

# MARYLAND

## HISTORICAL MAGAZINE

---

VOL. XIV.

JUNE, 1919.

No. 2.

---

### IN MEMORIAM

“FOR OUR TOMORROWS, THEY GAVE THEIR TODAY.”

---

ZADOC MORTON KATZ, Private, 1st Class; Co. I, Intelligence Department, 313th Infantry, A. E. F.

Born in Baltimore, Md., January 15, 1890.

Killed in action, Montfaucon, France, September 27, 1918.

He received his early education in the Public Schools, the religious schools of the Oheb Shalom Congregation, and the Preparatory Department of the Peabody Conservatory of Music. In 1906, at the age of 16, after three years' course, he graduated from the Baltimore City College, winning the third \$100 Peabody prize in a class of 119.

Katz then entered the employ of his father, and at the age of 21 became a member of the firm. He was soon recognized as one of the ablest and most progressive young men in the commercial life of the city. Though strenuously engaged in mercantile pursuits, for three years prior to his death, he attended night classes of the Johns Hopkins University, taking courses in English, economics, corporation finance, psychology and philosophy. He was a member of the Masonic Fraternity, City Club, Progress Club, Suburban Club, and a member of the Executive Committee of the Alumni Association of the Balti-

more City College. After building himself up physically by boxing and other athletics for several months, he requested his Draft Board to induct him into the service months in advance of his numerical time. He went in training at Camp Meade and embarked for France, July, 1918.

He was killed during the heavy fighting in the American line September 7, 1918. According to a letter received by his parents, Private Katz is believed to have met his death while in "No Man's Land" on a reconnoitering expedition. He was a member of the 3d Battalion, Intelligence Staff, Company I, "Baltimore's Own," 313th Infantry. During the operation of the American forces that branch of the service was instrumental in obtaining information as to the enemy's strength, identification, and other data, which is among the most hazardous duties in the army, the men being frequently obliged to visit the enemy trenches. It was on one of these scouting expeditions he was killed, immediately after accomplishing a heroic deed which probably saved many boys' lives.

In his will Katz bequeathed \$500.00 to charitable institutions of Baltimore. To honor his memory many donations were made to the Federated Jewish charities of Baltimore, one for \$2,500.00 by a friend from New York. The Lodge of the Masonic Order, of which he was a member, paid a special tribute to him in a booklet issued by it. A group of friends presented to the Johns Hopkins University the Z. Morton Katz Memorial Fund of \$3,000.00, through which, annually, a member of the graduating class of the Baltimore City College is awarded a scholarship to the Johns Hopkins University.

Such was the useful life and heroic death of Zadoc Morton Katz. In letters from his comrades and articles which appeared in the press, many tributes were paid to him. All agree that he was a man of extraordinary ability and character, a fearless soldier and one of the most beloved of men in his regiment.

---

GEORGE BUCHANAN REDWOOD, 1st Lieut., 28th Infantry.

Born at Baltimore, Maryland, September 30, 1888.

Killed at Cantigny, France, May 28, 1918.

George Buchanan Redwood was the son of the late Francis T. Redwood and Mary Coale Redwood, and brother of Francis T. Redwood, Jr.

He received his early education at Gilman Country School from which he graduated in 1906. He then enrolled at Harvard University at which institution he received distinction, graduating in 1910 with degree of B. A. From 1910 to 1917 he was real estate editor of the *Baltimore News*.

Immediately following America's declaration of war in April, 1917, Lieut. Redwood enlisted in the U. S. Infantry and was at once ordered to attend the Fort Meyer Training Camp for officers, and was commissioned Lieutenant of Infantry.

On September 7th, 1917, Lieut. Redwood sailed for France. His first assignment was to the British 4th Army School for sniping, scouting, and observation, passing with the highest possible grade, 100 per cent. From here he was assigned to the 28th Division as Intelligence Officer. He served continuously with this Division until his death, May 28th, 1918.

He was awarded the D. S. C. for extraordinary heroism in action at Seicheprey, France, March 28th, 1918. With great daring he led a patrol of men into a dangerous portion of the enemy's trenches, where the patrol surrounded a party nearly doubling their own strength, captured a greater number than themselves, drove away an enemy rescuing party, and made their way back to their lines with four prisoners from whom valuable information was taken.

Lieut. Redwood was also awarded an Oak Leaf Cluster, to be worn with the D. S. C., for the following act of extraordinary heroism at Cantigny, France, May 28, 1918. He conducted himself fearlessly to obtain information of the enemy's lines, which were reported to be under consolidation. While making a sketch of the German position on this mission, he was under heavy fire and continued his work even after being fatally

wounded until it was concluded. The injuries sustained at this time caused his death. He also received the Croix de Guerre with palm.

The following letter from his General Commander, shows him to be an officer whose high example of all that is best in American manhood, is a heritage of honor and pride which his Division shares with his native city:

“Coblenz, Germany, Jan. 22, 1919.

My dear Mrs. Redwood:

This command sends to you through me this expression of pride shared with you in the record of your son.

No finer example of our nation has given his life for the great cause.

In our memory he marches in the van of the bravest and best—those who sought the posts of highest honor—nearest the enemy.

Faithfully yours,

(Signed) Frank Parker,  
General Commanding.”

---

JOHN WILLIAM SAXON, Co. K., 115th Infantry.

Born at Alvin, Texas, November 5, 1897.

Killed at Nollville Farm, France.

John William Saxon was the son of Jesse W. Saxon and Hannah W. Saxon, and brother of Thomas L. Saxon, Mary Saxon, Ruth Saxon, Naomi Saxon, Samuel M. Saxon, and Jesse J. Saxon.

His early life was spent in Alvin, Texas, moving with his family to Washington, D. C., in 1907, where he entered the public school at Chevy Chase. In 1918 the Saxon family took up residence in Hyattsville, Md., remaining only two years, when they moved to Kensington, Md. While at Kensington, John Saxon attended Central High School, Washington, D. C.

In June, 1916, he enlisted in the Maryland National Guard, 1st Regt., Company K, and was immediately sent to the Mexican border, remaining there until November, 1916. At the outbreak of the war with Germany his Regiment was called and sent to Camp McClellan, Anniston, Ala. After six months intensive training they were sent overseas as the 115th U. S. Infantry, arriving in France the latter part of June, 1918.

Only a few days after Sergt. Saxon's Company got into line he was awarded a divisional citation for courage and skill in reconnoissance preliminary to a raid on the German trenches August 30th and 31st, 1918, when he had the high honor of being the first man of his division to enter the enemy trenches in his attack.

In October, 1918, he was awarded posthumously, the D. S. C., for the following act of extraordinary heroism in action near Verdun, France:

"In the advance on Rechene Hill he showed great courage and judgment in leading his platoon and wiping out several machine guns that were holding up the advance. He was killed while gallantly leading his men against the last of these."

He was buried with full military honors in the American Cemetery at Consenvoye Meuse, France.

---

HARRY J. SELBY, Capt. 18th U. S. Infantry.

Born at Ivory, Howard County, Maryland, Dec. 15th, 1894.

Killed in Argonne Drive, France.

Harry J. Selby was the eldest son of John W. Selby and Addin Selby, and brother of John R. Selby, W. B. Selby, Grace Selby, Jane Selby, Mrs. H. P. Makel and Mrs. Florence Iglehart.

He attended public schools and high school until he was 18 years of age when he enrolled at St. John's College, Annapolis, Maryland. At this institution he received the highest honors both in scholastic and military affairs. Besides this he was a

prominent athlete, being chosen for the all-Maryland foot-ball and basket-ball teams for three consecutive years.

After his graduation he enlisted in the 1st. Maryland Machine Gun Company in which he saw service on the Mexican border. In December, 1916, he was commissioned in the Regular Army and detailed to Fort Leavenworth. From here he was assigned to the 18th Infantry, sailing for France with the 1st. U. S. Contingent on June 14th.

His first duty was as instructor at Gonducourt school. Re-joining the 18th on July 3 he took part in the Cantigny drive. Capt. Selby was wounded near Soissons, July 18th. He returned to duty with the Regiment on September 4th in time to take part in the drive started September 11th. While in the Argonne, the Major of his battalion was gassed. Capt. Selby was immediately put in command of the battalion and led it for three days of the hardest fighting.

Besides being cited in Division orders December 8th, 1st. Division, A. E. F., the Marshal of France, Commander in Chief of the French armies of the East, cites in the order of the Army:

“Capt. H. J. Selby, 18th Regt., U. S. Infantry, displayed great bravery and coolness at the head of a battalion which he brilliantly led to the attack, October 4, 1918. He did not spare himself during the days following, encouraging his men by his great calm under the fire of enemy guns and machine guns. Fatally wounded October 9, 1918.”

(Signed) Petain,  
Commander-in-chief.”

Capt. Selby won the admiration and friendship of every officer in the Regiment, and all the men under his command say he was the bravest man they ever saw. Capt. Selby was buried with full military honors at Exemont, France.

---

JOHN GALEN SKILLING, 1st Lieut. Medical Corps.

Born at Lonaconing, Maryland, February 22d, 1894.

Killed at Mouzon, France, November 7th, 1918.

John Galen Skilling was the son of Dr. William Q. Skilling and Lottie (Kuhn) Skilling, and brother of William K. Skilling and Charlotte Skilling Carter.

His boyhood days were spent in Lonaconing, Maryland, where he attended public schools. At the age of 13 he entered Central High School of Lonaconing, from which he graduated in 1911. He then took two years of pre-medical work at the University of Pennsylvania, going thence to the University of Maryland, from which institution he graduated as Medical Doctor in 1917. Subsequently he was appointed resident physician at Maryland General Hospital, Baltimore. On August 1st, 1917, he received his commission in the U. S. Medical Corps. Shortly afterwards he married Jessie B. Robinson of Cumberland, Maryland.

Lieut. Skilling was assigned to Camp Greenleaf, Oglethorpe, Ga., at which place he received his training. On April 16th he went overseas and on his arrival was assigned to Field Hospital 13, 1st. Division. He also served with Ambulance Company No. 3, and at the time of his death was Battalion Surgeon of 1st. Battalion, 26th Infantry, 1st Division.

Lieut. Skilling saw active service with his regiment during the battles of Chateau-Thierry, St. Mihiel, and both the Argonne Forest drives, besides all the other 1st Division engagements.

The Major of his Battalion, L. R. Wheeler, writes the following:

"I commanded the Lieutenant's Battalion, 26th Infantry, from late July to September 18th. Skilling was the Battalion Surgeon, and was as efficient professionally as he was lovable personally. His calmness and clear insight under conditions of stress were of the utmost value to the command. He was beloved by the men and respected by the officers."

The last heard of Lieut. Skilling was when he walked up to Battalion Headquarters to inform them that they were in great need of stretcher bearers and stretchers. He then left to return to the wounded, where his duty was, and in crossing over the exposed ground was struck by one of the enemy's large shells and it is doubtful if his body was ever recovered.

“A great sorrow for his family was his death, but also an imperishable honor in his giving truly, efficiently, bravely, his life for our country—and they were the best we had, the men who did not return—.”

---

JAMES HENDERSON SPAFFORD, Lieut. 2nd Regt. Engineers, 2nd Division.

Born at Baltimore, Md., October 9, 1892.

Killed at Suippes, France, October 9, 1918.

James Henderson Spafford was the only son of James A. Spafford and Susanne I. Spafford and brother of Mrs. Edgar G. Carlisle of Philadelphia.

Lieut. Spafford received his early education at the Baltimore Polytechnic Institute, graduating in 1911. He then spent two years in the Engineering Department of the Baltimore and Ohio Railroad and one year in Engineering Department of the Southern Railroad, going thence to the Civil Engineering School of Cornell University, with the class of 1917.

When America declared war, Lieut. Spafford entered the Officers' Training Camp at Fort Myer and was commissioned 2d Lieut. in August. The following month he left for France and after spending about eight months in more specialized training at Versailles, was sent to the firing line in May and was made 1st. Lieut. soon thereafter.

For the following act of extraordinary heroism in which he made the supreme sacrifice Lieut. Spafford received both the D. S. C. and the Croix de Guerre with palm. Seeing a combat patrol suddenly fired upon by an enemy machine gun nest and

hard pushed, Lieut. Spafford went to its relief, courageously leading an attack on the machine gun nest. Although wounded in the arm during the attack he continued in action until he received a second wound. He was then taken to the hospital at Suippes, where he died two hours later.

He fought in the battles of Belleau Woods, Chateau-Thierry, Soissons, St. Mihiel and Blanch Mont. He was recommended for a Captaincy shortly before his death. He fell in battle on his twenty-sixth birthday.

---

FRANK BROWNE TURNER, First Lieutenant, U. S. Army,  
Aviation Corps, A. E. F.

Born at "Norwood," near Wicomico, Charles County, Maryland, September 22, 1895.

Killed near Tours, France, January 30, 1918.

Frank Brown Turner was the youngest son of Robert Hall Turner and Mary Keech Turner, and brother of Robert Alan Turner, William Carlyle Turner and Mrs. Francis A. Martin.

His boyhood days were spent at "Norwood" and his early schooling was obtained at the public school nearby. In his thirteenth year he enrolled at the Gilman Country School, near Baltimore, remaining for two years, then attended the Browning Preparatory School in New York City, going thence to the Sheffield Scientific School of Yale University, with the Class of 1917.

Immediately following America's Declaration of War, in April, 1917, Lieutenant Turner enlisted in the Aviation Section of the Signal Corps, at Fort Myer, Va. He was ordered to the Ground School at Massachusetts Institute of Technology for preliminary training. During this period he returned to New Haven and received his degree. From the Ground School he was sent to Mineola for intensive training in flying, and in a short time was pronounced an efficient pilot and awarded a commission of First Lieutenant, Aviation Corps.

In October, 1917, Lieutenant Turner sailed for France in

charge of one hundred cadets, whom he was to assist in training on arrival overseas. While engaged in this work, and also undergoing special training for combat work, his plane was run into by that of Cadet Hopkins, of Newark, N. J., and both flyers killed instantly.

The funeral of Lieutenant Turner, near Tours, France, was most impressive. According to eye witnesses, during the funeral one hundred planes went through formations over the grave, and over the procession, which was half a mile in length. His comrades were so anxious to contribute for flowers that the amount had to be limited. The flowers were brought by special plane from a nearby city.

Lieutenant Turner was popular with all who knew him and held in high esteem by his fellow fliers, as is evidenced by the remarks of a friend and eye-witness to the accident: "I want to let his Mother know how much the crowd really thought of him; there wasn't anybody better liked."

---

## BATTLE OF LONG ISLAND

---

[In 1916 a special Committee, consisting of Messrs. Andrew C. Trippe, Richard M. Duvall and Francis B. Culver, was appointed to investigate the records with a view to establish the personnel composing the "Maryland Four Hundred" who, at the Battle of Long Island, 27th August, 1776, checked the British advance during the successful retreat of Washington's main army. The result of the investigation is herein presented.—EDITOR.]

### THE "MARYLAND 400" AT LONG ISLAND.

After the evacuation of Boston, Washington led his army to New York, which he feared would next be assailed, for New York was commercially important, and a strong Tory element existed in its vicinity.

Hurried preparations were made to complete the fortifications, troops were enlisted for three years, a bounty of ten

dollars was offered to encourage recruiting, and about twenty-seven thousand men were finally collected, of whom a little over one-half were fit for duty.

On the first of July, 1776, General Howe arrived at Staten Island from Halifax, and was soon after joined by his brother, Admiral Howe, from England, and by Clinton from the British defeat at Fort Moultrie. The enemy had thirty thousand admirably disciplined and equipped troops, including about eight thousand of the dreaded and detested Hessians.

The British fleet consisted of ten ships-of-the-line, twenty frigates, and four hundred ships and transports, which were moored in the bay, ready to co-operate.

Parliament now proclaimed pardon for all those who would return to their allegiance. Lord Howe desired a restoration of peace and sought an interview with his old-time friend, Benjamin Franklin. But it was too late. The colonies demanded independence, which England refused to grant. Nothing but war could settle the question.

Companies were mustered forthwith, and Maryland took measures to rush more than 3,900 troops on to New York, the anticipated theatre of war. A letter from the Council of Maryland to the Maryland deputies in Congress, bearing date the 16th of August, 1776, reads: "We shall have near 4,000 men with you in a short time—this exceeds our proportion for the Flying Camp, but we are sending all we have that can be armed and equipped, and the people of New York, for whom we have great affection, can have no more than our all."<sup>1</sup>

The Maryland Contingent consisted of the following commands:

Smallwood's battalion—9 companies (76 each)	684
Capt. Veazey's Company.....	100
Capt. Hindman's Company.....	100
Capt. Thomas' Company.....	100
Capt. Beall's Company.....	100
Capt. Gunby's Company.....	100

<sup>1</sup> *Md. Arch.*, XII, 212.

Capt. Woolford's Company.....	100
Capt. Watkins' Company.....	100
Griffith's battalion—9 companies (90 each)..	810
Colo. Carvell Hall's battalion, " " ..	810
Colo. Ewing's, 3 companies.....	270
Eastern Shore battalion, 7 companies.....	644

---

Total number of men..... 3,918

Towards the last of August, Clinton crossed over the Narrows and on the 27th of August, 1776, was fought the bloody battle of Long Island. Washington had sent a large part of his effective fighting strength under Generals Putnam and Sullivan to hold Brooklyn Heights on Long Island.

Brooklyn was fortified by a series of intrenchments and forts extending from Gowanus Bay to Wallabout. Here were stationed Generals Sullivan and Alexander (otherwise known as "Stirling," from his Scottish title). General Greene being ill, General Putnam was placed in charge of the defense. Against these Howe dispatched a force of 20,000 men, who turned the American flank and "the battle was won before it was begun."

By a fatal oversight, one of the three roads by which the British could advance, namely, the Jamaica road, cutting through the hills by the Bedford and the Jamaica passes, was left unguarded, and the enemy was not slow to take advantage of this circumstance.

Hundreds of Americans were killed and captured, "but the bravery and determined resistance of some 400 Maryland troops checked the British advance." This, says an historian, together with a heavy storm and the British slowness of movement, "saved this portion of the Continental Army, and enabled Washington to rescue the remnant of his forces two days later." (See also Amer. Archives 5°, 11, 882.)

Stedman, the British historian, says: "The Maryland regiment suffered most severely, having lost upwards of 260 men,

which was much regretted, as that regiment was composed of young men of the best families in the country.”<sup>2</sup>

The Maryland battalion was led by Major Mordecai Gist, who commanded it in the absence of Smallwood, the latter having been detained in New York, by orders of General Washington, upon a Court Martial.

Major Gist, Captain Ramsey and Lieutenant Plunkett were within 100 yards of the enemy's muzzles, when they were fired on by the latter. It is said that Stirling, at the head of three companies, attempted to force his way through the enemy. The records show that the principal loss sustained by the Marylanders fell upon the companies of Captains *Daniel Bowie*, *Benjamin Ford*, *Barton Lucas*, *Peter Adams* and *Edward Veazey*, consisting in all of about 400 men.

The killed and wounded amounted to about 260 men, including 12 officers, or about three-fifths of the number of Maryland troops engaged in checking the British advance. Captain *Edward Veazey* was killed and the following were reported either killed, wounded or missing: Captain *Daniel Bowie*; Lieuts. *Joseph Butler*, *Hatch Dent*, *William Sterrett*, *Edward Praul*, *Edward DeCourcy*, *Samuel Turbutt Wright*, *Walter Muse*; Ensigns *William Ridgely*, *James Fernandis* and *William Courts*; besides 13 sergeants and 235 privates.<sup>3</sup>

Adjutant *Brice* was taken prisoner by two officers of Light Horse and was delivered to a private, who told him he was his prisoner, which *Brice* denied, and immediately shot him and got free.

The following are mentioned as prisoners with the enemy who, under a flag of truce, sent for their baggage and cash: *Wright*, *Bowie*, *Butler*, *Muse*, *Ridgely*, *Sterrett*, *Courts*, *Fernandis* and *Dent*. Congress at once took measures for the redemption and exchange of the prisoners on Long Island (Amer. Arch. 5°, 1, 1251).

<sup>2</sup> Memoirs of Long Island Historical Society, II, 205.

<sup>3</sup> American Archives, 5°, 1, 1233, 1194. Memoirs of the Long Island Hist. Society, II, 520-522.

A subsequent "return" of the First Regiment of Maryland Regulars and of six Independent Companies, shows the frightful havoc which had been wrought in their ranks. The following tabulated statement of the five companies enumerated above will illustrate this:

<i>Companies.</i>	<i>Original Muster.</i>	<i>Returned.</i>	<i>Fit for duty.</i>
Capt. Bowie (dead) . . . . .	76	9	6
Capt. Ford . . . . .	76	24	13
Capt. Lucas . . . . .	76	15	8
Capt. Adams . . . . .	76	17	6
Capt. Veazey (dead) . . . . .	100	31	2
	404	96	35

It has been impossible to discover an exact and complete list of the men composing the "Maryland 400" as they stood on the 27th of August, 1776, the date of the battle of Long Island. We know, however, the respective companies that deserve the honor of special mention in connection with that memorable historical event, and rather than suffer the names of all of these heroic Marylanders to pass into oblivion, we have appended the original lists of the companies of Captains *Bowie*, *Ford*, *Lucas*, *Adams* and *Veazey*.<sup>4</sup>

In the case of Capt. Edward Veazey's Independent Company of Militia of Kent and Queen Anne's Counties, the entire muster roll is missing, only the roster of the officers being preserved (see Md. Arch., XII, 358, 488).

Attached hereto will be found the lists referred to in the foregoing introductory statement.

<sup>4</sup>These lists include enlistments from January to about the middle of May, 1776, and the rolls as they stand were probably completed in July and August of that year.

## "MARYLAND FOUR HUNDRED."

Major Mordecai Gist, Commanding.

## FIRST COMPANY.

John Hoskins Stone, Captain.	William Courts, Cadet
<i>Daniel Bowie</i> , 1st Lieut. <sup>5</sup>	Henry Ridgely, Cadet
John Kidd, 2nd Lieut.	James Sims, Sr., Corporal
James Fernandis, Sergeant	Samuel Hanson, Corporal
John Mitchell, Sergeant	Samuel McPherson, Corporal
Samuel Jones, Sergeant	Henry Walworth, Drummer
Charles Smith, Sergeant	Dennis Broderick, Fifer
Thos. Simpson, Corporal	
Privates—	Privates—
Andrew Ross Lindsay	John McPherson
Andrew Green Sims	Clement Edelen
Thomas Norris	Patrick Brady
Ignatius Doyglass	Francis Sherhard
William Smoot	Samuel Kurk
Edmund Cox	Francis Green Baggott
William Wheatly	Charles Green
John Boen	Charles Griffin
John Hopson	John Ward
John Adams	Richard Sheake
Thos. Way Connell	Edward Edelen
Joseph Cheatham	Saml. Hamilton
James Thompson	Francis Ware Luckett
Samuel Thompson	Matthew Garner
John Plant	Nathaniel Downing
Thomas Smith	Josias Miller
Jonathan Chunn	John Shaw
George Thomas	Edward Smith
James Sims, Jr.	John Norris
Samuel Wheatly	Joseph Jason Jenkins
Bernard Nash	James Hoge

<sup>5</sup> Captain, in command, at Long Island.

John Neal	Benjamin Gray
Luke Matthew Sherburn	Richard Smith
Samuel Luckitt	John Smoot
John Skipper	William Clark
Thomas Burrows	John Neary
Samuel Granger	Samuel Vermillion
Alban Smith	Truman Hilton
Edward Green	Gilbert Garland
John Smith	Mark McPherson

## SECOND COMPANY.

Patk. Sims, Captain	John Beans, 2nd Lieut.
<i>Benj. Ford</i> , 1st Lieut.*	Henry Gaither, Ensign
John Burgis, Cadet	Michael Burgis, Corporal
Walter Cox, Cadet	Gazaway Watkins, Corporal
John Richardson, Sergeant	John Elson, Corporal
Peter Clarke, Sergeant	Henry Leek, Corporal
Edward Spurrier, Sergeant	Benj. Lewis, Drummer
Alexius Conner, Sergeant	Thos. Horson, Fifer
Privates—	Privates—
Jonathan Robinson	Thos. Conner
John Lindsay	John Russel
Coxon Talbott	John Edelin
Lawrence Querney	Danl. Rankins
James Mitchell	James Perry
Peter Gallworth	Richard Cox
Bozely Wright	Joseph Steward
Milburn Cox	Thomas Walsh
John Willey	John Walker
James Adams	Chas. Burroughs
Hugh Tomlin	Philip Jinkins
Amos Green	Ben. Burroughs
Christr. Brumbargher	Francis Thompson
Thomas Simpkins	Francis Osborne
Elisha Everit	Michael Barnitt

\* Captain, in command, at Long Island.

Willm. Skipper	Paul Hagarty
Willm. Heyder	Elias Perry
Philip King	Veach Burgis
Richd. Johnson	Jacob Holland
John Veach	Middleton Marlow
Patrick Nowlan	John D. Lanham
Moses McNew	John Mills
Jacob Penn	Thos. Perkins
James Byzch	Henry Lanham
Ben. Vermillion	Edward Blacklock
Richd. Lowe	John Rodery
Robt. Nelson	Robt. Sapp
Basil Ridgly	Thos. Daws
Michael Waltz	Edmd. Carroll
Willm. Evans	Edwd. Jones
John Grant	

## THIRD COMPANY.

<i>Barton Lucas</i> , Capt. <sup>7</sup>	Alex. Roxburgh, 2nd Lieut.
Wm. Sterrett, 1st Lieut.	Wm. Ridgely, Ensign
Peter Brown, Sergeant	Benedict Woodward, Corporal
James Burnes, Sergeant	Benjn. Warner, Corporal
Zacha. Tannahill, Sergeant	Zacha. Gray, Corporal
Levin Will Coxen, Sergeant	Geo. Rex Leonard, Drummer
Saml. Hamiltone, Corporal	Joshua Saffell, Fifer
Privates—	Privates—
John Cissell	Abijah Buxtone
Zacha. Tilly	Nathan Peake
Christopher Beal	Timothy Collins
Leonard Watkins	Jeremiah Owings
Thomas Scott	Joseph Barry
Daniel McKay	John Armstrong
John Baker	George Wright
John Dunn	Philip Weller

<sup>7</sup> Reported "sick" at time of the battle (Mem. L. I. Hist. Soc., II, 527-528.

Hugh Conn	Amos Allen
Robt. Lesache	John Hughes
John Brown	Thos. Forguson
Benjn. Kelly	Obediah Sumers
Josias Connally	Absolam Stevenson
Rhody Hously	John Halsey
James Murphy <sup>8</sup>	Thos. Windom
George Knott	James Smith
John Enright	George Evauns
Thos. Murray	Thos. Shannen
William Pearce	George Leadbarn
Charles Jones	Michl. Catons
Josiah Hatton	James Hurdle
Richard Stone	Francis Cole
Samuel Ray	Alex. Allen
George Hamiltone	Wm. Baker
John Fleming	Garret Brinkenhoof
John Wood	John Rex Leonard
Richard Brookes	Bazil Jenkins
Zacha. Willing	Bartholomew Finn
Richard Wade	Roddey Owings
John Owings	George Read
Alex. Jackson	James Gardiner
John Murphy	Patk. Collins
John Jackson	Zachariah Hutchins (?)
John Flint	

## SIXTH COMPANY.

<i>Peter Adams</i> , Captain <sup>9</sup>	Alex. Murray, 2nd Lieut.
Nathl. Ewing, 1st Lieut.	John Jordan, Ensign
Joseph Elliott, Sergeant	Privates—
Edward Edgerly, Sergeant	Thos. Cooper
Thomas McKeel, Sergeant	Saml. McCubbin

<sup>8</sup> Lost left leg and was captured.

<sup>9</sup> Reported "sick" at time of the battle (Mem. L. I. Hist. Soc., II, 527-528).

Thomas Dwyer, Sergeant	Wm. Glover
Danl. Dwigens, Corporal	John Bryan
Saml. Dwigens, Corporal	Wm. Holms
Jas. Rogan, Corporal	Wm. Ray
Danl. Floyd, Corporal	Thos. Laffy
Robert Ross, Drummer	Jas. Kirk
Chas. McKeel, Fifer	Wm. Leeson
Privates—	John Lowry
John Clark	John McClain, of Harford
Zacha. Nicholson	Alex. Fulton
Henry Covington	Jas. Craig
Wm. Laighton	Robert Man
Wm. McDaniel	Patk. Quigley
George Jackson	Wm. Locke
John Hatton	Wm. Nagle
Alex. Wright	John Lynch
John Floyd	Hugh McClain
Elijah Floyd	Jas. Carmichael
Moses Floyd	Thos. Williams
John McFadon	John Kerby
Carbry Burn	Jas. Gibson
John McClain	Jno. Galway
John Johnson	Robt. Ritchie
Jas. Kelly	Wm. Aitken
Willm. McGregor	Hugh Galway
Thos. Fisher	John Morrow
John Powell	Geo. Dowling
Joseph Pirkens	Wm. Clark
Joseph Bootman	Wm. Temple
Hugh Wallace	John Phelps
Willm. McDaniel 2d	James Barkley
James Bell	Crisenberry Clift
Henry Clift	

## SEVENTH INDEPENDENT MARYLAND COMPANY.

Queen Anne's and Kent Counties.<sup>10</sup>

Edward Veazey, Capt.

William Harrison, 1st Lieut.

Samuel Turbutt Wright, 2nd Lieut.

Edward DeCourcy, 3rd Lieut.

## WILLIAM FRANCIS BRAND

[AN AUTOBIOGRAPHICAL SKETCH]

Of an irascible impatient temper my early life was very unhappy; and habits then formed and tendencies then strengthened have influenced subsequent life. When quite young I lost my mother, a woman of decided intellectual ability and deep piety, active in all charitable works. She must have given a religious bias to my mind for I recall the reflections that checked my flowing tears the day she died. I said to myself—"What right to be crying for my mother when she has gone to heaven?" All my life through the picturing of my mother has been—is even now—a guide and restraint. My loving father was indulgent but like most busy men failed to perceive the heart needs of a motherless boy. Neglected and lonely I became moody and resentful; my Arab spirit made me bad in many ways, yet I was always truthful. I had a right to be resentful. I was soon sent to school, and was changed from one to another. In one of these a brute thrashed me on the bare back with a window sash cord—when my only offence was that over a Latin

<sup>10</sup> Veazey's muster rolls, papers and personal effects were directed to his father by mistake, instead of being forwarded to the Council at Annapolis. It appears that they were lost in transit. The writer knows the name of only one private in this company, namely, *William Sheila*, of Kent County, Md., whose widow, living in 1854 aged about 90 years, stated that her husband had served under Capt. Edward Veazey six months (F. B. C.).

verb I had fallen into a nervous fit of crying—"Cried for nothing" the brute said. Under his lash my eyes were dry—tears were burnt up by rage and hatred. In a large French boarding school I had no right recognized by larger boys;—they took what was mine, treated me as they pleased and found constant pleasure in setting other boys on the "dam Americaine." Here I lived in a ceaseless fight.—Worse! I saw here in open day *every* lascivious act that can be imagined but not spoken of. In another school I was once pointed out to the French Bishop visitor as "the lieutenant of the lazy ones" when I was bright and willing to learn if not in a state of hostility. In this school I one day broke out in open rebellion against the teacher's injustice—never went back to his room, and was not missed from the class. I do not mean that my boyhood was wholly unhappy, but what I endured and what I lacked bred anger and resentment and idleness and secretiveness.

By God's grace I was kept from the wicked filth in the midst of which I had, at one time, lived; but the remembrance of what I saw and heard is like the impress of a finger on a fresh coin. I early found solace in reading. Don Quixote was my first delight. My first novels—I was still a boy—were Smollett's and Fielding's. When I was about eleven, not 12—I was sent to a private school near Lexington, Ky. Here my education began. A loving and wise, as well as learned, old man made me his companion. If his discipline had been stricter it would have been better for me. My easy free life did not strengthen me against what my friend, rather than schoolmaster, called "the seductions of the siren Desidia." I had always—strangely *proprio motu*, not from the leading of others—been religiously inclined: While at this school I became what was called "a professor of religion"; without any knowledge of dogma, I simply felt it to be a duty to confess Christ.

I spent some months in New Orleans under hurtful circumstances, and was then sent to Charlottesville, Va., to enter the University. I was too young by a year, and was but little the

better prepared—when I reached the statutory age which is sixteen. From 15 I was lord of myself with no restraint stronger than self will. At the University I took two degrees. My course was broken by resentment of what I still think gross injustice on the part of a professor: and so I am without an academic degree. I would not attend the classes of the man who wronged me, and was forced to resign. In his idea of the University on which he prided himself Jefferson overlooked the needs of boys—a boy I was at nineteen when I left Virginia. The next six months were passed in an architect's office in Philadelphia, Penna. Then I was recalled to New Orleans, and was not long after sent to France. Whatever may have been expected this was the result. Without stint as to money, and responsible to myself only I did but little study in Paris, and then passed some 18 months in pleasant travel and sight seeing. On my return home my father wisely concluded that I was not fitted for his business; and *faute de mieux* I drifted into a lawyer's office. Perhaps I might have preferred to be a doctor—I wished to know something about the human frame, and went to hear a friend lecture; the first time I went into the dissecting room I was laid hold upon by varioloid and never returned. In the course of time I was examined in full court and the judges had the hardihood to declare me to be “learned in the law.” While at the Bar I assisted my brother-in-law in the preparation of “Harrison's Condensed Reports.” Would I have ever succeeded at the Bar? An experienced man said to me—I was a quasi help in his office—“Brand, you will make a lawyer one of these days; and I'll tell you when. It will be when you hear your children cry. There are two motives that make a lawyer; one is ambition: you have not any; the other is love of money: of this you have less.” I did not wait for the stimulus that made a chancellor of Erskine. Before very long I determined to change my course in life. My father had long feared that such would be my choice and when I told him that I had determined to be a clergyman I had every reason to suppose that I would now have to care for myself. To my

surprise he told me that he would provide for me as he had always done. In the guise of a rich young man of the South I entered the General Theological Seminary in New York, being the first candidate for orders in the Diocese of Louisiana. I cannot but remember the impression made on me when I was told that the potatoes and onions which I saw at the door of the building belonged to a student who cooked his own food. Could gentlemen live in this way? is what I thought. The course at the Seminary is one of three years. It was the middle of my second year when, without previous intimation, I received notice that I must no longer draw for money as I had thus far done; that my drafts could no longer be honored. I cannot here state the cause of this surprise. In fact I never too carefully enquired. Only I must say that it was through no lack of love or generosity on the part of my father. I had then eleven and a quarter dollars in my pocket. I at once wrote to my Bishop asking what I should do. I did not hear from him. Instead there came, after a time, a letter from the rector of St. Paul's parish in N. Orleans in his own name, offering me money on certain terms. From him personally I would accept nothing. When I saw Bp Polk—gentleman that he was—he approved my refusal, and was much mortified that *his* provision for me, which I would have accepted, had been perverted by a man who did not appreciate the feelings of a gentleman. It was then too late to change plans that had been formed. With 11.25 in store what could I do? I cannot tell of different proposals. Only I venture to say of myself that with a trusting cheerful heart I looked upon the blank future. At first, I did not try cooking potatoes and onions, but I did live on crackers and cheese with an occasional egg and a quart of milk furnished me by a dealer who was teacher in the Sunday school of which I was superintendent. Then, on his having learned from a fellow student that I was breaking down through lack of food—I had actually fainted—good Dean Turner procured for me, in a girls' school to which he sent his daughter, the place of teacher of French. My terms with the mistress were "You

will give me something to eat, and make out of me what you can."

Before the end of the seminary year I had been persuaded by a very near friend to allow him to care for me during the remainder of my course. In 1842 I was graduated with no special distinction. I was not, and am not, a scholar. I had been transferred from Louisiana to New York: on the 1st of September 1842 I was made Deacon by Bishop B. T. Onderdonk. Soon after I went to my friends in Maryland. Bp. Whittingham had been my friend as well as professor at the seminary. He said to me: "I would not keep you from Louisiana but if you are not going back, I have a claim on you." I consented and before the end of the year he sent me to a vacant parish—All Hallows, Anne Arundel Co., one of the original parishes established in 1692. The vestry accepted me, curtly saying "Mr. Brand, we have agreed to engage you." Nothing was said about the terms of the engagement. When I gave myself to God's service in the ministry I believed in His declaration that "the labourer is worthy of his hire," but I determined to trust Him for the care of His servant. This trust was tried during my stay at All Hallows. I had nothing to live on but free gifts. These were very irregular. Sometimes I had abundance, and at times very little; my family, *i. e.*, my wife, a widowed sister and two children have had on the table nothing but mush and molasses. The brave women never complained; and the truth was not known to my kind but thoughtless people. At the end of six or seven years my wife's family proposed that I should go to their neighborhood. They would build me a church, and they shewed a probability of gathering a congregation. I sent them to the Bishop. He promptly bade me go! Thereupon I resigned my parish with sincere regret. The year or more that followed was without clerical duty. This gave me what was absolutely necessary, for my health had been broken by malaria. In time a church was built, a plain stone structure with a solid open roof. In the lapse of 45 years this has been made a much admired building,

all its windows filled with best English glass; one representing the crucifixion, unsurpassed in the United States, nine oil paintings in the chancel, and everything in accord. And all this free offerings. The first service was on the day of the consecration (which implies that the building was paid for). On this day, 25 May 1851 the five men whom I had induced to act as vestrymen, chose me to be their rector. I had called them, even as in the days that followed, I gathered the congregation of St. Mary's Church, Harford Co., Md. Here through more than half a century I have remained, rector of a small country parish.

Here is my estimate of myself. He who wrote "They also serve who only stand and wait," had been a man of much labour in many ways. Even in his blindness his "one talent" was not "lodged with him useless": he was ever energetic, his mind active. It has not been so with me. At best I have but been among them that only stand and wait. To wait upon the Lord is a virtue; but not one to attract the notice of men. I have not even been zealous in my calling. Not many have served, after whatever fashion, so long as I have. They must be few who can say with me "I have never had a salary." Probably there is none other in our Church of whom it can be said "He never had a call from a vestry." This may be true of me because my light has been dim. I have not been wanted. But it is also true I have never sought advancement in the Church, euphemistically called "a wider field of usefulness." Ten years ago the 17th June happened to be Sunday. I preached on the 90th psalm. When I came to the words "Tho' men be so strong that they come to four score years yet is their strength then but labour and sorrow," I said "Brethren the words of the psalmist are not without exception; I am this day eighty years old, and I am a happy old man." I would say this now—a decade later. Not because life has ever been without trials; but because God has blessed me with a thankful trusting heart. In the habit of tracing every enjoyment to the

author of every good gift I am prepared to accept, with more than submission, sorrow sent by the same loving Father.

It has been more than intimated that the memorial of me that is to appear in "The Men of Mark" will be other than the obituary notice given in a Church Almanac, and I have been asked to save him the trouble of search. A biographer seeks to know *what* his subject is. I have therefore written, for his eye only, openly, what I might say to near friends desirous to know what I am and what has made me what I am through the grace of God.

December 5th, 1904.

[Doctor Brand was born in New Orleans, La., June 17th, 1814, and died in Harford county February 18th, 1907, nine days after the death of Mrs. Brand. Early in the forties he moved to Maryland and engaged in the ministerial work in which his whole life was subsequently passed. He was admitted to the diaconate of the Episcopal Church in September, 1842; in 1843 he married Sophia McHenry Hall, and in March, 1844, was ordained to the priesthood.

For many years he conducted a school for young men which was largely patronized until about 1878, when, owing to the advanced age of Doctor and Mrs. Brand, it was given up.

Doctor Brand was a man of profound learning. He was an able theologian and a forceful writer. One of his principal works was the life of Bishop Whittingham, a delightful work and a valuable contribution to Maryland Church history, published in 1883. A second edition, with additions, was published in 1886.

Besides many contributions to periodical literature he published: *A sermon preached on the death of William F. Barnard*, n. p. 1864; *A personal explanation involving history and dogma*, Baltimore, 1879; *Sketch of the life and character of Nathaniel Ramsay*, Baltimore, 1887.]

---

## EXTRACTS FROM THE CARROLL PAPERS

(Continued from Vol. XIII, p. 267.)

Aug<sup>t</sup> 30<sup>th</sup> 1771 [171]

Dr Charley

I have both yr<sup>s</sup> of the 27<sup>th</sup> inst<sup>t</sup>, those wh<sup>h</sup> the Boy dropt are not Come to hand tho I may probably get them on the return of the Wagon. I shall send to Shipley to Come to me. I shall send to Mr Hammond Do: Houstons Acc<sup>t</sup> to know whether He Deliverd the Shingles Charged. I Cannot properly Answer what you wrote Relating to the Decree & must therefore refer it untill wee meet Fell & Bond Sligh's securities died I apprehend in good Circumstances, I suppose the Ex<sup>rs</sup> or adm<sup>rs</sup> may be proceeded ag<sup>t</sup>, I think there was Judgment ag<sup>t</sup> Fells Ex<sup>rs</sup> or adm<sup>rs</sup> where assets, Consult Johnson on this before the Provinciall, Carry a shed the whole length of the Old & New Coach House, half the shed to Contain two stalls for Running Horses, the other 1/2 will Conveniently hold 4 Cowes: The loft of the Coach Houses being lay'd will Hold Hay wh<sup>h</sup> may be let into the Racks of the sheds by stripping of the Plank, which boxes up the tends of the Joice & Rafters, you will find the sheds Convenient & it would look oddly to have only 1/2 the Coach House sheded. As you Begin yr<sup>r</sup> Journey northward the 1<sup>st</sup> of Octo<sup>r</sup> I will be with you on the 21<sup>st</sup> of Sep<sup>r</sup>. I Received the sample of P: J: wheat. Ca<sup>b</sup> Dorsey has been & is at Linganore, so th<sup>t</sup> Do<sup>r</sup> Howard has not had an opportunity of Asking Him who profer'd Him 7/ for wheat, I think He had no such offer. My Advertisements at Baltimore Towne Have not yet induced anyone to Apply to me.

We have had severall Refreshing showers this month. One last tuesday night, those in the Beginning of the month Retarded the stacking of my Oates & Hay. These showers Have rather kept things alive than promoted their growth.

Our Corn does not fill well, if we had had a soaking shower about the 10 or 15 of this month we should have made a great Crop of Corn & tob<sup>o</sup> the want of it will I think at all Places shorten the Corn at least 200 Barrills & the tob<sup>o</sup> in Proportion they are the Worst of, at Organars & Glens. But if we have As good Rain in 4 or 5 days I hope to make a Tolerable Crop of Corn & tob<sup>o</sup> Maybe 1800 Barrills of Corn. Nothing but Rain is wanting to make the Oldfield tob<sup>o</sup> before the House very good, it has been ploughed since Planted four times each way, & they are now going over it with their Hoes the 3<sup>d</sup> time, the ground was twice Ploughed & well with the seed Plough this spring before it was Planted, if we have rain soon & the frost keeps away untill the last of Sept<sup>r</sup> it will be good tob<sup>o</sup> for it is now of a good Colour & a great deal of it pretty forward the tob<sup>o</sup> in Valentines meadow is large & Promises well, the new grained tob<sup>o</sup> is pretty good but not so large & substantiall as it would have been with more Rain, it will be Housed next week at Least the greatest part of it. The wheat & Rye is sowed every where but at the Folly, they had 32 Bushells in there last night & I expect they will sow all their Corn ground to-morrow. The Clover fields Can Hardly be sowed before the 15<sup>th</sup> of next month as the Clover Cannot be Cut Cured & Carryed of before the last of next week the seed not being Ripe. Clark is there & forwards Business much, I think He will turn out a usefull man. You did not Answer me about Employing Mr Clarks Brother at Annapolis Quarter. We have been hard pushed to get thro our Business with so sickly a Gang, sometimes not less than 4 or 5 of our working Hands at this Place being downe at a time, the disorder is a lax attended with a griping & feavours & in many it has been a Flux, it has in no instance been bad, owing I suppose to its being attended to in time. My Man Will is much out of order. He has been Complaining 3 Weeks past of feavours & 3 or 4 days of a Pain in His side, a Blister was applyed to it last night which has risen well. I am sorry to say Mr<sup>rs</sup> Darnell is this day very unwell. She was taken with a Lax last night, she has taken a Vomit this

morning & will follow the Regimen wh<sup>h</sup> has been Successful with others & hope she will soon get rid of the Disorder. She Cannot write but gives Her love to you & Her Mama. Y<sup>r</sup> Horse is much mended. He gathers flesh, His Flanks are much fallen, the swelling in His Spavin'd leg is quite downe But He still rises with much difficulty, from this I think the Chief Seat of His disorder to be in His Loins. He feeds standing & lays downe not much more than other Horses. I Have not seen the Farrier since the 18<sup>th</sup> inst. He has been over in Baltimore. I once thought to send y<sup>r</sup> Horse downe in the Wagon, But I did not know how Molly would have taken it. Nimble has too great a Belly. I have ordered Him to be taken up I think He will be in good travelling order ag<sup>t</sup> you want Him. Give my Service to M<sup>r</sup> Deards & desier Him to send 1 Coarse lime sifter 1 d<sup>o</sup> fiver & 1 hand saw with what Osnabrigs & Cotton the Cart Can Conveniently bring & to Give Himself the trouble to order my Cloaths to be aired & my Wiggs Combed out & Rebuckled. I am just told th<sup>t</sup> there is but one Bottle & 1/2 of spirit in the House, therefore be pleased to send me 2 D<sup>zn</sup> of Spirit. Send also 2 D<sup>zn</sup> of Burgundy & 2 D<sup>zn</sup> of Cote Roti, I don't want any Hermitage, the other sorts may sute some who Call Here & may like the Wine for the sake of its name. I am told the Wagon will Carry you 4 Barrills of fine flour 2d<sup>o</sup> of Seconds & Eight Bushells of Oates. I am well. My love & Blessing to you all. I hope to Hear that you are well. I am D<sup>r</sup> Charley

Y<sup>r</sup> Mo: Aff<sup>t</sup> Father

Cha: Carroll

P. S. Can you tell when Coll Sharpe will be up. the last of my tob<sup>o</sup> went yesterday to the Landing Vzt. 8 hgds.

Aug. 26<sup>th</sup> 1771 [172]

D<sup>r</sup> Charley

The boy lost the letters you gave him I hope they Contained nothing you would desier to be secret. He tells me you are all well. I should have been glad to have heard th<sup>t</sup> from you.

I Have seen the Pensilvania Journall, send me The Pensilvania & our Gazct.

Pray press Wallace to treat with Howard I Hear one of the Hammonds is in treaty with Howard to Exchange Lands, if Howard sells to th<sup>m</sup> no hopes of Getting the Land from them. Wallace may be indolant, are not you more so in not Constantly pressing Him to treat w<sup>th</sup> Howard. I Have sent downe 54 hgds they weigh 55434 net. I have 8 still Here which will go downe to Morrow or Wednesday but 3 of them would not pass the inspector, Simpson owes one for w<sup>h</sup> I expect a note to Morrow. Johnson, Has delivered Mr West notes for 49 Hgds weighing 50.152 & He writes me He shall Deliver Him 10 more. Johnson is to be with me the 5<sup>th</sup> of Sep<sup>r</sup> to settle. As you did not send up y<sup>r</sup> Riding Horse I suppose He is better. May I not Expect you about the Beginning of Sep<sup>r</sup> if so when? We are very dry, tob<sup>o</sup> does not grow. My love & Blessing to you Molly & my little Darling, tell Molly to write particularly about Her to Her Mama. I am D<sup>r</sup> Charley

Y<sup>r</sup> mo: Afft Father

Cha: Carroll

P. S. My Service to M<sup>r</sup> Deards if  
He wrote His letter miscarried  
with y<sup>rs</sup>

Sep<sup>r</sup> 2: 1771 [173]

D<sup>r</sup> Charley

I find the Lamb was not sent by the Wagon. I must see th<sup>t</sup> it is sent by the next opportunity otherways they may again forget to send it. M<sup>r</sup> Rigges was with me this day. He asks £45 ster. I must give it. He is to be here again this week to View the Plantations which are to be immediately under His Care. His superintendance is to be Extend to all. We had a very Seasonable & Soaking Rain last night, it will greatly Help everything, tob<sup>o</sup> Wheat sowed, Pastures, it is rather too late to help the Corn much. M<sup>rs</sup> Darnall is much better, but very weak. We lost a Girl 6 y<sup>rs</sup> old at Frosts. Joiner Jack is ill

with the Flux, I hope not Dangerously. I drew this Day on Perkins & c to Pay Peter Beecraft £31:3:3 ster. Pray note it in y<sup>r</sup> Blotter & advise it. I this Day payed An Acc<sup>t</sup> of W<sup>m</sup> Hammond ag<sup>t</sup> me £22:6:2 & M<sup>r</sup> Brown £41 in Part of £71:7:0 His acc<sup>t</sup> ag<sup>t</sup> me. I have not 10/ in the House but I expect a Supply this week from Jos: Johnsons, Endeed I want it for with Browns Ball<sup>ce</sup> I owed £70 odd Pounds beside Frosts & Turnbells wages w<sup>h</sup> will be due early in the winter & wages to some Hierlings I have employed to Carry on my Vineyard & c & c. My love & Blessing to you Molly & my Darling. I am D<sup>r</sup> Charley

Y<sup>r</sup> mo: Aff<sup>t</sup> Father

Cha: Carroll

P. S.

Monday Night. The Wagon is not Come at 1/2 an hour after 7 a'Clock. I do not expect it untill midnight or later as I think the Rain kept it untill past 8 this morning.

· Sep<sup>r</sup> 4<sup>th</sup> 1771 [174]

D<sup>r</sup> Charley

I have y<sup>rs</sup> of the 1<sup>st</sup> & 2<sup>d</sup> inst<sup>t</sup>. I approve of the Additions to the Coach House, money layed out in usefull & lasting improvements is well layed out. When it is layed out in things of shew it is flung away. If you intend to ever to put Carriages into the Cow House will not the 6 feet folding Doors be too small?

Nimble was taken up 3 or 4 days before I received y<sup>rs</sup>. The Stallion is only put up in the night. He had better on all Acc<sup>ts</sup> be out in the Day it will give Him Flesh & a Belly & He wants Both. Nimbles Belly is taken up. He will be in very good order for y<sup>r</sup> Journey. I think you will do well not to send for them before the 21<sup>st</sup> or 22 inst<sup>t</sup> they will only be a Charge to you if sent downe sooner. I propose when my tob<sup>o</sup> is Housed & Fother got in to Cart to the Head of the River 4 or 500 Bushells of Oates, if I find they Can be spared & to get th<sup>m</sup> to Annapolis before y<sup>r</sup> Return.

Pray Give my Compliments to the Gov<sup>r</sup> & His Brother tell th<sup>m</sup> I shall be very Glad to see th<sup>m</sup> & think myself Honoured

by their Company. I do suppose Coll Sharpe will Come with th<sup>m</sup>. You gave the 1<sup>st</sup> Intelligence of Miss Digges match w<sup>th</sup> T: Lee to be depended on, M<sup>r</sup> S: Brooke told us of it, but I looked upon it only as a Report.

I wrote to Brown by the 20<sup>th</sup> post & desired Clem<sup>t</sup> Brooke to send an Express with it. I suppose His of the 20<sup>th</sup> post was wrote after He Received myne altho He takes no notice of the Receipt of myne. I Have appointed Him to be with me in Annapolis the 2<sup>d</sup> of Octo<sup>r</sup>. The Cottons & Osnabrigs were opened & dried. Our Wheat Comes up well. The Clover Lay at Heesons about 24<sup>a</sup> which is all the Wheat ground w<sup>h</sup> Remains to be sowed will be sowed before the 15<sup>th</sup> inst<sup>t</sup>. The old field tob<sup>o</sup> before the House growes finely, I think it will in Generall be good & th<sup>t</sup> if it does not all Come to the House the deficiency will not amount to 3000 Plants. Since my last I Have delivered 5 more hgds of tob<sup>o</sup> to M<sup>r</sup> West net 4625. I have 3 hgds at the Landing w<sup>h</sup> Have been Refused net 2577. I expect One hgd more from Simpson a Tenant.

I sent for the letters th<sup>t</sup> were lost & I just got th<sup>m</sup>. As M<sup>r</sup> Lewellin has no title it is not worth purchasing, many others have as good a title as Lewellin & if you Purchase y<sup>r</sup> Peace from Him you must expect to do so from all the others or to be perpetually molested. However you may Acquaint M<sup>r</sup> Neale th<sup>t</sup> you Cannot listen to any Vague proposall, th<sup>t</sup> if M<sup>r</sup> Lewellin will Come to you & be Particular you will give Him an Answer & th<sup>t</sup> in the mean time the Matter may be Postponed to the next Provinciall after this Sep<sup>r</sup>. If Lewellin will Come to you let Him Come sometime in January or early in Febru: when I shall be in Towne. A Reference is lyable to the same objections. Lewellin is tierd of an Expençe w<sup>h</sup> He sees to be a fruitless one.

M<sup>r</sup> Jos. Johnson is just Come I must dispatch Him & therefore shall say no more than th<sup>t</sup> I give my love & Blessing to you Molly & my Darling & wish you all Health & Happyness. I am D<sup>r</sup> Charley

Y<sup>r</sup> mo: Aff<sup>t</sup> Father  
Cha: Carroll

Sep<sup>r</sup> 5: 1771 [174]

Dr Charley

Johnson Received & Has payed to Mr West 59857 tob<sup>o</sup>, He paid to me £124: 17: 8 Curr<sup>t</sup>. His Commissions on the tob<sup>o</sup> money, the Cost of a Wagon, money paid some tenants for small tob<sup>o</sup> Ballances due to th<sup>m</sup> & some other small Acc<sup>ts</sup> Amounts to £40: 14: 11 so th<sup>t</sup> the net sum Received is but £84: 2: 9. Simpson has p<sup>d</sup> His hgd. M<sup>rs</sup> Darnall Had the Cholick last night, she is not yet up, But Nancy tells me she is easy this morning. She dined with us yesterday & goes about but is much Reduced I thank God I am in good Health May He Grant the same Blessing to you Molly & my Darling. I am  
Dr Charley

Y<sup>r</sup> mo: Aff<sup>t</sup> Father

Cha: Carroll

P. S. Geo: Scot late sherif of  
Frederick died of the flux  
at Frederick Towne last Tuesday.  
Joiner Jack is Better

Sep<sup>r</sup> 13<sup>th</sup> 1771 [175]

Dr Charley

I answered the greatest part of y<sup>rs</sup> of the 8<sup>th</sup> ins<sup>t</sup> By Mr Loury. I yesterday Received y<sup>rs</sup> of the 10<sup>th</sup> by Mr Rossiter. Great Care is taken of Nimble & the Spavin'd Horse, the 1<sup>st</sup> is fat, as slick as a Race Horse & in Excellent order. the 2<sup>d</sup> is much as I last wrote to you if you desier it I will order Him to be led to Towne after the Wagon the 21<sup>st</sup> ins<sup>t</sup> you may then judge what to do with Him; He is Certainly better than when He Came Here. I have not seen the Farrier since last Sunday was 3 weeks, He is in Baltimore County. Did you Pay H: Brown £30: 7: 0 my Ball<sup>e</sup> to Him. Do<sup>r</sup> Houston's Acc<sup>t</sup> is Right Ball<sup>e</sup> due to Him £27: 8: 9 wh<sup>h</sup> I desier you will Pay. I dont doubt but you will provide money to pay for Leather & bought by Mr Harding for us.

Amount of Tob <sup>o</sup> Delivered He: West at Rock Creek	59857
d <sup>o</sup> from E. Ridge	60059
	<hr/>
	119916
Simpsons Hgd at d <sup>o</sup> Weight not yet knowne	
I hgd at Rock Creek last year	1004
Poplar Island tob <sup>o</sup>	19159
	<hr/>
	140079

I Have 3 hgds at the Landing Refused beside the above 2577 net. I need not say anything to you about Craycroft & Gardiner as their Acc<sup>ts</sup> will tell you all I know on th<sup>t</sup> Subject. Shipley has been with me I want the Courses of the Land He Mortgaged, they are in the deed Hammond made to Him, which deed is in the County Office send for it as soon as this Comes to y<sup>r</sup> Hand & Copy the Courses from it & send th<sup>m</sup> to me. Shipley Consults I should sell the Land & if it does not Pay what He owes He will give His Bond for the Ball<sup>e</sup>. I expect Hourly Jos. Dorsey to take up His Protested Bill & Edw<sup>d</sup> Dorsey to Give Bills for Chris<sup>r</sup> Sewalls Ball<sup>ce</sup>. Our new ground tob<sup>o</sup> Here has been Housed 3 or 4 days past, We have begun this day to Cut the Old field tob<sup>o</sup> before the House, what is standing growes well, but the dry weather in Aug<sup>t</sup> obliged us to top it too low. We finished sowing wheat at the Folly last Tuesday & Harrowing it in last night. Our Wheat & Rye is Come up well every where. Jenny is mending & none of our People in Danger, tho very many of th<sup>m</sup> unable to work out. Charming Pastures. Will the Gov<sup>r</sup> & His Br Come or not? I suppose not, if Loury Deliver'd you my letter. Borrow of M<sup>rs</sup> Eden  $\frac{1}{2}$  a D<sup>zn</sup> or more of Her Latest English news Papers, I will Return th<sup>m</sup> when I Come to Annapolis. M<sup>rs</sup> Darnall is much better. I am well. My love & Blessing to you Molly & my little Darling. God grant you all perfect Health. I am D<sup>r</sup> Charley

Y<sup>r</sup> mo: Aff<sup>t</sup> Father

Cha: Carroll

Sep<sup>r</sup> 15 1771 [176]

Dr Charley

I have y<sup>rs</sup> of the 11<sup>th</sup> & 12<sup>th</sup> by Johny I return you D. D<sup>s</sup> opinion. Mr Ignas Digges has Given me & you a great deale of trouble, it is just He should in His turn meet with some Mortification.

I never liked y<sup>r</sup> northern Jaunt but I did not Chuse to thwart Mollys inclination tho I think she will when it is over be of opinion th<sup>t</sup> the Pleasure will not Answer the Expence fatigue & other Inconveniencies attending it, you Cannot be well spared from Annapolis & it will be very Hurtfull to our interest Here for me to be so long absent at this Season.

When I see the farrier I will put y<sup>r</sup> Riding Horse into His hands. You will have it th<sup>t</sup> my People are not well fed, it is true they do not live so well as our House negroes, But full as well as any Plantation negroes & think I Can safely say no man in Maryland Can shew in proportion to our number, such likely well looking slaves. You are out in attributing the present Disorder to the want of food, others & many round me are in the same Condition, & Do<sup>r</sup> Wharfield last night told me th<sup>t</sup> on Linganore only He had upwards of 70 Patients with the same Complaint.

I Cannot see any good end Can be Answered by treating with Lewellin, it will but encourage other Claimants. If He should Come it will be proper to Ask Him whether He will give a General warrant if He Refuses as no doubt He will, He may be told th<sup>t</sup> nothing but th<sup>t</sup> Could induce us to treat with him. Mr W: D. does not Accept my days of Grace Put the Papers immediately into Mr Cooke's hands. I do not file a Bill ag<sup>t</sup> Him to Expose Him. But to Recover a debt w<sup>h</sup> I am Convinced Cannot be got by any other means, this 20 odd years Experience Evinces(?) Can any thing but a Bill put an end to His Evasient delays, Has He ever shewn an inclination to Pay? I Return His letter which I desier you will put with the Rest. I believe you will find Nimble to be in very fine order & Hope y<sup>r</sup> Horse will be so ag<sup>t</sup> y<sup>r</sup> Return. . . .

Nov<sup>r</sup> 6<sup>th</sup> 1771 [177]

Dr Charley

I got here yesterday a  $\frac{1}{4}$  after two a Clock. I this morning walked round the Plantation & found every thing in pretty good order & I am told it is so at all the other Plantations. I have order'd a Cow to be sent you on friday. Ellick goes w<sup>th</sup> this to wait on M<sup>rs</sup> Darnall w<sup>h</sup> I hope on Mollys acc<sup>t</sup> will be soon. I will send my Chair to meet Her when & where she shall direct. By the Cow driver I Hope to Hear th<sup>t</sup> you Molly & our little Girl are well & what is doing in the Assembly, I must owne I do not expect anything will be done if the Upper House adhere to their proposition Relating to the Clergy. If you Receive any letter from Ja<sup>s</sup> Hunter send me a Copy of it & advise Clem<sup>t</sup> Brooke what Hunter says to His proposall. I would Accept 30 Barrills of Hunters Pork at £3: 15: 0 Our Currency if He does not offer it Cheaper. . . .

Nov<sup>r</sup> 8<sup>th</sup> 1771 [178]

Dr Charley

I have yr<sup>s</sup> of the 6<sup>th</sup> by Jack. I have order'd Squires to go downe to morrow with the Cow driver, if He should push of let me know it, but I do not expect He will. Between us I think the Upper House by their proposition about the Clergy act in a most impudent maner, we may Publickly disapprove their Conduct but not in such harsh terms, because it may be prejudicial to us without answering any good End, former Gov<sup>rs</sup> used to Place the Councill as a Screen between themselves & the People, the Case is Reversed, if the Gov<sup>r</sup> acknowledges instructions not to Clip the 40 p<sup>r</sup> Poll.

I had the Opinion about Escheats w<sup>h</sup> you mention it was in the Walnut tree press w<sup>h</sup> stood in the Pasasge between the two Houses, if you have moved it thence it may be in the old secretare in the Chappell, if you did not with other Papers move it into Deards press in the Study. It is in a Bundle or Bundles with other opinions & Papers Relating to Lord Baltimores affairs, or to the Roman Catholicks, or my Fathers Commissions & instructions from L<sup>d</sup> Baltimore, I think I saw it

when I looked for an opinion about the Secretarys tenths, w<sup>h</sup> opinion I Could not then find tho Certain I am th<sup>t</sup> I once Had it. . . .

Nov<sup>r</sup> 13<sup>th</sup> 1771 [179]

D<sup>r</sup> Charley

I Have y<sup>rs</sup> of the 8<sup>th</sup> I question whether Fowlers Ball & Emitt & Cochrans Ballance Can be Recovered the note of Fowler being out of Date & Many owing the Ball<sup>ce</sup> due from Emit Cochran: I have wrote often to th<sup>m</sup> & lately but Cannot get th<sup>m</sup> to Come to me Dilling lives about 20 miles from me. He will pay next Summer or may be sooner. A pair of Cart wheels 6 Inches tred are made & allmost tired. A pair 5 Inches tred were made for you long ago & as M<sup>r</sup> Ireland says by y<sup>r</sup> direction. Does not the Corporation Law require Broader tred than 6 Inches? Consider well before you give directions. You will see by M<sup>r</sup> Brashes's letter inclosed th<sup>t</sup> He Cannot take Hunters Pork on the terms He offers it at, nor Can I, but I will take the 30 Barrills He Has directed His Brother to purchase for me with thanks & desier it may be sent as soon as possible & th<sup>t</sup> He will let us know when wee may expect it. It may be proper to send Him a Copy of what Brooke says relating to the Pork. I am very glad to Hear there is a prospect of getting the Inspection Law & I am abliged to you for being so particular about what the Assembly is doeing w<sup>h</sup> I desier you will Continue. What is like to be done with the Bill to prevent the sale of Offices & the Clerks paying tenths? . . .

March 11<sup>th</sup> 1772 [180]

D<sup>r</sup> Charley

We were 7 hours & a  $\frac{1}{4}$  getting here, the latter part of the road being Chiefly Clayey made travelling Heavy. The day was as good as we Could Expect at this Season. On Monday in the Afternoon I rode about this Suceys Plantation, yesterday I went by Reads to the Folly, Frosts, the Pool meadow & the Sawmill, I every where found more work done than I Expected. There is so much new ground Cleared Here & at Sucky's that

I shall plant the Greatest part of the Pasture old field in Corne (for Corne ground is most Wanted) the rest I shall lay downe in Oates & Clover. Valentines Meadow Mr Riggs proposes to lay downe with Flax Hemp & Timothy. We Have Reserved 60 Bushells of Oates to sow & shall put them in good ground. It began to snow this morning between 4 & 5 a Clock, I measured it at 9 a Clock in one of the Walks & it was 9 Inches deep so that for the time it must have fallen in more abundance than the great Snow in January, it is now 12 a Clock & it Continues to snow, but moderately with an appearance of its Ceasing. But the ground being Here full of Water & this addition will I am fearfull prevent Ploughing for at least 10 days to Come wh<sup>h</sup> we want much to be about, it will also be difficult to get fier wood as the ground is Exceedingly Rotten & Spungy. The Quarry turns out Plentifully. I am in Hopes it will prove a good Wheat year as I perceive little or none of it to be spewed out of the ground, But it makes little or no shew at a distance, as the hard frosts after the thaw have parched the Blades. Y<sup>r</sup> Oates were Ready yesterday & were to be sent to morrow, but this snow I believe will make it impracticable, they shall goe with this as soon as Possible. If Coll Sharpe has sent the Alpine Strawberries & Vine Plants, send th<sup>m</sup> to me by the Carte. I suppose you sent my letter to Mr West. If the Cart does not get downe before Saturday, I expect the news Papers by Mr Cooke or Tilghman. I hope y<sup>r</sup> debauch at the Gov<sup>rs</sup> has not Hurt you, I hear the Company was Highly Entertained & diverted by an Altercation between Do<sup>r</sup> Steuart & Major Jenifer on their Independance, as it is a Subject on wh<sup>h</sup> the Do<sup>r</sup> had great scope to shine, I beg you will give me a particular Acc<sup>t</sup> of what past between them, What little I have Heard of it, is from Mr Ashton, who you know is not the most exact intelligencer. . . .

March 17<sup>th</sup> 1772 [180]

D<sup>r</sup> Charley

I Received y<sup>rs</sup> of the 10<sup>th</sup> inst<sup>t</sup> by Mr Macrae. If you remember, my letter to West mentioned as a Condition of future

dealings Hobsons pleasing us in the Purchase of our goods. I shall order the Carts & wheelbarrowes you want to be made as soon as Possible, Consistently with our wants here. Riggs I think will answer my Expectations. Mr Ireland is better, He sets up, but Can only make a shift to get from His bed to a Chair. I hope Hammond Has not bought the Land in Dispute between us & Howard, I think you neglected pressing Wallace as often as you ought, Scheming & thinking without action will never bring Business to a wished for Conclusion, you hate to stir from Home. I have not got my Wheat to the Landing nor sold it When I shall get it downe I know not, very little of the snow being gone & it now Blowing & freezing hard. It snowed Here the 12<sup>th</sup> or the 13<sup>th</sup>. I sent my man into the woods to measure the snow and found it to be 17 inches deep. I may say the Planters Here have lost two months work, & I apprehend the loss in stocks of all sorts will be great, I believe I shall not Suffer much as I had a great store of Hay. If the roades will permit it, I will send y<sup>r</sup> seed Oates & some flour next week, this I intend by a Boy next Saturday, by whome I will write again if any thing Materiall occurs. I have not been out of the House since the 10<sup>th</sup> My love & Blessing to you all. Tell Molly to Give my little Darling a 1000 kisses for me. I am y<sup>rs</sup> &c.

C: C:

March 20<sup>th</sup> 1772 [180]D<sup>r</sup> Charley

I propose to send this to morrow with the two precedent, if the Weather will permit. I went to Mr Irelands on Wensday morning & found Him Chearfull & free from pain & He desierrs to be Remembered to you & Molly. it snowed all th<sup>t</sup> afternoon, it began to snow again Yesterday & has Continued to snow to this time (I write at 11 a Clock in the morning) & no appearance of its leaving of as the Wind is at N: E: Little of the snow which fell on the 11<sup>th</sup> being gone I think with this addition it is at least 20 Inches deep. It has been warme from the 10<sup>th</sup> w<sup>h</sup> makes me think, insted of snowing it Rains with you

We have lost Here 10 Lambs since the last snow. Ely Dorsey & Mrs Warfield as I Hear had between them 70 lambs & have only 7 alive. Severall if I may Credit Reports Have at this time fother of no sort for their Cattle. I shall only send you 6 Bush<sup>s</sup> of Oates, I wish I may make my Corne Hold out untill Rye Comes in. Y<sup>r</sup> Carts & Wheelbarrows will be done in time. God knowes when we shall be able to Plough, all Plantation Business will be so Backward as hardly to be brought up. I never knew so much Snow & wet weather in March, all but the Ploughed fields were Covered w<sup>th</sup> snow when I Came here. I want exercise & were it not for M<sup>r</sup> D'Estouches Plays &c I should be quite moped by my Confinement, yet it is best for me to be Here as Riggs &c Have often Recourse to me on many Occasions, M<sup>rs</sup> Darnall is of great service to the sick, they Complain Chiefly of Great Colds I shall Return Molly the wine Cask filled with good Cyder.

I desier M<sup>r</sup> Deards may Pack 10 or 12 D<sup>zn</sup> of the Cask Wine th<sup>t</sup> Came from France, Cote Rotie & Burgundy that is 3 or 4 D<sup>zn</sup> of Each of those Sorts. Let Him take Care not to send Hermitage insted of Cote Rotie, you like the Hermitage, I am well Satisfyed with the Cote Rotie & I like the Burgundy very well, I have drank since I came up my share of two or 3 bottles & it is to me a Palatable & an agreeable wine. . . .

P. S. 4 a Clock P: M: it has Ceased snowing about two Hours, the wind at N. W. & I suppose it will Freeze to night, tho it thaws fast at present, it will not be mild & settled weather untill the wind goes Regularly Round from N to E, S & West. Some Ships may be arrived send me what news you Can, I Hear the late Lord B<sup>s</sup> will is at length in the London Papers: Are any steps taken in London to Contest it? I long to Hear from you & Hope to see you early in April.

March 26: 1772 [181]

D<sup>r</sup> Charley

I have y<sup>rs</sup> of Severall dates from the 12<sup>th</sup> to the 22<sup>d</sup> inst<sup>t</sup>. When Plummer Comes shall Conclude with Him if He will enter into Articles before He surveys the Land.

Brice Released to Sam: Howard Chance, whether Sam: Howard Remortgaged Chance to Brice. It would be proper to let Fish Hammond know you Claim th<sup>t</sup> part of Chance not included in Howards Inheritance & that you will prosecute y<sup>r</sup> Claim, by doing so you will know what Hammond intends to Purchase of Howard. . . . I return you the list of deeds of Lots in Annapolis, I take it th<sup>t</sup> by the Act of 1718 for laying out Annapolis the then possessors titles were Confirmed, By th<sup>t</sup> new Survey the lots were not numbered as in the first Survey, so th<sup>t</sup> you must if necessary have Recourse to the original plat of Annapolis (which is in the House) to find the N<sup>o</sup> of the lot leased to Bryant & Maw. If you Cannot find th<sup>t</sup> Plat you will find one in the Towne Clarks office; knowing the originall n<sup>o</sup> you may know from whome my Father purchased it if necessary. . . . If Deards had Considered the Invoice Book He would Have seen Chain Traces almost Constantly wrote for, we Can no more doe without th<sup>m</sup> Here than at the Island, we use no other Tell Mr Deards to make a N<sup>o</sup> to send for Chain Traces & to begin to make out the next invoice, let Him notice what we Have & Have not in the Store if He reflects, He must after the Experience He has Had, know every Common Article th<sup>t</sup> will be wanted you should all so know it, & be able to make out Proper Invoices. I return you Hunters letter. Clem Brooke who is Here tells me you Have only ten Ton of Pigg Iron, may be Mr Carroll's Clerk may sell to Hunter as you do, if so let Him give an order to Brooke & specify the Quantity th<sup>t</sup> Hunters Vessell may have a back freight. You will do well if you Can sell y<sup>r</sup> Bar to the scotch factors at the Price you mention to Hunter. March 27<sup>th</sup> the Wagon goes of to morrow if fair, among other things I send you 200 Cabbage Plants, I mention them for fear y<sup>r</sup> Lazy Gardener should not plant them out. I hope to see you next week. If no more bad weather we shall employ the Ploughs on Monday. . . .

April 10<sup>th</sup> 1772 [182]

Dr Charley

We make the best use we Can of this fine Weather, I shall begin this day to sow Oates in my Orchard & Hope to finish sowing all my Oates at this Plantation next week. I have order'd a steer to be sent to you next Monday or Tuesday it is the last you will Have from Hence. by the steer drivers send me 6 pair of Chain traces if the steer drivers Cannot bring all the traces send the rest by Ellick who will go downe the 18<sup>th</sup> instant with M<sup>rs</sup> Darnall. The Chain traces must be bought, I Cannot do without th<sup>m</sup>. I sent to B: Towne but none were to be got there. Ned returned last night from Frederick Towne Cary says He Could not get me any Horses & to mend the matter the Grey Horse you saw at the Folly was last night stole out of the stable there. the Ploughs mentioned in Jo: Sears M<sup>o</sup> shall be ready to be sent by the Carts you bespoke when they (the Carts) are ready, & when I Can spare Horses to Carry the Carts which will not be before the last of this month. . . .

April 14: 1772 [183]

Dr Charley

You may Have two 5 year old unbroke Oxen whenever Sears will Come for them, the Plough He wants shall be finished as soon as Possible, if I can I will name the Day before I close this. You Have an Answer to Scots letter, seal it. My Wheat is not sold, when it is I think I Can spare you £80. We are this day sowing Oates in the Orchard, it was too windy yesterday & not much better to day. Business in generall goes on well, the Weather Has put us much Back, but Rigges says He Hopes to bring all into order in good time, He says Frost is much forward in His Business than Himself, no wonder for a Home Plantation, with a Master who has Many Jobs on Hand is a Great Hindrance.

April 15 M<sup>r</sup> Rigges told me this Day th<sup>t</sup> One of the little Carts & two or more of the Ploughs will be finished this week so th<sup>t</sup> if Sears Comes up with a Team next Tuesday or Wensday

He may Carry downe the Cart & His ploughs & the young Oxen for they have been kept yoaked some days past & I suppose will leade well after the Cart. M<sup>rs</sup> Darnall will tell you what a trick Do<sup>r</sup> Shuttleworth or His Man has served me, it is now night & as the Horse is not yet Come Home, it's not improbable that the man is gone off with the Horse the Do<sup>rs</sup> Portmanteau & what Cash was in it the Servant is a Convict as Will tells me & the Do<sup>r</sup> promised to send the Horse from Frederick towne this morning by Breake of Day. . . .

27<sup>th</sup> May 1772 [184]

Dr Papa

Capt. Frost arrived here last Saturday from London, which he left the 29<sup>th</sup> March: By him I have received a copy of acct of Sales of 41 Hhd's shipped to Philpot, and copy of a letter, the originals whercof were sent by the Adderton Capt. Haw: the letter you have inclosed, it ought to be dated 12<sup>th</sup> June 1771 & not 1772.

You will observe that Philpot says he has accounted for the 10 lb p<sup>r</sup> Hhd Kings allowance, because the 410 lb to which that allowance amounts is not taken off the weight of my Tob<sup>o</sup>. This is true, but then he accounts only for those 410 lb at the same price, for which the rest of the Tob<sup>o</sup> was sold, and not at the rate, at which they were really sold.

The netted pounds of these 41 Hhds according to the King's beam come to 39256: the netted pounds on the credit side of the account of sales amounts to 39081: the difference between these two sums is 175 lb, as Philpot makes it: the following sums over and above the said 175 lb, viz<sup>t</sup> for damage 390 lb for draft & sample 164 lb, for Trett 1482 in all 2211 are to be deducted from 39256 netted pounds on the acct of sales, and leave a balance of 37045 lb, for which quantity only he has in fact accounted at the several following rates viz at 3<sup>d</sup> at 31<sup>1</sup>/<sub>8</sub> at 2<sup>d</sup>7<sup>1</sup>/<sub>8</sub>. These 41 Hhds weighed in Maryland 41186 lb the real loss therefore on the weight by shipping comes to 4141 lb. Be pleased to return me this letter; the observations in it will

be of use to me when I write to Philpot: Philpots letter must also be returned to me.

I have bought a gardiner from Capt. Frost: I gave £23 Cury for him; he is not above 21 years of age, appears to be healthy & stout and orderly; he says he understands a Kitchen garden pretty well; Mr Carroll's gardener examined him: he has 4 years to serve.

Capt. Frost brings no fresh intelligence: Henrick sailed a week before him, & may be hourly expected. the barrister I know has wrote to me by Henrick: by him also I expect my coach & Plate from Deard's brother.

Molly has not been well these several days past: the little ones are perfectly well, and Molly growes a fine girl full of life & prattle.

I hope your leg is well, or much better than when I left you. If it should not I think you ought to take a little more Physic, indeed this is Doctor Scott's opinion & I hope you will follow his advice.

Neither the Gov<sup>r</sup> or Mrs Eden are yet returned to town. Smith told me he expected them to day. . . .

Pray be attentive to the Stallions. they were in wretched condition when I left them & utterly unfit to Go to Mares. I am really uneasy about them; I did not care to press the matter when with you as it seemed to fret you, but I was very desirous & am still, of having them here.

It is impossible to get them in good order without hard food, give them as much lucerne as you please; and allow that grass all the wonderful qualities ascribed to it by the writers on agriculture.

28th May

Capt. Herrick arrived here yesterday but as he sailed before Frost has brought no fresh intelligence. The plate we wrote for is come in—the Coach I expect will come with the barrister, who writes me he shall be in before the fall.

I send along with this by Paul the model of the truck. You have a memorandum relating to it which you took with you

when you was down the memorandum contains the scale by which the model was made, & some directions about the wheels, which are to be made like the fore wheels of a chariot. If William understands the scale, he can't be at a loss in taking off the proportions. . . .

Sunday morning.

The things you wrote for shall be sent up in the wagon. Inclosed you have—Jn<sup>o</sup> Deard's shop note for plate, which we have received by Henrick: also James Capstack's Bill and a letter from Doc<sup>r</sup> Scott. I would advise you, unless your leg should heal soon to take a little more physic. I wish your leg was well, besides the irksomeness of the confinement which it occasions, I am afraid the want of exercise may be prejudicial to y<sup>r</sup> health.

Molly is better: she will write by the wagon; she is now fast asleep.

I have sent inclosed more particular directions about the truck. If William understands taking off the proportions from the scale he cannot possibly go wrong. You have herewith the newspapers. Nothing new. My love to M<sup>rs</sup> Darnall. I am

Y<sup>r</sup> affectionate son,

Ch. Carroll of Carrollton.

P. S. You may send down the two Jobbers next Monday. My Pork is not yet arrived from the furance, but I expect it daily. I shall send Paul to Dooheragen when the wagon goes up.

June 1<sup>st</sup> 1772

D<sup>r</sup> Charly

I have y<sup>rs</sup> from the 27<sup>th</sup> to the 31<sup>st</sup> past, wh<sup>h</sup> I return to you. The difference between the weight of the 41 hgds sent to Philpot, Here & at the Kings Beam viz, 1930 lb is great & must be noticed when you write to Him, Buchanans Acc<sup>t</sup> of Sale may be quoted. I say nothing to y<sup>r</sup> other Remarks as they are just. Philpot ought to acc<sup>t</sup> for 39256 insted of 39081. You tell me

at what prices the 41 hgds sold but you do not mention the sum they Produced nor did you send me Philpot's letter. Examin Perkins Acc<sup>t</sup> of Sales as you have done Philpots & let me know the Result. When you write to them Consider my letter to Buchanan on the same Subject. For my Health I refer you to my letter to Do<sup>r</sup> Scot w<sup>h</sup> you will seal & send. The model of y<sup>r</sup> Truck with both y<sup>r</sup> memorandums Relating to it I have deliver'd to Riggs & directed the Wheelwright to Consult me if He did not understand the Directions. We want Rain for nothing but a Planting Season, the Earth being in good Condition for what is growing, But if our Wishes Could be indulged we should desier a good Sober Soaking Rain once a week. I return you M<sup>r</sup> Deards Shop note of Plate with some Remarks w<sup>h</sup> will shew How Ridiculous & foolish it is to lay out Money th<sup>t</sup> way for any thing but spoons, for they seem to me the only necessary Plate Article. A rich side board Elegant & Costly furniture May gratify our Pride & Vanity, they may Excite the Praise & admiration of Spectators, more Commonly their Envy But it certainly must give a Rationall Parent infinitely more Satisfaction to save the money so dissipated as a Provision for younger Children, & an Ample Provision it would prove to be, in a Saving of 30 or 40 years for Severall. Enjoy y<sup>r</sup> Fortune, keep an Hospitable table, But lay out as little money as Possible in dress furniture & shew of any Sort, decency is the only Point to be aimed at. I send downe Longo Will & Stephen Jobbers, if you dislike Stephen (which you may do from His looks & Raggness, tho as fit for a meer Labourer as any one) you may Return Him & keep Paul. I shall send downe the Wagon next Saturday th<sup>t</sup> the Horses May Rest with you on Sunday. To speak with Certainty I just now viewed the stallions & I say they are in as good order as I would desier them to be for Covering or any other use, they were not in so good order when you was here, nor was there any necessity for their being so tho had we Plenty of Corn, its probable it would have been flung away upon them to make th<sup>m</sup> unnecessarily as fat & as slick as Moles. It is not my Care only to want Corn, the Price it in Generall

bears shews the want to be generall & in such a want it would not be Reasonable to Pamper my Horses & Pinch my slaves, under these Circumstances you need not Wonder I was fretted to Hear you Complain of the Condition of the Stallions, you sometimes speak without deliberation, y<sup>r</sup> Expedient of taking the Horses & leaving the Mares uncovered was in my opinion not a prudent one. I wish for Plentifull Crops of Corn as much as you, I endeavour what I Can to obtain th<sup>m</sup> if I do not succeed, if my Neighbours succeed no better, I have Patience & spin out what I have as far as possible, immitate me.

I was very glad to Hear by y<sup>r</sup> last Date, th<sup>t</sup> Molly was better & I hope to Hear by y<sup>r</sup> next th<sup>t</sup> she is perfectly well. By what you say of my little darling Molly you Cannot be too fond of Her, when I say this it is Confiding you will not spoil Her. My love & Blessing to you Molly & the little Ones. I am D<sup>r</sup> Charley  
Y<sup>r</sup> mo: Aff<sup>t</sup> Father

P. S. I sent last Saturday the Sorrell Mare to Figure; Miss Doe & Slamakin to M<sup>r</sup> Goughs Dray Horse

June 5<sup>th</sup> 1772 [186]

D<sup>r</sup> Charley

The Wagon sets of to morrow she will Carry you 3 Barrills of Flower & 15m 10d nails as M<sup>r</sup> Deards wrote to me they would be wanted by you, they will send as many Wheelbarrows as they Can stow in the Wagon. Beside the things wrote for in my last Pray order 35 fathom of Prize Rope & two Dozen of Broad Hoes. You forgot to send me an extract of that Part of M<sup>r</sup> Browne's of Cork Letter Relating to the money advanced by Him on Acc<sup>t</sup> of M<sup>rs</sup> Clarke & Her sons passage. In a letter of y<sup>rs</sup> of the 30<sup>th</sup> of Octo<sup>r</sup> 1769 you say M<sup>r</sup> Rumsey told you He knew a Gent<sup>n</sup> who Could Establish the Bounds of Derrykeel 1900a; What step Have you taken in Consequence of th<sup>t</sup> information? if none, do not forget it. We Had a Moderate rain last Thursday Evening, it did not make a good Season, However Yesterday they Planted Here at Sucky's & Jacobs about 140000

Plants, But Mr Rigges thinks yesterday's & this day's Cold blowing & drying wind will destroy half of what is Planted. Yesterday I had & this day I have a fier & find it necessary, strange Weather for June our Corn looks Green & well, Is very Clean but does not Grow. Even the Grass in the Meadow grows very slowly. I have observed more smutted Wheat than is Common in our Wheat fields, th<sup>t</sup> is Wheat with Black & Perished Heads, Our Rankest & best wheat Vzt. at the Folly in the field next to the Mill is the fullest of it, I have not seen the Wheat fields since last Wensday, the Wheat was then only beginning to Ear, I hope what was or is still to shoot may be freer from the smut.

My Leg & Toe are almost quite well or want but very little of Being quite so, & the Humor in my Ears seems to be going of, they Have dryed much for the three days Past. My love & Blessing to you Molly & the little ones, Kiss my Darling & tell Her her Grandpapa sent Her th<sup>t</sup> Kiss. I have put the things sent you & those which you are to send me on an inclosed Piece of Paper. I Hope by the Wagon to Hear you are all perfectly well, God grant you May all long very long Continue so. I am  
Dr Charley

Y<sup>r</sup> mo: Aff<sup>t</sup> Father

Cha: Carroll

June 9<sup>th</sup> 1772 [187]

Dr Charley

I have y<sup>rs</sup> of the 7<sup>th</sup> by the Wagon. Philpot's Sales if I remember are the Lowest, turning out not quite £8 p<sup>r</sup> hg<sup>d</sup> When plate Costs nigh as much for Fashion as for the Silver it is a folly to Purchase it, especially when the Plate is not substantiall, as the Change of it is thereby necessarily more frequent. As I am not a Competent Judge of Workmanship I wont say the Charge for the Fashion is Extravagant, but I will say th<sup>t</sup> Charge is greatly beyond what I used to be Charged, w<sup>h</sup> you may see by Comparing y<sup>r</sup> last Invoice with former Invoices of Plate. Substantiall Plain & neat Plate (if Plate is necessary) is the only Plate w<sup>h</sup> ought to be bought as an imposition in the Article of

Fashion as sooner noticed. I have enquired & Have not Heard th<sup>t</sup> Corn has been sold Lower than 3/9d, at B: T: it has Retailled there at 4/, & at 4/6 at E: R Landing. It froze Here last Thursday night or Friday morning, it bit the Leaves of the English Walnut tree in the Pasture & my Lucern. We have Plenty of Plants, if the Fly does not again Attack them, the Cooleness of the day makes me apprehend it, We want a Season, th<sup>t</sup> is a soakeing warme Rain. I took a tour this morning by Jacobs, Suckys, Moses's, the Folly & the Pool meadow Our Fields every where in good order, most of the Corn thrice Ploughed Over, But it is very Low for the Season, I Can Hardly perceive the Grass to have stir'd for ten days past in the Pool meadows the smut has Ceased in the Wheat fields, the forwardest Wheat & th<sup>t</sup> on weak Lands was most affected, I attribute it to the Cold & Frosty Weather, I think in some fields the damage may Amount to a 15<sup>th</sup>

I think for the Reasons you mention, we shall be able to sell our tob<sup>o</sup> at a Guinia p<sup>r</sup> Ct<sup>t</sup> Mr Ploughman I am informed has given th<sup>t</sup> Price for some Linganoa tob<sup>o</sup> Mr Rumsey will informe you what Steps you are to take to Establish the Bounds of Derry Keel, as I think He must be Acquainted with their mode of Proceeding in such Cases in Pensilvania, I take Merryweather to be a narrow gripeing fellow & think His office may be bestowed on one much more deserving. I have left the Sale of my Wheat to C: Brooke, I do not Hear that He has sold it. By the Pensilvania Journall of the 21<sup>st</sup> Past Wheat was there at 8/ p<sup>r</sup> Bush<sup>l</sup> I Have kept Rob<sup>t</sup> to new lay my Back Porch, I hope He will finish it by 10 a Clock to morrow Morning. I think Mr Pots has used us ill, I have this day sent to B: Towne for 150 lb of the best Clayed Sugar & if you Can borrow or Purchase any good spirit I desier you will send me 12 Bottles by the 1<sup>st</sup> Dutch Wagon. My Leg & Toe are quite well & I Can walk, as usuall without the least Inconvenience. My Ears Continue to Run but not as much as formerly. I conceived on their Ceasing to Run th<sup>t</sup> I felt a Heaviness in my Head, But if so, perhaps it might be owing to a Cold or some other Cause th<sup>t</sup> I Cannot Acc<sup>t</sup>

for: Mrs Darnall prescribes 10 or 12 Dozes of the Flour of Brimstone, a tea spoon full to be taken each day in milk, she says it Corrects Acrid Humours & is a great sweetner of the Blood, I shall follow Her Prescription as I believe she is as knowing as some of the Pretended sons of Esculapius. I am much Pleased with Mr Riggs He is a thinking active man He proposes the saw Mil shall work by Day & the Grist Mil by night, by w<sup>h</sup> method they may both work Constantly & Have a sufficient supply of water, to this end I sent for a lamp w<sup>h</sup> I suppose Mr Deards forgot. Molly gives us Hopes we shall see you all by the Middle of next month the sooner the Better, for I long to Embrace you Molly & my Dear little Grand Children. My love & Blessing to you all. God grant you all perfect Health & a long Continuance of it. I am Dr Charley

Y<sup>r</sup> mo: Aff<sup>t</sup> Father

Cha: Carroll

P. S. I shall write to you next Friday by Mr Ashton. Make my Compliments to Do<sup>r</sup> Scot & His Lady. I shall then also write to Mr Deards to whome I desier my Compliments.

June 12<sup>th</sup> 1772 [188]

Dr Charley

Nothing Materiall has occurred since I wrote you by Rob<sup>t</sup> Gethings. We had a skirting Rain yesterday in the Afternoon they Planted a little w<sup>h</sup> I think will not stand as we now have a Cold drying Wind. Mr Rigges thinks a 3<sup>d</sup> of our first planting stands. Our Corn makes little or no progress, Our Corn fields are in very good order, for as nothing growes they are Clean & thrice Ploughed, we shall goe over them again before Harvest. We want a good Season much, most of our tob<sup>o</sup> ground being Scraped. They are mowing the Clover at the Folly w<sup>h</sup> is next to the main Road. Our Oates in the Orchard & low grounds look well, the others but indifferent I sent to Mr Croxall's the 2<sup>d</sup> Instant to know how He did they write He is something better than usuall, they Desier their Compliments to you &

Molly. Mr Ashton Came thence last Wendsday. The gout has left Cap<sup>n</sup> Ireland He is weak & much fallen away. I apprehend from His meagre Regimen, But in good spirits: His wheat is very good & free from the smut, I walked thither last Wensday. Our Bridge over Patuxent is at last finished. Pray desier Molly to send my Ring by Mr Ashton. I miss a Browne Holland Wastecoate, it may be in the Chest in the Chapple among my other Cloaths, as I wrote to Mr Deards, or it may be stolen as there are some light fingered People in y<sup>r</sup> Family, for Will last October had two new white shirts & Mrs Darnalls had an Osnabrigs Peticoaate stolen from them, w<sup>h</sup> I knew not untill lately. My Cloaths are not secure in the Chapple unless a Lock be put on the Chest. Pray tell Molly to take Care to Have my Cloaths frequently aired & the Chest well Cleaned every time before they are Replaced in it. Pray send me the net weight of the Hg<sup>d</sup> payed last year by Rich<sup>d</sup> Simpson, it was sold to West, the mark R S

I am very well, But I think One of my Ears run more yesterday than Ever, I again apply Do<sup>r</sup> Scots white ointment & Began last night to take the Flour of Brimstone. My love & Blessing to you Molly & the little Ones I hope to Hear you are all perfectly well. If you wont, tell Molly to kiss the little Ones for me. Does Molly ever talk of Her Grand Papa? I am Dr Charley

Y<sup>r</sup> mo: Aff<sup>t</sup> Father

Cha: Carroll

P. S. Mr Ashton saw Clem<sup>t</sup> Brooke last Wendsday at B: Towne, who told Him He had sold my wheat at 7/4<sup>d</sup> to W<sup>m</sup> More son of More who owes us money. Brooke told me He is good Pay, if you ask Mr Ashton He will be more Particular.

June 17 1772 [189]

Dr Charley

I have y<sup>rs</sup> by Mr Cooke & Mr Ashton. If I mistake not W<sup>m</sup> Browne's Beards & c's Bond is out of Date, if not, put it in suit. I have Wrote to Dilling, & shall write to the Stoners when I

Can learn where they live. Rob<sup>t</sup> Davis has not yet Run out Shipley's Land & nothing Can be done with Him untill th<sup>t</sup> is done. I know not How to Proceed ag<sup>t</sup> Conrade Bott, you know it is a Mortgage, the Land was taken up in Maryland by Jo: Digges it is now in Pensilvania, Bot is Runaway & did Convey after His Mortgage to a Person I know not, who is in Possession, Mr W<sup>m</sup> Digges Can give you information, when you have His information, Proceed as you shall be advised. M<sup>rs</sup> Darnall Intends this summer to Pay a Visit to Her Mother, I shall then write to Cha<sup>s</sup> Neale & inclose a Bill of sale. If D: D<sup>y</sup> advises a Bill to be filed ag<sup>t</sup> me, it must be with a View to Create fees in His Office for I think it will appear by my Books th<sup>t</sup> all the Compound interest was discounted when Ja<sup>s</sup> Heath past His Bond for His Fathers Debt. I think 20 Guineas a very Generous offer to Goldsborough the Cause is far from being an Intricate one & He has not had any trouble in drawing or Writing I shall send you some Bran by the little Cart next Saturday. Yesterday & this day are very Cold, I Could well bear a fier, Corn makes no Progress, But if we have Rain in 8 or 10 days as the fields are Clean & in good order, I shall Hope to make a good Crop of Corn Our Potatoes make as poor an Appearance as the Corn, but the Meadows make the Worst, should we Hence forward Have seasonable Weather, I think our Crop of Hay will be a very short one: I apprehend the Cold weather does more Damage than the Drought. Our Wheat in Generall looks well but is too thin, the Damage from the smut will not be a 15<sup>th</sup> as I wrote you, most of the smutted Wheat, shot the earliest, w<sup>h</sup> had a very bad Appearance, what has speared since is free from smut, the Cold & frosts I apprehend affected the Earliest Wheat. In the list of things ordered to Come by my Wagon a Lamp was mentioned, it is so at least in the Duplicate I kept of th<sup>t</sup> List I shall send for one to B: Towne I need not tell you I shall be glad to see you & Molly as soon as you Can Conveniently Come, you in Particular I should be glad to see oftner, as the Exercise & Change of air must be very Beneficiall to you. As Cooke and Tilghman Came here last

Sunday Evening & went away early on Monday I Could not write by them to any of the Persons mentioned in the fore part of this letter. C<sup>t</sup> Brooke in a letter to me dated the 30<sup>th</sup> past says I shall send the 10 Barills of Pork, to y<sup>r</sup> son in a few days by M<sup>r</sup> Carroll's schooner. I wrote yesterday as you desier'd to forward th<sup>m</sup> M<sup>r</sup> Ashton tells me you have got them. Pork as Cap<sup>n</sup> Hanrick tells me sels at B: Towne at £6 p<sup>r</sup> Barrill, so th<sup>t</sup> if you have more than you want, you may sell it to advantage, Warrent Act in Li: T goes no Lower than Dec<sup>r</sup> 25<sup>th</sup> 1767, He was Charged with a Double Rent Dec<sup>r</sup> 25<sup>th</sup> 1765, so th<sup>t</sup> He must be Charged with another Double Rent Dec<sup>r</sup> 25<sup>th</sup> 1770. This Article is the only one in y<sup>r</sup> last w<sup>h</sup> Requir'd an Answer. I hope the Running of my Ears is gone of as I have not in the least been troubled with it for 3 days past, nor doe I find any disorder from a stopage of the Humor. I shall inclose a list of what I send & what I want by the Cart. I Could not get any Clayed Sugar at B: Towne, therefore send me at least 150 lb by the Cart the Bottles of spirit you got of M<sup>rs</sup> Pots will do for the Present. I suppose you have got y<sup>r</sup> Sugar &c from Pots.

June 18<sup>th</sup> 8 a Clock in the Evening. No acc<sup>t</sup> of M<sup>r</sup> Deards yet, I suppose He Cannot leave His Friend Douglass. I immagin you know th<sup>t</sup> H: Browne is Come in, He arrived from Cork at B: Towne last Sunday, Hendrick told me this Day, th<sup>t</sup> the Irish goods Browne was directed to Purchase Have been in B: Towne 3 weeks past strange no letters Came to our hands. Rachell presents Her love to you all, so do I with my Blessing I am well & shall Write to you to Morrow to goe by the Cart on Saturday. I am D<sup>r</sup> Charley

Y<sup>r</sup> Aff<sup>t</sup> Father

Cha: Carroll

June 19<sup>th</sup> 1772 [190]

D<sup>r</sup> Charley

I wrote to you the 17<sup>th</sup> & 18<sup>th</sup> instant, M<sup>r</sup> Tilghman will deliver it this morning. As we want Osnabrigs Cotton &c I send the Wagon insted of the little Cart. Inclosed is a list of

what I send & what I want. Law: Robinson says He left a Saddle with some of your People, I desier'd it might be sent by the Wagon when it went last, it did not Come, did you enquier for it? Carbin Lee I hear is Removed by order of the Owners, from the works under His Management: Has He answerd y<sup>r</sup> letter about His Protest? if not put the Bill in suit unless He offers undoubted Security & gives it in a very short time. It is odd Hen: Browne should send our goods & th<sup>t</sup> we had no notice of it, Hanrick as I wrote you, told me they have been in B: Towne 3 weeks past: I expect Him here in a day or two; As He Came from Cork I suppose y<sup>r</sup> Claret is Come with Him & th<sup>t</sup> y<sup>r</sup> Sugar &c from Pots is or will be in y<sup>r</sup> Store Before this will be with you desier Deards to note in His Blotter to write for the best files & Tools of all sorts, the files sent are very bad: I suppose He is gone back to Annapolis. My love & Blessing to you Molly & my little Girls. Molly I imagine begins to be very Chatty & good Company. I wish you all perfect Health & as much Happyness as this World Can aford & I am D<sup>r</sup> Charley

Y<sup>r</sup> mo: Aff<sup>t</sup> Father

Cha: Carroll

---

**THE BATTLE OF THE SEVERN**  
ITS ANTECEDENTS AND CONSEQUENCES  
1651-1655.

B. BERNARD BROWNE, M. D.

---

In ancient times all roads led to Rome, so during the Colonial period all Maryland history leads to England.

During the Civil War in England, a large number of those who sympathized with the King and who were threatened as enemies by parliament emigrated to Maryland and Virginia, both of which Colonies maintained the royal standard and were under the rule of governors who affiliated with the royal cause.

In Maryland, Charles II was proclaimed King by Governor

Green on 15th of September, 1649, and the Virginia House of Burgesses refused to acknowledge the rule of parliament.

On the 26th of September, 1651, the Council of State of England, in carrying out the provisions of the Ordinance of parliament passed on October 3rd of the preceding year (1650), prohibiting trade with Barbadoes, Virginia and Bermuda which was intended as a punishment for the rebellion of those Colonies against the English parliament, and which stated "that the islands and other places in America, where any English are planted, are and ought to be subject to and dependent upon England and must be subject to such laws, orders, and regulations as are and shall be made by the parliament of England."

This parliament was not in the habit of uttering empty words; but followed the declaration up with this ordinance of September 26, 1651, appointing Captain Robert Dennis, Mr. Thomas Stagge, Captain Edmund Curtis, who were then officers in the navy, and Richard Bennet, and Captain William Clayborne, then residents of Virginia, to be Commissioners for reducing all the plantations within the Bay of the Chesapeake to their due obedience to the parliament of the Commonwealth of England.

They were empowered to use, in the first place, persuasive and lenient measures, but if necessary all the arts of hostility that lie in their power.

The three Commissioners who were in England, Dennis, Stagge and Curtis, with a small fleet and a regiment of 700 men sailed for Virginia where Captain Curtis arrived on the ship "John" in March, 1652, Captain Dennis and Mr. Stagge having been lost on the voyage on the ship "Admiral."

After an ineffectual resistance on the part of Governor Berkeley, he agreed to capitulate and surrender the Colony to the three Commissioners, which he did on the twelfth of March, 1652.

After the surrender of Virginia the Commissioners proceeded to Maryland and arriving at the seat of Government (St. Mary's), on the 29th of March, issued a proclamation which

stated, that having offered to Governor Stone and the Council that they should remain in their places, conforming themselves to the laws of the Commonwealth of England. This they refused to do and the Commissioners thereupon demanded Governor Stone's commission, and published orders for the future government of the province, which stated that all writs, warrants, and process whatsoever be issued forth in the name of the keepers of the liberty of England by authority of parliament; and that they be signed under the hand of one or more of the Council hereafter named, viz., Robert Brooke, Esq., *President and Acting Governor*, Col. Francis Yardley, Mr. Job Chandler, Captain Edward Windham, Mr. Richard Preston, Lieutenant Richard Banks.

Soon after the Commissioners completed the reducement of Maryland, they returned to Virginia, where, on the 30th of April, the burgesses organized a new government for that province and unanimously elected Richard Bennet their Governor, and Captain William Clayborne, Secretary of State; thus Bennet became practically Governor of Maryland and Virginia at the same time, being a Commissioner under parliament he was in a position to exercise great authority and extraordinary power in both provinces.

After a short time Captain Stone changed his mind in regard to his refusal to issue the writs, etc., as required by the Commissioners, and requested to be reinstated as Governor.

Accordingly two of the Commissioners, Governor Richard Bennet and Captain William Clayborne, with the advice and consent of the Council and other inhabitants, issued their order or proclamation bearing date 28th June, 1652, appointing Captain Stone Governor, and Mr. Thomas Hatton, Mr. Robert Brooke, Captain John Price, Mr. Job Chandler, Col. Francis Yardley, and Mr. Richard Preston, Council for the province, who were to govern, order and direct the affairs thereof in all matters according to the former order and proclamation of March 29th, 1652.

Governor Stone being now reinstated, he continued to play an

important part in the affairs of Maryland up to the time of the battle of the Severn in which, as we will see, he was engaged on the losing side.

He was born in Northamptonshire, England, and settled on the Eastern Shore of Virginia, about 1632, he was a prominent Protestant, was Justice of Accomac in 1633, and Sheriff of Northampton in 1640; he owned large tracts of land on Hungars and Mattawoman creeks, which he inherited from his father, Captain John Stone, who was killed by the Pequod Indians in a battle on Connecticut River.

He married Virginia Cotton, daughter of the Rev. William Cotton, an non-conformist minister, of Hungars, in Northampton. Rev. William Cotton, Hooker and Roger Williams, all zealous clergymen, came to Salem and Boston in 1630, with John Winthrop.

On August 6, 1648, on the promise of bringing 500 people of English or Irish descent into the province, he was commissioned by Lord Baltimore, "*our Lieutenant, Chief Governor, General, Admiral, Marshall, Chief Captain and Commander by sea and land.*" He was the ancestor of Thomas Stone, one of the signers of the Declaration of Independence, and who was present when General Washington resigned his military commission into the hands of Congress, 23rd December, 1783, at Annapolis. Governor William Stone died at his plantation, "Avon," in Charles County, in 1695.

After the reinstatement of Governor Stone, Governor Bennet and Mr. Clayborne left the government of the province, thus organized, entirely in the management of Governor Stone, and the Council, and Captain Clayborne returned to Virginia. Governor Bennet was immediately engaged in a very important public transaction of the province, the treaty with the Susquehanna Indians, a fierce and warlike tribe (Iroquois Nation).

This tribe had for a long time (even previous to the settlement of Leonard Calvert), been at war with the Indians of the Patuxent, and the Piscataways (Algonquins), and indeed considered themselves conquerors of all the territory from the Sus-

quehanna to the Potomac, or at least to the Patuxent. It is most probable, therefore, that they resented the settlement of the English at St. Mary's, and more especially the settlement of the Puritans at the Severn. If we remember that up to 1649, Lord Baltimore's settlements were confined almost entirely to the lower part of St. Mary's, and had barely extended to the Patuxent and not north of that river. Therefore, we must recognize the fact that the 500 settlers brought in by Governor Stone were a great addition to Lord Baltimore's Province, and also to his revenue. Even a greater benefit to him was the settlement of the Puritans at the Severn, who acted as a barrier and protection to all of his territory north of the Patuxent, and made it possible for him to colonize that section.

As a recent writer has said, "Lord Baltimore was an energetic and active Colonizer," and, no doubt, stipulated with the Puritans that if they would become settlers he would guarantee religious toleration by an act of Assembly, which he did in 1649.

On the same day that Governor Stone was reinstated, the Court held at Saint Mary's—present Governor Stone, Mr. Thomas Hatton, Secretary, Mr. Robert Brooke, Col. Francis Yardley, Mr. Job Chandler, Mr. Richard Preston, took the following action:

"Whereas, this Court is informed that the Susquehanna Indians have a long time desired and much pressed for the conclusion of a peace with the government and inhabitants of this province, which, as is now conceived, may tend much to the safety and advantage of the inhabitants here, if advisedly effected: it is, therefore, ordered, and the Court hereby gives full power and authority unto Richard Bennet, Edward Lloyd, Captain William Fuller, Thomas Marsh and Leonard Strong, or any three of them of which Richard Bennet to be one, to consult and treat with the Susquehanna Indians and to conclude a league and peace with them."

All the above named except Mr. Richard Bennet, were inhabitants of the new Puritan settlement on the Severn, recently called Ann Arundel, formerly and soon again to be called Providence.

They immediately went from St. Mary's to the Severn, where they entered upon their diplomatic duties and on July 5th, 7 days afterwards, a treaty was made and articles of agreement signed at the river Severn, and as traditions say under the old poplar or Liberty Tree, still standing.

The articles gave the English all the land from the Patuxent River to Palmer's Island, on the western side of the Chesapeake, and from the Choptank River to the northeast branch which lies northward of Elk River on the eastern side of the bay, excepting, however, the Isle of Kent and Palmer's Island which belong to Captain Clayborne.

Although this treaty secured peace with all the Indians of the western shore and down to the Choptank River on the eastern shore, we soon find that the Nanticokes and Wicomicoes, who were not included in the treaty, commenced making attacks upon the inhabitants of the Isle of Kent, and even cross the bay to make depredations upon the citizens of St. Mary's. To meet this invasion Governor Stone and the Council appointed Captain William Fuller, Commander-in-chief, and Captain General of the militia, to proceed in an expedition against these Indians, to make war upon and through God's assistance, by all possible means, to vanquish, destroy, plunder, kill or take prisoners all or any of the said Indians, either by sea or land, and *being so taken to put them to death by the law of war*, or to sell them as slaves, and if necessary, pursue them beyond the limits of this province <sup>1</sup> (Invading a neutral State). He had only recently come to the province, having previously been an officer in Cromwell's army, and was said to have been engaged in the battle of Dunbar, in which Cromwell defeated and captured a vastly superior army by attacking it in the rear, which we will see was the tactics pursued by Fuller in the battle of the Severn. Both Cromwell and Fuller claimed that the Lord

<sup>1</sup> This order must have proceeded upon this ancient principle, it being at that time strictly conformable to the laws of nations; as appears from Grotius (*De Jure Belli et Pacis*, lib. III, chap. 7), who wrote this celebrated work some short time prior to the year 1625, when it was first published at Paris, under the auspices of Louis XIII. Bozman, vol. II, p. 457.

was on their side. The battle cry of the former being "The Lord, the Lord of Hosts he has delivered them into mine hands, let God arise and let his enemies be scattered," and his whole army joining in a chorus singing 117th Psalm.

Fuller's battle cry was "In the name of God fall on, God is our strength."

In consequence of certain instructions received by Governor Stone from Lord Baltimore, he proceeded on the seventh of February, 1654, to a very important measure, which became the ostensible and alleged cause of the Civil War in the province, which shortly afterwards ensued.

To carry these instructions into effect, he issued a proclamation, of the date last mentioned (7th February, 1654); in the commencement of which he takes care specially and expressly to state his authority for so doing.

"According to the special direction and appointment of the right honorable Cecilius Lord Baltimore, etc., these are in his, the said Lord proprietary's name, to give notice and declare to all and every one of the inhabitants of this province, and others, whom it does or may concern, that whereas his said Lordship understands that divers persons inhabiting in this province, have not sued out their patents in due time for the lands which they claim to be due unto them here, *nor have taken the oath of fidelity* (as they ought to have done), according to his Lordship's condition of plantation, whereby they claim such land." (A distinguished historian has said that the imposition of this oath was an illegal stretch of the prerogative—an oath of his own coining and was the cause of all the bloodshed which subsequently ensued in the Province.) "Yet his Lordship, out of good affection to them, is not willing to take such advantage, as he justly might, there up against them, without giving them first fair warning, by this proclamation, of their error therein, but is contented that all such persons, who claim any land due unto them respectively by virtue of his Lordship's conditions of plantation dated 2nd July, 1649, shall, notwithstanding their said default, have the said lands granted unto them as if no

such default had been made. Provided always, that they do respectively, within three months now next ensuing, *take the said oath of fidelity*, according to his Lordship's *declaration* bearing date the sixth of August, 1650, and his instructions, *bearing date the 17th of February, 1653*, and also, within the said time make their rights to said land appear to his Lordship's Secretary here, and sue out their patents, and pay to his Lordship's receiver general here, or his sufficient deputy, all such arrears of rent as are due to his Lordship for the said lands respectively from the time such patents ought, by the said conditions to have been sued out by them respectively, and also to pay unto his Lordship's officers here such fees as of right belong unto them respectively for the same.

“ And these are further also, in the said Lord proprietor's name, and by his special direction and appointment as aforesaid, to declare and give notice, that in case such person or persons, so claiming any land due as aforesaid, *shall not take the oath of fidelity*, or not sue out their respective patents, or not pay the said arrears and fees within the time aforesaid, they shall be forever after debarred from any right or claim to the said lands, and in that case his Lordship's Lieutenant here is by the said Lordship's special direction, required to cause *to be entered and seized upon* to his Lordship's use. Given at St. Mary's in the said province of Maryland, the seventh day of February, Anno Dom. 1654. William Stone.”

It will be noticed that these instructions of Lord Baltimore, dated 17th February, 1653, were not received by Governor Stone until the early part of 1654, as evidently they had not been received on November the 7th, 1653, for on that date he adjourned the provincial Court to January 10th, 1654, because, as he stated, “ no English shipping had yet arrived here,” this delay most probably was caused by the war with Holland, as about this time the Dutch fleet under Von Tromp had defeated Admiral Blake, and had complete control of the English Channel, sailing up and down with brooms tied to their masts to indicate that they were making “ *a clean sweep.*”

The Long Parliament did not adjourn until 20th April, 1653, nearly two months after the instructions were written and Cromwell was made Lord Protector 16 December, 1653, ten months after they were written and two months before they were received by Governor Stone.

We must also remember the several orders drawn up and published at Saint Mary's the 29th of March and the 28th of June, 1652, by which the province of Maryland was reduced and settled under the authority of the Commonwealth of England by the commission from parliament, and was left in the hands of Governor William Stone and others who were required and promised to issue all writs in the name of the Keepers of the liberty of England, according to the instructions from parliament.

And now we find Governor Stone by a special order from Lord Baltimore, is persuaded and induced to go away from his obligation and the trust reposed in him, and issues writs and all other processes in the name of Lord Baltimore, displaces members of the Council and imposes an oath upon the inhabitants contrary to and inconsistent with their engagement and oath to the Commonwealth of England, upon penalty of forfeiture of their lands.

This caused great discontent and disturbance among the inhabitants besides being in opposition and rebellion to the Commonwealth of England and to his highness the Lord Protector.

Early in March, Governor Bennet received petitions from Edward Lloyd and 77 persons from the Severn and from Richard Preston and 60 persons from the Patuxent complaining of Governor Stone's action and asking protection. They stated that they were encouraged and invited to remove their estates into this province by Captain Stone, who promised them liberty of conscience, and nothing was ever said about taking an oath to Lord Baltimore. On the 12th of March (1654) Bennet replies to them that he has received confirmation and approval from parliament of the action of the commission in reducing

Maryland and Virginia, and bids them to stand fast in their obedience to parliament and not to depart from it on their peril.

Governor Richard Bennet was a statesman, a diplomat and a military man; he came to Virginia about 1620, and soon took a prominent part in the political life of the Colony. He was a leading member of the Puritan settlement in Virginia, and in 1649, at the solicitation of Governor Stone, he established the Puritan settlement at Providence. He was on April 30, 1652, unanimously elected Governor, returning to Virginia as we have seen. He was Major General of the Virginia forces 1662-1672, and also member of the Council. He largely shaped the history of Virginia and influenced that of Maryland for many years. He died in 1676. Among his descendants in Virginia are: John Randolph of Roanoke, Richard Bland, member of the First Congress at Philadelphia; Theodoric Bland, Colonel in the Revolutionary Army; Henry St. George Tucker, President of the Virginia Court of Appeals; John Randolph Tucker, Attorney General of Virginia; Lighthorse Harry Lee, of the Revolutionary Army; Major General Fitzhugh Lee and General Robert E. Lee, of the Confederate States Army.

Speaking of General Lee and of Governor Bennet, a recent historical writer has said: "When from his chosen place with kindling eye, he saw his ragged boys in gray in a hundred battles sweep the Federal lines from the field, it was the blood of Richard Bennet that thrilled in the veins of Robert E. Lee. His was the hand that first sowed the seeds of both civil and religious liberty in the soil of Virginia. He quickened into life the spirit of independence, which a century afterward fired the soul of a Patrick Henry and drew forth the sword of Washington.

Richard Bennet was the first, and one of the greatest of all the friends of liberty Virginia ever nurtured on her bosom, and who, preceding them all by a century, made possible their heroic achievements."<sup>2</sup>

About the last of April, 1654, Governor Stone received

<sup>2</sup> See Hennings Statutes.

letters of instruction from Lord Baltimore, among other things ordering the displacement of Robert Brooke from the Council, etc., which Governor Stone effected on July 3rd. He also issued, July 4, a proclamation repudiating the reducement of the Province by Bennet and Clayborne in 1652, and charging these commissioners and indeed the whole Puritanic party, mostly of Ann Arundel, with drawing away the people and leading them into faction, sedition, and rebellion against Lord Baltimore. Induced by this proclamation of Governor Stone and urgent solicitation from the inhabitants of the Severn and Patuxent, the Commissioners, Bennet and Clayborne, about the middle of July, returned to Maryland, coming to Providence with the intention of effecting another reducement of the proprietary government of the Province.

They applied themselves in a peaceable and loving way to Captain William Stone, the Governor and Council of Maryland, to persuade them into their due and promised obedience to the Commonwealth of England.

Governor Stone, returning only opprobrious language, calling them "Wolves in sheep's clothing," etc., at once mustered his whole power of men and soldiers in arms intending to surprise the commissioners and to destroy those who had refused to take the unlawful oath and who had kept themselves in their due obedience to the Commonwealth of England, under which they were reduced and settled by the parliament's authority and commission. Upon this display of resistance the commissioners, with some of the people of the Patuxent and Severn, crossed over the river, where they received a message from Captain Stone that the next day he would meet and treat in the woods; but being fearful of a party coming from Virginia he concluded to surrender at once and to lay down his power lately assumed from Lord Baltimore. It will be recollected, that Mr. Bennet, one of the commissioners now regulating the affairs of Maryland and now advancing in hostile array against Governor Stone, was at this very time also Governor of Virginia.

It seems, therefore, that this party to come from Virginia,

had been preconcerted and directed by Governor Bennet's orders, so as to afford timely support and aid to the Puritans from the Severn and the Patuxent, then under his own special command. With the Puritans from the Severn in his front and the Virginia soldiers from the northern neck in his rear, Governor Stone thought it most prudent to submit.

The commissioners then issued their order or declaration, dated at Patuxent river in the Province of Maryland, 22 July, 1654, appointing the following commissioners "for the conservation of peace and public administration of justice within the province of Maryland: Captain William Fuller, Mr. Richard Preston, Mr. William Durand, Mr. Edward Lloyd, Captain John Smith, Mr. Leonard Strong, Mr. John Lawson, Mr. John Hatch, Mr. Richard Wells, Mr. Richard Ewen. All Puritans or any four of them, whereof Captain William Fuller, Mr. Richard Preston, or Mr. William Durand, to be always one, to be commissioners for the well ordering, directing and governing the affairs of Maryland under his highness the Lord Protector of England, Scotland and Ireland, and the dominions thereof, and in his name only and no other."

The Commission also authorized them to appoint and hold courts of justice and to proceed therein as near as might be, to the laws of England, and also that they summon an assembly to begin on the 20th of October. William Durand was appointed Secretary of the Province and upon the Commission was written an order signed by Bennet and Clayborne, and addressed to Mr. Thomas Hatton, the Secretary of the Province, appointed by Lord Baltimore, requiring him to deliver the records of the Province and all the papers concerning the same unto Mr. William Durand.

Captain Fuller and his fellow commissioners complied with their orders in summoning an assembly to meet on the 20th of October. This assembly was held "at Patuxent," the residence of Mr. Richard Preston, which was now fixed upon as the seat of government and all the records of the province were deposited there and "The Patuxent" continued to be the Capitol of the province until 24th March, 1658, a period of four years.

This Assembly enacted and declared in the name of his highness, the Lord Protector of England, Scotland and Ireland, and the dominions thereunto belonging, and by the authority of this present general assembly, " that the reducing of this province of Maryland by power of the Supreme Authority of the Commonwealth of England, committed to Richard Bennet, Esq., and Colonel William Clayborne, and the Government as it is now settled by commission granted to Captain William Fuller, Mr. Richard Preston, Mr. William Durand, Mr. Edward Lloyd, Mr. Leonard Strong, Mr. John Hatch, Mr. John Lawson, Mr. Richard Wells, Mr. William Parker, Mr. Richard Ewen is acknowledged by this assembly, and freely and fully submitted unto, and that no power, either from the Lord Baltimore or any other ought or shall make any alteration in the government aforesaid as it is now settled, unless it be from the supreme authority of the Commonwealth of England, exercised by his highness the Lord Protector immediately and directly granted for that purpose "; that all persons denying the present government or who either in word or deed, vilify or scandalize the same or by actions secret or open, disquiet, oppose or disturb the same government, shall be accounted offenders against the Lord Protector of the Commonwealth of England, the peace and welfare of this province, and dealt with according to their offense.

That no commission or power shall be owned or received in this province other than that which is already settled therein, but that which is the supreme authority of the Commonwealth of England shall immediately and directly grant and confirm; and whosoever shall publish any commission, proclamation, order or declaration, writ or summons which is not from the Supreme Authority, so granted as aforesaid, shall be counted an offender against the public peace and welfare of this province and dealt with accordingly.

This is evidently an act of recognition of Cromwell's just title and authority; because from him it had derived its present power.

At this session of the Assembly the act of 1650, whereby the settlement of Providence on the Severn had been erected into a County under the name of Ann Arundel it was now directed that it be called and recorded by the name of the County of Providence, this being the first name by which it was known.

On July 30, 1650, Governor Stone visited Providence and organized the County of Anne Arundel, appointing Edward Lloyd Commander, and the following Commissioners, all of whom were Puritans: James Homewood, Thomas Marsh, George Puddington, Edward Hawkins, James Merryman, Henry Catlyn.

Another act passed at this session is a declaration against the proclamation of Governor Stone, of the 7th of February, 1654, which has been before noticed.

“Whereas by a proclamation, published and recorded in this province, by special order and command from the Lord Baltimore, all the inhabitants, that will not within three months, take that oath, which is imposed by his lordship, requiring them to acknowledge him to be *an absolute* Lord of this province, and to have *royal* jurisdiction here, shall have their lands seized to his said Lordship’s use; and whereas likewise the said Lord Baltimore hath declared such as have not or shall not comply with his government to be rebels, which is also upon record; this assembly doth declare, that the said proclamation and declaration aforesaid made by the said Lord Baltimore and recorded, is null and void, and of none effect to such intents and actions as are mentioned therein; and that act of recognition confirmed by the assembly and expressed in the act is firm against all or any such declaration.”

Captain William Fuller, who is now placed at the head of the Commission for governing the province, as before stated, was a military man and kept his little band of militia well drilled and always ready for service, he held his position for about four years (until March 24, 1658), during which time he was acting governor of the province.

*Richard Peston*, who was chosen as speaker of this General

Assembly (Oct. 20, 1654), was known as the *fighting Puritan* and *Peaceful Quaker*, his house on the Patuxent, which is still standing, and is probably the oldest brick house in Maryland, was the "State House" for a period of 4 years.

William Durand the Secretary, was a Puritan elder in Virginia and may be considered a *fighting parson*.

The province was now quiet until the latter end of January (1655), at which time the ship "Golden Fortune," Captain Tilman being Commander, arrived in Maryland; on this boat Mr. William Eltonhead brought letters of instruction to Captain Stone blaming him for having resigned his government to the Lord Protector in July last, and accusing him of cowardice in surrendering without striking one stroke, appointing Captain Luke Barber to take command in case Captain Stone refuses. Instigated by this he reassumes his office of Governor and issues military commissions, and organizes an armed force in St. Mary's for the purpose of taking possession of the government.

He dispatched a party of armed men headed by Mr. Eltonhead and Captain Josias Fendall to the house of Mr. Richard Preston, at Patuxent, to seize the records and carry them to St. Mary's; this he did without showing any authority by which he acted. But in threatening speeches declared that he would have the government, and hang the parliamentary Commissioners and all those appointed by them. Captain Fendall and Eltonhead, with 20 armed men, were sent to surprise and capture Mr. Preston, but were not successful, although they robbed the house and carried away a number of guns and much ammunition.

Captain Stone about March 20, started from Saint Mary's with his little army of about 300 men and 10 or 12 boats, some of the men went by land and some by water, using the boats to ferry the men over the rivers. After they left the Patuxent, Captain Stone sent Colonel Henry Coursey and Mr. Luke Barber to Providence with a proclamation addressed to the people of Ann Arundel, commanding them to deliver themselves up in a peaceful manner. This they refused to do saying "they

would rather die like men than live like slaves," and the messengers returned.

Col. Henry Coursey received grant for a thousand acres of land for his services in Lord Baltimore's cause at the battle of the Severn, and the widow of William Eltonhead received a grant of 10,000 acres.

Josias Fendall was, in 1658, appointed Governor by Lord Baltimore, and later was in rebellion against him.

On several occasions after the seizure of the records about March 5th, Captain Fuller offered to resign the government of the province to Captain Stone if he could show him any authority from the Lord Protector or from England justifying his action. This Stone refused to do.

On the evening of March 24, Captain Stone, with his little fleet and army had arrived within the outer harbor of Providence (Annapolis), and was within range of the shot of the "Golden Lyon." Captain Roger Heamans fired a shot at him to bring him or some messenger on board. No attention was paid to this signal, but arriving within the mouth of the Creek (Spa) he proceeded to land his men on the peninsula which lies on the southern side of both the river and creek. Hereupon Captain Heamans fired another shot upon the boats of Captain Stone as they were rowing to the shore, the shot landing somewhat near to them Captain Stone sent a messenger to the Golden Lyon to know the reason of the firing upon them, saying that Governor Stone thought the Captain "had been satisfied," to which the captain replied "satisfied with what," I never saw any power Captain Stone had to do as he hath done.

Previous to this a special warrant drawn up by Captain Fuller and his Council was affixed to the mainmast of the Golden Lyon by Secretary Durand, ordering Captain Heamans in the name of the Lord Protector and the Commonwealth of England to put his ship's company and ammunition to the service of the Commonwealth and if he failed so to do would answer at his peril.

Captain Stone, having landed his men, moved his boats

further up the creek. But Captain Fuller, with much prudence and forethought, fearing that they might come out at night and do much damage, ordered Captain John Cutts, Commander of a small New England ship with two cannon then lying in the river, to put his vessel across the mouth of the creek, so as to blockade it against Captain Stone's vessels and thus shut them up and prevent their coming out. The next morning at the break of day, being Sunday, 25th of March, 1655, Captain Stone appeared with his army in military parade on the eastern side of Spa Creek, marching with drums beating and colours flying (the colours were black and yellow, Lord Baltimore's) <sup>3</sup> they were shouting "come on ye Rogues, come on ye Rogues, you roundheaded Dogs, we will show you what Lord Baltimore will do to you." Captain Stone now brought out whole bagfuls of *chewed bullets rolled in gun powder* and gave them to his men telling them to fall on the *Roundhead Dogs*, saying "the devil take him that spares any."

The Captain of the Golden Lyon now fired two shots upon them which forced them to retire further back from the creek out of range of his guns, which killed one man.

Captain Fuller perceiving that the time admitted of no delay, resolved to go against the enemy, but having neither drums or flags in his party, sent for the English color used aboard the ship in the service of the Lord Protector, these were bent and fixed to a half pike for his use.

With his army of about 120 men he embarked on his boats and went up the river to the next creek (College or Dorseys), and up this creek a few miles toward what is now Bay Ridge Junction and about 4 miles from the enemy. He immediately sent away all his sloops and boats, thus burning his bridges behind him. He now marched directly for the enemy, going around the head of Spa Creek in the rear of Captain Stone's army. Here he pitched his colors, being those of the Commonwealth of England, which he believed might cause the enemy to

<sup>3</sup> See article on "The Provincial Flag of Maryland," *Maryland Historical Magazine*, September, 1914.

incline to a parley and thus prevent the shedding of blood. Captain Stone's men, however, fired upon the standard of the Commonwealth and killed the ensign bearer, William Ayres. Now Captain Fuller ordered his men to charge and gave the battle cry "In the name of God fall on; God is our strength"; this was the battle cry for Providence—"Hey for Saint Marie's" of Captain Stone's men. The charge was fierce and sharp for a time, but the enemy could not endure and were so effectually charged home that they were all routed, turned their backs, threw down their arms, and begged for mercy; about 40 were slain upon the field, formerly called "*Papist Pound*," and many wounded, only 4 or 5 escaped who ran away to carry news to their confederates. All the rest were taken prisoners; among them Captain Stone, Colonel Price, Captain Gerrard, Captain Lewis, Captain Kendall, Captain Ginther, Major Chandler and all their other officers, also all their vessels, arms, ammunition and provisions were captured. Captain Fuller lost two killed and two died of their wounds.

Leonard Strong, the Puritan, who was in the battle, says, "God did appear wonderful in the field and in the hearts of our people, the praise of God was in every soldier's mouth. Captain Fuller and all the Company sang '*Give God the Glory; Blessed be the name of the Lord.*'"

Thus ended the battle of the Severn fought on Sunday, March 25th, 1655.

1. Being the first battle ever fought between American soldiers on American soil.
  2. Being the first battle in which Dum-Dum bullets were used.
  3. Being the 21st anniversary of the landing of Leonard Calvert on the soil of Maryland (Colonists day).
  4. Being also the first battle in which the provincial flag of Maryland was used.
-

AN UNPUBLISHED POEM BY THE AUTHOR OF  
THE SOT WEED FACTOR.<sup>1</sup>

From the copy in the Library of Congress in the Bozman Papers.

*Dignum laude virum, musa vetat mori. Horat,*

And is that Lamp gone out, extinguish'd quite,  
Which in the Western Circuit shone so bright?  
Has Lock refined his Tenement of Clay,  
And to some unknown Somewhere wing'd his way?  
And shall he buried in oblivion lye?  
Is there no Bard to wing his Elegy?  
So are the Muses drop't asleep, since they  
To Calvert's Ghost did their devotions pay?<sup>2</sup>  
If so, I here will venture to be bold,  
Invoke the melancholy Maid grown old,  
Who, like the Turtle Dove, delights to sing,  
And strike a Chorus, on the mournful string—  
Awake, Melpomene!—behold the Dire  
Decree of Fate! See on a sable Bier  
(O mournful sight) he's quite deprived of Life,  
The most impartial Judge of human Strife,  
That ever yet, with an unbiass'd hand,  
The Scales of Justice held in Maryland.  
Of whom, this may be said in brief—('tis true).  
He more of *Galen*, than of Bracton knew.  
And though there on the Bench remained a *Levin*,<sup>3</sup>  
Yet to the Maid this Prophecy is given,

<sup>1</sup> An Elegy on the death of the Honorable William Lock, Esq., one of his Lordship's Provincial Justices, who departed this Life at his Seat in Anne Arundel County, May, 1732. By Ebenezer Cook, Poet Laureate. For Cook's other poems see the Society's Fund Publication, No. 37.

<sup>2</sup> Probably an allusion to a lost poem concerning the death of Gov. Benedict Leonard Calvert.

<sup>3</sup> Doubtless an allusion to Col. Levin Gale, another judge.

When Lock departed, Justice fled to Heaven.  
 Pardon my Muse, if here she soars too high  
 But 'tis her resolution none shall die  
 Who do deserve to live in Elegy.

*His Epitaph.*

Here lies the Corpse of William Lock, Esquire,  
 Sometime Provincial Justice was in Eyre;  
 In full assurance at the great Assise,  
 With Christ, our Judge and Advocate, to rise.  
 Thou, Reader, as Lock is, prepare to be;  
 Death's Power is absolute on Land and Sea.

---

THE LIFE OF THOMAS JOHNSON

EDWARD S. DELAPLAINE,  
*Of the Frederick Bar*

CONTENTS—PART SECOND

---

[The Maryland Historical Society in March printed two chapters of Mr. Delaplaine's "Life of Thomas Johnson," in which the career of Governor Johnson was traced up to the time he entered the public stage. For the faithful presentation of the ancestry and early life of the Revolutionary War Governor of Maryland, the first installment made a very favorable impression. We take pleasure in presenting another installment, containing Chapters III, IV and V, which describe Johnson's first participation in politics, from 1762 to 1774, as one of the delegates in the Provincial Assembly.—THE EDITOR.]

CHAPTER III

PROTESTS AGAINST THE STAMP ACT IN THE MARYLAND  
 ASSEMBLY

At the age of 29, Thomas Johnson, Jr., recognized already as one of the most prominent of the younger members of the Bar of Maryland, was elected one of the Delegates from Anne Arun-

del County in the Provincial Assembly. When he took his seat in the old Colonial Court House at Annapolis on the seventeenth of March, 1762, he started on a career in public life that covered a period of thirty years—a career which, for length, versatility and value of service, is unparalleled in the annals of the State. The member of Assembly, during the Colonial days, occupied a very exalted station. Champion, as he was, of the people's cause, he unflinchingly received, if he tried faithfully to perform his duty, the gratitude and the veneration of his constituents, if not, indeed, of all the subjects in the Province. The delegates who were true to their constituents deserved their popularity, for they were the only public officials who represented the people and, as such, they did what they could to stem the tide of oppression that flowed from Crown, Ministry and Parliament and from Lord Proprietary, Governor and Council.

It is true, under the Proprietary form of Government, Maryland, when compared with the other Colonies, had a Charter which operated with unusual beneficence. Unlike Virginia, a Royal Province, under the direct control and domination of the King, Maryland belonged to one person—the Lord Proprietary—to whom the Crown delegated full control of the Province. Holding his domain as the patrimony of the family, the Proprietary stood in the relation of a *pater familias* to his Colony, which, if properly managed, would reflect glory to his name and bring wealth to his progeny. The comparative success of the Government of Maryland was thus largely attributable to the fact that the Province, like that of Pennsylvania, was vested in one family, for if these Colonies had been owned by several co-proprietors of different families, they would not have acted with the same sense of liberality and pride which animated a Proprietary, the name of whose family and the happiness of whose posterity were to be determined to a large extent by the wealth and prosperity of his Province. But even in Maryland, the subjects were at the complete mercy of the Proprietary and they looked to their chosen representatives as the guardians of their liberty. The Charter, which King Charles I granted to

Cecilius Calvert, Second Lord Baltimore, on June 20, 1632—the most comprehensive grant of civil power that ever came from the throne of England—gave the Lord Proprietary the right to appoint not only the Governor but all the officers of the Province. Then, too, the Upper House of the Assembly—the Council—was composed of men who were on intimate terms with the Proprietary Governor and hence were necessarily oftentimes antagonistic to the will of the people. “The existence of the Upper House,” says John V. L. McMahon, “as a co-ordinate branch of the Legislature constituted one of the most objectionable features of the Assembly. It had all the disadvantages without the advantages of the House of Peers. The latter, if it is independent of the people, is also independent of the Crown; but the Upper House of the province, consisting of councillors appointed by the proprietary was an aristocracy of the worst kind—an aristocracy wholly independent of and irresponsible to the people, and at the same time the mere creature and dependant of the proprietary.”

But further than that, for twenty years prior to the coronation of George III, the Lower House of the Maryland Assembly itself had been in control of a powerful group of men, who, although pretending to be “patriots,” really deluded their constituents in order to keep in power and were actually inimical to the best interests of the Colonists. This faction, led by Phil Hammond, was composed of men of very inferior calibre; and their obstinate tempers and uncouth manners made their proceedings nothing short of disgusting. They did all they could to harass the Proprietary Governor. It was, accordingly, not long after Horatio Sharpe took the oath of office as Governor in 1753 that he warned the Lord Proprietary there were “too many instances of the lowest persons, at least men of small fortunes, no soul, and very mean capacity, appearing as representatives of their respective Counties.” Thinking that perhaps the drudgery of electioneering may have deterred the better class of citizens from running for the Legislature, Governor Sharpe suggested that possibly, if the “canvass for seats” were

made less frequent, there might result an improvement in the House personnel. The interim between elections, however, was never lengthened.

On top of all this, in 1760, George III—one of the most despotic, and withal stubborn and stupid, monarchs that ever wore a crown since the dawn of civilization—ascended the throne of England. Fortunate, indeed, therefore, were the people of Maryland, when shortly after the accession of George III, men of the calibre of Thomas Johnson, Jr., secured control of the Lower House of the Provincial Assembly. The notorious Phil Hammond, the Opposition Leader in the House for over twenty years, died in 1760—the same year George was crowned King—and when the Assembly convened at Annapolis in March, 1762, as Thomas Johnson, Jr., took his seat in the House chamber for the first time, there was a change in its personnel that was most remarkable. The improvement was so noticeable that Governor Sharpe wrote to England: “We have had a general election, at which many well-behaved, sensible men were chosen in the stead of such as I have never desired to see again in the House.”<sup>8</sup> Thus, the Radical faction was supplanted by a body of able and faithful Conservatives. The *soi-disant* patriots had given way to real patriots. The members of the Assembly were no longer demagogues: but, instead, the conscientious guardians of the people’s liberty. From this time on until the outbreak of the war for independence, the names of Tilghman and Hollyday, Johnson, Chase and Paca, Ringgold, Lloyd, Goldsborough, Worthington, Ridgely, and other prominent Maryland families added dignity to the proceedings and lustre to the annals of the Colonial Legislature. For an entire decade, Thomas Johnson served continuously as a Delegate from Anne Arundel County. In this period, most of the members were men of considerable brilliance. Mr. Eddis, the Englishman who served at Annapolis as Surveyor of the Customs, wrote the following description of the personnel of the Assembly in the day of Delegate Thomas Johnson:

<sup>8</sup> Sharpe’s *Correspondence*, Vol. III, p. 24.

“The Delegates returned are persons of the greatest consequence in their different Counties, and many of them are frequently acquainted with the political and commercial interests of their constituents. I have frequently heard subjects debated with great powers of eloquence and force of reason; and the utmost regularity and propriety distinguished the whole of their proceedings.”

When early in the reign of King George III, the Parliament began to consider the expedience of passing an act to raise taxes in the British Colonies of North America, Governor Sharpe, aware of the “great powers of eloquence and force of reason” of the members of the Provincial Assembly in Maryland, was very slow in calling together the Assembly. Under the Maryland Charter, the Lord Proprietary had the right to *convene, adjourn, prorogue* and *dissolve* the Provincial Assembly; and this prerogative was delegated to the Governor, who used it as a sword over the heads of the Assemblymen. If the Delegates were likely to cause trouble for the Proprietary Government, they were not called together; if in session, they were speedily prorogued. This use of prerogative however, instead of driving the people from their convictions, generally had the effect of making them all the more defiant and their representatives eager to rally more loyally to accomplish the desires of their constituents. But while James Otis, in Massachusetts, and Patrick Henry, in Virginia, were “touching the chord of public feeling, already tremblingly alive,” the Maryland House of Delegates was prevented from officially pronouncing a single word of resentment.

Even the high dignitaries in England looked upon Maryland with suspicion. During the French and Indian War, brought to an end by the Treaty of Paris in 1763, the requisitions for men and money recommended by the Governor of Maryland, were disregarded by the Assembly. Maryland’s passive course, however, was due neither to selfish disregard nor to timid abandonment of the common cause. She was ever anxious to provide for the general defense and to promote the welfare of her

sister Colonies. But, at the outbreak of the French and Indian War, when George Washington, Thomas Johnson and Richard Henry Lee were just arriving at man's estate, there unfortunately arose a dispute in Maryland over the *modus operandi* of raising the revenue to provide for the defense appropriations. Lord Baltimore claimed exemption from taxation and the representatives of the provincials insisted that the Proprietary ought to pay his share. Whilst deeply sensible of the obligations resting upon them to provide for the common defense, the members of Maryland's Colonial Legislature felt that to safeguard their constituents from the tyranny of unjust taxation was a more sacred duty; and they refused to suffer the discharge of a duty to the Crown and the sister Colonies depend upon their disregard of the very birthright of the British subjects whom they represented. As "the power to tax is the power to destroy," the members of the House and, indeed, the people everywhere felt that upon the preservation by the Assembly of the power to impose taxes depended the very liberty of the Colonists. The demands of the Upper House could not have been granted without a surrender of those principles to which the Delegates stood unalterably pledged. A deadlock resulted and the appropriations were defeated.

The expenditures of the British Government in the prosecution of the War had added greatly to the debt of the Empire; and the Ministry took the position that the Colonists, for whom the war had been waged, could well afford to relieve England of a portion of the expense of running the Royal Government. But while imposed to help pay England's heavy indebtedness resulting from the conduct of the war and the payment of subsidies to the King of Prussia, the Stamp Act was also an experiment, prompted in large measure by the failure of several of the Colonies—particularly Maryland—to comply with the requisitions of the King during the French War, to pave the way for more complete supremacy of the Crown over the recalcitrant Colonies. Indeed, William Pitt himself—later one of the champions of American liberty—was so incensed at Maryland's

apathy that he avowed his intention of bringing the Colonies into such a state of subjugation that the Royal Government, upon the restoration of peace, would be enabled to compel obedience to every requisition of the Crown. It was natural, therefore, that the able representatives in the popular branch of the Maryland Assembly should have been watched with grave suspicion at the time Parliament was preparing to place a tax on all the Colonies.

In the House of Commons, the celebrated Stamp Act was passed by a majority of 5 to 1, and in the House of Lords the vote in favor of the measure was unanimous. Seized by a fit of insanity, George III was unable to sign the bill, but a Board of Commissioners, acting on His Majesty's behalf, on March 22, 1765, gave the Royal assent.

The Stamp Act provided that all legal documents in the Colonies had to bear British stamps. Colonial publications and advertisements were taxed, and contracts of every nature, unless written on paper bearing the Royal stamps, were declared to be unenforceable. The Act kindled the patriotic flame in the breasts of the Colonists. Soon after the news of its passage reached America, the resentment of the Colonists became malignant. Benjamin Franklin wrote to a friend: "The sun of American liberty has set. Now we must light the lamps of industry and economy." Immediately came the reply: "Be assured that we shall light torches of another sort!" This prediction, as Ridpath affirms, reflected the sentiment of the whole country. And it was a true prediction.

Nowhere in America, was the resentment more bitter against Taxation without Representation than in Maryland. Her Charter declared that the subjects residing within the limits of the Province were entitled to all the liberties of British freemen. Accordingly, Marylanders contended that the covenants in the Charter expressly exempted them from taxation by Great Britain. And although Thomas Johnson and his colleagues in the Assembly were prevented by repeated prorogations, from making an official remonstrance before final action had been

taken by Parliament, the people throughout Maryland courageously indicated their indignation. When the news of the arrival of Zachariah Hood, an Annapolis merchant, whom the British Ministry had appointed stamp distributor for Maryland, spread through the Colony, the people in Annapolis, Frederick Town and elsewhere burnt him in effigy. Chief Judge James McSherry once described the treatment of Zachariah Hood in the following manner: "His effigy was placed upon a one-horse cart like a malefactor and was hauled through the streets of Annapolis while the bells tolled a knell; and after being placed in the pillory it was hanged to a gibbet and a tar barrel underneath of it was set on fire and the effigy fell into the flames and was burned to ashes." On the second of September, the subjects again demonstrated their hostility to Hood by assembling at Annapolis and completely demolishing his house. The hated stamp official was forced to flee from the Province. He made his way to New York, where he later resigned his commission as stamp distributor. Zachariah Hood was the first and the last stamp agent in Maryland.

Although the Maryland Assembly was in session only five weeks during the year 1762 and seven weeks in 1763, Governor Sharpe failed to convene it at all during the year 1764.

Finally, nearly six months after the Stamp Act had been imposed, Governor Sharpe issued a call for the Assembly. The people assembled at various places, soon after this news was received, for the purpose of instructing their Delegates-elect to protest against the Stamp Act in the Maryland Assembly. In Anne Arundel County, for example, the freemen, assembling on September 7, 1765, passed a set of Instructions for their representatives in the Lower House—Brice T. B. Worthington, Henry Hall, John Hammond and Thomas Johnson, Jr.—basing the claim to exemption from taxation by Parliament upon their rights and privileges as British subjects, the express provisions in the Maryland Charter and the uninterrupted precedent established in the Province. Taxes could be imposed, they contended, only with the consent of the subjects themselves or their

chosen representatives. "And," they continued, "we do unanimously protest against our being charged in any other manner, and by any other other powers whatsoever; and we do request of you, our Representatives, that this Protest may be entered, and stand recorded, in your Journal, amongst the proceedings of your House, if it may be regularly done." Mr. Johnson and his colleagues were requested, in addition, to move an Address of Thanks to General Conway and Col. Isaac Barré for asserting the liberty of the Colonists and to advocate, in accordance with the proposal from the Assembly of Massachusetts Bay, the appointment of a Committee to attend a General Congress in New York, to consider the state of affairs in the Colonies and to join in a Memorial to the Crown.

The members of the House met September 23, 1765, in a spirit little short of revolutionary. The *fiat* of public sentiment in uncompromising hostility to the Stamp Act had been issued, and the Delegates, after two years of inactivity, required little time for deliberation concerning the most expedient course to pursue. As soon as the House came to order, the members took up for consideration the Circular Letter from the Massachusetts Assembly; and the plan, on the following day, was unanimously endorsed. With the concurrence of the Council and the approval of Governor Sharpe, the Assembly appropriated £500 to pay the expenses of Maryland's Delegates to New York. The Assembly selected Col. Edward Tilghman, of Queen Anne's, Thomas Ringgold, of Kent, and William Murdock, of Prince George's—three of the most brilliant and experienced statesmen of their day—as the Delegates from Maryland.

Up to this time, young Mr. Johnson had served only about 70 days, in all, as a Delegate in the Provincial Assembly; but in this short time his sound judgment had already been displayed. When, therefore, the Assembly appointed a Committee of Seven, with the able James Hollyday, of Queen Anne's County, as chairman, to draft a set of instructions for Maryland's representatives in the General Congress, the young An-

napolis lawyer was chosen one of the members. The other members of the Committee were: John Hammond, of Anne Arundel; John Hanson, Jr., of Charles; John Goldsborough, of Talbot; and Edmund Key and Daniel Wolstenholme, of St. Mary's. The seven Delegates framed their instructions with great haste, for on September 25, 1765, they brought in their report to the House. Tilghman, Ringgold and Murdock, they recommended, should repair immediately to the General Congress at New York "there to join in a general and united, dutiful, loyal, and humble representation to his Majesty and the British Parliament, of the circumstances and condition of the British Colonies; and to pray relief from the burdens and restraints lately laid upon their trade and commerce, and especially from the taxes imposed by the Stamp Act, whereby they are deprived, in some instances, of that invaluable privilege of Englishmen and British subjects, trials by jury; and to take care that such representation should humbly and decently, *but expressly*, contain an assertion of the right of the Colonists, to be exempt from all and every taxations and impositions upon their persons and property, to which they do not consent in a legislative way, either by themselves, or their representatives freely chosen and appointed." The Committee's recommendations, it is needless to say, were accepted.

The plan of holding a General Congress of the Colonies having been speedily endorsed, the Maryland Assembly thereupon determined to enunciate, with more solemnity and with due formality, "the constitutional rights and privileges of the freemen of the Province." Again, Thomas Johnson was honored by being placed on this important Committee. Colonel Tilghman and Messrs. Ringgold and Murdock—the Delegates who were preparing to leave for New York to represent Maryland at the General Congress—were named to assist in the preparation of the Resolutions. The other members of the Committee were: James and Henry Hollyday, Samuel Chase, Brice T. B. Worthington, John Hammond, Edmund Key, Daniel Wolstenholme, Samuel Wilson, Charles Grahame and John Goldsborough.

The Committee reported its "Bill of Rights" on September 28, 1765, and it was adopted without a single dissenting vote. Referring to these Resolves, Mr. McMahan says: "Pre-eminent amongst all the legislative declarations of the Colonies, for the lofty and dignified tone of their remonstrance, and for the entire unanimity with which they were adopted, they form one of the proudest portions of our history."<sup>9</sup> If there were any doubts in the minds of the British Ministry as to whether Maryland would concur with the refractory Colonies, such doubts were now dispelled. Maryland had, in bold and uncompromising language, officially asserted her position.

This done, the legislators refused to entertain any other business and requested Governor Sharpe to give them "a short recess of a few weeks." This request was most undoubtedly made, for the purpose, although not expressly avowed, of awaiting the issue of the General Congress at New York. The Governor indicated that he was willing to grant them a recess, but, in his Message to the Home, he added that inasmuch as the British stamps would arrive before they re-convened and as Zachariah Hood, the stamp distributor, had fled from the Province, he was anxious to have the Assemblymen's advice as to what to do with the stamps when the British vessel anchored. Immediately upon receiving this inquiry, the House selected eleven of its most able members to draft a reply to His Excellency. And once again Mr. Johnson was honored by being chosen to serve on a committee with Edward Tilghman, Thomas Ringgold, and William Murdock. Their associates were: James and Henry Hollyday, Samuel Chase, John Hammond, Daniel Wolstenholme, William Allen and John Goldsborough. The Committee recommended the following Reply: "We should think ourselves extremely happy were we in circumstances to advise your Excellency on so new a subject; but it being a matter of importance, and such as we do not think ourselves at liberty to advise in, without the instructions of our constituents, which

<sup>9</sup> John V. L. McMahan, *Historical View of the Government of Maryland* (1831), p. 345.

we cannot now obtain, we hope your Excellency will think us excusable for declining to offer you any advice upon the occasion." On September 28, 1765, after being in session only six days, the Assembly was prorogued. When the British sloop-of-war *Hawke* arrived with the stamped paper aboard, there was no person to receive it and no place in Maryland where it could be stored in safety. Governor Sharpe, in accordance with the suggestion of his Council, directed the commander of the vessel to keep it on board until instructions could be procured from the British Ministry concerning the disposal of the stamps. None of the British stamps were ever used in Maryland.

When the Assembly re-convened on November 1, Tilghman, Ringgold and Murdock presented a report of their course of action at the Congress in New York. The Congress had convened with 28 delegates in attendance at the City Hall in New York on the 7th of October, 1765. All the Colonies, with the exception of New Hampshire, Virginia, North Carolina and Georgia, were represented, and these four, although unrepresented, sympathized with the general cause. The Congress adopted a Declaration of Rights, an Address to the Crown, and a Memorial to Parliament. The course of action pursued at New York by Maryland's Delegates was heartily endorsed by the Maryland Assembly and a vote of thanks was given them for the able and faithful discharge of their duties.

The Stamp Act was to have become effective on the first day of November, 1765, but nowhere were any British stamps to be found in the Province. How was business to be carried on, if unstamped documents, under the Act of Parliament, had no legal value? This problem was soon to be solved by the Frederick County Court. The November Term of Court convening on the nineteenth of the month, the "Immortal Twelve," on the 23rd of November, 1765, after the Clerk of the Court had refused to issue any papers without British stamps, decided that the Stamp Act should be repudiated, *i. e.*, that "all proceedings shall be valid and effective without the use of stamps." Their decision was revolutionary. The Parliament of Great Britain,

possessing the sovereignty of the country, has had the power to pass arbitrary and unjust enactments, because there has never been a written Constitution from which its authority is derived or by which the Courts can test the validity of its will. What Parliament doth, said Sir William Blackstone, no authority on earth can undo. Everywhere throughout the Province the defiant action of the Court was acclaimed with great rejoicing. One of the most memorable demonstrations was that held at Frederick Town, where the people held a mock funeral of the Stamp Act, at which the effigy of Zachariah Hood, the would-be stamp distributor, officiated as the sole mourner. After a burlesque funeral oration, the offensive document and the effigy of Hood were buried together "amid loud cheers and ruffs of the drums."

The Assembly, which convened November 1, 1765, continued in session nearly until Christmas. Considerable time was spent in wrangling over the payment of public claims, and so exasperating did the dissensions between the two Houses become that a report came to Governor Sharpe on the tenth of December that Col. Thomas Cresap, one of the members of the Provincial Assembly from Frederick County, who had been instrumental in October in effecting an organization of the "Sons of Liberty" in Frederick County, had assembled in Frederick Town between 300 and 400 men, "many of them armed with guns and tomahawks," with the intention of marching to Annapolis in order to bring the law-makers to their senses. As soon as he received the report, Governor Sharpe warned the Assembly. When it assembled at two o'clock on the afternoon of December 10, 1765, the Message from His Excellency was read and a Committee of five of the ablest Delegates was appointed to frame a Reply. Mr. Johnson was chosen to serve as Chairman of the Committee. His associates were: James Hollyday, Thomas Ringgold, William Murdock, and Brice T. B. Worthington. Colonel Cresap was an intimate friend of Mr. Johnson. A few years before, the Colonel had been chosen one of the directors of the Company, formed with the aid of

George Washington and Thomas Johnson to improve the navigation of the Potomac. The House adjourned to meet eight o'clock the following morning, when Mr. Johnson submitted the following Reply: "In answer to your Message of last Night, we assure your Excellency, we are very sensible of the bad Consequences of large Bodies of People coming hither, with a view to Intimidate either Branch of the Legislature, or to lay them under any Restraint. We shall therefore immediately take every Step in our Power to prevent any Measures that may have such Tendency: To which End, we pray your Excellency to lay before us the Evidences you have received of the Arming or Assembling of any Bodies of People with that Intention.

"We are very sorry to find such an Imputation on a Member of our House, as that laid on Col. Cresap; and we yet have Hope, your Excellency's Information, in that Particular, is without just Foundation, as it appears by our Journals, that he has not attended the House since the 22d of November, at which Time we conclude he left this Place; and when it could not be foreseen that any Difficulties would arise between the Two Houses in relation to the Payment of any Public Claims.

"As we should be very far from Countenancing, in any of our Members, a Conduct tending to disturb the Public Peace, and deprive any Branch of the Legislature of that Freedom of Debating and Judging, which is essential to the Constitution, we think it a Justice to the Public, as well as to Col. Cresap, that this Charge against him should be examined and set in a True Light; and therefore hope your Excellency will communicate to this House the Evidence on which the Charge contained in your Message, is founded."

Mr. Johnson read the Report aloud to the House, and after he delivered it at the Speakers' table, it was adopted and engrossed for delivery to the Governor. The House adjourned until two o'clock, when another Message from the Executive, presenting copies of depositions, was presented to the Assembly. The rumors were groundless. All apprehensions were

set at rest on December 14th, when a resident of Frederick County testified at the bar of the House that Frederick Town was calm and that Colonel Cresap himself averred that he expected the troubles in the Assembly proceedings to be removed and the Journal to pass. It does not appear that "Cresap's Army" ever marched to Annapolis.

So bitterly did all the Colonies condemn the Stamp Act that Parliament at an early date took up the question of its repeal. Lord Mansfield stubbornly affirmed the absolute supremacy of the British Parliament in realm and dominions, but Camden and Pitt, the Earl of Chatham, pointing to the distinction between taxation and legislation, denied the right of Parliament to tax the Colonists. It is interesting to observe in this connection that in the great Stamp Act debate on January 14, 1776, in the House of Commons, when Edmund Burke made his maiden speech, William Pitt quoted freely from the argument, and even from the language, of the essay published in Annapolis, Maryland, on October 14, 1765, by Daniel Dulany, that brightest of all the stars in the legal firmament, not only in Maryland, but in all America, whose talents young Mr. Johnson had the opportunity to observe at close range for many years during his residence at Annapolis. Woodrow Wilson has paid the following tribute<sup>10</sup> to the great Dulany and his essay on the Stamp Act: "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." The Grenville Ministry having been succeeded by the Rockingham Administration, the famous Stamp Act, on March 18, 1766—almost exactly one year after its passage—was repealed.

<sup>10</sup> Woodrow Wilson, *History of the American People* (1902), Vol. III, p. 87.

Maryland, on account of the prorogation of her Assembly by Governor Sharpe until the autumn of 1765, was late in filing her official Remonstrance; but, when once made it was, indeed, "pre-eminent amongst all the legislative declarations of the Colonies." And Thomas Johnson, Jr., of Annapolis, emerged from the controversy, at the age of 33, one of the ablest and most conspicuous champions of the American cause.

## CHAPTER IV

### ONE OF THE BUILDERS OF THE STATE HOUSE

Horatio Sharpe was Proprietary Governor of Maryland for a period of fifteen years. Having served prior to the appointment of General Braddock, as commander-in-chief of the Royal forces operating against the French on the Ohio, Sharpe was by nature militaristic; but, notwithstanding his impetuous and arbitrary disposition, he commanded, on account of his efficiency and integrity, the respect of the people of Maryland. His long Administration gave them as much satisfaction as could have been expected under the Colonial Government. Under the age of 21 years at the time Sharpe arrived in Maryland, Thomas Johnson, Jr., grew during the Sharpe administration from a youth to a mature statesman, fully prepared to lead the cause of the people in the struggle for American independence.

On the first of August, 1768, Frederick Calvert, the Lord Proprietary of Maryland, commissioned his brother-in-law, Captain Robert Eden, then only 28 years of age, Governor of the Province. Young Sir Robert sailed the Atlantic in the spring of 1769, arriving in Maryland on the fifth of June. When the Provincial Assembly met on the 17th of November for the first time in his Administration, he had a number of experienced men in his Council, to advise him, chief among whom were Daniel Dulany, Benedict Calvert and Richard Lee. In the popular branch Mr. Johnson was surrounded by a brilliant array of Colonial statesmen—men like Matthew and Edward Tilghman, James Hollyday, Chase and Paca. As soon

as they assembled, the two Houses received a Message from Governor Eden, to which they returned Addresses couched in such courteous language that the young Governor, a few days later wrote to Lord Hillsborough that indications pointed to an end of all trouble with the Colonists!

Up to this time the members of the Assembly held their sessions in the old Provincial Court House, on the site of the present State Capitol, while the Governor and his Council met in the tiny building used for many years afterwards as the office of the State Treasurer. In a letter to his friends in England in October, 1769, Mr. Eddis described the Colonial Court House and the Council building in the following manner:

“In the Court-house, the representatives of the people assemble, for the dispatch of provincial business. The courts of justice are also held here, and here likewise the public offices are established. This building has nothing in its appearance expressive of the great purposes to which it is appropriated, and by a strange neglect, is suffered to fall continually into decay, being, both without and within, an emblem of public poverty, and at the same time a severe reflection on the Government of this country, which, it seems, is considerably richer than the generality of the American provinces.

“The Council-chamber is a detached building, adjacent to the former, on a very humble scale. It contains one tolerable room, for the reception of the Governor and Council, who meet here during the sitting of the Assembly, and whose concurrence is necessary in passing all laws.”

One of the first steps taken by the Maryland Assembly in Governor Eden's Administration was to provide for the erection of a State House. The plan having been adopted to select seven members of the Assembly to superintend its construction, the great Dulany, the leader in the Governor's Council, and Thomas Johnson, now one of the most prominent members of the Lower House, were chosen to serve together on this Committee. The other five were: Lancelot Jacques, Charles Wallace, William Paca, John Hall, and Charles Carroll, barrister.

An appropriation of £7500 Sterling was made by the Assembly to carry on the work, while the Building Committee was given the power to draw on the Treasurer of the Eastern or the Western Shore for any further amount that might be necessary to complete the building. Any four, being a majority, were authorized to proceed with the purchase of material and employment of workmen and to exercise general supervision over the construction of the building. The fact that Mr. Johnson was one of the Delegates who built the Maryland State House is memorable, because of the historic fact that within its walls his distinguished friend, George Washington, resigned his command as Commander-in-Chief of the Continental Army, a command to which he was nominated by Johnson at Philadelphia in 1775.

The corner-stone of the Maryland State House was laid by Governor Eden on March 28, 1772. It was a beautiful spring day, when the trees of ancient Annapolis were just beginning to bud. Although there was not a cloud in the sky, tradition says that at noon when Governor Eden rapped the corner-stone of the future State House with his mallet, there came from the heavens a violent clap of thunder. Dr. Bernard C. Steiner views this alleged meteorological phenomenon with suspicion, for in his biography of Governor Eden, he says that the newspaper account of the corner-stone laying in the *Maryland Gazette* recounts the "three cheers" given by the workmen, the collation and the toasts, but makes no mention of the traditional noise of thunder.

The State House, erected under the direction of Dulany, Johnson, Jacques, Hall, Carroll barrister, Wallace and Paca, was built upon plans characterized at once by stateliness and simplicity. It was beyond the range of anyone's imagination that a member of the Lower House, or, indeed, any provincial, would in a few years occupy this building as Governor of a free and independent State. But on a March day, five years later, Mr. Johnson was inaugurated within its walls as the first Governor of the State.

After the War of the Revolution, a dome was added to the State House and at this point mention should be made to the death of Thomas Dance, who executed the fresco and stucco work on the interior of the dome. Losing his hold just as he had completed the centre piece, the artisan slipped from his scaffold and was killed on the floor below. The Maryland State House, enlarged and beautified during the administration of Governor Edwin Warfield, still stands as one of America's most beautiful specimens of Colonial architecture.

## CHAPTER V

### CHAMPION OF MARYLAND'S REMONSTRANCE AGAINST THE ARBITRARY REGULATION OF OFFICERS' FEES

Taxation, under the régime of the Proprietaries, was the cause of frequent controversies in Maryland between the Proprietary Governor and the people. As early as the year 1650, the sacred principle of *No Taxation Without Representation* was recognized by the Maryland Provincial Assembly in a decree that no taxes should be levied without the assent of the people themselves or their representatives. Privileged to worship God in their own way, the British subjects in Maryland felt that the imposition of taxes in a manner objectionable to the Lower House constituted a species of economic slavery. *Taxes, duties, licenses, fees, fines and forfeitures*, imposed to support the Proprietary Government, each gave rise from time to time to some important controversy. With each succeeding session of the Provincial Assembly, the Maryland freemen became more positive in their demand that the Lord Proprietary or the Governor should not interfere with the right of the people to regulate the taxes imposed within the Province. In 1743—when Thomas Johnson, Jr., was a lad only ten years of age—Daniel Dulany was protesting to Governor Bladen and his Council that the only measure that could possibly save the tobacco industry from threatened ruin in Maryland—the *Tobacco Inspection Act*—was prevented from being passed on account of bitter wrangling over Officers' Fees.

In the Colony, public officials received fees, instead of regular salaries, for their services. The fees were specified in Acts of Assembly, and therefore the people regulated, through their legally authorized representatives, the compensation of the public officials of the Province. In the Assembly of 1763—the second session in which Mr. Johnson was a member—one of these Fee Bills was passed and it was continued, from time to time, until October 1, 1770, when the fee controversy in which Mr. Johnson took a prominent part began to grow acute.

Johnson's first practical experience with the problems of taxation came in 1765. Chosen in the second Assembly session of that year to serve as chairman of a committee to examine the account of the Clerk of the Council, he made a thorough investigation of the monies arising at common law for the support of the Proprietary Government. On the morning of December 10, 1765, Chairman Johnson presented his report to the House. The fines, forfeitures, etc., Mr. Johnson reported exceeded 100,000 pounds of tobacco. Discussion of the subject was postponed several days, when the House decreed that the Clerk of the Council should thereafter be allowed no fees for (a) writing Inspector's Commissions, (b) recording bonds of Naval Officers, or (c) filing nominations of Vestrymen and Church Wardens. Delegate Johnson stood with the majority in the first instance, but in the second and third instances, he voted in favor of allowing fees for the clerk.

Delegates Samuel Chase and Thomas Johnson, Jr., at the Assembly session of 1769, assailed the Fee Bill; but only about one-third of the delegates voted against the measure and, accordingly, it was extended for another year.

When the Assembly met on September 25, 1770, the Fee Bill was again presented to the House for renewal. But it was contended that many of the Proprietary officials—especially the Provincial Secretary, the Commissary General, the Judges and the Register of the Land Office, all of whom were members of the Upper House, or Governor's Council—were receiving excessive fees; and the members of the Lower House were rather

indignant. Message after message, indicative of bitter animosity, went back and forth between the two chambers. The members of the Lower House soon realized that it was impossible to fix the fees in accordance with their own wishes, and they entertained the suspicion that the members of the Council were designing to end the deadlock by having Governor Eden issue a proclamation regulating the fees of all Provincial officers. The delegates thereupon proceeded, as if it were possible to forestall such a step, to resolve that a proclamation of this character would be unjust and illegal. Accordingly, on November 1, 1770, the Lower House passed a resolution declaring that the representatives of the freemen of Maryland, with the assent of "the other part of the Legislature," had the sole right to impose taxes and fees, and that the imposition thereof by the Lord Proprietary or the Governor or any other person not the representative of the people was "arbitrary, unconstitutional and oppressive."

But the Governor, acting on the advice of his Council, utterly disregarded the resolution of the Lower House. After nearly two months of bitter wrangling, the Assembly was prorogued on November 21, 1770, without effecting a renewal of the Fee Act, and on November 26, 1770, Governor Eden issued his Proclamation, re-establishing the Fee Act of 1763.

Throughout the length and breadth of Maryland, Governor Eden's Proclamation aroused great indignation. Assembly leaders of the stamp of Mr. Johnson, other prominent men in the Province, arose to the occasion and denounced the Governor's assumption of power.

Governor Eden did not call the Assembly together until the 2d of October, 1771, when he carefully avoided, in his address to the Assembly, all reference to the hated Proclamation.

The formal Remonstrance was delayed several days by the notable contest of Jonathon Hager for his seat in the House. The eligibility of Mr. Hager, the founder of Hagerstown, Maryland, was questioned by reason of the fact that he was not a natural-born subject. The Elections Committee having reported

that he "came into America and was naturalized," the matter was set down for full discussion on Tuesday, October 8, when Mr. Hager was represented by able counsel. Although the law seemed to be clearly against Mr. Hager, Delegate Thomas Johnson, Jr., made a stubborn fight, probably on account of personal friendship, to have him seated. Like Colonel Cresap, Mr. Hager had been chosen in 1762 as one of the directors of the Potomac Company, and he was a prominent and popular citizen of Western Maryland. William Paca and William Smallwood—two brilliant young men, who were destined to add lustre to the annals of Maryland in the War of the Revolution and as Governors of the State—were lined up with Mr. Johnson in behalf of Mr. Hager. The contestants were led by Samuel Chase, later a member of the United States Supreme Court, who contended that an incontrovertible provision of the British law rendered Hager ineligible to sit as a delegate in the Provincial Assembly. The contest aligned the "Progressives" against the "Conservatives." While the debate was in progress, Mr. Hager looked on; but when the Speaker was ready to put the question to the House, he was requested to withdraw from the chamber. At that time, the House consisted of fifty-eight members—twenty-eight from the Eastern Shore and thirty from the balance of the Colony. Delegate Johnson mustered only eight votes from the Eastern Shore and fifteen from Western Maryland, where Hager was well known. By a vote of twenty-four to twenty-three, the House declared Jonathan Hager ineligible. After the ballot had been taken, Mr. Hager was called to the bar of the House and politely informed by the Speaker, that the House discharged him from any further attendance.

Jonathan Hager was not rejected from the Assembly by reason of any personal antipathy. The issue was based on the construction of the law. This was plainly indicated three days later, when there appeared a bill to repeal that portion of the law forbidding a naturalized subject to have a seat in the Provincial Assembly. Samuel Chase, who led the fight against Mr. Hager, was himself one of the delegates who brought in the bill.

The measure was expeditiously passed, and on October 16, 1771—eight days after Jonathan Hager was dismissed—the Speaker left his chair and repaired, in company with the members of the House, to the council chamber to present the bill to Governor Eden, who forthwith signed and sealed it on behalf of the Lord Proprietary. So speedily was this Act passed and approved, that Mr. Hager was enabled to take his seat in the House before the close of the session. Re-elected a delegate from Frederick county, he qualified as a member of the Assembly on the 16th of November, 1771, in time to vote for the celebrated Remonstrance against the Fee Proclamation.

This memorable Protest was prepared by Thomas Johnson after it became plain that the passage of a new Fee Bill was impossible. Early in October, soon after the Assembly had convened, the Committee on Grievances reported that the fees of the Provincial officers were excessive and a Fee Bill was passed by the Lower House for submission to the Council. The members of the Upper House, on October 30, 1771, rejected the bill but suggested that conferees be appointed to take the matter under consideration. Notwithstanding the fact that Thomas Johnson, William Paca, Samuel Chase, Tilghman and Smallwood were opposed to this proposition, the Lower House, by a vote of twenty-eight to nineteen, decided in favor of a conference, and then selected Delegates Johnson, Chase, Tilghman, Hall, Hammond, Grahame and Dennis to act as the conferees of the Lower House.

On account of the uncompromising position of the delegates, on the one side, and the grim determination of the councillors to support Governor Eden and his Proclamation, on the other, the conferees clashed in deadlock. On the 4th of November, 1771, the members of the Council submitted a list of proposals, which was not entirely satisfactory to the Lower House; and two days later they submitted a second list, which was immediately rejected. The Council and the House in turn asked that the conference be discontinued, but proposals continued to fly back and forth between the two chambers. At last, on the

22d of November, the conference came to an end. The attempt to settle the controversy by compromise had unquestionably failed.

It was on the following day—the 23d of November, 1771—that the Lower House took under consideration the memorable Address to His Excellency, prepared by Delegate Thomas Johnson, Jr., of Anne Arundel county, as a Remonstrance against the Fee Proclamation.

Mr. Johnson contended, in this masterly Protest, that the levying of fees for public officials constituted a tax upon the people; and, in support of his contention, quoted from Coke's *Institutes* and the *Statute de tallagio non concedendo*. Under the common law, officers of justice, he claimed, were paid out of the revenues of the Crown, and there was no precedent, he asserted, for the regulation of fees by Proclamation. Inasmuch as the power to tax was reposed in the legislative branch of the Government, Delegate Johnson argued with great force and effect that the arbitrary regulation of fees by Governor Eden was "unconstitutional in the matter and shadowed in the manner, with the assigned reason to prevent extortion by the officers, in imitation of the practice of arbitrary kings, who, in their proclamations, which have been declared illegal, generally covered their designs with the specious pretence of public good."

Delegate Johnson made it plain that the members of the Lower House were convinced that, although issued by Governor Eden, the Fee Proclamation had been schemed by ulterior advisers. "The advisers of the Proprietary," declared Mr. Johnson, "are enemies of the peace, welfare and happiness of this Province and of the laws and Constitution thereof!" He challenged the Governor to disclose to the Assembly the names of the men who had advised him to issue the Proclamation, or else issue a denial.

In a brilliant conclusion, worthy of Marshall or Webster, Mr. Johnson presented the following logical argument:

"This act of power is founded on the destruction of constitutional security. If the Proclamation may rightfully regulate

the fees, it has a right to fix any *quantum*. If it has a right to regulate, it has a right to regulate to a million; for where does its right stop? At any given point! To attempt to limit the right, after granting it to exist at all, is contrary to justice. If it has a right to tax us, then, whether our money shall continue in our own pockets depends no longer on us, but on the prerogative."

Concerning Mr. Johnson's Remonstrance, Doctor Steiner has written the following well-deserved tribute:

"The masterly logic of this Address reminds us of that used by Marshall in his decision in the case of *McCulloh versus Maryland* and is one of the many proofs of the thorough legal education of the patriotic leaders of the Province."

The Report of Thomas Johnson, Jr., was adopted with only three members dissenting. The positive language, in which the Remonstrance was couched, gave evidence of the indignant feeling of the Colonists. By adopting the Remonstrance as written by Johnson, the Assembly took an unwavering and courageous stand.

Within six days—on November 29, 1771—Governor Eden issued a reply, in which he attempted to justify his position. The Executive declared that with the right to appoint public officials, the Lord Proprietary had the right, by implication, to determine their emoluments. Governor Eden pointed to precedents, in other dominions, for the regulation of officers' fees by Royal prerogative. He also denied that a Jury had the right to fix the *quantum* of fees when not established by law; and in support of this contention he declared that under the Maryland law, an action could not be brought before a Jury, if the amount in controversy were below 600 pounds of tobacco or fifty shillings, current money.

Like Delegate Johnson's Remonstrance, Governor Eden's reply was skilfully framed. It presented the case of the Lord Proprietary in the best light possible. And it indicated, beyond peradventure, that a compromise of any kind was an impossibility. Every Fee bill proposed by the Lower House was

speedily rejected by the Council. Indignant and exasperated, the Delegates were now ready to leave for their homes, and on the 30th of November, 1771, Governor Eden prorogued the Assembly.

For the following year and a half, there was no session of the Provincial Assembly. During this time, some of the people of Maryland paid the fees under protest, while others absolutely refused to pay. The smouldering fires of discontent broke out into a flame early in 1773, when Charles Carroll of Carrollton, under the name, *First Citizen*, published in the *Maryland Gazette* a powerful attack against Governor Eden's Proclamation. His article was answered by Daniel Dulany, as *Antilon*. Having been appointed to the lucrative office of Provincial Secretary, Dulany had no other course to pursue than to endeavor to uphold the justice and the constitutionality of the Proclamation. Rebuttals and surrebuttals came from the pen of Carroll and Dulany. Replete with gems from the classics and bulwarked with the most powerful arguments, and marked by bitterness restrained by the bounds of courtesy, the articles are masterpieces of logic and legal learning. They thoroughly aroused the people of the Colony. They made Charles Carroll of Carrollton a hero and they spelt the doom of the popularity of the great Dulany. In Annapolis, a tumultuous crowd assembled in May, 1773, after the closing of the polls at the election for Delegates — the last election held under the Proprietary Government—and held a demonstration to indicate publicly the hostility of the people to the Proclamation. In accordance with the ancient Colonial custom, they decided to bury the despised Fee Proclamation at a mock funeral. The following description<sup>11</sup> has been written concerning this quaint ceremony: "To the sound of muffled drums, with the Proclamation in a coffin, with banners that bore inscriptions condemning it, with weapons of war and with a grave digger, the march was made from the polls to the gallows, where the offensive document was hanged, cut down, and buried, the ceremony being accompanied

<sup>11</sup> Mereness, *Maryland as a Proprietary Province*.

by a discharge of musketry." Thereupon the four Delegates-elect of Anne Arundel county—Johnson, Chase, Worthington and Hall—were instructed to thank Charles Carroll of Carrollton for his articles in behalf of the liberties of the subjects.

In accordance with this request from their constituents, the Anne Arundel Delegates wrote the following note of thanks to Mr. Carroll, indicative of the determination of the people of Maryland never to tolerate the Governor's usurpation of taxing authority;

Anne Arundel County, May 26th, 1773.

To The First Citizen:

Sir—

The freemen of Anne Arundel County, on the day of our election, gave us in charge to return you their thanks, for your nervous and masterly defence of the Constitution, against the late illegal, arbitrary and oppressive Proclamation: an exertion of prerogative which in a land of freedom will not, must not, be endured. Be assured, Sir, it gives us the sincerest joy to see your merit so generously understood and so frankly acknowledged, by men who must be confessed to have nothing in view but the general good; and we gladly execute the commands of our constituents, in thus publicly returning you their thanks, for your spirited and distinguished opposition to the Proclamation.

We are, Sir, with great respect,

Your most obedient servants,

Brice T. B. Worthington  
 Thomas Johnson, Jr  
 Samuel Chase  
 John Hall

As soon as the Assembly re-assembled on the 15th of June, the House once more denounced the hated Proclamation. Some of the Delegates proposed to bring the young Governor and his obdurate councillors to their senses by refusing to make needful

regulation of the tobacco industry. Calmer members, including Thomas Johnson, Samuel Chase and William Paca, opposed this method of retaliation, but on the 18th of June, the House, by a vote of twenty-four to twelve, determined to refuse to bring in the Tobacco bill. It was not long, however, before it was perceived that this hasty action was ill-advised, and five days later the House reconsidered its action and decided to appoint a committee to prepare the measure. But, at the same time, another committee was appointed to prepare a new Fee bill.

One measure after another, upon being passed by the Lower House, was killed in the Council. Even the bill for the support of the clergy—providing that every minister in Maryland, following the principle of equality adopted in Virginia, should annually be granted 32,000 pounds of tobacco, exclusive of his glebe and regardless of the size of the parish—met with disapproval and was rejected in the Upper House. The Delegates were reduced to such a state of desperation that Governor Eden deemed it best to resort again to the penalty of prorogation. Thus, on the 3d of July, 1773, after being in session scarcely over a fortnight, the Assembly, *for many important reasons*, was prorogued.

During the summer and fall of the year 1773, there was a brief respite in the controversy. The Assembly convened on the 16th of November, but adjourned, on the 23d of December, without producing any change in the situation.

The final session of the Assembly under the Proprietary Government convened on March 23, 1774. Once again there was a deadlock, and on the 19th of April the Provincial Assembly adjourned—never to meet again in the history of the Colony.

Governor Eden and his Council stood firm against the Remonstrance. Yet, while the freemen viewed the Proclamation with indignation, they hated the counsellors of the Governor far more than the young executive himself. Sir Robert seems to have been accorded, to a remarkable degree, the respect and esteem of the people of Maryland. "Easy of access, courteous to all and fascinating by his accomplishments," John V. L. McMahon

explains, "he (Governor Eden) still retained his hold upon the affections even of his opponents, who, for the qualities of his heart and the graces of his manners, were willing to forgive the personal errors of his government."

Without an Assembly to serve as a safety valve by which to exhaust their resentment, the provincials had to rely upon the press and public meetings to display their hostility to the Proclamation. One illustration of the hostile sentiment of the people on the subject of taxation in Maryland prior to the Revolution was the institution of a suit for damages, in which the plaintiff contested the tax familiarly known as the *Forty Per Poll*. It had been collected, under the provisions of a statute passed in 1702, and the imposition of the tax had for many years caused great dissatisfaction. Joseph H. Harrison, who had served as a member of the Assembly from Charles county, determined to test its legality and he refused to pay the tax. He was arrested, and when Richard Lee, Jr., the sheriff of the county, threatened to imprison him, he paid the tax under protest. Thereupon, Mr. Harrison sued the sheriff for £60 for assault and battery and for false imprisonment. His lawyers were Thomas Johnson, Samuel Chase and William Paca. Mr. Johnson's younger brother, Baker Johnson, also assisted. Sheriff Lee, through Thomas Stone, John Rogers and Cook, his attorneys, pleaded "Not Guilty" and set up, for his defense, the Act of 1702. As no aggravating circumstances, such as actual incarceration or ill treatment at the hands of the sheriff, were connected with the alleged assault, no punitive damages were asked. Indeed, the purpose of the law suit was to test the constitutionality of the tax. "Yet," says Scharf, "such was the idea which the Jury entertained of the liberty of the subject that they looked upon the sheriff's arrest and execution of the *Forty Per Poll* as an offence of the *first magnitude* against the rights of Englishmen, and brought in a verdict for the plaintiff, and gave him £60 damages, which was the whole sum in the declaration."<sup>12</sup>

<sup>12</sup> J. T. Scharf, *History of Maryland*, Vol. II, p. 127-8.

After Mr. Dulany had ceased to champion the Proclamation, there were several prominent men in the Colony, like John Hammond, who were willing to defend the cause of the Proprietary Governor. Thomas Johnson, Jr., Samuel Chase and William Paca championed the freemen's cause. They prepared a paper in reply to the great Dulany. In this masterly argument published in the *Gazette*, the trio of brilliant young patriots laid down the dictum that the freemen of the Province—not the Crown or the Proprietary—were the *ultimate source of authority*. They took the position that the people themselves, or their representatives, had, therefore, the power to pronounce final judgment on any question of government. In the opinion of Bernard C. Steiner, the Johnson-Chase-Paca reply to Daniel Dulany was superior to the argument advanced by Charles Carroll of Carrollton. Says Doctor Steiner: "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 noteworthy, especially when we consider his religious faith. The last was by no means popular in Maryland at that time, and I regret to have to record the fact that Dulany strove in an unworthy manner to use that fact to Carroll's prejudice. My conclusion is that Dulany's arguments found their best refutation in the paper written by William Paca, Thomas Johnson, and Samuel Chase."

By this time, the controversy over Officers' Fees became overshadowed by the impending storm-cloud of the Revolution. One of the final things Mr. Johnson did in this connection was to send to his friend at Mt. Vernon in the summer of 1774—when the troubles around Boston were beginning to assume serious proportions—a copy of one of the issues of the *Maryland Gazette* containing the last "Controversial Piece" on the subject.

"I am sorry," Johnson wrote to George Washington, "to hear that your abrupt Dissolution has thrown you into diffi-

culties about Officers' Fees. We have unhappily been for some time much embarrassed about the Fees of Office here and as you may remember have had some Controversial Pieces on the subject. I preserved a paper which contains the last, no Answer having been yet given to it, and inclose it to you—as, indeed, I would all on the subject if I had them—not from any opinion the matter may not be as well handled in Virginia as with us, but from an apprehension that any thing on the subject which may tend to an investigation of the truth will at this time be agreeable to you.”

Thus, throughout the Fee controversy in Maryland, both in and out of the Assembly, Thomas Johnson, Jr., played the most prominent rôle of all the patriots of that day as the champion of the liberty of the people. True, the Proclamation was never repealed. But, as Mereness well says in his *Maryland as a Proprietary Province*, “It is not improbable that the Proclamation, had the Proprietary Government continued a few years longer, would have fallen before this view as to the *Ultimate Source of Authority*; but, as it was, discontent was in a measure temporarily pacified by the revival of the old Inspection Act, without the table of fees, and then the Revolution soon followed.” And, furthermore, in making the Remonstrance, the patriot leaders, chief among whom were Thomas Johnson, Jr., Charles Carroll of Carrollton, Samuel Chase and William Paca, did a valiant service in arousing the people of Maryland to a realization of the part they would have to play in resisting the oppressions of the Crown.

(To be continued)

---

## MARYLAND COUNCIL OF DEFENSE HISTORICAL DIVISION

---

The Historical Division of the Maryland Council of Defense is enjoying the hospitality of the Maryland Historical Society in the use of pleasant and commodious quarters on the third floor of the Society's building. The association with the Historical Society will undoubtedly prove very beneficial to the Historical Division.

The Historical Division was organized by the Maryland Council of Defense for the purpose of compiling the records of Maryland in the war, to be preserved as a permanent Maryland War History Collection. Mr. George L. Radcliffe, Recording Secretary of the Historical Society, is chairman of the Historical Division.

The scope of the undertaking of the Historical Division is very comprehensive. The records to be compiled include:

1. The "War Service Record" of every Marylander (estimated at 60,000) in the military or naval forces of the U. S. or of the Allies in the war against Germany.
2. A similar record of every Marylander in any other line of war activity, in governmental service or in any private war agency.
3. Histories and records of the special military units composed largely of Marylanders, of the important camps and other military establishments in Maryland, and of Maryland war industries.
4. Histories and records of the many non-military war agencies, governmental and private.
5. Material on topical subjects in relation to the war and its effects — financial, commercial and industrial, medical, public opinion, music, education, religion, etc.
6. Collections of photographs, trophies, and other war exhibits.

In fact, it is desired to collect any and all material in relation to Maryland in the war. Obviously, any considerable measure of success in such an undertaking can be realized only through the interest and co-operation of a great many persons. The Historical Division especially invites such co-operation on the part of the members of the Maryland Historical Society.

The roll of Marylanders who died in the service is pretty well up, but the compilation of the "War Service Records" for the general military roster has not been started. An organization in the counties of the State is now being perfected, however, for this purpose and for the historical work generally.