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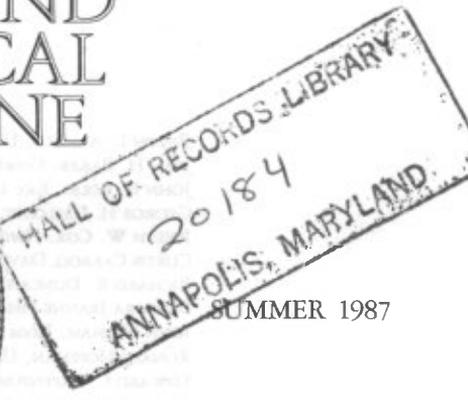
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Editor's Corner

Garry Wheeler Stone's article in the spring issue spoke often of the persistent labor shortage in manorial Maryland. This number begins by discussing one eighteenth-century solution to that problem, the employment of British convicts whom the Mother Country dumped in the Chesapeake whether the colonials liked it or not. Next we read of a Prince George's County physician of the same period whose ascent in Maryland and North Carolina exemplified the social flux that tempted so many willing immigrants to America and convinced so many unwilling arrivals to stay. British convict transportation no doubt played a part in the estrangement from England that finally fomented revolution. A third essay here argues that colonial Maryland lawyers (we grant equal time to medical and legal professions) illustrated a tendency among Patriot leaders—many of them practiced in the forms of equity pleading—to rely on that experience in holding officials accountable for their actions and thereby in making revolution.

Independence, we know, brought local rivalries and jealousies that led to the September 1786 Annapolis Convention and then to the Philadelphia Convention whose bicentennial we celebrate this summer. Next spring a special issue of the magazine will coincide with the bicentennial of Maryland's ratification of the Constitution. Most readers of the magazine likely have heard that this year also marks the centennial of the Baltimore *Sun* and the 50th anniversary of the founding of Greenbelt. Congratulations to both venerable newspaper and community experiment. For summer events commemorating Greenbelt, see the News and Notices section. Our own celebration of the first penny paper in the country appears in the fall issue of the magazine, which will feature a chapter from an important forthcoming history of the Sunpapers.

Exiles in the Promised Land: Convict Labor in the Eighteenth-Century Chesapeake

A. ROGER EKIRCH

“Draining the Nation of its offensive Rubbish, without taking away their Lives” was how a pamphleteer in 1731 characterized the aim of British penal policy.¹ During the eighteenth century, transportation became Great Britain’s foremost punishment for serious crime. At a time when men and women felt their lives and property threatened by growing lawlessness, sentencing felons to foreign exile exerted enormous appeal. Following Parliament’s passage in 1718 of the Transportation Act, some fifty thousand convicts were consigned to British merchants and transported to the American colonies. The bulk of them arrived in Maryland and Virginia for sale as servants. During the mid-1700s, the Chesapeake typically may have received upwards of seven hundred convicts a year.

The subject of transportation has received periodic attention from historians, but we know relatively little about convict laborers and their place in colonial society. Next to African slaves, they made up the largest body of immigrants ever to land in America against their will. What kind of life did they lead? What sort of work did they do? Were they integrated into the mainstream of colonial society or treated as outcasts? Answers to these questions, besides shedding new light on transportation as public policy, provide a fresh perspective on the colonial lower orders and the ability of Chesapeake society in the eighteenth century to assimilate the “abandoned outcasts of the British nation.”²



By the 1720s, when large numbers of convicts started flowing into Maryland and Virginia, Chesapeake society had undergone a fundamental transformation. No longer did white servants dominate the ranks of plantation workers as they had during the preceding century; instead, black slaves afforded a more steady and profitable supply of field labor. Once merchants began carrying regular shipments from Africa and the West Indies in the late seventeenth century, planters turned to slavery on a sweeping scale. In 1720, the Chesapeake contained close to forty thousand slaves. The Virginia aristocrat William Byrd II rhapsodized in 1726 that “Like one of the patriarchs, I have my flocks and my herds, my bond-men, and bond-women.”³

For big planters in Virginia, times had been less happy when servants supplied

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most of the region's workforce. During the third quarter of the seventeenth century, impoverished white laborers had kept the province on the brink of civil war. Just as masterless men once plagued Mother England, the "giddy multitude," a loose following of servants, landless freemen, and scattered slaves threatened big planter dominance. A series of small uprisings erupted in the 1660s and early 1670s, followed by the explosion of Bacon's Rebellion in 1676. Across the tidewater, Virginia's lower orders took up arms against Governor William Berkeley and provincial authorities. Battles were joined and plantations plundered before a lone group of one hundred servants and slaves finally surrendered by the banks of the York River.⁴

In many British colonies during the seventeenth century where the laboring poor existed in sizable numbers, they posed a worrisome threat to social superiors. Maryland escaped serious turmoil, but indigent settlers staged periodic uprisings elsewhere, particularly in the West Indies. Barbados experienced a servant rebellion in the 1640s for which eighteen ringleaders were executed. The problem was much the same everywhere. Young males, lured across the Atlantic by false dreams, found few sources of consolation or grounds for hope. Ample supplies of firearms combined with shortages of land and women made them especially dangerous. In Virginia, Governor Berkeley despaired of ever subduing "a People wher six parts of seaven at least are Poore Endebted Discontented and Armed."⁵

But with the transition to slavery in the Chesapeake, social peace gradually arrived, according to several studies, as race, not class, separated the privileged from the unprivileged. Black Africans, associated in white eyes with savagery and sin, came to occupy positions of unremitting degradation. Differences in status still pervaded white society and rifts occasionally occurred, such as during the tobacco-cutting riots of the early 1730s. For the most part, however, race placed dirt farmers and other humble folk alongside aristocrats in the master class. Then, too, there were fewer white servants, and new lands were becoming available through removal of the Indians. With larger numbers of white independent landowners, colonists in the Chesapeake shared a growing commonality of interests rooted in plantation agriculture. Such were the prospects enjoyed by Virginians that the planter Robert Beverly II claimed in 1705, "They live in so happy a Climate, and have so fertile a Soil, that no body is poor enough to beg, or want Food." Likewise, a visiting French Protestant, Francis Louis Michael, reported, "There is no other country, where it is possible with so few means and so easily to make an honest living and be in easy circumstance."⁶

What a horrific shock, then, that the very 'Scum and Dregs' of Britain should be dumped on colonial shores.⁷ The sudden specter after 1718 of escalating numbers of convicts aroused deep apprehensions within the Chesapeake. By the time of the Revolution, when the transportation of convicts ended, some forty thousand criminals had been sent and sold as servants. Alarm arose partly because of the threat of disease convicts posed. Colonists became well-versed in the dangers of gaol fever and other maladies brought from aboard ships. In 1725, following the arrival of a vessel in the Rappahannock River, the local factor wrote to the London merchant Jonathan Forward, "I doubt not but I should have disposed of the convicts in this part of the River had it not been for a report spread abroad that the small pox

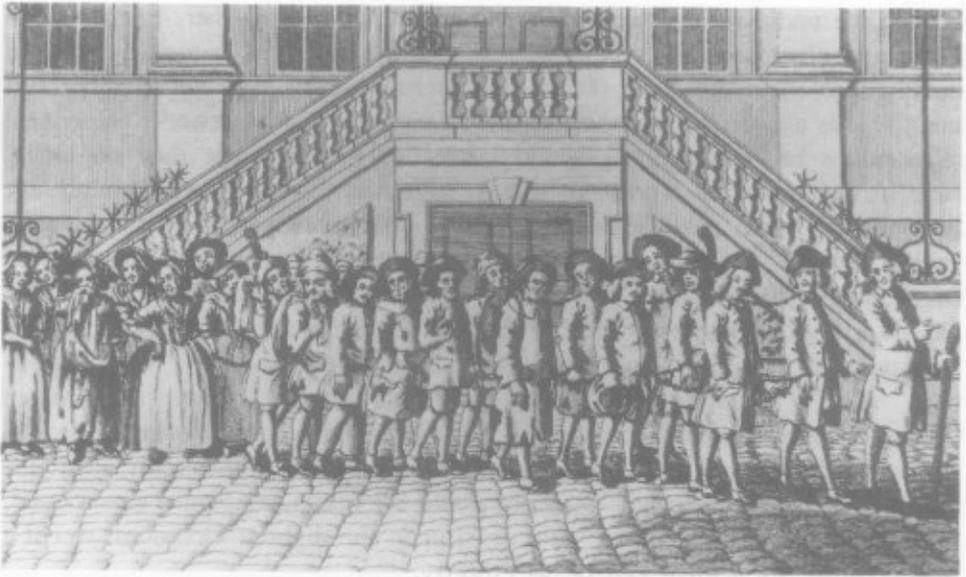


FIGURE 1. Representation of the Transports going from Newgate to take water at Blackfriars (London, n.d.). A contemporary, sardonic view of convicts marching from prison to a vessel bound for America.

raged among them so that none of the gentlemen in these parts would none of them go to the ship, nor suffer me to bring any of them up to their plantations.” Another Virginia factor noted of gaol fever, “The people here are so much afraid of it.” Periodic panics erupted, during which it became difficult to separate fact from fiction. In 1767, reports of the deaths of an Eastern Shore widow and more than twenty of her slaves, allegedly from gaol fever, threw Marylanders into a frenzy. Charges and counter-charges as to the nature of the deaths were exchanged in the pages of the *Maryland Gazette* between alarmed citizens and an embattled defender of transportation vainly protesting that convicts were not to blame. Several years later in Virginia, the wealthy Northern Neck planter Landon Carter recorded a similar episode in his diary:

We have been much alarmed in this house about a Jail disorder brought into the Neighbourhood by Colo. Frank Lee's servant bought of Somervill. The man has never been ill himself but only weak with imprisonment and a hard faring sea voyage. However every death that has happened in the neighbourhood has been imputed to that cause and many more that have not had it have been raised to strengthen the report from the frights and apprehensions of the women greatly cultivated by Bob Carter who brought one foolish story or another every time he went out and would not let me reason either to show the inconsistency or falsehood. I sent to Colo. Frank and it is all turned out a lie. There have been a few deaths but those owing to causes of another nature.⁸

Even more frightening, though, than the prospect of disease was the menace transported felons posed not unlike that of earlier, more troubled times. Cast out of Britain for threatening social peace, they appeared to be neither able laborers nor industrious servants, and their transgressions were more serious than moral failings like debauchery and slothfulness traditionally ascribed to the British poor. They were not even local ruffians for whom colonial communities might have felt a special tolerance. As the “abandoned Outcasts of the *British Nation*,” convicts lay

outside the traditional networks that bound communities together. In the Chesapeake and other stretches of the colonial countryside, social harmony depended heavily upon the maintenance of face-to-face relationships and strong neighborhood ties. "It was a system," according to Rhys Isaac, "in which networks of personal relationships had a functional—indeed structural—importance they no longer have in our urbanized scheme of things."⁹ Convicts were "loose," "untameable Persons" who were "too idle to work" and "wicked enough to murder and steal," "wild Creatures" not "brought to any civil Manners in England." America would be deluged with "wretches," "Vermin," and "Human Serpents." Britain, complained a Bostonian who suffered no illusions about transportation's purpose, was "emptying all" its gaols, and sending its "Excessences" abroad. "What Advantage," asked a writer in New York's *Independent Reflector*, "can we reap from a Colony of unrestrainable Renegades?" With lives and property no longer secure, "many of the honest Inhabitants," predicted the Maryland Assembly in 1719, would "quit their settlements." America would fall victim, contemporaries warned, to droves of rampaging villains "habituated upon the slightest Occasions, to cut a Man's Throat, for a small Part of his Property."¹⁰

Convicts seemingly endangered the very foundations of society. Invariably their vicious habits would corrupt honest men and women, including servants and other members of the laboring poor. In Virginia, William Eddis encountered a widespread fear that "the prevalence of bad example" among convicts "might tend to universal depravity." Benjamin Franklin noted claims that they threatened the "Morals of the Servants and poorer People among whom they" were "mixed." "What good mother . . .," he wrote in 1759, "would introduce thieves and criminals into the company of her children, to corrupt and disgrace them?" Another Pennsylvanian urged that felons not be allowed to "debauch the honest Natures and Manners of Mankind."¹¹ So desperate were their characters, that convicts might make common cause with slaves. In Britain's plantation colonies, few prospects could be more chilling. As early as 1723, a Maryland grand jury worried that "Servants and Slaves" would be led by convicts "into the same Wicked Practices." In Virginia, Governor William Gooch warned of "intestine Insurrections of Slaves and Convicts." Years later, a Maryland settler feared the alarming effect felons had upon "other Servants and Negroes," whereas an anxious West Indian predicted "Rioting, Maiming, Murdering, and every Kind of Villainy." Caribbean planters especially harbored no doubts about convict loyalties. To guard against servile insurrection, island authorities commonly set population ratios between resident whites and blacks that slave imports could not exceed. Transportation, according to London merchant Duncan Campbell, was opposed by local planters because convicts were "not considered among the Whites." For the same reason, convicts were specially excluded when Jamaica in 1719 passed an act to encourage greater white immigration.¹²

It was a pair of Virginians, however, who offered the most menacing forecast. In a sharply worded declaration before the colonial council in 1749, two Northern Neck councilors, William Fairfax and Thomas Lee, warned of increasing numbers of transported felons:

As we have great Numbers of Negroes who are doomed as well as their Posterity to perpetual Slavery; and as it has been truly said that Freedom wears a Cap that can without a Tongue call together all those that long to shake off the Fetters of Slavery, when the Imports of Convicts . . . are sufficiently increased who are wicked enough to join our Slaves in any Mischief, it may, and in all Probability will bring sure and sudden Destruction on all his Majesty's good Subjects of this Colony.¹³

Alternative solutions to transportation urged by colonists included consigning felons in England to the galleys and coalpits. Colonists also favored greater reliance upon capital punishment. "I wish you would be so kind as to hang up all your felons at home," William Byrd II admonished an English acquaintance in 1736.¹⁴ Colonial assemblies, meanwhile, voted restrictions to slow down importations. Fearing that the "Peace of the Province" faced imminent peril, Maryland's lower house as early as 1719 tried to require purchasers to give security for the good behavior of convicts. This maiden effort, however, was stymied when the upper house expressed fears about the bill's legality. Later attempts in the 1720s made by the assemblies of both Maryland and Virginia encountered stiff opposition from the crown, as did various efforts to impose trade duties, such as in 1754 when Maryland tried to levy a tax of 20s. on every imported felon. After first imposing a tax of £10 per head, Jamaica in 1731 raised its duty to £100, but it was quickly opposed by Whitehall. "We did not imagine," the colony's council retorted, "that [there] would be any objection to the bill, for [if] it be prudence in England to banish rogues; it must certainly be prudence here to endeavour to keep them out." A tax imposed by New Jersey fared no better. Just Pennsylvania, which enacted its first duty in 1722, successfully defied imperial authorities, chiefly by not submitting its laws for crown approval. Otherwise, the only acts normally permitted to stand were those requiring shipmasters to provide lists of any convicts aboard their vessels.¹⁵

Transportation provoked some of the most heated denunciations of imperial policy voiced by Americans before the Revolutionary era. Probably no other issue excited such hostility during the years of "Salutary Neglect." Franklin, who advocated exporting rattlesnakes to Mother England, called transportation "an insult and contempt, the cruellest perhaps that ever one people offered another."¹⁶ Still, American protests, however strident, hardly had much chance of success. In London, colonial legislation almost always elicited angry complaints from merchants. English traders like Jonathan Forward and John Stewart denounced provincial regulations as assaults upon transportation itself. Forward claimed that an act passed by Virginia in 1722, requiring both shipmasters and purchasers of convicts to give security for their good behavior, would "disable" him "from performing" his "Contract with the Government." Jamaica's 1731 import duty provoked appeals from merchants in London, Bristol, and Liverpool.¹⁷ Not that ministry officials required much coaxing. England's stake remained too vital to suffer prohibitory restrictions. Preserving public peace at home took precedence over noisy protests from abroad.

How much of the success of transportation rested in American hands? To what extent did the system depend upon the colonies' need for cheap white labor?

"While we purchase, they will send them, and we bring the Evil upon our selves," the governor of Maryland claimed in 1725.¹⁸ In fact, Britain in all likelihood would have sent them anyway, and arguably the choice colonists faced was not whether convicts came to America but whether they arrived as servants or freemen. On the other hand, colonists, through their purchases, did lighten the mother country's financial burden. Had merchants not been able to sell their cargoes, the crown would have been forced to make up the difference with subsidies. And while we should not minimize the anxiety that transportation caused in the colonies, many planters undoubtedly came to view convicts as a shrewd investment, thereby tempting them "to run the Risque," as two Virginians observed. "There are in all Societies," affirmed a person in Maryland, "People that will run all Risks for the sake of making Profit." Being mostly young and male made convicts more dangerous, but it also enhanced their value as workers. Moreover, the fact that they were lawbreakers and ne'er-do-wells made them all the more exploitable. "They are supposed to be receiving," wrote William Eddis "only the just reward which is due to repeated offenses." Laboring men often suffered abusive treatment in the colonies, but transported felons made especially easy prey. Marked with the "stamp of infamy," as Eddis put it, they were thought scarcely better than slaves. "Worse than Negroes," in fact, was the verdict of a Jamaican governor. If convicts represented the dregs of British society, then numerous colonists became reconciled to making the most of them.¹⁹



Purchasers met many descriptions. All varieties of tradesmen employed convict laborers, as did shopkeepers, shipbuilders, and iron manufacturers. Planter grandees who employed convicts included Charles Carroll of Carrollton and William Fitzhugh in Maryland and Virginians like Landon Carter, Alexander Spotswood, and George Washington. The largest group of purchasers probably were ordinary planters. Many of them may have owned a few slaves, but generally they could afford only a short-term investment in servants—especially during the first half of the century, when expanding tobacco production in the Chesapeake kept prices low and many planters found themselves short of the capital needed for slaves. Having "large Families to support, and not Money enough to buy a Slave," observers said of such Virginians in 1749, they had instead "been obliged to buy Convicts, who having a long Time to serve, and only the first Purchase to pay, came cheaper to them." In Kent County, Maryland, middling planters worth from £100 to £250 owned nearly two-thirds of the white servants listed in estate inventories. It seems likely that neither big nor small planters acquired most convicts. For families of modest means, they represented the best source of labor available.²⁰

During the mid-eighteenth century, areas within the Chesapeake with the greatest demand for cheap labor naturally received the bulk of the convict trade. In Virginia, most convicts inhabited the region north of the York River, with its growing tobacco and grain economy. There, slaves, though escalating in number, had not fully met local needs, particularly those of planters unable to afford more than just a few. The Northern Neck, a broad finger of land lying between the Rappahannock and Potomac Rivers, constituted the prime area. Governor Gooch described it in the 1730s as "the Place of all this Dominion where most of the

transported Convicts are sold and settled." Comparatively few convicts, in contrast, were employed in less dynamic areas like the Eastern Shore or the lower James River Valley. "That vile commodity," William Byrd II wrote in 1740, "will not go off in York River," and the Alexandria merchant Harry Piper later claimed that servants would "not sell in James River at any rate."²¹ Just how prevalent convicts were in the northern half of the colony is indicated by surviving shipping returns. For the period from 1725 to 1744, reasonably complete returns exist for Virginia's six naval districts where vessels were cleared through customs. Of a total of twenty-six vessels that I was able to ascertain were carrying convicts, eighteen arrived in the Rappahanock District, encompassing the area bordering the Rappahanock River, while all remaining eight arrived in the South Potomac District lying just to the north.²²

So too, in Maryland, places with expanding economic horizons and a need for labor not fully met by slaves contained the most convicts. At the time of the colony's 1755 census, roughly three-quarters of the convict servant population of 1,981 resided in just four of fourteen counties: Baltimore, Charles, Queen Anne's, and Anne Arundel. Within these counties, they represented over 7 per cent of all laborers; hired and indentured servants constituted nearly 13 per cent and slaves some 80 per cent. If only productive adult workers are considered, then the proportions of convicts and other white laborers rise to 12 per cent and 22 per cent respectively, since just over half of the slaves, according to the census, were under 16 years of age or too infirm to work. All four of these counties produced large amounts of tobacco or, in some cases, growing quantities of wheat and corn. Poorer counties, like Dorchester, Somerset, and Worcester on the lower Eastern Shore, contained only a handful of convicts.²³

Proximity to trading centers also affected the distribution of convicts. Because they represented a comparatively small investment, unlike imported slaves, felons did not normally draw retailers over long distances. Instead, they were sold to local residents, and areas close to ports employed the greatest numbers. Trade patterns were not so decisive in Virginia where four major rivers cut deep channels into the colony's interior and where innumerable plantation landings furnished docks for incoming vessels. In Maryland, however, counties that received the most convicts lay in close proximity to the colony's principal ports. The towns of Baltimore and Annapolis were the respective seats of Baltimore and Anne Arundel counties. Queen Anne's County was situated across the Bay from Annapolis and also lay between the Eastern Shore ports of Oxford and Chestertown. Similarly, Charles County, besides being the site of Port Tobacco, lay across the Potomac not far from the key Virginia ports of Alexandria and Dumfries.

By the end of the colonial era, increasing numbers of convicts came to be employed in the Chesapeake's burgeoning backcountry. Rapid population growth and economic expansion created a strong demand for labor. Settlers naturally looked to white servants as well as slaves, especially once wholesalers began making regular trips from the tidewater. Already by 1755, Frederick County, established in western Maryland seven years earlier, contained 136 convict servants out of some 14,000 inhabitants. Of thirty-nine convicts aboard the vessel *Hercules* when it arrived in Baltimore in 1773, thirty-two were bought by "soul drivers," not only from Frederick but also from Augusta County in Virginia's Shenandoah Valley.

The following year, the Baltimore merchant James Cheston wrote to his partners about several recent shipments of servants: "An Indian War which has broke out on the back parts of this Province and Virginia will prevent their being sent there as usual."²⁴

The growing diversity of economic activity in the Chesapeake, in manufacturing as well as agriculture, created a demand for servants with a wide range of skills. Convicts were employed as artisans and semi-skilled workers, both on plantations and in growing towns like Fredericksburg, Alexandria, Annapolis, and Baltimore. Convicts possessing skills were concentrated in a few trades. Especially numerous were shoemakers, blacksmiths, weavers, carpenters, bricklayers, and tailors. As a recent study has concluded of Chesapeake artisans, most practised "crafts for whose products there existed widespread demand—clothing, shoes, and cloth—and those that could not be eliminated by import substitution—sawing, construction and barrel-making, repairs to tools and horse-shoeing." Smaller numbers of convicts labored as nailers, plasterers, and, among other things, as physicians, glassblowers, and horse jockeys.²⁵ Thomas Poney, a Maryland convict, was a county hangman, whereas another felon served as the childhood tutor of George Washington. Some convicts claimed crafts before they were transported, but occasionally they were trained on the spot. Samuel Daniel of Middlesex County, Virginia "learned" his servant "to do all Kinds of jobbing Smiths Work exceeding well."²⁶ A few convicts, particularly females, served as house servants and cooks. James Cheston sent one customer a woman who "says she has been used to all kinds of household work and can sew plain work," and to Anthony Stewart he sold a "good tidy looking

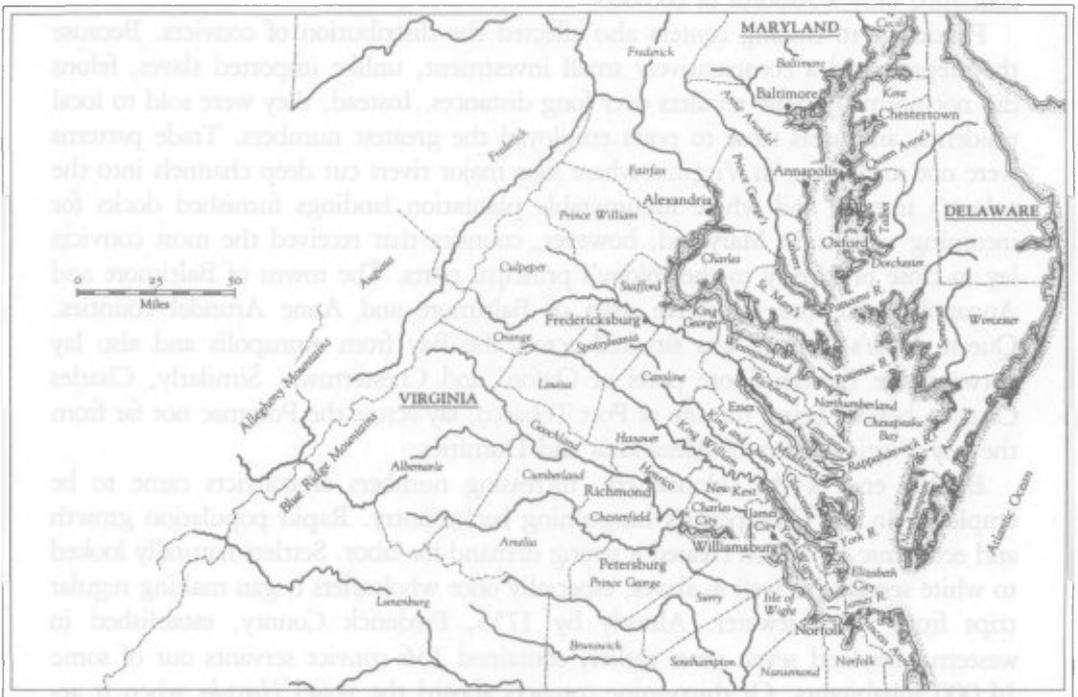


FIGURE 2. The Chesapeake, 1750.

Girl named Sarah Webster," who was "examined by Captain McJacken who thinks she will do for Mrs. Stewart." On the other hand, household duties required loyal servants with a smattering of manners. Thus, when a person asked another Maryland factor for a servant for cooking and washing, he specially requested a woman "under Indenture for Four years." According to Harry Piper, Virginians were "afraid of Convicts as Waiting men."²⁷

The iron industry employed convicts as laborers along with indentured servants and slaves. At one time or another before the Revolution, upwards of sixty-five ironworks operated in the Chesapeake. Major firms included John Tayloe's Neabsco Company in Virginia and the Principio and Baltimore Companies in Maryland. In 1770, Captain Charles Ridgley purchased as many as fifty-five convicts from a single shipload to work at his Northampton ironworks in Baltimore County. Tasks were generally menial. Although a few felons provided craftsmen like blacksmiths and carpenters, most workers labored as miners, woodcutters, and wagon-drivers. Eddis described mining as the "most laborious employment allotted to worthless servants."²⁸

A majority of convicts were probably employed as field workers on plantations. Recent stress by historians on the growth of slavery in the Chesapeake should not blind us to the fact that convicts provided planters with a continued source of unskilled white labor.²⁹ Most transports arrived in the region with no discernible trades. For this reason, and because the local economy, despite its growing diversity, remained heavily agricultural, planters, both big and small, normally set them to field labor. Tobacco, wheat, and corn culture required strong backs, not highly-skilled hands. According to one study, tending just a small plantation with approximately thirty acres under cultivation necessitated the equivalent of four hundred ten-hour days of labor. Tobacco was the dominant crop, even with the rising importance of grain after mid-century. In the late colonial period, tobacco accounted for three-quarters of all exports from the region.³⁰

Some tradesmen were even forced to perform agricultural tasks, particularly if work for their talents happened to be scarce. In Queen Anne's County, Maryland, the convict Anthony Tucker was a weaver by trade, but plowed and did "other Plantation work." In Virginia, Charles Speckman was given a hoe and ordered by his master to "hill-up some corn" after first being informed there were no opportunities for "milliners, watch-makers, or such trades" as Speckman had "worked at in London." So too, in Jamaica, Robert Perkins, a baker, discovered that "his Trade" was "nothing there." Sold for about £10, he was "put to Hoeing" and "planting Tobacco."³¹

Despite one historian's appraisal that convicts were "put to a life of physical labor in the open air, with adequate food and careful supervision," they generally encountered a harsh lot as servants. The rise of black slavery resulted in fewer white workers on plantations, and prospects for small planters and other common folk had doubtless improved by the early eighteenth century. But rifts still existed in white society, and convicts and other servants remained subject to exploitation. As late as 1747 an Annapolis coroner noted the "rigorous Usage and Ill-treatment of Masters to Servants." By law, servants were entitled to adequate care and provisions, but, observed a Maryland priest, "These masters . . . are in general cruel,

barbarous, and unmerciful." Unlike in Britain where servitude was more paternalistic, masters more often considered servants to be property, not part of their families, and servant contracts could be transferred from one planter to another. In addition, American terms of contract were longer, and servants encountered stiffer restrictions, such as being forced to carry passes when leaving the plantation. Affirmed a Baltimore resident in 1756, "this is a very bad country for servants."³²

Of any single group of convicts, tradesmen fared the best. Due to their skills, they held positions of privilege and responsibility. Working conditions were less regimented, and greater opportunities existed for travel beyond the plantation. A Charles County, Maryland convict, John Winter, was a "very compleat House Painter" who could "imitate Marble or Mahogany very exactly" and could "paint Floor Cloths as neat as any imported from Britain." He was hired out to several different Virginians, including to George Washington who in 1759 put Winter to work painting his newly enlarged home, Mount Vernon. Meanwhile, John Jones Van de Huville was permitted by his Alexandria master to practice medicine in nearby Prince George's County, Maryland and to keep some of his patients' fees. In fact, many convicts, hoping to gain special favors, claimed skills they did not possess. John Merry Tandy pretended to be a wheelwright, a carpenter, and a sawyer, but was "Master" of none. Another convict, though really bred to farming, claimed a "knowledge in many other Kinds of Business." Probably the frequency of such claims led a skeptical purchaser in Maryland to write to the trader James Cheston, "I have received the last Servant you sent me and if he can do what he says he will sute me very well."³³

Planter benevolence could also temper conditions of servitude, for a few convicts enjoyed reasonably close relationships with their owners. Transported for theft to Virginia, Richard Kebble was given "great Liberties" because his master "looked upon him as a civil young Man." Plain fear, too, loosened some servants' bonds. When a Virginia convict threatened his master with a knife and asked "how long" he was to be "his Servant," the poor man was put "into such Consternations, that he never asked" the convict "afterwards to go to work." In Kent County, Maryland, Edward Davis signed a contract agreeing to keep his servant William Farrow for only five years if Farrow promised to "behave himself."³⁴

Planter apprehensions, however, more commonly exacerbated conditions. Unlike other laborers, noted Benjamin Franklin, convicts "must be ruled with a Rod of Iron." Everyday fear together with a demand for labor and the convict's degraded status could result in especially harsh terms of servitude, even on small plantations where there were greater opportunities for intimacy between master and servant. Material conditions were extremely crude. Besides the danger of disease, arising not just from lingering shipboard maladies but also from summer fevers to which arriving convicts had to become "seasoned," days were long and hard, with Sundays providing the only respite. Food and clothing were scanty. According to the convict Edward Mires, his daily diet consisted of Indian corn, and skins furnished his only shoes. The lot of Elizabeth Sprigs was much the same: "scarce any thing but Indian Corn and Salt to eat," and "no shoes nor stockings to wear." Many were forced to spend Sundays growing their own provisions, while even the servant-

schoolmaster James Borthwick, enduring the "meanest of Subsistence," had to supply his "own Clothes and Linnen."³⁵ In addition, convicts with a few shillings frequently lost them to masters and numbers of workers experienced recurring abuse and hard usage. In the case of Joseph Lewin, he was "transported to Merryland, where a very rigid, severe Master purchased him, who beat him cruelly and unmercifully." Banished for theft, John Read affirmed, "No man knew the misery of such a state, but those who felt it." Whippings were commonplace, especially for unruly servants, as were iron collars and chains. The Maryland convict Hannah Boyer was forced to wear a horse lock and chain on one of her legs. Another woman protested that if "you Bitch," you are "tied up and whipped to that Degree that you'd not serve an Annimal."³⁶

As with other servants, convicts could petition county courts for relief from excessive abuse, and sometimes masters were admonished or fined. Only in a minority of instances, however, did courts discharge petitioners from service. Further, there was strong disincentive to bring complaints, for if a court thought a servant to be lying or otherwise sided with his master, a penalty would usually be imposed. In Westmoreland County, Virginia, a convict in 1724 received twenty lashes upon complaining of mistreatment, whereas in 1738 another Westmoreland convict, George Smith, received twenty-nine lashes and more than three years extra service. After he had appealed to county justices that his master had "beat and abused" him and "starved him for want of Necessary victualls," the court accepted his master's explanation that Smith was a thief and a runaway.³⁷

Convicts periodically compared their lot to "slavery and bondage."³⁸ Significant differences, of course, distinguished any form of white servitude from black slavery—most obviously slaves and their offspring were doomed to perpetual servitude. Blacks, because of racial prejudice and their condition as slaves, also occupied positions of greater degradation. Still, material conditions for convicts and slaves, if contemporaries are to be believed, may not have differed very much. Some observers, in fact, held that convicts suffered harsher treatment. The complaint of a female felon—"Many Neegroes are better used"—was echoed by Eddis, who noted that because slaves were a "property for life," they were "almost in every instance, under more comfortable circumstances than the miserable European, over whom the rigid planter exercises an inflexible severity."³⁹

Nor were differences in status as pronounced as might be expected. Color mattered a great deal in eighteenth-century life, but convicts, in the eyes of fearful colonists, embodied the most repugnant features of human society. Poverty, violence, and immorality were all part of their world. If slaves appeared dull and inferior, Britain's criminal outcasts were clever and corrupt in ways that directly threatened the public good. Neither population, according to common thought, enjoyed any claim to "virtue," that personal quality of self-control which freed individuals from evil habits and passions. Without virtue, men could never hope to achieve full civil status within society; instead they would remain subject to their own vicious lusts. "They who begin with Thieving," observed a West Indian, "commonly go through the Catalogue of deadly Sins, if not prevented in Time by the Gallows." Governor Gooch wrote of the "impossibility of ever reclaiming"

transported convicts. "*Old Transgressors*" will "cease to Sin," rhymed a Maryland resident in 1752, "As well may *Ethiopian* Slaves, Wash out the Darkness of their Skin."⁴⁰

Convicts also suffered from being forced to work as common field hands, much like slaves. During the early generations of colonization when white servants dominated plantation forces, field work carried no special stigma. By the early eighteenth century, however, it was identified overwhelmingly with slaves. Indentured servants, who more and more consisted of skilled tradesmen as the century progressed, suffered less from this circumstance than unskilled felons. "Among the Negroes to work at the Hoe," was how a Virginia convict described the latter's fate. Gooch noted derisively that working "in the Field with the Slaves" was "the common Usage of Convicts."⁴¹

Not surprisingly, convicts and slaves were often vilified in the same breath. More than a few colonists viewed them as twin blots upon the commonweal, equally deserving of exclusion from the provinces. Both became objects of import duties and other attempted trade restrictions. In 1734, Governor William Cosby condemned New York's "too great importation of Negroes and Convicts" while "neighbouring provinces" were "filled with honest usefull and labourious white people." Echoed Lawrence Washington, George Washington's half-brother: "We have increased by slow degrees except Negroes and convicts whilst our neighbouring Colonies . . . have become populous." Similarly, in 1772 a writer in the *Virginia Gazette* indicted the convict and African trades as "two *glorious* Importations of Corruption and Slavery to every civilized People."⁴²

Perhaps if convicts had appeared reclaimable, greater efforts might have been made to enhance their status and to segregate them from slaves. Prevailing fears of servile insurrection alone dictated that white and black workers should have been kept separate and unequal. In earlier years, racism had served as a valuable means of keeping unruly white laborers in Virginia from making common cause with slaves. The colony's legislature after Bacon's Rebellion passed a battery of laws designed to foster racial contempt in poor whites towards their darker-skinned compatriots.⁴³ But convicts were criminal outcasts with precious little stake in society; nor did colonists show much interest in giving them one. During wartime, authorities followed the same policy employed in Britain to remove the idle poor. Just as British vagrants were impressed into the royal navy and the army, convicts provided the colonies with cannon fodder against the Spanish, the French, and the Indians. In the English expedition against Cartagena in 1741 and again in the Seven Years War, they were impressed into military regiments. The Earl of Loudon, as commander-in-chief of British forces, claimed in 1757 that many of Virginia's recruits included felons "bought out of the Ships before they landed."⁴⁴ Otherwise, rather than encourage their assimilation within the white mainstream, colonists consigned felons to a nether class that was neither slave nor free. A European described them in 1766 as a "special class of servants . . . between peasants and slaves."⁴⁵

Although convicts initially enjoyed many of the same legal privileges accorded to other servants, colonial legislatures began to strip away elementary rights—the Reverend Hugh Jones even recommended making some criminals perpetual ser-

vants, whereas the Virginia assembly at one point considered keeping convicts in a separate county, thus preventing them "from doing any hurt." Neither alternative ever became a realistic possibility, but clearly, as the century progressed, convicts were meant to occupy a pariah class along with slaves, free blacks, and Indians. In Jamaica, for example, transports, by virtue of a 1728 act, were forced to forfeit all their possessions to the provincial government, even though in England the king had long since desisted from confiscating the goods or lands of felons. In Virginia, legislators steadily chipped away at the rights of convicts. In 1732, burgesses from Richmond and Westmoreland, two Northern Neck counties with large numbers of transported felons, petitioned to give local courts the right to try and condemn convicts in capital cases. Rather than be moved like normal criminals to the General Court in Williamsburg, the colony's highest tribunal, they would be tried and, if found guilty, executed on the spot like common slaves. Though this first bill failed to win approval, the assembly six years later passed an act depriving convicts of the customary right to be tried at the General Court by local jurors. Ordinary bystanders in Williamsburg, not men brought from the defendant's home county, were to hear capital cases. In both instances, reduced court costs were a key consideration, but equally clearly, the rights of convicts remained highly vulnerable. Indeed, in neither Virginia nor Maryland were convicts permitted to testify in courts of law, for, noted a 1748 Virginia statute, "convicts, as well as negroes, mulattos, and Indians" were "commonly of such base and corrupt principles." By virtue of a 1762 statute, Virginia also denied convicts the right to vote during their banishment, even former servants who might have become freeholders.⁴⁶

Virginians left little doubt where transported felons stood when legislators took up the issue of freedom dues. Maryland and other provinces by and large left unresolved the question of whether convicts were entitled to the normal benefits accorded to indentured servants upon the completion of their terms. In Virginia, legislators debated the matter on several occasions before the assembly decided in 1749 that convicts were suitable recipients. Four years later, however, the assembly reversed its decision. In a 1753 statute, convicts were specifically excluded from the regular allowance of £3. 10s. Prevailing sentiment no doubt mirrored the views of Councilors Thomas Lee and William Fairfax who had strongly opposed the 1749 law. Although on that occasion they had objected to freedom dues on several grounds, including the likelihood that smaller planters would not be able to afford them, they also feared the double-edged effect the statute would have on the province's white workforce. "Putting Volunteers and Convicts on the same Footing as to Rewards and Punishments," they declared, "is discouraging the Good and Encouraging the Bad; for what honest Man would chuse to serve in a Country where no Distinction is made?" Instead, the colony would be "overwhelmed with a Inundation of all Sorts of Theives," ending ultimately, Lee and Fairfax predicted, in a bloody confrontation pitting convicts and slaves against the good subjects of Virginia. With social violence a growing possibility, it remained essential, they believed, to discourage the flow of felons to colonial shores. Far easier to make life more hellish for ex-servants than try to bleach their souls white.⁴⁷

Denying criminals customary rights and privileges would scarcely appear extraordinary if only a handful of men and women had been affected. But provincial

legislation, piecemeal though it was, embraced an entire class of bound labor. Also, some planters seemingly began to view other servants in the same light as convicts due to their common association as laborers. Although convicts suffered from special legal restrictions, Eddis claimed that planters “too generally conceive an opinion that the difference is merely nominal between the indented servant and the convicted felon.” “Looked upon as in the *black* class of convicts” (my italics), was how a person at mid-century described the condition of ordinary servants, whereas another believed that they “are obliged to Serve like slaves or Convicts, and are on the same footing.”⁴⁸ That, of course, could not have occurred in the case of highly skilled indentured servants, but such observations do afford tantalizing evidence that some servants were gradually becoming associated, in the public mind, with convicts, and, further, that many convicts were already viewed in much the same way as slaves. Certainly social arrangements in Virginia and Maryland, though drawn along racial lines, had not produced a striking improvement in the plight of many white laborers. By the late colonial period, thousands of convict servants and perhaps others toiled under debased conditions not altogether different from black slavery. At least for seven years’ duration, convicts like slaves encountered rampant exploitation. For any set of laborers, such a prospect would be horrifying. For white Britons who gloried in their freedom, it seemed downright barbaric.



For a Maryland convict one March day in 1751, the early spring chores proved too taxing. Armed with an axe, he entered his master’s home and descended upon the man’s poor wife. Having no stomach for murder, however, the servant laid his hand upon a cutting block and chopped it off. “Now make me work if you can,” he shouted as he hurled her the severed hand. Fleeing to Pennsylvania, he never went back to the fields but turned to begging in Philadelphia streets. According to one local report, “Nobody would give him any Relief,” and within weeks he was dead from gangrene. Such was the penalty, related the report, for his “fit of Laziness.”⁴⁹

Physical descriptions printed in provincial newspaper advertisements for runaway servants provide an invaluable profile of colonial convicts. In many cases, they afford an unusual glimpse of their lives. More than a handful of runaways, for example, paraded tattoos, replete with crucifixes and the names of loved ones. William Roberts bore a darted heart on one arm and the name of his wife on the other.⁵⁰ Descriptions of bodily defects were particularly common in advertisements. Numerous convicts were badly scarred from smallpox or had physical afflictions like venereal disease. A Maryland convict had the “King’s Evil” (i.e. tuberculosis of the lymphatic glands) “under his Chin.” Quite a few suffered from partial blindness.⁵¹

Many defects, in ways that diaries and letters never can, spoke of unmistakably tough and violent conditions on both sides of the Atlantic. Bent backs, ugly burns, and crooked limbs reflected the common hardships encountered by the lower orders. Scars criss-crossed entire bodies. Many of these injuries were sustained during times of hard manual labor. Convicts bore marks from axes, scythes, and reaping hooks. A Baltimore County man had his legs broken by a cart, whereas John Jones of Botetourt, Virginia had a scar on his right leg from a “wound when he followed the sea.”⁵² Some men, like Dominick Hogan who was forced to wear a

truss, suffered from badly protruding ruptures.⁵³ Thomas Winney, who served in Westmoreland County, Virginia, had lost part of his nose when he was kicked by a horse.⁵⁴ Often, however, the worst mutilations stemmed from human violence. Knife and sword wounds were common over all parts of the body. Besides a large mark on his forehead, William Rill bore two scars on the inside of a leg "done with a Knife crosswise," while a Maryland convict had a "scar on his throat cut by a sword." Some idea of James Williams's childhood can be gathered from the fact that his mother had cut off two of his fingers.⁵⁵ James Andrews had lost the entire use of one hand after being shot through the wrist, and a Virginia convict bore scars from being shot in the neck.⁵⁶

Among injuries received during servitude were marks left by whips, chains, and iron collars. Thomas Burns, for example, was "remarkably cut on the Buttocks by a Flogging" from his master, whereas Sarah Davis's whipping had left "many Scars on her Back."⁵⁷ Other wounds were self-inflicted. It is impossible to know how many laborers took their own lives, but some certainly tried. Thomas Goodwin in Cecil County, Maryland had a "large Scar" where he had "formerly cut his Throat," as did an Irishman who was otherwise described as looking "very Fierce." Though both men failed, enough others succeeded for the *Maryland Gazette* in 1747 to report mounting numbers of servant suicides. A former servant from Scotland noted how "some of these poor deluded slaves, in order to put an end to their bondage, put a period to their lives."⁵⁸

Convict servants enjoyed few sources of solace. Those with trades may have received a measure of satisfaction from their work. Other than holding positions of preferment, some took considerable pride in their talents. The convict gardener John Adam Smith of Baltimore County, besides talking "much of his Trade," commonly paraded a "treatise on raising the pine apple," which he pretended was "of his own writing." Normally a shoemaker, Ricely Johnson possessed medical talents like bleeding and drawing teeth. "When in Liquor," he bragged "much of his Performance as a Doctor." Elizabeth Berry was "fond of boasting" that she was "an excellent dairy maid," whereas William Cullimoor claimed "to be a great Mower and Ditcher." A Virginia convict, who was a "Jack of all Trades," liked to talk about "most Subjects of the Mechanicks."⁵⁹ Still, expressions of pride like these usually lay in past accomplishments, not in the daily regimen of plantation labor. Some convicts seldom had opportunities to practice their skills. So desperate was the woolcomber and stocking weaver, Thomas Lamprey, that he often begged his Maryland master to sell him farther north "so as he might be at his trade."⁶⁰

Work for men and women like Lamprey, plus countless others who were unskilled, afforded scant satisfaction. In the Chesapeake, the disciplined routine of planting, hoeing, and harvesting tobacco was more demanding than what most laborers were accustomed to in Britain, and the rewards were fewer. "It would startle even an old planter," commented a Virginian, "to see an exact account of the labor devoured by an acre of tobacco, and the preparation of the crop for market." In addition, corn and wheat needed tending on the typical plantation, along with other tasks like cutting firewood, weeding vegetable gardens, and erecting fences. In Britain, traditional work rhythms were more irregular, in part because of fluctuating employment but also, as E. P. Thompson has described, because many

workers had long been accustomed to performing a prescribed set of tasks at their own pace—a pace marked by “alternate bouts of intense labour and of idleness.” In the colonies, the drudgery of field labor, the lot of most convicts, invariably became a source of hardship and deep resentment. “Like horses you must slave, and like galley-slaves will you be used,” protested William Green. A Virginia convict, Jeffe Walden, later recalled, “I was very much discontented, that I should work 7 Years for nothing,” and Robert Perkins complained that his labors included “all the Hardships that the Negro Slaves endured.” “What we unfortunat English People suffer here,” wrote a Maryland convict to her father in London, “is beyond the probability of you in England to Conceive, let it suffice that I one of the unhappy Number, am toiling almost Day and Night.”⁶¹

Not only was plantation labor for convicts more demanding, but traditional institutions that might have tempered the worst effects of heavy exploitation were comparatively weak. Their world was not buffered by families, neighbors, and local parishes. However harsh the existence of Britain’s poor, they at least drew some strength from community ties. As newcomers, convicts typically found themselves on plantations with scant opportunities for a settled social life. For one thing, other laborers with whom they might have shared a common identity were sparse. Whether the setting was a small or large plantation, there were probably no more than a handful of other white servants. In Anne Arundel County, Maryland, during the mid-eighteenth century the average plantation with bound labor did not contain a single servant. Instead, it normally contained around ten slaves, such was the heavy reliance upon black labor by that time. In Kent County, situated across the Bay, only 48.7 per cent of white servants named in their masters’ estate inventories were listed with other white workers, and only 9.2 per cent were listed with more than two whites. In contrast, 55.4 per cent of the servants were listed with black workers, 34.9 per cent with more than two blacks, and 21.5 per cent with more than five blacks. In Virginia, black workers were even more prevalent. A plantation, the tutor at Robert Carter’s Nomini Hall estate noted, was “like a Town” where “most of the Inhabitants are black.”⁶² Convicts doubtless formed friendships with laborers on neighboring plantations, but visiting was restricted not just by the need to carry passes but by the fact that white servants constituted such a small proportion of the general population. Otherwise, they were left to fraternize, when possible, with other persons on the fringes of rural society, such as sailors and pedlars. During the Seven Years War, one Virginia convict spent what time she could at an army camp “with the Soldiers.”⁶³

Establishing links, both on and off the plantation, was hampered by additional circumstances. Along with the deep stigma transports bore from being convicted criminals, significant cultural divisions pervaded the ranks of white servants. Coming from the West Country, the Scottish Highlands, Ireland, or any of the other different parts of the British Isles, newly-arrived laborers, let alone servants from elsewhere in Europe, possessed dissimilar customs and values. Eating habits, dress, pastimes, and folklore were widely diverse. Even communication between natives of different regions was sometimes difficult. Not just distinctive accents but also varied dialects hampered understanding. In the newspaper advertisement for a fugitive Welsh servant from Harford County, Maryland, his master wrote that the

servant's dialect was "not very easy to be understood by a stranger." The owner of an Irish runaway noted that he could not speak English. Likewise, when the convict Bampfylde-Moore Carew entered a colonial gaol, "his Ears were confused with almost as many Dialects as put a Stop to the Building of *Babel*; . . . some were of *Kilkenny*, some *Limerick*, some *Dublin*, others of *Somerset*, *Dorset*, *Devon*, and *Cornwall*." Eddis affirmed, "In England, almost every county is distinguished by a different dialect, even different habits, and modes of thinking, evidently discriminate inhabitants, whose local situation is not far remote."⁶⁴

Nor was it likely that convicts would feel a common bond with many slaves in their midst. Language formed a critical barrier, at least in the case of newly imported Africans; and because they were less expensive than acculturated slaves, these "salt-water" slaves were usually acquired by the same sort of persons that purchased convicts, planters who possessed estates worth from £100 to £500.⁶⁵ Racial prejudice, however, constituted the primary obstacle separating plantation workers. British convicts no doubt shared the biases of a set of Gloucestershire iron workers who, when asked in 1725 to help "teach Negroes" their trade, angrily declared that "they were murdering Rogues," and they "would have nothing to doe with them." Noted a visitor to Philadelphia shortly after the Revolution: "A white servant, no matter who, would consider it a dishonor to eat with colored people."⁶⁶ There were always scattered instances where servants and slaves hunted together, traded together, and made love together, but racial divisions remained deep-seated.⁶⁷

A few convicts, against heavy odds, managed to retain a semblance of family life. In isolated cases, family members, after being transported together, were sold to the same master. In the late 1760s, for example, three members of the Smith family, Joseph and two sons, labored at the Patuxent Iron Works in Maryland. Farther north, in Cecil County, both Mary M'Creary and her son, John, worked at Bohemia Manor. Another mother, not herself a transport, followed her son from England. "Having no other son, and not willing to have a separation from him for ever," she journeyed to Maryland with her young daughter.⁶⁸ Most laborers, however, remained bereft of close relations. Families left behind in Britain could not easily be replaced, especially since servants were predominantly male and also forbidden from marrying without the consent of their masters. Familial ties were probably weaker in the Chesapeake among convicts than among slaves, who by the mid-eighteenth century comprised nearly even numbers of males and females. For some convicts, romantic interludes may have afforded sexual and emotional satisfaction, but rarely for protracted periods of time. Brief trysts, not enduring bonds, probably typified the romantic habits of both John Sydenham, an Annapolis convict known for a "very amorous Disposition," and Margaret Cane, who reputedly was fond of "the company of sailors."⁶⁹ Even then, such unions were discouraged, particularly for women servants lest they become pregnant. Childrearing among servants, in contrast to that among slaves, brought added expences for masters, not potential profits. For bearing an illegitimate child, the mother faced a fine or whipping plus extra service, usually a period of one year, if she could not indemnify her master for her lost labor.⁷⁰

Some escape from the grinding toil of plantation labor came with the onset of darkness and diversions like singing and card-playing. Fiddling provided occasional

entertainment, and one Maryland convict, John Jackson, owned a set of bagpipes.⁷¹ Drinking, however, became the predominant antidote. Large numbers spent their meager resources on liquor, and alcoholism was commonplace. Fairly typical was Matthew Humphreys in Queen Anne's County, Maryland. According to his master, Humphreys was a "great Lover of strong Liquor" and was "subject to get drunk whenever" the chance arose. A Maryland planter advertised his convict servant for sale "for no other fault than that of his being too much addicted to liquor."⁷²

Life within the quarters of convicts seems to have been combative. Physical descriptions periodically mentioned swollen eyes and bruised faces. Among angry young men and women with few grounds for hope, fights must have been fairly common. A Virginia convict, Richard Stevens, had two "black Eyes" and his face was "much bruised" from "Fighting." Besides being "much addicted to Liquor," Henry Talbot of Annapolis was "a quarrelsome Fellow" with "a great Number of Scars on his Head." Jacob Parrott, though given to "cringe" before those he thought "his superiors," was "quarrelsome and abusive to others."⁷³

Boasts made by convicts typically recounted feats of daring, courage, and physical prowess. A servant in Baltimore County, Owen Coyl, claimed to have "broke" as many as "seven gaols in Ireland." Transported in 1772, Samuel Carter crowed that he had been banished once before, whereas a Virginia convict often recounted how in England he had "petitioned his Majesty, after receiving sentence of transportation," to be "hanged" instead. William Burns of Frederick County, Maryland bore a "large Scar on his right Arm, which he often" showed "when in Company." Other convicts, like Robert Milby who had served in Flanders, recounted old military adventures. Daniel Rawson, according to his master in 1764, bragged "much of having been on board of a Man of War."⁷⁴ Not only did such feats bolster self-esteem under degrading conditions, but they also enhanced a convict's status in the eyes of compatriots. Thus, the confirmed offender, Charles Aires, a "lusty," "well-set" felon transported at least twice, was called "My Lord" by other transports, and Joseph Wade, who had been transported as many as four times, was a reputed "ringleader" among his friends.⁷⁵

No wonder colonists agonized about thieves and hooligans in their midst. Most British convicts were young, male, and experienced troublemakers. Past crimes furnished vivid evidence of their desperate tempers. Their bodies and their spirits reflected a tough, violent way of life that directly endangered the ordered harmony of colonial society. Who could say how many servants and slaves might be corrupted by their seemingly vicious habits? Nor were convicts insignificant in number. Within four of Maryland's most populous counties, according to the 1755 census, convict servants represented an average of over 10 per cent of all adult white males. In the colony's most populous county, Baltimore, they comprised as much as 12.6 per cent of the adult white male population. Equally large numbers of convicts almost certainly labored in Virginia's Northern Neck.⁷⁶

Worse still, servitude only appeared to make transported felons more rebellious. As free, white, and British, most felt deeply resentful about their lot as servile laborers. "Work," one servant boldly informed his owner, "was intended for Horses and not for Christians."⁷⁷ Certainly if convicts, from their masters' viewpoint, had resembled either one, life and property would have seemed much more secure.

NOTES

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3. Byrd to Charles Boyle, 5 July 1726, in Marion Tinling, ed., *The Correspondence of the Three William Byrds of Westover, Virginia, 1684–1776* (Charlottesville, Va.: University Press of Virginia, 1977), 1:355; U.S. Bureau of Census, *Historical Statistics of the United States*, p. 1168.

4. Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton & Co., 1975), pp. 235–70; Timothy H. Breen, "A Changing Labor Force and Race Relations in Virginia, 1660–1710," *Journal of Social History*, 7 (1973): 3–11.

5. Morris, *Government and Labor*, pp. 167–77, 181–82; Richard S. Dunn, "Masters, Servants, and Slaves in the Colonial Chesapeake and the Caribbean," in David B. Quinn, ed., *Early Maryland in a Wider World* (Detroit: Wayne State University Press, 1982), pp. 246–49; Berkeley quoted in Breen, "Changing Labor Force," p. 4.

6. Robert Beverly, *The History and Present State of Virginia*, ed. Louis B. Wright, (Chapel Hill: University of North Carolina Press, 1947), p. 275; William J. Hinke, ed. and trans., "Report of the Journey of Francis Louis Michel from Berne, Switzerland, to Virginia, October 2, 1701–December 1, 1702," *Virginia Magazine of History and Biography* (hereinafter *VMHB*), 24 (1916): 124; Morgan, *American Slavery, American Freedom*, pp. 295–387; Breen, "Changing Labor Force," pp. 13–18; Gary B. Nash, "Social Development," in Jack P. Greene and J. R. Pole, eds., *Colonial British America: Essays in the New History of the Early Modern Era* (Baltimore: Johns Hopkins University Press, 1984), pp. 244–45.

7. Cecilius Calvert to Horatio Sharpe, 23 December 1755, William Hand Browne, ed., *Archives of Maryland* (72 vols. to date; Baltimore: Maryland Historical Society, 1883–), 6:329.

8. James Horsenail to Forward, July 1725, quoted in Peter Wilson Coldham, ed., *Bonded Passengers to America* (3 vols.; Baltimore: Genealogical Publishing Co., 1983), 1:43; Piper to Dixon & Littledale, 24 October 1767, Harry Piper Letterbook (hereinafter *HPL*), Alderman Library, University of Virginia, p. 62; Sharpe to Hamersley, 27 July 1767, *Maryland Archives*, 14:412; Entry of 21 April 1770, in Jack P. Greene, ed., *The Diary of Colonel Landon Carter of Sabine Hall, 1752–1778* (2 vols.; Charlottesville: University Press of Virginia, 1965), 2:391. Letters concerning the 1767 panic in Maryland appeared throughout the summer in the *Maryland Gazette*.

9. "Philanthropos," *Maryland Gazette*, 20 August 1767; Rhys Isaac, *The Transformation of Virginia, 1740–1790* (Chapel Hill: University of North Carolina Press, 1982), p. 119; Morgan, *American Slavery, American Freedom*, pp. 320–26; Peter Charles Hoffer and William B. Scott, eds., *Criminal Proceedings in Colonial Virginia: Records of Fines, Examinations of Criminals, Trials of Slaves, etc. from March 1710/1711 to 1754, Richmond County, Virginia*, in *American Legal Records* vol. 10 (Athens: University of Georgia Press, 1984), p. xxv; Lois Green Carr, "Sources of Political Stability and Upheaval in Seventeenth-Century Maryland," *Maryland Historical Magazine*, 79 (1984): 46–47.

10. Lawes to Board of Trade, 10 December 1722, in W. Noel Sainsbury, ed., *Calendar of State Papers, Colonial Series* (London: Her Majesty's Stationery Shop, 1860– [repr. ed. Nendeln, Lichenstein, 1964–]), 33:185; *Philadelphia American Weekly Mercury*, 14 February 1721; Purdie & Dixon's *Virginia Gazette*, 5 February 1767; *Caribbeana . . . Chiefly wrote by Several Hands in the West Indies . . .* (2 vols.; London, 1741), 2:189; "Americanus," *Philadelphia Pennsylvania Gazette*, 9 May 1751; *Belfast News-Letter*, 14 February 1766; "Publicus," 15 March 1753, in William Livingston, et al., *The Independent Reflector, or Weekly Essays on Sundry Important Subjects More particularly adapted to the Province of New York*, ed. Milton Klein (Cambridge, Mass.: Belknap Press of Harvard University Press, 1963), p. 165; Upper House Proceedings, 3 June 1719, *Maryland Archives*, 33:345.

11. William Eddis, *Letters from America*, ed. Aubrey Land (Cambridge, Mass.: Belknap Press of Harvard University Press, 1969), p. 36; Petition of Franklin to House of Commons, 12–15 April 1766, in Leonard W. Labaree and William B. Willcox, eds., *The Papers of Benjamin Franklin* (25 vols. to date; New Haven: Yale University Press, 1959–), 13:241; Franklin letter of 9 May 1759 in *London Chronicle*, 12 May 1759, *ibid.*, 8:351; *American Weekly Mercury*, 14 February 1721. See also Hugh Jones, *The Present State of Virginia*, ed. Richard L. Morton (Chapel Hill: University of North Carolina Press, 1956), p. 87.

12. Presentment of the Maryland Grand Jury, April 1723, Provincial Court Judgments, 1722–24, p. 132, Maryland State Archives (hereinafter MdSA); Gooch to Board of Trade, 26 March 1729, Public Record Office, London, Colonial Office (hereinafter CO), 5/1321/110–11; "Extract of a Letter from Maryland," 26 April 1751, *Pennsylvania Gazette*, 9 May 1751; *Caribbeana*, 2:189; Testimony of Campbell, 15 April 1778, *Journals of the House of Commons* [hereinafter JHC] 155 vols.; London, 1547–1900), 36:928; Lawes to Board of Trade, received 14 June 1720, CO 137/13/255.

13. Council Proceedings, 11 April 1749, H. R. McIlwaine, ed, *Legislative Journals of the Council of Colonial Virginia, 1680–1776* ([hereinafter LJC] 3 vols.; Richmond: Virginia State Library, 1918–19), 2:1035.

14. Byrd to Benjamin Lynde, 20 February 1736, Byrd to Mr. Smyth, 6 September 1740, in Tinling, ed., *Byrd Correspondence*, 2: 474, 557; *American Weekly Mercury*, 14 Feb. 1721; Franklin Letter of 9 May 1759 in *London Chronicle*, 12 May 1759, in Labaree and Willcox, eds., *Franklin Papers*, 8: 351. See also, e.g., Byrd to Boyle, 26 May 1729, in Tinling, ed., *Byrd Correspondence*, 1: 396; "Extract of a Letter from Maryland," 26 April 1751, *Pennsylvania Gazette* 9 May 1751; "Publicus," 15 Mar. 1753, in Livingston *et al.*, *Independent Reflector*, ed. Klein, p. 165; "Thoughts concerning the French conduct in America concluded," *Boston Weekly News-Letter*, 17 Apr. 1755.

15. Upper House Proceedings, 3, 5 June 1719, *Maryland Archives*, 33: 345, 349–50; Upper House Proceedings, 15 October 1725, *ibid.*, 35: 212; Board of Trade to Lords Justices, 5 July 1723, CO 5/1365/252–3; Board of Trade to Privy Council, 25 August 1731, CO 138/17; Council of Jamaica to Governor Hunter, 14 December 1731, enclosed in Hunter to Newcastle, 15 December 1731, in Sainsbury, ed., *Calendar of State Papers*,

Colonial Series, 38: 377; Mr. Fane to Board of Trade, 15 December 1731, *ibid.*, p. 379; Smith, *Colonists in Bondage*, pp. 119–22, 219; Cheesman A. Herrick, *White Servitude in Pennsylvania: Indentured and Redemption Labor in Colony and Commonwealth* (New York: Negro Universities Press, 1969), pp. 123–7.

16. Franklin Letter of 9 May 1759 in *London Chronicle*, 12 May 1759, in Labaree and Willcox, eds., *Franklin Papers*, 8: 351; “Americanus,” *Pennsylvania Gazette* 9 May 1751.

17. Forward to Allured Popple, received 26 June 1723, CO 5/1319/98; Smith, *Colonists in Bondage*, pp. 120–1; Board of Trade to Privy Council, 25 August 1731, CO 138/17. Another reason import curbs in Pennsylvania were not disallowed was because so few English convicts were transported there. Consequently, the colony’s laws escaped the ire of both merchants and ministry officials. Wilfrid Oldham, “The Administration of the System of Transportation of British Convicts, 1763–1793” (Ph.D. diss., University of London, 1933), p. 17.

18. Upper House Proceedings, 15 October 1725, *Maryland Archives*, 35: 212.

19. Council Proceedings, 11 April 1749, *LJC* 2: 1035; Sharpe to Hamersley, 27 July 1767, *Maryland Archives*, 14: 413; Eddis, *Letters from America*, ed. Land, pp. 38, 36; Lawes to Board of Trade, received 14 June 1720, CO 137/13/255. It may be that in the Chesapeake opposition to transportation was limited largely to wealthy planters, fearful about the dangers convicts posed to social peace, and that transportation aroused less concern among planters of modest means who were dependent upon convict labor. There is no evidence, however, to suggest such a division in planter ranks, and, after all, convicts were also acquired by large planters.

20. Council Proceedings, 11 April 1749, *LJC* 2: 1035; Recognizance Bond for Henry White, 29 September 1772, Anne Arundel County Convict Record, 1771–75, pp. 15–16; *Maryland Gazette* 21 December 1752; Frederick Hall Schmidt, “British Convict Labor in Colonial Virginia” (Ph.D. diss., College of William and Mary, 1976), p. 210; *Virginia Gazette* 11 August 1738; Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680–1800* (Chapel Hill: University of North Carolina Press, 1986), pp. 78–85; Gary P. Secor, “The Working Environment of White Servants in the Chesapeake, 1710–1750” (Unpublished undergraduate research paper, Virginia Polytechnic Institute and State University, 1984), pp. 6, 11. See also Eddis, *Letters from America*, ed. Land, p. 36; Gwenda Morgan, “The Hegemony of the Law: Richmond County, 1692–1776” (Ph.D. diss., Johns Hopkins University, 1980), p. 206.

21. Gooch quoted in Fairfax Harrison, “When the Convicts Came,” *VMHB* 30: (1922), 255; Byrd to Smyth, 6 September 1740, in Tinling, ed., *Byrd Correspondence*, 2: 557; Piper to Dixon & Littledale, 6 September 1769, HPL, p. 102; Schmidt, “Convict Labor in Virginia,” pp. 72–3. See also Piper to Dixon & Littledale, 25 November 1767, HPL, p. 32.

22. Virginia Shipping Returns, 1725–1753, CO 5/1442–6. The only district for which a reasonably good set of returns has not survived for this period is Accomack on the Eastern Shore, and there is no reason to suspect that many convicts ever were shipped there. Because Virginia returns generally listed convicts as “passengers” or did not record them at all, I identified the twenty-six ships by searching for the names of convict vessels from London provided in Treasury Money Books, Public Record Office, London. Thus, the twenty-six do not include London vessels not in the Money Books or vessels from other British ports.

The fact that most convicts were transported to the area north of the York River is further illustrated by newspaper advertisements for runaway servants. Between 1736 and 1759, a period from which scattered issues of the *Virginia Gazette* have survived, there were ninety runaways for whom counties of origin can be determined. Seventy-nine came

from the twenty counties lying north of the York, and of those, as many as thirty-seven runaways were from just the six counties making up the Northern Neck, despite the distance residents of those counties lay from Williamsburg where the *Gazette* was published and advertisements had to be placed. In some instances, advertisements in the *Virginia Gazette* were supplemented by advertisements in the *Maryland Gazette* and the *Pennsylvania Gazette*.

23. "Account of Number of Souls in Maryland," *Gentleman's Magazine*, 1764, p. 261.

24. Cheston to Stevenson and Randolph, 21 June 1774, Cheston-Galloway Papers, MdHS, Box 8; "Account of Number of Souls in Matyland," *Gentleman's Magazine*, 1764, p. 261; "List of Convicts Imported on the Ship Hercules . . .," 23 August 1773, Baltimore County Convict Record, 1770–74, pp. 368–9. See also "Sales of Servants for Account of Mr. Archibald Ritchie," 1766, William Allason Papers, Box 4, Virginia State Library (hereinafter VSL); *Maryland Gazette* 29 July 1773. Virginia traders seem to have marketed servants in the North Carolina backcountry. See John Hook to Robert Donald & Co., 30 July 1778, Hook Papers, Alderman Library, UVa. Another sign of the frontier's rising importance lies in the fact that of 198 Virginia runaways for the years 1760–75 whose place of origin can be determined, 42 absconded from the far western counties of Amherst, Augusta, Boretourt, Frederick, and Pittsylvania. No doubt the true proportion of runaways from the far west was even higher, since backcountry masters had less opportunity than those in the piedmont or tidewater to place advertisements in newspapers.

25. Jean B. Russo, "Occupational Diversification in a Rural Economy: Talbot County, Maryland, 1690–1759" (Unpublished paper presented at the Conference on Early American History, Baltimore, 13–15 September 1984), p. 22. See the varied range of skills and occupations contained in advertisements for runaway convicts in Table 14 in the appendix to Ekirch, *Bound for America*. Some of these skills doubtless represented trades followed in Britain rather than in America.

26. Dixon & Hunter's *Virginia Gazette* "?," 25 Mar. 1775; *Maryland Gazette* "Thomas Poney," 18 September 1755; Jonathan Boucher, ed., *Reminiscences of an American Loyalist, 1738–1789* (1925; reprint ed., Port Washington, N.Y.: Kennikat Press, 1967), p. 49.

27. Cheston to John Chapman, 5 April 1773, Cheston to Anthony Stewart, 5 April 1773, CGP, Box 8; Thomas Reeder to James Russell, 5 August 1774, Russell Papers, Bundle 16; Piper to John Dixon, 10 May 1769, HPL, p. 81. See also Revel, *A Transported Felon's Account*, p. 5; *Maryland Gazette* 28 Mar. 1765; Eddis, *Letters from America*, ed. Land, p. 36.

28. Eddis, *Letters from America*, ed. Land, p. 43; Cheston to Stevenson and Randolph, 24 July 1770, Cheston-Galloway Papers, MdHS, Box 8; Charles G. Steffen, "The Pre-Industrial Iron Worker: Northampton Iron Works, 1780–1820." *Labor History*, 20 (1979): 89–110; Ronald L. Lewis, "The Use and Extent of Slave Labor in the Chesapeake Iron Industry: The Colonial Era," *ibid.* 17 (1976): 388–405. See also Lawson to Semple, 6 February 1765, Lawson Letterbook; Clement Brooke to Charles Carroll & Co., 4 February 1774, Carroll-Maccubbins Papers, Box 7, MdHS. For the occupational hierarchy of one ironworks, see the "Account of Persons employed at the Baltimore Iron Works," 30 April 1734, *ibid.*, Box 6.

29. For example, David W. Galenson in *White Servitude in Colonial America* (New Rochelle, N.Y.: Cambridge University Press, 1981), has speculated that "unskilled servants may have virtually disappeared from the older areas of settlement on the lower Western Shore, where tobacco was grown on large plantations, relatively early in the eighteenth century" (p. 272 n. 51). And yet Charles County, according to the 1755 Maryland census, had the third largest convict servant population of any Maryland county,

and Galenson himself notes that convicts after 1718 provided Maryland planters with "cheap white labor" and that even "some indentured servants" were used as "field workers" (p. 157). Kenneth Morgan, "Convict Trade to Matyland," pp. 216–27, has concluded that a "fair number of transports were either skilled or semi-skilled" and that many continued to serve in skilled or semi-skilled positions in the Chesapeake.

30. Beverly, *History and Present State of Virginia*, ed. Wright, p. 271; Irish House of Commons Proceedings, 3 March 1736, in Leo Francis Stock, ed., *Proceedings and Debates of the British Parliaments respecting North America* (5 vols.; Washington, D.C.: Carnegie Institution, 1937), 4: 856; *Pennsylvania Gazette* 2 September 1742; Coldham, ed., *Bonded Passengers*, 1: 86, 162–3; Thomas Hughes, *History of the Society of Jesus in North America, Colonial and Federal* (London: Longmans, Green, & Co., 1907), p. 342; Percy, "Agricultural Labor," pp. 1–37; Richard B. Sheridan, "The Domestic Economy," in Greene and Pole, eds., *Colonial British America*, p. 67. If they could be employed as house servants or in other positions, most female transports may have escaped field work due to traditional English attitudes against employing women in the fields, except during harvest. See Beverly, *History and Present State of Virginia*, ed. Wright, p. 271; Gloria L. Main, *Tobacco Colony: Life in Early Maryland, 1650–1720* (Princeton, N.J.: Princeton University Press, 1982), pp. 108–9.

31. *Maryland Gazette*, "Anthony Tucker," 16 September 1756; *The Life, Travels, Exploits, Frauds, and Robberies of Charles Speckman . . .* (London, 1763), pp. 14–15; *Account of the Ordinary of Newgate*, 5 July 1721, p. 3. See also *Pennsylvania Gazette*, "Thomas Clark," 21 May 1761; Smyth to Cheston, 28 December 1773, Cheston-Galloway Papers, MdHS, Box 13.

32. Smith, *Colonists in Bondage*, pp. 128–9; *Maryland Gazette* 4 August 1747; Father Mosley quoted in Hughes, *History of the Society of Jesus*, p. 342; William Randal to Parents, 23 September 1756, Public Record Office, London, High Court of Admiralty Papers (hereinafter HCA), 30/258; Morgan, *American Slavery, American Freedom*, pp. 126–7. See also John Campbell to William Sinclair, 26 July 1774, Scottish Record Office, Edinburgh, Gifts and Deposits (hereinafter GD), 136/416/1/13; William Moraley, *The Infortunate: or, the Voyage and Adventures of William Moraley . . .* (Newcastle, 1743), p. 33; Morris, *Government and Labor*, pp. 482–84, 488–91.

33. *Maryland Gazette*, "John Winter," 26 June 1760, "John Jones Van de Huville," 1 November 1764, "John Merry Tandy," 29 March 1770, "Thomas Belcher," 16 March 1769; Smyth to Cheston, 7 April 1774, Cheston-Galloway Papers, MdHS, Box 13; Communication from W. W. Abbot, 14 May 1986. For opportunities for skilled convicts, see also *Maryland Gazette*, "James Lowe," 27 July 1769; Purdie & Dixon's *Virginia Gazette*, "William" and "Hannah Daylies," 26 March 1767. For the pretended skills of convicts, see also, e.g., *Maryland Gazette*, "Henry Watts," 22 November 1749, "Edward Meacham," 26 April 1753, "John Hardie," 11 July 1754, "James Hall," 19 September 1754, "John Ward," 26 June 1760, "Richard Lelan," 26 May 1763, "John Fricker," 21 June 1764, "John Dobs," 2 May 1765, "Edward Trickel," 25 August 1768, "William Perty," 28 November 1771; *Pennsylvania Gazette*, "Matthew Howard," 22 January 1751, "William Higgins," 16 June 1757, "Joseph Penick," 1 June 1769, "Joseph Pool," 30 May 1771, "Edward Humphreys," 18 August 1773; Purdie & Dixon's *Virginia Gazette*, "Arundale Carness," 29 August 1766, "John Libiter," 21 June 1770; Rind's *Virginia Gazette*, "Thomas Belcher," 16 March 1769.

34. *A Genuine Account of the Behaviour, Confessions, and Dying Words, of the Malefactors . . .* (London, 1743), p. 7; Servant Bond, 29 April 1719, Kent County Bonds and Indentures, 1715–20, fo. 55, MdSA; *The Life and Actions of James Dalton . . .* (London,

1730), p. 31. See also Servant Bond, 17 April 1719, Kent County Bonds and Indentures, 1715–20, fo. 58–9. I am indebted to Lois Green Carr for directing me to the Kent records.

35. Franklin, "Conversation on Slavery," 26 January 1770, in Labaree and Willcox, eds., *Franklin Papers*, 17: 42; *Account of the Ordinary of Newgate*, 24 September 1722, p. 6; Sprigs to John Sprigs, 22 September 1756, in Merrill Jensen, ed., *English Historical Documents: American Colonial Documents to 1776* (London: Eyre & Humanities Spottiswoode, 1955), p. 489; Borthwick to Drummond, 7 August 1733, GD 24/1/464/N-0/545. See also *Account of the Ordinary of Newgate*, 5 July 1721, p. 3; James Revel, *A Sorrowfull Account of a Transported Felon, That Suffered Fourteen Years . . . at Virginia . . .* (n. p., n. d.), p. 6; *Liberty Regain'd: Set Forth in the Remarkable Life and Actions of W*** S***, Esq. . . .* (London, 1755), pp. 19–20; William Green, *The Sufferings of William Green . . .* (London, 1775?), p. 7.

36. *Account of the Ordinary of Newgate*, 21 October 1743, p. 9, 4 June 1770, p. 43; Sprigs to Sprigs, 22 September 1756, in Jensen, ed., *American Colonial Documents*, p. 489; *Maryland Gazette*, "Hannah Boyer," 28 May 1752. Stevenson Randolph to Cheston, 25 September 1773, Cheston-Galloway Papers, MdHS. See also *Account of the Ordinary of Newgate*, 5 July 1721, p. 3, 3 November 1725, p. 4, 7 November 1744, p. 5; Petition of ? to Charles Calvert, May 1726, Provincial Court Judgements, p. 399, MdSA; Petition of Gabriel Tomkins to Walpole, 1733, Public Record Office, London, State Papers (hereinafter SP), 36/30/402; Randal to Uncle and Aunt, 23 September 1756, HCA 30/258; *Old Bailey Sessions Papers*, 8–15 September 1773, p. 397.

37. Court Orders of 26 November 1724 and 28 June 1738, Westmoreland County Orders, 1721–31, p. 77a, 1731–39, p. 272 (VSL microfilm); Morris, *Government and Labor*, p. 488. See also Moraley, *The Infortunate*, p. 33; Kulikoff, *Tobacco and Slaves*, pp. 295–6.

38. *Account of the Ordinary of Newgate*, 4 June 1770, p. 43. See also, e.g., *ibid.*, 26 October 1720, p. 3, 5 July 1721, p. 3; Revel, *A Transported Felon's Account*, p. 6; C. H. Wilkinson, ed., *King of the Beggars, Bampfylde-Moore Carew* (Oxford: Oxford University Press, 1931), pp. 168–9, 247; Coldham, *Bonded Passengers*, 1:107.

39. Sprigs to Sprigs, 22 September 1756, in Jensen, ed., *American Colonial Documents*, p. 489; Eddis, *Letters from America*, ed. Land, p. 38. See also Irish House of Commons Proceedings, 3 March 1736, in Stock, ed., *Proceedings and Debates of the British Parliaments*, 4: 856; *The Fortunate Transport, or, the Secret History of the Life and Adventures of the Celebrated Polly Haycock . . . By a Creole* (London, 1750?), p. 43.

40. West Indian quoted in *Caribbeana*, 2: 189; Gooch to Board of Trade, 22 February 1739, CO 5/1324/156; *Maryland Gazette* 12 October 1752; Jack P. Greene, *All Men Are Created Equal: Some Reflections on the Character of the American Revolution* (Oxford: Oxford University Press, 1976), pp. 23–4.

41. Revel, *A Transported Felon's Account*, p. 9; Gooch quoted in Schmidt, "Convict Labor in Virginia," p. 102; Lois Green Carr and Russell R. Menard, "Immigration and Opportunity: The Freedman in Early Colonial Maryland," in Thad W. Tate and David L. Ammerman, eds., *The Chesapeake in the Seventeenth Century: Essays in Anglo-American Society* (Chapel Hill: University of North Carolina Press, 1979), p. 231. See also John Dunmore Lang, *Transportation and Colonization . . .* (London, 1837), p. 39.

42. Cosby quoted in Douglas Greenberg, *Crime and Law Enforcement in the Colony of New York, 1691–1776* (Ithaca, N.Y.: Cornell University Press, 1976), p. 29; Washington quoted in Duncan J. MacLeod, *Slavery, Race and the American Revolution* (London: Cambridge University Press, 1974), p. 70; Purdie & Dixon's *Virginia Gazette* 3 December 1772. See also *Pennsylvania Gazette* 3 July 1732; Jones, *Present State of Virginia*, ed. Morton, p. 87.

43. Morgan, *American Slavery, American Freedom*, pp. 328–37.

44. Loudon to Duke of Cumberland, 8 March 1757, in Stanley Pargellis, ed., *Military Affairs in North America, 1748–1765: Selected Documents from the Cumberland Papers in Windsor Castle* (New York: D. Appleton-Century Co., 1936), p. 319; Arthur N. Gilbert, "Army Impressment during the War of the Spanish Succession," *The Historian*, 38: 696–701; Stephen F. Gradish, *The Manning of the British Navy during the Seven Years' War* (London: Royal Historical Society, 1980), pp. 83–6; Morgan, *American Slavery, American Freedom*, p. 340; Douglas Hay, "War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts," *Past and Present*, 54 (1972): 141. See also Sir William Johnson to Board of Trade, 28 May 1756, in *Documents Relative to the Colonial History of the State of New York* (Albany, 1856), 7: 87; Francis Fauquier to Board of Trade, 14 July, 2 August 1759, CO 5/1329/148–50.

45. Gottfried Achenwall, "Some Observations on North America from Oral Information by Dr. Franklin," July 1766, in Labaree and Willcox, eds., *Franklin Papers*, 13: 356.

46. "An Act directing the method of trial of criminals for capital offences . . .," 1748, Hening's *Statutes*, 5: 546–7; Jones, *Present State of Virginia*, ed. Morton, p. 135; Holderness to Attorney General, 14 December 1753, SP 44/85/367–8; J. M. Beattie, *Crime and the Courts in England, 1660–1800* (Princeton, N.J.: Princeton University Press, 1986), p. 338; Lower House Proceedings, 23 May 1732, H. R. McIlwaine and J. P. Kennedy, eds., *Journals of the House of Burgesses of Virginia* (13 vols.; Richmond: Virginia State Library, 1905–1915), 5: 123; "An Act of directing and better regulating the elections of Burgesses . . .," 1762, Hening's *Statutes* 7: 519. Lawmakers in Virginia and Maryland stipulated that convicts could testify in cases involving other convicts, so that they would not be able to shield each other during criminal trials. Predicted one Annapolis resident: "Our late Law . . . will, I dare say, occasion the Sale of many a Bed-cord, and the transporting many a Transport into the other World." "Extract of a letter from Annapolis," 15 August 1751, *Pennsylvania Gazette* 5 September 1751; "An Act, for altering the method of Trial of certain Criminals therein mentioned," 1738, Hening's *Statutes*, 5: 24–6; "An Act to make the Testimony of Convicted Persons legal against Convicted Persons," 1751, *Maryland Archives*, 46: 616.

47. Council Proceedings, 11 April 1749, *LJC* 2: 1034–5; Lower House Proceedings, 8 September 1736, 27 May 1740, *JHB*, 5: 291, 403; "An Act for the better government of servants and slaves," 1753, Hening's *Statutes*, 6: 359. In so far as Lee and Fairfax were from counties north of the Rappahannock, their opposition to freedom dues has been viewed in a sectional context, whereby northern politicians were pitted against those from counties bordering the James and York rivers, an area less dependent upon convict labor. "The large plantation owners of the James and York," Alonzo Thomas Dill has written, were less sensitive "about raising the costs of small farmers through legislation affecting the supply of white labor." "Sectional Conflict in Colonial Virginia," *VMHB* 87 (1979): 304–5. Dill's argument, however, is circumstantial, for the absence of division lists makes it impossible to ascertain in this case whether raising the costs of convict labor truly ignited sectional antagonisms in the assembly. In 1752, when the House of Burgesses debated whether to make "owners of Convicts lyable for the costs attending any prosecution for felony," opposition to the bill came from such Northern Neck representatives as John Woodbridge and Robert Vaulx. On the other hand, the bill also attracted Northern Neck support from Landon Carter, Charles Carter, and Peter Hedgeman, despite the financial burden it threatened to create for convict owners. Landon Carter, "Journal Privately Kept of the House of Burgesses," entries of 6, 10, 14 March 1752, in Greene, ed., *Diary of Landon Carter*, 1: 75, 79–80, 85–6; *JHB* 7: vii–viii.

48. Eddis, *Letters from America*, ed. Land, p. 37; Williamson quoted in Coldham, ed., *Bonded Passengers*, 1: 163; "Journal of a French Traveller in the Colonies, 1765, II," *American Historical Review*, 27 (1921): 84. See also *The Fortunate Transport*, p. 43.

49. *Maryland Gazette* 17 April, 1 May 1751.

50. *Virginia Gazette*, "William Roberts," 17 November 1738. See also *Maryland Gazette*, "John Raner," 31 October 1754, "Bartholomew Savage," 27 August 1761, "Thomas Preston," 17 June 1762, "John Hubbard," 18 October 1764, "John Smith," 7 August 1766, "John Broughton," 2 July 1767, "William Gafford," 10 August 1769, "Charles McDonald," 7 September 1769, "James Wilson," 4 July 1776.

51. *Maryland Gazette*, "William Hutcheson," 5 October 1758. References to smallpox scars were extremely common and too numerous to list here. For several instances of venereal disease, see *Maryland Gazette*, "Patrick Clearly," 19 April 1770; Rind's *Virginia Gazette*, "William Griffith," 7 June 1770; Dixon & Hunter's *Virginia Gazette*, "? Walker," 11 August 1775. For occurrences of blindness, see *Virginia Gazette*, "William Cuddy," 26 September 1745; Rind's *Virginia Gazette*, "Israel Corwen," 16 June 1768; Purdie & Dixon's *Virginia Gazette*, "David Jones," 2 December 1773; *Pennsylvania Gazette*, "James Courbet," 6 March 1760, "Edmund Collins," 22 August 1765, "Thomas Lockhart," 17 August 1769, "John Dawson," 1 September 1773, "James Lamberd," 10 August 1774; *Maryland Gazette*, "Thomas Parker," 5 July 1749, "William Moulding," 28 May 1752, "John Williams," 7 June 1753.

52. Purdie & Dixon's *Virginia Gazette*, "John Jones," 26 May 1772; *Pennsylvania Gazette*, "John Robertson," 15 August 1771. Scars and injuries of all varieties were very common. For a tiny sample, see *Maryland Gazette*, "Edward Rose," 17 August 1748, "Jacob Parrot," 9 May 1750, "Stephen Pane," 25 September 1766; *Pennsylvania Gazette*, "Thomas Dyer," 4 April 1771, "John Campbell," 7 February 1771; Purdie's *Virginia Gazette*, "Thomas Hall," 11 October 1776. For injuries common among laborers in Britain, see John Rule, *The Experience of Labour in Eighteenth-Century Industry* (New York: St. Martin's Press, 1981), pp. 74–94; Robert W. Malcolmson, *Life and Labour in England, 1700–1780* (New York: St. Martin's Press, 1981), p. 77.

53. *Pennsylvania Gazette*, "Dominick Hogan," 11 July 1746. See also *Maryland Gazette*, "Anthony Tucker," 16 September 1756, "James Griffiths," 30 June 1757, "Edward Jean," 16 April 1761, "Robert Johnson," 15 June 1769.

54. *Maryland Gazette*, "Thomas Winey," 23 August 1749.

55. Purdie's *Virginia Gazette*, "William Rill," 5 September 1777; *Maryland Gazette*, "James Williams," 26 June 1760; *Pennsylvania Gazette*, "Thomas Morris," 10 September 1747.

56. *Maryland Gazette*, "James Andrews," 11 August 1763, "John Benham," 8 September 1768.

57. *Maryland Gazette*, "Thomas Burn," 13 December 1770, "Sarah Davis," 27 April 1758. See also, *ibid.*, "Henry Kirk," 27 May 1746, "Thomas Butler," 14 September 1748, "Thomas Moore," 17 August 1769, "George Adams," 5 July 1770, "William Walker," 22 July 1773.

58. *Pennsylvania Gazette*, "Thomas Goodwin," 6 September 1744; *Maryland Gazette*, "John Garraughty," 25 September 1766, 4 August 1747; Williamson quoted in Coldham, ed., *Bonded Passengers*, 1: 162. See also *Maryland Gazette*, "Joseph Manyfold," 22 April 1773; *Account of the Ordinary of Newgate*, 4 June 1770, p. 43.

59. *Maryland Gazette*, "John Adam Smith," 6 May 1773, "Ricely Johnson," 23 October 1766; Rind's *Virginia Gazette*, "Elizabeth Berry," 20 July 1769; *Pennsylvania Gazette*, "William Cullimoor," 12 December 1765; *Virginia Gazette*, "Joshua Dean," 11 August 1738.

60. *Pennsylvania Gazette*, "Thomas Lamprey," 16 July 1767.

61. John Taylor of Caroline quoted in David O. Percy, "Agricultural Labor on an Eighteenth-Century Chesapeake Plantation" (Unpublished paper presented at the Conference on Early American History, Baltimore, 13–15 September 1984) p. 3; Thompson,

"Time, Work-Discipline and Industrial Capitalism," *Past and Present* 38 (1967), 73; Green, *Sufferings of William Green*, p. 15; *Account of the Ordinary of Newgate*, 7 April 1742, p. 15, 5 July 1721, p. 3; Sprigs to Sprigs, 22 September 1756, in Jensen, ed., *American Colonial Documents*, p. 489.

62. Philip Vickers Fithian quoted in Ira Berlin, "Time, Space, and the Evolution of Afro-American Society in British Mainland North America," *AHR* 85 (1980), 73; Carville Earle, *The Evolution of a Tidewater Settlement System: All Hallow's Parish, Maryland, 1650-1783* (Chicago: University of Chicago Press, 1975), p. 46; Secor, "Working Environment of White Servants," pp. 4-5, 9. See also Galenson, *White Servitude*, pp. 177-8.

63. *Pennsylvania Gazette*, "Susannah Day," 21 September 1758. See also *Maryland Gazette*, "Richard Fish," 9 August 1759, "George Tucker" and "Alexander Connell," 19 September 1765, "Richard Crouch," 28 March 1771.

64. *Pennsylvania Gazette*, "Thomas Jones," 12 June 1776; *Virginia Gazette*, "Thomas Ryan," 18 June 1752; Wilkinson, ed., *King of the Beggars*, pp. 166-7; Eddis, *Letters from America*, ed. Land, p. 33; Malcolmson, *Life and Labor in England*, p. 94.

65. Gerald W. Mullin, *Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia* (New York: Oxford University Press, 1972), p. 15.

66. William Russell to William Chetwynd, 17 April 1725, Additional MSS, 29600, British Library, London (Library of Congress photostats); Kenneth Roberts and Anna M. Roberts, eds., *Moreau de St. Mery's American Journey 1793-1798* (Garden City, N.Y.: Doubleday & Co., 1947), p. 302. For British racial attitudes in the eighteenth century, see Peter Fryer, *Staying Power: The History of Black People in Britain* (Atlantic Highlands, N.J.: Humanities Press, 1984), pp. 150-65. Perhaps, also, slaves were leary of associating with convicts, though I found no evidence of this.

67. See e.g. "An Act to prevent the mischiefs Arising From the Multiplicity of Useless Dogs . . .," 1765, *Maryland Archives*, 59: 276-7; Byrd to Benjmin Lynde, 20 February 1736, in Tinling, ed., *Byrd Correspondence*, 2: 474; Gooch to Popple, 18 May 1736, CO 5/1324 (CW microfilm).

68. "Extract from a Revolutionary Journal by Hugh McDonald," in Walter Clark, ed., *The State Records of North Carolina* (1895; reprint ed. 30 vols.; New York: AMS, 1970), 11: 836; *Maryland Gazette*, "Joseph," "William," and "John Smith," 17 September 1767; *Pennsylvania Gazette*, "Mary" and "John M'Creary," 19 July 1750.

69. *Maryland Gazette*, "John Swain Sydendem," 19 July 1753, "Margaret Cane," 8 November 1764. See also Lower House Proceedings, 5 June 1740, *JHB* 5: 417; "An Act for the relief of parishes from such charges as may arise from bastard children . . .," 1769, Hening's *Statutes*, 8: 377. For the Chesapeake's black population see Allan Kulikoff, "A 'Prolifick' People: Black Population Growth in the Chesapeake Colonies," *Southern Studies*, 16 (1977): 391-428.

70. Morris, *Government and Labor*, pp. 350-1. For penalties given women servants for bearing illegitimate children, see e.g. Richmond County Order Books, 1739-1746, pp. 263, 386, 427, 1746-1752, pp. 67, 86.

71. *Pennsylvania Gazette*, "John Jackson," 15 June 1758. See also *Maryland Gazette*, "Elisha Bond," 21 October 1747, "John Fowler," 2 August 1749, "Thomas M'Clain," 1 March 1753, "Richard Brian," 29 August 1762, "Mortimer Soles," 25 August 1763, "Daniel Boot," 26 August 1764, "George Mitchell," 26 May 1774.

72. *Pennsylvania Gazette*, "Matthew Humphreys," 26 April 1764; *Maryland Gazette*, 24 July 1777. For a small sample of many such instances, see *Maryland Gazette*, "Peter Lloyd," 4 June 1752, "John Findley," 12 September 1754, "James Hardwick," 24 May 1764, "George Tucker" and "Alexander Connell," 19 September 1765.

73. *Maryland Gazette*, "Richard Stevens," 30 December 1762, "Henry Talbot," 16

August 1764; *Pennsylvania Gazette*, "Jacob Parrott," 28 May 1752. See also *Maryland Gazette*, "Anthony Harper," 30 August 1753, "Anthony Cayton," 31 August 1769, "Thomas Elton," 19 October 1769.

74. *Pennsylvania Gazette*, "Owen Coyl," 16 June 1773; Rind's *Virginia Gazette*, "Samuel Carter," 3 December 1772, "?," 24 December 1767; *Maryland Gazette*, "William Burns," 10 November 1768; "Robert Milby," 24 August 1748, "Daniel Rawson," 27 September 1764.

75. *Maryland Gazette*, "Charles Aires," 31 October 1765; Purdie & Dixon's *Virginia Gazette*, "Joseph Wade," 23 July 1772. The prisoner Rev. William Dodd similarly noted of convicts in Newgate: "Hear how with curses hoarse, and Vauntings bold, Each spirits up, encourages, and dares His desperate fellow to more desperate proofs Of future hardy enterprize; to plans Of Death and Ruin." Quoted in U. R. Q. Henriques, "The Rise and Decline of the Separate System of Prison Discipline," *Past and Present* 54 (1972), 64.

76. "Account of Number of Souls in Maryland," *Gentleman's Magazine*, 1764, p. 261.

77. *Life of James Dalton*, p. 31.

The Practice of Dr. Andrew Scott of Maryland and North Carolina

GEORGE F. FRICK, JAMES L. REVEAL, C. ROSE BROOME, AND
MELVIN L. BROWN

Two letters, some herbarium specimens, and a small collection of butterflies surviving in the now-divided collections of Sir Hans Sloane, along with an entry in the Journal Book of the Royal Society of London, have given to Dr. Andrew Scott of Prince George's County, Maryland, a minor place in the roll of colonial Americans with an interest in science. They tell us little else about Scott, though, than that he had collected plants and animals in Maryland and possibly in the Carolinas or southward, that he had some learning, that leading English physicians sometimes accounted him a "doctor," and that he was ambitious as much for place and preferment as for "philosophical" correspondence.¹ Perhaps that is enough, as the Chesapeake region abounded in medical practitioners who were even more obscure and who accomplished even less. Fortunately for us, though, Andrew Scott left traces in the public records of Maryland and North Carolina which confirm these assumptions and which tell a good deal more about his life and practice, medical and otherwise.



Scott appears for the first time in the records of the Prince George's County Court in August 1736, a little more than a month before he wrote to Dr. Richard Middleton Massey, sending a collection of plants and insects.² It seems likely that he had only recently arrived in Maryland, joining his brother George, a merchant-planter and tailor.³ His name suggests Scottish descent. The fact that he deposed in 1747 that he had "Intended to make a Voyage to Great Britain with a Design to Return home again" (surely an Englishman would have said "England") and even his possession of a *Scottish Psalter* at the time of his death (when he seems to have conformed to the Church of England) argue that Scott was of Scottish origin and even that he was a native North Briton.⁴ Scott styled himself "chirurgion," "doctor of physick," and "doctor of medicine" in Maryland deeds. The more plebeian "chirurgion" appeared more often when the opposite party was unranked, or, in one case, when he was a very great gentleman. The genteel "doctor" usually appeared opposite a *mere* gentleman.⁵ An eighteenth-century American "doctor" need not have had a university degree or even some lesser liberal education.

But it is possible that Scott received a degree. We can find the name Andreas Scott only twice among the lists of graduates of English and Scottish universities in

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the appropriate period and not at all in those of Trinity College, Dublin, or Leyden University (the latter was famed for medicine in the age of Boerhaave and had many English-speaking students). Both Andreas Scotts received the baccalaureate from Glasgow, one in 1714 and the other in 1724.⁶ Either one might have been our Andrew Scott. Given eighteenth-century life expectancies, we would favor the latter. Certainly Scott had some learning, even if he had no M.D. He could begin botanical descriptions in Latin, even if he finished them in Latinate English, and could turn common English names of plants into their equivalents in the universal language of science. His library contained a fair sample of Greek and Latin classics, dictionaries of those languages and Hebrew, and two Greek New Testaments.⁷

The same inventory that contains these evidences of Scott's classical learning also helps to account for his activities between the end of his formal education and his arrival in Maryland. It lists a silver boatswain's whistle, books dealing with "Maritime Laws" and "British Customs," Richard Towne's *A Treatise of Diseases Most Frequent in the West Indies* (London, 1726), James Atkinson's *An Epitome of Navigation* (London, 1701 and later), and nine charts of the West Indies. All suggest a maritime career, possibly as a ship's surgeon in the West India trade or with the navy on West-Indian station.

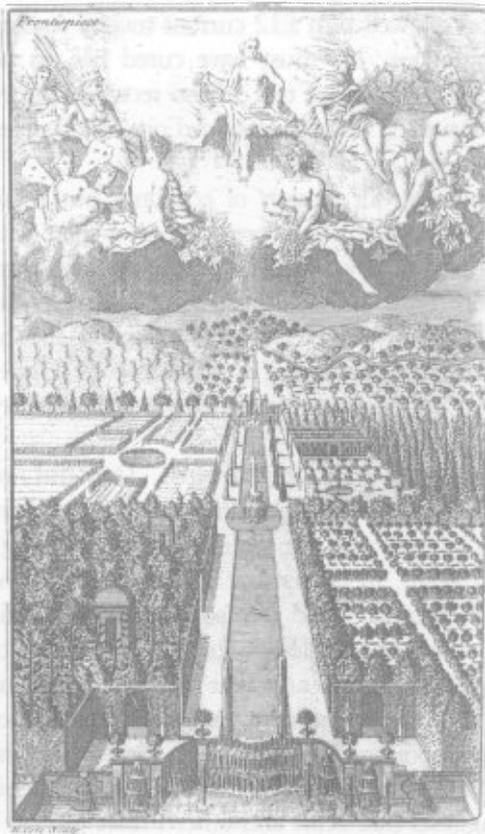
Scott's surviving letters give evidence of his "philosophical" bent and style as well as vocational and political ambition. But the timing of his correspondence appears somewhat unfortunate, insofar as he sought help in advancing his reputation and career from patrons who may no longer have been concerned about him. Dr. John Arbuthnot (1667–1735), whose friendship Scott claimed in his letter to Dr. Richard Middleton Massey, must have been near the end of his career in medicine and literature when Scott corresponded with him. Arbuthnot was a Tory satirist, a friend of Alexander Pope, Jonathan Swift, and John Gay. His *History of John Bull* (London, 1712) supplied the principal source of a great national symbol. Arbuthnot's scientific writings date from an earlier time than any likely correspondence with Scott, although he did write medical treatises in his later years.⁸

Richard Middleton Massey (1678?–1743), like Arbuthnot and Sloane, was a fellow of both the College of Physicians and the Royal Society. Like Sloane, but unlike Arbuthnot, he had strong botanical interests. Probably those interests had waned by the time Scott sent his modest collection of American specimens. Massey would soon retire to his native Rosthern in Cheshire. He passed Scott's letter and specimens on to swell the hoard of Sir Hans Sloane.⁹

Sloane (1660–1753), whose collections sold to the nation after his death formed the basis of the British Museum, was one of the dominant figures in the British scientific establishment of his time.¹⁰ Physician to Queen Anne (as was Arbuthnot) and to George I, sometime President of the College of Physicians, Sloane was still President of the Royal Society when Scott corresponded with him. Nonetheless, the great baronet was in ripe old age and on the verge of retirement to his manor of Chelsea. Certainly Scott could add little to Sloane's vast and sometimes disorderly collections. The pair of rattlesnakes the Marylander sent him may have been inspired by Scott's reading in the *Philosophical Transactions* of Sloane's experiments on the purported fascinating power of those poisonous reptiles.¹¹ The "Turkey Bussard," which accompanied the snakes, likely came as a surprise to Sloane. It must

have been far more difficult to catch than the snakes. Sir Hans cannot have been unimpressed by the safe arrival of the animals, as he had them carried to Crane Court and displayed to the Royal Society at their meeting on 8 November 1739. The assembled fellows also heard the reading of a portion of Scott's letter that described the habits of the vulture and advocated the use of olive oil to cure the bite of the snakes. No matter how impressive these specimens were, Scott did not capture the desired prize—worth £200 to £300 a year—of being named sheriff of Prince George's County. In a part of the letter not read to the Society, he petitioned Sloane's advocacy in his quest for the shrieval office. Sloane may have interceded with the proprietor on behalf of his correspondent, but Lord Baltimore in 1742 instructed Governor Thomas Bladen to name John Cooke to the post.¹²

As compared with his earlier discussion of plants in the letter to Massey, the list of seeds for Lord Petre that Scott included in his letter to Sloane displayed at least a pretended sophistication in naming American plants. Pokeweed (*Phytolacca americana*), which appeared as *Poca* three years earlier, now became *Solanum maximum pomiferum Americanum*, which would seem to be a Latinized version of the English name given the plant by Philip Miller in his *Gardener's Dictionary*, "American



THE
Gardener's Dictionary:

Containing the METHODS of
CULTIVATING and IMPROVING
THE
Kitchen, Fruit and Flower Garden,
AS ALSO THE
Physick Garden, Wilderness, Conservatory,
AND
VINEYARD.

Abridg'd from the FOLIO EDITION,
By the AUTHOR, PHILIP MILLER,
Gardener to the Worshipful Company of Apothecaries, at
their BOTANICK-GARDEN, in Chelsea, and F. R. S.

In TWO VOLUMES.

— Digna manet divini gloria ruris.
VIRG. GEO.

VOL. I.

LONDON:

Printed for the AUTHOR, and Sold by C. RIVINGTON,
at the Bible and Crown, in St. Paul's Church-Yard,
M.DCC.XXXV.

FIGURE 1. Philip Miller's *The gardeners dictionary* was the single most important source of horticultural information in the English-speaking world in the 1700s. This title page is from the 1735 abridged edition.

nightshade with large fruit." Scott's *Vitis Idea Americana* also may have come more directly from a *vaccinium* listed by Miller. At his death, Scott possessed a copy of the dictionary, a common ornament in gentlemen's libraries. He appears to have acquired it before writing Sloane.¹³

Scott may have expected Charles James Petre, baron Petre of Writtle (1712–1742) and eighth in a line of Catholic peers, to provide him access to the English natural-history circle and, in spite of his religion, even to other forms of patronage. Lord Petre was young (scarcely twenty-six when Scott sent his cargo), rich, and a fine botanist and gardener. Petre had an insatiable need for plants and seeds to "paint" the mounds and groves of the newly modeled grounds of Thorndon Hall, his principal estate in Essex, in subtle shades of green. He needed exotic animals for Thorndon Hall's menagerie, so that Scott's turkey buzzard found a place there.¹⁴ In September 1741 Petre instructed Peter Collinson, London mercer and Petre's principal collaborator in gardening, to look into Dr. Scott.¹⁵ Whether he did or not is irrelevant: within a year, young Lord Petre lay dead of smallpox. Peter Collinson grew far too busy helping his friend's widow dispose of the plants in Thorndon Hall's nurseries and finding new patrons for his own favorite collector, John Bartram of Pennsylvania, to worry about a relatively untried Maryland collector.¹⁶

Meanwhile Scott practiced physic and surgery in Prince George's County. Evidence of his practice can be traced in the records of the county court. His name first appears in August 1737, when the justices allowed him £12 current money to cure Mary Douglas, "long diseased" and gangrenous. He must have cured her, as he agreed in November to treat her at his own expense if the disease recurred before the June court. The justices also seemed satisfied, since they agreed on 1 December to pay Scott £120 to treat the county patients for a year.¹⁷

The arrangement was not renewed, possibly for reasons of economy but more likely because Scott's own practice prospered sufficiently to provide him a stake in a more lucrative and (for Maryland) more traditional venture—making tobacco. Andrew Scott bought his first Maryland property, a 200-acre portion of "The Hermitage," from Thomas Butler in December 1737.¹⁸ He was now landed in the "upper parts" of the county, so that he was no longer as accessible to Upper Marlborough, where the justices sat. Even so, Scott continued to treat the county poor until those upper parts became Frederick County.

Court records did not always indicate the illness Dr. Scott treated. They did not tell why Scott amputated Griffith Evan's leg in 1747. Occasionally they were more specific. In November 1743, Andrew Scott was paid for "salivating and nursing" five, possibly six, of the county poor and again, in November 1747, was compensated for the same treatment of Israel Pollexphen "and her son James."¹⁹ "Salivating" involved the administration of mercuric medicines for the treatment of syphilis, a process that resulted in excessive salivation and that continued until it produced a metallic taste in the mouth. By such treatment, a patient sometimes suffered the consequences of venery by being poisoned with mercury. Seven or eight syphilitic indigents treated by one doctor in three years scarcely constitute an epidemic, but the evidence of the disease suggests that Scott and other Prince George's doctors may have administered the heavy metal to others in private practice. Certainly it brings into question the assumption that syphilis was rare in rural areas of

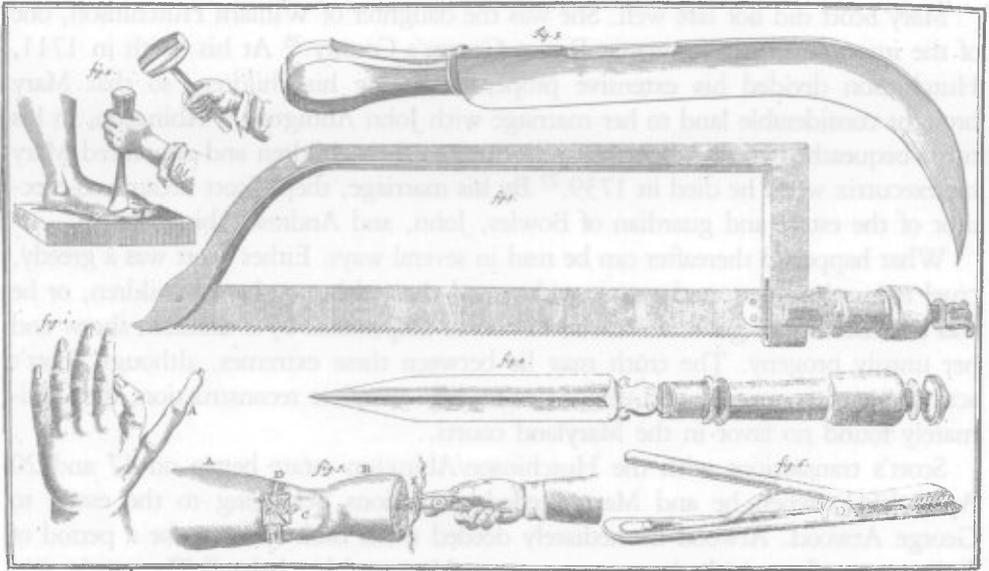


FIGURE 2. Surgical instruments and some of their uses. Table 9 from Lorenz Heister (1683–1758), *Chirurgie, in Welchen Alles, Was Zum Wund-Artzney Gehöret* . . . (Nürnberg, 1724. Institute of the History of Medicine, Johns Hopkins University).

the colonies; perhaps it suggests that the annual arrival of the tobacco fleet in the Chesapeake and its tributaries created an urban problem in a rural setting.²⁰ Even after Andrew Scott's removal to New Bern, North Carolina, a mere hamlet of 500 souls (though it was a port), his pharmaceutical arsenal contained "1 Phyll Quick Silver." He probably had occasion to administer it.²¹



Planting, medicine, and botany must have kept Scott busy, but increasingly planting predominated. In April 1739 he bought a second tract of land, a 144-acre portion of "Bacon Hall" from Edward Sprigg, one of the leading men of the county.²² Soon he took on all of the litigiousness of his fellow planters, possibly more than most. In August 1738 he sued Samuel Breshears, a carpenter, for 1,600 pounds of tobacco.²³ The amount suggests that it may have been a medical debt. Scott was involved in a more planterly encounter with the law shortly afterwards, when Henry Brooke and others successfully petitioned the court against him, alleging that he had plowed up a road and prevented them from rolling their tobacco to market. He was ordered to restore the access, and he soon joined other back country planters in petitioning the county to build a wagon road for their use.²⁴

By the early 1740s, it must have been clear to Scott that his own road to preferment was blocked. He chose a familiar eighteenth-century route to success; he married a widow, Mary Abington, the mother of a married daughter and of three sons who were still minors. There his troubles, and certainly her's, began. The events that followed may help to explain why he sent no more reptiles, birds, or seeds to English correspondents. He must have been occupied far too much with business and the courts to devote much time to collection.

Mary Scott did not fare well. She was the daughter of William Hutchinson, one of the important early figures in Prince George's County.²⁵ At his death in 1711, Hutchinson divided his extensive properties among his children, so that Mary brought considerable land to her marriage with John Abington.²⁶ Abington, in his turn, bequeathed those properties and others to their children and appointed Mary his executrix when he died in 1739.²⁷ By his marriage, then, Scott became co-executor of the estate and guardian of Bowles, John, and Andrew Abington.

What happened thereafter can be read in several ways. Either Scott was a greedy, cruel man who mistreated a poor widow and cheated her orphaned children, or he was a conscientious guardian driven to acts of desperation by a drunken shrew and her unruly progeny. The truth may lie between these extremes, although Scott's actions were so complex and devious as to defy complete reconstruction; they ultimately found no favor in the Maryland courts.

Scott's transactions with the Hutchinson/Abington estate began on 17 and 20 April 1741, when he and Mary deeded plantations belonging to the estate to George Atwood. Atwood immediately deeded them back to Scott for a period of eight years, after which they were to go to Mary and her heirs.²⁸ The newly wed physician may have done this either to appropriate the property to himself or to protect it from creditors. Scott's next effort seems to have been an honest attempt to deal with debt. In February 1742 he made a deed of trust to his brother George of three Abington properties, "Saturday's Work," "Speedwell," and "White Haven" and one of his own, "Hermitage." Included in the trust were nine servants and twenty-three Negroes. The servants and slaves were to be employed on the land for six years—less if the debts were paid—growing tobacco, corn, and wheat. The tobacco was to be sold to a London merchant or merchants. Proceeds were to be used, first, to clothe and feed the blacks and servants; then to pay more than £260 the estate owed to others; then to pay £216 the estate owed to Scott; and only then to pay more than £350 Scott owed to Philpott and Lee, his London merchants.²⁹ The transaction seems straightforward, except that Scott sold 131 acres (of 200) of "Hermitage" to his brother the following January.³⁰ The debts scarcely could have been paid by then.

Scott's administration of the estate came to the attention of others. In November 1743 he was charged with "Destroying Orphans Land and Timber in his Possession." He apparently escaped conviction, as the case was "After one continuance Struck Off Paying fee."³¹ Scott fared less well the following June, when two of his servants, Robert Hetherwick and Matthew Lorrain, complained of ill-usage. For this Scott was fined 500 pounds of tobacco.³² By mid-1744, it is clear that Scott's relations with Mary and her children were, at best, strained. The county court tried unsuccessfully for more than a year to secure an accounting of the Abington estate.³³ In June 1745 Scott, apparently under pressure, deeded some properties to Bowles, Andrew, and John Abington but retained a life interest in them for himself and Mary. On one of those deeds, he wrote, "John and Andrew Abington and Sarah Needham I say received in full of me."³⁴ They may not have agreed. In March and June 1746 the Abington boys were allowed to choose a new guardian, their sister Sarah's husband, John Needham. The court ordered Scott to deliver

their estates to Needham, which he did not do for at least two years, being held in contempt in June 1747 for his failure to comply.³⁵

Both sides resorted to more desperate measures. First, in April 1746, Scott sold "Saturday's Work," "Speedwell," and "Whitehaven," which had been part of Mary's inheritance; twenty adult and nine young Negroes; and a number of servants, cattle, hogs, and horses to his brother for £1,100 sterling, an impressive sum at the time in Maryland.³⁶ Certainly the amount would have given him a good start elsewhere. The "transaction" may have been no more than a threat, or may never have been consummated. Later that same year, Thomas Lamb, one of the servants who had supposedly been sold to George Scott, murdered a mulatto slave named Nacey. Lamb was tried for the crime in April 1747 and sentenced to be hanged "on the North side of Rock Creek on the Top of a Hill near Holmead's Mill." The provincial council still considered Lamb to belong to Andrew Scott.³⁷

Scott's opponents now resorted to the courts. In 1746 John and Mary Needham secured judgment from the Commissary to compel a final accounting of the estate from Andrew and Mary, which was finally accomplished by the end of the following year.³⁸ Mary Scott, now clearly allied with her children, took even stronger action: she sued Andrew for separate maintenance in Chancery Court. This must have required considerable courage on her part, even though the Needhams stood behind her and she still had friends in the county. The allegations and counter-allegations in the case hardly depict a happy marriage. Mary accused Andrew of appropriating her widow's third of the estate to his own use and of prevailing upon her to deed some parcels to "sundry persons . . . in order that they might convey the same to him." Scott used her "with so much Cruilty and inhumanity" that she "could not live or cohabit with him without running a Manifest hazard of her Life and an Utter Loss of all peace and Quiet." He drove her "out of Doores," quite destitute, and forced her to flee to friends. What was worse, he refused to pay her the £30 a year he had promised and planned to abscond to Europe. George Parker confirmed her allegations, saying that Scott first had promised £30, then £20, and then nothing unless "forced to it." The doctor, though, had given her a "Negro wench," now claimed by his brother, and an old horse.

Scott agreed that Abington had been possessed of a large estate and that Mary was entitled to her widow's third, much diminished after the payment of debts. He also admitted that he had persuaded her to deed tracts to others so that they could be reconveyed to him, although he had also joined her in releasing property to her children. Scott maintained further that he had never treated his wife cruelly or inhumanely, nor had he ever intended it. He alleged that "her Behaviour both before and after wards was so indecent disorderly, Abusefull, and Turbulent, occasioned by her common and frequent Drunkenness that he could not live in the house or Cohabit with any degree of Comfort or Satisfaction and was often Obligated for Peace and Quietness . . . to leave his own house and go to some neighbours. . . ." Moreover, "he was fully Satisfied and convinced that she had been guilty of the worst and most Scandalous of Crimes which a wife could be guilty of to a husband and thereby brought a disease upon him, which for Decency and the Shamefullness of it, he forbears to give a name to. . . ." Scott had, after all, given her the use of a



FIGURE 3. "Medical Dispatch, or, Doctor Doubledose Killing Two Birds with One Stone," from Pegg's Caricatures, no. 47, by Thomas Rowlandson (1756–1827). Reflecting the generally poor popular image of eighteenth-century physicians, Rowlandson here portrays them as shameless opportunists (National Medical Library, Bethesda).

servant girl and a horse and a note of hand for £20 from her son-in-law, which he believed to be due. The long-suffering husband admitted that he had promised her £30 a year, but she had taken all her clothing and sold it for drink, which he apparently believed excused him from further obligation.

However plausible Scott's actions may have seemed to himself, Chancellor (and Governor) Samuel Ogle found that equity lay with Mary. He ordered the defendant to pay the promised £30 a year for Mary's life or, what was less likely, until they should be reconciled.³⁹ The suit initiated in August 1746 had taken more than a year to its completion, and Scott took even longer to comply with the order. Finally, in July 1751, he deeded one of the Hutchinson-Abington properties, "Carrickfergus, upon which stands the village of Broad Creek," to John Needham for Mary's lifetime and for her support. He also settled old debts with a payment of £70 and promised an additional £20 for each remaining year of her life.⁴⁰ She may have had relatively few years left. The Land Office Debt Book listed the "Widow of Doctor Scott" as the owner of "Carrickfergus" as late as 1755; by 1759 the plantation was in the hands of one Henry Low.⁴¹

Circumstances permitted Scott's continued pursuit of respectability and profit in tobacco and land speculation. After the division of Prince George's County in 1748, he surveyed and patented lands in the newly-created Frederick County: the aptly named "Badger Hole" of 22 acres; "Fancy" of 144 acres, and "Venus" and "Saturn," both 200-acre tracts.⁴² Perhaps it is as well that Dr. Scott found himself on the Frederick side of the new boundary, as he surely must have exhausted much of his credit with the gentry of Prince George's. He was not totally isolated, however, from the better sort of Maryland. Twice in May 1751 and again a year later he attended the Tuesday Club in Annapolis, along with many of the leading men of the province. That convivial organization was certainly the wittiest and most intellectual of the many clubs in the capital, and its founder and mainspring was another (but much more successful) Scottish-born physician, Dr. Alexander Hamilton. Unfortunately, Hamilton's "History of the Tuesday Club" notes only that Scott was one of "three Gentleman Strangers" present on one of those occasions and did not give him an appropriate pseudonym. Scott may have rusticated too long to shine in the company of such wit.⁴³

Scott did not remain long in Maryland, nor was his escape that of Mary's widowhood, which was at best a delicate description of an uncommon situation. In 1755, when Maryland records accorded her a widow's title, her husband was busy buying and selling property in Craven County, North Carolina, and practicing medicine in New Bern.⁴⁴ He involved himself in speculation and physic until his death eleven years later. Scott dealt in town lots in New Bern, although one hopes he was normally more successful than on 13 November 1759, when he bought lot 89 on "Handcock Street" from widow Abiah Bangs for £36 4s. and sold it again the same day for only six shillings more. As he had done in Maryland, he dabbled in frontier property, at least 320 acres on Deep River in Cumberland County, which he acquired for a modest £10 proclamation money.⁴⁵ Scott's North Carolina transactions are more difficult to follow than those in Maryland, but his administrators noted after his death that he had "Sundry lotts in New Bern and some lands in Craven County."⁴⁶

North Carolina records also shed less light on Dr. Scott's medical practice than those of Maryland, but it scarcely was less interesting. In 1760 the province tardily allowed him £4 for castrating and nursing a slave named Will, who had received that drastic court sentence two years before in New Bern. At the same time, Scott sold the colony medicines for troops serving in the French and Indian War.⁴⁷

Another instance of Scott's practice in North Carolina, possibly proved dangerous to citizens of the little city on the Neuse. On 16 August 1759, the Craven County Court issued a summons to Joseph Harris to answer a "Demand Concerning Doctor Andrew Scott's sending to him for Some of the Small pox Skabbs in a Vial or his going for them himself." Thereafter, the court minutes say no more about the affair.⁴⁸ Scott had been a justice for more than a year, but he did not qualify for the bench until the afternoon of the day the summons was issued. Presumably Scott had sufficient interest with his fellow justices so that they dealt with the matter out of court. Scott had practiced variolation—inoculating for small pox—or planned to do so. Inoculation was scarcely new in 1759, even in American backwaters. Scott may well have performed it in Maryland, as Dr. Alexander Hamilton certainly did.⁴⁹ Smallpox inoculation demanded great urgency, as the disease then raged among Indians to the south and would soon afflict the rest of the colonies.⁵⁰ In terms of contemporary practice, Scott chose the proper course. But his fellow justices may have displayed another form of prudence: the inoculated form of the disease was as contagious to others (if less deadly to the one inoculated) as that contracted naturally.

Scott finally seems to have found in New Bern the recognition and some of the patronage he earlier had sought in Maryland. He joined the leading men of New Bern in the Ancient and Honourable Society of Free and Accepted Masons. He developed close ties to Joseph Carruthers, who had the patronage of Governor Dobbs and, perhaps more significantly, to Dobb's nephew, Richard Spaight, on whom a doting uncle had heaped a number of offices, including that of provincial secretary.⁵¹ Possibly the aging governor, a naturalist as well as politician, found in the physician the company of a fellow botanist. On 4 May 1758, the governor in council added Dr. Scott to the Commission of the Peace for the County of Craven. Five days later, Andrew Scott, Esq., Justice, swore the oaths of government and of a justice, subscribed to the Test Act, and took his seat on the bench.⁵²

Scott attended sessions of the court conscientiously for the next five years. He had the advantage of living in proximity to the court as well as the flexibility of his practice in an unhurried age. New Bern had at least two other "doctors" and probably even more practitioners of one kind or another; not even a sickly place, as New Bern undoubtedly was, could have suffered from the absence of one practitioner.⁵³

The bench brought other opportunities. In November 1758 Dr. Scott, as one of the justices, helped to appoint Joseph Carruthers inspector of commodities for the port of New Bern. Carruthers, in turn, named Scott and Joseph Leech, another justice, his deputies. The intimacy of this arrangement carried even further as, on the same day, Scott became one of three designated by the court to examine Carruther's accounts as sheriff. He would perform that function again after his friend completed still another term. Scott also stood surety for Carruthers. Pa-

tronage was, after all, the prime mover of eighteenth-century Anglo-American politics, and the confusion of private interest with public good seems to have been especially characteristic of the *new* men who governed North Carolina. Scott and the other newcomers to the province, making up Craven County's little oligarchy, did no more than imitate familiar practices.⁵⁴

Scott served on the court through April 1763, when he was also appointed guardian for one Samuel Griffis.⁵⁵ Thereafter, except for a deed to a lot in New Bern, Scott's name disappeared from the minutes until after his death. It may be that he was ill or had fallen on bad times. After 1764 he failed to pay quitrents on his Frederick County, Maryland, properties (that may mean nothing, however, since the Debt Books did not notice his removal to Carolina until 1763 or his death until three years afterward).⁵⁶ Scott's last appearance (live, at least) in North Carolina records came in May 1765, when he joined the Reverend James Reed, minister of Christ Church Parish, and other leading men of New Bern in petitioning Governor William Tryon for assistance in securing from the Society for the Propagation of the Gospel a salary for Thomas Thomlinson as master of the newly-established school, the future New Bern Academy.⁵⁷



Scott must have died in late June 1766 or, at the latest, 1 July. On that day, Richard Cogdell and Philip Ambrose executed bonds, and three days later the county court appointed them, "as greatest creditors," administrators of Scott's estate. They obviously acted in haste, as they returned an inventory the following day and immediately obtained permission to "Sell the Perishable part of the said deceased's Estate."⁵⁸ They found "378 dollars and 2 Pistreins in a Cotton Purse," 23s. 4d. proclamation money, and sundry small coins among Scott's liquid assets. The remaining "perishables" included his surgical instruments; medicines; library; household goods; clothing and personal effects; two slaves, Cambridge and Lott, the latter in the possession of Matthew Arthur; a horse and a mare. All that remained of Scott's botanizing was a one volume *hortus siccus* which he had entitled ambitiously, "Vegetable Kingdom." The volume went to one John Rice for a modest 9s. 6d. That amount was, however, more than most of his books (with the exception of dictionaries, recent medical works, and a relatively current novel) fetched at auction.⁵⁹

Ambrose and Cogdell sold the first part at vendue on 15 August and the remainder a year later. In all, they realized something more than £240 proclamation money from the cash and the sales, or half that amount in sterling.⁶⁰ As Scott had left no will and as he had no relations nearby, it seems likely that his administrators made no great effort to realize the most from the residues of his work, his schemes and speculations. The slaves and the mare were not included in the sale, and there is no evidence that Ambrose and Cogdell attempted to collect what was owed in "2 books with Sundry unsettled Accounts and Sundry Bonds and Notes of Hand." Scott's North Carolina real estate simply may have slipped away. Long afterward, one of those properties, a house and lot on A Street in New Bern, sold at sheriff's sale.⁶¹

Scott's Maryland properties may have gone to his more successful brother,

George Scott, Esq., who survived Andrew by more than five years and served as Deputy Commissary for Prince George's County and Farmer of the Quitrents for Frederick County.⁶² Scott's Frederick County holdings may have passed to George's sons, George and Andrew, both of whom were Frederick County delegates to Maryland's first Revolutionary Convention.⁶³

Scott's administrators, sometimes careless, were even more ignorant of his surgical instruments and medicines. Yet their inventory of his personal property and account of its disposal add to our knowledge of the life and practice of a doctor in rural Maryland and coastal Carolina. He was undoubtedly an apothecary-surgeon, as were most colonial medical practitioners and most of their provincial British counterparts. Scott's medical library supported his claims to be a physician (or at least a "Doctor of Physick"). The identifiable volumes in his little collection were not of one kind. Thomas Willis (1621–1675), the great English iatrochemist and anatomist, appeared in a study of "convulsive disorders," *Pathologia cerebri*.⁶⁴ Scott had nothing of Thomas Sydenham (1624–1689), the most influential seventeenth-century English physician, though he did have copies of authorities who claimed to write in Sydenham's tradition (though they did it without his clinical emphasis). Among them, Walter Harris's *De morbis acutis infantium*⁶⁵ remained the standard English work dealing with diseases of children for nearly a century.⁶⁶

The heaviest concentration in Scott's medical library lay in books emphasizing mechanical explanations of disease—not surprising in an age when the largely iatro-mechanical concepts of Hermann Boerhaave (1678–1738) so influenced all of European medicine. Scott's collection (chronologically, at least) began with one of the great seventeenth-century works in body fluid mechanics, Giovanni Borelli's (1608–1679) *De motu animalium*, which influenced many early British iatro-mechanists.⁶⁷ The self-consciously and naively Newtonian *Essay on Poisons* of the most successful English physician of the first half of the eighteenth century, Dr. Richard Mead (1673–1754), was also represented.⁶⁸ Boerhaave himself was there in the *Aphorisms* and in two of the five volumes of the *Praxis medica*, commentary on Boerhaave compiled by anonymous disciples of the master.⁶⁹ Even later, or so we must assume, Scott purchased Richard Brookes's *The General Practice of Physic*, a text attesting that illness was due to the excessive firmness or laxness of the fibers of the body, the solid parts of which were nothing but a mass of pipes or vessels distributing blood and nerves carrying animal spirits.⁷⁰

If the bulk of Scott's medical books tended to emphasize a mechanical theory of disease, the same is true also of his sole volume dealing with the apothecary's art, John Quincy's ostentatiously Newtonian and mechanistic *Pharmacopoeia officinalis et extemporanea; or A Complete English Dispensatory*. Quincy derived his chemistry from Dr. John Friend, "whose *Praelictiones Chymia* have so much to our purpose," wrote Quincy, "that they have almost been translated into it; and with some Explanations peculiar to the *Galenical Pharmacy*, they make up our first part."⁷¹ Likewise, Quincy paid homage to the mechanical physiology of James Keill's *Animal Oeconomy* and even more often to Richard Mead's treatment of poisons.⁷²

While Scott may have adhered to medical system, he did not let that allegiance or his own isolation prevent him from being up-to-date in matters of physic. He purchased the first two volumes (all that saw print before his death) of the *Medical Observations and Inquiries* published by a "Society of Physicians in London," whose

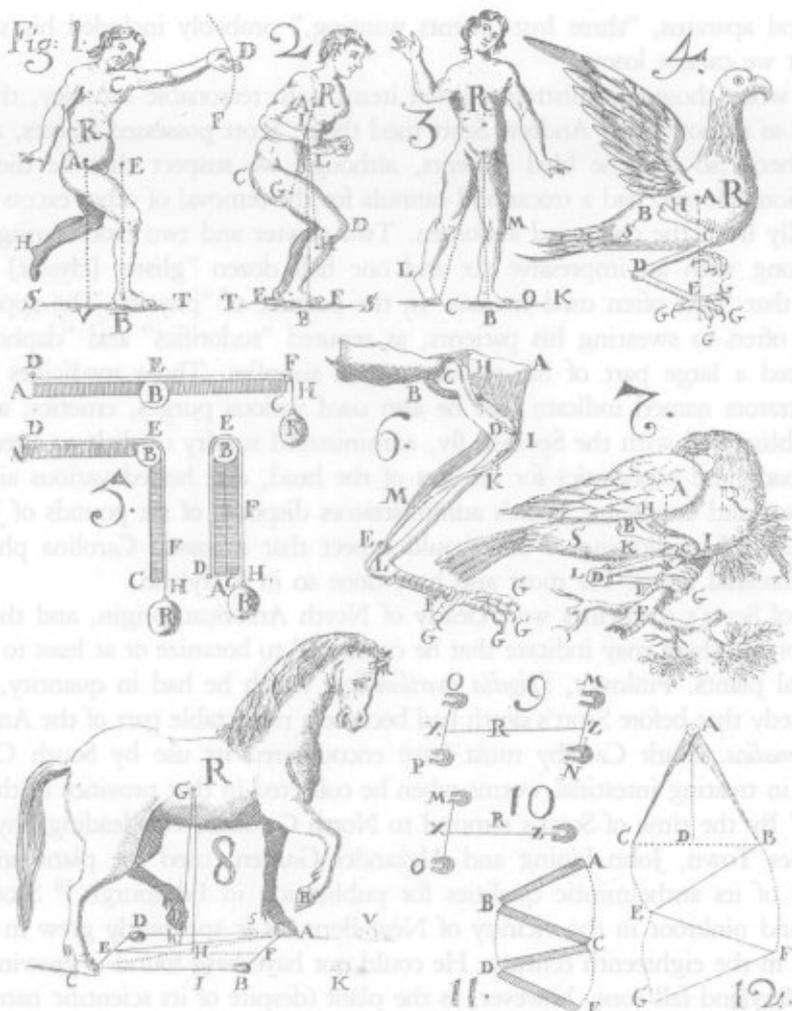


FIGURE 4. An example of Newton's influence in anatomical theory. Table 11 from Giovanni Alfonso Borelli (1608–1679), *De Motu Animalium* . . . (Naples, 1734. Institute of the History of Medicine, Johns Hopkins University).

prime mover was Dr. John Fothergill, a great encourager of American science and medicine.⁷³ The initial volumes contained articles by colonial authors including Dr. Thomas Bond and Cadwallader Evans of Philadelphia and Dr. Lionel Chalmers of Charles Town.⁷⁴

The doctor's library may not provide the best index to his actual treatments. Scott's instruments and medicines gave further clues to the nature of his practice, which would probably have been nearly the same if based theoretically on Boerhaavian or the earlier Galenic, humoralistic principals. As David Ramsay, another coastal Carolina physician of a later generation, wrote of the next change in medical fashion, "These theories were more at variance than the practice of their respective advocates."⁷⁵ Again, as with the books, Scott's administrators listed some items merely as jars, papers, or bundles of medicine; the anonymous contents of his case

of surgical apparatus, "three Instruments wanting," probably included his surgical saw, but we cannot know.⁷⁶

Even when those administrators listed items with reasonable accuracy, they left no hints as to how often Andrew Scott used them. Scott possessed lancets, at least six of them, so that he bled patients, although we suspect that he did it in moderation. He also had a trocar and cannula for the removal of other excess fluids, principally from the chest and abdomen. Two pewter and two ivory syringes and pipes along with an impressive six and one half dozen "glisters [clysters] pipes" suggest that Scott often used enemas. In the practice of "physick," he apparently resorted often to sweating his patients, as reputed "sudorifics" and "daphoretics" constituted a large part of his pharmaceutical supplies. Those medicines Scott's administrators named indicate that he also used various purges, emetics, and diuretics, blisetered with the Spanish fly, administered sundry cordials to strengthen the stomach and cephaletics for diseases of the head, and healed various ailments with salves and emollients. Scott's administrators disposed of six pounds of Jesuit's bark [quinine], indicating as one would expect that a coastal Carolina physician treated malarial fevers. He must also have done so in Maryland.

Two of Scott's medicines were clearly of North American origin, and the presence of one of them may indicate that he continued to botanize or at least to collect medicinal plants. Pinkroot, *Spigelia marilandica*, which he had in quantity, was a folk remedy that before Scott's death had become a respectable part of the American *materia medica*. Mark Catesby must have encountered its use by South Carolina planters in treating intestinal worms when he collected in that province in the early 1720s.⁷⁷ By the time of Scott's removal to North Carolina, two leading physicians of Charles Town, John Lining and Alexander Garden, used the plant and sent accounts of its anthelmintic qualities for publication in Edinburgh.⁷⁸ Scott may have found pinkroot in the vicinity of New Bern, as it apparently grew in North Carolina in the eighteenth century. He could not have found it growing wild in the Maryland fall zone, however, as the plant (despite of its scientific name) was not native to that region.⁷⁹ It is doubtful that Scott collected the other plant, Seneca snakeroot, *Polygala Senega*, as its range did not extend to coastal North Carolina. He may have used it, though, even before his removal to New Bern and could certainly have found it in Maryland. Dr. William Tennent of Williamsburg began his published advocacy of the root in treating "Pleurisies and Peripneumonies" at about the same time as Scott's apparent arrival in Prince George's County.⁸⁰ Even if Tennant made excessive claims for the medical efficacy of the plant, there were sound empirical reasons for its use. Seneca snakeroot, with genuine expectorant qualities, was used in cough medicines well into the twentieth century.

What were Andrew Scott's medical assumptions? They must have been much like those of the doctors of South Carolina whose practices were contemporary with Scott's in the province to the north. Dr. David Ramsay, who left an informed account, might well have said much the same of practitioners in Pennsylvania or Maryland, provinces in which he had medical education or experience.

The practice of physic about fifty years ago was regulated in Carolina by the Boerhaavian system, and that of surgery by the writings of Heister and Sharp. Diseases were ascribed to a morbid matter in the blood. Medicines were prescribed to alter its qualities, and to expel

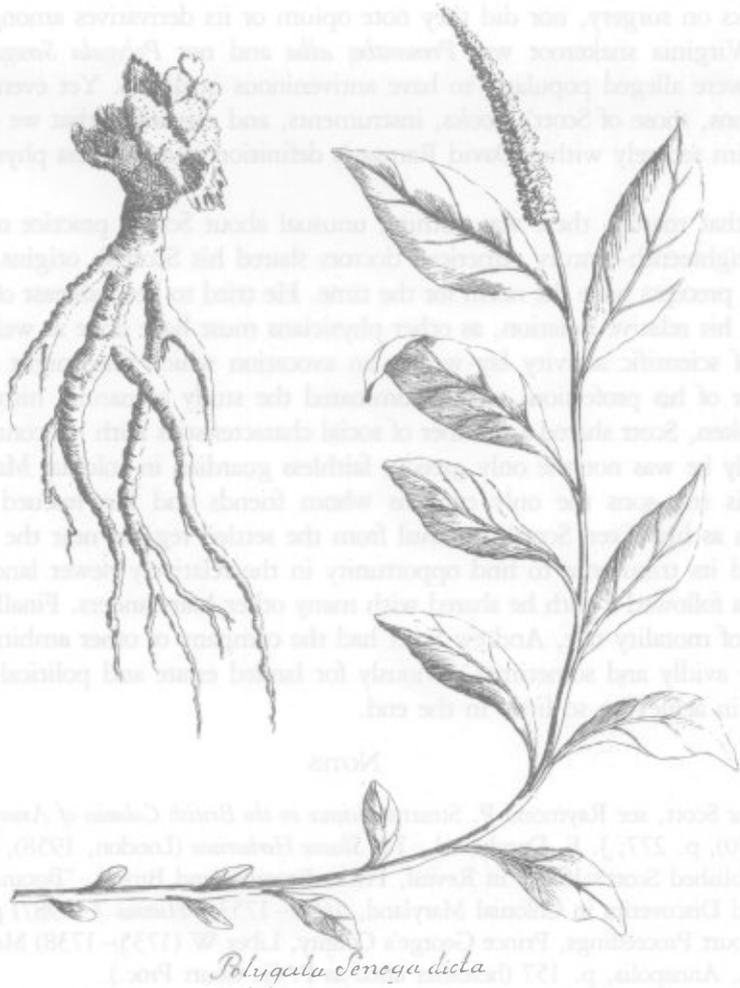


FIGURE 5. Many plants were called "snake root" in colonial times, but in Maryland the Seneca snakeroot (*Polygala Senega* L.) was the best known. The species was the subject of a doctoral dissertation written by Carl Linnaeus, the famed Swedish botanist, and defended by Jonas Kiemander in April of 1749. The plant figured here by Linnaeus was collected by Pehr Kalm and possibly came from the garden of John Bartram near Philadelphia.

from it the cause of the disease. To ensure its discharge through the pores, patients were confined to their beds, and fresh cool air was excluded by closed doors and curtains. To hasten its expulsion, much reliance was placed on sudorifics. Neutral mixtures and sweet spirits of nitre were often prescribed with this intention. In cases of danger, recourse was had to saffron, Virginia snakeroot and camphor. In pleurisies and acute rheumatisms the lancet was freely used, but very seldom in other diseases. The medical treatment of most febrile complaints, commenced with purges and vomits; but after their operation the principal reliance was on sweating medicines. The bark was freely administered in intermittents, but there were strong prejudices against it. So many believed that it lay in their bones and disposed them to take cold, that the physicians were obliged to disguise it. Opium was considered as a medicine calculated to compose a cough, or to restrain excessive discharges from the system, but was seldom prescribed in sufficient doses, and not at all in several cases to which it is now successfully applied. Like the bark, it was the object of so many prejudices as to make it necessary to conceal or disguise it.⁸¹

There are a few problems with this perspective in Scott. His administrators listed no books on surgery, nor did they note opium or its derivatives among his medicines. Virginia snakeroot was *Prenanthes alba* and not *Polygala Senega* (so many plants were alleged popularly to have antivenenous qualities). Yet even with these exceptions, those of Scott's books, instruments, and medicines that we can identify place him securely within David Ramsay's definition of a Carolina physician of the 1760s.

For that matter, there was nothing unusual about Scott's practice of medicine. Many eighteenth-century American doctors shared his Scottish origins, and Boerhaavian precepts were the norm for the time. He tried to keep abreast of new ideas, even in his relative isolation, as other physicians must have done as well. His brief burst of scientific activity lay within an avocation which one might expect of a member of his profession, which dominated the study of natural history. By the same token, Scott shared a number of social characteristics with his contemporaries. Certainly he was not the only greedy, faithless guardian in colonial Maryland, nor were his step-sons the only orphans whom friends and kin rescued from such schemes as his. Even Scott's removal from the settled regions near the Chesapeake Bay and its tributaries to find opportunity in the relatively newer lands of North Carolina followed a path he shared with many other Marylanders. Finally, as this is a kind of morality tale, Andrew Scott had the company of other ambitious men in striving avidly and sometimes deviously for landed estate and political preferment—and in achieving so little in the end.

NOTES

1. For Scott, see Raymond P. Stearns, *Science in the British Colonies of America* (Urbana, Ill., 1970), p. 277; J. E. Dandy, ed., *The Sloane Herbarium* (London, 1958), p. 202. We have published Scott's letters in Reveal, Frick, Broome, and Brown, "Botanical Explorations and Discoveries in Colonial Maryland, 1690–1753," *Hunteea* 7 (1987) pp. 1–283.

2. Court Proceedings, Prince George's County, Liber W (1735–1738) Maryland State Archives, Annapolis, p. 157 (hereafter cited as P. G. Court Proc.).

3. Edward C. Papenfuse, et al., *A Biographical Dictionary of the Maryland Legislature, 1635–1789*, 2 (Baltimore, Md., 1979–1985), pp. 713, 715.

4. Scott v. Scott, #8 Chancery I. R. #5 (1746–1749), Maryland State Archives, p. 157 (hereafter cited as Scott v. Scott); A Just and Perfect Inventory of All and Singular the Goods and Chattles, Rights and Credits which were of Doctor Andrew Scott Deceased, Craven County Estates Records, 1745–1945, North Carolina Archives, Raleigh, alphabetical file (hereafter cited as Scott, Inventory).

5. For the status of the physician see Richard Shryock, *Medicine and Society in America, 1660–1860* (New York, 1960), pp. 2–31. For deed references, see Land Records, Prince George's County and Frederick County, Maryland Hall of Records, cited elsewhere.

6. *Monumenta Alme Universitatis Glasguensis: Records of the University of Glasgow from its Foundation till 1727*, 3 (Glasgow, 1854), pp. 204, 228.

7. Scott, Inventory.

8. For Arbuthnot, see Robert Steensma, *Dr. John Arbuthnot* (Boston, 1979).

9. William Munk, *The Roll of the College of Physicians*, 2 (London, 1878), pp. 93–94; Dandy, *Sloane Herbarium*, p. 61.

10. For Sloane, see Gavin Rylands de Beer, *Sir Hans Sloane and the British Museum* (London, 1953).

11. Sloane, "Conjecture on the Charming or Fascinating Power of the Rattle-Snake, *Philosophical Transactions*, 38 (1734), pp. 321–31.
12. Royal Society, Journal Book, 17, Library of the Royal Society of London, p. 482; *ibid.*, Letter Book, 26:38–40; Charles M. Owings, *His Lordship's Patronage* (Baltimore, 1953), p. 71; *Archives of Maryland*, 42 (Baltimore, 1923), p. 651.
13. We have used the third edition (London, 1737), as may be. His estate also included John Ray, *Synopsis Stirpium Britannicarum* in one of its editions and Paul Hermann, *Paradisus Batavus*, again in an unknown edition.
14. The fullest treatment of Petre and his gardening is Sir George Clutton and Colin MacKay, "Old Thorndon Hall, Essex: a History and Reconstruction of its Park and Garden," *Garden History Society, Occasional Papers*, no. 2 (1970) pp. 27–40.
15. Petre to Collinson, 18 September 1741, Additional MSS, 28,726, British Library, fol. 107.
16. See particularly the letters of Lady Anne Petre to Collinson in the Collinson-Bartram Papers, American Philosophical Society Library, Philadelphia.
17. P. G. Court Proc., Liber W, pp. 157, 268, 311.
18. Land Records, Prince George's County, Liber T. Maryland State Archives, p. 554 (hereafter cited as P. G. Land Rec.); Land Office, Rent Rolls, liber 3, Maryland State Archives, fol. 400 (hereafter cited as Rent Rolls). The property was also called Butler's Park and lay to the northwest of the modern District of Columbia.
19. P.G. Court Proc., Liber X (1738–1740), p. 435; *ibid.*, GG (1738–1740), p. 435; *ibid.*, CC (1743–1744), p. 141.
20. For the infrequency of syphilis in rural areas see Shryock, *Medicine and Society*, pp. 92–93.
21. An Additional Account Sales of Sundrys at Vendue belonging to the Estate of Andrew Scott, [?] August 1767, Craven County Estates Records, 1745–1945, North Carolina Division of Archives and History, Raleigh, alphabetical file (hereafter cited as Scott, Additional Account).
22. P.G. Land Recs., Liber Y (1739–1743), pp. 17–18. Sprigg had recently been speaker of the assembly. In comparison with Sprigg's gentility, Scott is called "chirurgion" in the deed.
23. P.G. Court Proc., Liber Y (1738–1743), pp. 17–18.
24. *ibid.*, pp. 275–276, 505.
25. Papenfuse, *Biographical Dictionary*, 1 (1979) pp. 473–74.
26. Jane Baldwin Cotton, *The Maryland Calendar of Wills*, 3 (Baltimore, 1907) pp. 201–02.
27. *ibid.*, 8 (1928), p. 31.
28. See Rent Rolls, Liber 3, fols. 363, 365, 366, 375; P.G. Land Recs., Liber BB, no. 1, fols. 331, 339, 350–51. He also sold Bacon Hall on 10 April to David Crawford. Rent Rolls, *ibid.*, fol. 310.
29. P.G. Land Records, Liber Y (1739–1743), pp. 606–07.
30. Rent Rolls, Liber 3, f. 204, where it is listed as Butler's Park.
31. P.G. Court Proc., Liber CC, p. 177.
32. *ibid.*, p. 396.
33. *ibid.*, p. 417; *ibid.*, DD (1744–1746), pp. 33, 106.
34. P.G. Land Recs., Liber BB, no. 1, pp. 331, 339, 350–51.
35. P.G. Court Proc., Liber GG (1746–1747), pp. 16, 178, 392, 620.
36. P.G. Land Recs., BB, no. 1, p. 423. Scott's personal estate had been diminished slightly only a year before when he advertized for two horses stolen or strayed from his plantation, *Maryland Gazette* (26 April 1745).

37. *Archives of Md.*, 28:387–88; *Maryland Gazette*, 21 April 1747; *ibid.*, 12 May 1747.

38. Testamentary Proceedings, 32, Maryland State Archives, fols. 10, 11, 68, 122.

39. Chancery I. R., no. 5 (1746–1749), Maryland State Archives, pp. 6, 77, 125, 237–43.

40. Frederick Land Records, Liber B (1748–1752), pp. 417–18.

41. Land Office Debt Book, Prince George's, 33 (1753–1758), [1755] fol. 43, *ibid.*, 34 (1759–1765), [1759] fol. 28.

42. Land Office, Rent Rolls, Liber 3, fols. 127, 259, 269; Land Office, Debt Book, Frederick, 1753, p. 10, where "Fancy" becomes "Nancy."

43. *Fide* Professor Robert Micklus, S.U.N.Y. Binghamton. See Micklus' edition of the "History," unpublished Ph. D. Dissertation, University of Delaware, 1980, p. 840. This colonial masterpiece will finally be published under the imprimature of The Institute of Early American History and Culture and the University of North Carolina Press.

44. Craven County, Index to Grantors L–Z, 1744–1846, North Carolina Archives, Raleigh. Sales are listed to John Laysaht, Joseph Carruthers, and Evan Paris.

45. Craven County, Deed Book, 1756–1758 [sic.], fols. 36, 47, 71.

46. Additional Inventory of the Estate of Andrew Scott, appended to Scott, Additional Account.

47. Walter Clark, ed., *State Records of North Carolina*, 22 (Raleigh, 1907), pp. 819, 822. The nature of the slave's crime is not clear. In 1761 two slaves were sentenced to castration for an attempted poisoning, Craven County Court Minutes, 1757–1763, North Carolina Division of Archives and History, Raleigh, fol. 14 (hereafter cited as C.C.C. Min.)

48. *Ibid.*, pt. 2, fol. 43.

49. Hamilton, *A Defence of Dr. Thompson's Discourse* (Philadelphia, 1752).

50: See Duffy, *Epidemics*, pp. 91–97.

51. See Alonzo T. Dill, *Governor Tryon and His Palace* (Chapel Hill, N.C., 1953). pp. 91–97; *North Carolina Magazine*, 21 December 1764; C.C.C. Min., 1747–1756, 1757–1762, 1762–1764, 1764–1766.

52. William S. Saunders, ed., *The Colonial Records of North Carolina*, 5 (Raleigh, 1887), 992; C.C.C. Min., 1757–1762. pt. 1, fol. 63. For Dobbs, see Desmond Clarke, *Arthur Dobbs, Esquire, 1689–1765* (Chapel Hill, N.C., 1957).

53. C.C.C. Min., 1757–1764, *passim*. His absence is in *ibid.*, 1757–1762, pt. 3, fol. 33 ff. Doctors Alexander Gaston and Thomas Haslin practiced in New Bern and bought medical materials at the sale of Scott's estate as did James Coor. Coor was not a physician but must have been engaged in some kind of medical practice.

54. C.C.C. Min., 1757–1762, pt. 2, fols. 2, 7, 70. For the nature of North Carolina politics in this period, see A. Roger Ekirch, "Poor Carolina," *Politics and Society in Colonial North Carolina, 1729–1776* (Chapel Hill, N.C., 1981).

55. C.C.C. Min., 1762–1764, fols. 16, 33.

56. Land Office, Debt Book, Frederick County, 1766, p. 66; *ibid.*, 1763, p. 169, *ibid.*, 1769, p. 131.

57. *Colonial Records of N.C.*, 7 (1890), pp. 35–36.

58. C.C.C. Min., 1764–1766, fols. 46–47.

59. This material and the following is taken from Scott, Inventory; Scott, Sale; and Scott, Additional Account.

60. The sterling approximation has been computed from John J. McCusker, *Money and Exchange in Europe and America, 1600–1675, A Handbook* (Chapel Hill, N.C., 1978).

61. Robert C. McLean, "A Yankee Tutor in the Old South," *North Carolina Historical Review*, 47 (1970):81–83.

62. *Maryland Gazette*, 12 September 1771.
63. Papenfuse, *Biographical Dictionary*, 2:713, 715. Dr. Scott's namesake ultimately suffered bankruptcy.
64. We have used the fourth edition (London, 1678).
65. We have used the second edition (London, 1705). For Harris, see *DNB*.
66. Town dedicates his work to Sir Hans Sloane, but his most frequent references in a work, which lays its major emphasis on climate as a cause of disease, are to Sydenham.
67. (Rome, 1670–1671). For the importance of Borelli, see Robert E. Schofield, *Mechanism and Materialism: British Natural Philosophy in An Age of Reason* (Princeton, N.J., 1970), p. 49. We are particularly indebted to Schofield's analysis of the mechanists.
68. We have used the second edition (London, 1708). See Schofield, pp. 50–51.
69. For the *Aphorisms*, we have used the London, 1715 edition, which Scott may well have used. The *Praxis medica* was also published London, 1715. See G. A. Lindeboom, *Bibliographia Boerhaaviana* (Leyden, 1959).
70. We have used the second edition (London, 1754).
71. (London, 1719), p. ix.
72. *Ibid.*, 1, 197, 229–32, 257.
73. For Fothergill, see Betsy C. Corner and Christopher C. Booth, *Chain of Friendship: Selected Letters of Dr. John Fothergill of London, 1735–1780* (Cambridge, Mass., 1971).
74. Vol. 1 (London, 1757), pp. 67–80, 83–86, 87–110; vol. 2 (London, 1763), pp. 265–68.
75. *History of South Carolina*, 2 (Newberry, S.C., 1858 [reprint, Spartanburg, S.C., 1959]), p. 66.
76. Scott, Inventory. The following is derived from that inventory; from Scott, Sales; and from Scott, Additional Account.
77. *The Natural History of Carolina . . .*, 2 (London, 1743), p. 78.
78. Lining, "Of the anthelmintic Virtues of the Root of the Indian Pink," *Essays and Observations Physical and Literary Read before a Society of Physicians in Edinburgh*, 1 (1754), pp. 386–89; Garden, "An Account of the Indian Pink," *ibid.*, 3 (1771), pp. 145–153. See Garden to John Ellis, Charlestown, 6 May 1757, in Sir James Edward Smith, *A Selection of the Correspondence of Linnaeus . . .*, 1 (London, 1821), 393–408 and same to same, 17 February 1759, *ibid.*, pp. 428–436. Edmund Berkeley and Dorothy Smith Berkeley, *Dr. Alexander Garden of Charles Town* (Chapel Hill, N.C., 1969), pp. 29–31. See also Martha Windholz, *et al.*, eds., *Merk Index* (Rahway, N.J., 1983), p. 1252.
79. George K. Rogers, "The Genera of Loganiaceae in the Southeastern United States," *Journal of the Arnold Arboretum*, 67 (1986), p. 160.
80. *An Essay on the Pleurisy* (Williamsburg, Va., 1736). See *Merk Index*, p. 1215.
81. *Hist. S. Car.*, 2, pp. 65–66.

“Their Trustees and Servants”: Eighteenth-Century Maryland Lawyers and the Constitutional Implications of Equity Precepts

PETER CHARLES HOFFER

Following Richard Nixon's resignation, disquiet among Americans gave way to a sense of pride that even our highest officials could be called to strict account for misdeeds. Since the summer of 1974 federal and state court judges in Florida, Missouri, and Nevada, the Alaska governor, and numerous lesser officials, most recently in Georgia, have been threatened with legislative removal, carrying on a tradition of impeachment in the states that stretches back to their formation.

In these federal and state cases impeachment managers must prove the charge that the official has betrayed his or her public trust. If an official commits a crime cognizable in a regular court of law, the case goes to the regular court. Only when the breach involves the official's duties does impeachment become a possibility. The state holds public servants accountable for acts that in private business may amount to mere favoritism; in public office one cannot, should not, violate the public trust—where trust means a responsibility to work for the public good.

Every federal and state office carries this burden and various oaths of office remind us of it.¹ At the same time, the statutory or constitutional definitions of most higher state and federal offices confer broad powers in a way that underscores the immense discretion these officers exercise. The vagueness was and remains deliberate: the discretion of a president or governor, a high court judge or a cabinet head, reflects the daily needs of men and women serving in republican government.² There would be no way to govern according to a strict set of rules—a miniature criminal code defining misconduct in every position—even if such a set of rules could be written. Laws on the books and past prosecution of malfeasance limit what officials may do, but do not destroy their discretion. Our system simultaneously confers broad discretion and demands strict accountability. This essay explores the colonial and revolutionary origins of this basic feature of republicanism.³



In the troubled spring of 1776, George Mason drafted a constitution for the rebellious colony of Virginia,⁴ in which a Declaration of Rights insisted “That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.”⁵ More radical,⁶

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Pennsylvanians used strikingly similar language: "all power being originally inherent in, and consequently derived from, the people: therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them."⁷ Leaders of both states likened republican government to a trust (not a contract⁸) in which the beneficiaries were the people and the officeholders merely trustees, accountable for malfeasance. Two months later in Maryland—hardly a leader of the revolutionary movement like Virginia or Pennsylvania—the same metaphor of trusteeship appeared: "all persons invested with the legislative or executive powers of government are the trustees of the public, and as such, accountable for their conduct."⁹ The drafting committee, led by lawyers William Paca, Samuel Chase, and William Tilghman, blunted demands for popular reforms by promising that erring officials would be punished upon conviction in the regular courts.¹⁰

Constitutional framers in these three states did not allow the words "trust" and "accountable" to stand as empty references to public virtue. They provided for the quick removal of officials who violated public trust.¹¹ In Virginia and Pennsylvania impeachment cases gave the public-trust concept credibility, as malfeasors soon discovered.¹² In Maryland removal automatically followed conviction in the regular courts. The concreteness of the impeachment provisions was a noteworthy exception in the Maryland, Virginia, and Pennsylvania declarations of rights and liberties,¹³ where other principles appeared vague and unenforceable by comparison. One may surmise that the framers of the first state constitutions had some explicit model of trusteeship before them.

The vocabulary of American republicanism overflowed with "oughts" and "shalls" limiting state power and guaranteeing individual rights. It also prescribed the accountability of rulers, a staple of early Renaissance political theory.¹⁴ In the English civil wars of the seventeenth century, parliamentary reformers shifted the basis of political accountability from a duty to God to an obligation the king owed to representatives of the people. First stated in the works of James Harrington, Algernon Sidney, and John Locke and then reified in the writings of "true Whigs" in eighteenth-century England, this theory became a major part of American revolutionary discourse.¹⁵ In England and on the Continent, the language of trusteeship remained essentially hortatory; in America, it found its way into positive law and precedent.

American revolutionaries believed that republican officials served as trustees for the benefit of the people and could be called strictly to account for misuse of power—an idea that represented the application not so much of political principle as historical experience. Throughout the long course of provincial quarrels with the Mother Country, a galling and intractable issue had been the unaccountability of royal and proprietary officials. These officeholders—only a handful of whom were qualified by talent or experience to hold their posts—personified the awesome authority of king and proprietor in the colonies¹⁶; they drew their discretionary power from imperial authority rather than the English common law or colonial (domestic) statute. After 1689 royal charters granted more power to colonial governors than the king exercised in his own realm.¹⁷ When incompetent and self-interested officers misused their power, conflict between colonial claims and imperial demands could not be avoided. Such crises erupted over and over again, proving in

general the colonists' inability to curb corruption from above.¹⁸ In the effort to come to terms with official misconduct—to make the king's men accountable for their actions—American lawyer-politicians developed a basis for trusteeship constitutionalism.

Many colonial leaders knew that "trust" had specific meaning in English equity law, and exploring this usage suggests one root of our system of public discretion and accountability. The private trust as a concept depended on the equity courts.¹⁹ Simply put, they applied tests of fairness instead of common-law precedent (historically they had grown out of the king's prerogative; today for the most part their jurisprudence has become a part of federal and state rules of procedure²⁰). Chancellors in the old equity courts protected the beneficiaries of trusts—instruments that conveyed legal title to one person with the understanding that the land, estate, or chattels were to be used for the benefit of another who held "equitable title." Yet trustees held legal title to entrusted property, and common law courts faced limits on the pressure they could bring upon property holders. As trusts became more common in the seventeenth and eighteenth centuries, equity courts alone could protect the intentions of a trust's creator by forcing a title holder to act in the beneficiary's best interests. Investigating private trusts, chancellors directly inquired into the duties of trustees and heard complaints from beneficiaries. No matter how weak, poor, or displaced the beneficiary, no matter how strong or well-connected the trustee, the chancellor could compel an accounting from him—could even remove him in cases of *malfesance*.²¹ Inquiring into misuse of power in trustee cases, chancellors exercised to the full their jurisdictions over persons.

The duties of equity courts in trust suits offered interesting parallels to the problem of uncovering and punishing wrongdoing among royal officials. When colonial Americans strove to insure that officials put the public interest ahead of private concerns, they mirrored the work chancellors in private trust cases did at every court session. Thus in late-colonial confrontations over public accountability, equity jurisprudence may well have influenced the constitutional thinking of American patriot leaders. If so, the equitable ideal of trusts, as colonial lawyers understood it, would have nurtured the theory that government itself was a trust—a broad grant of discretion to officials who were then to stand strictly accountable for their conduct. They were to act in the best interests of the beneficiaries, the people, and could be removed upon misuse of their authority. Government must serve the people, rather than those in power.

That colonial equity law could produce constitutional doctrine argues against current scholarship on early American equity courts.²² Indeed, the case for the analogical reasoning presented here is suggestive only. It does not deny that the framers had many non-legal sources upon which to rest the idea of accountability.²³ At the same time, however, equity jurisprudence had two claims on the attention of the revolutionary framers which political philosophy lacked: efficacy and immediacy. In one way or another, lawyers practiced equity in every colony. Whether before chancellor or county court judge—in separate high court or local general sessions, under charter provisions or colonial statute—equity went everywhere. The decree in equity had an immediate impact. It had to be obeyed or appealed. And everywhere that equitable pleading and equitable decrees went in the colonies, there appeared an equity bar (usually including leading common-law lawyers) to formu-

late complaints and answers and plead suits. Any link between equity in the colonies and the development of American constitutionalism would lie in the nature of this pleading. Politically active lawyers, trained to sue in equity and driven to confrontation with the mother country over imperial law, could dig into the vocabulary of equity to win their political suits.²⁴

Scholars have given a good deal of attention over the past two decades to the passage of ideas from one discipline or profession to another.²⁵ In this case what began as a way of categorizing issues (in the case at hand, defining the equitable grounds for a complaint) became a way of formulating general problems capable of equitable relief. In the controversies discussed below, equity analogies derived from conventions of the chancellor's court and manuals of equity would begin to expand to touch complaints not amenable to suit. The vocabulary of equity would then rise bit by bit to a higher level of generality and find metaphorical use to contemplate constitutional problems.

Given the close connection between ordinary litigation and constitutional controversy in the colonies, lawyers in the colonies were well practiced in such figurative techniques—indeed, they had to be. The colonists were a litigious lot.²⁶ Where custom, deference, and family operated in other societies, early Americans turned to lawyers, courts, and the law. This recourse to law to settle private disputes drew upon fundamental, written instruments of government in the colonies—charters and grants that stipulated both the structure of government and the rules for civil and criminal litigation. Codes in New England and grants of liberties and concessions in New York, the Jerseys, and Pennsylvania combined public law (creating governments) and private law (regulating suits in court). In the southern colonies, the charters of Virginia, Maryland, and Carolina defined governmental power and directed the creation of civil courts. From the earliest years of colonization, sources of fundamental law and civil procedure had been packaged together.²⁷

On the criminal side of this jurisdiction, another set of historical developments marked an intimate connection between fundamental law and ordinary legal practice in the colonies. Some colonies advanced far beyond the Mother Country in granting procedural rights to defendants in criminal cases. In Pennsylvania these guarantees of counsel, fair and speedy trial, and criminal due process came in the form of grants and liberties from Proprietor William Penn. In Massachusetts, as Bodies of Liberties, they appeared under the authority of the General Court of the colony. However named, fundamental law changed the nature of criminal law practice by inviting a professional bar to protect the constitutional rights of defendants.²⁸

The close tie between litigation and constitutionalism meant that, increasingly, practicing lawyers became interpreters of fundamental law. In the continuing rounds of controversy between assemblies and councils, assemblies and governors, and assemblies and courts, the spokesmen for the lower house often turned out to be active litigators. Not surprisingly, some quarrels over the balance of power and the rights of assemblies began with disputes in court over the rights of litigants or arose out of regular court cases.²⁹ One may argue that the final crisis of the old empire began with a series of such episodes—the Writs of Assistance cases, the Two-Penny Act cases, and the dispute over admiralty jurisdiction in New York, to mention three such disputes.³⁰ Lawyers led political factions and argued political

causes in the same way they argued in the courts.³¹ Courtroom advocacy provided one training ground for revolutionary dialectics—as the careers of Thomas Jefferson and John Adams demonstrated.³²

Because of these ties technical legal issues could evolve into constitutional disputes with great ease. In Pennsylvania, for example, the question of whether the writ of habeas corpus was returnable in the Supreme Court against imprisonment by an assembly for contempt grew in 1758 into a furor over the constitutional privileges of the lower house.³³ Disputes over the burden of proof in libel cases merged into battles over the role of the jury in criminal proceedings to become statements of fundamental rights.³⁴ Hearings and trials became tests of constitutional guarantees, and constitutional disputes often led to the courtroom, where counsel advocated their versions of good government and personal liberty.

On at least three occasions the equity bar might adapt the language of equity pleading to constitutional points. First, the chancellor's courts, his fee system, or the activities of masters in chancery could become politicized, raising the issue of the constitutional relationship of those courts to other courts, the assembly, and the charter. Second, particular equity cases could involve larger constitutional issues. Third, particular members of the equity bar might find themselves engaged in constitutional and political confrontations with imperial agents. Where the conventional language of protest drawn from common law and Whig theory gave no relief, the lawyers might turn to analogies based upon equitable pleadings.

When colonial solicitors (lawyers practicing equity) joined in constitutional debates, did they discover that they could transform equitable precepts of private trusteeship into constitutional theories of public trusteeship? Until revolutionary agitation undermined the authority of the common law, constitutional metaphors based upon the equitable trust would remain just that—an alternative reading of the inherent rights of the people under the English Constitution. When revolutionaries closed the royal courts and drove off judges loyal to English authority, the way would open for the shift from metaphor into reality.



A series of controversies in the province of Maryland allows us to explore this theory. Proprietary Maryland had a flourishing and respected chancery court whose solicitors in the eighteenth century included many members of leading provincial families.³⁵ In the quarrels that periodically flared between proprietor and assembly leading solicitors took a regular part. No Maryland family was more powerful or more learned than the Dulanys, and in their musings on constitutional relationships one finds suggestive analogies to equitable pleading.

Daniel Dulany, Sr., member of the governor's council and founder of the family fortunes, was an able lawyer, land speculator, and a spokesman for the assembly in his early career. In later years he would be co-opted by the proprietary, but not before he published a defense of the right of the people to enjoy all the laws of England—with or without the proprietor's consent.³⁶ In 1727 the assembly locked horns with the proprietor over the form of oaths judges would take, the extent of common law applicable in the colony, and the general issue of proprietary consent to legal forms. Dulany and the assembly faced a crucial moment. The proprietor's younger brother, Benedict Leonard Calvert, had arrived in the colony as governor,



FIGURE 1. Daniel Dulany the Elder, artist unknown (Photo: Maryland Historical Society).

confident that he could protect proprietary prerogative. Unswayed, and backed by the lower-house party, Dulany insisted on the absolute right of the colony to enjoy the common and statute law of England without restriction. Calvert answered that in parallel cases explicit royal instructions and precedent ran against such incorporation. In reply, Dulany wrote and published a short pamphlet, *The Right of the Inhabitants of Maryland to the Benefit of the English Laws* (1728).³⁷

The nub of the dispute was accountability. To whom would the judges be accountable if the governor, rather than the assembly, decided which laws were in effect? How would appointees of governors be held accountable for their misuse of power if their master could pick and choose the laws "received" in the colony? Dulany's pamphlet was a legal brief, advocating a position on the underlying constitutional issue. His lawyerly habits of mind, rather than any passion for philosophical discourse, directed his answer to the questions at hand.³⁸ From Locke and his own experience pleading in chancery, Dulany argued that Marylanders had "an equal right" to the benefits of the laws of England. Without this equality, there could be no remedy for wrongs. The "love of equity, and justice" was the highest good in courts but could not be obtained without an extension of the common laws to the province. Echoing Locke, Dulany pronounced that men formed themselves into societies and passed laws of "equality" to protect their rights. The origin of Maryland government, Dulany continued, rested upon a trust, the terms of which were violated when the laws of England were not equally enforced in the new province.³⁹

For a logical reason, Dulany did not cite the flourishing equity courts of the colony as evidence of the general arrival in Maryland of English precedent. That evidence would have damaged Dulany, for from 1725 the governor was the sole

chancellor of Maryland and from 1728 to 1733 Dulany's chief opponent in the debate was the younger brother of the proprietor himself. To cite the successful incorporation of equity law in the colony would have admitted that the governor-chancellor's discretion had proven itself fair and expeditious. Why then denounce the same individual's discretion to veto assembly bills? Dulany's dilemma was inescapable. As long as colonial lawyers pleaded in the crown courts, they could not fully explore the anti-imperial implications of equitable principles.

Dulany's practical problem reflected a larger, theoretical one: where did one bring suit against a violator of the public trust? Despite the analogy to equity precepts, the chancellor's court in the colony was occupied by the enemy of the assembly. One could always appeal to the privy council in England, which on occasion acted like a court of equity. But such an appeal meant a direct affront to the Calverts, closing a door to high proprietary office that Dulany might wish to enter. In the end, he found no remedy—no concrete remedy at least—to the danger of misuse of power.

Dulany's oldest son, Daniel, Jr., followed in his father's footsteps. Trained at the Inns of Court, he returned to Maryland to practice law, acquire land, and amass offices.⁴⁰ In 1765, the younger Dulany became a vocal opponent of the Stamp Tax. Though he was more conservative in politics than many of the protestors, he could not allow the tax to go unchallenged. First and foremost, the new tax raised the old question of accountability. Who could hold parliament accountable if it misused the colonies' wealth? His *Considerations on the Propriety of Imposing Taxes in the British Colonies* (1765), not a stylish or moving piece, gained great fame and wide distribution because it denied the validity of "virtual representation" as a form of fiduciary supervision. That claim—that Parliament represented the economic interests

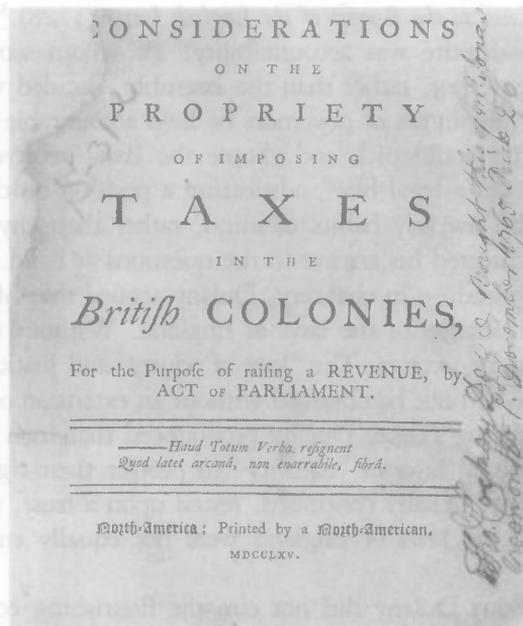


FIGURE 2. *Considerations on the Propriety of Imposing Taxes* (Annapolis: Jonas Green, 1765. Photo: Maryland Historical Society).

of all subjects of the king's dominions in the same way it represented the interests of non-voting Englishmen—defended Parliament from the charge of taxing the colonists without allowing them representation. Dulany confronted the theory unequivocally and refuted the elegant pamphlets of its supporters.⁴¹

Dulany's arguments can be read as a dissertation in constitutional law, but he wrote as a counsellor, whose clients were his countrymen. He did not intend to make a contribution to the radical Whig literature on good government; he wanted to win his case. Writing as a legal counsellor, he promised that he would obey the law and urge obedience to it but intended to sue for a remedy for a palpable wrong.⁴² He would not accept the opinions of "court lawyers," by which he meant the king's own privy council and royal legal officials. As far as Dulany was concerned, these men were not judges but advocates for the other side.⁴³

His heavy-handed arguments concealed a clever, if incomplete, complaint in equity. One could seek the redress of a chancellor when a court ruling or statute worked a specific injustice. Dulany knew there was no forum to which he could take his "equitable suit" against virtual representation; he merely borrowed a way of arguing from his familiarity with equitable forms of pleading. That is to say, his use of equity was suggestive, stylistic, and analogous rather than conclusive. He argued first that parliamentary lawmaking—normally legitimate—worked special, particular injustice in the colonies. In effect, he sought an equitable exception from the law to remedy specific injustice. In aid of his case, he insisted that the idea of virtual representation was "unfair and deceptive."⁴⁴ It was sharp dealing, of the kind chancellors long had curbed in their courts. Dulany even hinted that the funds raised would be used for corrupt purposes, a telling point in an equity complaint. The Stamp Act abused colonists' rights, he argued, and the colonists ought to be relieved of that particular wrong.

As an equity solicitor Dulany next needed to prove that the colonies had standing to bring the suit. If the colonies were totally dependent upon the will of the crown, they had no recourse to equity to resist the king-in-Parliament. But if, as Dulany argued, the colonies did have "privileges and immunities" that limited the power of the crown, they could indeed bring suit to defend them from unjust application of the laws.⁴⁵ Dulany carefully pledged his loyalty to the crown and reiterated that Parliament had power to bind the colonies with statutes. He nonetheless pointed out that statutes with discriminatory and unjust effects in particular cases—to wit, in the colonies—could be challenged in equity.

Was the Stamp Tax discriminatory in its effect as well as unsupportable in its rationale? Dulany took a procedural step, available only in a court of equity, to test this point. He asked his opponents to make available evidence on the expected yield of the new tax (a plea for "discovery")—for "if a sum had been liquidated and a precise demand made, it might have been shown, if proportioned to the circumstances of the colonies, to be of not real consequence to the nation."⁴⁶ Such an accounting would have permitted the colonies to devise more "equitable and proportioned" ways of assisting the royal treasury than through the tax upon official papers.⁴⁷

The next step in an equitable complaint would have been the anticipation and refutation of opposing counsel's arguments. Dulany did just that. He disputed those calling the tax an "equitable" measure, for "the colonies for a long course of

time have largely contributed to the public revenue, and put Great Britain to little or no expense for their protection. If it were possible to draw from them a further contribution, it does not follow that it is equitable to force it from them by the harsh and rigorous methods established by the Stamp Act, an act unequal and disproportioned to their circumstances whom it effects."⁴⁸ Dulany explained that the Stamp Tax did not fall equally upon each colony, a further burden of inequity. Indeed, such a tax turned equity upon its head, by decreeing oppression, rather than justice.⁴⁹

Dulany had reached the place in a complaint for a plea for relief, that is, to name his remedy. Here his problem was analogous to his father's: in what way could a provincial politician demand an accounting from the home government? The rest of the pamphlet explored the possibilities of such relief, and finally concluded that only extra-legal resistance, in the form of some sort of self-imposed economic sanction, could be employed. Self-denial was not illegal (non-importation, for example, was not in itself a crime, though conspiracy to prevent others from importing English goods was an offense). It was hardly a plea for relief that a chancellor, even an imaginary one, could countenance, but political and judicial reality left no other course open.

Dulany was forty-three years old when *Considerations* appeared. It marked the high tide of his patriotic reputation. A cadre of younger lawyers already vied for prominence in the provincial courts and in the 1770s some of them led the attack upon the crown. Dulany then tried to divert that thrust; failing, he maintained neutrality throughout the war. A rehearsal of his personal battle with revolutionary leaders came in 1773, during the tobacco inspectors' fee controversy. Once established by authority of the proprietor, the fees were set by the assembly in the 1740s. In 1770, the lower house sought to reduce the fees (and curb the patronage of the governor, for these officials were appointed by him) but the council refused to concur. In the impasse, Governor Eden set the fees at their old level by proclamation. The opposition "country party" attacked the proclamation as unconstitutional, likening the fees to a tax levied without consent. The proprietary party answered that some regulation of fees was necessary and that without agreement of the two houses the governor had to act to protect the public interest. Dulany became foremost spokesman for the proprietary position. In 1773 a representative of the younger generation, a Catholic lawyer and landholder, Charles Carroll of Carrollton,⁵⁰ rose to challenge it.

The eight letters the two men exchanged in the *Maryland Gazette* as "Antilon" (Dulany) and "First Citizen" (Carroll), were pompous, scurrilous, and clumsy. In part this ought to be attributed to the explosive dislike they developed for each other (both knew who wrote the letters). In part the diffuseness of their arguments can be attributed to the diffuseness of their thinking. Not every pamphleteer wrote with the skill of a John Dickinson or Thomas Jefferson. These human considerations to one side, the younger Dulany and Charles Carroll faced a genuine crisis in an already uneasy Anglo-American constitutional relationship. The issue for both of them was not just whether there was one constitution, governing both mother country and colony, or two constitutions,⁵¹ but what was to be done about corruption within the government. How were the inspectors to be curbed, Dulany asked, without some upper limit upon their exactions? Should corruption be suspected



FIGURE 3. Daniel Dulany The Younger, attributed to John Wollaston, c. 1750 (Photo: Maryland Historical Society).

until the established courts, including the chancellor's court, could investigate and prosecute?⁵² Carroll already doubted any such excuse for Eden's proclamation. Were not the courts manned by the same officers—the governor and his council—who proclaimed the fees? What was to stop corruption from seeping up into the courts, or down from the courts?⁵³ Dulany replied by citing the precedent of the chancellor in England and the chancellor in Maryland both setting fees for their own courts, with no complaint from litigants. If equity judges could not be trusted, he seemed to plead, then who could be trusted?⁵⁴ Carroll retorted that such practice, should suits over the misuse of fees come before the chancellors, would make the judge a party to his own cause.⁵⁵ Dulany returned that such conduct was accountable to higher authority; misconduct led to removal.⁵⁶ Carroll was not satisfied; only juries or the assembly itself could be trusted to remove erring officials.⁵⁷ Shorn of Latin epigrams (most of them insulting), endless denials of personal cupidity by both

authors, and self-quotes, the arguments in these letters returned to the central issue of trusteeship constitutionalism: how could citizens force officials to account for their actions?

Dulany did not surrender his faith in the trustworthiness of chancellors. He had lived with equity as practiced in the colony for too long. Carroll, an accomplished solicitor in his own right, saw that adherence to courts of equity compelled ultimate loyalty to England and its authority. This he could not accept. Neither (sadly for his reputation as a constitutional thinker) could he discover an alternative to the anti-oligarchic implications of the trusteeship metaphor. He was, after all, an aristocrat himself, and though being Catholic prevented his holding office, he did not want to destroy the social and economic system that protected his family's place in the colony. There was no hint of radicalism in his letters. Neither man was prepared to argue that a thorough reform of electoral rules, including a broadened franchise, or the binding of the assembly by the instructions of the electorate, was a desirable solution to the problem of misuse of trust.

When Maryland leaders drafted the first state constitution, changing a proprietorship into a republic, the analogy to private trusteeship reappeared, and it proved powerful in the hands of political moderates—the very outcome Carroll had feared.⁵⁸ In continuing disputes over the accountability of officials, Carroll and other magnates called for open delegations of authority to legislators. They wanted the electorate to trust their conduct implicitly, for they were men of honor. Assembly leaders disagreed. Popular party politicians, led by William Paca and



FIGURE 4. "Burning of the *Peggy Stewart*" by F. B. Mayer, 1896 (Maryland State Archives). Annapolis citizens violently demonstrated their opposition to import duties in this October 1774 response to the Tea Act.

Samuel Chase, called for genuine and immediate accountability.⁵⁹ In 1786–87, the issue exploded during debates over paper money emissions, which debtors in the colony desperately sought. In the ensuing election campaign William Paca told his constituents that officials were but trustees, and should any of them neglect the strict instructions of the beneficiaries of that trust, they should be removed. Nor were the people to be denied access to information about debates and votes in the houses of the legislature.⁶⁰ Other leaders of the paper money faction in the lower house joined Paca in his appeal, to the consternation of Carroll and others in the senate. Equitable principles defined a trustworthy government: accountability provided a cornerstone of revolutionary representation. Paca and Chase, accomplished solicitors and drafters of the Declaration of Rights, merely had gone farther than their predecessors toward giving revolutionary constitutionalism its equitable shape.

Maryland joined other states in adopting trusteeship concepts of republicanism. Virginia, whose colonial and state equity courts were as active as her northern neighbor's, also trod this path. George Mason's maxim about all power being vested in and derived from the people and magistrates being "their trustees and servants, and at all times amenable to them" surfaced again in Thomas Jefferson's Declaration of Independence—an extended exploration, in equitable format, of the issue of accountability.⁶¹ Jefferson's near impeachment for his conduct of the war as governor soon tested the principle of trusteeship, as did a series of impeachments in Pennsylvania.⁶² Time proved equitable trusteeship one of the most durable and effective tenets of American constitutionalism.

NOTES

1. The oaths for justices of the newly established Supreme Court of the United States required each justice to swear "that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me . . . agreeable to the constitution and the laws of the United States" (Judiciary Act of 1789, 1st Cong., 1st sess., U.S., *Statutes at Large*, 1:76). Power devolved only upon a pledge to carry out a public trust.

2. The vagueness is not fuzziness; rather, it is the sign of commitment to a general standard of conduct; James Willard Hurst, *Dealing with Statutes* (New York: Columbia University Press, 1982), p. 10.

3. A fuller account of the application of these doctrines to later American constitutionalism appears in Peter Charles Hoffer, *The Law's Conscience: Equitable Constitutionalism in America* (Chapel Hill: University of North Carolina Press, forthcoming).

4. Robert A. Rutland, ed. *The Papers of George Mason 1725–1792* (3 vols.; Chapel Hill: University of North Carolina Press, 1970), 1:277 and ed. note, 274–276.

5. Va. Declaration of Rights (1776), in William F. Swindler, ed., *Sources and Documents of U.S. Constitutions* (10 vols.; Dobbs Ferry, N.Y.: Oceana Press, 1972–1979), 10:49.

6. Gordon Wood, *The Creation of the American Republic, 1776–1787* (New York: W. W. Norton, 1972), pp. 226–27; Pauline Maier, *The Old Revolutionaries: Political Lives in the Age of Samuel Adams* (New York: Alfred A. Knopf, 1980), pp. 121–22.

7. Pa. Declaration of Rights (1776), in Swindler, *Sources and Documents*, 8:278.

8. This common misunderstanding continues in J. R. Pole, *The Gift of Government, Political Responsibility from the English Restoration to American Independence* (Athens, Ga.: University of Georgia Press, 1983), p. 40. But see Wood, *Creation*, pp. 601–602, for the

corrective: there might be a contract among the people to create a government, but the relationship between the latter and the people was no contract at all. Wood does not go on to argue that the relationship was to be a trusteeship.

9. Md. Declaration of Rights (1776), in Swindler, *Sources and Documents*, 4:372.

10. David C. Skaggs, *Roots of Maryland Democracy 1753-1776* (Westport, Ct.: Greenwood Press, 1973), pp. 190-191; John C. Rainbolt, "A Note on the Maryland Declaration of Rights and Constitution of 1776" *Maryland Historical Magazine* 66 (1971): 420-435; Md. Const. (1776), in Swindler, *Sources and Documents*, 4:380-81, 382.

11. Peter C. Hoffer and N. E. H. Hull, *Impeachment in America, 1635-1805* (New Haven: Yale University Press, 1984), pp. 68-71.

12. *Ibid.*, pp. 78-95.

13. I am particularly persuaded by the point Robert C. Palmer, "State and Federal Bills of Rights" (unpublished paper, American Society for Legal History Meeting, 18 October 1985, pp. 2-3) makes on the vagueness and internal hesitancy of these "principles" of liberty. They bowed to the needs of the state with regularity, so much so that one might argue that the needs of the state came before the liberty of the individual. Whether or not Palmer's own argument is correct, the vagueness of the Declarations has led to endless scholarly controversy. The principle of accountability, and its support, the idea of a trusteeship, were *not* vague, however, as subsequent case and statute proved.

14. The notion of the accountability of rulers was common in Western political writing. In the years of conflict between princes and popes following 1300, the ideal of accountability began to incorporate allied concepts of the legitimacy of popular resistance to tyranny. Walter Ullmann, *The Medieval Idea of Law, As Represented by Lucas de Penna, A Study in Fourteenth-Century Legal Scholarship* (London: Methuen, 1946), pp. 1-3, 122-123, 168-169, 182-189 and Quentin Skinner, *The Foundations of Modern Political Thought, Volume Two: The Age of Reformation* (Cambridge: Cambridge University Press, 1978), pp. 174-348, demonstrate, typically, that the critical question was not accountability to the people, but to God.

15. Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass.: Harvard University Press, 1967), pp. 55-93. For examples of the "true Whig" view, see Catharine Macaulay Graham, *The History of England, from the Accession of James I to that of the Brunswick Line* (8 vols; London, 1763-83), 4:406-107; James Burgh, *Political Disquisitions* (London, 1774), 1:176 and the analysis in J. R. Pole, *Political Representation in England and the Origins of the American Republic* (Berkeley: University of California Press, 1966), pp. 431-32. In the English Civil War, the fiduciary accountability of government to the people became a watchword of reformers, from parliamentary conservatives like Henry Parker to radical Levellers. On Parker, see Richard Tuck, *Natural Rights Theories, Their Origin and Development* (Cambridge: Cambridge University Press, 1979), p. 146. On the Levellers, see *An Agreement of the Free People of England . . .* (1649), probably written by John Lilburne, William Walwyn, Thomas Prince, and Richard Overton while all were imprisoned in the Tower, and Don M. Wolfe, ed., *Leveller Manifestoes of the Puritan Revolution* (New York: Nelson, 1944), pp. 408-9. John Locke brought this idea of accountability closer to the center of political discourse in the last sections of his *Second Treatise on Government*. See especially *Second Treatise*, chapter 19, section 222 in Peter Laslett, ed., *John Locke, Two Treatises of Government* (rev. ed., New York: Cambridge University Press, 1965), p. 461. Locke's reference there to a breach of trust was not a passing figure of speech, based on a general notion of trustworthiness, but an analogy of public trust, whose beneficiaries were the people, to a private equitable trust. Laslett, ed., *Two Treatises*, p. 476 (ch. 19, sec. 240); John Gough, *John Locke's Political Philosophy, Eight Studies* (Oxford: Oxford University Press, 1950), pp. 136-171. On Sidney, see Caroline Robbins, "Algernon Sidney's 'Discourses Concerning Government'" in *Absolute Liberty, A*

Selection from the Articles and Papers of Caroline Robbins, ed. Barbara Taft (Hamden, Ct.: Archon Books, 1982), pp. 268–69, 277–78, 290–91. On Harrington, see J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, N.J.: Princeton University Press, 1975), pp. 560–52 and after.

16. Alison Gilbert Olson, *Anglo-American Politics, 1660–1775* (Oxford: Oxford University Press, 1973), pp. 40–41.

17. Bernard Bailyn, *The Origins of American Politics* (New York: Alfred A. Knopf, 1970), pp. 66–70.

18. Jack P. Greene, "An Uneasy Connection, An Analysis of the Preconditions of the American Revolution," in Stephen G. Kurtz and James H. Hutson, eds., *Essays on the American Revolution* (Chapel Hill: University of North Carolina Press, 1973), pp. 32–80; Pauline Maier, *From Resistance to Revolution, Colonial Radicals and the Development of American Opposition to Britain, 1765–1776* (New York: Alfred A. Knopf, 1973), pp. 3–26.

19. Julius Goebel, Jr., ed., *The Law Practice of Alexander Hamilton* (5 vols.; New York: Columbia University Press, 1964), 1:167–72, divided colonial equitable relief into four categories: (1) assistant to courts of law; (2) concurrent with courts of law; (3) special; (4) exclusive. Under the first falls the chancellor's power to obtain evidence for use in the regular courts through "discovery" and his ability to prevent waste or sale of property under dispute. The concurrent jurisdiction could precede or work alongside the regular courts, as in chancery "decrees" (the equivalent of an "order" in a common law court) for accounts of assets. In some of these cases, the chancellor could dispose entirely of the suit in his own court. Special jurisdiction was conferred by explicit legislative act, much more common in the colonies than in England. The fourth area of jurisdiction was the sole preserve of the chancellor: supervision of trusts and mitigation of the severity of penalties for missing mortgage and promissory note payments. In colonies without chancellors, where legislatures gave such cases to the common law courts, they had no choice but to allow the mortgagor or the promisor to collect, respectively, the property or the full penalty. Equity allowed the mortgagee the relief of making the past-due payments (and court costs) and retaining the property. Equity also chancered (adjusted) the penalty for defaulters on bonds and notes down to the actual amount owed. See also n. 24. There was a "public trust doctrine" in English admiralty law (the prevention of private encroachment upon seacoast, harbors and navigable rivers) which predated the seventeenth century, but it did not become constitutional doctrine in the U.S. until the nineteenth century (Molly Selvin, "The Public Trust Doctrine in American Laws and Economic Policy, 1789–1920" *Wisconsin Law Review* [1980]: 1403–1442).

20. David Dudley Field pioneered the unified pleading system in the New York State legislature. It was adopted in 1848, and spread widely through the states' courts. Fleming James, Jr., and Geoffrey C. Hazard, Jr., *Civil Procedure* (2nd ed.; Boston: Little, Brown, 1977), pp. 18–19; Lawrence J. Friedman, *A History of American Law* (New York: Simon and Schuster, 1973), pp. 340–47. An act of 19 June 1934 (*Statutes at Large*, 48:1064), subsequently 28 U.S. Code sec. 2072, authorized the Supreme Court to establish general rules of civil procedure for district courts. The high court promulgated these rules on 20 December 1937 and they became effective on 16 September 1938 (308 U.S. 645). After "code" or "merged" pleading, the judge who heard common-law actions could simultaneously hear and dispose of equitable pleading. The objective was speedy relief in the same court, without the danger of one court holding up another (*Federal Rules of Civil Procedure, As Amended to April, 23, 1983*, Rules 1, 2).

21. D. E. C. Yale, ed., *Lord Nottingham's Chancery Cases, Volume II, Selden Society Publications* 79 (London: Selden Society, 1961): 87–207; William S. Holdsworth, *The History of English Law* (16 vols.; London: Methuen & Co., 1922–66), 4:410–412; George W. Keeton, *The Law of Trusts* (9th ed.; London: Pitman, 1968), pp. 19–34.

22. Stanley N. Katz, "The Politics of Law in Colonial America: Controversies over Chancery Courts and Equity Law in the Eighteenth Century" *Perspectives in American History* 5 (1971): 282; Friedman, *History of American Law*, p. 48.

23. Other such sources are discussed in Daniel Walker Howe, "European Sources of Political Ideas in Jeffersonian America" *Reviews in American History* 10 (1982):28–44.

24. High courts of equity operated in New York and the southern colonies throughout the better part of their existence. New Jersey, Pennsylvania, Delaware, and Massachusetts had shorter-lived high courts of equity but allowed lower courts to give equitable remedies. New Hampshire, like her sister New England colonies, directed supreme courts to provide equity in certain types of cases. In Connecticut, the General Assembly acted as an informal equity court throughout the colonial era.

25. On the passage of ideas from one discipline or profession to another, see the exchange of remarks in "Anthropology and History in the 1980s" *Journal of Interdisciplinary History* 12 (1981): 227–278. Philosophers of science have been working assiduously on this problem since Thomas Kuhn proposed his *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962).

26. There can be little question of the colonists' massive resort to the law. At the local level, cases and suits increased even faster than the population. David Thomas Konig, *Law and Society in Puritan Massachusetts, Essex County, 1629–1692* (Chapel Hill: University of North Carolina Press, 1979), pp. xi–xii; A. G. Roeber, *Faithful Magistrates and Republican Lawyers, Creators of Virginia Legal Culture, 1680–1810* (Chapel Hill: University of North Carolina Press, 1981), pp. 128–129; Aubrey C. Land, *Colonial Maryland—A History* (Millwood, N.Y.: K.T.O. Press, 1981), pp. 110–111.

27. By the early eighteenth century, the text of the charters had been published in England and the colonies, as were sessions laws (assembly acts). This, compared to the secretiveness of English law keepers (the records of Parliament were closely guarded in the tower) illustrated Americans' commitment to written law, in English, available for all to see.

28. For a summary, see George Dargo, *Roots of the Republic. A New Perspective on Early American Constitutionalism* (New York: Praeger, 1974), pp. 53–76.

29. Land, *Colonial Maryland*, p. 111; Roeber, *Faithful Magistrates*, pp. 134, 201. As the revolutionary crisis developed, the courts became scenes of popular constitutional protest against England. In Virginia and Massachusetts protesters forced court closing on constitutional grounds. See David J. Mays, *Edmund Pendleton, 1721–1803, A Biography* (2 vols.; Cambridge, Mass.: Harvard University Press, 1952), 1:244–248; Hoffer and Hull, *Impeachment in America 1635–1805*, pp. 52–55.

30. Lawrence Henry Gipson, *The Coming of the Revolution, 1763–1775* (New York: Harper & Row, 1957), pp. 28–54; Milton M. Klein, "Prelude to Revolution in New York: Jury Trials and Judicial Tenure," *William and Mary Quarterly*, 3d. ser. (hereinafter WMQ) 17 (1960):439–462; David S. Lovejoy, "Rights Imply Equality," *ibid.* 16 (1959):459–484.

31. John Phillip Reid, *In Defiance of Law, The Standing Army Controversy, The Two Constitutions, and the Coming of the American Revolution* (Chapel Hill: University of North Carolina Press, 1981), p. 8.

32. This connection is suggested, but not fully elaborated in Dumas Malone, *Jefferson the Virginian, Jefferson and His Time, Volume One* (Boston: Little, Brown, 1948), p. 173, and Page Smith, *John Adams* (2 vols.; Garden City, N.Y.: Doubleday and Co., 1962), 1:102–162. Consider three ways in which legal practice could have affected political argument. First, legal practice could have caused lawyers to regard political questions as though they were susceptible to legal sorts of answers. The implications of this legal framing of politics are very important. If political questions were amenable to legal argu-

ment, the politician had to expect adversarial combat (Anglo-American law was argued by counsel for plaintiff and defendant). Precedent would have weight, as would authority—an inducement to display one's erudition. Decisions in the political arena would be expected to aid one party against another—they would not be neutral, just as courts' rulings favored one litigant or the other. Second, lawyers might regard political questions as substantially related to legal questions. Constitutions might be likened to contracts or trusts, for example. Exploration of the relevant law could then throw light upon the analogous political issue. Third, lawyers might adopt legal procedures to approach political controversies when the political issue involved courts, judges, statutory authority, and other explicitly legal matters. These three connections arose naturally. Even when the issues did not directly concern law practice, the lawyers' everyday experience in the courts and with clients cannot be discounted.

33. Peter C. Hoffer "Law and Liberty: In the Matter of Provost William Smith of Philadelphia, 1758" *WMQ* 38 (1981):681–701.

34. Stanley Nider Katz, ed., *A Brief Narrative of the Case and Trial of John Peter Zenger*—by James Alexander [1736] (2nd ed.; Cambridge, Mass.: Harvard University Press, 1972), pp. 1–35. On juries, see William E. Nelson, "The Legal Restraint of Power in Pre-Revolutionary America: Massachusetts as a Case Study, 1760–1775," *American Journal of Legal History* 18 (1974):1–32.

35. The Records of the Maryland Court of Chancery are complete, preserved and bound at the Hall of Records in Annapolis. The court was created by authority of the 1632 charter, and functioned by 1642. After 1725 the proprietor's lieutenant governor served as sole chancellor. In 1696 the court heard 32 suits; by the middle 1740's the number had grown to 45–50 suits per year, continued to increase into the 1770s, and rose again at the war's end. The two Dulanys, Carroll of Carrollton, Paca, and Chase actively practiced in the equity court.

36. Aubrey C. Land, *The Dulanys of Maryland* (Baltimore: Johns Hopkins Press, 1955), pp. 1–61.

37. St. George L. Sioussat, *The English Statutes in Maryland* (Baltimore: Johns Hopkins University, 1903), pp. 30–60.

38. Land, *Dulanys*, pp. 82–83.

39. Daniel Dulany, Sr., *The Right of the Inhabitants of Maryland to the Benefit of the English Laws* (Annapolis, 1728), pp. 10, 12, 13, 19, 30.

40. Land, *Dulanys*, pp. 213–258.

41. Land, *Dulanys*, pp. 259–270. Bernard Bailyn, ed., *Pamphlets of the American Revolution 1750–1776* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1965), pp. 599–606.

42. Daniel Dulany, Jr., "Considerations" in Bailyn, ed., *Pamphlets*, p. 612.

43. *Ibid.*, p. 617.

44. *Ibid.*, p. 630.

45. *Ibid.*, p. 620.

46. *Ibid.*, p. 626.

47. *Ibid.*, p. 627.

48. *Ibid.*, pp. 627–28.

49. *Ibid.*, p. 630.

50. Peter S. Onuf, ed., *Maryland and the Empire, 1773, The Antilon-First Citizen Letters* (Baltimore: Johns Hopkins University Press, 1974), pp. 13–16.

51. *Ibid.*, p. 37.

52. *Ibid.*, pp. 64, 65.

53. *Ibid.*, p. 57.

54. *Ibid.*, p. 71.

55. *Ibid.*, p. 95.
56. *Ibid.*, p. 156.
57. *Ibid.*, p. 220.
58. Rainbolt, "Note on the Maryland Declaration of Rights," p. 25, explains the revisions of the first draft (a conservative document written by Carroll and Tilghman) in the direction of democracy.
59. Melvin Yazawa, ed., *Representative Government and the Revolution, The Maryland Constitutional Crisis of 1787* (Baltimore: Johns Hopkins University Press, 1975), pp. 3–28. On Paca's and Chase's apprenticeships as spokesmen for the popular party, see Anne Y. Zimmer, "The 'Paper-War' in Maryland, 1772–73: The Paca-Chase Political Philosophy Tested," *Maryland Historical Magazine* 76 (1971):177–193.
60. William Paca, "To the Citizens," 15 February 1787, in Yazawa, ed., *Representative Government*, p. 66.
61. Peter Charles Hoffer, "The Declaration of Independence as A Bill in Equity" in William Pencak and Wythe Holt, eds., *The Law in Early America* (Charlottesville, Va.: University Press of Virginia, forthcoming).
62. Hoffer and Hull, *Impeachment*, pp. 85–86.

Research Notes & Maryland Miscellany

Lee and Lincoln in Burkittsville: The Prather Letter Reexamined

TIMOTHY J. REESE

When researching the Civil War battlefields of Maryland, the historian who can locate primary resource material is indeed fortunate. This rings particularly true when contemplating the South Mountain battlefield situated in Frederick County's lovely Middletown Valley. One such bit of heretofore undiscovered material came to light in 1976 and revealed the presence of Gen. Robert E. Lee and President Abraham Lincoln in Burkittsville during the Maryland Campaign of 1862. The Reverend H. Austin Cooper—a local clergyman and historian—discovered the unmailed letter of a Confederate soldier fatally wounded in the Crampton's Gap action on South Mountain, 14 September 1862, sealed between two pages of an old church-school book in sore need of rebinding and housed at St. Paul's Lutheran Church at Burkittsville.¹ The letter's contents were stunning:

September 21, 1862
St. Paul's Hospital
Burkittsville, Maryland

Beloved Anna Elizabeth—

I have not written to you since we stopped at Leesburg last September fifth on our way to Maryland. Then we stayed five days in camp on Mr. Enoch Lowes farm one of our helpers near Monocacy river.

May God forgive me for taking two pages from Bible found by doctor John Garrotts slave boy—Joe Henderson—in room here at the church. He has been good to me. On September ninth our cavalry occupied Burkittsville getting ready for the big push. On the twelfth I rode beside our fast riding leader Colonel Thomas Munford. We are under command of our nobel General J E B Stuart.

Our mark was to safely deliver our Great General R. E. Lee who was in camp at Mountain's Mill where doctor Thomas Hilleary cared for the generals hands. Going through the dip of the millstream run below Mr. John Ahults grist mill our Generals left front wheel crushed. Two of us took the wheel to the blacksmiths shop near St. Paul's Church and put a board over the hub and wired it to the rim. We made it up to Mr. Weiners tannery where we fitted four new wheels on our generals Ambulance. We safely delivered General Lee into the hands of General J E B S who was waiting on the Pleasant Valley road and took the general on towards Hagerstown and delivered General Lee to General James Longstreet who was waiting the other side of Boonsborough.

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On the afternoon of the twelfth six of us was sent to check on the Maryland Home cavalry to see if they was on the prowl out of Berlin. On the Mountain Road towards Knoxville we came on the strangest site. We met an ancient old Indian who had snow white hairs. We fed him and drank him. He said his squaw and all his family was dead and buried on the Indian graveyard on top of South Mountain.

General McClaws was guarding Maryland Heights Fort over the Ferry. General Walker was on Lowdown Heights Fort across the river. We heard General Jackson take Harpers Ferry.

You see beloved wife I am not so well. On the fourteenth I got shot in the right knee and hip. Doctor J. Garrott took off my leg above the knee on the eighteenth. My hip smell so bad it is rotten. It thumps, and my head and eyes hurt all the time. Oh Beloved Anna Elizabeth I fear I shall never again see you and Jimmy and Cindy.

The women and men are so good to me. They bring us hot bread soup and meat for all meals. They cook in three big butchering pots in the carriage yard. The boys bring us ice from the ice house up the street.

I led in worship each morning until I am so sick. My bed is in front of the alter. It is a new church and the carpet is red wool. I cannot eat much now I hurt so much.

September 22d

The Dunkard preacher Pastor Emanuel Slifer sees us every day. He loaned me his pen and ink. Mrs. Amanda Slifer the Pastor's wife brings me her Bible every morning. The women and girls sing for us every evening and Pastor Moses A. Stewart of this church prays. I am getting so sick I must stop for now—B F. P.

October 5—Have been sick so long and my hip is so swelled. Doctor Garrott cut it open yesterday and poured hot salt water in it.

Yesterday afternoon there was much comotion here. The Fed General McClellan and Mr. Abraham Lincoln and McClellans generals stopped at the German Reformed Church and here at St. Paul's. Mr. Lincoln is not a handsome man but he spoke very kindly to us. The Feds are in the balcony in both churches and our men are in the pews and on the floor. Mr. Lincoln promised us immediate help. He laid his hand on my shoulder and knelt before the alter and prayed a beautiful short prayer. He seemed to be a right good man.

We lost the fight at Crampton's Gap and Brownsville Pass because our gunners and sentry were mostly overcome from whiskey from Mr. Horsey's distillery. Our men have had too much whiskey since the 10th when we moved to this place. Our great General McClaws ordered Mr. Horsey's distillery to be burned midnight the 12th—and it was. The most terrible thing in the fight at Crampton's Gap was when the Sharpshooters rose so quickly out of the bushes and fired or we got our muskets up to aim. They disappeared as fast as they rose up. The Feds came on wave after wave and never quit until we were just overrun.

Beloved Anna Elizabeth I am so sick. Tell your sister Caroline to pray for me. Just tell my mother I am very sick now I must stop for now. Your beloved—
B F P

[By Mrs. Thomas Maught for B. F. P.]

[subscript]

October 10, 1862
Burkittsville, Maryland

My dear Mrs. Prather:

I am so sorry to have to tell you that as I came into the Church this morning we found your dear husband had taken his Eternal Flight Home during the night.

I shall send his Devotion Book to you if we can get this letter and the Book past Sugar Loaf Mountain. May the Lord Bless You and Your Children. Your Sister in Christ—Mrs. Amanda Slifer.

Here were answers to numerous questions about the Battle of South Mountain and Burkittsville's role in it—and the "Prather Letter" amply reinforced Reverend Cooper's acquisition of Prather's personal devotional book some years earlier.² Local historical circles quickly adopted the Prather letter and employed it as the cornerstone of town history. It further justified Burkittsville's placement on the National Register of Historic Places in 1975 (encompassed by the battlefield, the town contains numerous Federal and Victorian-period structures). Under close scrutiny, however—when compared to well-documented facts—the letter relates an impossible sequence of events and false itineraries.

Prather states that as a rebel cavalryman he accompanied Colonel Thomas T. Munford of Virginia into Burkittsville on or about 9 September ostensibly to deliver the ailing General Lee to General James Longstreet. He also uses the twentieth-century term, "big push." Lee's well-documented injury to both hands at Chantilly, Virginia, required his transport by ambulance until he had sufficiently healed to take the reins of "Traveler," his noted warhorse.³ By Munford's own report, we know that he engaged in a minor skirmish at Poolesville, Maryland, on 8 September and continued to guard the approaches to Sugar Loaf Mountain through the 11th. By the 12th, his brigade of Virginia horsemen had arrived at Jefferson, five miles from Burkittsville, still sparring with Union General Henry Slocum's 1st Division of the VI Corps in hot pursuit. Munford fell back to Burkittsville on the 13th.⁴

Stuart's report bears out Munford's statements and further discloses that Stuart himself approached South Mountain via Braddock Heights and Middletown, not reaching Crampton's Gap until the morning of the 14th.⁵ Neither Munford nor Stuart were anywhere near Burkittsville on the alleged date or immediately thereafter. Furthermore, Lee remained with Longstreet's corps throughout the Maryland Campaign.⁶ The general never set foot in Burkittsville.

One must also wonder at the exactness of Prather's detail when referring to various town structures, their uses, and their owners, when he merely passed them en route. The letter reads very much like a Burkittsville travelog. Why would they replace all four wheels of an ambulance when only one required repair? How could Prather possibly know that Cole's Potomac Home Brigade Cavalry was at Berlin (Brunswick) on the 12th when in fact they were besieged at Harpers Ferry at the time and had previously been scouting far into Loudoun County, Virginia?⁷ And who ever heard of ice laid away during the winter lasting through a hot Maryland

summer and well into September? As we shall see, there is no way in which Prather could have heard General "Stonewall" Jackson take Harpers Ferry—an event that occurred on the morning of September 15 with little or no fanfare.

Prather's own service records at the National Archives in Washington, D.C., provide the ultimate test of the letter's legitimacy. Benjamin Franklin Prather and his two brothers (or possibly cousins) were in fact privates in Company K 16th Georgia Infantry of Col. Howell Cobb's brigade, McLaws' division of Longstreet's corps.⁸ Cobb's official report states that his brigade received orders to Sandy Hook on the Potomac River on 13 September. The next day, that of the battle, he was ordered at 1 P.M. to return to his former camp at Brownsville before moving to support Munford at Crampton's Gap. His brigade had passed through Burkittsville on 10 September en route to Maryland Heights and did not stop in town.⁹ Late on the 14th Cobb's four regiments of infantry ascended the gap from the Pleasant Valley side of the mountain in a vain attempt to stem the tide of Confederate retreat. There, near the summit, Prather was wounded—probably by a bullet from the 3rd New Jersey of Colonel Alfred Torbert's brigade of the VI Corps.¹⁰ In point of fact, Private Benjamin Prather never really saw Burkittsville until he was carried down the mountain as a wounded prisoner of war.

His letter further stipulates that, having been wounded in both his right knee and hip, amputation became necessary. Prather's service records clearly state that he was shot in the hip only and died of "acute dysentery," an all-too-common fate of Civil War field soldiers be they wounded or not. A hip injury would obviously have precluded any thought of amputation.¹¹ The Reverend Emanuel Slifer and his wife were in fact contemporary to the town; both are buried in Union Cemetery behind St. Paul's Church. Mrs. Slifer's name was Sarah, not Amanda.¹²

As for General McLaws' order to burn the Horsey distillery to foil his allegedly drunken soldiers, not one word appears in his report of an incident that surely would have required some serious explaining to higher authority if not a court martial. McLaws was on Maryland Heights 12 September, when he allegedly issued the order for its destruction, as were his troops.¹³ Preoccupied with the touchy operation of investing Harpers Ferry while worried about his rear, McLaws would unlikely have taken the time to pass judgement on a distillery in the next valley.

Lincoln's well-recorded tour of the Antietam and South Mountain battlefields has been traced as accurately as possible given the sources at the historian's disposal. The portion of his trip involving Burkittsville leaves no room for doubt. Lincoln spoke to General William B. Franklin at Bakersville, north of Sharpsburg, on 3 October while reviewing Franklin's VI Corps.¹⁴ The president expressed admiration of what Franklin's men had accomplished on South Mountain after Lincoln the day before had ridden through Crampton's Gap on his way to Sharpsburg and seen for himself the rigors necessary for its seizure.¹⁵ Lincoln's 2 October itinerary covered many miles and included the review of troops on Loudoun Heights, Maryland Heights, and in Pleasant Valley.¹⁶ It is highly unlikely that he would have had time to visit the two churches in Prather's "letter," let alone stop in Burkittsville. (One also doubts the various Lincoln legends so dear to the "Liar's Club" at the corner store). Lincoln concluded his visit to the Army of the Potomac on 4 October and travelled to Frederick and his train to Washington via Boonsboro and Middletown on the National Road (today Alternate Route 40), arriving in Frederick at 5

P.M. Leaving Sharpsburg at 10 A.M., he could not possibly have retraced his route to Burkittsville (making this the only site he visited twice), spent considerable time there, and still arrived at Frederick over the rugged secondary roads in the time required.¹⁷ The only evidence for such a circuitous route is the Prather letter, a dubious source of reliable information.

Overwhelming and irrefutable evidence proves the Prather letter to have been a fiction created for unknown motives. Clumsy and naive in the extreme, it was the work of an author entirely ignorant of the sources available to expose it although obviously well versed in local history. The crowning proof of its falsehood may be the childlike use of a return address in the upper left-hand corner of the envelope—a strictly twentieth-century practice—and the printing of both addresses as opposed to the universal use of script on Civil War correspondence.¹⁸ This letter scarcely deserves the research necessary to debunk it. Further study no doubt would disallow other statements in the letter and verify details of the war as it unfolded in the Middletown Valley. The rich and varied history of the Burkittsville region, be it germane to the Civil War period or otherwise, certainly deserves better treatment.

NOTES

1. Barbara Winslow, "Amazing Discovery Made by Rev. Cooper," *The Brunswick Citizen* 3(May 13, 1976):1, 8–9.

2. A later article reported the return of the original letter and the devotional book to Pvt. Prather's descendants, Mr. and Mrs. James Story and their six-year old son, Benjamin Franklin Prather Story, all of Georgia (*ibid.*, 18 September 1980).

3. Douglas S. Freeman, *R. E. Lee, A Biography* (4 vols.; New York: Charles Scribner's Sons, 1934–1935), 2:340.

4. U.S. War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (128 vols.; Washington, D.C.: Government Printing Office, 1880–1901), vol. 19, pt. 1, Reports, pp. 825–826.

5. *Ibid.*, pp. 814–819.

6. Freeman, *Lee*, 2:364–371; *Official Records*, vol. 19, pt. 1, Reports, pp. 140–146.

7. Frederick H. Dyer, *A Compendium of the War of the Rebellion* (3 Vols.; (reprint) New York: Thomas Yoseloff, 1959) 3:1229.

8. National Archives and Records Service, Record Group 109, Microfilm M266, "Compiled Service Records of Confederate Soldiers who Served in Organizations from the State of Georgia," Roll 301, cabinet FC-31-1 (hereinafter referred to as RG109, DNA). Records consulted: Addison Christopher Prather, Co. K, 16th Georgia Inf.; Benjamin Franklin Prather, Co. K, 16th Georgia Inf.; and Elbert L. Prather, Co. K, 16th Georgia Inf.

9. *Official Records*, vol. 19, pt. 1, Reports, pp. 870–871.

10. *Ibid.*, pp. 382–383, 385–387.

11. RG109, DNA.

12. Jacob M. Holdcraft, *Names in Stone: 75,000 Cemeterial Inscriptions from Frederick County, Maryland* (2 vols.; [reprint] Baltimore: Genealogical Publishing Co., Inc., 1985) 2:1042.

13. *Official Records*, vol. 19, pt. 1, Reports, pp. 852–855.

14. John W. Schildt, *Four Days in October* (Second printing, Crewsville, Md.: privately printed, 1982) pp. 44–47. Schildt accepted the Prather letter at face value; see pp. 50–52.

15. Robert U. Johnson, and Clarence C. Buel, eds. *Battles and Leaders of the Civil War* (4 vols.; New York: Thomas Yoseloff, 1884–1887) 2:596n. Schildt, *Four Days*, pp. 15, 22–23, 59, erroneously conjectured that Lincoln moved northward from Weverton through Pleasant Valley, when in fact Lincoln's own words to Franklin specify that he traveled by way of Burkittsville and across South Mountain. This path conformed to the president's wish to see the battlefields as his soldiers had experienced them in combat.

16. Schildt, *Four Days*, pp. 17–23.

17. *Ibid.*, pp. 49–52. This section includes extracts from the Prather letter.

18. Observations based on lengthy experience of the author and Michael P. Musick, Navy & Old Army Branch, DNA.

Recollections of Lefty Grove: Baseball's Greatest Left-handed Pitcher, Part 1

RUTH BEAR LEVY

Maryland can be proud of its native-born sons who have become baseball legends and entered the Baseball Hall of Fame in Cooperstown, New York. There have been six: Jimmie Foxx, Sudlersville; Al Kaline, Baltimore; Frank Baker, Trappe; Judy Johnson, Snow Hill; Babe Ruth, Baltimore; and Robert Moses Grove, Lonaconing, whom many sports experts regard as the greatest left-handed pitcher of this century (Brooks Robinson, the most recent Oriole inductee, is an Arkansas native). Though books have been written about some of these famous baseball players, none has appeared about Lefty and his distinguished career. In 1931 the columnist Westbrook Pegler suggested that perhaps none ever would be written. The trouble, Pegler said, was Lefty's personality:

People didn't treat him kindly when he was a young fellow, coming along with the Orioles and the Athletics a few years ago, and, like a horse that has been misused as a yearling. Old Mose still is socially defensive against one and all. He won't sign scorecards for kids, he spends much of his time folded up in deep lobby chairs inhaling noxious fumes from black hoe-handle cigars. . . . So he isn't a Ruth or Dempsey in the matter of affability and the story of his life may never be written.¹

Lefty could be truculent and antisocial; sometimes he could be colorfully bad-tempered on the field. In fact, he was notorious for his temper. But there was much more to the man than truculence and bad temper. I know because he was my friend. We grew up in the same town, Lonaconing, Maryland, at the same time—the very start of this century. I lost touch with him after he grew up and left home to become one of the three or four greatest baseball players of all time and a pitcher with what may have been the fastest fastball ever.

Let me begin by correcting the impression Westbrook Pegler leaves. Never mistreated, Lefty Grove like all the other children in our small mining community was raised by poor, humble, but caring parents. In baseball he was under the direction of intelligent, fine men such as Jack Dunn, Connie Mack, and Tom Yawkey, all of whom thought well enough of Lefty to keep working with him. "I took more from Grove than I would from any other man living." Mack intimated near the end of Lefty's career. "He said things and did things—But he's changed. I've seen it come, year by year. He's got to be a great fellow."²

The emphasis on his temper and temperament has been overdrawn. Yes, in tense moments he "acted up." His managers were prepared to handle this problem. It was a common occupational hazard in their profession. Lefty by no means was the only big-league player to act up. But as a "professional" temper-tantrum thrower, Lefty seemed to know just when to stop and restore the good spirits of his

Ms. Ruth Bear Levy, a lifetime baseball fan, lives in Baltimore and in 1983 published her reminiscences of Lonaconing, Maryland, *A Wee Bit O' Scotland*. Photos in this article draw on her collection.



FIGURE 1. Lefty Grove in his prime (a contemporary newsphoto).

teammates and fans. Once teammate Bill Werber in a fit of anger broke his toe by kicking a bucket full of water. "You always should kick a bucket that is empty," Lefty advised him. "And you should always kick with the bottom of your foot, not the toe."³ As for his negative attitude toward the press, he simply was not a talkative fellow, especially when under stress. He refused to answer questions that annoyed him. Understandably, he disliked having his picture taken before a game.

The people who really knew Lefty regarded him as a humble and generous man. "Grove always had been a generous father to his son and daughter, a kind and considerate husband. He had helped former teammates on a touch now and then,

helped friends and slipped occasional bills to bat boys. . . . People in Lonaconing always thought him a great fellow. They never made him mayor, but then he never ran. He just wanted to be a sort of mountain character. He lived in his simple frame home in town with his wife, kids and dogs.”⁴

According to his daughter Doris, the Grove family was no different from other Lonaconing families. “We had a close family life, a fine relationship,” she told me. “Of course, we got into little spats now and then. Between Dad and me, everything was fine. A real father-daughter relationship. It’s marvelous to have a famous father. So people say, ‘Why don’t you brag about it?’ But I wasn’t brought up that way. As far as Mother and Dad were concerned, that was Daddy’s job. That’s what put bread and butter on the table. Just like our friends, well, their fathers worked in the coal mines, or the silk mill, but that’s what put bread and butter on their tables. So, baseball was Dad’s job.”⁵

Alphonse (Tommy) Thomas was a former teammate of Lefty’s. In 1921 they met as young ball players in Goldsboro, North Carolina, at their first Oriole spring training. “He went to sleep when it got dark and got up when it got light,” Tommy told me. “He didn’t socialize much. Well, he was from a small town. He was close to his family and he was honest and industrious.”⁶

Despite fame and fortune, Lefty never forsook Lonaconing. Lonaconing was the source of his life force. He came back after every season and returned permanently in retirement. Occasionally he fled there in the middle of a season seeking the solace of the mountains when he had been playing poorly. He was very loyal to the town and its people. Once he introduced a reporter to a bunch of Hall of Famers as “the best damn sportswriter in America because he’s from my hometown.” That reporter, who happened to be Suter Kegg of the Cumberland *Evening Times*, told me about a train ride he took with Lefty a long time ago. “I was coming up to Western Maryland with Lefty on the B&O Railroad. When we reached a certain part of the railroad route, the point at which the tracks crossed the Allegany County line, Lefty looked out the window and said, ‘Now we are in God’s country.’”⁷

Lefty wanted personally to share the fruits of his achievements with the people of his home town. The Hall of Fame requested his 1931 Most Valuable Player Trophy, the first one to be awarded, but Lefty insisted that it be placed in Lonaconing’s local high school where the town’s people could see it. “He was generous to a fault,” one of his old friends remembered. “Besides baseball gloves and other presents he would give away precious memorabilia—things that belonged in Cooperstown—to friends.”⁸ When Lefty saw little kids playing baseball he would throw them a ball or bat or something. John Meyers, a former director of athletics at the local high school told me that he picked up one of the bats Lefty donated only to discover that it was one with which Jimmie Foxx had hit a historic home run. Finally, the high school principal convinced him that he should preserve these things for their historic value and place them on display at the school. Lefty agreed because he was not obsessed with what he had accomplished or collected.

Of course, no one can deny that Lefty had a temper, but his daughter assured me that he rarely lost it at home. Lefty’s ire was primarily ignited by losing, and then it was usually an anger directed at himself. “In those days Mose didn’t have the best disposition in the world,” Tommy Thomas said. “Not that he was cranky

all the time. But he could get that way. He liked to win. He did not want to lose."⁹ Lefty's temper did not last too long after a ball game. "He just had to get the flares out," Doris said of him. Lefty was kind and polite as long as you did not lose any ball games for him.

He regarded the press as snooping strangers, but I think this was due to shyness more than rudeness. John Meyers commented that "Lefty had little education, and when the reporters tried to edge him on for a story he was aggravated and just didn't talk."¹⁰ Suter Kegg shared this opinion. "I think Lefty was bashful to a degree," he explained to me. "I think he felt inadequate around some of the other ball players with a good education. I think he was bashful and ill at ease around people who maybe could talk a little better. His grammar wasn't too good. I think the small town feeling remained."¹¹ Lefty adjusted to neither the intrusiveness of fame nor the unfamiliar and impersonal ways of big cities.

Whatever the prevailing opinion about Lefty's personality, there has never been any question about his greatness as a ball player. Each year since 1983 Bill James, a Winchester, Kansas, sportswriter, publishes his *Baseball Abstract*. In the 1986 edition he ranked Lefty Grove fourth among the ten best baseball players of the twentieth century in the category of peak value, which James defines as "the value of a player to his team at his highest clearly established level of performance." Lefty's career value ranks third and reflects his overall value as a player to his team.¹²

Tommy Thomas told me that ballplayers recognized him as one of the greatest pitchers who ever lived. "He was the greatest" he said. "Statistics speak for themselves,"¹³ Pitcher Wes Ferrell considered Lefty his idol, the fastest and the greatest. "Why, I'm not good enough to carry his glove across the field," Ferrell has been quoted as saying. "He'd throw the ball in there and you'd wonder where it went to." Charlie Gehringer, who was second baseman for Detroit from 1925 to 1941, thought that Lefty was the fastest he had ever seen. Gehringer said that he'd go to bat determined to hit Lefty's pitches, but he never could until Lefty began to slow down toward the end of his career. Ted Lyons of the Boston Red Sox had known Lefty when he was playing in Baltimore and had witnessed Lefty strike out fifteen batters. Lyons remembered someone once saying, "Well, he'll never make it in the big leagues. All he can do is throw a fast ball." Someone else then replied, "Yeah, and all Galli-Curci can do is sing." Doc Cramer of the Philadelphia Athletics simply stated, "Grove was quick. I'll say he was. Whew." Bill Werber, who was the batting star of the 1940 World Series when Cincinnati beat Detroit in seven games, said of Lefty, "He remains my all-time selection to pitch the game that had to be won. The man had guts and the man had character."¹⁴

Finally, Connie Mack included Lefty in an "all-time major league team" that included Jimmie Foxx, first base; Eddie Collins, second base; Honus Wagner, short stop; Jimmie Collins, third base; Babe Ruth, right field; Tris Speaker, center field; Ty Cobb, left field; Mickey Cochran, catcher; Christy Matthewson, Lefty Grove, Walter Johnson, Chief Bender, Rube Waddell, Jack Combs, pitchers.

From the evidence I have gathered, baseball players universally admired Lefty. Only some reporters and a few others criticized his personality. Many times I have felt people growing friendlier towards me when they learned I was from Lefty's home town. I feel gratitude for the life of Lefty Grove. His dedication to being the

best he could be has given his Maryland home town, as well as himself, a place in the Baseball Hall of Fame.

Robert Moses Grove was born 6 March 1900 in Lonaconing, Maryland. He and I were born and lived on the same street. My earliest memories of Lefty are of him as a little boy running past our house with a baseball glove tied to his belt. He was quiet, very nice, polite, and shy. I remember him, like other children, playfully chasing and running all over our small town. Sometimes we'd meet at friends' homes. Sometimes I would horn in on a game of marbles that Lefty and the boys played on an open lot or on a quiet street under the shade of trees. Sometimes I would run after Lefty and his gang to join in some childish pranks. Lefty would run along side the girls as we were going to parties, jumping rope, or playing hop-scotch. As small-town children we played with the things we had or found. There were no expensive toys. The girls often gathered small rocks and stones and created imaginary houses by carefully arranging the outlines of doors, windows, and walls on the grass. Then the boys would come along, Lefty sometimes among them, and disrupt our architectural plans.

We grew up delightfully in Lonaconing, with its own special culture and mores. Good clean fun prevailed through the years.¹⁵ A New Year's Eve party was always a "First Footin'" (first-foot-in). A celebration for us was always "A Time." A Chevrolet was a "Shiverly" (Lefty had one when he made enough money playing baseball; it is said that he always parked it with one wheel alongside the gutter, in case the "immergensy" brake did not hold). Traces of Lonaconing cling to those of us who left the town, affecting our subsequent lives and relationships wherever we went.

Although we lived on the same street, Lefty and I went to different schools—I to Jackson and he to Charlestown. Charlestown School was one of those famous old two-room school houses (now historic landmarks) supervised by educated and capable teachers who taught all the grades. Lefty did not have far to go to school. He would just jump out of bed in the morning, get dressed, hop over the fence, walk a few steps and there it was, right next door. Although he did not have far to go, he never got too far in it. Lefty quit school at about the age of thirteen. I have a feeling that, with his head in the books, he was thinking instead of the ball games that began when the dismissal bell finally rang.

All the children played baseball. It was the sport of young people growing up. "Young limbs were strengthened and bodies made sturdy," said an old pal of Lefty's. There were no distractions from radio or television. Such things were not yet invented. So it was baseball every free hour, every day. And it was not necessary to have a bat. If one was unavailable, well, a fence paling pulled off the nearest fence would do quite nicely. It was not even necessary to have a ball. Years ago, it is said, Lefty and his friends practiced pitching in what is now Lonaconing's Furnace Park by throwing small stones as far as the surrounding mountain (today, on that very strip of land, the townspeople have erected a bronze memorial plaque to Lefty Grove).

Baseballs were made of cord or wool, wrapped tightly and covered, sometimes with a piece of leather. Lefty did not play with a real baseball until he was on a



FIGURE 2. Charlestown School, Lonaconing, Maryland (oil painting by Ruth Bear Levy).

club team at the age of nineteen. But these homemade balls worked well enough. The balls would fly through the mountain air and sometimes get lost. Then the game would stop while everyone trooped up and down over the hills in search of the balls. If darkness fell before we found it, we would make another one.

As Lefty grew to young manhood his skill and talents became known through the town and eventually throughout the surrounding region. In searching for stories from my childhood friends who knew Lefty, I made a phone call to an old friend, Bertha Hutton, who now lives in North Carolina. She recalled the weekly family custom of Sunday church and dinner. Her brothers and her father always ate in a hurry while her mother and sisters took their time. One Sunday Bertha decided to get to the bottom of this situation. "You are always in such a hurry to finish Sunday dinner. Why?" she asked her brother. Karl answered, "So we can go to the First Field." He then explained that back of Big Vein Mine there was a dense forest, and behind the trees there was a level stretch of ground called "First Field" (as far as I know a Second Field or Third Field never emerged).

Bertha pressed on with her questions, "Why do you all want to go up there?" "Well," continued Karl, "do you know Lefty Grove?" "Yes," Bertha replied. "But what does that Lefty Grove have to do with it?" "Even though it's Sunday, there's a ball game going on up there, and Lefty Grove is pitching. Everybody comes to see Lefty Grove pitch." Bertha pooh-poohed this explanation. "I bet Lefty Grove doesn't pitch a baseball any better than anyone else." "Oh, yes he does," Karl quickly replied. "Lefty's fast ball is like a shot out of a gun. He's dynamite."

Bertha reconsidered, "Hmmm. Can I come too, Karl?" Being a girl, Bertha sadly had to stay home and help her mother clear and wash the dinner dishes.¹⁶ This was the beginning of the overflow crowds that Lefty brought out in future years. Whenever business took Bertha's brothers to a city where Lefty was playing, they went to the game and watched Lefty pitch for old-time sake.

Lefty's family was from sturdy, hard-working, honest Scots-Irish ancestry that reportedly dated back to Betsy Ross. In Lonaconing, a coal-mining town, most of the men worked in the mines from an early age. Lefty was from a long line of coal miners. His father dug coal endlessly, in all kinds of weather, night or day, until—it is said—he was in his nineties. He hardly ever saw the light of day, leaving for work before first light and returning home after sunset. He received only 50¢ a ton for all that hard work. I remember Lefty's father, John Grove, as a big man who walked with a long and steady stride. I remember his mother too, but did not see her much around town. I guess she had enough to do at home with such a large household to take care of.

"I never graduated from high school, you know," Lefty remembered. "There were too many kids in the family—four boys and three girls—and I had to go to work." All of his brothers were coal miners and Lefty substituted for one of them when he sprained an ankle. Lefty only lasted two weeks at the job. Figuring the small compensation he received for loading around fifteen tons of coal per day, Lefty decided it was hardly worth it. "Dad, I didn't put that coal in here," he said, "and I hope I don't have to take no more of her out."¹⁷

Around the beginning of World War I, some new industries made their way to Lonaconing. There was a widespread belief that the mines were about "worked out" and that there would not be enough coal left in the hillsides for a man's livelihood. And besides, like Lefty, a lot of the young people wanted to branch out into other areas. So along came a glass factory. With its flames belching from its furnaces and its beautiful glass articles, the glass factory was an asset to the town and the plant prospered for many years. Lefty worked there for a while. A silk mill also came to town, to a big red brick building alongside the railroad. It offered job opportunities many people sought. I always wanted to work there. That silk-mill whistle had people up bright and early in the morning, and the day closed with the same shrill sound sending workers wending their way home. It is my understanding that Lefty worked in the silk mill as a "bobbin boy." Around 1918 he went down to the railroad shops in Cumberland and became a mechanic's flunky helping to take the cylinders from big steam engines in the roundhouse, tear them down, clean them, and put them together again.

Meantime Lefty played ball every chance he had, sometimes with the Midland Baseball team. Patrons paid 25¢ to see a game, the money split up among the players. Lefty played first base because he was left-handed and had good range. It soon became apparent that when he threw the ball across the infield nobody could catch it. An astute manager decided Lefty should pitch. Lefty knew a fellow by the name of Bill Lowden, manager of the Martinsburg team in the Blue Ridge League, who wanted to sign Lefty. So Lefty went to his master mechanic in the Cumberland railroad shop and obtained a furlough and a round-trip pass to Martinsburg, West Virginia. With his parents' blessing (though his dad worked too hard to see many baseball games, he was a devoted fan), Lefty went to Martinsburg. He never

used the return-trip portion of his ticket and local lore says it was still in his wallet on the day he died.

He quickly became known as Martinsburg's pitching ace. Martinsburg led the Blue Ridge League, and other teams seemed to stand little chance against the new hurler. Lefty's big break came because he so thoroughly squelched the competition. A Hagerstown pitcher realized that Lefty had to go if his own team ever hoped to get back into the season race. To get rid of him, he contacted Walter Fewster, Baltimore Orioles trainer, and alerted him to Lefty. Baltimore manager Jack Dunn next sent his son, Jack Jr., to check out rumors about this boy wonder.

Impressed by Lefty's performance, the younger Dunn wanted to buy Lefty for the Orioles. Martinsburg, however, declined any deal, completely intent on retaining its new star. Resistance made Dunn even more eager to make the purchase, yet no offer seemed to tempt Martinsburg's owners. Finally, the deadlock broke over a fence, which the Martinsburg field lacked. Dunn offered to build one in exchange for Lefty Grove. Having literally hopped over a fence from home to school as a child, he now hopped the fence, if only a negotiated one, from the Blue Ridge League to the world of big-time baseball. For the price of an outfield fence, approximately \$3,000, Lefty became a Baltimore Oriole.

Lefty's move from Martinsburg to Baltimore was a leap into a world of newspaper headlines, press conferences, and contact with sophisticated men and women who observed niceties. He found himself subjected to fans who both cheered and booed him. Lefty's new fame had the public scampering for maps of Maryland to find the small dot that was Lonaconing.

Lefty joined the Orioles when their home base was Oriole Park at 29th Street and Greenmont Avenue (that stadium burned down on 4 July 1944 and with it went the official records of Lefty's Oriole years). The park was short, the fences were close, and the field was hard as a rock. Old timers have told me that you could hit balls through that infield like bullets. During the roaring 20s I loved to go see Lefty play. We would board a streetcar, swing along on the crowded car's leather straps, and get off at Greenmont Avenue. Or, if we had a car, we would park on a nearby street. There were no "block buster" crowds. As we sat in our grandstand seats, we would somehow let Lefty know that we were there rooting for him. To our delight, up from the dugout would come packages for us—souvenir baseball schedules, gift score-cards, pencils, and other nick-nacks.

In 1921, after playing half the previous season with the Orioles, Lefty married his childhood sweetheart, Ethel Gardner, whom he had known all his life. They had two children, Robert and Doris. The family travelled with Lefty during the baseball season, renting a house in his team's hometown. During the winter the family lived in Lonaconing, where they owned their home and the children went to school.

Fans and teammates called Grove by a number of different names. Most people knew him as Lefty. His teammates called him "Mose" or "Old Mose," which evolved from his middle name. Early press releases in 1921–1923 spelled his last name "Groves." The press christened Lefty with other nick-names such as: "Lefty the Loner," "The Lonaconing Sycamore," "One of Dunn's Cannon Balls." Each one

of the names described some aspect of Lefty's personality. "Lefty the Loner" is self-explanatory. "The Lonaconing Sycamore" described his tall, lanky, and raw boned physique. "One of Dunn's Cannon Balls" referred, of course, to the fast ball that some batters could not even see, and others saw, as someone once put it, "only by chance." I heard and read of yet another nick-name, "The Lonaconing Lion." Lefty certainly could be ferocious at times.

"I went to Baltimore around the end of June, 1920," Lefty said in an interview with Donald Honig. "They tell you I was tough to get along with in those days. I was tough doing my work out there on the field. You've got to remember that a lot of guys against me were tough, so why shouldn't I be, too? Criminy, they wouldn't even speak to you. I was there about two weeks before they let on they knew I was around. And I'd already won three or four games by then. Oh, boy.

"We had a ball club in Baltimore. Boy, it was a ball club. See, we had an easy going club. Real loose. No rules. No club-house meetings. It was a good life.

"I've seen the ball club sitting up in the hotel all night. . . . No night games then, see, and we'd have a Pierce Arrow limousine hired waiting for us at the hotel at a certain time—and around one or two in the afternoon we'd go downstairs and pile into that son-of-a-gun car and get to the ball park just in time to start the game. No practice or nothing. Fifteen minutes after we got there the game would start. And that team won seven straight International League pennants.

"Did I ever have any doubts about making that Baltimore team? No, sir. I always thought I could make any team I went with. I just made my mind up I'd

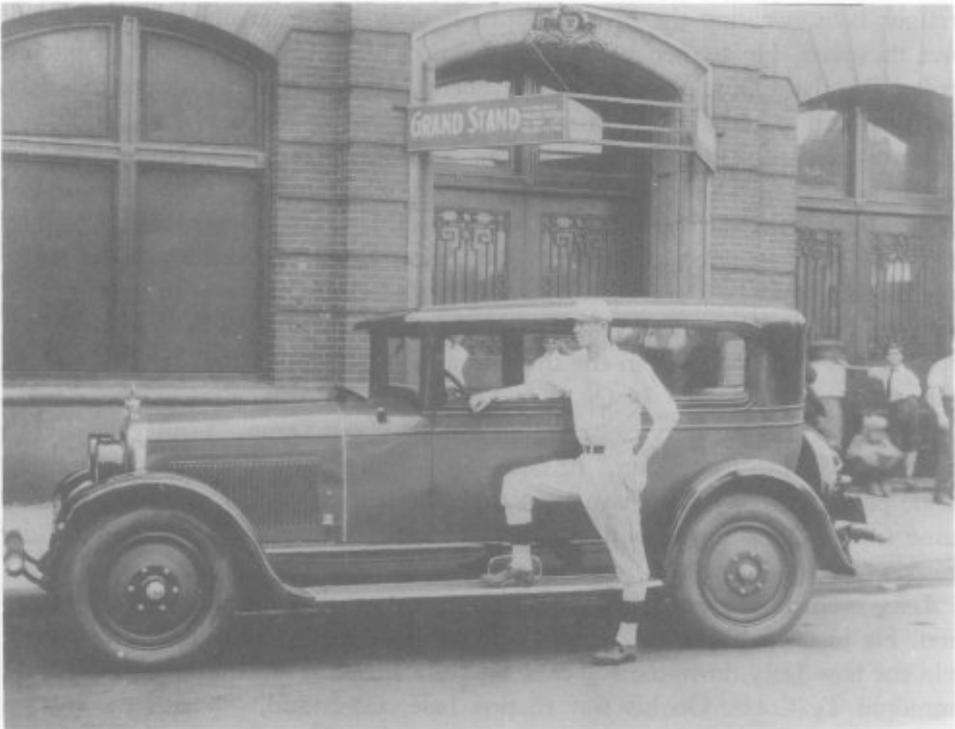


FIGURE 3. Lefty pictured ready to play in the early 1930s, standing beside his favorite hotel-to-ballpark transportation.

make it. Never bothered me who was up there at the bat. I'd hit 'em in the middle of the back or hit 'em in the foot. It didn't make any difference to me. But I'd never throw at a man's head. In all my years, I've thrown at guys, but never at their heads. Never believed in it."¹⁸

Lefty was not adverse to loosening up any batter who was digging a toehold to get more power into his swing. This aggressive pitching got Lefty into trouble with Babe Ruth. "The Babe," Lefty admitted, "we called him the Big Monkey, The Big Baboon—Babe didn't care a hell of a lot for me, you know." His first meeting with the Bambino came in an exhibition game at Baltimore. Lefty knew his pitching was wild at the time. "I didn't give a damn whether I hit him or not," he recalled, "didn't make any difference to me. I was wild one day and I tore a couple buttons off his shirt." Ruth shuffled to first base growling, "These dumb minor leaguers. They don't know where they're throwing the ball." Lefty shot back, "I know where I'm throwing the next ball—to you, Ruth. I'm not afraid of you." In his career Ruth hit nine homers off Lefty, one with the bases loaded. The two stars, temperamental opposites, had little use for each other.¹⁹

Although Lefty felt he had to be tough to be effective on the field, he knew when to devise other strategies. When Lou Gehrig began to slow down—as a result, it was later found, of a cruel, fatal illness—many baseball players heckled him with, "What's the matter, yer actin' old." Lefty refused to taunt Gehrig and he never threw a pitch at him. He did not want to wake the "sleeping dog" up, he said. There may have been some sensitivity in this as well as some wisdom.²⁰

Lefty's biggest problem in the early days of his career was control. Old timers remember that his pitches were just too wild. In fact, he once pitched sixteen straight balls, walking the first four men he faced before finally getting the ball over the plate. He seemed better able to knock down a brick wall than pitch a strike. But Jack Dunn could spot raw talent. After all, he had discovered Babe Ruth, as well as Lefty. Dunn instructed Lefty to "throw 'em hard." Dunn did not say throw across the plate or to any specific location—just "throw 'em hard." Once during a warm-up Dunn said to Lefty, "Grove, who taught you how to pitch?" I learned by myself," Lefty answered. "Well, you'll have to go learn the rest of it by yourself. Only remember this: never let up. Keep firing that ball no matter where it is going."²¹ Maybe Dunn even regarded Lefty's lack of control as an asset. It kept batters on edge. They did not know when that notorious fastball would shoot out from Lefty's arm. A bullet in the shape of a baseball coming that fast had to be a menace.

Later on in his life Lefty expressed his feelings about Dunn, "I owe everything I have in baseball to Jack Dunn," he said. "He was one of the finest men I ever met, kind, patient. There must have been times he wanted to ship me back where I came from but he stayed with me, let me take my regular turn and make my mistakes until finally I had some idea where I was going to throw the ball."²²

Lefty eventually learned to summon control through sheer will and determination. He just would not be defeated. One of his old friends, Judge James Getty, told me how Lefty drove the ball over the plate after he unintentionally walked the immortal Ty Cobb. On his way to first base, Cobb said, "What's the matter, Busher? You afraid to throw it over to me?" Lefty said afterwards that he was so mad he could not wait for Cobb's next turn at bat. He said he never tried to throw

a ball harder in his life. Cobb had a unique batting style where he kept his hands several inches apart and slid the top hand down against the lower one when he was swinging. According to Lefty, the ball hit the bat between Cobb's hands before he could slide them together. Lefty said Ty never needled him again.²³ His teammate, Tommy Thomas, remembered 1927 (after Lefty had left the Orioles) to be the year of his metamorphosis. "As a young fellow, up to 1927, he had very poor control. But after '27 he was perfect. It was that quick! He got control. And then he had perfect delivery—absolutely perfect—easy, fluid. It was wonderful to watch him throw."²⁴

For a long time the fastball was Lefty's only pitch. About 1923 he tried to throw a curve as fast as his fastball, and it would only break a little ways. "Maybe they'd call it a slider today," he said. "We didn't have sliders. We had spitballs, emery balls, mudballs, forkballs, knuckleballs, but no sliders. Now they've got sliders and palmballs and I don't know what else." Lefty's fastball may even have arrived at the plate covered with blood. Grove threw with the index and second finger stretched over the ball, placing great pressure on his fingers. Sometimes the nails split and blisters were raised, broke, and bled.²⁵

Most of the pitchers of Lefty's era were fastball pitchers. "The Good Lord gave him a wonderful arm. Nobody had a better one—," Tommy Thomas explained, "and what made him great was the fact that he could pitch a lot. One year he pitched six times in one week. He was a great competitor. He loved to pitch." But Thomas did not think Lefty had any ambitions of making the big leagues in his Oriole days. A big league draft from the International League did not exist then.²⁶ In addition, Dunn paid his players well and in many cases better than major league teams. In his final season with the Orioles Lefty made \$7,500.

His record earned him high reputation. He was regarded as the strike-out sensation of the International League. Teammates remember that he kept track of his strike-outs by notching them. Though he averaged over one hundred walks per season during his Oriole career, Lefty never had a losing year with the team. He pitched in the "Little" World Series (International League versus the American Association) each year between 1920 and 1924. In Baltimore Lefty won one hundred nine games with his fastball and lost only thirty-six in a little more than four years. Many insist that when Lefty played with the Orioles in the International League the team was as good as, if not better than, the American and National League teams of the era.

NOTES

1. Jack Newcombe, *The Fireballers, Baseball's Fastest Pitchers* (New York: Putnam, 1964), p. 85.

2. Harold Kaese, "It's Tough to Take Your Shoes Off," *Saturday Evening Post*, 21 February 1942, p. 23.

3. *Ibid.*, p. 38.

4. *Ibid.*, p. 36.

5. Author's interview with Doris Monnet, Funkstown, Maryland, 12 November 1985.

6. Author's interview with Alphonse (Tommy) Thomas, Dallastown, Pennsylvania, 5 April 1985.

7. Author's interview with Suter Kegg, Cumberland, Maryland, 24 June 1986.
8. Author's interview with Judge James S. Getty, Baltimore, Maryland, 1 August 1986.
9. Thomas interview, 1985.
10. Author's interview with John Meyers, Lonaconing, Maryland, 2 July 1986.
11. Kegg interview, 1986.
12. Bill James, *Baseball Abstract* (New York: Random House, 1986).
13. Thomas interview, 1985.
14. Donald Honig, *Baseball When the Grass Was Real* (New York: Coward, McCann & Geoghegan, 1975), pp. 34, 44, 115, 200.
15. Ruth B. Levy, *A Wee Bit O'Scotland* (Baltimore: Maryland Historical Society, 1983).
16. Author's interview with Bertha Hutton, Greensboro, North Carolina, 19 May 1985.
17. Honig, *Baseball When the Grass Was Real*, pp. 73-74.
18. *Ibid.*, pp. 76-78.
19. Kaese, "Tough to Take Your Shoes Off," p. 38.
20. Donald Honig, *The American League* (New York: Crown Publishers, Inc., 1983), p. 99.
21. Kaese, "Tough to Take Your Shoes Off," p. 39.
22. Newcombe, *The Fireballers*, p. 79.
23. Getty interview, 1986.
24. Thomas interview, 1985.
25. Newcombe, *The Fireballers*, pp. 82-83.
26. Thomas interview, 1985.

Book Reviews

Maryland: A History of Its People. By Suzanne Ellery Greene Chapelle, Jean B. Russo, Jean H. Baker, Dean R. Esslinger, Whitman H. Ridgway, Constance B. Schultz, and Gregory A. Stiverson. (Baltimore: Johns Hopkins University Press, 1986. Pp. xi, 332. Appendix, glossary, index. \$20.)

The historiography of Maryland is almost as rich as the state's actual heritage. This volume adds another excellent chapter to this tradition. Several of the region's eminent historians have combined their talents to produce one of the better efforts to convey the Free State's past to high-school students.

This narrative represents a benchmark in objectively explaining local history without either embellishing the importance of traditional heroes or distorting the significance of Maryland's role in America's development. Since each writer is an acknowledged expert on some aspect of the state's past, the important conclusions of contemporary research are usually incorporated into the text. This is a welcome change from the stolid and outdated interpretations offered by most standard textbooks.

Unlike many of the previous textbooks on Maryland history, this volume neither resorts to "post-holing" nor dwells upon the superficial aspects of the colonial era. Readers will find that several of the chapters give extensive coverage to the social structure of the state during various time periods. A surprising amount of attention is devoted to the lifestyles experienced by minorities, children, and women in the eighteenth and nineteenth centuries. The authors have provided detailed information on and explanations of all aspects of Maryland's past: from the founding of Calvert's colony to the beginning of the present decade.

The graphics and maps in the text complement the flow of each chapter; strategically placed "sidebar" anecdotes nicely enrich the text. In fact, an enterprising teacher could easily transform these vignettes into self-contained inquiry lessons.

A publication with all these fine qualities would seem assured a fine reception among its intended audience. Unfortunately, there are some serious flaws in the total instructional package the publisher offers to accompany the student text. These problems might dampen initial enthusiasm for the book.

It would have enhanced the presentation of the text to include instructional objectives for students at the beginning of each appropriate chapter, topic, or sub-topic. In the present format there is very little to channel student thinking. Likewise, the book lacks summary questions at the conclusion of each chapter. Two of the basic ingredients for effective instruction are missing from the textbook.

The ancillary *Student Activities Booklet* contains many exercises that develop student skills in four areas: vocabulary, reading and reference, map reading, and visual interpretation. The publisher has made a conspicuous effort to differentiate the activities for students of various abilities. However, most of these exercises are formulative in nature and respond to special assignments, not the content in the text. Consideration needs to be given to possibly revising this format. Some teachers would probably favor the addition of summulative exercises that involve critical thinking skills.

The promotional literature accompanying this volume heralds this book as "the first high school textbook on Maryland history to be published in 30 years." This is true—and with good reason. Available data from the Maryland State Department of Education suggests that very few school systems offer a high school course on Maryland history. The subject is more frequently taught in elementary school. Thus, it is somewhat surprising

that Johns Hopkins University Press chose this publication as their vehicle for initially entering the highly competitive market of secondary school textbooks.

In the final analysis, the educational shortcomings of this book should probably not be attributed to the co-authors. They have written an outstanding book. Paradoxically, if more attention had been given to refining some of the pedagogical aspects of this instructional package, it could serve as an excellent model for the entire country to emulate.

JACK BRIDNER
Columbia, Maryland

The Potomac. By Frederick Gutheim. (Baltimore: Johns Hopkins University Press, 1986. Pp. 396. \$10.95.)

Fortunately, during the years since its publication in 1949, Fritz Gutheim's *The Potomac* has been out of print for only several months; this paperback edition (the book's fourth) guarantees the continuity of a classic study of the Nation's River and its region. The book withstands the test of time, not only in its basic premises but indeed in most detail. On reviewing his own work, Gutheim finds little "to bring the book abreast of modern times and interests" (p. xii).

One should not skim, but read *The Potomac* with deliberate speed. Time is needed to absorb the rich detail and the lively characterization of the people of each period—some, of fame or notoriety, who too often walk stiffly on the pages of history texts, others who belong to classes or groups that frequently suffer from stereotyping. Gutheim's story gives a sense of person and place.

We meet and follow Mistress Margaret Brent, "the first woman in Maryland to hold land in her own right" and to exercise powers of attorney—a "strong-willed and capable seventeenth-century spinster. . . ." Then we meet Mary Clocker, Margaret's servant girl, whose husband, Daniel, came to St. Mary's as an indentured servant. He freed himself from the shackles of the old world's social system to rise in class and economic status in the new. Later—in the early 1800s, to the west—Samuel Rinehart, frontiersman, roams along the river and comes alive again as his fortunes wax and wane in several enterprises. In parts of his peripatetic career he works as a Chesapeake & Ohio Canal superintendent at Sharpsburg; clerks at the Antietam Iron Works; manages stores at Hancock and the mouth of Cacapon Creek; operates a sumac and citron-bark mill and a saw mill; builds boats for the canal; becomes involved in local politics.

At the end of the Civil War we almost feel as if we're riding with John Wilkes Booth in his desperate flight through Southern Maryland and then rowing across the Potomac to the Northern Neck. We can identify with Colonel Lafayette C. Baker, who is credited for hunting down the assassin. While relating this tale and the characters involved, the narrative—in a few pages—deftly dramatizes the bitter mood of pro-Southern people on both shores of tidewater Potomac.

In post-Civil War Washington, the fascinating career of Alexander Robey Shepherd and his refurbishment of the city has the flavor of the Gilded Age. Gutheim makes a good case that, although called "boss" and having the personality of the stereotypical robber baron, Shepherd was honest. When we know Shepherd's story and free-wheeling style, we better understand certain aspects of today's transit and railroad configuration in the capital. Even more, we can appreciate today's miles of inner-city, late-nineteenth-century row houses and the green-woods aspect of the city visitors so often remarked upon. Washington's sylvan characteristic evolved because Shepherd took part of L'Enfant's wide streets as beds for shade trees—an innovation that has influenced city planning around the world.

While paying close attention to details, Fritz Gutheim used a broad brush in first writing *The Potomac*. It remains satisfying and enjoyable. But the book offers more;

reading it, those persons unfamiliar with the river begin to comprehend the social, political, economic, historical and environmental dimensions of the Potomac watershed as well as the issues it raises in national and inter-national affairs.

In the final chapter, "A Potomac Prospect," Gutheim speaks of the future and the role of planning. "Although our progress in the art of river-valley development has been rapid" he states, "we have fallen short in failing to relate city and open-country problems in one single regional plan. The whole world awaits a solution to these problems. Nowhere are they better posed—and with greater prospects for their solution—than in the Potomac" (p. 395).

With the significant and rapid changes that American society, government, and political structures are undergoing in these last decades of the twentieth century, new forces will affect Potomac watershed planning. Questions about planning structure and methodology, types and roles of participants, and the proper course of planning itself, are more difficult than ever. Fritz Gutheim's *The Potomac* continues to be required reading for every private citizen and government official involved in the future of The Nation's River.

GILBERT GUDE

Silver Spring, Maryland

Urban Religion and the Second Great Awakening: Church and Society in Early National Baltimore. By Terry D. Bilhartz. (Cranbury, N.J.: Fairleigh Dickinson University Press, 1986. Pp. 236. Appendices, tables, notes, bibliography, and index. \$27.50.)

Since 1970, scholarship on the Second Great Awakening has been a growth industry. Terry D. Bilhartz's study of early national Baltimore is the most recent addition to a list of monographs on urban religion discussing such cities as Rochester and Utica, New York; Lynn, Massachusetts; Philadelphia, and New York City.

Bilhartz's account of Baltimore religious history deserves a wide readership. Those who purchase this volume to enhance their understanding of Baltimore's past will not be disappointed. Painstaking research in both primary and secondary sources (the select bibliography alone covers thirty pages) has produced a volume rich in anecdote and historical example. First-person accounts of doctrinal controversies, liturgical disputes, and camp meeting revivals capture the spirit of early nineteenth-century religion. The cast of characters is varied. Bilhartz's Baltimoreans traverse the religious spectrum from deistic rationalists to Episcopalian formalists and Methodist revivalists, from devout itinerants to clergy run out of town for "illicit sexual conduct" (pp. 49–50). Those interested in local contributions to "American civil religion" will savor the sermon excerpts found on pages 63 and 64.

Readers interested in general interpretations of the Second Great Awakening will also find Bilhartz's contribution valuable. This work is one of the first nineteenth century community studies to examine religion in a *southern* city. Furthermore, unlike some historians who place far too much emphasis on upper-class Episcopalians and Presbyterians, Bilhartz has constructed an unusually strong data base that includes congregations from all of Baltimore's denominations. His sophisticated quantification lends strong support to larger arguments and does not unnecessarily intrude upon the text. Finally, this volume offers an alternative to the social-control explanations of early nineteenth-century religion which have been so popular in recent years.

After briefly describing a booming Baltimore (the city's population grew nearly five hundred percent between 1790 and 1830), Bilhartz launches into the first major section of his book, "The Churches Militant: Varieties of Structure, Method and Belief." Here the membership, leadership, clergy, discipline, and worship patterns of the city's myriad sects

and denominations are analyzed. The overarching theme of these five chapters is that in spite of differences in style, liturgy, and polity, the Christian churches of Baltimore, ranging from high-church Roman Catholic to low-church Methodist, had more similarities than differences. For instance, Bilhartz notes that all of Baltimore's Christian denominations "emphasized the sinful state of man, the necessity of satisfying the justice of God through the atoning sacrifice of an obedient Savior, the nearness of death . . . and the everpresent possibility of divine retribution for personal or national sins" (pp. 78–79). Furthermore, Christian clergy of all denominations concurred with the notion that large scale evangelism was necessary not only for the redemption of individual souls, but also for the maintenance of public virtue essential to the survival of the American republic. The author's emphasis on interdenominational cooperation is a useful counterweight to recent arguments that nineteenth-century Protestantism was sharply divided between "evangelicals" and "non-evangelicals."

The chapter on "Membership" is particularly important. The author avoids the perplexing difficulty of establishing a uniform and meaningful standard of church membership by examining church affiliation and attendance. In so doing, he demonstrates that forty-four percent of Baltimoreans were nominal churchgoers in 1790. Forty years later, after successive revivals had swept the city, the percentage of churchgoers had only risen to forty-nine percent of the city's inhabitants. The experience of Baltimore runs contrary to the widely held ideas that religious disinterest characterized America in the 1790s and that the Second Great Awakening was important in attracting large numbers of Americans back into the Protestant churches. Either Baltimore was atypical or our understanding of this pivotal religious era requires further revision.

The second part of the book, "The Militant Churches: The Effects of Religious Competition," addresses the subjects of revivalism, ecumenism, and schism. Of the three topics, the discussion of revivalism is the most provocative. Bilhartz finds class-specific or gender-specific explanations of Baltimore enthusiasms inadequate because "the revivals were truly general, embracing among others youth, free blacks, single women, aspiring artisans, wealthy merchants, and public officials. . . . and actually retarded the religious trends that were moving toward a female and white-collar male congregational profile" (pp. 138–139). With such a broad base of converts, it is not surprising that middle-class Methodists, not upper-class Episcopalians and Presbyterians, were the primary promoters of the "new measures" designed to induce conversions.

How then does one explain the Second Great Awakening in Baltimore? Bilhartz contends that "revivals erupted primarily because churchgoers of particular denominations expected them and labored diligently to promote them" (p. 139). And what was the motivation for generating enthusiasm? Two explanations are offered. The first involves a significant problem common to all churches in Baltimore. Traditional appeals were failing to draw young, upwardly mobile males, resulting in a shrinking revenue base and predominantly female congregations. When Methodists were able to attract some of these men back into the churches with the "new measures," other denominations imitated Methodist techniques. Widespread millennial expectations provide a second motivation for the massive evangelistic and missionary efforts. The American Revolution, Napoleon, and the Roman Catholic Church were all seen as fulfilling biblical prophecies that the "coming kingdom" was near (p. 116). Such perceptions were widespread across denominational lines and lent a common urgency to efforts to bring in souls while there was yet time.

Despite numerous strengths, this examination of Baltimore religion is not without problems. Considering the growing literature on the role of women in nineteenth-century religion and considering that seventy percent of Baltimore's churchgoers were female, it is disappointing to see the role of women treated only tangentially in this volume. Gender distribution was probably the single sharpest demographic difference between Baltimore's

churchgoers and the city-at-large. Bilhartz does mention that women were revival participants and benevolent voluntarists, but little analysis proceeds from this information.

While many will be impressed with the author's attempt to explain revivals in terms of the needs and beliefs of churches rather than changing demographic conditions or class conflict, those who prefer explanations external to the churches are not likely to be convinced by this study. The arguments for a new explanatory model are not totally successful because a relatively small amount of analysis is devoted to this contention and the data reveal that the well-to-do are clearly overrepresented in Baltimore church leadership positions.

Periodization presents a final problem. In many parts of the United States, the Second Great Awakening did not peak until the early 1830s. One wonders whether, if this study had been concluded in 1835 rather than in 1830, the author would still contend that the Awakening had a negligible impact on the percentage of churchgoers.

Despite the above difficulties, this study offers numerous insights and a number of important arguments concerning early national religion in Baltimore. Students of Maryland history and of American religion will profit by adding this volume to their personal library.

CURTIS D. JOHNSON
Mount Saint Mary's College

The Naval War of 1812: A Documentary History. Volume 1. Edited by William S. Dudley and Michael J. Crawford. (Washington, D.C.: Department of the Navy: Naval Historical Center, 1985. Pp. liv, 714. \$34.00. Order from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.)

Years of research have given birth to the first volume of a projected three-volume set. Chronologically, volume 1 encompasses every aspect of the maritime war from a long period of pre-war frustration through the first six months of hostilities. With both American and British sources (often appearing in or near tandem), succinct and carefully honed introductory background, and explanatory and bibliographical notes aimed at students of naval history in the broadest sense, this rich collection strikes its target squarely.

A long section devoted to the coming of war in June 1812 clearly illuminates national and sectional disagreement over the political, diplomatic, and naval policies several administrations pursued. Unable to protect its own shipping in the Atlantic or its western lands against European powers, the embarrassed young nation voted for war aiming to restore its honor. In a sense, the Madison administration simply dumped its frustrations into the lap of its small navy. Hopes that the Royal Navy's preoccupation with European waters would minimize British strength here were not completely fulfilled. Documents in this volume list four enemy fleets near the American coast consisting of sixty-three warships of fourteen guns or more. That total included one vessel of fifty guns or more per fleet. American documents place the strength of the United States Navy at the same time at twenty warships of fourteen guns or more and none at or over fifty guns. Jeffersonian gunboats could not redress such an imbalance, nor did they compensate for years of governmental neglect of naval construction and policy indecision.

The *Naval War of 1812* traces the search for a national naval policy from the 1790s through the first six months of war—the changes in course that led to a mixed force of frigates, gunboats, and private armed vessels as commerce raiders (the submarines of their day). Brilliant victories of the American heavy frigates in single-ship combat, along with the prizes brought in by the privateers, only suggested success. The navy required ships-of-the-line (seventy-four guns or more); Congress debated and adopted them, but their

construction lagged and statements scattered throughout this work warned of severe shortages in seamen, marines, ordinance, and some nautical necessities. In nearly all of America's maritime wars over two hundred years the navy suffered heavy losses for about two years after hostilities are began, fighting with an inadequately prepared, poorly placed, or improperly constituted naval force.

This collection provides insights on little known areas such as Florida and the Gulf coastline and the early war on the northern lakes. Naval officers detested assignments to New Orleans and considered it a graveyard for their careers. In that respect they weren't much different from earlier French or Spanish officials assigned there before the advent of air conditioning. On the northern lakes one can discern a growing awareness of the pivotal role that the navy would play there because of British Canada. One also senses that the Madison administration (and James Madison personally) would provide stronger military leadership there in time. Including the lakes, the administration and navy had three long coastlines, many critical ports and the sealanes to protect. Frequent and sometimes desperate pleas from naval officers and citizens for naval assistance probably evoked heartfelt sympathy in Washington; the navy could offer little hope of substantive assistance.

In a text supported by admirable maps, diagrams and illustrations, Dudley and Crawford give the great frigate battles full and stylish treatment. They also supply a superb dust jacket, ships' journals, and the commanding officers' (winners and losers) reports to the Navy Department. To the editors' credit they blend in privateering with naval operations. They publish the journal of Joshua Barney's cruise on the Baltimore privateer schooner *Rossie* along with one for New York's *Saratoga* and other documents related to a large privateering establishment.

One may here gain insights into all phases of a nation at war. Labor problems in navy yards, competition for marines, the woes of prisoners and the cries of the widow come through, harshly at times. Hearings, court-martials and congressional involvement in naval matters enrich the tapestry. War is more than combat and warriors.

Time and experience suggested changes in naval policy. The frigates couldn't last forever and while commerce raiding was successful, it needed naval support. An approach combining a naval force of sloops-of-war and schooners for added commerce raiding and a frigate squadron or two might have sufficed. Commerce raiding by private and public vessels backed by a frigate squadron would have forced the British to concentrate their naval force. This would have left wide expanses of salt water open for raiding while the frigate force intimidated individual British warships on blockade duty. As for the ports, the success of Baltimore and New Orleans (after the peace treaty) against the British stemmed from American land armies, augmented by seamen as cannoneers, a few regulars, and well-led militia behind fixed works—not from naval gunboats. After the demise of the American superfrigates the most significant and pivotal naval role would be on the northern lakes.

The Naval Historical Center has earned a lusty "huzzah!" with this performance. It should ignite a few powder kegs of new research on a recently neglected but significant and instructive maritime war. All hands should stand by for the next two volumes, wherein the British extend and intensify their blockade of the Atlantic coast and land Redcoats—once more.

JEROME R. GARITEE
Essex Community College

The Mind of Frederick Douglass. By Waldo Martin, Jr. (Chapel Hill: The University of North Carolina Press, 1984. Pp. xii, 333. Illustrations, notes, bibliography, and index. \$27.50.)

Building on the earlier work of Philip Foner, Nathan Huggins, Dickson Preston, Benjamin Quarles, and Peter Walker, Waldo Martin Jr., has written a magnificent intel-

lectual biography of Frederick Douglass. Douglass, Martin argues, was a "democrat as well as a Christian idealist" (p. 49). Douglass and other free men of color embraced without reservation the ideas embodied in the Constitution and the Declaration of Independence. To these black men the observation that "all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness" was more than high-sounding rhetoric. For Douglass and his black peers these sentiments expressed the possibility that America could become a cosmopolitan state. For nineteenth-century blacks the promise of the American revolution was yet to be fulfilled. As a number of scholars have shown, antebellum black people, free and slave, were victims of brutal discrimination and prejudice depriving them of economic opportunity, social mobility, and the protection of the law. Douglass's life and career, as Martin depicts it, was an extended effort to create a color-blind society and fulfill the promise of the American revolution. In attempting to achieve this goal Douglass was drawn into the wider process of nineteenth-century reform. Douglass was a champion of free public education, temperance, universal peace, land reform, as well as women's rights and abolitionism. He also favored the abolition of flogging in the navy and was an opponent of capital punishment.

Douglass was a bourgeois reformer, Martin suggests, who thought that democratic revolutions such as the American, French, Haitian, and 1848 European upheavals were important steps in the movement toward universal freedom. In this process the Haitian revolution occupied a special place. According to Douglass this revolution "startled the Christian world into a sense of the Negro's manhood"; it also had the enviable distinction of being "the original . . . emancipator of the nineteenth century" (p. 50). Throughout his life Douglass was consumed with establishing the fact of the Negroes' manhood. He therefore saw in the Haitian struggle a demonstration of black peoples' agency in history—that is, proof that black people were not content to be hewers of wood and drawers of water. What I mean by this is that Douglass and other black spokesmen like Richard Allen, Martin R. Delany, and Lewis Woodson were concerned with elevating the race. They thought that this was an endeavor that blacks alone should accomplish; they believed, in brief, that Negroes should not rely on whites to resolve their problems. One of the many virtues of Professor Martin's book is that it shows the limitations of this ideology as Douglass articulated it. As I noted earlier, he was a Christian idealist—and his idealism blinded him to the structural nature of the American race problem. He did not see that black success was as unsettling to nineteenth-century white Americans as black failure.

Finally, this book should be read by all students of the nineteenth-century American social thought. It shows that Douglass was more than a racial spokesman. Douglass's thought ranged over a wide variety of issues that concerned American intellectual and social activists at the time. What Martin has done in focusing on the career and thought of Frederick Douglass is to show how deeply nineteenth-century black Americans were influenced by mainstream American thought. He has also shown how one black man used these ideas to provide a searching critique of America's rhetoric of freedom and equality.

CLARENCE E. WALKER

University of California, Davis

From Sotweed to Suburbia: A History of the Crofton, Maryland Area, 1660–1960. By Joseph L. Browne. (Baltimore: Gateway Press, Inc., 1985. Pp. xii, 216. Maps, photo. \$11.95. Order from the author, 1014 Wayson Way, Davidsonville, Md. 21035.)

It is difficult to write a local history that will hold the attention of a reader with little knowledge of the area. Joseph L. Browne has accomplished this goal with a narrative of a western Anne Arundel community, aided by maps, photographs, and a few charts of statistics.

His title catches attention immediately but not necessarily favorably; Browne erroneously believes that everyone is familiar with the term "sotweed" (had it been a town in South Carolina, would it have been entitled "From Kudzu to Culture?"). Passing on—quickly—to contents, the book's three parts cover settlement to the Revolution, Revolution to the Civil War, and Civil War to the birth of Crofton in the 1920s. These chapters, divided into sections, describe sociological, economic, and cultural changes. Browne discusses schools, churches, and the evolution of roads as well as the effects of outside events such as slavery, wars, and the arrival of railroads.

Crofton and environs take their triangular shape and origins from about eighteen early patents, the first of which, "Whites Hall," Jerome White received in 1665. These tracts continued, for the most part, as identifiable farms through the Civil War—only to disappear with twentieth-century development. The town of Crofton evolved in the 1920s from commercial development along the newly-built Crain and Defense Highways. To many of us, the Pigeon House on the corner was a landmark on the trip from Washington to the bay beaches.

The last chapter of the book treats "Families and Homes of the Crofton Area." Five major landowning families are associated with the area from earliest settlement, and intermarriage has made a close network of cousins. Browne sketches the Duvall, Hopkins (Johns Hopkins of Baltimore fame was born in the family home named "White Hall"), Linthicum, Warfield, and Williams families. A smaller section on the Barker, Chaney, Cowman, Donaldson, Clark, Edwards, Evans, Merriken, Hall, Higgins, and Turner families complete the genealogies.

Sadly lacking an index, the book's footnotes demonstrate Browne's research not only in local lore but in the Maryland events that shaped Crofton.

JANE C. SWEEN

Montgomery County Historical Society

A Machine That Would Go of Itself: The Constitution in American Culture. By Michael Kammen. (New York: Alfred A. Knopf, 1986. Pp. xxii, 532. \$29.95.)

The leading historian of American culture, Professor Michael Kammen has undertaken an extended inquiry into Americans' perceptions of the Constitution, their knowledge and understanding of the document as well as their indifference to and ignorance of it. He amply fulfills his intention to provide "a substantial, original, serious yet engaging work for nonspecialists" (p. xx). His timely book entertains and delights while following through on its primary didactic purpose: to explain the curious disparity between Americans' veneration for the Constitution and their ignorance and misunderstanding of its specific provisions and larger meaning.

Kammen has a special genius for combining sprightly narrative, analytical insights, and creative synthesis of large masses of source materials while developing a single broad theme. The theme is announced in the title, taken from a speech by James Russell Lowell in 1888. Lowell's purpose, also Kammen's, was to sound a warning against complacency with the Constitution as a self-starting machine that needed little care and attention to keep running smoothly: "After our Constitution got fairly into working order it really seemed as if we had invented a machine that would go of itself, and this begot a faith in our luck which even the civil war but momentarily disturbed. . . . And this confidence in our luck with the absorption in material interests, generated by unparalleled opportunity, has in some respects made us neglectful of our political duties." This passage, says Kammen, "epitomizes not merely the main historical theme of this book, but the homily that I hope to convey as well" (p. 18).

After an introductory chapter on the "the problem of constitutionalism in American culture," the author groups thirteen succeeding chapters into four periods: 1787–1887, 1888–1918, 1919–1939, 1940 to the present. In each of these distinctive epochs, he discerns an underlying pattern of "conflict within consensus" (p. 29). Only a few years after the bitter contest over ratification, a consensus had formed that the Constitution possessed genuine merits, that it was a frame of government worthy of preserving. In time (this did not occur immediately) praise and respect were transformed into veritable worship of the sacred charter. Within this broad consensus, conflicts have occurred more or less regularly, owing in no small part to the ambiguity of the document itself, which immediately gave rise to opposing interpretations. The proper construction of the Constitution and the nature and scope of judicial review—the doctrine that courts can declare laws unconstitutional—are issues in American constitutionalism that can never be finally resolved. Conflict is virtually built into the system.

Only once in our history has this pattern of conflict within consensus threatened to break apart and produce what appeared to be a genuine crisis of the Constitution. This was not the Civil War, says Kammen, but rather the period from 1895 to 1920, when the Supreme Court repeatedly struck down social and economic legislation that Congress and the state legislatures had enacted. So relentless and vehement was the outcry against the Court that it led to denunciations of the Constitution itself. Harsh criticism in turn forced its defenders to organize into leagues and societies, with the result that the next two decades witnessed a flourishing cult of the Constitution. It became a "fetish," an object of worship.

The story of the Constitution in American culture has been least edifying, Professor Kammen shows, during past ceremonial occasions, notably the centennial of 1887 and the sesquicentennial of 1937. These celebrations had no short supply of insipid speeches, pageants and parades, essay and oratorical contests, but were woefully lacking in programs of genuine educative value. By happy coincidence the year 1937 witnessed the controversy over President Roosevelt's "court-packing" plan, an episode that stimulated more interest in and learning about the role of the court in our constitutional system than all the programs planned by the sesquicentennial commission. (In this regard, the attorney general's recent call for a "jurisprudence of original intention" has already provoked a debate that will have great heuristic value in this bicentennial year.)

Despite its great length, the book sparkles throughout with originality and fresh perspectives. This in no small measure owes to the author's imaginative and wide-ranging selection of sources, including more than two dozen carefully chosen illustrations that are commented upon at the appropriate points in the text. Kammen's definition of culture, neither "high" nor "low," encompasses both and all that is in between. In the course of his prodigious researches, he unearthed a number of hitherto unknown or little-used collections, some of which yielded gold—for example, the papers of the centennial and sesquicentennial commissions and the records of the Immigration and Naturalization Service (containing the citizenship training texts, teachers' manuals, and test questions on the Constitution for prospective citizens). These and other sources—newspapers, magazines, personal and official correspondence—provide an inexhaustible fund for the numerous anecdotes and vignettes that enliven the narrative. Kammen quotes liberally from his sources, letting the story tell itself as much as possible, yet weaving his quotations into the text with a craftsman's artistry.

Adopting the tone of a gentle, even genial, critic, Kammen writes as a curious, fascinated, observer of American behavior and mores. If Americans have been (and still are) uninformed about the Constitution, he seeks to explain why this is so, not merely to render a disapproving judgment on their sorry performance. The relationship between the

people and the Constitution over these two hundred years is in fact a highly complex story, by no means straightforward or reducible to facile generalizations.

Conflict, not consensus, has been the agent of progress in our constitutional education, Kammen concludes, and he sanguinely looks forward to future controversies over the meaning of the fundamental charter. "Conflict within consensus" is the essence of American constitutionalism, which is something more than the Constitution itself. It includes the personalities and influences of the people who have conducted the government and the "invisible government" of political parties, interest groups, and trade unions. Constitutionalism, writes Kammen, "embodies a set of values, a range of options, and a means of resolving conflicts within a framework of consensus. It has supplied stability and continuity to a degree that framers could barely have imagined" (p. 399). Without this underlying tradition of constitutionalism, the Constitution would either have long ago been discarded or (what is the same thing) have become a meaningless charter, bearing no relationship at all to the actual workings of the government. The Constitution is not a machine that will go of itself; constitutionalism is the essential fuel that keeps it going on a more or less steady course.

CHARLES F. HOBSON

*The Papers of John Marshall,
Institute of Early American History and Culture*

Why the South Lost the Civil War. By Richard E. Beringer, Herman Hattaway, Archer Jones, and William N. Still, Jr. (Athens, Ga.: University of Georgia Press, 1986. Pp. 581. Illustrations. \$29.95.)

Almost thirty years ago a group of distinguished historians of the Civil War era gathered on the campus of Gettysburg College to discuss a topic that eventually became the title of a volume of essays edited by David Donald, *Why the North Won the Civil War*. Acknowledging their debt to this earlier work and taking into account the latest generation of scholarship—which, the authors argue, "was not receiving the consideration that it merited" (p. x)—professors Richard E. Beringer et al. examine similar issues but from the other side. The result is a cogent, insightful, and illuminating study that makes the seemingly obvious but often overlooked argument that "the Civil War did not have an inevitable outcome. . . . [A]t several points the Confederates could have reversed the trend of events" (p. 421).

Why did the Lost Cause become lost? Not, according to the authors, so much because of a want of economic resources or tactical skill as because of "the inadequacy of their motivation to save slavery, their only modest feeling of national distinctiveness, and their fundamentalist Christian faith" (p. 442). As the war after 1863 became a war to end slavery, "world moral disapproval" (p. 426) began to erode Southerners' commitment to the one institution that made them distinctive. As the tide of battle began to turn against Southern armies, Southerners' conviction that God was on their side gave way to hopeless despair, and religion became "a source of weakness in adversity" (p. 427).

But the chief explanation of Southern defeat, to which slavery and religion could ultimately make but a feeble contribution, was the absence of Southern nationalism. Here the authors make their most interesting and useful observations. "[D]ifferent though they might have been, southerners did not diverge so much from northerners as to constitute a different nationality" (p. 81). The two sections had far more in common. The sense of the South as a distinct national entity was never sufficiently compelling to lead Southerners to continue the fight for independence to the last man. A shared history, a shared language, a shared cultural heritage, indeed, even a shared understanding of the proper forms of

government (the two constitutions were virtually identical) all militated against the successful establishment of a separate Southern nation.

That possibility remained but an idea, and an imprecisely defined, imperfectly comprehended idea at that. It was an idea far more powerfully felt and far more clearly understood after the war than before it, in the same way that American nationalism, refined in the crucible of war, took on new clarity after 1865. In reminding us of these simple truths, the four authors of this distinguished volume place us in their debt. Anyone interested in the Civil War will learn much from its pages.

JOHN M. MCCARDELL, JR.,
a Hagerstown native, teaches at
Middlebury College, Middlebury, Vt.

Common Places: Readings in American Vernacular Architecture. Edited by Dell Upton and John Michael Vlach. (Athens and London: University of Georgia Press, 1986. Pp. xxiv, 529. Illustrations, maps, plans, biblio. and index. \$24.95 paper; \$50.00 hardcover.)

For students of vernacular architecture, there is nothing more familiar than the bibliography search. Lacking established texts and a long history of structured study in this relatively new field of interest, students and scholars alike must ransack sources from an ever expanding range of related disciplines in search of methods, ideas, and raw data. All too often, the sought-for article appears in an obscure and unavailable regional history or archeology journal, and the search leads only to frustration and not to answers.

In view of this, the publication of *Common Places* serves as an important benchmark in a rapidly maturing field, representing a particularly useful and thoughtfully selected series of twenty-three previously published essays on vernacular studies covering a diverse range of fields, sources, methods, and conclusions. Some of the authors and articles will be familiar and readily available; a great many are not. Even for the most assiduous collector of source material, *Common Places* will offer a refreshing change from faded, sixth-generation photocopies pirated by a friend with access to a major library. More importantly, it should immediately become a standard reference text for college and graduate school courses in vernacular studies, folk culture, and related American studies classes.

The collection is structured to consider five principal focal points for vernacular studies: definitions and demonstrations, construction, function, history, and design and intention. Collectively, the essays offer us insights into the rich diversity of the historic landscape, instruct us on the complexity of seemingly simple things, and propose methods by which we can use objects as diverse as furniture and field patterns to interpret past history and the present-day landscape.

Diversity of theme and application is, in fact, the most important aspect of this book. Entry level students of American studies would do well to read every essay and then explore the rich thematic bibliography included for further reading. For the more casual explorer, Fred Kniffen's article "Folk Housing: Key to Diffusion" serves as a classic though now somewhat dated introduction to the field, and Henry Glassie's essay "Eighteenth-Century Cultural Process in Delaware Valley Folk Building" is, in my opinion, one of the most important contributions to the field and one with particular relevance to the Chesapeake region.

Throughout the series, the importance of rigorous, carefully structured fieldwork serves as a constant theme and a reminder that there are no quick, easy answers. Traditional intensive research is represented by an important early study, "Early Rhode Island Houses," by Norman Isham and Albert Brown and a more recent and scholarly study of probate inventories in Abbott Lowell Cummings' article, "Inside the Massachusetts

House." Using similar material but in less traditional methodology, Robert Blair St. George questions the patterns of social space and artifact consumption in his article titled "Set Thine House in Order": The Domestication of the Yeomanry in Seventeenth-Century New England."

Other authors focus on seemingly mundane subjects and draw significant insights. John Vlach traces the origins of the shotgun house form from the Gulf Coast of America to prototypes built by slaves in the West Indies and closely related forms in West Africa. Barbara Rubin's study of the origins and evolution of the commercial strip is primarily focused on Chicago and California, but is equally relevant to the Baltimore and Washington suburbs. Kenneth Ames focuses on Victorian hall furnishings, particularly the hallstand, and demonstrates convincingly that any object can offer surprising insights into social custom and purpose.

James Borchert's study of alley housing in Washington, D.C., is of particular value to Maryland readers. Yet it transcends regional significance by drawing our attention beyond the orderly facades of major streets to investigate the rich intermixture of economic class and social standing revealed in the once extensive alley house neighborhoods of the District.

A particularly appealing essay to any historian actively involved in field research is Catherine Bishir's study of the prolific and imaginative builder, Jacob Holt, who left an astonishing legacy of distinctive private dwellings and public buildings across southern Virginia and central North Carolina. Most important, Bishir is not seduced by material that seems to beg for a traditional art-historical approach. Instead of evaluating Holt's work in aesthetic terms, he searches for the underlying lessons, meaning, and motivation in the works of an admittedly exceptional regional artisan.

Finally, Maryland readers should take note of three important essays with direct ties to this region. While all three are primarily based on research and fieldwork in Virginia, their observations and conclusions have already permeated the study of vernacular architecture in Maryland. It is fortuitous that these papers are now more readily available. Drawing upon an intensive archeological study of the seventeenth-century plantation that preceded Stratford Hall, Fraser Neiman investigates the radical transformations that English architectural traditions underwent in seventeenth-century Virginia, concentrating on the adoption of impermanent methods of construction and the evolution of English plan types in the Chesapeake.

Following a similar line of inquiry but based on more than a decade of research throughout the Chesapeake, Dell Upton analyzes the vernacular tradition in the eighteenth-century domestic architecture of Virginia. The result is an excellent primer on eighteenth-century Chesapeake architecture with a strong emphasis on the complexity of plan selection, spatial function, and change over time.

While much attention has been focused on the Maryland and Virginia Tidewater, only limited work has been done west of the fall line, and little of that has been published. Edward Chappell's essay, "Acculturation in the Shenandoah Valley: Rhenish Houses of the Massanutten Settlement" is a major contribution to the study of Germanic settlement in what was then the western frontier. Though based on a single settlement on the Shenandoah River, the Massanutten study provides a detailed catalog of Germanic house forms and building traditions and traces the cultural assimilation that occurred as Germanic settlers mixed with Scots-Irish and Anglo-American culture. Similar comprehensive analysis of Germanic building in Maryland has not yet been attempted, but Chappell's study provides a useful model with numerous direct analogues to draw from.

In view of the broad applicability of the essays that comprise this book, it seems highly likely to become a standard source and will, one hopes, lead to additional publications of comparable quality and vitality.

ORLANDO RIDOUT V
Maryland Historical Trust

Books Received

Mildred Todd Hicks arrived in Baltimore from upstate New York as a child in 1898. She later returned north, raised a family, and then at the age of 58 began writing columns for the small but influential Dallas, Pennsylvania *Post*. Eventually she edited the paper and in 1964 won the Golden Quill Award for an editorial on President Kennedy's assassination. In her skillfully crafted volume of childhood memories, *When the World Was Flat*, Hicks recalls the city of Baltimore with a journalist's disciplined eye for both sides of the story. She describes the refreshing, green oasis of Patterson Park, trolley rides, Christmas trips to "Hushburger's" (Hirschberger's) fabulous department store, circuses, the wonders of the Enoch Pratt Library, and fried oysters that cost a quarter a dozen and came "embellished with a slice of dill pickle, a scoop of cole slaw, and a dozen oyster crackers." She also writes graphically of her parents' attempts to control cockroaches, fleas, and bedbugs in their East Monument Street rowhouse, where she was forbidden to drink unboiled tap water. Her father, a physician and faculty member at the University of Maryland, spent the hot months helplessly watching infants die of typhoid fever. In the end, her chapters contain more sweet than sour. Baltimoreans will find her account of a summer's day steamboat excursion to Tolchester and her description of the February 1904 Baltimore Fire themselves worth the price and will laugh at her mother's glimpse of sin through the knothole in a beer-garden wall. Students of nostalgia (and of sex-role acculturation in that age) may wish to compare Hick's girlhood memories with the passage rites of a male, from West Baltimore, who himself went into newspaper work.

Kentucke Imprints, \$6.95

Captain Charles Ridgely built the ornate-Georgian structure he called Hampton Hall between the winning of independence in 1783 and the first federal Congress. For five generations the home served as seat of one of the state's leading families. In 1950 the park service dedicated the mansion as a national historic site and in 1980 assumed ownership of the farm property as well. Visitors now will find an attractive *Guidebook to the Hampton National Historic Site* available at the mansion gift shop. The work of Lynne Dakin Hastings with editorial help from Margaret Worrall, it offers a history of the mansion and a family genealogy, covers Hampton as an architectural subject, discusses the Hampton collections of art, sculpture, silver, china, and furniture, and explores the surrounding gardens and outbuildings. Illustrations, many in color, and family photographs nicely supplement text. One must take the booklet along on a tour of this landmark—not far from Towson—of which in 1859 Henry Winthrop Sargent said "expresses more grandeur than any other place in America."

Historic Hampton, Inc., in cooperation
with the National Park Service, \$5

While Hampton has its grandeur, Hancock, farther west, has its own proud history. Last year Emily W. Leatherman, a native of that Washington County community, published a third edition of her *Hancock, 1776-1976* (1985), an affectionate compendium of local lore, reproduced newspaper pages, photo-album material, and commercial vignettes. Leatherman first took on the task of a town history as a Revolutionary Bicentennial project. This homespun volume proves her energy and devotion.

Privately published

Both our neighbors to the south offer helpful recent guides to manuscript collections. In 1981 Barbara T. Cain, with Ellen Z. McGrew and Charles E. Morris, compiled and edited a paperbound *Guide to Private Manuscript Collections in the North Carolina State Archives*. Now reprinted in cloth edition, the same title (706 pp.) includes minor corrections and additions to its entries for 1,640 collections (186 of them on microfilm) and 480 private account books. An extensive name, place, and subject index makes this volume indispensable to students of North Carolina history, Southern history, and state genealogy.

North Carolina Division of Archives and History, \$20

Waverly K. Winfree (compiler), Nelson D. Lankford (editor), and Sara B. Bearss (indexer) have performed the same service with a *Guide to the Manuscript Collections of the Virginia Historical Society*. This 160-page paperbound lists over 1,200 entries and their catalog numbers; it briefly describes each holding or identifies its major figures. The index accounts for about one-quarter of the book's length—a good indication of its value.

Virginia Historical Society, \$10

Michael Kammen, reviewed in this issue, has assembled readings that one may well find instructive during this bicentennial year, *The Origins of the American Constitution; A Documentary History*. Kammen selects from constitutional drafts, private letters of the people who took part in the Philadelphia convention, and the papers that spokesmen for and against the proposed new frame of government feverishly wrote in 1787–88. An introductory essay, guide to further reading, and index make the book, in paperback, especially helpful to students and citizens refreshing their memories.

Penguin, \$6.95

For many years Dr. Arthur G. Tracey and his daughter Dr. Grace Tracey, both now deceased, gathered data on the land grants and early settlers of Western Maryland. Before her death, Grace Tracey put together the rough draft of a manuscript entitled "Notes from the Records of Old Monocacy." Now John P. Dern has edited the manuscript to produce *Pioneers of Old Monocacy: The Early Settlement of Frederick County, Maryland, 1721–1743*. This important work on the peopling of Frederick County uses land and court records, abstracts of deeds and patents, maps, lists, and other sources. Chapters on the Germans, Quakers, and Catholics who settled in the Monocacy are interspersed among other chapters dealing with specific regions of the county (e.g., Point of Rocks, Sugar Loaf, the Catoclin Valley, and Rocky Ridge). Although the book contains abstracts of source records, biographical sketches, and simplified genealogical charts, it is more than a biographical or genealogical compilation; it is a history of the area. Lists of petitioners, taxables, land patentees, a nine-page bibliography, and an index enhance the usefulness of the book.

Genealogical Publishing Company, \$37.50

Margaret E. Myers has used the records of marriage licenses at the court house in Frederick County to compile *Marriage Licenses of Frederick County, 1778–1810*. Like the records from which they were drawn, the entries contain merely the date the license was issued and the names of bride and groom. The single alphabetical listing contains two entries, one under the bride's name and one under the groom's. Duplicate entries appear as such.

Family Line Publications, \$9.00

Mary Gordon Malloy and Maria W. Jacobs have combed the files of Montgomery County's first permanent newspaper, the *Montgomery County Sentinel*, to produce a volume of abstracts of marriage and death notices. *Genealogical Abstracts: Montgomery County Sentinel, 1855-1899* contains over four hundred pages of data arranged alphabetically by name of groom or the deceased. A supplementary index lists other names found in the entries, which mentioned not only natives of Montgomery County but persons from Baltimore, Annapolis, Ireland, Virginia, and elsewhere.

Montgomery County Historical Society, \$24.00

News and Notices

THE PARKER GENEALOGICAL CONTEST

In 1946 Mrs. Sumner A. Parker presented the Society with a sum of money in memory of her husband, the late Sumner A. Parker, with the suggestion that the income should be used to furnish cash prizes for an annual contest to determine the best genealogical works concerning families of or originating in Maryland.

Rules

1. Entries must be typewritten or in printed form and include an index.
2. References to sources from which information was obtained must be cited.
3. Entries will be judged on quality of content, scope and organization of material and clarity of presentation.
4. Decision of the judges will be final.
5. Entries for contest for any given year must be mailed prior to 31 December of that year to Parker Genealogical Contest, Maryland Historical Society, 201 West Monument Street, Baltimore, Maryland 21201.
6. All entries will become the property of the Maryland Historical Society. Publication rights and/or copyright remain with the author.

NORRIS HARRIS GENEALOGICAL SOURCE RECORD CONTEST

Mrs. Norris Harris, a member of the Maryland Historical and the Maryland Genealogical Societies as well as a number of lineal societies, has established a monetary award for the best compilation of genealogical source records of Maryland. This prize, to be awarded annually, was established in memory of the late Norris Harris who was an ardent genealogist for many years.

Rules

1. All entries must be submitted in typewritten or published form and include an index if not arranged in alphabetical order.
2. Entries will be judged on scope, originality of the project, volume, and value to the genealogical researcher.
3. Entries must be original work, i.e., never before abstracted for public use, or published in any other work, serially or otherwise.
4. Entries should be submitted to the Norris Harris Genealogical Source Record Contest, c/o Maryland Historical Society, 201 West Monument Street, Baltimore, Maryland 21201, and must be received by 31 March of the contest year.
5. All entries will become the property of the Maryland Historical Society. Publication rights and/or copyright remain with the entrant.

STATE GUARD CREATES OFFICIAL ARCHIVES

The Maryland State Guard (MDSG) is establishing an archives covering its service to the state since 1917. The archives will be located at Frostburg State College, and maintained by the college library. Very little material is currently on hand, and former members or their survivors are requested to donate uniforms, insignia, ribbons, orders and other memorabilia of State Guard service.

For additional information, contact either Lt. Merle T. Cole, 1654 New Windsor Court, Crofton, MD 21114, or (in Western Maryland) Maj. Elvis C. Jones, 222 McCulloh Street, Frostburg, MD 21532.

COUNTY HISTORICAL SOCIETY UPDATE

The Worcester County Library is now the repository of records, both historical and genealogical, formerly in the possession of the Worcester County Historical Society. The library is located at 307 North Washington Street, Snow Hill, Maryland 21863.

The Historical Society of Frederick County is continuing research into the BALTZELL family. Headquarters of the Society are located in a home built for Dr. John Baltzell (1775–1854) and his wife Ruth Ridgely (1800–1867). Their goal is to biograph the Baltzells in order to better interpret the Society home. Any one working on the Baltzell genealogy or knowing of primary sources such as letters, diaries, or furniture owned by the Baltzells, please contact the Historical Society at 24 E. Church St. Frederick, Maryland 21701.

UNIVERSITY OF MARYLAND LECTURE SERIES

The University of Maryland's Office of Summer Programs will sponsor a lecture series entitled, "A Constitutional Bicentennial Summer" in July 1987. The lectures will be held in the Tawes Auditorium on the College Park campus. Mr. Carl T. Rowan will begin the series on 22 July with a lecture on Equality as a Constitutional Value. Professor Archibald Cox will present his ideas on the Role of the Supreme Court in interpreting the Constitution on 23 July. Professor Arthur M. Schlesinger, Jr. will lecture on the Presidency and the Constitution on July 28th. The Hon. Charles McC. Mathias, Jr. will examine the meaning of Original Intent in the constitutional era on July 29th. Each lecture will be followed by a debate. The debaters will be drawn from leading humanists and legal scholars. This lecture-debate series is offered at no charge and the general public is specifically invited. For additional information, please contact:

Professor Whitman H. Ridgway
Department of History
University of Maryland
College Park, MD 20742

CALL FOR PAPERS

The 54th Annual Meeting of the Southern Historical Association will be held in Norfolk, Virginia, 9–12 November 1988. The program committee invites proposals for single papers and entire sessions. Please send a one page summary of the proposed paper and a curriculum vitae of the presenter to the Committee Chair, Theda Perdue, Department of History, Clemson University, Clemson SC 29634-1507. The deadline for proposals is 1 September 1987.

CITY OF GREENBELT ANNIVERSITY

Fall events scheduled in celebration of the fiftieth anniversary of Greenbelt, Md. include a photo exhibition at the University of Maryland School of Architecture Art Gallery to be held through September, and a Labor Day Festival (4–7 September) that features a 10 km "Volksmarch" and a 50th anniversary parade.

NATIONAL ARCHIVES SEEKS VOLUNTEERS

With the attention of the nation focused on the bicentennial of the Constitution this year, individuals are being recruited for the 1987 volunteer training program at the National Archives. Volunteers are being sought who are especially interested in conducting

outreach workshops in the classrooms of the schools in the greater Washington area, as well as leading tours and conducting workshops in the National Archives building for individuals and for groups.

Volunteers accepted for the training program will take a sixty-hour intensive course 10 March through 9 April, in the National Archives Building. After the training they will spend an apprentice period working with experienced docents.

For further information and an application form, please call Mrs. Pat Eames, Coordinator of the Volunteer and Tour Program before 10 February at 202-523-3183.

STEAMBOAT ON THE CHESAPEAKE

Maryland Picture Puzzle

Each installment of the Maryland Picture Puzzle presents a photograph from the Prints and Photographs Division of the Maryland Historical Society library. Test your knowledge of Maryland's past by identifying this Baltimore street scene. What street is it? What is the building in the center of the photograph? How has this block changed since the photograph was taken?

The Spring 1987 Puzzle showed a view of Jones Falls from the Fayette Street bridge ca. 1911–1915. The construction of the Fallsway later covered this section of the Jones Falls.

The Winter 1986 Puzzle was correctly identified by Mrs. H. H. Mercer as the Brown Memorial Presbyterian Church at the corner of Park and Lafayette.

Please send your response to the Summer 1987 Puzzle to:

Prints and Photographs Division
Maryland Historical Society
201 W. Monument Street
Baltimore, MD 21201



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By Grace L. Tracey & John P. Dern

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7" x 10", 442 pp., illus., indexed, cloth. 1987. \$37.50.

Postage & handling: One book \$2.00; each addl. book 75¢.

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GENEALOGICAL PUBLISHING CO., INC.

1001 N. Calvert St., Baltimore, Md. 21202

MARYLAND HISTORICAL SOCIETY
PUBLICATIONS LIST

Five copies of a single work may be ordered at a 40% discount (except for hardbound *Silver In Maryland* and *Furniture in Maryland 1740-1940*). All orders are to be prepaid. Postage and handling of \$2.00 for the first item and \$.50 for each additional item must accompany the order (except where noted). Maryland residents must include 5% state sales tax. Prices are subject to change without notice. Address all orders directly to the Publications Department, Maryland Historical Society, 201 W. Monument Street, Baltimore, Md. 21201.

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MANAKEE, HAROLD R. *Indians of Early Maryland*. 47pp. 3rd printing. 1981. (paperback) \$3.00

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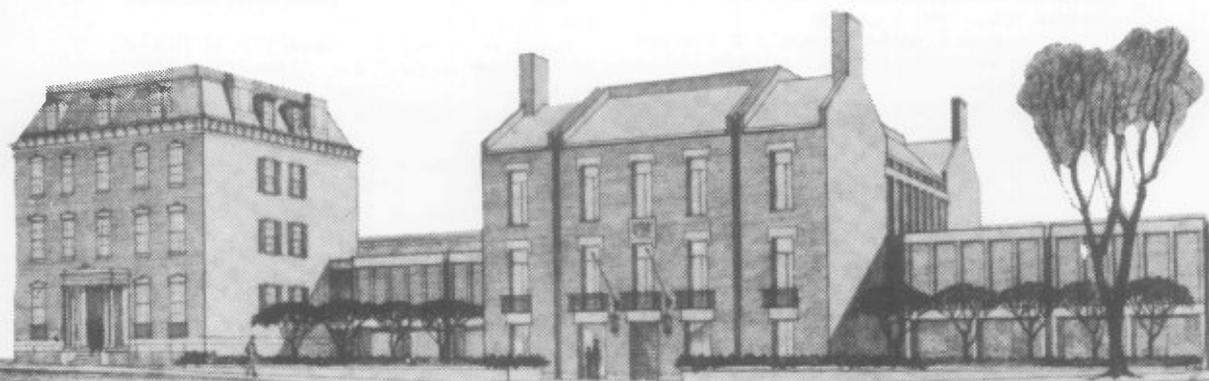
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