MARYLAND
HISTORICAL MAGAZINE

TULIP HILL, WEST RIVER, 1756

MARYLAND HISTORICAL SOCIETY
BALTIMORE

December · 1965

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MARYLAND HISTORICAL MAGAZINE

VOL. 60, NO. 4 DECEMBER, 1965

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Annual Subscription to the Magazine, $4.00. Each issue $1.00 The Magazine assumes no responsibility for statements or opinions expressed in its pages.

Richard Walsh, *Editor*

Published quarterly by the Maryland Historical Society, 201 W. Monument Street, Baltimore 1, Md. Second-class postage paid at Baltimore, Md.

MARYLAND HISTORICAL MAGAZINE

A Quarterly

Volume 60 DECEMBER, 1965 Number 4

"TULIP HILL," ITS HISTORY AND ITS PEOPLE

By J. Reaney Kelly*

"Tulip Hill," the home of Samuel Galloway III, has proudly surveyed the rolling Anne Arundel County countryside and the upper reaches of historic West River since 1756. As one of Maryland's finest five-part Georgian houses it reflects a warmth and charm rarely found today. It has been

* The author wishes to thank, Mrs. Mary Maxcy Markoe Fetterman, Miss Edith D. C. F. Rivinus and Mr. Edward F. Rivinus, descendants of Samuel Galloway, for the use of the carefully preserved Rivinus Collection of original source material relating to "Tulip Hill," its history and its people. He also thanks Miss Adelaide Colhoun for the opportunity to study and use pertinent letters, accounts and other items assembled by her aunt, the late Miss Anne Cheston Murray, also a descendant of the builder and namesake of his daughter, Anne Cheston. Regrettably, the Anne Cheston Murray Papers are not available for further research.

Yet, for the first time, it has been possible to correlate and evaluate all five known collections of original material relating to "Tulip Hill," the Galloways and their descendants. Heretofore only the Galloway, Maxcy, Markoe and the Bartlett Papers in the Library of Congress, and the Galloway Papers in the New York Public Library, were available for research and study.

Acknowledgement is also made of the cooperation of the staffs of the Hall of Records, the Land Office and the United States Naval Academy Museum; Mr. E. Churchill Murray, Mr. Henry M. Murray, and Mr. and Mrs. Lewis R. Andrews, owners of "Tulip Hill." Special credit is due Francis Engle for his fine pictures, and Dorothy Engle for her patient and generous secretarial help.

steeped in the art of pleasant and gentle living while contributing its own unique style of Maryland hospitality. Built by Samuel Galloway in 1756, the house remained in the hands of his descendants until 1906. During those years the sturdy old mansion has mellowed, the handmade bricks have weathered, and the native tulip poplar timber used in its framing has become nearly as hard as iron. Today, more than two hundred years after its construction, the house has been brought to perfect condition and its setting to full flower by its dedicated owners, since 1948, Mr. and Mrs. Lewis R. Andrews.

Architects, viewing the old mansion in its landscape of tranquil beauty developed from the original eighteenth century design, are invariably moved to superlatives in describing its pleasing lines and proportions. Yet, in addition to this fine colonial legacy, Samuel Galloway and those of his family who lived at "Tulip Hill" have left as complete a collection of original source material, focused upon one house and one family, ever assembled. While most of these papers and records are available for research and study, regrettably, a small segment has not as yet been fully revealed.

The architecture of the house has been expertly treated in the informative article, "Tulip Hill, Anne Arundel County: Maryland" by L. Morris Leisenring in the *Maryland Historical Magazine*.[1] Therefore in this account emphasis is placed on its history and its people, a history which begins even before the founding of Anne Arundel County. Richard Galloway I, great grandfather of Samuel Galloway III was the first of the family to come to Maryland in 1649.[2] The County was created by Act of the General Assembly in 1650 soon after the unhappy Virginia separatists and non-conformists came to that part of the Western Shore of Chesapeake Bay called Providence.[3] This area extended from Herring Bay on the south to an undefined boundary beyond the Severn River on the north and to the Patuxent River on the west. Small groups of settlers landed at Herring Bay, the West Road, South and Severn Rivers. Taking advantage of the generous Plantation Acts of 1649, when in-

[1] L. Morris Leisenring, "Tulip Hill, Anne Arundel County, Maryland," *Md. Hist. Mag.*, XLVII, (September, 1952), pp. 188-208.

[2] Assignments, Liber 4, fol. 204, and Certificates, Liber 5, fol. 623. Land Office, Annapolis. Hereafter L.O.

[3] *Arch. Md.*, I, p. 283.

vited to come to Maryland, they were soon claiming land as a first step in obtaining a grant, by Patent, from Lord Baltimore.

At West River a tract of 600 acres called "Brownton" was surveyed and a Certificate was issued October 28, 1652.[4] This is the site of the present village of Galesville and of Old Quaker Burying Ground where the West River Quaker Meeting House stood. The latter area has recently been identified by an historical marker erected by the Maryland Historical Society. Soon after, John Brown, Christopher Rawles and John Mosby laid out an adjoining tract of 260 acres which they called "N. W. River or Poplar Knowle." A Certificate of Survey was issued to them November 1, 1652.[5] Reference to the river was soon dropped. The name "Poplar Knowle" aptly described the site with its grove of giant tulip poplar trees on a hill overlooking West River and Chesapeake Bay, later to be known as "Tulip Hill."

Little is known of John Mosby. There seems to be no record of his whereabouts after 1652 nor of his death in Anne Arundel County. John Brown, however, was one of the co-patentees of "Brownton."[6] After selling his interest in that tract to Thomas Hooker, a few years later, he and his family moved to the Severn River area. In 1665 Brown was a witness to the will of Robert Clarkson of Horn Point, opposite the present site of Annapolis, and one of the County's first Friends.[7] He died in Anne Arundel County in 1668.[8] Christopher Rawles, who came into the area in 1649,[9] was also one of Maryland's first Friends. After disposing of his interest in "Poplar Knowle" in 1656, Rawles left West River. In 1663 he assigned to one Thomas Bradley all lands due him "for service done in the Province," indicating that he may have been an indentured servant.[10] Thomas Mears, a well known Friend, made a bequest in his will of 1674 to his cousin Christopher Rawles.[11] There is no record of Rawles' death in the County.

On the 10th of December 1656, Richard Talbott purchased

[4] Certificates, Liber AB & H, fol. 292. L.O.
[5] *Ibid.*, fol. 292. L.O.
[6] Patents. Liber Q, fol. 278. L.O.
[7] Wills 1, fols. 246, 247, H.R.
[8] *Ibid.*, 1, fol. 376, H.R.
[9] Assignments, Liber 6, fol. 84. L.O.
[10] *Ibid.*
[11] Wills 2, fol. 2, H.R.

the Certificate of Survey and the rights to "Poplar Knowle."[12] Later, in 1659, the tract of some 260 acres was patented by him.[13] Richard Talbott and his wife, Elizabeth Ewen Talbott, were Friends. They were the founders of the large and distinguished Talbott family of West River and of Maryland. Elizabeth Ewen was the daughter of Richard Ewen of nearby "Ewen-upon-Ewenton," now "Cedar Park," who was a leader in the resident Puritan Government of Maryland 1654-1658.

It is not known where Richard and Elizabeth Ewen Talbott built the first dwelling on the "Poplar Knowle" property. There has been much speculation but there is no firm evidence as to its exact location. Richard Talbott died in 1663.[14] His widow soon remarried.[15] Yet, Talbott descendants continued to live at "Poplar Knowle" for nearly a century. John Talbott sold the property in 1755 to Samuel Galloway[16] when the latter changed the name of the estate to"Tulip Hill"[17] for the flower of the tulip poplar tree.

Samuel Galloway III was a son of John Galloway and his first wife Mary Thomas.[18] He was a grandson of Samuel Galloway I and his second wife Anne Webb, known as Mistress Anne, a Quaker Minister,[19] and the great grandson of Richard Galloway I and his wife Hannah (?). Samuel Galloway II, uncle of the builder, who was born in 1682, lived and died in Calvert County.

John Galloway and Mary Thomas had four children. In addition to Samuel, the eldest, born in 1720, there were John, born in 1725 who died young; Mary, born in 1729, who married Benjamin Chew, of Philadelphia; and Joseph, born in 1734, who married, first, Ann Cookson, September 30, 1760,[20] and second, Sarah Birkhead, sometime before 1774.[21] Mary Thomas

[12] Patents, Liber 4, fol. 102. L.O.
[13] *Ibid.*
[14] Wills 1, fol. 180, H.R.
[15] Lawrence Buckley Thomas, D.D., *The Thomas Book* (New York, 1906), p. 476.
[16] Anne Arundel County Land Records, Liber B.B. #1, fols. 149-151, H.R. (Hereafter A.A.Co.L.R.)
[17] Leisenring, *loc. cit.*, p. 190.
[18] Thomas, *op. cit.*, p. 318.
[19] J. Reaney Kelly, *Quakers in the Founding of Anne Arundel County, Maryland* (Baltimore, 1963), p. 42. Also see Chart opposite p. 55.
[20] *Ibid.*, Chart opposite p. 55.
[21] Galloway-Maxcy-Markoe Papers, Manuscript Division, Library of Congress, Vol. 22, f. 12762. Hereafter G.M.M. Papers.

of "Lebanon," first wife of John Galloway, died soon after 1734.[22] He then married Jane Roberts Fishbourne, a widow, at the Philadelphia Meeting of Friends in 1744.[23] A daughter, Jane, was born in 1745.[24] At the death of her mother in 1747 and under the terms of her will, Jane was placed in the care of Samuel, her half brother who was twenty-five years her senior "till she reached the age of eighteen years."[25]

Samuel Galloway, following in the footsteps of his father, John, and his grandfather, Samuel Galloway I, became a large and successful merchant and planter. He married Anne Chew of Maidstone, Anne Arundel County, in 1745.[26] Due to the changing of the County line, Maidstone is now in Calvert County.

Anne Chew Galloway (1725-1756) was the daughter of Samuel Chew of Maidstone, only son of Benjamin and Elizabeth Benson Chew, and Mary, daughter of Samuel I and his second wife Anne Webb Galloway of West River. Although both were birthright Friends, Anne and her husband were first cousins.[27] Marriages of this kind were frowned upon by the Society of Friends and sometimes led to disownment. There were five children born of the union of Samuel Galloway and Anne Chew. Mary, born in 1746, married Thomas Ringgold of Chestertown;[28] John, who was to inherit most of his father's real property, was born in 1748 and in 1786 married Sarah, daughter of Benjamin Chew of Philadelphia.[29] Samuel, Jr., born in 1751 was called "Sammy" and is presumed to have died young. Benjamin was born in 1752 and married Henrietta Chew, daughter of Samuel Chew, whose letters were written from Herring Bay.[30] He inherited and lived at "Whites Plains," now known as "Hawthorne Ridge," near Harwood, Anne Arun-

[22] Thomas, *op. cit.*, p. 318.
[23] William Wade Hinshaw, Encyclopedia of *American Quaker Genealogy* (Ann Arbor, Mich., 1936-), VI, 523.
[24] Ledger of Samuel Galloway III; Anne Cheston Murray Papers. Hereafter A.C.M. Papers. While the use of pertinent selections for this article has been permitted, the collection is not available for further study and research at this time.
[25] Wills, Box G, Folder 2, H.R.
[26] Thomas, *op. cit.*, p. 320.
[27] Kelly, *op. cit.*, Chart opposite p. 55.
[28] *Ibid.*
[29] *Ibid.*
[30] A.C.M. Papers.

del County. Anne, the fifth child, was born in 1755. She married James Cheston in 1775 and inherited "Watkins Neck," now part of "Ivy Neck" near "Tulip Hill." There she and her husband built a stately brick house in 1787, occupying it about 1789.[31] The house burned in 1944 but their descendants still own and live on the property.

Even before his marriage to Anne Chew in 1745, and the death of his father, John Galloway, in 1747, Samuel had laid the foundation of a successful career. At an early age he had inherited and acquired large tracts of land. Soon some of his ships, the Grove, Planter, Swallow, Dragon, Little Bob, Fishbourne, Two Sisters, Betsy, Polly, Ogle, Dolphin, Nancy, Jenny; the sloop Swan, and the snow Tulip, were plying many of the seven seas.[32] Before acquiring "Poplar Knowle" and starting construction of "Tulip Hill," he had made several trips to England. While there he lived well and entertained at his favorite club or Coffee House.[33] Although "one of the people called Quakers," he played and won at billiards and whist.[34]

Samuel Galloway was abroad in 1755 when advised that the Talbott plantation, "Poplar Knowle" was being offered for sale.[35] He not only knew the property well but it is clear from the exchange of correspondence that he was anxious to acquire it.[36] There are two other letters extant having to do with the acquisition of "Poplar Knowle." The first, dated November 14, 1754, is addressed to Samuel Galloway in London and signed Jacob Franklin [of West River]. In it Franklin states that he has contacted "John Talbott and find him determined to sell his land [Poplar Knowle] even at public sale as he intends to remove early in the spring." The letter continues, "I will bid what you have offered and I shall be very still which I think is the only chance we have." In the second letter, December 19, 1754, Franklin says, "Talbott has put off the sale of his land

[31] G.M.M. Papers, Vol. 19, fol. 11785. A letter from James Cheston to John Galloway, February 23, 1787.

[32] Collected from various letters, bills and notations; G.M.M. Papers, 30 ships noted.

[33] G.M.M. Papers, Vol. 1, fol. 8111.

[34] *Ibid.*, Vol. 2, fol. 8329. Also see Galloway Ledger, A.C.M. Papers, pp. 39, 114.

[35] *Ibid.*, Vol, 1, fol. 8167.

[36] Galloway Papers, New York Public Library. (Hereafter NYPL.)

until April."[37] Galloway returned from England in the fall of 1755 and negotiated for and purchased "Poplar Knowle" comprising 260 acres of land. The deed from John Talbott is dated December 16, 1755, and was recorded February 15, 1756.[38] A provision or reservation provided that "the said Samuel Galloway his heirs or assigns shall not nor will at any time hereafter in anywise molest or disturb a certain Mary Webster of Anne Arundel County, widow, in her peaceable possession or enjoyment of or in her dower in the aforesaid, tracts, pieces, or parcels of land."[39] Mary Talbott Webster evidently remained in the old Talbott homestead for the rest of her life. Later she took care of Galloway's little son, Sammy.[40] As has been stated before, the exact location of the Talbott House has not been determined although there is a local tradition that the site was on the opposite side of present State route 468, a few hundred yards north of the "Tulip Hill" entrance.[41]

Construction of the great Georgian house began soon after February 15, 1756. Galloway's ledger[42] records credits in April 1756 to one John Deavour "By making and laying in my house 124,938 bricks" and "by making 18 m. Brick," making a total of 142,938 bricks made and laid in the main or center section of the house. By this time construction must have been well advanced.

The magnificent terraces or falls were laid out in the early 1760's. Fruit trees were ordered to frame the sides soon after 1761.[43] Galloway himself wrote of the "boling green" at "Tulip Hill" in a letter to his son John in Chestertown.[44] Much later, sometime between 1800 and 1820 an account book begun by John Galloway,[45] son of the builder, contained a sketch of the bowling green and of the plantings along the sides of the terraces. Still later, on April 8, 1836, Virgil Maxcy, who had married the daughter of John Galloway, listed the fruit trees pur-

[37] *Ibid.*
[38] A.A.Co.L.R., Liber BB #1, fol. 149-151, H.R.
[39] *Ibid.*
[40] Unsigned letter to Samuel Galloway, December 23, 175?, NYPL.
[41] Told to this writer by the late Anne Cheston Murray.
[42] Galloway Ledger, A.C.M. Papers, p. 122.
[43] G.M.M. Papers, Vol. 4, fol. 8697.
[44] *Ibid.*, Vol. 16, fol. 10891.
[45] Bartlett Papers, Manuscript Division, Library of Congress, Box 8, #41 and #94 in envelope.

chased by him to replenish the orchard. The list included "eleven apples, three pears, one Gage and two blue plums, five peach, three grape vines, two large Orange, two Pear Quince and two Caman Orange trees."[46] The terraced garden, a perfect setting for the old house, has maintained its identity throughout the years. Boxwood and evergreens have been added as well as rose beds and flower borders to enhance the beauty of the original design. Tradition has it that the new home called "Tulip Hill" was to be a gift from Samuel to his wife Anne Chew Galloway, but she did not live to see it completed. Anne died December 16, 1756.[47] Her remains rest in the family burying ground[48] close by the house the erection of which she inspired.

An evaluation of other accounts in the Galloway ledger such as "laying four harths in the grate house" dated January 20, 1758, and "framing and shingling your house" Nov. 21, 1758, and other factors disclosed in family correspondence, makes it apparent that the house was substantially completed by 1759 or 1760. Letters were addressed to "Tulip Hill" in 1761.[49] It is known to have been furnished and occupied in 1762.[50] Four Irish marble chimney pieces, designed especially for "Mr. Samuel Galloway"[51] were paid for in 1762 and were used in the initial finishing of the house. An elaborately inscribed receipted bill for them has been preserved.

Instead of marble in the decoration of the fireplace in one of the principal bedrooms Holland tiles were used. They are of aubergine (eggplant) color and are decorated with different Biblical designs. Also original in the furnishing of the great house, after two hundred years they are in perfect condition. Original source material has just revealed that John Galloway, father of the builder, who married Jane Roberts Fishbourne in 1744, purchased ten dozen "Holland tyles" from the estate of William Fishbourne, her late husband, the same year.[52] Samuel Galloway acquired the tiles from the estate of his father, John Galloway, who died in 1748 and whose inventory listed the same

[46] G.M.M. Papers, Vol. 40, fol. 15774.
[47] *Maryland Gazette*, December 23, 1756.
[48] Still owned by Galloway descendants.
[49] G.M.M. Papers, Vol. 4, fol. 8586.
[50] Poem by John Thomas dated 1762, A Lady of Maryland, *Extracts in Prose and Verse* (Annapolis, 1808), II, 166, 167.
[51] Galloway Papers, NYPL.
[52] Inventory dated August 13, 1744. A.C.M. Papers, fol. 1.

Holland tiles, original in the decoration of a bedroom fireplace.

The original wallpaper decoration, as it appeared after recent removal of a section of paneling in one of the principal bedrooms. For the first time in more than two hundred years the entire colorful design, featuring tulip flowers, can be seen.

tiles.[53] Thus, the use of Holland or Dutch tiles as fireplace decoration at "Tulip Hill" in the mid-eighteenth century is authenticated.

One of Samuel Galloway's early pursuits was the importation and sale of indentured servants. Most of these people who came to find new homes in the Province were sold to repay cost of passage to America, while others were exported or expelled from England as convicts. All were amply protected by Maryland law which spelled out length of indenture, treatment, and land and equipment to be given at end of service. As early as 1648 a court held that each servant should receive, "one cap or hatt, one new cloth or frize suite, one shirt, one pair of shoes and stockins, one axe, one broad and one narrow hoe, 50 acres of land and three barrolls of corne." This reflected the custom of the Province.[54]

On March 22, 1753, the Maryland Gazette carried the following announcement:

> Just imported from London in the Brigantine Grove, Capt. Robert Wilson, and to be sold by the subscriber on board the said Brigantine in West River for sterling or current money. A parcel of healthy indentured servants among whom are tradesmen and husband men.
>
> Samuel Galloway[55]

Galloway had been engaged in this trade for some time. In his ledger for the year 1752[56] are listed the names of the buyers of some twenty-six indentured servants sold that year. Among the buyers were such well known Countians and Annapolitans as: Stephen Steward, James Weems, Capt. William Young, Benjamin Harrison, Daniel Dulany, Esq., Joseph Cowman, Thomas Grant, John Cooke, William Tippell, Benjamin Chew, Samuel Chew, John Legg, John Norris, Thomas Norris, Samuel Foard, Joseph Belt, Thos. Flemming, George Johnson, William Loch Weems, Capt. Kensey Johns, John Weems, Benjamin Jackson and Edward Sprigg. The prices paid ranged from £10, to £15 for a barber purchased by John Weems. Thomas Norris paid £14 each for a brickmaker and a blacksmith. William Loch

[53] Inventories, Liber 37, fol. 335, H.R.
[54] Matthew Page Andrews, *History of Maryland* (New York, 1929), p. 67.
[55] *Maryland Gazette*, March 22, 1753.
[56] Galloway Ledger, A.C.M. Papers, pp. 70, 74.

Weems obtained a groom and Capt. Kensey Johns a "Taylor." Agents in England were instructed to "Ship over tradesmen of every kind and women young and harty which will sell best."[57]

Galloway's ledger begins in 1748. One of the first entries in 1749 is an account of Miss Susy Galloway. She was Susannah Galloway, daughter of Richard and Mary (Paca) Galloway of nearby Cumberstone, now Sudley. Susannah married Kensey Johns III in 1750. There are over two hundred names and accounts of contemporary customers. After a careful study of this ledger against the background of thousands of letters, bills and notations in other Galloway correspondence, it is obvious how the merchant-planter of that time quickly acquired great wealth.

A planter who sent his tobacco abroad in his own ships could convert its value in England into new goods, staples and wines for the return voyage. With a markup of from 100% to 500% the overall increase in the original tobacco investment was tremendous. Galloway also picked up other cargoes of tobacco for his ships which were carried for freight. In some cases, the owners of the tobacco were paid off only partly in cash after the return trip. The balance was paid in clothing, staples, rum and wines on which the shipper made an additional profit. Another example of how a merchant could benefit is found in the account of John Deavour who made and laid the bricks in the "Tulip Hill" house. The charge for making and laying the bricks was £124. Yet the debit account shows that the workman was paid only one-third in cash. The balance was paid one-third in clothing, shoes, etc., and the rest in rum on which Galloway made a large profit.[58]

Samuel Galloway continued to increase his holdings of land in the southern part of Anne Arundel County. Most of his tremendous crops of tobacco were shipped from either West, Road or South River, or from the Patuxent at Pig Point (Bristol). He also picked up cargoes for his ships at these and other points. Occasionally his vessels loaded tobacco at Herring Bay and the Severn River. There were warehouses at most of these shipping points, although most of the tobacco was loaded on ships an-

[57] Copy of letter to Mrs. Lewis R. Andrews, June 14, 1955. In possession of this writer.

[58] Galloway Ledger, A.C.M. Papers, p. 122.

chored near the various plantations. After the mid-eighteenth century, following the example of many foreign vessels awaiting a cargo of tobacco, Galloway's ships sought anchorage in fresh water such as the Patuxent and Patapsco Rivers.[59] South River was the leader in tonnage shipped. From 1705 until the War of Independence the South, West, Road, Patuxent, and later the Patapsco, Rivers were the main shipping points in Anne Arundel County. Although the Port of Annapolis, through its deputy collectors, was charged with the collecting of taxes, etc., the Severn River did not rank high in the physical shipment of tobacco. Hardly a ship load of tobacco was inspected in the Severn in 1763, only 75 hogsheads at Annapolis and 309 hogsheads at Indian Landing. In comparison 1,696 were handled at Elkridge Landing on the Patapsco.[60]

Soon after establishing himself at "Tulip Hill," Samuel Galloway became engaged in the slave trade. By 1762 he sent some of his ships direct to Gambia, Africa. At times he bought, imported and sold slaves on his own account. At other times he did so in partnership.[61] He also acted as a slave broker directing the disposal of slaves brought into Maryland by other interests.[62] Profits were necessarily very high since once a vessel was used in the slave trade it was not fit for regular freight service.[63]

While the great bulk of cargo Galloway shipped abroad was tobacco and wheat, on return voyages his ships brought back staples, clothing, shoes, wines and rum. To the Barbadoes he sent tobacco and flour and in return brought molasses, sugar, rum and coffee.[64] "In partnership with Thomas Ringgold, Galloway supplied Eastern Shore grain (corn and wheat) to Samuel Mifflin and Joseph Saunders of Philadelphia and gave bills of exchange drawn on English merchants to Thomas Willin and Robert Morris of Philadelphia for cash."[65]

[59] John M. Hemphill II, "Freight Rates in the Maryland Tobacco Trade," *Md. Hist. Mag.*, LIV (March, 1959).
[60] *Ibid.*, p. 57, F.N. #82.
[61] G.M.M. Papers, Vol. 5, fol. 8778. Letter from Capt. Arthur Craig sailing from Gambia July 22, 1762, addressed "Gentlemen."
[62] *Ibid.*, Vol. 5, fols. 8783 and 8827. Also see *Sea Breezes* (British Magazine), May 1957, #137, Vol. 23 (New Series) London, p. 324.
[63] Arthur Pierce Middleton, *Tobacco Coast,* Edited by George Carrington Mason (The Mariners Museum, Newport News, Va.), p. 141.
[64] G.M.M. Papers, Vol. 10, fol. 9773. Letter from John Galloway, January 1771.
[65] *Ibid.*; Galloway Letter Book 1766-71. Middleton, *op. cit.*, pp. 200, 201.

Another of Samuel Galloway's interests was shipbuilding. A partner, Stephen Steward, purchased property at the head of West River from Kensey Johns of Cumberstone (later Sudley) and built and operated a large shipbuilding yard.[66] This shipyard on West River was a few miles above "Tulip Hill" and West River Farm, now "Cedar Park." A part of the latter, "Barren Neck"[67] had a stand of oak trees that was the envy of all ship builders along the eastern seaboard. Shipwrights from as far away as Maine came to West River in search of its famous timber. Another partner, Thomas Ringgold, had similar interests with Galloway at Chestertown on the Eastern Shore.

Galloway's ships were not only fast but rugged. He said of one owned in partnership with Stephen Steward:—"I can recommend her for as good a vessel as was ever built in America." Another, a schooner of 25 tons, Dolphin, was very fast but because of her sharp construction too much cargo space had been sacrificed and her trading voyages were not profitable. Thomas Ringgold suggested to Galloway that she be used for smuggling sugar from the French Indies, a trade in which cargo space could be sacrificed for speed. He also remarked that she would "soon fly there."[68] Of the sturdy construction of West River ships built by Galloway and Stephen Steward it has been said:—"One old brig built of West River wood did not require pumping during a passage from Barbados to Maryland in 1765, although she had but a single bottom."[69] Galloway also owned in 1757 a privateer ship, the Two Sisters, mounting 18 guns, with James Hanrick, Master. He advertised for "Gentlemen sailors or landsmen" who might care to join the crew.[70]

The shipyard of Stephen Steward and his partner, Samuel Galloway, at the head of West River was the scene in March 1781 of the only engagement between British Naval Forces and local militia in Anne Arundel County during the War of Independence. On Saturday, March 31, 1781, a nearly completed ship of twenty guns rested on the ways at the shipyard. Nearby

[66] G.M.M. Papers, Vol. 19, fol. 11496. Letter from James Cheston to John Galloway 1786.

[67] A.A.Co.L.R., Liber W.T. #1, fol. 4.

[68] Thomas Ringgold to Samuel Galloway, February 23, 1761. Galloway Papers, NYPL: also see Middleton, *op. cit.*, p. 220.

[69] Samuel Galloway to [?], October 28, 1766, G.M.M. Papers; Galloway Letter Book 1766-1771.

[70] *Maryland Gazette*, December 1, 1757 and May 11, 1758; also see Middleton, *op. cit.*, p. 347.

at the home of Stephen Steward plans were being made for its launching. Because the narrowness of the river the vessel lay positioned broadside rather than stern first to the water. British ships were blockading the harbor at Annapolis. The rest of the story is well told by an eyewitness in the Maryland Gazette of Thursday, April 5, 1781:

A correspondent has favored us with the following:—

On Sat. the 31st ult. a party of the enemy from his most gracious Majesty's ships the Monk and the Hope off this city proceeded up West River with an intention of destroying with their accustomed savage cruelty, the property of Mr. Stephen Steward. They arrived at a kind of peninsula called Chalk Point[71] about a mile from Mr. Steward's; it appears from the rout they took they were conducted by a negro of Mr. Steward's who lately ventured to try their generosity and escaped from his master. On Chalk Point was a cannon of about six pounds and six men who conceiving the enemy's approach must be in front (unless they knew the situation of the cannon) were unfortunately alarmed too late to make use of the cannon; for at their first discovery they [the British] were within a few yards of the shore and considerably in the rear of the guards. On being challenged they answered 'Friends to Congress from Annapolis'; they were fired upon by twenty of the guard; some of their pieces missing fire, the other frightened at their numbers, immediately ran off; they returned it furiously with swivels and small arms; unfortunately for those whose inclination was to harass them, those who ran off took with them all the ammunition; they were three large barges; their number is supposed to have been about 100 men. No further resistance being made (for indeed it was now impracticable) they advanced by land to Mr. Steward's where the whole force could be mustered was six or seven on whom there could be any dependence; it was determined to retreat to Mr. Harrison's[72] where they were next expected and there make what resistance they could with the assistance of what neighbors might join them. But their vengeance satiated for that time; when they had so gloriously completed the destruction of everything valuable to Mr. Steward on that place how they did exult! How glowed the generous bosom of the Briton at a fight so glorious! How did the conscious blush which suffuses each feature of the hero, brighten their looks! How beat the gallant heart when they beheld the flames which British heroism alone could kindle ascend and consume all

[71] So named because of chalk ballast being discarded there.
[72] Kelly, *op. cit.*, p. 115.

before them! A ship of 20 guns, that in a few days would have been launched, the dwelling house with most of the furniture, two or three store houses, etc., filled with articles of every kind for conducting the business of building ships as well as for private purposes, provisions, tools, timber, everything was lost; the houses though not elegant were for the purpose they were intended equal to the most superb. The hospitable door was ever open to the honest and guests of every degree were welcome as their merits entitled them; and the very savages who effected this horrid affair a few hours before might have been fed had they been hungry. The loss is not yet estimated; every hour they discover their loss greater; some papers and books were consumed. This brave band at length satisfied with this mighty feat, their vengeance glutted, altered in *good order* and made a good retreat to their immortal honour although opposed by such numbers. Their malice seemed levelled alone at Mr. Steward, they having passed through Mr. Harrison's house without injuring it. And in their way up and returning they passed several others without molesting them. There was cannon at the shipyard but they were too well informed of its direction to march that way. Say ye deluded few whom idle fear, prejudice or treachery actuate ye warm advocates of a union with Briton, can idle fancy picture the idea; no; even folly laughs at it, infamy derides it. Oh George which of the heros from a long line of Kings which have graced the British Throne can compare with thee. Brave, generous, just, humane, time can never produce anything to emulate thy worth.

Unfortunately all of the books and papers concerning the partnership between Stephen Steward and Samuel Galloway were lost when Steward's house was destroyed.[73]

Perhaps Samuel Galloway watched from the terrace at "Tulip Hill" as the British sailed past. He could have been alerted by the gunfire at Chalk Point (opposite the present site of Galesville); and have seen the fire and smoke from the doomed ship and shipyard. Those in the garden at "Cedar Park" could also have seen the British barges enter and sail up West River. From Sudley (then Cumberstone) the scene of the conflict would have been visible. "Mr. Harrison's house" mentioned in the account in the Maryland Gazette was on the east side of West River between Chalk Point and the shipyard. It was the home of Benjamin Harrison of "Harrison's Security" whose

[73] G.M.M. Papers, Vol. 19, fol. 11496. Letter from James Cheston to John Galloway 1786.

family originally came from "Holly Hill" in the southern county and later intermarried with the Johns family of nearby Sudley.[74] The site of the shipyard and Stephen Steward's house is presently identified as the property of Dr. and Mrs. Worth Daniels and is now called "Norman's Retreat," the house having been built by Captain Norman about 1800.

About 1753, portraits of Samuel Galloway and his wife Anne Chew were painted by John Wollaston during the time the latter worked in and around Annapolis.[75] These paintings were undoubtedly the first to hang at "Tulip Hill." Over the years tradition has persisted that they were to have been exchanged for portraits of Mr. and Mrs. Sylvanus Grove of London where Grove was Samuel Galloway's resident factor. Yet while the Grove pictures did come to America and hung at "Tulip Hill" for over one hundred years, those of the Galloways remained in this country. It has just been revealed that the Groves sat for their portraits by Sir Joshua Reynolds in London in 1755.[76] In 1849 a traveler visiting "Tulip Hill" remarked in a letter upon the two Reynolds' pictures there.[77] They were sold by the last owner of the estate, by descent, in 1882.

In 1762 inscribed "written under a young lady's picture at Tulip Hill," John Thomas wrote the following lines:[78]

> When Jenny's Picture was by Damon seen
> Drest in the Graces of the Paphian Queen,
> Transported with the Piece, he said, that Heav'n
> To mortal Nymph had ne'er such beauties given;
> No Maid on Earth could boast so fair a Face,
> And vanquished Nature here to Art gave place,
> But when he saw fair Jenny's lovely form,
> Where sweetness wins us, and where beauties warm,
> Superior far he found her blooming face,
> Adorned by Heav'n with each celestial grace;
> Raptur'd the youth awhile the Fair beheld,
> Then cry'd to Nature vanquished Art must yield.

This poem was found in a two-volume set of Prose and Verse

[74] Kelly, *op. cit.*, p. 115.

[75] George C. Groce, "John Wollaston (FL 1736-1767) A Cosmopolitan Painter in the British Colonies", *The Art Quarterly* (Summer, 1952), 138.

[76] *The Letters of Mrs. Henry Adams 1865-1883,* Ward Thorn, ed. (Boston 1936), pp. 339-368.

[77] Thomas John Hall III, *The Hall Family of West River* (Denton, Md. 1941), p. 321.

[78] A Lady of Maryland, *op. cit.*, II, 166, 167.

published in Annapolis in 1808. The date mentioned connected a certain picture with the very early days of "Tulip Hill" and was evidence that the house was furnished and occupied by 1762. These disclosures inspired a search to find out more about the writer, identify the "young lady" called "Jenny" and, if possible, to locate the "picture" and ascertain the name of the artist.

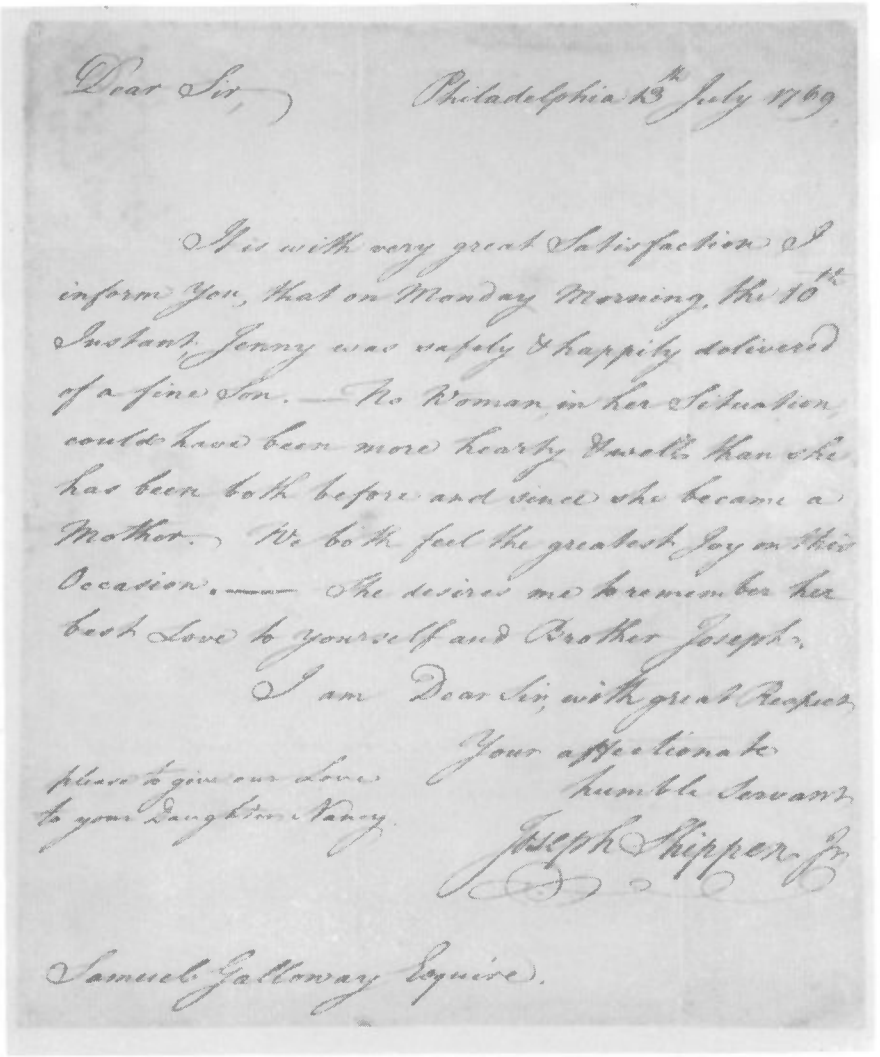
Research and extensive inquiry proved successful. John Thomas (1743-1805) resided at "Lebanon,"[79] West River, only a few miles from "Tulip Hill." Later he had a distinguished career in politics and government. The "young lady" was Jane Galloway, affectionately called Jenny by her family and friends.[80] Her portrait, circa 1757, was found at the Historical Society of Pennsylvania. The artist proved to be Benjamin West, who later became world famous. All had Quaker backgrounds.

Following these disclosures, the beautiful portrait was prominently displayed at the Historical Society of Pennsylvania in Philadelphia in 1960 during the annual Meeting of the Friends Historical Association there. It was on that occasion that a number of persons from Anne Arundel County, including the present owners of "Tulip Hill," first viewed the painting. When the search began there was no reason to suspect that the picture, if found, would have such charm or that it had been done by an outstanding artist. Consequently, those who saw it for the first time were not prepared for such a revelation. Although this was one of West's very early works, the coloring and fine detail were exceptionally well done. Jenny, elegantly dressed and wearing a blue satin hat, is holding a garland of flowers. At that time she was only twelve years old and the artist nineteen. Many interesting facts were revealed during efforts to find the picture and the identity of those involved.

From the carefully detailed accounts of Samuel Galloway relating to his ward, it appears that the latter spent much time during the years 1756 through 1760 with friends in Philadelphia. This was during the time "Tulip Hill" was being built. Jenny may have lived with Sarah Mifflin whose name appears on her accounts for those years.[81] Samuel Galloway had many business dealings with Samuel Mifflin of Philadelphia. During those

[79] Thomas, *op. cit.*, p. 52.
[80] G.M.M. Papers, Vol. 5, fol. 8772.
[81] Original accounts—1756-1760—A.C.M. Papers. This writer has photostats.

Jane Galloway Shippen, 1745-1801
A copy by Mrs. Douglas Gordon of a portrait by Benjamin West, *circa* 1757.
Courtesy of Historical Society of Pennsylvania.



Dear Sir,

Philadelphia 23d July 1769

It is with very great Satisfaction I inform You, that on Monday Morning, the 10th Instant, Jenny was safely & happily delivered of a fine Son. — No Woman in her Situation could have been more hearty & well than she has been both before and since she became a Mother. We both feel the greatest Joy on this Occasion. — She desires me to remember her best Love to yourself and Brother Joseph.

I am Dear Sir, with great Respect,

Your affectionate
humble Servant
Joseph Shippen Jr

please to give our Love to your Daughter Nancy.

Samuel Galloway Esquire.

Letter announcing birth of Jane (Jenny) Galloway Shippen's son.
Anne Cheston Murray Papers.

years Jenny's account reveals that she either attended a school or had private tutors. On Ocotber 5, 1756, the statement shows a payment to Joseph Styles or Lyles for "Books and schooling" in the amount of ten shillings and sixpence. The next day, October 6, there was a payment of nine shillings and four pence to Ann Marsh for "schooling." On January 3, 1757, Styles or Lyles was paid eight shillings and sixpence for "schooling and books." Again on June 16 Ann Marsh received fifteen shillings for "schooling." Several more payments were made to Ann Marsh during the balance of the year including one for seven shillings and sixpence for "a quarter schooling." Accounts for the years 1759 and 1760 show no payments for either books or schooling.

It is believed that Jenny met the young artist, Benjamin West, and sat for her portrait while in Philadelphia. There is no mention of a payment to him in her accounts for 1756 through 1760. It is presumed therefore that her half brother, Samuel Galloway, commissioned and paid for the painting.

Although a birthright Friend, family letters and her accounts indicate that Jenny was interested in clothes and was careful in selecting her apparel.[82] In the accounts with her guardian for the years 1756 to 1760 inclusive, many of the items listed concern her wardrobe. The most frequent purchases were "ribbons." Many gowns are listed as well as "gause," dimity, black lace, silks and lawn. Her portrait is proof that she was stylish after the fashion of the day. Yet interspersed among notations of that type are such items as, "given a poor boy, ten pence," "given a poor man, nine pence," "given servants three shillings" and "to cash given away, four shillings and six pence." She appears to have been generous and compassionate.

According to the account on July 6, 1759, Jenny purchased "a blue satin Hatt." In the portrait she is shown wearing a hat of that description. Could it be that the date of the painting was 1759? In that year Jenny would have been fourteen and West twenty-one years old.

John Thomas and Jenny Galloway were contemporaries in the West River area of Anne Arundel County and lived on neighboring plantations. "Lebanon," long the seat of the Thomas family, originally was part of "Anne Arundel Manor."[83]

[82] G.M.M. Papers, Vol. 5, fol. 8711.
[83] Patents, Liber 16, fols. 626-628. L.O.

The rugged seventeenth century frame house survived until the first quarter of the twentieth century when it was totally destroyed by fire.

The poem by John Thomas in 1762 suggests a romance. It is certainly the work of an ardent admirer. However, the extent of the relationship may never be known. Six years later, in 1768, Jenny married Joseph Shippen, Jr., of Philadelphia, then Secretary to the Governor and Council of Pennsylvania.[84] It is believed the portrait followed her to Philadelphia at the time of her marriage, perhaps as a gift from the squire of "Tulip Hill."

John Thomas did not marry until 1777, fifteen years after writing the poem and nine years after Jenny became Mrs. Joseph Shippen. His wife was Sarah, daughter of Dr. William Murray of "Woodstock." Dr. Murray attended the Galloways at "Tulip Hill" and probably the Thomas' at "Lebanon." "Woodstock"[85] is located about half way between these estates. John was the youngest son of Philip and Anne (Chew) Thomas, descendants of one of Anne Arundel County's first families of Friends. He was born August 26, 1743. In later years he was a member of the General Assembly of Maryland and President of the senate. Also he was one of the first Visitors and Governors of St. John's College, Annapolis. In 1808 several of his other poems were published. An original of one of his poems, written and signed by him has been preserved.[86] John Thomas died at "Lebanon," West River, February 13, 1815, and was buried at Old Quaker Burying Ground adjoining "Tulip Hill."[87]

Jane Galloway Shippen, whose winsome personality was so expertly captured in the painting by Benjamin West, died "At Plumley Farm, Westtown Township, Chester County, Pennsylvania, on Thursday morning the 7th of May 1801." She was fifty-six years old. "Her remains were interred in the burial ground at the Radnor Episcopal Church, Delaware County, Pennsylvania.[88]

Following disclosure of the story connecting Jenny's portrait

[84] G.M.M. Papers, Vol. 9, fol. 9507.
[85] Originally granted as "Watkins Hope." Patents, Liber W.H., fol. 21, L.O.
[86] In possession of this writer.
[87] J. Reaney Kelly, "Old Quaker Burying Ground," *Md. Hist. Mag.*, LV, (December 1960), pp. 334, 345.
[88] *Poulson's Advertiser* (Philadelphia), May 11, 1801.

with the first few years of life at "Tulip Hill," the present owners of that estate commissioned an outstanding Maryland artist to copy the original in full size and color.[89] The copy, in an authentic eighteenth century frame, now hangs in the finely proportioned hall where the original was first displayed. Thus the memory of Jenny has been recaptured at West River and there is again "a young lady's picture at Tulip Hill" as in 1762.

Samuel Galloway did not remarry after the death of his wife in 1756. It is presumed that at first his half sister, Jenny, helped with the younger children. Later his daughter, Anne, was his hostess at social functions. It is not known whether Galloway or any of his family attended the Ball in Annapolis in April 1759 at the invitation of Governor Horatio Sharpe through his Secretary John Ridout.[90] In fact, despite the wealth of original source material focusing on "Tulip Hill," there is little to be found relating strictly to his social life.

Another of Samuel Galloway's interests was in thoroughbred racing and the breeding of blooded horses. While there is only an occasional reference to these pursuits in Galloway's letters and accounts in the various public papers, from the Stud Book[91] of his noted stallion Selim that has just been made available to the writer, much of that story can now be set down.

Thoroughbred racing was introduced into Maryland by Governor Samuel Ogle and the first public races were held in Annapolis in 1745.[92] The sport drew together many officials of the Province as well as most of the landed gentry. Among them Governor Samuel Ogle of "Belair," Governor Benjamin Tasker, Dr. Thomas Hamilton of Prince George's County, Governor Horatio Sharpe of "Whitehall," and Samuel Galloway of "Tulip Hill," were considered first in importance in early Maryland turf history.[93] It is understood that the Maryland Jockey Club was organized about 1745 and soon thereafter races were being held in town and village throughout the Province. Galloway was probably one of the charter members of the Club and continued active through 1783.

[89] Mrs. Douglas Gordon, Baltimore, Maryland.
[90] G.M.M. Papers, Vol. 2, fol. 8347.
[91] In possession of Henry M. Murray.
[92] *Maryland Gazette,* May 17, 1745. Also see Francis Barnum Culver, *Blooded Horses of Colonial Days* (Baltimore, 1922), p. 29.
[93] Culver, *op. cit.,* p. 47.

Several reminders of Samuel Galloway's interest in the turf have been preserved. One of these, a picture inscribed "The Portraiture of the Bay-Arabian, the property of the Right Hon., the Earl of Godolphin" was brought to Maryland by Galloway on one of his return voyages from England. The picture hung at "Tulip Hill" from the time it was built for more than a century and is now at "Cedar Park," only a short distance away.[94] It is of particular interest since the stallion Selim was the Maryland bred son of Selima, daughter of Godolphin's Arabian. Selima was imported by Governor Benjamin Tasker. Blood lines from the extraordinary Bay-Arabian flow in the veins of many of the race horses in the United States today.

Selim, a bay colt by Governor Sharpe's Othello out of Governor Tasker's Selima was foaled in 1759.[95] Although he raced earlier, it is known that the great stallion stood at "Tulip Hill" from 1763 through 1771. From then until 1780 he stood in Virginia.[96] *His service at "Tulip Hill" is proved by the Stud* Book for those years, now in the possession of a Galloway descendant, owner of the farmland of "Poplar Knowle." In addition to the record of the mares served, there is also an account of two of Selim's races in Philadelphia a few years before and a statement of service up to 1765 (see opposite).

Evidently Selim raced many times both before and after he was retired to stud. There is also an account of a match race in November 1766 between the two most celebrated horses on the continent, Selim of Maryland, and Yorick of Virginia. The purse of 100 pistoles was won by Selim.[97] Some of the early match races must have been amusing as well as spectacular. There is an account of a race between Britton and Pamela in Philadephia described by Joseph Galloway in a letter to his brother Samuel in 1762 in which he says:—"One rider was drunk and fell off."[98]

In his connection with racing and horse breeding Samuel Galloway was associated with most of the prominent people of

[94] *Ibid.*, Frontispiece. This picture was given to Dr. James H. Murray of "Cedar Park" by Mrs. George W. Hughes of "Tulip Hill", great grand-daughter of Samuel Galloway before 1877. For its history and authenticity see; Wallace's Monthly, *The Godolphin Arabian*, written by the editor. Vol. III, #IV, May 1877, pp. 289-298; Microfilm, H.R.

[95] Culver, *op. cit.*, p. 91.

[96] *Ibid.*, p. 52.

[97] Culver, *op. cit.*, p. 27.

[98] Rivinus Papers. Folder, Galloway-Chew, fol. 3, H.R.

To expenses in keeping and going to Phila'd.	£ 50	
By a purse 50 pistoles[99]	67/10	
By ditto Phila'd.	100	167/10
		50
		117/10
To Expn & Charged 1761		40/12/9
		£ 76/17/3
To expenses in keeping and going to Phila'd. on a match—Enterince of £30 paid by the Gent that went part of ye match	40	40
		36/17/3
By cash rec'd on the match		200
		£ 236/17/3
May 1761		
To Bills of Exch.		£ 187/
To cash pd. Ijams for keeping	£ 18/0/9	
To ditto pd. Rider	5/0/0	
To groom	1/10/0	
To Expense	1/10/0	
To Sunds	3/5/0	
To Enterince	1/7/0	
To Wm. Revell	10/0/0	
To interest on £187 3 yrs.		33/15/0
To Insurance on his life [Selim]		66/5/0
To my ? Man		20/0/0
	40/12/9	
		296/0/0
By covering [mares] in 1763	100	
By ditto in 1764	120	220/0/0
		76
By 20 Guineys Rec'd of Chas. Carroll, Esq.		21
		55
By covering [mares] in 1765		£ 144

Maryland. Many of them sent their blooded mares to stand for Selim at "Tulip Hill." Galloway owned a number of thoroughbred mares which were bred to his stallion. He also owned a sorrell mare jointly with Governor Sharpe.

[99] A gold coin of Spain.

Among the other prominent officials and landed gentry recorded in the Stud Book as sending their mares to "Tulip Hill" for service were:

Notley Young
Gov. Benjamin Tasker
Denton Hammond (cousin of Matthias Hammond who built the "Hammond-Harwood House" in Annapolis)
Thomas Todds
Dr. Upton Scott ("Scott House", Annapolis)
Daniel Dulaney
Capt. John Johns ("Sudley")
Daniel St. Thomas Jennifer
Charles Carroll (of Carrollton)
Capt. Ridgley
Col. Brooke
Edward Diggs ("Hard Bargin", Charles County)
John Talbott
Thomas Sprigg
Anthony Stewart (owner of the Brig Peggy Stewart)
Ignatius Diggs, Esq. ("Melwood", Prince George's County)
Philip Hammond
Richard Sprigg ("Strawberry Hill" and "Cedar Park")
John Wemes [Weems]
John Plowman
Thomas Gant (Calvert County)
Thomas Harwood
Col. Jos. Sim
Dr. Craque
Joseph Pemberton ("Pemberton")
Gov. Benjamin Ogle
Samuel Harrison ("Harrison's Security")
Col. John Addison (Prince George's County)
Dr. James Murray (of Annapolis)
Samuel Chew (Herring Bay)
John Thomas
Richard Wells
Clement Hollyday
Dr. William Murray ("Woodstock")
Gov. Samuel Ogle ("Belair")

This list, although only a small part of the total, reads like a "Who's Who" in Colonial Maryland.

Samuel Galloway's interest in the turf must have included

many social events as balls were frequent during the racing seasons. It has been stated that he was "as true a sportsman as any of the olden times of 1750 to 1784 could furnish."[100]

Notwithstanding his many and varied business and racing interests, Samuel Galloway was a devoted father and family man. After her marriage to Thomas Ringgold of Chestertown before 1774, Galloway kept in close touch with his eldest daughter, Mary, through business contacts with her husband. Later when his son, John, became executor of Ringgold's affairs there were many references to "Polly" in letters to and from his father. John was sent to school in London in 1759.[101] In 1768 when he was twenty years of age he opened a store in Baltimore.[102] The purchase of lottery tickets was discussed in a letter from Galloway to John in Baltimore in December 1768.[103] In June 1769 John was back at "Tulip Hill."[104] His stay was not long; January 1771 found him sailing for the West Indies with a cargo of tobacco and flour. He hoped to bring back molasses, sugar and coffee.[105] During the years 1771 and 1772 he was a merchant in Annapolis.[106] There is a record of his first order of goods in 1771.[107] In 1775 the eldest son became executor of the Ringgold estate on the Eastern Shore.

About this time when the export of tobacco and other trade to England was at a standstill, Samuel Galloway, his son, John, and sons-in-law, James Cheston and Thomas Ringgold, considered the feasibility of setting up a distillery in Annapolis.[108] The project was entered upon but just when it started operation, or exactly where it was located in Annapolis, is not clear. However, it is possible that the distillery was set up in the "brewhouse" which occupied a part of three and one-half lots in Annapolis on the Severn River, at one time the property of Patrick Creagh. Samuel Galloway purchased the lots on which the "brewhouse" and the "Powder house" stood in 1770 for the price of £330 sterling from Bartholomew Pomeroy of London.

[100] Culver, *op. cit.*, p. 46.
[101] G.M.M. Papers, Vol. 3, fol. 8377.
[102] *Ibid.*, Vol. 9, fol. 9518.
[103] *Ibid.*, fol. 9556.
[104] *Ibid.*, fol. 9620.
[105] *Ibid.*, Vol. 10, fol. 9773.
[106] *Ibid.*, fol. 9823.
[107] *Ibid.*, Vol. 11, fol. 9828.
[108] *Ibid.*, Vol. 13, fol. 10351.

The deed was recorded April 19, 1771.[109] Samuel Galloway's ships were used to supply grain for the distillery.[110] John wrote to his father, "Cheston has reason to be thankful Congress does not outlaw distilling."[111] Articles of partnership between James Cheston, John Galloway and Ben Chambers were signed November 21, 1777.[112] According to Samuel Galloway the distillery was in full operation during 1778.[113] On September 19, 1779, James Cheston wrote to John Galloway about the distillery calling it "an unlucky affair."[114] He inferred that he, Cheston, had sold out. The still was advertised for sale by John Galloway in 1780.[115]

Samuel Galloway's son, John, and son-in-law, Thomas Ringgold, have both left contemporary accounts of the burning of the Brig Peggy Stewart in Annapolis harbor October 1774.[116] In a letter dated "Tulip Hill, Oct. 20: 1774" to his father in Philadelphia, John set down a lengthy description of the events leading up to the famous episode and an eyewitness account of the actual destruction of the vessel and cargo by fire. He also gives his opinion of the action taken by the people.

Hond. Sir

I am now set down to give you an account as well as is in my power of yesterday's transactions of the Committee of the County and the mob assembled at Annapolis relative to the 17 Chests of Tea imported by Thos. Williams & Co. and the Peggy Stewart.

It seems by [Affidavit] Capt. Jackson commander of the brigg refused Kelly Lot & Co. to bring any Tea to America in his vessel, and that Mr. Thos. William, who was then in London, without his knowledge put 17 Chests on board and that he did not discover it till at sea; when the brig arrived at Annapolis Mr. Anthony Stewart ordered him to enter his vessel and all his Cargo except the tea. The Custom house officer would not admit him to a partial entry. Mr. Stewart having considered the matter well, and to save his vessel from being libeled went himself and entered the whole cargo and paid the Duty on the Tea. In Thursday paper there was an

[109] Original deed from Bartholomew Pomeroy to Samuel Galloway. Rivinus Papers, folder Galloway-Chew, H.R.
[110] G.M.M. Papers, Vol. 14, fol. 10553.
[111] *Ibid.*, Vol. 13, fol. 10463.
[112] *Ibid.*, Vol. 14, fol. 10501.
[113] *Ibid.*, fol. 10545.
[114] *Ibid.*, Vol. 15, fol. 10647.
[115] *Ibid.*, fol. 10720.
[116] Copied from Photostats of the originals, Hall Collection, fol. 125(2), H.R. Original letters A.C.M. Papers.

advertisement for a meeting of the County as yesterday but on Friday Evening when it came to be known that the Tea was entered and might, if the owners thought proper, be landed the Committee of Annapolis met and also on Monday following and the results of their meeting was that the Tea should be burned, but they defered doing it till the County Committee had a meeting, which was on yesterday. After the Gentlemen of the County Committee had met and determined what should be done, they called the inhabitants together to Mr. Jacques porch & Mr. T. Hammond as one of the Committee stood forth made a speech to the people (to be sure it was the most shocking one I ever heard) and read the Concessions that Messrs Stewart & Williams was to make publickly to the people for the infringements they had made on the liberties of the people after this was over Mr. Charles Carroll B. [arrister] desired to know the sense of the Gentlemen in regard to what was to be done with the tea and it was the unanimous opinion of all present that it should be burned, the Committee then ordered the Tea from on board the brigg but some of the mob called out that it should not come on shore, that the vessel should also share the same fate, matters now began to run high and the people to get warm, some of the Gentlemen from Elk Ridge and Baltimore Town insisted on burning the vessel, Mr. Carroll then went and consulted Mr. Dick who immediately consented to the destroying of the vessel. Mr. Dick was fearful that if they did not give up the vessel that it would be attended with worse consequences to Mr. Stewart as the mob had threatened to lay violent hands on him. Mr. Carroll then declared to the people that Tea & vessel should both be burned. Mr. Quyn then stood forth and said that it was not the sense of the majority of the people that the vessel should be destroyed and made a motion which was seconded that there should be a vote on the Question, we had a vote on it and a majority of 7/8 of the people, still the few that was for destroying the Brigg, was clamorous and insinuated that if it was not done they would prejudice Mr. Stewart more than if the vessell was burned. The Committee then with the consent of Mr. Dick declared that the vessel and Tea should be burned, then Doctor Warfield (a youth that practice under Doctor Thompson at the Ridge for some time) made a motion that the gentlemen should make their concessions on their knees, there was a vote on it and carried in favour of the Gentlemen, they then came and read their concessions to the Publick and then Mr. Stewart went on board of his vessel and set fire to her with his own hands and she was a burning when I left town.

I think Sir I went to Annapolis yesterday to see my Liberty destroyed which was done when fire was put to the brigg. Everybody

allows that Mr. Stewart was to blame in entering the Tea, he was advised by many not to do it and made two attempts and was persuaded from it before he did do it, but after making such concessions as he did of (which I shall send you) and agreeing to pay for half the Tea, it was monstrous to destroy his vessel which is worth £900 Currency, none but madmen could do such a thing, then have not only punished the guilty but the innocent must also suffer. Capt. McGachen was ⅓ (part) owner of the vessel, he did not enter her nor was he privy to any part of the transaction . If this is Liberty, If this is Justice they certainly must have found a new code of Laws on Elk Ridge, but they must be very different from any others ever was pened by man or ever appeared hereto fore on the face of earth. Whilst they were preparing to go on board the vessel [,the] sobersought of people begin to think what a Scandal it would [be] to suffer an Action to be put into execution against the sense of the majority of the people Stephen in particular began to declare his Sentiments very freely. Mr. C. Wallace, Mr. G. Hopkins, Mr. Jos. Cowman, my uncle and in short every person who had any sense of honour or justice cryed out shame determined immediately to prevent it, but as they were going down to the waterside with that intention they met poor Mr. Dick who beg and entreated for God sake not to meddle in the matter, but let her be burnt, he said that if they were prevented, they would certainly destroy Mr. Stewart's house and prejudice him more than the value of the Brigg, on this the Gentlemen desisted from proceeding any further, but it is my sentiments that the gentlemen ought to have proceeded for if they were able to prevent the burning of the vessel they certainly might have prevented any insult being offered to Mr. Stewart or prejudice done his house. Some of the Gentlemen from Elk Ridge and Baltimore when they came to Town was very much exasperated against Mr. Stewart they talk of taring and feathering him, they were persuaded from it with a good deal of difficulty. Mr. Thomas Williams the shipper of the Tea would have undergone that discipline if they had him, Mr. John McLean and others have made oath they heard him say in London, the Association in America was a mere bugbear and that he would import what goods he thought proper to that country. He is now on his passage to Philadelphia from London I would not advise him to come to Annapolis. I shall send you the newspapers and Mr. Stewart's handbill. I am apt to believe the committee will meet with some difficulty in putting this affair in print as they cannot say it was with the consent of the major part of the people that the vessel was burned. It is not proper for me to make remarks on a Committee chose by the people of Ann Arundel Cty. but for the future I would not give a copper for all that their committee can say or do.

Thus Sir I have related you the whole and in as full manner as is in my power this most infamous and rascally affair which makes all men of property reflect with horror on their present situation to have their lives and propertys at the disposal & mercy of a mob is shocking indeed the whole Province are crying out against the proceedings and the Ring-leaders begin to be assame of it themselves, I heard one of them who calls himself a gentleman a hour after the affair was over say that it was not his sentiments to burn the vessel. Mr. Stewart had agreed to pay for half of the Tea before this matter happened, The Ringleaders were Mr. Charles Ridgely son of John, Doctor Howard, Doctor Warfield, Walter Bowie of P.G. (Please not to mention these names)

John Galloway

Thomas Ringgold's letter to Samuel Galloway dated "Chester Town 25th Oct. 1774," recounts the events as told to him by the "People of Annapolis."

Dear Sir,

I have the pleasure to tell you that we reached home yesterday very well and found all so here.—You Have no doubt an Annapolis paper giving an Acct. of the Burning of Anthony Stewart vessel as the account does not satisfactorily justify the violence I will shortly tell you how it happened as I have it from People of Annapolis. Upon the Arrival of the vessell it was made known that the Tea was on borrd Tom Williams who is now in England had it put up in blankets and he knew nothing about it until the papers were put into his hands at Gravesend. Mr. Stewart had it seems no interest in the Tea nor had he any Goods as reported and the people would have been satisfied even withe the Teas being stored without paying the duty, But Anto Stewart abstinately went and paid it without being able to assign a good reason for it & contrary to the Advice of all his Friends. This incensed the people and a great number came in from all parts of the County and nothing less than tarring & feathering would satisfy them. This they were diverted from by the Influence of Barrister Carrol & others in pity to Mrs. Stewart who was then in labor Anthony then proposed to attone for his offence by having the Tea burnt on his own loss. This was not thought sufficient and it was put to vote whether or not the ship should not be burnt. A majority determined they should not but many appearing discontented old Mr. Dick insisted that in order to give general satisfaction which he thought was due to the people that the vessel too should be burnt. She was accordingly committed to the Flames. From the whole of Sr. Stewarts conduct I have no doubt but he has pre-

meditated the exploit to endear himself to the ministry and I am glad the people have shewn so much spirit—

We shall be glad to hear from you by the post an with our best loves I am dear Sir your most affectionately Thos. Ringgold. [Jr.]

It is clear that from the viewpoint of John Galloway and Thomas Ringgold the burning of the brig and cargo was not supported by the majority of the people of Annapolis, but rather stemmed from the actions of leaders from nearby counties. Galloway said he regretted it while Ringgold declared himself "glad the people have shown so much spirit."

Although not in Maryland at the time, these letters are proof that Samuel Galloway was being kept in close touch with happenings in Annapolis. Nor did the seriousness of the times interfere with his business activities. In a letter to John at "Tulip Hill" dated Philadelphia Oct. 5th 1774, he wrote:—"Have just bought 20 hogsheads of Rum @ 2/10 shipped to West River.[117]

A less publicized shipburning occurred at the mouth of West River not far from "Tulip Hill" July 18, 1775. In that case the ship Totness, Captain Harding, belonging to a Mr. Gildard of Liverpool ran hard aground near the "three islands."[118] Her cargo consisted of salt and dry goods. After much consideration and discussion, a committee ruled her free to proceed to a designated port. However, before the ship could be freed a number of patriots went aboard and set her afire. The fire and smoke from this second episode could have been seen from "Tulip Hill."

Little is known about Samuel Galloway, Jr., who was called Sammy. He was born in 1751. In an unsigned letter to Samuel Galloway, dated December 23, 175[?], the following sentences appear: "Benny and Sammy are very happily situated at Mrs. Webster's. I was to see im yesterday and the old woman and indeed the whole family seem to be extremely fond of im."[119] Benjamin was the older of the two brothers. Mrs. Webster (Mary Talbott) resided on the "Poplar Knowle-Tulip Hill"

[117] G.M.M. Papers, Vol. 13, fol. 10254.

[118] Elihu Riley, *The Ancient City*, p. 175. The three islands were called the Three Sisters off Curtis Point at the mouth of West River. They are now covered with water even at low tides. Also see William Eddis, *Letters from America 1769-1777* (London-Printed for the Author), p. 217.

[119] Galloway Papers, NYPL.

property both before and after its purchase by Samuel Galloway in 1755. A letter from Thomas Ringgold to Samuel Galloway dated December 1768 concludes with "Love to Sammy."[120] At that time Sammy was seventeen years old. As there seems to be no further mention of him in the records, it is presumed he died young and without issue.

Benjamin Galloway, the second oldest son of Samuel and Anne Chew Galloway, was sent to school in London in 1769.[121] By December 1771 he was back home at "Tulip Hill."[122] He then stayed for some time with his brother, John, at that time a merchant in Annapolis.[123] On March 8, 1773, he was in London again. In a letter from that city to his brother, John, he mentioned meeting with "Mr. Peale the artist."[124] Evidently Benjamin had been courting Henrietta Maria Chew, daughter of Samuel Chew of Herring Bay, whom he later married, before going to London the second time. In a letter to his brother, John, from London, July 15, 1774, he mentioned Henny Chew and alluded to some differences between their parents.[125] He also wrote that he hoped to continue his studies there despite the troubled times. Another letter from Benjamin to his brother-in-law, Thomas Ringgold, dated London, May 7, 1775, described conditions there.[126] On September 25, 1775, Samuel Galloway wrote to Samuel Chew of Herring Bay about the marriage of Benjamin to Henrietta Chew.[127] The letter outlined what Benjamin's inheritance would be in Galloway's will. It is believed that the subject of "the differences" mentioned in the letter of July 15, 1774, was the inheritance Benjamin was to receive. It is not clear when Benjamin returned home from his second trip abroad, but he was in Maryland and married to Henrietta Chew before July 21, 1777, when they were in Annapolis.[128] He later succeeded his brother, John, as executor of the Ringgold estate on the Eastern Shore.

[120] G.M.M. Papers, Vol. 9, fol. 9552.
[121] *Ibid.*, fol. 9520.
[122] *Ibid.*, Vol. 11, fol. 9863.
[123] *Ibid.*, Vol. 12, fol. 10037.
[124] *Ibid.*, fol. 10074. (Charles Willson Peale.)
[125] *Ibid.*, Vol. 13, fol. 10243.
[126] *Ibid.*, fol. 10324.
[127] *Ibid.*, fol. 10333.
[128] *Ibid.*, fol. 10499.

Anne Galloway, named for her mother, the youngest of the five children, was born in 1755, the year in which her father purchased "Poplar Knowle." In a letter from Thomas Ringgold from Chestertown in 1768 to his brother-in-law, John Galloway, he stated that "Nancy will spend the winter here."[129] Anne was only thirteen years old at that time. On July 8, 1774, Thomas Ringgold wrote Samuel Galloway about Nancy breaking an attachment disagreeable to him.[130] Yet just a year later on June 2, 1775, a letter from James Cheston to John Galloway advised him that he and Anne had just been married and were setting up housekeeping.[131] By November 22, 1775, a letter from Thomas Ringgold to John Galloway indicated that Cheston was engaged in business in Baltimore.[132]

James Cheston was from the Eastern Shore of Maryland.[133] He was the son of Dr. Daniel Cheston, merchant, and Francina Augustina, daughter of James and Ariana Vanderheyden Frisby, and widow of William Stephenson. James, born in 1747, was one of three children, the others being a brother, Daniel, and a sister, named for her mother, Francina Augustina. He became associated in business with both his father-in-law, Samuel Galloway, and his brother-in-law, John. At the very height of the War of Independence, James Cheston decided to go abroad. On August 23, 1780, Samuel Galloway wrote "James Cheston left for Bristol two weeks ago."[134] The exact circumstances under which Cheston departed for England are not known. Some have said he had urgent business there. However, in light of later developments it seems that he may not have been entirely in sympathy with the American cause. Samuel Galloway wrote to his son, John, at Chestertown that Cheston was expected to return.[135] He also wrote to Kensey Johns at Newcastle that Cheston was expected to return December 25, 1781.[136] On March 19, 1782, Samuel expressed "fear for Nancy," his daughter (Mrs. Cheston), who had remained in Maryland.[137] Soon after, in a letter to his son, John, his father advised that James

[129] *Ibid.*, Vol. 9, fol. 9547.
[130] *Ibid.*, Vol. 13, fol. 10241.
[131] *Ibid.*, fol. 10328.
[132] *Ibid.*, fol. 10344.
[133] Thomas, *op. cit.*, pp. 244-246.
[134] G.M.M. Papers, Vol. 15, fol. 10739.
[135] *Ibid.*, Vol 16, fol. 10832.
[136] *Ibid.*, fol. 10834.
[137] *Ibid.*, fol. 10868.

Cheston was at Patuxant by way of Charleston, and that the latter had taken an oath of allegiance before Dr. Franklin (Benjamin) in Paris before sailing from France.[138] By June 1, 1782, Cheston was again associated in business with John Galloway.[139]

Samuel Galloway died at "Tulip Hill" in the fall of 1785. His will is dated October 28, 1785.[140] Evidently he had been failing for several years. In a letter from "Tulip Hill" to his son, John, at Chestertown, March 9, 1782, Galloway wrote that he was not well and that he prepared his own breakfast. He seemed lonely and depressed.[141]

Until now very little has been known about the last years of Galloway's life and particularly the illness which caused his death. These events can be best described through a series of letters between his son John at Chestertown and his son-in-law, James Cheston, at "Tulip Hill." Following Samuel Galloway's letter of March 9, 1782, the next reference to his health is contained in a letter dated September 14, 1783, in which John wrote to James Cheston:[142]

We shall be glad to hear from you as we are anxious to know whether my Father continues better—I ran into the man who the Race Horse belongs to and find he will not answer your purpose independent of the high price.

On July 3, 1784, John again wrote:[143]

I am anxious to know how my father does as you know he was very unwell and particularly so the day I left him—hope to hear from some of you by the boat which will bring our goods up as I am told the Lucy is at last arrived.

Evidently expecting a visit from his father, John Galloway wrote from Chestertown, July 20, 1784:[144]

I was very sorry to hear by your letter that my father continued so much indisposed—I cannot help being extremely uneasy on his

[138] *Ibid.*, fol. 10869. There was an early village named Charleston on the west bank of the Patuxent River.
[139] *Ibid.*, fol. 10889.
[140] Wills, Box G, Folder 15, H.R.
[141] G.M.M. Papers, Vol. 16. fol. 10868.
[142] A.C.M. Papers, letter #14.
[143] *Ibid.*, letter #15.
[144] *Ibid.*, letter #16.

account and wish to God you could prevail on him to do something for to relieve himself though I am fearfull his unstate[?] of health in a great measure proceeds from his mind not being in an happy state—I am a looking out for him and expect every day to see and as it is possible he will have set off before this comes to hand so that I shall not write him.

In this letter the allusion to the nature of Samuel Galloway's illness seems to be the first intimation of deep depression rather than physical disability.

The next letter dated July 28, 1784, explains in some detail the cause of Galloway's unhappy state, as evidently stemming from the conduct of his son, Benjamin. It will be remembered that conflict developed over the terms of the settlement when Benjamin married Henrietta Chew. The letter follows:[145]

Your favour of last Thursday from Annapolis came safe to hand—it gave me much concern to hear the situation my father was in—don't you think it necessary that Doctor Scott should see him for although his indisposition in great measure may proceed from the unhappy state of his mind which may have brought on his complaints and which medicine may in some degree relieve I hope you will have influence enough on him to get him to take some care of himself—you may easily concur in my feelings in my unfortunate situation in not having it in my power to come over to you which I am fearfull is impossible just at this time as the Doctor thinks it by no means proper for me to be at a distance from him and should I desist from my course of medicine I fear the matter would be all to go over again. We wait with impatience for the return of Uncle Billy from Annapolis by whom we hope to hear from you and family —would flatter ourselves your account of my father's situation will be more favourable. Should it be otherwise my sister will cross the bay immediately and I do not know how I can well stay behind. I must confess I have no patience with my Brother for his most extraordinary conduct to my father and cannot help thinking when he comes to know the real situation he has been the occasion of putting him in he must see[?] without he has a heart of stone have some feeling for him and after his behavior to him and if he does not I am convinced he will bring my fathers grey hair with sorrow to the grave—if in complying with their demands would satisfy them and my father could be thereafter made happy by it I could sincerely wish it was done for it is hard that the poor old man cannot spend the remainder of his days in peace—my Brother I have reason

[145] *Ibid.*, letter #17.

to think did not meet with any encouragement at Burlington respecting this affair.

Some optimism is expressed in the letter of August 4, 1784:[146]

Your favour of the 24th of the last month saying my father was better gave us real pleasure and we did expect to have had the pleasure of seeing him before this time—we look for him every day.

However, a year later, from Londontown, South River, James Cheston wrote to John that "your father is worse" and that he (Cheston) had called in Doctor James Murray of Annapolis.[147] Joseph Galloway wrote to his nephew, John, about his father's illness October 29, 1785.[148] Death must have occurred a day or two later for on November 5, Samuel Chew of Herring Bay wrote to John about his father's passing. Chew also alluded to a reconciliation with Benjamin Galloway.[149] Just a little over a year before, Samuel Chew had reminded Samuel Galloway of a marriage agreement at the time of the union of Benjamin and his daughter, Henrietta.[150]

Samuel Galloway and his wife, Anne Chew, were both birthright Friends. While there does not seem to be any record of participation in Quaker affairs after their marriage, it is believed that Anne followed the doctrine of the Inward Light until her death in 1756. She was definitely a Friend in 1747.[151] On October 5, 1754, Samuel declared himself to be "one of the people called Quakers."[152] After 1756 the builder's activities do not reflect the Quaker way of life. Tradition says that he may have been disowned by the Society of Friends. However, there are certain unexplained happenings during the last years of his life that sound caution in fully accepting that conclusion. In 1777 ownership of slaves by Friends was made grounds for disownment. This edict was adopted at the West River Yearly Meeting of Friends at the Meeting House almost within shadow of his great mansion.[153] Galloway must have owned many slaves dur-

[146] *Ibid.*, letter #18.
[147] G.M.M. Papers, Vol. 17, fol. 11207.
[148] *Ibid.*, Vol. 19, fol. 11452.
[149] *Ibid.*, fol. 11458.
[150] *Ibid.*, Vol. 16, fol. 11132.
[151] Wills, Box 54, Folder 34, H.R.
[152] Galloway Ledger, A.C.M. Papers, pp. 39-114.
[153] Kenneth L. Carroll, "Maryland Quakers and Slavery." *Md. Hist. Mag.*, XLV (Sept., 1950), p. 223.

ing his life. In fact he bought and sold them. Yet in 1782 he wrote to his son that he was lonely and apparently without kitchen servants. The inventory of his large estate, in 1785, lists no slaves. On the other hand no manumission records have as yet been found. Both Samuel and Anne Chew Galloway are buried in the family graveyard at "Tulip Hill" close by the old house and only a few hundred yards from Old Quaker Burying Ground, site of the West River Meeting of Friends.

Under the terms of his will dated 28th day of October 1785, the substantial estate was bequeathed as follows:

Mary, his eldest daughter, was to receive 50 guineas; Benjamin was given outright some 1,000 acres on the "ridge"[154] as per marriage agreement already mentioned; daughter, Anne Cheston, and son, John, were to divide the personal property equally; Anne was also to receive the property known as "Watkins Neck," later "Ivy Neck"; and his son, John, was to receive all the rest of the real property including the great mansion.[155]

In an inventory of the personal estate dated February 11, 1786, it was appraised at £5052/5/11.[156] A final settlement of the estate was not effected until 1799.[157]

After many years of study of the great quantities of original source material relating to "Tulip Hill" and the Galloway family, the life of Samuel Galloway still does not present a full and complete picture. Reference to his social activities is rare. The dominant theme in most letters is business but as we have seen, he was intensely interested in racing and the breeding of blooded horses which brought him into contact with virtually all the prominent people of Maryland. Yet, interwoven with these interests is a warmth and esteem for his many friends, associates and customers. It is clear he was a dedicated family man and a distinct credit to his forebears who helped found Anne Arundel County. While his associations were many and varied, and interests very broad, the records show little disagreement or misunderstanding, but rather the making of long-time friendships. George Washington recorded in his diary several

[154] This property sometimes called "Taylors Settlement" but originally granted as "Whites Plains" is now known as "Hawthorne Ridge."

[155] Wills, Box G, Folder 15, H.R.

[156] Testamentary Papers, Box 9, fols. 4-7, H.R.

[157] Galloway Papers, NYPL, March 20, 1779. Balance in Current Money £3182/6/3.

visits to "dine and supp" at Mr. Samuel Galloway's. Also Washington's letter to Galloway at "Tulip Hill"[158] confirms a cordial relationship. The business activities of Samuel Galloway, a merchant and planter in the mid-eighteenth century, can only be judged in the light of customs and practices of those times. As to his family life, he was a devoted father to his five children and his half-sister, Jane, whom he reared to womanhood. Two of his many ships, the Nancy and the Polly were named for his daughters, Anne and Mary; and a third, Jenny, for his young half-sister, Jane. Finally, through the legacy of "Tulip Hill" and the great mass of Americana associated with it, he has earned a high place among those who laid the foundation of this great country.

John Galloway, born 5th day of September 1748, and who married Sarah Chew in 1786, was still in Chestertown when his father died in 1785. Sarah Chew was the daughter of Chief Justice Benjamin and Mary Galloway Chew of Philadelphia. Mary Chew was a sister of John's father. Sarah's father and John's mother were brother and sister. Thus, they were double first cousins.[159] There were no male offspring from the marriage of John and Sarah Chew Galloway. Their only daughter, Mary, was born in Chestertown in 1787.[160] The family came to live at "Tulip Hill" in 1790.

Construction of the wings and connecting links or hyphens, completing the five-part Georgian plan of "Tulip Hill," must be credited to John Galloway in 1788. The building of the kitchen wing at that time is firmly documented. Despite some evidence to the contrary, it is believed that John also built the library or east wing and possibly did some renovation in the main or center section at the same time.[161]

[158] Leisenring, *loc. cit.*, pp. 205, 206. (Also see original in Bartlett Papers, Library of Congess.)

[159] Thomas, *op. cit.*, p. 320.

[160] Tombstone inscription in "Tulip Hill" Burying Ground.

[161] There is evidence that Virgil Maxcy may have done some building or made improvements at "Tulip Hill" during the period of life ownership of the estate by Sarah Galloway, his mother-in-law, widow of John Galloway. Mrs. Galloway did inherit a part of the residue of the estate of her father, Chief Justice Benjamin Chew of Philadelphia, who died in 1810. (See letter from a Mr. Tilghman to John Galloway, Vol. 30, Folio 13737, G.M.M. Papers, L. of C., January 26, 1810.) According to a reliable source, in a memorandum dated March 24, 1813, Benjamin Chew of Philadelphia sent $200 to his sister, Sarah Galloway, from the estate of her father, Chief Justice Chew, for "proceeding with

After the death of Samuel Galloway, his daughter, Anne, and her husband, James Cheston, remained at "Tulip Hill." Under the terms of her father's will, Anne inherited a tract of land purchased by him from John Watkins. It was located at the tip of the peninsula of Road (now Rhode) River and West River, only a mile away. It is referred to as the "Neck," "Watkins Neck," and now a part of "Ivy Neck." Anne and James Cheston later built on the property.

The house at "Watkins Neck" known in later years as "Ivy Neck" and which was to have such a close relationship with "Tulip Hill" over the years was begun in the spring of 1787. In that year, on May 12th, James Cheston let it be known that he had contracted for some 120,000 bricks. He also stated that the brickmaker had burnt the kiln of bricks and would be glad to make some for John Galloway.[162] Again on December 17, 1787, he wrote to John: "The carpenters are still working on the new house" and asked if John would like to use them when they finished.[163]

Furniture for the new house was bought in Philadelphia in December 1787.[164] There is a list of these purchases as the furniture arrived in Baltimore on its way to West River.[165] Considerable plate was also ordered December 4th to be made by Richardson of the same city.[166] The house at the "Neck" was finished sufficiently for James and Anne Cheston to move there in 1789 for on February 19, 1790, John Galloway, his wife, Sarah Chew, and their daughter, Mary, were living at "Tulip Hill."[167]

There were four children born of the marriage of James Cheston and Anne Galloway. They were "Anne, Jr.," born in

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the building and improvements at 'Tulip Hill'." Also in a letter to this writer February 9, 1954, the same source wrote:—"I have seen a letter from V. Maxcy in which he writes to his wife about the building of the Library Wing. She was at the 'Springs' and was hoping to have the work finished before she returned. I think the date was 1820." This letter has not been found. In the Rivinus Papers there is a letter from Maxcy to his mother-in-law, Sarah Galloway, dated only April 22, saying, "I am getting the lime and other things ready for building." It is believed that this letter was written in 1820.

[162] G.M.M. Papers, Vol. 20, fol. 11851.
[163] *Ibid.*, Vol. 21, fol. 11977.
[164] *Ibid.*, fol. 11987.
[165] *Ibid.*, Vol. 22, fol. 12045.
[166] *Ibid.*, Vol. 21, fol. 11972.
[167] *Ibid.*, Vol. 22, fol. 12377.

1776, who died without issue in 1811; David, the first son, who also died without issue; Francina Augustina, who died single; James, Jr., born in 1779, who carried on after the death of his father in 1798. It was through him that the family continued in possession of "Ivy Neck" to the present time. James Cheston, Jr., married Mary Ann, daughter of Colonel Samuel and Sarah (Adams) Hollingsworth in 1803. They had eleven children.[168]

It is thought that Samuel Galloway acquired "Watkins Neck" in 1755 about the same time he purchased "Poplar Knowle."[169] The house built by James Cheston and Anne Galloway, begun in 1787 and which remained in continued possession of their descendants, burned in 1944 and has not been rebuilt.

Again referring to the new house at the "Neck" John Galloway in Chestertown wrote James Cheston at "Tulip Hill" December 31, 1786: "When you engage with a man to make your bricks mention to him that I shall want a quantity made next summer at 'Tulip Hill'."[170] John was already planning the addition of wings and connecting links or hyphens to his inheritance. In a letter to John February 23, 1787, James Cheston wrote that he had entered into a contract for material and workmen to finish a house at the "Neck" by the month of November and that they would then remove from "Tulip Hill" and hoped he (John) would come right over.[171] On May 19, 1787, John wrote from Philadelphia, to James Cheston:—"I do not know that I can get the bricks on better terms than what the brickmaker offers. Although they may cost me a little more yet the trouble of getting them made by another hand may be more than equal the expense and as it would be impossible for me to attend to the business it may in the end cost less. You will be kind enough to make the best terms you can for me. I have no objection to John Plummers joining as the expense will be less. But the brickmaker must settle with him and his quantity divided to him separate from mine."[172]

John Galloway at Chestertown again wrote James Cheston on February 26, 1788:—"What I mean is to come to 'Tulip Hill' as soon as you can with convenience and safety remove to the

[168] Thomas, *op. cit.*, p. 245.
[169] A.A.Co.L.R., Liber BB, fol. 9. Also DD #4, fols. 34-39. H.R.
[170] A.C.M. Papers.
[171] G.M.M. Papers, Vol. 19. fol. 11785.
[172] A.C.M. Papers.

'Neck'," and "the purchase of furniture and the necessary repairs to my house will so completely encompass me."[173] Yet on March 9, 1789, John again wrote to Cheston: "I fear Mr. White may be at loss what to get out should he have finished the window sashes and door frames, will thank you to consult him what he had best do next. The kitchen had better be done if it can be with convenience."[174] This referred to the work in progress on the wings at "Tulip Hill." In another letter dated Chestertown April 4, 1789, John referred to a matter that would delay his crossing a few days longer and also said:—"from all accounts our house is not inhabitable but we must make Mr. White patch up our room for us. Sally has such charming accounts of the improvements that she is very impatient to see them and I can assure you that we want to see you all and shall be very happy to be set down once more at 'Tulip Hill'."[175] August 11, 1789, John received a bill for 12 22-inch flagstones some of which are still in use at "Tulip Hill."[176] He also ordered several chimney backs about a month later.[177] There is still more evidence to document the building of the wings beginning in 1788. In a letter to Jacob Foreman in 1788 John Galloway speaks of "twenty one rods of stone work at 2/6 per rod" and "paving Seller floor and turning an arch."[178]

After moving to "Tulip Hill" in 1790 John, his wife Sarah and their daughter, Mary, lived comfortably and quietly. At first he was busy inspecting the results of the improvements to the house. He was also engaged in straightening out the lines of his other properties nearby. August 17, 1790, he obtained a resurvey of "Cumbers Ridge" 170 acres, "Hollands Range" 120 acres, "Greenwood" 260 acres, part of "Pa Pa Ridge" 250 acres.[179] Apparently those tracts were contiguous. A true copy of the Patent for "Cumbers Ridge" granted August 5, 1664, obtained August 2, 1791, indicates that the land was at the head of Deep Creek, now known as Lerches Creek at Galesville.[180] The resurvey of the four properties showed a total of 811

[173] *Ibid.*
[174] *Ibid.*
[175] *Ibid.*
[176] G.M.M. Papers, Vol. 22, fol. 12255.
[177] *Ibid.*, fol. 12339.
[178] Bartlett Papers, Box 6.
[179] G.M.M. Papers, Vol. 22, fol. 12544.
[180] *Ibid.*, fol. 12543.

acres.[181] Resurveys were also ordered for "Poplar Knowle" (the original "Tulip Hill" grant), part of "Brownton" and an adjoining property, "The Favor."[182] Copies were sent to interested neighbors; Mr. Sprigg ("Cedar Park"), Mr. Battee ("Essex") and Mrs. Pemberton ("Pemberton"), March 12, 1792.[183] The result showed 341 acres in the "Tulip Hill" plantation.

John Galloway died in 1810.[184] From available correspondence and records it does not appear that he increased the family fortunes. Under the terms of his will, Mary, an only child born at Chestertown in 1787, inherited "Tulip Hill." However, her ownership was subject to a life estate in her mother, the former Sarah Chew of Philadelphia. The remains of John Galloway rest in the family burying ground adjacent to the old house.

Mary Galloway, only daughter of John and Sarah, married Virgil Maxcy of Attleborough, Massachusetts, in 1811.[185] She was then 24 and her husband 27 years of age. At the death of her mother fifteen years later, in 1826,[186] Mary became full owner of the extensive estate. Maxcy, who was to play an important role at "Tulip Hill" was born in 1784. In 1814 soon after his marriage he was appointed Postmaster at West River.[187] It is not known where the West River post office was then located. In later years it has been in or near Owensville, about three miles from "Tulip Hill." Maxcy was sworn in as Solicitor of the Treasury Department in 1833[188] and continued in that position until 1837 when he was appointed chargé d'affaires to Belgium. His journal dated August 24, 1837, contains a vivid account of his journey aboard ship to that country covering sixteen days.[189] While abroad Maxcy purchased some new furniture for "Tulip Hill," a list[190] of which has been preserved. It was shipped home in April, 1842. Two of the chairs on this list are now being used in the Chancel at Christ Church, West

[181] *Ibid.*, fol. 12550.
[182] *Ibid.*, fol. 12577.
[183] *Ibid.*, fol. 12588.
[184] Wills, Liber J.G. #2, fol. 501, H.R.
[185] Thomas, *op. cit.*, p. 320.
[186] G.M.M. Papers, Vol. 34. fol. 14531; Inventory November 18, 1826.
[187] *Ibid.*, Vol. 31, fol. 13932.
[188] *Ibid.*, Vol. 36. Also see Rivinus Papers, Maxcy Folder, fol. 24, H.R.
[189] *Ibid.*, Vol. 41, fol. 15981.
[190] *Ibid.*, Vol. 42, fol. 17287.

River.[191] They were presented by Mrs. George W. Hughes, a daughter of Virgil Maxcy.

During the Maxcy occupancy of "Tulip Hill" (1811 to 1844) there was apparently little physical change in Mary Galloway's ancestral home. There may have been and probably were some additions and minor embellishments in and about the old house. Mr. Leisenring dates the entrance porch as much later than the main building with parts "reminiscent of years as late as the 1840's." He has also suggested that "the Portland stone steps at the river entrance have apparently been moved there from their original position at the main entrance."[192] These changes could have been made by either John Galloway, when the wings were built, or by Virgil Maxcy during his residence there. It has recently been discovered that the delicately carved Cupid positioned on the porch pediment, is one of an original pair of figures used in the decoration of "Tulip Hill." The second figure has been brought back and presented to the owners of the estate. It is not known where it was mounted. However, since it appears to have retained its original finish, the inference is that it was used inside the house.

There is also a receipted bill dated April 16, 1825, for building a greenhouse and making a frame for the shower bath.[193] The greenhouse was attached to the south side of the kitchen and is shown in some of the old pictures of the house. A shower room was attached to the west wall of the dining room and a window was cut down to provide a doorway to it. Both greenhouse and shower room have long since disappeared and the door replaced with a window. Some years later Mrs. Mercer from nearby "Cedar Park" wrote in a letter to Sally Hughes, dated January 26, and presumably about 1860: "Yesterday was a lovely spring day—and I drove over to 'Tulip Hill.' Aunt Serena [probably a servant] showed me in the green house which was very sweet though there was not much bloom except one splendid white Japonica which she told me had been in bloom for a fortnight and waiting for an opportunity to be sent to you." Further along in the letter Mrs. Mercer also comments:

[191] See copy of letter from the Vestry of Christ Church to Mrs. George W. Hughes (Ann-Sarah Maxcy), November 11, 1867, in possession of this writer.
[192] Leisenring, *loc. cit.*, p. 197.
[193] G.M.M. Papers, Vol. 34, fol. 14543.

"I observed that the last old poplar on the back lawn had blown down and torn up the grass a little and wondered it had not done serious mischief."[194] This marked the demise of the last of the tulip poplars on the garden side of "Tulip Hill." The house was then over one hundred years old.

There are several notations in a ledger begun by John Galloway showing that after his death, in July 1811 William Ennis built a "small house" at "Tulip Hill" at a cost of $20 and in January 1812 he built the smokehouse for which he was paid $30.[195] The latter is still there although no longer used for its original purpose.

Tragic news came on September 14, 1829, when Virgil Maxcy wrote:—"The Grainery, threashing machine and house, the ox and cow house, one 90 ft. and the other 84 ft. long fitted as tobacco houses, stables, hop kilns and straw yard were all completely burned through the carelessness of a servant.[196] This was indeed a serious loss to the plantation. So far as is now known none of these buildings except the stable and carriage house were rebuilt.

In an account book also started by John Galloway dated 1800-1820 is a sketch of the terraces at "Tulip Hill," showing plantings of fruits and berries along the sides. The bowling green is also identified.[197]

The connection of Virgil Maxcy with "Tulip Hill" brought a decided change in life about the old estate. The prior emphasis upon shipping, trading, planting and mercantile pursuits gave way to an atmosphere of civil service and political interests. Maxcy was a prolific correspondent keenly aware of the topics of the day. Unfortunately, most of his letters have not been collected or perhaps do not exist. However, many addressed to him and some of his writings are available. Among his correspondents were Thomas Jefferson, John C. Calhoun, Governor John Francis Mercer and many other important personages. A letter from Jefferson at Monticello dated November 2, 1822, is marked "free."[198] Senator Calhoun was a writer of voluminous letters and his political views are expressed at length in his cor-

[194] Mercer Collection, H.R.
[195] G.M.M. Papers, Vol. 34, fol. 14665.
[196] *Ibid.*, Vol. 30. John Galloway Ledger 1800-1813, fol. 93.
[197] *Ibid.*; John Galloway Account Book 1826-1829, in small packet.
[198] *Ibid.*, Vol. 32, fol. 14229.

respondence with Maxcy. Maxcy met Calhoun first in Washington, D.C., in 1812.[199] They may have met again when the Senator visited "Cedar Park" with President Monroe and his cabinet in 1818.[200]

After the death of Sarah (Chew) Galloway (Mrs. John) in 1826 and soon after Mary Maxcy became sole owner of "Tulip Hill," there are indications that Virgil Maxcy was in financial difficulties. More specifically, in 1830, he took steps to protect the interests of his wife in the old estate. Fortunately, however, his affairs were straightened out and the "Tulip Hill" property did not suffer.

Two daughters were born of the union of Virgil Maxcy and Mary Galloway. They were Ann-Sarah born June 13, 1812,[201] and Mary, born a few years later. The death of Maxcy in 1844 did not affect the ownership of "Tulip Hill." However, when his widow passed away in 1849,[202] her will provided for the division of the estate as follows: Ann-Sarah, by then Mrs. George Wurtz Hughes, received "Tulip Hill," house furnishings, and a part of other personal property; and Mary, by then Mrs. Francis Markoe, was given the "Levels" or "Painters Levels," later known as "Rokeby," and a part of the personalty. Thus, for the first time, the large estate of Samuel Galloway was divided. Ann-Sarah Hughes and her family continued to live at "Tulip Hill," while Mary Markoe, her husband and children lived for some time at "Rokeby." This latter property was a part of original "Cumberstone" and was located just west of State road 468 about 1½ miles south of Old Quaker Burying Ground. It was purchased by Samuel Galloway I from Elizabeth Buckerfield[203] and later owned by Joseph Galloway, a brother of Samuel III. On November 8, 1784, Joseph bound himself to sell the property to his nephew, John, for £3000.[204] That is how it came into the estate of Mary Galloway Maxcy, daughter of John.

Virgil Maxcy was killed by the bursting of a gun aboard the

[199] Letter from Virgil Maxcy, February 5, 1812, Rivinus Papers, Maxcy folder, fol. 32, H.R.

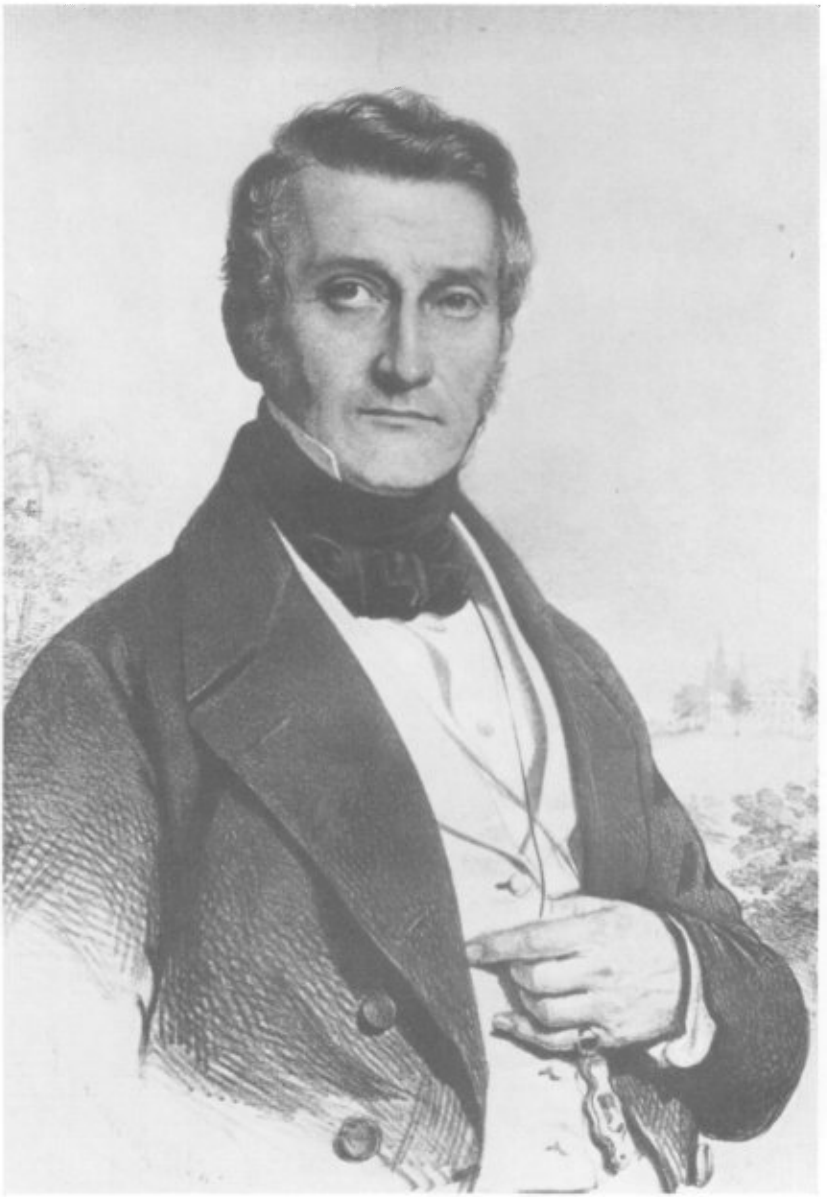
[200] *Maryland Gazette*, Annapolis, June 4, 1818, p. 2. Also see Caspar Morris, *Memoir of Miss Margaret Mercer* (Philadelphia, 1848), pp. 101-125.

[201] Tombstone "Tulip Hill" Burying Ground. Also see Rivinus Papers, Maxcy folder, fol. 26, H.R., which gives the date of birth as June 24, 1813.

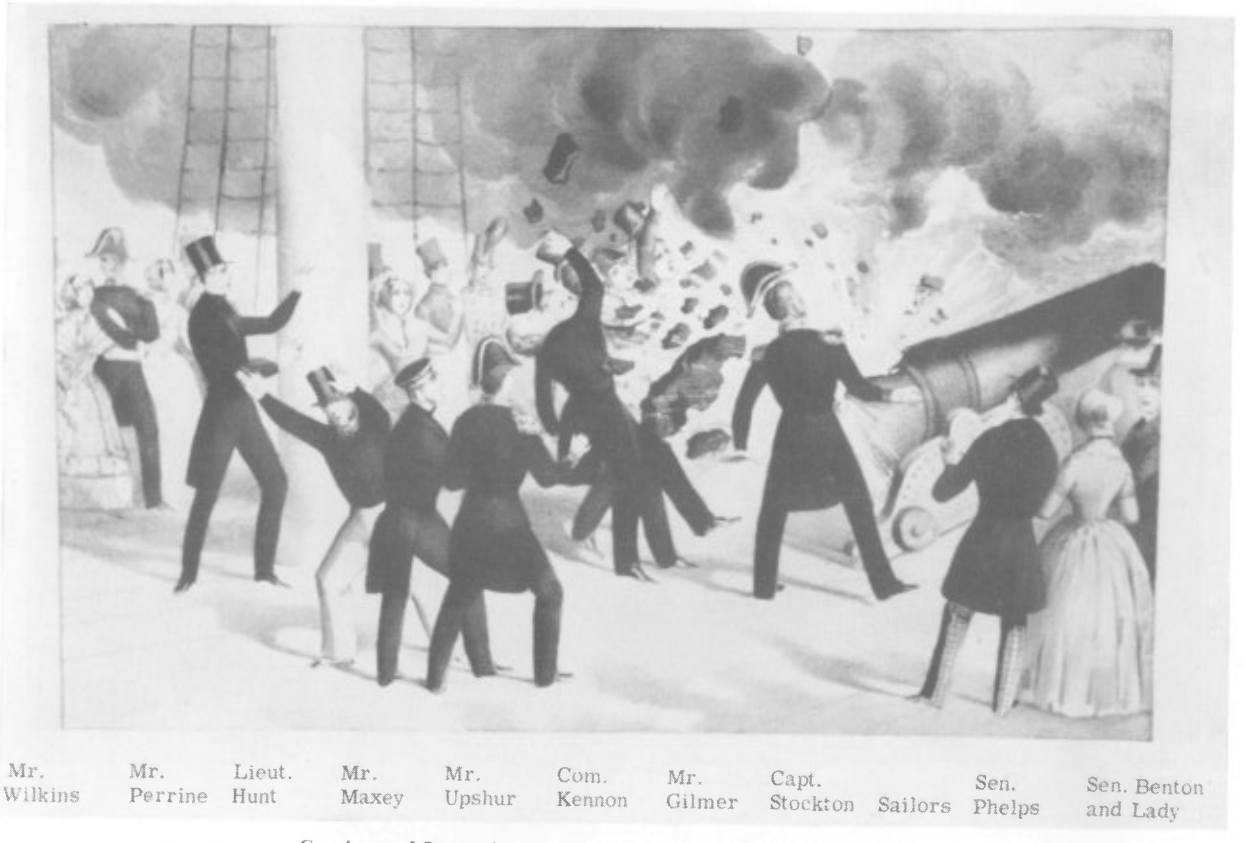
[202] Anne Arundel County Wills, Liber B.E.G. #1, fol. 78, H.R.

[203] A.A.Co.L.R., Liber P.K., fol. 66, H.R. The Markoe's also lived in Washington, D.C.

[204] G.M.M. Papers, Vol. 17, fol. 11260.



Virgil Maxcy, 1784-1844
Tulip Hill in background. Rivinus Collection.



Currier and Ives print. Courtesy U.S. Naval Academy Museum.

U.S.S. Princeton on the Potomac River February 28, 1844.[205] This brought to an end a distinguished career in public service. He was 60 years old. What started as a gala affair ended in an awful tragedy. President Tyler had invited his cabinet, many government officials and the cream of Washington society to witness the firing of a new gun, the Peace-maker, aboard the steam Frigate Princeton in the nearby Potomac River. The exploding gun also killed Abel P. Upshur, Secretary of State, Thomas W. Gilmer, Secretary of the Navy, Commodore Kennon, Mr. Gardiner, a guest, and the President's colored body servant. Eleven seamen and gunners were wounded. Two later died of their wounds. Commodore Stockton escaped with a "scorching." Dolley Madison who had been Mistress of the White House thirty-five years before was also in the company.[206] The whole country was shocked with the news of the tragedy. Later the event was depicted in a fine Currier and Ives print.[207] The remains of Virgil Maxcy were escorted from Washington to "Tulip Hill" by his son-in-law, then Captain George W. Hughes, U.S.A., and his friend and neighbor, Colonel John Mercer of "Cedar Park."[208] There were many letters of condolence following the tragic accident. A draft of the inscription on his tombstone at "Tulip Hill" is among the Galloway papers.[209]

George Wurtz Hughes who married Ann-Sarah Maxcy before 1840 and who lived at "Tulip Hill" during the trying times of the Civil War was born in Elmira, New York, September 30, 1806.[210] He was graduated from West Point, began his army career as a lieutenant, and was a contemporary of Robert E. Lee. They were both active in the Mexican War. In the records is a letter from Andrew Jackson to Lt. Hughes.[211] By October 22, 1839, Hughes was a captain in the Corps of Engineers, U.S.A.[212] On September 10, 1846, he was appointed Chief of the Topographical Section of the Army Engineers.[213] It is probable that

[205] Tombstone "Tulip Hill" Burying Ground.
[206] Rivinus Papers, Maxcy folder, Newspaper account, fol. 15, H.R.
[207] U.S. Naval Academy Museum.
[208] Rivinus Papers, Maxcy Folder, fol. 24. H.R.
[209] G.M.M. Papers, Vol. 42, fol. 17686.
[210] Tombstone "Tulip Hill" Burying Ground.
[211] G.M.M. Papers, Vol. 38, fol. 15702.
[212] *Ibid.*, Vol. 42; Letter October 22, 1839.
[213] *Ibid.*, fol. 17854.

Capt. and Mrs. Hughes spent some time in Belgium during Virgil Maxcy's period of service as chargé d'affaires in the early 1840's. Their first child, a son, was born in Brussels March 17, 1841.[214] He was named Maxcy Galloway Hughes. A daughter, Mary Maxcy, was born at "Tulip Hill" in May 1845, but she lived only two years. A second son, George W. Hughes, Jr., was born at "Tulip Hill" in 1846, but he too died young, in 1848. Thus, Maxcy Galloway was their only child to live to maturity.

Major George W. Hughes was commissioned Colonel in the Army Engineers before March 10, 1849, when a portrait of him was painted by Geo. P. A. Healy of Washington, D.C.[215] Colonel Hughes was elected a member of the Ancient South River Club March 6, 1851, following in the footsteps of his father-in-law, Virgil Maxcy, who had become a member March 2, 1826.[216] This Club, now the oldest social membership club in the United States, was organized by some of the landed gentry of the South and West River areas about 1700. Its records are intact since 1742 when the present club house was built.

As the time of the Civil War approached, Colonel Hughes elected to retire from the Army to spend his remaining years at "Tulip Hill." When war finally came the West River countryside was predominantly in sympathy with the Southern Cause. "Tulip Hill" (Hughes), "Cedar Park" (Mercer), "Woodstock" (Murray), "Arden" (Murray), and "Pemberton" (Stewart) all sent sons to fight for the Confederate Cause.

After his retirement which marked the end of a long and distinguished career, Colonel Hughes lived with his wife, Ann-Sarah, and their son, Maxcy Galloway, at "Tulip Hill." There was pleasant intercourse with neighbors, particularly with the Mercers at "Cedar Park." Many notes and letters between the families about that time have been preserved. Maxcy Galloway Hughes had been somewhat frail as a child and, approaching manhood, was not strong. He attended the West River Classical Institute at Owensville[217] and, at the time of the War, was twenty years of age. He died while in the Confederate service.

[214] Inscription on tombstone "Tulip Hill" Burying Ground.

[215] G.M.M. Papers, Vol. 42, fol. 17945.

[216] *History of the Ancient South River Club* (privately printed, 1952); see list of Club Members.

[217] Prospectus of the West River Classical Institute, 1858. Photostat at the Md. Hist. Soc.

The following is quoted from a letter from Mrs. Mercer, of "Cedar Park," undated, but written during the Civil War:

I hasten to relieve your anxiety about Maxcy as soon as possible—You have reason for great thankfulness that he is safe he was in the battle 5 or 7 times—I don't know which—and fought gallantly and bravely—Since that he has had an attack of Rheumatism and R-d [Richard] said when he got home after some of those battles he found him in his bed—he was delighted to see him [?]—Richard said he sent him down to his other mother where he is well and affectionately cared for—there was nothing but Rheumatism the matter with him.

The scene there beggers all description. I wished for the Col. and you to hear him talk. He says before they take Richmond the Yankees will have to wade up to their waists in blood and when they kill all the men, the women will fight them—Brave noble people.[218]

Another letter from Mrs. Mercer, "Cedar Park," dated March 1, 1863, reads in part:

On Sunday afternoon we walked over to 'Tulip Hill'—The Col. met us dreadfully agitated—They had been that morning to church which was excitement enough for Sally [Mrs. Hughes] for one day and a letter had come from Dr. Hoe ? by Flag of Truce from Richmond which the Col. had put away to show her at night. But poor . . . ? [her niece] expedited matters, not knowing I suppose what her haste intended and gave her Aunt the letter. She was thrown into the most terrible state of distress—and I did not see her. The Col. said she had just got quiet and he did not like to go into her room.

The poor Col. choked and sobbed when he told us the contents of the letter—it merely stated that he [Maxcy] had died after a few days illness—and was buried in the Episcopal burying ground at Housten amid the trees and flowers. His college friend Yancy was with him—he was perfectly calm and desired him to tell his parents he was not afraid to die.—And that he died like a gentleman and a soldier.[219]

A scrapbook begun by Maxcy Galloway Hughes in 1848, when he was only seven years old, has been preserved. After his death in 1863 his mother placed in it a copy of a letter of condolence from Jefferson Davis, President of the Confederacy. Later he was buried in the family burying ground at "Tulip Hill."

[218] Mercer Collection, H.R.
[219] *Ibid.*

Notwithstanding their anxiety and grief over the loss of their son, Colonel and Mrs. Hughes were subjected to some annoyance by Federal troops operating in the vicinity of "Tulip Hill." The following is an excerpt from a letter (undated) written by Mrs. Mercer from "Cedar Park" describing one of these episodes:

Last night Dr. Steele[220] was arrested by a squad of soldiers whom he fired into and they into him without doing any damage—what the provocation on his part was I have not yet heard—but he is a Christian and a gentleman and I suppose he must have been betrayed—he was charged with having contraband goods in his house for the South which of course was not true—There was a large box of shoes there for the Prisoners at some of the forts, which the ladies collected to send.

From there a party of soldiers went to the Parsonage and arrested Mr. Haines[221] [Christ Church, Owensville], and wound up at Col. Hughes—they left their horses at the Quaker Meeting House [Old Quaker Burying Ground] and walked up into the kitchen at 'Tulip Hill'—they asked Serena if the Col. was at home and whilst she was hesitating what reply to make Charles came in and said yes—he was in the parlor and I will show you to him. He went forward and told his master who arose to receive them. There were five men with drawn revolvers—he [the Col.] told them to put up their revolvers—they had nothing to fear—he was only one man—they answered that they had come to arrest him for having his house filled with contraband goods for the South. He accepted the charge but said they must judge for themselves by searching—his garrets were filled with Mrs. Markoe's boxes of household goods which she has been annoying everybody with to the greatest extent—first had them carried to Cooke's [?], then to the boarding house and finally to 'Tulip Hill'. The officer in Command was a gentlemanly person and behaved well after the Col. explained to him about the boxes—he said he was perfectly satisfied and declined to search—but Mrs. Hughes insisted upon it. She made Charles come with a hatchet and told the Officer she chose to have the boxes opened and let him satisfy himself that she might not be again subject to a suspicion of this kind. The first box opened contained glass—the second china—the third something else and the men begged to be let off.[222]

[220] Residing at "Weston" near Harwood, Anne Arundel County, Maryland.

[221] Christ Church Parsonage was then located about a mile from Owensville toward West River, and near the present Chew's Chapel on State route 255.

[222] Mercer Collection, H.R. There is a tradition that during this episode Mrs. Hughes was wearing her son, Maxcy's, new Confederate uniform beneath her heavy dress when she confronted the Federal soldiers.

After the close of the Civil War Colonel and Mrs. Hughes lived quietly at "Tulip Hill." The loss of their only son, the collapse of the Confederate Cause and the almost complete exhaustion of the countryside that followed combined to create a vale of depression about the old estate. It has been said that the property was mortgaged to defray the expense of bringing the body of their son back from Texas to "Tulip Hill" for burial in the family burying ground.[223] During this trying period one bright spot was the company of their niece, young Emilie Maxcy Markoe, who made her home with them at "Tulip Hill."

Emilie Markoe was ten years old at the outbreak of the Civil War. Her mother, Mary Galloway Maxcy, a sister of Mrs. Hughes, married Francis Markoe before 1838. Emilie was the youngest of their four daughters. "Little Emilie was sent to 'Tulip Hill' to be the companion and comforter of her Aunt and Uncle who loved her dearly." Her father, formerly in the Government in Washington, was turned out of office as a Southern sympathizer, his eldest son, Frank, being a Confederate soldier.[224]

As has been stated earlier, Mary Galloway Maxcy (Mrs. Francis Markoe) inherited "Rokeby" and considerable personal property under the terms of her mother's will in 1849. Francis Markoe must have been in public service at the time or soon after his marriage. His appointment as Principal Clerk of the United States State Department is dated July 1, 1851,[225] and was signed by Daniel Webster. Yet for more than ten years before, while residing in Washington, D.C., he received letters from John Mercer of "Cedar Park," David E. Farragut aboard the U.S.S. Delaware,[226] DeWitt Clinton from Albany, New York,[227] and other noted personages. There is extant a letter to Markoe from the famous artist Thomas Sully[228] offering for sale his equestrian picture of George Washington using Stewart's head, giving the size and price, etc. Also, letters from

[223] Emilie Markoe Rivinus, *Riviniana, Records and Memoirs of the Rivinus Family*, privately printed; (Philadelphia, 1945) p. 54.
[224] *Ibid.*, p. 51.
[225] G.M.M. Papers, Vol. 48, fol. 18193.
[226] *Ibid.*, Vol. 42, fol. 16855.
[227] *Ibid.*, fol. 17312.
[228] *Ibid.*, Vol. 45, fol. 17773. A fine portrait of Maxcy Galloway Hughes by Thomas Sully has been preserved.

Washington Irving[229] and the Hon. Jefferson Davis[230] to Markoe have been preserved. It is not clear exactly when he was relieved of his office because of war conflicts.

Emilie Maxcy Markoe was not yet in her teens when she went to live at "Tulip Hill" with her aunt and uncle. "In the quiet dignity of the home, with its fine traditions and beautiful surroundings, she grew from childhood to girlhood."[231] She wrote many letters to her sister, Sophie, giving her vivid impressions of that period of her life. She wrote "of the negro servants singing under the window most beautifully at Yuletime" and "of reading Dickens' 'Christmas Carol' to inspire her homesick spirit."[232] Riding about the countryside every afternoon she occasionally stopped at some of the nearby plantations and only the coming of twilight brought her home again. There were young people at "Hawthorne Ridge" and "Doden," but she writes only of a young man at "Cedar Park." "They tease me dreadfully about Johnny Mercer because he rode home on horseback with me . . . and another thing is that he rides to school with me every morning, which is true, as he goes to school in Owensville and consequently we meet, and he always jumps down from his horse in the most gallant way and walks with me."[233]

Regarding the collapse of the Confederate Cause and the surrender of General Lee, Emilie wrote from "Tulip Hill," "We can not believe it is true."[234] It has also been said that "she could remember the visits of General Lee to 'Tulip Hill' and his charming manner and handsome face, and to the end of her life her tastes and sympathies were Southern."[235] At other times she wrote, "There were no crabs so fine as those caught in West River; nothing in the north tasted quite like the delicate hot breads and delicious dishes prepared at 'Tulip Hill'."[236]

Emilie celebrated her twentieth birthday at "Tulip Hill." Yet, despite her efforts to cheer them up and relieve them of many of the household and management duties, "her aunt and uncle were delicate and often ill; there were money troubles due

[229] *Ibid.*, Vol. 50, fol. 18458.
[230] *Ibid.*, fol. 19126.
[231] Rivinus, *op. cit.*, p. 51.
[232] *Ibid.*, p. 55
[233] *Ibid.*, p. 53.
[234] *Ibid.*, p. 55.
[235] *Ibid.*, p. 55.
[236] *Ibid.*, p.55.

to the war and the consequent loss of slaves."[237] However, the Colonel found exercise and relaxation in occasionally walking over to "Cedar Park" to visit with some of the Mercer boys who had lately returned from Confederate service. He probably remembered, too, his late young friend and neighbor, William H. Murray, of nearby "Woodstock" who wrote his mother in May, 1861:

Dear Mother:

I received information this morning in Baltimore that compels me to leave my native State. Do not, my dear Mother think me unkind thus to leave you. My heart this moment would burst, if I had not a cause to awake even the dead for support.

It may be dearest Mother, you may never see your son again but comfort yourself with the thought that he will never bring disgrace upon his fathers name. I ask but the prayers of my Mother, with the Spartan Mothers blessing 'Return my son, with thy shield or upon it'. And now dearest Mother farewell. It may be forever, but if I fall—I fall a free man.

Say goodbye to all Friends

William H. Murray[238]

Capt. Murray was killed at the head of his Company charging enemy breastworks at Culp's Hill, Gettysburg, July 3, 1863.

After the war ownership of "Cedar Park" passed from Mary M. and Wilson C. Mercer, through certain trustees to their cousin Fanny Cheston Murray May 7, 1869.[239] Mrs. Murray's husband, Dr. James H. Murray, had also served in the Confederate Army. Perhaps Dr. Murray and Colonel Hughes spent many hours together in the intimacy of wartime recollections. Henry M. Murray of "Ivy Neck" who later purchased "Tulip Hill" and Dr. Murray were brothers, although possibly of opposite sympathies in the recent conflict. Dr. and Mrs. James Murray's descendants still own and live at "Cedar Park."

Colonel George Wurtz Hughes died at "Tulip Hill" December 3, 1870, at the age of 64 years. His remains rest in the family burying ground near the old house. Young and loyal Emilie Markoe was with Mrs. Hughes at the time of his death. She stayed on with her aunt until she was married in 1873 to her

[237] *Ibid.*, p. 54.
[238] A copy in possession of this writer.
[239] A.A.Co.L.R., Liber #3, fol. 400, H.R.

cousin, David Caldwell Florens Rivinus of Philadelphia. In that year she wrote:

I was married on the 29th of October 1873 at my old home, 'Tulip Hill'. Sophie [her sister] was my bridesmaid. I wore pale blue and she pale pink silk . . . All of my relatives at West River were there and old Dr. Hodges performed the ceremony in the hall and they tell me it was a most lovely scene . . . There had been no marriage in that house for one hundred years. [However, it has always been thought that Mary, daughter of John and Sarah Galloway, married Virgil Maxcy at "Tulip Hill" in 1811.] Aunt [Mrs. Hughes] gave me a necklace of pearls and two appliqued lace flounces, and Mother gave me an exquisite painting of the Madonna.[240]

Colonel and Mrs. Hughes had lost their only daughter in infancy. Colonel Hughes was in Mexico when the child was born, and was Military Governor at Jalapa, where he formed an affectionate friendship with the Mexican General Santa Ana. On his departure General Santa Ana gave him a rosary of pearls strung with golden filagree and this precious relic was also given to Emilie by her aunt as a wedding gift.[241]

After the death of Colonel Hughes, ownership of the estate remained in his wife, Ann-Sarah, who had inherited it from her mother, Mary Galloway Maxcy, in 1847. Mrs. Hughes lived on at "Tulip Hill" after the marriage of Emilie Markoe Rivinus; but, as the years passed, it became increasingly difficult for her to manage the plantation and maintain the great house. So, on November 16, 1877, she sold the property to Henry M. Murray of "Ivy Neck" only a mile or two away.[242] She then removed to Washington, D.C., where she lived for fourteen years, passing away in 1891 at the age of 79 years. Her remains also rest in the family burying ground at "Tulip Hill."

At the time of the sale of the property in 1877 Mrs. Hughes gave away or sold to relatives and friends much of the furnishings in the old house. However, she took with her to Washington several fine pieces of furniture her father, Virgil Maxcy, had brought home from Belgium in 1842, and the two portraits by

[240] Rivinus, *op. cit.*, p. 58.
[241] *Ibid.*, p. 51.
[242] A.A.Co.L.R., Liber S.H. #12, p. 144, Clerk's Office, Circuit Court, Annapolis, Md.

Sir Joshua Reynolds which had hung at "Tulip Hill" for so many years. When offered for sale the worth of a fine armoire and an escritoire was readily apparent. However, because of their condition, the value and authenticity of the paintings was not, at first, recognized. An account of the circumstances under which the things were sold and the details of the transaction is revealed in a series of contemporary letters written by the purchaser, Mrs. Henry Adams, wife of the historian who resided in Washington at the time.[243]

I bought some nice things with your Christmas cheque. A week ago I received an anonymous note in a lady's handwriting saying, 'If you will go to 1905 F Street before January 25th you will see an armoire, an escritoire, and two portraits by Sir Joshua Reynolds which will be sold at reasonable prices.' Fearing it might be a clairvoyant trap or Charley Ross scheme, I took Miss Schurz and Henry as bodyguard. The house was shabby stucco outside; inside, a young African showed us into a long, pleasantly furnished study full of books and etchings and old chairs. At one end was a rosewood wardrobe, handsomely carved, about seven feet high and a little less wide—Henry thought it old Flemish; I did not examine it carefully, thinking I could not find a place for it here, and in Beverly it would be quite out of place; in the opposite corner stood an escritoire about six feet by four, of light wood inlaid with figures and birds, the key lost and it would not open. Black boy knew of no pictures but called a brown maiden, who told him to go to the nursery and bring down 'them two little pictures.' Whereupon he promptly reappeared bearing two chromos worth five cents apiece, I should think. The whole thing was so ghostly that I did not even ask to whom these things belonged, but Henry saw in a book lying about: 'Th. Dwight.' So on coming home I wrote to the Librarian of the State Department, whose name that is, and asked if he could give me a clue to the mystery. He came in to tea at five, and told me this: An impoverished lady here, a friend of his, wished to sell them; her father was a Marylander, one Virgil Maxcy, sent as chargé d'affaires to Belgium in 1832. The armoire was brought then and there—so Henry's guess was correct—price three hundred dollars; five perpendicular barols of flowers, carved, hanging by a ribbon from a ring—beautifully carved; a deep drawer with three carved panels (small); and round balls for feet—about

[243] *The Letters of Mrs. Henry Adams 1865-1883*, (Boston, 1936), pp. 339-341, 348-349, p. 351, pp. 356, 357, and p. 368.

ten-inch diameter. I've bought it, and my bedroom is transformed into a Flemish chamber. Took the escritoire at forty dollars, it's being polished and done up by a German here. The portraits (twenty-four by thirty inches), 'Mr. and Mrs. Grover, two of Sir Joshua Reynold's earlier portraits sent to the owner's great-grandparents, Mr. and Mrs. Sam Galloway, West River, Maryland.' That's all we know. They are not first-rate; are very dirty, no varnish, and badly cracked. The lady, snub-nosed and pale, in pink satin with blue gauze scarf and pearl ornaments, hair drawn up over a cushion; Mr. Grover, stout and handsome, in powdered wig, gray brocade coat, and white neckerchief. I prefer the woman; Henry, the man, though he wished neither and 'hates portraits.'

I mean to sell my Tilton 'Venice' if I can, and hang these two between the library windows, side by side; Henry can look the other way. I paid one hundred and fifty dollars for each! I feel as guilty as Blaine ought to. We've a charming new German friend, one Dr. Bessels of Heidelberg; about forty; has been four times to the North Pole; was accused of murdering Hall; is working at the Smithsonian; is an amateur painter. I shall consult him as to washing and varnishing these. Ask Mr. Frank Bartlett about them; he saw them. Will you consult catalogue of Sir Joshua Reynold's portraits in Athenaeum for Mr. and Mrs. Grover?

Don't imagine I bought the portraits out of charity—far from it, I took a gambler's chance and the old lady has sent me some family papers which back them up strongly Grove—not Grover—is the name; believed to have been painted in or about 1760; were hung on the wall at 'Tulip Hill'; Mr. and Mrs. Sam Galloway sent their portraits as a return compliment. Mrs. Grove has a 'lake'—coloured gown; Redgreave says, 'Sir Joshua Reynolds used 'lake' in his earlier portraits, but it faded so he gave it up for carmine.' He had a hundred and twenty-five sitters at that time. Dr. Bessels has them still. Sir Joshua, when derided for his portraits fading, said, 'Yes, I usually come off with flying colours!'

1607 H Street, Monday, February 14, 1882.

Eureka! Eureka! Yesterday came Dr. Bessels to say that, after much inspection and study, he believed my portraits to be genuine Sir Joshuas and never cleaned nor touched before. Miss Markoe—clerk in the State Department, niece of the lady of whom I bought them—said Mr. Groves—not Grover nor Grove—was the London agent of the Galloways, her great-great-grandparents, to whom they consigned tobacco from their plantation in Maryland. Today by chance Henry took up at State Department library Life and Times of Sir J. Reynolds by Leslie and Taylor, John Murray, 1865. From

Sir Joshua's memoranda, 'August 1755 sitters, Lord Bath, Colonel Pearson, Mr. and Mrs. Groves, Captain Smelt, Mr. Clerk, Miss Jones'—and Henry cooly remarks—though the man's portrait shrieked Sir Joshua—it's not likely that these have been reached, for they have been for five generations in this family and I am their first purchaser! Shall I have them photographed for you? I'll take them on in June to show you.

Did you get my note of Wednesday night telling you I've verified them? August, 1755—he was young then, only thirty-two, and just starting in London, too poor even to employ a man to paint in his draperies. Ten years later he had three which Leslie thinks was no gain to his portraits Mine are 'kit-kat' size (see Johnson's Dictionary for curious origin of name); he got at that time twenty-four guineas for a half length; the kit-kat unfortunately did not include hands. Leslie says his pictures from 1753 for ten years on are more 'safely' painted than the later ones the note-books with lists of sitters are lost for 1753, 1754 and 1756. How by the skin of their teeth these are verified! Dr. Bessels sent them home yesterday and they are charming; he took off a quantity of dirty brown varnish a hundred and twenty-seven years old! The satin gown is a fresh pink, not purple at all, and the snub-nosed lady has lovely blue eyes. Evidently Mr. Groves was thought to look like his contemporary Edmund Burke and is posing for it, but he looks as if 'Wittles and drink were the chief of his diet'—portly London tradesman with money, High-churchman and Tory evidently. Among records of many dinners of Sir Joshua Reynolds with his sitters I've come on none so far with the Groves; I fancy they had a smart house in 'Wapping," and he seems to have dined west of St. Martin's-in-the-Fields. I've hung them in the library between the windows side by side and Henry even says, 'Yes, they are charmingly modelled and very dignified.' Thank you very much for so nice a Christmas present.

Yesterday, musical party—very small—at the rooms of Misses Markoe, nieces of the old lady of whom I bought my wardrobe and Sir Joshuas. She is ill in her room and I went in to see her for a few minutes as she wanted to tell me her pleasure in their having fallen into appreciative hands; she was very sweet and pathetic. In her parlour is a bust of her by Powers taken in her youth and prosperity; their carved furniture and china-ware is most beautiful. One niece is a fine musician.

Richardson was much pleased with the Sir Joshuas and has inspired the Andersons with wrath at their blindness in rejecting them as rubbish, though offered to them at the same time they were offered to me.

Thus, the story of "Tulip Hill" from its building in 1756 to the sale by its last owner by descent ends on the sad note of need and sacrifice of valued possessions. However, it marked the beginning of a new era, one that brought at first protective preservation and, finally, complete restoration of the fine old estate.

The sale of "Tulip Hill" to Henry M. Murray provided that in addition to a cash payment, the purchaser pay Mrs. Hughes $1,000 per year for the rest of her life. These payments eventually amounted to $14,000. During the period between the sale in 1877 and the death of Mrs. Hughes in 1891, the house remained mostly vacant except for short periods of occupancy by friends and relatives. But, with the sale in 1877, the old estate did not pass out of the Galloway family. Mrs. Henry M. Murray, nee Mary Hollingsworth Morris, was a direct descendant of Samuel Galloway, the builder of the house. In 1889 Robert Murray, son of Henry M. and Mary Hollingsworth Murray, and his bride went to live at "Tulip Hill." Robert had married Miss Olivia Wilson of Calvert County in that year and their two children, Henry and Olivia Murray, were born there.

At his death, Henry M. Murray of "Ivy Neck" left "Tulip Hill" to his wife[244] and on March 5, 1906, she sold the house and 55 surrounding acres to Alexis Dupont Parker.[245] Thus, for the first time since 1756, the great house and a part of the acreage of the original "Poplar Knowle" grant was sold out of the Galloway family. However, the rest of the plantation, then amounting to 150 acres, Mrs. Murray deeded to her son, Robert.[246] His son, the present owner of the land, Henry M. Murray, is a direct descendant of Samuel Galloway who purchased the tract in 1755.

After 1870 the old estate experienced some periods of adversity. During those trying times the house, though lacking substantial upkeep and repair, remained basically sound. However, better times were in prospect. Following its purchase in 1918 by Mr. and Mrs. Henry H. Flather of Washington, D.C., for more than twenty years it was maintained as a summer residence

[244] Wills, Liber R.B. #1, p. 271, Register of Wills, Court House, Annapolis, Md.
[245] A.A.Co.L.R., Liber G.W. #48, p. 123, Clerk's Office, Circuit Court, Annapolis, Md.
[246] A.A.Co.L.R., Liber G.W. #48, p. 126, Clerk's Office, Circuit Court, Annapolis, Md.

(there being no central heat). They carefully preserved the house and renovated the once extensive gardens.

Finally, in 1948 the estate was purchased by Mr. and Mrs. Lewis R. Andrews. Responding readily to expert restoration procedures the house is now in fine condition. Its well proportioned rooms provide a setting for exquisite, rare and authentic furnishings and objects of art. Through personal care and supervision the gardens and grounds frame the house as did the original eighteenth century setting. The old mansion, already a decade into its third century, basks in the warm glow of historical lore and architectural beauty.

Ye hours do fly;
Full soon we die.
In age secure
Ye House and hills
Alone endure.[247]

[247] An inscription on a sun dial at "Chequers," country home of England's Premiers. *Reader's Digest,* December, 1954 .

MISSION TO CANADA: 1776

By Francis F. Beirne

QUEBEC, the fourteenth original State!

That did not sound as impossible to Americans in 1776 as it does in the light of history. As the colonies approached the final break with England they were fully aware of the importance of having the Canadians on their side, and they could think of good reasons why this might come to pass.

The Treaty of Paris in 1763, which brought the Seven Years War to an end, ceded Canada to England and for more than a decade the Canadians, almost solidly French except for settlers who had filtered over the border from the American colonies, had been ruled by an alien power, having to endure the humiliation of defeat and the pains of adjustment to new ways and customs. Consequently they owed far less loyalty to England than did the American colonies which then were on the point of declaring their independence.

The New England colonies, for their part, foresaw that if Canada were to stand aloof their northern flank would be exposed to the enemy. It would be a simple matter, they figured, for a British expeditionary force based on the Province of Quebec to march south by way of Lakes Champlain and George and the Hudson River, join hands with British forces at the mouth of the river and cut New England off from the rest of the colonies. Indeed it was soon to be attempted. An even more terrifying prospect was that of the fierce and brutal Iroquois Indians, aroused by the British, descending on the New York frontier with fire, rapine and slaughter.

In the hope of preventing such events the first Continental Congress on October 26, 1774, just before adjournment, addressed a message to the inhabitants of Quebec inviting them to "unite with us in a social compact formed on the generous principles of equal liberty" and to send delegates to the next meeting of the Congress. Recognizing that the population of Quebec was almost entirely Roman Catholic while that of the American colonies was as strongly Protestant, Congress stressed

that the Canadians would be assured the free exercise of their religion. By way of showing the practicality of such religious coexistence the message cited the republic of Switzerland where Catholics and Protestants were then living in comity as a single nation.[1]

The Americans, however, did not long rely on peaceful diplomacy alone to bring the Canadians into line. When nearly six months had passed, during which the latter showed no sign of accepting the invitation to confederate, the Americans resorted to force. On May 10, 1775, militia under the leadership of Ethan Allen and Benedict Arnold, without waiting for orders from Congress, wrested Fort Ticonderoga, which guarded the passage between Lake Champlain and Lake George, from its British garrison. Congress, recognizing the importance of the fort in blocking an invasion from Canada, approved the *fait accompli*.[2] The following month, in creating the Continental Army, Congress named the New Yorker Philip Schuyler one of its major generals and directed him to invade Canada, if he "finds it practicable, and that it will not be disagreeable to the Canadians."[3] Schuyler was a large land holder and one of the wealthiest men in his colony. He also had seen active service in the French and Indian War.

Illness prevented General Schuyler from taking immediate command. The invading force instead was led by General Richard Montgomery, a veteran British regular officer of Irish birth, who had embraced the American cause. Canada at this time was virtually defenseless; it was estimated that there were not more than 700 British regulars to guard the vast territory lying between Quebec on the St. Lawrence River and Mackinac Island in the strait connecting Lakes Michigan and Huron.[4] Advancing northward by way of Lake Champlain Montgomery reached Montreal in September, 1775, and took possession of the city, having encountered no opposition on the way. On the contrary the humble *habitants* who tilled the land of the seigneurs seemed, if anything, favorable to the American cause.

[1] Peter Force, ed., *American Archives,* Fourth Series (Washington, 1837) I, 930.
[2] P. L. Ford, ed., *Journal of the Continental Congress* (Washington, D.C., 1904), May 18, 1775, II, 55.
[3] *Ibid.,* June 27, 1775, II, 109.
[4] *Proceedings of the American Antiquarian Society* (Worcester, Mass., 1926) 270. Gov. Trumbull of Connecticut to Gov. Cooke of Rhode Island.

Meanwhile plans had been set in motion for another American force under Colonel Arnold to advance on the city of Quebec through the Maine wilderness by way of the Kennebec and Chaudière Rivers. On that route not man, but nature, resisted the invaders who had to transport their supplies in heavy batteaux against the swift current of the Kennebec and around its waterfalls until the source was reached. There they faced a backbreaking portage to the upper waters of the Chaudière where the descent began through treacherous rapids. The expedition, delayed by a thousand details, did not start until October and, in addition to its other woes, was overtaken by Canadian winter. Disheartened and short of rations, a large part of the force turned back, its leader, Lt.-Col. Roger Enos, to face a court martial on a charge of cowardice. The rest, fewer than 1000 effectives, pressed on under Arnold, crossed the St. Lawrence and under the walls of Quebec awaited the arrival of Montgomery from Montreal who had orders to take over command. An assault on the city was made on the evening of December 31. Quebec was defended by Sir Guy Carleton, royal governor, an administrator of rare talent whose tenacious leadership made up for what the defenders lacked in numbers. The Americans were repulsed, Montgomery was killed, Arnold badly wounded, and the rest withdrew outside the city to count their losses and await reinforcements for a second try.

Such was the situation when in February, 1776, the Committee of Secret Correspondence of the Second Continental Congress reported that one of its agents had arrived in Philadelphia direct from Canada with a first-hand account of the rapid deterioration of the American position there. The agent stated that when the struggle between Great Britain and the colonists commenced the great masses of Canadians had been favorable to the Americans, but later had been swayed the opposite way by the *noblesse* and the clergy and now were uncertain which side to take. Their defection, he said, had been further encouraged by Tory newspapers in the New York colony which charged that the true American design was to suppress the Roman Catholic church and rob it of its freedom and property. But, asserted the agent, all was not yet lost. It was his opinion that American prestige could be restored if Con-

gress were to send a delegation to Canada to explain in person to the people there the true nature of the dispute between Great Britain and the colonies and to assure them that the Americans had no intention of depriving them of anything.[5] This line of action, interestingly enough, was almost identical with proposals made to Congress only a few weeks before by General Schuyler.[6]

For once Congress acted with dispatch in carrying out the recommendation. On February 15, the day after the report of the secret correspondence committee, it passed a resolution authorizing a commission to Canada. It was to be composed of two members of Congress: Benjamin Franklin of Pennsylvania and Samuel Chase of Maryland; and one outsider, Charles Carroll of Carrollton, like Chase a Marylander. The resolution suggested also that Charles Carroll endeavor to get his cousin, the Rev. John Carroll, the Catholic priest, to join the party.[7] The reason for naming Franklin was obvious. Through his inventions and scientific studies he was known to scholars on both sides of the Atlantic as the "First Civilized American." As agent for the Pennsylvania colony in London he had confronted and held his own with the political and intellectual leaders of England and derived therefrom a wealth of experience in diplomatic negotiation. He had at least a working knowledge of French along with other languages; and, above all, a persuasive personality.[8] His age added to his dignity. On the other hand, for a man of 70 years whose health was considered none too good, a journey to Canada before winter had broken was a severe ordeal to contemplate. Yet Franklin was not a man to dodge responsibility however much it might demand of his constitution.

Chase, a lawyer by profession, had first come into prominence in the Maryland colony in protesting the Stamp Act. He had thrown in his lot with the so-called "Country Party" which opposed the "Court Party" composed of office holders and others owing their livelihood to the Lord Proprietary. He displayed a talent for appealing to the common man and won vic-

[5] *Journal of Congress,* February 14, 1776, IV, 148.
[6] *American Archives,* Fourth Series, IV, 666, 1131, Gen. Schuyler to the President of Congress, Jan. 13, 1776, Feb. 13, 1776.
[7] *Journal of Congress,* IV, 151, Feb. 15, 1775.
[8] E. C. Burnett, *The Continental Congress* (New York, 1941), p. 113.

tory after victory at the polls, holding a seat in the popular House of Delegates over a period of some ten years, serving on local committees of correspondence and of observation and being chosen as a delegate of his province to the Continental Congress. Unlike the other three members of the commission he had not been abroad and obtained first-hand acquaintance with old world culture. His life and travels had taken him no farther than the town of Annapolis, the county courts, and more recently to Philadelphia. But he had done a vast amount of reading, and he had an acute mind which absorbed and marshaled what he read. He therefore could appreciate and make good use of the choice company in which he was thrown, and he could contribute to the enlightenment of the others on his special subject, the law.

Chase of late had been showing increasing interest in Canada, sitting on the committee of the Congress to which messages from that quarter were referred. John Adams who was on the same committee furnishes a key to Chase's selection by his observation that "Chase is in younger life, under forty; but deeply impressed with a sense of the importance of securing Canada, very active, eloquent, spirited and capable."[9]

It has been suggested that Chase was primarily responsible for the naming of the other two members of the commission. Charles Carroll of Carrollton was a friend who had stood shoulder to shoulder with Chase in guiding the revolutionary movement in Lord Baltimore's domain, and only a member of the Maryland delegation then present in Philadelphia would have known Carroll's peculiar qualifications for the mission. The most pressing object was to convince the Canadians that Roman Catholics had nothing to fear from a union with the American colonists. Carroll, who professed that faith and was one of the wealthiest men in the colonies, afforded an excellent example of how a Roman Catholic might prosper in spite of his religion. Further, Carroll had spent seventeen years being educated in Europe, most of the time in Catholic institutions in France. French was his second language.[10]

The inclusion of Father John Carroll provided further evi-

[9] *Ibid.*, p. 113; *DAB*, IV, 34; F. F. Beirne, "Sam Chase, Disturber," *Md. Hist. Mag.*, LVII (June, 1962), 78-89.
[10] *DAB*, III, 522.

dence of the broadmindedness of the colonists to counterbalance the Protestant demonstrations against the Romanists which was part of the traditional observance of "Pope's Day" in New England, carried out almost within sight and sound of the French Canadians across the border. Father John had spent an even longer time in Europe than had Charles Carroll, and at the age of 39 years had returned to Maryland. An accomplished scholar and administrator he was destined to go down in history as the first Catholic bishop and archbishop in the new country and as founder of Georgetown University. At the moment of being called by Congress he was living with his mother at Rock Creek, Maryland, and ministering to small groups of Catholics in the neighborhood and in Virginia.[11] His function quite obviously was to influence his fellow clergy in Canada whose moral support was so essential to the success of the American cause there.

Father Carroll accepted the assignment as a patriotic duty but with strong misgivings. It was, he wrote, his observation that when members of the ministry became involved in public matters they generally fell into contempt and sometimes brought discredit to the cause in which they were engaged. With prophetic foresight he noted that the social and governmental institutions of the Canadians were so different from those of the Americans that he doubted their interests were the same. Nor did he believe they had any hostile intentions toward the Americans. He made it clear that, while he consented to go along, his conscience forbade his urging the Canadians to any course other than neutrality.[12] Save that both were short of stature the Carroll cousins presented a striking contrast. Father John was stoutly built, his face was round and his countenance open and cheerful; Charles's sharp features and serious expression gave him rather the air of an ascetic.

The prompt and favorable response to Schuyler's urging and to the advice of its secret agent may well lay claim to being the emerging nation's first diplomatic mission.

On the eve of their departure the commissioners were furnished by Congress with detailed instructions. They were to

[11] *Ibid.*, III, 526.

[12] Memorandum of Rev. John Carroll, Baltimore Cathedral Archives (Baltimore, Md.).

repair to Montreal and repeat the invitation to the Province of Quebec to become a sister colony. Again they were to point out that the invasion of Canada by Continental forces was purely a defensive move to frustrate the designs of the British against the liberties common to Canadians and Americans, and to put it into the power of their Canadian brothers to secure their freedom. Again they were to pledge them the free exercise of their religion. More immediately to the point they were to promise a just settlement of the disputes between the Canadians and the invading Continental troops who, ill clothed, ill supplied and ill disciplined, had been running wild, committing crimes and spreading terror throughout the countryside.

Besides presenting the American cause before the Canadians the commissioners were granted broad authority over the Continental Army operating in Canada. They were directed to inspect the defenses and take part in counsels of war, and empowered to commission and suspend officers. In short they were to act virtually in the capacity of a war department, representing Congress in the Canadian theater of operations.[13]

Armed with their instructions the commissioners set out from Philadelphia on March 26 and made a leisurely journey to New York city.[14] Dr. Franklin at once became the life of the party. "A most engaging and entertaining companion," Charles Carroll, who was meeting him for the first time, wrote his father. "Of a sweet, even and lively temper, full of facetious stories and always applied with judgment and introduced a propos—he is a man of extensive reading, deep thought and curious in all his inquiries: his political knowledge is not inferior to his literary and philosophical. In short I am quite charmed with him; even his age makes all these happy endowments more interesting, uncommon and captivating." Father Carroll, fresh from years of study in the stern and thorough curriculum of the Jesuit order, could not have failed to find common ground for discussion with the Doctor; the records of the journey indicate that the two instinctively gravitated toward each other.

At New York the commissioners boarded a sloop in which they sailed up the Hudson River, halting along the way to en-

[13] *Journal of Congress,* IV, 215, March 20, 1776.

[14] *Journal of Charles Carroll of Carrollton During His Visit to Canada In 1776* (Baltimore, 1876): Md. Hist. Soc., Carroll Papers, IV, 40-57.

able the travelers to debark and stretch their legs and admire waterfalls and other spectacular scenery. In the fulfillment of their military duties they inspected the chain of forts which defended the river, and which for the most part they found to be in miserable condition. Chase, whose portly figure betrayed his fondness for good food, assumed the office of commissary. There were occasions when he cut short his inspections to hurry back to the sloop to make sure the mutton wasn't being boiled too long.

Arriving at Albany on April 7, the commissioners were met by General Schuyler who conducted them to the attractive home which befitted his wealth and station. In his gracious manner of living Schuyler was compared favorably with the commander-in-chief of the Army and master of Mount Vernon in Virginia. There they sat down to a sumptuous dinner with the General's lady and his two pretty daughters, and there they remained for two days before being driven by the Schuylers to Saratoga where the General maintained another imposing dwelling. A heavy snowfall reminded that winter lingered on and forced the party to stay where they were for a week waiting for the weather to clear and the ice to break up on the lakes. When the time came to go, they were most reluctant to leave the comfort and charm of the Schuyler household.

Once again on the road the rigors of the journey began to tell on Doctor Franklin who wrote lugubriously to Josiah Quincy, of Massachusetts: "I have undertaken a fatigue, that, at my time of life, may prove too much for me; so I sit down to write to a few friends by way of farewell."[15] The good Doctor's premonitions of death proved premature; he had more than a decade of life ahead of him. He attributed his survival on this occasion to the tender ministrations of Father Carroll.

Travel now grew slow and tedious, alternating between wagon, ferry, lake boat and portages. All of this had to be endured in bitter cold. During their passage up Lake George the party ran into heavy ice floes; it took them three and a half days to navigate Lake Champlain. Yet the beauty of the scenery enhanced by forests of hemlock from which deer now and then emerged, compensated for the physical discomfort. Some nights

[15] J. Sparks, ed., *Works of Benjamin Franklin* (Boston, 1839), VIII, 180. Franklin to Josiah Quincy, April 15, 1776.

members of the party left their boat to sleep in beds set up on land under the shelter of pine boughs. Charles Carroll, appropriate to his Catholic background, regretted that ice on the lake prevented fish being added to the menu, "a food highly praised by connoisseurs." His regret was all the more poignant in view of the fact that the party enjoyed in Mr. Chase an authority on how to cook it.

On the final leg of the journey some miles from Montreal the commissioners were delayed at an inn waiting for transportation. It seems that the courier who had been sent ahead to secure it carried with him only paper money and this the Canadians refused to accept. In such rude fashion the commissioners were made aware of one of the most serious handicaps under which the Americans were laboring. It was only after an American sympathizer in Montreal put up hard cash that the party was rescued from its ignominious position.[16]

Arnold, now promoted to brigadier-general, was commanding in Montreal, having been replaced at Quebec by Brig. Gen. David Wooster, an aging officer who outranked him. Formal entry into the city was made on the evening of April 29, and the ceremony attending it was evidently designed to impress the Canadians with the importance of the mission. The commissioners were greeted by General Arnold and conducted to his house while cannon fired a salute and other military honors were rendered. Charles Carroll remarked that the General and his officers could not have behaved with greater delicacy, ease and good breeding had they been schooled in etiquette at the French court of Versailles. So impressed was he that he went on to predict that if General Arnold survived the war he would end as a great statesman!

After being served wine while people crowded around them the commissioners were shown into another apartment and introduced to a number of attractive women, most of them French, whose husbands were in sympathy with the American cause. Tea next was drunk and then followed an elegant supper. The evening entertainment ended pleasantly with singing by the ladies, and the commissioners were conducted to one of

[16] *American Archives*, Fourth Series, V, 1166, Commissioners to the President of Congress, May 1, 1776.

the finest houses in the city which was to be their headquarters. There they spent the next day receiving callers.[17]

The commissioners, however, did not allow themselves to be misled by these marks of cordiality or to imagine that they represented the sentiments of the country as a whole. They reported to Congress that it was impossible to describe the low estimate of Continental credit for want of hard money. Not the most trifling service, they said, could be procured without the assurance of instant payment in silver and gold. They figured it would take a minimum of £20,000 in hard money to restore American credit. They noted a general apprehension that the Americans would be driven out as soon as reinforcements arrived for the handful of the King's troops which were holding them at bay. Until funds were forwarded they said they deemed it improper even to bring up the subject of a federal union of the Province of Quebec with the American colonies.[18]

Nevertheless, in spite of these gloomy auguries Charles Carroll at least among the commissioners continued to hope for the success of the mission. As late as May 6 he was writing to his father that, in spite of mismanagement that had prevailed throughout the winter, he believed that just and conciliatory conduct on the part of the Americans would restore the friendly attitude which the Canadians had shown when the Continental forces first entered the Province, "particularly if seconded by successful military operations."[19]

The Americans, alas, were not to enjoy the last advantage. A remnant of their army was still encamped outside the walls of Quebec where it had retreated after the unsuccessful assault on New Year's Eve. General Wooster because of his age and difficult personality was unequal to the assignment. To remedy the military leadership Congress appointed Brig. Gen. John Thomas, who had made a good record during the siege of Boston, to succeed him.[20] Thomas, promoted to Major-General, arrived at Quebec on May 1 to find that an epidemic of smallpox had swept the camp, striking down half the force and leaving only 1000 men fit for active duty. The enlistments of a

[17] Peter Guilday, *The Life and Times of John Carroll* (New York, 1922), p. 101.
[18] *American Archives*, Fourth Series, V, 1166, Commissioners to the President of Congress, May 1, 1776.
[19] Carroll Papers, IV, 51, Charles Carroll to his Father, May 6, 1776.
[20] *Journal of Congress*, IV, 186, March 6, 1776.

third of these were about to expire and the men were more concerned about going home than with fighting.

Less than a week after General Thomas took over the American command five ships appeared in the St. Lawrence River bearing an expeditionary force of British and Hessian troops, commanded respectively by General Sir John Burgoyne and Major-General Baron Friedrich Adolf von Riedesil, and estimated at between ten and twelve thousand men.[21] Emboldened by their appearance and not waiting for them to land, Governor Carleton made a sortie with what small force he had. His audacity paid off handsomely; the Americans offered no resistance whatsoever. Retreat quickly turned into a rout as they left two hundred of their invalided behind and fled up the river toward Montreal. Charles Carroll's optimistic letter had scarcely been dispatched when the commissioners received word of the disaster.[22]

The mission, it now was discovered, had from the outset faced another obstacle quite as formidable as the military reverses in the person of Jean Briand, Bishop of Quebec.[23] Briand, in office ten years, had been won over to the British largely by the astute diplomacy of Governor Carleton. With a perception which had been totally lacking in its handling of the American issue, Parliament took a momentous step in placating the Canadians by the passage in 1774 of the Quebec Act. This was a conciliatory measure which set up a permanent government in place of the military dictatorship which had prevailed since the British conquest of the country. It assured the Canadians a return to the French laws to which they were accustomed and it guaranteed maintenance of the Catholic faith, including provision for tithing. Highly important for economic growth it placed the territory northwest of the Ohio River under the jurisdiction of the Province of Quebec, thereby effectually blocking the northwestern expansion of the American colonies.[24]

True the act did not provide for an elected legislature, trial by jury and freedom of the press which Americans regarded as the fundamentals of liberty. Father John Carroll was quite

[21] Harrison Bird, *March to Saratoga* (New York, 1963), p. 67.
[22] *American Archives,* Fourth Series, VI, 451.
[23] Guilday, *Life of John Carroll,* pp.98-103.
[24] *American Archives,* Fourth Series, I, 216.

right when he recognized the irreconcilable differences between the governmental instincts of the Canadians of that day and the Americans. The French Revolution was still in the future and the French both at home and abroad were accustomed to living under absolute monarchy. The Quebec Act suited perfectly the Canadian *noblesse* and the clergy under the dictatorial control of Bishop Briand. The humble *habitants* had known nothing better. They were pawns in the game, willing to go along with whichever side held the upper hand.

The only other group of political importance in the province was the merchants. They had agitated for an elected assembly. But more compelling than political rights were their commercial interests, particularly with respect to the fur trade. Keen rivalry existed between the Canadian and American traders and the former could see no advantage in being a mere appendage to the American states. Already in process of development was the St. Lawrence River system which was to dominate Canadian commerce for centuries to come and provide direct communication with Europe independent of American control and interference.[25] Further, the provision in the Quebec Act placing the territory northwest of the Ohio River under the jurisdiction of the Province of Quebec was a far more tempting morsel than anything the Americans could offer. There were a few exceptions among the merchants but for the most part they did not play their traditional role in furthering the extension of civil rights.

Bishop Briand at this critical moment exercised all the power of his high office to keep his clergy in line, including refusal of the sacraments to those who sided with the Americans. The assault on Quebec was still fresh in his mind. On the first anniversary of it he was to celebrate a *Te Deum* thanking God for sending Governor Carleton to deliver them from the invaders. Now he issued strict orders that Father Carroll was to be extended no courtesies and suspended a priest to whom the Marylander had a letter of introduction and who allowed his house to be used by Father Carroll for a celebration of the mass.[26]

American diplomacy too was handicapped by a tactical

[25] Donald Creighton, *The Commercial Empire of The St. Lawrence* (Toronto, 1937), p. 64.
[26] Guilday, *Life of John Carroll*, p. 102.

blunder made two years before by Congress which now came home to plague the commissioners. When, on October 26, 1774, the first Continental Congress addressed its cordial invitation to the Province of Quebec to join the American colonies, assuring respect for the Roman Catholic faith, it simultaneously addressed a message to King George III in quite a different tone. It attacked Parliament for passing the Quebec Act, reminding his Majesty that his ancestors had been seated on the throne "to rescue and secure a pious and gallant Nation from the Popery and despotism of a superstitious and inexorable tyrant." And now the Quebec Act established "the Roman Catholic Religion throughout those vast regions that border on the Westerly and Northerly boundaries of the free Protestant *English* settlements."[27] Enemies of the Americans lost no time making capital out of the glaring contradiction between what Congress said to the King and what it said to the Canadians. Nor, when confronted with it, could Father Carroll find a ready answer.

On May 13 the commission played its last card, issuing a handbill in both English and French, inviting the Montrealers to a mass meeting at India House, one of the more impressive public buildings. On this occasion Chase addressed them.[28] Though with his intellectual curiosity he no doubt had learned to read French it is unlikely that he spoke it. Whether his hearers understood English or whether he made use of an interpreter is not recorded. In any event under the handicap of language and a foreign audience his eloquence must have lacked the spark that set aflame the multitudes in Annapolis in the critical days of the Stamp Act that characterized his speeches on the floor of Congress. But no oratory, however moving, was capable of winning over the Canadians in face of the arrival of heavy British reinforcements at Quebec. The time for wishful thinking was at an end; it now was clear that so far as diplomacy was concerned the game was up. Despairing of accomplishing anything Dr. Franklin, who was still ailing, set out for home attended by Father Carroll. Their retreat was not improved by a certain Mrs. Walker, a disagreeable lady who attached herself and three wagonloads of baggage to the party and traveled with

[27] *American Archives,* Fourth Series, I, 934.

[28] Alderman Library, Univ. of Virginia, R. H. Lee Papers, Chase to Richard Henry Lee, May 17, 1776.

it all the way to Albany. The trip was rigorous enough in itself without the addition of a companion with a sharp tongue who did not hesitate to demand and scold.[29]

Whatever particle of hope was left centered on military action. Under the instructions given the commissioners Chase, trained for the law, and Carroll of Carrollton, a fellow civilian, suddenly found themselves directing a scattered and demoralized army that was rapidly falling to pieces. Chase got little encouragement in a letter from General Arnold who had gone down the river to Sorel to meet the force retreating from Quebec, in which Arnold expressed pleasure that Chase had at last discovered the true sentiments of the Canadians, described them as "our bitter enemies" and wished that they might be "coerced."[30] But how?

Chase's and Carroll's letters revealed their agitation. To Schuyler they wrote: "The army here is suffering for want of provisions, particularly pork. . . . For God's sake send off pork, or our troops will be greatly distressed . . . and may mutiny and desert to the enemy."[31] Next day they addressed a similar frantic appeal to Congress: "We want words to describe the confusion which prevails through every department relating to the Army. Several of your officers appear to us unfit for the stations they fill. Your troops live from hand to mouth; they have of late been put to half allowance in several places, and in some they have been without pork for three or four days past. . . . In our present critical situation few, very few, will accept Continental paper money in pay . . . such is the confusion which now prevails, and will prevail . . . unless soldiers can be enlisted for a term of years, or for the continuance of the war." Turning from the subject of the army to the political situation, they reported: "The inclinations of the common people are said to be in general with us, but they are timorous and unsteady. . . . In the present situation of our affairs it will not be possible for us to carry into execution the great object of our instructions, as the possession of this country must finally be decided by the sword."[32]

[29] Sparks, *Franklin,* VIII, 183.
[30] *American Archives,* Fourth Series, VI, 580, Gen. Arnold to Chase.
[31] *Ibid.,* VI, 578. Commissioners to Gen. Schuyler, May 16, 1776.
[32] *Ibid.,* 587. Commissioners to the President of Congress, May 17, 1776.

In desperation Chase dispatched a letter direct to his friend in the Virginia delegation, Richard Henry Lee: "I am at a loss to express my astonishment at the conduct of Congress. Almost two months ago they voted 4 battalions, and since 6 more battalions without the least provision for their support. We have now 4000 troops in Canada and not a mouthful of food. Reinforcements on the way should add 6000 more. . . . For the love of your country cease the keen encounter of your tongues, discard your tongue artillery and send us some field [artillery] or we are undone. My God, an army of 10,000 without provision or powder. I hope I shall be excused for saying the Congress are not a fit body to act as a Council of War. . . . Pray divide your business into different departments." His closing remarks revealed the heavy burden he was carrying: "I have been called at least twenty times since I began this scrawl to act as commissary general, justice, etc., etc. In short I act in as many capacities as *Molière's cook*."[33]

Congress was sympathetic but helpless. President Hancock replied to the commissioners inclosing "resolves" attesting that every step had been taken to procure hard money. But the best Congress could do was to scrape together £1662 1s 3d, which left the Treasury bare.[34] And the commissioners had asked for £20,000 as a minimum! To General Thomas they also dispatched a letter devoted in large measure to discussing the practicability of his making a stand at Sorel.[35] The situation answered for itself. General Thomas had come down with the smallpox. Thus was brought home the folly of sending to command a force in the throes of an epidemic a man who had neither been vaccinated nor immunized by having had the disease. In reporting this tragic news to Congress the commissioners added that General Wooster, ranking officer present, was in their opinion totally unfit to command.[36]

By staying in Montreal as long as they had Chase and Carroll already risked capture by the enemy. Sorrowfully they had to

[33] R. H. Lee Papers, Chase to Lee, May 17, 1776.
[34] *American Archives*, Fourth Series, VI, 558, President of Congress to the Commissioners, May 24, 1776.
[35] New York Public Library, Emmett Collection. Chase and Carroll to Gen. Thomas, May 12, 1776.
[36] *American Archives*, Fourth Series, VI, 589, Commissioners to President of Congress, May 27, 1776.

admit that their mission had failed and that there was nothing left to do but retire from the scene of disaster, which reached its climax with the death of General Thomas on June 2.[37] The commissioners made fast time through the lakes and down Hudson River, and arrived at General Washington's headquarters in New York on June 10 to give him a firsthand report on conditions as they had found them. The Commander-in-chief expressed his reaction in a letter to President Hancock: "I have had the satisfaction of seeing (and for a few minutes conversing) with Mr. Carroll and Mr. Chase, from Canada. Their account of our troops and the situation of our affairs in that department, cannot possibly surprise you more than it has done me."[38]

The General put his barge at their disposal to ferry them to the Jersey shore and next day they arrived safely back in Philadelphia, where they repeated their story. President Hancock commented: ". . . by their accounts there has been most shocking mismanagement in that quarter. I hope our affairs will soon be upon a more reputable footing."[39] Congress's way of seeking to achieve that end was to adopt one of its familiar "resolves" directing General Washington to order his adjutant general, General Horatio Gates, to Canada to take command of the Continental forces there.[40] The forlorn assignment was anything but pleasing to that gentleman.

A few weeks later, in a letter to Chase, John Adams remarked philosophically: "Alas, *Canada!* We have found misfortune and disgrace in that quarter—evacuated at last. . . . The Romans made it a fixed rule never to send or receive Ambassadors to treat of peace with their enemies, while their affairs were in adverse and disastrous situation."[41] Excellent advice; too bad he did not think of it when he was giving the commissioners his blessing on their setting forth.

This first mission was put down as a failure, and so it was from the standpoint of obtaining its immediate objective. It

[37] *Ibid.*, 795. Schuyler to Washington, June 10, 1776.
[38] J. C. Fitzpatrick, ed., *Writings of George Washington* (Washington, 1932), V, 120.
[39] *American Archives,* Fourth Series, VI, 812, President of Congress to Washington, June 11, 1776.
[40] *Journal of Congress,* V, 448, June 17, 1776.
[41] *American Archives,* Fourth Series, VI, 1194. John Adams to Chase, July 1, 1776.

was to take yet another war and another attempt at invasion before the United States learned the futility of trying to unite the two countries by force. The lesson once learned has resulted in a century and a half of peaceful coexistence that has been an example to other nations and the envy of the world. Who would say that either nation is the worse off for Quebec not being the "Fourteenth Original State"?

BRADDOCK ON JULY 9, 1755

THE defeat of General Braddock on July 9, 1755 before Fort Duquesne must be recorded as one of the more calamitous events in the annals of American military history. Entering the battle with some 1,500 well-trained British regulars and American militia, only about 500 escaped death, wounds, or capture. The loss of equipment was staggering. Braddock had marched his men unwittingly into a trap of hidden enemy of French and Indians who roughly formed a horseshoe on the heights above the Anglo-American Army. The Americans and Britishers rarely saw their adversaries who poured down upon them an intermittent but galling fire.[1]

The following document colorfully describes this baleful scene. But more than that, it discloses the enmity felt for Braddock and questions his competence. It pictures the commander in a state of angry confusion unable to render a sound decision under fire. The writer of the piece joins the ranks of Braddock detractors who were legion before and after the battle. Braddock's undiplomatic handling of sensitive and ambitious provincial assemblies and militia officers before the battle and the loss itself brought forward numerous critics both in England and America. He had few defenders like Captain Robert Orme who kept a journal of the campaign and blamed the men of the line for the defeat.[2]

Unfortunately the writer of the following letter cannot be identified. Both the first and the last pages are missing; nor can the document be dated. The general similarity of descriptions of the happenings of that fateful day to other accounts, proves that the following piece was written by an eye witness. Also, the author seems to have been an American, because of his mention of the distress of the back country after the defeat ("our

[1] The latest accounts of the battle and campaign are Lee McCardell., *Ill-Starred General Braddock of the Coldstream Guards* (Pittsburgh, 1958); and *Braddock's Defeat,* ed. by Charles Hamilton (Norman, 1959).

[2] The Orme Journal is in *The History of An Expedition Against Fort DuQuesne,* ed. by Winthrop Sargent (Phil., 1855), pp. 281. ff.

countrys"). The lucid style of the letter also indicates a man of some education—probably an officer.

The letter is one of several such odd pieces in the large manuscript collection of the Maryland Historical Society where evidently it was placed some time ago, since the accessions list offers no information about acquirement. Thus this editor publishes it in the dual hope of finding the author or otherwise identifying the document; but chiefly because it enriches our knowledge of the almost legendary battle.

Save for inserting periods where these were necessary and beginning sentences with capitals, the letter remains as in the original. The inconsistencies and vagaries of eighteenth century spelling, capitalization, and punctuation are left untouched. The ampersand is rendered as "and."

RICHARD WALSH, *Ed.*

. . . affairs and the ordering of a march than such a youngster as he. The General, upon this said with some vehemence, "Gentlemen, you are hot. Col. Dunbar told his excellency that he left it to him to judge who had most reason, that 'twas true he was old, but he thought his age should rather protect him, than expose him to the ridicule of that young man in his excellencie's hearing.

A little after this Scuffle and several others of less consequence, too tedious and triffling to relate, the general marched before with twelve pieces of artillery fifty five waggons with a great part of the ammunition and baggage, twelve hundred men of the choice of the army, and the military chest, and left Dunbar behind, with about 800 men and 72 waggons, to bring up the heavy artillery, and the rest of the baggage and ammunition.

Before he reached the Monongahela, our Indian friend, the half king, with some of his tribe, had once or twice reconnoitred the french fork and brought the general Intelligence, that the Enimy were very strong there being, as he could judge, about 2200 french Regulars and irregulars, with a white flag, and about 3000 of their Indian friends and allies. After this advice, which several of the scouts agreed in, notwithstanding the repeated solicitations of the old officers, to regulate the march and be more circumspect, the general let them go on, in the same confused manner as before, and the triumvirate still kept laying their wages of 100 guineas to five

shillings, and did not stick to charge those with cowardice, who talked of watching the enimy, or guarding against their designs.

When they approached nigh the Monongahela, Dunbar[3] with his party, was by this time 50 miles behind, (you will probably see this called ten miles in some of the triumvirates letters published in our newspapers)[4] and Monacatucha the half king proffered his advice,[5] that they should proceed no further, but Incamp and fortify the army on this side the Monongahela, alledging, that if they proceeded towards the fort they must of a necessity be all surrounded and cut off by superior numbers, having no safe place of retreat, but this good advice was disregarded.

Upon the 9th day of July the army crossed the Monongahela twice about eleven o clock in the morning, that river, which is a branch of the Ohio, making a great bend or Circumflexure in this place, which is about seven miles on this side of fort duQuesne, as Sir John St. Clair, and Sir Peter Halket,[6] were apprehensive that the Enimy would attack them at the passing of this river (which they really intended, but happened to come a little too late) they with some difficulty persuaded the General to form the army into battle order; in this order they marched so, about a quarter of an hour after they had passed the river, but soon was ordered again to resume the line of march, and got into their wonted Confusion. Sir John at this appeared uneasy, and solicited the General again to form the army into the line of battle but to no purpose. Sir John alleged to the General pointing to a valley with a small rising hill upon each side, scarce half a mile distant from the front, that the enimy would attack him there. The General asked him by what Intelligence he knew that. He replied by the same Intelligence as his Excellency had had of the Indian Sachem, which when the General made slight of, Sir John assured him, that were he his enimy and knew his numbers and disposition as well, as he was assured the french knew it, he would himself undoubtedly attack him in that very place, and he judged that the french officer or officers would in common prudence pursue the same scheme. The

[3] Col. Thomas Dunbar, commander 48 Regiment of Foot which had fought at Culloden: McCardell, *op. cit.*, p. 125.

[4] N. Darnell Davis, "British Newspaper Accounts of Braddock's Defeat," *Penn. Mag. Hist.*, XXIII (1899), 310-328. In *ibid.* III, 11-31 is Daniel Dulany's description entitled, "The Military and Political Affairs in the Middle Colonies in 1755."

[5] Monacatooha (Scarouady): *ibid.*, 187, an Oneida whose son was accidentally mortally wounded before the battle while on the march. "Orme," Hamilton, *op. cit.*, p. 26.

[6] Col. Sir John St. Clair was quartermaster, McCardell, *op. cit.*, pp. 143-145. Sir Peter Halket commanded the 44 Regiment who had fought at Preston Pans during the Jacobite Rebellion, *ibid.*, 125.

general still slighted this advice, and Sir John begged that he would only suffer him with an advanced party of two or three hundred men to go and reconnoitre the fort and bring him proper Intelligences, which request was refused, so on they marched in the same confused manner, with artillery and baggage, and in effect as Sir John had conjectured, they were surprized with a very hot and heavy fire, both on their front and flanks, from a party of french, concealed in a parcell of high weeds and brush on the left hand, and a great number of Indians from the rising of the hill on every hand. This put them into a terrible confusion and the men dropt very fast, Leutenant Coll. Gage led a party in the front, to cover Sir John St. Clair, who followed him with his pioneers to clear the woods. The remainder of the army were behind with the General in a confused disposition. In the front were 500 grenadiers called Halket's grenadiers as choice men as could anywhere be seen. These men bore the first brunt of the fire in the front, till at last both Sir John St. Clair, and Coll. Gage's[7] party were put into the utmost confusion by the Irregularly tumultuous pressing on and crowding of the men behind, who as they were hurried and pushed Irregularly forward, and commanded to march, earnestly requested to be put into some kind of order and instructed how to proceed. You'll perhaps see in some of our newspapers a foolish account from some of the triumvirate, that the foremost ranks falling back upon the rest of the army as yet not formed, threw them into a pannic and Confusion which neither the Intreaties nor threats of the officers could divest them from or persuade them to stand their ground, but this is as false and foolish a gloss as ever was Invented. The affair was quite the reverse and therefore you'll do well not to believe a word of it.[8]

While affairs were in this disorder Sir John St. Clair again awaited the general, and told him that he was certainly being defeated, if he did not speedily make as regular a retreat as possible, and endeavor to save the Remainder of the army; this was not regarded, and Sir John was ordered again to his post. Sir Peter Halket, and Lieut. Coll. Gage came also to the general. Sir Peter proposed, that he should be allowed 200 men, to take possession of an advantageous post which he perceived the enimy had just left. The general called him fool, and old woman, telling him that he was fitter to be led than to lead, ordered him to go to his station, and give his advice

[7] Lt. Col. Thomas Gage under Halket of the 44th Regiment and later of Revolutionary War fame: John Richard Alden, *General Gage in America* (Baton Rouge, 1948), pp. 24 ff.

[8] Davis, *loc. cit.*

when it was asked. Sir Peter (that good and worthy man) modestly replied, that he valued not his own life, if the giving of it up would better the cause, and he was grieved to have the bad prospect before his eyes, of the certain destruction of so many brave men who deserved a better fate, and returning to his Station was in a few minutes afterwards shot dead. Coll. Gage asked his excellency what he was to do; the reply was to go and mind his business. The Coll. obeyed saying as he went away, that he could but die at the head of his men, for it was out of his power to do any service. Soon after the Confusion and destruction was so great, that the men fired irregularly, one behind another, and by this way of proceeding many more of our men were killed by their own party than by the Enimy, as appeared afterwards by the bullets that the surgeons extracted from the wounded, they being distinguished from the french and Indian bullets by their size, as they were considerably larger for the bore of the Enimis' muskets of which many were picked up was very small. Among the wounded men, there were two for one of these bullets extracted by the Surgeons, and the wounds were chiefly on the back parts of the body, so it must also been among the kill'd. Captn. Mercer marching with his company to take possession of an advantageous post, was fired upon by our men from behind, and ten of his men dropt at once. Capt. Polson[9] lost many of his men by irregular platooning behind him, on which he faced about, and intreated the Soldiers not to fire and destroy his men. They replied they could not help it, they must obey orders, and upon one or two more fires of this sort, Capt. Polson himself lost his life, being shot directly threw the heart. He jumped at one Spring a great distance from the ground and then fell. In fine, between the two fires of friends and enimies, that whole company was destroyed but five; the Hundred Grenadiers were also by this time all killed but Eleven, three of whom were mortally wounded. A party of these fellows had got behind a large tree which had fell down, and making use of it for a Breast work, made considerable havock among the Indians. These fellows the Generall ordered to be called off, by his aid de Camp Washington who obeyed the order with reluctance. Sir John St. Clair had now received a desperate wound from a musket ball that went thro' his shoulder, followed with a large profusion of blood. He immediately rode up to the general and Speaking to him in Italian, told him that he was defeated, and all was ruined, to whom, when the general made some scornful reply, Sir John told

[9] Capt. James Mercer of the Provincial regiments; Capt. William Poulson, a Scotsman commanding a company of carpenters attached to Halket's troops, McCardell, *op. cit.*, pp. 139, 190.

him, that by the fresh bleeding of his wound, he did not expect to survive many minutes, and therefore could have no Interest in dissembling, or saying what he really did not think. Sir John was immediately carried off by his Servant, he having tied him on the horses back, as he was thro loss of blood unable to keep the saddle. The general by this time had had five horses killed under him, and his aid de Camp Washington, two, whose upper coat was intirely shot to tatters with musket bullets, and yet he not hurt. Soon after this the general was wounded with a musket ball, which went thro his right arm, his side and lodged in his lungs, and Washington applying to the Soldiers to carry him off the field; the[y] absolutely refused. At last some good natured waggoners and other people carried him off in a sort of bier or litter upon their shoulders, he being a gross heavy man was not able to bear the jogging of a waggon or motion of a horse. Six hundred private soldiers and upwards now lay dead and disabled on the field, besides officers. The men had now fired away all their stock of ammunition, and many of them took the cartridges of powder and shot from the dead and wounded, and used that also. There was no other shift now, but a speedy flight; great numbers of the officers were killed; all those of the artillery were killed and wounded but one. The artillery baggage, ammunition, military chest, with all the general's plate, of which he had a complete service, money letters from the Governors, papers of Instructions, fell into the hands of the enimy, amounting, as is thought to 500000 Lb Sterling. The flight was precipitated and confused, many were killed and scalped by the Indians in repassing the Monongahela; almost all the poor women belonging to the Camp were slaughtered by these savages; multitudes of the wounded men dropd down on the Roads, and many died that were not wounded, thro hunger faintness and weariness, the men on that day the battle was fought, having eat little or nothing for two days, and drank only water, under an excessive hot sun. In short, the poor remainder of them, that reached Coll. Dunbar's camp, appeared like spirits more than men, and their wounds alive with maggots. The General died on the Road on the 13th of the month, more out of vexation and grief, as is said, than of his wound, which his surgeon believed were not mortal. He held one Council of war before his death, in which it was determined, and orders given accordingly to Coll. Dunbar, to destroy all the Remainder of the artillery baggage and amunition, and this ridiculous order was soon put in execution. The General was buried in a coffin made of Bark, with little or no Ceremony, a little on the other side of the Great Meadows. About an hour before his death he resigned his

command to Coll. Dunbar, who marched Immediately with the broken Remains of the forces, back to fort Cumberland on wills' creek, where the wounded officers and men were left, and in a few days from thence took his rout towards Pensylvania, where he is now arrived. Soon after this defeat, the Indians began to perpetrate their Butcheries on the Back of Virginia and Maryland, and still continue to do so, cutting off numbers of families.[10] The french are now fortifying at the great meadows, and our Countrys here, are in a most deplorable situation.

Before I make any remarks upon this unaccountable transaction, I shall give you the particulars of Sir Peter Halkets death. Just after he had left the general, as I have above related, he rode to the head of his men, and riding about to give necessary orders, he was observed by an Indian fellow, who sat disabled in the field by a shot in his knee; this savage levelled his piece at Sir Peter as he rode about, which one Capt. Ghist,[11] a capt. of the Militia and huntsman perceiving who had just discharged his musket, he made haste to reload, in order to prevent the danger with which Sir Peter was threatened, but could not make such dispatch but that the Indian had shot Sir Peter down, before he was in readiness to oppose him. Ghist however immediately after step'd up and blew out the miscreant's brains; Sir Peter's Servant went up to his master's body to see if he was not mortally wounded, or if dead, to take proper care that the body was decently disposed of, but the poor fellow, in that Instant was shot, and fell upon his master, a worthy example of duty and fidelity. Thus fell Sir Peter Halket, in the Service of his king and country, a gentleman much lamented by all that knew him here, of a sweet affable conversation, and . . . .[Here ends the fragment of the letter][12]

[10] Cecilius Calvert to Horatio Sharpe, Oct. 24, 1755, Md. Hist, Soc. describes conditions on the frontier after the defeat; also in *Arch. Md.*, XXXI, 492-496.

[11] Capt. Christopher Gist who was present at the battle with his sons. He was born in Maryland; his father was one of the founders of Baltimore. He accompanied Washington on his trip to Duquesne in 1753. He and his sons were Indian traders and agents. *DAB,* VII, 323-324.

[12] Two articles on the war as it affected Maryland are A. M. Schlesinger, "Maryland's Share in the Last Intercolonial War," *Md. Hist. Mag.*, VII (June, 1912), 119-149 (Sept., 1912), 233-268; Paul H. Giddens, "The French and Indian War in Maryland, 1753-1756," *ibid.*, XXX (Dec. 1935), 281-310.

SIDELIGHTS

NOTES ON THE PREPARATION OF CONVEYANCES BY LAYMEN IN THE COLONY OF MARYLAND

By Carville D. Benson

In colonial Maryland conveyances were prepared by laymen as well as by attorneys. This was due in part to the land policies and administration in the Colony, in part to the scarcity of attorneys, and in part to the corresponding tradition in England in the 17th and 18th centuries. These topics will be considered in the order just stated.

1. Land Policies and Administration

The following quotations from various sources describe the land policies and administration in colonial Maryland.

The royal charter created Lord Baltimore and his heirs feudal princes. As territorial lords they had full power to assign, alienate, and grant away parts or parcels on any terms to persons willing to purchase the same. For the management and sale of land the Baltimores had established a land office. A person seeking a grant of vacant land applied to the agent and paid down the purchase or caution money. His receipt was an order to the judges of the land office for a common warrant for the specified amount of land. The register issued an order, signed by the judges, directed to the surveyor general of the East or West Shore, and in turn the deputy surveyor of the county in which the land lay, surveyed the desired land and returned a warrant describing boundaries and situations to the examiner general. The patent, signed by the Chancellor and stamped with the great seal of the province, formed the final and valid title to the tract.[1]

Anyone coming into the Province to live was entitled to a certain number of acres for himself and for each person whom he brought in. The number varied with the condition of plantation at the time of his arrival.[2]

The title to the land received by a patent was subject to a quit-

[1] Paul H. Giddens, "Land Policies and Administration in Colonial Maryland, 1753-1769," *Md. Hist. Mag.*, XXVIII (1933), 142.
[2] *Arch. Md.*, LXV, xxviii.

rent and to the common law incidents of escheat and fine on alienation.[3]

Another liability which Maryland lands suffered through the feudal character of the province was the alienation fine. Since the year 1658 patents had carried a clause requiring a fine equal to one year's rent on every alienation, or transfer, of the land. During the first twelve years of the period under consideration (1720-1765) these fines, along with the quit-rents, were commuted for a tobacco duty; but from 1732 on to the Revolution they were always collected wherever possible.

The collection of alienation fines would have offered little difficulty had it been necessary to record all transfers of land, for in that case the exchanges could easily have been taken from the land records and charges could have been entered against the land. Indeed, the clerks themselves might have been instructed not to record an instrument until the fine was paid; but the state of law was not so favorable. In 1715 an act was passed for the enrollment of transfers, by which all deals of bargain and sale, to have binding legality, had to be recorded. This law was in force in 1733 when, at the expiration of the commutation act, alienation fines again became due; but since the enrollment act mentioned only deeds of bargain and sale, the people soon resorted to various schemes of transferring land by instruments of a different nature, which needed no recording and did not, therefore, betray to the collectors the fact that there had been an exchange. By such means the payment of alienation fines was so frequently avoided that the claim yielded little profit to the proprietor.[4]

During the first two or three decades after the settlement, conveyances of land were usually made by assignment on the back of the original patent issued to the patentee, and not infrequently reassignments were made in the same way upon the same patent. The patent thus passed from hand to hand until some purchases [*sic*] decided for safety to make his ownership a matter of record by enrollment in one of the courts, or where only a part of the land patented was disposed of, and it was inadvisable for the former owner of the whole tract to part with the patent by assignment, and new conveyance became necessary. The recording in court of transfers of land was not a custom brought by the settlers from England, for land deeds were recorded there in only a few isolated localities; but it was a device adopted by the settlers, made necessary by the frequent subdivision and sale of land granted by a single patent.

[3] Clarence P. Gould, *The Land System in Maryland 1720-1765* (Baltimore, 1915), p. 28.
[4] *Ibid.*, pp. 30-31.

In Kent and Charles Counties in the fifties and early sixties the usual form of land conveyance was by short paper of some fifteen or sixteen lines giving merely the name of the tract, its acreage and general location, but without describing in detail the metes and bounds. This is sometimes referred to by the recording clerk as a 'bill of sale,' but the same term was also often applied to a more lengthy deed running to as much as a hundred and fifty lines or more, which came into more general use in the next decade. We also find mortgages and leases recorded. The law provided that a special fee known as the alienation fee be paid to the Proprietary whenever land was conveyed from one person to another. The payment of these alienation fees was frequently recorded in the county courts.[5]

Until the year 1663 there was no legal requirement that transfers of ownership of land be recorded, although this was quite often done, and change of ownership was usually effected by an assignment noted upon the back of the original patent, which passed from hand to hand. In 1663 an act was passed requiring recording, and this seems to have been generally observed, although the act was for some reason dissented to by the Lord Proprietary in 1668 and then became null and void (*Arch. Md.* I; 487-488). This was followed by a period of eight years until 1676 when such a law was finally revived, passed, and approved (*Arch. Md.*, II: 544). In this eight year interval, although recording was not obligatory, papers relating to land transfers were, however, generally recorded.[6]

Following is an assignment of a patent acknowledged in the Charles County Court in 1660 (contractions expanded):[7]

Knowe all men by these presents that I James Lee doe Assigne ouer all my Right and tittle of this Pattin unto John Ward Exceptinge Two hondred and Fifty Acres to Hennery Lilly Lyinge on the Norwest witness my hand this 23th of september 1659:

James (X) Lee his marke

Testis Joseph Harisson
John (X) Morris his marke

This Pattin Assigned was Acknowledged in open Courte by the said James Lee the 4th september 1660:

Testis Tho: Lomax Clerke

[5] *Arch. Md.*, LIII, xxxvi.
[6] *Ibid.*, LVII, xl.
[7] *Ibid.*, LIII, p. 88.

2. Courts and Attorneys

In *A History of the American Bar* Charles Warren writes of the courts of colonial Maryland:[8]

. . . From the beginning of its history, Maryland had a more complete system of courts than any other Colony, based largely on the English judiciary—Courts of Pupowder (Pypowdry) or Market Courts, Courts Baron and Leet incident to the landed estates, County Courts, the Provincial Court, and a Court of Appeal. Although in 1638 the General Assembly tried many cases, the Provincial Court gradually absorbed all superior jurisdiction. It consisted of the Governor and his Council, appointed by the Proprietor or his deputy, and therefore 'dependent on the mere breath of his nostrils.' Its members also composed the Upper House of the General Assembly. In 1692, when Maryland became a Royal, instead of a proprietary Province, a Provincial Court was organized apart from the Council, and the Governor ceased to be Chief Justice. The Governor and Council were constituted, however, the Court of Appeals.

Bernard C. Steiner, in his article entitled, "The Royal Province of Maryland in 1692,"[9] states:

The justices of the peace were the commissioners for the county and held court six times a year. (13 Md. Arch. Ass. 528). The court days varied for the several counties, but, on these occassions, each commissioner must appear, make good excuse for absence, or pay 200 pounds of tobacco for the pillory, stocks, and whipping post. . . .

In discussing justices of the peace, Charles A. Barker writes in *The Background of the Revolution in Maryland*:[10]

Yet the legalism of the province spread wider than the small circle of those who studied in London. As we shall see more fully in a later chapter, the class of large landholders dominated the offices of the provincial government, executive, legislative, and judicial. Particularly was the usage established that the justices of the peace, numbering about fifteen or twenty in a county, should be appointed from the gentry, and that members of even the greatest families should serve in the county offices. Such men were lay justices, not professionally trained in the law; yet in the nature of their position, which called for judgment in petty civil and criminal cases, they achieved experience in and familiarity with the law. . . .

[8] (Boston, 1911), p. 50.
[9] *Md. Hist. Mag.*, XV, 150.
[10] (New Haven, 1940), pp. 41-42.

Charles Warren describes the status of lawyers in colonial times as follows:[11]

. . . Nothing, however, in the early legal history of the Colonies is more striking than the uniformly low position held in the community by the members of the legal profession, and the slight part which they played in the development of the country until nearly the middle of the Eighteenth Century. In every one of the Colonies, practically throughout the Seventeenth Century, a lawyer or attorney was a character of disrepute and of suspicion, of whose standing or power in the community the ruling class, whether it was the clergy as in New England, or the merchants as in New York, Maryland and Virginia, or the Quakers as in Pennsylvania, was extremely jealous. . . .

It is perhaps fair, however, in reviewing the constant legislation against attorneys, to bear in mind that the word 'attorney' as used in early records of Colonial cases and statutes, did not imply necessarily a man bred to the law or who made its practise an exclusive employment. These 'attorneys' were very largely traders, factors, land speculators and laymen of clever penmanship and easy volubility, whom parties employed to appear and talk for them in the courts. The few persons who acted as professional attorneys were at first mostly pettifoggers, or minor court officers such as deputy sheriffs, clerks and justices, who stirred up litigation for the sake of the petty court fees. This latter practise became such an evil that in most of the Colonies statutes were passed prohibiting such persons acting as attorneys.

Nevertheless, after making due allowance for the differences in the use of the word 'attorney', the fact remains that the development of the law as a profession and of lawyers as an influential class in the community was a matter of remarkably slow growth in the American Colonies. . . .

The introduction to the *Proceedings of the Provincial Court 1663-1666*[12] reports: "Of the men who appear as attorneys before the Provincial Court at this period few, if any, were lawyers; and the same may be said with equal truth of the justices themselves.

In the introduction to the proceedings of the same court for 1670/1-1675[13] it is stated: "Twenty-eight different men appeared and represented clients in this four-year period. Some of them may have been attorneys in fact, not in law: it is often difficult or impossible to be certain. Of course, when they were sworn in, and given the right to practice before the Court, that settles it."

Attorneys at law and attorneys in fact are discussed in the

[11] Wassen, *A History of the American Bar*, pp. 4-5.
[12] *Arch. Md.*, XII, xvi.
[13] *Ibid.*, LXV, xiii.

introduction to *Proceedings of the County Court of Charles County 1666-1674*:[14]

The court records were kept in such a way that it is often not possible to know whether litigants were represented by *attorneys at law* or by mere *attorneys in fact*. Both, especially in the earlier years, appeared before the court. Attorneys in fact can usually be recognized by a letter of attorney (power of attorney) filed in court, authorizing some person to appear in court and act for another in a given cause, or to execute a deed, or to perform some other specified function. Following the restoration of the Province to the Calverts in 1658 the legal work conducted before the court passed more and more into the hands of professional lawyers. By this it is not meant that the attorneys at law practicing in the Provincial and county courts devoted themselves exclusively to its practice, for nearly all of them were planters as well. During the period covered by this record, the great bulk of business before the Charles County courts came to be carried on by a comparatively small group of local attorneys at law.

The admission of attorneys to practice was provided for by Section 12 of Chapter 48 of the Acts of 1715:

XII. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from and after the End of this present Session of Assembly, no Attorney, or other Person whatsoever, shall practice the Law in any of the Courts of this Province, without being admitted thereto by the Justices of the several Courts, who are hereby impowered to admit and suspend them (*Salvo Jure Caronae*) until his Majesty's Pleasure shall be known therein. . . ." A somewhat similar provision had been included in Chapter 20 of the Acts of 1674[15] but it was repealed two years later.

The terms "attorney," "counsellor," "solicitor," and "practitioner of the law" appear in acts of the General Assembly regulating lawyers. "Barristers" and "serjeants" did not constitute classes of the colonial bar of Maryland[16] as they did in England, although a number of men from Maryland went to England and, joining the Inns of Court, became barristers.

Roscoe Pound has noted: "In Maryland, there was perhaps the earliest development of lawyers. They appear of record almost from the beginning."[17]

[14] *Ibid.*, LX, xx.
[15] *Ibid.*, II, p. 409.
[16] Roscoe Pound, "The Legal Profession in America," *Notre Dame Lawyer*, XIX (1944), p. 341.
[17] *Ibid.*, p. 336.

In his *Studies in the History of American Law* (2nd ed. 1959), Richard B. Morris writes:[18]

With the advent of the eighteenth century the number of trained lawyers in the colonies increases markedly. Many of these attorneys emigrated to the colonies; an appreciable number of native lawyers had, by the eve of the American Revolution, received their legal education at the Inns of Court in England.

Charles Warren lists the prominent lawyers of this period in Maryland as follows:[19]

Of the Bar of the early Eighteenth Century, this Daniel Dulany, the elder, stood at the head. He was born about 1680, educated at the University of Dublin, admitted to the Bar of the Provincial Court in 1710, barrister of Gray's Inn in 1716, later Attorney-General of the Province.

Others of prominence were Charles Carroll, born in 1660, educated at the University of Douai in France and in the Inner Temple in London, who came to Maryland in 1688, as Attorney-General vigorously resisted the attempt to overthrow Lord Baltimore's Government, was arrested for high misdemeanor by the Royal Governor, and died in 1720; Thomas Bordley; Robert Ridgely; Col. Henry Jowles, a barrister, and Chancellor of the Province in 1697; Griffith Jones and Stephen Bordley.[20]

By the year 1765, conditions had arisen in Maryland which had produced a Bar of great ability and of trained men educated in the law.

3. The Preparation of Conveyances by Laymen in the Colony

For several reasons it seems clear that conveyancing in the Colony of Maryland was not limited to attorneys admitted to practice before the courts.

In the first place, it may be assumed that the tradition in England at the time also obtained in the Colony. In England, conveyances were made by serjeants, barristers, attorneys and solicitors—all of whom had received official recognition of the right to engage in the practice of law. Conveyances were also made by "conveyancers." They had received training in the Inns of Court as law students but

[18] Pp. 65-66.

[19] *Op. cit.*, note 11, *supra*, p. 54.

[20] In 1692, it is recorded that on the assembling of the Provincial Court after the Protestant Revolution, George Plates, Griffith Jones, William Dent, Samuel Watkins and Philip Clark took the new test oath, and on motion the court limited the number of attorneys to be admitted to practise.

had not been authorized to engage in the practice of law.[21] Scriveners also engaged in the work, but they constituted a special group in that they were not supposed to prepare deeds without advice of counsel.[22] Finally, conveyances were prepared by laymen who had no connection with the law.[23] It was not until 1804 that conveyancing was restricted in England to those authorized to engage in the practice of law.[24]

In the second place, regardless of the English tradition, conveyancing in the Colony was often carried on in an informal manner because land was plentiful, conveyances were frequent, and there were not enough authorized attorneys available to do the work. The editors of the *Proceedings of the County Court of Charles County, from 1666 to 1674,* J. Hall Pleasants and Louis Dow Sisco, state in the introduction:[25] "In form, most of the deeds are lengthy, with the repetitious verbiage of that day, averaging nearly one thousand words, or about two printed pages of this volume. The longer the deed, the higher was the clerk's fee for recording, and doubtless the larger the fee paid to the attorney *or conveyancer* for drawing it up. . . ." (Italics supplied.)

Moreover, a thorough search did not disclose any colonial legislation restricting conveyancing to attorneys. The legislation regarding attorneys had to do with practice before the courts, namely:[26]

Acts of 1666, Chapter 5: "An Act prohibiting Commissioners, Sheriffs and Clerks, to plead as attorneys in their respective County Courts."

Acts of 1671, Chapter 24: "An Act prohibiting all Sheriffs, Sub-Sheriffs, or Deputy-Sheriffs, all Clerks, Sub-Clerks, or Deputy-Clerks, to plead as an Attorney, in any Court or Courts, within this Province, where he or they shall bear such Office."

Acts of 1674, Chapter 20: "An Act to reform Attorneys, Counsellors and Sollicitors at Law, of this Province, to avoid unnecessary Charges in Suits at Law."

Acts of 1714, Chapter 4: "An Act for Relieving the Inhabitants

[21] W. S. Holdsworth, *History of English Law,* (4th ed., London, 1927), VI, pp. 447-448; VII, p. 384.

[22] E. B. V. Christian, *A Short History of Solicitors,* (England, 1896), pp. 141-142, 146.

[23] *Ibid.,* W. Sheppard, *Touch-Stone of Common Assurances,* (London, 1641), preface.

[24] 44 George III, c. 98; W. S. Holdsworth, *History of English Law,* (London, 1938), XII, p. 26.

[25] *Arch. Md.,* LX, xl.

[26] The wording of the titles of the acts is taken from *Laws of Maryland at Large with Proper Indexes* (1637-1763), edited by Thomas Bacon (1765).

of this Province from some Aggrievances in the Prosecution of Suits at Law."

Acts of 1715, Chapter 41: "An Act for the better Administration of Justice in the High Court of Chancery, Provincial, and County Courts of this Province; for the more speedy Recovery of Debts, easy obtaining of Executions against Persons absenting from the Counties where the Judgments were recovered against them; for preventing Commissioners, Sheriffs, Sub-Sheriffs, Clerks, and Deputy Clerks to plead as Attorneys in the respective Courts to which they belong; and for Amercements in the Provincial and County Courts."

Acts of 1715, Chapter 48: "An Act for rectifying the ill Practices of Attorneys of this Province, and ascertaining Fees to the Attorney-General, Clerk of Indictments, Attorneys and Practitioners of the Law in the Courts of this Province, and for levying the same by Way of Execution."

Acts of 1721, Chapter 2: "An Act for reviving and continuing an Act of Assembly entitled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law."

Acts of 1722, Chapter 12, Section 4, provided for a penalty on attorneys neglecting their clients' causes in the County Court.

The following legislation related to the controversial matter of permitting planters to pay lawyers' fees in tobacco instead of currency:[27]

Acts of 1725, Chapter 14: "An Act to restrain the ill Practices of Attorneys, and to prevent their taking Money Fees; and ascertaining what Fees shall be allowed to Practitioners in the Law, who shall attend the Circuit Courts." The act was repealed by Chapter 22 of the Acts of 1725 and then revived by Chapter 22 of the Acts of 1729. This last act later received the Proprietor's dissent.

The third reason for concluding that conveyancing in the Colony of Maryland was not limited to attorneys admitted to practice before the courts is that it is definitely stated that conveyances were being made by men who were not lawyers in Chapter 30 of the Acts of 1692, entitled, "An Act for the Enrolment of Conveyances and Securing the Estates of Purchasers":[28]

IV. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid. That every such writing Indented, to be Acknowledged and Enrolled as aforesaid, shall have relation, as to the Passing and Conveying of the Premises and

[27] See Warren, *op. cit.*, pp. 53-54.

[28] The wording of this and the following act is taken from Bacon's *Laws of Maryland at Large, supra*, note 26.

Estate and Estates thereby passed, or intended to be passed and conveyed, only from the Day of the Enrolment of the same, and not from the Day of the date thereof; and shall be at all Times construed and taken most favourably and beneficially for the Benefit and Advantage of the Grantee and Grantees, and more strongly for the barring of the Grantor and Grantors therein to be named, and according to such Intent, as by the Words thereof shall appear to have been the true Intendment of the Parties thereunto, *albeit the same shall not happen to be drawn and penned in such strict formal Manner as is used in England, and other Countries, where the Advice of Council Learned in the Laws of the Country may easily be had in the Drawing, Penning and Writing of Instruments of the like nature.* (Italics supplied.)

To the same effect is Chapter 6 of the Acts of 1671, entitled, "An Act for Quieting Possessions":

"Forasmuch as in the Beginning of this Plantation, and till of late Years, there never was any settled Course of conveying Lands, Tenements or Hereditaments, from Man to Man, in this Province, by reason whereof the Titles of divers Persons, who have, *bona fide*, bought and paid for Lands, become doubtful. And thence arise divers Suits at Law, to the great Loss of divers Inhabitants of this Province, We, the Delegates and Deputies of the Freeman of this Province, in this present General Assembly, do pray that it may be Enacted. . . ."

The act then provided that conveyances in writing only, with or without seal, heretofore made shall be good in law and that where a writing is lost or defaced, proof of payment shall be good in law.

Finally, that laymen practiced conveyancing in the *Colony* of Maryland is indicated by the fact that justices of the peace engaged in this work in the *State* of Maryland in the early 1800's. In 1826, John H. B. Latrobe published *The Justices' Practice under the Laws of Maryland, including the Duties of the Constable. To which is added a Collection of Forms used in Conveyancing.* The preface states in part:[29]

The thirty-fifth chapter contains the simplest forms of conveyancing, such as it may be convenient and useful for a Justice of the Peace to possess, accompanied with directions for using them. The legal technicalities made use of in the work, are explained in the thirty-sixth chapter, and the acts relating exclusively to Baltimore complete the volume.

[29] *Ibid.*, xiv.

Following is the introductory section to the chapter on conveyancing:[30]

1837. It is not our intention in the present chapter to go at length into this subject. With conveyancing, the Justice of the Peace, strictly speaking, should seldom if ever interfere, and if he does, he should confine himself to the simplest cases of the transfer of property. Leaving therefore the abstruse doctrines and complicated forms of conveyancing to professional men, we will insert those forms only which a Justice of the Peace may safely use, and which he may find it convenient to possess.

[30] *Ibid.*, p. 406.

REVIEWS OF RECENT BOOKS

The Theater in Colonial America. By HUGH F. RANKIN. Chapel Hill: The University of North Carolina Press, 1965. ix, 239. $6.

All historical monographs tend to be molded by the type of source material available to the scholar. Diplomatic history often drones along like published diplomatic correspondence; constitutional history sometimes suffers from the verbosity of lawyers' briefs and judges' opinions. In similar fashion histories of the theater are inevitably compounded from the molecules of information available in old play bills and newspaper notices. There is a constant danger that the narrative will be reduced to monotonous annals. For each year the reader will be told how long the season was in each city, what plays were presented, and who acted the various roles. The abler the researcher the greater the temptation will be to concentrate on filling in forgotten dates in the itineraries of the players or on tracing the appearance of new names in the casts. Probably the true theater buff never gets enough of this lore, but the reader of more general interest is likely to find his attention lagging.

Hugh Rankin's study of the colonial theater does not entirely escape from this fault. Strictly chronological in organization it narrates most of what can now be ascertained about stage plays in America from August 27, 1665, the day when a group of Virginia amateurs put on *The Bare and the Cubb* to February 2, 1775, the day when David Douglass set sail from New York to Jamaica, thus putting an end to all professional acting in America until after the Revolution. For many of the intervening years there was nothing to record, but for the years after 1752 Rankin has a highly detailed story to tell of the itinerant companies who provided theatrical seasons sometimes long, sometimes short, in New York, Philadelphia, Annapolis, Williamsburg, and Charleston with occasional performances in the smaller provincial towns.

Despite the meticulous thoroughness with which Rankin traces the travels of the players, he escapes the annalistic straitjacket to develop a number of significant themes. "Struggle," he writes, "perhaps, is the best word that sums up the one ever-present element —struggle against religious zealots, against moralists, but, more than anything else, a struggle for survival." Puritan hostility barred the

theater throughout New England; even in heterodox Rhode Island the ingenious actor-manager Douglass made only a brief foray by concealing Shakespearean tragedy within the Trojan horse of "Moral Dialogues." Quaker sobriety allied with Presbyterian prejudice made recurrent trouble for the actors in Philadelphia. Even in the more worldly colonies George Whitefield and his fellow-revivalists might temporarily close the theaters.

All this is a more or less familiar story. Less well known is the impact upon the theater of economic jealousy and political passion. In times of stringency the merchants were likely to condemn theater-going as a drain upon scarce money. From the period of the Stamp Act controversy down to the Revolution each political crisis brought a threat of mob action against the theaters. Rankin does not make it entirely clear just why this was so. In part, it probably represented a hostility to Englishmen (almost none of the actors were American-born); in part, it was related to the prevailing economic sanctions; in part, it reflected the stern puritanical mood likely to appear in the early phases of a political revolution. This attitude is summed up in the resolution of the Continental Congress of October 20, 1774: "We will . . . encourage frugality, economy, and industry . . . and will discountenance and discourage every species of extravagance and dissipation, especially all horse racing, and all kinds of . . . shews, plays, and other expensive diversions and entertainments."

Fortunately for the colonial theater, it had friends as well as enemies. The royal governors expected the actors to grovel for their favor but usually responded by licensing the plays; colonial gentlemen in search of amusement—among whom George Washington was decidedly to be numbered—frequented the playhouses; even a few clergymen, like Philadelphia's William Smith and Annapolis's Jonathan Boucher, stoutly defended the morality of the theater. In Rankin's final chapter he deals briefly with social distinctions among the theater patrons and with the reasons for the popularity of particular plays. More development along these lines would have been welcome.

Readers of this magazine will be interested to know that Rankin deals rather thoroughly not only with the Annapolis theater but with the visits of the players to other Maryland towns. All in all, this is an attractive and interesting book, which provides us with our most complete and reliable guide to the colonial theater.

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Pine Trees and Politics: The Naval Stores and Forest Policy in Colonial New England 1691-1775. By JOSEPH J. MALONE. Seattle: University of Washington Press, 1965. xi, 219. $5.

One of the many products of the "rather dangerous crusading spirit which characterized" the activities of the Board of Trade in its early years, English forest policy as it was originally conceived for New England had two parts. First, there were provisions designed to make New England fit more neatly into the mercantile system by encouraging the production of naval stores; second, there were the regulations forbidding the cutting of white pines suitable for masts for the Royal Navy. As the author of this volume makes clear, the naval stores policy, elaborated in a statute of 1705, was a total failure. Neither Jonathan Bridger, the first Surveyor-General of the Woods, nor any of his successors made any concerted effort to promote it. Although the Board of Trade continued to advocate it well after it had become clear both that the Royal Navy preferred Baltic to colonial naval stores and that the Carolinas with their natural advantages would outdistance all colonial competition, naval stores production never became of great importance in the New England economy.

Imperial mast policy was also a failure, though not, initially at least, because of any lack of effort to enforce it. Unlike colonial naval stores, New England white pine masts were vital to the Royal Navy, and imperial officials inaugurated the policy of reserving trees of specified dimensions for the Crown by a clause in the Massachusetts Charter of 1691. It was Bridger, however, through a series of ad hoc responses to problems he encountered in policing New England forests, who shaped most of the details of the forest policy, details which were subsequently embodied in the White Pine Act of 1711 and two more stringent supplementary measures of 1722 and 1729. Coming seventy years after the settlement of New England, after "unrestricted cutting" had come to be regarded as an "inalienable right," imperial forest regulations were never popular with lumbermen and those traders who hoped to profit by selling masts outside the empire, and, the author finds, they ingeniously circumvented every effort of imperial officials to circumscribe their activities. Bridger's intemperate behavior between 1705 and 1718 created widespread resentment and the attempts of David Dunbar, Surveyor General between 1728 and 1743, to enforce the "reckless" act of 1722 which reserved *all* white pines from Nova Scotia to New Jersey for the Crown led to what the author describes as a woodland rebellion. Dunbar's successor, Governor Benning

Wentworth of New Hampshire, avoided Dunbar's difficulties by ignoring violations of the forest regulations and in the process acquired a personal fortune in the mast trade. Not until the appointment of his nephew, John Wentworth, as his successor in 1767 was there any further effort at systematic enforcement.

As an account of the formulation and attempted enforcement of imperial forest policy this volume is excellent; as an analysis of the colonial response, on the other hand, it is vague and unconvincing, especially in its treatment of the critical years from 1743 to 1775. There is no question that the author is correct in arguing that imperial mast policy and the attempts to enforce it did "much to exacerbate relations between New England and the mother country" and "were a continuing source of irritation to the colonists until 1743." What is much less clear is the "relevancy" claimed on the dust jacket of the "forest problem to the American Revolution." In a concluding footnote, the author questions the recent emphasis upon immediate causes in the coming of the Revolution and suggests that his study provides "at least a modicum of support for the view that there were any number of rivulets which over long years joined together to reach flood stage in the decade before 1776." The Revolution was not, he asserts, "a 'flash flood' beginning in 1759 or 1763." It is by no means clear, however, that colonial resentment of imperial mast policy after 1743 was even a rivulet. The author presents no evidence of any serious colonial dissatisfaction with that policy between 1743 and 1775, and it is doubtful that resentments engendered prior to 1743 persisted for three decades. What evidence he does offer seems to point, in fact, to an easing of tensions and an accommodation of competing interests. With reference to the general argument for the significance of long term issues for the Revolution, it is clear, to continue the author's metaphor, that there were a number of important streams of dissension between the imperial government and the colonies throughout the colonial period. But the important point is that they were only rivulets and as long as they remained so were unlikely to provoke a revolution. It is useful to explore and describe the course of each of these streams, but in assessing the causes of the Revolution the critical question would seem to be what cloudburst after 1760 produced the torrent that engulfed them all and swept everything before it into the sea of war and revolution.

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Catholics in Colonial America. By JOHN TRACY ELLIS. Baltimore: Helicon Press, Inc., 1965. Benedictine Studies: Eight. 486. $9.75.

In a year of ecumenism, Vatican II and papal visits to Asia and America, John Tracy Ellis's *Catholics in Colonial America* is a timely study. Intended as a history of American Catholicism, this shortened survey of early colonizing efforts remains Gargantuan in scope. After a brief review of political and institutional difficulties of the Church in its post-Reformation renewal, Msgr. Ellis sympathetically describes its missions to the American mainland from Ponce de Leon to John Carroll.

Structurally, the study is divided chronologically and by national thrust. Spanish, French and British missions are subdivided by locale and further complicated by the necessity to relate international wars and internecine squabbling to the vitality of the Church in America. The complexities involved in surveying three hundred years, tracing clerical contact with fifty-nine Indian tribes, assessing the careers of diverse missionaries and religious orders and analyzing the importance of clashes between Jesuit and Sulpician, Church and State, Gallicans and Ultramontanes, Spanish and French, French and British are obviously prodigious. There are poignant and moving descriptions of the conversion of the Abenaki, the labors of Jesuit Claude Allouez, the heroism of Lalemont and Jogues and the necessary caution of John Carroll. At times this kaleidoscope of detail threatens to blur the essential drama of the undertaking. Missionary after missionary meets tribe after tribe and confronts obstacle after obstacle.

Consequently the totality that Msgr. Ellis does convey is hard won. In evaluating the lasting impact of the Catholic missions he demonstrates: 1) the Spanish effort materially backed by the state and primarily motivated by a sincere desire to save souls did effect lasting Christian foundations; 2) the French success was seriously impaired by the ferocious enmity of the Iroquois, the civil-religious dispute over segregation of the tribes and the damaging suspicions of Quebec and Paris of the Jesuits, the most energetic missionaries; 3) the British effort was too involved in bare survival to preach among the Indians. Yet the measure of acceptance won by the leadership of Catholics like Charles Carroll in the tension of the Revolution allowed quiet hope for future growth. Paradoxically, this most tenuous beginning was to produce the most startling and significant results in American religious history. Tellingly, Msgr. Ellis uses statistics to undergird his conclusions. In 1767 when the Spanish monarch Charles III expelled the Jesuits over 678 left America; only 300 Jesuits were involved in France's effort, while the

35,000 Catholics in the former British colonies were served by a mere 35 priests.

By re-examining the work of John Gilmary Shea, Msgr. Ellis has made a welcome and valuable contribution to American Church history. However, it is regrettable that the author chose not to include a comprehensive bibliography.

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Winthrop's Boston: A Portrait of a Puritan Town, 1630-1649. By DARRETT B. RUTMAN. Chapel Hill: The University of North Carolina Press, 1965. Published for the Institute of Early American History and Culture at Williamsburg. x, 324. $7.50.

Professor Rutman has produced an admirable study of early Boston which adds greatly to our knowledge of colonial New England. It is only through such detailed accounts that long-standing generalizations can be affirmed or altered. *Winthrop's Boston* together with Sumner Powell's recently published *Puritan Village* should provide a solid base of departure for future scholarly efforts and significantly add to an understanding of our Puritan heritage.

As a penetrating analytical study of Boston from 1630 to 1649, Rutman's book deserves the careful consideration of all American colonial historians. No one else has so meticulously examined the sources and delineated so clearly the economic and social lines of development of this early settlement. Historians may, however, be somewhat disappointed in both the editor's and the author's claim of an "interpretive study." Interpretive it may be, but since one is hard-pressed to find much that is really new the term loses its significance.

Rutman appears to feel that the accepted view of the Puritan Commonwealth sees no diminution of Winthropian ideals until at least 1648. The author, on the other hand, believes that Winthrop's ideals, and developments in Boston, diverged from the moment of founding. This reviewer agrees with the author but doubts the novelty of his argument. One may also question the author's assertion that "it will be obvious" where his "conclusions differ from other commentators on the subject of New England and New England Puritanism." He does argue that congregationalism came neither from Salem and Plymouth (the traditional interpretation) nor from England with the newcomers (Perry Miller's view), but that it resulted from a combination of these two (p. 50). This is a modest contribution and is clearly divergent from previous opinion.

Beyond this, however, the "obvious" differences with past authorities simply are not obvious.

One further criticism may be offered of the author's claim to have written an "extended essay" utilizing "John Winthrop and the town of Boston as protagonists" in the matter of the ideal and the real. Rutman spends the first nineteen pages in analyzing Winthrop's sermon, "A Modell of Christian Charity," in order to ascertain what Winthrop's ideals really were. The remaining two hundred and sixty-six pages are devoted to the reality of a Boston from which Winthrop is strangely missing. It is difficult to see the two as protagonists when the attention is riveted on only one.

The foregoing criticisms are directed only at what Professor Rutman and the editors have claimed for the book and should not detract from the book's very real value. While it will not shake the foundations of past interpretation, it does provide needed raw material for a further refinement of our views on colonial New England.

GERALD E. HARTDAGEN

Lycoming College

Secular Music in America 1801-1825. A Bibliography by RICHARD J. WOLFE. The New York Public Library, New York. 1964. 3 volumes. 1238. $35.

Under the auspices of the New York Public Library Richard J. Wolfe has completed a comprehensive study of the secular music of the first quarter of the 19th century. Mr. Wolfe has explored with painstaking thoroughness fifty public and private music libraries in the United States and has compiled a detailed bibliography of over 10,000 items, representing "popular" music—as opposed to liturgical music—published in sheet form between the years 1801 and 1825.

The massive and scholarly presentation represents a six-year study by the bibliographer. He catalogues and describes with careful exactitude the pieces published, assigning each an identifying number, grouping them alphabetically according to the composers, and sketching the qualifications and musical history, insofar as possible, of each composer whose name appears.

For the serious student of American music this tremendous work represents a contribution to our fund of knowledge long hoped for and gratefully welcomed. Moreover, in effect, it concludes American bibliography to 1820, along with Sonneck and Upton on 18th century sheet music, Evans, followed by Shaw and Shoemaker, on books, and Clarence Brigham on newspapers.

It should prove of particular interest to the members of the

Maryland Historical Society, whose own Dielman collection yielded Mr. Wolfe close to five hundred items, which he recorded with the Society's symbol, "MdHi," appearing below each as it is listed and described in the bibliography.

Among the hundreds of times "MdHi" meets the eye, one in particular may be most impressive to the student of the book—the notation under identifying number 8344. For Wolfe's 8344 is assigned to the most highly prized piece of American sheet music, the first edition of "The Star-Spangled Banner."

It is the Society's good fortune to possess a copy of this rarity.

LESTER S. LEVY

Baltimore, Md.

The Case for Liberty. By HELEN HILL MILLER. Chapel Hill: University of North Carolina Press, 1965. xvi, 254. $5.95.

Mrs. Miller has used a legal technique to write an effective and delightful book. Law schools teach legal principles through the study of actual cases. In *The Case for Liberty* Mrs. Miller applies the same method to the Bill of Rights.

We usually approach constitutional rights as a matter of theory, viewing them as brainchildren of intellectuals with a special pipeline to the Almighty. We learn the theories of Hobbes, Locke, and Rousseau, and titillate our imaginations with visions of a state of nature in which men are endowed with inalienable rights simply by being men. Undeniably, the theorists exerted enormous influence. They pointed to the stars by which our course was charted. But their theories succeeded because they gave fulfillment to practical needs. Oppression, not theory, furnished the fuel for the American Revolution; and the areas which the Founding Fathers sought to guard from further oppression were those spotlighted by individual abuses.

This is Mrs. Miller's theme. Case by case, with the instinct of a dramatist, she portrays situations that actually happened and that formed the background of the Bill of Rights. Some of these are old friends, including the "freedom of the press" trial of John Peter Zenger in New York, and Bacon's Rebellion in Virginia. Others are less familiar, such as the earlier sedition trial of William Bradford in Philadelphia, Alexander MacDougall's protest against the quartering of troops in New York, the activities of the Regulators in North Carolina, and the burning of His British Majesty's schooner *Gaspee* in Rhode Island. As is inevitable in a case by case approach, the dramatic quality and the readability of the examples vary. Some even show strain. But all are interesting, and

they are told with a verve that gives them the immediacy of this morning's paper.

Such a task requires a scholar of inquisitive disposition. This is Mrs. Miller in abundance. She holds degrees from Bryn Mawr, Oxford, the University of Chicago, and the International University, of Geneva. She describes herself as a journalist, but her amazingly varied activities have included books on international affairs, women's suffrage, Greece, genetics, cooking, and a biography of George Mason, major architect of the Bill of Rights. Amidst all this she has reared a family. And, what is best, she writes as if for pleasure.

H. H. WALKER LEWIS

Baltimore, Md.

BOOKS RECEIVED FOR REVIEW

Guide to Manuscripts and Archives in the West Virginia Collection—Number II, Morgantown: West Virginia University Library, 1965. xiii, 147. $

West Virginia Civil War Literature: .An Annotated Bibliography. By CHARLES SHETLER. Morgantown: West Virginia University Library, 1963. xii, 184, $7 cloth; $5 paper.

J. Franklin Jameson: A Tribute. Edited by RUTH ANNA FISHER and WILLIAM LLOYD FOX. Washington, D. C.: The Catholic University of America Press, 1965. ix, 137. $3.25 cloth; $1.95 paper.

Folksingers and Folksongs in America. By RAY M. LAWLESS. New York: Duell, Sloan & Pearce, 1965. xviii, 750. $10.

Emigration and Disenchantment: Portraits of Englishmen Repatriated from the United States. By WILBUR S. SHEPPERSON. Norman, Okla.: The University of Oklahoma Press, 1965. xi, 211. $4.95.

The Social Structure of Revolutionary America. By JACKSON TURNER MAIN. Princeton: Princeton University Press, 1965. xiii, 330. $6.50.

Jim Crow's Defense: Anti-Negro Thought in America, 1900-1930. By I. A. NEWBY. Baton Rouge: Louisiana State University Press, 1965. xv, 230. $6.50.

The Diary of Colonel Landon Carter of Sabine Hall, 1752-1778. By JACK P. GREENE. Charlottesville: The University of Virginia Press, 1965. Published for the Virginia Historical Society, Virginia Historical Society Documents, Vols. 4 and 5. xvi, 1204. $25.

The Decorator Digest: Chapters in the History of Early American Decoration and Its European Background, Selected from "The Decorator." By NATALIE ALLEN RAMSAY. Rutland, Vt.: Charles E. Tuttle Co., Inc., 1965. Published for the Historical Society of Early American Decoration. x, 372. $8.95.

The General To His Lady: The Civil War Letters of William Dorsey Pender to Fanny Pender. Edited by WILLIAM W. HASSLER. Chapel Hill: The University of North Carolina Press, 1965. xiii, 271. $6.

Chesapeake Circle. By ROBERT H. BURGESS. Cambridge, Md.: Cornell Maritime Press, Inc., 1965. xi, 211. $10.

Keepers of the Past. Edited by CLIFFORD L. LORD. Chapel Hill: The University of North Carolina Press, 1965. 241. $6.

The Lamp of Experience: Whig History and the Intellectual Origins of the American Revolution. By H. TREVOR COLBOURN. Chapel Hill: The University of North Carolina Press, 1965. Published for the Institute of Early American History and Culture at Williamsburg. viii, 247. $7.50.

Toward Lexington: The Role of the British Army in the Coming of the American Revolution. By JOHN SHY. Princeton: Princeton University Press, 1965. x, 463. $8.50.

The Politics of Reconstruction, 1863-1867. By DAVID DONALD. Baton Rouge: Louisiana State University Press, 1965. xviii, 105. $4.

William Penn The Politician: His Relations With The English Government. By JOSEPH E. ILLICK. Ithaca: Cornell University Press, 1965. x, 267. $5.75.

Hinton Rowan Helper: Abolitionist Racist. By HUGH C. BAILEY. University, Alabama: University of Alabama Press, 1965. Southern Historical Publications. xi, 256. $6.95.

Your Maryland. By VERA A. FOSTER. Lanham, Md.: Maryland Historical Press, 1965. xii, 383. $4.50.

The Poverty of Abundance: Hoover, The Nation, The Depression. By ALBERT V. ROMASCO. New York: Oxford University Press, 1965. x, 282. $6.

The King's Friends: The Composition and Motives of the American Loyalist Claimants. By WALLACE BROWN. Providence, R. I.: Brown University Press, 1965. x, 411. $7.

Without Fear or Favor: A Biography of Chief Justice Roger Brook Taney. By WALKER LEWIS. Boston: Houghton Mifflin Company, 1965. xiii, 556. $7.50.

NOTES AND QUERIES

Nineteenth Conference on Early American History—Moravian College and Historic Bethlehem, Inc., will sponsor the Conference at the Moravian campus in Bethlehem, March 25-26, 1966. The Institute of Early American History and Culture, Williamsburg, Virginia, is advising. At the first session, on Friday afternoon, Forrest McDonald of Brown University will present a paper on aspects of the ratification of the Constitution. Staughton Lynd of Yale University will comment. Friday evening's program will begin with a colonial-style dinner, the menu for which is suggested by the fare of the Sun Inn of Bethlehem in the 1780's. Venison, roast suckling pig and various other delicacies will be included. Following dinner, Douglas Adair of the Claremont Graduate School will address the group. The final session on Saturday morning, March 26, will commence with a paper by Jacob E. Cooke of Lafayette College on John Adams as President and party leader. Stephen G. Kurtz, dean of Wabash College, will comment. Arrangements will be made so that conferees may visit the Moravian Archives, and the colonial buildings and sites being restored by Historic Bethlehem, Inc.

Edmund P. Willis, Conference Chairman
Moravian College, Bethlehem, Pa.

Historic York County—The County would like to introduce its three restorations—The General Gates House, The Golden Plough Tavern, and The Log House—by sending you its newsletter "The Wattle and Daub" and the brochure which is presented to all visitors to the houses. The restorations have been expertly done and carefully furnished with early Pennsylvania furniture. They offer an opportunity to study the way of life of the colonists who established the town of York in 1741. The sharp contrast of the medieval primitive background of the German who built the Golden Plough Tavern in 1741 and the more sophisticated English builder of The General Gates House in 1751 is enhanced because these two houses adjoin one another. Three blocks away The Log House,

built in 1811, offers yet another form of the simple rural life of the average person in the early days of the community.

Open daily throughout the year, special student tours may be arranged by writing or calling The General Gates House at 717-843-3673.

Historic York County
157 West Market Street
York, Pennsylvania

CONTRIBUTORS

J. Reaney Kelly is a student of Maryland Quaker history about which he has contributed several articles to this and other historical magazines. His study *Quakers in the Founding of Anne Arundel County, Maryland* was published by the Society in 1963. This book and, even more, the present article mark the first extensive use of the Anne Cheston Murray Papers containing the Galloway manuscripts at Tulip Hill.

Francis F. Beirne is a noted historian and newspaper editor. He, together with Mrs. Beirne, is completing a definitive life of Samuel Chase.

Carville D. Benson is Professor Emeritus of Law at the George Washington University.

Notice

During the construction of the Thomas and Hugg Memorial Building every effort will be made to continue the customary services of the Society. However, the paramount consideration of providing protection for the collections of the Society will compel a temporary curtailment in some areas.

Therefore, researchers planning to use the library during the next year are advised to inquire in advance as to the extent that services will be available.

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Names of authors and titles of papers and original documents printed in the *Magazine* are set in capitals. Titles of books reviewed or cited are set in italics.