

Palimpsests and Watermarks, or Why the Web Can't Tell us Everything

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 Draft

The web, through Wikipedia, Google, Bing, and Yahoo have become the ubiquitous source and font of most, if not all knowledge for a new generation of undergraduates and a wonderful helpmate for solving some of the formerly most tedious of research questions confronting the dedicated scholar. The other day, when sorting through a complex Supreme Court Case, one of the last decided by John Marshall, one in which he refused to hear argument from his soon to be successor, Roger Brooke Taney, literally telling him to sit down, I ran across a deposition by a disgruntled ship builder testifying to the impact of silt run-off in Baltimore Harbor. The year of the Supreme Court case was 1833 and it had to do with public policy versus private interest. Baltimore had graded some streets as the city expanded eastward along the fall line and the dirt had washed into Fells' Point, filling up the harbor. The wharf owners, Craig and Barron, wanted the city to pay for the dredging out around their wharves and the city refused on the grounds that they were acting in the public interest when grading the streets, and were not responsible for the consequences of a heavy rainfall. At the trial level, the jury sided with the wharf owners, awarding them damages sufficient to pay for a mud machine to dredge around their jetties. The Maryland Court of Appeals reversed the decision without explanation, although the unpublished reporters' minutes make it clear that the City argued they were only acting in the best interests of the community and not liable for consequences that affected only a few.¹ One of the clever lawyers arguing for the wharf owners in the case decided that if they could not win at the State level, surely the 5th Amendment to the Constitution applied which called for due process and just compensation for the taking of personal property. Justice Marshall in what appeared to be a stunning reversal of the trend of his prior decisions as a nationalist, disagreed and dismissed the case on the grounds that the 5th amendment applied only to cases involving the taking of property by the Federal Government and this was exclusively a State matter. The wharf owners lost, although over time, the city and the State would invest millions of public monies in dredging Baltimore Harbor.

But it wasn't the significance of the case that caught my attention, even though my topic was the inter relationship between Baltimore City and the Environment. It was the deposition, taken on behalf of the wharf owners, by a ship builder renting the wharf in 1826 that sent me to googling for an answer. The ship owner deposed that in order to launch his ship "Baltimore" he had to pay to dredge out in front of the wharf and that the ship barely made it over the sandbar.²

... could not row up there in low water. The Plaintiff James Beacham, that in 1816, the water at the Plaintiff's Wharf feet, and much the same at Hammagan's - the depth of Hammagan's was to about two feet at high tide. The water at Plaintiff's wharf in 1826 - the water at Plaintiff's wharf, close to it is somewhat some distance out, where there is a bar of sand and gravel wholly of such burthen as might lay close to the wharf - that in the presence of witness having occasion to launch the Frigate Baltimore, at Plaintiff's, was compelled to have a narrow channel of about 2 feet deep, dug, making the depth also 25 feet for the reception of the vessel between 200 and 300, and which sum was paid by him now, for the use of their mud machine that this channel was.

I couldn't resist. I was off on a tangent. In the old days, trying to track down the story of the 'Baltimore' would have been more trouble than it was worth at that point in my research, necessitating trips to archives historical societies and time consuming hunts through card catalogs, but I had clues for Google that I thought might prove fruitful, so I entered 1826 "Baltimore" Beacham into my Google bar. I won't go into detail with regard to what I found over the next several days of surfing the net, but suffice it to say that I have a whole article, if not a book in the works with regard to ship building in Baltimore, Baltimore's relationship with the revolutions in South America, and the early life of the first commandant of the Naval Academy who later would be an Admiral in the Confederate Navy. The Google search first led me to the printed proceedings of the New York Supreme Court acting as an equity court and detailed Beacham's partnership with a New York shipbuilder from 1825 to 1830. It proved to be no small ship. At 64 guns the 'Baltimore' cost \$350,000 and the contract established Beacham as one of the foremost shipbuilders in Baltimore.³

THE bill was filed on the 19th day of September, 1835, by Matthew Kelly and James Frazier as assignees of James Beacham of the city of Baltimore, against the executors of Henry Eckford, formerly of the city of New York, deceased, for an account of certain copartnership dealings between Eckford and Beacham. It appeared that shortly before the 28th of January, 1825, Mr. Eckford who was a very extensive ship-builder in New York, entered into a contract with M. Rebello, the Chargé of the Emperor of Brazil, to build for his government two first class frigates, for which he was to receive \$350,000 each. His contract also provided for his being paid in addition, for the fitment and armament of the vessels, in case he was required to and did fit and furnish them for sea.

Mr. Eckford having determined to build one of the frigates in Baltimore, entered into a contract with Beacham, who was a ship-builder at that port, by which it was mutually agreed that they should build the vessel on joint account, Mr. E. making the necessary advances and furnishing the live oak and some other materials. The frigate was built accordingly, and was finished in the summer of 1826. She was called the "Baltimore." On her completion, Mr. Eckford at M. Rebello's request, proceeded and fitted her out for sea, and sent her with a small armament and a complement of officers and men, to Rio Janeiro, and in 1827 he shipped the residue of her armament to Brazil directly from

New York. B. aided E. in procuring such of the fitments in

By no means were all the sources necessary for the story on line, but the paths to what should be explored further in traditional fashion were made infinitely easier. For example, the Maryland State Archives on line guide to newspapers explained what newspapers were being published in 1826. When I couldn't find the *Baltimore Patriot* on line, I turned to the original in our warehouse and found the following notice which proved that Beacham's memory in the deposition was off by a month:

BALTIMORE PATRIOT
AND
MERCANTILE ADVERTISER.

Daily Paper \$3—Country \$5 per annum.
Payable in advance.

All advertisements appear in both papers.

BY ISAAC MUNROE—No. 54, SOUTH-STREET.

BALTIMORE:
THURSDAY, MAY 11, 1826.

THE LAUNCH.—The superb Frigate built Ship, built at Mr. Beacham's yard at the Point, was launched this morning at 42 minutes past ten o'clock, according to arrangements previously announced. The weather was remarkably fine, and the citizens, of every age, sex and condition, assembled to an extent never before witnessed on any occasion, save the entre of the Nation's Guest,—and that was fully equalled,—in steamboats, vessels, on the wharves, shores and neighbouring heights. Indeed the hills from Harris' Creek to the Philadelphia Road were literally covered with

the multitude, and there was not an eminence whereon the eye could rest, but was occupied.— Such a collection, we repeat, of beauty and fashion, and of every other grade, in carriages, on horseback and on foot, we never before witnessed in Baltimore. We are safe in saying that the City was literally evacuated. This immense multitude was equalled, however, in novelty, by the beautiful execution of the launch. At the moment noticed above, the proper means were applied, and the immense Structure was seen to move gently towards her destined element, when, “there she goes!” was the simultaneous exclamation of fifty thousand voices, and in an instant all was still—silent as death—till she dipped her stern into the water, and formed a large wavy snow-white wreath with which she decorated herself, and glided gallantly & gracefully into the bay, without the slightest accident, or even motion save that given her by the impetus of her descent. At the moment of her entering the water, 3 guns were fired from a Cutter stationed near the scene and the shouts of the multitude were raised to a deafening height. She gallantly glided nearly over the small bay, and was easily brought to by her cables, and warped back to the wharf amid the cheerings of a highly gratified multitude. We observed on her bow a large label with the word BALTIMORE, in large letters, which it is presumed is to be her name. We made particular enquiries, and from our own observation are enabled to state, that not a single accident occurred to mar, in the slightest degree, the sublime beauty of the scene. We cannot conclude this very imperfect sketch without awarding to Mr. BEACHAM the credit of having performed this work, from the laying of the keel to the completion of the launch, in a manner worthy, nay, in a manner that must give an additional lustre to the high character of Baltimore Naval Architecture.

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Clearly this launching was a big event for Baltimore missed by every historian of Baltimore City, and the Google tangent was taking me in a totally new direction in my research. It is not over yet. I see an article, if not a book in the months ahead. But, in taking you on this Google adventure, I must admit I have not been quite as honest as I should be. I actually began my search for the "Baltimore" by misreading "Beacham" as "Buchanan" in the deposition. I soon corrected my mistake, but it proved a helpful mistake none-the-less. My first Google search was for 1826 *Buchanan "Baltimore"*. This led me to the collections of the Naval Academy and the journal of the *Baltimore* to Rio in 1826.⁴ It turns out that a young Lt. by the name of Franklin Buchanan, on leave from the Navy, took command of the *Baltimore* and sailed her to Brazil where she became one the ships of the line in the Brazilian navy. Buchanan was from a prominent Maryland family who helped found the city. He served over 40 years in the U. S. Navy on both the *Constellation* and the *Constitution*, and as the first Superintendent of the Naval Academy. Married to the daughter of the owner of the plantation on which Frederick Douglass was born, he resigned from the U. S. Navy in 1861 to serve as an Admiral in the Confederate Navy, only to return to be president of this august institution's predecessor, if only for a brief time.

But enough of the usefulness of the web and web searches when it comes to serious academic inquiries. Instead I would like to turn to what you can't learn from the web and why it is important to not lose the traditional skills of tactile research in the original records.

My remarks tonight focus on a single piece of parchment on which is written the Charter of Annapolis granted by Maryland Governor John Seymour in the name of Queen Anne on November 22, 1708.

From Wikipedia we learn that

Parchment is a thin material made from [calfskin](#), [sheepskin](#) or [goatskin](#). Its most common use is as the pages of a [book](#), [codex](#) or [manuscript](#). It is distinct from [leather](#) in that parchment is not tanned, but stretched, scraped, and dried under tension, creating a stiff white, yellowish or translucent animal skin. The finer qualities of parchment are called [vellum](#).

Parchment has long been thought to last better than paper and came to be used for the most important documents such as deeds, land grants, charters and diplomas. An early printer, [Johannes Trithemius](#) wrote in 1490 that he preferred printing on parchment, because "handwriting placed on parchment will be able to endure a thousand years. But how long will printing last, which is dependent on paper? For if ...it lasts for two hundred years that is a long time." [\[2\]](#)



Parchment cost much more than paper and was often hard to find. It was not unheard of for old books of parchment to be disbound, the parchment erased, and written over anew. Recently a rare mss by Archimedes was found under the writing of a prayerbook composed two hundred years or so later.

Have you ever had a word that you had great difficulty in pronouncing, no matter how hard you try? For me "Palimpsest" is one of those words which always seemed to stick in my throat and over which I am forever stumbling. Yet it is the best word to describe the Parchment copy of the Second Annapolis Charter at the heart of the story tonight.

To assist me, I downloaded the pronunciations (there are at least two) of palimpsest from the Merriam Webster Dictionary on the web.

[Palimpsest first pronunciation](#)

[Palimpsest second pronunciation](#)

pa-limp-sest  

Pronunciation:

\ˈpɑ-ləm(p)-,sɛst, pə-ˈlɪm(p)-\

Function:

noun

Etymology:

Latin *palimpsestus*, from Greek *palimpsēstos* scraped again, from *palin* + *psēn* to rub, scrape; akin to Sanskrit *psāti*, *babhasti* he chews

Date:

1825

Palimpsest has two definitions, both of which inform tonight's lecture.

1 : writing material (as a parchment or tablet) used one or more times after earlier writing has been erased

2 : something having usually diverse layers or aspects apparent beneath the surface <Canada...is a *palimpsest*, an overlay of classes and generations — Margaret Atwood>

Before we begin our adventure into the land of palimpsests and forged charters, however, I would like to thank a number of people for their support in what proved to be much larger undertaking than I ever imagined. . The inspiration for my taking on a careful review of the archival evidence relating to the text of the 1708 charters of Annapolis is the indomitable historical curiosity and legally exacting mind of Annapolis Alderman Richard Israel. When he began to probe the historical importance of the Annapolis Charter and advocated a celebration of its 300th anniversary, I first thought that all we needed to do at the Archives was produce a good facsimile of the most hallowed parchment on which it was written, and host an inaugural ceremony at the Archives while the traveling banner was displayed on our building. This we did in April of 2006.



Little did I think that there would be any question about the authenticity of the documents, although I did expect scholars to disagree over the meaning. In order to be certain the scholarship on the history of the charter reached the highest standard possible, we accepted the offer of Professor Ashley Ellefson to examine its origins and historical context in depth. His findings are available as an on-line publication at the Maryland State Archives web site: Archives of Maryland On Line through the editorial and production oversight of Dr. Jean Russo and Jenifer Hafner. ⁵

I will leave you to explore Dr. Ellefson's fine essay in depth on line, while I attempt to sort out the origin and authenticity of all the 18th century versions of the text of the Annapolis charter. In doing so, I would also like to acknowledge the thoughtful and thorough assistance of Ashley and Beverly Ellefson, Jean Russo, Jane McWilliams, Jen Hafner, Owen Laurie, Vicki Lee (our nationally recognized conservator), Jenifer Cruickshank, and the Archives imaging services department. They provided images, transcriptions, research assistance, and at times, a healthy scepticism, of my efforts to determine where we might find the authoritative original text of the Annapolis Charter, and why, I believe, one of the most revered of those texts might not be what it appears to be.

I. The Birthday of the Annapolis City Charter?

Our first charge is to determine as best we can what day we should celebrate as the Birthday of the Annapolis City Charter. In doing so we must pay tribute to an early 20th century scholar of the Charter who has been long neglected for his efforts to remind Annapolitans that they were the beneficiaries of two charters in 1708, both of which had their origins

in a statute passed in 1696, and who first raised the question of what day of what month we should celebrate as the birthday of the Annapolis Charter.



J. Wirt Randall, a distinguished lawyer, lived just off State Circle in the Bordley/Randall House,



as seen here from the dome of the State House, until moving to our neighborhood, Roland Park, in Baltimore City where he died on the 204th Anniversary of the first Annapolis Charter, August 16, 1912. At the 199th anniversary of the Charter Celebrations the night of November 22, 1907, in the House of Delegate's chamber in the State House, Randall startled and initially confused the audience by explaining that there were at least two anniversary dates for the Annapolis Charter, August 16, and November 22, not to mention the Act of Confirmation [passed by the General Assembly and](#)

[signed into law on December 17, 1708](#). It would not be until a hundred years later that anyone would again look closely at the words and documents of the charter itself, nor did Randall realize that one of the most revered of the copies of the Charter was a political forgery which carried a subtle political joke played upon the original owner of the Annapolis house in which he lived, Thomas Bordley, one of the first Aldermen of the City under the 1708 Charters.

Let's begin with revisiting the gala occasion in the recently completed new House of Delegates Chamber of the State House, held the evening of Friday, November 22, 1907. Let's eavesdrop on the remarks of J. Wirt Randall that evening.



What appears to be the full text of J. Wirt Randall's speech was published the following Saturday, November 23, 1907, in the *Evening Capitol* under the headlines:

BICENTENNIAL BIG BOOM
 Launched with enthusiasm at 199th Anniversary at State House Last Night

To be Fittingly observed Next Year--
 Governor Promises Aid--
 St. John's to "Whoop it up"
 Business men to "push the thing along"
 Wanted Everybody's Interest

The city recorder read the text of the Charter, probably from the very clearly written 1792 manuscript copy found among the records of the Corporation, followed by the Naval Academy Band playing "Auld Lang Syne." At the close of Governor Warfield's speech, Randall rose to deliver his remarks.

The Hon. J. Wirt Randall followed the Governor, and startled the audience by telling them they had two birthdays, one on August 16, 1708, when the original charter was granted by Governor Seymour, and one (the second, or rather the first appended) on November 22, 1708. Mr. Randall somewhat upset things and kept his auditors wondering just where they are "at," or how old we really are, but he taught them a bit of Maryland history not in print, and which few, if any, really knew hitherto.

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Randall was the first historian since John V. L. McMahon in 1831 to actually read and compare the two versions of the Annapolis Charter recorded among the records of Chancery, Liber PC, beginning on f. 590. What he and McMahon found there were two charters between which was sandwiched a petition from the Mayor, Recorder, Alderman, Councilmen, and citizens of Annapolis asking the governor to amend the first Charter which the then Governor Seymour had proclaimed on August 16, 1708. The petitioners complaints had been raised first in the General Assembly in another petition, along with a number of other issues that had so irritated the Governor that he had called for new elections after admonishing the members in the name of Queen Anne for being so contentious:

*shall we a poor Handful of her remotest Subjects
dispute or boggle at what her Majesty thinks reasonable
and wisely judges to be for your own good as well as the
Service of the Crown?*

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To his Excy John Seymour

The humble petition of the Corporation of the City of Annapolis and the greater part of the Inhabitants of the same humbly sheweth

That whereas in her most gracious Maj^{ty} Donago's Decree for the bene^{fit} of her Subjects the Inhabitants in this place were desired to grant them a Charter incorporating the City this late Town of Annapolis into a City (it having formerly had the Honour in Remembrance of Princes and now our good Queen to be directed into a City) AND inasmuch as it is the best Government the best situated and most convenient place for Trade where in a greater number of Inhabitants live than in any other place in this his Majesty's Kingdom who are desirous that that parts of her Majesty grant to this City in empowering the Mayor, Aldermen and five of the Common Councilmen to direct and send two representatives to the great Assembly to serve as Burgesses for this City may be enlarged MAY it their good Pleas^{ure} be that they do enlarge the Charter that all persons being freeholders in this City (that is to say owning a whole Lot of Land with a house built thereon according to Law) and that all persons actually residing and inhabiting in this City having a double Share of the Value of the said Land, and also that all persons that hereafter shall serve five years to any Trade within this City, and that after the Expiration of their time do actually have a House and Inhabitants in the same City, first taking the Oath of free Burgesses may have a free Vote in the Election of such Representatives or Burgesses to serve hereafter in all great Assemblies as in the said Charter is expressed AND further that after the Death or Removal of any of the Common Councilmen already elected and sworn to by the Mayor, Recorder and Aldermen of the said City, all the freeborn Inhabitants as aforesaid may have a free Vote in the Election of another Common Councilman or Common Councilmen to live in this or their place and stead: and it is further most humbly prayed that no person or persons after the next General Election (notwithstanding being made by some of the City) shall have an Elective Voice in the choosing of Burgesses or Representatives for this City, until they have been made free three months which is the humble Desire of your Petitioners the subscribers, and as in Duty bound We will ever pray.

In Testimony
The Mayor
The Recorder

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John Baldwin
John Brice
Tho: Douera
Richard Young
Amos Garrett Mayor
Wm. Hunt Recorder
Wm. Bladen
John Hrooman
Gony. Fordham
Evan Jones
Tho: Boardley
Josiah Willson

Cha: Killbourne
Math: Board
John Hoale
Tho: Jones C. Comm
David Ogilvie
Edder Edwards

James Wotton
Christopher Smithers
Joseph Humphreys
John B
Wm. Gwyn
Richard Bickardike
Richard Kell
Thomas Holmes
John Novarre
Wm. Durdan

Wm. Haughton
Charles Cowley
Wm. Elliott
Rich: Thompson
Sam. Nowell
Wm. Gaylard
Jn. Graham Jun

November the 18th 1708

The within Petition granted and Ordered that the Corporation prepare a Charter as within—
Prayed to be signed by his Excy and on her Majesty's behalf sealed with the great Seal of this Dominion
Signed per
W Bladen R C

Randall explained to his audience that until 1708 Annapolis was governed by commissioners who were named in various acts of assembly. As early as 1704 Governor Seymour suggested that the town be incorporated by the Provincial Assembly, but it ignored his request and on August 16, 1708 he took matters into his own hand and issued a Royal Charter, only to have the very Mayor, Recorder, Aldermen, and Councilmen created under it, ally themselves with the citizens of the town to demand that it be amended to enlarge the electorate, and reduce by half the amount of property a resident would have to own to be elected a delegate to the lower house. In turn the Provincial Assembly had some concerns of its own which were incorporated into an act of confirmation which the Governor signed on December 17, 1708.

Randall pointed out that the Assembly which met in September 1708 recognized that the August Charter elevated the Town of Annapolis to a City, but entertained a protest from the citizens of Annapolis that the August Charter ignored their rights as Englishmen to nominate and elect their own representatives, deciding "that the Governor had not power to grant the charter in the manner and form as granted." Seymour dissolved the Assembly, but on November 18, 1708, granted a second petition presented to him instead of the Provincial Assembly by the "Corporation of the City of Annapolis and the greater part of the inhabitants," instructing the Corporation, not the Provincial Assembly, to amend the August 16 charter accordingly. Within short order they did so, and on November 22, 1708, St. Cecilia's Day, and the anniversary of the sailing of the Ark and the Dove from the Isle of Wight in 1633, Governor Seymour proclaimed the second charter, which was dutifully entered into the same Chancery record volume following the first Charter and the Petition to amend it..

John Baldwin
 John Brice
 Tho: Douera
 Richard Young
 Amos Carrott Mayor
 Wm. Hunt Recorder
 Wm. Bladen
 John Freeman
 Benj. Fordham
 Evan Jones
 Tho: Boardley
 Josiah Willson

Cha: Killbourn
 Math: Board
 John Beale
 Tho: Jones C. Counc
 Patrick Ogilvie
 Cador Edwards

Aldermen

James Wotton
 Christopher Smithers
 Joseph Humphrys
 John B
 Wm Gwyn
 Richard Burkardiko
 Richard Kolk
 Thomas Holmes
 John Novarro
 Wm Durdan

Wm. Haughton
 Charles Crowley
 Wm. Elliott
 Rich: Thompson
 Sam. Nowell
 Wm. Gaylard
 Jm Groscham Jun

November the 18th 1708

Sheweth that the within Petitioner granted and Ordered that
 the Corporacion prepare a Charter as within
 Prayed to be signed by his Excy and on her Maties
 behalfe sealed with the great seals of this Provin
 signed p order

W Bladen J C

The Charter of the City of Annapolis

Ann^o by the grace of God of Great Brittain France and Ireland and the
 Dominions therunto belonging Queen Defender of the faith &c Go all and

When the Provincial Assembly reconvened on November 29, 1708, the Lower House was still unhappy. As Randall explained:

"Although this new charter corrected most of the errors and matters criticized in the former one, and particularly those relating to elections and the suffrage, yet the Assembly still denied the power of the Governor to grant it and refused to seat the two members from Annapolis."

Eventually a compromise was reached in which the Governor retained the power to grant charters but the Assembly reserved the right to confirm and explain them, thus establishing "its right to regulate and the necessity for it to concur in all municipal charters in the Province."

Waxing eloquent in conclusion, Randall asserted that

"Annapolis became afterwards known as one of the great advance posts of independence and bulwarks of freedom in the colonies, but it seems at even in this granting of its charter, at its very baptism, it was christend with the waters of liberty and its swaddling clothes were assertions of the rights of freemen."

While careful assessments of the times and the meaning of the Charter, such as those recently completed by Professor Ellefson and Jane McWilliams, might not take such rhetorical liberties, there is little question that Annapolis and the other Cities in the Wilderness of America were innovative political forums out which would emerge a dynamic of chartered, or Constitutional government.

But, while we recognize the historical importance of the Charter, there still remains the question of what day to celebrate as the Charter's birthday, a question that J. Wirt Randall failed to resolve in 1907. For myself, I prefer November 22, 1708, St. Cecilia's Day, which addressed the franchise deficiencies of the August 16th Charter, and intentionally chosen or not, was a most significant day in the Annals of Maryland history. Not only did the first Lord Baltimore, George Calvert, marry on November 22, but Leonard Calvert, his son and the First Governor of Maryland, left the Isle of Wight on that day to to pursue his father's dream of a colony in the new world.

II. The Parchment copy of the November 22, 1708 Charter of Annapolis

J. Wirt Randall's speech at the State House that evening of November 22, 1907, focused on a comparison of the recorded versions of the two charters, the petition from the Corporation and the Citizens of Annapolis, and the recorded Act of Confirmation, but he also mentioned in passing, that in addition to the version of the second Charter recorded in Chancery,

"the original, beautifully engrossed on parchment and handsomely protected by an immense portfolio" could be seen at the State Land Office."

The parchment copy of the second Charter appears to have been filed away in the Land Office until sometime between 1827 and 1831 when it was re-discovered by the Register of the Land Office, G. G. Brewer.

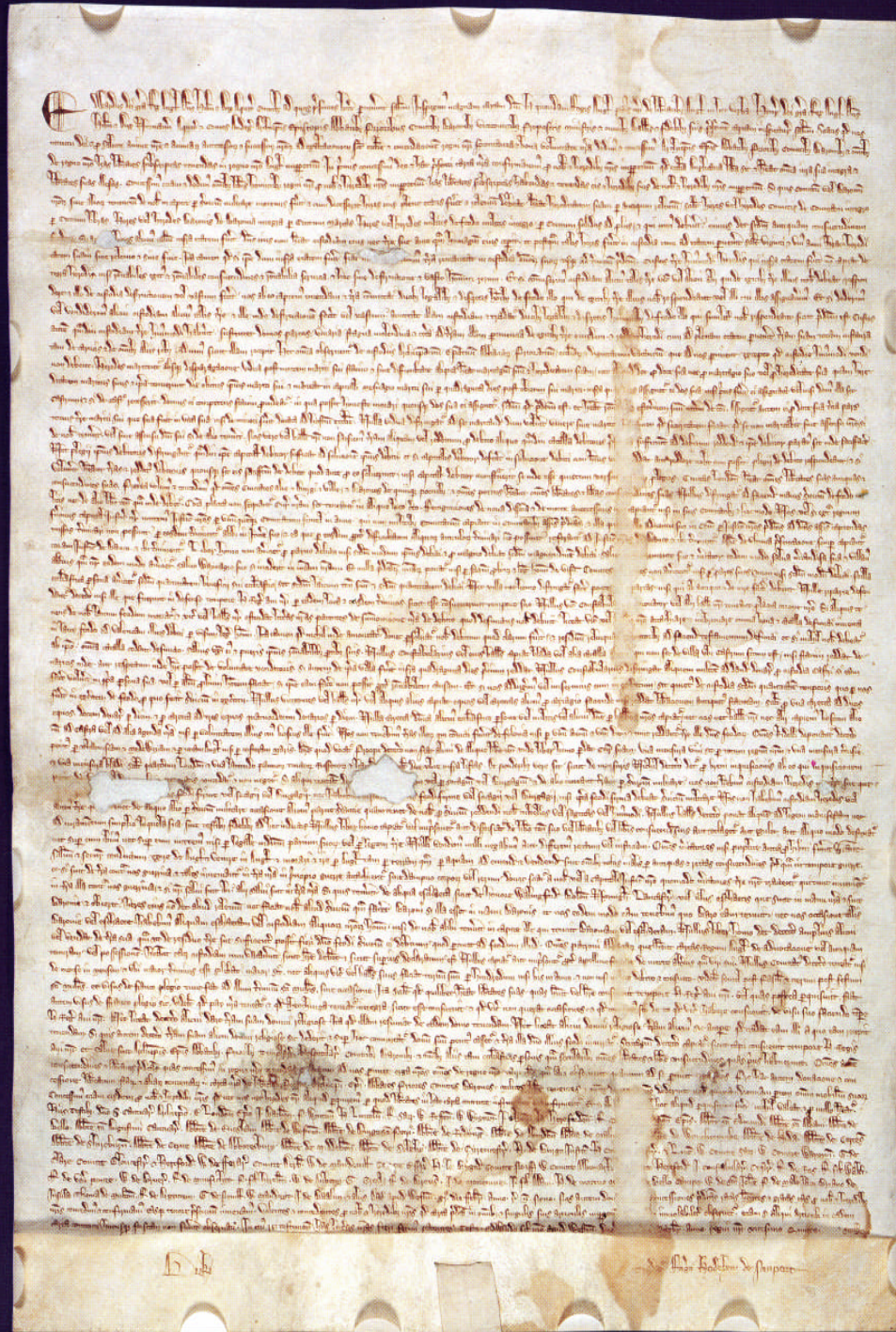
From then until now it was assumed that this was the original parchment prepared for signing on November 22, 1708 by Governor Seymour to which once was attached the seal appendant of Queen Anne, now lost. Indeed in 1982 my then eleven year old son discovered a wax impression of that seal for sale in England which he bought, and which we reproduced on the poster facsimile that the Archives published in 2006.

Having been encouraged by Alderman Israel and Will Mumford to give this talk on the history of the charter, I thought it

would be a good idea to look more closely at the archival evidence. To my surprise I found that not all proved to be what it appeared to be.

I first began to be troubled by the dating of the writing on the parchment charter when I turned it over to see if there were anything on the back. What I saw led me to look more closely under different lighting conditions and a microscope.

Normally the bottom of a charter is folded up and tied with cord or parchment strips, sealed with wax, and signed by the sovereign and other notables, such as is found on the *Magna Carta* signed by King John in 1215, which sold at Sotheby's in New York on December 18, 2007 for \$21.3 million dollars.



The parchment copy of the second Annapolis Charter no longer has the bottom portion turned up to attach the seal and allow for the signature of the Governor. It had been flattened, but the crease is still visible and the piece of parchment still attached where the seal ought to have been.



It was clear I needed to turn the document over .

Recorded in Chancery
 Lib. B. C. pag 590.
 & John Freeman Reg.

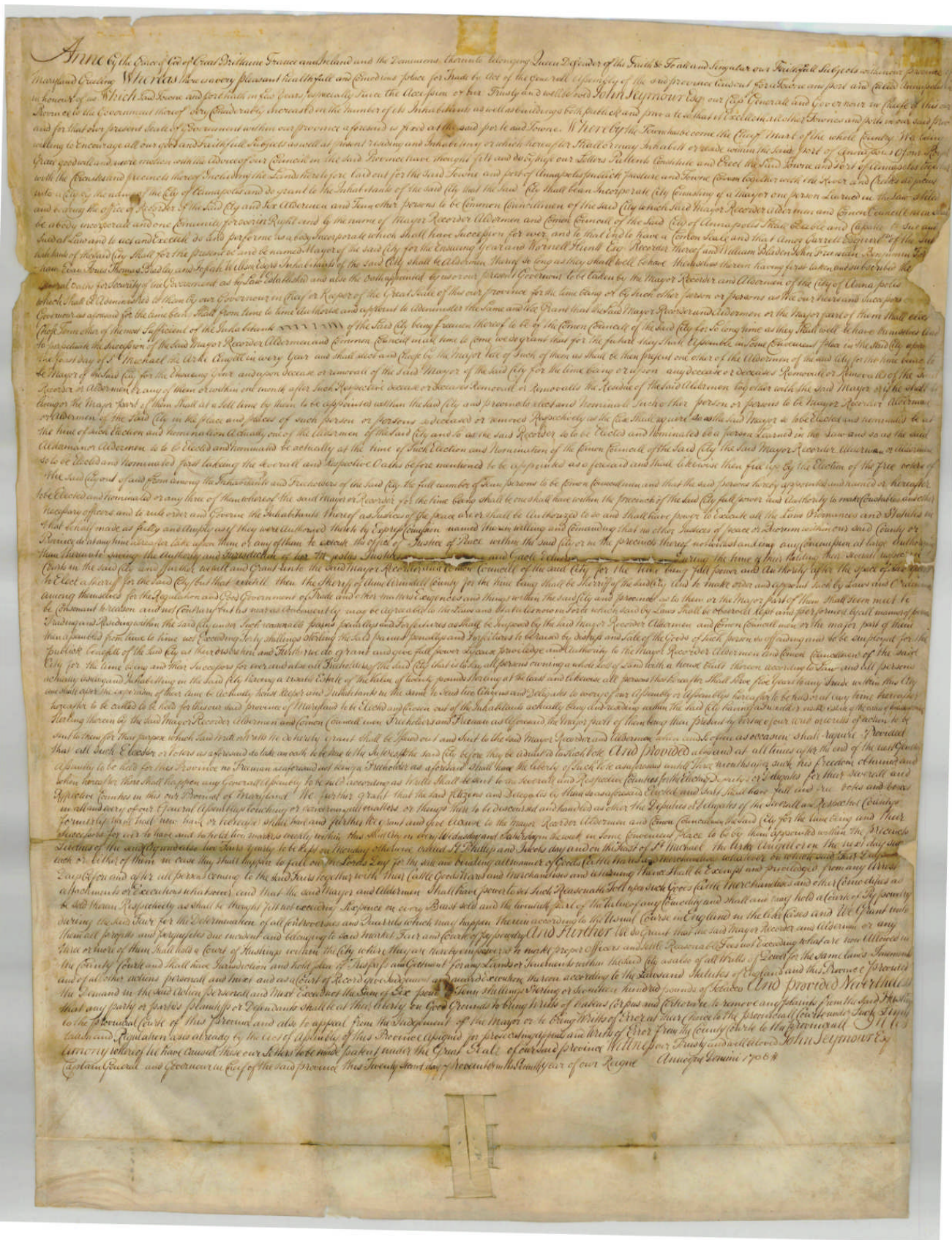
This Twelfth day of August in the Seventh year of our reign
 Annoq. Domini 1708. ¹⁰ ¹⁰ Seal Seymour
 Recorded & John Freeman Regisr

[Faded handwritten text, possibly a signature or name, is visible through the parchment.]

There I found, upside down at the bottom of the back, partially erased recordation information for the First Annapolis Charter written in the hand of the Register in Chancery, John Freeman, one of the men appointed as an Annapolis Alderman by Governor Seymour under the first and second charters. Freeman, who died in December 1708, was apparently too ill to record the second charter, but he did record the First Charter in the Chancery volume, a detail from which can be seen in the middle of the composite image between the faint recordation information on the Parchment charter and the barely legible signature of Governor Seymour. The blue images were taken in ultraviolet light to bring out the writing. Note that on the copy of the First Charter recorded in Chancery, Freeman indicates that the signature of Governor Seymour would flank the great seal, just as it does on the Parchment copy.

From this evidence alone, it seems plausible that when the First Annapolis Charter of August 16, 1708 was superceded by the second of November 22, 1708, the parchment of the First Charter was recycled into the Second.

To re-use parchment was not uncommon. Parchment was expensive and often in short supply, but why attempt to erase the Governor's signature and not more thoroughly erase Freemans notation of where the recorded version of the First Charter was to be found?



Returning to the front of the parchment copy, it was time to compare the text found there with the recorded version, and any other extant contemporary copies. Eventually five 18th century versions of the text besides the parchment copy would be found: two manuscripts from English sources, two copies printed in Annapolis, and the official copy of the Second Charter recorded in the Chancery volume. While the original draft of the Second Annapolis Charter has yet to be found (it probably disappeared from the records of the Annapolis Corporation sometime in the 18th century), the two

copies of English origin, and the one printed by by Anne Catherine Green in 1769, proved to be the most complete and accurate as to text.



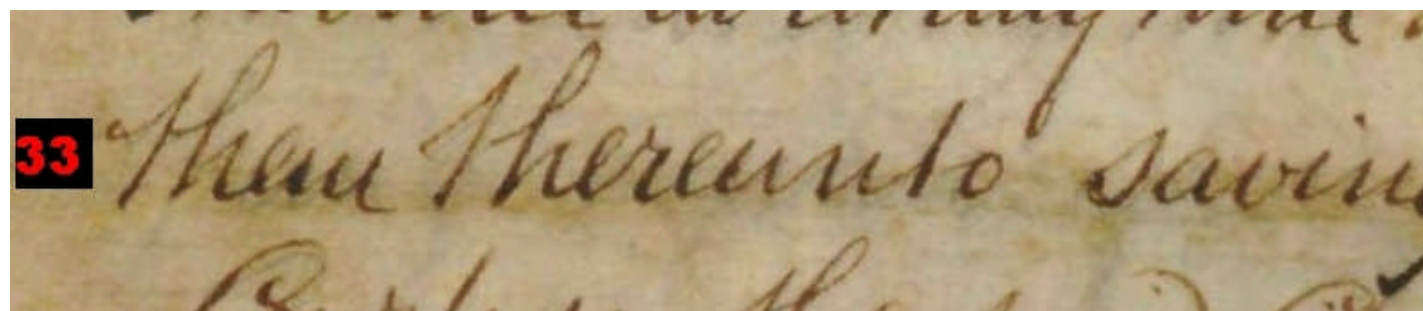
Probably the most interesting copy dating from 1708 was that which came into the hands of Historic Annapolis in 1962. It had been purchased by a Baltimore Collector in 1928 from Maggs Brothers in London, and again at the auction of his estate by Historic Annapolis. Outside the present Senate Chamber, St. Clair Wright was photographed by Marion Warren showing then Senate President William S. James this copy, which was then given to the State Archives for safekeeping and promptly forgotten. It was rediscovered, well cared for but neglected, when the authenticity of the parchment copy came under scrutiny. Mrs. Wright would have been pleased to know that when the watermark and counter mark of the paper were closely examined, they were found to be exactly the same as the watermark and countermark on the paper upon which the minutes of the Governor's Council were written in August of 1708, establishing its authenticity and importance as an original text. In other words the Historic Annapolis copy of the Second Annapolis Charter was prepared in Maryland at the time of the granting of the Second Charter, while the copy in the British National Archives may well be a copy made from it, by a clerk in London working for the Board of Trade.



There is another nearly identical copy of the Charter recorded among the papers of the Board of Trade in London. Ashley and Beverly Ellefson have secured images of this copy and have provided a transcription on the Archives web site.

Because I have not had an opportunity to examine the watermarks on that copy, however, I have chosen to use the equally authoritative Historic Annapolis copy for comparative purposes here.

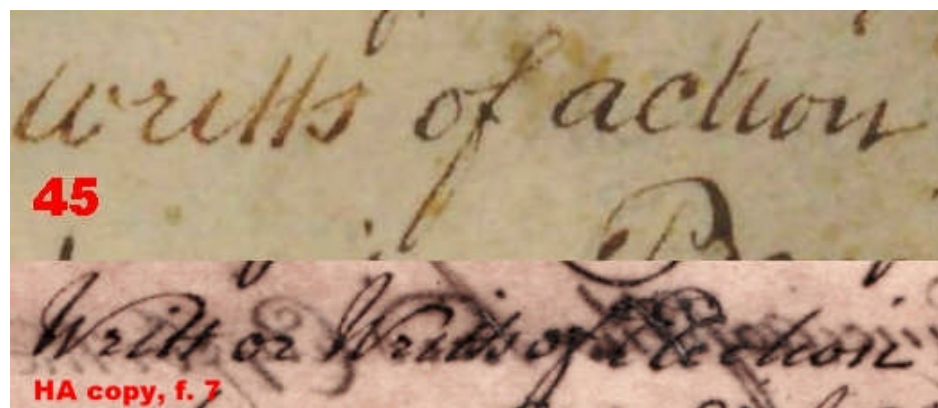
I began with a word by word comparison of the text on the parchment copy with the text in the recorded Chancery version. I won't go into the excruciatingly painful details of the whole line by line analysis here (there is a detailed appendix to the written version of these remarks that will be available shortly on the Archives web site), but I will highlight some of the curious anomalies found on the parchment copy.



1) text is simply not written at places where the parchment has deteriorated, particularly at a crease. It as if the copiest came to the space where the words should have been written and then simply left a space where they should have been. Take for example line 33 of the parchment which should read:

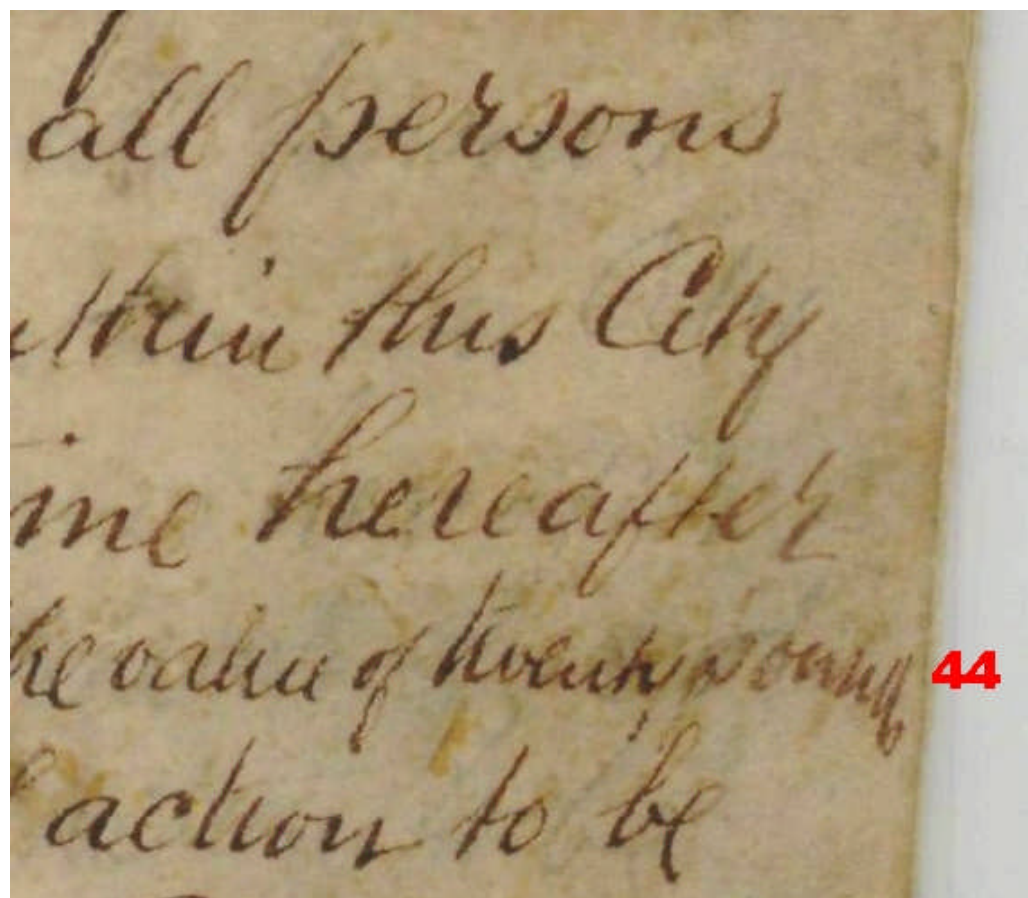
them thereunto saving the authority and jurisdiction of her Majestys Justices [of Oyer & Terminer] and Gaole delivery [now or hereafter to be assigned] during the time of their holding their several Respective

It was as if someone was copying the text from the recorded version in Chancery on to an old piece of folded parchment and simply skipped over the words when the parchment was so deteriorated as to not permit any writing.



2) a long segment of a sentence on line 29 of the parchment is missing from the parchment copy and the recorded version in Chancery, but appears on the Historic Annapolis copy as well as all other 18th century copies of the second Charter.

This, along with the sloppy transformation of writs of *election* into writs of *action* on line 45 of the parchment copy, and the version of the second charter recorded in Chancery, leads to the conclusion that the parchment copy was copied directly from the Chancery volume and nowhere else.



3) all throughout the text of the parchment charter there appear to be the ghosts of an earlier text. This is most evident on line 44 where the qualifications for the property holdings of delegates from Annapolis were reduced by half between the First and Second Charters. Because the first and second charters were identical in language except for the addition of voting rights for Freeholders and the reduction in property qualifications for delegates in the second charter, it would appear that whomever wrote the text on the parchment erased the text of the first charter and carefully followed the ghost of the first, except where the text needed to be amended to reflect the changes in the second charter.

yielding and paying therofore

1704

At the two most usual feasts in the Year viz
Michaelmas by Even and Equall portions therof
on every Allocation of the said Land or any part or
the full value therof in such Conditioes as were
used by us and our Heires from time to time to Collect
the Choise of us our Heires or such Officer or Officers
as we shall not be paid to us our Heires or such Officer
within our order or otherwise within the term of
one month next after such Allocation the s^d
Greater Seals All Crimes the s^d day of October one

1714

Let
Mary Anne
Be

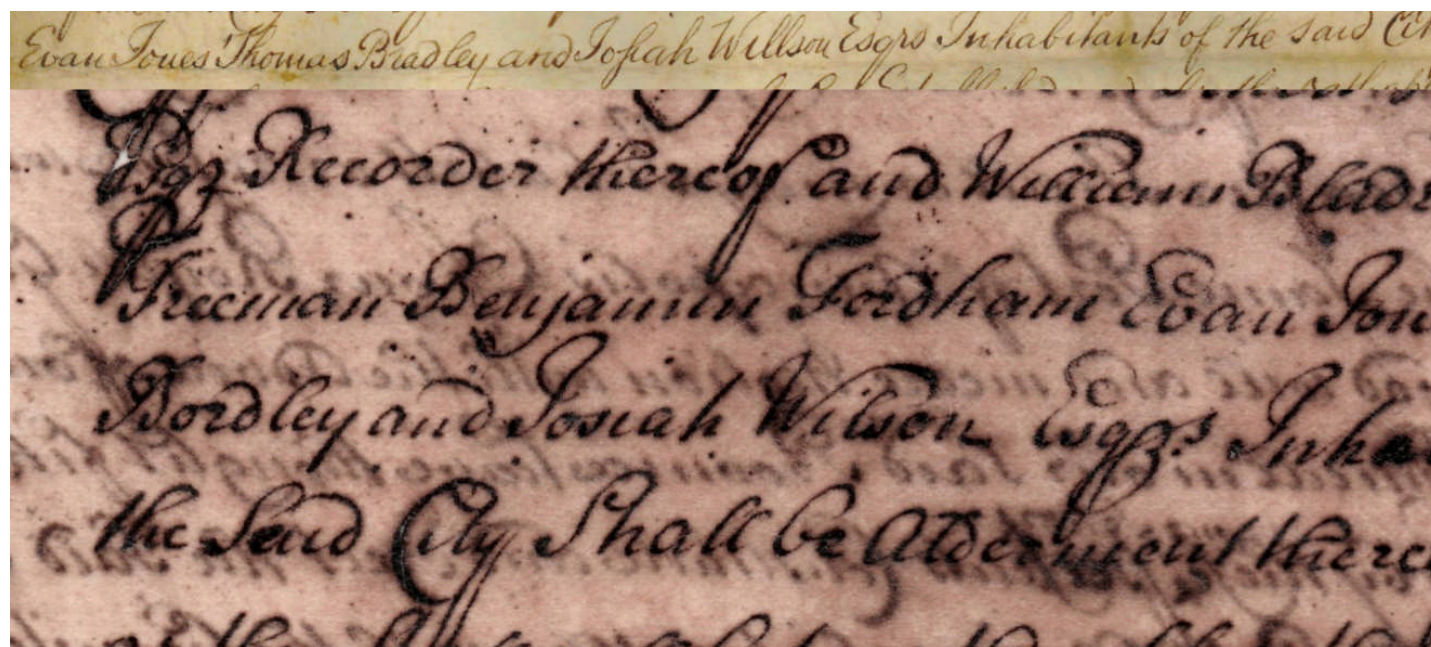
And we the s^d Surveyor to have
of such survey the m^o if he were
me though fitt to descend unto a
within the bound. of the said one
or less quantity and that
John by the name of Cook & Eliza
Blackwater River the s^d day of
the 11th North fifty three Deg West

Being all that part of land called Littleton lying and being in the
at the End of one hundred perches on the south line of a Tract of Land called Weaver
North sixty four Degree East twenty two perches north thirty three degree East 14
West twenty one perches South thirty three degree West forty one perches South
two perches Then by a straight line to the beginning containing and now laid out for

1763

Parchment
Charter

4) the handwriting on the parchment charter, while similar in some respects to early 18th century hands, overall more closely resembles a hand of the 1760s as to its cast, spelling, and letter formation. Compare, for example, the handwriting on the Parchment Charter with three other examples from land grants on parchment written in the hand of the clerks of the land office between 1704 and 1763.



5) finally, only on the Parchment Charter and nowhere else on any other copy of the Second Annapolis Charter is Thomas Bordley's name misspelled 'Bradley'.

III. Cutting to the Chase

It is time, I suspect, to cut to the chase, a phrase that seems to have become popular in the 1980s to mean skip the dull parts, and tell you my conclusions about who created the parchment copy and why.

The evidence to date suggests that the parchment copy of the Second Annapolis Charter, long believed to be the original, is a later, deliberate copy of the second Charter taken exclusively from the recorded copy in Chancery, and written over the erased original of the First Charter. If I am right, the writing on the parchment copy dates from about 1763 or 1764 and is a political forgery intended to rally support for the young radicals of the day including Samuel Chase and William Paca.

Rebecca Campbell Key, the daughter of John Campbell, one of Chase and Paca's allies who was elected an Alderman in the 1760s, recalled many years later that a certain

Jennings, a young Englishman, having committed at home some wild prank which made it admissible for him to leave the country for a while, fixed in Annapolis, and being young and of fine talents he associated with young men, students of the bar, among who was Samuel Chase, then very young. These young students stood perusing the charter which Queen Anne held in her hand [in her portrait] in the Court House, found that it was

violated in almost every particular by those in authority, and being of frolicsome character they had a very neat little walnut wood coffin in which they laid a copy of the violated charter. Upon it was written a very witty epitaph stating its death and burial. This was found at the foot of the full length portrait of Queen Anne and a great excitement and much mirth attended the general turnout of the citizens' to see it. From this circumstance arose a long quarrel between the citizens who thus found themselves imposed on by those in authority, which resulted in a triumph for the Country party who again had their rights conferred upon them by the Charter committed to their keeping. The Mayor, Aldermen and Common Council were once more in the gift of the people.

My father was one of the first chosen Aldermen on this occasion.

THE [Numb. 705.]
MARYLAND GAZETTE,
Containing the freshest Advices foreign and domestic.

THURSDAY, November 9, 1758.

Annapolis, Nov 8, 1758.
 Mr. GREEN,

AS the Constitution of the Corporation of *Annapolis*, and the Rights and Privileges belonging to it, in the Matter of Elections, may become hereafter the Subject of much private Enquiry and Discussion, the following plain State of it may not be unacceptable to many of your Readers.

Her late Majesty Queen *Anne*, by her Charter in the VIIth Year of her Reign, " Of her Royal
 " Grace, Good-Will, and mere Motion, Consti-
 " tuted the Town and Port of *Annapolis*, an in-
 " corporate City, by the Name of, The City of
 " *Annapolis*, consisting of a Mayor, Recorder, Six
 " Aldermen, and Ten Common-Council-Men,
 " and by this Charter gave full Power, License,
 " Privilege and Authority to the Mayor, Recorder,
 " Aldermen, and the Five Senior Common-Council-
 " Men of the City for the Time being, and their
 " Successors for Ever, to send Two Citizens and
 " Delegates to every Assembly, by Virtue of Writs
 " of Election to be sent to THEM for that Purpose,

While there appears to be no mention of this mock burial and 'discovery' of a parchment copy of the Second Charter in the Maryland Gazette, there is an intriguing article by a "Citizen" in the November 9, 1758 issue that followed a successful effort to unseat George Steuart as a delegate from Annapolis on the grounds of voter fraud. The lower house investigated the election and determined that the Annapolis Charter did not permit Aldermen to vote for the two Annapolis delegates authorized by the Charter. So upset was the "Citizen" at this injustice that he quoted extensively from the Second Charter where clearly Aldermen were permitted to vote, and questioned how the Assembly could pass one act confirming the charter, and then later decide to take that privilege away. He predicted that in the face of such action by the Assembly,

"the Constitution of the Corporation of Annapolis, and the Rights and Privileges belonging to it, in the Matter of Elections, may become hereafter the Subject of much private Enquiry and Discussion ..."



Who "Citizen" was is not known, but he was an ally of the temporarily deposed Dr. Steuart. He may have been the prominent Annapolis Lawyer, Stephen Bordley, son of the Thomas Bordley, the Alderman whose name was so badly garbled on only the Parchment copy of the Second Charter as BRADLEY, what I believe was an intentional joke of the forgers played on their legal mentor and political opponent.

Just who would have been enlisted in 1763 or 1764 (the joke would have served no purpose after Stephen Bordley's death in late 1764), is another mystery. In all likelihood it was St. George Peale, the brother of the soon to be famous artist, Charles Willson Peale. St. George Peale was a clerk in the Land Office in the State House and had access to the Chancery records including any parchment charters and land grants filed there.

Why go to the trouble of erasing the first Charter of Annapolis and substituting the language of the Second Charter, making it look as much as possible as an original? Primarily because it was good political theater with an important message that trampling its provisions would not be tolerated by the up and coming younger residents of the town. The Charter's provisions permitted a degree of political freedom and participation in elections in Annapolis that allowed aspiring young politicians a viable forum for their efforts to oppose British and Proprietary dictates. The Charter episode would soon be eclipsed by the Stamp Act Crisis and the accelerating road to Revolution, while the parchment forgery found its way back into a State House file, to be re-discovered and mis-identified in the 1830s as the original parchment of the Second Charter of Annapolis.



Tonight I hope I have set the record straight, or at least encouraged all who care to consult the surviving records, to question their authenticity and look below the surface to see what may lie beneath.

In doing so, it is important to remind ourselves that the authoritative text we seek may be found in print rather than parchment. Anne Catherine Green had access to an authoritative text of the Second Annapolis Charter and published it for sale at her printing office in 1769.

XXIVth Year.] T H E [N^o. 1416.] 5

MARYLAND GAZETTE.

T H U R S D A Y, JANUARY 12, 1769.

[*This Day is Published,*] Price 3s. 9d.
*And to be sold by Mr. EDWARD FORD, Clerk
of the MAYOR'S Court,*

THE BYE-LAWS of the Corporation of the
City of ANNAPOLIS:—To which is prefixed
the CHARTER and ACTS of ASSEMBLY, rela-
tive to said City.

T H E
B Y E - L A W S
O F T H E C I T Y O F
A N N A P O L I S
I N
M A R Y L A N D

TO WHICH IS PREFIXED THE
C H A R T E R of the said CITY
G R A N T E D BY HER L A T E M A J E S T Y
Q U E E N A N N E

In the Year of our LORD 1708

A L S O

T H R E E A C T S of ASSEMBLY

P a s s e d in 1708 1718 and 1725

Published by Order of the CORPORATION

A N N A P O L I S

Printed by ANNE CATHARINE GREEN.

Anne Catherine Green can be forgiven for her only one transcription error, *Monday for May Day*. Otherwise she produced a readable, authoritative text of the Annapolis Charter that would be published again in the 1790s, and would become the source of the official manuscript copy of the Charter kept by the Corporation of Annapolis from which the town clerk read at those ceremonies in the State House over a century ago.

Thank you.

1My notes to this case can be found in Google searching for "barron v baltimore papenfuse". Results: <http://mdhistory.net/msaref06/barron/html/index.html>

2<http://mdhistory.net/msaref06/barron/html/barron-0020.html>; note that the printed transcript of this case for the Supreme Court does not contain this detail.

3<http://books.google.com/books?id=1UMMAAAAYAAJ&pg=PA116&lpg=PA118&ots=dVReSMJxX9&dq=1826+%22Baltimore%22+Beacham#v=onepage&q=1826%20%22Baltimore%22%20Beacham&f=false>

4<http://www.usna.navy.mil/Library/SpecialCollections/findingaids/baltimore.html>

5<http://www.msa.md.gov/megafile/msa/speccol/sc2900/sc2908/html/annapolis.html>