

# MARYLAND

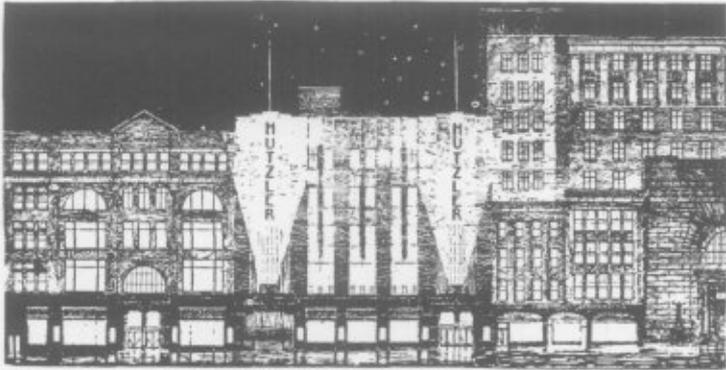
*HISTORICAL*  
*MAGAZINE*



*Amelung Mansion, New Bremen, Frederick County*

MARYLAND HISTORICAL SOCIETY  
BALTIMORE

SEPTEMBER · 1948



HIGHLIGHTS IN  
THE HISTORY OF  
*A Maryland Institution*

IN 1932 Hutzler Brothers Co. completed "A Greater Hutzler's to Serve Baltimore Better" . . . with a continuous Howard Street front, twenty-five per cent more selling space and a store more beautiful and modern than ever before. This expansion was initiated in 1931 during the biggest depression the country had ever known and was the major building job of the period in Baltimore.

The "Formal Opening of the Greater Hutzler's" took place with great eclat, with addresses by Governor Albert C. Ritchie and Mayor Howard W. Jackson.

**HUTZLER BROTHERS CO.**

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# MARYLAND HISTORICAL MAGAZINE

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## JOHANN FRIEDRICH AMELUNG AT NEW BREMEN

By DOROTHY MACKAY QUINN



AMONG the many persons who attempted to set up manufacturing enterprises in the newly established United States of America, was Johann Friedrich Amelung. Late in May, 1784, Amelung started a sixteen week voyage from Bremen to Baltimore, where he landed on the last day of August.<sup>1</sup> He brought his family with him, including his wife, Magdelina Carolina Amelung, a son, Johann Friedrich Magnus, and three daughters, Fredericka, Sophia Christine Dorothea, and Johanna.<sup>2</sup> Frau Ame-

<sup>1</sup> Such detail as we have concerning the dates and length of the voyage are taken from a pamphlet, John F. Amelung, *Remarks on Manufactures, Principally in the New Established Glass-House near Fredericktown in the State of Maryland* (Printed for the author, 1787). The only original known is in the library of the Boston Athenaeum. The Maryland Historical Society and the Pratt Library in Baltimore have photostats. The writer is grateful to the Pratt Library for a positive photostat made from their negative.

<sup>2</sup> The names of members of the family have been established by studying the records of the Evangelical Lutheran Church in Frederick, the Zion Lutheran Church of Baltimore, and obituary announcements in Baltimore papers. Mr. James

lung's sister, Wilhelmina Griepenkerl accompanied them. Amelung was under contract to a group of Bremen banking houses which had invested £10,000 in a scheme to start one or more glass manufacturing establishments in America. They had chartered the ship *Fame*, and loaded on board the machinery for three "Glass Ovens." Amelung undertook to recruit experienced workers from Bohemia and Thuringia, the areas in which the German glass industry flourished. The workers were to join the ship in Bremen in the spring of 1784.<sup>3</sup>

Nothing is known of Amelung's earlier life, and there seems to be no basis for the supposition that he was a person of wealth and position. In none of his papers or those of his son, is there any evidence or mention of a personal fortune, although a great deal is said about his financial affairs. Since the cost of the enterprise during the first five years reached some £20,000, the remaining money, over and above the bankers' investment of £10,000, may have come from other sources.<sup>4</sup> Frau Amelung and Frau Griepenkerl contributed \$2500, if we accept the statement of Amelung's son.<sup>5</sup> Some may have come from the sale of glass. Amelung's son said that his mother and aunt had inherited land in Germany, which they sold in order to finance the trip to America, and they had contracted with Amelung for reimbursement with land of equal value in America. Because of this, Frau Amelung and Frau Griepenkerl were considered by the family to be the real owners of the land on which the glass-works were built.

Foster, Director of the Maryland Historical Society, kindly allowed me to use notes he had made on some members of the family from the Land Records and Records of the Orphans' Court in Baltimore. The writer also studied these records for individuals not covered by Mr. Foster. In the nineteenth century there were other Amelung families in Baltimore, which necessitates eliminating from our list all names not accompanied by proof of relationship. There is one slight possibility that Amelung's family included two daughters and his sister, instead of three daughters. See note 17 below.

<sup>3</sup> Amelung, *Remarks on Manufactures*, *passim*. In 1801, John Frederick Magnus Amelung prepared a long statement which is filed among the Chancery Records, MS 1767 in the Land Office, Hall of Records, Annapolis. In this document he referred to his aunt's arrangements to accompany her sister. She was only nineteen at the time, and had sold her German property, apparently an inheritance which she shared with her sister, to finance the trip.

<sup>4</sup> Petition of John Frederick Amelung, May 26, 1790, Records of U. S. Senate 1st. Congress, 2nd Session, National Archives, Washington, D. C.

<sup>5</sup> This statement may be unreliable because of the conditions under which it was made. In the course of the litigation over his father's estate John Frederick Magnus Amelung attempted to justify a large payment to his aunt, and an annuity of \$200 which he had settled on his mother, claiming the exemption of these two items from the assets of the business. One of his creditors contested these payments as fraudulent efforts to cheat the creditors.

As in all schemes for establishments in the new world, the crying need was for labor. Amelung was spared the problem of earlier entrepreneurs, who had recruited unwilling or unskilled workers as indentured servants, who might, at the will of the purchaser, be used for work of the heaviest kind, such as clearing land. Amelung wanted experienced glass-workers, and he offered them work at their own trade in a land where skilled workers were rare, and where the future offered unlimited opportunity. They seem to have been engaged as indentured hired servants who would repay the cost of passage with their labor, but would receive some pay and maintenance for themselves and in some cases for their families.<sup>6</sup> Having been engaged in Germany for a definite job in a definite place, they did not have to face the uncertain fate of ordinary indentured servants whose services were sold by a sea-captain or his agent to the highest bidder in the port of arrival.

The scheme looked promising. The newly independent country would need, as previously, glass for windows and table use. Glass and china ware had always been difficult to transport in the tiny ships which pitched and tossed across the Atlantic, and such manufactured articles have always been expensive and scarce in distant colonies. Great profits seemed to await those in a position to manufacture such articles in America. European merchants did not welcome this scheme to close one of their lucrative markets. As late as 1810 Thomas Cooper in writing Madison told of the difficulties in getting necessary information about glass-manufacturing, except from the friendly French.<sup>7</sup> The English, the writer said, refused all information and closed their factories to visitors to prevent spying. The Germans also refused. Even Amelung, who had the necessary technical equipment either personally or through trained workers, ran into difficulties. Although the tone of the recital of his calamities suggests that he saw himself as a

<sup>6</sup> Amelung advertised in the *Maryland Chronicle*, June 28, 1786, announcing the escape of a twenty-one year old "hired servant" who was bound for three years and had served only two. On the status of indentured hired servants see E. I. McCormac, *White Servitude in Maryland, 1634-1820* (Baltimore: The Johns Hopkins Press, 1904), p. 40.

It is not clear whether the families were included at first. In 1790 Amelung referred to the workers who "have offered to come over with their Family's as soon as we desire them." Petition of John Frederick Amelung, June 29, 1790, Records of the Senate, National Archives, Washington, D. C.

<sup>7</sup> Thomas Cooper to James Madison, Sept. 14, 1810, Madison Papers, Library of Congress.

martyr in a great cause, important enough for him to be feared and pursued by the British Navy, both Royal and Merchant, there is probably some truth in his account. He claimed that the English merchants and sea captains in Bremen asked the government of Hanover to interfere, and received the coöperation of the princely houses of neighboring states including Brunswick and Hesse, all of whom placed obstacles in the way of workers who were attempting to join Amelung at Bremen. In fact, so much excitement occurred that Amelung had to embark hastily with only a part of his employees, in order to avoid the "rage" directed against him. He was convinced "on good authority that the *Brig. Fame* in which myself and some of my most necessary workmen came over was to be taken by some English ships of force."

Amelung claimed to have established distinguished relationships with this country before he embarked. Although there is no evidence other than his own statement, he is believed to have known Benjamin Crockett of Baltimore while in Bremen, and to have obtained letters of introduction or recommendation from the American Consul in Paris, and from Adams and Franklin. The letters, he said, were directed to such people as General Mifflin, Thomas Jefferson, William Paca, Charles Carroll of Carrollton and to leading mercantile establishments.

When he landed in Baltimore, August 31, 1784, he had 68 workers with him. On November 22, his agent arrived, bringing 14 more. These were probably some of those supposedly delayed by the pro-English German princes, or perhaps by what Amelung described as a "hard winter" with frozen roads dissolving into impassable mud, causing the workers a slow and difficult journey to the port, where, he said, they had finally arrived in a state approaching starvation. The stragglers who followed with the agent had avoided Bremen. The agent conducted them across the Dutch province of Friesland, and finally succeeded in embarking them at Amsterdam.<sup>8</sup>

Amelung lost no time in getting established. He purchased something over 2100 acres of heavily wooded land to the north and east of Sugarloaf Mountain in Frederick County. Additional purchases later increased the estate to some 3000 acres. The land lay along both sides of Bennett's Creek, "following the meanders." It probably did not extend west and south far

<sup>8</sup> Above account is based upon Amelung, *Remarks on manufactures*, pp. 11-12.

enough to fit Amelung's statement that his tract was "on the Patowmac not far from the mouth of the Monacacy."<sup>9</sup> He himself may have been confused, or he may have permitted this inaccuracy in order to locate the site in a general way to readers unfamiliar with Frederick County geography. This resulted in confusion later on, for the Glass-Works came to be known in some quarters as "that of the Potomac." As far as can be determined from a study of extant deeds and survey records, the land lay along both sides of Bennett's Creek, from its junction with Little Bennett's Creek on the east, to a point south of Park Mills, on the west, about three miles as the crow flies. The estate was thus on Bennett's Creek not far from the Monacacy, rather than "on the Patowmac, not far from the mouth of the Monacacy." Soon after arrival, Amelung had a survey made and some vacant land was found, about 324 acres in all. This was added by arrangement with the state of Maryland. He paid the Treasurer of the Western Shore seven pounds ten shillings for the improvements, which were listed, as "6 acres cleared, 1 old Logg House, 2000 old fence rails, 15 peach and cherry trees." The "aforesaid parcels of land, reserved as aforesaid, with the vacancy added" were "called New Bremen." Amelung immediately built "a glass oven for bottles, window and flint glass and dwelling houses for 135 souls."<sup>10</sup>

On February 11, 1785, he was able to announce in the *Maryland Journal and Baltimore Advertiser* that "a company of German manufacturers have arrived and will establish a factory. Window glass, table glass, optical glass, looking glass."<sup>11</sup> They invited commissions through their agents, Messrs. Ludlow & Gould in New York, Crockett & Harris, and Melchior Keener in

<sup>9</sup> *Ibid.*, pp. 12-13, and MS notes therein.

<sup>10</sup> Frederick County Patent Certificate, No. 2821-1; Land Office, Liber IC C, f. 285; Frederick County Land Records, Liber WR 5, f. 520-524, all in Hall of Records, Annapolis, Md.; Amelung, *Remarks on Manufactures*, p. 12. The lands to which he acquired title before the end of 1784 included sections of old grants, and were known by names already attached to them:

Part of Gantt's Garden.....	1570 acres
Adam's Bones .....	194 "
Tobacco Hook .....	71 "
I Don't Care What.....	51 "

<sup>11</sup> The use of the word *company* has sometimes given the impression that a formal organization existed in Germany, and that a firm was transplanted intact from Bremen to America. It is obvious from examination of contemporary records that the word *company* was in common use meaning a group, not a firm.

Baltimore, Abraham Faw in Frederick, or directly, John F. Amelung & Co. at the Glass Works.

It has been impossible to determine the date on which the "Amelung Mansion" was ready for occupation. There were a great many small houses, and some of two stories on the estate, but the main house was a "large commodious, two-story brick house" with "kitchen, spring-house, stables" and other buildings.<sup>12</sup> The remains of the spring-house, and stables are still to be seen, and some other buildings, one in particular which may have been the out-door kitchen or quarters. To judge from the appearance of the Mansion House today, it was a beautiful rectangular building with the very thick walls typical of many late eighteenth century houses. The bricks on the front and west end of the house follow the Flemish bond design, while on the opposite end and rear the pattern is English bond. One may still examine the original pegged beams in the enormous attic. There is a large chimney at each end. That at the west end has a brick with the date, 1789, now almost invisible.<sup>13</sup> At the east end of the house apparently a wooden addition, one story high was constructed. The date of its erection is unknown. A similar one story addition may have existed near the west end at the rear. The front entrance opened on a wide porch from which broad stairs led to the terraced lawn. In the rear there was a small porch, probably enclosed. In the wide hall extending between the front and rear entrances, a beautiful stair-case leads to the second floor.<sup>14</sup> Here, opposite the top of the stair, was once a magnificent ball-room, with a view out over the terraces sloping to the river. The fine panelling of the fireplace, the doors, window and door frames, cornice, and other wood-work, were sold some years ago by an indifferent owner, and are now in Westchester County, New York, in a room built to fit them. The former ball-room space has been modified to make several smaller rooms. Fortunately the rest of the panelling in the house was left untouched. It is particularly beautiful in the two parlors on the lower floor, and in the front parlor the panelling duplicates to some extent that which once graced the ball-room

<sup>12</sup> Description of property in advertisements of sale, *Federal Intelligencer*, March 23, 1795. This notice was repeated a dozen or more times during March and April, 1795. *Federal Gazette*, June 2, 1804.

<sup>13</sup> If the house was partly destroyed by fire and the rear part rebuilt possibly in 1789 or 1790, this would account for the difference in the brick pattern and for the lateness of the date.

<sup>14</sup> Strongly resembling the stair-case at Cliveden, Philadelphia.

above it. There are four corner fire-places in the house, two of them with good panelling. The windows are all large and deep, and framed with beautiful panelling. When the present owners acquired the property they found a contemporary cast of Guiseppi Ceracchi's well-known bust of Alexander Hamilton.<sup>15</sup>

The house is situated just below the brow of a hill, where it is protected from wind. A lane runs from the county road down to the house. There is some evidence that the ground in front of the house was at one time terraced down to Bennett's Creek, about a quarter of a mile below the house. The lane leading from the road to the house seems to have continued down to Bennett's Creek, turning near the house and crossing the terraces diagonally. Joining this road just above the high-water level of the Creek, is a small, tree-lined road, following the line of the stream in both directions. On it still are the ruins and foundations of the workers' cottages, and the remains of the furnaces and ovens of Amelung's two Glass-Houses on the north side of the Creek. The third Glass-House, that which became later the Kohlenburg Glass House, was on the opposite bank. On the south bank opposite the end of the road leading from the Mansion House, there was a sawmill. Here the logs were turned into lumber needed for the buildings, or for fuel for the furnaces. The whole tract had been very heavily wooded and had been bought because of the wood. Only the part necessary for the houses and garden had been cleared.<sup>16</sup> This seems to have been two separate tracts of 160 acres altogether. It may have been the part known as Gantt's Garden, and may have been cleared when acquired.

Very little historical information has survived to help us reconstruct the life of this German family during the ten or more years of their residence at New Bremen. The members of the family, insofar as we know, were the father and mother, one son and three daughters. Amelung was forty-five, his wife thirty-five, the younger daughters fourteen and nine respectively, and the son 13. In the case of the eldest daughter, we know only that she married in Frederick in 1785. None of the women of the family married early, so we may assume that she was at least seventeen or eighteen when she came to America. Even that would have

<sup>15</sup> See note 47 below. Neighbors report that this bust previously stood in the front hall on a shelf.

<sup>16</sup> John Frederick Magnus Amelung's statement, Land Office, Chancery Records, MS 1767, Hall of Records, Annapolis.

necessitated her birth when Carolina Amelung was herself only seventeen or eighteen, and we have no information on this point. It opens the possibility that Fredericka Amelung may have been a child by a previous marriage, or even a sister, rather than a daughter, of Amelung.<sup>17</sup>

The census of 1790 lists Amelung as the head of a large family, seven adult males, one boy, ten females of unknown ages, and four slaves. Presumably, this meant persons living in the house or connected with it. It did not include indentured servants. Of the seven adult males, only Amelung, his son, then nineteen and a son-in-law, can be definitely identified. The boy was probably a grand-son, Charles Frederick Keener. Of the ten females, we can account only for Frau Amelung and the three girls. This leaves four men and six women unidentified, and all we know about them is that they were not slaves or indentured servants. Some may have been higher employees who lived in the house. The census did not include as members of the family all the higher employees, so we may deduce that residence had something to do with it. Frau Amelung's sister Wilhelmina had married Dietrich Griepenkerl either before or shortly after she came to America with her sister. Griepenkerl was employed at New Bremen, and must have lived nearby. His name appears as sponsor and witness on church records of events in the Amelung family, and the accounts of the firm at a near-by store show his name frequently.<sup>18</sup> But he is listed separately in the census, as the head of a family which included himself, two females, and no slaves. The two females were, of course, his wife, Wilhelmina, and their daughter Carolina, born in 1786 and named for her aunt, Frau Amelung.

Fredericka Amelung married Andrew Keener (Andreas Kuehner) on September 20, 1785.<sup>19</sup> He was the son of a Baltimore

<sup>17</sup> See note 2 above. The ages of the parents and three of the children can be calculated from later obituary records and from confirmation records of the Evangelical Lutheran Church of Frederick. There are no records for the eldest daughter except that of her marriage.

It will be recalled that Frau Amelung's sister accompanied the family, and may, like Fredericka, have married soon after arrival. One wonders whether the solicitous concern of German families of that day may not have induced Amelung and his wife to help out sisters by bringing them to a place where marriageable women were in great demand.

<sup>18</sup> A ledger in the possession of Mr. Marshall Etchison of Frederick, contains the accounts of a general store run by one Shewell, in or near Frederick. It has several Amelung accounts, in the name of the firm, and several private accounts of persons employed there. Mr. Etchison kindly loaned the ledger to the writer for assistance in identifying New Bremen personnel.

<sup>19</sup> Frederick County Marriage Records, 1779-98, p. 23, Courthouse, Frederick, Md.

merchant, Melchoir Keener, one of Baltimore's earliest German immigrants, and one of Amelung's agents. There is a possibility that Andrew Keener was employed as book-keeper for the Glass-Works. Some years later, Amelung's son spoke of himself replacing the book-keeper who died, and the date seems to have been about 1792. In 1792, when the firm drew up a note for an obligation to the State of Maryland, Andrew Keener signed as a witness. We know that he lived at New Bremen, and that when he died, on August 11, 1792, at the age of thirty-two, he was "buried at the burying-ground of the Manufactory."<sup>20</sup> It is thus possible that he was the book-keeper in question, placed there by his father's arrangement with Amelung. Less than five months after her husband's death, Fredericka remarried, again at New Bremen, this time to Doctor Philip Somerkamp, by whom she had five children.<sup>21</sup> We do not know whether she continued to live at New Bremen.

In 1797, there were two weddings at the house. The son, John Frederick Magnus Amelung, married Louisa Sophia Furnival there on May 29. The bride was the eldest daughter of Alexander Furnival, the well-known Baltimore postmaster.<sup>22</sup> They probably lived at New Bremen for a year or more. On August 9, the second daughter, Sophia Christine Dorothea, married Peter Adolph Volkman of Baltimore, and went to live in Baltimore, where her husband was a merchant.<sup>23</sup> There are no records of births at New Bremen, although Fredericka's first child must have been born there. A number of children lived at New Bremen, as the communion and confirmation records of the Lutheran Church in

<sup>20</sup> J. F. M. Amelung's statement, Land Office, Chancery cases, MS 1767, Hall of Records, Annapolis; *Maryland Journal*, Aug. 14, 1792; *Federal Gazette*, Aug. 27, 1798. Andrew and Fredericka Keener had one child, Charles Frederick Keener. Apparently his grandfather Keener took responsibility for him after his father's death, for Melchior Keener's will (Baltimore Court House, Wills, WB 6, f. 130, dated Aug. 29, 1798) appointed guardians for Charles Frederick, and left a fund of £3000 for his support. This was the largest single legacy left to any of Melchior Keener's grandchildren. There is no mention of the child's mother, even in the matter of guardianship, which gives rise to doubts as to Melchior Keener's relation to Fredericka.

<sup>21</sup> Frederick County Marriage Records, 1779-1798, p. 212.

<sup>22</sup> Frederick County Marriage Records, 1779-1798, p. 55; *Federal Gazette*, May 8, 1797.

<sup>23</sup> Frederick County Marriage Records, 1779-98, p. 56; *Federal Gazette*, Aug. 16, 1797.

Frederick reveal.<sup>24</sup> A third daughter, Johanna, born in 1775, also resided at New Bremen, since she did not marry until 1801.<sup>25</sup>

In establishing New Bremen, Amelung obviously had a self-contained community in mind. In his letters to Congress he had referred to his contribution in augmenting the population of the country, an idea much in the minds of his contemporaries, who considered this a most important contribution. His quarters for workers were not dormitories, but rather the nucleus of a quasi-feudal village, which would grow as families increased in number and size. It is therefore not surprising, nor is it a sign of any particular humanitarianism, that Amelung planned schools at New Bremen. His pamphlet described them as follows:

Persuaded that no greater happiness can be for the succeeding generations, than to give them a good education in their younger years, and impress religion and morals early in their breasts; for this purpose, I have (directly after my settlement here) established a German School, the master, a worthy man, is fully acquainted with his duty, and has a yearly salary from me, a commodious house, in which every Sunday divine service is kept, a garden, some land, and free fire wood. The inhabitants, who send their children to this school, pay a trifle to him.

I am now about establishing an English School, for which purpose I have built a house on my land, and as I advance, I intend to put the same upon such a footing, that children may get a complete education in the same, as in the English, German, and French languages, writing, ciphering, music, to play on the harp, harpsichord, flute and violin; I have the masters for this purpose already here. . . .<sup>26</sup>

It must not be supposed from the above that the schools were well-staffed. It was not uncommon at that time to see notices in newspapers advertising the services of a teacher who considered himself capable of giving instruction in several languages and music, as well as in the fundamentals we usually consider necessary.

As we have seen, there was no church at New Bremen. In the absence of a pastor, services may have been held by the schoolmaster, or by visiting clergymen. The children went to Frederick for confirmation, and perhaps for other important ceremonies. Weddings, however, seem to have taken place at home. There was a burying-ground, which came to the writer's attention in connection with the death of Andrew Keener. No other reference to it

<sup>24</sup> Evangelical Lutheran Church, Frederick, Records, p. 222.

<sup>25</sup> Her husband was Christian Frederick Kracht, whom she married on Nov. 1, 1801, in Baltimore. They had four children, the first born in 1815, *Federal Gazette*, Nov. 4, 1801.

<sup>26</sup> Amelung, *Remarks on Manufactures*, p. 13.

has been found, either in print or manuscript sources. The country people living near the site today say they remember it as being quite near the house, on the slope behind it. The stones, they say, were removed so that the field could be plowed.

The only traces of the Amelung era still visible at the house at New Bremen are the results of the custom of writing on window-panes with diamonds. Many of the original window panes are still left at Amelung House, unfortunately the only products of the famous factory still to be found on the estate. Two of the panes show eighteenth-century inscriptions, one the signature of a Captain Piper, with the date, 1791. This particular pane is part of a very beautiful window in the front parlor, a window which probably once had a window seat, and which still today has two narrow cupboards concealed behind the panelling which frames the window. There is a magnificent view out over the fields towards Sugarloaf Mountain, particularly beautiful when the late afternoon sun streams in through the window.

It is surprising that no traces are to be found of the relations of New Bremen with Frederick. Except for advertising, we have found no mention of the German colony in such examples of the contemporary press as are still extant. But few private papers relating to Frederick County in this period have been preserved and those which are known do not mention New Bremen. We have one record of Amelung's modest political activity. He voted in the presidential elections of 1796 for Thomas Jefferson.<sup>27</sup> He was a naturalized American citizen, but we have no details as to date.<sup>28</sup>

Little has been discovered about the business. There are traces of many members of the New Bremen community, but it is difficult or impossible to find out anything about them. In the Shewell ledger there are accounts of people from the "Manufactory." The accounts were paid in glass. The names appear sometimes as purchasers of articles on the account of the firm, or receiving cash advances on the credit of the firm. Half a dozen of these people had accounts as well in their own names. At the time of Andrew Keener's death, he had a bill at Shewell's which had been due since May, and interest of £5-10-0 on a note due since June. There is a record of Amelung's having settled his son-in-law's account,

<sup>27</sup> Gaius Marcus Brumbaugh, *Maryland Records* (2 vols., Baltimore and Lancaster, Pa., 1914-1928), I, 277.

<sup>28</sup> J. F. M. Amelung's statement, Land Office, Chancery cases, MS 1767, Hall of Records, Annapolis.

probably at the time of his death in August, 1792.<sup>29</sup> A careful search of this ledger was made in an effort to discover what these people did at the Manufactory, particularly Griepenkerl and Keener. Unfortunately the nature of their purchases had no relation to any particular job. It had also been hoped, by this method, to discover the name of the schoolmaster, or rather, which of the names was his. He is not listed except as the school-master, as far as we can determine, and his purchases seem always to have been articles of general utility, rather than tools of his profession. The only unique entry for him is one of a shilling "to drink for him," following an entry for a cash advances of 3/9. There are a number of entries of a general nature on the account of Doctor Messing who is believed to have been the physician for the community. His expenses were heavy ones, and were usually paid for in glass.

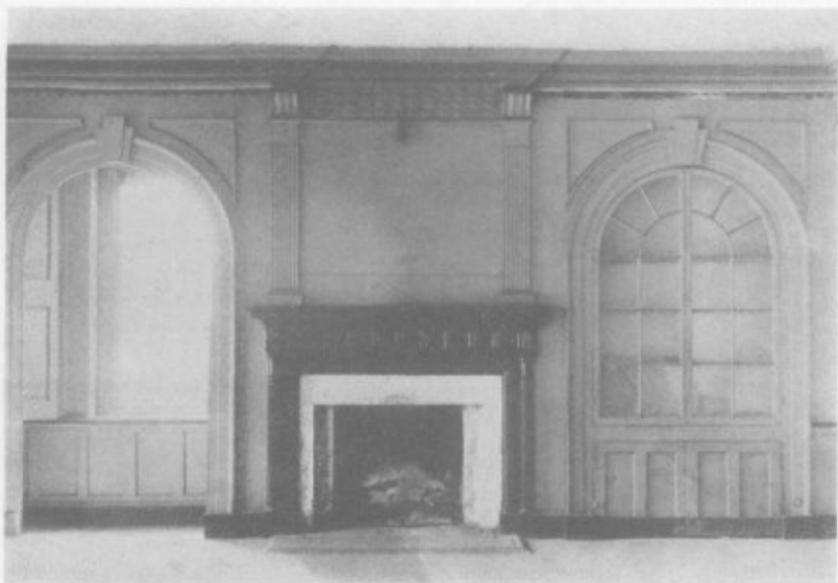
The census of 1790 which lists by name only heads of families gives some data about the members in each family and whether male or female. Sometimes an examination of these records suggests, but does not prove information as to where people lived. The New Bremen community is not mentioned by name but the census taker seems to have visited it last, or almost last, of the settlements in Frederick County. We find grouped together the people we know to have held important positions at the Glass Works: Amelung, Griepenkerl, Hopke ("Harpoke"), Messing, and Balthazar Crämer, the last name being that of a famous glassblower who had been with Stiegel. Among the ninety-three names in this final group are many which are proven by Shewell's ledger to have been connected with the Glass works. It is likely that almost all of them were, otherwise they would not have resided at New Bremen.

From the advertising we know that the Manufactory made a variety of glass objects, from ordinary window glass to the magnificent presentation pieces still extant today. One of the advertisements read:

He makes Window Glass, Transparent and substantial, equal to London Crown, an inferior quality equal to Bristol Crown, all kinds of Flint Glass, such as Decanters and Wine Glasses; Tumblers of all sizes, and every other Sort of Table Glass. He also cuts Devices, Cyphers, Coats of Armes, or any other Fancy Figures in Glass, and in a short time hopes to be able to furnish Looking Glasses of all sizes. . . .<sup>30</sup>

<sup>29</sup> Shewell's ledger, p. 23.

<sup>30</sup> *Maryland Journal and Baltimore Advertiser*, May 16, 1789.



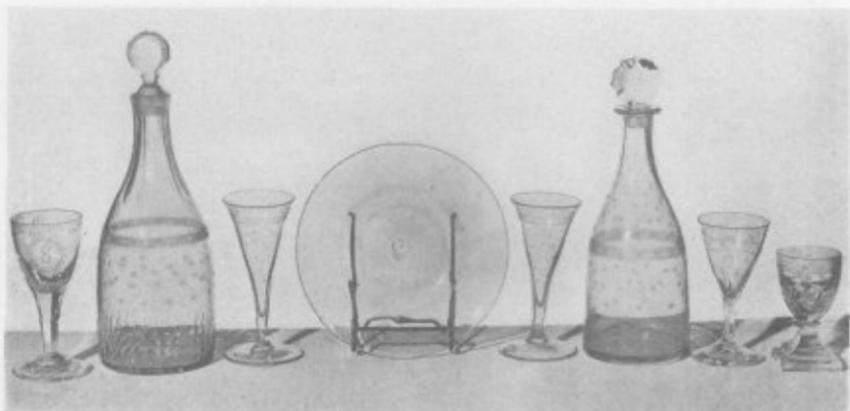
The ball room of the Amelung house before removal of woodwork.



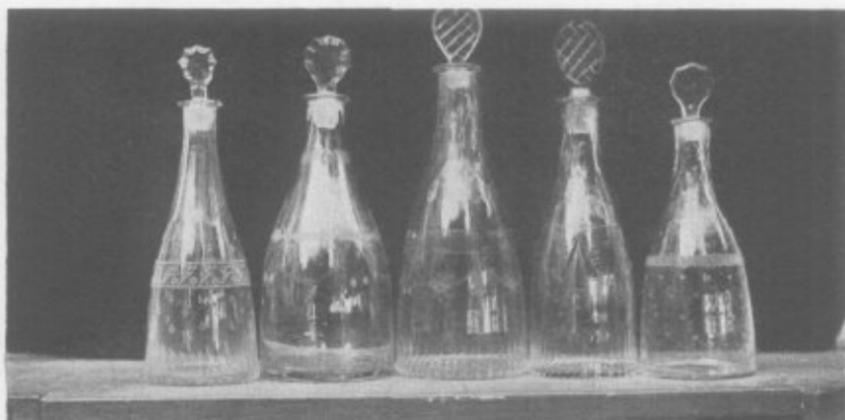
Cupboard in parlor showing bust of Hamilton.



Arched and panelled window recess in parlor.



Pieces attributed to J. F. Amelung, from collection presented by Mr. and Mrs. E. W. Kemp to the Maryland Historical Society, 1948.



Part of collection attributed to Amelung, owned by Mr. W. Dan Quattlebaum, Pasadena, California. Courtesy of owner.



ENGRAVED GOBLET MADE AND PRESENTED BY AMELUNG TO  
GOVERNOR MIFFLIN OF PENNSYLVANIA.

Bearing the arms of the State of Pennsylvania, this piece is inscribed on the other side: *New Bremen Glass Manufactory, 1791*. Height 10 inches. This piece was probably made in connection with the great celebration, January 1, 1791, of the election of Thomas Mifflin as Governor. Tradition has it that Mifflin, president of Congress in 1784, was one of the leading Americans to whom Amelung brought letters of introduction on arrival in this country. Courtesy of the Metropolitan Museum of Art, which acquired the goblet in 1937. The broken foot has been replaced by a walnut base.



CEREMONIAL GOBLET OR "POKAL," AS IT WAS KNOWN IN GERMANY,  
MADE AND SENT BY AMELUNG TO THE CITY OF BREMEN.

The bowl is inscribed: *New Bremen Glass Manufactory—1788—North America, State of Maryland*. On the other side: *Old Bremen Success and the New Progress*. The arms are those of the city. Height  $11\frac{1}{4}$  inches. Courtesy of the Metropolitan Museum of Art which acquired the piece in 1928. The goblets illustrated with two other inscribed and dated presentation pieces from the Amelung works have been called "the most important and significant [group] in early American glass" (McKearin).

There seem to have been difficulties almost from the first. From 1785 through 1789 there are advertisements from time to time in the Baltimore papers, sometimes describing the company's table glass, sometimes mentioning only their window glass, 8 x 10 and 7 x 9.<sup>31</sup> I have found no advertising of their wares after 1789, and it may be that their financial difficulties became crucial about this time. In 1788, Amelung had applied to the State of Maryland for financial assistance. He said that he had brought glass manufacturing to perfection, but had spent £20,000 in the process. He was employing 342 persons in the Manufactory at the time. His application was favorably received, and he was given a loan of £1000 and a tax exemption for five years.<sup>32</sup>

About the time of this appeal a serious fire broke out at New Bremen.<sup>33</sup> We do not know whether it destroyed a part or all of the buildings connected with the industry, such as the "glass-houses, flattening houses, ware-houses and stables" or whether some of the dwelling-houses went up in flames.<sup>34</sup> Twice in 1790, Amelung wrote of "his heavy, well-known loss by fire" and referred to it as having happened very lately.<sup>35</sup>

It must have been this tragedy, following his failure to get a large state appropriation which led him to go to New York to appeal to Congress, then in session there. He petitioned the Congress as follows:

To the Honorable the Senate and House of Representatives of the United States in Congress assembled;

The petition of John Frederick Amelung of the State of Maryland most respectfully sheweth,

That since the year 1785 he has laid out upwards of twenty thousand pounds in bringing several hundred Workmen from Europe, purchasing three thousand Acres of land, and establishing a compleat American Glass-manufactory at New Bremen in the State aforesaid.

That he has, from time to time, encreased his works as his original Stock

<sup>31</sup> *Maryland Journal and Baltimore Advertiser*, Feb. 11, 1785; *Maryland Chronicle*, Nov. 29, 1786; *Maryland Journal*, May 22, 1789.

<sup>32</sup> *Laws of the Maryland Assembly*, May session, 1788, ch. VII; Statement of J. F. M. Amelung, Chancery cases, MS 1767, Hall of Records, Annapolis, Land Office.

<sup>33</sup> Since he did not mention it in the appeal, and does mention it in subsequent appeals, we may assume that it occurred between the two periods.

<sup>34</sup> Description in advertisement of sale, *Federal Intelligencer and Baltimore Daily Gazette*, March 23, 1795.

<sup>35</sup> Petitions of J. F. Amelung, May 26 and June 29, 1790, Records of U. S. Senate, 1st Congress, 2nd Session, National Archives.

would admit, and flattered himself, shortly to be able to supply the United States, in a great degree, with Glass of every kind, and on reasonable terms, and equal in quality to any imported from any part of the world.

That, by his exertion he has nearly expended his original Stock, and owing to the unforeseen high prices of Grain this Year, the dulness of Trade in almost every branch of business, (that of Grain and Flour excepted), the small demand for Glass, and the difficulty of collecting outstanding Debts, at this time, when Cash is become so scarce, he finds almost insurmountable difficulties in carrying his original design into execution. To this he begs leave to add, that he has very lately met with considerable loss by fire, and is also well-assured, that measures are now taking in England to prevent the success of the Manufactory; so that the Works, which bid fair to become of great and lasting Utility to the United States, are in danger of being rendered totally useless.

That he hath, at this time, upwards of four thousand pounds worth of Glass of all kinds on hand, as well as nearly the same sum in outstanding debts, and the whole estate is clear of debts; but, as between four and five hundred people now employed by him look up to him for their daily subsistence, and as some additional Works ought still to be erected to complete the original design, he humbly begs leave to solicit the Aid of the Government of the United States in this important Undertaking, either by granting him a loan of Money, upon the most undoubted and unequivocal Security, or by such other means, as Congress in their Wisdom may see fit.

And he will pray-

Joh. Friedr. Amelung

New York, 26, May, 1790.<sup>86</sup>

On his return to New Bremen he sent a second petition, describing an ambitious plan he had conceived for the establishment of glass-houses in Virginia and the Carolinas for the purpose of supplying the southern states. He wanted a grant of money, but he also asked that the protective tariff be raised on imported glass in order to protect his own and similar industries. It read as follows:

To the honourable the Senate and House of Representatives of the united States in Congress assembled.—

The petition of John Frederick Amelung of the State of Maryland respectfully sheweth.—

That he by his return from New York has received Letters from Germany, which advise him that some Glass-makers have embarked for Baltimore to work with him, which he expects dayly, and a good many more, have offered to come over with their Family's as soon as he desires them to come. He has not only offered the different Glass-Houses established on this Continent to assist them, if required, but repeats now this offer pub-

<sup>86</sup> Petition of J. F. Amelung, May 26, 1790, *Ibid.*

lickly, and further intends to erect a Glass House in the State of Virginy, all which is well known to a Number of the Members of the Honourable Houses.

Now he finds by the above mentioned Letters, that he is not only able to fulfill his promises but to extend his Plan.—

Your petitioner humbly prays if the Honourable Houses would not give him a Grant of a certain Number Acres of Land in that extensive Tract which the State of Carolina has ceded to the united States free of Taxes for—Years, to build two or Three Glass Houses on it, from which the Southern States might be supplied, it would make little odds to him if the Country was mountainous and also not well adapted for Cultivation, if only well-timbered, and close to Navigable Water, on which the Products of this Manufactory might be brought to market.—

The Advantages, which such a Colony would be to adjacent Country is very obvious, as the Number of Inhabitants in a few Years would amount to upwards of Five Hundred. The Neighboring Lands would increase to more than double their value. Such a Number of People living together on a small spott would be a greater Barrier against the Invasions of the Indians than scattered Plantations, whom they would be able to protect. Is this plan brought into Execution than the greatest part of the united States can be supplied with Ease with Glass of their Country's Manufactory.

Your Petitioner further prays that the Honourable Houses will please to raise the Duty on imported Glass, which in the beginning will not only increase the Revenue of the united States, but at the same Time enable him to execute his Plan with more ease and certainty.

As extensive his Plan may appear, your petitioner promises to execute the same, having surmounted the chief Obstacles which hitherto have attended the greater part of the Glass-Works, erected in the united States—Viz the want of Workmen.—

Your petitioner further prays the Honourable House to grant him for his Services he has already done the Publick in augmenting the Population of the Country, and the large amount of ready Cash he has brought from Europe, and now circulates in it, a grant of such sum of Money as the Honourable Houses, according to their generous Disposition will think best, not only to enable him to repair his heavy well known Loss by Fire, as to pay the Freight and Expenses of those workmen, he dayly expects, of which he has to defray all the Charges from their respective Homes, and to support them, and those which in all probability will soon follow, so that he according to the Plan proposed, may soon put them to Work.—

Your Petitioner lastly offerd to lay before the Honourable Houses from Time to Time Accounts grounded upon facts & Evidence how far he is succeeded with his Plan, and he is fully persuaded that those Accounts will give certain proofs, that his Plan is grounded upon solid foundations, and your petitioner will for ever Pray etc etc—<sup>87</sup>

New Bremen Glassmanufactory  
The 29 June 1790.—

Joh. Friedr. Amelung.

<sup>87</sup> Petition of J. F. Amelung, June 29, 1790, *Ibid.* In the case of both the letter

These two letters were probably prepared for Amelung and copied by him in his own hand. The English shows evidence of copying, and Amelung's own signature is that of a German, using the German forms of his name. His name in the body of the letters, on the other hand, is given in the English form.

The records of Congress show that Amelung's first letter, dated May 26, 1790, was filed on that day and was referred to a committee.<sup>38</sup> A week later on June 3 Charles Carroll of Carrollton, a member of the committee and a neighbor of Amelung, made a report. He summarized Amelung's petition and recommended favorable action, emphasizing, unfortunately inaccurately, that the manufactory had been a going concern since 1778. A lively debate followed, and the principle of such loans from the federal government was vigorously opposed in some quarters. William Laughton Smith of South Carolina, argued that the federal government did not have the power to make such loans. This position was opposed by Elias Boudinot and Charles Carroll of Carrollton. Boudinot informed his colleagues that the New Bremen product was the best ever produced in America. Smith won the day with an unanswerable question. Amelung had asked for the loan "upon the most undoubted and unequivocal security." Smith pointed out that although £20,000 had been spent, the enterprise was still in danger of failing. How, he asked, was the government to get its money back if an accident occurred? He was perhaps thinking of the fire to which Amelung himself had referred. The report was "negatived" and Amelung got no help from Congress, either as a loan, or in the form of an increase in the protective tariff.<sup>39</sup>

The decision of Congress was made on June 3, 1790. Amelung's second letter to Congress was written from New Bremen on June 29. Although not mentioned, the contents of this second petition suggest that Amelung had learned of the rejection of his application. His second letter was an elaboration of the first, giving details not previously mentioned, and speaking of nebulous plans for extending the glass industry all over the country, in particular, it appears, to the regions represented in Congress by some of the opponents of Amelung's application. He brought in such currently

of May 26 and that of June 29, simultaneous letters went to the Senate and House of Representatives. Only the Senate copy was available and this was therefore the one used. The heading of the letters show that they were identical.

<sup>38</sup> *Annals of Congress*, 1st Congress, 2nd Session, p. 1616, May 26, 1790.

<sup>39</sup> *Ibid.*, same session, pp. 1629-32, June 3, 1790.

important matters as the defense of the frontiers against the Indians.

Among the "Public Acts of Congress" during the first session, there had been passed an "act for laying a duty on goods, wares, and merchandise imported into the United States."<sup>40</sup> Contrary to some present-day writers, this was not a duty primarily for the protection of the glass industry. It taxed some seventy-four categories of merchandise, including "all looking-glasses, window and other glass, except black quart bottles." Amelung's second petition sought to have the duty increased on imported glass, but his request was not granted, although slight general increases including glass were made later. One gets the impression that his second letter was a last, frantic effort to persuade Congress to reverse its decision on a matter which was literally one of life and death to the New Bremen manufactory.

Although it had been impossible to induce Congress to interest itself financially in Amelung's enterprise, it was highly thought of in other important quarters. There is a well-known passage in one of Washington's letters to Jefferson in which he wrote: "A factory of glass is established upon a large scale on the Monocacy near Fredericktown in Maryland. I am informed that it will produce this year Glass of various kinds nearly to the amount of three thousand pounds value. This factory will be essentially benefited by having the navigation of the Potomac completely open."<sup>41</sup> This passage has been taken by descendants of Amelung's neighbors at New Bremen to prove that Amelung was a personal friend of Washington, and that while president, Washington was a frequent visitor at New Bremen. There is no evidence whatever to support the story. Washington and Jefferson were much interested in the development of necessary industries in the new Republic, as the frequent references to manufacturers in the correspondence between them, and in their letters to others testify. The excerpt quoted above reveals no personal knowledge of New Bremen, but sounds rather like the information of one who had received a delegation sent to inform him of the progress of a scheme in which he had a strong, if general interest.

There may be truth in the other local legend, that Amelung went to Mount Vernon in person to present a sample of the New

<sup>40</sup> *Ibid.*, 1st Congress, Appendix, pp. 2129-30.

<sup>41</sup> George Washington to Thomas Jefferson, Mount Vernon, Feb. 13, 1789, George Washington, *Writings* (39 vols. Washington, 1931-1944), ed. by John C. Fitzpatrick, XXX, 198-199.

Bremen achievements to Washington. Amelung made a number of magnificent presentation pieces, of which there are two in the Metropolitan Museum today, and some others in private hands. One of the Metropolitan pieces, which shows the arms of Pennsylvania, was made for General Thomas Mifflin, who at the time of the presentation, 1791, was Governor of Pennsylvania.<sup>42</sup> He had been president of the Continental Congress in 1784 when Amelung arrived in this country. Another piece, with the arms of the city of Bremen, went to the backers in Germany. It is not inconceivable that Washington and other persons of prominence were similarly honored.

Amelung's pamphlet, printed in 1787, had evidently been sent to Congress with his petition. In the copy of the pamphlet now in the Boston Athenaeum, the blank leaves at the end are filled with extensive notes in Amelung's hand dated June, 1790. To judge from these notes, it is not at all impossible that this copy of the pamphlet is the very one which Amelung sent with his petition. His pamphlet treated at length the attitude of various European sovereigns towards the matter of subsidies for industries. He contended that high protective tariffs, subsidies, and exemption from taxation and military service were the rule, rather than the exception in all prosperous European countries. He pointed particularly to the case of Catherine the Great, who started with nothing, and built up an extensive glass industry in Russia by means of a 100% import duty on glass. Although Amelung admitted the American fear of special privileges, he felt that it would be fatal to the interests of the country. He mentioned also his early difficulties, especially the cool reception he had met as a foreigner. Amelung may have been badly cheated in some of his first business deals when he arrived. In the papers of his son, there is mention of the father having bought land for wood, only to have found some of the wood surreptitiously cut in the course of the negotiations.<sup>43</sup> This may have been the basis of Amelung's recommendation that it would be of "great encouragement for beginning manufacturers if patriotic citizens would assist foreign ones with their good advice, give them protection against imposition (which often is the case with foreigners who are strangers to the laws of this country.)"<sup>44</sup>

<sup>42</sup> Metropolitan Museum of Art, *Early American Glass* (New York, 1936), Introduction and figure 15.

<sup>43</sup> Land Office, Chancery Cases, MS 1767, Hall of Records, Annapolis.

<sup>44</sup> Amelung, *Remarks on Manufactures*, MS notes and pp. 4-9.

Alexander Hamilton showed some familiarity with Amelung's plans. In his report on manufactures in 1790, he advocated the encouragement of such industries by means of bounties provided by tariff duties, essentially what Amelung had asked for his own plant in his petition to Congress. In his report Hamilton mentioned specifically problems of glass manufacture. He said that the materials for making glass were plentiful in this country, but that capital and labor were both lacking. He spoke of the "increasing consumption of window glass and bottles." Finally he wrote, "the glass manufactory on the Patowmack, it is said, gives employment to five hundred persons."<sup>45</sup> There seems to be no reasonable doubt that he was referring to the New Bremen plant, for no other factory fits the description in any detail. His mistaken idea that it was on the Potomac may be traced to Amelung's own pamphlet, and the resulting popular notion that New Bremen was on the Potomac. Perhaps it is because of this error, that Hamilton's knowledge of New Bremen has never been previously noticed.<sup>46</sup> We have no proof of any relations between Hamilton and Amelung, but we may hazard a guess that Hamilton's activities and interest in manufactures were well-known at New Bremen. There is still at Amelung House a contemporary cast of Guiseppi Ceracchi's famous bust of Alexander Hamilton.<sup>47</sup> One wonders if it may not have once occupied a place of honor on a pedestal in the establishment.

Foreign visitors knew about New Bremen, and some must have visited there. Two French travellers described the settlement. Brissot de Warville was in the vicinity and probably visited it in 1788. He wrote:

<sup>45</sup> Alexander Hamilton, "Report on Manufactures," in Alexander Hamilton, *Works* (3 vols., New York, 1810), I, 266-67.

<sup>46</sup> A. H. Cole, *Industrial and Commercial Correspondence of Alexander Hamilton*, (Chicago, 1920), pp. 119-120. Cole says that the factory was at Alexandria, Va., and that it had been visited by Brissot de Warville in 1788. There is no record of a glass factory in eighteenth-century Alexandria. Brissot de Warville was also in the vicinity of Frederick.

<sup>47</sup> The bust was identified by Mr. Marvin C. Ross and Miss Dorothy Hill of the Walters Art Gallery, and Miss Anna Wells Rutledge of the Peabody Library, all of Baltimore. Mr. Theodore Sizer of Yale University, kindly sent additional suggestions and bibliography. Mr. Sizer knew several casts of the Hamilton bust. This writer examined one of them, in the Maryland Historical Society, Baltimore. The cast at Amelung House is a very good one, marked "J. Lametti fecit." The name of the original artist, and the place, Philadelphia, can be read with difficulty. The bust in the Maryland Historical Society, which was received as a gift in 1865 is similar, but inferior to the one at Amelung House. The artist, G. Ceracchi (1751-1802) did a number of excellent portrait busts and was particularly active in America in 1791.

In the United States the prodigious consumption of glasses, bottles, and window glass is increasing the number of glass-manufactories. It is said that the one on the Potowmac now employs more than 500 persons. And how the business will increase when the canals, now under construction connecting the great rivers shall have reduced the cost of transportation of provisions.<sup>48</sup>

Brissot de Warville knew the factory in its early and prosperous period. Some years later La Rochefoucauld-Liancourt, recorded a scene far less happy:

A glass-manufactory had been established some miles from Fredericktown. Either because of bad management or bad luck on the part of the managers who came from Bremen in Germany, or because of lack of capital, or because of a combination of a variety of causes, this manufactory has gone the way of all such early establishments. It is now so near to complete collapse that one may give it up as hopeless.<sup>49</sup>

Unfortunately, the second French writer was correct. In 1793 Amelung mortgaged part of his land to James Labes, who apparently joined Amelung in the firm of Amelung and Labes. In 1794, he also gave a mortgage to Abraham Faw, his agent in Frederick.<sup>50</sup> In 1795, the Glass Works were put up for sale.

A bargain!

A bargain!

The subscribers offer for sale, the New Bremen Glass Works, and 2000 acres of *Land*, about nine miles from Fredericktown, within forty miles of the Federal City, and not more than six miles to the river Potowmac. There are on the premises, 30 one and two story Dwelling Houses; two Glass Houses; two Flattening Houses; Warehouses and Stables; the necessary Buildings for boiling pot-ash; in short all the Buildings that are wanted to carry on the manufactory of blowing Glass, on a large and extensive plan. There are only two small Farms cleared on the Land, the remainder is all in woods. The Land is mostly of a kind and good quality. There is a valuable *Mill Seat* about two hundred yards from the Works on Bennett's Creek, on a large and never-failing stream. As every person inclining to purchase will wish to see the premises, we think it unnecessary to give a more minute description. For terms apply to Abraham Usher, of Baltimore, or to Amelung and Labes living on the premises.<sup>51</sup>

Amelung seems to have given up at this point, and either be-

<sup>48</sup> J. P. Brissot de Warville, *Nouveau voyage dans les Etats-Unis . . . fait en 1788* (Paris, 1799), p. 269.

<sup>49</sup> La Rochefoucauld-Liancourt, *Voyage dans les Etats-Unis d'Amerique fait en 1795, 1796, et 1797* (8 vols., Paris, 1799), V, 109.

<sup>50</sup> Statement of J. F. M. Amelung, Hall of Records, Land Office, Chancery cases, MS 1767, Annapolis; Frederick Co. Land Records, WR 12, fol. 151.

<sup>51</sup> *Federal Intelligencer and Baltimore Daily Gazette*, March 23, 1795, repeated a dozen times within a month.

cause of discouragement or poor health or both, he made over his unmortgaged interests to his son, John Frederick Magnus Amelung, on September 22, 1795. The property was technically sold to the son for the sum of five shillings plus "a consideration of natural love and affection."<sup>52</sup>

After 1795 the finances of the Amelungs and their Glass Works become so complicated that it is impossible to establish a clear and connected story with the material now extant. Certain facts emerge, and these point to a family situation the complications of which rival those of the finances themselves. It appears that there were no buyers when the sale was announced in 1795. Some time later, the firm of Amelung and Labes became insolvent, and the State appointed receivers for the property. It was again put up for sale, and this time it was bought in by Peter Adolph Volkmann, Sophia Volkmann's husband, who had been a member of the family since 1797. This sale seems to have taken place in 1799. Volkmann bought the tract known as "Adam's Bones" for £760, paid part of the price, and gave his note for the rest, that is, £200, "on the account of J. F. M. Amelung." In mentioning this last point, Volkmann declared that he made no effort to take possession himself until December 11, 1799.

In the same year, part of the land, supposedly the unmortgaged section still held by J. F. M. Amelung, was sold to Adam Kohlenberg and John Christian Gabler. The tract was one which lay along the stream, probably on the south bank, where at least one of the Glass Ovens was located. Varlé's map of Frederick County (1808) shows this oven plainly under the name "Kohlenberg Glass Works." Adam Kohlenberg and John Christian Gabler were to pay him with "725 boxes of good merchantable eight-by-ten window glass."

In 1797 Peter Volkmann had been involved with another relative in a real-estate transaction. He had acquired some property in Baltimore from Alexander Furnival, the well-known Baltimore post-master, and the father-in-law of J. F. M. Amelung, Volkmann's wife's brother. In 1800, Volkmann had financial troubles, and when Furnival pressed him for payment, of the note, he persuaded Furnival to accept his interest in the New Bremen property in lieu of payment. Furnival was to assume the debt still due on that property. Things reached a crisis almost immediately when

<sup>52</sup> Land Office, Chancery cases, MS 1767, Hall of Records, Annapolis.

Volkman became bankrupt. J. F. M. Amelung was appointed trustee for Volkman's property, although Amelung had recently passed through bankruptcy, and had lost the very property involved. Amelung refused to convey the New Bremen property to his father-in-law on Furnival's demand. In 1801 Furnival sued and got a judgment awarding the estate to him.<sup>53</sup>

In the meantime, Johann Friedrich Amelung had died in Baltimore at the home of his daughter and her husband, Peter Volkman. The New Bremen property was listed for delinquent taxes in 1800<sup>54</sup> J. F. M. Amelung, and his wife, Sophia Furnival Amelung, had left New Bremen and had followed other members of the family to Baltimore. On June 27, 1800, Amelung announced in the *Federal Gazette* that his new *Baltimore Glass Works* would start making "all kinds of Glassware and Bottles" on July 1. He is listed in the Baltimore Directory of that year as "Superintendent of the Glass Works." He was in partnership with his father-in-law, despite the bankruptcy of them both and the suits in which they had been involved. The partnership, however, was dissolved in 1802.<sup>55</sup>

However promising this venture seemed, Amelung was ruined by becoming involved in extensive litigation with his father's former agent in Frederick, Abraham Faw. Faw charged that enormous debts were due him from the New Bremen business, chiefly for purchases made on Amelung's order in Philadelphia. Faw maintained that the transfer of property by Johann Friedrich Amelung to his son in 1795 had been fraudulent, and executed for the purpose of cheating Faw by reducing the value of the property sold in bankruptcy in 1799. He also claimed that the sale to Kohlenberg and Gabler had been of the same type.<sup>56</sup>

Another transaction of similar nature seems to have occurred in 1801, for J. F. M. Amelung now gave a deed of trust to his brother-in-law, Peter Adolph Volkman, for "all his property."

<sup>53</sup> This story is pieced together from Land Office, Chancery Records, MS 1767, Hall of Records, Annapolis.

<sup>54</sup> *Federal Gazette*, Nov. 21, 1798; *Rights of Man*, April 22, 1800.

<sup>55</sup> *Federal Gazette*, Aug. 11, 1802. The site of the Baltimore Glass Works was on the harbor at Hughes Street (now Key Highway) between Henry and Covington Streets, where its successor company, the Federal Hill Glass Works of Baker Bros. & Co. remained as late as 1873. For this information the author is indebted to Mr. E. V. Coonan, of Baltimore.

<sup>56</sup> The records of this litigation make up the parcel of records frequently referred to above: Land Office, Chancery Cases, MS 1767, Hall of Records, Annapolis.

It should be recalled that Amelung had been bankrupt, and that his property had been bought in by Volkmann in 1799. The next year Volkmann was bankrupt, and Amelung was appointed trustee. Then, in 1801, Amelung was again in difficulties and borrowed from Volkmann, to whom he gave a mortgage on everything he owned.

The litigation dragged on, and the property again reached the receiver's hands. J. F. M. Amelung and his father-in-law Alexander Furnival both became bankrupt, and the trustee sold the property of both on the same day, June 18, 1804. The announcements show that a part of the property was still in Amelung's hands, and that another part, including the Mansion House, belonged to Furnival. By this remarkable series of financial transactions and bankruptcies, Furnival came into possession of his daughter's home, only to lose it immediately.

On June 2, 1804, an announcement appeared in the *Federal Gazette and Baltimore Daily Advertiser*:

Exposed for sale at Auction on Wednesday, the 18th day of June next, at 12 o'clock, on the premises. Part of the effects of Frederick M. Amelung, a bankrupt—a tract of Land near Fredericktown, part of the survey on Right and Good Reason, containing 560 acres, clear of elder surveys; on said land is erected an extensive glass manufactory with the necessary buildings and ovens; 14 or 15 dwelling houses; barn; stables; etc.—Some of the land is under good fence; it is well adapted for farming or planting. It will be offered in lots, or undivided, as may best suit the purchasers.

Immediately after the sale of the above will be sold: Part of the effects of Alexander Furnival, a bankrupt, a tract of Land adjoining the above, called New Bremen, containing about 280 acres. On this tract is erected a number of dwelling houses, one of which is a large commodious two story brick house, kitchen, spring-house, stables, etc. There is also a mill seat on this land on a never-failing stream or water. Terms will be made known at the time and place of sale.

By order of the assignees, Reuben Elling, Messenger to the commissioner of bankruptcy and auctioneer.

The connection of the Amelungs with the Glass Works in both Frederick and Baltimore seems to end here. There is a rumor that J. F. M. Amelung and his wife moved away immediately and went to Pittsburgh, and that he had some connection with a Glass Works there. The daughters seem to have remained in Baltimore. Fredericka lived there with her second husband, Dr. Philip Somerkamp, whom she had married in Frederick. He died in 1805,

leaving her with five children. She died in Baltimore in 1838.<sup>57</sup> Sophia, who not only married and survived three husbands, somehow managed to get from her husbands or future husbands contributions, financial and otherwise, in the repeated economic crises of her family. By her first husband, Peter Adolph Volkmann, who died in 1805, she had two daughters. Her second husband, Albert Seekamp, married her in 1806, but died in 1811, leaving her with a son and two more daughters, and a large fortune. Within the year, she married a third time, this time another Amelung, who may have been a relative, Friedrich Leopold Eberhard Amelung, a man a little younger than herself.<sup>58</sup> They had two children, both girls.

Caroline Griepenkerl, the daughter of Frau Amelung's sister, was somewhat younger than any of her cousins, and unlike them, was born in Frederick. She married in 1808, her husband being Carl Friedrich Kalkmann, by whom she had three sons and two daughters. Frau Griepenkerl and her sister, Frau Amelung lived on in Baltimore after the death of their respective husbands. Frau Amelung died in 1815. Her sister died in 1847, after reaching the ripe age of eighty-two, surviving her husband by some forty-five years at least.<sup>59</sup> Unlike her sister, who had daughters in a position to look after her, and unlike her nieces, some of whom were left in more than comfortable circumstances, Frau Griepenkerl seems to have had problems. She is listed in the Baltimore directory of 1804 as keeper of a boarding-house, a sad fate for one who, as a young woman of nineteen had sold her inheritance in Germany in order to come with her sister to the New World.

One striking thing about this family is the impression one gets of very strong family ties and family devotion which seem to have survived the intricate if not actually questionable financial dealings in which they became involved. From the first, one notices the frequency with which they stood sponsor at baptisms for each other's children, particularly the two grandmothers, who seem to have been in great demand, not only for their own grand-children, but for the numerous nieces and nephews. The children without exception, received at baptism, the names of their grand-parents, uncles, aunts, or cousins. This was not an uncommon practice in

<sup>57</sup> Baltimore County Records, Administrations, Liber 21, f. 540; *Baltimore Sun*, June 30, 1838.

<sup>58</sup> *Federal Gazette*, Feb. 1, 1811; *Baltimore American*, Oct. 20, 1812.

<sup>59</sup> Records of the Zion Lutheran Church, Baltimore, pp. 15, 344, 424.

the German communities in Pennsylvania and Maryland, but it at least testifies to the fact that they got on together. More striking still is the evidence which appears in the communion records of the Zion Lutheran Church in Baltimore for many years after the family moved there. There are frequent references to the appearance at communion of Frau Griepenkerl, accompanied by her daughter, Caroline Kalkmann. All the Amelung daughters managed to attend together, on many occasions of which we have record, and sometimes the Amelung daughters, Frau Griepenkerl and Caroline Kalkmann, all came together, to judge from the order in which their names appear.<sup>60</sup> The Baltimore directories of the first years of the nineteenth century show them to have been neighbors, living on the same, or neighboring streets. There are a number of descendants living in or near Baltimore today.

Of the glass, the writer is not qualified to speak. It has been dealt with in detail by the McKearins and by Knittle, and is the subject of many articles, learned and otherwise.<sup>61</sup> People still dig hopefully in the ground where the old ovens once produced works of art, but the fragility of glass has made discoveries of anything but fragments impossible.

When one visits the place today, one gets a peculiar realization of its history. From the front porch of the house, there is a view over the pasture towards Sugarloaf Mountain. It is not difficult to see in the road across the pasture, the route once taken by wagons going to and from the factory, and to imagine the houses, the ruins of which are in summer hidden by the trees, inhabited by Amelung's five hundred workmen.

The lands once owned by the Amelung family, the Mansion House, a second known residence on the county road, and lesser buildings of all sorts passed through many hands after the sale of the estate in 1804. For the most part they were neglected and allowed to decay. In 1940, Mr. and Mrs. Alden Fisher of Frederick bought the Mansion House and an acre of land around it. They restored it beautifully but were unfortunately unable to live in it as they had hoped. In 1947 they sold it to Mr. and Mrs. William Rogers Quynn of Frederick, who now live there.

<sup>60</sup> *Ibid.*, pp. 74, 106, 258, 299, 312, 485, 497.

<sup>61</sup> Rhea Mansfield Knittle, *Early American Glass* (New York, 1921); George S. and Helen McKearin, *American Glass* (New York, 1941). The gift to the Society by Mr. and Mrs. Ernest W. Kemp of a collection of glass pieces, most of which have been attributed by competent judges to the Amelung works, was described in the May, 1948, issue of *Maryland History Notes*, news bulletin of the Maryland Historical Society.

## SOME MARYLAND LAWYERS IN SUPREME COURT HISTORY <sup>1</sup>

By PHILIP B. PERLMAN

Maryland lawyers are responsible for many brilliant and fascinating pages, and even chapters, in the history of the Supreme Court of the United States. From the very moment the Court was established by the Constitution, members of the Maryland bar began to take a leading part in the formulation of decisions which laid down the broad principles under which it functions today as perhaps the most powerful court of any country in the world. It is the court of last resort, supreme in its field as head of the judicial branch of the Federal Government, equal, and in some respects superior in authority to the legislative and executive branches; for although the legislative and executive branches are each sovereign in its own branch of government, the Supreme Court is the agency which defines the limits of jurisdiction of each of the branches, including its own, under the Constitution and laws of the country; and the Supreme Court's determinations are binding on the other branches of Government.

The importance of the place the Supreme Court was to occupy in history was not realized when it was first organized. It was not until some years later, when Chief Justice John Marshall was writing his famous opinions, that the Supreme Court began to emerge as the great agency of government it has since become. The first justices nominated to the Senate by President Washington on September 24th, 1789, included the name of Robert Hanson Harrison of Maryland, then forty-four years of age, who was Washington's close personal friend and his former military private secretary. There is evidence that President Washington had a greater personal interest in Harrison's nomination than in any

<sup>1</sup> Address before The Maryland Historical Society on Wednesday evening, May 26, 1948.

other for he wrote his nominee a letter in which he said: "Your friends and your fellow-citizens, anxious for the respect of the Court to which you are appointed, will be happy to learn your acceptance and no one among them will be more so than myself."<sup>2</sup> Harrison, at the time of his appointment to the first Supreme Court, had been Chief Judge of the General Court of Maryland for eight years. Five days after Harrison was confirmed as an Associate Justice of the Supreme Court of the United States, he was chosen as Chancellor of Maryland, and decided that the office was preferable to the federal post. Washington requested him to decline the Maryland Chancellorship and Alexander Hamilton made an especially strong plea, writing:

After having labored with you in the common cause of America during the late war, and having learned your value, judge of the pleasure I feel in the prospect of a reunion of efforts in this same cause; for I consider this business of America's happiness as yet to be done. In proportion to that sentiment has been my disappointment at learning that you had declined a seat on the Bench of the United States. Cannot your determination, my dear friend, be reconsidered? One of your objections, I think, will be removed; I mean that which related to the nature of the establishment. Many concur in opinion that its present form is inconvenient, if not impracticable. Should an alteration take place, your other objection will also be removed, for you can then be nearly as much at home as you are now. If it is possible, my dear Harrison, give yourself to us. We want men like you. They are rare at all times.<sup>3</sup>

Harrison was not moved by these urgings, and declined to take the oath of office. Two years later, in 1791, John Rutledge, South Carolina, resigned as Associate Justice of the Supreme Court to become Chancellor of South Carolina, and Thomas Johnson, the first Governor of Maryland, elected February 13th, 1777, under the Constitution of 1776, was nominated by President Washington to fill the vacancy. At the time he was appointed the former Governor was Chief Judge of the General Court of Maryland and also a Commissioner of the Federal City.<sup>4</sup> When Johnson resigned as Chief Judge of the General Court of Maryland, he was suc-

<sup>2</sup> Quoted in Charles Warren, *The Supreme Court in United States History* (Boston: Little Brown, 1938) I, 42.

<sup>3</sup> *Ibid.*, p. 42-43.

<sup>4</sup> While Johnson was serving in this capacity, the three commissioners decided that the Federal District should be known as the Territory of Columbia, and the Federal City, the "City of Washington."

ceeded in that office by Samuel Chase, who was later to become the third Marylander named to the Supreme Court.

Judge Edward S. Delaplaine, of the Court of Appeals of Maryland, in his most interesting biography of Thomas Johnson points out that "At this time the Justices, in addition to their work on the Supreme bench, were required to hold Circuit Courts in pairs, together with the Judge of the District in which the Court was held. Travel was slow, fatiguing and dangerous;" and Johnson pointed out to President Washington that the duty of circuit riding was, because of the state of his health, highly objectionable. However, he accepted on the President's urging, based also on the prospect that the Congress would terminate the circuit duties of the Associate Justices. The President emphasized the "probability of future relief from these disagreeable tours."<sup>5</sup>

Judge Delaplaine points out that although Justice Johnson did not take his seat on the Supreme Court until the August term of 1792, he was in time to write the first opinion in the *Reports* of the United States Supreme Court. The February and August terms of 1790, held in New York, brought practically no business before the Supreme Court, and the same thing was true of the terms in 1791, held in Philadelphia. Because of ill health and the bad roads, Justice Johnson could not make the journey to Philadelphia for the February term of 1792.

It is interesting to note that the very first case on the docket of the Supreme Court was *Vanstaphorst vs. The State of Maryland*, in the August term of 1791, but it was never argued. The case in which Justice Johnson wrote what was to become the first recorded opinion was *State of Georgia vs. Brailsford, et al.* After the first hearing Justice Johnson's opinion, dissenting from the majority, held that the bill for injunction did not contain allegations sufficient for the exercise of equitable jurisdiction. Justice Cushing agreed, but the Chief Justice, and Associate Justices Iredell, Blair, and Wilson held the fund in controversy until the Court could be better satisfied as to the remedy and the right. The injunction was continued at the February term, 1793, and in August Justice Iredell swung over to the views previously expressed by Justice Johnson. The case was eventually tried before a jury; the verdict, against the State of Georgia, thus reached the result originally expressed by Justice Johnson.

<sup>5</sup> Edward S. Delaplaine, *Life of Thomas Johnson* (New York: 1927), p. 475.

Because of failing health, Justice Johnson resigned January 16th, 1793. When John Jay resigned as Chief Justice of the United States in 1795, Justice Rutledge was appointed in his place, but the Senate rejected the nomination. It is said that President Washington then asked Thomas Johnson to return to the Court as the Chief Justice, but the nomination was declined. Judge Delaplaine does not mention this incident in his book, but it is certain that in that year President Washington did urge Thomas Johnson to become Secretary of State, and that Mr. Johnson declined because, as he wrote the President, "I do not think I could do credit to the office of Secretary; I cannot persuade myself that I have the necessary Qualifications for it and I am too old to expect improvement. My strength declines and so too probably will my mental powers soon."<sup>6</sup>

Johnson was born in 1732, and died in 1819, at the advanced age of 87 years. He was 63 years old when, because of frail health, he declined Washington's efforts to have him re-enter the national scene, but he lived on for 24 years more.

Samuel Chase, born in 1741, had a contemporary part in early Maryland history with Thomas Johnson, and with such figures as Hanson, Carroll, Jenifer, Martin, McHenry, and Samuel Smith. He made his home in Annapolis in 1760, after having been admitted to the bar, and was a delegate to the first Continental Congress. He went to Canada with Benjamin Franklin and Charles Carroll in an effort to win it over to the approaching conflict with England, and arrived at Philadelphia in time to sign the Declaration of Independence. After the war was over Chase moved to Baltimore, and in 1788 became the judge of the new criminal court. In 1791 he became chief judge of the General Court. Five years later, in 1796, he became, by appointment of President Washington, an Associate Justice of the Supreme Court of the United States.

Samuel Chase had been, before he was elevated to the Supreme Court, a leader among the anti-Federalists. He joined with Luther Martin, whose great fame as a lawyer spread from Maryland to all sections of the nation, in opposing the ratification by Maryland of the Federal Constitution. He believed in the sovereignty of the States, and he was always at war with those who argued for a strong federal government. After he went on the Supreme Court,

<sup>6</sup> Delaplaine, *op. cit.*, p. 497.

however, and the contest developed between Adams and Jefferson, Justice Chase reversed his ideas and his beliefs on national issues, and became an ardent exponent of Federalism, particularly with respect to the authority and independence of the Federal judiciary. A few months after he assumed his duties on the Federal bench, Justice Chase wrote the opinion of the Court sustaining the validity of an act of Congress imposing excise taxes. In this case (*Hylton vs. United States*, 3 Dallas 171) the Supreme Court, for the first time, exercised its function of passing upon the constitutionality of an act of Congress. President Adams appointed John Marshall as Chief Justice on January 31st, 1801, and shortly thereafter, with Jefferson as President, the contest between the two schools of thought became intensified. Jefferson resented bitterly statements appearing in Marshall's opinion in the great case of *Marbury vs. Madison*, in which an act of Congress purporting to confer original jurisdiction upon the Supreme Court in mandamus cases was held to be unconstitutional. Justice Chase was one of those who became a target for condemnation by the anti-Federalists. As in more recent days, when the executive becomes dissatisfied with the lack of cooperation by the judiciary, ways and means of arriving at a harmonious interpretation or enforcement of the laws, satisfactory to the executive, are bound to be considered. A little over ten years ago, the bench and bar and public were aroused over what was called a plan to "pack" the Supreme Court by adding additional judgeships. In Jefferson's day, an effort was made to change the trend of the decisions by impeachment. Samuel Chase was described as an overbearing man and a candid partisan, although his great ability and his absolute integrity and fearlessness were unquestioned. Justice Chase did not hesitate to use violent language, and in Baltimore, while engaged in charging the grand jury, indulged in severe criticism of the Jefferson administration. Immediately after this, the House of Representatives adopted a resolution for impeachment proceedings, and the Senate ordered the trial to proceed. Justice Chase was defended by an array of the most brilliant legal minds then in active practice in the nation, headed by the acknowledged leader of his profession, Luther Martin of Maryland, and including Robert Goodloe Harper and Philip Barton Key, two of Maryland's best lawyers, and Charles Lee, of Virginia, former Attorney General of the United States, and Joseph Hopkinson, of Pennsylvania.

John Randolph, of Roanoke, administration floor leader, headed the managers for the House of Representatives. The presiding officer of the trial was Aaron Burr, then Vice-President of the United States. With President Jefferson urging the prosecution and many of the leaders in the nation's political life active participants, the trial became one of the most dramatic episodes of its kind in the history of our country. The hearings began November 30, 1804, and continued until March 1, 1805. Practically all legislative business was suspended during the period. When the vote was taken the necessary two-thirds was not reached and Justice Chase was acquitted. He returned to the Supreme Court and was active in the performance of his duties until his death six years later.

Justice Cushing of the Supreme Court died on September 3, 1810, and the vacancy on the Court had not been filled, although President Madison made three or four attempts when Justice Chase died on June 17, 1811. On November 15, 1811, President Madison nominated Joseph Story of Massachusetts. The vacancy caused by the death of Justice Chase brought the names of three Maryland lawyers and one Delaware lawyer to the front. The three Marylanders were John Thomson Mason; Robert Smith, who served in three cabinet posts—Secretary of the Navy, Attorney General and Secretary of State; and Gabriel Duvall, who had been Comptroller of the Treasury since 1802. President Madison finally named Gabriel Duvall, and he and Justice Story were confirmed by the Senate in November, 1811. The two new Justices took up their duties at the 1812 term. Justice Duvall served on the Court for 24 years, resigning during the 1835 term after he had become almost totally deaf. Chief Justice Marshall died during the same term, so that all of Justice Duvall's tenure of 24 years was served during the period when John Marshall was Chief Justice, and exerted his great influence for the establishment and maintenance of an independent and powerful judiciary. It was the period when our system of government was given stability and permanence, and when the decisions of the Court were of the greatest importance in building a strong Union. Even a cursory glance at the history of that period will show the depth of emotions aroused over the conflicting views of great patriots over the status of the federal government in relation to the state governments. That conflict has not been completely resolved down to

the present day, although a Civil War, now happily in the dim past, was fought over the same issues. Throughout the period Marshall and the Justices who ruled with him proved their courage and unflinching devotion to the principles which are now accepted as foundation stones of our national edifice. There is no time here to analyze the great cases of the Marshall period and to discuss their importance, but every student of constitutional law knows that they gave vitality to the Constitution, and established a form of government so strong that it has weathered every storm and yet has been elastic enough to meet the problems of changing conditions and times.

During the last years of service of Associate Justice Duvall another Maryland lawyer was taking a leading part in national affairs, Roger Brooke Taney, who, after serving as Attorney General of the State of Maryland, was appointed by President Jackson in 1831 as Attorney General of the United States. Taney, brother-in-law of Francis Scott Key, author of the Star Spangled Banner, himself an eminent practitioner before the Supreme Court, was immediately plunged into the violent controversies that raged throughout the Jackson administration. Chief among these were the struggle with the State of South Carolina over its nullification doctrine, and the fight to destroy the power of the Bank of the United States. President Jackson and Attorney General Taney worked as a team on these problems. The issue of nullification was met by the declaration: "The Federal Union. It must and shall be preserved," a pronouncement that electrified the whole country. The bank issue prompted Jackson to decide to withdraw all government deposits. When his Secretary of the Treasury refused to withdraw the federal funds, Jackson removed him and gave Taney a recess appointment. Taney resigned as Attorney General and became Secretary of the Treasury, September 24, 1833, for the express purpose of carrying out the plans he had previously made with the President. The bank and its friends retaliated by attempting to throw the country into a financial panic. Commerce dried up, unemployment was widespread, prices dropped and poverty struck terror into the hearts of the people. Jackson and Taney were blamed on all sides, and daily speeches in the House and Senate denounced them. Such oratorical giants as Webster, Clay, and Calhoun led the attack. But Jackson stood firm. So did Taney. That is, Taney stood firm until the President

was obliged toward the end of the "panic session," to send his name to the Senate for confirmation. The Senate rejected the nomination, and Taney was out of office. He came home to Baltimore to be greeted as a conquering hero in one of the greatest and most enthusiastic gatherings ever held up to that time. Before many months had gone by Gabriel Duvall resigned from the Supreme Court and President Jackson promptly nominated Roger Brooke Taney as Associate Justice in his place. Clay and Webster combined to defeat Taney again, succeeding in having his nomination indefinitely postponed. But when, a short time later, Chief Justice John Marshall died, President Jackson again sent Taney's name to the Senate, this time with the appointment as Chief Justice of the United States. There had been, in the interim, some changes in the Senate, and the efforts against him by Clay and Webster were at long last unsuccessful. Taney became Chief Justice on March 5, 1836. He served until his death, October 12, 1864, a period of 28 years. Although he participated in many important decisions, he is chiefly associated in the public mind with the Dred Scott decision on March 6, 1857, two days after the inauguration of James Buchanan as President of the United States, holding that Congress had no power to exclude slavery from the territories. The many and bitter controversies in which Taney had taken part became insignificant in the presence of the heavy assaults on the Supreme Court by those who were opposed to the institution of slavery. At the close of the Buchanan administration the Civil War was beginning. It has been pointed out that for a time after the Dred Scott decision the standing of the Court had become so impaired that it was unable entirely to play its proper role of supervision, either during the period of war when the military powers of the President underwent undue expansion, or during the period of reconstruction, when the legislative powers of Congress might have been subjected to sorely needed restrictions by the judicial branch.

But Taney did what he could to maintain the status of the judiciary as the defender of the rights of the citizen, in war as well as in peace. In the great case of *Ex Parte Merryman* he held President Lincoln's suspension of the writ of *habeas corpus* to be in violation of the Constitution. Merryman, a prominent citizen of Baltimore, was arrested by the military and imprisoned in Fort McHenry. He obtained a writ, which the army officers refused to

obey, and Taney issued an attachment for contempt which could not be served, because the army declined to honor it. Taney's opinion, which he ordered sent to the President, followed. Once more Taney was subjected to a storm of abuse, and, although he refused to budge from his position, he wrote in 1863 that he was unable to hope that the Court would "ever be again restored to the authority and rank which the Constitution intended to confer upon it."<sup>7</sup> Had he lived but four years after this pessimistic expression, Taney would have witnessed such a restoration. In the case of *Ex Parte Milligan*, the Supreme Court, then composed largely of Republicans, held to be illegal the establishment of military tribunals in States where civil courts were open. And the *Milligan* case was followed by other rulings designed to protect the individual citizen from discriminatory legislation.

With the passage of the years, historians and scholars have come to agree that Taney is entitled to stand beside John Marshall as one of the two greatest Justices in Supreme Court history. A contemporaneous review had this to say of him:

He presided over the Supreme Court of the United States for upwards of twenty-eight years. To borrow the suggestive words of Cushing: "He had inducted into office nine Presidents of the United States; and as he stood on that historic eastern front of the Capitol, the Republic's giant steps, in the lofty dignity of his great form and office, year after year witnessing and assisting at the rise and fall of parties, of Administrations, of dynasties, all else seemed to be transitory as day and night, evanescent as dream-spectres, whilst he and it were stable and monumental alone in this government." His professional career was nearly contemporaneous with the judicial career of Chief Justice Marshall. Together they filled that high office for more than sixty-three years, and may be said to have built up the great structure of Federal jurisprudence, of which the foundation only was laid by their predecessors. . . . Upon all points of new practice, he almost uniformly, even when very infirm and unable to write other opinions, delivered the judgment of the Court. The stability, uniformity, and completeness of our national jurisprudence is largely to be attributed to the fact that, for sixty-three years, only two persons presided over the Supreme Court and that, its business accumulated and the docket became crowded, Chief Justice Taney possessed that organizing genius which rendered the practice complete and systematic. His judicial Associates speak with profound respect of his value in the consultation-room; and it is the concurrent voice of all whose professional avocations brought them into personal relations with him that there was a sweetness and benignity, a courtesy of the heart as well as of the manner, and a simple kindliness,

<sup>7</sup> Quoted in Warren, *op. cit.*, II, 374.

especially to the younger members of his profession, which rendered him a conspicuous example for all Judges to imitate. The patient and untiring attention which he always gave to counsel while addressing the Court is worthy of perpetual remembrance. . . . Whatever opinion posterity may form of the greatness of the Judge, there can be but one as to the purity of his heart and his earnest fidelity to his own understanding of his duty. He was twice the object of general denunciation by large multitudes of his countrymen. . . . It is doubtless too soon to expect cool and fair judgment upon one who on such different occasions, so conspicuously opposed popular sentiment. It is an unhappy American custom to charge treason and baseness upon those who differ from us on great questions of policy and law. . . . The calmer judgment of posterity may, perchance, say that, as an abstract question of constitutional law, the Chief Justice rightly interpreted the law as it was, and that the dissenting voices only proclaimed what it should have been. Revolution has confirmed their dissent, and, if amendment was needed, the sword has amended the construction now.<sup>8</sup>

It should be noted that, with the exception of the three-year period from 1793 to 1796, a Maryland lawyer sat on the Supreme Court from the time opinions began to be issued and recorded until near the close of the Civil War, and that for 28 years of that time the Chief Justice was a Maryland lawyer. The Maryland bar has done its full share in writing that part of the history of the Supreme Court derived from its decisions during its formative and most important periods. But it is not only as judges that Maryland lawyers have contributed to the history of the Court. Their contributions as practitioners have been no less notable. Seven Marylanders have served as Attorney General of the United States and have represented the federal government before the Supreme Court. Robert Smith of Maryland was appointed Attorney General by President Jefferson; William Pinkney by President Madison; William Wirt by President Monroe; Roger Brooke Taney by President Jackson; John Nelson by President Tyler; Reverdy Johnson by President Taylor, and Charles J. Bonaparte by President Theodore Roosevelt.

Charles Warren, in his *History of the American Bar*, says that Maryland's pre-revolutionary bar was of great ability and of trained men educated in the law. At the head of the Maryland bar at that period was

Daniel Dulany, the younger, who was born in 1721, educated in the Temple, and admitted to the Bar in 1747. So extended became his reputation that he was consulted on questions of jurisprudence by eminent law-

<sup>8</sup> Quoted in *Ibid.*, II, 397-8.

years in England; and cases were frequently withdrawn from Maryland courts, and on one occasion even from the Chancellor of England, to submit to him and abide by his award. His opinions, like those of his father, were deemed of such weight that many of them were included with reports of decided cases, when law reports were first printed in Maryland, in 1809.

At the time of the Stamp Act agitation, he was hailed as the William Pitt of Maryland, because of his remarkable pamphlet on *Considerations on the Propriety of Imposing Taxes on the British Colonies for the Purpose of Raising a Revenue by Act of Parliament*, published at Annapolis in 1765.

Contemporary with Dulany were Thomas Johnson, who, born in 1732, became Chief Justice of the General Court of the State in 1790 and Judge of the United States Supreme Court in 1791; Charles Carroll, who, born in 1737, studied in the Temple in London in 1757, returned to Maryland in 1765, and was one of the Signers of the Declaration of Independence; William Paca, born in 1740, a graduate of the College of Philadelphia in 1759 and of the Middle Temple in London, was Chief Justice of the State in 1778, Governor in 1782, and Judge of the United States District Court in 1789, also one of the Signers; Samuel Chase, the 'torch that lighted up the Revolutionary flame' in Maryland, born in 1741, Signer of the Declaration, Chief Justice of the State in 1791, Judge of the United States Supreme Court in 1796; Thomas Stone, born in 1743, one of the Signers; Charles Gordon, John Hammond; and George Chalmers, a Scotch lawyer, who came to Baltimore in 1763 and returned to England in 1775, a noted writer, his *Opinions of Eminent Lawyers on Various Points of English Jurisprudence Concerning the Colonies, Fisheries and Commerce of Great Britain* being of especial interest to students of Colonial law.<sup>9</sup>

During the period immediately following the creation of the Court, the acknowledged leader of the Maryland bar, and one of the greatest lawyers in the nation was Luther Martin, who participated in many of the important cases before the Supreme Court. He is described as a lawyer of great force, of profound learning and memory. Charles Warren says he was discursive, slipshod, and sometimes inaccurate. "The rude vigor, pertinacity and fearless courage of the man made him hated by those whom he opposed—'an unprincipled, Federal bull dog,' so Jefferson called him."<sup>18</sup> Jefferson had good reason to dislike Martin for it was Martin who led the successful defense for Justice Samuel Chase in the impeachment proceedings sponsored by the Jeffersonians in Congress, and it was Luther Martin who won an acquittal for Aaron Burr, Jefferson's enemy, indicted on the charge of treason. Martin was of counsel in the great case of *McCulloch vs. Maryland* (4 Wheat. 316) involving the right of the State of Maryland to

<sup>9</sup> Charles Warren, *History of the American Bar* (Boston, 1911), p. 55-56.

<sup>18</sup> *Ibid.*, p. 258.

tax the second Bank of the United States. The bank was represented by William Pinkney of Maryland, then regarded (1818) as the greatest lawyer in the country, by Daniel Webster, and also by William Wirt, Attorney General of the United States. The State was represented by Luther Martin, Attorney General of Maryland, Joseph Hopkinson, of Philadelphia, and Walter Jones, of Washington, D. C. The argument began February 22, 1819, and lasted nine days.

Justice Story thus describes Luther Martin in 1808:

Shall I turn you to Luther Martin, that singular compound of strange qualities? With a professional income of \$10,000 a year, he is poor and needy; generous and humane, but negligent and profuse. He labors hard to acquire, and yet cannot preserve. Experience, however severe, never corrects a single habit. I have heard anecdotes of his improvidence and thoughtlessness which astonished me. He is about the middle size, a little bald, with a common forehead, pointed nose, inexpressive eye, large mouth, and well formed chin. His dress is slovenly. You cannot believe him a great man. Nothing in his voice, his action, his language impresses. Of all men he is the most desultory, and inaccurate. Errors in grammar, and, indeed, an unexampled laxity of speech, mark him everywhere. . . . But everyone assures me that he is profoundly learned, and that though he shines not now with the lustre of his former days, yet he is at times very great. He never seems satisfied with a single grasp of his subject; he urges himself to successive efforts, until he moulds and fashions it to his purpose. You should hear of Luther Martin's fame from those who have known him long and intimately, but you should not see him.<sup>11</sup>

One of the most extraordinary actions in the history of the American Bar occurred in 1822, when the Maryland Legislature imposed a license tax of \$5 annually on every practicing attorney, to be paid to trustees for the use of Luther Martin, he being then broken in health and fortune.

William Pinkney, after he argued the case of *Manella vs. Barry*, (3 Cranch. 415), his first case in the Supreme Court, became the undisputed head of the American Bar, and remained at the top until his death in 1822. As Charles Warren says,

So great was his practice that in the eighth volume of *Cranch's Reports* he is found arguing in twenty-three out of forty-six cases. The comments of his contemporaries are interesting. "He appears to me," wrote Story when a Judge of the Court in 1812, "a man of consummate talents. He seizes his subject with the comprehension and vigor of a giant and he breaks forth with a lustre and a strength that keep the attention forever on

<sup>11</sup> W. W. Story, *Life and Letters of Joseph Story* (Boston, 1851).

the stretch." Chief Justice Marshall stated that he never knew his equal as a reasoner—so clear and luminous was his method of argumentation; and he further said: "Mr. Pinkney was the greatest man I have ever seen in a court of justice." "He had an oceanic mind," said Willitm Wirt, "he was the most thoroughly equipped lawyer I ever met in the courts."

Chief Justice Taney wrote of Pinkney in 1854: "I have heard almost all the great advocates of the United States, both of the past and present generations, but I have never seen one equal to him."

Pinkney's preparation of his cases and arguments was elaborate to the uttermost degree. Though in manner and dress, a fop, arrogant, vain and often boisterous, though laboring under the handicap of a harsh and feeble voice, "yet notwithstanding these defects," wrote Justice Story, "such is his strong and cogent logic, his elegant and perspicuous language, his flowing graces, and rhetorical touches, his pointed and persevering arguments, that he enchants, interests, and almost irresistibly leads away the understanding."<sup>12</sup>

Again, says Warren:

Of Pinkney's three days' speech, in the case of *McCulloch vs. Maryland*, Justice Story wrote, March 3, 1819:

"Mr. Pinkney rose on Monday to conclude the argument; he spoke all that day and yesterday, and will probably conclude today. I never, in my whole life, heard a greater speech; it was worth a journey from Salem to hear it; his elocution was excessively vehement, but his eloquence was overwhelming. His language, his style, his figures, his arguments, were most brilliant and sparkling. He spoke like a great statesman and patriot, and a sound constitutional lawyer. All the cobwebs of sophistry and metaphysics about State rights and State sovereignty he brushed away with a mighty besom. We have had a crowded audience of ladies and gentlemen; the hall was full almost to suffocation, and many went away for want of room."<sup>13</sup>

Of Robert Goodloe Harper, Warren says:

The lawyer whose name appears in more cases than any other member of the Bar between 1800 and 1815 also came from Maryland—Robert Goodloe Harper—able in mercantile cases, a thorough lawyer and a felicitous and graceful orator; Philip Barton Key, Francis Scott Key, W. H. Winder, and David Hoffman were also prominent representatives of the Maryland Bar.<sup>14</sup>

William Wirt, who was born in Maryland in 1772, continued in active practice as one of the foremost lawyers of the country, until his death in 1834. Wirt, early in life, became an adopted

<sup>12</sup> *History of the American Bar*, p. 259-260.

<sup>13</sup> *Ibid.*, p. 380.

<sup>14</sup> *Ibid.*, p. 259.

Virginian. He was appointed Attorney General of the United States from Virginia, and after his period of public service was over, came back to Maryland, and resumed the private practice of law in Baltimore. He served twelve years, during three administrations, as Attorney General of the United States, participating in some of the most important cases decided by the Supreme Court. As a young man of 33 he was retained by President Jefferson to aid in the prosecution of Aaron Burr, and made a fine reputation for himself during the course of the trial. President Madison wanted Wirt to be Secretary of State, but Wirt declined because he was not ambitious politically, and preferred a post where he could practice his profession. Madison appointed William Pinkney Attorney General, and Wirt then accepted the District Attorneyship of Virginia. In his first case in the Supreme Court he was opposed by William Pinkney, the beginning of many such contests. Wirt became Attorney General of the United States in the Monroe administration, and entered the group of outstanding lawyers who argued the great questions involved in the case of *McCulloch vs. Maryland* and in the *Dartmouth College case*. Pinkney and Wirt were great rivals in the courts in Washington and Baltimore, just as Pinkney and Luther Martin had been a few years before.

After Pinkney's death in 1822 and Harper's death in 1825, Wirt alone remained to contest with Taney the leadership of the Maryland Bar, and they appeared in a number of highly important cases, among them being the case of *Brown vs. Maryland*, decided in 1827, in which Chief Justice Marshall's opinion, ruling against Taney's contentions, held that the Maryland statute imposing a tax on importers and vendors of foreign commodities was unconstitutional. After he had become Chief Justice, Taney's opinion in *Almy vs. California* (argued by Montgomery Blair of Maryland against Judah P. Benjamin) rejected his own previous contentions and followed Marshall's opinion in *Brown vs. Maryland*.

In 1832, Wirt accepted the ill-fated nomination for president by the short-lived Anti-Masonic party, the chief purpose of which seemed to be to provide opposition to the Democratic administration of President Jackson. Younger men were coming to the front, and that great figure of the Maryland bar, Severn Teackle Wallis, was beginning his law studies in Wirt's office.

For many years after the death of Daniel Webster, the acknow-

ledged leader of the American bar was Reverdy Johnson of Maryland. He was born in 1796 and was admitted to the bar in 1816 when Luther Martin had attained the zenith of his career; when William Pinkney was dividing his time between the courts and the United States Senate; Robert Goodloe Harper was still in active practice and William Wirt and Roger B. Taney were becoming prominent. The leaders of the Maryland bar were also among the leading lawyers of the nation, a true galaxy of stars. Reverdy Johnson began the practice of law in Upper Marlboro and a few years later was named an Assistant Attorney General. In 1817 he moved to Baltimore, and quickly became known for his great talents as a practitioner. When the Bank of Maryland failed in 1834, Johnson, as counsel for it, was blamed, and popular feeling was so great that riots took place, Johnson's home was wrecked and he and members of his family were driven from the city. In course of time, however, Johnson received a complete vindication, and the State indemnified him for the losses he had suffered. His critics became his friends and supporters, and he was elected to the United States Senate. Johnson left the Senate to become Attorney General in the Taylor administration, but when Taylor died Johnson resigned, and left the national government to resume the private practice of law. He appeared, without a fee, as counsel for Dred Scott before the Supreme Court in perhaps the most famous case in American history. Johnson won his case but the victory is regarded by many as one of the contributing causes of the Civil War. Johnson served on commissions in 1861 appointed by Congress and by the States to restore harmony and preserve the Union. Johnson first allied himself with the Democratic party but when war came he championed the Union cause, and he and his associates prevented Maryland from seceding. He was again, after a lapse of 13 years, elected to the Senate, and became the leader of the conservative forces, attempting to curb the vindictiveness and prejudices that prompted the proscriptions, disfranchisements and confiscations of the reconstruction period. Johnson, on the floor of the Senate and in the courts championed the cause of those who were victimized by the oppressive measures adopted by those responsible for what Claude Bowers, in his book on the reconstruction period, labelled "the tragic era." Johnson appeared in the famous causes of the time involving restraints on civil liberties and involving the legality of the military commis-

sions substituting for the established courts of justice. He argued for Mrs. Surratt, who went to her death on the charge of complicity in the assassination of President Lincoln. Reverdy Johnson also appeared in the case involving Father Cummings, a Catholic priest sentenced to jail on the charge of delivering a sermon without first taking the oath of loyalty. In this case (*Cummings vs. Missouri*, 71 U. S. 277) Johnson had with him another distinguished Maryland lawyer, Montgomery Blair, who, after being a Jacksonian Democrat, entered President Lincoln's cabinet as a Republican, serving as Postmaster General for about three and one-half years before his opposition to the administration's reconstruction policies caused him to withdraw and give allegiance once more to the Democratic party. Montgomery Blair participated in many famous cases, including the Dred Scott case, in which he argued against Reverdy Johnson. Blair's most admired and discussed presentation was his successful defense of Belknap, the Cabinet officer who was impeached by the Senate. Reverdy Johnson after the victory in the Cummings case, won another victory in the *Ex Parte Garland* case where the *ex post facto* loyalty oath was again invalidated. Although it is not part of the Supreme Court history, Reverdy Johnson will be long remembered for the ability he showed in debate on the floor of the United States Senate in the consideration of legislation during the reconstruction period, and particularly for his defense of President Andrew Johnson during the impeachment proceedings. This proceeding is the most important of its kind in the history of our country, and Reverdy Johnson is credited with saving the President of the United States from removal. He demonstrated in that case, as he did so many times before the Supreme Court, that he fully merits the place he occupies as one of the greatest lawyers of the American bar.

Charles J. Bonaparte, Attorney General in Theodore Roosevelt's administration, died June 28, 1921, so that there are many who knew him personally, and came into contact with him frequently during the years that he lived and practiced law in Baltimore. He was a grandson of Jerome Bonaparte, brother of the Emperor. He served during the period when President Roosevelt was making his reputation as a trust-buster. He was active in government litigation against the oil, tobacco, and powder trusts, and against the railroads who were becoming monopolies themselves and acquiring monopolies in the ownership and distribution of coal.

Mr. Bonaparte went out of office with the Theodore Roosevelt administration in 1908. Maryland has not had an officer of cabinet rank since. It has not been able to claim a member of the Supreme Court since Taney died in 1864. But the sons of Maryland, as the record shows, were among the great leaders in the days when the foundations of our government were being laid, and when the structure was given its permanent form. Their achievements help give meaning and substance to our institutions of government, state and federal. We have every reason to be proud of them and of the great heritage they have given to us, to all the people of the country, and to freedom-loving peoples everywhere in the world. They labored for the supremacy of the law. The result of their triumphs at the bar of the Supreme Court is that we have for ourselves, and so long as we can preserve it, a government of laws and not of men, a government that derives its authority from the people, and exercises its powers with their consent. In these troubled days of strange ideologies, where attempts are being made once more to glorify the State and to minimize rights of the individual, it may be of some value, not to say comfort, to look back upon the words and deeds of some of the Maryland lawyers in Supreme Court history.

# THE FOUNDING OF MOUNT SAINT MARY'S COLLEGE, 1808-1835

By THOMAS F. O'CONNOR

The tourist passing through the Monocacy Valley, on U. S. Route 15, cannot fail to note the imposing group of gray stone buildings nestling at the foot of the Catoctin Mountain, between Emmitsburg and Thurmont. Few who travel that way are aware of the long and honorable history of the institution, known as Mount Saint Mary's College. The third Catholic college established in the United States and the second in the State of Maryland, it has for decades been known as the "Mother of Bishops." From the ranks of its clerical alumni have come a number of outstanding American Catholic prelates, including the magnetic John Hughes, first Archbishop of New York, and John McCloskey, Hughes' successor in New York and America's first cardinal. Best known, perhaps, of its lay alumni, was Edward Douglass White, late Chief Justice of the Supreme Court of the United States. The institution comprises two major units, an ecclesiastical seminary devoted to the training of aspirants to the priesthood, and a college of liberal arts and sciences.

Among the refugees whom the excesses of the French Revolution drove to America's shores was the founder of Mount Saint Mary's.<sup>1</sup> The Reverend John Dubois was born at Paris on August

<sup>1</sup> The first Catholic institution of collegiate rank in the State was Saint Mary's College, Baltimore. Located on the grounds of Saint Mary's Seminary, its inception may be traced to the arrival in 1799 of three Spanish-speaking youths from Havana. Restricted in the beginning to students from the West Indies, it was permitted by Bishop Carroll in 1803 to accept students, both Catholic and non-Catholic, from the United States. It continued in successful operation until 1852 when it was closed by decree of the Superior General of the Sulpicians who felt that the conduct of a lay college was contrary to the spirit of his community. The most complete account of the college's history is by James J. Kortendick, S. S., "The History of St. Mary's College, Baltimore, 1799-1852" (MS.), Catholic University of America Library.

24, 1764, and among his fellow-students at the famous College Louis le Grand were the future revolutionary leaders, Desmoulins and Robespierre.<sup>2</sup> His theological studies were made at the Seminary of St. Magloire from which he was ordained to the priesthood on September 22, 1787. The initial years of his ministry were spent as an assistant at the Church of St. Sulpice, in his native city. In 1791, unable in conscience to take the constitutional oath, he left France and in the summer of the same year arrived at Norfolk, Virginia.<sup>3</sup> Bishop John Carroll, of Baltimore, whose diocese was then coterminous with the limits of the United States, accepted the proffered services of the refugee priest, and for a time Dubois remained at Richmond and attended the Catholics of the vicinity. In 1794 he was transferred to Frederick, Maryland, and entrusted with the spiritual care of the scattered Catholic population as far as Emmitsburg and Hagerstown. Although maintaining his residence at Frederick, he began, soon after the opening of the new century, to make preparations for an eventual removal to the neighborhood of Emmitsburg.

Between April and August, 1805, he purchased five parcels of land in the vicinity, including all of that portion of the present college property occupied by the college and seminary buildings, the athletic field, the cemetery on the hill, and the site of the former "Mountain" church.<sup>4</sup> In the spring of 1807 construction was commenced on the church, and on July 17 Father Dubois informed Bishop Carroll that "the new Church is building. I hope to say Mass in it on the 15th of August next, unfinished as it will be then, the inside work will not probably be completed before next spring."<sup>5</sup> Proximate to this church, but at the foot of the hill, he inaugurated his second project at Emmitsburg,—the educational institution which became known as Mount Saint Mary's College.

<sup>2</sup> Authentic data for much of Dubois' life is extremely scanty. The most satisfactory biographical account to date is that by Charles G. Herbermann, "The Rt. Rev. John Dubois, Third Bishop of New York," in the *Records and Studies* of the United States Catholic Historical Society, I, pt. II, 278-355.

<sup>3</sup> An unsupported tradition assigns to Patrick Henry the rôle of tutor in introducing him to the elements of the English language.

<sup>4</sup> Abstract of Titles of Mount Saint Mary's College Lands. Mount Saint Mary's Archives, Emmitsburg. (Hereafter cited as MSMA).

<sup>5</sup> John Dubois to Rt. Rev. John Carroll, Fredericktown, July 17, 1807. Baltimore Cathedral Archives, 8 A G 4. (Hereafter cited as BCA). The inscription on the corner stone of this church, removed some years ago from the site where the structure stood and now reposing in the basement of the Seminary Building, reads: "C. Stone / of / St. Mary's Church / Laid by the Reverend / John Dubois / 1807."

The details of the inception of this foundation are obscure.<sup>6</sup> The earliest extant letters of Father Dubois to his ecclesiastical superior, Bishop Carroll, concerning the developments at Emmitsburg contain no reference whatever to any educational enterprise. On the contrary, it is obvious that his first intention was to erect near the new church a residence or retreat to which he, and perhaps other priests, might retire when old age and infirmity crept upon them.

As for the 26 other acres contiguous it is (the church site) which I bought, I give you my word that I will give them for the use of the Church there altho' I wish to keep them in my hands as a refuge in my old age. Could I be sure to quitt [*sic*] this world before you, I would not hesitate a moment to put it and my whole self at your commands, but as I know not what may happen I think the best is to keep it in my hands untill [*sic*] my decease. . . .<sup>7</sup>

Yet, before the close of the same year, 1807, we find him writing Bishop Carroll concerning the possible establishment of a school on the acres adjoining the church:

One thing only must I add to what I wrote to you before—it relates to the new Church—when I considered the uncertain situation of the new little Seminary at Conawago [*sic*] and the favorable position of my new Church on the Mountains [*sic*] and the land adjoining, I thought it would be conducive to the good of Religion to transfer hereafter the said Seminary to my mountain provided it should meet with yr approbation. Accordingly I offered to my Revd. friends of the Seminary in Baltimore to make over to them the 1st purchase I made consisting of upwards of thirty acres and to buy another lot adjoining at their expense which, after having viewed the premises, they agreed cheerfully. However it was understood that I reserved my right to the same during my life-time. . . .<sup>8</sup>

This explanation of the inception of the education project at Emmitsburg agrees substantially if not in detail with the state-

<sup>6</sup> The only extensive history of Mount Saint Mary's is Mary M. Meline and Edward F. X. McSweeney's *The Story of the Mountain* (2 vols., Emmitsburg, 1911). Despite its bulk this work is little more than a collection of reminiscences and a chronicle, often inaccurate, of events. The foundation of the institution is discussed by Joseph W. Ruane in his *The Beginnings of the Society of St. Sulpice in the United States (1791-1829)*, Catholic University of America Studies in American Church History, vol. XXII (Washington, 1935), 158-186. Although drawing extensively upon documentary sources, Ruane has not escaped a number of inaccuracies and his narrative leaves many uncertainties unsolved.

<sup>7</sup> Dubois to Carroll, Fredericktown, May 14, 1807. BCA, 8 A G 3. See also, Dubois to Rev. Ambrose Maréchal, S. S., Emmitsburg, November 23, 1812, in Ruane, *op cit.*, 231-232.

<sup>8</sup> Dubois to Carroll, Frederick town, November 28, 1807, BCA, 3 F 11.

ment that the suggestion of a school at the site came from the Reverend W. V. DuBourg, S. S.<sup>9</sup> Both variants agree in turn with the long accepted belief that the immediate establishment of Mount Saint Mary's was due in large measure to the situation arising out of the termination of another pioneer venture of the same type. Since 1806 the Sulpician Fathers had been conducting a preparatory seminary on the farm of Joseph Harent, a French émigré, in the district known locally as Pigeon Hill, a short distance from Conewago, Pennsylvania.<sup>10</sup> The use of this site appears to have been given to the Sulpicians for the period of Harent's absence in France.<sup>11</sup> It was necessary, if the institution was to continue, that a permanent location be secured, and this necessity may well explain the negotiations being carried on between Dubois and the Sulpicians as early as 1807. Certainly, by January of the following year, Father Dubois was corresponding with Bishop Carroll concerning the legal and canonical relations that would arise from the existence of the two institutions—the college and the church—in such close proximity to one another.<sup>12</sup> Later in the same month the members of two local congregations met and signified their willingness that the title to the land on which the hillside church stood should be vested in the Baltimore Sulpicians:

It is the unanimous wish of the Congregation that the spot of ground whereon the new Church is building now should be vested in the Gentlemen of the Seminary of Baltimore or any of them appointed by them for this purpose, in trust for the use of the Elder's Congregation.

4th. knowing that the Establishment of a house of Education here will be of infinite service in every Respect to this Congregation, and that this Establishment will not take place without transferring the Land of the Church with the rest, we would not hesitate a moment to Sacrifice all the expenses we have incurred for the building of the Church, if it was necessary to procure . . . our children such Inestimable Advantages.<sup>13</sup>

<sup>9</sup> Dubois to Maréchal, Emmitsburg, November 23, 1812, in Ruane, *op. cit.*, 232.

<sup>10</sup> Brief accounts of the Pigeon Hill school will be found in Lloyd P. McDonald, S. S., *The Seminary Movement in the United States: Projects, Foundations and Early Development (1784-1833)*, (Washington, 1927), 21-22, and Ruane, *op. cit.*, 160-168.

<sup>11</sup> Ruane, *op. cit.*, 160, 164.

<sup>12</sup> Dubois to "Right Revd. & Dear Sir," Fredericktown, January 14, 1806. BCA, 8 A G 6.

<sup>13</sup> Arnold Elder In Behalf of Elder's Congregation [and] James Hughes In Behalf of Emmitsburg Congregation to John Carroll, [Emmitsburg], January 26, 1808. BCA, 8 A G 7. "Elder's Congregation" denoted those Catholics living in the

It is clear, therefore, that the project of establishing an educational institution on Father Dubois' land at Emmitsburg had reached the stage of negotiations with Bishop Carroll as early as November, 1807. Hence, Mount Saint Mary's College, although in a sense a successor to the Pigeon Hill establishment, was in its foundation a new and distinct institution, although its first students were most probably received from the Pennsylvania school.

Considerable uncertainty prevails concerning even the approximate date of the inception of classes in the new institution. Joseph Harent's return from France, reputedly in the autumn of 1808,<sup>14</sup> may have hastened the cessation of classes at Pigeon Hill and in turn accelerated the inauguration of scholastic work at Emmitsburg. At least a portion of the student body of the former were hastily transferred to Emmitsburg upon the receipt of information that Harent was returning to his farm.<sup>15</sup> If this vanguard of scholars arrived in the autumn of 1808, as has been advanced,<sup>16</sup> it would account for the long-accepted date of 1808 as the year of the foundation of Mount Saint Mary's.<sup>17</sup> It would, furthermore, lend substance to the equally old tradition claiming that prior to the erection of the first college building classes of some type were held in the old dwelling house known as Chinquapin, on the farm of Joseph Elder, a short distance to the east of the present campus.<sup>18</sup>

The first building erected at the college site was a long house, and constructed from the materials of an unfinished nearby distillery. Adjacent to this a second and larger two story structure of similar materials was put up, which, with a subsequent addi-

vicinity of Mount Saint Mary's as distinguished from those dwelling in or about the village of Emmitsburg, some two miles distant.

<sup>14</sup> Ruane, *op. cit.*, 164.

<sup>15</sup> Dubois to Maréchal, [Emmitsburg], November 23, 1812, in Ruane, *op. cit.*, 231-245.

<sup>16</sup> Ruane, *op. cit.*, 168.

<sup>17</sup> The generally accepted date of 1808 is controverted by testimony surviving from the period of Dubois' administration. The sketch of the college in *The Lairy's Directory* for 1822, p. 88, undoubtedly prepared from data furnished by Dubois or by some one acting under his direction, assigns the foundation to 1809. Similarly, the first printed prospectus, refers to the college as "Instituted in 1809." *Mount St. Mary's Seminary, Near Emmitsburg, Frederick, Frederick County, and State of Maryland.* (c. 1821). MSMA. If classes were already being held at Chinquapin as early as 1808 one may conclude that Dubois himself elected to date the foundation only from the year of occupancy of the first specially erected college building.

<sup>18</sup> Meline-McSweeney, *op. cit.*, I. 13.

tion, gave it, the main building of the college, a frontage of some ninety feet.<sup>19</sup> The first portion, at least, of this structure appears to have been completed and occupied by the close of the year 1809. A local resident, Thomas Harris, who as a young man had had a part in the building of the first, and perhaps of the second log structure, left a description, penned forty years later, of the beginning of construction. Allowing for a lapse of memory in details over four decades, his account undoubtedly conveys an authentic picture of the *milieu* in which the institution had its beginnings.

I was an active young man at the time. My father was a Protestant, my mother a devout member of your church. She would often bring me with her to Mass, and the Reverend (Father Dubois) seemed to take an interest in me. He would come to the house and ask me to do little jobs for him from time to time. Father would never tell me to do them, but would offer no objection; whenever the Reverend would ask for me, he would leave it to myself, which was all the Reverend required—I couldn't refuse. The first logs of your college were taken from an old house on the plantation. I was in Baltimore on the day of the hauling, and when I reached home I learned that the hauling was a failure, the wagon having broken down and the roads being bad. Mother asked me to go and see if I could not mend matters, so next day the Reverend came for me. I took my own team, and with much labor accomplished the task. The next job was hauling logs from near the top of Kartick's Knob. The Reverend announced from the altar that after Mass he would ask some of the congregation to help. Knowing the difficulty of the work, I had no desire to be of the number, so I got away before he had time to get around to the front of the church. Early the next morning, however, he was at the house. Father left me to my own desire in the matter; I looked at mother; she seemed to nod assent, so that fixed it; I had to go. The Reverend then got down from his horse and took breakfast with us, after which we started for the top of the mountain. And, indeed, if I had seen the place before, I would not have gone; besides, when we had got to the top, we found that none of the others had come. There was no backing out; the three colored men and myself set to the work, the Reverend himself, with his coat off, doing his share, and all of us wet through with the rain, so that it was quite a cheerless task. We succeeded in loading the first log, and were on the point of starting with it when the holdings gave way and it rolled down the hillside for a considerable distance, we having barely escaped being crushed. The second was more successful, and so on to the end until the whole number (twenty-two in all) was hauled. . . .<sup>20</sup>

<sup>19</sup> Dubois to Maréchal, [Emmitsburg], November 23, 1812, in Ruane, *op. cit.*, 231-245.

<sup>20</sup> Meline-McSweeney, *op. cit.*, 14-15.

The paucity of documentary records for the early years and the complete absence of printed accounts prior to about 1821 makes it difficult to compile a satisfactory narrative of the nascent years of the institution. Father Dubois' original intention of conducting an exclusively ecclesiastical seminary of preparatory grade soon gave way before the dictates of necessity. In 1821 he, or some one close to him, wrote:

This Establishment was founded in 1809: it was at first intended only as an Ecclesiastical Seminary. Its situation, remote from vices and dissipation of cities, appeared best calculated to train up in morality and virtue the youth, destined to become one day patterns of it, and apostles of religion. The healthy and pleasing situation of the place, its beautiful prospect which extends around as far as the eye can be held; an excellent spring of the purest water which issues out of the rock, and supplies all the houses and gardens; extensive pleasure grounds: all the local and moral advantages it possesses induced many parents to solicit admission for their children, although not destined for the ministry. Their request was granted the more readily, as, besides training up many children in virtue and science, it afforded a useful employment to young ecclesiastics, who, whilst they were pursuing higher studies, devoted a part of their time to teaching inferior classes; relieved the institution and themselves of the expense of their education, and supplied the seminary with able masters, whose very calling was a pledge of their moral, religious and modest conduct, and who thereby made an apprenticeship in the art of governing, so necessary for future pastors. This attempt succeeded the most sanguine expectations of the undertakers, and so constant has been the public patronage towards it, that it has been thought unnecessary to insert any advertisement concerning it in the public papers; hence it became known only within a small circle of friends, until lately, when it gradually drew the attention of the eastern, western, and middle states, of the West Indies, and South America, whence pupils are sent to it. . . .<sup>21</sup>

These lines indicate the distinctive practice, long maintained at Mount Saint Mary's, of employing the theological students as prefects and teachers in the lower classes. This system was already in operation as early as 1812; as we learn from the testimony of Father Dubois in November of that year.<sup>22</sup> In the same year there was appointed to the faculty the Reverend Simon Gabriel Bruté, who with the exception of some three years, thereafter remained associated with Mount Saint Mary's in the capacity of vice-president and professor until his appointment as Bishop of

<sup>21</sup> *The Laity's Directory* for 1822, 88-89.

<sup>22</sup> Dubois to Maréchal, [Emmitsburg], November 23, 1812, in Ruane, *op. cit.*, 231-245.

Vincennes, Indiana, in 1834.<sup>23</sup> The faculty in 1812 also contained the Reverend Mr. John Hickey, an advanced theological student who had been sent from Saint Mary's Seminary, Baltimore, to assist in the management of the new institution.

The system of student-teachers also resulted in another departure from the original plan for Mount Saint Mary's. This consisted in the development of a theological department, wherein students were carried through the entire course of studies in preparation for the priesthood. From the arrival of Father Bruté, at least, classes in theology and cognate subjects were a regular part of the curriculum, with Bruté doing virtually all the teaching in these fields. Father Bruté's accession to the ranks of the Emmitsburg faculty was providential for the infant institution. In addition to his own unique spirit of learning and sacerdotal zeal, he brought with him his carefully selected library, reputedly of some five thousand volumes, the first extensive collection of books, of which any record remains, to be assembled at the College.

The curriculum of these early days, apart from the courses offered the aspirants to the priesthood, is difficult to determine with any degree of satisfaction. It is not likely, however, that it advanced much beyond the secondary level throughout the first decade of the institution's existence. Even as late as 1820, Father Dubois, in reply to a letter of inquiry, replied: "I suppose your Child whom you wish to send is not above fourteen—otherwise I could not admit him, boys above that age being too difficult to train up to the discipline of such a house as this. . . ." <sup>24</sup>

With the publication of the first prospectus shortly after the beginning of the third decade of the century and of announcements in Catholic press and periodicals, along with the fuller files of business and scholastic records surviving from subsequent years, it is possible to reconstruct, in outline at least, a picture of the physical plant and scholastic offerings during the succeeding decade and a half.

The most complete announcement of this period is that appearing in *The Laité's Directory* for 1821. Prepared at virtually the same time as the first prospectus, its fullness of detail, as well as

<sup>23</sup> Mary Salesia Godecker, O. S. B., *Simon Bruté de Remur, First Bishop of Vincennes* (St. Meinrad, Indiana, 1931).

<sup>24</sup> Dubois, [Emmitsburg], January 14, 1820, to R. B. Mitchel, Dubois Letter Book, I. MSMA.

the scarcity of extant copies of the Directory, justifies its reproduction in part in these pages.

The buildings, some of which are only temporary, consist in a log-house for the students, one hundred and twenty feet long and two stories high; a stone house for washing and baking, forty feet long, and eight outhouses. Materials are preparing to build next year a large stone house, three stories high, ninety feet by forty.

The number of students amounts now to eight; that of the tutors, who are all young men intended for the ministry, amounts to twenty-two, besides the clergymen.

The parish church is erected on the ground of the seminary, on the declivity of the mountain. A fine organ and choir, and the number of attending ecclesiastics, added to the neatness of the church itself, and of its ornaments, give to the divine service a solemnity seldom to be obtained any where else.

The curriculum in the college, as distinct from the ecclesiastical seminary, embraced the classical languages, as well as French and Spanish. The courses in English were apparently carried through the sophomore year. The traditional courses in mathematics were offered, together with instruction in their practical application to surveying. Moral philosophy, or ethics, was taught, but the natural sciences were not yet offered on account of the lack of equipment. Instruction was provided in arithmetic, writing, and bookkeeping for those students destined for a business career.

The Seminary is under the government of a President and Vice-President, and twenty-two Professors, Prefects and Assistant Tutors.

\* \* \* \* \*

The Catholic religion alone is professed, without excluding those who should profess another, but attendance to the divine service and accustomed exercises can by no means be dispensed with, a rule which the good order of the house requires.

\* \* \* \* \*

The terms are—  
 For Boarding and Tuition (to be paid half yearly in advance) including washing and mending, per annum — \$135.00  
 Extra charge for French (if learned by the student) — 10.00  
 Use of bed and bedding (unless furnished by the parents.)— 8.00  
 Annual doctor's fees unless the parents prefer to run the risk of a bill in case of sickness) — 3.00  
 Pocket money, at the option of the parents, 12½ cents per week.<sup>25</sup>

<sup>25</sup> Pp. 89-91.

An account compiled many years later by an early alumnus of the institution essays to describe in somewhat fuller details the curriculum of the pioneer years. In 1813 there were being conducted classes in reading, English grammar, writing, geography, and practical arithmetic, two classes of French taught by the president and Father Bruté, five classes of Latin, the most advanced, composed of twelve scholars, translating Sallust and Virgil; two classes of Greek; a class of rational arithmetic, one of algebra, and one of geometry. A course of rhetoric, and one of logic, ethics and metaphysics were soon after introduced.<sup>26</sup> The essential accuracy of this account is substantiated by the composite syllabi and class lists located to date by the writer of this paper.<sup>27</sup>

Virtually no scholastic records of the theological department have survived. In 1822 Father Bruté, upon his own testimony, was teaching Theology, Philosophy, and Geography to the extent of four hours daily, while on holidays he had a class in Church History, on Thursday gave an ecclesiastical conference, and on Saturday a conference on Sacred Scripture.<sup>28</sup>

In the early twenties Father Dubois began the construction of the first of the permanent main buildings of the college. This was a stone structure, ninety five feet wide by fifty deep, and three stories in height. The building was virtually completed and already housed some equipment when on July 6, 1824, it was destroyed by fire. The only contemporary account that has come to the writer's attention is that which the *United States Catholic Miscellany*, of Charleston, South Carolina, borrowed from an anonymous publication and printed in its issue of June 24:

It is with deep regret we have to record the destruction by fire, on Sunday night, the 6th inst. of the new and spacious edifice intended for the accomodation of the students of Mount St. Mary's near Emmitsburg. And what renders the loss still more to be lamented is, that the fire has been communicated by some fiend in human form!

The building, we learn was 95 feet long by 50 deep, of stone and three stories high, and would have been completed in a few weeks at an expenditure little short of \$16,000. When first discovered, about 11 o'clock at night, the flames were found, to issue from between the roof and ceiling

<sup>26</sup> "Sketch of Mt. St. Mary's College, near Emmitsburg, Md.," in *The United States Catholic Magazine*, Baltimore, Vol. V (January, 1846), 36-43.

<sup>27</sup> Since the writer's primary concern in previous investigations of the Mount Saint Mary's Archives was with the period subsequent to 1820, he made no particular effort to locate scholastic records prior to that year.

<sup>28</sup> Bruté to Felix de Lamennais, 1812, cited by Godecker, *op. cit.*, 113.

[sic] of the garret, a part where accident could not have carried the fire. Besides there had been no fire used in the building for several weeks, and no person was permitted to carry even a lighted segar in or near the premises. Being destitute of either engines or hose all attempts to check the progress of the flames were soon found unavailing, and it was only by vigorous and unremitting exertions, for several hours, that they were able to preserve the old buildings which stood contiguous. As these remain uninjured the students in the different departments will continue their studies without interruption.

Considering the confusion incident to such a scene and the great number of youth at the Seminary, it must be considered fortunate that they have all escaped uninjured. Two or three individuals, not connected with the Institution, have suffered from accidents, one of whom it was at first apprehended had been very seriously injured, but we understand is now better and likely to recover. . . .<sup>29</sup>

The following month the same publication carried a notice of the efforts being made to rebuild the ruined structure:

At a meeting in the town of Emmitsburg, within a few days after the conflagration, fourteen hundred dollars were subscribed towards rebuilding the Seminary, of which sum one thousand was immediately placed in the hands of the Rv. Mr. Dubois. Since then we perceive by the public papers, that from the efforts which have been made by the friends of the establishment, and we are happy to know that they are numerous, there can be no doubt but that a sufficient sum will be speedily paid in to justify the President's renewed exertions in leaving to his successors a most commodious and useful edifice.<sup>30</sup>

In 1826 Mount Saint Mary's founder, Father John Dubois, was appointed Bishop of New York, and in October set out from Emmitsburg to his consecration which took place in New York on October 29. He was succeeded in the presidency of the college by the Reverend Michael De Burgo Egan, who died two years later in Europe, where he had gone in search of health. The administration then passed into the hands of the Reverend John McGerry. In the autumn of 1828 the Reverend John B. Purcell assumed control, first as vice president and later as president. Under Father Purcell's energetic direction, which continued until his appointment as Bishop of Cincinnati in 1833, substantial progress was made in the advancement of the institution's interests. In February, 1830, it was chartered and invested, by act of the General Assembly of Maryland, with

<sup>29</sup> The incendiary origin of the fire was never confirmed.

<sup>30</sup> *United States Catholic Miscellany*, Charleston, South Carolina, July 7, 1824.

full power and authority to hold public commencements and admit any of its students, or other persons meriting the same, to any degree or degrees, in any of the faculties, arts, sciences and liberal professions, except medicine, to which persons are usually admitted in other Colleges or Universities in America.<sup>31</sup>

During Father Purcell's administration "An extensive and costly apparatus of philosophical instruments was imported from France, and natural philosophy and chemistry became an established part of the academic course."<sup>32</sup> The faculty in 1832 consisted of a

Principal, Vice Principal, and nine Professors: one of Divinity, one of Natural Philosophy and Chemistry, one of Moral Philosophy, one of Rhetoric and Belles lettres, one of Mathematics, and four of Languages, besides several associate Professors, Prefects and assistant Tutors.<sup>33</sup>

In this year the course of academic studies covered seven years, the fifth, sixth, and seventh of which were obviously of college level.

*Fifth year.* Latin: Cicero's Orations, Livy and Horace; Exercises. *Greek:* Lucian, Xenophon and Homer. *Mathematics:* Application of Algebra to Geometry and Trigonometry; surveying and solids. History continued.

*Sixth year.* Rhetoric; Cicero's Orations continued; Tacitus, Horace. *Greek:* Homer continued; Graeca Majora. *Mathematics:* Spherical Trigonometry; Conic Sections; Fluxions, etc.; a three years' course of History concluded.

*Seventh year.* Rhetoric and Belles lettres. *Philosophy:* Natural and Moral. *Greek:* Graeca Majora (2d vol.) and Demosthenes; Longinus and Aristotle—*Mathematics:* Mechanics, Dialling, use of the Globes, Astronomy, etc. etc.<sup>34</sup>

The earliest faculty list located to date derives from 1835, during the administration of the college's sixth president:

Rev. Thomas R. Butler, President.

Rev. John McCaffrey, M. A. Vice President, Professor of Intellectual and Moral Philosophy, and of Rhetoric and Belles Lettres.

Rev. Edward J. Sourin, A. M. Professor of Greek.

Rev. James Quinn, A. M. Professor of Latin and adjunct Professor of Greek.

<sup>31</sup> Photostat of Act in MSMA.

<sup>32</sup> *The United States Catholic Magazine*, V (January, 1846), 36-43.

<sup>33</sup> *The United States Catholic Almanac* for 1833, 66.

<sup>34</sup> *Ibid.*, 67-68.

Dr. Anthony Hermange, A. M. M. D. Professor of Natural Philosophy and Chemistry.

James Miller, A. M. Professor of Mathematics.

Patrick Corry, A. M. Professor of History.

Rev. H. Xaupi, Professor of the French and Spanish Languages.

Caspar J. Beeleke, A. M. Professor of the Hebrew and German Languages.

William Andre, Professor of Music.

There are besides the above gentlemen about twenty others engaged in giving instruction in the various branches of study. Number of students in the College during the present year—112.<sup>35</sup>

Among the contributions of Mount Saint Mary's to the cultural life of American Catholics during the first half of the nineteenth century might be indicated the example and initiative it imparted to the foundation of other institutions of collegiate rank. Two of its student teachers became, after their ordination, founders of colleges in the Trans-Appalachian country—the Reverend George Elder, of Saint Joseph's College, Bardstown, Kentucky, and the Reverend William Byrne, of Saint Mary's College, at Lebanon. Still another, John Hughes, as Bishop of New York, inaugurated the educational foundation now known as Fordham University.

<sup>35</sup> *Ibid.*, for 1836, 102.

## THE CONSTELLATION'S FIRST MARINE OFFICER

By LUCIUS C. DUNN, Captain, U. S. N. (Retired)

Apropos of the present concern in the proposed project of preserving and rehabilitating the famous U. S. Frigate *Constellation* and because 1948 marks the 150th anniversary of her maiden cruise, it is of timely interest to view in retrospect the record and activities of some of the key personnel attached to the frigate while she was being fitted out and during her first cruise. Since this year also marks the 150th anniversary of the establishment of the U. S. Marine Corps (11 July 1798), it is even more appropriate that the subject of this article should be the first Marine officer attached to the *Constellation*—an officer, incidentally, ordered to the frigate prior to the passage of the act creating the Marine Corps itself.

The *Constellation* was one of the first three frigates built by our nation after adoption of the Constitution, the other two being the *United States* and the *Constitution*. The *Constellation* was built at Baltimore and launched on 7 September 1797.

A national crisis, brought about by the unwarranted capture and confiscation of American merchant vessels by French privateers during the European conflicts following in the wake of the French Revolution was the immediate cause of our government's decision to expedite the building and equipping of those first three frigates and of its sending them to sea, together with other vessels and armed merchantmen, to protect American shipping from French depredations. This resulted in the undeclared Franco-American Naval War of 1798-1801. The *Constellation*, commanded by Captain Thomas Truxtun, U. S. Navy, put to sea from Lynnhaven Bay, on 26 June 1798, to engage in that war.

In those early days of the United States Navy the officer commanding the Marine guard on board our naval vessels was, by law, designated by the title "Lieutenant of Marines." Two such officers

were allowed in the complement of the two forty-four gun frigates; the *Constellation's* authorized complement, however, called for only one Lieutenant of Marines. As early as 16 March 1798, in connection with fitting-out the *Constellation* for sea at Baltimore, we find the Secretary of War addressing a letter "To Lieutenant of Marines, Frigate *Constellation*":

Sir: The President of the United States, by & with the Advice & Consent of the Senate, having appointed you a Lieutenant of Marines in the Frigate *Constellation*, you will be pleased to commence the Recruit the Complement of Marines allowed by Law to the said Ship, to wit, Three Sergeants, three Corporals, one Drum & Fife, & fifty Privates. . . .<sup>1</sup>

In the naval archives' copy of the foregoing letter the name of the addressee was left blank. It is believed, however, that the letter was intended for one Philip Edwards, of Maryland, for in the Secretary of War's letter to Captain Thomas Truxtun, bearing the identical date as the foregoing letter (16 March 1798), we find the following quoted paragraphs:

Sir: I have it in command from the President of the United States, to direct you to repair with all due Speed on board the Ship *Constellation* lying at Baltimore.

It is required that no Time be lost in carrying the Ship into deep Water.

The Lieutenant of Marines will immediately proceed to enlist the Marines, agreeably to the "Act for providing a Naval Armament" passed the first of July 1797. You will be pleased to transmit to him the annexed Regulations for that Purpose.

You will herewith receive Commissions and Warrants for the following Officers. Vizt-

John Rogers, of Maryland, Second Lieutenant.

William Cooper, of Virginia, Third "

Philip Edwards, of Maryland, Lieutenant of Marines. . . .<sup>2</sup>

As we shall later observe, Philip Edwards did not report for

<sup>1</sup> The data on which this paper is based were drawn from the archives of the Navy Department.

<sup>2</sup> The Baltimore newspapers carried notices of the death on October 16, 1800, of "Philip Edwards, Lieut. of Marines and late editor and proprietor of the Maryland Journal" of Baltimore "in his 28th year." Young Edwards first entered the newspaper field in 1792 when he established the *Baltimore Evening Post*, later called *Edwards' Baltimore Daily Advertiser*. In January, 1795, he bought an interest in the long established *Maryland Journal* which he conducted (with and without partners) until January, 1797, following a fire that destroyed much of the equipment. He resumed editorship a few months later, but publication was suspended on July 1, 1797. The young Marine was thus not without prominence, if not notoriety, in his home city—Editor.

duty on board the *Constellation*. Instead Lieutenant James Triplett, Corps of Artillery, reported for duty as "Lieutenant of Marines" on board that frigate, as is seen from the following, quoted from the Secretary of War's letter, dated 30 May 1798, to Captain Truxtun:

I enclose a Letter to Lieut. Triplett, directing him to repair on board, and to put himself under your Orders, until relieved by the Lieutenant of Marines appointed to your Ship, who writes Me, he has arrived at Charleston, and is on his way to join you. . . .

Who was this lieutenant of marines who had just arrived at Charleston? Was it Philip Edwards, of Maryland, who had been designated for this duty in the Secretary of War's letter to Captain Truxtun? It might prove an entertaining historical adventure for someone interested in U. S. Marine Corps history to engage in some detailed research on this point.

In the interim Captain Truxtun apparently received notice that Lieutenant Triplett had been designated to fill temporarily the billet as lieutenant of marines aboard the *Constellation*, for in Truxtun's letter-book we find the following quoted instructions to Lieutenant James Triplett, dated Baltimore, 22 May 1798:

Lieut. James Triplett will be pleas'd to repair to Alexandria, with all the expedition that is possible, and engage as many Seamen and Marines as he can find disposed to enter on board the Frigate *Constellation*, under my Command, and to hire a boat and repair to the Ship with them without loss of time. Lieut. Triplett will take Capt. Moor an experienced Seaman with him, to assist in this business; the greatest frugality must be observed in all matters of expence, expected to be allowed by the Government, as the Secretary of War will only admit Such charges as he will consider reasonable or proper.

A copy of the Articles and blank Oaths of Allegiance &c will be furnished by Lieut. Rodgers, who I have desired to send up a sufficient number from the Rendezvous for this purpose, a number of men having been put on board a Vessel bound to Alexandria by a French Privateer has induced me, to order you to make this expedition, which I hope and Trust will be attended with Success.

It seems clear that this was the first recruiting rendezvous ever opened at Alexandria, Virginia, by the United States Navy; Lieutenant John Rodgers, U. S. Navy, had opened a similar rendezvous at Baltimore only a short time before.

In so far as our research discloses, the next mention of Lieutenant James Triplett occurs in Captain Truxtun's letter relative

to stores and supplies, dated 4 June 1798, to Navy Agent William Pennock at Norfolk and written on board the *Constellation* then anchored in the Patuxent River:

I have about 260 men shipt including Officers, and 240 are on board. If Lieutenants Rogers, Cowper & Triplett have been fortunate this last Week in getting Seamen, I shall proceed to Sea as Soon as I have the above articles, and receive my Instructions. I expect to get underway from here in a few days, and will receive my Stores as soon as they are sent alongside.

Some of Lieutenant Triplett's activities at Alexandria are reflected in the following letter, dated Philadelphia, 14 June 1798, from Secretary of State Timothy Pickering to Colonel John Fitzgerald, the Collector of the Port of Alexandria, Virginia:

The Secretary of War being absent, I am charged by the President of the United States with the Business of that department, which occasions this address to you.

Yesterday were laid before me Two Letters from Lieut. James Triplett, of the Corps of Artillery, with an estimate of 682 Dollars, on account of the advanced wages, bounties and expences for enlisting a number of Seamen & Marines for the *Constitution* [*Constellation*] Frigate, Capt. Truxtun.

It was too late to go thro' the ordinary process of remitting money, and as Lieutenant Triplett is waiting only for that, to discharge a variety of demands at Alexandria—and as I apprehend Capt. Truxtun will be waiting for him at Hampton Roads, and incur some delay even with the utmost dispatch that Lieut. Triplett can make—I have to request that you will advance to him seven hundred Dollars for the purpose above mentioned, taking duplicate Receipt. By tomorrow's Post, I will reimburse to you that sum.

Capt. Truxtun wrote on the 10 Instant, that he should go down the Bay, and be ready to put to Sea by next Sunday or Monday, and I was extremely unwilling that the Frigate should be delayed for want of this small sum, or that she should go to sea without an officer to command her Marines.

On the same date Secretary Pickering addressed the following letter to Lieutenant Triplett at Alexandria:

Yesterday were shewn to me your Letters, of the 3rd & 10th Instant, but too late to go through the ordinary Process of remitting Money. In the former, you inclosed an Estimate of Demands incumbent on you to discharge, amounting to 682 dollars, besides some Expences for Captain Moore. I have also seen Captain Truxtun's Letter of the 10th informing that he should proceed down the Bay, and be ready to go out to Sea by Sunday or Monday next, the 17th or 18th Inst. Hence it follows, that he will be detained on your Account, or proceed to Sea without you. To

prevent, as far as possible, the former, I have concluded to desire Col. Fitzgerald, Collector of the Port of Alexandria, to advance to you seven hundred Dollars, which I will replace in his hands by Tomorrow's Post.

You will, therefore, call on him immediately for the Purpose. Pay, or make an adequate Arrangement for paying the demands, above referred to—and hasten to Hampton to embark, agreeably to Captain Truxtun's orders. The Secretary of War, being absent, I am charged by the President with the business of his Office.

Secretary Pickering also wrote to Captain Truxtun on the same date, apprising him of these proceedings:

The Secretary of War being absent, the President has charged me with the Business of that Department for a few days.

Yesterday I saw two Letters from Lieut. Triplett, calling for Money to discharge various Demands, incurred by him at Alexandria, for inlisting Seamen & Marines, for your Frigate, & sending them on board; but it was now too late to remit the money in the ordinary Way by this day's Mail; I have therefore written to my friend Col. Fitzgerald, Collector of the Port, to advance to Lieut. Triplett, seven hundred dollars: his estimate was 682. I hope there will be no difficulty in the Way of this Advance, as I have engaged to remit by tomorrow's Mail the 700\$ to Col. Fitzgerald. I have also written to Lieut. Triplett to pay or make Arrangements to pay the above Demands, and hasten to join you in Hampton Roads, agreeably to your Orders, informing him that I had seen your Letter of the 10th in which you say, that you should proceed to Hampton Roads, & be ready to put to Sea by Sunday or Monday; & therefore, if he made any delay, you would go to Sea without him.

The next available reference to Triplett occurs three days later—17 June 1798—in Captain Truxtun's letter of that date to the Secretary of War, reporting the *Constellation's* arrival at Hampton Roads:

After long Calms and adverse Winds, I have at length reached these Roads, having Three Hundred and five Men on Board, a particular List of which I shall send you as soon as possible.

Being all ready for Sea, I only wait the arrival of the *May Flower* from Philadelphia with the Shot, and when I receive that indispensable Article, I shall be out in a few Hours after.

Lieutenant Triplett did not come down with Mr. Rogers as I expected. Rogers supposes his Want of Money to defray the recruiting Business, is the Cause; be that as it may, I shall not wait here a Moment on his Account.

That Lieutenant Triplett reported aboard before the Frigate sailed, however, is indicated in a directive issued to him on board

five days later by Captain Truxtun; since that directive is especially interesting as outlining in detail some of the duties of Marines on board a man-of-war of those early days, it is quoted below:

United States Ship *Constellation*,  
Hampton Roads, 22d June 1798.

Sir:

Your particular Duty as Lieutenant of Marines on Board this Ship, is to train, or caused to be trained, the Marines to the Use of small Arms, to discipline and exercise them Morning and Evening, according to the Orders Issued, and at such other Times, as I may direct according to Circumstances.

It is your Duty to direct them on all Occasions, agreeable to my Orders, and to have a due Regard to the Preservation of the Arms, and Accoutrements, and that they be kept clean, and always fit for Service.

It is your Duty to cause the Centinels to be placed according to the Regulations of the Ship, and to call on the Master at Arms, to aid your Sergeants and Corporals in doing this duty.

The Armourer being occasionally under your Orders, you will call on him as often as may be necessary to clean the small Arms &c and the Drummer and Fifer is to perform the Duties annexed to those Stations in Conformity to the Regulations aforesaid.

As it often happens, that Marines are sent on Shore on certain Enterprises during an Expedition or Cruize, as well as to cooperate with the Army on particular Occasions at Home, you should pay particular Attention to every Part of the Duty of a Soldier in all Situations, so as not to be outdone by any other Officer of your Rank, whenever it may be necessary to try your Skill &c with them.

The putting the Fire, and Lights out agreeable to the Regulation of the Ship, you will be pleased to have done by the Master at Arms and Corporals, in order that the Officer of the Watch may not be compelled to leave the Deck, on all occasions, to see this Order executed.

The Marine Cloathing, and the Arms, Accoutrements &c will be received by you agreeable to the Invoice.

I have the Honor to be, Sir, with great Respect,

Your Obed. Servt.,

THOMAS TRUXTUN.

Lieutenant James Triplett.

Getting under-way from Hampton Roads, Captain Truxtun anchored the *Constellation* in Lynnhaven Bay on June 25, on which date he issued the following order "To The Lieutenants, and Master of the Frigate *Constellation*," which also referred particularly to the duties of the Marines on board:

Gentlemen:

The Marines on Board this Frigate have been directed to pull, hawl, and heave at the Capstern, in Addition to the Duty assigned them under the Lieutenant of Marines. No other Duty is expected from them, which you will please to attend, particularly as I have discovered, a Carelessness in those People, and Neglect in taking Care of their Cloathes, and of keeping them clean.

I have given Mr. Triplett a Copy of this Order for his government, and another Copy I forwarded to the Secretary of War, with Copies of all general Instructions, which I issue, and request minute Attention to. . . .

The Lieutenant of Marines is always to parade and exercise the Marines, when in Port, at Sun Rise, and Sun Setting, and to exercise them agreeable to Order, when all Hands are called to Quarters, and the Cannon are exercised. The Lieutenant of Marines will attend to the same Rule at Sea, with this Difference only, that instead of Sun Rise, and Sunset, the Men will parade &c at half past 7 AM, and at Sun Setting.

T. T.

On the 26th the *Constellation* sailed out into the Atlantic from Lynnhaven Bay on her maiden cruise and mission, having under convoy about 16 American merchantmen which were bound for Europe and the West Indies. Thus, under the efficient command of the able Truxtun, the *Constellation* achieved the distinction of being the first of our three famous frigates to put to sea. On board her in the billet of "Lieutenant of Marines" was Lieutenant James Triplett of the Corps of Artillery.

During this cruise the *Constellation's* patrol area extended from Cape Henry to the southern limits of our coast-line, which at that time was the middle of the River St. Mary's, in Georgia. In Truxtun's daily journal of this cruise there are several entries, reading "Exercised Great Guns and Marines."

From Captain Truxtun's letter-book it appears that Lieutenant Triplett had the misfortune of receiving a little "panning by the Old Man," on a couple of occasions during that cruise. In a letter of 30 July 1798, addressed to Triplett, Truxtun writes:

Two Vessels were brought to, and spoke last Night, when you was [*sic*] not on Deck. Under the Orders I gave you, it was as much your Duty, to leave Directions for the Sergeant of the Watch, to call you, as I consider it mine to be called on certain Occasions, by the Officer of the Watch, and not to wait for all Hands to be called, when I deem it unnecessary, in speaking trifling Merchantmen.

In the same letter Captain Truxtun continues:

As I know full well, that it is much easier to make a deep Wound, than to heal a small one, I have been actuated in my Conduct to you by Principles mild and inherent in my Nature, believing at the same Time, that a little Reflection would induce you to appreciate the Measures I have taken to make your Duty plain, and easy, and excite you to a more minute Attention thereto. I have hitherto been disappointed, I can no longer continue disobeyed. If I am, Recourse must be had to an Alternative, by no Means pleasant to me, or honorable to you. I hope therefore, the present will have the desired effect, and in that Hope I remain,

Your most Obedt. humble Servt.  
Thomas Truxtun.

The other letter to Lieutenant Triplett, dated 10 August 1798, follows:

United States Ship *Constellation*,  
at Sea 10th August 1798.

Sir:

It would only be regular, and proper, to have the Centinels for the Night always fixed in each Watch before the Retreat is beat at Sun Down, as has always been my Practice, and as I have before mentioned and directed here. Last Evening, however, as I walked towards the Barricado, after 8 o'Clock, I heard a Noise, and high Altercations between the Marines, as to where they were to be placed, and stand Guard during the Night.

Being tired at finding Fault, I for the Moment resolved not to take Notice of this Impropriety untill to Day, and I now inform you, that a particular, and minute attention to this Order is expected, for the Conduct of those Marines would disgrace the most common and meanest of Privateers, if not checked.

I am Sir,

Your most Obedt. humble Servant,

THOMAS TRUXTUN.

Lieutenant Triplett of Marines.

The *Constellation*, returning from this cruise, anchored in Hampton Roads on 15 August 1798, where Captain Truxtun received Navy Department orders to "proceed without delay to the Havana, where you will take under your Protection the American Vessels, in that Port, and convoy them to our Coasts, 'till you should judge them to be out of danger." Lieutenant Triplett was detached from the *Constellation*, however, before the frigate sailed on her second cruise; the circumstances of his detachment are unknown to this writer.

The next available reference to Lieutenant Triplett occurs in the

following extract from Secretary Stoddert's letter, of 27 August 1798, to Captain Truxtun, then on the *Constellation* at Hampton Roads:

Indeed the service upon which you are ordered is so important, that I hope this Letter may not reach you at Norfolk.

I will only therefore say for the present, that you are at Liberty to take the number of men you deem necessary, and that you must take Saml Reddick first Lieutenant of Marines, or Josiah Reddick 2nd Lieutenant—both at Norfolk—to command the Marines, in the room of Triplett. If more time was allowed, I would send them a more experienced Officer than either of these Gentlemen.

But the Nature of the Service you are to perform, will not admit of delay.—And I again add my Wishes that you may have left Norfolk before this Letter reaches that place. Should it be otherwise, regulate whatever is necessary, with respect to the officers Yourself.

That neither of the Reddicks \* sailed in the *Constellation* as her Lieutenant of Marines, on her second cruise, is indicated in the following lofty letter, of 31 August 1798, from Captain Truxtun to a Lieutenant Saunders:

United States Ship *Constellation*,  
Hampton, 31st August 1798.

Sir:

I send you herewith a printed Copy of my private Instructions for your Government. In the Organization of our Infant Navy, it is highly necessary, that great Attention be paid to every Order, and Regulation. And as the Articles of War, the President's Instructions, and my private Orders are the basis from which all Duty and Etiquette is to be performed, you will be pleased to particularly attend to the same.

We have a national Character to support, and it is my anxious Desire that we appear when in Company with the Ships of our own, and other Nations as well disciplined, and regular as any of them. From your Character I have every Reason to suppose, that I may calculate on your steady attention to the Rules, and Regulations laid down, and of the keeping the Marines neat, clean, and in good Order, which from the Inattention of their late Officer, I am sorry to say they have been shamefully neglected, particularly in Port, and since I first went on Shore at Norfolk. Daily Orders are generally given in a Book, whenever any Part thereof relates to your Department, the Officer of the Watch will inform you.

I am Sir,

Your Obedient humble Servant, .

THOMAS TRUXTON.

Lieut. Saunders.

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\* Josiah Reddick was appointed 2nd lieutenant of marines from Virginia, Aug. 3,

On 5 September 1798 Captain Truxtun departed on his second cruise in the *Constellation*, bound for Havana in accordance with his previously mentioned orders. Serving on board in the billet of "Lieutenant of Marines" was Lieutenant Saunders, whose initials or first name are presently unknown to this writer.

Arriving off Moro Castle on 21st September, Captain Truxtun immediately dispatched Lieutenant Saunders ashore at Havana under the following orders:

On your being landed at the Havannah, you will wait upon the Governor, and deliver the Packet addressed for him without Delay.

I also request you will be pleased to deliver as soon after as possible the other Letters herewith handed you.

It is my Wish, that you return on Board on Monday, if possible. You will be pleased to inform those, who it may concern, that I certainly leave this Station on the 27th Instant for the Coasts of the United States. Great Prudence is necessary to be observed towards the Government Laws &c &c &c. The public Paper enclosed you will paste up, wherever the Change or Coffee House may be. I hope to see you speedily.

Thus did Captain Truxtun register another important mission for the colorful *Constellation* by achieving the distinction of being the second vessel of the United States Navy to establish direct diplomatic contact with a Foreign Power after creation of the Navy Department.

1798, and served aboard the *Insurgente*, *Adams* and the *New York* before resigning in 1802. The records so far examined furnish no information concerning Samuel Reddick.

## REVIEWS OF RECENT BOOKS

*An Album of American Battle Art, 1755-1918.* [Prepared for] The Library of Congress. Washington: Government Printing Office, 1947. 319 pp. \$5.00.

This volume, a worth while outcome of the Exhibition of American Battle Art at the Library of Congress in 1944, contains 150 plates covering the various wars the English colonies and the United States have participated in during the period covered. The volume is divided into ten sections covering the French and Indian War and its Aftermath, the American Revolution, the New Navy: Revolutionary France and Barbary Pirates; the War of 1812, Indian Wars and Volunteer Companies, the Mexican War, the Civil War, the Plains Indians, the Spanish American War and Philippine Insurrection, and the First World War. The plates are divided into sections, each plate being accompanied by excellent explanatory text prepared by Donald H. Mugridge, Fellow in American History, and Helen F. Conover of the Division of General Reference and Bibliography. The uniformly appropriate choice of plates and the informative and agreeable text could scarcely be bettered; chronologically and geographically even in the first case and in the second made lively by well chosen contemporary quotations. In both categories much of even the oldest items, either pictorial or literary, seems curiously modern—the pictorially “primitive” seem quite contemporary, and the factual reporting, or the propaganda, of any date sounds, unfortunately, far too familiar. Taste and discrimination have been exercised. The following comments are made from an interested rather than a critical point of view.

Knowing the great cost of plates today the use of the offset process is a necessity and here reproduces the drawings, pen and pencil as well as wash, quite adequately (if for no other reason this would have been an important book simply by bringing the drawings of Alfred and William Waud before a wider public). Fortunately engravings, when reproduced approximately the size of the original fare well; unfortunately those which have to be reduced are so blurred and dark that all detail is lost and, inversely, the small, delicate plates when “blown up” become crude and coarse. For these reasons particularly we wish that the dimensions of the original had been included in the captions and that, when known, the name of the artist of the original had been noted.

The volume contains the following views of Maryland interest: Plate 31, an engraving of the U. S. Ship *Constellation* (laid down in Baltimore) reproduced from a piece of sheet music in the Dielman Collection of the Maryland Historical Society; Plate 46, a View of the Bombardment of Fort McHenry from the aquatint by Bowers, a most entertaining item; Plate 56, the Death of Major Samuel Ringgold at Palo Alto, Texas, May

8, 1846, after a lithograph by Nagel and in the style of the familiar Currier & Ives productions; Plate 59, from a Baltimore imprint of 1848, *The Journal of William H. Richardson, A Private Soldier in the Campaign of Old and New Mexico*, setting forth the adventures of an Ann Arundel County boy; Plates 96 and 97, after etchings by the Baltimore artist of many talents, Adalbert J. Volck; Plates 101 and 109, "Commissary Department, Encampment of the Massachusetts 6th Regiment of Volunteers near Baltimore, 1861" and "The U. S. General Hospital, Patterson Park, Baltimore" in 1863, the former from a lithograph by Bufford and the latter one of Sachse's.

The volume should be popular as a "gift book" and useful for reference; it would have been better if a bibliography had been included.

ANNA WELLS RUTLEDGE

*A Federal Judge Sums Up.* . . . By W. CALVIN CHESNUT. Baltimore: 1946. 274 pp.

The author hastens to tell us that the book is not an autobiography. Certainly it does not abound in the infinite detail which characterizes the famous biography by Boswell of Samuel Johnson. He adds that he does not attempt description but merely suggestion. Maybe his treatment is merely suggestive and only impressionistic, but the result is a well chosen, orderly succession of interesting and informative pictures. He comments upon so many historical facts that his book is to a large extent really a comprehensive legal survey.

The far-reaching scope of the book is suggested by the table of contents, which read as follows:

1. Preliminary and Professional Education, 2. Baltimore Judges in the 90's, 3. Some Leading Baltimore Lawyers in the 90's, 4. The Maryland Court of Appeals at the Turn of the Century, 5. The Baltimore State's Attorney's Office 1896-1900, 6. General Law Practice 1899-1931, 7. The Federal Judicial System, 8. A Day in the Federal Court, 9. Diversity of Work of the District Judge, 10. Some "Trials" of the Trial Judge, 11. The Trial Lawyer as seen from the Bench, 12. Comments on the Jury System, 13. The Judicial Function, 14. Improvements in Judicial Procedure, 15. Some Particular Cases in the Maryland District Court, and 16. A Lawyer's Collateral Reading.

In his references to the early days of Johns Hopkins University, he makes a real contribution to the history of the launching of that epoch-making university. He discusses legal education at the University of Maryland giving a clearly defined picture of outstanding members of the Baltimore Bar who lectured there when he was a student. He recognizes the many merits of the case system in legal studies, but he believes that the practice of the lecturers under whom he studied of starting their courses by discussing the basic principles of law was a sound one.

This was especially so because the lecturers so frequently illustrated law

points in a picturesque and impressive manner by references to adjudicated cases, some of which had occurred in the practice of the lecturer.

He paints an impressive picture of business conditions in Baltimore, especially in the early 90's and of personal characteristics of judges and of prominent members of the bar. He does not claim that the leading lawyers of fifty years ago were abler than those who are now at our bar.

He points out, however, that the operations of the courts of those times tended to familiarize the public much better with what our prominent lawyers were doing than is the situation today. That was partly due to the fact that nearly all law cases were decided by juries and not the court. Big criminal and civil cases customarily attracted the services in court of outstanding lawyers opposing each other at the trial table. The public followed closely and enjoyed the comments of these lawyers about the prisoners, or other parties to the court proceedings, about witnesses, and also often about other lawyers at the trial table. So it was that the leading lawyers of those days were often in the public eye and their names were familiar ones in the community.

Judge Chesnut's comments on developments in judicial procedure, especially in the Federal Courts, are illuminating and timely. His account of the complex and somewhat unique functions of a state's attorney is highly pertinent.

I regret that lack of space permits only a cursory reference to a few of many subjects discussed in the different chapters of this book. One of the characteristics of Judge Chesnut as a lawyer and a judge has been his great skill in selection, research, analysis and in marshalling facts in a comprehensive and persuasive manner. His book well illustrates that happy faculty.

"A Federal Judge Sums Up" by presenting facts so successfully as to reflect a sound sense of balance and of relative values. In doing so, he has managed in his book of rather short compass, to touch upon almost every outstanding phase of legal and judicial activity in Baltimore during the last fifty years. His book will continue to be read frequently as an entertaining account of bygone days, and as an illuminating discussion of present day conditions with helpful suggestions for the future.

I must, however, refer to one defect. The author has been too modest and inadequate in discussing the roles which he himself has played as honor student, athlete, public spirited citizen, outstanding lawyer and federal judge, certainly without a superior now sitting in our Federal Courts.

It will also be a book of source material to which the research worker will turn for accurate information on specific subjects. As the years go by, Judge Chesnut's volume, a scholarly book by a scholarly man, will be read more and more frequently by those who seek accurate information regarding our Bar and Bench, presented in an accurate and entertaining manner. The traditional dryness of legal and judicial presentation disappears in the informative, dignified and highly entertaining diction of Judge Chesnut.

GEORGE L. RADCLIFFE

*General Gage in America.* By JOHN RICHARD ALDEN. Baton Rouge, La.: Louisiana State University Press. 313 pp. \$4.00.

In the eyes of his contemporaries, General Thomas Gage, commander-in-chief of British troops in America from 1763 to 1775, proved himself incompetent and for that reason was recalled. Later generations have been, for the most part, content to repeat this judgment. Dr. Alden, using recently available material, has for the first time fully studied Gage's career in America. His conclusions tend to abate to a considerable degree the sentence of the past. As revealed by Dr. Alden, Gage was by no means incompetent, if we define incompetency as a neglect of duty or complete unsuitability for high command. It is true, however, and Dr. Alden makes no attempt to minimize these defects, that Gage was over cautious, feared to act on his own initiative without authority from England and lacked brilliance.

This study presents an especially interesting account of the relations of the commander-in-chief to the policy-making bodies in England, which more often than not failed to seek the advice of the responsible military figure, or if they did obtain his counsel, most generally ignored it. If there was incompetency it existed both in America and in England.

Dr. Alden's book more nearly approaches a full length study of Gage than the title indicates. Gage arrived in the colonies in 1755 at the age of thirty-five and remained constantly on duty until 1775 with the exception of one visit to England. These twenty years mark the active period of Gage's life. His career before his arrival had been uneventful and after his return to England he played no significant role in military affairs. Dr. Alden covers these two phases of Gage's life as adequately as seems necessary. This study should command the attention of all students of the Revolutionary era, for its material is both fresh and well presented.

HARRY AMMON

*The Nine Capitals of the United States.* By Robert Fortenbaugh. York, Pa.: Maple Press, 1948. ix, 104 pp.

Dr. Fortenbaugh, Adeline Sager Professor of History in Gettysburg College, calls attention to the various trials of the early national government which forced it to make more than a dozen moves involving nine cities before establishing a permanent capital for the United States. Since the living conditions and cultural settings of the various towns receive relatively full treatment, the study is essentially a kind of social history of the various Congresses from 1774 to 1800. Although the author outlines the major political, economic, and military problems of the new government, he emphasizes factors like the British advances and American reactions which most directly served to disturb the representatives. A number

of interesting drawings plus quotations from the congressional journals enliven the narrative.

The Continental Congress, whose seat was automatically the capital pro tem, met in Baltimore December, 1776—February, 1777 (Capital No 2), and in Annapolis, December, 1783—August, 1783 (Capital No. 6).

The elaborate format of this volume which was published in an edition of twenty-three hundred numbered copies should be especially pleasing to collectors.

STANLEY R. ROLNICK

*The Western Country in 1793: Reports on Kentucky and Virginia.* By HARRY TOULMIN. Edited by MARION TINLING and GODFREY DAVIES. San Marino: The Huntington Library, 1948. xx, 141 pp. \$3.75.

Here is a complete and thorough description of the "back country" and the older parts of Virginia by more than a casual traveler who took very little from hearsay. Harry Toulmin, Unitarian minister from Lancashire, England, came to America in 1793 to report to his parishioners on the country's suitability for immigrants. His hitherto unpublished journal deals with all phases of the social, economic, and political life of Virginia and Kentucky in 1793 and 1794.

Harry Toulmin's journal consists of much factual detail of the pioneer life in the Western country of 1793. He notes, for instance, the productivity of the soil, the methods of agriculture, and the opportunities for small-scale farming. In addition, he describes transportation, manufacturing, and prices. To the serious student of American history, *The Western Country in 1793* should be compared with *Moreau de St. Mery's American Journey*, for both deal with the same era but the latter primarily with the Eastern seaboard.

This book has not too much interest for Maryland readers. Toulmin does, however, include a four-page description of Hagerstown, the prevailing prices, the inhabitants, and opportunities for employment. He does not tell us whether he approves of Hagerstown for English immigrants but comments upon the shortages of husbandmen and male servants.

The Huntington Library is to be complimented for making this very readable little volume available from its own manuscripts. The editors have included an introduction which throws great light on Toulmin's versatility. The modernizing of the text was accomplished without detracting from its meaning. It is to be regretted that this narrative has been unavailable up to now. Its appearance will, however, contribute to the understanding of the actual conditions under which men lived far better than formal documents can ever do.

FRANK F. WHITE, JR.

*The First Frontier.* By R. V. COLEMAN. New York: Scribner's, 1948. xli, 458 pp. \$3.75.

The purpose of the author was to write for the layman an account of the advance of European settlers upon the American wilderness, beginning with the Spanish and the French in the 16th century and ending with the establishment of the English on the Atlantic Coast in the 17th century. The story is brought down through the wresting of the Dutch Colony of New Amsterdam from Governor Stuyvesant.

Mr. Coleman is familiar with the approved sources and has unfolded the dramatic history not merely of the conquest of the seaboard, but also of the romantic search of the Spanish in the Southwest for treasure. If the story appears somewhat disjointed as the scenes and cast are shifted, the reader has only the kaleidoscopic character of human events to blame. The treatment has much to recommend it and the concept and its execution must be approved.

Mr. Coleman is a business man who has been able to indulge his flair for history. For nearly 40 years he has been an official of Charles Scribner's Sons and has had charge of several major cooperative undertakings in the field of history. It is surprising, therefore, that in spite of its typographical excellence, appropriate and lavish illustrations and handsome format, the book has been printed on coated paper which makes a dead weight most to hold.

The Chesapeake Bay colonies come in for fair and somewhat full treatment. The characteristics of the Maryland settlement and its living conditions are well presented, save in minor details. An exaggerated view is given of life at St. Mary's in the early years: "St. Mary's might be a long way from England, but the Calverts, the Cornwallises, and the rest of them lived up to the positions they had held in the Mother Country. The dining room tables were covered with fine linens. Silver spoons, cruets and bowls sparkled among the dishes. If the ladies did not have the very latest gowns from London, they made up for it by a display of gold chains, diamonds, and other jewels." There is an interesting account of Thomas Weston, one of the backers of the Plymouth Colony, who at first resided in New England, then moved to Virginia and finally became lord of Westbury Manor in Maryland. A correction should be made on page 222 where 1621 is given as the date of the first Lord Baltimore's visit to Virginia, a printer's error for 1629. Although undistinguished in style, the book is well organized and offers a valuable account of a stirring period.

JAMES W. FOSTER

29, *Let's Go! A History of the 29th Infantry Division in World War II.*

By JOSEPH H. EWING. Washington: Infantry Journal Press, [1948]. 315 pp. \$5.00.

*The 115 Infantry Regiment in World War II.* By JOSEPH BINKOSKI and ARTHUR PLAUT. Washington: Infantry Journal Press, [1948]. 370 pp. \$5.00.

At the beginning of World War II, the 29th Infantry Division was complemented entirely of National Guardsmen from Maryland, Virginia, the District of Columbia and Pennsylvania while the 115th Infantry Regiment, a unit of the 29th, was composed of Guardsmen from Maryland counties. Both units fought from Omaha Beachhead in Normandy, France, to the Elbe River in Germany. The publication of these volumes, therefore, is of particular local interest.

Only in the sense that they do not bear the imprimatur of the Department of the Army are the histories unofficial. The authors have based their accounts on authoritative sources making liberal use of excerpts from High Command, Division and Regimental orders to present clear pictures of overall strategy and tactics. Against this background, they have thrown their narratives which they frequently supplement with a unique feature—the quoting of so-called “combat interviews” obtained by historian-interviewers from field soldiers shortly after the fighting men had emerged from engagements. The results are colorful and sometimes quietly thrilling accounts of each unit's adventures and accomplishments. The brutal shock of the landing, the deadly slugging through the hedgerow country toward St. Lo, the relentless pressure applied to the elaborate fortifications at Brest and the hammering drive to the Roer River, all come vividly alive.

Often, in histories of this sort, objectivity is lost in pride of accomplishment; the authors of these volumes, however, have calmly presented the stories of their units' setbacks as well as of their victories. Too, unit narratives occasionally present details which often escape the more general histories. For instance, it was something of a shock to this reviewer, at least, to learn that during all of the pre-invasion training in England, the High Command placed little emphasis on the natural defensive possibilities of Normandy's hedgerows, despite the fact that they had been commented upon by as early and as competent a field commander as Julius Caesar.

Both books are plentifully illustrated with exceptionally clear photographs and maps—the 29th's history, which is the more ambitious undertaking, especially so. This reviewer finds fault only with the lack of an index in both volumes—a fact which hampers the reference worker, but which will cause little concern to most users of the books who will be interested chiefly in brightening memories already becoming dim.

HAROLD RANDALL MANAKEE

*The Days of H. L. Mencken: Happy Days, Newspaper Days, Heathen Days.* By H[ENRY] L[OUIS] MENCKEN. New York: Knopf, 1947. ix, 313, xi, 313; x, 299 pp. \$4.50.

'S true, the three Mencken memorata that go to make up this opus have been separately published and some of them have been separately reviewed in this *Magazine* (1940, XXXV, 81-82; 1941, XXXVI, 444-446). But the appearance of all three in one volume offers the Baltimorean a chance to catch up on the things he intended to read and hasn't got round to. For the newcomer, the book ought to be required reading. Of course, such an one must be cautioned to allow for Mencken's delight in stirring up the animals. In time, the animals, if of any intelligence, get wise to that habit, and don't get stirred up. One old Baltimorean, as dry as Mencken is wet, got to the point where she enjoyed his digs at the bluenoses as much as he did. The author says he has been interested to have women tell him that their Baltimore childhood was not much different from his. That's perfectly true. Girls in Walbrook didn't frequent the livery stables as Henry did, but at least they lived in the same town and savored some of the same delights.

*Heathen Days* brings to mind the editorials H. L. M. used to write for the *Evening Sun*, for some of its pieces must have first seen the light there. They were always readable, and never more so than when the substance was a little thin so that your Mencken came through a little clearer. So too, the whole of *The Days of H. L. Mencken* needs only to be put into the hands of a person able to read. Let him start with some chapter whose title he likes. Or, let him begin, as the *Happy Days* does, with Henry's very earliest memory. But if he does that, he will go on, through the education, decidedly not all got in school, to the newspaper side of Baltimore years ago. Sometimes that view was serious, but mostly it was hilarious. He'll have to stop with William Jennings Bryan and Al Smith. For that is the end of the volume.

If only there were an index, maybe a very short one. There are so many bits you'd like to refer to without having to hunt.

ELIZABETH MERRITT

*Francis Scott Key and The National Anthem. . . .* By EDWARD S. DELAPLAINE. . . . [Reprinted from *The Records of the Columbia Historical Society*, Vol. 46-47]. Washington, D. C.: Columbia Historical Society, 1947. 14 pp.

This is the publication in book form of a lecture by Judge Edward S. Delaplaine before the Columbia Historical Society of Washington, D. C., with a foreword by R. Regis Noel, president of that Society, 1943-47; the object being to awaken interest in "the restoration and preservation of

Key's home along the Potomac in old Georgetown." An illustration of this home, from a picture most lovingly painted by John Ross Key, a grandson of Francis Scott Key, is included in the illustrations.

Judge Delaplaine is author of the biography, *Francis Scott Key, Life and Times*. For the events of Key's history, the reader is referred to that work. The most fascinating and revealing details of the present volume are its illustrations. First, we see Key as at St. John's, aged 14. At first glance he seems prim and precise but a closer look leaves no doubt that he got his full share of youthful fun while a student at Annapolis. This is from a miniature attributed to Philip A. Peticolas, now owned by the Maryland Historical Society. The next portrait in point of age suggests a young man of about twenty-three. It is a most delightful portrait, reflecting a nature overflowing with the generous high spirits of early manhood and in type recalls the young aristocrats of the early days of the French Revolution. At this time the idealist and poet was in the ascendant. This portrait is a copy after Rembrandt Peale, now owned by the Pennsylvania Academy of Fine Arts. The original is owned by a descendant of Key's daughter, Mrs. Charles Howard, at whose home Key died.

The portrait used as the frontispiece arouses misgivings. It is an adaptation of a small portrait by Joseph Wood, owned by the Walters Art Gallery. It has been unfortunately so often reproduced that most persons suppose it to be an authentic likeness. Alas, it is the same inartistically modified portrait of Key that appears on the current memorial postage stamps.

LUCY LEIGH BOWIE

*China Trade Days in California: Selected Letters from the Thompson Papers, 1832-1863.* Edited by D. MACKENZIE BROWN. With a foreword by ROBERT GLASS CLELAND. Berkeley and Los Angeles: University of California Press, 1947. xvii + 94 pp. \$3.00.

Twenty-five letters from the Thompson Papers in the library of the Santa Barbara Historical Society make up this slender volume. They have been selected from the "in" and "out" correspondence of Alpheus B. Thompson, a Yankee merchant who became a naturalized Mexican citizen and prominent hide-and-tallow trader, and as such they illustrate colorfully California's society and economy from the early 'thirties to the Civil War. Of unusual interest is the inclusion of two letters by Francis A. Thompson, infamous master of the brig *Pilgrim* in Dana's *Two Years before the Mast*.

More than half the correspondence falls within the period 1833-1846. It contains much information concerning the life and business of the California hide-droghers and merchants, but somewhat less of the China trade as a whole. The remaining letters tell of problems arising out of American occupation, the gold rush, and the Civil War.

Ounce for ounce, few books on California can equal this one for wealth of information, for charm, and for simplicity but effectiveness of editing. Professor Brown introduces his subject thoughtfully, ties the correspondence together with neat, accurate paragraphs, and adds just enough supplementary material in his footnotes. Professor Cleland has written a short but excellent foreword.

Unfortunately, the title is something of a misnomer. Though a part of the correspondence relates to the China trade in the conventional historical sense, much of it concerns the direct commerce between California and New England—the hide and tallow trade.

RAYMOND A. RYDELL

*Los Angeles State College.*

*The Bounds of Delaware.* By DUDLEY LUNT. Wilmington: Star Publishing Co., [1947]. 69 pp. \$2.50.

Although it is not Mr. Lunt's purpose to promote schemes of territorial aggression against the state of his adoption, few Marylanders will be able to read his account of the establishment of the present boundaries of Delaware without experiencing some twinges of irredentism. His account of the methods used by William Penn to wrest legal possession of the Delaware country from the Lords Baltimore—not to mention Penn's success in extending the boundaries of Pennsylvania southward at Maryland's expense—is an interesting story, the recital of which will undoubtedly surprise some Marylanders whose knowledge of their present territorial limits is shaped more by road maps than by historical investigation.

The larger and more informative part of Mr. Lunt's study, it should be noted, was previously published in the March, 1947, issue of *Delaware History*. An undocumented prefatory chapter, entitled "William Penn and the Delaware Country," is frequently repetitive and adds little of historical worth to the remainder of his work.

JOHN R. LAMBERT, JR.

*Carnegie Institute of Technology.*

*Unconquered.* By NEIL H. SWANSON. New York: Doubleday & Company, Inc., 1947. 440 pp. \$3.00.

*Unconquered* is the latest of Neil H. Swanson's novels dealing with the pre-revolutionary era. Ranging from England to Williamsburg and then to Pennsylvania during the days of the Pontiac conspiracy, Mr. Swanson has written an exciting story. Using a minimum of the long descriptive passages which so often clutter historical novels, Mr. Swanson has preferred to create his setting by means of the color of his fast paced dialogue, and by the action of his characters.

*Manual of Coordinates for Places in Maryland.* Baltimore: Maryland State Planning Commission, 1947. 151 pp. 50¢. (Supplement to the *Gazetteer of Maryland.*)

This booklet fixes the location of 12,000 places by means of coordinates based on the system used by the U. S. Coast and Geodetic Survey. Modern state maps show this grid system, which can also be applied to earlier maps. In time, it is hoped the system can be employed for indicating many more sites than those listed here.

*Our Community: Laurel, Maryland.* By the Social Studies Classes of Laurel Elementary School. Laurel: the school, 1948.

This mimeographed pamphlet results from an effort to provide a history of a community for use in the schools. It has been prepared with the cooperation of community leaders and field-work by pupils. Beginning with an outline of Indian life in the region, the story is carried through to the present day, thanks to extracts from standard works and interviews with residents. Where a community has as yet no written history, this praiseworthy but inexpensive attempt to furnish one should be emulated. The project was carried out by Mrs. K. L. Gough, Principal, and Miss Mary Alice Trice, Librarian.

#### OTHER BOOKS RECEIVED

*Sketches of Iowa and Wisconsin, [Embodying the Experience of a Residence of Three Years in Those Territories. . . .]* By JOHN PLUMBE, JR. Reprinted from the edition of 1839] Iowa City, Iowa: State Historical Society, 1948. [104] pp.

*Mutual Fire Insurance Company of Montgomery County, Maryland. One Hundred Years of Progress.* By A. D. FARQUHAR. . . . Sandy Spring, Maryland: the company, 1948. 54 pp.

*The House of Brewer.* By EDWARD DENTON BREWER. Tulsa, Okla.: the author, 1948. [158] pp. (Genealogy.)

## NOTES AND QUERIES

### WILL OF GRACE LLOYD, 1698

There is an abstract of the will of William Parker of London in the *New England Historical and Genealogical Register*, Volume XXXII, page 337 (1878). The will is dated January 3, 1672/3 and was probated July 24, 1673. Edward Lloyd was one of the witnesses. An abstract of the will of his widow, who had first been the wife of William Parker, has been given to the Society by Mr. Russell Slagle and comes from the estate of the late Mrs. Lawrence Bulkley of Shreveport, La. The reference is to the Prerogative Court of Canterbury, 93 Pye. Parker came to Maryland probably from Virginia in 1649 and was later a member of Cromwell's Commission Government. Later still he settled in London. The name of his first wife is unknown. His widow, Grace Parker, had been a widow Maulden of Maryland, and she married thirdly Edward Lloyd, formerly of "Wye House" in Maryland. See *Maryland Historical Magazine*, VIII, 85—(Lloyd Genealogy). Her will is as follows:

In the name of God Amen the tenth day of May Anno dni 1698 and in the tenth yeare of the reigne of our Sovereign Lord King William the third . . . I Grace Lloyd of the Parish of St. Mary Malfellon als White Chaple in Midd[lesex] widow being weak in body but of sound and perfect mind and memory . . . doe make and declare my last Will and Testament as followeth . . . ffirst and principally I comitt my soule into the hands of Almighty God . . . and my body I comend to the earth to be decently interred neer to my husband as may be in White Chappell Church and as touching such worldly goodes and estate which the Lord hath bestowed upon me I dispose of the same in man'er and forme following, that is to say

Impr'is I give and bequeath unto my granddaughter Elizabeth Buckerfield the money oweing unto me from Mr. Alexander Pollington on his bond and security and such linnen plate and other household goods as are putt up in a Trunck with my mark G x P thereupon sett to be received managed and disposed for her use by my over seers and trustees to be hereafter named to be paid and given to her at her age of one and twenty years or day of marriage which shall first happen and that the profit and interest thereof in the meantime to be made and arise shall goe towards her maintenance and be paid to and received by my daughter Elizabeth her mother for that purpose.

Item I give and bequeath to my sonne ffrancis Maulden my silver bowle

Item I give and bequeath to my daughter Margaret Evans a Cawdell cup

Item I give and bequeath unto my daughter Grace Mitchell three gold rings

Item my will is that my granddaughter Elizabeth if her mother my Executrix shall see occasion and deserving to have the bedd and furniture linnen and necessaryes in a duplicate writing with my m'k remaining in my overseers hands the rest and residue of all and singular my goods chattles creditts rights and estate reall and personall whatsoever and wheresoever in England or Maryland or els where beyond the seas.

I give devise and bequeath unto my said daughter Elizabeth Buckerfeild and I make and ordaine her my said daughter Elizabeth Buckerfeild full & sole executrix of this my last Will and Testament and I do desire will and appoynt Thomas Parker and Joseph Haycock to be overseers and trustees of and in this my last will desiringe them to be in aiding and assisting unto my executrix in the performance thereof with their advice and otherways and will my executrix to take their advice and I give unto each of my overseers twenty shillings a peece as a remembrance of my respects and for their care and paines and I doe hereby revoke make null and void all former and other Wills legacies and bequests by me made given or published willing and appoynting this to be and stand for and as my last will and testament.

In witsesse whereof I the said Grace Lloyd the testatrix to this my last will and testament have sett my hand and seale dated in the day and yeare first above written

[The mark of the said Grace Lloyd]

Sealed published and deliv'ed by the said Testatrix for and as her last will and testament in the presence of

George Warrall

Elizabeth Bates

Wm Bower Scrivener

Codicil May 9 1698 Schedule of household goods given to Elizabeth Buckerfield

Probate 17 Feb 1700 Administration granted to Elizabeth Buckerfield daughter and Executrix

23 Dec 1706 A clerical error amended

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*Adventures of Job Ben Solomon, a Slave in Maryland*—*The William and Mary Quarterly* for July, 1948, carries an entertaining article by Dr. Arthur Pierce Middleton of the staff of the Institute of Early American History and Culture at Williamsburg, Va., on the curious career of Job Solomon, born in Africa of mixed Arab and Negro ancestry. Captured as a young man by a rival tribe, he was sold in 1731 to the master of a slave trading vessel and brought to the Chesapeake Bay. Exposed for sale at Annapolis, Job was bought by a man named Tolsey (intended for Tolson?) who put him to work on his Kent Island plantation. After escaping to Delaware and being returned to his master, who treated him kindly, Job managed to make known his Moslem background and training,

was redeemed by persons in England who learned his story and was sent to London. There it was learned that his father was none other than the high priest of Boonda in the kingdom of Futa in Gambia. He was warmly received by savants and nobles and even presented at court. On being returned to his home where his father had died, he was immediately installed as head of his tribe. The story has been gleaned from the Gentleman's Magazine and other English publications and from Williamsburg and Boston newspapers of the time.

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#### UNREST IN THE MILITIA, 1777 (?)

To Thomas Johnston Esqr. Governor of the Province of Maryland.\*

The Humble Petition of Capt. Richd Dorseys Co of Artillery.

Most Humbly Sheweth

That Your Honours Petitioners Since their first time of Enlistment has never Receiv'd their Rations, and dont now Receive more than One pound Bread and One Pound Beef Pr. Day, which is not Sufficient for a Man without they Receive the Rest of the Rations thats Allowed us by the Honourable Convention.

That Your Honour's Petitioners are allow'd Indian Meal, Salt, Peas, Vinegar, Beer, Molasses, Sope, Candles &c which they Dont Receive nor no Value for them, which is very hard for a Man to live these hard times which is little Enough to find them in Shoes and Stockings.

That Your Honours Petits are Used more like Negroes than Men who are standing in the Defence of the Country they are Obligd to Work every Day with the Spade and Shovel and Receive nothing for it and are Informd that they are Allow'd Pay from the Honourable Convention which their officers Keep from them and Puts in their Own Pocket.

That Your Honours Petrs. is very Sorry that they Should be Under the disagreeable Necessity of Acquainting Your Honour that they are Commanded by Very bad Officers, who Dont use the Men like Soldiers and are so Mercenary that what the Men has a Right to Receive they put in their Pockets.

That Your Honours Petrs. is very bare in Cloathing, they have Received but One Suit of Clothes since their first Enlistmt. which is now Out, and Winter Coming on fast if they dont Receive their Clothes for this Year they shant be able to Stand the Cold this Ensuing Winter.

That Your Honrs. Petrs behave themselves as well as any Company on the Continent and is Willing to Defend the Rights and Liberties of

\* From the collections of the Society. Addressed to the Governor, the paper was sealed and evidently forwarded to Annapolis. The Company had been recruited in Baltimore during the summer and fall of 1777. There are no signatures.

the Country as far as lies in their Power if they Receive their Rights and are used like Soldiers.

That Your Honour's Petrs has made their address to the Honourable Convention but has met with no Redress and hopes Your Honour will take their Cause into Consideration and see them Justified.

And Your Petitioners will Ever Pray

By the Desire of the Aforesd. Company.

*Preston*—Gideon Vancleve Preston, born June 19, 1786, Baltimore, Maryland, died September 16, 1849, Hardin County, Ky. He married Ann White (1793-1865) August 19, 1811, Jefferson County, Kentucky. Ann was daughter of William White. Preston was a tailor and had a brother James who was a silversmith. Their mother was reputed to have been Mary Lee, who had brothers Archie and Will Lee and, I think, Charles Lee. Any information relative to the ancestry of Preston or William White will be appreciated.

HOMER E. CARRICO,  
6703 Country Club Circle, Dallas 14, Texas.

*Green of Virginia*—Request any details whatsoever on the life or the children of General Moses Green, of Culpeper County, Virginia, who was living there in the 1830's and 1840's.

FREDERICK W. FRANCK,  
Dept. of Foreign Languages,  
University of Idaho, Moscow, Idaho.

#### CONTRIBUTORS

Dr. DOROTHY MACKAY QUYNN (Mrs. W. R. Quynn), previously a professor of history at Duke University and Goucher College, is now on the staff of the University of Maryland Study Center in Paris, France. Mrs. Quynn contributed an article on the Barbara Frietschie legend to the *Magazine* for September, 1942. ☆ Appointed Solicitor General of the United States by the President last year, the Honorable PHILIP B. PERLMAN has long been a distinguished member of the Baltimore Bar. He is the author of *Debates of the Maryland Constitutional Convention of 1867* (1923), and is a member of the Board of the Walters Art Gallery, and of the Baltimore Museum of Art. ☆ Mr. O'CONNOR is Historiographer of the Roman Catholic Archdiocese of New York. ☆ Captain DUNN, U. S. N. (Retired), supervised preparation of volumes II and III of the *Naval Documents Related to the Quasi-War between the United States and France*, published by the U. S. Navy, 1935-1936.

For the photograph of the Amelung house on the cover the *Magazine* is indebted to Mr. Henry Kauffman.