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KILTY'S MANUSCRIPT TRAVESTY OF THE ILIAD

H. L. KOOPMAN.

In the Harris collection of American Poetry in the Brown University Library is a stout manuscript volume in folio, entitled: "A Burlesque Translation of Homer's Illiad, with Notes. The Second Part." Below the title has been written in pencil, "By Chancellor Kilty." The title follows that of the work by Thomas Bridges, first published in 1764, as it was given in the American reprint of 1809. The translator offers his poem as a sequel to the earlier production and thus explains his beginning with the thirteenth book.

As to the physical appearance of the volume, it consists of 558 written pages, besides 55 blanks, mostly of laid paper, measuring $7\frac{1}{4}$ by $12\frac{1}{4}$ inches. Each book is paged separately and is written in the round hand of a copyist. Each is furnished with an argument in verse, and notes, and there are "Directions to the Editor or Printer," three pages, and a "Preface," eleven pages, all written in a different hand of more character, in which also are corrections in the text. Of the translation itself the author says in his preface: "It was hastily written in the short intervals of leisure that could be spared from other avocations."

William Kilty, the son of John and Ellen (Ahearn) Kilty, was born in London in 1757, and educated at the College of

St. Omer in France. He came with his father and family to America prior to the Revolution and studied medicine under Dr. Edward Johnson, of Annapolis. In April, 1778, he proceeded to Wilmington, Del., where he received the appointment of Surgeon's Mate in the 5th Maryland regiment. He continued to discharge the duties of his position until the resignation of Michael Wallace, the surgeon of the regiment, when he was promoted in April, 1780, to fill the vacancy. He continued to act as surgeon until he was made prisoner at the battle of Camden. In the spring of 1781 he returned to Annapolis, where he continued to reside until the close of the war, owing to his failure to obtain an exchange. He then studied law. In 1798 he was authorized by the Maryland Legislature to compile the Statutes of the State and in compliance with this he published the two volumes known as "Kilty's Laws." He settled in Washington in 1800, and in the following year was appointed Chief Judge for the District of Columbia. Returning to Maryland, he was appointed Chancellor in 1806. In 1818, in collaboration with Harris and Watkins, he published a continuation of "Kilty's Laws," in four volumes. He is credited with the authorship of the satirical historic poem, *The Vision of Don Crocker*, Baltimore, c. 1813. He married Elizabeth Middleton, of Calvert county, but died without issue. He was one of the founders of the Order of the Cincinnati. He died at Annapolis, October 10, 1821. According to one estimate "Kilty seems to have been a man of quiet, unassuming life and his greatest interest was, no doubt, in his judicial and professional work, at the same time he was a very patriotic man and took deep interest in the welfare of his state and country." Another account says: "He was not only a man of wide culture, but a scholar and a musician." In view of the numerous amendments to the Maryland constitution there is a peculiar point in the tribute of Niles' Register to Chancellor Kilty: "His death, we believe, has deprived Maryland of the only person that exactly knew what is the constitution of the state!"

highly popular work of his predecessor. He credits it with a smoother versification than that of *Hudibras* (1662-78) or Cotton's Virgil, and with such success as a burlesque "that there is scarcely a line that has any pretensions to seriousness." As for his own work, he admits "that the burlesque is not so well kept up as in the former translation; nor do I think it equal in point of sprightliness or humour." He makes his excuse the fact that while the London travestier had about him a wealth of comic local allusion, "in America our habits are plain, and we have no trades or occupations that are particularly the subjects of ridicule, or even of pleasantry. We are (notwithstanding our more useful attainments) a serious though not a dull people; and, altho we have much collision of parties, there is little collision of wits amongst us: and a writer, here, must draw from books or from himself." This very interesting back-light on the limitation of American literature by American life is followed by an equally interesting explanation why the writer did not carry out the thoroughgoing and unflinching buffoonery of Cotton and Bridges. It is a confession of literary faith that does him great credit as a man and an author, even if its practice has shut him out from the somewhat dubious fame of his predecessors. He says:

"With regard to the burlesque. I am aware that it is considered a recommendation that it should be as *outré* and extravagant as possible, but I see no reason why this criterion should not be dispensed with, and why new rules of composition should not be adopted. Our tragedies are sometimes intermixed with scenes of farce and buffoonery, and our comedies, and even some of our farces, are, of late days, tempered with the dullness of sentiment. There are parts of Homer, more especially towards the conclusion, which do not readily admit of a burlesque translation; such are many of the similes drawn from rural scenes, and the expressions of domestic affliction occasioned by the death of Hector. The same may be said of the admirable description of the Shield of Achilles; and, in these instances, little more has been attempted than a reduction of the lines in

Burlesque has two main divisions, the mock-heroic and the heroic mocked or degraded. It may be original, as in the the *Battle of the Frogs and Mice* and *Hudibras*, respectively; or imitative, as in parody, which applies a lofty style and treatment to mean characters and situations, and in travesty, which degrades lofty characters and situations by a mean style and treatment. Each is a tribute to the popularity of the work imitated. The very existence of Burlesque implies that the public is familiar with its original, virtually knows it by heart. When everybody was puzzling over Emerson's *Brahma* in the first number of the *Atlantic Monthly*, the county was flooded with parodies of it. In like manner Longfellow's *Hiawatha* was followed by a train of caricatures. Ideal conditions for travesty were furnished by the widespread familiarity with Homer—at least in Pope's translation—that prevailed in England and America in the eighteenth century and well into the nineteenth. Much the same held good for Virgil in the original nearly to the end of the nineteenth century. Those of us who learned our Latin in the seventies still recall the delight with which our classes in the *Æneid* hailed the "Free and Independent Translation" of its first and fourth books that in 1870 emanated from Winsted, Connecticut, a translation that lived up to its title-page, yet avoided indecency. Fortunately we did not have access to Charles Cotton's "English Burlesque" of the same books, first published in 1664-5, a work that not only seizes the obvious opportunities for impropriety in the subject matter of these books, but bespatters every page with obscenity. This is the work that inspired Bridges, just a hundred years later, to produce the travesty of the *Iliad* that our author completed. All these productions doubtless go back in Scarron's "Virgile travesti," 1648-52, which, left incomplete in the middle of the eighth book in 1652, found two rival continuators. Victor Fournel, the editor of Scarron, unkindly characterizes this author's work and its imitations as "cette espèce de démence littéraire." Even so, it may repay our study.

Kilty in his preface takes a modest attitude toward the

Pope to the measure of eight feet [syllables], so as to correspond with the rest of the translation.

“But, what was at first the effect of necessity, became afterwards a matter of choice; and it was considered that a relief might be afforded by the contrast, in varying the style from serious to gay, while at the same time an interest might be preserved by relating the events in a manner corresponding, in some degree, with the original, so as to retain an appearance of reality in reference to the Grecian and Trojan character. The connected chain of incidents (not the least of the beauties in Homer) is hereby also maintained, which, in a travestie of greater freedom, would not be the case.

“But the burlesque, tho sometimes departed from, is in general adopted. It is however of the serious kind; and, if I may be permitted to use the expression, I have chosen the graver air of Cervantes rather than ‘to laugh and shake in the easy chair of Rabelais.’”

Our translator defends his introduction of quotations from modern authors by the enlivenment they lend his pages, and his use of proverbs by the example of Cervantes. Finally he explains if he does not excuse the severest charge that can be brought against his work as a representative of this class of writing:

“Cotton is accused of licentiousness in his travestie of Virgil; and there is the same room for the charge in the burlesque of the first part of Homer.

“There is probably less in the present translation, tho, still, more than the fastidiousness of the age may approve—But the expressions are adapted to the burlesque character and the scenes to be described, and are not introduced as otherwise commendable. Without them, the work would not have been, in any degree, what is promised by the title.”

On the whole it is probable that our author disparages his own achievement too much. His pace is brisk, his manner jaunty, and his chief defect, in comparison with his exemplar, is that he shrinks from splashing so vigorously in the mudholes.

My own impression in laying down his book is that he stopped just when he should really have begun. If he had fully learned the lesson which his labors had taught him, and had been free to apply it, he should have begun at the beginning of the *Iliad* and given us a fresh translation, spirited, rapid with the movement of his tetrameter, which Scott's literary instinct had already chosen for his own narrative poems, but entirely free from the flippancy and ribaldry of burlesque. We should then have had an American version of the *Iliad* more simple and rapid than that of Munford (1825) and more vigorous than that of Bryant (1870). That it would have been as literally faithful as these I do not assert, but it would have been more readable.

A question here comes up as to Kilty's qualifications for making a serious translation of Homer. Did he know Greek? This I do not feel qualified to answer, especially in the affirmative. He himself says: "The knowledge of Greek at an advanced age is at present more rare than it formerly was; and we are obliged to rely, in a great measure, on Pope's translation or Cowper's, the others being now forgotten." This reference to his age might warrant us in dating the completion of the work at about 1820. He mentions Chapman's version only to quote Pope's condemnation of its "immeasurable length of verse."

It is therefore possible that ignorance of Greek and advanced age, though it did not equal Cato's when he learned Greek, account for Kilty's failure to give us a version of Homer in sympathy with his real nature. The work that he produced will probably never be printed unless it should be taken up by some Early American Text Society, in which case we feel confident that it will be found as readable as any of its companions, which having died as literature will then enjoy an inglorious resurrection as specimens of language. But, to take leave of our author in the character which he chose to assume, we may repeat the lines which he impudently put into the mouth of the dying Hector:

“ The prince of poets shall rehearse
My glorious fate in Grecian verse ;
Which will translated be, I hope,
In numbers smooth, and sweet, by Pope ;
And, then, immortal I shall be,
In [Kilty]’s Homer travestie.”

CHIEF JUSTICE ROGER B. TANEY—HIS CAREER AT THE FREDERICK BAR

EDWARD S. DELAPLAINE,
Of the Frederick (Md.) Bar.

[Delivered before the Maryland Historical Society, Baltimore, April 8, 1918.]

The early bar of Maryland was distinguished for its brilliant lawyers. As a result of the manner in which original grants of land had been made and the peculiar procedure in the proprietary Land Office there appeared great confusion in titles, out of which arose “ the most subtle principles and the most complex forms of pleading in actions of ejectment known to the history of administrative justice.”¹ This litigation was lucrative to lawyers for many years following the Revolutionary War and served to give eminence to the bar. Western Maryland was a land of rapid development and enterprise in the early part of the nineteenth century and was attractive because of its opportunities to young professional men from other parts of the State.

Roger Brooke Taney was admitted to the bar in the spring of 1799. He had been in Annapolis three years, zealously studying law in the office of Judge Jeremiah Townley Chase, who was at that time one of the judges of the General Court. This

¹ Tyler’s “Memoir of Roger B. Taney,” pages 121-122.

tribunal was in session at Annapolis twice each year, considering cases arising from all counties on the Western Shore. Up until 1805, when the Circuit Courts in the various counties took the place of the General Court, Annapolis was the best place in Maryland for a young man to commence the study of law. Here young Taney saw an array of legal talent. He heard Luther Martin, who was at the head of the profession in Maryland and whose defense of Aaron Burr in 1807 is one of the *causes célèbres* in the criminal annals of the United States. He heard Philip Barton Key, who went to Congress in 1807 and in whose office his distinguished nephew, Francis Scott Key, studied in Annapolis. He also heard Arthur Shaaff and John Thompson Mason, the leaders of the Frederick bar, and many others who were in the foremost rank in the profession.

“Everything I saw, when this Court was in session,” wrote the Chief Justice² at the age of 77, “was calculated to stimulate my ambition. . . . I looked with deep interest upon the array of talent and learning which I saw before me, and hoped (perhaps in candor I ought to say believed) that the day would come that I might occupy the like position in the profession.”

Taney commenced his career as a lawyer under disadvantages. A slight exposure during childhood having made him delicate, he struggled against the handicap of a frail constitution. The exertion of two or three weeks at a term of Court would weaken him to such an extent that he would be compelled to take a complete rest to restore his vitality. Taney's early career was also marked by morbid sensitiveness, which closely approached actual cowardice. Throughout his three years in Annapolis, Taney studied diligently, often reading for weeks without interruption twelve hours in the twenty-four. This hard study, the Chief Justice declared nearly sixty years later, was mistaken diligence.

²Taney's Account of his Early Life and Education; Tyler, Chapter I, pages 59 and 65.

“And I am satisfied, also, that it would have been much better for me,” he said,³ “if I had occasionally mixed in the society of ladies, and of gentlemen older than the students. . . . I suffered much and often from this want of composure, and from the consciousness of embarrassment, when I emerged from my seclusion and came into the social and business world.”

Whenever he attempted to address an audience, Taney, during his first few years as a lawyer, would tremble from head to foot. Describing his maiden effort at the bar, in a criminal case in the Mayor's Court of Annapolis, wherein he and a fellow-student were the counsel defending a man indicted for assault and battery, the Chief Justice declared:

“I took no notes, for my hand shook so that I could not have written a word legibly if my life had depended on it; and when I rose to speak, I was obliged to fold my arms over my breast, pressing them firmly against my body; and my knees trembled under me so much that I was obliged to press my limbs against the table before me to keep me steady on my feet.”⁴ Both Mr. Taney and his associate were frightened when, just as they had empanelled the jury, in walked Judge Gabriel Duvall, the Recorder of the Mayor's Court, who occasionally assisted the mayor and aldermen in the trial of cases, and took his seat upon the bench. Judge Duvall was then one of the judges of the General Court, but was appointed by President Madison in 1811 a member of the United States Supreme Court. In such high esteem did he hold Mr. Taney, that notwithstanding his violent opposition to General Jackson and his policies, he resigned in 1835 when he learned that Jackson would probably appoint Taney as his successor. Mr. Taney's first client was acquitted, but the victory, Mr. Taney declared years later, hardly consoled him for the lack of physical firmness and the cowardly timidity he had displayed.

As Lincoln's career “at the bar of Illinois was the school in which he became fitted to serve his country as its chief magis-

³ Tyler, pages 59 and 60.

⁴ Tyler, pages 77 and 78.

trate,"⁵ Taney's career at the bar of Maryland was the school in which he became fitted to serve his country in the Cabinet, and for a period of 28 years as Chief Justice of the United States Supreme Court. It is interesting to compare the martyred president with the jurist who gave him the oath of office. Chief Justice Taney, on the day after the inauguration of President Buchanan, announced his decision in the celebrated Dred Scott Case, which produced "more rancorous hate than any other judgment of a Court since man first submitted disputes to the arbitrament of law."⁶ In the famous campaign of 1860, four years later, in which the great issue throughout the country was whether Chief Justice Taney's decision was to stand as the true construction of the Federal Constitution, Abraham Lincoln stood at the head of the party which disregarded the decision. He maintained that the policy of the United States Government ought not to be fixed irrevocably by decisions of the Supreme Court in litigation between parties in personal actions. Lincoln determined to carry out his anti-slavery policy in defiance of the Dred Scott decision and when the emancipator became President, Chief Justice Taney had under consideration a case which arose out of that policy. A free negro, indicted in Kentucky on the charge of assisting a slave to escape, fled to Ohio and when the Governor of Ohio refused to deliver the fugitive the State of Kentucky asked for a *mandamus* to compel the Governor to perform his duty. On March 13, 1861, several days after the inauguration of President Lincoln, Chief Justice Taney overruled the motion, holding that there was no power in the General Government to compel the Chief Executive of the State of Ohio to do his duty in the premises.⁷ Two months later President Lincoln and Chief Justice Taney were the principals in a notable case. John Merryman, a Marylander, had been arrested by a military

⁵ John T. Richards, "Abraham Lincoln—His Standing as a Lawyer." *Case and Comment*, July, 1916.

⁶ Tyler, Chapter v, page 360.

⁷ Willis Lego case (Kentucky *vs.* Deannison).

force and Chief Justice Taney on May 26, 1861, issued a writ of *habeas corpus* directing the General at Fort McHenry to produce Merryman before the Chief Justice in Baltimore on the following day. President Lincoln had delegated to a military officer the discretionary power of suspending the writ of *habeas corpus* and the General refused to obey the writ. Taney ordered the proceedings to be laid before the President, but Lincoln ignored the Chief Justice and his opinion.⁸

Thus, while Taney had been admitted to the bar 35 years before Lincoln began to study law, they both became conspicuous as national figures during the terrible years of the Civil War. Lincoln commenced his legal career with a sturdy constitution but without an academic education. Taney lacked physical firmness and a robust constitution, but had the advantage of a splendid education. He had studied Greek and Latin, science and the letters at Dickinson College, in Pennsylvania, where he received the B. A. degree after a course of three years. The following three years he spent in the study of law within the shadow of the State House. Michael Taney had formed "high hopes" for his son's "future eminence," and gladly paid the expenses which Roger incurred in securing his education in Carlisle and Annapolis.

At the age of 22, upon being admitted to the bar, Taney was advised by his father to run for the Maryland House of Delegates. He was elected from his native county, Calvert, in 1799, but in the following year he was defeated for re-election. Discouraged with the prospects of a successful career in Southern Maryland, Roger decided to leave home and settle in Frederick. At that time Frederick was a town of scarcely 3,000 inhabitants, several hundred of whom were negro slaves. But the thrifty German settlers had already become famed for their prosperity. Unlike the Southern Maryland landowners, whose slaves did the work on the tobacco farms, the Western Marylanders were very energetic and established many industries in Frederick Town and throughout the surrounding country. "Frederick

⁸ Ex-parte Merryman.

county," says one early writer, "contains abundance of iron ore, slate, and limestone, a copper mine near Liberty Town, and flintstone for making glass. There are two furnaces and two forges in operation, which manufacture pig, hollow-ware, and bar-iron to a considerable amount. Within a few miles of Frederick Town are two glasshouses which carry on the manufacture of glass with much spirit."⁹ Fertile Frederick county was being rapidly developed and Mr. Taney knew that the abundance of lucrative ejectment and trespass cases in Frederick and adjoining counties made a promising field for a lawyer who had just embarked upon his career. The litigation arising from an extensive business carried on by thriving grist-mills, marble quarries, paper-mills and tanneries, together with the ejectment suits, was, therefore, one powerful inducement for him to locate in Frederick. Indeed, as a business centre, Frederick compared favorably with Baltimore. Then, too, Mr. Taney believed there was an opening for him in Frederick on account of the fact that there were many young practitioners at the Frederick bar while many of the eminent lawyers were gradually retiring. His friend, Francis Scott Key, who, like many other young Marylanders, had read law in Annapolis during the latter part of the eighteenth century, had decided to settle in Frederick county. Key's sister, Miss Anne Phebe Charlton Key, whom Taney had met in Annapolis, was probably also an inducement to come to Frederick, for less than five years later, on January 7, 1806, they were married.

Mr. Taney arrived in Frederick in the month of March, 1801. He was the only young lawyer to establish himself in Frederick during that year. During his first year there he received encouragement from Thomas Johnson, a native of Calvert county, who had served as Maryland's first Governor and who had settled on an estate about a mile from Frederick Town. He also received assistance from Arthur Shaaff, a bachelor, who

⁹ Written in 1807. "This was undoubtedly the first glass manufactory established in America." J. Thomas Scharf, *History of Western Maryland*, Volume I, page 361.

enjoyed young Taney's company at his beautiful country estate, "Arcadia," some miles from Frederick.

In 1801 Taney and Francis Scott Key were admitted to the bar of Montgomery County. Young Key soon moved to Georgetown and at an early age won success as a lawyer before the Supreme Court of the United States. While the author of *The Star-Spangled Banner* commenced his career before the Federal Courts in early life, the future Chief Justice confined his practice to the State courts of Maryland until his departure from Frederick in 1823, when in the 47th year of his age. Mr. Taney's name appears frequently as counsel on the Circuit and District Court dockets from 1823 to 1826, preserved in the garret of the Federal Post Office Building in Baltimore. His name does not appear on the Admission List of the District Court, but his name is signed in the List Book of Attorneys of the Circuit Court (which was abolished in 1912) at the May Term of 1823. Mr. Taney's first cases in the Supreme Court of the United States arose from the Circuit Court for Maryland. The first two cases were of great importance, both being decided in the February Term of 1826, the first by Chief Justice Marshall, whose seat Mr. Taney was destined to fill 10 years later. In the Circuit Court, Taney and four other lawyers represented James W. McCulloh and Solomon Etting in *assumpsit* suits brought by the Bank of the United States, the questions of fraud and concealment in contracts being involved. The bank being successful, Mr. Taney took an appeal by writ of error.¹⁰ Before the Supreme Court Mr. Taney was assisted by Daniel Webster, while William Wirt, then Attorney-General, and Mr. Emmett appeared for the United States Bank. Although the judgment of the Circuit Court was affirmed, Chief Justice Marshall, in delivering the opinion of the Court, declared: "In the very elaborate arguments which have been made at the bar, several cases have been cited which have been atten-

¹⁰ Solomon Etting, Plaintiff in Error vs. The President, Directors and Company of the Bank of the United States, Defendants in Error. 11 Wheaton, 59.

tively considered. No attempt will be made to analyze them, or to decide on their application to the case before us, because the judges are divided respecting it. Consequently, the principles of law which have been argued cannot be settled; but the judgment is affirmed, the court being divided in opinion upon it." Mr. Taney, in his second case before the Supreme Court, represented Charles Carroll of Carrollton, the wealthiest citizen in Maryland, if not in America, who was one of the signers of the Declaration of Independence, and a distinguished member of the Maryland Senate when Taney was a member of the House of Delegates in his twenty-third year. For many years Mr. Taney acted as Carroll's legal adviser. When suit was brought against Carroll in the United States Circuit Court in an action of debt to recover certain quit-rents alleged to be due to the plaintiff's intestate, Mr. Taney, then approaching the fiftieth year of his age and in the very prime of his professional career, was retained to defend him. Under the Charter of Maryland, the proprietary was not only the ruler but also the exclusive landlord of the province, and quit-rents were paid from year to year as an acknowledgment of the tenancy. The defendant had inherited 10,000 acres of land which had been granted to his father by Charles, Baron of Baltimore, the son and heir of Cæcilius Calvert. Back in 1780 an agreement, made under the direction of the High Court of Chancery and later confirmed by Parliament, assigned away all the right, title and interest of Charles Lord Baltimore, his heirs and assigns, to the province (now the State of Maryland) and its quit-rents. Mr. Taney contended that the agreement was a bar to the plaintiff's right of action and the jury found a special verdict, upon which the Circuit Court entered a judgment *pro forma* for Carroll and the important case was brought, by writ of error, to the Supreme Court for a final decision.¹¹ Mr. Taney was assisted by Mr. Wirt, their opponents being Mr.

¹¹ Henry Cassell, administrator of Louisa Browning, *vs.* Charles Carroll of Carrollton, 11 Wheaton, 135.

Raymond and Mr. Webster. Justice Gabriel Duvall, being a landholder in Maryland, did not sit in the case. The decision of the Circuit Court was affirmed, Justice Story declaring in his opinion:

“The cause has been argued with great ability and care. Many important and difficult points have been discussed at the bar, upon which, if we were called to pronounce a decision, we should wish for more time and consideration to mature our judgment. But, as we have all come to a conclusion upon one point, which finally disposes of the whole cause, it is deemed proper at once to put the parties in possession of our opinion, without attempting to analyze the learning which is involved in others of more complexity, and would require more extensive researches.”

The Reporter says: “It has not been thought proper to report the arguments of counsel, at large, involving a great variety of feudal and constitutional learning which the court did not think it necessary to examine, as the cause was determined upon the single point of the effect of the agreement made in 1780 and confirmed by Act of Parliament in 1781.” Along with the case, however, is printed a note which runs through 11 pages of the U. S. Supreme Court Reporter. By way of preface, the Reporter says:

“The editor has supposed that it would gratify the curiosity of the learned reader to be presented with the following note (with which the editor has been favored by his friend Mr. Taney) of an argument of the Court of King’s Bench in 1775 upon a case sent from the Court of Chancery, in the suit brought by Sir Robert Eden et al. *vs.* Henry Harford, to recover possession of the province of Maryland and its revenues, in which the learning respecting the nature of the dominion and proprietary interest of Lord Baltimore in the province, was very elaborately discussed.”¹²

¹² Henry Wheaton, reporter, 11 Wheaton, 151-191.

Through the assiduous study of law in Annapolis and actual practice for 22 years in Frederick, Mr. Taney had acquired a profound knowledge of the law. He had studied law in the old way, commencing with the complex law of estates and studying the derivative branches one by one in their logical order. Digests and codes had not appeared. Consequently, the study of law and the establishment of a practice were attended with difficulties in Taney's day. Particularly in ejectment and trespass, the science of pleading was complex. Young Taney, who had read law in a judge's office but had received no training with an active practitioner, had acquired no practical experience in drawing up pleadings. During his early years at Frederick, Mr. Taney never undertook to draw up the simplest declaration or plea without a precedent. The old *Entries*, Brooke and Coke, Levincz and Rastall, were still used by the lawyers. In examining the law of special pleading, Mr. Taney resorted to Bacon's or Viner's *Abridgment* and Comyn's *Digest*, and in his search for precedents sometimes went back to Lilly's *Entries* and *Doctrina Placitandi*. At the zenith of his career as Chief Justice of the United States, he declared that his failure to receive practical knowledge and experience while preparing for the bar proved to be a serious handicap to him, for, while he had in Judge Chase's office an abundance of time for uninterrupted study, he obtained no practical instruction in the forms and manner of pleading and, on the whole, his study with Judge Chase was a distinct disadvantage. In this reminiscence, Chief Justice Taney, after a lapse of fifty years, might have had in mind a case in which he appeared as counsel for defendant in a case shortly after his admission to the bar. The opposing counsel was his friend, Francis Scott Key. A suit for slander had been filed by Mr. Key in the Montgomery County Court and Mr. Taney endeavored to escape the trouble of drawing up the pleas in the case. Under an agreement with Mr. Key that the plaintiff would consent to waive his rights in the matter of formal pleading, Mr. Taney disregarded the usual practice and merely filed a plea of justification short.

The issue was joined and the case came up for trial in Rockville before a jury. There being a verdict for the defendant, Mr. Key appealed a ruling of the Court on one of the prayers. The young lawyers, Mr. Key for the plaintiff in error and Mr. Taney for the defendant in error, argued the exception before four members of the Court of Appeals of Maryland.¹³ The decision was rendered by Chase, *C. J.*, Mr. Taney's preceptor. Chief Judge Chase laconically declared in rendering the decision:

"The plea of justification is not sufficiently pleaded, being put in short, and upon that ground the Court reverse the judgment."

Despite his many difficulties, Mr. Taney immediately gained public recognition and soon acquired an enormous practice. Upon taking up his residence in Frederick, he was asked by Mr. Shaaff, who still practiced in Frederick, to take part in one of his cases, in order that he would have an opportunity of appearing before the public. From the dockets of the Frederick County Court and the Reports of the Court of Appeals it was apparent that Mr. Shaaff and his young friend Taney were as frequently and closely associated professionally as they were socially. John Thomson Mason and Mr. Shaaff, before Mr. Taney's arrival, had been at the head of the legal profession in Frederick for many years; but while Mr. Mason had recently retired from active practice and settled on his estate in Washington County, Mr. Shaaff divided his time between Annapolis and Frederick.

Mr. Taney's practice literally grew by leaps and bounds. During his first year at Frederick his name began to appear as counsel on the dockets. At the February Term of 1802 of the Frederick County Court he appeared in five or six suits, at the following term in August in about two dozen, and in February, 1803, in between 30 and 40 cases. From that time on he was for two decades the leading lawyer of Western Maryland, appearing in a vast majority of the cases in the Frederick

¹³ Orme vs. Lodge, 3 H. & J., 83.

County Court. His practice, however, was not confined to the Frederick bar. While he worked like a Trojan to care for his practice at home, he frequently journeyed over South Mountain to Hagerstown to participate in important litigation. That he commanded immediate attention and respect is evidenced by the fact that he was retained as early as 1801 to represent the defendant in two law suits at Hagerstown in which the amount involved in each case exceeded £277 Maryland currency (one pound being equivalent to \$2.66 $\frac{2}{3}$). After continuance of the suits were brought up for trial at the August Term of 1803. While he lost these cases, Mr. Taney appeared as counsel in two other suits at the same term and secured a victory in both suits. From 1803 till his departure for Baltimore in 1823, Mr. Taney's clientele increased rapidly at Hagerstown, as it did on a much larger scale at Frederick Town. According to the dockets of the Washington County Court, preserved in the office of the Clerk of the Court at Hagerstown, he appeared at the Court House at every term of Court in a dozen or more causes of action.

Before reaching the age of 30, Mr. Taney appeared as counsel in a number of cases before the Maryland Court of Appeals. His first appearance in the appellate court might have been entirely due, as was his first appearance in the Frederick County Court room, to Mr. Shaaff, for at the October Term of 1805 he assisted Mr. Shaaff and Mr. Harper in the argument of an important action of ejectment involving the rights of the proprietary as derived from the King, and consequently, the rights of the State of Maryland. The proceedings had been instituted at Annapolis in the General Court of Maryland in 1801 by Luther Martin, Attorney-General of Maryland since the Revolutionary War, Mr. Dorsey and Philip Barton Key. The case was not decided at this term, but was re-argued during the June Term of 1806. At this term, John Thompson Mason, appointed Attorney-General in July, 1806, and John Johnson, appointed in October following, assisted Mr. Martin and Mr. Key. The array of eminent counsel which faced Mr. Shaaff

and his young friend Taney was formidable. Shaaff and Taney assailed with all their might the decision of the General Court, but it was finally affirmed.¹⁴

At the 1806 term of the Court of Appeals, Mr. Taney appeared in five other cases, in one of which he again assisted Mr. Shaaff. The case arose from the Court of Chancery, being a bill for re-conveyance filed by John Johnson, Thomas Buchanan and Mr. Martin in 1801. The judgment had been given to the complainant in the Court of Chancery. In the Court of Appeals, Mr. Ridgely and Philip Barton Key, in addition to Mr. Shaaff and Mr. Taney, argued the case for the appellant, but the decision was affirmed.¹⁵

In his four other appearances at the 1806 Term, Mr. Taney opposed the eminent advocate, Shaaff, but the cases were not of great importance. In two of them he was aided by his friend, Francis Scott Key. The first was an action for dower, instituted by Mr. Shaaff and Mr. Brooke for a widow who claimed one-third interest in fifty acres of land in Frederick County. At Frederick, the defendant, represented by Taney and Key, was awarded the judgment, but it was reversed by the Court of Appeals.¹⁶ The next was an appeal from a decree of the Orphans' Court of Frederick County, admitting to record a paper which was designed to take effect as a will upon the happening of a certain contingency.¹⁷ Mr. Taney cited to the Court of Appeals authorities to prove that such a paper is void if the contingency does not happen; Mr. Shaaff conceded that the Orphans' Court erred in admitting the paper to probate, but denied that the appellant had any right to contest the probate or to appeal from the Orphans' Court's decree. Judge Chase disregarded Mr. Shaaff's contention and the decree was reversed. Taney's next appearance was in an action of *assumpsit* instituted by him in the Frederick County Court.

¹⁴ Howard vs. Moale, 2 H. & J., page 218.

¹⁵ Brogden vs. Walker, 2 H. & J., page 248.

¹⁶ Keefer vs. Young, 2 H. & J., page 45.

¹⁷ Wagner vs. McDonald, 2 H. & J., page 295.

The *narr.*, which he filed, sought to recover against an estate for one year's services rendered the defendant's intestate by the plaintiff as an overseer in 1791. At the trial in Frederick, Mr. Taney proved by a witness the value of the services of his client; but in cross-examination of the witness, Mr. Shaaff gave in evidence a declaration of the plaintiff that he was to receive a share of the crop raised on the land for his services in that year and that he had received his share of the corn crop. Mr. Shaaff did not offer any other evidence, but merely prayed the Court to direct the jury that, if they found a special agreement covering the plaintiff's services in 1791, the plaintiff was not entitled to recover on the *narr.* filed in the case. When the Court so directed the jury, Mr. Taney excepted; and the verdict and judgment being against him, he appealed.¹⁸ Before the Court of Appeals, Mr. Shaaff cited the parallel case of *Hannan vs. Lee*, 1 H. & J. 131, in which he had defeated Luther Martin on the same legal point several years before, and the Court affirmed the decision without writing an opinion. Mr. Taney cited the case of *Payne et al. vs. Bacomb*, 2 Doug. 651, and he must have made a valiant effort to reverse the judgment, for at the end of the report the Reporter takes occasion to remark as follows:

“The Court said, that in the case of *Payne et al. vs. Bacomb*, there was a count on a special agreement, and other counts, and as no agreement was proved, the plaintiff was permitted to recover on the other counts.”

In his final appeal during the 1806 Term, Mr. Taney was more successful. Assisted by Mr. Key, he had represented defendant in an action of slander. The plaintiff, represented by Mr. Shaaff, had received a verdict of £22, whereupon Taney and Key took an appeal. They succeeded in having the judgment of the Frederick County Court reversed.¹⁹ Chief Judge Jeremiah Townley Chase handed down the opinion in this case, as well as in many of Taney's subsequent cases.

¹⁸ *Cushman vs. Sim's Adm'r.*, 2 H. & J., page 301.

¹⁹ *Sheely vs. Biggs*, 2 H. & J., page 311.

Mr. Shaaff's professional relationship with Taney did not conclude with the 1806 Term. For years they appeared at the same time before the appellate court, sometimes together and sometimes as opposing counsel. But, from this time on, Taney is no longer Mr. Shaaff's apprentice. He is rapidly beginning to loom up as almost the peer of the eminent Maryland lawyers of long experience. His power is already beginning to be felt before the courts and juries, his authorities are scrutinized by the judges and cited by the Court of Appeals reporters, his standing as a leading lawyer of the State has been quickly attained. He now appears as counsel in litigation arising in Anne Arundel, Prince George's, Baltimore, Harford and other counties, though chiefly in Washington and Frederick counties.

During his residence of 22 years at Frederick, Mr. Taney gave little of his time to politics, with the exception of the period from 1816 to 1821, when he represented Frederick County in the Maryland Senate. His first political venture in Frederick County was in 1803 in his campaign for election to the House of Delegates. The only officials at that day elected by direct vote of the people were the Sheriff and members of the House of Delegates, the State Senator being chosen by electors. The election of 1803 was the first in the State of Maryland at which ballots were used; it was also the first held in the State following the abolition of the property qualification for suffrage. Mr. Taney was a Federalist, but when he was chosen a member of the House of Delegates for Calvert County at a four-day *viva voce* election, nothing was said as to whether he or any other candidate was a Federalist or Republican. The legislative campaign of 1803 was a campaign of barbecues. It was very bitter. Early in September the first barbecue was held by the Republicans at Middletown, where the table, laden with meat, bread and whisky, was set for 600 people. Here, as well as at the barbecue in Westminster District, two of the Federal candidates, described as Mr. Taney and "Little Sancho," were permitted to speak. Fully 1,000 people attended

the Westminster barbecue, and the crowd, which included a hundred women, sat about a huge table in the form of a half-moon. The *Republican Advocate* declared that Mr. Taney, who had been fairly laughed out of Calvert County for being an aristocrat, ranted and was incoherent. "Mr. Taney," it said, "owes it to the people of this County to give some account of himself before he goes about spouting—before he accuses others, let him tell the people who he is. What do the people of Frederick County know of Roger B. Taney? Why does he not tell the people how Dr. Kent saved him? Precious representatives, indeed, would the people have in such men as Roger B. Taney and his little man Sancho." The Federalists also held their barbecues, and into Frederick from one of them marched Mr. Taney at the head of a cavalcade. The procession headed by Taney marched into town, according to the Jeffersonian newspaper, "in the most riotous manner and proceeded to the Court House, where through intoxication or design they uttered a thousand curses against the Republicans and set upon and violently beat a respectable young German." The campaign degenerated into a class issue, a play to prejudice between the "aristocrats" and the "plain people." The feeling rose to white heat. Mr. Taney came in for his share of the abuse. So did Charles Carroll of Carrollton. So did Judge Richard Potts, of the Court of Appeals, who, like Carroll, had served in the United States Senate.

"Every nerve is in motion, every ligament is stretched by the Federal leaders," said the *Advocate*, "to carry the election. Even old Charles Carroll, that hoary headed aristocrat, has gone down to the Manor no doubt with a view to influence the tenants on the place. Shall the people be dictated to by this lordly nabob because he has more pelf than some others? Has he more virtue, more honor, more honesty than a good industrious farmer. Dares he with his British monarchical and aristocratic policies, come into Frederick County to cajole, to swindle the people out of their rights? Is he, old in iniquity as he

is, to be the chief director of the people on the Manor? Citizens of Frederick County! Set Charles Carroll at defiance.”

Mr. Taney was defeated. So were his three running mates, among them being John Hanson Thomas, one of the most prominent members of the bar, who died in 1815 while campaigning for the United States Senate. The County was Republican. Then, too, the method of voting by ballot was accepted with approval while the abolition of the property qualification for suffrage, which added about 600 voters in the county, was an advantage to the Republicans, who carried the county by majorities ranging from 500 upward. The total vote cast was 4,841, Taney polling 2,120.

Mr. Taney suffered defeat at two succeeding elections, first in 1808 as a candidate for Presidential Elector and several years later as a candidate for Congress. Just before the close of 1807 Congress had passed the Embargo Act, as a result of which the price of wheat declined fifty cents a bushel, and the Federalists contended that Frederick County's loss therefrom on wheat alone was \$150,000. The State Legislature had passed an act requiring every militiaman to provide himself with a gun; and as this law placed upon Frederick County, where there were about 3,500 militiamen, an additional burden of about \$35,000, the Federalists were provided with good campaign material. The Federal candidates for the House of Delegates, among them being John Hanson Thomas, were elected, but David Lynn, of Allegany, and Taney, the electoral candidates for Allegany, Washington and Frederick counties, were unable to overcome the Republican majorities. In Frederick County, they reduced the majority to 130, Dr. John Tyler, of Frederick, and Nathaniel Rochester, of Hagerstown, who favored Madison for the presidency, carrying the county by a vote of 2,471 to 2,341.

When the Republicans, with Madison in the White House, proposed war against Great Britain for persisting in her policy of search and impressment, the Federalists opposed a declara-

tion of war largely by virtue of party feeling, but also on account of a sectional interest in commerce, which would, of course, be crippled by hostilities. But, as soon as war was declared, in June, 1812, Mr. Taney gave his whole-hearted support to the United States Government. Mr. Taney and those Federalists in Frederick who followed his lead in supporting the Government were nicknamed *Coodies* by the other wing of the party; Mr. Taney, because of his influence, was called *King Coody*. The pacifist faction was led by John Hanson Thomas. The feeling aroused over the division of the Federalist party was exceedingly bitter. Taney and Thomas became enemies and they never forgave each other until Thomas was on his death-bed. While the rupture of the party was widest, Mr. Taney received the nomination for Congress. Notwithstanding the strength of the Republican party and the division in his own party, he was defeated by a majority of only 300 votes in the entire Congressional District. Mr. Taney preferred the law to politics, and withdrew as much as he could from political activities. Throughout his busy career at the bar, however, he took a deep interest in questions of public interest, holding decided opinions on all subjects. At Frederick his popularity increased from year to year and his character was always beyond reproach. After the War of 1812, the opposing wing of the Federalist party returned to him with singular devotion and in 1816 he was chosen by the Electoral College as the State Senator from Frederick County. Mr. Taney was himself one of the electors from Frederick County, but the College was privileged to select Senators from its own number. The Maryland Senate at that time consisted of only 15 members and the work performed by the early legislators was of distinct value to the State. Mr. Taney preferred his professional life, but served out his entire term of five years at a personal sacrifice but for the benefit of the State. He had only one ambition along political lines, and that was to be appointed Attorney-General of Maryland. His wish was gratified four years after leaving Frederick, for in 1827 Governor Kent tendered him the appointment.

During his first 15 years at Frederick, Mr. Taney held no

office of any kind. Indeed, he devoted very little time either to politics or business, and practically no time to pleasure, except at the end of arduous court terms in the form of recreation in the country to recover his exhausted energy. In 1818, while in the Senate, a charter was granted by the Legislature to the Frederick County Bank and Taney was named as one of the members of the first Board of Directors; he served some years as director and scarcely ever missed a meeting of the Board. Also, he was for twenty years a member of the Board of Visitors of the Frederick Academy and for a long time the president of the Board. Mr. Taney also took a deep interest in his church. In November, 1803, the Legislature authorized him and six other men to devise a lottery to raise \$3,600 with which to complete the Catholic Church in Frederick. The seven men bonded in the following February,²⁰ proposed the lottery scheme, delivered the prizes to the "fortunate adventurers" within six months and applied the proceeds to the completion of the church within a period of two years. With such exceptions, however, Mr. Taney devoted all his time to his profession.

He was ready and willing at all times to accept any case, weak or strong, popular or unpopular, trivial or important. He fought hard, even though his cause appeared to be a losing one. Among the important cases in which he participated was the case of *Tilghman vs. Steuart*, wherein he assisted Mr. Martin and Mr. Shaaff in an appeal from the decree of the Orphans' Court of Anne Arundel County, admitting to probate a paper which had not been completed by the deceased. The question in the case was whether the deceased possessed the *animus testandi* at the time the paper was written. Vast amounts of property were involved and as the law concerning the essentials of a will necessary to pass personal property had not been settled by the courts the case was further important because of the principles of law to be established in Maryland by the decision. Harper, Steuart and that great advocate,

²⁰ Land Record, Liber W. R. 25, Folio 347.

William Pinkney, the peer of American lawyers, endeavored to sustain the will. The case was argued at two separate terms of the Appellate Court²¹ and the presiding judges finally delivered their opinions *seriatim*. The decree of the Orphans' Court was reversed by a 3-to-2 decision. The opinions of all the judges are printed in the Court of Appeals Reports with the exception of the opinion of Chief Judge Jeremiah Townley Chase, who dissented, and whose opinion the court reporters were unable to secure.

Mr. Taney's clear exposition of the law assisted the Court of Appeals upon many other occasions in reaching the fundamentals of the law, in applying the basic principles and adjudicated cases to the case at bar and in arriving at their final decision. At about the time he assisted Martin and Shaaff in the case of *Tilghman vs. Steuart*, Mr. Taney presented an able argument in a case arising in Prince George's County,²² which established an important principle in the law of negotiable instruments. The facts in the case were that a son had given a note to his father, who indorsed the paper to a third person, that the father was aware no demand for payment had been made on his son and no due notice of non-payment had been given, and yet the father declared his intention of paying his son's debts and the promissory note in question. Mr. Taney argued that if the father's promise had been made in ignorance of the *facts*, the father, as the endorser of the note, could not have been bound; but that the legal maxim, *ignorantia legis non excusat*, is an established principle in our law equally applicable to civil and criminal cases and that a different principle would introduce great uncertainty in the law. The Court of Appeals so held, by a decision of 2 to 1. The authorities cited by Mr. Taney—*Bilbie vs. Lumley*, 2 East 471; *Stevens vs. Lynch*, 12 East 37—are cited and approved by the Court. In his dissenting opinion, Chief Judge Chase held that endorser's liability rests upon proof of demand for payment against the maker

²¹ *Tilghman et al. vs. Steuart et al.*, 4 H. & J., page 118.

²² *Beck vs. Thompson and Maris*, 4 H. & J., page 427.

and due notice of non-payment to the endorser; and that endorser, not being legally liable to pay when the promise was made, made a promise which was not supported by a consideration and, therefore, *nudum pactum*.

In one of his many appeals from the Washington County Court, Mr. Taney appeared against Samuel Ringgold, who was in after years one of Mr. Taney's clients. Ringgold had made a promissory note in 1801 for \$2,500 and the note was subsequently endorsed. Action of *assumpsit* was instituted by the endorsee and a verdict at Hagerstown was given in favor of the plaintiff. Ringgold's counsel moved arrest of judgment on the ground that the note did not contain the words *or order* or *to bearer* and was, therefore, not a negotiable instrument, and hence the endorsee could not sue in his own name. The judgment was arrested by the Washington County Court and Mr. Taney and Mr. Dorsey took an appeal.²³ They contended that under the *Statute of 3 and 4 Anne*, a note need not contain the words *or order* or *to bearer* in order that the endorsee might bring suit in his own name; but Chief Judge Chase, in delivering the opinion of the Court in which the other presiding judges concurred, declared that notes could not be brought within the Statute unless they contain those words. The Court carefully considered the adjudicated cases relied upon by Mr. Taney, but demonstrated in the opinion why they were not in point. Taking an interest in a great volume of such cases, Taney became a specialist in matters of commercial law and banking touching all the various phases of business.

Mr. Taney was pre-eminently a trial lawyer. Having become more proficient each year in the difficult art of pleading, being recognized throughout the State as an apt pupil of Martin and Shaaff in actions of ejectment and trespass, and gradually becoming more proficient as an advocate in all kinds of civil actions, he did not deal in property sales or business transactions. He appeared before the Court of Appeals quite frequently in litigation arising in Courts of Chancery, but his specialty

²³ *Noland vs. Ringgold*, 3 H. & J., page 176.

was his work in civil and criminal cases in the Court room before the Court and jury.

It is not until 1813 that his name appears among the Land Records of Frederick County, and at that time his name is used in connection with the names of Mr. Shaaff and Francis Scott Key as trustees under the will of Gen. James Lingan, of Montgomery County.²⁴ The only other land deals with which his name is connected are the purchase and sale of his Bentz Street property on the western edge of Frederick and a lot on Church Street. He bought the former for \$3,200 and sold it for \$1,500 less than eight years later. The latter he bought for \$800 and after paying a \$500 mortgage on the property and the interest which had accrued, he sold it for the same price at which he bought it.

Although he was married in 1806 and although it is recorded that his mother took refuge during the War of 1812 "under her son's roof"²⁵ and remained with him until her death in 1814, there is no record that Taney owned a home of his own until 1815. In June of that year, three lots of a tract known as "Long Acre," adjoining Frederick Town, now located on South Bentz Street, was deeded to him for \$3,200.²⁶ The little house in which Mr. Taney and his family lived, known as the "Taney summer home," and the outbuildings running back from it are still standing.

About five years after his mother died, Mr. Taney received word that his aged father had stabbed and killed his neighbor, John Magruder, at the Taney homestead in Calvert County. The old gentleman, later indicted for manslaughter, fled into Virginia and lived in obscurity and seclusion in Loudoun County until a few years later he was killed by a fall from his horse. Along with him across the Potomac had gone two of his faithful slaves, who brought his body home for burial. It was buried in a vault near the house and a brother of

²⁴ Liber W. R. 45, Folio 351.

²⁵ Tyler, page 143.

²⁶ Liber J. S. 5, Folio 350.

Magruder, according to the accepted tradition, desiring to make sure that the burial was not sham, opened the coffin and recognizing the corpse of Michael Taney, battered his face with a stone.

While the future Chief Justice led an extremely busy life and was engaged in a mass of important litigation during his life in Frederick, he made no attempt to lay up treasures upon earth in the form of real property or money. He was kind and generous to all classes of men, and while he owned slaves he manumitted them during his residence at Frederick and some of the old slaves he supported by monthly allowances of silver until they died. On November 29, 1817, a free negro bound himself as a slave to Mr. Taney and Frederick A. Schley, who was reading law in Mr. Taney's office, upon the consideration that they would shelter and feed him, with the provision that if the negro paid to Woodward Evitt the \$350 note signed by the negro as principal and by Taney and Schley as securities the indenture would be void.²⁷ On the same day, Mr. Evitt sold to them for \$350 a female slave,²⁸ wife of the indentured negro, but Taney and Schley later manumitted her.²⁹ Even before marriage, Mr. Taney owned slaves, being assessed in 1805, according to the yellow-worn Tax Records in the office of the County Commissioners in the Court House at Frederick, for \$160 on a female slave and two other slaves under the age of fourteen years. In 1818, Mr. Taney set seven of his negroes free,³⁰ and subsequently, together with Octavius Taney, liberated two slaves which had been owned by his father,³¹ and still later manumitted another in 1821.³² His slaves were showered with kindness. He was charitable to the humble and low, and courteous to everybody. To the struggling members of the bar he was especially kind. Like Mr. Schley, James Dixon, whom Mr.

²⁷ Liber J. S. 5, Folio 850.

²⁸ Liber J. S. 5, Folio 851.

²⁹ Liber J. S. 21, Folio 178.

³⁰ Liber J. S. 6, Folios 659 to 661.

³¹ Liber J. S. 10, Folio 617.

³² Liber J. S. 12, Folio 185.

Taney when Attorney-General appointed prosecuting attorney for Frederick County, studied law under Mr. Taney and he frequently declared in future years that he owed his success to the kindness he received in Mr. Taney's law office in Frederick. Judge Richard H. Marshall was another lawyer who was heavily indebted to Mr. Taney for his success. He read law under Mr. Taney and was advised by him to locate in Frederick for the practice of his profession.

But, while kind and generous, Mr. Taney was a man of firm conviction, resolute and unswerving in the line of duty which he believed to be right. In litigation he did not hesitate to give his client, whoever he might be, the full privileges and protection of the law, whether in civil or criminal cases. While he believed in his heart that slavery was wrong in principle, and although he had already given freedom to a number of his own slaves, he did not hesitate to appear as counsel against the great Maryland lawyer, Reverdy Johnson, and his associate, Mr. Raymond, in an action instituted in the Harford County Court to oppose the liberty of ten negro slaves, who were seeking to gain their freedom.³³ A deed of manumission had actually been executed in compliance with the provisions of a will and the jury in Harford County had handed down a decision granting the negroes their emancipation. Mr. Taney did not hesitate to give his full attention to the case and, with the judgment of the lower court against him, he filed an appeal. Unassisted, he argued it before the Court of Appeals, but the decision of the lower court was affirmed.

Taney's first criminal case before the Court of Appeals was his defense of a negro, Thomas Burk, charged with criminally assaulting a little girl, Catherine Maria Brawner, who was under twelve years of age. The Grand Jury of Frederick County found an indictment in February, 1809, but the case was removed to Hagerstown, where the trial was one of the most notable in the annals of the Washington County Court. The negro was found guilty and was sentenced by Judge

³³ Hughes vs. Negro Milly et al., 5 H. & J., page 253.

John Buchanan to be hung. It has been said that of the 175 cases in the Illinois Reports with which Abraham Lincoln was connected there is not to be found a single criminal case and that this fact is one of the reasons for the belief that Lincoln refused to undertake to defend a person whom he considered guilty of the crime charged against him; Taney, on the contrary, endeavored to give every client the full protection the law afforded. Mr. Taney and his associates in the Burk case, Mr. Lawrence, of Hagerstown, and Mr. Martin, moved the Court in arrest of judgment on the following grounds: First, that when nine jurors had been sworn and the original panel was exhausted by peremptory challenges the Court could not legally order the sheriff to summon only three talesmen and later, after eleven jurymen were sworn, to summon only one talesman; secondly, that after the accused had pleaded generally to the indictment, the jury could not be legally charged upon one of the counts to the exclusion of the other; and, thirdly, that the indictment was defective because it contained both a count for felony and a count for misdemeanor. Judge Buchanan considered each objection to the validity of the proceedings but refused to arrest the judgment, declaring that the great strictness observed in criminal proceedings grows out of the benevolent principle that every prisoner should have a fair and impartial trial. The negro had been given every advantage which he could have secured if the indictment had contained only the one count, *i. e.*, felony, upon which he was tried and found guilty, and to arrest the judgment, said the Court, would be nothing short of perversion of justice. However, the indictment and proceedings were brought before the Court of Appeals by writ of error.³⁴ Attorney-General John Johnson appeared for the State. Martin, Taney and Lawrence made a profound study of the common law regarding the points at issue and nearly 100 of their authorities are cited in the Reporter. One citation is that to Burr's trial on the point of

³⁴ Burk vs. State, 2 H. & J., page 365.

the practice as to *tales de circumstantibus*.³⁵ The negro escaped from the Washington County jail on July 4, 1809.³⁶

Several years later Taney made a deeper study of the Burr trial, when he was, along with John Hanson Thomas, retained to defend Gen. James Wilkinson, accused of being an accomplice of Burr. After his term as Vice-President, Burr plotted to wrest Mexico from the Spaniards and then detach the Southern and Western States from the Union; but Wilkinson, who had been entrusted with the plans, turned against the arch-conspirator and planned to crush the expedition at New Orleans. But before General Wilkinson could confer with President Jefferson, the latter had received the news and at once issued a proclamation asking for the capture of Burr and all his followers. In the notable trial at Richmond before Chief Justice Marshall, in which William Wirt as prosecutor and Martin for the defense won national reputation, Burr was found "not guilty for want of sufficient proof," and he fled from the United States under an assumed name. Like Burr, General Wilkinson was a national figure. He was a member of an honorable English family and, like Taney, was a native of Calvert County, but was attracted to Frederick County, settling to practice medicine along the Potomac between Point of Rocks and the mouth of the Monocacy River. He received from General Washington his commission as Captain, was promoted to Colonel, became conspicuous at the battle of Saratoga, took part in the negotiations which ended in the surrender of Burgoyne, was selected by General Gates to carry to the Congress the official dispatches announcing the surrender, and in recognition of his valuable services received from the Congress a vote of thanks and the brevet rank of Brigadier-General. Considered as an accomplice of Aaron Burr, the Commander of the American Army naturally labored under odium. He was brought to Frederick Town to await court martial. The trial of Burr having ended with a verdict of acquittal for the traitor, the

³⁵ *United States vs. Burr*, 1 Burr's Trial, 420.

³⁶ Scharf, *History of Western Maryland*, Volume II, page 1108.

eyes of the American people were now focused upon the trial of Wilkinson. The court martial convened early in September, 1811, and consisted of thirteen high military officers. Mr. Taney was only 34 years old, but he had already become recognized as an able advocate. He and Mr. Thomas, still warm friends, politically and socially, had shared in the universal belief that the General had been treacherous to Colonel Burr at the famous Richmond trial. They were both familiar with the main facts in the case. But, after studying all the evidence carefully from the standpoint of General Wilkinson, they came to the conclusion that they had done him an injustice and for nearly four months they drew heavily upon their resources in defending him and refused to accept any fee for their professional services. Walter Jones, acting as Judge Advocate, made a brilliant fight for Wilkinson's conviction. He was an able orator and a distinguished lawyer, having served as counsel with Martin in opposition to Webster, Wirt and Pinkney, three of America's greatest lawyers, in the celebrated case of *McCulloch vs. Maryland*, 4 Wheat. 316, and in many other cases before the United States Supreme Court. After one of the most notable military trials in the history of the United States, the court martial adjourned on Christmas Day. Wilkinson was acquitted. In referring to the Army at the beginning of the War of 1812, one historian says:³⁷

“At the head of the list of Brigadier-Generals stood the name of James Wilkinson, the most infamous man then wearing the uniform of the United States. He had just been tried by a Court Martial on the ground that he was a pensioner of Spain, an accomplice of Aaron Burr, an officer insubordinate, negligent, wasteful and corrupt. Every charge was well founded. But the Court had seen fit to acquit him, Madison had approved the verdict and he was retained in his old command.”

Madison, in his order restoring Wilkinson's sword, wrote:

“Although I have observed in those proceedings, with regret, that there are instances in the conduct of the Court,

³⁷ McMaster, *History of the United States*.

as well as of the officer on trial, evidently and justly objectionable, his acquittal of the several charges against him are approved, and his sword is accordingly ordered to be restored."

The acquittal of the General was manifestly a brilliant forensic accomplishment for Thomas and Taney.

But a later case, although not prosecuted with as much vigor as the case of General Wilkinson, is Mr. Taney's most famous criminal trial. It probably did not attract quite as wide-spread attention as the Wilkinson court martial, but it is a matter of history because of Taney's statements to the jury, which throw illumination upon his character and his whole career. Rev. Jacob Gruber, a Methodist from Pennsylvania, on Sunday evening, August 16, 1818, delivered an hour's sermon on *National Sins* at a camp-meeting in Washington county. In the course of his sermon, he declared:

"We live in a free country; and that all men are created equal, and have inalienable rights, such as life, liberty, and the pursuit of happiness, we hold as self-evident truths. But there are slaves in our country, and their sweat, and blood, and tears declare them such. The voice of our brother's blood crieth. Is it not a reproach to a man to hold articles of liberty and independence in one hand and a bloody whip in the other, while a negro stands and trembles before him with his back cut and bleeding?"

In the audience of at least 3,000 people there were about 400 slaves, who were seated in the rear of the stand, and to them Rev. Gruber, after delivering his message freely to the masters for about three-quarters of an hour, addressed his remarks. Some of the slaveholders were infuriated over the elder's sermon. They felt that he had cast a slur upon Maryland in his description of the treatment the slaves were receiving in this State. They felt that his remarks were such as to be likely to create grave danger for those in whose homes the slaves were living and, therefore, were seditious. Rumors were afloat that

he would be arrested. The warrant for the elder's arrest was issued several weeks after the camp-meeting and he was finally apprehended. He gave bond and in due course of time was indicted by the Grand Jury at Hagerstown for endeavoring to instigate negro slaves to "commit acts of mutiny and rebellion in the said State, in contempt and in open violation of the laws, good order, and government of this State, and to the evil and pernicious example of all others in like case offending, and against the peace, government, and dignity of the State." Meanwhile, a minister at Middletown had begun to search for counsel. "I have seen Brother Pigman on the business," wrote the minister, "and he has promised to interest on your behalf, Lawyer Taney, the most influential and eminent barrister in Washington and Frederick."³⁸ Rev. Gruber desisted from his work, conferred with his counsel, Beene S. Pigman and Mr. Taney, who advised a removal, and prepared himself for the trial at Frederick during the March Term of 1819. Franklin Anderson conducted the prosecution. For the accused, Mr. Taney made the opening statement, while Mr. Pigman examined the witnesses. Luther Martin was retained to assist the defense and all three of the lawyers made impressive arguments before the jury. Mr. Taney delivered the closing argument. Speaking one hour, he made, according to an account of the trial, "with his usual eloquence and zeal, a most effectual and conclusive argument."³⁹

In the course of his opening statement, Mr. Taney uttered the following significant and historic statement concerning slavery:

"A hard necessity, indeed, compels us to endure the evil of slavery for a time. It was imposed upon us by another nation, while we were yet in a state of colonial vassalage. It cannot be easily or suddenly removed. Yet, while it continues, it is a blot on our national character; and every

³⁸ Extract of letter of Rev. S. G. Roszel, quoted by W. P. Strickland in *Life of Jacob Gruber*, page 140.

³⁹ Strickland, *Life of Gruber*, page 248.

real lover of freedom confidently hopes that it will effectually, though it must be gradually, wiped away; and earnestly looks for the means by which this necessary object may be best attained. And until it shall be accomplished, until the time shall come when we can point without a blush to the language held in the Declaration of Independence, every friend of humanity will seek to lighten the galling chain of slavery, and better, to the utmost of his power, the wretched condition of the slave."

Rev. Gruber, in describing his trial, wrote in part as follows:

"There was a great crowd, curiosity, and excitement at the Court. . . . My lawyers spoke well; but it was thought by many that after the witnesses were all heard the jury could have decided without leaving the jury box."⁴⁰

The jury, after short deliberation, rendered a verdict of acquittal.

Chief Justice Taney's career at the Frederick bar enables the American people to form a just estimate of his ability and character. Possessed as he was of an iron will and Spartan courage, he was also generous to a fault; hence, Frederick lost a great citizen, loved, honored and respected, when he left for Baltimore in 1823. Because of his Dred Scott decision, Chief Justice Taney was regarded by the people in the North as a heartless believer in slavery. But, the manumission of seven of his own slaves in 1818, his classic declaration to the jury in the Gruber case in 1819, his extraordinary kindness to all slaves, the black man's own appreciation of his tender heart, as evidenced by the free negro's voluntary indenture to him in 1817, considered together with his opposition as counsel to the manumission of the ten negroes in Harford County in 1821, are sufficient to show his true attitude on the slavery question. He would, in short, have preferred at any time in his career the abolition of the system of human slavery, if it had been legally possible.

⁴⁰ W. P. Strickland, *Life of Jacob Gruber*, page 256-7.

Several years after his return from Annapolis as State Senator, Mr. Taney decided to leave Frederick. He had appeared at Annapolis before the Court of Appeals upon many occasions and his reputation as a lawyer had been established throughout the State. In 1821, he had been called from Frederick by Mr. Harper to assist him in the important ejection case of Browne *vs.* Kennedy against Winder, Williams and William Pinkney. The case involved riparian rights based upon the proprietary title to land reclaimed from Maryland waters.⁴¹ The Court, through Chase, *C. J.*, held, with three judges concurring and one dissenting, that under the law of England and the Charter of Maryland the grantees of property on both sides of Jones' Falls acquired from Charles Carroll of Carrollton the right of accretion by alluvion or by the gradual recession of the water *ad filum medium aquae*.

During the last fifteen years of his residence in Frederick, Mr. Taney appeared in over 50 cases before the Court of Appeals. His reputation was such that when William Pinkney, who had won national reputation as Attorney-General of the United States, as United States Senator and also as the leader of the American bar, passed away in February, 1822, it was the general opinion that Mr. Taney was eminently fitted for the leadership of the bar in Maryland. In the same month, the Legislature passed a joint resolution requiring every practitioner of law in Maryland to pay \$5 annually for the support of the great Luther Martin, who was now a wreck. Accordingly, Taney believed there was a larger sphere of usefulness for him in Baltimore. "With all his love of Frederick," says one writer,⁴² "both duty and professional ambition constrained him to leave it."

In the fall of 1822, Francis Scott Key offered for sale the large estate on Pipe Creek, which had been owned by his father, the late John Ross Key, and which was the birthplace of Mr. Taney's wife. Francis Scott Key and Roger Brooke Taney,

⁴¹ Browne et al. Lessee *vs.* Kennedy, 5 H. & J., page 156.

⁴² Tyler, Chapter II, page 143.

and their families, met together at the mansion on the Key estate annually for many years. It was here that Mr. Taney was wedded to Miss Key. Being an estate of over 500 acres, nearly a fourth in woodland, the tranquil surroundings were particularly attractive to Mr. Taney. It was a typical Maryland plantation, where, after the labors of the farm were over at night, the negro slaves were summoned along with the family to prayers conducted by Francis Scott Key when he was there and by his mother when he was away.⁴³ Mr. Taney himself was a man of deep religious devotion. For many years he could be seen every morning during his residence in Frederick at his religious devotions in the little Catholic Chapel, near which his mother was buried. Before taking his departure from Frederick he made arrangements with a friend, William Murdock Beall, a younger man than himself, for his own burial by the side of his mother.

In the spring of 1823 Mr. Taney advertised for sale his household and kitchen furniture and also his lot on Church Street which he had bought in 1821.⁴⁴ He had sold, in February, his home on Bentz Street, together with about two acres of land connected with it,⁴⁵ but his furniture was not sold until Friday, April 25, when it was disposed of by auction.⁴⁶ The Church Street lot was left in the hands of Mr. Beall, Mr. Taney's advertisement reading: "Terms will be made known on application to Wm. M. Beall, Jr., or to subscriber." The lot was not sold until over a year later.⁴⁷

Without any interruption in his professional career, Mr. Taney continued his practice at Baltimore, arriving there at the age of 46, in the very prime of his life. His fame had preceded him. During his eight years of practice at Baltimore he appeared in between 75 and 100 cases before the Court of

⁴³ *Ibid.*, pages 101 and 102.

⁴⁴ Liber J. S. 15, Folio 284.

⁴⁵ Liber J. S. 17, Folio 311.

⁴⁶ *Frederick-Town Herald*, April 19, 1823.

⁴⁷ Liber J. S. 20, Folio 182.

Appeals. While he is known to the American people as the adviser of President Andrew Jackson, as Chief Justice of the Supreme Court of the United States and as the author of the celebrated Dred Scott decision, he was also distinguished as a lawyer. He was not an orator, but, on account of his profound knowledge of the law and his personality, which radiated his qualities of kindness and courtesy, sincerity and honesty, courage and conviction, he was eminent at the early bar of Maryland.

“I knew Mr. Taney from my early childhood,” says William Schley, a State Senator in 1836 and an able lawyer. “As a boy, as a youth, and afterwards, as a student of law, I heard him very often, in causes of magnitude in the Court of Frederick; and his arguments and his manner made a deep impression upon me. He sought no aid from rules of rhetoric, none from the supposed graces of elocution. I do not remember to have heard him, at any time, make a single quotation from any of the poets. Yet his language was always chaste and classical, and his eloquence undoubtedly was great—sometimes persuasive and gentle, sometimes impetuous and overflowing. He spoke, when excited, from the feelings of his heart, and, as his heart was right, he spoke with prodigious effect. And yet, perhaps above all other attributes, his exalted private character gave him, with the honest, right-minded juries of Frederick County, an extent of success which even his great abilities as an advocate would not have enabled him otherwise to secure. . . . He was an open and fair practitioner. He never entrapped the opposing counsel by any of the manoeuvres of an artful attorney; and he contemned, above all things, the low tricks of a pettifogger. In taking exception to the adverse rulings of the Court, he never cloaked a point, but presented it, fairly and distinctly, for adjudication by the Court.”⁴⁸

Speaking of the brilliancy of the Maryland bar at the time Mr. Taney resided in Frederick, Reverdy Johnson, in his eulogy delivered in Washington after Taney's death, said:

⁴⁸ Tyler, pages 139 and 140.

"Its bar was then adorned by Winder, Dorsey, Harper, Pinkney and Martin, all of them men of profound legal learning, some of them of dazzling and extraordinary eloquence. They were the equals of the most eminent of the profession. In this galaxy of talent, Mr. Taney shone with a splendor that challenged admiration, and made him, in the opinion of all, their equal."⁴⁹

Benjamin R. Curtis, in his memorial address in Boston in 1864, declared that the general impression in that part of the country that Taney was neither a learned nor a profound lawyer was certainly a mistake. Lauding the profound knowledge and marked ability of John Marshall's successor as Chief Justice of the Supreme Court of the United States, he said:

"His mind was thoroughly imbued with the rules of the common law and of equity law. . . . His skill in applying it was of the highest order. His power of subtle analysis exceeded that of any man I ever knew. . . . It is one of the favors which the Providence of God has bestowed on our once happy country, that for the period of 63 years this great office has been filled by only two persons, each of whom has retained, to extreme old age, his great and useful qualities and powers. The stability, uniformity and completeness of our national jurisprudence are in no small degree attributable to this Act."⁵⁰

⁴⁹ "Address to members of Bar of Supreme Court, in Capitol," Dec. 6, 1864.

⁵⁰ "Address before members of Bar of First Circuit, Boston, Mass., Oct. 15, 1864.

HON. DANIEL DULANY. 1722-1797
(The Younger)

RICHARD HENRY SPENCER

Among the prominent lawyers of the Province of Maryland, just before the War of the Revolution, no one stood higher for intellectual ability, for profound classical and legal learning, or for the charm of eloquence than Daniel Dulany, the younger.

He was born in Annapolis, Maryland, June 28, 1722,¹ the eldest son of that able lawyer, Daniel Dulany, the elder, who was so successful in the controversy over the right of the people to the benefit of the English Statutes, and who for many years was Attorney General of the Province, and a member of the Council during the successive administrations of Governors Bladen, Ogle and Sharpe. His mother was Rebecca Smith, born 1696, died 1737, the fourth daughter of Col. Walter Smith and Rachel Hall, his wife, of Calvert County.

He was educated at Eton College and Clare Hall, Cambridge University, England, where he was well grounded in English and classical literature, and was entered at the Middle Temple in January, 1743.² Like his father, he chose the profession of the law, but he was soon destined to outshine him in legal attainments and to become the great oracle of the law in the Province.

Returning to America, he was admitted to the bar in 1747, and in 1751, he was practicing before the Provincial Court, where he continued to practice, with marked success, until the fall of the Proprietary Government.

There were no reports of the decisions of the Courts of Maryland until 1809. (1 Harris & McHenry). In that volume, the legal opinions of Daniel Dulany, the younger, on various subjects, bearing the impress of his commanding abili-

¹ *St. Anne's Parish Register*. Annapolis.

² *Dulany Papers*. Letter from Daniel Dulany, the younger, to his father January 22, 1743.

ties, are published along with the decisions of the Provincial Court and the Court of Appeals. An unparalleled honor. In a note to one of his opinions, page 248, the reporters say: "It is well known by the contemporaries of Mr. Dulany, that his legal talents were held in such high estimation by the Court and the gentlemen of the bar, that they were constantly in the practice of taking his opinion on litigated points of importance."

It is said that frequently questions were withdrawn from the Courts in the southern counties of Virginia adjacent to Maryland, and even from the Chancellor of England for submission to his award.

The eminent lawyer John V. L. McMahan says: "For many years before the downfall of the Proprietary Government, he stood confessedly without a rival in this colony, as a lawyer, a scholar and an orator; and we may safely hazard the assertion that in the high and varied accomplishments which constitute these, he has had amongst the sons of Maryland, but one equal and no superior. . . . Thus unrivalled in professional learning, according to the representations of his contemporaries, he added to it all the power of the orator, the accomplishment of the scholar, the graces of the person and the sauvity of the gentleman. Mr. Pinkney himself, the wonder of the age, who saw but the setting splendor of Mr. Dulany's talents, is reported to have said of him that 'even among such men as Fox, Pitt and Sheridan, he had not found his superior.'" ³

Dr. Tyler, in his Memoir of Chief Justice Taney, says: "The opinions of this great Maryland lawyer had almost as much weight in Maryland, and hardly less with the crown lawyers of England, than the opinions of the great Roman jurists, that were made authority by edict of the Emperor, had in Roman courts. . . . The high reputation of this great lawyer stimulated the ambition of the Maryland bar, while his opinions were models of legal discussion for their imitation." ⁴

³ *Historical View of the Government of Maryland.* By John V. L. McMahan, 1831.

⁴ *Memoir of Roger Brooke Taney, LL. D.* By Samuel Tyler, LL. D. Pp. 132, 133 (1872).

In acknowledging our indebtedness to the Roman Jurists, it has been said that "The law in general, and equity jurisprudence in particular, are under manifold obligations to the eminent legal expounders of ancient times. In methodical arrangement, in brevity, in simplicity, in conciseness, in purity of diction, in lucidity of statement, in comprehensiveness of grasp, in force of argument, in aptness of comparison, in array of precedents they find no parallel in the modern law book."

In the year 1751, Mr. Dulany represented Frederick County in the Lower House of Assembly, at which time he was appointed a member of the Committee on Laws, his colleagues being Dr. Charles Carroll, Colonel Robert Jenkins Henry, Philip Key, Matthew Tilghman and Major Henry Hall.

He again represented Frederick County in the Lower House in the years 1752, 1753 and 1754, and in 1756 he was returned from the City of Annapolis. In 1754 he was appointed Deputy Commissary General and Commissary General 1759 to 1761.

In 1757 he was appointed by the Lord Proprietor a member of his Lordship's Council,⁵ and in 1761 Secretary of the Province, which offices he held in conjunction from the latter period until the War of the Revolution.

In 1760 he was appointed by Frederick Lord Baltimore to act as one of the Commisisoners to fix the boundary line between Maryland and Pennsylvania, his colleagues being Gov. Horatio Sharpe, Benjamin Tasker, Jr., Edward Lloyd, Robert Jenkins Henry and Stephen Bordley.⁶

In 1759, the close of which terminated with the Conquest of Canada, with a heavy charge upon the treasury of Great Britain, the subject of taxing the Colonies engaged anew the attention of the British Ministry. The subject of a Colonial Revenue and a demand for taxation of the Colonies by Act of Parliament, had been suggested four years before by General Braddock, under instructions from the British Government, at the Council of Colonial Governors in 1755, convened at the "Carlyle

⁵ *Maryland Archives*, Vol. 31, p. 221.

⁶ *Calvert Papers*, No. 158.

House," in Alexandria, Virginia, just before his disastrous defeat at Fort Desquesne.

The French and Indian wars had entailed a heavy burden of expense upon the mother country, and there were many who thought that since the Colonies shared in the benefits of the wars, they ought also to share in the burden which it brought.

The British Government having finally determined to raise a tax in America on March 22, 1765, Parliament passed the famous Stamp Act, which required all legal documents in the Colonies to bear stamps, upon which a duty should be paid. Everywhere throughout the Colonies the greatest excitement and indignation prevailed. The columns of the *Maryland Gazette* were filled with articles assailing the measure, and it was determined never to use the stamps.

The colonists denied the right of the British Parliament, in which they were not represented, to impose taxes upon them. It was at this time that Mr. Dulany wrote his celebrated essay entitled "Considerations on the Propriety of Imposing Taxes in the British Colonies for the Purpose of Raising a Revenue by Act of Parliament,"⁷ published in Annapolis, October 14, 1765, and which was everywhere acknowledged in the Colonies, as well as in England, to be one of the best defenses of the rights of the Colonies which appeared during the controversy.

In this essay, Mr. Dulany, as a lawyer, pointed out in a clear, simple and forcible manner that the Colonists, as British subjects, were not represented in Parliament, that taxation without representation was a violation of the common law of England, and as a statesman he ably and clearly discussed the principles of the British Constitution.

This essay was republished in London in 1766, and the arguments used by Mr. Dulany in his unanswerable defence of the rights of the people, were not only freely used, but were the basis of Pitt's great speech in the House of Commons in

⁷ Republished in the *Maryland Historical Magazine*, Vol. 6, pp. 374-405 (1911), and Vol. 7, pp. 26-59 (1912).

favor of the repeal of the Stamp Act, and it was in this great debate that Burke made his maiden speech.

Green, in his life of William Pitt Earl of Chatham, says: "The reply that the Americans were 'virtually' represented was a misleading artifice, as was clearly shown in Daniel Dulany's pamphlet 'Considerations on the Propriety of Taxing the Colonies,' one of the ablest American arguments from which Pitt freely quoted in his speech."⁸

And Williams, in his life of Pitt, says: "On this occasion he read what the Americans had to say, notably a well-argued pamphlet by Daniel Dulany of Maryland, 'Considerations, &c.' (Annapolis, 1765). In one of his speeches of the 1766 session, Pitt mentioned this pamphlet with approval and in his great speeches of January 14, 1766, paid it the still higher compliment of reproducing much of its argument and some even of its language."⁹

That Pitt freely used the pamphlet, in his great speeches in the House of Commons, is confirmed by the Earl of Shelburne's letter to the Earl of Chatham, dated Hill Street, Friday night, February 6, 1767, in which he writes: "But all that I have to say on this head is so much better expressed in a letter from Mr. Dulany, the author of the American pamphlet to which your Lordship did so much honour last session than in any words of my own, that I beg to refer you to that, and enclose it with the other papers with that view."¹⁰

The Stamp Act was repealed March 18, 1766, and it is a fact "that the debates over the repeal contain the first serious discussion of the Constitution of the British Empire which had ever occurred in Parliament. While the Colonists were practically united in the views they expressed, a great variety of opinions was expressed in Parliament. On the question of

⁸ *William Pitt, Earl of Chatham*. By Walford Davis Green, M.P., p. 260 (1901).

⁹ *Life of William Pitt, Earl of Chatham*. By Basil Williams, Vol. 2, p. 182 (1913).

¹⁰ *Correspondence of William Pitt, Earl of Chatham*. Vol. 3, p. 192 (1839).

right Lord Mansfield affirmed the absolute supremacy of Parliament in realm and dominions, while Camden and Pitt drew the sharp line of distinction between taxation and legislation upon which the Colonists insisted and denied the right of Parliament to tax the Colonists."

Mr. McMahon says: "Conspicuous amongst all the essays of that day in opposition to the Stamp Act, is one to the honor of which Maryland lays claim, as the production of her most distinguished son. It came from the pen of one whose name was a tower of strength. Abilities that defied competition, learning that ranged with an eagle—flight over every science, accomplishments that fascinated and gentleness that soothed even envy, all conspired to render Daniel Dulany the fit advocate for such a cause."

Hon. Woodrow Wilson says: "In the literature of the Revolution, forces were released which transformed letters into an instrument of creation and brought nothing less than a nation into self-consciousness. It had its beginnings in the protest against the Stamp Act, grave state papers, the addresses of colonial assemblies and of the Congress at New York, the arguments of jurists, and the letters of observant men of affairs. Here was the structure of an empire to be debated. The very scope and capital significance of such a debate called to the best minds of the Colonies like a challenge. Pamphlets began to come from the press which showed quiet men unexpectedly turned statesmen and masters of style to state the case for the liberties of the Colonies. Mr. Daniel Dulany's 'Considerations on the Propriety of Imposing Taxes in the British Colonies for the Purpose of Raising a Revenue by Act of Parliament,' supplied the great Pitt with the chief grounds of his argument against taxing America. A Maryland lawyer had turned from leading the bar of a province to set up the true theory of the constitution of an empire with the dignity, the moderation, the power, the incommunicable grace of a great thinker and genuine man of letters."¹¹

¹¹ *History of the American People*. By Woodrow Wilson, Vol. 3, p. 87 (1902).

The Charter of the Province of Maryland, granted June 20, 1632, by Charles I to Cecilius Calvert, Second Lord Baltimore, contained the most comprehensive grant of civil authority and jurisdiction that ever came from the English crown. As Absolute Lord and Proprietary, he had the rank of a count palatine. He appointed the Governor and all the civil and military officers of the Province, created manors, etc. He had the power of life and death over the inhabitants as regards punishment for crime, and all writs were in his name.

From a very early period the public officials were not paid salaries for their services, but received definite fees, which were, however, regulated at times by the General Assembly. One of these acts passed in the year 1763, had been continued, from time to time until October, 1770, and then came up again for renewal in September, 1770.

After much heated discussion between the two Houses of Assembly, the session ended without the renewal of the acts fixing the fees of the officers of the government, which were claimed to be excessive, especially those of the Provincial Secretary, the Commissary General, the Judges and the Register of the Land Office, who were all members of the Council or Upper House.

In consequence of the failure on the part of the two Houses to establish the fees, Governor Eden prorogued the Legislature, and by virtue of the supposed prerogative of his office, issued his Proclamation November 26, 1770, to re-establish the fee bill of 1763, and ordered a new election returnable February 4, 1771. This aroused strong opposition, involving also the question relating to the provision for the established Clergy and the Vestry Act of 1701-2.

The first Assembly held after the issuing of the Proclamation was convened October 2, 1771, but the proceedings of the Lower House being in direct opposition to the Proclamation, the Assembly was prorogued from time to time for two years.

A new election was, however, ordered for May 20, 1773. In the meantime the contest was carried on in the columns of

the *Maryland Gazette*, by anonymous correspondents under various names or pseudonyms.

On January 7, 1773, a communication appeared in the *Maryland Gazette*, by an unknown author, in which two citizens under the respective titles of "First Citizen" and "Second Citizen," discussed Governor Eden's proclamation; the "First Citizen" argued against the action of the Governor in establishing the fees, while the "Second Citizen" defended it, and was made to get the better of the argument. Charles Carroll of Carrollton, who proved himself a powerful antagonist, replied on the part of the people on February 4, and afterwards published a series of articles under the name of "First Citizen," involving also the question of taxation for support of religion which were replied to by Daniel Dulany, the Provincial Secretary, and the ablest lawyer in the Province, under the pseudonym of "Antilon," who naturally being an office holder opposed the reduction of fees. These articles, eight in number, four on each side, were masterpieces of legal learning, full of classical quotations, powerful arguments and courteous vituperation.

A traveller from New England (Hon. Josiah Quincy, Jr.), a great student of books and of political institutions, visited the southern Colonies at this time (1773), and recorded in his journal an account of the political agitation then going on in the Province of Maryland. He writes:

"I spent about three hours in company with the celebrated Daniel Dulany (author of *Considerations*, etc.); the Attorney General of the Province (Edmund Jennings); and several others of the bar and gentlemen of the Province. Dulany is a diamond of the first water, a gem that may grace the cap of a patriot or the turban of a Sultan. A most bitter and important dispute is subsisting, and has long subsisted, in this Province touching the fees of this Colony, and the Governor's proclamation relative thereto, which I have in print. At the conference of the two houses, the dispute was conducted with good sense and spirit, but with great acrimony, by Daniel Dulany of the Council and the Speaker, Mr. Matthew

Tilghman of the Lower House. The same dispute is now kept up in the public papers by Daniel Dulany, on one side, and Charles Carroll of Carrollton on the other, with mutual bitterness. The signature of Dulany is 'Antilon,' that of Carroll is 'The First Citizen.' Carroll and Dulany are both men of great fortune."

Hon. J. H. B. Latrobe, in a biographical sketch of Mr. Dulany, says: "It was the fortune of the writer of this sketch to hear from Mr. Carroll's lips his recollection of the controversy, and to hear him bear witness to the rare talent, the distinguished abilities, and high position, socially and politically, of his opponent in 1773."

The election in May, 1773, which was held under great excitement, and during the progress of this controversy, resulted in the complete triumph of the anti-proclamation party. At this time the members of the Proprietor's Council were Richard Lee, Benedict Calvert, Daniel Dulany, John Ridout, Walter Dulany, John Beale Bordley, George Steuart, William Hayward, William Fitzhugh, Daniel of St. Thomas Jenifer and George Plater.¹²

On July 2, 1773, the Lower House resolved that the "Proclamation of Governor Eden of November 26, 1770, was *illegal, arbitrary, unconstitutional and oppressive.*"¹³

The election in May was the last ever held under the Proprietary Government, and the last session of the Assembly commenced March 23, 1774, and ended April 19, 1774. In that year the Provincial Convention, members of which were elected by the people, began to direct the revolutionary movement, it gradually assumed charge of the Government, and became the sovereign power of the people of Maryland.

In 1775 a temporary form of government for the Province was established and articles of association, known as the "Association of Freeman of Maryland," were drawn up and

¹² *Upper House Journal*, 1762-1774, Vol. 36.

¹³ *Lower House Journal*, 1769-1774, Vol. 54.

signed by all the members of the Convention. In November, 1776, a Declaration of Rights and a Constitution were adopted, and in March, 1777, the new Government of the State of Maryland was organized. This first Constitution of the State of Maryland was of an aristocratic rather than of a democratic nature.

Maryland did not at first contemplate or favor independence and had so instructed her delegates to the Continental Congress, and it was not until her delegates were found almost alone in holding back that their instructions not to vote for independence was rescinded, for many of her best citizens (among them the Dulanys), desired the continuance of the Proprietary Government, especially Daniel Dulany, the younger. He was not only the Secretary of the Province, but he was also a member of the Proprietary's Council, and "no doubt was universally consulted by the Governor in all important cases coming before the Governor, who acted as Chancellor."¹⁴

Had Mr. Dulany espoused the Revolutionary cause he would have added much to his brilliant career, for undoubtedly additional honors would have been conferred upon him.

William Eddis, an Englishman, who was Surveyor of the Customs, at Annapolis, in his published letters, gives a vivid picture of Maryland's social life in 1769, up to the War of the Revolution, tells how he found refuge, when Annapolis became too revolutionary for his comfort, at Daniel Dulany's beautiful country seat "Hunting Ridge," about six miles distant from Baltimore.

"I write to you" (he says to his wife), November 1, 1776, "from one of the most delightful situations on the continent of America, where I have obtained an occasional retreat from the noise, the tumult and the miseries of the public world. From the back piazza of our habitation we command a truly picturesque view into several fertile counties; a distant prospect of the Eastern Shore; the magnificent waters of the Chesapeake, and the river Patapsco, from the entrance at the Bodkin Point, to

¹⁴ 1 *Harris and McHenry Reports*. Note a, p. 352 (1809).

its apparent termination at the town of Baltimore. After this inadequate description, I need not observe, that we reside on a lofty eminence, where

“ the air
Nimbly, and sweetly recommends itself
Unto our gentle senses.”

On May 1, 1777, he writes: “I have taken my leave of Hunting Ridge, and trust I am on the point of bidding farewell to Maryland.” On June 7, 1777, he writes: “I have taken leave of the few faithful friends still residing in Annapolis. Perhaps a final one. . . . I shall embark in a few minutes. So will Mr. Dulany, as his vessel is likewise in the harbour and ready for sea.”¹⁵

Upon Mr. Dulany's return from England he gave up his residence in Annapolis, and with his wife and only daughter, Ann Dulany, retired to their country seat, “Hunting Ridge,” and where they resided until the iron heel of public opinion deprived them of their property.

From “Hunting Ridge,” Ann Dulany on February 3, 1781, writes to her cousin, Miss Lowndes, who lived near Bladensburg, Md., as follows: “In all probability we shall not have it in our power to remain here much longer, as I believe there is little doubt of the Confiscation Bill passing.”

“Hunting Ridge” could have been no cheerful home for her, with the anticipation of immediate loss of her father's property, yet her letters to her relatives at that time are playful even when she indulges in satirical comments upon her political opponents, both French and American, and yet after all in the end she married a Frenchman.

At the May Term, 1781, of the General Court, of which Hon. Robert Hanson Harrison was Chief Judge, Hon. Nicholas Thomas and Hon. Alexander Contee Hanson were Associate Judges, the following persons were presented for High Treason,

¹⁵ *Letters from America, Historical and Descriptive.* By William Eddis, pp. 334, 359, London, 1792.

viz: Rev. Jonathan Boucher, Henry Addison, Rev. William Edmiston, John Montgomery, Rev. Bennett Allen, Anthony Stewart, Daniel Dulany of Daniel, Daniel Dulany of Walter, Lloyd Dulany, Henry Riddle, Philip Key, Daniel Addison, Charles Gordon, Thomas French, George Chalmers, Nathaniel Richardson, George Howard, Leigh Master, David Carcand and Daniel Stevenson. The actions were struck off, however, at the May Term, 1872, the property of many of these Maryland Loyalists having been confiscated and sold.

On August 25, 1781, Daniel Dulany's real and personal property, consisting in part of ten lots in the City of Annapolis, upon one of which stood a "commodious and finely situated house in which Mr. Tasker formerly lived, with other buildings," was sold under the Confiscation Act.

And on October 10, 1781, "a number of lots in Frederick Town, with the improvements thereon; also several tracts, containing about seven thousand (7,000) acres of very valuable land, lying contiguous to the said Town, most of which is improved," were sold under the Confiscation Act.

And also on December 7, 1781, at Baltimore Town, "that elegant and well improved seat, called Hunting Ridge," was sold under the said Confiscation Act.¹⁶

All of the above property sold for £84,602, "the estates of a man who had never breathed an unfriendly breath and had never raised his hand in one overt act."

In the fall of 1781 the Dulanys removed from "Hunting Ridge" to Baltimore. Mr. Dulany did not actively engage in the practice of the law after his removal to Baltimore, but on account of his great eminence in his profession he was constantly consulted by other lawyers in the preparation of their cases.

From Baltimore, Ann Dulany dates the rest of her letters to her relative, in one of which in 1782 she shows the kindness of her heart by her sympathy for Mrs. Washington in the loss of her son. She writes: "I am very sorry for the death of Mr. Custis, but much more so for the sufferings of poor Mrs. Washington. Does not this prove, had we wanted proof, that

¹⁶ *The Maryland Journal and Baltimore Advertiser*, 1781.

there is no such thing as perfect happiness in this world of uncertainty.”

Daniel Dulany, the younger, married September 16, 1749, Rebecca Tasker, born in Annapolis, November 4, 1724,¹⁷ died in Brighton, Sussex, England, in September, 1822, having nearly completed her 98th year.¹⁸ She was the second daughter of Hon. Benjamin Tasker, for 32 years a member of the Council and Acting Governor of the Province from May 3, 1752, to August 10, 1753, and Ann Bladen, his wife, the only daughter of Hon. William Bladen, of Annapolis, who was the son of Nathaniel Bladen, barrister, Hemsworth, Yorkshire, England, and Isabella Fairfax, his wife, second daughter of Sir William Fairfax of Steeton, Yorkshire, and his wife, Frances, daughter of Edmund Lord Sheffield, Earl of Mulgrave. Sir William Fairfax commanded a brigade at the battle of Marston Moor, under his cousin, Sir Thomas Fairfax, the great Parliamentary General. He fell covered with wounds in the moment of victory at the siege of Montgomery Castle, Wales, September 19, 1644.¹⁹

The children of Daniel Dulany, the younger, and Rebecca (Tasker) Dulany, his wife, were:

1. Daniel Dulany, Jr., born in Annapolis in 1750, died unmarried, in Downing Street, Westminster, August 12, 1824.²⁰

2. Benjamin Tasker Dulany, born in Annapolis in 1752, died 1816; married February 10, 1773, Elizabeth French of Virginia, leaving many descendants.

3. Ann Dulany, born in Annapolis, married M. de la Serre, and died at Grand Parade, Brighthelmstone (now Brighton), October 2, 1828.²¹ Her only child, Rebecca Ann, the heiress of her uncle, Daniel Dulany, Jr., assumed the name of Dulany and married Sir Richard Hunter, and died, without issue, at Brighton, Sussex, England.

¹⁷ *St. Anne's Parish Register*. Annapolis.

¹⁸ *Gentleman's Magazine*, London, Vol. 92, Part 2, p. 286.

¹⁹ *Pedigree of Yorkshire Families* (Fairfax Chart), Vol. 1, West Riding. By Joseph Foster, 1874.

²⁰ *Gentleman's Magazine*, London, Vol. 94, Part 2, p. 189.

Daniel Dulany, Jr., the eldest son, was taken to England by his father in July, 1761, and was educated at Eton. He never returned to America but once after he was taken abroad to be educated, and that was in 1785, when he paid a visit to his family. General Washington in his diary thus writes: "Thursday, December 22, 1785, at Mount Vernon, went a fox hunting with the following gentlemen who came here yesterday, Daniel Dulany, Jr., Benjamin Dulany, Samuel Harrison, Thomas Harrison, Philip Alexander, together with Ferdinando Fairfax and a Mr. Shaw."

In 1783 the British Parliament appointed a Commission to investigate the claims of the American Loyalists. Their report was afterwards made with an account of the compensation allowed them by Parliament in 1785 and 1789. A volume in the Public Record Office, London, written on vellum, contains a list of all the claimants under the commission, showing their claims and the amounts allowed. Mr. O. Locker Lampson, of Norfolk, England, a lineal descendant of the Rev. Jonathan Boucher, who was Rector of St. Anne's Church, Annapolis, June 12, 1770, to June 4, 1771, very kindly sent to the writer in January, 1908, the following amounts allowed to Daniel Dulany, Jr. (£24,130); and to his mother, Mrs. Rebecca Dulany (£5,000), on account of the property of Daniel Dulany, the younger, confiscated and sold by the State of Maryland in 1781, under the Confiscation Act.

Daniel Dulany, Jr., never married, and at his death, in 1824, he left his large fortune to his niece, Rebecca Ann de la Serre, whom he had adopted and who had taken the name of Dulany. She married, July 21, 1829, Sir Richard Hunter.²² Lady Hunter dying childless at Brighton, March 29, 1835,²³ left one-half of her fortune to her cousin and namesake, Rebecca Ann Dulany of Virginia, and the other half to her husband, Sir Richard Hunter, who married a second time, July 24,

²¹ *Ibid.*, Vol. 98, Part 2, p. 381.

²² *Gentleman's Magazine*, London, Vol. 99, Part 2, p. 74.

²³ *Ibid.*, N. S., Vol. 3, p. 670.

1837,²⁴ Frederica Emma Bishop, daughter of Charles Bishop, Esq., of Sunbury, Middlesex, Procurator General to His Majesty George III.

On the death of Sir Richard Hunter of Dulany House, Sussex, March 16, 1848,²⁵ his widow married secondly, November 24, 1851, the fifth Earl of Lanesborough.²⁶

Benjamin Tasker Dulany, the second son, before the War of the Revolution, went to Frederick County to live, residing at "Prospect Hall," near Frederick Town. He married, February 10, 1773, Elizabeth French, daughter of Daniel French of "Claremont," Fairfax County, Virginia, and the ward of General Washington, who gave her away at her marriage.

Not long after this event Mr. Dulany presented to General Washington the celebrated horse Blueskin, which he rode during the War of the Revolution. The horse was returned to Mrs. Dulany with the following note after the close of the war:

"General Washington presents his best respects to Mrs. Dulany with the horse Blueskin, which he wishes was better worth her acceptance. Marks of antiquity have supplied the place of those beauties with which the horse abounded in his better days, nothing but the recollection of which and of his having been the favorite of Mr. Dulany in the days of his courtship can reconcile her to the meagre appearance he now makes. Friday, past 2 o'clock."

Benjamin Tasker Dulany and Elizabeth (French) Dulany, his wife, had six sons and six daughters, many descendants of whom are now living in Maryland, Virginia and elsewhere.

Daniel Dulany, the younger, died at his residence, No. 6 St. Paul's Lane (now St. Paul Street), Baltimore, March 17, 1797.

The following obituary notice is copied from the *Federal Gazette and Baltimore Daily Advertiser* of Thursday, March 23, 1797:

"Departed this life on Sunday Morning last, DANIEL

²⁴ *Ibid.*, N. S., Vol. 8, p. 302.

²⁵ *Ibid.*, N. S., Vol. 29, p. 558.

²⁶ *Burke's Peerage* (1912).

DULANY, Esq., barrister-at-law, in the 76th year of his age. In his professional character few men have obtained a greater reputation than Mr. Dulany. After a long course of pleadings, conducted with honor and talents, and attended with success, he was appointed to the honorable office of Secretary of Maryland, a station which he filled with a character the most unblemished. In all the duties of husband, father, friend and master, he was affectionate, tender, kind, and humane.

“His remains were on Tuesday interred in St. Paul’s burial ground, attended by a concourse of long-known friends and acquaintances; when a sermon, appropriate to the occasion was delivered by the Rev. Mr. Bend.”

He was buried first in the churchyard of old St. Paul’s Protestant Episcopal Church, which was in the rear and around the side of the present church edifice, corner of Charles and Saratoga streets. When this ground was built upon, his body was removed to St. Paul’s cemetery, at the corner of Lombard and Fremont streets, where it now rests.

The inscription on the altar tomb is as follows:

In Memory of
The Honble DANIEL DULANY, Esq.,
BARRISTER-AT-LAW,
Who with great INTEGRITY and HONOR
for Many years
Discharged the important Appointments
of
COMMISSARY-GENERAL,
SECRETARY OF MARYLAND,
and one of
The PROPRIETARY’S COUNCIL,
In private life
He was BELOVED,
and
DIED REGRETTED
March 17th, 1797,
Aged 75 years and 8 months.
REBECCA, his widow,
Daughter of the late Benjamin Tasker, Esq., of Annapolis,
Caused this TOMB to be erected.

After her husband's death, Mrs. Dulany went to England to live, residing at first with her eldest son, Daniel Dulany, Jr., and where she was joined by her daughter, Mrs. de la Serre, and her daughter. The family afterwards lived at Brighton, where Mrs. Dulany died in 1822, at an advanced age, having outlived her husband more than twenty-five years.

Among the contemporaries of Daniel Dulany, the younger, practicing before the Provincial Court up to the overthrow of the Proprietary Government, were Edward Dorsey; Stephen Bordley; James Tilghman; Charles Goldsborough; Thomas Johnson, Jr., afterwards first Governor of Maryland and one of the Associate Justices of the United States Supreme Court; John Hall; James Hollyday; Thomas Jennings; William Paca, afterwards one of the Signers of the Declaration of Independence and Governor of Maryland; Samuel Chase, afterwards one of the Signers of the Declaration of Independence and one of the Associate Justices of the United States Supreme Court; and Robert Goldsborough.

Daniel Dulany's name, with that of other distinguished lawyers who have left the impress of their strong personalities upon the laws and legal practice of Maryland, is perpetuated in the frieze of the Supreme Bench room in the Court House in Baltimore City.

"The conjecture may be hazarded," says Mr. McMahon, in writing of Mr. Dulany, "that had he not been thrown into collision with the leaders of the Revolution in this State, by the proclamation controversy (Governor Eden's proclamation regulating the fees), and thus involved in discussion with them, which excited high resentment on both sides, and kept him at a distance from them until the Revolution began; he would most probably have been found by their side, in support of the measures which led to it."

Dr. Steiner says: "The popular opinion has been that Charles Carroll had much the better of the argument with Dulany. In this opinion I do not join, though I admit most readily that in Carroll, Dulany found a worthy antagonist and that Carroll's success in arousing the people was most note-

worthy, especially when we consider his religious faith. . . . My conclusion is that Dulany's arguments found their best refutation in the paper written by William Paca, Thomas Johnson (Jr.) and Samuel Chase."²⁷

But when the roll is called, one by one, of Maryland's most distinguished sons, the name of Daniel Dulany, the younger, the leader of his profession and the champion of the constitutional rights of the people, as British subjects, gathering "golden opinions from all sorts of men"; with his splendid talents, his profound learning, his masterly pen and his engaging eloquence, the great Quintilian of the day, will not be forgotten.

TANEY LETTERS.

(From the Society's Collections)

ROGER BROOKE TANEY FROM THE PRESIDENT

Feb. 9th, 1831 [1]

The President with his respects to chief justice Taney, and being informed by M^r Blair that the Supreme Court will adjourn on Saturday next. The President requests him to come and take a room with him during his stay. The President will have the room warmed on Saturday if M^r Taney will be here on that evening to occupy it.

February 9th, 1831.

Novbr 22^d 1833 [6]

My Dr Sir

My old and faithful friend, M^r Moses Dawson of Cincinnati will hand you this, and I beg leave to introduce him to your acquaintance. He has always sustained the character of an honest man, free from speculations of any kind. The within

²⁷ *Life and Administration of Sir Robert Eden*. By Bernard C. Steiner, Ph. D., p. 64 (1898).

note from Mr Dawson to me will make known his wishes, and as far as propriety and your official duties will permit, you may with safety impart to him the information he desires. Mr Dawson would not ask any information that is improper to give, and if he did, you, I am sure will not grant it, but any that may be proper, I am sure you will not withhold from him.

Yours very respectfully

Andrew Jackson

R. B. Taney Esq^r
Sec. of the Treasury

Nov^r 22^d 1833 [6]

Dear Sir

I hope the pressure of time will plead my excuse for this intrusion on your precious time.

Circumstances arising out of my — for a deceased friend have obliged me to endeavor to raise some money on my property, and thinking that some of those who hold stock in that now payable might have a desire to invest a few thousand dollars in a loan for some time at a more advantageous rate of interest than that paid by Government, I wished to ascertain at the treasury the names, some of the holders resident in the neighbouring cities, the application Major Lewis was kind enough to make yesterday, but I find to day that it is not customary to give names. Still I would presume that if Mr Taney was aware of my object he might suffer the names of a few Stockholders to be given me, in order that I might know to whom I might apply for a loan.

May I therefore ask the favour of you to speak to Mr Taney on the subject, so that I may have the information required and you will confer another favor on

Your obed^t serv^t

Moses Dawson

20th Nov^r 1829 [19]

Dear Sir

I wish a clause to be inserted in my codicil confirming

the balances this day struck in my Bo. of F. A. and charged to the three branches of my family the respective sums to each are noted in the inclosed paper prepared by my clerk Mr George Neilson. I also desire to provide out of the general residues of my estate for £500 sterlg. guaranteed by me to Mess^{rs} A. Brown & Sons for my grand daughter Miss Caton which I give up. I wish you to finish the codicil as soon as convenient to have it off my mind.

Yours sincerely

Ch: Carroll of Carrollton

To R. B. Taney Esq^r

Department of State, June 21st 1831 [20]

Sir

I have great satisfaction in obeying the President's instructions to inform you that he has this day appointed you Attorney General of the United States and to ask your acceptance of that office.

Mr Berrier will be employed for a few days in arranging the business of the office in order to transfer it to you, should you signify your acceptance in which case your commission will be made out ready to be delivered when you shall find it convenient to come on and assume the duties of the office.

I have the honor to be

With great Respect

Your mo. Obed^t Serv^t

Edw. Livingston

Roger B. Taney Esq^r

On board the Ship Delaware 27 August —33 [21]

My Dear Sir

I received your very kind letter amid the hurry of preparation for departure, and I received the notice to embark before I could thank you for an attention so grateful to my feelings. Among the recollections of com^{ts} passed in the two last years that of having formed your acquaintance is among the most

pleasing and the assurance that it has acquired for me a place in your friendship & Esteem is the most flattering that you could have given a coming into office as I did with a just diffidence of my powers to execute its duties to the advantage of the country it can not but be a source of high gratification to think that I have performed them in such a manner as to leave a favorable impression on the mind of one so well qualified to judge and that the strong desire I felt to stand high in his estimation, has in some measure been gratified.

We have been twelve days at Sea and have compleated nearly one half of our voyage so that with tolerable good fortune I shall arrive at my post by the middle of September. We have a noble ship, an excellent and remarkably genteel set of officers, and a crew acquiring every day the perfection that discipline alone can give and if the public service should not be found to have suffered by it, I shall felicitate myself on the delay, by which I was prevented from embarking in a packet. The interior operations of this floating community are interesting and can only be known by actual inspection & the knowledge may afterwards be turned to account.

I am extremely sorry I had not the pleasure to see you immediately previous to my leaving the city that I might make you renew the promise you made of writing me, and giving the events (as well as your reflections on them) that occur during my absence. I mean such as do not find their way into the public papers. The next Session will be one not devoid of interest, new parties must be formed. New actors will make their appearance on the political stage. Some of the old ones will retire behind the scenes, and other assume more prominent parts, all this will be doubly interesting to me while I am abroad, and to procure the metaphor although you may not be one of the prompters you will be in the green room and can give me the cast of character in the new Drama.

I write on board, in the hope of meeting some vessel, by which I can send my letter if not, that I may have it in readiness for the first packet after my arrival this acknowledge-

ment of your kindness. My wife and my daughter ask to be affectionately remembered to the Ladies of your family. be so good as to add my most respectful Compliments.

With the greatest regard
Your Friend & H^ble Serv^t

Edw. Livingston.

When you see M^r Key will you ask him whether he rec^d a letter from me enclosing a draft for 1500 Dolls on the U. S. Bank at Washington indorsed to his order.

Washington 10 July 1831 [22]

My Dear Sir

(Confidential)

At the request of the President I make known to you the fact that D^r P. G. Randolph, late acting Secretary of War has resigned. Gov^r Cap of Michigan has been appointed to succeed Maj^r Eaton; until his arrival here, the President wishes the War Dept. to be placed under your control, if your business will admit of your attending to its duties. Gen^l Macombe is here ready to act, and you would have but little to do in that station It would gratify all your friends & those of the President if you will consent to act. Please write me immediately on the receipt of this your determination. Allow me to embrace this occasion to congratulate you on your appointment to & our country on your acceptance of the office of Atty General.

Yours most Sincerely
& truly

W. T. Barry

Hon^{bl} R. B. Taney
Baltimore

(Private)

Richmond Nov^r 5th 1833 [23]

My D^r Sir

I wrote you a long scrawl two days ago, in answer to your

letter of the 9th of October. I had not then seen Mr Daniel, nor did I know he had returned. He was with me last night & we talked over the whole matter. He left me with a promise to see Mr Ritchie & myself this morning. We have just parted & he has finally determined not to accept the appointment. His determination will I presume be announced by this mail to the State Department. I will not trouble you with the reasons which influenced his course; when we meet I will if you desire it do so. In the mean time rest assured it is all well. Better so, rely on it. The next thing will be to look out for a fit man. I much fear you will be troubled to find a suitable character as He hath. Pray who are you all looking to? Be sure of y^r man, or great mischief & vexation may ensue. Between ourselves I find that our f^d Daniel, dont agree with you & the P. about the Indian question &c. I was surprised last night to hear it. How will it do for the law officer to differ on this essential & cardinal point? I propose you will look well to this & the other vital questions. If we can aid you here in the way of opinion or advice we will do so. Praybury (?) is *as able* as son, a true man. It is all important. I take the liberty of sending the enclosed letter as a matter of business. Y^r predecessor Mr D. requires Mr Price (who is a fine young man) to resign one of the appointments. If compatible with the public interests I should like him to remain; the post Office app^t is worth only about \$200. I however submit the case for y^r consideration & better judgment. His friends have thought proper to make the communication through me to you, in his behalf & I beg leave to call y^r attention to it.

Very truly & resp^{lly}
Y^r hb^{le} s^t

A. Stevenson

Department of State

March 17th 1836 [26]

Sir:

The President having by and with the advice and consent

of the Senate, appointed you Chief Justice of the Supreme Court of the United States, I herewith enclose your commission, the receipt of which you will be pleased to acknowledge.

I am, Sir,

Very respectfully

Your obedient servant

John Forsyth

Hon: Roger B. Taney
Baltimore
Maryland

Washington Sept 24th 1836 [27]

My Dear Sir

I was told to-day by Dunlap of George Town that the opposition is making great headway against our friends in Montgomery County, on the report that you have expressed an opinion against the reformers, condemning their attempt to revolutionize the Gov^t of Maryland by an expression of the will of the people through the peaceful medium of a convention called by the majority, and this independently of the Legislature, which whether rightfully or wrongfully is now clearly maimed of its power. If you have not felt yourself called on to take part in this business I should like to know it. I have no right to ask your sentiments on this subject, because I do not know whether in your shape it may not come into your Forum. But if you have not expressed an opinion the public ought to know it.

For my own consideration, I should like to have your views (confidentially) of the mode of conducting my press, so as to bring all the good I can out of the crisis.

In haste

Y^r friend

F. B. Blair

My Dear Sir

[28]

Will you excuse the liberty I venture to take of enquiring as to the state of M^r Barbour's health, and the probability of

the Mississippi Case coming on to day? I do not want to go to the Capitol until 12. unless my attendance upon the Court should be necessary.

With great respect

I am faithf^y

Your obt^t serv^t

H. Clay.

Wash. 1 Feb. 41

Copy made from recollection Jan. 2, 1862 [30]

My Dear Sir

Mr Carroll has given me your message. I expect some friends to-morrow, and as there is no established Etiquette which requires the court to wait on the President on the 1st of January, as a matter of official courtesy, I am sure my Brethren will excuse me for not joining them to-morrow.

Very truly yours

R. B. Taney

Mr Justice Wayne

Private

Sunday [31]

Dec. 23^d —

Dr Sir,

I know of no objection to the renomination of Mr Lebrue and accordingly recommend it.

Yours truly

Thomas H. Benton

Private

Sunday [32]

Dr Sir,

I duly appreciate the consideration of the element of *time* in the suppression of the branch drafts, and will confer with you about it. In the meantime, another branch of the same subject begins to press, because the opposition mean to forestall me in our own work, and take the credit of compelling the government to do what you are going to do, that of discouraging small bank

notes. I gave out this (with the reform of the gold currency) as things for which the country would be indebted to this administration. Calhoun means seize the golden prize. Now what I wish is that you should begin with repressing the small notes by *instructions*, and follow it up by law; for which purpose I send you an amendatory resolution to read & return; but I shall not submit it til I see you.

Yours
Benton

Hon. Mr Taney

My dear Sir

[33]

I have great pleasure in sending this my friend Mr Butler, who goes to Washington to join the Cabinet in obedience to the kind wishes of the President & as I was happy to learn with your concurrence. As I know how large a share my personal wishes have had in influencing Mr Butler, to remove a conclusion he had heretofore come to in regard to taking office, I am very anxious that his stay amongst you should be rendered as agreeable to him as possible. To this I know it will give you pleasure to contribute all in your power. I know that you will like him right well in all respects. Allow me to make two suggestions to you. In your able answer you place great & just reliance when the conduct of the bank in curtailing its accommodations & with a view to a pressure upon the money market after the Appointment of the agent; & the President in his Message glances at the same thing. Remember that in the communication from Boston (which may be published) a certain period was fixed for the removal which was before any of their acc^{ts} on the part of the Bank. The object of my suggestion is, that what is said upon this point, may be so worded as to provide as far as possible for contingency to which I allude viz. the publication of the first communication, as by saying that the desire of the President before entertained for an early removal will render information by his conduct of the Bank or something like that. The other is this. The object

of the Nullifier is agitation, without most things could not exist for an hour. From their location, the point most favourable for their object is State rights, or what they please to call State rights. Hence their policy is to compel the President to exert to the full all the vigour there is in the Federal Arm, that they may be enabled to charge him with a desire to increase it & abridge that of the State; and thus play with success upon the peculiar feeling of the South. I would be the last person to advise to the omission of any act, or recommendation which is absolutely necessary to the maintenance of the Federal Government in its just acts only but I am at the same time anxious that those acts & recommendations should be limited by most necessity & that all high toned positions should be avoided as far as practicable. Their old stories have become stale & unprofitable, & we will I trust be too wise to give them fresh hobbies. I have communicated my views upon this point to the President I am happy to think that he concurs in them very fully.

Remember me kindly to your family & believe me to be

Very truly yours

M. Van Buren

To R. B. Taney

Private

Baltimore July 6, 1871 [34]

My Dear Sir

I have this moment your note of yesterday. Mr Mitchell was an Excellent Lawyer and a very fine Speaker, but I cannot say that he was the ablest man at our Bar when Mr Taney came to Baltimore in 1823. At that time Mr Martin, Mr Pinkney, Mr Winder and one or two others were here, not only among the most able at this Bar, but as able as any members of the profession in the country. Mitchell's life towards its close was an unfortunate one. His habits several years preceding his death were very intemperate, so much so as almost to destroy his usefulness. His death indeed was caused directly by intemperance. I am glad to hear that you will soon give

your Life of Taney to the Public. It cannot fail to be read with interest, and will I have no doubt fully vindicate him from the Calumny heaped upon him because of his judgment in the Dred Scott case. As a judge he was not only eminent but in the opinion of many including as I know Mr Clay he was fully Equal to his great predecessor Marshal.

I remain with regard

Your friend & obed^t Servant

Rev. Johnson

Samuel Tyler Esq^r
Georgetown D. C.

Baltimore July 14, 1871 [35]

My Dear Sir,

I have read my remarks at the meeting of the Supreme Court Bar regarding Chief Justice Taney. I do not think that I could improve them, I therefore return them to you unaltered. You are right in supposing that the Johnson to whom Mr Taney refers as being at the Bar when he came to it was my Father, who for many years was a distinguished member of the profession, practicing in the General Court at Annapolis, and in the Court of Appeals. About 1811 he was appointed Chief Justice of the First Judicial District of the State then consisting of Prince George's Charles and Saint Mary's Counties.

And as Chief Justice of that Circuit was a Judge of the Court of Appeals. This Office he continued to hold until the death of Chancellor Kelty when he was appointed to that office, and held the Office until his death in 1824. Upon the death of Chancellor Bland who succeeded him, my Brother John received the appointment, and held it until the Office was abolished by Constitutional provision.

I have your letter of the 13th and will answer it in a few days.

Yours Sincerely

Rev. Johnson

Washington Feb. 22, 1825 [36]

My Dear Sophia

I was very glad to get a letter from you, but am sorry to hear your dear mother & Maria are both sick. I am anxious to see you all again, for I have been very sick ever since I left home. I do not feel as if I should get well until I return. Give my love to Maria & tell her I hope her eyes will soon be well. I hope to be at home about Saturday or Sunday, but do not know certainly when I can get away. Give my love to all.

Your affectionate father

R. B. Taney

EXTRACTS FROM THE CARROLL PAPERS.

(Continued from Vol. XIII, p. 75.)

March 29th 1771 [154]D^r Charley

I desier'd M^r Deards to write to M^r Browne to keep half the sugar w^h was expected from Philadelphia. He either forgot to doe so or his letter miscaried, for by the inclosed you will see M^r Browne sent all the Sugar to Annapolis. We are without a grain of Loaf sugar, we used Clayed. I therefore desier you will send me two or more loaves by the Bearer. You have the invoice of the Sugar, desier M^r Deards to weigh it, by doing so He will see whether what you Received Corresponds with the Invoice. I send you half the Cheese Browne sent me I think it very good & that it will be Acceptable to you. Will you not want a Beef A^g^t. the Provinciaall Court? if so let me know on what day you would have it reach Annapolis. The old ground about Davidsons Orchard which is in Wheat looks poorly. Hesson says none of it is spewed out of the ground & th^t it is now shooting very well, if so it may turn out well if it Escapes the Rust, w^h late sowne wheat is most lyable to. We Hear Lynch is Come in, I suppose Mitchell & others may be

also in, if any news send it. M^r Ireland is better but His knees & Ancles are still so weak th^t He Cannot walk without sticks. The English mares Colt is fat & well growne & stands some & strong & will I think be nigh 16 hands High. Send me two knots of Drumlines. My love & Blessing to you Molly & the little one. I am D^r Charley

Y^r mo. Aff^t Father

Cha: Carroll

April 2^d 1771 [155]

D^r Charley

I have y^{rs} of the 30th & 31st past. I will look out for two Cowes for you But it is my opinion th^t they in a short time will be of as little service as those you have. Care in Milking & feeding is what is wanted. I Can only spare you 4 jobbers two to goe to the Island & two to be with Robert when He goes downe. I Cannot spare Robert untill He Has finished the stone for my Porch which I suppose will be about the last of this month. Timothy & the two negro Masons shall be sent downe when you order I send two Carpenters if you have nothing for th^m to doe but hang up Gates, it is what Young ought to doe, for He is a poor Overseer th^t Cannot do th^t, let Young know what I write & send back the Carpenters as soon as possible for they are much wanted Here. I have had a little Cold since I Came Home it is goinge of. I shall hardly mention the little Girl in my future letters, but I always mean th^t Molly should kiss her for me on the Receipt of Every letter & oftener & when she brings us another I believe I shall take my little Darling to myself if Molly can bear it. I understand a meeting is proposed next Saturday about a private inspection, they desier I should attend & I will not disappoint them some few are ag^t it, but I believe it will be Carried. I shall write to Browne about the Sugar. While I was writing this A man Came Here with Horses. I bought you a Pair which I think will answer, they are large and match pretty well, they will answer yr. Present want, the oldest is 9 the youngest 6 years

old. I tryed th^m in my Chair the Oldest is inclined to Pace, but may be brought to a good trot, the youngest trots well & is a fine Horse, they Cost \$40 & are Cheap for the wagon & I hope will please. I drew on you for the money. Send up Nimble. My love & Blessing to you & Molly. I am

Y^r Mo: Aff^t Father

Cha: Carroll

P. S. Pray tell M^r Deards I shall write to him next friday by M^r Ashton who goes downe to give you an opportunity of Makeing y^r Easter, which I hope you will not neglect. Pray desier M^r Deards to send me by Him two Drumlines He may get th^m in some of the stores I want them to Plant out my Lucern the Chalk Lines are too weak & small.

April 5: 1771 [156]

D^r Charley,

I wrote to you last Tuesday by the Carpenters & Jobbers & sent you two Horses w^h I think will Answer for y^r Chariot. They are at Present low in flesh & Ruf when they Come to have smother Coates & are trimmed I think they will not be thought a despicable Pair, they are stout & strong & at all Events they will answer for the wagon & will not be dear for th^t use. One is Jetter Headed & does not trot at present to match the other but He may Come too by Practice, the other I take to be a likely Horse & very Spirited & worth all most the money I gave for Both. I take th^m to be above 15 hands high. As to the Farmer I want, I would have him to be a middle aged Man. He should be perfect in mowing Reaping thrashing & stacking, understand His spade & manage it well know How to Ditch to Plough well either with Horses or Oxen, know How to Break the latter. If you Could light on one who has Himself Had a farm or at least been foreman any

time on a farm He would Probably turn out to satisfaction, try, if & Redemptioner, to get Him on the terms agreed to by Robert &c, if an Indented servant get Him on the best terms you Can Heeson is so fond of His Bargain, th^t I shall be Plagued to keep Him to His Business, if what He tells we be true, He may do well. But you know all Heesons Geese are Swans. My little schemes here are the Backwardest. I push hard to forward them, I shall sometime next week, plant out nigh two Acres of Lucern, after th^t I shall plant what Layers & Cuttings I have in my Vineyard. I have some Grafting to do, my Espatiars are trimmed and tyed I am dressing & Cropping my Garden. I cannot go on with my Vineyard untill I Can procure Park of which I have no Assurance at Present. I am much pleased with Frost He is Active understands His Business, does not want foresight, is good natured, in short I do not regret Rigge's disappointing me & I think His wife will be as Valuable in Her sphere. I much doubt the success of a Private inspection Here, I Placed great Hopes in Major Hen: Ridgeleys assistance & influence. But I Hear this day th^t He is ag^t it, I shall know the Upshot to-morrow. I am pleased with Mollys letters to her Mama about my little darling. Should the Hearing Come on Between us & Digges it will be Material th^t Johnson should observe th^t I never intended to give up my Commissions to Digges But on the same terms I gave them to my Nephew & D: C: This I insisted on in my first Answer, Altho by the order of the Court (wh^h I think an odd one) I did not insist on it in my other Answers; I am Certainly entitled to make those & any other Just Charges, for M^r Digges Cannot in Reason avail Himself of Credits in an Acc^t which He Contests. Think of this—Altho M^r Ireland gains strength it is but slowly. He has been out a little way in a chair twice or thrice since I have been Here. My love & Blessing to you Molly & the little one. I am D^r Charley

Y^r Mo: Aff^t Father

Cha: Carroll

P. S. Major Ridgely is to be with
me early to morrow morning, I may
Possibly Prevail on Him to be for an inspection.

April 12: 1771 [157]

Dr Charley

I have y^{rs} of the 4th & 8th inst^t. I shall write to Cary by the 1st opportunity to gett you two or three good Cowes & shall not omit to speak to any others in whose way it may be to serve you. The same Hands shall be sent with Gethin who worked with Him last year. Mr Digges's Counsell must not only make but Carry severall very surprising Points in order to His Reaping any advantage by His suit. if there has been a Hearing let me know as shortly as is Consistent with y^r Ease the upshot of it, or what you think will be so, for I suppose no order or Decree is yet made. I wrote to know whether you did not want a fatted steer, you took no notice of it. I Heard by Accident you wanted flour, the wagon shall go downe next week with as much as will last you to the middle of July when new wheat will Come in, w^h I hope will be better than the last, w^h was in these Parts not only Bad but a very short Crop. I shall not Carry to Market much above 600 Bushells. If I Can pick out a good Weather I will send it to you by the Wagon. This Cold Blowing weather Hurts the Wheat & is very disagreeable to my old Carcase Tomorrow I shall Enter into my 70th year. I never designed to Have my little Darling with me unless it was agreeable to Her Mama, it is far from me to gratify myself by anything w^h would give Her Pain: I saw what she wrote to Her mother. There was a meeting last Saturday at E: R: about a private inspection it was very scanty not Exceeding 25, only Mr Hood ag^t it, the meeting was too insignificant to proceed to Business, another Meeting is advertised to be next Monday, I shall attend but Expect no good from it. Major Ridgely Engaged to be wth me early last Saturday Before the Meeting. He did not keep His Word, D: D Has advanced Him a large Sum of Money & no doubt has given Him His lesson,

but this entre nous. I this day saw a N: York Paper of the 8th inst a Vessel thither from Liverpoole in 7 weeks brought th^m news to the 2^d of Febru, the most Materiall is as follows. Spain is to surrender Falklands Island to England Reserving their right by prior possession which is to be submitted to a future disension so th^t there is an end to war for the Present. The Patriots in Parliament declaim loudly & strongly ag^t this Compromise The King of France Has Banished His Parliament. It is said there is a Cessation of Arms between Russia & the Turks & th^t the K: of Prussia has Demanded 1,500,000 of England for Arrears of Subsidies by a Thundering memor-iall, th^t our K: has orderd the fortified Towns in His Electorate to be put in a state of defence. My love & Blessing to you Molly & the little one. I am D^r Charley

Y^r mo: Aff^t Father

Cha: Carroll

P. S. My Compliments to Coll Sharpe & tell Him He will oblige me by sparing me A Pint or 1/2 a Pint of Lucern seeds My compliments to C: C: Bar^r & His Lady tell th^m I sincerely wish th^m Health a good Voyage & safe Return & th^t I hope He will leave me His Racking Crane.

April 14th 1771 [159]

Dear Sir,

You will be surprizd as I have been to receive a Letter from Daniel dated from Philadelphia where he is just arivd from Lisbon, M^r Forrest writing that he came away with his approbation on acc^t of a Violent pain in his breast. I hardly know whether I shall be more uneasy to find his complaint has been so considerable as to justifie the step he has taken, or that it has been occasioned in some degree by a foolish homesickness. M^r Magraw desires me to lett him remain with him untill he comes down, & I shall expect them shortly together: After he has visited all his Relatives, I am determind he shall be fix'd some where for some years where he will be kept to a strict application to business. I must beg leave to refer you to my

Cousin Charles for some particulars relative to the Grand Affair that has been in agitation for a few days past, & shall only say that it is my sincere wish Mr Johnson cou'd have been heard by the whole Province. I never in any part of the World heard a man speak so well, at least to please me so much. At the conclusion his tears his attempt in vain to proceed were more eloquent if possible than his words had been, & provd equally with his Arguments that he spoke from a thorough Conviction of the uprightness & generosity of y^r Conduct and of the ill return you had receiv'd. I desire my Comp^s to Mr Darnall, Mess^r Ireland & Aston, & am Dear S^r with sincere esteem

Y^r very Affectionate Nephew

Daniel Carroll

April 15th 1771 [160]

D^r Charley

I have y^{rs} of yesterday wh^h gives a very full & Satisfactory Acc^t of the Debates in the Cause between us & Digges. As you are Persuaded all imputations injurious to my Character have been fully removed by Mr Johnsons defence I am easy as to any other Consequences. I allways have, I am shure you allways will prefer an unblemished Reputation to any sordid gain but learn from what has happened to me th^t the most upright Conduct Cannot secure you ag^t the most foul mouthed virulent Abuse. Mr Johnsons Behaviour in the Cause I find by what you say was such as to Redound as much to His Credit as to our Justification, interest I am Convinced was the least motive th^t induced Him to exert His abilities, the ingratitude I have met with, the reall regard I am persuaded He has for us, animated all He said. He spoke from his heart such merit ought to meet a suitable reward I therefore desier you will give Him £50 sterling I am persuaded it is more than He would Ask, but it is not more than He deserves, in such Cases a modest man should not be laid under the necessity of Appreciating His Services. You will let me know by the Bearer the

Events of this day. Pray get Mr Johnson to Engage to Pass at least a night with me in His way to Frederick Aug^t Court, I want to Return Him personall thanks for His Service, in the mean time do it for me & present my sincere Service & Compliments to Him. I shall answer Jos: Johnsons letter. If C^{sn} Daniel is still wth you present my kind service to Him & tell him I am very sorry for Dannys Return be the occasion what it will & th^t I hope He will not fail in His Resolution to keep him Closely to Business without it I give Danny up for a lost Child I send you a steer w^h I am told is a fine one next Saturday the Wagon will be downe wth flour & a wether. I am returned from our 2^d meeting at E: R: about a private inspection, 35 or 40 only met, had I not seen it I Could not have Believed the People Here to be so indifferent about a matter which so much Concerns th^m I am tierd & write by Candlelight w^h is troublesome, I should other ways be more full especially as to Mr Johnsons management of our Cause. Pray thank Mr Cooke allso for His Service & I hope so happy an outset will lead Him into very good Business. My love & Blessing to you Molly & my little Darling. I am D^r Charley

Y^r Mo: Aff^t Father

Cha: Carroll

Wednesday 1/2 hour past 8 o'clock [161]

D^r Papa

As Mr Frost is in a hurry I will not detain him by giving you a particular account of our adversaries reply on Monday. Suffice it to say, that they made a most lame hand of it: their reply rather strenghtned than invalidated Mr Johnson's & Mr Cooke's arguments. A wether will be very acceptable as ours at the quarter are very poor, & we have killed all the fatted ones at the Island. Mutton is very deer, as are all other provisions at market. Molly & the little one are well my love to Mrs. Darnall. I shall communicate y^r letter to Mr Johnson.

I think it a very proper one. Cousin Daniel goes out of town to day, he desires to be respectfully remembered to you. I am
Y^r affectionate Son

Ch. Carroll of Carrollton

P. S. No decree as yet. I do not expect one these three weeks. I dare say it will not be such a one as our adversaries expected before the trial.

THE WASHINGTON MONUMENT AND SQUARES.

McHENRY HOWARD

Some facts in my knowledge about the Washington Monument and the Squares around it are known to few, if any, of the present day, which, with some of my reminiscences, may be found interesting. Born, 26 December, 1838, under the shadow of the Monument, where the Methodist church now stands, I have lived not far from it all my life—except four years with Lee and Stonewall Jackson.

The corner-stone of the Monument was laid 4 July, 1815, Colonel John Eager Howard having given the site out of that part of the patented tract, "Lunn's Lot," which was commonly called Howard's Park. This site so given was a square piece of ground 200 by 200 feet. I have not seen a deed for it; if there is one it is probably at Annapolis, but I have plats of it, and it is shown on Poppleton's Plan of Baltimore City, made 1818-1822. I have understood that he also offered to sell to the city for \$20,000, in City Stock, not to bear interest for a certain number of years, all the ground between Centre, Madison, Cathedral, and St. Paul streets for a park, but that the city declined the offer because of the expense of enclosing and maintaining it.

After the death of Col. Howard, 12 October, 1827, his real

estate was divided among his six children and two infant grandchildren by Commissioners appointed by the High Court of Chancery of Maryland, the Commissioners having been authorized by Act of Assembly, Chapter 135, passed 26 February, 1828, to lay out streets through the estate. The final decree for the partition was passed by the court on 2 June, 1829, and the proceedings of the Commissioners on which it was passed show that they laid out Charles street 106 feet wide from Centre street to Madison, north and south of the Monument site, and called it Washington Place; Monument street, from Cathedral to St. Paul, they left of the usual width of sixty-six feet.

But under two Acts of Assembly of Maryland, Chapter 168, passed 23 February, 1830, and Chapter 31, passed 25 January, 1831, the same Commissioners were directed to re-divide all the ground between Centre, Madison, Cathedral and St. Paul streets, and to widen Charles street, or Washington Place, from Centre to Madison to 150 feet, and to open Monument street 200 feet in width from Cathedral to St. Paul. Thus the present improved "squares," north and south and east and west of the Monument were, in effect, given by the heirs of John Eager Howard, and not by Col. Howard himself, as commonly supposed. The Commissioners had a plat made by Poppleton, their surveyor (of which I have a copy), showing the four squares intended to be improved and the streets to be paved around them—as they now are, except as to grading and interior shrubbery, fountains and statuary. And they gave the name of Mount Vernon Place to the so-widened Monument street, which many persons erroneously apply to the whole improved area around the Monument, Washington Place being almost forgotten. A water color in possession of The Maryland Historical Society, signed by "R. C. Long 1829" (a prominent architect of that time), shows the Monument—on which the statue of Washington was placed in that year—and my father's house (but not then finished, I think), where the church now stands, and the south square in process of being graded, probably from the excavations for foundations.

Even after the streets alongside were all paved, the Squares remained for many years mere open commons. At first (my memory goes back to about 1845) the lower half of the square between the Monument and Centre street was only utilized as the favorite place for boys to spin tops (a very different way of doing so from the present gentle spinning, the tops of tough wood being then painted in bright colors and spun by leather strings, with the utmost violence, the object being to knock away, dent, or even split each other's tops by the sharp metal pegs), play marbles and other noisy games, pick eggs, etc. All this my friend, R. Curzon Hoffman, whose home was at the southwest corner of Charles and Franklin streets, and other few survivors will well remember. About 1850 the place of these boys' activities was changed to the level Square between the Monument and Cathedral street, where bandy was also a favorite game, played with sticks curving at the end, mostly dogwood from the woods which then came down from the north to Madison street.

Finally, the boys took possession of the square north of the Monument, where townball, forerunner of baseball, was the popular game, the ball being made of long strips cut from old genuine India rubber shoes and wound tightly. The square between the Monument and St. Paul street was never so utilized because it was steep and somewhat rough, and cut by several narrow but deep gullies, the sides of which showed a stiff, oily clay, almost as red as paint.

I think it was after 1850 that these four "Squares," as they were, and still are commonly called, were, one after another, beginning with the south Square, enclosed by high iron railings (now I believe surrounding, in part, the lake in Druid Hill Park(?)), with narrow brick pavements along the sides, and a row of trees was planted along each footwalk, at sides and ends of squares, between it and the cobblestone street, the trees around the south square being ash, around the north Square European Linden, and around both west and east squares maple. And within the railings were simply flat expanses of grass.

In late years (as I now count them) an architect and landscape gardener from Boston, on the invitation of our city authorities, designed the present plan of the squares, by the removal of the iron fencing, the extension of the grounds over the side brick footwalks to the lines of the paved streets (and so taking in the rows of trees), removal of the trees at the ends, which obstructed the view of the Monument, planting of shrubbery and placing of fountains. But the fountain west of the Monument was replaced by one, the gift of the Garrett family, and the bronzes and statues—of George Peabody, Chief Justice Taney, Col. John Eager Howard, and Severn Teackle Wallis—are also separate and successive additions.

I have always thought that this Boston man deserves special credit for his treatment of the south Square, between the Monument and Centre street. He had to deal with a comparatively narrow and, in one sense, flat piece of ground, looked down upon both in the approach from Charles street and from the Monument, and if left entirely or for the most part in low grass, it would appear small, almost mean, and uninteresting. And so he planned it to be filled—unlike the other squares—with high shrubbery, the effect being to almost double to the eye the area of verdure. And the fountain in this square, with the water plashing over instead of being squirted into the air as usual, is artistically most satisfying, my only criticism being that the basin is kept but half filled, marring the effect.

PROCEEDINGS OF THE SOCIETY.

MONTHLY MEETINGS.

Meeting of February 11, 1918.—The regular monthly meeting of the Society was called to order at 8 p. m., with President Warfield in the chair.

The donations to the cabinet and library were described by the Corresponding Secretary.

Mrs. C. L. Scott was elected an associate member of the Society.

The Recording Secretary stated that three members of the Society had died since the last meeting. These were as follows:

Mr. Jasper M. Berry, Jr., died on January 29th, 1918.

Miss Florence Mackubin, died on February 2d, 1918.

General T. J. Shryock, died on February 3d, 1918.

The following minute, suggested by Mr. Richard H. Spencer, was unanimously adopted:

“In the death of Miss Florence Mackubin, this Society has lost a valued and esteemed member, the State of Maryland a loyal and devoted daughter and the world of art a conscientious and meritorious disciple.”

There being no further business, the meeting then adjourned.

Meeting of March 7, 1918.—The regular monthly meeting of the Society was called to order at 8 p. m. with President Warfield in the chair.

The donations to the library and cabinet were described by the Corresponding Secretary.

The following persons were elected to active membership:

Mr. Arthur Miller Easter

Mrs. Thomas Baxter Gresham

Mr. Charles H. Linville

Mr. Paul H. Miller

Mr. H. G. Evans

The correspondence was read by the Corresponding Secretary.

The Society had the pleasure of listening to a very interesting paper read by Mr. Matthew Page Andrews entitled "The Founders of American Democracy." Major William M. Pegram moved that a vote of thanks be tendered Mr. Andrews for his interesting and instructive address.

The Society then adjourned.

Meeting of April 8, 1918.—The regular monthly meeting of the Society was called to order at 8.15 p. m., with President Warfield in the chair.

In the absence of the Recording Secretary, Mr. L. H. Dielman was appointed Secretary *pro tem*.

The following persons were elected to active membership:

Mrs. J. E. Fitzgerald

Mrs. J. Henry Judik

Mr. William Bernie Harris

Rev. Louis O'Donovan

The Corresponding Secretary read a communication from the editor of the *National Geographic Magazine* concerning the "Flag Number" of that periodical.

A letter from B. F. Johnson, of Washington, concerning a scheme of National registration was read and was commented on by several members.

The advisability and propriety of removing some of the old wall cases to the new building was considered and discussed; the consensus of opinion being that it was a matter for the decision of the architects of the new building to pass upon.

The President suggested that as the new building is now practically completed, the various committees concerned should

take steps to arrange for the removal of the possessions of the Society to the new home.

The paper of the evening was then read by the Hon. Edward S. Delaplaine, of Frederick, on "Chief Justice Taney. His Career at the Frederick Bar," which was followed with deep attention.

On motion of Mr. A. C. Trippe, seconded by Dr. Steiner, the thanks of the Society were tendered Mr. Delaplaine for his able and interesting paper.

At the conclusion of the address Mr. Ruxton M. Ridgely spoke on the traditional reason for Mr. Taney's having left Calvert county.

The Society then, at 10.15 o'clock, adjourned.

ANNUAL MEETING

February 11, 1918.

The annual meeting of the society was called to meet tonight at the Home of the Society at 9 p. m., a quorum being present.

Mr. John L. Sanford was selected as presiding officer and George L. Radcliffe served as Secretary of the meeting. The annual election took place. The chairman appointed W. O. Atwood and Dr. C. O'Donovan as tellers of election.

The following letter was then read by the Recording Secretary:

" Baltimore, Jany. 17, 1918.

" Mr. George L. Radcliffe,
 " Recording Secretary,
 "The Maryland Historical Society.

"Dear Sir:—

" Owing to the withdrawal of Mr. William M. Hayden of his name from nomination as Chairman and member of the Committee on Genealogy and Heraldry, for election at the regular monthly meeting of the Society, on February 11, 1918,

we, the undersigned, active members of The Maryland Historical Society, do hereby nominate in conformity with Article III, Section 9, of the Constitution of the Society, *B. Bernard Browne*, Chairman of said Committee; and *F. Sidney Hayward*, as a member thereof, in the place of Mr. Hayden, who declines to serve.

“Very truly yours,

(Signed)

“RICHARD H. SPENCER,

“W. HALL HARRIS,

“RICHARD M. DUVAL,

“HAMMOND J. DUGAN,

“HENRY J. BERKLEY.”

The Chair thereupon commented on the fact that there were no contests in the election inasmuch as only the requisite number of nominations necessary to fill the respective positions had been nominated and no more. Upon motion made, seconded and duly passed, the Secretary of the meeting, together with the tellers, were directed to cast the ballots in the manner prescribed by the Constitution and By-Laws for the candidates for the respective positions for which they had been nominated. The Secretary of the meeting announced that the ticket prepared by the nominating committee had been unanimously carried. (See page 83.)

President Warfield then spoke as follows:

“*Ladies and Gentlemen:* The activities of our Society during the year 1917 were greatly curtailed by the United States entering the world war. This action of our country unsettled conditions socially and financially, and has required the patriotic services of our members to aid the Government in preparing for the serious requirements of the hour. The cheerful aid extended by our men and women has demonstrated a high degree of patriotism. We see on every hand an enthusiastic, patriotic spirit. Many of our members promptly

responded to the call to arms and are now in the battle line in France, or in training camps in this country preparing for the front. It is in line with the teachings of the Maryland Historical Society to thus respond to the call to uphold our flag, and to maintain the honor and glory of our country. Maryland's part in this war will increase the work and duties of the Society. It must collect and preserve the records made by Maryland men and women during this crucial period in the history of our State and Nation.

"The new home of the Society, being constructed under the personal direction of the donor, Mrs. Mary Washington Keyser, is nearing completion and will be ready for occupancy this spring. In architectural beauty and stability it comes up to our highest expectations and justifies the confidence we have had in the taste and practical ideas of Mrs. Keyser, who has alone supervised the work. She considers it a task of love and patriotism. This new home will stand not only as a beautiful and enduring memorial to her husband, but a monument to her practical and artistic taste.

"You will be pleased to learn that, notwithstanding the unsettled conditions referred to, our membership has increased and our receipts have made a good showing, being in excess of last year. I will not detain you with further details, the reports of the chairmen of the several standing committees herewith submitted give in detail the results of the activities in their respective lines of duty.

"The next three months will require increased work not only by the Committees, but by all the members, in getting our personal effects into shape and installing them in our new home. May I ask the active co-operation of not only the members of the various Committees selected tonight, but also of each and every member of the Society. The upkeep of our new home and administrative expenses will be increased, and we will have to meet them. I am sure we can rely upon the members of this Society to stand together and aid in raising the necessary funds.

“ This is our last meeting in this hallowed building. The spirit of optimism that prevails here tonight is encouraging. Our Society is upon the threshold of new and greater work and usefulness. What is accomplished will depend upon you.”

By motion passed unanimously, it was ordered that the President's remarks be spread in full on the minutes.

REPORT OF THE TRUSTEES OF THE ATHENAEUM.

The report of the trustees of the Athenaeum was then read by Mr. G. L. Radcliffe in the absence of Mr. J. Appleton Wilson. It was as follows:

“ During the past year only the necessary repairs to the property have been made, as it was realized that we are soon to vacate it for our new location. The new building is nearing completion, most of the plastering having been finished and all the exterior work. The former Pratt House has been entirely renovated and painted. It is wired for electric lights and will be heated from the plant in the new building. New floors of quartered oak have recently been laid on the three principal floors, and the main stairway has had its treads and risers renewed in the same manner.

“ Presumably the buildings will be ready for occupation in the spring, so that the work of moving the library can proceed during the summer when our rooms are not in such constant use.

“ Respectfully submitted,

J. APPLETON WILSON, *Chairman.*

TREASURER'S REPORT OF RECEIPTS AND EXPENDITURES FOR THE YEAR 1917.

The Treasurer's report was read by Mr. Radcliffe in the absence of the Treasurer. It was as follows:

TREASURER'S REPORT OF RECEIPTS AND EXPENDITURES FOR
THE YEAR 1917.

Cash on hand January 1, 1917..... \$316 63

RECEIPTS:

Current Dues.....	\$ 3,240 00	
Dues in Arrears.....	240 00	
Magazine Sales, Subscriptions, etc.....	162 09	
Investigations and Searches.....	54 25	
Sale of Publications.....	7 30	
Use of Basement.....	567 00	
Income of Peabody Fund.....	863 00	
Income other than Peabody Fund.....	494 00	
Library Committee.....	3 75	
Diploma Account.....	27 00	
		<hr/>
	\$ 5,658 39	
Loan from Fidelity Trust Company.....	750 00	
Transferred from Special Guarantee Fund.....	400 00	
		<hr/>
		6,808 39
		<hr/>
		\$ 7,125 02

EXPENDITURES:

General Expenses.....	\$ 4,460 73	
Investigation and Searches.....	4 75	
Committee on Library.....	377 60	
Magazine Account.....	1,043 83	
Use of Basement.....	78 00	
		<hr/>
	\$ 5,964 91	
Loan of 1916 paid.....	750 00	
		<hr/>
		6,714 91
		<hr/>
		\$ 410 11
		<hr/>
Cash on hand January 1, 1918.....	\$ 349 11	
Coupons to be collected.....	61 00	
		<hr/>
		\$ 410 11

REPORT OF THE COMMITTEE ON GALLERY

The report of the committee on the Gallery was read by Mr. Radcliffe, as follows, in the absence of Mr. R. M. Ridgely:

“ Baltimore, Jany. 28, 1918.

“ Honorable Edwin Warfield, *President*,

“ Maryland Historical Society,

“ Baltimore.

“ Dear Sir:—

“ While there has been no regular meeting of the Gallery Committee, I, as Chairman, beg to report the return from the restorer of the Darnall portraits. The cost of restoring these paintings was borne by a member of the Society, and considering their character and condition the most possible was made of them by the restorer.

“ As near as can be ascertained the new building will be ready to receive the gallery by next May, before which time many of the paintings should be cleaned before they are rehung. I estimate it will cost at least \$250.00 to move, clean and rehang the paintings in the gallery. Of course, this would not include the restoration of the paintings, although many of them need it badly. The money for this purpose should be forthcoming by next March and I sincerely trust that some provision will be made to raise it.”

REPORT OF THE LIBRARY COMMITTEE

The following report from the Library was read by Mr. Radcliffe in the absence of Mr. Edward B. Mathews:

Gentlemen:

The Library Committee begs to report the following additions to the library during the year 1917:

Fifty-one (51) volumes, books and manuscripts have been purchased and four (4) magazines acquired by subscription at the cost of.....	\$ 279 90
Forty-four (44) volumes have been bound at a cost of.....	97 70
	<hr/>
Total disbursements authorized by the Library Committee amounted to.....	\$ 377 60

The Committee would call attention to the receipts by gift of the following:

160 volumes, 365 pamphlets, 230 issues of magazines, 6 photographs, 46 muster rolls, several bills of lading, 2 bronze tablets, 3 autograph letters, 1 assessment list and several pieces of colonial currency.

Items of genealogical interest will be noted in the report of the Committee on Genealogy and Heraldry.

About 7,000 persons consulted 90,000 volumes.

We note here the bequest of Mr. Raphael T. Semmes of two trunks and three boxes of books and typewritten manuscripts, with pencil notes. These will be described in the report of the Genealogical Committee.

A large United States flag was presented to the library by the "Nicholas Ruxton Moore Society, Children of the American Revolution," early in the year.

President Warfield called attention to the fact that the chairman of the Finance Committee had been prevented from submitting his report, but that the substance of what would have been in such report had been incorporated in the report of the Treasurer.

Dr. Bernard C. Steiner on behalf of the Committee on Publication submitted the following report:

REPORT OF THE COMMITTEE ON PUBLICATION.

Council of the Maryland Historical Society.

Gentlemen:

The Committee on Publication respectfully reports that during the year it has caused to be printed four numbers of the MARYLAND HISTORICAL MAGAZINE, under the editorship of Louis H. Dielman. The magazine has contained articles dealing with various periods of the history of the State, and has rendered a useful service to all students of the history of Maryland, while it has also been a valuable medium for main-

taining the interest of members of the Society. Volume 37 of the Series of the Archives of Maryland, edited by Bernard C. Steiner, Ph. D., appeared in the beginning of November, and contains the Acts and Proceedings of the General Assembly of the Province from 1730 to 1732. The Committee secured from the Clerk of the Court of Appeals, the legal custodian of the statutes, the manuscript volumes containing the Acts from 1711 to 1776, and thus was enabled to print for the first time the private laws for the period covered by the volume. We hope to print in Volume 38 these Acts from 1711 to 1730, which have never yet been printed. We were fortunate to discover that a duplicate copy of the laws passed when Maryland was a Royal Province, was contained in the British Public Record Office. Through the courtesy of George J. Dowse, Esq., of London, such of these are now being copied as have not previously been printed. These Acts were passed between the years 1694 and 1698, and the text of them, in Maryland, was lost before the Rev. Thomas Bacon's edition of the Laws appeared in 1765. With the recovery of these statutes we are now able to print in a practically complete form the *corpus juris Provinciale Marylandica*. The value of this series of Archives to all students of American Colonial history is more clearly appreciated with each passing year.

We respectfully propose the adoption of the following resolution:

Resolved, That the Magazine Account be credited with the sum of \$81.90 for the cost of printing the annual report of the Society and the list of members, and that the amount be charged to general expenses; and that it be also credited, in accordance with the terms of the deed of gift of the late Mr. George Peabody, and of the resolution of the Society adopted January 3, 1867, with the sum of \$419.50, being one-half of the income for the current year from the investment of the Peabody Fund; and that the magazine account be then closed by appropriate entries in the usual manner.

The receipts and disbursements on magazine account, as

exhibited to this Committee by the Treasurer of the Society, were as follows:

Vol. X: Cost of printing No. 4 (December number, 1916)...	\$ 146 10
Vol. XI: Cost of printing No. 1, March, 1917 (including Index)	300 26
Cost of printing No. 2, June, 1917.....	166 46
Cost of printing No. 3, September, 1917.....	175 96
	<hr/>
	\$ 788 78
Cost of Editing.....	\$ 150 00
Cost of Copying.....	40 00
Cost of Postage and Distribution.....	78 40
Cost of Commissions on Advertisements..	2 40
	<hr/>
	270 80
	<hr/>
	\$ 1,059 58

RECEIPTS.

Vol. XI: From Sales.....	\$ 53 90
From Subscriptions.....	90 30
From Advertisements.....	
	<hr/>
	144 20
	<hr/>
Debit Balance.....	\$ 915 38

DISBURSEMENTS.

Against which is to be credited cost of printing annual report and list of members in March issue, 27 pages at \$2.20 and 15 pages at \$1.50..	\$ 81 90
And one-half the income from the Peabody Fund....	419 50
	<hr/>
	501 40
	<hr/>
Leaving to be charged off in order to close this account as of December 31, 1917, the sum of.....	\$ 413 98
There is to be added to the amount of the excess of disbursements over receipts above stated.....	915 33
Cost of printing No. 4, the December number.....	184 21
	<hr/>
	\$ 1,099 54
Deduct therefrom the amount of the credits above noted.....	501 40
	<hr/>
Leaving as the actual cost of Volume XII.....	\$ 598 14

The expenditure of the annual appropriation of \$2,000 for

the publication of the Archives, in accordance with the law passed at the January session of the General Assembly in 1916, was as follows:

Balance on hand December 31, 1916..... \$ 1,935 86

CR.

Received from State Appropriation in 1917.....	2,000 00
Received from Interest on balance in bank.....	30 16
Received from Sales of Archives, etc.....	210 96

\$ 4,176 97

DR.

Paid for Editing Volume 37.....	\$ 550 00
Paid for Printing Volume 36 (614 pages).....	1,713 25
Paid for Printing Volume 37 (602 pages).....	1,700 00
Paid for Copying Manuscripts.....	172 84
Paid for Sundries, Stationery, etc.....	27 95

4,114 04

Balance on hand December 31, 1917..... \$ 62 93

The sum of \$62.99 is still due for printing Volume 37.

REPORT OF THE COMMITTEE ON MEMBERSHIP

The Secretary stated that the Committee on Membership had not submitted any formal report, but that the following interesting data had been prepared:

The following is the state of the membership of the Society to December 31, 1917:

Honorary	2	Showing an increase of.....	1
Life	5	“ “ “ “	5
Corresponding	52	“ “ “ “	38
Associate	60		
Active	707	A net increase of.....	44

806

Of this number (806) there were 767 paying members. This count is based on the following:

Number on Roll December 31, 1917—Active.....	669
Elected in 1916; paid in 1917.....	9
Elected in 1917.....	53
Transferred from Associate.....	1

732

Losses by death.....	15	
Resigned.....	6	
Dropped	4	
		25
<hr/>		
Total active on roll.....		707
Associate members on roll December 31, 1917.....	55	
Elected 1917.....	7	
Taken from Corresponding List.....	1	
		63
<hr/>		
Losses by death.....	1	
Resignations	1	
Dropped	1	
		3
<hr/>		
Total Associate on roll.....		60

REPORT OF THE COMMITTEE ON GENEALOGY AND HERALDRY

The following report from the Committee on Genealogy and Heraldry was then read by Mr. Radcliffe, in the absence of Mr. William M. Hayden:

Baltimore, February 4, 1918.

Your Committee on Genealogy and Heraldry would respectfully report as follows:

During the year the index to the first volume of the Record of the First Methodist Church, Baltimore, Md., was made.

Three volumes of the Cathedral Burial Ground Records were copied and several indexes were made to Church records.

The Society was very fortunate in receiving by bequest the genealogical collection of the late Mr. Raphael T. Semmes, of Savannah, Georgia. Aside from Mr. Semmes' notes on the Semmes family there are fifty-four additional books of pencil notes and of typewritten manuscript, of which the first twenty-seven books are alphabetically arranged and Volumes 28 and 29 are extra sheets arranged from "A" to "Z." There are two books on the Thomas Family and the succeeding volumes comprise marriages, tombstone records, notes from Debt Books,

Rent Rolls, Land Records, Wills, Administration Accounts and Inventories, recorded at Annapolis and at the county seats of various counties in Southern and Western Maryland.

Nothing occurred during the year which required the action of your Committee.

REPORT OF THE COMMITTEE ON ADDRESSES AND LITERARY ENTERTAINMENTS

The following report from the Committee on Addresses and Literary Entertainments was then read by Mr. Radcliffe in the absence of General A. C. Trippe:

Your Committee on Addresses report and append a list of papers read before the Maryland Historical Society at its monthly meetings during 1917:

- Jan. 8—"Biography of the Late John H. B. Latrobe." By Mr. John E. Semmes, Jr., a member of the Society.
- Mar. 12—"Robert Smith and the Navy." By Mr. G. C. Davies, an associate member of the Society.
- April 9—"Old Maryland Clubs." By Daniel R. Randall, Ph. D., a member of the Society.
- May 14—"Unpublished Maryland History from Fulham Palace." By Bernard C. Steiner, Ph. D., a member of the Society.
- June 4—"The Origin and Development of the National Emblem of the United States of America." By Mr. John White Johnston, of Rochester, N. Y.
- Oct. 8—"John H. B. Latrobe and Some of His Contemporaries." By Mr. John E. Semmes, Jr., a member of the Society.
- Nov. 12—Reminiscences by different members.
- Dec. 10—"The Truth About Certain Great Events in Our History and Their Actors, Which Historians Have Overlooked or Avoided. Extracts from the Baylor Varia." By General Andrew C. Trippe, a member of the Society.

Before the meeting adjourned President Warfield called attention to the fact that the next annual meeting would doubtless be held in the new home of the Society and he spoke enthusiastically of the widened field of activities of the Society and the bright prospects which awaited it.

There being no other business, the meeting adjourned.