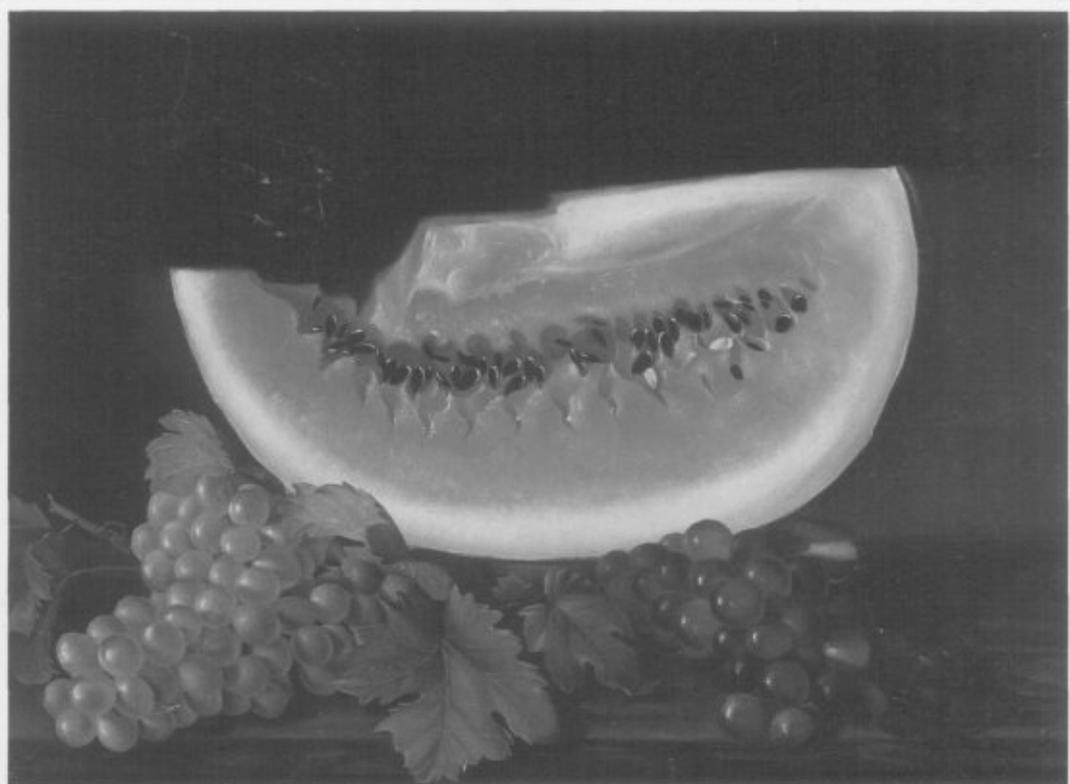


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# Maryland Historical Magazine



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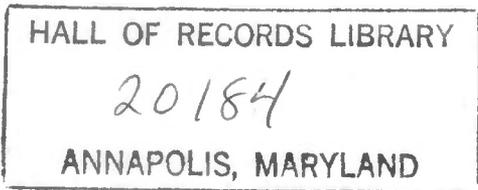
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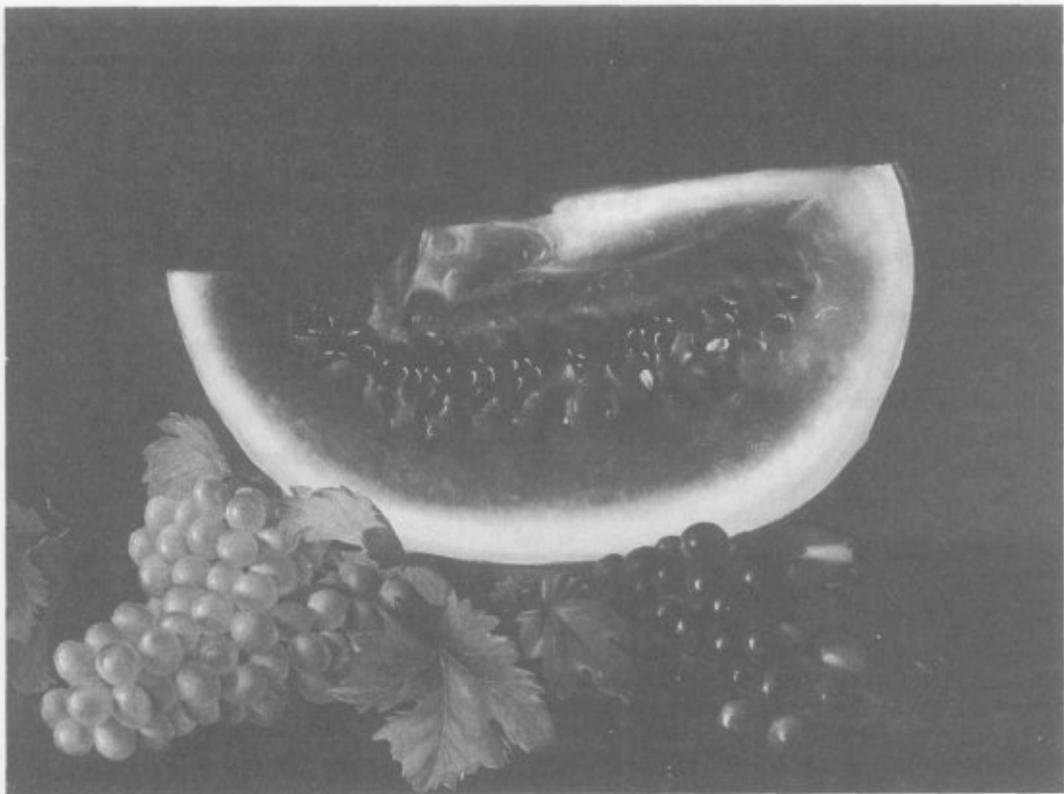
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*Still Life of Watermelon and Grapes, 1820*  
BY SARAH MIRIAM PEALE (1800-1885)  
Gift of Virginia A. Wilson (58.52.4).

Sarah Peale's *Still Life of Watermelon and Grapes* was painted during one of her early visits to Baltimore. The painting is currently traveling with the exhibition *Painting in the South, 1564-1980*.

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# Maryland's Toleration Act: An Appraisal

CARL N. EVERSTINE

**T**HE MARYLAND TOLERATION ACT, originally titled in 1649 as "An Act concerning Religion," is perhaps the best known of all the statutory law enacted in the Province and State of Maryland. It stated a concept of religious toleration which, though seriously limited in its application, still was unusual for its time.

The Act frequently has been extolled as a paragon of virtue and a mark of excellence, and as demonstrating the outstanding perceptions and statesmanship of the early settlers of this State. However, while some historians have given it a high rating, most have been reserved in their judgments, explaining it as an accommodation with the immediate hard facts of history and as too short-lived to be truly memorable.

## THE TOLERATION ACT

The General Assembly enacted the Toleration Act on April 21, 1649. It was described as "An Act concerning Religion,"<sup>1</sup> and the young Legislature then was meeting in its twelfth session.

The new law was a curious piece of draftsmanship. Although not so divided, it had two distinct subjects which, to say the least, were ill-suited one to the other. The legislative *Journal* has not a single word to explain the strange amalgam.

The theory of amalgamation and probable co-authorship is supported by the presence of two preambles in the Act, one at the beginning of each portion and with no evidence of separability. A commonly accepted hypothesis is that the second part

of the Act was submitted to the Assembly by Cecilius Calvert, second Lord Baltimore, then in England; and that the first portion was added by the Legislature in the Province of Maryland. The nub of what later generations were to refer to as the Act of Toleration was in the second part, and, although its benefits were restricted to Christian believers, for the seventeenth century it could claim a degree of liberality. Portions of the first part, by contrast, certainly were illiberal and intolerant as to the non-Christian, the partial Christian, and the lukewarm Christian. Historians can only grope for answers in seeking to account for the odd compounding. Perhaps the rigorous strictures against blasphemy and profane behavior, added by the Legislature, served to add some inclination for adopting the "toleration" sought by Lord Baltimore.

The preamble in the first part of the Act cites that "In a well governed and Christian commonwealth, matters concerning religion and the honor of God ought in the first place to be taken into serious consideration and endeavored to be settled." With this introduction, the Act first provided

That whatsoever person or persons within this Province and the island therunto belonging shall from henceforth blaspheme God, that is, curse him or deny our Savior Jesus Christ to be the son of God, or shall deny the Holy Trinity the Father Son and Holy Ghost, or the Godhead of any of the said three persons of the Trinity or the Unity of the Godhead, or shall use or utter any reproachful speeches words or language concerning the said Holy Trinity, or any of the said three persons thereof shall be punished with death and confiscation or forfeiture of all his or her lands and goods to the Lord Proprietary and his heirs.

Dr. Everstine, for 26 years the Director of the State Department of Legislative Reference, is the author of a three-volume work on Maryland's General Assembly.

A second and less dramatic offense was described as using or uttering "any reproachful words or speeches concerning the blessed Virgin Mary the mother of our Savior or the holy Apostles or Evangelists of any of them . . ." Here the penalty was to be forfeiture of five pounds sterling for the first offense, or whipping or imprisonment if the fine could not be paid. A more serious penalty was provided for the second offense, and for a third offense one could forfeit all his lands and goods and be banished from the Province.

Thirdly, and somewhat more in the spirit of tolerance,

Whatsoever person or persons shall . . . in a reproachful manner or way declare call or denominate any person or persons whatsoever inhabiting residing trafficking trading or commercing within this Province a heretick, Scismatick, Idolator, puritan, Independant, Presbyterian, popish priest, Jesuite, Jesuited papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Roundhead, Separatist, or any other name or term in a reproachful manner relating to matter of religion shall for every such offense forfeit and lose the sum of ten shillings sterling . . .

Finally, in a prohibition affecting both civil and religious backsliders, penalties were fixed for any person who would "profane the Sabbath or Lord's Day by frequent swearing drunkenness or by any uncivil or disorderly recreation or when working on that day when absolute necessity doth not require it . . ."

The second and main portion of the Toleration Act cited that it was enacted because "the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those commonwealths where it hath been practised," and also "for the more quiet and peaceable government of this Province and the better to preserve mutual love and amity amongst the inhabitants thereof . . ." Here the prohibition was

That no person or persons whatsoever within this Province . . . professing to believe in Jesus Christ shall from henceforth be any ways troubled molested or discourtenanced for or in respect of his or her religion nor in the free exercise thereof

within this Province . . . nor any way compelled to the belief or exercise of any other religion against his or her consent, so as they be not unfaithful to the Lord Proprietary or molest or conspire against the civil government established or to be established in this Province under him or his heirs . . .

The penalty was to be payment of triple damages to the person wronged, plus other payments to the Lord Proprietary.

Both portions of the Toleration Act, to repeat, were based upon full conformance with the Christian religion. The toleration was only for those who without reservation accepted and supported the Christian Trinity. It was not a "toleration" which could be so designated in Maryland's later history.

#### TOLERATION IN MARYLAND PRIOR TO 1649

There were some achievements in religious toleration in Maryland and elsewhere before the enactment of the Toleration Act of 1649. These achievements, and the subsequent lapses over many decades in Maryland, take away much of the glow that otherwise might have accrued around the Toleration Act of 1649.

The prior achievements, to be sure, were not shattering in their impact. As the Beards have explained in calling the Toleration Act "great," a general freedom of conscience "had not been up to that time a cardinal principle proclaimed by Catholics, Anglicans, or Puritans wherever they were in a position to coerce."<sup>2</sup>

There has been a minor argument among historians whether other American colonies of the seventeenth century, notably Rhode Island and Pennsylvania, may have made greater contributions than Maryland to the concept of toleration. In Rhode Island, however, the compact entered into by the settlers in 1636, after they had been banished from Massachusetts Bay, included a promise to "active and passive obedience, to all such orders and agreements as shall be made for public good of the body . . ." To this was added the fatal exception that the orders and agreements were to apply "only in civil things." A later law in Rhode Island (possibly in 1663/64) disfranchised non-Christians and Roman

Catholics. Some commentators have said that Roger Williams was more interested in freedom of conscience when he was being banished from Massachusetts than later when he was in control in Rhode Island.

In the government established by William Penn in Pennsylvania, religious toleration was granted to "all who confess and acknowledge one Almighty and eternal God . . ." The right to vote was given to freeholders and taxpayers professing faith in Jesus Christ. There is some thought, however, that Catholics and Jews did not have an absolute freedom of worship. In any event, the Pennsylvania development came in the 1680s, some decades after that of Maryland, and the comparisons among Rhode Island, Pennsylvania, and Maryland are minor issues of history.

The founding of the Province of Maryland is of more immediate concern. The charter was granted in 1632 to George Calvert, first Lord Baltimore. He was a Roman Catholic, at a time when anti-Catholic sentiment ran high in England. He was friendly with both James I and Charles I, however, and both granted charters to him to establish colonies in America as a haven for Catholics. The first, in the early 1620s, came from James I and allowed a new settlement called "Avalon," in Newfoundland. The second, in 1632, was granted by Charles I and authorized the settlement of Maryland. Following the death of George Calvert, his son Cecil succeeded to the baronetcy and supervised the establishment of the Province in Maryland.

The charter granted in 1632 was very similar to that written a decade earlier for Avalon. It had only scattered references to matters of religion, and it is thought that the generality of language was purposeful. It spoke of the Calverts "being animated with a laudable and pious zeal for extending the Christian religion" in America, in a country partly occupied by savages "having no knowledge of the Divine Being."

Among the powers given to Lord Baltimore was that of "erecting and founding churches, chapels and places of worship . . . and of causing the same to be dedicated and consecrated according to the ecclesiastical law" of England; and he was to have "the patronages and advowsons" of all churches. Near the end of the charter, in

an interpretive section, it was added that if any doubts or questions should arise concerning "the true sense and meaning" of the charter, they should be resolved in a manner determined "to be the more beneficial, profitable, and favourable" to Lord Baltimore, "provided, always, that no interpretation thereof be made, whereby God's holy and true Christian religion . . . may in any wise suffer by change, prejudice or diminution . . ."

Considering the temper of the times in England, and the fact that a Protestant king was making the grant to a Catholic baron, the infrequency and generality of references to religion were remarkable. Although the new Province was thought to be a haven for Catholics, Protestants were included on the initial voyage. Lord Baltimore issued instructions to his son Cecil, in charge of the expedition, to avoid all religious controversy:

His Lordship requires his said Governor and Commissioners that in their voyage to Mary Land they be very careful, to preserve unity and peace amongst all the passengers on Shipboard, and that they suffer no scandal nor offence to be given to any of the Protestants, whereby any just complaint may hereafter be made, by them, in Virginia or England, and that for that end, they cause all Acts of Roman Catholic Religion to be done as privately as may be, and they instruct all the Roman Catholics to be silent upon all occasions of discourse concerning matters of Religion; and that the said Governor and Commissioners treat the Protestants with as much mildness and favor as Justice will permit. And this to be observed at Land as well as at Sea.

The injunction to observe religious amity "at land as well as at sea" seems to have been followed remarkably well.<sup>3</sup> The two sects for a time shared a single chapel building at St. Mary's, and the two best known instances of friction were decided, by Catholics, against the Catholics involved. One incident occurred in 1638, when William Lewis, a Catholic, was charged by his Protestant servants with having attempted to convert them. Lewis was found guilty and fined five hundred pounds of tobacco. In the other instance, in 1641, Thomas Gerard, also a Catholic, was found guilty of

taking the keys to the chapel from Protestants and removing their books. He also was fined five hundred pounds of tobacco.

The most persistent religious controversy occurred among the Catholics themselves, in an extended dispute between Lord Baltimore and the Jesuit priests who came to Maryland. The latter included the legendary Father Andrew White, who was one of the original settlers on the *Ark*. Taking advantage of the liberal grants of land to anyone bringing new inhabitants into the Province, the Jesuits came to be large landowners, with holdings of thousands of acres. One of them, at least, acquired lands from the Indians, breaking a rule that no one should own land except by grant from Lord Baltimore. The Proprietary, in addition to wanting to be the sole grantee of land within Maryland, feared that large tracts of land would be held in mortmain.

The Jesuits then aggravated the argument by asking that their properties be held and operated within the ancient practice of criminal sanctuary, and that the properties would be tax exempt. Also, they asked that the Jesuits themselves would not be subject to the authority of the civil courts, could live among and trade with the Indians, and could determine for themselves what ecclesiastical privileges they would waive.

After some years of extended controversy, and with some prodding from Rome, the dispute finally was settled amicably. The settlement was on Lord Baltimore's terms. He had contended that the Jesuits planned his "destruction," and he also was concerned about the effect of the argument upon the increasing ratio of Protestants settling within the Province.

A statute passed by the General Assembly several years earlier deserves mention, though its meaning is somewhat obscure. At the session in the spring of 1638/39, there was a proposal that "Holy Church within this Province shall have all her rights liberties and immunities safe whole and inviolable in all things." One problem, of course, was to define "Holy Church." Bernard Steiner has suggested that the answer lies in a decision of the Provincial Court in 1662, ruling that "every church, professing to believe in God the Father, Son and Holy Ghost, is accounted Holy Church here."<sup>4</sup> That characterization is

akin to the concept of Trinitarian Christianity which marked the Act of Toleration.

As factors in the enactment of the Act of Toleration, these religious occurrences in Maryland were but minor. The main impetus came from England, in the long civil war between the King and the Parliamentary forces; and the culmination came in early 1649, when the King was executed. With Protestant forces well in control in England, Lord Baltimore realized that the survival of his colony under his own control depended upon additional security against religious unrest, and to some extent upon a degree of consensus among the colonists themselves. Locally, the arrival of a group of Puritans in the Providence (Annapolis) area added another problem; they had fled from persecution in Virginia.

Sensing his possible future problems, Lord Baltimore in 1648 appointed a Protestant as resident Governor of the Province. He was William Stone, then a resident of Virginia. The leadership in Maryland up to that time had been Catholic. Whether Protestants had yet achieved a numerical majority among the settlers is uncertain, but clearly the trend was in that direction.

The oath of office to which Governor Stone subscribed indicated his problem, against the background of Catholic residents of Maryland and Puritan controls in England: "I will not by myself, nor any person directly or indirectly, trouble, molest, or discountenance any person whatsoever in the said Province professing to believe in Jesus Christ, and in particular no Roman Catholic, for or in respect of his or her religion, nor in his or her free exercise thereof within the said Province, so as they be not unfaithful to his said lordship, or molest or conspire against the civil government . . . And if any other officer or person whatsoever shall . . . without my consent or privity molest or disturb any person within this Province professing to believe in Jesus Christ merely for in respect of his or her religion or the free exercise thereof . . . , I will apply my power and authority to relieve and protect any person so molested or troubled . . ."

#### THE JUDGMENT OF HISTORIANS

Most historians have made moderately favorable judgments upon the concepts and

effects of the Act of Toleration. They generally have emphasized the historical and practical reasons for its enactment, as well as the achievements that the Province enjoyed prior to 1649. They usually have avoided extravagant praise and unbridled acclaim. Instead, most of the professional historians have had only a reserved enthusiasm for the purpose and accomplishments of the Toleration Act.

Thus, Riley called it a "fundamental error" to make the Toleration Act "the initial point of Maryland's religious toleration." Continuing,

Religious toleration began with the settlement of the Province in 1634, under the written instructions . . . of Lord Baltimore. Toleration was in the nature and of the essence of its constitution, the written and the common law of the land . . .

Circumstances surrounding it [the Toleration Act] plainly indicate that the precise cause of its enactment was the arrival of the Puritans at Annapolis, who had fled from Virginia, to escape the religious persecution there by Governor Berkeley. The common law of Maryland that had, for fifteen years given religious toleration, was made statute law to the extent of confirming the religious liberty of all denominations of Christians, while it abridged none of the rights of the colonists in the freedom of their religious principles in any respect. This Act of 1649 was confirmatory only, not initiatory . . .

Riley noted also that the Act was "a legislative bar to the disturbance of the peace of the colony by making it an offense for the several sects to use reviling and opprobrious names toward each other . . ." <sup>5</sup>

Mereness commented that "The bulwark in defense of toleration of all professing Trinitarian Christians was made about as complete as a legislative body could make it" in the Toleration Act. <sup>6</sup>

"Too much importance and emphasis have been given to this law," wrote Ives. It was "far less liberal than the policy of Lord Baltimore," who would never have barred a Unitarian or a Jew from the Province. Continuing, the Act was "without historical significance or interest" except as a compromise measure in a period of stress and strain in an attempt to reconcile conflicting opinions and ideas and to salvage all that

was possible of the old spirit of religious liberty in early Maryland. <sup>7</sup>

Similarly, Matthew Page Andrews wrote that "The claim that Maryland is entitled to world-wide distinction as the first civil regime to establish freedom of conscience is properly based not upon the Act Concerning Religion but upon the actual practices of the founders and the first colonists." The Act represented a compromise "with an intolerant element that had entered the Province in increasing numbers since 1642." <sup>8</sup>

Bozman interpreted the Act as an attempt by Catholics throughout England and Ireland to make their peace with the Puritans. Specifically, on the two main sections of the Act, he said that the first section had a "horrible disproportion between the crime and the punishment"; and as to the second section, "it would be an assumption of intolerable despotism to legislate so minutely on human actions . . ." <sup>9</sup>

J. Thomas Scharf, Maryland's encyclopedic historian, also presented the Act of Toleration within its historical background. After referring to it as "the great Toleration Act," he continued: "But this Act introduced no new principle nor policy into the government of the colony; it was but the legislative sanction and declaration of a principle and policy practiced from the beginning. And these facts, that Maryland thus took the lead in religious freedom, and was the first community in modern times in which the civil was effectually separated from the ecclesiastical power, not only do high honor to its founders, but are of deep importance in the history of the world."

Scharf pointed out the very evident religious sensibilities of the original settlers in Maryland: "No sooner do they touch the shores than they engage in solemn thanksgiving with all the forms of Roman Catholic worship; an altar and a cross are erected; litanies sung, and mass celebrated. Next, they name capes and islands, bays, rivers, and their new city after saints; showing not only the religious feeling that inspired them, but their eagerness to enjoy the new freedom." <sup>10</sup>

Also citing history, Lucian Johnson stressed that the Charter of Avalon in the 1620s had given full and complete religious liberty to that settlement. The Charter of

Maryland, he added, had been worded vaguely, probably on purpose. Lord Baltimore would not have been able to get a charter with the avowed purpose of providing a haven for persecuted Catholics, nor could he have secured a charter with the stated purpose of providing complete religious liberty. Instead, with the language in vague terms, the Proprietary was left free to do much as he pleased, so long as he did nothing adverse to Christianity. Thus, continued Johnson, a pagan or a Jew would have been in full liberty if he wished to live in the Province of Maryland.<sup>11</sup>

Dozer, a recent historian, wrote of the "policy of liberty of conscience and freedom of religion" followed by Lord Baltimore and the instructions of Lord Baltimore for the behavior of the settlers on the *Ark*. As for the Act of 1649, "The credit for Maryland's Toleration Act belongs to Cecil Calvert, Lord Baltimore. It was initiated by him, and although it failed to provide the broad religious liberty which he prescribed in the governor's oath, it was finally approved by him. If it was in fact a defensive move on his part, designed to protect his coreligionists in Maryland at a time when Roman Catholics in the colony formed a minority and were threatened with persecution, the Act nevertheless stands as a notable repudiation of religious bigotry and a landmark of enlightened statecraft . . . ."<sup>12</sup>

A contemporary national writer, Bailey, said that the Toleration Act "sanctioned less toleration than had previously existed in the settlement, but it did extend a cloak of protection to the uneasy Catholic minority."<sup>13</sup>

The same thought was voiced by Aubrey Land, a current writer on Maryland. "This legislation was an astute move," he wrote, "It reflected, of course, the standing practice of the Proprietary regime. But further it assured Protestants that they would not meet discrimination from a Catholic lord proprietor and at the same time protected Roman Catholics in the Province from a rising tide of Protestant sentiment. Protestants already outnumbered Catholics in Maryland by this date."<sup>14</sup>

An on-the-spot comment came from George Alsop, who had been an indentured servant in Maryland during the 1650s and

1660s, afterwards returning to England to write a highly laudatory "Character" of the Province of Maryland. Without specifically mentioning the Act of 1649, he wrote 20 years later that

Here the *Roman Catholick* and the *Protestant Episcopal*, (whom the world would persuade have proclaimed open Wars irrevocably against each other) contrarywise concur in an unanimous parallel of friendship, and inseparable love intayled unto one another. All Inquisition, Martyrdom, and Banishments are not so much as named, but unexpressably abhorr'd by each other . . . .<sup>15</sup>

In calling the Toleration Act "great," as has already been noted, the Beards spoke in a comparison, writing that a general freedom of conscience "had not been up to that time a cardinal principle proclaimed by Catholics, Anglicans, or Puritans wherever they were in a position to coerce."<sup>16</sup>

Two highly enthusiastic comments on the Toleration Act were written by Maryland historians of the mid-nineteenth century. One was James McSherry, who wrote that the Act "must forever render memorable the founder and people of Maryland . . . ." It is "One of the proud boasts of Maryland . . . , one of her greatest glories . . . . Religious controversy and sectarian strike, the bane of peace and union, were banished from this earthly paradise . . . . Far, even in advance of the toleration of the present day, was the liberty of conscience of early Maryland . . . , for it protected the feelings, as well as the rights and privileges of its citizens."<sup>17</sup>

A few years earlier, John V. L. McMahon wrote a general commentary on the period from 1634 to 1688. Maryland, he said, was "conspicuous above every other colony of that period, for its uniform regard of religious liberty . . . . Harmony, peace, and prosperity were the general results; and this period in the history of Maryland, may be truly styled, '*the golden age of its colonial existence*.'"<sup>18</sup>

A more recent complimentary account of the Act Concerning Religion came from Gerald W. Johnson, Maryland's great twentieth century author and commentator. In part, his article on the Act recited

the familiar historical background, that "Religious toleration was not new to the men and women of Maryland," the Province being primarily a haven for persecuted Catholics; "yet its founders had welcomed, and even sought, Protestants as settlers." Also, he mentioned Lord Baltimore's instructions to the voyagers on the *Ark*, Governor Stone's oath of office, and the English world of 1649 as having been turned "upside down."

Section 2 of the Act, Johnson said, was "remarkably comprehensive" in providing that no person should be molested for or in respect of his religion. Section 1, prohibiting "a reproachful manner or way" about another's religion, "went beyond mere tolerance and looked toward fellowship, understanding, and complete freedom of conscience." As for any charge that limiting the toleration to Christians might be a touch of anti-Semitism, "this was Maryland in the seventeenth century when Jews in the colony were a mere handful."

In summation, Gerald Johnson wrote, "In enacting this legislation, Maryland was among the world's leaders. It is an honor of which she cannot be deprived, and a great honor when one considers what followed . . . Lord Baltimore and the Assemblymen of 1649 have left us a great law and a great example."<sup>19</sup>

#### DEVELOPMENTS IN THE PROVINCE AFTER 1649

Whatever may have been the virtues or limitations of the Toleration Act, and whatever the prior course of history to explain it, the Act did not initially long survive. It was repealed in 1654. The repeal itself was of short duration, and the revived Act continued for nearly 50 years.

Shortly after the Toleration Act was enacted, Lord Baltimore wrote a long message to the Assembly. It was dated London on August 26, 1649, and it was published in the legislative *Journal* for 1650. The laws in the Province, said the Proprietary, provided for freedom of conscience, and there was no occasion for "jealousies of being enslaved." He warned against "the Deceitfull Suggestions of Subtle Matchiavilians pretending Religion," and counselled "an extraordinary care of the Peoples lib-

erty . . . The common way to Atheisme is by a pretended reformation on Matters of Religion."<sup>20</sup>

The Legislature passed two acts during the session of 1650 which bear upon its relationships with Lord Baltimore. One was "An Act of Recognition of the Lawfull and undoubted right and title of the Right Honorable Cecilius Lord Baron of Baltemore absolute Lord and Proprietary of the province of Maryland unto the said province and unto all Islands Ports and Creekes to the same belonging." The other was "The Oath of Fidellity to the Lord Proprietary and this Province."

One minor incident occurred early in the session of 1650, though it was not necessarily connected with the Toleration Act. Among those whose names were called when the group assembled was Burgess Thomas Mathews of St. Inigoes Hundred. He was not present, and later on the same day Mathews and two others were "fyned by the howse in 50 Lb. Tob. apeece for not appearing." The three absentees were present on the next day, when the *Journal* notes that they "are remitted their fine for that it was proved not to bee voluntary or willful neglect in them, but justly occasioned through fowle weather." They then were asked to swear the oath of office, and Mathews refused.

The oath included a provision requiring secrecy as to all actions and debates of the Assembly, and also a preambulatory clause that "My cheife end and ayme shall be the glory of God in my endeavors for the advancement and promoting of the Lord Proprietor's just rights and privileges, and the publique Good of this province." Mathews replied "That he thought That oath could not bee taken by him, for that according to his Lordship's instructions sent hither That All People believing in Jesus Christ, should have the free exercise of their Religion. And accordingly hee ought to be guided in matters of conscience by his spiritual councill. And if soe bee, hee understood not, and could not bee satisfied in his judgment in any matter, what may bee spoken or debated, hee could not advise with whom hee ought therein if hee took such oath, and so consequently had not the free exercise of his Religion."

The House quickly settled the status of Burgess Mathews. "And the howse thereupon gave censure that the said Mr. Thomas Mathews should depart the howse, and not have any vote therein, who departed and absented himself accordingly."

A new member appeared three days later to take the place of Mathews. He was Burgess Cuthbert Fenwick, also of St. Inigoes Hundred. He demurred before taking the oath, saying that he could take it only if "it might not prejudice in any sort his Religion or Conscience." The House first voted that he should not be seated "unless he took the oath directly, as it lyeth without any reservation at all eyther Religion or conscience." Later that day, however, "The whole howse declared that it was never intended or is now intended by the howse, That in the oath of secrecy any thing is ment to infringe Liberty of Conscience and Religion, wherupon Mr. Fenwick was sworne as the other Burgesses."<sup>21</sup>

The traditions of freedom of conscience installed in the Province of Maryland in 1634 and continued for Trinitarian Christians in the Act of Toleration in 1649 quickly came into conflict with a bitter struggle over religious issues in England. Those issues were joined with and became a part of the larger contentions between King and Commonwealth; and the execution of the King by Parliamentary forces, also in 1649, showed the depths of the violent intractability. The long and bloody civil war on the political front and the religious division between Catholic and Protestant led ultimately to the Protestant Revolution of 1688. It was a period of profound political and religious changes in England, and it is small wonder that repercussions were felt in Maryland.

The repercussions began early.<sup>22</sup> After Cromwell and the Parliamentary forces finally prevailed over the Royal party in 1651, the Parliament appointed a commission to handle affairs in America. The powers delegated to the commission mentioned only the colony of Virginia, but a supplement issued by the Council of State in England stated that the commission also could "enforce" Maryland "to obedience" in the process of reducing all the plantations within the Bay of Chesapeake "to their due obedience to the Parliament." That com-

mission established a new governor in Virginia, with William Claiborne as secretary. Hardly to the surprise of posterity, Claiborne was the spearhead of an expedition to Maryland which temporarily deposed Governor Stone, the Protestant recently installed by Lord Baltimore. Stone was reinstated within a short time, but the commissioners summoned a new Assembly which could include only those burgesses who had taken an oath to support the Commonwealth.<sup>23</sup> The way was cleared for the new session after a pitched battle at Horn's Point, near Annapolis, between a Puritan army and the Proprietary forces. The small Proprietary army was routed.

The session of the General Assembly in October, 1654, with its members already pledged to support the Commonwealth, passed two acts of interest, one concerning the Commonwealth and the other about religion.

First was the Act of Recognition: "It was Enacted and Declared in the name of his Highness the Lord Protector of England Scotland and Ireland and the Dominions thereunto belonging . . . That the Reducing of this Province of Maryland by power of the Supream Authority of the Commonwealth of England . . . is acknowledged by this Assembly and freely and fully Submitted unto, and that no power either from the Lord Baltimore or any other ought or shall make any alteration in the Government aforesaid as it is now Settled, unless it be from the Supream Authority of the Commonwealth of England Execised by his highness the Lord Protector, Imediately & Directly Granted for that purpose." Any person who might "deny," "traduce," "vilifie," or "Scandalize" the government was to be dealt with according to the offense. Also in the Act, two delegates from the County of St. Mary's and Potomac who had taken an oath to Lord Baltimore were declared replaced, and the sheriff was directed to hold a new election to fill their places. In conclusion, the Act provided, "It is the mind of this Assembly that any free Subject of the Commonwealth shall have free Liberty not only by petition to seeke redress of Grievances but as also to propound things necessary for the publique Good (provided that it be orderly done.)"

The second act, "Concerning Religion,"

banned the Roman Catholic religion; and if it did not seem entirely to repeal the Act of Toleration, it effectively repealed that Act so far as the Catholics were concerned: "That none who profess and Exercise the Popish Religion Commonly known by the name of the Roman Catholick Religion can be protected in this Province by the Lawes of England formerly Established and yet unrepealed . . . but are to be restrained from the Exercise thereof . . . Such as profess faith in God by Jesus Christ (though Differing in Judgment from the Doctrine worship & Discipline publicly held forth shall not be restrained from but shall be protected in the profession of the faith) & Exercise of their Religion so as they abuse not this Liberty to the injury of others The Disturbance of the publique peace on their part, Provided that this Liberty be not Extended to popery or prelacy nor to such as under the profession of Christ hold forth and practice Licentiousness."

If there had been any doubt of the complete repeal of the Act of Toleration by the Act in 1654 "Concerning Religion," that doubt was ended by another act passed in 1654.<sup>24</sup> It contained a list of acts specifically repealed by the Assembly in 1654, and the Act of Toleration was included. Four years later, however, the repealer was itself repealed. In 1658, when the government of the Province had been restored to Lord Baltimore, the acts passed during the period of his overthrow were declared nullities because they had not received his assent. The double repeal was held at the time to have restored the effect of the Act of Toleration passed in 1649.<sup>25</sup> In further confirmation of this assumption, the Assembly in 1676 passed an act "for repeal of certain laws and for ascertaining what laws are in force in the Province." This act had several pages of laws listed as having been repealed, and another long list of those to be confirmed as in effect. Among this latter list, there was the Act for Church Liberties of 1640, the Toleration Act of 1649, the Act of Recognition of 1649, and the act for an oath of fidelity in 1649.

Also during this period there was some controversy with the Quakers, numbers of whom had moved into Maryland after suffering persecution in New England and Virginia. They encountered trouble in this

Province also during the Puritan years of the 1650s, when they would not engage in military service against the Indians. They also would not take the jurors' oath and the oath of fidelity, claiming their right to be governed by "God's law" and not by "man's law." Quaker groups in 1674 filed a petition asking that they might be excepted from judicial oaths and allowed to make affirmation in "the solemn and scriptural form of 'yea, yea, and nay, nay.'" This petition was not acted upon, but the Quakers seemed to reach an unofficial accommodation with the authorities in the Province.

Another religious minority, the Labadists, settled in Maryland during the 1680s, largely with the assistance of the eldest son of Augustine Herrmann. Although their religious practices were distinctly unusual in the Province, their presence was at least "tolerated" in accordance with "the colony's policy of religious freedom."<sup>26</sup>

The next great challenge to the principles of toleration occurred as an aftermath of the (peaceful) Protestant Revolution of 1688, in England. Its effects, particularly as to Roman Catholics, were to be felt in religious and civil disabilities until the time of the American Revolution in 1776; and, indeed, in other periodic civil disabilities after 1776.

The so-called "Associators' Assembly" seized control from Lord Baltimore in early 1689. It was officially dubbed as "An Association in arms, for the defence of the Protestant religion, and for asserting the rights of King William and Queen Mary to the Province of Maryland and all the English dominions." Later in 1689, the Associators issued a number of pronouncements preserved in the *Archives* under the general heading of "Papers relating to the Associators' Assembly."

Thus, the Associators wrote to the King and Queen, speaking of "your Majestyes glorious undertakeings and blessed success, for the Protestant religion . . ." They besought that "for the future our religion, rights and Lyberties be secured, under a Protestant Government . . ." They addressed a letter to the other colonies in America, speaking of "late divers horrid conspiracies contrivances and combinations" of persons within Maryland who were "popishly" affected, and they asked

for cooperation in "suppressing seizing and securing all such suspicious and suspected persons." A second letter to the other colonies spoke of overtures made to the Indians by persons in Maryland "popishly affected."

In England, the English Bill of Rights in 1689 excluded Catholics from succession to the throne. In Maryland, the Royal period from 1692 to 1717 followed, during which the Lords Baltimore were removed from political control of the Province and a variety of pro-Protestant and anti-Catholic legislation was passed. Initially, the two main acts passed were those of 1692 and 1696, with amendatory acts between those two dates. However, Catholics and Quakers in the Province and in England succeeded in having those acts disallowed by the Crown, as violations of the colony's religious freedom. They were supplanted by the Act of 1702, which was signed by Queen Anne.

In 1692, "An Act for the Service of Almighty God and the Establishment of the Protestant Religion within this Province" provided first "That the Church of England within this Province shall have and Enjoy all her Rights Liberties and Franchises wholly inviolable as is now or shall be hereafter Established by Law . . ." Another provision was that Magna Carta should be kept and observed "in all points." The "Sanctifying and keeping holy of the Lords Day commonly called Sunday" was next enjoined. As an addition to the latter, the keeper of every "ordinary" was forbidden to sell any strong liquor upon that day and was not to permit on his premises any "Tippleing Drunkenness or gameing Exercise or pastime whatsoever" on Sundays.

Also in 1692, procedures were established whereby each country would be divided into districts and parishes, with a vestry for each parish. One of the duties of the vestry was to erect churches and chapels for the established church. All this was to be financed by a poll tax of 40 pounds of tobacco levied annually upon every taxable person.

Another piece of legislation in 1692 was "An Act of Recognition," which formally recognized William and Mary as "Our Sovereign Liege Lord and Lady King and Queen of England . . . and the Dominions

thereunto belonging . . ." Nothing was said directly in 1692 about the Act of Toleration of 1649, but there could be no doubt that its repeal was included in the broad language that "all laws heretofore made in this Province be and they forever hereby stand repealed, and that all laws now made and assented to in this present General Assembly (and no other) be and remain in full force and power according to the true intent & meaning thereof and that the same be accounted and esteemed as the body of the laws of this Province and no other heretofore made."

The two main acts passed in 1692 were essentially repeated in 1696. There was first "An Act for Sanctifying & keeping holy the Lord's Day Commonly called Sunday," which, with few exceptions, prohibited the doing of "any bodily Labour or Occupation upon the Lord's day Commonly Called Sunday . . ." Next was "An Act for the Service of Allmighty God and the Establishment of the Protestant Religion within this Province." This latter act also declared the similar act of 1692 and an amending act of 1695 "utterly repealed & made Void."

The act of 1696 in one respect was stronger than its counterpart of 1692. It provided "That the book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church According to the use of the Church of England together with the psalter or Psalms of David and . . . the morning & Evening Prayer therein Contained be Solemnly read by all and Every Minister or Curate in every Church or other place of Publick Worship within this Province . . ." It was repeated in 1696 "That the Church of England within this Province shall Enjoy all and Singular her Rights Priviledges and freedoms as it is now or shall be att any time hereafter Established by Law in the Kingdom of England . . ."

The poll tax of 40 pounds of tobacco annually was again levied in 1696 (although there was some comment later that it was usually paid in "trash tobacco").

Also in 1696, the Register in every vestry was required to keep a record of all marriages, births, baptisms, and burials within the parish "(negros and Mulattos Excepted)"; and the vestry was required to

procure a "Table of Marriages" to establish what persons might legally be married.

The act of 1696 which established the Church of England as the sole religious establishment in the Province stirred protests from Roman Catholics, Quakers, and dissenters of all kinds, and the protests were voiced in England. There was another provision in this act which was opposed on strangely modern grounds. The grant of rights and privileges to the Church of England as covered by the laws and statutes of England included "all Matters and Causes where the Laws of this Province are Silent." This latter proviso was opposed as being irrelevant to the purpose of the act as set forth in the title, and this was an added reason for the act being disallowed in England.

The General Assembly which met in 1701 made another attempt to enact legislation to make the Church of England the established religion of the Province, and this time it was successful. A tentative draft was passed and sent to England for review, where it was approved with some suggested amendments. The draft was returned to Maryland, and Governor Nathaniel Blakiston submitted it to the Legislature at the session which began on March 16, 1701/02. He suggested that the body act quickly "in confirming so glorious and good an Act" and "endeavour to plant it firm to your Posterity which will be a most lasting Testimonie of your virtues."

Accordingly, the Assembly passed "An Act for the Establishment of Religious Worship in this Province According to the Church of England: and for the Maintenance of Ministers." Queen Anne approved it, seemingly without even public notice of her intent. The Act formally adopted "the book of Common prayer and Administration of the Sacraments with other Rites and Ceremonies of the Church According to the use of the Church of England; The Psalter or Psalms of David." Every church which followed this usage, it was continued, "shall be deemed Settled and Established Churches."

The poll tax of 40 pounds of tobacco annually was continued in the Act. It was to be paid to the minister of each church, being first collected by the sheriff of each

county. As in prior acts, provision was made for a Table of Marriages, with a heavy penalty on anyone who would conduct a ceremony for persons not within the relationships of the Table. Lay persons could not perform a marriage ceremony if a minister resided in the parish. The Act even specified the proper fee for performing a ceremony, being "the Sume of ffive shillings Ster and noe more."

The Act of 1702 covered in some detail matters of church organization and administration. A vestry was created in each parish, with the members to subscribe to a prescribed oath and to have specified duties. A Register was to be appointed, to keep the registry of births, marriages, and burials, all subject to the exception mentioned earlier for Negroes and mulattoes. The Register was to charge six pence for making every entry and another six pence for providing a certified copy of the entry. Church wardens also were to be chosen, and their duties were outlined. All fines and forfeitures levied under the Act were to be collected by the wardens in each parish; and if the wardens did not have sufficient "Effects" to pay all parochial charges, an additional poll tax of ten pounds of tobacco was to be collected by the sheriff. Finally, "some Sober and Discreet person" was to be appointed as a Reader in each parish.

At the end of the Act of 1702 there was provision for the rights of Quakers and Protestant dissenters, with respect to the taking of oaths and as to penalties and forfeitures. From Quakers, a solemn affirmation or declaration would be accepted instead of an oath in the usual form.<sup>27</sup>

The Act of 1702 remained in effect until the Constitution of 1776 disestablished the Church of England as the official religious affiliation of the Province (and State) of Maryland. Although the disestablishment seemed never to be strenuously enforced, at least to the extent of religious persecution, there certainly were frequent expressions of religious and civil intolerance during that period, directed mainly against Roman Catholics.

Perhaps the most stringent legislation was enacted in 1704, as "An Act to prevent the Growth of Popery within this Province." It prohibited any "Popish Priest of

Jesuits" to baptize any child "other than such who have Popish parents" or to say Mass or exercise the functions of a Popish Bishop or Priest within Maryland. Also prohibited was any endeavor to persuade "any of her Majestys Leige people of this Province to embrace and be reconciled to the Church of Rome." In addition, it was made unlawful for any person "making profession of the Popish Religion" to keep a school "or take upon themselves the Education Government or Boarding of Youth in any place within this Province." All this was "to the end that Protestant Children of Popish Parents may not in the life time of such their parents for want of fitting Maintenance be Necessitated in Compliance with their parents to embrace the Popish Religion contrary to their own Inclination."<sup>28</sup>

The Act of 1704 was "continued" in 1706. There had been complaints both in Maryland and in England about one stringent result of its terms. The prohibition against the holding of Mass had prevented that ceremony not only in public places but in private homes. Replying to pressure from England, the Legislature in 1707 relaxed that harsh effect of the acts of 1704 and 1706. "Both the said former Acts being taken into her Majestys Royall Consideration out of her Gracious Tenderness to all her Subjects behaving themselves peaceably and quietly," it was recited, "she has been graciously pleased by her order to his Excellency the Governour of this Province . . . to direct that a new Law or Clause of a law should be Enacted . . ." Accordingly, that part of the laws of 1704 and 1706 which prevented the holding of a Mass "in a private family of the Roman Communion" was suspended. The suspension was restricted in time "untill her Majestys further pleasure be declared and Signified therein . . ." Other than for the one exception as to the holding of Mass in a private family, the Act of 1707 was not to be "Construed or taken in any wise to Extend to the defeating Rescinding abrogateing or suspending the force Vigour or Effect" of the acts of 1704 and 1706 "or for dureing any Longer time than what is herein Expressed and Declared."<sup>29</sup>

Further protests against the acts of 1704

and 1706 to prevent the "growth of popery" led to their repeal in 1718. The repeal was hardly impressive, for all that was accomplished was the substitution of an English act for the Maryland legislation. "Sundry great disputes have arisen among the Romanists," proclaimed the Legislature in 1718, "For Removal of which Disputes" the acts of 1704 and 1706 should be repealed. However, the repeal was only after considering that by two acts of the Parliament "There is good Provision made to Prevent the growth of Popery, as well in this Province, as throughout all others his Majesty's Dominions, and that an Act of Assembly of this Province can in no Ways alter the effect of that Statute . . ." Accordingly, and without any real substantive effect, the Maryland acts were repealed.

As further evidence that there was little substance in the repeal of the acts of 1704 and 1706, the early decades of the eighteenth century were marked with numerous expressions of anti-Catholicism. There were overtones of this sentiment in the requirement in 1715 that officials in the Province take an oath of abjuration against the claims of the "Stuart Pretender," who was seeking the throne of England as a descendant of the Stuarts. Also in 1715, and directly to the point, an act "to prevent too great a number of Irish papists being Imported into this Province" imposed a fee of 20 shillings upon the import of every Irish servant.<sup>30</sup> In 1716, when the Lords Baltimore were reinstated as Proprietaries at the end of the Royal period, it was justified because of the younger Lord Baltimore "having Embraced the Protestant Religion which has . . . removed the Umbrage which has long been wisely Conceived" against the administration of Maryland's government by Catholics.<sup>31</sup>

An act of 1718 denied the right of Catholics to take part in elections for members of the General Assembly. It cited that "not only profest Papists still multiply and increase in Number, but that there are also too great Numbers of others that adhere to and espouse their interest, in Opposition to the Protestant Establishment . . ." Accordingly, "all profest Papists" were declared "uncapable" of voting for delegates to the Assembly; and the sheriffs or other

judges of elections were empowered to enforce the prohibition by administering an oath to any suspected persons.<sup>32</sup>

The arguments between Protestant and Catholic exploded into bitter and public recriminations in 1720. In his address to the General Assembly that met in April of that year, Governor John Hart devoted five full pages to expounding the Protestant side of the dispute. He began with the Catholic's claim to an equal share in the offices of the Provincial government:

The Claim made by the Papists of a right to hold all Offices in this Government in an Equal degree with the Protestants seems still to be kept on foot by them . . . . Although the many Defeats they have mett with during my Administration May have discouraged them from an Open procedure, yet It is highly probable they wait a more favourable Conjunction to put their Designs in practice.

Their Attempts have already given great Uneasiness and heart burnings to his Majesty's faithfull Subjects here And in particular Created to me your Governor much trouble and inquietude, I can truly Say my life has been uncomfortable from that Period I first rejected their Projects, And am now become a Memorable Instance of the Effects of Popish mallice . . . .

I take it therefore to be absolutely necessary to sett their machinations in so Clear a Light As I hope will for the future Silence their Clamours or Expose those Disturbers of the Publick tranquillity to the Lash of those Laws that were Long since provided against them.

A particular part of the Governor's ire was directed to Charles Carroll, who had come to Maryland in 1688 with the title of "agent and receiver general of the Lord Proprietary."<sup>33</sup> He had infuriated many Protestants in the Province by acting generally as Lord Baltimore's business agent. In 1716, for example, the House of Delegates had called him before its members, to explain Carroll's collecting fines and forfeitures for the criminal convictions of others. "Under pretense of being his Lordship's Agent," complained Governor Hart, Carroll's instructions had included "many Essential parts of Government." Continuing, said Governor Hart in his address to the Legislature,

I refused indeed to comply with . . . these his Demands as being Expressly Contrary to the Laws of this Province And Surely I am Excusable also in Point of Policy for so doing I should have been so Service a Compliance Reduced to the Despicable Circumstance of Applying to him for my Bread by Craving of him that Appointment their Lordships were pleased to nominate for my maintenance And also been Guilty of betraying this Country into the hands of a man who by Principle is an Enemy to the Protestant Constitution . . . .

Carroll also had invited executive and legislative criticism by offering to the Governor his advice upon the possible veto of an act passed by the Legislature, discharging two criminals (one his nephew) from prison, and firing a salute in support of the Stuart Pretender. The Governor itemized all these complaints in his address. Finally, he added, Carroll "was so farr from Acknowledging his Faults of so high a nature, that with a haughty are he insisted that Roman Catholicks had a right to hold Offices, And that if that right should be denyed them he would appeale to Higher Powers."

"How happy might those of the Roman Communion be in Maryland," concluded the Governor, "had they accepted the Terms offered them by me in a publick Declaration which are so Easey as even their Duty required Viz. That they should not Interfere with the Affairs of Government which did not appertain to them . . . ."

Each House of the Legislature submitted to the Governor a "humble address" of appreciation for his address. From the Lower House of Assembly:

When we Consider and Reflect upon the many Attacks and unnatural Rebellions made and raised in Great Britainn by Papists & their Adherents as Dangerous to the full if not a more dangerous Enemy then themselves against the Person and Government of his Most Sacred Majesty King George (whom God long preserve) we the Less wonder at the unwearied and restless Attempts of the Papists and their Adherents to disquiet and render your Excellency uneasy in your Administration of the Government here . . . .

"We think it Strange though true," added the Upper House, "that the Roman Catholics should yett continue to Insinuate that they have a right to Imploy Offices in this Government in Equall Degree with the Protestants after what their Lordships and your Excellency have on severall Occasions been pleased to Declare against it . . . . It is with much Concern that we observe the machinations of these dissatisfied men . . . ."

Later in the century, during the session of 1751, the House of Delegates sent a formal address to Governor Samuel Ogle, with the message "That we see Popery too assiduously nurtured and propagated within this Province, as well by the Professors thereof, as their Teachers, perverting and withdrawing many of his Majesty's Protestant Subjects, both from our holy Religion, and their Faith and Allegiance to his Royal Person, Crown, and Family." The House complained of the number of "foreign Popish Seminaries" sending "Popish Priests" to this Province, and it proposed to the Governor that "none but faithful Protestant Subjects" be put into "Places of Trust and Profit" in the Province.<sup>34</sup>

During the French and Indian Wars, the General Assembly in 1756 passed a Supply Bill to borrow forty thousand pounds for payment of military expenses. A variety of taxes and fees were imposed to pay the debt, including a tax on land at the rate of one shilling for every one hundred acres. A further provision imposed another real estate tax in the same amount upon "all Papists or reputed Papists" who refused or neglected "to take the several Oaths to the Government, and sign the Oath of Abjuration and the Test, now by Law established . . . ."<sup>35</sup> The special tax may have been a reaction to the rumors during the war that Catholics were plotting with the French for the destruction of the Province, and that they might be organizing a slave insurrection.

One of the Catholics who particularly objected to the restrictions upon his coreligionists was Charles Carroll of Carrollton, a grandson of the Charles Carroll who had been opposed by Governor John Hart during the period of the 1720s. These restrictions in the early 1770s included disfran-

chisement and prohibitions against the public celebration of Mass, bearing of arms, and the operation of Catholic schools.

The many examples of intolerance in Maryland during the late seventeenth and most of the eighteenth centuries did not add luster to the reputation of the Province stemming from the earlier Act of Toleration.

#### THE CONSTITUTION OF 1776

In drafting and adopting the Constitution of 1776, the Province and State of Maryland made a sharp break with the past in its concept of religious toleration. The Church of England was disestablished as the official church, and no longer would there be enforced contributions to its support. The basic constitutional guarantees were in Article 33 of the new Declaration of Rights:

As it is the duty of every man to worship God in such manner as he thinks most acceptable to him; all persons, professing the Christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice; unless under color of religion, any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others, in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; yet the Legislature may, in their discretion, lay a general and equal tax, for the support of the Christian religion; leaving to each individual the power of appointing the payment over of the money collected from him . . . .

In later years this section was to be modified, declaring it to be the duty of every man to worship God, and also that the worship would be as the individual "thinks most acceptable"; and there was the flat assurance that no person should be molested by any law on account of his religious persuasion.

In Article 34 of the Declaration of Rights, the new Constitution required that all but

small transfers of land and testamentary gifts or sales of goods, if intended for the support of any minister or of any religious denomination, would be void without the consent of the Legislature. Some have thought that this prohibition was a delayed result of the extended property disputes between the Lords Baltimore and the Jesuit priests during and after the mid 1660s. Possibly also, and partly for a like reason, it was a continuation for Maryland of the Mortmain Act passed in England during the 1730s,<sup>36</sup> declaring that lands should not be given to charities unless certain requisites were observed. In whatever event, the bequest provisions were to result in numerous and separate and later two omnibus bills in the Legislature every year, to sanction gifts and bequests for religious purposes. The requirement was modified in 1948, to leave the subject to the statutory discretion of the General Assembly. No such law was ever enacted, so the length of the bequest bills dropped sharply, to include only bequests made prior to 1948. The entire section finally was repealed in 1978.<sup>37</sup>

Next, Article 35 said that no test or qualification for public office would be required, other than an oath of support and fidelity to the State, "and a declaration of a belief in the Christian religion."<sup>38</sup>

Article 36 in the Declaration of Rights in 1776 covered the manner of administering an oath to any person, which "ought to be such, as those of the religious persuasion, profession, or denomination, of which such person is one, generally esteem the most effectual confirmation, by the attestation of the Divine Being." Quakers, Dunkers, or Menonists were to be allowed to make affirmation.

One additional constitutional assurance was adopted in 1776. It was in Article 37 of the Form of Government (Constitution), with the requirement that "No . . . minister, or preacher of the gospel, of any denomination . . . shall have a seat in the General Assembly or the Council of this State." The explanation for it is simple, of course; the Province was cutting its long-time ties with the Church of England as the established religious affiliation of all the people, and the prohibition for ministers being in the Legislature added one more factor of cer-

tainty in making that change. Essentially the same language was continued in the three later constitutions, it being in Article 3, section 11 of the Constitution of 1867. The prohibition was declared unconstitutional in 1974,<sup>39</sup> and Chapter 681 of 1977 (ratified in 1978) removed it from the Constitution.

With all the changes of attitude in adopting the religious provisions of the Constitution of 1776, and in disestablishing the Church of England as the official church of all residents of Maryland, there was room for further progress after 1776. It still was only the persons professing the Christian religion who were declared entitled to protection in their religious liberty; and it still was only those persons who would declare their belief in the Christian religion who could qualify for public office. These restrictions were to be modified in future years, as has been indicated. Many changes were made during the 50 years following 1776, by way of amendment to the Constitution adopted in that year. Some were on religion generally, others concerned the Quakers and related sects, and others were to improve the civil rights of persons professing the Jewish religion.

Meanwhile, during the fall legislative session of 1784, the House of Delegates made a curious excursion into the field of religion. Following a frequently-used procedural device used in the early Legislature, the House considered a series of sequential motions designed to establish a philosophical base for a bill it was considering. The bill was "to lay a general tax for the support of the ministers of the gospel of all societies of christians within this state." Except that the tax would support all denominations of Christians, and not simply the Church of England, the tax would have been close to the practice in pre-Revolutionary years.

In order, the motions considered were that (1) the happiness and good order of the people depend upon the public worship of Almighty God; (2) the Legislature by law should support and encourage the Christian religion; and (3) it is proper for the General Assembly to lay a general and equal tax upon the citizens of the State for the support of all societies of Christians in the State. After discussion of the motions, all

of which passed the House (though with progressively smaller majorities), the bill was deferred until the following session. During the interim, the members of the House sent a long "Address" to their constituents, with many religious references in support of the bill. At the next session, however, a motion to grant leave to bring in the bill for consideration was defeated by a decisive vote.<sup>40</sup>

In 1795 a constitutional amendment was adopted to amplify and clarify the rights of Quakers and members of related groups to vote and to hold public office. Another amendment ratified in 1798 permitted them to serve as witnesses, making an affirmation rather than an oath. An amendment adopted in 1818 extended to "all persons professing the Christian religion" the right to make affirmation rather than to take an oath; and the making of affirmations was further extended in 1823.

Two very basic changes were included in a long constitutional amendment ratified in 1810. One was to declare "That it shall not be lawful for the General Assembly of this State to lay an equal and general tax, or any other tax, on the people of this State, for the support of any religion." The second change in 1810 was to state "That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty . . ."

The extension of civil rights to persons professing the Jewish religion occupied the Legislature for some 30 years, perhaps partly because there were very few Jews in the State during those early years. A petition presented to the House of Delegates in late 1797 stated "there are a sect of people called Jews, and thereby deprived of many of the invaluable rights of citizenship . . ." They asked "to be placed upon the same footing with other good citizens." Other petitions followed. One in 1801 prayed that the incapacities under which they labored might be removed; and in 1802 another complained that "they are deprived of holding any office of profit or trust under the Constitution and laws of this State."

Over a period of several years during the 1820s, a campaign was waged in the General Assembly to remove from the Consti-

tution the restrictions encompassed in the use of the term "Christians" in the Constitution of 1776. It was led by Delegate Thomas Kennedy of Washington County, a Scotch Presbyterian. Finally, in 1825, a constitutional amendment was adopted that

Every citizen of this State professing the Jewish Religion, and who shall hereafter be appointed to any office or public trust under the State of Maryland, shall in addition to the oaths required to be taken by the Constitution and laws of this State, or of the United States, make and subscribe a declaration of his belief in a future state of rewards and punishments, in the stead of the declaration now required by the Constitution and form of government of this State.

This language has been criticized as perhaps ambiguous, but it was accepted as accomplishing its obvious intent.<sup>41</sup>

Accordingly, by 1825 the main thrust had been achieved for Maryland's present advanced state of religious toleration. Other constitutional and statutory changes were to be made in the next century and a half, but the basics were in place early in the nineteenth century.

#### AN APPRAISAL

The Toleration Act of 1649, in its time, was a notable piece of legislation and a commendable accomplishment of the General Assembly of Maryland. That much said, its praise must be in moderation. It was enacted mainly for motives of human and political statecraft; its tolerance already had been eclipsed by the Charter of the new Province and by the policies of the Lords Baltimore (both of which events also were not without their own motives of human and political statecraft).

Additionally, whatever gloss appeared on the Toleration Act in 1649 was quickly tarnished by its prompt repeal and by the many following decades either of active intolerance or of a slow achieving of genuine toleration. Not until 1825 could there be a claim for a degree of consistent religious and civil toleration in the Constitution and statutory law of the Province and State of Maryland.

The Toleration Act was praiseworthy against the general background of the seventeenth century, but it neither surpassed earlier events in the Province of Maryland nor prevented serious lapses throughout the remainder of the Provincial period and into the era of the developing State.

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# Theory and Practice of Religious Toleration in the Seventeenth Century: The Proprietary Colonies as a Case Study

MAXINE N. LURIE

**H**ISTORIANS HAVE POINTED TO THE DEVELOPMENT and spread of religious toleration in colonial America placing greatest emphasis on Rhode Island and Maryland in the early, and Pennsylvania in the late, seventeenth century. A recent work, George Dargo's *Roots of the Republic: A New Perspective on Early American Constitutionalism*<sup>1</sup> has, correctly, observed that legal provisions for some measure of religious toleration actually were widespread in colonial America, but fails to examine how these actually worked in practice.

The following is a brief review of religious toleration in the proprietary colonies, beginning with the provisions that were made for toleration and ending with illustrations of how this actually worked.<sup>2</sup> Although restricted to an examination of the proprietary colonies, what happened there provides a commentary on seventeenth century attitudes. Although the toleration provided for is limited when viewed from twentieth-century standards it is obvious that legal provisions for religious toleration were more widespread than traditionally believed. But there is a second side to the coin and that is that this toleration was difficult to implement. Such a conclusion should surprise no one living in the 1980s. Northern Ireland and Iran are current reminders of the depths of feeling spawned by different religions, while "Creation Sci-

ence" reveals how religiously inspired differences can encroach on if not disrupt everyday life.

## I

The proprietors granted toleration from an assortment of motives: because they believed in the principle, wanted to protect their religious cohorts, or in order to attract enough settlers to make their colonies financially profitable. Separating these motives is not always an easy task. To complicate matters further the proprietors differed on the precise meaning of "toleration" and the amount of religious freedom they were willing to provide.

Maryland was the first colony to grant religious toleration. The Calverts were Catholics who wanted to provide a refuge for their co-religionists. But in the seventeenth century both Anglicans and dissenters in England were anti-Catholic, and thus, for political reasons, Cecilius Calvert could not establish a purely Catholic colony. From the start the Maryland proprietor was aware of the need for caution and that any mishap would give his Anglican or Protestant enemies an excuse to dispossess him of the colony. In 1633 Cecilius instructed his governor to "cause all Acts of Roman Catholic Religion to be done as privately as may be, and that they instruct all the Roman Catholics to be silent upon all occasions of discourse concerning matters of Religion." To grant Catholics freedom in Maryland Calvert had to provide religious toleration for all.

Toleration was also an economic necessity. In 1633 English Catholics were in a relatively good position because the policies of the High Church party of Archbishop

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Laud were directed more against Puritans than against Catholics. After 1637, when Charles I issued a proclamation prohibiting migration without permission and without certificates of proof that oaths of supremacy and allegiance had been taken, it was difficult for Catholics to leave England even if they wanted to. As a result the Calverts found Puritans more interested in emigration than Catholics. In 1678 Charles Calvert told the Board of Trade and Plantations that his father had granted religious toleration to all sects from 1632 because "he found few [willing to go], but such as for some reason or other could not live in other places, and could not conform to the laws of England relating to religion." These individuals desired "a general toleration settled by law by which all of all sorts who professed Christianity in general might be at liberty to worship God in the manner most agreeable to their conscience without being subject to any penalties." Thus, to insure protection for Catholics, the Calverts had to grant religious toleration to all, and to make Maryland economically viable they had to admit non-Catholic settlers.<sup>3</sup>

The Quaker proprietors of West Jersey, Pennsylvania, and East Jersey granted religious toleration to their colonists for the same reasons of expediency as the proprietor of Maryland. But the experiences of the Quakers in England also led them to theorize about the need for worldwide religious toleration and to defend this principle on philosophical grounds.

William Penn was one of the leading Quaker protagonists who argued for toleration in England. As early as 1668, while imprisoned in the Tower of London, Penn wrote, "What if I differ from some religious Apprehensions? Am I therefore incompatible with the being of Humane Societies?" Later he suggested that force "may make *Hypocrites*, no[t] Converts."<sup>4</sup> Penn's arguments for toleration, based on reason, Scripture, and history, were presented in numerous pamphlets written after 1670. Penn thought that church and state should be separated because government ought not to have a voice in spiritual matters; only God had the right to govern between man and his conscience. Thus forced worship

contradicted true Christianity. Penn argued that church and state could be separated because the safety of a government depended on the civil and not the ecclesiastical obedience of the subject. In all his works Penn maintained that toleration would bring peace and prosperity to any nation. Because Penn and other Quakers fought for toleration in England, it was natural that they made provisions for toleration in America.

Religious toleration was also granted in New York, New Jersey, and Carolina. In New York and New Jersey the original proprietors took over areas already occupied by Puritans and Dutch Protestants; the proprietors of all three colonies also hoped to draw future settlers from New England. And because of his own Catholicism the Duke of York advocated toleration for dissenters and Catholics in England. As a result the proprietors of these three colonies welcomed settlers of all faiths.

The conclusion is that, for various reasons, the proprietors of Maryland, Pennsylvania, New Jersey, New York, and Carolina granted toleration. But what this actually meant to settlers deciding on where to go in the New World was *not* always the same.

## II

The extent of religious toleration granted in each colony was determined by the proprietors. Proprietary charters had little effect because they either neglected to mention religion at all (New York and New Jersey deeds), or were vague on the subject (Maryland, Carolina, and Pennsylvania charters).<sup>5</sup> As a result proprietors defined their policies themselves.

The lack of clarity on religion is illustrated by clauses from the Maryland and Carolina grants which were nearly identical; the proprietors were given

the Patronage and Advowsons of all Churches and Chapels which, as Christian Religion shall increase within the Country . . . shall happen hereafter to be erected; Together with Licence and power to Build and found Churches . . . and to cause them to be Dedicated and Consecrated according to the Ecclesiastical Laws of Our Kingdom of England. *Carolina Charter* (1663).

Exactly what this clause conferred has been debated. In both colonies the proprietors interpreted the clause to mean that they could permit colonists to form churches. In their *Declaration and Proposals* of 1663 the Carolina proprietors granted "freedom and liberty of conscience in all religious or spiritual things . . . we having power in our charter to do so." The *Carolina Concessions and Agreements* of 1665 specifically referred to the clause in the Charter by stating that to avoid any future attempt by "us our heires or assigns" to use the "right of patronage and power of advowson granted to us by his Majesty's Letters patents" and thus "infringe thereby the General clause of Liberty of Conscience," power was granted the assembly by law to appoint as many ministers "as they shall think fit, and to establish their maintenance Giving Liberty besides to any person or persons to keep and maintain what preachers or Minister they please."

The clause in the Maryland and Carolina charters did not appear in the Pennsylvania charter; there was no suggestion that the Anglican church had to be established in Pennsylvania. The document merely specified that if twenty inhabitants should request from the Bishop of London an Anglican "preacher or preachers," they would be sent to "reside within the said Province, without any denial or molestation whatsoever." Toleration was the obvious intent of the Pennsylvania grant. Thus, since all the charters actually left the proprietors free to determine the extent of religious liberty in their colonies, it is not surprising that their specific policies differed.

Although Cecilius Calvert had decided to grant toleration in Maryland as early as 1633, no positive statement of his policy was made until 1649 when "an Act on Religion" was passed in Maryland. The purpose was to prove to the authorities in England that toleration was the formal policy of the Maryland government and to protect Catholics in Maryland from the increasing number of Protestants in the colony.

The Maryland Toleration Act of 1649 provided that none was to blaspheme God, Jesus Christ, or the Trinity; the penalty was death and confiscation of property. No

one was to use in a "reproachful" manner the words heretic, schismatic, idolater, Puritan, Independent, Papist, Jesuit, Lutheran, etc.; the penalty was a fine, imprisonment, or whipping. Most important was the statement that because forced conformity "hath frequently fallen out to be of dangerous Consequence in those Common Wealths where it hath been practiced," no one living in Maryland "professing to believe in Jesus Christ, shall from henceforth be any ways troubled, molested, or discourtenanced" for "his or her Religion." The penalty for violations was treble damages to the person molested and a fine of 20s. Sterling. The act embodied the policy of the Maryland proprietors throughout the seventeenth century. The freedom established was limited to Christians and was conceived in negative terms as necessary to prevent disorder.<sup>6</sup>

Looking back from the twentieth Century this appears a limited measure of toleration since it was restricted to Christians. Looked at from the seventeenth century norm of enforced conformity the idea that Puritans, Independents, Papists, Jesuits, Lutherans, etc., should be able to live together in peace was a radical departure. The negative terms in which the law was phrased reflects the novelty of the idea and perhaps also doubts (unfortunately justified) about its working without legal penalties for violations.

Religious toleration was established in the other proprietary colonies on a more positive note. In New York it was also restricted to Christians, but in New Jersey, Carolina, West Jersey, Pennsylvania, and East Jersey, it was granted to all who believed in God.<sup>7</sup> The *West Jersey Concessions* (1676) stated that "no man, nor number of men upon earth, hath power or authority to rule over men's consciences in religious matters;" therefore settlers had the right to exercise "their consciences in matters of religious worship." The *Fundamental Constitutions of Carolina* (1669) added that toleration should be granted so that "heathans, Jews, and other dissenters from the purity of Christian religion may not be Scared and kept at a distance from it, but" be acquainted with "its Doctrines" and "be won over to embrace and un-

feignedly receive the truth." The *Fundamental Constitutions* also provided that anyone in Carolina who believed in God and worshipped publicly could be a free-man, and that any seven individuals could "constitute a church or profession, to which they shall give Some name to distinguish it from others." In two colonies, Pennsylvania, and East Jersey, officeholding was restricted to Christians, although all other groups were tolerated.<sup>8</sup> Again, although provisions were made in all the proprietary colonies for religious toleration exactly what this meant depended on a particular time and place.

In several colonies the proprietors ensured that churches could be tax supported without impinging on their grants of religious toleration. The *Conditions for New Planters* (1665) in New York stated that each town had "to pay their Minister, according to such agreement as they shall make with him, and no man refuse his Proportion, the Minister being elected by the Major part of the Householders Inhabitants of the Towne." This provision was included in the *Charter of Libertyes* (1683), written by New Yorkers, with the further specification that two-thirds of the residents of a town had to agree on a minister in order to establish a church for that town. The *Carolina Concessions*, and those of New Jersey (1665), gave the assembly the power to appoint ministers and provide for their maintenance, clauses which probably anticipated the establishment of the Anglican Church, but the *Concessions* also provided that other groups could "maintain what preachers or Ministers they please." In 1672 the *Declaration of True Intent* in New Jersey removed control over ministers from the assembly and gave it to the governor and council. But in actual practice, New Jersey used the same system as New York; ministers were supported by the taxes of each town until 1700 when contributions became voluntary. Thus, no one church was "established" in New York, the Jerseys, Pennsylvania, or Maryland. In contrast, after a number of years the Carolina proprietors moved towards the establishment of the Anglican Church in their province.<sup>9</sup>

The provisions of the *Concessions* of

1665, the *Declaration and Proposals* (1663) and the *Fundamental Constitutions* (1669) indicated that the proprietors did not at first intend to establish the Anglican Church in Carolina. But in 1670 a new clause was added to the *Fundamental Constitutions*. Carolina's parliament was to care for the building of churches and the maintenance of ministers "Employed in the Exercise of Religion according to the Church of England" because it was "the only true and orthodox" church, "the National Religion of the King's Dominions" and of Carolina and therefore alone should "be allowed to receive public Maintenance." The move definitely anticipated the establishment of the Anglican Church in the Carolinas. But in the August 1682 version of the *Fundamental Constitutions* this clause was eliminated. It was replaced by a provision that Carolina's parliament could pay for the building of Anglican Churches and the maintenance of their ministers from funds arising "out of lands or rents assigned voluntarily, contributions, or such other ways whereby no man shall be chargeable to pay out of his particular Estate that is not conformable to the church as aforesaid." At the same time all other churches, except Roman Catholic, were left free to tax their members for support. In 1698 the *Fundamental Constitutions* were again changed—the clause of the 1670 version was reinserted, and under its provisions the Anglican Church was afterwards established in both North and South Carolina.<sup>10</sup> Thus, the Carolina proprietors were not consistent in church policy which afforded the colonists an argument during the subsequent controversy over establishment. Once the policy was put into effect, Carolina became the only proprietary colony with an established church.

### III

As religious diversification increased in the latter half of the seventeenth century, the proprietors found it more and more difficult to continue their policies of toleration and maintain the extent of religious freedom originally granted. This was not the proprietors' fault. Not all American colonists in the seventeenth century were ready for religious toleration. In trying to

establish it, the proprietors were swimming against the current of their times. Toleration was not established in England until 1689 and even then religious freedom was restricted to Anglicans and Protestant dissenters. After 1700 reactionary High Church Anglicans in England and America tried to pass restrictive measures against dissenters. In England their efforts led to the Occasional Conformity Act of 1711, a test act for dissenters, and the Schism Act of 1714, giving the Church control over education. In America this pressure contributed to changes in proprietary policies. The problems created by diversification as well as the alterations made in policies are best illustrated by a discussion of religious controversies in Maryland and Carolina.

Religious diversity was a constant source of trouble in Lord Baltimore's province. Although Maryland was begun primarily as a Catholic colony, if Catholics were originally a majority of the population, they did not long remain so. By 1642 there was a sufficient number of Protestants in Maryland to oppose the proprietor. Their numbers were substantially increased in 1649 when a large group of Puritans migrated to Maryland from Virginia. By 1676 the proprietor himself estimated that three-fourths of the inhabitants of Maryland were Protestants.<sup>11</sup>

The result of this diversity caused trouble for the proprietor. From 1632 the two major groups in the colony—Puritans and Catholics—were continually at odds. Threats to the proprietors' policy of toleration came from both, while the Protestants also challenged the proprietors' right to govern.

The first threat to toleration was made by the Jesuits in Maryland who encroached on the proprietors' powers while trying to make Maryland a truly Catholic state. The Jesuits wanted to obtain their land directly from the Indians and to hold their property exempt from the taxes and military duties applied to other land holders in Maryland. By 1641 the proprietor felt forced to act. The Jesuits were forbidden to take title to land from the Indians, and the English statute of mortmain was extended to Maryland in order to prevent the Jesuits from obtaining control over extensive property which would then be inalienable. The Con-

ditions of Planting of 1648 added further safeguards by preventing the Jesuits from acquiring lands through other individuals. Other Catholic residents in Maryland also challenged proprietary policies. In 1638 William Lewis tried to prevent some of his fellow servants from reading Protestant sermons, and in 1642 Thomas Gerard refused to give both books and Chapel key to Protestants. Both men were fined for their actions.<sup>12</sup>

But it was a group of Maryland Protestants who caused the proprietors the most trouble; they were anti-Catholic and consistently opposed the rule of the Catholic proprietor on the grounds that he was attempting to fix Catholicism upon all the residents in his colony. In 1645 the faction headed by Richard Ingle wrote to the Committee of Lords and Commons for Foreign Plantations that Maryland had a "Tyrantical" government settled "by Recusants; who have seduced, and forced many of his Majesty's Subjects, from their Religion," and therefore the Ingle group "humby" asked "the assistance and protection of the Parliament," in appointing a new government.

In 1652 the Protestant Commonwealth Commissioners used Governor Greene's proclaiming of Charles II on November 15, 1649 (refuted by Baltimore), as an excuse to take over the government. They then passed an Act Concerning Religion which repealed the law of 1649. The new law declared that no Catholic "could be protected in this Province" and denied freedom of worship to Catholics. In 1655, after the Commissioners had assumed control a second time, a pamphlet war was waged in England between Protestant and Catholic supporters of the Calverts. The pamphlet war reoccurred in 1676. In the midst of another controversy in 1682 Captain John Coode reportedly said "that no *Papist* in *Mary-land* should be Owner of any Land at all in this Province within three Months" because he "had ten thousand Men at his Command; and he could make it High-Water, or Low-Water when he pleased."

In the course of the "Glorious Revolution" in 1689 the Protestant Association in Maryland represented itself as the defender of the Protestant religion "here of late no-

toriously opposed" by "our late Popish Governors and their Agents and Complices." They complained that "Churches and Chappels" were used for "Popish Idolatry and Superstition," while Protestant ministers were "discouraged, and no care taken for their Subsistance." The Protestants asked William and Mary to "appoint such a deliverance to your Suffering People, whereby for the future our *Religion Rights* and Libertyes may be Secured, under a *Protestant Government*."<sup>13</sup>

Immediately after the Revolution of 1689 the new government excluded Catholics from holding public office while a 1702 law established the Anglican church in the province. Two years later a stringent law prohibited public services by Catholics, prevented them from teaching or purchasing lands, and required that the children of Catholics take the oath of supremacy or forfeit inherited lands. And finally, in 1717, an act disfranchised Catholics who refused to take the oath of supremacy.<sup>14</sup> Thus the consistent aim of many Protestants in Maryland was to end the rule of the Catholic proprietors and to destroy their policy of religious toleration. The proprietors' vision of Maryland as a Catholic refuge proved to be only a passing dream.

Conflict between diverse religious groups was also a source of trouble in the Carolinas. The intolerance of the colonists, and of one group of the proprietors, led to changes in the original policy of toleration. The alterations made, plus the establishment of the Anglican Church, led to bitterness and violence in both Carolinas after 1700.

The proprietors had originally granted toleration to all who believed in God. The first challenge to their policy came from South Carolina colonists. In 1683 the proprietors wrote to the province that they had received complaints from the French Huguenots in Charleston who were "required to begin their worship at the same time that the English do, which is Inconvenient to them in regard that Several of their congregation living out of the town are forced to come and go by water," and "also that they are told the marriages made by their Ministers is not lawful because they are not ordained by Some Bishop, and,

their Children that are begotten in such marriages are Bastards." The proprietors warned that the French should not be "molested" and urged that they receive "equal Justice with Englishmen." Not until 1697 when the legislature passed a Naturalization Act was the proprietors' advice heeded. This act ensured equal rights to the Huguenots. At the same time, however, it restricted liberty of conscience to Christians and excluded Catholics from this category.<sup>15</sup> This is a typical seventeenth century extension of toleration—an expansion for the time and place but a limitation from a modern perspective.

The *Fundamental Constitutions* provided that anyone who believed in God and belonged to a church could be a freeman. But the North Carolina legislature in 1703, and the South Carolina legislature in 1704, passed laws requiring that assemblymen take oaths of conformity to the Anglican Church. In both colonies the laws were passed over the opposition of the dissenters who immediately complained to the board of proprietors in England that the laws were illegal because they contravened the constitutions. Now the proprietors split. John Archdale, a Quaker, supported the dissenters, but Lord John Granville, the palatine (chief proprietor) and a High Church Anglican, obtained proprietary approval of the laws. The dissenters then printed a number of pamphlets and took their case before Parliament and the Queen.

In *The Case of the Church of England in Carolina* (c.1704), the dissenters charged the Gooseneck faction (composed of early settlers from Barbadoes most of whom were Anglicans) and the governor in South Carolina with excluding dissenters from the assembly, "that that House would be almost altogether composed of Men of their Principles and Faction." Daniel Defoe, the hack writer employed by the dissenters to write the *Case of the Protestant Dissenters in Carolina* (1706), argued that the law prevented a majority of the population, the dissenters, from being represented. The right to sit in parliament, he said, was an honor, and removing it from the dissenters was to single them out as unworthy, depriving them of both honor and power; in ad-

dition the law was contrary to the proprietors' charter, constitutions, previous practices, and represented persecution of individuals who had gone to the colony for "Liberty of Conscience, the Pearl of Great Price."

In *An Account of the Fair and Impartial Proceedings* (1706), the proprietors, led by Granville, defended the exclusion of dissenters on the basis that they "were aiming to get the sole Government of the Colony into their Hands." The proprietors argued that the indulgences given the dissenters under their Charter were at the proprietors' discretion; they also maintained that the act did not infringe upon the colonists' religious liberties. The Crown disagreed and disallowed the law in 1706. The issue was raised again in North Carolina at the end of Cary's Rebellion in 1711 when a law was passed putting English religious laws into effect in the colony and requiring an oath for officeholders which excluded Catholics, Unitarians, Dissenters, and Quakers.

At the same time the Carolinians argued over religion and the franchise (obviously a political as well as religious feud), they debated the establishment of the Anglican Church. In 1698, the year that the *Fundamental Constitutions* were changed to state that only the Anglican Church could be tax supported, the South Carolina assembly provided for the public maintenance of an Anglican minister in Charleston. In 1701 a North Carolina law established the Anglican Church there, but only provided a salary of £30 for ministers. This salary was regarded as insufficient by the proprietors and led them to veto the law. In 1704 the legislatures of North and South Carolina established the Anglican Church; in 1705 a second South Carolina law provided for the maintenance of Anglican ministers at public expense. Objections raised in England to the South Carolina law of 1704, because it created a Commission of twenty lawmen with control over ministers, led to its disallowance. The governor then asked the assembly to repass it without the offensive clause which they did.

Dissenters in Carolina complained that these acts violated the original policy of toleration provided by the proprietors; they also objected to paying taxes to support the

Church. In 1707, for example, when the Charleston tax collectors reached the home of Mrs. Boone they found

... Landgrave Smith and his Brother George Smith two of the Ringleaders of the Faction of the Dissenters ... Landgrave Smith asked them how they durst have the impudence to demand money ... his Brother Mr. George Smith was pleased very civilly to add, that if this was not Persecution he desired to know what was and that they had as good rob him as to demand the money of him. ...

The controversy over establishment was an important source of the disorder in South Carolina and North Carolina after 1704. Religious controversy was also a significant, although not the only, ingredient of Cary's Rebellion in North Carolina from 1708 to 1711. Obviously religion was a disruptive force in Carolina as well as in Maryland.<sup>16</sup> At the same time Carolina was different—it was the only colony in which proprietors argued for restriction of religious toleration.

Religion was a source of factionalism in all proprietary colonies not just Maryland and Carolina. Governor Lovelace wrote from New York in 1668 that there were two factions in the colony—Catholics and Puritans. Fearing that he would be caught between two conflicting groups he requested "some instructions how I might steer my course."<sup>17</sup> Factionalism based on religious diversity and disagreement also appeared in New Jersey and Pennsylvania pitting Quakers against Anglicans and Keithians.

In the 1690s and early 1700s religious controversy in Pennsylvania became almost as bitter as in Maryland and Carolina. In the process the proprietor's original provisions for religious toleration were altered, in this case when the colonists specifically adopted English legislation. The original laws and frames of Pennsylvania limited officeholding to Christians, but *Markham's Frame* (1696) enforced additional restrictions by putting the provisions of the English Toleration Act of 1689 into effect in Pennsylvania. This law required officeholders to take an oath of supremacy and allegiance which excluded Catholics (and

Jews), among others, from office; special provision was made in Pennsylvania for Quakers to make affirmations rather than take the formal oath. A Pennsylvania law of 1700 granted religious freedom to all who believed in God, as did the Charter of Privileges (1701) and the earlier frames; the Charter also repeated the specification that only Christians could hold office. But the 1700 law was disallowed in England because it did not follow the provisions of the English Toleration Act of 1689, and as a result a test was again required in the colony under the Election Law of 1706.

The failure of Pennsylvania to follow the proprietor's original provisions went further than these legal alterations. Keithians and Anglicans in the 1690s charged that Quakers violated Penn's policies of toleration by persecuting them. Both groups complained that they were excluded from offices in the colony, while Anglicans objected to the lack of an established Church. In addition Quaker refusals to take oaths caused difficulties in the formation of juries, as well as swearing of officials. Since Quaker officeholders could neither take oaths nor administer them to others who would take them, Anglicans charged that the Quakers thereby precluded liberty of conscience for others.<sup>18</sup> These accusations were duly noted in England. In 1707 the Lords of Trade advised the Queen to accept the surrender of Pennsylvania in order to oversee "the more Speedy and impartial Administration of Justice to all Persons, though under different persuasions in religious matters."<sup>19</sup> This recommendation was a slap at Penn who had argued for religious liberty long before establishing his colony. But it was also a commentary on the inability of his colonists of "different persuasions" to get along with one another.

Finally, in East Jersey the proprietors had granted religious freedom to all who believed in God and restricted officeholding to Christians, but the colonial Act of Rights and Privileges of 1699 granted freedom to Christians only and exempted Catholics from even this provision.

#### IV

As the proprietors found out it was one thing to make provisions for some measure

of religious toleration, and another to have it work without controversy. The specific amount and type of toleration varied with time and place and was also a reflection of the changes taking place in seventeenth century ideas. But a further distinction also needs to be made and that is that law and practice in seventeenth century America were often two different things. Then, as now, religion proved a divisive factor. Where proprietors provided for toleration those who actually lived in the colonies in practice were unable to "tolerate" their fellows' differences.

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3. November 15, 1633, Instructions, Calvert Papers, *Maryland Historical Society* v. 28 (1888), 32; Answer by Baltimore to 1676 inquiries from the Board of Trade and Plantations, March 26, 1678, *Calendar of State Papers*, v. 10 (1896), 227.
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# Nicholites and Slavery in Eighteenth-Century Maryland

KENNETH L. CARROLL

ONE OF THE MORE INTRIGUING RELIGIOUS movements to appear in eighteenth-century America arose along the Delaware-Maryland border in the early 1760s. It soon stretched from lower Kent and upper Sussex Counties in Delaware through Caroline and upper Dorchester into the eastern regions of Talbot County in Maryland. Ultimately members of this sect, which came to be known as the Nicholites, spread to North and South Carolina about the time of the outbreak of the American Revolution and, at the turn of the century, some Nicholites even migrated into eastern Tennessee.<sup>1</sup>

The founder of the movement was Joseph Nichols (c. 1730–1770), a farmer who lived near Dover in Delaware. Undergoing his own religious pilgrimage as a result of the sudden and unexpected death of a close friend, Nichols was able to carry along with him many of his friends and neighbors. Those who had earlier sought his company and leadership in “frolicking and merriment” now agreed to read a passage of scripture whenever they gathered. As Nichols became more “circumspect” in appearance, behavior, and conversation, so did they. Before long Nichols felt a call to preach, so that early in the 1760s he began a ministry that lasted until his death in 1770—traveling throughout Delaware, the Eastern and Western Shores of Maryland, and even into the Philadelphia area.

Nichols soon gathered a growing number of followers together, with the majority of them living in Caroline County, Maryland (where they eventually built three meetinghouses). The movement he brought

into being had no paid ministers and no “programmed” service of worship, with Nichols and his flock sitting in “silent waiting” until he felt called to speak. They rejected war and oaths, embracing pacifism and seeking the affirmation rather than swearing. They also had an early testimony against capital punishment, refusing to serve on a jury in capital cases. When the Nicholites organized for the conducting of church affairs they adopted a business meeting similar to that of the neighboring Quakers, even having their “monthly meeting for business.” Also Nichols and his followers possessed a testimony on simplicity that was so austere that it led to a near asceticism.

These people were given the name “Nicholites” by their contemporaries. They later recorded “We amongst many other Soules became believers in the light and in a reproachful and revileing manner was called Nicholites as much as to say followers of Nicholas light.”<sup>2</sup> Later, however, some people began to call them “New Quakers” as a result of their similarity to their Quaker neighbors (and, to some degree perhaps, from Nichols’ early claims to be a “Primitive Quaker”).

Joseph Nichols quite early in his ministry came to believe that slavery was an evil. Perhaps he had read John Woolman’s *Considerations on the Keeping of Negroes* (1754) or Woolman’s second essay which appeared in 1762. Possibly he had met with some of the Quaker “reformers” who were pushing the anti-slavery position in Philadelphia Yearly Meeting in the 1750s and 1760s.<sup>3</sup> Whatever the source of his views, Nichols began to proclaim his anti-slavery message sometime before Woolman’s famous foot-journey through Delaware and the Eastern Shore in the later spring of

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1766. Lambert Hopkins of Talbot County, one of Nichols' earliest converts and later a Quaker, writing some half a century after the event, records that Nichols

enant which Teaches us and all that are Led thereby to take off every yoke and Let the Oppressed go free and to do unto all men as we would they Should do unto us.<sup>9</sup>

was the first man in these parts who preached against the evil of slaveholding; so far did his conscientious scruples extend that he avoided putting up at places where the labour was done by slaves. His testimony in this respect met with some opposition, and even members of the Society of Friends opposed him; but it happened a short time afterwards, two Friends [John Woolman and John Sleeper] came down on foot and publicly preached against the evil of slavery. Friends then received the testimony which they had refused from Joseph, and in a few years it became general among them to free their negroes.<sup>4</sup>

The manumission records of Kent County, Delaware, show that James and Ann Anderson, two of Nichols' staunchest supporters, freed a slave named Jane in April 1766, shortly before Woolman's arrival in the area. Paris and Margaret Chipman manumitted a slave named Thomas on May 24, 1766.<sup>5</sup> These four Nicholites appear to have been the only ones to have responded to Nichols' call to free their slaves before the arrival of Woolman and Sleeper in the late spring of 1766. Woolman's visit and anti-slavery preaching gave an added impetus to Nichols' anti-slavery—so that he resumed this aspect of his message with increased zeal. He proclaimed that "it was made known to him of the Lord, that in the process of time the slaves would be a free people."<sup>6</sup> As Nichols continued to focus the attention of his followers on this subject he persuaded others of his Delaware followers to manumit their slaves: Zachariah and Sarah Goforth freed one in August 1766, and William Anderson liberated five on August 12, 1767.<sup>7</sup> The Goforth deed of manumission shows what Nichols (and Woolman, whom the Nicholites went to hear)<sup>8</sup> had taught:

Nichols became so convinced of the evil of slavery that he refused to stay in the homes of slaveowners. This development, coupled with his reinforced anti-slavery message, soon began to bear fruit among his followers in Maryland (where most of them were concentrated). William Dawson and William Harris, two of the more prosperous Eastern Shore Nicholites, decided to emancipate their slaves. It is reported that the public authorities in Dorchester County (for Caroline County was not organized until 1773) sought to discourage their action, telling them—quite falsely—that existing laws contained no provisions for such an act. They recommended that Dawson and Harris therefore try the slaves with "freedom" for a time and then, after Dawson and Harris saw their folly, they might take their slaves back into service. Both Nicholites remained firm in their resolve, manumitting their seven slaves in March 1768. Each of them noted that this act had been done "to satisfy my conscience."<sup>10</sup> Other Maryland Nicholites, such as Daniel Adams and Richard Tull, soon followed their example, also seeking to "satisfy" their consciences.<sup>11</sup> Among the Nicholites or near-Nicholites witnessing these manumissions (and probably possessing an anti-slavery outlook themselves) were Daniel Sullivane, Richard Sweeting, Jr., Robert Polk, and James Philips Wheatley.

The teaching of Joseph Nichols and the sacrificial examples of their Delaware and Eastern Shore brethren who freed their slaves (thereby choosing to follow "the voice of the one true shepherd" rather than seeking ease and comfort) had a profound effect upon the remainder of the Nicholites. The anti-slavery position became the accepted stance of the entire group. Nicholites were consistent in their anti-slavery attitude, refusing to hire slaves from slaveowners. Some Nicholites went even further in their anti-slavery zeal. James Horney (d. 1794), who refused to eat with slaveholders, would not use any goods either produced by or procured through

Being Convinced by the Inshining Light of God's Eternal Spirit that the above said Custom and Practice of Enslaving or Holding of Negroes in Slavery and Bondage During Life is an unchristian Custom and Practice Contrary to Gospel Dispensation and Opposite to the Spirit of the New Cov-

slave labor.<sup>12</sup> Horney, like Joseph Nichols and John Woolman, knew that when one is content to benefit from the fruits of slavery he enters, to some degree, into the position of being a slaveholder himself.<sup>13</sup>

It seems quite likely that the Nicholite adoption of undyed clothes as a sort of uniform garb may also have been related to their anti-slavery position. Even though Nichols and his followers were already moving towards an asceticism and plainness in their attire, there is no evidence that they wore undyed clothes until after Woolman's 1766 visit in their area. Woolman had begun to wear undyed clothing several years before his walking journey into the Delmarva area, wearing it as a protest against both slavery and war—testifying against the slave labor used to produce dyes and the love of luxury which led people to seek after luxury and selfish profit. A few years following Woolman's 1766 visit the Nicholites had become well-known for their undyed garments. Probably they were influenced by Woolman's symbolic clothes as well as his message.<sup>14</sup>

Following the 1770 death of Joseph Nichols the Nicholites, after a time of great soul-searching, decided to organize their movement. This development took place in 1774. Gradually, following this decision, there came a slow shift in emphasis from the pure leading of the spirit to some reliance on written rules, for the Nicholites more and more felt the need of definite regulations by which the Society might govern its members and they, in turn, might order their individual lives. Just when they came to this decision is unknown, but the only copy of their rules of discipline known to the writer dates from the very beginning of 1793. The eleventh rule states that "Any Person Holding a Slave is not to be admitted to be a member."<sup>15</sup> Probably about this same time, early in the 1790s, the Nicholites also drew up a set of queries to be read and answered at their monthly business meetings. The ninth one reads "Are Friends careful to bear a faithful testimony against Slavery in its various branches, and provide in a suitable manner for those in their families that have had their freedom secured to them; are they instructed in useful learning, and is the welfare of such as have

been set free attended to and the necessities of them relieved?"<sup>16</sup>

One of the few existing stories about Nichols reports that he gave his own coat to a poor slave who attended his meetings. Blacks, whether free or slave, appear to have been accepted fully and freely at his meetings. Isaac Linnegar, a "part colored man," and Rosannah, a slave freed by Daniel Adams in 1768, were married under Nicholite care in 1769—with a number of influential members in attendance.<sup>17</sup> Isaac Linnegar was also a witness to other Nicholite marriages.<sup>18</sup> He was farming the land owned by Nichols in Mispillion Hundred, Kent County, Delaware, when Nichols died at the end of 1770.<sup>19</sup> Some Nicholites provided work and housing for those who had been manumitted either by Nicholites or others. An examination of the 1790 Census records for Caroline County shows that each of the following Nicholites had "other free persons" listed with their households: John Barton, Joshua Chilcutt, Seth Hill Evitts, James Harris, Jesse Hubbard, William Peters, William Swiggate, and Johnson Swiggate.<sup>20</sup>

The Nicholites continued to attract new attenders and members throughout the last three decades of the eighteenth century. Some of these held slaves, while others inherited slaves after their own "convincement" by the Nicholites. In either case they were expected to emancipate their slaves. The manumission records of Caroline County show a number of such actions by Nicholites (and near-Nicholites) from 1774 to 1799.

Jacob Boon freed five slaves in 1774, having three Nicholite witnesses to this deed of manumission: Daniel Bartlett, Batchelder Chance, and Benjamin Townsend.<sup>21</sup> William Peters set free six slaves in 1779, while Jonathan Willson manumitted one the same year.<sup>22</sup> Henry Ward liberated a slave in 1781, with the deed of manumission witnessed by James Harris and William Dawson.<sup>23</sup> In 1781 and 1782 three members of the Covey family (John, Matthew, and William) each freed a slave in deeds of manumission witnessed by Nicholites William Dawson and Noble Covey (and by members of the Driver family who were slaveowners and had no known Ni-

cholate connection).<sup>24</sup> Jonathan Willson manumitted a second slave in 1783.<sup>25</sup> Preston and Tabitha Godwin freed a slave in 1789 in a document witnessed by James Harris.<sup>26</sup> Solomon Kenton liberated six slaves in 1790, Willis Charles one in 1793, Eleanor Causey two in 1797, and Samuel Emmerson one in 1799.<sup>27</sup>

The disappearance of the minutes of the Nicholite business meetings makes it impossible at present to go deeper into the Nicholite anti-slavery position. Yet, it is clear that some Nicholites felt that their personal testimony against slavery required them as individuals to participate in the broader anti-slavery cause in the 1790s. This was especially true of James Harris and Seth Hill Evitts, two of the more outstanding leaders of the Nicholite Society.

James Harris (c. 1733–1799) was one of Nichols' earliest converts, having come from the Anglican or Established Church to the Nicholites. After the death of Nichols James Harris appears to have become the main leader of the Nicholites. He was one of the seventeen members who signed the 1774 decision to organize the Nicholite Society. It was at his home, near Concord, that monthly meetings were first held.<sup>28</sup> Harris appeared in the ministry prior to 1774, and he became a recognized minister among the Nicholites—being known as a person "favoured with a spiritual discerning and stability in the truth."<sup>29</sup> James Harris was deeply respected by his fellow Nicholites, both as a person and as a minister. Nowhere is this more clearly seen than in the various tasks people laid upon him. He witnessed at least seven Nicholite wills between 1784 and 1798. William Stevens named Harris to evaluate Stevens' estate in 1790, while James Horney listed him as executor in a 1794 will. Thomas Stanton (1793) and Lemuel Wright (1794) chose James Harris as trustee.<sup>30</sup> Of the sixty-five Nicholite wedding certificates with signatures of witnesses recorded, James Harris' name appears on twenty-two or approximately one-third of the total,<sup>31</sup> a far-greater number than any other Nicholite. Quite early James Harris recognized that the Nicholites, who were so similar to the Quakers, might be better off to merge with the Society of Friends. Although there was

great opposition to this proposal when it was first raised, Harris from time to time brought it forth once more, with the opposition weakening each time. Eventually a number of Maryland Nicholites applied for membership in Third Haven Monthly Meeting of Friends, with James Harris' name heading the list of applicants. He was also the first to be accepted as a Quaker, on January 11, 1798.<sup>32</sup> Harris was a farmer who had sizeable holdings in Caroline County, Maryland, and in Delaware at the time of his death in 1799.

Seth Hill Evitts (d. 1812) appears to have come into the Society of Nicholites sometime before 1784 when he witnessed the first of the eight Nicholite marriages (1784–1797) which he attended. He served as a witness to at least six Nicholite wills (1790–1799), including that of James Harris (1799). Evitts was named as executor, trustee, or evaluator of estates by several Nicholites. He served as clerk of the Nicholite monthly meeting in 1797 when the Nicholites drew up their petition to Third Haven Monthly Meeting, and he was still the clerk when the Northwest Fork Meetinghouse was deeded to the Quakers in 1799. Although Evitts was one of those Nicholites who applied for membership in 1797, he did not enter the Society of Friends until November 11, 1801, when Northwest Fork Monthly Meeting accepted his application. Seth Hill Evitts and his wife Naomi had two daughters, born in 1779 and 1783, whose births are listed in the Nicholite birth register.<sup>33</sup>

Although there is a strong tendency to think of abolition societies only as a nineteenth-century radical phenomenon associated with such individuals as Garrison, Tappan, and Mott, there were a number of abolition groups in the last decade of the eighteenth century. The earliest to be founded was the Pennsylvania Abolition Society established in the 1770s. By 1789 the Pennsylvania Society had a number of members in Maryland, Delaware, and other states as well as including Brissot de Warville and the Marquis de Lafayette of France.<sup>34</sup> It was a very natural development for other societies to arise in those areas and states where there were sufficient interest and members to deal with the partic-

ular laws and problems of those regions. Three such abolition societies appeared in Maryland by the 1790s: the Maryland (or Baltimore) Society, the Chestertown Society, and the Choptank Society. All three of these were in existence before 1797, with the Maryland Society at that time having two hundred and thirty-one members, Choptank possessing twenty-five members, and Chestertown having an unknown number.<sup>35</sup>

The Choptank Abolition Society appears to have come into existence about 1790, for its 1797 report speaks of the seven years' work that it has accomplished.<sup>36</sup> Although it had been actively engaged in such activity since 1790 it was not represented at the first convention of delegates from various abolition societies in 1794, the second in 1795, or the third in 1796. Likewise it was not represented at the fifth in 1798, the sixth in 1800, or subsequent gatherings. Our knowledge of its activities is therefore quite meager.

The small Choptank Abolition Society, with only twenty-five members in 1797, had an influential Nicholite element in its make-up. The full membership list has not been preserved, so that only five of its 1797 members are actually known by name. Of these five at least two were Nicholites—with James Harris (the most prominent Nicholite leader, according to Quaker and Methodist journals) serving as president of the Choptank Society and Seth Hill Evitts (probably second only to Harris among the Nicholites) being chosen as the delegate to the 1797 Philadelphia Convention of Abolition Societies. Jacob Boon, who served as treasurer, probably had some Nicholite connections (as suggested by the Nicholite witnesses to his 1774 manumissions deeds), although he may not have been an actual member (unlike his kinsman James Boon). Peter Harrington, who was "one of the Acting Committee," freed his slaves in 1789 and 1790.<sup>37</sup> He may well have been a Methodist, for he had no known Quaker or Nicholite connections. Caleb Boyer, vice-president of the Choptank Abolition Society, was from a Delaware family and was still living in Kent County, Delaware, in the early 1790s.

It is impossible today to tell who the

other members of the Choptank Abolition Society were, although a study of the manumission records of Caroline County for the 1790–1798 period does provide some hints. Henry Downes, James Dixon, and J. Richardson were quite possibly members of this body. Henry Downes (a Methodist?), who liberated all of his own slaves in 1784, 1791, and 1792, witnessed thirteen deeds of manumission from 1789 to 1798 in which forty-four slaves were set free.<sup>38</sup> James Dixon, of Quaker lineage, also witnessed a number of manumissions from 1794 to 1799, bringing freedom to fifteen slaves.<sup>39</sup> J. [John?] Richardson witnessed eleven such deeds setting free twenty-two slaves.<sup>40</sup> Probably all of the members of the Choptank Abolition Society were Nicholites, Quakers, or Methodists.<sup>41</sup>

On the twenty-sixth of fourth month, 1797, the Choptank Abolition Society wrote to the Philadelphia Convention that it was accepting the invitation to be represented at the May Convention and named Seth Hill Evitts as their representative. They also gave a report of their past activities:

We have the pleasure to Inform you that we have succeeded in Every Case Decided in Courts of Justis in favour of the Africans, for the Term of Seven Years (one Case only Excepted) which this Last was Decided in Court—and it appears that was Lost by the misconduct of a Principle Witness—

The Number of occurances that have Been Transacted by the Society in favour of the Africans—this Seven years, would be Tedious to Express—Though we May Inform you that a Majority have Compromised, when Suits have been Commenced or Expected if Not a Compliance, who have Executed Manumissions, which was far more desirable than to take them out of their Possessions By the force of Law.<sup>42</sup>

Seth Hill Evitts must have expanded on this report when he reached Philadelphia, for the minutes of the Convention report that the Choptank Abolition Society "has exerted itself in favor of the Africans, for seven years; and been the instrument of liberating *more than sixty individuals*."<sup>43</sup>

The Choptank Abolition Society felt that a number of the cases which they had handled were worthy of notice, but they limited

themselves to only one example of their work:

We may Mention one circumstance though there are Others as Worthy of Notice. But that being almost the Last, Namely the Potters Dr. Nathaniel and [his] Brother William held as Slaves a family of Colored People which had Some Claim to freedom, Originally from their Grand Mother—the Potters Agreed to Collect the Evidence that could be Obtained, and Leave the Matter to Council to determine. Which was Diligent[ly] Sought, though Much Obscured by Length of Time, the Testimony in favour of the People was so doubtful—it was thought best to agree the Matter. The Potters agreed to Manumit at the year [17]96 the two men and a women, and the five Children at the age of Twenty-one.<sup>44</sup>

The Choptank Society was pleased to announce that its efforts, rather than antagonizing the community, often had positive effects on others, so that its written report continued as follows:

And Although Such Endeavours often Excite Prejudices in Slave Holders against the Liberation of Africans, yet That hath Not had that Effect with them [the Potters] for we are Credibly Informed that they have Since that Time manumitted all they held as Slaves.

And we Believe that there is a growing Tenderness and Regard to the Right and Wrong of this degraded Class of men Although the Bad Conduct of Some in these Parts have Operated against these prevailing and Laudeable Sentiments.<sup>45</sup>

The report from the Choptank Abolition Society closes with an awareness of the great amount of work which remained yet to be done:

We undoubtedly Believe there is much Need for us to Exert our Utmost Efforts, Not only toward the Progress of that Noble Testimony that Declares the Equal Rights of men, but also to Regulate the Conduct of those That have been Set free—to Stop the Mouths of Those that Incline to Discredit that which appears [?] against their Selfish views, and to Make them who have heretofore been Deprived of the Benefits of Education become Useful Citizens, and thereby Make it Manifest that they [are]

Capeable of Receiving of Civil and Religious Improvement.<sup>46</sup>

Seth Hill Evitts attended the 1797 Philadelphia gathering of “Delegates from the Abolition Societies Established in different Parts of the United States,” being present at the opening of the gathering on the third day of May. He was one of twenty-three delegates or representatives present, along with seven from Pennsylvania, five from New York, five from New Jersey, three from Baltimore, and one each from the Alexandria and Richmond (Virginia) societies.<sup>47</sup> Thus all seven societies which had been invited sent delegates.<sup>48</sup>

A small committee of seven individuals, including Seth Hill Evitts, was appointed to consider the written reports which had come in from five of the seven societies.<sup>49</sup> This committee was asked to report back to the Convention any measures which might be taken by the whole body. Evitts was present on May 3, 4, and 5, and his committee reported back on the May 5 with a number of proposed actions to be considered by the whole gathering. Among these was a recommendation that the Convention address a letter to the Secretary of State of the United States,

recapitulating the evidence which the records of the District Court of the United States, for the Pennsylvania District afford, of attempts made by citizens of the United States, to evade the law prohibiting our citizens from supplying foreign countries with slaves, by clandestinely using the Danish flag and registers, and praying such aid and interference of the government of the United States, with the court of Denmark, or with other governments under whose authority such practices now obtain, as may consist with propriety, for the prevention of the use of their flag or registers, by the citizens of the United States, under any pretense whatsoever, for the purpose of pursuing the trade in men.<sup>50</sup>

The committee also called for a petition to Congress for an amendment to the “Act to prohibit the carrying on the slave-trade from the United States to any foreign place or country” to require an oath or affirmation of ship masters or owners that their ships do not carry any slaves to be sold

abroad.<sup>51</sup> Still another recommendation was that the appendix to the minutes of the Convention should carry short and comprehensive abstracts of laws now in force in the various states "relating to Africans and other people of color."<sup>52</sup> All of these recommendations would be acted on favorably by the Convention before its close.

Evitts himself returned home on May 5 or 6 because of an illness in his family.<sup>53</sup> It seems probable that either Evitts' wife or one of his sons died about this time—for the 1790 Census shows two males of sixteen or upwards, two under sixteen and three females.<sup>54</sup> When Evitts drew up his will in 1808, his two daughters were still living, as were two sons: Jonathan and Woodward.<sup>55</sup> Seth Hill Evitts himself remarried in the summer of 1798, marrying Rebecca Willson (the daughter of Nicholite Solomon Willson).<sup>56</sup>

Minutes of Conventions in later years do not mention the Choptank Abolition Society, although it probably continued for some additional time—at least until the 1799 death of James Harris. Likewise, no further material about individual or group Nicholite anti-slavery action is available, so that at present it is impossible to go beyond what has already been presented above concerning Nicholites and slavery in eighteenth-century Maryland.

#### REFERENCES

- Concerning the Nicholites cf. Kenneth Lane Carroll, *Joseph Nichols and the Nicholites: A Look at the "New Quakers" of Maryland, Delaware, North and South Carolina* (Easton, 1962) and "Another Look at the Nicholites," *The Southern Friend*, V, No. 2 (Autumn, 1983), 3-26.
- Nicholite Petition, found in the State Department of Archives and History, Raleigh, N.C.
- Thomas E. Drake, *Quakers and Slavery in America* (New Haven, 1950), pp. 55-78.
- John Comly and Isaac Comly (eds.), *Friends Miscellany: Being a Collection of Essays and Fragments, Biographical, Religious, Epistolary, Narrative and Historical* (Philadelphia, 1833), IV, 258.
- Kent County (Delaware) Deeds, Liber R, folios 85, 207. These records are found in the Kent County Courthouse, Dover, Delaware.
- Comly, *Friends Miscellany*, IV, 258.
- Kent County (Delaware) Deeds, Liber R, folios 206-207.
- John Woolman *The Journal and Major Essays*, edited by Phillips P. Moulton (New York, 1971), pp. 145-146.
- Kent County (Delaware) Deeds, Liber R, folio 206.
- Dorchester County Land Records, Liber Old 22, folios 254, 255. Comly, *Friends Miscellany*, IV, 244-245, reports that James Harris freed his slaves quite early. There are no manumissions by James Harris in the 1760s or 1770s.
- Ibid.*, Liber Old 22, Folios 308, 336, 356.
- Comly, *Friends Miscellany*, IV, 245.
- Woolman, *Journal*, p. 141.
- Kenneth L. Carroll, "The Influence of John Woolman on Joseph Nichols and the Nicholites," in Anna Brinton (ed.), *Then and Now* (Philadelphia, 1960), pp. 168-179, especially pp. 176-177.
- Carroll, *Joseph Nichols and the Nicholites*, p. 40.
- Ibid.*, p. 42.
- Ibid.*, pp. 26-27, 75, 80.
- Ibid.*, p. 87.
- Kent County, Delaware, Wills, Liber L, folio 87. These records are found in the Kent County Courthouse, Dover.
- Heads of Families at the First Census of the United States Taken in the Year 1790: Maryland* (Baltimore, 1952), pp. 36-39. Seth Hill Evitts is mistakenly listed as "Lethell Evetts" (p. 37). This practice of providing work, housing and "protection" for freed slaves was also followed by Quakers and Methodists, as an examination of these census records makes clear.
- Caroline County Land Records, Liber A, folio 6. The fourth witness was Joseph Whitbey who may have belonged to the larger Nicholite circle. I am deeply indebted to Bernice Leonard (Mrs. W. T.), St. Michaels, Md., who abstracted these manumission records for me.
- Ibid.*, Liber A, folios 351, 454. Nathaniel Potter served as a witness to both of these. He witnessed a number of manumissions in the 1770s but still held slaves in the 1790s. Whether or not he was somewhat attracted to the Nicholites in this early period is unknown.
- Ibid.*, Liber A, folio 511.
- Ibid.*, Liber A, folios 543, 544, 579.
- Ibid.*, Liber A, folio 625. Zabdiel Potter, who frequently witnessed such deeds from 1782 to 1790, was a witness to this manumission.
- Ibid.*, Liber B, folio 474. Solomon Warren was the second witness. Although he is not known to have been a Nicholite some members of the Warren family were.
- Ibid.*, Liber C, folio 175; Liber D, folio 370; Liber F, folios 150, 475. Nicholite witnesses to these deeds included John Wright, Seth Hill Evitts, Elisha Dawson, and James Harris.
- Carroll, *Joseph Nichols and the Nicholites*, p. 34.
- Memorials Concerning Deceased Friends: Being a Selection from the Records of the Yearly Meeting for Pennsylvania, Etc., from the Year 1788 to 1878 Inclusive* (Philadelphia, 1879), p. 85.
- Carroll, *Joseph Nichols and the Nicholites*, pp. 98-99.
- Ibid.*, p. 86.
- Ibid.*, p. 92.
- Ibid.*, pp. 62, 63, 66, 73, 86, 94, 98, 99.
- Wayne J. Eberly, *The Pennsylvania Abolition Society, 1775-1830* (Ann Arbor, 1975), p. 224.
- Minutes of the Proceedings of the Fourth Convention of Delegates from the Abolition Societies Es-*

- published in *different Parts of the United States, etc.* (Philadelphia, 1797), p. 38.
36. *Ibid.*, p. 38.
  37. Dorchester County Land Records, Liber HD 2, folio 557, shows Harrington freeing six slaves in 1790. Caroline County Land Records, Liber B, folio 488 shows three slaves freed in 1789.
  38. Caroline County Land Records, Liber C, folios 425, 440; Liber D, folio 180.
  39. *Ibid.*, Liber A, folio 789; Liber B, folio 484; Liber C, folios 49, 105; Liber D, folios 13, 119, 154, 352; Liber E, folio 89; Liber F, folios 100, 212, 265.
  40. *Ibid.*, Liber E, folios 47, 357, 289, 459, 482; Liber F, folio 378.
  41. Cf. Kenneth L. Carroll, "The Religious Influences on the Manumission of Slaves in Caroline, Dorchester, and Talbot Counties," *Maryland Historical Magazine*, LVI (1961), 176-197.
  42. Letter from the Choptank Abolition Society to the Convention of Delegates Elected by the Abolition Societies in the Several Parts of the United States, appointed to be held the 5th month 1797. This document is found in the papers of the Pennsylvania Abolition Society, Folder 3, on deposit at the Pennsylvania Historical Society, Philadelphia.
  43. *Minutes of the Proceedings of the Fourth Convention of Delegates*, p. 38. A total of 157 slaves were manumitted in Caroline County between January 1790 and May 1797, so that the Choptank Abolition Society was responsible for more than thirty-eight percent of these. Italics added.
  44. Letter from the Choptank Abolition Society to the Convention of Delegates. Cf. Caroline County Land Records, Liber E, folio 459, where Nathaniel and William Potter manumit eight slaves on June 6, 1796: the three adults to be free on New Year's day 1797 and the five children at dates ranging from 1802 to 1811. James Dixon and Seth Hill Evitts witnessed these manumissions.
  45. Letter from the Choptank Abolition Society to the Convention of Delegates. Cf. Caroline County Land Records, Liber F, folio 475, where William Potter freed two slaves on July 8, 1799. No manumissions by the Potters are reported for 1797, as this letter would lead one to expect.
  46. Letter from the Choptank Abolition Society to the Convention of Delegates.
  47. *Minutes of the Proceedings of the Fourth Convention of Delegates*, pp. 3-4.
  48. *Ibid.*, p. 37.
  49. *Ibid.*, p. 5. Only the New York, Pennsylvania, Maryland (Baltimore), and Alexandria societies (in addition to Choptank) had sent in such reports. One representative from each society present served on this committee.
  50. *Ibid.*, pp. 7-8.
  51. *Ibid.*, p. 8.
  52. *Ibid.*, p. 9.
  53. *Ibid.*, pp. 4, 5, 6, 13.
  54. *1790 Maryland Census*, p. 37.
  55. Caroline County Wills, Liber JR C, folio 184, dated September 14, 1808, with codicil added in 1811, and probated February 26, 1812. His daughter Sarah married Daniel Duke(s) in 1798, and his daughter Ann was married to Elijah Barwick in 1800. I am grateful to Bernice Leonard for this information on the Evitts family.
  56. Cf. Caroline County Marriage Licenses, July 3, 1798.

# Growing Sugar Cane in Montgomery County: A Mid-Nineteenth Century Experiment by James W. Anderson

GEORGE M. ANDERSON, S.J.

**J**AMES WALLACE ANDERSON (1797–1881) lived with his wife, Mary Minor Anderson (ca. 1810–1865) and their eight children on a 250-acre farm, Vallombrosa, near Rockville. A lawyer by profession, during the 1840s he held the positions of Register of Wills and Chief Judge of the Orphans Court. In 1850–51, he spent six months at Annapolis as a delegate from Montgomery County to the Constitutional Convention.<sup>1</sup>

Although James hoped his role at the Convention might lead to further political advancement, his aspirations in this regard were not realized. Early in 1854 he consequently sought and obtained a relatively minor position as a clerk in the Sixth Auditor's Office of the Treasury Department in Washington. The job involved examining the accounts of the U.S. Post Office. He kept it until the outbreak of the Civil War; it provided him with a modest but steady cash income that was needed for maintaining his sizeable family.

The farm yielded produce sufficient to provide for the family's needs, and what was left over was sold at market in Washington. But even with the income from his job—\$1400 a year by 1859<sup>2</sup>—and what could be gained from the sale of extra crops, money was always in short supply. Accordingly, in the mid-1850s James decided to experiment with growing Chinese sugar cane in an effort to bolster further the family's financial position.

At that time Chinese sugar cane was attracting much interest in American agricultural circles. In the *Journal* of the U.S.

Agricultural Society<sup>3</sup> for 1857, the president, Marshall P. Wilder, notes in an address at the Society's fifth annual meeting at the Smithsonian in Washington on January 15 that the recent introduction of this type of cane into the country had "excited more deep and general interest than any other agricultural product within the last quarter of a century."<sup>4</sup> He goes on to speak of the plant's adaptability to various climates: "It has the advantage over the common sugar cane, being grown easily from seed of which in many states it produces an abundance, and in its adaptation to every degree of latitude within the limits of our republic."<sup>5</sup>

Later in the same address Mr. Wilder credits the introduction of Chinese sugar cane into the United States to Daniel Jay Browne, who was in charge of agricultural affairs at the U.S. Patent Office: "The seed plant, we believe, originated in China, and was introduced to this country by way of South Africa and France; but to Mr. Browne of the Agricultural Department of the Patent Office, who procured seed while in France, are our citizens indebted for a general distribution of this product more than a year since."<sup>6</sup>

On the basis of Mr. Wilder's statements, James' attraction to experimenting with the "sorghum saccharatum," as it was sometimes referred to, is understandable. It was a new importation of great promise in terms of potential profit; it could be grown in his own climate; and the seed was easily procurable from the U.S. Patent Office's Agricultural Department, one of whose functions was precisely that of distributing to farmers free seed of various new plants.<sup>7</sup> Moreover, since the Patent Office was cen-

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Other articles about the Anderson family have appeared in the 1981–1983 issues of *Maryland Historical Magazine*.

trally located on G Street between 7th and 9th Streets, it was a simple matter for James to stop in on his way to and from work. Thus in the spring of 1857 he informs Mary: "I got some seeds from the patent office, and some more of the Chinese sugar cane."<sup>8</sup>

As a farmer with an above-average education,<sup>9</sup> James made full use of the Patent Office's agricultural resources,<sup>10</sup> and was constantly on the watch for information on the subject wherever it might appear. "I see by all the papers," he informs Mary, "there is a great deal of molasses made from the Chinese sugar cane. I hope you will make some. You ought to get at least a barrel from the crop." A few days before this letter of September 27, 1857, James notes in a similar vein:

I have had no information particularly about the Chinese sugar cane. Every now and then there is an account of molasses being made from it and sometimes sugar. Don't let it fail altogether and lose your character for management. You must make some syrup at least, if no sugar.<sup>11</sup>

A principal contact and source of information for James at the Patent Office was none other than Daniel Jay Browne himself. He had been appointed to the position of Agricultural Clerk in 1853, and from 1854 to 1859 edited the Patent Office's agricultural reports.<sup>12</sup> On October 20, 1857, James tells Mary of calling to see Browne on his way to work in order to display—with evident pride—samples of syrup, molasses, and sugar made at Vallombrosa:

On my way to the office this morning I called at the patent office with the syrup, molasses, and sugar and waited until I saw Mr. Alexander.<sup>13</sup> I was then conducted to Mr. Brown's<sup>14</sup> room. He seemed much pleased and considered it the genuine article, and asked if he might send some of it to the Boston chemist. I told him that I left all the articles at the disposal of the department. He seemed rather astonished, as all the rest had failed, and showed me some syrup made by the man who has 10 acres. It looked green, not to be compared to ours, and the quality he said was owing to the soft bricks he had set up to fix the boilers. The fact is they know nothing about it. I told him about Henson's agency in the

business, as I felt directly bound to do, and he seemed at once to account for our syrup by his [Henson's] experience in the South. I mentioned that perhaps Mr. Reeve<sup>15</sup> might engage Henson. He said he would mention it, and asked how much he would charge, that he might inform him. I told him I didn't know, but that I had told Henson he ought to charge a pretty good price.

The Henson mentioned in the above letter was Henson Norris, a figure crucial to the family's cane operation.<sup>16</sup> His name appears frequently in the Anderson letters of the 1850s. He lived at or near Vallombrosa, and may have been a former slave. He is often mentioned in connection with Lucinda, a slave at Vallombrosa, and there are references to his movements being restricted. In a letter to Mary dated October 21, 1857, for example, James alludes to possible travel problems connected with Henson's assisting Mr. Reeve in Virginia: "I don't know whether he [Henson] could by law be permitted to go to Virginia. He could not come from there to our state. If he can go there, he can get the permit of the Orphans Court, who would hardly refuse it for so laudable a purpose." The same question of Henson's freedom of movement arose in a letter James wrote to Mary six years earlier, on April 14, 1851: "Henson is going with Captain Hardy to New York. Brewer<sup>17</sup> says that he was asked about the law, and seemed to think that he would forfeit his right to return."

Later in the letter of October 20, 1857 concerning James' visit to Browne, he describes the latter's introducing him to the Commissioner of Patents, Joseph Holt,<sup>18</sup> whose reaction to James' experiments was more tempered than Mr. Browne's:

Mr. B. introduced me to the Commissioner of patents who seemed to be pleased, but doubted if sugar could be made to profit here. That is not yet tested, nor can it be, until we can ascertain what amount of sugar a given quantity of juice will yield. I hope we will find it out, and make a larger quantity yet by Henson's aid. The Commissioner handed me the four volumes of the patent office report, including another one of the agricultural.<sup>19</sup> So I think among us, we have gained some credit.

The very next day James provides Mary with an account of a succeeding visit to Browne in regard to the samples. The subject so engrosses him at this point that he admits to neglecting his official duties:

You must excuse me for persecuting you with letters as I do, especially as I have had little else to do but talk about Chinese sugar and syrup. I have not touched an account yet, but shall go at it tomorrow. I called at the agricultural bureau again today and felt mighty proud of the eulogies passed upon the sugar and syrup. Mr. Brown said he had been in the West Indies and had seen their sugars, and that our sample is equal to the best Santa Cruz, which he considered the best of the West Indies. He has sent the greater part to the chemist. What remains in the box looks beautiful—much whiter than it did at first. The molasses with it gave it a darker color that it was entitled to, and if I had exposed it a few days more to the air, it would have become beautifully white. He also spoke of the fine flavor.

The syrup is also the best exhibited, that in the cologne bottle that was made from the 75 ripe canes. He is to publish an account of it in the papers. I told him that I was waiting [sic] the result of further experiments before I could make a regular report. However, I expect to write a short statement and he put me at his desk and instead of half a page as I supposed, it extended to about four pages of foolscap. The correspondent of the Boston Herald happened to come in about the time I was beginning to write and asked the favor of a copy, and as soon as I was done he copied it off and promised me a copy of his paper.

Mr. Brown had in the mean time gone off with the sugar and small bottle of syrup to shew to Col. Seaton, editor of the *Intelligencer*, and I left the manuscript on his table. Whether he will be able to make it out, I doubt. He spoke of Munson near the Falls Church who had 60 acres of it growing and thought Henson could do better there than with Reeve, and asked if he would be willing to take 10 per cent. I don't know what Henson would be willing to take, but he can see for himself. Brown says if he will come down and call upon him, he will put him in a way and do the best he can for him. Henson promised, you know, to see us through, and if the frost has not killed ours, we may make some more yet.

Save all the seed you can. It may be

worth probably a dollar a pound next spring. At any rate, see that [an] abundance is saved to plant twenty or more acres of the ripest and best, and if we do, Henson must help us out next year with our crop. I think from the samples I have shewn, he could get employment from this time out at good wages.

Mr. Reeve called to see me today and would be glad to employ Henson to superintend his establishment and says he would give him liberal wages. He has laid out about 500 dollars in his various fixtures and says that his own and that of other persons would be about 100 acres which would be ground at his mill and that he could make about 150 gallons a day. Any time that Henson comes down, I will go with him to Mr. Brown and then he can go on. I don't know whether he could by law be permitted to go to Virginia. He could not come from there to our state. If he can go there, he can get the permit of the Orphans Court who would hardly refuse it for so laudable a purpose.

The following day, October 22, 1857, James again writes to Mary, this time asking for a larger sample. He speaks of his hopes for deriving financial profit at least from the syrup which, along with molasses, was easier to produce than sugar:<sup>20</sup>

I am anxious about the results of any further experiments in sugar making and should be much pleased to receive a larger sample than we have yet produced. The small account I gave the agricultural Bureau will appear in the *Intelligencer* tomorrow morning, and probably in the other papers throughout the country where the cane is raised.

I am sorry I had not time and the aid of all you home folks to ensure its correctness. I stated that slaked lime was dissolved in cold water, not knowing whether it was quick lime or air slaked. I also stated that a perforated tin skimmer was used with the syrup while it was boiling; was I right? I first stated that the skimmer was one that was used in the dairy, but struck that out, tho' it will be published in that way in the Boston paper.

I think the syrup-making, at least, will be profitable, and don't think I shall wait to see whether other people think so. I have been too much of a laggard all my life and find it don't pay. If I could keep quiet till some capital should find its way to me on

the strength of our success so far, perhaps we might launch out quite largely in the spring. I believe we could make 100 dollars an acre by syrup for some years at 50 cts a gallon, if we succeed as well on a large scale as we have already done, and hope no one will deprive us of Henson's services but for a short season. If nobody equals us in quality this season, we shall start under favorable auspices in the spring.

Who knows but we may meet with powerful aid? The government spends considerable sums in promoting the cultivation of new agricultural products, and next to the cereals, in our latitude nothing is of greater importance than sugar, nor now more a necessary of life. Set about thinking seriously on this subject, and your judgment will conduct you right. You know I have great reliance upon you in great enterprises.<sup>21</sup>

The "four pages of foolscap" written in Browne's office on October 21 appeared on the front page of the *National Intelligencer* of October 24, 1857, in the form of a letter to the Commissioner of Patents. To judge from his introduction to this printed letter, Colonel William Seaton of the *Intelligencer*, to whom Browne had previously shown it, was very impressed by the results of James' samples:

Although some unsuccessful experiments had rendered doubtful the capability of the Chinese cane to produce well granulated sugar, we regarded the plant still as a valuable acquisition for our Middle and Northern States, as it gave to our farmers in all parts of the country the means of making, in any quantity, their own molasses or equally good sirup, and at the same time furnishing in its luxuriant foliage green fodder for their cattle, and, in its seed, good food for their poultry. We are glad to find, however, by the annexed letter from a gentleman [James] in the adjoining country of Maryland to the Commissioner of Patents, confirmed by a sample of the product which accompanied it, that the Chinese plant is capable of making well-granulated, well-flavored sugar. This is the first sample we have seen produced in this neighborhood, and the success of the experiment is very encouraging.

With such praise from an influential Washingtonian, it is not surprising that James

should have entertained hopes for "powerful aid" from the Federal government.

The first and major portion of James' letter in the *Intelligencer* follows. It is of interest for the detailed account it gives of the actual procedure followed in the making of one of his sugar samples. The process began with the grinding of 500 canes at a neighbor's unused cider mill two miles away, followed by the boiling of the resultant five gallons of juice at Vallombrosa.

Vallombrosa, Montgomery Co., (Md.)  
October 20, 1857

My Dear Sir: In addition to the small parcel of sugar I sent by mail, enclosed in my letter of the 3rd instant, I to-day present your bureau with another and better specimen of sugar obtained from the Chinese cane. The first parcel was made by my family in my absence, without note of measure of the liquid or extract or of time. Of the present sample I can speak more learnedly, as I witnessed the operation, from the cutting and counting of the canes to the granulation and evaporation of the sugar. After topping and blading the canes, five hundred of them were cut in every stage of maturity, most of them very small, with unripe seed; twenty of them taken indiscriminately weighed 33½ lbs.

They were hauled in an ox-cart two miles to a neighbor's house, who kindly permitted me to put up a cider mill which had not been used for two years, and was very dry and inefficient. Much of the juice was wasted, as the bed in which the rollers worked had no groove, having a level surface. The cane was passed twice through the mill, and I believe the greater part of the juice remained in the cane; the mill having been so long disused that it could not be keyed up to effect the requisite pressure.

We carried home in a barrel five gallons of juice, into which were thrown two teaspoonfuls of slaked lime, dissolved in cold water, about the consistence of cream—according to the suggestion of Mr. Brown, of the Agricultural Bureau in the agricultural report of 1856—which rapidly disengaged various matters that were suspended in the liquid and were skimmed off. The greater part of the liquid was then measured and put into a bell-metal preserving kettle holding four gallons, and the remainder into an iron vessel belonging to the cooking-stove, which was inserted in its proper place, and the kettle, having no

aperture to fit it, was placed over one of the holes of the stove, and did not for that reason boil as rapidly as the other. However, when that in the kettle was boiled down sufficiently, the contents of the smaller vessel were poured into the larger one.

In about five hours from the point of ebullition the sirup I present in the pint bottle was dipped out, and the remainder continued boiling about half an hour longer, when it was poured into a cold tin pan. The scum that rose was removed at intervals of a few minutes, during the whole operation of boiling, by a perforated tin skimmer. A little over a gallon of delicious sirup was the fruit of our labors, covered with a thick coating of what my family considered very nice taffy. We were in despair about the sugar, and thought we only had sirup, and used it as such for three or four days, after which some particles of crystallized matter disclosed themselves. The remainder of the sirup, which was filtered through a cloth, produced the articles of sugar and molasses which I herewith present.

James' enthusiasm regarding the potential of his cane, heightened by the encouragement of Browne, was shared to some degree by Mary. She writes to him on October 26, 1857, two days after the *Intelligencer* article appeared:

Your frequent letters and the satisfaction your success with the sugar cane seemed to give you, gave me great pleasure. Henson has a better sample of sugar than any we have heretofore made, and intended going to Washington on Monday last, but he is now quite sick; but he will be down as soon as he gets better. The cane seems fuller of juice than before the frost. I have the greater part of it cut and intend having it pressed the earliest leisure moment we have.<sup>22</sup>

A day later, on October 27, James' hopes remain high as he speaks of Browne's intention of sending some of the sugar and sirup to the Richmond fair:

Is there any more prospect of making any more sirup<sup>23</sup> or sugar? They say the juice don't dry up like it does in the cornstalk, but will keep very well stacked up under cover. However, there has been no weather yet to make it necessary to cut it all down.

I did not like to stop short after we made the little sugar and not be able to give any reason for it. Mr. Brown promised to send a little of the sugar and best sirup to the Richmond fair, which begins today, for which purpose I wrote a short note to the secretary of the Society;<sup>24</sup> we shall soon hear about it.

James continues in the same letter to observe with a certain malicious satisfaction that his quasi rival, Reeve of Virginia, "has stopped his [sugar-making] proceedings and is feeding his cane to stock. He knew nothing about the business and would take nobody's opinion."<sup>25</sup>

But James too had difficulties. Lack of proper equipment presented an ongoing problem. "If you only had two rollers to grind that sugar cane this wet weather," he writes to Mary, "you might make some nice sirup. Cannot they be fixed somehow?"<sup>26</sup> But enough sirup, molasses, and sugar were made to sustain his interest in exhibiting them at fairs like the one at Richmond.

He had hoped that the exhibit of his cane products there might stir the interest of Virginians, but such was apparently not the case. With a touch of disappointment, he tells Mary early in November that "no mention is made of our affairs in the report of the Virginia [Agricultural] Society."<sup>27</sup> Later the same month he is making plans for a showing at the U.S. Agricultural Society's annual meeting at the Smithsonian in January, 1858:

I do hope you can make some sirup, and if possible, some sugar. I should like very much to exhibit some at the U.S. Agricultural Society that meets in January at the Smithsonian. It would be honorably mentioned, though no premiums are given there. None has been sent to the patent office yet except ours, though Mr. Brown says he expects to get some from Fairfax, as somebody has put some sirup away to settle.<sup>28</sup>

However, in a description of this annual meeting in the U.S. Agricultural Society's *Monthly Bulletin* for February, 1858, no mention is made of James or of his products, although the topic of Chinese sugar cane did arise in connection with Joseph Lovering of Oak Hill, Pennsylvania, who had sent the U.S. Agricultural Society five

samples of his sugar.<sup>29</sup> In view of his anticipation, James may have felt more than a little mortified at Lovering's receiving significant recognition, and himself none.

The U.S. Agricultural Society is referred to again by James in his letter to Mary dated January 6, 1858, shortly before the meeting actually began: "I should like to be here on the 13th—next Wednesday—to witness the proceedings of the U.S. Agricultural Society, and if I was one of the delegates of our Montgomery Country Society,<sup>30</sup> I could attend in that capacity."

As the meeting drew closer, he writes once more to confirm that he would be attending as a delegate from the Montgomery County Agricultural Society "if no better representative appears:"

I shall have to attend the Agricultural Society tomorrow, and shall appear as a delegate from the Ag. Soc. of our county, if no better representative appears, and shall have to give my reflections [word unclear] on the subject of Chinese sugar cane, which is to be the principal subject of discussion . . . I should have been proud if I could have carried some more sugar of our making to the society, but you are all too lazy.<sup>31</sup>

The reference to the family's being "lazy" suggests that their own interest in sugar cane may have waned by 1859, an understandable development since, apart from the efforts of Henson Norris, the overseeing of the work fell upon their—and especially Mary's—shoulders.<sup>32</sup> James, comfortable in his Washington boarding house and office, had the lighter burden of giving directions from afar.

The lessening of the family's interest may also have been attributable to the fact that the longed-for "powerful aid" from the government, referred to in James' letter to Mary of October 22, 1857, never materialized. Hopes alluded to then for making "100 dollars an acre by sirup for some years at 50 cts a gallon" must have diminished significantly, at least as far as the family at Vallombrosa was concerned. Nevertheless, James' own interest continued up to the outbreak of the Civil War. Just before being forced to resign from his position in May, 1861, for refusing to sign the loyalty oath required of all Federal employees, he could still admonish Mary: "Don't forget the

Chinese sugar cane and a good roasting ear patch."<sup>33</sup>

Although, in a monetary sense, the experiments did not fulfill their initial promise, the family did derive a personal enjoyment from the cane products, especially the syrup. James speaks of relishing it on his buckwheat cakes at the boarding house in Washington: "I am much better of my cold since I took physic, and eat with quite an appetite, particularly this morning—buckwheat cakes and some of the the sirup I brought down. They go very well together, and I hope you may make some more."<sup>34</sup>

Other portions of the cane were put to use too. It was serviceable as fodder for livestock, and the "brush" could even be fashioned into brooms. James tells Mary on December 14, 1857: "I hope you will send me some of the brush of the sugar cane to make a broom of. I just bought one of a beautiful woman who keeps a shop where they make brooms, who will have one made for me."

There might have been further attempts to grow and experiment with Chinese sugar cane had it not been for the Civil War, with James' loss of his job. Under the new, more impoverished conditions, a continued effort in this direction would have been impracticable. But on the local level, at any rate, James had made a contribution to agricultural experimentation recognized by the *Intelligencer's* editor, Colonel Seaton, when he noted in his introduction to James printed letter that "this is the first sample we have seen produced in this neighborhood."<sup>35</sup>

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1. For an account of James' letters home during the Convention period, see George M. Anderson, S.J., "A Delegate to the 1850-51 Constitutional Convention: James W. Anderson of Montgomery County," *Maryland Historical Magazine*, 76 (Fall 1981): 250-271. Other aspects of the family's life are discussed by the same writer in "An Early Commuter: the Letters of James and Mary Anderson," *Maryland Historical Magazine*, 75 (Fall 1980): 217-233; "A Captured Confederate Soldier: Nine Letters from Captain James Anderson to his Family," *Maryland Historical Magazine*, 76 (Spring 1981): 62-70; and "Correspondence of Thomas Anderson of Rockville with his Parents, James and Mary Anderson, 1855-1859," *Maryland Historical Magazine* 78 (Spring 1983): 1-21.
2. In the 1859 *Register of Officers and Agents, Civil*,

*Military, and Naval in the Service of the United States*, James is listed as drawing this salary. He was one of over a hundred clerks in the Sixth Auditor's Office of the U.S. Treasury Department, the division that handled the accounts of the U.S. Post Office.

3. Despite its name, the U.S. Agricultural Society was not government sponsored, although its members did seek—in vain—Federal aid. Begun in 1852, it arose from a move by the Massachusetts Board of Agriculture to establish lines of communication among local agricultural societies throughout the United States. The first meeting was held at the Smithsonian Institution on February 2, 1853. There were annual meetings at the Smithsonian thereafter through 1862. The Society was financed by membership dues of \$2 a year, and published a quarterly *Journal* which contained essays on a variety of agricultural topics. The first issue of the *Journal* appeared in August, 1852, and contains copious background information. James' name does not appear in any of the membership lists printed with each issue, but he attended the meetings of 1857 and 1859, and perhaps others not mentioned in the surviving Anderson letters of the period.
4. *Journal of the U.S. Agricultural Society*, vol. 5 (Washington, 1857), p. 16.
5. *Ibid.*
6. *Ibid.*, p. 17. It is probable that James either heard or read Wilder's address.
7. *The Story of the U.S. Patent Office, 1790-1956*, U.S. Department of Commerce (Washington, 1956), p. 8.
8. James to Mary, May 4, 1857.
9. In addition to his legal background, James had had two years at Princeton, 1814-1815. He was expelled for frequenting taverns.
10. James was in touch with the Patent Office for the obtaining of a variety of seeds besides cane. He writes Mary on March 13, 1858: "I got some Cuban tobacco seed and flower seed from the patent office. I don't mean to trouble them with vegetable garden seed. They have not received their ground almonds yet which Mr. Brown offered me last fall. I shall of course get you some varieties of early corn and you must plant a good patch of it. Don't depend on anyone for seed, as I had rather get here what I know can be depended upon and I wish to do it at once." He also liked to show the Patent Office's Agricultural Bureau the results of his efforts. On September 27, 1858, he tells Mary: "I hope the tobacco seed is saved in good order, as I want to have a bundle of cigars put up here to leave at the patent office." There was considerable planting of tobacco at Vallombrosa. Mary tells James in a letter written in June, 1859 (no day specified) that their future son-in-law, Frank Rozer, "has been with us since yesterday morning. He and Tom [James' second oldest son] planted five hundred tobacco plants yesterday evening." Tea plants and a "poison plant"—the latter evidently used as a kind of early insecticide—were also of interest to James. He writes Mary on April 25, 1860: "I went last evening to the public garden with an order from Mr. [C.L.] Alexander of the Agricultural Bureau [of the Patent Office] for 6 tea plants, but they could spare not more than 4, and one poison plant. The leaves and flowers of this plant are dried and powdered, and applied to insects it soon makes an end of them. It will kill even bed bugs. It may be good to sprinkle about cucumber and cabbage plants. I left them at the grounds intending to call as soon as I have a chance to carry or send them up."
11. James to Mary, September 22, 1857.
12. *Dictionary of American Biography*, ed. Allen Johnson and Dumas Malone, vol. 2 (New York, 1958), p. 164. According to the 1859 *Register of Officers and Agents . . . in the Service of the United States*, Browne had the highest salary (\$2500) of the five men assigned to the Agricultural Bureau of the U.S. Patent Office.
13. C.L. Alexander is listed in the 1859 *Register of Officers and Agents . . . in the Service of the United States* as having the next highest salary (\$1400) after Browne's in the Agricultural Bureau.
14. James consistently misspells Browne's name without the final e.
15. Mr. Reeve was another local planter experimenting with Chinese sugar cane in Virginia. I have not been able to discover his first name.
16. Henson's last name, Morris, is not mentioned in any of the Anderson letters, but it appears in two debt notes dated June 16, 1846, and February 15, 1849. He could not read or write; the note of June 16, 1846 is signed with an x, "his mark."
17. John Brewer was a Rockville Democrat who, like James, was a delegate from Montgomery County to the Constitutional Convention of 1850-1851.
18. Joseph Holt was Commissioner of Patents from September 10, 1857, until March 14, 1859. He later became Postmaster General, Secretary of War, and Judge Advocate General of the U.S. Army. *The Story of the U.S. Patent Office*, p. 11.
19. At this period the Patent Office issued a four-volume report each year, with one volume devoted to agricultural matters. James would have received from Mr. Holt the report of 1856 (published in 1857). The volume in this set on agricultural matters has an article entitled "Sugar and Molasses: Chemical Researches on the Sorgho Sucre," by C.T. Jackson of Boston; and another by Mr. Browne on "Crystallization of the Juice of Sorgho Sucre." James would have read both with interest. The Patent Office reports were printed under the auspices of the U.S. House of Representatives, which ordered 200,000 copies of the agriculture volume for 1856—an indication of the widespread interest in technical aspects of agriculture at the time.
20. J.C. Sitterson, *Sugar Country: The Cane Sugar Industry in the South, 1793-1950* (Lexington, Ky. 1953), p. 37.
21. Part of this quotation appeared in George M. Anderson, S.J., "An Early Commuter: The Letters of James and Mary Anderson," p. 224.
22. The cutting and pressing of the cane would have been done by slaves. The family seems to have owned about a dozen through the 1850's. Their names appear frequently in the letters: Lucinda, Lizzie (one of Lucinda's two children), Margaret,

Ellen (who had at least two children), Will, Billy, Dick (who often handdelivered letters to James from Mary when taking produce into Washington), America, and Fremont. They are euphemistically referred to in the letters of James and Mary as "servants."

23. James uses both spellings, *syrup* and *sirup*.
24. The Virginia Agricultural Society is probably meant, though it might be the U.S. Agricultural Society.
25. James to Mary, October 27, 1857.
26. *Ibid.*, October 30, 1857.
27. *Ibid.*, November 9, 1857.
28. *Ibid.*, November 24, 1857.
29. U.S. Agricultural Society, *Monthly Bulletin*, February, 1858 (Washington, D.C.), vol. 1, no. 1, pp. 3-4. Mr. Browne also gave a report at the January 1858 meeting before a committee investigating the value of Chinese sugar cane in terms of its potential for sugar, syrup, and fodder.
30. The Montgomery County Agricultural Society was begun March 4, 1846. A fair was held each September at the Rockville fair grounds near St. Mary's Church. James was elected corresponding secretary in 1850, and again in 1852 and 1853.
31. James to Mary, January 12, 1859. As in the account of the U.S. Agricultural Society's meeting of 1858, no mention is made of James in regard to the 1859 meeting either.
32. Mary had to handle much of the day-to-day supervision. She writes James in July, 1857 (no day specified): "I hd the sugar cane well ploughed and also the late potatoes."
33. James to Mary, May 14, 1861.
34. *Ibid.*, November 11, 1857.
35. See above, p. 137.

The minutes of the meetings are in the possession of the Montgomery County Historical Society in Rockville. Curiously, they contain no reference to James' or anyone else's attempts at cultivating Chinese sugar cane in Montgomery County. James may have been the only farmer in the county experimenting with cane products. He evidently did think of exhibiting some of them at the Montgomery County fair in 1858. In a letter to Mary dated August 31, 1858, he says: "I should like to have some sirup or sugar made for the fair, if you think it worthwhile to have rollers and boilers found, and if there is any seasoned timber suitable."

# "Damn Rascal"

T. RIDGEWAY TRIMBLE

Lieutenant Davis, late Keeper of the Andersonville, (GA) jail who was recognized by one of our soldiers while in transit to Canada, has been brought to this city, and will be tried as a spy. He defends his treatment of Federal Prisoners as being in obedience to orders.<sup>1</sup>

**B**URIED DEEP WITHIN THE LITERATURE of the War Between the States lies the curious anecdote of the capture and subsequent imprisonment of a Confederate courier, Samuel Boyer Davis. Davis, once described as having a "very unprepossessing appearance physiognomically, but whose low retreating forehead belies his phrenology. . ." <sup>2</sup> was born in 1804 the son of Alonzo B. Davis, a naval lieutenant often away at sea, and one Lydia Presstman of Baltimore, Maryland. The latter died at an early age leaving three children. Samuel's two sisters were left to be brought up by their great aunt and uncle, the I. Ridgeway Trimbles, while the Civil War determined his own immediate vocation. A Southern sympathizer, he offered his services to the Confederate cause.

Among his assignments, young Davis served as Major General I. Ridgeway Trimble's (CSA) aide at Gettysburg. His tenure was to be brief as he was taken captive after the battle and ultimately escaped to Southern lines. In June of 1864 he joined Brigadier General John J. Winder's staff at Camp Sumpter (Andersonville, Georgia) as assistant adjutant and inspector general and also performed duties as interim keeper when the assigned Keeper, Captain Henry Wirz, took ill in August of the same year. The latter posting was similarly relatively brief as Lieutenant Davis was reassigned

to military duties in Richmond before the year's end.<sup>3</sup>

On December 26, 1864 young Davis joined many other Confederate officers at the old Spottswood Hotel for Christmas merrymaking. He recounted:

Threading my way through the crowd, I ran afoul of Harry Brogden of Maryland then in the Signal Corps. In course of conversation he said he had orders to go to Canada with dispatches and that he did not care to go. I had been in Richmond for two or three months, and I was anxious for some change, and seized by sudden impulse I said I'll go if you do not want to, and that remark nearly cost me my life.<sup>4</sup>

The orders were promptly drawn up, and Davis set forth on his journey, arriving in Baltimore on the thirtieth. His dispatches contained a copy of Lt. John Beall's CSN commission and a statement from President Jefferson Davis concerning the mission to free Confederate prisoners from the Johnson's Island stockade in Lake Erie.<sup>5</sup> A few days later Davis recalled,

Nothing of interest happened until the following Sunday [Jan. 1], when I reached Toledo, Ohio, where I was detained on account of delayed trains; while sitting in the lobby of the hotel, I think the Oliver House, a United States Naval Officer read from a paper he held in his hands a notice that it had been ascertained that certain papers relative to Beall's case had been sent from Richmond to Canada; that the authorities

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Mr. Trimble is Director of Development for St. Sebastian's Country Day School in Needham, Massachusetts.

were on the lookout for the messenger having them in charge. "Ah!" said he, "How I would like to catch the damn rascal who carries those papers; it would be the making of me or any one else that caught him."

The remark was addressed to me, as I sat next to him, and while I very politely concurred in his views, "you bet I did not tell him I was the damn rascal."<sup>6</sup>

The "damn rascal" completed his Canadian journey the following day delivering his dispatches in Toronto. A week later, carrying new messages written on white silk, as well as information committed to memory, he recrossed the Union border. The following morning, the eleventh of January, 1865, he secured passage on a train bound for Newark, Ohio. Most unfortunately for him the same train carried some released Federal soldiers from Camp Sumpter. He was immediately recognized by two of them as their former keeper. The soldiers confronted the surprised Davis—alias Willoughby Cummings—and requested verification. The lieutenant produced a Canadian passport and naturally suggested that they were quite mistaken in their identification. Firmly convinced of their discovery, the two bluecoats notified the railroad superintendant. Surrounded by Federal soldiers behind enemy lines, Lt. Davis well knew he had no chance of escape. When the train pulled into Newark, a welcoming party searched and arrested him. The dispatches proved elusive, consequently, when the prisoner was taken to a civilian jail and left alone for a few minutes, he managed to remove the silk documents and burn them in a convenient heating stove.<sup>7</sup>

On January the fifteenth he was confined to the Cincinnati Barracks to await his trial. His constant companion was a sixty pound ball and chain.<sup>8</sup>

The court martial convened on the seventeenth and lasted two days. The charge specified that Davis, alias W. Cummings, was a rebel spy. Davis admitted his Confederate commission, but additionally pleaded guilty only to being a courier. In his final statement to the court he declared,

I hope and believe you are impartial and just men, serving your country as best you

may. So have I done. And if it should be my fate to die upon the gallows or by the musketry of an enemy, I can look to God with a clear conscience, and look every man in the face that ever breathed, and know that I die innocent of the charge alleged against me.<sup>9</sup>

The court's verdict, nonetheless, was not unexpected. Davis was condemned as a spy, and sentenced to hang on seventeen February 1865.<sup>10</sup> In preparation for the impending execution of the sentence, the prisoner was removed to the military stockade at Johnson's Island on the second of February.<sup>11</sup> In a letter to his cousin, David C. Trimble of Wye Heights, Maryland, the previous day he wrote, "I will die like a man and a soldier."<sup>12</sup>

As both Davis' account and extant letters attest, the captive requested all the aid and influence his bipartisan friends and family could bring to bear upon the Union authorities to avert the execution. The Southern agent of exchange confirmed, in a letter to his Union counterpart on February first, that Davis indeed was not a spy, and also indicated that proof to that effect would be furnished by the Confederate Government. Davis was aware, unofficially, that his case was being reviewed, however, as the fated day approached, he began to lose hope. On the fifteenth he saw the guards erecting a gallows. The next day he informed the prison's commanding officer, Colonel Hill, that he would waive the right of riding to the gallows on top of the coffin, and would, instead, walk.<sup>13</sup> He wrote:

Finally the 17th came. I rose at 5 o'clock, dressed, ate breakfast and sat down to wait; by 7 o'clock crowds began coming to the Island to see the execution. The band in my hearing was playing the dead [sic] march, and I saw men stretching some rope which I was told to be my cravat.<sup>14</sup>

The noose, however, was never to be tightened around his neck as, a few minutes after seven, the commanding officer apprised Davis that the sentence had been commuted to imprisonment during the war.<sup>15</sup>

The prisoner's later account of the efforts to secure a commutation includes the text of a telegram of intercession from President

Abraham Lincoln, dated February thirteenth, however, archival documents suggest that the case had already been reviewed in Davis' favor.<sup>16</sup> Major General Joseph Hooker, USA, the court martial's approving authority, wrote his president on February seven.

I hear that you have been solicited to commute the sentence of death awarded a rebel spy of the name of Davis by a commission now in session in this city [Cincinnati]. The sentence was approved by me, with the view of commuting it to confinement and hard labor during the war, which was done yesterday.<sup>17</sup>

The nature of the letter substantiates the suggestion that Mr. Lincoln was petitioned, and secondly, had, most likely, requested some information on the subject.

Having "regained" his life, the relieved Davis was transferred to an Albany, New York military prison a week later. He remained captive there until September. Despite General Order #98 of May 29, 1865 freeing military prisoners, Davis continued to be incarcerated. In some correspondence to his cousin David Trimble, the young officer suggests that Secretary of War Edwin Stanton personally had hindered the efforts made in his behalf for the sentence commutation and a speedy release from prison after the war. Davis' published account also reveals such interference.<sup>18</sup>

On thirty August, 1865 the rebel was removed to Fort Warren in Boston harbor. Final release came on December seventh, when the "Keeper of Andersonville" was furnished transportation home to his native Maryland by the Union Government.<sup>19</sup>

The ordeal of Samuel Davis, initiated by a sense of adventure, indeed nearly cost him his life. One cannot help but wonder,

however, whether the naval officer in Toledo ever realized that he had been sitting next to the "damn rascal" in the Toledo train station—the rascal that he thought would have made his career.

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11. *Ibid.*
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14. Davis, *A Recollection*, p. 66.
15. *Ibid.*
16. *Ibid.*, p. 65.
17. Ltr., Major Genl. Hooker to President Lincoln, February 7, 1865, *War of the Rebellion*, Series II, vol. 8, serial 121, p. 191.
18. Davis, *A Recollection*, pp. 66, 72.
19. Ltr. War Dept. August 30, 1865, *War of the Rebellion*, Series II, vol. 8, serial 121, p. 736. General Court Martial Order #660, War Dept., December 20, 1865, *War of the Rebellion*, Series II, vol. 8, serial 121 p. 837.

# Tax Reform "With a Political View": The Hyattsville Single Tax Experiment in the Maryland Courts

PHILIP L. MERKEL

## INTRODUCTION

**A** WEARY HENRY GEORGE AND HIS wife disembarked at the Port of New York on September 1, 1890, after completing the final leg of a rigorous, around-the-world tour. The controversial author of *Progress and Poverty* and 1886 candidate for New York's mayoralty had visited and consulted with proponents of his land value taxation program, or the single tax as it was popularly known, in New Zealand, Australia, and Great Britain. For George, who was one day shy of his fifty-first birthday, New York represented a welcome respite from this, his most recent worldwide crusade for social reform through the single tax. The six-month-long journey by steamship and train across three oceans and four continents did much to sap the energies of even one so driven as George.<sup>1</sup>

Hopes for an immediate rest quickly dissolved, however, in view of the welcome awaiting George in New York. During his absence, a number of his supporters had, with his blessing, organized the country's first National Single Tax Conference.<sup>2</sup> The meeting had been scheduled to open on September 1, coinciding with the day of the master's return. The following morning, George triumphantly entered Cooper Union auditorium where more than five-hundred delegates from over thirty states had gathered for the arrival of their mentor. At this massive birthday celebration,

George addressed the assembly and expounded on two themes that had excited his disciples over the years—the merits of the single tax and the folly of the Republicans' protective tariff policy. Those who crowded into Cooper Union amidst New York's oppressive summer heat were rewarded for their discomfort with a display of George's oratorical skills that matched the demand of the occasion.<sup>3</sup>

The first National Single Tax Conference, however, was not merely an occasion for feting Henry George. The outpouring of affection was secondary to the overriding concern on the meeting's agenda—the nationwide adoption of the single tax.

Until the late 1880s, land value taxation was little more than a theoretical concept. George originally proposed his plan for social and economic reform in 1879, when his classic on political economy, *Progress and Poverty*, was published.<sup>4</sup> *Progress and Poverty* was a reaction to the polarization of wealth and poverty that had been exacerbated by the excesses of the industrial revolution. George proposed to redistribute wealth without causing the kind of social disruptions which many feared was inherent in more radical remedies such as socialism and communism. His solution was to address what he perceived as the primary cause for the perpetuation of disparities in wealth—the private ownership of land. In George's mind, land should be the common property of all. Those who acquired legal title to land had the exclusive right to its use, but in return they owed society a "rent" for its value. Rent would be paid the gov-

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ernment as taxes, and from these revenues government would provide public services. Other taxes, such as those on improvements to land and personal property, excise taxes, and tariffs—those which the common man bore in proportions greater than his earnings—would be abolished completely.<sup>5</sup>

The single tax was designed to redistribute wealth by taxing real estate, an accepted way of raising revenue in most states. Land titles would not be affected and no actual “taking” of property was involved. George’s reform marked as special targets those who speculated in land or who failed to put their property into production. Taxes would be assessed against similar parcels of land at the same rate, whether they were improved or not. The single tax would pressure owners of idle lands to use them or to sell them to others who would. This negative incentive would benefit the whole of society in two ways. First, more land would be available to members of the lower and middle classes who were unable to purchase property because of the artificially high prices resulting from speculation. Second, those who owned land would be spurred to develop it, thereby expanding production and creating new jobs.<sup>6</sup>

*Progress and Poverty* outlined the parameters of land value taxation, but was a work of economic theory, not a handbook of practical application. Beginning in the late 1880s, however, a group of “single taxers” concluded that the time was ripe for a nationwide campaign for the adoption of land value taxation by political subdivisions. This movement was led by a group of eastern philanthropist lawyers, including Louis F. Post and Thomas G. Shearman of New York and William Lloyd Garrison II of Boston. These men took the initiative in promoting the single tax on the national level. Post served in a number of capacities, including as editor-in-chief of George’s single tax magazine, *The Standard*, while Shearman provided financial support to the movement. These reformers crisscrossed the eastern half of the nation and were mildly successful in bringing the single tax issue into the public eye.<sup>7</sup>

The first National Single Tax Conference was one manifestation of this move-

ment toward enactment of the single tax. The meeting was designed to spur single taxers around the country to lobby for its adoption in their communities. The conference ended on September 3, with a resolution calling for implementation of the single tax. Delegates were urged to return to their homes and work for a program “raising all public revenues for national, State, county and municipal purposes by a single tax upon land values irrespective of improvements and in lieu of all the obligations of all forms of direct and indirect taxation.”<sup>8</sup>

This article is an account of the experience of the first political subdivision to answer the conference’s call by adopting the single tax. In 1892, the town commissioners of Hyattsville, Maryland, took steps which made this suburb of Washington, D.C., the nation’s first single tax enclave. Chiefly through the efforts of Jackson H. Ralston, a Washington attorney who served as president of the commission, Hyattsville collected all municipal revenues for the year 1892–1893 solely through land value taxation. “The Hyattsville Single Tax Experiment,” as it was popularly known, became the *cause célèbre* of the fledgling national single tax movement. Hyattsville represented the campaign’s first foothold, and the national organizers made a concerted effort to maintain it. Single taxers from around the nation aided their Hyattsville brethren with advice, publicity, and money. The story of the town’s struggle dominated the pages of *The Standard* over the course of the year, providing succor for other single taxers.

The experiment was not universally lauded, however. The town was quickly polarized between those who supported and those who opposed George’s “utopian” reform. The commissioners’ action was challenged in a lawsuit which wound its way to Maryland’s highest tribunal, the court of appeals. Against a backdrop of a provocative debate over the single tax in intellectual circles, the court of appeals became the first American court to consider the constitutionality of George’s reform.

## I

In 1892, the average resident of Hyattsville, Maryland, had little reason to suspect

that his town lay on the cutting edge of social and economic reform. Hyattsville was one of a number of developing residential communities abutting the District of Columbia. The Maryland General Assembly had incorporated the town by special legislation in 1886.<sup>9</sup> By 1890, Hyattsville's sixteen-hundred inhabitants resided in about one hundred seventy-five homes.<sup>10</sup> Some residents worked in Washington and commuted on the Metropolitan Branch of the Baltimore and Ohio Railroad. Even before the turn of the century, Hyattsville was already becoming a "bedroom community" for District employees.<sup>11</sup>

While Hyattsville was an unremarkable town in most respects, one member of its governing board of commissioners, Jackson H. Ralston, was a most untypical character. He was to become responsible for making Hyattsville the first single tax enclave in the United States.

Jackson Ralston was born in California in 1857. The son of a prominent judge, he first tried his hand as a printer, coincidentally the original calling of Henry George. Ralston was active in the International Typographical Union and he served as a delegate to its national and international conventions in the 1870s. Ralston remained a staunch supporter of organized labor throughout his life.<sup>12</sup> During the mid-1870s, Ralston worked for the Government Printing Office in Washington, D.C. While in Washington, he grew interested in law, studied the subject, and was admitted to the bar. He eventually established a practice in the District and specialized in labor law. His clients included both the Knights of Labor and the American Federation of Labor. Ralston's association with the latter organization lasted twenty-seven years.<sup>13</sup> By the time of the Hyattsville Experiment, the young Ralston was a well-respected Washington lawyer and had recently successfully argued two cases before the United States Supreme Court.<sup>14</sup>

In 1890, Ralston was already captivated by Henry George's program, which promised a larger share of the nation's wealth for its working class. He associated with many single tax luminaries, including Tom L. Johnson, the congressman from Cleveland, and Henry George himself. Ralston recognized the importance of applying the

single tax if it were ever generally to be accepted. It was he and other Washington single taxers who convinced George that the time was ripe for the 1890 National Conference.<sup>15</sup>

While Ralston's law practice was in the District, he owned a home and resided in Hyattsville. Ralston had helped draft the 1886 statute that incorporated the town. He was elected to Hyattsville's original five-member board of commissioners and he was re-elected to the same position in the years 1889-1892.<sup>16</sup>

In 1890, a controversy arose in Hyattsville which Ralston realized could be exploited to the advantage of the single tax movement. The dispute concerned the financing of municipal improvements. As the town grew, the need for new streets, sewers, and lighting became acute. Hyattsville's act of incorporation, however, placed the tax burden for financing these projects disproportionately on the shoulders of those holding improved land and personal property.<sup>17</sup> The 1886 act provided that the commissioners must adopt the then-current county assessments when levying taxes, a formula which Ralston claimed benefited holders of unimproved land and penalized the householders of Hyattsville.<sup>18</sup>

Ralston's agitation gave rise to two developments which eased the tax burden of those holding improved land. The General Assembly amended the act of incorporation to allow the commissioners to make their own assessments. While the amendment provided that assessments must include "every piece of land separately, with the improvements thereon, and all personal property," the old county valuations no longer held sway.<sup>19</sup> Even more important, however, was the action taken by the town's commission in June, 1890. It passed a resolution that effectively exempted all personal property from municipal taxation. This act was clearly in violation of the recently amended statute, but the commissioners unanimously adopted the resolution.<sup>20</sup> That this plainly illegal resolution remained unchallenged in the courts until 1892 may indicate that the community generally supported the exemption. Certainly these two factors brightened rather than dampened the spirits of Ralston and his followers in their fight for tax reform.

It was not until the spring of 1892, however, that the plan to make Hyattsville a single tax town fully blossomed. By the middle of the summer, the new order would be firmly in place and the Hyattsville Experiment would grab headlines in newspapers around the nation. At first, events moved slowly, as the reformers worked for legislation that would legalize the commissioners' *de facto* exemption of personal property in 1890 and 1891. On February 12, 1892, a local representative introduced an amendment to the Hyattsville act of incorporation that discreetly eliminated any reference to personal property taxation.<sup>21</sup> Both houses unanimously passed the measure with no debate over the omission, and it became law on March 31.<sup>22</sup> As one newspaper later commented after the fact, the single tax people secured the amendment "quietly and dexterously."<sup>23</sup> Next, the single taxers prepared for the town's annual election, scheduled for May 2. Apparently the campaign was conducted on a low key and the single tax was not an issue. The voters returned Ralston to the commission and elected two of his fellow reformers, Charles H. Long and George S. Britt. Together they comprised a majority of the five-member commission. The new commission designated Jackson H. Ralston as its president.<sup>24</sup>

Once in power, Ralston mapped out plans to make Hyattsville a single tax community. The evidence suggests that prominent national single taxers helped plot strategy. Nine days after the election, Ralston hosted a single tax discussion at his home where Tom L. Johnson was the featured speaker.<sup>25</sup> At the time, Johnson was working on a bill proposing a federal single tax. The July 6, 1892, edition of *The Standard* reported that Ralston was helped by Johnson and John DeWitt Warner, a New York single taxer.<sup>26</sup> Johnson was particularly interested in the Hyattsville Experiment, since the model community would be visible to other members of Congress in nearby Washington.<sup>27</sup>

The single taxers executed their plan on June 30, 1892. The scheme was quite simple, though fraught with some rather obvious illegalities. The town's assessors had completed their valuation of property for

1892 as provided by statute. Land values totaled \$369,709 and improvements to land were \$180,000. In conformance with the recent amendment by the legislature, personal property was not assessed. Properties were taxed at the rate of ten cents per one hundred dollars of assessed value.<sup>28</sup>

The 1892 amendment also provided that the town commissioners should sit as a board of appeals to consider the claim of any taxpayer dissatisfied with his assessment. They were "empowered with a political view for the government and benefit of the community, to make such deductions or exceptions from, and addition to, the assessment made by the assessor as they may deem just, and to correct errors or illegal assessments." Aggrieved taxpayers had fifteen days from the date of assessment to file appeals to the board.<sup>29</sup> This type of appeals process was commonly available to individual taxpayers who challenged an assessor's judgment.

Ralston, Long, and Britt, however, used the amendment's language to exempt *all* improvements to land from taxation. Though no taxpayer had appealed his assessment, the commission met as appeals board and on its own volition passed a resolution granting the blanket exemption. At the same time, it raised the tax rate on land to twenty-five cents per one hundred dollars assessed value, the maximum authorized by law.<sup>30</sup> Revenues lost by exempting improvements were made up by this increased land tax. Overnight, Hyattsville had become a complete single tax town. The Ralston group accomplished its coup with no debate and indeed with no advance notice of the resolution.

The national single tax press was aware of the Hyattsville developments and predictably was elated over these events. On July 6, *The Standard* trumpeted that Hyattsville was "the first place in the United States to adopt the single tax as respects local taxation" and exclaimed that the town was "placed at a great advantage over other communities and in the increase in improvements will soon prove the value of the single tax." It reported the satisfaction of Tom L. Johnson, who might "well sing hymns of joy over the adoption of the single tax at Hyattsville."<sup>31</sup> The movement

finally had a laboratory to demonstrate the soundness of Henry George's principles.

If the single taxers were ecstatic over the commissioners' resolution, some Hyattsville residents were quite perturbed. They determined with a resolve matching that of the single taxers to undo the changes wrought through the "treachery" of the Ralston group. Dr. Charles A. Wells, a local physician, emerged as leader of the opposition. Wells was a lifelong resident of the area who had married a descendant of Hyattsville's founder.<sup>32</sup> Wells served on the boards of a number of local banks, and the single taxers charged that he was a land speculator.<sup>33</sup> Wells and his faction, in turn, branded the Ralston group as anarchists whose program would result in the redistribution of property. They maintained the single tax would ruin Hyattsville by depriving the town of revenues necessary for its development.<sup>34</sup> As both sides squared off for what promised to be a bitter struggle, the *Washington Post* reported that "Hyattsville was never in its history brought to such a pitch of public agitation as over this attempt to make it a field for economic experiment."<sup>35</sup>

The anti-single taxers' first line of attack was political. Wells scheduled a public meeting for the night of July 6 at the town's Athletic Club. In "the largest mass meeting that Hyattsville has ever seen assembled," the participants adopted a resolution calling on the commissioners to restore the tax on improvements or resign. When a *Post* reporter asked Commissioner Britt for his reaction to the resolution, he reportedly said he would pay it no attention.<sup>36</sup>

Not to be outdone, the Ralston group planned a meeting of its own for July 21. Jackson Ralston presided over the gathering which included a number of nationally prominent single taxers. Montague R. Leverson, a lawyer who would later represent the commissioners in the court of appeals, and Joseph H. Darling of the Manhattan Single Tax Club were present. Most important, the master's son, Henry George, Jr., attended and reported the meeting for *The Standard*.<sup>37</sup>

The younger George's account of the gathering filled a full three pages of *The Standard's* July 27 issue. He told how Ral-

ston, "a tall, wiry man with thick brown hair, full beard, and pale, animated face," stood in the light of a single lamp and defended the commissioners' action. One by one, he fielded questions raised by members of the audience. To the charge the single tax had severely impaired the town's ability to collect revenues, Ralston replied that more taxes had been raised in 1892 than in the previous year. He attributed this increase to the commissioners' decision to raise the tax rate from ten to twenty-five cents per hundred dollars assessed value. When a citizen challenged the commissioners' right to pass the single tax resolution without public debate, Ralston stated that no improprieties had occurred: "The town's government is a representative one—not a democracy. Our business is not done through town meetings but through a Board of Commissioners acting for the general welfare." Should the townspeople disagree with the commissioners, they could remove them at the next election. In the meantime, the commission was resolved to stand by its decision.<sup>38</sup>

During the meeting, Ralston produced and read a large number of telegrams and letters from around the nation congratulating the citizens of Hyattsville for the progressive action that their commissioners had taken. Ralston used these communications to assure the townspeople that the commission's resolution was not precipitous, but rather represented the vanguard of an emerging national trend.<sup>39</sup> What most spectators probably did not know was that these greetings were not spontaneous, but had been orchestrated by the editors of *The Standard*. In its July 20 issue, they had urged their readers to inundate Hyattsville with positive messages that the local single taxers might put to political use. "A single brief argument, a single epigram, may make a convert who will convert his thousands. Let Mr. Ralston be overwhelmed with telegrams."<sup>40</sup>

George's account of the single taxer's meeting indicates it was highly successful. Darling, the New York single taxer, was clearly moved by the occasion. "I have in my pocket," he exclaimed, "some of the sacred soil which I shall carry back to our people in New York."<sup>41</sup> Whether these

impressions were colored by the single taxers' own overenthusiasm cannot be determined. What is certain, however, is that by meeting's end, the citizens of Hyattsville knew the commissioners would not be pressured into rescinding their resolution. Political pressure had failed, and the next election was nearly a year away. Another avenue of attack was needed to defeat the single tax and the Wells group already had an inkling that the remedy might lie with the courts.

## II

At the time of the Hyattsville Experiment, it would have been difficult to predict how a Maryland court would view the legality of the single tax scheme for the simple reason that no American court had ever had occasion to address the question. No community in the United States had adopted the single tax and therefore it had never been challenged in the courts. In 1888, a New Jersey chancery court did rule that a testamentary charitable bequest for promoting the work of Henry George was unenforceable. George's suggestion that private property equaled robbery offended the chancery court judge, whose opinion refusing to honor the testator's devise bristled with invective:

Society has constituted courts for the purpose of the administration of the law . . . but I can conceive of nothing more antagonistic to such purpose than for courts to encourage, by their decrees, the dissemination of doctrines which may educate the people to the belief that the great body of laws which such courts administer concerning titles to land have no other principle for their basis than robbery.<sup>42</sup>

This opinion, which impaired the free flow of ideas, did not represent the mind of the legal community, however. The *American Law Review* criticized the judge's narrow-mindedness,<sup>43</sup> and the New Jersey Court of Appeals later reversed the decision.<sup>44</sup> Of course, this case involved only the issue whether one could promote the single tax concept and had no bearing on the larger question of the tax's legality if actually applied.

While the nation's judiciary had not con-

sidered the single tax by 1892, the same was not true of the nation's intellectual community. During the years 1887-1895, over two score of books, pamphlets, and articles discussing the single tax were published. These items were in addition to those which proliferated in the single tax press. The single tax debate was waged in such prominent publications as the *North American Review*, *Forum*, *Century Magazine*, the *American Journal of Politics*, and the *Journal of Social Science*. The writings of the single taxers appear to have generated much of the controversy, but the mix between articles supporting and opposing the single tax was roughly equal.

Critics of Henry George and his reform were legion. Writing in the *Forum* in 1889, the single tax lawyer, Thomas G. Shearman, mused over the range of carpers who had attacked George for his "mistakes":

Space could not be afforded for even an abstract of these brilliant productions. [George had been] crushed by the Duke of Argyll, refuted by Mr. Mallock, extinguished by Mayor Hewitt, undermined by Mr. Edward Atkinson, exploded by Professor Harris, excommunicated by archbishops, consigned to eternal damnation by countless doctors of divinity, put outside the pale of the Constitution by numberless legal pundits, waved out of existence by a million Podsnaps, and finally annihilated by Mr. George Gunton.

Despite all these detractors, Shearman concluded, "Henry George's theories seem to have a miraculous faculty of rising from the dead."<sup>45</sup>

Actually, only a small minority of George's critics went so far as to accuse him in print of being a socialist, communist, or anarchist. In an article that drew a series of responses, Arthur Kitson had accused George of advocating "one of the most socialistic schemes ever offered to the public," and termed the single tax "the first great step toward compulsory communism."<sup>46</sup> Even his most virulent opponents, however, usually praised George's motives while disagreeing with his solution. Edward Atkinson, a prominent critic, conceded that George was neither an anarchist nor a communist.<sup>47</sup> Another concluded his attack on

the single tax with words of admiration for its author:

But let the public never forget that if Henry George had made one great logical and practical mistake, he has inaugurated the correct tendency of an epoch. He has earned all his laurels and more.<sup>48</sup>

Attacks on the single tax during this period were surprisingly evenhanded, probably because many of George's opponents were reformers themselves who were searching for their own solutions to the nation's problems. Most agreed that the existing tax system unduly burdened the poor and that the gap in wealth between the rich and indigent demanded bridging. Along with their jabs at the single tax, they presented other possible remedies. These included the income tax, the succession, or inheritance tax, and a direct tax on all assets.<sup>49</sup>

Critics of the single tax rallied around two principal issues; many subscribed to both. The first, represented most prominently by Columbia College economist Edwin R.A. Seligman and attorney Edward Atkinson, questioned whether the single tax theory made sense economically. Seligman contended the reform could not deliver what it promised—alleviation of the tax burden of the poor and a redistribution of wealth. Instead, he argued, the single tax would have an inverse effect. The wealthy who had not made their fortunes in land speculation would pay no taxes at all.<sup>50</sup> As another critic from this school of anti-single tax thought put it, "the Vanderbilts, the Havemeyers, the Drexels, the Rockefellers, the Carnegies, the Armours, and the Pullmans are also very rich and do not own land to any large extent."<sup>51</sup> In the final analysis, poor landholding farmers would bear the brunt of the single tax burden. Using a statistical analysis of the 1880 census, Atkinson contended that real estate taxes would multiply four or five times if the single tax were adopted. This increase would be borne by farmers who were already reeling under depressed economic conditions. The single tax system would fail because the reformers could not "get blood from this turnip."<sup>52</sup>

A second group of single tax opponents

stressed that the reform was undemocratic and raised the specter of an oppressive government bureaucracy. William W. Folwell wrote the editors of *Century Magazine* in 1891 that "It will take a long time to persuade Americans that 'equal' may mean the levying of all taxes upon some one kind of property."<sup>53</sup> In a nation that jealously guarded against inequities, it was unacceptable that landholders, who were a minority of the population, might bear the entire tax burden. Similarly, for some critics the single tax conjured up visions of a centralized government bureaucracy, riddled with corruption. David Dudley Field, the eminent New York attorney and long-time adherent to the ideals of Jacksonian Democracy, believed that a concentration of power in one taxing entity boded ill for the future:

My theory of government is, that its chief function is to keep the peace between individuals, and allow each to develop his own nature for his own happiness . . . A large class of men has grown up among us whose living is obtained from the notion that public offices are spoils for partisans, that is to say, out of the people; we must get rid of these men, and instead of creating offices, we must lessen their number.<sup>54</sup>

The institutional changes feared inherent in the single tax reform were simply too radical for some persons to accept. While even men of means such as Field favored reform, they believed the single tax could not be reconciled with traditional American values.

To no one's surprise, the single taxers had a rejoinder to each of their opponents' criticisms. As the years passed, Henry George exhibited increasing impatience with those whom he felt could not or would not understand the economics of the single tax. For instance, on September 5, 1890, only two days after the close of the first National Single Tax Conference, George and such friends of the single tax as Louis F. Post, Samuel B. Clarke, and William Lloyd Garrison, II, faced Professor Seligman, Edward Atkinson, and other foes in debate over the subject. The occasion was the annual meeting of the American Social Science Foundation held in Saratoga, New

York.<sup>55</sup> Addressing the professors of political economy, George chastised them for their "evasions and quibbles and hair splitting" over the single tax.<sup>56</sup> He claimed his opponents refused to recognize that the tax was not a traditional tax on land, but a tax on land value. Holders of land having little value, such as subsistence farmers, would pay little or no tax under the system. Likewise, those holding valuable land, productive or not, would be heavily taxed.<sup>57</sup>

In a similar vein, Thomas G. Shearman, who would become the movement's most respected economic theorist, attacked Atkinson and his kind who believed the single tax would not generate sufficient revenues to run the government. Using the same statistics as Atkinson, Shearman alleged that a tax on the full value of land would produce an overabundance of revenues.<sup>58</sup> He eventually authored *Natural Taxation* in 1895, a book which espoused the merits of his "single tax limited" theory. Shearman claimed that government could operate efficiently by taxing less than the full value of land.<sup>59</sup>

Nor could single taxers understand the misgivings of those who believed the reform to be undemocratic. Shearman, who incidentally had once been David Dudley Field's law partner, pointed out that taxation was already inequitable, with the working class paying too large a share. Why should George's reform be singled out as unjust, when the entire history of American taxation was a long, sad story of oppression?

Then is there not at least equal wickedness on the part of Congress, which for half a century singled out the business of importation as the only subject of taxation, and still taxes it ten times as heavily as anything else? Does the wickedness consist in taxing land up to its full value? Then is it not equally wicked to tax the poor man's window glass one hundred per cent upon its value? Does the wickedness consist in imposing a tax for the purpose of accomplishing some ulterior reason? How about our whole tariff legislation, which is avowedly maintained for an ulterior purpose? Is it wicked to tax private property out of existence? How about the tax on bank notes, which was levied for the express purpose of destroying the State

banks? How about the tax on oleomargarine? Is it wicked to tax property out of existence, without giving just compensation? Why do not those who urge this plea petition Congress for compensation for those whose wealth has been destroyed and whose occupation has been taken away by taxes avowedly levied for that purpose?<sup>60</sup>

Referring to his statistics which showed that a small minority owned over two-thirds of the nation's wealth, Shearman was mystified with those who objected that the single tax was unfair.

Indeed, the followers of Henry George continually paid homage to the ideals of republicanism when working for passage of the single tax. Most single taxers were free traders who opposed government interventions in the economy that would benefit only the privileged few. An article in the January, 1895, issue of the *American Magazine of Civics*, which is an interesting example of the effects of Darwinism on political reasoning as well as a defense of the single tax, emphasized this democratic strain among single taxers:

... any monopoly other than that of the individual himself is a direct attack on the life of the race. Such monopolies create invidious distinctions, cause unnatural antagonisms, loosen the social bond, and invite social disintegration and racial destruction. All monopolies which are the product of human legislation should be abolished by the repeal of the laws sustaining them. All monopolies which arise in the nature of things and are not sustained by human enactment are properly a subject of social adjustment. The monopoly of land is in this nature.<sup>61</sup>

Remarkably, hardly any of the scholarly debate over the single tax considered its legality. This is especially interesting, since Shearman, Garrison, Post, Clarke, Field, and Atkinson—all principal antagonists in the controversy—were lawyers. This impressive array of legal talent failed to question whether the single tax might violate the due process clauses of the fifth and fourteenth amendments to the United States Constitution or provisions of state constitutions, such as Maryland's, which required equality in taxation. Perhaps the reason for this absence of legal scrutiny lay

in the belief that the reform was still in the discussion stages. In the only article even approximating a legal analysis of the single tax, Samuel B. Clarke, in the January 15, 1888, issue of the *Harvard Law Review*, noted that "before this project could be embodied in a law, many important details would require careful adjustment . . ." <sup>62</sup> Although Clarke optimistically predicted the single tax could be reconciled with the United States Supreme Court's recent decisions upholding the uncompensated taking of private property for public health purposes, he conceded that a limited reading of the Constitution could spell problems for the single tax:

if absolute property in land is recognized in our existing constitutions, our judges and congressmen and the members of our state representative legislatures are bound thereby, and only the people themselves, in whom all sovereign powers ultimately merge, could declare that result. <sup>63</sup>

Thus as the Hyattsville Experiment approached judicial review, arguments discussing the benefits and flaws of the single tax were readily available to anyone who cared to consider them. Whether the single tax would pass legal muster was an open question, but even the single taxers recognized that a favorable ruling would probably require an interpretation by a court willing to modify "the traditions of the common law to meet changed conditions." <sup>64</sup>

### III

Charles A. Wells and four other Hyattsville residents filed suit against the town's commissioners in the Prince George's County Circuit Court on July 14, 1892. They filed their petition even before the single taxers held their July 21 meeting, since the Ralston group had already announced it would stand by the controversial resolution. The petition was a loosely organized pleading which alleged that the commissioners had unlawfully exempted from taxation personal property and improvements to land without notice to the town's residents. If the "Utopian Chimerical Scheme of Henry George" were allowed to continue, it stated, funds would not be available to protect the health and safety

of Hyattsville's residents. The petition concluded with a prayer for a writ of mandamus against Ralston and W.W. Richardson, the town's treasurer, ordering them to assess and tax personal property and improvements. The pleading raised no constitutional issues. <sup>65</sup>

Ralston and Richardson were served with the petition on July 18, and they filed their reply on July 26, the date set for hearing of petitioners' claims. The respondents denied they had violated the town's act of incorporation by granting the exemptions. They pointed out that personal property taxes had not been collected for years and no one had ever complained. As for the exemption of improvements, it had been done for the benefit of the community and was thus entirely legal. Finally, the respondents answered that mandamus was inappropriate in any case, since the commissioners and treasurer no longer had control over the tax rolls and had no authority to change the assessments. <sup>66</sup>

The hearing on the petition was held in Upper Marlboro, county seat of Prince George's County, before Judge J.B. Brooke. Antagonisms that had been brewing over the month surfaced as the Wells faction attacked the single taxers with a vengeance. R.W. Habercorn, the petitioners' attorney, charged that the resolution "appeared like a conspiracy by Mr. Ralston and a lot of outsiders against the people of Hyattsville to effect an entering wedge for the single-tax system and communistic principles resulting from it." "If such a dastardly trick had been perpetrated in a Western town," he continued, "the author would have been driven out and probably tarred and feathered." The 1892 amendment to the Hyattsville act of incorporation was not intended to give the commissioners the sweeping power they had exercised, and even if it were, Habercorn asserted, it would be unconstitutional. <sup>67</sup> The commissioners were represented by three attorneys, including M.R. Levenson, the single taxer. Their response was more subdued and focused on the legal issues. Levenson maintained that the commissioners acted within the law when they granted the exemptions and he reiterated that the petitioners' request for a writ of mandamus was improper. The

hearing ended without a decision when Judge Brooke took the matter under advisement.<sup>68</sup>

During the days following the hearing, both sides anxiously waited as Judge Brooke pondered his decision.<sup>69</sup> Finally, on August 4, 1892, he filed his opinion in *Wells v. The Commissioners of Hyattsville*. In a decision that addressed the constitutionality of the 1892 amendments, Brooke held the commissioners' exemptions to be lawful. Carefully pointing out that he had not been influenced by peripheral issues concerning "schemes or heresies, which by the zeal and ingenuity of counsel may have been incidentally introduced into the arguments," the judge decided the case on purely legal principles. He ruled the amendments did not violate Article 15 of the Maryland Declaration of Rights. This portion of the Constitution of 1867 provided in part that "every person in the State, or persons holding property therein, ought to contribute his proportion of public taxes for support of the Government, according to his actual worth in real or personal property . . ." Referring to an earlier court of appeals' decision, Brooke found the Article 15 mandates applied only to the state and not to municipal governments. As to the exemptions, he noted the General Assembly had always made exceptions to tax laws and saw no problem with its delegation of this power to the commissioners. In sum, the petitioners' grievance was a political matter; "the only remedy against the evil complained of is at the ballot box and not a court of law."<sup>70</sup>

The single taxers were overjoyed with Judge Brooke's ruling. *The Standard* reported on August 10 that "the worst of the fight for the establishment of the single tax in Hyattsville is over."<sup>71</sup> Ralston reveled in the victory, saying the publicity generated by the case had strengthened the single tax movement statewide.<sup>72</sup> The decision also catapulted the experiment into the national limelight. The *Brooklyn Eagle* claimed the single tax had doubled municipal tax rates and speculated that "investors wishing to purchase unimproved lands can find plenty of it for sale cheap in Hyattsville, Md." Other papers, however, were not so quick to condemn the single tax, but took a "wait

and see" attitude.<sup>73</sup> The *New York Times* simply reported the Hyattsville story without comment in an editorial.<sup>74</sup> The *Baltimore Sun's* editors did "not pretend to say that the Hyattsville plan is right or beneficial," but believed it should be given a chance. "If the courts permit the system to stand," they continued, "time will show the wisdom or unwisdom in the results."<sup>75</sup>

The Wells faction, however, was not inclined to let the experiment run its course. On the day following Judge Brooke's decision, the group's lawyer filed a notice of appeal to the Maryland Court of Appeals. Because of procedural delays, the appeal was not perfected until November 24, 1892, and the record was not transmitted to the appellate court until early December.<sup>76</sup>

Once the Hyattsville single taxers learned of the appeal, they turned to their friends in the national movement for help with their legal fees. Ralston made his plea in a letter that was published in *The Standard*:

The expense of litigation has been, and will be considerable, and we do not feel that such expenses are properly chargeable against the town. We cannot have it said that the town's meagre revenues have been expended in an attempt to propogate any political theories, however unjust the accusation might be . . . We feel constrained to request that you, through your paper, ask the single tax men of the country to contribute as they can to the carrying forth of the legal controversy.<sup>77</sup>

*The Standard's* editors recognized the importance of Hyattsville to the single tax movement and pressed their readers for contributions. "Every single tax man and woman . . . is interested in the success of the experiment at Hyattsville," they wrote. "It is to the interest of the movement that Hyattsville remain, as a single tax town, a perpetual object lesson of the practicability of the single tax."<sup>78</sup> By the time *The Standard* ceased publication on August 31, 1892, single taxers around the country had sent donations totaling about \$140 for legal fees. Most of these contributions were in small amounts from individuals and single tax organizations.<sup>79</sup>

The Maryland Court of Appeals placed

the *Wells* case on its docket for the January, 1893, term. The appellate briefs of counsel have not survived and no transcript of the oral argument was made, but fortunately the official report of the decision contains summaries of each side's contentions. The parties had both changed their strategies since the hearing before Judge Brooke. The Wells faction now accented procedural irregularities and the unconstitutionality of the exemptions. The procedural argument stressed how the commissioners had altered the assessments, even though no one had made a formal appeal. This action, coupled with the commissioners' failure to notify the townspeople of the exemptions, deprived the petitioners of due process of law. The constitutional argument centered on Article 15 of the Declaration of Rights. The petitioners produced a recent court of appeals' opinion which held that Article 15 was binding on municipalities as well as the state government. Judge Brooke apparently was unaware of this decision when he made his August 4 ruling. Since Article 15 was applicable, all property, including real and personal, must be assessed and taxed. The respondents, the Wells group reiterated throughout their argument, had violated principles of uniformity and fair play in making the exemptions.<sup>80</sup>

The approach of the commissioners' attorneys suggested that they hoped to avoid the constitutional question, since the recent opinion extending Article 15 limitations to municipal governments severely undermined their case. They chose instead the tactic of stressing how mandamus was an improper remedy. Mandamus is a writ which orders an official to perform a duty which the law requires that he do. The petitioners had asked the circuit court to order respondents to make assessments for 1892, an act they had already performed. Since the petition requested the execution of a completed act, respondents argued it was superfluous and should thus be dismissed.

To the Article 15 question, they presented an ingenious argument intended to circumvent the requirement that all property be taxed. Article 15, they claimed, allowed two types of taxation: one for collecting revenues and the other "with a po-

litical view for the good government and benefit of the community." The Article's requirement that real and personal property be taxed applied only to revenue measures; this qualification did not appear in the clause allowing "political view" taxes. In their resolution exempting improvements, the commissioners had used the political view language. As a governmental subdivision could tax with a political view, so too could it exempt for the same reason, they pleaded. Since the exemption was not for revenue purposes, but for political ends—the establishment of the single tax—the Article 15 requirement that all real and personal property be taxed did not apply.<sup>81</sup>

On March 4, 1893, a unanimous Maryland Court of Appeals issued its highly unusual opinion in *Wells v. Commissioners of Hyattsville*.<sup>82</sup> As a rule, an appellate court will decide only those legal questions necessary to solve the specific case before it. Especially during the nineteenth century, courts also were hesitant to review the constitutionality of legislative acts when a decision could be made on a more narrow, non-constitutional ground. The *Wells* decision is peculiar because the court could and did dispose of the case on a procedural rather than a constitutional point. It agreed with the commissioners that mandamus was not the proper remedy and it upheld Judge Brooke's order that dismissed the Wells faction's action. This "victory" for the single taxers was hollow, however, because the court of appeals nonetheless chose to address the question of the single tax's constitutionality. Indeed, ten pages of the court's twelve-page opinion consist of a gratuitous discussion and condemnation of the single tax. Thus while the court sustained the legality of the commissioners' exemptions for the 1892-1893 tax year because of the petitioners' error in pleading, it clarified that it would not look kindly on future single tax experiments by Hyattsville or any other Maryland community.<sup>83</sup>

When the court of appeals considered the legality of the single tax in its opinion authored by Justice James McSherry, it made no attempt to disguise its reasons for delving into the subject:

It is obvious that the questions now

brought before us are of more than ordinary interest and are far from being of mere local importance. Apart from the preliminary inquiry as to whether a correct interpretation of the Act of 1892, ch. 285, warrants the exemption of all buildings and improvements in Hyattsville from municipal taxation; the broader one, involving the power of the legislature under the Declaration of Rights, to impose the whole burden of taxation on one single class of property, to the exclusion of all others, is distinctly presented.<sup>84</sup>

No doubt the court was disturbed by the commissioners' subversion of the 1892 amendments when they granted their wholesale exemption of improvements without the semblance of procedural regularity, but its larger concern was with whether the legislature could exempt classes of property from taxation. "If the legislature may lawfully do this in the particular instance of Hyattsville, it may do the same thing in the case of a larger and more populous municipality, and likewise with reference to a county, and if as to one county, then, too, as to every county in the State."<sup>85</sup> In a way, the court members' vision of the Hyattsville Experiment paralleled that of the single taxers. If classes of property could be exempted lawfully in that town, what could block the adoption of the single tax around the state?

The court bluntly asserted its authority to provide the barrier. Appealing to traditional concepts of property rights and openly raising the specter of socialism, it found that the single taxers' scheme to redistribute wealth violated the organic law as set out in the state constitution:

If the assessed valuations upon buildings and assessments and personal property be stricken from the assessment books of the several counties, and the taxes be levied only upon the owners of the land, the burden would speedily become insufferable, and the land would cease to be worth owning. Such a system would eventually destroy individual ownership in the soil, and under the guise of taxation would result in ultimate confiscation.<sup>86</sup>

The court acknowledged that the legislature could still make exemptions from taxation, but classes of property could not be

exempted to reduce the taxable basis of one kind of property alone. The court rejected the respondents' "political view" argument and declared the 1892 amendments which exempted personal property unconstitutional.<sup>87</sup>

### CONCLUSION

When word of the court of appeals' decision reached Hyattsville, the anti-single tax men were overjoyed. Still, the acrimony that had characterized the struggle again surfaced as Charles A. Wells savored his victory. "It is a glorious victory, and we can now confidently look for a new era of prosperity in Hyattsville," exclaimed the doctor. "The men who have fastened this iniquitous system of taxation upon us have been beaten with decided emphasis." Echoing these sentiments, Wells' attorney R. W. Habercorn found the ruling "far better than a mandamus, as it crushed out of existence, as far as Maryland is concerned, the possibility of a return of the single tax system."<sup>88</sup>

For their part, the single taxers resented the decision that had abruptly ended their experiment. Ralston remarked caustically that the court's support of traditional taxation on all forms of property meant Hyattsville could once again "take up the time-honored method of developing the extremes of poverty and wealth."<sup>89</sup> One of the Ralston group's legal team dubbed Article 15 a "fetich" before which not only the court, but also the members of a recent state tax convention had bowed in worship.<sup>90</sup> In a letter to the *Central Law Journal*, another single taxpayer wrote that with the court's decision, "Maryland hides herself in musty cobwebs, and says the methods of past ages cannot be improved upon by the present."<sup>91</sup>

Less than two months after the *Wells* opinion, the morale of Hyattsville's reformers sustained a second blow. In the town's May, 1893 election, Ralston and George S. Britt, two of the three single tax supporters on the commission, lost their seats to members of the Wells faction. Dr. Wells himself was chosen as a commissioner. According to one observer, the town's long-time residents combined with many of the new to remove the single taxers, whose policies

were thought "ruinous to the town."<sup>92</sup> Ralston and his supporters had been discredited not only in Annapolis, but in their own community as well.

Despite these disheartening setbacks, the indefatigable single tax men continued their struggle to make Henry George's program the law of their state and the nation. Rather than brood over their losses, they came away from their experience with new ideas about the direction in which the movement should be guided. The court of appeals defeat had been sobering, but it also provided an important lesson. The single taxers realized that institutional barriers, such as Article 15, could stand in the path of social change. It was incumbent upon the reformers to identify these barriers and to sweep them away. Only one day after he learned of the *Wells* decision, Ralston already had set his sights on the Maryland movement's next goal:

The decision emphasized the necessity of a constitutional amendment which will enable the various sections of the State to levy their taxes to meet their particular requirements . . . without any fear of the decision of the Court of Appeals.<sup>93</sup>

Over the next twenty-five years, Ralston and other veterans of the Hyattsville Experiment maintained their contacts with the nationwide network of single taxers. Ralston served as a trustee of the Joseph Fels Fund, a foundation that supported single tax activities.<sup>94</sup> Publications such as the *Joseph Fels Fund Bulletin* and the *Single Tax Review* helped fill the void left after *The Standard* ceased operations in 1892. In these newsletters and in other single tax publications, the Hyattsville Experiment was occasionally mentioned. It served as a reminder of the vibrancy of the movement's early days and also as an example of how the forces of reaction could block social change.<sup>95</sup>

Ralston's national activities did not prevent him from continuing his work for the single tax in Maryland. In 1914, after more than twenty years of trying, he and others succeeded in having an amended version of Article 15 submitted to the electorate for consideration. This amendment, said to have been authored by Ralston, provided

among other things that local communities could choose their own methods of raising local revenues. Under this revision, a municipality would no longer be prohibited from raising local revenues through the single tax. The voters approved this "home rule" amendment and it was made part of the Maryland Constitution in 1915.<sup>96</sup>

Ironically, by the time the amendment was ratified, support for the single tax concept was already waning. Dedicated single taxers, of course, remained loyal to the movement. Until his death in 1945, Jackson Ralston continued his work for tax reform.<sup>97</sup> But intervening events, including the passage of the federal income tax amendment in 1913, dampened enthusiasm for the single tax. Despite the home rule option, only a handful of Maryland communities ever chose to adopt the single tax. Hyattsville was conspicuously absent from the list of those that did.<sup>98</sup>

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## BOOK REVIEWS

*George Calvert: The Early Years.* By James W. Foster. Introductory Essays by Richard J. Cox and Marvin A. Breslow. [Baltimore]: Maryland Historical Society, 1983. Pp. xvi. 110. \$4.95.

We are in the midst of the 350th anniversary of the founding of Maryland. Kent Island commemorated William Claiborne's settlement in 1981 and numerous activities in 1984 will celebrate the landing of the *Ark* and *Dove* passengers on March 25, 1634. But no large public ceremony has honored George Calvert, the first Lord Baltimore, who died a few weeks too early to become first Proprietor. Yet his son Cecil, who holds the title of first Proprietor, founded Maryland with a political, economic, and spiritual legacy bequeathed by George.

George Calvert's significance in English history goes beyond his role in the founding of Maryland. His work for King James I earned him a place in accounts and diaries of his contemporaries at Court and in Parliament. Moreover, modern administrative histories have discussed his functions as James' Secretary of State and the royal spokesman in Parliament. His resignation, announcement of his Catholicism, and search for an American colony earned him a prominent position in the mythology of early America as visionary founder of a Catholic refuge. For generations, the George Calvert myth permeated early Maryland history, affecting even the work of serious scholars. Either they accepted the myth, like William Hand Browne, and idealized Calvert accordingly, or, like Edward O'Neill, they denied the myth and substituted a "pro-Protestant" version.

To date, no complete, scholarly biography of George Calvert has emerged. Lack of interest is surely not the reason. Rather, it was because of the "claim" on Calvert staked by James W. Foster, a librarian at the Enoch Pratt Free Library, Baltimore, editor of this journal from 1938 to 1951, and director of the Maryland Historical Society from 1942 to his death in 1962. Until the Society published this volume, the only product of Foster's Calvert research in print was the first chapter ("George Calvert: His Yorkshire Boyhood," *Maryland Historical Magazine*, 55 [1960], 261-274). Publication of his completed chapters is long overdue and this book is a welcome addition to early Maryland literature.

In his introductory essay, Richard Cox de-

scribes how Foster has influenced the present generation of Maryland scholars. Since Foster's death several historians have used his notes in the Maryland Historical Society to develop their own leads in conducting research into English sources. These scholars, most notably John Krugler of Marquette University, have been reconstructing not only Calvert's role at Court and Parliament, but his religious background.

Cox's historiographical essay places Foster's work in context. Moreover, it is significant in its own right for its review of Calvert literature. In recounting over 200 years of Maryland historiography, Cox misses an opportunity for re-evaluating these interpretations. Traditionally, the historiography has been reviewed in terms of the "Catholic refuge" myth without noting its wider significance. The debate over John Pendleton Kennedy's 1845 work which Cox discusses (p. vi) occurred in an era in which anti-Catholicism was a significant component of Maryland (and American) politics. Many nineteenth-century studies that dismiss the Catholic refuge interpretation can be read as attempts to downplay any positive achievements by Maryland's Catholics. These historiographical developments are discussed in an essay that should be better known to Maryland historians, John Gilmary Shea, "Maryland and the Controversies as to Her Early History." (*American Catholic Quarterly Review*, 10 [1885], 658-677). Because twentieth-century historians tend to recognize only the filio-pietistic mythology, their research has, I think, been affected by failure to recognize that an anti-Catholic mythology is also present.

Cox also fails to mention another area of Calvert research that Foster may never have considered: the Vatican and other archives in Italy. This journal published one article using Vatican sources, R. J. Lahey, "The Role of Religion in Lord Baltimore's Colonial Enterprise," 72 (Winter, 1977), 492-511. In addition, Professor Luca Codignola (University of Pisa) has published a monograph in Italian: *Terre d'America e Burocrazia Romana: Simon Stock, Propaganda Fide, e La Colonia di Lord Baltimore a Terra Nova, 1621-1649*, which provides a heretofore untapped source for Maryland's background. Luca's work, when translated, combined with Krugler's may pinpoint George Calvert's adult conversion.

Despite his failure to explore new paths, Cox presents a useful review of the Calvert historiography. Moreover, he makes a particularly signif-

icant point. He briefly mentions an earlier attempt the Society made to complete and publish Foster's biography, but the historian selected for the task only finished one part. Because the Society had designated a biographer, other potential authors turned to different pursuits. The publication of this volume apparently serves notice that another biographer is wanted.

The second essay consists of a discussion of English Catholicism and Calvert's place in relation to it. Yet the author fails to confront the controversial aspects of the pictures he draws. In fact, Foster's research provided new perspectives on English Catholicism and Calvert's upbringing. This in turn influenced the direction which more recent research has taken. Ultimately, this introduction contributes little to the book and by avoiding controversy, may even detract from it. According to Cox, Foster also wrote an introduction. What happened to Foster's version?

The main body of this book, Foster's four chapters, also mention English Catholicism, but its major contribution lies in its detailed picture of George's childhood and early career. With this volume, these thoroughly documented chapters are now available for all to read, not only visitors to the Society where the manuscript lies. Despite the benefits to be derived from its timely publication, this book has technical flaws. Most glaring derives from the decision to use offset printing and original typescripts, including Foster's. This permits a crossed-out word (p. vii) and a dropped sentence (p. 69). The second introductory essay and the book proper were typed on machines that lacked signs for pounds (£) and brackets. The result is sloppy and probably inexcusable when pound and bracket typewriter keys have long been available, and word processors are easily purchased or rented. In addition, the author of the second introductory essay is Marvin A. Breslow, not Breslaw, a Professor of History at University of Maryland-College Park.

The publication of this book, despite its problems, has additional significance with respect to early Maryland historiography. Over the past decade, the St. Mary's City Commission with the pioneering research of the scholars it has produced, helped early Maryland historiography define the state of the art for the new social history of colonial America. Yet by focusing on mortality tables and household furnishings, Maryland historians removed themselves from the controversies surrounding the colony's origins. By once again turning the spotlight on the Calverts we may yet resolve one of the more basic questions in American history: what motivated the figures who established colonies? Are the roots of our nation embedded in lofty ideals

or investment opportunities or some other motivating factor? Foster has provided the beginning of an objective biography of George Calvert. This publication opens the way for a definitive study.

SUSAN ROSENFELD FALB  
*National Archives*

*Tench Tilghman; The Life and Times of Washington's Aide-de-Camp.* By L.G. Shreve. (Centreville, Maryland: Tidewater Publishers, 1982. Pp. xxvii, 260. Indexed. \$15.95)

L.G. Shreve has presented the nation, and Maryland in particular, with a short biography that fittingly marks the end of the bicentennial of the American Revolution. His monograph depicts the life of Tench Tilghman, a native of Maryland's Eastern Shore, who was thrust into prominence late in the war when he was selected by General Washington to carry the news of America's dramatic victory at Yorktown to the Continental Congress meeting in Philadelphia.

Since a brief biography of Tilghman (written in the 19th century) was already in print, the purpose of the present-day author was to update and expand upon this earlier work. In this task, Mr. Shreve has been particularly successful. By using new sources and by collating information gathered from various historical collections in both Europe and America, he has capably fleshed out the story of Tilghman's life. As a result, the reader can more effectively appreciate why this Maryland officer was to become the most trusted aide on Washington's staff.

In his effort to create an in-depth view of Tilghman's life, Shreve presents several chapters that nicely reveal the personality and character of his subject. The reader, for example, is presented with an illuminating glimpse of Tilghman's sympathetic role in his dealings with America's misunderstood minority, the Indian. In this case the "Red men" involved were the Mohawks of New York who in 1775 were wavering in their loyalty to the British King. Friendly treatment by figures like Tilghman kept them from joining the British.

Tilghman's individual contribution to the war effort is also well portrayed in the chapters that deal with the major battles, in the daily events at Washington's headquarters that required the attention of his aides, and finally in the chapter dealing with the Yorktown siege and victory where someone was to be chosen to carry the dramatic news to Philadelphia. That choice, as L.G. Shreve explains, could only have been Tench Tilghman.

The key military campaign of this biography was naturally the operation to trap the British forces at Yorktown. Because Tilghman's own

account of it was "tantalizingly brief" as Shreve observes, the author fills in his picture of that military siege by the skillful employment of meaningful but tangential material. He discusses, for example, the important but overlooked mission of Allen McLane to the West Indies in June of 1781 to convince deGrasse of the great potential that might be gained if French and American army and navy forces could cooperate in a single campaign later that summer. The author also suggests that the key to the Yorktown victory was in Washington's long march southward in the weeks before the siege, and the siege itself therefore became a kind of anti-climax. In that march, the reader experiences the tremendous "sense of urgency" as described in such events as the untoward haste of the American Commander or the "lamed and unfit" condition of Tilghman's horse due to the grueling pace at which the armies surged southward.

In a negative vein there are just three elements that detract from this otherwise admirable portrait. First, because the role that Tench Tilghman played, especially during the war years, was often tangential to the events that occurred and because the record of Tilghman's role involving those events was sometimes obscure, the story has often to be told through someone else's eyes. The fault here lies chiefly in the thinness of the sources. Secondly, the author is a bit severe on the "villains" in his monograph; this is especially so with Benedict Arnold who deserves, if not a more sympathetic, at least a more balanced treatment. Finally, there are a few minor errors of fact that have crept in. Slavery, for example, was not growing on the Eastern Shore in the Revolutionary era, and deGrasse did not make the boats available for the three portions of the army preparing to move down the Chesapeake in early September.

Such flaws are minor, however, and they are far outweighed by a well delineated portrait of one of Maryland's prominent heroes of the Revolution. And appropriately, just as Tilghman's famous ride marked an end to the hostilities in the Revolution, the timely appearance of Tilghman's biography coincides nicely with the ending of our bicentennial celebration.

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*United States Naval Academy*

*History of the Greek Orthodox Cathedral of the Annunciation.* By Nicholas M. Prevas (Baltimore: John D. Lucas Printing Company, 1982. Pp. 318. \$25.00)

This history is an account of more than the acquisition of a building. The author records a segment of American religious history that re-

flects and intertwines with the social records of the Baltimore Greek community. A multitude of organizations developed in response to particular needs; these groups bound the people to their religion and at the same time kept them together as an ethnic group.

Like other religious groups in the United States the Greek Orthodox movement evolved empirically, just as the development of the nation was experiential—"the lively experiment," as Dr. Sidney E. Mead, American church historian, characterized it. No model for an American religion existed. In a milieu of religious freedom and a geographical frontier the polyglot of faiths began anew, so to speak.

This history is presented in chronological order beginning with the immigration period—1880–1905, on to the establishment of a church—1906–1918, and on through the developments between 1960–1974 when the Greek Orthodox Church gained official standing as the state's official fourth major faith, and the 1975–1981 period when the Church gained cathedral status.

Impetus for the first Greek immigration to Baltimore in the early 1880s was primarily because of the economic plight in Greece. Travel propaganda stimulated immigration as it had from the days of Captain John Smith and later writers of promotion pamphlets that encouraged investors as well as others to immigrate to America. Steamship company agents' influence on immigration as a phenomenon of encouraging mass movements would make an interesting study. Part of the story includes the slavers who moved blacks from Africa to the United States.

Religion was important as a unifying influence for the Greek immigrants. In the 1897–1899 period more Greeks traveled to the United States, motivated by the Greco-Turkish War and the ensuing economic problems. Prevas' account exemplifies the principle of voluntarism—the freedom to establish the religion of one's own choice. Germs of the ideas trace back even to Plato—a fitting inheritance for the Baltimore Greek people and an exciting flow of historical events.

The seeds of voluntarism had been carried on the feet of the early settlers to America and transplanted, going deeply into the soil and nourishing the nation as it formed. Voluntarism was further rooted into the American way by the Founding Fathers and religious leaders in the period between the Revolution and the Civil War. The idea of consent rather than coercion as the essence of Deity is indigenous in the democratic principles. Thomas Jefferson defended religious freedom in Virginia in 1779 as did Lyman Beecher when Calvinism was embroiled in a theological revolution in New Eng-

land. In Protestantism voluntarism led to the revivalist evangelistic development as the pioneers crossed the country. Religion was still a need and without trained ministers, anyone could be the spiritual leader.

The principle of voluntarism includes other aspects of life as a part of religious freedom. The many religious, social, and educational organizations that developed within the Greek community are examples. The leadership that inspired these groups persuaded others into the directions needed to accomplish the aims, whether they were to establish a church, unify the religious community, raise funds, or maintain traditions or customs. In the 1920s, the American Hellenic Educational Progressive Association (AHEPA) had the goal of advancing and promoting "pure and undefiled Americanism." Such societies continued to form in the later years as they committed themselves to spiritual, educational, and social goals.

The growth of the Greek Orthodox Church in Baltimore suffered growing pains as Prevas shows. The leadership of the Greek community in church affairs has come from the people. As the Orthodox developed, that aspect affected and influenced the different choices.

Several reasons prevented the Orthodox from growing quickly in the United States. The lack of clergy was one and another was the lack of seminaries to prepare priests. Another reason could have been the predominance of male immigrants at first and their intermarriage with non-Greek women. By 1900, economic advancement may have helped change this aspect and the men could afford to send for women, families, and friends. (Actually, larger numbers of men than women came to Baltimore from the first Greek immigration in 1883 to the last in 1909.) In 1907, at the request of the Baltimore Greek community a full-time priest came from Greece. The dependence on a hierarchy was difficult in a new land where many religions already existed when the Greek immigration began. The struggle between factions such as the Royalists and Venezelists (royalist versus democratic) in Greece divided American Greeks into two camps.

The first generation struggled to become American and at the same time to maintain traditions; this dilemma was typical of other newly arrived ethnic groups. Language has been a complicating factor since non-English speaking people began to immigrate to America. The pull to become Americanized, to assimilate, and the need to hold on to traditions has been a constant problem. Prevas tells the Greek experience as he threads this vein through the history of the Greek Orthodox Cathedral of the Annunciation. That experience has shown that Amer-

icans need more than to melt into one shape. The language dilemma is an example of the struggle between the principles of democracy—voluntarism and the freedom to choose versus the reactionary forces brought from societies directed by power politics, class struggles, and pressure groups. Examples of the attempts to become Americans were AHEPA and the Greek American Progressive Association (GAPA). The former used English as its official language and the latter Greek.

As the Greek Orthodox Church moved to a more secure position, Baltimore Greeks became an integral part of America. Their loyalty became an accepted fact as they entered into every aspect of American life.

Prevas has contributed a needed segment of Maryland religious history. His book provides facts and statistics—in short, tools for future historians. Since the author is a member of the Greek Orthodox congregation, he is an appropriate historian for such a work. More congregations and/or sects should have historians research and write their histories. Such accounts would give us a more complete picture of local religious centers and besides in toto would serve in helping us understand the broader community. Then a religious historian could write an authoritative account of Maryland religious history.

A local history like this one can provide us with various aspects of church history: freedom and coercion in American religion; the clergymen who served particular congregations; the development of a sect or religion; the interrelationship between the mother country and ethnic group in a voluntaristic society or in other words how it has developed in the process of Americanization; how the experiences in different locales were similar or different; and other areas.

About one-fourth of the book is appendixes and other end papers of value to historians or anyone interested in these details. Perhaps the flow of the text would run more smoothly if the list of names had been delegated to an appendix. In a local history the temptation exists to list participants. Granted those names are of interest. Actually, the many photographs and their captions could even suffice for many of the listings. In fact, they tell much of the history. Another deterrent to smooth reading is the width of the lines in the text—one flaw in an otherwise well-designed book.

An important aspect of Nicholas Prevas' work is that he has shown that the institution reflects the humans who are involved in it: their struggles, their defeats and successes, their sorrows and joys.

LENORA HEILIG NAST  
*Randallstown, Maryland*

*South-Watching: Selected Essays by Gerald W. Johnson.* Edited with an introduction by Fred Hobson. (Chapel Hill: University of North Carolina Press, 1983. 207 pages. \$19; paperback, \$8.95.)

The life-long goal, and to some extent the achievement, of Gerald W. Johnson was to bring the South he knew and loved to its senses. For him the ante-bellum wonderland of latter-day Southern romantics was a fraud. His Southern ideal was more real and much loftier.

He harked back, as other Southerners did and do, to "the long line" of the region's "towering heroes," from Washington to Robert E. Lee. But even when drawing on the past, Johnson was not content with that pantheon of "men of action." He chided the South for being less attentive to its "men of reflection" like Jefferson, Marshall and Wilson.

And this durable social critic kept the pressure on. "I am enough of a Southerner to be a little arrogant in my demands of the South," he wrote. "A civilization which I might regard as admirable in Kansas or in Ohio would seem to me woefully inadequate in Dixie."

Because he suffered few delusions about the region of his heritage, and because the small-town North Carolinian was given a wider audience by H.L. Mencken, Johnson's more certain achievement was to provide the rest of the country with a truer understanding of the South—warts, Roman nose and all—than most Southerners had themselves.

How many bigots "below the Potomac" or cynics and naysayers above the Mason-Dixon line saw the light as a result of his prolific output is hard to judge. Nonetheless, until his death in Baltimore four years ago at the age of 89, he remained an authentic and eloquent voice of Southern culture, reasonableness and common sense. Adlai Stevenson, for whom he wrote speeches, went further, calling Johnson "the conscience of America."

If Mencken sometimes gave conservatives a bad name, Johnson probably gave liberals a better name than they deserved.

Admirably introduced and strung together by Fred Hobson, this selection of dissections of the South spans half a century. The democracy Johnson prods and celebrates by turn continues to mature under his watchful eye, and the earlier essays sometimes read like period pieces. This is part of the book's value. It is about the growth of Johnson the observer as much as it is about the changing interaction of the South with the rest of the nation.

An interesting byproduct of the book is its evidence of Mencken's influence on Johnson's writing. When reading the pieces published in the *American Mercury* in the 1920s one sometimes wonders if Mencken the editor had turned

into Mencken the bullying rewriter. Hobson's conclusion, in his introduction, is that Johnson "had read Mencken so often and quoted him so frequently—had absorbed him so totally—that the same words, the same phrases, the same cadences filled his prose."

Thus Johnson leads off a 1925 article anticipating the economic rise of the Sun Belt with this sentence, "Right-thinkers in the North, East and West seem to hold it as axiomatic that all the Southern cotton mill owners ought to be hanged," and he writes in an ironic account of Southern journalism in 1926 that it "is now so near to perfection that the measure by which it has failed to attain the ideal is imperceptible to the naked eye."

But the mentor's free-wheeling style was hard to duplicate, and Johnson was at his heavy-handed worst when aping the master. Mencken was usually more readable and always funnier, while Johnson was never so outrageous. Hobson's point is that, when writing about the South, Johnson knew what he was talking about and Mencken did not, the latter usually approaching the subject with "incredulity."

The shining example of Johnson's greater accuracy is his variation on the Mencken phrase, "The Sahara of the Bozart." The South was not a desert, Johnson corrected, but a "Congo of the Bozart," a region of American creativity "where a man might wander for years, encountering daily such a profusion of strange and incredible growths as could proceed from none other but an enormously rich soil." Alas for the truth perhaps, it is the Mencken tag that stuck in 1920 and survives today.

Fortunately, Gerald Johnson lived to see some of his earlier "passing references," as he called them, "rendered obsolete," such as "a remark that abandonment of the policy of separation of the races was unthinkable." Integration "is thinkable now," he wrote in 1965, "and it is immaterial that the abandonment was involuntary on the part of the white South."

Usually, though, Johnson's early exhortations to his fellow Southerners remained relevant, as when he told them in 1925 what the dilemma and the destiny of the best of them were to be: If they were to be better than barbarians, they "must become something not readily distinguishable from the saints in glory."

Sometimes he could be both memorable and prophetic, as in his 1925 caution that "in the sociological world Lady Bountiful has for years been a fallen woman."

Johnson was an idealist and a realist, and a consistent embodiment of the optimistic tenet that his Southland and the country as a whole could prevail by blending the two Yankee traits.

FRANK P.L. SOMERVILLE  
*The Baltimore Sun*

# The Whitaker Family of Baltimore County, Maryland, 1677–1767

BEAUMONT W. WHITAKER

**V**ERY FEW PEOPLE HAD SETTLED ALONG Chesapeake Bay north of the Potomac River prior to 1634, and none along the upper reaches of the bay. The proprietors of the Virginia Colony considered all the land surrounding the bay to be part of the their charter, and they objected when Cecilus Calvert, Lord Baltimore, was granted a charter for the Colony of Maryland on 20 June 1632. The king resolved the dispute in Calvert's favor and Lord Baltimore's brothers, Leonard and George Calvert, arrived off Point Comfort 24 Feb 1634 accompanied by about 200 "gentlemen adventurers." They established a feudal system of land ownership with all the land owned by the lords or proprietors and rented in perpetuity (patents) or leased for 99 years (leases) to subordinate tenants. "Rent Rolls" were established to record the obligation of the tenants and ensure annual collection of the agreed rents. Each tract was required to have a name as well as a survey. Most names were prosaic, such as "Whiteacres Purchase," while others were more whimsical, such as "Jacobs Folly."

Early settlement was along the lower reaches of the bay and on the Eastern Shore. Settlement along the upper reaches of the bay did not begin until some 25 years later. Most of the settlers were of English descent, some coming from England, others from Virginia, Bermuda, and Barbados. In

contrast to the New Englanders, few of those who came to the Chesapeake came with established families. Most of them were young and unmarried, and nearly three quarters of them came as indentured servants. The term "indentured" is used here to distinguish them from immigrants who arrived free, even though a substantial number of servants arrived without a written indenture. A study of Charles County servants, found that at least 804 out of 1850 servants studied came without written indenture.<sup>1</sup>

Though perhaps the greatest number of immigrants sailed from London, Bristol or Liverpool, they sailed from lesser ports as well, and they came from all over England and Wales, often after some period of internal migration:

Men and women who eventually ended up as indentured servants in Virginia and Maryland migrated to London with thousands of their contemporaries who, for one reason or another, had chosen to work and live in the nation's capital. For those who found the living conditions harsh in London, the prospect of regular work, food, and shelter, albeit overseas, was no doubt tempting. Thus the decision to emigrate came not when a person left his home village or town but after he arrived in one of the country's principal towns and ports.<sup>2</sup>

The evidence suggests that what was true of London was true of Bristol and Liverpool as well, though Liverpool seems to have been less important in the earlier part of the seventeenth century, at least as a tobacco port. The importance of London, Bristol and Liverpool, aside from their being major ports, was the fact that all three were tobacco ports. Menard has suggested that the relative state of the Chesa-

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The Register Numbering System is used in this paper. Names in all capitals are those names that are indexed. Comments and corrections addressed to the compiler [1512 Waverly Place, Lynchburg VA 24503] will be appreciated.

Significant research assistance for this paper was provided by Mr. Jon Harlan Livezey of Aberdeen, MD and Mr. James M. Knox of Palo Alto, CA. However, family groupings, conclusions, and assumptions are solely those of the compiler.

peake economy was a major determinant in the ebb and flow of emigration to the colonies of Virginia and Maryland:

When the price of tobacco was high, merchants actively recruited servants and produced a boom in immigration. When tobacco was low, they were reluctant to invest in labor and immigration declined.<sup>3</sup>

The surviving lists of servants provide some information as to the occupational status and geographic origin of the immigrants, but these lists are scattered and fragmentary. The only ones covering a long period of time are those from Bristol for the period 1654–1685, and even these apparently only include those servants who sailed under a written indenture. The printed version of these Bristol lists includes over 10,000 names, only one of whom was a Whitaker—William Whiteacre, on the ship *Gabriell*, bound for Barbados sometime in the period 1663–1679. Unfortunately he occurs during the period when the lists omit the person's origin, so that we have no way of telling where he originally came from.<sup>4</sup>

Abbot Smith<sup>5</sup> gives a tabulation of the Bristol lists, but as he observes, the destinations are a bit open to suspicion. Out of a total of 10,394 only 137 are shown with Maryland as their destination, and it seems rather unlikely that during the period 1654–1685 some 4874 persons should have gone to Virginia and only 137 to Maryland. He also questions some of the West Indian destinations.

One can only hypothesize why these people left England, but Horn underlines the economic and demographic factors:

English society in the early seventeenth century was marked by a sharp population increase that furnished the raw material for colonization: people. It was a period that experienced a long and steep rise in the general level of prices and a steady decline in the purchasing power of wages. The poorer sections of society were therefore most adversely affected. . . . At the same time that both population and prices were rising, the number of unemployed also increased. Employment in the agrarian sector fell throughout the century, despite a rise in the amount of land under cultivation.

Enclosures, engrossing, and the growing specialization of products from particular areas led to the creation of larger farming units, and, consequently, fewer people were able to work on the land.<sup>6</sup>

Carl Bridenbaugh speaks of the generally unsettled nature of the times:

There was abroad in Britain an uneasiness, an anxiety over the discarding of old habits and old loyalties. The people who were cut adrift in life, deprived of familiar occupations, and bereft of family and nearest of kin bobbed up and down, mentally, on a sea of indecision. . . . The hardships, difficulties, and unsettling conditions which Englishmen had faced for half a century between 1590 and 1640 . . . had always dogged the average man. Depressions, epidemics, wars, etc. may be designated as *propelling forces* which tend to drive people out. . . . In themselves they were not sufficiently intolerable to make men leave home. Concurrently, other factors, strong *attracting forces* from without the island drew men off. Success stories about planters in America, letters from satisfied colonists, and the compelling lure of the promotion literature picturing a better England, one lacking old England's woes, played on men's minds. Now, for the first time, ordinary folk caught a glimpse of the possibility of making a new start, and they took hope.<sup>7</sup>

It seems fairly obvious that people who were satisfied with their circumstances at home were not likely to emigrate. As Wertenbaker says:

Among the thousands of Englishmen who left their homes to seek their fortune in Virginia there were no dukes, no earls, rarely a knight, or even the son of a knight. They were, most of them, ragged farm workers, deserters from the manor, ill paid day laborers, yeomen who had been forced off their land by the enclosures, youthful tradesmen tempted by the cheapness of land or by the opportunities for commerce, now and then a lad who had taken a mug of doctored grog and wakened to find himself a prisoner aboard a tobacco ship.<sup>8</sup>

The English were given to making disparaging remarks about Americans in general and tended to look down on all colonials, but the contemporary remarks about

the indentured servants were particularly unflattering. Samuel Johnson's remark that the Americans were a race of convicts is well known, but there were many others. Horn cites the Mayor of Bristol in 1662:

Among those who repair to Bristol from all parts to be transported for servants to his Majesty's plantations beyond the seas, some are husbands that have forsaken their wives, others wives who have abandoned their husbands; some are children and apprentices run away from their parents and masters; oftentimes unwary and credulous persons have been tempted on board by menstealers, and many that have been pursued by hue-and-cry for robberies, burglaries, or breaking prison, do thereby escape the prosecution of law and justice.<sup>9</sup>

Horn goes on to say that in the absence of other evidence this unflattering contemporary attitude led previous historians to speak of the seventeenth century indentured servants in these stereotypical terms. He cites Marcus Jernegan as believing them to be "convicts, paupers, and dissolute persons of every type," while Abbot Smith is quoted as considering them to be "rogues, whores, vagabonds, cheats and rabble of all descriptions, raked from the gutter and kicked out of the country." Abbot Smith had a very jaundiced view of the indentured servants who came to America, and he goes on at great length about them. In the end, however, even he has to admit that some good came out of it all:

The strong and competent survived, and if this manner of separating sheep from goats put too great a premium on sheer physical health, that at least was something well worth distinguishing and preserving. There was a speedy winnowing of the vast influx of riffraff which descended on the settlements; the residue, such as it was, became the American people.<sup>10</sup>

Those transported also included political prisoners, rebels, and convicts—in short, anyone who fell afoul of the authorities at home. As to the convicts it should be noted that in the seventeenth century about 300 crimes were considered felonies and that "thousands of persons, most of whom were guilty of what we should consider almost

negligible crimes, were condemned to the gallows."<sup>11</sup> Smith goes on to say that "Only a very few transported felons can be certainly traced to their destinations . . . (and) Various testimonies indicate that in fact the procedure did not work very well; that great numbers of convicts were never transported at all."<sup>12</sup> Whether in fact those convicts who were transported suffered a fate greatly different from that of indentured servants in general is uncertain.

There can be no doubt that many of the indentured servants were poor people, looking for a new start in life or otherwise seeking to improve their lot. It is also clear that their numbers included 'whores, rouges, and vagabonds' though if one wished to compile a catalog of rogues and scoundrels he could start with some of the leading men of Virginia—Robert Beverley and Governor Berkeley to mention only two.

A safe passage and arrival in the colonies did not assure an easy life. Many immigrants did not survive their first year in the colonies. Any one who immigrated to seventeenth-century Virginia or Maryland and lived long enough to establish a family and leave descendants was exceptional.

Even those who survived their terms could not expect a long life. In Maryland around mid-century immigrant males who reached age twenty two could expect to die in their early forties, and seventy percent failed to reach their fiftieth birthday.<sup>13</sup>

In addition to the mortality rate, there was the problem of sexual imbalance and the matter of getting enough land, or other means of livelihood, to marry and support a wife and family. Throughout the seventeenth century male immigrants greatly outnumbered females. Marriage tended to occur later, if it occurred at all, with the result that families were smaller. Many immigrants failed to survive their period of servitude; and many that did were never able to marry and found a family. It would be most unusual for a servant to marry while still in servitude (though eager bridegrooms sometimes bound themselves to masters in order to marry a female servant), and in most cases it would be several years

after finishing his term of service before he was able to achieve the economic status necessary for marriage.

Whatever one may think of the indentured servants of seventeenth-century Virginia and Maryland it is clear, as Horn notes, that "These newcomers fulfilled two vital functions: they provided the labor necessary for the production of the colonies' staple, tobacco, and they replenished a declining population that was unable to reproduce itself by natural means until the last quarter of the century. Without sustained immigration the Chesapeake colonies would have failed."<sup>14</sup>

After reviewing the evidence, Horn concludes that:

On the whole, indentured servants present a less colorful image than previous studies have led us to believe. They were neither (predominately) rogues, whores, and vagabonds nor the scions of the middle classes. Instead, they came from a variety of backgrounds covering the whole range of social rank below the peerage. From quasi-criminal elements and unskilled workers to the sons of gentlemen, servants who emigrated to the Chesapeake compose a representative cross section of the ordinary working men and women of England.<sup>15</sup>

Nothing is known of the origin or background of the JOHN WHITACRE who patented 74 acres on Elk Ridge on 5 Mar 1694. That he was originally an indentured servant is evidenced by an early entry in the Register of St. George's Parish as "John Whiteaker, servant." In later entries in the public record, after he had begun to acquire an estate, he is listed as "John Whitacre, planter." This John Whitaker was the progenitor of the Whitaker family of Baltimore (now Harford) County, Maryland and through his grandson John<sup>3</sup> (Charles<sup>2</sup>, John<sup>1</sup>), the founder of the Shelby County, Kentucky line. It is reasonable to assume that he had been in Maryland for some years before the date of this patent as he would have to have worked out his indenture, found a wife, and started a family (his first child was born in 1686).

(A note about the spelling of surnames: John Whitacre and most if not all of his children were illiterate. His "mark" on his will and other documents was far more than the

customary "X", it was a large blocked lettered "I.W." The "I" being an early English "J". His name was spelled in the record phonetically, being found as Whitacre, Whiteacre, Whitticar, Whitticur, and many other variations. Sometimes two or more spellings were used in the same document. Rent Rolls and later deeds referring to Patent names consistently use the spelling Whitacre, and the compiler has elected to use this spelling for the first generation. Later generations used Whitaker consistently.)

Several researchers have reported on the origins of this John Whitacre. Mrs. King<sup>16</sup> says that tradition in the family is that the emigrant ancestor came from Wales, settled in Jamestown, Virginia, and later joined Lord Baltimore's colonists in Maryland. Similar information is given in the *William and Mary Quarterly*<sup>17</sup> although it was in the form of a query and not a statement of fact. Mrs. King also says that the Whitakers' first Maryland home was in St. Mary's County, later moving to Baltimore County, now Bel Air, Harford County. The Virginia line of the Whitaker family originating from Jabez Whitaker, lieutenant of the guard of Jamestown Colony has been well documented by Dr. Ames,<sup>18</sup> Mrs. Allen<sup>19</sup> and others. Other Whitakers arrived in Virginia between 1620 and 1690 but no record could be found of any of them going to Maryland. A search of St. Mary's County records did not turn up any Whitakers. There was a tract named "Whitaker" consisting of 150 acres on the west side of Brittany Bay in St. Mary's County. This tract was patented by Samuel Harris from a survey made 12 Nov 1652. No one named Whitaker was listed as having any connection with the patent. We can speculate that Harris came from the village in Wales and named the tract after his origins.

A *DAR Magazine* article<sup>20</sup> says the line originated with AARON WHITAKER who came to Maryland in 1634. A similar statement, in a newspaper clipping from the *Homestead Herald* (Allegheny County, Pennsylvania), quotes ANDREW McCLURE WHITAKER as saying that Aaron Whitaker was an associate of Lord Baltimore in founding the colony of Maryland.<sup>21</sup> These statements were probably from the same source, as the *DAR* article was about

Andrew McClure Whitaker's line. The list of "gentlemen adventurers" who accompanied the Calverts is well documented, and there is no Aaron Whitaker among them.

Skordas<sup>22</sup> lists several Whitakers transported to Maryland during this period:

*John Whitacher*, servant, transported to Maryland during 1668. (Liber 12, Folio 190)

*William Widiaker*, arrived on the *Princess of New Castle* 9 Mar 1669. (L. 11, F. 581)

*John Whitacre*, transported by Peter Pagan, commander of the ship *Elizabeth Catherine* in 1676-77. On 3 Mar 1676/7 he listed those persons transported in the current year and transferred his rights to Thomas Taylor of Anne Arundel County. (L. 15, F. 431)

*Henry Whichacker* arrived in the *Virginia Factor* in 1674, transported by James Conaway. (L. 15, F. 599)

*John Whitaker*, transported in the ship *Jacob*, George Broad, commander. (L. 15, F. 776) In 1677.

It is not clear that the John Whitacre of Baltimore County is one of these men, but he could well be. It seems hardly possible that he could be the man transported in 1668, but we speculate that he was one of those who arrived in 1677. The spelling of the name of the man transported by Peter Pagan is the same as that used later in the rent rolls, but that is probably coincidental.

As stated earlier, JOHN WHITACRE began acquiring land with his patent of "Whitacres Purchase," consisting of 74 acres on Elk Ridge, 5 Mar 1694. Annual rent was 0 lb 3 sh 2 pence.<sup>23</sup> On 25 Oct 1696 he patented "Whitacres Chance" consisting of 150 acres, also on Elk Ridge. On 7 Sep 1697 he purchased "Whitacres Ridge" consisting of 150 acres from Robert Love and Sarah his wife. This tract was located at the head of Bush River.<sup>24</sup> Love patented his tract 1 Nov 1699. No information was found on why Love would name his patent "Whitacres Ridge" or sell it ten months later. Later, 11 Aug 1701, he patented "White Acres Ridge" consisting of 252 acres, at a rent of ten shillings. Finally, on Sep 9 1704, he patented "Enlargement" on the head of Buffalo River and east of "Come by Chance."

The location of the first two of these tracts has not been determined. None of the modern maps of Harford County show an Elk Ridge. Later deeds would imply they were on Winters Run and near its mouth. This would place them about two miles east of Old Joppa town and in the Edgewood Heights area. A later deed for part of the 150 acre "Whitacre's Ridge" describes it as lying "on the main road to York at Bynam's Run" (H.W.S. No. M., p 52). A plat of Patents at Bynam's Run was made by Thomas White in 1728 and is now in the Library of the Maryland Historical Society. This plat shows both "Whitacre's Ridge" and "The Enlargment," as well as the main road. The main road closely parallels the present Route 40 and "Whitacre's Ridge" lies just north of it in present Beechwood Mobile Homes area. "The Enlargement" is immediately north-east, sharing boundaries with both "Come by Chance" and "Whitacres Ridge." This is some four miles east of the assumed site of the first two tracts. The 252 acre "White Acres Ridge" does not show on this plat and is assumed to be further east at the head of Bush River.

All of the early settlement was close to the shores of the Chesapeake. As Wright<sup>25</sup> says:

as far as is known, no other white men visited the region of the upper Chesapeake Bay for about fifteen years after Captain (John) Smith made his important exploration of 1608. As the Virginia territory and the southern section of Lord Baltimore's domain became more thickly settled, a few colonists, lured by the expanses of virgin lands, gradually drifted northward along the coastal areas. There is, however, no record of any permanent occupancy of the region at the head of the Bay for almost fifty years after Smith's journey.

It was not until 1700 that much of the territory further inland was cleared and bold pioneers established their homes on the former Indian hunting grounds of northern Harford.

Wright goes on to say:

Our first inhabitants clung closely to the shores of Chesapeake Bay or the banks of the rivers (estuaries), and these waters served as the chief highway until the crude overland routes were opened and made accessible for travel . . . both shores of the bay and its estuaries were settled years before

the uplands of the surrounding territory. While most of the shoreline of Harford County was taken up between 1658 and 1700, much of the region further inland was not known by white people prior to 1700.<sup>26</sup>

Harmerstown, later called Havre de Grace, was laid out 19 Jul 1658, for Godfrey Harmer. Harmer was an indian trader and established a trading post at this point.<sup>27</sup> "Come By Chance" was laid out for James Bynum in June 1671. It is assumed that Bynum's Run was named for him. Other patents quickly followed and population around the head of Bush River increased rapidly. We can speculate that John Whitacre served out his indenture on one of these early settlements, and thus became knowledgeable of the land in the area that was yet unclaimed.

All we know about John Whitacre and his family is gleaned from the public record. Patents, deeds, tax lists, and lists of taxables tell us something about where they lived and give hints as to their status. Wills and probates give more information.

Births, deaths, and marriages are taken from the Parish Registers. From 1692 to 1776, the Church of England in Maryland had the civil function of recording these events, irrespective of denomination. The Registers of St. George's and St. John's Parishes provide much of the information about the Whitaker family during this period. However, the parish records were not rigorously kept, and many of the births and deaths are noticeable by their absence. Entries were often made years after the date being recorded. The registers were later combined, and some transcription errors exist. St. George's Church, Spesutia Parish, was the first church in this area, possibly being founded as early as 1671. The first church was located at "Gravelly," near the old town of Michaelsville and a few miles south of Perryman. This location is across Bush River and a few miles south of the mouth of Bynum's run. A branch church was found sometime later near Gunpowder River as evidenced by a 1702 entry in the St. George's Parish Register—"Gunpowder Church, St. George's Parish, Wm. Tibbs, minister."

St. John's Church was established in the Gunpowder Hundred in 1692, and the first

church built in 1695 was located in Elk Neck, where the Officer's Club at Edge-wood Arsenal now stands. By 1730 the church had moved to Joppa, and remained there until the decline of the town and removal of the county seat led to its ultimate abandonment in the early nineteenth century.<sup>28</sup> The history of this church was closely intertwined with that of St. George's Parish for the first fifty years, often sharing the same pastor.<sup>29</sup> This would possibly account for the church registers being combined.

The earliest date recorded in the public record for JOHN WHITACRE and his family is a series of entries on pages 196 and 197 of the Register of St. George's Parish. These consecutive entries record the birth of six of the children of JOHN and CATHERINE WHITACRE, with birth dates ranging from 1687 to 1702.<sup>30</sup> It is unexplainable why their son PETER, who was born in 1696, was not included in the list, but his birth is recorded on page 227. It is assumed that HANNAH and ISAAC, two other children mentioned in JOHN's will and not listed in any register, were born after 1702 and were possibly by his second wife MARY.

The parish registers and lists of taxables show that there was another Whitaker family in this area (Spesutia Hundred) in the early eighteenth century. No relationship with John's family has been established. They disappear from the record about 1730. The family consisted of MARK WHITAKER, d. 1 May 1729 (G, 254), his wife CATHERINE who d. 15 Nov 1717 (G, 220), and his second wife ELIZABETH EMSON whom he married in 1718. The children by these two marriages were ELIZABETH, b. 25 Feb 1704 (G, 215), THOMAS b. 13 Jan 1712 (G, 215), MARK, b. 15 Feb 1716, CHARITY, b. 8 Dec 1718 (G, 222) JAMES, b. 8 Feb 1721 (G, 226), EMPSON, b. 30 Sep 1724 (G, 233) and a second ELIZABETH, b. 28 Aug 1726 (G, 258). His widow married FRANCIS TAYLOR in 1729 (I.S. No. K., p. 109). The marriage must not have been very successful, because in June 1733, Francis Taylor was indicted for not taking care of Mark Whitaker's orphans.

Mark Whitaker is not shown on the list of taxables in Baltimore County in 1699, but he is shown as paying taxes in 1702.<sup>31</sup>

There were several Mark Whitakers in Butler, Logan, and Madison Counties in Kentucky and others in central Tennessee in the early eighteenth hundreds. No connection between these people and the Maryland line has been established.

The family pedigree of JOHN WHITACRE and his descendants of Baltimore (now Harford) County, Maryland as derived from the public record follows: The compiler's research is directed to the family of JOHN<sup>3</sup> (Charles<sup>2</sup>, John<sup>1</sup>) WHITAKER who left Harford County sometime between 1767 and 1771, and no data is presented beyond about 1800 for those branches that remained in Harford County, some to the present time.

1. JOHN<sup>1</sup> WHITACRE, place and date of birth unknown, married first CATHERINE \_\_\_\_\_, date unknown, and second, MARY \_\_\_\_\_, date unknown. He died 30 Nov 1713 (C, 4)<sup>32</sup>. Their children:
  - i. ELIZABETH, b. 12 Jan 1686 (G, 196).
  - ii. RUTH, b. 27 Mar 1690 (G, 197).
2. iii. JOHN, b. 23 Apr 1691 (G, 197).
3. iv. CHARLES, b. 10 Oct 1693 (G, 197).
4. v. PETER, b. 27 Apr 1696 (G, 227)
5. vi. SARAH, b. 10 Nov 1699 (G, 197)
6. vii. ABRAHAM, b. 17 Sep 1702 (G, 197)
7. viii. ISAAC
  - ix. HANNAH

Nothing is found in the record about Ruth, and she is presumed to have died before 27 Nov 1713, as she is not mentioned in her father's will of that date. Elizabeth is mentioned in the will, but is nowhere else in the record. John's widow married JACOB ROBINSON 5 Jul 1714 (C, 6). Nothing is found in the record about the possible posthumous child. Hannah married ALEXANDER McCOMAS 23 Aug 1728 (C, 38). This was his second marriage, and it made Hannah the stepmother of MARY McCOMAS, who later married her nephew JOHN<sup>3</sup> (Charles<sup>2</sup>, John<sup>1</sup>).

The land patents and purchase of JOHN<sup>1</sup>

WHITACRE have been listed previously. In 1701 he sold his original patent, the 79 acre "Whitacres Purchase," to James Barley. The consideration was "one woman servant" (H. W. No. 2, p. 63). This transaction was a year before Abraham, son of John and Catherine was born, so John could not have been trading for a second wife. This does not preclude that the woman servant became Mary, John's second wife. The will of the Honorable John Dorsey<sup>33</sup>, dated 26 Nov 1714 bequeaths to his grandson Edward "Dorsey's Adventure" on Elk Ridge and "Whiteakers Purchase" bought of James Barley.

On 14 May 1713, JOHN WHITAKER [sic], planter, and MARY his wife sold "Whitaker's Chance," 150 acres to Charles Hammond of Ann Arundel County. The consideration was the sum of ten pounds. John signed by mark, Mary signed. This completed the disposal of the land held on Elk Ridge.

We know from John's will that at the time of his death he made his home on the 150 acre "Whitacres Ridge" at Bynum's Run. His will bequeaths this tract to his son Isaac and his wife Mary and "the child she goes with." Isaac is to live with Mary until he is of age. He left the tract "White Acres Ridge," 250 (acres omitted) to be divided equally between his sons John and Charles. Peter and Abraham were left "Enlargement" to be divided between them. His daughters Elizabeth, Sarah, and Hannah divided his personal estate.

2. JOHN<sup>2</sup> WHITAKER (John<sup>1</sup>) b. 23 Apr 1691 (G, 197), d. 26 Apr 1720 (G, 236). He married ANN DADD (DODD) 26 Apr 1714 (C, 5). He lived but six years after his marriage and left one surviving child. There is no record of his widow remarrying. Their children were:
  8. i. PETER, b. 6 May 1716 (G, 236; C, 13)
  - ii. JOHN, b. 14 Sep 1718 (G, 226), d. 4 Oct 1719 (G, 226)

John<sup>2</sup> sold his half, 125 acres, of "Whitakers Ridge" to Samuel Hughes 4 Aug 1715 (T.R. No. A. p 346). Consideration, 2000 lb. tobacco. Both John and Ann signed by mark. The record is silent as to where or how his family lived after this sale. On 28 Nov 1716 John and Ann his wife sold to

Robert Pearson 100 acres of "Whitakers Ridge," one third or 50 acres belonging to Mary, relict of his late father. (T.R. No. A. p 535). It is assumed that, in making this deed, John was acting as executor of his father's will as this tract was bequeathed to Isaac, Mary, and "the child she goes with." Isaac sold the remaining 50 acres some eighteen years later. It is not possible to determine which part contained the dwelling house, but we can speculate that it was on the remaining 50 acres and John and his wife continued to live there with the minor Isaac.

8. PETER<sup>3</sup> WHITAKER (John<sup>2</sup>, John<sup>1</sup>) married EMELE HITCHCOCK 10 Feb 1745 (C, 192; G, 240). We know from the 1776 census that she was born ca. 1724. He died ca. 1760 as his widow married THOMAS FISHER 18 Feb 1761. Their children were:

- i. JOHN, b. 21 May 1753<sup>34</sup>
- ii. HEZEKIAH, b. ca 1754
- iii. ISAAC, b. ca 1757
- iv. UNIDENTIFIED
- v. UNIDENTIFIED

The two unidentified children are listed only because the settlement of Peter's estate states that he "left five children, all orphans."<sup>35</sup> Only the three named children appear in the 1776 census in the household of Thomas Fisher.

Where Peter lived after the death of his father is not known. Before his fourteenth birthday he indentured himself to Erich Erickson for a term of four years "to learn the trade of house carpenter and joiner" (I.S. No. I.K. p 346, 17 Jan 1730). The Vestry Book of St. George's Parish shows that for several years Peter was warden of the church at a salary of 150 pounds of tobacco per year. He does not appear in the property records and we assume that he continued his trade of carpenter until his death.

We know from the 1776 census that JOHN WHITAKER, son of Peter and Amelia (Emele) Hitchcock Whitaker, continued to live in the family of Thomas Fisher until his marriage. He married ANN DUNN 28 Dec 1776. He served in the Revolutionary war, being listed in the returns of Captain Francis Holland's company in November 1776.<sup>36</sup> This was the Flying

Camp Harford Rifles, Company No. 2. In 1778 he and his brother Isaac are both listed in the Harford County Oaths of Allegiance.<sup>37</sup> He also served at one time in the company commanded by Captain Aquila Hall. His pension application<sup>38</sup> notes this service, and states that he remained in Harford County until about 1784, then moved to York County, PA where he resided until about 1789. A John Whitaker appears on the tax lists of Fawn Township, York County, in 1782 and 1783 so he must have made this move prior to the recollected date. He later moved to Washington County MD until about 1792-93, and then to Kentucky.

He is assumed to be the John Whitaker who bought the residium of a 99 year lease for 102 acres, "Cabin Branch," from John Perryman in 1771. "Cabin Branch" was originally leased by Perryman's father 10 Jul 1746. He would have been 18 years old at this time. There were two other John Whitakers in this area in this period, John<sup>3</sup> (Charles<sup>2</sup>, John<sup>1</sup>) and his son John.<sup>4</sup> Since they left Baltimore County on or before 1771, they are not assumed to be the purchaser.

This John Whitaker is, in all probability, the John Whitaker Junior who sold the residium of a 99 year lease taken 5 Feb 1761 for 13 acres called "Middle Meadows" to John Barrett. (J.L.G. No. C. p 448) Abraham Whitaker was a witness and both signed their names. The consideration was 4000 pounds, current Maryland money. This price reflects in part the inflation between 1776 and 1780, but it is still one of the highest prices noted in the 1780 period. The tract must have had extensive improvements. The transaction date was 14 May 1780. No purchase of this lease or sale of "Cabin Branch" was found.

Somewhere along the line he became a Methodist minister. No connection with the Methodist Church was found in Maryland or Pennsylvania, but on moving to Bourbon County Kentucky in about 1783, he formed the Mt. Gilead Methodist Church near Paris. He resided in Bourbon County until about 1812, then moving to Harrison County, Kentucky and remained there until his death, 29 Oct 1833. His widow died 5 July 1842, and was born 18

Jun 1760. On his move to Harrison County, John founded Whitakers Station, now Oddville.

There is very little in the record about John's two brothers, HEZEKIAH and ISAAC. According to the census, Hezekiah was born ca. 1754. In 1784 he married MARY TAYLOR. Nothing else is known. Isaac was born ca. 1 Feb 1798 (C, 350). He died prior to 24 Apr 1806, as his widow married William Cronin on this date.

3. CHARLES<sup>2</sup> WHITAKER (John<sup>1</sup>), b. 10 Oct 1693 (G, 197), married the widow MARY KEMBALL 30 Jan 1718 (G, 221). He died 3 Oct 1739 (G, 313) and his wife 30 Aug 1739 (G, 306). Their children were:

- i. LURANY, b. unknown, d. 27 Mar 1720 (G, 224-5)
9. ii. JOHN, b. 2 Jul 1722 (G, 231).
10. iii. CHARLES, b. 11 Jan 1724 (G, 231)
11. iv. JAMES, b. 22 Dec 1726 (G, 239)
- v. MARY, b. 3 Aug 1728 (G, 249), m. DANIEL BUTLER 27 Aug 1747 (C, 194)
- vi. CATHERINE, b. 10 Dec 1733 (G, 268), m. AQUILLA THOMPSON 20 Feb 1753 (C, 207)
12. vii. ISAAC, b. 5 May 1735 (G, 282)
13. viii. ABRAHAM, b. 1 Aug 1737 (G, 299)

Mary Kemball Whitaker's maiden name is not known. She was the widow of WILLIAM KEMBALL (KIMBLE) who died 5 Dec 1717. His will, dated 6 Dec 1717 and probated 3 Jun 1718, made his wife the sole beneficiary of a substantial estate. Several deeds indicate that Mary was a granddaughter of Humphrey and Ann Jones. The "Jones Addition" tract was patented by Humphrey Jones and was the subject of several transfers between the Jones, Hughes, Kemball, and Whitaker families.

Charles and Mary are presumed to have lived at "Miles Hill" which appears to be a part of her first husband's estate. Charles sold his share, 125 acres, of "Whitacres (White Acres) Ridge" left him by his father, to Solomon Armstrong on 3 Jun 1718 (T.R. No. R.A. p 475). The consideration was

3000 pounds of tobacco. John<sup>2</sup> had sold his share of this tract in 1715.

Charles and his brother Abraham patented 160 acres of land 25 Oct 1727 by virtue of an assignment from Daniel Scott. The tract was named "White Acres Lott" and was above the head of Bush River. It was described as lying next to "Three Sisters" taken up by Benjamin Wheeler.

On 5 Mar 1728, Charles Whitaker and Mary his wife deeded 30 acres of "Jones Addition" to Samuel Hughes for 75 acres of "Whitakers Ridge." This deed pledges 100 acres of "Miles Hill" "if major part with plantation or dwelling be taken away by older deed." (I.S. No. I. p 152) A deed made jointly by husband and wife was not common in this period, and both the 30 acres of "Jones Addition" and "Miles Hill" are presumed to be from her inheritance.

In a deed dated 18 Mar 1728, Samuel Hughes delivered 75 acres of "Whitaker Ridge" to Charles Whitaker (I.S. No. I, p 88). The consideration was stated to be 70 acres of "Jones Addition." No explanation was found for the acreage difference between this deed and the one above.

Charles and his brother John had each sold their interests in "Whitakers Ridge" some ten years earlier. Now Charles is buying back part of the portion sold by John. Their brother Peter had purchased the other 50 acres two years earlier.

Charles and his wife died slightly more than a month apart in 1739, leaving seven minor children, the oldest 17 and the youngest slightly more than two.

The record does not show what happened to the children after their parents death, but one could speculate that John, the eldest son, continued as head of the household and kept the family together. This speculation is enhanced by the fact that John, rather than some adult guardian, became administrator of his father's estate.<sup>39</sup> This could account for his marriage at age 19, which is considerably younger than the practice during this period. If this speculation has merit, then John and his wife really raised two families, with his eldest son being five years younger than John's youngest brother.

9. JOHN<sup>3</sup> WHITAKER (Charles<sup>2</sup>, John<sup>1</sup>). b. 2 Jul 1722, m. MARY Mc-

COMAS ca. 1741 and d. ca. 1798. Their children:

14. i. CHARLES, b. 11 Dec 1742 (G, 331)
15. ii. JOHN, b. ca 1748
16. iii. ABRAHAM, b. ca 1751
17. iv. ISAAC
18. v. JESSE
19. vi. AQUILLA, b. 25 Aug 1755
20. vii. HANNAH
21. viii. ELIJAH

The order of birth of these children is not known. Only the birth of CHARLES is listed in the parish register. AQUILLA's dates are taken from his tombstone. A few others can be estimated from Kentucky census data in the nineteenth century.

The marriage of JOHN<sup>3</sup> WHITAKER to MARY McCOMAS is not entered in the church register. However, the will of ALEXANDER McCOMAS, dated 18 Oct 1760,<sup>40</sup> lists all of his children, including MARY WHITAKER. The distribution of his estate, 20 Apr 1762,<sup>41</sup> includes JOHN WHITAKER as an heir. (Husbands of daughters were customarily listed as heirs of real property instead of the daughters themselves.)

The church registers show the marriage of a MARY McCOMAS to SAMUEL WIPS, 22 Jan 1742 (C, p 125). This Mary McComas is assumed to be child of Alexander's brother John.

Mary McComas Whitaker was the granddaughter of DANIEL McCOMAS, who was transported to Maryland in 1678 with a group of 55 others, sponsored by a man named Stevens. This group eventually acquired a total of 2750 acres of land, so Stevens probably sponsored them for the land rights given for sponsoring immigrants, rather than for their indenture. Daniel bought 98 acres on the south side of the Severns River in 1687. He married Elizabeth —, date unknown. He died in 1699, leaving "orphans" in Middle Neck Hundred, Ann Arundel County. His eldest son JOHN McCOMAS was a witness to the will of JOHN<sup>1</sup> WHITAKER. Another son, ALEXANDER McCOMAS, b. 14 Sep 1692, m. (1) ELIZABETH DAY 17 Nov 1713. She died circa 1726. He married (2) HANNAH WHITAKER, 23 Aug 1728 (G, 38). She was the daughter of John.<sup>1</sup> ALEXANDER died sometime between 18 Oct

1760, the date of his will, and 4 Feb 1761, the date of probate. His widow later married THOMAS MILES. The children of ALEXANDER by ELIZABETH DAY and HANNAH WHITAKER, as listed in his will, were:

- i. SARAH RHODS, b. 5 Oct 1714 (C, p 6)
- ii. ELIZABETH, m. THOMAS NORRIS 26 Dec 1736
- iii. ALEXANDER, b. ca 1722/3
- iv. MARY WHITAKER, b. 8 May 1725 (C, p 35)
- v. HANNAH, b. 25 Mar 1730 m. 10 Nov 1748 (C, p 192) JACOB MILES
- vi. AQUILA, b. 5 May 1731
- vii. PRICILLA, b. m. THOMAS SIMMONS
- viii. DANIEL

Alexander styled himself Alexander McComas, planter, and executed his will with his mark. His wife Hannah and brother Daniel were executors.<sup>42</sup>

ELIZABETH DAY McCOMAS, the mother of MARY McCOMAS, was a daughter of NICHOLAS DAY. "Nicholas Day, the immigrant, came to Maryland from England in 1658." "Nicholas Day, a grown man, sells himself in bondage for ship transportation to the New World where he could get free land and own a home—bound to Richard Owens who later granted him his freedom." This Richard Owens notified "his Lordship" that they (Nicholas Day and others) were entitled to 50 acres of land. The notification was dated 22 Feb 1658.<sup>43</sup> Nicholas' wife was SARAH COX. His will, dated 1 Dec 1704,<sup>44</sup> filed 4 Feb 1705, listed their children:

- i. NICHOLAS, b. 1685, m. 14 Jul 1709 ELIZABETH COX, d. 18 Jun 1733 (C, p 41)
- ii. EDWARD, m. 22 May 1722 Averilla Taylor, (G, p 19), d. 14 Jan 1746.
- iii. SARAH, m. (1) OBEDIAH PUCKETT, (2) JOHN GREER
- iv. ELIZABETH
- v. DINAH, m. (1) JOSHUA MENIKON, (2) BENJAMIN JONES.

SARAH COX DAY's will<sup>44</sup> dated 20 Oct

1730, probated 28 Dec 1736 lists these same children with the exception of Elizabeth, and died before the date of the will.

JOHN<sup>3</sup> WHITAKER, although barely twenty years old at the time and acting as executor of his father's estate, traded 30 acres of "Jones Addition" to John Hughes for 100 acres at an unspecified location. Date of deed 30 Jul 1742 (T.B. No. C. p. 287). His father had previously traded 70 acres of this same tract for 75 acres of "Whitakers Ridge." (L.S. No. I. p. 88)

Some nine years later, on 21 August 1751, John sold both the 75 acres of "Whitakers Ridge" and the 100 acres described as being together at the head of Bush River and on Humphrey Jones Run. The sale consideration was 140 pounds Maryland Money. (T.R. No. D. p. 247)

John continued to add to his land holdings for some twenty years after his marriage. On 15 April 1746 he leased two tracts from "their Lordships." The first consisted of 63 acres and was named "Whitakers Retirement." The second was for 36 acres and named "Chesnut Ridge." On 9 July 1746 he leased a third tract consisting of 80 acres named, "Whitakers Care." All these leases were for a term of 99 years. Also on 9 Jul 1746, a 99 year lease was taken by John Richardson from his Lordship on 80 acres and named "Whitakers Care." John Whitaker bought this lease from Richardson by a deed dated 23 Jan 1754 and entered 3 Jan 1761. (B. No. I. p. 410) The consideration was 5 pounds current money. We can speculate that Richardson was acting as John Whitaker's agent in taking out the original lease.

A second transfer from Richardson to John Whitaker on this same plot and dated 7 Apr 1764 (B. No. N. p. 85). In this deed the consideration was 10 pounds. No reason for the second deed was found. The consideration of either 5 or 10 pounds was significantly less than other transfers on equivalent acreage recorded in this same period.

Sometime between 1761 and 1767 John also bought the residuum on a 99 year lease for 70 acres, "Jacobs Delight," from Jacob Ruth. The original date of Ruth's lease was 11 May 1761. The transfer from Ruth to Whitaker was not found. This data was taken from the later sale of the property.

By deed dated 18 Apr 1763 and recorded

14 Oct 1767, John sold the 63 acres of "Whitakers Retirement" to Hugh Allison. Consideration was 25 pounds. (B. No. Q. p. 99) he sold "Whitakers Lott" to Hugh Allison on 15 May 1767 (B. No. Q. p. 101). Consideration was 35 pounds Maryland money. The same day he sold "Chesnut Ridge" to Joseph Guyton for 15 seconds. (B. No. Q. p. 104). On 4 Jun 1767 he sold "Jacobs Delight" to Maryam Tate for 20 pounds. (B. No. Q. p. 108)

With these four transactions recorded over a 4 month period, John had liquidated all his property except "Whitakers Care." Either he had hit on hard times and had to raise money or he was preparing to move west.

Finally, on 11 May 1771, he sold "Whitakers Care" to John Barrett (A.L. No. D. p. 72). This was his last land transaction in Maryland. He is assumed to have migrated to the area around Fort Dunmore (now Pittsburgh) sometime between 1767 and 1771, as he is found in the record in that area in 1772. His wife and all his family, including his grown sons, accompanied him.

What motivated John<sup>3</sup> and his family to move to the western frontier is unknown, however, we can speculate that there were several propelling forces. (1) The thin, sandy soil of this area quickly wore out from repeated tobacco crops, and John had farmed his land for some 25 years. (2) Good land could be obtained virtually free along Virginia's western frontier. (3) His brothers Charles and James moved to this area, and could have possibly sent back favorable reports. (4) Game, still a staple in the diet, was becoming scarce due to land clearing and increased hunting. And finally, he could have been sent there as a Baptist missionary.

There is no record in Maryland of any church activity or affiliation for John.<sup>3</sup> However, a 1772 entry at Fort Dunmore speaks of him as "John Whitticur, candidate for the ministry."<sup>45</sup> In 1773 he gathered Peters Creek Baptist Church in what is now Washington County, PA and continued to preach there until he left for Kentucky in 1780.<sup>46</sup>

The Harford Old School Meeting House was formed in Baltimore County in 1754. The original church still stands near the

forks of Winters Run and a few miles west of Bel Air. John Whitaker was living in the immediate vicinity at this time. The first and long time minister, the Elder John Davis, was known to have ordained several ministers and sent them out to found new churches.<sup>47</sup> Unfortunately, the first church records have been lost, and the names of these people are not known. We can only speculate that this was the origin of John's ministry.

10. CHARLES<sup>3</sup> WHITAKER (Charles<sup>2</sup>, John<sup>1</sup>), b. 11 Jan 1724, (G, 231)

The birth of Charles<sup>3</sup> is apparently his only entry in the Maryland records, other than his choosing Parker Hall as his guardian in November 1741. He seems to be the first of the family to migrate west, as a Charles Whitaker is listed as a tax delinquent in Augusta County Virginia in 1748 and continues to appear in the record there until 1753 when it was noted that he had "removed out of the colony."<sup>48</sup>

11. JAMES<sup>3</sup> WHITAKER (Charles<sup>2</sup>, John<sup>1</sup>), b. 22 Dec 1726 (G, 239) m. (1) 29 Jun 1749 MARY SANDERS (C, 198), m. (2) CATHERINE POTEE (PARTEE) 25 Aug 1763 (C, 225), d. ca. 1789. His children by both marriages were:<sup>49</sup>

- i. AARON, b. 1751
- ii. ISAAC, b. 1763
- iii. CHARLOTTE, b. 1765
- iv. ELIZABETH, b. 1776
- v. ABRAHAM, b. 1780
- vi. JAMES
- vii. DANIEL

James<sup>3</sup> patented "Whitakers Chance," consisting of 50 acres on the south side of Deer Creek in 1749 (T. I. 4, p 167). This was a second "Whitakers Chance" and had no connection with the tract of the same name patented by his grandfather some 50 years earlier. Two years later, 17 Aug 1751, he sold the tract to Edmund Bull for seven pounds Pennsylvania money.

On 2 May 1761 he purchased a one third part of a tract called "Bim," lying between Bynam's Run and Winters Run. No acreage or consideration was stated. A later sale of this tract was not found. (B. No. I, p 109)

James<sup>3</sup> and his family also migrated to the Fort Pitt area. It is not known when he arrived in Alleghany County, PA, but by

the time of his death, he had amassed quite an estate of land, sawmill, slaves, and livestock.

12. ISAAC<sup>3</sup> WHITAKER (Charles<sup>2</sup>, John<sup>1</sup>), b. 5 May 1735 (G, 268), m. 12 Dec 1759 ELIZABETH HILL (C, 219).

Their children were:

- i. JOHN SWENARD, b. ca. 1760, m. RACHEL JOHNSON
- ii. JOSHUA, b. ca. 1761, m. RUTH HOWARD, d. 1818
- iii. SAMUEL, b. ca. 1763
- iv. ELIZABETH, b. ca. 1765
- v. BENJAMIN, b. ca. 1769
- vi. MARTHA, b. ca. 1773

Birth dates of the children are from the 1776 census. No births were recorded in the church registers, although the baptism of Rachel Whitaker on 17 Oct 1802 was entered (C, 291). Isaac<sup>3</sup> and most of his family appears to have remained in Harford County at least until the nineteenth century, and some descendants still remain there. Samuel migrated to Franklin County Georgia.

In 1756, Isaac<sup>3</sup> served in the French and Indian War in Captain Christopher Gist's company,<sup>50</sup> so he had been on the frontier around Fort Dunmore. On the roll of that company he is listed as 5'6" and a hunter by trade. His brother Abraham was in the same company. He is listed in the 1776 census in Harford County with his wife Elizabeth and sons John Sweynard, Joshua, Samuel, and Benjamin.

In November 1755, Isaac was tried for begetting a baseborn child on the body of Hannah Wartens.<sup>51</sup> The verdict in the trial was not found.

On 10 May 1758, Isaac<sup>3</sup> entered into a 99 year lease for 50 acres which he named "Whitakers Choice". On 15 May 1767 he sold the residuum of this lease to Joseph Guyton. The consideration was 40 pounds. (B. No. Q, p 106) This is the same date that Guyton bought "Chesnut Ridge" from John<sup>3</sup> Whitaker. Joseph Guyton married Hannah Whitaker 12 Dec 1754. Her relationship to Isaac or John has not been established.

On 20 Feb 1770 Isaac<sup>3</sup> bought two tracts of land from Benjamin Norris, the 125 acre "Gibsons Ridge" and 75 acre "Addition to

Gibsons Ridge". The consideration was 250 pounds Pennsylvania money (A.L. No. C. p 110). No later sale of these tracts were found in Baltimore or Harford County records prior to 1800, and it is assumed that Isaac and his family continued to live there until at least that period.

13. ABRAHAM<sup>3</sup> WHITAKER (Charles<sup>2</sup>, John<sup>1</sup>) b. 1 Aug 1737 (G, 299) d. 1 Jun 1784, m. 31 Dec 1771 ELIZABETH WHEELER (C, 263). The children of Abraham and Elizabeth Wheeler Whitaker were:<sup>52</sup>

- i. SUSANNA, b. 1 Oct 1773
- ii. ABRAHAM, b. 12 Jun 1776 d. 10 Oct 1804, m. ELIZABETH POTEET
- iii. THOMAS, b. 7 Jun 1778, m. 22 Feb 1800, CHARLOTTE DURHAM
- iv. GEORGE, b. 11 Jul 1780, d. ca. 1804
- v. JOSIAS, b. 9 Jul 1782, d. 11 Sep 1802

The children of Abraham and Elizabeth Wheeler Whitaker are clearly established by the church records, his will, and a bible record. None of these records fully substantiate the others, but there is no conflict. The existing record does not, however, enable us to clearly identify which Abraham Whitaker married Elizabeth Wheeler.

There were at least three, and possibly four, men of marriageable age named Abraham Whitaker living in the northern part of Baltimore County between 1750 and 1775—the Abraham<sup>3</sup> (Charles<sup>2</sup>, John<sup>1</sup>) above; his cousin, Abraham<sup>3</sup> (Abraham<sup>2</sup>, John<sup>1</sup>) and the Abraham Isaac Whitaker who married Mary Petee 15 Dec 1757. (C, p 25) The third Abraham died in Orange County NC in 1808<sup>53</sup>. His parents have not been identified. The first Abraham died in Baltimore County 1 Jun 1784 and can be identified as the one who married Elizabeth Wheeler. The second died in Allegheny County, PA ca. 1792 and his wife's name was Susannah. In addition, another ABRAHAM WHITICAR, "formerly of Baltimore" died in Lexington, KY 6 Jun 1826<sup>54</sup>. Unfortunately the obituary gave no information that would further identify him. He could have possibly been of marriageable age during the period in question.

The compiler has elected to assign the marriage to Elizabeth Wheeler strictly on the basis of age at marriage. The Abraham above would have been 34, his cousin 44. However, doubt will always exist.

The bible entry of George, as well as recording his birth says "Died at sea on his journey to Egibt" 1802.

Abraham<sup>3</sup> served with his brother Isaac in Captain Christopher Gist's company in the French and Indian War. He enlisted from Baltimore County 14 Feb 1756 and was described as 5'8" and a hunter by trade. After the formation of Harford County in 1773, he was active in politics in Upper Bush River Hundred and the county. He was named to the Harford County committee of correspondence in a resolution passed 11 Jun 1774. He was a signer of the Bush Declaration that preceded the Declaration of Independence by more than a year, and was a representative of Bush River Upper Hundred on the War Committee of the County.<sup>55</sup> He later served as a Justice of the Peace in Harford County. It appears that the family remained in Harford County at least to the start of the nineteenth century.

The "Abraham problem" continues when compiling real estate transactions. Abraham Whitaker bought four tracts of land between 1763 and 1766, but there is no way to determine which Abraham it was, or even if all four transactions were to the same Abraham. The public record sometimes differentiated between two men of the same name (i.e., William Bond (son of Joshua)) and William Bond (son of William), but in this case no differentiation was made. However, no deeds were found selling any of these tracts prior to 1800, and the compiler assumes that they were all bought by this Abraham, as his family was the only one to stay in Harford County past this date, and the land remained with him and his heirs.

On 30 Jun 1763, Peter Whitacre made a deed to Abraham Whitaker for "Whitakers Lott", 160 acres. No bounds or location was stated, but we can tell from other deeds referencing this tract it was between Deer Creek and Winters Run and on the main road from Bush River to York. This would place it in the vicinity of the present Bel

Air. The consideration was 80 pounds current money (B. No. L. p 382).

"Whitakers Lott" was patented by Abraham<sup>2</sup> Whitaker in 1729 (P.L. No. 7, p 192). The above deed appears to be Abraham's eldest son selling to the son's first cousin.

Two years later Abraham<sup>3</sup> bought "Begin" from Owen Rogers in two separate transactions. Deed descriptions show "Begin" adjoined "Whitakers Lott". The first transaction, 12 Feb 1765, 21 acres for 15 pounds (B. No. O. p 196). The second, 7 Jun 1765, the residue, or 79 acres, for 50 pounds (B. No. O. p 358).

A year later he bought another tract from Owen Rogers. This deed, dated 6 Aug 1766, used the spelling Whittaker.

It was for 63 acres that were part of a 99 year lease made 6 Jan 1746 to Wm. and Thos. Crabtree. The 63 acres were later granted to Rogers and this deed grants the residuum of the original lease to Abraham. The tract was named "Brothers Lott" and the consideration was 30 pounds (B. No. P. p 437).

A mortgage filed 4 Nov 1769 gives an indication of Abraham's economic position at this time. Samuel Ashmead mortgaged several tracts of land, one containing a grist mill, to Abraham Whitaker and Thomas Bryarly. Whitaker and Bryarly were to pay judgements against Ashmead in Maryland and Pennsylvania amounting to over 500 pounds money and 1052 lb. tobacco. The period of the mortgage was six months (A.L. No. B. p 146). No evidence was found in the mortgage being released. 500 pounds would buy 1000 acres of land in Baltimore County during this period.

4. PETER<sup>2</sup> WHITAKER (John<sup>1</sup>), b. 27 Apr 1696 (G, 227), d. ca. 1777 as his will was probated 10 Feb 1777, m. FRANCES BROWN 8 Jan 1772 (C, 192). Their children were:

- i. BLANCH, b. 10 Apr 1728 (G, 249), m. 31 Jan 1748 JOHN LONG (C, 198)
- ii. PETER, b. 1 Dec 1729 (G, 258)
- iii. FRANCES, b. 9 Mar 1734 (G, 281)
- iv. DANIEL

Two months after his marriage, 6 Mar 1722, Peter sold the half part of "Enlarge-

ment", 64 acres. The deed was styled Peter Whittacre, planter, and Frances his wife to William Bradford, schoolmaster. The consideration was 2000 lbs. tobacco (I.S. No. G. p 120). Both Peter and his wife signed by mark. This was his legacy from his father's estate.

On 2 Jun 1726, Peter bought 50 acres of "Whitakers Ridge" from John Powell. Consideration was 1500 lb. tobacco (I.S. No. H. p 390). His brother Charles bought 75 acres of this same tract two years later. It appears that Peter and Charles were buying back the half share of the 250 acre "Whitakers Ridge" that their brother John had previously sold.

Peter had apparently patented a 50 acre tract that he named "Whitakers Venture," although no patent was found. On 20 Jun 1740 he sold this land to Solomon Gallion for 2500 lb. of tobacco. Frances, his wife, acknowledged her dower. The location was not stated. (H.W.S. No. I.A. p 456)

Although Peter lived for some 37 years after these transactions, nothing more, other than his will, is found of him in the record.

5. SARAH<sup>2</sup> WHITAKER (John<sup>1</sup>), b. 10 Nov 1699 (G. 197, C. 238) m. 8 Oct 1719, BENJAMIN NORRIS. His will dated 4 Apr 1776 was probated in Baltimore County. Their children were:

- i. ELIZABETH, b. 28 Nov 1720, m. 11 Sep 1740 to JOHN HUGHES
- ii. JOHN, b. 29 Mar 1723, m. 3 Apr 1744 to SUSANNAH BRADFORD
- iii. SARAH, b. 29 May 1725, m. \_\_\_\_\_ NORRIS
- v. SUSANNAH, b. 21 Apr 1730
- vi. JOSEPH, b. 14 Jan 1731, m. 20 Nov 1766 to CHRISTIANNA PRICE
- vii. BENJAMIN, b. 20 Oct 1732, m. Mar 1754 to MARY DUVALL
- viii. THOMAS, m. 20 Jul 1761 to ANNE BUCKINGHAM
- ix. ABRAHAM, b. 22 Jul 1739, m. 4 Dec 1762 to REBECCA KITELY

Benjamin Norris was twice appointed vestryman of St. Johns Parish, on 4 Jun

1751 and 3 Aug 1757. The history of his family is reported fully in "History of the Norris Family in Maryland" in the Maryland Historical Society Library.

6. ABRAHAM<sup>2</sup> WHITAKER (John<sup>1</sup>), b. 17 Sep 1702 (G, 197), d. ca. 1741, m. 16 Jul 1725 ANN PUTEE (Petite, Potee, Putee, Poteet). Their children were:
- i. PETER, b. 7 Jul 1726 (C, 25)
  2. ii. ABRAHAM, b. 11 Aug 1727 (C, 64)
  - iii. HANNAH, b. 26 Mar 1729 (C, p 64)
  - iv. ISAAC
  - v. ANN, b. m. 7 Jan 1754, EZEKIAL SLADE

The two children who do not have their births recorded in the church registers are listed, along with the three others, as "orphans" of Abraham Whitaker in the Guardian Bond of William Pike executed in August 1743. Benjamin Norris was a signer of the bond.<sup>56</sup> Ann, Abraham's wife, is assumed to be a member of the Petite family that had several marriages (with several variant spellings) with the Whitaker family in the next two generations. They were reported to be of Huguenot extraction. She seems to have married William Pike after Abraham's death.

In November 1724 Abraham<sup>2</sup> was indicted for begetting a baseborn child on the body of Susanna Temple.<sup>57</sup>

On 2 Jun 1724 Abraham<sup>2</sup> sold the 64 acres of "Enlargement", that he had inherited from his father, in two transactions. 32 acres went to John McComas for 1200 lb. tobacco (L.S. No. G. p 332), and the other 32 acres to William Bradford for 1000 lb. tobacco (I.S. No. G. p 329). William Bradford had previously bought the other half of "Enlargement" from Peter Whitaker.

Abraham patented, jointly with his brother Charles, the 160 acre "Whitakers Lott" 25 Oct 1727. The tract was between Deer Creek and Winters Run and on the main road from Bush to York. The patent was based on an assignment from Daniel Scott and the annual rent was 6 shillings 5 pence in silver or gold. (P.L. No. 7, p 19) It is assumed that Abraham and his family lived here for the rest of his life, as this tract was sold by his son Peter in 1763.

Abraham's son Peter does not appear in

the record, other than the sale of the family place listed above. Isaac does not appear at all. A HANNAH WHITAKER married 27 May 1746, WILLIAM CRABTREE, and a HANNAH WHITAKER m. 12 Dec 1754, JOSEPH GUYTON. The second Hannah could be a child of Issaac<sup>2</sup>, but it is not possible to properly assign this marriage.

22. ABRAHAM<sup>3</sup> WHITAKER (Abraham<sup>2</sup>, John<sup>1</sup>), b. 11 Aug 1727, m. SUSANNAH \_\_\_\_\_, place and date unknown, d. ca. 1792 in Allegheny County, PA. According to his will, their children were:
- i. MARTHA, m. WILLIAM VAUGHN
  - ii. ISAAC
  - iii. JAMES
  - iv. JOHN

There is nothing in the Maryland record concerning Abraham<sup>3</sup> and his family except his birth. He appears infrequently in the records of West Augusta County, VA starting in 1774. This county was formed on this date and he could have been in the area some years before. His cousins James and John Whitaker were in the Monogahela River valley as early as 1767 and the compiler assumes that Abraham came at the same time.

7. ISAAC<sup>2</sup> WHITAKER (John<sup>1</sup>), date of birth unknown, m. date unknown SARAH \_\_\_\_\_, died ca. 1765. Their children are assumed to be:

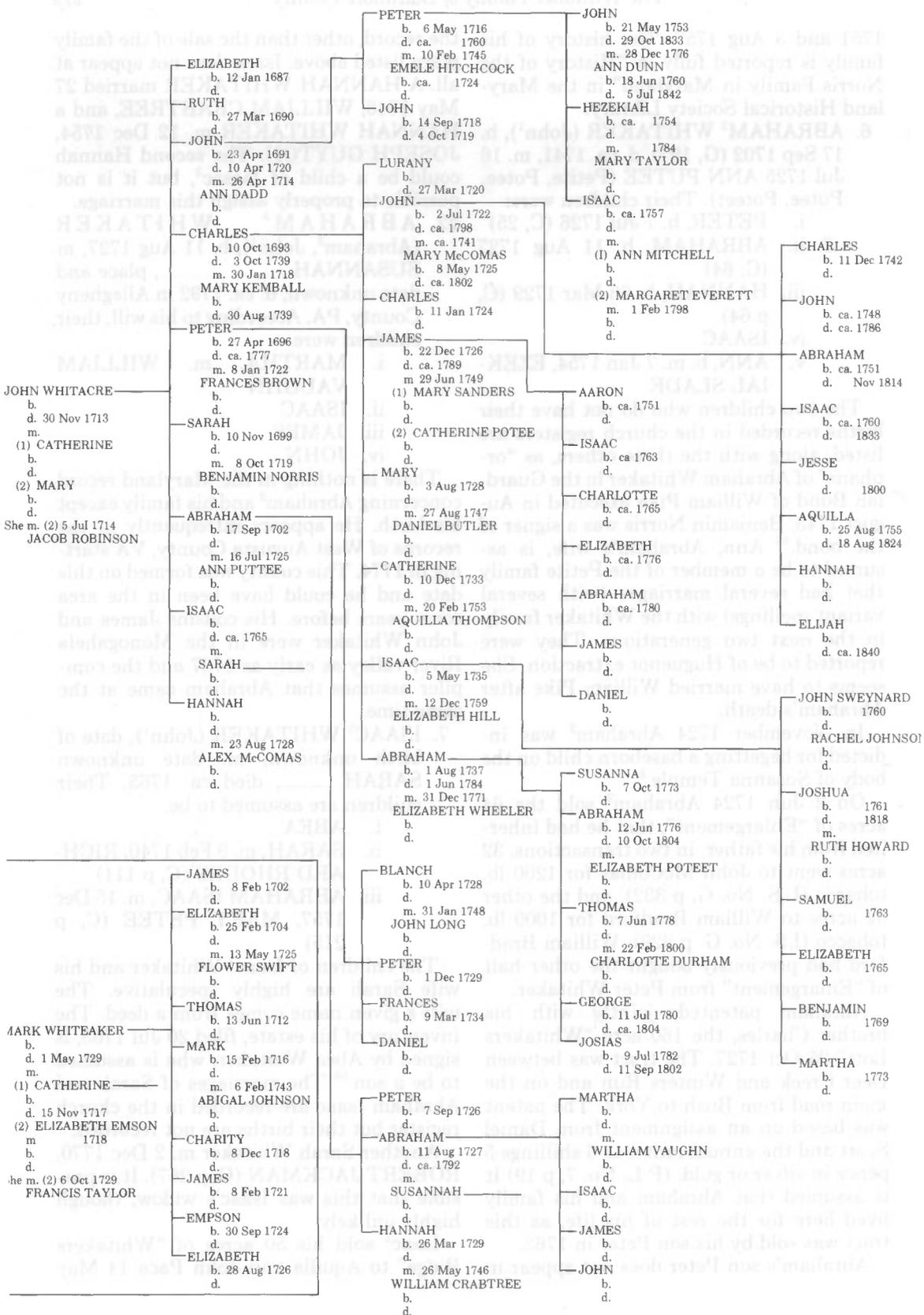
- i. ABEA
- ii. SARAH, m. 9 Feb 1740, RICHARD RHODES (C, p 111)
- iii. ABRAHAM ISAAC, m. 15 Dec 1757, MARY PETEE (C, p 215)

The children of Isaac<sup>2</sup> Whitaker and his wife Sarah are highly speculative. The wife's given name comes from a deed. The inventory of his estate, filed 20 Jul 1765, is signed by Abea Whitaker, who is assumed to be a son.<sup>58</sup> The marriages of Sarah and Abraham Isaac are recorded in the church register but their births are not recorded.

Another Sarah Whitaker m. 2 Dec 1770, ROBERT JACKMAN (C, p 267). It is possible that this was Isaac's widow, though highly unlikely.

Isaac<sup>2</sup> sold his 50 acres of "Whitakers Ridge" to Aquilla and John Paca 14 May

**EARLY WHITAKER FAMILY OF HARFORD COUNTY  
APPARENT RELATIONSHIPS  
(All dates converted to n.s.)**



1734. This was his share of his father's inheritance. The consideration was 20 pounds and the tract was described as being by the Main Road at Bynum's Run. He signed by his mark. (H.W.S. No. M. p 52). His brother John, acting as administrator of his father's estate, had sold the other two thirds of this property some 18 years before. Isaac's wife Sarah acknowledged this sale in a separate deed (H.W.S. No. M, p 52).

The Whitaker family of upper Baltimore (now Harford) County grew in four generations to nearly 100 identified individuals. Some prospered, some did not do as well. They left their mark on the record as planters, carpenters, millers, and a few scoundrels. A few became community leaders, and in the next century, industrialists.

Some continued to live in Harford County, even up to the present day. Others, taking their families and what possessions they could carry, moved on to the western frontiers. Many continued to move west as the frontier moved, first to the valley of the Monongahela in southwestern Pennsylvania, then to Kentucky for a generation or two. Today descendants of these people can be found throughout the country.

A subsequent paper on the branch of this family that moved to the Monongahela River valley will appear in future issues of *The Keyhole*, the publication of The Southwestern Pennsylvania Genealogical Society. Other papers are in preparation covering the family in Shelby County, Kentucky. They will be submitted to *Kentucky Ancestors* and *Kentucky Historical Society Quarterly*.

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## BOOK NOTES

*Maryland Eastern Shore Vital Records, 1648-1725.* By F. Edward Wright. (Silver Spring, MD: Family Line, 13405 Collingwood Terrace, 1982. 206 pp. \$14.00.)

The compiler has gathered vital records from the various court and church records of the eastern shore counties. Although none of the records published were previously inaccessible, having been previously published in *Archives of Maryland*, various books and/or magazines, or are available on microfilm, it is handy to have it all in one publication with an every-name index.

MARY K. MEYER  
*Genealogical Council of Maryland*

*Guide to Genealogical Research in the National Archives.* (Washington: National Archives Trust Fund Board, 1983. 320 pp. Illustrations, index. \$19, paper, \$25, hardcover. Order from: Box 138, National Archives, Washington, DC 20408.)

It is difficult to imagine beginning a genealogical search without recourse to the records held by the National Archives. Thanks to the wide availability of microfilm copies, it is possible to use those records without travelling to Washington or to one of the eleven regional records centers—some, perhaps, even use NARS records without realizing much about their source. The National Archives and Records Service celebrates its 50th anniversary this year, and the staff of that remarkable institution labors to preserve and make available the records of our federal government to an ever-expanding public.

This handsome new publication supersedes the *Guide to Government Records in the National Archives* by Colket and Bridgers (1964), and the first indication of changes afoot in the revised *Guide* can be found in its altered title: it is foremost a guide to *research*. The shift in emphasis proclaims a deepening awareness of the needs of the records user, and a shift away from jargon understandable only by other archivists.

The new guide begins, appropriately enough, with census records. After a brief introduction, a variety of tables given year-by-year and state-by-state breakdowns of the contents and availability of census schedules, indices, and various special schedules and problems. Other sections of the book describe immigration and military records, records relating to particular groups (American Indians, blacks, civilian government employees), land records, federal court records, records of the District of Columbia, and cartographic records. As in the section on the census, the *Guide* describes the arrangement and content of each record group, with references to related published research aids and often an illustration showing a typical document. The book is concluded with a list of NARS microfilm publications and an index.

The *Guide* should serve equally well as an introduction for those who have never used the resources of the National Archives and as a ready reference for more experienced researchers who wish to delve more deeply into the records of our federal government. Social historians and biographers, indeed anyone interested in people-related questions, can profit from this volume. The importance of NARS' holdings coupled with the good design of the *Guide* make it a book recommended to all.

KAREN A. STUART  
*Maryland Historical Society*

*English Wills: Probate Records in England and Wales, with a brief note on Scottish and Irish Wills.* By Peter Walne (1964). (Richmond: The Virginia State Library, 1981. 62 pp. \$5.00.)

This booklet is a guide to the complex British probate procedures prior to 1858. The author explains ecclesiastical and secular probate jurisdictions, the prerogative courts of Canterbury and of York with all their intricacies. An important work for anyone planning research in British records.

MARY K. MEYER  
*Genealogical Council of Maryland*



# NEWS AND NOTICES

## "THE COLONIAL EXPERIENCE: THE EIGHTEENTH-CENTURY CHESAPEAKE" 45th CONFERENCE IN EARLY AMERICAN HISTORY

The Program in Atlantic History, Culture and Society of the Johns Hopkins University, the Maryland Historical Society, and the Institute of Early American History and Culture are co-sponsoring the 45th Conference in Early American History. Entitled "The Colonial Experience: The Eighteenth-Century Chesapeake," the conference will take place at the Peabody Library, 17 East Monument Street, Baltimore, Maryland 21202 on September 13-14, 1984. Designed as part of the commemoration of the 350th anniversary of the founding of Maryland, the conference will examine the mature colonial societies that developed in the Chesapeake region in the eighteenth century. Twenty-one scholars will present papers covering the topics of economic diversification, agricultural labor, family history, slaves and free blacks, politics and political elites, and material culture. Five of the sessions will take place during the day on Thursday and Friday; the sixth, consisting of four illustrated lectures on material culture, is scheduled for Thursday evening. All sessions are open to the public without charge. The conference is being funded by the Maryland Humanities Council, Inc. through a grant from the National Endowment for the Humanities, Office of State Programs. Further information may be obtained from Jean B. Russo, Program in Atlantic History, Culture and Society, The Johns Hopkins University, 3400 North Charles Street, Baltimore, Maryland 21218.

## CHANGES IN PROCESSING REQUESTS FOR COPIES OF VETERANS' RECORDS AND PASSENGER ARRIVAL RECORDS

Effective May 1, 1984, all requests for copies of military service records or passenger arrival records must be submitted on NATF Forms 80 and 81, respectively. After May 1 prior versions of these forms (NATF Form 26 and NATF Form 40) will not be accepted for processing. All forms other than the NATF Form 80 or NATF Form 81 that are received after May 1 will be returned.

A change in payment policies will also take

effect May 1, 1984. NARS has in the past required that payment accompany requests for copies of veterans records and passenger arrival records. After May 1, 1984 payment should not be sent with the NATF forms 80 and 81. NARS will research the request, prepare copies of any records located, and **HOLD THE COPIES FOR 30 days** or until payment is received, whichever is sooner. As soon as records are located and copied, researchers will receive a bill and instructions on returning their remittances.

Researchers should also submit a separate NATF-Form 80 for each file (pension or bounty-land or compiled military service) desired. Previously researchers could ask for multiple files on one form. This change is designed to facilitate processing by the National Archives. Any one interested in obtaining copies of the NATF-Forms 80 or 81 may do so after April 1 by writing to the following office:

Reference Services Branch (NNIR)  
National Archives and Records Service  
8th and Pennsylvania Avenue, N.W.  
Washington, DC 20408

## OTHER ITEMS OF NOTE

The Museums at Stony Brook, in cooperation with the History Department of the State University of New York at Stony Brook, will hold a conference entitled *Music and Dance in 19th Century America: Traditional and Popular Entertainment, 1800-1860* to take place on August 9, 10, and 11, 1984 at the State University in Stony Brook. For further information contact the Education Department, The Museums at Stony Brook, 1208 Route 25A, Stony Brook, NY 11790, or call (516) 751-0066.

The Historical Publications Section of the North Carolina Division of Archives and History announces publication of *The North Carolina Historical Review: Fifty-Year Index, 1924-1973*. The cost is \$30.00, plus \$1.50 for postage and handling. Orders should be addressed to the Historical Publications Section, Division of Archives and History, 109 East Jones Street, Raleigh, NC 27611.

The Genealogical Publishing Co., Inc. of Baltimore announces the availability of a reprinted edition of Harry Wright Newman's *The Flowering of the Maryland Palatinate*. The volume

contains genealogical and biographical sketches of the adventurers who accompanied Leonard Calvert on the *Ark* and the *Dove* in 1634. The book is 359 pages in length, indexed and bound in cloth, and costs \$21.50. Orders may be ad-

ressed to the Museum Shop of the Maryland Historical Society, 201 West Monument Street, Baltimore, MD 21201. Orders must be prepaid, and should include \$2.00 for postage and handling.

THE COLONIAL EXPERIENCE: THE EIGHTEENTH-CENTURY CHESAPEAKE AND THE CONTRIBUTION TO EARLY AMERICAN HISTORY

The Program in Atlantic History, Culture and Society of the Johns Hopkins University, the Maryland Historical Society, and the Institute of Early American History and Culture are sponsoring the 4th Conference in Early American History, entitled "The Colonial Experience: The Eighteenth-Century Chesapeake." The conference will take place at the Peabody-Esher House, 11 East Monument Street, Baltimore, Maryland, on September 12-14, 1984. The program is part of the commemoration of the 200th anniversary of the founding of the United States and will examine the nature of colonial society that developed in the Chesapeake region in the eighteenth century. Twenty-one scholars will present papers covering the topics of economic development, agricultural labor, family history, slaves and free blacks, politics and political elites and material culture. Few of the sessions will take place during the day on Thursday and Friday; the sixth, consisting of four illustrated lectures on material culture, is scheduled for Thursday evening. All sessions are open to the public without charge. The conference is being funded by the Maryland Humanities Council, in through a grant from the National Endowment for the Humanities. Direct financial sponsorship for the Humanities State Program, Federal assistance may be obtained from Jean H. Jones Program in Atlantic History, Culture and Society, The Johns Hopkins University, 3400 North Charles Street, Baltimore, Maryland 21218.

COPIES IN PROGRESS: REQUESTS FOR COPIES OF VETERAN RECORDS AND LOGBOOKS ANNUAL RECORDS

Effective May 1, 1984, all requests for copies of military service records or personnel status records must be submitted on NATE Form 80 and 81, respectively. After May 1, prior versions of these forms (NATE Form 80 and NATE Form 81) will not be accepted for processing. All forms submitted on the NATE Form 80 or NATE Form 81 that are received after May 1 will be returned. A change in payment policies will also take

effect May 1, 1984. NARS has in the past required that payment accompany requests for copies of veteran records and personnel status records. After May 1, 1984, payment should not be sent with the NATE forms 80 and 81. NARS will accept the request, prepare copies of any records located, and hold the copies for 30 days or until payment is received, whichever is sooner. As soon as records are located and copied, researchers will receive a bill and instructions on returning their remittance.

Researchers should also submit a separate NATE Form 80 for each file position or family, and to complete military service desired. For family researchers could use for multiple files on one form. This change is designed to facilitate processing by the National Archives. Any one interested in obtaining copies of the NATE Form 80: 81 may do so after April 30, writing in the following office:

Reference Services Branch (NARS)  
National Archives and Records Service  
815 and Pennsylvania Avenues, N.W.  
Washington, DC 20408

OTHER ITEMS OF NOTE

The Museum at Stony Brook in cooperation with the Nassau Department of the State University of New York at Stony Brook will hold a conference entitled "Slaves and Labor in 18th Century America: Freedom and Property Acquisition." 1800-1850 to take place on August 9, 10, and 11, 1984 at the State University of Stony Brook. For further information contact the Education Department, The Museum at Stony Brook, 1208 Route 20A, Stony Brook, NY 11790; or call (516) 331-0999.

The Historical Publications Section of the North Carolina Division of Archives and History announces publication of the *North Carolina Watercraft Register 1775-1984*. The cost is \$20.00 plus \$1.00 for postage and handling. Orders should be addressed to the Historical Publications Section, Division of Archives and History, One East Jones Street, Raleigh, NC 27601.

The *Journal of the American Historical Association* is published by the American Historical Association, 1015 15th Street, N.W., Washington, D.C. 20004. The volume

# MARYLAND PICTURE PUZZLE

Each installment of Maryland Picture Puzzle shows a photograph from the Maryland Historical Society collection which is, in some way, puzzling. Please test your visual skills and knowledge of Maryland in identifying it. The correct response to the Winter 1983 puzzle was: Charles Street (Baltimore), looking south from what is now University Parkway.

This issue's puzzle should be a little easier! What important Baltimore intersection is shown here? What is the date? Please address your response to:

Laurie A. Baty  
Prints & Photographs Librarian  
Maryland Historical Society  
201 W. Monument Street  
Baltimore, MD 21201

Correct responses to previous puzzles were submitted by the following: *Spring 1983* (Centre & Guilford): Randolph W. Chalfant, C. McIntyre Gordon, Elizabeth F. Hartley, S. Lester Shanks, and Charles Tirschman. *Summer 1983* (Albion Hotel): Alexander Armstrong, Carlos P. Avery, Randolph W. Chalfant, John B. DeHoff, Richard W. Emory, Michael B. Finnerty, C. McIntosh Gordon, J. Rieman McIntosh, Mildred K. Momberger, Howard F. Mooney, J. R. Mulligan, Judith Goldsborough Oates, R. E. Rambo, and E. Murray Sullivan. *Fall 1983* (Mt. Vernon Place): Carlos P. Avery, Harvey Davis, William C. Egan, C. McIntosh Gordon, Douglas H. Gordon, Howard Carroll Haller, J. Albert Lettre, John Riggs Orrick, Mrs. Robert K. Wood, and Wayne Schaumberg. *Winter 1983* (Charles & University; correct answers received as of April 1, 1984): C. McIntosh Gordon, James M. Merritt, Richard B. Price, and Paul W. Wirtz.



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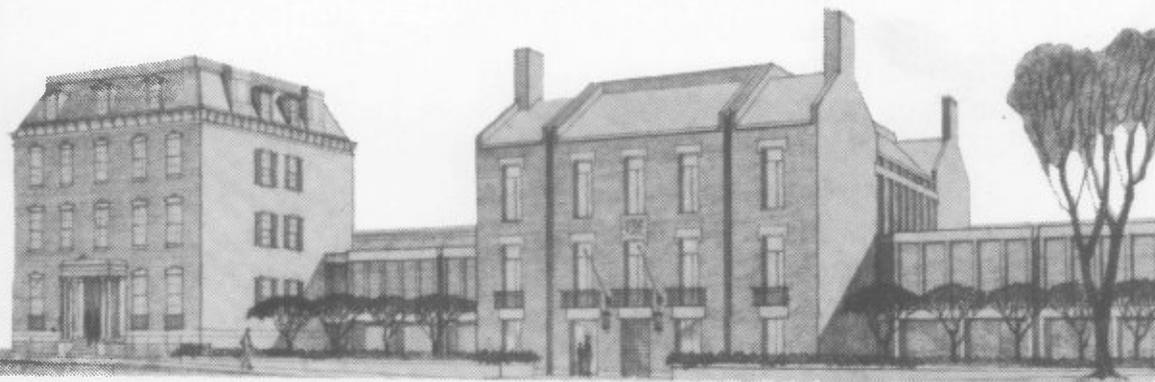
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