

MSA SC 5881-1-18

MARYLAND HISTORICAL MAGAZINE

Vol. V.

JUNE, 1910.

No. 2.

ANNOUNCEMENT.

When it was determined to publish a magazine under the auspices of the Maryland Historical Society, the Publication Committee were fortunate in securing as editor of the Magazine, Dr. William Hand Browne, Professor of English Literature in the Johns Hopkins University, who has been for many years a student of Maryland history, and who has edited the Archives since the date of their first publication, nearly thirty years ago. Dr. Browne brought to the editorship of the Magazine, his ripe and careful scholarship, and held the position until the completion of the fourth volume.

For personal reasons Dr. Browne has asked to be relieved of his duties as Editor of the Magazine. The Committee on Publication has very reluctantly complied with his wishes, and desires to record its appreciation of his valuable services in establishing the Magazine and maintaining its high character during the years elapsed.

For the editing of Volume V, the Committee takes pleasure in announcing that it has secured the services of Mr. Louis H. Dielman, a member of the Society, who will act in co-operation with the members of the Committee.

RECOLLECTIONS OF BALTIMORE¹

THROWN TOGETHER, AS THEY WERE COLLECTED, AT
DIFFERENT TIMES, FROM CONVERSATIONS HAD
WITH THE ELDERS OF THE CITY.

JOHN H. NAFF.

The Boundary of the city (as far as can be collected as above) appears to have been, of the following dimension & rout, beginning on the corner of North Charles & Conewaga now Lexington Street, running South West down Vulcan Alley to Tammany now Fayette Street, thence same direction down McClellands Alley to Market Street, now Baltimore Street, thence same direction to corner of German & Sharp Street, thence across say South East to Hanover & Lombard Street, thence same direction through Uhlers Alley, & through Ruxton Lane to Light Street, thence in a circular or cove, coming up to Water Street south of Mercer Street, thence to the corner of Calvert & Lombard Street, thence to near the corner of Gay & Lombard Street, & running thence due North, a little west of Frederick Street, to opposite orange alley, (orange alley runs E. & W. from Gay to Holiday

¹ The title of this article assigned by the author, "Recollections of Baltimore in 1851," being somewhat misleading, the date has been omitted; otherwise the paper is printed as written, a few footnotes having been added for the sake of clearness.

On the cover of the original mss., is written in pencil:

"Should I by accident or otherways be carried out of the World before I complete my recollections, I wish these to be given to the Historical Society, in their present state together with the extracts from newspapers which are in this book for the Society's disposal of as they see fit."

1st Jany., 1851.

J. H. NAFF.

Matchett's *Director* for 1851 has the advertisement of "John H. Naff, Home and Foreign Agent, Dealer in old Oil Paintings, Books and Engravings, Appraiser of deceased and other estates." He died about 1871.

Footnotes followed by [N.] appear in the mss.

St.) North of Holiday St. Theater thence due west to near St. Pauls Street, from thence North to near the corner of St. Pauls and Saratoga Street, & from thence South West to the place of beginning.

Boehmes Church.¹ This old church was a log or frame, one story building, & stood on the North West corner of St. Pauls Lane (as it was formerly called) and Saratoga Street which church derived its name from its Preachers, sometimes called Decker's² church. The Lot of Ground on which it stood, extended west to North Charles Street, and was on a gentle descent, towards St. Pauls Street.

This Grave Yard & church is well remembered by many citizens and is identified with the Christian Keener family as being the place where his ancestors worship'd and was buried. On this ground stands the beautiful building known as the Atheneum comprising the Historical Society Rooms, the Balto. Library & the Mercantile Library association.

The 2nd St. Paul's Church, which was also on the same Sloping Ground was South of Boehmes Church, nearer to Lexington Street, & further West of St. Pauls Street, (Was a large 2 story brick building very plain in appearance having no Steeple) & was separated from Boehmes Church by Saratoga Street, which was a sort of a gulley or deep ravine wide enough only to let one cart or other vehicle pass up and down, at a time, there being no room to turn out.³ The Grave yard had a brick wall round it, or at least so far as recollected, on the North & on the west side the entrance to this Church was from the North side of Lexington Street, by rough Steps of Stone Slabs or platforms of some 6 or 7 feet in size, and was of considerable ascent. The Steps came up along side of a wall (stone) being the foundation or lower story of

¹ First German Reformed Congregation, Rev. Charles Boehme. Scharf's *Chronicles*, 40-42.

² George Decker.

³ There is a Painting of this part of the City in the possession of Thomas Ruckle Senior, done by himself,—is now in the family of T. Ruckle Junior. [N.]

a frame house owned or occupied by a M^r. Dougherty¹ also one William Vance a Plane maker, which house stood upon the Lot of ground next East of Coln. Monroe's² present residence in Lexington Street, it is thought that Coln. Monroes house stands on the lot of Ground which old George Wheelan, the father of Thomas Wheelan (grocer) who now lives in North Charles Street.

The Belfry of the 1st St^s Pauls Church stood some yards north East of Church N^o 2, this was part of the Steeple of N^o 1 Church.

There was also an entrance to the Church by means of a gate on Charles Street but the main entrance was from Lexington Street, this entrance on Charles Street was nearly opposite Barnet Street. The present St. Pauls Church (D^r. Wyatts)³ burnt down in the year 1854 which we will designate as N^o 3, stood about north north west of where the church N^o 2 formerly stood. North Charles Street being the principal entrance.

Little St. Peter's Church⁴ & Dwelling the Residence of that good Man, old Bishop Carroll, was situate on the corner of Saratoga Street and little Sharp St. Alley, & where now stands Calvert Hall,⁵ directly in the rear of Jacob Albers & Charles Carrolls residences in North Charles Street. It was a pretty & convenient chapel, (the old church had no Steeple or bell originally, they were of comparatively recent addition to it) had a small low Steeple, and a bell whose sound was unpleasant being like that of a Factory, Steam boat, or College bell, and when rung early in the mornings, was any thing else than pleasant to the residents around. The recollections of the church the devotions of the members, and the piety of the Bishop are among the things which we love to dwell on, and Strike deeper "on memorys waste," than do the harsh notes of this Bell on the sensitive ear.

There was attached to this church a Grave yard extending from the corner of Charles & Saratoga Street as far north as little Pleasant Street. This was surrounded by a wooden rail fence. There was a deep Gully or ravine commencing near little Pleasant Street, and ran down Charles Street as far as where D^r. Wegners⁶

¹ John Dougherty, cabinet maker.

³ Rev. Wm. Wyatt.

⁶ Now Brown's Building.

² Col. Isaac Munroe.

⁴ First Cathedral.

⁶ Dr. Augustus Wegner.

& John Brooks' dwellings, now stands on the East Side of North Charles Street, crossing Charles Street and running down to, and emptying floods of water & mud North of Boehmes Church, near about M^r. Brooks' Female Seminary in St. Pauls lane, where formerly stood The Branch Tabernacle built by Charles Warfield.

The Haunted House which many of us recollect stood at or near the Southwest corner of North Charles & Saratoga Street, was an old brick dwelling, We remember well old widow Corry, living in this house, and we remember she also Kept a School, and we will never forget the vast number of little Irish Boys, and Girls, "ragged and dirty, with faces the same," as Paddy might say, that climbed up, as well as fell down the high Steps which led up to the school room from the North side of the house, fronting on Saratoga Street. D^r Mackall,¹ & the late Benjamin I. Cohen's houses stand partly on this lot.

North west Corner of Lexington & Charles Street, & fronting on Charles St. were several old frame buildings, the corner one (as is customary at this day, on the outskirts of our city) was occupied as a small Grocery kept by a man of the name of Connor, or O'Connor, where could be had "whiskey by the gill," and "taters by the pound," next door or perhaps two, was a hip roof dwelling which stood a little back from the street & had a small Shrubbery yard in front and was occupied by Parson West² a Clergyman belonging to St. Pauls church parish, (some doubts about this) one of this row of frame houses, was used as a Mead Garden, and supposed to be kept by a person named _____, who built the present 3 Tuns tavern corner of Eutaw Street, & Pratt Street.

Richardson Stewart's Dwelling & Nail Factory occupied the corner of Conewago Street & Vulcan Alley, now called Crooked lane which runs from Lexington Street, down to Fayette Street,

¹ Leonard Mackall, Dentist.

² Rev. William West succeeded Rev. Thomas Chase as Rector, June 7, 1779. This Revd. Gentleman died about the Year 1791 or 1792, and his funeral sermon was preached in St. Paul's church by the Rev. Dr. Robinson an Irish Clergyman, from the text "In my Fathers House are many mansions," &c. The Rev. Bishop Chase was Pastor of St. Pauls church about this time. [N.]

and the Garden attached to it bounded on North Charles Street where now stands the Dwellings of Gen^l Marriott & the corner house, belonging to D^r Chatard, which was built & occupied by the D^r W^m Baker Sen^r who also built the Dwelling in the rear, on the Alley. Fronting on Lexington Street, Richardson Stewarts Dwelling & Nail Manufactory was on this last mentioned lot, and was on the west line of the city proper. The Nail Factory or Smiths Shop was formerly an Academy (in part) kept by Longworthy¹ & whi and was the school house in which Judge Winchester, the 3 Purviances & R. & W. Gilmore could have once been seen as scholars.

North East Corner of Market & Charles street (Howard Lyceum) was an old fashion 2 Story brick house occupied by the firm of Term & Delmas, previous to this by one Daniel Deady flour Merchant, the next house East of this fronting on Market Street was located our old friend, & fellow citizen, a disciple of the celebrated Izaak Walton of the name of J. K. Stapleton (died on 1st April 1853) against whom the finny tribe have sworn eternal enmity, as being instrumental even at that early day, in making awful inroads into their domestic connections by deceiving the young and unwary portion of them, by vending of Snuids & artificial flies, to persons of cruel & sporting dispositions who with hooks & lines & other tormenting & deceitful inventions unfeelingly transported them from their natural Elements & lucid habitation into open boats & fishing baskets, where they were left to die, or even worse removed a little distance from their natural element, and placed alive in pans & fried by these inhuman monsters, and eaten to satisfy their insatiate appetite.

North of the corner of Market Street & Charles Street, on the East side of Charles Street, stood an old brick house known as Washington Hall or Tavern kept by a person general described as old Beckham. This house was also occupied at one time by M^r Beckham the father of the wife of the present Tho^s. Wheelan Grocer. There is a curious circumstance here in the life of Tho^s.

¹ Edward Langworthy.

Wheelan & strikes one as something rare in life. Some 30 Years after the occupation of these premises by the father of Thos. Wheelans wife, Thomas Wheelan commenced the Grocery business in one of the new Brick houses, erected on or about the premises, and was very successful & became very rich, in fact, must have made all or nearly so, of the immense estate he now has, say some \$250,000 Dollars, & getting a good Lady as a wife, into the bargain (all on the same ground) which in my opiniun defeats the old adage, "a Setting Turkey never gets fat."¹

Adjoining this house were 2 old frame houses, which was occupied by a gentleman named Adam Stewart² a maker & mender of Piano Fortes.

Crossing the Alley known then as Rogers Alley, now Bank lane and on the ground occupied by the Union Bank there stood and old Fashion Brick dwelling with a kind of Hip roof, (similar to the one now standing in Orange Alley near Holliday street) and was occupied by a gentleman of the name of George Poe, previous to George Poe's tenancy, one James Morton a Salt Measurer had possession of it there was also on this lot 2 or 3 other small frame houses, whose occupants, are not now recollected.

North East Corner of North Charles & Fayette Street stood an old Brick house, owned by the Grandfather of Robert Mickle the present Cashier of the Union Bank of Maryland. There was a small Garden directly on the corner in which was some pretty Shrubbery as Roses, Altheas, Lilacs &c. together with Radishes, Onions, Sage, Thyme &c. &c. &c. also fronting on Charles Street and joining an old frame building, used & occupied as a Carriage & Harness, Manufactory stood a nice little Spring house over topped with Honey suckle & other vines in which could be seen

¹Thos. Wheelan was connected in business with P. Laurenson for some time before he removed to N. Chas. Street and was married before he occupied this stand. [N.]

²The Brother of J. Stewart who keeps Hacks in Calvert St. opposite the City Spring. A. Stewart (another brother I presume—Naff) removed to Boston and was engaged with Chickering the celebrated Piano forte Maker, and is supposed to have invented the improved Action, for which Chickering has so much credit. Adam Stewart is or was lately living in London. [N.]

sundry pans of new & skim'd Milk, with an abundant flow of pure spring water, all intended for the comfort & appetite of the Family. Subsequently this little spring house was turned into a small shop, where could be seen daily a worthy old darkey with a small sign of cakes & Beer sold here as many of us remember to have purchased the same, together with Apples and cherries in their season—it is scarcely necessary to say that now this lot of ground supports one of the most beautiful Structures as a Methodist church in the State, if not the United States & belongs to the Methodist Episcopal Society.

The old Court House was situate near about where the Battle Monument now stands, in Calvert Street or Monument square was a brick building of 2 Story high & had a steeple arising out of the centre of the roof, it was not a tall Steeple, was built a little in form of the 2nd Street church steeple (in which is now the townclock). This Court House was nearly square in form, had 3 windows & 1 Door in the long front and 3 windows in the short front or ends. From the digging away the street it is presumed that the Arch which supported the House was formed as we understand there was a first wall or arch made by one Leonard Harbaugh at a cost of \$266.66 cents, and from a painting (now in possession of George Dobbin Esq^r, painted in the Year 1802) looks as if it had been done as underpinning as this portion is all of Stone, and the arch ran from South to North, of the building, large enough to allow carts, carriages &c. to pass through. This may have been the original plan, but I can not learn anything to that effect.¹ There was in this building a room set apart as a Watch House, situate on the West end. A stairway on the East end of the building led into the Court Room. On the west side of the Arch on the South front stood the Pillory and whipping Post. The last person who illustrated this piece of architecture was a certain Buck Davis, who we understand in addition to the honour, received an over quantity of the usual

¹This was not the original Plan. In grading the Streets Calvert & Fayette Street, the Court house was left on an embankment some 20 feet above the Streets & the underpinning was done to preserve the house. [N.]

perquisites attached to the office, in the shape of rotten eggs, & other savoury missiles. On the East End of the Court house was erected a long Pole on the summit of which was appended a bell, which served as, and was called, a Watch Bell.

The old Jail which we shall designate as the first Jail, was a log building situate on what was known as Harrisons Marsh, and stood some 30 or 40 feet south of Front Street, on the East side of Frederick Street, opposite the furniture warehouse of Francis Gardner, and was used as a jail in 1783, and was standing in its original ground till within a few years back say 1849 or 1850.

The 2nd old Jail was a stoue Building of stories high, and was located on the East side of St. Pauls Street north of Fayette Street, the present site of the Masonic Hall, and known as the county Court House Lot, and was situate some 60 feet east of St. Pauls Street. The entrance to the jail was on the south side of the building, by means of a court which led from St. Pauls Lane to the gate way. On the north side of the jail, there was a well of water which was of great depth, from which was drawn the water used in the prison and was brought up by double buckets and chain, as one bucket came up the other bucket went down. On the East end of the Jail, or on Monument square as now is, there was a Bluff hill of some 40 feet high from Calvert Street or the Square, as also was the north side which was known as church street, now Lexington Street. The Prisoners confined in this Jail were removed to the present Jail east side of Jones Falls in the year 1799. The name of the first debtor for removal was Maydwell.

The old walls of this jail will be identified in the painting before alluded to in possession of George Dobbin which was painted in 1802.

The Powder House, or Magazine, was a small stone building, and was situate on the South side of Jones Falls, and far below the surface of the adjoining or surrounding ground, being below the bluff or high ground of the Falls, directly in the rear of the

dwelling now owned and occupied by D^r Alexander¹ in Fayette street, and about the spot where now stands the Newton university in Lexington Street. This was considered a safe place for it. A view of this little combustible has been taken and engraved on a Copper plate title page, to a work published by Edward I. Coale bookseller. I have seen this print but am now unable to find it having forgotten the title of the Book in which it was.

The North west corner of Lexington & Calvert Street was the west side of Jones Falls, and when the Foundation was laid for this House in which M^r Williams² now resides, they were obliged to pile some hundred cords of wood crossed, and tied in and filled in with sand, dirt &c. for to make a foundation, and it seems to stand well, having been built near half a Century. Four acres of Ground in this Meadow, opposite, and around about here was bought by Joseph Williams, from one Andrew Steiger at the rate of 20 dollars per acre. The ground extending East from Lexington Street & Calvert, was a Meadow & occupied the space between Calvert & Holliday Street, and as far up (on both sides of the falls) as Monument street. The course of the Falls is given in another portion of this Memorandum.

The German Lutheran Church, as it was formerly, was situate on the South side of Fish Street now Saratoga Street midway distance between Gay & Holliday Street was a brick 2 story building, with a small low steeple or Belfry, something like a factory, in which was a bell. The Grave yard attached to this Church extended to Holliday Street, and South as far as the present City Hall Lot, thence East to a M^r Solomons lot—which took off the corner fronting on Fish & Gay street) the southern line of the lot running from Holliday Street to Gay—leaving an avenue by way of an entrance from Gay Street to the church.

This old church has been purchased for a place of worship for the black people & went long by the name of Fish Street church,

¹ Dr. Ashton Alexander, 1799–1855.

² Joseph B. Williams, Attorney.

it has been demolished and a new church for the Black folks has been erected in its place, which is more modern and better adapted to the purpose and to the age in which we live ; belongs to the African Methodist Society.

Theatre.—There was formerly a building or old Stone House situate on the corner of Milk Lane, now East St. and Great York Street, now East Baltimore Street nearly opposite Isaac McKims late dwelling. This house was used and known as the Theatre. It contained 10 Boxes for the audience. The celebrated M^r and M^{rs} Morris, the latter the ordained Lady Teazle & in this character stood acknowledged & unrival'd for half a Century. Hallam,¹ Henry,² & others performed here.

The 2nd Theatre was a large Frame building, a Two story & basement structure situate on Holliday St. where the present old Drury Stands was generally leased and occupied by the Esteemed Mess^{rs} Wood³ & Warren⁴ & their company, including many of the most talented and meritorious actors of their day, as The Darleys (Father & Sons), Moreton, M^r & M^{rs} Marshall (The M^{rs} Jordan of the American Theatre), M^r & M^{rs} Whitlock, Fennel, Cooper, Bernard, the Oldmixons, Green, Wignall, Reinagle, Blessep, Cain, & M^{rs} Merry, the great & justly esteemed Tragic actress of the day, the Jeffersons & Francis, M^{rs} Wilmot with hosts of other worthies, who were very successful in acquiring the good will and affections of the citizens generally which the stock companies of the present day I am sorry to say cannot boast of.

Post Office.—The present building now used for this purpose was originally built and intended for a large Warehouse, and is on the N. East corner of East Street & Calhouns Alley now Fayette Street, & North Street, (Calhouns Alley ran from Market Street, north, and was widen'd with difficulty being opposed by the property holders in the neighborhood) by pulling down some

¹ Lewis Hallam.

³ William Wood.

² John Henry.

⁴ William Warren.

buildings fronting on Market Street, on the North side of the Alley in 1819, this accounts for the small front of the Jarvis building on Market Street. This Post Office was built by a gentleman of the name of Barry¹ about the Year 1800, since which time it has been remodelled & adapted to its present purpose.

On the same lot North east corner of Fayette & Holliday Street he also built that beautiful Dwelling House formerly occupied by the late Dr. White,² and now in the possession of his son John White Esq. We have always admired this house for its model of Architecture, and its great convenience of interior, being all that man may desire for his domestic purposes.

The Market House.—The East front of this building commenced at the North West corner of Market & Gay street and was considered near the centre of the business part of the City, we can find no date of its commencement of building—it extended west binding on Market Street, as far as the Alley leading into the back part of the premises occupied by H. W. Bool auctioneer, now Metropolitan Hall in which alley could have been seen the old arches filled up with brick, forming the partition or gable end wall of the house East of H. W. Bools. This building was considered a most unpleasant & inconvenient concern, as it fronted on Market Street, the principal thoroughfare, which on account of this street being not paved was either full of mud or dust at all times, and the country folks being compelled to arrange themselves on the pavement with their Marketing were often knocked over by the passers by to the great destruction of Eggs & the disfiguring of Butter, & sprawling of Apples &c. &c. into the mud. Over a part of this building whether at the end or in the centre is not remembered, was an upstairs room, which was open for use for Town meetings, or any other public or political discussion.

North west Corner of Gay & Market St. was used as the office of Discount & Deposit of the old United States Bank, the Cashier

¹ Probably Robert Barry, merchant.

² Dr. John Campbell White.

of which was [David Harris] and the teller was the late James Cox Esq: long the respected and efficient Cashier of the Bank of Baltimore.

North East Corner of Gay & Market St. in the old house now occupied by D^r M^cKenzie,¹ and fronting on Gay Street an extensive Dry Goods business was carried on by the Messrs. M^cIlhenny, in the wholesale and retail trade, there also appears to have been one John Borland, living in this house and doing the same business but at what time cannot be ascertained. This spot was considered the centre of the business part of the city. Adjoining this house or a little below near Frederick St. in Market Street, was a red frame building occupied as the printing office of a Newspaper called the Telegraph, published by a gentleman of the name of Dobbin.² Many of our old citizens, may recollect Whistling Bob or as more familiarly called "Bowers chief Musician" who served this paper to its subscribers, and for whistling power is said to have far exceeded "Poor old Moses"³ of oyster and Ice cream Memory. Baltimore seems to Keep up these locomotive instruments, as I have heard it spoken of as an incident of fact, that there is one other black fellow living in this city who is serving in a board yard, who has obtained his freedom, by his wonderful power in this science—but whether it was by his earnings at this science, or whether like Herodius's Daughter, because he so greatly pleased his Master, "deponeth sayeth not."—Adjoining this printing office or at least in the same square lived Reuben Etting, a brother of the late Solomon Etting, this M. Etting was a brave and worthy man, was the Captain or first commander of a company of Volunteers now continued, and called the Independent Blues, and offered their services, to the Government, and marched to Pemsylvania to aid in putting down the Whiskey Boys Insurrection—he still lives, and resides in Philadelphia, (now dead.)

South West corucer of Market & Frederick Street, stood a large

¹ Thomas G. McKenzie.

² Probably Thomas Dobbin.

³ See Scharf's *Chronicles*, p. 521.

Green painted frame warehouse occupied by Thomas Yates, & Archibald Campbell as an auction house, the only one in the city at this time.

South West corner of Market and Harrison Street, was a landing place for Watermelons, Peas, Potatoes & other Vegetables, and Marketing, from the boats coming from the adjacent country on Market and on other days. There was also a landing at the East side of Gay Street Bridge. These locations being a low flat and Marshy ground and convenient to the Market house. The tide ebbed and flowed over this ground from the falls and Basin up to the latter landing, enabling the Boatman to ply their flat bottom boats at middle or high water, and to land their produce conveniently. The tides occasionally at this day as if remembering their old channel, when assisted by heavy rains or freshets in the falls, get over the walls of Jones Falls, and rush through Harrison & other streets, to the great destruction of property as Merchandize, and much terror & fright of the housekeepers in that portion of the city.

We shall now visit another portion of the city further West, and locate ourselves in the neighborhood of Market & St. Pauls Street.

North West corner of Market & St. Pauls streets, was occupied in the Year 1795 by a Frenchman (Italian perhaps) of the name of Phillippi. The house was a very common 2 Story frame Dwelling with the Gable end fronting on Market Street. His business was that of a jeweller & silversmith, he left about this date and went back to France or Italy.

North East corner of Market & St. Pauls street, where now stands the Bank of Baltimore stood also a frame building back of which fronting on St. Paul Street was a great hill or bank of earth—between Market & East street now Fayette which as it was dug away for improvement caused the underpinning of these houses. One John Deaver taught school in the house on the east side of St. Pauls lane and to get to his school Room had to ascend some 20 or 30 Steps by way of an outside Stair way.

Corner of Calvert and Market St. now occupied by that Splendid Building erected by John Clarke, The Museum, there stood a long frame building, some 1 or 1½ story high, owned by Colonel Rogers. In the rear or Calvert Street front was a vacant space or Court, which separated another old frame building known as Millers Tavern. Adjoining this tavern, was an office, also a small cake shop, these houses stood on the ground now occupied by the Farmers & Merchants Bank.

Col. Peter Little carried on watch making above the corner of Calvert Street, and studied his Dictionary & worked at his watches while preparing for Congress. M^r. Hill kept a bookstore adjoining P. Little on the west. The Miss Sparks sold Mineral Water on Calvert St. front.

Corner of Rogers Alley now Bank lane stood Judge Hollingsworths¹ dwelling House and office, between which & East Street could be seen 2 vacant lots of Ground, and Owen Dorseys conveyancing office. There is now a different vastly different conveyance business done here, and an office of much larger dimensions, in the shape of Barnnm's Hotel.

On the South West corner of Market & Calvert Sts. stood a large Stone house with hip roof, occupied by Peter Hoffman.

South Side of Market Street commencing near the East side of Light Street and running East towards Public Alley was a large double Brick Mansion, erected by a gentleman of the name of Harry Gough Esq^r. This building was considered very large being a centre building with extensive wing addition and was of very imposing appearance being built with red & black brick all of which was imported from England, subsequently the house underwent improvements, and alterations, as may now be seen, and the corner of Light Street became occupied as a book store & Stationery by one Ambrose Clark.

On the South Side of Market Street west of Light Street, there

¹ Zebulon Hollingsworth.

was also a large double Mansion house, having centre building, with large Hall & entrance, with large end buildings, or wings, built in the style of Country Seats, to which were extensive Stables, on the rear or back part of the premises, intended as the last mentioned house was to be, above the common order of houses. Probably there existed at this day, and in that small community a little of the ingredient of the present day called aristocracy. From all appearances one would think that the seed is of a different nature than that of the Potatoe as it does not seem to run out even at this late day.

North side of Market Street, west of Charles Street, there was also another fine building, much of the same Style or order and was built and occupied by a gentleman of the name of Usher.¹ I cannot learn much of this family, or of the building.

On the South West corner of Market Street & Public Alley. (Public Alley is now Grant Street, runs from Market Street to Pratt Street, between Calvert & Light Street.) This corner was occupied by a person of the name of James M^cCannon, a Merchant Tailor, the south east corner of this alley was M^r Stationary & Book store and the Post Office, & M^{rs} Goddard was the Post master, or rather Post Mistress.

West corner of Mercer & Grant Street, there stands an old large frame hip roof building, which for architecture, both of interior or exterior would compare in point of its extraordinary style with any other building on this continent, either Dutch, French or Hottentot. It is a nondescript and I have often tried to find out who built it but cannot,² even M^r Harry Carroll of the Gough Family (it being on the lot attached formerly to the imported brick Mansion directly in front on Market Street) cannot give me any account of its origin. This House was known in the Year 1803, as Cummins Key's Hotel. (I wonder if Jenny

¹ Perhaps Thomas Usher, who came to Baltimore about 1771.

² Mr. Harry Gough Carrol thinks it was built by his relative Harry Gough at a very early day in the History of Baltimore. It can be seen in the old drawing of Baltimore done by S. Moale. [N.]

Lind would like to stop here a week). It is identified as the residence of Cummins Key, he having it is said, been condemned to toil at the wheelbarrow on account of Forgery—so says my informant. There existed at that day a law of this kind called the wheelbarrow Law which was practically defined by compelling the convict to make & mend the public Roads. This old House was also occupied, by a German (name unknown) or Dutch Merchant as a warehouse, and was called a Dutch Shipping House.

Corner of Calvert & Water Street stands an old brick Warehouse now occupied as a Last and Finding Store (Shoemakers appurtenances), which still retains strong features of its former occupation but now like Othello its occupation's gone, and there is no longer the unloading and loading of vessels from the different floors of this warehouse, there is not much to shew that water came up here, sufficient to float schooners or other craft except the old warehouse doors and Block & Tackle rigging from the different Stories of the house. A little above this corner on Calvert St. on the Lot now occupied by the Mechanical Fire Engine Company, was located the office of Niles Register, and the men and boys working in the office at that day well remember of seeing Bow sprits and Yard arm sticking round the corner into Calvert Street. This was originally called the county wharf.

Near the North East Corner of Exchange Place & South street (in Exchange Place) stood two red frame buildings, which were also occupied as warehouses for the receipt and sale of Grain, where could be seen the bay craft discharging their loads, and taking in their provision and freights for other shores. The old Brick house on the corner adjoining these old red frames is supposed to have been preceded by an old Stone house, & which is supposed to have been occupied and used as an Insurance office, but this we have no reliable account of.

The Baltimore & O. R. R. Depot in Pratt Street near Charles Street, was formerly low marshy ground, and is known

to have been used by the late Peter Cruses Grandfather in building thereon a temporary frame shed, for the purpose of experimenting in Steam, it being a little peninsula or Island situate on Marshy ground, it does not seem that he succeeded in bringing his experiments to any decided perfection or we should have heard more of it, this was about the year 1785 or 1790.

In this neighborhood the tide water came up, bordering on the corner of Pratt & Charles Street this being that part of the Town called French Town (named from the fact of the settlement being made by French Refugees from Canada) and which appears to have been the head land on the West & North of the Basin.

The Corner of Charles and Camden Street, (which corner cannot be exactly identified) there was Wharves and Docks and Warehouses, one of which is recollected to have been occupied by a German Merchant of the name of Gartz,¹ (father-in-law of Charles Roberts) and long went by the name of Gartz's Wharf, there appears also to have been other firms, but whether there was more warehouses than one, or whether this one was occupied by different persons at different dates, it is not our intention to say—yet we hear of Valkburger & Schoeten & A. Vak Esq., one of the most worthy & high standing Merchants also doing business here at that early day. There was also attached to this or these Warehouses a Dock in which sea vessels (foreign) drawing 10 & 12 feet water were seen discharging & receiving their cargos. The present Charles Street City Spring as seen in the sketch of Baltimore 1752 will justify the belief that the water in the basin came up to near Charles Street & Camden. Lucas Brewery is on a portion of this lot, there was also a Sugar House in this neighborhood. Col. Miltenberger informs me that he used to fasten his little fishing batteau a few feet South east of the present Charles Street Spring after coming from his favorite fishing spot down in Harrison street, along side of an old white frame house which stood where the arcade now stands, or near it.

¹ Charles Garts, or Gartz, who came to Baltimore about 1771.

The Water which now runs from the Northern Section of the City down Howard & Lexington & Liberty Streets, formerly came from these Hills and formed a Gulley or ravine about the corner of Market & Liberty Street, at Sharp Street crossed Market Street, and running South East to Hanover Street & Eulers Alley and thence down this Alley as a gulley to the Basin near Pratt & Light Street. There is covered up in Market Street the arch which cross'd this Gulley, near Sharp Street, which was used as a bridge, and may some day perhaps be dug up, and be considered the ruins of some ancient Hebrew City built by one of the long lost tribes of Israel, which have been thought lately by the learned folks, to have located on this portion of the Globe and degenerated into a tribe of Indians, or perhaps Buffaloes.

Jones Falls.—Like many other Streams of Water, Jones Falls had what was called its channel, yet we cannot think it always continued in its channel, for we find what is called the Meadow as well as Marsh Market Space was often overflowed by this stream, and we have come to the conclusion that its original course, from Gay Street Bridge to President Street must have been what it now is yet it staggers us, to make out how or where it was blocked out of Harrison Street as there appears to be almost a dead level originally from the meadow ground in Calvert and North Street—down through fish street to Harrison Street, thence to the Basin—and as I shall now give the course of the falls, as known to be at the time at which these memorandums were made—I leave some one to say how it came so. Jones Falls,—The original Bed of these falls north of the city so far as concerns us in making our memorandum, appears to have been as it now is, until we arrive at the Bridge at the foot of Bath Street, which street commences in Calvert Street, a little north of Mulberry Street, and runs east to the Falls. From thence the original channel ran towards Calvert Street in a South west direction, to the rear of the Universalist Church, which can now be identified as its course, by some old houses now standing, & which were built upon lots binding on the stream, being diagonal with Davis & Pleasant Street from thence up Calvert

Street (a little East of Calvert Street as it now is) to what was known as M^cCauslands corner, now Lexington & Calvert Street, thence about Sou. Eastwardly to the Grave yard back of the 2 Steeple Church on Fayette Street, to Calhouns Alley now North Street, thence to the canal, at the corner of Holliday Street & Tiezers Soap House, (Fish Street now known as Hydes Soap Factory), from thence East to George Millers Tan Yard to a new cut or canal commencing near Gay Street Bridge, this is or was the outlet of the Canal into the continuation or old bed of the Falls. There was a clever size Bay craft or Schooner built on the Falls, in the neighborhood of the Calvert Street City Spring, and floated down through the Falls to the Basin. They may have availed themselves of the chance during some of the freshets, yet it is not said so. The Meadows have often been overflowed to a great depth, in the neighborhood of what is now called Holliday, North, Saratoga, Davis, Harrison Street and Marsh Market Space.

An Incident occurred with Thomas Jefferson about the Year 1808. In travelling thro Baltimore (either) going North or South being dressed in Ordinary Citizens clothes he was directed to the Fountain Inn Light Street, for accomodation. The proprietor a M^r Bridon,¹ although having heard of his coming did not recognize him, took him for some common traveller and upon Jeffersons enquiry for a room for himself Bridon told him he could not accomodate him, unless he would take a bed in a room with others. This of course did not suit, and M^r Jefferson started to hunt other lodgings. He found lodgings at a Tavern kept by a M^r Fulton,² in Market Street, which stood west of Charles Street on the South side of Market Street, about where John R. Gwins wholesale dry Good Store now stands, he was accomodated and was pleased with the Landlord &c. That night the Stables were set on fire. 16 Horses were burnt, Thos. Jeffersons among them.³ After this Fulton got a run of business, from the circumstance of

¹ James Bryden.

² David Fulton.

³ This fire is all the information I can get in regard to Baltimore from Miss Boyd, being all she recollects. [N.]

Thos. Jefferson being entertained by him made a great deal of Money, purchased the corner of Hanover & Market Street, from one M^r Evans, and in a few years retired from business, whilst Bridon, poor fellow, mortified by his mistake, left his Hotel shortly afterwards, and as the old story says for ought we know died Brokenhearted.

CRUISING ON THE CHESAPEAKE IN 1781.

ISAAC J. GREENWOOD, JR.

[Read before the Society on May 3, 1860.]

Towards the close of August 1781 John Greenwood, from whose personal memoirs the following extract has been taken, arrived at Baltimore as second mate of a Boston Letter-of-Marque, Capt L——n, with a cargo from the island of Tobago. He had already taken an active part in the struggle of independence, having joined the American Army, as it lay encamped before his native city, previous to the battle of Bunker Hill, and remaining with it, as fife-major to the 15th Mass. Reg^t, until after the affair at Trenton; he had passed through all the vicissitudes which marked the close of the Canadian campaign, and, after leaving the army, had sailed under Manly and Porter,¹ and suffered an imprisonment of five months in the dungeons of Barbadoes. He was now twenty one years of age, but, to continue the relation in his own words:—"As I did not like to sail with a captain, who was afraid of his own shadow, and as, from the voyage having been altered to return to the West Indies, I was at liberty to go with him or not, as I pleased, I quitted him. Having plenty of money I proposed to the first-mate (whose name was Myrick) that, as he also did not like the captain, we should leave together and

¹Capt. David Porter of Boston (father of Com. D. Porter) removed to Baltimore after the Revolution, and took command of the U. S. Revenue Cutter Active; he was living in 1796.

purchase between us a small schooner and carry freight to different ports on the Chesapeake Bay. A schooner of about 40 tons burthen was accordingly procured, of which I owned two thirds—so we were then both Captains.

A man was hired to go with us, and the first freight offered was a load of Indian corn ; we took it in, but not being acquainted with carrying that article, never “clunced the ceiling,” that is stopped the cracks to prevent the corn from getting to the pumps. This corn we were to carry to some Ironworks, at a place called Elkridge landing, up a river¹ of which I now forget the name, and we were directed to follow another schooner which was going in company with us. The latter set off, but as our cag had no water in it I had to go and fill it ; this I did but, on returning, stopped to get a pint of porter and stayed rather too long, so that the schooner got out of sight. My partner began to swear, and said “how shall we find the place ?” “By looking after it,” I told him, “we have the name and that is enough ;” so I set sail, stood out of the basin, and proceeded on. After we had got some distance out I saw a boat and made towards her, proposing to my partner that we should ask where the place was we were bound to. “No,” says he, “I’ll be d——d if I do !” for he was a complete seaman and could not bear to ask such a question. “Well,” said I, “I will ask them.” After telling them our situation, they politely gave us every necessary information and away we went in search of our port, and at last entered and proceeded up the river without further delay. Night coming on, a monstrous storm arose and it began to blow from the N. E. with rain, thunder and lightning, but as it was a fair wind we carried sail to it, haphazard. Pretty soon we could not see, except it was by the assistance of the sharp flashes of lightning, and the river becoming crooked and winding, we soon ran aground, plump on to a sand point, where we remained hard and fast. We had a small flat bottomed boat, made of boards, not much bigger than a coffin, into the stern of which I took the anchor, placed some coils of the cable in the bow, and then shoved the boat out astern, so

¹ Patapsco River.

as to try and haul the schooner off the same way she got on. When I went towards the anchor, however, to pitch it over, the boat, by reason of the additional weight in this portion of it, sunk and turned me into the water, but, being a good swimmer I did not mind it and soon got on board again with the boat safe. By the help of the lightning we saw a house on shore, about a mile distant, and I, taking the boat, proceeded to procure assistance, but the wind blew so hard I could not get off to our vessel before morning, by which time the storm had abated. As it cleared away, to my great satisfaction I saw that the schooner had swung off the point and was riding by the stern-anchor.

Coming on board I found my partner asleep and many things afloat in the cabin, for the vessel leaked and, the pumps being choaked with corn, he had not been able to relieve her. But Elkridge-landing was only a few miles from where we ran on shore, and soon getting there we discharged our freight and returned to Baltimore. Myrick said he would rather make a West India voyage than take another such trip, and sold his part of the schooner to one M^r W——b, of Fell's Point, Baltimore.

We then took in a freight of rigging and other articles to carry down to the Piankatank river. At this time the army of Cornwallis laid at York Town. We arrived safe, discharged our goods and took in some oats for Baltimore, receiving likewise seven passengers, who were sutlers or rum-sellers to Gen. Washington's army, and had considerable money with them.

Late in the afternoon, on a Sunday, we made sail out of the river, and, the wind and tide being ahead, concluded to drop anchor. My passengers, and partner likewise, being nearly drunk, all went down in the cabin to sleep and left the man we had hired and myself on deck to take care of the vessel. As soon as the tide turned we hauled up anchor and making sail from the mouth of the river, stood out into the bay, the wind still being ahead. After I had made a good stretch into the bay, I hove her about and stood in for Rappahannock Pt. On this point there was a number of dead pine trees, and close in to the land at the time, there laid at anchor two British gallies, which we did not see as they were behind a schooner, laden with tar, which they

had taken. One of these gallies was rowed with 32 oars and had 60 odd men on board, the other rowed with 12 or 14 oars and had about 25 or 30 men.

Thinking all safe, I called up my partner and desired him to take the helm, as I felt sleepy; then I wrapped myself up in my great-coat and went down to sleep upon the oars in the hold. Apparently but a few minutes had passed when I heard a great noise on deck with swords and cutlasses; I first thought it was my passengers playing, as I had some swords on board, so I halloed out to them to be still. The hatchway was open and immediately a fellow leapt down into the hold, gave me a stroke or two with his sword and bade me jump up on deck. The first person I saw, on coming out of the hold, was one I knew as well as my brother, his name was Montgomery and he used to live with M^r. Turk,¹ the turner in New York. "Why, Montgomery," said I to him, in my confusion not seeing the English flag flying, "are you among these pirates?" No sooner had I made the observation than the captain of the large galley, whose name was Waley or Walen,² made answer. He was a tall, slim, gallows looking fellow, in his shirt sleeves, with a gold-laced jacket on that he had robbed from some old trooper on the eastern shore. "Sir," said he, "I will let you know that I have as good a commission as any seventy-four in his Britannic Majesty's service!" I told him that I had found out I was mistaken, but had thought at first it was one of our own gallies from Annapolis, who would at times board and plunder even our own vessels. After telling him that it was the fortune of war &c. and that he would let me have my clothes, he said I should be allowed to retain them.

The sun was now about half-an-hour high, when my passengers were ordered to get into the large galley, but my partner having abused the Captain, was put in irons and sent into the stern of the small galley, under the care of a negro, while all the other

¹ Abraham Turk, turner and musical-inst. maker, 24 Nassau St., where he continued to reside till after the war.

² Probably Whaland, a notorious bargeman at that period.

men were taken out of her. One of the passengers, an Irishman, and myself, were left on the schooner, and the Captain of the small galley, and nine others, including Montgomery, were placed on board to manage her. This captain, last mentioned, was a Mulatto, named George, six feet high, and formerly, as I afterwards understood a slave to Col. Fitzhugh¹ of Virginia. George's galley was now fastened with her grappling in our stern-sheets, and left for us to tow along, while Walen, as it was by this time fairly dark, muffled his oars and prepared to go up Piankatank river to rob one M^r. Gwynn, where we had deposited our freight, among which was a hogshead of rum. After giving orders for us to go to Gwynn's Island, come to an anchor and wait for him there, he set out, got to Gwynn's at Piankatank and robbed him.

The wind at this time had shifted and blew fair for Baltimore, and in beating about to fetch Gwynn's island we struck on a place called Stingray-point came to an anchor and waited till the next morning. At day light a drogher, laden with tobacco, was seen standing along shore, and our anchor was immediately taken up and sail set for the pursuit, while the chase passing by, within musket-shot, the refugees began firing at her. But it was soon found impossible to overtake her with the small galley in tow, so Capt. George placed another man in her and, after ordering my partner on board the schooner, left her at anchor and renewed the chase. By this time the large galley was also in sight, making after the drogher, and near enough to fire at her the six pound cannon which she had in her bow, but, as it was without effect, we gave over the chase and hauled our wind so as to take the galley in tow again when we came up with her. On board of the latter Capt. George now ordered three more men, thus making five in all, who were set to work at cleaning the muskets, as some of them would not go off when they were firing at the drogher.

We then stood off to join the large galley, which was about six miles off and running for Gwynn's Island.

¹ Perhaps W^m. Fitzhugh, Esq^r of Ravensworth, Fairfax Co. Va. or Col. W^m. Fitzhugh of Maryland, a gentleman, blind and aged, who lived, during the war near the mouth of the Patuxent River, about half a mile from the shore.—I. J. G.

My partner W——b, the Irishman, and myself, now agreed to retake the schooner, although each of the four men left upon her were armed with a pair of pistols, a sword and gun, and the galley was now, moreover, again close in tow, with her grapnel in our stern-sheets. Our plan was to persuade the captain that there was money hidden in the cabin, this was done forthwith and down he went in search of it. There now remained on deck Montgomery, a person at the helm steering and a man by the fore-mast. As I stood by the cabin door I called Montgomery to me and, as he came near, seized him by the collar, tripped him up with my foot, and pitched him into the cabin, at the same time my partner caught up the cutlass, which the man at the helm had carelessly left on the stern-sheets, and running forward struck down the man there. The helmsman now cried out "Heim! heim!" which was all he had time to say, for W——b was aft again in an instant with his cutlass raised, just going to strike him in the head; he had however at the first alarm hauled out the tiller and made a stroke at me, it missed and dropped out of his hand, when seeing no chance of safety, the fellow in a moment jumped over the stern of the vessel into the water. As the man could not swim I suppose he drowned, I saw him struggling but had too much to attend to just then, to pay any regard to him, for the galley-men in our wake began to fire at us as fast as they could load their guns. Our schooner was then all in the wind, in sight of the large galley and dropping astern and foul of the smaller one, I told my partner to run forward and bear off the jib to wear or fetch the schooner round, so that we might put her head towards Baltimore; this he did while I was casting off the main-sheet, which was close hauled.

At this time the galley in tow was so near that I could have jumped on board her, and the fire of the muskets almost burned my hair, but they were such bad marksmen that they did not hit either of us. Meanwhile I had entirely forgotten the grapnel in our stern-sheets, but, when my partner desired me to heave it overboard, I took it up and threw it over, exclaiming "There, my boys you have got your galley all to yourselves!" at the same

time they were firing right at me, saying : " Fire at that fellow with a great coat on ! "

Up we went towards Baltimore, without a drop of water or provisions on board, for the refugees had devoured everything we had. Capt. George and Montgomery being in the cabin, the next thing was what should we do with them ; I said it would be best to let the latter come on deck, go forward and dress the wound which my partner had dealt the man there on his shoulder-bone, so I opened the top of the companion and told him to come up with his sword and pistols and likewise those of the Captain, for having ourselves the pair of pistols taken from the wounded man, we stood in little fear of these two. Montgomery came up, trembling like a leaf, for he was a great coward, and I presume never fired a gun in war during his life time. The refugees in general were a set of gallows-marked rascals, fit for nothing but thieves ; hellhounds and plunderers from inoffensive, unarmed people, they seemed to be without any kind of principle and I really believe that ten honest, religious, determined men could intimidate or drive a hundred such villains. Their whole object was plunder and they paid no manner of regard to the vessel they despoiled, be it loyal or otherwise ; gain was all they sought, and to acquire from others what they were through mere laziness unable to obtain for themselves.

Well ! we got clear of the rascals, but were chased by the large galley for some time. I then ordered the famous Captain George to come on deck ; he was very humble and said " Master, I hope you will not kill me. " I told him I would not, if he behaved himself in a proper manner, but if he even attempted to make a wry face I would certainly put him to death, never was a poor devil more submissive. As the large galley was now in chase of us I told George, who I knew was a good steersman, to take the helm, adding that, if, either through accident or design, he jibed the vessel, I would that instant kill him, but he was much frightened and kept a bright look-out to avoid the catastrophe.

We were now wing and wing, that is right before the wind, and those in the large galley, finding we outsailed them gave over the chase and made for Gwynn's Island telling the prisoners,

who were there put on shore, that had we been overtaken they would have massacred us. I really believe they would have done it too, for Capt. Whalen appeared to me to be as great a villain as ever was unhung, and all such characters the British seemed to encourage in their employ, as they were not two pence better themselves, read their history and you will be satisfied of it, if you are an honest man.

After many difficulties, such as starvation, being very thirsty and dry, running on Smith's Point and among the Tangier Islands, we arrived safe at Baltimore. On the route we were again attacked by another pirate, as I call them; the Chesapeake Bay being at that time, when the army of Cornwallis was at Yorktown, infested by innumerable pickarous, barges, gallies and small privateers, it was a great chance that we escaped the villains.

As soon as we touched the wharf, and the people learned that we had been taken and had recaptured our vessel, they came on board, took out the prisoners and carrying them up to a blacksmith's shop, there had them put in irons. Poor devils! I pitied them, for they had got into the hands of cowards, or of a mob, which is always brave where there is no danger. I remonstrated against the usage they gave told them the men were prisoners of war and that, as it was impossible for them to escape, there was no use of putting them in irons, as to punishing them, I said, there was no necessity of that, for they had received punishment already in being made prisoners; but they called me a Tory and said I had nothing to do with them, so I left the men in their hands. Thinking it imprudent to trust myself again down the bay trading, I was obliged to sell my part of the schooner, for if that rascal Whalen could have taken me I should have been killed without mercy."

After remaining on shore for a while Greenwood shipped as mate of an armed schooner, laden with flour, for St. Eustatius, W. I. but returning with a cargo of salt was chased into Edenton, N. C. by the privateer Jolly Bachus from Bermuda. On a second voyage to St. Eustatius Greenwood was himself placed in

command, but, between Antigua and St. Bartholomew, his little schooner of six guns was taken by the Santa Margareta, 40 guns, Capt. Elliot Salter, and carried into Jamaica; for the third time during his life he was a prisoner of war.

New York, April, 1860.

ALEX. LAWSON SMITH¹ TO LIEUT. MICHAEL GILBERT.²

[From the Society's Collection of mss.]

Whipney³ 17th Feb^y 1777.

D^r Sir

I a few days ago Received your Letter of the 1st of January last which gives me Infinit Satisfaction to hear from you I was Apprehensive that you had forgot that you promised to Corrispond with me till I Received the Letter. I wrote you the day after the Ingagement at Trentown, which I hope has Come safe to hand I then gave you the particulars of that Ingagement as near as I Could, I at that time got my Right foot frost Bitten which obliged me to Keepe Close House for sometime & was Renderd uncapable of joining the Regiment till lately and can hardly Bair the shoe on that foot now, we have had scouting Parties out ever since the Enemy Retreated to Brunswick & has Harrassed them very much we have had severall Skirmishes with them & I Cant say but we have been Successful in each Skirmish tho we have been obliged to give way to the Supearer force & never Comes out without field Pieces there was one on the 23^d of Jan^y Commanded by Col^l Parker⁴ from Virginia which lasted upwards of twenty Minutes we did not lose one man, from Acc^{ts} of the Neighbours

¹ Captain 4th Rgt., 2d Md. Brigade.

² 2d Lt. of Capt. Paca's Co., Harford Co. Rgt.

³ Whippany, N. J.

⁴ Col. Josiah Parker.

where the Engagement was do say that the Enemy lost upwards of thirty men Killed & many wounded, the party of ours was sent out under Command of Col^o Buckner¹ from Virginia who Ran away & left his men & maid of as fast as he Could on Horse back, as soon as the firing began, he was Tried last Saturday weak & Cashierd & Rendered uncapable of holding a Commission again, & when Col^o Parker returnd Col^o Scott² from Virgiuia was sent out with 200 men, he had been but a little while out before he fell in with a party of Regulars & was drivin them when they got Reinforced, & the same time there was a party of Hessians Surrouding Col^o Scotts Party & he thought it a Reinforcement Coming to joine him & before he Discoverd who they ware they had nearly Surrounded him and left him but a small gap to Retreat through we had six or seven men Killed 1 Lieu^t killed & one Aju^tent who was Slighted wounded through the Thigh which prevented his Retreating as fast as the others & by that means they Caught him & Run him through with their Bayonets & mashed his scull all to Pieces & left him upon the field, I heard several of the Officers that saw him afterwards say they never saw any Body so Beat to Peices in their Life, there was five thousand Regulars Came out from Brunswick Last Saturday weak with fifteen field Peices to Attack our Scouting party Consisting of about Six Hundred we got Information of their Coming & Retreated some Distance to an Emineuce the Enemy fired great many Shot at them with their field Peices but did no mischief they Retreated to Brunswick again in the Evening our men Pursued them & Killed 7 or 8 on their Retreat, all our Regiment that has not had the Small Pox marched up hear to Whipiney to be Enoculated, this is a small Town about five miles Distaut from Morrice Town, I suppose we shall Remain hear till the Spring, I am in great hopes of seeing you out in the Arme^y in the Spring I a few days ago was Informed that our Regiment was to be Divided & the five Companys from Virginia to be Commanded by Col^o Morgan³ from Virginia & our Regiment was to be Raised

¹ Col. Mordecai Buckner, 6th Va. Rgt.

² Col. Charles Scott, 3d Va. Bat.

³ Col. Daniel Morgan, 11th Va. Rgt.

in Maryland if so we shall be the first Regiment from Maryland & should be Extremely Glad if you Could get a Commission in our Regiment, as we then might allways be together, my Kind love & Compliments to all the Young Ladies of my Acquaintance in Harford & Likewise all Acquaintance in Harford I am in great hope of Hearing from you Shortly & the rest of the young fellows of my Acquaintance nothing gives me greater Satisfaction than to hear from Old Harford & have only Received that letter of yours of the first of January Since I left Harford, I Expected to have heard from John Gibson & George Patterson several times before this, but I am in hopes tho they have heretofore neglected to write to me if they will write by the first opportunity I would write to each of them now, but am Obliged to write to Lieu^t Bradford¹ & Sarj^t Thompson² to Know if they do not Intend to Return, if they do not I shall Indeavour to fall upon some meathod of forcing them to Come. Thompson Crossed Delaware River & Came to me in Pennsylvania just after the Battle of Princeton & Lord Sterling sent me Orders to send all the men under my Command up to Newtown which I accordingly did & they ware all of them that was fit to go sent as guards to some Baggage Waggons to Maurice Town, Thompson again Returnd to my Quarters, & a day or two afterwards a Couple of the officers of our Regiment Came over where I was & one of them told Thompson that a Captⁿ Brady of our Regiment had Lodged Information against him for Refusing to give up the Command of my Company to him, the officer did it with an Intention to frighten Thompson, tho the next day he asked me to Let him go to Newtown for his Cloaths as we ware to Cross the River the next day on our way to Joyne the Armeey at Morrice Town, which Leave I granted has not heard a Sylable of him since, as I am Certain that it was the threat that Information was Lodged against him that made him leave me I shall Chearfully Excuse him if he will Return to my Assistance Immediately, if not I shall Advertise him as a Deserter, I am informed that a Number of Maryland Malitia is now at Camp about 12 miles from this & as I now have nothing

¹ William Bradford, *Md. Arch.* 18: 301. ² John Thompson, *Md. Arch.* 18: 301.

to do I will Indeavour to get Leave to go & see them this week if I Can, Hutchin Pike the Bearer of this Letter will Leave this to-morrow for Maryland with a Discharge.

Twenty of my men Deserted, Seven or Eight Sent to Hospital Sick, one taken Prisoner & one Joseph Mourton died with the Plurisy, I have about fifteen or Eighteen men now with me & I have the Satisfaction to say that I have some of as Brave Soldiers in my Company as any in the Armeý I must Conclude & am D^r Sir

Your Effect

Humble Serv^t

ALEX^r. LAWSON SMITH.

N. B.—I shall take it as a Great favour if you will Inquire of Lieu^t Bradford whether he will Come & when I may Expect him, I will write to Cranbury by the next oppertunity an the mean time give my Love to the old Gentleman & family & I should be Exceeding Glad to hear from them by all Opertunitys & the Rest of my Acquaintance of Harford.—A. L. S.

J. H. PENNINGTON'S STEAM BALLOON, 1842.

[From the Society's Collection of mss.]

To the Hon. Senate and House of Representatives of the United States.

The petition of John H. Pennington of the city of Baltimore in the State of Maryland, most respectfully represents to your honorable bodies, that the petitioner is the inventor of a Machine for navigating the air; that as early as the year 1838, he submitted to the Franklin Institute of Philadelphia, in the State of Pennsylvania a Pamphlet and drawing of his invention, and in the same year deposited with the Agent of Patents at the seat of Government in the city of Washington a Pamphlet and drawing

of his said invention, for the purpose of securing to himself as far as said act would secure, the right of invention : and that in the same year he made application to the Government of the United States, through Congress for aid in prosecuting his plan to completion and practical experiments, but that no aid was then granted your petitioner, in consequence of which and his own want of means he was compelled to abandon, and did abandon for the time his said projects, hoping at a future day to be able to prosecute it at his own expense, or that the Government might be led to regard the plan with favor, and afford the necessary aid in reducing the plan to a practicable experiment. Your petitioner after years of close application to his trade with a view to raising means sufficient to carry out his project, finds himself still unable to do so, and with no better prospects than in 1838. Your petitioner has given the subject much thought and such of his time as could be spared from his business and domestic affairs, with an earnest desire to arrive at truth, and to divest his mind of everything visionary and speculative, which has served only to strengthen his previously formed opinions, that the plan is not only plausible and practicable, but one that can be made highly useful to the Government as a means of quick dispatch, and for reconnoitering an enemy in time of war. Your petitioner is also strongly impressed with its practical usefulness in exploration over that of any other made known or in use; from these considerations as well as those of a pecuniary and personal character, your petitioner is again induced to solicit at your hands the means necessary to complete the said machine, otherwise however reluctant your petitioner will be compelled to abandon forever the said project, which if practicable (of which your petitioner does not entertain a doubt), all will admit to be of the last importance to the Government.

Much might be said of the advantages and utility of such a machine to the Government, but to a body so enlightened and patriotic as the Congress of the United States it is wholly unnecessary; and any arguments of mine other than is necessary in describing the machine and the mode of operation, might well be regarded as an insult to the understanding of so enlightened a

body ; therefore your petitioner will content himself by giving a very brief and concise description of the plan or machine which he has the honor of submitting to your honorable bodies ; by remarking first, that he has changed the name of the machine from that of Steam Kite, to the steam Dolphin Balloon.

The Machine, or Steam Dolphin Balloon will resemble in figure the transverse section of a spheroid in either side of which are openings for the purpose of admitting a pair of bevelled wheels, by which the machine is to be propelled, and centrally situated between them is the engine, by which the wheels are to be put in motion, by a chain band connected with the engine, or by a pitman and connecting rods. The spinal frame of the aerostatic machine is proposed to be constructed of young white oak or hickory, and will resemble in figure a flat ellipsis, combining great strength with but little weight, as the whole frame will be hollow. Underneath the spinal frame will be placed the engine and rooms for the conductor, passengers, stores and fuel which will be secured by proper fastening to the spinal frame. The spinal frame, like the balloon may be filled with gas, as also the hubbs or cylinders of the wheels which will be so constructed that they may be filled if occasion should require. 2^d. Of the engine. It is proposed to have the engine made of steel, so as to procure the greatest possible strength in the smallest possible compass, and to use spirits of turpentine or alcohol, which boil at about $33\frac{1}{3}$ per cent. less than water ; when 300 per cent of strength may be obtained, by being procured from these materials and the same proportion of metal dispensed with. 3^d. The wheels that are intended to propel the machine forward, are spiral or bevelled winged situated in openings on either side of the balloon, and formed on the principle of the common wind mill wheel. 4th. The steerage power will be a rudder or oar attached to the lower extremity of the balloons so as to move either vertically or horizontally. The whole machine, resolves itself into the principle of the common balloon, the bevelled wheels the momentum and the engine the power.

The principle is the lateral pressure of the atmosphere acting upon the inclined plane of the machine, and the propelling power,

the wheel. The ascension power may be obtained wholly, or in part as in an ordinary balloon. Three things are always to be considered in treating of mechanical engines; the weight to be raised; the power by which it is to be raised, and the instrument or engine by which this is to be effected.

Your petitioner is aware that the opinion has obtained with some writers of eminence in favor of wings, as a propelling power in aerostation over that of wheels; be that as it may, it is no part of the present purpose of your petitioner to institute any comparison between the two modes of propelling other than to remark, that so far as experiments have been made, both by means of physical force, and by the use of springs, that the wings in every instance have signally failed.

From experiments the inference is a fair one that nature seems to affect a certain law in the dilatation of aeriform fluids by heat or pressure; they seem to be dilatable nearly in the proportion of their present dilation. This law obtains more remarkably in the invisible vapours, such as vital atmospheric and fixed air, all of which have also their elasticity proportionably to their bulk inversely; and perhaps the deviation from the law in steam is connected with its chemical difference of constitution. The lateral pressure of the atmosphere is prodigious and with a sufficient momentum is capable of sustaining great weight. From them and other well established truths in relation to the elasticity of fluids and other bodies, as well as those in relation to motion, all of which have been long established and well understood, Your petitioner does not entertain a single doubt as to the practicability of aerial navigation.

In conclusion your petitioner begs leave to say, that the proposed aerostatic machine, in its construction, material, and engine will not cost a sum exceeding two thousand dollars. The machine if constructed, is proposed to be of a size sufficient to carry one man, who will not only be able to work the engine and steer the machine, but to make observations also: Therefore in consideration of the vast importance of such a machine to the Government, and in view of the small amount asked for its construction, your petitioner cannot but entertain the hope and belief that your

honorable bodies in the plenitude of your power and wisdom will be pleased to grant this the prayer of your petitioner.

JOHN H. PENNINGTON.

To the Senate and House of
Representatives of the U. States.

Your petitioner John H. Pennington, respectfully represents that, since filing his petition in the year 1842 he has from a full and careful examination of all the details, as well as from the construction of a large model found that it will require a sum not less than ten thousand dollars to construct such a machine as that proposed in his petition, and, therefore, prays that Congress will be pleased to grant the sum of ten thousand instead of two thousand dollars which was first asked for the construction of his proposed machine.

Your petitioner proposes to build a machine one hundred feet long and forty feet wide. With such a machine the whole principle can be demonstrated, and its practical usefulness fairly tested, as an express for conveying dispatches from one point to another, for reconnoitering, and for exploring unknown regions. Indeed, the advantages of such a machine, in the civil, military, and commercial operations of a nation, are too manifest to require comment.

Your petitioner, in addition to two models is having drawings and cuts made by which he flatters himself, he will be able to satisfy Congress, or such committees as may have charge of the subject, that his project is not only a rational one, but clearly a practical one.

In conclusion your petitioner, prays that, this supplement may be received and made part of the original petition.

JOHN H. PENNINGTON.

The above petition is accompanied by a drawing of the Steam Balloon, called the Oregon. The figure represents an aerostat, 234 feet long, 96 feet wide, and 40 feet high; which will, by computation, when inflated with hydrogen gas possess a buoyant

power equal to 36,000 lbs., exclusive of the material, engine, &c. As all air vessels must depend upon their buoyancy and the weight of the atmosphere by which they are surrounded, for their efficacy, it is but fair to infer that with such buoyant power we shall be able to make the vessel a practically useful one, and that at no very distant day, verify the following prophetic lines by Darwin :¹

“ Soon shall thy arm, unconquered steam, afar
 Drag the slow barge or drive the rapid car ;
 Or on wide waving wings expanded bear,
 The flying chariot through the fields of air !

Fair crews triumphant, leaning from above,
 Shall wave their fluttering 'kerchiefs as they move ;
 Or warrior bands alarm the gaping crowd,
 And armies shrink beneath the shadowy cloud.”

[In view of the present rapid development of aerial navigation, this paper of sixty-eight years ago is of especial interest. The following endorsements indicate that it is the original paper presented to the Congress. “ John H. Pennington, To petition The Congress of the United States, Mar. 1842. March 29, 1842, Refd. to the Committee on Military affairs. July 8th, 1842, Refd. to Commtee on Patents. Ask to be discharged & referred to Com. On Patents Dec. 3, 1842. Goggin 4 dis. & patents. Kennedy of Md.”]

LUTHER MARTIN'S SPEECH TO THE HOUSE OF DELEGATES, 1788.

(Contributed by Bernard C. Steiner.)

In the December number of the *Magazine* (Vol. IV, No. 4) was printed for the first time Dr. McHenry's speech to the Maryland House of Delegates upon the Federal Constitution. Luther Martin's speech on the same occasion was elaborated and revised by him and published contemporaneously, and republished in the first volume of Elliot's *Debates*. The draft of the speech as delivered came somehow into the possession of John Leeds Bozman, the historian, and was purchased, recently, with his other papers by the Library of Congress. This draft differs

¹ Erasmus Darwin, *The Botanic Garden*, 1791.

sufficiently from the published version to be worthy of publication and is now printed, through the kind permission of -Mr. Gaillard Hunt, Chief of the Division of Manuscripts in the Congressional Library. The paper is endorsed: "Mr. Martin's speech to the House of Delegates" and reads as follows:

Mary Land, Novr. 29th, 1787.

Mr. Speaker.

When I joined the Convention I found that Mr. Randolph had laid before that Body certain propositions for their consideration, and that Convention had entered into many Resolutions, respecting their manner of conducting the Business one of which was that seven States might proceed to Business and therefor four States composing a majority of seven might eventually give the Law to the whole Union. Different instructions were given to Members of different States the Delegates from Delaware were instructed not to infringe their Local Constitution others were prohibited from assent to any duty in Commerce. Convention enjoined all to secrecy; so that we had no opportunity of gaining information by a Correspondence with others; and what was still more inconvenient extracts from their Journals were prohibited even for our own information.—It must be remembered that in forming the Confederation the State of Virginia proposed, and obstinately contended (though unsupported by any other) for representation according to Numbers: and the second resolve now brought forward by an Honourable Member from that State was formed in the same spirit that characterized its representatives in their endeavours to increase its powers and influence in the Federal Government. These Views in the larger States did not escape the observation of the lesser and meetings in private were formed to counteract them: the subject however was discussed with coolness in Convention, and hopes were formed that it might in some points be brought to Yield to reason, or if not, that at all events the lesser States were not precluded from introducing a different System; and particular Gentlemen were industriously employed in forming such a System at those periods in which Convention were not sitting.

At length the Committee of Detail brought forward their Reso-

lutions which gave to the larger States the same inequality in the Senate that they now are proposed to have in the House of Representatives. Virginia, Pennsylvania and Massachusetts would have one half—all the Officers and even the President were to be chosen by the Legislature so that these three States might have usurped the whole power. The President would always have been from one of the larger States and so chosen as to have an absolute negative, not only on the Laws of Congress, but also on the Laws of each respective State in the Union. Should the representation from the other States be compleat; and by a Miracle ten States be so united as upon any occasion to procure a Majority; yet the President by his Negative might defeat the best intentions for the public good. Such a Government would be a Government by a Junto and bind hand and foot all the other States in the Union. On this occasion, the House will please to remember that Mr. Bo (sic)¹ was in the Chair, and General Washington and the Venerable Franklin on the floor, and led by State influence, neither of them objected to this System, but, on the Contrary, it seemed to meet their warm and cordial approbation. I revere those worthy Personages as much as any man can do, but I could not compliment them by a sacrifice of the trust reposed on me by this State by acquiescing in their opinion. Then it was, Mr. Speaker, that those persons who were labouring for the general good, brought forward a different System.—The absence of Mr. McHenry unhappily left Maryland with only two representatives, and they differed. New Hampshire Delegates were also absent. Mr. Patterson from New Jersey introduced this new system, by which it was proposed that the Laws of the Confederacy should be the Laws of each State and therefore the State Judiciaries to have Cognizance in the first instance and the Federal Courts to have an appellat Jurisdiction only.

The first measure that took place on the Jersey System was to pass a vote not to receive it. Three parties now appeared in Convention; one were for abolishing all the State Governments; another for such a Government as would give an influence to

¹ The printed speech says Mr. Gorham.

particular States and a third party were truly Federal, and acting for general Equality.—They were for considering, reforming, and amending the Federal Government, from time to time as experience might point out its imperfections, 'till it could be made competent to every exigence of State, and afford at the same time ample security to Liberty and general Welfare. But this scheme was so opposite to the views of the other two, that the Monarchical party finding little chance of succeeding in their wishes joined the others and by that measure plainly shewed they were endeavouring to form such a Government as from its inequality must bring in time their System forward, or at least much nearer in practice than it could otherwise be obtained. When the principles of opposition were thus formed and brought forward by the 2d S. respecting the manners of representation, it was urged by a Member of Pennsylvania that nothing but necessity had induced the larger States to give up in forming the Confederacy, the Equality of Representation according to numbers. That all governments flowed from the people and that their happiness being the end of governments they ought to have an equal Representation. On the contrary it was urged by the unhappy Advocates of the Jersey System that all people were equally Free, and had an equal Voice if they could meet in a general Assembly of the whole. But because one Man was stronger it afforded no reason why he might injure another, nor because ten leagued together, they should have the power to injure five; this would destroy all equality. That each State when formed, was in a State of Nature as to others, and had the same rights as Individuals in a State of Nature.—If the State Government had equal Authority, it was the same as if Individuals were present, because the State Governments originated and flowed from the Individuals that compose the State, and the Liberty of each State was what each Citizen enjoyed in his own State and no inconvenience had yet been experienced from the inequality of representation in the present Federal Government. Taxation and representation go hand in hand, on the principle alone that none should be taxed who are not represented. But as to the Quantum, those who possess the property pay only in proportion to the protection they receive.

The History of all Nations and Sense of Mankind shew, that in all former Confederacies every State had an equal voice. Moral History points out the necessity that each State should vote equally. In the Cantons of Switzerland those of Berne and Lucerne have more territory than all the others, yet each State has an equal voice in the General Assembly. The Congress in forming the Confederacy adopted this rule on the principle of Natural right. Virgiuia then objected. This Federal Government was submitted to the consideration of the Legislature of the respective States and all of them proposed some amendments; but not one thought this point should be altered. Hence we are in possession of the General Voice of America on this subject.

When baffled by reason the larger States positively refused to yield the lesser refused to confederate, and called on their opponents to declare what security they could give to abide by any plan or form of Government that could now be devised. The same reasons that now exist to abolish the old, might be urged hereafter to overthrow the New Government, and as the methods of reform prescribed by the former were now utterly disregarded, as little ceremony might be used in discarding the latter. It was further objected that the large States would be continually increasing in numbers, and consequently their influence in the National Assembly would increase also. That their extensive Territories were guaranteed and we might be drawn out to defend the enormous extent of those States, and increase and establish that power intended in time to enslave ourselves. Threats were thrown out to compel the lesser States to confederate, they were told this would be the last opportunity that might offer to prevent a Dissolution of this Union, that once dissolve that Band which held us together and the lesser States had no security for their existence, even for a moment the lesser States threatened in their turn that they would not lay under the imputation of refusing to confederate on equitable conditions: they threatened to publish their own offers and the demands of others, and to appeal to the World in Vindication of their Conduet.

At this period there were eleven States represented in Convention on the question respecting the manner of appointing

Delegates to the House of Representatives. Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina and Georgia adopted it as now handed to the consideration of the People. Georgia now insignificant, with an immense Territory looked forward to future power and Aggrandizement. Connecticut, New York, Jersey and Delaware were against the Measure and Maryland was unfortunately divided. On the same question respecting the Senate, perceiving the lesser States would break up Convention altogether, if the influence of that branch was likewise carried against them, the Delegates of Georgia differed in sentiment not on principle but on expediency, and fearing to lose everything if they persisted, they did not therefore vote being divided. Massachusetts, Pennsylvania, Virginia, North Carolina and South Carolina were in the affirmative; and New York, Connecticut, Jersey, Delaware & Maryland were in the Negative. Everything was now at a stand and little hopes of agreement, the Delegates of New York had left us determined not to return, and to hazard every possible evil rather than to Yield in that particular; when it was proposed that a conciliating Committee should be formed of one member from each State—some Members positively refused to lend their names to this measure others compromised, and agreed that if the point [were] relinquished by the larger States as to the Senate they would sign the proposed Constitution and did so, not because they approved it but because they thought something ought to be done for the Public. Neither General Washington nor Franklin shewed any disposition to relinquish the superiority of influence in the Senate. I now proposed Convention should adjourn for consideration of the subject and requested leave to take a Copy of their proceedings, but it was denied, and the Avenue thus shut to information and reflection.

ARTICLE 1ST.

S. 1st. A Government consisting of two Branches advocated by some was opposed by others. That a perfect Government necessarily requiring a check *over them* did not require it over *States* and History could furnish no instance of such a second

brauch in Federal Governments. The seperate States are competent to the Government of Individuals and a Government of *States* ought to be Federal, and which [was] the object of calling Convention, and not to establish a *National* Government. It begins We the People and the powers are made to flow from them in the first instance. That in Federal Governments an equal voice in each State is essential as being all in a *State of Nature* with respect to each other. Whereas the only figure in this Constitution that has any resemblance to a federal one, is the equality of Senate but the 4th Section gives the power to Congress to strike out, at least to render Nugatory this, the most valuable part of it. It cannot be supposed that any State would refuse to send Representatives, when they would be bound whether they sent Deputies or not, and if it was intended to relate to the cases of Insurrection or Invasion, why not by express words confine the power to these objects.

S. 6. By this Article the Senators when elected are made independent of the State they represent. They are to serve six years, to pay themselves out of the General Treasury, and are not paid by the State, nor can be recalled for any misconduct or sacrifice of the Interest of their State that they make before the expiration of that period. They are not only Legislative but make a part of the Executive, which all wise Governments have thought it essential to keep seperated. They are the National Council ; and none can leave their private concerns and their Homes for such a period and consent to such a service, but those who place their future views on the emoluments flowing from the General Government. Tho' a Senator cannot be appointed to an office created by himself, He may to any that has been antecedently established ; and by removing Old Officers to new Offices, their places may be occupied by themselves and thus the Door opened to evade and infringe the Constitution. When America was under the British Dominion every matter was conducted within a narrow Circle in the Provincial Government, greatly to the ease and convenience of the people. The Habits thus acquired are opposed to extensive Governments and the *extent of this, as a National one, cannot possibly be ever carried into effect.*

S. 2. Slaves ought never to be considered in Representation because they are property. They afford a rule as such in Taxation; but are Citizens intrusted in the General Government, no more than Cattle, Horses, Mules or Asses, and a Gentleman in Debate very pertinently observed that he would as soon enter into Compacts with the Asses, Mules, or Horses of the Ancient Dominion as with their Slaves. When there is power to raise a revenue by direct Taxation, each State ought to pay an equal Ratio; whereas by taxing Commerce some States would pay greatly more than others.

S. 7. It was contended that the Senate derived their powers from the People and therefore ought to have equal priviledges to the Representatives. That it would remove all ground for contest about originating Money Bills, what Bills were so or not, and how far amendments might be made, but nothing more could be obtained from the power of the larger States on that subject than what appears in the proposed Constitution. In Great Britain the King having Heriditary rights, and being one of three Estates that compose the Legislature has obtained a Voice in the passage of all Acts that bear the title of Laws. But the Executive here have no distinct rights, nor is their President likely to have more understanding than the two Branches of the Legislature. Additional weight is thus unnecessarily given to the large States who voting by numbers will cohere to each other, or at least among themselves, and thus easily carry or defeat any measure that requires a Majority of two thirds.

S. 8. By the word Duties in this Section is meant Stamp Duties. This power may be exercised to any extent, but it has likewise this dangerous tendency it may give the Congress power, by establishing duties on all Contracts to decide on cases of that nature and ultimately draw the decision of the Federal Courts, which will have sufficient occupation by the other powers given in this Section. They are extensive enough to open a sluice to draw the very blood from your Veins. They may lay direct Taxes by assessment, Poll Tax, Stamps, Duties on Commerce, and excise everything else, all this to be collected under the direction of their own Officers, and not even provided that

they shall be Inhabitants of the respective States where they are to act and which for many reasons will not be the case, and should any Individual dare to dispute the conduct of an Exeise Man, ransacking his Cellars he may be hoisted into the Federal Court from Georgia to vindicate his just right, or be punished for his impertinence. In vain was it urged that the State Court ought to be competent to the decision of such cases. The advocates of this System thought State Judges would be under State influence and therefore not sufficiently independent. But this is not all they would either trust your Juries (sic) for all matters of Fact are triable by Juries in the Inferior Courts. The Judges of the Supreme Court on *appeal* are to decide on *Law* and *fact both*. In this manner Mr. Speaker our rights are to be tried in all disputes between the Citizens of one State and another, between the Citizens and Foreigners, and between the Citizens and Foreigners (sic), and between the Citizens and these Revenue Officers of the General Government as to other cases the Constitution is silent, and it is very doubtful if we are to have the Privilege of Tryal by Jury at all, where the cause originates in the Supreme Court.

Should the power of these Judiciaries be incompetent to carry this extensive plan into execution, other, and more certain Engines of power are supplied by the Standing Army unlimited as to number or its duration, in addition to this Government has the entire Command of the Militia, and may call the whole Militia of any State into Action, a power, which it was vainly urged ought never to exceed a certain proportion. By organizing the Militia Congress have taken the whole power from the State Governments and by neglecting to do it and increasing the Standing Army, their power will increase by those very means that will be adopted and urged as an ease to the People.

Nothing could add to the mischevious tendency of this system more than the power that is given to suspend the Act of Ha: Corpus. Those who could not approve of it urged that the power over the Ha: Corpus ought not to be under the influence of the General Government. It would give them a power over Citizens of particular States who should oppose their encroach-

ments, and the inferior Jurisdictions of the respective States were fully competent to Judge on this important privilege; but the Almighty power of deciding by a call for the question silenced all opposition to the measure as it too frequently did to many others.

S. 9. By this Article Congress will obtain unlimited power over all the Ports in the Union and consequently acquire an influence that may be prejudicial to the general Liberty. It was sufficient for all the purposes of General Government that Congress might lay what Duties they thought proper and those who did not approve the extended power here given, contended that the Establishment of the Particular ports ought to remain with the Government of the respective States; for if Mary Land for instance should have occasion to oppose the Encroachments of the General Government Congress might direct that all Vessels coming into the Bay, to enter and clear at Norfolk and thereby become as formidable to the State by an exercise of this power, as they could by the Military Arrangements or Civil Judiciaries. That the same reason would not apply in prohibiting the respective States from laying a Duty on Exports, as applied to that regulation being exercised by Congress: in the latter case a revenue would be drawn from the productive States to the General Treasury to the ease of the unproductive, but particular States might be desirous by this method to contribute to the support of their Local Government or for the Encouragement of their Manufactures.

ARTICLE 2ND.

S. 1st. A Variety of opinion prevailed on this Article Mr. Hamilton of New York wanted the President to be appointed by the Senate, others by both Branches, others by the People at large, others that the States as States ought to have an equal voice. The larger States wanted the appointment according to numbers those who were for one Gen'l Government and no State Governments, were for a choice by the People at large, and the very persons who would not trust the Legislature to vote by States in their Choice, from a fear of Corruption, yet contended

nevertheless for a Standing Army and before this point was finally adjusted I had left the Convention.

As to the Vice President the larger States have a manifest influence and will always have him of their choice. The power given to these persons over the Army and Navy, is in truth formidable, but the power of pardon is still more dangerous, as in all acts of Treason, the very offence on which prosecution would possibly arise, would most likely be in favour of the President's own power. Some would gladly have given the appointment of Ambassadors and Judges to the Senate, some were for vesting this power in the Legislature by joint ballot, as being most likely to know the Merit of Individuals over this extended empire. But as the President is to nominate, the person chosen must be ultimately his choice and he will thus have an army of civil officers as well as Military. If he is guilty of misconduct and impeached for it by the first Branch of the Legislature he must be tried in the second, and if he keeps an interest in the large States, he will always escape punishment. The Impeachment can rarely come from the second branch who are his Council and will be under his influence.

S. 3rd. It was highly reasonable that Treasons against the United States should be defined; resistence in some cases is necessary and a Mau might be a Traitor to the General Government in obeying the Laws of his own State, a Clause was therefore proposed that when ever any State entered into contest with the General Government that during such Civil War, the general Law of Nations, as between Independent States should be the governing rule between them; and that no Citizen in such case of the said State should be deemed guilty of Treason, for acting against the General Government in Conformity to the Laws of the State of which he was a member: but this was rejected.

ARTICLE 6TH.

The ratification of this Constitution is so repugnant to the Terms on which we are all bound to amend and alter the former that it became a matter of surprise to many that the proposition

could meet with any countenance or support. Our present Constitution expressly directs that all the States must agree before it can be dissolved; but on the other hand it was contended that a Majority ought to govern. That a dissolution of the Federal Government did not dissolve the State Constitutions which were paramount to the Confederacy. That the Federal Government being formed out of the State Governments the People at large have no power to interfere in the *Federal Constitution* nor has the *State* or *Federal* Government any power to confirm a new Institution. That this Government if ratified and Established will be *immediately* from the *People* paramount [to] the *Federal Constitution* and operate as a dissolution of it.

Thus Mr. Speaker I have given to the Honorable House such information, as my situation enabled me to do, on the Subject of the proposed Constitution. If I have spoke with freedom, I have done no more than I did in Convention. I have been under no influence from the expectation of ever enjoying any Office under it; and would gladly yield what little I have saved by Industry, and the Emoluments of my profession to have been able to present it to the Public in [a] different form. I freely o [wn that it did not] meet my approbation a [wanting] this House will do [wanting] [I] believe that I have Conducted myself [wanting] freeman and a faithful servant of the [wanting] to the best of my Judgement for the Gen [wanting].

GENERAL SAMUEL SMITH TO THOMAS W. GRIFFITH.

ACCOUNT OF THE PLAN BY WHICH THE COMMITTEE OF
SAFETY AT BALTIMORE, INTENDED MAKING
GOVERNOR EDEN PRISONER,
IN 1776.¹

[From the Society's Collection of mss.]

Washington 31 Dec^r 1821.

Sir—

Agreeably to your request I will give you a detail of the occurrence on which you wish information.

On the 3 Jan^y 1776, Commissions issued to raise a Regiment for the service of the State of Maryland under the command of Col. Smallwood, three Companies of that Regiment under Major Gist were stationed at Baltimore, one of which I commanded. In May or June I received an order from Major Gist to embark with my Company on board a Sloop prepared to receive me and proceed to Annapolis, and there take such measures as I might deem proper to prevent the Escape of Governor Eden, and then to land and deliver a letter from Samuel Purviance (chairman of the Committee of Safety of Baltimore) to Thomas Johnson (President of the Council of Safety). I proceeded stationed the sloop and gave orders to my Lieutenant to prevent any Vessel or Boat from going out of the harbour until my return. I then landed and delivered the letter to M^r Johnson, the Council of Safety assembled & I was told that my services would not be necessary any longer, and that I must return forthwith, which order I obeyed. I understood afterwards that the letter conveyed information from General Charley Lee then at Charleston that a letter from Gov^r Eden had been intercepted, recommending that

¹See "Proceedings of the Conventions of Maryland," pp. 126-152, and Griffith, *Annals of Baltimore*, p. 67.

a British Regiment should imm^{ly} be sent to Maryland with which he could keep that Province in its Allegiance, for which General Charles Lee recommended to M^r. Purviance that he should be retained and made a Subject of Exchange. The Council of Safety differed in opinion with General Lee and permitted the departure of Governor Eden, this Course of Conduct was by some considered as an act of great magnanimity, by others an improper forbearance towards a Man who was desirous of shedding the Blood of people who had been but too indulgent towards him. On the meeting of the Convention of the State M^r. Samuel Purviance, Major Gist and myself were summoned to appear at the Bar of the Convention to answer for our Conduct in Assuming a power which belonged only to the Council of Safety. We did appear and I think M^r. Purviance received some slight coment, Major Gist was tenderly dealt with, and I was considered (as was the fact) as a Subordinate Officer acting under the authority of my Commanding officer

I am Sir

Your obed^t. Serv^t

S. SMITH.

Thomas Griffith Esq^r

Make what use you please of the above either
by giving the letter or its purport

N. B.—The fact was of notoriety that General Lee had more confidence in M^r. Purviance than he had in the Council, and he conveyed the information to M^r. P. when it would have been more proper to have put it to M^r. Tho^s. Johnson. At which the Council were justly offended, for there was no better Whig than M^r. Johnson was ever after that transaction.

If you should publish my letter, Let Robert Purviance (who knows my writing) copy it lest you should not be able to read it. Can I be of service on any other object of your publication.

PROCEEDINGS OF THE EASTERN SHORE BRANCH
OF THE COUNCIL OF SAFETY OF MARYLAND.¹

NOV^R 30TH DEC^R 1ST & 2^D

1775

Sundry Depositions—Orders for deliv^r of
Ammunition—Ord^{rs} for E. S. Treas^r to
pay sundry Sums of Money &c.

At a Meeting of the Eastern Shore Branch of the Council of
Safety of Maryland at Talbot County Court House by Adjourn-
ment on Thursday the 30th of Nov^r 1775 were present the follow-
ing Members—Viz.—

James Hollyday
Richard Lloyd
Edward Lloyd
Thomas Smyth &
Henry Hooper Esquires

William Hindman having previously subscribed the Associa-
tion was qualified as Clerk to this Council before William Hay-
ward Esq^r by taking the Oath prescribed by the Conventiou.

Cap^t Thomas Ennalls of the Cambridge Blues produced to the
Council a Paper Writing hereunto annexed purporting to be a
Committment of Abraham Gibbs & Benjamiu Shockley, together
with the Bodies of the said Gibbs & Shockley; And a Letter
from the Committee of Observation for Worcester County &
sundry Depositions relative to the said Gibbs & Shockley were
communicated to the Council and read, & thereupon ordered that
the said Gibbs & Shockley be committed to the Custody of the
Committee of Observation for Talbot County to be kept under a
safe Guard & produced to this Council at their Sitting at this

¹ From Executive Archives.

place to Morrow, & the said Capt. Ennalls is discharged of the Custody of the said Gibbs & Shockley.

The Board adjourn'd till to Morrow Morning 10 o'Clock.

The Board met according to Adjournment on Fryday the first Day of December 1775.

Present as yesterday.

Isaac Atkinson¹ who at the last Sitting of this Board at Chester Town was committed to the Custody of the Committee of Observation for Kent County was brought before this Board in the Custody of the Committee of Observation for Talbot County, and thereupon the Board proceeded to take the Depositions of Thomas Shiles William Dashiell George Ayres & Littleton Ayres, the only Witnesses who appeared against the said Atkinson, & took the Depositions of the said Thomas Shiles & William Dashiell, & then took the Deposition of William Stewart at the Request of the said Atkinson, which Depositions were taken in the presence of the said Atkinson and are hereunto annexed. The said Atkinson was then recommitted to the Custody of the Committee of Talbot County af^d to be brought before the Board to Morrow Morning at their sitting at this Place.

The Board adjourned till to Morrow Morning ten o'Clock. Saturday the second Day of December 1775.

The Board met according to Adjournment.

Present as Yesterday.

Isaac Atkinson was brought before the Board in Custody as af^d

The Board took the Depositions of George Ayres & Littleton Ayres in the Presence of the said Atkinson, which Depositions are hereunto annexed: The Depositions af^d were then read to the said Atkinson, & he was informed that He might now make his Defence against the Charge exhibited against him as stated in the Proceedings of this Board at Chester Town, which Charge was now again recited to the said Atkinson. And the said Atkinson

¹See also Proceedings of the Convention of the Province of Maryland, pp. 43 and 52.

having made his Defence withdrew in Custody of the Committee last afd^d.

The Board then took into Consideration the Charge afd. against the said Atkinson, the Depositions afd taken Yesterday and this Day, and the Defence made by the said Atkinson. And after full consideration thereof the Board were of Opinion that the said Isaac Atkinson hath since the breaking up of the last Provincial Convention of this Province been raising a Company in Somerset County to oppose the Measures of the Continental Congress and Convention of this province; and hath declared He would protect any Sett of Men who would not sign the Association.

Resolved therefore that the said Atkinson hath thereby been guilty of an high & dangerous Offence tending to disunite the Inhabitants of this Province in their present Opposition.

Resolved therefore that the said Isaac Atkinson be closely imprisoned in the House of the Sheriff of Talbot County afd in the Custody of the said Sheriff untill the sixteenth Day of this Instant December, unless the next Convention shall soon rise, & if the next Convention shall sooner rise, then untill the Rising of the next Convention.

Ordered that the Committee of Observation for Talbot County do forthwith deliver the said Isaac Atkinson into the Custody of the Sheriff of Talbot County afd to be imprisoned as afd together with a Copy of the following Committment.

By the Eastern Shore Branch of the Council of Safety of Maryland the Second Day of December 1775.

Ordered that the Sheriff of Talbot County receive into his Custody from the Committee of Observation for Talbot County the Body of Isaac Atkinson to be by the said Sheriff closely imprisoned in the House of him the said Sheriff, & in his Custody, untill the sixteenth Day of this Instant December, unless the next Convention shall sooner rise, & if the next Convention shall sooner rise, then untill the Rising of the next Convention.

The said Isaac Atkinson was then ordered to be brought in and being before the Board, the Resolutions of the Board were

communicated to him, & a Copy of the Committment af^d was delivered to the Committee of Observation for Talbot County.

Abraham Gibbs was brought before the Board, and upon considering the Affidavits transmitted to the Board by the Committee of Observation for Worcester County relative to the said Gibbs.

Ordered that the said Gibbs be discharged out of Custody.

The Board took into Consideration the Representation of the Committee of Worcester County against Benjamin Shockley and the Depositions transmitted by them to the Board relative to the said Shockley; and, thereupon Ordered that the said Benjamin Shockley be delivered by the Committee of Observation for Talbot County into the Custody of Capt. Greenbury Goldsborough of Talbot County to be by him sent under safe Guard to Cap^t Thomas Ennalls of Dorchester County, to be by the said Cap^t Ennalls sent under safe Guard to Cap^t James Campbell at Vienna, and by the said Cap^t Campbell to be sent under safe Guard to the Committee of Worcester County af^d. and that the said Committee of Worcester County keep the said Benjamin Shockley in safe Custody untill the next Convention shall take Order in the Premises.

Ordered that a Copy of the above Order be delivered to the Committee of Talbot County af^d to be transmitted with the said Shockley to Committee of Worcester County af^d.


Two Letters from the Committee of Worcester County dated the 17th & 20th of November last were read, & the following Answer was ordered to be forwarded to the said Committee.

By the Eastern Shore Branch of the Council of Safety of Maryland the second Day of December 1775.

Gent.

There being no Evidences sent up against Benjamin Shockley to prove the Charge exhibited by you against him, and it being now too late to expect such Witnesses, as the Powers of this Board determine by the Meeting of the next Convention which is appointed for Monday next, the Board have sent him back to you to remain in your safe Custody untill the Convention shall take Order relative to him.

The Board recommend to you to lay the State of your County before the Convention as speedily as possible. They doubt not you have already received the Powder & Lead sent you from Chester Town, and they have it not in their Power to do more at present.

Signed  Order

W^m HINDMAN, Clerk.

To the Committee of Observation
for Worcester County.

Two Letters from the Committee of Somerset County were read and the following Answer was ordered to be forwarded to the said Committee.

By the Eastern Shore Branch of the Council of Safety of Maryland Dec^r 2^d 1775.

Gent.

This Board have received your Letters, One dated the 20th November the other without Date.

The Board have directed one Barrell of Powder and three hundred Weight of Lead to be forwarded as soon as possible to the Care of M^r Robert Harrison near Cambridge, where it is expected it may arrive by Thursday next, & it is recommended to you to have some Person there to receive it, at that Time. This is all the Board can do at present, but they doubt not you will make the earliest Representation possible of your Situation to the next Convention which is appointed to meet on Monday next.

As to Cap^t Gunby's Company this Board do not think they have any Powers which will justifie them in granting Commissions, approving the Form of Inrollment, or Putting them into Pay; no such Power being given to the separate Branches of the Council of Safety; but They doubt not that the Convention upon Representation to them will immediately do what they shall think necessary and proper.

Signed by Order

W^m HINDMAN Clk.

To the Committee of Observation
for Somerset County.

Ordered that one Barrell of Powder and three hundred weight of Lead be as soon as possible sent under the Direction of Thomas Smyth Esq^r: a Member of this Board to the Care of M^r: Robert Harrison near Cambridge to be delivered to the Order of the Committee of Somerset County afd.

Ordered that the Treasurer of the Eastern Shore pay to Thomas Smyth Esquire or his Order the Sum of sixteen pounds two Shillings and eleven pence out of the Bills of Credit in his Hands, for the Expence of sending Powder & Lead to Dorchester County & Worcester County, agreeable to the Order of this Board at their last Sitting at Chester Town, as p Accounts produced.

Ordered that the said Treasurer pay to William Hindman for his Services as Clerk to this Board & for Paper, the sum of three pounds out of the Bills of Credit in his Hands.

Ordered that the said Treasurer pay to John Jacksou for his Services as Door-Keeper fifteen shillings out of the Bills of Credit in his Hands.

Signed by Order

W^m: HINDMAN, Clerk

The Deposition of Thomas Shiles, taken before the Eastern Shore Branch of the Council of Safety of Maryland at Talbot County Court House on Fryday the first Day of December 1775 in the presence of Isaac Atkinson—Who being duly sworn deposeth & saith that in the Month of September last he was at a Meeting of Cap^t: George Day Scott's Company at the lower Ferry of Wicomico River in Somerset County, to which Company this Deponent & the said Isaac Atkiuson had belonged, in Order to inroll under the Resolves of the late Convention & to choose Officers. That the Drummer was ordered to beat to Arms, & upon his beating to arms part of the Company drew up as usual under Cap^t: Scott, but that about one half or more of them drew up a part under the said Atkinson as their Captaiu wearing red Cockades instead of black which they had formerly worn.

That this Deponent had been informed that the said Atkinson had ordered his Men to bring sharp Flints in their Guns that

Day. That upon the Separation of the Company those under Cap^t Scott grounded their Arms, and this Deponent went up to the said Atkinson & told him he had been informed by one of his (Atkinson's) Company that he had ordered his Men to bring sharp Flints in their Guns that Day, and ask'd him whether he was raising his Company in Opposition to the Resolves of the Congress & Provincial Convention, to which Atkinson answered he was. That this Deponent repeated the Question & bid Atkinson answer boldly, & he again answered he was. This Deponent thereupon asked Atkinson if He expected to carry his point by that Hand full of Men, to which Atkinson answered he could have five Hundred Men to back him by that Day Week, & offered to bet a Doubloon of it; that thereupon William Hickman one of the Men that drew up under Atkinson, said yes, a thousand Men, ten to one if they are wanted, for he is the Man that has opened our Eyes & he is the man that ought to be upheld. That to this Deponent's Observation about the sharp Flints, Atkinson said he intended to burn powder that day, and shewed this Deponent a small Horn with some Powder in it. The Horn this Deponent supposes might hold a Quarter of a Pound of Powder when full but that it was not full. And this Deponent saith he saw no other Ammunition of any Kind among the Company that were with Atkinson & has no Reason to believe there was any. That at the Time of this Conversation between the Deponent & the said Atkinson, Atkinson appeared to be very cool & calm, & that this Deponent distinctly heard what the said Atkinson said. This Deponent further saith that when the said Atkinson was before the Committee of Observation for Somerset County he was asked by them whether he would make Concessions, & that if he would, the first Thing to be done was to sign the Association, & ask'd him if he would sign it—to which Atkinson answered, he did not choose to sign it, that he looked upon it, it must come to a Battle among themselves, & it was no Matter how soon the Day was appointed. This Deponent upon being asked by the said Atkinson, whether at the Time of the Conversation between them above related there was not a great Noise & Hubbub among the people present, answers that there was. This

Deponent saith that he does not know that all the People who joined the said Atkinson as af^d had red Cockades but that most of them had.

Dorchester County Committee Chamber,

Cambridge 23rd Nov^r 1775.

Abraham Gibbs, and Benjamin Shockley (being by Order of the Committee of Worcester County) sent under Guard of Cap^t W^m Hopewell and part of his Company to be conveyed to the Council of Safety to answer Charges against them of opposing the present measures of the continental Congress and Convention of this Province acting a Part, inimical to the common Cause of America and endeavouring to Stir up Sedition and Disunion among the People, were delivered to the Care of Thomas Ennalls Cap^t of the Cambridge Blues, who this day produces them before this Committee; and thereupon it is ordered by said Committee that the said Cap^t Thomas Ennalls keep them the said Gibbs & Shockley in safe Custody so that he have them at Talbott Court House on Thursday next or as soon thereafter as he can, and then deliver them to the Council of Safety who are expected will be then sitting there, or if they should not be sitting to the Committee of Observation of Talbott County.

⌘ Order of the Committee

THO^s F. ECCLESTON, Clk.

The Deposition of William Dashiell, taken before the Eastern Shore Branch of the Council of Safety of Maryland at Talbot County Court House on Fryday the first Day of December 1775 in the Presence of Isaac Atkinson, who being duly sworn deposeth & saith that he was present at a Meeting of Cap^t George Day Scotts Compaury at the lower Ferry on Wicomoco River in Somerset County sometime in September last, in Order to choose Officers agreeably to the Resolves of the last Convention, that the Drummer was ordered to beat to Arms, & upon his beating to Arms part of the Company filed in under Arms & went thro part of the Exercise, that Isaac Atkinson uow present, had been before that Time a Serjeant in Cap^t Scotts Compaury but did not

then join those who were drawn up as af^d. That a Dispute arising between Thomas Brumfield a private in Capt. Scotts Company & the said Isaac Atkinson, Thomas Stiles the Adjutant to the said Company ordered the Men to ground their Arms, which they did, & M^r Stiles went up to the said Atkinson, with whom about one half of the Company that had mustered formerly under Cap^t Scott had separated themselves from those who were under Arms as af^d and ask'd him what he was after, whether he intended to raise a Company to join the common Cause of America or to oppose the Resolves of the Continental Congress & the Provincial Convention, to which the said Atkinson answered that it was not to join but to oppose the Congress & Convention, for that he did not like any of their proceedings, or any thing they had done, which this Deponent cannot certainly recollect; that thereupon George Whitcar step'd up & told the said Atkinson that if he gained his point it would not be with Honour, by which Expression gaining his Point this Deponent understood the said Atkinson's endeavouring to get Part of Cap^t Scott's Company to choose him for their Captain; that the said Atkinson thereupon put his Hand in his Pocket & offered the said Whitcar to lay him a Doubloon that he would by that Day Week have three hundred or five hundred Men, which Number of the two Deponent cannot certainly say, to join him in his Opposition; that this Deponent told the said Atkinson, who appeared to him to be in a Passion, that he would be sorry for the Expressions he had used that Day, & that the said Atkinson without making any Answer turn'd about & walk'd away to his Company. That sometime about ten Days after, this Deponent was riding the Road with the said Atkinson, and having been informed that the said Atkinson had denied he had made use of the Expressions above related, at the Meeting at Wicomoco Ferry, Deponent ask'd the said Atkinson if he had denied it, and the said Atkinson thereupon said he did not remember that he had made use of the said Expressions. This Deponent upon being asked by said Atkinson whether any of the persons who joined him with different coloured Cockades than black, had formerly been of Cap^t Scotts Company, saith he

cannot say, having himself been for some Time prevented from attending the Company by Sickness, but that several of those who had been of Cap^t Scotts Company did join him the said Atkinson, and that a great Many of them have since come back, on Saturday last, to Cap^t Scott's Compauny; that after Atkinson left the Company at the Ferry, many of the people that had joined him inrolled in Cap^t Scott's Company, tho' they did not muster in his Company 'till Saturday last, but this Deponent has been informed that after their Inrollment in Cap^t Scott's Company they mustered under the said Atkinson. This Deponent further saith that he never heard the said Atkinson say any Thing disrespectful of the proceedings of the Congress or Convention but at the Meeting at Wicomoco Ferry af^d, tho he hath had frequent Conversations with the said Atkinson upon that Subject, before the Meeting of the last Convention, but that he hath had no Conversation with him upon the Subject since the last Convention but as above stated. This Deponent being ask'd by said Atkinson whether there was not much Noise & Disturbance among the People at the Time of the Conversation & Transaction at Wicomoco Ferry above related, saith there was a good Deal of Disturbance and Confusion among the people, which he believes was occasioned by their different Sentiments, some desiring to choose Cap^t Scott & others the said Atkinson for their Captain.

The Deposition of George Ayres, taken before the Eastern Shore Branch of the Council of Safety of Maryland at Talbot County Court House on Saturday the second Day of December 1775 in the presence of Isaac Atkinson; who being duly sworn deposeth & saith that sometime after the Association formed by the last Convention came over to Somerset County, & this Deponent believe in September last, he was riding the Road with Isaac Atkinson now present, & a Conversation arose between them concerning the said Association, that the said Atkinson told this Deponent, he, Atkinson did not approve of it, & that he should not sign it, & that he had had the Opinion of as knowing a Man & a Man of a great property as any in the County to go on in the Manner he was then in; that immediately after the

Conversation was broke off by other Company joining them ; This Deponent saith he did not at that Time understand nor did the said Atkinson explain what he meant by the "manner he was then in," but from the said Atkinson's Conduct afterwards he imagined the said Expression was in Reference of the said Atkinson's Purpose to raise a Company : This Deponent saith he was present at the Meeting at Wicomoco Ferry mentioned in the Depositions of Thomas Shiles & William Dashiell taken yesterday & having been told that the said Atkinson had ordered the Men who appeared for him that Day to bring sharp Flints in their Guns, he went up to the said Atkinson & asked him what he meant by ordering his Men to appear there with sharp Flints in their Guns, to which said Atkinson answered he intended to shoot as a Hunza at the breaking up of his Company. This Deponent being asked by said Atkinson what he hath heard him say at any Time respecting the Disputes between Great Britain & America saith that he hath had frequent Conversations with the said Atkinson upon that Subject & that the said Atkinson hath always expressed his Opinion to be that it was a religious Dispute & a Presbyterian Scheme ; that these Conversations have been both before & since the last Convention. This Deponent saith that at the first forming of Cap^t George Day Scott's Company the said Atkinson inrolled in it, & was chosen one of the Serjeants thereof, & often attended the Musters of said Company, before the new Regulation, & contributed to the Purchase of Colours & Fife for the said Company : That the said Atkinson hath mentioned to this Deponent his Opinion that the present Dispute between Great Britain & America was about Religion & was a Presbyterian Scheme, before his Inrollment in Cap^t Scotts Company as afd.

That this Deponent never heard the said Atkinson speak against the Interest of America otherwise than by speaking against the proceedings of the Convention.

The Deposition of Littleton Ayres, taken before the Eastern Shore Branch of the Council of Safety of Maryland at Talbot County Court House on Saturday the second Day of December 1775 in the presence of Isaac Atkinson ; Who being duly sworn

deposeth & saith that soon after the Association formed by the last Convention was brought over to Somerset County this Deponent was at Wicomoco lower Ferry, in Company with Isaac Atkinson, now present & sundry other persons: That several persons then present had just been reading the said Association, & in Conversation about it, the said Atkinson said he never would sign it, & that he would protect any sett of Men that would not sign it: That the said Atkinson did not say how or in what Manner he would protect them, but that this Deponent did suppose he meant to protect by Arms any Persons against whom Force should be used to compell them to sign. That this Deponent was second Lieutenant to Cap^t Scott's Company at the first forming of it, & is now, & that between the Time of the Conversation with the said Atkinson above related, & the Time of the new Inrollment, the said Atkinson (who was a Serjeant in the said Company) did not attend the Muster so constantly, as many others did, tho he thinks as constantly as he used to do before: This Deponent saith he was present at the Meeting at Wicomoco lower Ferry mentioned in the Depositions of Thomas Shiles & William Dashiell taken Yesterday; that several Men that had not been at Cap^t Scott's Company, he thinks about eight or ten, appeared there with red Cockades in their Hats, & that Part of Cap^t Scott's Company appeared with Oak Boughs in their Hats, that the Drummer was ordered to beat to Arms, & did so, and thereupon part of Cap^t Scott's Company, about twenty or thirty men, filed in under Cap^t Scott on one Side of a Road, & that those with Oak Boughs in their Hats, about seven or eight, drew up with the Men who had red Cockades on the other side of the Road, with the said Atkinson: That Capt. Scott step'd up to Atkinson and asked the people in what he had offended them, that they should then refuse to muster under him, as they had formerly chosen him their Captain: That what answer Atkinson made or whether he made any Deponent cannot certainly say, as the Company presently crowded in about them, & there was great Noise & Confusion. This Deponent saith that among the Company that joined the said Atkinson there were not many Guns, & he thinks not more than six in the whole: This Deponent saith he has

heard of said Atkinson's mustering about fifty or sixty Men four or five Times since the Transactions above related, but never was present at any of said Musterings, but that he hath seen the said Atkinson and some Men, it may be about six, passing along with Guns, & understood but not from Atkinson, that they were going to muster under the said Atkinson: This Deponent saith that when the said Atkinson was before the Committee of Somerset County & under Examination upon the present Charge against him, a Number of Men, he thinks near thirty, assembled at the Court House of Somerset County, where the Committee sat, with short Clubs in their Hands, & that when said Atkinson came out of the Court House near fifty People crowded around him, & the said Atkinson said a Day must be appointed & they must fight it out; that the said Atkinson made use of the same Expression as he came out of the Court House, & Deponent thinks, but is not certain, before the Committee also: This Deponent being asked by the said Atkinson whether he ever heard him say any thing against the Proceedings of America or disrespectful of them, saith he never did, except the Expression of his Dislike to the Association and that he would not sign it.

The Deposition of William Stewart, taken before the Eastern Shore Branch of the Council of Safety of Maryland at Talbot County Court House on Fryday the first Day of December 1775 at the Instance of Isaac Atkinson—who being duly sworn deposeth & saith that he was present at the Time of the Meeting at the lower Ferry at Wicomico mentioned in the Deposition of Thomas Shiles, that there was great Noise & Confusion among the people then present, insomuch that he could not distinctly hear or understand much that was said, & does not now remember what was said; that some Time before that Meeting, he was on Board a Sloop of the said Atkinson's with the said Atkinson, to buy some Salt, & that the said Atkinson ask'd this Deponent what he thought of the Association; to which this Deponent said he did not kuow well what to think of it, but that as every Body was signing it why should they stick out; that the said Atkinson said he doubted it was a Presbyterian Scheme, tho he believed

this Deponent was an half way one, slapping this Deponent upon the Shoulder, & said he would not sign the Association unless he was forced; This Deponent saith that in a subsequent Conversation with the said Atkinson at Atkinson's own House, the said Atkinson mentioned his Doubts that the present Measures were a Presbyterian Scheme, & that he hath heard him express the like Doubts at other Times.

LAND NOTES, 1634-1655.

[These notes have been copied from the Land Office Records, Libers F, A, and B, 1634-1655, which records are described in Vol. I of the *Maryland Archives*, at page xv. All the essential facts as to persons and places will be printed in full, but legal and other purely formal matter will be omitted. The notes will appear in the *Magazine* serially, as space may permit.]

Liber L. O. R., I.

Entred by M^r Thomas Greene for the first year 1633—brought into the Province

M^r Thomas Green in his own right and of two Servants, Anam Benam, Tho: Cooper.

Thomas Wills in his own right \bar{a} o 1634.

Came into the Province the 8th of August 1637—M^r Thomas Copley, and M^r John Knolls, who transported Robert Hedger, Luke Garnett, Walter King, Thomas Davison, Thomas Mathew, George White, Richard Cox, John Machin, John Tue.

Richard Garnett Senior who transported his wife. Richard Garnett his Son.

Came into the Province 28th Novemb^r 1637, in the Ship called the Unity of the Isle of Wight.

M^r John Lewger, who transported his wife, his Son John aged 9 years, Martha Williamson, Ann Pike and Mary Whitehead, Maid Servants, Benjamine Cobby, Phillip Linnis, Thomas ffurston and a Boy, Robert Serle, aged 12 years.

Robert Clerk, Servant to M^r Copley who transported [him.]

M^r Jerome Hawley, Esq., who transported Mary and Ellen Jermegan, Thomas Jermegan and Thomas Cullamore. Cap^t Cornwaleys bought out of the Ship, Charles Magnett, Stephen Gray, Alice Moreman.

Thomas Franklin bought out of the Ship, Mary Leese.

Thomas Pasmore bought out of the Ship, Joane Triggs and Frances Morgan.

M^r Copley bought out of the Ship, William Triggs a boy aged.

Came into the Province 22th Nov. 1638, M^r Pulton, M^r Morly, M^r Giles Brent and M^r Fulke Brent, his Brother, who returned in March following. M^{rs} Margaret Brent, M^{rs} Mary Brent, who transported Mary Taylor, Elizabeth Guesst, Mary Lawne, Elizabeth Brooks, Maid Servants, John Robinson, Goodwin, blacksmith.

M^{rs} [Mary] Throughton who transported M^r Winifride , gent, Birdgett , Ann Elton, Maid Servants, John Sheercliff.

Transported att the Charge of the Viscountesse Falkland¹ Joane Burgess, Maid Servant, Barnaby Jackson, Francis Thwaytes, James Moulins, and Henry Adams.

Came into the Province 13th March 1638.—M^r Richard Lee and his wife, M^r Owen Phillips, M^r Egerton.

Youth Servant to Marmd Snow, M^r Walter Broadhurst with 2 Servants.

Came into the Province 12th Jan'y 1637.—Cap^t Robert Wintour who transported Richard Brown, Arthur Webb, John Speed, Bartholmew Phillips, Thomas White, Morgan, George Tailor, a boy aged 15 years.

M^r William Britton who transported his wife, and William Nabbs aged near Sixty years, the wife of the s^d William Nabbs aged likewise, William his Son, age four years, James Price, Williams, William Snype, Thomas Rouney, Humphrey , Servants transported, by Cap^t Wint^r at the Charge of M^r Giles Brent.

¹ Probably Elizabeth Cary, Viscountess Falkland, 1585-1639, a devout Catholic.

Came into the Province in April 1638.—Marmaduke Snow, Thomas Gerrard, Surgeon.

Came into the Province in Octo^r 1638, Baltasar Codd an Irishman.

Willis transported at the charge of Snow, May 8th 1639.

Richard Berwick demandeth 50 acres of Land to him and his heirs, having performed his Service to the Lord Baltemore according to his Indentures, and it is acknowledged Duc to him or his assignes, whensoever he or they Shall come to take it up.

John Lewger Secretary.

April 30th 1638.

Entred by Cap^t George Evelin for the Manor of Evelinton in the Baronie of St. Maries.

| | | |
|-----------------|-----------------|--------------------|
| Thomas Hebden | Henry Lee | Matthew Roadham |
| David Wickcliff | John Wortley | Roger Baxter |
| Randall Revell | John Richardson | Thomas Orley |
| James Cloughton | John Hill | William Williamson |
| Hugh Howard | William Medcalf | Thomas Keane |
| John Walker | Philip West | Andrew Baker |
| | Edmond Parrie | Thomas Baker |
| | | John Hatche |
| | Hoell Morgan | Samuel Scovell |

Entred by John Lewger Secretary,—brought into the Province in the year 1637.

| | | |
|--------------------------------|------------------|---------------------------|
| John Lewger Senior | Phillip Linnie | Barth ^o Slater |
| Ann his wife | Thomas ffursdon | W ^m Stiles |
| John Lewger Jun ^r | Robert Serle | Deborah |
| aged 9 years | aged 12 years | Ann Eglesfield |
| Martha Williamson ¹ | Xpofer Moreland | John Hatch |
| Ann Pike ¹ | John Jones | John Askue |
| Mary Whitehead ¹ | Ann Norris | Ann Reynolds |
| Benj ^a Cobbie | Humphrey Chaplin | |
| | Hugh Nash | |

¹ Maid servants.

Entred by M^r Coply—brought into the Province in the year 1633.

| | | |
|-----------------------------|--------------------------|-----------------|
| M ^r Andrew White | Tho: Slatham | Mary Jennings |
| M ^r John Althem | Rob ^t Simpson | Mathias Tousa |
| John Hillierd | William Ashmore | Henry Bishop |
| Robert Sherly | Richard Lusthead | Thomas Heath |
| M ^r Rogers | Nicholas Hervey | John Tomson |
| John Hill | Robert Edwards | James Thornton |
| Christopher Carnoal | Thomas Charinton | Lewis ffremonds |
| John Bryant | William Edwyn | Richard Nevill |
| | Tho ^o Grigsta | John Hollis |
| | Rich ^d . Duke | Richard Cole |
| | | John Eekin |
| | | Thomas Hodges |

Brought into the Province in the year 1637.

| | | |
|------------------------------|----------------|---------------|
| M ^r Thomas Copley | Thomas Matthew | Edward Cottam |
| M ^r John Knoles | George White | John Machin |
| Rob ^t Hedger | Phillip Spurr | John Smith |
| Luke Gardiner | Richard Cox | John Tue |
| Walter King | William Empson | James Compton |
| Tho: Davison | | |

2^d May 1644.

John Lewger Secretary, Administrator ex officio of the Estate of Peter Draper deceased, Sold the right of the Said Peter unto 1500 acres of Land upon Record, infra, pag. 81, unto Captain Henry ffleet Gent for the price of 10½ Sterl. &c.

13th May eod.

The Said Henry ffleet demandeth 1500 acres of Land due by assignment of right of Peter Draper and 500 acres more in Consideracón of five able men undertaken by the Said Henry ffleet to be transported at his Charge into the Province to plant and Inhabit here Sometime before Christmass next at the furthest.

Eod.

Lay out for Cap^t Henry ffeet 2000 acres of Land about the Plantation late belonging to Peter Draper deceased, and Certify the bounds thereof to M^r Secretary.

Giles Brent.

To M^r Surveyor or his Deputy.

22^d Octob^r 1643.

Edmond Linnen demandeth 50 acres of Land due to him by Conditions of Plantation for transporting himself into the Province this Last Month of September.

1st July 1643.

John Nott demandeth Land . . . for transporting himself into the Province this past year.

The Said John Nott assigned over all his Interest in the fforesaid demand unto ffrancis Posie.

7 April 1643.

Mary Trenton demandeth 2000 acres of Land due by vertue of a Speciall warrant from his Lordship bearing date at London 1st August 1638. And assigned all her right in the Said Warrant unto Nathan^l Pope by me Mary Troughton.

4th Aprill 1643.

Nathaniel Orchard demandeth one hundred acres of Land . . . for transporting himself into the Province in the year 1640.

27th March 1643.

William Asiter demandeth 300 acres of Land . . . for transporting himself into the Province, and 2 men Servants in the year 1638. And assigned his Interest in 100 of the Said Acres unto Robert Kedger.

10th Jan^ry 1642.

Thomas Weston Gent demandeth.

24th January 1642.

John Lewger demandeth ffifty acres of Land for transporting into the Province in the year 1637, one Maid Servant named Ann Pike. And assigned all the right in the Said 50 acres unto John Pike, now husband of the Said Ann.

15th November 1642.

Anthony Penruddock Esq., assigne of Edward M^r Robin [son] Esq., by his Attorney Thomas Carey demaundeth 2000 acres of Land due . . . to the Said Edw^d Robinson for adventuring in his Lordps hands 100 $\frac{1}{2}$ in the first discent of the Colony for the transporting of 5 men.

12 Novemb 1642.

William Durford demandeth 150 acres of Land at the west Side of the mouth of Potomack . . . for transporting himselfe and his Son Joseph into the Province in the year 1640.

29th August 1642.

Thomas Weston demandeth twelve hundred acres of Land, . . . for transporting himself and 5 able men into the Province in the year 1640, whose names were: Richard Haniford, William Marshall, W^m Palmer, John Kelly, Jasper Collins.

George Pye attested the bringing in of the Said ffive men to his knowledge.

10th January 1642.

Thomas Weston further demandeth one hundred acres . . . for transporting William Hall into the province in the year aforesaid, and fifty acres more lately granted by Patent to George Pye and by him assigned to the Said Thomas Weston.

10th January 1642.

. . . Laid out for M^r Thomas Weston a parcell of Land lyeing on the East Side of S^t George's Creek bounding on the East with the Lands of George Pye, Isaac Edwards, Henry Lee, Richard Nevett, and with a line drawn by Marked trees, from the Northernmost marked tree of the Said Richard Nevett north into the Woods for the length of 265 perches on the North with a line drawn west and by South, by marked trees from the end of the former line iuto the head of S^t George's Creek, on the west with the Said Creek, on the South wth a Line drawn by marked trees Southwest from the Southernmost marked tree of George Pye, his Land unto a branch of S^t George's Creeke called Weston's branch, containing 1200 acres or thereabouts.

Patent.— . . . Know ye that toe for and in consideration that Thomas Weston Gent hath in the year 1640 at his own charges transported into the Province . . . himself and Six other able men, Have therefore Given and Granted . . . unto the Said Thomas Weston, All that parcell of Land &c. And further Whereas the Said Thomas Weston is by Lawfull Conveyance from George Pye Seized in ffee of a certain ffreehold of fifty acres lately granted by Patent . . . to the Said George Pye and hath Surrendred the Said Patent into our hands to the Intent to have a Graut thereof from us again, Have therefore given and granted &c. All that parcell of Land lately Granted to George Pye, bounding &c. . . . To be holden as of our Honour of West S^t Maries &c.—Ycilding &c. at our usual receipt of our Said Honour ffive and twenty Shillings in money or Comodities—And We will that the foresaid two parcell of Land Shall be one intire Manor and be called by the name of Westbury Manor, and that he the Said Thomas Weston, his heirs and assigns, Lords of the Said Manor, Shall or may have hold, use and enjoy within the Said Manor, Court Leet and Court Baron with all powers, rights and profits to the Said Courts or either of them belonging by the Law or Custome of England. Given under our Great Seal of our Said Province this tenth January 1642.

29th November 1642.

Jane Cockshott, Widow, prayeth to have a Patent in her name of the ffreehold lately granted by Patent to Randall Revell by him Surrendred into his Lordship's hands for the use of the Said Jane.

Patent.—. . . Randall Revell being Seized in ffee of a Certain ffreehold part of o^r Manor of West S^t Maries by vertue of a Grant to him the Said Randall from us by Patent under our Great Seal bearing date the 17th October 1640 hath Surrendred into our hands the Said Grant to the use of Jane Cockshott, Widow, Doe therefore hereby Give Grant and confirm unto the Said Jane, All that neck of Land called Green's point &c. vt in Revells Patent. Given 29th Nov^r 1642.

5 July 1642.

John Cockshott demandeth 2000 acres of Land by vertue of his Lordship's Speciall warrant for transporting into the Province in the year 1641, himself and wife and 7 persons, viz^t Jane his wife, Mary Cockshott, Jane Cockshott, Eleanor Clerk, Thomas Hardie, Gilbert Metcalf, Michael Hacker.

1st July 1642.

Francess White demandeth 1000 acres of Land . . . for transporting five men into the province in the year 1641, viz^t Thomas Howard, John Howard, Rowland Mace, William Johnson, Thomas Lewis.

The Said ffrancesse demandeth 300 acres of Land for transporting her Self and two Maid Servants into the Province in the year aforesaid, viz^t Elizabeth, Julian, Jane.

25th April 1642.

Margarett and Mary Brent demand 1000 acres of Land . . . for transporting 5 men into the Province afore the 25th March last, viz^t Thomas Kidd, Samuel Pursall, Francis Stower, John Stephens, John Delahay.

Vide Margarett Brents assignment to John Brooke, Lib. GG., fol. 241.

18th Aprill 1642.

Thomas Pasmore demandeth 200 acres of Land . . . for transporting 2 men Serv^{ts}, called Thomas Price and Richard Williams, in the year 1635.

Thomas Pasmore hath entred upon Record a demand of 200 acres of Land . . . for transporting two Men Servants, called Thomas Price and Richard Williams, in the year 1634.

18th April 1642.

Thomas Copley Esq. demandeth 4000 acres of Land . . . for transporting into the Province himself and twenty able men at his own charge into the Province . . . in the year 1637, viz^t

| | | |
|-----------------|--------------------------|-----------------------------|
| Thomas Matthews | Richard Cox | W ^m . Empson |
| George White | Charles, a Welshman | Nich ^o Russell |
| Edward Cottam | John Tue | James Compton |
| John Machin | Walter King | Edm ^d . Tetersel |
| Robert Hedger | Henry Hooper | Rich ^d . Darsy |
| Phillip Spurr | Robert Sedgrave | |
| John Battam | Thomas Davisson | |
| Luke Garnett | 3 ^d Nov. 1643 | |

6th April 1642.

Richard Lusthead demandeth 100 acres of Land . . . for transporting into the Province one able man Servant, called Edward Smith.

Warrant to Survey or to lay out 100 acres in any part of Patuxent River not afore disposed of and to certify the Survey before Mid-Somer next.

31 March 1641.

Thomas Copley Esq. demandeth 4000 acres of Land for transporting ten other able Men in the year 1633 besides those afore demanded for.

[This Entry (above) is Cross't out in the Originall Record book.]

Thomas Petit demandeth two hundred acres for him and his wife, Arthur Hay 100, and John Gay 100.

7th March 1641.

Lay out Some time before Mid Summer next at the furthest for Thomas Petit 200 acres of Land, and for Arthur Hay one hundred acres, and for John Guy one hundred acres in any part ou the North Side of Patuxent River not afore disposed of.

CAPTURE OF FRENCH PIRATE IN THE
CHESAPEAKE.

Baltimore Monday 31st Aug^t 1807

My dear Flora

I have been much gratified by hearing that you were well upon the Receipt of your different letters to Anne, and as her letters to you are more in the domestick style, I shall in this Instance, break thro the promise I made that you should not hear from me during your absence, this promise, I hope you will attribute to the proper Cause, not that I had a disinclination to write to my dear Sister, but that I had not anything material to say, more than she would hear from Anne, by way of amusement I shall now give you an Account of a little Cruize from which I returned yesterday. Information being received in Town a Week since that a French Pirate was in our Bay, boarding, plundering & insulting several of our inward bound Vessels, particularly the American Ship Othello from Liverpool, with Fall Goods, of whom she actually made a Prize, & was proceeding with her to Sea, but finding she could not get past our Capes without detection, she gave her up again. Upon this, a part of Capt. Samuel, & Capt. Jos. Steretts Companys, to the number of 50 men, Capt. Porter of the U. S. Navy, 15 Masters of Vessels & Crew, consisting of 100 men in all, volunteered their Services to take her. We embarked on board an American Schooner, armed & fitted for the occasion, with four six Pound Cannon &c^e we proceeded down the Bay on Thursday Evening at 5 o'Clock. Nothing of consequence occurred, except hailing several Vessels we met, until 4 o'Clock next day, when a very heavy squall came on, which obliged us all except the Seamen to get below, about 5 o'Clock we got round the head land of Patuxent River, which is 10 miles from hence, it being now cleared away & calm, we discovered to our Joy the Pirate, laying at Anchor close in shore, with the French Flag

flying, we received orders to load with Ball, & hold ourselves in readiness to leap on deck when ordered. As soon as the Pirate saw us, five of his men leaped into their Boat & pulled for shore, upon which we fired a large Gun at him, with a Round & Grape Shott, which scattered about him but did not strike. The Volunteers were then ordered on deck, ranged in Company, with fixed Bayonets, ready to pour in a Volly of Musketry if requisite, our Boat was launched, the Schooner brought to Anchor. Within a short distance of the Pirate, a detachment from each Company with Lieu^t Sullivan (of our Company) & Capt. Cowper, a Sea Captain at their Head, with Orders to board the Prize, while they were proceeding we gave her another six Pounder with Grape, upon which they struck the French Flag. Cap^t Porter then hailed, telling them, that if the least resistance was made to the Boats Crew going on board, that no quarter should be given. Our Boat took possession of her immediately, & she proved to be a small Pilot Boat Schooner called the General Massena, with 50 Muskets ready loaded, about 18 Boarding Knives &c.^a only 3 men were found on board, who were brought Prisoners on board of us, we weighed Anchors & proceeded home again with our Prize in tow, all this time the French Ship Patriot of 74 Guns lay in Sight, at long Gun shot, without shewing any interestedness on the occasion. When opposite Annapolis yesterday morning (Sunday) at 9'oClock the Governor of the State & a number of Citizens came off in two armed Schooners, also the Barge belonging to the French Frigate L'Eole lying there, they fired Salutes & cheered three times, which was returned. The Governor communicated that 5 of the Pirates Crew had the day before been taken Prisoners & were in Annapolis Goal. We also met two other Schooners going down from Baltimore with Rifle Companys on board. Lieu^t Calhoun went with them, & I have just heard that they have this morning returned with the 5 men who fled from the Prize whom they found in Chains on board the Patriot, having gone there for protection, but were disappointed, by being made Prisoners of. All this clearly proves that the French Ships did not sanction this Pirate, or plunderer of Neutral Property in our own Harbours.

Of 25 men which constituted her Crew at first 13 are now in our Goal & the rest most probably will be taken. We have received the thanks of our Officers &c. for our spirited Conduct on the Occasion and is a sure pledge that in the hour of real danger to our Country we may count with Confidence on the alacrity of the Volunteer Associations throughout the Union to stand forward in the support of her rights & her Honor, having delivered our Prisoners yesterday to the Commander of our Fort we landed about 2 o'Clock amidst the discharge of Cannon & Acclamations of Thousands of Spectators, marched thro the City and thus ended the Cruize.¹ Altho I have not a doubt of your having spent an agreeable time of it at M^r Jackson's I am happy in the Idea of so soon seeing you at home—it is a pity you did not see Cousin James, who I think much improved. I hope the Girls & he will return in the Fall & that we will enjoy ourselves together. I refer you to Anne's letter for other news. My Comp^{ts} to M^r Jackson & all your Ladies.

My dear Flora,

Your affec. Brother

John R. Caldwell.

Wednesday 22nd Sept^r The mail of to day brings the news of the total defeat of the Russians after excessive hard fighting and great Slaughter on both sides, Koningsborg & Memel in possession of the French. The Russians had sued for an armistice of one month which was granted & it was generally believed it would be followed up by a general Peace on the Continent, indeed it is said a Congress was called for that purpose. England will now have to fight her Battles single handed—it is also said that the Floridas are purchased by this Country for four Millions of Dollars, two of which have been already paid.

¹The pirates were finally discharged, as the crime charged was not committed on the high seas nor within the jurisdiction of any county. The incident is mentioned in Ridgely's *Annals of Annapolis* at p. 228 and in Griffith's *Annals of Baltimore*, p. 186. Another account, "An interesting criminal case," by Bernard C. Steiner, may be found in *Green Bag*, vol. 16, 172.

LETTERS FROM THE STATE PAPERS.

GOVERNOR PATRICK HENRY TO GOVERNOR THOMAS
JOHNSON.

Williamsburg, January 26th, 1778.

Sir :

The extreme want of the Grand army in the articles of provisions, calls for immediate assistance. The most alarming accounts on this subject induce me to the utmost exertions to supply them. I order Salt, Pork &c. to be lodged at the head of Elk and beg that the place may be put into a state of defence. For otherwise a Barge or two may Destroy the Stores lodged there. I think much of the provisions necessary for the Army must go there, and the loss of it may be fatal. The particular degree of force to be stationed there, your Excellency will be pleased to judge of.

I beg the assistance of one of your Gallies to transport provisions from hence. Ours can carry but little. Yours I think is much wanted, and its service will be peculiarly convenient if your Excellency shall think proper to spare it on this important occasion, which calls for speedy succour.

With great Regard I have the Honor to be Sir, Yr. Excellency's most obedient & very hble Servant

P. Henry.

His Excellency Thomas Johnson,
Gov: of Maryland.

[Endorsement.]

As the inclosed Letter to Gov. Johnson is to get a Galley to carry Provisions (a fine stout Vessel) & a request to have the Head of Elk fortified, 'tis recommended to Col: Aylett to forward it by Express.

P. H.

GENERAL WASHINGTON TO THOMAS JOHNSON.

Head Quarters Valley Forge 17th May 1778.

My dear Sir,

From a number of concurring circumstances there is reason to believe that the enemy mean to evacuate Philadelphia. It is necessary therefore to draw together as great a force as can be provided for, with the utmost expedition. But as several of our out posts, covering magazines & the like, cannot be recalled without a body of Militia to act in their room, I am obliged to request *of the neighbouring States a reinforcement for this and other purposes.* The requisition of Congress extends to 5000 Militia from the Jersey, Pennsylvania and Maryland.

A large compact body of regulars are wanted, and several valuable intentions to be attended to at the same time. General Smallwood who lays at Willmington, covers a quantity of Stores at the Head of Elk. If he is withdrawn, the enemy may destroy our magazine at that place. I would imagine that five hundred militia of your State would be a sufficient security, and proper restraint upon the enemy on that quarter. I would therefore beg of you to embody and send forward five hundred of your militia, equipped, and the most contiguous to the Head of Elk. You may probably find it most convenient to send them by companies. The most expeditious way is certainly the best. And the sooner they get to the Head of Elk, the sooner shall I have it in my power to recall the Garrison from Willmington, and complete such a body of Continental troops as may enable me to act according to conjunctures.

I rely upon your particular assistance on this critical occasion, and am Dear Sir, with respect and esteem, your obedient and very humble servt.

G^o. Washington.

Govr. Johnson.

GOVERNOR THOMAS JEFFERSON TO GOVERNOR THOMAS
JOHNSON.¹

Williamsburgh, June 30, 1779.

Sir

I beg you will be pleased to ascribe to the change in administration and to my not becoming immediately possessed of all the business which lay before the executive, your letter of the 7th of the last month remaining so long unanswered. It has happened very unluckily that this was among the latest of the several matters which have come to my hand.

I am to return you thanks for your obliging offer of a preference in the purchase of two of your gallies, but it happens that we cannot become purchasers, having already full as many as we can either man or maintain. We think the defence of our bay an object so important that we would spare nothing to effect it within the compass of our abilities. We trust that the same opinion prevails with you, so great a part of your state lying adjacent to the bay and its waters; and of course that strong motives of expediency must have induced you to propose to lessen your force there. The late depredations on our coast and captures in the bay have put us on the greatest exertions we can make to put our little fleet into order for action. The force however must be small to which that is competent.

I have the honour to be with great respect
your Excellency's most obedient and most humble servt.

Th. Jefferson.

His Excellency
Governor Johnson
of Maryland.

¹These gallies were offered to Virginia in a letter from the Council to Governor Henry, Feb. 14, 1778. *Md. Arch.*, 16, 498.

GOVERNOR JOSEPH REED TO THOMAS SIM LEE.

In Council.

Philadelphia November 16th, 1779.

Sir :

The very alarming prospects which present themselves to publick view, with respect to supplying the Army with provisions, will I trust make any apology unnecessary for troubling your Excellency on this occasion. Notwithstanding the importunity of the trading interest, in which the view of many of the farmers coincide, the sense of the Legislature of this State has steadily been, to prohibit the exportation of provisions, and we have on all occasions exerted ourselves to have this wholesome regulation observed. I need not enumerate the other temporary expedients which have been adopted for the reduction of prices, in which the goodness of intentions were sufficiently demonstrated, whatever arguments may be offered against them founded on commercial wisdom or propriety. These being removed or rather ceased, prices have not only increased very rapidly, but there is a general indifference almost amounting to disinclination, to sell even those commodities most necessary for the Army. The Commissaries seem to apprehend that no inconsiderable clandestine trade is carried on, in provisions which mutual vigilance in the three States on the Delaware and the Chesapeak, would do much to correct. We have therefore formed new regulations, added penalties, and are resolved to stop the pernicious practice, while the publick necessities continue, but unless your State concur with us, such is the powerful force of private Interest that we fear our exertions will prove in a great degree ineffectual for the great purpose in view. A limitation of price, not having been deemed proper in Maryland, their example was followed by this State, but the inordinate desires of holders of provisions, soon raised them up to such a height that we thought it best to suspend the purchases of this State by the public Commissioners, which seemed the more necessary as New Jersey and New York having limited the price of wheat to twenty dollars per bushell, while our Com-

missioners were left to give current prices & reached fifteen pounds. We further hoped that an indifference of purchase would give an alarm favourable to the reduction of price, of this we cannot yet judge, but I beg leave to assure your Excellency that every thing will be done in this State, as well to accomplish this desirable purpose, as to produce effectual supplies proportionate to the ability of the State.

Colonel Blaine whose assiduity in business is truly laudable having requested these observations from me as supposing they might be of some publick use, I could not refuse him, and beg leave to add that I am with much respect and regard

Your Excellency's most obedient and
very humble servant

Jos. Reed,
President.

His Excell^y Thomas S. Lee, Esq.
Gov^r of the State of Maryland.

COL. JOHN FONCIER TO JAMES McHENRY.¹

Philadelphia 13th 7^{ber} 1814.

Sir

The gratitude which I constantly preserve of your Kindness towards me, permit me not to go to France, without letting you Know my feelings on this account. You not only have supported me while you was secretary of war ; but your satisfaction towards my conduct, has been a great encouragement for the exerting of all my faculties in the service of the United States ; and I still keep alive the flattering remembrance of the Satisfaction of the citizens of Baltimore, while I was building fort McHenry. I always have done all that was in my power to show my zeal ; and in this very moment notwithstanding my displeasure of not being employed since many years, I am happy to answer the desire of the Citizens of Philadelphia, who have applied to me, in order to help them in the projecting and erecting some fortifications for

¹ From the Society's collection of MSS.

the defence of their city. I do it with the greatest pleasure, being extremely thankful for the protection I have enjoyed there during many years. But our French Government being returned to our old beloved sovereigns, it is my duty to go back to my country; and I request from you Sir, the favor of an answer, which might be wondered as an evidence of the approbation of the U. S. for my services, while you was secretary of war. Your letter will be a record which may be some day useful to my son; and I must not neglect to procure him such an honorable title. Besides I wish to retire from the United States in the most convenient manner. I shall be very thankful for your kindness, and beg your pardon for the trouble I give you.

I am with great respect

Sir

Your most humble and
obedient Servant

John Foncier.

P. S.—It is a painful idea to me, that the beautiful city of Baltimore be exposed to the disasters of War; but my mind will be a little solaced, if Fort McHenry does answer the purpose for which it was established, and affords me the Satisfaction of having contributed to your defence.

Col. John Foncier at Francis Breuil's Esq^r
Philadelphia.

The Honorable James McHenry Esq^r

HENRY CLAY TO JUDGE THOMAS KELL.

Ashland, 30th March, 1830.

Dear Sir

Upon my return home a few days ago from New Orleans, I found here your friendly letter of the 10th. Jau. I regretted that my absence deprived me of the pleasure of seeing Mr.

Steuart who bore it, and with whom I hope hereafter to have the satisfaction to meet. With his father's character I am well acquainted, and entertain for him the highest respect.

I am happy to hear that your health is improved and that you have got off that perilous ridge which separates the present from the future. May you long remain on the right side of it. I find my health too much better for the last years' rustication. It is beneficial both for man and beast to be sometimes turned out to grass.

It affords me much gratification to learn from you that my warm-hearted friends in Baltimore remain firm and steadfast in their attachment. Having enjoyed better opportunities of personal intercourse with my Maryland friends than with those of any other State, except Kentucky, I know well how to appreciate their worth and felicity. Whether their kind wishes about me shall ever be realized or not, I shall ever feel the warmest gratitude for their friendship and devotion.

My visit to the lower country was full of gratification. It is impossible that the friendly attentions, of which I found myself the constant object, could have been exceeded.

With great regard and respect

I am Your ob. servt.

H. CLAY.

Thomas Kell, Esq.

The foregoing letters, with the exception of that from Foncier and the one from Clay are taken from the Executive Archives. The Foncier letter is from the Society's collection of mss. and that of Clay from the Bradford papers. The Washington letter at p. 179, has been printed in *Ridgely's Annals of Annapolis*, p. 263, which fact was not discovered until after this article was in type.

MARYLAND COMPILED LAWS OF 1700.

Mr. W. F. Dodd, Johnston Scholar at the Johns Hopkins University, formerly of the Law Division of the Library of Congress, has very kindly contributed the following collation and dedication of the "Body of Laws of the Province of Maryland." This is probably the collection referred to in the Preface to Bacon's laws and as one of the earliest and rarest of Maryland imprints, it is worthy of reproduction here.

Made title.

[Body of Laws of the Province of Maryland. Annapolis : Printed by Thomas Redding, 1700.] folio.

Probable collation : Title, 1 leaf [?], verso blank ; Dedication, 1 leaf, verso blank : Index, 1 leaf ; Text, pp. 1-119 [?]

Condition : Title page and pp. 117-119 are wanting ; of pp. 101-116 there are small fragments only ; pp. 49-62 badly damaged, almost a third of some of these pages being gone.

Identification.

Publication authorized, May 9th, 1700 (*Maryland Archives*, xxiv, 83). List of errata ordered to be printed, May 17, 1701 (*Maryland Archives*, xxiv, 198).

Prints laws as in force in 1700. See under contents.

Contents.

Act of June-July session, 1699 "Ascertaining the Laws of this Province," contains a schedule of laws in force ; the acts enumerated in this list form pp. 1-48 of the printed volume, private acts being printed by title only, and two other acts being omitted, viz : "An Act for the Service of Almighty God and the Establishment of the Protestant Religion within this Province," and "An Act for keeping good Rules and Orders in the Porte of Annapolis." (*Maryland Archives*, xxii, 558-562).

Printed volume (1700), pp. 49-100 contains acts or titles of private acts as printed in *Maryland Archives*, XXII, pp. 461-553, 556-558; as far as can be discovered from fragmentary pages, pp. 101-119 contain laws as printed in *Maryland Archives*, XXII, pp. 553-555, 559-582.

Dedication.

. . . indicates text wanting.

[] indicates probable word where text is partially wanting.

To my Honorable and Ingenious Friend William Bladen at the [Town] of Annapolis.

Sir:

It is certainly an argument of a most ingenious minde as well as . . . Commonwealth, where a [Man] finds ways to advance his own interests [and the pub]licks together, which I doubt not but will be effectually done by your happy [undertak]ing of the printing and publishing the Laws of this Province, whereby the whole Body of them now in force will be to be had at so reasonable a rate that scarce any . . . [are] willing but may have them, and is it [not a lau]dable principle for every Man to make himself acquainted with the Laws of the country he lives in, [so] it is very dangerous to be ignorant of them, by reason of that maxim that ignorance of the law shall not excuse, which though it may seem a harsh maxim . . . yet when thoroughly understood is most just and reasonable, encouraging [Men thereby] to attain the knowledge of the Laws under which they live, and that by the two . . . est springs of human nature hope and fear, hope of knowledge and understanding the nature and constitution of the government they live in, which is in the most liv[ely] manner discovered in the laws of the Country, [and fear] of being punished for the breach of any of them, that through a willful ignorance [they] know not: this maxim will appear [more] beautiful when compared with its co[ntrary] for if ignorance of the Law shall excuse, then the more ignorant the more s[afe] . . . [no] one could be punished by the law but them that know it, for that [knowledge] be a dangerous thing,

and yet it is the experience of all ages that the more knowledge people have (which is to be more wise) they are the happier in their government and constitution. But this is but in general, this worthy undertaking as I conceive of it is pregnant, with many great benefits in the Province in particular, taking this to be granted (which I believe will hardly be denied) that very few Gentlemen of this Province, nay not all the Justices of the Provincial and County Courts have yet had the Body of Laws by them so as to read, meditate and digest them, without which it is impossible rightly to know them, for indeed they were not to be had but at a great charge and difficult to get at any cost, and then but in [a writ] ten hand.

I say supposing this, and now that the plain print and easy price will remove the former difficultys it cannot I think be doubted but that all the Justices of the Provincial and County Courts will have them in their Studies for the reasons aforesaid, and the better to enable them to give a right judgment of those laws when pleaded before 'em, and next to them, all other officers of what nature soever and others. and then

1st. In the first place it must needs prevent many tedious and changeable actions, that Men involve themselves in by ignorance, for the law will instruct them what to do and what to avoid, and it will prevent cunning ill Men from imposing on their Neighbors because their Neighbors will know the law as well as themselves, and that will make Men more peaceble, better Neighbors, and easier to the Courts of Justice.

Secondly, as it will prevent actions and injurys among private persons, so it will instruct the several Officers of Courts their duty, which will prevent many misfeazances in their Offices daily committed through ignorance, and which give great delays to the Courts, now the several Officers ready discharge of their dutys will be a furtherance to the business of the Court.

Thirdly, The Justices perfect knowledge of the laws will be a great means to facilitate the tryal of every such cause, and prevent the turning over books to find out the laws, when they shall know at first mentioning what the law is and how it stands related to other laws, and be able to direct the tryal by their own knowledge,

and distinguish on the different arguments of each Party which will be a happiness no less to themselves than the suitors.

Fourthly, The grand and petty juries also being acquainted and knowing the laws will more readily and aptly discharge their several offices, more might be enumerated but if all these benefits, nay if but some of them answer expectation it will be a considerable advantage to the Province.

You can not but expect some who will censure and be ready to condemn both the undertaking and the reasons for it, such (I mean) who know no other way to raise their [own character] than by finding fault with and condemning other Mens actions, but th[ey] could not discourage any one from prosecuting a good design, which all good Men [do ap]prove and pray for the success of a[s does] the writer.

REPAIRS TO THE STATE HOUSE, 1792.

Among the Executive Archives is a small bundle of papers endorsed "Proposals for finishing the Stadt-House, June, 1792," containing four proposals for performing the contract, three of which are individual bids and the fourth a joint one. Whiddon, who submitted the earliest bid, made a joint bid with Dunn and two others, a month later, at a price lower than his individual bid; and Dunn submitted a lower individual bid on the same day of his joint bid with Whiddon. Unfortunately there is no indication on the papers as to the successful bidder.

The General Assembly at the November session, 1791, passed the following resolution :

Resolved, that the governor & council be and they are hereby authorised and directed to provide for the necessary repairs being made to the stadt-house for the accommodation of the judiciary, and other departments of government, provided that the expence thereof shall not exceed the sum of two thousand pounds.

The following advertisement appeared in the *Maryland Gazette* of May 3, 1792: "In Council, Annapolis, May 2, 1792. The General Assembly having appropriated a sum of money to repair the Stadt-House in the City of Annapolis, any person or persons wishing to contract for the same, may see the designs and particulars of all the work to be done, on the first Monday in June next, at the house of Mr. Joseph Clark, in this city, and on Thursday following, the governor and council will receive proposals for executing the carpenters and plaisterers work, together or separately. The contractor or contractors are to find all materials, and necessary advances of money will be made for the purchase thereof, on security being given."

By order

T. Johnson, Clk.

PROPOSALS FOR FINISHING THE STADT HOUSE, JUNE, 1792.

Please your Excellency and Honours—

I will contract to Execute the Carpenters work at the Stadt according to the Design^s and Particulars of M^r. Clark, for the sum of five Hundred and twenty six pounds twelve shillings and six pence. With the Highest Respect

I am Your obed^t. Serv^t.

May 7th 1792.

Oliver Whiddon.

To his Exeliny the Governur and Cownsel of the State of Maryland

Gentlemen—

I have delibratly Considerd the Padges wrote by M^r. Joseph Clearck concerning some Carpenter work to be don in the State Howse and will do and perform all the said work therein contained for the sum of Five Hundred Pounds.

W^m Gilmour.

June the 8th 9th

Annapolis, June 18, 1792.

Gentlemen—

Wee the Subscriber will agree Jointly to contract with you to Execute the Carpenter work at the Stadt House according to the design & Particulars of M^r. Joseph Clark for £512-10.

Patrick ^{his} × ^{mark} Dunn,
John Garvis,
Edward Roper,
Oliver Whiddon.

His Excellency The Governor and the Hon. Council of Maryland.

Sir—

I take the liberty of offering to your Excellency and the Council my services to execute the Carpenters work of the Dome of the Stadt House agreebly to the design of M^r. Joseph Clark for the sum of five hundred and six pounds.

I am induced to make this proposal from my having lately met with two very good workmen whom I could readily engage if your Excellency and honors should think proper to favor my application.

I remain with respect Your Excellency &
honors Obed^t Humble Serv^t

Patrick Dunn.

Annapolis, June 18th, 1792.

His Excellency the Governour & Council.

To his Excelency the Governour and the Honourable Counsel of the State of Maryland.

Genteelmen—

As I am one of the Carpenters that has bid for the State work agreable to your Advertisement and found that I was the lowest and still am I expect the preference I have been at considrible

Loss and time mackiug out an Estamite as far as possible for the Good of the State I am still in waiting and would wish to know the determination of the Counsel.

And I am with great Respect Your most
obedent and very humble servant

William Gilmour.

June the 30, 1792.

BALTIMORE RIOT OF 1812.¹

JACOB WAGNER TO ALEXANDER C. MAGRUDER.

J. Wagner's best respects to Mr. Magruder—sends him the proof against Hargrove as intimated in a former communication, but with the same reserve, as the author has imposed upon J. W. He takes the liberty of suggesting, that it might be thought not improper to enable the Committee of Grievances to have him (Cole) summoned.

Georgetown, 2 Decr.

Allow me to intrude a word respecting T. W. Griffith, a Baltimore Justice. I have known him 12 or 15 years intimately. He has been unfortunate and is poor, but very exemplary. I know him to have always been a sound and zealous Federalist, but he was timid at the riots & did not do his duty. This was owing no doubt iu part to his nature, but more to a consideration of the slight tenure by which he held his office, which is his only dependence. Should representations have been made against him, I beg you not to ascribe too much weight to them. He is a good, assiduous Magistrate, & I pledge myself that he has been a valuable supporter of our cause with his pen. These hints may be unnecessary, but they are without his knowledge.

¹From *Executive Archives*.

Balt. 27th Nov^r. 1812.D^r Sir—

I shall most cheerfully comply with the request contained in your note of yesterday, at the same time permit me to request of you for reasons which must be very obvious to keep my name in the Back ground if possible.

Should however the annexed statement be denied I will most readily confirm it by the most solemn Oath which can be administered.

It was my Intention, in fact it had become my duty to furnish the Information for publication to clear a friend from the charge of Slander—to whom I had communicated the expressions—but being this day called upon by his Reverence I accompanied him to the House of my friend & there in his presence recited what I had communicated. He requested a statement which I have promised & it shall be copied from the communication I now make you.

Without referring to dates it was on the morning of the day after the unsuccessful attempt to defend your House in Cha^s Street that I learned from Major Will^m Stewart that I was Implicated in as much as some person in the Mayors office at the time the Arms were brought in had offered to swear that a pair of Pistols then exhibited had been in my possession—the presumption therefore was that I had made myself an accessary—panic Struck as were then our Citizens, numbers proscribed & no man knowing what moment he might not expect a Cart at his door. It became me I thought to vindicate myself from this false charge I therefore went to the Mayors office & procured an Interview with Hargrove in front of the Mayors office in South Street at the moment when Judge Scott & I believe M^r. Bland stopped in front of the building In a Hackney Coach, Judge Scott enquired for the Mayor and was Informed by Hargrove that he believed he had gone to the Jail, the Judge replied that was the object of his enquiry as the Mayor had promised to meet him the Judge at the Jail at 4 o'Clock. When the Stage drove off I made Known to the Register the object of my Visit & demanded a sight of the Arms he

accomp^d me & shewed a Case contain'g 7 or 8 Muskets 1 Blunderbuss 4 Swords & perhaps 2 p^r of pistols among which was the more than all others Bloody the Pistol I had furnished for it was an odd one of a very elegant pair. After Assuring him I had never seen it before and obtained his promise that he would endeavour to suppress so dangerous a report. I told him I should not have been surprized If I had furnished not only that but the greater part of the other Arms as it was by means of sales we were enabled to pay the Mayor \$750.00 p^r Ann for our Licence he seemed to understand what I intended for a Sneer & I was about to leave him when we were met by another Jesuitical looking fellow whom I think I had never before seen, who expressed a wish to see the Arms, my curiosity was excited & I followed them when the following Dialogue took place

Stranger. It is possible what all these !
alluding to the Arms.

Register. O-Y-e-s and I Be-l-i-e-v-e a great many more which have not been brought here.

On seeing the man about to take hold of one of the Guns he exclaimed take care my D^r Sir they are all of them loaded & some of them very deeply !!

It is impossible to describe the looks of this precious pair but a more compleat yoke of Caricatures I have never seen.

Stranger, lifting his eyes & hands.

Is it possible that Human nature can be so depraved, or that party feeling can cary People to such abominable Lengths.

Reg^r. "Oh! Yes Sir. But remove the cause and the effect must cease, and as partial evil, is calculated to promote general good, tis' pity but they cou'd have got hold of two or threc of the Firebrands."

The above conversation you will understand took place about three Hours before the attack on the Jail.

At my Interview with the old Man this Afternoon he admitted every thing but said the account had been much exagger'd nay he went so far as to Justify the expression and then felicitated himself on the conversation having happened before & not after the

Massacre which I thought very extraordinary, the circumstance has created a considerable Scism in the Tabernacle and the little man is sitting on thorns.

Very Respectfully I remain D^r Sir
Your Obed^t Serv^t

Sam Cole.

KEY FAMILY.

CHRISTOPHER JOHNSTON.

1. PHILIP KEY,¹ the first American ancestor of this family, thus begins his will:—"I Philip Key of St. Mary's County in Maryland, son of Richard and Mary Key, born in the Parish of St. Paul, Covent Garden, in London, y^e 21st March 1696, O. S." In the Register of St. Paul's, Covent Garden, published by the Harleian Society, this date is entered as that of the baptism, not the birth, of "Philip son of Richard Key and Mary his wife," but the entry confirms the fact of his parentage, in spite of the slight discrepancy as to the date. Philip Key, who is said to have been educated in the Temple, came to Maryland about 1720, and settled near Chaptico in St. Mary's County. In 1723 he witnessed the will of Mrs. Martha Dansey of St. Mary's County (Annapolis, Lib. 18, fol. 256), and in 1725 Charles Ashcom of the same county left a bequest to him and to Richard Ward Key, his young son (Annapolis, Lib. 19, fol. 127). It appears therefore that in 1725 he had been married for some years and had at least one child. Philip Key practiced law in the Courts of Maryland with marked success, his name frequently appearing upon the records, and he soon became prominent in the affairs of the Province. He was one of the Representatives of St. Mary's County in the Maryland Assembly, 1728-32, 1735-38, and 1746-54 (*House Journals*). From 6 June, 1744, to 5 November, 1745, he was High Sheriff of the County (*Commission Book*), and from 1754 until 1764 he was its Presiding Justice (*ibid.*). In 1763 he was appointed a member of the Council of Maryland. Governor Sharpe, who had repeatedly urged Philip Key's

appointment to that position (*Maryland Archives*, xiv, 25, 45, 70, 77, &c.), thus alludes to him in a letter dated 21 August, 1763: "In consequence of His Lordship's pleasure signified to me, I have advised old Mr. Key of his being appointed a Member of the Council & shall, when he comes hither next month to the Provincial Court, introduce him to the Board to be qualified" (*Md. Archives*, xiv, 110). The following year Governor Sharpe writes (18 Sept., 1764): "I am likewise to inform you that we have lately lost Mr. Key one of the Members of His Ldp's Council" (*Md. Archives*, xiv, 177). He died in the preceding month. The Annapolis *Maryland Gazette* of 30 August, 1764, has this obituary notice: "On Monday the 20th of this Instant, Died, at his Seat in St. Mary's County, in the 68th Year of his Age, the Hon'ble Philip Key Esq; one of the Council of this Province. He was a truly pious and devout Christian, an affectionate and tender Husband, an indulgent and fond Parent, a humane Master, a warm Friend, a friendly Neighbour, and a most agreeable and chearful Companion. His Death is sincerely lamented by his Family, and all his numerous Friends and Acquaintance." In his will he disposes of a very large landed and personal estate. Philip Key was twice married. His first wife was Susanna, daughter of John Gardiuer of St. Mary's County, and Mary his wife, daughter of Major William Boarman. Her father in his will (dated October, 1717, proved in December following) mentions her as "my daughter Susanna Gardiuer," so that she was then unmarried. Her brother, John Gardiner, in his will (dated 9 December, 1742, proved 4 August, 1743) appoints "my brother Philip Key" residuary legatee and executor, and leaves a bequest to "my cousin (*i. e.*, nephew) John Key." The second wife of Philip Key was Theodosia, widow of Rev. John Humphreys, who was rector of St. Ann's Parish, Annapolis, from 1725 to 1739, and died 8 July, 1739, aged 53 years (Rev. Ethan Allen, *History of St. Ann's Parish*, p. 60). Her maiden name was apparently Lawrence. She had no issue, and died in April, 1772. The *Maryland Gazette*, 16 April, 1772, has this notice in regard to her: "From St. Mary's we hear that Mrs. Key, relict of the late Philip Key Esq., died there a few days ago." Philip Key and Susanna (Gardiner) his first wife had issue:—

- i. CAPT. RICHARD WARD KEY,² Clerk of St. Mary's Co.; d. 10 April, 1765; mar. 1°. Rebecca Hammond, 2°. Hannah Clarke, and had 2 daughters.

- ii. EDMUND KEY, Attorney General of Maryland 1763; Mem. of Assembly 1765; d. 4 May, 1766.
- iii. JOHN KEY, M. D., d. August, 1755; mar. Cecilia, dau. of Dr. Gustavus Brown of Charles Co., and left issue. She mar. 2°. Major Thomas Bond.
- 2. iv. FRANCIS KEY, d. November, 1770, of whom further.
 - v. THOMAS KEY, d. March, 1772; Mem. Assembly 1766, &c.; mar. Llewellyn. His son, Hon. Edmund Key (b. 1771; d. 19 February, 1857) was for many years Judge of the Circuit Court of Maryland.
 - vi. PHILIP BARTON KEY, High Sheriff of St. Mary's Co. 1754-55; d. at Chestertown, Md., November, 1756.
 - vii. SUSANNA GARDINER KEY, b. 17 May, 1742; d. 11 April, 1811; mar. 19 November, 1761, Norman Bruce, High Sheriff of St. Mary's Co. 1761-64, and of Frederick Co. 1768-71.

2. FRANCIS KEY² (Philip¹) was born about 1731-2. He was appointed clerk of Cecil County in 1757 and held the office until his death. He died in November, 1770. The *Annapolis Maryland Gazette* of 22 November, 1770, thus notices his death: "A few days ago died at Charles Town, of an inflammatory fever, Mr. Francis Key, Clerk of Cecil County." Francis Key was a vestryman of the Parish of St. Mary Ann, Cecil County, from 16 April, 1759, to 12 April, 1762, and again from 20 April, 1767, to 16 April, 1770 (*Vestry Book*). He was married 12 December, 1752, and the *Maryland Gazette* two days later had this notice: "Tuesday last Mr. Francis Key, of St. Mary's County, was married to Miss Arnold Ross, eldest daughter of John Ross, Esq., of this City, a well accomplish'd and deserving young Lady, with a pretty Fortune." Her father, John Ross, was Lord Baltimore's Deputy Agent for the Province, and her mother, Alicia Arnold, was maternally descended from the Wolseleys of Staffordshire, and the Zouches and Lowes of Derbyshire. Francis Key and Anne Arnold (Ross) his wife had issue:—

- i. JOHN ROSS KEY, b. 19 September, 1754; d. 13 October, 1821; an officer in the Revolution. He married 19 October, 1775, Anne Phoebe Penn Dagworthy Charlton, daughter of Arthur Charlton of Frederick Co., and their son, Francis Scott Key (b. 1779, d. 1843), was the author of the Star Spangled Banner.
 - 3. ii. PHILIP BARTON KEY, b. 12 April, 1757; d. 28 July, 1815; of whom further.
 - iii. ELIZABETH SCOTT KEY, b. 10 August, 1759; d. 1832; mar. 26 July, 1781, Henry Maynadier (b. 31 March, 1759; d. 1849).
3. HON. PHILIP BARTON KEY³ (Francis,² Philip¹) was born 12 April, 1757. He was educated in England, and after the Declaration of Independence, entered the British Army. In 1778 he held a commission in Lieut.-Col. Chalmer's

Maryland Loyalist Regiment, and in 1782, then holding the rank of Captain, he went to Jamaica with his troops. He served in Florida, where he was taken prisoner, and upon his release on parole went to England. After peace was declared he retired on half pay, and in 1785 returned to Maryland. In 1787 he was practicing law at Leonardtown, but in 1790 he removed to Annapolis, where he soon became prominent in his profession. In 1794 he was elected a Delegate to the Maryland Legislature and held his seat until 1799. He removed to Georgetown, D. C., in 1801, and in 1807 he made a formal resignation of his claims to the British Government in a letter to the British Minister at Washington. In 1806 he was elected to Congress as a Federalist, and his seat was contested on the ground that he was not a citizen of Maryland. On this occasion he said in a speech: "I had returned to my country like a prodigal to his father, had felt as an American should feel, was received and forgiven, of which the most convincing proof is—my election." He sat in Congress from 1807 to 1813, and died at Georgetown 28 July, 1815. He married 4 July, 1790, Anne, daughter of Hon. George Plater of St. Mary's County, Governor of Maryland 1791-92, and Elizabeth Rousby his wife. The Plater family record gives her birth as 23 September, 1772, but her tombstone in Oak Hill Cemetery, Georgetown, states that she died 18 December, 1834, "in the sixtieth year of her age," which would place her birth in 1774. Her husband is buried beside her (*Md. Historical Mag.*, ii, 372; iii, 188-9). Philip Barton Key and Anne (Plater) his wife had issue:—

- i. GEORGE BARTON KEY, b. 1793; d. in infancy.
- ii. ELIZABETH ROUSBY KEY, b. March, 1796; d. 21 November, 1860; mar. 1 October, 1829, Hon. Henry Johnson, Governor of Louisiana.
- iii. MARY LLOYD KEY, b. August, 1801; d. 8 November, 1834; mar. 13 November, 1822, Rev. William Nevins (b. 17 October, 1797; d. 14 September, 1835) of Baltimore.
4. iv. PHILIP BARTON KEY, b. 2 September, 1804; d. 4 May, 1854; of whom further.
 - v. REBECCA ANN KEY, b. 2 June, 1809; mar. 1^o. 14 May, 1828, Dr. William Howard of Baltimore; 2^o. 28 September, 1837, Alex. H. Tyson of Baltimore.
 - Twins { vi. LOUISE EMILY KEY, b. 22 December, 1811; d. in Louisiana 7 March, 1830.
 - vii. EMILY LOUISE KEY, b. 22 December, 1811; d. in New York 10 January, 1891; mar. 19 January, 1835, Dr. Philip Rogers Hoffman of Baltimore.
 - viii. ANNE ARNOLD KEY, b. 28 December, 1814; d. 18 August, 1895; mar. 21 October, 1835, William E. Thompson of Louisiana.

4 PHILIP BARTON KEY⁴ (Philip Barton,³ Francis,² Philip¹) was born at "Woodley," Georgetown, D. C., 2 September, 1804, and died at his plantation, "Acadie," near Thibodeaux, Louisiana, 4 May, 1854. He was graduated at Hamilton, N. Y., in 1823, and studied law under his cousin Francis Scott Key, writer of the Star Spangled Banner. He practiced his profession for a time at Annapolis, and in 1835 went to Louisiana where he engaged in planting. He was a member of the Louisiana Legislature, and of the State Constitutional Convention of 1850. He was twice married. His first wife, married 4 December, 1828, was Mary Brent, youngest daughter of Robert Sewall of Poplar Hill, Prince George's County, Md. She had no issue, and died at Poplar Hill 1 January, 1831, aged twenty-two years. Philip Barton Key married secondly, 25 April, 1833, Maria Lanra, youngest daughter of Nicholas Sewall of Cedar Point, St. Mary's County, cousin german of his first wife. She was born 7 June, 1812, and died in Baltimore, Md., 10 December, 1897. Philip Barton Key and Maria Lanra (Sewall) his second wife had issue:—

- i. FRANCES EUGENIA KEY, b. 11 February, 1834; mar. 1854 Melchior George Klingender of Liverpool, England.
- ii. PHILIP BARTON KEY, b. 10 March, 1836; mar. 1861 Anna Thornton.
- iii. NICHOLAS SEWALL KEY, b. 21 May, 1838; d. unmar. 1863. A soldier in the Confederate States Army.
- iv. HENRY JOHNSON KEY, M. D., b. 27 February, 1840; surgeon in the Confederate States Army.
- v. WILLIAM THOMPSON KEY, b. 27 November, 1841; mar. Josephine Baltzell of Frederick, Md.
- vi. MARY CATHERINE KEY, mar. 17 November, 1868, George Carrell Jenkins.
- vii. FRANCIS SCOTT KEY, b. 21 September, 1846; killed 1858, by accidental discharge of his own gun.
- viii. ELIZABETH ROUSBY KEY, b. 29 August, 1848; d. in infancy.
- ix. EDWARD KEY, b. 28 March, 1850; mar. Florence Gross Horwitz of Baltimore, Md.
- x. VIRGINIA PEYTON KEY, b. 2 May, 1853; mar. 1873 Henry Daingerfield of Alexandria, Va.

KEY ARMS.

Philip Key, in his will, leaves to his son Richard Ward Key "my steel seal with my coat of arms." An impression of this seal on a letter from Philip Key to his son, then in England, is in the possession of McHenry Howard, Esq., and the crest, which is partly obliterated on this impression, is found on old silver belonging to the family. According to these sources the arms and crest used by the Keys of Maryland were:—

Arms.—Argent, two bendlets.

Crest.—A griffin's head erased argent, holding in its beak a key or.

The bendlets in the arms are generally given as sable, but this is not quite certain. In 1899, Mr. Howard Payn, a retired English Barrister, undertook some researches in regard to the Key arms with the following result:—

John Key of Milcombe, in Oxfordshire, had two sons, Richard and Josiah. The latter, Josiah, applied in 1688 for a grant of arms, and his petition was supported by Lord Clarendon in whose service he was, and by John Thornicroft who married Josiah's daughter and heir, Elizabeth Key. Josiah is described as a man of good repute and ample fortune, well able to support the charges and position of a gentleman. The petition was granted, the coat conferred being: argent, two bendlets humetty purple. Josiah Key died in 1695, leaving a sum of money to his brother Richard, and his estate to his son-in-law John Thornicroft. In 1701, the latter petitioned to have the bendlets in the arms granted to his late father-in-law changed from purple to sable, and his petition was granted. But Sir Arthur Kay of Yorkshire, who bore two bendlets sable, opposed the grant as the new arms resembled his own too closely. Accordingly in 1704, the Earl Marshall granted to the Keys: argent two bendlets pean (black and gold fur), the bendlets being no longer humetty. Mr. Payn is inclined to identify Richard Key, brother of Josiah, as the father of Philip Key, and he is probably right, though the proof is not altogether conclusive. Richard Key seems to have been living in Covent Garden until 1710, when, according to Mr. Payn, he gave up his house there.

Burke's General Armory gives the arms of Keys of Milcomb, Co. Oxford, granted 1688, as: Argent two bendlets humetty purple, and adds the crest: A griffin's head coupé at the breast, wings addorsed argent, holding in the beak a key or. The similarity of the crest supports Mr. Payn's contention that the Keys of Maryland are a branch of the Keys of Milcomb.

APPENDIX.

Baptized—21 March, 1696/7, Philip, son of Richard Key and Mary his wife.

Buried—2 August, 1693, Richard Key.

Buried—15 December, 1694, Isaac, son of Richard Key.

Buried—27 December, 1706, Mary, wife of Richard Key.

Register of St. Paul's, Covent Garden (Harleian Society).

Key, Francis, son of Richard, of London, pleb. Queen College, matric. 11 December, 1696, aged 16 ; B. A. 1700, M. A. 1703.

Foster, Alumni Oxonienses.

Genealogies of the Key Family are to be found in Hayden's "Virginia Genealogies," pp. 167-69, and in Mackenzie's "Colonial Families."

NOTES.

Mr. H. Houston Ball, 27 Glenmore Road, Haverstock Hill, London, sends the following interesting items in regard to Robert Brooke, the Maryland immigrant. In the *Magazine* (i, 67) reference is made to a ms. in the British Museum, which states that "this Robert is a minister." He is also described as "clerk" in the license for his marriage to Mary Mainwaring (Harleian Society), so that it is quite clear that he was a clergyman of the Church of England. In his family register he notes that his daughter Barbara was born "at Whickham 1634," and it is evident that his first wife, Mary Baker, died about the same time. Now, on the 23rd of December, 1628, the Rev. Robert Brooke was instituted to the Rectory of Whickham, Co. Durham, by the Bishop of that diocese, and in 1635 another incumbent was instituted, so it would appear that he left on the death of his first wife. The following year (1636), Robert Brooke was presented by his father-in-law, the Bishop of St. Davids, to the Prebend or Incumbency of Trallong, Co. Brecon. It is an interesting question, under these circumstances, why he is designated as "Esquire" in Lord Baltimore's Commission to him in 1649 (*Md. Archives*, iii, 237, 240), and it would seem to be a probable answer that he resigned his preferments and became a Roman Catholic, in which case he would be a layman again and Esquire. His sons Baker and Thomas were certainly of this faith, and his sister, Susan Brooke, married a Roman Catholic, William Havers of Thelveton Hall, Co. Norfolk. Robert Brooke himself says

that he was born on 3 June, 1602, "being Corpus Christi day," a fact not likely to be noted by any but a Roman Catholic.

The *Grafton Magazine* for November, 1909 (vol. 2, No. 2, at page 105), contains an article on "The Ancient Churchyards of Baltimore, I., St. Paul's Church," by Mrs. Helen W. Ridgely.

The April number of the *New England and Genealogical Register* (vol. 64, No. 2) on pages 106 to 115, in a list of "Emigrants from England" to America in 1774, prints a great number of names of persons, whose destination was Maryland. Many of these persons were indented servants and quite a number of them sailed from the Port of London on the *Peggy Stewart* in the last week of July, 1774.

At page 158 of the same magazine may be found the names of some emigrants to Maryland in 1697.

An interesting article by Albion M. Dyer of Cleveland, Ohio, on "First Ownership of Ohio Lands" at page 167 of the same magazine discusses at considerable length Maryland's influence on the Western land policy of the United States.

In the *Southern Historical Society Papers*, vol. 37, at page 152, is a contribution from Lieut. Fielder C. Slingluff on the Burning of Chambersburg and the part taken therein by the First Maryland Cavalry.

In the same periodical, at page 235, appears "Marylanders in the Confederate Army," and at page 309 John R. Stonebraker's "Munford's Marylanders never surrendered to foe."

Zeisberger's "History of the Northern American Indians," published in the *Ohio Archæological and Historical Quarterly*, vol. 19, contains some mention of the Nanticoke Indians at pages 126 and 132.

Col. Edmond Scarborough's account of his adventures in establishing the boundary line between Maryland and Virginia in 1663 is published in the *Journal of American History*, vol. 1v, at page 303.

In the same journal is printed a reproduction in colors of the flag of the Third Maryland Regiment.

The second part of the first volume of Documents of Father Thomas Hughes' History of the Society of Jesus in North America, containing documents 141-224 (1605-1838), was published in April.

Miss Amy Eleanor E. Hull has called attention to a document in the collections of the Society, which is of interest in connection with the "Petition of Sundry Roman Catholics against the Imposition upon them of a double tax," published in the March number of this *Magazine*. It is headed "List of Lands held by Papists for the year 1758" and may be found on the next to the last page of a Dorchester County Rent Roll (unindexed).

"List of Lands held by Papists for the year 1758," viz. :

| | | | | | |
|---------------------------------|---|---|---|---|-------------------|
| Patrick Byrn, | - | - | - | - | 67 |
| Charles Carroll, | - | - | - | - | 1500 |
| Henry Darnell (Portland Manor), | - | | | | 1500 |
| Joseph Griffith, | - | - | - | - | 634 $\frac{3}{4}$ |
| Joseph Goutie, | - | - | - | - | 695 $\frac{1}{4}$ |
| Robert Griffith, | - | - | - | - | 777 |
| Hannah Griffith, | - | - | - | - | 167 |
| Francis Harper, | - | - | - | - | 148 |
| Joseph Harper, | - | - | - | - | 438 |
| John Meekins Jun., | - | - | - | - | 574 |
| Abram Meekins, | - | - | - | - | 186 |
| Mark Meekins, | - | - | - | - | 90 |
| Godfrey McGraw, | - | - | - | - | 153 |
| Felix Summers, | - | - | - | - | 245 |
| Ramond Shenton, | - | - | - | - | 474 |
| Ramond Stapleford, | - | - | - | - | 651 $\frac{1}{4}$ |
| Joseph Shenton, | - | - | - | - | 391 |
| Richard Tubman, | - | - | - | - | 730 |
| William Shenton, | - | - | - | - | 267 |

9,688 $\frac{1}{4}$

"Keeper of the Rent Rolls of Dorsett Co. 1756-57-58.

Charles Dickinson, Farmer."

PROCEEDINGS OF THE SOCIETY.

March 14th, 1910. Regular meeting of the Society, 48 members present.

The following named persons hitherto nominated were duly elected to active membership : Mrs. E. H. McKeon, Mrs. Jordan Stabler, Jordan Stabler.

Mr. Albert G. Keith's resignation was presented and same was laid on the table.

Resolved, that the thanks of the Society be sent to Rear Admiral Gherardi Davis for the presentation of his book "Regimental Colors in the War of the Revolution."

The Necrology : Julian J. Alexander, February 20th, 1910 ; Marion DeKalb Smith, March 14th, 1910.

A resolution endorsing the bill offered in the General Assembly by Mr. McQuade, to purchase and restore the house of Charles Carroll of Carrollton on Lombard and Front Streets.

The address of the evening by the Hon. James A. C. Bond, was entitled : "Dr. Thomas Bond, something of his ancestors and kin."

April 14th, 1910. Regular meeting, 40 members present.

The following named persons heretofore nominated were duly elected to active membership : Mrs. William Skipwith Hull, Dr. Arthur B. Bibbins, Mrs. George S. Jackson, Walter B. Norris, Allen S. Will, Thomas E. Bond ; and to associate membership, Mrs. James C. Lewis.

The Corresponding Secretary read an invitation to the President from the Pennsylvania Historical Society to attend the opening of its building. The President gave an interesting account of the entertainment and the new building.

The report of the auditing committee was made by Mr. William H. Greenway, chairman, and on motion the same was ordered

filed and the thanks of the Society were tendered to the committee.

The paper of the evening was then read by Mr. Robert F. Brent, written by Gen'l Joseph L. Brent, entitled "The Capture of the Indianola."

May 9th, 1910. Regular meeting, 33 members present.

The following named persons heretofore nominated were duly elected to active membership: Mrs. Priscilla N. Bridges, Rev. Jesse R. Bicknell, Mrs. P. A. M. Brooks; and to associate membership, Mrs. Ira F. Archer.

On motion of Mr. Mullen, it was resolved, that the Committee on the Athenæum are authorized to have the windows wired and the building painted.

The Necrology was then read: Charles E. Mann, May 5th, 1910.

Mr. Richard D. Fisher read a list of the publications in regard to the events of the Nineteenth of April, 1861, and requested that any one who knew of any other publications on that subject would advise the acting Librarian.

The paper of the evening, "An episode of 1645, Facts vs. Myths" was read by Mr. Edward Ingle.
