

Winter 2011

M A R Y L A N D

Historical Magazine

Maryland Historical Magazine



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Friends of the Press of the Maryland Historical Society

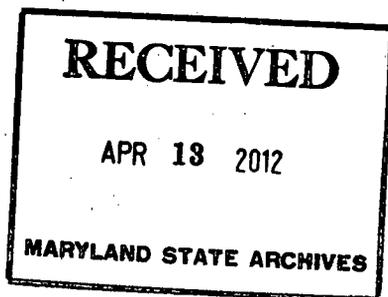
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Cover: Charles Joseph Bonaparte (1851-1921), founder of the Federal Bureau of Investigation, and his wife, Ellen Channing Day (1852-1924), c. 1875.

Theodore Roosevelt first met Bonaparte in 1892 at a meeting of the Baltimore Civil Service Reform Association. Roosevelt, then chief of the Civil Service Commission, spoke passionately about creating a well-disciplined federal investigative force, adding that experience and ability should determine who received government appointments. For example, jobs with the Border Patrol now went to those who scored highest on marksmanship tests. Bonaparte, who followed Roosevelt on the program, quipped: "Roosevelt should have had the men shoot at each other, and given the jobs to the survivors."

Roosevelt became president in 1901 and appointed Bonaparte secretary of the navy and then attorney general. The Maryland lawyer created a small corps of "Special Agents" composed of former detectives and Secret Service men assigned to the Department of Justice. Roosevelt and Bonaparte completed their terms in 1909 and recommended that the agents remain with the department. The incoming attorney general, George Wickersham, named the force the Bureau of Investigation. In 1911 the bureau opened a special office in Baltimore and shortly thereafter established a regular field division in the city. (Maryland Historical Society.)



Cokesbury United Methodist Church. Tombstones on the right occupy the site of Cokesbury College (see page 417). (Author's photograph.)

Who Burned Cokesbury College?

BONNIE J. McCUBBIN

Cokesbury College (1785–1795), the first Methodist college in the world and located in Abingdon, Maryland, burned to the ground on December 7, 1795. Maryland governor John Hoskins Stone offered a sizeable reward of \$1,000 for the apprehension of an arsonist, but none was ever caught. But was it actually arson, or was it an accident or simply an act of nature? After all, who would want to burn down a school—the only place for higher education in the region? Methodists at the time claimed they knew, but the name was never recorded—or was it? This paper examines the evidence and offers one answer to this centuries-old mystery. Established in 1785, Cokesbury College was the first Methodist college in the world, the third college established in Maryland, and the first college in Harford County. Designed to serve the needs of local male students, orphans, and the sons of itinerant preachers, the school also functioned as the “pioneer manual training school in America.” A decade later Cokesbury burned to the ground. From conception to building and education, the institution existed for just ten years. In 1780, the Reverend John Dickinson and Bishop Francis Asbury discussed building an American school similar in operation to Methodism founder John Wesley’s Kingswood School in Bristol, England, and, working with Bishop Thomas Coke, they had set about creating a subscription list for raising funds.¹

The Christmas Conference of 1784, held in Lovely Lane Methodist Church in Baltimore, Maryland, was the meeting of Methodist clergy that officially began the church as a denomination. It was at this conference that Coke and Asbury proposed their idea of a school and collected more than \$5,000 toward the project. The assembled preachers named the proposed institution Cokesbury College after their leaders, Coke and Asbury. At a time when the wealthy hired private tutors for their children or sent them off to England to be schooled, and the poor typically received no education, Cokesbury offered a preparatory school that would fulfill the needs of nearby families, orphans, and itinerant preachers and house its students—some as young as seven—in the local community. Assisted by Thomas Coke, Francis Asbury moved the plan from concept to reality.

The college was to be located in Abingdon, in Harford County, on the main post road between Baltimore and Philadelphia, an accessible location in a time of rough and sometimes impassable roads. Governor William Paca’s family held consider-

Bonnie McCubbin is a United Methodist Pastor in the Baltimore-Washington Conference. This article is adapted from her 2009 undergraduate senior thesis at St. Mary’s College in Maryland.

Jones Cornelius Howard Moses Allen and William Aragon their heirs and
 assigns forever all those two lots or parcels of ground situated in the
 said Town of Abingdon bounded by market street prospect street
 and thurford street distinguished on the plot or draught of the said
 Town of Abingdon by the numbers thirty nine and forty which
 which said plot or draught was made by the said John & co
 deceased and was registered in the Exchequer office for the

Excerpt from deed granting land to Cokesbury College. Original deed located in the Lovely Lane Museum and Archives, Baltimore, Maryland.

able land in the area and donated acreage for the school. Lots 39 and 40 adjoined an existing chapel, thereby saving the cost of constructing a new one.² Church and community leaders laid the cornerstone on June 5, 1785, and Bishop Asbury preached the foundational sermon. Afterward, and as soon as a roof was overhead, fifteen preparatory students began classes. On December 6, 1787, the first group of twenty-five regular students started their Cokesbury College education. John Wesley himself appointed the first president, Rev. Levi Heath, and sent him from England to oversee the school.³ Asbury visited the college frequently, preaching, teaching, administering examinations and ensuring the highest standards. Sometimes he rewarded students monetarily for their recitations and general increase in knowledge.⁴

Several other instructors came and went throughout the institution's short history, most staying only a few months or a year. Dr. Jacob Hall, the longest-serving president of the college, cared for the students—much of his correspondence with Philadelphia physician Benjamin Rush centered on their health, recreation, and exercise. After Hall left Cokesbury, he started his own school nearby, and, although initial reports claimed that his dedication to his private practice contributed to Cokesbury's financial ruin, he eventually received an apology from Francis Asbury.⁵

Student Life

“The students shall be indulged with nothing which the world calls *play*. Let this rule be observed with the strictest nicety; for those who play when they are young, will play when they are old.” So reads the eighteenth of thirty-two “Rules for the Economy of the College and Students,” outlined in *A Plan for Erecting a College*. Cokesbury, the first college in America with a manual training or wood shop, and progressive in this sense, was strict in the matter of obedience to rules. The rigidity shown by the institution was pervasive in early Methodism and ultimately made the school a target for destruction, as a symbol of the Methodist Church and of Francis Asbury, the founder of the school in particular.⁶

Modeled after Wesley's Kingswood School, Cokesbury College was in many ways

a unique place even by late eighteenth-century standards, but how did its rules and regulations regarding play and recreation compare to those of similar institutions? The pertinent rules follow:⁷

1. The students shall rise at five o' clock in the morning, summer and winter, at the ringing of the College-bell.
2. All the students, whether they lodge in or out of the College, shall assemble together in the College at six o' clock, for public prayer, except in the cases of sickness; and on any omission shall be responsible to the President.
3. From morning-prayer till seven, they shall be allowed to recreate themselves as is hereafter directed.
4. At seven they shall breakfast.
5. From eight till twelve, they are to be closely kept to their respective studies.
6. From twelve to three, they are to employ themselves in recreation and dining:—Dinner to be ready at one o' clock.
7. From three till six, they are again to be kept closely to their studies.
8. At six they shall sup.
9. At seven there shall be public prayer.
10. From evening-prayer till bed-time, they shall be allowed recreation.
11. They shall all be in bed at nine o' clock, without fail.
12. Their recreations shall be gardening, walking, riding, and bathing, without doors; and the carpenter's, joiner's, cabinet-maker's or turner's business, within doors.
13. A large plot of land, of at least three acres, shall be appropriated for a garden, and a person skilled in gardening be appointed to overlook the students when employed in that recreation.
14. A convenient bath shall be made for bathing.
15. A master, or some proper person by him appointed, shall be always present at the time of bathing. Only one shall bathe at a time; and no one shall remain in the water above a minute.
16. No student shall be allowed to bathe in the river.
17. A *Taberna Lignaria* shall be provided on the premises, with all proper instruments and materials, and a skillful person be employed to overlook the students at this recreation.
18. The students shall be indulged with nothing which the world calls *play*. Let this rule be observed with the strictest nicety; for those who play when they are young, will play when they are old.

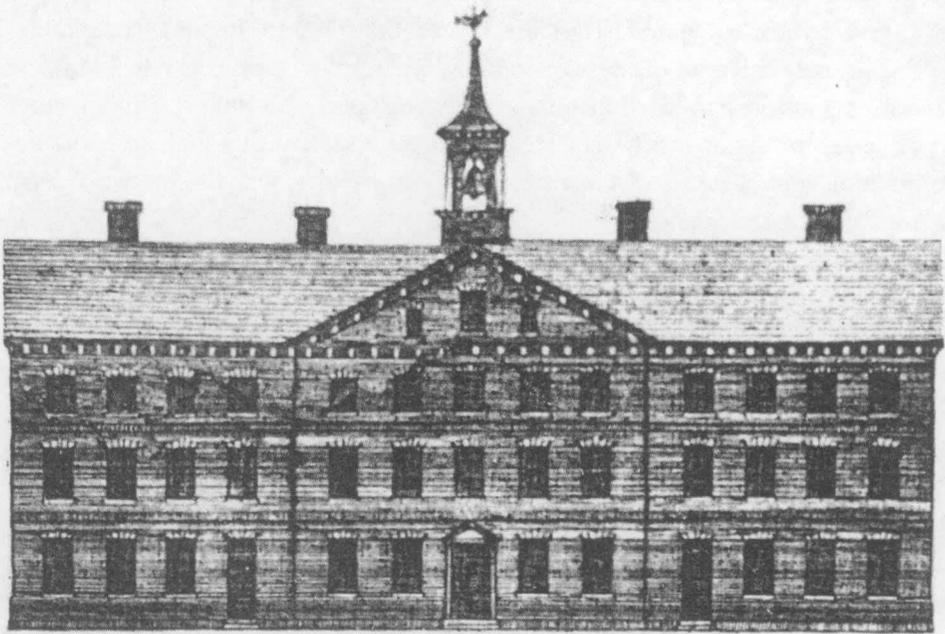
Specific "recreation," defined in rule #12, guided student activity, and teachers undoubtedly made clear distinctions between acceptable physical exercise—described as "recreation"—and "play" as proscribed in rule 18. Recreation was more akin to a trade, a useful skill that could be used to support a family and possibly generate funds for the church. Play, serving no purpose but sheer fun or entertainment, was considered sinful, a temptation for evil that could undermine the college's mission to "answer the design of Christian education by forming the minds of the youth . . . that they may be rational Scriptural Christians."⁸ Wesley's ideals for Kingswood had support from contemporary philosophers. John Locke also advocated diversions and recreation but had little use for "play." "Recreation is not being idle (as every one may observe)," he wrote, "but easing the wearied part by change of business." Play, he continued, "[in] no way profits either body or mind." According to historian Bernard C. Steiner, the trustees of Cokesbury claimed that, "in prohibiting play, they had the support of Locke and Rousseau." Steiner considered it "a remarkable proof of liberality for a body of religious men to quote the latter in those days and to add that, though he [Locke] 'was essentially mistaken in his religious system, yet his wisdom in other respects and extensive genius are indisputably acknowledged.'"⁹

The reasons for distinguishing between recreation and play, permitting one and not the other, are not directly stated in the founding documents of Kingswood, but according to Rev. Dr. Thomas E. Bond, "Mr. Wesley made an obvious mistake in supposing that all boys are John Wesleys." The rules at Kingswood, and apparently at Cokesbury, reinforced "the two main features of [Wesley's] scheme . . . religious training and perfect control of the children" through regulating the students' sleeping conditions, diet, schedules, and recreation.

Kingswood's rules state:

At five they all meet together. From six they work till breakfast; for as we have no play-days (the school being taught every day in the year but Sunday), so neither do we allow any time for play on any day. He that plays when he is a child will play when he is a man. On fair days they work according to their strength in the garden: on rainy days, in the house. Some of them also learn music, and some of the larger will be employed in philosophical experiments; but particular care is taken that they never work alone, but always in the presence of a master.¹⁰

Borrowing from a German proverb, Wesley thought play distracted from the serious business of life and theological pursuits and was thus inappropriate for a good Christian child and a practice to be avoided. But Wesley was not opposed to wholesome exercise. "Chopping wood, drawing water, or digging the garden, was a healthy exercise, productive of profit and not incompatible with that habit of serious meditation which the boy was required to cultivate." Any activity that produced



Cokesbury College etching. Undated. Located in the "Cokesbury College" file at Lovely Lane Museum and Archives, Baltimore, Maryland.

a tangible result, whether it was wood, food, or the like, was deemed appropriate recreation.

Cokesbury functioned as a symbol of the Methodist movement in America. Both took root at the Christmas Conference from December 24, 1784 to January 2 or 3, 1785, in Baltimore, and the success of one would represent the success of the other. A flourishing and thriving denomination would be able to support a mostly charity school, and a charity school indicated the relative strength and wealth of the membership. Yet some forms of regulated conduct in trivial matters soon plagued the Methodist Church. The matter of student bathing—under the strict supervision of a teaching master, never in the nearby Bush River, and lasting no more than one minute per student—was emblematic of issues that troubled the church itself.¹¹ The power and control that masters exercised over students was emblematic of the power and control some pastors believed the bishops wielded in all aspects of the fledgling denomination.

Those issues escalated when James O'Kelly, a Methodist dissident, voiced his opinion that Francis Asbury was becoming too powerful and exercising too much control over the church. O'Kelly sought to retain certain powers and rights for the local clergy, particularly veto power over the bishops, especially in regard to the setting of appointments, that is, in which areas pastors would be assigned to preach. Nor did he believe that Methodists should be building schools, which he thought

were a waste of money and resources better used in saving souls. Fellow clergymen consistently voted against O'Kelly's ideas, prompting him to break away and create the second schism of the new denomination. In many ways, the rise and fall of Cokesbury College paralleled that of the early years of the Methodist Church. Since it was easier for opponents to attack a building or an institution than an entire denomination spread across vast territories, opposing Cokesbury College was a form of attacking the church itself.¹²

The O'Kelly Schism

James O'Kelly (1734–1826) spent his childhood in Mecklenburg, North Carolina, and little is known of his early years or education. He married Elizabeth Meeks in 1759, and the couple had two sons, John and William. At a revival in 1776, Elizabeth and William converted to Christianity—and Methodism in particular. William had a desire to preach the Gospel. His father discouraged him, but soon afterwards, James O'Kelly converted and felt called to preach. He became a local Methodist preacher sometime between this revival and 1778, when his name is first mentioned in the minutes of the church conference.¹³

Prior to the Christmas Conference in 1784, Francis Asbury turned down the job as leader of the American Methodist Church, unless the clergy duly elected him to the position. At the 1784 Christmas Conference, Asbury was ordained on successive days a deacon, an elder, and a bishop. The bishop in the American church appoints preachers and clergy to circuits, ensuring pastoral care in all areas without a parish. As time wore on and Thomas Coke spent less time in America, Asbury, who was well respected among the majority of Methodists, assumed *de facto* leadership.¹⁴

James O'Kelly was an exception, a troublemaker and dissident almost from the start. In 1779, just one year after his name first appeared in official records, O'Kelly, who now resided in Virginia, bucked church regulations. Lay Methodist preachers, including O'Kelly, did not have the authority to administer sacraments. As an offshoot of the Church of England, Methodist Societies were instructed to receive the sacraments from the local Anglican parish. Virginia preachers believed they should be able to administer the sacraments, especially since there was a shortage of Episcopal clergy. Meeting in Fluvanna, Virginia, in 1779, the southern preachers ordained one another and administered the sacraments of baptism and communion in their parishes. Francis Asbury gathered the northern preachers together at a conference in Baltimore in 1780, and ultimately decided that if the southern preachers continued to disobey the rules they would no longer be considered Methodists. If they chose to remain, they would have to refrain from their sacramental "authority" for at least a year, until all clergy could meet in Baltimore to discuss the matter. On behalf of the southern preachers, O'Kelly and John Dickens, another early Methodist leader, requested that instead of the American church deciding the issue, the request should go to John Wesley. The group agreed, but Wesley did not reply in writing until after

the Revolutionary War. The question was resolved in 1784, when the American Methodist Church separated from the Church of England, and the local preachers could be ordained. Several years of relative peace ensued, then James O'Kelly once again challenged church authority, specifically Asbury's. The bishop and the official records claimed that Asbury was elected unanimously to the episcopacy in 1784, although no actual minutes of the Christmas Conference now exist. O'Kelly claimed instead that Wesley had appointed Coke and Asbury and they were in fact superintendents because no actual vote had taken place.¹⁵

Attendees at the Christmas Conference also agreed to obey John Wesley in matters of church government during his lifetime, another issue that angered O'Kelly, who did not want to be governed from England. In 1786, Wesley appointed Richard Whatcoat, a local Methodist preacher, as superintendent, and although the Virginian did not articulate a specific grievance toward the new leader, he did oppose Wesley's overseas control. In this matter O'Kelly succeeded in his challenge and a majority of clergy opposed the appointment.

O'Kelly did at the same conference support retaining Wesley's name in the *Discipline*, the rule book for the Methodist Church. He nevertheless became so thoroughly discontented with the organization it quickly became evident that a "spirit [of independence and opposition] was growing; and it was found mainly among the Virginia preachers, with O'Kelly the chief antagonist."¹⁶

By 1789, the Methodist Episcopal Church had grown exponentially in converts, members, and preachers, and the system of assembling the entire body of preachers for decision meetings had become cumbersome and impractical. Asbury instead proposed gathering a council composed of the bishops and elders (ordained clergy). A quorum would consist of at least nine elders from different conferences (geographical regions) and a bishop who retained veto power. Thinking it gave Asbury too much power, O'Kelly opposed the move and pledged support only if the bishop declined the veto power. He then promised to make trouble if Asbury refused.

A majority of the conferences had to approve the new arrangement and Asbury took the proposal throughout the area, modifying the terms as needed to ensure its passage. When he reached the Virginia conference, where O'Kelly wielded tremendous influence, members rejected the plan outright. Rightly suspecting that O'Kelly was the force behind the resistance, Asbury threw out of the connection (denomination) those preachers who voted against the plan in Virginia. When the younger preachers asked to be restored, Asbury agreed on the condition that they accept him as their bishop. O'Kelly asked to appeal to the northern conferences, but the bishop rejected his request.¹⁷

The expelled Virginia Conference could not send a delegate to the 1790 annual meeting, so O'Kelly appealed to other conferences for delegates who supported his cause. Among key issues on the agenda were "book-selling, funds, subscriptions, the credit of Cokesbury [College], with arbitrary restrictions on people in districts." It was

here that Asbury appealed to the other preachers for greater zeal and enthusiasm in raising funds to keep him out of prison for the debts he had accrued in establishing Cokesbury College.¹⁸

O'Kelly again contested Asbury's position:

I know the people are taught to believe that all those heavy and repeated collections for funds, and colleges, are acts of charity: And the objects are said to be worn out preachers, distressed widows, and "charity boys." Let the whole be examined and a fair estimation be shewn, then on the other hand, let the poor relieved widows, poor local preachers and charity boys come forth: And let us see how it will tally. I believe there are many in the church who would with matters brought to the issue. Did not Francis [Asbury] mock us, when he sent petitions through all the provinces urging every member, male and female to send him relief[?] He told his preachers that if they did not exert themselves in "firing up the people," that likely they would hear of his being in jail. Then [he] left us and went straight [a] way to a certain Mr. Davis and agreed to raise (if the Methodists can tell true) £3000 to assist the said Davis in erecting a new college. I believe that God sent the Methodist preachers not to build colleges, but to build up a holy, simple-hearted people. And a select meeting is a better school for that purpose than a college. I have no design to reflect on learning; only, let gentlemen see to that.¹⁹

Of course, it is impossible to know whether O'Kelly's opposition was directed at the issues or the fact that he could not attend the meeting. As in the Whatcoat case, he opposed the power structure, and he did manage to stop Asbury's plan to buy three thousand acres in Virginia for another Methodist school. Asbury accepted the seller's offer, but O'Kelly stopped the transaction when he claimed the bishop had failed to consult the conference before taking on a financial obligation.²⁰

At this point, with Coke in England, somewhat removed but still considered a leader, O'Kelly asked for his support in ridding the church of the council. On matters of policy, he envisioned a more republican General Conference of all clergy and preachers. Coke supported O'Kelly, and Asbury, finding the disparate trio of O'Kelly, Coke, and Jesse Lee too odd to ignore, reluctantly agreed to call a General Conference and indicated that the church would abide by the outcome.²¹

Asbury attempted to make peace with O'Kelly before the 1792 conference and believed he had been successful. When on November 1, at the Light Street Church in Baltimore, Bishop Thomas Coke presided over the discussion on the future governance of the church, Asbury's faith in him appeared to have been justified. Although Coke had initially supported the Virginia preacher, he now affirmed Asbury's positions. Outraged, O'Kelly proposed an amendment, asking that if a preacher objected to his appointment he be allowed to appeal through the General Conference. In essence, O'Kelly was trying to strip Asbury of his authority.²²

John Dickens then asked that the question be divided into two parts: 1) whether the bishop had the authority and should appoint preachers to their circuits, and 2) whether the preachers had the right or should be allowed to appeal their appointments. After several days of debate and discussion of Asbury's character, a preacher's right to an appeal was overwhelmingly defeated, and the right of the bishop to make appointments was overwhelmingly affirmed. It was an interesting turn of events, since a majority of the preachers initially seemed to favor O'Kelly's recommendation. Perhaps if John Dickens had not divided the issue, or the debate had been handled differently, O'Kelly's appeal would have passed and altered the course of history.

Disgruntled, O'Kelly and several of his followers left the General Conference and went to the home of a friend. Over the course of the next few days, Asbury and Coke attempted reconciliation but to little avail. O'Kelly would not return to the connection unless granted the right to appeal appointments.

Asbury later met with the Virginia Conference preachers and agreed to allow those excluded from the connection to continue preaching. He also offered to continue paying O'Kelly his annual £40 stipend and providing him with pulpits to preach in so long as he did not cause any more dissension. O'Kelly accepted the pulpits but not the stipend and rapidly found himself without either. Other local Methodist preachers and laity turned on him for preaching on the subject of church government and accepting money from Asbury.²³

O'Kelly and his few followers next changed tactics. They met in 1793 to draw up petitions for proposed changes in the church, specifically remedying the perceived evils of Episcopal government. O'Kelly also claimed that Asbury had misappropriated funds set aside for educational purposes at Cokesbury and misused publishing funds for his own benefit and that of his friends, an outlandish accusation.²⁴ Asbury had invested his own money in establishing the college and had gone door-to-door collecting funds for poor orphans.

O'Kelly attacked again, after he withdrew from the connection. Cokesbury's revenue had fallen, forcing it to dismiss charity students. The conference sought to incorporate the college, hoping to save it, and O'Kelly lashed out, blaming Asbury and insisting that the institution reorganize.

The church began gathering its responses to defend itself against O'Kelly's petition, cautioning members who signed it that they faced expulsion as dissenters. Some of the preachers who had initially followed O'Kelly, such as William McKendree, who rose to prominence in the Methodist Episcopal Church, returned. Nonetheless, O'Kelly set out to form a new church—the Republican Methodist Church—based upon the truth of scripture and built on a more lateral structure of government.²⁵ The outspoken Virginian clearly resented hierarchical authority and openly challenged Asbury. He disapproved of building and financing Cokesbury and later disagreed with the decision to incorporate.²⁶

What has become evident though, is that James O'Kelly had major issues with



Site of Cokesbury College, circa 1900. From Cokesbury College File at Lovely Lane Museum and Archives, Baltimore, Maryland.

the Methodist Episcopal Church that oversaw the operations of Cokesbury College, and with Francis Asbury, the American head of the Methodist Church, whom he believed possessed too much power and exercised too much control over the preachers and people. O’Kelly stridently voiced his opinions and—returning to the question of who set the fire—attended many conferences in Baltimore, after which clergy retreated to the Harford County school to refresh themselves in the air of the country. James O’Kelly knew the location and the building and had a clear motive for burning down the prestigious symbol of American Methodism.²⁷

“Consumed to Ashes”

Friday, December 7, 1795, was a cold night following several days of hard frosts. Snow possibly covered the ground. The sun had set at approximately 4:40 P.M., leaving little natural light. The moon had passed the last quarter on December 3 and waned toward new the following week. The college stood deserted, the boarders having been dismissed the previous year when the conference “resolved that nothing but an English free day-school should be kept at Cokesbury.”²⁸

The Methodist Quarterly Review describes the events of that night:

Mr. Everett, the chaplain to the college, who slept there for the safety of the property, had gone, on the morning of the 7th of December, 1795, into the country to see some friends, when, at twelve o’clock at night, the inhabitants [of the town] were roused by the cry of the college being on fire. Nothing could

be done to arrest the flames. In a few hours the stately edifice, with its valuable contents, consisting of the library, the philosophical apparatus, and many important private papers, was reduced to ashes. News of the unfortunate event was conveyed to Mr. Everett, who appeared on the spot early the next day, the picture of grief, and sat down near the ruins, and wept like Marius amid the desolations of Carthage.²⁹

From North Carolina, Francis Asbury wrote:

We now have a second and confirmed account that Cokesbury college is consumed to ashes, a sacrifice of £10,000 in about 10 years! The foundation was laid in 1785, and it was burnt December 7, 1795. Its enemies may rejoice, and its friends need not mourn. Would any man give me £10,000 per year to do and suffer again what I have done for that house, I would not do it. The Lord called not Mr. Whitefield nor the Methodists to build colleges. I wished only for schools—Doctor Coke wanted a college. I feel distressed at the loss of the library.³⁰

Suspecting arson, Governor Stone posted a \$1,000 reward.

For more than two hundred years, the question remained: Who burned Cokesbury?³¹ The fire gutted the building, 108 feet long and 40 feet wide, but did not completely destroy it. As late as 1828, “ruins on an eminence, near the village” of Abingdon remained, as observed by a traveler who signed himself “Sabiduria” in his letter to the editor of the *Christian Advocate and Journal*.³² The bell tower fell in the blaze, but the bell was saved and is now in the Lovely Lane Museum and Archives in Baltimore. Replicas are in the church adjacent to the original college property and in Seminary Hall of Drew University. The chapel, now called Cokesbury Memorial United Methodist Church and standing forty feet from the original college, was untouched by the fire. How was this possible?

The causes of historical fires are difficult to determine—the Cokesbury blaze could have originated in natural causes, an accident, or arson³³—yet clues to understanding the Cokesbury story are present in newspaper accounts, journals, and the letters of prominent figures of the day. Others surfaced in artifacts uncovered in a 1968 site excavation—blackened bricks, melted glass, and charred wood. There is no mention of where the fire started, but an analysis of the three-story brick building offers clues to the location. The structure apparently had a slate roof, for there are several quarries nearby and a 2009 visit revealed large and small pieces of slate in a cemetery placed on the original site.³⁴

Although the exact layout of the school is lost to history, Steiner noted that the “east and west ends had on each floor two rooms, in size 25 by 20 feet. On the first floor in the centre of the building was the college hall, 40 feet square; over it, on the second floor, two school rooms, and on the third floor, two bed rooms.” Additionally,

the building contained two spiral staircases, one at either end, and a library as noted in Asbury's journal entry. One of the end rooms probably served as the president's room, and the other the library, valued at fifty thousand dollars in 1795.³⁵

The chapel, just forty feet away helps to establish the building's layout. If one were to stand facing the front door of the college, the chapel would have been to the left at the end of the road that passed in front of the college building. The president's room would have been on the left, the college hall in the center, and the library on the right. The fire probably started in the library. Paper does not burn as hot as other fuels, which explains why the flames did not completely destroy the building. Also, a fire beginning at the far end of the building, away from the chapel, allowed time for townspeople to extinguish the flames before the inferno engulfed their place of worship.

Was the fire a result of natural causes, an accident, or the work of an arsonist? Natural causes might include lightning strikes, yet Benjamin Banneker's almanac stated that the night was cold and clear, with snow on the ground and more likely to fall. Spontaneous combustion, or the ignition of a flammable material without the application of heat from an external source, is a possible cause but highly unlikely.³⁶ Could the fire have been an accident? Of course, but that is quite improbable. Although the boarding students were gone, Rev. Joseph Everett lived at the school, and upon leaving for town he may have left a candle burning or a hot coal in the fireplace. Everett, though, never claimed responsibility and, more importantly, never came under suspicion after the governor offered a reward for the apprehension of an arsonist.

Two questions arise regarding the possibility of arson. Did the arsonist hope to claim insurance money, an obvious solution for a financially strapped venture? No. Although the fire insurance business developed in the United States in the middle of the eighteenth century, it was a young and scattered practice, only available in cities, and there is no record of the Methodist church carrying policies.³⁷ If not for money, might someone with a vendetta against the school and the church commit arson by firing the physical symbol of American Methodism? "So far as I know his name has not been transmitted to posterity; so that, if, like him who fired 'the Ephesian dome,' he committed the execrable crime to eternize his name, he has missed the immortality of infamy to which he aspired," claimed Dr. George Archer in 1924 of whoever burned Cokesbury College.³⁸

Another important clue lies in an old letter. On February 11, 1797, Bishop Francis Asbury wrote to New York City pastor Rev. George Roberts of the James O'Kelly schism and the burning of Cokesbury College. "It seems the temple of war on James is shut up," he told Roberts, suggesting that some of the issues with the O'Kellyites had been taken care of at this point—that perhaps O'Kelly and his fellow dissidents no longer challenged the church. Farther on he related a story: "Brother James O'Kelly answered a woman who asked the difference between me and him. He gave her the powerful return 'Suppose,' said he, 'I were to show you the Bible and a



Modern site of the college and Cokesbury Memorial United Methodist Church. The white box indicates the approximate location of Cokesbury College. Note the tree-lined drive leading to the church that was the historical road for the college and church that is still visible in the landscape. (Author's photograph, March 21, 2009.)

form of discipline made by the General Conference, would you not know the difference?" The accusation that Asbury did not follow scripture and instead obeyed earthly teachings is striking and confirms O'Kelly's animosity toward him. O'Kelly had the motive to burn the school, a rigid institution that embodied everything the Methodist Church stood for, and Asbury personally had invested in its development and success. Burning Cokesbury would have been a symbolic act. Proof of O'Kelly's involvement comes at the end of the letter:

As to the Baltimore burning, after a little shock at first it seems no more to me than as much chaff. If the LORD loves these people he will keep them down. Burning is a lottery, and many make a benefit of the calamity which I suppose is one. I only wish to know who burnt Cokesbury, which I shall ever believe was done wickedly, and I am sure it will come out at the day of Judgment. I have written circumstantially, I am weak.³⁹

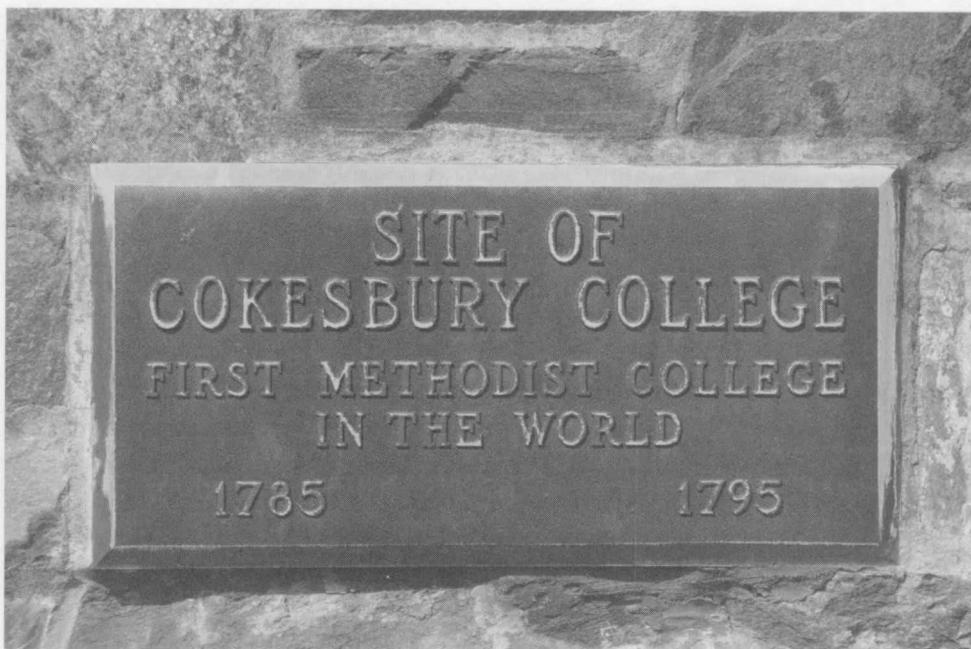
When this passage is parsed, several points emerge. First, Asbury admitted ambiguity, claiming he was too weak-hearted to accuse the arsonist. He also may have been afraid of repercussions in the event that a third party intercepted the letter. But stitching the clues together allows the reader to solve the riddle Asbury wove.



Rear pillars of the Cokesbury Memorial United Methodist Church, erected in 1895. A matching pair is out front. (March 21, 2009. Author's photograph.)

The bishop knew his scriptures well and created an allusion to Psalm 1, which compares wicked men to chaff that the wind blows away. Chaff is the outer shell or husk that must be removed to gain access to the valuable grain inside. Plants are cut, crushed, and the pieces thrown into the air. Chaff is light and a slight breeze will carry it away, but the good grain falls back to earth. Asbury's interpretation indicates that he believed the burning served no purpose, like the chaff it achieved nothing. God loved the Methodists, and kept them down, like good grain—well grounded, nourishing, life-giving.⁴⁰

Chaff can symbolize a faithless life that drifts along, whereas good grain is like a faithful life that can be used by God. If Asbury considered O'Kelly chaff and therefore faithless, he would not reap the benefits of eternal life with God—the primary reward for Christians.⁴¹ Asbury claimed that “burning is a lottery,” that O'Kelly risked his salvation by burning the school. Chaff is unable to reason or make a decision but is subject to the wind. A person can choose to act like chaff or better, like good grain. The first half of the psalm sets up the qualities and characteristics of the blessed or righteous man. According to the psalm, a blessed man delights in the law of the Lord, does not associate with wicked people or sinners, and will bear good fruit. Asbury saw nothing of that in O'Kelly. Instead, he saw in O'Kelly the way of the wicked, as outlined in the second half of the psalm. Asbury believed “the wicked will perish” and the truth “will come out on the day of Judgment.” O'Kelly rejoiced at the school's destruction, “but alas, the glory of Cokesbury is consumed by the devouring fire,



Close-up of a plaque on one of the rear pillars. (Author's photograph, March 21, 2009.)

and in one hour ruined! . . . Whether those losses are occasioned by the malice of the enemy, or directed by Divine Providence, I dare not say."⁴²

Finally, after more than two hundred years, the mystery is solved: Francis Asbury believed that James O'Kelly burned Cokesbury College. It is difficult to say what the implications will be for the [United] Methodist Church beyond providing a new context for understanding one of the earliest schisms in the Methodist tradition, exploring the depths of one person's convictions, and understanding the symbolism in attacking Cokesbury College.

The history of Protestantism is one of purifying and removing corrupt elements from previous denominations. James O'Kelly's Republican Methodists developed out of the Methodist Church, which he saw as a corrupt, power-driven organization, and sought to remove those impediments to worship. O'Kelly burned the school as a statement against the rigidity of the institution, from its solid structure to its strict rules symbolic of Asbury's inflexible nature and his role as bishop—a term O'Kelly despised. Asbury, as leader of the American Methodists, took the brunt of the Virginian's escalating criticism and wrath. If the bishop fell, perhaps the church would collapse as well. As a result, Cokesbury symbolized everything the Methodist Church stood for—structure (why else would they be called *Methodists?*), education, working for and with the poor, and hierarchy, among other things. Since the Methodists, and Francis Asbury in particular, had invested so much time, effort, and funds in establishing this institution, going “from house to house through the

snow and cold begging money for support of the poor orphans at Cokesbury," the destruction of the young college would symbolically and perhaps in reality destroy the Methodist Church. O'Kelly did not carry a vendetta against Cokesbury College. The school just happened to be a convenient place, one he knew well from retreats and after conferences in Baltimore. And although the mystery is apparently solved, additional questions remain unanswered. Were there any accomplices? Why did nineteenth-century Methodists remain silent? Did anyone ever accuse James O'Kelly of burning Cokesbury College?⁴³ What can be learned from excavating the site of the college almost two hundred years later?

Excavating the Cokesbury Site

In 1841 trustees of the chapel adjacent to the site of the former school acquired the property and filled in the foundation for use as a cemetery. During the centennial remembrance of Cokesbury College in 1895, hundreds visited, so many that trains chartered for the occasion ran up from Baltimore, and local farmers transported pilgrims from the station. On this occasion the leaders of the Methodist Episcopal Church laid the "Cokesbury 1785-95" granite markers and set the stone pillars with plaques.

In the spring of 1968, Rev. Dennis R. Schulze was a young, newly appointed pastor of Cokesbury Memorial United Methodist Church. Interested in the history of Cokesbury College, he contacted a former seminary professor, the Reverend Doctor Dewey Beegle of Wesley Theological Seminary in Washington, D.C., for assistance. Beegle, who was teaching a biblical archaeology course at the time, brought his class to the site for an excavation with the twin goals of confirming placement of the markers and recovering artifacts. They returned to the site on Saturday, March 2, 1968, began surveying the following Monday, and at the end of the week began excavating three sections of four-foot-wide trenches in an attempt to locate the original foundation of the college.⁴⁴ Beegle had discovered inaccuracies in the building map and realized that the granite foundational markers placed in 1895 stood by a portion of a brick wall built after the college had burned to the ground.⁴⁵

Complicating the work was the fact that the 1840s cemetery masks the college's footprint. The dig therefore did not take place in the cemetery but on the perimeter, so as not to disturb the bodies at rest. The field notes made in the 1968 excavation are the only known source of information describing the stratigraphy of the site. Artifacts found at that time included vitrified brick (rubble) that could have been part of the foundation, part of an earthenware bowl, other earthenware sherds, nails of several types or styles, a heavily rusted buckle, a spike, oyster shells, glass sherds with evidence of patina, wood (some charred, some not charred), slate, and a human jaw bone.⁴⁶

Identifying the recovered artifacts involved several additional steps, among them compiling recent observations with Beegle's notes and mapping the pieces ac-

ording to typology: pottery of any type, metal of any type, glass, slate, and organic matter. There are spatial and distribution abnormalities in the 1968 maps, such as stratigraphic or vertical layering information, and attention to the horizontal distributions. Each artifact typology is found in one specific area of the site, perhaps indicating a post-fire rubble pile. In the 1990s, Kirsti Uunila removed the artifacts from the original 1968 envelopes, placed them in plastic bags in a cardboard box and stored the collection until 2007. The author then assigned lot numbers, placed them in archival storage bags with holes punched in them to prevent moisture build-up, and placed the bags into archival storage boxes. These boxes, one containing brick and the other the remainder of the find, are now in the United Methodist Archives and History storage facility located on the campus of Drew University in Madison, New Jersey.

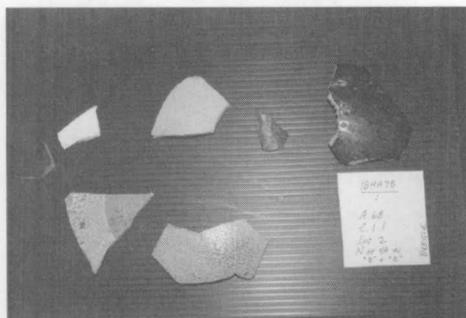
Several patterns emerged while the author was working with the collection. Although most of the pottery dates to the late eighteenth century, some of the painted whiteware dates to about forty years after the college occupation of the site. The cemetery dates to 1840 or 1841, after the church gained control of the land that once was the home of the college. This later pottery surely indicates that during the rural cemetery movement of the nineteenth century, when families picnicked at the gravesites of their loved ones, some visited Cokesbury.⁴⁷

The nails are mostly wrought (as opposed to cut), and characteristic of the period. Nails that go through a fire tend to preserve better, and this is the case with several found on the property. The brick is handmade, some appears to be pre-glazed, that is, blackened for a decorative effect. The fire most likely did not burn hot enough to glaze, as evidenced by the fact that several of the walls remained standing more than thirty years after the fire.⁴⁸

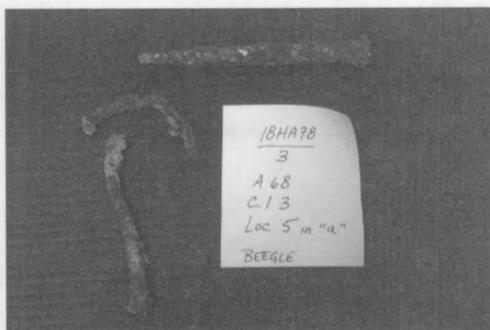
Beegle and his students recovered an abundance of oyster shells, although just four are in the collection. Since the college was situated near the Bush River, it is likely that seafood brought in by local suppliers was an important part of the Cokesbury diet, which is significant in that financial constraints of the later years would have prompted school officials to spend as little as possible on food. Additionally, the lime in the shells helped neutralize the otherwise acidic soil and prolonged preservation of many artifacts.⁴⁹

The Cokesbury College legacy continues. In the early to mid-nineteenth century, the church split over the role of bishops and individual stances on the issue of slavery. One faction named their publishing house Cokesbury, the other named theirs Abingdon. In 1939, when the church reunited, Abingdon-Cokesbury became the name of the publishing house, later shortened to Abingdon Press. Cokesbury is the name of the retail store that sells Methodist items.⁵⁰ The leaders of Abingdon Chapel, adjacent to the property, renamed it Cokesbury Methodist Church after the college became well known. Following the merger of the Evangelical United Brethren Church and the Methodist Church in 1968, the name changed to Cokesbury United

Artifacts from the Site of Cokesbury College



Left, clockwise from top—English Brown stone-ware, 2 sherds of unidentified black-glazed red-earthenware, 2 sherds of English Brown stone-ware, 1 sherd of unidentified black-glazed red-earthenware, 1 sherd of creamware or whiteware. Parts of drinking vessels (tankards, mugs).



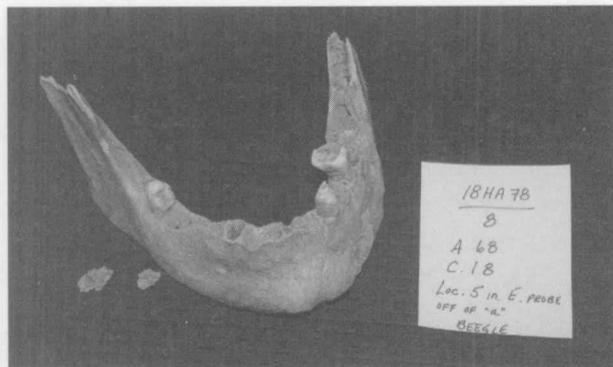
Wrought nails.



Charred wood.



Buckle from clothing or a shoe.



Male human jawbone. Bone fragments to the side.

NOTES

1. Washington College in Chestertown and King William's School, now St. John's College in Annapolis, were the first two institutions of higher education in Maryland. After Cokesbury, Harford County had no other institution of higher education until 1957, when Harford Junior College, now Harford Community College, opened. "Sight of an Impressive Sight," clipping from file of Harford County Historical Society, August 1961. Bishop Coke subsequently ordained Francis Asbury, an itinerant preacher who rode over 5,000 miles per year on horseback, to assist him in the responsibility of organizing the Methodist Church in America. The Kingswood school still operates.
2. George W. Archer, *An Authentic History of Cokesbury College with Sketches of Its Founders and Teachers* (Bel Air, Md.: *Bel Air Times*, 1924), 9. At the time, there were approximately 15,000 adherents to the Methodist faith in America and over one-third of them resided in Maryland. Bernard C. Steiner, *Cokesbury College: The First Methodist Institution for Higher Education* (Baltimore: Baltimore Methodist, 1895); or Archer, *Authentic History of Cokesbury College*, 6, 9.
3. The "cornerstone" of Cokesbury College has its own unique history. According to an 1893 edition of *The University Courier*, the school paper for American University in Washington, D.C., "an interesting relic from the still existing ruins of Cokesbury College is to be furnished for the Asbury Hall by a generous layman." *The University Courier*, vol. 2, no. 1 (September 1893): 4. This "interesting relic" was the foundation stone from Cokesbury. More details on its acquisition are provided two years later in the same newspaper where "some time ago, Rev. Charles W. Baldwin, M.A., Secretary of the Board of Trustees, visited the memorable ruins and through the courtesy of Mr. C.W. Baker, of Aberdeen, Md., secured one of the foundation stones weighing about 300 pounds, for the Asbury Memorial Hall. It is now deposited temporarily in one of the rooms of the Foundry Church," *ibid.*, vol. 3, no. 4 (June 1895): 6. Foundry Church is now known as Foundry United Methodist Church, located at 1500 16th St., NW, Washington, D.C. 20036. Accessed at www.foundryumc.org, January 31, 2009). This account is confirmed by an article in the *Christian Advocate* which stated that "grave diggers threw up old bricks from walls. Mr. Baker offered large granite rock from foundation for use in Asbury Hall at American University." *Christian Advocate*, May 10, 1893, July 5, 1894. By 1911, the American University school paper was reporting that the stone was expected to be placed in the walls of a building. A grainy, black and white photocopy of a photograph was included. An undated, handwritten note at the bottom of the article states that the Mountford-Mamreov Museum, located in the College of History, later called Hurst Hall, housed the foundation stone until 1913, but that records at the time the note was written did not tell of the fate of the stone. (*The American University Courier*, vol. 12, no. 4 (March 1911): 3.) Memos from the university archives written by Mary Cariker, assistant archivist at the time, state that the stone could be the "old sundial." Memos, Lovely Lane Museum and Archives, Baltimore, Md. Dr. Dewey Beegle, a biblical archaeologist from Wesley Theological Seminary in Washington, D.C., wrote in 1967 of an extension to the Mary Graydon Building, and the stone was almost shoveled into the back of a dump truck. Mary Cariker saw this, realized the possible significance of the stone, and rescued it from the other debris. Beegle checked with the Carpenter Shop at American University and discovered that "the sundial had been placed in the basement of Hamilton Hall," and upon close inspection, "ascertained that it was a slab of Maryland granite weighing about 300# (*sic*). One end was cut obliquely [as the 1911 photo of the foundation stone indicates] and one side as charred as if it had been

in contact with a fire. The mason's marks appeared to be quite old," notes from Cokesbury Excavation, Dr. Dewey Beegle, Friday, 22 March 1968; The sundial was created out of the stone as a gift from the class of 1931. It is now located in the Zarkin-Butler Garden, in the center of campus. Little is known about the students at Cokesbury. The records burned in the 1795 fire, but we do know the identity of at least fifteen, many of whom rose to positions of power and prominence in America. The following students attended Cokesbury (in alphabetical order): Abel Bliss, trustee at Wesleyan Academy in Massachusetts and Wesleyan University in Connecticut; Valentine Cook, traveling clergy, taught in two Methodist schools, reputation as a "frontier controversialist"; John Chalmers Jr., traveling clergy; James Cocke, physician; James Cresaps, expelled; William Dallum, physician; Asbury Dickens, senate secretary for twenty-five years; Doughty, "naval colonel"; Thomas Droomgoole, either sent home or expelled, later became a local preacher; Gibbs, student, nothing else known; George McClaskey, student, nothing else known; Quarter student, nothing else known; I. Stewart, died at Cokesbury; Thomas Waller, student, nothing else known; Samuel White, senator from Delaware. See John Abernathy Smith, "Cokesbury College: Kingswood in Virginia," *Methodist History*, 28 (1990): 234. Wesley intended to support Heath financially and leave him money in his will, but Wesley died in debt with almost no personal possessions.

4. "Abingdon," *The Baltimore Methodist*, vol. 6, no. 8 (February 23, 1884).

5. For more information on this issue and the other instructors at Cokesbury College, see Steiner, *Cokesbury College* and Archer, *An Authentic History of Cokesbury College*.

6. "A Plan for Erecting a College," *The Methodist Episcopal Church* (1785) 68. There is no information on whether institutions in Europe or elsewhere had manual training shops at this point in history.

7. Excerpted from *ibid.*, 67-68.

8. Archer, *An Authentic History of Cokesbury College*, 12.

9. John Locke, "Some Thoughts Concerning Education" (1692), Section 206, 207, www.fordham.edu, December 2008; Steiner, *Cokesbury College*, 23.

10. Rev. Dr. Thomas E. Bond, quoted in Archer, *An Authentic History of Cokesbury College*, 12; Arthur Henry Law Hastling, et al., *The History of Kingswood School: Together with Registers of Kingswood School and Woodhouse Grove School, and a List of Masters* (London: 1898) 24-25.

11. Hastling, *History of Kingswood School*, 26; "A Plan for Erecting a College," 68; Rush, "Sermon III, On Exercise," 33. The short duration for bathing is actually addressed in part by Rush in his sermon when he cautioned the audience to "remember, you should not stay too long in the water at one time, lest you lessen instead of increasing the vigour of the constitution." Archer, *An Authentic History of Cokesbury College*, 12. The supervisory role of a teaching master during bathing times would have been no different from the supervisory role the master had during the rest of the day, whether it be in studies, meals, other forms of recreation, or sleep. The master was there to ensure that all the rules were being followed so that the students could be brought up to be "rational Scriptural Christians." Excerpted from "A Plan for Erecting a College," *The Methodist Episcopal Church* (1785), Rule 16, p. 68. Bathing was not to be conducted in the Bush River. The reason for this rule is not explained, but the Bush River is a tidal river, connected to the Chesapeake Bay, and a tidal river has currents that could carry students downstream.

12. The first schism occurred about the same time (1791-1792), when William Hammet (or Hammett) believed Asbury was being too autocratic and wanted to use Methodist doctrine without necessarily being under appointment by the Methodist bishops. He desired the freedom to pick his own congregation after being appointed to the congregation that he desired in

- Charleston, South Carolina, but as an associate to another clergyman, Reuben Ellis. Hammet decided to leave and form his own denomination, the Primitive Methodist Church, which essentially died out after his 1803 death. See Frank Baker, *From Wesley to Asbury: Studies in Early American Methodism* (Durham: Duke University Press, 1976), 133.
13. Family Search Website, an official website of the Mormon Church, www.familysearch.org, October 15, 2008. Some records state that O'Kelly was born in Ireland. P. J. Kernodle, *Lives of Christian Ministers* (Richmond: The Central Publishing Company, 1909).
 14. Charles Franklin Kilgore, *The James O'Kelly Schism in the Methodist Episcopal Church* (Mexico: Casa Unida de Publicaciones, 1963), 9. For further information on the founding of the Methodist Church, see www.umc.org, or Jesse Lee, *A Short History of the Methodists in the United States of America Beginning in 1766 and Continuing until 1809. To Which is Prefixed, A Brief Account of Their Rise in England in the Year 1729, &c.* (Baltimore, 1810).
 15. There is no record of O'Kelly before his status as a local preacher (excepting his marriage records and birth accounts).
 16. Kilgore, *The James O'Kelly Schism*, 11–12; John Wesley's name was reinstated in the *Discipline* in 1789, but this time as the head of the church in England, whereas Asbury and Coke were listed as the heads of the church in America. It was at the same conference in 1787 that Wesley's name was removed as the head of the denomination.
 17. *Ibid.*, 12–13, 15–16.
 18. James O'Kelly, *The Author's Apology for Protesting Against the Methodist Episcopal Government* (1798), 28; John Abernathy Smith, "The Case of Bethel Academy: Methodism's School for the Frontier," *Methodist History*, 32 (1993): 23.
 19. The word "gentlemen" refers to the fact that the Methodist societies were initially formed from among the poorer people, both in England and America. O'Kelly believed that education should be left to the elite, and not the working classes or farmers that were so prevalent in the Methodist societies, O'Kelly, *The Author's Apology*, 28–29.
 20. Smith, "The Case of Bethel Academy," 23.
 21. Baker, *From Wesley to Asbury*, 157.
 22. Kilgore, *The James O'Kelly Schism*, 18–19, 22.
 23. *Ibid.*, 24–28.
 24. Smith, "The Case of Bethel Academy," 23.
 25. The Republican Methodist Church later became the Christian Church, and eventually merged with the Congregational Churches and others to form the United Church of Christ. For a more complete view of James O'Kelly see Kernodle, *Lives of Christian Ministers*. For a more complete view on the resulting schism, see Charles Franklin Kilgore, *The James O'Kelly Schism in the Methodist Episcopal Church* (Mexico: Casa Unida de Publicaciones, 1963).
 26. Kilgore, *The James O'Kelly Schism*, 29, 30–33.
 27. *Ibid.*, 65. The Republican Methodists grew numerically and eventually merged with other congregationalist-styled churches.
 28. Benjamin Banneker, *New Jersey, Pennsylvania, Delaware, Maryland and Virginia Almanac for the Year of our Lord 1795* (Baltimore: S. & J. Adams, 1794); Rev. Francis Asbury, September 28, 1794, *Journal and Letters*, 2:205.
 29. Rev. Joseph Everett was first appointed to the "special charge of Cokesbury College in absence of Francis Asbury" in 1791. By 1792 he had a different appointment but would return full-time to Cokesbury as chaplain by 1794. Everett's first appointment was in November 1780 to the Dorset charge, after he left the army, having served in the Maryland Line during the Revolutionary War. He was commissioned a 2nd lieutenant on April 9, 1778. Card file of Local Preachers, Lovely Lane Museum and Archives.

30. Rev. Francis Asbury, January 4, 1796, *Journal and Letters*, 2:241.
31. John Abernathy Smith, "Cokesbury College: Kingswood in Virginia," *Methodist History*, 28 (1990): 234.
32. April 11, 1828. The letter is dated March 29, 1828.
33. Informal interviews with Francis Raley, the Ridge, Md., Volunteer Fire Company chief and Joe Zurolo, deputy state fire marshal for Harford County, Md.
34. Over time, various artifacts rise to the surface, including bricks and slate. The slate I saw exposed where headstones once stood and have now fallen over, was a mixture of large and small pieces—the small pieces closely resembling those in the collection, and appearing as if they had broken away from the larger pieces. The larger pieces were thick and too large to have been used for another utilitarian purpose.
35. Steiner, *Cokesbury College*, 11; Rev. Francis Asbury, January 4, 1796, *Journal and Letters*, 2:241.
36. "Oily Rags—Spontaneous Combustion: Beware of Creating a Fire Hazard," West Metro Fire Protection District, Lakewood, Colo. www.westmetrofire.org, February 15, 2009; Banneker, *Almanac*, 1795.
37. Dalit Baranoff, "Fire Insurance in the United States," Economic History Services Encyclopedia, www.eh.net, February 15, 2009.
38. Archer, *Authentic History of Cokesbury College*, 18.
39. Francis Asbury to George Roberts, February 11, 1797, www.Wesley.nnu.edu, November 24, 2008.
40. Study Note for Psalm 1:4, *The Life Application Study Bible, New International Version*, Tyndale House Publishers (Wheaton, Ill.) and Zondervan Publishing House (Grand Rapids, Mich.), 1997.
41. Asbury refers to other people as chaff throughout his journal entries, see February 7, 1792.
42. Francis Asbury to George Roberts, February 11, 1797, www.Wesley.nnu.edu, November 24, 2008; Psalm 1:6; O'Kelly, *The Author's Apology*, 66.
43. Smith, "Cokesbury College," 232. The fire at Cokesbury did halt Methodist education for a few months until a new institution opened in Baltimore, but it did not have a long-lasting impact—a year after it opened, it too burned to the ground. However, this time, it was due to a fire from the woodshop in the school. The Methodists now have a strong network of over 122 schools and thirteen seminaries, all established from the humble roots of Cokesbury College, www.umc.org, November 30, 2007. Additional work could also be done on the site of the excavation and a more thorough analysis of the artifacts from the initial excavation by a professional, trained historical archaeologist could provide new and useful information.
44. I am not a trained or certified archaeologist—I have studied some theory related to archaeology but never participated in an actual dig. Therefore, all of the observations and critiques made are from an amateur, under the supervision of a professional archaeologist, Dr. Julie King. Any mistakes made are mine, and not hers.
45. Dewey Beegle, Field Notes, Cokesbury College, 1968. These markers were relocated, and a new, accurate map created.
46. Map of Site and interview with Rev. Dennis Schulze, November 24, 2007. Several local historians claimed that the site was the location of an unmarked mass burial dating from World War I, when there was an outbreak of the 1918 flu epidemic at the nearby Aberdeen Proving Ground, and thus the source of the unmarked jawbone. Upon investigation of this claim, according to APG historian, Jeffrey Smart, there was no mass burial originating at APG during World War I. One hundred ninety-nine people died on the base during the epidemic,

but most of the bodies were sent home to families. The two or three bodies that were not claimed were buried on the post (phone call with Aberdeen Proving Ground, Aberdeen, Md., historian, Jeffrey Smart, January 7, 2008). After the excavation, there were several memorial and dedication services to commemorate the college and the excavation. Based upon an undated etching of the school, Reverend Schulze and his father, R. Burt Schulze, cast a bronze model of the school, dedicated May 25, 1968. It sits atop a brick base constructed from original bricks from Cokesbury College. Several plaques are located on the base of the memorial. The model still stands where the entrance to the college was once located.

47. With the aid of Julie King, archaeologist, March 11, 2009, from photographs. The painted rim would indicate a consumption vessel, perhaps a bowl or teacup that might have been used in a picnic. Also in the pottery category were several utilitarian vessel sherds, bowls, chamber pots and the like, probably from the school.

48. Dr. Julie King, March 11, 2009.

49. Herman B. Teeter, "Spikes, Nails, Ashes . . . and Oyster Shells," *Together*, 8 (1969).

50. Alan K. Waltz, "Abingdon Press," *A Dictionary for United Methodists* (Nashville: Abingdon Press, 1991), www.archives.umc.org, November 30, 2007.

51. "Our Heritage," Cokesbury Memorial UMC, www.cokesburyumcharford.org, November 30, 2007; www.umc.org, November 30, 2007.

52. Archer, *Authentic History of Cokesbury College*, 18.

53. Heritage Sites, United Methodist Commission on Archives and History, 22, www.gcah.org, November 30, 2007; Rev. J. W. Flemming, "Abingdon and Cokesbury College," Abingdon, Maryland, Lovely Lane Museum and Archives files.

Reformers and Role Models: Women Educators in the Early Nineteenth-Century Upper South

MARY CARROLL JOHANSEN

Southern slaveholders commonly argued in favor of patriarchy when defending their socioeconomic system and its “peculiar institution,” but less often recognized is the idea that husbands’ power over their wives and children buttressed control of their slaves. Any insubordination within the family effectively challenged the southern power system and risked bringing on the collapse of slavery. To lessen the chances of that happening, southern men—and women—supported a course of women’s education that emphasized timidity, submissiveness, modesty, and domesticity.¹

Yet, within that early nineteenth-century society lived some who bridled at the notion that women should be submissive and domestic, challenged traditional ideas regarding power and patriarchy, and offered an alternative vision that called for ending slavery and offering women options other than marriage. They seized the opening that Christianity provided to enter into public life by ministering to the defenseless, particularly other women, and the challenges they presented reveal their frustration with patriarchy and slaveholding. Their failure to effect change demonstrates the degree to which men dominated the culture and the inability of the region’s even more forward-thinking women to envision a truly egalitarian society.

Challenging Southern Values

Southerners of the slaveholding class in the early republic defined the wedding day as the highlight of a woman’s life, after which society expected full submission to her husband and a life of self-abnegation. The wife’s role as mistress to her home and subordinate to her husband emphasized both her privileges and her dependency; in contrast to poor whites and slaves, she could “conform to the wholly domestic image of the true woman,” but she lacked the independence enjoyed by men or even unmarried, though affluent, southern white women. The years before marriage served as a time of preparation. Southern female seminaries trained girls in such subjects as music, drawing, painting, and foreign languages, to make them more fascinating, and thus marriageable. They also taught useful skills such as reading,

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writing, arithmetic, housewifery and sewing, but underlying their education was an emphasis on obedience, docility, and respect for authority. Elizabeth Macmurdo, at school in Richmond in 1807, wrote in an essay that a woman could "be neither so much esteemed, nor respected, as if her disposition was of that mild, retiring nature, which shrinks from the public gaze." Her grade of "very excellent," on the assignment surely reinforced the sentiment in her mind.²

Although southern parents and educators typically taught women to embrace their dependent position, not all women wished to abide by these rules. Margaret Mercer was one who rejected many southern social customs. The daughter of John Francis Mercer, who had been a member of the United States Constitutional Convention and later governor of Maryland, she grew up in an affluent slaveholding household. Mercer decided when still young to forsake marriage, writing to a friend, "I do not think I was ever made for a married woman." She feared that if she devoted so much time to "worldly things" she would "forget my God perhaps." Mercer also rejected the concept of slaveholding. She inherited slaves from her father, but freed them and went to work as a drawing teacher at her cousin Maria Mercer Garnett's school in Essex County, Virginia, before opening her own school. Rather than live as society expected her to, as a spinster aunt in her brother's family after the deaths of her parents, Mercer made the unconventional decision to support herself through teaching and writing and to devote herself to education and reform.³

Mercer justified her extraordinary actions by alluding to her religious obligation. Writing to Maria Garnett, she stated, "I may say that in my opinion the exertions of our sex, are the means prepared by a God whose intentions are not to be frustrated by human perverseness for the improvement of the world." An Episcopalian and evangelical, she rejoiced in the increase in church membership that accompanied the Second Great Awakening, yet she worried that "the moral improvement of the world has been far from commensurate with the increase and diffusion of religious knowledge" and urged women to spread the "millennial glory." Through her writings and her position as school director, Mercer outlined ways that Christians, particularly women, could contribute to widening spiritual knowledge. Supported by her sense that God guided her actions, she remained undaunted when neighbors criticized her efforts to establish a "coloured Sunday school."⁴

Some Catholics in the Upper South shared Mercer's conviction that women were God's weapon to reclaim the world from sin. The Archdiocese of Baltimore, first in the United States, supported three groups of women religious who adopted teaching as their primary vocation: the Visitation Sisters of Georgetown, the Sisters of Charity, and the Oblate Sisters of Providence. The women who established these orders sought to use their schools to train young women who could spread the Catholic faith and Christian morality in their homes and communities. The Oblates noted that most of their pupils, free black girls, "will either become mothers of families, or be introduced, as servants, into decent houses." In either role, they would have the



Reformer Margaret Mercer (1791–1846), daughter of slaveholding Maryland governor John Francis Mercer, promoted education for women and for persons of color, enslaved and free. (Casper Morris, *Memoir of Miss Margaret Mercer* [Philadelphia: Lindsay and Blakiston, 1848].)

obligation of transmitting “the religious and moral principles, which they will have acquired, while in this school” to the young children in their care.⁵

Many antebellum women shared Mercer’s confidence and that of the sisters, that women’s efforts would redeem the world from sin. As Lori Ginzberg has noted, women activists of the period expressed the belief that virtue was more pronounced in women than in men, and they could therefore transform society. Activists criticized the “materialism and greed of the nineteenth-century male” and urged female reformers to bring about social change. Men in the early republic focused on creating a political foundation for the nation and new business enterprises, leaving the religious sector to women, who soon composed over half of church members. Although

men retained positions of power within the Catholic and Protestant churches, they increasingly relied upon female members to catechize children, provide charitable donations, and care for the poor, the aged, and the infirm. Women eagerly embraced the responsibility and used the opportunity to lay out what they viewed as needed social reforms.⁶

Beyond a sense of religious obligation, the Catholic sisters mirrored Mercer in a second way; their lives and values offered implicit and explicit challenges to the society in which they lived. In a Protestant nation they practiced the Catholic faith. In a society that valued domesticity in women these nuns renounced marriage and family to devote themselves to the Lord as chaste women. In a culture that encouraged female dependency they acted independently, and although they took individual vows of obedience to God, their superiors, and their bishops, they worked autonomously as members of communities. Women religious established rules for their orders, elected members to leadership roles, managed property, and directed schools.⁷ Finally, they defined as sins the values that many white southerners most cherished. They condemned undue attention to worldly matters, a failure to serve the poor or the less fortunate, and a love of idleness and dissipation, offering a clear challenge to the values of southern society in which the labor of enslaved people supported a powerful and dominant male culture.

In questioning southern culture, Margaret Mercer and the Catholic sisters also challenged some aspects of slavery and the southern racial caste system. Mercer encouraged her pupils to educate slaves, while the Catholic sisters supported education for free black women. Yet, white educators drew a clear distinction between their white and black pupils, and offered free black girls a restricted curriculum centered on basic literacy and religious beliefs. Only the Oblates, black women themselves, offered their pupils the types of "accomplishments" that enabled them to be recognized as "ladies." Mercer's and the Oblates' decisions to support education for African Americans in the years after Nat Turner's rebellion signified their determination to confront southern racial policies that prohibited the education of free blacks and slaves. Although they lacked any political voice, these educators encouraged their white female pupils to question some southern values and, in their future roles as mothers, to transmit new values to their children.

Furthering God's Kingdom

In addition to education, Mercer and the Catholic sisters actively engaged their students in charitable work, another aspect of furthering God's kingdom. They offered pupils a variety of means by which they could help eradicate sin from the land, many of which accorded well with a Christian woman's traditional role of charity toward the poor. Mercer suggested in her *Popular Lectures on Ethics*, for example, that, rather than waste their money on "rich cake which impairs your digestion or stupefies your mind," readers could donate the cost of the cake to provide food for

a family "or, still better, . . . [send] a little child to school, or . . . [clothe] a savage African, and [bring] him within the pale of civilization and Christianity." The fate of the "savage African" evidently preoccupied Mercer, for a few pages later she held up as a model her young goddaughter Cornelia who, though only a child of seven, taught slaves to read at a Sunday school in her father's house.⁸

Urging almsgiving and an obligation to offer religious guidance within one's household did not take Mercer into new realms. Piety stood at the center of many nineteenth-century women's lives, and ministers and laymen had long acknowledged a woman's obligation to promote religious devotion within her family. With the Second Great Awakening, women enlarged the scope of their work. Moving beyond encouraging piety within the household, they sought to advance religious devotion in more public ways within their communities and throughout the United States.⁹ In their new roles as teachers and heads of schools, they seized the chance to spread piety among their pupils, requiring students' attendance at church each week, encouraging formal professions of faith and acts of charity, and leading religious devotions.¹⁰

Educators periodically enforced charitable activities as a way to discipline pupils while also promoting educational and benevolent goals. At St. Joseph's Academy in Emmitsburg, the Sisters of Charity fined disobedient pupils, "for which purpose a box shall be kept for the poor, the money to be applied to their relief by three girls nominated by the whole of them." Some students resented the practice of mandatory almsgiving. Ann Coleman, a student at Mercer's school in Cedar Park, Maryland, pointed out that she spent about eight hours a week making purses, aprons, and other items for the benefit of the American Colonization Society (ACS). She complained it was, "a very troublesome occupation though I am very willing to do every thing in my power for the colonization societies." Despite her distress, Coleman persisted in her work and encouraged others to do likewise. She wrote to her friend Lucy Oliver, soliciting "a quantity of articles from you, as well as assistance in person" at Cedar Park's upcoming ACS fair. To encourage Oliver's participation, Coleman cited another friend, Lucretia Van Bibber, who had recently held a fair on her own, "doing so much for the cause."¹¹

As Oliver's letter suggests, women did not confine their charitable work simply to the deserving, and white, poor. Female educators, particularly those who had already adopted nonconforming gender roles, encouraged their pupils to act in unconventional ways and to address controversial causes. In the early nineteenth century, New England women had begun to venture abroad as missionaries, as far as Hawaii, Africa, and India. Margaret Mercer urged this same responsibility upon southerners, arguing that "savage nations are ready to receive Christ with open arms, and nothing is wanted but teachers." Mercer exhorted young Christians to "be diligent, and delay not to commence a life of duty to your fellow-creatures" in Africa, India, and China. She supported the decision of former student Mary Stewart

to marry the Reverend Lancelot B. Minor and accompany him as a missionary to West Africa, noting once that she knew Mary so well, "I am assured you cannot be happy in inaction."¹²

Grounding their exhortations to students in religious principles enabled educators to circumvent the restrictions that women otherwise faced in their lives. Unaccompanied travel overseas, in the name of the Lord, gained acceptance for the same women whose reputations would have been destroyed had they traveled the southern countryside alone. As missionaries spreading the Gospel, women found justification in journeying to remote corners of the world. Marriage and family dominated the lives of most American women in the early nineteenth century, but a strong religious faith and desire to engage in Christian charity provided others with the rationale to forego domestic lives and devote their energies to work, as missionaries overseas or as Catholic nuns in the United States.¹³

Mercer likewise challenged prevailing political norms within the slaveholding society in which she had been reared. After the 1831 Nat Turner rebellion inhabitants of some slaveholding states, including Maryland and Virginia, outlawed teaching slaves to read, fearful that the literate Turner had learned his abolitionist ideas from William Lloyd Garrison's *The Liberator*. Nevertheless, two years later, Mercer established in Prince George's County, Maryland, a school for slaves that was staffed by teachers and pupils from her girls' academy at Cedar Park. Her action soon earned her the wrath of the "gentlemen" in her neighborhood, but Mercer refused to submit to their demands that she cease her antislavery activity.¹⁴

No direct evidence explains Mercer's defiance, but in a letter she praised moral courage, "that dignified constancy of mind which alone deserves our admiration," and in her book on ethics noted that it was through works of benevolence that individuals could earn "life everlasting." Although secular authorities opposed Mercer's actions, she believed in obeying God, and so continued her Sunday school.¹⁵

Margaret Mercer crossed a societal boundary that most other Americans accepted in the 1830s, but she was not alone. Other southern female educators of the 1820s and 1830s questioned the right of white men to establish the rules by which others should live. As historian Rosemarie Zagari has noted, by the 1820s, a conservative reaction to the American Revolution was expanding the franchise to include all white men while systematically excluding women and African Americans. Yet, not all women agreed to leave the political realm in which they had participated since before the Revolution. Some, like one who wrote the *Richmond Enquirer*, questioned why the "Lords of Creation" had the right to "cut off, at one blow . . . one half of the Society . . . from all share in the administration of the government." Others found a new place to situate themselves, in what Mary Kelley has termed a "civil society"; while eschewing overt political action, women continued to act in political ways through their participation in social reform.¹⁶ Through their actions, some women challenged the laws that set the boundaries of race, class, and gender in American society.

Limited Opportunities for African Americans

Elizabeth Ann Seton, a native of New York and a widow who founded the Sisters of Charity after moving to Maryland with her children, had initially hoped that the school the order opened in Emmitsburg, Maryland, would educate poor children exclusively. Finding herself without adequate funding, she opened the doors to paying boarders whose tuition helped to subsidize the education of the poor. Girls from impoverished families worked at sewing and other labors in the morning while attending classes in the afternoon, and Seton placed her daughter Rebecca in those classes to help remove any stigma. Mother Seton's rule for her Sisters reflected her belief that the poor should always be preferred to the rich. The Sisters' school for the poor, like the academy for wealthier girls, catered to white pupils who lived in the vicinity, but evidence suggests they may have allowed some black pupils. Almaide Duchemin, later a member of the Oblate Sisters of Providence, reportedly attended the academy in the 1810s or 1820s, and Seton taught a catechism class for African American Catholics living near her convent.¹⁷

In Washington, D.C., the Visitation Sisters established a school for the poor on their campus, and in 1829 a visitor reported that the Charity School enrolled about two hundred day students. Anecdotal evidence suggests that they accepted some black pupils into the day school but dismissed them when public opposition to their education turned violent during an 1835 riot in which mobs destroyed several schools serving African Americans. The Sisters particularly aided a young woman in Georgetown, Maria Becraft, who taught a school in her home for several years in the 1820s and 1830s before joining the Oblates of Providence. In Baltimore, the Oblates served African Americans who lacked access to education and were far poorer than the region's white population. Though their tuition and board fees were very low, the Oblates also accepted indigent pupils as "children of the house"—student boarders who paid no fees.¹⁸

Despite the good intentions of the women who founded schools for the poor and for African Americans, these institutions operated under certain disabilities brought on by community assaults and the failures of the founders themselves. One of the most significant limitations of the schools was that they frequently offered only a restricted academic course. At the Charity School in Emmitsburg, most poor students learned only religion, reading, writing, arithmetic, and sewing and did not partake in more advanced courses such as history and bookkeeping. Nor did they acquire the more traditional female accomplishments in music and drawing. Although a few of the more promising students received sufficient education to allow them to become governesses, most could support themselves only as seamstresses. The Oblates offered the same education to paying pupils and to "children of the house," providing the latter with enough education to become professed sisters and teachers if they chose. Still, the Oblates taught just elementary courses to all their pupils, offering lessons in French, the sole language spoken by several of the sisters,



Elizabeth Seton (1774–1821), founded the Sisters of Charity and opened the St. Joseph Academy in Emmitsburg, Maryland. Wealthy families paid boarding fees that covered the cost of educating the poor. (Maryland Historical Society.)

and other embroidered goods. The skill undoubtedly provided school graduates with a modest income.¹⁹

Caring for the Poor

In addition to women religious, lay Catholic and Protestant women established asylums for the poor in order to protect indigent and orphaned girls from the dangers of the streets. There they received instruction in religious principles, a basic education, and skills such as sewing and housekeeping. The experience included exposure to values such as docility and obedience that would prepare them for future lives in service. Thus, the future mistresses and their servants learned to value the same character traits; the young women of the upper class, who had cultivated a “mild, retiring nature” while in school in turn taught these same behaviors to their future servants at the asylums they directed. Typically parents bound their daughters to the asylums, which, after giving them a few years of instruction, bound them out to those seeking servants. Unlike the Sisters of Charity and the Oblates, the asylums’ founders offered none of their pupils any chance for more education because they envisioned no higher status for them than servant. On the other hand, Margaret Mercer opened her school to indigent girls, who partook “of all the benefits of her school, without rendering her any remuneration whatever.”²⁰

The significance of the failure of most educators to offer an education that included accomplishments to charity pupils is that it demonstrates their commitment to a society marked by rigid class lines in which economic reality for the poor held little realistic hope for a secure future. Lacking accomplishments in painting or music, or knowledge of literature, history, and geography, these young women could not hope to support themselves in a genteel profession such as teaching, nor could they aspire to marry a man of the slaveholding class. They would be confined

to such menial occupations as housekeeping and limited to marriages with men of the lower classes.

Although schools in the hands of the Catholic sisters and women like Mercer offered only a basic education to free blacks and the poor, some believed these activities violated community mores. The Oblate Sisters' diary entry for October 8, 1834, notes that their spiritual director, James Joubert, had heard rumors of a pending attack against their convent. Three priests spent one night there to protect the sisters and their pupils against the feared mob, but none appeared. In 1835, however, rioting mobs demolished black schools in Washington, D.C. The objections to Margaret Mercer's Sunday school for African Americans in Cedar Park were strong enough that she prohibited pupils at her young ladies' academy from working there, although the teachers from the academy did continue to teach. The Oblates likewise continued their efforts, but many schools offering education to free blacks in Washington closed as a result of the riots.²¹

The work of these women demonstrates that not all southern women accepted the dominant race, class, and gender paradigms. Buoyed by their conviction that they were doing God's will, they resisted the men who tried to stop their efforts to uplift their African American and poor white pupils. Despite laws and violent backlash, Mercer and the Catholic sisters defied cultural norms stating that women were to be docile and obediently accept the rules laid down by the "Lords of Creation." Instead, these women withstood the objections of "gentlemen" without deviating from their goals.²² But the evidence also suggests that by offering limited educational opportunities to African Americans and the poor, southern white educators did not support a fully egalitarian society.²³ In their commitment to inequality, Mercer and the Catholic sisters reflected the sentiment of most of their contemporaries; only the most radical members of the antislavery movement rejected the notion of white supremacy.

Reforming Southern Society

While questioning some aspects of the southern social system, women educators did try to protect themselves by appealing to local leaders and the wider community. Educators and asylum directors typically asked the public for support in the form of monetary donations. Advocates of the Orphan Asylum of Washington noted at its founding in 1815 that the community showed its "general zeal" for the enterprise through the enthusiasm of participants in the organizational meeting and "above all, by the solid demonstrations of support furnished by the liberal subscriptions of both sexes." The Female Humane Association of Richmond printed its bylaws in 1833, hoping that their promulgation would cause "all those ladies who are friendly to the cause of charity" to enroll as members. The association held annual fairs by which they solicited support of the broader community through donations.²⁴

Additionally, school operators placed their students on public display. In 1831,

Trinity Church's congregation "and all interested in advancing the education of indigent children" received an invitation to attend the year-end examination of students at the Female School of Industry in Washington. Girls from the Richmond Female Humane Association wore "blue check gingham dresses, gray shawls, and white bonnets, walking two by two to church every Sunday." Their presence at services helped assure neighbors of the piety, obedience, and docility of their potential servants.²⁵

School founders also sought the approval of society by requesting assistance from civil authorities. This support could be monetary, for example, in the form of pledges from the Overseers of the Poor and the Literary Fund of Virginia to pay tuition for children educated at the Fredericksburg Orphan Asylum. The payment of state funds to the asylum would have been a clear signal of the importance and worthiness of the women's enterprise, but the state's failure to fully pay even the small sum of four cents per day per child that it had pledged was a truer measure of community interest in the education of the poor. In 1810, members of the Richmond Female Humane Association requested incorporation from the Virginia legislature. While stating that their work had benefited from "the blessings of providence" as well as "liberal patronage," the petitioners also noted they had "experienced great inconvenience from a want of legal sanction," and now hoped to "receive the patronage of the Legislature." The petitioners claimed success for their work, but their use of the term "patronage" indicated their dependence upon community support.

Assistance was not always forthcoming. The Overseers of the Poor and the Virginia Literary Fund did not pay the full amount promised to the Fredericksburg Orphan Asylum, and the Richmond Female Humane Association's meager subsistence came through donations and the proceeds from their annual fair. The members intended to persist in their efforts to secure government assistance, identifying with the "importunate widow" of the Bible who both deserved and received the help she had requested.²⁶

Women joined and supported reform efforts for a variety of reasons. Many felt a responsibility to minister to the poor and the outcast. Some expressed this obligation in secular terms. In 1807 the directors of the Female Humane Association Charity School of Baltimore stated that the female directors, "in obedience to what they consider their duty," monitored the school, reviewed the progress of students, and inspected the homes of those families applying for servants before binding out their pupils. Others spoke in religious terms, believing that God had called them to aid the afflicted. Jane Hunter, an evangelical Christian from Virginia, often prayed, in her diary, that her "Father grant [her] more zeal[,] more energy in doing thy work on earth." She expressed the most satisfaction with the way she had spent her day when she could report that she had taught Sunday school "for these poor destitute children" or that she had "seen some of [the] black children," for whom she was writing a short history of the Bible. By aiding those less fortunate than herself, Hunter wrote, she was doing God's will. Margaret Mercer told her pupils that, "Charity in us is a

moral principle derived from the Deity . . . who promises us the highest enjoyment of it in heaven, if we cultivate that which he has given us in this world.”²⁷ Religion provided women with their most important endorsement as they embarked upon their new course of action. When the Second Great Awakening swept through the United States, evangelical women expressed their belief that God had called them to be of service to others. Male religious leaders supported women’s efforts in part because these charitable organizations assisted populations for whom women had long provided care, primarily women and children. Yet the public manner in which women acted—incorporating schools and charitable organizations, establishing religious orders, holding public fundraisers, and seeking government support—signaled their emergence from the domestic to the public sphere.

Women also saw teaching and charitable work as a viable alternative to marriage. Historian Christine Jacobson Carter has noted that for unmarried antebellum southern women, benevolent work “provided a sense of purpose, community, independence, and a public role.” Catholic sisters provide the clearest example of forsaking marriage to work for others. As the rule of the Oblates of Providence declared, the sisters would “renounce the world to consecrate themselves to God and to the Christian education of young girls of color.” The Visitation Sisters and Sisters of Charity made similar commitments.²⁸

Reformers saw young ladies’ academies as fertile grounds to nurture and develop reformers. The Catholic Sisters anticipated that few of their pupils would become nuns. Elizabeth Seton told her pupils that she intended to teach them to be good mothers of families, but some pupils did follow their teachers into the religious life. Just five years after their founding the Oblates in 1833 designated four pupils as members of the Holy Slavery of Mary, their first step toward entering the convent.²⁹ In all students, however, teachers strove to instill a lifelong habit of aiding the less fortunate. After the girls graduated, they could continue to seek their teachers’ guidance in their own reform efforts. Elvira Boswell, a former student of Maria Garnett in Virginia, moved with her family to Arkansas in the 1830s. In a letter to a member of the Garnetts’ circle in Virginia, Boswell lamented the inadequacies of Little Rock’s circulating library and the declining state of its Sunday school but hoped that someday the town would be as well known for its “Piety and benevolence as it has been for its wickedness and dissipation.” Shortly after marrying and joining the Disciples of Christ, Elivira Boswell Fowler again wrote her acquaintances in Virginia, asking them to put their “wise heads together and draw up a little system of ‘doing good’” that she could apply to Little Rock. The ideas of the reform-minded Garnetts would then radiate to the southern frontier. In this way, teachers created expanding charitable communities that attracted new members.³⁰

Finally, women entered upon reform efforts because they objected to some cultural norms as they existed in the South in the early republic. The Constitution of the Richmond Female Humane Association stated the founders’ concerns that poor,

helpless girls would become “fruitful sources of vice and immorality,” with prostitution being the unstated concern. They perceived that poor girls lacked adequate guidance from virtuous adults and the requisite skills to support themselves in any honorable way. Thus, the association members taught “the fundamental principles of the Christian religion,” attending to their morals “diligently,” and providing them with skills—housekeeping and needlework—by which to support themselves.³¹

But while women reformers were working to effect change in the South, they did not embrace a fully egalitarian society. Margaret Mercer encouraged her pupils to establish a Liberian Society whose members would pledge to spend at least three hours a week raising funds to promote African colonization, yet her support for the endeavor also reveals her reluctance to support radical social change. Despite freeing her own slaves and expressing concern for the “very poor descendant of much injured Africa,” Mercer remained unable to envision a peaceful, racially mixed population within the United States. In a letter to abolitionist Gerrit Smith, Mercer argued that southerners would accept emancipation only if it were accompanied by African colonization. More troubling, while the Visitation Sisters gave assistance to Maria Becraft and other free blacks establishing schools, they owned and profited from slaves. Elizabeth Seton had established a Sunday school class for free blacks in Emmitsburg, but by the 1830s the Sisters of Charity also owned slave property given to the order in the dowries of professing sisters.³²

Mercer, the white Catholic sisters, and most white southerners never fully challenged the existing class and racial stratification. The pity these women felt toward African Americans was a mark of the inequality between the races. White women never spoke of their empathy for the lives of enslaved or free black women, nor did many, other than Catholic nuns who had taken vows of poverty, display an understanding of the lives of the poor. Nor were they able to impress upon their paying students—who came from well-off, frequently slaveholding, families—empathy for poor or non-white families. Mercer acknowledged as much when she spoke to her students of the obligation of the wealthy to “descend graciously and sweetly from their high seats, to embrace, console, and minister to the poor.” These girls would then return to their place in society after completing their ministrations, leaving African Americans and the poor behind, and the southern racial and class hierarchy untouched.³³

Yet, women’s reform efforts did offer implicit criticism of the male-dominated society in which they lived. Contravening the expectation that women would lead lives that were wholly domestic, female educators urged their pupils to recognize the misery that existed in the world around them, to join with others to ameliorate the suffering and address its causes. Mercer urged women to “unite with others in social prayers for charities, and in this way associations for doing good will naturally arise.” At St. Joseph’s Academy, Seton urged girls interested in practicing virtue to organize into religious societies. Through their organized charitable work, women

Anne Owen Tiernan (1775–1841), President of the Female Humane Association Charity School (FHACS) of Baltimore. The women of the FHACS, alarmed by the plight of indigent young girls, opened a day school. A rudimentary education offered the promise of domestic work. (Charles B. Tiernan, *The Tiernan Family in Maryland, as Illustrated by Extracts from Works in the Public Libraries, and Original Letters and Memoranda in the Possession of Charles B. Tiernan* [Baltimore: Gallery & McCann, 1898].)



challenged the idea that the public sector belonged solely to men.³⁴

Moreover, women faulted some of the values prevalent in an American society that had long accepted a sexual double standard. Women were to remain pure, and to turn a blind eye to the dalliances of men. In the 1830s, however, women in cities across New York established local chapters of a Female Moral Reform Society dedicated to combating sexual license and the double standard. They particularly targeted the men who sustained prostitution while ostensibly seeking to “rescue” the female prostitutes through moral reform. In Richmond, Virginia, the founders of the Female Humane Association did not address directly the issue of prostitution in their constitution and by-laws, but the words they used suggest that the topic was on their minds. They noted their intention to relieve “distressed females” and “destitute white female children,” the same population that the New York reformers feared was most at risk of slipping into prostitution for economic support. The Richmond association pledged to save these females from “guilt and infamy,” terms used to describe prostitutes. Thus, without directly confronting the issue of prostitution, southern women attempted to aid its most likely victims.³⁵

Educators offered muted criticism of the racism that existed in their society. Through her establishment of a Sunday school for blacks, Seton faulted the lack of religious instruction for slaves. In assisting Maria Becraft and other black women, the Visitation Sisters acknowledged that free blacks needed an education in order to support themselves and to improve the socioeconomic conditions of their community. By these actions, women educators challenged the dominant values upon which southern society rested.

Even so, clear limits existed in what help white women could provide to black women, because whites benefited from the enslaved African Americans in southern

society. Only the Oblate Sisters of Providence, themselves of African heritage, fully acknowledged the inherent worth of their pupils, and their rule enjoined them to instill in their girls the traits associated with ladies—"that innocent bashfulness which is the principal ornament of their sex and that exterior modesty which is the surest preservative of virtue." White society refused to acknowledge black women as ladies, but the Oblates insisted that their pupils display behavior that would, indeed, qualify them for that term of respect.³⁶

It is nonetheless significant that white southern women such as Mercer and the Visitation Sisters provided any assistance at all to African Americans in the 1820s and 1830s, for in the aftermath of the conflict over Missouri, and in the wake of Nat Turner's Rebellion, southerners closed ranks in defense of their peculiar institution. The evangelical churches that had challenged slavery in the eighteenth century defended it by the 1830s, claiming that God ordained the practice. The Roman Catholic Church in the United States prevented schism over the issue primarily by ignoring it, while religious orders held slaves. Women offering aid and sympathy to free blacks and slaves challenged the institutional churches that were also their strongest sources of support.³⁷

Finally, the women who challenged the dominant race, class, and gender norms to any extent, did so as southern society began closing off public space for women and African Americans and the region united behind the white male authority that enforced the laws governing slavery. By the 1850s, male authority had usurped women's social organizations in Petersburg, Virginia. States repealed laws that had allowed property-holding free blacks to vote, men discouraged women from voicing political opinions, and patriarchal political rhetoric dominated social discourse. As white southern society allowed slaveholders to govern society largely unchallenged, it is remarkable that some women questioned prevailing viewpoints at all.³⁸

NOTES

The author thanks Dr. Sheila Phipps for comments on this article.

1. Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: University of North Carolina Press, 1988), 197–201; Cynthia Kierner, *Beyond the Household: Women's Place in the Early South, 1700–1835* (Ithaca: Cornell University Press, 1998), 61–62.

2. Anne Firor Scott, *The Southern Lady: From Pedestal to Politics, 1830–1930*, 25th Anniversary ed. (Charlottesville: University Press of Virginia, 1995), 4–21; Catherine Clinton, *The Plantation Mistress: Woman's World in the Old South* (New York: Pantheon Books, 1982), 68–69; Victoria E. Bynum, *Unruly Women: The Politics of Social and Sexual Control in the Old South* (Chapel Hill: University of North Carolina Press, 1992), 7; Christine Jacobson Carter, *Southern Single Blessedness: Unmarried Women in the Urban South, 1800–1865* (Urbana and Chicago: University of Illinois Press, 2006), 6–8; Emily Bingham and Penny Richards, "The Female Academy and Beyond: Three Mordecai Sisters at Work in the Old South," in Susanna Delfino and Michele Gillespie, eds., *Neither Lady Nor Slave: Working Women of the Old South*

(Chapel Hill: University of North Carolina Press, 2002), 190–91; Christie Anne Farnham, *The Education of the Southern Belle: Higher Education and Student Socialization in the Antebellum South* (New York: New York University Press, 1994), 120–45, 168–80, and passim; Anya Jabour, *Scarlett's Sisters: Young Women in the Old South* (Chapel Hill: University of North Carolina Press, 2007), chapter 2. Catherine Kerrison notes that eighteenth-century advice literature also sought to instill in women “the virtues of meekness, obedience, and temperance in pleasure seeking.” See Kerrison, *Claiming the Pen: Women and Intellectual Life in the Early American South* (Ithaca: Cornell University Press, 2006), 52. Elizabeth Macmurdo to James Herron, March 8, 1807, Gibson Family Papers, Library of Virginia (LVA). An obituary for Margaret Hall of Gloucester, Virginia, noted first that she had received an education “which too many of her sex are made to feel the want of,” and second that her actions were uniformly marked by “a modest diffidence.” *Richmond Enquirer*, November 5, 1811. Jabour argues, however, that “By encouraging young southern women to define and pursue their own goals, academy attendance fostered their resistance to the southern patriarchy’s ideals of feminine dependence and selfless womanhood.” *Scarlett's Sisters*, 49.

3. Caspar Morris, *Memoir of Miss Margaret Mercer* (Philadelphia: Lindsay and Blakiston, 1848), 21–22.

4. Mercer to Garnett, July 6, n.y., Hunter Family Papers, MSS1 H9196a, Virginia Historical Society (VHS); Margaret Mercer, *Popular Lectures on Ethics, or Moral Obligation: For the Use of Schools* (Petersburg, Va.: Edmund and Julian C. Ruffin, 1841), xi–xii. Mary Kelley, *Learning to Stand and Speak: Women, Education, and Public Life in America's Republic* (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 2006), 1–2, argues that “education was decisive” in launching women into benevolent movements and public life. See, also, Elizabeth Varon, *We Mean to be Counted: White Women and Politics in Antebellum Virginia* (Chapel Hill: The University of North Carolina Press, 1998), 6, who argues that literacy was a prerequisite for women’s movement into public life and politics.

5. Diane Batts Morrow, “The Oblate Sisters of Providence: Issues of Black and Female Agency in their Antebellum Experience” (PhD diss., University of Georgia–Athens, 1996), Appendix 1. On the opportunity that religion provided to women to organize and to speak with authority, see Nancy F. Cott, *The Bonds of Womanhood: “Woman’s Sphere” in New England, 1780–1835* (New Haven: Yale University Press, 1977), 149–59; Donald G. Mathews, *Religion in the Old South* (Chicago: University of Chicago Press, 1977), 109–10.

6. Lori D. Ginzberg, *Women and the Work of Benevolence: Morality, Politics, and Class in the Nineteenth-Century United States* (New Haven: Yale University Press, 1990), 5, 14; Fr. James Joubert’s discussion of his support for the formation of the Oblates of Providence (Original Diary, Typescript, entries for 1827 and 1828, Archives of the Josephite Fathers, Baltimore, Md.); Elizabeth Seton’s discussion of the support she received in founding her school from Fr. William Dubourg, Ellin M. Kelly, *Numerous Choirs: A Chronicle of Elizabeth Bailey Seton and Her Spiritual Daughters*, vol. I: *The Seton Years, 1774–1821* (Evansville, Ind.: Mater Dei Provincialate, 1981), 114. See also S. Mary Agnes Yeakel, *The Nineteenth-Century Educational Contribution of the Sisters of Charity of Saint Vincent De Paul in Virginia* (Baltimore: The Johns Hopkins Press, 1939), 31–32. Margaret Mercer’s discussion of the support she received from Bishop William Meade in Margaret Mercer to Anna Mercer Harrison, April 17, 1833, Byrd Family Papers, MSS 1 B9963c15-78, VHS. See also Mathews, *Religion in the Old South*, 88, 91, 101–2, 110, and Kierner, *Beyond the Household*, 181–203. For a contrasting perspective, see Jean E. Friedman, *The Enclosed Garden: Women and Community in the Evangelical South, 1830–1900* (Chapel Hill: University of North Carolina Press, 1985), 6–7, 9–10, 19–20.

7. See S. Frances Jerome Woods, CDP, "Congregations of Religious Women in the Old South," in *Catholics in the Old South: Essays on Church and Culture*, ed. Randall M. Miller and Jon L. Wakelyn (Macon, Ga.: Mercer University Press, 1983), 122–23. Emily Clark argues that Catholic nuns stood as an "affront to the Protestant construction of femininity" because of their "highly visible, self-supported, self-directed enterprises, including schools and hospitals." See *Masterless Mistresses: The New Orleans Ursulines and the Development of a New World Society, 1727–1834* (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 2007), 4–5.
8. Mercer, *Popular Lectures*, 51, 103. See also the letter of Sarah L. W. to Mary V. (Carrington) Grigsby describing the sewing society for the promotion of African colonization formed at the Richmond school she attended, December 10, 1828, Carrington Family Papers, MSS1 2358 f 31-50, VHS.
9. Barbara Welter, "The Cult of True Womanhood, 1820–1860," *American Quarterly*, 18 (1966): 151–52, 168; Welter, "The Feminization of American Religion: 1800–1860," in Mary S. Hartmann and Lois Banner, eds., *Clio's Consciousness Raised: New Perspectives on the History of Women* (New York: Harper Torchbooks, 1974), 138; Cott, *Bonds of Womanhood*, 126–59; Martha Tomhave Blauvelt, "Women and Revivalism," in *Women and Religion in America*, vol. 1, *The Nineteenth Century*, ed. Rosemary Radford Ruether and Rosemary Skinner Keller (San Francisco: Harper and Row, 1981), 5–6; Alice E. Matthews, "The Religious Experience of Southern Women," *Women and Religion in America*, vol. 2, *The Colonial and Revolutionary Periods*, ed. Rosemary Radford Ruether and Rosemary Skinner Keller (San Francisco: Harper and Row, 1983), 200–201.
10. *Prospectus for St. Joseph's Academy for Young Ladies*, January 1, 1828, Daughters of Charity Archives, Emmitsburg, Maryland; *Prospectus of the Ladies' Academy of the Visitation*, September 1834, John Francis Hamtramck Jr. Papers, Duke University Archives; Margaret Mercer to Martha F. Hunter, July 7, 1840, Hunter Family Papers, MSS 1 H9196a FA2, VHS; "School for Girls of Color," *Genius of Universal Emancipation*, January 8, 1829. See also, Kathryn Kish Sklar, *Catharine Beecher: A Study in American Domesticity* (New Haven: Yale University Press, 1973), on Beecher's insistence that women would "[inspire] and [shape] the moral standards around them."
11. "Punishments, 1812, St. Joseph's," Daughters of Charity Archives, Emmitsburg, Maryland; Ann Coleman to Lucy Oliver, December 24, 1833, April 4, 1834, Oliver Family Papers, 10307, Alderman Library Archives, University of Virginia. On southern women's support for the American Colonization Society, see Varon, *We Mean to be Counted*, 42–64.
12. Patricia Grimshaw, *Paths of Duty: American Missionary Women in Nineteenth-Century Hawaii* (Honolulu: University of Hawaii Press, 1989); Mercer, *Popular Lectures*, 122–23; Morris, *Mercer*, 158.
13. Joan E. Cashin, *A Family Venture: Men and Women on the Southern Frontier* (Baltimore: Johns Hopkins University Press, 1991), 15, 79–85; Patricia Grimshaw, *Paths of Duty*.
14. Morris, *Mercer*, 13, 96–97, 108; Ann Coleman to Lucy Oliver, December 24, 1833, Oliver Family Papers, University of Virginia. Kelley, *Learning to Stand and Speak*, 30, 145, points out the racial and class barriers white women erected between themselves and those whom they assisted, and notes, too, that, "The degree to which any race-marked peoples were considered suitable candidates for charity depended almost entirely on the geographical distance separating recipients from dispensers." Thus, for Mercer's pupils, it was suitable that they make handicrafts that could be sold for the benefit of settlers in Liberia but inappropriate for them to teach literacy or religion to Maryland slaves.
15. Letter quoted in Morris, *Mercer*, 35–36; Mercer, *Popular Lectures*, 196–97.

16. Rosemarie Zagari, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2007), 148–80; Virginia Free-woman, “The Rights of Women,” *Richmond Enquirer*, October 20, 1829; Kelley, *Learning to Stand and Speak*, 5.
17. S. John Mary Crumlish, “The History of St. Joseph’s Academy, Emmitsburg, Maryland, 1809–1902” (PhD diss., Catholic University of America, 1945), 4–5, 53; “Rules of St. Joseph–orphans,” Daughters of Charity Archives; Yeakel, *Sisters of Charity*, 95; Diane Batts Morrow, *Persons of Color and Religious at the Same Time: The Oblate Sisters of Providence, 1828–1860* (Chapel Hill: University of North Carolina Press, 2002), 32; S. Mary Regis Hoare, *Virgin Soil: Mother Seton from a Different Point of View* (Boston: Christopher Publishing House, 1942), 129.

Morrow writes that Duchemin later passed for white, founding an order for white nuns, the Sisters, Servants of the Immaculate Heart of Mary, raising the tantalizing question of whether she attended Seton’s school as a white or as an African American child. Morrow, *Persons of Color*, 30.
18. Nunnery in the U. States,” *Easton Gazette*, May 23, 1829. Several schools operated by and for African American pupils in Washington were destroyed by mobs in 1835. See U. S. Office of Education, *Special Report of the Commissioner of Education on the Condition and Improvement of Public Schools in the District of Columbia* (Washington, D. C.: Government Printing Office, 1871), 65, 205. Entries in the Student Register, and 1828 entry for “Enfants recus gratuitement,” Father Joubert’s Account Book, Oblate Sisters of Providence Archives, Baltimore, Maryland.
19. Crumlish, “St. Joseph’s Academy,” 17; “Rules of Mother,” typescript, Daughters of Charity Archives; *Prospectus of St. Joseph’s Academy for Young Ladies*, January 1, 1828, Daughters of Charity Archives; “School for Girls of Color,” *Genius of Universal Emancipation*, January 8, 1829; James Joubert, “A Translation of the Original Diary of the Oblate Sisters of Providence,” typescript, Archives of the Josephite Fathers, Baltimore, November 15, 1835, January 1, 1836. Other subjects taught by the Oblates in 1829 included English, ciphering, and writing.
20. *A Brief Statement of the Proceedings and Present Condition of the Female Humane Association Charity School, 21 April 1807* (Baltimore: Geo. Dobbin and Murphy, 1807), 4–5; Orphaline Society [of Baltimore] Board Minutes, January 3, 1820, March 3, 1820, March 5, 1821, October 7, 1823, February 6, 1826, Woodbourne, Inc., Papers, SC740, MSA; *Constitution and By-Laws of the Female Humane Association of the City of Richmond* (Richmond, 1833), 4–5, 10, 14, Memorial Foundation for Children Records, 1827–1935, LVA; Morris, *Mercer*, 148.
21. Joubert, “Original Diary,” Typescript, Archives of the Josephite Fathers; U. S. Office of Education, *Special Report*, 65; Ann Coleman to Lucy Oliver, December 24, 1833, Oliver Family Papers, University of Virginia. The Oblate Sisters of Providence continue teaching today.
22. Certainly most southern white women did benefit from, and support, the prevailing socioeconomic system, as historians have pointed out, including Elizabeth Fox-Genovese, *Within the Plantation Household*, chapters 1 and 7; Joan Cashin, *Our Common Affairs: Texts from Women in the Old South* (Baltimore: Johns Hopkins University Press, 1996), 2; Carter, *Southern Single*, 120. Nevertheless, that support was not universal.
23. Dorothy Sterling, *Ahead of Her Time: Abby Kelley and the Politics of Antislavery* (New York: W.W. Norton & Company, 1991), 2.
24. “Orphan’s Asylum,” Washington, D. C., *Daily National Intelligencer*, October 3, 1815; Richmond Female Humane Association (1833), 3–4, LVA.
25. Advertisement for the Female School of Industry, Washington, D.C., *Globe*, December 21, 1831; “History of the Memorial Foundation for Children,” Typescript, Memorial Foundation for Children Records, 1827–1935, LVA.

26. Catherine Lomax to Martha F. Hunter, November 23, 1837, Hunter Family Papers, MSS1 H 9196a FA2, VHS; Female Humane Association for the City of Richmond, Legislative Petition, Richmond City, 1810, LVA; "Constitution and By-Laws of the Female Humane Association of the City of Richmond" (1833), Memorial Foundation for Children Records, 1827-1935, LVA. See, also, Varon, *We Mean to be Counted*, 19. The story of the importunate widow is found in Luke 18:1-8.

27. *A Brief Statement of the Proceedings and Present Condition of the Female Humane Association Charity School* (Baltimore: George Dobbin and Murphy, 1807), 4-5. Jane Swann Hunter Diary, entries for April 17, 1825, November 26, 1826, August 15, 1829, Hunter Family Papers, MSS1 H9196a FA2, VHS; Mercer, *Popular Lectures*, 213. On the movement of nineteenth-century women into reform work, see, Barbara Leslie Epstein, *The Politics of Domesticity: Women, Evangelism, and Temperance in Nineteenth-Century America* (Middletown, Conn.: Wesleyan University Press, 1981), esp. 149-50, in which she argues that women's reform efforts "were shaped by considerations of power even though mediated through the language of morality"; Suzanne Lebsock, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* (New York: W.W. Norton and Co., 1984), 195-236; Ginzberg, *Women and the Work of Benevolence*, 5.

28. Carter, *Southern Single Blessedness*, chapter 5, quote on p. 118; Morrow, "Oblate Sisters," Appendix 1, Original Rule of the Oblates. Decades later, Jane Addams envisioned social settlement work as an opportunity to help young women escape the family claim while also doing good. See Allen F. Davis, *American Heroine: The Life and Legend of Jane Addams* (London: Oxford University Press, 1973), 40-41, 82-83.

29. Joseph I. Dirvin, C.M., *Mrs. Seton: Foundress of the American Sisters of Charity*, 2nd ed. (New York: Farrar, Strauss, and Giroux, 1975), 326-27; Oblates Diary, entry for December 25, 1833, typescript, Josephite Fathers Archive. See also Barbara Misner, SCSC, "Highly Respectable and Accomplished Ladies": *Catholic Women Religious in America, 1790-1850* (New York: Garland Publishing, Inc., 1988), 27.

30. Elvira Desha (Boswell) Fowler to Martha Fenton Hunter, August 9 n.y. and October 20, 1834, and to Martha Taliaferro Hunter, March 10, 1835, Hunter Family Papers, MSS1 H91916a FA2, VHS. Anya Jabour, "'Grown Girls, Highly Cultivated': Female Education in an Antebellum Southern Family," *Journal of Southern History* 64 (1998): 23-64, esp. 49-61, argues that Elizabeth Wirt encouraged her daughters along the path of charitable giving to make them more marriageable. To turn aside her daughters' intellectual proclivities, which she feared would preclude men choosing them as wives, she urged them to spend time each day sewing clothes for the poor, thus demonstrating their domestic accomplishments as well as their benevolence.

31. Richmond Female Humane Association (1833), 4-5, 14, LVA; Circular for the Cedar Park Liberian Society, enclosed in letter of Mercer to Anna Mercer Harrison, June 17, 1833, Byrd Family Papers, MSS1 B9963c17-78, VHS.

32. Mercer to Martha F. Hunter, November 12, 1835, Hunter Family Papers, MSS1 H9196a FA2, VHS; Morris, *Mercer*, 126; Misner, "Highly Respectable and Accomplished," 77-79. Of course, a more fundamental problem was that the careers open to women in the early nineteenth century generally left them impoverished; the association members did not even consider addressing the basic inequality inherent in the nineteenth-century gendered socioeconomic system.

33. Mercer, *Popular Lectures*, 193. Ginzberg, *Women and Benevolence*, 5, 24, posits that in the antebellum North, reformers focused on social purity argued that if women "behaved more morally than men, they could dissolve class boundaries, at least for women," so that by

acting virtuously, "all but the poorest could come to achieve . . . 'middle-class respectability.'" In the post-Civil War North, however, women used their benevolent work to highlight class differences among women. She argues that women in the more racially and class stratified southern states had not made a similar assumption that virtuous behavior could raise poor white or free black women to the middle class. See also Martin E. Marty, *Righteous Empire: The Protestant Experience in America* (New York: Dial Press, 1970), 98.

34. Mercer, *Popular Lectures*, 214; Crumlish, "St. Joseph's Academy," 63, 77. In later years, the Association of the Ladies of Charity, today a national charitable organization, would have its beginnings at St. Joseph's.

35. Clinton, *Plantation Mistress*, 73, 88-89; Carroll Smith-Rosenberg, "Beauty, the Beast, and the Militant Woman: A Case Study in Sex Roles and Social Stress in Jacksonian America," *American Quarterly* 23 (1971): 562-84; Richmond Female Humane Association (1833), 4-5, 7-8, LVA.

36. Morrow, "Oblate Sisters," Appendix 1.

37. John B. Boles, *The Great Revival, 1787-1805: The Origins of the Southern Evangelical Mind* (Lexington: University Press of Kentucky, 1972), 194. On the connection between women's reform and the church, see also Nancy Isenberg, *Sex and Citizenship in Antebellum America* (Chapel Hill: University of North Carolina Press, 1998), 75-101.

38. Zagari, *Revolutionary Backlash*, 148-80; Kierner, *Beyond the Household*, 180-211; Lebsack, *Free Women of Petersburg*, 225-32. Kierner points out, however, that "despite the growing prevalence of patriarchal rhetoric, a spectrum of feminine ideals remained accessible to white southerners, and the lives of even the most respectable women did not always conform to the ideal of submissive dependence" (211). Lebsack notes that "the men who co-opted some of their causes had no choice but to adopt some of their values" (236). To have effected true change in their society, however, would have required that women possess political and economic power which, in the early nineteenth century, they did not yet own, and a vision of a fully egalitarian society which they did not possess.



Thomas Kennedy (1776–1832), merchant, farmer, soldier, writer, and politician, committed much of his political energy toward passage of the “Jew Bill,” legislation that permitted Jews to hold state and local offices. (Maryland Historical Society.)

Thomas Kennedy: Washington County's Poet Politician

DAN GUZY

The Speaker's Society of the Maryland House of Delegates, comprising all past and present members of that branch of the state legislature, has presented a Thomas Kennedy Award since 1995. The society gives this award annually to recognize a former member of the House of Delegates "for his or her personal courage and dedication to the principles of liberty and freedom." The award itself is a tribute to Thomas Kennedy's long struggle for the "Jew Bill," which amended the Maryland constitution in 1826 to allow Jews the same political rights as Christians.

Born in 1776 in Paisley, Scotland, this youngest child of William and Grizal (or Grizzell) Kennedy grew up in a family of humble means.¹ In dedicating a book of poems he later composed "to my ever dear parents," Thomas recalled how they stressed religion, education, and kindness. Grizal taught her children to read and gave them a "useful education." She practiced, as well as taught, charity. A footnote to the poem about his mother refers to a time of famine when the family had little food, but Grizal shared half of what they had with a woman who begged for bread. In his ode to his father he wrote: "Though humble his estate, his soul was rich and great," and, "Virtue's unerring rule you followed calm and cool, Religion pure and charity benign, Temperance too was always thine." (Temperance may have been one of those "pious instructions" that Thomas neglected in his youth.)² Thomas praised his father as "a pious Christian," and years later, in 1818, when first presenting the Jew Bill, he publicly declared: "I never expect to be so good a man as my father." Yet he noted with regret his father's prejudice against Roman Catholics, indicating that his views on religious toleration did not come through his parents.³

In 1800, when Kennedy dedicated the book, he noted that none of his siblings were then living in Scotland. One had not survived childhood. Three grown daughters and two sons—one perished in the East Indies and another in the West Indies—had already died. The remaining four children had all left the country. Three we can account for: Matthew, John, and Thomas Kennedy had emigrated to Washington, D.C., and Maryland. Grizal and William Kennedy never left Scotland. Grizal died in 1804 at age sixty-nine; William in 1807 at age seventy-seven.⁴

On April 18, 1796, at age nineteen, Thomas Kennedy embarked at Glasgow on a ship bound for the port of Georgetown on the Potomac. When he landed on May 28,

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Matthew met him and the brothers celebrated their reunion with whiskey and dinner. The next day they toured the new Federal City of Washington. Thomas found work keeping the books for a Georgetown merchant and then for the contractor building the first bridge over the Potomac River, just downstream from Little Falls. When the bridge was completed the following year, Kennedy celebrated the occasion in verse, "The Meeting of Virginia and Maryland." In February 1797, the Potomac Company hired him as a clerk at a salary of twenty-four dollars per month. His letters and reports record the duties of a supply officer and bookkeeper stationed at Matildaville, Virginia, where the Potomac Company was building its Great Falls canal.⁵

Kennedy's natural gifts included great energy, an ability to overcome adversity, and adaptability to varied occupations, yet writing and oration were his chief talents. Whatever he may have written in Scotland remained there, but in America his published poems and songs, letters, newspaper editorials, and political speeches attest to literary ability. The various organizations Kennedy joined often called upon him to serve as their secretary and frequently asked him to deliver speeches at Fourth of July celebrations and other public events.

In *Poems*, and again in *Songs of Love and Liberty*, Kennedy presented his readers with a wide range of poetry, from tributes to historical and "patriotic" events to whimsical accounts of a rabbit and Jefferson's mammoth cheese. Many of his poems involved deeply personal themes, such as his love for his fiancée and wife, Rosamond, and the births and deaths of his children. In addition to offering a glimpse into his feelings, the poems provide biographical information, including the dates and places where he composed many of these works, a span of twenty years from his arrival in the United States to the years of publication, 1816 and 1817.⁶

Kennedy long remembered and honored Matildaville as the place where he met and fell in love with Rosamond Harris Thomas, his future wife. Of the ten poems Kennedy published and dated "1797," most cited the town and several mentioned "R*****d" or "Harris," his pet name for Rosamond. In the last of these, "Farewell, On Leaving Harris and Matildaville," dated November 8, 1797, Kennedy declared: "Harris—thou dearest to my soul, Thou—dearest to my heart." Before leaving Matildaville permanently, Kennedy and his brother John took a trip to Williamsport, Maryland. John had shipped out from Glasgow a few days before Thomas in 1796 and sailed to New York. Now together, they soon became business partners at Williamsport, a place they had never before visited.⁷

They began their journey on Thursday, September 21, 1797, in a horse-drawn carriage with a removable chair. Thomas kept a journal of the trip, a small notebook in which he jotted down his thoughts on romance, Rosamond, and his native Scotland. It was also something of a travelogue, with notes on the taverns and homes they visited, the meals and whiskey they consumed, and the (several) carriage mishaps they experienced.⁸

The brothers kept to the Virginia side over the Blue Ridge Mountains until, on

Sunday, they reached the "Grand picturesque scenery" at Harpers Ferry, a "scene so Romantically beautiful I felt my bosom expand." Kennedy later published his journal's long and eloquent prose about Harpers Ferry in his book of poetry. After crossing the Potomac and struggling along a mile of "the Devils own road" toward Frederick, Maryland, they gave up on the route and doubled back to Harpers Ferry. Again Thomas could indulge in that town's "delightful scene," but not having Rosamond there to enjoy it too was "the one thing wanting."

On Monday, September 25, they crossed the Potomac River at Shepherdstown and spent the night at Sharpsburg. On Tuesday they reached Williamsport, where Kennedy wrote of the town's access to roads and water routes, its "mostly English" inhabitants, and its "fine youngsters." Here the brothers conducted the business portion of their trip by renting a store on Potomac Street. Kennedy devoted a mere half sentence to this transaction in his journal, then wrote four pages of thoughts about the marriage of the couple with whom he and his brother had spent the night. Thomas's mind at this time was clearly on love and marriage, not business. Over the next few days the brothers passed through Hagerstown, breakfasted in Middletown, and ate dinner in Frederick, where John left Thomas "to settle some business." Thomas walked two miles out of town to Happy Cottage, the home of Rosamond's parents, where he met her father and the ladies of the house. After reuniting in Frederick, the Kennedy brothers bid farewell to the Thomas family and returned to Matildaville.⁹

Thomas Kennedy's last poem about Matildaville, "Elegy - Sacred to the memory of the Hard Gum Tree of Air Hill, Matildaville, which was most inhumanely cut down, January 4th, 1798, Transcribed to Her who Mournd its Fall," is dated February 9, 1798, at Williamsport, indicating that he had settled there permanently in early 1798. By then his brother had already established John Kennedy & Co., to sell dry goods, hardware, and groceries. Like Matildaville, Williamsport grew as a consequence of the Potomac Company's opening of Potomac River navigation. In 1791, a Williamsport merchant declared, "many thousand bushels of wheat came down the river in boats and were unloaded on its bank, and many boats loaded with more than a hundred barrels of flour were sent down the river to Georgetown from this Port."¹⁰

In addition to working as a partner with his brother in their store, Thomas Kennedy served as a toll collector for the Potomac Company at Williamsport. He placed a "Notice of Levy of Tolls—Potomac Company—Watkins Ferry" in the local newspaper during the late winters of 1798 and 1799. Initially, he sent monthly letters containing accounts of the tolls he collected to the president and directors of the Potomac Company, indicating that he collected for flour, wheat, salt, fish, liquor, coal, pig iron, planks, logs, locust posts, and "sundries."¹¹ Although some boatmen cooperated, Kennedy noted that others tried to avoid the charge:

On my return from Great Falls I was informed that several Rafts of Logs had passed this place without paying the stated Tolls; My brother John (I being a little

lame) went down to Shepherdstown, and found that most of the owners of said rafts had sold them and gone off, he, however, took a note of their names, and as it is probable they will be down again, I shall endeavor to obtain payment.¹²

Kennedy went on to relate that boatmen and raftsmen complained that the Potomac had been little improved upstream from Williamsport, and in some places made worse. The width of the river at the mouth of the Conococheague Creek, clear of obstructions and without good landings for rafts, prompted some not to stop to pay tolls. Kennedy recommended that the toll collection place be moved from Williamsport to Shepherdstown.

Thomas Kennedy and Rosamond Harris Thomas apparently wed in Georgetown on October 23, 1798. Kennedy assigned that location and date to his poem, "To Harris," which begins, "Art though mine Harris?—yes thou art, *By law*—by the more sacred tie of love" and ends, "And O! may love still o'er the day preside, That saw *the sacred union ratified*."¹³

On January 31, 1801, Thomas and John Kennedy announced that they were dissolving their partnership. Thomas advertised that he "continues to keep store in the brick house, corner of the public square, Williamsport. Goods will be sold on moderate terms for cash or country produce." John gave notice that he had moved to Georgetown that day and had rented a "commodious Warehouse and Wharf, exceedingly well calculated for receiving flour and other produce. . . . Produce will be received in Williamsport by T. Kennedy and sent by water to Georgetown, Alexandria, or Baltimore on moderate terms."¹⁴

Thomas Kennedy thus entered the warehouse and boating business, as did several others in Williamsport. Boats were built along the banks of Conococheague Creek and in the streets of the town, and could make the round trip to Georgetown and back in five days. "The tonnage was about one hundred barrels of flour, and freight to Georgetown [cost] one dollar per barrel. Captains carried to the city markets, eggs, butter and poultry. . . . Groceries, fresh and salt fish, were brought back on return trip."¹⁵ From 1798 to 1801 captains unloaded their cargoes at Great Falls and stored their goods in the Potomac Company warehouse or transferred them to other boats using the lifting machine and inclined plane at the downstream end of the bypass canal. In early 1802, after the Great Falls locks were completed, boats could travel directly to the tidewater from Williamsport and the other ports on the uppermost stretches of the Potomac.

The first boat to make that trip belonged to Thomas Kennedy. As noted in the March 17, 1802, [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*:

Potomak Navigation. Georgetown March 4, 1802. Yesterday arrived here from Conococheague, after passage of three days, the Boat Maryland, Capt. Stake—belonging to Tho. Kennedy, Williams-port, with a cargo of Flour & Whiskey

consigned to John Kennedy of that place. This is the first load of Flour, Whiskey, &c. that has ever reached the Territory of Columbia, through the Locks at the Great Falls.

The growth of Williamsport and its boat building industry required lumber, and in 1802 Kennedy reached an agreement with Gabriel Friend to rent his "land and appurtenances" along Conococheague Creek. Kennedy agreed to build a dam, millrace, and sawmill on this land that he would turn over to Friend at the end of his lease. The annual rent was one hundred dollars.¹⁶

Kennedy also bought lots and houses in Williamsport. The Washington County tax tables for 1803–1804 list him as owner of three houses, five lots, five horses, and three silver plates, but no cattle, sheep, hogs, carriages, or slaves. No slaves, but a Kennedy family document noted six black servants the following year. The last Washington County deed recorded for Thomas Kennedy is dated 1804. A series of lawsuits soon left him insolvent, and he apparently never owned land or a house for the rest of his life.¹⁷

The shipping business still held promise. Early in 1804, 1805, and 1806 he placed newspaper advertisements for his warehouse and offering to ship flour and other articles by boat to "any wharf in George-town, Washington City, or Alexandria." Kennedy seems to have closed his store around November 1804. A newspaper advertisement then offered to rent the "two story brick house, situate on the corner of Potomack and Conococheague streets, in the town of Williamsport, opposite Mr. Wm. McCoy's Tavern, lately occupied by Mr. Thomas Kennedy as a store."¹⁸

Kennedy's businesses had evidently failed, and creditors filed at least a dozen suits against him between 1804 and 1808. For example, an 1805 mortgage Kennedy made to William S. Compton cited a suit by Joseph and Adrianna Kennedy (no apparent relationship) "for the use of William Lee, Brooke and Dillon merchants of Baltimore."¹⁹ Thomas Kennedy's last will and testament, written nine years later, included the bitter statement:

Should the Heirs of Wm. Lee ever produce any claims against my Estate, I desire they may not be paid, as to him it was owing in a great measure that my property in Williamsport was sacrificed and the claims they have were obtained in an unjustifiable way.

In August 1807, Compton placed a newspaper advertisement for the public sale of:

The house now occupied by Thomas Kennedy, Williamsport—the house is 40 by 24—stone smoke-house—large corn-house, stables, etc. The lot has near 200 feet front and is near as deep, the whole under an excellent paling fence. It is a very handsome situation. . . . At the same time will be offered for sale, that large and commodious warehouse, situate near the mouth of Conococheague

Notice is hereby given,

THAT the subscriber intends applying to the Judges of Washington county Court, at the October term, for the benefit of the insolvent laws passed in 1805 and 1806.

This is a circumstance which the subscriber much regrets; but after having used every exertion in his power to avoid it, he has not been able to succeed—altho' he has met with many losses, yet his property at a fair valuation would still be nearly equal to his debts; but as his creditors have refused to take property in that way, he must submit. He must sacrifice the fruits of ten years industry, and he still hopes that it will be in his power some day to settle every claim—for he shall always consider himself bound in honour to pay every cent, if ever in his power.

THO: KENNEDY.

Washington county, Aug. 25, 1807.

Maryland Herald & Weekly Advertiser, August 28, 1807.

Creek—the warehouse is 100 by 27, one story stone, the upper an excellent frame. . . . At same time, will be offered for sale, a lot and an unfinished house in one of the back streets of Hagerstown.²⁰

Kennedy placed a newspaper notice in August 1807, saying he intended to apply to the judges of Washington County at the October term:

for the benefit of the insolvent laws passed in 1805 and 1806 . . . having used every exertion in his power to avoid it, he [Kennedy] has not been able to succeed—altho' he has met with many losses, yet his property at a fair valuation would still be nearly equal to his debts; but as his creditors have refused to take property in that way, he must submit. He must sacrifice the fruits of ten years industry, and he still hopes that it will be in his power some day to settle every claim.²¹

In February 1808, the Washington County Court placed a newspaper notice that Thomas Kennedy had petitioned it praying the benefit of an act of assembly entitled "An Act for the relief of sundry insolvent debtors," which had been passed in 1805. Kennedy, who had been imprisoned for his debts, had been discharged upon giving bond and was scheduled to appear on May 2, 1808, to answer "interrogatories as may be proposed to him by his creditors." The legal wrangling to resolve Kennedy's debts went on for more than two years until at least November 1810, when the court ordered Kennedy to turn over all his property except "necessary wearing apparel and bedding" to the court-assigned trustee for his debtors. The 1805 and 1806 insolvent debtor laws provided some relief from imprisonment, but Kennedy would later champion laws for further debtor relief when he became a member of the Maryland House of Delegates.²²

In addition to confronting financial ruin, Thomas and Rosamond Kennedy also suffered personal tragedies during their years in Williamsport. In *Poems*, Thomas tells of his wife's sickness during pregnancy in 1801. Rosamond recovered and gave birth to their second daughter, Amelia Thomas, but "after a life of anguish, [the baby] died September 26th 1801, age 15 days." A son, William Thomas, "died of the croup, after a short, but severe illness, November 12, 1803, age 13 months and 6 days." A second son, also named William Thomas, "died August 8th, 1805, aged nearly 11 months." Fortunately, two Kennedy children born in this period, Grace Amelia and John Francis, survived all such illnesses and lived into adulthood.²³

After Williamsport

The Kennedys moved several times following eviction from their Williamsport home in 1807. First they moved to Wooburn (or Woburn), five miles from town, where their son Howard was born in 1808. Kennedy described Wooburn as being "formerly part of Chews Farm." In 1809, the family moved to Mount Liberty, in Williamsport, where their daughter Catherine was born on New Years Day, 1811. The next year, the Kennedys were at Roslin Castle, one mile away.²⁴

From 1813 until 1822, the Kennedys lived on a farm on Conococheague Manor called Ellerslie, three miles from Williamsport and six miles from Hagerstown, off Downsville Pike. Here a son named Lawrence Ludlow was born in 1813 and died of "an obstinate continual fever" in 1816. Thomas and Rosamond Kennedy's last-born arrived there in 1815, named Rosamond Thomas after her mother, but her father called her Rosa.²⁵

Ellerslie now has an 1885 house with gingerbread decoration that replaced an earlier house, and a springhouse said to be on the site of an early nineteenth-century distillery. That distillery probably belonged to Thomas Kennedy. When he moved his family from Ellerslie to Hagerstown in 1822, a public sale was held to auction off a "number of farming articles, horses, colts, cows, wagons, carts, ploughs, harrows etc.; a complete set of stills capable of a barrel of whiskey per day, a loom and gears,

household and kitchen furniture, and many other articles." The next year, he again advertised the stills for sale, plus a crop of rye and corn "at my former residence near General Ringgold's." Kennedy advertised only those items for sale and not the farm itself or its buildings, which he likely rented.²⁶

Politically, Kennedy admired Thomas Jefferson and became an active member of the Democratic-Republican Party, or the Republican Party as it was commonly called in the early nineteenth century. In 1800, he praised Jefferson in a song, "The Son of Liberty," and placed in its footnotes "establishing religious freedom" at the head of the list of noble acts the statesman had instituted to overturn Virginia's "cruel laws." This shows that Kennedy favored religious rights seventeen years before his first election to the legislature. By 1806 he was serving on Republican nominating committees in Washington County.²⁷

Kennedy's involvement in politics led to political appointments long before he gained elected office. In 1803, while still a Williamsport storekeeper and owner of a saw mill and a boating service, he served as justice of the peace for Washington County. Maryland governors and their councils reappointed him every year of his life, excepting 1813-1819 (when Federalist governors controlled the patronage and replaced Republican officeholders) and in 1821. In 1807, the governor and council also granted him a notary public for the state of Maryland, to reside in Hagerstown, and at least four times between 1815 and 1821, Kennedy supervised various roads within Washington County.²⁸

Regardless of the fact that he had been a British subject for nineteen of his thirty-one years, the June 22, 1807, attack of H.M.S. *Leopard* on the American frigate *Chesapeake* enraged him. In response he wrote "Rouse Ye Sons of Liberty," the first of many patriotic songs and poems he composed before and during the War of 1812. Perhaps his best known was "The Impressed Seaman," written in 1813. Kennedy admired Capt. James Lawrence, who, though mortally wounded during a ship-to-ship fight on June 1, 1813, between the U.S. Frigate *Chesapeake* and H.M.S. *Shannon*, famously shouted, "Don't give up the ship." Not only did he compose a poem about Lawrence, but he also named a son Lawrence Ludlow, after the captain and his second-in-command, Capt. Augustus Ludlow, both of whom died from battle wounds.

The Washington Hussars and the American Blues were cavalry companies in the Washington County militia, from Williamsport and Hagerstown, respectively. In 1808, Capt. Frisby Tilghman commanded the Hussars, Capt. Otho H. Williams (son of the Revolutionary War general) commanded the Blues, and Capt. John Ragan commanded the volunteer riflemen from Hagerstown. By 1809, Kennedy joined the Washington Hussars and, while serving as secretary, often placed newspaper notices for upcoming musters and parades. He soon wrote the lyrics of "The Washington Hussars" to the tune of "Hail Columbia," and "American Blues" to the tune of "To Anacreon in Heaven."²⁹

The British continued their high-handed treatment of American ships and sailors

and provoked the country into preparing for war. In February 1812, Lt. Col. Frisby Tilghman took command of the 1st Maryland Cavalry regiment, consisting of men and horses from Frederick, Washington, and Allegany Counties. Otho H. Williams, now a major, took charge of the "horse squadron" including the Washington Hussars and American Blues, which his brother, Capt. Edward G. Williams; and Capt. Moses Tabbs commanded.³⁰

President James Madison, a Republican, declared war on the British on June 18, 1812. In March 1813, Major Williams's cavalry reported to Annapolis where the Blues and Hussars camped for a brief period. Early in August 1814, in anticipation of the British invasion of Maryland, Levin Winder, the state's Federalist governor, ordered Frisby Tilghman's 1st Maryland Cavalry to Washington, D.C. Tilghman's regiment of about three hundred arrived on August 16. On the nineteenth, the British landed at Benedict on the Patuxent River. The next day, Major Williams's cavalry arrived east of Washington at Wood Yard, the place of rendezvous that Brig. Gen. William H. Winder, commander of the Maryland militia and the governor's nephew, had selected. The British fired rockets at one of Tilghman's cavalry patrols performing a reconnaissance.³¹

Kennedy's notes for his sixteen-page poem, *Ode—On the Conflagration at Washington City, August 24th, 1814*, provide a little information about his and the Washington Hussars' involvement in the battle for the capital:

The author was in Washington for about 10 days previous to the capture, and considers he is as well qualified to give his opinion impartially as any other spectator, having neither for any of his friends nor for himself military fame to gain or lose.

This implies that Kennedy and the Washington Hussars were not combatants. A letter from one of Frisby Tilghman's officers noted, "The cavalry did not participate much in the fight, being ordered not to charge until the enemy showed a disposition to retire, which unfortunately did not take place." However, Col. John Ragan's Hagerstown volunteers were in the heat of the battle at Bladensburg, action that Kennedy memorialized in "To the Memory of Col. J. R.": "Thou hast met without dismay the foe, And 'midst a scene of terror true was found."³²

The will of record upon Thomas Kennedy's death in 1832 was one he prepared on August 9, 1814, when the possibility of dying in battle loomed over him. In it he wrote:

the Troop of the Washington Hussars to which I belong are ordered to be ready for actual service and it may be the fate of some to die in the service of their Country and in support of the rights and liberties of their fellow citizens. I now declare that should such be my fate I shall consider death in so good and so glorious a cause as truly enviable.

Years later, when Thomas Kennedy ran for a fifth consecutive term in the Maryland House of Delegates, a statement from an anonymous "Ultramontane Citizen" attacking his war record appeared in the September 25, 1821, Hagerstown *Torch Light and Public Advertiser*. The writer accused the candidate of trying to avoid combat by seeking a non-combatant assignment, said that he did not "join any ranks & march to repel the enemy" and urged the voters not to cast their votes in his favor, an attack that was certainly part of the smear campaign that kept Kennedy out of office that year.

Kennedy may not have seen real fighting, but his will tells us he clearly anticipated it. Had he done anything dishonorable, it is unlikely that comrades in arms like Otho H. and Edward G. Williams would have remained his friends and associates for decades after the war. Several former cavalymen later served in the Maryland House of Delegates and Senate, including Moses Tabbs, Frisby Tilghman, Edward G. Williams, and Thomas Kennedy.

After the war ended in February 1815, Kennedy went back to farming at Ellerslie and participating in county politics. That summer, he was the secretary of the Republican committee that nominated Jacob Schnebly, John Bowles, Martin Keshner, and Edward G. Williams as candidates for the four Washington County seats in the House of Delegates. Williams, who was absent at the time he received the nomination, exchanged letters with Kennedy, who announced the former's willingness to serve. Voters elected all four Republicans for the one-year term.³³

Kennedy again served as the secretary to the 1816 and 1817 nominating committees. The latter had an unexpected outcome when Edward G. Williams declined his nomination and Kennedy was then nominated in his place. He won the 1817 election, which began his career as an elected official.³⁴

During this period, Thomas Kennedy published the poems and songs he had been writing since he arrived in America. In 1816, Daniel Rapine of Washington, D.C., printed *Poems*. The 334-page book of ninety poems, including odes, "extempores," sonnets, elegies, and hymns, sold for \$1.25. In 1817, Rapine printed Kennedy's *Songs of Love and Liberty*, ninety-eight pages of lyrics written to tunes already familiar to the readers that sold for 75 cents per copy.³⁵

Kennedy did not publish any other books, but his later poetry appeared in the local paper's "Poet's Corner." He remained a prolific writer, and politics drew a new audience. Newspapers frequently published his multi-column, and sometimes multi-page, speeches, reports, and letters to the editor. As would become his custom, upon his election to the House of Delegates in 1817, Kennedy asked the local newspaper to print his letter of thanks in which he promised to send periodic reports from Annapolis, a practice he continued throughout his political career.³⁶

Legislative Legacy

One of Kennedy's first actions as a member of the House of Delegates was to introduce

a bill to repeal the 1774 law that required a fifty-two-day imprisonment for debts under two hundred dollars. He, who had personally experienced imprisonment for debt, later supported other measures to bring relief to insolvent debtors. He also worked in favor of turning the private toll roads in Washington County into public roads.

For many years, Kennedy could be counted upon to present patriotic speeches and poems at Fourth of July celebrations and occasionally in the legislature. For example, in January 1818, after being introduced as "a farmer and delegate from Washington County," he borrowed a little phrasing from Francis Scott Key and praised Baltimore as "the Home of the Brave" that had foiled the British under "the Star Spangled Banner." Yet Kennedy's work to remove "the political disability of Jews" is the legislation for which he is best remembered.³⁷

The 1776 Maryland constitution allowed non-Christians to worship as they chose and to vote, but it required a test oath for all elected officials, who had to swear upon their faith as Christians that they would uphold the laws of the state of Maryland. Thus, a non-Christian could not honestly hold political office, become a lawyer, serve on a jury, or be an officer in the state militia. Solomon Etting and other Baltimore Jews had petitioned the Maryland legislature in 1797 and 1801 to amend the constitution to extend equal political rights, but opponents delayed and ultimately rejected the bills.³⁸

Kennedy did not take on the issue until he had been elected to his second term in the House of Delegates. In December 1818 he introduced a resolution to form a committee "to consider the justice and expedience of placing the Jewish inhabitants on equal footing with the Christian." The committee was approved, and Kennedy served as its chairman with Henry Brackenridge, a judge from Baltimore, and Ebenezer S. Thomas from Baltimore County. The committee's long and rambling report covered such diverse topics as the Apostle Paul, Martin Luther, and circumcision but made the point—Maryland denied Jews state and local rights that the Constitution afforded them at the national level. Kennedy presented to the House of Delegates a bill "to extend to the sect of people professing the Jewish religion the same rights and privileges that are enjoyed by Christians."³⁹

On January 20, 1819, after the clerk read the bill again, Kennedy rose to give a long and digressive speech in its favor—he cited both the Old and New Testaments and even touched upon John Smith and Pocahontas. Only one hundred Jews lived in Maryland at this time, none of whom Kennedy said he knew personally, but the principle of the issue motivated him. Maryland excluded Jews from state office but compelled them to pay taxes and perform military service. Kennedy's argument failed to persuade a majority, and the bill lost by a vote of 50–24. Republicans and just two Federalists voted in favor.⁴⁰

Although some criticized him for introducing the "Jew Bill," Washington County voters elected Kennedy for a third consecutive term that fall. One vociferous critic, Benjamin Galloway, declared that Kennedy was running on an "Anti-Christian

Voters of Washington county, Maryland,

Next Monday will be election day, when you will have to make choice of four men as delegates to the assembly. The question will be, Christians or Jews, alias Anti Christians.

Anti Christian or Jewish ticket will be composed as follows:—Thomas Kennedy, Thomas Kellar, Joseph Gabby, George Locher.

Christian ticket will be composed of Jacob Schnebly, John Bowles, Joseph I. Merrick, Ezra Slifer.

Doctor Schnebly has rendered himself very obnoxious to certain great men, because he voted against Thomas Kennedy's anti christian bill commonly called the Jew bill, which he the said Kennedy laboured hard to have enacted into a law, last winter, at Annapolis. If T. Kennedy should be re elected, he will renew his shameful attack on the christian religion. It is reported that he is in high spirits, and has not a doubt that he will be able to execute, in the course of the next assembly, the abominable work which, Judas Iscariot like, he was prevented from accomplishing, as before stated, by such men as Jacob Schnebly. A few days will shew to the world whether the friends or the enemies to Christianity constitute the majority of voters in Washington county, state of Maryland. Will a Christian vote for a man whom he knows is one half Jew, and the other half not a Christian?—Voters, T. Kennedy disgraced you when he tried to carry his blasted Jew bill through the house of delegates. Place him on Monday next in the back ground, from whence he ought never to have been advanced one inch towards a seat in the general assembly. The fountain from whence he has been observed to draw the copious streams with which he has quenched his thirst, for many years, is at length discovered to be as impure as a duck puddle. Like master like man.

Yours Respectfully, *

BENJAMIN GALLOWAY.

Hagerstown, }

Sept. 27th. 1819 }

ticket," equated his "abominable work" to that of Judas Iscariot, and warned that if "Kennedy should be re-elected, he will renew his shameful attack on the Christian religion."⁴¹

Galloway was Kennedy's political nemesis. Born in Anne Arundel County in 1752, he moved to Hagerstown about 1796 and died there in 1831. To some extent, opposition to the Jew Bill was part of a Federalist effort to prevent the legislature from reapportioning representation based on population rather than geography, and to keep power from shifting to Baltimore and Republican-dominated counties. But the vehemence of Galloway's language, and the resistance put up by this old "Republican from his youth" and others in Kennedy's own party, suggest that religious prejudice was indeed an important reason for the bill's defeat.⁴²

On January 29, 1820, Kennedy reintroduced another version of the bill to the House of Delegates, this one entitled "An Act for the relief of persons professing the Jewish Religion in this State." It failed by a vote of 47-20. Kennedy wrote a poem—"To the Children of Israel in Maryland"—and sent the consolation verse to several Baltimore Jews.⁴³

Elected to a fourth term in the fall of 1820, he did not re-introduce the legislation and in the following legislative year drew attacks from opponents on other issues, such as voting to regulate flour inspection in Baltimore. The editor of Hagerstown's *Torch Light and Public Advertiser* wrote several editorials in August 1821 that sparred publicly with Kennedy's in the *Maryland Herald & Hagerstown Weekly Advertiser* and urged voters specifically not to vote for the incumbent. Although Kennedy lost his seat to Caspar Weaver in the 1821 election, he again publicly thanked those who had supported him.⁴⁴

Kennedy spent that fall on his Ellerslie farm with Rosamond and their five surviving children. Having been temporarily passed over for justice of the peace, he held only one appointed position, that of road supervisor. Even though he was reappointed a Washington County justice of the peace early in 1822, his family changed its way of life. By March, the Kennedys decided to leave their farm and offered for sale their farm animals and implements, as well as their whiskey stills. An advertisement for the Hagerstown Academy reveals the location of the family's next home. "The Boarders are placed in the family of Mr. Thomas Kennedy, who has lately removed to the Academy for the education of his own sons, and are all welcome to use his library, consisting of several hundred volumes, without any additional charge."⁴⁵

In March 1822, a new act allowing for more state agents enabled Governor Samuel Sprigg to appoint Kennedy, ironically a former debtor, as "state debt collector for the Western Shore."⁴⁶ Kennedy took little time to capitalize on his new positions, and that month advertised that he had:

opened an office in Hagerstown, near Mr. Beltzhoover's Tavern and nearly opposite the Bank; where he will execute the duties of a Justice of the Peace, Draw

Wills, Deeds, Bills of Sale, Articles of Agreement, prepare Insolvent papers and other Instruments of Writing—and will assist Executors or Administrators in stating and settling their Accounts with the Orphan's Court. . . . in pursuance of his duties as state agent, he will be in other counties and will attend to the transaction of business of those Western Shore counties or in Washington DC or Annapolis.⁴⁷

In June 1822, Kennedy announced that he had returned to Hagerstown from his first tour of state debt collecting duties and was back for business. A week later he participated, as a "steward" from the Hagerstown Academy, laying the cornerstone for a new building to house the town hall, a Masonic Hall, and a market. He ran again for the House of Delegates in 1822, and after he won introduced a resolution to repair the National Road and endorsed what would become the Chesapeake and Ohio Canal. But again his focus was on the Jew Bill, which he and other supporters broadened to include political rights for all religions. In December, Kennedy introduced the act "to extend to all citizens of Maryland the same civil rights and privileges that are enjoyed under the Constitution of the United States."⁴⁸

This time the bill passed. On January 29, 1823, the House of Delegates voted 40–33 in its favor and the Senate, which had long been controlled by Federalists but now was Republican, voted 8–7 in favor. One step remained. As the act required a change to the state constitution, the measure required confirmation in the next legislative session. This gave opponents of the bill time to organize a nasty counterattack before the fall elections.⁴⁹

In the 1822–1823 legislative session, Benjamin Galloway, then almost seventy, served in the House of Delegates with Kennedy, Ignatius Drury, and Thomas Kellar from Washington County. While the other three voted for the bill, Galloway voted with "point blank opposition to the Infidel act," which he said would throw "open the doors of our state to the admission of Jews, Pagans and all unbelievers." In the 1823 campaign, Galloway announced that he shunned the support of "Jews, Deists, Mahometans or Unitarians" (of which there were few or none in Washington County) and urged citizens to fight confirmation of the act by voting for him and others "that believe in the divinity of Jesus Christ" and not for Drury, Kellar, or Kennedy.⁵⁰ In the election, Galloway received the fewest votes of the nine local candidates for House of Delegates, but the three others on his "Christian Ticket" and another who promised opposition to the political rights act won the four Washington County seats. Kennedy came in fifth, losing his seat along with Ignatius Drury and Thomas Kellar.⁵¹

The demagoguery and backlash against the act "to extend to all citizens of Maryland the same civil rights and privileges that are enjoyed under the Constitution of the United States" rippled through the state. Only sixteen of the forty delegates who voted for the act in January 1823 were reelected that fall. Consequently, the new House of Delegates voted 44–28 against confirmation, although the Senate ap-

proved, 8–6. The political rights act thus was “rendered nugatory.”⁵² Kennedy lost the 1824 election as well, coming in sixth out of eight candidates, once again publicly thanking those who voted for him and closing with “in power your servant—out of service your friend.” During his two-year absence from the House, others such as Col. William G. D. Worthington and John S. Tyson of Baltimore, and John Van Lear McMahon of Allegany County took up the cause for the Jew Bill.⁵³

Though no longer holding elective office, Kennedy continued with his roles as state debt collection agent and justice of the peace, and with Frisby Tilghman and Otho H. Williams became increasingly active in committees to promote the Chesapeake and Ohio Canal. The proposed continuous canal along the Maryland shore of the Potomac River would eventually take commercial navigation off the river. Kennedy served as the secretary to Washington County canal committees and represented the county in the canal conventions held in Washington in November 1823 and December 1826.⁵⁴

In March 1825, Kennedy advertised that his duties as state agent took him throughout the western Maryland counties and offered his services as agent to those having business there and in Washington and Alexandria, Virginia. He welcomed potential clients from “any part of America, Europe or the West Indies.” In October, he announced his services as a real estate agent for lands and houses, and offered for sale properties in Washington and Allegany Counties, and in the far-off Arkansas Territory.⁵⁵

During Kennedy’s absence in the 1824–1825 legislative session, John Van Lear McMahon and others prepared a new version of the Jew Bill and strategically waited until the last day of session, when many would have already left to go home, to bring it to a vote. On February 26, 1825, with only fifty-one of eighty members present, “an act for the relief of Jews in Maryland” passed by one vote. Again the act awaited confirmation in the next year’s legislative session. Kennedy ran for the House of Delegates in 1825 on the “Antietam” and “Independent Tickets,” won a seat, and in thanking the voters noted that their “renewed mark of confidence” made him “more anxious than ever to discharge his duty faithfully.”⁵⁶

Kennedy introduced the last version of the Jew Bill for its confirmation vote the following year. The House of Delegates and Senate confirmed the measure, and the “act for the relief of Jews in Maryland” passed into law on January 28, 1826. Kennedy wrote, “I have seen the first of my wishes as a public servant gratified . . . in seeing the persecuted Children of Israel placed on an equality with their fellow citizens.” After seven difficult years, “Kennedy’s Jew Baby,” as it was derisively called, was finally born.⁵⁷

In the House of Delegates, Kennedy pressed for support of the C&O Canal and road improvement in Washington County. At home, he continued selling properties, performing his duties as justice of the peace, and working as Hagerstown’s postmaster. In March 1826 he announced that he would be a candidate for congressman from

Maryland's Fourth Congressional District. Michael C. Sprigg of the Jacksonian Party won the seat, and Kennedy, who placed third, was again out of elected office. But when Daniel Sprigg declined to serve in the Maryland Senate, Kennedy gained the five-year appointment and promised to continue his newspaper reports as "the only senator from Washington and Allegany Counties." He also remained active in meetings and committees supporting the proposed new canal. The C&O Canal Company would officially succeed the Potomac Company in the summer of 1828.⁵⁸

Although achieving elected office led Thomas Kennedy to resign as postmaster and state debt collection agent, he held on to his annual appointments as Washington County justice of the peace or magistrate.⁵⁹ These helped his private legal and real estate businesses:

Thomas Kennedy has moved to the brick house in South Potomac street, next door to Dr. Jacob Schnebly's. Magistrate's business will be attended to—Deeds, Wills, Agreements and other instrument of writing drawn—Executors and Administrators assisted in preparing their accounts for settlement. Lands & Houses bought, sold, and rented.⁶⁰

Kennedy supported William Crawford in the 1824 presidential election, in which Andrew Jackson received the most electoral votes but not a majority, and the House of Representatives gave the office to John Quincy Adams. Kennedy then actively worked toward Old Hickory's 1828 election, becoming "the head and pillar of the Jackson party in this county." He bought and edited a relatively new newspaper, the *Hagerstown Mail*, a logical move for one who had written so many political editorials, legislative reports, and poetry, and in that capacity backed Jackson and his party in the 1832 campaign. Editorials in the *Hagerstown Mail* sparred with those in the *Torch Light* that supported the anti-Jacksonians, or National Republicans as they were then called. Once again he was out of office after his term as state senator expired, but when Governor George Howard appointed delegate Col. William H. Fitzhugh as sheriff of Washington County, leaving a vacant seat in the House of Delegates, Kennedy won that seat in a special election held on February 27, 1832.⁶¹

Kennedy arrived in Annapolis near the end of the session, in time to vote with the other Washington County delegates against "An act relating to the People of Color of this state." That bill, passed on March 12, 1832, established the Maryland State Colonization Society, whose intent was to free slaves and send them to Liberia. Kennedy's public remarks in opposition to the bill included his opinion that most Maryland slaves were happier than their masters and that "slavery instead of having been a curse to this country has . . . been a blessing."⁶²

Although he may never have owned slaves, newspaper advertisements from 1817 and 1820 attest to the fact that Kennedy sold them, perhaps as an agent or as part of his duties as justice of the peace. In the spring of 1824, he was a key witness in the

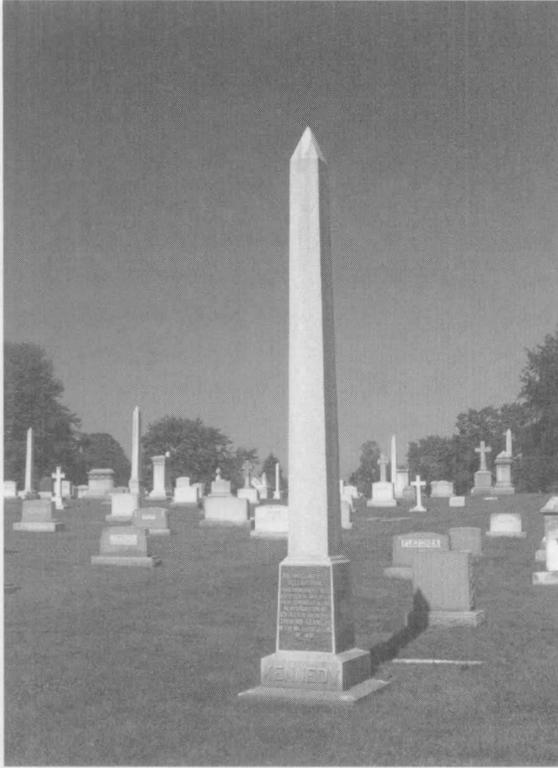
defense of a slave catcher accused of kidnapping a free black man. At the trial in Huntington, Pennsylvania, Kennedy identified the captured man as a slave who had escaped from his friend, Edward G. Williams. The jury declared the slave catcher "not guilty" of kidnapping.⁶³

At fifty-five, Kennedy had reached the pinnacle of his career in 1832. He sold real estate, served as a Washington County magistrate, and now had his own newspaper in which to publish his literary efforts and express his political views. He ran again for the House of Delegates and won, along with three others on the Jackson ticket from Washington County. But suddenly, and seemingly out of nowhere, disaster struck.⁶⁴

Cholera was an ancient disease in India and Asia, but it had not spread out of that part of the world until it reached Eastern Europe in 1831. Then it moved swiftly. A year later it reached England and France. In June 1832, it came to Montreal and New York. Doctors had misunderstood the cause of cholera for many years, but they soon learned of its terrible consequences firsthand. The disease attacked healthy people, giving them diarrhea, acute spasmodic vomiting, and painful cramps. Subsequent extreme dehydration rendered faces and bodies blue, drawn, and puckered. Victims often died within a few days, or even hours.⁶⁵ Hagerstown followed the news of the 1832 cholera pandemic with growing apprehension. In July, Kennedy's son Howard, who was a doctor, and another local physician went to Philadelphia and New York to see the disease for themselves and report back home. In the middle of that month, Kennedy wrote to Rosa, who was being schooled near Baltimore, that she should "mind your studies and cholera will not trouble you." By early August the disease had abated somewhat in New York and Philadelphia, but Baltimore was seeing more than twenty new cases daily, and several C&O Canal workers along the Potomac River had died from it.⁶⁶

Hagerstown escaped until late September, but by the third week of October the epidemic there had peaked, with seventeen cholera deaths.⁶⁷ In the Friday, October 12, 1832, *Hagerstown Mail*, Kennedy thanked the voters for re-electing him and the other Jacksonians and boasted that Henry Clay's party might as well "give it up" in Washington County. The following Monday, he attended the funeral of "one of his household" (but not of his immediate family) who had succumbed to the disease. On Thursday, October 19, Kennedy himself was dead from cholera, after only a few hours of the sickness.

Kennedy's obituary summarized his character: "He was a sincere and obliging friend, warm hearted and liberal—as a husband and father, kind and affectionate—as a neighbor and citizen, accommodating and generous—and as a public man, useful and devoted."⁶⁸ Originally he was buried in the Presbyterian cemetery on Potomac Street in Hagerstown. Both his living sons, Howard and John Francis, served as the administrators of his estate. In the November 2, 1832, *Hagerstown Mail*, they advertised that their father's newspaper was for sale, called for whatever claims were



Thomas Kennedy monument, Rose Hill Cemetery, built in 1919. (Author's photograph.)

Opposite foreground: Two slabs in Williamsport's River View Cemetery mark the graves of the four Kennedy children who died between 1801 and 1816. (Author's photograph.)

held against him to be reported to them, and announced the upcoming sale of his personal items "consisting of household furniture such as tables, chairs, cups, boards, bedsteads and bedding, woolen carpeting, a variety of kitchen furniture, also a large

number of books and other articles too numerous to particularize."⁶⁹

Howard Kennedy continued administering his father's estate for the next two years and purchased his father's newspaper in partnership with another man. Howard lived in Hagerstown until his death in 1855, and then was buried in Rose Hill Cemetery. His older sister, Grace Amelia, married Capt. William Neal in November 1833, and lived until 1862. John Francis Kennedy served as a U.S. Army lieutenant in the Florida War and died from exposure in Charleston, South Carolina, in 1837. Rosamond Harris Kennedy also died in 1837 and was buried next to her husband in the Presbyterian cemetery, where in 1849 they were joined by their unmarried daughter, Catherine.⁷⁰

The 1864 Maryland constitution removed the word "Jew" and the 1867 version removed all allusions to Christianity. Legal distinctions among religions were no longer part of the state constitution, the change Thomas Kennedy and others had advocated decades before.⁷¹

The graves and gravestones of Thomas, Rosamond, and Catherine Kennedy were relocated to the Rose Hill Cemetery in 1913 and placed about one hundred yards east of the graves of Howard Kennedy's immediate family. In 1919, the Independent Order of B'rith Sholom erected a twenty-foot stone obelisk at Kennedy's new grave site in recognition of his efforts to bring political rights to the Jews of Maryland. Special ceremonies have been held at this monument several times, with delegations coming



from Baltimore and elsewhere to decorate the site. A state historical marker honoring Thomas Kennedy stands just outside the Rose Hill Cemetery fence. Baltimore's Sinai Hospital and the Maryland State House in Annapolis have Thomas Kennedy plaques.⁷² The monuments and markers recognize a man who struggled along with others on behalf of religious tolerance and acceptance. John S. Tyson, among the last to take up the Jew Bill fight, paid homage to Thomas Kennedy. "Atlas-like [he] bore it [the Jew Bill] upon his shoulders at a time when it was too heavy for all other men. It fell, he raised it, it fell again, he raised it again and again."⁷³

NOTES

1. William may have been a weaver. In dedicating his book of poetry to his parents, Kennedy lamented: "Why was not your situation in life equal to your deserts?" See Thomas Kennedy, *Poems* (Washington, D.C.: Daniel Rapine, 1816).
2. Kennedy, *Poems*. Kennedy drank whiskey and later produced it on his Washington County farm.
3. E. Milton Altfeld, *The Jews' Struggle for Religious and Civil Liberty in Maryland* (Baltimore: M. Curlander, 1924), 101.
4. *Ibid.*, 15–17. Thomas's older brother Matthew immigrated to America around 1783. In 1795 his parents, fearing him dead, at last received a letter from Matthew. He lived in Georgetown (now in Washington, D.C.), where he ran a hotel or tavern, and had married Christina Hines

in 1794. His 1801 advertisement for the sale of his two-story house and lot, on Fayette Street near the main road to Frederick, noted that it was “peculiarly well adapted for a tavern or store,” with “a wagon yard large enough to hold 25 wagons and teams.” Matthew and Christina Kennedy moved to Ohio, where they died in 1847 and 1836, respectively. See John Clagett Proctor, *Johannes Heintz and His Descendants* (Greenville, Pa., 1918), 15. Advertisement, *Maryland Herald & Elizabethtown Advertiser*, March 26, 1801.

5. Thomas J. C. Williams, *A History of Washington County, Maryland* (1908, repr. Baltimore: Regional Publishing Company, 1968), 170. Altfeld, *The Jews' Struggle*, 17; minutes from the February 6, 1797, meeting of Potomac Company president and directors, File 79.12.1, “Records of the Potomac Company,” Record Group 79, National Archives Annex II, College Park, Maryland, hereinafter “Potomac Company records.” Kennedy to John Goulding, March 28, 1797, and Kennedy to Potomac Company president and board of directors, October 31, November 7, and November 8, 1797, Potomac Company records.

6. Kennedy, *Poems; Songs of Love and Liberty by Thomas Kennedy* (Washington, D.C.: Daniel Rapine, 1817).

7. Altfeld, *The Jews' Struggle*, 18.

8. Thomas Kennedy's 1797 journal is in the Kennedy Collection, Washington County Historical Society. One can imagine Kennedy carrying similar notebooks to jot down his poems.

9. J. Thomas Scharf, *History of Western Maryland* (1882, repr., Baltimore: Regional Publishing Company, 1968), 1225, noted that Rosamond Harris Thomas was the daughter of William and Amelia (Selby) Thomas, of Welsh extraction. “Happy Cottage” is the third song in *Songs of Love and Liberty by Thomas Kennedy*.

10. Scharf, *History of Western Maryland*, 1124. The mouth of Conococheague Creek had a long history as a trade center and port. In 1787, Gen. Otho Holland Williams founded “Williams-Port” in this area where he had been raised. Elie Williams, the general's brother, later became a president of the Potomac Company and later still one of the commissioners of the 1822 survey of the Potomac. That survey led to the deaths of Elie Williams and the Potomac Company, the first from “bilious fever” and the second from the harsh assessment of the company's business and engineering capabilities. The general's sons, Otho H. and Edward G. Williams, became militia leaders and political figures later closely allied with Thomas Kennedy. See Williamsport Chamber of Commerce, *Williamsport and Vicinity Reminiscences* (Williamsport, Md., n.p., 1933), 20, 22; Dan Guzy, “The Potomac River Survey of 1822,” *Maryland Historical Magazine*, 103 (2008): 382–403.

11. [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*, March 1, 1798, and February 28, 1799; Thomas Kennedy to president and directors of Potomac Company, March 26, 31, and April 23, 1798, Potomac Company records. In the last letter, Kennedy inquired about what form his toll accounts should take. Perhaps a decision was made not to issue further letters, because no more letters from Thomas Kennedy can be found in the Potomac Company's correspondence file.

12. Thomas Kennedy to president and directors of Potomac Company, March 26, 1798, Potomac Company records.

13. Scharf, *History of Western Maryland*, 662, lists a marriage license issued on October 23, 1798.

14. Three separate advertisements in the [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*, February 5, 1801.

15. *Williamsport and Vicinity Reminiscences*, 70.

16. October 25, 1803, Land Record Book P, page 327, Washington County Land Records, Hagerstown courthouse.

17. "Washington County Taxes, 1803-1804," on Western Maryland Historical Library (WHILBR) website (<http://www.whilbr.org/WashCoTaxes1803/index.aspx>). February 11, 1804, deed of lease from Christian Ardinger to Thomas Kennedy in Land Record Book P, page 473, Washington County Land Records, Hagerstown courthouse. Among the genealogy sources this author relied upon were personal communications with Katharine Minott, the great, great, great granddaughter of Thomas Kennedy, and the daughter of Polly Berry Kennedy. The latter donated the material in the Kennedy Collection now at the Washington County Historical Society, but also kept some more personal material within her immediate family, such as an 1805 document written by a black servant boy that noted the servants in the household.
18. [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*, March 21 and November 30, 1804, March 1, 1805, and March 21, 1806.
19. Edward C. Papenfuse, "Thomas Kennedy and the Maryland Test Oath," January 13, 1987, draft in Maryland State Archives, Special Collection MSA SC 1456-576. Papenfuse cited "Washington County Judgements" as the source for his statement about "at least a dozen suits" between 1804 and 1808, and MSA SC 1138-1747 contains handwritten notes on these suits. The mortgage to William S. Compton was recorded in the Washington County land records on July 20, 1805 (Land Record Book R, page 311, at Hagerstown courthouse).
20. [Hagerstown] *Maryland Herald & Hagerstown Weekly Advertiser*, August 28, 1807. In the April 1, 1808, edition of this newspaper, Compton announced another public sale of Kennedy's former warehouse, unfinished dwelling house, and lots.
21. [Hagerstown] *Maryland Herald & Hagerstown Weekly Advertiser*, August 28, 1807.
22. *Ibid.*, February 12, 1808. Deed from Robert Kennedy to John Irwin, recorded on November 26, 1810 in the Washington County land records, Land Record Book W, pages 344-345, Hagerstown courthouse.
23. Grace Amelia was born November 14, 1799, in Williamsport, and died March 18, 1862. John Francis was born in Williamsport on July 31, 1806, and died May 19, 1837, personal communications with Katharine Minott and other genealogy sources.
24. Scharf, *History of Western Maryland*, 1226. Datelines given in Kennedy's *Poems* cite the Wooburn, Roslin Castle, and Ellerslie locations, but only "Washington County" or "Williamsport" for the 1809-1812 period when the family lived at Mount Liberty in Williamsport. Kennedy wrote of Howard's birth in "To Howard, the Author's Son." Thomas Buchanan, a Hagerstown lawyer and future associate district court judge, bought the large Woburn estate in 1810, after the Kennedys had left, and built a substantial manor house there. Patricia Schooley *Architectural and Historical Treasures of Wash. County, Maryland* (Keedysville, Md: The Washington County Historical Trust, 2002), 312-14. *Hagerstown Herald-Mail*, July 13, 2000. Catherine S. Kennedy's grave is next to her parents at Rose Hill Cemetery. The gravestone reads "daughter of Thomas & Rosamond Kennedy, Born Jan. 1, 1811 - Died July 20, 1849."
25. Lawrence Ludlow Kennedy was born on August 26, 1813, and died August 10, 1816. Rosamond Thomas (Rosa) Kennedy was born on November 7, 1815, and was alive in 1832, notes from Kennedy's *Poems* and personal communications with Katharine Minott.
26. *Maryland Herald & Hagerstown Weekly Advertiser*, March 19, 1822, and July 8, 1823. [Hagerstown] *Torch Light and Public Advertiser*, March 19, 1822.
27. The Republican Party of the early nineteenth century should not to be confused with the Republican Party of today, which essentially started with the presidential campaigns of Fremont and Lincoln. On the national level, the Republicans favored an agrarian society, small government, and tended to be pro-French. The Federalist Party of Alexander Hamil-

ton and John Adams favored a large central government and tended to be pro-British. The Republicans supported the War of 1812 against the British while the Federalists initially opposed it. In Maryland, the Federalists represented the traditional planter aristocracy along the seaboard and tidewater. Republicans supported the interests of the western parts of the state, plus the new immigrants and entrepreneurs in the rapidly growing city of Baltimore. Washington and Allegany Counties were strongly Republican, whereas nearby Frederick County was Federalist. See Joseph A. Whitehorne, *The Battle for Baltimore, 1814* (Baltimore: Nautical & Aviation Pub. Co. of America, 1997), 4, 13–16. *Maryland Herald & Hagerstown Weekly Advertiser*, June 6, 13 and August 6, 1806.

28. [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*, February 2, 1803. Similar announcements of the appointments of Washington County justices of the peace appeared in Hagerstown newspapers in the early parts of each year, with the number of appointees increasing as time progressed. In 1831 and 1832, the justice of the peace position was renamed, and Kennedy was appointed as a “magistrate.” Kennedy’s state notary public position was announced in the *Maryland Herald & Hagerstown Weekly Advertiser*, July 24, 1807. Becoming a road supervisor required setting a bond with the state. Washington County land records for November 13, 1815, June 26, 1817, November 20, 1820, and October 11, 1821, record the road and bonds associated with Kennedy. Land Record Books AA, page 685; CC, page 125; EE, page 824; and FF, page 397, at Hagerstown Courthouse.

29. Scharf, *History of Western Maryland*, 176; *Maryland Herald & Hagerstown Weekly Advertiser*, March 17, August 30, 1809, June, 20, 1810, October 31, 1810 and September 8, 1813. Francis Scott Key’s poem “The Defence of Fort McHenry” was set to the tune of “To Anacreon in Heaven” as “The Star-Spangled Banner.”

30. Scharf, *History of Western Maryland*, 182–83.

31. *Ibid.*, 184, 186. William M. Marine. *The British Invasion of Maryland, 1812–1815* (1913, repr., Hatboro, Pa.: Tradition Press, 1965), 87. Whitehorne, *Battle for Baltimore*, 119; Ralph E. Eshelman, Scott S. Sheads, and Donald R. Hickey, *The War of 1812 in the Chesapeake* (Baltimore: The Johns Hopkins University Press, 2010), 9, 18, 83.

32. Scharf, *History of Western Maryland*, 189. Although 7,000 American troops outnumbered 4,000 British troops at the Battle of Bladensburg on August 24, 1814, the British routed the Americans and went on to burn Washington. Factors in the American defeat were the incompetence of General Winder and the rawness of the Maryland militia in contrast to British troops seasoned by the Napoleonic Wars.

33. *Maryland Herald & Hagerstown Weekly Advertiser*, August 30 and September 13, 1815.

34. *Maryland Herald & Hagerstown Weekly Advertiser*, September 18, 1816, August 27, and September 24, 1817.

35. The version of *Poems* this author studied had “1816” on its title page, but its last poem was dated as “March 14, 1817, at Ellerslie.” *The Maryland Herald & Hagerstown Weekly Advertiser*, July 16, 1817, advertised *Poems* as “just received and for sale at Anthony B. Martin’s store. Price \$1.25. A few copies left at this office and at Mr. Sackett’s, Williamsport.” *The Maryland Herald & Hagerstown Weekly Advertiser*, May 6, 1818, stated: “Just received for sale by A. B. Martin *Songs of Love and Liberty* by Thomas Kennedy. Price 75 cents. A few copies of Kennedy’s *Poems* on sale at Mr. Sackett’s, Williamsport for one dollar.”

36. *Maryland Herald & Hagerstown Weekly Advertiser*, December 10, 1817.

37. *Ibid.*, December 17, 1817, January 1, 1818.

38. Altfeld, *The Jews’ Struggle*, 10. Edward Eitches, “Maryland’s ‘Jew Bill,’” *American Jewish Historic Quarterly* 40 (September 1970 to June 1971): 265; Jerry Klinger, “From Test Oath to the Jew Bill,” *Jewish Magazine*, July 2004.

39. Harry Golden, "The First Kennedy," *Baltimore Sun*, March 19, 1972; Altfeld, *The Jews' Struggle*, 70–110.
40. The *Maryland Herald & Hagerstown Weekly Advertiser*, April 27, 1819, took over two full pages to print Thomas Kennedy's January 20, 1819, speech. Rhode Island and North Carolina also had test oaths at the time. Although there may have been no Jews in Washington County, Kennedy had met and befriended Jacob Cohen and other Baltimore Jews before he took up the Jew Bill. See Isaac M. Fein, *The Making of an American Jewish Community: The History of Baltimore Jewry from 1773 to 1920* (Philadelphia: The Jewish Publication Society of America, 1971), 30, 32, 35.
41. [Hagerstown] *Torch Light and Public Advertiser*, September 9, 1819.
42. Information on Benjamin Galloway from Maryland State Archives File MSA SC 3520-472. Eitches, "Maryland's 'Jew Bill,'" 283–85, discussed Federalist Party resistance to the Jew Bill and reapportioning legislative representation.
43. Altfeld, *The Jews' Struggle*, 23–27, 134–35; *Maryland Herald & Hagerstown Weekly Advertiser*, February 15, 1820.
44. [Hagerstown] *Torch Light and Public Advertiser*, August 7–28, September 25, 1821. *Maryland Herald & Hagerstown Weekly Advertiser*, October 2, 9, 16, 1821.
45. *Maryland Herald & Hagerstown Weekly Advertiser*, April 23, 1822.
46. The Western Shore included all of Maryland's counties west of the Chesapeake Bay.
47. *Maryland Herald & Hagerstown Weekly Advertiser*, March 26, 1822.
48. *Maryland Herald & Hagerstown Weekly Advertiser*, June 18, 1822, December 17, 31, 1822; Scharf, *History of Western Maryland*, 1195–96.
49. Altfeld, *The Jews' Struggle*, 28. *Maryland Herald & Hagerstown Weekly Advertiser*, February 4, March 11, and May 6, 1823. Kennedy was initiated into an Annapolis Freemason lodge in January 1823 and soon after joined Mt. Moriah Lodge No. 33 of Hagerstown. See Paul R. Kach, "An Advocate of Tolerance: Thomas Kennedy, Mason," *The New Age Magazine*, September 1934, pages 546–48. In the interim, Thomas Kennedy issued his "Second report of the State Agent" and announced his intent to publish *A History of the State of Maryland*, an ambitious project he apparently never completed. As a new Freemason, he helped arrange for the dedication of the Masonic Hall above the Hagerstown City Hall.
50. *Maryland Herald & Hagerstown Weekly Advertiser*, August 19 and 26, September 16 and 30, 1823.
51. *Ibid.*, September 23, 1823.
52. "A Battle for Political Freedom," *Baltimore Sun*, April 6, 1902; *The Jewish Encyclopedia* (New York: Funk and Wagnalls Company, 1905) 8:361. Eitches, "Maryland's 'Jew Bill,'" 267.
53. [Hagerstown] *Torch Light and Public Advertiser*, October 5 and 12, 1824; Isaac M. Fein, "Niles Register of the Jews," *Jewish Historical Quarterly* 50 (1960): 3–22; T. J. C. Williams, "Washington County, Maryland," *Maryland Historical Magazine* 2 (1907): 350–51. Robert J. Brugger, *Maryland, A Middle Temperament, 1634–1980* (Baltimore: The Johns Hopkins University Press, 1988), 259.
54. T. J. C. Williams, *History of Frederick County, Maryland* (Baltimore: Regional Publishing Company, 1967), 149. *Maryland Herald & Hagerstown Weekly Advertiser*, October 24 and December 30, 1823, and January 6, 1824. During a January 1, 1824, canal meeting in Hagerstown, Kennedy gave remarks in which he estimated that the C&O Canal would cut the cost of shipping a barrel of flour to Georgetown from \$1 by wagon to 32 cents by canal boat, and a cross-cut canal to Baltimore would cut the cost from \$1 to 42 cents.
55. [Hagerstown] *Torch Light and Public Advertiser*, March 22, October 18, 1825.
56. Eitches, "Maryland's 'Jew Bill,'" 267; Altfeld, *The Jews' Struggle*, 164; "A Battle for Politi-

cal Freedom," *Baltimore Sun*, April 6, 1902; [Hagerstown] *Torch Light and Public Advertiser*, September 27, October 4, 11, 1825.

57. Eitches, "Maryland's 'Jew Bill,'" 258, 267; 1825 *Session Laws*, Maryland State Archives; Altfeld, *The Jews' Struggle*, 14–15. Neither William G. D. Worthington nor John Van Lear McMahon was in the House of Delegates for the 1825–1826 session. John S. Tyson was, but he deferred the honor of introducing the Jew Bill for confirmation to Thomas Kennedy.

58. [Hagerstown] *Torch Light and Public Advertiser*, January 31, March 21, 1826, January 18, February 1, 1827. A few months earlier, in August 1826, Kennedy had been appointed postmaster of Hagerstown. As was his wont, he issued reports through the newspaper on such mundane items as dead letters and postal procedures. Kennedy resigned as postmaster when he became a Maryland senator in early 1827. In 1829, this postmaster position was filled by his son Howard Kennedy, replacing another postmaster who had been "removed." [Hagerstown] *Torch Light and Public Advertiser*, August 31, October 5, November 11, 1826, April 5, November 18, and November 22, 1827, May 14, November 26, 1829.

59. *Ibid.*, July 27, 1826.

60. *Ibid.*, April 3, 1828.

61. *Ibid.*, August 9, 1827, August 22, October 17, 31, 1828, and September 30, 1830, April 7, 1831; *Hagerstown Mail*, April 1, 1831, February 27, March 2, 9, 1832.

62. *Ibid.*, April 13, 1832.

63. *Maryland Herald & Hagerstown Weekly Advertiser*, April 9, 1817, August 1, 1820, and April 27, 1824. [Hagerstown] *Torch Light and Public Advertiser*, April 27, 1824. Williams, *History of Washington County*, 251. The lack of slaves being listed in the 1803–1804 Washington County tax table, the sale of his possessions in Williamsport in 1804 and Ellerslie in 1822, and the personal property book for his 1832 estate are strong indications that Thomas Kennedy did not personally own slaves.

64. *Hagerstown Mail*, October 5, 1832.

65. Charles E. Rosenberg, *The Cholera Years: The United States in 1832, 1849, and 1866* (Chicago: University of Chicago Press, 1987), 2, 23–36.

66. *Hagerstown Mail*, July 20, 1832. Personal communication with Katharine Minott revealed the July 15, 1832, letter Kennedy wrote to "Miss Rosamond T. Kennedy c/o Thomas Compton . . . near Baltimore." Rosenberg, *The Cholera Years*, 25n.

67. *Hagerstown Mail*, August 7, and September 28, 1832.

68. *Ibid.*, October 12, 19, 1832.

69. Scharf, *History of Western Maryland*, 1097; *Hagerstown Mail*, November 2, 1832.

70. Scharf, *History of Western Maryland*, 1096, 1226; *Hagerstown Mail*, June 28, November 22, 1833, and August 15, 1834. Inscriptions on Kennedy gravestones at Rose Hill Cemetery, Hagerstown. Two large gravestones in Williamsport's River View Cemetery currently mark the burial sites for the four Kennedy children who died during childhood.

71. Altfeld, *The Jews' Struggle*, 60.

72. "Jews Plan Tribute to Thomas Kennedy," *Baltimore Sun*, May 29, 1922; "Securing the Privileges of Citizenship for Jews," *ibid.*, November 2, 1930; "Jews Honor Early Legislator's Fight for Them," *ibid.*, July 14, 1980; Frank D. Clawson, "Thomas Kennedy, Hagerstown's 'Thomas Jefferson.'" *Maryland Cracker Barrel*, July 1987. "Honor Plaque," letter to the editor in the *Baltimore Sun*, April 26, 1992. The Thomas Kennedy monument and gravesite are in the eastern part of Section K of the Rose Hill Cemetery, and near Henry's Lane.

73. Fein, *The Making of an American Jewish Community*, 34.

The Chauffeur and the Candy Maker: The Killing of George Murphy in Baltimore, 1913

JOHN WESLEY YOUNG

Shortly after nine o'clock on Thursday morning, September 18, 1913, Round Sergeant James Leverton of Baltimore's Northern District police station took an urgent phone call from a man who gave his address as 2227 Eutaw Place. "Send some policemen here quickly," the caller pleaded. An enraged black man, he said, had assaulted him with an ax. The assailant was still in the house and threatening to kill the entire family. Leverton immediately dispatched a motor patrol with three officers.

The fashionable neighborhood of Eutaw Place was on Sergeant Frank Parr's beat. On hearing about the unfolding drama—probably while making a routine report through a call box—Parr and patrolman Edward Maguire hurried to the scene. The patrol wagon had not arrived when they rang the doorbell. Charles Guth, a slight figure in a dark suit and well-known candy manufacturer, answered.

Parr's practiced eye must have noticed at once the cuts and abrasions on Guth's hands and wrist and a tear in the left knee of his trousers. Guth gave the two men a terse account of what had happened and led them through the house to an enclosed porch or summer kitchen at the back. On the floor, unconscious and bleeding from the lower abdomen, lay a young black man.

By then the patrol wagon had arrived. The wounded man was carried to the car and rushed to St. Luke's Hospital on North Avenue. After questioning Guth and collecting a gun and a short-handled ax as evidence, Parr and Maguire set off for the station with the candy maker. Later, when three of his four daughters came home from school during noon recess to find people milling about the yard, they learned that their father, president of the Chocolate Products Company, had been arrested for shooting his chauffeur.

Just before Guth and the two officers reached the station on Cedar Avenue, Leverton received a call from St. Luke's. Guth's chauffeur, George A. Murphy, the man who allegedly attacked him with an ax, had died on the operating table. Less than half an hour had passed since the shooting. This most unsettling episode in an unsettled period of Baltimore's history was only beginning.

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Candy Man's Progress

Thirty-seven years old in 1913, Charles George Guth had already made a name for himself as a manufacturer of high-grade chocolate. Two decades later, during the Great Depression, he would gain a place in business history by purchasing from the bankrupt National Pepsi-Cola Company the secret formula and the trademark for Pepsi and transforming the soft drink into Coca-Cola's greatest competitor.¹

This son of a Prussian confectioner was born into humble circumstances in Philadelphia in 1876. Sometime before the 1880 census his parents moved to Baltimore, but at the age of fourteen Charles returned to the city of his birth to serve an apprenticeship with candy maker F. Laurent and Company at a salary of three dollars a week. Rising rapidly in the trade, he managed a succession of candy stores in northeastern cities in the 1890s, briefly owned a confectionery in Trenton, and in 1900 cofounded the Headley Chocolate Company, Baltimore's first mass-producer of chocolate.²

After the great fire of 1904 destroyed Headley's plant on Frederick Street, Guth resigned as the company's secretary and started another candy concern with himself as president. Based in Baltimore, the Guth Chocolate Company had retail stores in several major cities. Its Baltimore store was located at 324 North Charles Street in an arcade developed and owned by former Maryland governor Frank Brown.

Guth's ambitious enterprise began with promise, but overexpansion and a sudden shrinking of credit after the Panic of 1907 led to the appointment of receivers in January 1909.³ One of the company's directors and largest investors, Levin L. Dirickson Jr., a banker on the Eastern Shore, lost his fortune and suffered a nervous breakdown, for which he blamed Guth. "Please do not consider me a 'fool' because I have been once 'taken in' by a party whom almost every body terms a rascal," he wrote to his friend John Skelton Williams in April 1909, shortly after being adjudicated bankrupt. Williams, a Richmond investment banker who later served as comptroller of the currency in Woodrow Wilson's administration, had already formed his own poor opinion of Guth's business practices.⁴

Unlike Dirickson, Guth crawled out of the company's wreckage unscathed. In March 1909, after buying the plant on Calvert Street from the receivers for \$16,000 and a release of his claim for \$4,000 in back salary, he immediately sold it to the newly incorporated Guth Chocolate Company of Delaware for \$17,000 in cash and \$83,000 of common stock in the Wilmington-based firm. As president and largest shareholder, he held, to use his own word, "absolute" sway over the new company.⁵

Early in 1913 he sold his shares to the United Drug Company for a large sum, subsequently whittled down when the purchaser discovered Guth may have misrepresented the company's financial condition. He stayed on as president, but after a few months, no longer able to exercise autocratic control over the firm, he resigned. On September 2, 1913, barely two weeks before shooting George Murphy, he organized the Chocolate Products Company, another Delaware entity.⁶



This fanciful sketch of “Chocolate King” Charles Guth appeared in a collection of “kindly drawings” of civic and business leaders. (Ray O. Evans and Associates, Club Men of Maryland in Caricature [Baltimore: Norman T.A. Munder, 1915].)

Autocracy as a style of management suited Guth’s Prussian personality and outlook. He disdained playing by anyone’s rules but his own, and with the passing of years his passion for directing and dominating others expressed itself in ever more grandiose ways. John C. Weber, an employee of the Coca-Cola Company in Baltimore, recalled visiting Guth’s office on the fourth floor of the Candler Building in the 1920s when Guth headed the Mavis Company and Mavis Bottling:



Investment banker John Skelton Williams (1865–1926) helped to finance the opening of the Guth Chocolate Company's Richmond branch store in 1905. The company's president, he later decided, could not be trusted. (Lyon G. Tyler, Men of Mark in Virginia: Ideals of American Life [Washington, D.C.: Men of Mark Publishing Company, 1906].)

You entered a large hall or room in which a girl sat at a desk surrounded by ornate gold-cloth furniture with streamers across the chairs so that no one would sit down in them! After you had been announced by the girl, you entered the next office and there was Guth, sitting behind a twenty thousand dollar desk, up on a [dais], so that you felt you were standing before his throne. It was an expensive set-up all around. When he would clap his hands, secretaries and assistants would come running from all the other rooms behind him. They all seemed to be scared to death of him.⁷

Weber might have been describing a scene from Charlie Chaplin's film *The Great Dictator*. The trappings and psychology of power must have worked their magic, for he mistakenly remembered the candy maker as an imposing figure of more than six feet. In fact, Guth was much smaller.

Although some found him charming, many others, such as Dirickson and Williams, considered Guth duplicitous. "He wore spats and had a derby hat," an attorney for Coca-Cola observed. "A debonair guy, but he had the eyes of a snake." Weber compared him to Jekyll and Hyde. Stories of his flash temper, spitefulness, and ill-treatment of family members and employees circulated in the candy and soft drink industries for years. Supposedly Guth turned two of his daughters against their husbands, often fired workers on an angry whim and more than once threatened to fire his son Charles, used the services of a professional killer, tried to frame an employee he suspected of stirring up a labor strike, and prevented an autopsy from being performed on the body of a despised son-in-law who died under suspicious circumstances.⁸ Some stories may amount to little more than rumors, but not of the sort that gather and grow around pillar saints. Guth had serious character flaws. At least one—his explosive temper—may have brought about George Murphy's death.

Few who have written about Guth's later career seem aware of the Murphy incident. Yet it has considerable historical interest, in part because it involved the future general manager and owner of a world-famous corporation, but even more for what it revealed about the legal system and the state of race relations in Baltimore on the eve of World War I.

An Evolving Narrative

On checking Guth into the Northern District station, Sergeant Parr charged him with "assaulting and shooting George Murphy, colored, with a Pistol thereby causing the death of George Murphy."⁹ The prisoner was searched, questioned by Round Sergeant Leverton, examined by a doctor, and placed in a comfortably appointed room on the second floor to await a preliminary hearing and a coroner's inquest.

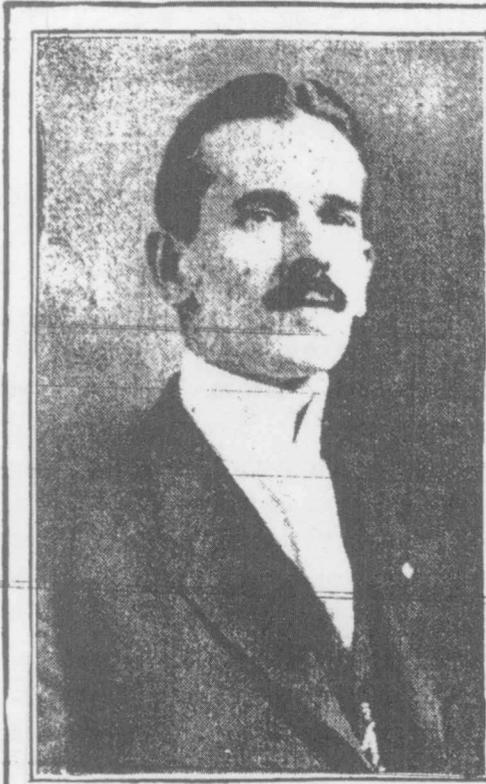
After answering Leverton's routine questions, Guth made a brief statement. He told the officer he had hired Murphy about nine weeks earlier but knew almost nothing about him, not even his address. The trouble that morning had begun when the chauffeur rudely refused Caroline Guth's request that he polish the household brass. "My wife was startled by his manner and afraid to say anything further to him." Informed of Murphy's insolence, Guth went to the basement to reprimand the chauffeur, who reacted by flying into a rage. Picking up an ax wedged in a log, Murphy sprang at his employer and swung the weapon, but Guth dodged and dashed up the stairs. Murphy did not pursue, but Guth, after summoning the police, took his revolver from a drawer and went out to the backyard, unaware that Murphy was watching from under the porch.

Still armed with the ax, Murphy charged up the steps leading from the basement and surprised Guth, who backpedaled into the garage at the end of the yard. With his back to a wall, Guth pointed the gun at Murphy in warning, to no avail. Perhaps inhibited about using the firearm, he hesitated. Murphy pounced. As they fought, Murphy seized the pistol and fired but missed the mark. In the desperate struggle that followed, Guth somehow took back the weapon, or at least managed to turn it on Murphy, and shot his crazed assailant in the torso. Same-day accounts in the evening newspapers gave the impression that Murphy fell unconscious where Guth shot him, but it soon became clear that this was not the case.

The doctor who examined Guth counted multiple abrasions, cuts, bruises, and scratches on the hands and the left arm and behind one ear. Several abrasions on the right hand might have come from clawing fingernails. The head, left leg, and left foot were swollen.¹⁰ The prisoner's injuries seemed consistent with his story of a fierce fight, but they did not explain how a quarrel over brassware had turned into tragedy.

In his room on the second floor, Guth waited for his attorney. Finally, Richard B. Tippet arrived at the station in an automobile with Caroline Guth and her friend from New York, Mrs. Elsie Bolton, a guest in the Guth home. Henry Matthews,

Figured In The Guth Shooting Case



CHARLES G. GUTH



MRS CHAS. G. GUTH



MRS. W. C. BOLTON

Mr. Guth is said to have received threatening letters since his exoneration last night by a coroner's jury for the killing of George Murphy, colored, who was his chauffeur. Mrs. Guth and Mrs. W. C. Bolton were important witnesses.

Newspaper photos of Charles and Caroline Guth and their friend Elsie Bolton on the day after the coroner's inquest, Baltimore Evening Sun, September 20, 1913.

husband of Guth's sister Theresa and general manager of the Headley Chocolate Company, joined them in the detention room a few minutes later. They listened as Guth repeated, more or less, the story he had told Leverton. When he finished, Tippet issued a statement for the press.¹¹

The second telling included several details omitted from the first. Not only had Murphy refused to polish the brass, but Mrs. Guth had discovered he was ordering milk for himself and charging it on the household bill. The head of the household considered these offenses serious enough to delay his departure for the office. Through a trapdoor in the reception hall he descended the inside stairs to the basement. "Murphy," Guth said as he came off the steps, "you will have to clean the brasses and I want you to be more polite to Mrs. Guth." Ignoring the rebuke, Murphy abruptly

flared up about a racial incident that occurred the night before in northwest Baltimore when angry residents of the mostly white neighborhood of Stricker Street had thrown rocks at a house recently occupied by a black family.¹²

His face contorted with fury, the chauffeur moved toward his employer, shaking his fist belligerently. "If I had have been those colored people who lived in that house," Murphy snarled, "... I would have killed every one of those white ——— that tried to break up the house." When he kept on in this manner, Guth interrupted. No man was to talk that way about white people in his house. Murphy must get his clothes and leave at once, he was fired. "I'll go," Murphy responded, "but before I do I'll finish you"—and then he took up the ax.

According to Guth's expanded narrative, when he and Murphy fought in back of the house, they first grappled in the yard. Falling to the ground, they rolled to the vestibule of the garage, where Murphy took the pistol. When his shot went wild, both men realized that one or the other must die. "I felt that I had but a few moments to live," Guth recalled. "Death seemed to be staring me in the face." The words sound dramatic, but the *Baltimore American's* reporter was struck by the matter-of-factness and lack of emotion in Guth's narration.¹³

In the struggle, Guth got his hands back on the gun. "It seemed that I must have been possessed of superhuman strength, for I took hold of the negro's hand, twisted the arm about and, getting my finger on the trigger, I pulled it." The discharged gun, depending on which newspaper account of Guth's story one refers to, either dropped to the floor or flew out into the yard. Murphy staggered to retrieve it, while Guth, uncertain his shot had hit home, darted up to the second floor of the garage. Several minutes went by with no sign of the berserk chauffeur. Had he gone to the house?

Fearing he would harm Mrs. Guth and their baby, Charles Godfrey, the shaken candy maker went back up the yard and into the enclosed porch. Murphy was hiding there and he had the gun.¹⁴ But as he lunged at Guth he crashed into a chair and fell, striking his head hard against a cupboard and losing consciousness. Not until leading Parr and Maguire to the porch, Guth would say at the inquest, did he notice the blood on Murphy's shirt and realize what had happened.¹⁵

Guth repeatedly expressed regret at Murphy's death and emphasized that he had used the gun only as a last resort. At first he had intended merely to "control" Murphy with the weapon, and even in the struggle for possession he had meant only to disable him without serious injury.

As the *Baltimore Sun* pointed out, he had not told Leverton about the milk or Murphy's anger over the vandalism on Stricker Street. He had said only that Murphy attacked him after being reprimanded for not cleaning the brassware and for insulting Mrs. Guth. In his later recounting, however, he stated that Murphy did not insult her and attacked him after being fired.

Discrepancies and a changing story may have an innocent explanation, but one might question how Guth, a middle-aged welterweight of only five feet six, could

have vanquished the six-foot Murphy, a muscular man in his early twenties whose rage and desperation must have doubled his might.¹⁶ Had the candy maker indeed summoned the "superhuman strength" to overcome?

Thursday evening's newspapers gave only incomplete and, in some cases, obviously inaccurate accounts of the shooting. Friday morning's stories, written after Guth talked to reporters in his room the night before, shed only a little more light.¹⁷ Much was left to the fertile imaginations of journalists who relished a sensational story and freely paraphrased Guth's statements and perhaps put words in his mouth. Inconsistencies and embellishments abounded. Readers who imbibed every story might have felt less informed than those who read only one. Had the fight started at 8:30 or at 9:00? Had Murphy been an exemplary employee up to then, or had he "been acting strangely for several days," as a wire story in the *Washington Post* and other mid-Atlantic newspapers stated?¹⁸ When Guth went to the basement, did he find Murphy standing with hands in pockets or sitting in a chair reeling a hose? When told he was fired, did Murphy immediately pick up the ax, or did he first try to choke his employer, grabbing the weapon only after Guth fought him off? Did he miss when he swung the ax, or had the blade grazed Guth's leg as he fled up the stairs? In the yard, did Murphy fire one errant shot or two? Did Guth shoot him in the chest or in the stomach?

Furthermore, how much of the quarrel and the life-or-death struggle had Carrie Guth and Elsie Bolton witnessed? Had Mrs. Guth watched the fight in the yard from beginning to end with her face pressed against a windowpane, or had she crouched, baby in arms, in a hallway on the second floor "in wild fear every moment that a blow from the negro's ax would cleave its way through Mr. Guth's brain"?¹⁹ Was it she or her husband who called the police? Was the call made before Murphy was shot, or after?

Definitive answers would depend on the investigation by police, prosecutors, and the coroner. Complicating their task, a witness soon came forward who flatly contradicted Guth's version of what occurred.

A preliminary hearing took place at the Northern District station late in the afternoon on the day of the shooting. Composed and cleanly attired in a blue serge suit with a Piccadilly collar and a red necktie, Guth stood with his wife and attorney in front of police justice Edward J. Griffin Jr. A reporter for the *Baltimore American* was present:

He gave no sign whatever of being a man who had succeeded in overpowering the enraged negro who seemed to hold his life in his hands. He is of extremely slight build and short of stature. His features are pointed and well outlined. He is of a dark complexion, with bright brown eyes, a heavy suit of black hair, bushy black eyebrows and a little black mustache.²⁰

As the magistrate listened, Sergeant Parr reprised his part in that morning's events. An African American servant for Guth's next-door neighbor also testified. While eating breakfast in the kitchen, Mary Brown had heard shouts and gunshots in the yard and hurried to the window. "I looked over the fence and saw Murphy running up the back steps," she stated. "As he reached the top of the steps he reeled and fell." A short time later Guth followed. She watched him "rush up the steps" past Murphy and into the house. Perhaps because Brown's testimony seemed irreconcilable with part of Guth's story, Tippett said his client was willing to remain confined until the inquest. Griffin ordered the candy maker held without bail.²¹

If Brown's testimony was potentially damaging, a second witness surfaced whose account directly challenged the prisoner's. Mary Moss, another black servant who worked for the Guths, was in the basement doing laundry when the fight erupted. Guth made no reported mention of her before the inquest. After interviewing Moss on Thursday afternoon at the Guth residence, headquarters detective Joseph Coughlin took her to the Northwestern District police station, near her home on Argyle Avenue, to record a sworn statement.²² "The quarrel between George and Mr. Guth started over a pint of milk," she told Coughlin. After first berating the cook about it, Guth came down to the basement and administered a tongue-lashing to Murphy for having ordered milk delivered with the household supply. Murphy protested his innocence. He had paid for the milk, so what was the harm?

"One thing led to another," Moss continued, "and finally Mr. Guth began cursing and swearing at George and calling him names. He even threatened to kill George. Mr. Guth ran upstairs, where I thought I heard him talking to the police over the telephone." Murphy meanwhile went out to the garage. Returning to the basement and finding him gone, Guth followed. A little later Moss heard shots. "I ran out of the laundry and stood on the back steps. George came along in a minute and said that he had been shot. Then he fell back on the porch. Mr. Guth did not follow at once, but soon after he came up and began to jump on George and hit him over the head while he was stretched out on the porch. He kept on saying that he would kill George." Unable to bear seeing Murphy killed, Moss ran away just before police arrived. From start to finish, Guth was the culprit in her story.

Investigation

Harry Cairnes Algire was serving his first term as coroner for the Northern District. On Thursday morning, after learning of Murphy's death, he launched an investigation. In the afternoon he and a panel of jurors selected for the inquest converged on St. Luke's Hospital to view the body. The bullet, Algire had already determined, entered through Murphy's lower left ribs and probably penetrated the liver. A laceration on the back of the head, he thought, must have resulted from Murphy's fall on the porch.²³

The body was sent to the city's medical examiner, Nathaniel Keirle. An Ameri-

can Pasteur widely admired for his work in the treatment of rabies, Keirle had performed hundreds of autopsies, many in front of students in an amphitheater at the College of Physicians and Surgeons of Baltimore, where he lectured on pathology and medical jurisprudence. Nearing his eightieth birthday, he appears to have assigned the postmortem to his assistant, Dr. Henry G. Branham, who later testified that Murphy died from internal hemorrhaging. Guth's bullet had severed an artery. Branham found no other signs of struggle but noted the difficulty of being certain with a black victim "unless the injury is very severe."²⁴

On Friday police combed the scene of the shooting. The Guths had moved to Eutaw Place from Newington Avenue earlier in the year. The dwellings on their block were row houses, a packed arrangement that produced a chain of destruction years later when one caught fire. The Guths' house, brick with four stories, had a backyard so narrow that a man of average size would take only about eight or nine steps to cross it.²⁵

The garage in back, a two-story brick structure painted white, opened onto an alley. The anchor pulley on its first floor, intended to lift feed and hay to the second, was already an anachronism. The upper part of the building, converted into two small bedrooms and a bathroom, may have served as guest quarters. In the garage police recovered the bullet intended for the candy maker. It had skimmed the floor and lodged in the wall.²⁶

Probably no more than eight to ten paces separated the garage from the house. A photo in the *Baltimore Sun* two days after the shooting showed that the back porch, an attached "summer kitchen" in some accounts, had several tall, glass-paned windows. A flight of six steps led down to the yard. Brick or stone pillars upheld the porch, under which, dimly discernible in the photograph, were steps to the basement. A wooden fence divided the Guths' backyard from each neighbor's, but from the kitchen window next door Mary Brown probably had a clear view of Guth and Murphy on the porch steps.²⁷

Parr, Maguire, and Detective Coughlin went through the neighborhood seeking eyewitnesses and solid evidence. Their efforts turned up little more than hearsay, but a man who worked in the neighborhood said he had seen Mary Moss running down the alley soon after shots were fired. While police investigated, the state's attorney for Baltimore, William F. Broening, interviewed Caroline Guth, Mary Moss, and Mary Tesar, the Guths' cook. Afterward he informed the *Baltimore Evening Sun* that all the evidence thus far pointed to self-defense. After inspecting the Guth property on Friday morning, Coroner Algire concluded, perhaps too hastily, that no one had witnessed the shooting. Neither he nor the police appeared to put credence in Mary Moss's story. Moss, after all, a woman in her early thirties, had been "a warm friend of Murphy."²⁸

Moreover, her claim that Guth beat his wounded and dying chauffeur on the porch conflicted with Mary Brown's recollection of seeing Guth run up the steps

Harry Cairnes Algire was serving his first term as coroner for the Northern District when he conducted the Murphy inquest. (Photograph from the *Baltimore Sun*, February 22, 1912.)



past Murphy and into the house. Perhaps that conflict—or their prejudices—inclined white authorities to accept Guth's account over Mary Moss's. But the candy man's story tallied no better with Brown's testimony, and at least one part of it perplexed investigators. Why, after notifying Leverton and getting his revolver, did Guth go outside looking for Murphy? For his own and his family's protection, would it not have made more sense to stay inside and wait for the police?

Information on Murphy was meager, but details trickled out in the Baltimore press. A native of Fayetteville, North Carolina, he had come to town six years earlier, still in his late teens, and taken a job as a porter for the Baltimore and Ohio Railroad at Union Station. Staying with a relative at first, he later moved to Division Street, where he was living alone in a rented room. Intelligent and quick-witted, he bettered himself by attending night school. A former teacher described him as "a gentlemanly studious fellow." Murphy deeply resented the idea of black inferiority, and recent assaults on black homes in predominantly white neighborhoods had indeed embittered him. But he had no police record, and his pastors praised him as "a devout Christian and a man least likely to harm anyone." In fact, he himself had a preacher's license in the African Methodist Episcopal Church and was planning to complete his ordination in college. Ironically, the Local Preachers' Association had scheduled him to speak to the group at its annual gathering on the day of the shooting.²⁹

This picture of piety contrasted with the image of an ax-wielding chauffeur bent on murder. Guth explained the contrast by saying Murphy must have come unhinged mentally.³⁰ By and large, the daily press treated his explanation as straight fact. Headlines and lead paragraphs portrayed Murphy as a "maniac," an "apparently insane chauffeur," an employee provoked into a "murderous frenzy" by his boss's rebuke. Even the *Richmond Planet*, the Virginia capital's black weekly newspaper, echoed the

“murderous frenzy” line. Its sole story on the incident, published more than a week after it happened and stitched together from the same wire service report used by the *Washington Post*, carried the headline “Crazed Negro Slain by Employer.”³¹

The weekly *Baltimore Afro-American Ledger* took a decidedly different slant. “There seems to be a great deal more in the Guth murder case than has been brought out up to the present,” an editorial written before the inquest suggested. “Judging from the statements made by Guth, he was the aggressor altho he seeks to put the blame on his victim.” The paper questioned whether the same police who tended to look the other way when white mobs vandalized black homes would conduct an impartial investigation.³²

As the *Ledger’s* editorial implied, the killing of George Murphy was the latest and worst in a string of violent incidents with racial import that convulsed Baltimore in the middle of September 1913. These occurred several months after a local criminal court struck down the city’s residential segregation ordinance. That law, successor to an earlier discriminatory statute known as the West Ordinance, prohibited blacks and whites from moving to blocks occupied entirely by members of the other race. No longer held back, middle-class blacks seeking better living conditions and reliable city services began buying or renting homes in white neighborhoods, mostly in the northwestern part of town, a development that Baltimore’s daily newspapers unhelpfully characterized as an “invasion.” Animated by prejudice, by status anxiety, by fear of depreciating property values, by any of a half-dozen motives, white neighborhood groups demanded a new ordinance.³³

As city officials labored to craft a measure that addressed the concerns of white constituents as well as the narrowly framed objections of the court, some whites grew impatient. Violence broke out, not all of it spontaneous. On Tuesday evening of the week Murphy died, a black family huddled in the cellar of their house on West Lanvale Street while a dozen white men and boys outside shattered the parlor windows with brickbats. The family had moved in only the day before. On Wednesday, white residents of Myrtle Avenue physically prevented blacks from moving into a house on the 1100 block. That night, in the incident that angered Murphy, a white mob smashed the windows and ripped up the front steps of the house at 828 North Stricker Street. In short order, whites and blacks turned out by the hundreds to gawk, taunts and threats were traded, tensions mounted, and police intervened to disperse the crowd.³⁴

“During the last few days the rapid invasion of negroes in northwestern sections of the city has converted a number of white blocks into mixed ones,” the *Sun* reported on September 18. “This has made more acute the tense feeling that has existed for months.”³⁵ A week of violence reached its bloody climax with the shooting of a black chauffeur by his white boss. Racially motivated or not, Guth’s deed further inflamed an already festering wound in the body politic.



The coroner's inquest into the shooting probably took place on the first floor of the Northern District Police Station. Guth was held on the second floor. (Maryland Historical Society.)

Inquest

The coroner's inquest into Murphy's death took place at the Northern District station on Friday evening, September 19. Guth passed the day in confinement by no means solitary. In his "bright and comfortable" quarters on the second floor, he received friends and read letters and telegrams from well-wishers, many of them in the candy business. Late in the morning Caroline Guth, "sobbing and hardly able to walk," brought lunch. Cautioned against discussing the case by Leverton, who sat in the doorway during her visit, the couple had little to say. Mrs. Guth, a reporter observed, took her husband's "scratched hands and patted them over and over again."³⁶

Guth, so he later claimed, was confident of exoneration. He had reason to be. Authorities had found no direct witnesses to the shooting, and Algire, though he refrained from expressing an opinion on the case, told the *Baltimore News* that he knew no one had seen the shooting. Consequently no one was "in a position to question Mr. Guth's version of that shooting." At least one policeman said he believed Guth had acted in self-defense. As for Mary Moss, investigators all but brushed aside her story that Guth shot Murphy in cold blood. "It is thought that the excitement incident to the fatal fight made possible the woman's idea of it," the *Baltimore Star*

reported, "and friends of Mr. Guth scout the idea that he would tell anything but the truth about so serious a matter." Lest anyone forget, Guth's attorney reminded the press that Moss and Murphy had been close friends.³⁷

In the hours between arrest and inquest, two public figures unconnected with the investigation spoke out in Guth's behalf. One was Samuel West, the city councilman who gave his name to the original segregation ordinance of 1910. "Mr. Guth is a straight, honorable man," West told the *Star*, "and he has my fullest belief and sympathy in this trouble." Were it left to him, West said, he would let Guth go free at once.³⁸

West might be dismissed as a white supremacist and a petty demagogue. Less easily slighted was support from a much more respected and influential politician, former governor Frank Brown. On the day of the shooting, extra editions had just reached the streets when Brown grabbed a newspaper and read the first report of Guth's arrest. Without delay he boarded a streetcar for the police station. "Mr. Brown explained afterward that he had always been a warm friend and an ardent admirer of Mr. Guth," the *Baltimore American* related, "and that if money would have released him from the station pending a hearing, he wanted to be the one to furnish it."³⁹

Brown had something better than money to offer, an unimpeachable reputation. In the course of a long career he had been a farmer, legislator, governor, postmaster, president of the Maryland State Agricultural and Mechanical Society, president of a street railway company, and, in his last public office, collector of revenue for the city of Baltimore. He had lived no ordinary life and had practiced no ordinary politics. Twice he defied his party's establishment and sought the Democratic nomination for governor without its blessing. In the second attempt he succeeded, and as the state's chief executive in the early 1890s he wielded power with as much independence as he had pursued it. Sagacious self-knowledge tempered Brown's ambition. Falsely rumored to covet a seat in the United States Senate, he self-deprecatingly dismissed the notion, for in that august chamber, with its Cabot Lodges and soaring oratory, an old farmer and horse lover would stand out "like a poor boy at a dance."⁴⁰ But contemporaries considered Brown one of Maryland's finest governors, and many in Baltimore's African American community remembered a singular episode that showed his conscientious regard for justice.

In 1892 a judge on the Eastern Shore had condemned eight blacks to hang for the grisly murder of a Kent County doctor. The sheriff, appropriately named Plummer, constructed what he claimed was the largest scaffold ever built for executions in the United States. The approaching spectacle attracted enormous publicity. But four of the eight prisoners were minors. Delegations of ministers and petitions from Quakers and other groups pleaded for clemency. Governor Brown pored over the petitions, the record of the trial, and the confessions of the prisoners. Finally he decided to visit them in jail at Chestertown. Interviewing each separately, he locked gazes with him, sized him up, and concluded that the four youngest had been weak-willed instruments of older and more brutal characters.

Back in Annapolis, Brown quietly signed an order commuting their sentences. In the middle of a January night an iceboat with a detachment of Baltimore police crossed the bay to remove them to the state penitentiary. All the while, Brown paced the floor of the governor's mansion, worried that word would leak out and a white mob would drag the prisoners from jail and reduce them to dangling corpses. But the boat reached Chestertown and the trembling teenagers were spirited away without mishap.⁴¹

Thus Frank Brown. Of such a man no one could say that he cared nothing about justice or the public interest. What men did say, however, was that he would go the limit for a friend—and he counted Charles Guth a good one.

On the night of the inquest, Brown joined former congressman Charles R. Schirm, like Guth the son of German immigrants, and several dozen other friends of the candy maker in the assembly room at the police station. Conspicuously apart from everyone else, a small group of George Murphy's friends clustered in a corner. One was Murphy's pastor, the Reverend John W. MacDonald. On learning of his parishioner's death, MacDonald had hastened to the city morgue to behold, in his own words, "the deadly wound that took the life of that pious young preacher." Later he would write of going to Algire's home with an undertaker to obtain a permit for the body. The coroner, he appeared to imply, had treated them with an icy lack of cordiality.⁴²

Few gained admission to the proceedings, which began at 8:30. Witnesses waited in separate rooms until summoned to testify. The two questioners, Algire and Deputy State's Attorney Roland R. Marchant, sat behind desks. Also in the room were Richard Tippett, State's Attorney Broening, a police commissioner, the deputy marshal of police, the land commissioner, two additional city coroners, Frank Brown, Charles Schirm, and J. W. J. Suter, president of the Lauer & Suter Company, a Baltimore candy concern. Only one black observer was admitted. W. Ashbie Hawkins, senior partner in the law firm of Hawkins and McMechen, represented Murphy's family and the Baltimore branch of the fledgling NAACP.⁴³ At the time, the Virginia-born attorney, a member of the branch's executive committee, was skillfully using the judicial system in a continuing effort to overturn the city's segregation laws.

An officer placed the ill-famed ax and gun on Algire's desk as exhibits.⁴⁴ The jurors, twelve white men, answered the roll. The first witness, Round Sergeant Leverton, took the stand. Rehearsing events of the morning before, Leverton told of receiving not one but two frantic calls from the Guth residence. The first, at ten minutes past nine, came from a man identifying himself as Charles Guth and asking protection from a black chauffeur who tried to kill him with an ax. The second came a few minutes later from a woman who asked Leverton to hurry the patrol car. Twenty minutes after the second call, one of the officers phoned Leverton from the hospital. The black man Guth shot had died.

Officers Parr and Maguire, the next witnesses, told of rushing to the Guth house and seeing Murphy unconscious. Guth explained to them how the trouble

started—"the negro had used vile language to his wife"—and described his "tussle" with Murphy on the porch. Perhaps significantly, Maguire testified that he found the ax on the floor of the basement near the laundry, its blade clean.

Dr. Branham, the postmortem physician, and Dr. John T. King, who examined Guth an hour after the candy maker's arrest, also took the stand. The oddest testimony, and the only light moments of an otherwise tense evening, came from Mary Tesar. The Guths' forty-seven-year-old Bohemian cook, who knew little English, refused to take an oath before testifying. She was taken to a cell to meditate on her obstinacy until an interpreter could be found. Escorted back to the hearing room, the inflexible woman again refused the oath. Did she know she could go to jail for contempt? Fine, she answered through the interpreter, her children could become wards of the state. At last Algire and Marchant relented and allowed Tesar to give unsworn testimony.⁴⁵

It was less than illuminating. She remembered hearing Guth and Murphy arguing in the basement. Five minutes later Guth came up; she did not see him go back down. "Shortly after that I went to call Murphy for breakfast and found him lying on the floor of the summer kitchen. He was shot."

Mary Moss's testimony was more riveting. The Guths' laundress said she became aware of trouble upstairs while working in the basement. Within earshot, Guth and his wife were giving the cook a stern lecture about servants ordering milk for their own use on Mrs. Guth's account. Tesar replied in Bohemian and Guth shouted at her, "Damn you! Get your rags and get out of this house!" Then he came to the basement and confronted the chauffeur. Murphy denied having ordered any milk except what he intended to pay for.

"You are a ——— damned liar!" Guth cried. "You ———. I'll get my revolver and kill you!" With those words, Moss said, he stormed past her and out the back door of the basement, up the steps of the back porch, and into the house. Under questioning from Algire, she stated that Guth never used the trapdoor to the basement; he was accustomed to going in and out the back way.

After Guth left the basement, Moss continued, Murphy went to the garage. On reaching the vestibule he paused, removed a piece of paper from his pocket, and began reading. Next, said Moss, she heard Guth upstairs talking to police on the phone. Returning to the back door of the basement in a short while, he demanded to know Murphy's whereabouts. "Here he is," answered a voice from behind in the yard.⁴⁶ It was Murphy. Before Moss could say anything, Guth "went into the yard and pulled a pistol out of his pocket. George saw it and started toward Mr. Guth. Before he reached him Mr. Guth shot the pistol off twice."

In her statement to Coughlin the day before, quoted by three newspapers, Moss had appeared to say she heard the gunfire and ran outside in time to see Murphy making his way to the porch. The *Baltimore American* and *Der Deutsche Correspondent*, the only papers to quote Moss's testimony at the inquest, gave the impression

that she actually saw the fight, perhaps while standing at the basement door or on the steps leading to the yard. Did the press get her story wrong the first time or the second? Or did Moss embroider it for the inquest after reading newspaper accounts of the shooting?

After Guth fired the pistol, the two men tangled in the vestibule. Soon Murphy was staggering toward the house holding the gun. Aghast, Moss asked whether Guth had shot him (a question that may signify she did not witness the shooting). Murphy answered yes "and fell over on the porch." The gun was on the floor when Guth came from the garage.

"Mr. Guth, did you shoot George?" Moss said she asked her boss. No, he retorted, Murphy had shot *him*. Guth then turned on the victim: "You black ——. I'll kill you now."

Whereupon, Moss claimed, Guth "began to jump all over George and beat him over the head with his fists." It stopped when Caroline Guth and Elsie Bolton appeared "and pulled him in the house. I was so frightened by that time that I ran out the back gate."

Moss told Algire that Murphy never had the ax and did not attack his boss in the basement. Nor did he waylay the candy maker from under the porch; he had already gone to the garage when Guth went looking for him. Only two shots were fired, but Moss insisted that Guth fired both, and before the men fought in the garage.

Caroline Guth followed Moss on the stand. Fashion-conscious reporters described her dignified apparel: long black gloves, a black satin coat over a sheer dress of black and white stripes, and on her head a black, plumed straw hat encircled with a band of green silk. She was calm, spoke with aplomb, and answered Marchant's questions with unblinking certainty. As far as it went, her account of what happened seems to have corroborated her husband's. She recalled telling him about the brassware and the milk as he breakfasted in the dining room. Immediately he went to the basement through the trapdoor in the reception hall. Although he had closed the door to the dining room, she could hear the two men screaming.

"I ran and opened the door and went to the head of the steps. Mr. Guth had just started to run up the steps—there are only about seven of them—and George was at the foot with an axe in his hand." He was saying he would kill her husband and salting the threat with an oath. As Guth rushed up the stairs, he instructed her to call the police.

"The telephone was only a step away, but I was so nervous that I could only ask for the number and then let the receiver fall from my hand." Guth seized it and completed the call himself. She noticed blood from his hand drip on her dress.

"I went to the head of the steps again," Caroline Guth continued, "and saw George still standing there with the axe in his hand." She told him to leave. As she closed the trapdoor and fastened the lock, she heard him shout "that he would not get out until he had cleaned up the whole family."

Guth showed his wife the marks of Murphy's attack, and she followed him to the second floor as he fetched the firearm. Mrs. Bolton joined them; she, too, saw the cuts and scratches. Guth went down again to the trapdoor and called to Moss, who told him Murphy had left.

Still upstairs, Mrs. Guth heard her husband "go through to the kitchen and then I went out on the back second-story porch. Soon I saw Mr. Guth come out of the house and start toward the garage." Carrie Guth watched in horror as Murphy emerged from under the first-story porch with the ax. Her husband ran, and Murphy, ax upraised as if to strike, pursued.

"Mr. Guth pulled the revolver from his hip pocket. In a moment George had dropped the ax and grabbed the revolver from Mr. Guth's hand. Then I heard the report and I was sure that Mr. Guth was shot." Seeing them fighting in the vestibule, she ran to a phone and made the second call to police.

She had hardly completed the call before Mrs. Bolton appeared with baby Charles in her arms. "Mr. Guth has been killed," her friend exclaimed, adding that Murphy, gun in hand, was headed to the house.

The two went downstairs. The *Baltimore American*, the only English-language newspaper to give details of Mrs. Guth's testimony, probably omitted part of it at this point: while she remained inside with the baby, her friend went out to the yard. The *American's* summary of her story picks up with Guth coming into the house and closing the door to the back porch behind him, thus preventing her from seeing Murphy. The three went to the front just as Parr and Maguire arrived.

None of the newspapers reproduced Elsie Bolton's testimony. The *Sun*, describing her as "a pretty young woman," merely stated that she spoke clearly, answered questions without hesitating, and supported Caroline Guth's account while elaborating on the events of September 18. According to the *American*, her testimony corroborated Guth's.

One witness remained. Algire asked Tippet whether his client wished to make a statement. It was 10:30 when an almost ashen-faced Charles Guth, wearing the same black suit as when he fought Murphy—presumably the torn knee had been mended—came into the room. As he took a seat beside Algire, the coroner apprised him of his right not to testify. Guth, obviously uneasy and fingering a diamond ring on his right hand, signaled his intention of addressing the jury. He began to speak. Even in the hushed room, jurors strained to hear. He was bidden to stand. As he resumed, his voice gathered strength and he talked faster—and with deep emotion. In contrast with his wife's calm demeanor, Guth "wept hysterically and at times almost screamed" his assertions of innocence.

He told much the same story Tippet and reporters had heard in the detention room. He explained that it was actually on the day before the shooting that Murphy had spoken impertinently to Mrs. Guth. With the car in the shop for repairs, she had thought of having him hang shades and polish brassware. Again Guth recounted the

couple's conversation in the dining room the next morning at about nine o'clock, and again he traced his steps to the basement to "straighten out matters."⁴⁷ Descending the stairs, he had spotted Murphy unwinding hose from a reel. "He saw me coming, but before I could say a word he said: 'I wish I had been at the house where white ——— threw stones and I would have brained the whole crowd.'"⁴⁸

When Guth took Murphy to task for impudence toward his wife and for buying the milk, the chauffeur's language became violent. Ordered to leave, he picked up the ax and came swinging: "You white ———, I'll get you!"⁴⁹ Repeatedly Murphy grabbed Guth and tried to hack him, until Guth made his escape up the stairs. Somehow in the fight, either from falling or from an encounter with sharp steel, he received a cut on the knee.

Guth said that after reopening the trapdoor and hearing from Moss that Murphy had left the basement, he assumed his attacker had gone through the garage and into the alley. Wishing to make certain, he went through the kitchen and outside. When Murphy jumped out from under the porch, Guth ran to the garage, turned, saw Murphy closing in with the ax, and fumbled for the pistol in his right hip pocket. As he drew the gun, Murphy dropped the ax and leaped at him.

"He was the stronger man," Guth told the jury, "but I knew he was desperate and fought for my life. We struggled through the door of the garage and fell. Fortunately I was on top and to this I owe my life."⁵⁰ As they rolled on the floor, Murphy wrested the pistol from Guth, fired, and missed. They fought for the weapon, and at length the embattled candy maker managed to wrap a finger around the trigger and squeeze. His trigger hand, he testified, was at least a foot from Murphy when the second shot went off. Yet the two men kept fighting as though neither had taken a bullet, and when "the pistol was hurled several feet away from us," Murphy broke loose to get it. Guth raced up to the second floor, fully expecting his maddened adversary to follow and finish him. But nothing happened.⁵¹

At length, worried for the safety of his family, he went downstairs and into the yard. "Neither George nor the pistol was there."⁵² As Guth walked toward the house, Mrs. Bolton, coming from it, met him in the yard. Had he been shot? Not sure, he answered, but the struggle had debilitated him.

Still unaware of Murphy's wound, Guth headed for the porch. Bolton cautioned him that Murphy was there and had the pistol.

He was standing by an icebox. "Weak as I was, the thought that he was going after my wife and baby gave me strength, and I rushed up the steps and sprang at him like a tiger. He grabbed me and threw me up against the icebox." As they fought, several minutes by the *Sun's* account, Murphy tripped on a chair, fell, and struck his head on either the floor or "the side of a chest." Thinking it was the fall that knocked him out, Guth picked up the pistol. Bolton hurried him into the kitchen, Carrie Guth locked the door, and just then the police appeared.

Guth had spoken for almost ninety minutes. As he neared the end of his testi-

mony, his eyes welled up and tears flowed. His voice, though quavering, held firm: "God knows that I didn't mean to kill him. I didn't want to kill him, but gentlemen, if I hadn't done it you would be holding an inquest tonight over my body instead of over that of the black man."

On the face of things, Algire's jury had much to consider, particularly the obvious discrepancies between Guth's testimony and Mary Moss's. He claimed that Murphy attacked him in the basement and in the yard, that he shot the chauffeur in self-defense, and that several minutes later Murphy, even though bleeding to death from a severed artery, fought him yet again and threw him against an icebox on the porch before collapsing. Moss, on the other hand, stated that no fight occurred in the basement, but that Guth had threatened to kill Murphy. In fact, after calling the police he went looking for the doomed man, shot him in cold blood in the yard, and a little later, as Murphy lay prostrate on the porch, viciously beat him on the head. Moss also said Murphy never had the ax. If he did, as Guth claimed, but dropped it in the yard when Guth drew the pistol, how did it get from the back of the yard to the basement, where officer Maguire found it a short time later? Who put it there? Surely not Murphy, who, mortally wounded, staggered to the porch with only the pistol in hand.

Apart from being the only testimony that conflicted with Guth's, and apart from uncertainty about whether she claimed to have seen the shooting, Mary Moss's story has its own difficulties. Why, for instance, would Guth call the police, which she said she heard him doing, if he was the aggressor and Murphy had neither provoked nor fought with him up to then? If, as Moss stated, Guth entered the basement both times from the outside, how did he fail to see Murphy in the yard when he came out of the house the second time? Finally, although Mary Brown did not testify at the inquest, her testimony in police court poses a problem for Moss's credibility. For how does one reconcile Moss's description of Guth beating Murphy on the porch with Brown's statement that she watched Guth run up the steps past Murphy and into the house? Brown said nothing about either man's striking the other on the porch, which puts her at odds with both Moss and Guth. Of all witnesses, she probably had the least motive to lie.

It was midnight when the jury retired to deliberate, but deliberation, if it took place at all, was quick and cursory. Having apparently already made up their minds, the jurors reached a verdict in three minutes. Murphy had died from a gunshot wound inflicted by Guth in self-defense. When the verdict was announced, Algire released Guth with a declaration that he took "great pleasure in giving him his freedom," words that would come back to haunt the coroner. Perhaps this was the moment when Ashbie Hawkins, the NAACP attorney, made known his opinion, unreported in the daily press, that the proceedings had made a mockery of justice.⁵³

The two most dramatic days of Charles Guth's life, and surely one of the most extraordinary inquests in Baltimore's history, were over. Friends swarmed him, heap-

ing congratulations. Carrie Guth, cool and stoic on the witness stand, dissolved in tears in her husband's arms.

Aftermath

If any prominent whites had doubts about the verdict, they held their peace in public. The daily press, indeed, showed them little reason to question the outcome. To its credit, the *American* made an effort to report Mary Moss's testimony, which it described as "particularly interesting," with fairness and as much completeness as space permitted. But the *Sun* disposed of her testimony in a single dependent clause while noting that the other witnesses tended to confirm Guth's story. The *News* neglected to summarize her testimony at all, merely naming her as a witness and trumpeting that the inquest had "clearly established" justifiable homicide.

Blacks reacted to the verdict with predictable indignation. The *Evening Sun* reported on Saturday that Murphy's killing had deeply agitated his neighbors. He "had been preaching a gospel of race equality" and, many thought, suffered a martyr's death in consequence. They and others in Baltimore's black community regarded Guth's exoneration as a "raw deal." It aggravated the bad feeling that attacks on black homes had already created. On Saturday night a group of two dozen or more blacks, mostly chauffeurs, held a closed-door meeting at Galilean Fishermen's Hall on West Biddle Street to plan a response. In black churches on Sunday the pulpits resounded with denunciations of the verdict.⁵⁴

Perhaps anticipating all this, Guth gave interviews to the press at his house on Saturday. "Please say that even after my experience I have only the kindest feelings toward the colored race," he asked a reporter for the *Evening Sun*. "I have always done my best to help it and have always treated the individual members with whom I have come in contact with all kindness." He wished the incident "had never happened" and hoped it would spawn no racial animosity, but he stood by his story of acting in self-defense.⁵⁵

He soon had disconcerting proof that not everyone believed it. Regardless of congratulatory messages, Saturday's mail brought six anonymous death threats—all from blacks, Guth was sure, because "the chirography indicated as much." The writer of one letter addressed him as "paleface." Another prophesied that after September 23 he would exist "no more." A third threatened armed insurrection against the white order by 40,000 men who stood ready for action, leading Guth to wonder whether Murphy had belonged to a "secret organization." On the same day, he received more than a hundred applications from black chauffeurs seeking Murphy's job. Suspecting conspiratorial malice, he told the *Baltimore Sun* that he would hire only white chauffeurs from then on; a black driver might easily avenge Murphy's death by arranging a fatal accident.⁵⁶

To the same paper Guth ventured another theory of what caused Murphy to explode. It was "race prejudice," not the candy maker's but the chauffeur's. "Murphy

seemed possessed of the idea that there must be no discrimination between white and colored people; in fact, it had made him a crank on the subject." That obsession caused his hair-trigger reaction when Guth reprimanded him in the basement. The chauffeur's maniacal assault on his employer was "simply the expression of a dormant hatred of class distinctions." The controversy over segregation in Baltimore, Guth suggested, had done much to arouse that hatred.⁵⁷

Although Guth affected a lack of concern about the death threats, his attorney handed the letters over to police, who worked with the postal inspector in a futile attempt to trace their origins. Authorities believed the threats were idle and that anger against Guth would ebb, but city police officials assigned officers Parr and Maguire to keep an eye on 2227 Eutaw Place.⁵⁸

Police had more pressing matters to deal with. One week after Murphy's death, the enactment of a new segregation ordinance coincided with a fresh wave of violence in northwestern neighborhoods. No sooner did Mayor James Preston sign the measure into law on the evening of Thursday, September 25, than whites bombarded a black home at 1324 Mosher Street. Heedless of the one or two policemen guarding it, the attackers threw rocks and slung marbles from the roofs of nearby houses. As word spread, the usual crowds formed and roved the streets, shots were fired, rocks, bottles, and bricks were thrown, several people were injured, and police struggled to restore order. On the same night, the house at 828 North Stricker Street was attacked for the second time.⁵⁹

On Friday, the family at 1324 Mosher Street made known its intention of moving out. Nevertheless, more disturbances occurred in northwestern and southwestern neighborhoods. On Saturday afternoon, for a third time, the family at 828 North Stricker endured a hail of rocks and showers of shattering glass. Police declared the area a "riot zone."⁶⁰

In a final outburst on the night of September 30, a crowd estimated at more than a hundred pelted the house at 951 Harford Avenue, peacefully occupied for four months by George Howe and his family. A random retaliatory blast from the householder's shotgun injured three boys and a young man. Excited to a frenzy, the mob renewed its bombardment. Before scattering, it turned its fury on another black, a bystander named James Nelson, and beat him senseless. Howe was arrested for the shooting, but neither the rock-throwing vandals nor Nelson's attackers were apprehended.⁶¹

Perhaps it would have taken a Lycurgus to restore civil peace and mete out impartial justice. Modern Baltimore, unlike ancient Sparta, had no such godlike lawgiver. An editorial in the city's newspaper of record, whose stories about "the menace of negro invasion" had doubtless done much to stoke the fires of ill-feeling, instead urged blacks "to accept the situation as fixed by the present law." The *Sun's* editorial writer trusted "the unwritten law of municipal change and the shifting of population" to supply their future housing needs without threatening the "property

interests" and "race sentiments" of whites. A disconsolate city councilman, Harry S. Cummings, who represented the Seventeenth Ward, called on fellow blacks to obey the law, even though unconstitutional, and wait for a judicial remedy.⁶²

No voice set itself more firmly against housing discrimination than the *Afro-American Ledger*, which had also resolutely opposed efforts by Democrats in the state legislature to disenfranchise Maryland's blacks. Recalling the deadly race riot in Atlanta in 1906, the paper exhorted black citizens to "be careful what we say and do lest we start a fire that could not easily be put out." At the same time, in editorials and news features, it assayed the causes of Baltimore's racial discord. Discriminatory statutes passed by the city council "at the behest of a few Negrophobists and agitators" merited much of the blame. Bias and sensationalism in the daily press, and the silence of white clergymen when the rights of blacks were violated, compounded the problem. So did white opposition to a recent proposal for moving Morgan College, a black institution, to the Mount Washington area. Finally, "the Guth murder case" had further envenomed an already poisonous state of affairs.⁶³

An article in the *Ledger* on September 27 noted the "general resentment" of the city's black population over Guth's release. Many believed that the coroner's jury, after hearing Moss's testimony, should have sent the case to the grand jury. Some contrasted Guth's case with that of a black chauffeur, Charles Green, whose car struck and killed a white child on McCulloh Street. Although police and eyewitnesses said the accident was unavoidable, a coroner's jury had voted to hold Green for the criminal court on a charge of manslaughter. Did not the two cases prove disparity in treatment and the presence of a color bias in Baltimore's system of justice? According to some, even Guth's comfortable confinement in a second-floor room instead of a first-floor cell betrayed racial favoritism. "That was indeed very kind of the boss at the Northern," a columnist in the *Ledger* mocked.⁶⁴

According to the *Ledger*, Algire had not summoned Mary Moss to the inquest. She had shown up anyway. That may well have been true. Before the inquest, an official told the *Baltimore News* that none of the black servants would be called to testify "unless they could show that they really were able to throw direct light on the killing." This standard, not applied to Elsie Bolton or Mary Tesar, would also explain the absence of Mary Brown at the inquest.⁶⁵

During the week after Guth's exoneration a movement to bring about a grand jury investigation took wing. Ministers conferred, citizens' groups gathered in meeting halls, and funds were raised to cover legal costs. The local NAACP put two attorneys on the case, Ashbie Hawkins and Warner T. McGuinn. It also sponsored a mass meeting on October 2 at the African Methodist Episcopal Zion Church on Pennsylvania Avenue, where Murphy, a member, had sometimes preached. Speaker after speaker condemned the city's "race repressive measures" and excoriated Algire for not sending Guth's case to the grand jury. Hawkins voiced his suspicion that the inquest had been rigged in Guth's favor, though he carefully ruled out complicity by

the state's attorney's office. The most poignant moment occurred when the slain man's father addressed the audience. George W. Murphy, a farmer in Cumberland County, North Carolina, told the assembly he had come to Baltimore to learn everything possible about the killing of his oldest son, an "inoffensive" young man.⁶⁶

Three days after the inquest, the secretary of the Colored Chauffeurs' Association, John A. Nelson, appealed to Governor Phillips Lee Goldsborough. Maryland's blacks, he asserted in a letter on September 22, had already begun to feel repercussions from the Guth ruling "in the contemp[t]uous remarks cast at them by conductors, rowdies and the general riff raff, who feel that we have no standing before the law." Could not the governor use his influence to have the case reopened? In reply, Goldsborough assured his correspondent that the state's attorney would "do his duty" and take the Guth case to the grand jury in Baltimore for a fair inquiry.⁶⁷

On the morning of October 29, Broening and the grand jury began an investigation of Murphy's death. The press was not informed in advance, but court reporters quickly surmised what was afoot when police officers Leverton, Parr, and Maguire appeared outside the grand jury room. They also made a reasonable guess, probably wrong, that new evidence had surfaced. Caroline Guth, Elsie Bolton, and Mary Tesar were also summoned to testify.⁶⁸

The eccentric Mrs. Tesar dominated newspaper coverage. Only with reluctance had she answered the summons, and her obstinacy held up the proceedings by several hours. When she again refused to take an oath before testifying, she was arrested for contempt and taken downstairs to the sheriff's office. Broening, the stenographer, and two jurors drove off in a juror's car to find a Catholic priest. Late in the afternoon they returned with the churchman, who had a soulful talk with the Bohemian woman in her native language. It turned out that she had once promised her dying mother never to swear an oath. After the priest persuaded her that in the circumstances she might do so with fidelity to both God and mother, Tesar agreed to take the witness stand. When this remarkable scene closed, the grand jury, which had sat for more than seven hours without questioning Caroline Guth, took a vote and reported to the criminal court its decision not to indict her husband.⁶⁹

Among blacks, dismissal of the case produced dismay and consternation. The *Afro-American Ledger* reported that the grand jury, like the coroner's jury, had issued no summons to Mary Moss. Francis N. Cardozo, president of the Baltimore NAACP, who remained convinced that Guth had premeditatedly murdered "an even-tempered and respected colored citizen," called the hearing "a flagrant miscarriage of justice." The jury required only a prima facie case to indict Guth, Cardozo argued, but it chose to act like a trial court in calling witnesses for the defense as well as the state. Cardozo and others suggested that blacks express their displeasure by not purchasing Guth's candies and by using the ballot to punish officeholders who betrayed the public trust. Algire, Broening, and John J. Dobler, who presided over the criminal court, were all Republicans, and through the electoral process they might be replaced.

Baltimore State's Attorney William F. Broening (1870–1953) presided over the grand jury investigation but received strong support from blacks in his campaign for reelection in 1915. From Felix Agnus, ed., *The Book of Maryland "Men and Institutions": A Work for Press Reference* (Baltimore: Maryland Biographical Association, 1920), 20.



The party of Lincoln might be rejuvenated by better Republicans.⁷⁰ But the state's attorney had given blacks the investigation they demanded, and they could do nothing to alter the outcome.

Troubles in Trenton

If Cardozo could have peered into Charles Guth's past, he might have felt doubly certain of the candy maker's guilt. Probably few

people outside Guth's circle knew that he had fallen afoul of the law before or that he had once antagonized the black community of another city.

Both incidents occurred in New Jersey near the turn of the century. Guth had moved to Trenton from Boston in 1898 or early 1899 to manage the Reynolds & Company candy store and factory. Only in his early twenties, he already had the pronounced traits of later years, self-confidence, pride, ambition to make good, and an amiability and friend-making charm that clashed with a quick temper. Convinced he could "do better," he quit the job with Reynolds and started his own confectionery at 209 East State Street.⁷¹

The New Columbia, which opened on April 8, 1899, had a candy department, a soda fountain, and, in back of the building, an ice cream pavilion that seated a hundred. In the evenings an orchestra performed in the pavilion, and on Monday nights a piano-playing crooner entertained the slurping patrons. The ads Guth wrote for placement in local papers only hinted at his genius for generating publicity. Laced with superlatives, they touted his "unsurpassed" ice cream and "the finest candies that money and skill and brains can produce."⁷²

When business slumped in midsummer, the innovative candy maker introduced one of Thomas Edison's Kinetoscopes as a draw. Every evening customers could watch footage of the Battle of San Juan Hill or other "life size" scenes projected on a canvas screen in the pavilion. This gimmick, however, failed to reverse Guth's flagging fortunes. To pay bills, he borrowed nearly \$700 from a wholesale grocery, D. P. Forst & Company, whose executives included a former New Jersey state senator, General William H. Skirm. Guth secured the loan with a chattel mortgage on his property

in the store, most notably a set of flatware, several display cases, a French ice cream freezer, and all the candy and the syrups for making soda. Forst also purchased a legal judgment of nearly \$250 against Guth to fend off a creditor.⁷³

But business continued to drop and debts mounted. For several days in late September the New Columbia was closed and Guth mysteriously disappeared. He turned up again, but Forst & Company decided to foreclose on the mortgage and took an inventory. On October 4 a clerk arrived at work to find the store locked with no sign of Guth. Skirm sent Constable William Branin to investigate. Several display cases, a hundred silver spoons, and the French ice cream freezer were missing. And where had the candy gone? Behind the store Branin found the chocolates and bonbons mashed together and sunk in barrels of water. In a swill tub in the cellar an old shoe floated on a sea of syrups indiscriminately mixed together and rendered undrinkable. The constable also found shelled nuts soaking in kerosene, chipped coconut ruinously drenched in mint, and chocolate settled in two copper kettles filled with water. Several display cases were later uncovered in a woodshed at Guth's house near the store.⁷⁴

To all appearances Guth had hidden some of the chattel goods and destroyed others in a spiteful tantrum. Skirm had him arrested. One of the officers handling the case, a Constable Capple, claimed that Guth admitted wanting to destroy even more property. In an interview with one of Trenton's newspapers, Guth blamed creditors for his problems and predicted everything would turn out well. He would file for bankruptcy and get back in business, for he had "an influential friend at his back, one with plenty of money," who would "see him through," presumably the same brother-in-law in Baltimore he expected to post bail.⁷⁵

Charged with malicious mischief and intent to defraud Forst & Company, the hard-pressed candy maker went on trial in the Mercer County criminal court on November 27, 1899. On the first day, prosecutor William J. Crossley built what seemed a solid case, supported by straightforward testimony from several witnesses. Guth's able attorney, John H. Backes, followed with a surprisingly strong defense.

His star witness was Guth himself, whose two-hour testimony on the second day flipped the prosecution's narrative on its head. Rejecting the charges against him, Guth maintained that the appearance of his having purloined or maliciously damaged the mortgaged property had no reality behind it. The missing spoons and display cases, the submerged chocolates, the nuts soaking in kerosene, the promiscuous mixture of syrups—everything had a more than plausible explanation that was perfectly consistent "with the proper management of a first-class candy factory," as the *Daily True American* reported. As for Guth's alleged wish to have destroyed even more property, the candy man denied ever expressing it. On the contrary, Constable Capple had threatened and attempted to extort money from him. Under Crossley's grilling, Guth stuck to his story, and several defense witnesses, including his younger brother, Ernest, a clerk at the New Columbia, corroborated it.⁷⁶

The case was more complicated than a brief summary suggests, and perhaps the complicatedness, and Guth's persuasiveness, account for the jury's failure to reach a verdict. The judge scheduled a retrial and Guth remained free on bail. By the time the court opened its fall term in 1900, he was living in Baltimore and the case apparently had dropped from the docket.⁷⁷

Shortly before the inconclusive trial began in November, Guth had gone to work for Thomas C. Hill & Son as foreman of the remodeled candy factory behind its confectionery at 11 North Broad Street. At most, this arrangement lasted several months. By the end of April 1900 he was back at the New Columbia. Rechristened the Capital, it had opened again with a new owner, the Headley Chocolate Company. Guth became manager of the renovated store.⁷⁸

Charles Guth never went long without kicking up swirls of controversy, and within days of assuming management of the Capital he had kicked up another. Two black ministers were refused service at the confectionery. The Reverend J. L. Burton, pastor of the Union Baptist Church, told their story to the *Trenton Times*:

My friend was a preacher from out of town, and it was very humiliating to be discriminated against in his presence. We were passing the store and he asked me inside for some refreshments. I accepted and we entered. The young lady who came forward told us very politely that she could not serve us. I do not blame her for I supposed she was acting under orders. My friend wanted that I should see a lawyer at once. He was dumbfounded to see such treatment in a city in the north.⁷⁹

The "young lady" in question, an assistant manager in charge of the store in Guth's absence, confirmed Burton's story. Guth had told her not to serve blacks.

It soon came to light that many besides Burton and his friend had received the same treatment and that the practice had begun the summer before, when Guth owned the confectionery. At the very time he was struggling to keep the New Columbia afloat, he was losing business by turning away large numbers of blacks who sought to purchase his goods. An attorney advised him he had a right to refuse service, but a year later, when Burton made it a public issue, expert local opinion divided on the legality of such discrimination.⁸⁰

Backed by the Trenton chapter of the Afro-American Council, Burton announced that he would file suit. On May 9 the council held a "representative" assembly at the St. Paul African Methodist Episcopal Zion Church. Burton and others spoke. The assembly then adopted resolutions in support of the lawsuit and appointed a committee to raise money, but funds were not needed. In July, the Headley company sold the Capital and Guth moved to Baltimore to become the company's general manager.⁸¹

For legal purposes, Guth's troubles in Trenton, even had they been common knowledge in Baltimore thirteen years later, could have no bearing on the Murphy

case. But students of history and biography are bound by somewhat different rules of evidence from those that constrain bar and bench. What happened in Trenton in 1900 may illuminate what happened in Baltimore in 1913. Without presuming to pass judgment on Guth's guilt or innocence in the Mercer County criminal case, one may say this much: At the least, the case shows that the man who "wept hysterically" at Algire's inquest in 1913 already had considerable experience performing in front of a jury. At the most, if Guth really did commit the malicious acts he was tried for, they show that he had a volatile temper and a vindictive spirit—defects of character that manifested themselves in several well-documented episodes of his turbulent career.

As for the undisputed fact of race discrimination at the New Columbia and the Capital, it suggests that Guth's belief in white supremacy, a belief he asserted with oblivious candor in 1913, was deeply rooted in his past and in his thinking.

Modest Conjecture

Preparing for litigation with the Pepsi-Cola Company in the late 1930s, attorneys for the Coca-Cola Company hired Edwin N. Lewis to collect material on the combative genius behind the rival soft drink firm. Working from legal records, newspaper stories, and interviews, Lewis compiled a manuscript biography of more than three hundred engrossing and occasionally talebearing pages on Charles Guth. Its three chapters on the Murphy case, largely extracts from articles in the *Baltimore Sun*, have limited value. But one contains an intriguing note on Lewis's correspondence with Turner Jones, a Coca-Cola bottler in Maine, who told him about a man in Baltimore who had witnessed Murphy's shooting and could back up Mary Moss's story:

If I am not mistaken, the fact that he did not come forward as a witness at that time lays him liable to prosecution even at this long delayed date. Consequently, I do not believe that you would want to attempt to interview him unless the use of the information were of very serious import to our Company. Should that time ever come, I imagine that we could arrange such an interview.⁸²

Guth lost his controlling financial interest in Pepsi before the case went to trial, however, which made an interview unnecessary. The mute witness, if there was one, remained an anonymous shadow.

Without such "new" facts or discoveries in the case, the researcher must rely on slender and quite fallible sources. As if to confirm Tocqueville's observation that newspapers are the only historical record in the United States, almost everything now known about the Guth-Murphy case comes from contemporary accounts in the Baltimore press. The most critical and substantial government records, the reports of the coroner and the grand jury, with their transcripts of testimony, have not survived the indifference, the carelessness, or the budgetary constraints of record-

keepers. The only known firsthand accounts of the inquest, for instance, come from reporters who covered the proceedings for the *Sun*, the *News*, the *American*, and *Der Deutsche Correspondent*. Racing against copy deadlines, they must have worked their stories up from hastily scribbled notes. Almost certainly they omitted significant and interesting information, misquoted or garbled testimony, or failed to catch not-so-glaring contradictions and important but subtle nuances in what they heard. It would be foolish to draw from such fragmentary sources anything but the most tentative conclusions about "what really happened" on the morning of September 18, 1913. Cautious conjecture is another matter.

Perhaps Guth told the truth at the inquest, but everything known about the man's character and outlook—his well-attested temper, his imperiousness with employees, his view of race relations, even his business ethics—leaves room for doubt. Even if the incident occurred as he described it, he showed deplorable judgment in allowing a dangerous situation to spiral out of control.

By one account Guth told Sergeant Leverton that his first words to Murphy in the basement were "What do you mean by talking to your mistress in the manner you did this morning?" To the sensitive North Carolinian such words, if Guth really did utter them, may have sounded infuriatingly like plantation parlance, and all the more so if Guth's manner and tone conveyed arrogant condescension. "He became like an insane man almost immediately," Guth stated. "Why ——— you," Murphy supposedly roared, picking up the ax, "I'll kill you for talking to me like that."⁸³

In Guth's later and more elaborate explanation of how the fight started, Murphy became "insane" more gradually and attacked his employer only after Guth mentioned the milk and reacted to Murphy's wrathful words about white people by discharging him. This version probably comes closer to the truth, but it also redounds to Guth's discredit by allowing him more time to have gauged the situation and to avert trouble. When confronting Murphy in the basement, he must have divined almost at once the chauffeur's agitated state. A wiser man might have left Murphy alone or calmed him with judicious words judiciously spoken. Far from wise, Guth was an authoritarian whose Prussian approach to management brooked no back talk from subordinates. One can scarcely imagine him responding to Murphy's edged words with anything but astonishment rapidly turning to anger. Guth's imperious demeanor and Murphy's brooding sense of racial injustice must have acted on each other like an explosive mixture of incompatible chemicals. In this match-up of high-wrought wills, "one thing led to another," as Mary Moss put it, and what began as Guth's attempt to discipline Murphy escalated into a fight with fatal consequences.

Whether or not the two men came to blows in the basement, all witnesses agreed that Guth went back upstairs—or was chased there—and talked to police on the phone. At that point, to protect his family, he needed only to lock the doors, secure the pistol, and wait for the patrol wagon. Had he done so, Murphy might have lived. Instead, perhaps following an impulse to lash back, to track down and punish, or at

least frighten, the black man who had dared speak disrespectfully to a white superior, Guth went looking for Murphy.

Exactly what happened next will never be known. For certain, a ferocious struggle took place in the yard and the garage and two shots were fired, one mortally wounding Murphy. But did adrenalin-powered rage enable the dying man to grapple with Guth again on the porch? It is worth recalling once more the statement of Mary Brown, the woman who watched from a window next door as the fight neared its deadly finish. Her recollection of seeing Guth run up the porch steps past a fallen Murphy, apparently without pausing, and enter the house casts doubt on the testimony of both Guth and Moss. If Brown's testimony in police court was true and accurately reported, then Guth did not, as Moss claimed, beat Murphy on the head as he lay sprawled out and bleeding on the porch. By the same token, Guth must have lied about having a "tussle" there with Murphy, though he had no obvious reason to fabricate this part of his story.

And what about his testimony, and presumably hers, that Mrs. Bolton met him in the yard and warned that Murphy lay in wait on the porch? To reach Guth, she had to walk through the porch and brush by a man she already knew, according to Caroline Guth's testimony, was armed and apparently intent on getting inside. Perhaps she had remarkable courage, or perhaps it never happened.

George Murphy's death, however it came about, was a personal tragedy. The tragedy for the civil and social order was that the case produced fresh and profound doubts about the legitimacy of legal processes. Even if Guth told the truth, the justice system and the way it handled the case gave black Baltimoreans plenty of reasons for skepticism. The reported decision not to summon African American servants to testify, the friendly presence of prominent and powerful public figures, the exclusion of all black observers but one, the perfunctory deliberation of Algire's jury, and the disregard for Moss's testimony created an impression of proceedings slanted in favor of the white businessman. Their right to vote may have buttressed blacks' faltering faith in the political system, but the Guth case did nothing to strengthen their confidence in local courts and juries.

Afterclap

Amid the worst of Baltimore's racial disturbances, the controversy over residential segregation, and the uproar over Guth's exoneration, an editorial in the *Afro-American Ledger* lamented that an age of persecution had dawned for the black race—ironically, during the jubilee year of the Emancipation Proclamation. But the paper counseled readers not to despair. The rising injustices of Jim Crow treatment were occurring precisely because blacks had progressed toward full consciousness of their identity as a people, their worth as individuals, and their equality in the eyes of a loving God.⁸⁴

Indeed, hope was no orphan. Violence subsided, and rulings by federal and state

courts invalidated the city's latest segregation ordinance—although, to be sure, de facto forms of residential segregation persisted. Moreover, heeding Cardozo's advice, black voters used the ballot against the man they deemed most responsible for sparing Guth the punitive consequences of murder.

Unlike their counterparts in more southerly states, blacks in Maryland could still vote in significant numbers, and Baltimore's blacks in particular had considerable electoral strength. Generally they threw their weight behind Republican candidates, but when Harry Algire stood as the party's nominee for city register of wills in the autumn of 1915, a vigorous and determined opposition swiftly formed. Cardozo and Hawkins urged blacks to vote against Algire, as did George Murphy's pastor, then living in Connecticut. "Every Negro who casts a vote for Coroner Algire," John MacDonald wrote in a passionate letter to the *Ledger*, "heartily favors white men killing pious, innocent Negroes."⁸⁵

A few prominent blacks, ministers by and large, publicly endorsed Algire's candidacy. The Reverend John H. Bunday maintained that the forty-two-year-old Algire would "show to the city of Baltimore what service a young, conscientious man can give in the office of Register of Wills." But other blacks ridiculed these supporters as "tricky preachers" or even "traitors to the race." Allegedly in the pay of white establishment politicians, such men, it was suggested, might even endorse Murphy's killer.⁸⁶

Although the *Ledger* devoted much space to reminding readers of Algire's role in the Guth case, memories hardly needed refreshing. Stories about the coroner's handling of the inquest had circulated for two years. According to one, Algire effected Guth's release by bringing together a jury of easily manipulated "boys" who smiled and deferentially bowed to Tippet, Guth's attorney, as they entered the hearing room. Many believed the coroner's concluding remark at the inquest, that he took great pleasure in restoring Guth to freedom, capped the proof of his bias.

Stunned by what he saw as attacks on his integrity and character, and alarmed by reports that he was slipping further behind his opponent in the campaign, Algire adamantly denied having manipulated the inquest:

Any intimation that I used any sinister or other influence to have the coroner's jury bring in a verdict exonerating Charles G. Guth is absolutely false. I never saw Guth before the inquest and I have not seen him since. I had no interest in George H. Murphy, the man who was shot by Guth. I deny as absolutely false the allegation that I summoned a jury of boys. I took no more interest in the case than my official duties imposed. While the jury was deliberating I was out of their room.⁸⁷

With Algire floundering, the Republican organization set to work. Fifteen or more influential blacks were invited to party headquarters to view the official record



Charles Guth, c.1930s. (Milward W. Martin, *Twelve Full Ounces* [New York: Holt, Rinehart and Winston, 1962].)

of Guth's case. The stenographer's report of the inquest was said to show that Algire had acted by the book.⁸⁸

Perhaps in desperation, the coroner met with the *Ledger's* editorial staff and stoutly defended his record. They listened politely and proceeded to publish an editorial recycling the rumor about boy jurors. According to the paper, Mary Moss's testimony, "not impeached nor broken down," would

have convinced "any ordinary jury" that Guth committed murder and that he should have been held for the grand jury. Somewhat inconsistently, it argued that Algire, knowing the predisposition of "ordinary white men" to acquit a white man accused of murdering a black, should have taken greater care in selecting the members. Prompting further questions about his judgment, he allowed Mary Tesar, "a very important witness," to give testimony "without the sanction of an oath." Finally, despite the claim of having conducted a fair investigation, Algire's expression of "ecstatic felicity" on releasing Guth from custody undoubtedly laid bare the fundamental bias behind his conduct of the inquest. "The more we look into this case," the paper concluded, "the more firmly convinced we are that it was the grossest miscarriage of justice in the history of criminal cases in the city of Baltimore." For his part, Algire had been "culpably remiss in his duty."⁸⁹

With unusually strong support in black precincts, Algire's Democratic opponent, an incumbent, defeated him by more than fourteen thousand votes in the election on November 2. Republicans in general fared worse than many expected, but the coroner ran hundreds of votes behind his party's statewide ticket in the predominantly black Seventeenth Ward and lagged in several others with a sizable percentage of African American voters. Dr. Algire, the *Ledger* fairly exulted, "was one of the worst defeated candidates in years."⁹⁰

By contrast, Republican William J. Broening won reelection as state's attorney for Baltimore. Although some blacks faulted him for the grand jury's decision to

drop the Guth case, most remembered Broening's opposition to a Jim Crow car bill during his days as a state legislator. His opponent's endorsement by noted segregationists neutralized any lingering doubts. The victorious candidate praised the *Afro-American Ledger* for its impartial coverage of his campaign and thanked its readers "for their hearty support." In 1919 the paper backed his successful bid for the mayor's office.⁹¹

Algire's defeat ended neither his professional nor his political life: he remained a coroner and retained his position as a Republican state central committeeman. But many of Baltimore's blacks must have regarded his defeat in 1915 as retribution, though neither complete nor cathartic, for Guth's exoneration.

As for Charles Guth himself, he continued to make occasional headlines. Early in 1914 his old firm, the Guth Chocolate Company of Delaware, successfully sued him for trademark infringement. Later in the year a car owned by Guth and driven by his chauffeur, Murphy's white replacement, ran over and seriously injured a three-year-old boy. In 1923 a former chauffeur for Guth, yet another of Murphy's white successors, was arrested for stealing \$3,000 in jewelry from Guth's home in Mount Washington. Jinxed in picking chauffeurs, the candy man abandoned his whites-only hiring policy. A black chauffeur was driving him and a son-in-law, John M. Huppman, in January 1930 when their car collided with a coal truck on Falls Road and rolled over three times. The men walked away shaken but uninjured.⁹²

Guth's later business dealings and double-dealings and his seemingly interminable legal entanglements have been capably chronicled by others. They brought a measure of fame and more than a measure of notoriety. It was not for his business dealings, however, that many black Baltimoreans remembered Charles Guth. For them he remained the murderer of George Murphy. More than twenty years after Murphy's death, the *Baltimore Afro-American* included in one of its weekly jumbled-letter puzzles a term defined as ruffian or assassin; it was *thug*, and the scrambled arrangement of its letters was GUTH.⁹³

NOTES

1. On Guth's reputation as "the Chocolate King" see Carroll Dulaney, "Guth, 'Candy King' and Fighting Man, Ex-Baltimorean," *Day by Day, Baltimore News-Post*, May 2, 1939. On his stormy tenure with the new Pepsi-Cola Company see Walter Mack with Peter Buckley, *No Time Lost* (New York: Atheneum, 1982); Milward W. Martin, *Twelve Full Ounces* (New York: Holt, Rinehart and Winston, 1962); Bob Stoddard, *Pepsi-Cola: 100 Years* (Los Angeles: General Publishing Group, 1997).
2. Edwin N. Lewis, "Charles G. Guth: A Biography" (unpublished manuscript, 1941, Archives Department, Coca-Cola Company, Atlanta), 1-41, 47-49, 61; *Guth Chocolate Co. v. Guth*, 215 F. 750 (4th Cir. 1914). The author wishes to thank Philip F. Mooney, Director, Heritage Communications, the Coca-Cola Company, for supplying a photocopy of the Lewis manuscript.
3. Baltimore City Circuit Court, *Levin L. Dirickson v. The Guth Chocolate Company of Bal-*

timore City, 1909, Case Number 5047 (Equity Papers A, Miscellaneous), 03/04/12/057, MSA C186-7, Maryland State Archives, Annapolis.

4. Dirickson to Williams, April 20, 1909, John Skelton Williams Papers, 1884-1926, Accession #10040, 10040-a, Box 18, Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville; Williams to Dirickson, January 22, 1909, Williams Papers, Box 114, Letterbook 1908 October 2-1909 May, 539-40. Williams owned \$1,500 of preferred stock in the Guth company, and his Bank of Richmond had loaned the firm as much as \$10,000. For his attempt to obtain information on the company's financial condition, and Guth's evasiveness, see Williams to Guth, August 4 and 13, 1906, and Guth to Williams, August 9 and 15, 1906, Williams Papers, Box 8.

5. *Guth Chocolate Co. v. Guth*, 753; Lewis, "Charles G. Guth," 82.

6. *Guth Chocolate Co. v. Guth*, 757-58; Lewis, "Charles G. Guth," 65-68, 83, 90-93.

7. Lewis, "Charles G. Guth," 172.

8. Martin, *Twelve Full Ounces*, 50; Frederick Allen, *Secret Formula: How Brilliant Marketing and Relentless Salesmanship Made Coca-Cola the Best-Known Product in the World* (New York: Harper Business, 1994), 211-12; Robert Lockwood Mills with Harry Maurer, *Thomas Elmezzzi: The Man Who Kept the Secret* (Great Neck, N.Y.: JET Foundation Press, 2004), 48-51; Lewis, "Charles G. Guth," 173-74, 222-23, 291-94, 296-98. For a more positive view of Guth, see Audrey Bishop, "The First 50 Years of a Baltimorean," *Baltimore Sun*, December 31, 1950.

9. Baltimore City Police Department (Criminal Docket, Consolidated), August 22, 1913-October 25, 1913, report of Northern District on arrest and release of Charles G. Guth, September 19, 1913, 03/16/10/028, MSA T2212-73, Maryland State Archives, Annapolis. Except where noted otherwise, the account of Guth's first day in detention and his interview with Leverton draws on "Chas. G. Guth, Escaping Ax, Kills Negro," *Baltimore Evening Sun*, September 18, 1913; "Chas. G. Guth Kills Negro in Fight for Life," *Baltimore News*, September 18, 1913; "Chas. Guth Kills His Chauffeur in Desperate Battle," *Baltimore Star*, September 18, 1913; "Chas. G. Guth Shoots Negro Chauffeur," *Baltimore Sun*, September 19, 1913; "Mr. Guth Didn't Shoot to Kill," *Baltimore American*, September 19, 1913; "Um Leben und Tod," *Der Deutsche Correspondent* (Baltimore), September 19, 1913. Hereafter, first citations of newspaper articles from 1913 omit year of publication; for articles in the daily press on the Guth case, subsequent citations give only a shortened version of the paper's name and the day of publication.

10. Testimony of Dr. John T. King at coroner's inquest ("Guth Shot Negro in Self-Defense," *Baltimore American*, September 20).

11. *The American* and the *Sun*, both September 19, summarized Guth's second narration of the fight. The *Sun* mistakenly identified Matthews as the husband of Caroline Guth's sister.

12. The *American* placed the house on Lanvale Street, scene of a similar incident on the evening of September 16.

13. Guth believed the shot grazed his head, but the examining doctor concluded that a wound on the back of his left ear had a different cause (*American*, September 20).

14. The *Sun*, September 19, said nothing about the gun being on the porch, while the *American* on the same date said only that it lay on the floor beside Murphy when the police arrived. In their stories on September 20, however, both papers stated that Murphy was on the porch holding the pistol.

15. *American*, September 20; "Jury Exonerates Charles G. Guth," *Baltimore Sun*, September 20.

16. The *Sun*, September 19, gave a physical description of Guth; the *Star* and the *Evening Sun*, both on September 18, described Murphy.

17. "Mr. Guth before Inquest Tonight," *Baltimore Star*, September 19.

18. *Washington Post*, "Kills Crazy Chauffeur," September 19.

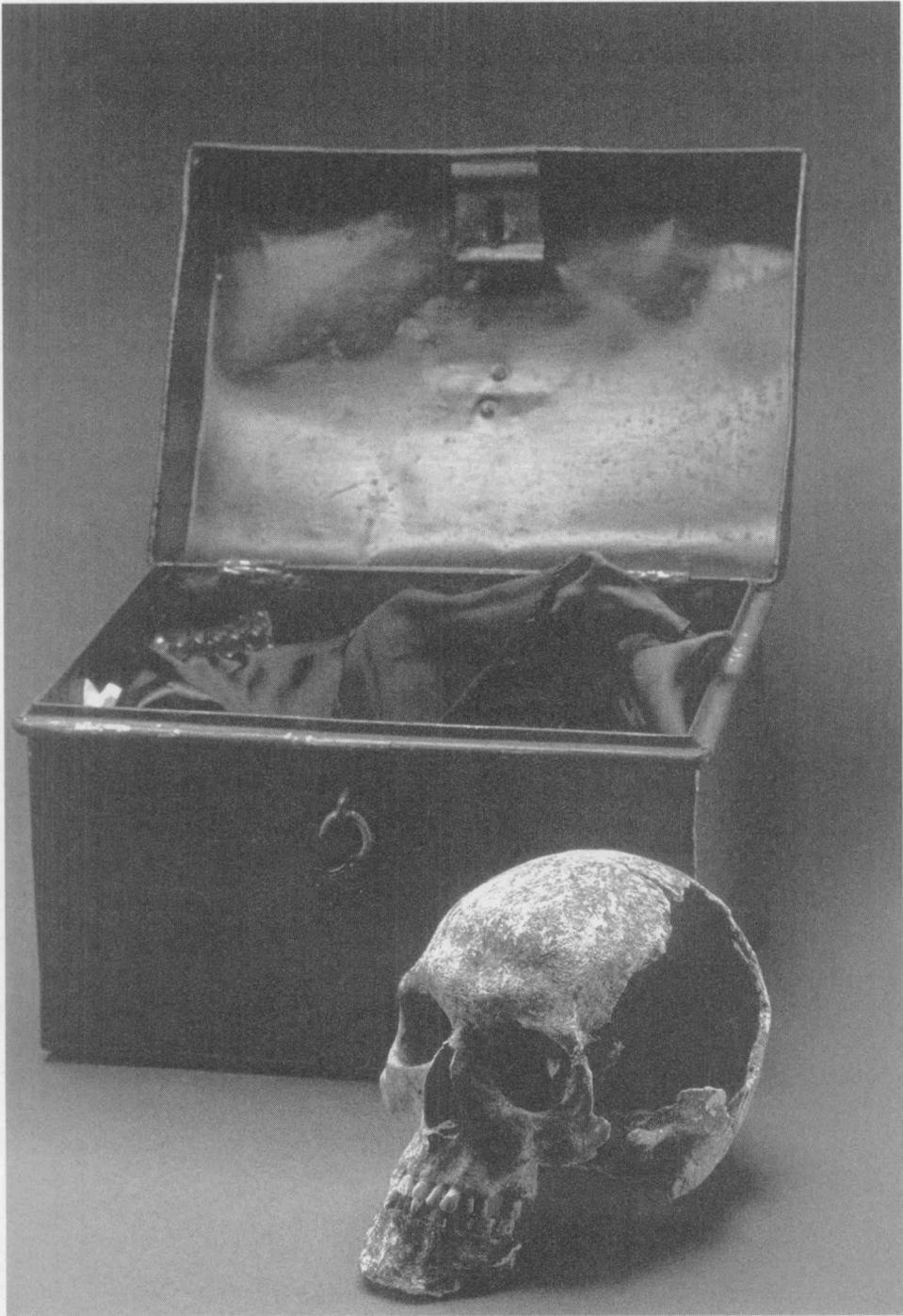
19. *News*, September 18.
20. *American*, September 19. For time of the hearing see *Evening Sun*, September 18; for Guth's attire see *Sun*, September 19. More likely his hair was a deep brown, the color given on his draft registration card in early 1918, when he was forty-one. The same document describes his eyes as blue and his height and build as medium. Curiously, Guth's draft registration card in World War II, nearly a quarter of a century later, has the eye color as gray and the height as five feet eleven. Time and nature might have subtly altered the eyes, but could they add five inches to the stature in old age? Guth also changed his middle name to Godfrey.
21. *American*, September 19; *Sun*, September 19.
22. Of the three papers that published Moss's statement, the *American* and the *Star*, both on September 19, printed identical versions, used here, that differed insubstantially from the *Baltimore Evening Sun's* ("Maid in Guth House Sides with Victim," September 19).
23. *Evening Sun*, September 18; *Star*, September 18; *American*, September 19; *Sun*, September 19. On Algire's background see Eugene Fauntleroy Cordell, *The Medical Annals of Maryland, 1799-1899* (Baltimore: Medical and Chirurgical Faculty of the State of Maryland, 1903), 300.
24. *American*, September 20. On Keirle see *Encyclopedia Dickinsonia*, s.v. "Nathaniel Garland Keirle (1833-1918)," http://chronicles.dickinson.edu/encyclo/k/ed_keirleNG.htm (accessed May 30, 2011); E. Chaves-Carballo, *The Tropical World of Samuel Taylor Darling: Parasites, Pathology and Philanthropy* (Portland, Ore.: Sussex Academic Press, 2007), 20-22; Carroll Dulaney, *Day by Day, Baltimore News-Post*, February 13, 1943, and July 8, 1944.
25. Lewis, "Charles G. Guth," 117; "Eleven Eutaw Place Homes Fire Swept," *Baltimore Sun*, February 3, 1918; "\$52,000 Fire Loss," *Baltimore Sun*, February 4, 1918. The author visited the neighborhood in May 2011 and took a rough measure of the yard's dimensions. A classified listing in the *Baltimore Sun*, September 29, 1900, gave a width of 20 feet and a length of 158 feet for the entire property. The house has been remodeled into condominiums.
26. Lewis, "Charles G. Guth," 117-18; *Sun*, September 20; *Evening Sun*, September 19. The garage no longer stands.
27. *Sun*, September 20.
28. *Evening Sun*, September 19; "Certain No One Saw Negro Shot by Guth," *Baltimore News*, September 19. Information on Moss's age comes from the 1920 census.
29. "Citizens Want Grand Jury to Investigate," *Baltimore Afro-American Ledger*, September 27; *American*, September 19; *Evening Sun*, September 19. The *American* reported Murphy's age as twenty-two, the same age given on the coroner's certificate of death. This document is found in Baltimore City, Health Department Bureau of Vital Statistics (Death Record), MSA CM1132-117, no. C68253, Maryland State Archives, Annapolis. Murphy's employment record at the Baltimore and Ohio, a copy of which the B&O Railroad Museum in Baltimore provided the author, gives December 14 as Murphy's birthday, but the year of birth is difficult to make out. It could be 1890. Census data, however, indicate that Murphy was about three months shy of his twenty-fifth birthday at the time of death.
30. *News*, September 18; *Sun*, September 19.
31. "Maniac Killed in Duel with Pistol and Ax with His Employer," *Washington Times*, September 18; *Star*, September 18; "Maniac with Ax Shot Dead by Candy Man," *Washington Herald*, September 19; "Crazed Negro Slain by Employer," *Richmond Planet*, September 27.
32. "The Guth Murder Case," *Baltimore Afro-American Ledger*, September 20.
33. On Baltimore's segregation ordinances see Garrett Power, "Apartheid Baltimore Style: The Residential Segregation Ordinances of 1910-1913," *Maryland Law Review* 42 (1983): 289-328; Gretchen Boger, "The Meaning of Neighborhood in the Modern City: Baltimore's Residential Segregation Ordinances, 1910-1913," *Journal of Urban History* 35 (January 2009): 236-58.

34. "White Youths Stone Home of Negroes," *Baltimore Evening Sun*, September 17; "Negro House Attacked," *Baltimore Sun*, September 18.
35. "Negro House Attacked."
36. *Star*, September 19; *News*, September 19; *Evening Sun*, September 19.
37. "Guth Receives Negro Threats of Vengeance," *Baltimore Evening Sun*, September 20; *News*, September 19; *Evening Sun*, September 19; *Star*, September 19; *American*, September 19.
38. *Star*, September 19.
39. *American*, September 19.
40. "Some Stories Told of Ex-Gov. Frank Brown," *Baltimore Sun*, February 4, 1920. For brief biographies of Brown see "Ex-Governor Brown Dies at Age of 73," *Baltimore Sun*, February 4, 1920; Frank F. White Jr., *The Governors of Maryland, 1777-1970* (Annapolis: Hall of Records Commission, State of Maryland, 1970), 215-18; Heinrich Ewald Buchholz, *Governors of Maryland: From the Revolution to the Year 1908* (Baltimore: Williams and Wilkins Co., 1908), 246-54.
41. The story is chronicled in the *Baltimore Sun*, December 22, 28, 29, and 30, 1892; January 5, 7, 9, 12, 13, and 14, 1893; February 4, 1920.
42. J. W. MacDonald, letter to the editor, *Baltimore Afro-American Ledger*, October 23, 1915. For coverage of the inquest see *American*, September 20; *Sun*, September 20; "Guth Is Not Blamed for Shooting Negro," *Baltimore News*, September 20; "Guth entlastet," *Der Deutsche Correspondent*, September 22. For the most part, summary of testimony follows the *American's* substantial article, from which, except where noted otherwise, quotations are taken. Unfortunately, stenographers' records of inquests held in Baltimore's Northern District during this period have not been preserved (Dr. Edward C. Papenfuse Jr., Director, Maryland State Archives, conversation with the author, May 21, 2009).
43. "Citizens Want Grand Jury to Investigate"; National Association for the Advancement of Colored People, *Fourth Annual Report* (New York: NAACP, 1914), 43. On Hawkins see Power, "Apartheid Baltimore Style," 305, 311; Boger, "Meaning of Neighborhood," 242; Maryland State Archives, "W. Ashbie Hawkins (1861-1941)," MSA SC 3520-12415, www.msa.md.gov (accessed June 13, 2011).
44. No newspaper reported the make or caliber of Guth's pistol, and only three gave descriptions of the ax: the *Evening Sun* and the *Star* on September 18 and *Der Deutsche Correspondent* on September 19. It was heavy and short-handled "with an extremely keen edge," as though recently whetted.
45. See the *American* and the *Sun*, both September 20; Baltimore City Police Department (Criminal Docket, Consolidated), report on arrest and release of Charles G. Guth.
46. *Correspondent*, September 22.
47. *Sun*, September 20.
48. *Ibid.*
49. *News*, September 20.
50. *Sun*, September 20.
51. *News*, September 20. In the *American's* account, unsupported by any other, Guth indicated that the second shot went off when he fell on top of Murphy.
52. In the *Sun's* account, Guth also said the ax was missing.
53. *Sun*, September 20; "Must Combat All Repressive Measures," *Baltimore Afro-American Ledger*, October 4, 1913; "Algire's Friends Concede Defeat," *Baltimore Afro-American Ledger*, October 30, 1915. Three minutes of deliberation was the *Sun's* calculation. The *American* said "the jury was out" for fifteen minutes, while the *News* said simply "a few minutes."
54. *Evening Sun*, September 20; "Threats for Mr. Guth," *Baltimore Sun*, September 21; "Citizens Want Grand Jury to Investigate."

55. *Evening Sun*, September 20.
56. *Sun*, September 21; "Guth Home Is Watched," *Baltimore News*, September 22.
57. *Sun*, September 21.
58. *Ibid.*; "Police on Guth Case," *Baltimore Sun*, September 22; *Evening Sun*, September 20; *News*, September 22.
59. "Race Law in Effect," *Baltimore Sun*, September 26; "Negro Homes Stoned; Four Persons Hurt," *Baltimore Sun*, September 26.
60. "Negro Family Will Flee Mosher Street," *Baltimore News*, September 26; "One Shot; One Stabbed," *Baltimore Sun*, September 27; "Whites Attack Negro's House: Mob Outwitted," *Baltimore Evening Sun*, September 27.
61. "Negro Wounds 4 Boys," *Baltimore Sun*, October 1; "Gets Jail Sentence for Defending His Home," *Baltimore Afro-American Ledger*, October 4.
62. "The Segregation Ordinance Should Bring Peace," *Baltimore Sun*, September 27; "Gives Advice to Negroes," *Baltimore Sun*, September 27.
63. "In Evil Times," *Baltimore Afro-American Ledger*, September 27; "Time to Call a Halt," *Baltimore Afro-American Ledger*, October 11; "5 Injured in a Near-Riot," *Baltimore Afro-American Ledger*, September 27. On the early history and editorial stands of the *Ledger* see Boger, "Meaning of Neighborhood," 241-42; Hayward Farrar, *The Baltimore Afro-American: 1892-1950* (Westport, Conn.: Greenwood Press, 1998).
64. "Citizens Want Grand Jury to Investigate"; "A Contrast," *Baltimore Afro-American Ledger*, October 4; Booster Knock, Boosts and Knocks, *Baltimore Afro-American Ledger*, September 27. Also see "Sister Sees Him Killed," *Baltimore Sun*, October 1; "Jury Holds Chauffeur," *Baltimore Sun*, October 2. The *Ledger* observed, on hearsay, that Guth grew up in Baltimore "in the vicinity of Rock street" and was "taught to read and write by a colored man, the late Marshall Whiting"—perhaps darkly insinuating that Guth repaid this debt to the black community by gunning down one of its own ("Citizens Want Grand Jury to Investigate").
65. "Citizens Want Grand Jury to Investigate"; *News*, September 19. The official was Detective Coughlin. The *News*, presumably in error, referred to the evidence and witnesses he was gathering for "the Grand Jury."
66. "Citizens Want Grand Jury to Investigate"; "Dr. Algire's Explanation," *Baltimore Afro-American Ledger*, October 23, 1915; "Must Combat All Repressive Measures." Also see reports by the Baltimore branch in NAACP, *Fourth Annual Report*, 40-44. Information about the elder Murphy's occupation comes from federal censuses. In separate articles the *Ledger* called him an elder in the A.M.E. Zion Church and "Rev. William Murphy."
67. The *Afro-American Ledger* published the Nelson-Goldsborough correspondence on September 27.
68. "Guth Case Probed; Cook Is Arrested," *Baltimore Star*, October 29; "Probing Guth Shooting," *Baltimore Sun*, October 30.
69. *Star*, October 29; *Sun*, October 30; "Charles G. Guth Exonerated Again," *Baltimore Evening Sun*, October 30; "Guth Exonerated by Grand Jury," *Baltimore Star*, October 30; "Guth Exonerated Again," *Baltimore Sun*, October 31. Baltimore grand jury reports from this period have not been preserved (Dr. Robert W. Schoeberlein, Director, Special Collections, Maryland State Archives, telephone conversation with author, March 3, 2011; Maryland State Law Library, e-mail message to author, March 4, 2011).
70. Untitled news item, *Baltimore Afro-American Ledger*, November 8; F. N. Cardozo, letter to the editor, *Baltimore Afro-American Ledger*, November 1; Booster Knock, Boosts and Knocks, *Baltimore Afro-American Ledger*, November 15.
71. Lewis, "Charles G. Guth," 15-17.

72. *Ibid.*, 17, 22–23, 25; “New Soda Fountain,” *Trenton Times*, July 19, 1899. Many of Guth’s ads ran in the *Trenton Daily True American*, from which Lewis reproduced a large number (“Charles G. Guth,” 16–30).
73. Lewis, “Charles G. Guth,” 28; “Charles Guth on Trial,” *Trenton Times*, November 27, 1899; “Guth Case Is Undecided,” *Trenton Daily True American*, November 30, 1899.
74. “Guth’s Candy Store Closed,” *Trenton Times*, September 28, 1899; “Candy Man’s Mix-Up,” *Trenton Times*, October 5, 1899; “Trial of Chas. G. Guth Begun Yesterday,” *Trenton Daily State Gazette*, November 28, 1899; “The Guth Trial Ended Yesterday,” *Trenton Daily State Gazette*, November 30, 1899.
75. “Guth Trial Ended Yesterday”; “Candy Man’s Mix-Up.”
76. “Guth Case Is Undecided”; “Guth Trial Ended Yesterday.”
77. “Guth Jury Failed to Agree,” *Trenton Daily True American*, December 1, 1899; “Mercer Court Cases,” *Trenton Times*, June 12, 1900. The list of cases scheduled for the Mercer Court’s October term, published in the *Daily State Gazette* on October 6, 1900, does not include Guth’s. Official records of the case may no longer exist (Records Department, Mercer County Courthouse, e-mail message to author, May 8, 2008; Bette M. Epstein, Reference Supervisor, New Jersey State Archives, e-mail message to author, December 31, 2008).
78. Ad for Thomas C. Hill & Son, *Trenton Times*, October 14, 1899; “Candy Store Reopened,” *Trenton Times*, May 2, 1900; “New Columbia to Open,” *Trenton Times*, April 13, 1900. The Headley Chocolate Company was incorporated on July 28, 1900 (Lewis, “Charles G. Guth,” 47).
79. “Race Discrimination,” *Trenton Times*, May 2, 1900.
80. “Colored People Indignant,” *Trenton Times*, May 3, 1900; “Trade Discrimination,” *Trenton Times*, May 5, 1900; “Race Discrimination.”
81. “Will Test the Law,” *Trenton Times*, May 10, 1900; “Changes at the Columbia,” *Trenton Times*, July 13, 1900.
82. Lewis, “Charles G. Guth,” 130n. Ashbie Hawkins and others may have known about the reluctant witness. See NAACP, *Fourth Annual Report*, 43. On the litigation between the Coca-Cola and Pepsi companies see Allen, *Secret Formula*, 237–38.
83. *Evening Sun*, September 18.
84. “The Age of Persecution,” *Baltimore Afro-American Ledger*, October 4.
85. “Democrats Start Color Bugaboo,” *Baltimore Afro-American Ledger*, October 9, 1915; “Algire’s Friends Concede Defeat”; J. W. MacDonald, letter to the editor, *Baltimore Afro-American Ledger*, October 23, 1915.
86. “Algire’s Friends Concede Defeat”; “Dr. Algire’s Explanation”; J. H. Bunday, letter to the editor, *Baltimore American*, October 27, 1915; L. S. Flagg, letter to the editor, *Baltimore Afro-American Ledger*, October 30, 1915; Sylvester H. Norwood, letter to the editor, *Baltimore Afro-American Ledger*, October 23, 1915.
87. “Dr. Algire’s Explanation.” On the morning after the coroner’s inquest the *Baltimore American* published the names and addresses of the jurors. In seven instances, only an initial was given for a juror’s first name. The half-dozen jurors whose information can be gleaned from city directories and federal censuses ranged in age from twenty-three to forty-three, with an average age of around thirty-one. They included two clerks, a dentist, a musician, a seller of auto accessories, and the superintendent of a cannery.
88. “Algire’s Hope Fading Fast,” *Baltimore Afro-American Ledger*, October 16, 1915.
89. “Coroner Algire,” *Baltimore Afro-American Ledger*, October 23, 1915.
90. “Precinct, Ward and District Figures in Tuesday’s Election,” *Baltimore Sun*, November 4, 1915; “G.O.P. Loses by Small Margin,” *Baltimore Afro-American Ledger*, November 6, 1915.

91. "G.O.P. Sees Victory Ahead," *Baltimore Afro-American Ledger*, October 30, 1915; "G.O.P. Loses by Small Margin"; Farrar, *Baltimore Afro-American*, 60-61.
92. "Rules Against C. G. Guth," *Baltimore Sun*, June 3, 1914; "Guth Auto Hits Boy," *Baltimore Sun*, September 30, 1914; "Former Chauffeur Held in \$3,000 Jewel Robbery," *Baltimore Sun*, December 4, 1923; "Two Dazed as Car Turns Over Thrice," *Baltimore Sun*, January 25, 1930.
93. Jumbled Letters, *Baltimore Afro-American*, October 13 and 20, 1934.



In 2005, this tin box containing a skull tentatively identified as that of William Wirt, arrived at the Smithsonian Institution's National Museum of Natural History for evaluation.

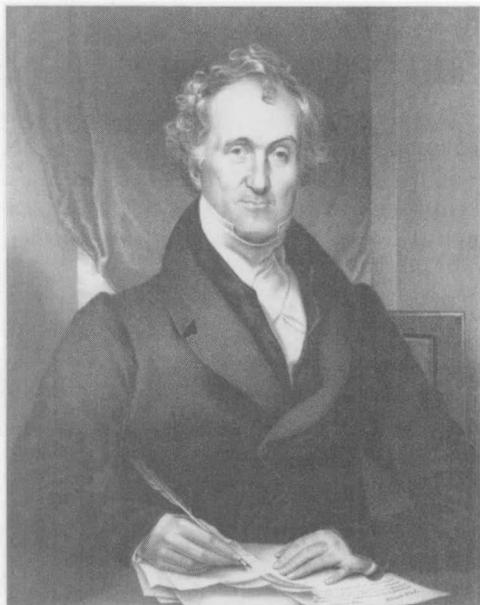
Cemetery Vandalism: The Strange Case of William Wirt

MARK W. GRABOWSKI, DOUGLAS W. OWSLEY,
and KARIN S. BRUWELHEIDE

Scientists at the Smithsonian Institution's National Museum of Natural History (NMNH) have a long record of aiding law enforcement in cases in which unidentified human remains need to be positively identified and causes of death determined. Bones can be examined to determine sex, ancestry, age at death, and cause of death, and any preexisting records from the living individual, such as dental and skeletal radiographs and DNA tests, can be employed along with the bones to provide the final say in identification. While the majority of these cases involve comparatively recent deaths, instances do arise from time to time where the skills of the forensic anthropologist and archaeologist are called upon to evaluate older remains. One such case involved the skull of former Attorney General of the United States William Wirt, and the examination of Wirt's burial place in Congressional Cemetery provides a rare glimpse inside the tomb of a well-to-do nineteenth-century Washington family.

In mid-2005, a skull tentatively identified as that of the Honorable William Wirt arrived at the NMNH for evaluation. Though many of the details of the skull's passage after its clandestine removal from the Wirt vault at D.C.'s Congressional Cemetery are fuzzy, the trail picks up with the skull in the custody of a collector of human curios. Though it is not widely known to the general public, there is an active and close-knit relics trade in the U.S., in which this collector was a participant. The true identity of the skull was unknown, though it was reputed to be Wirt's, and, in an attempt to substantiate this association, the collector contacted the cemetery and was told that the Wirt vault had been broken into at some point in the 1970s. With this knowledge, the collector apparently placed the skull in a vintage tin box labeled "HON. W. M. WIRT," where it remained until his death. Subsequently, an appraiser for the estate placed the skull in the custody of D.C. Ward 1 council member Jim Graham, who contacted the Congressional Cemetery in an attempt to verify the skull's purported identity. In turn, the cemetery asked forensic anthropologists at the NMNH for aid in its identification.

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William Wirt, U.S. Attorney General, ca. 1832. Courtesy of the National Portrait Gallery, Smithsonian Institution.

Preliminary examination of the skull determined that it belonged to a Caucasian male. Because Wirt died prior to the introduction of technologies often used to determine identity, such as matching dental X-rays to teeth, the practical way to assess possible identification was to access the vault and inventory the remains interred there. This is precisely what the forensic team did, and we determined that an act of cemetery vandalism had indeed taken place, involving the removal of skulls from three separate individuals, as well as the movement and disturbance of a number of coffins. We examined and recorded the condition of the vault, analyzed the remains, and collected clues to the identity of the interred, including data on sex, age, ancestry, and evidence of bone and dental pathology.

The causes of cemetery vandalism are numerous and diverse. Construction of homes or infrastructure can unknowingly—and sometimes knowingly—disturb and destroy burial sites. Youths and adults alike investigate burial sites out of curiosity, and graves such as William Wirt's are doubly intriguing for the curious because they hold the remains of individuals with well-documented links to the past. Very often, though, grave robbers vandalize the burial sites of both the famous and the unknown in search of tokens to sell or collect.

Cemetery vandalism is not just a modern occurrence. In 1799, for example, a group of medical student apprentices opened a vault out of curiosity in Trinity Episcopal Cemetery in St. Mary's City, Maryland, that contained the bodies of Lionel Copley, first royal governor of Maryland, and his wife, Ann, who died in 1693. They tore open the two lead coffins and began examining the bodies contained within:

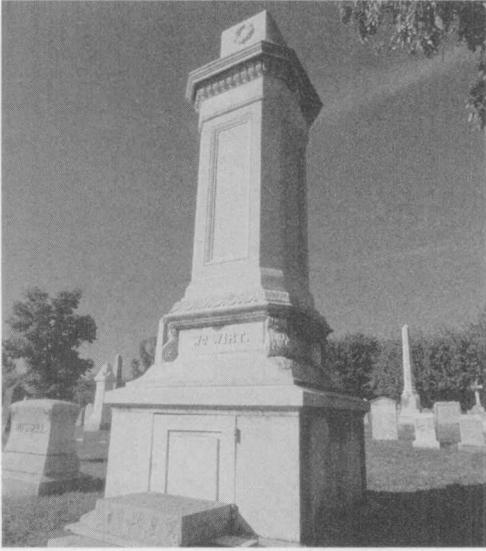
Her face was perfect, as was the rest of the body but it was black. . . . Her

eyes were sunk deep in her head; every other part retained its perfect shape. The loss of three or four of her upper fore teeth was supplied with a piece of wood between. . . . [During embalming] the body [had been] opened and the entrails removed and filled with gums and spice, and the coffin filled with the same.¹

Although outside the norm of most forensic investigations, vandalism cases such as the Wirt tomb provide special opportunities to gain information about earlier burial customs. Relatively few high-status tombs of this type have been investigated, but one such incident has contributed to major advances in the scientific understanding of rates of decomposition, enabling better estimates of time since death in human identification cases involving poorly preserved remains. In 1977, local police in Williamson, Tennessee, responding to a report of a disturbed burial, discovered a pit in front of the gravestone of Col. William Shy, a Confederate officer killed during the Battle of Nashville in 1864. Just beneath the surface of the disturbed earth they discovered what appeared to be a headless recent murder victim, sitting upright on top of Shy's coffin. William Bass, working as the Tennessee state forensic anthropologist, was called in to evaluate the body, and, though he noted the unusual and elegant dress of the corpse, attired in formal wear, its state of decay led him to estimate the time since death as being about a year. His estimate was off by 112 years. The body had been embalmed and buried in a cast-iron coffin, which, when sealed, kept out pests and starved micro-organisms of the oxygen needed to allow decomposition. The clothing worn by the corpse provided a clue to its age, as did the pieces of skull eventually found within the coffin—the teeth had no fillings, but many cavities, some extremely large.

Bass's error led him to realize that little was known about the timing involved in the process of decomposition. This gap in essential forensic knowledge led to the creation of the now famous "Body Farm," the pioneering University of Tennessee research facility, where forensic scientists examine a corpse's life after death.²

William Wirt, attorney general during the presidencies of James Monroe and John Quincy Adams and an anti-Masonic party presidential candidate in 1832, was born on November 8, 1772, in Bladensburg, Maryland. After being orphaned at the age of eight, he was entrusted to his aunt and uncle and received a classical education. At the age of fifteen, Wirt became the tutor for the daughter of future Maryland congressman Benjamin Edwards until he passed the bar in 1792 and left the family to begin his legal career at Culpeper Courthouse, Virginia. Following the passing of his first wife in 1799, Wirt moved to Richmond, and, on Thomas Jefferson's recommendation, was elected clerk of the Virginia House of Delegates. Three years later he was appointed chancellor of the House and soon after married again. In 1803, he published a series of biographical sketches under the pseudonym "The British Spy" and gained fame by aiding the U.S. attorney involved in Aaron Burr's prosecution



The William Wirt family tomb in Congressional Cemetery.

for treason. In 1808, he was elected to the House of Delegates, and by 1816 James Madison had appointed him U.S. district attorney for Virginia. One year later, Monroe appointed him attorney general of the United States. Wirt held this position for twelve years through both of Monroe's terms and that of John Quincy Adams.

In 1831, Wirt accepted the nomination of the anti-Masonic party for the presidency of the United States, running against popular incumbent Andrew Jackson. Wirt lost, garnering only the seven electoral votes of Vermont and 8 percent of the popular vote. He retired from politics after this defeat, spending the remaining years

of his life practicing law in Washington, D.C., until his death at 62 on February 18, 1834. He was buried in a nearby temporary grave until the construction of the vault at Congressional Cemetery was completed. His remains were moved to the vault on January 29, 1853.³

Cemetery records list seven additional individuals placed in the Wirt vault between 1853 and 1885. Along with William, the vault contained the bodies of his son-in-law, Rear Adm. Louis Malesherbes Goldsborough, who died at age 72; and Lt. Louis M. Goldsborough, Wirt's grandson, who died at the age of 24. The five females reportedly interred in the vault were Elizabeth Washington Wirt, wife of William Wirt, who died at age 73; Elizabeth Wirt Goldsborough, wife of Rear Adm. Louis Goldsborough, who died at age 76; Lizzie Goldsborough, the daughter of Rear Adm. Louis Goldsborough, who died between the ages of 22 and 25 years; Agnes Carroll Wirt, youngest daughter of William Wirt, who died at age 16; and Ellen McCormick, daughter of William Wirt, whose age at the time of her death is unknown.

The above-ground portion of the Wirt family vault is a granite monument to William Wirt that measures eight feet square at the base with a roughly twelve-foot-high obelisk attached to its top. Entry to the underground burial chamber was gained by means of a door measuring approximately four feet by four feet on the east side of the monument and hinged on the left side. The outside portion of the door handle and locking mechanism was missing, apparently the result of vandalism.

A ground-level opening in front of the door facilitated entry into the vault. The opening extended two feet east of the monument and was originally capped by a slab of white marble. This stone had been broken into pieces, an act attributed by the



In situ post-cranial remains of William Wirt. The twisted and torn lead coffin liner and bones of William Wirt are in the forefront near our entry ladder with the original iron rungs behind. Remnants of his granddaughter's zinc coffin are above.

cemetery to vandalism, and a heavy, large, rectangular piece of granite had been put in its place by the cemetery caretakers. Resting underneath the large granite stone, which served to block the entrance, were two sturdy boards that were used to lift the stone. The efforts of five adult male members of the excavation team were required to move the block in order to gain access to the burial chamber.

Once the door was opened, access into the vault would originally have been gained by climbing down a metal ladder attached to the wall of the burial chamber. Vandals had broken the original capstone with a downward blow that caused the resulting pieces to fall into the vault, crashing through three rungs of the ladder and causing them to fall to the floor. This left the top four and bottom five rungs still in place but the ladder was unusable, so the team lowered their own aluminum ladder to reach the vault's floor.

The remains of the eight bodies in the tomb had once rested on three stone shelves, each measuring six feet across by eight feet deep by two inches thick, with the bottom shelf two feet above the brick floor of the tomb. It was clear from the disarray of bones and damaged lead and zinc coffin components that vandalism had taken place. Originally, three coffins had been placed on the lowest shelf, three on the middle shelf, and two on the top shelf. The condition of the vault indicated that a male buried in a lead-lined wooden coffin had been pulled off the middle shelf.



Interior of vault showing vandalized coffins on the floor. The interior of the vault has three stone shelves containing remnants of coffins and human remains. The two wooden coffins on the top shelf have largely disintegrated. The one on the right has metal long bar coffin handles. The middle row has a cast-iron coffin on the left and the intact lead liner of a wooden coffin on the right. William Wirt's coffin was originally placed between these two, but now lies disheveled on the floor. The lower shelf contained three interments, of which the two on the left were vandalized. Lizzie Goldborough's metal coffin in the middle was pulled partly off the shelf.

The lead container had been torn open and left in disarray on the floor. The two remaining coffins on the middle shelf were largely undisturbed. The two burials on the lowest shelf had also been vandalized, while the two burials on the top shelf were undisturbed. Of the two remaining coffins on the middle shelf, a cast-iron coffin on the south side had been pulled out of position a short distance, an act that broke off

*Bronze coffin identification plate reading
"William Wirt (1772-1834)."*



two handles, which were found on the floor. The attempt to violate this container had been abandoned, probably because the coffin was heavy and sturdy, and its iron lid had been secured with bolts, all of which made movement and access to the contents difficult.

Due to the disturbed condition of several coffins and the limited space and lighting afforded by the internal chamber, we examined the disturbed remains and their associated coffin hardware and artifacts outside the tomb on folding tables set up for this purpose, after first examining them in situ. Undisturbed human remains were left in the vault.⁴ One part of the team remained in the vault, another examined the artifacts, and the third examined remains.

Examination and recovery of bones and artifacts began with the remains and badly damaged coffin strewn on the floor at the foot of the iron ladder. The lead liner from this coffin had to be cleared from the floor to allow movement within the chamber, including placement of an aluminum ladder for safer access into the tomb. Coffins on the lowest shelf were then examined, proceeding left to right, and this method was repeated for the burials on each of the shelves moving upward.

What came to be known as William Wirt's coffin had been made of wood with a sealed interior lining formed using heavy gauge sheet lead. The wood exterior had largely decayed. The area between two of the coffins on the middle platform contained deteriorated wood with tree roots growing through it—the partial remnants of Wirt's coffin. The lead liner and displaced bones, pulled from the central location on the middle shelf, were now oriented roughly north-south on the dirt floor. We found the name plate for this coffin, with the inscription "William Wirt (1772-1834)," near the north wall on the middle platform.



The skull, ultimately identified as that of William Wirt, removed from the metal container.

Aboveground analysis of the bones from this burial revealed that they were those of a white male aged 55 years or older at death. Most of the skeleton was present and in fair condition, though the skull was missing. Several bones showed changes from slight, degenerative arthritis. Age determination was based on features of the post-cranial skeleton, including arthritic changes in the vertebrae and long-bone joints, enthesophyte formation (bony projections representing ossification of muscle and ligament attachments), and degenerative changes in the auricular surfaces and pubic symphysis of the pelvis. (The auricular surfaces that connect the hip bones (innominates) to the sacrum, and the symphyseal faces of the pubic components of the innominates undergo recognizable, patterned changes with advancing age.)

Similarities in bone preservation, color, adhering rootlets and dark brown soil, physical size, and sex confirmed association between the post-cranial bones and the skull from the metal box. The upper body bones, such as the humeri, showed a distinctive, black mottled coloration that matches perfectly the appearance of the cranium. Only these remains had this unique appearance. These remains missing a skull, and the skull matching the age, sex, and European ancestry of the skeleton, provided further confirmation that the skull in question came from this tomb and belonged to this set of remains. It was, in fact, Wirt's.

Lt. Goldsborough died from tuberculosis in 1863 while in military service to the United States. His metal-lined wooden coffin had been pulled halfway off the shelf to the level of the forearms, which caused the lower portion of his coffin and remains to fall to the floor. The pile of debris there revealed femora, tibiae, a damaged fibula, two stacked heel boots, part of the coffin lid, the coffin foot plate, and numerous metal tacks still stuck in wood with fabric encircling them. We recovered ornate coffin handles, a coffin screw, fabric from the coffin, and burial clothing from the pile of debris on the floor. Nearly all of the cranium, except for a fragment of the maxillae, was missing. It had likely been taken. The remnants of a uniform jacket were present and some desiccated tissue and cloth had been preserved due to contact with metal military buttons containing copper. Copper oxide, formed during the breakdown of copper, inhibits bacterial growth and accounts for the preservation of substances near the buttons. The size and morphology of the post-cranial bones indicated these remains were male, and we identified them as William Wirt's grandson, based on his age and the presence of the military uniform.

Lizzie W. Goldsborough's remains were originally placed in the middle of the lower shelf. The foot of the zinc-lined wood coffin had been pulled partially off the shelf toward the east and north wall. A fiber pillow for the head was in place, but the cranium and mandible had been previously removed from the tomb. Skeletal analysis identified the bones as those of Lizzie Goldsborough, who died of tuberculosis in 1866 in her early twenties. Pathological changes indicative of this disease were present on the vertebrae and ribs.

The remains of Agnes Carroll Wirt, who died in 1830, on the lower shelf were compressed against the north wall by disturbance and displacement of Lizzie Goldsborough's coffin, such that Agnes's remains were not immediately apparent. No coffin hardware was present except for a few tacks that came from a disintegrated wooden coffin. The absence of hardware suggests a pre-1850 date for the coffin prior to the popular use of such adornments. Based on sex and estimated age at death, these remains were identified as the youngest daughter of William Wirt. Poorly preserved cranial bones were present. Post-cranial bone and third molar root development were characteristic of a girl in her mid-teens. It was also noted that the dark soil present on the shelf containing her remains was similar to that observed adhering to the William Wirt skull.

An iron coffin was placed on the south side of the second shelf to the left of William Wirt's. The coffin was not examined further as it did not appear to have been disturbed. The remains in this coffin are believed to be those of Elizabeth Washington Wirt, wife of William. Her date of death (1857) coincided with the availability and popularity of cast-iron coffins.

The coffins and remains of Ellen McCormick, Elizabeth Gamble Goldsborough, and Rear Adm. Louis Goldsborough were not visibly disturbed and were not examined.

Of the eight documented burials in the tomb, three showed obvious evidence of vandalism. Also present, though not listed in the vault inventory, were the bones of a baby, which were found scattered on the floor under and in front of the iron ladder. Most elements were concentrated directly below the vault opening. Using standards for fetal age based on long-bone lengths, an age of 9 to 9.5 lunar months was calculated using maximum length of the right femur, meaning the baby was either premature or small for gestational age. No soft tissues were preserved, and we observed no evidence of any type of clothing, diaper, or burial container. The bones were stained brown in color with erosion, indicating they had lain on the floor of the tomb for many years. The preservation of these remains shows that they were not associated with the Wirt family interments but had been placed or discarded in the vault sometime in the 1970s or 1980s, after it had been breached by vandals and before the entrance was resealed with the heavy capstone. A small body dropped down the vertical shaft could have passed through the opening created by the broken rungs of the ladder, which would explain why these bones were found east of (i.e., behind) the base of the ladder.

These bones represent an unsolved mystery. Although two of the formal burials in the Wirt tomb represented females of child-bearing age, no neonatal remains were found near or with these individuals, and their skeletal preservation was very different from that of the baby's remains. Based on these differences in preservation, we determined that these remains were not contemporary with the Wirt family burials. The recovered bones were transferred to the D.C. medical examiner for processing.⁵ The open tomb apparently provided a convenient place for improperly disposing of this infant's remains.

We completed all objectives set forth for the examination of the Wirt vault and resealed the vault at 7:00 P.M. the same day we opened it. Prior to replacing the stone slab in front of the entrance, the remains removed from the vault were placed in plastic containers and returned to the tomb, including William Wirt's skull, which we placed with the associated remains. Opening the vault confirmed that the tomb had been vandalized and that skulls from the burials of William Wirt, Louis M. Goldsborough, and Lizzie W. Goldsborough had been taken. Their burial containers had been partially or completely pulled off the shelves. The five remaining coffins were undisturbed: two metal coffins and three badly deteriorated wooden coffins, two

of which were on the least accessible upper shelf. The cast-iron coffin of Elizabeth Washington Wirt had been moved slightly, causing minor damage, but any further attempt by vandals to open this container had been aborted.

The motives behind incidents of cemetery vandalism are often obscure. This is certainly the case with the Wirt vault at Congressional Cemetery. We do not know why the tomb was disturbed, although William Wirt's skull clearly interested the perpetrators. His centrally positioned coffin exhibited the greatest degree of vandalism. Aside from placement at the center of the middle shelf, Wirt's identity may have been inferred by his name plate, if it was recognized and legible inside the dark tomb. The fact that three skulls were removed, two of which are still unaccounted for, may suggest that more than one individual was involved in the vandalism and each wanted his own souvenir, or possibly that Wirt's identity could not be determined so the looter(s) took skulls from the three most prominent and easily accessible coffins. This case provides an example of how different scientific disciplines can work in concert to shed light on a decades-old crime and, in this case, produce a closure of sorts—the return of William Wirt's skull to its resting place.

NOTES

Field investigation was assisted by archaeologists Dale Brown, John Imlay, Laurie Burgess, and intern Sarah Wolff. Artifact research and identification was accomplished by Laurie Burgess and John Imlay. Historical and photographic research was provided by Vicki Simon. Field and laboratory photographs were taken by Chip Clark, National Museum of Natural History. Lizanne Garrett of the National Portrait Gallery provided historical images of William Wirt for this investigation. Sara Devine provided editorial guidance. The investigation was conducted under the auspices of the Association for the Preservation of Historic Congressional Cemetery, with special thanks to Patrick Crowley.

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Research Notes & Maryland Miscellany

The Legend of the Tom Thumb

PAUL S. BRIDGE

America's first commercial, common-carrier railroad, the Baltimore and Ohio (B&O), was chartered in 1827 with regular service between Baltimore and Ellicott's Mills—now Ellicott City—beginning on May 24, 1830. It was then the second railroad in the world, the first being the Stockton & Darlington Railway, opening in 1825. Steam locomotives were used in part on that line, and officials of the B&O took note. However, contemporary American industrial restraints led to the decision to operate the early B&O with horse power in place of steam power. In the summer of 1830 Peter Cooper, a New Yorker who by 1830 was a leading Baltimore industrialist, offered to build a small prototype steam locomotive for the B&O that proved successful. How this little engine became known as "Tom Thumb" and how it was to be forever identified with a nameless horse follows.

On March 23, 1868, John H. B. Latrobe (1803–1891), the B&O's longtime principal lawyer and sometime inventor, gave a lecture to a prestigious group at the Maryland Institute in Baltimore. The talk proved notable for the birth of a name and a legend, the story of the Tom Thumb. The episode is well known. Thirty-eight years earlier, as Peter Cooper was conducting a test run of his engine, a horse-drawn carriage from the Stockton & Stokes Stagecoach Company approached and a race between the two followed. There are many conflicting accounts on the dates, sites, and length of the race, but the common thread is that the horse won the race when the engine's draft belt broke. The published account of Latrobe's 1868 talk is the first known appearance of the engine named "Tom Thumb" and the story of the now-legendary race.

On August 24, 27, and 28, 1830, B&O officials planned to road-test Cooper's engine. An earlier test, probably arranged spontaneously, may have occurred in mid-August. All took place within the railroad's first complete right of way, the thirteen miles between Mount Clare in southwest Baltimore and Ellicott's Mills farther up the Patapsco River.

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The *Baltimore Gazette and Daily Advertiser* on August 25 quoted a letter in which witnesses stated they had seen "another proof that we have sufficient genius, energy, and scientific knowledge in the United States to render it unnecessary to send to Europe for locomotive steam engine cars." Per this account, "The locomotive engine constructed by [Cooper] was put on the Baltimore and Ohio Rail Road this day," and after several short-distance trials ran to Half Way House at Relay, near Elkridge. Because it was probably the first planned road test, railroad officials deemed it important enough to include credible witnesses who would vouch for the results in the newspaper announcement. A 1918 account, the B&O Railroad corporate history, cites August 25, 1830, as the date that "the first trial of a steam locomotive was made on the road" from Baltimore to Ellicott's Mills.¹

Three days later the paper reported on the "second experiment of Mr. Cooper's locomotive," during which the engine's speed averaged twenty miles per hour. The story did not include the itinerary but did note the presence of an English railroad mechanic. It is unclear whether this was the same man present during the in-shop test. The paper published a more complete account the following day. "Another experiment was made this morning on the [B&O] with the locomotive Steam Engine constructed by Alderman Cooper. . . . The return trip to Relay was made in about 30 minutes, with the cars and engine being left there." Contemporary accounts clearly fix the date for the dedication of the Oliver Viaduct, a granite bridge spanning the Frederick Turnpike at Ellicott's Mills, as Saturday, August 28, 1830. A ceremonial assemblage of dignitaries departed Baltimore at ten in the morning and began the return trip at six in the evening. The accounts give the times as one hour and fifteen minutes to Ellicott's Mills and fifty-seven minutes to return.²

Additional evidence exists in an August 30 report from Baltimore industrialist and railroad entrepreneur Ross Winans to Philip Thomas, first president of the railroad's board of directors. "The performance of Mr. Cooper's experimental engine induces me to compare it to English locomotives. . . . as Mr. Cooper's engine has been got up in a temporary manner and for experiment only, and has been on the road but for a few days." The latter statement supports August 24 as the date of the first road test. The report continues with technical comparisons, but the lack of a reliable steam pressure gauge did not permit a definitive comparison. Winans nevertheless believed that "overall, the comparison is very favorable."

On September 20, the *Baltimore Gazette and Daily Advertiser* reported that Cooper's engine met Baltimore dignitaries at the Ellicott's Mills station on their return from Doughoregan Manor to celebrate Charles Carroll of Carrollton's ninety-fourth birthday.³ The twenty-one guests and three-man crew proceeded to Mount Clare, and the account of their trip offers a mile-by-mile timing report and notes that "a connecting band broke, which arrested the progress of the engineer for a short time." There is no mention of a race in this column, yet the significance lies in the fact that press coverage continued for nearly four weeks after the first test run; those covering

the infant days of American railroading would not have ignored an opportunity to report on a race involving Cooper's locomotive.

This latter account also marks the last contemporary mention of Cooper's locomotive in the newspapers through the remaining months of 1830. The next public reference is found in *Niles Register*, March 9, 1831: "Cooper's little locomotive is plying along on a part of the road for the gratification of those who may wish to ride by steam, at the rate of eighteen to twenty miles an hour." Documents in the B&O archives indicate "Thumb" remained in active service until 1833 "as a laboratory on wheels . . . used to test the rapidly-changing technology developed at Mt. Clare."⁴ One of Cooper's biographers noted that the boiler was "found among rubbish at Mt. Clare for a patent case many years afterward."⁵ Perhaps ominous was a terse remark by the chief engineer in the company's fourth annual report. He praised Cooper's experiment, but dismissed the work with the comment: "This little engine being too small for advantageous use, no further description of it is deemed necessary." That cursory dismissal left the physical details to speculation.

Like many nineteenth-century inventors, Peter Cooper, an admitted tinkerer, had no formal technical training. Accounts of his now-historic contribution rest in recollections, interviews, letters, etc., all compiled at least forty years after the fact. William H. Brown, while researching his book *The History of the First Steam Locomotive in America*, c. 1870, wrote to Cooper and Latrobe, and the latter related a conversation with Winans, who remembered road tests (not races) of a nameless engine. In 1875, at age eighty-four, Cooper recalled "a very little, insignificant locomotive which I made, I think, in the year 1829," an impersonal reference he made throughout his speech. His recollections of technical data and the intricate construction details, however, were excellent.⁶

Cooper's autobiographical description of events leading up to the August 28 trip to Ellicott's Mills is consistent with his recollections as they appeared in the *Boston Sunday Herald*, July 9, 1882.⁷ He remembered the technical details fairly well but fell short on others, such as making a locomotive "which I called the Tom Thumb because it was so insignificant." Cooper "got steam up one Saturday night" and [with several people] "got on the truck and went out two or three miles." They were scheduled to make a trip the following Monday to Ellicott's Mills but "some scamp" had stolen all the copper. After "a week or more" for repair, the engine was ready for the dedication ceremony at Ellicott's Mills, which would place the aforementioned two-to-three mile trip on August 14 or 21. Neither is consistent with the "documented" first test to Relay on August 24. Cooper's inability to recall dates could account for the discrepancy, but his previously demonstrated accuracy in technical details, including the distance of the short run, narrows the day of the short test, possibly the "in-shop" test, to August 14.⁸

In yet another 1882 newspaper interview is perhaps the only "confirmation" of Cooper's race. In response to a direct question about the race he vaguely replied, "Yes.

No. Not exactly; they tried a little race one day. . . . It was some time after our first experiments . . . [horses] came on the track to try paces with us, but it didn't amount to anything. It was rather funny, and the locomotive got out of gear." Indeed, it is still possible that a race occurred after the September 20 trip that is not recorded.⁹

By 1868, John H. B. Latrobe placed all three events "early in the summer of 1830 . . . the first journey by steam in America," citing a successful boiler test (date unspecified) in the car shop that "induce[d] him [Cooper] to try a trip to Ellicott's Mills . . . in the summer of 1830," and the race on the return trip, between Relay and Mt. Clare. "The great stage proprietors of the day were Stockton and Stokes" and on this occasion "a gallant gray . . . met the engine at the Relay House on its way back [from Ellicott's Mills]. From this point it was determined to have a race home." Latrobe's subsequent narrative includes the now classic tale. It is interesting to note that the same Stockton and Stokes announced on September 9, 1830, in the *Baltimore Gazette and Daily Advertiser*, that in order to better serve travelers from Frederick and Hagerstown, they have "doubled their accommodation line, connecting at Ellicott's Mills with the Rail Road," allowing travelers "who wish to have a ride on the Rail Road" to do so. November 1, in the same paper, the company offered continuing stagecoach service to Washington from Relay on "the beautiful car Pioneer."¹⁰

Latrobe's use of "Tom Thumb" as an adjective was not out of the ordinary. Tom Thumb and similar characters are rooted in world folklore tradition and likely existed in nineteenth-century conversational vocabulary. For example, P. T. Barnum discovered Charles Sherwood Stratton (1838-1883), who was born a dwarf, and dubbed him "General Tom Thumb." Stratton toured extensively and became part of American culture. Prolific writer Charlotte Mary Yonge's ca.1844 children's story about "General Tom Thumb" was another instant success, a new version of a centuries-old fable.

The press did not react to Latrobe's speech, but versions of the race story appeared in history books by the end of the nineteenth century. An article about Cooper in Frank Leslie's *Popular Monthly* in December 1877 cites the name Tom Thumb but omits any mention of a race. (A wood stamp print does show Thumb on the rail, carrying a car filled with cheering directors, in front of a horse-drawn car). A careful review of the 1830 accounts offers no evidence of the name or the race. Latrobe apparently launched what became the legend of the Tom Thumb more than thirty years later.¹¹

NOTES

1. Baltimore and Ohio Railroad Company, *Baltimore and Ohio Railroad Corporate Histories . . . Data as of 1918, unless otherwise stated*, 4 vols. (Baltimore: The Baltimore and Ohio Railroad Company, 1922), 1:7.
2. *Baltimore Gazette and Daily Advertiser*, August 27, 28, 1830. These times are consistent

with the other sources, except for the B&O corporate history that appears to be in error at least twice.

3. President Andrew Jackson was also present at the birthday party. He would later be the first sitting president to travel on any railroad, in June 1833 between a point north of Relay into Baltimore. However, his trip to Doughoregan Manor was by the conventional coach and "four dappled grays." See James Marquis James, *The Life of Andrew Jackson* (New York: Bobbs-Merrill, 1938), 583.

4. B&O Railroad, Media Background Sheet, Peter Cooper's "Tom Thumb," August, 1980. Cooper and his works are acknowledged in an engineer's report, for example, printed in October.

5. Raymond Rossiter, *Peter Cooper* (New York: Houghton Mifflin, 1901), 50-51.

6. The number of patents in America doubled in the 1820s, mostly in machine tools. Daniel Feller, *The Jacksonian Promise: America 1815-1840* (Baltimore: The Johns Hopkins University Press, 1995), 29.

7. Edward Hungerford, *The Story of the Baltimore and Ohio Railroad, 1827-1927* (1928; repr., Salem, N.H.: Ayer Co. Publishers, 1993), 99-100n.

8. This is Cooper's only direct reference to that name found in the research. Was he in fact responding to a leading question by the paper or being too polite to correct the then-common usage of the name "Tom Thumb?" Another obvious but generally overlooked consideration is that Cooper's locomotive, if it indeed was the object of the eponym of the legendary English figure, would have been "Tom Thumb"-sized in comparison to what? The few steam locomotives in America and England in 1830 were not much larger than Cooper's. Moreover, very few of the 1830 "participants" had actually ever seen another locomotive.

9. James D. Dilts, *The Great Road: The Building of the Baltimore & Ohio, the Nation's First Railroad, 1828-1853* (Palo Alto: Stanford University Press, 1993), 95; *Boston Sunday Herald*, July 9, 1882.

10. John H. B. Latrobe, *Recollections: A Lecture Delivered before the Maryland Institute, March 23, 1868* (Baltimore: Sun Book and Job Printing Establishment, 1868), 17-18.

11. Joseph Pangborn, *Picturesque B and O, Historical and Descriptive* (Chicago: Knight & Leonard, 1883), 46-47.

OH 8297, Baltimore Neighborhood Heritage Project, 1978–1982

DAMON TALBOT

The modern era of the oral history movement in the United States began in 1948 when historian Allan Nevins established the first oral history project at Columbia University. During the next decade, the first generation of American oral historians focused on recording prominent individuals in U.S. politics, business, and culture, those whom Nevins referred to as “living Americans who have led significant lives.” The 1960s saw the pool of potential interviewees expand as the next generation of oral historians incorporated a more bottom up approach to history, documenting the voices of previously ignored groups: minorities, women, and the working class.

Most of the over one thousand interviews in the Maryland Historical Society’s oral history collection were conducted in the fertile decade between 1971 and 1981, and many were representative of history from below. By this time, many oral historians sought to go beyond merely recording the voices of the traditionally marginalized by using oral history to promote community participation and cooperation, foster community identity, and in some cases, raise political consciousness. Perhaps the best example of a project conducted in this spirit found in the MdHS’s collection is the Baltimore Neighborhood Heritage Project.

Begun in 1978, the BNHP conducted over two hundred interviews with longtime residents of four distinct Baltimore City neighborhoods: Highlandtown, Hampden, Park Heights, and Little Italy. Three city regions were also documented: West Baltimore (Sandtown-Winchester in particular), South Baltimore, and East Baltimore, along with a number of residents from areas nearby. Topics discussed during the interviews included immigration, racial and ethnic identity, national and local events such as the Great Depression, neighborhood living conditions, family life, work experiences, and religious practice.

The oral history interviews formed the foundation for other components of the project designed to create tangible products that would “return the history to the community.” The principle means was through *Baltimore Voices*, a theatrical production that utilized the oral history transcripts as the basis for its script. The play, which consisted of a series of sketches devoted to each neighborhood, was shown at approximately thirty-five venues around Baltimore in the winter and spring of



BALTIMORE NEIGHBORHOOD HERITAGE PROJECT

1980. “Baltimore People, Baltimore Places,” a traveling museum that toured the city that spring, exhibited photographs, documents, and other materials gathered from community residents. A subsequent book on the same themes featured quotes from the interviews and photographs that participants donated. Project historians also wrote short histories of each neighborhood featured in the project. Three of these histories, examining Hampden-Woodberry, Old West Baltimore, and South Baltimore, appeared in the spring 1982 issue of the *Maryland Historical Magazine*.

Project staff, including local activists, community and professional historians, and graduate students, also sought to develop the community residents’ “sense of ownership in the project.” Staff sought to involve community residents in virtually every step of the process. Many of the interviewers were recruited from within the neighborhoods. Residents also previewed the theater production prior to touring the city, and reviewed and critiqued the short histories before publication.

Initially envisioned as a long-term sustainable project, the BNHP ended in 1982 due to a combination of issues such as funding, failure to establish a sufficient community presence, and a general lack of desire by the staff of professional historians to remain committed to a long-term community history project. Although one of the historians on the project would later question how successful the BNHP had been as a community-based history project, it was a significant effort at combining oral history and community participation and was instrumental in “developing a climate of respect for popular community history, both locally and nationally.”

Materials available for the project include audio recordings, tape indexes, interviewer notes, and biographical material. Full or partial transcripts are available for seventy-nine of the interviews. We encourage you to visit the Oral History page at www.mdhs.org/library/oral-histories, to explore more of the Baltimore Neighborhood Heritage Project, including additional background on the project, a list of interviewees, and links to project resources.

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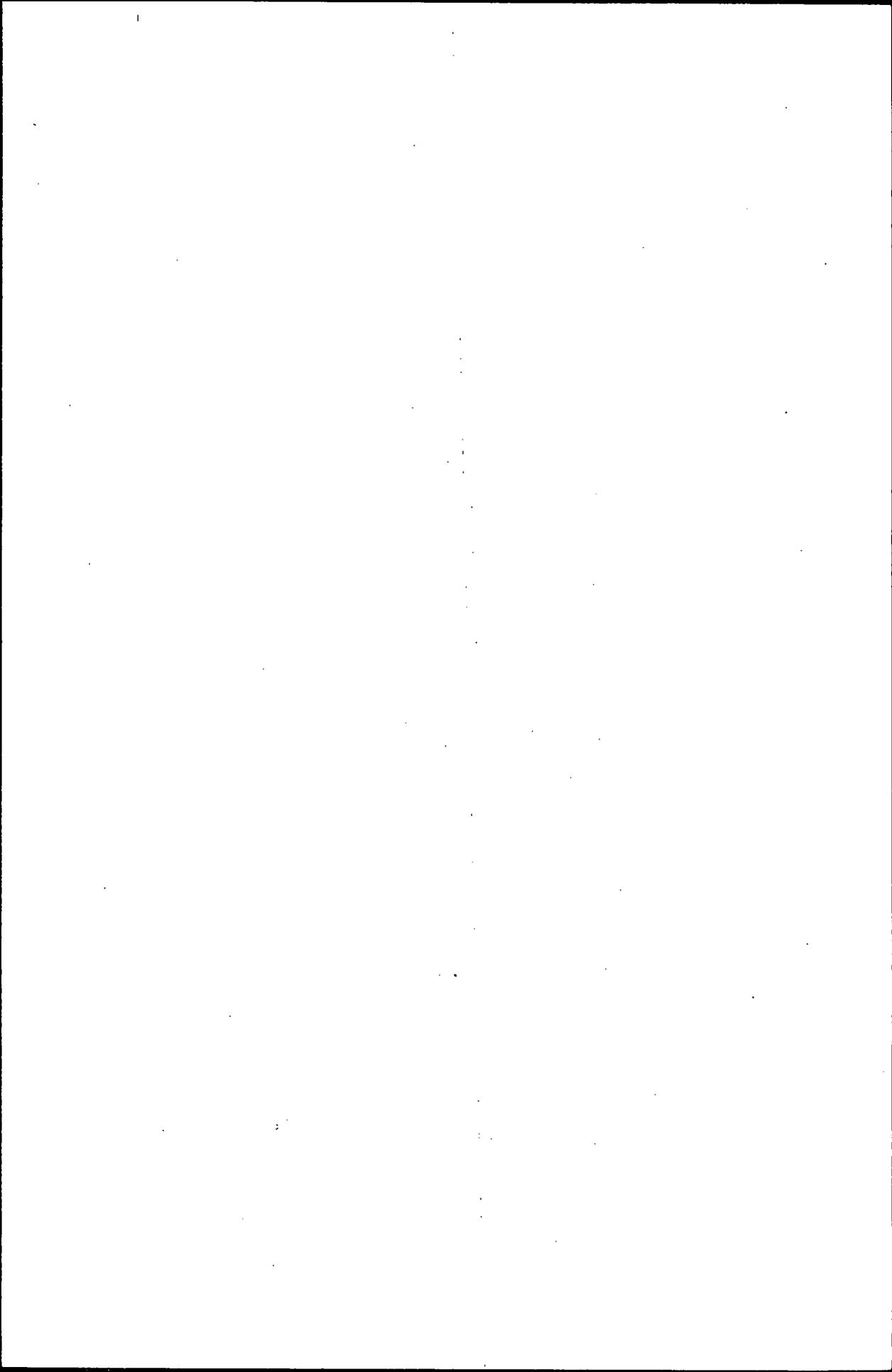
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