

MARYLAND HISTORICAL MAGAZINE

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CONTENTS

	PAGE
The Restoration of Fort McHenry <i>S. Sydney Bradford</i>	211
Roger B. Taney's "Bank War Manuscript" <i>Edited by Carl Brent Swisher</i>	215
Place Names of Baltimore and Harford Counties <i>William B. Marye</i>	238
The Public Levy in Colonial Maryland to 1689 <i>John A. Kinnaman</i>	253
Sidelights	275
Four Letters from a Maryland Volunteer <i>C. A. Porter Hopkins</i>	
Reviews of Recent Books	281
McCardell, <i>Ill-Starred General: Braddock of the Coldstream Guards</i> , by James H. Bready	
Perkins, <i>Charles Evans Hughes and American Democratic Statesmanship</i> , by J. Joseph Huthmacher	
Kurtz, <i>The Presidency of John Adams: The Collapse of Federalism, 1795-1800</i> , by Franklin R. Mullaly	
Jones, <i>Chief Justice John Marshall: A Reappraisal</i> , by H. Hamilton Hackney	
Angle, ed., <i>Created Equal: The Complete Lincoln-Douglas Debates of 1858</i> , by Frank R. White, Jr.	
Maass, <i>The Gingerbread Age. A View of Victorian America</i> , by Alexander S. Cochran	
Iverson, <i>The American Chair, 1630-1890</i> , by James D. Breckenridge	
Miers, ed., <i>When the World Ended and Younger, Inside the Confederate Government</i> , by C. A. Porter Hopkins	
Notes and Queries	290
Contributors	293

Cover: The cover picture of this issue is a lithograph of the British attack on Fort McHenry. (see p. 211) The artist is unknown except by the initials E. S. It is a striking picture but highly inaccurate judging from the recent research of National Park Service historians. For example, the Fort is pictured as almost rectangular when it was in 1814, as it is now, a pentagonal structure. The type of buildings shown within the Fort also were not present in 1814. The battery at Lazaretto Point, with the chain boom and sunken hulks blocking the mouth of the harbor, is not shown. But for all of its inaccuracies, the picture is important, as it represents one of many artists' conceptions of the Defense of Fort McHenry. Its valiant stand is a symbol of the courage of Marylanders and other Americans in the War of 1812.

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Richard Walsh, *Editor*
C. A. Porter Hopkins, *Asst. Editor*

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The Maryland Historical Society, incorporated in 1844, was organized to collect, preserve and spread information relating to the history of Maryland and of the United States. Its threefold program includes

1. Collection of manuscript and printed materials, maps, prints, paintings, furniture, silver, fabrics, maritime items, and other objects of interest;
2. Preservation of these materials for the benefit of all who care to enjoy them, and exhibition of items which will encourage an understanding of State and National history; and
3. Spread of historical information relating to Maryland and the rest of the country by means of addresses at the Society's home by authorities in various fields; addresses to outside groups by officers and staff of the Society; publication of the *Maryland Historical Magazine*, a quarterly containing original articles about State history; *Maryland History Notes*, a quarterly bulletin of news of the Society and other historical agencies; the *Archives of Maryland* and volumes of the series "Maryland in World War II" under the authority of the State; and the series of useful historical books entitled "Studies in Maryland History."

Annual dues of the Society are \$8 and up, life membership \$150. Subscriptions to the *Magazine* and to the quarterly news bulletin, *Maryland History Notes*, are included in the membership fee as well as use of the collections and admission to the lectures. The library, portrait gallery and museum rooms, are open daily except Sunday, 9 to 5, Saturday, 9 to 1. *June 15 to Sept. 15*, daily 9 to 4, Saturday, 9 to 1. Closed Saturdays in August.

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THE RESTORATION OF FORT McHENRY

By S. SYDNEY BRADFORD

THROUGHOUT the United States the National Park Service conducts research in connection with the many historic sites under its administration. Consequently, the Park Service can help to recreate for visitors the historically important moment in a building or on a battlefield.¹ As a part of MISSION 66, a ten-year Park Service conservation program, a special Historical and Archeological Research Project has been underway at Fort McHenry since May 1, 1957.² The purpose of this project is to locate as much information as possible concerning both the site itself and what has taken place there, to write definitive studies of the fort, and to plan the future development of Fort McHenry National Monument and Historic Shrine.

¹ An outstanding example of this kind is at Independence National Historical Park, Philadelphia. Since 1951 the Park Service has conducted research on Independence Hall, and its restoration is well advanced.

² MISSION 66 was begun in 1956 and will end in 1966, the fiftieth anniversary

At Fort McHenry the first step taken was to make a survey of possible source material. Because Fort McHenry was an army post between 1794 and 1925, it was realized that work would have to be done at the National Archives, the depository for federal records. It was also evident that the extensive manuscript and newspaper resources of the Maryland Historical Society would have to be used. Through the help of numerous guides to other depositories, such as the *Guide to the Manuscript Collections of the Historical Society of Pennsylvania*,³ a list of archives that appeared to have material relevant to the fort was created. From this list only those depositories that seemed to have the most promising sources were selected to be visited, since a time limit for research would not permit us to visit every depository on the list.

Although two Park Service historians were permanently assigned to the project, it soon became clear that they alone could not complete the work in the selected archives within the allotted time. Turning to historians outside of the Park Service, the project secured the services of Dr. Richard Walsh, Assistant Professor of Early American History, Georgetown University. After consultation with the project's permanent staff, Dr. Walsh, plus two graduate students from Georgetown University, were given the responsibility of searching for Fort McHenry records in the National Archives. In addition, two graduate students from Johns Hopkins University were employed to work in depositories in Baltimore. By the first of June, 1957, the research program was fully underway.

Research for a cooperative historical project must be carried out on an organized basis. Consequently, certain basic operational procedures were followed. First, it was agreed that all material pertaining to Fort McHenry or the attack on Baltimore was to be obtained, regardless of whether or not an individual researcher thought it valuable. Judgment of the material's importance would be made at a later time. Second, all letters and other relevant documents were to be microfilmed or photostated. Only as a last resort were records to be copied by hand. The photographic repro-

of the founding of the Park Service. It is hoped by then that all Park Service areas will be as fully developed as possible for the benefit of visitors.

³B. S. Levin, ed., *Guide to the Manuscript Collections of the Historical Collections of the Historical Society of Pennsylvania* (Philadelphia: 1949).

duction of records saved time and produced complete and absolutely accurate copies of manuscripts. Third, the researchers met every three weeks in a seminar to discuss their findings and bring up questions, thereby keeping abreast of developments. Work was carried on in this manner until June 30, 1958.

Copies of documents began to arrive at Fort McHenry soon after research began.⁴ This influx necessitated the organization of a filing system. As finally decided upon, all material was to be filed chronologically in loose-leaf notebooks. In addition, if a document referred to one or more topical classifications, such as "Star Fort," "Outer Works," or "Star Spangled Banner," the necessary cross-reference sheets for it were placed in the appropriate topical notebooks. At the moment, over 15,000 documents have been filed and cross-referenced in binders for the years between 1776 and 1957. Maps, plans, and photographs were also filed chronologically.

Archeological research was planned from the beginning of the project. On January 1, 1958, archeologist G. Hubert Smith joined the staff. After a period of time for studying the material on hand and consultation with the historians, Mr. Smith began excavations at Fort McHenry. Both hand labor and a mechanical digger were used in areas adjacent to the star fort in searching for possible remains dating from the early days of the site. Excavations were also made within the star fort.

The labor entailed in all of the preceding has been productive. Dr. Walsh and his aides found a great quantity of relevant information in the National Archives, where thousands upon thousands of documents were examined. One very important record found there is a list of materials needed in 1829 in order to add a second story to the barracks within the star fort.⁵ From the Clements Library, the Maryland Historical Society, and the Historical Society of Pennsylvania, Historian Franklin R. Mullaly gathered copies of documents that throw new light on the fort and the attack on Baltimore. The James McHenry Papers at the Clements Library, for example, contain letters that contribute additional information on the construction of Fort McHenry in

⁴ Microfilmed material was printed by means of the Xerox process.

⁵ S. B. Dusenbury to Gen. Thomas S. Jessup, 24 February, 1829, Office of the Quartermaster General, Consolidated Correspondence File, Record Group 92, National Archives.

the 1790's.⁶ Documents from the Maryland Hall of Records, the New York Historical Society, and the Peabody Institute have increased our knowledge of Fort McHenry's predecessor, Fort Whetstone, and the life of soldiers in both forts. One document shows that the garrison at Fort Whetstone petitioned the governor of Maryland in November, 1776, for adequate rations and clothing, since they could "never Subsist . . . [the] Winter on the provision we receive at present."⁷ Through archeology the cellar of a tavern that was just outside of Fort McHenry early in the nineteenth century was found. An officer, in commenting on the government's possible purchase of the tavern, wrote that "The advantages that the Government would derive from the possession of this property, it is not necessary for me to set forth to an Officer of your experience."⁸

The material gained by research is now being evaluated. This study will result in written reports on various aspects of Fort McHenry's history, such as detailed investigations of the fort's appearance in 1814 and the attack on Baltimore by the British. These reports will then form the basis for the forth-coming development of this nationally important and historic area.

⁶ Franklin R. Mullaly, "Research for HARP at the William L. Clements Library, University of Michigan, Ann Arbor, Michigan, 17 April, 1958, p. 17, Research File, Fort McHenry National Monument and Historic Shrine.

⁷ [Petition of Captain Nathaniel Smith's Company of Mattrosses], 7 November, 1776, Red Books, Volume 24, Maryland Hall of Records.

⁸ Major M. M. Payne to Major General T. S. Jessup, 1 June, 1829, Office of the Quartermaster General, Consolidated Correspondence File, Record Group 92, National Archives.

ROGER B. TANEY'S "BANK WAR MANUSCRIPT"

Edited by CARL BRENT SWISHER

(Concluded from June)

The day after the meeting of which I have been speaking, some business called me to the President's and I saw Mr. Donelson in the room which he occupied as an office. I do not recollect whether he invited me in when he saw me, or I went there because I had business with him. He read to me the paragraph in the message, altered as herein before mentioned and in the form in which it was ultimately sent in, and said the President had directed him to show it to me. It was still far short of what I wished. I certainly did not desire the President to say in his message that he would veto the bill if Congress should pass one. This would hardly have been respectful to the Legislative body. But I wished him after stating that he still entertained the opinions set forth in his former messages, to recommend to Congress to make some provision by law for the safe keeping and disbursement of the public money and its transmission from place to place to take effect when the charter of the Bank should expire. This would have shown his fixed opinions that the Bank was not to be continued, and would have been understood to imply, that he would feel himself bound to exercise all his constitutional powers to prevent it. While the inference most naturally to be drawn, as the message originally stood, was, that, having performed his constitutional duty in stating his objections he submitted the question to the decision of Congress.—Indeed the whole passage in relation to the Bank appeared to me to be studiously ambiguous and words introduced into it and put together in such a manner as to make it look more like a justification, or an excuse to the friends of the Bank, than a settled determination to resist it.

The alteration which the President had made in it could hardly remove the ambiguity. Yet I preferred it to the first draft, and I was the more pleased with it because the fact that any alteration was made to avoid the inference to which I objected, indicated as I thought that the President did not mean to abandon the ground he had taken:—nor to encourage hopes that he would do so.

The message was an unfortunate one and produced much mischief. The acquiescence of the President in its ambiguous and indecisive language, and his refusal to take stronger ground encouraged Mr. McLane to believe that with his present advisers in the cabinet he could be induced

after a time to retrace his steps. The annual report of the Secretary of the Treasury to Congress was sent in two or three weeks after the message, and this report showed what were the hopes of Mr. McLane. For although there was nothing which required an expression of his opinion in that report in relation to the necessity or constitutionality of the Bank, yet acting it would seem upon the impression above stated he used the opportunity to offer a strong argument in support of it, and insisted on the propriety and necessity of renewing its charter. It was in truth an answer to the President's former messages, and if the President intended to adhere to the ground he had taken, this report presented the extraordinary spectacle of the President and his Secretary of the Treasury standing in hostile attitudes to each other upon a great financial measure, deeply affecting the whole community upon which the public mind had become excited, and contending against each other for the support of Congress and the people. I did not suppose that either the President or McLane would consent to present such an anomaly in the Executive Department of the Government. And as the report of the Secretary of the Treasury is always read to the President before it is sent in, I supposed when I saw the report [of Mr. McLane] that my first apprehensions when I left the Cabinet meeting as before mentioned were well founded, and that this report was intended to prepare the public mind for the change of ground. The report of the Secretary of the Treasury was not usually read in Cabinet, and its contents were therefore unknown to the other members unless the Secretary thought proper to show it to them. I never saw this report until it was printed by order of Congress and had not supposed that it would contain a word about the Bank. I read it with the utmost surprise. For if the President's opinion had undergone a change, this did not seem the proper mode of indicating it. His altered views of the subject should at least have worn the appearance of having been produced by his own further experience and reflections, and not the sudden result of the influence which one of his Secretaries had obtained over him. The change in his opinion might have been better told by the President himself in his message the next year.

This report as may be well supposed excited a good deal of attention and was the subject of much conversation among the politicians at Washington. I mixed very little with them at that season. For the Supreme Court was in session; I was never in the office of Attorney General, and my time was fully occupied in the preparation and argument of the cases in which the government was interested and which stood for trial at that Term. I attended the Cabinet meetings only occasionally, having requested the President to excuse me on account of my engagements in Court, and I never had any conversation with him on the subject of this report and never heard him say why he permitted it to be sent in, and retained Mr. McLane in office. Nor do I recollect that I ever conversed about it with any member of the Cabinet. I supposed myself to stand alone there upon this measure and had no inducement therefore to seek a conference with

any of them; and indeed very seldom saw any of them except at public places during the winter. But I had occasional conversations with gentlemen in and out of Congress who were warmly attached to Genl. Jackson personally and politically, who had known him intimately for a long time, and who like myself were opposed to the Bank. They understood the character of his mind, much better than I then did, and knowing my opinions talked to me freely. They strongly disapproved of Mr. McLane's report, and thought the President had committed a serious political error in consenting to its being sent in, and still retaining him in office. But they did not consider it as evidence that the course of the President in relation to the Bank would be changed. They said that having brought Mr. McLane into the Treasury Department with a knowledge of his opinions he would never object to his expressing them in any manner or any form Mr. McLane might desire, but that he would act upon his own. And that having made up his opinion as appeared by his former messages he was not likely to change it.

I listened to all this I confess with some incredulity. It might be so. For I had been struck with his magnanimous bearing; and his willingness upon all occasions to give those opposed to him an open and fair field; and also the firmness with which he made up an opinion, and his confidence that it would be sustained by the people, whoever might oppose it. But yet it was obvious that in appealing to public opinion, the arguments of Mr. McLane as Genl. Jackson's selected Secretary of the Treasury would have infinitely more influence, than the arguments of Mr. McLane a private individual opposing Genl. Jackson's leading measures. He had too much sagacity not to see this, and I could hardly suppose that the high chivalry, so much to be admired in private life, which offers odds to the adversary in a conflict, could lead him to commit such an error in Statesmanship. I still therefore apprehended that before the period for recharter came round, the President would be greatly softened down in his opposition, and that the influence of the new Cabinet on the public mind would secure the recharter by a decisive majority in Congress.

The fruits of these mistaken measures soon showed themselves, but in a way I had not anticipated, and which I am sure was equally unexpected by the members of the Cabinet who had been concerned in them or approved of them. For in a short time after the report of the Secretary of the Treasury had gone in, a petition on behalf of the Bank was presented to Congress praying that a law might pass at that session renewing the charter. The reason assigned in the petition for presenting it at that time was obviously a pretext and could deceive nobody. It stated that if the charter was not to be continued, it was necessary that the Bank should know it at once, in order that it might have time to wind up its concerns gradually without loss to the stockholders or inconvenience to the community. This petition was presented it will be observed in the winter of 1832 and the charter did not expire until March 3rd 1836, and it had two years more to wind up its affairs.

But the truth was that the ambiguous tone of the message followed by the report of the Secretary of the Treasury *<in favor of the Bank>* had perplexed and mystified the friends of Genl. Jackson: and weakened the opposition to the *<renewal of the charter which up to that time had been daily gaining strength.>* Bank. His political opponents regarded these measures as proof that he feared the influence of the Bank and its friends in the approaching election of President, and was either retreating from his old ground, or seeking to evade the issue until the election was over. And feeling that they had been greatly strengthened by the Secretary's report, and the friends of Genl. Jackson thrown into confusion, they determined to force the question upon him and compel him to meet it before the election. Those who suspected him of such motives knew but little of him, as subsequent events abundantly showed them. But political partizans are very seldom just to their opponents, and those, who were opposed to Genl. Jackson, always appeared to me to be determined to shut their eyes to his true character.

Yet with all the advantages which these unfortunate Executive proceedings had given to the Bank, the application was injudicious, and every motive of policy and interest should have forbidden it at that session. The discussions upon the propriety of renewal up to that time had been confined to political leaders and newspapers in the interest of the Bank. The attention of the people generally had not been drawn to the serious objections which existed against it. And as matters then stood, with Mr. McLane in the Treasury Department, and a majority of the Cabinet willing to concur with him, the renewal of the charter was generally regarded by the public as a thing certainly to take place at the proper time. The utmost that its opponents hoped to accomplish was to engraft on it some new restrictions of power. But by bringing forward the question at that time the Bank took the hazard of a veto; and if Genl. Jackson did veto it, the subject must evidently become one of the most exciting topics in the approaching elections. And many of his friends who had heretofore supported the charter might in the division of parties be compelled to choose between Genl. Jackson and the Bank; and might in a heated party struggle be converted from friends into enemies. *<Because a veto with the election following immediately after it would necessarily bring to the serious attention of the people, and expose the misconduct of the institution and its dangerous tendencies. It would moreover provoke attacks upon it.>* Its conduct would be freely investigated and its hidden abuses and corruptions brought to light, and the public opinion would not be formed from one sided statements or the eulogies of presses under its influence, or from partisan reports and speeches in Congress. The whole subject would necessarily be thoroughly sifted in the canvass and the public opinion then favorable to the Bank might be changed. Up to that time I think no press in the Union had taken ground against it, or if one or more had expressed an unfavorable opinion it had not been done in a manner to awaken much attention. Nor do I remember that

any speech was made against it in Congress of sufficient force to be generally read by any one except Colo. Benton.³⁰ With all these advantages it was hardly the interest of the stockholders to hazard a veto, and run the risk of making the renewal of the charter a party question depending upon the popular vote.

And yet a veto in some form or other seemed almost inevitable. For if Genl. Jackson had begun to hesitate in his opinion and had become disposed to leave the question to the decision of Congress when it should come before them at the proper time, it was impossible for him to change his ground under existing circumstances without subjecting himself to the suspicion of acting from unworthy motives. Everybody felt that there was no necessity for a decision at that Session; that the question was unnecessarily forced upon him by the Bank; that it was in truth nothing more nor less than a threat to him to beware of its hostility at the approaching election; and if he had assented to the renewal, it would have afforded strong grounds for suspecting that he had corruptly bargained for its support, or that even his bold spirit quailed before its power, and that he violated his own conscience and what he believed his duty to the public rather than face its *<hostility>* opposition. If he had signed a bill brought forward at such a time and under such circumstances, it would not only have shaken the confidence of the public in the integrity and purity of his motives; but the example and influence of one who stood so high in character and in office might have had an injurious effect upon the political morality of the country. For many ambitious politicians I fear are too apt to think intrigue and bargain for personal advantages are fair weapons in the struggles for power. It seemed to me impossible therefore that Genl. Jackson should not veto the bill if passed at that session. Public as well as personal considerations would compel him to do so. And when I first heard the petition was presented or about to be presented, I doubted the truth of the report, and supposed the stockholders could hardly be guilty of so much folly, and wantonly put in jeopardy the value of their stocks. But it turned out that I was mistaken.

They had submitted everything to the control of Mr. Biddle, and he it would seem had his own views. Many of the friends of Genl. Jackson who were warmly supporting his election, and who were also in favor of renewing the charter, remonstrated against bringing up the question at that time, and made efforts to prevent it. And some of them warned Mr. Biddle that although favorable to a recharter, they would oppose the passage of the law at that session. Their opposition certainly produced some hesitation on his part. I do not remember at what period of the session the petition was presented, and have not the journals before me. But the subject was not pressed upon Congress until late in the session. The bill did not pass until a few days before its close, and it did not close until the 14th of July.

At one period it was said that the petition would be withdrawn, or at

³⁰ Thomas Hart Benton, United States Senator from Missouri.

all events not pressed; that some of the stockholders had become convinced of the impolicy of urging it under existing circumstances and were remonstrating against it. This was for some time the impression of those with whom I conversed, and it was said that Mr. Biddle himself began to doubt whether it would be prudent for him to proceed in the face of so much opposition from persons interested in or friendly to the Bank.

But after a delay of some weeks, it became evident that the question would be vigorously pushed forward to an issue. Whether the delay arose from the causes above mentioned, or was necessary in order to ascertain whether a majority in both Houses of Congress in favor of the Charter could be obtained, I do not know. It was understood at the time that Mr. Clay and Mr. Webster informed Mr. Biddle that if the petition was not presented and urged on at that Session, that he must not count on their support at a future time, but must expect to meet their decided opposition, and that this had determined him to proceed. Such a communication was I believe certainly made by those two gentlemen to Mr. Biddle. The information came to me from sources which left no room for doubt. But my own opinion was and still is that Mr. Biddle was himself bent upon going on unless he was prevented by the Directors or stockholders. He was offended with the course Genl. Jackson had pursued towards the institution, and was strongly opposed to him, and determined to place him in what he supposed would be a dilemma. He persuaded himself that Genl. Jackson would hardly dare to meet the bill with an absolute and unqualified veto. But if he did, he felt confident that the popularity of the Bank and the influence it could exercise would defeat his re-election. And if he assented to the Bill, or appeared to temporize and evade the issue presented to him, it would be regarded as proof that he feared the Bank, and destroy the high place he then held in the confidence and affections of the people. In either case his resentment would be gratified. I cannot believe that he acted from any apprehension of hostility from Mr. Clay or Mr. Webster,⁸¹ or was influenced by their threats. Both of these gentlemen *<were retained counsel for the Bank and were in the habit of receiving large fees from it, and had personal interest in continuance>* had publicly and repeatedly expressed their opinions in favor of the Bank, and maintained that it was a necessary agent in the collection of the revenue. The great majority of the stockholders as well as of the Directors of the mother Bank and its numerous Branches and officers were the political friends of these two gentlemen, and members of the same party. And their leading paper (the National Intelligencer) was virtually owned by the Bank and under its control. With a full knowledge of all these circumstances Mr. Biddle had obviously nothing to fear from the threats of Mr. Clay or Mr. Webster, and knew that they could not come out in opposition to a recharter without forfeiting the support of a majority of their party, and surrendering their hopes of political elevation. But whether he was prompted by his own inclinations or by fears of the

⁸¹ Daniel Webster, United States Senator from Massachusetts.

hostility of the gentlemen above named, in either case the application of that time was a political movement leveled at Genl. Jackson, and converted a corporation, which had been created as a fiscal agent and merely for the fiscal purposes of the government, into a powerful political partisan seeking to govern the government by controlling the election of its officers.

As soon as it was understood that the Bank had finally determined to have a decision upon their petition at that session, much excitement was produced at Washington. Many of the supporters of Genl. Jackson who before had been favorable to the Bank, now openly opposed it. They saw that it was a political movement and became satisfied that the existence of a corporation of such immense powers, capable of exercising such corrupting influences, and so ready to enter into political contests was dangerous to our liberties and ought not to be longer continued. Other friends of Genl. Jackson whose constituents were known to be favorable to a recharter were much embarrassed in their course. This was particularly the case, with the Senators and Representatives from Pennsylvania, where the Legislature had been induced to pass resolutions recommending a renewal, without being at all aware I presume of the purposes for which the application was to be used. Some of the decided friends of Genl. Jackson *<I doubt not>* supported the Bill under the impression that their duty to their constituents required it, and found afterwards that their constituents as soon as the subject was understood, wished them to support the President.

There was never any doubt of the passage of the Bill in the Senate. But in the House of Representatives, a large majority had been elected of what was then called the Jackson Party, and it was at one time considered as uncertain whether the Bill would pass that House. Many opposed it as out of time, and merely intended to influence the approaching election, who would have voted for it if brought forward after the election. The debate upon it was long and animated. But the Bank watched the proceedings and knew how to secure friends when a close division was apprehended. I must mention an anecdote upon the subject. It was known that I was opposed to the Bank. While the debate was going on in the House I happened one rainy day in going to the Supreme Court in a hack to find myself in company with a member of the House *<from North Carolina (Mr. Carson).^{32>}* He was my only companion in the carriage, and I had frequently before met him at the President's at the informal evening assemblages, where he was always spoken of and treated as one of the President's warmest friends. We had become well acquainted with each other, and on our way to the Capitol he said he wished to make a speech against the Bank, but from want of exact information on the subject he might fall into mistakes, and would be much obliged to me if I would state in writing my objections and send them to him. I endeavored to excuse myself, telling him (as was truly the case,) that I was very much engaged with my official duties in the Supreme Court; and

³² Samuel Price Carson.

besides as a member of the Presidents Cabinet I did not like to interfere with the proceedings in the House. He however urged me a good deal saying that what passed between us must not be known to any one else;— that he meant to publish his speech, and was anxious therefore to put it upon grounds that would bear the closest examination; that he had already arrayed some of the heads of his argument, but did not like to appear upon them before the public without comparing them with the views of others; that he knew I must have studied the subject carefully, and it would give me but little trouble and take but little of my time to put my views in writing, and that he did not intend to make his speech for some days. I told him however that I must according to my then impressions decline for the reasons above mentioned, but I would think further of it, and if I found time, and thought upon more reflection that I could with propriety comply with his request I would send him the heads of my opinion with a brief statement of the facts on which it was founded. It so happened that my engagements in Court and in official duties filled up my time and put it out of my power to gratify him even if my other objection could have been surmounted. In about a week or fortnight after I conversed with him I went to Annapolis to attend the Maryland Court of Appeals and did not see him again before I left Washington. The question was taken while I was absent. And upon looking over the ayes and noes, I saw with the utmost surprise that he had voted in favor of the renewal. Upon my return I mentioned what had passed to a friend who mixed very much with public men, and was always remarkably well informed upon passing events, and asked him if there was not some mistake in the newspaper notice of this vote. He said no; that <Carson> the member of whom I spoke had obtained a loan of twenty thousand dollars from the Bank, and had changed his opinion.

Now I do not mean to say that he was directly bribed to give this vote. From the character he sustained and from what I knew of him I think he would have resented anything that he regarded as an attempt to corrupt him. But he wanted the money, and felt grateful for the favor, and perhaps thought that an institution which was so useful to him, and had behaved with so much kindness, could not be injurious or dangerous to the public, and that it would be as well to continue it. Men when under the influence of interest or passion often delude themselves thoughtlessly, and do not always acknowledge even to themselves the motives upon which they really act. They sometimes persuade themselves that they are acting on a motive consistent with their own self respect, and sense of right, and shut their eyes to the one which in fact governs their conduct. It was one of the dangers arising from this mammoth money power, that its very duties as collecting and disbursing agent brought it constantly in contact with members of Congress and other public functionaries and made it acquainted with their wants and enabled it to place them under obligations and create a feeling of dependence or even gratitude without the direct and offensive offer of a bribe. In cases where it intended to

operate it was not very particular about the indorsers or the sufficiency of the securities offered. Its losses upon these political loans were enormous. How many received pecuniary favors during that session and during the "panic war" we shall never know. I have heard many names mentioned, some of them high in influence. But it would be improper to repeat them as I have no absolute proof upon the subject. Certain it is, that a week before I left Washington all doubt about the passage of the Bill had vanished, and it was well understood that there was a dead majority in the House determined to carry it. Indeed before the close of the debate the tone of some of the speakers in favor of the Bank was very much like a defiance to the President; and a disposition was manifested to make the Bill come to him attended by offensive circumstances, so as to make it humiliating to approve it, even if he had changed his opinion. Something was said in the House after or shortly before the Bill passed about fixing a day for closing the session, when one of the leaders of the opposition Mr. McDuffie took occasion to remark that he hoped the House would not adjourn for ten days after the Bank Bill was sent to the President; evidently intimating by this remark that as Genl. Jackson was not bound by the constitution to act on the Bill unless it was presented to him ten days before the close of the session, there was reason to suppose, if it was not presented in time, that he would endeavor to avoid the responsibility of either vetoing or approving it until the election of President was over: and would hold it up without any action upon it, until the next Session. The politicians were obviously pressing it not for the benefit of the Bank, but for the purpose of embarrassing and defying Genl. Jackson, and under the impression if he did veto it, he would inevitably be overthrown at the coming election. *<They knew little of him, if they supposed he felt any embarrassment or hesitation on the subject.>*

Pains were taken also to show that the passage of the Bill was regarded not as a grave measure in which nothing but public duties and feelings were concerned, but rather as a personal contest between Mr. Biddle and the President, in which the former was the victor. He must have been in constant communication with its friends in the House and have known precisely the day on which it would be forced through by the majority. For he arrived in Washington on the night of its passage, and made his appearance in the House the next day, when the public business was for sometime interrupted by the number of members leaving their seats and crowding about him, and shaking hands with him and congratulating him. It was a public triumph given him in the Hall of the House. Nor did it end there. They crowded about him again that night at his lodgings when they feasted high and drank toasts and made speeches, and celebrated the victory, taking pains to make their rejoicing sufficiently vociferous to be heard in the streets and sufficiently public to make sure that it would reach the ears of the President. And after enjoying his triumph Mr. Biddle left Washington without deigning to pay the President the ordinary visit of etiquette. It was treated as his victory; or rather the certain harbinger of Genl. Jackson's overthrow: not a mere law continuing a fiscal agent of the Government.

While the Bill was pending in the House, I was constantly beset with letters and calls, urging me to advise the President to sign the Bill. I was continually told that I was the only member of the Cabinet opposed to it, and that the President would hardly veto it, if his Cabinet were unanimous. And it is wonderful how easily intelligent and respectable gentlemen from kindness or facility of disposition, can be persuaded to give advice on such occasions, and repeat trite arguments, without stopping to consider whether your capacity for judging may not be equal to their own and your opportunities of information far greater.

And yet during all this struggle and vehement debate out of doors, it may seem strange, that the President never spoke to me on the subject nor I to him. Nor had I any reason for believing he would veto the Bill except his public declaration in his inaugural address and in his annual messages, and my knowledge of the immovable firmness of his character and purity and patriotism of his motives. I was quite sure that he would lose his election ten times over rather than do anything which he believed to be contrary to his duty or the public interest. But I did not know whether the arguments of Mr. Livingstone and more especially of Mr. McLane might not have wrought some change in his opinions.

He knew my opinions on the subject, and it seemed strange that he never mentioned it to me throughout the long discussion in the House. The animated opposition to the recharter procrastinated the final decision so long, that I was obliged to leave Washington for the Maryland Court of Appeals before the Bill passed. Finding from the course of the debate that this would certainly be the case, I determined to state in writing to the President my advice that he should meet the Bill with an open and direct veto, precluding all hopes of his assent at any time to the continuation of the Bank. Being a matter of so much importance, and one that had attracted so much public attention, I thought it not unlikely that he would call on the members of his Cabinet for their written opinions. But whether he did or not, it seemed to be my duty to lay before him my opinion together with the reasons on which it was founded. I knew that those whom I considered as the leading members of the Cabinet were in favor of the renewal, and although they might advise the President not to sign the Bill at that time when it was so unnecessarily pressed upon him, and pressed too in the most offensive manner, yet their advice as to the character of the veto, and the grounds proper to be taken in it, would naturally be influenced by their opinions in favor of the ultimate renewal. Indeed I do not know that any of the Cabinet except myself was opposed to it if brought forward at the proper time, and with some modifications. For although I had conversed with all of them upon the subject, they had not all expressed decided opinions. My own opinion was that the Bank was unconstitutional and inexpedient, and that it had abused its powers; was dangerous to the liberties of the country, and that the menacing and offensive manner in which the renewal was demanded, made it the more necessary that the President should meet it by a direct and decisive veto. It appeared to me that a veto which placed the objection

merely upon time, and evaded the direct issue, would be unworthy of him and would justly result in his overthrow.

I therefore prepared my opinion; making it as brief as I could for I had very little time to spare. It was finished the night before the day on which I was compelled by my business at Annapolis to leave Washington. In the morning before I left home I went to my office and placed the rough draft I had prepared in the hands of my clerk to be copied, with directions to deliver the copy to the President as soon as the Bill passed, and to preserve the original until I returned. It may be proper to remark that the official opinions of the Attorney General are all recorded in a book kept for that purpose in the office. But his opinion as a member of the Cabinet is never recorded, because it often happened that it was upon a subject upon which it would be improper at the moment to make public the opinion of the President or a member of his Cabinet.

After giving my opinion to my clerk I repaired to the President to take leave of him and to apprise him of what I had done. I found him alone. Being pressed for time I merely said to him that my impression was that the Bank Bill would certainly pass, and the question was one of such moment that it seemed to me to be the duty of each member of his Cabinet to present to him his views upon the subject, and that as I should be absent some weeks it would probably be acted upon before my return; that I had therefore prepared my opinion in writing and directed my clerk to make a fair copy and to lay it before him, and that when I returned I would sign the copy. He said he was obliged to me and would be glad to see it. I then said he would find in my opinion he ought to veto the Bill, but that I would not at that time trouble him with my reasons as he could see them briefly stated in the written opinion, and having said this I took my leave, and in a few minutes afterwards set out for Annapolis. This was all the conversation that passed between us, and he did not even then say what he intended to do. I take for granted that he thought I knew him well enough to be satisfied, that he had deliberately made up his mind against the Bank before he had on former occasions officially expressed it, and that having made up his opinion upon full consideration he would not be likely to change it, and would act upon it at all hazards. If I had remained longer with him I have no doubt that he would with his usual frankness, have told me without reserve what he thought upon the subject and what he proposed to do.

The Bill as I anticipated passed the House of Representatives and was presented to the President while I was yet at Annapolis. I think I had been there about a week when I saw by the newspapers that it had passed. Two days after its passage I received a letter from my friend Andrew Stevenson then Speaker of the House, urging me to return without delay. He was my intimate friend, and we had communicated freely with one another throughout this proceeding and concurred entirely in our opinions. He had the most remarkable tact in knowing the sense of the House upon any important question, before the vote was taken, no matter how close was the division. He seemed to me to know what every man was

thinking about while the debate was going on, and it was from him I had learned very early in the business that the Bill would certainly pass. In his letter to me he said the President is firm in his opposition, and we all know he cannot be moved from what he thinks right. But opposed as he is upon this question by the members of the Cabinet about him, he ought to have the support and assistance of the friends who think with him.

I did not however upon this letter think myself bound to leave the Court in which I was much engaged. I had performed my duty to the President and the country in putting before him my opinions and advice; and did not like to wear the appearance of seeking to make myself conspicuous in the struggle. I believed that if the President wished for my presence or my services he would say so; and if I hastened back without his request, it would seem to imply that I thought my presence necessary to support him in his measures or to influence his course. I had determined therefore to remain where I was.

But on the next day I received a note from the President couched in his usual kind terms merely saying, that if my business in Court could be so arranged that I could leave it without inconvenience he would be very glad to see me, as I would have seen by the newspapers that the Bank bill was before him. As soon as I received this note, I proceeded to make such a disposition of my business as would enable me to leave the court without injury to my clients; and on the next day returned to Washington.

I arrived there at night too late to see the President on business, as he was usually at that hour in his parlor receiving the social visits of friends. I called on him the next morning immediately after breakfast. He expressed much pleasure at seeing me, and said he hoped he had not put me to any inconvenience; but he had been placed in an embarrassing situation. That he had had my opinion, and that it concurred entirely with his own; that after the bill passed he had conferred with the other members of the cabinet, and listened to their arguments, but they had not changed his opinion, and that he had stated to them his determination to veto the bill, and the grounds upon which he meant to place it, and requested their assistance in preparing the veto. They all he said concurred in opinion that he ought not to sign the bill, but wished him to place the veto upon grounds that would leave it open to him to sign a bill for a recharter at a future session and were much opposed to his taking grounds which should shut the door against a renewal, as far as depended on him; and they offered to assist him in the preparation of the veto, if he would consent to put it upon grounds which they suggested and approved. This he positively refused to do, saying that he would not sign a veto placing it upon any other grounds than those upon which he acted; and that they had thereupon declined taking any part or to render him any assistance whatever in preparing it. That under these circumstances, as I was absent he had placed his decision and his reasons for it in the hands of Mr. Kendall³³ whose opinions coincided with his own: that he regretted the

³³ Amos Kendall, a member of President Jackson's "Kitchen Cabinet," and Postmaster General, 1835-1837.

necessity of calling for the aid of any person out of his cabinet on such an occasion: but that Mr. Kendall had done it very well, although he thought it required some alterations and might be abbreviated: and that Mr. Donelson (his private Secretary) was then engaged in the room across the passage preparing it under his directions: that I knew the calls upon him were so incessant that he himself could never give more than a few minutes at a time to it: and said that if my other engagements would permit he would thank me to join Mr. Donelson and examine the whole document very carefully, and suggest such alterations as I should think advisable either in the argument or the style; adding that he would be glad to have it done as early as practicable, as he wished to send it in without delay. I told him I would lay aside other business until this was done; and immediately went into the room where Mr. Donelson was engaged; and proceeded to examine the draft that had been prepared.

I passed three days in this employment; the President frequently coming in; listening to the reading of different portions of it from time to time as it was drawn up, and to the observations and suggestions of Mr. Donelson and myself, and giving his own directions as to what should be inserted or omitted. The first day there was no one in the room but Mr. Donelson and myself, except the President and Mr. Earle ⁸⁴—It was the room which Mr. Earle who lived in the President's family, always occupied as his painting room. Mr. Earle however was all the time engaged in painting, taking no part in the preparation of the veto, and I believe not even hearing what was said. His tastes did not lie that way; and from the character of his mind and pursuits although highly respectable as an artist and pure & elevated as a man he was incapable of rendering any assistance in the preparation of such an instrument. Mr. Donelson told me when I came in that no member of the cabinet had been in the room or offered any aid to him, since Mr. Kendall's draft had been placed in his hands. I saw none of them the first day; and it is possible that none of them knew I had returned. For I did not go to my office, as I did not wish to be interrupted by other business. Upon the second day Mr. Woodbury came in, and took part in the work, and continued with us until it was completed, when a fair copy was made, which after being examined by the President and approved, and read in the cabinet, was transmitted to Congress. This is the history of my concern with the veto. I need not add that I cordially approved of it.

<The President was fortunate in his private Secretary, Mr. Donelson. He was frank and manly in his character—amiable in his temper—with excellent judgment—good taste—and a political sagacity and tact, not often to be found in a man at his time of life, and with his then brief experience in public affairs. He was the nephew of Mr. Jackson, and the President certainly loved and confided in him as if he was his son.>

The message ⁸⁵ produced a great sensation not only in Congress but

⁸⁴ Ralph E. W. Earle.

⁸⁵ For the message see James D. Richardson (ed.), *A Compilation of the Messages and Papers of the Presidents*, Vol. II, pp. 576-591.

throughout the Union. It was I believe far bolder and more decisive in its tone, and more argumentative than the Bank and its friends had anticipated. It was sent in on the 11th of July 1832; and efforts were immediately made to counteract its effect on the public mind, by the vehement and angry and abusive speeches in congress in reply to it; predicting the most disastrous consequences to the country from the refusal to continue the charter.

But those who were opposed to the Bank hailed it with acclamation. It brought this subject before the people in a form that would certainly and strongly attract their attention. For Genl. Jackson possessed in an eminent degree the confidence and affections of the great majority of the American people. Everybody read his messages and his opinions exercised a powerful influence on the public judgment. The veto contained the leading facts and arguments against the Bank; and the question therefore was no longer in the hands of speculators and stockjobbers and corrupt or intriguing politicians, but would be investigated, considered and decided by the great body of the people of the U. S. who could have no other object in view but the promotion of the public good.

It is not my purpose to write the history of that election. It was warmly contested on both sides. I might say bitterly and fiercely by the Bank. When I speak of the Bank I of course mean its multitude of officers agents and presses, who were all, with a very few exceptions, under the influence of Mr. Biddle and governed by his directions. The election was for some time regarded as doubtful by many of the friends of General Jackson, and the friends of Mr. Clay were perfectly confident of success. Mr. Clay had a strong body of friends personally, and the manufacturers, now became a numerous body strongly supported him for the purpose of obtaining a high tariff. He had moreover in his favor that portion of the politicians of the old federal and democratic parties who favored latitudinous construction of the constitution of the U. States. And when to these elements of strength, the influence of the Bank was added there was indeed much reason to suppose that he must succeed. No man in the U. States but Genl Jackson could have defeated him. The majority in the Electoral College proved to be larger than either party expected: yet several of the States which voted for General Jackson were closely contested and pending the election were confidently claimed by the friends of Mr. Clay. Nor was that confidence lessened, nor the apprehensions of the friends of Genl. Jackson relieved, until the return of the election in Pennsylvania began to come in. There was a period I confess when I myself thought the issue doubtful, and looked with a good deal of anxiety for the news from Pennsylvania.

Perhaps if we had known all the preparations which the Bank had made for the conflict and the extent of its exertions during the canvass the apprehensions of many of us would have been stronger. It appeared afterwards that in the year immediately preceeding its petition for a renewal of its charter, that is, from the 30th of December 1830 to the 30th of December 1831, it had increased the loans and discounts from

\$42,402,304.24 up to \$63,026,652.93; and while its petition was actually pending too in Congress it added before the 1st of May, 1832, \$7,401,617.79 more to the sum last mentioned, making the whole amount \$70,428,070.72. This was an increase of \$28,025,766.48 in the short space of 16 months, being an extension of 66 per c. t. on its previous loans. I knew nothing of this when the veto was prepared, and have no reason to suppose it was then known to the President. As the returns were made by the Bank every two weeks to the Secretary of the Treasury it was of course known to Mr. McLane. But the circumstance it would seem did not attract his attention, or he did not think it necessary to communicate it. It came to my knowledge when the question of removing the deposits was agitated while Mr. Duane³⁶ was in the Department and the conduct of the Bank carefully examined in order to determine what the public interest then demanded.

How much of this increase was received by public men, or by others for political services we shall probably never know. For if the books of the Bank should ever see the light, they have been kept in a manner to perplex and mislead any inquirer who was not in its secrets. This appears by the reports of the committees of investigation appointed by the President and by Congress. But if the immense amount of money thus suddenly poured out, was not applied directly to corrupt purposes, yet it was sufficiently large to strengthen greatly the hold of the Bank upon the community and to enable Mr. Biddle and his friends to make the pressure and curtailment more extensively felt when pressure and curtailment should become his policy. This large sum was by no means the extent of the expansion which this operation produced. The Bank of the U. S. was the central and controlling power in the paper currency. Its impulses acted immediately upon the State Banks; and they expanded or curtailed according to its lead. And this expansion by the Bank of the U. S. produced its usual and necessary effect upon them. It suddenly flooded the country with paper money and paper capital which there was no increase of business and trade to justify; and consequently it engendered a spirit of speculation which made the trading community exceedingly sensitive to the curtailment which followed the veto. In this state of things the pressure policy was energetically resorted to by the Bank; and its balances rigidity exacted from the State Banks in order to compel them to refuse discounts and curtail their accommodations. And by this means Mr. Biddle succeeded in producing much distress and embarrassment in the cities, and ruined many enterprising men, who had been encouraged to enlarge their commercial operations by the abundance of money and the facility with which loans had been obtained while the Bank was so rapidly expanding. This class of persons are always and inevitably the first and the immediate victims of an unlooked for reduction of credits, and a pressure upon the money market. But the time between the veto and the election was too short to reach that large portion of the American people who are not accustomed in their business to rely on discounts at Banks. It

³⁶ William J. Duane, of Pennsylvania, Secretary of the Treasury 1833.

was not long enough to affect seriously the prices of produce or the wages of labor. Yet the pressure was severe in the commercial cities, and the outcry was great in that class of persons who depend upon Bank accommodations to carry on their business. And as the distress followed after the veto it was imputed to the veto; and Genl. Jackson represented as responsible for the evils which Mr. Biddle himself was daily producing. Bold and profligate as this scheme was, it succeeded to a considerable extent. The politicians who opposed the reelection of Genl. Jackson, united with the agents of the Bank in making the charge. It had its effect in a greater or less degree in every state of the Union. For from our unfortunate system of Banking, many persons are to be found in every State, who owe money to a Bank which it is not convenient to pay—or expect to borrow from one to meet an engagement. And this Banking operation of Mr. Biddle undoubtedly deprived Genl. Jackson of thousands and tens of thousand votes, which would otherwise [have] been cast for him.

There was another operation going on during the same period of time of which the President and myself were equally ignorant, but which was not less formidable than the one above stated. It appears by the report of the government Directors in the Bank made to the President on the 19th of August 1833 that the ordinary annual expenses of the Bank up to the beginning of the year 1830 amounted to between seven and eight thousand dollars. But these expenses began to increase, after Genl. Jackson's first message to Congress at Dec. Session 1829, in which he took ground strongly against the renewal of the charter. In the year 1830 they rose to more than fourteen thousand dollars.—But soon after his second annual message, which was delivered at December session 1830, in which he reiterated his former objections, the plans of the Bank to defeat his reelection seem to have been matured, and their operations commenced in earnest. And in the beginning of 1831 when it began to swell its discounts, its expenses under the denomination of stationery and printing increased with equal rapidity. They amounted in 1831, to upwards of \$43,000; and in 1832 to \$38,678. of which last mentioned sum \$26,543.72 were expended in the last six months, when the veto had been given and the election was pending. And without doubt the greater part of the \$9,093.59 charged as expenses for stationery and printing in the first six months of 1833 when the election was over, was in fact to pay for services rendered in the election canvass, in the fall of the preceding year.

The report of the government directors before referred to shows the purposes for which this enormous expenditure was made.—Much of this money had been applied in such a manner as to baffle the examination of these Directors and to put it out of their power to discover to whom or for what particular purpose it had been paid. But the items mentioned in their report show the gigantic efforts which had secretly been made to obtain the control of the government by the defeat of Genl. Jackson. Large sums were paid for speeches and essays, eulogizing the Bank, and praising Mr. Biddle. Many thousand dollars were paid for printing and distributing *<Mr. Websters speech which although made in his place in*

the Senate, was obviously in its tone temper and partizan character, the speech of counsel paid by the Bank, and of one too by no means scrupulous in his statements of facts. I do not know whether Mr. Webster received directly a fee from the Bank for this speech in the Senate—and I will not therefore assert that he did. But I do know certainly that while this struggle was going on, he was, under the name of fees for professional services and loans, receiving a princely income from the Bank—and that what was called loan was afterwards colorably paid by the transfer of property of trifling value and bearing no sort of proportion to his debt. This speech upon the face of it was made for distribution and to deceive the uninformed. And the same may be said both as to inducement and object of many of the speeches made on that occasion and which appear by this report to have been so extensively circulated.>

In addition to the essays and speeches, large sums it appears were paid for anonymous publicity containing the grossest and coarsest libels upon the President Colo. Benton and other distinguished opponents of the Bank. And upon the order merely of Mr. Biddle, without disclosing the name of the person who received it or the service rendered: these payments were authorized, by a resolution of the Board passed early in March 1831, soon after the Bank had determined on its plan of operations by which Mr. Biddle was "empowered to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the Bank." This resolution was construed by Mr. Biddle and the board of Directors also, to make his order a sufficient voucher, and to dispense with the necessity of stating in the order either the name of the person he paid or the service rendered. This resolution as thus construed in effect placed the whole capital of the Bank in his hands, as a direct corruption fund to be used at his direction. But they could have afforded to sink it in struggle, to insure a renewal. They would have made money by it.

A great proportion of the sums paid for what was called printing and circulation, was paid to emissaries who were hired to travel from place to place and sometimes from house to house to distribute these various publications, in the neighborhoods to which they were supposed to be more peculiarly adapted. The states which were considered as doubtful and where it was therefore most important for the Bank to make exertions were flooded with them. And these emissaries usually performed the additional function of travelling orators adding their own assertions and statement and inventions to the contents of the documents they were distributing. Yet all of this was cool[ly] charged in the bank accounts as stationery and printing and withheld from the knowledge of the government Directors.

I do not now recollect in what form these expenses were charged in the accounts rendered to the Treasury Department, and have not the accounts at the time I am writing within my reach. Such an enormous increase in the charge for stationery and printing, amounting in the year 1831 and 1832 to more than \$80,000. But this *<could hardly have reached*

the attention of Mr. McLane undoubtedly escaped the attention of Mr. McLane who would hardly examine himself, the items of the bank accounts. For had he observed *(and it certainly was his duty had he observed it to call for an explanation—and to report to the President)* it he would without doubt have called for an explanation, and have reported it to the President. For independently of the circumstances that this large expense account, could not fail to awaken suspicions that the Bank was actively interfering in this election, the U. States owned one fifth of the Capital, and therefore paid one fifth of these expenses.—And the expenditure of more than sixteen thousand dollars of the public money by the Bank, in abusing the first magistrate of the nation, could hardly be tolerated at the Treasury Department. The account returned may have charged this expenditure in such a way as not to attract the attention of the clerk in the Department whose duty it was to examine it. Certain however it is that it did not come to the knowledge of the President until the report of the Government Directors, of which I am speaking, and which was not made until August 1833. It was this abuse of its chartered privileges that decided the President to remove Mr. Duane if he would not remove the Deposites. And he made his decision as soon as these facts came to his knowledge, as will appear hereafter in this narrative, if I live to complete it.

The election over and Genl. Jackson elected for another term of four years commencing on the 4th of March, 1833, the question occurred whether any and if any what further step should be taken by the Executive in relation to the Bank. The issue had been made before the people by the Bank itself, and the people had decided against it. For they had not only reelected Genl. Jackson, but a very large majority of the new House of Representatives were elected on this same ground and pledged to vote against a renewal of the charter.

Another circumstance came to light soon after the election, showing still more strongly how little the Bank was to be relied on as a public agent. And it is proper to state it here, as it is noticed in the President's message of December 1832 and formed one of the grounds on which the removal of the Deposites was justified. In the spring of 1832 the government found itself in funds to pay off one half of the 3 percent stocks which were the remnant of the debt created by the war of the Revolution.—As the public money was in the Bank, and it was bound by its charter to perform the duties of the loan offices in relation to the public debt, the intention of the government was of course communicated to the Bank in order that it might make the proper arrangements. The notice to the President of the Bank was given in March, and he was informed that the usual advertisement would be made on the first of April and the payment made on the first of July.—Upon receiving this information he came on to Washington, and represented that the payment of so large a sum (between 6 and 7 millions) one half of which was due to foreign creditors, would increase the demand for remittance, and necessarily abridge the facilities which the Bank was accustomed afford to the importing

merchants, and might endanger the punctual payment of the revenue Bonds. Upon these grounds he suggested the propriety of postponing the time of payment, the Bank agreeing to pay the interest on this stock, on that the Treasury would sustain no loss from the delay. These propositions were finally embodied in a letter dated Bank of the U S but in fact written in Washington—and upon these representations the President agreed that the payment should be delayed until the 1st of October, the bank paying the interest.

In the July following this arrangement with Mr. Biddle the Secretary of the Treasury supposed he could pay two thirds of the three percents on the 5th of Octr. and the remainder on the 5th of January. Notice of this intention was given to Mr. Biddle on the 19th of July and the Advertisement appeared on the 20th. Before this letter was written, Mr. Biddle knowing that the Government would pay off at least the half of these stocks about the first of October, dispatched Genl. Cadwallader⁸⁷ to England to make an arrangement with the Barings by which five millions of this stock was to be held back until the 1st of October 1833, the Bank paying such interest as might be agreed on, from the time fixed for payment by the government. Genl. Cadwallader was one of the Directors of the Bank and the family connection and intimate friend of Mr. Biddle. The mission was intended to be a confidential one. And the plan of preventing the certificates from being presented for payment was kept secret from the officers of the government. But the Editor of the New York Evening Post obtained possession of a copy of the circular of the Barings making this proposition to the holders of the stock in behalf of the Bank and published it in his paper of the 11th of October. When Mr. Biddle found that the affair had become public and concealment no longer practicable, he wrote to the Secretary of the Treasury on the 15th of the month proposing to give a summary of what had been done and stating that the Bank had disavowed a portion of Genl. Cadwallader's arrangement, as not having been authorized by his instructions. The portion disavowed was that which authorized the Barings to purchase the stock for the Bank, and retain the certificates as his security. This purchase was undoubtedly a direct violation of the charter; and if authorized by the Bank would have subjected its charter to forfeiture. It hastened therefore to disavow it as soon as the circular of the Barings was made public. For it was then evident that the whole transaction must be investigated by the government. But it appeared afterwards very clearly that the Bank had been in possession of the contract made by Genl. Cadwallader some weeks before the publication in the Evening Post, and yet did not disavow any part of that contract to the Barings nor make any communication to the Treasury until concealment was no longer possible.

It is not my purpose in this narrative to go into a detailed statement of all the circumstances of this transaction, nor of the sort of indirect hostilities

⁸⁷ General Thomas Cadwalader, who served as a kind of roving ambassador for the Bank of the United States.

which it occasioned for a time between Mr. McLane and Mr. Biddle. All of the material facts are embodied and most ably examined in an article published in the *Globe* on the 1st of January, 1833, and which I propose to annex as an appendix to this narrative.

When this transaction came to the knowledge of the President he was exceedingly indignant.—For even admitting that the disavowal of any authority to purchase the stock for the use of the Bank was made in good faith and not wrung from the Bank by the publicity given to the affair by the publication of Baring's circular, yet enough was admitted by the Bank to show a gross violation of its duty to the public. For the object of the arrangement was to prevent the government from paying five millions of its debt; and to enable the Bank to keep so much of the public money for an entire year, for its own purposes, against the expressed orders of the Government. And to accomplish this object was secretly using the credit of the government for its own benefit not only without its consent but [in] violation of its positive directions. For while these certificates were thus held back the U. States continued liable to the holder for the principal amount due, and it was upon the faith of this liability that the Bank kept the public money for its own use and kept the U. States still liable to the stockholder. Taking this view of the subject the President brought it before his cabinet soon after the result of the election was ascertained, and requested our opinions whether a *scire facias*⁸⁸ ought not to be issued to forfeit the charter, or the public deposits be immediately removed. He was confidently of opinion that the Bank would prove insolvent and that the public money was not safe in its vaults. Mr. McLane was in favor of directing a *scire facias* to be issued to forfeit the charter. He was of opinion that the conduct of the Bank in relation to the 3 prcts, as well as its purchase of paper under the name of loans, and its interference in the recent election, were abuses and misuses of power that subjected its charter to forfeiture. That this proceeding would put an end to all further efforts to renew the charter, which would otherwise be continued and embarrass the government until the charter expired by its own limitations. That as to the safety of the deposits while the *scire facias* was pending, it would be proper to appoint an agent to examine into its condition, and that the President could better decide after his report whether the deposits ought or ought not to be removed.

I was opposed to issuing a *scire facias* and thought better to do nothing than adopt a measure of that kind. I said there were many things which we certainly knew in relation to the conduct of the Bank, and upon which the Executive might properly act, but which it would be difficult if not impossible to establish by legal proof in a court of Justice—and especially against an adversary so adroit and unscrupulous as the Bank had shown itself to be. Besides the case must be tried in Philadelphia, before a

⁸⁸ A *scire facias* was the type of judicial writ deemed appropriate for the kind of action here being considered. As used at this point and elsewhere in the manuscript the term is abbreviated, "*sci. fa.*"

Philadelphia jury with all the leading counsel of that city retained as counsel for the Bank, and it would obviously be impossible to obtain a verdict against the Bank in a case where the trial from its very nature must last some weeks, and the jury during all that time exposed to the influences which the Bank would not scruple to exercise; and that such an excitement would be got up through the local press and otherwise in its favor that even honest and incorruptible men on the panel most probably would not have the firmness to withstand it. Moreover the Presiding Judge of the circuit court⁸⁹ was known to be warmly in favor of the renewal of the charter and held earnest and repeated conversations with me at my office, endeavoring to persuade me to advise the President not to veto the Bill; that although he was a very learned Judge and an upright and honest one, yet it was well known that he was a man of warm feelings and subject to painful and unfortunate excitement; that in some instances where his mind had been closely occupied for some time, upon subjects which he felt to be matters of great interest, this excitement had become actual insanity and that he had been compelled to absent himself for an entire term from the Supreme Court on that account; and that I should not be surprised if with his own preconceived opinions and his feelings upon this subject he should in his charge to the jury reply to the Presidents veto, and lecture him freely for his conduct in directing the *scire facias*. But apart from all these considerations there were many abuses of corporate privileges which would not in law amount to a forfeiture of the charter. And however faithless the Bank had been in the instances mentioned and however unfit on that account to be trusted or continued as a fiscal agent, it did not follow that it had forfeited its charter.

I further stated that in my opinion the deposits ought to be removed: that the conduct of the Bank in relation to the three per cents showed it to be in a state of much embarrassment, and might justify the removal upon doubts as to its ultimate solvency which the transaction certainly authorized: but that I did not put my advice upon this ground: that whether solvent or not, it had attempted by a secret arrangement to keep possession of the public money for an entire year for its own purposes against the orders of the government and that after such an act of infidelity it was no longer trustworthy, as the agent of the government and ought not to be continued as such; that its interference in politics and the elections, and the corrupt means which it was obviously resorting to obtain the renewal of its charter, was even still more objectionable: and as the possession of the public deposits increased the power it exercised for such improper and corrupt purposes, they ought to be withdrawn: that although the Bank was evidently much embarrassed, yet it would with its foreign connections be able to keep itself afloat if the public deposits were continued, until the next election of President was over; and it would

⁸⁹ Henry Baldwin, Associate Justice of the Supreme Court of the United States, who by virtue of his Supreme Court position was also the United States circuit judge in Pennsylvania.

continue to disturb the country by its struggle for a renewal, while the hope of obtaining it remained: that if the deposites were removed, another mode of collecting and disbursing the revenue must necessarily be adopted and the Bank would then be convinced that its charter would not be continued and would proceed in good faith to wind up its concerns: That the petition for the recharter admitted that if the charter was not to be renewed it was time to begin to close its affairs: that the recent elections had decided against its continuance and it was time according to the statement of the bank itself to begin the work of winding up the concerns: that in my opinion the Bank would not proceed to close its affairs, unless coerced by the Government but would expand again and prepare for another contest at the next election of President if some other fiscal agent was not appointed thereby closing the door against the renewal of the charter.

Mr. McLane strongly resisted the removal of the deposites and pressed the issuing of a *scire facias*. He said that the present congress had passed the bill for the recharter of the Bank and would most probably pass a law directing the deposites to be restored if they were removed by order of the Treasury Department. That he was of course prepared to adopt such measures as the President should determine upon; that he believed the Bank was much embarrassed and that it might become proper to remove the deposites as a measure of safety. But unless this was proved to be the case, this Congress would not sanction it; that no other depository was appointed by law, and as matters now stood if they were removed the executive must take the responsibility of selecting the depository, and if any loss was sustained or difficulties experienced in collecting or disbursing the revenue the President would be answerable for it:—And a public clamor might be excited against the administration which would impair its usefulness to the country, and embarrass its operations: that public opinion was now decidedly in favor of the President in the controversy with the Bank; but if in the present excitement of the public mind he removed the deposites, it would be represented as unnecessary; and as done under the influence of resentment and might perhaps change the current of public feeling: that our difficulties with South Carolina were becoming daily more threatening and was important to avoid any other conflict which might weaken the strength of the Executive or divide its friends: that the whole country would approve the issuing of the *scire facias*. It would show the world that the President in his course toward the Bank had not as unjustly imputed to him, been actuated by any feelings of personal dislike or hostility and that he was willing to refer the matter to the Judiciary as soon as the question assumed a shape, upon which a judicial tribunal could act. The Executive ought not to be influenced in its course by any suspicion that a Judicial tribunal would not do its duty; that the evidence of the misconduct of the Bank could no doubt be obtained, and if produced the court and jury must be governed by it: and the decision of the court vacating the charter, would fully vindicate all that he had done, and put an end to all further attempts to renew the charter.

In reply to this I said that [as] to an examination of the Bank to determine whether it was safe or not I set very little value upon it. The books and accounts of a Bank would often shew it to be in a flourishing condition, when it was actually insolvent: that as to the restoration of the Deposites by congress, I did not think it would be attempted in the face of so gross a violation of duty as that committed by the Banks in the case of the 3 per cts. But if attempted it could be averted by a veto as the charter was; and that in the present state of the public mind in relation to the Bank I had no doubt a veto upon such a proposition would be supported firmly; and would indeed be received with real pleasure by a vast majority of the people of the U. States; that as to what I had said about issue of a scire facias in Philadelphia it was no reproach to the judiciary nor to the tribunal of which I spoke: that as concerned the Jury, the possibility and even probability that a party may not be able in certain cases to obtain justice before a Jury of the place where a suit is brought is universally admitted by Jurists: and in every country I believed where the common law prevailed provision was made for changing the venue, and sending the case for trial to some other place, beyond the improper influences which it was supposed would sway the Jury in the case where it was pending. In Maryland this right of changing the venue upon this ground was secured to the party by the constitution of the state. But the scire facias against the Bank must be tried in Philadelphia, and there was no power of removal under the charter. That as regarded the court, what I said was no impeachment of the judiciary, nor of the judge who presided in that court: that his unhappy temperament was his misfortune rather than his fault; that delicacy toward him would of course prevent the President as well as the members of his cabinet from recognizing this as a reason, publicly, for not resorting to a scire facias. But as we all knew it, it would hardly be the part of wisdom to shut our eyes to so material a fact, and to proceed as if we thought the fact to be otherwise.

The President after hearing what we had to say observed that it was an important subject; that he wished us all to think of it; and would call our attention to it again at a future time.

PLACE NAMES OF BALTIMORE AND HARFORD COUNTIES

(Continued from March)

By WILLIAM B. MARYE

THE HORSE PONDS (FORK OF GUNPOWDER RIVER)

THE Horse Ponds is the name of a place, originally a number of acres in extent, situated about 500 yards west of a point about midway between Quinlin's Corner and Mount Vista, on the road connecting the Bel Air Road with the Harford Road. This land was at one time (before 1850) a part of the Perry Hall estate.¹ In my day the Horse Ponds lay back in what was called Hayes's Woods.² The "ponds," from which the place took its name, were shallow depressions in the ground, which filled with water in wet weather, particularly in winter. In 1913, I was informed by an old inhabitant of this neighborhood, that, after the cutting down of Hayes's Woods,³ the Horse Ponds tended to dry up. Coarse grasses grew on the beds of these ponds.

The name of the Horse Ponds is one which, undoubtedly, goes back to early colonial times and is reminiscent of very primitive, wilderness conditions. It may be ascribed to the fact that there, at the Horse Ponds, herds of wild horses resorted, in order to graze. There the county rangers may have captured and branded the wild steeds.

Testifying, in 1732, before a commission held to determine the

¹ The Gough-Carroll estate. The first owner was Harry Dorsey Gough and the last of the family, Harry Dorsey Gough Carroll. Upwards of 1000 acres of this estate were situated on the west side of the Great Gunpowder Falls, and 1125 acres on the east side.

² 27 Feb., 1850, H. D. G. Carroll conveyed to James Hayes, 568½ acres, parts of "Heathcoat's Cottage" and "Thompson's Choice." (Baltimore County Land Records, Liber A. W. B. No. 412, f. 450.) The Horse Ponds lay, principally, on "Thompson's Choice."

³ The author well recalls circumstances attending this depressing event, which occurred about 1894. Great logs (mostly white oak), which bore witness to a venerable stand of timber, were hauled down the Joppa Road, and piled up in the station yard at Bradshaw, awaiting shipment.

bounds of a tract of land called "Heathcoat's Cottage,"⁴ John Greer, aged 47, proved the second bounded tree of this land, standing "on the north side of the Horse Ponds." At the same time John Roberts alias Campbell, aged 41 years, proved the same bounded tree, and stated that "*he has known the place generally called the Horse Ponds near thirty years and they lay a small distance to the southward of the said bounded red oak.*"⁵

In the year 1769 a land commission was held on behalf of Colonel William Young to prove the bounds of a tract called "Sewell's Fancy," which depended on the bounds of "Heathcoat's Cottage," at which time Moses Greer, aged 54, testified that "between thirty and forty years ago this deponent was informed by his father John Greer that a bounded black oak where we now stand standing on a ridge about three hundred yards from a place called the Horse Ponds was the second tree of a tract of land called Heathcoats Cottage."⁶

The late Stephen Haven Wilson, of "The Tuileries," near Kingsville, told the author, in 1913, that he well remembered when the Horse Ponds was the resort of great flocks of wild pigeons, which arrived there in March, and returned again in September. Mr. Wilson was born in this neighborhood in 1835. The late Mr. Edward Augustus Day told me that his father, William Young Day (1799-1879), of "Taylor's Mount," used to shoot wild pigeons at the Horse Ponds. The place was visited by Baltimore sportsmen, who went there to shoot pigeons. Mr. Wilson directed me to the following account of such an excursion, published in Skinner's *American Turf and Sporting Magazine* for 1830:⁷

The writer of this contribution, who signs himself "A," relates that with a companion, Mr. "E. J. P.," he started out (most probably from Baltimore) on the night of October 11th, 1829, at nine o'clock, "for the neighborhood of what is called the Horse Ponds, an extensive body of land belonging to the 'Perry Hall' estate."

⁴ The author has given to this society a plat which he has made, showing early surveys, mostly seventeenth century, in the Fork of Gunpowder River, below the Harford Road. Thereon the reader will find "Heathcoat's Cottage." It lies althwart the Bel Air road, and includes the lower reaches of Broad Run.

⁵ Baltimore County Court Proceedings, Land Commissions, Liber H. W. S. No. 2, f. 144 et seq.

⁶ Baltimore County Land Records, Liber A. L. No. B., folios 306-314.

⁷ "Pigeon Shooting," *American Turf and Sporting Magazine*, I (Oct., 1829), 84-85.

He goes on to say: "Our object in starting out at night was to enable us to be upon the shooting grounds by day light, so that we might take advantage of the first flight of the birds from their roosting place to their feeding. We had been there on the Thursday previous; but having arrived too late to catch them before they fed, we were determined to be early enough on this occasion. We reached Mr. Burton's tavern on the Bell-Air Road (Harford Road) a mile and a half beyond the Copper factory (Harford Road and Great Gunpowder Falls) about one o'clock." Alas for their expectations: "the pigeons had, the previous day, winged their flight to some more congenial soil; for with the exception of a few stragglers, who had evidently deserted from the main body and these not exceeding fifteen or twenty, none came to the 'Horse Ponds.' Of these we got eight, which with a few robins and jays formed the entire spoils of our day's sport, for notwithstanding our ill success, I esteemed it a day of sport."

BRADSHAW

The post-office and the loose-jointed settlement called Bradshaw owe their name to a station on the Baltimore and Ohio Railway, which was abandoned by the railroad a number of years ago, and pulled down not many years since. The line between Baltimore and Philadelphia was completed in 1886.⁸ Passenger and freight service on the B. & O. between these points was opened in that year. It is reasonable to suppose that Bradshaw Station was erected in 1886. After that, people living in my neighborhood, who had occasion to go to Baltimore, were no longer under the necessity of driving five or six miles to Magnolia on the P. W. & B.⁹

It must be admitted, however, that in those days many of my neighbors seldom, if ever, went to town. When those stay-at-homes did go to Baltimore, they got as far as Lauer's department store on Broadway; after which, conscious of their countryfied appearance, they got confused, and went home to the country with a feeling of great relief.

I remember being told in the days of my youth that Bradshaw was named for an official of the B. & O. Railroad; but I have no

⁸ Edward Hungerford, *The Story of the Baltimore and Ohio Railway, 1827-1927* (New York and London, 1928), p. 155.

⁹ The Philadelphia, Wilmington and Baltimore Railroad.

record of such a person. An explanation which is, perhaps, a better one, is the following: Bradshaw Station was built on an ancient tract of land called "Windley's Forrest."¹⁰ In the year 1717 one John Bradshaw purchased of Edward Ward one half of "Windley's Forrest," which he sold, in 1740, to Stephen Onion, the iron master.¹¹ Title searchers for the railroad unearthed these facts; hence the station's name.

Tournaments used to be held at Bradshaw in Col. B. F. Taylor's field, part of "Mount Peru," on the far side of the railroad tracks. I recall one of these events, which took place more than fifty years ago, when the late Mr. "Fred" Raphel, of "Fontenai,"¹² near Upper Falls, acted as Marshall of Ceremonies. He was well mounted and wore a costume of "When Knighthood was in Flower." The Queen of Love and Beauty was crowned in a pavillion in Douglas Park, an abortive amusement place laid out by Colonel Taylor, on the Little Gunpowder Falls, between Bradshaw and the old Philadelphia Road. Old Dr. Gorsuch, of Fork, delivered the "coronation address." The old people used to say they recalled the time when tournaments, as regards the riders or "knights," were very exclusive affairs; but the Catholic Church took them over and made them democratic.

The advent of the railroad brought many summer visitors and boarders to our part of Baltimore County. Loreley was laid out in the 1890's, but failed to prosper and grow. The Fifth Regiment camped out at the Big Mills, across the Big Falls of Gunpowder from Loreley (I remember the event), and the boys got typhoid fever. This gave the place "a black eye." In my immediate

¹⁰ Surveyed for Richard Windley, 22 August, 1667. He gave his name to Windley's Run, which empties into Bird River on its eastern side. This name has been corrupted into *Windlass* Run.

¹¹ Baltimore County Land Records, Liber T. R. No. A., f. 520; Liber H. W. S. No. 1. A., f. 470. There is no mention of a Bradshaw in Hungerford, *op. cit.*

¹² Eugene Fressenjat Raphel (6 Oct., 1845-16 March, 1907). His father was Stephen J. Raphel, born in the island of St. Lucia, [St. Lucia] Windward Islands, 23 Feb., 1790; died in Baltimore County, 29 Jan., 1872, who was brought to this country by his parents, ca. 1792. In 1836 he purchased of Munnikhuisen 250 acres near McCubbinsville (now Upper Falls), which he called "Fontenai" (Baltimore County Land Records, Liber T. H. Bo. 258, f. 312). He married, 31 May, 1834, Mary Anne Mackatee (1807-1893), of Harford County. Their son, Mr. E. F. Raphel above mentioned, married Jeanette S. Braden, of Virginia (d. Nov. 21, 1914). For this information I am indebted to my old neighbor, their son, Mr. A. Alexis Raphel (see Raphel Genealogical Notes and Chart, Md. Hist. Society). For further information about the Raphels see under "Elk Neck." The road, appropriately named by the State Roads Commission "Raphel road," takes its name from this family.

neighborhood Mrs. S. Haven Wilson's boarding house, "The Tuileries" (the home of the Kings¹³) attracted members of the "nicest" Baltimore families. These commuters were all to be seen at Bradshaw Station on week days, morning and evening, in summer.¹⁴ At "The Tuileries" the boarders found an excellent table and a groaning board, comfortable rooms and delightful hosts, all for six dollars a week. The place itself was charming. What simple pleasures were to be enjoyed there by the boarders, while saving up, in order to bring out a daughter at the next Monday German, may be gathered from the following incident: among them was an impecunious young buck, who was sitting one day on a bench by the Joppa Road, at the foot of the garden walk, when a man came up the road, leading an old, broken down horse, of dejected mien. The young man hailed him with: "Where are you taking that horse?" "To Record's," was the answer (meaning, to the Record's bone-meal factory, on the Little Falls, at the Harford Road). "I'll give you two dollars for him," said the young man. The offer was accepted, and that horse was the young man's mount for the balance of the summer.

I scarcely believe it will give offense, if I should say that around the turn of the century the ranking commuter who was to be seen at Bradshaw station, was the Hon. Charles J. Bonaparte (1851-1921), one time Secretary of the Navy, later Attorney General of the United States, and grandson of a king. Mr. Bonaparte drove to Bradshaw (in a victoria, in fair weather), from his estate, "Bella Vista," on the Harford Road. He used a string of well matched horses, raised on the farm, which were taught to trot at an equal pace, up hill and down dale, and were seldom seen to walk. Mr. Bonaparte was a man of amiable mannerisms, which were taken off to perfection by the late J. Alexis Shriver.¹⁵ At

¹³ Mrs. S. Haven Wilson, of "The Tuileries" (1838-1926), was Miss Mary Eliza King, daughter of Dr. David King and Mary Eliza (Blair) King, and granddaughter of Abraham and Elizabeth (Taylor) King, Abraham King gave his name to Kingsville (g.v.).

¹⁴ Boarders from Baltimore at "The Tuileries" in the 1890's included the following Baltimoreans of the best social standing: The R. Steuart Latrobes, whose son, Osman, later distinguished himself in the Army; the William Carter Pages, the Benjamin Corners; the George V. S. Longcopes, whose son, Warfield Theobald, made a name for himself in medicine; the Cavendish Darrells; Mr. Clarence Seemuller. About 1900 came here from Baltimore Mr. John Christopher Taliaferro, successful industrialist and inventor, with his family. He purchased from the S. Haven Wilsons "Sycamore Hill," on which, some years later, he built a house, which is still standing.

¹⁵ The late J. Alexis Shriver, of "Olney," Harford County, was Director of

Bradshaw, waiting for his train, he, customarily, walked the platform alone, gesticulating and talking to himself. It was understood that he was rehearsing a speech, which he was to deliver that day. His holding himself aloof was due to preoccupation, not to a spirit of exclusiveness, for he was a charming man.

KINGSVILLE

My memory of Kingsville goes back to about 1890. The Kingsvillains, who are now so numerous, and mostly strangers to me, were then few. The place had half a dozen dwelling houses, a store (Dilworth's), a blacksmith's shop, and a church (*old St. John's*). Kingsville was set in the midst of a lovely countryside, whose rural charm, at least from my point of view, is gone for good and all, a result of suburbanization. The local streams were clean and full of fish (Broad Run was a very good trout stream).¹⁶ Over all there reigned a peace the like of which we, the natives, shall never know again.

Kingsville takes its name from Abraham King, who died there 15th December, 1836, at the age of seventy-six.¹⁷ He was a native of Pennsylvania, and came from Willistown in Chester County. He was probably descended from Michael King, or Koenig (1714-1790), of that county, a native of Wittenberg, Germany.¹⁸ His wife was Elizabeth Taylor, a sister of the Hon. John Taylor, of Willistown, who settled in the West and was for a number of years Chief Judge of the Superior Court of Mississippi.¹⁹ Mr.

Historic Markers for Maryland and Corresponding Secretary of the Maryland Historical Society.

¹⁶ About 1900 I caught an 11-inch trout in a pool a few yards above the Bel Air Road bridge in Broad Run. That section of the run which lies between the Bel Air Road and the road going from Quinlin's Corner to what is now called "Raphel Road," was the best part in which to angle for trout. Strange to say, there were few trout in the lower reaches of this stream, where there are beautiful cascades and deep pools.

¹⁷ Dielman File, "The Morgue," Md. Hist. Society.

¹⁸ J. Smith Futhey and Gilbert Cope, *History of Chester County, Pa.* (Philadelphia, 1881), pp. 623-624. I have heard a member of the King family of Kingsville say that the name was Koenig. From family papers I judge that Abraham King was the son of George and Catherine King, of Willistown, Pa. According to Futhey and Cope, George King, grandson of Michael King, married Catherine, daughter of Isaac Smith, and had, among others, a son named Abraham.

¹⁹ Futhey and Cope, *op. cit.*, p. 739. King, Family Papers, bequeathed to the Md. Hist. Society by the late Mrs. Laura (Reeves) Harris-Parsons, a Reeves, of Philadelphia, wife of the late Rear Admiral Archibald Livingston Parsons. Her mother was Miss "Becky," King, daughter of Dr. David and Mrs. Mary Eliza (Blair) King, of "The Tuileries," Kingsville.

King acquired some 290 acres of land in and about the site of Kingsville in 1814.²⁰ He lived in the old Hugh Deane-John Paul mansion, now the Kingsville Inn.²¹ After his death two of his sons, George King and Dr. David King,²² continued to reside there for a while.

There was a Kingsville Post Office by 1831.²³

In my younger days that stretch of the Bel Air Road, which lies between Kingsville and Benson, was always called the Black Gap Road. The first improved road in the neighborhood was that section of the old Joppa Road lying between Kingsville and Fork. Known locally as Feather Bed Lane, it was taken as an example and macadamized at the expense of the federal government, about 1894, and called The Model Road. Members of my family used to drive up and down it just for the sensation of driving on a good road, and because it was easy on the carriages. About 1902 the Joppa Road between Fork and the Philadelphia Road, at Whitten's Corner, Bradshaw,²⁴ got the name of Sunshine Avenue. It sounded, as it were, the first suburban note in that

²⁰ King Family Papers: a bond, dated 10 Oct., 1814, consideration \$11,500.00, from Thomas Kell to Abraham King, for the conveyance of 290 acres of land, parts of "Leafe's Chance," "William the Conqueror," "Selby's Hope," "John's Delight" and "Onion's Prospect Hills." Only two original surveys are involved, vizt, "Leafe's Chance" and "William the Conqueror." This bond recites that the lands to be conveyed "compose the present dwelling plantation and farm of the said King."

²¹ See the interesting *History of the Kingsville Inn*, by H. L. Le Compte, Jr., reprinted from *Harford County Directory*, 1953.

²² There was another son, John, who died in Mississippi, and a daughter, Mrs. Elizabeth Amos, of Harford County. George King died a bachelor. David King (born in Pennsylvania, June 1, 1800; died Jan. 18, 1874) took his degree in medicine at the University of Maryland (Eugene Fauntleray Cordell, *Medical Annals of Maryland* [Baltimore, 1903]). He married Eliza M. Blair, (1813-1857), daughter of James Blair, of Baltimore, and his wife, Eliza Gibson, daughter of John Lee Gibson, a prominent citizen of Harford County. They had a numerous family. Two daughters, Adele Maud and Adolphine, married Dr. J. Holmes Smith, Sr., Professor of Anatomy, U. of Md. Three daughters entered convents. Laura King married, as his third wife. Dr. David Sterett Gittings, of "Roslyn," near Upper Falls, (1797-1887), this author's grandfather, upon whose death she "took the Veil." The Kings owned Charmony Hall (q.v.), at the head of Gunpowder River, and considerable land at the foot of Gunpowder Neck.

²³ Among the King Papers is a letter, dated West Chester (Pa.), May 5, 1831, from William Worthington to George King, Esq., to the care of the "p. master at Kingsville P. office Baltimore County Maryland." Mr. Worthington was the son of Amos Worthington, whose wife was a sister of Mrs. Abraham King.

²⁴ In my younger days the tavern at this place was kept by Isaac Tyson, and the place called Tyson's Corner. His heirs sold it to William Whitten, station agent at Bradshaw, who thereafter kept the tavern.

hitherto purely rural part of Maryland.²⁵ It was the monster, Baltimore, still far away, threatening our peace.

GRUPY'S HOLLOW

The hill on the Bel Air Road, which the traveller climbs after crossing Broad Run and just before arriving at the Kingsville Inn, is Grupy's Hill, and the hollow on the left, between the run and the hill, is Grupy's Hollow. Francis Grupy, of Harford County, bought a small piece of land there in 1823.²⁶ He operated a tanyard. He died in 1849, at the age of eighty-seven.²⁷ The little old stone buildings in the hollow date, ostensibly, from the Grupys. The Grupys were gone by 1877,²⁸ and the name was no longer extant in the neighborhood in my day. One of these Grupy's was murdered in Grupy's Hollow. Several are buried in the churchyard at Kingsville.

OLIVER'S POINT AND HAREWOOD

Robert Oliver (d. 1834), the Baltimore merchant prince, who was of Protestant Irish birth and parentage, gave his name to Oliver's (or Oliver) Point, Gunpowder River. This point lies a mile below the southern end of the Pennsylvania Railroad bridge, opposite to the bay, which we call Frenchman's Bay, or Frenchman's Hollow, of which more presently. The name which Oliver bestowed on this point is still employed, but the ancient name—Surveyor's Point—lingered in use until long after Mr. Oliver's death.²⁹ "Harewood" was the name by which Robert Oliver

²⁵ As I recall very clearly, the name goes back to a sign which suddenly appeared one day on my family property, on the site of the Kingsville Bank. It bore a hand, or an arrow, pointing up the Joppa Road, and the legend: "This is Sunshine Avenue. Reckord's three miles." It was taken up almost immediately.

²⁶ Baltimore County Land Records, Deed, 3 March, 1823, Jesse McKistry to Francis Grupy, of Harford County, 9 acres and 80 perches, part of "William the Conqueror." Mention of Broad Run.

²⁷ Dielman File, Maryland Historical Society.

²⁸ On Hopkins' Atlas of Baltimore County, Eleventh District, 1877, the name of the owner is Bell. The Bells were there in my time. Robert Taylor's map of Baltimore County, 1857, shows the tannery and the house of T. H. Grupy.

²⁹ A map styled "Map of the Baltimore and Port Deposit Rail Road as Located to a point near Havre de Grace," drawn by H. R. Hazlehurst, 1836, has the names Harewood and Surveyor's Point. Robert Taylor's Map of Baltimore County, 1857, has Surveyor's Point. Martinet's Map of Harford County, Md., 1878, has Oliver's Point. Surveyor's Point was occasionally called Collett's Point. "Hap Hazard," surveyed for John Bevin, May 11, 1683, is described as situated between the land called "Herods [*sic*], Lyon" and "the land called Colletts." "Daniellstown,"

called his shooting box and the landed estate of over one thousand acres, which extended from Oliver Point to the mouth of Bird River; and up that river to the first cove or creek. Where did he get this name? Most probably from the name of one of the original surveys of which "Harewood" was composed—"Harwood's Lyon," which was taken up in 1664 by Thomas Harwood and remained in his family for over a hundred years.³⁰ Beyond a doubt this land was named for the Ship Golden Lyon, of London, of which Thomas Harwood was master.³¹ In the time of the Harwoods "The Lyon" appears to have been nothing more than a "quarter." Not a quarter, but a seat or dwelling place of, a family was "Surveyor's Point," 500 acres, surveyed for George Goldsmith, or Gouldsmith, 26 March, 1666, which remained in the possession of his descendants for over a hundred and fifty years. From these descendants, the Presburys, Mr. Oliver got his title, in 1818.³² The last Presbury of "Surveyor's Point," George

surveyed for John Waterton, 20 Sept., 1667, lies "on the west side of Gunpowder River, near a point called Collets Point." Depositions were taken, 2 July, 1743, on behalf of George Presbury on the land called "Surveyor's Point," also known as "Goldsmith's Land or Collets," at which time Benjamin Legoe, aet. 69, testified that he had known the point called Collets Point for 35 years (Baltimore County Court Proceedings, Land Commissions, Liber H.W.S. No. 4, f. 82.). John Collett, of Baltimore County, was a brother-in-law of George Goldsmith; but how he gave his name to this point is not clear.

³⁰ Under the name of "The Lyon" this land, 300 acres, was laid out for Capt. Thomas Harwood, of London, mariner, 19 Nov., 1664. It lies on Gunpowder River, at the mouth of Bird River. Adjoining it, on Bird River, lies "Black Woolfe Neck," surveyed for Richard Farrendall, in 1667. Thomas Harwood of Anne Arundel County, Md., sold "The Lyon" and part of "Hap Hazard" to William Andrew, Dec. 19, 1771 (Baltimore County Land Records, Liber A.L. No. D). James Johnson et al. sold to Robert and John Oliver, 29 Aug., 1818, (Baltimore County Land Records, Liber W.G. No. 147, f. 44.) 380 acres, parts of "The Lyon," "Hap Hazard" and "Presbury's Discovery." Robert and John Oliver bought of Charles Crook and others, 1931½ acres, "Black Woolf Neck," 21 Nov., 1818, adjoining "the Lyon" or "Harwoods Lyon" (Baltimore County Land Records, Liber W.G. No. 143, f. 570). The same year Robert Oliver leased between 80 and 90 acres of "Black Woolfe Neck" of John Seddon (Balto. Co. Land Records, Liber W.G. No. 148, f. 558). These purchases and lease, together with "Surveyor's Point," made up the Oliver estate, "Harewood," of which Robert Oliver became sole owner, after the death of his brother.

³¹ *Md. Archives*, XLI, p. 206.

³² George Goldsmith died late in 1666, leaving "Surveyor's Point" to his son, George, who married Martha Beedle, and died in 1692, leaving a daughter, Martha, who married, Feb. 26, 1708, Joseph Presbury (his first wife). They resided on "Elk Neck" (q.v.), an estate which they inherited from the Goldsmiths. George Presbury, their son, was born Aug. 18, 1710, and died 15 Feb., 1785. By his will (Archer Papers, Harford County Historical Society"), he left all his lands on the west side of Gunpowder River to his son, George Gouldsmith Presbury. These lands amounted to about 1000 acres, all in one tract and were patented to George

Gouldsmith Presbury, the third, (1783-1863), was the great-great grandfather of the Duchess of Windsor, on her mother's side.

The reputation of this short-lived estate, "Harewood"—and it did enjoy a certain fame in its day—was chiefly because of its deer park. At the time when this rarity was set up, the native deer had died out in that part of Baltimore county. Deer parks were probably always a rarity in America. The Tayloes had one at "Mount Airy," the site of which is still shown to visitors. Writing his impressions of America about 1798, Richard Parkinson, the English agriculturist, says that deer parks were "very rare" and that he had seen only two, vizt, that of Colonel Mercer (in Virginia?) and that of Edward Lloyd, Esq., at Why-House (Wye House, in Talbot County, Maryland). He pays Mr. Lloyd a tribute, saying that his land (about thirteen thousand acres) "appeared the best I have seen," his house and gardens "elegant"; but of his deer park of about fifty acres he has nothing good to say.³³ Of the Harewood deer-park there are several accounts. Tyrone Power, the noted Irish actor, was a guest of Mr. Oliver at "Harewood," in 1835, shortly before Mr. Oliver's death.³⁴ The dwelling house at "Harewood" he found to be "a plain sporting lodge."³⁵ "It is well situated upon a gentle eminence overlooking a couple of reaches of Gunpowder River. On the land side the deer-park spreads away to the forest, being

Gouldsmith Presbury, 27 May, 1787. Mr. Presbury was born, May 1, 1737, and died in Baltimore, Jan. 16, 1822. He was a Judge of the Orphans' Court and otherwise a prominent man. He married, 1756, Elizabeth Tolley (1736-1783). Their son, George Gouldsmith Presbury, (born in 1759; died Oct. 3, 1812, aet. 50) married, May 28, 1783, Priscilla Lee, of Harford County. Their son, George Gouldsmith Presbury, born 1784, married, in 1809, Sarah (Howard) Bussey, daughter of Thomas Gassaway Howard and Frances (Holland) Howard, of Baltimore County. He died 9 Aug., 1863. He was known as George G. Presbury, 3rd. On Oct. 8, 1817, he advertised for sale, in the Baltimore American, "Surveyor's Point," 500 acres, on Gunpowder River. On Aug. 31, 1818, James Mosher, George Gouldsmith Presbury, the third, and George Gouldsmith Presbury, the elder, deeded to Robert Oliver and to John Oliver (his brother), 494¾ acres, "Surveyor's Point Resurveyed" (Baltimore County Land Records, Liber W. G. No. 147, f. 41).

³³ Richard Parkinson, *A Tour in America in 1798, 1799, 1800* (London, 1805), I, 221.

³⁴ Tyrone Power, Esq., *Impressions of America, during the Years 1833, 1834 and 1835* (London, 1836), II, 65, 66. I learned of this account of "Harewood" from the late J. Hall Pleasants.

³⁵ I think it not unlikely that it was in this same dwelling house that the J. Hemsley Johnsons, of Baltimore, resided, when they owned "Harewood," and that it was there they dispensed such delightful hospitality upwards of forty years ago.

divided from the land by an invisible fence." As we might well have imagined, Mr. Oliver had trouble with poachers, who were either "the neighbouring farmers (not my relatives, I trust) or boatmen from the river." According to Power, his stock of deer amounted to four hundred head. There is a picture of the deer park at Harewood in Skinner's *American Turf Register and Sporting Magazine* for 1830.³⁶ We see a large field, bare of trees, in the middle of which is a sick or wounded deer. In the middle distance we behold one of the "lofty deer fences" mentioned by Mr. Power, reinforced by the blackthorne hedge, which he also mentions. Far away is the sporting lodge and farther still Gunpowder River. The editor of the magazine has added a note about the deer-park, which gives the following information: 200 head of deer were "sometimes to be seen at a single view." "From these one of the largest bucks is annually selected and sent to Doughregan Manor, for the birthday dinner." "The park is so extensive, the woods so deep and impenetrable, and the food so abundant that it is by no means an easy matter to pick out and kill the best of the herd." (Let us hope that these sportsmen did not pick out each other.) A letter to the editor informs us that the park contained some 300 acres, and 200 deer. A contributor to the same magazine,³⁷ under date of March 14, 1834, avers that he has seen, within the deer park at Harewood, 250 deer "browsing in a beautiful field of as many acres." His contribution is headed, "A Day's Sport at Harewood." The appraisers of the estate of Robert Oliver estimated the number of deer at Harewood at "about 300," and valued the herd at \$1.00 apiece.³⁸ History seems to be silent as to what became of these unfortunate deer. Perhaps there was a terrible slaughter.

ELK NECK AND QUIET LODGE FARM

The farm with the pleasant name of Quiet Lodge, situated on Gunpowder River, in Gunpowder Neck, between Canal Creek and Wright's Creek, was owned by but three family groups in

³⁶ "Sports at Harewood," *American Turf Register and Sporting Magazine*, II (Nov. 1830), 106, opposite 30, 130. The picture is identified as follows: "Engraved for *American Turf Register and Sporting Magazine*, by J. Cone, from an Original drawing."

³⁷ "A Day's Sport at Harewood," *ibid.*, V (April, 1834), 429.

³⁸ Inventories, Baltimore City and County, Vol. XLIV, f. 425.

all its long history, 1663-1917:³⁹ The Presbury family (including their ancestors, the Goldsmiths, and their near relatives, the Colletts); the Raphels; and the Cadwaladers. The land fronting on the river between these two creeks was laid out for John Collett, the elder, July 23, 1663, and called "Elk Neck." It was resurveyed for him, 20 October, 1667, under the same name. The resurvey calls for Elk Neck Creek⁴⁰ (Canal Creek) and Deep Creek (Wright's Creek).⁴¹ "Elk Neck" was resurveyed in 1719 for James and Martha (Goldsmith) Presbury and John, their son, and found to contain 410 acres. Collett left this land by will, 26 March, 1673, to his near relative, Mathew Goldsmith, who died s. p., whereupon it came into the possession of his "cousin" (i. e., nephew) George Goldsmith, the younger (d. 1692), who had two daughters, Mary and Martha. The former deeded away her rights to her sister's son. Martha married James Presbury.⁴²

James Presbury is said to have come to Maryland from London and to have been a man of good connections.⁴³ He was High Sheriff of Baltimore County in 1710 and died in 1746. In 1750 his son, George, owned 1530 acres in Baltimore County.⁴⁴ It was he, in all probability, who built the curious, little old "mansion" called Quiet Lodge, which, I believe, is still standing. It was lately Officers' Quarters for Fort Hoyle. Incised (or moulded?) in the bricks of the west wall of this house are dates of birth of a

³⁹ In 1917 virtually the whole of Gunpowder Neck was taken over by the Government, and is now the seat of the Edgewood Arsenal.

⁴⁰ Also called Elk Creek. In 1683 Michael Judd was building a shallop in Elk Creek (Baltimore County Court Proceedings, November Court, 1683). The original survey and the resurvey of "Elk Neck" are recorded at the Land Office of Maryland in Patent Records for Land.

⁴¹ Abundant evidence to this effect can be adduced.

⁴² Land Office of Maryland, Warrants, Liber B. B., f. 137, gives the title in full down to 1719.

⁴³ Walter W. Preston, *History of Harford Count, Maryland* (Baltimore, 1901), p. 215. The statement is there made, but without source or authority, that James Presbury was the son of Joseph Presbury, of London, by Hannah, his wife, a sister of Samuel Bradford, Bishop of Rochester and Dean of Westminster, and an aunt of William Bradford, who settled at the head of Bush River early in the eighteenth century and founded a family. It is regrettable that no proof of this statement is at hand, since it seems quite plausible. James Presbury had a brother named Joseph Presbury (Hall of Records, Annapolis, Md., Provincial Court Proceedings, Liber B. B. No. 1, 1727-1728). Joseph settled near his brother, in Gunpowder Neck, and founded a family.

⁴⁴ Baltimore County Debt Book, 1750, Calvert Papers, Md. Hist. Society. He acquired more land later, and was one of the most respectable landowners of the county. After him there were two branches of the Presbury family, one living at "Elk Neck," the other at "Surveyor's Point."

number of members of the Presbury family.⁴⁵ Whether or no the interior had anything in the way of architectural amenities we can no longer tell, as it was burnt out many years ago.

Of history, in the strict sense of the word, there is nothing in connection with Elk Neck, unless it is a contract which the vestry of the Parish of Gunpowder Hundred entered into in the year 1693 for the building of a church for the said parish "at Elk Neck on Gunpowder River."⁴⁶ Absolutely nothing is known of this church.

In the summer of 1913, when I called at Quiet Lodge farm, I learned there that it was still known as "Raphel's," although fifty-nine years had passed since the Raphel family sold the place.⁴⁷ It was still also called Quiet Lodge. In the will of Etienne (or Stephen) J. Raphel, of Baltimore City, dated 6th May, 1811,⁴⁸ the testator expresses a desire to be buried "on my farm, situated in Harford County, called Quiet Lodge."⁴⁹ This farm was part of "Elk Neck" and the residence thereon was the old Presbury house. It lies in a bay of Gunpowder River, between Maxwell's Point and Reardon's Inlet (Hog Point), which, ever since the Raphels settled there, has been known as Frenchman's Bay or Frenchman's Hollow. Mr. Raphel purchased the farm in question, 361 acres, from George Presbury, of William, August 28, 1799.⁵⁰

Etienne J. Raphel was born at Marseilles, 18th March, 1754.⁵¹ and died at Baltimore, Maryland, 22nd May, 1811.⁵² He came

⁴⁵ I called at Quiet Lodge farm in July, 1913, and copied all of the inscriptions I was able to make out, which included the following: G. Goldsmith Presbury Born May 1737; Goldsmith Presbury Born Sept 10 1749; Martha Presbury, Aug 7 1757; Elis. Jinnings. Isabel [?] Presbury; Mr. Geo. Presbury, Born Aug 16 1770 [1710?]; William Gold The P of Pillory; George Goldsmith Presbury Wm. Born May 1st 1731 [1737?]; Mr. Presbury Born Feb. 8 1713; Martha Presbury Born May 19 1749.

⁴⁶ Baltimore County Court Proceedings, September Court, 1693.

⁴⁷ Stephen J. Raphel, son of Etienne J. Raphel, sold Quiet Lodge farm to General George Cadwalader in 1854 (Bel Air, Md., Deeds, Liber A. L. J. No. 4, f. 328). I am indebted to his grandson, Mr. A. Alexis Raphel, for this information.

⁴⁸ This will is recorded at Baltimore, Md., in Liber 9, at f. 131. The executors were the testator's wife and the Hon. James McHenry. Mr. A. J. Raphel tells me that the will was written in French and translated by Mr. McHenry. The deceased left the then considerable fortune of about \$60,000.

⁴⁹ He was, in fact, buried there, but years later his remains were removed to the churchyard of St. Stephen's Church, Bradshaw.

⁵⁰ Bel Air, Md., Deeds, Liber J. L. G. No. 0, f. 493. The grantor was the grandson of George Presbury (1710-1785).

⁵¹ So stated in his will.

⁵² Raphel Genealogical Chart, by A. Alexis Raphel, Md. Hist. Society; also tombstone, St. Stephen's Churchyard, Bradshaw, Md.

to this country from Martinique, it is said, where, according to tradition, he had once held a high official position;⁵³ and settled, eventually, in Baltimore. The year of his emigration is given as 1792.⁵⁴ His wife was Jeanne Elizabeth Fressenjat, baptized in the island of St. Lucie or St. Lucia, 20 April, 1771, daughter of Major Jacques Fressenjat and Elizabeth (Zoutin) Fressenjat.⁵⁵ It would appear that he had a right to a title of nobility, although, so it seems, he did not commonly use it.⁵⁶

OLD PRESBURY CHURCH

Colored people called the Negro church, which stood near the head of the eastern branch of Canal Creek, in Gunpowder Neck, "old Presbury." Presbury church stood in what was called The Flatiron, where the road going down the neck from Magnolia met the road from Edgewood. Some white people knew this old church by that name.⁵⁷ On Martinet's Map of Harford County, 1878, it is called "Gunpowder M. E. Church." The name, "Old Presbury," goes back to Joseph Presbury, who, in the year 1773, made over to certain parties, evidently trustees, for a consideration of one shilling, one acre of land, "together with all that lately erected preaching house . . . for the use of the Weslyans."⁵⁸

⁵³ I have it from Mr. A. Alexis Raphael that he was Procurator General of Martinique.

⁵⁴ Raphael Genealogical Chart. Without presuming to question this information, I note the fact that, according to the inscription on her tombstone in St. Stephen's churchyard, Bradshaw, Md., his daughter, Stephanie L. Raphael was born in the island of St. Eustatia [St. Eustatius?] 11 Nov., 1794. In the Baltimore directory for 1810 we find: Stephen Raphael, gentleman, Franklin near Eutaw St. I did not find him in earlier directories of this city.

⁵⁵ Raphael Genealogical Chart.

⁵⁶ I have seen, in the possession of Miss Florence May Raphael, great-granddaughter of Etienne J. Raphael, and sister of A. Alexis Raphael, a royal decree, in French, written on parchment, whereby the King of France gave permission to the Marquis Raphael de Ley to marry "Dame Fressenjat."

⁵⁷ In 1913 I heard Mr. Cadawalader's tenant at the old Maxwell house at the head of Waterton's (Watson's) Creek, Gunpowder Neck, call it by the same name.

⁵⁸ Baltimore County Land Records, Liber A. L. No. G., f. 153: 13 March, 1773, Joseph Presbury, of Baltimore County, yeoman, to John Watters, Nathan Horner and George York, yeomen, James Wetherall, sadler, all of Gunpowder Neck, Bernard Preston, of Thomas's Run, Sr., Henry Watters, of the same place, yeoman, Godfrey Watters, of the Lower Cross Roads, yeoman, Jospha Owings, Sr., near Gwyns Falls, yeoman, "all that part or parcel of land commonly called Colletts Neglect situate on the east side of a branch of water between the house of the said Presbury and John Waters which said branch descends into Elk Neck Creek" [Canal Creek] and runs to "the road leading to Joppa." The first Joseph Presbury, brother of James Presbury (q. v.) married Eleanor Carlile, 11 July, 1723, and

Hartman, in his "History of Methodism in Maryland, 1770-1912," mentions a Quarterly Meeting Conference of Methodists, held at the house of J. Presbury, December 23, 1772.⁸⁹ At what time this neglected and little known shrine of Methodism passed into the hands of a Negro congregation I am unable to say.

(To be continued)

died 7 June, 1724. Joseph Presbury, second of the name, married Sarah Lycraft, 11 Jan., 1749 (Register, St. John's Church, Baltimore County).

⁸⁹ "History of Methodism in Maryland, 1770-1912," by Alfred Z. Hartman, MS, Maryland Hist. Society, p. 20.

THE PUBLIC LEVY IN COLONIAL MARYLAND TO 1689

By JOHN A. KINNAMAN

FROM the very first years of settlement the English colonists in America were concerned about the form their government would take, and within that established government the laying and collecting of taxes attracted a sustained interest. The best minds in the colonies devoted a portion of their time to the consideration of the public revenue and how it should be collected. Following the tradition of the House of Commons, the Maryland assembly early defeated a plan of the proprietor that the assembly should be merely an assenting body and that they should not propose, debate, or amend legislation. During the meeting of 1650, the assembly declared that "noe Subsidies ayde Customes, taxes or impositions shall hereafter bee layd assessed, or leavyed or imposed upon the freemen of this province or on their Merchandize Goods or Chattles," without the approval of a major part of the freemen or their deputies.¹ Usually financial legislation was passed for a year or for some specified purpose, but there are instances where revenue bills were passed in perpetuity.

Internal taxation took two main forms, the poll tax or head tax, and the direct property tax. Of the two the former was most common and was the main source of revenue for the colony. The direct property tax was current only during the rule of the Puritan commissioners and during the fourth intercolonial war. Proceeds from the poll tax were used to pay the burgesses, clerks of the two houses of assembly, the justices of the county and provincial courts, and after the establishment of the Anglican church the clergy of that faith; at times the members of the governor's council were also paid from this levy. Before 1650 the levy for these purposes was assessed somewhat in relation to the wealth of the individual, but not later than 1657 this policy ceased to be used and the levy became purely a head tax.

¹ *Archives of Maryland, I, Assembly, 1637/8-1664, 302.*

There is no known act of assembly before 1654 declaring which individuals were taxable. The first extant official statement on taxables came in a vague act of assembly in that year of 1654 when the colony was under the domination of the Puritan commissioners, "that all publique Charges of the Province shall after this present years be Levied not only upon persons taxable but also upon such visible Estates in the Province as followes, all Servants as well as freemen shall be taxed by the poll (Except women Servants such as are not negroes or Indians women who are taxable)." ² Evidently there was a difference between the charge for men and women, for a further clause in this same act mentions the tax on land as the fourth part of a poll female per hundred acres; these were probably female slaves.

Cattle were also taxed in the same terms of the taxes levied on women, "Cattle of three years old the same male of five yeares old the same, females of 2 years the 8th part of a poll, Males of 2 years old the 16th of a poll horses and m[u]les taxable to the same as a poll." ³ The session of 1657 still controlled by the Puritans brought another clarifying clause on exactly who was taxable, "that all publick Charges of this province shall this present year be Levied upon all person taxable p[er] poll and all men Servants that are or shall be brought into this Province for the future of what age soever they be shall be Taxable p poll as aforesaid." ⁴

At a meeting of the council in June, 1662, it was decided to order the sheriffs to prepare the levy list. They were to have this task completed by July 20, and the lists were to include the names and surnames of every tithable person and the house where he lived. ⁵ One copy of this list was to be sent immediately to the governor and the council, and another copy was to be set up in the court house at the next session, there to stand for one year. If there were any errors, they were to be certified to the governor and council before September 1. ⁶

The whole question of taxables was confused, and in 1662 the assembly passed a comprehensive act aimed at settling the problem. Because many disputes had arisen over the ages of the servants brought into the province and at what time they should be accounted taxable, the new act declared, "all Male Children

² *Ibid.*, I, 342.

³ *Ibid.*

⁴ *Ibid.*, I, 359.

⁵ *Ibid.*, III, *Council*, 1636-1667, 456.

⁶ *Ibid.*, III, 456-457.

borne in this Province shall be take and accounted Taxable att the age of sixteene yeares and upwards And all Male Servants imported into this Province att or before the age of Tenn yeares shall be Accounted Taxable and soe rated. . . ."⁷ Slaves were also considered taxable, and whether male or female they were considered taxable at ten years. Their place of birth did not matter.⁸

Evidently the act of April, 1662, did not settle the question of ages. Violations and arguments over the ages of servants continued unabated. Therefore in 1674 the assembly passed another act concerning taxables. The conditions expressed in this law were merely a repetition of the earlier act of 1662, except that priests and ministers were expressly exempt from taxation.⁹

The actual preparation of the lists of taxables had early been entrusted to the sheriffs, but there was considerable dissatisfaction with these results. At a meeting of the council on September 19, 1670, it was decided to inspect the original lists of tithables already prepared by the constables of the hundreds. The council doubted that a true list of tithables had been returned. The reported number of taxables had decreased since 1669, although it was well-known that great numbers of servants had been sold in the same counties reporting fewer tithables than in the preceeding year. Therefore, the council ordered the constables to return the lists of tithables last taken to their respective county courts. The courts were then to seal and return them to the governor and council not later than the second Tuesday in December.¹⁰

The lists presented by the constables do not seem to have been significantly more accurate than the final copies submitted by the sheriffs, for in 1676 an act was passed stating in precise terms just how the records were to be prepared. Under the new law the constables were to visit each house in the hundred between June 20 and July 31, and there to inquire of the chief person in the family what number of taxable persons in the household. From the results of this survey, the constable was to make two lists. One was to go to the sheriff and the other to be posted at the next meeting of the county court. In case the householder refused to

⁷ *Ibid.*, I, 449.

⁸ *Ibid.*

⁹ *Ibid.*, II, *Assembly*, 1666-1676, 399.

¹⁰ *Ibid.*, V, *Council*, 1667-1687/8, 76.

answer the constable or gave incorrect information, he was charged with double the levy due for every such person concealed. If the constable himself were at fault, he was to be fined five hundred pounds of tobacco for every mistake; proceeds thus secured were to be spent at the pleasure of the justices of the county court. Finally, so that no one could plead ignorance of who was or was not taxable, the assembly repeated the essentials of the statute which defined taxables. The new act changed the earlier pronouncement. Now all male children and imported servants were taxable at sixteen years, as were all slaves, both male and female who had reached that age. Freemen the age of sixteen or above were taxable, except priests and ministers and such poor and impotent persons as received alms from the county.¹¹

Even this lengthy legislation did not cure the mistakes and errors in the preparation of tax lists. In the next year, 1677, Governor Notley issued a proclamation concerning the preparation of tax lists. "Whereas att the laying of the publick Levy of this Province for these two yeares last past, itt hath been the custome & practice of severall the Sheriffes wthin this Province to bring in rebatem^{ts} for severall persons returned in their lists of Titheables alleading that they are runaway or dyed insolvent which is thought to happen meerly through the remisnes & negligence of the Sheriffes themselves not takeing care to secure or collect the same in due tyme, p^rsumeing that they shall be allowed for the same in the publick levy." ¹² The sheriff was paid a percentage of the annual levy for preparing the lists and collecting taxes, usually ten per cent. Furthermore, the governor with the approbation of the council ordered the justices of each county to correct the general lists of taxables before they were sent to the council and delegates for levying the annual public charge. Finally, Notley declared that no change was to be made in the lists once they had been returned from the justices.¹³

Evidently from the constantly re-enacting legislation the tax lists were known to be faulty. The governor and the assembly were attempting to find means to make them more accurate and to keep them up to date.

During the first days of the colony the public levy was laid and

¹¹ *Ibid.*, II, 538-539.

¹² *Ibid.*, XV, *Council*, 1671-1681, 156.

¹³ *Ibid.*

assessed by the governor and the council. Leonard Calvert, the first governor, on October 6, 1641, issued an order to the sheriff of St. Mary's County. The sheriff was required to levy the sums assessed by the action of the general assembly upon any and every party within his county "by distraining any Tobacco's or by distress and Sale of any other Goods of the party or parties refusing or delaying to pay the Assessment. . . ." The sums collected were to be paid to the treasurer of the province. Any surplus of a distress sale after the lawful fees were collected was to be returned to the individual.¹⁴

Since St. Mary's was the only county at that time, the task was fairly easy at first, but within nine years two more counties with their additional hundreds had been added. The general assembly in 1650 authorized the governor to issue writs to the sheriff of every county within the province to summon three or four of the inhabitants of Ann Arundel one or two of the inhabitants of Kent County, and one or two of the inhabitants of every hundred within St. Mary's County. These people were to be chosen by the freemen of the counties and hundreds to meet with the governor and council at St. Mary's on October 10. These delegates were to consider what further charges should be added to the levy already decided upon by the committee of the assembly. They were also to assess all the taxables of the province.¹⁵

The next year, 1651, the same procedure was ordered by the assembly, with some minor changes. Another county, Charles, had been added, and delegates from that county were invited to the meeting with delegates from each hundred of St. Mary's County, Kent County, and Anne Arundel County. These men with any members of the burgesses without express invitation could meet with the governor and council on October 10 to consider what charges were to be allowed to the assembly, and what should be added to the next year's levy. Within this group the governor or his deputy was to have a casting vote.¹⁶

During the first years of the settlement there was little or no distinction made between the houses of the general assembly. Under the Puritan commissioners only one house was established. Thus the annual budget could be arranged by one committee of

¹⁴ *Ibid.*, III, 99.

¹⁵ *Ibid.*, I, 298.

¹⁶ *Ibid.*, I, 313.

that house, which met and received claims against the public. When the government became more complicated and the bicameral system was an established fact, a more complex system was required.

The actual preparation of the annual budget passed through several committees. A committee of each house of the general assembly first organized the bills of its own house; then the two committees, or combined parts, thereof, sat as a committee of accounts.¹⁷ Public notice was given at the county courts, informing the colonists that the authorized committee would sit to receive claims against the government.¹⁸

The committee formed by delegates from the individual counties was to consider also what further sums ought to be added to the levy of the current year in addition to that already approved by the general assembly. This committee also participated in determining how much should be levied per poll on the taxables of the province.¹⁹ Usually the process was merely one of division since almost all the revenue laws required the tax to be levied equally on the assessables. The means used to assess the levy were not uniform, however. In 1680, the governor and the council did the levying by themselves and accepted minor claims against the province.²⁰ During the general assembly of 1682, the two houses appointed two members from each of their respective bodies to meet for auditing and stating the public accounts of the province.²¹

A growing population and the territorial expansion of the colony made it increasingly difficult to lay all the levies at once at St. Mary's. Therefore in 1671 an act was passed empowering the commissioners of the county courts to levy tobacco in order to pay the necessary charges of their counties.²² Early practice had been for the commissioners of each county to evaluate extra charges incurred in conducting the individual affairs of their counties, and then to present the total when the general assembly met. The old system had provided that even distinct county charges were to be paid out of the general levy, whereas they should have been charged to the individual county that received

¹⁷ *Ibid.*, I, 298; VII, *Assembly*, 1676-1683, 336-337, 474.

¹⁸ *Ibid.*, XV, 321; VII, 337.

¹⁹ *Ibid.*, I, 398, 313.

²⁰ *Ibid.*, XV, 320-321.

²¹ *Ibid.*, VII, 336.

²² *Ibid.*, II, 273.

the benefit. Such a situation meant that the populous county of St. Mary's paid a large share of the total county charges. Under the new act, county commissioners were allowed to establish the amount of their county levy and to raise tobacco to satisfy the charges.²³

Twelve years later, in another attempt to find a satisfactory means of establishing the annual levy, the lower house requested the upper house to appoint some of their members to form a joint committee for the settlement of the public debt and accounts of the province. The upper house selected two of its members for such purposes.²⁴

Thus the early years of the colony show the government searching for some means to provide general equitable taxation, and furthermore, to insure that the colony would be adequately financed. Transportation was obviously a growing problem which influenced the general assembly. When there was but one county, taxes could easily be laid and delegates could come to the sessions to participate in the legislative process. It was quite another thing when the colony became larger. Still the delegates sought adequate legislative protection for the population that would reduce the number of trips necessary for councilors and assemblymen to make each year.

Maryland as well as the other colonies suffered from a shortage of real money. Debts owed to English and Scottish merchants, as well as quit rents and other dues owed to the proprietor, drained off what ready money was available within the province. This adverse balance of trade continued as the market price of tobacco fell steadily in the first half century after settlement. Maryland did not improve her position until late in the colonial period because of the poor quality of tobacco offered for sale, and the refusal of the general assembly to safeguarding the quality of the leaf by law.

Profiting from the Virginia experience, Maryland colonists early began producing tobacco for sale overseas to pay for necessary materials and supplies. This tobacco production did not, however, bring hard money into the province. The colonists were thus forced into a barter economy. Tobacco being the only money crop, it was necessary to monetize the leaf. As tobacco receipts

²³ *Ibid.*

²⁴ *Ibid.*, VII, 474.

became the common currency of the colony, the general assembly was required to enact a long series of laws relative to the position and acceptance of the commodity as money. The public levy and the quit rents due to the proprietor were payable in two installments per year. The proprietor unwillingly began to accept tobacco in lieu of money at a fixed rate of exchange. His acceptance eased the situation somewhat, as did also the acceptance of tobacco at a stated sum for the public charge. But these acceptances did little to help the colonists in their dealings with merchants and traders. A shortage of hard money was often felt even more keenly in the proprietarial ones. A significant percentage of the income of the colony went abroad to support an absent landlord. During the early years of the colony the fiscal year ended on October 10, but this date was not fixed and in later years November 10 became common. Paying the public charge was never easy for the colonists, although they could pay their taxes either in hard money, tobacco, or at times in grain.

The first mention of the laying of the public levy in Maryland bears the date October 23, 1640. It is an order of the Assembly that the public charges and the expenses of the burgesses should be allowed and assessed at the discretion of three men, Giles Brent, Treasurer, Councilor, and burgess from Kent County; John Lewger, Secretary, Councilor, and burgess from St. Mary's hundred; and Thomas Greene, burgess from St. Mary's hundred.²⁵ The next was a proclamation by the governor, Leonard Calvert, on October 6, 1641, ordering the sheriff of St. Mary's County to levy the sums assessed by the act of the general assembly and to return the money to the treasurer of the province. There was no mention of the amount levied or of the assessment per head.²⁶

The following year a list of assessments made on the various counties for supplying troops and the sums paid to individuals for supplies appeared in the council records. The general assembly first authorized the levying of 1,210 pounds of tobacco to cover the costs of an expedition against the Indians between September 21 and October 13, 1642. This assessment was shared by the two counties, St. Mary's and Kent, in proportion to their population, St. Mary's being responsible for 806 pounds and Kent for 404 pounds. Provision was made to allow the commander of the

²⁵ *Ibid.*, I, 95.

²⁶ *Ibid.*, III, 99.

expedition to issue charges against the province for supplies needed along the route of the march. These charges were compiled by John Lewger to the amount of 6,033 pounds of tobacco. An additional levy of 400 pounds was made against Kent County, bringing the total for that county to 2,804 pounds, as against a total of 4,806 for St. Mary's County. This levy of 7,610 pounds for the province was apportioned at a rate almost of two to one, St. Mary's over Kent County.²⁷

An act was also passed for the expenses of the burgesses for 1642 which amounted to 8,340 pounds of tobacco. From these lists the total taxables of the province were about 289, with 92 living in Kent County and 197 in St. Mary's County.²⁸

An assessment of 4,000 pounds of tobacco was made against the taxables of St. Mary's County in 1643 to pay for the defense of the province against the Indian depredations.²⁹ Possibly because of its insular position or its remoteness from attack Kent County was not included in the assessment.

Although a period of starvation never occurred in the province, the supply of grain was not always plentiful. During the session of the general assembly sitting from January to March, 1648, the problem of food became so critical that the assembly passed an "Order of the pnt Assembly" to endure for the length of its session. Evidently some military campaigning the previous fall and winter had kept the soldiers under arms, probably contributing to a short crop. By the middle of the winter the existing corn supplies of the proprietor had been used and more was needed. To prevent some possible disturbance by the troops—since the assembly was aware that some provincials were hoarding grain—an order of confiscation was passed. Under this order officers of the colony were empowered to visit the storehouses of the colonists and to measure the amounts of grain held therein. A sufficient supply was to be left for the owner—to be computed at approximately two barrels per head except for suckling children—and the rest taken at a price of 150 pounds of tobacco per barrel. Anyone found hiding corn could be fined double the amount of the corn's cost.³⁰

Near the end of April, 1649, the committee for charges of the

²⁷ *Ibid.*, III, 119-126.

²⁸ *Ibid.*, I, 142-146.

²⁹ *Ibid.*, III, 137-138.

³⁰ *Ibid.*, I, 217-218, 229.

assembly reported that for the current session Kent County should be charged 320 pounds of tobacco and St. Mary's County, 1,600 pounds; further charges of 7,056 pounds should be paid by assessment per poll in the province. In addition the governor was to call some representatives from the hundreds to meet in October with the council to complete the year's assessments.³¹

During the April session of 1650 charges against the whole province amounting to 3,420 pounds of tobacco were accepted by the assembly. The charges allowed for the burgesses were to be paid by their respective counties and hundreds proportionally, amounting to a total of 17,400 pounds of tobacco. St. Mary's County owed 10,850; Kent County, 2,250; and Anne Arundel County was to be assessed 4,300 pounds of tobacco. Since the committee did not feel they had an accurate assessment list for the various counties, they postponed making the charge until the October session.³² To take care of the further assessments the general assembly authorized the governor to summon certain inhabitants from the three counties to meet on the following October 10th with the council and the governor or his deputy to approve the public charge and then to levy the total on the taxables "in a manner . . . as shalbe then thought fitt by the parties then meeting for that purpose. . . ." ³³

No record of any case is preserved in which the governor and council levied taxes upon the province without the permission and authorization of the general assembly. But in April, 1650, the lower house passed "An Act against raising of Money Within the said Province without Consent of the Assembly." ³⁴ Possibly this step was taken to forestall such action by the administration. It is probable that during the first years of the colony, part of the taxes were levied by the governor and council without referring the request to the assembly.

A year later Governor William Stone issued by the authority of the assembly, "An Order for the raising of the Leavies." It provided that the hundreds of St. Mary's County and the counties of Kent, Anne Arundel, and Charles were to select certain inhabi-

³¹ *Ibid.*, I, 237-238.

³² *Ibid.*, I, 282, 284-285.

³³ *Ibid.*, I, 298.

³⁴ *Ibid.*, I, 302; *Calendar of State Papers, Colonial, America and the West Indies, 1574-1660*, Noel W. Sainsbury, ed. (London, 1860), p. 329.

tants to meet with governor and council in October and there to determine what charges would be allowed in the public levy.³⁵ Unfortunately nothing but the order is preserved.

The Puritan commissioners ruling Maryland during 1654 passed a public levy and declared, "that all publique Charges of the Province shall after this present yeare be Levied not only upon persons taxable but also upon such visible Estates in the Province. . . ." This represents one of two instances in the history of the province of a levie against the real property of the inhabitants. Women servants were exempt from taxation unless they were negroes or Indians who were expressly mentioned. Land and cattle were taxable in relation to humans. Each hundred acres of land was charged as one-fourth of a female. Bulls of five years and heifers of three were taxed the same as land. Two year heifers were taxed one-eighth of a female taxable, and bulls two years old were taxed one-sixteenth of a female. Horses of either sex were taxed the equivalent of a male taxable. Tenants were responsible for the land-tax only if the owner resided outside the county, and then the tenant could rebate the tax from his rents due the landlord.³⁶

Part of the county levies of October 1654 has been preserved. The accounts are those relating to each county's share of the expenses of the session of the general assembly headed by William Fuller, the commissioner under the Commonwealth. Only four counties are mentioned. Province owed 5,635 pounds of tobacco; Kent owed 1,403 pounds; Putuxent owed 3,568 pounds; and Potomock County owed a total of 9,000 pounds. These sums were to be levied on the inhabitants of the various counties.³⁷

Evidently the commissioners under the Commonwealth found that taxing real property was more difficult than they had imagined. By 1657 they seemed to have reverted to the older system of taxing by heads. Probably the complications of creating tax lists including both land and animals as well as humans was too difficult to continue. One of the very first actions of the general assembly meeting on September 24, 1657 was expressly to repeal "An Act concerning pub Levies upon the visible Estates of the Inhabitants."³⁸ During the same session a new levy was

³⁵ *Archives of Maryland*, I, 313.

³⁶ *Ibid.*, I, 342.

³⁷ *Ibid.*, I, 355-356.

³⁸ *Ibid.*, I, 360.

passed, " It is Assented and Declared by this Generall Assembly that 32^l of Tob p pole be raised and Levied by the Sheriff of this province, to Satisfie and Discharge these particular accompts and Charges of the publick. . . ." From this levy 4,000 pounds of tobacco were granted to the widow whose husband fell in the public service, leaving four small children; several additional grants were made to lame men. The act provided that 32,974 pounds of tobacco were to be paid out, but the disbursements required only 25,104 to be spent. Thus the number of taxables can be estimated at 1,030, if all the taxables paid and if the lists were correct. The charges for those counties which have been preserved are as follows: Providence 10,240 pounds of tobacco; Kent 2,684 pounds; Putuxent River 10,944; Potomock River 1,236; and levied out of the County of Putuxent 6,844 pounds of tobacco.³⁹

An unusual problem occurred during the sessions of the general assembly in April and May of 1661. The year before a levy of eighteen pounds of tobacco had been made on the province to cover certain charges against the government. It was reported to the general assembly in 1661 that many of these debts had not been paid. A supplementary act was passed providing that just charges from the proceeding year which had not been satisfied, should be paid this year, and that any surplus go towards proclaiming the new king Charles II and paying the soldiers.⁴⁰ The same session had provided that the governor could raise troops at provincial expense to aid some friendly Indians, if the situation demanded soldiers.⁴¹ The charges upon the individual counties to pay their burgesses were also raised at the very end of the session. St. Mary's County owed 8,000 pounds of tobacco; Charles 4,000; Calvert 8,000; Anne Arundel 4,000; Kent County 4,000; and Baltimore County 2,000 pounds of tobacco. The same act provided a total of 4,105 pounds of tobacco be added to the public levy to satisfy certain claims that recently occurred, and that Mr. John Norwood should be paid 5,975 pounds of tobacco out of the Anne Arundel County levy, probably for imprisonment charges since he was the sheriff of that county.

The April session of the general assembly in 1662 provided

³⁹ *Ibid.*, I, 363-365.

⁴⁰ *Ibid.*, I, 417-418.

⁴¹ *Ibid.*, I, 400, 406-407.

⁴² *Ibid.*, I, 419-420.

that the various counties should satisfy their individual burgesses for their expenses of meat, drink, lodgings, and travel for the session then concluding. Further expenses of the session were included. Hannah Lee, widow, was paid 1,000 pounds of tobacco for house room. The clerks of the two houses received 3,000, with 500 pounds for the door keeper. Finally the two houses jointly declared that all public charges amounting so far to 3,000 pounds of tobacco and public money levied should be assessed by the governor and the council.⁴³

The fall terms of the general assembly of 1663 levied twenty-five pounds per poll on the 2,873 taxables of the province, amounting to 71,825 pounds of tobacco, which was to be paid to the governor for sundry expenses. A further 17,500 pounds was allowed for various expenses connected with the session of the general assembly, and the counties were required to satisfy their respective burgesses for their time, meat, drink, lodging, boats and hands if required. These expenses—except the burgesses' charges—and 9,924 pounds paid to the sheriffs for their services made the receipts for the levy amount to a total of 99,249 pounds of tobacco.⁴⁴ The following year 1664, the sheriffs were allowed 12,494 pounds of tobacco for collecting the public levy, which totalled 124,940 pounds of tobacco.⁴⁵

The records of both the provincial levy and the county levy for St. Mary's County have been preserved for 1666. The council met on September 12, 1666, to take into consideration the public levy for the year. Major expenses included reimbursing the governor for a horse given to the Indians and finishing the rails and benches for the courthouse, as well as providing carpets and other necessities. These payments amounted to 8,298 pounds of tobacco. The chancellor was paid 2,000 pounds for expenses for a trip down to Virginia, and 4,422 pounds were allotted to two men for working about the late Secretary's office. These expenditures amounted to 14,670 pounds of tobacco. This document did not mention the assessment per poll for the provincial expenses or the number of tithables in the colony. But on September 25 the council met again to determine the county levy for St. Mary's, and at the end of the list declared that the public levy for the year

⁴³ *Ibid.*, I, 440-441, 456.

⁴⁴ *Ibid.*, I, 482-483, 505-506.

⁴⁵ *Ibid.*, I, 540-541.

was forty-one pounds of tobacco per poll in the province. These figures would indicate that other expenses must have been provided for during the spring session of the council. The county total allowed at this meeting was 6,764 pounds of tobacco, and the sheriff was paid 10 per cent for collecting it, thus making a grand total of 7,440 pounds for St. Mary's County. This amount was apportioned exactly at twelve pounds per poll. Added to the public assessment of forty-one pounds, it required the taxables of St. Mary's County to pay a total of fifty-three pounds of tobacco for 1666; or the total collected for the county in taxes amounted to about 32,860 pounds of tobacco for approximately 620 taxables in the county.⁴⁶ Amounts levied in the other counties have not been preserved.

The St. Mary's County levy for 1667, which was made up on October 22, provided for paying out 1,300 pounds of tobacco for wolves' heads and 3,400 pounds for housing the indigent poor. This levy amounted to 4,700 pounds, and the sheriff was allowed 460 pounds, almost 10 per cent for collecting 5,160 pounds. The number of tithables in St. Mary's County was 688, and the county levy was assessed at seven and one-half pounds per poll. For the same year the public levy was fifty pounds, making a total of fifty-seven and one-half pounds assessed and a total collection of 39,560 pounds for the year, according to the council's figures.⁴⁷

The public charge for the province for 1669, levied on May 27, 1669, was 231,160 pounds of tobacco, plus a commission of 10 per cent allowed to the sheriffs for collection, making a total of 254,276 pounds of tobacco to be levied by equal assessment upon the inhabitants of the colony. A further sum of 38,278 pounds of tobacco was to be levied on the counties to pay the expenses of their respective burgesses. This latter total was to be proportioned among the counties as follows: St. Mary's, 5,970; Kent, 3,671; Anne Arundel, 6,083; Calvert, 4,945; Charles, 5,787; Baltimore, 4,257; Talbot, 4,628; Dorchester, 418; and Somerset, 519.⁴⁸

By 1671, the general assembly thought that the act which permitted the counties to lay and assess certain charges was insufficient; therefore, the commissioners of the county courts were empowered to levy and raise tobacco to defray the necessary

⁴⁶ *Ibid.*, III, 556-557.

⁴⁷ *Ibid.*, V, 20.

⁴⁸ *Ibid.*, II, 227-235.

charges of their counties by equal assessment on the taxables of their respective counties.⁴⁹

The assembly still felt unsure of general acceptance of its right always to participate in laying the public levy. In the spring session of the general assembly of 1671 an act for the support of the lord proprietor included a clause that the act should remain effective as long as no public levy was laid without the prior consent of the freemen in open assembly.⁵⁰

The public charge for the provincial expenses for the first half of 1671 amounted to 76,311 pounds of tobacco. Sheriffs were allotted 7,631 pounds for collecting it, making a total of 83,942 pounds. In addition the several counties were charged with the expenses of their individual burgesses: St. Mary's, 2,411; Kent, 1,237; Anne Arundel, 3,440; Calvert, 4,307; Charles, 2,648; Baltimore, 2,123; Talbot, 2,737; Somerset, 1,135; and Dorchester, 1,171. The total charge for payment of burgesses for all the counties was 21,201 pounds of tobacco.⁵¹

In the second half of the year 1671 the charge of the first half (83,942 pounds of tobacco) was added to that due for the later period (45,718) for a total of 129,742 pounds for the public charge. At the end of the act were listed the individual counties, the number of tithables in each, and the levy per head charged to reach the total public charge of 129,742 pounds. Total taxables (5,641) were all assessed at twenty-three pounds per poll save three who were taxed at thirty-three pounds per head. Charges to the individual counties for the expenses of the burgesses for the first half of the year were carried over into the fall session and added to the sum of 4,441 pounds to total 25,650 pounds. The fall levy for burgesses for the counties was: St. Mary's, 426; Calvert, 568; Kent, 458; Anne Arundel, 1,005; Baltimore, 110; Charles, 426; Talbot, 916; Somerset, 142; and Dorchester, 390 pounds of tobacco.⁵²

In the spring session of the general assembly of 1674, an act was passed providing for 240,258 pounds of tobacco to defray the public costs of the province, almost double that of 1671. Most of these charges were for the recent session of the general assembly, fighting Indians, and taking care of the public records. The assessment was for the provincial charges and no county costs were

⁴⁹ *Ibid.*, II, 273.

⁵⁰ *Ibid.*, II, 285.

⁵¹ *Ibid.*, II, 303-305.

⁵² *Ibid.*, II, 338-341.

given; since the new law allowed the county commissioners greater freedom in the determination of county charges. The sheriffs were given 21,841 pounds for collecting the levy.⁵³

At the session in February of 1674/5, after the news had been received of Indian depredations, the general assembly passed a special levy of fifty thousand pounds of tobacco to cover the costs of a war against the Cynegal and Susquehanna Indians, if it should occur. Special provision was included that if the charges exceeded the sum already appropriated the assembly would make good such payments at the next session. This act was to endure for three years or to the end of the next general assembly.⁵⁴

The public charge assessed during the same session was for a total of 107,897 pounds of tobacco, and the allowance to the sheriffs of 10,789 pounds for collection raised the total to 118,686 pounds. Thirty thousand pounds of this levy was allowed to the governor to aid in defraying his expenses at St. Johns. A total of 21,303 pounds were allowed for the "entertainment" [housing] of grand juries, clerks of the upper house, and other expenses of the burgesses. Another expense of 29,354 pounds was allowed for the clerks of the lower house and other public expenses.⁵⁵

The council met at Mattapenny-Sewall on October 13, 1675, to consider the public charge of the province. Taxables in the province were listed as 6,610 persons; the public charge of the province for the year with the sheriff's percentages of 47,592 included was 528,800 pounds, the levy per poll being eighty pounds. In order to pay in part for the prosecution of the war against the Susquehannough enemy, the sum of 367,219 pounds of tobacco was ordered to be collected in this levy. The governor was again allowed 30,000 pounds for his expenses.⁵⁶

Later in that year on November 27, 1675 another levy was made to aid in paying for the cost of the Indian war. This levy provided for an assessment of an additional eighty-five pounds of tobacco on all the taxables of the province, which would mean that the total levy for the year 1675 was one hundred and sixty-five pounds per poll. The various sums due from the respective counties for all of 1675 were the following.

⁵³ *Ibid.*, II, 415-417.

⁵⁴ *Ibid.*, II, 462-463.

⁵⁵ *Ibid.*, II, 468-470.

⁵⁶ *Ibid.*, XV, 50-54.

Counties	Taxables	Levy
St. Mary's	924	152,460
Kent	300	59,500
Anne Arundel	816	134,640
Calvert	1,091	180,015
Charles	785	129,525
Talbot	1,018	157,970
Baltimore	319	52,635
Dorchester	355	58,575
Somerset	603	99,485
Cecil	399	65,835

The total levy for the year 1675 was the greatest in the history of the colony to that date, 1,070,640 pounds of tobacco, to be paid by a total of 6,610 taxables.⁵⁷

The spring session of the general assembly in 1676 passed a revenue bill for 293,302 pounds of tobacco. In addition sums amounting to 13,829 pounds were levied for the costs of keeping the burgesses. The sheriffs were allowed their usual 10 per cent, 30,713 pounds in this case, for collection, making the total levied for the session 337,844 pounds of tobacco. Such members of the assembly who came to St. Mary's to lay the levy were to be reimbursed by their respective counties. A reasonable amount was to be allowed to the members of the council for their part in apportioning the charge.⁵⁸

It is possible that the levy for the fall term was equally large or even greater. On January 22, 1677, Governor Notley wrote to Baltimore stating that the total public levy for the preceding year had been 297 pounds per head and that the levy for the year previous had been large too. Notley said that malignant spirits were muttering and might cause some mutiny, "for the common people will never be brought to understand the just reason for a public charge, or will they ever believe that the expenses is for their own preservation."⁵⁹ If the total taxables for the year 1675 are multiplied by the charge of 297 pounds, the total amount assessed for 1676 possibly amounted to as much as 1,963,170 pounds of tobacco. During the same session of the general

⁵⁷ *Ibid.*, XV, 59-62.

⁵⁸ *Ibid.*, II, 551-555.

⁵⁹ *Calendar of State Papers, Colonial, America and West Indies, 1667-1680*, pp. 7-8, no. 12.

assembly of 1676 an act was passed regulating the pay, tenure of service, and charges allowable for troops in the case of an Indian uprising when the general assembly was not in session.⁶⁰ Probably the very large assessments of 1675 and 1676 are attributable to the general Indian troubles being experienced by the middle colonies. This is the same era which produced Bacon's Rebellion in Virginia.

A sum amounting to 825,979 pounds of tobacco was levied during the fall terms of the general assembly in 1678 to pay for the expedition against the Nanticoke Indians and other charges of the province allowed by the two houses of the assembly.⁶¹

During the wars against the Indians in 1678 a troop of men under the command of Captain Randolph Brandt ranged throughout Charles County for ten weeks. Since they did not engage in any fighting, the troops were allowed only half of the usual pay granted for participation in Indian wars. By 1680, they had not yet received satisfaction for the other half amounting to 47,370 pounds of tobacco. Brandt petitioned the proprietor for the missing half, but the petition was referred to the next general assembly.⁶²

The council met on November 2, 1680, to lay the public levy, but since the lists of taxables for St. Mary's, Anne Arundel, and Baltimore counties had not been returned by the sheriffs, the council adjourned until November 23.⁶³

The levy for 1681 was set at 300,000 pounds of tobacco. But there was a possibility of war with the northern Indians, and if it resulted the appropriation might not be adequate for the expenses of the campaign. Therefore the upper house requested the lower house to join with it in placing in their respective journals a declaration that the general assembly would honor all charges made in pursuance to fighting the Indian war if it occurred.⁶⁴ The lower house agreed, and such a statement was included in the lower house journal.⁶⁵ The lower house noted on the following day, September 17, that a levy of seventy-two pounds per taxable would exceed the total charges allowed by 2,042.⁶⁶

⁶⁰ *Archives of Maryland*, II, 557-560.

⁶¹ *Ibid.*, VII, 87-104.

⁶² *Ibid.*, XV, 318.

⁶³ *Ibid.*, XV, 320-321.

⁶⁴ *Ibid.*, VII, 176.

⁶⁵ *Ibid.*, VII, 179-180.

⁶⁶ *Ibid.*, VII, 187.

The same day a notice was received from Baltimore through the chancellor that the proprietor would not consider tobacco without the assembly's prior consent, and that if a war against the northern Indians occurred the expenses of the war would be satisfied on the basis of the vote of 10 o'clock A. M. Therefore, he saw no reason to levy the 300,000 pounds at this time.⁶⁷

During the same session the total amount expended reached 547,606 pounds of tobacco, the sheriffs having again been allowed 10 per cent, 49,782 pounds, for collecting the amount.⁶⁸ Assuming that the levy per taxable for the year so far was seventy-two pounds of tobacco, these figures would seem to indicate that the total number of taxables was about 7,600. This figure is not improbable or out of line with earlier numbers of taxables given in the records.

During a meeting of the general assembly in early November of the same year a further assessment was necessary to cover the province's expenses. Claims against the government amounting to 223,443 pounds of tobacco had been accepted, while the sheriffs were able to collect only 219,662 pounds and were allowed their 10 per cent, 21,966, for collecting the levy. The total amount, therefore, expended for the session was 245,409 pounds, but only 241,628 pounds had been collected. Thus the provincial government was slightly short on receipts.⁶⁹ The total expenditures for the year 1681 amounted to 793,015 pounds of tobacco.

The next spring 1682, the amount claimed and allowed against the province totalled 169,061 pounds; the sheriffs were allowed 15,906 pounds, the whole amount expended in the session being 174,976. There was no mention of the number of taxables or of the amount levied per taxable individual.⁷⁰

For the first half of the year 1684 claims amounting to 205,911 pounds of tobacco were approved, and an additional 10 per cent (20,591) was allowed to the sheriffs, making the total 226,502 pounds of tobacco.⁷¹ The general assembly meeting on October 26, 1686, passed the general levy for that session at the total of 446,248 pounds of tobacco, the sheriffs having been allowed 40,568 for collecting it in addition to 5,040 pounds allowed to

⁶⁷ *Ibid.*, VII, 184.

⁶⁸ *Ibid.*, VII, 208-214.

⁶⁹ *Ibid.*, VII, 248-252.

⁷⁰ *Ibid.*, VII, 326-327.

⁷¹ *Ibid.*, XIII, 110-111.

the seven sheriffs to cover the costs of providing boat service for the burgesses of the county to reach the meetings of the assembly.⁷²

The final levy preserved before the revolution of 1689 was passed in the fall meeting of the assembly of 1688. A sum amounting to 387,125 pounds was claimed, allowed, and collected. The sheriffs were granted 39,712 pounds for collecting the levy, and the total expended during the session amounted to 436,837 pounds of tobacco.⁷³

Further financial records were lost during the subsequent events that led up to the overthrow of the proprietary government. Although our information relating to the levy for the years 1634-1689 is often incomplete or entirely lost, a general understanding of the tax system can be obtained.

The plan of taxing by heads was the most prevalent form. Except for one interval it was the only method used. Even the Puritan commissioners returned to direct head taxing after trying a tax on real property. It was difficult enough to obtain acceptable tax lists of individuals, without attempting some imitation of the *Doomsday Books*. The proprietor himself began accepting a flat payment in place of his quit rents, since that relived him of the expense of keeping the land books in proper order.

Although throughout this period the assembly remained amenable to the proprietor's will, as the colony grew larger and more populous the assembly became increasingly aware of its "rights and privileges." By the end of the period the style of the levy was fairly fixed. The committee of the general assembly for accounts sat at the end of the term and accepted such charges as had risen since the previous meeting in October or early November. They also totalled the charges for the current session of the general assembly. At times a levy was laid on the taxables after the spring session, but this was usually done only in case of Indian uprisings when very large expenses could be anticipated. More often these charges were laid aside until the fall session which usually met on or about the 10th of October, and then the charges for both sessions were added together and laid at one time. For some years, there was only one session of the general assembly in the spring. In such cases then the general assembly

⁷² *Ibid.*, XIII, 130-132.

⁷³ *Ibid.*, XIII, 225-227.

provided that the governor, the council, and selected inhabitants of the province and/or any members of the lower house would sit and receive additional charges against the province. This committee would total the year's expenses, and apportion them equally upon the taxables of the province. In an era when relative worth was not extreme, when the size of a labor force was a good determinant of real worth, and when few men made their living other than by physical labor—farming—a tax laid upon slaves and white males over the age of sixteen was reasonably fair. Such a tax system had the advantage of simplicity and evidently of effectiveness.

SURVEY OF THE PROVINCIAL ASSESSMENTS LEVIED ON THE TAXABLES OF MARYLAND
FROM THE FIRST RECORDED ACT TO 1689

Year	Levy per Head	Taxables	Total *
1642	55	289	15,950
1649			8,976
1650			20,820
1657	32	1,030	32,974
1660	18		
1661			36,080
1662			7,500
1663	25	2,873	99,249
1664			124,940
1666	41		14,670
1667	50		39,560
1669			254,276
1671	23	5,641	129,742
1674			240,258
1675	165	6,610	1,070,640 **
1676	297	6,610	1,963,170
1678			825,979
1681	72	7,600	793,015
1682			174,967
1684			226,502
1686			446,248
1688			436,837

* These totals given in pounds of tobacco are in many cases incomplete. Some totals represent only the expenses of half a year, while in certain years the assembly met only once. Since the greatest part of the year's levy went to pay for the sessions of the general assembly, the total charges for those years of single sessions would thus necessarily be decreased. Furthermore, the records are incomplete and only a portion of the assessment for several years has been preserved.

** Evidently not all the assessment was collected.

SUMMARY OF THE COUNTY ASSESSMENTS LEVIED ON THE TAXABLES OF MARYLAND FROM 1643 TO 1675
GIVEN IN POUNDS OF TOBACCO PER HEAD

Year	St. Mary's	Kent	Anne Arundel	Charles	Calvert	Baltimore	Talbot	Dorchester	Somerset	Cecil
1643	4,000									
1647	7,752									
1649	1,600	320								
1650	10,850	2,250	4,300							
1654	9,000 ¹	1,403	5,635 ²		3,568 ⁴					
1657	1,236 ¹	2,684	10,240 ²	10,944 ³	6,844 ⁴					
1661	8,000	4,000	4,000	4,000	8,000	2,000				
1666	7,400									
1667	5,160									
1669	5,970	3,671	6,083	5,787	4,945	4,257	4,628	418	519	
1671	2,837	1,695	4,445	3,074	4,875	2,233	3,653	1,561	1,277	
1643	152,460	59,500	134,640	129,525	180,015	52,635	157,970	58,575	99,485	65,835

¹ Referred to as Potomock County in text.

² Referred to as Providence County in text.

³ Referred to as Putuxent River in text.

⁴ Referred to as Putuxent County in text.

SIDELIGHTS

FOUR LETTERS TO A MARYLAND VOLUNTEER

The following letters were written by friends and relatives to Corporal Thomas Sewall Ball, a young Baltimorean who enlisted in Company B, 10th Regiment Infantry, Maryland Volunteers, on June 18, 1863, when that regiment was organizing in Baltimore in answer to President Lincoln's proclamation of June 15. After the Gettysburg campaign, in which the regiment did not actively participate, the 10th Maryland was sent to Harpers Ferry to guard communications along the upper Potomac.

On October 18, 1863, the regiment took part in the day long action in Charlestown, Va., which drove from that place General John Imboden's Confederate forces who earlier in the day had captured the 9th Maryland Infantry Regiment. Included in Imboden's force was Major Harry Gilmor's battalion of cavalry containing many Marylanders.

Following this action, the 10th Maryland served in western Maryland and Virginia until mustered out of service on January 29, 1864 on the expiration of its term of enlistment. These four letters are among a series presented to the Society by Mr. Haines Ball Felter, of Baltimore, a grandson of Corporal Ball.

The "Four Letters" are published exactly as they appeared in the original to preserve the color of the times. The article is edited by C. A. Porter Hopkins.

Esteemed & Beloved
Friend & Brother

Baltimore August 8th 1863

Mr T. Sewall Ball
Dr Sir

We had a report about you being ill, but from reliable sources were much relieved to ascertain that if such had been your condition you had entirely recovered; our interest in yourself and the good cause you are in, does not in the least abate, but as the end appears near (as far as human foresight can judge) we are looking to the Lord to whose care we daily commit you individually, but do not forget also those whose near friends think and pray for them. In my last (which I regret did not reach you) I volunteered (not exactly Knowing your situation or habit) to make the following suggestions, that you removed your suspenders when you lay down for a night's sleep, and also your garters, if you wear the articles, and as frequently as possible undressed yourself for sleep, and availed yourself of a bath for not longer than two minutes at a time, always avoiding water deeper than your waist, unless you can swim and if you cannot this is sufficiently deep to learn that art which

is the most simple, try to lay on your face on the top of the water letting your chin rest on its surface and then be in no hurry as if you feared, move your hands forward and round at arms length till they come parrallel with your shoulders and let your feet float to the surface draw they upwards towards your body by bending your knees and deliberately kick as if you wanted to kick something from your feet, at the same time let your hands perform their duty calmly, for if you choose water of no greater depth than I have mentioned what if you dont succeed the first trial, try try again, and determine to learn and you will soon have the satisfaction of pushing off fearlessly into deeper water, but some trials will seem short at two minutes but think of it as a business to be accomplished and after you have been in the water a few times then lengthen the minutes to ten gradually, unless it weakens you of this you must judge, and as you have set up for yourself, study well what is beneficial to you and as Father & Mother are not near to advise ask yourself how would they that I should act, and let it govern you, in every act of our life the great and Good Being ought to be consulted, how glad I feel that in your youthful days you gave your heart to the Lord. He will keep you and be your light and salvation, for He will never leave nor forsake them that put their trust in Him, Your bodily health as well as the ability to act your part well are in His power to give or to withhold but all things will be given you richly to enjoy, if you are a good Soldier of the Cross, dont rest in anything less than an *internal evidence of the love of God shed abroad in your heart daily*. He will be your light and your Salvation, not from sin only, but from every evil that flesh is heir to, yes He will make the "rough paths of peevish nature even, and open in your breast a little Heaven," all are well at home and your own dear self are the source of pleasure, many times the long for to see you, what do you think we had a picknick and that little sister of yours said although she enjoyed it much yet she would have been so much happier if Brother had been here, so you see the old proverb "out of sight out of mind" dont hold good in your case, but with so much love and affection, and so many prayers surely you will not refuse to accept and reciprocate.

What do you mean by asking me to spare a few frogs. I will [not] shoot one unless for a sick person or yourself till I see you, and as to fish they surely never were so scarce. I must stop for my hand refuseses to hold my pen till I finish. August 9th This is the Sabbath. T. Sewall¹ preached this morning from 1st verse of 4th Chap. Hebrews. Let us therefore fear last a promise being left us of entering into that rest, any of you should seem to come short of it, he prayed for you with unusual fervour, for the President and his constitutional advisers, and for the blessing of the Lord on the means used to restore this once happy country to peace prosperity & union. I will show this at your home and ask if they wish to add anything.

Your kind parents Sisters & Brothers & Grandmother are well. You

¹ Rev. Thomas Sewall (1821-1870). Rector of Charles St. Methodist Episcopal Church during the war years, Diehlman File, Md. Hist. Soc.

have not said a word about being in the Potomac longer than you desired, but we heard about it, and it has been kept from your Mother. I want the particulars from your own pen as a child of Providence, and hope you will learn to swim, but you must now display caution or your loved ones at home will never be easy during your absence, your duties are arduous this hot weather, but if you will moisten your handkerchief and put it on your head it will save you from Sun Stroke & keep you comparatively comfortable, remember me to Mr. Simon and say no fish at long bridge this summer. I am glad to hear from him through his Brother at the Store. Sammy had James Wright to dinner on Sabbath all your friends often talk of you and pray for you, every Sabbath our prayers as a school go up in your behalf, we commit the keeping of your body & Soul into the hands of Him "that sees our want and knows our name, and looks and loves His image" then may His hand lead you and guide you through all your trials and strengthen you for every duty, and may you be willing to see and acknowledge Him at all times, but few men become desperately wicked but by beginning in a manner that one can hardly find fault with therefore Dear Sewall mind small things, and may wisdom guide you, so prays yours,

Truly & Affectionately

A Westerman²

190 Mulberry St

Balt^e Md.

Write as soon as convenient

Salisbury, Md.

Sept. 21st 1863.

Dear Sewell.

We arrived home last Thursday, just in time to escape the equinoctial storm. We left Cousin Annie in Philadelphia, enjoying herself as well as she could, in your absence. She seemed much pleased, as also daughters, with the various places of interest we visited: the U. S. Mint, Fair Mount water works, the Horticultural Exhibition at the Academy of Music, Carn-cross & Dixie's Exhibition H. I would have lingered longer in Philadelphia: but money failed; and you know no man has business in a city after his money is out.

Well, I have now returned to Salisbury to set in for a year's toil. School-teaching is pretty hard work, very confining, & pays, as you know, but little. I said the other day to a young man in the Washington Navy Yard, who told me he received for the last month \$41.50, that that was better than being shot down on the battle field, at \$13—per month! But upon second thought, I can't say I think it is. The pay in the army is a secondary consideration. The great thing is the suppression of the Rebellion; and I confess I should vastly like to have a hand in it: for I hate the rebellion more and more every day.

² Ahikam Westerman—Bailiff—Wood's *Baltimore City Directory*, 1864.

We enjoyed ourselves in Balto. as well as could be expected. You were on the lips of some one every hour in the day. Sewell no one in the army, I judge, is more sincerely beloved, and has more fervent prayers offered for him, than yourself. But all this will avail you but little, if you be not yourself vigilant, guarding against sin. Do my, dear fellow, play the part of a second Capt. Vickers! You have now a fair opportunity to go about doing good. The store no longer presents its China barriers and glass walls. And the opportunity you now have cannot last long: for the indications are pretty strong that the "Stars & Stripes" will soon wave again, over what still remains of Rebellion. The sooner the better. May the Lord hasten the time. Amen!

We are expecting news from Charleston this afternoon. Amazing is it that the Rebels will not lay down their arms, seeing their cause is so hopeless. But the fact is, they have carried the rebellion so far, and boasted of their own valor so much, that they are too proud to do what otherwise they would gladly do. If the Emperor of France would at once honestly assure them that he will not interfere, it would be better for them.

Remember me to all your fellow soldiers who know me, if there be such in yr. Regiment. And in the day of battle, if you should be called to actual conflict, may the Lord God of your fathers shield you, that you may live to praise Him.

God bless you. Your Cousin

R. H. Ball.

Salisbury. Sept 21st 1863
Monday night

Dear Cousin Sewell,

Your letter of the 15th was received on Friday last, and I must commend you for your punctuality in answering my hasty "epistle." You are a perfect model of a correspondent—hope I shall improve by the example set before me

Annie went on to Philadelphia with us last Tuesday morning. She took board at the house where Mrs. Perrine boards, but we were with her all the time we remained in the city. We saw as many "sights" as possible during our short stay; that is, we went to the Academy of Fine Arts, and admired the fine paintings there; to the United States Mint, Fairmount &c, &c. Annie wanted me to stay with her a little while longer, and let Pa and Mary come home, but the gentleman put his veto on that, so on Thursday morning we bade farewell to the Quaker city, and commenced our journey to these delightful regions, where we arrived safely in due course of time. Annie intended remaining in Philadelphia a week or two. I hope she will enjoy her visit.

I heard this evening that the Copperheads of the surrounding country are going to organize a guerilla band to harass the Union population. I don't know whether the report is true, but if it is, I want you to select the best cavalry company near you, and order it here to oppose them.

It is doubtful though if your order would have any effect, isn't it? But seriously if there is such an organization being raised, men ought to be ordered here to protect the loyal people, for Copperheads are equal to anything evil.

There is a young girl visiting here at this time who has seen something of the realities of war. She was residing with her father in Tennessee in the early part of the war, and he had to flee from there to save his life. He was threatened on account of his Union sentiments, and the day before he left he saw two respectable men hung, for no other reason but because they were loyal to our Government. A day of reckoning is coming for the perpetrators of these crimes and I only hope it will hasten its approach.

I don't remember John Bromwell, but Mary says he was with us on that picnic. I am glad I have no remembrance of him, for I don't wish to number among my acquaintances any man who could prove himself such a coward.³

Are you detached from your company now? From what you said I inferred that you were. Are you encamped any where near Point of Rocks? I believe you said you were not on the Heights still Part of our regiment is a Point of Rocks.

But is bedtime, and I must close my letter and retire, for I am not proverbial for early rising. All of "your enquiring friends" send regards.

Write soon to your

Cousin Clara

134 Hoffman Street,
Baltimore Md
Sept. 26th 1863.

My dr. Sewall;

Your father showed me, on Wednesday Evening last, a letter from You to the folks at home, with which I was very much pleased. I thought that a word or two from one of your Pastors would not be unacceptable, Especially as You are away from home.

I was very glad to read the record of your failures, as the World Would say, to put on *manly* habits. You are now 21 yrs old & have "never hired a horse Etc." You are none the worse for this, but on the Contrary are more temperate and honorable than if you had gone in the way of temptation.

I congratulate you on your Majority. You are now a man, and will be, I trust, a full grown man in Christ Jesus. It pleases me to find you sending for such books as those mentioned in your letter. Good, religious reading will develope both mind and heart. Remember this. As a Young Christian, You need all the helps you can get, and You will find such help in

³ 2nd Lt. John A. Bromwell, enlisted 10th Md. Volunteers June 18, 1863. Resigned September 8, 1863. L. Allison Wilmer, *et. al.*, *History and Roster of Maryland Volunteers, War of 1861-5* (Baltimore, 1898), I, 356.

those volumes which relate to Christian experience, and which bring before the mind the peculiar doctrines of our Church. I fear that our Young people do not acquaint themselves, as they should, with the principles of our faith as Methodists.

See that you are always "able to give a reason for the hope that is in you."

I trust that you may grow in Grace and in the knowledge of our Lord Jesus Christ while in the Army. Be a thorough soldier of the Cross while a soldier for & of our glorious land.

I suppose you have heard of the tearing down & building up at Old Eutaw.⁴ You will hardly know the old Church when you come home. I am in for all improvements, and shall be glad when we finish the "hive."

I need not try to give you any news. You get all from your folks at home. I only write to let you know that I think of you & wish you very well.

Mrs W. is in the Country, whither she went on Thursday. If she were home, she would join me in love to you.

Let me hear from you when you have a moment to spare.

May God bless & keep you.

Truly Yrs.

Henry C. Westwood

⁴ The writer of this letter was Rector of this Church on the corner of Madison Avenue and Townsend St., Diehlman File.

REVIEWS OF RECENT BOOKS

Ill-Starred General: Braddock of the Coldstream Guards. By LEE MCCARDELL. Pittsburgh: The University of Pittsburgh Press, 1958. xii, 335 pp. \$6.

Many are the hazards, in writing a life of General Braddock: The dearth of documentation for his earlier years, the present public ignorant even as to the General's first name and perhaps incurious to learn. Above all else there is the melancholy symbolism of a journey across mile after mile of lonely wilderness, a journey requiring great effort, a journey that ends in disaster. It was in 1755, somewhere in western Pennsylvania, that Major General Edward Braddock III, commanding the largest military operation mounted prior to the Revolution in the area that is now the United States, died in agony. In the two centuries following his death, no biography appeared.

The want has now, at last, been met. The manner in which Lee McCardell fixed his literary compass sights on a figurative Fort Duquesne, and persevered until he was there, is excellent. Yet such were the rigors of his journey that lesser authors mired down. To record one or two of Mr. McCardell's specific hazards, now happily overcome, will possibly strengthen some weary toiler.

His book was begun at least 21 years ago. Mr. McCardell, then a general-assignment reporter on *The Evening Sun*, had been interested in Braddock since boyhood. Braddock Heights and Braddock's Spring, near his home in Frederick, and Braddock, Pa., near the home of a grandfather, evoked the image of the British Redcoat who, long before, had passed that way. Mr. McCardell settled himself, afternoons after going off duty, at a desk in the library of the Peabody Institute. He followed where Braddock led, through the War of the Spanish Succession, the War of Jenkins' Ear, the French and Indian War, until it was time for Mr. McCardell to go off to his own war, against the Axis armies, as a correspondent. In 1946, five years later, he walked back into the Peabody Library, to find his desk and books still there, unmoved, ready for his use.

Assignments in Britain aided his research. Satisfactory evidence as to the date of Braddock's birth had eluded all previous scholarship, including the *Dictionary of National Biography*. One day in a church at walking distance from Fleet Street, Mr. McCardell asked to have a look at the baptismal register. There, toward the end of 1694, were the Braddocks: soldier father, mother, infant Edward. On the other hand, never was Mr. McCardell able to discover a likeness of Braddock made during his lifetime.

Later, after many an evening at the typewriter in his dining room, Mr. McCardell's text was written and rewritten and shored up by more than 2,000 footnotes. It made the rounds of the publishers. It was even discovered that the readers of several firms had been evaluating it with such casualness as to overlook the absence of half the manuscript. Appropriately, a Pittsburgh publisher came to Braddock's rescue, providing a handsome format and a punning title.

Ill-Starred General of course does not attempt to erase the smirch of defeat from Braddock's service record. Under rifle fire from a numerically far inferior party of Indians and French Canadians, Braddock and his officers ordered their men, all in their bright uniforms, to stand fast and to fire back, erect and close-packed, at a ground-and-tree hugging foe whom they couldn't see. The tradition of European military manuals was honored, rather than the counsel of Americans experienced in frontier warfare. Braddock personally, a short but stocky target as he rode here and there for 90 minutes, while four horses were shot from under him, invited his own death.

Historians have been hard on Braddock, making him out to have been hidebound, even downright incompetent. McCardell scrupulously abstains from editorializing. The bits of evidence which he has so painstakingly assembled add up to a much more prepossessing soldier. In a campaign likely to have daunted any general brought up on European tactics, Braddock did very well indeed, logistically, to maneuver a combat force so far into the undeveloped interior. His months in America were marred by wrangling with the provincial governments. Maryland, for one, failed dismally to furnish the supplies promised Braddock during his visits to Annapolis and Frederick and his stopover at Wills Creek or Fort Cumberland.

McCardell's grasp of the materials, primary and secondary, is masterly. The first half of his book, for lack of detail bearing directly on a man who spent many years in the dull routine of garrison duty, silhouettes him against the court life and international politics of the early Hanoverian era. The second half is the North American expedition, reconstructed in an amazing fullness of fact.

As narrator, McCardell commands a style that any number of biographers and historians could profitably envy. It is lean, supple, direct, with never a wasted adjective, never a muddled phrase, and never a semicolon. He uses no visible artifice, and yet the reader, as Braddock's men trudge along, experiences a very real tension.

It may be that school children will continue to deride him, that the *World Almanac* will go on referring to him as "Gen. Wm. Braddock." But to the historian and the serious student of history, the veteran commander who was "mortally wounded fighting bravely on a faraway wilderness frontier" will have new stature and dignity, thanks to the happy conclusion of McCardell's admirable undertaking.

JAMES H. BREADY

(Baltimore)
The Sunday Sun

Charles Evans Hughes and American Democratic Statesmanship. By DEXTER PERKINS. [The Library of American Biography, edited by Oscar Handlin]. Boston: Little, Brown and Company. 1956. xxiv, 200 pp. \$3.50.

Hughes' role was that of a "conservative" liberal in a rapidly changing America—a man who went along with most of the adjustments made necessary by our emergence as an industrial and international power. His progressivism as governor of New York helped inaugurate needed reforms, yet his progressivism was considerably more restrained than that of LaFollette, Roosevelt, and others. As Secretary of State in the 1920's his actions toward Latin America, for example, foreshadowed the relaxation of our "Big Neighbor" policy, but it was a foreshadowing only. On the Supreme Court bench Hughes was responsible to a considerable extent for the changed tenor of decisions after 1937 which made possible the implementation of New Deal reforms. Yet his reputation as a "liberal judge" is certainly overshadowed by those of Holmes, Brandeis, Stone and Cardozo. Hughes, then, may not have taken a prominent lead in promoting the cause of what is today called liberalism. But the weight of his authority undoubtedly convinced many among the more conservative elements of society that changes were necessary. The importance of that function, and the integrity with which Hughes performed it, entitle him to the name of "statesman" in a middle-of-the-road nation like ours.

To the task of re-creating the life of this statesman, Professor Dexter Perkins brings a wealth of knowledge and keen powers of insight. Within the limits set by the biographical series of which this work is a part, he accomplishes his task well. The main defect of the book is its brevity. Surely no scholar could, with ease, compress into one hundred and ninety pages the story of a man whose public career spanned thirty-five momentous years. Professor Perkins is forced to skimp. The forty-three years of Hughes' life prior to the beginning of his public service in 1905 are virtually ignored. Little is said throughout of the subject's private life. Most troubling of all is the fact that the description of Hughes' record sometimes takes on the aspects of a catalogue. This, and the absence of footnotes, limits the book's usefulness for the specialist. For the purposes of the general reader and the student, on the other hand, such brevity may be an asset. Finally, it should be noted that the author interrupts the narrative from time to time, perhaps more directly than most scholars do, to inject his own evaluation of situations and personalities. Such interludes reveal more about Professor Perkins' than about the subject of the biography. Nevertheless, they are among the most interesting parts of the book—all of which is a tribute to the author's perspicacity, if not to that of Mr. Hughes.

J. JOSEPH HUTHMACHER

Georgetown University

The Presidency of John Adams: The Collapse of Federalism, 1795-1800.

By STEPHEN G. KURTZ. Philadelphia: University of Pennsylvania Press, 1957. 448 pp. \$8.50.

With this book, Stephen G. Kurtz joins the small group of modern American scholars who have written about John Adams. There is no doubt that our second President has been neglected by the historians and any work which adds to our understanding of him is of considerable importance. This volume is directly concerned with the record of the Adams administration and the political struggles surrounding it. It is the authors' view that "the Adams record was not as disastrous to the nation or as strong a condemnation of his personal failings as our standard histories would have it." He offers evidence that Adams' run for the Presidency was stronger in 1800 than in 1796, and that he had actually gained in popularity during the four year period.

Kurtz attributes the decline of Federalism during the period 1795-1800 to the fundamental fact that the Party was not big enough for both Hamilton and Adams. Hamilton's control of key cabinet members and his attempts to lead the Party into foreign military adventures and domestic extremism forced Adams to break with him and his cohorts. In the process of doing so, he managed to avoid a ruinous foreign war and did much to give shape to the office of the Presidency as we know it today.

The organization of this book is somewhat at odds with the title. Nine of the seventeen chapters are concerned with events leading up to the Adams Administration. Most of this section deals with the effect of Jay's Treaty on the structure of political parties in the United States during the years 1795-1796. Kurtz is at his best in analyzing the Election of 1796, both on the state and national levels. His chapter on the political revolution in Pennsylvania is of particular value to students of political behavior during this period.

The organization of the executive branch of the Adams Administration is covered in three chapters. Adams' difficulty in getting qualified and loyal men to accept key positions is treated in some detail. It was in the area of personal relationship with associates and subordinates that most of Adams' more serious troubles developed. His apparent inability to act as a mediator among individuals in disagreement within his administration and in the Federalist Party cost him dearly.

It is worth noting that Kurtz considers the struggle over the nature and control of the army to be the most significant single issue during the four year period. It was this issue that brought about an irrevocable split between Adams and Hamilton and their followers. Kurtz also believes that the idea of a standing army may have been the decisive factor in the final overthrow of the Federalists in 1800.

Taking the book as a whole, certain observations seem in order. First, the author states that the work is both a study of political methodology and a record of the Adams Administration. The foreign policy side of

this record is covered in some detail, but such domestic matters as the Alien and Sedition Laws and fiscal policy are given rather limited treatment. In the vital area of the army controversy which Kurtz considers to have been the "*Bête Noir* of Federalism," two important manuscript collections do not appear in his bibliography. The James McHenry Papers at Clements Library, Ann Arbor, Michigan, and the Library of Congress, contain important material concerning that Secretary of War and his dealings with Adams, Hamilton, and Washington. Many of these papers are not included in Bernard Steiners' excellent *Life and Correspondence of James McHenry* which the author used extensively.

The bibliography is quite adequate for the scope of the work and the author's evaluative comments should be helpful to students seeking orientation within this period. The appendices dealing with the electoral analysis of the election of 1796 are a helpful tool to the historian and political scientist. It is unfortunate that similar charts could not be included for the election of 1800.

The Presidency of John Adams cannot be substituted for either M. J. Dauer's *The Adams Federalists* (1953), or L. D. White's *The Federalists* (1948) as a standard work on the Adams Administration. Nevertheless, the book has value as a study of politics and politicians during the years 1795-1800 and should be useful to students of that period.

FRANKLIN R. MULLALY

Fort McHenry
National Monument

Chief Justice John Marshall: A Reappraisal. By W. MELVILLE JONES.
Ithaca: Cornell University Press, 1956. xviii, 195 pp. \$3.00.

This collection of papers is written by scholars and for scholars, and the general public will find them heavy going. They were prepared for the bicentennial of our greatest Chief Justice, and discuss John Marshall's influence and contributions to jurisprudence and political theory, from various angles. That these were considerable, both in his own time, and right down to the present, there can be no slightest question, but the profundity of the various treatises limits their appeal largely to students of the Constitution and the Supreme Court, and the interplay between them.

These papers are definitely of value and a contribution to historians and those interested in the development of the relations between the three branches of our Government in the first third of the 19th century. However, one gets the impression that most of the papers amount to a study of a man's mind and thoughts, based on his writings a century and a quarter after his death, and as the result of the deepest research and thought. It is inferred, rather than said, that he was brilliant and conscientious, and that his genius, patriotism, determination and foresight were responsible for the development of our system of justice as we know

it today. One might wish, however, that the majority of the authors had concerned themselves more with his personality and human qualities, and less with his political philosophy, on which there is less than unanimity of opinion. To this reviewer, the most lucid and most readable part of the book is the foreword by Chief Justice Earl Warren.

H. HAMILTON HACKNEY

Finksburg, Md.

Created Equal? The Complete Lincoln-Douglas Debates of 1858. Edited with an Introduction by PAUL ANGLE. Collections of the Illinois State Historical Library Volume XXXIII. Chicago: University of Chicago Press, 1958. Pp. xxxiii, 422. \$7.50.

From June to October, 1858, Abraham Lincoln and Stephen A. Douglas stumped Illinois in a grueling campaign for a seat in the United States Senate. The speeches made by each have been for the first time in many years published and edited by Paul Angle with an excellent introduction which places them in their proper perspective. The result is a real contribution to American history.

The debates of a century ago dealt primarily with national issues. The two men considered such topics as the extension of slavery into the national territories, the status of the Negro, and the rights of each state to regulate his activities as they saw fit. The last of these three issues is just as alive and charged with emotion as it was in 1858.

Although Lincoln lost the election, the debates had an important bearing on the future course of history. They gave Lincoln a national reputation and helped to contribute to his election to the presidency two years later. Although Douglas won the Senate seat, Lincoln placed him in such an untenable position that he caused a split in his party and wrecked his chances in 1860. This book is a valuable source book for all students of the Civil War period.

FRANK F. WHITE, JR.

Maryland Historical Society

The Gingerbread Age. A View of Victorian America. By JOHN MAASS. New York: Rinehart and Company, 1957. 224 pp. \$7.95.

At the outset the author acknowledges that he is neither an architectural historian nor a scholar, but that he is an "amateur fancier of architecture." His great interest is in the presentation of reproductions of the architectures of the Victorian era in America. His hopes are on the impact of this pictorial material on his readers, or should we say viewers. It is this collection of prints, photographs and drawings, and the organization of them that is the important contribution of *The Gingerbread Age*. In-

terestingly, many of the photographs show buildings in a state of neglect, on the point of demolition. One case in point for Marylanders is the photograph of Wyman Villa shortly before the Johns Hopkins University tore down the once-proud house of the donor of its Homewood campus.

Maass' organization of his material into chronological sequence by chapters is reasonable and elucidating. His underlying theme that the development of American Victorian architecture represents a continuity rather than a break with the past is well taken. Somewhat questionable, however, is his inclusion of Richardson in the *discontinuity* brought on by the reign of the Ecole des Beaux Arts near the turn of the century.

The text and notes of the chapter "Unexplored Territory" are perhaps of greatest importance. This discriminating attention to the American Vernacular alone makes the book worthwhile. While the bibliography shows that the author has drunk deeply of the best scholarship of the period available, one must agree with him that this is not a scholarly work. It is, rather, a well organized and well presented guide to a recent architectural past which may yield great satisfaction to the thinking lay public.

ALEXANDER S. COCHRAN

Baltimore, Md.

The American Chair, 1630-1890. By MARION DAY IVERSON, with 175 Drawings by Ernest Donnelly. New York: Hastings House Publishers, 1957. xiii, 241 pp. \$10.00.

The subject of this book, which the title presents with concise accuracy, is such an obvious choice that we are a little surprised that it has not been treated before. The chair, as a furniture form, is particularly well chosen to delineate the successive styles of design practiced in this country. In Europe there may be other forms, such as the commode, which sum up the stylistic aims of the significant periods, but here, with different tastes and perhaps more meager resources, the universal common denominator is surely the chair. Through Mrs. Iverson's chronological chapters, we can follow the way in which American joiners and turners followed and adapted the European fashions, as well as the vernacular types which they developed for their own countrymen. One of the most fascinating aspects of the story as outlined here is the way in which the vernacular of turned chairs, slat-backs, windsors and the like, carried on as a substratum "beneath" the fashionable current of foreign styles (Queen Anne, Chippendale, Hepplewhite-Sheraton, Neo-Classic, and the like) right down through the nineteenth century—essentially to our own day, if you wish. This is scarcely a novel observation, but it is one whose pertinence is made particularly clear by the organization of a book such as this one.

To provide a narrative thread of popular appeal for her story, Mrs. Iverson has chosen, whenever possible, chairs with some association with a known and historic individual—though she has never omitted a sig-

nificant phase or style just because of a lack of associative material. Thus many significant figures of American history are represented by their tangible possessions, from John Winthrop, Jr., down to Teddy Roosevelt, and a degree of successful dramatization of the stuff of living history is achieved. Many of these associations are fairly hypothetical, of course, resting on word-of-mouth and hearsay rather than documentation; but the author has tried to be as fair as possible in pointing this out in every case.

There are weaknesses in the approach described in the preceding paragraph, of course, but they are apt to trouble the specialist rather than the general reader, and the latter is not going to be seriously misled. An example of interest to the Baltimorean which might demonstrate this is Fig. 114, a carved Baltimore Hepplewhite chair described on p. 144 as one of three coming from Carrollton, and owned by Charles Carroll. Now these three chairs, which in reality follow closely a design in Sheraton's *Drawing-Book*, came from Doughoregan Manor, and cannot be proved to have ever been at Carrollton; they are but a few of a large number of pieces, tables as well as chairs, which do have strong Carroll family associations. But this, as we said, is for the specialist to worry about.

If we have a complaint about the book it is that, having chosen to include the Victorian period, Mrs. Iverson has treated it in a very summary manner. She might have been better advised, in our opinion at least, to pay more attention to this period, in which she might have been able to make a real contribution, instead of devoting a whole final chapter to "Chairs and Other Furniture Owned by George Washington," a subject and treatment rather out of key with the rest of the book, and deserving perhaps development in another context.

These are, however, mere quibbles about a book which is more than satisfactory, doing a job which needed to be done, in a way which should attract a large audience. The drawings by Ernest Donnelly, who also illustrated the third volume of Nutting's *Furniture Treasury*, are outstandingly successful. The book as a whole, in fact, is an extremely handsome production.

JAMES D. BRECKENRIDGE

The Baltimore Museum of Art

When The World Ended. The Diary of Emma LeConte. Edited by EARL SCHENCK MIERS. New York: Oxford University Press, 1957. xviii, 124 pp. \$4.00.

Inside The Confederate Government. The Diary of Robert Garlick Hill Kean. Edited by EDWARD YOUNGER. New York: Oxford University Press, 1957. xxxvi, 240 pp. \$5.00.

Emma LeConte was the seventeen year old daughter of a South Carolina College chemistry professor, Joseph LeConte, whose own journal *'Ware Sherman* has been a valued source for students of Sherman's campaigns in

the Carolinas. Her short account of the disintegration of Southern hopes, beginning December 31, 1864, in Columbia, S. C., and ending August 10, 1865, is interesting enough, on the day of Columbia's burning, the day that Emma's local world ended, but the month of April, 1865, when the world ended for almost all Confederates, is only briefly chronicled, a fact which lessens the impact of the diary greatly.

Curiously enough, the first four entries of the seven for April, '65, including that for Saturday, April 16, make no reference to the evacuation of Richmond and Lee's surrender—news which today would have been transmitted to the whole world in a matter of hours.

The most interesting item in the diary is Emma's emotional reaction to the news of Lincoln's assassination: "Hurrah Old Abe Lincoln has been assassinated! It may be abstractly wrong to be so jubilant, but I just can't help it. . . . The man we hated has met his proper fate."

Of much greater interest to students, scholars, and hobbyists alike is the Kean diary, which, with only one lapse from February to mid-October 1862, starts September 15, 1861, and ends in December, 1865. Kean, a well-informed, well-educated lawyer, first served in the ranks and as a junior officer before taking a position on the staff of General G. W. Randolph. After Randolph's appointment as Confederate Secretary of War, Kean was appointed Chief of the Bureau of War in April, 1862, and it is from this position that we see all the major characters of the Confederate government and most of the military commanders as well.

Kean is particularly outspoken against General J. E. B. Stuart, pointing out in numerous entries the harm Stuart had done by not being in the right place at the right time. Even Lee is criticized severely, particularly in relation to the Gettysburg campaign. In fact, as one reads along in the diary, the compounding of mistakes and calamities, both governmental and military, becomes so overwhelming that the reader cannot help wondering what held the Confederacy together for the last two years of its too-brief existence.

Kean, unlike many other heartsick diarists, continued his account well after the final dissolution of the Davis government, and in his keen analysis of the reasons for the fall of the Confederacy there is much to back up the interpretations of modern historians of the South. In conclusion, if this reviewer were to have only one southern diary on his shelf, the diary of Robert Garlick Hill Kean would be it.

C. A. PORTER HOPKINS

Maryland Historical Society

NOTES AND QUERIES

SITE OF ALL SAINTS CHURCH, CALVERT COUNTY

There appears to be some disagreement on who donated the lot occupied by All Saints Church at Sunderland, Calvert County. In a leaflet distributed at the church we find:

The site was an acre of ground donated by Thomas Kemp from the property known as Kemp's Desire.

Mrs Bowie, in *Across the Years in Prince George's County* writes: ¹

In the vestry proceedings—we find proof that Thomas Hilleary I gave an acre of his tract of land, Kemp's Desire, which was requested by the vestry as a suitable location for the church. It is apparent, however, that Mr. Hilleary set a price of five thousand pounds of tobacco for the acre of land, which was declared 'unreasonable' and it is not set forth in the record what, if any price was paid.

A careful reading of the vestry records, together with a little information about Thomas Hilleary leads to a logical solution to the problem. Thomas Hilleary I came to Maryland in 1661 a man of limited means, but the opportunities of the new colony enabled him to advance his station considerably. After he had raised a family in Calvert County (probably at Bradford, rented from George Hardesty), his wife died and he moved to what is now Prince George's County. In 1684 he patented the Three Sisters and married as his second wife, Eleanor, daughter of Col. Thomas Sprigg, by whom he had three children, one of them Thomas II, born in 1686. Thomas I and family lived at the Three Sisters until he died in 1697.

Now, let us take another look at the vestry records:

April 30-1711: Ordered that Coll. Walter Smith, Mr John Leach Mr William Turner appeare before the next vestry To Testifie thier knowledge concerning the Title to the Church Land and Church Wardings pish [parish] to built a Church which conveyance is Recorded in Calvert County Record in Lib V folio 18

This entry is strong proof that the church had a title to the land in 1711, and that said title was on record. Since the land records of Calvert County were destroyed some years ago, we cannot refer to the record cited.

August 25[?], 1711: Mr Tho^s Hillary having at the Last Co^{ty} court promised to release his Right to the acre of Land Given to the pish by his father whereon the Church is built Appeared at this vestry and being Requested to Do the same Refused unless the Vestry would pay him the sum of five thousand pounds of tobacco which being unreasonable the Vestry Resolved to stand to the Title they Allready have and ordered Rich^d Dallam to pceed to move the Cor^t to Grant such further Evidence to be Taken & requisite for Confirming the pish Title to the acre of Land.

¹ (Richmond, 1947), p. 45.

Here we learn that it was Thomas II, son of the donor, who tried to collect an unreasonable sum for ground donated by his father, deceased for fourteen years. The price he put on the land was, in reality, ridiculously high, and it is doubted that he expected to collect it, since he was obviously aware of the Church's legal claim. In this connection, it is significant to note that he was reasonably well-off, being owner of at least two producing farms in the neighborhood, and other property in Prince George's County. Let us return to the minutes of the vestry:

November 13, 1711: Ordered that Thomas Seager burn the Leaves Round the Church and Church yd. and att all Times perform his office as Sexton as formerly. Taking no notice to what Thos. Hillry forewarned him, To Dig Graves

Immediately after the above entry, but dated a week later, we find:

Robert Summar of Calvert County, Planter aged forty-five years Maketh Oath

That about Eighteen years since he was present at the running out of the Land called Kemps desire where the Parish Church of All Saints Parish Church is built. and then Thos. Hillary late of said county, deceased in his Depts. hearing did give one acre of sd. Land wr. on the Church stands for the use of the Church forever, and desired his neighbors to take Notice of it.

November 20th. 1711, sworn in open Court

E. Boteler, Clerk

Wm. Turner of C. C. Gent. aged 67 years or there about Maketh Oath

That about the time this county was divided into pishs. he was elected a vestry man of All Sts. Pish. and the Vestry then concluded that the convenient place to build the pish. Church on was a tract of Land called Kemps desire, then belonging to Mr. Thomas Hillary, who then freely gave the said pish. one acre of land part of the pish Church and Mr. Hillary was to have a pew in the Church, and when the pews were laid out Collo. Walter Smith took pte of the pew for Mr. Hillorys Family

November 20. 17-- Sworne in Open Court

E. Betler, Clk

These depositions indicate that the ground was given to the Church about 1694, three years before Hilleary I died. At the time he was living at Three Sisters, about thirty miles away, so it is unlikely that he intended to occupy the honorary pew. However, his daughter Elizabeth and her husband Robert Lyles still lived in the area, and undoubtedly Lyles and his family used the pew.

When the church lot was donated, Thomas II was eight years old. Three years later the father died and named him executor, with the admonition that he rely on the advice of Col. Walter Smith until he reached his majority. From the record little was accomplished until about 1708, when the Three Sisters was divided according to the will of Thomas I.

Thomas II was twenty-five at the time he made the outrageous and unfounded claim against the Church, apparently in the role of his father's executor, but several years after he had become of age. We may never know the reason for his demand, but it is not unlikely that some personal animosity played a part. The matter is not mentioned again in the minutes, so it is presumed that Hilleary dropped his claim. However his action is presumed to have prompted the church officials to initiate

the legend that the land was the gift of Thomas Kemp, rather than Thomas Hilleary.

FRANK L. HOWARD

SOCIETY EXPANDS STAFF

Mr. John D. Kilbourne, formerly director of the York County (Pa.) Historical Society, became full-time librarian of the Society on July 1. He succeeds Dr. Francis C. Haber, who in 1957 received the degree of Ph. D. from the Johns Hopkins University and has accepted an assistant professorship at the University of Florida.

Educated at William and Mary College where he was elected to Phi Beta Kappa, Mr. Kilbourne spent eight years at the York County Society and he became thoroughly familiar with all historical society activities. A native of York County, he is descended from Southern Maryland families. He served with the army in Germany and later as a civilian with the Adjutant General's office in Berlin. Seven years ago he completed the summer course at the Institute for Historical and Archival Management at Harvard. Author of various articles and reviews, he has been responsible for great progress in the work of the York County Society.

C. A. Porter Hopkins joins the *Magazine* as assistant editor. Mr. Hopkins holds the A. B. and M. A. from Johns Hopkins University, and for the past four years has taught English at Gilman School, Baltimore.

The U. S. Navy Department has announced plans to collect and publish the much scattered documents relating to the naval and maritime history of the American Revolution. Mr. William Bell Clark will edit the work. The Navy Department states that a major contribution to the success of the project can be made by anyone possessing or knowing of unpublished letters, diaries, reports, ships' logs, and other Revolutionary War documents for the years 1775-1785, and who will make such material or information available to the Director of Naval History, Navy Department, Washington 25, D. C. Material submitted will be on a loan and will, of course, be returned.

Ogle—I am preparing a biographical account of Major Joseph Ogle of Frederick County and am interested in any information or material regarding him and his family.

FRANCIS H. HIBBARD

140 Mason St., San Francisco 2, Calif.

Hall—Information would be appreciated concerning the family of Hon. Christopher Hall of Kent County, Md. He was a member of the Maryland Legislature from 1732 through 1736, a Vestryman in 1725. His will dated 1743, and he died before 1746, mentions "dear daughter Margaret Wilson." Margaret Hall (d. 1766) married ante 1744 George Wilson and had five children: George, John, William, Mary and Sarah. She later married General St. Clair of the Revolutionary Army. Hatton in "Emigrants—Persons of Quality" lists "At James Cittye (Va.) and with the Corporation thereof 1623—Christopher Hall," is this a direct ancestor? Is the above Christopher the son of John Hall of Kent County who died about 1736 and had a wife Ann? Ann who?

MRS. C. RAYMOND CUMMINS
33 South State St., Dover, Dela.

Gunpowder Neck—Information would be appreciated concerning records and bags of early Maryland gunning clubs, particularly the ducking clubs on Gunpowder Neck and the Western Shore.

C. A. PORTER HOPKINS
c/o The Md. Hist. Soc.

CONTRIBUTORS

JOHN A. KINNAMAN is chairman of the Department of History at Morris-Harvey College. He has spent the past summer doing research at the British Museum.

S. SYDNEY BRADFORD is director of the historical and archeological research for the restoration of Fort McHenry conducted by the National Park Service, Department of Interior.

WILLIAM B. MARYE is Corresponding Secretary of the Society and a frequent contributor of articles on local history.

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Peace ratified by the United States and Spain.— *April 11.*

Purchase of the Philippine Islands completed in Washington; price, \$20,000,000.— *May 1.*

Admiral Schley was presented with a silver service in Baltimore.— *June 21.*

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