to its plans. Hence, on the night of May 13th, in the midst of a violent thunderstorm, General B. F. Butler took possession of Federal Hill; tradition has it that, having trained some of his guns on the Washington Monument, he orally declared resistance would mean the destruction of the memorial most treasured by the people of the city. Whether this be true or not Butler proved to be no respecter of personal or state rights. For Constitutional guarantees he cared nothing at all. Having established martial law, he asserted he had "captured" the city, and was made a major general in recognition of the achievement. After May 21st the Federal government did not consider that there was further need to send troops around the city; for Maryland was regarded as being safely under military domination, and the next few days saw the first advance from Washington into Virginia. The most noteworthy event preceding the advance into Virginia was the seizure of the telegraph offices and of all the dispatches on file. This was done by direction of the Federal authorities, and the order was enforced throughout the Union. The Brooklyn *Eagle* and the New York *Journal of Commerce* protested against this autocratic procedure; but Greeley's *Tribune* proclaimed the order a master stroke of statesmanship. Free speech in Baltimore was not yet wholly suppressed, and the editor of *The South* declared that this

> outrage committed by the Federal Government yesterday, in the seizure of the telegraph offices and of all the accumulated dispatches, public and private, of the twelve months past, has not its parallel in history. In the mode and manner of its execution it would have done honor to the secret police of Austria or Russia. In the extent of the knowledge which it enables the Government to obtain of the private life, history, and business of every citizen of the country, it surpasses anything that the police of any country has ever contemplated or attempted. . . . Elsewhere we have heard of the correspondence of persons supposed to be in a conspiracy against the Government being seized by special order; here we have the seizure of the correspondence of a nation.*

On May 25th John Merryman, a citizen of Baltimore County, was arrested on a charge of "treason" and for "complicity in the burning of the railroad bridges" on the night of the 19th of April. The following day a writ of *habeas corpus* was

*"The acts of the President since April 15 had been the acts of a Tudor rather than those of a constitutional ruler. . . . The country attorney had assumed the power of a dictator."—Rhodes, *History of the United States,* Vol. III, pp. 441–442.

obtained by his counsel in Baltimore; and since, in another case,[29] the writ had been already disregarded by the Federal military authorities in the state, application was now made directly to the Chief Justice of the Supreme Court of the United States. Realizing the gravity of the occasion, Chief Justice Taney journeyed from the Federal capital to Baltimore to hear the petition with a view to issuing the writ himself, if necessary, to General Cadwalader, at Fort McHenry, where the prisoner had been placed in confinement, directing him to produce in court the person of Mr. Merryman. Hence, in the courtroom of Baltimore, on May 27th and 28th, there followed two of the most dramatic scenes in the history of the Republic. Well past the allotted threescore years and ten, but with his natural force of intellect unabated, the venerable Chief Justice took his stand on the principles of Blackstone, Marshall, and Story, that it was not within the jurisdiction of the executive branch of the government to suspend the most prized safeguard of personal rights and liberties, but that that power was vested in Congress alone. Notwithstanding, General Cadwalader did not honor the writ, pleading military engagements at the Fort. By an aide-de-camp he sent apologies to the Court for not appearing, adding that inasmuch as he had been authorized by the President to suspend *habeas corpus* proceedings, he declined obedience to the order in this instance. Judge George William Brown, then Mayor of Baltimore, who was present on this occasion, has thus described the scene:

> Chief Justice [to the aide-de-camp]—"The commanding officer, then, declines to obey the writ?"
>
> Colonel Lee—"After making that communication, my duty is ended, and I have no further power" (rising and retiring).
>
> Chief Justice—"The Court orders an attachment to issue against George Cadwalader for disobedience to the high writ of the Court, returnable at 12 o'clock to-morrow."

On the morning of May 28, 1861, Judge Taney, leaning on the arm of his grandson, walked slowly through the crowd in front of the courthouse, which silently and with lifted hats made way for him to pass. Entering the courtroom, the Chief Justice took his seat with his customary dignity. He broke the impressive silence that followed by calling the case of John Merryman and asking the Marshal for his return to the writ of at-

tachment. The Marshal stated in reply that he had gone to Fort McHenry for the purpose of serving the writ on General Cadwalader; that he had sent in his name at the outer gate; that the messenger had returned with the reply that there was no answer to send; that he was not permitted to enter the gate, and, therefore, could not serve the writ. The Chief Justice then read from manuscript:

> I ordered the attachment of yesterday because upon the face of the return the detention of the prisoner was unlawful upon two grounds:
>
> 1. The President, under the Constitution and laws of the United States, cannot suspend the privilege of the writ of *habeas corpus*, nor authorize any military officer to do so.
>
> 2. A military officer has no right to arrest and detain a person not subject to the rules and articles of war for an offense against the laws of the United States, except in aid of the judicial authority and subject to its control; and if the party is arrested by the military, it is the duty of the officer to deliver him over immediately to the civil authority, to be dealt with according to law.
>
> I forbore yesterday to state the provisions of the Constitution of the United States which make these principles the fundamental law of the Union, because an oral statement might be misunderstood in some portions of it, and I shall therefore put my opinion in writing, and file it in the office of the clerk of this court in the course of this week.

The importance of the Merryman case overshadowed every other event at this time in state or nation. It was not only a direct and ominous clash between the President of the United States and the Chief Justice of the Supreme Court in the greatest republic in the world, but it was made a test between that which personified law on the one side and that which represented the sudden and unlimited development of military force on the other. After the Court had adjourned a number of citizens went up to the Bench to express their thanks to the aged Chief Justice for thus upholding, in the face of threats of fine or imprisonment, "the heritage of English liberty." Turning to Mayor Brown the Chief Justice remarked solemnly, "Mr. Brown, I am an old man, a very old man; but perhaps I was preserved for this occasion." Benjamin R. Curtis, Jr., biographer of Judge Curtis, former opponent of Taney in the Dred Scott decision, says in reference to the Chief Justice in the Merryman case:

> If he had never done anything else that was high, heroic, and important, his noble vindication of the writ of *habeas corpus* and of the dignity and authority of his office against a rash minister of state, who, in the pride of a fancied executive power, came near to the commission of a great crime, will command

the admiration and gratitude of every lover of the constitutional liberty so long as our institutions shall endure.*

In pursuance of a plan developed more fully during the year, of deposing from civil authority in Baltimore all who were not originally and steadfastly in favor of the war measures of the administration, Marshal George P. Kane was put under arrest and placed in confinement in Fort McHenry. On the same day Colonel John R. Kenly of the Maryland Volunteers appeared before the Board of Police Commissioners and read to them an order whereby General Banks had appointed him to take charge of the police department of Baltimore. This order was acceded to by the Board of Police, including the Mayor, who, however, formally denied the authority of General Banks in these proceedings. Thus came into prominent notice one of the most unusual men of his day. Declaring that the duties assigned him were distasteful Kenly shortly afterward resigned from the police service. In explanation of his action, it should here be stated that the arbitrary methods pursued by the military authorities under Generals Butler and Banks were greatly aggravated by the development of a vicious system of spies and informers; it was an enforced association with the latter that was particularly repugnant to a man of such high character and keen sensibilities as Kenly, who, as Chief of the Police Department, would have to receive the reports of these informers, many of whom had been members of the criminal gangs of the preceding decade.†

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*In this instance it was not Secretary Seward but President Lincoln who shouldered the responsibility of suspending the writ. The "crime" referred to was the intended imprisonment of the Chief Justice. Contemporary opinion expressed in the New York *Journal of Commerce* and other conservative papers was eulogistic of the action of the Chief Justice; but the New York *Tribune* referred to the Chief Justice as that "hoary apologist for crime." "The aged jurist knew what peril he might incur, and remarked as he left the house of his son-in-law, James Mason Campbell, that it was likely he should be imprisoned in Fort McHenry before night; but that he was going to court to do his duty."—Bernard C. Stiner, *Life of Roger Brooke Taney,* pp. 490, 500–501. Dr. Steiner adds that Taney's written opinion was sent to Lincoln, "who apparently took no notice of it, a fact which must cause regret as a blemish in the character of the great President."

†In a letter under date of September 16, 1861, Lord Lyons wrote from the British Embassy: "A war has been made, at Baltimore, upon particular articles of dress, particular colors, portraits of Southern leaders, and other supposed symbols of disaffection. The violent measures which have been resorted to, have gone far to establish the fact that Maryland is retained in the Union only by military force. They have undoubtedly increased the dislike of the people to their Northern rulers.[80]

On the other hand there was no question about Kenly's high sense of public duty, his faithfulness to his obligations, and his loyalty to the Union. Of him it may be said that he was willing to serve his country in the spirit of George Washington; namely, without hope of material reward if need arose for service on that basis. Like Washington he gladly gave up his commission and retired to private life when, after years of rending war, peace blessed a divided people. Unlike Washington, however, Kenly was not wealthy, and it was natural and proper for him to accept compensation while actively serving under the Stars and Stripes. The exalted spirit of the man was shown after the war, when he refused a tendered application for a pension on the simple ground that he had but done his duty, which was his privilege; and that he felt he had but made some return to the state and the nation for that which state and nation had done for him.

In this spirit of devotion to duty, John R. Kenly was equaled by those who saw events in a different light. Although at first some warm-blooded young men went South in partisan mood and in a spirit of adventure the great majority of those who crossed the Potomac did so in the fullest realization that they were offering their lives for a cause they regarded as sacred. They were persuaded that this cause was as old as the Constitution or as ancient as the colonies—a cause that they believed might be lost forever in a military despotism. To them the liberty of the individual, the sovereignty of the state, and the American principle of local self-government were at stake. They risked their all and left their homes and families in the hands of political foes or at the mercy of personal enemies. It was a hard choice for these men of Maryland; and, as the roll of those who saw service under the Stars and Bars is read, it is astonishing to note an almost complete roster of the names of the men who gave luster to and fought beneath the folds of the Star-Spangled Banner during the Revolution and in the War of 1812.

On May 24th there gathered in Baltimore a Union Convention, representing fourteen of the twenty-two counties and the city of Baltimore. This Convention, composed of unconditional coercionists, began by denouncing the secession movement; but in this it differed from the previously expressed Union sentiment of Constitutional unionists of Southern sympathies in the intensity of the expressions employed, in endorsing coercion,

and in the fact that it refused to admit that the South had any grievances, Constitutional or otherwise. It asserted that the people of Maryland

> were unalterably determined to defend the Government of the United States, and would support the Government in all legal and constitutional measures which might be necessary to resist the revolutionists; that the intimations made by the majority of the Legislature at its late session—that the people were humiliated or subjugated by the action of the Government—were gratuitous insults to that people.

The Convention went on to declare emphatically that it was absolutely opposed to the formation of political parties on the foundation of the slavery question; and that the matter of the preservation of the Federal Union must not be linked with the abolition of slavery.

The debates of the Maryland Union Convention are not available, but sundry references were made to the current proposal that slavery should be protected in the Southern states by means of an amendment to the Federal Constitution. This amendment had been passed by Congress; by its terms, it forbade any Constitutional legislation that would give the Federal government power to interfere with the domestic institutions of any state. In January, 1861, one of the first acts of the General Assembly was to ratify this amendment; and almost simultaneously the Legislature of Ohio approved it. Though soon rendered futile by the circumstances of war the fact of its passage is of importance.

Under the previous control of the Constitutional unionists of Southern affiliations the Maryland Assembly had under consideration the agreement or promise of the Administration that troops were to be sent through the state solely for the defense of the Federal capital. That was early in 1861. When the General Assembly met in January, 1862, these noncoercion unionists had been supplanted by supporters of a war of coercion. The majority of these, however, were not the extremists of a still later period. It is important, therefore, to bear in mind that these coercion unionists accepted in good faith the Administration's word that the war was being waged exclusively to bring back into the Union the seceded states and that there was no other purpose in view. Therefore, the Maryland Assembly

drafted, in March, 1862, a series of resolutions which, in part, are as follows:*

This war is prosecuted by the Nation with but one object, that, namely, of a restoration of the Union *just as it was* when the rebellion broke out. The rebellious States are to be brought back to their places in the Union, *without change or diminution of their constitutional rights;* in the language of the resolution adopted by both Houses of Congress at its extra session in July last, with remarkable unanimity, this war is declared to be prosecuted *not in any spirit of oppression, or for any purposes of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality and* rights of the several States unimpaired, and that, as soon as those objects are accomplished, the war ought to cease.

Although neglected or ignored in much of the historical treatment of the war period this statement by the Maryland Legislature was the basis of President Lincoln's attitude after the close of the conflict.† The resolutions continue:

The objects and purposes of the war thus impressively declared, are those alone which the Nation can rightfully contemplate in its prosecution; and the moment the object of the war changes from a simple restoration of the Union as known to the Constitution, to something else in conflict with the guarantees of that instrument, from that moment the war itself changes its character.

Earlier in the same year, a delegation of border state representatives in Congress had waited upon the President, among them two Representatives from Maryland: *viz.,* Messrs. Leary and Crisfield, the latter having served in Congress with Lincoln in 1847. The President had sent for the Congressmen to discuss his proposal:

That the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such change of system.

The memorandum of the conversation written out by Representative Crisfield set forth that the President thought that he and the Union cause lay between two fires: the abolitionists, who insisted that the slaves escaping from both loyal and disloyal owners be protected from return to bondage; and the loyal or

*Italicized portions bear upon subsequent events and the position of the President in the matter of reconstruction.

†*Cf. infra,* pp. 557, 568 *et seq.*

unionist slaveholders, whose efforts to support the Union cause were nullified by the action of those military commanders who protected the runaways or actively encouraged desertion. Hence, the President hoped for the passage of the Congressional resolution referred to, which, he thought, would encourage the people of the border slaveholding states to prepare for voluntary emancipation and thus eliminate the dangers from the political backfire threatened by the abolitionists. The memorandum stated further that the President had declared he had made this proposition in good faith, and desired it to be accepted, if at all, voluntarily, and in the same patriotic spirit in which it was made; that emancipation was a subject exclusively under the control of the states and must be adopted or rejected by each for itself; that he did not claim, nor had the government any right to coerce the states for that purpose; that such was no part of his purpose in making this proposition, and he wished this to be clearly understood.

Representative Crisfield had then said to the President that he did not think the people of Maryland looked upon slavery as a permanent institution; that he did not believe they would be reluctant to give it up, if provision were made to meet the loss and they could be rid of the race; but that they did not like to be coerced into emancipation, either directly or indirectly. He thought, before they would consent to consider this proposition, they would require to be informed on these points. Lincoln replied that, unless he was expelled by the act of God or by the Confederate armies, he should occupy the White House for three years, and as long as he remained there Maryland had nothing to fear, either for her institutions or her interests, on the points discussed. Mr. Crisfield then added:

> "Mr. President, if what you now say could be heard by the people of Maryland, they would consider your proposition with a much better feeling than, I fear, without it they will be inclined to do." The President replied: "That [the publication of what he had said] will not do; it would force me into a quarrel before the proper time."*

In view of the events that were to shape the course of Maryland during the remaining years of war and reconstruction, it is

*This was followed, in August, by Lincoln's letter to Greeley in which he said: "My paramount object in this struggle is to save the Union, and it is not either to save or to destroy slavery."

now necessary to revert to the election, in November, 1861, of the unconditional unionist Governor of the state, known as the War Governor of Maryland, Augustus Williamson Bradford. Bradford, a native of Harford County, believed that secession was rebellion, and was in favor of restoring the Union by the coercion of the seceded states. He was a large slaveholder and therein presented a striking contrast to many of his nonslaveholding neighbors, who had gone South to fight for the Confederacy. With regard to the causes of the conflict it is significant that neither he nor they had the matter of slavery on their minds when they made their choice of allegiance. The candidate nominated by the Democrats was Benjamin C. Howard; Bradford was the nominee of the Union party. On election day soldiers were stationed at the polls; and the orders of General Dix to the United States Marshal of Maryland and the Provost Marshal of Baltimore were such as to give ample rein to the old Know-nothing element—now active in support of the dominant régime—to use such persuasion upon the opposition as they saw fit. Hundreds of citizens were arrested before the day of the election or before they could reach the polling places. Governor Bradford was declared elected by an overwhelming majority.*

The General Assembly, meeting in December of that year, did not attempt to investigate the charges of election frauds, but confined itself very largely to matters pertaining to the conduct of the war. The Assembly took special cognizance of the meritorious conduct of the gallant Colonel Kenly "for his early, prompt, and distinguished services in the cause of his country"; for, on October 22, 1861, the first Maryland U. S. A. was ordered to reënforce General Stone at Edward's Ferry on the Potomac. They arrived just in time to rescue a part of the force of the unfortunate Colonel Baker, who had met disastrous defeat at Ball's Bluff. A gale was blowing, the river was high, and the current powerful; nevertheless, the men, under Kenly's di-

*The following naïve description of a "peaceful" election was made by Colonel J. W. Geary, dated Point of Rocks, November 8, 1861: "I had detailments from various companies of my regiment [Twenty-eighth Pennsylvania] with proper officers, stationed in Sandy Hook, Petersville, Jefferson, Urbana, New Market, Buckeystown, Frederick City, and other places where the polls were held. Owing to the presence of the troops everything progressed quietly and I am happy to report a Union victory in every place within my jurisdiction."

rections, labored all night to do what troops from other states had refused to attempt. In his report, Colonel Kenly wrote:

> I feel it to be a duty to say that the soldiers of the first Maryland regiment of infantry saved numbers of our army from destruction or capture. I am very proud of that night's work.

Other Marylanders who received special commendation were Captain Purviance of the *St. Lawrence* for his conduct and success in the attack and destruction of the Confederate privateer *Petrel;* Captain Cadwalader Ringgold; and Lieutenant John H. Russell.

On the 5th of March, 1862, the Assembly appropriated $7,000

> for the relief of the families of those belonging to the 6th Regiment of Massachusetts Volunteers, who were killed or disabled by wounds received in the riot of the 19th of April, in Baltimore.

It is interesting to note that, when the bill had been introduced on February 11, 1862, an amendment was offered to the effect that in place of the donation of $7,000 there be inserted "the same sum as has been or may be appropriated by the State of Massachusetts" for the relief of the

> families of the citizens who were killed and wounded at Harper's Ferry by citizens of Massachusetts under John Brown, and also the same sum as has been or may be appropriated by the State of Pennsylvania for the relief of the families of Kennedy and Gorsuch, and of the citizens of Maryland killed in that State by rioters.*

The amendment, however, failed of adoption; and the money for the victims of the riot of April 19th was turned over to Governor Andrew of Massachusetts, who had been named as trustee for its distribution.

During this period the trade of Baltimore and a large part of the state had suffered a great falling off in volume. The military authorities had placed an embargo upon the commerce of Baltimore. Consequently goods were shipped to and from more fortunate centers. On the other hand the Confederates repeatedly cut the line of the Baltimore and Ohio Railroad and interrupted passenger and freight communication with the West.

**Supra*, p. 491.

Later the city of Baltimore began to profit by war contracts and war business; but not to the extent of her Northern rivals, whose trade and manufacturing began to grow by leaps and bounds.

Socially and industrially [says Professor Fite], the North was more active and prosperous than ever before, for the war and war politics did not subvert these phases of the national life. The output of raw material from the farms, the mines, and the forests was extraordinary; practically all branches of commercial life flourished.[31]

The spring of 1862 saw great activity among the Federal forces in preparation for a second grand advance upon the Confederate capital. It is impossible to follow the Maryland detachments, Federal and Confederate, in any detail without becoming involved in a history of the entire campaign in the East. But because of the interesting series of marches and counter marches which led finally to a face-to-face encounter between the First Maryland Regiment, U. S. A., and the First Maryland, C. S. A., some description of at least a part of the campaign in the Valley of Virginia is peculiarly appropriate. It has been said that in no other battle of the American war did a regiment from any other state engage with the corresponding regiment from the same state on the opposite side. The First Maryland, U. S. A., was commanded by Colonel John R. Kenly of Baltimore; and in Colonel Bradley T. Johnson of Frederick, commander of the First Maryland, C. S. A., he met a worthy antagonist. Both could not win, but Johnson's men were part of the army commanded by the redoubtable "Stonewall" Jackson, whose superior genius for war was in itself worth several regiments. Immediately opposed by Jackson in the campaign about to be described was General N. P. Banks, a so-called "political general," who, during the preceding year, had become unfavorably known to thousands of Baltimoreans. Banks therefore was Kenly's superior officer; and insomuch was Kenly handicapped. Otherwise, in equipment, arms, numbers, and all supplies necessary to war, a decided advantage lay with the Federals.

On May 22, 1862, General Banks, with the bulk of his army, was at Strasburg. To Kenly and his men had been given the task of holding the strategic post at Front Royal, twelve miles to the east. In Washington there was the utmost confidence that the

end of the rebellion was near. Even the recruiting offices were closed in anticipation of the crushing victory that a few days must bring; and President Lincoln had left for Fredericksburg to be near the battle lines when the armies closed in for what was believed to be their last great grapple. On the night of May 22d, however, a small Confederate army lay asleep within a few miles of Banks and Kenly. Here was a battle cloud no bigger than a man's hand, but it was to develop into a storm destined to clear the valley of Federal troops and ultimately wreck at Richmond the best equipped and most powerful army that had ever been gathered on American soil. To Banks at Strasburg, however, the morning of May 23d dawned with no signs of impending danger; and the former Congressman was fully persuaded that Jackson, if moving at all, "was retreating rather than advancing." In fact, by means of a forced and circuitous march of sixty miles in four days, Jackson had led even his own men to believe that he was moving away from Banks and was about to abandon the valley to the invader. The day was intensely hot, and, to Kenly's men at Front Royal, camp life seemed drowsy and dull. But suddenly, about three o'clock in the afternoon, a line of gray burst from the dense woods with bugle call, followed by the rebel yell and the rattle of musketry. It was the charge of the southern contingent of the now divided Maryland Line—the First Confederate Regiment against the First Federal. To Colonel Bradley T. Johnson had been especially given the command of the detachment that was to take issue with their fellow Marylanders, and the men had welcomed with shouts of approval the news of the day's commission. Like a bolt from a clear sky they charged the Federal pickets and the companies in Front Royal, driving them back upon the main body of Kenly's command, where the long roll of drums called to arms the Federals, who were quickly drawn up on a high ridge to meet the assault.

To make the attack, the Confederates had to cross an open space in front of the ridge, where their advance was for the time effectively checked by Kenly's artillery. To this, Johnson's infantry and antiquated smooth-bore cannon could not reply, and it was some time before the Confederates could bring up a battery capable of effective attack. When, however, it finally arrived and opened fire, the men were ordered forward, while a

Louisiana regiment was sent along the line of the railway to outflank the Federal batteries. The Maryland Federals, reenforced by a squadron of New York Cavalry, were making a gallant stand when word came to Kenly that Confederate cavalry had appeared to his right and rear. Thus, after stubbornly fighting for an hour and a half, he now gave the command to retire. The movement was carried out in good order, with threatening front to the advancing Confederates, while the camp supplies and equipment were given over to the flames. The Marylanders, pursued by other Marylanders, attempted to fire the bridges behind them. In this they were only partially successful. The bridge over the north fork of the Shenandoah was saved from destruction by the reckless onrush of the Southerners, who plunged through the flames. Sufficient damage was done, however, to render further progress difficult, while Kenly took a new position on a hill with his batteries commanding the stream and the bridge. Jackson himself was now upon the scene, and through the smoke of the burning camp he directed the movements of the cavalry in an effort to find a practicable fording place. The river soon swarmed with horsemen, four squadrons of whom gained the farther bank and formed rapidly for pursuit. As soon as this flank crossing was effected by the Confederates, Kenly retreated to Cedarville. Here he ordered his infantry to check the pursuit. Scarcely, however, had the column halted when there was a rattle of pistol shots and the thunder of galloping horsemen. Riding for their lives came the New York troopers, dashing into the ranks of the infantry, with Confederate cavalry in immediate pursuit. The latter had been ordered forward by Jackson without waiting either for reinforcements or for the artillery. The leading squadron had made better time along the pike. It was charging four abreast. Upon it Kenly turned a volley at close range; the foremost files were mowed down, and the attack was temporarily checked. But, coming through the fields on either side of the road, leaping the rail fences, were other squadrons commanded by Flournoy. They were not to be denied, and the end came quickly. Kenly, calling upon his men to rally around the colors, was badly cut in the head by a Confederate private and forced to surrender. A fresh Confederate squadron now appeared, and the Federals retreated in disorganized flight. Through fields and orchards

the Federals scattered; but escape was practically impossible, and 600 officers and men, with a whole section of artillery, were captured in the conflict.

Just prior to this disaster, General Banks had sent a dispatch to Secretary Stanton that since there was no immediate prospect of active service in the Shenandoah Valley, he greatly desired to exercise his forces in driving the rebels out of the Piedmont section of Virginia. The affair at Front Royal, however, rapidly changed his ideas whilst Jackson's infantry and cavalry pursued the Federals as far as Martinsburg in one direction and Charles Town in another. At the latter place he detached General George H. Steuart and the First Maryland with two batteries to make a demonstration upon Harper's Ferry in order to increase the alarm at Washington in the attempt to disarrange McClellan's plans in front of Richmond. Although General Banks had reported that his command "had accomplished a premeditated march of near sixty miles in the face of the enemy," Secretary Stanton wired to each of the Union Governors to "forward all the troops that you can immediately. Banks completely routed . . . the enemy, in great force, are advancing on Washington."

The First Maryland, C. S. A., was part of the rear guard of Jackson's small army as he now rapidly retreated up the valley to avoid being crushed between the divisions of Shields, Ord, and Frémont. To General Charles H. Winder was assigned the difficult task of saving the Stonewall Brigade, which was far down the valley. To other Maryland officers fell highly responsible tasks under Jackson's more immediate directions; and thereafter, in one of the most brilliant campaigns of the war, the Marylanders were in the forefront of battle.*

At this point it is desirable to introduce the story of the first ironclad in action, in view of the fact that the command of this vessel fell to a son of Maryland. This was Captain Franklin Buchanan, who, in 1845, had been appointed the first superintendent of the United States Naval Academy. In 1847, at his own request he was detached for active naval duty in the war with Mexico. In 1853 he was the first American officer to set foot upon the soil of Japan in the historic expedition which was,

*The history of the Maryland regiment [wrote General Ewell in his official report] would be the history of every action from Front Royal to Cross Keys.

within a half century, to transform the island empire from a medieval status to a modern world power of the first rank. Upon hearing the news of the bloodshed on the streets of Baltimore, April 19th, Buchanan, then Commandant of the Navy Yard at Washington, resigned his commission in the belief that his native state would withdraw from the Union. In so doing he illustrated the high sense of honor which characterized the officers in the service of the army and navy. The action of these Southerners, as well as the status of the cause they espoused, is unique in world history; had the processes of division begun on the accustomed basis of armed conflict, these men would doubtless have used their official power and personal influence to take out with them such arms, supplies, or vessels as they could control on behalf of the cause which they were about to support.[32] Buchanan's case merits extended attention, as an illustration of state versus Federal obligation; for when he learned that Maryland had not seceded subsequently to the clash of April 19th and that sectional differences might be, after all, amicably settled, he again wrote to the Navy Department. In this letter, he requested that his resignation, if not already acted upon, should be withdrawn. Both of Captain Buchanan's letters were ignored by the Navy Department, and he was formally dismissed from the service.[33]

When the Federal forces had hastily abandoned Norfolk in 1861, they sank the wooden frigate *Merrimac*. The Confederates, however, succeeded in raising the hulk and turned it into an armored fighting ship by covering it with iron plates fashioned, in part, from railroad rails. On March 8, 1862, Captain Buchanan boldly ran this unwieldy and untried craft into the midst of the Federal fleet at Fortress Monroe. Here, with an armament of ten guns of varying size, he faced the fire of a Federal fleet commanding more than three hundred guns. In a short time the strange craft had destroyed the *Cumberland* and the *Congress* and had driven ashore the *Minnesota*, the *St. Lawrence*, and the *Roanoke*. Both the first-named vessels sustained the best traditions of the American navy, and the crew of the *Cumberland* continued to fire her guns up to the point of sinking; but the shot and shell of all of them did little damage to the ironclad, which, under Buchanan's cool leadership, dared to attempt what had never been done before. The *Virginia* then

retired with the intention of replenishing its ammunition and of completing the destruction of the Federal fleet the following day. Buchanan, however, was severely wounded while, under a flag of truce, he was directing the rescue of some of the crew of the *Congress*. The shooting, which inflicted several casualties upon the rescuing party, came from Federal troops on the shore, presumably through mistake. In consequence of this mishap Captain Buchanan was not in command when, on the following day, the *Virginia* engaged in its historic clash with the *Monitor*.*

The battles around Richmond were followed by the defeat of Pope in the second great conflict near Manassas, whereupon ensued the first incursion of the Confederate armies into Maryland. Early in the summer of 1862, the First Maryland C. S. A. was ordered to Charlottesville, to recruit its ranks, which had been depleted by fighting and hardships. At Gordonsville, on August 17th, it was mustered out with a view to definitely organizing a Maryland Line, to be composed of infantry, artillery, and cavalry. Because of mishaps and difficulties, however, this purpose was but partly carried out; so that, in the course of the war, some twenty-odd thousand Marylanders fought in the Confederate service in companies and regiments the personnel of which was credited to other states, from Virginia to Texas.[34]

Returning to the Presidential proclamation calling for 75,000 men, Lincoln wrote to Governor Hicks designating four regiments of 780 men each as the quota of the state. The Governor replied, on the 20th of April, that he "thought it prudent to decline responding affirmatively to the requisition." From the Federal point of view this was probably, at that time, a wise decision; for the sentiment against coercion was overwhelming. Those who longed for prompt enrollment were, like their Confederate neighbors, compelled to go outside the state to enlist,

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*Whether Buchanan's absence was felt in the maneuvering against the *Monitor* no one, of course, may positively say; but, contrary to average belief, including the writings of admirals in the United States navy, the *Monitor* did not defeat the *Virginia*. The former, after the wounding of its commander, retreated into shallow water, where the heavier vessel could not follow. Subsequently, pursuant to orders from Washington, the *Monitor*, under the shelter of the guns of Fortress Monroe, twice refused the challenge of her antagonist. By way of commentary on the sharp divisions of the sectional conflict, especially in the border states, it is interesting to note that Captain Franklin Buchanan's brother, McKean Buchanan, was then acting as Paymaster, U. S. N., on board the sunken *Congress*.

the latter going to Richmond or near-by points in Virginia, while the former went to Washington or even to Philadelphia.[35]

Some days after the call for volunteers, the Federal government offered to James Cooper, of Frederick, the rank of a brigadier general on condition that he should assume the responsibility of raising a brigade within the state. The offer was accepted, and Cooper set about recruiting and organizing his command. The First Maryland Regiment was mustered into service, of which John R. Kenly was appointed colonel and Nathan T. Dushane, lieutenant colonel. But recruiting went on very slowly, and the Second Maryland Regiment was not completed until late in September. Subsequently other regiments and special companies were recruited; but, as in the case of the Confederate volunteers, space forbids any detailed mention of all detachments, likewise a complete narrative of the services rendered, except where special distinction was achieved by individual Marylanders, particularly in the campaigns that directly concerned the control of the state.

The day preceding that which saw the opposing Maryland regiments fighting their memorable duel at Front Royal the Department of North Carolina (Federal) was bestowing high commendation upon Lieutenant Colonel J. Eugene Duryea of the Second Maryland Regiment, U. S. A., for his remarkable march of sixty miles in seventy-two hours through deep mud and in the midst of heavy rains, all in the face of a determined foe. Duryea was under the command of General Burnside; and when that officer and his army were called upon to reënforce General Pope, the Second Maryland returned to Virginia and rendered creditable service at the second battle of Bull Run. The Third Maryland Regiment, under Colonel De Witt, was engaged in the battle of Cedar Mountain on the 9th of August. Subsequently, at Antietam, they suffered casualties amounting to one third of their number. Early in the war the First Maryland Cavalry, under Lieutenant Colonel A. G. Millerand, was incorporated with General Franz Sigel's army corps in the Valley of Virginia. They were a chief dependence of Sigel's German cavalry, who were, at first, so badly trained that it was officially reported in the Confederacy that many of the men had to be strapped to their horses to prevent them from falling off. In any event, the Southerners, "born and bred in the saddle,"

captured great numbers whenever they came in contact with them—all of which made the duties and responsibilties of the Maryland contingent the more difficult and onerous. Colonel William P. Maulsby's regiment, with the Potomac Brigade and Colonel Schley's Purnell Legion, were originally organized as Home Guards, not to be called upon to go beyond the limits of the state. As the war progressed special battalions were organized in Baltimore for artillery service, the first under the command of Major E. R. Petherbridge. Special batteries also were enlisted and equipped. Battery B, recruited in Cecil County, engaged in a warm artillery duel with the First Maryland Artillery Company, C. S. A. This encounter took place at New Bridge on the Chickahominy and presented another instance where Maryland units were directly opposed to each other. The recital of the organization of fresh Federal units during this period of the war would be incomplete without a statement of the return to service of Colonel John R. Kenly, who had been formally declared exchanged on August 15, 1862. Thereupon Kenly was awarded a commission as brigadier general for his "gallant conduct at Front Royal"; and in September of the same year Major General Halleck directed him "to organize and command a brigade of new troops."

Meanwhile the political situation in Maryland recalls the maxim that when a civilian is given military authority he is likely to use that authority more harshly than a trained soldier. This has already been seen in the contrast between the "political generals" in command in Maryland and those of the old army; as, for example, Generals Banks and Butler, civilians, whose conduct may be contrasted with that of Cadwalader and Kenly; while, later on, Generals Wallace and Schenck, civilians, and John E. Wool, a veteran of two wars, furnish another sharp contrast—albeit General Wallace had seen some military service in Mexico. In July, 1862, civilian loyalists demanded that all the citizens of Baltimore be required to take an iron-bound oath of loyalty to the Federal government, which included a statement repudiating all sympathy with the South. General John E. Wool rejected the demand, asserting that such action would further alienate the people and that thousands of men would at once go South "to swell the army of Jefferson Davis."

As it was, conditions in Maryland had reached a point where military tyranny had attained Russia-like proportions. Unconditional Unionists privately condemned the harsher measures as enough to make the people hate the government. Many of these acts were committed under the orders of commanders who had apparently been rendered fanatically hostile by the wholesale misrepresentations which they had, for a generation, been hearing concerning the people of the South. And then, again, the turmoil of war in a representative democracy brought to the surface unworthy characters who sought and obtained positions of authority which enabled them to pose as patriots in the matter of suppressing treason, when what they really sought was profitable employment behind the battle lines. Such adventurers were not, of course, representative either of the Northern people or of the Federal cause. Unfortunately, only a few of these were punished, one being a particularly offensive provost marshal of Baltimore who was compelled to serve a term in the Albany penitentiary. The scars left by these crimes, committed in the name of the Union, were far more lasting than those inflicted in the course of actual warfare. It has been said that the people of Baltimore suffered most; but in the counties there were many atrocious acts done by a similar element. After the suspension of the writ of *habeas corpus,* several judges were thrown into prison.

> On May 25, 1862 [wrote George William Brown], Judge Carmichael, an honored magistrate, while sitting in his court in Easton, was, by the provost marshal and his deputies, assisted by a body of military sent from Baltimore, beaten, and dragged bleeding from the bench, and then imprisoned, because he had on a previous occasion delivered a charge to the grand jury directing them to inquire into certain illegal acts and to indict the offenders. His imprisonment in Forts McHenry, Lafayette, and Delaware, lasted more than six months. On December 4, 1862, he was released without charges being preferred or trial granted.*[36]

After the defeat of General Pope at Manassas Lee and Jackson had crossed the Potomac; and many "exiled sons" once more trod the soil of their native state. On the 6th of September the Army of Northern Virginia entered Frederick. This was the home of Colonel Bradley T. Johnson, who issued a proclamation calling the men of Maryland to the colors of the Con-

Cf. also subsequent orders of Schenck, p. 550, and Wallace, p. 554 *et seq.*

federacy; but recruits did not appear in the numbers that had been anticipated. For this disappointment there were various reasons assigned. It was said that the people of central and western Maryland, particularly those of German stock, were loyal to the Federal government or else indifferent. Many had not cared for the forcing of the issue; they deprecated war; but now that it had come they believed the sooner it was ended the better, and they believed in the superior power of the Federal government. Besides, western Marylanders were beginning to prosper like their Northern neighbors; and the fact that the South was already suffering severely from economic failure was plainly revealed by the condition of her ragged soldiers, many of whom were without shoes, while their supply trains were almost innocent of rations.[37] Certainly the appearance of the Confederates did not inspire confidence in their ultimate success; but they won good will by the sobriety of their behavior, which was in keeping with the terms of General Lee's orders.[38] Apparently, the sole breach of a peaceful entry and sojourn in Frederick of perhaps the most orderly army in history was the act of some citizens who, with the help of a few Confederate soldiers, took advantage of the occasion to damage the office of the Frederick *Examiner*. The offending soldiers were put under arrest.

Upon the occupation of Frederick, General Lee had supposed the Federals would evacuate Harper's Ferry and thus open his line of communication through the Shenandoah Valley. As the Unionists unexpectedly held on it became necessary to dislodge them from this position before undertaking further movements in Maryland or Pennsylvania. With this object in view, General Lee directed Jackson to proceed with his command to Martinsburg, and, after driving the Federals before him, to move upon Harper's Ferry. The divisions of McLaws and Anderson were ordered to seize Maryland Heights on the north side of the Potomac, while Brigadier General Walker was to take possession of Loudoun Heights. Lee and the troops under his immediate command set out for Hagerstown. When he had arrived before Harper's Ferry Jackson promptly put himself in communication with the forces of McLaws and Walker. In the defense of Maryland Heights against the Confederate assault, the First and Third Maryland Home Brigade,

under Colonels Downey and Maulsby and a few companies of the First Maryland Cavalry, performed gallant service. On the 14th a road was cut along the ridge for Kershaw's artillery; and at 2 P. M. four guns opened on Harper's Ferry, and the investment of the place was complete. Subsequently, Miles and White surrendered without a struggle, although any delay at this point was most important. In the meantime General McClellan, who had been recalled to his command, entered Frederick. On the afternoon of the 13th, his advance drove the Confederates out of Middletown. On Sunday the 14th the right of the Federal army, under General Burnside, rested on Middletown, and the left, under General Franklin, on Jefferson. Near Frederick, however, General McClellan had had the supreme good fortune to come into possession of a copy of General Lee's order to D. H. Hill, disclosing the plans of the Confederate forces. Encouraged by this definite information McClellan immediately gave orders for a forward movement. The situation, which had hitherto been menacing to the Federal forces, had now become changed into one of imminent danger to General Lee's immediate command, separated as it was from the divisions under Jackson at Harper's Ferry. To Lee, defeat, with possible annihilation of that part of his army in western Maryland, depended upon the prolongation of Confederate resistance at South Mountain, and the brevity of Federal resistance at Harper's Ferry. The battle of Antietam or Sharpsburg, fought on the soil of Maryland, is a national event; it has been the theme of many volumes, and any account in this narrative would prove but an unworthy condensation. McClellan did not renew his attacks during the next day. Lee was unable to take the aggressive; not only had his losses been severe, but his ammunition supply had become dangerously depleted. Nevertheless, the Confederate commander stood ready to repel any assault which McClellan cared to offer, until his position became untenable.

At Antietam Lee had met McClellan for the second time within the year, and it should be noted that McClellan was the sole Federal commander who at any time inflicted upon the Confederate leader more losses than he received. This in itself reflects unique credit upon a soldier who has been much maligned, in that his faults and failures have been unduly emphasized whilst his ability and achievements have been minimized or

ignored. In his review of the situation, subsequently to the second battle of Bull Run, Bradley T. Johnson pays tribute, as follows, to both Lincoln's wisdom and McClellan's ability.[39]

The first days of September were laden with anxious forebodings to the leaders of the Union side. The Army of the Potomac had been driven to shelter behind the entrenchments it had constructed in 1861, to protect the Capital from the victorious troops of Johnston and Beauregard. . . . The President of the United States, distracted by grave cares, seems to have been the only one who preserved his faculties and exercised his judgment. His advisers, Stanton and Halleck, dominated by jealousy and hatred of McClellan, had united to destroy him, and during the second battle of Manassas had left him at Alexandria within hearing of Lee's guns, his troops ordered to Pope and himself without even the troop of Cavalry, his customary escort. . . . On the 1st of September, the President sought an interview with General McClellan, who was then absolutely without a command. . . . This picture of the Commander-in-chief of the armies of a great nation interceding with his subordinate, whom he had permitted to be disgraced within the preceding week, to use his personal influence to persuade soldiers to do their duty, is certainly an interesting one. It proves that they knew and feared McClellan's power.[40]

At Antietam Maryland troops on either side were in the thick of the fighting. Thereafter, part of McClellan's army had followed the Confederates in crossing the Potomac from Maryland to Virginia at Shepherdstown. Driving back a Confederate battery the Federals anticipated a triumphant attack upon the rebel rear guard with perhaps disastrous effect upon the morale of the Confederate army. But Stonewall Jackson was there, and, apprehending danger if the Federals were allowed to progress further without sharp resistance he made his plans accordingly. General James J. Archer of Maryland was assigned a prominent position in command of the counter attack. For a while the conflict seemed to hang in the balance, or until Archer made a flank movement to relieve the hard-pressed Pender. After Archer had charged, there commenced, according to General A. P. Hill's account,[41]

the most terrible slaughter that this war has yet witnessed. The broad surface of the Potomac was blue with floating bodies of our foe. But few escaped to tell the tale.

Archer's attack may be considered a reply in kind to that of the Third Maryland Federal in the battle of Antietam. Under the active command of Lieutenant Colonel Sudsburg that regiment

had been exceptionally successful in driving the Confederates back; and, after heavy losses, it had the honor of resting for the night on ground won from the enemy. The Fifth and Second regiments also distinguished themselves in the battle of the 17th of September. The former was under the command of Major Blumenburg, who was severely wounded, and it lost 42 killed and 142 wounded. The latter, under Lieutenant Colonel Duryea, fought on the left of the Federal line under Burnside, near the stone bridge.[42]

Previously, in accordance with the Act of Congress of July 17, 1862, the President had ordered a draft of 300,000 men, which was to be filled by August 15th. Allegany, Cecil, Kent, and Washington counties were found to have furnished volunteers in excess of their proportions of the quota of the state. In the southern and eastern Maryland counties there had been extensive volunteering; but it was almost wholly on behalf of the Confederate service. Consequently the Federal draft fell heavily on Maryland generally, but particularly on the eastern half. Unlike the provisions of the draft for the World War in 1917, those who were drafted were permitted to engage substitutes, and very shortly "bounty-jumping" became an extensive scandal in the conduct of the war. Substitutes secured prices ranging from $300 to $700 each. Through connivance with corrupt officials these men were able to resell their services almost as frequently as some of the same men had "repeated" in elections of war times and before.

At this time General Wool had mitigated the evils of military domination to such an extent that the vindictive element clamored for his removal from office; the Federal Administration yielded to political pressure; and he was replaced on December 22, 1862, by Major General Robert C. Schenck of Ohio. Schenck was a bitter partisan; and his régime was rendered particularly odious by the blustering energy and arbitrary arrests and persecutions instituted by his provost marshal, William S. Fish. Military trials and imprisonments were conducted by methods which seemed to be definitely calculated to inflict the greatest amount of humiliation. While the author of the brochure entitled "State Rights and Minor Parties in Maryland Contrasted" may be regarded as a partial witness, nevertheless, it is well to record that portion of his indictment which is

corroborated by contemporaneous testimony. In the general recital, at least, he was faithful to the truth:

> The authors or agents of these wrongs [he writes] did not pretend to respect the forms of law, nor did they generally condescend to prefer, even informally, any specific charges against those whom they thus thrust into prison. Persons were dragged from their homes upon the mere order of some contemptible underling of the government. The houses of citizens were invaded and ransacked in the search for arms, papers and tags; and oftentimes without even the pretext of an excuse for the outrage being vouchsafed to the occupants. Newspapers were denied the privilege of passing through the mails, and were finally suppressed by the arrest of their editors. Men and women were stopped on the streets and ordered to strip from their persons ribbons or scarfs, of which the colors were obnoxious. Nurses were borne off to the station-house for carrying in their arms babies wearing red and white socks. Free speech became an act of treason, which the government agents punished when they chose; and persons of both sexes and of all ages were over and over again arrested for some casual remark which was disrespectful to the government, and was, therefore, deemed to be "disloyal."

Because of the fact that Federal and Confederate armies passed through Maryland in 1863 it is incumbent briefly to review some aspects of the campaign. Subsequently to the battle of Chancellorsville General Lee found himself in somewhat the same position he had been in during the preceding war, in that it was deemed essential for the Confederate armies to take the offensive. The First Maryland Regiment, C. S. A., which had so distinguished itself at Front Royal and in the subsequent campaign under Jackson, had disbanded in August, 1862. Its term of service had expired, and it was hoped that more regiments or brigades composed wholly of Marylanders would forthwith be formed. This plan, as previously indicated, fell through; but after many of the officers and men of the First Regiment had joined other state organizations some of its original officers organized, at Winchester, Virginia, the Second Maryland Regiment, electing as lieutenant colonel James R. Herbert, afterward badly wounded at Gettysburg. Officers of the regiment, from Major W. W. Goldsborough to the company captains, represented a number of noted names of the historic Maryland Line.

The First Maryland Cavalry, Federal, saw severe service when they were called upon to face General "Jeb" Stuart at Kelly's Ford. In the meantime Brigadier General Kenly had been active and successful in West Virginia and had been offi-

cially thanked for having saved the whole northern section of that state from being overrun by the "rebel Generals, Jones and Imboden."[43]

Upon the news of the approach of the Confederates in the second invasion of Maryland in the summer of 1863, Harper's Ferry was evacuated by the Federal commander; and by the latter part of June Confederate detachments had swept through Maryland from Cumberland on the west, which was occupied a few hours on the 19th, to Rockville on the east. At Westminster, Harry Gilmor, in command of the Second Maryland Cavalry, C. S. A., captured a number of Delaware troopers, pursuing others as far as Pikesville. Shortly before midnight of the 29th Baltimore was aroused by signal bells rung by order of General Schenck, and the whole population seemed to be marching out to defend the outer line of barricades under the conviction that the Confederates were about to attack the city in full force.

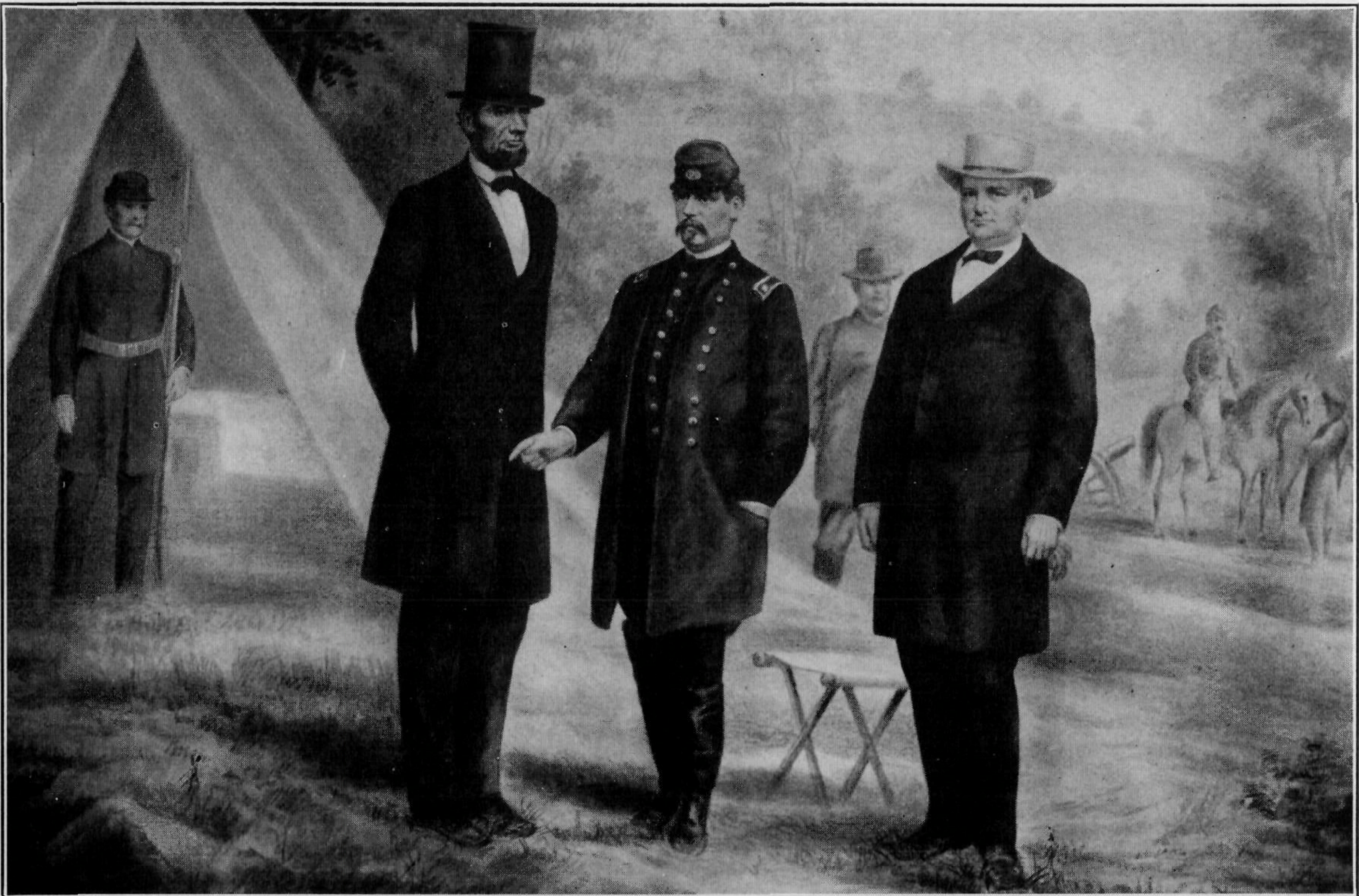
But while General Schenck was searching houses in Baltimore and throwing up barricades around the city, the battle lines in Pennsylvania were rapidly approaching each other, to meet, largely by chance, at Gettysburg on July 1st. For three ensuing days the contending forces struggled for the mastery, and conspicuous deeds of valor were contributed by the sons of Maryland, whether they fought under the Stars and Stripes or under the Stars and Bars. Among the former Colonel Maulsby's Potomac Home Guards excelled; among the Confederates, the Second Maryland Regiment. The outstanding features of the battle were Sedgwick's timely march and the stubborn fighting of the Union troops against the dashing charges of a worthy foe. On the Confederate side, there may be noted the slowness or disobedience of Longstreet in responding to Lee's orders and the brilliant but futile assault known as Pickett's charge, in which—despite a widespread illusion to the contrary—General Pickett did not actively figure, for the officers who actually led the charge were Brigadier Generals Armistead, Garnett, and Kemper. Another leader in this historic charge was Major General Isaac R. Trimble, who, with Brigadier General Pettigrew, was severely wounded. Armistead and Garnett were killed; while Major General Sedgwick personally cared for Kemper, who, it was then believed, was mortally wounded.[44]

As at Antietam, General Lee remained on the field for a day following the battle. Again being deficient in war supplies for assaults upon the strong Federal position, he hoped to be given an opportunity to meet any offensive movement General Meade should offer, which he believed he could turn to advantage. Like McClellan, Meade refused the challenge; and again like McClellan, Meade followed Lee cautiously, until the former had recrossed the Potomac.[45]

For reasons still in obscurity, Kenly, the most experienced and apparently the ablest of the Maryland officers on the Federal side, was relieved of active duty at this point and relegated to comparative inactivity. Political motives may have been behind the act; and it is quite possible, after that officer had shown disapproval of the worst features of military tyranny in Maryland, that the violently partisan element at home reported him to the War Department as an officer of doubtful loyalty. In any event, when General Kenly was withdrawn from the front, more than one hundred Federal officers united in a most unusual address, prepared March 25 (Maryland Day), 1864, at Culpeper Court House, Virginia, in which they declared that,

> The undersigned officers, commanding regiments, and others in the first and second brigades, comprising third division, first corps, army of the Potomac, cannot part with you, our late division commander, without first conveying to you the assurance of the friendship, regard and respect for you as a soldier and a gentleman, in the full comprehension of these terms, entertained for you by us, and by the officers and men of our several commands. The experiences and intercourse of more than eight months of active service in the field, furnishing an unerring test of competence and character, of courage and capacity, unite in impressing upon us a feeling of sincere regret at parting with you, the desire to retain a place in your memory, and the cordial prayer that your life may be spared, and your labors in the new field of duty to which you are to be transferred be crowned with eminent usefulness and success.[46]

Although the varied activities of the Maryland units on Virgina soil must be omitted it is desirable to review the circumstances leading to the final incursion of the Confederates across the Potomac in the summer of 1864. The Shenandoah Valley had been deeply penetrated by General David Hunter, who, to the expressed mortification of several of his officers, carried on a ruthless campaign against women and children. Apparently he took especial delight in burning the houses and destroying the property of his own kinspeople. The principal military



President Lincoln, General McClellan, and John W. Garrett; from a Brady photograph taken at McClellan's headquarters after the battle of Antietam. This is a rare reproduction of the original photograph which is in the possession of Mr. Garrett's grandson, John W. Garrett, Baltimore.

objective that had been assigned General Hunter was the destruction of the war supplies and railroad bridges at Lynchburg. Consequently, as Hunter advanced up the valley, General Jubal A. Early was sent by General Lee to protect Lynchburg. Early intercepted Hunter's advance near that town, whereupon the latter commenced a retirement which did not end until he had gone far into West Virginia. Hunter's departure left the valley comparatively free of troops; and at the suggestion of General Lee, Early determined to take his small force of some 12,000 men down the Valley into Maryland. Although Early was not a Stonewall Jackson, he moved swiftly with a force composed of Maryland veterans and others who had well earned the title of "Jackson's foot-cavalry." By the first week in July he had driven General Sigel out of Martinsburg and General Mulligan out of the neighborhood of Leetown, Jefferson County. This latter task Early had assigned to Bradley T. Johnson, now Brigadier General of Cavalry. In the face of the Confederate advance, the Federals evacuated Harper's Ferry and retired to the Maryland Heights. On July 5th, General Johnson, accompanied by the First Maryland Cavalry, the Baltimore Light Artillery, Lieutenant Colonel Harry Gilmor, and the Second Maryland Battalion of Cavalry, crossed the Potomac, followed by the main body of infantry under Generals Early and Breckinridge.

This third invasion of the Confederates was different from any that had preceded. The increasingly destructive character of the warfare instituted by certain of the Federal commanders had aroused in the Confederates a spirit of retaliation. Furthermore, many of the men with General Early hailed from sections of the country in which the houses had been burned, the crops destroyed, and wives and children turned out homeless upon the world. The first indication of a new policy was displayed at Hagerstown, in a border section which was known to have harbored many Virginia loyalist "hangers-on," who came and went as followers of the Federal troops. Consequently Brigadier General John McCausland, in command of the Confederate detachment at Hagerstown, demanded payment of the first of a series of "ransoms" imposed upon Maryland and Pennsylvania towns. McCausland demanded, in addition, all "government stores" and sufficient clothing for 1,500 men. The demand

was made on threat of firing the city. The citizens of Hagerstown raised the necessary money but insisted that they were unable to secure the clothing. Finally, despite his lurid threats, General McCausland signed a receipt to the effect that the city had complied with his requisition as to the cash payment; and since the people had "furnished the specified articles therein mentioned to the utmost of their ability," he forthwith placed "the town under the protection of the Confederate forces."

In the meantime General Johnson's cavalry were active as far east as Frederick. General Wallace, Commander of the Middle Department, in response to numerous calls for help, sent up from Monocacy Junction the Third Maryland Regiment under Colonel Gilpin, a part of Alexander's Baltimore Battery, Colonel Maulsby's Potomac Home Brigade, and Captain Cole's Maryland Cavalry. Their line was drawn up on the west side of the town; and here, on still another occasion, Maryland troops faced each other in battle. Johnson, thoroughly familiar with his own countryside, immediately set about to prepare a series of strategical operations by which he expected to get at the flanks of the Federal forces with a view to surprising and capturing their entire command. He had these movements under way, with, as he insisted, every prospect of winning a notable victory, when the plan was overruled. Thereupon Johnson retired a few miles to the near-by hills on the west. On the evening of the 8th General Wallace, having taken command at Frederick, ordered the evacuation of the town and demanded a ransom of $200,000. In this emergency President Lincoln issued a proclamation calling for the enlistment for 100 days of 29,000 men from the states of New York, Pennsylvania, and Massachusetts; in addition the Sixth and Nineteenth Corps were ordered by General Grant to proceed at once from Virginia to Maryland. When a part of these reënforcements had arrived General Wallace took up a strong position on the east side of the Monocacy River. Thereupon General Early advanced and prepared for action, which began in the afternoon of the 9th. Wallace proved to be no match for Jackson's successor, who had with him, besides Johnson and his Marylanders, the impetuous Colonel John B. Gordon. The Maryland Regiment, U. S. A., and sundry other well-handled regiments, inflicted severe losses upon the Confederates; when,

however, parts of the Federal line gave way, by reason of the skillful disposition and assaults of Gordon's men, the consequent retreat came dangerously near complete disaster for the entire force. The defeat of General Wallace and his rapid retirement toward Baltimore aroused Governor Bradford and Mayor Chapman to make a combined proclamation concerning the defense of the city. Extraordinary excitement was aroused by the appearance of General Wallace with a trainload of wounded. Almost simultaneously the wagon trains of Generals Sigel and Mulligan appeared from the Shenandoah Valley, and the teamsters' stories of the size of the Rebel army lost nothing in the telling. General Early in person led the Confederate advance toward Washington, encamping near Rockville. In the meantime General Johnson had been instructed to destroy communications from Baltimore northward, threaten the city, and sever railroad and wire connections between Baltimore and Washington. In the course of this raid upon railroad lines, a detachment of the Confederates burned the country house of Governor Bradford near Baltimore, in retaliation for the destruction by General Hunter of Governor Letcher's house in Virginia.

But the last Confederate incursion into Maryland was rapidly drawing to a close. While at Cockeysville General Johnson learned of the arrival of large bodies of seasoned troops in Baltimore from the army under General Grant. The news, relayed at once by Johnson to Early, reached the latter before the morning of the 12th, at which time he had made arrangements to make an attack upon the defenses of the Federal capital. Attack would have been exteremely hazardous, at best, for Early's small force; but the dispatch from Johnson caused the Confederate commander to abandon further activities in Maryland and begin a retreat before he should be cut off or overwhelmed.[47]

Whether justified by "war conditions" or not, the election of November 4, 1863, was again marked by military interference at the polls. Ex-Mayor Swann had not relished his pre-war overthrow in the city, which had been brought about in large measure by the element which had Southern affiliations or sympathies. Prior to the election, Swann, following the successful precedent set by Henry Winter Davis, had written to the Federal government (this time to President Lincoln) to assert his

belief that the election would be "attended with undue interference on the part of persons claiming to represent the wishes of the Government." To this the President had replied that he wished "all loyal, qualified voters in Maryland, and elsewhere, to have the undisturbed privilege of voting at elections." At once the word "loyal" was seized upon as broad enough to cover all those who opposed the particular candidate of the dominant party. In any event, upon the day of the receipt of Lincoln's letter, October 27th, General Schenck issued a pronouncement which could have but one meaning: *i. e.*, that of an open threat against all opposition to the candidate who had the endorsement of the military régime.*

Against this invasion of civil rights was raised the voice of Governor Bradford, who, at the risk of his political and private fortunes, warmly opposed this proposed violation of the provisions of the State Constitution and that of the United States. He addressed a letter to the President with respect to rumors that had reached him that the troops would be stationed at the polls, adding that he could not but believe, from the sentiments that the President had expressed to him, that the order of General Schenck was without the President's personal knowledge, and that such interference, either in the presence of the troops or the application of test oaths, would be justly obnoxious to public sentiment. The President, however, supported General Schenck, modifying the order with respect to those who might be subject to arrest. In this emergency, Governor Bradford, as the representative of civil authority, acted as did his fellow Marylander, Chief Justice Taney, who had come in conflict with military dictation in the Merryman case. In brief, the Maryland executive issued a proclamation to the effect that the judges of election were required by law to permit all qualified persons

*It should be stated that not a few of the unconditional Unionists quietly sympathized with the Southern people; albeit they were diligently working on behalf of the Federal government, believing that the quicker the apparently inevitable Federal triumph, the sooner the distress of war would be over and the greater probability that the Union would be restored *"as it was."* Out of respect for the personal sorrow of relatives or friends who sustained losses by death in the Confederate service, some of these Unionists had caused to be published in Baltimore newspapers notices of these deaths. General Wallace warned (June 16, 1864) the editor of the *Gazette*, for example, that the notices were offensive, in that the letters "C. S. A." were conspicuously used in two instances, which would "have a tendency to dignify the Southern rebellion and, to that extent, weaken the respect which the United States Government demands from all its subjects."

to vote, and that the military order, in relation to the elective franchise, was without justification and offensive. Thereupon, General Schenck issued a counter order reinstructing the provost marshals to conform to his original order; so that once more civil authority was forced to bow to military dictation under the protection of the Federal Administration. Subsequently, Governor Bradford, in referring to the election, declared to the General Assembly:

> Abuses commenced even before the opening of the polls. . . . I have caused copies of them to be transmitted to you. They present a humiliating record, such as I had never supposed we should be called upon to read in any State, still less in a loyal one like this. Unless it be, indeed, a fallacy, to suppose that any rights whatever remain in such a State, or that any line whatever marks the limit of Federal power, a bolder stride across that line that power never made even in a Rebel State than it did here on the 4th of last November. A part of the army which a generous people had supplied for a very different purpose, was, on that day, engaged in stifling the freedom of election in a faithful State, intimidating its sworn officers, violating the rights of its loyal citizens, and obstructing the usual channels of communication between them and the Executive.[48]

The first proceeding of the General Assembly of 1864 was to elect ex-Governor Hicks United State Senator. Hicks was then, by appointment of Governor Bradford, filling the vacancy left in the Senate by the death of Senator James Alfred Pearce. President Lincoln had previously offered Hicks an appointment as brigadier general, but the latter had declined. With respect to the position of the people of Maryland numerous misstatements have crept into the works of distinguished historians. Some of these errors amount to a total misapprehension of the attitude of the people of Maryland on both secession and coercion. Others show a lamentable lack of knowledge of facts or of personages. By way of example Dr. James Schouler, a frequent lecturer at the Johns Hopkins University, evidently labored under the impression that Hicks served as Governor of Maryland throughout the war, thus leaving out of his calculations the régime of Governor Bradford, who was the real War Governor.*

*In the sixth volume of his *History of the United States,* Dr. Schouler asserts: "By mid-summer [1861], transit from the North was restored, and troops passed through Baltimore to the nation's capital unmolested. Hicks in the autumn was re-elected governor by a very large majority," etc. Previously, this historian had observed: "Allowance should be made for an executive under such conditions; and of all governors in the border slave States, except Delaware, at this crisis,

A series of acts were passed relative to promoting the objects of the war: such as acts for the encouragement of the enlistment of volunteers, and providing for bounties. The orgy of spending, which had seized upon the Federal Congress in the new régime, seemed also to affect the attitude and actions of the State Legislature. It was an expensive session, over and above the appropriation of $150,000 for a Constitutional convention. In addition contrary to the provisions of the then-existing state Constitution, the Assembly passed a joint resolution appropriating funds to each member for extra expenses. On the 9th of March the Assembly passed a resolution tendering the thanks of the state

> to Commander John Rodgers, of Maryland, for his distinguished services during the rebellion, especially in organizing the iron-clad fleet in the western waters; in the attack on Fort Darling; in the heroic attempt on Fort Sumter, under Admiral Dupont and the memorable capture of Atlanta.

Thanks were tendered Captain A. H. Kilty,

> for his brilliant services in command of the gunboat *Mound City,* in the fight at Fort Pillow, and in the attack on the batteries at Saint Charles, on the White River.

On the 12th of March Major General Lewis Wallace was appointed to the command of the Eighth Army Corps, Middle Department, replacing Brigadier General Lockwood. The first of a series of interferences with the civil affairs of the state, as proposed by General Wallace, was in connection with the pending election relative to the calling of the Constitutional Convention. In the list of queries officially presented to voters, there was a note explaining that a voter could be disqualified if, at any time, he had "talked in favor of Maryland going with the South." Such a query, if it had been propounded to Senator Hicks, would have disqualified him for the office to which Governor Bradford had appointed him, and in which, by choice of the General Assembly, he hoped to be continued. Again, it was

Hicks was the only one tractable and true, and his record, on the whole, in time of trial, did him lasting honor." In this connection, this "lasting honor" to Hicks, though belated, should be accorded to Bradford! This misstatement concerning the "reëlection" of Hicks is no more astounding than the general misconception in many American histories concerning the attitude of the people of Maryland in the War of Secession or that concerning the part played by province and state in previous contingencies.

the fixed determination of the dominant party to hold the proposed Constitutional convention; hence, many voters who were known to be loyal but against the Convention were disqualified on additional questions outside of the printed list prepared by Governor Bradford. In Baltimore City, out of a voting population of about 40,000, 87 votes were cast against the Constitution compared with 9,189 in favor of it. Consequently the Convention met at Annapolis, April 27, 1864, and drew up a new Constitution. Under its provisions the Governor's salary was raised from $3,000 to $4,000 a year, and his term of office was changed from three to four years. The General Assembly was directed to pass laws requiring the presidents, directors, trustees, or agents of corporations, created or authorized by the laws of this state, teachers or superintendents of the public schools, colleges or other institutions of learning; attorneys at law, jurors, and such other persons as the General Assembly shall from time to time prescribe, to take the oath of allegiance to the United States. This oath was severely restrictive, and it was evident that its framers intended to continue the war party in power by the sweeping disfranchisement of those who had evinced Southern sympathies of any kind.

> Any person declining to take such oath [so ran part of Section 4] shall not be allowed to vote; but the taking of such oath shall not be deemed exclusive evidence of the right of such person to vote.

Provision was made for the abolition of slavery, and the new Constitution was to go into effect on the 1st of November, 1864.

The Convention was in no way authorized to do many of the things it set forth, the very Assembly which had approved of the calling of the Convention having declared its opposition to some of its proposals. Consequently the minority of the members of the Convention issued a protest; and such noted lawyers and unconditional unionists as Reverdy Johnson, William Schley, and Thomas S. Alexander declared that the procedure was a travesty on law and justice. This protest presents a review of contemporary conditions, and the following excerpts are illustrative of its character:

> Many persons were chosen delegates who have never been engaged in such pursuits as would probably direct their attention to subjects connected with

elementary principles of organic law, fitted for the government of a free people for all time—men whose claim to a seat in the body rested entirely on their violent and vociferous support of extreme partisan doctrines, and that persecuting spirit against all who differed from them, which is always the result of great excitement. . . . The slaves, men, women, and children, at one blow, taken from you, manumitted, instantly turned loose without the slightest provision for you or for them. Widows, orphans, the destitute old, and creditors, in many instances, dependent alone on the value of this property, reduced to poverty and want by a remorseless indulgence of a fanatical frenzy which heeds no appeal from helpless infancy or decrepit age.*

Despite the frauds perpetrated all over the state, besides the intimidation and disfranchisement of voters, the new Constitution won only by the counting in of the absent soldiers' vote, which vote was declared to be almost unanimous in the affirmative. In some places a number of "loyal" voters, in actual excess of the negative vote recorded, were prepared to swear that they had voted against the Constitution. Appeal was made to Bradford who had previously sanctioned the taking of the soldier vote; but the Governor replied that he "could not go behind the returns."

Upon the news of the ratification of the Constitution, followed by Governor Bradford's proclamation to that effect, General Wallace, on November 9th, proclaimed the establishment in Maryland of a Freedmen's Bureau—a semi-military, semi-civil organization that, in the South, was soon to prove a prolific source of corruption. Asserting that active efforts to nullify the emancipation provisions of the new Constitution were contemplated by certain obstructionists, General Wallace established a military system to protect emancipated negroes. Provost marshals were directed to hear complaints from negroes; and General Wallace directed that the building of the Mary-

*On the second of September, 1864, Governor Bradford received a letter written jointly by Horace Greeley, Parke Godwin, and Theodore Tilton, New York editors, asking him for his opinion as to whether the interests of the Republican [Union] Party and the country required the substitution of another candidate for Mr. Lincoln. To this letter Governor Bradford answered, "If Mr. Lincoln can *not* be elected, no other candidate presented at this period of the canvass in his place *can.*" Shortly after Governor Bradford's reply (September 6th), the New York *Tribune* came out strongly and unequivocally for the reëlection of the President.

"Mr. Lincoln's Proclamation did not affect slavery in Maryland—did not give freedom to the slaves therein—and it has often seemed to me a strange course of events that my father's Proclamation of the State Constitution in 1864 should have been the official notification of the freedom of slavery in Maryland. . . . He, at that very time, was the owner of slaves."—Letter to author from Samuel W. Bradford, February 19, 1922.

land Club should be seized and renamed the Freedmen's Rest. The order further directed that "some excellent lady" be secured

> to take charge of the same as matron, and to suitably prepare and furnish as many rooms as may be required for the purpose proposed. . . . To supply immediate wants, Major Este is further directed to draw on Colonel Woolley. Lest the moneys derived from donations, and from fines collected, should prove insufficient to support the institution in a manner corresponding to its importance, Major Este will proceed to make a list of all the avowed Rebel sympathizers resident in the City of Baltimore, with a view to levying such contributions upon them in aid of the "Freedman's Rest," as may be from time to time required.

Previously General Wallace had issued an order directing the confiscation of all property of every description held by those who had offered aid and comfort to the rebellion by their presence in the Confederate states. All corporations or individuals having a record of the ownership of bonds, stocks, or other revenues were required to forward to the quartermaster

> a written statement verified under oath by the president, and by the secretary or treasurer of such corporation or company, etc., setting forth the names and addresses of all the proprietors or stockholders, or others having now or within the past year, any interest whatsoever in the capital stock, the bonds or other debt, funded or otherwise of such corporation or company, or in the dividends, interest, premiums or other profits whatsoever arising therefrom or from its business, who are, or who since April 19, 1861, have been residents of, or have lived within any of the States now in rebellion, or who now are, or who have been in the rebel army, or in the employment of the rebel government, to the best knowledge and belief of the deponents.

These orders, promulgated with ruthless disregard of all civil, legal, and personal rights, were, however, immediately suspended by direction of President Lincoln, on the application of those unconditional unionists whose advice had weight with the administration.

The National Union Convention had met in Baltimore in June, 1864. This was, in reality, the National Republican Convention, the "Union" name having been suggested in the effort to emphasize the word and to attract prominent war Democrats, especially those from the border states, where the Republican party, as such, had received but scant favor. General Grant, a war Democrat and a slaveholder by right of his Maryland wife, was nominated by the delegates from Missouri; but

the sentiment of the convention was otherwise unanimous for Lincoln as President, while it chose a Democrat for Vice President—Andrew Johnson of Tennessee. As stated by James Ford Rhodes:

> It was entirely in line with the policy of Republicans to nominate War Democrats for important positions, thereby giving significance to the name Union party and strengthening their ticket with the people. Another sentiment unquestionably had influence. The Republicans were still disturbed at the taunt that theirs was a sectional party, that both their candidates in 1860 had come from the North; and here was an opportunity to end that reproach by choosing for Vice-President a man from the South who had done good service for the Union cause.[49]

In April the news of the breaking of the Confederate lines around Petersburg was quickly followed by that of the evacuation of Richmond and the surrender of Lee. Appomattox was recognized by the people as well as by the War Department, as indicating the close of the conflict.[50] All the reports from the South, from the evening of Palm Sunday, the day of the surrender, throughout the first six days of that week led to rejoicing that in some of the churches furnished a strong contrast with the usual proceedings of fasting and penance. Then came Good Friday; and, as if led by some untoward fate, Abraham Lincoln arranged to attend the evening performance at Ford's Theater of *Our American Cousin,* where, by Booth's insensate act, he became the first American President to die by the hand of an assassin. The news of the wounding and death of the War President, following so rapidly upon the tidings of victory and peace, served to accentuate the shock. Thoughtful people everywhere—North and South—recoiled in horror not merely at the revolting nature of the deed but because they instinctively feared the consequences. On the other hand, political partisans, who had regarded Lincoln as the greatest obstacle in the path of their designs, secretly rejoiced whilst publicly indulging in the most extravagant eulogies of the murdered Executive. Thus they blinded the public with a show of patriotic devotion, whilst simultaneously they moved to defeat the policies of restoration which the slain President had under consideration.* The

*Privately, on that same Easter Sunday, Senator Wade exclaimed, in the presence of President Johnson; "By the gods! there will be no trouble now in running the government."[51]

Subsequently to the assassination of the President, John Wilkes Booth, badly

greater the previous antagonism of those who objected to the President's plans while he was living, the more intense were the panegyrics they pronounced upon him after he was dead. Whether it was so intended or not, the taking of the body of the President in an extended funeral procession through Baltimore, Harrisburg, Philadelphia, New York, Albany, Buffalo, Cleveland, Columbus, Indianapolis, Chicago, and other cities, before it was laid to rest almost a month after the assassination, had just the effect upon the minds of the people that the radical element in Congress—the enemies of the President—most desired in firing popular emotion. "And always," says Rhodes, "the desire for vengeance alternated with grief."

Although this work cannot undertake a discussion of national affairs, it will be recalled that President Lincoln had made repeated promises to Marylanders in particular that he would, upon the close of the war, restore the Union "as it was." That he was attempting to do this at the time of his death and that he had taken several steps with that end in view is clearly shown by an examination of letters and other data in the possession* of the daughter of General James Washington Singleton, who, it appears, President Lincoln was employing as his confidential representative in preparing his plans for the reëstablishment of the Southern states with their rights unimpaired by the War of Secession—excepting, of course, the alleged right of withdrawal from the Union.

The contrasts which marked division in Federal councils were reflected in Maryland. Montgomery Blair, the only Marylander chosen for Lincoln's first cabinet, was, like Lincoln, for peace

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injured by his fall on the stage, had fled to southern Maryland, where his broken leg was set by Dr. Samuel A. Mudd of Charles County. Off in a rural district Dr. Mudd had not heard of the assassination when Booth, under the name of Tyler, was attended by him and sent on his way with Herold, his companion in crime. Herold and Booth had reached the home of Dr. Mudd about four o'clock in the morning. Subsequently Dr. Mudd visited Bryantown, where he learned of the murder of the President. Thereupon he told his wife that he suspected "Tyler" and reported his suspicions to the military authorities.[52] Dr. Mudd was declared guilty as an accomplice after the fact, and sentenced to imprisonment for life at Albany, which was changed to Dry Tortugas. Broken in health, after cruel sufferings, he was released some four years after. Generals David Hunter and Lew Wallace, whose connection with Maryland affairs has been set forth above, were among those on the commission appointed to try the conspirators and their alleged accomplices, under the terms of an indictment which accused high officials of the Confederate government of complicity in the plot.

*1929.

and conciliation, with confidence that the defeated Confederates would accept the issue in the spirit of their great leaders. Generals Kenly and Phelps exemplified the spirit of Grant at Appomattox; but there were others in Maryland who were of the political stripe that was now to dominate Congress and further impoverish the South—only in Maryland their rule was of brief duration. Brigadier General W. W. Morris, who had some months before succeeded General Wallace as Commander of the Middle Department, was now supplanted by the latter. General Morris had conducted his office with a reasonableness and discretion that was beginning to have a beneficial effect in reconciling the differences excited by the war, aggravated, as they were, by the tyrannies of previous commanders. Now, in opposition to the expressed desire of his late commander in chief for the prompt return of peace conditions, General Wallace renewed his system of petty persecutions of the alleged disloyal "subjects"* of the Federal government. On April 19, 1865, he took the trouble to issue a formal order against the wearing of gray uniforms by boys attending school, as "offensive to loyal soldiers and citizens." Sometimes Confederate sympathizers invited reprisal. The sister, wife, or fiancée of a "Rebel" would, on occasion, draw away from a passing Federal officer, or leave church when one was shown in her family pew. Although the officer might not resent the act it was sure to be seen by those who would inform the military authorities, whereupon a search squad would be sent to the house of the offender, with unhappy results for those concerned. After the war was over this feeling of antagonism persisted, and the City Council of Baltimore passed resolutions requesting General Wallace to close all churches guilty of "disloyal and unpatriotic purposes."

> Among said churches [ran the remarkable preamble] is the so-called Methodist church, on Franklin and Pine streets; the congregation professing to worship at the Red Men's Hall, Paca street; also the one professing to worship at Winans chapel. . . . These churches are inimical to the loyal and patriotic Christian denomination of Methodists among us, the members of which are enjoying all the immunities of a munificent government, while they, by their unholy sympathies, are engendering a spirit of partisan feeling, demoralizing to society, and in conflict with peace and harmony among our citizens.

**Supra*, p. 550.

General Wallace, however, formally disapproved this recommendation.*

By official proclamation of President Johnson, April 2, 1866, the rebellion was declared at an end. In Maryland, it was necessary for those who had raised themselves to power by force or by fraud to devise desperate expedients to hold that power, now that no further appeals could be made to the office of the provost marshal. If these men could have kept in line certain conservative unionists, all would have been well; but Montgomery Blair, conservative Republican, fired the opening gun which ultimately brought to an end the usurpation of the radical minority. When further restrictions of the franchise were proposed by the General Assembly of 1865 Blair wrote, in terms that could not be misinterpreted, that the intention of the registration act was

> to screen from punishment the lawless men who, under cover of transcendent loyalty, have been the greatest offenders against the cause of the Union.

The first election under the new registration act took place in November, 1865. As far as it offered "free expression to the will of the people," it was, perhaps, the greatest farce in the history of the state. But Montgomery Blair was a man who had been too prominent in the national councils of the dominant party to be disfranchised; and he was too honest and courageous to be intimidated. He had, by this declaration, sounded the trumpet of revolt, and other independent Unionists were soon to follow. In January, 1866, a convention was held in Baltimore with delegates present from the counties. Blair presided and denounced the "issue which radicalism has tendered," in state and nation. Resolutions were passed, and the same were submitted to the General Assembly; but it was hardly expected that those in control would yield their position through weight of argument, especially as Governor Swann had recommended that the registration act should be maintained. Furthermore the radical leaders of the unconditional Union party met and emphatically declared that the political control of the state should remain with them until they themselves should deem it proper

*From their pulpits ministers expounded the theory that God had removed President Lincoln, whose war work was done, in order that men of sterner stuff should punish treason. See also Rhodes, *op. cit.,* Vol. V.

to permit the franchise to be extended. This meeting recorded its cordial endorsement of "the reconstruction policy of Congress," according to the programme of the radical element there; but declared its unalterable opposition to "both rebel suffrage and negro suffrage." The resolutions also contained a warning to Montgomery Blair and such as "should court the favor of traitors."

On October 10th Baltimore again saw the empty form of an election. Only a few years before, the vote in the city—for and against the reform administration of George William Brown—had been about thirty-five thousand. In this election in 1866, it had dwindled to less than eight thousand, and Mayor John Lee Chapman was reëlected. The opportunity now presented itself of making an appeal to Governor Swann, when the Governor evinced sharp disapproval of the course of the radical element in Congress in the beginnings of its effort forcibly to control the South by a combination of aliens, low-class native whites, and freshly enfranchised negroes. Swann now proceeded to complete the movement which had been inaugurated by Blair. The remedy lay in the action of the General Assembly of 1862, which had provided that police commissioners should be removable by the concurrent vote of the two Houses of the General Assembly, or by the Governor during the recess of the Legislature. It was charged—and scarcely denied—that the commissioners, Nicholas L. Wood and Samuel Hindes, had violated the provisions of the Act in appointing partisan police and judges at the recent election and in permitting many and manifest irregularities, as in the refusal of partisan judges to open the ballot boxes and count the ballots in public. Consequently, after due trial, Governor Swann found the Commissioners guilty of the charge brought against them and dismissed them from office, at the same time appointing William Thomas Valiant and James Young to the places thus made vacant.

The radicals were now desperate. Federal interference was suggested; but General Grant, despite a marked tendency on the part of President Johnson to intervene, advised against the presence of troops, even if sent with the best of intentions to maintain order. Compelled, therefore, to fall back on their own resources, they ordered the arrest of the commissioners to-

gether with Sheriff William Thomson, on a warrant issued by Judge Hugh Lennox Bond, of the Criminal Court. Since they were charged with inciting a riot they were entitled to release upon giving bail to keep the peace or answer the charge; but Judge Bond required of them a promise that they should not attempt to assume or carry on the duties of their office. This order of the Court they and their legal advisers deemed wholly unwarranted; they refused to accede, and were remanded to jail. Thereupon their counsel waited upon Hon. James L. Bartol, of the Court of Appeals, and procured a writ of *habeas corpus,* which was made returnable before the judge of the Superior Court. At the time appointed for producing the prisoners, it was stated that the writs had been served, but it was understood that they would not be obeyed. The Court adjourned until November 8th, and the police commissioners were kept confined. In the meantime the radical faction, backed by the organization and a favorable court, remained in power; and the election took place on the 6th of November. Yet, despite the fact that only a minority of the citizens went to the polls the conservatives were returned victorious. On November 8th the commissioners were brought before Judge Bartol, and on the 13th he delivered his decision, which upheld the action of the Governor in their appointment. In a sense, therefore, the city had duplicated the proceedings that had overthrown Mayor Swann and the Know-nothing party in 1860, with Swann, now Governor, acting in the rôle of one of the liberators.

Almost from the beginnings of the colony, throughout the history of the state, Maryland, as every other commonwealth in America, had legislatures that varied from good to bad. It may be safely said, however, that, in Maryland, when great crises were imminent, exceptionally able men were chosen to represent the people of the Province or state in the General Assembly. Such was the case in 1867 when the General Assembly convened on January 2d. This legislature, despite the handicaps under which the members had run for office, represented the views of the conservative Unionists, whether they had Northern or Southern sympathies or affiliations.

The new Assembly turned promptly to the task of abrogating the legislative and political proscriptions passed under the ré-

gime of extremists. Nevertheless, the majority proceeded with caution and in a conciliatory spirit. No attempt was made to right everything at once, and there was in evidence a wise desire to avoid all unnecessary antagonisms. Although Governor Swann was not a member of the majority party in the General Assembly, his message was received by them with favor. Among other things, he boldly denounced "the power attempted to be exercised by the Judge of the Criminal Court" (*supra*), which he "believed to be without precedent, ignoring alike the Great Seal of the State and the limitations governing his judicial functions." Governor Swann favored also the calling of a convention elected by the people, with the object of revising "the war Constitution" of 1864, and he approved of the right of the General Assembly to give to the citizens of Baltimore an immediate opportunity to establish a truly representative government in that city.

After the Assembly had been organized one of the first bills introduced in that body was one reported in the House of Delegates by ex-Governor Philip Francis Thomas to restore full citizenship and the right to vote and hold office, to all persons who may be deprived thereof by the provisions contained in the fourth section of the first Articles of the Constitution of the State." This bill, passed on January 24th, rehabilitated those who had been disfranchised—upon their taking an oath to bear "true faith and allegiance to the United States" and "to support the constitution and laws thereof as the supreme law of the land." Public officials were required to take an additional oath which included a pledge to support an indissoluble Union.

On January 25th Governor Swann was elected by the Assembly to John A. J. Creswell's seat in the United States Senate. However, the leaders of the Democratic-Conservative fusion persuaded Mr. Swann not to accept and thereby give over the gubernatorial office to Lieutenant Governor Christopher C. Cox, on the ground that the latter was a radical and would undo the reforms already begun and prevent further progress.* In addition Swann's break with the radical programme of Congress had rendered it at least doubtful whether that body would admit him. Consequently, at the last minute, Governor Swann

*Under the Constitution of 1864 the office of lieutenant governor had been created.

resigned the senatorship. Despite the bitter attacks of the Union party Swann was subsequently elected to Congress as the representative of the Fourth District. Ex-Governor Phillip Francis Thomas was elected Senator in lieu of Swann; but notwithstanding the approval of the Senate-Judiciary Committee as to his constitutional eligibility the radicals of that body refused to allow him on the floor, and George Vickers of Kent County was chosen and accepted.[53]

The period of readjustment following war conditions brought about a realignment of political forces. In Maryland the processes and effects of the struggle had been such as to make the regularly accepted names of both the great political parties liabilities or even terms of reproach. In the minds of many the Democratic party had become identified with "treason and rebellion," and that point of view was played upon by the opposition in press, pulpit, and forum. For these reasons it was difficult for the unconditional Unionists to vote the straight Democratic ticket. In order to create an amalgamation of the conservative forces, representing Montgomery Blair, on the one side, and Oden Bowie, on the other, the term "Democratic-Conservative" was employed to indicate this fusion. The radical element in control of the Republican organization had so discredited that party in the view of the majority of the people of Maryland that the party itself could not hope for favor in the state if it ran under the name used elsewhere. Consequently it was called the "Union" party, a concession to public opinion which had been previously made by the Republicans in the National Convention held in Baltimore which nominated Lincoln and Johnson. Consequently, in the election of 1866 the parties were officially aligned under the names "Union" and "Conservative," or "Democratic Conservative."

The radical element did not give up without a struggle, particularly as it was well known that Congress was prepared to sanction any form of government in the South which would keep political power out of the hands of those who had formerly exercised control. This was particularly true of Thaddeus Stevens, two of whose lieutenants were Francis Thomas and Henry Winter Davis. In Congress charges were freely made that Governor Swann had been guilty of treasonable alliance with Confederates fresh from rebellion against the country; and that the

safety of loyal men, and especially that of the freedmen, was in imminent danger. Therefore, upon the assembling of Congress, after the elections of 1866, a resolution had been passed in the House of Representatives, on motion of General Schenck, former Commander of the Middle Department (*supra*), instructing the Judiciary Committee to investigate the alleged sale of negro convicts in Maryland. The investigation had scarcely begun when the General Assembly of Maryland especially prohibited such sales.* This in itself would not be a matter of importance, had not considerable partisan testimony been taken by the Committee in secret session, bearing upon the general question of political conditions in the state. In order to give the necessary authority for an inquiry, a resolution passed the House of Representatives on the 21st of January, 1867, directing investigation into the recent Maryland elections for Representatives in Congress, and for other officers, as to whether the laws of Maryland had been violated by the voting of persons who had been disqualified or who were disloyal. With regard to this investigation the Judiciary Committee continued in secret session until the 4th of March, 1867, when the Thirty-ninth Congress expired. The Fortieth Congress met upon the same day, in special session, and ex-Governor Thomas was reappointed upon the Committee. In a speech delivered in the House March 28, 1867, Thomas recommended, in effect, that his own state should now become a military or civil satrapy.†

In the election held April 10, 1867, with the question of calling a Constitutional convention before the people, the advocates of the Convention won by a large majority. Consequently, in accordance with a proclamation of the Governor, the Convention assembled at Annapolis May 8th, and the instrument they prepared was duly ratified. This action aroused Represen-

*This Assembly voted against ratification of the Fourteenth Amendment to the Federal Constitution. Maryland sentiment opposed the Amendment on a number of grounds, not the least of which was its interference with matters which had hitherto pertained to state control.

†Thomas said, in part: "No member of Congress can come here to take his seat without crossing the territory of Maryland, and is it unreasonable to expect that the Congress of the United States, which has expended so much blood and treasure to rescue one section of the Union from the political domination held by those plotting the overthrow of the government, will hesitate to exercise the unquestioned power conferred upon it under the Constitution to rescue Maryland from the hands of persons as thoroughly disloyal and hostile to this government at this moment as are any in the States further South?"

tative Thomas to renew his efforts to secure Federal interference on behalf of the "reconstruction" that had been visited upon the states south of the Potomac; but, as Montgomery Blair had broken up the radical programme in Maryland, so now Thomas found an able antagonist in General Charles E. Phelps, whose loyalty could not be questioned any more than that of the conservative Mr. Blair. When, therefore, Thomas proposed a continuation of the inquiry into Maryland affairs, Phelps was successful in having the resolution amended with a view to making the inquiry of hearings public.

> The attempt [he declared] has been made here and persisted in for more than twelve months, by a secret *ex parte* inquisition,—no voice from that State being allowed to be heard in her defence,—not only to impeach a State of this Union in full relation to the general government, but to put that State upon trial for its life, its independence, its sovereignty, its integrity. . . . I had always supposed that the Constitution of a State of this Union was a document of such authentic character that it proved itself. But it appears that in these days it is regarded as standing upon *parol* evidence, depending on matter *in pais,* and established or overthrown by such partisan testimony as can be drummed up in the interest of a defeated and disappointed political faction.

The passage of the amended resolution practically ended the matter, for the methods of the inquiry could not stand the light. No report ever came from the Congressional Committee in question; and the mass of testimony the Committee had accumulated on the subject of Maryland politics sank into oblivion.

The feeling of relief from war measures and proscription was shown in unprecedented majorities recorded, in subsequent elections, for those who represented the restoration of popular government. In Baltimore R. T. Banks, the Democratic-Conservative candidate for Mayor, was elected by a majority of four to one; and Oden Bowie defeated Judge Hugh Lennox Bond, Union or Republican candidate for Governor, by a majority of three to one. For the first time in the history of the state a General Assembly was elected in which there was no political dissent as to party alignment; for all the members thereof—from Allegany to the farthest county on the Eastern Shore—had been elected with the single purpose of restoring Constitutional government. Patriotic unconditional Unionists were now united with equally patriotic opponents who had fought against state coercion as the knell or negation of liberty.

In January, 1868, what has been called the politically unani-

mous Assembly began the sessions. The fact that all the members of both Houses represented one ticket did not turn out ill, as it might have done under ordinary circumstances or with ordinary legislators. It is the most eloquent testimony to the wisdom and high character of the majority that there was no effort made to gratify personal or factional grievances; and there was no hasty or partisan legislation.

This astonishing restoration of popular government, brought about by the united efforts of men who had so widely differed on the policies that involved sectional conflict, should have marked the end of the bitternesses of war; but partisanship, promoted by extremists on either side, soon came to the front, as differences were promoted by circumstances or design. In any event, this period may be taken to represent the end of an era and the beginning of a new one. The war had made it possible to confer tremendous and undreamed-of power upon the Federal government. To thoughtful people this development overshadowed the abolition of slavery, which was, in reality, an incidental outcome of the armed conflict. The Federal encroachments upon the hitherto unquestioned prerogatives of the states, begun as "Necessary war measures," continued after the struggle was over. Hence the Union was not restored *as it was*,* but under the shadow of precedents fraught with danger to the preservation of American principles previously held vital to the life of the Federal system.

Cf. phrase used in the Assembly resolutions of 1862, *supra*, p. 527.