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THE ERA OF THE CIVIL WAR

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The period between 1854 and 1868 was a tumultuous era in the history of Maryland and the nation. The growth of sectionalism in the decade of the 1850's shattered the old political alignment, while the ominous sectional confrontation over slavery ultimately ended in a test of arms over the issue. A reluctant Maryland, conservative by instinct, was swept into the vortex of the Civil War and in the upheaval underwent a social revolution in race relations. Maryland was to remain loyal to the Union, but Marylanders experienced serious trauma in their decision. The questions of loyalty and emancipation became serious divisive issues during the war years. Ultimately the triumph of the Unconditional Unionists in 1864 ridded Maryland of her "peculiar institution," while Southern sympathizers were to suffer penalties for their wartime position. Radical ascendancy, however, was short lived and rapidly collapsed with peace. In the following political realignment, conservatives and moderates, now in control of the Democratic party, once again regained their dominance over the state by 1868.

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THE RISE AND COLLAPSE OF KNOW-NOTHINGISM

Politically the decade of the 1850's was one of upheaval, violence, and realignment in Maryland. The 1851 Constitution marked the end of a period of stability and Whig domination. The struggle between the more reform-minded Democrats and con-

servative Whigs had ended in a victory for reform. Now lacking issues, the two major parties were threatened with increasing dissatisfaction with the party system. Emerging independent movements were soon challenging old allegiances. Nationally, the sectional confrontation over slavery also had its ramifications for Maryland. In 1854 the uneasy peace established by the Compromise of 1850 was suddenly exploded by the Kansas-Nebraska Act. The bill shattered the Whig party and even Democrats were badly shaken by the repercussions. The collapse of the Whigs nationally and the political vacuum it created offered an excellent opportunity for the emergence of a nativist movement and, as events unfolded, the American party to fill the need for a second major party in the state.

Nativism as a political movement had briefly emerged in Baltimore as early as 1844 but had quickly collapsed in the following year after its failure in the municipal election. Yet nativism was kept alive by the activities of secret societies and by a few Protestant ministers. Fuel was added to the nativist impulse when in the late 1840's and in the following decade immigration to the United States rapidly increased. Most of the immigrants were Germans and Irish, and many native Marylanders reacted sharply to the Roman Catholicism and clannishness of both groups and to the presumed radicalism of the Germans.

The controversy over the Kerney School bill, which would have provided public funds for parochial schools, and the visit of the Papal legate Bedini to the United States and Baltimore in the early 1850's also helped to accentuate the sensitive religious issue. With the increase in agitation over religion, nativist societies became active and a more potent force in the state. Strong additional impetus was given to the movement in Maryland from Know-Nothing activity in New York. By August the movement had gained sufficient momentum for its leaders to hold a mass meeting in Monument Square in Baltimore, where the estimated 5,000 in attendance heard speakers advocate the principle, "Americans should rule America." The crowd was told that the public schools should continue to be run as they were, and that there should be additional restrictions on immigration. They were also called upon to resist any attempts to curtail freedom of speech; to adhere to the principle of separation of church and state; and, paradoxically, to oppose the forma-

tion of secret societies by a religious denomination for political purposes.¹

The early nativist societies had eschewed politics, but by 1852 many of them were merging and coordinating their activities with the growing Know-Nothing movement or temporarily cooperating with the Maine Law Temperance movement. In the autumn 1853 election, Baltimore nativists, after receiving favorable responses to a circular containing questions on the church-school issue, endorsed temperance candidates for local offices. Nativist support quickly demonstrated its potential power. While the Democratic candidate for governor, T. Watkins Ligon, carried Baltimore by over 3,000 votes, the local slate was defeated by less than a thousand.

But it was in the following year that the nativist movement began to come into its own. The appearance of the Papal legate Bedini in Baltimore helped to intensify the religious issue and brought about a violent outbreak of anti-Catholic sentiment in the city. By 1854 nativism had taken hold in western Maryland as well. The April municipal election in Hagerstown caused a sensation. The anti-Maine Law and Know-Nothing candidates were swept into office. A month later Cumberland Know-Nothings selected a ticket drawn from both the Democratic and Whig parties and succeeded in electing it.

By fall the movement had gained considerable strength and momentum. Democrats, apprehensive about the fall election, denounced the Americans or, as they were better known, Know-Nothings, as being a party "contrary to the principles of the Constitution." They boasted that they would carry the election "in spite of the combination of Whigs, Know-Nothings and Temperance men."² However, their cry soon had a hollow ring.

Two weeks prior to the Baltimore municipal election the American party, still shrouded in secrecy and mystery, publicly announced their candidate for mayor. On September 27 the *Baltimore Clipper* reported that Samuel Hinks had been selected in a secret meeting the night before to oppose the Democratic nominee, William G. Thomas. The campaign was

1. Benjamin Tuska, *Know Nothingism in Baltimore* (New York: n.p. 1925), p. 9.

2. Quoted in Laurence Frederick Schmeckebier, *History of the Know Nothing Party in Maryland* (Baltimore: J.H. Press, 1899), p. 18.

short, lively, and a surprise. And it was also one in which the Know-Nothings demonstrated their political sagacity. Unknown to the Democrats, the Americans had printed their ballots with the same blue stripes on the back as had the Democrats. The trick came too late to counteract and was a disaster for the party in traditionally Democratic Baltimore. Hinks won by a margin of 2,744 votes. The American party also elected fourteen members to the first branch and eight to the second branch, gaining control over the city council.³

In the following year Americans added to their successes in Baltimore, Hagerstown, and Cumberland by expanding their political base to include victories in Annapolis and Williamsport. In the wake of the Whig party's collapse and with these nativist successes in Maryland and other victories in such states as Massachusetts and Delaware, the Americans threatened to become the second major national party. When the party's national council met in Philadelphia, it threw off the mantle of secrecy which had surrounded its activities and drew up a public platform of principles which stressed unionism and nationalism. The platform called for changes in immigration and naturalization laws, resistance to the aggressive policies of the Catholic church, the use of the Bible in the public schools, and other governmental reforms. On the sticky question of slavery, the Americans endorsed a resolution condemning the agitation that the issue had produced and denied congressional authority to interfere with the institution. The party's attempt to avoid the divisive issue was unsatisfactory and unacceptable to many northern Know-Nothings who were infected with anti-slavery stirrings. Ultimately American inability to resolve the dilemma led to schism within the party.⁴

However, jubilant Baltimore Know-Nothings, meeting en masse in Monument Square in June, endorsed the actions and principles which had been adopted at the national council's meeting. Other meetings throughout the state adopted a similar stand, and when in the following month the state convention met to nominate candidates, they too ratified the platform. Yet there was concern in Maryland over Article 8 which called for resistance to the "aggressive policies and the corrupting ten-

3. Scharf, *History of Maryland* III, 246.

4. Schmeckebier, *Know Nothings*, pp. 19-22.

dencies of the Roman Catholic Church." A number of Know-Nothing local lodges had given up the religious test for admission. They wished to confine the test to political allegiance to the party as the only membership requirement and thus avoid the religious issue. Maryland nativists, shifting the issue from intolerance to a question of loyalty and patriotism, attempted to distinguish between native and foreign-born Catholics.⁵

By 1855 the emerging Know-Nothing movement had great appeal to the Protestant middle class in Maryland, and for its leadership it began to draw heavily on the upper-middle class business community. Prior to 1854 most of the leadership had come from the clerical and proprietary classes, but after that date there was an influx from business and professional groups. Interestingly, lawyers constituted only 38 per cent of the American leadership as compared to 72 per cent of the Democrats. Know-Nothing leaders were more likely to be Protestant businessmen, especially Episcopalians, and live in an urban area. Jean Baker, in an interesting study of forty Know-Nothing and thirty-five Democratic leaders, found that the average age for the Americans was 34 as compared to 43 for the Democrats. Most of the older and prominent Whig leaders had refused to join the Know-Nothings, which in part accounts for some of this, but it is also obvious that the movement had an appeal to the younger and newer politicians. Professor Baker feels that a key in understanding the attraction of the leaders to the party was that "Young men who were Masons, businessmen, and pro-Union were attracted to the party which promised a return to 'America for the Americans' and to 'The Spirit of '76.'"⁶ No less appeal, probably, was the political opportunity allowed by the new coalition for young aspiring politicians.

The Democrats, on the other hand, were vociferous in their denunciations of the movement, and its principles were declared as "unconstitutional, anti-republican, dangerous to free institutions, and destitute of sound morals and true religion."⁷

5. *Ibid.*, pp. 21-23; William Joseph Evitts, "A Matter of Allegiances: Maryland From 1850 to 1861" (Ph.D. dissertation, Johns Hopkins University, 1971), p. 108.

6. Jean Hogarth Harvey Baker, "Dark Lantern Crusade: An Analysis of the Know Nothing Party in Maryland" (M.A. thesis, Johns Hopkins University, 1965), Ch. II, III (an excellent Master's thesis and analysis of the Maryland Know-Nothing movement).

7. Quoted in Schmeckebier, *Know Nothings*, pp. 24-25.

Know-Nothings were also accused of being merely Whigs in disguise. But the newly emerging political coalition not only drew from the ranks of the former Whigs but also cut into Democratic strength in the middle class as well. To meet the new challenge Democrats not only nominated their own candidates but also joined with Whigs in some counties in fusion tickets. Yet, in southern Maryland, where the plantation economy was the strongest and where the population ratio of blacks to whites was higher, the move eventually was towards strengthening the Democratic party. In an area which was originally settled by Catholics many reacted negatively to the anti-Catholic principles of the American party, and more positively many responded to the growing attraction of the Democratic party's Southern wing. The accusation that the Know-Nothings were abolitionists hurt the Americans.⁸

The resulting election campaign of 1855 was active and vociferous on both sides. A majority of the old Whig newspapers, despite a distaste for the secrecy and the rhetoric of the Know-Nothing movement, supported American candidates.⁹ In an open address to Maryland voters, American candidates attacked the misrepresentations of their party and maintained that their only purpose was "to rescue the Republic from the control of factions, combinations, sectional, sectarian and political." They further maintained that they had "no secret pledges, no hidden purposes, no object not declared." In listing their purposes they maintained that they wished "to protect the country from illegitimate foreign influences" by making sure that candidates for public office were imbued with a knowledge of the American language, laws, and spirit. They denied that they had any intention of proposing laws which would revoke any "right now conferred on naturalized citizens," but they did oppose allowing unnaturalized persons the right to vote. They also maintained that they did not oppose immigration, but that they favored laws to prevent "the outpourings of the poor-houses and jails—the criminals and fugitives from justice—the halt and blind and insane of Europe and China." Finally they

8. Evitts, "Matter of Allegiances," pp. 122-30.

9. Douglas Bowers, "Ideology and Political Parties in Maryland, 1851-1856," *M.H.M.*, LXIII (Fall, 1969), 215.

pledged themselves to resist any violation "of American law, which forbids religious sects to meddle in politics."¹⁰

Unfortunately for the Democrats the tide of victory was still rising for the Know-Nothings. The party carried Baltimore City and thirteen out of the twenty-one counties. The party had also cut into the Democratic strongholds of Baltimore, Carroll, Harford, and Howard Counties. Their chief opposition came from southern Maryland.¹¹ When the new legislature met on January 2, 1856, the Americans controlled the House of Delegates, and with cooperation from a few of the Whig holdovers, they had sufficient strength to organize the Senate as well.

With the political campaign over, party warfare now shifted to a new battle ground. In his annual message to the legislature, Democratic Governor T. Watkins Ligon, who had been elected in 1853, called specific attention to the Know-Nothings and charged that the "new element" had already been "productive of more baneful consequences" by its secrecy in dividing Marylanders. In a free society, he charged, secret societies were not justified and tended "to the subversion of the well established and most dearly cherished principles of our Government . . . plainly prohibited both by the letter and spirit of each and all of them." He decried the attempt to divide citizens into classes against one another, and he believed that

it may require already a most vigorous exercise of public virtue to turn back the tide of evil flowing upon us, from an improvident introduction of religious issues into the field of political agitation and to restrain that proclivity to intolerance and proscription, which has recently been developed in different sections of the country.¹²

The governor's attack was quickly answered by Anthony Kennedy of Baltimore, who had that part of the message attacking the Know-Nothings referred to a select committee of five to investigate the charges. Needless to say, with American control over the legislature and therefore a majority on the committee, the resulting report became more of a vehicle for a counterattack than an impartial investigation. The majority sarcastically

10. *Address of the Candidates of the American Party, to the People of Baltimore* (Baltimore: n.p., 1855).

11. Bowers, "Ideology and Political Parties," p. 215.

12. Maryland, *House Documents, 1856*, Doc. A., pp. 28-29.

made fun of the governor's fears and then in turn used the report to defend the principles of the American party. The report charged that his fears stemmed from the proceedings of the national council of the American party and asserted that it "appears that the secrets which have contributed to the Executive's disquiet are the political doctrines avowed in a paper called the Platform of that Party." Therefore, since its principles had been amply published by the press, they found little necessity in investigating the party.¹³

The minority disagreed. After setting forth the many difficulties and frustrations that they had encountered in attempting to make an investigation, the minority, ignoring past history, denied that there had ever been any religious agitation before the appearance of the Know-Nothings and accused them of having introduced the issue. Yet, despite their attack on the Americans, they did not recommend any legislative action against the societies.¹⁴

With control over the assembly in the hands of the Americans, there was the logical expectation that the anti-Catholic and anti-immigrant rhetoric of the campaign would be enacted into law. But such was not to be the case. None of the Know-Nothing program was enacted into law during the session. Petitions praying for protection for individuals held in convents against their will were received by the House of Delegates and were duly turned over to a select committee of five to investigate the charges. Much to the surprise of many, the committee's report was unanimous. Confining its attention to the single purpose, that of determining whether persons were being held illegally in convents and if so whether there were existing legal remedies for such persons, the committee felt that mere complaints without sufficient evidence were not justification for legislative interference, since "no allegation has been substantiated, nor has proof been exhibited that any person is now unlawfully confined in any religious house or Convent." But the committee went on to say that even if there were such cases, "the writ of Habeas Corpus, throws ample protection around even the humblest citizens of our Commonwealth." Therefore they concluded "that no further legislation is necessary."¹⁵

13. *Ibid.*, Report of the Majority of the Committee on Secret Societies.

14. *Ibid.*, Report of the Minority of the Committee on Secret Societies.

15. *Ibid.*

Meanwhile in the senate such petitions were merely laid on the table. Calls for changes in the naturalization laws met a similar fate and were buried in committee. An attempt was made to secure the passage of a joint resolution calling upon Maryland's congressmen to use their influence in securing a modification of the naturalization laws, but even this died without legislative action.

Once in office, the Americans demonstrated their practical political nature rather than their ideological rhetoric. Typically, the Know-Nothings became pragmatic politicians. The distribution of spoils and offices became a more pressing concern than the enactment of their party's program. Paradoxically, the General Assembly's major accomplishment under the Know-Nothings was a party matter: the election of Anthony Kennedy to succeed Senator Thomas Pratt in the United States Senate.

For fear that Governor Ligon would appoint an interim Democrat to fill Pratt's expiring term, which would end after the legislature adjourned, the Americans pushed for the election of their candidate. Democrats, meanwhile, hoping that the next session would see their return to power, attempted to block the vote. In selecting a suitable candidate, the question of party loyalty was a crucial and determining factor. John P. Kennedy, a Know-Nothing supporter but not a society member, had hoped to be the candidate, but his brother, Anthony, who was a member, was chosen instead. To John Kennedy the reason was obvious, a "... disposal to be loyal in its appointments to those who have gone through the forms of initiation."¹⁶

With a series of brilliant successes behind the party in 1855, Maryland Know-Nothings looked optimistically towards the 1856 election. For despite some defeats and setbacks in Virginia and Ohio, the Americans nationally had been fairly successful. Yet the ominous issue of slavery continued to threaten the unity of the Americans as it had the Whigs. The party, meeting in Philadelphia symbolically on Washington's birthday, prepared for the forthcoming campaign and easily nominated former President Millard Fillmore and Andrew Jackson Donelson of Tennessee as their candidates. But again party unity in drawing up a platform was threatened by the slavery issue. Controversy over the issue had already caused some anti-

16. Quoted in Baker, "Dark Lantern Crusade," p. 74.

slavery delegates to walk out of the meeting of the national council in the previous year. Therefore, prior to the opening sessions of the convention, the national council had again tried to straddle the issue, but the inability to frame a plank acceptable to the anti-slavery men ultimately led to a bolt of many northern delegates from the convention. Eventually they were absorbed by the Republican party. Meanwhile the remaining delegates proceeded to criticize the Pierce administration for re-introducing the slavery issue but then with little regard for consistency adopted a plank endorsing the principle of popular sovereignty as its solution.

Later on September 17 remnants of the Old Line Whigs from twenty-one states met in Baltimore to hold their last convention. They too endorsed Fillmore's candidacy, but they refused to approve of the American party's platform. Instead they drew up their own. But with their acceptance of Fillmore they were quickly absorbed by the Know-Nothings.

For Baltimoreans 1856 was a municipal election year as well, and since the local election preceded the presidential one by a month, Marylanders were most interested in witnessing the first test of party strength. Baltimore Americans chose for their mayoralty candidate Thomas Swann, a former president of the Baltimore and Ohio Railroad, to oppose the Democratic nominee, Robert Clinton, another former railroad president. Excitement ran high in Baltimore and as early as August political violence had erupted when Democratic clubs, on their way to a party meeting, were ambushed by members of Know-Nothing clubs. Again in September there was fighting between the various opposing clubs. Mayor Hinks, seemingly taking into account the growing apprehension over the violence, ordered General George H. Steuart to ready the city militia for possible use on election day. But suddenly, after the orders were made public, the mayor decided to suspend the military preparations.

Unfortunately in what followed, the fears of many were fully justified. Disorders were far worse than in previous elections. At least two serious riots between warring clubs occurred, and in one case the Rip Raps, after defeating the New Market Fire Company in Lexington Market, sacked the company's fire house. Out of the disorder, intimidation, and confusion the American party maintained its hold on the city by electing Swann with a majority of 1,567 votes. The Americans also con-

tinued to control the city council by electing thirteen members out of twenty to the first branch, while in the second branch the parties were evenly divided.¹⁷

Governor Ligon, in reacting to the spectacle of the municipal election as well as a concern for the Democratic vote in the city, now went to Baltimore in an attempt to secure the cooperation of city officials in helping to prevent a recurrence of the violence in the forthcoming presidential election. Municipal authorities, however, were not receptive and rejected his overtures "with cold civility." Frustrated in his efforts, the governor had no time to make other arrangements. Another attempt had also been made to force the mayor to undertake necessary precautions when a committee of citizens asked him to convene the city council into extra session in the hope that it would take action to prevent a recurrence of the October disorders. But the mayor was unreceptive. He told them that he did not fear a repeat of the violence and assured them that he had already made appropriate arrangements to secure a peaceful day. And seemingly the mayor was formulating contingency plans. He ordered the militia to report to their armories to stand in readiness if their services were needed. But later the order was suddenly countermanded, and the men were merely placed on stand-by duty.¹⁸

Again, fears for an orderly election proved to be justified. Without an adequate police force violence flared up. In the ensuing disorders even a small cannon was utilized, and at least ten were killed and over 150 injured in the fighting. And again the Know-Nothings, with the muscle power of their clubs, not only swept to victory in the election but increased their margin to over 7,000. Every ward was carried for Fillmore, giving him 16,900 votes to Buchanan's and Fremont's 9,871 and 214 respectively.¹⁹ The remainder of the state also added to Fillmore's margin. But for Marylanders it was a singular victory. Fillmore's only electoral votes came from the Old Line State.

The 1856 election exposed the weakness of the American party on the national level. Schism over slavery and defections within the party's ranks over the issue fatally sapped the

17. Tuska, *Know Nothings*, p. 15; Bernard C. Steiner, *Citizenship and Suffrage in Maryland* (Baltimore: Ginn, 1895), p. 39.

18. Maryland, *House Documents*, 1858, Doc. A., pp. 21-22.

19. Tuska, *Know Nothings*, p. 16.

movement's strength. Following the national election the party's demise quickly came in the meeting of its national council at Louisville, Kentucky in June 1857. There the council recommended that each state should adopt a platform best suited to its needs.²⁰ For Maryland Know-Nothings, despite their ability to deliver the state's electoral vote, the national party's collapse was a disaster. Isolated and no longer a part of a viable national party and cut off from future federal patronage, continuation would be difficult. Yet, in the immediate sense, the party's structure and political achievements, resting on local rather than the state and national councils, allowed it to survive the initial shock.²¹

The interacting issues of slavery and growing sectionalism which had destroyed the national party, however, could not indefinitely be ignored and sidetracked by Marylanders using anti-Catholic and anti-immigrant rhetoric. Nor could they be avoided by their increasing stress on unionism and Americanism. As a border and slave-holding state, the slavery issue was a very sensitive one, especially in areas where there were heavy concentrations of slaves in southern Maryland and on the Eastern Shore. It was in these areas where the Know-Nothings first lost their support, primarily to the Southern rights wing of the Democratic party.²²

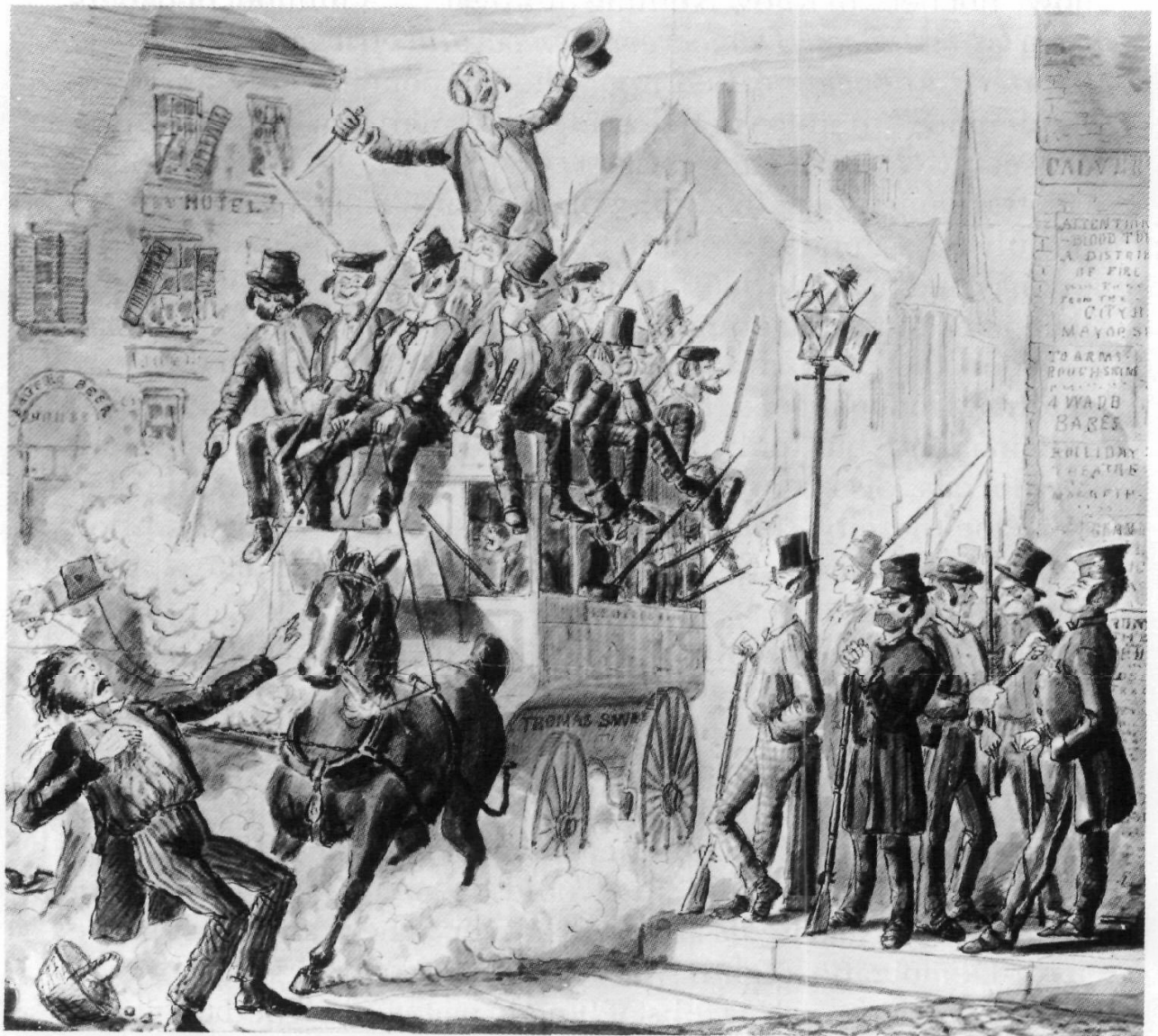
Yet despite this, the American party temporarily remained a viable political coalition in Maryland and was to achieve an even more meaningful triumph in 1857. Success in the previous year had made the gubernatorial nomination extremely attractive. Consequently, a number of candidates were eager to be the party's choice. After a bitter fight in the convention Thomas Hicks emerged as the nominee, while the other contenders were selected for the lesser offices. William Purnell was nominated for Comptroller, D. H. McPhail for Lottery Commissioner, and L. W. Seabrook for Land Commissioner. Later Hicks' chief opponent, James B. Ricaud, was nominated for Congress.

Meanwhile the Democratic party was reeling from its political setbacks, and Democratic newspapers such as the *Cecil Democrat* lamented that original strongholds of the party were

20. Schmeckebier, *Know Nothings*, p. 45.

21. Baker, "Dark Lantern Crusade," pp. 65-66.

22. *Ibid.*, pp. 11-12.



Cartoon depicting political campaign violence during the "Know-Nothing" period.

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now "hot beds of Know Nothing profligacy." A number of papers such as the *Cecil Democrat*, *Democratic Alleganian* and the *Planter's Advocate* called upon the "opponents of bigotry and intolerance" to unite in defeating the Americans by supporting conservative candidates.²³ Later, in April, the Democratic State Central Committee, in issuing the call for the party's convention on July 30, extended an invitation to "all voters who have acted or disposed to act with us upon existing political issues" to send delegates to the meeting.²⁴

When the party did meet it was dispirited and divided by internal factionalism. Ultimately the Democrats made no formal nominations but only recommended candidates. Baltimore Democrats, also torn by internal fighting, selected candidates only for the city council. However, a number of disgruntled Americans united with Democrats to put forth candidates for the House of Delegates.

Baltimore politically expected the worst. And again the October municipal elections erupted into violence and produced the usual victory for the Know-Nothings. Despite increasing concern that disturbances would take place in the city, Governor Ligon made no effort to intervene. Swann had attempted to take precautions by adding additional men to the police force, and the governor had hoped that this would be sufficient. But election day saw the usual fights and brawls everywhere and a riot in the Irish-Democratic eighth ward, where a police sergeant was killed. Devices such as tubs of bloody water, designed to intimidate immigrants by threatening to plunge them into it, were used near the polls. Intimidation again proved to be a powerful weapon. A number of candidates withdrew before the voting ended, while some election judges feared to serve. Democratic leaders were greatly angered by the virtual disenfranchisement of their voters.²⁵

Governor Ligon became quickly convinced that the municipal authorities were either unable to cope with the situation or were unwilling to incur the displeasure of their allies, the Know-Nothing clubs. The governor now decided to go to Baltimore and to use his own authority in preserving order. From Barnum's

23. Cumberland, *Democratic Alleganian*, Feb. 28 & April 4, 1857.

24. *Ibid.*, May 2, 1857.

25. Maryland, *House & Senate Documents*, 1858. Doc. A.; Tuska, *Know Nothings*.

Hotel he sent Mayor Swann a message asking for his cooperation in the forthcoming election. In the letter Ligon indicated that he had received complaints from a large number of respectable citizens over the conditions surrounding elections and that therefore a sense of constitutional duty impelled him to consult with the mayor "as to what provision should be made by you to guarantee personal security, and the free exercise of suffrage by the legal voters." Ligon charged that many people had been prevented from voting in the previous presidential election by the violence and intimidation. He now asked the mayor's cooperation in maintaining order.²⁶

Swann did not agree. He maintained that Ligon's proposal infringed upon his jurisdiction, and the mayor charged that the governor did not have a constitutional right to interfere in the internal affairs of the city. In replying to Ligon, Swann expressed surprise at his apparent "summary judgment upon the inefficiency of the city government." In defending himself and his administration, the Mayor pointed out that he had had "no official connection" with the events of 1856. He also reminded the governor that it was the duty and prerogative of the city authorities to determine the best manner in securing peace and order. He did agree with the governor on the necessity of maintaining order. But he pointed out that some violence was a natural product of excited elections. Finally, after indicating that he had made proper arrangements to keep order, he declined the governor's offer on the grounds that he could "recognize 'subordination' to no other power within the sphere of my duty."²⁷

Rebuffed, Ligon began to initiate his own measures. Major General George H. Steuart was ordered to hold the First Light Division of the militia in readiness, while Major General John Spear Smith was authorized to enroll six regiments of militia for possible use. The governor then in a proclamation publicly expressed his concern and apprehension over the failure of the municipal authorities to cooperate with him. In keeping with his constitutional duty to uphold the laws, he called upon the moral support of the people and warned all those who might engage in illegal activities to refrain from such acts. He also announced the

26. Maryland, *House & Senate Documents, 1858*, Doc. A., Appendix; see also Scharf, *History of Maryland*, III, 253-62 and Schmeckebier, *Know Nothings*, pp. 74-86 for exchange between governor and mayor.

27. *Ibid.*, Appendix, pp. 35-36.

possibility of using military force to preserve order if necessary.²⁸

The governor's proclamation made the confrontation between himself and the mayor public. In the ensuing hassle, both sides sought legal counsel. After consulting an imposing array of prominent and legal authorities, Ligon sent Swann another letter in which he set forth the case and the necessity for intervention to "see that the laws are 'faithfully executed,' by every constitutional power." He again called upon the mayor to cooperate with him in "uniting in a harmonious effort to assert the supremacy of the law."²⁹

The mayor too had consulted his legal advisers; but after doing so, he decided not to discuss the legalities of the question. In a curt reply to Ligon he maintained that since the governor had decided to place the city under military supervision, "The responsibility is with your excellency." In a closing barb, he wrote: "In the exercise of my functions, I shall be governed by the authority of law, and, I trust by the support of the entire community."³⁰

Much to the chagrin and frustration of the governor, his efforts to enlist additional militia failed. But in the meantime a number of prominent citizens attempted to find a solution to the impasse. Finally, the entering wedge occurred on November 1; Mayor Swann made public his plans for preserving order in a proclamation which laid down the rules and procedures for conduct on election day. He also announced the appointment of a special police force to aid the regulars in their supervision of the city and to aid the election judges at the polls.

The governor was now urged to accept the sincerity of the mayor's arrangement as sufficient and "to abandon your purpose of resorting to the military on that day." The governor, in a weak political position without an effective militia, acquiesced, and in a letter to the mayor he expressed his gratification over the announced plans and indicated that he no longer contemplated the use of the militia in the city. Yet in acquiescing, Ligon chose his words with care; he refused to withdraw the proclamation. He felt that to do so would mean a surrender of his constitutional

28. *Ibid.*, pp. 36-38.

29. *Ibid.*, pp. 38-43.

30. *Ibid.*, pp. 43-44.

authority. Second, he also felt that it would not be wise to foreclose the possibility of such action in case of necessity.³¹

The mounting tension was quickly relaxed when that evening an excited crowd at Barnum's Hotel was told of the governor's decision. On the following day Ligon's decision appeared publicly and put an end to the crisis. The election itself was probably less violent than previous ones. Yet the decrease in overt violence did not mean that it was free from fraud and intimidation. In many instances, the police, despite good intentions on the part of some, proved to be ineffective, while in other cases, they continued to be unconcerned about protecting voters. The special police, without much support from the regular force, found themselves powerless, and many resigned before the day was over.

Again with the use of specially-marked ballots and with favorable locations of the polling places the Know-Nothing clubs were not only able to continue their domination of Baltimore but to increase their margin of victory as well. For the Hicks' candidacy American control over the city was crucial. Hicks carried the city by 17,850 to his opponent, John C. Groome's 8,211. In the remainder of the state the results were different. There Groome won by a majority of 1,179.

In the election American candidates still had generally done well. They carried the other state offices, elected four congressmen out of six and continued their control of the state legislature. Yet the 1857 election marked the first obvious defections from the party. Whereas in the 1855 election the Know-Nothings had sent fifty-four members to the House of Delegates, this figure now dropped to forty-three. In western Maryland the American candidate, Henry W. Hoffman, who had won handily with a 749 majority in 1855, now was defeated by Col. Jacob Kunkel by 168 votes. Later, in February, in a special election for delegate to the House of Delegates in the same district, a Democrat again defeated the Know-Nothing candidate.³² As a result of a strong Democratic revival, Hicks carried only one county in southern Maryland, while on the Eastern Shore he lost in a majority of the

31. Maryland, *House & Senate Documents, 1858*, Doc. A., pp. 24-25 and Appendix, pp. 44-48.

32. Thomas J. C. Williams, *History of Washington County* (Hagerstown: John M. Runk & L. R. Titsworth, 1906), pp. 274-75.

counties. These trends, coupled with a collapsed national organization, were ominous signs for the Americans in Maryland.

When the new legislature assembled in January, Governor Ligon in his last annual message delivered one final blast at the Know-Nothings. He charged that it was his "deliberate opinion that the election [in Baltimore] was fraudulently conducted . . . and that the whole of the returns from the city are vicious, without a decent claim to official recognition anywhere. . . ." ³³ The Americans were furious with the content of the message and the governor's added insult of allowing the press to make use of the message before it was sent to the legislature. In retaliation for his partisan slur, by a party vote of forty-one to twenty-eight in the House of Delegates, Ligon's message was laid on the table. Eventually it was read, but only one hundred copies were initially authorized to be printed. Later approval was given for the printing of an additional 5,000.

Ligon was severely denounced in the assembly and, after an acrimonious debate ending in disorder, the House censured the governor by a strict party vote. Ligon was condemned for libeling the people of Baltimore and for meddling in the affairs of the city "under circumstances, ill-advised, reckless, unnecessary and dangerous to the peace of the city." ³⁴ Later, even Governor Hicks could not pass up the opportunity in his inaugural address to attack Ligon's attempted use of the militia in Baltimore as unconstitutional. ³⁵

In his message to the legislature Hicks reflected much of the rhetoric of the Know-Nothing movement. He called attention to the problems involving immigration and maintained that the people of Maryland were determined to find a remedy. Hicks also reaffirmed his party's adherence to the principle of the separation of church and state and his firm opposition to past attempts to use public money to support sectarian schools. Continuing his religious attack, the governor denounced all those who would "acknowledge an allegiance superior to the laws and the Constitution of the State." ³⁶

Yet, as in the case of the previous session of the legislature, Americans made little effort to translate rhetoric into law. There

33. Maryland, *House & Senate Documents*, 1858, Doc. A., pp. 25-26.

34. *Ibid.*, "Joint Preamble and Resolutions," pp. 49-52.

35. *Ibid.*, Doc. E., pp. 9-11.

36. *Ibid.*, pp. 4-6.

was little pressure to enact measures against convents or for stricter naturalization laws. Only one petition calling for the suppression of convents was received and that was quickly buried. Instead, the Know-Nothings were much more concerned with the problems of retaining power and holding on to public office. Political concern produced probably the session's only interesting proposal: the call for a new constitutional convention. Since this had not been an issue in the election and would not normally come up for consideration until after the 1860 census, the Know-Nothings were charged with playing politics and attempting to concentrate the power of appointment in the hands of the governor for political purposes. Democrats also viewed with suspicion the proposal to change the basis of representation in the legislature to one based on population. Such a plan would allow Baltimore to control one-third of the assembly. The specter of Know-Nothing control of the city made Democrats less than enthusiastic.

Despite the opposition, the Americans secured the measure's passage by a strict party vote. The question was then submitted to the people in a special election. The issue created little excitement except among the Know-Nothing clubs in Baltimore. Enthusiasm there produced the expected majority in its favor, but in the counties the question was overwhelmingly defeated.

By the fall of 1858 it had become obvious that the Americans were slipping in the counties and that Baltimore was increasingly becoming their last bastion of power. Continuing success in the city, therefore was essential to the party. And in 1858 the municipal election, involving not only council positions but also the mayoralty, would be the key to continued control there. Swann expressed the desire not to run again, but with the party in need of a winner, the Americans, despite his reluctance, renominated their most popular and available candidate.³⁷

City Democrats were in a demoralized state and made no effort to select a candidate to oppose the mayor. Yet there were those who were unwilling to allow the election to go to Swann by default. An emerging independent movement was determined to field an opposition candidate. A few disgruntled Americans

37. Diary of Richard H. Townsend (Transcribed by the Works Progress Administration of Maryland at the Enoch Pratt Free Library, Enoch Pratt Free Library, Baltimore, 1937), 1858, Ninth Month, p. 788.

united with interested Democrats to nominate Colonel A. P. Shutt.

The Independents made a determined, but not a successful effort to challenge the power of the Know-Nothings. On election day, despite an attack on the newspaper office of the *Deutsche Correspondent*, outbreaks of violence were less frequent than previously. And again the Americans used election gimmicks such as marked ballots. But Shutt, fearing for the safety of his supporters and charging that the mayor countenanced a partnership of the police and the lawless in controlling the ballot box, withdrew his name at noon. Swann was overwhelmingly reelected. Shutt's only strength had come from the eighth ward, which had never been controlled by the Americans.³⁸ However, many respectable and prominent citizens were coming to lament that the "so frequent occurrence [of elections] was becoming a sorrow to every well disposed person."³⁹

Unfortunately for Swann, the violence and rowdiness displayed in the municipal and state elections obscured the more positive aspects of his tenure in office. As mayor, Swann did much to strengthen the role and power of the office. He tightened up the administration of the city by making the various city departments accountable to him. The fire department and the police department were reorganized and were made directly responsible to the mayor. Among his other achievements were the change in the city's operation of the almshouse, the construction of a new jail, the drawing up of a map showing the sewer system, the development of the City Passenger Railway, and an interest in parks and public health.⁴⁰

The 1857 municipal election produced two important by-products: the reorganization of the police department and the formation of the City Reform Association. The growing national reputation of Baltimore for violence and disorder frightened many in the business and professional community. There was increasing fear that such an image would ultimately hurt the city economically. On August 26, in response to this growing concern, the *Baltimore American* called for a town meeting to dis-

38. Schmeckebeier, *Know-Nothings*, p. 97; Tuska, *Know Nothings*, pp. 24-25; and Scharf, *History*, III, p. 264.

39. Townsend Diary, p. 792.

40. See Joanna H. Spiro, "Thomas Swann and Baltimore: The Mayor and the Municipality, 1856-1860" (M.A. thesis, Loyola College, 1964).

cuss the affairs of the city. A committee was quickly appointed to set up the machinery of such an organization and a call for a mass meeting, to be held on September 5, was soon issued.

Bad weather forced its postponement until three days later. But when the reformers did meet, they denounced the political conditions of the city and declared that the situation was both socially and economically destructive of the interests of Baltimore. Their purpose, they maintained, was to work for good government on a nonpartisan basis. A central committee was created to select nominees for the municipal election. The committee was then directed to call upon the mayor to appoint honest and impartial election judges and to ask him to commission two hundred special deputies, or those necessary in each ward, to cooperate with the regular police force in preserving order. The mayor was also asked to close all drinking houses on election day and to reply to their suggestions in writing so that his statement could be published in the newspapers.

Swann, in countering the committee's demands, indicated his willingness to appoint a special force if it could be composed of conservative men and free from party bias. Yet the mayor's reply showed a reluctance to cooperate in what he deemed an "attempt to share with him the powers and responsibilities of his office." In a second letter to the mayor, the committee complained that many of the previous election judges had already been reappointed, and they charged that a number of them had received and recorded illegal votes in the past. Swann countered by demanding legal proof to support the charges, which the committee was unable to provide. Frustrated in their efforts to gain cooperation from Swann, they next turned to the sheriff of Baltimore, but he too demurred. He maintained that he was satisfied with the arrangements made by the mayor.⁴¹

On the day of the election, much to the despair of the reform group, the disorders continued. The reform candidate in the ninth ward withdrew, while in the case of the twentieth ward the Plug Uglies destroyed the ballot box.⁴² Yet the reformers did enjoy some success in electing six members to the city council, as opposed to thirteen for the Americans.

The results merely heightened the excitement and interest in

41. Scharf, *History*, III, pp. 271-74.

42. Tuska, *Know-Nothings*, pp. 27-28.

the following statewide election in November. The returns of October also stirred Know-Nothings to greater activity. Intimidation became flagrant. As a symbol of power in Baltimore, the Know-Nothings displayed the awl in transparencies and on floats as a menace to the opposition, while American leaders, such as Henry Winter Davis and Anthony Kennedy, engaged in fiery political rhetoric. Older methods, such as the use of coops, were also employed to deliver the necessary majority for Know-Nothing candidates. Benjamin Tuska maintains that the election was the "most lawless and riotous that Baltimore had ever experienced."⁴³ However, the majority that the Know-Nothings produced in the city was not sufficient to offset their collapse of power in the counties. The election produced a new legislature in which the majority now shifted to the Democrats. In the Senate the Democrats controlled twelve seats to the Americans' ten, while in the house the margin was even greater, forty-five Democrats to twenty-nine for the Americans. The results were disastrous for the Know-Nothings. Now, even their power in Baltimore was in jeopardy.

The state results were very encouraging to Baltimore reformers. And on November 17 another meeting was held to appoint a new central committee to give the movement a greater thrust. Another committee was created to present evidence to the legislature of the frauds in the municipal election, while still another one was selected to draw up measures which might curb the abuses.⁴⁴

Consequently Baltimore affairs were a major concern when the legislature, now under Democratic control, met in January 1860. Numerous memorials, praying relief from the corruption and violence in the city, poured into the assembly. Democrats, feeling their renewed vitality and utilizing the heightened nrophobia following John Brown's raid on Harper's Ferry in 1859 to strengthen their unity, were quick to strike a mortal blow at the last bastion of Know-Nothing power. An indication of the changed political situation came quickly with the passage of a resolution declaring the office of the clerk of the circuit court in Baltimore vacant. The house charged that his election was "in contempt of law and in violation of the freedom of election" by

43. *Ibid.*, p. 28.

44. Scharf, *History of Maryland*, III, pp. 275-76.

virtue of the "tumult, disorder, riot, intimidation and injustice in the election." But far more important, the subject of a proper police force for Baltimore was immediately put forth for consideration. The resultant legislation took control over the police from the mayor and placed it in the hands of a board elected by the assembly. The mayor was reduced to ex-officio membership on the board. The measure further undermined Know-Nothing power by dividing the city into election precincts.⁴⁵

An additional blow was struck at Baltimore lawlessness with the impeachment of Judge Henry Stump of the criminal court. Stump was regarded as a major impediment to law and order in the city because of his conduct on the bench. The legislature, responding to citizens' petitions, asked the governor for his removal. As a final insult to the Americans, the assembly in its closing days declared that the election of the delegates from Baltimore was void.⁴⁶

The American party, with its power base already gone in the remainder of the state, collapsed with the actions of the assembly. In a last desperate effort, the Swann administration challenged the constitutionality of the police bill in court, but with the failure of this move the essential elements for Know-Nothing control over the city were gone. In looking to the 1860 election, the question for the Americans was now whether they should make a mayoralty nomination or to fuse with the newly emerging Constitutional Union party. After first attempting to nominate Charles M. Keyser, they turned to Samuel Hindes in opposing the Reform Committee's candidate, George William Brown, for their last political contest.

In the election the new reforms made the difference. The day remained peaceful, and the Know-Nothings, without the ability to utilize the muscle of their clubs, suffered a stunning and deadly defeat. Brown, along with the entire Reform ticket, swept to victory by a landslide of 17,771 to 9,575. Not only was the mayor's office secured by the Reformers but both branches of the city council as well.

But far more important to Marylanders was the rising concern over the presidential election. National politics were very much in disarray. The Democratic party had split in two. The schism

45. *Laws of Maryland* (Annapolis, 1860), Ch. VII and Resolution no. 7.

46. *Ibid.*, Resolution no. 7.

that had erupted in Charleston in April was reinforced when the party reassembled in Baltimore in June. The regular Democrats, after a bolt by Southerners, nominated Stephen A. Douglas, while the Southern wing chose John C. Breckinridge as their candidate. In the meantime the Republican party meeting in Chicago nominated their most available candidate, Abraham Lincoln. Meanwhile, conservatives in the upper South viewed the evolving political events of 1860 with increasing alarm. Fearing the consequences of sectionalism, they had met earlier in Baltimore on May 9 and formed the Constitutional Union party. Their platform and political solution was simple: support for the Constitution and the Union.

Of the four candidates, Marylanders were concerned primarily with only two, Breckinridge and Bell. Both campaigns stressed conservatism and unionism. Bell supporters, drawing heavily upon the old Whig element, called upon "men of property—conservative men—you who earn bread by the sweat of your brow—merchants, manufacturers, mechanics and men of every pursuit of life—look to the impending crisis, realize its manifold enormities and apply the remedy."⁴⁷ They underlined the party's unionism and conservatism and maintained that Bell would stand "like a wall of fire, backed by the conservative masses of enlightened freemen" against political sectionalism.⁴⁸ Bell newspapers stressed several themes. They pointed to the secessionist background of the Breckinridge movement and then underscored the theme that the issue in the election was union or disunion. They reasoned that if Lincoln won, the Breckinridge people would have to bear that responsibility, since the only national candidates were those of the Constitutional Union party.

In Maryland even the Breckinridge campaign emphasized unionism. A strong effort was made to disassociate him from Southern ultraism. Breckinridge Democrats maintained that a vote for him would unite Maryland with the South and rebuke fanaticism, while they declared that one for Bell would separate the state from the South. Democrats charged that the Bell party was tainted with "Black Republicanism." A speech by Henry Winter Davis, a leading American, had raised suspicions that

47. *Baltimore Clipper*, Sept. 6, 1860.

48. *The American Union*, Sept. 25, 1860.

the charge might indeed be true, and in Baltimore the Breckinridge ticket profited from the connection between the Constitutional Union party and Know-Nothing elements. Breckinridge also enjoyed the support of the regular Democratic organization in Maryland, while Douglas had the support of only a small minority. The Republicans were at an even greater disadvantage. Republicanism was equated with abolitionism and fanaticism, and for many it was the embodiment of all the "isms" of the era.

By a small margin the Breckinridge party carried the state over Bell. Breckinridge won 42,482; Bell, 41,760; yet it was a hollow victory and, unfortunately, an ominous achievement. Lincoln and the Republicans swept to victory nationally by carrying eighteen free states with 180 electoral votes to Breckinridge's seventy-two. Much to the despair of Marylanders, the results had elected a President that neither the people of Maryland nor the South wanted and had rejected.⁴⁹

2

THE CRISIS OF LOYALTY

The political crisis of 1860 had severe economic and political ramifications for Marylanders. Maryland, as a border state, had strong commercial ties with both the North and the South. Traditionally, much of Baltimore's trade was tied to the South, but by 1860 the city's coastwise trade had shifted to where 60 per cent of this was with Northern ports.⁵⁰ Baltimore's rail connections had also forged important bonds with the North and Northwest in the 1850's. And in the crisis, Marylanders were deeply concerned over the threat to their commerce with both sections. Initially, uncertainty and fear had a sharp depressing effect in the state. Banks suspended making specie payments and stocks dropped in value. Business stagnated, and unemployment rose rapidly. Economically, Maryland was not to recover until 1862. But in the crisis the strong commercial links

49. See Ollinger Crenshaw, *The Slave States in the Presidential Election of 1860* (Baltimore: J.H. Press, 1945), pp. 112-21 and Evitts, "Matter of Allegiances," Ch. VI.

50. William Bruce Catton, "The Baltimore Business Community and the Secession Crisis, 1860-1861" (M.A. thesis, University of Maryland, 1952), pp. 22-26.

with the North, despite Southern appeals that Baltimore would become the New York of the Confederacy, were important in sustaining and creating support for the Union.

Politically as well as economically, Marylanders traditionally looked south. Sharing a common heritage, forged by the "peculiar institution" of slavery, Marylanders had strong sympathies for the South. Yet they were strongly attached to the Union as well. Preferring compromise, Marylanders remained indecisive in the sectional crisis, and it was not until the fall of 1861 that Maryland's adherence to the Union was firmly settled beyond doubt. By then the initial Southern stirrings to join the Confederacy were offset by a strong Unionist movement. Unionists were further strengthened by the increasing presence of the federal government in the state. Maryland's geographical position, in surrounding the capital and in controlling the rail line to Washington, made the state's continued loyalty essential. Federal presence and intervention into state affairs ended all real ability of Marylanders to make any other decision.

Response initially to the crisis varied from strong support of the Union to secessionist in expression.⁵¹ However, Marylanders were basically more cautious, moderate, and Unionist in sentiment than they were secessionist. Aware of their geographical position and their social and economic ties with both sections, compromise was preferred as a solution to the crisis. Kentucky Senator J. J. Crittenden's proposals of providing guarantees for the South, for many, were the appropriate position for Maryland to adopt in defense of Southern grievances against Northern anti-slavery agitation, personal liberty laws, and the non-execution of the fugitive slave law. Marylanders, at the most, saw secession only as a last resort.

In the western counties strong expression of Unionist sentiment was exhibited in newspapers and mass meetings. The Cumberland *Democratic Alleganian*, while deploring Lincoln's election, denied that this was sufficient cause for the dissolution of the Union.⁵² Another Cumberland paper, the *Civilian Telegraph*, denounced both secession and coercion; yet it maintained that the government had the right to collect

51. Carl M. Frasure, "Union Sentiment in Maryland, 1859-1861," *M.H.M.*, XXIV (Sept., 1929), pp. 210-24.

52. *Democratic Alleganian*, Nov. 10, 1860.

revenues at ports of entry and to repel any attack against its property and forts. Other journals, such as the Hagerstown *Herald and Torch*, believed that since Lincoln had been constitutionally elected, he should be allowed to take office. If he then violated the Constitution, the newspaper felt that sufficient remedies were available to the South.⁵³ Even in Baltimore the Breckinridge paper, the *Baltimore Exchange*, while expressing its sympathy for the South, denied that there was sufficient cause for secession.⁵⁴ The Baltimore *Sun* felt that there was really no disunion or secessionist spirit in Maryland. The *Sun*'s editor wrote:

We are for the Union—for the restoration of the Union. . . . It should be our duty to aid the South, not by secession, but by such firm measures as will be protective in themselves, conciliatory in the end, and reconstructive of the federal Union.⁵⁵

In southern Maryland and the Eastern Shore, the plantation regions, the slavery issue was a very sensitive one; and the accent there was placed more on Northern wrongs and Southern grievances. Unionist expression in these areas was more qualified and predisposed towards a Southern position. A January meeting in Easton expressed the feelings of many at that time:

That Maryland is essentially a Southern State in association, in feeling, in interest and in her domestic relations; that her destiny is interwoven with that of her sister Southern States; and that her action will be firm and unyielding in the maintenance and vindication of her Constitutional rights.⁵⁶

Stronger pro-Southern sentiment was exhibited in a meeting at Port Tobacco in the same month. There the delegates did express their attachment to the Constitution and Union and recommended the adoption of the Crittenden proposals "for the purpose of preserving or reconstructing the Union." But they also went on to state that Maryland's interests were "indissolubly connected with Virginia, Kentucky and the border States of the South" and that if a reunification of the Union was impossi-

53. Hagerstown, *Herald and Torch*, Nov. 14, 1860.

54. *Baltimore Exchange*, Nov. 9, 1860.

55. Baltimore, *Sun*, Jan. 10, 1861.

56. *Easton Gazette*, Jan. 5, 1861.

ble, "then Maryland will share the fate and future of her Southern sisters, let that fate and fortune be what it may."⁵⁷

A more pronounced rise in pro-Southern sympathy came with the actual secession of the lower South in December and January. Yet those who pushed for the adoption of an extreme Southern position found strong resistance. In a meeting of prominent Baltimore Democrats at the Custom House, William H. Norris, an extreme Southern man, was told by those present that they were all for the Union and only for the South if the Union could not be saved.⁵⁸ But pressure mounted rapidly for Governor Hicks to call the legislature into special session so that it might deal with the exigencies of the crisis. There was also pressure for the governor to adopt a more pro-Southern position. Some hoped that the legislature would provide for the calling of a state convention to give expression to Maryland's feelings. But Hicks, fearing and distrusting the Democratic-controlled assembly, refused to do so, and as early as November he had set forth his reasons against calling a special session.⁵⁹

Hicks also refused to receive officially the southern commissioners. In a public reply to Alexander H. Handy, special commissioner from Mississippi, he expressed Maryland's identification with the South in feeling and institutions, but he told Handy that Maryland was conservative and "devoted to the Union." He further indicated that "not until every honorable and constitutional and legal effort is exhausted" would Maryland "consent to any effort for its dissolution."⁶⁰ Later in January Hicks took an even stronger stand in a letter to J. L. M. Curry, commissioner from Alabama. He wrote:

The people of Maryland, in my opinion, regard any such measures of co-operation among any State of this Union, especially with any view to secession therefore, as a violation of the very terms of that Constitution under which this Union was formed and is preserved.⁶¹

Pressure on Hicks continued to mount as the crisis deepened.

57. *Charles County Convention*, Jan. 25, 1861, Broadside collections, M.H.S.

58. John Glenn Diary, Jan. 1861, Glenn Papers, M.H.S.

59. *Annapolis Gazette*, Nov. 29, 1860.

60. Charles Branch Clark, "Politics in Maryland during the Civil War" (Ph.D. dissertation, North Carolina, 1941), p. 88; *Annapolis Gazette*, Dec. 27, 1860.

61. *Annapolis Gazette*, Jan. 24, 1861.

A large meeting in Baltimore on December 22 at the Universalist Church, where arguments for and against secession were presented, appointed a committee to urge the governor to call the legislature into session.⁶² Later a group of state senators met and eleven of them sent a signed petition to Hicks urging such a call. Five others merely sent accompanying letters of approval.⁶³ Governor Hicks remained adamant, and, on January 3, after replying to the legislators, he issued a "Proclamation to the People of Maryland." It constituted a formal statement of his views. Again he stated the case against convening the assembly. And again he denounced Northern evasions of the fugitive slave law and expressed a desire to always live in a slave state. However, Hicks maintained that he did not feel that secession was wise and that it was an act only of the last resort. In closing his address he ended "with a touching appeal" that he hoped to spend the remainder of his days in the Union.⁶⁴

Several days later a group of prominent Baltimore citizens met to discuss the state of affairs. After considerable debate and a short recess, they adopted a series of resolutions affirming Maryland's loyalty to the Union, favoring the Crittenden compromise, and appointing a committee to urge the governor to allow the people, by a referendum, to decide on the question of calling a convention.⁶⁵

Another Baltimore meeting in February was more decidedly Southern in its orientation. The members expressed their continued adherence to the Union, but along strict constructionist lines, and a desire for a policy of conciliation rather than one of coercion. The majority in the meeting preferred to accept secession rather than a Union maintained by force, but they expressed a hope of an eventual reconciliation. In the meantime they wanted to have the matter discussed in a state convention.⁶⁶

Later in the month the Southern Rights Convention met in Baltimore to apply pressure to Hicks as well. Denying that they were a secessionist group, although it was obvious where their

62. *Sun*, Dec. 24, 1860.

63. George L. Radcliffe, *Governor Thomas H. Hicks of Maryland and the Civil War* (Baltimore: J.H. Press, 1901), pp. 29-30.

64. *Annapolis Gazette*, Jan. 10, 1861; Radcliffe, *Governor Hicks*, pp. 30-31.

65. Radcliffe, *Governor Hicks*, pp. 31-32.

66. Clark, "Politics in Maryland," pp. 103-04.

sympathies lay, delegates urged the governor to convene a convention and also warned him that if Virginia seceded and if he did not call one, the Southern Rights Convention would reassemble to recommend to the people of Maryland "the election of delegates to such a Sovereign Convention." They blamed secession on Northern aggression "in violation of the Constitution of the United States" and that "the moral and the geographical position of the State" demanded that they cooperate with Virginia in maintaining the Union. If this failed, Maryland's destiny was "to associate with her in Confederation with our sister States of the South." Finally, the delegates resolved to resist any effort to make Maryland "a highway for federal troops, sent to make war upon our sister States of the South," and that any attempt on the part of the federal government to coerce the South would result in "civil war and the destruction of the government itself."⁶⁷

Southern Righters then adjourned with the understanding that if the governor had not called a convention by March 14, they would reassemble. And with no call forthcoming from Hicks, they again reassembled in Baltimore. But after much discussion as to their course of action, they finally decided merely to send a delegation to a proposed border-state convention.

In the crisis Governor Hicks wavered and vacillated considerably in his public and private addresses and correspondence, but despite this, Hicks' position remained basically within a conservative-Unionist framework. He refused to take any action which might have precipitated a secessionist movement, and his leadership, such as it was, helped to preserve Maryland for the Union. His policy of "masterly inactivity" had wide support. Bishop William R. Whittingham of the Episcopal Church wrote to Hicks endorsing his policy and allowed the governor to make the letter public.⁶⁸ Numerous county conventions and newspaper editorials also approved of the governor's position. A Unionist meeting in the Maryland Institute on January 10, featuring an imposing array of prominent Unionists, also endorsed the governor's stand.⁶⁹

67. *Address and Resolutions Adopted at the Meeting of the Southern Rights Convention of Maryland* (Baltimore, 1861).

68. *Baltimore American and Commercial Advertiser*, Jan. 18, 1861. Hereafter cited as *American*.

69. Clark, "Politics in Maryland," pp. 98-101.

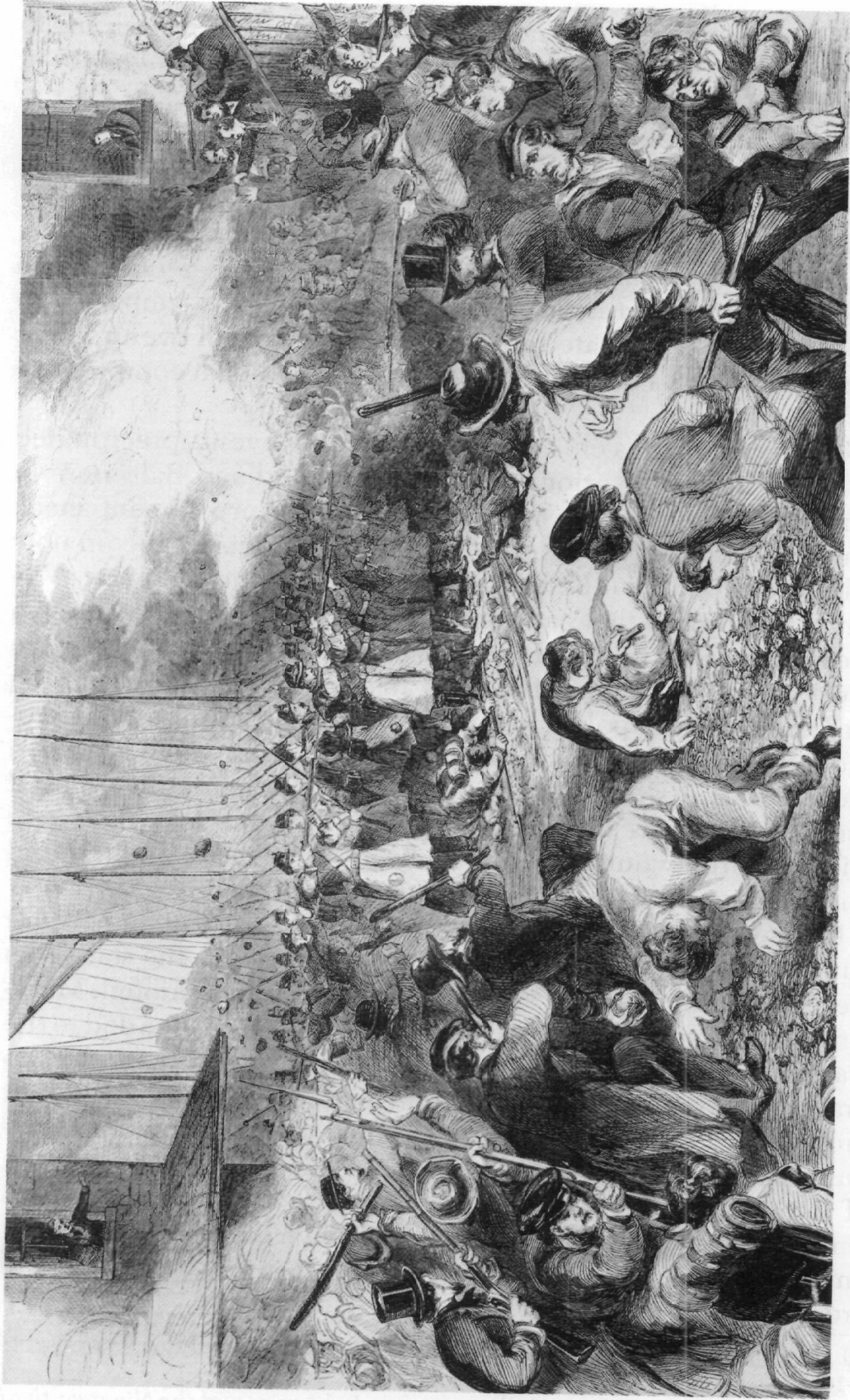
In the meantime Governor Hicks had been active in helping to promote the Virginia Peace Convention which convened in Washington on February 4, 1861. Maryland delegates in the conference denounced both the doctrine of secession and the idea of coercion. The convention, in attempting to solve the crisis, proposed a constitutional amendment which was substantially the same as the Crittenden proposal. But the conference, lacking the full participation of all the states, was doomed to failure. And when the suggested amendment was submitted to Congress, it was defeated in the Senate by a vote of twenty-eight to seven. With its failure the last serious attempt at compromise came to an end.

Finally, in April a cluster of inter-reacting events precipitated an immediate and serious crisis for Maryland and Baltimore in particular. The firing upon Fort Sumter on April 12 sent shock waves throughout the upper south and the nation. Lincoln now called for 75,000 volunteers to suppress the insurrection. Virginia, reacting to that call for troops, joined her sister states in secession. In Maryland, Lincoln's call for troops created a wave of excitement. Governor Hicks, in an effort to allay the mounting tension, left Annapolis for Baltimore. From there he then proceeded to Washington to consult with Secretary of War Simon Cameron. Hicks told Cameron that Maryland strongly opposed coercion and was in turn assured by the secretary that state military units would be used only to protect Washington and public property within Maryland.⁷⁰

Later Cameron, on April 18, warned Hicks that there were "unlawful combinations of misguided citizens" in the state who were determined to prevent the transit of soldiers through Maryland. The governor, who was now in Baltimore, responded to the warning by issuing a proclamation counseling Marylanders to practice restraint and to refrain from heated debates which might provoke violence. He further reiterated that Maryland military units, except in the defense of Washington, would not be sent out of the state. Hicks also asked Mayor George Brown to issue a similar statement to help allay fears. Brown concurred and went on to state his personal determination to preserve peace and order.⁷¹

70. Maryland, *House & Senate Documents, Extra Session, 1861*, Doc. A., pp. 9-10.

71. *Ibid.*, pp. 10-11; George William Brown, *Baltimore and the Nineteenth of*



The Massachusetts Sixth Regiment of Volunteers fires into the mob of citizens as it passes through Baltimore on April 19, 1861. M.H.S.

Northern troops passed through Baltimore on the 18th, but resistance to their continued passage had also considerably heightened. The *Baltimore Exchange* expressed its opposition to their transit, while in a meeting of southern men on the morning of the 18th one speaker, Wilson C. N. Carr, had asked "whether the 75,000 minions of Lincoln should pass over the soil of Maryland to subjugate our sisters of the South." The response was a "deafening shouts of No, Never!" However, the only action that was taken by the meeting was the appointment of a committee to consult with the presidents of the various railroads leading into Baltimore to urge them not to transport the soldiers.⁷²

Hope by state and municipal authorities to maintain calm and order was quickly shattered on April 19. Suddenly five months of political and economic frustration erupted into a storm of protest against the federal government. With the unexpected arrival of Massachusetts troops in Baltimore, rioting and fighting broke out between citizens and the Sixth Massachusetts Regiment, while city officials attempted in vain to protect the soldiers.⁷³ By evening authority in the city had collapsed, and Baltimore was engulfed by hysteria. The governor, mayor, and the president of the police commissioners attempted to exert control over the deteriorating situation by immediately ordering the assembling of the city's militia and the convening of a large public meeting at 4:00 P.M. in Monument Square.

A large crowd assembled to hear an assorted group of speakers. Several severely denounced the policy of coercion and demanded that Northern troops which would be used against the South should not be allowed to pass through the state. Mayor Brown reflected much of this sentiment, but at the same time he denied that a state had the right to secede. Governor Hicks concurred with Brown's statement, but he also expressed a de-

April (Baltimore: J.H. Press, 1887), p. 40; Frank Moore, ed., *The Rebellion Record: A Diary of American Events* (New York: G. P. Putnam's), I, pp. 76-77; John Glenn Diary, April 13 and 17, 1861; U.S. War Dept., *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington: Government Printing Office, 1880-1901), series 1, II, p. 577. Hereafter cited as *OR*.

72. *Republican-Extra*, April 18, 1861; John Glenn Diary, April 18, 1861.

73. For contemporary reports see *OR*, series 1, II, pp. 7-20; Brown, *Baltimore and Nineteenth*; J. Morrison Harris, *A Reminiscence of the Troublous Times of April, 1861* (Baltimore: M.H.S., 1891).

sire to see the Union preserved. Hicks' comments brought about an angry response from the gathering, and a badly shaken Hicks was forced into compromising his statement by asserting that "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."⁷⁴

In the meantime Governor Hicks and Mayor Brown sent off reports of the rioting to Washington and requested the federal government not to send any additional troops to the city. They claimed that city and state military units, which had been called into service, would be sufficient to restore order. On receiving the reports, federal authorities misinterpreted the message to signify that no additional troops were needed merely to restore order, but a clarification of its meaning was soon forthcoming in a telegram to John W. Garrett, president of the Baltimore and Ohio Railroad, from Governor Hicks, Mayor Brown, and Charles Howard, president of the police board. The dispatch advised Garrett to return all Northern troops to the state line. Garrett, in acknowledging the telegram, indicated his approval of the move and stated that he would act accordingly. Subsequently, the Baltimore and Ohio informed the presidents of the Northern Central and the Philadelphia, Wilmington, and Baltimore railroads that the Baltimore and Ohio would not forward any additional troops to Washington. Both railroads agreed that temporarily they would comply and not pass troops over their lines to Baltimore.⁷⁵

In conjunction with these moves, Mayor Brown sent H. Lennox Bond, George W. Dobbin, and John C. Brune to Washington by express train to inform Lincoln that further passage of federal soldiers through the city was not feasible. In support of this contention, the three expressed concern over the maintenance of order if additional troops were sent through Baltimore. They indicated that the local authorities would not be responsible for the consequences if it were done.

No immediate reply was forthcoming from Washington. In the meantime, rumors of approaching troops continued to circu-

74. Radcliffe, *Governor Hicks*, pp. 54-55; Charles B. Clark, "Baltimore and the Attack on the Sixth Massachusetts Regiment, April 19, 1861," *M.H.M.*, LVI (March, 1961), 53-54; Brown, *Baltimore and Nineteenth*, pp. 56-57; John Glenn Diary, April 19, 1861.

75. *Sun*, April 20, 1861.

late in the city. Having received no reply by the evening, Mayor Brown, Marshal George Kane, and the police board met with Governor Hicks. The group was informed by S. M. Felton, president of the Philadelphia, Wilmington, and Baltimore Railroad, that additional troops were indeed heading for Baltimore. In response to this information it was generally agreed that for the maintenance of safety and peace no further troops should be permitted to pass through the city. A proposal was also put forth to implement the decision by burning the bridges leading into the city. This was generally agreed upon. Later Hicks denied giving any consent, but historians feel that "there can be little doubt but that Hicks gave that night some form of authorization for the burning of the bridges."⁷⁶ A number of groups, one being personally led by Marshal Kane, put the plan into effect and a number of bridges were destroyed.⁷⁷

In the confusion and near chaos, city authorities began to move in three directions; the protection of Baltimore from outside attack, the restoration of order within the city itself, and continued communication with the federal government at Washington. For defensive purposes the mayor called upon all citizens to deposit their guns with the board of police for the city's use, while the city council appropriated \$500,000 for defense. The board also put into effect a series of regulations which restricted the exportation of provisions, breadstuffs, and coal in preparation for a possible siege.⁷⁸

The Bond-Dobbin-Brune delegation, which was already in Washington, conferred with Lincoln. In addition, at the request of Mayor Brown, Representative J. Morrison Harris and Senator Anthony Kennedy also met with Lincoln. Later Lincoln wired that he wished to consult with both Hicks and Brown in Washington. The governor was unable to go, but the mayor and three others did confer with the President, cabinet, and General Winfield Scott. A general understanding was reached in which the administration promised that no more troops bound for Washington would be sent through Baltimore if they could be taken

76. Radcliffe, *Governor Hicks*, p. 57; John Glenn Diary, April 19, 1861; Brown, *Baltimore and Nineteenth*, pp. 58-59.

77. Brown, *Baltimore and Nineteenth*, pp. 57-59.

78. "Baltimore and the Crisis of 1861" (Isaac Trimble Papers), *M.H.M.*, XLI (Dec., 1946), 259-63.

successfully around the city. In return municipal authorities promised to use "all lawful means to prevent their citizens from leaving Baltimore to attack the troops in passing at a distance."⁷⁹

The most serious problem facing the local authorities was in bringing under control the boisterousness and lawlessness in the city. The arrival of militia from the surrounding counties and from communities as far away as Frederick merely added to the turmoil, confusion, and difficulty in maintaining order. The police board, in an attempt to channel the energies of the mob and the militia into a controlled and manageable form, announced that it would accept volunteers to aid in the defense of the city under the command of Colonel Isaac R. Trimble. The board then quickly ordered those men under Trimble's command to refrain from using martial music, in the streets. This was to prevent crowds from collecting and thereby curb the circulation of rumors. All unnecessary parading was also prohibited. Amusement places and saloons were ordered closed and the display of all flags, except those on federal buildings, was prohibited.⁸⁰

By April 27 the board of police felt that the general excitement had sufficiently subsided to relax the restrictions and regulations in Baltimore. Most of the military units under Colonel Trimble were dismissed and by the last of April the city had returned to normal. There were also signs of the revival of Unionist sentiment, which had been suppressed by the rioting and its aftermath. A number of Union meetings were soon being held in Baltimore, and Union supporters began to circulate a petition expressing their support for the right of federal troops to pass through the city unobstructed.⁸¹ In the middle of May a large Union meeting quickly passed a series of resolutions denouncing the right of a state to secede, affirming Maryland's loyalty to the Union, and expressing the federal government's right to transport troops through the state.⁸²

79. Brown, *Baltimore and Nineteenth*, pp. 71-73; Harris, *Troublous Times; OR*, series 1, II, pp. 581-82 and series 2, I, pp. 564-65; Roy P. Basler, ed., *The Collected Works of Abraham Lincoln* (New Brunswick, N.J.: Rutgers University Press, 1953), IV, 340-41.

80. *M.H.M.*, XLI, 260-263; *Republican-Extra*, April 20, 1861; Alexander Randall Diary, April 21, 1861, MS. 652, M.H.S.

81. *New York Times*, May 2, 1861.

82. *Sun*, May 15, 1861.

Yet, during the tumultuous days of April, movements were in motion which were rapidly to bring Baltimore and the remainder of the state under close federal supervision. Another detachment of Massachusetts soldiers under General Benjamin F. Butler had been forced to stop at Perryville by the rioting. In his effort to get to Washington, Butler took his troops to Annapolis by steamer. His arrival in the state capital caused great consternation. Both Governor Hicks and Mayor John R. Magruder opposed his landing. But Butler insisted and quickly set up his base at the Naval Academy. When the general found that the tracks of the Annapolis and Elk Ridge Railroad were being torn up, he seized the railroad over the protests of Governor Hicks. Butler then secured the route to Annapolis Junction where the railroad joined the Washington branch of the Baltimore and Ohio Railroad which led to Washington.⁸³

The federal government quickly extended its control over both the Annapolis and Elk Ridge and the Baltimore and Ohio railroads and temporarily seized control of the rolling stock of those roads between Annapolis and Washington.⁸⁴ General Winfield Scott promptly ordered the stationing of troops along the rail line to protect it against sabotage.⁸⁵ But a more significant and important act came from Lincoln. He ordered the commanding General of the Army to suspend the writ of habeas corpus at any point or in any vicinity which offered resistance to the federal government on the line of communication between Philadelphia and Washington.⁸⁶ With increasing control over the railroads in the state, military authorities began to supervise rail traffic going west and south as well. Military officers began to check and search passengers and baggage for contraband items that might be headed for Virginia.⁸⁷

83. Maryland, *House & Senate Documents, Extra Session, 1861*, Doc. A., pp. 17-22; *OR*, series 1, II, pp. 586-87; 589-90.

84. *OR*, series 1, II, pp. 603-04; *Sun*, April 25, 1861; Thomas Weber, *The Northern Railroads in the Civil War: 1861-1865* (New York: King's Crown Press, 1952), pp. 35-36.

85. James Ames Marshall, ed., *Private and Official Correspondence of Gen. Benjamin F. Butler* (Norwood, Mass.: Privately issued, 1917), I, 42.

86. *OR*, series 2, I, p. 567, and series 1, LI, pt. 1, p. 337; Basler, *Works of Lincoln*, IV, 347.

87. *OR*, series 1, II, pp. 629-30, 633; General George Cadwalader to Col. Edward Jones, May 22 and 29, 1861, Col. Edward Jones Papers, MS. 1331, M.H.S.

Meanwhile Butler, without notice to the administration or warning to city officials, in the midst of a thunderstorm, occupied Baltimore on the evening of May 14. When the inhabitants of the city awoke the next morning, Butler was militarily well situated on Federal Hill. To the surprised Baltimoreans, he announced his presence and intention of enforcing respect and obedience to federal law and, if the civil authorities wished, to state law as well. At the same time the general was careful to point out that he had no desire to interfere with the normal functions and activities of the municipal authorities and of loyal citizens. However, Butler did order that all weapons which were designed to be used against the government were to be seized and that all assemblages of armed men, except the police, were prohibited. All displays of Southern flags or banners were equally forbidden within the city.⁸⁸ General Scott, angered over Butler's actions which he thought jeopardized the government in Baltimore, wired Butler that "It is a godsend that it is without conflict or arms" and on the following day he ordered Butler to stop issuing proclamations. Nevertheless, Butler was quickly promoted by Lincoln to major-general on May 15.⁸⁹

The increasing presence of troops in Maryland allowed the federal government to supervise state affairs and suppress activities and sentiments which were deemed subversive to federal authority. Butler had been authorized to arrest individuals who committed hostile acts against the government. His successor, General George Cadwalader, was also given similar authority and, under certain circumstances, was authorized to detain prisoners in spite of a presentation of a writ of habeas corpus.⁹⁰ And within a month the constitutional issue of suspending and refusing to honor the writ was quickly raised with the arrest of John Merryman.

John Merryman, a secessionist who lived near Cockeysville, was arrested for acts of treason stemming out of the burning of the bridges and for holding a commission as a lieutenant in a company of men with hostile intentions toward the government. In a previous Baltimore case involving the writ, military au-

88. Marshall, *Correspondence of Butler*, I, 83-85; *OR*, series 1, II, pp. 29-32; *Sun*, May 15, 1861.

89. *OR*, series 1, II, p. 28; Benjamin F. Butler, *Butler's Book* (Boston: A. M. Thayer & Co. 1892), p. 235.

90. *OR*, series 2, I, pp. 571-572 and series 1, II, p. 639.

thorities had already refused to honor it. Therefore in this instance application was made directly to the Supreme Court of the United States. Taking note of the seriousness of the issue, Chief Justice Roger B. Taney went to Baltimore to hear the petition.⁹¹ Subsequently, General Cadwalader was served with a writ for him to appear in the Baltimore federal circuit court on May 27 with John Merryman and there to make known the reasons for the latter's arrest. Cadwalader refused. The general informed the chief justice that Merryman was charged with acts of treason and that his arrest had been made by virtue of the authority of the President of the United States to suspend the writ of habeas corpus in the interest of public safety. In his reply Cadwalader requested the postponement of any further action until he could receive additional instructions from higher authorities. In the forthcoming instructions, the general's power to arrest such persons was confirmed, and he was directed to continue holding "in secure confinement all persons implicated in treasonable practices." Cadwalader was further instructed to reply that he would comply with the writ at the conclusion of "the present unhappy difficulties."⁹²

Taney, in reviewing the case, questioned the constitutionality of the military's position. The chief justice saw the case hinging upon the issue of arrests being made on vague and indefinite charges and then having persons incarcerated without recourse to the writ in order to investigate the legality of the charge. Taney declared that the President "cannot suspend the privilege of the writ of habeas corpus, nor authorize a military officer to do it."⁹³ He argued that the executive branch did not possess this authority and that only Congress had that right. Taney further maintained that persons, who were not subject to the articles of war and who were arrested by the military, had to be delivered over to civil authorities for judicial proceedings. But, the chief justice in his written decision declared that the court had "exercised all the power which the Constitution and law confer on me, but that power has been resisted by a force too strong for me to overcome." Taney then filed his opinion with the federal circuit court

91. Matthew Page Andrews, *Tercentenary History of Maryland* (Chicago: S. J. Clarke Publishing Co. 1925), I, 841.

92. *OR*, series 2, I, pp. 574-77.

93. Samuel Tyler, *Memoirs of Roger Brooke Taney, L.L.D.* (Baltimore: J. Murphy & Co., 1872), Appendix, p. 645.

in Baltimore and sent a copy under seal to Lincoln indicating that it was now up to the President to fulfill his constitutional obligations and to decide "what measures he will take to cause the civil process of the United States to be respected and enforced."⁹⁴ Later Lincoln, in his message to the special session of Congress on July 4, defended his authority to suspend the writ.⁹⁵ But the issue of the military holding persons without civil trial or procedure was not to be settled until after the war.

Military authorities, especially after General Nathaniel P. Banks assumed command on June 11, continued to tighten their hold on Maryland and Baltimore in particular. The city's police commissioners had long been suspected of being Southern sympathizers, and on June 24 General Scott, seeking to strike a damaging blow at secessionist sentiment in Baltimore, decided to have them arrested.⁹⁶ He ordered General Banks to carry out such a command on the 27th. But Banks arrested only Marshal George P. Kane. At the same time, in order to allay public fears of increasing military intervention, Banks assured the public that he did not wish to interfere in the legitimate functions of civil government. But he emphasized that the federal government could not permit any unlawful combination of persons that had designs of resisting the laws to enjoy the very protection and privileges of the government. In Kane's place Banks appointed Colonel John R. Kenly of the Maryland Volunteers to serve as provost marshal and authorized him to organize a police force of four hundred men.⁹⁷

Banks, in informing Mayor Brown of Kenly's appointment, also told him that he was suspending the functions of the police board as well. The board, however, refused to accept the legality of the general's action. Yet they indicated that they would do nothing to excite the public or to obstruct the order, though they

94. *OR*, series 2, I, pp. 577-585; see also Tyler, *Memoirs of Taney*, Appendix, pp. 640-59.

95. Basler, *Works of Lincoln*, IV, 430-31. See also J. G. Randall, *Constitutional Problems Under Lincoln* (Baltimore: J.H. Press, 1945) and Carl Brent Swisher, *Roger B. Taney* (New York: Macmillan Company, 1936), Ch. XXVI. See in particular, for a most recent treatment, Jean Baker, *The Politics of Continuity: Maryland Political Parties from 1858 to 1870* (Baltimore: J.H. Press, 1973), pp. 58-61.

96. *OR*, series 1, II, pp. 138-39.

97. *Ibid.*, series 1, II, pp. 138-45 and series 2, I, pp. 623-25; *Sun-Extra*, June 27, 1861, Broadside Collection, M.H.S.

did declare that his act had suspended the operation of police law in Baltimore and placed the police on off duty status.⁹⁸

The ensuing confrontation between civil and military authorities created a tense situation in Baltimore. The absence of police on the streets and the growth of boisterousness quickly moved the army to organize a new force. Banks also placed the city in military readiness in case of any outbursts of violence.⁹⁹ Later, on July 1, Banks, in the interest of public safety but not for serious reasons of treason, finally announced the arrest of the remaining commissioners on the grounds that the board had continued to meet in secret session after its suspension. He further charged that in suspending police law they had made an "unwarrantable construction" of his proclamation and that they also held under their control a large group of men whose existence and intentions were deemed inconsistent with the authority of the government. Banks took the precaution of stationing troops throughout Baltimore to prevent any outbreaks of rioting over the arrests.¹⁰⁰

Federal officials were not totally insensitive to the mounting opposition from the increasing number of arrests. Secretary of War Simon Cameron, in taking note of the growing volume of complaints, ordered officers in Maryland to use greater care in making arrests and then only for good cause. He suggested that the officers themselves should be Marylanders in order to make them more acceptable to the public.¹⁰¹ In attempting to improve public relations, Banks consulted with Unionists in the city and then removed Colonel Kenly as provost marshal and appointed Colonel George R. Dodge of Baltimore to the position. He also announced that the military units which had been sent into the city to preserve order at the time of the arrests had been withdrawn to their former positions in the suburbs.¹⁰²

The growing volume of arrests also caused federal officials to become increasingly aware of their limited facilities to handle prisoners. To cope with some of the problem, Banks suggested that prisoners should be divided into two categories: those de-

98. *Sun*, June 28, 1861.

99. *Sun*, June 28, 1861; Dr. Samuel A. Harrison Journal, June 27-28, 1861, MS 432.1, M.H.S.

100. *OR*, series 1, II, p. 141 & 139 and series 2, I, pp. 625, 586-87.

101. *Ibid.*, series 2, I, pp. 586-87.

102. *Sun*, July 10, 1861.

tained temporarily for the public safety and those charged with high crimes and misdemeanors.¹⁰³ When General John A. Dix assumed command, he became increasingly suspicious of charges of disloyalty. He refused to accept such accusations unless they had support from a reliable source.¹⁰⁴ Dix was determined that greater care should be exercised in interfering in civilian affairs. He ordered that the police should be used to search private homes rather than the military. The general also relaxed the prohibition against hunters leaving the city with their firearms, although suspicious vehicles were still to be searched for goods and arms intended for the South.¹⁰⁵

Newspapers also quickly came under the scrutiny of federal officials who were concerned with their editorials, and at times their contents. Before February 1862, newspapers were suppressed only on specific orders from the War Department, but on February 18 General Dix was given wide discretionary power to take such action himself.¹⁰⁶ Generally, three methods were used to suppress those regarded as "disloyal": the physical closing of an office, the arrest of the editor, or the denial of the use of the federal mails. A number of editors were arrested and imprisoned during the course of the war, and in the latter part of the war it was not uncommon for an offending editor to be banished beyond federal lines as a form of punishment. The denial of mail facilities had disastrous consequences for smaller papers. Quite early the Baltimore *Daily Exchange*, the Marlboro *Planter's Advocate*, and the Frederick *Herald* were placed on the proscribed list. As a result, both the *Advocate* and *Herald* were forced to suspend their publishing activities.¹⁰⁷ Some newspapers, like the Baltimore *Sun*, ceased carrying an editorial for fear of suppression. During the war at least nine Baltimore papers were either temporarily or permanently suppressed.

Meanwhile, following the rioting on April 19, Governor Hicks finally called the legislature into special session. But Hicks

103. OR, series 2, I, pp. 586-87.

104. *Ibid.*, series 2, I, p. 599.

105. *Ibid.*, series 2, I, p. 597.

106. *Ibid.*, series 2, II, p. 789.

107. *Sun*, June 26 & Oct. 26, 1861; Bel Air *The Southern Aegis*, Sept. 14, 1861; Jacob Englebrecht Diary, Sept. 24, 1861 (microfilm), M.H.S. For a good article on the suppression of the press see Sidney T. Matthews, "Control of the Baltimore Press during the Civil War," *M.H.M.*, XXXVI (June, 1941), 150-70.

chose Frederick, not Annapolis, as the meeting place. Hicks in this unusual move chose the western city for two reasons: General Butler's presence in Annapolis and, probably more important, Frederick's Unionist reputation.¹⁰⁸ Federal authorities were highly suspicious of the convening of the legislature. But Lincoln decided against trying to prevent the Maryland assembly from meeting, although he did take precautionary steps in case an attempt was made to adopt an ordinance of secession. In case such a move was made, the President directed General Scott "to adopt the most prompt, and efficient means to counteract, even, if necessary, to the bombardment of their cities—and in the extremest necessity, the suspension of the writ of habeas corpus."¹⁰⁹

However, at the very outset the Maryland Senate in an "Address to the People of Maryland" denied that it had any power to pass such an ordinance, and the House of Delegates also adopted a similar measure. Much to the surprise of many, the legislature also opposed the calling of a state convention. Yet the assembly through various acts and expressions showed its antagonism to federal policies. Strong protests over treating Maryland as a "conquered province" were heard, and in the early sessions the house adopted a report calling the war unconstitutional. The delegates, "while recognizing the obligations of their State, as a member of the Union," expressed their sympathy with the South and maintained that Maryland was for peace and reconciliation. In the resolutions they not only denounced the war but also called for the recognition of the Confederacy. But while they protested the military occupation of Maryland, they declared that it was inexpedient to call a state convention.¹¹⁰

After a short adjournment in May, the legislators reassembled in an even uglier mood. In the interim a number of irritations, including arrests and the clash between Taney and Cadwalader over John Merryman had occurred, and by this time Governor Hicks was also beginning to take a more decidedly Unionist stand in support of the federal administration. Now the House

108. OR, series 1, II, pp. 592-593; Maryland, *House & Senate Documents, Extra Session, 1861*, Doc. A.

109. Basler, *Works of Lincoln*, IV, 344; OR, series 1, II, pp. 601-02.

110. *Journal of Proceedings of the House of Delegates* (Baltimore, 1861), pp. 106-109.

of Delegates lashed out at both the governor and the federal government. In response to a message from Jefferson Davis, the assembly adopted a series of resolutions, even more radical in tone, in which they strongly protested the suspension of the writ of habeas corpus. But again the legislature temporarily adjourned without taking any action. By the time the legislature reconvened, another series of sensational arrests had been made. Marshal Kane and the police commissioners had now joined the list. Reacting to federal "tyranny" the legislators sent a memorial to Congress protesting the arrest of the city officials. Finally, however, the legislature adjourned until September, but it did so in a bitter and hostile mood. The federal administration, however, was greatly relieved.¹¹¹

Yet federal authorities remained suspicious of the intentions of the legislators. When in September the assembly was to meet again, federal officials, in the wake of the disaster of Bull Run, finally decided to arrest all those members who were regarded as southern sympathizers as a matter of public safety. Preparations for the arrests were planned well in advance, and when the legislators began to gather in Frederick, martial law was proclaimed and the town was sealed off by federal troops. No one was permitted to leave the city without a pass although free entrance was still permitted.¹¹² Simultaneously, arrests were also made in Baltimore. A few legislators who were still there, as well as Mayor Brown and the editors of the *Baltimore Exchange* and *South*, were rounded up by marshals. Except for those released under oath, the prisoners were sent to Annapolis and then taken to Fort Monroe for confinement.¹¹³

Legislators and city officials were not the only ones to feel the sometime heavy hand of the military. Judges, too, found that they were not immune to federal scrutiny. Richard Carmichael, judge of the circuit court for Talbot, Queen Anne's, and Kent Counties, was considered to be one of the principal leaders of disloyalty on the Eastern Shore. Quite early, Carmichael had

111. OR, series 2, I, pp. 587-588; Radcliffe, *Governor Hicks*, Chap. XI. For composition of Legislature see Ralph A. Wooster, "The Membership of the Maryland Legislature of 1861," *M.H.M.*, LVI (March, 1961), pp. 94-102.

112. J. Thomas Scharf, *History of Western Maryland* (Philadelphia: L. H. Everts, 1882), II, 205-206; Englebrecht Diary, Sept. 18, 1861; OR, series 1, V, p. 193.

113. Scharf, *Western Maryland*, II, 205-206; *Herald & Torch*, Oct. 2, 1861.

expressed his opposition to the war, and during the November 1861 session of court the judge had openly attacked the government in his instructions to the Grand Jury of Talbot County for its use of arbitrary arrests.¹¹⁴ As early as October, Secretary of State William Seward had suggested that Carmichael should be arrested even if it had to be done in his courtroom.¹¹⁵ Finally, in May 1862, General Dix decided to send a detachment to Easton to arrest the judge. Unfortunately the officers, without taking into account public opinion, actually did make the arrest within the confines of the courtroom. Carmichael refused to recognize their authority and had to be forcefully dragged from the room. The government's poor handling of the case created a strong reaction against federal authorities on the Eastern Shore, and even many Unionists felt that the situation had been badly handled.¹¹⁶

Politically, even without federal intervention, events in early 1861 had moved decidedly against those in sympathy with the South. By spring both the Know-Nothing and Constitutional Union parties had collapsed, while the Democrats, on the other hand, were internally divided between Unionists and Southern men. Yet out of the turmoil a new political coalition had emerged by May. Meeting in convention in Baltimore on May 23, Unionists set about organizing the Union party on a state-wide basis. A state central committee was appointed; and Brantz Mayer, chairman of the committee, issued an address to the people of Maryland setting forth the principles of the party. In the platform the Unionists denounced secession, endorsed the federal government's right to preserve the Union by force, and supported Lincoln's war policies.¹¹⁷ The Unionist party, suppressing potential internal difficulties over specific issues, wrapped itself in the patriotic garb of defending the Constitution and Union against treason.

114. Richard B. Carmichael to James A. Pearce, July 23, 1861, James A. Pearce Papers, MS 1384, MHS; *Judge Carmichael's Charge to the Grand Jury of Talbot County, On Arbitrary Arrests, November Term, 1861*, Broadside collection, M.H.S.; *Easton Gazette*, Nov. 23 & 30, 1861.

115. OR, series 2, II, p. 85.

116. *Easton Gazette*, May 31, June 3 & 7, 1862; *Harrison Journal*, May 27-30, 1862; Charles B. Clark, "Suppression and Control of Maryland, 1861-1865," *M.H.M.*, LIV (Sept. 1959), pp. 254-56.

117. Brantz Mayer, *Address of the Union State Central Committee, of Maryland* (Baltimore).

Unionist candidates in the special June congressional election for representatives were opposed by various factions known as the "peace party" or "State Righters" or those who stood for "Constitution and Equality." The first test of strength between the two parties came in Annapolis and Hagerstown in April and then again in the June election. Unionist candidates did extremely well in June and carried every congressional district.¹¹⁸ Yet the main test for the Unionist cause came in November when the governorship and control of the legislature were at stake.

Unionists were soon looking for a suitable successor to Governor Hicks. The name that was most frequently mentioned was that of Augustus W. Bradford, a conservative Unionist. When the Union convention met in Baltimore in August, the delegates unanimously nominated him as their candidate.¹¹⁹ His nomination was greeted, in large measure, with enthusiasm. Many felt that he was their strongest and most available candidate.

Initially, the opposition lacked a candidate. However, the Baltimore *Daily Exchange* soon took the offensive and charged Bradford with being an "extreme coercionist" and an "unconditional" supporter of the government. Bradford was also linked with the Republican party and Lincoln in order to capitalize on what this symbolized to many Marylanders. The States Righters at first merely attacked Bradford, but finally in October they generally agreed to put forth Benjamin C. Howard to oppose him. The States Rights party, in the remaining campaign, made a strong appeal to the prejudices of labor by maintaining that a vote for Bradford was a vote for the war, the Republican administration, additional taxes, and especially abolitionism.¹²⁰

Fear of the appeal that the States Rights party was making caused considerable concern in the Unionist party and forced them to make stronger efforts. Unionists were anxious to achieve, as Governor Hicks told General Banks, "a Killing majority." Consequently, Unionists were soon appealing to federal authorities for help and were in consultation with Generals Banks and Dix. A responsive War Department directed Banks

118. *Annapolis Gazette*, June 20 & 22, 1861; *Middletown Register*, April 5 & 12, 1861; Charles B. Clark, "Politics in Maryland during the Civil War," *M.H.M.*, XXXVII (Dec., 1942), p. 379.

119. For sketch of Augustus W. Bradford see *ibid.*, pp. 381-82.

120. *Ibid.*, 384-88.

and General George B. McClellan to give furloughs to soldiers of the Maryland Volunteers so that they might return home and add their weight at the polls. General Banks was also directed to send detachments of men to various points to protect Union voters from intimidation by "disunionists" and to arrest any such persons who had just returned from Virginia. If necessary, he was authorized to suspend the writ of habeas corpus. General Dix was also asked by Bradford to authorize the use of oaths "to all persons of doubtful loyalty." Dix, however, maintained that he did not have this power, but he did issue an order "to arrest any persons who have been in arms in Virginia if they appear at the polls . . . and to take into custody all who aid and abet them in their treasonable designs."¹²¹ The States Righters strongly protested the threat of intervention, but there was little that they could do.

In general, the election was peaceful. Military interference, even though a few arrests were made, was on the whole restrained. Yet, the presence of the military was an obvious intimidating factor to many voters. For some, like Ramsay McHenry of Harford County, the credit for the Unionist victory on the Eastern Shore went to General Dix's proclamation.¹²² The election returns swept Bradford to victory with 57,502 votes to Howard's 26,070. Howard carried only four counties: St. Mary's, Charles, Calvert, and Talbot. The results were similar for the House of Delegates where the Unionists now controlled the house with sixty-eight members to six for the States Righters. In the Senate the margin was thirteen to eight in favor of the Unionists. Not only were Unionists in Maryland relieved and jubilant over the results, but Lincoln and the administration had similar feelings.¹²³ The results also virtually ended any hope for pro-Southern elements to gain control in the state. Union strength, in its own right but fortified by the presence of the military, was too much to overcome.

Governor Hicks now called the new legislature into special

121. Major General John A. Dix to Augustus W. Bradford, Nov. 1, 1861, Augustus W. Bradford Papers, MS. 1215, M.H.S.; *Secret Correspondence Illustrating the Condition of Affairs in Maryland* (Baltimore, 1863), pp. 30-39; OR, series 1, V, pp. 628-29, 641.

122. Ramsay McHenry to Col. George Gale, Dec. 9, 1861, George Gale Papers, MS 1282, M.H.S.; *Herald & Torch*, Nov. 13, 1861; OR, series 1, V, pp. 645-47; *Secret Correspondence*, p. 37.

123. Basler, *Works of Lincoln*, V, 24.

session. Southern men were quite concerned that the assembly, now under the control of the Unionists, would undertake reprisals and pass laws requiring the taking of loyalty oaths.¹²⁴ When the legislators did meet in December, they quickly undid the work of the previous legislature. Resolutions of loyalty to the government and support for the prosecution of the war replaced the earlier protests. Yet the legislators did qualify their support by emphasizing that the war's purpose was to defend the Union, not to subjugate, conquer, or interfere with the institution of slavery. And when the legislature met for its regular session in January, it quickly ratified a proposed constitutional amendment which would have forbidden Congress the right to interfere with slavery in any state.

Maryland's loyalty was a serious matter to the Unionist legislators; and when Jefferson Davis in his inaugural address on February 22 referred to Maryland as "already united to us by hallowed memories and material interests, will, I believe, when able to speak with unstified voice, connect her destiny with the South,"¹²⁵ members of the house denounced the assertion as unfounded and a "gross calumny upon the people of the State." The delegates reiterated their continued devotion and adherence "to the Union devised for us by our fathers, and absolutely necessary to our social and political happiness, and the preservation of the very liberty which they fought and bled to achieve for us."¹²⁶ For many, both in and out of Maryland, the real test of this loyalty came with Lee's invasion of the state late in the summer of 1862.

By the summer of 1862 the military situation had changed considerably. The Peninsula Campaign under General George B. McClellan had collapsed by July. Lee, taking advantage of McClellan's withdrawal from the Peninsula, had then struck at General John Pope's army at Manassas in Northern Virginia. Stunned, Pope withdrew his army into the defenses of Washington. The Confederate victory now in turn posed the question for Lee as to what to do with the Army of Northern Virginia.

An invasion of Maryland had definite advantages for the

124. Harrison Journal, Nov. 23, 1861.

125. James D. Richardson, ed., *The Messages and Papers of Jefferson Davis and the Confederacy Including Diplomatic Correspondence: 1861-1865* (New York: Chelsea House-Robert Hector Publishers, 1966), I, 186.

126. *M.H.M.*, XXXVIII, 237.

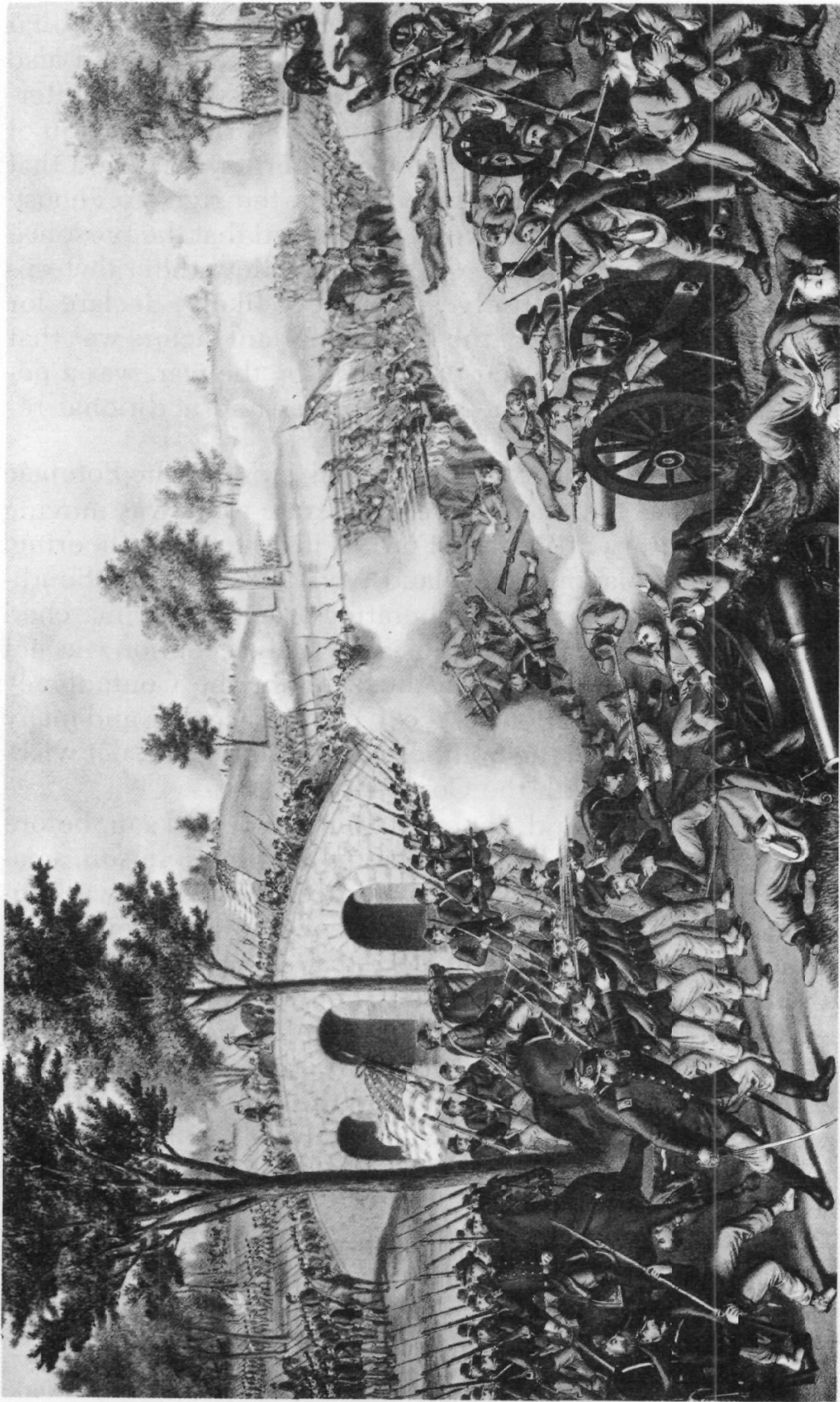
South. An army threatening Washington, Baltimore, or Philadelphia would relieve pressure on Richmond and would also allow farmers in Virginia to gather their crops without interference. Another important consideration was the liberation of Maryland from Union control. Most Southerners believed that federal forces were denying Marylanders the right to choose their destiny freely; and therefore, it followed that the presence of a Confederate army in the state would allow them that opportunity to express themselves and, very likely, declare for the Confederacy. But one of the most important factors was that Maryland, a rich area thus far untouched by the war, was a potential source of urgently needed supplies and additional recruits for Lee's army.¹²⁷

By September 3 Lee had decided to risk crossing the Potomac River, and within two days the Confederate army was moving into Union territory at White's Ford. With shouting, cheering, and a brass band playing "Maryland, My Maryland," the Southerners assumed the spirit of a liberating army as they marched into the state. Despite their enthusiasm, their reception was not what they had anticipated. The huzzahs for the Confederacy failed to materialize. Unionists received them coolly; and many who sympathized with the Southern cause held aloof, not wishing to be identified with the Confederates.

Both Generals Lee and Thomas "Stonewall" Jackson, before entering Maryland, had been advised by Bradley Johnson, a native of Frederick, that the western portion of the state was Unionist in sentiment and that Southern sympathizers would look for some assurance of a continued occupation before they would materially aid the Confederate army. Lee was therefore not surprised by the reception. In a dispatch to Jefferson Davis on September 7, Lee wrote: "Notwithstanding individual expressions of kindness that have been given, and the general sympathy in the success of the Confederate States, situated as Maryland is, I do not anticipate any general rising of the people in our behalf."¹²⁸

127. *OR*, series 1, XIX, pt. 2, pp. 590-92; Clifford Dowdey and Louis H. Manarin, eds., *The Wartime Papers of R. E. Lee* (Boston: Little Brown and Company, 1961), pp. 292-295, 312-14, 287; Douglas Southall Freeman, *R. E. Lee: A Biography* (New York: Charles Scribner's Sons, 1934-1935), II, 351-52.

128. *OR*, series 1, XIX, pt. 2, pp. 596-597, 601-602; Freeman, *Lee*, II, 356-357; *American*, Sept. 12, 1862; Lenoir Chambers, *Stonewall Jackson* (New York: William Morrow & Co., 1959), II, 181.



“Burnside’s Bridge” at the Battle of Antietam—one of the bloodiest engagements of the Civil War September 17, 1862.
M.H.S.

The War of the Civil War

In crossing the Potomac River Lee had done so to the east of the Blue Ridge Mountains in an effort to draw Union forces out of Northern Virginia. He had then moved quickly to Frederick, where he hoped to be joined by ex-Governor Enoch L. Lowe, who had joined the Southern cause. When Lowe did not appear, Lee issued a proclamation to the people of Maryland explaining why his army had come to the state. Lee expressed the South's sympathy over the "wrongs and outrages" inflicted upon a sister state, which he maintained had been reduced to a conquered province. Therefore the army had come to Maryland to restore her "independence and sovereignty." He promised that no constraint would be placed on the freedom of Marylanders "to decide your destiny freely."¹²⁹

From Frederick the main Confederate army moved towards its rendezvous point in the Hagerstown area, while Jackson was sent to reduce the federal garrison at Harper's Ferry. In the meantime McClellan was again placed in command and was soon moving his army into western Maryland in pursuit of Lee. Surprisingly, the usually cautious McClellan was moving more rapidly than Lee had expected. He had guessed Lee's intentions and then had them confirmed with the discovery of Lee's Special Orders No. 191 which showed the disposition of the Southern army. Initial contact between the advanced and rear units of the two armies came at the passes of South Mountain. The Confederates, fighting a delaying action, suffered defeat, but the Battle of South Mountain gave Lee valuable time. Jackson was able to reduce the garrison at Harper's Ferry and then to rejoin the main army at Sharpsburg. Lee, with the news of Jackson's victory, now decided to stand and meet the Union army on September 17.¹³⁰

Militarily, Antietam ended in a draw after the war's bloodiest single day's encounter, though on the following day Lee retreated into Virginia. But diplomatically the battle was a serious reverse in the South's attempt to secure British and French recognition and possible intervention. The repulse of Lee's army from Union soil also gave Lincoln his awaited opportunity to issue his Preliminary Emancipation Proclamation on September 20.

129. *OR*, series 1, XIX, pt. 2, 601-02; Freeman, *Lee*, II, 356-57.

130. Warren W. Hassler, Jr., "The Battle of South Mountain," *M.H.M.*, LII (March, 1957), 39-64.

But also, with the retreat of the Confederate army, the belief that Marylanders, if given an opportunity, would rise up in support of the Confederacy was shattered. Maryland's response to Lee's invitation to join the Southern cause was negative. Coolness and indifference were far more pronounced than enthusiasm. Many Southern sympathizers, lacking confidence and assurance that Confederate forces could maintain their control over the state, were cautious in their reception of Lee's army. Although pro-Southern manifestations continued to persist, the invasion affirmed Maryland's adherence to the Union, atoned for her early indecision and the April 19 rioting, and dispelled many of the North's suspicions concerning the state's loyalty.

3

SLAVERY AND EMANCIPATION

Slavery had long been a sensitive issue in Maryland, and the growing sectional confrontation had increasingly accentuated the concern of Marylanders over it. Concern, motivated by the fear that the institution was becoming primarily the "peculiar institution" of southern Maryland and the Eastern Shore, had brought about a demand as early as the late 1840's for its protection in the state. In the Constitutional Convention of 1850 delegates from these areas managed to have inserted in the constitution a clause which stated: "The Legislature shall not pass any law abolishing the relation of master or slave, as it now exists in this State."¹³¹ Later when the American party in 1857 succeeded in passing a bill calling for a new constitutional convention, an amendment was added to the measure which would have limited the convention's power to change the provision on slavery.¹³²

Nationally, agitation over slavery had brought about the collapse of the Whig party in the 1850's, while the emerging American party had attempted to straddle the thorny issue. Maryland Know-Nothings were more than eager to demonstrate their orthodoxy on slavery, but their opposition was soon making telling charges in associating them with "Abolitionism" and

131. Constitution of Maryland, 1851, Art. III, sec. 43.

132. Schmeckebier, *Know Nothings*, p. 95.

“Black Republicanism.” And for the Americans their first defections came in those areas dominated by slave interests.¹³³

John Brown’s raid in 1859, instead of freeing any slaves, sent shock waves of fear throughout the upper South, and in Maryland the legislature reacted by passing additional restrictive laws to secure the institution. Republicanism and abolitionism by 1860 were so repugnant to many Marylanders that in the bill creating the Baltimore police commission, legislators inserted a clause “that no Black Republicans or endorser” of Hinton R. Helper’s *Impending Crisis*, which criticized slavery “should be appointed to any office under said Board.”¹³⁴

On the eve of the war sensitivity to the slavery issue was at the boiling point. Maryland Methodists, for instance, were in a turmoil of outrage at their national body. Northern Methodists had brought about a change in the Discipline on slavery in the 1860 General Conference at Buffalo. The action was sharply denounced by the Baltimore, East Baltimore, and Philadelphia conferences in March 1861. The Baltimore Conference, meeting in Staunton, Virginia, severed its ties to the national body, while Eastern Shore circuits in the Philadelphia Conference called for similar action.¹³⁵

With the eruption of the sectional crisis of 1860, many Marylanders feared that secession and war would ultimately destroy slavery in the border states. When actual hostilities began, Marylanders feared the possibility of federal interference with the institution.¹³⁶ In Congress Maryland representatives showed their concern by fully supporting the Crittenden resolution on the purpose of the war, and in May members of the Union meeting at the Maryland Institute, which organized the Union party, also indicated that the war was not to be for abolition. Union delegates warned against the possibility of mixing the slavery issue with the defense of the Union. When the Maryland State Union Convention met in August, delegates endorsed a plan similar to the Crittenden resolution. And in Governor Bradford’s inaugural address to the new legislature in

133. Jean Baker, “Dark Lantern Crusade,” pp. 11-12.

134. Schmeckebier, *Know Nothings*, pp. 105-06.

135. Richard R. Duncan, “Maryland Methodists and the Civil War,” *M.H.M.*, LIX (Dec., 1964), 350-59.

136. *Easton Gazette*, July 13, 1861.

January 1862 his support of the war contained the semblance of a veiled threat. He told the legislators that Maryland would continue to remain loyal to the Union as long as the federal government remained faithful to the constitution. This expression obviously referred to slavery and was given as a warning to the federal administration not to interfere with the institution. The assembly concurred in Bradford's sentiments and ratified a proposed constitutional amendment which would have prohibited federal "interference in the domestic institutions of any state."¹³⁷

Initially the federal government was very cautious in its handling of the sensitive issue. When General Butler landed his troops at Annapolis in April 1861 and heard a rumor of an impending slave insurrection in the area, he offered his services to Governor Hicks in suppressing such an uprising.¹³⁸ In late July army officers in the Department of Washington were warned against allowing fugitive slaves to be harbored within army camps or to accompany troops on the march.¹³⁹ Later, in October, General Dix, appreciating the sensitivity of the issue, ordered that no slaves, except laborers and servants who had the consent of their masters, could enter military camps. He also ordered that if any did without the knowledge of the officer in charge, the slave was to be immediately surrendered on the owner's demand. Again in November Dix reiterated his position in directing his subordinates to use special care not to interfere with slavery or to commit any actions which might be misconstrued or misrepresented.¹⁴⁰

Troops were also cautioned against inciting slaves to insubordination or insurrection. As early as September 1861, orders were given against any conduct which might provoke such; but there were also indications that the orders had been violated on several occasions. This finally provoked General Charles Stone to recommend that all such violators read the thirty-third article of war. He promised that offenders would be punished for any infraction of the article and furthermore, on the request of the

137. Charles Lewis Wagandt, *The Mighty Revolution: Negro Emancipation in Maryland, 1862-1864* (Baltimore: J.H. Press, 1964), p. 36.

138. Marshall, *Correspondence of Butler*, I, 26-27.

139. *Annapolis Gazette*, July 25, 1861.

140. *OR*, series 2, I, pp. 772-75.

civil authorities, the culprits would be turned over to them for additional proceedings.¹⁴¹

The problem of slaves escaping from their masters quickly became a serious one for slave owners in Maryland. Concerned over the matter, the legislature appointed a special committee to express their complaints to General McClellan over the admission of slaves within army lines. The general, however, was ill, and the committee saw Lincoln instead. At a later visit they spoke with McClellan. They expressed their fear of the disastrous economic consequences that the massive loss of slave labor would have on agricultural interests. John Bayne, in writing to Lincoln, protested that "The fugitives find employment in various capacities as wagoners, servants, wood choppers, etc. And if the legitimate owners pursue them, they are treated with great indignities; ejected from the camps and in some cases they are threatened with the loss of life."¹⁴²

A citizens' committee from Prince George's, Anne Arundel, and Calvert Counties complained bitterly to Governor Bradford about the numerous slaves escaping from their counties to Washington. They accused federal officials in Washington of refusing to aid in helping to return them to their proper owners, and they asked the governor to establish an armed force in those counties to prevent the flight of slaves. Bradford refused to create such a force, but he did attempt to see Lincoln. Unable to see the President, Bradford saw Representative John W. Crisfield about the matter. Crisfield assured him that the fugitive slave law was being enforced.¹⁴³

Yet the concern that Washington had become a haven for fugitives alarmed slave owners in the surrounding counties. A delegation of 300 to 400 planters went to Washington to protest directly to Lincoln. A subcommittee, consisting of planters and Maryland members of Congress, saw the President and complained of their difficulties with military officials who refused to relinquish slaves despite executive orders. Lincoln assured them that he would give the matter his immediate attention.¹⁴⁴

141. *Ibid.*, series 1, V, p. 641; *Times*, Feb. 12, 1862; Moore, *Rebellion Record*, IV, p. 11.

142. John H. Bayne to Lincoln, March 17, 1862 (copy), John H. Bayne Papers, MS 1200, M.H.S.

143. Bradford to Wm. D. Bowie, May 19, 1862 (copy), Bradford Papers.

144. *American*, May 21, 1862.

Complaints still continued to persist. Meanwhile, Lincoln did attempt to secure compliance with the law by his subordinates, who regarded blacks entering the district as having been freed by the Confiscation Act of 1861, and to reconcile a conflict of jurisdiction in Washington between the civil and military authorities. Efforts to enforce the law quickly sent blacks scurrying across the Potomac River to military areas there. Similar complaints were soon heard concerning the provost marshal in Alexandria, who refused to give up slaves fleeing from Maryland.¹⁴⁵

Meanwhile, in 1862, the beginnings of a shift of policy on slavery was evident in Lincoln's administration. In a March message to Congress Lincoln urged the passage of a resolution indicating that the federal government would cooperate and give "pecuniary aid" to any state that provided for compensated emancipation. He pleaded that such a step in the border states would end the hope of the South that the border states would join them. As a spur to its acceptance, Lincoln warned that "it is impossible to foresee all the incidents, which may attend all the ruin which may follow it [war]."¹⁴⁶

Lincoln's plan for compensated emancipation was soon put into a practical form in the following month with the passage of the act abolishing slavery through compensation in the District of Columbia. Marylanders, however, opposed the bill. Former Governor Hicks wrote Lincoln urging him to veto it. Hicks appealed to the President on the grounds, "one thing at a time, let us first down the Rebellion then I care nothing for Slavery." He was very concerned that the measure would give the Democrats an issue.¹⁴⁷ Other Unionists had similar feelings, and Unionist papers such as the *Baltimore American* expressed hope that Lincoln would veto the bill.¹⁴⁸

The next administration move against slavery came in the aftermath of Antietam. Lee's retreat into Virginia gave Lincoln the appropriate moment that he had been waiting for to issue his Preliminary Emancipation Proclamation. In terms of the

145. Bayne to Lincoln, July 3, 1862 (copy), Bayne Papers; Ward Hill Lamon, *Recollections of Abraham Lincoln: 1847-1865* (Chicago: A. C. McClurg and Company, 1895), pp. 249-55.

146. Basler, *Works of Lincoln*, V, 144-46.

147. Thomas H. Hicks to Lincoln, May 26, 1862, Thomas Holliday Hicks Papers, MS 1313, M.H.S.

148. *American*, April 14, 1862.

border states, the proclamation was not a radical shift, for in the document Lincoln still supported compensated emancipation and "the effort to colonize persons of African descent, with their consent, upon this continent, or elsewhere."¹⁴⁹

Maryland response to the proclamation varied from ignoring it to outright bitterness. Montgomery Blair, fearing an adverse reaction to the proclamation in the fall election, had earlier advised Lincoln in July against such a move. Again in the cabinet meeting at which Lincoln announced his intention to issue the proclamation, Blair opposed the measure on the same grounds.¹⁵⁰ Frederic Bernal, British Consul for Maryland, in writing to Lord Russell described its impact on Baltimore: "The President's Emancipation Proclamation has fallen like a thunderbolt on the Union men here. . . ."¹⁵¹ In the House of Representatives both John W. Crisfield and Charles B. Calvert openly attacked it, while Cornelius L. Leary and Francis Thomas joined with them in voting for a resolution of opposition to Lincoln's action. Bradford, attending a governors' conference gathered at Altoona, refused to sign an endorsement of the proclamation.¹⁵²

Following Republican reverses in the November election, Lincoln tried to take some of the sting out of the issue by proposing in his annual message to Congress a constitutional amendment which would compensate states which freed their slaves before 1900 with interest bearing bonds. And again he left open the door to colonization schemes. Journals such as the *Baltimore American* warmly greeted the message, and as a result it pacified the anger of some towards Lincoln.¹⁵³

However, fugitives remained a serious problem for Marylanders. The Hagerstown *Herald and Torch* in western Maryland referred to the fleeing slaves as a process known as emancipation without compensation.¹⁵⁴ In western Maryland frequent military operations in September 1862 and again in the

149. Basler, *Works of Lincoln*, V, 433-36.

150. Wagandt, *Mighty Revolution*, pp. 73-75.

151. Charles L. Wagandt, ed., "The Opinion of Maryland on the Emancipation Proclamation: Bernal to Russell, Sept. 23, 1862," *M.H.M.*, LVII (Sept., 1963), 250-51.

152. Wagandt, *Mighty Revolution*, pp. 76-78; William B. Hesseltine, *Lincoln and the War Governors* (New York: Alfred A. Knoff, 1955), pp. 258-59.

153. Basler, *Works of Lincoln*, V, 527-37; *American*, Dec. 11, 1862.

154. *Herald & Torch*, Sept. 30, 1863.

summer of 1863 also helped to shake the institution's stability. In 1863 another factor emerged which accelerated the institution's collapse. In early July the War Department ordered the recruitment of free blacks into the army and informed General Robert E. Schenck that a regiment was to be organized in his department by Colonel William Birney.¹⁵⁵ The zeal and vigor with which Colonel Birney and his men performed their task brought forth a storm of protests in Maryland.

Non-slaveholders were as concerned with the issue as slaveholders as they feared its effect on the labor market. They believed that such recruitment would deprive certain areas of needed labor and that the resulting scarcity, along with the reluctance of free labor to come into the state so long as slavery continued, would double the value of the institution by increasing slave prices. Therefore, they reasoned that the recruitment of freedmen would in effect be giving indirect aid to the very element which was hostile to the government. They, in turn, proposed that both freedmen and slaves should be recruited for the army.¹⁵⁶ State leaders such as Judge Hugh Lennox Bond and Henry Winter Davis agreed and began to urge the recruitment of slaves, with or without compensation, to a receptive Secretary of War, Edwin M. Stanton.¹⁵⁷

Slaveholders firmly resisted any move on the part of the government to enlist slaves, but soon there were cries that agents were recruiting slaves. Colonel John P. Creager's activities in western Maryland caused a wave of excitement and outrage among slaveholders in August. Colonel Creager, in response to an attempt of slave owners to reclaim their slaves, refused to give them up. He told them that they would have to appeal to a higher authority "and even threatened to arrest some of the masters." Finally one slaveholder swore out a warrant for the colonel's arrest for "enticing slaves away from their owners" against state law.¹⁵⁸

A similar situation existed on the Eastern Shore. The arrival of a government steamer brought huge crowds of blacks to the

155. *OR*, series 3, III, pp. 470-71.

156. *The American Annual Cyclopaedia* (New York: D. Appleton & Company, 1866), III, 614; *American*, Sept. 7, 1863.

157. John W. Blassingame, "The Recruitment of Negro Troops in Maryland," *M.H.M.*, LVIII (March, 1963), 21.

158. *American*, Aug. 13, 17, & 20, 1863.

docks. At Eastern Neck Island slaves and blacks appeared in such numbers that many were left behind by necessity. It was estimated that between 150 and 200 were carried off in the steamer.¹⁵⁹ Critics quickly accused Colonel Birney and his agents of interfering with slavery on the Eastern Shore. Such criticism prompted the government to order Birney on September 2 to revoke any authority that he had given to civilians to act as his agents. The order also stated that only commissioned officers were to be employed in such a capacity.¹⁶⁰

By September ex-Governor Hicks was warning Lincoln about the confusion and excitement which were being created by recruiting agents in the Cambridge area. He feared the results of their indiscriminate enlisting of slaves of both loyal and disloyal persons during the harvest season when labor was at a premium. Hicks also warned that the situation was creating an adverse public reaction toward the government just before the approaching election. Hicks, in indicating to the President that he did not object to the use of blacks in the army, did express the fear that the news that Colonel Birney, accompanied by black troops, was intending to enlist slaves as well as freemen on the Eastern Shore had caused considerable public anxiety. He informed Lincoln that he had been visited by a deputation of Union men from Talbot County who were most concerned about its effect on their area. Finally Hicks told the President that even though he believed that enlistments should be continued, he strongly warned the administration against using blacks in this work.¹⁶¹

Governor Bradford was even more upset about administration policies and the excitement that they were creating in Maryland. He complained to Montgomery Blair that he had gone to Washington in late August and had been assured by Lincoln and Stanton that "the enlistment of slaves has not been determined on, and no one was authorized to enlist them, the practice not only continues, but seems from what I hear and see to be every day increasing." He complained that Union men in Talbot County had not even been allowed on board a steamer to determine whether any of their slaves had enlisted so that they

159. Washington, D.C. *National Intelligencer*, Sept. 30, 1863.

160. *OR*, series 3, III, pp. 760-61.

161. *Ibid.*, series 3, III, pp. 767-68.

could later present proof for compensation. Bradford was especially concerned that these complaints were coming from Union men and about the possible repercussions in the forthcoming election. Bradford predicted to Blair that “. . . I tell you and mark my prediction—if such practices are not speedily arrested, we are given over in spite of all we can do, once more to Democratic rule.”¹⁶²

Bradford continued to complain. On September 28 he wrote a long letter to Reverdy Johnson and Hicks charging that slaves of loyal masters were being indiscriminately recruited in Maryland. Johnson and Hicks, in turn, took the letter to Lincoln who then wired Bradford to come to Washington to discuss the matter with him.¹⁶³ In the meantime, to keep Lincoln abreast of the controversy, Stanton sent the President a report on his previous interview with the governor. He told the President that he thought a basic understanding had been reached between Bradford and the War Department on three propositions:

First, that free persons of color in Maryland should be enlisted; second, that slaves should be enlisted by consent of their owners; third, that if it were necessary for the purpose of the Government that slaves should be enlisted without regard to the consent of their owners, there would be no objection to a general regulation by which loyal owners of slaves could receive just compensation for the labor or service of such slaves upon filing in this department deeds of manumission—disloyal owners not being entitled to any such compensation.

Stanton regarded the enlistment of slaves in Maryland as a military necessity which would allow the release of white soldiers for other duties. Also, the secretary of war, in answering the charge that irregular practices were being used, maintained that recruiting officers had given receipts to owners claiming slaves, and if there had been departures from this, it had been without the department's approval and redress would be made. In a memorandum to Stanton, Lincoln essentially agreed with the basic general policy. But at the same time he also made his disapproval of any offensive recruiting and of any practice of taking away slaves who were unfit for service in the army.¹⁶⁴

162. Bradford to Montgomery Blair, Sept. 11, 1863 (copy), Bradford Papers; OR, series 3, III, pp. 787-89.

163. Basler, *Works of Lincoln*, VI, 491.

164. OR, series 3, III, pp. 855-56.

Three days later the War Department issued the confidential order, General Orders No. 329, which covered the general policy of black enlistments. It authorized the establishment of recruiting stations by the Bureau for Organizing Colored Troops and established regulations governing recruiting activities. It directed that all able-bodied men were subject to being drafted and would be credited to the state's quota. Everyone serving in the army was to receive his freedom, and slaves of loyal persons, except in cases of necessity, were required to have their master's written permission. Their owners were to be granted compensation not to exceed \$300, if within ten days, they filed a claim of manumission and an oath of allegiance to the government. The order established a board of three persons appointed by the President whose duties were to make rolls and information available to the general public and to investigate claims and issue certificates for payment by the chief of the bureau. Those persons who were regarded as disloyal were, however, to be denied any form of compensation.¹⁶⁵

The enlistment policy which had been worked out seemed to give general satisfaction and was instrumental in relieving some of the burden of conscription on the white populace. It also provided a step in the direction of emancipation and compensated slave owners at the same time.¹⁶⁶ Even though the misunderstanding between Governor Bradford and the War Department had been cleared up, Bradford did ask Stanton to postpone temporarily the implementation of the order in Maryland. He asked for delay in order to inform and educate the public as to the government's actions. Probably more important, he believed that postponement during the harvest season would be advisable in view of the general shortage of labor in certain areas of the state.¹⁶⁷

Yet complaints and irregularities still remained. Reverdy Johnson, speaking in the United States Senate, maintained that federal officers were visiting farms and enlisting slaves without the owner's consent by merely telling them that they must enlist.¹⁶⁸ In May Governor Bradford, in a letter to Colonel James

165. *Ibid.*, series 3, III, pp. 860-61.

166. Charles B. Clark, "Politics in Maryland during the Civil War," *M.H.M.*, XLI (June, 1946), 144.

167. *OR*, series 3, III, pp. 862-63.

168. *American*, Jan. 5, 1864.

B. Fry, Provost-Marshal-General, complained that Maryland had not received proper credit for blacks recruited in the state. He also blamed irregularities in enlisting those unfit for military service as a factor in the drain on the state's labor supply.¹⁶⁹

Finally, in December 1863, the board of claims, in session in Baltimore, began to award compensation to loyal claimants. Claims for compensation, along with a deed of manumission, an affidavit of ownership, and an oath of allegiance, certified by two witnesses, were required to be presented to the board before March 1. By October the board had acted on some 244 cases and had rejected only nine.¹⁷⁰

By 1864 slave values in Maryland had virtually collapsed. In 1860 the value of slaves in the state had been estimated at \$35,331,111.¹⁷¹ By March 1864 Samuel Harrison could confide to his diary that "Slavery has become valueless and can be made to pay . . . only by attaining compensation for the slaves at a stated valuation either from the general or state government. Negroes have no market value."¹⁷² As early as April 1862 prices were in sharp decline, and at a slave auction in Frederick a set of slaves, which would have brought \$2,500 two years before, sold for only \$400.¹⁷³ The *Easton Gazette* in August 1863 estimated that slaves were bringing only one-third of what they had five years before.¹⁷⁴ Appraisers in Hagerstown in 1864, in evaluating seventeen slaves ranging in ages between four to over forty-five set their price at \$5.00 each.¹⁷⁵ Finally, with the adoption of the new constitution, the value of the institution was totally destroyed by article twenty-four in the Declaration of Rights and article I, section 36, in the constitution, which prevented the General Assembly from ever compensating former slave owners for their loss.¹⁷⁶

Politically the issue of slavery and emancipation created se-

169. *OR*, series 3, IV, pp. 279-80.

170. *Ibid.*, series 3, IV, p. 790; *American*, Jan. 5, 1864; *Easton Gazette*, Jan. 2, 9, 1864; *M.H.M.*, XLI, 146-47.

171. Scharf, *History of Maryland*, III, 583.

172. Harrison Journal, March 1, 1864.

173. *American*, April 3, 1862.

174. *Easton Gazette*, Aug. 29, 1863.

175. *Sun*, March 10, 1864.

176. Frances Newton Thorpe, ed., *The Federal and State Constitutions* (Washington: Government Printing Office, 1909), III, 1743-57.

vere strains within the Union coalition, and ultimately it brought about an open schism within the party. An internal struggle had developed in the spring of 1862 when the Union state central committee resisted the calling of the full committee into session for fear of possible controversy over the issue. But the Unconditional Union men of Baltimore decided to apply force, and on May 21 they met and adopted a resolution affirming their support of Lincoln's offer of compensated emancipation. The action of the Unconditional Unionists created a stir within the party and opened the way for the coming intra-party struggle in the spring.

By the spring of 1863 the party, differing on approach and strategy rather than principle, was ready for an open split. The Unconditional men began their assault on slavery at a meeting of the Union League in Baltimore on April 20 where they declared "that Slavery should cease to be recognized by the law of Maryland, and that the aid of the United States as recommended by the President ought to be asked and accepted. . . ." ¹⁷⁷ During the next month, at the annual City Union Convention, they not only endorsed the resolutions of the Union League but also issued the call for a constitutional convention. ¹⁷⁸

Estranged over the black issue, both groups, Unconditional men and conservatives, decided to meet separately. The Radicals meeting on June 16 declared that "unconditional Union men of Maryland ought to vote for no candidate for Congress who does not avow himself in favor of giving a hearty support to the whole policy of the Administration. . . ," and that they should vote "for no candidate for the General Assembly who does not pledge himself to call a constitutional convention," and that "the policy of emancipation ought to be inaugurated in Maryland." ¹⁷⁹ The Radicals had ultimately hoped to get the more conservative Unionists to agree and to cooperate with them. In order to facilitate this, they appointed a committee to confer with the Conservatives when they met on June 22.

The Radicals had hoped that the Conservatives, or now the State Central Committee Convention, would create a similar

177. *American*, April 21, 1863; quoted in Wagandt, *Mighty Revolution*, pp. 98-99.

178. Wagandt, *Mighty Revolution*, pp. 99-100.

179. *American Annual Cyclopaedia*, III, p. 616.

committee for discussions so that a third, but joint convention, could be held to nominate candidates for state offices for the forthcoming election. Instead, the Conservatives refused. The state central committee affirmed its loyalty to the Union and Constitution, but declared that "this convention ignores all issues, local or national, but those of war, until treason shall succumb before an offended people." The Conservatives, preferring to continue their focus on support of the Constitution and Union, were politically opposed to submitting the highly charged black question with its various ramifications to the electorate. They did, however, pass a resolution indicating that the new legislature should submit the question of calling a constitutional convention to the people.¹⁸⁰

Between May 15 and November 14 the two Unionist factions vigorously battled one another. By September the lines were tightly drawn. The Conservatives accused the Unconditional men of "demanding pre-emptory emancipation, without regard to constitutional rights. . . ." They further charged them with making emancipation the paramount issue in the election and in doing so risking the harmony of the Union party. Conservatives believed that the subject should be left for consideration in a constitutional convention and that "it is advisable in order to secure all shades of opinion in a common effort to restore the Union, to ignore all side issues."¹⁸¹

In answer to the Conservative charges Unconditional Unionists issued an address on September 16 in which they disavowed "all measures for the violent abrogation of slavery in our midst." Yet they did assert that slavery should be abolished "legally and constitutionally . . . at the earliest period compatible with the best interests of the State. . . ." They believed, "That men who seek to legislate in this crisis need first to emancipate themselves from the influence of the great disturbing interest. . . ." An appeal was made for Unionists to rid themselves and their interests from the domination of the slaveholders. The Unconditional men believed that with the elimination of slavery the major cause of the war would thereby be removed.¹⁸²

180. *Ibid.*, p. 616.

181. *Ibid.*, pp. 616-17.

182. *Ibid.*, pp. 617-18; Wagandt, *Mighty Revolution*, pp. 142-44; Charles B. Clark, "Politics in Maryland during the Civil War," *M.H.M.*, XXXVIII (Sept., 1943), p. 242.

With division obvious within the ranks of Unionists, Democrats in certain areas now tried to make a comeback and in the fifth district ran Benjamin C. Harris for Congress. In other areas they ran as Peace men. Democrats opposed the introduction of the emancipation issue into the campaign and adopted a conservative constitutional stand. They further denounced the Lincoln administration for violating the Constitution and maintained "That our devotion for the Union increases with its perils . . . we yield it our heartfelt allegiance, and will ever support it by legal and constitutional means."¹⁸³

Both Conservatives and Democrats feared that in the election the power of the military would be used in support of the Unconditional Unionists. Prominent Conservative leaders expressed their concern over possible federal interference. Thomas Swann, chairman of the state central committee, wrote directly to the President and told him of suspicions that the government was intending to interfere in the election. Therefore in order to clarify the matter, he wanted Lincoln's views to be known to loyal voters of Maryland. Lincoln quickly responded that there were no grounds for such suspicions and that he was "somewhat mortified that there could be any doubt of my views upon the point. . . ." He went on to indicate that he wished "all loyal qualified voters in Maryland & elsewhere, to have the undisturbed privilege of voting at elections."¹⁸⁴

Several days later Governor Bradford also wrote to Lincoln to express his concern over rumors that troops were going to be dispatched to certain counties to be at the polls on election day and that their presence in turn would exert pressure on its outcome. He had heard, Bradford wrote, that military orders were to be soon issued restricting the right of suffrage. Bradford asked the President to prevent this. Lincoln again was prompt in his reply. He had just conferred with General Schenck, he stated, and the general had told him that provost guards would be needed at a number of polls to protect loyal voters and to maintain order. He also reminded Bradford of the support that the government had given to him in the 1861 election. As to the second point, a test of loyalty for voting, Lincoln defended the need of such a measure. He wrote: "Nor do I think that to keep

183. *M.H.M.*, XXXVIII, 242.

184. *American*, Nov. 2, 1863; Basler, *Works of Lincoln*, VI, pp. 542-43.

the peace at the polls, and to prevent the persistently disloyal from voting, constitutes just cause of offence to Maryland.”¹⁸⁵

Meanwhile, just prior to Bradford’s letter to Lincoln, General Schenck issued his General Orders No. 53, which called for the arrest of all disloyal persons who were found “hanging about or approaching any poll or place of election.” Provost marshals were ordered to assist the election judges in requiring an oath of any voters whose loyalty was challenged. The general further charged his officers to report any election judge who refused to carry out the order.¹⁸⁶

Lincoln told Bradford that he had reviewed the order and revoked part of it, not because it was wrong in principle, but it “is too liable to abuse.” Instead the President substituted: “That all Provost Marshals, and other Military Officers, do prevent all disturbances and violence at or about the polls, whether offered by such persons as above described, or by any other person or persons whomever.” Bradford, despite the order’s modification, still remained suspicious.¹⁸⁷

In the meantime the governor and General Schenck were moving towards an open confrontation. Bradford began to prepare his own proclamation and instructions to election judges. He told them to use their own judgment, regardless of the general’s orders, in determining the right of any voter to participate in the election and that state authority would protect them. He maintained that Maryland was loyal and protested any military interference. After receiving Lincoln’s reply to his letter, Bradford added a supplement to the proclamation in which he cited the change, but he still felt that it did not alter the “general principle of the order.”¹⁸⁸

Schenck ordered the *Baltimore American* not to publish the governor’s proclamation until he gave permission. In a similar action he ordered the American Telegraph Company not to transmit it over their wires.¹⁸⁹ Schenck now issued a second proclamation in which he indicated that he did not believe that the governor was intentionally inviting a collision between the

185. *Ibid.*, Nov. 3, 1863; *ibid.*, VI, pp. 556-57.

186. *Ibid.*, Nov. 3, 1863; *OR*, series 1, XXIX, pt. 2, pp. 394-95.

187. Basler, *Works of Lincoln*, VI, 555-558; *OR*, series 3, III, p. 981.

188. *American*, Nov. 4, 1863; *M.H.M.*, XXXVIII, 250-51.

189. *OR*, series 3, III, p. 983.

military and civilian authorities but that "its obvious tendency is to invite and suggest such disturbance." Resentful of having his motives questioned, the general defended himself and denied that his orders were directed at any candidates or meant to interfere with the voting rights of loyal voters. His only interest, Schenck maintained, was in preventing persons who "are hostile to the Government of which Maryland is a part" from voting. He also indicated that there was a large disloyal element in some counties of the state and that numerous letters had asked him to employ a test oath. Schenck also admitted that he had restricted the publication of Bradford's proclamation until a copy of Lincoln's letter to the governor could accompany it.¹⁹⁰ Now he permitted its publication.

The military presence in the election, especially on the Eastern Shore, was obvious. There interference was often direct. In some areas ballots for Crisfield were prohibited, while some military officers, reflecting their own political interest, endorsed candidates and a number of arrests were made. Yet military interference was undoubtedly magnified by Democrats and Conservatives, and many historians have probably been guilty of literally accepting these protests as fact.¹⁹¹ In a light voter turnout the results were an overwhelming victory for the emancipationists and those pledged to the calling of a convention. In the newly elected legislature the emancipationists controlled twelve out of the twenty-one seats in the Senate, while in the house the margin was even greater, fifty-two out of seventy-four seats. The most striking victory was that of the Unconditional Unionist candidate Henry M. Goldsborough, for comptroller by a two to one margin. In the congressional districts they won four seats out of five districts. Benjamin Harris was the lone Democrat to win election to Congress.

A number of Unionists, recognizing the results of the election and the need of political expediency, were ready to join the move for emancipation. Governor Bradford called for "immediate measures" to end slavery. Even the Union State Central Committee recommended that institution's destruction but

190. Thomas H. Hicks to Major General Robert Schenck, Oct. 26, 1863, Bradford Papers; *American*, Nov. 4, 1863.

191. *M.H.M.*, XXXVIII, 254-57; Harrison Journal, Nov. 4, 1863. For a challenge to the interpretation that the outcome of the election was determined "by sword," see Baker, *Politics of Continuity*, pp. 88-91.

asked for federal compensation and the adoption of an apprenticeship system in helping to make the transition. When the General Assembly met in January 1864, the Unconditional Unionists, despite some anxious moments, were in command and secured the necessary majority to pass a convention bill. The measure provided for the holding of a referendum on the issue, but in order to expedite the matter, delegates to the proposed convention were also to be elected at the same time. But also included in the measure was a provision requiring voters to take an iron-clad loyalty oath.

In this election, unlike the one in the previous fall, there was no conflict between military and civil authorities. Yet the military and the federal administration were very interested in its outcome.¹⁹² General Lew Wallace, who had just assumed command in Maryland, was also far more politic in his dealing with the governor. This allowed for more room for cooperation between the two.¹⁹³ Governor Bradford now authorized the use of an oath far more sweeping than that which had been used in the previous election. In many areas the military notified election judges that they were at their disposal to maintain order and to render any assistance to them. On election day the army used restraint and won praises from many conservative Unionists. Voters overwhelmingly gave the convention issue a wide margin of victory, 31,593 in favor to 19,514 opposed. Only southern Maryland and the slave counties of Kent, Queen Anne's, Dorchester, and Somerset resisted the move towards emancipation.

Delegates to the constitutional convention quickly assembled in Annapolis on April 27. The membership represented a radical shift in Maryland thinking. Whereas a discussion by politicians of abolishing slavery would have virtually been unthinkable before the war, now however, one of the main objectives of the delegates was to do just that. Finally, on June 7, delegates took up the matter in their debate on the Declaration of Rights. After a heated debate, the "peculiar institution" was struck down by a strict party vote of 53 to 27. The constitution, which was soon to be ratified in October, now read "there shall be neither slavery nor involuntary servitude, except in punish-

192. Lew Wallace to Mrs. Wallace, April 1 & 3, 1864, Lew Wallace Papers, Ind. Hist. Soc.; Basler, *Works of Lincoln*, VII, 276-77.

193. Wagandt, *Mighty Revolution*, pp. 208-11.

ment of crime, whereof the party shall have been duly convicted; and all persons held to service or labor, as slaves, are hereby declared free.”¹⁹⁴

4

DISENFRANCHISEMENT, RECONSTRUCTION, AND
REALIGNMENT

The Constitution of 1864 represented a triumph for the Radical faction of the Union party. Not only did the Unconditional Unionists rid Maryland of her “peculiar institution,” but they also laid the basis for their continued control over the state through the disenfranchisement of Southern sympathizers. Yet their triumph was shortlived. With the collapse of the Confederacy, political forces moved to establish a more natural realignment, and a conservative reaction was not long in coming. Peace undermined the Union coalition, while Democrats began to make efforts to revitalize their party. Ultimately the conservative upsurge culminated in a new constitution and Democratic control of Maryland politics.

The question of loyalty was brought into sharp focus during the summer of 1864. In July Confederate units under General Jubal Early once again poured into western Maryland. The invasion was closely tied to Union military movements in eastern and western Virginia in the spring. The successful penetration of a federal army under the command of General David Hunter into western Virginia complicated Lee’s already hard-pressed defense of Richmond against General Ulysses S. Grant. The necessity of defending the west and Lynchburg against Hunter forced Lee to detach Early’s corps to challenge the Northern

194. See William Starr Myers, *The Maryland Constitution of 1864* (Baltimore: J.H. Press, 1901). For further works on blacks following emancipation see: W. A. Low, “The Freedmen’s Bureau and Education in Maryland,” *M.H.M.*, XLVII (March, 1952), 29-39; W. A. Low, “The Freedmen’s Bureau and Civil Rights in Maryland,” *Journal of Negro History*, XXXVII (July, 1952), 221-47; and Richard Paul Fuke, “The Baltimore Association for the Moral and Educational Improvement of the Colored People 1864-1870,” *M.H.M.*, LXVI (Winter, 1971), 369-404; and Charles L. Wagandt, “Redemption or Reaction?—Maryland in the Post-Civil War Years,” in Richard O. Curry, ed., *Radicalism, Racism, and Party Realignment: The Border States during Reconstruction* (Baltimore: J.H. Press, 1969).

advance. It was also decided, if it proved feasible, to send Early's army down the Shenandoah Valley to threaten either Washington or Baltimore. Lee hoped that such a move would force Grant either to attack his army or to send troops to defend the capital. If the latter decision were made, then a weakened Grant would be more vulnerable to attack.

There were also a number of other considerations important in Lee's thinking. An invasion of Maryland would force Hunter away from the Kanawha Valley and would thereby remove the Union threat to southwestern Virginia. Also, if the Shenandoah Valley were again successfully brought under Southern control, there would be little advantage in having Early remain inactive, while an expedition into Union territory would help to replenish needed military supplies and stores. In addition, he hoped that a successful movement into Maryland could be coupled with a plan for the liberation of Confederate prisoners held at Point Lookout.¹⁹⁵

During the 1862 campaign Southerners had stressed the idea that Maryland was a sister state, but after three long years of warfare, Confederates regarded the area as Union territory. The army of liberation now became a predatory one. In overrunning western Maryland municipal authorities in Hagerstown, Middletown, and Frederick were forced to pay ransoms in order to prevent their towns from being burned.

In the Southern army's move through western Maryland towards Washington, General Lew Wallace attempted to slow its advance at Monocacy Junction. Located on the Monocacy River, Wallace secured a strong defensive position. With few fords and with the commanding heights of the river on the eastern bank, the number of points to defend allowed the general's smaller army more effectiveness. Wallace's decision to fight was motivated by several factors. He hoped to determine whether Washington or Baltimore was the intended Southern objective. A battle would also help to determine the size of the Confederate force as well as to delay its advance. General Grant would then be allowed additional time to reinforce Washington.¹⁹⁶

195. *OR*, series 1, XXXVII, pt. 1, pp. 346, 766-770; Dowdey & Manarin, *Papers of Lee*, pp. 806-08, 811, and 822-823; Jubal A. Early, *War Memoirs* (Bloomington, Ind.: Indiana University Press, 1960), p. 371.

196. *OR*, series 1, XXXVII, pt. 1, pp. 191-200; Lew Wallace, *Lew Wallace: An Autobiography* (New York: Harper and Brothers, 1906), pp. 753-54.

Unfortunately Early defeated Wallace and the Confederates plundered the Western Shore now at their mercy. Before Early's army returned to Virginia, the homes of Governor Bradford and Postmaster General Montgomery Blair were included in the destruction committed by the Southerners in retaliation for Northern depredations in Virginia.

Early's raid intensified the bitterness of Unionists towards Southern sympathizers. The Union press called for strong retaliatory measures. A number of newspapers accused Southern men of having prepared for the invasion and of guiding Confederate forces through the state.¹⁹⁷ Papers such as the *Baltimore American*, *Baltimore Clipper*, the *Baltimore County Advocate*, the *Cumberland Civilian and Telegraph*, and the *Frederick Examiner* vehemently denounced them. Some demanded that Southern sympathizers should be punished by assessing them to pay for the damage done to Unionists.¹⁹⁸

Delegates in the constitutional convention, then meeting in Annapolis, reacted sharply on July 9 to the news of the invasion. A majority of the delegates quickly adopted a denunciatory resolution condemning the action as being "... by bands of robbers and murderers under the authority of the so-called Confederate states . . ." and reaffirming the state's unwavering loyalty to the Union at all costs. As for Southern sympathizers, they were described "... as unworthy citizens of Maryland, as recreant to the faith of their fathers, forsaken of God, and instigated by the devil."¹⁹⁹

Confederate presence in the Baltimore-Annapolis area forced a temporary adjournment of the convention until July 18. When the delegates reassembled, they quickly passed resolutions calling upon the President and the commanders of the military departments in Maryland to assess known sympathizers for damages sustained by loyal citizens during the raid.²⁰⁰ Later an even more scathing set of resolutions, introduced by Archibald

197. *Baltimore Daily Gazette*, July 9, 1864; *American*, July 13, 1864.

198. *American*, July 13 & 15, 1864; *Baltimore Clipper*, July 9, 1864; *Baltimore County Advocate*, July 23, 1864; *Frederick Examiner*, July 23, 1864.

199. *The Debates of the Constitutional Convention of the State of Maryland, Assembled at the City of Annapolis, Wednesday, April 27, 1864* (Annapolis: Richard P. Bayley, 1864), II, 787.

200. *Ibid.*, II, pp. 800-801; *Proceedings of the State Convention of Maryland to Frame a New Constitution* (Annapolis, 1864), pp. 257-58.

Stirling, was adopted by the delegates. The Stirling resolutions demanded that the government either banish or imprison all citizens who refused to sign a loyalty oath, who persisted in open sympathy with the South, or who had expressed sympathy with or aided the Confederates during the raid.²⁰¹

Despite the storm of Unionist indignation and demands for action, actual retaliation remained limited in scope. Federal authorities checked over-zealous military commanders, while the people themselves were reluctant to take extreme measures. However, Unionists inserted a provision within the constitution disenfranchising all those who had sympathized with the South by requiring voters to take an ironclad oath of past and future loyalty.

Disenfranchisement had its practical political uses. The Unconditional Unionists could easily use it as a political device to maintain their control over the state by disqualifying many Democrats who could not take the oath. Shrewdly the radicals also made the suffrage provision a condition for voting on the constitution. But there was yet another important change in the document. The basis of representation in the House of Delegates was changed to give Baltimore and the western and northern counties a greater voice. This lessened the power of the old slaveholding areas in the assembly.

Opposition to the constitution and in particular to the provisions calling for registration and disenfranchisement quickly emerged. Democratic convention delegates, denouncing it, issued a public protest in September. They characterized it as "wholesale robbery and destruction perpetrated by those whose cardinal duty was to provide for the security of the persons, the protection of the property and the preservation of the inalienable rights of all citizens of the state."²⁰² When Democrats met in their state convention in Baltimore, they rallied in opposition to its adoption. Even Conservative Unionists, especially those who had been opposed to emancipation, were also unhappy over disenfranchisement. Conservative Unionists such as Reverdy Johnson openly attacked the use of the test oath "as the condition and qualification of the right to vote upon the new Constitution." Johnson declared that "the exaction of

201. *Ibid.*, II, pp. 830-31 and 849-51; *ibid.*, 265-66 and 273-77.

202. Myers, *Maryland Constitution*, pp. 92-93.

the oath was beyond the authority of the Convention, and as law is therefore void."²⁰³

But the Unconditional Unionists had wisely taken that precaution against defeat by applying the oath in the October election. Provision had also been made to allow soldiers to vote. The Radicals had planned well, for even with the disenfranchisement of many Marylanders, the constitution would have suffered defeat if it had not been for the soldiers. Without them it would have lost by a margin of 1,995. The soldiers voted 2,633 to 263 for the constitution and carried it to victory by a 375 majority.²⁰⁴

The strains in the Unionist coalition over the black issue were quick to emerge again in the controversy over disenfranchisement. Conservatives such as Montgomery Blair, Thomas Swann, and William Henry Purnell were soon challenging the Radical leadership of the party. One of the earliest battles between the forces of Blair and Henry Winter Davis came in February 1864 over the selection of delegates to the National Union Convention. On this occasion the Davisites easily carried the day and elected their slate.²⁰⁵ Later, despite their defeat and misgivings, Conservative leaders did support the fight for the new constitution. But with the rising reaction to the Radicals, the Conservatives by fall had secured the selection of William H. Purnell as chairman of the State Central Committee and Thomas Swann as the party's gubernatorial candidate to oppose the Democratic nominee, Ezekiel F. Chambers.

Disenfranchisement under the new constitution proved to be a powerful tool for the Unionists in retaining control in the November election. In areas such as Baltimore, election judges adopted strict guidelines in applying the test oath.²⁰⁶ The military, on the other hand, took special care "to avoid the slightest demonstration looking to military interference."²⁰⁷ Voter turn-

203. Reverdy Johnson, *Opinion of the Hon. Reverdy Johnson* (1864).

204. Myers, *Maryland Constitution*, pp. 95 and appendix.

205. Reinhard H. Luthin, "A Discordant Chapter in Lincoln's Administration: The Davis-Blair Controversy," *M.H.M.*, XXXIX (March, 1944), 34.

206. *Biographical Sketch of Hon. A. Leo Knott with a Relation of Some Political Transactions in Maryland, 1861-1867*, from *History of Baltimore* (Baltimore, n.d.), pp. 27-28.

207. General Wallace to Lt. Col. S. B. Lawrence, Oct. 4, 1964 (copy), Wallace Papers.

out reflected the change in the suffrage and dropped more than 20 per cent from the 1860 presidential total.²⁰⁸ Swann easily defeated Chambers for governor, while Lincoln carried the state by a majority of 7,432 over his Democratic opponent, General George B. McClellan.

The election results, however, left the Unconditional Unionists in disarray. Swann represented the upsurge of conservative Unionism. Henry Winter Davis, who had not run for re-election to Congress, was succeeded by a Conservative. The Democratic party, utilizing its county organizations, also gave evidence of its revival. The party had been reorganized in February 1864 with the immediate objective of defeating the call for the constitutional convention. Democrats, sensitive to charges of disloyalty, had also begun to project an image of being the defenders of civil liberties which were threatened by the Radicals. They decided, if the new constitution provided for disenfranchisement, to begin a campaign against such a provision.²⁰⁹ In the election Democrats actually did fairly well. Two congressional candidates, Benjamin G. Harris of southern Maryland and Hiram McCullough on the Eastern Shore, won seats to the United States House of Representatives. But a more serious threat for the Unconditional men came with the collapse of the Confederacy in April 1865. Support for the war, as a cohesive core for the Union party, was now gone and could no longer be used to submerge divisive issues in the coalition. The movement was little improved by the April 14 assassination of President Lincoln at the hand of John Wilkes Booth, a native of Harford County. Vice president Andrew Johnson succeeded Lincoln as the nation's chief executive. Soon after, more normal political forces were moving towards a new political realignment in Maryland.

Yet despite the emergence of a powerful conservative force, the legislature was still controlled by the Unconditional Unionists. When the assembly met in January 1865, Governor Bradford charged the lawmakers to implement the newly adopted constitution. Bradford also submitted the thirteenth amendment to a responsive assembly for ratification.²¹⁰ They then destroyed

208. Wagandt, "Redemption or Reaction?", p. 152.

209. A. Leo Knott, pp. 11-13.

210. *Laws of Maryland, Jan. 1865-March 1865 Session* (Annapolis, 1865), pp. 406-07.

much of the old ante-bellum slave code as well. But their most controversial measure was the Registry Bill. This act to list voters by registrars became one of the most divisive issues in Maryland politics until its repeal. By it the Unionist registrar could disqualify Democrats particularly those returning from Confederate service. The *Baltimore Sun*, reflecting the thought of many Conservatives, called for repeal by maintaining that the conditions and motives which were present at the time of adoption of the constitution "may now be presumed no longer to possess the same force." But for the Radicals the Registration Act was the key for maintaining power, and they were not likely to allow its repeal without a fight.²¹¹

Following the regular session, Swann called the legislators back into session to deal with the finances of the state. Yet he spent his opening address mostly on political matters. Swann pointed to the need of revising the state's laws towards blacks. "In proclaiming freedom to the colored race," Swann declared, "the State of Maryland designed to confer upon the negro something more than a mere nominal benefit: she intended freedom in all that relates to personal property." He expressed the hope "that steps may be taken, at an early day, to confer upon the freedmen the privilege of testifying in our Courts."

In reply to the complaints and threats of resistance to the Registration Act, the governor, to the relief of the Radicals, stood opposed to its repeal and maintained that such action would "not materially benefit any class of voters who have been heretofore disenfranchised under its provisions." In moving into a discussion of Reconstruction, Swann cordially approved of President Andrew Johnson's efforts at reuniting the country and opposed "the threats held out by some, that no State should resume her former status in the Union, without a transfer of the political power which she had always exercised, to the control of the negro race." The governor, while favoring the right of testimony, stood opposed to black suffrage.²¹²

Swann's approval of Johnson's Reconstruction policy was endorsed by the House of Delegates by a vote of forty-seven to twenty-four.²¹³ Yet there was growing division within the Union

211. Richard Paul Fuke, "The Break-Up of the Maryland Union Party, 1866" (M.A. thesis, University of Maryland, 1965), pp. 26-28.

212. Maryland, *House & Senate Documents, Extra Session, 1866*, Doc. A.

213. *Laws of Maryland, Extra Session, Jan.-Feb., 1866* (Annapolis, 1866), pp. 316-17.

party over Johnson's policy. The Unconditional men were fearful of the effects of the President's policy on their program in Maryland, and when the confrontation came between Johnson and Congress over the Freedmen's Bureau and the Civil Rights Act, they sided with congressional Radicals. The Conservatives, on the other hand, continued their support of the President.

By early 1866 Democrats, noting their support in traditionally Democratic areas, were busy attempting to build on their limited success in 1864. At an informal meeting in January, they issued a call for an "anti-Registry Law" convention to be held in Baltimore on the 24th. The response was enthusiastic. Even many Conservative Unionists joined in support of the convention. When the meeting assembled, Montgomery Blair was chosen its president. Blair, a strong supporter of the President and opponent of the Davisites, hoped to become a symbol pointing the way for cooperation between Democrats and Conservatives. Blair, maneuvering to bring about a party realignment, accused the Unconditional Unionists of attempting to use the Registry Bill as a device to keep themselves in power. He also introduced a new element in the rising political debate: Negro suffrage. Even though the Radicals had not endorsed the idea, Blair, and soon others as well, began unfairly to use the issue as a powerful weapon for partisan purposes against the Unconditional Unionists.²¹⁴

Swann was not slow in joining the attack and in using the suffrage issue as well. Rapidly the governor moved towards a conservative position. When the Baltimore City Unconditional Unionist convention endorsed Senator John A. J. Creswell's vote in favor of the Freedmen's Bureau bill, Swann publicly objected. By May the governor had become even more pronounced in denouncing Negro suffrage. And by mid-month he had finally broken with the Radical faction of the party.

With the rising attacks on the Registration Act and black suffrage, the Unionist coalition began to crumble. Schism finally came in the May meeting of the party's executive committee. The Conservatives, with William H. Purnell as chairman, attempted to gain control over the party by securing the passage of resolutions approving Johnsonian Reconstruction

214. *American*, Jan. 18 and 25-26, 1866; Fuke, "Break-Up of Union Party," pp. 35-40; William Starr Myers, *The Self-Reconstruction of Maryland, 1864-1867* (Baltimore: J.H. Press, 1909), pp. 43-45.

and demanding a change in the Registration Act. Unconditional Unionists balked and refused to accept the majority decision. Both factions now called for separate conventions. Governor Swann's endorsement of the Conservative actions made his break with the Unconditional Union men official. Undoubtedly personal ambition—the desire to become a United States Senator—played an important role in Swann's motivation as well as his more natural conservative proclivities.²¹⁵

The Unconditional Unionists met first on June 6, while Conservatives followed on July 25. In the campaign Conservatives struck at the Radicals through the suffrage issue and especially at their support of the Registry Law. But the central issue was the Registration Act with the two groups dividing on it. The Conservatives reiterated their charge that the Radicals were using it to maintain their control over the state.

But the key figure who was to shape the course and the outcome of the fall election was Governor Swann. The Registration Act authorized the governor to appoint the registrars who were responsible for drawing up the voter registration lists. Therefore much depended upon his choice of registrars. Swann in a mass meeting in Baltimore gave little doubt as to his course in the matter. In addressing the crowd he promised: "I shall take care that the Registration Act is not made the instrument of degradation of our people in the hands of vindictive and radical agents." He promised that the law would be "fairly and justly administered."²¹⁶

Actually, Swann had already moved in the direction of seeking conservatives, who supported Johnson's policy and who would interpret the law liberally, to appoint as registrars. When the appointments were announced, much to the despair and anger of the Unconditional Unionists, their conservative nature was obvious. Included within the appointees were a number of Democrats who could also aid in forging some of the necessary links in a new coalition of Conservatives and Democrats.

In the meantime, Democrats on the day following the Conservative meeting in July issued a call for the holding of a convention on August 8 to select delegates to the Philadelphia Union Convention. Democrats urged all those who believed in

215. Myers, *Self-Reconstruction*, pp. 56-57.

216. Quoted in Fuke, "Break-Up of Union Party," pp. 49-50; *American*, June 22, 1866.

the convention to join with them in August. The invitation was repeated in subsequent meetings, and when the Democratic State Convention met in Baltimore, they too indicated their willingness to cooperate with the Conservatives.

A number of interacting factors were present in the summer of 1866 which were to promote a political realignment. Principally the Registration Act provided a common cause to unite both Conservatives and Democrats in opposition to the Unconditional Unionists. And Governor Swann's appointment of sympathetic registrars made it possible for many who would otherwise have been barred to vote and produce a Conservative-Democratic majority. This majority in turn would owe its existence to Swann. A second factor was that both Conservatives and Democrats could agree on their support for President Johnson's Reconstruction policy and in their opposition to the ratification of the Fourteenth Amendment. Finally, both were opposed to black suffrage.²¹⁷

Yet despite the stimulus of the Philadelphia Union Convention of encouraging a united front, there were difficulties on the local level. In areas where Democrats were traditionally strong, little interest was shown in cooperation, while in weaker areas they were much more receptive. Also, Democrats refused to give up their party identity and to meet in a joint convention with the Conservatives. But the key to the election remained in how broad the electoral base would be in the fall election. In this the Swann-appointed registrars had certainly done their part well. Voter registration soared. In many areas the number of voters doubled and in some cases even tripled.²¹⁸ Yet Baltimore remained a threat to a Conservative-Democratic victory.

There Conservatives and Unconditional Unionists had clashed over the Registration Act and its applicability to the October municipal election. Radicals, having the support of Attorney General Alexander Randall's decision that the 1865 registration list should apply, won the first battle. With suffrage still limited, the Unconditional Unionists easily re-elected John Lee Chapman as mayor and continued their control over the city council. Democratic leaders, such as A. Leo Knott, charged

217. *Ibid.*, pp. 66-69.

218. Wagandt, "Redemption or Reaction?" p. 166.

that the conduct of the election judges caused "the disenfranchisement of a great majority of the registered Democratic voters of the city."²¹⁹

For the Conservatives the October results were ominous unless the political situation was somehow changed. Baltimore's eighteen seats in the House of Delegates were crucial in the control of the assembly. To prevent a recurrence of the October debacle, Swann was now asked to rectify the situation by removing the police commissioners, Samuel Hindes and Nicholas L. Wood, who appointed the election officials, on grounds of "official misconduct." Baltimore Conservatives, meeting in Rechabite Hall, also joined in asking for their removal and the appointment of impartial election judges.

Swann happily responded to the cry for action and immediately ordered the commissioners to stand trial before him to answer charges of misconduct. Radicals met the challenge with stiffening opposition. At first armed resistance by Radical organizations, such as the "Boys in Blue" and the Union Leagues, seemed imminent. Swann countered by issuing a warning against "military and other combinations" forming "for the purpose of obstructing and resisting the execution of the laws of this State." In the meantime the governor consulted with federal military and government officials. General Edward Canby was sent to Baltimore to report on the situation. General Grant after conferring with Canby indicated to Johnson that the situation did not warrant military interference "in advance of even the cause (the removal of said commissioners) which is to induce riot." But he did indicate that "If insurrection does come, the law provides the method of calling out forces to suppress it."²²⁰

The trial of the commissioners had the expected results. Swann found them guilty, and on the following day, November 2, he appointed James Young and William Thomas Valiant to the vacant offices. Hindes and Wood, however, refused to vacate their offices. Judge Hugh Lennox Bond now issued warrants for the arrest of Young and Valiant on charges of conspiracy.

219. A. Leo Knott, p. 66.

220. Maryland, *House & Senate Documents, 1867*, Doc. A., pp. 9-11; A. Leo Knott, pp. 70-71; Myers, *Self-Reconstruction*, pp. 69-70.

Jailed, Young and Valiant then secured writs of habeas corpus, but arguments on the writs were delayed until two days after the election.²²¹

Swann remained determined not to allow the Radicals to block his efforts and to continue their control over Baltimore. He was soon in contact with federal authorities after the jailing of his two appointees. Swann hurried to Washington to see President Johnson and was given assurances of military aid if necessary in order to maintain order. General Grant, returning with the governor to Baltimore, was sent to the city to investigate conditions there. In the meantime, there was an attempt at negotiations between Conservatives and Unconditional Unionists in an effort to reach a compromise. It was understood that "one judge and one clerk of Conservative proclivities" would be appointed in each precinct.²²² But the compromise failed, and none were appointed. Grant also attempted to mediate between the two groups, but since the election judges had already been selected by Hindes and Wood, little could be done on the matter. But yet, it was agreed that the judges would be reasonable in the election.

When election day arrived in November, despite the efforts of the Unconditional Unionists to maintain power, Conservative-Democratic efforts secured an overwhelming victory. With the inability of the election judges to refuse all the newly registered voters and the presence of the military to support Swann if necessary, all eighteen delegate seats were lost by the Radicals. In the remainder of the state the coalition did almost as well. In the House of Delegates Unconditional Unionists held onto only twenty-one seats out of eighty. It was an especially victorious election for the Democrats. Most of the Conservative and Democratic gains came from traditionally Democratic areas, and with the national collapse of the Union party movement, Conservatives had little place to go except into the Democratic party. Blair's attempt to create a new party had failed. The Unconditional Unionists, on the other hand, now ultimately became Republicans.²²³

When the newly elected legislature met in January 1867,

221. Myers, *Self-Reconstruction*, pp. 71-72.

222. A. Leo Knott, pp. 81-82.

223. Fuke, "Break-Up of Union Party," pp. 100-02, and 105.

Democrats and Conservatives dominated the assembly and were determined to make a number of changes. In his message to the legislature Swann called for a new municipal election in Baltimore, opposed ratification of the Fourteenth Amendment, and endorsed Johnsonian Reconstruction. The governor also sounded the call for a new constitutional convention.²²⁴

Legislators were only too eager to undo some of the work of the previous assembly. Approval was expressed over Swann's support of the President's Reconstruction efforts and "in the just and liberal execution by him of the existing Registry Law . . . and a proper recognition of their [the people's] inalienable right to participate in its government by the exercise of the elective franchise."²²⁵ The legislators then virtually repealed, in effect, section 4 of Article I of the 1864 Constitution. The legislators obviated the necessity of taking an iron-clad oath by substituting a simple oath of allegiance. Under a new registration act voters had a choice of taking either to fulfill the qualifications for the suffrage.

Consideration was also given to the ratification of the Fourteenth Amendment to the federal Constitution. A joint committee of both houses was appointed to consider the amendment. Again the matter of disenfranchisement, along with states' rights arguments and objections to the section prohibiting future federal compensation for emancipation, arose in the debate over ratification. The committee's majority recommended rejection, and the assembly agreed.²²⁶

But, the most important piece of legislation was the call for a new constitutional convention. Some difficulty was encountered in the House of Delegates in securing the bill's passage, but in the Senate the measure met serious resistance. A majority of the Senate's judiciary committee adopted an unfavorable report. When the bill was considered by the Senate, even though it passed by a vote of fifteen to seven, Lieutenant-Governor Cox declared that the measure, lacking a necessary two-thirds, had failed. His ruling was quickly appealed and eventually a new vote secured the needed support.²²⁷

224. Maryland, *House & Senate Documents*, 1867, Doc. A.

225. *Laws of Maryland*, 1867, p. 869.

226. Maryland, *House & Senate Documents*, 1867, "Joint Resolutions," pp. 882-911.

227. Myers, *Self-Reconstruction*, pp. 95-99.

Appreciative Democrats and Conservatives were also anxious to pay their political debt to Governor Swann. The reward was to be his election to the United States Senate. To accomplish this, a series of inter-related measures were passed in the assembly. The requirement of rotating senators between the Western and Eastern Shore was set aside, a change in representative apportionment in the assembly, and the constitutional convention bill paved the way for his election. Swann was eager but soon became cautious. Fearing the consequences of Cox becoming governor and the threat that he would be blocked from taking his seat in the Senate, Swann, at the last moment, refused the offer. He rationalized his decision as being in response to "appeals from the representative men of the State . . . asking my continuance in the Gubernatorial chair. . . ." A disappointed Swann declared that it was his "duty to the people of the State of Maryland, to decline the Appointment. . . ." ²²⁸

The Unconditional Unionists saw the work of the assembly, especially the call for a new constitution, as a threat and denouement of their power. In a desperate attempt to thwart disaster, the Radicals appealed to Congress for federal intervention. They maintained that the legislators in the assembly had been ". . . elected in great part by the deliberate violation of the election law of the State, by the votes of men who were in active accord with the rebellion. . . ." They also asserted that the call for a new convention had been made illegally. In another effort, Radicals attempted to secure an injunction in the Superior Court of Baltimore to prevent holding the election. However, all such efforts failed. The election was held on the appointed day, April 10, 1867, and the question carried with an overwhelming 10,350 majority. ²²⁹

The new constitution reflected the newly-changed political situation. Since the Unconditional Unionists, who had adopted the Republican Union party label, had made no nominations for delegates, the convention was virtually a Democratic conclave. As was expected, the old constitution was shorn of its Radical taint. Only a simple oath of allegiance was now required for

228. A. Leo Knott, pp. 95-115; Myers, *Self-Reconstruction*, pp. 87-92; Wagandt, "Redemption or Reaction?" pp. 170-71.

229. Myers, *Self-Reconstruction*, pp. 103-11.

office holders. However, the expanded franchise was restricted to white males of legal age. Blacks were denied this right. They would have to wait until the Fifteenth Amendment to the federal constitution. But blacks were, after considerable debate, allowed to testify in court. Also the delegates did retain the section prohibiting compensation for emancipation, but as a gesture, hope was held out for future federal compensation.

The constitution also temporarily brought about a new shift in power. Provision was made for new elections in Baltimore. But far more important was the fact that now both blacks and whites were counted in determining representation in the assembly. Since whites were only eligible for the franchise, a voter in southern Maryland and on the Eastern Shore was over-represented in comparison with the remainder of the state. In addition a new county, Wicomico, was created on the Eastern Shore and thereby further increased the strength of the former slave-holding areas in the Senate. The northern and western portions of the state were shorn of their political dominance. Even though much of the work of the Radicals was undone, the Unconditional Unionists had left an important legacy: emancipation.

The finished document finally went to the voters on September 18, and despite Republican opposition, it was approved by a two to one vote. And on October 5 the new constitution became the basic law of the state. The municipal and state elections bore further witness to the renewal of Democratic ascendancy. Democrats carried the mayoralty election in Baltimore, while in the gubernatorial race the party's candidate, Oden Bowie, trounced Republican Judge Hugh Lennox Bond by 63,694 to 22,050. For the first time since Governor Ligon the Democrats were again in control and were to remain there for an extended tenure.

With Bowie's victory a decade of social and political turmoil essentially drew to a close. By 1867 Maryland's period of "Self-Reconstruction" had come to an end and a more stable party alignment had emerged. The remaining capstone to party realignment came with the extension of the franchise to blacks. The successful ratification in 1870 of the Fifteenth Amendment to the United States Constitution and the protection of black voters by the passage of the enforcement acts by Congress added a new dimension to Maryland politics.

Out of the political flux of the previous decade, Democrats—now augmented by Conservative Unionists, new voters, and returning veterans—emerged as the dominant party in Maryland and would remain so for years to come. Yet a new party had also appeared to act as a serious check on Democratic dominance. The Republican party, drawing heavily on the Unconditional Unionist faction, at first was forced to rely on federal patronage to support its organization. But yet, Republicans, aware of their weakness, pragmatically took hope in the move for black enfranchisement. As early as 1867 Unconditional Unionists had openly called for universal manhood suffrage and had begun to integrate their party. Success in their strategy was finally realized with the Fifteenth Amendment and the enforcement acts. And with the increase of the potential electorate by approximately 30 per cent, the Republican party in Maryland was given the necessary infusion of strength to become a viable opposition party in the decades to follow.²³⁰

230. See Margaret Law Callcott, *The Negro in Maryland Politics 1870-1912* (Baltimore: J.H. Press, 1969).

BIBLIOGRAPHICAL ESSAY

CHAPTER V

A sizeable bibliography of literature exists for the Civil War era. Yet, most of the work has been concentrated on the war period, while the decade of the 1850's and the reconstruction era have comparably suffered more neglect until recently. Within the past decade much of this has been rectified by a number of fine scholarly monographs, articles, and theses.

For the decade of the 1850's the dated, but still useful, standard work is Laurence Schmeckebier's *History of the Know-Nothing Party in Maryland* (Baltimore: Johns Hopkins Press, 1899) and Benjamin Tuska's *Know-Nothingism in Baltimore 1854-1860* (New York: n.p., 1930?). Newer and more balanced studies can be found in Jean Baker's excellent master's thesis, "Dark Lantern Crusade: An Analysis of the Know-Nothing Party in Maryland" (M.A., Johns Hopkins University, 1965); William Evitts' doctoral dissertation, "A Matter of Allegiances, Maryland from 1850 to 1861" (Ph.D., Johns Hopkins University, 1971); and in an article by Douglas Bowers, "Ideology and Political Parties in Maryland, 1851-1856," *M.H.M.*, LXIV (Fall, 1969).

The war period has always attracted scholarly attention. The older and more narrative work, but still significant, on Civil War politics is Charles Branch Clark's "Politics in Maryland during the Civil War" (Ph.D., University of North Carolina, 1941) which was largely reprinted in serial form in the *Maryland Historical Magazine* and later published in book form. A newer study which minimizes military and federal interference is the excellent analysis and synthesis by Jean Baker in *The Politics of Continuity: Maryland Political Parties from 1858 to 1870* (Baltimore: Johns Hopkins Press, 1973). Other works of note are: George L. Radcliffe, *Governor Thomas H. Hicks of Maryland and the Civil War* (Baltimore: Johns Hopkins Press, 1901); William Starr Myers, *The Maryland Constitution of 1864* (Baltimore: Johns Hopkins Press, 1964); and Harold Manakee, *Maryland in the Civil War* (Baltimore: Maryland Historical Society, 1960). Articles of interest are: Carl M. Frasure, "Union Sentiment in Maryland, 1859-1861," *M.H.M.*, XXIV (Sept., 1929); William A. Russ, "Disfranchisement in Maryland (1861-67)," *M.H.M.*, XXVIII (Dec., 1933); and Sidney T. Matthews, "Control of the Baltimore Press during the Civil War," *M.H.M.*, XXXVI (June, 1941); Herman Belz, "Henry

Winter Davis and the Origins of Congressional Reconstruction," *M.H.M.*, LXVII (Summer, 1972); and Gerald S. Henig, "Henry Winter Davis and the Speakership Contest of 1859-1860," *M.H.M.*, LXVIII (Spring, 1973). Two recent doctoral dissertations, "Henry Winter Davis: A Biography" (Ph.D., City University of New York, 1971) by Gerald S. Henig and "Henry Winter Davis" (Ph.D., Louisiana State University, 1972) by Milton L. Henry, fill the need for an updated work on Maryland's controversial congressman.

The economic impact of the war is treated in such studies as Walter S. Sanderlin's *The Great National Project* (Baltimore: Johns Hopkins Press, 1946) and in his articles, "A House Divided—The Conflict of Loyalties on the Chesapeake and Ohio Canal" in *M.H.M.*, XLII (Sept., 1947) and "The Vicissitudes of the Chesapeake and Ohio Canal during the Civil War" in the *Journal of Southern History*, XI (Feb., 1945); Festus P. Summers' *The Baltimore and Ohio in the Civil War* (New York: G. P. Putnam's Sons, 1939) and in his article, "The Baltimore and Ohio—First in War," *Civil War History*, VII (Sept., 1961); William Bruce Catton's "The Baltimore Business Community and the Secession Crisis, 1860-1861," (M.A. thesis, University of Maryland, 1952) and in his doctoral dissertation, "John W. Garrett of the Baltimore and Ohio: A Study in Seaport and Railroad Competition, 1820-1874" (Ph.D., Northwestern University, 1959); and Katherine A. Harvey's article, "The Civil War and the Maryland Coal Trade," *M.H.M.*, LXII (Dec., 1967).

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