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VOLUME LVI

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1961

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# MARYLAND HISTORICAL MAGAZINE

VOL. 56, No. 1

MARCH, 1961

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## THE THOUGHT THAT CAUSED A WAR: THE COMPACT THEORY IN THE NORTH

By JOSEPH T. DURKIN, S. J.

THE effort to discover "causes" of the Civil War is always precarious, often bootless, but sometimes profitable. We know that slavery and opposing economic ideals and rival political philosophies had much influence in triggering the conflict; and several other circumstances existing in the 1850s can be said to have been almost equally instrumental to this end.

There is a cause of the war which, however, has been ignored, a factor on the ideological plane.

History demonstrates that political movements—or cataclysms—are brought about ultimately by ideas. There would have been no powerful Communist society today if a few men a little more

than a century ago had not let loose in Europe an idea about Capitalism and Government. There would have been no United States if a handful of Englishmen had not fought for the ideals of natural rights and independence in 1776 and later hammered out ideas of ordered freedom.

So, it was another idea that, more than any other factor, provoked our Civil War. This concept had been developing for at least a half-century before it produced the armed conflict. It was a theory that the authority of the American Federal Government was enforceable only by the consent of the people. It was a denial, in effect, of any real sanction behind the laws and decrees of the Federal Government. It was an affirmation that the Federal Government's authority was null whenever the people disagreed with its prescriptions.

But this is only part of the story. We are accustomed to link such theories with the South. This, we are inclined to think, is the radical States' Rights philosophy of Calhoun and Jefferson Davis. And, if we are Northerners, we piously point to what we think was the typical Northern pre-War position—the high nationalist and Unionist viewpoints of John Marshall, Story, and Webster.

Nothing, however, could be farther from the truth. The fact is—as this study will attempt to show—the theory here described had taken equally strong roots in the North and West. There were men from Massachusetts who held it as firmly as did men from South Carolina. The theory was no monopoly of the South. It was the general political philosophy of the nation as a whole. Moreover, at more than one period before 1861 there was a real possibility that Northern men might do what Southern men finally *did* do—carry the theory to its logical conclusion. Whenever a section felt that its vital interests were being threatened by the Federal Government, the section denied the Federal Government's authority in that case. The denial was flat and total, and often included the assertion of the right to secede and “annul.”

What had been happening was this: a progressive deterioration of the concept of Federal authority had made highly probable a rebellion by one or another section at the moment the section would feel itself too much harried by Federal policy. According to the way the dice of destiny fell it was the South

which finally revolted and seceded; but it could have been the North. If, in late 1860, the latter section, probably to her surprise, found herself defending the Federal Government, it was largely because at the time no Northern bull was being gored; it was not because the North was a more fervent upholder of the Government at Washington. The last man to doubt this would have been President Lincoln who, even during the war, saw that some of his most powerful opponents were the Governors of the Northern States.

This article will present some facts to show the degree to which the Northern representatives in Congress adhered to the theory described above.

In collecting the evidence the following rule has been adopted. Testimony has been sought from those only who either at the time of their pronouncements were Whigs or Republicans, or who would soon be members of the latter party. The record is thus more significant since it comprises radical States' Rights sentiments spoken by men who would soon be engaged on the side of the Federal Government and the Union. It is not surprising when we hear a Senator Yancey using the language of John Calhoun; it is piquant to hear a Senator from Pennsylvania denouncing the Union, or a future adviser of Lincoln defending the right of secession. But, we might add, it would not have been so surprising to a man of 1850 who knew his current political history.

An opportunity for extremist libertarian affirmations by Northerners was provided by the passage of the Compromise of 1850, the "Omnibus" Bill. The chief object of Northern indignation with regard to this settlement was the Fugitive Slave Act. The measure obliged the citizens of the free states to cooperate in apprehending and returning to bondage slaves who had escaped into non-slavery areas.

We are familiar with the "higher law" argument of Senator William H. Seward. What is sometimes not fully stressed, however, is the fact that Seward was asserting the nullity not primarily of the Congressional statute, but of Section 2, Article IV of the Constitution itself. He did not merely say that there was a higher law than this particular Congressional enactment; he declared there was a higher law than the basic law of the land.

In developing his argument, Seward offers an interpretation



of Article IV which he probably would not have defended in 1861. The Fugitive Slave provision of that Article, he says, "is merely a *compact* between the States," and gives to the Federal Congress no power of legislation that the States at any time wish to withhold from the Federal Government.<sup>1</sup>

One is tempted to ask, if this section of the Constitution may be thus softened, why may not others, phrased in no more emphatic terms, be likewise considered as imposing on the States no legal obligation? If such an exegesis be accepted, how can the Northerners, a few years later, condemn the Southern States for holding that the Constitution's declarations regarding an "irrevocable" Union comprise not a binding law, but only a compact between the states?

Against the Kansas policy of the Buchanan administration Seward presents another objection which an American constitutional lawyer might consider to be dangerous. He asserts that no law of Congress can be enforced unless it agrees with the sentiments of the people. In a certain limited sense, of course, this is true; but not as stated by Seward. "Your power," he says, apostrophizing the Federal Government, ". . . is weakness, except it be defended by a people confiding in you, because satisfied that you are just. . . ." <sup>2</sup> The principle is elaborated by Senator John P. Hale, of New Hampshire, who would become one of the most prominent Republicans in the country. "If," says Hale, "the moral sentiment of the people among whom the laws are to be enforced is not sufficient to enforce them, they cannot be enforced. It is not in the power of the Army and Navy of the United States to enforce this [Fugitive Slave] law in Boston unless the people of Massachusetts sustain the law. . . . It [cannot be enforced] . . . if the moral sense of the people of Boston is against it." <sup>3</sup>

If it be objected that the radical Charles Sumner was but a

<sup>1</sup> Letter of Seward to Abolitionist Convention of Massachusetts, at Auburn, N. Y., April 5, 1851, in: *Congressional Globe* (henceforth designated as *C. G.* or *ibid.*), XXV, in speech of Representative Meredith P. Gentry of Tennessee, June 14, 1852, pp. 710-11. Italics added. See also: *ibid.*, XXI, Part I, p. 518. The same "compact" doctrine was used by Robert Rantoul of Massachusetts, who had been elected to the House of Representatives in 1851 by a combination of Democrats and Free Soilers and who, for his espousal of the doctrine was voted out of the Democrat convention which nominated Pierce for the Presidency (*ibid.*, XXV, pp. 794-96).

<sup>2</sup> *Ibid.*, XLIV, March 3, 1858, p. 944.

<sup>3</sup> *Ibid.*, XXIII, Feb. 18, 1851, pp. 597-98.

minority voice when he similarly held that a law "must be in harmony with the prevailing public sentiment,"<sup>4</sup> we have, in effect, the same doctrine from Representative Charles Durkee, of Wisconsin, a Free Soiler in 1852 and later a regular Republican. "The citizen," declared Durkee, "is a sovereign judge of his self-evident, reserved rights, as much as either the State or Federal Government is, of rights delegated to it by the people. . . . Who is to decide this matter? I answer, each man, individually, for himself."<sup>5</sup>

That they would not obey the Fugitive Slave Act the Northerners—and, be it noted, we are confining our attention to those who were soon to be members of the party of Lincoln—made quite clear.

Seward compared the measure to the attempts of the British Government to proscribe the Catholic religion in Ireland.<sup>6</sup> It was more than once compared with the Stamp Act of 1765.<sup>7</sup> The Revolutionary War parallel was stressed repeatedly. "The spirit which overthrew the power of the British Crown," said Representative J. R. Giddings of Ohio, "will submit to no force that shall attempt to constrain them [the people of the North] to comply with the odious provisions of this enactment."<sup>8</sup> This same Congressman, who, significantly, would five years later be a Republican, delivered the following blast:

The men of the North, who look upon this [sending the fugitive slave back to his master] as murder, would as soon turn out and cut the throats of the defenseless negro as to send him back to a land of chains and whips. As soon would they do this as comply with a law which violates every principle of common justice and humanity. . . . The man who should assist in the capture of a fugitive, would be regarded by us as guilty as he under whose lash the victim expires. . . . To capture a slave and send him to the South to die under a torture of five years, is far more criminal than ordinary murder. Sir, we will not commit this crime. Let me say to the President, no power of Government can compel us to involve ourselves in such guilt. . . . Rely upon it, they will die first. They may

<sup>4</sup> *Ibid.*, XXV, Aug. 26, 1852, p. 1111.

<sup>5</sup> *Ibid.*, XXV, Aug. 6, 1852, p. 887.

<sup>6</sup> *Ibid.*, XXIII, Feb. 17, 1851, p. 575.

<sup>7</sup> *Ibid.*, XXIII, Feb. 18, 1851, p. 598; XXV, Aug. 26, 1852, p. 1111; XXIII, Dec. 9, 1850, p. 15.

<sup>8</sup> *Ibid.*, Dec. 9, 1850, p. 16.

be shot down, the cannon and bayonet and sword may do their work upon them; . . . but never will they stoop to such a degradation. Let no man tell me there is no higher law than this fugitive bill. We feel there is a law or right, of justice, of freedom, implanted in the breast of every intelligent human being, that bids him look with scorn upon this libel upon all that is called law.<sup>9</sup>

The Northern Democrats, who favored the Fugitive Slave Act, were not slow in pointing out what they regarded as the perilous consequences of these "higher law" and "right-of-the-individual-to-disobey" doctrines. Senator Charles T. James, Rhode Island, denied that citizens had a right "to resist the execution of any law we may not happen to like." He felt that the victory of such a theory would be "destructive of everything in the form of government."

The higher law fallacy, James argued, postulated that we should do unto others as we would have them do unto us. This meant that since we ourselves, if we should be so unfortunate as to be condemned to a legal execution, for a crime, would wish that others would pardon us, hence any criminal—even the most flagrantly guilty—could claim from us the same indulgence, and we would be obliged to hear him. Thus, "it would be absolutely impossible ever to inflict legal punishment." The opponents of the Fugitive Slave Act appealed to philanthropy. It is unclear to James "how the cause of philanthropy . . . is to be promoted by a process tending to produce anarchy, strife, and perhaps civil war and bloodshed."<sup>10</sup>

Ironically, in view of later events, it was Senator Jefferson Davis who was found lecturing the Northerners for disobeying the laws of the Federal Government. The future President of the Southern Confederacy was disappointed at the rescue of the fugitive slave by the Boston mob in February 1851. "I regret it," he said, "because it is an indication of that downward tendency in the people of the United States, which seems to manifest that they are unworthy of the Government they have inherited. It is a Government that is wholly inoperative whenever the people cease to have sufficient virtue to execute it. Whenever mobs can rule, and law is silenced beneath tumult,

<sup>9</sup> *Ibid.*, XIII, Dec. 9, 1850, p. 15.

<sup>10</sup> *Ibid.*, XXV, August 26, 1852, p. 1123.

this is wholly an impracticable Government. It was not organized as one of force. Its strength is moral, and moral only. . . .”<sup>11</sup>

Davis pointed to an interesting contrast: “We of the South have been constantly arraigned as those who oppose the Government of the United States, who nullify its laws, and who manifest a violent resistance to their execution. The charge is as untrue as it is common. Look to the history of the country, and find in times past where the laws of this Government have been nullified. Elsewhere they have been; in the planting States, never.”<sup>12</sup> Apart from the Senator’s apparent forgetfulness of the events in South Carolina in 1828-1832, his argument had a great deal of history in its favor.

One of the political weapons employed by Northerners against the Fugitive Slave Act was that of the petition. This was a protest signed by a group of citizens and presented to Congress. The theory behind these “memorials” was that private citizens enjoyed under the First Amendment the right to urge the repeal of a law of Congress. A flood of these petitions poured into the Capitol during the debates over the Omnibus Bill.

The Constitutional implications of the method were anxiously described by Senator George E. Badger, of North Carolina, who, understandably, did not like them. He noted that the Northern assumption was that if Congress “tabled” (i.e., did not receive) any of these petitions, the right of the petitioners was being violated. But, argued Badger, to hold this theory was to make Congress subservient to the wishes of any minority of the citizens who might disagree with a Congressional statute. Under such an interpretation, Badger complained. “Congress is not only obliged to hear but to act upon it [the petition], and . . . to do what is desired, . . . to substitute the judgment of the petitioners for our own.”<sup>13</sup>

<sup>11</sup> *Ibid.*, XXIII, Feb. 18, 1851, p. 598.

<sup>12</sup> *Ibid.*, p. 599.

<sup>13</sup> *Ibid.*, XXIII, Feb. 17, 1851, p. 576.—For some examples of petitions see: XXIII, p. 575, a petition presented by Senator Hamlin of Maine on February 17, 1851: “We, the undersigned, residents of the town of Burnham, . . . regarding that law as in conflict with the Constitution of the United States, and also as infringing on the duties which we owe to benevolence, to humanity, and to God, and being unwilling to comply with its requisitions, or submit to its penalties, earnestly ask its speedy repeal or modification.” See also petitions from Pennsylvania and New Hampshire, reaffirming the “higher law” doctrine:

If all this sounds like an assertion by Northerners that the authority of the Federal Government is severely limited by the powers of the citizens and the states, our surmise is strengthened by some further affirmations from the same sources.

Seward himself uses the rather startling term "purely federative government" with reference to the political establishment at Washington.<sup>14</sup> Representative Rantoul of Massachusetts invokes against the Fugitive Slave Act the extremist doctrine of Jefferson with regard to the Tenth Amendment.<sup>15</sup> Newton of Ohio told the House of Representatives that "the General Government have [*sic*] no more right or power to interfere with slavery [via the Fugitive Slave Act] in the States than they have to interfere with the forms of Government in the Old World."<sup>16</sup> Representative Giddings declared that Congress had no more right to "support" the slavery of the South by the same Fugitive Slave Act than it had to sustain their banks, their railroads, or their system of apprenticeship, or the laws of those states respecting minors, or those which regulate the rights of husband and wife. He quoted the resolution of the House of Representatives of December 1838: "That this Government is a government of limited powers, and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of this Confederacy."<sup>17</sup>

An even more forceful expression of the theory of meagre Federal authority was contained in a speech of Senator James Doolittle in 1859. It is not without significance that, when he made the address, Doolittle was a regular Republican, and shortly afterward would become one of the chief advisers of President Lincoln. He is describing the principles on which he says the Republican Party is based. If the description is accurate, it is difficult to see how the Party's philosophy differs from the extreme States Rights "compact" theory of the Southern liberals.

in speech of Senator Hale of New Hampshire, XXIII, Jan. 29, 1851, p. 369; Memorial presented to House of Representatives on Jan. 10, 1851, from the Yearly Meeting of the Society of Friends, in Indiana: XXIII, p. 177.

<sup>14</sup> Letter of Seward to Abolitionist Convention of Massachusetts, from Auburn, N. Y., Apr. 5, 1851, quoted in: XXV, June 14, 1852, p. 711, in speech of Representative M. P. Gentry, of Tennessee.

<sup>15</sup> *Ibid.*, XXV, June 11, 1852, p. 794.

<sup>16</sup> *Ibid.*, XXV, Aug. 12, 1852, p. 969.

<sup>17</sup> *Ibid.*, XXV, March 16, 1852, p. 772.

Doolittle makes the rather surprising statement that "the party which is here organized under the name of the Republican Party stands precisely on the platform of the old Republican party of Jefferson, Madison, Monroe and Jackson."<sup>18</sup> He recalls that, with very few exceptions, all of the present Republican Senators began their political careers as members of the old Republican party. These were the men who, when the Bank of the United States sought to enforce its charter, organized to strike it down. (One might be pardoned for seeing here an exquisite irony in the spectacle of an 1859 Republican glorying in the anti-nationalist and anti-Marshall-Story-Webster program of the Jacksonian era.)

More specifically: "There is not a plank in our platform today which does not conform to the principles of Jefferson, the man who, of all others, has ever been regarded as the true representative of the Republican party of this country." (This is a very large commitment for men who would within three years be asserting the rights of the Federal Government against seceded states. Doolittle could not be unaware of the sentiments of Jefferson as expressed in the Kentucky Resolutions, sentiments that would have been most embarrassing to the party of Lincoln if it had had to subscribe to them in 1861.) But the Senator insists that the real birth of the Republican party was in 1800: "We stand . . . upon his [Jefferson's] doctrines, and we fight for his principles."<sup>19</sup>

In a debate replete with ironies, one of the neatest is Senator Jefferson Davis' defence of the next logical step that a Northern State, outraged by the Fugitive Slave Act, might take:

I am not one of those, however anxious I may be to see this law enforced, who would advocate the use of the Army, to secure its enforcement. I hold that when any State in this Union shall choose to set aside the law, it is within her sovereignty, and beyond our power. . . . If the people of Massachusetts choose to nullify the law, if they choose to obliterate the Constitution, if they choose to deny the supremacy of the laws of the United States, they will have but one step more to take, and the impulse with which they will be moving will compel them to take it; that is, to declare the authority

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<sup>18</sup> *Ibid.*, Part II and Appendix, 2nd Session, 35th Congress, 1858-1859, Feb. 23, 1859, p. 1267.

<sup>19</sup> *Ibid.*, pp. 1267-68.

of the United States abrogated, and the bonds of the Union to be no more over them.<sup>20</sup>

More unexpected, perhaps, is the expressed willingness of some Northern Republicans to take Davis at his word.

One of the founders of the party of Lincoln was Senator William P. Fessenden of Maine. This was the type of Unionism he was holding in 1858:

We will stand by the Union of this country as long as it is worth standing by; and let me say to gentlemen that the moment the time arrives when it is to be used as an argument to us, 'you must yield on a question which you consider vital to your interest and your rights, or we shall take measures to dissolve the Union'; my answer is, that if we do yield, the Union has ceased to have any value for me. So long as I stand upon American soil, a freeman with equal rights with others, and power to enforce them according to my ability, unrestricted, unrestrained, and unterrified, this Union is valuable to me; but when the hour comes when that privilege no longer exists, when I hold my rights by the tenure of yielding to weak fears, I am willing to see any consequences follow, so far as I am concerned, or so far as my people are concerned. Let not gentlemen indulge themselves with the hope that so far as the people of the free States are concerned, all these resolutions passed by Southern legislatures about dissolving the Union, . . . are to produce any possible result so far as the determination of free-State men is concerned on this question.<sup>21</sup>

Echoing the foregoing was the affirmation of Representative John W. Howe of Pennsylvania, at this time a Whig:

They [the Northern people] would tell you, and they will tell you as I tell you now, that if this or any other law passed by an American Congress is too sacred to be discussed, or even agitated, if need be, and if the integrity of the Union depends upon their silence upon the subject, this Union is not worth preserving twenty-four hours. I want no part nor lot in any such American Union as that. I want nothing to do with a Union in which a Northern citizen shall be deterred through fear from giving his opinions of an act of Congress. . . .<sup>22</sup>

<sup>20</sup> *Ibid.*, XXIII, Feb. 18, 1851, p. 599.

<sup>21</sup> *Ibid.*, 44, Feb. 8, 1858, p. 618.

<sup>22</sup> *Ibid.*, XXV, Aug. 3, 1852, p. 884.

And the declaration of Representative Giddings, soon (after 1854) to be a Republican:

A noble sentiment, to which I respond from the deepest feelings of my heart. [The President had invoked the sentiment of loyalty to the Union.] The Union of our fathers! There is something solemn in it. . . . I revere the Union of our fathers, . . . but where is it now? . . . Well, sir, I do not say that northern men have lost all love and regard for the Union. But one thing is certain, that they do not feel that reverence for it which once was so prevalent among us. They now speak of dissolution without hesitation. And if the Union be exerted for their degradation, by subjecting them to the provisions of the fugitive slave law, they would greatly prefer to see it dissolved.<sup>23</sup>

While Senator Doolittle denies that any state, North or South, would ever go out of the Union, he tells of the resolutions passed almost unanimously by the Republican members of the Wisconsin legislature: they expressly adopted and incorporated, as a part of their platform, the Kentucky and Virginia Resolutions of 1798, "in relation to the reserved rights, sovereignty, and independence of the several States." While, says the Senator, there will be found no State more loyal to the Union than Wisconsin, yet, "there will be found no State more ready to maintain in full vigor, with greater energy, or more devotion, the reserved rights, sovereignty, and independence of each and every member of the Confederacy."<sup>24</sup>

Senator Seward is less restrained in his statement of the right of a *Territory* to secede—or to wage war against the central Government: "If you attempt to coerce Kansas into the Union, under the Lecompton Constitution, the people of that Territory will resort to Civil war. . . . Let but one drop of the blood of a free citizen be shed there, by the Federal Army, and the countenance of every Representative of a free State . . . will blanch, and his tongue will refuse to utter the vote necessary to sustain the Army in the butchery of his fellow-citizens."<sup>25</sup>

So marked was secessionist feeling in the North that South-

<sup>23</sup> *Ibid.*, XXIII, Dec. 9, 1850, p. 15.

<sup>24</sup> *Ibid.*, 44, March 4, 1858, p. 963.—Although it would be pushing semantics too far to build an argument on the point, it is notable that a frequently-used word by Northerners was "Confederacy" rather than "Union."

<sup>25</sup> *Ibid.*, March 3, 1858, p. 943.



erners could cite it without fear of serious denial. When Representative Horace Mann, of Massachusetts, accused the South of wishing to break the Union, he was quickly answered by Frederick P. Stanton, a Congressman from Tennessee. The charge of a desire on the part of the South to dissolve the Union, said Stanton, "comes with bad grace from men living in such a quarter [i. e., Massachusetts], and breathing such an atmosphere." Did the Representative from Massachusetts forget that disunion had been a familiar word with the people of that State for nearly forty years? Did Mr. Mann not know that petitions had been pouring into the legislatures of several of the Northern States, and into the Congress, asking a dissolution of the Union on account of the Fugitive Slave Act? <sup>26</sup>

"Sir," a Senator from Alabama could declare, "it is neither the Virginia nor the Kentucky resolutions which gave birth to secession. It has come to us from a less respectable parentage. [He recalls the Hartford Convention of 1814.] . . . It was then that the right of secession was first proclaimed, and it is in that latitude that some of its warmest supporters are yet to be found. I cannot forget the terms of a resolution adopted at Syracuse [New York] last spring, when the Abolitionists were patting South Carolina on the back, and stimulating her to go out of the Union: 'Resolved, That odious as are the governing principles of South Carolina, we cannot withhold from her the praise justly due her for her consistent maintenance of the great cardinal doctrine of the right of secession by a single State—a right vital to liberty, and the only safeguard of the several sovereignties, from a grasping centralization.' Sir, here is a singular concord of sentiment, Southern rights clubs South, and Abolition conventicles North, giving us the same definition of States Rights, and teaching Democracy from the same horn-book." <sup>27</sup>

Duplicating, but in a new form, the unintended irony remarked above in the case of Jefferson Davis, the Senator from Alabama then proceeds to a long defense of the Union and its perpetuity, and strongly attacks the extreme Secessionist theory of his Northern colleagues. <sup>28</sup>

<sup>26</sup> *Ibid.*, XXII, March 11, 1850, p. 498.

<sup>27</sup> *Ibid.*, XXV, Dec. 24, 1851, p. 95 (Senator Jeremiah Clemens).

<sup>28</sup> *Ibid.*, loc. cit.

The Dred Scott decision set off another chain reaction of Northern denials of the authority of the Federal Government—this time with regard to the Federal Judiciary. And all the politicians to be here quoted were, by this time, regular Republicans.

The Supreme Court, declared Senator Doolittle, in language not differing from that of Governor Faubus of Arkansas in our time, “had not the right to decide for the people of this country, and beyond any appeal, their political opinions.” He conceded that the Court had the right to decide a given case, and that so far as that case was concerned, there was no appeal; but the decision was final only as regards the specific case decided. The decision “by no means decides any other case”; it “neither binds other [State] supreme courts nor any other department [of the Federal Government].”<sup>29</sup>

Senator Fessenden, that stalwart member of the pioneer band which founded the Republican Party, spoke thus of the powers of the Supreme Court: “It [the Dred Scott decision] is binding so far, and so far alone, as it [the Court] can issue its mandate. Its opinion is of force only upon the question which settles the cause. . . . When they [the Supreme Court Justices] undertake to settle questions not before them [such as the constitutionality of the Missouri Compromise] I tell them those questions are for me as well as for them.”<sup>30</sup>

Fessenden added an even more telling argument, based on the fact that, at the moment, he was answering the Senator from Georgia. He quotes the highest court of that State as declaring that “The Supreme Court of the United States has no jurisdiction over this court, or over any department of the government of this State.” And the words of the same Georgia court are adopted by the Republican Senator to support his own position against the Dred Scott opinion: “The doctrine that a decision of the Supreme Court of the United States is to dictate a man’s politics to him, is a doctrine avowed by a few in this country. Such a doctrine would be an easy means of perpetuating a dynasty of principles, however false and wicked. . . . Partisan decisions [of the Supreme Court] may . . . bind the political party which the makers of them happen to belong to. They

<sup>29</sup> *Ibid.*, Part II and Appendix, 2nd Sess., 35th Cong., 1858-1859, p. 1268.

<sup>30</sup> *Ibid.*, 44, Feb. 8, 1858, p. 616.

certainly bind no other party. . . . The Supreme Court said a bank is constitutional; yet, bank charters have been vetoed by three several Presidents, Madison, Jackson, Tyler. The same court say we received such a mandate from the Supreme Court of the United States, but we treated it with contempt.”<sup>31</sup> The world might indeed be regarded as being somewhat topsy-turvy when a pioneer chief of the Republican party would rest his case on principles used by a States’ Rights court to curb the authority of the supreme Federal judiciary.

We may therefore conclude that the habit of obedience to the Federal Government had been considerably weakened in the decade before the outbreak of the Civil War. Proof of this fact is found in the frequent attacks on Federal authority by men who were its professed defenders. If we seek a single cause of the Civil War, this may be the most outstanding. A government whose right to command was so challenged might soon expect to discover itself facing a large-scale rebellion.

<sup>31</sup> *Ibid.*, p. 616.

# YANKEE RACE HORSE: THE U.S.S. *CONSTELLATION*

By CHARLES SCARLETT, JR., LEON POLLAND, JOHN SCHNEID  
AND DONALD STEWART

THE U. S. Frigate *Constellation*, named by President Washington for the constellation of fifteen stars in the new American flag, put to sea from Baltimore on June 24, 1798, and proceeded to the West Indies. She was the first ship commissioned by the recently established Department of the Navy, and soon afterwards, off the island of Nevis, she was to be the first to engage, defeat and capture an enemy warship, *L'Insurgente*, pride of the French Navy. It is not likely that any naval vessel will see such length of service again, for her last assignment was that of flag ship of the U. S. Atlantic Fleet in World War II.

One of the major responsibilities of the Constellation Committee of the Star Spangled Banner Flag House, custodians of the Navy's first ship, has been to assemble documentary material dealing with her structural history. After study and interpretation of that material, it can be soberly and realistically stated that by all reasonable standards the *Constellation*, at present back home in Baltimore undergoing repairs, is the frigate that was launched on Harris Creek in Baltimore in 1797. She has known changes in form and fabric, but she was never "destroyed," as claimed, nor did she at any time lose her identity.

By 1852 the old warship, lying in ordinary at Gosport Navy Yard (Norfolk), was found to be badly in need of repair, particularly in her stern section and bulwark area. Some felt the necessary repairs were so extensive that it would be impracticable to refit her for combat. Perhaps it was the ringing appeal for the Frigate *Constitution* of Oliver Wendell Holmes' poem, "Old Ironsides," that moved the Bureau of Construction and Repair again to make a farsighted decision to preserve the

structural integrity as well as the spirit of its oldest surviving historic craft. The *Constellation* was not to be destroyed and "legislatively rebuilt," nor was she to be expanded in all her dimensions, re-using a few old parts, and fitted with steam power . . . as suggested ways of circumventing a Congress that would authorize no new ships.

Rather, into a major conversion and in complete accord with the then current modernization program of the Navy, would be introduced two fundamental changes that would provide the speed, the stability and the disposition of buoyancy for the much larger guns of a modern warship. The *Constellation* would be lengthened by cutting her in two aft of frame Number Ten and fairing a new twelve-foot section into the body, and her bulwarks and guns would be removed from the spar deck. By thus concentrating her armament on the gun deck she would become a modern razeed first-class sloop-of-war. "It is believed by the yard contractors," the local press at Norfolk was able to observe, "that the new ship will be equal in size and guns to any fighting ship on the sea."

Some researchers in naval history since 1907 have advanced the opinion that the original ship was actually destroyed during the "rebuilding" of 1853-55 and an entirely "new ship" substituted. The present *Constellation* was literally, they say, a new ship built in 1854 and was by way of being a subterfuge foisted on the American Congress by the Navy. Their contention is based on the fact that the known plans and offsets for the thirty-six gun frigates proposed in 1794 by Joshua Humphreys, Chief Naval Constructor, did not conform to the frame spacings or highly advanced contour lines lifted from the hull of the vessel at Gosport, and on the arbitrary (and unique) opinion that a wooden ship becomes an entirely new ship when less than fifty per cent of her original structure is left on board.

Although Major David Stodder, her original Baltimore builder, was directed to cut his timber to the molds forwarded by Humphreys in December, 1794, and to follow the plans delivered to him February 18, 1795, he instead used his own model and mold loft to change the basic structure, giving the hull of the present *Constellation* her fast Chesapeake clipper-type lines. Josiah Fox, Humphreys' assistant, who made affidavit to the fact that Stodder drafted the *Constellation*, cooperated

in obtaining the sanction of the Department of War for these alterations. Our copies of documents furthermore chart a normal and orderly rebuilding of the ship at Gosport between 1853 and 1855 as well as elsewhere in additional repairs.

To correct unfavorable publicity coming from that misconception and to advance the cause of the ship's preservation, the Committee present here the recently acquired notes on the subject written by Franklin D. Roosevelt when he was Assistant Secretary of the Navy. They were prepared in the course of his life-long study of our original frigates and because of his official interest in a bill before Congress to refit the *Constellation* for a centennial celebration in Baltimore Harbor of the writing of the Star-Spangled Banner on September 14, 1814. The Committee have authenticated this work by citing pertinent documentary references and contributory findings in the body of the vessel itself. We believe the evidence is clear that the ship today has essentially the basic structure and shape of the 1797 frigate below the gun deck, with the reduced tumblehome of 1813, the rounded stern of 1829 and the extended length and gunport spacings of 1854.

When current repairs have been accomplished and her bulwarks are back in their original place on the spar deck, the frigate *Constellation* may once again proudly put to sea, a living symbol of the progress of our Navy since its establishment and the oldest and most original historic wooden ship afloat in the world today.

## I

### FRANKLIN D. ROOSEVELT ON THE *CONSTELLATION*, 1798-1855 \*

Almost immediately after the close of the Revolution, American merchant ships began to suffer from the depredations of corsairs and

\* The *Constellation* Committee has assembled a considerable body of documents, copies, plans, drawings and notes of examination of the ship itself during restoration work. Much, but by no means all, of this material has been tapped for the following notes.

While the Committee can cite a reference and/or archaeological source for each of Mr. Roosevelt's statements, it cannot be said that all these sources were known to or used by Roosevelt himself. By the same token, Mr. Roosevelt had access to sources now known to have been lost, or as yet unlocated.

All research into early American naval history has been severely hampered

privateers belonging to the Barbary States. By 1793 over twelve American ships had been captured and their crews were either sold as slaves or held for ransom.<sup>1</sup>

On January 2, 1794 the House of Representatives passed a resolution: "That a naval force adequate to the protection of the commerce of the United States, against the Algerian corsairs, ought to be provided."<sup>2</sup>

Two weeks later six ships were authorized, four of 44 guns and two of 36 guns or 24 guns.<sup>3</sup> The appropriation that was available for the building of six frigates was \$688,888.82, and it was agreed that if peace should take place between the State of Algeria and

since the complete destruction by fire of the Newport Naval Training Station Museum, January 25, 1946. Lost in this disaster were the Theodore Roosevelt Collection of Naval Papers relating to the War of 1812, some 300 early ship plans, and hundreds of original letters and documents, which included the bulk of documentary records pertaining to the *Constellation* possessed by the Navy Department.

We have, in regard to these items, made use of some of the copies which fortunately were made in years prior to the fire, as well as work done by other researchers from the originals.

The mis-filing of related documents in national record collections has brought its problems, necessitating much culling of extraneous material. The habit of "borrowing" official records in the years prior to the establishment of public repositories for records too has resulted in the scattering and loss of much material. Our collection of data is growing and doubtless will continue to grow.

Long ago, a pattern became apparent: Each newly found source only confirmed the historical and structural integrity of the *Constellation* as the Navy's first fighting ship.

#### ABBREVIATIONS FOR SOURCES

ASP	<i>American State Papers</i>
Barbary Wars	<i>Naval Documents Relating to the Barbary Wars</i> (U. S. Government Printing Office, Washington, D. C., 1939).
HSP	Historical Society of Pennsylvania, Philadelphia, Pennsylvania
JHL	Joshua Humphreys' Letterbooks
LC	Library of Congress
LDCF	Lenthall Document Collection, Franklin Institute, Philadelphia, Pennsylvania
NA	National Archives
NWCL	<i>Constellation</i> File, Library of Naval War College, U. S. Naval Training Station, Newport, R. I.
NWD	"Correspondence of Secretary of War when Navy was under the War Department 1790-98" RG 45 entry #374 National Archives
Quasi-War	<i>Naval Documents Relating to the Quasi-War with France</i> (U. S. Government Printing Office, Washington, D. C., 1935)

<sup>1</sup> See *Barbary Wars, I* for representative documents.

<sup>2</sup> ASP, I, "Communication of Secretary of War to the House of Representatives, January 20, 1794."

<sup>3</sup> *Ibid.*, January 20, 1794.

the United States of America the work on the frigates should "No further proceed."<sup>4</sup>

Joshua Humphreys, a Quaker of Philadelphia, was asked to make calculations of materials and price needed to complete the ships of our Navy.<sup>5</sup> On April 1, 1794 the Secretary of the Treasury was notified that President Washington had decided that the 44 gun frigates should be built in Boston, New York, Philadelphia and Portsmouth, Virginia and that the 36 gun frigates should be built in Baltimore and Charleston, S. C.<sup>6</sup>

On June 21 Joshua Humphreys was directed to erect a temporary building for the mould loft.<sup>7</sup> On June 25 it was also determined that John Morgan should be the constructor at Norfolk and Joshua Humphreys at Philadelphia.<sup>8</sup> Henry Jackson was appointed naval agent at Boston, John Klagge at New York and Jeremiah Yellot at Baltimore.<sup>9</sup> All materials and labor would be procured by the Naval Agent and he would receive a commission of  $2\frac{1}{2}$  percent of all materials purchased and of all men for the construction. Also the captains appointed to be masters of the respective ships would serve as superintendents of construction to the ship which they were to command after completion.<sup>10</sup>

Captain Truxtun of the un-named frigate in Baltimore (known as Frigate "E" at that time) was assigned by Humphreys<sup>11</sup> to draw and design all of the standing rigging, spar and sail plans for the six frigates, while Joshua Humphreys was making detailed drawings of the hulls and measurements of the respective frigates.<sup>12</sup> In connection with the details of Humphreys are the following:<sup>13</sup>

<sup>4</sup> *Ibid.*, January 13, 1796.

<sup>5</sup> *Ibid.*, January 20, 1794. The finished estimates are in NWD, pp. 21-4, May, 1794.

<sup>6</sup> *Ibid.*, December 29, 1794.

<sup>7</sup> NWD, Knox (Secretary of War 9/12/1789 to 12/31/1794) to Humphreys, June 21, 1794.

<sup>8</sup> For Morgan's appointment, see NWD, Knox to Morgan, August 8, 1794; NWD Knox to Humphreys, June 28, 1794 states Humphreys' appointment, with compensation to date from May 1, 1794.

<sup>9</sup> NWD letters to Navy agents, June 1794.

<sup>10</sup> NWD pp. 52-4, Memorandums #1, #2 and #3 from Knox to Constructors and Superintendents. Of particular interest is Knox's dictum to Constructors: ". . . Particular Directions will be given to you relatively to the preparation of the ships, a draught and moulds for same, to which you are undeviatingly to adhere . . ."

<sup>11</sup> Undoubtedly an error; Humphreys assigned no one to do this, and did not have the authority. The use of Humphreys full name immediately after this bears out the error. It was Knox who assigned the task of drawing up a list of spar dimensions for the frigates—see NWD June 27 and July 6, 1794. NWD p. 41 begins the spar dimensions for a 36 gun Frigate of the Constellation class.

<sup>12</sup> JHL, June 5, 1795; NWD, May 12, 1794.

<sup>13</sup> For dimensions and offsets of 44 and 36 gun Frigates by Joshua Humphreys, see NWD July 30, 1795 *et. seq.*



## 44 gun frigates of war

Length of gun deck from rabbet of stem to post—174 feet—10½ inches

Length of keel—145 feet

Molded breadth of beam in the extreme part—43 feet—6 inches

Height of wing transom above rabbet of the keel—25 feet—8½ inches

Height of lower deck transom above rabbet of keel—20—9 inches

Height between gun deck and lower deck—6 feet—4 inches

## 36 gun frigates of war

Length of gun deck from rabbet of stem to post—163 feet—7 inches

Length of keel—136 feet

Molded breadth of beam in extreme part—40 feet

Height of wing transom above rabbet of keel—24 feet

Height of lower deck transom above rabbet of keel—19 feet—2 inches

Height between gun deck and lower deck—6 feet

In both types of frigates the keel was constructed of good sound white oak in three pieces, the middle piece not to be less than 30 feet.

In June, 1795 work had to be stopped on the frigates in Portsmouth, N. H., Boston, New York and Norfolk as supplies were not available. Work was continued on the frigates at Philadelphia and Baltimore.<sup>14</sup>

## Construction and Repairs

## Contract Frigate "E"—Baltimore

At the Baltimore shipyard of David Stodder the ship known as frigate "E" had her keel bolted together and laid on the blocks by December, 1795.<sup>15</sup> Two thirds of her oak timbers and framing had arrived and part of it had been bolted together for frames.<sup>16</sup> Samuel and Joseph Sterett had taken the position of naval agents in the building of frigate "E"<sup>17</sup> and Major Stodder not only had labor

<sup>14</sup> *Barbary Wars*, 1, pp. 70, 150-1.

<sup>15</sup> *ASP*, 1, "Statement of Progress of Work on the Frigates," December 12, 1795.

<sup>16</sup> Delay due to many causes was evident, since as early as May 14, 1795, Truxtun wrote to Secretary of War Pickering (1/2/1795 to 2/5/1796) that ". . . We have the keel pieces and keelsons etc. in the yard and *most of the live oak dressed out to the moulds and bevellings . . .*" (italics by the Committee). (Letter in Henry Huntington Library, San Marino, California.) Truxtun went on to say that he saw no reason why the ship could not be finished by Christmas 1795. See Eugene S. Ferguson, *Truxtun of the Constellation* (Baltimore 1956), pp. 118-9 for discussion of delays due to timber supply, errors, lengthy correspondence, etc. The stern frame was not raised until February 5, 1796 (See Ferguson, *op. cit.*, p. 126), and the completed hull was launched September 7, 1797 (Truxtun to Humphreys September 7, 1797, Humphreys' Correspondence HSP). A copper spike bearing the stamp of the year of launching has been recovered from the lower hull of the *Constellation* during the restoration at Baltimore.

<sup>17</sup> NWD August 8, 1794 refers to the appointment of the Sterett brothers.

trouble while the ship was building but did not agree with Humphreys' plan or Truxtun's supervision of the building.<sup>18</sup> During the early stages of building, frigate "E" was given the name

<sup>18</sup> ". . . did not agree . . ." is a mild description of Stodder's attitude. Josiah Fox wrote to Truxtun (April 2, 1795—letter in Fox Collection, Peabody Museum, Salem, Massachusetts) passing on the second-hand but none the less rousing information that Stodder was "contemptuous" of the whole proceedings. The Baltimore Constructor maintained he could do a much better job of drafting and moulding a frigate than Humphreys. According to Fox's informant, Stodder declared he would follow neither draught nor moulds nor any directions from the War Office, and that he would not take orders from any officer in his yard.

The receipt of this letter by Truxtun touched off a three-way correspondence between Truxtun, Stodder and Pickering. Truxtun fired off a complaint to the War Office on April 6 (letter apparently now lost, but the date and contents are clear from Pickering's reply the following day). The Secretary replied April 7, 1795, making it clear that Knox's arrangements (see note 10 above) gave any Superintendent full authority to enforce the Government's plan of building. Truxtun would have the power to discharge the Constructor as an extreme measure, but he was urged instead to smooth matters out. The same day Pickering wrote a curious letter to Stodder, devoting a lengthy opening paragraph to the fact that an "important personage" had been "rendered uneasy in his position," and stressed the importance of maintaining "harmony" at all costs. The absence of a straightforward statement of limits to the Baltimore Constructor such as was given to Truxtun is explained by later correspondence (see below and note 21), which indicates that Pickering already knew that Stodder was not following Government plan, and had in fact concurred in this, with Fox's agreement. The balance of the letter affirms that the plans of construction adopted by the War Department are to be exactly followed unless advantageous suggestions are made, in which case prior Department approval will be sought. These two letters may be found in NWD under the dates indicated.

Stodder replied within a week to a letter of Truxtun's to him (since lost or missing but evident from his reply): ". . . I must say to you Sir that I have all of my facilities, and for your information *I have Mr. Pickering's authority to change the draughts and moulds of this frigate.* (Italics by Committee) Mr. Humphreys, I must remind you has had little experience in building other than merchant ships . . . and he being a quaker shoud' be catholic in his design of ships of war. I have been in agreement with the War Office . . . besides even you have disagreed with Humphreys on more than one occasion. I beg you not to write to Humphreys of this matter as Mr. Pickering will tell you he agrees with me as does the brothers here on materials and instructions. I also ask that you act more in the manner befitting a masonic brother and show some amount of trust in your fellows. I am with respect, David Stodder" (letter, April 14, 1795, in NWCL).

If prior to April 14 Stodder had authority for such basic changes from Pickering, then Pickering's painfully worded letter urging "harmony" becomes very clear. That this interpretation is valid is shown by Pickering's clear statement of May 18, 1795 referred to in note 21 below.

Whatever Pickering wrote to Truxtun in explanation of these changes is now either missing or lost. However Truxtun did write to Humphreys April 19, 1795 (Humphreys Correspondence HSP) saying he had told Stodder in "plain terms" that the Frigate would be built according to directions received from the War Office. Which directions are not specified. It is interesting that Stodder, Truxtun, and Pickering were Masons, whereas Humphreys was not, although the extent of the influence this had in the above matter can not be established.

"Constellation" by President Washington.<sup>19</sup> Her name was for the constellation of stars in the flag and, as expressed by many, for the stars in Washington's crest. (Many believed that Washington changed her name from *Senate* to *Constellation*, but there are no records to prove this claim.)

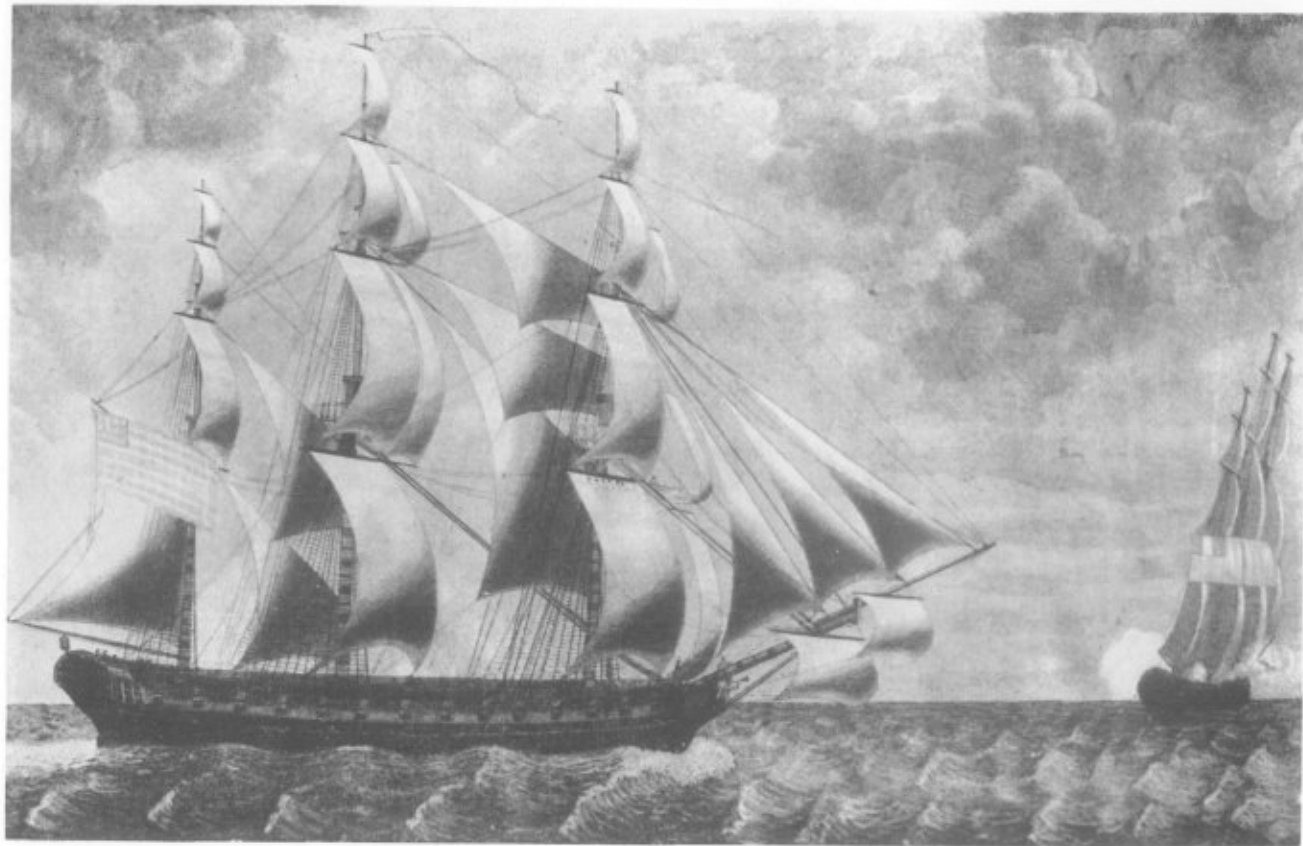
Truxtun often tried to calm Major Stodder who did not agree with Joshua Humphreys' mould or draft. Truxtun did not agree with the master designer and received permission to leave out the diagonal riders from the new ship.<sup>20</sup> Truxtun spent many months with his family, and Major Stodder broke his word; after promising to follow instruction on the building, he changed the entire lower structure of the *Constellation*.<sup>21</sup> The length when completed was

<sup>19</sup> See Ferguson, *op. cit.*, p. 125 for particulars on the designation and naming of the Baltimore Frigate.

<sup>20</sup> NWD, McHenry (Secretary of War 2/6/1796; transferred Naval affairs to Navy Department 6/17/1798) to Truxtun, November 2 and December 5, 1796. Truxtun also won out in using white oak instead of pitch pine for the beams (see *Quasi-War*, I, p. 337). Truxtun was not the only one to disagree with Humphreys; NWD May 12, 1794, Knox to Wharton, contains a request for Wharton to evaluate Humphreys' and Fox's plans for the frigates, indicating that Fox had for this time at least, equal consideration. NWD pp. 60-85 contains Humphreys' revisions to estimates resulting from a like query. Fox, in two letters, both May 12, 1795 (NWD) is given the credit for the draughts of the first frigates. Other correspondence in NWD 1790-95 clearly shows the entire program was influenced by the opinions of many men who were approached by the War Department.

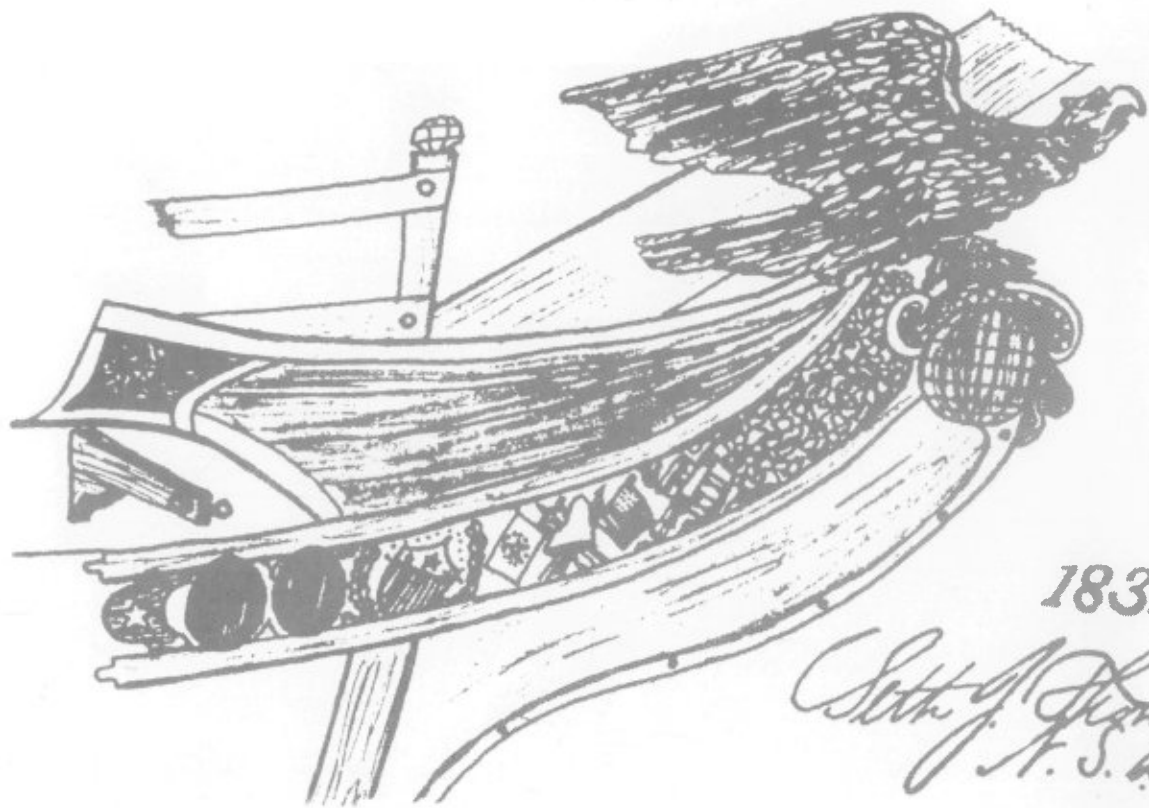
<sup>21</sup> Not without sanction however, as shown by Stodder's statement in note 18 above; his authority for this assertion is contained in a letter from Pickering to Stodder, May 18, 1795 (NWCL) as follows: ". . . I have asked all the builders to communicate with me on new ideas which will benefit the frigates. Mr. Humphreys may protest, but I assure you I will support your changes in the molds and design.—You are the second person to inform me of Humphreys' protests and I must remind Mr. Humphreys of his status and of the considerations I have given the builders, to improve his ships. I have informed him that you are the owner of a navy-yard and also a master-builder and that your changes as displayed in your model are in accord with Mr. Fox and the War Office . . ." (Italics by the Committee).

The most fundamental change from the Government's design was of course in the frame spacing—which seems to have caused difficulty for those who have limited their study to only the Government plan (Copy of which by William Doughty, 1796 is in the Naval Academy Museum, Annapolis, Maryland) and the ship itself. This plan called for 26 inches timber and room; the *Constellation* has 32 inches timber and room. There is a letter by David Stodder (Stodder to Pickering, April 30, 1795, Pickering file, HSP) which contains the original frame spacing of the ship as constructed. In this letter, from the "Naval Yard, Baltimore," Stodder was writing a plea for a different bolting system than stipulated by the Government plan of construction: ". . . The bolting the floor of the ship is one of the most essential parts, tho' the weight of a bolt of 1 $\frac{7}{8}$  of an Inch is as much as two of 1 $\frac{3}{8}$  of an Inch, yet I am convinced that bolt cannot possibly answer the same purpose as the two therefore it must be wrong—*The keel is 18 In broad Timber and room 32 In. there is 4 feet 2 In. distance from bolt to bolt on each side . . .*" (Italics by the Committee). That the Navy Department was aware of this fact 57 years later is shown on sections, presumably for docking prior to the 1853 reconstruction (NA Plan 107-13-4B, which was



*CONSTELLATION AND L'INSURGENTE—THE CHASE.*

FEBRUARY 9, 1799.



THE FIGUREHEAD: U. S. SHIP *CONSTELLATION*.

164 feet, the beam 40 feet<sup>22</sup> but the frame spacing and the structure of the ship which was hidden from view was the work of one David Stodder, the Baltimore builder.<sup>23</sup>

In 1812 the *Constellation* was moved from her berth at the lower

not made from the ship but from Bureau records), accompanied by a sketch of the frames of 32" apart, and the notation, "old."

Pickering's statement of approval for "changes in molds and design" implies changes in shape as well as internal construction. That a change in shape did occur is substantiated by a letter from Truxtun to a member of the House of Representatives (Truxtun to Livingston, 22 May 1798 NWCL): ". . . I must say though we probably have a better ship through the efforts of Major David Stodder—the constructor here . . . his new ideas in the form of the bow will most likely increase the speed through the water of the hull . . . I praised Stodder's ideas and his launch was most successful . . ." See also Tingey's comment on this same feature in note 24, below.

Other changes are also a matter of record; NWD letters of April 22 and April 28, 1795 deal with suggestions on copper bolt sizes. The Stodder letter quoted above belongs to this series. There were also changes in the method of scarfing the keel pieces as mentioned by Humphreys to Truxtun May 28, 1795 (JHL) including mention of Stodder's model for this. Pickering (NWD Pickering to Stodder, May 29, 1795) directed this model to be forwarded to the War Office for approval. It is evident that the model mentioned by Humphreys on May 28, proposed to him by Stodder May 17 (in a letter now missing but contents clearly described in the Humphreys reply), cannot be the model already approved by Pickering and Fox prior to May 18, and in fact prior to April 14 according to Stodder, (see note 18) involving "moulds and design." One gets the impression that Mr. Humphreys was simply by-passed in any but minor alterations of his proposals.

<sup>22</sup> See note 29 below for discussion of beam of ship.

<sup>23</sup> That the Maryland Major used his own moulds and bevellings is evident from two documents previously set forth: his own letter of April 30, 1795 giving the actual frame spacing as 32", and Truxtun's letter of May 14, two weeks later, stating that the live oak was already cut to the "moulds and bevellings." As built the *Constellation* had less frames and more space between them than the Government's plan. The shape of each frame determined the finished shape of the ship. Also as the frames progress from the widest point of the ship, to the fore and aft, the outer surfaces of the frames are bevelled at increasing angles so that the planking will lie flush on the surface as it sweeps fore and aft along the sides of the ship. Moulds for the shapes of frames spaced 26" apart would not have the correct progressive curvature to be used every 32", and the bevellings would be different also—the differences becoming more and more acute near the ends of the ship. Having thus had to make up his own moulds and bevellings, and having produced a ship with "new ideas in the form of the bow," it is evident that Stodder's ship would show differences from the Government plan.

Further indication of Stodder's moulds being used is contained in a brief note to him by Pickering (NWD June 1, 1795) in which he is informed that some moulds for the *Constellation* previously sent to Georgia (for cutting and matching timber on the spot) were lost by fire. It is significant that it is Stodder who is asked to replace the lost moulds, rather than Humphreys.

Josiah Fox in later life wrote extensively about his activities in the early Navy, and left a document entitled "Sworn statement J. Fox—in the year 1835" (NWCL) crediting himself and Doughty with the drafting of virtually all the major Naval vessels of the first period of construction, except the *Constellation*, as follows: ". . . vessels of 36 guns—Congress and Crescent built to Algeria (*Constellation* drafted by Stodder) . . ."

end of the yard to the main dock where she could be repaired more easily. The ship had been in ordinary since 1808 when she had been stored in an ordinary condition due to a great need for repairs. The Constellation was in very poor condition due to the fact she had been shot to rot and ruin in her many engagements with the French and Pirates of the Barbary States and also the fact that she had strained her upper works in being raised from the shallows of the Delaware just prior to her duty against the pirates.<sup>24</sup>

The ship was brought up to the main dock in the Navy Yard and stripped down to her berth deck. Boats, guns, carriages, masts, spars, and rigging were newly made and her sides were bolstered and reframed with double planking. She came from the yard in much better condition than from the stocks in Baltimore.<sup>25</sup>

In the rigging of the Constellation new iron works replaced the old line and wound works<sup>26</sup> and she became the first ship of the

<sup>24</sup> Statement of Captain Tingey, Superintendent of Washington Navy Yard "Washington, December 1811" (NWCL) gives details of the poor condition of hull, armament, and thinness of planking. In this statement, Tingey also notes the design of the ship as follows: ". . . This ship has a strange feature in that she is very sharp forward, and this probably accounts for her great speed—some of which is lost by the flat transom that runs from starboard to larboard and from the taffrail under water to the post . . ."

<sup>25</sup> Tingey, "Repairs 1812-1813" NWCL. See also File 1231-A, "Major Battle Damage, Repairs and Reconstruction to U. S. Ship Constellation 1797-1855," Admiral W. L. Capps at direction of Truman H. Newberry Assistant Secretary of Navy," NWCL (c. 1905-08—the file is undated but these years are the only ones Capps and Newberry held these respective offices). This file must be used with caution in view of Admiral Capps' tendency to stipulate "new" for timbers that from his very own report could not have been removed, but were only repaired, added to, or otherwise renewed rather than replaced entire.

Significant findings in the vessel itself from this period include Washington Navy Yard nails, some marked with "T" for Tingey; and spikes with Washington markings and dates from 1808 to 1812.

In exploring contemporary descriptive material of the ship as she was in 1812, a document was found in the Library of Congress (LC Naval Foundation Papers, Tingey and Charles Stewart letters) giving a partial description of the ship January 2, 1813: ". . . the ship has been fitted for two air ports on both hull sides to permit fresh air to pass through the ship while in port. One air port is cut just forward of the quarters on each side and one on either bow aft of the stem. These are sealed with a brass tompon and ring and can be removed by pulling with a line from the fore yard and aft boat boom . . ." As the hull planks were removed during the restoration in Baltimore in the fall of 1960, the remains of this feature were found in a starboard bow cant frame, four feet from the stem, and two feet above the berth dock. This air port is of a different size (10" diameter) than the much later brass-fitted portholes added to the ship after the alteration to a sloop in 1855 (these were 15" holes). The presence of this frame, by the way, says much about the shape of the bow and stem never having been altered since 1812 at the latest, since a differently raked stem, and differently curved bow would not admit the retention of this timber.

<sup>26</sup> Tingey "Statement": "The wound work of the masts should be renewed and in their sted-iron should be used to provide im-movabl' strength for masts and booms . . ." The iron work referred to is still a part of the ship today.

navy to carry iron work on her masts and spars, not to mention the complete new tarred line and running rigging; all eyebolts, bands on both masts and tops, cross trees and the spirit, and all supports were of hand beaten iron. Some 1,000 men were employed in any number of spots preparing the new iron for her masts, spars and spirit.

In 1830-32 the *Constellation* was again repaired but not as much as the works of 1812 and of the later work at Gosport from 1853-55.<sup>27</sup>

It must be understood that the frigates had to be repaired and re-masted about every thirty years so that they would remain in a seaworthy condition. On board the frigates a number of the crew were assigned to work that only should have been assigned to a shipbuilder, but repairs had to be completed after every battle, storm or grounding.<sup>28</sup> The crews of the frigates reworked masts, rigging, replaced torn copper and every year at least a piece of hull plank had to be repaired, even while at sea.

The carpenter's mate was a busy man and most of his supplies and materials were either carried holed in the lower ship or in the case of masts and spars, were carried running from bow to stern through the channels of the ship. Pitch, tar, oils and all tools were carried aboard that would have been used in a shipyard of those days. Some members of the crew were even capable of carving and restoring carvings that might have been carried away in storms or battles. Though usually simple men, the masters, officers and crew of the frigates were tough and capable men with a trade that had benefited them at sea.

The *Constellation* was rebuilt and repaired many times from the date of her original launch in Baltimore (September 7, 1797). In 1812 she was rebuilt by Captain Tingey of the Washington Navy Yard and her beam in the extreme increased two inches.<sup>29</sup> From

<sup>27</sup> See NWCL File 1231-A for history of all repairs 1797 to 1855, except 1839-40 (which are in NA RG 45, AL File) which were excluded as records were not available to Admiral Capps. Also see NWCL, Statement of Samuel Humphreys 1829 Repairs, for enlargement and rounding of stern.

<sup>28</sup> During the restoration work in 1959, a 2-pounder grape shot was found imbedded in frame 17, port side, just above the waterline. The last engagement that the *Constellation* participated in was with the *Mashuda*, an Algerian frigate, on June 17, 1815, so this relic is either from this battle or a prior engagement.

<sup>29</sup> It is not possible to reconcile the several figures given in the early records for the *Constellation's* beam, nor can it be clearly ascertained what each writer meant by the different terms used. The two facts that are certain are that the beam moulded—width from inside of port planking to inside of starboard planking at the widest part—was 41'0" prior to the alteration at Gosport in 1853, and is 41'0" now. (Lenthall letter NA RG 45 Letters from Bureaus December 18, 1851).

It is not clear what happened to the beam of the ship as a result of Captain Tingey's plan ". . . to remove excess tumble in the home come of the ship



1812 to 1848 the *Constellation* had driven herself to the Far East, the South American Station and in the term of nautical miles, had circumnavigated the globe about  $6\frac{1}{2}$  times. During this period she had been overloaded with equipment, men and too many cannon, not to mention some 150 tons of kentledge which had warped her old keel and top keel.

Plans were drawn to rebuild the *Constellation*, first as a side wheeler steam frigate and later as a screw frigate.<sup>30</sup> Both plans were abandoned as there was much public support for the old warrior.<sup>31</sup> A survey was held at Gosport in 1852 to decide the fate

... (Tingey Repairs 1812-1813 NWCL). There is no plan of the *Constellation* dating from prior to 1812 for comparison. There is however a drawing of the amidship section, dated January 11, 1839 (NA RG AS File) showing the outline of a marked tumble home. This is outlined in dotted lines from the 22-foot waterline upwards. From that point downwards the line is that of the ship today, and we infer that this sketch was prepared to show the old tumble home, since it is clear this was removed in 1812-13.

In the restoration work in Baltimore, it was found that numerous frames are of one-piece timbers from below the turn of the bilge to the line of lower gun port sills and may even be shown to extend to the spar deck, when remaining sheathing is removed. These hand-hewn one-piece long sections are concluded to date from 1812-13 when the tumble-home was reduced. It is significant for the present shape of the ship dating from 1812, that if the present sides are projected upwards above the spar deck, where the bulwarks would have been, the resulting tumble-home differs about 1 inch from that of the *Constitution*.

<sup>30</sup> See NA RG 45 "Bureau Letters" July 8 and July 11, 1845—also LCDR August 15 and 19, 1845, for correspondence suggesting conversion to steam, both of the *Constellation* and *Macedonian*. As indicated in an undated but later addition to the last letter mentioned above, Lenthall had virtually completed arrangements for a propulsion plant for the "Steamer *Constellation*." This man who will be referred to again in these notes, was Chief Constructor for the Navy during this period.

<sup>31</sup> The subject of what to do with the *Constellation* is dealt with in frequent Bureau correspondence from 1845 to the eve of altering her in 1852. The best summary of suggestions is by Lenthall (NA RG 45 Bureau letters—enclosure December 18, 1851 to letter December 19, 1851, Skinner, Chief of Bureau to Secretary of the Navy), who concludes as follows: "... It thus appears to me that the old "Constellation" should be abandoned if it is proposed to build a vessel of 3300 tons to take her place [this was a proposal to convert her into a super-frigate—see below] ... If the ancient renown of this ship makes it desirable to retain her (for in point of economy there will be a loss) the plan heretofore under consideration of the Bureau seems well adapted to carrying it out ..." The covering letter, by Captain Skinner, gives the "plan heretofore under consideration." "... The best disposition would be to convert her into a sloop of war with a battery of heavy guns ..."

It is to be noted that Lenthall says "to retain her"—the ship, and not to retain only the name, to be used for an entirely different vessel, such as was done in the case of the *Franklin*, our first ship of the line, which was broken up at Portsmouth, N. H., in the same year alteration was begun on the *Constellation*. A new steam Frigate was built, bearing the old name (see *Franklin* packet, LDCF). Since much critical comment directed against the *Constellation* has included statements that in spite of the entire written record of Naval construction during this period, such a subterfuge was practiced on the *Constellation*, it is important to explore the source of such comment.

The Committee believes the source can be found in the correspondence and

of the aging ship. It was decided that at least a part of her could be preserved by rebuilding her and converting her to a first-class-sloop-of-war.<sup>32</sup>

In January, 1853 preparations were made ready and the old ship was dismantled to her spar deck. With the aid of hundreds of men and animals, the ship was hauled up the blocks covered with tallow and black lead and into one of the huge shiphouses at

activity surrounding the Lenthall and Skinner letters of December 18 and 19 quoted above. Note that Lenthall is writing on a proposal to convert the *Constellation* to a vessel of 3300 tons, 240 foot length and 55 foot breadth. This proposal was made by the Commandant at Norfolk, Captain S. H. Stringham in a letter to the Secretary of the Navy, December 12, 1851 (NA RG 45 Letters from Commandants), and was acknowledged December 21, (NA RG 45 Letters to Officers). By the 19th however Lenthall had made and forwarded his opinion that such conversion was not possible, and Skinner, the Bureau Chief, seconded this conclusion and proposed alteration to a modern Sloop of War. His letter is also critical at some length of Stringham's grasp on the principles of good ship construction. On December 26 (NA RG 45 Bureau Letters) Stringham, quite hurt by all this, especially since the Secretary of the Navy himself was given Skinner's critical statements, writes himself to the Secretary what was involved in his idea: ". . . In submitting to the Department the proposition to repair and remodel the frigate *Constellation* I had in mind your recommendation to build every year two vessels, in order that the Navy may keep pace with the improvements of the age. Believing that it required a special Act of Congress to authorize this very desirable measure, and much doubting whether that body would act upon the recommendation during its present session, I ventured to suggest a mode by which I thought these difficulties might be remedied, and the work commenced. My proposition was, while retaining as a cruiser the name of one of the Navy's most gallant ships, to remodel and reconstruct her so as to embody all the late improvements in ship building. I regret to find by the letters from Commo. Skinner and Constructor Lenthall, to whom my communication was referred, that these officers misapprehended my proposition—My suggestion was, and is so stated in my letter, not to retain the shape and form, while lengthening and widening the ship—but to remodel, rebuild or reconstruct her without the slightest regard to her present dimensions, whether of length breadth depth, shape or form . . ."

Skinner and Lenthall "misapprehended" nothing! They knew full well that the Norfolk Commandant's suggestion meant an evasion of Congressional stricture, but rather than treat the suggestion as such they decided to dispose of it through censuring Stringham on the grounds of faulty ideas of construction. Stringham makes it clear in his reply that this proposal was his and his alone.

<sup>32</sup> On January 21, 1851 the final recommendation of the Bureau of Construction went to the Secretary of the Navy (NA RG 45 entry #32): ". . . The Bureau therefore, in view of these facts, recommend that the Frigate "*Sabine*" at New York, and "*Santee*" at Portsmouth, New Hampshire, which have been on the stocks, the former since 1822, the latter since 1820, be completed to take the place of the "*United States*" and the "*Constellation*," the latter being a small Frigate mounting 18 pounders may be razed and made an efficient sloop of war. In this connection the Bureau would respectfully call attention to the fact that the entire number of sloops-of-war belonging to the Navy are now employed, with one exception, and that one could only be prepared for service at an expense equal perhaps to the cost of a new ship." To accomplish this it would be necessary to lengthen the ship to accommodate the larger guns.

See the Annual Report of the Secretary of the Navy for 1852, p. 630, stating this recommendation, and *ibid.* for 1853, p. 546, and 1854, p. 630, for carrying it out to completion.

Gospport Navy Yard.<sup>83</sup> For several months she was stripped down to her lower frames and planks which were suitable for reuse. These were calked up and her keel was spliced, adding some 12 feet to the length of the vessel. Her keel was warped, high in the center and low on the ends, and in August and September a shoe or extra keel was made which fastened onto her old keel to straighten it.<sup>84</sup>

<sup>83</sup>In spite of published statements that the *Constellation* was destroyed in 1852 *sub rosa*, Bureau of Yards and Docks Correspondence January-June 1853 (NA RG 181) contains two letters, January 28 and February 24, 1853 showing that the frigate was not hauled up from the water until February 23rd, 1853, so that work could be commenced on her.

<sup>84</sup>First an initial survey was done on the ship immediately after being hauled from the water. The results showed a surprising amount of sound material (See Delano, Naval Constructor, to Hart, Chief of Bureau of Construction, February 27, 1853 NA RG 45): "... We find about  $\frac{2}{3}$  Two thirds of the frame timbers, keel, lower piece of stem, stern post forward, and after deadwood good ... The plank on her bottom sound but require to be retreenailed ..."

Progress of the work is described in two chief sources: Testimony of Mr. Robert H. Davis, who worked on the alteration at Gospport, and the manuscript diary of Naval Constructor B. F. Delano, a distant relation of Mr. Roosevelt. The former reference is in NWCL; the latter is quoted at length by Mr. Roosevelt in a letter to Professor F. A. McGoun of Massachusetts Institute of Technology and may be found in NA RG 45 AR File. Mr. Davis was an apprentice at Gospport in 1853, later becoming a shipwright and appointed in the Confederate Navy. He related the story of the alteration to the *Constellation* to Captain W. W. Meade on September 17, 1904. Mr. Davis lived until 1918 and the *Constellation's* flag was by special order flown at half-mast May 8-10 of that year, at his death (NWCL Special order). Mr. B. F. Delano was the Naval Constructor in charge of the alteration of the *Constellation*.

Summary of work done is in NWCL File 1231-A, which gives retained portions of the ship as well as new construction. The Gospport Stores reports, (NA RG 19 Item #320) contain materials issued to and received from ship, including reused items in those parts of the ship actually repaired or altered.

Pertinent selections from these references are: Delano, March 1853 "... Planking from the rail to lower port removed together with frames and chain iron, with spar deck and gun deck removed ..." May 1853- "... Old copper composition removed from the Constellation hull and piled near the end of the shiphouse. New upper frames are being cut to join the lower while the ship is being cut to pieces to extend the body ..." July 1853- "... New pieces of shoe are being constructed to fit the old keel which is lengthened and still shows a sag on both ends. The low parts of the ship are being cottened and caulked as they are reusable ..."

Davis: "... Between February and June or July she was stripped down to her berth deck and it was decided her low decks were good as was her low frames and keel ... the old keel was warped, high in the center but low on the ends ... she had to have a piece of false keel graved in to straighten out her warped keel, and some small pieces fitted in to her old keel ..."

Capps, File 1231-A: "New material, timbers and exterior hull ... From the keel upward, False keel,  $\frac{1}{4}$  of the keel, keelson and members, 15 foot 10 inch splice in the stem ... all new outside plank from the 15 foot line and to the rail,  $\frac{1}{2}$  oak planking below the 15 foot line at lengthened area ..." It must be remembered that Admiral Capps was writing in summary form from the original records of repair. From his summary however, it was possible to verify the splice in the stem during the restoration work, and also the outside plank specified since below the 15 foot line several small graving pieces were found

The loftsmen and draftsmen at Gosport had their troubles with the old *Constellation* as she did not compare with Humphreys' plan of the ship which was drawn in 1795.<sup>35</sup> David Stodder's long forgotten grave held the answers. The Stodder changes of the *Constellation* and his idea of what a Baltimore ship should have and not have was the problem facing the chiefs of construction at Norfolk. After several years and with new plans the old *Constellation* became a sloop-of-war or corvette (French for large sloop) with 22 to 24 guns and longer by 12 feet. Her beam in the extreme never changed from Captain Tingey's building, but a razeed ship equal to any in the world was built from the bones and skin of the antagonist of the French.<sup>36</sup>

Some 37 percent of the *Constellation* still remains in Newport. She has her stem, original keel excepting one section forward, most of her oak frames are still intact and some 136 tons of old wrought iron kentlege still strings along her hold. She retains knees from the hackmantack brought up in boats in 1796. The spirit and soul of the *Constellation* is still on board; may she always be a living inspiration to the nation.

Claims are that the *Constellation* was a new ship especially in

nailed into the planks marked "GNY" for Gosport Navy Yard; this indicates the plank itself was older.

As to the planning involved for such work, Admiral Capps who had access to the original records, states in File 1231-A: ". . . The Bureau Reports for the years 1853-55 state that while the new construction was being built to add to the old ship, the old ship was being torn down to meet the new construction and the timbers were even matched in the loft before the ship or its new construction were being prepared . . ."

<sup>35</sup>Delano diary "January 1853—in pencil: ". . . Underwater body of *Constellation* does not match drawing of Humphrey plan or the sketched drawings of 1852 showing sections of the hull. This fact was discovered during the docking of this ship to fit her for blocking to draw her into the ship house . . ."

Davis testimony: ". . . I will never forget the mess when it was discovered that this ship did not compare to the plans of her drawn in 1794 in Philadelphia. Someone was wrong, either they did not follow the plans or they built her from some other plans . . . she had to have all of her ballast piled while draftsmen lifted the lines of her underwater from her hull . . ."

The sections referred to in the Delano quotation are undoubtedly those of NA plan 107-13-4B, which show nine sections of the hull of the Humphreys design.

<sup>36</sup>For additional confirmation of the fact of alteration, the Lenthall Collection contains a document in Lenthall's handwriting, "Comparison of Weight of Hulls, of Rasee Vessels of War." In these three sheets of notes occur figures for the *Constellation* as a Frigate, as a "rasee before lengthening," and "as a razeed," with accompanying calculations. Of still further importance is the Inspector's report of January 1854 (FDR Library Group 10, Naval Affairs, Hyde Park, N. Y.) which states: ". . . the bottom is caulked and the decks have been replaced . . . the counter rounded and the new guns delivered . . . the iron work has been cleaned and painted and will be refitted on the ship and masting . . ." The terms "replaced" and "refitted" are not applied to a new ship.

the opinion of Lenthall<sup>37</sup> who believed that a ship longer and with rebuilt decks and planks was indeed a new ship. If this were the case there would be new ships in our navy every year as old ships are being rebuilt and changed continuously in the navy yards. The *Constellation* has Stodder's building still on board<sup>38</sup> and she is in fact the same ship built in Baltimore in 1795. This situation was moved to be passed on by Congress for the repairs to the ship in 1914 and from the plans now framed in my office you can see the frames and hull of *Constellation* drawn from the ship during the survey of 1852 and the plans for her in 1855 are identical in the lower structure of the ship.<sup>39</sup> She is longer and she is a sloop, but

<sup>37</sup> Doubtless referring to the letter of June 10, 1858 (NA RG 19 Item #49) wherein Lenthall submitted a list of Naval vessels with dates of building, and lists *Constellation* as Sloop of War, built Norfolk, 1853. The Sloop model did of course date from 1853, and it is evident that the Department wished to consider her a new ship. As late as circa 1907 (File 1231-A NWCL), the Bureau of Construction and Repair officially stated, on the basis of Bureau Records 1853-55: ". . . The *Constellation* was actually built from the basic structure of the old Frigate *Constellation* and must be considered a new ship . . . some persons in our Navy consider the new *Constellation* to be the old frigate, but a ship with less than 50 per-cent old material, and with the loss of form and length of the original model is a new ship . . ."

It is clear that "newness" or "oldness" in this connotation is a matter of arbitrary opinion. It is not possible to argue—as has been recently tried—that because the ship changed her class or rate, she is "new" and therefore has no old materials in her. The confusion over newness of rate, and newness of material has been and still is a part of criticism directed against the ship.

<sup>38</sup> See letter of Captain Charles H. Bell to Secretary of the Navy, November 3, 1855 (Boston Navy Yard, File IX-21/M7-2 (N) 1931), commenting on his first cruise as captain of the sloop *Constellation*: ". . . I have found the sailing quality of the *Constellation* much to my liking, since the extension of the body. I do however find that the head spacing should have been raised in the tween decks and that many of her old knees should have been replaced in the last conversion . . ."

<sup>39</sup> The plans of 1852 referred to may be assumed to be #41-9-1D "October 18, 1852—*Constellation*—Deck sheer, body, half-breadth," now carried by the National Archives as "lost in the mail—1942?" Other document copies in the Archives (formerly the Navy Department Archives Collection) are marked indicating originals turned over to Mr. Roosevelt, circa 1909-14 and these originals also were not returned.

From the description on the archives file card, Mr. Roosevelt's letter of July 31, 1913, as Acting Secretary of the Navy to the Director of the Bureau of Construction and Repair (National Archives, Record Group 19 #18013-E-3) and the statements in his article, it is evident that he had before him either a copy or a duplication of the plan of the ship drawn by John Lenthall, now in the Franklin Institute Library. This would have been the basic plan that was laid off on the mould loft floor, drawn from measurements of the ship taken during the docking of 1852 to fit her for blocking to draw her into the ship house. The indistinct and involved pencil trial lines in the bow of the plan of half-breadths may be an earlier attempt to draw the Humphreys ship, or they may be simply corrections made as accurate measurements were received from the ship. In any event they indicate an original drawing from a survey of the ship. Also the fact that the cross-hatching on certain upper bow yokes corresponds with those

she is still the same clipper type Constellation. She does not have Truxtun's and Humphreys' sail or hull plan as Truxtun's sail plan was changed by Tingey; Humphreys' hull and mould plan was changed by Stodder and all that was evident of change in 1797 was her thinned-out bow (clipper-type). Stodder did not suffer from this but was of high degree in his futuristic thinking and design.

The Constitution was of sufficient length to convert her to a sloop of war several years after Constellation's rebuilding. Constitution like the Constellation was rebuilt many times but did not have her length altered.

December 18, 1918

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To — Roosevelt, disciple of John Paul Jones

So the off-sets for the present Constellation were taken from the lower structure of the old ship and these were laid out on the mold loft floor with an extension of 12 feet to the body. Now that you have proved your point and made everyone in construction mad at you, do you want the ship on the Hudson for a Christmas present.

Since I could not make you eat crow I will say All Good Wishes from all the Daniels family for this all [and] for all Christmases.

I am,

Sincerely yours,

(Signed) Josephus Daniels  
(Secretary of the Navy)

Franklin D. Roosevelt Library  
Hyde Park, New York

## II

### THE CIVIL WAR RECORD

The *Constellation* was recommissioned at Boston on June 12, 1859 and sailed under the command of Captain John S. Nicholas, USN for the African Station. She arrived off the Congo River on June 16, 1859, and was assigned as the flagship of Commodore William Inman, USN, to operate against slave traders who were running live cargoes from the area to the Southern

actually replaced according to the repair reports, along with the numerous calculations on the plan bear this out.

The Archives plan #28-3-5, dated June 1853, which is a development of this basic plan and the offsets taken from the mold loft floor dated 1853 would have been the ship as she appeared when repairs were completed at Gosport in 1855.

ports of the United States.<sup>40</sup> While on the station she captured several prizes, including the slave brig *Delica*, December 21, 1859, with 300 slaves and the bark *Cora*, September 26, 1860, with 705 slaves. All of the salvage from the ships, foodstuffs, etc., and slaves were landed at Monrovia, while the ships and crew were delivered to the U. S. Marshal in New York.<sup>41</sup>

The firing on Fort Sumter, April 12, 1861, occurred during the period of her duty on the West Coast of Africa, but the news did not reach the squadron for several months. On May 21, 1861 a brig was sighted, flying what appeared to be an American flag of the Revolutionary period. Captain Nicholas searched his flag book for this flag, but to no avail. He ordered a solid shot placed across her bow with the hope of not creating an international incident. The brig's name, "Triton" could have been registered with several nations, but when the brig sought escape to the open sea, the *Constellation* closed in.<sup>42</sup>

Drums rattled, gun port shutters banged open and the guns poked long muzzles from the ports and the brig surrendered. A prize crew and a contingent of marines boarded her to inspect her papers. It was discovered that she was the brig *Triton* of United States registry out of Charleston, South Carolina, and was engaged in slave running. The prize crew took over and sailed her for Norfolk.<sup>43</sup> Off the Chesapeake a Federal blockade vessel gave warning to the crew: Norfolk had fallen to the hands of the Virginia forces in rebellion. The Gosport Navy Yard with its huge ship houses, stores, docks, and many ships of war including the *United States*, Decatur's famous frigate, and the steam frigate *Merrimac* were put to the torch by the navy to keep them from falling into the hands of the Confederacy.<sup>44</sup> The brig headed North and entered New York, but it was not until June 2, 1861, that the crew of the *Constellation* realized they had made the first official capture of the Civil War.

Captain Nicholas was sent home ill in June, 1861, and Captain Thomas A. Dorin, USN was given command of the *Constellation*. The ship left the squadron, sailing from St. Paul de

<sup>40</sup> *Ships' Histories; U. S. Frigate Constellation* (Navy Dept. Pub.), p. 8.

<sup>41</sup> Allyn J. Crosby, *The Constellation and the Slavers* (Newport Naval Training Center Publication; August, 1936), p. 1.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ships' Histories*, p. 8.

Lloando on the African Coast, August 11, 1861, and dropped anchor at Portsmouth, New Hampshire, on September 28, 1861. She was then refitted for sea and on March 10, 1862, she received new guns including sixteen 8-inch shell guns, four long 32-pounders, and two 30-pounders. Parrott Rifles and two heavy howitzers were mounted on her spar deck.<sup>45</sup> Later in the month Captain Henry K. Thatcher, USN, was assigned as commanding officer and thirteen days later her sailing orders arrived, reading as follows:<sup>46</sup>

Sir:

The main object in sending the *Constellation* to the Mediterranean is the protection of our commerce from the piratical depredations of the vessels fitted out by those in rebellion against the United States. The principal one of these vessels, the *Sumter*, which has so far eluded our cruisers, when last heard from was in the vicinity of Gibraltar. Your chief duty will be the pursuit of that vessel, should she remain in that quarter. At the same time, however, you will exercise vigilance in all cases.

Gideon Welles

Secretary of the Navy

Secretary Welles seems overly optimistic for the *Constellation* in this letter, for the *Sumter* was an armed steamer in the command of a daring and resourceful naval officer, Raphael Semmes of Maryland. If the two ships had met in battle the result would have been an interesting encounter between steam and sail, both captains having been trained on the *Constellation*, Captain Thatcher as a midshipman and Admiral Semmes as sailing master during the Seminole Wars.<sup>47</sup>

In April, 1862, the *Constellation* arrived at Cadiz, Spain and after making needed repairs, Captain Thatcher again put to sea. Like cat and mouse the *Constellation* and *Sumter* crossed wakes many times unnoticed by lookouts from either ship. On October 17, 1862, the *Constellation* was at Messina, Sicily, while the

<sup>45</sup> *Historic Navy Ships*, Publication by Navy History Branch (Navy Dept., Washington, D. C.), p. 5.

<sup>46</sup> Gideon Welles, Secretary of the Navy to Henry Thatcher, Capt. commanding USS *Constellation*, 10 March 1862, A. L. File NA, Navy Branch.

<sup>47</sup> U. S. Navy muster lists, US Ship *Constellation*, 1800-1844, NA. NB Naval Registers, 1825-1844 National Archives.



*Sumter* was at Gibraltar after capturing another prize.<sup>48</sup> News was received of a new enemy about this time: The Confederate armed steamer *Southerner*, which was built in England, was now in the Mediterranean engaged as a commerce destroyer. Again the hunted became the hunter, and Captain Thatcher was somewhat overly optimistic when he wrote the Secretary of the Navy: "If I am forced to engage her I will do what I can to cripple, capture, or destroy her."<sup>49</sup> The era of sail was drawing to an end, for an armed steamer would have a decided advantage over a sailing ship like the *Constellation*. No sails need be hauled or let down, no tacking with the wind to gain a position of advantage to deliver a broadside was needed for the steamer, but still many an old sea dog held to the belief in sail over steam, even after the loss of the *Cumberland* and other ships at Hampton Roads.

For the next two years the old ship was active about the Mediterranean guarding American shipping, and Captain Thatcher was there relieved by that dashing diplomat, Captain H. S. Stellwagen, USN. The summer of 1864 found the *Constellation* anchored in the harbor at Tunis to protect American interests in that country during its revolution.<sup>50</sup>

Later touching at the Canary Islands, she reported to the squadron of Admiral Farragut in the Gulf of Mexico. She was assigned blockade duty between the port of Galveston and Havana, Cuba. On October 14, 1864, she anchored at Santa Cruz and found that the Confederate Steamer *Florida* had been there several weeks before. On December 14th she arrived at Havana and anchored beside the Confederate Privateer *Harriet Lane*, which was now flying British colors and had been renamed *Lavinia*. Several southern blockade runners and privateers were also in that port, but Captain Stellwagen, nevertheless, respecting the neutrality of the Spanish port, gave his crew shore leave.<sup>51</sup> Reports of seamen from both the *Constellation* and Confederate ships drinking and dancing in cabarets to-

<sup>48</sup> State Department Correspond. minister at Cadiz, State Dept. Letters, 1862; also in letters received by the Secretary of Navy, for 1862, National Archives, Navy Branch.

<sup>49</sup> Captain's letters, Correspondence to the Secretary of the Navy for 1861-65, Navy Branch National Archives.

<sup>50</sup> *U. S. Frigate Constellation* (Newport, R. I., 1940), p. 10.

<sup>51</sup> "The eldest ships of the Civil War" by Commodore Knox, LC, Naval Historical Foundation, typed document.

gether reached the ears of the captain, and this brought forth one of his more famous lectures to the somewhat drunken crew that came aboard wearing parts of uniforms belonging to the Confederate States Navy.<sup>52</sup>

The *Constellation* again reported to Admiral Farragut at Mobile Bay, but owing to the fact she drew over 20 feet of water, she was strategically ill suited to the area. Moreover, since the time of enlistment for most of the seamen had expired, the Admiral decided to dispatch the ship to Norfolk with papers for the Navy Department, and on November 27th, the ship cleared the squadron. The old fighting ship headed north and arrived off Fortress Monroe on Christmas Day. The men were mustered out at Norfolk which by now had been recaptured by Federal troops, but not before the Southern forces had again burned the place. It was very clear that a new veteran crew could not be mustered, for the days of fighting sail were truly over. The *Constellation* was named as a training ship for new recruits, and many of her new trainees went on to bombard and storm the Southern beaches in the last days of the South's desperate fight.<sup>53</sup>

It is interesting to note that many of the ranking officers of the navy, both North and South, were trained aboard the *Constellation*. Officers such as Farragut, Stewart, Cushing and Winslow on the side of the North and Buchanan, Semmes, Jones and Maury on the side of the South were either midshipmen or officers aboard the *Yankee Racehorse* from 1802 until the War.<sup>54</sup>

Today the *Constellation* is the last remaining ship that fought in the Civil War, now that the *Hartford* since 1957 rests at the bottom of Norfolk harbor. The men who sailed on the ships in this great conflict are only a memory, but the valiant old *Constellation* alone survives to remind us of those who fought and died on ships of both sides in the Civil War.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> U. S. Naval Muster Lists, US Ship *Constellation*, as contained in the Logs. Names of Officers of Navy and Marine Corp., 1802-1861, Navy Branch, NA.

MARYLAND VOLUNTEERS WHO SERVED ABOARD THE *Constellation* DURING THE CIVIL WAR \*

Name	Rank	Enlisted	Discharged	Remarks
Barber, Franklin	Landsman	8/31/64	6/2/65	
Bohlman, Henry H.	Landsman	2/13/65	Deserted July 22, 1865	Unknown
Boon, Joseph	Landsman	4/23/64	12/14/65	Transferred
Bootman, J. W.	Ord. Seaman	12/16/61	1/25/65	
Brown, James	2nd Cl. Fireman	11/3/64	9/13/66	
Brown, William	Ord. Seaman	11/23/64	Deserted July 1, 1865	Unknown
Brown, William	2nd Cl. Fireman	2/9/65	11/2/68	
Cain, Timothy	1st Cl. Fireman	2/15/65	8/24/65	
Campher, Wm.	Landsman	7/7/64	7/6/67	
Case, Charles	Landsman	2/9/65	9/1/65	
Clark, John	Landsman	8/30/64	Deserted July 31, 1865	Unknown
Cohan, James	2nd Cl. Fireman	12/9/64	3/8/66	
Coleman, Richard	Seaman	2/9/65	6/21/65	
Cromwell, Alex.	Landsman	2/8/65	8/24/65	
Cross, John E.	Landsman	2/18/65	4/15/67	
Cross, Robert	2nd Cl. Fireman	2/7/65	9/6/65	
Dailey, John	Landsman	2/10/65	Deserted July 31, 1865	Unknown
Duncan, Wm. J.	2nd Cl. Fireman	2/15/65	Transferred to Ship <i>Mt. Washington</i> and to Ship <i>Alleghany</i> but did not report to <i>Alleghany</i>	Deserted 6/1/65
Dusch, Henry	Landsman	2/13/65	2/13/67	
Emory, John W.	Seaman	3/17/65	Deserted Nov. 2, 1865	Unknown
Fisher, Henry	Landsman	8/29/64	7/17/66	
Frentu, Frank	Ord. Seaman	11/28/64	Deserted November 12, 1865	Unknown
Gamby, John W.	Landsman	4/21/64	8/23/65	Transferred to <i>Constellation</i> from 19th U. S. Colored Troop
Gardner, George	Ord. Seaman	11/25/64	11/16/66	

\* Compiled from Records of enlistments of the U. S. Navy 1861-1865 records concerning the U. S. Ship *Constellation* for that period as found in the Navy Branch of the United States—Washington D. C. and directly copied from the original records by Donald Stewart, Exec. Secy. U. S. S. *Constellation*.

Those listed as deserted from the service marked *unknown* were persons who were never traced or brought back as deserters; those marked *captured* were caught and brought back for trial.

A landsman was a person that was considered a "landtubber," a person that had not been to sea. These "Landsman," were often promoted to other rank but were usually (laborers) considered as kitchen help, coal loaders etc.—1861-75.

A 2nd or 1st class Boy were usually boys, who kept the officers' areas clean and served the officers on ship board.

<i>Name</i>	<i>Rank</i>	<i>Enlisted</i>	<i>Discharged</i>	<i>Remarks</i>
Garvey, Patrick	1st Cl. Fireman	2/13/65	Deserted June 13, 1865	Unknown
Goland, Edward	2nd Cl. Fireman	12/1/64	Deserted July 31, 1865	Captured
Gould, Samuel	Landsman	4/23/64	Transferred from 19th U. S. Colored Troop	
Hansen, Wm. H.	Landsman	2/16/65	2/15/67	
Hanson, John	Landsman	3/20/65	4/13/66	
Hardcastle, Henry	Landsman	2/14/65	2/5/67	
Hart, James T.	1st Cl. Fireman	2/3/65	5/9/65	
Hemss, George	Coal Heaver	5/14/62	2/19/67	
Hitchens, Wm.	Landsman	2/2/64	3/16/65	
Holland, Lawson	2nd Cl. Fireman	12/13/64	7/31/65	
Jenkins, James	Landsman	4/22/64	4/21/66	
Kent, Etheridge	Landsman	3/21/64	8/31/65	Cited for bravery in action at Fort Fisher after transfer from <i>Constellation</i> .
Koster, Carlos	Landsman	2/16/65	11/7/65	
Keyser, John	Landsman	7/23/63		Failed to report to <i>Constel- ation</i> after transfer from Washington Navy Yard—6/30/65
Krieg, William	Landsman	2/8/65	12/9/66	
Kuhn, George	Landsman	2/13/65	Deserted Feb. 28, 1866	Unknown
Lete, Henry	Landsman	2/9/65	2/9/67	
Louis, Ambrose	Landsman			
McCann, Owen	2nd Cl. Fireman	12/1/64	Deserted July 31, 1865	Captured
	1st Cl. Fireman	2/7/65	Deserted—2 days and returned— Hon. discharged 2/6/1868	
McFadden, Robt.	Landsman	2/21/62	1/26/63	
McLaughlin, Wm.	Landsman	2/15/65	Transferred to Ship <i>Cactus</i> and reported as deserted on 7/4/63	Unknown
Magruder, Fred. G.	Landsman	2/13/65	5/13/67	
Mahoney, Thomas	Landsman	2/10/65	Deserted on 7/31/65	Unknown
Mercer, John W.	2nd Cl. Fireman	2/2/65	Deserted on 7/16/65	Captured
Murray, Michael	2nd Cl. Fireman	2/8/65	Deserted on 7/16/65	Captured
Myers, Harrison	Landsman	4/25/64	4/21/66	
Ogden, Geo. J.	Landsman	2/15/65	7/10/66	
O'Neil, Daniel	Ord. Seaman	12/12/64	Deserted June 15, 1865	Unknown
Parker, Caleb	Landsman	4/25/64	4/18/66	
Perkins, Wm.	2nd Cl. Fireman	2/1/65	8/24/65	
Quinn, Joseph	Landsman	2/9/65	2/7/67	
Raymond, D. Charles	Landsman	3/14/65	Deserted September 30, 1865	Unknown

<i>Name</i>	<i>Rank</i>	<i>Enlisted</i>	<i>Discharged</i>	<i>Remarks</i>
Rob, John	2nd Class Boy	11/14/64	Deserted January 19, 1867	Unknown
Robinson, Geo.	Landsman	4/22/64	7/17/65	Transferred from U. S. Colored Troop
Rucker, John	Landsman	2/14/65	7/3/65	
Sap, William	Landsman	2/16/65	7/3/65	
Schalloser, Fred.	Ord. Seaman	2/13/65	9/20/65	
Schofield, Robt.	1st Cl. Fireman	2/13/65	5/5/65	
Shepard, Wm. H.	Landsman	3/17/65	8/22/65	
Shook, John G.	Landsman	12/2/64	8/22/65	
Simmons, James	Seaman	1/27/65	Deserted Sept. 2, 1865	Captured
Smith, Charles	Ord. Seaman	6/16/65	11/6/65	
Smith, Henry	Landsman	2/15/65	9/3/65	
Smith, James	Landsman	7/22/65	6/17/65	
Smith, Martin	Ord. Seaman	12/6/64	Deserted 1/1/66 and reported signed on British merchant ship	
Smith, Thomas H.	Ord. Seaman	2/13/62	1/25/65	
Somerville, J. P.	Landsman	2/9/65	4/15/67	
Stewart, C. W.	Landsman	2/10/65	4/15/67	
Stone, Joseph H.	1st Cl. Fireman	2/14/65	9/6/65	
Sullers, David H.	Landsman	3/15/65	7/13/65	
Thomas, Richard	Landsman	8/16/64	Served on board until 5/10/65 but no date of discharge or desertion given.	
Thompson, Richard	Landsman			
	1st Cl. Fireman	12/5/64	Deserted 4/15/66	Unknown
Toomey, Jacob H.	Landsman	12/22/63	7/24/65	
Tucker, John E.	Landsman	2/16/65	Deserted August 31, 1865	Unknown
Turner, Charles	Landsman	2/17/62	7/27/65	Transferred from U. S. 19th Colored Troop.
Varnish, Geo. B.	Landsman	4/22/64	Deserted Jan. 11, 1863 and reported to have joined Confederate forces.	
Warner, John	Landsman	2/8/65	8/24/65	
Waters, Oliver	Seaman	2/13/65	5/13/67	
Williams, J.	Ord. Seaman	11/28/64	5/4/67	
Wisher, Jacob	Landsman	4/21/64	8/24/65	Transferred from U. S. 19th Colored Troop.
Yates, Charles	Landsman	4/21/64	4/21/66	Transferred from U. S. 19th Colored Troop.
Zimmerman, Edward	Landsman	2/15/65	Deserted March 7, 1866	Unknown

# BALTIMORE AND THE ATTACK ON THE SIXTH MASSACHUSETTS REGIMENT, APRIL 19, 1861

By CHARLES B. CLARK

ABRAHAM LINCOLN'S inauguration on March 4, 1861, was followed in Maryland by a period of relative calm. This was in marked contrast to the hectic days between Lincoln's election and his assumption of office, during which seven Southern states seceded and much pressure was brought to bear upon Maryland to follow suit. Emissaries from Mississippi, Alabama, and later from Georgia were extremely persistent in their efforts to align Maryland with the Confederacy. On the other hand, Andrew G. Curtin, Governor of Pennsylvania, sent three commissioners to congratulate Maryland's governor, Thomas H. Hicks, for not calling the state legislature into special session. Such a session, it was feared by Unionists, would authorize a convention that might well pass an ordinance of secession.

Mass meetings were held all over the State and especially in Baltimore. Resolutions were passed and large crowds clamored for action by Hicks. His role at best was an unenviable and difficult one. That he wavered at times in his support of the Union, or at least toward some of its policies, is understandable if not commendable. A large number of pamphlets and addresses sought to influence people in the inflammable situation. Hicks withstood the pressures and refused during the winter of 1860-1861 to call the legislature. At the same time he vacillated and played for time. One crisis seemed to follow upon another. Rumors spread that a plot existed to stop Lincoln's inauguration by preventing him from passing safely through Baltimore enroute to Washington. Assassination was hinted.

As a precautionary measure he was spirited through the City during the night.<sup>1</sup>

Maryland was aroused from a period of relative inaction by the attack on Fort Sumter on April 12 and its surrender on April 13. News of the attack was received with varied feelings by the people of Baltimore and throughout the state, some "expressing their heartfelt regret at the idea of the shedding of blood, others expressing strong union sentiments, and many giving expression to their feeling in favor of the South."<sup>2</sup>

Under the subsequent call for seventy-five thousand volunteers by President Lincoln on April 15, Maryland was assigned a quota of four regiments of infantry.<sup>3</sup> The call for troops meant that Governor Hicks' indecisiveness—his refusal to call the legislature or to adopt an aggressive policy for the Union—had to be replaced by a program of action. Two general courses were open to him. He might advocate secession because of Lincoln's coercive policy, or he might condone the latter and support the Lincoln administration. Momentarily he delayed making a decision. But whether eventually he would give all-out support to the Union or not, he now must face the call for troops and other related problems.

The excitement was so great that Governor Hicks was summoned from Annapolis to Baltimore. He found the situation critical. On April 16, the day after Lincoln's call for troops, Hicks went to Washington to inform Lincoln and Secretary of War Cameron of Maryland's strong opposition to coercion. There he was assured that the four regiments Maryland was to furnish were to be used for the protection of the Federal Capital and the public property of the United States within the limits of Maryland. The troops would be removed from Maryland only for the defense of the District of Columbia. The following

<sup>1</sup> For the period involved the most complete account may be found in the unpublished Chapter 4 ("The Period of Indecision, November 6, 1860—March 4, 1861) of the author's doctoral dissertation (University of North Carolina). Easily the best published account of the period is George L. P. Radcliffe, *Governor Thomas H. Hicks of Maryland and the Civil War* (Baltimore, 1901).

<sup>2</sup> John Thomas Scharf, *The Chronicles of Baltimore* (Baltimore, 1874).

<sup>3</sup> *The War of the Rebellion: A Compilation of the Official Records of the Union and the Confederate Armies* (Washington, D. C., 1880-1901), Series 3, IV, 1264-1270; *Ibid.*, V, 730-745, hereafter cited as O. R. The aggregate of officers and men requested was 3,123. Frank Moore, *Rebellion Record*, I, Documents, 63-64, however, says each regiment was to have 780 men or a total of 3,120.

day, April 17, Hicks asked that the President restate these assurances in order that he could "give effective and reliable aid for the support and defense of this Union." Through Secretary of War Cameron, the President complied with the Governor's wish on the same day.<sup>4</sup>

In response to Lincoln's call, Governor John A. Andrew of Massachusetts notified Secretary of War Cameron on April 17 that one Massachusetts regiment was leaving by rail that day for Washington and another by water for Fort Monroe. The following day, he said, another regiment would leave also for Washington by rail with still a fourth regiment to follow within three days.<sup>5</sup> At least Major Clark, Quartermaster of the U. S. Army in Baltimore, was notified on April 18 by General-in-Chief of the Army Winfield Scott that "Two or three Massachusetts regiments may reach Baltimore in the next three days, and one New York regiment."<sup>6</sup> Baltimore officials and others, including John W. Garrett, President of the Baltimore and Ohio Railroad, feared the effect of Northern troops on the people of Baltimore and considered a plan by which troops would cross the City in part by a steam ferry-boat between Canton and Locust Point. The plan was not adopted.<sup>7</sup>

According to Mayor George William Brown of Baltimore, Northern troops passed through the City "safely . . . under the escort of the police" on April 18.<sup>8</sup> The regiments from Massachusetts, said Brown, were expected in Baltimore on the afternoon of the same day and provision had been made for their reception by the police. These troops, however, did not arrive on the 18th. The police board was unable to ascertain when they would arrive although they sent two members to the

<sup>4</sup> Hicks to Lincoln, April 17, 1861; Cameron to Hicks, April 17, 1861, *O. R.*, Series 3, I, 79-80; *Maryland House and Senate Documents*, 1861, Document A.

<sup>5</sup> *O. R.*, Series 3, I, 78-79.

<sup>6</sup> *Ibid.*, Series 1, II, 578.

<sup>7</sup> This plan, referred to as Garrett's plan by J. Edgar Thomson, President of the Pennsylvania Central Railroad—referred to in communications also as the Northern Central Railroad or the Harrisburg Railroad—is mentioned in a communication from Thomson to Cameron on April 23, 1861. *O. R.*, Series 1, II, 596. Police Marshal of Baltimore, George P. Kane, also refers to it. *Ibid.*, Series 2, I, 629.

<sup>8</sup> Mayor Brown's report to the Baltimore City Council, July 11, 1861. *O. R.*, Series 1, II, 16. Marshal Kane confirms the point in his report to the Police Board of the City, May 3, 1861. *Ibid.*, Series 2, I, 629.



Philadelphia, Wilmington, and Baltimore Railroad Company station in Baltimore to obtain the information.<sup>9</sup>

In any case, excitement was at such a high pitch in Maryland on April 18 that Governor Hicks issued a proclamation urging the people to "abstain from all heated controversy upon the subject, to avoid all things that tend to crimination and recrimination." He declared that "in consequence of our peculiar position, it is not expected that the people of the State can unanimously agree upon the best mode of preserving the honor and integrity of the State, and of maintaining within her limits that peace so earnestly desired by all good citizens." He assured the people of the use to which Maryland troops would be put and concluded that Marylanders would have an opportunity in a special election for members of Congress to "express their devotion to the Union, or their desire to see it broken up." Mayor Brown supplemented this proclamation with a similar appeal to the people to be orderly.<sup>10</sup>

Southern sympathy and Northern feeling were much in evidence in Baltimore and Maryland. One young man made his appearance on South Street wearing a Southern cockade on his hat. He was greeted with hisses and groans by Union men who demanded that he take it off. He finally had to appeal to the police for protection. Secession flags were displayed on Southern ships in the Baltimore harbor. Unionists ordered these flags lowered, but the flag of the *Fanny Crenshaw*, lying at Chase's Wharf, was run up and kept flying under the protection of the police force. Efforts on April 18 to display a secession flag on Federal Hill and to fire one hundred guns in honor of South Carolina were thwarted. But a Confederate flag, hoisted at one of the chief streets of the City, was saluted with one hundred guns.<sup>11</sup>

Governor Hicks was notified by Secretary of War Cameron on April 18 that President Lincoln had been informed that "unlawful combinations of misguided citizens of Maryland" planned to prevent Northern volunteers from crossing Maryland to defend Washington. The President desired to warn

<sup>9</sup> *Ibid.*

<sup>10</sup> *Baltimore Sun*, April 19, 1861; *Baltimore American*, April 19, 1861; Frank Moore, *Rebellion Record*, I, Document 65, pp. 76-77.

<sup>11</sup> J. T. Scharf, *Chronicles of Baltimore*.

"all loyal and patriotic citizens" of Maryland to take the proper measures in the matter lest "other means" be employed.<sup>12</sup> Developments being what they were, Hicks determined to make arrangements to fill Maryland's quota of four regiments and wrote to Cameron asking for arms and accoutrements.<sup>13</sup>

Perhaps the most important single account of the events in Baltimore on April 19, 1861 is the official one of Colonel Edward F. Jones who was in command of the Sixth Massachusetts Regiment which was attacked by citizens of the City. His report of April 22, 1861 related that in accordance with orders

I proceeded with my command towards the city of Washington, leaving Boston on the evening of the 17th April, arrived in New York on the morning of the 18th, and proceeded to Philadelphia, reaching that place on the same evening.

. . . [We] proceeded thence to Baltimore, reaching that place at noon on the 19th. After leaving Philadelphia I received intimation that our passage through the city of Baltimore would be resisted. I caused ammunition to be distributed and arms loaded, and went personally through the cars, and issued the following order, viz: 'The regiment will march through Baltimore in column of sections, arms at will. You will undoubtedly be insulted, abused, and, perhaps, assaulted, to which you must pay no attention whatever, but march with your faces square to the front, and pay no attention to the mob, even if they throw stones, bricks, or other missiles; but if you are fired upon and any one of you is hit, your officers will order you to fire. Do not fire into any promiscuous crowds, but select any man whom you may see aiming at you, and be sure to drop him.'

Reaching Baltimore, horses were attacked [at the Philadelphia or President Street Station] the instant that the locomotive was detached [since locomotives were prohibited in the main sections of the City], and the cars were driven at a rapid pace across the city. After the cars containing seven companies had reached the Washington depot [also referred to as the Baltimore and Ohio or Mount Clare station in the southwest part of the City on Camden Street] the track behind them was barricaded, and the cars containing band and . . . [four companies] were vacated, and they proceeded but a short distance before they were furiously attacked by a shower of missiles, which came faster as they advanced. They increased their steps to double-quick, which seemed to infuriate

<sup>12</sup> *O. R.*, Series 2, I, 564; *Ibid.*, Series 1, II, 577.

<sup>13</sup> *O. R.*, Series 1, LI, 327-328.

the mob, as it evidently impressed the mob with the idea that the soldiers dared not fire or had no ammunition, and pistol-shots were numerous fired into the ranks, and one soldier fell dead. The order 'Fire' was given, and it was executed. In consequence, several of the mob fell, and the soldiers again advanced hastily. The mayor of Baltimore placed himself at the head of the column beside Captain Follansbee [Company C, of Lowell], and proceeded with them a short distance, assuring him that he would protect them, and begging him not to let the men fire; but the mayor's patience was soon exhausted, and he seized a musket from the hands of one of the men and killed a man therewith, and a policeman, who was in advance of the column, also shot a man with a revolver.

They at last reached the cars, and they started immediately for Washington. On going through the train I found there were about one hundred and thirty missing, including the band and field music. Our baggage was seized, and we have not as yet been able to recover any of it. I have found it very difficult to get reliable information in regard to the killed and wounded, but believe there were only three killed, . . .

As the men went into the cars I caused the blinds to the cars to be closed, and took every precaution to prevent any shadow of offense to the people of Baltimore; but still the stones flew thick and fast into the train, and it was with the utmost difficulty that I could prevent the troops from leaving the cars and revenging the death of their comrades.

After a volley of stones some of the soldiers fired and killed a Mr. Davis, who I have since ascertained by reliable witnesses threw a stone into the car; yet that did not justify the firing at him, but the men were infuriated beyond control. . . .<sup>14</sup>

Most accounts of the riots are in accord with the main particulars of Colonel Jones' report.<sup>15</sup> Apparently Colonel Jones had preceded the companies that were attacked and hence was not an eye-witness to the attacks. His statement that Mayor Brown had killed a man with a musket of one of the soldiers

<sup>14</sup> *O. R.*, Series 1, II, 7-9. Colonel Jones listed the names of three killed and thirty-nine wounded, including Captain J. H. Dike of Stoneham, Massachusetts, who was left "in the hands of some brother Masons, and to the Order he owes his life." A note is appended to Colonel Jones' list by the Adjutant-General of Massachusetts on October 23, 1874, stating that the "list in this letter is, of course, inaccurate."

<sup>15</sup> The fullest account is Mayor George William Brown's *Baltimore and the 19th of April*, 1861 (Baltimore, 1887). See also J. T. Scharf, *Chronicles of Baltimore*; *Baltimore Sun*, April 20, 21, 22, 1861; *The (Baltimore) South*, April 20, 21, 22, 1861.

is not referred to in other accounts. In his report to the Baltimore City Council, dated July 11, 1861,<sup>16</sup> Brown noted that Police Marshal George P. Kane sent three members of the City Council to notify him in his law office at 10:00 a. m. on the 19th that troops were about to arrive. Brown hastened to the Camden Street Station and directed the police to protect the troops arriving by horse-drawn car from the President Street Station and to effect their transfer to cars designated for Washington. Despite much excitement "and a large and angry crowd assembled," the transfer was safely executed. Marshal Kane ordered some of his men to proceed as far as Relay House, nine miles toward Washington, if necessary to protect the rails.<sup>17</sup>

Meanwhile, Mayor Brown was informed that other troops had been left at President Street Station. He proceeded at once to Smith's Wharf on Pratt Street where anchors had been piled on the tracks. He ordered them removed and his authority was not resisted. Then, he says

On approaching Pratt-street bridge I saw several companies of Massachusetts troops, who had left the cars, moving in column rapidly towards me. An attack on them had begun, and the noise and excitement were great. I ran at once to the head of the column, and some persons in the crowd shouting, as I approached, 'Here comes the mayor.' I shook hands with the officer [Captain Follansbee] in command, saying, as I did so, 'I am the mayor of Baltimore.' I then placed myself by his side and marched with him as far as the head of Light-street wharf, doing what I could by my presence and personal efforts to allay the tumult. The mob grew bolder and the attack became more violent. Various persons were killed and wounded on both sides. The troops had some time previously begun to fire in self-defense, and the firing, as the attack increased in violence, became more general.

At last, when I found that my presence was of no use, either in preventing the contest or saving life, I left the head of the column, but immediately after I did so Marshal Kane, with about fifty policemen, from the direction of the Camden station, rushed to the rear of the troops, forming a line across the street with drawn revolvers checking and keeping off the mob. The movement, which I saw myself, was perfectly successful and gallantly performed. . . .<sup>18</sup>

<sup>16</sup> *O. R.*, Series 1, II, 15-20.

<sup>17</sup> See Kane's report to the Baltimore Police Board, May 3, 1861. *O. R.*, Series 2, I, 629.

<sup>18</sup> *Ibid.*, Series 1, II, 17.

The mayor paid high tribute to the police board and stated that except for the "timely arrival of Marshal Kane with his force . . . the bloodshed would have been great. The wounded among the troops received the care and medical attention at the expense of the city, and the bodies of the killed were carefully and respectfully returned to their friends."<sup>19</sup>

In substance, Police Marshal Kane's report parallels Mayor Brown's. He describes his actions as he led a detachment of police from Camden Station to meet the Massachusetts troops:

I opened my ranks through which they passed and closed in their rear; formed my men across the street; directed them to draw their revolvers and to shoot down any man who dared to break through their line. It is enough for me to say that these orders were faithfully executed; my men did their duty and the Massachusetts troops were rescued.<sup>20</sup>

The report of the Baltimore Police Board, submitted by Charles Howard, President, estimated that "about 1800 men of the Massachusetts and Pennsylvania Militia" arrived in Baltimore in the forenoon of the 19th April by the Philadelphia, Wilmington, and Baltimore Railroad. "No member of the Board of Police had any information that these troops were to arrive." Marshal Kane's role, as described by Mayor Brown, was substantiated. Also, the Police Board stated that Kane had directed other troops arriving from the North to return to Havre de Grace or Philadelphia. "During the afternoon and night a large number of stragglers from some of the above detachments of troops sought the aid and protection of the police; they were safely cared for at the several station-houses, and were sent off in security by the earliest opportunity to Havre de Grace or Philadelphia in the cars."<sup>21</sup>

Other accounts relate that in addition to the anchors Mayor Brown found sand, cobble-stones, and other obstacles on the tracks. The crowd was described as one of 10,000 which pressed upon the troops, threatened them, and cheered for the Confederacy and Jefferson Davis and groaned for Lincoln and the North. The mob was said to consist not only of the rough ele-

<sup>19</sup> *O. R.*, Series 1, II, 17.

<sup>20</sup> *O. R.*, Series 2, I, 629.

<sup>21</sup> *Ibid.*, Series 1, II, 9-11.

ments, but also of prominent and respectable persons who sought to repel what they considered an invasion of Maryland.

Henry Stump, Judge of the Baltimore Criminal Court, an eye-witness to the riots, recorded on the following day that

The whole city is in a state of disorder and excitement. I was on Pratt St yesterday when the conflict betwixt the rioters and the Northern Soldiers took place. The soldiers bore the pelting of the pitiless mob for a long time under a full trot, & more than three of them were knocked & shot down, before they returned the assaults; Then they fired about twenty five shots which killed several of their assailants and dispersed them. I saw three of the soldiers dead & dying being about half a square from the scene of uproar.

We are in an awful state now. The Governor & mayor have called nout [sic.] our volunteers to assist the Police in keeping order. Where this confusion will end no one can predict; But while there is life there is hope. . . .<sup>22</sup>

John W. Hanson, chaplain and historian of the Sixth Massachusetts, adds some points of interest. Colonel Jones, he says, gave orders to the band to "confine their music to tunes that would not be likely to give offence, especially avoiding the popular air, 'Dixie.'" Prior to reaching the President Street Station the regiment loaded and capped their rifles. Then, having replaced the locomotive with horses, the cars proceeded only to have slight demonstrations made on the cars "containing the fifth and sixth companies; but nothing like an attack was made until the seventh car started. . . .

It was attacked by clubs, paving-stones, and other missiles. The men were very anxious to fire on their assailants; but Major Watson forbade them, until they should be attacked by fire-arms. One or two soldiers were wounded by paving-stones and bricks; and at length one man's thumb was shot, when, holding the wounded hand up to the major, he asked leave to fire in return. Orders were then given to lie on the bottom of the car and load, and rising, to fire from the windows at will. These orders were promptly obeyed. . . . Moving with as much rapidity as possible, and receiving an occasional musket or pistol shot, or a shower of rocks and bricks, the car reached the main body of the regiment. . . .<sup>23</sup>

<sup>22</sup> Henry Stump to his sister-in-law, Mrs. Mary Alicia Stump, April 20, 1861. *Md. Hist. Mag.*, LIII (December, 1958), 402-403.

<sup>23</sup> John W. Hanson, *Historical Sketch of the Old Sixth Regiment of Massachu-*

The four companies which were forced to march across the city consisted of about 220 troops, says Hanson, while the mob soon reached 10,000. "The air was filled with yells, oaths, taunts, all sorts of missiles, and soon pistol and musket shots; and Captain Follansbee gave the order to fire at will." Most of the crowd was on the flank and rear of the column. At one of the bridges on Pratt Street a "formidable barricade" with a cannon was in process of erection but was not quite ready for service. The crowd expected the barricade would stop the column; however, the troops were ordered to scale it. In this fashion they gained time and distance on the mob. There were cheers for Jeff Davis, South Carolina, and the South, and all "sorts of insulting language,—such as 'Dig your graves!'—'You can pray, but you cannot fight!' and the like," but this did not stop the troops. They were fired at from the windows and doors of stores and houses. The soldiers "loaded their guns as they marched, dragging them between their feet, and, whenever they saw a hostile demonstration, they took as good aim as they could, and fired. There was no platoon firing whatever. At one place, at an upper window, a man was in the act of firing, when a rifle ball suggested to him the propriety of desisting, and he came headlong to the sidewalk." Hanson called the distance of the march a mile and a half, and it was surely a march the men would never forget. They took their wounded with them.

After rejoining the rest of the regiment at the Baltimore and Ohio Station and boarding the cars, progress was impeded again by barriers placed on the tracks. The train would move forward a short distance, stop to allow the road to be repaired, and then move again. Finally, the conductor "reported to the colonel that it was impossible to proceed, that the regiment must *march* to Washington." Colonel Jones, according to Hanson, replied: "We are ticketed through, and are going in these cars. If you or your engineer cannot run the train, we have plenty of men who can. If you need protection or assistance, you shall have it; but we go through." After more obstructions and additional exchange of shots, Relay House was reached. There a delay of

*sets Volunteers* (Boston, 1866), pp. 23-29, 31-32. Reprinted in Paul M. Angle and Earl Schenck Miers, *Tragic Years 1860-1865: A Documentary History of the American Civil War* (New York, 1960), I, 78-81.

two hours ensued until a train from Washington arrived and took them to the capital "late in the afternoon."<sup>24</sup>

Explanations for the attack, of course, are not wanting. Governor Hicks' explanation was that the

rebellious element had the control of things. We were arranging and organizing forces to protect the city and preserve order, but want of organization and of arms prevented success. They had arms; they had the principal part of the organized military forces with them, and for us to have made the effort, under the circumstances, would have had the effect to aid the disorderly element. They took possession of the armories, have the arms and ammunition, and I therefore think it prudent to decline (for the present) responding affirmatively to the requisition made by President Lincoln for four regiments of infantry.<sup>25</sup>

Mayor Brown felt that the attack "was the result of a sudden impulse, and not of a premeditated scheme."<sup>26</sup> George M. Gill, who accompanied Mayor Brown to Camden Station on the morning of the 19th, reported his impression that "events arose from a sudden impulse which seized upon some of our people, and that after the firing commenced and blood was shed many persons took part under an impression that the troops were killing our people, and without knowing the circumstances of provocation which induced the troops to fire."<sup>27</sup>

John Fulton declared that the people of Baltimore were greatly exasperated by the Lincoln administration. They had not been given a chance, he says, to express their opinions on the questions which so closely concerned them, nor treated fairly by their own Governor and his advisers. They considered their rights and liberties to be at the mercy of a President who was ready to sacrifice them in order to advance the ends of a fanatical and sectional party. A large majority of the people of Maryland, he wrote, agreed upon all points with the people of Virginia.<sup>28</sup> William L. W. Seabrook, a close friend of Governor Hicks, did not agree that the riot was spontaneous. He

<sup>24</sup> *Ibid.*

<sup>25</sup> Hicks to Secretary of War Cameron, April 20, 1861, *O. R.*, Series 1, II, 581; *Ibid.*, Series 2, I, 565.

<sup>26</sup> *O. R.*, Series 1, II, 17.

<sup>27</sup> *O. R.*, Series 1, II, 21.

<sup>28</sup> John Fulton, *The Southern Rights and Union Parties in Maryland Contrasted* (Baltimore, 1863), pp. 10-11.



asserts that it was fomented by secessionists who were personally interested in seeing the state join the Confederacy. This group saw the last chance of secession slipping away when the Northern troops arrived ready for action.<sup>29</sup>

Mayor Brown and Marshal Kane were both regarded as secessionists at heart,<sup>30</sup> but on this occasion they conducted themselves without regard to personal feelings. They endangered their own lives to protect the soldiers and thwart the mob. Mayor Brown was cleared of any implication in the riots. Colonel Jones of the Sixth Massachusetts made a point of doing this. The leading Union journal of Baltimore declared: "We cannot too highly commend the conduct of Mayor Brown throughout the trouble. . . ." <sup>31</sup> Captain John H. Dike of Company C of the Sixth Massachusetts, previously recorded as one of those wounded, wrote in the *Boston Courier* that

The Mayor and City authorities should be exonerated from blame or censure, as they did all in their power, as far as my knowledge extends, to quell the riot, and Mayor Brown attested the sincerity of his desire to preserve the peace and pass our regiment safely through the City, by marching at the head of its columns, and remaining there at the risk of his life.<sup>32</sup>

Marshal Kane, despite his conduct in protecting the troops, left little doubt of his Southern sympathies. Three days prior to the riots, on April 16, he sent a letter to William Crawford, agent in Baltimore for the Philadelphia, Wilmington, and Baltimore Railroad, asking: "Is it true as stated that an attempt will be made to pass the volunteers from New York intended to war upon the South over your road to-day? It is important that we have an explicit understanding on the subject." <sup>33</sup> Crawford immediately sent Kane's letter to S. M. Felton, President of the Railroad aforementioned, and identified Kane as "our marshal of police" and reported he had told Kane he had no knowledge of such troop movements. Crawford added: "It is rumored that the marshal had issued orders to his force not to permit any forces to pass through the city." Felton, in receipt

<sup>29</sup> W. L. W. Seabrook, *Maryland's Great Part in Saving the Union*, p. 47.

<sup>30</sup> John G. Nicolay and John Hay, *Abraham Lincoln: A History*, IV, 121-122.

<sup>31</sup> *Baltimore Clipper*, April 20, 1861.

<sup>32</sup> Quoted by Scharf, *Chronicles of Baltimore*, p. 611.

<sup>33</sup> *O. R.*, Series 1, II, 577.

of Crawford's letter and enclosure, sent both to Secretary of War Cameron so that the latter could "ascertain the facts."<sup>34</sup>

Later on the day of the attacks, Kane sent a telegram to Bradley T. Johnson of Frederick which read:

Thank you for your offer. Bring your men in by the first train, and we will arrange with the railroad afterwards. Streets red with Maryland blood. Send expresses over the mountains and valleys of Maryland and Virginia for the riflemen to come without delay. Fresh hordes will be down on us tomorrow. We will fight them and whip them or die.<sup>35</sup>

When on May 3, 1861 the *Baltimore American* made what Kane termed "an assault upon my official conduct as commanding officer of the police force," Kane submitted a lengthy report to the Police Board in an effort to vindicate his conduct. He admitted using the "language of the dispatch," blaming it upon "excitement while our entire community was laboring under the most intense apprehension." He said it was

in reply to a dispatch from Bradley T. Johnson, esq. (now or lately the State's attorney for Frederick County) offering the services of a body of patriotic citizens of that gallant county who true to the instinct of every son of Maryland were ready to come as did their sires in 1814 to defend the homes of their friends in Baltimore. . . .<sup>36</sup>

Kane's conduct on the 19th in connection with the Sixth Massachusetts was creditable to himself and the position he held, no matter what his actions were later. He was arrested on June 27, 1861 on orders of General Scott and was called the "head of an armed force hostile to its [Government's] authority . . . [who was] acting in concert with its avowed enemies."<sup>37</sup> Eventually Kane entered the service of the Confederacy as did Bradley T. Johnson. Mayor Brown was also arrested later and held for some time.

It is perhaps impossible to fix responsibility for the Baltimore riots. It has been noted by some that the whole affair might

<sup>34</sup> *O. R.*, Series 1, II, 577.

<sup>35</sup> See Kane to Charles Howard, President of the Baltimore Police Board, May 3, 1861, *O. R.*, Series 2, I, 628-630. Also reprinted in *Congressional Globe*, 1st Sess., 37th Cong., Pt. 1, pp. 200-201; Nicolay and Hay, *Abraham Lincoln: A History*, IV, 122.

<sup>36</sup> *O. R.*, Series 2, I, 630.

<sup>37</sup> *O. R.*, Series 1, II, 138-142.

have been averted had Mayor Brown and Marshal Kane been able to ascertain more definitely when troops were to pass through the City. It must be remembered that the response to Lincoln's call to arms was immediate, as witnessed by the fact units passed through Baltimore on April 18 enroute to Washington. Had officials in Baltimore expected such an immediate response more adequate protection might have been arranged. Yet, Baltimore was such an uncertain quantity and tinder-box that nobody could be certain what its response might be on any given occasion. The divided populace would seem to have called for greater precautions. But developments were so rapid that officials to some extent were caught unprepared for what came. The lack of "no more annoyance [of troops] than might have been expected"<sup>88</sup> on the 18th no doubt dimmed fear of trouble.

Actually, Marshal Kane had more time on April 19 to prepare for the arrival of troops than some reports indicated. He himself states that after seeing troops safely through the City on the 18th he was notified that others might arrive the same day. But late on the evening of the 18th he dismissed his force since he had been informed by a railroad agent that the awaited troops had not yet set out from Philadelphia. Kane says he heard nothing more about such troops until 8:20 a. m. on the 19th when he was notified by one of his men from the Southern Police station that troops from Philadelphia would arrive at the Camden Street station, not stopping at the President Street station, within thirty minutes. Upon request, Kane sent a police force to Camden station and arrived there himself within thirty minutes only to be informed the troops had just reached the Susquehanna River and would not arrive in Baltimore for some time.<sup>89</sup> He dispensed his men to a neighboring police station to await the arrival of the troops.

It therefore appears that there was ample notice but not a full enough awareness of the possible dangers to transient troops. Otherwise, a more adequate escort could have been provided even against 10,000 rioting persons. Another factor in the situation is that the plans of Colonel Jones for his regiment to march through Baltimore with arms and ammunition in their possession was not carried out insofar as the first units

<sup>88</sup> *Ibid.*, Series 2, I, 629.

<sup>89</sup> *Ibid.*

were concerned. Travelling in horse-drawn cars had prompted some demonstrations and led to barricades which forced the remaining units to march on foot. This invited attack from an aroused mob.

Efforts to implicate Baltimore officials with the riots because of their later affiliation with the Confederacy or imprisonment by Union officials are not successful. The fact is that Mayor Brown, Marshal Kane, and the Police Board and its force did all they could to protect the troops once trouble developed. It is true that, for whatever reason, the situation was not well planned and might have been prevented or alleviated.

The riots had taken place around mid-day. During the remainder of the day, mob feeling if not mob violence held sway. Military companies were ordered out, and a mass meeting was called at 4:00 p. m. at Monument Square. A huge crowd attended and most of the speakers opposed both secession and coercion. Severn Teackle Wallis made a vigorous anti-coercion address while Mayor Brown denied the right of secession. Brown also condemned coercion and assured the people that no additional troops intended for use against the South would pass through the State. Governor Hicks declared that he agreed with Brown but desired to see the Union preserved. This statement provoked an angry cry from the mob, whereupon the Governor said: "I bow in submission to the people. I am a Marylander; I love my State, and I love the Union, but I will suffer my right arm to be torn from my body before I will raise it to strike a sister state."<sup>40</sup>

Governor Hicks' declaration was inconsistent with his recent professions of absolute adherence to the Union, which, it was understood, included complete approval of coercion.<sup>41</sup> It should be remembered, however, that Hicks was in no ordinary situation when making this address. Had he expressed himself in opposition to the surrounding mob, he might well have met disaster. For five months his life had been threatened on nu-

<sup>40</sup> *Baltimore Sun*, April 20, 1861; *Baltimore American*, April 20, 1861.

<sup>41</sup> The best source for the thinking and actions of Governor Hicks during this period is George L. P. Radcliffe, *Governor Thomas H. Hicks of Maryland and the Civil War*.

merous occasions,<sup>42</sup> and the mob's hatred was intensified to fever heat. The Governor naturally valued his life and, although he appears weak in this instance, there was little else he could have done. If he were clever in his role he might ward off danger to himself and also prevent the mob from becoming more unruly than it had been.

Immediately after the riots Governor Hicks and Mayor Brown sent messengers to Washington to report the agitation in Baltimore. One telegram read:

A collision between the citizens and the Northern troops has taken place in Baltimore, and the excitement is fearful. Send no more troops here. We will endeavor to prevent all bloodshed. A public meetings of citizens has been called, and the troops of the State and the City have been called out to preserve the peace. They will be enough.<sup>43</sup>

Lincoln and some of his cabinet members supposed that the message "Send no more troops here," meant that Hicks and Brown needed no troops to suppress the riot. Secretary of State William H. Seward and General Scott, however, contended otherwise. The meaning of the telegram was made clear when Hicks, Brown, and Charles Howard, President of the Baltimore Police Board, sent a communication to John W. Garrett, President of the Baltimore and Ohio Railroad, which read: "We advise that the troops now here be sent back to the borders of Maryland."<sup>44</sup> Garrett telegraphed back: "Most cordially approving the advice, I have instructed by telegraph the same to the Philadelphia, Wilmington, and Baltimore Railroad Company, and this Company will act in accordance therewith."<sup>45</sup>

<sup>42</sup> A letter from "Southern rights" to Hicks, April 23, 1861, for example, said: "Your destiny is fixed it is resolved that if it takes 20 years if you live that long to be shot privately for your being a damned black republican. You are beneath the notice of a wolfe." Hicks MSS (Maryland Historical Society Library, Baltimore).

Another letter, dated April 24, 1861, read: "It is a duty I owe you to advise you of the openly-declared intention of the Hon. Teagle Townsend, Senator from this County, to offer you personal violence upon the first opportunity after his arrival in Annapolis. The man is rabid. E. K. Wilson expostulated with him to no effect, and all the Secessionists applauded Townsend's purpose. Be guarded. This information I pledge you my honor to be reliable and I have preferred to send it to you by way of Baltimore by private hands to be mailed there to prevent interception. Edward Thields, from Snow Hill, Worcester County, to Hicks. *Ibid.*

<sup>43</sup> *Baltimore Sun*, April 22, 1861; Brown, *Baltimore and the 19th April*, p. 57.

<sup>44</sup> Frank Moore, *Rebellion Record*, I, Documents, p. 79.

<sup>45</sup> *Ibid.*

This action displeased Lincoln, the Cabinet, and General Scott. Subsequently, Secretary of War Cameron sent a dispatch to S. M. Felton, President of the Philadelphia, Wilmington, and Baltimore Railroad stating that "Governor Hicks has neither right nor authority to stop troops coming to Washington. Send them on prepared to fight their way through, if necessary."<sup>46</sup>

Cameron's dispatch resulted also from joint messages he had received on the 19th from Felton and J. Edgar Thomson, President of the Pennsylvania Central Railroad, stating they had been informed that troops had been stopped in Baltimore and that Governor Hicks had stated no more troops could pass through the City.<sup>47</sup>

Late on the night of the riots, Mayor Brown, Police Marshal Kane and the Police Board—having been informed by S. M. Felton of the Philadelphia, Wilmington, and Baltimore Railroad, that additional troops were enroute from Philadelphia—decided that the safety of Baltimore would be impossible if troops were to pass through to Washington. To prevent such a disaster, it was agreed that railroad bridges on both railroad lines from the North should be destroyed.<sup>48</sup> According to Mayor Brown and others present,<sup>49</sup> the plan was explained to Governor Hicks who was spending the night at Mayor Brown's home, and he gave his consent. It is still a matter of debate whether the Governor did assent. On May 4, in a message to the Maryland Senate, Hicks denied that he gave his consent to destroy the bridges. Mayor Brown, in his report to the General Assembly, claimed otherwise.<sup>50</sup> There is no way of knowing

<sup>46</sup> *O. R.*, Series 1, II, 578.

<sup>47</sup> *Ibid.* The Philadelphia, Wilmington, and Baltimore Railroad is frequently referred to simply as the Philadelphia and Baltimore Railroad.

<sup>48</sup> The Police Board consisted of Charles Howard, President, William H. Gatchell, John W. Davis, and Charles S. Hinks. All except the latter, who was out of the city, cooperated in the execution of the plan to burn and disable bridges. *O. R.*, Series 1, II, 17 (statement of Mayor Brown).

<sup>49</sup> These were the Hon. E. Louis Lowe, former Governor of Maryland, Police Marshal Kane, and John Cummings Brown (brother of Mayor Brown). Their full statements supporting Mayor Brown's claims that Governor Hicks gave his consent to the destruction of the bridges are included with the Mayor's statement to the same effect. *O. R.*, Series 1, II, 12-17. Charles Howard, President of the Police Board, gives evidence supporting the claim of Mayor Brown. *Ibid.*, pp. 9-11. Mayor Brown claimed two other "gentlemen" were also present, one being introduced as the brother of Governor Hicks, who also heard the Governor give his consent. *Ibid.*, p. 13.

<sup>50</sup> *Maryland Senate Journal*, 1861, pp. 63-64; *House Documents*, 1861, Doc. G; *O. R.*, Series 1, II, 12-13; *Ibid.*, Series 2, I, 569-570; Moore, *Rebellion Record*, II,

what understanding was reached at about midnight of April 19 in Mayor Brown's home. One version is given by the Governor; another by four others who were present.

Regardless of whether the Governor gave his consent, two parties were sent out. Prior to daylight, one party headed by Marshal Kane, burned the bridges over the Bush and Gunpowder Rivers at Melvale, Relay House, and Cockeysville on the Northern Central Railroad and over Harris Creek on the Philadelphia, Wilmington, and Baltimore line. Charles Howard, President of the Police Board, reported that the "injury thus done on railroads amounted to but a few thousand dollars on each; subsequently . . . greater damage was done to other structures on the roads by parties in the country or others, but this was without the sanction or authority of the [Police] board and they [board] have no accurate information on the subject."<sup>51</sup>

Baltimore City authorities thus cut Washington off from railences described below, General Scott ordered that troops be fore an uninterrupted flow of troops could be counted upon. Destruction of the bridges was justified on the ground that additional Northern troops, if allowed to pass through Baltimore, would wreak vengeance upon the City for its attack on the Sixth Massachusetts Regiment.<sup>52</sup> Angry threats did come from the North and Washington officials were apprehensive of conditions in Maryland, particularly in Baltimore. For several days the U. S. flag was often missing in Maryland.

There were other important developments late on the 19th.

181. W. L. Seabrook says Hicks was under duress at the time and his life endangered. A lawless mob had followed him on the street, even after his speech in which he gave in to them, threatening violence and crying "Hang him. Hang him." It was probable, says Seabrook, that under these circumstances he said something construed as an assent to destroy the bridges. On the following day in Annapolis, Hicks told Seabrook he would not desert his Union friends and said the "Union must be preserved." *Maryland's Great Part in Saving the Union*, p. 19.

The *Baltimore Daily Exchange*, July 3, 1861, commenting on the situation, said that Brown's testimony was accompanied by "unanswerable proof," and that Hicks was unable to reply either to it or to that of several other "witnesses of the highest integrity, who were present and heard the authority given. . . . It is needless to say that the Governor's puerile evasion of the issue of veracity which he was unable to meet, mortified even his own friends." This Southern-sympathizing paper admitted, however, that "Governor Hicks had a seething and sensitive public to handle, a people ready to show what they could do with guns, clubs, stones, bricks, in street fighting."

<sup>51</sup> *O. R.*, Series 1, II, 10; *Ibid.*, Series 2, I, 569.

<sup>52</sup> Nicolay and Hay, *Abraham Lincoln: A History*, IV, 121; *O. R.*, Series 1, II, 12-17.

At about 11:00 p. m., shortly before the decision to destroy the railroad bridges, Governor Hicks and Mayor Brown requested that the Honorable H. Lenox Bond, George W. Dobbin, and John C. Brown go to Washington in a special train to explain the situation in Baltimore and to carry communications from Hicks and Mayor Brown to President Lincoln. Mayor Brown described the people as "exasperated to the highest degree by the passage of troops" and said the citizens were "universally decided in the opinion that no more [troops] should be ordered to come." He reported that Baltimore authorities had been unable to prevent the collision, but except for their "great efforts a fearful slaughter would have occurred." On this basis, the Mayor said, "it is not possible for more soldiers to pass through Baltimore, unless they fight their way at every step." He therefore hoped and trusted that U. S. officials would not send more troops. If they should come, "the responsibility for the blood shed will not rest upon me [Mayor Brown]." <sup>53</sup> A letter from Hicks was appended to the Mayor's, stating that the Governor had been in Baltimore since April 16 and that he fully concurred with Brown's views. <sup>54</sup>

The three emissaries arrived in Washington too late during the night to see President Lincoln. An interview was arranged for the following day and, as a result of this and other conferences described below, General Scott ordered that troops be marched "around Baltimore, and not through it." <sup>55</sup> Lincoln's biographers reported that the Maryland secessionists "upbraided" Bond, Dobbin, and John C. Brown for consenting to allow the troops to pollute the soil of Maryland at all! <sup>56</sup>

Mayor Brown also persuaded U. S. Senator Anthony Kennedy and Representative Harris of the House of Representatives to talk with Lincoln on the subject of passage of troops. They reported to Brown that they had "seen the President, Secretaries of State, Treasury, and War, and also General Scott. The

<sup>53</sup> *O. R.*, Series 1, II, 12; *Ibid.*, Series 2, I, 564-565.

<sup>54</sup> *Ibid.*

<sup>55</sup> Nicolay and Hay, *Abraham Lincoln: A History*, IV, 126; Brown, *Baltimore and the 19th April*, p. 62. The Lincoln government was specifying here, however, that this did not necessarily apply to all troops henceforth to come from the North, but to those which had been enroute and had reached Cockeysville and were sent back.

<sup>56</sup> Nicolay and Hay, *Abraham Lincoln: A History*, IV, 127.



result is the transmission of orders that will stop the passage of troops through or around the City.”<sup>87</sup>

President Lincoln, recognizing the importance of keeping Maryland in the Union for many reasons, desired to talk directly with Governor Hicks and Mayor Brown. Accordingly he requested that they come to Washington on April 20.<sup>88</sup> Hicks was in Annapolis and did not go to Washington. But Mayor Brown, accompanied by George W. Dobbin, John C. Brown, and Severn Teackle Wallis, visited Lincoln. The President told the Mayor that troops must either come through Maryland or the Capital would have to be abandoned.<sup>89</sup> General Scott asserted that troops could avoid Baltimore by travelling from Perryville on the Susquehanna River to Annapolis by water and from there by rail to Washington. Or, they might come to the Relay House on the Northern Central Railroad, about seven miles north of the City, and from there march to the Relay House on the Baltimore and Ohio Railroad, about seven miles southwest of Baltimore, and travel from this point by rail to Washington. Though desiring to avoid a collision, both Lincoln and Scott stated that if Maryland prevented troops from passing by one of the two outlined routes, they must fight their way through.<sup>90</sup>

Following the interview with Lincoln, Mayor Brown received a dispatch from John W. Garrett, President of the Baltimore and Ohio Railroad, announcing the approach of troops to Baltimore from Cockeysville, fourteen miles north of Baltimore. Brown immediately notified Lincoln who, with General Scott, made good the promise not to send troops through Baltimore by ordering the troops back to Harrisburg, Pennsylvania.<sup>91</sup>

<sup>87</sup> Brown, *Baltimore and the 19th April*, p. 63. Brown refers to J. Morrison Harris, but must mean Benjamin G. Harris of Southern Maryland who later served in Congress. Senator Kennedy was brother to John Pendleton Kennedy.

<sup>88</sup> *O. R.*, Series 2, I, 565; *Ibid.*, Series 1, II, 581.

<sup>89</sup> Virginia rebels had taken possession of Harper's Ferry. The Gosport Navy Yard at Norfolk was in the process of being destroyed by the Confederates. Nicolay and Hay, *Abraham Lincoln: A History*, IV, 122.

<sup>90</sup> *Ibid.*, IV, 129. These routes had been planned by S. M. Felton, President of the Philadelphia, Wilmington, and Baltimore Railroad, and E. S. Sanford, President of the American Telegraph Company.

<sup>91</sup> *O. R.*, Series 1, II, 583-584; G. W. Brown, *Baltimore and the 19th April*, pp. 71-73; *Baltimore Sun*, April 23, 1861. At the conference with the President, Mayor Brown was asked to explain the destruction of the railroad bridges north of Baltimore. He did so, declaring that it had been done under authority because of the resentment of the Maryland people at the passing of troops over their soil. They considered it an act of war against the South and a violation of the constitutional rights of Maryland.

Mayor Brown assured Lincoln and Scott that every effort would be made to prevent Baltimoreans from leaving the City to molest troops, but that no guarantee could be given against the acts of individuals not organized. Hicks was kept informed and expressed approval of Mayor Brown's efforts in Washington.<sup>62</sup>

President Lincoln, much to his annoyance, was besieged by private groups and individuals from Maryland also. Lincoln had no desire to invade the South with troops coming in from the North,<sup>63</sup> but troops were needed to protect Washington and by "geography and mathematics the troops had to cross Maryland." As Lincoln also commented:

Our men are not moles, and cannot dig under the earth; they are not birds and cannot fly through the air. There is no way but to march across, and that they must do. But in doing this there is no need of collision. Keep your rowdies in Baltimore and there will be no bloodshed. Go home and tell your people that if they will not attack us, we will not attack them; but if they do attack us, we will return it, and that severely.<sup>64</sup>

The Reverend R. Fuller, spokesman of a Y. M. C. A. delegation of thirty-five, instructed Lincoln that his duty as a Christian statesman was to "recognize the independence of the Southern States." Lincoln told the group sternly:

You, gentlemen, come here to me and ask for peace on any terms, and yet have no words of condemnation for those who are making war on us. You express horror of bloodshed, and yet would not lay

<sup>62</sup> *O. R.*, Series 1, II, 581-582.

<sup>63</sup> Writing confidentially to Reverdy Johnson of Maryland, Lincoln noted on April 24, 1861: "I do say the sole purpose of bringing troops here is to defend the Capital. I do say I have no purpose to invade Virginia with them or any other troops, as I understand the word invasion. But, suppose Virginia sends her troops, or admits others through her borders, to assail the Capital, am I not to repel them even to the crossing of the Potomac if I can? Suppose Virginia erects, or permits to be erected, batteries on the opposite shore to bombard the city, are we to stand still and see it done? In a word, if Virginia strikes us, are we not to strike back, and as effectively as we can?" Carl Sandburg, *Abraham Lincoln: The War Years* (New York, 1939), I, 276.

Johnson replied to this note the same day, thanking the President for his frankness and endorsing his policy. "In a word," wrote Johnson, "all that your note suggests would be my purpose were I intrusted with your high office." *Ibid.* Sandburg says that although Johnson agreed to keep Lincoln's letter confidential, he gave the substance of it to John A. Campbell of Alabama, an Associate Justice of the U. S. Supreme Court, who within four days after the letter was written sent the substance of it directly to Jefferson Davis. *Ibid.*, p. 276.

<sup>64</sup> *Ibid.*, pp. 233-234.

a straw in the way of those who are organizing in Virginia and elsewhere to capture this city. . . . You would have me break my oath and surrender the government without a blow. There is no Washington in that—no Jackson in that—there is no manhood or honor in that.<sup>65</sup>

Reverend Fuller and his group returned to Baltimore where he wrote to Secretary of the Treasury, Salmon P. Chase: "From Mr. Lincoln nothing is to be hoped, except as you can influence him. . . . I marked the President closely. Genial and jovial, he is wholly inaccessible to Christian appeals, and his egotism will forever prevent his comprehending what patriotism means."<sup>66</sup>

While these conferences and exchanges were taking place in Washington, there were other developments in Maryland. Before the busy day of April 19 had come to a close a portion of the military volunteers of Baltimore was called out.<sup>67</sup> On the next day, the City Council voted unanimously to place \$500,000 at the disposal of the Mayor for the defense of Baltimore. The banks, "with great patriotism and unanimity, voluntarily offered to advance the money through a committee of their presidents, consisting of Messrs. Columbus O'Donnell, Johns Hopkins, and John Clark," whom Brown termed "all worthy Union men."<sup>68</sup>

A number of citizens from wards all over the City were volunteering to aid in the defense of the City. They were enrolled under the direction of the Police Board. Arms were partially provided, Mayor Brown recorded.<sup>69</sup> To make these volunteers more effective and to help preserve the safety of the City, authorities appointed Colonel Isaac R. Trimble to take command of all such individuals and units which chose to come under his command. Trimble was to report to the Police Board and take direction from it.<sup>70</sup> He was a West Point graduate,

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> Report of Mayor Brown to Baltimore City Council, July 11, 1861. *O. R.*, Series I, II, 17.

<sup>68</sup> *O. R.*, Series I, II, 17; Brown, *Baltimore and the 19th April*, p. 61; J. T. Scharf, *History of Maryland: From the Earliest Period to the Present Day* (Baltimore, 1879), III, 461 (note); Scharf, *Chronicles of Baltimore*, p. 597. This action was reported and endorsed on April 22 by the following papers: *Baltimore Sun*; *Baltimore American*; *Baltimore Daily Exchange*; *Baltimore Clipper*; *Baltimore South*.

<sup>69</sup> *O. R.*, Series I, II, 17; Brown, *Baltimore and the 19th April*, p. 61.

<sup>70</sup> See "Baltimore and the Crisis of 1861," with an introduction by Charles McHenry Howard, grandson of Charles Howard, President of the Police Board in 1861, in *Md. Hist. Mag.*, XLI (December, 1946), 257-281.

class of 1822, who had retired in 1831 with the rank of Lieutenant to become a civil engineer. He headed up the volunteer forces for less than a month after his appointment and subsequently served in the Confederate forces, attaining the rank of Major General.<sup>71</sup>

Trimble, in command of the volunteers, was in constant receipt of instructions from the Police Board and the Mayor. Orders were given, for example, that "no provisions of any kind" should be transferred from Baltimore to any point or place; and that no steamboats should leave the Baltimore harbor without the express sanction of the Police Board. On another occasion, April 22, the Board expressed gratitude to the volunteer groups and added:

To avoid however all causeless excitement, you will please direct the Associations under your command, to refrain at the present-juncture from using martial music in the streets.—The sound of a drum at once collects crowds, and gives rise to the circulation of all sorts of rumours, calculated to produce unnecessary, and mischievous excitement.

For the same reason we desire that all unnecessary parading of Bodies of men, not at the time in execution of your Orders, may be dispensed with.—<sup>72</sup>

With the April 19th crisis passed, Trimble on May 2, 1861 was directed to cut the volunteer forces to "One Hundred reliable men" who desired to stay on to aid the City. To the surprise of City authorities, the "volunteers" asked for compensation and although it was made clear that this had not been a condition of their service, a sum of \$3200 was appropriated. It would appear from the records that those requesting compensation received from this sum and by other means approximately \$3.00 per man for the two weeks of service.<sup>73</sup>

Matters in Baltimore and Annapolis were aggravated when a detachment of Massachusetts volunteers, under the command of General Butler, arrived in Philadelphia on April 20 and, finding the direct route to Washington closed, went by rail to Perryville and on to Annapolis by water. Meeting little opposition,

<sup>71</sup> *Ibid.*, pp. 258-259.

<sup>72</sup> *Ibid.*, p. 261.

<sup>73</sup> *Ibid.*, pp. 260, 267, 276-279.

he landed in Annapolis.<sup>74</sup> For some time thereafter he was a thorn in the side of Governor Hicks and of the people of Baltimore and surrounding areas. That it can be said his activities played an important part in the suppression of Maryland and the prevention of her secession does not lessen the resentment he created toward himself and thus toward the Federal Government. Many people censured Governor Hicks for not playing a stronger role against Butler, and insisted he should have called out the state militia and prevented Butler's troops from landing at Annapolis.<sup>75</sup>

It is evident that secession sentiment was on the great increase in Baltimore and Maryland in the days following the April 19 riots. The people not only resented the transportation of troops across their soil, but also the bitter denunciations the North hurled at the State. Horace Greeley of the *New York Tribune* said: "That the villains who fomented this attack [April 19] are at once traitors and murderers, no loyal mind can doubt. . . . In every instance of collision between the Unionists and secessionists up to this moment, the latter not only have been the aggressors, but the wanton, unprovoked, murderous aggressors." He went on to say that if the "traitors" were not suppressed by Maryland authorities, the "United States will be compelled to occupy Baltimore with a force sufficient to preserve order, and keep the way open to the City of Washington. This is no time for half measures."<sup>76</sup>

So resentful were the Baltimoreans that they welcomed a new newspaper, *The South*, to champion the Southern cause. It justified secession, denounced Mayor Brown for his efforts to protect Massachusetts troops on April 19, rejected the policy of armed neutrality, implored the people to support the Southern cause, and declared that Lincoln was "scared."<sup>77</sup>

<sup>74</sup> *O. R.*, Series 1, II, 589 *et seq.*; Sandburg, *Abraham Lincoln: The War Years*, I, 275; see Charles B. Clark, "Suppression and Control of Maryland, 1861-1865: A Study of Federal-State Relations During Civil Conflict," *Maryland Historical Magazine*, LIV, Number 3 (September, 1959), 243-244, for Butler's arbitrary and unauthorized occupation of Baltimore and establishment of martial law.

<sup>75</sup> *Baltimore Sun*, April 30, 1861; W. L. W. Seabrook, *Maryland's Great Part in Saving the Union*, pp. 23, 25; *Maryland House and Senate Documents* (1861), Doc. A.

<sup>76</sup> Quoted in Frank Moore, *Rebellion Record*, I, 79. The *Baltimore Sun* of May 2, 1861, expressed fear of a Northern invasion and retaliation upon Maryland for the April 19th affair.

<sup>77</sup> Baltimore, *The South*, April 22, 23, 24, 1861.

At this juncture, Maryland seemed but a stone's throw from an alliance with the South. The Confederate states watched every move with the greatest expectation that Maryland would soon be one of them. Steamers were made available on the James River, in Virginia, by which it was reported seven thousand men could be put in Baltimore within twenty-four hours.<sup>78</sup> H. D. Bird, Superintendent of the South Side Railroad, notified Leroy P. Walker, Confederate Secretary of War that Colonel Robert L. Owen, president of the Virginia and Tennessee Railroad, had just arrived in Petersburg from Baltimore.

He [Owen] witnessed the butchery of Baltimore citizens by the Massachusetts regiment yesterday. He states the city is in arms and all are Southern men now. . . . Maryland is rising. Lincoln is in a trap. He has not more than twelve hundred regulars in Washington and not more than three thousand volunteers. We have three thousand in Harper's Ferry. . . . An hour now is worth years of common fighting. One dash and Lincoln is taken, the country saved, and the leader who does it will be immortalized.<sup>79</sup>

Major General Kenton Harper, commanding Virginia forces at Harper's Ferry, reported to the Virginia Adjutant-General that he had 2,000 men. He added that he had "effected an understanding with the Maryland authorities. They are pledged to report to me any hostile approach through their territory, and consent to the occupancy of the heights commanding my position whenever necessity requires it."<sup>80</sup> Jefferson Davis notified Governor John Letcher of Virginia on April 22 that thirteen additional regiments had been requisitioned, and added: "Sustain Baltimore if practical. We re-enforce you."<sup>81</sup> Colonel Robert E. Lee, in Richmond, was notified on the same day by L. P. Bayne and J. J. Chancellor, from Alexandria, that any communication from Lee or Governor Letcher intended for General George H. Steuart, who was recruiting for the Confederacy in Baltimore, or that was directed to any other Maryland authority, could be delivered at once by horse express through Major Montgomery D. Corse, commander of the Alexandria battalion. They reported people of Baltimore and Maryland were united on one thing, at least: that volunteers headed

<sup>78</sup> *O. R.*, Series 1, II, 771.

<sup>79</sup> *Ibid.*, 771-772.

<sup>80</sup> April 21, 1861, *ibid.*, 772.

<sup>81</sup> *Ibid.*, 773.

for "Federal service against Virginia and other sister Southern States shall not, if they can help it, pass over the soil of Maryland."<sup>82</sup>

Confederate recruiting in Baltimore yielded more volunteers than could be armed at once. Governor Letcher on the advice of the Virginia Advisory Council ordered General Harper, at Harper's Ferry, to deliver 1,000 of the captured arms to General Steuart.<sup>83</sup> Letcher also persuaded his Advisory Council to make available 5,000 additional muskets for Marylanders from the arsenal at Lexington, Virginia.<sup>84</sup> The decision of Virginian officials to make such arms available was prompted by the confidential mission to Virginia of Colonel Francis J. Thomas, Adjutant-General of the Volunteer forces in Baltimore under General Trimble's command. On May 5, 1861, Thomas reported to Trimble that he had conferred with Virginian military and naval officials at Norfolk and had been allowed to specify Baltimore's needs. He had decided upon twenty 32-pound guns, twenty-four 24-pound guns, and five 8-inch or 68-pound Columbiads, plus a small "quantity of shot, some cannon locks, as models, and a few such small articles." Thomas had the approval of Governor Letcher for these supplies, and told Trimble he

intended to send these arms by water, as I previously informed you, and had a portion of them loaded when the Blockade by the U. S. Government of the Virginia waters, and Cruisers in the Chesapeake Bay rendered that proceeding, in my opinion too hazardous. I therefore at once shipped them overland by Rail . . .

The guns will be at Winchester, where they will await my orders, between now and Wednesday next, and, in all probability from 10,000 to 15,000 stand of small arms furnished by the authorities of North and South Carolina.<sup>85</sup>

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<sup>82</sup> *Ibid.*, 774. Virginian authorities received regular information on developments in Maryland. *Ibid.*, 779-780 *et seq.*

<sup>83</sup> April 22, 1861. *O. R.*, Series 1, II, 773.

<sup>84</sup> *Ibid.*, 774. April 22, 1861.

<sup>85</sup> "Baltimore and the Crisis of 1861," *Md. Hist. Mag.*, XLI (December, 1946), 258-259, 268-273. Colonel Thomas added that he had been compelled to "draw on Marshal Kane as follows" and then itemized names of those to whom he had paid out a total of \$2,355. M. G. Harman, Quartermaster of Virginia, had received \$2,000 of the total. This was not a final accounting, said Thomas, nor did it include his own expenses. See *Ibid.*, 269-273 for other letters in connection with this mission as well as other financial accounting.

It is noted that Thomas' negotiations took place after Virginia's ordinance of secession but before popular vote ratified it on May 23. However, Virginia was already in a defensive arrangement with the Confederacy.

The ordnance arranged for by Thomas did not reach Maryland due to the disbandment of the volunteer forces in Baltimore and the occupation of the City and other parts of the State by Federal units. This episode indicates, nevertheless, why Federal officials considered it necessary to play a heavy hand in Maryland to hold her in the Union.

The 5000 muskets from the arsenal at Lexington, however, were delivered to Baltimore on the night of April 22 under the surveillance of Major E. H. McDonald, an aide to General Harper. Of his reception in Baltimore, McDonald wrote:

I was escorted to the Institute [Maryland], where the Maryland Line was quartered, then to Holliday street where Marshal Kane had his police and cannon. Everywhere the colors of the Confederacy were displayed—upon the houses and the people—as if all Baltimore was of one mind, and that was with the South; I was urged to tell the Virginia authorities to move the army from Harper's Ferry to Baltimore. Before leaving for Harper's Ferry that evening (April 22) I was told that John W. Garrett, president of the Baltimore and Ohio Railroad desired to talk to me. I went to his office where I met him and the chief officers of the road. He told me to go at once to Richmond, and tell authorities to move their men to Baltimore and make the fight there, that everything was favorable for such a move; the railroads North of Baltimore were cut and nothing from the West was leaving the City; that they were taking all the freight offered in the West, and that Baltimore was then full of supplies necessary to any army.<sup>86</sup>

McDonald conveyed the requests to Virginia. At Richmond he talked with General Lee, who had been placed in command of all Virginia troops on April 23, in regard to sending troops to Baltimore. He described Lee as a "cautious leader" who did not approve of the idea. McDonald paid high tribute to Marylanders who fought in the Confederate ranks, stating that Maryland's "best blood stood in the forefront of most of the battles of the Army of Northern Virginia. In numbers she may not

<sup>86</sup> McDonald's account was published in the *Baltimore Sun*, December 7, 1901, and reprinted in the *Southern Historical Papers*, XXIX (1901), 163-166.



have furnished her quota, but in heroism and self-denial they were peerless among the troops . . . of the South.”<sup>87</sup>

Southern newspapers were beside themselves at the prospect of Maryland joining them. The attacks on the Sixth Massachusetts brought forth the prospect of all border states aligning with the South. “The glorious conduct of Maryland decides the contest at hand,” crowed the *Daily Richmond Examiner*.<sup>88</sup> Maryland had thrown herself in the path of the enemy and “made of her body a shield for the South.” No longer could the South consider Marylanders as “time-servers and Submissionists,” bowing necks to the “execrable yoke of Lincoln.” Instead, Maryland was now “that nursery of fine regiments” and would shortly become the “camping ground of the South” instead of being the “camping ground of the enemy, preparing to rush upon the South.” Maryland was the state “least infested with Tories” during the Revolution, the *Examiner* incorrectly asserted, and her people were of “gentle blood and chivalric nature.” Maryland’s action against the Massachusetts troops had obliged Governor Hicks “who had been machinating against the South for three months” and who “was about to consummate his treason, to relinquish his thirty pieces, and declare for the South.” Maryland had now also insured “Washington City” for the South and would force Lincoln and his “body-guard of . . . cut-throats from the White House.” The South would now have the entire waters of the Chesapeake which for foreign commerce

is worth as much to us as the Mississippi for domestic trade. Maryland is the Louisiana of the East. Baltimore and Richmond will be the New York and Philadelphia of the South, and Norfolk her Boston and Portland combined. . . . We shall have our system of maritime economy intact and complete. It makes the Chesapeake a *mare clausum*; and the commerce of Baltimore, instead of being exceptional and exclusive, becomes Southern, homogeneous and fraternal. Besides all this, Maryland contains more sailors than all the South besides.

The South could not have spared Maryland. Her territory, her waters, her slaves, her people, her soldiers, her sailors, her ship-builders, her machinists, her wealth, enterprise and bravery were

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<sup>87</sup> *Ibid.*

<sup>88</sup> April 23, 1861. See *Ibid.*, April 22, 1861 for full coverage of the Baltimore attacks on the front page, taken from the *Baltimore Sun* of April 20, 1861.

all essential to it. The noble stand taken by Maryland against Lincoln and his lieutenants, has called up all these reflections, and doubly endeared that gallant State to her own land and people, bone of her bone and flesh of her flesh.<sup>89</sup>

On the following day the *Examiner* was still exuberant. Washington would be captured before "dog days." Before then the "vile dogs now there will have had their day, and the gentlemen of the two States—the old 'Maryland Line' and the 'Continentials' of Virginia, will congregate upon the banks of their own Potomac, and celebrate the first year of their greatest deliverance and heartiest jubilee." Meanwhile, the "*Baboon* [Lincoln] would take to the 'hog wallow prairies' of Illinois."<sup>90</sup>

Maryland, however, was not prepared for the plunge. The *Baltimore American* was stressing the need for harmony. Yet in an editorial "Preparation and Organization" this same paper asserted that to "prevent passage of troops . . . they should be met beyond the limits of the City by such an organized force as will make the prohibition effectual."<sup>91</sup> Thomas Scharf, historian who served in the Confederacy, wrote in 1874 that the passage of additional troops through Baltimore would have had dire consequences. A great loss of life and lost opportunities for conciliation would have resulted. He recalled that incursions upon "our City were daily threatened, not only by troops in the service of the Federal Government, but by the vilest and most reckless desperadoes, acting independently . . . and sworn to the commission of all kinds of excesses . . ."<sup>92</sup>

For some days after April 19th it appeared not only to many Southerners but also to Northerners that Maryland had definitely taken her stand with the Confederacy. Horace Greeley wrote that Maryland was "practically on the morning of 20th of April a member of the Southern Confederacy. Her Governor spoke and acted the bidding of a cabal of the ablest and most envenomed traitors . . . Baltimore was a secession volcano in

<sup>89</sup> *Daily Richmond Examiner*, April 23, 1861.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Baltimore American*, April 19, 20, 1861.

<sup>92</sup> J. T. Scharf, *Chronicles of Baltimore*, p. 597. Despite Scharf's affiliation with the Confederacy his writings are unusually accurate in fact, and he seems fair in interpretation. On Scharf, see *Biographical Cyclopaedia of Representative Men of Maryland and the District of Columbia* (Baltimore, 1879), pp. 123-126.

full eruption.”<sup>93</sup> Only Cecil County, next to Pennsylvania and in touch with the North by rail and telegraph, Greeley said, remained fully and openly loyal to the Union. The Western Counties—Allegany, Washington, and Frederick—were preponderantly loyal but had been overawed and paralyzed by the attitude of the rest of the State and even more by the nearby force of Virginians in command at Harper’s Ferry and who threatened Western Maryland.<sup>94</sup>

Carl Sandburg says of the days following the Baltimore riots: “The news of the street fighting, of heads broken with stones, of innocent bystanders meeting bullets, of taunts and howls and jeers, of shrieking women, went North and South; the war drums beat wilder.”<sup>95</sup>

Certainly there was sufficient secession sentiment to give the greatest of concern to the Federal Government. Southern emblems appeared everywhere. And the Minute Men, a Union Club of Baltimore, fearing that the flag would be desecrated, hauled down the national colors, and replaced them with the Maryland flag, as a crowd cheered lustily. Mayor Brown recorded that

Everywhere on the streets men and boys were wearing badges which displayed miniature confederate flags, and were cheering the Southern cause. Military companies began to arrive from the counties. On Saturday [April 20], first came a company of 75 men from Frederick, under Captain Bradley T. Johnson, afterwards a General in the Southern Army, and next two cavalry companies from Baltimore County and one from the Anne Arundel County. These last, the Patapsco Dragoons, some thirty men, a sturdy body of yeomanry, rode straight to the City Hall and drew up, expecting to be received with a speech of welcome by the Mayor. I made them a brief address, and informed them that despatches from Washington had postponed the necessity for their services, whereupon they started homeward amid cheers, their bugle striking up ‘Dixie,’ which was the first time I heard that tune. A few days after, they came into Baltimore again. On Sunday . . . came in the Howard County Dragoons, and by steam-boat that morning two companies from Talbott [sic.] County, and soon it was reported that from

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<sup>93</sup> Horace Greeley, *The American Conflict: A History of the Great Rebellion in the United States of America, 1860-1865* (Hartford, 1867), I, 468.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Abraham Lincoln: The War Years*, I, 229.

Harford, Cecil, Carroll, and Prince George's, Companies of unformed militia, were, of course, under arms.<sup>96</sup>

Edward A. Robinson, another eye-witness, says that it was impossible to describe the intense excitement which prevailed:

Only those who saw and felt it can understand or conceive any adequate idea of its extent. Meetings were held under the flag of the State of Maryland, at which the speeches were inflammatory secession harangues, and it was resolved that no soldier should be allowed to pass through Baltimore for the protection of the National Capital. Secessionists and sympathizers with rebellion had everything their own way. The national flag disappeared. No man dared display it, or open his mouth in favor of the Union. The governor of Maryland, who had been a strong Union man, was overawed, weakened and induced to call out the State militia. The 'Maryland Guards' were immediately under arms, and batteries of artillery, with horses in harness, were paraded in the streets.<sup>97</sup>

The United States Arsenal at Pikesville, unoccupied at the time, was seized by Baltimore County troops.<sup>98</sup> Many Maryland officers in the United States Army resigned their commissions and accepted positions in the State Militia.<sup>99</sup> This action, of course involved most difficult decisions for many of these officers. Captain Franklin Buchanan, late of the U. S. Navy, and shortly to become an Admiral in the Confederate Navy, wrote to United States Senator James Alfred Pearce of Maryland that he resigned from the Federal service out of good faith to Maryland, being convinced the State would secede or had already done so. He could not, therefore, raise his arm against her. Yet he stated he was never an advocate of secession; rather,

<sup>96</sup> Brown, *Baltimore and the 19th April*, pp. 64-65. See similar accounts in the *Baltimore American*, April 22, 23, and in Scharf, *Chronicles of Baltimore*, p. 600.

<sup>97</sup> Edward A. Robinson, "Some Recollections of April 19, 1861," *Md. Hist. Mag.*, XXVII (1932), 274-279. Robinson was a sergeant of Company A of the Maryland Fifth Regiment, a volunteer organization of 700 men composed of some of the best elements of Baltimore. Robinson helped to defend his Company's armory on Baltimore and Calvert Streets, where 900 Springfield Rifles were stored. He also organized a company of three months' volunteers. The company never went to the front because the Federal government refused to accept it, fearing the men would desert with their arms to the South.

<sup>98</sup> Nicolay and Hay say that the Arsenal was taken over by order of Governor Hicks to be protected for the Federal government. *Abraham Lincoln: A History*, IV, 123. See also Brown, *Baltimore and the 19th April*, p. 65.

<sup>99</sup> Brown, *op. cit.*, p. 66.

he claimed to be a strong Union man under the Constitution and the laws.<sup>100</sup>

The *Baltimore Sun* reported the offer of three to four hundred "of our most respectable colored citizens" to lend support and services to protect Baltimore and the State from Federal aggressions. Mayor Brown promised to call upon them, if needed.<sup>101</sup>

Edward Bates, Attorney General for the United States, recorded the following views and allegations about Maryland and her citizens:

The people of Maryland . . . are in a ferment, a furore, regardless of law and common sense.

In Maryland there is not even a pretence of *state* authority, for their overt acts of treason.

. . . in Maryland and Virginia they are in open arms against us, and by violence and terror they have silenced every friend of the government.

They think and in fact find it perfectly safe to defy the Government, and why? Because we hurt nobody. *They* cut off *our* mails, *we* furnish theirs gratis. *They* block our communications, *we* are careful to preserve theirs—*They* assail and obstruct our *troops* in their lawful and honest march to the defense of this Capitol while *we* as yet have done nothing to resist or retard the outrage.

They every day are winding their coils around us, while *we* make no bold effort to cut the cord that is soon to bind us in pitiable impotence[.]

They warm up their friends and allies, by bold daring, and by the prestige of continued success—while we freeze the spirit of our friends every where, by our inaction and the gloomy prestige of defeat.

They are active and aggressive everywhere from the Patapsco to the Mississippi; while we are aggressive nowhere, and active only in slow preparations for the defence of this City. Of course this City must be defended, but I am persuaded that some of its best means of defence may be found in active aggressive measures elsewhere.<sup>102</sup>

In spite of all the testimony that secession for Maryland seemed a certainty, there were forces that would keep her in

<sup>100</sup> Letter of June 26, 1861, quoted by Bernard Christian Steiner, "James Alfred Pearce," *Md. Hist. Mag.*, XIX (1924), 22-24.

<sup>101</sup> *Baltimore Sun*, April 23, 1861.

<sup>102</sup> Edward Bates, *Diary* (April 23, 1861), pp. 185-186.

the Union. Mayor Brown, while noting that "the outward expressions of Southern feeling were very emphatic, and the Union sentiment temporarily disappeared," felt that Baltimore was in "armed neutrality." True, he said, many, especially the young and more reckless of the people would have adopted secession whole-heartedly. But he denied that the City of Baltimore and the state as a whole were in any sense members of the Southern Confederacy as some charged had been secretly agreed upon. When passions had a chance to cool

a strong reaction set in, and the people rapidly divided into two parties—one on the side of the North and the other on the side of the South, but whatever might be their personal sympathies, it was clear to all who had not lost their reason, that Maryland, which lay open from the North by both land and sea, would be kept in the Union for the sake of the National Capital, even if it required the united power of the nation to accomplish the object.<sup>103</sup>

The first demonstration of returning loyalty in Baltimore was on Sunday morning, April 28, when a sailing vessel crowded with men and covered from bow to stern with national flags sailed past Fort McHenry. Those aboard cheered and saluted the flag at the Fort, and it was dipped in return. The tide had turned. Union men asserted themselves, the stars and stripes were again unfurled, and order was restored in Baltimore. The darkest days had passed.<sup>104</sup> But Maryland had not yet taken official action on her course. Public opinion, during the latter half of April, 1861, was predominantly disloyal, but when finally Governor Hicks called the State legislature to meet in special session on April 26, it was to chart a course that would help save Maryland for the Union.

The *Richmond Daily Examiner*, so elated over the prospect of Maryland's secession a few days earlier, declared on May 7 that Maryland was a "subjugated Province." Joy had turned into bitterness as the journal concluded: "Crushed between the river [Potomac] and the North, and controlled by a vast commercial metropolis, full of wealth and Yankees, and represented by [Henry] Winter Davis, but little else could be expected from that unfortunate Commonwealth."<sup>105</sup>

<sup>103</sup> Brown, *Baltimore and the 19th April*, p. 77.

<sup>104</sup> E. A. Robinson, "Some Recollections of April 19, 1861, *loc. cit.*, pp. 274-277.

<sup>105</sup> May 7, 1861.

# THE JAMES J. ARCHER LETTERS: A MARYLANDER IN THE CIVIL WAR, PART I.

Edited by C. A. PORTER HOPKINS

TO read the letters of James Archer especially those to his family is to admire not only the man but also the time in which he wrote. While the letters which follow may not reveal important historical secrets, they do reveal the innermost thoughts of a man whose concern was with his duty to his country, his family, and his friends.

The eighth of eleven children born to John and Ann Archer, of "Rock Run," in Harford County, James Archer's pre-Civil War career was discussed in the *Maryland Historical Magazine*, Volume 54, December, 1959. The collection of letters, some two hundred and twenty at the Maryland Historical Society which were written by James Archer, date from 1845, with the bulk of them dating after 1855. This Part, the first of two, will present those letters written from January 1861 to June 1863. The second Part will present the rest of the collection which ends in October, 1864, the month of his death. All letters are printed as in the originals with punctuation and spelling untouched. In a few cases, interpolations are used to show the inclusion of a word obviously intended but which has either been omitted in the original or made illegible through wear and tear.

While there are a few descriptions of James J. Archer that have been left by his contemporaries, none is so explicit as that given by Mary Boykin Chesnut in *A Diary From Dixie*. Mrs. Chesnut wrote in her diary on August 27, 1861:

Things were growing rather uncomfortable, but an interruption came in the shape of a card. An old classmate of Mr. Chesnut's—Captain Archer, just now fresh from California—followed his card so quickly that Mr. Chesnut had hardly time to tell us that in Princeton College they called him "Sally" Archer he was so pretty—

when he entered. He is good-looking still, but the service and consequent rough life have destroyed all softness and girlishness. He will never be so pretty again.

Another description of Archer, this time by a Confederate veteran who served under him, Captain F. S. Harris of Nashville, Tennessee, can be found in the January issue, Volume III (1895), of the *Confederate Veteran*.

The make up of Gen. Archer was enigmatical. His exterior was rough and unattractive, small of stature and angular of feature, his temper was irascible, and so cold was his manner that we thought him at first a Martinet. Very non-communicative, and the bearing and extreme reserve of the old army officer made him, for a time, one of the most intensely hated of men. No sooner, however, had he led his brigade through the first Richmond campaign, than quite a revolution took place in sentiment. . . . He had none of the politician or aristocrat, but he never lost the dignity or bearing of an officer. While in battle he seemed the very God of war, and every inch a soldier according to its strictest rules, but when the humblest private approached his quarters he was courteous. There was no deception in him and he spoke his mind freely, but always with the severest dignity. He won the hearts of his men by his wonderful judgment and conduct on the field, and they had the most implicit confidence in him. He was dubbed "The Little Game Cock."

While it is to be regretted that none of Archer's family or staff left written records of their feeling for him, it is certain that he was loved by his intimate friends and family. The light, bantering tone which crept into his letters to his sister Nannie is an evidence of mutual affection. The fact that Oliver Hough Thomas, one of Archer's staff, later married Nannie would bear out this contention. The concern which James Archer expressed time and again for the welfare of his younger brother, Robert Harris Archer, is evident in these letters. In letters to be published later, Archer writes from prison camp telling his mother not to worry about him, and cautioning his sisters not to let her become concerned about his condition. George Lemmon, another of his intimate friends, and George Archer Williams, both of whom served on his staff, come in for their share of the general's concern, particularly Williams whose transgressions with alcohol at the time of the Fredericksburg battles were par-



ticularly irritating. Loved and admired by family and friends, respected by the men under his command, James Archer never forgot his native state.

As a Marylander in the service of the United States in early 1861, his personal problems must have been great. That his decision to join with the South had been made as early as the letters indicate is not strange, however; ties of family and friends were not things that he took lightly. His concern for the direction that his native State would take is evident in the letters written home from the Pacific coast. Undoubtedly his isolation had given him time to think out his own course of action, but only rarely can one detect any sense of impatience with his predicament.

Here, too, the word duty comes to mind. Would a man of today remain faithful to a frontier post for months while his friends left for the scene of action and a resignation took its slow course, a resignation which would make him an enemy of the government he represented? That Archer was a good enemy is attested to in these letters. His comments on electioneering among general officers indicate a fighting man's disdain for such things. While his modesty prevents him from bragging of his part in battles, he is quick to acknowledge the bravery of others. For instance, he speaks with pride of his brigade's part in the Chancellorsville battle; for this we can easily forgive him. Praise on the battlefield from Robert E. Lee, and from Archer's immediate superior A. P. Hill, was not easily won. But what of Archer's success as a soldier?

The earlier article, "A Marylander in The Mexican War" in the December, 1959, *Maryland Historical Magazine*, told of his accomplishments in that conflict. Several letters in the *Southern Historical Society Papers* describe Civil War actions in which Archer and his brigade figured prominently. Among these are the accounts by M. T. Ledbetter in Volume XXIX, pages 349-354, of Gaines' Mill and Mechanicsville; by George Lemmon, one of Archer's staff officers, in Volume IX, pages 141, 142, of Chancellorsville; and by General Birkett D. Fry who succeeded Archer in command of his brigade after Archer's capture at Gettysburg in Volume VII, page 91 through 93, of Gettysburg. According to these brief accounts the brigade, and

its commanding general, were in the middle of the fighting in each of the engagements.

Some of Archer's reports of the activities of his brigade during this period can be found in the compendium *Official Records of the Union and Confederate Armies*. All of his reports are well composed, moderate statements of the performance of the men and the units under his command. Among them, those reporting operations August 24 through September 2, 1862, (Second Manassas), September 14 through 20, 1862 (Sharpsburg), and December 11 through December 15, 1862, (Fredericksburg), reveal the same characteristics of modesty and quick recognition of the merits of others. The reader interested in military detail will find a careful perusal of those reports most helpful in the study of the individual battles.

Perhaps it was because Archer did not revel in his own accomplishments that he was destined to fade into the background of Confederate history. If publication of these letters helps to cast a ray of light upon the figure of one of Maryland's Confederates, then the work is well worth the doing.

Fort Colville W. T.

27<sup>th</sup> January 1861

My dear Mother

By the last express I received letters from Albert and Sister of 28<sup>th</sup> Oct. and from Nannie of 3<sup>d</sup> & 27 November

I am surprised you should not be aware of the change made last spring in the mail arrangements for California which account for the apparent irregularity of my letters home — There is a weekly overland mail from San Francisco by which I believe all the letters are sent — but the mail is carried only twice a month

There is also a poney express from San Francisco which carries letters in a much shorter time for 5\$ a half ounce I have only sent one by that way. We have only just received the certain result of the Presidential Election — The permanent sectional majority has now control of the executive branch of the government and will maintain it to the end — it will soon have congress and the federal judiciary. — pass any acts whatever — decide them to be constitutional by the judges, and execute them by the President at the head of the whole physical force of the country — Against such an array the minority of the States will be completely at the mercy of the majority — in fact enslaved by it — depending altogether on its for-

bearance — The minority the south — will secede, for the reserved right of secession is all that is left — The result may be a peaceful establishment of a Southern Republic — The North may try to force the seceding States back into the Union — or after peaceful secession a reunion may come to pass, with a new & better constitution which will do what the old constitution intended; preserve the rights of each state against the power of the absolute control of the majority — I think & hope the latter may be the result. By this time you probably know —

I await with great anxiety the action of Maryland My first and last duty is to her — If she secedes, then the moment she does I throw up my commission in the U. S. A. return home and offer my services to the governor — Tell Nannie that I rec<sup>d</sup> letters by last mail from Carr & Harvie<sup>1</sup> dated 17<sup>th</sup> Nov. both of them to be married on the 20<sup>th</sup> Nov the first to Miss Watts of Roanoke the other to Miss Meade near Richmond

With love to all at home

Ever affectionately

J. J. Archer

Fort Colville W. T.

27<sup>th</sup> January 1861

My dear brothers

The result of the presidential is just received here — Why have you never written me anything of this the most important subject that has occurred in our lifetime — Especially is it important to us whose homes & whose people & whose interest are on the border

Why has not Maryland like other and more wisely governed states placed herself in a condition to meet all emergencies by arming & organizing her people — Why is it that she stands like a quaker in time of war crying peace peace when there is no peace except in being prepared for war —

In the conflict which appears so threatening she cannot hope to remain neutral — she must take one side or the other — she must unite either with the dominant sectional majority on one side or with the minority on the other — perhaps she is afraid to show her

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<sup>1</sup> George Watson Carr and Edwin James Harvie, both Virginians and officers in the 9th Infantry, resigned in the late winter of 1861 to enter the Confederate army, where both had distinguished careers (*Historical Register and Dictionary of the United States Army* by Francis B. Heitman. [2 Vols., Washington, D. C., 1903]. I, 285, 508.) Hereafter Heitman.

arms lest it might be construed into a provocation to a fight — but if there is to be a fight, the fight will come nevertheless — then why not be prepared for it — The great question of state rights which the framers of the constitution erroneously thought they had secured is now about to be determined — It has become apparent that there exists a permanent sectional hostile majority on the one side, a permanent sectional minority on the other — The majority is daily & hourly increasing in strength — It will soon have both houses of congress under its control, and be able to enact whatever it pleases — It will soon control the supreme judiciary by means of the appointment of its members to the bench (Judge Marshall of Balt.<sup>o</sup> as one for instance) and thus be able to pronounce its enactments constitutional — It has already, & will maintain the control of the executive to carry its enactments into effect — What security then has the minority or what dependence save in the forbearance of the absolute power of the majority — what then becomes of any state right — the great aim of the framers of the constitution was to make a government sufficiently strong to be effective for the necessary purposes, and at the same time guard against the possibility of any combination of interests to control the minority without their consent — It was thought the object was secured when each state was made equal in the federal senate & the other well known checks & balances provided — but all that has proved ineffectual — The south has no refuge except in the reserved right of secession — I do not mean to say that anything has yet occurred in overt acts which by themselves would justify secession but only that the condition of affairs shows that not only the government is in the hands of a permanent sectional majority, but that the constitution itself must inevitably fall into the same hands by means of their possession of the department provided for its interpretation, from which it follows, if I am correct that the south is completely at the mercy & forbearance of the North — in other words enslaved, although not yet oppressed — She has the choice now of asserting her rights & of demanding some guarantee for their preservation — If she waits until Lincoln is elected it will be too late — her morale will be gone, her places of strength seized, the armaments & arsenals removed, her officers in the federal army threatened with the rope for treason if they refuse, & compelled to fight against her — and yet at the last she will be goaded into to what would now be a constitutional act, but will then be considered rebellion, treason insurrection — Let her states now secede and the result will be the peaceful establishment

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<sup>2</sup> Judge William L. Marshall of the Court of Common Pleas, Baltimore, resided at 29 McCulloh Street. Woods, *Baltimore City Directory*, 1860, p. 247.

of a prosperous Southern confederacy, an ineffectual attempt on the part of the North to force them back, or else, after the peaceful secession, a reunion with a new & perfected constitution capable of effecting, what the old constitution sought to effect, the preservation of the rights & sovereignties of each and all of its constituent parts —

I am satisfied that the result of a cession of all the Southern states will be, after a while, reunion with a better constitution which will be permanent and I am equally satisfied that the present constitution will fail to effects its objects under the interpretation it will receive from the majority of the states, and all that can be done by Union Parties under it, will be to postpone the evil day and make it more disastrous when it comes.

I anxiously await the action of Maryland — when she secedes I desire her to consider my services at her disposal — I will then immediately come home to her —

With love to all

Your affectionate  
brother

J. J. Archer

To

H. W. and R. H. Archer

Fort Colville W. T.

17<sup>th</sup> March 1861

My dear Mother

By last mail I received Mary's and Nannie's letters dated respectively 7<sup>th</sup> & 18<sup>th</sup> January

It seems wonderful how calmly they can ignore the great events that are transpiring around them — I do not think they would take so little notice of it if it were only a thunder storm guided by a kind providence, but here we have a revolution with the devil & black Republicanism to wield its thunder and they even think I am indiferent to it — I do not care so much about their own opinions on the subject, but I want to know what part all our friends and relatives are taking — What would I not give to be in Maryland now —

The course of Maryland is so plain I can not comprehend how she should not be unanimous —

The constitution was destroyed the moment a permanent majority

was organised able eventually to control every branch of the government

The union was destroyed by the consequent secession of the cotton states. The question is shall we take advantage of these events to make a permanent harmonious reunion of equal states or not — It can be done but not by the adoption of any mere Crittenden compromises — Some more radical change is necessary

Something that will give security to the minority against the absolute power of the majority for all time to come for all parties and for all sections — Every State whether North or South which values its rights should secede & remain out of the Union until constitutional provisions were adopted — that would require at least  $\frac{3}{4}$  of the electoral college to make a president and the same or nearly the same proportion of Senators to pass a law — I would almost favor a veto, on the passage of laws, placed in the hands of the senators from any one state

Nothing much short of that will restore harmony & a feeling of security to the country — no peace that is not made on some such basis can be lasting. It would be a great pity to let the opportunity pass by for correcting the mistakes of the old constitution & rendering it perfect — With love to all

Most affectionately

yours

J. J. Archer

Fort Colville W. T.

14<sup>th</sup> April 1861

My dear Mother

Mary's letter of January 28<sup>th</sup> & Nannie's of February 8<sup>th</sup> were both received together by the mail before the last — I was absent when they came — 20<sup>th</sup> ult<sup>o</sup> on information of an affray between some miners & Indians on the Columbia near the mouth of the Pend d'Oreille in which five Indians & three whites were killed I was sent up with 60 men of my company — I left here the same day at 10 O'clock and reached the post of the British commission at *Old* Colville in time to cross the river with my company & pack animals before sun set — I then dined at the mess of the officers of the commission which occupied me until 9 O'clock when I went across again to my company — I had scarcely wrapped myself in my blankets when it commenced raining — It continued to rain snow sleet or hail almost without intermission for five days — and as we went out without

tents our blankets & clothes were wet during all that time — Arrived at Mouth of the Pend Oreille 22<sup>nd</sup> about 12 O'clock distance marched from here 63 miles — remained at Pend Oreille until 3<sup>d</sup> inst. during which time there were only two days without rain or snow — when I arrived at Pend Oreille the Indians to the number of 50 had assembled at the mouth of the Kootenay 35 miles further up the Columbia, and the same distance North of our boundary entirely out of my reach. I was glad afterwards that it was so, when on investigation I had learned that the affray had been a whiskey fight & confined to the parties engaged of from ten to a dozen on each side — It took my messenger whom I sent up to the Indian camp to summon the chiefs to meet me more than a day to reach it, traveling as he may be obliged to do on snow shoes, while the chiefs came down to my camp in their birch bark canoes in between four & five hours —

The matter was settled to the satisfaction of all parties. The miners, who had been much frightened and were all about leaving the country, resumed their work and the Indians dispersed to their hunting grounds

I had fine weather on my way back, and being in no hurry took my time, and did not arrive until the 6<sup>th</sup>

I am completely disgusted with the dilatory course of Maryland — Have applied for leave of absence which may POSSIBLY enable me to leave in six weeks — Will resign as soon as I learn that Maryland has done at last what she ought to have done already & will be *compelled* to do

The union is at an end — the only question (if it is a question) for Maryland is in the choice between the sections

With love to all

Affectionately yours

J J Archer

Fort Colville W. T.

1<sup>st</sup> May 1861

My dear Mother

I wrote you in my last that I had applied for a leave of absence & that it was possible I might get it by the 1<sup>st</sup> June — It is scarcely possible I can get it before July as there is no other officer present with my company —

And the probability is that I will not get it before November — for

it is a general rule not to grant leaves during the summer & early fall months — For a month past I have been an early riser going to drill every morning at 5½ O'clock & breakfasting at 7

Cpts. Fletcher & Frazer & Lts. Carr Harvie & Alexander<sup>3</sup> of our reg. have resigned — they were on leave at the East at the time — Repeat my thanks to Nannie & Mary for their never failing remembrance — their letters were duly received by the last express — I am so thoroughly disgusted with the shameful attitude of Maryland in the “impending crisis” that I forbear to say a word on the subject — Oh! that I could have been at home from the day of the presidential election until now that I could have joined my weak voice to the call of the few there who seemed to see and appreciate the true interest & honor of Maryland

With love my dear mother to you & all of yours

J J Archer

Fort Yamhill

12<sup>th</sup> July 1861

My dear brother

It seems idle for me to write on the questions which now absorb all the interest of every man in the whole country. — Before my letters reach you the events to which they relate with all their immediate consequences have become history as indeed, they already have, before tidings of them come to sadden to mortify and humiliate me in my remote solitude — I had sent forward my resignation before I received your letter advising me not to resign

I sent it with the utmost horror and abhorance for and righteous indignation against the crimes of the Northern people and the base and unnatural wretches who are upholding them in Maryland —

Napoleon is reported to have said that Providence always was with that side which had the heaviest artillery but I humbly believe that the battle is not always to the strong nor the race to the swift

Maryland will sometime stand erect again and it is awful to contemplate the just vengeance she will visit upon those of her sons who have betrayed her to her foes

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<sup>3</sup> Captain Crawford Fletcher and Captain John Wesley Frazer, both veterans of the Mexican War. (Heitman, 1, 425, 434.) While no further record can be found of Fletcher, Frazer, a West Point graduate, became Colonel of the 28th Alabama Infantry, C. S. A., and was appointed brigadier general May 19, 1863. He died in 1906. (*Generals In Gray: Lives of the Confederate Commanders* by Ezra J. Warner [Baton Rouge, La., 1959], 93.) Hereafter *Generals In Gray*. Lt. James Barton Stone Alexander, a Virginian, and graduate of West Point in the class of 1852, died August 15, 1861. Heitman, 1, 156.



I am thankful that while striving in the vain effort to preserve a *peaceful* Union you still denounce this fratricidal war — wicked when waged by northern people infamous and abhorrent when aided or abetted or encouraged in any ways by Marylanders whose friends & relatives & neighbors are destined to be early victims of laws perverted by their northern masters.

How much have Gov. Hicks & his party to answer for in suppressing the constitutional voice of Maryland in this great — Only let a convention of her people have spoken and it would have been obeyed — whatever it might have counselled — We would not then have heard of the riot in the streets of Baltimore — Either the Federal troops would have been permitted to pass quietly through the streets of Baltimore or they would have been opposed by an organized force according to the usages of civilized war — But as it was each man was left to his individual judgment — Hundreds of brave upright patriotic men in every part of the state have been left to place themselves in positions where their enemies may by a little stretch of law sentence them to condign punishment — they might have been saved by a convention held at an early period —

S. T. Wallace <sup>4</sup> & Jno Merryman <sup>5</sup> & Lloyd and Bob & a host of others what may not be their fate under this reign of terror ———

I arrived here to day & expect as Col Wright promised me <sup>6</sup> to be relieved from the command of the Fort in a few days as soon perhaps as I can complete the papers connected with turning over the company property & the Ordnance, commissary and Quartermaster Stores of the post making out Muster & pay rolls &c

With much love to you and all our family

I remain my dear brother

Yours truly

J J Archer

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<sup>4</sup> Severn Teackle Wallis, one of the founders of the Maryland Historical Society, and a versatile leader of the Maryland Bar, was imprisoned in September 1861 for his Confederate sympathies and released over a year later. *DAB*, XIX, 385-6.

<sup>5</sup> John Merryman, prominent farmer of "Hayfields," Baltimore County, Md., and first lieutenant of the Baltimore County Horse Guards, was arrested May 25, 1861, by United States troops and taken to Fort McHenry. Indicted for treason on the basis of his participation in the destruction of the Parkton bridge on April 22 while acting under orders, Merryman obtained a writ of *habeas corpus* from Chief Justice Taney. The disobeying of this writ and the resulting excitement gave Marylanders of Southern sympathies much to talk about. *History of Baltimore City and County* by J. T. Scharf (Phila., 1881), p. 885.

<sup>6</sup> Colonel George Wright of Vermont, a graduate of West Point in the Class of 1818, had a long career in the regular army, which included service and brevets in the Florida Indian campaigns, the Mexican War, and the Civil War. He died by drowning on July 30, 1865. Heitman, I, 1062.

I have been much hurried in writing this — would like to have had time to give my views more at length & to express them more clearly

Fort Yamhill Oregon  
16<sup>th</sup> July 1861

My dear Mother

Arrived at Fort Dallis 7<sup>th</sup> inst. & received orders to continue on to Fort Yamhill & assume command of that post — There was no choice except to obey or else leave my company en route without an officer — Proceeded next day by steamboat down the Columbia & up the Willamette & Yamhill river to Dayton, thence marched 36 miles to Fort Yamhill where I arrived 12<sup>th</sup> inst.

This is the most beautiful delightful & desirable post on the Pacific coast — The country is fertile and well cultivated — The post itself situated on a hill overlooking the Yamhill river which is here about the size of Deer Creek — The view from my quarters is very like that from Priestford but more beautiful

Every thing on which the [eye] can rest for many miles distant is green as emerald — the fresh green fading into blue as the distance expands to the coast rough mountains

A low gap in the mountains lets in the delightful sea breeze from the Pacific Ocean which is only fifteen miles off — In command of this Post with no one to interfere with me in any way I know of no situation which under ordinary circumstances could be more agreeable to me — In all human probability too I would be left quietly here during the war — but by remaining here I would enable the U. S. government to send another officer to fight against my people — and when I get home I will be able to fight for them — I have just turned over the command of the Post & of my comp<sup>y</sup> & all the Govt. property to Lt Sheridan<sup>r</sup> of the 4<sup>th</sup> Inf. — and

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\* Philip Henry Sheridan, commander in chief of the United States Army from 1 November, 1883, to 5 August, 1888, the day of his death, Heitman, I, 881. Sheridan's account of this incident is as follows:

In due time orders came for the regiment to go East, and my company went off, leaving me, however—a second lieutenant—in command of the post until I should be relieved by Captain James J. Archer, of the Ninth Infantry, whose company was to take the place of the old garrison. Captain Archer, with his company of the Ninth, arrived shortly after, but I had been notified that he intended to go South, and his conduct was such after reaching the post that I would not turn over the command to him for fear he might commit some rebellious act. Thus a more prolonged detention occurred than I had at first anticipated. Finally the news came that he had tendered his resignation and been granted a leave of absence for sixty days. On July 17 he took his departure, but I continued in command till September 1, when Captain Philip A. Owen, of the Ninth Infantry, arrived and, taking charge, gave me my release (*Personal Memoirs of P. H. Sheridan* [2 vols.; New York, 1888] I, 121).

tomorrow I leave for the east — I have obtained from Gen<sup>l</sup> Sumner a leave of absence of sixty days based on my resignation which I sent off about the 10<sup>th</sup> of May last — So I am no longer a U. S. officer ———Fort Vancouver W. T.

23<sup>d</sup> July

I am here as the guest of Capt Black<sup>s</sup> — The officers here treat me with great kindness & hospitality — especially Black, Capt Mason & Col. Wright & his family — The Colonel gave me duplicates of his full length photograph taken on visiting cards — Mrs. Wright asked me to send one of them to Nannie with her love

San Francisco

July 29<sup>th</sup> 61

The reins are being drawn so tight and there are so many Federal officers going East in the steam that I fear an arrest in New York should I go that way — I leave this evening by steamboat to Sacramento thence by overland mail stage to St. Jo. Mo. — Should I find on arriving at Fort Kearney that I will not be able to get through Missouri will buy horses and ride across outside the Kansas settlements into Arkansas

Colonel Wright's parting with me was very kind he expressed much regret at my leaving his regt. but not a word of disapproval of my course — I think he was satisfied I was right although he could not say so

Louisville Ky

23<sup>d</sup> August '61

My dear Mother

Arrived here yesterday morning overland, from San Francisco

Run the guantlet all the way from St. Joseph through camps of Northern soldiers and traveled in the same cars with companies & battalions of Northern troops — was not recognized and met with no other annoyance than the inspection of my baggage in Indiana opposite this place —

Whenever you write to me send your letters under cover directed to Major John Caperton Louisville Ky. — I am as yet undetermined whether after arriving in Nashville Ten. I will go to Richmond or to Southern Missouri — whichever I may conclude will be best for the cause

<sup>s</sup> Henry Moore Black of Pennsylvania, a graduate of West Point in the class of 1842, was a Mexican War veteran, who eventually became colonel of the 6th California Infantry regiment. He retired from the army as a colonel in 1891, after fifty years of service, and died August 5, 1893. Heitman, I, 221.

God help the people of poor degraded fettered Maryland — Ever  
my dearest Mother with the tenderest love

Your son

J J Archer

Nashville Ten

24<sup>th</sup> Aug. 61

Arrived here last night en route for Richmond Va. — I had thought of going west & reporting to Pillow — but am anxious to where I can directly aid in the liberation of Maryland — besides I want to be near Bob whom I was told in San Francisco is in the C. S. Army in Virginia

Went to see Mrs Adams (Miss Throckmorton) and Mrs. Bell (Miss Jane Garvin) while in Louisville. They enquired very affectionately for Nannie and sent love — the first has 4 the other 5 handsome children — They are well mannered and live handsomely

Col Balie Peyton who traveled with me yesterday has been very attentive since my arrival here & have just returned from making some visits with him

In the hope of a speedy return of peace to our destr (ict)

Richmond Va

27<sup>th</sup> Aug 1861

My dear Bob

I sent in my resignation dated 10<sup>th</sup> May — Got tired waiting for an answer from Department H<sup>d</sup> Qrs., and started off on 7 days leave to report myself to Gen<sup>l</sup> Sumner as a passenger — Rode down to Ft. Walla Walla (210 miles) and found that my company was ordered to Ft. Dallas, Oregon — As I had left my company without an officer, and as there was no officer at Colville available for the duty I returned to Colville & brought my company down — On the way I received orders to take my company on to Fort Yamhill — There was no option but to obey or else leave the company *en route* without an officer — I went on to Fort Yamhill, and, as soon as I could make out the necessary papers, ordered Lt. Sheriden, whom I had been ordered to relieve, to take command of the Post and of my company, and receive my company property, and on the 16<sup>th</sup> July started for Dixie — Came by way of Portland (Oregon) San Francisco, Salt Lake City St. Joseph (Mo.), Indianapolis, Louisville (Ky.) Nashville (Tenn.) and Lynchburg — Arrived Yesterday — Oliver Thomas urged me very strongly not to take that route,

and said if I would wait two days and come by Steamer he would come with me — I would certainly have been arrested in New York — I expect Oliver soon — He can come safely through New York but I could not have done it — I find a few loose dimes in my pocket after paying the expenses of my trip.

28<sup>th</sup> August '61

Enclosed you will find drafts on Bank of Virginia for fifty dollars — will send another by tomorrow mail for the same amount making together \$100 0/00

J. J. A.

*Confidential*

Richmond Va.

28<sup>th</sup> Aug 1861

My dear Bob

I wrote you this morning that I would send you another draft for \$50 0/00 — But this concern is so slow that I fear I will be left high & dry myself before I am assigned to any duty — I will therefore have to hold on to my dimes for the present until I can see my way

Yrs truly

J J Archer

29<sup>th</sup> Aug.

I open this to ask you to come down tomorrow if you can I want to consult you about getting some such position as you are entitled to — If you can't come tomorrow let me know by letter directed to Exchange Hotel Richmond when you *can* and what particular day you can NOT come for I want to see you and would be sorry to go to Fairfax on the same day that you come to Richmond

[On back] Pvt. Robert H. Archer  
 Capt Gaither's Company  
 of Maryland Cavalry  
 Col Stewart Bryan  
 Fairfax Ct. House  
 Virginia.

Richmond

Sept 23<sup>d</sup> '61.

My dear Bob

I am determined you shall not remain long in your present position — Be of good cheer — Let me again caution you my dear brother

against your imprudence in talking of certain of your officers — It is almost mutinous — I must caution you also against one other thing abstain from it absolutely — I am very anxious about for fear you will put it in the power of your enemy to destroy your chance of getting what I am almost certain I will for you

I send your blanket to-morrow to Maj. Spurrier Qr. M. at Fairfax Station to be forwarded to you by the first teams that go to Col J. E. B. Stewart's Cavalry

If Stewart's teams are not going to Fairfax soon get Swann to send you there for it — Be careful my dear brother & you need not despond — I hope to have matters arranged in *every respect* to your satisfaction

I am most painfully anxious about you

Yours truly

J J Archer

Keep your Hardee's tactics

Confidential

Richmond

24<sup>th</sup> Sept. '61

My dearest brother

The prospect I think is brightening — and this evening I feel confident that you will soon be commissioned a major — but whether of Cavalry or dragoons I don't know — Do not be disheartened if I fail —

I have sent you to care of Spurrier & Bealls at Fairfax Station a blanket gloves pr. of socks & drawers shirts (woollen) 2 hdkrchfs and 1 vol. cavalry tactics

Yrs affty

The package will be sent by Bealls by the first teams that your regt. sends to the station for forage — Enquire of the Qr. Mr. of yr. regt. when that will be and ask him to instruct the waggon master to ask for it — If it will be too long to wait get leave to go to the station yourself.

I hope you have not long to wait in your present position — Be careful & give no one the power to take any advantage of you

Yours &c

J. J. A.

Say nothing to any one at all of what I have written.

Richmond Va.

27<sup>th</sup> Sept. 1861

My dear Brother

I have not been able to get a majority for you but Gov. Letcher has promised to give you the Lt. Colonelcy vacated by my resignation which I tendered to him on that condition — My purpose and expectation in offering my resignation was to fall back on my confederate army rank & serve as a Volunteer aid — I filed my resignation yesterday and this morning much to my surprise received a commission of Colonel in the provisional army with orders to take command of the sixteen companies of Texans which have lately arrived here — I have met with many Kind friends here chief amongst whom are Gen<sup>l</sup> Anderson late of the U. S. Senate from Tennessee Phil. Dandridge whom I think has been my most effective friend and Dandridge's friends all of whom treat me as their own — I desire you when you meet Major Carr to remember that he is my especial friend — the same Carr who was called Tampeco Carr) when we were in New York — Capt. Picket<sup>9</sup> late 9<sup>th</sup> Inf. now Col. is in command of the District where you are going — He will be a strict disciplinarian but most Kind to you — Col. Mallory<sup>10</sup> your immediate commander you will find as Kind as possible — you must accept the Lt Colonelcy —

I will try to get your orders to report to Col. Mallory in time to send them up to *Fairfax Station* so that you can meet them there and get an order for your transportation for yourself and horse from Maj. Barbour — Should you consider it necessary to make any demand on Capt. Gaither<sup>11</sup> it must only be for what regards your-

<sup>9</sup> George Edward Pickett, a Mexican War veteran, and fellow captain in the 9th Infantry in the West, later became a major-general in the Confederate army. Heitman, *op. cit.* I, 791. Archer always spoke highly of Pickett, and at one point called him "one of the best and most gallant and most distinguished officers and gentleman in America" (Archer letters, *Md. Hist. Soc.* 21 April, 1864).

<sup>10</sup> Francis Mallory of Virginia had been appointed a second lieutenant in the 4th Infantry in June 1856. He resigned from the army July 10, 1861, to enter the Confederate army where he eventually became colonel of the 55th Virginia Infantry (Heitman, I, 686.)

<sup>11</sup> George R. Gaither was born in Baltimore in 1831, and educated at schools there and at Lawrenceville, N. J. Organizer of the Howard County Dragoons before the war, Gaither and his company participated in the aftermath of the April 19 riot in Baltimore. Shortly thereafter Gaither and many of the Howard County Dragoons crossed into Virginia, where on May 14, 1861, at Leesburg, Company M, First Virginia Cavalry, with Gaither as captain, was organized. After the war Gaither returned to Baltimore where he engaged in the cotton business and took an active role in the reorganization of the Fifth Regiment. He died in 1899. *The Maryland Line in the Confederate Army 1861-1865* by W. W. Goldsborough. (Balto., 1900), p. 249, and The Dielman File, Md. Hist. Soc.

self personally, anything beyond that will give him an excuse — after your own individual honor has been satisfied you will then be in a condition to make what you may chose to say for your friends, effective — but it is not a matter for you to make the subject of a demand upon him — Call at the Post Office when you come to Richmond if you do not find a letter from me — call on Maj. Weston at Exchange Hotel — He will tell you where you can find me

J J Archer

Richmond Va

1<sup>st</sup> Oct 1861

My dear Bob

The Governor has appointed you a Lt. Col. of Virginia Volunteers — I wrote you before that I could not get you a majority  
 You will be with my friends Col. Picket and Col. Mallory  
 Your *orders* I have sent to Fairfax *Station* Care of Maj. Spurrier  
 I have been appt<sup>d</sup> Colonel in Provisional Army and am on duty with Texan Troops

Yours affectionately

J J Archer

You are ordered by the Sec. of War to report to Col Mallory at Tappahannock near Fredericksburg Va. Col. Picket who commands there & Col Mallory are both my friends

J J Archer

Richmond Va.

Oct. 1<sup>st</sup> 1861

My dear brother

I send you your orders on which you can get transportation from Maj. Spurrier at Fairfax and Capt. McGiven at Mannassas for yourself & horse — if you can not get the transportation for your horse you had better send him direct to Fredericksburg which is on the way from here to Tappahannock —

I am Colonel in the Provisional army and assigned to command of the Texan troops

Cousin James Archer of Mississippi is here with his family — cousin John did not leave for the West but is still on duty here when you write direct to care of Maj. G. A. Weston, Richmond Va. — When you come down if you do not meet me go to Maj.



Weston's Counting room No. 15 Pearl Street about 200 yards below  
the Exchange Hotel (Weston & Williams)

Affectionately

J J Archer

I Keep your commission for you until you come

Lt Col. R H Archer  
55th Va. Infy

Richmond Va  
29<sup>th</sup> Oct. 1861

My dear brother

I have entirely recovered my health and, to-day for the first time, moved all my baggage to camp—I had scarcely got comfortably fixed, before Gen<sup>l</sup> Wigfall,<sup>12</sup> in whose brigade the 4<sup>th</sup> & 5<sup>th</sup> Texas are included, arrived here and sent for the field officers of the Texans to come in to see him—He expects the President to allow him to take our Regts up to the Potomac day after to-morrow. I saw Mr. Garnett who told me he had seen you at Fredericksburg—also Simonton who had seen you at your camp. Please write soon my dearest brother and tell me everything you would say if I were with—How do you like your position and your officers

Remember me kindly to Picket & Mallory

Yours affectionately

J J Archer

Care of Maj. J. A. Weston

Camp near Richmond  
4<sup>th</sup> Nov 1861

My dear brother

Tell how you are getting on I feel very anxious about you I find there is much to do, and so much is ex[pected] to every body in a Volunteer Reg. besides the drill & other ordinary duties that I am afraid you will find but little time to perfect yourself in the

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<sup>12</sup> Louis Trezevant Wigfall, of South Carolina, was one of the prominent figures of the Confederacy. As a United States Senator from Texas he was expelled from the Senate on July 11, 1861, after having participated in the bombardment of Fort Sumter and the founding of the Confederacy. Soldier, politician, and vigorous opponent of President Jefferson Davis, Wigfall lived for a time in Baltimore after the war: *Generals In Gray*, p. 336.

drill — Should you find your position too difficult for you, in Infantry, to which you have not been accustomed. Mallory or Pickett will no doubt aid you in obtaining a transfer [or] a majority in some cavalry the duties of which you are accustomed to If you desire it whenever you inform [me] that you do I will try & find a place for you to transfer But Mallory or Pickett will be more likely [to] find somebody to exchange

Affectionately

J J Archer

Remember me to Pickett  
and Mallory

You can assign as a reason for transfer your great preference for Cavalry

Lt. Col. Robert H. Archer  
55<sup>th</sup> Regt. Virginia Volunteers  
Tappahannock  
Virginia

Dumfries Va.

15<sup>th</sup> Nov 1861

My dear Bob

I sent you a few days ago a letter rec<sup>d</sup> from Nannie dated 25<sup>th</sup> Oct — all well at that time — I was delighted to see by your own & Pickett's letters that you are doing so well & receive so much Kind attention and are so much liked by Pickett & Mallory — I will always remember them for it & will never lose an opportunity if one should present to put a spoke in their wheels — Give my best love to them both

Yrs affty

J J Archer

My regt. is stationed two miles from here — We are in daily expectation of receiving an attack — but from what direction cannot tell perhaps from the other side of the Potomac where the enemy are assembled in force perhaps from Occoquan where many have already landed

J. J. Archer

Col 5<sup>th</sup> Tex. Vols.

Hd 5<sup>th</sup> Tex Regt4<sup>th</sup> Dec 1861

My dear Bob

The fight has not come off yet — but the Gen<sup>ls</sup> expect it this week — I have been suffering for ten days past with diarhea and am taking good care as I can to get in good fighting order — am a good deal better to-day — We have not begun yet to make huts — waiting to see if *Abraham* is coming — Our letters from home were captured with the heavier Mr. Brown (brother the young gentleman of that name whom you met at Weston's) who is now a prisoner at Ft. M<sup>c</sup>Henry — I am confident now that with diligence & close attention to every thing you will have no difficulty

Yours Affectionately

J J Archer

Remember me to Pickett and Mallory

J J A

Hd Qrs 5<sup>th</sup> Tex. Regt.

Camp Neabsco near Dumfries

18<sup>th</sup> December 1861

My dear brother

I have just received a letter from Major Weston who says of you "I have lately seen several officers of his (your) regiment and never heard higher encomiums than they pay to his social and military qualities"

I congratulate you my dear brother — Only just continue to strive in every possible way for excellence in military profession — and neglect no means of preserving the confidence of your regiment — I have here a most excellent regiment My officers are almost all intelligent gentlemen — the men if they were well, would be all that I ask but unfortunately, owing, I believe, to their marching through the Louisiana Swamps during the bilious season, and to the measles which they took after arriving at Richmond, and the seven night march from Brook's Station and insufficient clothing, two thirds of my regiment is sick. I write home occasionally but with very little expectation that my letters will ever reach their destination — From all I can hear from Maryland the States rights people are badly off and likely to be worse — their crops are or will be seized their negroes horses waggons &c pressed without compensation into the Federal service and I suppose at last all their property

will be confiscated and they will be turned out utterly destitute on the world — For a long time past it has been impossible for property holders to collect any rents — and many affluent families in Baltimore the M<sup>c</sup>Fadden, Ellicotts for instance have been obliged to open boarding houses. We are camped 3 miles north of Dumfries on the Alexandria road on the neck of land between Powell's run & Neabsco creek about 2 miles from Freestone point — The enemy a few days ago sent in two steam tugs and burnt an old fish house on the shore — I happened to be down there with Gen. Wigfall & saw the whole thing — we had no troops there or battery — only a cavalry picket of  $\frac{1}{2}$  dozen men — They kept up a great firing of shells at us but did no harm

The Generals still expect an attack here by land & water —

With regards to Cols. Pickett & Mallory

Yours affectionately

J J Archer

H<sup>d</sup> Qrs Texas Brigade  
near Dumfries Va.  
8<sup>th</sup> January 1862

*To be continued.*

# SIDELIGHTS

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## THE MEMBERSHIP OF THE MARYLAND LEGISLATURE OF 1861

By RALPH A. WOOSTER

In the great sectional crisis of 1860-1861, the state of Maryland was particularly important; her loss to the Union would automatically surround the national capital with enemy territory. It would be impossible to ascertain the exact sentiment of people within the state but certainly there were powerful secessionist tendencies within some of its areas in the spring of 1861. Following the outbreak of hostilities between Massachusetts troops and the Baltimore populace on April 19, 1861, Maryland Governor Thomas H. Hicks called for an immediate session of the state legislature to determine what course should be pursued. Prior to this time Governor Hicks had repeatedly refused to issue such a call, asserting his belief that Marylanders should give the new Lincoln administration a fair chance before any action should be taken.<sup>1</sup> But the April 19th incident now determined the governor that the legislature must be called.

On Friday, April 26, members of the legislature assembled at Frederick in special session.<sup>2</sup> Although the governor's call had given only four days' notice, most members were present for the opening session and others joined them within the following week. Seldom in the history of the state had the legislature faced a more grave decision, whether or not to join the eleven sister slaveholding states that had withdrawn from the Union.

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<sup>1</sup> George L. P. Radcliffe, *Governor Thomas H. Hicks of Maryland and the Civil War* (Johns Hopkins University Series in Historical and Political Science, Ser. XIX, Nos. 11-12; Baltimore, 1901), 20-30; Charles Branch Clark, "Politics in Maryland During the Civil War," *Md. Hist. Mag.*, XXXVI (September, 1941), 241-262; Eugenia Nash, "The Political Situation in Maryland, 1861," (M. A. thesis, University of Texas, 1936), 9-21; and Carl M. Frasure, "Union Sentiment in Maryland, 1859-1861," *Md. Hist. Mag.*, XXIV (September, 1929), 210-224.

<sup>2</sup> On April 24, two days prior to the scheduled convening, Governor Hicks transferred the meeting place from Annapolis to Frederick. In so doing Hicks cited the "extraordinary condition of affairs" which impelled him to make the move for the "safety and comfort" of the members. See Proclamation of the Governor, *Journal of Proceedings of the Senate of Maryland, In Extra Session, April, 1861* (Frederick, 1861), 4.

The actual work of the legislature in the sectional crisis has been told elsewhere in both primary and secondary accounts.<sup>3</sup> Information pertaining to the legislative membership is not so easily accessible, however, and these notes will attempt to provide some insight into the personal characteristics of the members themselves. The information for this study has been found in the manuscript returns of the Federal Census of 1860. By systematically searching through these returns county by county data concerning the individual members of the 1861 legislature has been collected and brought together to permit various analyses of the entire body.<sup>4</sup> Such information should provide an aid in understanding the subsequent actions of the legislature in the secession crisis.

The ages of eighty members of the legislature have been ascertained from the manuscript census returns. The average age for these legislators was 44.5 years and the median age was 44 years. Over a third of the members, thirty-one in number, were in their forties, five members were in their twenties, twenty in their thirties, fifteen in their fifties, eight in their sixties, and one member (Thomas Franklin of Anne Arundel) was in his seventies. As might be expected Senate members were slightly older than House members, the average age for the Senate being 46.4 years as compared to 43.4 years for House members.<sup>5</sup>

Over three-fourths of the legislators, sixty-nine members, were born in Maryland. Only one other member (H. M. Morfit of Baltimore), a Virginian, was born in a slaveholding state. Three members were born in Pennsylvania, two in New Jersey, one in Vermont, one in Ohio, two in Germany, and one in Ireland. The birth places for seven House members and one Senate member have not been ascertained.<sup>6</sup>

Thirty-eight members of the legislature, or exactly one half of those whose occupations were found, were listed as farmers or

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<sup>3</sup> Especially *Journal of Proceedings of the Senate; Journal of the Proceedings of House of Delegates in Extra Session* (Frederick, 1861); Charles Branch Clark, "Politics in Maryland During the Civil War," (Ph. D. dissertation, University of North Carolina, no date given), 162-230; Eugenia Nash, "The Political Situation in Maryland, 1861," 77-98; and Radcliffe, *Thomas H. Hicks*, 70-78.

<sup>4</sup> The manuscript returns of Schedule No. 1, Free Inhabitants, and Schedule No. 2, Slave Inhabitants, are in the National Archives, Washington 25, D. C. The writer used microfilm copies in the Library of the University of Texas, Austin, Texas, and in the Library of Lamar State College of Technology, Beaumont, Texas. For a thorough description of these returns and their use in historical studies see Barnes F. Lathrop, "History from the Census Returns," *Southwestern Historical Quarterly*, LI (April, 1948), 293-312.

<sup>5</sup> Based on information taken from the manuscript returns, U. S. Census, 1860, and shown in the Appendix to this study.

<sup>6</sup> *Ibid.*

planters in the Federal Census of 1860. Surprisingly, there were only fourteen lawyers present, a smaller percentage than was usual in Southern legislative bodies. A wide range of other occupations, including merchants, physicians, and trades-people, were included as illustrated in Table 1.<sup>7</sup> It may be noted that House membership showed a much greater variety of occupations than Senate membership.

Property holding interests of Maryland legislators were quite varied, ranging from no property listed in the census to the \$400,000 for J. Hanson Thomas, president of a Baltimore bank. As a result of a few extremely large holdings such as those of Thomas, Ross Winans of Baltimore (\$250,000), Thomas McKaig of Allegheny (\$136,000), and Curtis Jacobs of Worcester (\$150,000), the average property holding for legislators, \$16,820 in real and \$18,104 in personal property, is considerably higher than the median, \$10,000 in real and \$5,000 in personal property. The median for Senate members, \$19,500 in real and \$13,650 in personal property, was considerably above that of House members, \$7,000 in real and \$4,250 in personal property.<sup>8</sup> Table 2 shows the various divisions of property ownership within the legislature.

TABLE 1  
MARYLAND LEGISLATURE  
OCCUPATIONS

<i>Occupation</i>	<i>House</i>	<i>Senate</i>	<i>Total</i>
Farmer or Planter	28	10	38
Lawyer	9	5	14
Physician	5	2	7
Merchant	4		4
Miller	2		2
Public Official	1		1
Bank President	1		1
Civil Engineer	1		1
Sailor	1		1
Teacher	1		1
Carpenter	1		1
Cabinet Maker	1		1
Canal Superintendent	1		1
Planter-Lawyer	1		1
Farmer-Merchant		1	1
Lumber Merchant		1	1
Unknown	10	2	12
Total	67	27	88

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

TABLE 2  
MARYLAND LEGISLATURE  
PROPERTY HOLDINGS \*

## REAL PROPERTY

<i>Amount of Property Held</i>	<i>House</i>	<i>Senate</i>	<i>Total</i>
No real property listed	11		11
Under \$5,000	10		10
\$5,000 and under \$10,000	11	2	13
\$10,000 and under \$16,820 (Average)	11	7	18
\$16,820 and under \$25,000	9	3	12
\$25,000 and under \$50,000	4	6	10
\$50,000 and under \$100,000	1	1	2
\$100,000 and over	2		2
<b>Total</b>	<b>59</b>	<b>19</b>	<b>78</b>

## PERSONAL PROPERTY

No personal property listed	5		5
Under \$5,000	24	3	27
\$5,000 and under \$10,000	9	5	14
\$10,000 and under \$18,104 (Average)	6	4	10
\$18,104 and under \$25,000	3		3
\$25,000 and under \$50,000	7	6	13
\$50,000 and under \$100,000	1		1
\$100,000 and over	2	1	3
<b>Total</b>	<b>57</b>	<b>19</b>	<b>76</b>

Forty-seven members of the legislature, or 53.4 per cent, were found as slaveholders in Schedule No. 2 of the manuscript census returns. Table 3 shows the various divisions of ownership, twenty-five members holding from 1 to 9 slaves, five holding from 10 to 19 slaves, and seventeen members holding over twenty slaves. Of these seventeen members who held twenty or more slaves, only

\* Based on real property holdings available for seventy-eight men (eight members not located in census returns and two listed as propertiless slaveholders and thus excluded as information is obviously erroneous) and personal property holdings available for seventy-eight men (eight members not located and four listed as slaveholders who held no personal property and thus excluded).



three (Washington Duvall of Montgomery, Benjamin Parran of Calvert, and Barnes Compton of Charles) held fifty or more slaves in 1860.

Thus the study of personal characteristics reveals that the Maryland legislature of 1861 was comprised primarily of middle-aged, small slaveholding, native Marylanders. Half of the legislators were engaged in agricultural pursuits and the other half were professional and trades-people. It was this membership that would decide what course the state would follow in the fateful months of the secession crisis.

TABLE 3  
MARYLAND LEGISLATURE  
SLAVEHOLDING

<i>Slaves Held by Delegate</i>	<i>House</i>	<i>Senate</i>	<i>Total</i>
No slaves	37	4	41
1 and under 10	18	7	25
10 and under 20	2	3	5
20 and under 30	4	4	8
30 and under 40	3	1	4
40 and under 50	1	1	2
50 and under 70		1	1
70 and under 100	1		1
100 and over	1		1
Total	67	21	88

## APPENDIX I

MEMBERS OF THE MARYLAND LEGISLATURE OF 1861, WITH A SUMMARY OF DATA  
TAKEN FROM THE MANUSCRIPT RETURNS OF U. S. CENSUS, 1860

## MARYLAND—SENATE

<i>County</i>	<i>Senator</i>	<i>Age</i>	<i>Birth Place</i>	<i>Occupation</i>	<i>Slaves</i>	<i>Real Property</i>	<i>Personal Property</i>
Allegany	Thomas J. McKaig	54	Ohio	Lawyer	4	\$ 11,000	\$125,000
Baltimore	Andrew A. Lynch	54	Md.	Physician		40,000	40,000
	Coleman Yellott	39	Md.	Lawyer	1	13,000	4,000
Calvert	Thomas J. Grahame	41	Md.	Farmer-Planter	20	20,000	16,000
Caroline	Tilghman Nuttle	44	Md.	Farmer-Merchant	2	12,000	4,000
Carroll	John E. Smith	29	Md.	Lawyer	1		
Cecil	J. J. Heckart	56	Penn.	Lumber Merchant		32,500	6,500
Charles	John F. Gardiner	56	Md.	Planter	25	12,000	25,000
Dorchester	C. F. Goldsborough	30	Md.	Lawyer	40	5,000	25,000
Frederick	Anthony Kimmel	60	Md.	Farmer	13	26,700	13,300
Harford	Franklin Whitaker	41	Md.	Farmer	4	20,000	7,000
Howard	John S. Watkins	46	Md.	Farmer	11	12,000	6,000
Kent	D. C. Blackston	50	Md.	Farmer	8	8,000	5,000
Montgomery	Washington Duvall	63	Md.	Physician	61	60,000	33,800
Prince George's	John B. Brooke *						
Queen Anne's	Stephen J. Bradley	50	Md.	Farmer	4	13,000	5,000
St. Mary's	Oscar Miles	35	Md.	Farmer	27	19,500	25,000
Somerset	James F. Dashiell	27	Md.	Farmer	34	40,000	45,000
Talbot	H. H. Goldsborough	42	Md.	Lawyer	10	40,000	15,000
Washington	John G. Stone	53	N. J.			10,000	1,600
Worcester	Teagle Townsend	59	Md.	Farmer	29	30,000	14,000

MEMBERS OF THE MARYLAND LEGISLATURE OF 1861, WITH A SUMMARY OF DATA  
TAKEN FROM THE MANUSCRIPT RETURNS OF U. S. CENSUS, 1860

MARYLAND—HOUSE OF REPRESENTATIVES

<i>County</i>	<i>Representative</i>	<i>Age</i>	<i>Birth Place</i>	<i>Occupation</i>	<i>Slaves</i>	<i>Real Property</i>	<i>Personal Property</i>
Allegany	William R. Barnard	34	Md.	Miller			\$ 300
	Joseph H. Gordon	43	Penna.	Lawyer		\$ 5,000	5,000
	David W. McCleary	40	Md.	Public Official		4,000	6,000
Anne Arundel	Thos. Franklin	73	Md.		28	5,000	40,000
	E. G. Kilbourn	45	Md.	Lawyer		20,000	4,500
	Richard C. Mackubin	40	Md.	Farmer		15,000	16,000
	B. Allein Welch	37	Md.	Farmer		22,400	10,000
Baltimore	John C. Brune	45	Md.	Merchant		10,000	30,000
	Robert M. Denison *						
	Wm. G. Harrison *						
	H. M. Morfit	64	Va.	Lawyer		30,000	5,000
	Charles H. Pitts	45	Md.	Lawyer		20,000	25,000
	Leonard J. Quinlan *						
	Laurence Sangston	46	Md.	Merchant		20,000	10,000
	T. Parkin Scott	56	Md.	Lawyer			4,000
	J. Hanson Thomas	46	Md.	Bank Pres.	2	100,000	300,000
	S. Teackle Wallis	44	Md.	Lawyer		1,100	5,000
H. M. Warfield	36	Md.	Merchant			1,000	
Ross Winans	63	N. J.	Civil Engineer		111,000	140,700	
Thos. C. Worthington	36	Md.	Farmer			2,000	
Calvert	James T. Briscoe	31	Md.	Planter-Lawyer	27	36,000	22,000
	Benjamin Parran	64	Md.	Farmer	80	10,000	20,000

MARYLAND—HOUSE OF REPRESENTATIVES

<i>County</i>	<i>Representative</i>	<i>Age</i>	<i>Birth Place</i>	<i>Occupation</i>	<i>Slaves</i>	<i>Real Property</i>	<i>Personal Property</i>
Caroline	G. W. Goldsborough	42	Md.	Physician	1		\$ 2,000
	Henry Straughn	55	Md.	Farmer		\$ 5,000	\$ 5,000
Carroll	Bernard Mills	30	Md.	Physician		1,200	500
	John W. Gorsuch	40	Md.	Farmer	2	5,000	300
	David Roop	64	Md.	Farmer		10,000	1,000
Cecil	James W. Maxwell	25	Md.	Lawyer			
Charles	F. B. F. Burgess	50	Md.	Farmer	34	15,000	27,000
	Barnes Compton <sup>1</sup>	29	Md.	Farmer	106	20,000	
Dorchester	William Holland	46	Md.	Farmer	8	6,000	9,000
	John R. Keene	59	Md.	Farmer	39	25,000	29,500
Frederick	Thomas Claggett	46	Germany	Farmer	17	18,000	5,000
	Andrew Kessler	42	Md.	Farmer	7	9,000	3,000
	John A. Johnson	40	Md.	Farmer	2	18,000	4,000
	David W. Naill	63	Penna.	Farmer			
	Jonathan Routzahn	48	Md.	Farmer	2	27,060	15,394
	William E. Salmon	43	Md.	Farmer		7,700	400
Harford	Wm. F. Bayless	46	Md.	Farmer	5	7,000	1,500
	Rich McCoy	37	Ireland	Farmer		10,000	2,000
	Joshua Wilson	62	Md.	Physician	6	10,000	14,000
Howard	John Brown	50	Md.		5		
	William Turner	48	Md.	Farmer	3	3,000	700
Kent	Albert Meddlers	31	Md.	Farmer	5	1,000	1,500
	Philip F. Raisin *						
Montgomery	Howard Griffith	39	Md.	Farmer	9	5,750	9,500
	C. A. Harding <sup>2</sup>	39	Md.	Physician			

MARYLAND—HOUSE OF REPRESENTATIVES

<i>County</i>	<i>Representative</i>	<i>Age</i>	<i>Birth Place</i>	<i>Occupation</i>	<i>Slaves</i>	<i>Real Property</i>	<i>Personal Property</i>
Prince George's	E. Pliny Bryan <sup>5</sup>	30	Md.	Planter	41	\$ 6,000	
	Ethan A. Jones	45	Md.	Farmer	2	10,000	\$ 2,000
	Richard Wooten *						
Queen Anne's	William H. Legg	42	Md.	Farmer	4	12,000	1,000
	Wm. L. Starkey	52	Md.	Farmer		10,000	10,000
St. Mary's	Clark J. Durant	40	Vt.	Merchant	5	3,000	8,000
	George H. Morgon	39	Md.	Farmer	25	23,500	34,600
Somerset	James V. Dennis	37	Md.	Lawyer	39	20,000	20,000
	William T. Lawson	30	Md.	Sailor	2	2,000	2,000
	Edward Long	52	Md.	Lawyer	13	45,000	32,000
Talbot	Alexander Chaplain	25	Md.	Teacher			
	J. L. Jones	35	Md.	Carpenter		100	100
Washington	John C. Brining	49	Germany	Cabinet Maker		2,000	500
	James Coudy *						
	Martin Eakle	45	Md.	Miller	3	7,000	1,000
	Lewis P. Fiery <sup>4</sup>	30	Md.				
Worcester	Andrew K. Stake	41	Md.	Supt. Canal			150
	Stephen P. Dennis	32	Md.	Physician		3,500	600
	Curtis W. Jacobs	45	Md.	Farmer	22	80,000	70,000
	George W. Landing *						

\* Not found in manuscript census returns.

<sup>1</sup> No personal property listed for Barnes Compton.

<sup>2</sup> Living with Henry Harding, age 78; born in Maryland; farmer; \$15,500 real property; and \$9,700 personal property.

<sup>3</sup> Living with Susan R. Bryan, age 49; born in Maryland; planter; \$10,000 real property; and \$22,000 personal property.

<sup>4</sup> Living with Harry Fiery, age 68; born in Maryland; farmer; \$34,000 real property; and \$1,700 personal property.

## REVIEWS OF RECENT BOOKS

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*Americans at War: The Development of the American Military System.* By T. HARRY WILLIAMS. Baton Rouge: Louisiana State University Press, 1960. xi, 139. \$3.50.

This lively and attractively written little book is a revision, in essay form, of the J. P. Young Lectures in American History which Professor Williams delivered at Memphis State University in 1956. You should be advised at once that the author concentrates on a single broad aspect of "Americans at war." This is what he calls "the command system," that is to say, the arrangements by which we have sought to give effect to the provisions of the Constitution which invest the President not only with authority to formulate national policy but also, as Commander-in-Chief of the armed forces, with responsibility for the formulation and execution of military strategy. Our present command system is a subject about which we are bewildered and anxious. Though Professor Williams has chosen, wisely I think, to exclude it from direct treatment, no one concerned about it can fail to derive wisdom, a better sense of proportion, and some comfort from his survey.

That survey is a history of our experimentation with command arrangements, in war and peace, from 1775 through World War I. In it Professor Williams has explored the implications of his important findings regarding Lincoln's exercise of command, set forth in 1952 in his *Lincoln and His Generals*. He there presented Lincoln as a far greater strategist and commander-in-chief than had been supposed, who, after a great deal of groping, and once he had found in Grant a general who would and could do what he wanted done, gave the United States "a model system of civil and military relationships and the finest command arrangements of any country in the world" (*Americans at War*, p. 81).

Fortified by this conviction regarding what Americans achieved in an unprecedented war, Professor Williams now concludes that, in general, Americans have done quite well in solving their problems of command in war; that what they have done well has been characterized by improvisation, for which he thinks we have a genius; and that when they have fumbled, since 1865, it has been because they ignored or misread their own experience and preferred foreign models.

He makes a strong case for this thesis in his account of Secretary Root's famous reform of the War Department and of the initial blunders of President Wilson and Secretary Baker in World War I. He argues that the effective command system that emerged from Root's reforms only after World War I could have been achieved long before if Root, misled by Upton's powerful account of American military policy, Wilson, the historian, who was ignorant of our military history, and Baker, who misread it, had understood the system that Lincoln had patiently put together to win the Civil War.

It would be hard to find a more incisive and helpful analysis of the merits and defects of the command and staff system introduced by Root than the historical critique that Professor Williams has given it in this book. That and his brilliant restatement of his views of Lincoln's achievement are highlights in his survey.

Like the rest of us he stands bewildered in contemplation of the stupendous complexities of the command system we have elaborated since World War II. The comfort regarding it that he offers is to find in our history a reminder that, in a showdown emergency, "extemporized arrangements expressing the American spirit may be superior to blueprint charts" and that a historian—"citing the examples of Washington, of Polk and Scott, and, above all, of Lincoln and Grant— . . . can show that men are vastly more significant than the structural perfection of any system."

KENT ROBERTS GREENFIELD

*Baltimore, Md.*

*Money, Glass, and Party: An Economic Study of Civil War and Reconstruction.* By ROBERT P. SHARKEY. Baltimore: The Johns Hopkins Press, 1959, [The Johns Hopkins University Studies in Historical and Political Science, Series LXXVII, Number 2]. ix, 346. \$5.50.

The essence of this book's important contribution to our understanding of the American past will best be grasped if we remember Adam Smith's famous dictum that the degree of specialization depends upon the width of the market. Smith's dictum applies to the production of historical goods as well as other kinds of economic goods. There was a time, not so long ago, when American historians were relatively few in number. The distinguished minds among them—the Beards, the Beckers, the Turners—assaulted broadly the fortified positions of the forces of darkness. Their product took the form of generalizations which were often more in the nature of

intuition than truths stretched taut upon the tentpins of particulars. Thus Turner's "frontier"; thus Beard's "capitalist" class. Now we know better. The great trees—what Sharkey here calls "conceptual monoliths"—have fallen. And what has brought them to earth is the hacking of the hundreds, the specialists called into being by the widening of the market for historical insight. So be it. To paraphrase Trotsky on the death of Lenin: "the words 'Beard is undone' sound like great rocks falling into the sea." But if McDonald and Brown have attacked his beginnings, Sharkey his middlings, and dozens his finale concerning Roosevelt and the coming of the war, let it be said to the credit of Sharkey that he knows in the marrow of his mind the greatness of the man.

With the overall dimensions of Beard's concept of the Civil War and Reconstruction as a Second American Revolution Sharkey has no quarrel. He should have one, in my opinion. Professor Brown's careful work in the records of first Massachusetts and now Virginia (soon to be published) leave little of Becker's conceptual monolith: that a major facet of the Revolution took the form of a contest as to who should rule at home. Nevertheless, few would quarrel with Beard's dictum that the interests of the planter aristocracy dominated the national government in the pre-Civil War years. The reduction of their power did constitute a "revolution," probably the first that the American people had undergone. But Beard wrote as if the "capitalist" class which replaced that aristocracy was homogeneous in its economic interests and in its political affiliations. In the light of Sharkey's careful analysis that assumption is no longer tenable.

Just as Forrest DcDonald has found diversity and even conflict of interest within Beard's business class of the constitutional period so Sharkey finds the same within Beard's capitalist class of a later period. Focussing upon the years 1865-1870 Sharkey reveals the dimensions of this diversity by analyzing the reactions of industrialists, bankers, farmers, and workers to the monetary and fiscal problems of those years, especially the problem of whether or not to contract the supply of greenbacks which the government had issued during the Civil War. Sharkey shows that some industrialists, only mildly protective, were, as in the case of many of New England's textile manufacturers, in favor of "sound" money. Others, especially Pennsylvania's iron and steel interests, understood clearly how "soft" money reinforces tariff protection against competing imports. Bankers were similarly divided on the issue of contraction. Metropolitan bankers, both east and west, made loans in the main by creating demand deposits subject to check. Having a lesser need



for currency they favored contraction in order to promote their interests as creditors. Two other groups of bankers saw things differently. Largely, I suspect, because they lacked comparable facilities for check clearances, country bankers needed currency for loan purposes, and hence opposed contraction despite *their* interests as creditors. Much of the business of private bankers in New York consisted of the financing of speculation in stocks and because inflation is conducive to fluctuation in equity values, and fluctuation is conducive to speculation, these men opposed contraction and sound money. Farmers, Sharkey clearly demonstrates, were prosperous until 1869, and were the least interested of all economic groups in currency questions during these years. In the pantheon of labor's heroes, surprisingly enough, dwelt such leading Radical Republican advocates of soft money as Thaddeus Stevens and Benjamin F. Butler. Thus the conceptual monolith of political affiliation, no less than that of economic interest, falls before Sharkey's rigorous analysis. Republicans divided into soft-money adherents, advocates of sound money, and political opportunists who jumped with the cat of changeling public sentiment. By 1867 Western Democrats, putting their faith in the people's money (greenbacks) rather than in bankers' money (banknotes) ranged themselves in opposition to contraction, unlike their brethren of the Eastern Democracy.

As this kind of analysis suggests, Sharkey goes a long way on the road of the argument that political and social change is mainly to be understood as reaction to economic change. Other things being equal, he believes, "men will tend to act and rationalize their thoughts in their own economic interest" (p. 271). But it is precisely this condition of *ceteris paribus* that causes the difficulty. Are things *ever* equal? There are several points in Sharkey's own analysis to suggest that they are not (see, for example, pp. 117, 118, and 308, *n.*). Indeed, Sharkey himself comes extremely close to the position that non-economic factors may play hob with straight-line economic analysis. "Fortunately or unfortunately depending upon the point of view," he writes, "autonomous factors can never be eliminated from the study of historical causation" (p. 308, *n.*). Economic determinism may be the most fundamental contribution which Beard made to historical thought. That his doctrine, as well as the corpus of his work, should fall under attack, is not surprising. Some of today's younger historians seem bluntly confident that economic interpretation does not "work." But I think the truth is that sometimes it works and sometimes it doesn't. Sharkey's shifting opinion in this matter are tribute paid by a good and honest mind to the endless complexity of things.

STUART BRUCHEY

*Michigan State University*

*Three Against Lincoln.* By MURAT HALSTEAD. Edited and with an introduction by WILLIAM B. HESSELTINE. Baton Rouge: Louisiana State University Press, 1960. xii, 321. \$6.

This is a book which a historian, political scientist or American would find well worth the price and the reading. A historian would find it both a valuable source and an example of how to perform his editorial functions gracefully. A political scientist, on the other hand, should find materials for arguing either to abolish or to continue our national nominating conventions. Any interested citizen should find the story of how the Democratic Party split in 1860 and how Lincoln was nominated both fascinating and instructive. Incidentally, this book has a special interest for Marylanders since Baltimore was the site of some of the drama. This book is a new edition of Halstead's *The Presidential Caucuses of 1860*.

Murat Halstead was a young Cincinnati newspaperman. He was an ambitious fellow with his eyes on owning the Cincinnati *Commercial* and a taste for influence within the newly organized Republican Party. In 1856, he had attended both the Republican and Democratic conventions. Since the latter was held in Cincinnati, Halstead could observe at his leisure the process by which Stephen Douglas of Illinois was then denied the nomination and James Buchanan became the Democratic candidate instead. The platform was ambiguous to say the least. This strategy of a "safe" candidate and a "two-faced" platform succeeded in 1856. Northern Democrats won votes with one version of their platform while southern Democrats carried their states with a pro-slavery interpretation. It took no great political institution to realize that such a maneuver could not be repeated many times especially since the new Republican Party had won almost 40% of the electoral vote. As an eager young reporter, Halstead had every reason to believe that the 1860 conventions would be important.

By convention-time, Murat Halstead knew that the meetings would also be exciting. Lincoln, in 1858, had gotten Douglas to assert his "Freeport doctrine." By this, slavery could be excluded from a territory merely by failure to enact laws protecting a master's property in his slaves. Such ideas were unpalatable to the leaders of the Democratic Party. Republicans charged the northern Democrats with being the "serfs" of southern masters. Elections in some New England states had gone against the Democrats even though they had espoused Douglas's ideas. Shortly thereafter, the Supreme Court delivered its decision in the Dred Scott case. The Court was so divided that not many people were satisfied with its action. Then

came the fanatic attack on Harper's Ferry. It was not surprising, therefore, when southern Democrats began demanding iron-clad assurances that slavery would not be excluded from the territories. To northern Democrats such a pledge would mean further losses to the Republican Party. Halstead needed no prescience to know that the 1860 conventions would produce interesting clashes of forces and opinions. His contemporaries and posterity owe him a debt for a clear and nearly complete job of reporting the several Democratic conventions at Charleston, Richmond, and Baltimore, the Republican convention at Chicago, and the Constitutional Union meeting again here in Baltimore.

Halstead's reports are interesting because he combined a sharp eye for detail with an intelligent man's insight. He reported various parliamentary maneuvers not merely to fill space but rather to chart the rise and fall of each faction's fortunes. For instance, a motion was introduced on the second day of the Democratic convention to free some of the delegations of voting by the unit-rule. This was described by Halstead as a measure of Stephen Douglas's strength among the delegates. Each vote on the platform was analyzed for signs of accessions or defections.

The issue, as Halstead saw it, was between the northern Democrats who wanted to win the national and local elections and their southern colleagues who insisted on a pro-slavery pledge. Delegate Payne of Ohio asked the southern Democrats, "Are you for a very abstraction going to yield the chance of success?" Delegate Yancey of Alabama suggested that his northern brothers had been losing to the Republicans because they had too closely imitated their rivals. A century later this suggestion would be labeled as a charge of "me-tooism." Shift to the high constitutional grounds of the Southern Democrats and all would be well, said Yancey. But such a platform would have made Douglas's nomination meaningless. Stephen Douglas and his supporters tried to find some way to get forty Gulf state delegates to leave the convention. This defection would not only have insured Douglas's nomination but would also leave the platform to his technical skills. Instead, Halstead saw Delegate Stuart of Michigan deliver a bitter attack on the southern position. Not forty but nearly eighty delegates from States spread between Delaware and Texas seceded. Here was an ill omen.

But not all was ominous. Halstead also reported the incidental "horseplay" as well. A delegate from Missouri had some fun at the expense of a New Yorker's bachelorhood. A Marylander prudently settled a proposed challenge for a duel with a round of drinks. When the Constitutional Union Party nominated John

Bell, there were repeated the predictable puns on his name. This was the "bell" that would toll the knell of the Democratic Party—and so on and on. Halstead reported the practice of delegates yelling and applauding the name of the man they favored for the nomination. Here may be the roots of the elaborately staged demonstrations of our modern conventions.

Murat Halstead showed no affection for this method of choosing a presidential candidate. He called them caucuses. "There is no honesty in caucuses, no sound principle or good policy, except by accident . . . The revenues of King Caucus are corruption funds . . . If a Republican form of government is to be preserved in our confederacy, the people must make a bonfire of his throne." Halstead believed William H. Seward had been cheated of the Republican nomination while Douglas had been tendered the Democratic standard without any hope of victory. The Douglasites had saved their honor and "wanted the South to be made to sweat under an Abolition President."

The centennial of both the Lincoln-Douglas-Breckinridge-Bell election and Murat Halstead's reports on the conventions is a doubly appropriate moment for republishing this work. We are not only reminded of the past but can use it as a frame of reference for our own recent experience. There have been renewed demands for reforms in our nominating process. Some have obvious merit. But what substitute for the face-to-face meeting between party leaders from all parts of the country would arise? Would the "smoke-filled" rooms of the conventions be replaced by bargaining in the Senate cloakroom? Halstead was all for abolishing the conventions. Significantly, the Democratic Party appears to have shelved both the Douglas strategy of pushing the southerners into withdrawing and the southern Democrats have desisted from trying to write the party platform. Whether this new accommodation will succeed must be left to future determination.

We are indebted to Professor Hesseltine of the University of Wisconsin for a good scholarly job of editing. The introduction places both Halstead and his report into their historical milieu. The Louisiana State University Press has done a workmanlike job.

Surely a reviewer is permitted one minor cavil. On page xix, William Henry Harrison is supposed to have named Halstead as minister to Germany. President Benjamin Harrison was meant. The editor is in good company since at least one well-known encyclopedia has mistaken "Tippecanoe" for his grandson. The triviality of this criticism should indicate both how well done an editing job it is and how worth while is the republication of this book.

NICHOLAS VARGA

*A History of Calvert County, Maryland.* By CHARLES FRANCIS STEIN. Baltimore, 1960. Published by the author and the Calvert County Historical Society. xv, 404. \$12.50.

Publication of a Maryland county history may well be described as an event possessing importance far beyond the bounds of the county concerned, of interest to the history-minded throughout the entire state. And when the story of the county has never before been chronicled, the value of the work is naturally vastly increased. Such a book is Mr. Stein's history of Calvert, fourth oldest of the Maryland counties, established in 1654 and known briefly as Patuxent County before assuming its present name.

It is rather odd that a county as old and historic as Calvert should have had to wait so long to have its story presented in book form. Perhaps the reason may lie in the fact that the county courthouse at Prince Frederick was destroyed by fire in 1882, the flames consuming the priceless county records dating back to the earliest days. It so happens that the late 1870's and the 1880's witnessed an unprecedented surge of research into local history in Maryland, marked by the publication of Hanson's "Old Kent" (1876), Scharf's "History of Baltimore City and County," (1881), Johnson's "History of Cecil County, Maryland" (1881), and others of a like nature. At the same time, Dr. Samuel A. Harrison was publishing in local newspapers the results of his research into Talbot County's past, and Frederic Emory was doing the same in Queen Anne's County. All of these writers had the advantage of working with ancient records of the special area which was their concern. Perhaps the loss of Calvert County's records served to effectively discourage potential historians from delving into that county's historic background.

Mr. Stein has accepted the handicap thus imposed. From sources other than basic county records he has succeeded in assembling a coherent and immensely readable account of Calvert's earliest days and the men and women who lived in the county in those days. Anyone familiar with the difficulties of an enterprise of this sort—that is, of recreating in narrative form from generalized archives and the records of adjacent areas a history of a particular area—will recognize that the author must be accorded credit for a real tour de force.

Indeed, Mr. Stein has been so successful in this phase of his work that he has devoted what appears to be an inordinate amount of space to the county's colonial and post-Revolutionary history up to the War of 1812. Granted that the county's origin and early

development are of major importance and should be chronicled, nevertheless it would seem that Calvert's history from 1812 to the present day could have been accorded a more detailed treatment. That, however, is a minor criticism. As of now, Calvert is one of only about three counties in the state which have their story presented in book form up into the mid-1900's. Most if not all of the other county histories are far from up-to-date.

Recognizing the widespread and growing interest in genealogy, Mr. Stein has devoted nearly half of his handsomely printed book to the families and personalities of Calvert, with special emphasis on the county notables and their forebears. Little Calvert, smallest and least populous county in the state, has produced more than its share of distinguished men, among them Chief Justice Roger Taney and Gen. James Wilkinson, the latter a soldier of the Revolution and the War of 1812 whose connection with the Aaron Burr conspiracy has somehow led Maryland historians to generally ignore him. Those interested in genealogy will find that Mr. Stein's book will help materially to fill a gap in Maryland family records.

The author, a son of the late, eminent Judge Charles F. Stein of the Supreme Bench of Baltimore, is not a resident of Calvert but his interest in the county derives from the fact that his grandmother was a member of an old Calvert family.

With the publication of Mr. Stein's book only four Maryland counties are now without formal written histories. As pointed out in this magazine last year by Dr. Reginald V. Truitt, these counties are Howard, Wicomico, Worcester and, surprisingly enough, St. Mary's the mother county of the state. Since, as noted previously, most of the existing county histories are far out of date and one, that of Somerset County, covers only the very earliest period of county existence, it is to be hoped that with the passage of time the historical societies of the counties concerned may find means of remedying the existing omissions.

JAMES C. MULLIKIN

*The Baltimore News-Post*

*Porte Crayon: The Life of David Hunter Strother, Writer of the Old South.* By CECIL D. EBY JR. Chapel Hill: University of North Carolina Press, 1961. xi, 258. \$5.

For the past twenty years the reviewer has cultivated an abiding interest in the life and literary contribution of Porte Crayon to American literature. I like to think of him as the father of West Virginia literature. Over a hundred years ago he trekked over the

crest and into the narrow creek valleys of the high Alleghenies in what is mostly known today as the Monongahela National Forest. He etched in word and drawing these solitary, quaint folk: many of their descendants I have known, as I have followed pretty much the same trails ninety years after the artist-adventurer from Berkeley Springs. The West Virginia phase was one of the last in his career. Dr. Eby's expertly written biography places his whole life and career into focus. One of the main purposes of this book is to re-introduce one of the most gifted writers of the last century—who was one of the highest paid contributors of Harper's almost from the year this publishing firm was founded. It has puzzled me, as it has Dr. Eby, that Porte Crayon has been neglected by our anthologists. As Felix Mendelssohn rediscovered Bach seventy-five years after his death, I hope Dr. Eby's competent and eloquent interpretation of Porte Crayon will prove fruitful.

I might say in conclusion that I have advocated for many years the inclusion of Porte Crayon stories in the curriculum of English for West Virginia schools. Of the numerous superintendents of schools, and principals, I do not remember one who even had heard the name of this native-born writer. I hope West Virginia educators, and for that matter those throughout the south will get acquainted with this book. In fact any American interested in the preservation of our diversified literary traditions should welcome this book in his permanent collection.

FELIX G. ROBINSON

*Oakland, Md.*

*Whipt'em Everytime: The Diary of Bartlett Yancey Malone.* Edited by WILLIAM WHATLEY PIERSON, JR. Jackson, Tenn.: McCowat-Mercer Press, 1961. 131, \$3.95.

This reprint of Volume XVI, Number 2, of "The James Sprunt Historical Publications" of the University of North Carolina, originally published in 1919, will be welcomed by Marylanders since almost a third of the diary deals with prison life at Point Lookout.

Bartlett Y. Malone, as his diary records it, was "bornd and raised in North Carolina Caswell County in the year of our Lord 1838. And was Graduated in the corn field and tobacco patch. And inlisted in the war June the 18th 1861." While much of the diary records the simple observations of a plain soldier and man of the soil, the quaintness of expression and quiet good humor through-

out reveal a great deal about a type of man who is rapidly vanishing from the American scene.

Captured early in November, 1863, Malone spent the next year and a quarter at Point Lookout prison, Maryland. His comments on the Negro guards, some of whom were members of a Maryland Negro regiment, the periodic inspections of the prison camp, and conditions of camp life are of particular interest. Incidentally, his account of the shooting of a guard by another guard is portrayed graphically at the Maryland Historical Society in the Omenhausser sketchbook. Not the least interesting aspect of Malone's delightful diary is his phonetic spelling which clearly points out his Southern accent.

C. A. P. H.



## BOOKS RECEIVED

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- American Suffrage from Property to Democracy 1760-1860.* By Chilton Williamson. Princeton: Princeton University Press, 1960. xi, 306. \$6.
- More Traditional Ballads of Virginia.* Edited by Arthur Kyle Davis, Jr. Chapel Hill: University of North Carolina Press, 1960. xxvii, 371. \$7.50.
- The Confederacy.* By Charles P. Roland. Chicago: University of Chicago Press, 1960. xiii, 218. \$3.95.
- Emotion at High Tide: Abolition as a Controversial Factor 1830-1845.* By Henry H. Simms. Baltimore: Moore & Company, 1960. 243. \$5.
- The Real Abraham Lincoln.* By Reinhard H. Luthin. Introduction by Allan Nevins. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1961. xxviii, 778. \$10.
- Parishes of the Diocese of Maryland.* By Rev. Nelson Waite Rightmyer. Reisterstown, Maryland: Educational Research Associates, 1960. 47 pp. Maps. \$3.
- Confederate Strategy from Shiloh to Vicksburg.* By Archer Jones. Baton Rouge: Louisiana State University Press, 1961. xxi, 358. \$5.
- Robert Livingston 1654-1728 and the Politics of Colonial New York.* By Lawrence H. Leder. Chapel Hill: University of North Carolina Press, 1961. (Published for The Institute of Early American History and Culture at Williamsburg.) xii, 306. \$6.

## NOTES AND QUERIES

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*House and Garden Pilgrimage*—The annual visitation to historic sites, private houses and gardens of Maryland, sponsored by the Federated Garden Clubs of Maryland, the Society for the Preservation of Maryland Antiquities, the National Society of Colonial Dames of Maryland, the Baltimore Museum of Art, and the Maryland Historical Society, will begin on April 29 with a tour of Charles County. The Pilgrimage will continue through May 14, and will be followed by three cruises out of Baltimore on May 20, May 27 and May 28. The full program may be obtained from Pilgrimage Headquarters, Room 223, Sheraton-Belvedere Hotel, Baltimore 2, Md.

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*Correction*—In the December 1960 issue of the *Magazine* the name of the publisher of *The Piscataway Indians of Southern Maryland* was given incorrectly. The publisher is the Alice Ferguson Foundation, and all orders for this work should be addressed to that Foundation at Accokeek, Maryland.

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*Fairall*—I would like to exchange information with descendants of John Fairall of Devonshire, England, who came to Prince George's Co., Md., and is reported to have served as Matross from November 22, 1777 to February 5, 1781, Capt. Wm. Brown's Company, 1st Artillery, Reg. Continental Troops, commanded by Col. Charles Harrison by order of Gen. George Washington.

MARIAN S. FAIRALL

4238 No. College, Fresno 4, Calif.

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*Mrs. Henry Hollyday*—The following appears on page 63 of *Genealogical Notes of the Chamberlaine Family of Maryland (Eastern Shore)* . . . Compiled from Records and Manuscripts Found among the Papers of the Late John Bozman Kerr. Printed by John B. Piet, 1880:

“A portrait of Mrs. Hollyday hung in the little parlor at ‘Bonfield’ until 1874 when it was removed with the Chamberlaine pictures to Easton.”

The undersigned will greatly appreciate information as to the present location of this portrait with permission to have it photographed.

WALTER D. SHARP, Captain (SC) USN (Ret.)  
197 Hanover St., Annapolis, Md.

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### CONTRIBUTORS

JOSEPH T. DURKIN, S. J. is professor of History at Georgetown University and author of several scholarly works on the Civil War.

CHARLES SCARLETT, JR., LEON POLLAND, JOHN SCHNEID and DONALD STEWART are members of the committee for the restoration of the *Constellation*. The article “Yankee Race Horse . . .” represents many years of careful and untiring research.

CHARLES B. CLARK is professor of History at Upper Iowa University, Fayette, Iowa.

RALPH A. WOOSTER is associate professor of History at Lamar State College of Technology, Beaumont, Texas.

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William J. Glover, Jr., of Canton, then in Baltimore Co., swam across the Bay from Tolchester to River View Park, 23 miles. Time: 16 hrs., 10 min.—*June 25.*

Judge William H. Taft was appointed first civil governor of the Philippines by President McKinley.—*July 4.*

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