

MSA SC 5881-1-98

ARCHIVES OF MARYLAND

Edited by J. HALL PLEASANTS, M. D.

Published by authority of the State

VOLUME XLVI (Assembly Series, Volume 22)

PROCEEDINGS AND ACTS OF THE ASSEMBLY, 1748-51.

This volume of the archives is now ready for distribution. The attention of members of the Society who do not now receive the Archives is called to the liberal provision made by the Legislature, which permits the Society to furnish to its own members copies of the volumes, as they are published from year to year, at the mere cost of paper, presswork, and binding. This cost is at present fixed at one dollar, at which price members of the Society may obtain one copy of each volume published. For additional copies, a price of three dollars is charged.

The European background upon which American affairs were projected when the Assembly met in session in 1748, found Great Britain still engaged with France in what in the colonies was called King George's War, but when the Assembly met in 1749, Governor Ogle was able to congratulate the province upon the restoration of peace, which had been effected by the recently signed treaty of Aix-la-Chapelle.

Samuel Ogle, who had entered upon his third term as Governor in 1746, continued to serve in that capacity during the period covered by this volume, and died in office, May 3rd, 1752. He was an excellent governor, and the controversies which took place between him and the members of the Lower House, who were of the Country, or anti-Proprietary party, at the time usually in a slight majority in this body, were due rather to the rising spirit of independence then developing in the colonies, than to any feeling of ill will towards the Governor himself, who was tactful and personally popular. As the General Assembly did not meet in 1752 until after Ogle's death, this volume completes the story of the activities of the Assembly during his last administration. The Country party was continually at loggerheads with the Proprietary party as represented by the Governor, the Upper House and the followers of the Proprietary in the Lower House, usually in the minority here. Charles, the fifth Lord Baltimore, died, April 24th, 1751, and his son Frederick, the sixth and last Lord, then a minor, became Proprietary. With Frederick's delinquencies later volumes will deal.

BENEFACTORS AND CONTRIBUTORS TO THE FUNDS OF
THE SOCIETY

| | |
|---|-------------|
| Mrs. Mary Washington Keyser, Gift of the Buildings and grounds of the Society (1916). | |
| George Peabody, Gift (1866)..... | \$20,000.00 |
| J. Wilson Leakin, Bequest (1923), Historical relics and..... | 10,000.00 |
| Drayton Meade Hite, Gift (1919)..... | 1,000.00 |
| and Bequest (1923)..... | 6,000.00 |
| Mrs. Drayton Meade Hite, Bequest (1927)..... | 4,000.00 |
| Mendes Cohen, Bequest (1915)..... | 5,000.00 |
| Mrs. Caroline J. Lytle (1928)..... | 5,000.00 |
| Van Lear Black, Gift..... | 1,500.00 |
| Miss Eleanor S. Cohen, Gifts (1919 Historical relics and \$300, Memorial to her parents, Israel and Cecilia E. Cohen (1926) | 1,000.00 |
| Miss Susan Dobbin Leakin (1924), Preparation of J. Wilson Leakin room and contribution to its contents. | |
| Charles Exley Calvert, Gift..... | 1,150.00 |
| Mrs. Thomas B. Gresham, Bequest (1926)..... | 1,200.00 |
| Isaac Henry Ford, Bequest (1916)..... | 1,000.00 |
| W. Hall Harris, Gift..... | 1,000.00 |
| Isaac F. Nicholson, Gift (1909)..... | 1,000.00 |
| Isaac Tyson Norris, Gift (1916)..... | 1,000.00 |
| J. Henry Stickney, Bequest (1892)..... | 1,000.00 |
| Mrs. Emilie McKim Reed, Bequest (1926)..... | 1,000.00 |
| Henry Stockbridge, Gift (1920)..... | 1,000.00 |
| DeCourcy W. Thom, Gift..... | 1,000.00 |
| Mrs. DeCourcy W. Thom, Gift..... | 1,000.00 |
| W. G. Baker, Gift..... | 500.00 |
| Mrs. W. Hall Harris, Gift..... | 500.00 |
| Adelaide S. Wilson, Gift..... | 500.00 |
| J. Appleton Wilson, Gift..... | 500.00 |
| William Power Wilson, Gift..... | 500.00 |
| Mrs. Rebecca Lanier King, Bequest (1928)..... | 500.00 |
| McHenry Howard, Gift..... | 333.34 |
| Charles McHenry Howard, Gift..... | 333.33 |
| Elizabeth Gray Howard, Gift..... | 333.33 |
| Simon Dalsheimer, Gift..... | 300.00 |
| Miles White, Jr., Gift..... | 300.00 |

| | |
|--|-----------|
| Miss Nellie Williams, Gift..... | \$ 200.00 |
| Charles C. Homer, Jr., Gift..... | 150.00 |
| Raphael Semmes, Gifts..... | 140.00 |
| Mrs. George F. Libby, Gifts..... | 125.00 |
| Samuel M. Wilson, Gift..... | 120.00 |
| Louis H. Dielman, Gift..... | 100.00 |
| R. C. Hoffman, Gift..... | 100.00 |
| Henry P. Hynson, Gift..... | 100.00 |
| William Ingle, Gift..... | 100.00 |
| Mrs. Rebecca Littlejohn, Gift..... | 100.00 |
| John H. Morgan, Gift..... | 100.00 |
| Lawrence J. Morris, Life Membership..... | 100.00 |
| Mrs. Charlotte Gilman Paul, Gift..... | 100.00 |
| Mrs. Mary B. Redwood, Life Membership..... | 100.00 |
| Bernard C. Steiner, Gift..... | 100.00 |
| Edwin Warfield, Jr., Gift..... | 75.00 |
| Mrs. Emma U. Warfield, Gift..... | 75.00 |
| Blanchard Randall, Gift..... | 43.42 |
| Ferd. Bernheimer, Gift..... | 30.00 |
| Walter I. Dawkins, Gift..... | 25.00 |
| William J. Donnelly, Gift..... | 25.00 |
| A. E. Duncan, Gift..... | 25.00 |
| Mrs. E. Edmunds Foster, Gift..... | 25.00 |
| John W. Marshall, Gift..... | 25.00 |
| John Parker, Gift..... | 25.00 |
| Daniel Annan, Gift..... | 20.00 |
| C. C. Shriver, Gift..... | 20.00 |
| Mrs. Francis T. Redwood, Gift..... | 16.00 |
| Mrs. John H. Sherburne, Gift..... | 10.00 |
| Mrs. Annie Leakin Sioussat, Gift..... | 10.00 |
| Samuel Grafton Duvall, Gift..... | 10.00 |
| William B. Levy, Gift..... | 5.00 |
| Philip Francis Trippe, Gift..... | 5.00 |

THE MARYLAND HISTORICAL SOCIETY

INCORPORATED 1843.

H. IRVINE KEYSER MEMORIAL BUILDING,
201 W. MONUMENT STREET,
BALTIMORE.

OFFICERS.

President,

W. HALL HARRIS.

Vice-Presidents,

DECOURCY W. THOM,

CLINTON L. RIGGS,

RICHARD M. DUVALL.

Corresponding Secretary,

JAMES E. HANCOCK.

Recording Secretary,

GEORGE L. RADCLIFFE.

Treasurer,

HEYWARD E. BOYCE.

THE COUNCIL.

THE GENERAL OFFICERS

AND REPRESENTATIVES OF STANDING COMMITTEES:

| | |
|--------------------------|---|
| JESSE N. BOWEN, | Representing the Trustees of the Athenaeum. |
| J. HALL PLEASANTS, | “ Committee on Publication. |
| HENRY J. BERKLEY, M. D., | “ Committee on the Library. |
| WILLIAM INGLE, | “ Committee on Finance. |
| JAMES D. IGLEHART, | “ Committee on Membership. |
| LAURENCE H. FOWLER, | “ Committee on the Gallery. |
| JOHN L. SANFORD, | “ Committee on Addresses. |
| WILLIAM B. MARYE, | “ Committee on Genealogy. |

CONTENTS.

| | PAGE |
|--|------|
| SOMETHING MORE OF THE GREAT CONFEDERATE GENERAL, "STONEWALL" JACKSON AND ONE OF HIS HUMBLE FOLLOWERS IN THE SOUTH OF YESTERYEAR. <i>By DeCourcy W. Thom,</i> . . . | 129 |
| DURHAM COUNTY: LORD BALTIMORE'S ATTEMPT AT SETTLEMENT OF HIS LANDS ON THE DELAWARE BAY, 1670-1685. <i>By Percy G. Skirven,</i> | 157 |
| A SKETCH OF THOMAS HARWOOD ALEXANDER, CHANCERY COUNSELLOR OF MARYLAND, 1801-1871. <i>By Henry J. Berkley,</i> . . . | 167 |
| EDUCATION AND THE MARYLAND CONSTITUTIONAL CONVENTION, 1850-1851. <i>By L. E. Blanch,</i> | 169 |
| THE COMMISSARY IN COLONIAL MARYLAND. <i>By Edith E. MacQueen,</i> | 190 |
| COLONIAL RECORDS OF FREDERICK COUNTY. <i>Contributed by Louis Dow Scisco,</i> | 206 |
| MARYLAND RENT ROLLS, | 209 |
| PROCEEDINGS OF THE SOCIETY, | 218 |
| NOTES, | 222 |

Committee on Publications

SAMUEL K. DENNIS, *Chairman*

JOHN M. VINCENT,

J. HALL PLEASANTS.

LOUIS H. DIELMAN,

Editor.

MARYLAND HISTORICAL MAGAZINE

VOL. XXV.

JUNE, 1930.

No. 2.

SOMETHING MORE OF THE GREAT CONFEDERATE GENERAL, "STONEWALL" JACKSON AND ONE OF HIS HUMBLE FOLLOWERS IN THE SOUTH OF YESTERYEAR.

By DE COURCY W. THOM.

On August 26, 1927, Mr. Thomas Jackson Arnold, of Elkins, W. Va., nephew and biographer of the World famous General T. J. ("Stonewall") Jackson, C. S. A., wrote me as follows:—

Dear Sir:

" August 26, 1927.

I have in my files an extract from an article "Recollections of "Stonewall" Jackson by General Dabney H. Maury published in Richmond Times January 23rd., 1898, and in Vol. 25—Southern Historical Magazine (he means Southern Historical Society papers, D. W. T.) pp. 309-12-13, also Riley's "Stonewall" Jackson p. 15, giving an account of a duel in which General Jackson participated as second while serving in Mexico. Mr. Wm. Taylor Thom, of Washington, in course of correspondence mentioned incidentally sometime ago that his uncle in his life-time had given a similar account to him, with an injunction of secrecy and which injunction had been observed until General Maury gave the affair publicity, which he naturally felt removed the cause for such injunction. As I am one of the nearest relatives of General Jackson—knew him better than anyone now living—have made a study of his life

for years; have published "Early Life and Letters of General Jackson," I am greatly interested in getting anything new or additional about him, not for use, except with permission and then subject to strictest discretion on my own part, similar to that observed by me in my *Life of Jackson*. Mr. Thom informed me that the uncle referred to was your Father. Hence my object in addressing this letter to you is to ask if you are willing to let me have your Father's account of the affair. This occurrence was some 80 years ago. It was published to the World upon the statement of one of the participants, nearly 30 years past. If you think your Father, if living, would be willing to give me such facts as were within his knowledge pertaining to this affair, I trust you will feel no hesitancy in doing so. In making this request I hope you will credit me with having no desire to request more than what I would feel free to do myself under like circumstances.

With an apology for troubling you, I am

Very sincerely,

(Signed) Thos. J. Arnold."

Naturally I desired to gratify Mr. Arnold and I have always believed that every characteristic of a great man or great era should be utilized to grasp their full significance. On the other hand, my Father had described that duel to me in deep confidence. Indeed, he had written the details of it on a page of the brief auto-biography I had persuaded him to write and which he gave to me on December 27th, 1894. Then on the succeeding day he had substituted for the page containing particulars of the duel merely these words:—"While quartered here (Lerma, Province of Toluca, Mexico,—D. W. T.) the Lieutenant (the late J. Pembroke Thom—D. W. T.) witnessed a duel between two Lieutenants of his regiment in which a then distinguished Lieutenant of Artillery and subsequently one of the most distinguished Generals of the Confederate Army was second to one of the parties who fought with Army rifles at thirty paces. Neither was touched."

Why did my Father resort to such indefiniteness? Was he loath to convict the heroic "Stonewall" Jackson, subsequently a shining Presbyterian Christian, of aiding in a duel; or was he trying to shield a fellow Virginian who bore an illustrious name; or was he mindful of the fact that he himself might be barred from public service to which he was frequently called if he were convicted of participation in that unlawful thing—a duel?

I wrote Mr. Arnold that I questioned my right to break the confidence in which my Father had imparted to me the details of that duel. Mr. Arnold then cited to me Riley's "Stonewall" Jackson, and "The Confederate Veteran" of August 1927, as publishing quotations from an article entitled "Stonewall" Jackson, and written by the late Major General Dabney H. Maury, C. S. A., and published in the Southern Historical Magazine (Southern Historical Society papers—D. W. T.) in which he stated that General Birkett D. Fry, of Virginia, C. S. A., had told him that he, Fry, and "Stonewall" Jackson were seconds for a Lieutenant Lee, adjutant of his regiment, in a duel in Mexico when the American Army was awaiting the signing of peace terms after the fighting was ended in the Mexican War of 1846-48.

So much as to Jackson concerning my qualms in the matter. As to Lee, Jackson knew him and his record and was his second, thereby proving that the Lee side of the shield in the controversy producing the duel seemed to Jackson to be undefiled. And, finally, as to my Father who was the last survivor of the participants in this duel; he had passed from life's vexatious happenings on August 21st, 1899. Recognizing all these things I finally decided that the full facts about the duel should be set forth in a responsible Historical Magazine instead of being baldly stated in a casual letter. But as that little affair was only one of many private warfares which occurred in the Southern and Western parts of the United States some seventy years ago when our Nation was just about half its present age, to justify my telling about it, my account should present some illustrative details of American life in the Southern part of

our country in those days, including any pertinent anecdotes and facts concerning any of those mentioned in my paper. I have tried accordingly to secure details in the lives of the two principals, second Lieutenant Daniel Smith Lee and second Lieutenant Benjamin Franklin Harley, also of the four seconds: either Captain M. M. Clark or second Lieutenant Birkett D. Fry; second Lieutenant T. J. ("Stonewall") Jackson; Captain Lewis Carr; and second Lieutenant J. Pembroke Thom; who took part in this duel in the South of Yesteryear. The great Jackson was chief second for Lee and either Clark or Fry was his assistant second. Carr and Thom served similarly for Harley. Carr and either Clark or Fry stood opposite one another as did Jackson and Thom. Jackson stood to the left of Lee when the duel occurred, while Thom stood to the right of Harley.

I consulted my friend, Mr. Charles F. Harley, of Baltimore, Maryland, and through him, Mr. Herbert Harley of Chicago, Ill., Secretary of the American Bar Association, as to Lieutenant Harley. They could not inform me. Heitman gives Harley's record as follows: "Benjamin Franklin Harley, Pa., Pa., Second Lieutenant Infantry, March, 1847. 11th Infantry 9th April 1847. 1st. Lieutenant 12th Aug, 1847, Brevet Captain 20th August, 1847 for gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico. Honorably mustered out 13th August, 1848." And I wrote Mr. William G. Stanard, Corresponding Secretary and Librarian of the Virginia Historical Society as to Lieutenant Lee. Mr. Stanard replied on June 6th, 1928, as follows:

" June 6, 1930.

Dear Sir:

The only source of information in regard to the Lees which I have is Mr. Lee's "Lee of Virginia". Doubtless you have examined this and note that it has no mention of Daniel S. Lee. The Lees were so numerous, became so widely scattered, that Mr. Lee was far from getting them all.

Yours sincerely,

(Signed) William G. Stanard."

But, the Military Secretary of the War Department of the United States referred me to Heitman's Historical Register of the U. S. A., for Lee's record. It is as follows:

"Daniel Smith Lee, Virginia. Virginia 1st. Infantry, 24th February, 1847. 11th. Infantry, 9th. April, 1847. Regimental Adjutant 9th April, 1847, to 14th August, 1848. Brevet Captain 20th August, 1847, for gallantry and meritorious conduct in the battles of Contreras and Churubusco, Mexico. Honorably mustered out 14th. August 1848. (Died 15th. of August, 1857.)"

And, I could learn nothing about Captain M. M. Clark, except this from Heitman:—

"Captain M. M. Clark, assistant quartermaster, U. S. A., was during the period of the Mexican war a staff officer and not attached to any regiment. He had previously served as second Lieutenant, and first Lieutenant, 2nd. United States Artillery. He was promoted to be major and regimental quartermaster August 1, 1856, and he died May 10, 1861."

Nor anything about Fry except Heitman's statement as follows:

"Birkett D. Fry, Virginia. 1st. Infantry 24th, February, 1847. Voltigeurs 9th April 1847. Regimental Adjutant 15th June to 26th August, 1847. Honorably mustered out 31st. August, 1848. (Brig. Gen. C. S. A. war 1861 to 1865. Died 21st. January, 1891."

Likewise, Heitman was my only available source of information about Captain Lewis Carr except that the late Mark Alexander, Esq., wrote me on January 12th, 1905, that he thought Carr was of Albemarle County, Virginia.

Thus I was restricted to weaving my story around the lives of only two of the dueling party of six officers. One of them was the professional soldier "Stonewall" Jackson about whom books and fame are clamorous. The other was the humble, Southern, non-professional soldier whose career, I, of all men living know best and whose auto-biography written at my request and handed me on December 28th, 1894, is placed before me as I write.

Those two men were born in the golden age of Old Virginia. Each of them took his own way through life. But to illustrate the Old South let me sketch as briefly as will help our purpose the lives of these two Virginians, the professional and the non-professional soldier, until they met in this duel whose details were told me by the latter who was my Father.

Thomas Jonathan Jackson, was born at Clarksburg, in Harrison County, West Virginia, on January 21st., 1824. He was the youngest of four children. His parents died when he was three years old leaving him penniless. Many of his Jackson kin had become prominent. They cared for him. He was taken to live in the house of a Dutch uncle-in-law whom he did not like, "He soon ran away and took refuge with a kind Aunt, the wife of Judge Allen of the Court of Appeals. When she gently reproved him and urged him to return to his uncle he replied with great calmness and decision, "Maybe I ought, ma'am, but *I am not going to.*" Another uncle, Cummings E. Jackson, then took him to live in the old family home near Weston, in Lewis County. There he remained until the age of sixteen, acquiring some plain education in English at an old field school and helping his uncle in farm work. At sixteen his intelligence and probity led the County Court of Lewis County to elect him constable. He proved to be very efficient. But, vast ambition always urged him and he took his first long step forward when he secured a vacancy at West Point. When asked if he were prepared to enter that great military school he said, "I am very ignorant, but I can make it up by study. I know I have the energy, and I think I have the intellect." Entering West Point in June 1842 he worked incessantly so that in a class of seventy he steadily moved towards the top. His general standing was at the end of his first year 51; in his second year 30; in his third year 20; in his fourth year 17. In reaching these marks reference was had to his poor standing in the earlier of those four years, otherwise he would have graduated much higher. Indeed, his ranking in his fourth year was 12 in engineering, 5 in ethics, 11 in artillery, 21 in infantry tactics, 11 in mineralogy and geology. He graduated on July 1st.

1846, and being made Brevet second Lieutenant of Artillery was assigned immediately to the 1st. Regiment of United States Artillery, then serving under General Taylor in Mexico. He joined his command at once. He was in good physical condition except for his eyes. He had injured them permanently through studying by the light of a glowing anthracite fire after lights had to be put out in his bed-room at West Point. In the Spring of 1847 his battery took part in the assault on Vera Cruz. He was soon appointed second Lieutenant in Command of a battery of siege guns during the bombardment. For "gallant and meritorious conduct at the siege of Vera Cruz," he was promoted to the rank of first Lieutenant. Longing to gratify his sense of duty and his insatiable ambition he asked to be transferred to a battery of Light Artillery which General Scott had put under command of the dashing Captain John Bankhead Magruder as a reward for gallantly capturing it at the storming of Cerro Gordo. Commanding half of that battery at the battles of Contreras and Churubusco, Jackson, though he had suffered heavy losses amongst his horses and men, rushed his battery forward and serving his gun with the help of only one or two men, silenced the enemy battery which had done him so much damage. His Captain John Bankhead Magruder reported on him as follows: "My fire was opened, and continued with great rapidity for about an hour. In a few moments Lieutenant Jackson, commanding the second section of the battery, who had opened fire upon the enemy's works from a position on the right, hearing our own fire still further in front, advanced in handsome style, and kept up the fire with great briskness and effect. . . . Lieutenant Jackson's conduct was equally conspicuous throughout the whole day, and I cannot too highly commend him to the Major-General's favorable consideration." And on another occasion he reported on Jackson as follows: "I beg leave to call the attention of the Major-General commanding the division to the conduct of Lieutenant Jackson of the First Artillery. If devotion, industry, talent, and gallantry are the highest qualities of a soldier, then he is

entitled to the distinction which their possession confers." For "gallant and meritorious conduct in the battle of Chepultepec, September 13, 1847," Jackson was brevetted major. In less than a year he had risen from brevet second Lieutenant to brevet major, distinguishing himself so greatly in every action as to attract the attention, and secure the especial notice of his generals, including the Commander-in-Chief. When the actual fighting of the Mexican War was over Jackson was stationed with his command in the City of Mexico. There he studied Spanish and became a frequent visitor at the house of a Spanish Gentleman, of one of whose four daughters he was a great admirer, and engaged in the study of the Roman Catholic Religion with the Archbishop of Mexico though he had accepted Protestant Episcopalianism while at West Point. Such was Jackson's History up to the date of the duel.

That leaves me to recite the history up to that date of the remaining participant in the duel. I hope I shall be forgiven if I seem to use too many family details.

Joseph Pembroke Thom, seventh child and fourth son in a family of eight, was born on March 13th, 1828, at "Berry Hill", Culpeper County, Virginia, the dwelling plantation of his father, Colonel John Watson Triplett Thom, and his wife Abby De Hart Mayo, of "Powhatan Seat," immediately opposite Richmond, Virginia, in Chesterfield County.¹ J. Pembroke Thom was blessed with a home enjoying an ample income; but which produced most of the needs of the estate by the labor of between 100 and 200 negro slaves trained to very many vocations. The general life there was very happy and the young boy grew to understand the various industries on the place. And he amused himself with gun and dog; became a good rider of his Father's thoroughbred horses; developed into one of the strongest persons

¹ The lawn of "Powhatan Seat", by-the-way, is said to contain the grave of the Indian Emperor Powhatan. It was marked by a large boulder. And the site on that lawn where Pocahontas is said to have saved the life of Captain John Smith about to be clubbed to death, was marked by another large boulder.

there and acquired "book learning" at an old field school in the neighborhood. But he was of an adventurous disposition. He demanded to "go to sea before the mast." His wise Father took him to Norfolk, Virginia, and let him take ship to Boston. That completely disillusioned him for the time being and he gladly availed of the plans his Father had made for him to return by land. Then he attended the well known school of Mr. Thomas Hanson, at Fredericksburg, Virginia. In that school every boy was allowed to study aloud! When a boy hit him in mistake because of an injury committed by a third boy in the midst of the hubbub he returned the blow and finished the fight outside at recess; but upon being required by Professor Hanson to apologize refused to do so unless his assailant apologized first. Thereupon, his Father, Colonel Thom, came down from "Berry Hill" some twenty miles away and cut the gordian knot by deciding that his boy should return home with him. Soon thereafter came the Mexican War. Going to Fredericksburg, J. Pembroke Thom, then just 18 years old helped to raise a company of volunteers for that war and was chosen 1st. Lieutenant. His Father thought him too young to go to war and again brought him home. On this occasion he put him in charge of an outlying estate of 1000 acres. But his thirst for adventure was unquenched. That thirst was shared by his immediately older brother, Cameron Erskine Thom. They secured their Father's leave to go to Washington in search of commissions in one of the ten regiments then being raised for service in the Mexican War. They thought those commissions would be easily obtained because they had two family friends in high places. One of them was the Commanding General Winfield Scott, who had married their Mother's first cousin, Maria Mayo, daughter of Colonel John Mayo of "Belleville" near Richmond, Virginia, who by-the-way built "The Mayo bridge" between Manchester and Richmond.² The other

² There is a family anecdote which relates that Colonel Mayo did not smile upon the courtship of the very dashing but thriftless Captain Scott who one day rode out on a very magnificent horse to call upon his lady

high official was the great and good Matthew Fontaine Maury who had paid frequent visits to their Father's home in "Berry Hill". Maury, subsequently Commodore Maury, paid many of those visits in pursuit of his sweetheart Miss Herndon, of Fredericksburg, Virginia, who spent much time at "Berry Hill" as a friend of the four daughters of Colonel Thom.³

However, not through Scott nor Maury nor otherwise were forthcoming the two second Lientenancies which my Father and his brother Cameron sought in Washington. Cameron Thom continued to hope in vain for his commission. Pembroke Thom secured an interview with President Polk and asked him for a second Lieutenantcy. The President asked the young man, not then 19 years old, but who seemed much older because of a rather heavy beard he was wearing, if he could enlist some soldiers. Whereupon Pembroke Thom answered "lots and

love Miss Maria Mayo at "Belleville". Scott said to Colonel Mayo "what do you think I gave for that horse, sir," Colonel Mayo yielded to temptation and replied to him very baldly, "your note, sir," but I hope with a smile on his face.

³I am tempted to tell another characteristic anecdote. We have all heard that Commodore Maury dying at Lexington, Virginia, whence, the roads were virtually impassable that winter, requested that in the Spring his body should be borne thence 'through the Goshen Pass when the Laurel is in bloom,' and interred in Hollywood Cemetery, Richmond, Virginia. That was duly accomplished. But his daughter,—she married her first cousin, Mr. Charles Maury,—told me of another death-bed request made by the Commodore. He had asked that a scion from a yellow flowering bush which had been in bloom in the garden at "Berry Hill" over the seat on which Miss Herndon had become engaged to him should be planted over his grave in Hollywood Cemetery. Mrs. Maury told me that wish had been complied with. But there is no such scion there now. When J. Pembroke Thom was next in the White House his eldest sister, Lucy Lewis Taylor, wife of William Taylor first cousin of President Zachary Taylor was stopping there and helping to receive. But, the last visit of Doctor Thom to the White House was at the especial invitation of President Grover Cleveland in whose behalf he had raised and headed the first 'Cleveland for President' Club in the United States, and had had it working steadily for Cleveland up to and in the nominating Convention and until his election to the Presidency. After the election and inauguration Manning, dispenser of offices for Cleveland had gotten Thom to visit him in Washington, and then said 'President Cleveland

cords of them". The President then told him to raise a company and he would give him a second Lieutenantcy. The company was duly raised, the second Lieutenantcy given, the necessary training received at Fortress Monroe and the company shipped to Vera Cruz.

Lieutenant Thom was wounded on September 14th, 1847, at the battle of Puente Nacional, as is mentioned by Major Kenly on p. 319 in his "Memoirs of a Volunteer in the War with Mexico"; but was well enough to fight at the battles of Cholula and Huamantla. In one of them he had to command his company as his superior officers were not in fighting condition.

When active warfare was over he was stationed for sometime in the City of Mexico where he and his command were quartered in a church.

I think I have shown from the doings of the six ardent young officers who participated in this duel and of the other persons I have mentioned something of the manner of living in the South of seventy years ago. Life is broader now than in their day and generation; but it is less intense and colorful. And though we agree that knowledge has grown amazingly since then, what has been happening meanwhile in the realm of Romantic adventure,

recognizing that your Cleveland Club turned Maryland to him and in appreciation of all that offers you the appointment of Collector of Customs is Maryland.' My Father expressed his appreciation. Some time passed. President Cleveland asked my Father to come to the White House at a certain hour. Then and there Cleveland personally expressed his obligation to Thom and offered him the Collectorship provided he secured the endorsement of the Maryland delegation in Congress whose dominant leader was Senator Gorman whose commands to Thom as Speaker of the House of Delegates to advance or retard certain bills on the calendar had not been obeyed. Therefore when President Cleveland thus qualified the unqualified proffer through Manning of the Collectorship Doctor Thom said to President Cleveland, 'Mr. President I have not sought any office from you. You made me an unqualified offer of this Collectorship. I will not seek endorsement from anyone regarding it.' Cleveland did not fulfill his promise about the Collectorship. He played up to the demand of the Maryland delegation that their approval must first be had as to all Federal appointments. They did say they would approve Thom as Naval officer, but he refused to be considered for any post but that of Collector of the Port.

and of Loyalty, and of Individuality and of Spirituality? Tennyson was right when he sighed about a somewhat similar society in the United Kingdom, "But the tender grace of a day that is dead will never come back to me". Perhaps that was true as to his cultured self; but, indeed, all the virtues were less pervasive then than now when in character as in topography the depths are filling up and the heights diminishing.

I can be authoritative in my account of the duel because on December 28th, 1894, I wrote out the following detailed description of it from my Father and got him to confirm its accuracy. And I have, also, from the War Department, U. S. A., the incidental military records I have cited. I ought to say here that General Dabney H. Maury wrote in the Richmond, Virginia, "Times", of January 23rd., 1898—(See copy in Vol. 25—Southern Historical Society papers, D. W. T.) that General Birkett D. Fry, C. S. A., told him that when he was a first Lieutenant (of Voltigeurs) he acted with "Stonewall" Jackson as a second for Lee. This would seem to supersede my Father's confessedly indistinct recollection as to who was the great Jackson's fellow second. I say "Great" for even then Jackson had proven his genius for war. Having described the personnel engaged in this characteristic private warfare called a duel, let me repeat my Father's account of it as given to me. The principals were thirty paces apart and fought with the standard army rifle of that day. The surgeon in the affair was from Philadelphia, Pennsylvania, and was of the rank of assistant surgeon. The dueling ground was on the roadside between the City of Mexico and the village of Lerma which was then occupied by the 11th Regiment of Infantry, U. S. A. Lieutenant Jackson was stationed with his command—Magruder's Light Artillery—in the City of Mexico, whence, early in the morning he galloped to the duel which took place soon after sunrise. If Lee's assistant second was Lieutenant Fry, Fry must have joined the combatants from the camp of the Voltigeurs then billeted at Toluca near Lerma. If Captain Clark did serve as Lee's assistant second he was probably the

Captain M. M. Clark, assistant quartermaster, 12th Infantry, U. S. A., Virginia, stationed at the time of the duel in the City of Mexico, I believe, and, if so coming thence with Jackson to the dueling ground. In this duel there was very bitter feeling. Lieutenant Harley had charged that Lieutenant Lee was the author of an unsigned article which appearing in a newspaper printed in the United States had been received at the camp of the 11th Infantry at Lerma. Harley denounced Lee as the author of that article and as a liar because it stated that Colonel William M. Graham who had commanded the 11th regiment and who was killed on the 8th of September, 1847, in the battle of Molino del Rey, Mexico, had died in the arms of Lieutenant Lee, whereas it was well known, Harley asserted, that Graham had died while supported by himself—Lieutenant Harley.

Public opinion was so against Lee in this matter that his fellow officers avoided him. His only recourse under the Code of Honor of that day was to challenge Harley to mortal combat. This he did. My Father wrote that amongst all the officers of the 11th Infantry only one would serve as Lee's second. In this emergency he secured the friendly offices of the young T. J. Jackson—the immortal "Stonewall" Jackson that was to be. Each principal in this duel was said to be a deadly shot with a rifle. According to General Maury's newspaper article whose details he ascribed to Lieutenant Birkett D. Fry, subsequently a General in the Confederate service, "Jackson won the word, which he delivered, standing in the position of a soldier, in stentorian tones, audible over a forty acre lot." The words: "Are you ready?" "Take aim." "One", "Two", "Three", "Fire", were given. The two shots sounded as one. Both men throughout the whole affair showed unflinching courage and steadiness. Lee was a fine rifle shot. Harley had very frequently cut a tape line at thirty paces distant with a rifle bullet. It was a matter of intense surprise to all parties that neither Lee nor Harley were even wounded! Lieutenant Thom "thought both men were killed so dead that

they could not stir." Lee stood quiet. Harley angrily grounded his rifle and immediately sent Lieutenant Thom to demand another shot. This Lieutenant Thom demanded through Lieutenant Jackson. Jackson instantly and peremptorily refused to accede stating that his principal had been accused of cowardice which charge was absolutely disproved by the duel which had just occurred. Lieutenant Thom reported this ultimatum to Lieutenant Harley. Harley then in a loud voice denounced Lee as a liar and a thief meaning that by a false report he had taken from Harley credit for bravery and soldierly devotion. This ended the affair. Jackson had dominated it. He withdrew from the ground with his principal, Lee, and his fellow second and promptly galloped back to the City of Mexico. Thom with his principal, Harley, and his fellow second repaired to Lerma.

Soon after all this peace terms were signed by Mexico and the United States. Jackson's command and that of Thom—the 11th Infantry—were sent to Fort Hamilton, New York. Here Jackson remained for two years. There he was christened by a Protestant Episcopalian minister and communed in his church. From Fort Hamilton Jackson was sent to Fort Meade near Tampa Bay, Florida, where his poor health was much improved by the climate. But wearying of the idle life at the Fort he applied for the Professorship of Natural and Experimental Philosophy and Artillery Tactics in the Virginia Military Institute at Lexington, Virginia. Being elected to that position he resigned from the army and in July, 1851, began ten years of continued teaching there. His eye sight, impaired at West Point, forced him to mentally visualize many of the mathematical demonstrations and drawings required in teaching his classes. This training helped him greatly in keeping clearly before his mind in the Civil War the positions of the troops which he was either co-operating with or opposing. During these ten years of teaching at the Virginia Military Institute, Jackson continued to be respected most highly by every one who came in contact with his vigorous and devoted character.

Soon after going to Lexington he joined the Presbyterian Church. One of Major Jackson's christian acts in Lexington was to teach a Sunday School class of negro boys. Soon after settling in Lexington he had married Miss Junkin, daughter of the Presbyterian Clergyman, Dr. Junkin, President of Washington College. She did not live long nor did their only child a daughter. In a few years Jackson married again. This time to a Miss Morrison of North Carolina. One child—Julia—was born to them a few months before his death. That child married William E. Christian of Richmond, Virginia, and before her early death one child, Thomas Jonathan Jackson Christian, was born to them. That child graduated at West Point. The highest incentive to be a good man and a great soldier is his. He graduated at West Point June 13th, 1911. This is his military record to date:

“WAR DEPARTMENT
THE ADJUTANT GENERAL'S OFFICE
Washington

May 7, 1930.

AG 201 Christian, T. J. J.
(5-5-30) Offers.
CHD—RB—mmR—442

STATEMENT OF THE MILITARY SERVICE OF

THOMAS J. J. CHRISTIAN.

Upon graduation, appointed 2nd Lieutenant, 7th Cavalry, June 13, 1911; served in the Philippines with regiment November, 1911 to February 12, 1915; at Presidio of San Francisco, California, with 1st Cavalry, March 8 to November 4, 1915; at Presidio of Monterey, California, to March 11, 1916; at Slaughter's Ranch, Douglas and Naco, Arizona, to July 1, 1916; promoted to 1st Lieutenant, 16th Cavalry, July 1, 1916; duty with regiment at San Antonio, Texas, to February 1, 1917; at Mercedes, Texas, to February 27, 1917;

Professor of Military Science and Tactics, State Agricultural College, Fort Collins, Colorado, (promoted Captain of Cavalry May 15, 1917,) to June 11, 1917; duty with 21st Cavalry at Ft. Riley, Kansas, to September 1, 1917, and with 79th Field Artillery to October 27, 1917; at Camp Logan, Texas, to January 18, 1918; at School of Fire, for Field Artillery, Fort Sill, Oklahoma, to March 22, 1918; at Camp Logan, Texas, to June, 1918; appointed Major of Field Artillery, National Army, June 7, 1918; Assistant Commandant, Firing Center, Camp McClellan, Alabama, to July 3, 1918; Commanding 3rd Field Artillery Replacement Depot, Camp Jackson, South Carolina, to October 7, 1918, and 6th Brigade, Field Artillery Replacement Depot (appointed Lieutenant Colonel, Field Artillery, U. S. A., October 24, 1918,) to November 14, 1918; student, Army War College, Washington, D. C., to December 9, 1918; commanding 45th Field Artillery, Camp Stanley, Texas, to December 20, 1918; Commandant, Field Artillery Reserve Officers' Training Corps Unit, Cornell University, Ithaca, New York, to December 31, 1919, and in addition thereafter, Assistant Professor of Military Science and Tactics at the University (reverted to Regular Army rank of Captain, January 20, 1920; promoted to Major, Field Artillery, July 1, 1920,) to June 11, 1921; commanding Field Artillery Training Unit, R. O. T. C., Cornell University (Senior Instructor, Field Artillery Officers' Reserve Corps Training Camp, Edgewood, Maryland, June to August 1922,) to June 30, 1923; commanding post, Madison Barracks, New York, to March 5, 1924; sick in hospital and on leave to January 1, 1925; commanding post, Fort Hoyle, Maryland, to July 31, 1925; student, Field Artillery School, Fort Sill, Oklahoma, to June 22, 1926; student, Command and General Staff School, Fort Leavenworth, Kansas, to June 20, 1927; duty at University of Chicago, Chicago, Illinois, as Professor of Military Science and Tactics (Assistant Instructor 1927 and Senior Instructor,

1928-29 Summer Camp, Officers' Reserve Corps, Camp McCoy, Wisconsin) to present date.

“By authority of the Secretary of War :

C. H. BRIDGES,
Major General,
The Adjutant General.”

He is married and has a son Thomas J. J. Christian, aged 14, and a daughter, Maguerite Christian, aged 10.

Now let me bring us up to date by stating what had happened to Thom during these same ten years. When he had arrived from Mexico to Fort Hamilton, New York, he developed yellow fever. His sturdy constitution and the devoted nursing of a friend saved his life. Being then mustered out of the Army he returned to his home “Berry Hill” for a brief time and then studied medicine at the University of Virginia for two years. He would not graduate there because it afforded no clinical practice, but, more especially, because he desired to prolong his studies made possible by his Father's practice of paying all the expenses of his sons while they prepared for a profession. Colonel Thom used to tell his four sons as to that:—“I want to put something into your head that the Sheriff cannot take away.” The incidental diploma of graduation having been received Colonel Thom would give to the son, thus graduating, a thoroughbred riding horse; the negro boy who had been his special servant on the plantation, and \$1000 and the advice to go out into the world and make his way, but to come back home to secure a fresh start if fortune should prove unkind despite sound efforts. Under this plan two of the sons became doctors of medicine and one a lawyer. One of the doctors—William Alexander Thom—used his equipment to travel through the South in search of a place in which to practice his profession. He finally settled in Northampton County, Virginia. Before that he had illustrated the high spirit of the South and the curious quirks of honor of the day.

He, too, had been involved as a second in a duel between two students while he was a student at William and Mary College. The principals compounded matters. But, for some reason Aleck. Thom and his opposing second exchanged shots. My uncle was shot in the leg and the College authorities caused him to leave. When the Civil War was about to start the seasoned physician, but, still adventurous William Alexander Thom got ready a large force of volunteers to sail across from Northampton County (on the Eastern shore) of Virginia, and capture Fortress Monroe. Reporting that to Governor Letcher of Virginia he was ordered to desist. A great opportunity for the Southern Confederacy was thereby lost. In the Civil War he became Inspector of Hospitals and was Chief of one in Richmond, Virginia. I will tell about the other doctor presently.

The lawyer son—Cameron Erskine Thom—went across the plains to California in 1849. He had various exciting experiences during that crossing. The most curious one occurred when he rode from his caravan on his charger, a mule, to inspect a little clump of trees near a stream. An Indian hidden there shot a poisoned arrow through Cameron Thom's leg and into the poor mule. Breaking the shaft of the arrow my uncle freed his leg and before long his wound healed. But the poison on the arrow head which could not be removed from the mule soon killed the poor animal. Arrived in California Cameron Thom soon gained a large practice and great popularity. He just failed of election as Attorney General of California, returned East and served as a captain in the Confederate States' Army, and after the war returned promptly to California and was often offered a sure election to Congress, served as Mayor of Los Angeles and died just before reaching the age of 90 years. The remaining son—John Catesby Thom—who was the oldest of all, remained at home with his Father to be in charge of the three family plantations.

All this seems to me to illumine the life in the South shortly before the great Civil War which severely changed it. Slavery was a terrible handicap for the South. The greatest difficulty

was how to get rid of it. Perhaps I will be pardoned if I allow this paper to help me further in picturing the Old South by stating in it the details of one of the special efforts which I know was tried to help solve the problem of slavery. My Grandfather, Colonel John Watson Triplett Thom, secured through a visit of his son Catesby the needed amount of suitable land in Pennsylvania, called for eighteen volunteers amongst his approximately 200 slaves to be freed and convoyed by his eldest son Catesby to those lands in Pennsylvania which were to be given them when sub-divided into little farms supplied with suitable buildings and adequate stock of various kinds. Only one suitable volunteer responded. Conscription of seventeen more was resorted to. After two arduous months spent in convoying and settling the Colony my uncle Catesby returned to "Berry Hill" to rest from his great labors. In a short time nearly all of the eighteen negroes he had led to Freedom, and to the equipped little farms my grandfather had bestowed, also, returned home to the mild work and plentiful supplies of the old plantation. (See p. 73 of Beverley B. Munford's "Virginia's attitude towards Slavery and Secession.")

But, I am allowing myself too much latitude. Let me complete the illustrating experiences of former second Lieutenant J. Pembroke Thom after finishing his medical studies at the University of Virginia. He studied for one year at the great Jefferson Medical College, in Pennsylvania. There he graduated with high honors. During that time he had an encounter that may interest you with the great novelist William Makepeace Thackeray at a reception given Thackeray at the home of the celebrated Mrs. Rush, who was considered the leader of Philadelphia, Pennsylvania, Society at that time. Mrs. Rush had gotten my Father and a number of other young men friends of hers to act as ushers in escorting young ladies to be presented to her and to Mr. Thackeray, the lion of the evening. After thus escorting a good many young ladies my Father broke the monotony of his frequent reappearances with the remark "they are making quite a Roman of you Mr. Thackeray", to which

remark Thackeray who had a very badly broken nose, you remember, promptly replied, "I wish they would begin with my nose, sir."

However, to our story: it was immediately after graduation that the former Lieutenant now become the young Dr. Thom, competed for one of several vacant assistant surgeoncies in the U. S. Navy. He and another graduate of his medical class tied for first place. There was a re-examination. The other applicant then surpassed Dr. Thom in marks. The kind providence that had so often saved him now again seems to have interposed. The successful applicant was ordered to be in sole charge and at higher pay but on a small vessel ordered to the Coast of China to do some charting. Dr. Thom had been ordered to serve under an older surgeon on the 72 gun frigate Savannah which was to cruise in the South Atlantic with headquarters about Rio de Janeiro, Brazil. Dr. Thom refused the offer of his successful opponent to exchange berths. That opponent went with his ship to the China Coast. There it was once sighted and then disappeared forever in some great storm, it is believed. Dr. Thom served on the Savannah for four years. During that time he met in Rio de Janeiro the daughter of the American Consul and acting *Chargè des Affaires*—W. H. DeCourcy Wright. Dr. Thom and Miss Wright were married in 1857. Dr. Thom then resumed his life as a farmer and dwelt upon his estate—"Glen Ella"—near Brandy station in Culpeper County, Virginia. There he established thoroughbred stock of various varieties, especially thoroughbred running horses, thus gratifying a taste which had originated when he lived on his Father's estate.

Not until the Civil War did Thom again see Jackson, though they each had served with troops in connection with the John Brown uprising at Harper's Ferry, W. Va., in 1859. Jackson at that time commanded the Cadets of the Virginia Military Institute camped at Charlestown, W. Va. And Thom served as Colonel on the staff of General William B. Talliaferro of Gloucester County, Virginia, who had been his Captain in the

Mexican War and who was appointed by Governor Wise to command the Virginia troops sent to Harper's Ferry, W. Va., in October 1859, to help suppress the John Brown raid. It was not until the dreadful Civil War between the States began that the Great Jackson and his humble follower Thom again encountered one another. Meanwhile Jackson had served as I have stated and had become a Colonel commanding a Confederate Force in the neighborhood of Cheat Mountain, West Virginia. And, meanwhile, the wife of Doctor Thom died on January 25th, 1861. He was desperate. Then loomed the Civil War. Going to Richmond, Virginia, he refused to become Major of the Irish Battalion the only troops Virginia raised before joining the Southern Confederacy. He wanted that battalion to be commanded by some professionally trained soldier and besides that he courted death for his sorrowing self. After the Irish Battalion had its first fight every officer in it signed a round-robin requesting him to become its Major in Command. His sense of duty caused him to decline that noble offer. Then came service with the Irish Battalion as part of the troops under Colonel T. J. Jackson, not yet "Stonewall" Jackson, about Cheat Mountain, West Virginia. There Jackson personally ordered Captain Thom and his company to occupy a certain critical point which he said he entrusted to him because of his record, and, he told the Captain that his company would be either withdrawn or relieved if the other troops retreated. Several days of heavy rain then occurred. The valleys were flooded. Communication was virtually cut off. The food of Thom's company gave out and nothing but green corn was obtainable. Finally, Captain Thom broke camp, though dreading Jackson's anger for he had already executed some who had disobeyed discipline. The movements of the enemy and the rising of the streams had prevented orders to withdraw from reaching the Captain's camp. Jackson neither explained the situation nor executed the Captain.

Then came the winter expedition in snowy weather to Romney. Pleural pneumonia put the Captain to bed there, but his

first Lieutenant Lewis Randolph got him on horseback and supported him there and so saved him from capture. Recovering his health the Captain served with the Irish Battalion at the first battle of Kernstown when again and for the last time he was to come into personal touch with the Great Jackson, who, had not yet so developed his troops and technique as to become a virtually invincible Commander. In fact until shortly after the first battle of Kernstown Jackson had suffered stalemate or check as a Commander in the Civil War. After that period he triumphed by applying his theory of battle:—‘Always mystify, surprise and deceive the enemy, and having found his weakest point attack in force and having defeated him pursue and cut him to pieces.’ None of that occurred at the first battle of Kernstown, near Winchester, Virginia. There Jackson’s 3600 men were foiled by the 9000 Federal troops under General Shields and withdrew after heavy losses. Jackson placed General Garnett under arrest for withdrawing his brigade there despite the fact that Garnett’s ammunition had become exhausted. Jackson asserted that Garnett should have ordered a bayonet charge. Jackson did have the Irish Battalion charge. While Thom was leading that charge the death he had sought almost came to him. He was wounded in the right hand, and shifted his sword to his left hand only to have that sword bent by a bullet. He was then wounded in the leg, and a bullet put his heart nearly out of service by hitting over it a thin, little, new testament which on the evening before the battle his first Lieutenant Lewis Randolph had thrown away and which Thom had slipped into the pocket of his blouse to give to some poor wounded man in the morrow’s battle. Struggling for breath and in great pain the Captain lay long upon the stricken field. Then it was that Jackson came and leaned over him and praised him and promised that in the next fight that humble Captain should lead the van. The physical heart of that wounded man never again permitted that. Recovered from his flesh wounds Thom was tried at drilling troops at Richmond. His heart action forbade even that for it had been injured permanently.

He was ordered to run the blockade from Charleston, South Carolina, to Bermuda enroute to Canada and France where he was to command the Marines on one of the war vessels the Confederacy was having built there to be commanded by his Father's good friend Commodore Matthew F. Maury. His blockade runner had to burn much of its movable parts in order to escape into the harbor at Bermuda from a Federal war ship. The tide of battle changing in the Civil War destroyed the complacent liking of Napoleon III for the Southern Confederacy. The dreams of a Confederate battle fleet built in France melted away.

After a while the Civil War was over. Thom was still only a Captain though he had earlier refused a second Colonelcy offered him on the staff of his boyhood friend General Seth Barton French, of Fredericksburg, Virginia. In 1866 he came from Europe to Baltimore with his second wife who had been Miss Catherine Reynolds of Kentucky. She was a first cousin of General John H. Morgan, C. S. A., of Kentucky. She cooperated with Captain Thom in many good works, notably in the founding of The Hospital for the Women of Maryland. During his thirty-nine years of life in Baltimore, Captain Thom did his humble best as the head of a family and as a citizen. His chief amusement was in rearing the finest of many kinds of thoroughbred stock, on his farm "Manor Vale", near Catonsville, now owned by his youngest son and namesake J. Pembroke Thom. Two of the animals raised there were the great steeplechase horse, Pimlico, who was never beaten except in the race in which he broke his neck, and Tonkaway so intimately associated in the memories of many of us with his subsequent owner "Old" Ned. Jackson and with Harry Harwood who as a gentlemen jockey rode him to many victories. Doctor Thom was offered repeatedly and in vain by the dominant political powers nominations to the mayoralty and to Congress. They did get him into the Presidencies of the first and second branch of the Council and into the Speakership of the House of Delegates. In the latter position he destroyed

his promotion to the Governorship of Maryland, I have been informed, when he, as Speaker, refused to obey the direct spoken instruction from the Chief of Staff of his political party's Board of Strategy, so to speak, to advance or retard certain bills on the docket of the House of Delegates which as Speaker, Thom had thought right to order to be taken up in their regular turn. Duty always commanded him. He lacked ambition. Perhaps his Father's broken career considerably destroyed ambition in his case and in that of others of his descendants. Colonel John Watson Triplett Thom served many years on the Vestry, Magistrate, High Sheriff group who in the various counties of Virginia governed according to the old English method which the Virginian Colonists had brought with them. As the High Shrievalty was served in rotation Colonel Thom who lived to be 85 years old, was High Sheriff of Culpeper County three times. And Colonel Thom had served in the war of 1812 and in the Senate of Virginia. But running for Congress as a Federalist he went down to overwhelming defeat in the country wide destruction of that party in 1801. After that his active contacts gradually diminished during forty years seriatim as to Nation, State, County, Plantation, Garden, House, Library until the last few years of his life which were spent in his bedroom surrounded by the classics, English, Latin and Greek which he had always loved.⁴ But to return to "Mr. Speaker", J. Pembroke Thom. Before his decisive course about the ranking of bills he had taken his own line over political country when he organized and became President of the first 'Cleveland for President Club' in the United States and so led Maryland to Cleveland. Refusing many offices, he yet did accept the founding Presidency of the Hospital for the Women of Maryland; served as President of Spring Grove Hospital for the Insane; served as founding President of the

⁴ But thence he showed his unbroken interest in nature by continuing to record daily in a book started some sixty years earlier the range in temperature, the direction and speed of winds, the rainfall, etc., etc. Commodore Maury used those records when writing upon kindred subjects.

Hospital for Feeble Minded Children and served long as a Vestryman of the Protestant Episcopal Church, etc., etc. In such spirit he wrought his best as one of God's stewards until on August 21, 1899, death's finger touched him and he slept. His life was warm and full to overflowing with that knightly spirit which inspired the best Americans of the Old Time South—For God and Country. This is the Editorial in which the *Baltimore Sun* announced his passing away:

“Dr. J. Pembroke Thom whose death is announced this morning, though a native of Virginia, had been so long a resident of Baltimore that he was thoroughly identified in every way with the State of his adoption. Like most others whom Virginia has sent us, Dr. Thom proved a valuable and enterprising citizen, and made a prominent place for himself in professional, political and social spheres. He came of strong and spirited Virginia stock, with whom honor, courage and duty were the highest mottoes of life, and never lowered or sullied the noble standard of personal integrity and manhood which came to him as a State and family heritage. Born when “knighthood was still in flower” in the South and where then the grand old title, gentleman, was considered the highest of distinctions, he never forgot the ideals or traditions of his youth, but carried with him to the closing years of the century the courtly bearing and lofty and gallant spirit that characterized the gentlemen of the old regime. Dr. Thom was one of the last surviving representatives of a class of citizens who applied the principle of chivalry to modern democratic life, and who in public affairs, like the old guard at Waterloo, would rather die than surrender political principle or compromise moral conviction. This type seems passing away in public life, and the country is the poorer for it. We could exchange with benefit much of what is called the progress and development of the past two or three decades, for public men of the moral caliber of a day that is dead.”

And you ask me what became of the little testament that

saved his life at the first battle of Kernstown. His soul lived the life which the contents of that testament set forth. Nothing can destroy that. The bullet-torn, old, red morocco-covered little book itself of some three inches length and an inch and a half wide was thrown away some thirty years ago by a maid set to clean out his Secretary in which he had kept that talisman. I beg pardon if I have erred in writing too intimately and too much of that simple gentleman, my Father. I submit that the incidents I have told about him and his fellows do exemplify without exaggeration the habits of life of the vigorous Southern Gentlemen of Yesteryear.

But what of the glories of the genius for war of that same era. Again, I must exemplify as best I may. I tell of "Stonewall" Jackson, the greatest "Puritan" soldier produced by the English Speaking race. No words of mine can fittingly pronounce his mighty genius for War. The bead-roll of his victories against fell odds is unsurpassed. See how they gleam as I tell them over:— First Manassas; Winchester; Cross Keys; Port Republic; Cold Harbor; Malvern Hill; Cedar Run; Second Manassas; Harpers Ferry; Fredericksburg and then the crowning victory of Chancellorsville and his passing away in world-wide military and christian glory on Sunday, May 10th, 1863. The stars in their courses seem to have fought against the Southern Confederacy. But the devotion to conscientious conviction is ever the best measure of worthiness. And today the North and the South of our blessedly united country acclaim the purity of motive of the convinced defenders of the respective sides of the war shield that once separated them into warring camps in the American Civil War. "Stonewall" Jackson died sixty-seven years ago. Through the tense years since then his genius for war has shone on undimmed and has been studied reverently by every military directorate and so with the stark individualism of his granite-like character has kept his memory green.

Two more anecdotes about him and I shall have done. Years ago it was a duty and a joy to me to help during many weeks

about the bedside of a dearly beloved brother-in-law, Basil B. Gordon, awaiting at Atlantic City the time when a severe surgical operation should be performed upon him. Dr. Hunter McGuire who had been the Chief Surgeon of the Army of Northern Virginia, C. S. A., and who had served in a similar capacity in the "Stonewall" Jackson Brigade, spent a number of days as a consulting surgeon on Basil's case at Atlantic City. That threw me much into Dr. McGuire's company there and so I got him to talk to me about "Stonewall" Jackson. He told me that at the beginning of the War Jackson pointed out the logic of giving no quarter and illustrated his view by comparing the fighting strength of the South to the volume of water in an inland lake fed only by rain fall and constantly losing strength by evaporation and seepage, and the strength of the North to the great ocean constantly fed by inflowing streams, as well as rain fall and thereby offsetting its losses of any kind. And, Dr. McGuire told me this second anecdote:— how that after fighting all day long in the battle of Fredericksburg, General Jackson attended a staff meeting held by General Lee late in the day to consider what should next be done. Jackson advised that the Confederate Army should proceed to cross the Rappahannock river and cut up the demoralized Federal troops. Then he fell asleep from the fatigue of the day. The discussion was continued. Jackson was awakened and briefly informed of what views had been expressed by the other officers present and again was asked for his opinion. He replied 'cross the river (the Rappahannock) and cut up or capture the demoralized Federal troops'. He was told that darkness would make it impossible to tell Confederate from Federal soldiers. He replied "tie a white bandage around the left arm of each Confederate soldier". Thereupon an inquiry was sent to Dr. McGuire as to whether he could supply sufficient bandaging material for that purpose. Dr. McGuire was forced to state that his supply was insufficient. When that information was given to the staff council General Jackson said "then tear a piece off the shirt tail of each one of our men and bandage his

left arm, and cross the river and pursue and capture or cut up the enemy." The council decided otherwise. When the next morning came the Federal Army had retreated far and had availed itself of precious time to overcome much of their demoralization.

Through the kind providence of the All Wise, Time and the ever growing supply of new and cohering relationships has bound up the wounds received by the North and by the South in the great Civil War. The war was the greatest inter-necine struggle in the long history of the English speaking race. There was ample heroism and devotion to duty on each side in that fearful struggle, and in the regional life leading up to it. I specify none from the North simply because I have lacked opportunity to absolutely prove any statement I might thence make in the case. I have specified as to Jackson and Thom because I was enabled to be fully and absolutely sure about them but even with the aid of family knowledge I could not be sure of the details of the lives and services of some fifty relatives as close as first cousins of my Father who did their duty as they saw it by serving as officers in the army of the Confederate States. And, I do know that a few of his relatives serving in the United States Navy before the Civil War thought it their duty to continue their official service, and that one of them received his Southern Mother's forgiveness for that stand against her Southern people. "Berry Hill" House was burned during the Civil War; its stone walls were used by Federal troops to build huts, and its plantation was devastated and its ownership passed away from the typical Southern family some of whose life I brought myself to sketch in order to surely set forth Southern manners in those days of old.

I hope I have convinced you of the instinct for romantic adventure, individual initiative and spirituality prevalent in the South of Yesteryear. The North had its own type of all those virtues. Unfortunately I am ignorant of their incident details.

But I do know that Jackson and Thom belong in character

to the Southern Section of the mighty army of men good and true of various regions who throughout the sweep of history have tried as friend or foe to do their duty.

“The Knights are dust;
Their good swords rust;
Their souls are with the Lord we trust.”

DURHAM COUNTY: LORD BALTIMORE'S ATTEMPT
AT SETTLEMENT OF HIS LANDS ON THE
DELAWARE BAY, 1670-1685.

By PERCY G. SKIRVEN.

The territory occupied by the present (1930) County of Sussex in the State of Delaware was known in the seventeenth century as the Hoorekill, [also spelled Hoerkill, Horekill and Whorekill]¹ and extended from Bombay Hook, on the west shore of the Delaware Bay, on the north, down the shore to Cape Henlopen (Fenwick Island) on the south, says Scharf in his history of the counties of Delaware.

In order to better understand the situation that obtained in Delaware in 1670-1684 I quote, in part, from the *Encyclopedia Britannica* the story of Delaware's beginning: “Queen Christina of Sweden in 1639 sent out a colony under a Dutchman, Peter Menewe, who first landed at the mouth of the Delaware,² near the present town of *Lewes*, which they named Paradise Point. Here they made a purchase from the Indians of all the land on the west side of the river, from Cape Henlopen, at the mouth of the bay, to Trenton Falls; and as none of the Swedes understood the Indian language, the deeds were written in Dutch, and sent to Sweden for preservation. The first settlement the Swedes made in their newly acquired coun-

¹ Kill in the Dutch language means “creek.”

² *Encyclopedia Britannica*, Vol. VII, p. 44, 9th Edition.

try, which they called New Sweden, was near the Delaware River, where the Christine [Christiana] and Brandywine Creeks join, and where the city of Wilmington now stands. Here they built a fort, which they called Christiana. The Dutch . . . also claimed the west bank of the [Delaware] river, and wrote a remonstrance to Menewe, though they did not interfere with the colony. . . . The Dutch proved troublesome neighbors, and as a retaliation . . . built Fort Casimir six miles below the Swedish settlement. . . .”

In 1654, Sweden sent Governor Rising with a large number of colonists; and his first act was to take Fort Casimir, which he did without bloodshed renaming it the ‘Fort of the Holy Trinity’, when he captured it.

This brought Governor Stuyvesant from New York, with six or seven vessels, and as many hundred men, who not only retook Fort Casimir but also Fort Christiana. Stuyvesant compelled the Swedes to swear allegiance to the Dutch Government, and those who refused the oath were forced to leave the country. Thus the colony of New Sweden was obliterated, and the Dutch became owners of the west shore of the Delaware River, having at Fort Casimir, which they called New Amstel, a governor of their own, though under the jurisdiction of the governor of Manhattan (New York).

In 1664 Sir Robert Carr after capturing Manhattan, sailed up South River, [the Delaware River] and took New Amstel, changing the name of the river to Delaware, and New Amstel to New Castle on Delaware; though the Swedish chronicler affirms ‘there has never been a castle in it’.

“For nine years was the colony held by the English, Carr being Governor under Governor Lovelace of New York. Lord Baltimore had claimed, during the Dutch administration, all the lower part of the territory, within two miles of New Amstel, and whilst Governor Lovelace was in office he still urged his claim. In 1673 the Dutch admiral Eversten stormed New York, took it without capitulation, and again there was a Dutch governor on the Delaware. This rule was short, for in the

very next year [1674] all the English Colonies were ceded back to England by the Peace of Westminster.

"Yet the settlement on the Delaware seemed doomed to change its owners; for, becoming the property of the duke of York [later James II] by a special grant, there was a governor sent to New Castle in the name of the duke, who himself never visited his possessions in America.

"In 1682 the duke gave, or nominally sold, 'the three lower counties' to William Penn, so that they became a part of Pennsylvania."

Since Lord Baltimore's Charter³ to the Province of Maryland gave him all the lands west of the Delaware Bay, south of 40th parallel and north of a line drawn east from Watkin's Point, he felt that he had a perfect right to grant lands at and near the Hoorekill, and, in order to offer a special inducement, he had an Order issued by his Council, October 22, 1669,⁴ that notice be given to the Sheriffs of Somerset, Dorchester, Talbot and Baltimore Counties⁵ "that what Persons will seat [settle] on any Lands on the Seaboard Side [of Maryland] and [on] Delaware Bay from the bounds of Virginia to the degree forty Northerly Lattitude, shall, for their encouragement pay, only one shilling sterling rent per annum for every fifty acres which he or they shall take up upon Legal warrant". These warrants were to be issued to those persons "that have been or shall have been transported into his said Province since the said 28th day of July 1669, etc." Only persons of British or Irish descent could receive these grants which were

³ ". . . all that Part of the Peninsula, or Chersonese lying in the Parts of America, between the Ocean on the East, and the bay of Chesapeake on the West, divided from the Residue thereof by a Right Line drawn from . . . Watkins' Point, situate upon the Bay aforesaid, near the river of Wighco, on the West, until the Main Ocean on the East; and between that Boundary on the South unto that Part of the Bay of Delaware on the North, which lieth under the Fortieth Degree of North Lattitude, etc., etc."

⁴ *Arch. Md.*, Vol. 5, p. 56.

⁵ These were the only counties affected by the order. Baltimore County extended to both sides of the Chesapeake. Kent did not then reach the present Delaware line.

to be issued on credit, upon the condition to be void in case the grantee or grantees to whom the same shall be made do not or shall not within four years from the date of their grant bring in or import into the said Province to reside and continue there one person of British or Irish descent for every fifty acres so to be granted on Credit and make sufficient legal proof of such bringing in and importation of every such person.

For reducing the quit rent to one shilling sterling or 50 lbs. of Tobacco for each 50 acres granted, William Penn accused Lord Baltimore of breach of faith and of being a violator of the amicable treaty existing between them. This was in 1683.⁶ To this the Proprietary writes: "Now why this should be such a crime as immediately for my Neighbor Penn to tax me with a breach of faith and to call me a disturber of the Peace etc.: Neither I nor my Council can understand the same [for] that [which] now has been done was likewise done in Governor Richard Nicholls, Col. Francis Lawelas and Sir Edmund Andros their times whilst those same parts on Delaware were in the possession of His Royall Highness the Duke of York besides the Whorekill was taken by mee from the Dutch some years ago and never since in their possession which will sufficiently be made out; so that I have been ill used by my neighbor (I conceive) having not by any action of mine deserved to be termed a faithless person and one not fit to be treated with.

Thus much certified by

C. [Charles] Baltimore."⁷

The strained relationship, between these two men of vision, that arose over the boundary between Maryland and Pennsylvania, was further aggravated by the granting by Lord Baltimore, of some 19000 acres of land, in that part of Delaware lying along the west shore of the Delaware Bay and extending from the present Maryland boundary line (below Cape Henlopen) north some distance above the upper part of Sussex

⁶ *Arch. Md.*, Vol. 5, p. 391.

⁷ *Arch. Md.*, Vol. 5, p. 391.

County. There were forty-five persons who obtained warrants for these lands. The warrants bore date from 1670 to 1682, and there were forty-seven different pieces of land granted. At Annapolis, Maryland, in the Land Office, these warrants are recorded. In the book showing Lord Baltimore's lands that had been granted within the bounds of Cecil County, there is a list of the lands now lying in the State of Delaware that were granted as lying within "Durham County."⁸ The record of these lands, together with the names of the grantees, date of grant and location of the property, is bound in the Cecil County "Debt Book".⁹

The List follows:

⁸ *Arch. Md.*, Vol. 5, p. 56.

At a Council held at St. Mary's 22nd day of October 1669.

"Ordered that from the Horekill to the degree forty northerly latitude be erected into a county called by the name of *Durham*, and from the Horekill to Mt. Scarborough be likewise erected into a county called as the Lord Proprietary shall hereafter direct." This latter was eventually named Worcester County which was first erected on June 20, 1672 as evidenced by the following record dated June 20, 1672.¹⁰

". . . and we having erected that part of our said province beginning at the southernmost branch of a bay now called Rehobeth Bay and from thence running northerly up the Seaboard Side to the South Cape of Delaware Bay and thence to the Whore Kill Creeke and up the bay to the fortieth degree northerly latitude into a county and do hereby erect the same into a county and it is our will and pleasure that it shall be a county and called by the name of Worcester county in our said Province of Maryland."

He, Baltimore, impowered Francis Jenkins an inhabitant and resident in the said county to pass upon the rights of settlers and to take out warrants for land for them in order that they would not have to travel to St. Mary's to the secretary's office.¹¹

He also appointed Thomas Jones one of the justices of the county captain of all the forces, horses and foot that are or shall be in the county of Worcester the whole of this territory lying within the present limits of Delaware was lost to Maryland when the boundary of Delaware was determined in 1685. This county became a realty in 1742 by act of the assembly with the following bounds,—on the north by Delaware, East by the Atlantic Ocean, South by Virginia and West by Somerset County, Maryland.

⁹ Page 80 et seq.

¹¹ *Arch. Md.*, Vol. 5, p. 109.

¹⁰ *Arch. Md.*, Vol. 5, p. 108.

| | Grantee | Name of property | Acres | Location |
|----|---------------------------|-------------------------------|-------|--|
| 1 | John Reynolds | Foxes Palace | 300 | 25 Aug. 1670 on Fox branch of Winlock's Creek. |
| 2 | Thos. Hethod | Plain Dealing | 300 | 25 Aug. 1670 Winlock's Creek near Delaware Bay. |
| 3 | John Everhard | Edward's Fortune | 300 | 25 Aug. 1670 in Winlock's Creek near Delaware Bay. |
| 4 | John Curtis | Mulberry Point | 300 | 25 Aug. 1670 north of Winlock's Creek near Plum Point about 6 miles above the Whorekill. |
| 5 | Thos. Reynolds | Reynold's Fortune | 300 | 25 Aug. 1670. At head of Whorekill Creek at mouth of Delaware Bay. |
| 6 | Thos. Everard | Norwich | 300 | 25 Aug. 1670. Delaware Bay on Whorekill Creek. |
| 7 | Zerobabell Wells | Well's Point | 300 | 25 Aug. 1670. Fox Branch, Winlock Creek. |
| 8 | Timothy Freeman | Freeman's Joy | 300 | 25 Aug. 1670. Box branch in Winlock Creek. |
| 9 | Ralph Elstone Jr. | Love | 300 | 3 Oct. 1670. In Winlock Creek in Delaware Bay. |
| 10 | Otho Walgatt | Ship Haven | 50 | 3 Oct. 1670. At Whorekill on Chesterfield Creek. |
| 11 | Saunders Millson | Ransom Bell or Ransoble | 500 | 8 Oct. 1670. Chesterfield Creek. |
| 12 | Hellman's Fred'k. Wilbank | The Company's Fort | 150 | 3 Oct. 1670. Chesterfield Creek. |
| 13 | William Clauson | Waram | 50 | 3 Oct. 1670. Chesterfield Creek. |
| 14 | Derrick Tillson | Oyster Point | 100 | 3 Oct. 1670 in Chesterfield Creek Delaware. |
| 15 | Anthony Peters | Outerlight or Outright | 100 | 3 Oct. 1670 in Chesterfield Creek Delaware. |
| 16 | Hugh Brent | "Surveyed for Hugh Brent" | 300 | 18 April 1670 W. S. Delaware Bay S. W. branch of Duke Creek. |
| 17 | Edward Wall | "Surveyed for E. Wall" | 400 | 10 April 1671. W. S. Delaware Bay. Man S. W. branch Duke Creek. |
| 18 | Thos. Marshall | "Surveyed for Thos. Marshall" | 400 | 8 April 1671. W. S. Delaware Bay S. W. S. Duke Creek. |
| 19 | Thos. Haynes | "Surveyed for Thos. Haynes" | 400 | W. S. Delaware 8 Apr. 1672 near head Duke's Creek. |
| 20 | Wm. Courtier | Chevie Chase | 300 | 11 May 1672 Delaware Bay. |
| | Wm. Courtier | Hopewell | 200 | |
| 21 | Wm. Winsmore | Pipe Elme | 300 | 3 May 1672. |
| 22 | Matthew Willson | Nottingham | 300 | 2 May 1672. Near Prime Hook N. W. S. Nottingham Branch. |

| | Grantee | Name of property | Acres | Location |
|----|----------------------------|--------------------------|-------|--|
| 23 | George Sealey | Sealey's Delight | 300 | 10 May 1672 on Delaware Bay. N. S. Slaughter Creek. |
| 24 | James Buttler | Newington Green | 300 | On Delaware Bay. On N. S. Prime Hook. Oct. 1672. |
| 25 | Andrew Grundy | Andrew's Delight | 300 | 8 May 1672 near Whorekill Creek E. S. Pagan. |
| 26 | Charles Pronce | Pronce's Discovery | 300 | 10 May 1672. N. S. Prime Hook on Slaughter Creek. |
| 27 | Randall Revell | New Art | 300 | 14. Feby. 1671. Near Whorekill on Indian Creek. |
| 28 | Danl. Browne ¹² | Chaireing Cross | 300 | 22 May 1672. Indian Creek. |
| 29 | Wm. Prentice | Prentice's Second Choice | 300 | 14 May 1672. N. S. Slaughter Creek. |
| 30 | John White | Meant More | 1000 | 2 May 1672 S. S. Duke Creek. |
| 31 | Richd. Pate | Severne | 300 | 11 May 1672. Near Whorekill Indian Neck. |
| 32 | Richd. Kimball | Partners Choice | 300 | 15 May 1672 near Whorekill W. S. Kimballs Creek. |
| 33 | Robert Cattlin Jr. | Long Acre | 300 | 13 Feby. 1671 near the Whorekill near Indian River. |
| 34 | Robert Cattlin Sr. | Long Hope | 300 | 16 Feby. 1671. Near Whorekill near Indian Creek. W. S. Pagan Creek. |
| 35 | Henry Smith | Kiderminster | 1500 | 18 Mar. 1682. W. S. Delaware Bay. Prime Neck. |
| 36 | Frans. Jenkins | Pashoare | 600 | 16 March 1672. W. S. Whorekill Creek near S. S. Delaware Bay. |
| 37 | Thos. Walker | Sidney | 300 | 23 Aug. 1672. W. S. Whorekill Creek S. S. Delaware Bay. |
| 38 | John Smith | Bewdly | 300 | 23 Aug. 1672. S. S. Delaware Bay N. S. Whorekill. |
| 39 | Miles Gray | Grays Lott | 300 | 23 Aug. 1672. S. S. Delaware Bay on W. S. Whorekill Creek. |
| 40 | John Winder | Isle of Oxley | 100 | 30 Oct. 1672 W. S. Delaware Bay 5 miles N. of Whorekill Creek in Rumley Marsh. |
| 41 | Wm. Warrilowe | Carpenters Lot | 300 | 3 Mar. 1672. Kembell's Neck near Hoerekill Creek. |
| 42 | Thos. White | Castle's Green | 300 | 4 March 1672 Near Whorekill Creek S. S. Kembell's Creek. |

¹² Made High Constable of Worcester County 19th June, 1672.

| | Grantee | Name of property | Acres | Location |
|----|-----------------|--------------------|-------------|---|
| 43 | John Richardson | Willow Brook | 1202 | Granted to John Richardson 17 Nov. 1682 on Duke Creek. W. S. Delaware Bay first for Duke of York. |
| 43 | John Richardson | Northampton | 241 | Granted 17 Nov. 1682. W. S. Delaware Bay between Terms Court and Little Creek. |
| 44 | John Stevens | London and Content | 3180 | W. S. Delaware Bay by marsh side of Little Creek. |
| 45 | Ralph Elstone | Elstone | 300 | 3rd Oct. 1670 on Winlock Creek in Delaware Bay. |
| | | | Total acres | 19173 |

“Total Amount of Durham County ¹³ £18.16.7½ this far” is the notation of the collector of Lord Baltimore’s rents.

Writing of the persistence of Penn toward obtaining the rights of Lord Baltimore on the Delaware, McMahon states “. . . it now became necessary to assail that Charter (to Maryland): and hence in these representations we find Penn objecting to it because the Delaware settlements had been purchased and planted by the Dutch before that Charter was granted; and that even if Baltimore had acquired a right to them under the patent, he had forfeited it by suffering others than his colonists to retain possession of them for forty years. This objection, which will be found to have governed the decision of the Commissioners of Trade and Plantations in 1685, and to have ultimately deprived Baltimore of that portion of the peninsula which now forms the State of Delaware, did not originate

¹³ There has been a careful search made for the map used by Lord Baltimore when these warrants were issued, that would show the rivers and streams called for as boundaries of the properties. Neither the Congressional Library at Washington, the Pennsylvania Historical Society’s Library in Philadelphia nor the library of the American Geographical Society of New York have copies of it. I feel reasonably sure that there existed such a map and am strengthened in this by the fact that Augustine Herman states in his report of his visit to Maryland in 1659, in which he describes “Mr. Secretary Calvert’s dinner,” “after the cloth was removed we talked about his *charts* or *maps* of the country of which he [Calvert] laid on the table two that were engraved and one in manuscript.”

with Penn. It will be found amongst the objections urged against the Charter, and in support of claims of Virginia, whilst the government of Maryland was in the hands of the Protector's Commissioners; and it was strenuously urged by the Dutch Ambassadors [Herman and Waldron] in 1659 in vindication of their title to the territory along the Delaware".¹⁴

Writing from London, England, under date of the 16th of September 1681 William Penn began to annoy Lord Baltimore by warning planters living in Cecil County, in the Province of Maryland, not to pay taxes to Lord Baltimore as he, Penn, regarded them as living within the bounds of his Province of Pennsylvania. The letters were addressed to James Frisby, Edward Jones, Augustine Herman, George Oldfield, Henry Ward and Henry Johnson "at their plantations in Pennsylvania".

Matters continued to get worse for Lord Baltimore, and the chief disturber was William Penn, who lost no opportunity to try to have the southern boundary of Pennsylvania established far enough south as to give him a harbor or landing on the Chesapeake Bay. This agitation continued until the Lords of the Committee of Plantations in England decided to clarify the situation and on February 12th, 1683/4 the following announcement was made by them: "A certain tract of land [Delaware] in America having been surrendered long since by the King and ever since the possession of His Royal Highness [James, Duke of York]. His Royal Highness having demised¹⁵ it to William Penn, Esq., (lying contiguous to Pennsylvania) at a Rent, the Lord Baltimore now disturbs [*sic*] Wm. Penn and his agents there and opposes the passing of the Patent of it to His Royal Highness here".

"And upon a hearing before the Lords of the Committee of Plantations it being alledged in the behalf of His Royal Highness that this tract of land was inhabited by Christians before

¹⁴ McMahan, Vol. 1, p. 30.

¹⁵ McSherry says of this, "an act equally dishonest and disgraceful to both" *History of Maryland*, p. 97.

the Lord Baltimore's Patent, which extended only to land uninhabited by Christians.¹⁶ It was ordered that they should be ready with proofs to that point.

It is now desired in the behalf of His Royal Highness a day may be appointed to be heard to it.¹⁷

Accordingly "On Saturday, 17th October 1685, My Lord Baltimore and Mr. Penn were called in to Council Chamber" and, after hearing Lord Baltimore, "their Lordships agree to report their opinions that the tract of land now in dispute [Delaware] does not belong to Lord Baltimore, but in as much as it yet remains doubtful what are the true boundaries of the land called Delaware which their Lordships now adjudge to belong to His Majesty, their Lordships will meet again for the settlement of those boundaries between His Majesty and the Lord Baltimore at which time His Lordship [Baltimore] and Mr. Penn are to give their attendance and to come prepared for a final decision therein."

The next meeting was on Saturday, 7th November 1685, and was as follows: "My Lord Baltimore and Mr. Penn attending concerning the Boundaries of the Country of Delaware are called in and being heard their Lordships resolve to report their opinion to His Majesty that for avoiding further differences the

¹⁶ Charter

"Charles, by the grace of God, of England, Scotland, France and Ireland, King, defender of the faith, etc.

To All to whom these presents shall come.

Greeting:

Whereas our well beloved and right trusty subject Cecilius Calvert, Baron of Baltimore in our Kingdom of Ireland, son and heir of George Calvert Knight, Late baron of Baltimore—treading in the steps of his father being animated with a laudable and pious zeal for extending the Christian Religion, and also the territories of our Empire, hath humbly besought leave of us, that he may transport by his own industry and expense a numerous colony of the English nation, to a certain region, hereinafter described *in a country hitherto uncultivated in the parts of America and partly occupied by savages having no knowledge of the Divine Being, etc., etc.*"

¹⁷ *Arch. Md.*, Vol. 5, p. 404.

¹⁸ *Arch. Md.*, Vol. 5, p. 454.

Tract of land lying between the river and bay of Delaware and the Eastern Sea on the one side and the Chesapeake Bay on the other be divided into two equal parts by a line from the latitude of Cape Henlopen to the 40th degree of Northern Latitude and that one half thereof lying towards the Bay of Delaware and the Eastern Sea be adjusted to belong to His Majesty and that the other half remain to the Lord Baltimore as comprised within his Charter".¹⁹

This terminated claim of the Calverts to the Delaware lands. It also terminated their ambition to establish a county named for the County Palatine of Durham, England. It will be remembered that, when George Calvert's Charter to the Province was written, he was given among other items (mentioned in section IV of the Charter), "all and singular, such, and ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities, and royal rights and temporal franchises whatsoever, as well by Sea as by Land, within the Region, islands, islets and limits aforesaid, to be had, exercised, used and enjoyed, as any Bishop of Durham within the Bishoprick of *County Palatine of Durham* in our Kingdom of England, ever heretofore hath had, held, used or enjoyed or of Right, could or ought to have, hold, use or enjoy".

A SKETCH OF THOMAS HARWOOD ALEXANDER,
CHANCERY COUNCELLOR OF MARYLAND,
1801-1871

By HENRY J. BERKLEY

In a recent number of the *Maryland Historical Magazine*, we have written of John H. Alexander, this State's first geologist and in this article wish to sketch the life of an equally famous brother, whose name has been forgotten though his death occurred less than sixty years ago.

¹⁹ *Arch. Md.*, Vol. 5, p. 455.

During the wave of immigration into this land between the years 1788 and 1792, which brought many capable Scotch-Irish into this State, and whose impress upon the community is still marked, there came to the town of Annapolis two gentlemen of Belfast by the name of Alexander. Their christian names were William and Archibald. The latter soon left for the new State of Kentucky, then opening its treasures and attracting large numbers of their compatriots.

William settled permanently in Annapolis, and shortly married Mary Harwood Stockett, a daughter of Thomas Noble Stockett, whose descendants still occupy a place of prominence in Maryland. Her mother, Mary, was a daughter of Col. Richard Harwood, also of Ann Arundel County, who served in the Revolutionary War and other military capacities.

Of this union there were born Thomas Harwood, William and John H., and three daughters, Mary, Anne and Jane.

The first son, Thomas (b. Dec. 23rd 1801), was educated at St. John's College, and later studied law in the office of Col. James Boyle. He was admitted to the bar at the age of twenty years, and afterwards directed his attention chiefly to the practice and principles of equity. In early life he was in close association with Reverdy Johnson, Nicholas Brewer, Philip Barton and Theodoric Bland, all noted attorneys of that day. To Theodoric Bland he owed the principal direction and bent of his career. For a number of years Alexander held the position of Auditor to the High Court of Chancery, while Bland was Chancellor. He served several terms in the Maryland Legislature. In 1839 he published his "Maryland Chancery Practice" of which the original notes now lie before me. At the height of his career he was considered to be the ablest chancery lawyer of the State.

After the abolition of the Court of Chancery in 1851, he removed to Baltimore, where he became noted as an excellent consulting counsel and an unsurpassed scholar in the law. He was at that date retained by many of the largest corporations, and notably by the Baltimore and Ohio Railroad.

In 1832, Mr. Alexander married Priscilla Ghiselin, a great-grand-daughter of Caesar Ghiselin, Huguenot immigrant of Annapolis, noted as a goldsmith; but, of a somewhat numerous family, none of his descendants survive in this State.

He was a vestryman of Old St. Paul's, and an ardent member of the Protestant Episcopal Church. His life was one of spotless integrity and irreproachable character.

When the War between the States began, while sympathetic with the men of the South, he could not be brought to believe that it was wise to separate from the Union. In a community where the greater number of his friends and associates were secessionists, and where households were divided in sentiment among themselves, Mr. Alexander's lack of espousal of the popular cause encountered bitter resentment, so much so that in 1867 he removed to New York City, where he had offices, with residence in Newark, New Jersey. In November 1871, he fell ill with typhoid fever, to which he succumbed on the fourth day of December of that year. His burial place is in Mt. Pleasant Cemetery, Newark.

EDUCATION AND THE MARYLAND CONSTITUTIONAL CONVENTION, 1850-1851

By L. E. BLAUCH

Professor of Education, North Carolina College for Women.

1. THE CONSTITUTIONAL CONVENTION.

The Constitution of 1776 provided for Maryland what came later to be recognized as a most undemocratic form of government. Its property qualifications for voting and for holding office were high enough to remove control from the masses of the people. The governor was elected annually by the Legislature and he in turn, with the advice of the Senate, appointed all the judges of the various courts. The scheme of apportion-

ing the members of the House of Delegates gave the small counties legislative power out of all proportion to their population and it resulted in a government by the minority. With the rising spirit of democracy, as well as with social and economic changes, the plan of government was in serious conflict. From time to time changes were made by successive acts of the General Assembly, but these alterations did not go far enough to meet popular remands.¹

Finally, after repeated delays, the Legislature recognized public sentiment and submitted to the voters the question of calling a constitutional convention. The vote was overwhelmingly in favor of a convention and as a result the convention met on November 4, 1850. Its work continued for more than six months, until May 13, 1851. Among the most discussed issues were the apportionment of the members of the House of Delegates, the limitations of the Legislature in creating state debts, reform in the judiciary, the method of electing the governor, the election of United States Senators, the status of the free negro population, and the establishment of a state system of public education.²

2. THE STATE DEBT.

When the Constitutional Convention met the State was heavily involved in debt most of which was the result of investments in internal improvements. Before 1826 the State expended somewhat more than a quarter of a million dollars in schemes of internal improvements, but no debt had been incurred therefor.³ In 1826, however, the State embarked on these enterprises on a large scale and to secure the funds it began to borrow. The enthusiasts for internal improvements made much of the idea that the undertakings would yield large financial returns for the State which could be used for public

¹ Harry, James Warner, *The Maryland Constitution of 1851*, 11, 12-31.

² *Ibid.*, 29-67.

³ Hanna, Hugh Sisson, *A Financial History of Maryland (1798-1848)*, 78-9.

education. In fact this hope for education was held out as a strong inducement and it is reflected in some of the legislation.⁴ The State policy toward internal improvements resulted in the accumulation of a State debt to the amount of over sixteen million dollars.⁵ The improvements failed to yield the large returns which had been anticipated and consequently the State found itself unable to pay the interest on its debt without raising the money by taxation.⁶ For a period of six years the interest on the debt was not promptly and fully met. The State, beginning in 1841, levied taxes to pay the interest, but so badly were they collected that they did not meet the need. To these taxes there was intense opposition, which amounted almost to revolution. Finally, after a very unfortunate experience, the State in 1848 resumed the payment of interest on all State bonds.⁷ It was a lesson in State financing not soon to be forgotten.

3. STATE AID FOR EDUCATION.

In 1850 the State had developed a well established policy of State aid for education, which was carried out in two ways. As early as 1784 the State began annual appropriations to Washington College and St. John's College.⁸ Fourteen years later the appropriations to Washington College were decreased and the State began to make appropriations for academies.⁹ In 1805 all college appropriations were discontinued, but by later legislation the colleges were again granted State aid along with the academies.¹⁰ Subsequent action of the Legislature changed the amounts from time to time. The intention seems to have been to grant each county \$800 annually, but several

⁴ Maryland Constitutional Convention, 1851, Debates and Proceedings, I, 44; II, 339-40. Maryland Laws, 1834, Ch. 241.

⁵ Harry, 131 and 79 ff.

⁶ *Ibid.*, 105.

⁷ *Ibid.*, 105-19, 124.

⁸ Laws of Maryland, 1784, Ch. 7 and 37.

⁹ *Ibid.*, 1798, Ch. 107.

¹⁰ *Ibid.*, 1805, Ch. 85; 1811, Res. No. 38, 39, 43, 45, 46, 50.

counties received more. These appropriations were generally known as the academy and college donations or as the Academy Fund. In 1851 they amounted to \$19,600 annually. (Table I.) At various times there were proposals to withdraw these appropriations from the colleges and the academies and bestow them on common schools, but the Legislature refused all the requests.¹¹

The second form of state aid was intended for common, or free, schools. By a law enacted in 1813 the State levied on banks an annual tax of 20 cents on every \$100 of capital stock paid in, this tax to be divided equally among the counties for a "general system of free schools throughout the State of Maryland."¹² Twenty years later (1833) this fund was distributed to the counties and Baltimore city as follows: (a) one half in proportion to the white population, and (b) one half to each county and Baltimore city equally, that is, the same amount to each.¹³ This appropriation was known as the Free School Fund. A year later the Legislature ordered that the surplus revenue arising from the Chesapeake and Ohio Canal and the Baltimore and Susquehanna Railroad should be applied to the support of schools on the same basis as the bank tax.¹⁴

When the surplus revenue of the United States was distributed to the States in 1837 Maryland ordered that \$681,387.25 from its share should be deposited in a bank to draw five per cent interest and that the interest was to be distributed to Baltimore city and the counties for common schools.¹⁵ The capital was later spent by the State and the Legislature then ordered that \$34,069.36 should be annually used from the revenue accruing to the State from the Baltimore and Washington Rail-

¹¹ Steiner, Bernard C., *History of Education in Maryland*, 63, 62; Maryland House Journal, 1842, 53; 1844, 462. See also Report upon and Draught of a Code for the Support of Common Schools (1843).

¹² Laws of Maryland, 1813, Ch. 122.

¹³ *Ibid.*, 1833, Res. 47.

¹⁴ *Ibid.*, 1834, Ch. 241, sec. 20. These improvements were authorized by this law.

¹⁵ *Ibid.*, 1836, Ch. 220.

road.¹⁶ This amount, after deducting \$1,000 for the instruction of indigent blind, was to be distributed annually to Baltimore city and the counties (a) one-half on a per capita basis and (b) one-half on a basis of equality to each.¹⁷ In 1851 the State apportioned \$62,915 from the two funds for common schools (Table I).

TABLE I.

The white population of Maryland in the census of 1850 and the distribution of the Academy Fund and the Free School Fund for 1851 (Maryland Constitutional Convention, Debates and Proceedings, I, 431).

| <i>Counties and city</i> | <i>White popula- tion 1850</i> | <i>Academy Fund 1851</i> | <i>Free School Fund, 1851 *</i> |
|--------------------------|------------------------------------|------------------------------|-------------------------------------|
| Baltimore city..... | 141,440 | | \$5,525.53 |
| Baltimore | 34,354 | \$800 | 3,047.83 |
| Frederick | 33,300 | 1,200 | 4,473.08 |
| Washington | 26,888 | 800 | 3,559.65 |
| Alleghany | 21,643 | 800 | 2,588.63 |
| Carroll | 18,676 | 800 | 3,144.03 |
| Anne Arundel | 16,542 | 3,800 | 3,335.86 |
| Cecil | 15,482 | 800 | 2,856.40 |
| Harford | 14,414 | 800 | 2,931.24 |
| Scmerset | 13,417 | 800 | 2,754.93 |
| Worcester | 12,401 | 800 | 2,832.81 |
| Dorchester | 10,788 | 800 | 2,842.62 |
| Montgomery | 9,435 | 1,000 | 3,636.42 |
| Prince George's..... | 8,902 | 800 | 2,722.77 |
| Talbot | 7,085 | 800 | 2,861.39 |
| Queen Anne's..... | 7,040 | 800 | 2,636.59 |
| St. Mary's | 6,226 | 800 | 2,411.57 |
| Caroline | 6,096 | 800 | 2,227.15 |
| Charles | 5,665 | 800 | 2,141.07 |
| Kent | 5,615 | 800 | 2,370.70 |
| Calvert | 3,630 | 800 | 2,015.02 |
| Total | 419,039 | \$19,600 | \$62,915.29 |

¹⁶ *Ibid.*, 1839, Ch. 33.

¹⁷ *Ibid.*, 1837, Ch. 285.

* Distribution of the Free School Fund: (a) ½ to each county and Baltimore city equally, and (b) ½ to the counties and Baltimore city according to the white population.

4. A STATE SCHOOL SYSTEM.

At various times before 1850 there was much discussion of a State school system. When the Free School Fund was established by a tax on bank stock it was pledged for a "general system of free schools throughout the State of Maryland."¹⁸ The State waited, however, until 1825 before it acted courageously by enacting a law "to provide for the public instruction of youth in primary schools throughout the State."¹⁹ The law was optional with the counties, which, together with some of its other features, prevented the establishment of a uniform State system.²⁰

The distribution of the federal surplus revenue in 1837 again brought to the fore the idea of a system of public education,²¹ but no action resulted except that a part of the amount received by the State was set aside for common schools. By 1842 the matter was still under discussion and in that year the Legislature appointed a committee to prepare "a system or code for the government of common schools, and for the promotion of general education within the State of Maryland."²² The committee turned in a very creditable report which included a plan for a school system,²³ but the Legislature took no action on it. In spite of legislative indifference the idea of a school system would not down.

In the meantime a number of the counties and Baltimore city secured special legislation under which they established public schools. For their support the counties used the state

¹⁸ *Ibid.*, 1813, Ch. 122.

¹⁹ *Ibid.*, 1825, Ch. 162.

²⁰ Steiner, 57-62.

²¹ Maryland Documents, 1836, Document 48-50. Report of the Committee on Education Relative to Establishing a General System of Education. Governor Veazey's message in 1836 made reference to the fact that the time was auspicious for beginning a system of public education.

²² Maryland Laws, 1842, Res. 1.

²³ Report upon and Draught of a Code for the Support of Common Schools (1843).

aid together with county taxes.²⁴ Under these provisions the schools were by no means uniformly successful, in fact, in some counties the schools seem to have made practically no headway in the education of the children.

5. THE UNIVERSITY OF MARYLAND.

One other phase of education deserves passing mention. In 1807 the State incorporated the College of Medicine of Maryland and five years later by another act the College of Medicine was authorized to annex three faculties, divinity, law, and arts and sciences, and these four faculties were constituted the University of Maryland.²⁵ The University was a private corporation. For its assistance the State authorized lotteries and it gave some aid but not in any large amount.²⁶ Attempts were made to establish faculties of law and arts and sciences, but these met with only limited success. In 1850 the medical school was the only part of the University in operation.

6. EDUCATION CONSIDERED BY THE CONVENTION.

When the Constitutional Convention was called in 1850 a real opportunity seemed to have arrived for the friends of public education. It was fully realized that a constitutional statement on education would be a great step in advance. While there is little evidence to indicate that education was an important issue in the election of delegates, it was discussed in at least one county, Montgomery.²⁷ Interest was shown through a primary school convention, which through an "address" presented the case for education to the people and to the Constitutional Convention.²⁸

²⁴ *Laws of Maryland*, 1816, Ch. 244, 250; 1825, Ch. 130; etc. *Maryland Constitutional Convention, Debates and Proceedings*, II, 805, 807, 808, 809, 811.

²⁵ *Laws of Maryland*, 1807, Ch. 53; 1812, Ch. 159.

²⁶ Steiner, 118-41.

²⁷ *Maryland Constitutional Convention, Debates and Proceedings*, I, 427.

²⁸ *Ibid.*, 88.

Soon after the Convention had been organized it, on motion of Mr. Kilgour, of Montgomery county, ordered the president to secure from the Secretary of the Interior certain facts about illiteracy in Maryland and he was also ordered to procure from the various States information on their educational systems and results.²⁹ A committee was appointed to report what action should be taken regarding education,³⁰ and from time to time members of the Convention suggested to the committee certain educational matters for consideration. There were clear indications that education was to have attention.

On several occasions the Convention discussed the subject of education. During the consideration of the Declaration of Rights an article, proposed by Mr. Davis, of Montgomery county, was adopted. The article stated that the Legislature "ought to encourage the diffusion of knowledge and virtue, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the condition of the people."³¹ The expressed purpose of this statement was to encourage associations whose object was "to advance and promote the various interests of all classes, and of all parts of the State."³² The debate on the article was brief.

About two weeks later, when the Convention was considering the adoption of a section to limit the authority of the Legislature to borrow money a long drawn out debate began during which there was much discussion of education, especially the distribution of the State school fund.³³ It resulted in no definite statement about education for the Constitution.

Finally, during the closing week of the Convention the report

²⁹ Maryland Constitutional Convention, Proceedings, 80.

³⁰ *Ibid.*, 80.

³¹ Debates, I, 225. February 10, 1851. The article seems to have been inspired by a statement in the Constitution of California (*Ibid.*, 224). The statement became Article 41 of the Declaration of Rights.

³² *Ibid.*, 222.

³³ *Ibid.*, 395, 411-27, 430-7, 442-6, 522-6; II, 339-47, 457, 484, 570, 621-2, 662-4. February 8 to April 29, 1850. These discussions are described in part later in this paper.

of the committee on education was considered. The committee had reported a good section, which contained four items :

(1) A permanent and adequate school fund, to be established by the Legislature as soon as the financial condition of the State would justify it.

(2) A uniform system of common school education, to be established by the Legislature as soon as an adequate permanent school fund was established.

(3) A superintendent of education, or common schools, to be elected by the voters.

(4) A normal school, to be established by the Legislature.³⁴ These proposals were debated during the greater part of one day, after which further consideration of the report was indefinitely postponed by a vote of 46 to 35.³⁵ On the motion to postpone a majority of the votes cast by thirteen counties and Baltimore city favored postponement and a majority of the votes cast by seven counties were opposed (Table II). The three largest counties and Baltimore city favored postponement, but otherwise there seems to be no logical grouping of the counties on the basis either of size or of location.

TABLE II.

Votes of the delegates, by counties, on the motion to postpone further consideration of the report of the committee on education (Debates, II, 812).

| <i>Counties and city</i> | <i>Not voting</i> | <i>Votes for</i> | <i>Votes against</i> | <i>Per Cent against</i> |
|--------------------------------|-------------------|------------------|----------------------|-------------------------|
| I. All votes against: | | | | |
| Worcester | 0 | 0 | 4 | 100 |
| St. Mary's | 0 | 0 | 5 | 100 |
| Charles | 2 | 0 | 2 | 100 |
| Anne Arundel | 2 | 0 | 4 | 100 |
| Montgomery | 0 | 0 | 5 | 100 |
| II. Majority of votes against: | | | | |
| Allegany | 1 | 1 | 3 | 75 |
| Harford | 2 | 1 | 2 | 67 |

³⁴ *Ibid.*, I, 339. Submitted February 25, 1851.

³⁵ *Ibid.*, II, 805-12. May 9, 1851.

| <i>Counties and city</i> | <i>Not voting</i> | <i>Votes for</i> | <i>Votes against</i> | <i>Per Cent against</i> |
|-----------------------------|-------------------|------------------|----------------------|-------------------------|
| III. Majority of votes for: | | | | |
| Carroll | 0 | 3 | 2 | 40 |
| Somerset | 2 | 2 | 1 | 33 |
| Caroline | 1 | 2 | 1 | 33 |
| Cecil | 2 | 2 | 1 | 33 |
| Baltimore | 0 | 4 | 2 | 33 |
| Calvert | 1 | 2 | 1 | 33 |
| Prince George's..... | 2 | 2 | 1 | 33 |
| Washington | 0 | 5 | 1 | 17 |
| IV. All votes for: | | | | |
| Dorchester | 1 | 4 | 0 | 0 |
| Talbot | 1 | 3 | 0 | 0 |
| Queen Anne's..... | 1 | 3 | 0 | 0 |
| Kent | 1 | 3 | 0 | 0 |
| Frederick | 1 | 5 | 0 | 0 |
| Baltimore city | 2 | 4 | 0 | 0 |
| | — | — | — | — |
| Total.... | 22 | 46 | 35 | 43 |

Immediately after the action just mentioned members submitted other proposed articles. Mr. Blakistone, of St. Mary's county, desired to make it "the duty of parents suitably to provide for and educate their children," and when parents were unable to do so the State should assume the obligation, particularly in the case of indigent orphans, so that each white child in the State might be suitably provided for and educated at the public expense, when his own means, or that of his parent or parents, were insufficient for that purpose.³⁶ It was also to be the duty of the Legislature to enact such laws as might be necessary to carry out these provisions as soon as the financial condition of the State would, in the judgment of the Legislature, justify it. There was, however, to be no change in the distribution of the Common School Fund and the funds arising from internal improvements from the distribution provided in accordance with the previous action of the General Assembly. With practically no discussion the proposal, on motion of Mr. Thomas, of Frederick county, was laid on the table by a vote of 51 to 28.³⁷

³⁶ *Ibid.*, 812.

³⁷ *Ibid.*

At once Mr. Davis, of Montgomery county, offered an article which was similar to a section in the Constitution of Massachusetts.³⁸ Following a general statement to the effect that the diffusion of wisdom, knowledge, and virtue were necessary for the preservation of the rights and liberties of the people and that "as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people," it should be the duty of the Legislature and the magistrates "to cherish the interests of literature and the sciences, to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and a natural history of the country," and to countenance and inculcate general benevolence and the social virtues. Without debate Mr. Michael Newcomer, of Washington county, moved to lay the proposal on the table, which was accomplished without a yea and nay vote.

A third proposal, by Mr. McHenry, of Harford county, was, "It shall be the duty of the Legislature, at or before its second session after the adoption of this Constitution, to provide for the establishment of efficient common schools, adequate to the education of every white child of this State."³⁹ Mr. McHenry made a brief plea for his proposition in which he stated that it would "interfere with the predilections of no portion of the State" and that it would "jostle no system" then in operation. It contained, he said, "nothing objectionable to any member; nothing likely to encounter the prejudice of any portion of the community." He thought the Convention would not meet the expectation of the people if it failed to place in the Constitution some provision for education.

Mr. Bowie, of Prince George's county, moved to lay the article on the table, but his motion failed by a vote of 31 to 43. Mr. Brent, of Baltimore city, then moved to amend by adding

³⁸ *Ibid.* For the section in the Constitution of Massachusetts see *The Federal and State Constitutions* by Francis Newton Thorpe, Vol. III, 1907-8.

³⁹ *Ibid.*, 812-3.

the following proviso at the end: "Provided the expense of such education be assessed on the several counties and the city of Baltimore, for the schools within their limits respectively."⁴⁰ He immediately moved the previous question, and his amendment was adopted by a vote of 44 to 37. Then Mr. Blakistone, of St. Mary's county, moved to lay the article on the table and the motion was carried by a vote of 50 to 27.

Thus ended the whole matter. No educational statement was included in the new Constitution except the general and rather meaningless article in the Declaration of Rights. It was a certain defeat.

7. THE ISSUES INVOLVED—THE STATE SCHOOL FUND.

The discussions on education centered around several issues, but the most mentioned one was the distribution of the state school funds. The inequality of the distribution then in vogue was severely criticized by members from the larger counties and Baltimore city, while members from the smaller counties resisted any change in the manner of distribution. In almost every discussion of education this issue was involved.

Mr. Blakistone, of St. Mary's county, proposed a section to make it "the duty of the Legislature to carry out in good faith the several acts of Assembly, and the several resolutions passed by the General Assembly in relation to the disposition of the school fund and also in relation to the disposition of the revenues arising from stocks of the State in works of internal improvement."⁴¹ After some debate Mr. Gwinn, of Baltimore

⁴⁰ *Ibid.*

⁴¹ *Ibid.*, 340. April 9, 1851. On March 7 he moved to add an additional section to the report of the committee on the legislative department (*Ibid.*, I, 445-6). A part of this section became Article III, section 42, of the Constitution. The rest of the proposed section was rejected. On April 9 he withdrew "the proposition hertofore offered by him" and substituted in lieu thereof a new section, which then became the subject of consideration. Inasmuch as the proceedings record no motion to reconsider, it is difficult to see how he could have a substitute adopted for a section which had been adopted.

city, moved to strike out of the proposed article all reference to the school fund, but his amendment was rejected without a recorded vote.⁴² Mr. Brent, also of Baltimore city, then proposed an amendment to add the following proviso: "Provided that the said funds shall be distributed so as to return the proportions respectively paid in by each county and Baltimore city, and the residue to be distributed equitably according to the white population of this State, for purposes of education." By a vote of 51 to 11 the proviso was rejected and the Convention then, by a vote of 46 to 16 adopted Mr. Blakistone's proposed section.⁴³ About three weeks later Mr. Biser, of Frederick county, moved to reconsider the vote on the Brent proviso, but at the suggestion of Mr. Howard, of Baltimore county, his motion was tabled by a vote of 48 to 20.⁴⁴

A final effort was made on this point when, during the consideration of the report of the committee on education, Mr. Biser moved an amendment to apportion the income of the permanent school fund, which had been proposed in the report of the committee, "according to the white population throughout the State."⁴⁵ This amendment was pending when further consideration of the report on education was indefinitely postponed.⁴⁶

The discussions of this issue are revealing. Mr. Thomas, of Frederick county, insisted that every child should be "equally an object of the regard of the Legislature and that the fund for education should be distributed on the basis of the white population."⁴⁷ Mr. Biser, also of Frederick county, said he had

⁴² *Ibid.*, 342 and 344.

⁴³ *Ibid.*, 344 and 347. This section does not appear in the Constitution. As has been stated in a previous note, the section was a substitute for a section previously adopted, but the substitution was made without a motion to reconsider. This failure to follow proper procedure probably accounts for the omission from the Constitution.

⁴⁴ *Ibid.*, 621-2. April 29, 1851.

⁴⁵ *Ibid.*, 808.

⁴⁶ *Ibid.*, 812.

⁴⁷ *Ibid.*, I, 425.

long desired the distribution of the school fund without discrimination among the white population and time and again he "had advocated it upon the hustings in his own county, and upon the floor of the House of Delegates."⁴⁸ This principle was both "congenial to his own feelings" and "in accordance with the wishes of his own constituency." He had made careful estimates and had found that Queen Anne's county received from the school fund an amount equal to 35 cents for every white person in the county while Frederick county received only 11 cents for every white person.⁴⁹ In other smaller counties, he said, "the disproportion was still greater."

Mr. Ege, of Carroll county, also desired an apportionment on a population basis and he said the fund was distributed "not in accordance with the wishes of the people of Maryland, not in accordance with the interests of the common school education, not in accordance with justice, or anything like right."⁵⁰ Another member from Carroll county, Mr. Brown, regarded the distribution in vogue as "an act of gross injustice," which should be undone as soon as it could be acted upon, but he thought it was much safer not to make any reference to this matter in the Constitution.⁵¹ Mr. Howard, of Baltimore county, also thought the distribution of the school fund should be kept out of the Constitution because its mention therein was unnecessary and because, since the voters would not understand, it would endanger the ratification of the Constitution.⁵² Mr. Ridgely, also from Baltimore county, referring to Mr. Blakistone's amendment for the unequal distribution of the school fund, said that members of the large counties could not vote for the article on education as submitted by the committee.⁵³ The ratio of distribution he characterized as "unequal and unjust to the large counties." He feared that legislative appropriations might be apportioned on the basis used in the apportionment of the school fund. Mr. Presstman, Mr. Sherwood,

⁴⁸ *Ibid.*, II, 621.

⁴⁹ *Ibid.*, 809.

⁵⁰ *Ibid.*, 807.

⁵¹ *Ibid.*, 344, 345.

⁵² *Ibid.*, 346.

⁵³ *Ibid.*, 810-1.

Mr. Gwinn, and Mr. Brent, all of Baltimore city, continually raised the issue and insisted that the distribution of the school fund was unfair, especially to Baltimore city.⁵⁴

There were several defenders of the policy which the State had earlier adopted regarding the school fund. Mr. Bowie, of Prince George's county, said that the distribution made by the Legislature was a compromise and he desired it to "remain forever."⁵⁵ A readjustment on a population basis would, he said, result in a loss to nearly all the counties and the only one to gain would be Baltimore city for even the largest counties were then receiving more than they would be entitled to on a population basis.⁵⁶ Mr. Chambers, of Kent county, protested against the assumption "that there was no right in the counties to an equal distribution of at least a portion of this fund."⁵⁷ He pleaded respect for the past when "in all their intercourse with each other the several counties acted as so many associated sovereignties." His discussion showed that he was mistaken as to the origin of the school fund for he thought it came from stock in English banks which Maryland owned before the Revolutionary War and that therefore it was rightly the property of the older counties.

8. THE ISSUES INVOLVED—STATE APPROPRIATIONS.

Other parts of the discussion made reference to State appropriations for schools. Mr. Ege, of Carroll county, sponsored an order to the committee on education to "inquire into the expediency of applying all the University, College and Aca-

⁵⁴ *Ibid.*, I, 426, 435; II, 341, 342-3, etc.

⁵⁵ *Ibid.*, 345.

⁵⁶ *Ibid.*, 345, 808.

⁵⁷ *Ibid.*, 346, 662-4. Mr. Dashiell, of Somerset county, in a long address fully expounded the theory that the State government was constituted of a "confederacy of counties, each one being a party to the compact" and that each county had "reserved rights," among which was "the right to political existence and individuality" (*Ibid.*, I, 441). This discussion by Mr. Dashiell occurred when the Preamble of the Constitution was under consideration.

demic appropriations made by the State to a general school fund for the purpose of division between each county and city in the State, according to population.”⁵⁸ At a later time he discoursed on the “gross inequality” in the distribution of the State fund, especially the Academic Fund. He was opposed to “that partial and miserable system” then in operation “by which a select few received the benefits of academic and collegiate education to the detriment of the great mass of the children of the State.”⁵⁹ Academies and colleges he thought, should “be left to private enterprise or to corporations that were able to maintain themselves by their own efforts.” He “desired to see the State cleansed from this foul leprosy which had so long been eating into its vitals, and no effort of his should be wanting to secure its extermination.” The appropriations for the two colleges he had always thought were unwarranted.⁶⁰ The whole available school fund of the State he wanted appropriated according to the population so that equality might be preserved as nearly as possible. He desired every child of the State to be educated. Mr. Chambers, of Kent county, on one occasion made a brief explanation of the appropriation to the two colleges,⁶¹ but otherwise these institutions seem not to have been mentioned.

When the Convention had under consideration a section which was intended to prohibit the Legislature from appropriating public money or pledging the public faith “for the use of individuals, associations or corporations,” Mr. Davis of Montgomery county, proposed to insert the words “except for purposes of education.”⁶² The original section would probably have forbidden appropriations for education. By a vote of 43 to 24 the amendment was adopted.⁶³ Immediately this action

⁵⁸ Proceedings, 123. The order was adopted. No report was made.

⁵⁹ Debates, I, 431.

⁶⁰ *Ibid.*, 434.

⁶¹ *Ibid.*, 433.

⁶² *Ibid.*, I, 424.

⁶³ *Ibid.*, 425.

precipitated a battle. Mr. Thomas, of Frederick county, moved a reconsideration of the action, which was carried by a vote of 39 to 31.⁶⁴ After a prolonged debate the Davis amendment was rejected by a vote of 42 to 31.⁶⁵

During the further consideration of the section relating to appropriations and loans Mr. Spencer, of Queen Anne's county, tried to insert a provision which permitted the Legislature to contract a debt for public schools but "only to the extent and in the manner that may be provided for in this Constitution."⁶⁶ While this statement was intended as an authorization, it was also intended as a limitation. It was rejected.⁶⁷ An amendment by Mr. Crisfield, of Somerset county, was also intended to exempt educational purposes, as provided in the Constitution, from the prohibition on the Legislature to create a debt or pledge the credit of the State, but, by a vote of 55 to 14, it too was rejected.⁶⁸

9. THE ISSUES INVOLVED—TAXATION.

On several occasions there was brief reference to taxation for public schools. In the early days of the Convention, Mr. Johnson, of Frederick county, submitted an order that the committee on education look into the expediency of reporting a plan which would require every voter to pay a poll tax annually before he voted, this sum to "be applied to the support of free school education in the county or district in which it may be paid, or in the city of Baltimore, as the case may be."⁶⁹ The idea of a poll tax for education was considered by the committee on the Declaration of Rights, but that group preferred to leave this matter to the Legislature rather than to place it in the Constitution.⁷⁰ Mr. Dorsey, of Anne Arundel county, said there "was a great deal of contradictory opinion on the subject among the people." The question was settled when the

⁶⁴ *Ibid.*, 425, 423.

⁶⁵ *Ibid.*, 435.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*, 437.

⁶⁸ *Ibid.*, 442-3, 445.

⁶⁹ Proceedings, 74.

⁷⁰ Debates, I, 187.

Convention, by a vote of 38 to 31, placed in the Declaration of Rights a statement which declared that "the levying taxes by the poll is grievous and oppressive, and ought to be abolished."⁷¹ A poll tax for education was mentioned twice by Mr. Ege, of Carroll county.⁷² "No man," he believed, "would be so unmanly and so unworthy the name of an American citizen as to refuse the small pittance the price of one day's labor, which would be necessary to sustain the system" if the school fund were properly distributed. He did not, however, press the point and no one else advocated it in the Convention.

When the provision regarding loans on the credit of the State was under consideration, Mr. Constable, of Cecil county, moved an amendment to this article, which included among others a provision to authorize State taxes "for the establishment of a uniform system of public schools throughout the State, adequately endowed to educate every child within its limits."⁷³ Mr. Grason, of Queen Anne's county, objected to this statement. He suggested that it contained an "invitation or incitement" to the Legislature to resort to the general treasury for the support of a general system of public schools.⁷⁴ "The Legislature," he believed, "would be prompt enough to apply the public funds to purposes of education without any suggestion in the Constitution." He rather feared there was danger that the Legislature "would run into the contrary extreme" and that there would be as great a rage for schools as there had been for internal improvements twenty years earlier. After much debate, the Constable amendment was rejected by a vote of 43 to 31.⁷⁵

Mr. Presstman, of Baltimore city, "protested against the power to impose taxes upon the people of the State, where an unfair distribution was likely to follow."⁷⁶ Toward the effort

⁷¹ *Ibid.*, Declaration of Rights, Article 13.

⁷² *Ibid.*, I, 432; II, 808.

⁷³ *Ibid.*, 395.

⁷⁴ *Ibid.*, 421.

⁷⁵ *Ibid.*, 424.

⁷⁶ *Ibid.*, 426.

“to introduce a State system to be supported out of the general treasury” he was utterly opposed. County and city taxes for schools he regarded as proper. He said furthermore that those who were in the Convention “struggling to secure some acknowledgement of the rights of the majority, could hardly be expected to place the Treasury of the State, swelled by a new system of taxation, under the control of the representatives of a small minority of the people of the State.”⁷⁷ Mr. Ege, of Carroll county, likewise opposed a State tax for the purposes of education.⁷⁸ The people of the counties, he thought, should tax themselves for the support of their own schools. He hoped, however, that a system of education might be established. Mr. Brown, of Carroll county, also warned against State taxation for schools.⁷⁹ The people of Maryland, he suggested, were “groaning under heavy taxation.”

10. THE ISSUES INVOLVED—THE COUNTY SYSTEMS.

Several members expressed satisfaction with the school systems in their counties and they could not see the need or the desirability of a state school system. Mr. Grason, of Queen Anne's county, and Mr. Brown, of Carroll county, were clear on this point.⁸⁰ Others, however, among them Mr. Smith, of Allegany county, and Mr. Fiery, of Washington county, thought the county systems were not satisfactory. Mr. Smith was sure that every person who had “at all looked at the present system of education, or rather at the manner of disbursing the school fund of the State in many of the counties,” would admit it was “money badly expended.”⁸¹ He felt satisfied that it was “not only improperly used, but often times diverted from the legitimate purposes for which it was originally intended.” In Allegany county they were, said he, desirous “to have a general system” where the children of the poor might have the full

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*, 434.

⁷⁹ *Ibid.*, II, 811.

⁸⁰ *Ibid.*, I, 422; II, 811.

⁸¹ *Ibid.*, II, 805.

benefit of it, where all classes might meet on a common platform. In Washington county, said Mr. Fiery, they had a system "very inefficient and incompetent" and while there had been improvement "it was his own opinion, that to have an efficient system, it should be uniform."⁸²

11. THE UNIVERSITY OF MARYLAND.

On two occasions only was there reference to the University of Maryland. On motion of Mr. Stewart, of Baltimore city, the committee on education was ordered to "inquire into the expediency of providing for a more perfect supervision of the University of Maryland in the city of Baltimore by the Government of the State, than that which now exists."⁸³ On a later occasion Mr. Davis, of Montgomery county, referred to appropriations and other assistance which the State had given to the institution, but there seems to have been no special criticism or approbation.⁸⁴ The report of the committee on education made no mention of the University.

12. ALLEN BOWIE DAVIS.

The member of the Convention who was the most tireless worker for a state school system was Mr. Allen Bowie Davis, of Montgomery county. The citizens in his county were apparently greatly interested in this matter and he had told them he would endeavor to introduce into the Constitution a provision for a system of education.⁸⁵ He was a member of the committee on education and the ablest defender of its report. In all the debates on education he had a leading part. His amendments and his speeches show him to have been alert and energetic, as well as informed, on education. No other member approached him in his effort.

⁸² *Ibid.*, 811.

⁸³ Proceedings, 122.

⁸⁴ Debates, I, 223.

⁸⁵ *Ibid.*, 427.

13. CONCLUSIONS.

The Constitution as submitted to the voters made no definite provision for a State school system. The discussions clearly reveal some of the reasons for this omission. The unfair manner in which the State school fund was distributed brought powerful and effective opposition to a State school system, especially to State support, from Baltimore city and the larger counties. Inasmuch as the new Constitution virtually continued minority rule,⁸⁶ the larger counties hesitated to vote for a uniform system with State support. Some of the counties had local school systems with which they seemed satisfied. Several counties also had their own educational funds with which they could supply their own needs. Due to the extravagance of the Legislature in granting State aid for internal improvements there was strong opposition to increasing the State debt or to raising State taxes above what was absolutely necessary. The constitutional prohibitions in these matters reflect clearly the spirit of the citizens.⁸⁷

BIBLIOGRAPHY

- Hanna, Hugh Sisson: *A Financial History of Maryland (1789-1848)*. Baltimore: Johns Hopkins University Press. 1907. 131 p. (Johns Hopkins University Studies in Historical and Political Science, Series xxv, Nos. 8-9-10.)
- Harry, James Warner: *The Maryland Constitution of 1851*. Baltimore: Johns Hopkins University Press. 1902. 86 p. (Johns Hopkins University Studies in Historical and Political Science, Series xx, Nos. 7-8.)
- Maryland Constitutional Convention: *Debates and Proceedings of the Maryland Reform Convention to Revise the State Constitution*. To which are prefixed the Bill of Rights and Constitution as adopted.

⁸⁶ The new Constitution provided for one senator from Baltimore city and each county. There were to be not more than 80 or fewer than 65 members of the House of Delegates, apportioned in such manner that Baltimore city should always have four more than the largest county, but no county was to be entitled to fewer than two.

⁸⁷ Declaration of Rights, Art. 13; Constitution, Art. III, sec. 20, 22, and 42.

- Published by Order of the Convention. Annapolis: William M'Neir, Official Printer. 1851. 2 vol. 550 and 890 p.
- Maryland Constitutional Convention: Proceedings of the Maryland State Convention, to Frame a New Constitution. Commenced at Annapolis, November 4, 1850. Annapolis: Riley & Davis, Printers. 1850. 895 and 8 and 36 p.
- Maryland General Assembly: Documents, 1836. Document 48-0. Report of the Committee on Education Relative to Establishing a General System of Education.
- Maryland General Assembly: Report upon, and Draught of, a Code for the Support of Common Schools. 1843.
- Maryland General Assembly: Laws, 1784, 1798, 1805, 1807, 1811, 1812, 1813, 1816, 1825, 1833, 1834, 1836, 1836, 1839, and 1842.
- Steiner, Bernard C.: History of Education in Maryland. Washington: Government Printing Office. 1894. 331 p. (United States Bureau of Education, Circular of Information No. 2, 1894.)
- Thorpe, Francis Newton: The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the States, Territories, and Colonies now or heretofore forming the United States of America. Vol. iii. Washington: Government Printing Office. 1907-8.

THE COMMISSARY IN COLONIAL MARYLAND

By EDITH E. MACQUEEN.

Under the title "Commissary" there were comprehended in Maryland two officials, one the civil commissary whose function it was to grant probate of wills and letters of administration and to deal with disputes arising therefrom, the other the ecclesiastical commissary who represented the jurisdiction of the diocesan of the colonies, the bishop of London. Both, it was readily admitted, were ecclesiastical in origin.

In the Anglican church, the chancellor of the diocese, acting as "official" by commission from the bishop, exercised jurisdiction over matrimonial cases, probate of wills, cases testamentary and administrative, and licenses, and could in the event of contumacy, after due process excommunicate the offender. The exercise of this jurisdiction in remote parts of

the diocese, formed part of the duty of a functionary known as the *officialis foraneus* or commissary, "commissioned in such places and for such acts as by reason of distance etc are inconvenient for the Chief Consistory." Neither chancellor nor *officialis foraneus*, however, had any power to inflict ultimate spiritual censures upon the clergy, although they might "Expedite the cause by process" and in case of contumacy suspend and excommunicate the offender, but if the accused appeared and submitted, no sentence of deprivation or deposition could be pronounced save by the bishop with the assistance of the chancellor, the dean and some of the prebendaries if near a cathedral, an archdeacon and at least two other grave ministers if held elsewhere.¹ In special circumstances the bishop delegated his punitive power by an *ad hoc* commission to a person bearing the same title of commissary but whose function was quite separate from that of *officialis foraneus*. When, therefore, a colonial commissary came to be appointed, the question at once arose: was he merely an *officialis foraneus* appointed for a very distant part of the diocese of London, or was he the immediate representative of the bishop empowered by the latter to inflict the highest spiritual censures? The commissaries themselves did not know, for though they held visitations, as did the *officialis foraneus*, not all were sure that they had the power of deprivation and deposition from benefices and orders, the gravest spiritual censure that could be brought against an ecclesiastical person.²

By the statute 37 Henry VIII, c. 17, it had been established that a layman might exercise the function of a chancellor or commissary or other ecclesiastical judge, and the case of *Walker v Sir John Lamb* had confirmed it at common law.³

¹ Gibson, *Codex Juris Ecclesiastici Anglicani* (2d. Edition, 1761), p. 1068.

² As late as 1751 Dawson, the Virginian commissary, was very much troubled to note that the Gibson commission of 1728 and the *methodus procedendi* based on that commission, were at variance with the 122d canon (Perry, *Historical Collection*, I, 397).

³ Sir R. J. Phillimore *Ecclesiastical Law of the Church of England*, II, 1190.

Since the Reformation all ecclesiastical jurisdiction in England had been vested in the king, who thus became supreme ordinary or chancellor. There was nothing, therefore, to prevent his delegating his ecclesiastical jurisdiction to his representatives in the colonies, the royal governors, and a clause to that effect was inserted in their commissions.

The introduction of the "ordinary" clause in the governor's commission was very soon followed by the appointment of commissaries in the colonies by the bishop, so that both the ecclesiastical jurisdiction in temporal things and the ecclesiastical jurisdiction in spiritual things were provided for, in the one case by the governor, in the other by the bishop's commissary.

In Maryland the situation was complicated by certain clauses in the charter, which gave to the proprietor supreme authority in ecclesiastical affairs. In another respect Maryland was exceptional, in that a portion of the ecclesiastical jurisdiction in temporal things, that dealing with the probate of wills and with administrations, had come to form a separate department in the colony under an official of its own, known as the commissary general, while the rest of the ordinary jurisdiction, that is, licenses to marry and collations to benefices, remained with the governor. In spite of the similarity of title, therefore, the commissary general is a very different person from the bishop's commissary, although both were in theory "commissioned" to exercise distinct parts of the same episcopal function.

Originally the probate of wills had been the concern of the provincial court, and as early as 1637 the assembly had regulated the testamentary business. Apparently not until 1672 was a specially commissioned judge appointed, in the person of Philip Calvert, chancellor of the province. His commission from the proprietor, dated November 20, 1672, gave him power to proceed, determine, and sentence according to the law and the usage and custom of the province, with appropriate fees to be settled at the discretion of the governor and council. Appeal from his sentence lay to the proprietor or in his absence to the governor or such others as the governor or proprietor

should appoint.⁴ Calvert took the oath of chief judge of probate before the governor on April 24, 1673, and all records relating to his office were formally handed over to him by the clerk in the secretary's office, while the council provided him with a standard list of fees.⁵

When Charles Calvert succeeded to the proprietary, he issued a new commission to Philip Calvert in identical terms.⁶ The commissary general in Maryland never apparently used his power of proceeding against the contumacious by excommunication, as did on one occasion the Charleston court of probate,⁷ but the Maryland court was given civil coercive power by order of the proprietary to enforce its decrees, the judge issuing process for contempt of court "according to the method used in the Court of Chancery", and ultimately as a justice was authorized to imprison the offender.⁸

The court, thus regulated by the proprietor, was also regulated by the assembly, which passed an act in 1681,⁹ ordering that the commissary hold his court once in two months or oftener, proceeding according to the laws of England, "now in force or hereafter to be in force," twelve months after their publication in England. The act laid down precise rules for the issue of letters of administration and gave the execution of the decrees to the county courts, which on the authority of the commissary might appoint guardians for orphans, etc., and receive their reports. It also limited the time for presentation of appeal to the governor or proprietor to thirty days.

Philip Calvert had been both chancellor and commissary.

⁴ *Md. Arch.* XV. 24-25.

⁵ *Ibid.*, p. 27 that is, a total of 332 lbs. of tobacco for proving a will by commission, 232 lbs. without a commission plus 16 lbs. per side (100 words) for recording wills as laid down in the act, for the secretary's fees.

⁶ *Ibid.*, pp. 74, 75, April 5, 1676.

⁷ The case of Joseph Ash, 1764, for which see the Records of the Court of Ordinary, South Carolina *Historical and Genealogical Magazine*, 1921, pp. 53-59.

⁸ *Md. Arch.* XVII, 18.

⁹ *Ibid.*, VII, 195-201.

There was similar duplication of office in the appointment of Henry Darnall and William Digges as judges of probate or commissaries general by joint commissions from Charles, Lord Baltimore, in 1683. They were members of the council, justices of the provincial court, and keepers of the great seal as well, and a little later were given authority to fill up the names of the commission for the Maryland court of vice-admiralty.¹⁰ When a reshuffling of offices took place in 1685, we find Darnall and Clement Hill sharing the office of commissary, and a few weeks later, with the appointment of Darnall as sole keeper of the seal, we have the significant connection between commissary and keeper renewed.¹¹

At the revolution of 1689 Darnall was stripped of all his offices including that of the commissary, and it is interesting to find that both of his chief enemies, Coode and Cheseldyn, made subsequent efforts to possess themselves of the lucrative commissarial office, the fees of which were valued at from £300 to £600 sterling.

But with the establishment of the royal government a new situation was created. The instructions to Copley disclose the bishop of London's awakened interest in the colonial church. He was forbidden to accept ministers without the bishop's certificate, and he was to report directly to the bishop any instances of ministers not in due orders. "And if any person already preferred shall appear to you to give scandall either by his doctrine or manner you are to use the best means for the removal of him". "What were the best means," asked Copley? The bishop's answer to this question was the appointment of an ecclesiastical commissary. By a further clause in his instruction Copley was admonished to support the authority of the bishop of London and his jurisdiction, saving only collating to benefices, granting licenses for marriage and probate of wills, which were definitely reserved to the governor for the time being.¹²

¹⁰ *Md. Arch.*, XVII, 129-130, 360.

¹² *Md. Arch.*, VII, 277.

¹¹ *Ibid.*, pp. 435-436.

But the governor found it to his advantage not to interfere with a system already established in the province, and we find him confirming the act of 1681 for the organization of the court of probate, with the important addition that "for the ease of the people . . . the commissary general, chancellor, or other person appointed Judge in Testamentary causes" should appoint, as deputy in each county, a freeholder of good repute. If any dispute, however, should arise the case was to go at once before the chancellor or commissary general.¹³

Nehemiah Blakiston held the office for a time with John Llewellyn as his clerk, but there was great neglect, records disappeared, and had to be replaced with the assistance of the county courts, and as late as 1697 search was being made for them among Blakiston's papers after his decease.¹⁴ During Andros' brief period of office as interim governor on Copley's death, Blakiston was dismissed and Kenelm Cheseldyn put in his place as commissary.¹⁵ But the latter soon found that he had a rival. A Doctor Payne in England, it was reported, had obtained the office, by petition to the king, but as no legal commission was produced and as one of the two deputies whom the patentee had nominated had died and the other had refused to accept a judicial office, Cheseldyn was authorized to continue in office pending settlement of the claim.¹⁶ The old connection between chancery and commissariat was, however, still maintained. Cheseldyn was a master in chancery, as well as commissary and a justice of St. Mary's county court,¹⁷ and when, in 1696, court days underwent regulation, the commissary court was ordered to hold its session on the same day as chancery, that is, on the last day of the provincial court.¹⁸

¹³ *Md. Arch.*, XIII, 430, June 2, 1692, where the deputy commissary has his fees allocated.

¹⁴ *Ibid.*, XXIII, 263.

¹⁵ *Ibid.*, XX, 5. He took the oath of office before Greenberry the president of council, Oct., 4, 1693.

¹⁶ *Ibid.*, XX, 150, Oct. 17, 1694.

¹⁷ *Ibid.*, XX, 576.

¹⁸ *Md. Arch.*, XX, 572, Dec. 15, 1696.

Jowles as chancellor and Cheseldyn as commissary were especially warned against breaking up their courts until all business was fully terminated and both were ordered to admit no excuse but "such as shall stand in Equity and Good Conscience".¹⁹ As Cheseldyn was one of the two masters in chancery are we to infer that the courts sat together, chancellor and masters hearing chancery business and commissary alone proceeding in testamentary cases?

But already the clauses in the governor's instructions were bearing fruit. Anglicanism was established in the province and parishes were being created, which had to be provided with incumbents worthy of the generous 40 lbs. poll tax. In Virginia, Commissary Blair had already for some years been exercising, in a fashion, the jurisdiction of the bishop of London, and in Maryland it was felt that a similar appointment was necessary for the governance of the clergy. The commissary in Virginia was paid for his services £100 out of the quit-rents,²⁰ but as the quit-rents in Maryland were still the property of the proprietary, another expedient had to be found.

It was now proposed that the fees of the office of commissary general should be used for the support of the ecclesiastical commissary and that the office of judge of probate should become inalienably attached to the bishop of London's representative. The first suggestion came from the Upper House, which argued that the profits of the commissary general's office might very readily be appropriated for the purpose, because it was a judicial office of an ecclesiastical nature, the duties of which ought to be performed by some one well qualified in the civil law, and if an ecclesiastic with degrees in divinity should provide himself with this special knowledge all parties would be satis-

¹⁹ *Ibid.*, XXIII, 205.

²⁰ "The Bishop of London's letter of appointment or commission was always accompanied by a warrant from the Lords Commissioners of His Majesty's Treasury directed to the Receiver General of Virginia ordering him to pay £100 a year out of the quit-rents to the commissary." (Thomas Dawson letter of July 23, 1753. Perry. *Hist. Coll.*, Va., I, p. 405.)

fied.²¹ But neither assembly nor church, however much united, could venture on more than a "Supplicatory Act" to the king, for the probate office was now a patent office²² at the king's disposal, and he had already disposed of it to Doctor Payne. The disallowances of the Church Acts by the King in Council gave Payne and his deputy, John Coode, an opportunity to "embroil affairs in the Assembly" and so to prevent the introduction of the bishop's representative²³ and the loss of their own patent. Nicholson scored a victory for himself and the bishop's jurisdiction when he had Coode expelled, on the ground that he was ineligible for membership in the assembly, because nominally he was still in orders and "orders are indelible but by the authority by whom they were conferred,"²⁴ an argument which cut both ways when the power of the ecclesiastical commissary was later at stake.

But the repeated refusal of the crown to confirm the Church Establishment Act of Maryland prevented any settlement of the issue between the governor and the commissary, and Bray's commission as commissary in 1698 especially excepted wills and administrations from the ecclesiastical jurisdiction, and Bray was unable to obtain for himself or his successors the judicial office of commissary, although as one time he thought of putting in a claim not only for wills and administrations but for inductions as well, still further reducing the "exceptions" and leaving only presentations and licenses to the governor.²⁵

The famous quarrel between Bray and Governor Seymour, at the bishop of London's dinner table in 1704, over the appoint-

²¹ *Md. Arch.*, XIX, 92, Oct. 17, 1694. This was precisely how Bray qualified himself before coming to Maryland to execute, as he expected, both functions.

²² "To annex for ever the judicial office of commissary before in the disposal of the Governor to that which is purely ecclesiastical and at the appointment of the Bishop of London." Rawlinson, *Life of Bray* (Steiner's edition), p. 14.

²³ *Cal. St. Pap. Col.*, 1696-97, § 858.

²⁴ *Cal. St. Pap. Col.*, 1696-97, §§ 223, 240.

²⁵ Steiner, *Works of Bray*, p. 236, letter to Dent, March 10, 1702-3

ment of Archdeacon Huitson, and the unceremonious refusal of the governor to nominate him to the judicial office of commissary,²⁶ effectively closed that avenue as a means of provision for the bishop's man, and the office of commissary general in Maryland was left free to develop independently. In other royal colonies the governor himself acted as judge in probate, and Nicholson, when rebuking Cheseldyn for drunkenness and neglect of office, took occasion to remind him "that his office is a place his Majesty has more immediately been pleased to intrust to himself [the Governor]", although Cheseldyn had received the benefit of it without any gratuity to his Excellency.²⁷ But Bray, on the other hand, insisted that the governor in Maryland could never be commissary general, because he was also the judge of appeal from the commissary court. The point never became a real issue, however, for Cheseldyn,²⁸ despite his remissness, was allowed to continue to act and a room was provided in the new state house by act of assembly for the custody of his records.²⁹

Commissary Henderson in 1722 revived the suggestion of uniting the judicial office with that of ecclesiastical commissary, and urged the bishop of London to coöperate with the Society for the Propagation of the Gospel in Foreign Parts to influence Lord Baltimore to that end. He rated the profits at £600, which with land and slaves would be sufficient to support even the dignity of a full bishop.³⁰ Such a prize however the Calverts preferred to retain as a family perquisite, and Henderson's enemy, the "acrimonious" Thomas Bordley, led the opposition of the professional lawyers and the discontented clergymen to the suggestion.³¹

²⁶ See Perry, *Historical Collection, Maryland*, p. 57, for Bray's memorial containing the full story.

²⁷ *Md. Arch.*, XXIII, 197-8.

²⁸ Perry, *Historical Collections, Maryland*, p. 59.

²⁹ *Md. Arch.*, XXVIII, 264, Oct. 20, 1607.

³⁰ Perry, *Historical Collections, Maryland*, pp. 138-9.

³¹ Perry, *Historical Collections, Maryland*, p. 253.

It is little wonder that the lawyers opposed handing over the office to the control of churchmen, for the commissary general had come to be one of the great provincial officers of state in Maryland. The incumbent was a man of importance, usually an lawyer of ability, almost always a councillor, and very often senior councillor or president of council, and by his commission from the proprietary under the great seal of the province one of the ranking judicial officers of equal dignity with the chancellor, judges of the provincial court, judge of vice-admiralty, and judge of the land office.³²

The Calverts kept the office for some time in the hands of members of the family, but as the business became increasingly heavy it passed³³ into the control of the lawyers, although still subject to a yearly perquisite of £100 to the proprietary or to the secretary, Cecilius Calvert. For some of the intrigues and jobbery, by which the office was obtained in the later period, the Sharpe-Calvert correspondence is very illuminating. When Daniel Dulany, the elder, died in 1753, an experienced lawyer who had served successively as attorney general and judge of vice-admiralty,³⁴ he had been commissary general for eleven years. Benjamin Tasker, the president of the council, was appointed to the vacancy by Governor Sharpe, who however in his letters to Secretary Calvert insisted that a lawyer should be joined to Tasker in a joint commission in order to cope with the increasingly technical side of the business, and he recommended the younger Dulany. Calvert agreed, although he refused to have Dulany admitted³⁵ to the council, but a little later, Sharpe decided that, with the decline of tobacco prices,

³² Sharpe Correspondence, *Md. Hist. Mag.*, XII, 372 et seq.

³³ Under Benedict Leonard Calvert it was held by Baltimore's second brother, Edward Henry Calvert, President of the council of Maryland (*Md. Hist. Mag.*, XI, 285, quoting *Northampton Mercury*, July 13, 1730). At another time it was held by Charles Calvert, who paid £50 a year to the proprietary (*Md. Arch.*, XXXVII, 585).

³⁴ R. H. Spencer, "The Hon. Daniel Dulany", 1685-53, *Md. Hist. Mag.*, XIII.

³⁵ Sharpe Correspondence, *M. Arch.*, VI, 15.

the fees of office could not support two men, particularly when one of them was such an able attorney³⁶ as Dulany, who could make much more by pleading in the commissary court than by sitting as one of its judges.³⁷ Calvert refused to allow Dulany to enjoy the office alone, and although for a time he insisted upon a lawyer being joint commissary he at last consented to permit Tasker (Dulany's father in law) to remain sole incumbent. Twice a year Secretary Cecilius expected £50 gratuity from the profits and he was careful to have Sharpe drop hints about prompt payments.³⁸ In 1759 Calvert's opposition to Dulany was broken down and he allowed him to succeed his father-in-law as sole commissary,³⁹ on the latter's promotion to the office of deputy secretary. When Tasker died Dulany also succeeded him as secretary, after a stiff fight with Stephen Bordley (a son of the "acrimonious" Thomas), on condition that he pay a £300 annual gratuity, to the secretary.

Sharpe hoped to satisfy all parties by a convenient rotation of office. Bordley should have the commissaryship and Walter Ridout should have Bordley's place as naval officer,⁴⁰ but Bordley upset these plans by refusing to take his rival's "leavings", for, said he, the commissary business would endanger his health, since according to the precedents established by the Dulany's, it had come about that the commissary was expected to give advice at any time of night or day to any executors and administrators who might ask for it. By their desire for popularity the Dulany's had made the office one that no busy lawyer could afford to accept, "when really the Commissary or Judge of that Court has no more business than the Chancellor to advise everybody who may think themselves entitled to relief in Equity."⁴¹ With a grand gesture, however, Bordley offered

³⁶ See list of attorneys fees, 1725, *Md. Arch.*, XXXVIII, 373.

³⁷ Sharpe Correspondence, *Md. Arch.*, VI, 219.

³⁸ Sharpe Correspondence, *Md. Arch.*, IX, 421.

³⁹ *Ibid.*, VI, 371, 381; IX, 337.

⁴⁰ *Ibid.*, IX, 427-0, 497.

⁴¹ *Ibid.*, IX, 498, 542-508.

to assist with his legal advice the layman Ridout, if he should be appointed.

Calvert was not greatly concerned with the technicalities of the office. What he did not like was the fact that Dulany was two years in arrears with his remittances, and Sharpe was given the invidious task of dropping another hint. Complaints arose that Ridout was not of sufficient merit for the positions of councillor and commissary to which he had been promoted, and it was said that someone more learned was required for the commissarial office, "a place of the Highest Honour and Trust in the gift of his Lordship, the most interesting to the people and which requires a considerable knowledge of the Laws of England as well as a thorough sight into the constitution of the province."⁴² Ridout had been studying the law of testaments but none knew better than he "how some would have rejoiced if he had made an error."⁴³ Walter Dulany, a younger brother of the secretary, was also seeking the office, and Sharpe's difficulties were mercifully solved when Bordley swallowed his chagrin and accepted what he had formerly refused.⁴⁴ But not for long. He was soon seized by illness and begged the assistance of the despised Ridout. The latter knew he would never secure recognition and wisely refused, and ultimately a lawyer, Goldsborough, received the appointment on the usual terms.⁴⁵ On his death in 1767 the old bargaining began again and this time Walter Dulany secured the prize.⁴⁶

The business of the office, which was thus the object of so much competition and controversy, was defined by commission from the proprietary (closely scrutinized by the assembly) and by the law of the province.⁴⁷ It had to do with all cases arising

⁴² Sharpe Correspondence, *Md. Arch.*, IX, 545.

⁴³ *Ibid.*, XIV, 21.

⁴⁴ *Ibid.*, 19, Feb. 15, 1762.

⁴⁵ *Ibid.*, 167.

⁴⁶ Sharpe Correspondence, *Md. Arch.*, XIV, 469.

⁴⁷ See the assembly's examination of the commission, 1729 (*Md. Arch.*, XXXVI, 441), and of the oath of office, 1745 (*Ibid.*, XLIV, 182), 1751 (*Ibid.*, XLVI, 578, 579, 588).

out of wills and administration of estates and sat at least once in two months. In each county was a deputy commissary for uncontested cases, while the county courts saw to the execution of commissarial decrees. Another part of the commissary's duty was the transmitting to the keeper of the rent rolls an abstract of all lands left by will.⁴⁸

Much depended upon the safe keeping of the records of the commissary office in the state house, and they were regularly subject to inspection by a committee of the assembly.⁴⁹ The Lower House also kept a watchful eye upon the fees of the personnel, the commissary and his deputies, the register of the central office, and his clerk upon whom fell the chief business of entering the accounts.⁵⁰ The same register and clerk were usually employed in the secretary's office. Procedure was by way of libel, citation, answer, replication, examination of witnesses, and sentence. The orders of the court were enforced by attachment and its proceedings were signed by the clerk. These proceedings, under the court seal, might be used as evidence in any other court of the province.⁵¹

In the matter of appeal the commissary court in Maryland showed its most remarkable features. By act of assembly notice of appeal from the sentence of the commissary general had to be lodged within fifteen days, and fifteen days later the appellant's petition had to be in the hands of the governor (or proprietary), who might decide the matter himself or appoint a special commission to consider it. This *ad hoc* commission came to be known as the "Court of Delegates", on the analogy of the English court of that name which sat in Doctor's Commons in London. Some lawyers held that the Maryland court

⁴⁸ *Md. Arch.*, XXXIX, 503; XXXII, 436.

⁴⁹ *Ibid.*, XIII, 430; XXII, 573; XXXIX, 225; XLIV, 182. In 1716 the records were moved from St. Mary's to Annapolis and several were lost in transit (XXX, 606).

⁵⁰ *Ibid.*, XXXVI, 530; XXXVIII, 387. In 1770 Charles Carroll commented upon the enormous fees demanded by the commissary, amounting to 400,000 lbs. tobacco. Carroll Correspondence, *Md. Hist. Mag.*, XII, 63.

⁵¹ Sharpe Correspondence, *Md. Hist. Mag.*, XII, 375, 376.

exercised the same jurisdiction as the English court, an important claim when we consider that the latter was the supreme court of appeal in civil law for both admiralty and ecclesiastical causes. An early appeal came up in 1693, but the most interesting case was that of James Crawford⁵² in 1695, which arose in the following way.

Cheseldyn, the commissary general, gave a decision in a matter of administration. James Crawford considered himself aggrieved and applied to Governor Nicholson to appoint a court of delegates to hear his appeal. Nicholson nominated four of the youngest councillors with three justices of the provincial court, Henry Denton register. Their commission was dated October 9, 1695, and a day was set for the hearing, when a full transcript of the proceedings in the commissary court was to be submitted under the hand and seal of the commissary general.⁵³

But serious difficulties arose. The governor was puzzled. He sent for all the lawyers in town to consult upon the jurisdiction of the court of delegates. Was it (like the governor and council sitting as a court of error) competent to confirm or reverse a decree, or could it affirm one part and reverse another or give an entirely new judgment. The lawyers hesitated and retired to consult their books and to put their opinions in writing at the governor's request "for the future good of the country."⁵⁴ These opinions are varied and very interesting.

William Dent, basing his authority upon the laws of England and of Maryland held that the powers of the delegates were limited solely by the governor's commission to them, since they were appointed neither under the act 24 Henry VIII,⁵⁵ which set up the court of delegates, nor under the Maryland law of 1692, which directed an appeal to the governor as chief judge in all cases in law and equity. When interrogated as to what rules of law the court should follow, Denton hesitated. It could

⁵² *Md. Arch.*, XX, 41, 42, 63.

⁵⁴ *Ibid.*, 314.

⁵³ *Md. Arch.*, XX, 311-312.

⁵⁵ 25 Henry VIII, 19, § 4.

not follow common law, because the proceedings did not come from a common law court and because no common law court could give an ultimate verdict. Neither could it be brought before Chancery, because by the act 24 Henry VIII, such appeal must be heard by a special commission appointed under the great seal, which was to proceed according to the rules of equity, "grounded on the Common [Canon] and Civill Law" . . . for, said Denton, "I take the Cannons to them to be as the Statutes to the Judges of Common Law, and the Civill separte from the Cannon to be to them as the Common Law to the others."

Carroll, in his opinion, drew a distinction between a court of delegates, "as the constitution of this Province stands", and a court of delegates "absolutely to be governed by the Civill Law, Common Law, and Statute Law of England", since in Maryland several matters, "cognizable by a court of delegates" in England, had been altered, so that the law of Maryland differed from that of the mother country. Again, the Maryland court of delegates dealt only with testamentary and administration cases, while the English court took cognizance of matters matrimonial, tithes, spiritual defamation, beating of clerks, etc.⁵⁶ Philip Clarke, in his reply, considered that a jurisdiction like that of the commissary general's court was a "mixed one", proceeding according to acts of assembly and, where there existed no maxims of common or statute law, by civil law also. If all these failed to provide a precedent then the court might proceed by equity. But the court being purely a court of error for the commissary court could give no independent judgment, only reverse or confirm. The other lawyers, Goldsborough and Carvile, agreed that the court of delegates was an ecclesiastical court of the same nature as the court of the bishop or archbishop, a superior court which, since it considered no new evidence, could only affirm or reverse judgment. The opinion of Attorney General Plater (concurrent in by Samuel Walkins) seems to imply that the Maryland court

⁵⁶ *Md. Arch.*, XX, 316.

of delegates exercised the same powers as that in England, which sits "by Virtue of a Commission under the great Seal in an Appeal from a Sentence given in any Ecclesiastical Court as also when Sentence is given in the Admiralty Court in Suits Civill and Marine by the Order of the Civill Law."⁵⁷

From this variety of opinion the court of delegates gained little assistance. It reversed part of the sentence imposed by the commissary, but in a manner so ambiguous that Cheseldyn was at a loss to know what to do, even though it was quite evident that Crawford was playing fast and loose with the estate. The commissary had no further jurisdiction, since his record had been removed, but something had to be done to correct the manifest injustice and so the wronged administrator appealed to the governor,⁵⁸ who decided that the only course was to appoint a commission of review to examine the sentence of the court of delegates. This commission, duly appointed, reversed the delegates decree and displaced the iniquitous Crawford.⁵⁹ An act of assembly in 1704, however, rejected this precedent, when it stated categorically that the decision of the governor or of those whom he commissioned as a court of delegates must be final and subject to no review.⁶⁰

One is at once impressed with the appearance in provincial Maryland, where a doctor of civil law was a rarity, of this highly technical prerogative or commissary court based on an English model, which in order to be efficient should have had at its disposal skilled civil lawyers. It is equally remarkable that this court of delegates should have continued to exist and that its perpetuation should have been assured by acts of assembly in 1715 and 1726. In 1730 the assembly did complain of the exorbitant fees of two of its scribes⁶¹ but it took no steps to abolish the court and the latter remained as a part of

⁵⁷ *Ibid.*, 319.

⁵⁸ *Md. Arch.*, XV, 355, Dec. 10, 1695.

⁵⁹ *Ibid.*, 396-396, 407-410, 430-431, 468, 474, 519.

⁶⁰ *Ibid.*, XXVI, 234.

⁶¹ *Ibid.*, XXXVII, 82.

the appeal system and was still functioning when Sharpe prepared his report in 1764.⁶²

COLONIAL RECORDS OF FREDERICK COUNTY.

CONTRIBUTED BY LOUIS DOW SCISCO

Frederick County, created in 1748, has a court house that dates from 1862. The records are well cared for and, with a few exceptions, are in excellent condition. The deed records have been given modern bindings. Some of the older deed books have also been given protective treatment with crepeline. The old volumes of court records have received less care.

In a storage room on the second floor of the court house is a large collection of roughly classified material not open to record searchers. Within recent years this matter has been cleaned and shelved by volunteer workers. The greater part is of post-revolutionary date and much of it from the 19th century. A smaller part, belonging to the colonial period, includes a few books of court proceedings, with a quantity of rough minutes, fee books, and other miscellany.

The colonial record clerks seem to have marked their books in two alphabetical series. One series, used for the court books, is barely traceable now and perhaps was abandoned by the clerks at some time around 1765. The other series, used for the deeds and allied records, is still carried on the libers. For these the alphabet was superseded in 1774 by initial markings. The following list of land record libers shows some alphabetical gaps which must go unexplained.

Liber B, marked "1748-52," carries the conveyances recorded from January, 1748-49, to November, 1752, in 674 pages.

Liber E, marked "1752-56," carries conveyances recorded in 1,085 pages from November, 1752, to June, 1756.

Liber F of deeds, formerly a single large liber, has been rebound in two

⁶² *Md. Hist. Mag.*, XII, 375.

- volumes, both marked "1756-61." One book, paged 1 to 700, has entries made from June, 1756, to April, 1759. The other, paged 701 to 1329, has entries of April, 1759, to May, 1761.
- Liber G, marked "1761-62," has 524 pages of records entered from May, 1761, to May, 1762, and followed by added papers of 1762 and early 1763.
- Liber H, marked "1762-63," has 703 pages of conveyances entered from June, 1762, to November, 1763, with some additions of December, 1763.
- Liber J, formerly a single liber of deeds, has been made into two books, each marked "1763-65." One, with pages 1 to 698, carries entries of November, 1763, to August, 1764. The other, with pages 699 to 1401, carries entries of August, 1764, to September, 1765, followed by supplementary entries of June, 1764, to August, 1767.
- Liber A of Estrays, marked "1765-85," has 473 pages of records of strayed livestock, beginning in March, 1765, and closing in December, 1785.
- Liber K, once a single liber, now makes two volumes, each marked "1765-67." One book has pages 1 to 3 of entries in August, 1767, followed by pages 1 to 658 of entries in the period October, 1765, to July, 1766. The other book has pages 659 to 1442 with entries of July, 1766, to August, 1767, followed by supplementary entries of August to November, 1767.
- Liber L, marked "1767-70," has 695 pages of entries for August, 1767, to December, 1768, followed by supplementary entries for November, 1768, to August, 1773.
- Liber M, a former liber, is now divided, each part being marked "1768-70." One volume has pages 1 to 375 with papers entered from December, 1768, to August, 1769. The other has pages 376 to 706, with entries from August to December, 1769, followed by supplementary entries of December, 1769, to March, 1770.
- Liber N, another divided volume, has each part marked "1770-72." One book, paged 1 to 356, carries entries made in January to September, 1770. The other, on pages 357 to 541, has entries of September to December, 1770, and on pages 541 to 708 has those of January to April, 1772.
- Liber O is a divided volume with each part marked "1771." One book, paged 1 to 346, carries records entered from January to May, 1771. The second book, paged 347 to 709, has entries of May to December, 1771.
- Liber P is a divided volume with each part marked "1772-73." One book has pages 1 to 341, with entries from April to August, 1772. The other has pages 342 to 699, with entries of August, 1772, to April, 1773.
- Liber S, marked "1773", has 440 pages carrying papers recorded in May and June, 1773, and closing with an entry of July, 1773.
- Liber T, marked "1773" has 419 pages of entries made from June to October, 1773.

- Liber U, marked "1773", has 418 pages carrying papers recorded from October to December, 1773.
- Liber V, marked "1773-74," has 706 pages with entries made from December, 1773, to July, 1774, followed by two entries of December, 1772, and November, 1773.
- Liber W, marked "1774-76," has 607 pages. Pages 1 to 338 begin with two entries of May and June, 1774, followed by the regular records for July to November, 1774. Pages 338 to 607 carry conveyances marked as recorded in 1775 to 1777, but with no apparent sequence in dates of recording. The liber also has 20 pages of criminal court cases of a session in November, 1771.
- Liber B. B. No. 1, marked "1774-75," has 709 pages of papers recorded from December, 1774, to July, 1775, preceded by a few entries of May, 1774.
- Liber B. D. No. 2, marked "1775-77," has 553 pages, carrying conveyances recorded from August, 1775, to April, 1777.

The court books in the following list are kept in the general record office. The series is not complete. Additional volumes now kept in the storage room, will probably close some of the gaps in the series here given.

- Liber A, marked "1748 1749 1750," contains the court proceedings for the sessions from December, 1748, to June, 1750, in 653 pages.
- Liber C, marked "1751," with 464 pages, carries the session records of June, 1750, to June, 1751.
- Liber H, marked "1753 1754 1755 1758 1759," has 1,270 pages which carry the sessions from August, 1753, to November, 1755, in sequence, followed in order by the sessions of November, 1757, November, 1759, and June, 1758.
- Liber without title, marked "1758 1760," has 2,086 pages of court minutes embracing the sessions of August and November, 1758, March, June, August, 1759, and March, June, August, and November, 1760.
- Liber I, marked "1761 1762," contains 621 pages of session records from March, 1761, to November, 1762.
- Liber without back marking has 1,402 pages of court minutes for the sessions from March, 1763, to November, 1766. This liber is kept in a glass case as an exhibit because it contains the court's order obstructive of the execution of the Stamp Act.

The office of the register of wills yields few volumes of the colonial time. From the revolutionary period onward the series of records is very full and is kept in a most orderly and cleanly condition. The known colonial books are three in number.

Liber A No. 1, wills, 1744 to 1777, 593 pages.

Liber A No. 1, administrators' accounts, 1750 to 1767, 457 pages.

Liber B, administrators' accounts, 1768 to 1776, 400 pages.

MARYLAND RENT ROLLS.

[Continued from Vol. XXIV, No. 2, June, 1929.]

Anne Arundel Co.

Midle Neck Hundred, 1707
Long Venture

250 A: Sur: 2^d. July 1672 for John Stinson between the head of South & Severne Riv^{rs} at a bound
Oak of Hen: Peirpoint Rent —.. 10.. —
Poss^r Richard Rawlins.

Proctors Forrest

100 A: Sur: 2^d. July 1672 for Robert Proctor on the North side South River by the Land of Robert Clarkson Rent —.. 4.. —
Poss^r Edward Romney.

Henry's Addition

30 A: Sur: 20: May 1673 for Hen: Sewall in round bay at a bo^d Red Oak by W^m Galloways Land
Poss^r Hen: Sewalls Orphans. Rent —.. 1.. 2

Warfeilds Forrest

182 A: Sur: 7: June 1673 for Rich^d Warfield in the woods. Rent —.. 7.. 3½
Poss^r John Warfield.

The March

110 A: Sur: 7 June 1673 for Edward Gardiner at a bo^d Oak of Howard & Porters Range Rent —.. 4.. 5
Poss^r Ruth Howard Wid^o.

C. The Marsh.

Hair Hill

100 A: Sur: 3rd July 1673 for Peter Porter in the

Woods about 3 miles from the head of Severn at
 a bo^d White Oak Rent —. 4. —
 Poss^r Peter Porter.

Green Spring

200 A: Sur: 16: June 1673 for Rob: Proctor in
 the line of Jerom White Esq^r called Whitehall &
 running therewith N. W. Rent —. 4. —
 Poss^r Wid^o Ruth Howard.

Shepherd's Range

100 A: Sur: 3: Xber 1673 for Nicholas Shepheard
 on the South Side of Severne River Rent —. 4. —
 Poss^r Samuell Dryer.

Howard's Hills

150 A: Sur: 14: Mar: 1665 for John Howard &
 Assigned Philip Howard on Severn Ridge at a bo^d
 Poplar of Howard & Porter's fancy Rent —. 3. —
 Poss^r Wid^o Ruth Howard.

Warfields Right

50 A: Sur: 10: Mar: 1674 for Rich^d Warfeild on
 the South Side Ann Arrundle River near Round
 Bay Rent —. 1. —
 Poss^r Rich^d Everard.

Todds Pasture

29 A: Sur: 16 Nov. 1674 for Thomas Todd in
 Todds Neck Rent —. —. 7 $\frac{1}{4}$
 In the Town of Annapolis as is affirmed.

Advance

42 A: Sur: 13: July 1674 for Daniel Edge be-
 tween South & Severn Rivers on Norwood's Creek
 Poss^r William Gibbons. Rent —. 1. 8 $\frac{1}{4}$

Brent Wood

100 A: Sur: 27: Aug: 1674 for Rob: Gudgeon be-

tween the bra: of Severn & South Rivers Rent —.. 4.. —
Poss^r John Dorsey.

Lancasters Plaines

180 A: Sur: 28: Aug 1674 for John Hudson on the
South Side of Severn River by Indian Bra: R. —.. 7.. 2½
Poss^r Henry Pinkney for Phill: Howard's Orphans.

Howards Mount

80 A: Sur: 20: Feb. 1665 for John Howard on the
South Side of Severn River near Round Bay.
Poss^r Phillip Norwood Rent —.. 1.. 7¼

Widow's Addition

130 A: Sur: 10: Jan^{ry} 1678 for Elizabeth Read on
the South Side of Severn River Rent —.. 5.. 2½
Poss^r Joseph Hill for Barker's Orphans.

Ross

136 A: Sur: 16: Jan^{ry} 1678 for Guy Meek on the
South Side of Severne River at a bound tree of
Matt: Howard Rent —.. 5.. 5
Poss^r John Meek.

C. 1668.

Ridgly's beginning

40 A: Sur: 15: Jan^{ry} 1678 for W^m Ridgly on the
North Side South River in Hogg Neck Rent —.. 1.. 7¼
Poss^r s^d W^m Ridgly.

Charles's Hills

271 A: Sur: 17: Mar: 1678 for Charles Stephens
on the west side Severn River Rent —.. 10.. 10
Poss^r Tho: Brown Jun^r who marr^d the wid^o of
Cha: Stephen.

Proctor's Chance

30 A: Sur: 1st July 1679 for Rob: Proctor at a
m^rked Hiccory of the Intack on the west side

Severn River Rent —.. 1.. 2½
 Poss^r And^w Welplay for Norwoods.

Pettycoats Rest

100 A: Sur: 8: July 1679 for W^m Pettycoat at a
 bound tree of the Advance Rent —.. 4.. —
 Poss^r Tho: Freeborn.

Henry's Encrease

43 A: Sur: 8: July 1679 for Hen: Sewall on the
 South Side Severn River Rent —.. 1.. 8¾
 Poss^r Tho: Brown.

Rocky Point

50 A: Sur: 13: Octob. 1679 for Ann Lambert on
 the North Side South River on the South Side
 Forked Bra: Rent —.. 2.. —
 Poss^r Ann Lamberts Exers.

Betenson's Adventure

82 A: Sur: 17: Mar: 1679 for Edward Betenson
 on the North Side South River Rent —.. 3.. 3½
 Poss^r John Betenson.

New Worcester ats Tolly's Point

103 A: Sur: 1st Octo: 1679 for Thomas Tolly by
 the bay side & by Lusby's Creek. This was Res^d
 by the s^d Tolly 9th Nov. 1683 for 140 A: Rent —.. 5.. 7¼
 Poss^r Joseph Hill.

Brooksby's Point

350 A: Sur: 5: 8ber 1680 for John Brooksby on
 the South Side of Severn River by Indian Branch
 Poss^{rs} 290 A: John Marriot Rent —.. 14.. —
 60 A: Tho: Abbrix

Warfeilds Plains

300 A: Sur: 30th Mar. 1681 for Rich^d Warfeild
on the South Side of Severne River Rent —.. 12.. —
Poss^r John Warfeild.

Sheply's Choyce

200 A: Sur: 30th Mar. 1681 for Adam Sheply on
the South Side Severn River by the Riverside
Poss^{rs} 100 A: Peter Porter Rent —.. 8.. —
100 A: James Barnes of Balto. Co:

200

Brandy

300 A: Sur: 29th Sep^r 1681 for Rich^d Warfeild at
the head of Severn River Rent —.. 12.. —
Poss^r Alexand^r Warfeild

Medcalf's Chance

80 A: Sur: 30th Sept. 1681 for John Metcalf be-
tween the Bra: of South River at a bo^d Hiccory of
Howard & Porter's Range Rent —.. 3.. 2½
Poss^r Amos Garret.

Weston

130 A: Sur: 1st Octob. 1681 for Guy Meek on the
South Side of Severne River on the bra: of Plumb
Creek Rent —.. 5.. 2½
Poss^r John Meek

Meek's Rest

210 A: Resurv^d 1st Octob. 1681 for Guy Meek on
the South Side Severn River the Record says this
Res: was made by Assignm^t of 140 A: from Hen:
Hanslap but mentions not how the rest to make the
complement of 210 A: became, only concludes th^t
quantity —.. 8.. 2½
Poss^r John Meek

Howards Adventure

500 A: Sur: 9th Octob. 1681 for Matthew Howard
at the head of Severne River Rent 1.. ———
Poss^r Charles Hamond.

Chilton

40 A: Sur: 19: Octob. 1681 for Abra: Child at the
Land of Thomas Brown on the South Side of Sev-
erne River Rent —.. 1.. 8
Poss^r Amos Garret.

The Freindship

30 A: Sur: 3: May 1682 for W^m Frizell on the
North Side South River on the East Side broad
Creek Rent —.. 1.. 2½
Poss^r John Frizell.

C. The Friendship.

Favour

123 A: Res^d 27 June 1682 for Benj^a Bond on the
No. Side of South River at a bo^d Red Oak on a
point at the mouth of Oatly Creek Rent —.. 4.. 11¼
This Res. was from 290 A. at first Poss^r Henry
Carter by his marriage with the wid^o of ———
Jefferyes.

Addition

50 A: Sur: 11: Aug: 1682, for Rich^d Warfeild
above the head of Severn River at the Land called
Hair Hall Rent —.. 2.. —
Poss^r Rich^d Warfeild.

Geff's Encrease

180 A: Sur: 12: Aug^t 1682 for Thomas Geff on
the North Side South River at the bound tree of
Wardrop Ridge Rent —.. 7.. 2½
Poss^r Charles Carroll.

Cardwell

300 A: Sur: 4th Sep: 1682 for John Marriot at

3 miles above the head of Severn Riv^r R. —.. 12.. —
Poss^r John Marriot.

Narrow Neck

41 A: Sur: 6th Sep: 1682 for W^m Yeidhall on the
South Side of Severn River by the Round bay at
the head of the Sunken ground —.. 1.. 7³/₄
Poss^r Tho: Ward.

Angle

70 A: Sur: 12: Sep: 1682 for John Cross on the
North side South River att the bound tree of Bell
Haven Rent —.. —.. —
This Land was sold by John Cross to Gervase Win-
terbottom for want of Heirs of whom it Escheats
to His Lords^p.

Mill Meadow

240 A: Sur: 13: Sep: 1682 for Rich^d Hill at the
head of Seavern River at Hen: Sewall's Land R.—.. 9.. 7¹/₄
Poss^r Joseph Hill.

The Levell

264 A: Sur: 11: Sep: 1682 for John Cross on the
North Side South River joyning to Zepha: Smith's
Land Rent —.. 10.. 6³/₄
Poss^r 164 Jos: Hill
100 A: Rob. Johnson

264

The Mayden

40 A: Sur: 29: Sep: 1682 for Mary Howard on
the South Side Severne River at a Poplar of
Howards & Porters Range Rent —.. 1.. 7¹/₄
Poss^r Wid^o Ruth Howard.

Shepherd's Grove

120 A: Sur: 12: May 1683 for Nicholas Shepheard

about 3 miles above the head of Severn Riv^r Rent —.. 4.. 9¾
Poss^r Nich^o Shepheard.

C. Sheppard's Grove.

Norwoods Angles

103 A: Sur: 22: June 1683 for And^w Norwood on
the Bra: of Todds Creek Rent —.. 4.. 1½
Poss^r Thomas Freeborn.

Edges Addition

50 A: Sur: 22: June 1683 for Daniell Edge be-
tween South & Severn Rivers Rent —.. 2.. —
Poss^r W^m Gibbons.

Howards Addition

70 A: Sur: 21: June 1683 for Phillip Howard
between South & Severn Rivers Rent —.. 2.. 9¾
Poss^r Wid^o Ruth Howard.

Addition

48 A: Sur: 8th July 1684 for Tho. Lytfoot as-
signed to George Tate between South River &
Severn at bo^d tree of Chance Rent —.. 1.. 11¼
Poss^r Joseph Hill (This was some of Cusacks
Land).

C. Lightfoot.

Boyds Chance

60 A: Sur: 26 June 1684 for John Boyd in the
wood between South & Severn Riv^{rs} Rent —.. 2.. 5
Poss^r Gerr^d Topping for Moonshots Orp^{ns}.

Orphan's Addition

85 A: Sur: 1: July 1684 for Robert & Laurence
Gudgeon in the woods between South & Severn
Rivers Rent —.. 3.. 5
Poss^r Caleb Dorsey.

Childs Reserve

62 A: Sur: 6: Mar: 1683 for Abra: Child on the
South Side Severn River in the Round bay Rent —.. 2.. 6
Poss^r Abra: Child.

Metcalfs Mount

70 A: Sur: 21: June 1683 for John Metcalf in
the woods between the North Run bra: of So.
River Rent —.. 2.. 9 $\frac{3}{4}$
Poss^r Amos Garret.

C. Metcalf's Mount.

The Range

384 A: Sur: 4: July 1684 for Tho: Lytfoot about
a mile from the head of Severn River Rent —.. 15.. 4 $\frac{1}{2}$
Poss^r Jabus Peirpoint.

C. Lightfoot, Pierpoint.

Angle

7 A: Sur: 2: July 1684 for Richard Hill on the
South side of Severn on Dorsey Creek Rent —.. —.. 3 $\frac{1}{2}$
In the Town of Annapolis.

Burntwood Comon

50 A: Sur: 1st July 1684 for Robert & Laurence
Gudgeon on Rockholds Creek Rent —.. 2.. —
Poss^r John Young for Rockholds Orp^{ns}.

The Addition

60 A: Sur: 2^d July 1684 for Capt. Richard Hill
on the South Side of Severne River on the South
Side of Todds Creek Rent —.. 2.. 5
Poss^r Joseph Hill.

C. The Addic̄on.

Clark's Luck

60 A: Sur: 14: Octob. 1684 for Neal Clark on the

North Side of South River at Hog Neck Rent —.. 2.. 5
 Poss^r Tho: Reynolds for Griffiths Orp^{ns}.

Garret's Town

59 A: Sur: 6: July 1684 for Tho. Windell & Ass^d
 to Mich: Cussack on the North Side So: Riv^r on
 the East side Broad Creek Rent —.. 2.. 4½
 Poss^r Joseph Hill.

Rich Neck

284 A: Sur: 20: Mar: 1684 for John Hamond on
 the East Side the No: bra: of Patt: River at Hun-
 the East Side the No: bra: of Patt: River at Hunt-
 ington at a bo^d Hicory standing by the bra: &
 bound on the River West Rent —.. 11.. 4½
 Poss^r Coll. John Hamond.

Dunkens Luck

52 A: Sur: 23 Feb. 1684 for Pat: Dunken on the
 No: Side So: Riv^r on the west side Hamilton
 Creeke. Rent —.. 2.. 1
 Poss^r Samuel Young.

PROCEEDINGS OF THE SOCIETY.

March 10, 1930.—The regular meeting of the Society was held tonight with the President in the chair.

A list of the donations made to the Library and Gallery since the last meeting was read.

President Harris called attention to the gift of Mrs. Katherine Mackenzie Brevitt. The gift consists of a number of interesting articles and documents which had been inherited by Mrs. Brevitt from her great uncle, Dr. James Mackall Taylor. In a letter from Mrs. Brevitt, to Mr. Harris, she

stated that Dr. James M. Magruder expected to be at the meeting of the Society, held on this date, to make a formal presentation of the articles and the case in which they are exhibited, as provided by her. Dr. Magruder unfortunately was not present. The Secretary was asked to extend the thanks of the Society to Mrs. Brevitt for her gift.

A letter from Luther Martin, dated 1801, was presented by Miss Susan Dobbin Leakin, with the request that the same be placed in the J. Wilson Leakin Room. The thanks of the Society were extended to Miss Leakin.

A letter of thanks and appreciation was read from Mr. Louis Dow Seisco, for the resolutions adopted by the Society and forwarded to him, concerning the work done on the Old Kent County record text.

The following persons were elected to membership:

Active:

| | |
|-----------------------|-------------------------|
| Miss Ellen F. Bordley | Mrs. J. Carroll Lockard |
| Miss Charlotte Wahab | Mrs. S. Blount Mason |
| Mr. J. O. V. Morgan | Mr. Grafton Dulany |

Associate:

| | |
|--------------------|-----------------------------------|
| Miss Kate S. Curry | Caleb Clarke Magruder, Esq. |
| | Frederick K. Sparrow, Jr., Ph. D. |

The following deaths were reported from among our members:

Miss Elizabeth P. Frick on July 7, 1929,
 William B. Oliver, Esq. on February 11, 1930,
 James C. Gittings, Esq. on February 27, 1930,
 Francis T. Homer, Esq. on March 3, 1930,
 Thomas Ashburner, Esq. on March 3, 1930.

Mrs. Marston R. Cockey, of Hackensack, New Jersey, presented to the Society a very valuable collection of lantern slides, including views of places of interest in Baltimore City and in the State of Maryland otherwise. The thanks of the Society were extended to Mrs. Cockey for her gift.

Mr. James E. Hancock read the continuation of his paper entitled "The Primary Cause of the Revolutionary War and the War of 1812."

April 14, 1930.—The regular meeting of the Society was held to-night with the President in the Chair.

A list of the donations made to the Library and Gallery since the last meeting was read.

The following persons having been previously nominated were elected to membership:

Active:

| | |
|-----------------------|-----------------------------|
| Captain Owen C. Ruley | Miss Anne T. Frick |
| Mrs. Robert Ellis | Mrs. Herbert Claiborne Cole |

Associate:

Mrs. Conrad (Kate Cross) Vandervelde

The following deaths were reported from among our members:

Robert N. Seney on March 9, 1930,
 Eldridge C. Price, M. D. on March 10, 1930,
 William Barney Harris on March 15, 1930.

The Committee on Genealogy and Heraldry presented the following Resolution in connection with the death of one of their valued members, Mr. William J. McClellan;

"The Committee on Genealogy and Heraldry of the Maryland Historical Society has learned, with deep regret, of the death of our esteemed associate, William J. McClellan, who passed away on the 20th of March, 1930, in the eighty-fourth year of his age, and

"WHEREAS, Mr. McClellan had been a member of our Committee for the past twenty-one years and a member of the Maryland Historical Society for sixty-three years, and through

his extensive knowledge of Baltimore history and of the genealogy of so many Baltimore families had, aided by an unusually retentive memory, promoted a great interest in the study of these two subjects, and

“WHEREAS, this Committee, at a called meeting on April 5th, 1930, at the rooms of the Maryland Historical Society, recognized the great loss it had sustained in the passing of our beloved co-worker,

“THEREFORE BE IT RESOLVED, that a copy of these resolutions be spread upon the minutes of this Committee, and the minutes of the Society, and a copy sent to the relatives of Mr. McClellan.”

Mr. James E. Hancock gave a brief account of the investigations made of the odd construction of logs found in the excavation of the Old Athenaeum Building. It was said that what was found was entirely without historical significance, at least so far as proof can be found. It was noted that this investigation was made through the courtesy of the Consolidated Engineering Company. Mr. Charles H. Linville made the following motion:—

“RESOLVED, That the thanks of the Society be extended to the Consolidated Engineering Company for the interest displayed by them and the assistance rendered in this investigation.”

The motion was seconded and unanimously carried.

Raphael Semmes, Esq., read a paper entitled “Maryland in the Days of Muskets, Halberds and Pikes”.

NOTES.

In the *Magazine* for September, 1928 (Vol. XXIII, p. 197), there was published "A Maryland Medical Student and his Friends." At the time of publication the date of Dr. Richard Hopkins' death was unknown to his family. An obituary appeared in the *American* of June 22, 1832, as follows: "Died, on Wednesday last, the 13th inst. [June 13, 1832] at his late residence in Anne Arundel county, in the 71st year of his age, Dr. Richard Hopkins."

The Society has received from the General editor *Scholl*, *Sholl-Shull Genealogy. The Colonial Branches*, by John William Scholl. New York, Grafton Press, pp. 879.

The book is well printed, well indexed and bears evidence of careful work. It should prove to be a valuable contribution to genealogical literature.

Society for the History of the Germans, *Bulletin*, 1929. After being in eclipse for quite a number of years, publication of the valuable *Bulletin* has been renewed. Many names have been added to the membership list and it looks as if the Society had taken on a new lease of life.

Journal of the Maryland Academy of Sciences, Vol. 1, Nos. 1 and 2. A new *Journal* under the auspices of the Maryland Academy of Sciences has come into being. Judging from the contents of the first issue the *Journal* is not destined to have wide popularity, although it will doubtless be well received in scientific circles.

The letter in the March issue, from Benjamin Henry Latrobe to David Este, was received through the courtesy of Mrs. William Cabell Bruce.

The Continental "Great Union" Flag. By Alfred Morton Cutler. Somerville, Mass., 1929, pp. 48 with illustrations and colored plates. Presented by Everett W. Ireland, Superintendent of Schools.

The "Great Union" was the fore-runner of the Stars and Stripes, and the pamphlet is a contribution towards the history of our national flag.

As we were about to go to press, two important documents have arrived from England, manifestly a part of the "lost Calvert Papers."

The marriage settlement of Frederick, Lord Baltimore, prior to his marriage to Lady Diana Egerton, is an interesting document, engrossed on seventeen sheets of vellum, twenty-four by twenty-nine inches.

The second and more important item is a Rent Roll of St. Mary's and Charles counties, dating from about 1725. The volume is identical as to the paper and binding of the series of rent rolls in our possession, and the handwriting is identical. This volume contains the book plate of Henry Harford, while all of the others contain that of Frederick, Lord Baltimore, "E Bibliotheca Henrici Harford, A. D. 1779."

The St. Mary's Rent Roll covers 79 pages and comprises ten hundreds, as follows: St. Mary's, St. Michael's, St. Inigo's, St. George's, Popular Hill, New Town, St. Clements, Choptico, Harvey and Resurrection. The Charles county roll covers, pp. 80-185.

Dictionary of National Biography. Under the auspices of the American Council of Learned Societies. Edited by Allen Johnson and Dumas Malone. Vol. 4, N. Y. 1930, Chanfrau to Cushing. Vol. 5, N. Y. 1930, Cushman to Eberle.

This monumental work, financed through the generosity of Mr. Adolph S. Ochs, is now well under way and has taken its place as an indispensable reference work. The articles are in the main well written and interesting. The only fair criticism that may be made is that of names included or excluded and this is of course largely a matter of opinion. We are of the opinion that quite a number of other names might have been included with advantage.
