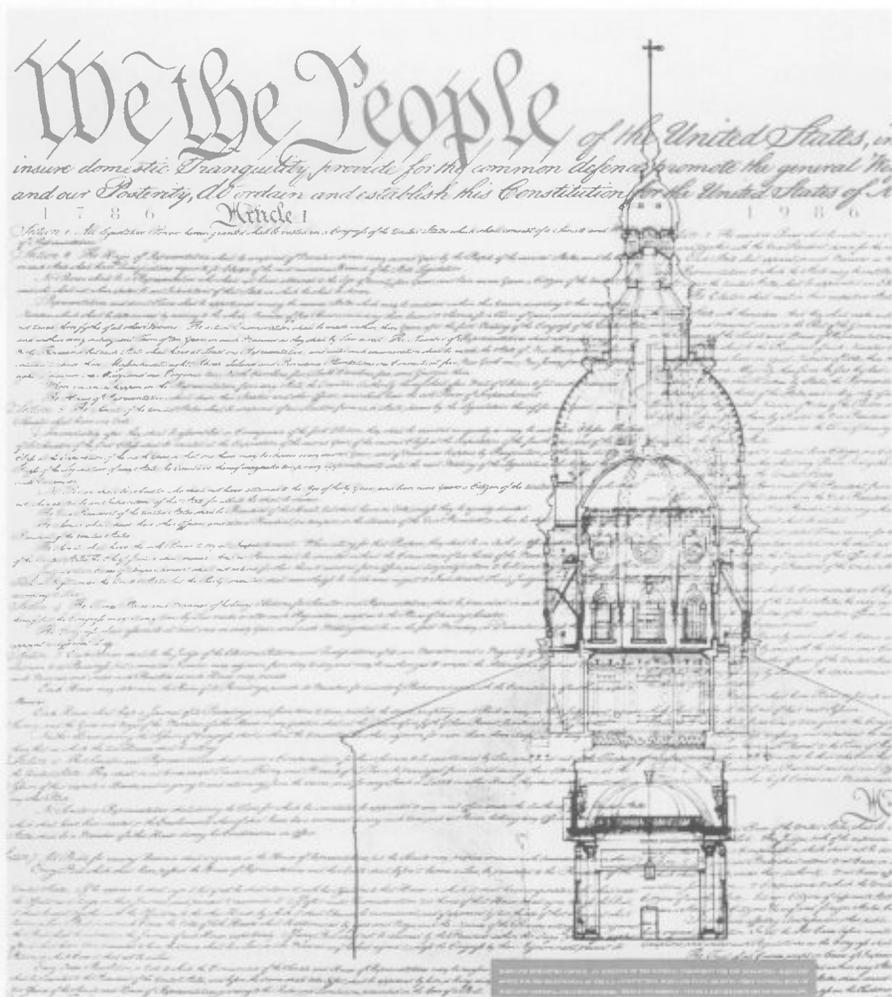


Maryland Historical Magazine



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Editor's Corner

Maryland ratified the Constitution of the United States on 26 April 1788, when a convention elected to consider the new charter voted heavily in its favor. This issue of the magazine offers a potpourri of recent studies of that event and its context, Maryland's part in the movement for a Bill of Rights, and a description of the impressive Baltimore parade that followed ratification. We thank Mr. Marbury for agreeing to host this bicentennial celebration, which owes its origins to a scholarly conference held almost two years ago at Washington College in Chestertown. There, at *Unus Ex Multis: Maryland and the Ratification of the Constitution* (a meeting sponsored by Washington College and Celebrate Maryland, Inc.), our principal contributors gave earlier versions of their papers. They recommend fresh awareness of the forces at work in the early republic and of the ideas that first shaped our federal government.

The editors gratefully note the past services of retiring members of the editorial board: Emeritus Professor Benjamin Quarles of Morgan State University; John Boles, editor of the *Journal of Southern History*; and Joseph W. Cox, now president of Southern Oregon State College. We welcome as their successors Lois Green Carr, staff historian, St. Mary's City Commission; Robert L. Hall, University of Maryland, Baltimore County; and Rosalyn M. Terborg-Penn, Morgan State University. Mary Mannix, formerly curator of prints and photographs at the MHS and now with the Baltimore City Commission for Historic and Architectural Preservation, kindly has joined the magazine staff as art editor.

We thank the Maryland State Archives for helping to make this special issue possible.

Maryland Ratifies the United States Constitution: An Introduction

WILLIAM L. MARBURY

There was a time when historians seemed to reserve the center of the stage for the lawyers; their only rivals in the limelight were apt to be politicians who had earned fame by their military exploits. Shakespeare was obviously aware of this when he has the anarchist Jack Cade quickly agree to the famous proposal to begin the revolution by first killing all the lawyers.

As H. H. Walker Lewis has demonstrated in an admirable study, it was the preoccupation of a group of legally trained Marylanders with the protection of the liberties of the citizen—as they had been hammered out in England since Magna Carta—which led to the adoption of a model Declaration of Rights as an integral part of the Maryland constitution of 1776. Some of that same group of lawyers were the leading opponents of ratification by Maryland of the federal Constitution proposed by the Philadelphia Convention in 1787. The principal basis for their opposition was the absence from that document of adequate safeguards of the liberties that lawyers had successfully fought to protect at Annapolis in 1776. Notable among opponents of ratification was the great lawyer Luther Martin, who had been regarded primarily as an obstructionist by the architects of the Constitution of 1787.

The insights of Karl Marx, as interpreted by Professor Charles A. Beard, have taught us to look for other motives than those originally ascribed as the basis for the opposition of a number of leading Maryland lawyers, including Luther Martin, to this state's ratification of the 1787 Constitution, and certainly there were at work powerful forces that may well have influenced some leaders of the antifederalist party in Maryland. The nature of some of those forces is explored in the interesting essays that are included in this volume.

Some readers may perhaps come to the conclusion that, consciously or not, those who opposed ratification may have been guided by self-interest more than by the lofty political ideals they championed. Others may be more impressed by the fact that structural changes in the late-eighteenth-century social and economic order in Maryland created needs that could be met only by the establishment of a new government—one with the potential of controlling the divisive forces stifling growth in the new nation.

Associated with the firm of Piper & Marbury since 1925, Mr. Marbury is a past president of the Maryland Bar Association and the recipient of an honorary doctor of laws degree from Harvard University. This year the Maryland Historical Society will publish his memoirs.

What the essays in this volume clearly do demonstrate is that the opposition some leading Marylanders expressed to ratification proved helpful in the ultimate adoption of the first ten amendments to the federal Constitution. Those amendments have contributed to the creation as well as the preservation of rights that are today generally recognized as fundamental to a civilized society. Accordingly, whatever their motives may have been, leading Marylanders who opposed ratification of the federal Constitution brought about changes in which lawyers may take justifiable pride.

Artisans, Manufacturing, and the Rise of a Manufacturing Interest in Revolutionary Baltimore Town

TINA H. SELLER

The Revolutionary War stimulated considerable industrial growth in and around Baltimore Town. A combination of factors—including the decline of British imports, the growth of town commerce, and the demand for military equipment and provisions—led to an expansion of such industries as shipbuilding, food processing, textile and clothing production, metal forging, and building. In social terms, this industrial development created what eighteenth-century society would call a significant “manufacturing interest.”¹ It consisted not of humble, unpolished artisans concerned only with plying their crafts in small, simple shops, but rather of fairly sophisticated men of business and politics. Like the well-known eighteenth-century general merchant, the independent artisan engaged in a variety of economic endeavors and kept attuned to changing market conditions and opportunities. Educated in the fundamentals of political economy and political protest by the struggle against British authority and the movement for American independence, he was after the Revolution keenly aware of the need to secure government assistance to protect gains manufacturers had made during the war. Because of his desire for an effective national trade policy, the craftsman in 1787 became a warm advocate for the adoption of the Constitution. The growth of industry and the evolution of a sophisticated “manufacturing interest” in Baltimore in the revolutionary era are, therefore, key elements in explaining the later emergence of an important federalist constituency in Maryland.



The economic development of eighteenth-century Baltimore Town derived from its primary function as an entrepôt for the grain trade. Industries that emerged in and around town developed in response to the needs of this trade. The physical demands of handling wheat generated an extensive array of services that included shipbuilding and its allied manufactures (sailmaking, block and pumpmaking, ropemaking), leather tanning, wagon making, metal forging, flour milling (located on the river falls surrounding town), baking, and brewing.² On the eve of the Revolution the town landscape featured shipyards, ropewalks, tanyards, breweries, bakehouses, and a distillery. A wide variety of craftsmen produced goods on these sites as well as in small town shops. In 1775, Baltimore contained a diverse community of tradesmen, including all types of maritime craftsmen, tanners and curriers, saddlers, wheelwrights, blacksmiths, coppersmiths, gunsmiths, bakers,

Ms. Seller, a graduate student at the University of Maryland and formerly assistant editor of the *Papers of Benjamin Henry Latrobe*, is working on a dissertation that examines artisans in revolutionary Baltimore.

brewers, distillers, tobacconists, potters, tallow chandlers, coopers, cabinetmakers, silversmiths, clock and watchmakers, printers, hatters, shoemakers, tailors, stay-makers, breechesmakers, house carpenters, stone masons, plasterers, and painters.³

Shipbuilding, including ship repair work, was the pivotal industry in town. Stimulated by the high volume of shipping activity required by the grain and flour trade, shipbuilding in turn produced demand for a wide variety of industries. Ships sailing the Chesapeake, as Arthur Pierce Middleton has described them,

were frail things, subject to wear and tear and liable to damage. Even under favorable conditions shrouds, lines, and other cordage had to be renewed often, sails sewed and patched, and seams recaulked. Under adverse conditions, such as storms at sea, collisions in convoy, or brushes with pirates and privateers, masts were sprung, yards and bowsprits broken, top-hamper carried away, sails torn, rigging entangled, and planks stove in. Repairs of this kind of damage gave employment to a large number of carpenters, sail and blockmakers, glaziers, and ironworkers, and provided a ready market for ship chandlery, masts, timber, iron, hemp, pitch, tar, and turpentine.⁴

Ship provisioning was also an important part of the business of bakers, brewers, distillers, and butchers.

Shipbuilders typically kept few permanent workers in their yards. The average colonial shipyard consisted of perhaps two sawyers, a few apprentices or servants, and several experienced shipwrights, hired by the day or by contract. In constructing a vessel, the shipbuilder might additionally require the services of tradesmen in a wide variety of crafts. The number and type of craftsmen required depended on the nature of the ship being constructed. An elaborately finished vessel, for example, meant work for craftsmen in the decorative arts, including carvers, upholsterers, cabinetmakers, and wallpaper hangers.⁵

The construction of ships-of-war required considerable labor and material resources because of the need for quick production and because of the extensive equipment involved. In 1776, at the request of the Continental Congress, Fells Point shipbuilder George Wells built the twenty-eight gun frigate *Virginia*. According to the estimate of one historian, this commission required the labor of about one hundred men—including carpenters, riggers, laborers, master-builders, blacksmiths, sailmakers, coopers, plumbers, painters, glaziers, carvers, copper-smiths, tinnerns, cabinetmakers, and tanners. It also called for plentiful supplies of timber, naval stores, iron, lead, oakum, and masts and spars of all sorts.⁶ Records of the estimated cost and inventory of the the Maryland ship *Defence*, also built by George Wells, vividly illustrate the vast resources a warship needed, not only for construction, but also for operation.⁷

During the Revolution, the shipbuilding industry expanded to meet increased commercial as well as military activity in Baltimore. The only major port undisturbed by any significant engagements with the British, Baltimore served as a major center for supplies for state and Continental forces, for privateering activity, and for the construction and repair of Continental and state warships. The overall expansion of the shipbuilding industry can be documented in the war-time growth of the town's shipbuilding center, Fells Point. Over the seven-year period, 1776–1783, Fells Point's population almost doubled from a total of 821 inhabitants in 1776 to 1,522 residents in 1783. The population of white males increased

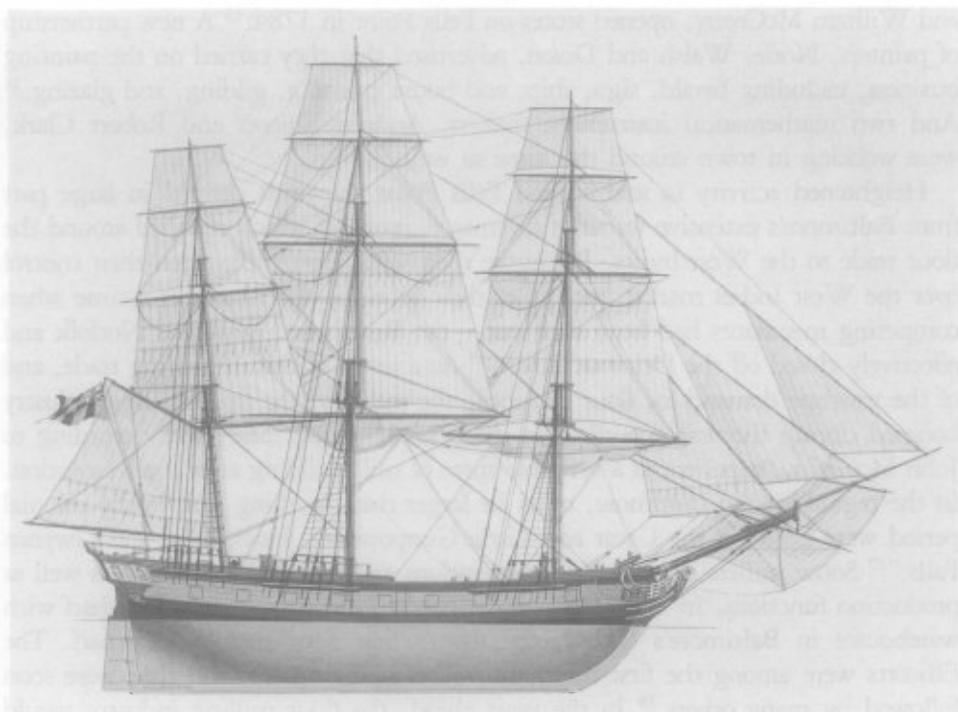


FIGURE 1. *Defence*, Maryland's first warship. Shipbuilder George Wells and other Fells Point craftsmen converted the merchant ship *Sidney* into the *Defence* during the winter of 1775–1776. (Drawing: Melbourne Smith.)

by 50 percent while that of white females almost doubled. The most remarkable aspect of the Point's growth, however, can be found in the dramatic increase in the slave population. In 1776, the census-taker found 65 slaves in Fells Point. Seven years later, the tax assessor recorded the presence of 276 slaves, a more than fourfold increase. The number of adult male slaves had grown from 23 in 1776 to 114 in 1783, a fivefold increase. The growth of the slave population was directly related to the expansion of shipbuilding. While in 1776, eleven artisans in the shipbuilding trades owned a total of six slaves, by 1783, eighteen craftsmen in these trades owned 119 slaves, including 107 slaves of working age (8–45 years).⁸

The growth of shipbuilding is also evident in the industrial maritime trades. During the war two major shipbuilders came to Baltimore and set up shipyards. David Stodder and John Steele joined established shipbuilders George Wells and James Morgan and merchant Archibald Buchanan, who operated a shipyard in the Baltimore area both before and during the war.⁹ By 1783, two new partnerships of sailmakers had announced their presence in Baltimore's maritime community. Joining established sailmakers William Jacob and William Johnson were Mason and Carter of Philadelphia, and John Peters and John Trimble.¹⁰ Two new partnerships of blockmakers, McMyer and Myers of Philadelphia, and Robert Dowson and Uriah Sinklar opened shops on Fells Point joining fellow craftsmen Abraham Jackson and William Hayes.¹¹ Ship joiners James and Joseph Biays, who would become prominent figures in the shipbuilding industry in the early national period, also arrived in Baltimore during the war years.¹² Two ship chandlers, Richard Jones

and William McCreery, opened stores on Fells Point in 1784.¹³ A new partnership of painters, Norie, Walsh and Dixon, advertised that they carried on the painting business, including herald, sign, ship, and house painting, gilding, and glazing.¹⁴ And two mathematical instrument makers, Andrew Ellicott and Robert Clark, were working in town around this time as well.¹⁵

Heightened activity in and around Fells Point shipyards derived in large part from Baltimore's extensive wartime commerce, much of which centered around the flour trade to the West Indies. Baltimore merchants greatly expanded their control over the West Indies market because of their access to the islands at a time when competing merchants had been shut out—the British had destroyed Norfolk and effectively closed off the Delaware River.¹⁶ As a result of this expanding trade, and of the wartime demand for flour to supply the military, the flour milling industry boomed during the war as well as in the postwar period. Maryland, according to John McGrain, “experienced a veritable spree of mill-building after the Revolution. In the region around Baltimore, mills far larger than anything seen in the colonial period were built on the Great and Little Gunpowders, Jones Falls, and Gwynns Falls.”¹⁷ Some millers expanded their operations and assumed marketing as well as production functions. In 1783, John and Andrew Ellicott constructed a wharf with warehouses in Baltimore's harbor, the town's first flour merchant's wharf. The Ellicotts were among the first merchant-millers in Baltimore, and they were soon followed by many others.¹⁸ In the years ahead, the flour milling industry would play a central role in Baltimore's explosive growth. The war years were an important stimulus to the development of this vital early Baltimore industry.

The baking of bread for ship provisioning and export was another important sector of the food processing industry during this period. Large baking operations were run by merchants. At the beginning of the war, two Baltimore merchants, Cumberland Dugan and William Spear, provided the state with large quantities of bread for export to the West Indies.¹⁹ A number of independent bakers operated bake-houses as well, producing ship, keg, and pilot bread for the needs of ship captains and merchants. Numerous advertisements in the local press for the various types of bread in the immediate postwar period suggests the expansion of this industry at this time.²⁰

The demand for war supplies and the exclusion of British manufactures stimulated textiles and clothing production. With the beginning of hostilities with Great Britain, the Maryland Provincial Convention moved immediately to improve the province's highly vulnerable textile manufacturing capabilities. In December 1774, the convention passed resolutions urging the raising of flax, hemp, and cotton and in the following two years authorized the Council of Safety to loan money to linen and woolen manufacturers.²¹ Among the general population, opposition to Great Britain was expressed in the increased production of household manufactures, especially cloth. “The People are turning to Industry,” John Smith and Sons wrote to their Bristol correspondents in September 1775. “Spinning Wheels going in every House. New Manufactories Setting up daily. . . . This has been one of the finest years known for Flax & Hemp. immense Quantities of Linen will be made.”²² The sixteen-month period from September 1775 to the end of 1776 witnessed a flurry of production-related activity in and around town. To assist patriotic farmers, spinners, and weavers, the *Maryland Journal* in January 1776 published a pamphlet

entitled "An Essay on the Culture and Management of Hemp, more particularly for the Purpose of making Coarse Linens." In November 1775 house joiner Fergus McIlroy announced that he would "engage to make Looms for the weaving of Linen and Woollen, as good as any made in the North of Ireland" and David Poe informed the public "that he has set up . . . the business of Spinning Wheel making in all its branches, having supplied himself with a number of prime workmen for that purpose." Tobacconist Robert White announced that he had entered into the spinning wheel business. A year later, clock and watchmaker John McCabe advertised that he had "propagated a Cotton, Wool, and Tow Card Manufactory at his house." Alexander Furnival offered "the greatest encouragement" to women "who take in spinning," and in turn sold their "fine and coarse home-made Linen" at his store in town. With financial aid from the Provincial Convention, two merchants set up bleachfields for whitening linen together with "a few looms" for linen manufacturing near Baltimore Town.²³ Four new fulling mills for dressing cloth were established near Baltimore during the war years, bringing the total number of such mills in the region to at least seven.²⁴

In addition to an expansion of textile production, Baltimore experienced a substantial influx of artisans in the clothing trades. A total of twenty-nine tailors, habitmakers, staymakers, and breeches makers are known to have been working in Baltimore between 1776 and 1785. Twenty-two of these craftsmen established shops in town after 1775. Four cloth dyers and two hatters set up for business in town during this period as well.²⁵ Ready-made clothing entered the Baltimore marketplace on a limited scale just after the war. Two slop shops, offering "Slop Merchandize," including "ready-made coarse and fine shirts," and other items such as Queensware, rum, and chocolate, advertised in the Baltimore press in May 1785.²⁶

The Revolutionary War brought significant changes to the furnace and forge industries of Baltimore's hinterlands. As a result of the wartime halt of Anglo-American trade and the withdrawal of British capital, the manufacture of iron evolved from a large export-oriented industry to one that was small and linked to domestic manufactures. In 1781, the state confiscated three British-owned furnaces in Baltimore County. These furnaces went permanently out of operation. Locally

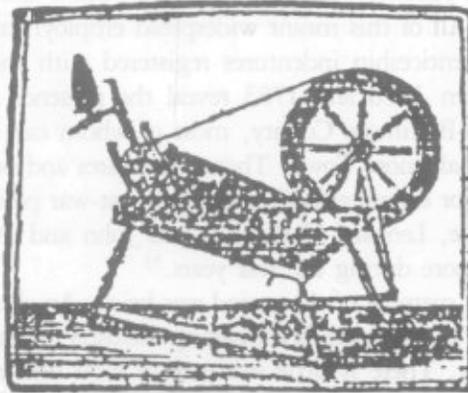


FIGURE 2. During the war an increasing variety of artisans in the textile trades advertised their services in Baltimore's two newspapers. (*Maryland Journal and Baltimore Advertiser*, 5 September 1783.)

owned ironworks such as Charles Ridgely's Northampton Furnace, the Carroll family's Baltimore Iron Works, and Samuel and Daniel Hughes's Antietam Furnace shifted to the production of munitions and items like kettles, salt pans, and pots. Bar iron, formerly destined for export, now was sold to a growing number of craftsmen in the metal forging trades and to the owners of new metal forging mills.²⁷

As early as September 1775 a Baltimore merchant observed increasing local production of nails: "The Nailing business is already began & we think in a Short time they will be able to Sell as low as in England." In May 1777, Annapolis goldsmith and jeweller William Whetcroft announced the completion of the Patapsco Slitting Mill where he sold nail-rods, sheet-iron, and hooping. Numerous advertisements in the local press for nails and nailers during the war years further point to the growth of nail manufacturing.²⁸

By 1781, there was a tilting-forge operating just south of Baltimore at Elk Ridge which performed "all kinds of plating . . . such as hoes, spades, shovels, mill-saws." The forge proprietor also offered "Blistered and faggoted steel." Two wire works opened in 1777 in the surrounding counties. Wire-weaver Isaiah Balderston advertised that he made rolling screens for merchant mills, available at his shop in Harford County or with Nathan Griffith of Baltimore. Watch and clock-maker John McCabe offered for sale "a large quantity of Iron wire for cotton, wool and tow cards. Also wire for Wheelwrights, Tin Workers and Coppersmiths . . . at his house in Baltimore Town."²⁹

Two Baltimore merchants operated copper works during this period. William Hammond sold sheet copper produced at his copper furnace in Frederick County. Dr. John Stevenson owned two copper producing facilities, one in Carroll County and the other in Frederick County.³⁰ During the war years four coppersmiths and three brassfounders established businesses in Baltimore. In addition, four watch and clockmakers and four silversmiths opened shops in town.³¹

The active commerce, growing population, and expanding boundaries of Baltimore led to a building boom towards the end of the war. One contemporary claimed that three hundred houses were built in Baltimore in 1783 alone. In that same year another observer remarked upon "building in all quarters of the town." In addition to rapid building construction, Baltimore, in 1782, received authorization from the General Assembly to pave its streets, build and repair bridges, and improve its harbor.³² All of this meant widespread employment for artisans in the building trades. Apprenticeship indentures registered with the Baltimore County Orphans Court between 1778 and 1783 reveal the presence of thirty house carpenters and joiners in Baltimore County, most of whom can be assumed to have lived and worked in Baltimore Town. These indentures and other sources indicate that several of the major carpenter/builders of the post-war period, including Jacob Small, John Dalrymple, Leonard Harbaugh, and John and Peter Mackenheimer, were present in Baltimore during the war years.³³

The major building material of the period was brick. An abundance of good clay in the region fostered an extensive brickmaking industry in the Baltimore area by the end of the century. There is little evidence of local brickmaking prior to the Revolution, though county records reveal that John Deaver had a brick kiln on the road from the Lower Bridge in Baltimore leading to Joppa by 1772. Immediately

after the war several brickmakers worked in and around town. In February 1784 brickmaker Jacob Shriver advertised in a Baltimore newspaper for five or six master brick moulders and fourteen to fifteen laborers to work in his brickyard. Between 1786 and 1788 six brickmakers presented accounts for 17,000 bricks to the special commissioners in charge of superintending the construction of streets and bridges. A. P. Folie's 1792 *Plan of the Town of Baltimore* marks seven sites around the town's perimeter as "Brick Yard & Kiln."³⁴

Thus—in the mills, furnaces, and forges of the surrounding countryside and in the workshops, shipyards, tanyards, brickyards, and ropewalks of the town—a rudimentary industrial base took shape in the revolutionary era. Merchant-manufacturers guided its growth; so did artisans.



At first glance, the craftman's shop in revolutionary Baltimore Town resembled the workshop of centuries past. A small enterprise operated by a master craftsman, a few skilled workers, and an apprentice or two, it produced handmade articles for a small market of customers residing in town and in the surrounding countryside. On closer inspection, the shop revealed dramatic departures from the traditional European model. First, contrary to the traditional European separation of related trades, artisan shops in Baltimore frequently combined several branches of both related and unrelated trades.³⁵ The small-town economy required tradesmen to diversify in order to survive. Cabinetmaker Gerrard Hopkins offered his services for chairwork as well as cabinetwork; saddler John Gordon advertised that he would "carry on the chaise- and chair-making business" as well as engage in the production of saddlery. Thomas Morgan, watch and clockmaker, informed the public that in addition to his regular trade he offered his services for the "guilding business." John and Robert Casey advertised that they made breeches and gloves and also carried on the "skinning business."³⁶ The wartime economy further encouraged diversification. At the end of 1776, watch and clockmaker John McCabe set up "a cotton, wool, and Tow Card Manufactory" at his house. By 1778 he was also selling iron wire. At the end of 1775 house joiner Fergus McIlroy informed the public that he would make looms for the weaving of linen and wool, and tobacconist Robert White advertised that he carried on the "Spinning-Wheel business in its various branches." To supply state troops, sailmakers William Jacob and William Johnson made tents. Saddlers John Gordon and Matthew Patton produced knapsacks and haversacks.³⁷

Artisans could diversify their businesses if skilled in more than one trade, as many were, if they entered into a partnership or employed the skills of others. When tobacconist Robert White entered the spinning-wheel business, he advertised that he had "procured some of the best hands" available. Tailor and habitmaker Richard Burland informed the public that in order to serve women, he had "engaged an extraordinary workman at the staymaking Business." Saddler John Gordon's notice of entry into the chaise- and chair-making business was prefaced by the information "Said Gordon has furnished himself with several good hands." In October 1778 *Maryland Journal* printer Mary Katherine Goddard advertised that she had added a bookbinding room to her printing office, for which she had engaged "an excellent workman." Indicative of this practice was the following

notice placed by William Whetcroft, goldsmith and jeweller of Annapolis: "Having purchased the Servants lately belonging to Mr. [William] Knapp [clock and watchmaker] with all the materials for carrying on the Watch and Clock-Making Business hereby informs the Public, that he Repairs all sorts of Clocks and Watches."³⁸

Many artisans also engaged in one or more non-trade enterprises. Quite a few craftsmen ran taverns or inns, or took lodgers into their homes.³⁹ A substantial number owned land and buildings, that they rented. Significantly, more and more tradesmen functioned as retail merchants. The two major cabinetmakers of revolutionary Baltimore offered goods not produced in their shops. Gerrard Hopkins sold lumber from his yard in Gay Street while Robert Moore advertised paper hangings and mock India pictures for sale.⁴⁰ During the war several tradesmen began retailing craft tools and materials. When trade with Great Britain resumed, they also began selling imported articles of their craft even as they continued manufacturing. For example, saddler John Gordon came to Baltimore in the early 1770s. By 1780 he was offering saddlery and nails for sale to his fellow craftsmen. By September 1784 he was advertising "a large neat assortment of saddlery ware, coach, phaeton & chair furniture, best London & Dublin made saddles, etc. He continues, as usual, to make and sell all kinds of men & women's saddles, coach, phaeton, chair & waggon harness, & all kinds of horse furniture."⁴¹ Clock and watchmakers Gilbert Bigger and Ambrose Clarke, who arrived in Baltimore from Dublin at the end of 1783, informed the public in 1784 that they performed every branch of their business, and that they also offered for sale "an assortment of watches, house-clocks, and a fashionable and cheap assortment of jewellery arrived in the last ships from Europe."⁴² For some artisans, these expanded retailing activities proved the beginning of careers as merchants and the end of their lives in the trade.⁴³

Involved in multiple enterprises, the artisan-shopowner depended heavily on his workers for production, especially if his shop housed crafts of which he was not master. What do we know of those who worked for the master artisans of Baltimore? Prior to the Revolution, they were largely unfree men and boys—white convict and indentured servants, black slaves, and apprentices.⁴⁴ John Adams took note of the nature of the workforce during the winter of 1776–1777 when the Continental Congress met in Baltimore. Adams observed that the townspeople "hold their Negroes and convicts, that is, all laboring people and tradesmen, in such contempt, that they think themselves a distinct order of beings."⁴⁵ During the war, when servant importation ceased, journeymen and slaves were in great demand.⁴⁶

In the immediate postwar period, master artisans looked once again to the servant trade to meet their labor needs.⁴⁷ The pent-up supply of English and Irish servants and German redemptioners, like the bulging inventories of English manufactured goods, flooded Baltimore in the first months after hostilities had ended. Between November 1783 and August 1785 local newspapers contained twenty-three announcements of ships arriving with servants and/or redemptioners. Twenty-one of these announcements offered the purchase of the time of skilled tradesmen; seven advertised the availability of anywhere from sixteen to thirty-two different kinds of crafts. In December 1784 town leaders expressed concern over



The Ship HENDRICK, JOHN CLARK, Master, from Cork, arrived at Baltimore, has on board a Number of most valuable Men, Women and Boy Servants, for four Years, among whom are many excellent Tradicimèn, to be disposed of.

Likewise, Hyson, Congo, and Bohca Tea; choice Mould Candles; low-priced Woollen Cloths; excellent Blanketing; Linens; Corduroys; Cambricks; Romalls, and Linen Handkerchiefs; Kempted Cottons; neat Saddles; Pomatum, &c. Apply to the Master on board.

Baltimore, March 29, 1784.

FIGURE 3. Immediately after the war the servant trade resumed for a brief but busy period. As in the pre-war years, many Baltimore craftsmen purchased servants who were skilled tradesmen to work in their shops. (*Maryland Journal and Baltimore Advertiser*, 30 March 1784.)

“the number of persons annually imported into it [Baltimore], in the character of servants and redemptioners; too many of whom are settled in this town and the neighbourhood thereof.”⁴⁸ The trade in indentured and convict servants ended not long afterward, but the artisans of Baltimore continued to prefer bound labor. During the period 1794–1815, as Charles Steffen has shown, craftsmen relied heavily on apprentices and slaves for production.⁴⁹ In the era of American independence the workshops of Baltimore were staffed largely by unfree, dependent men and boys.



Artisans had long been active in town politics. In the 1760s they united with merchants in founding the Mechanical Company, a quasi-governmental group that patrolled the town and protected it from fire, but also drilled and mustered the militia. Artisans helped lead Baltimore’s protest of the Stamp Act. At least nine craftsmen were Sons of Liberty. During the struggle for independence prominent artisans joined with merchants in organizing resistance to British authority. Craftsmen served on the Baltimore Committee of Observation and played important roles in the activities of the Whig Club, an extra-legal group devoted to enforcing allegiance to the patriot cause.⁵⁰

During the war years and first years of independence craftsmen assumed leadership positions in many facets of town life. Tradesmen provided the leadership for three town militia companies.⁵¹ One craftsman, wheelwright David Poe, held the rank of major in the Maryland militia and served as state quartermaster at Baltimore. Blacksmith John McClellan and breeches maker Richard Lemmon were appointed commissioners for Baltimore Town for collecting flour and forage for the Continental Army under emergency state legislation of November 1779.⁵² In addition, several craftsmen held minor town posts such as corder of wood, culler of staves and garbler of shingles, measurer of grain, and clerk of the market.⁵³ They acted as arbitrators on behalf of the county court, appraisers for the state, and

justices of the peace. Artisans also held more powerful positions that controlled town expenditures. Several craftsmen served as special commissioners for constructing streets and bridges, and awarding building contracts, purchasing construction materials, and appointing salaried officials.⁵⁴



Veteran political activists, town leaders, and experienced men of business, the master artisans of Baltimore responded in a sophisticated and deliberate fashion to the threat the postwar flood of British imports posed to local manufacturing. In September 1785 they formed the Association of Tradesmen and Manufacturers of Baltimore, an organization that included representatives from all the town crafts. Aware that fellow craftsmen in Boston had sought state tariffs, the association in the fall of 1785 petitioned the General Assembly to place duties on imported goods that could be manufactured locally. The association hoped such duties would “revive the drooping State of Our Trade and Manufactures.”⁵⁵ The legislature, however, refused. In 1786 the association again petitioned for protective duties, and again the legislature refused to act. With bleak prospects for assistance in the rural-oriented assembly, Baltimore’s tradesmen looked hopefully to the movement for a new federal government. They helped elect federalist candidates to office, staged a lavish celebration of the ratification of the Constitution,⁵⁶ and in April 1789 petitioned Congress for “the encouragement and protection of American manufactures.” Baltimore’s tradesmen explained that the failure of state legislation to curb imports and encourage domestic production “clearly demonstrated, to all ranks of men, that no effectual provision could reasonably be expected, until one uniform, efficient government should pervade this wide-extended country.” Calling for duties “on all foreign articles, which can be made in America,” they appended a long list of items manufactured in Baltimore and Maryland.⁵⁷ This list, enumerating over thirty manufactured goods, together with the more than seven hundred signatures of artisans and merchants attached to the petition, lend dramatic testimony to the rise of manufacturing and a “manufacturing interest” in Baltimore during the revolutionary era.

NOTES

1. For the eighteenth-century conception of society divided into a series of competing interests, see *The Federalist* No. 10.

2. Carville Earle and Ronald Hoffman, “Staple Crops and Urban Development in the Eighteenth-Century South,” *Perspectives in American History* 10 (1976): 48–51, 57, 65–66.

3. There is no single source profiling Baltimore industry prior to the Revolution. The first Baltimore directory did not appear until 1796. This description was pieced together from a wide variety of sources including: Thomas W. Griffith, *Annals of Baltimore* (Baltimore, 1824), p. 49; J. Thomas Scharf, *The Chronicles of Baltimore* (Baltimore, 1874), p. 56; William Lux Letterbook, transcribed in Pamela Satek, “William Lux of Baltimore: 18th-Century Merchant,” (M.A. thesis, University of Maryland, 1974), especially Lux to Paul Loyall, 26 January 1765, 1 May 1766, and 22 May 1767; Annapolis *Maryland*

Gazette, 28 February 1765 (distillery ad); *Maryland Journal and the Baltimore Advertiser*, 1773–1776; *Annapolis Maryland Gazette*, 1765–1772; *Dunlap's Maryland Gazette or Baltimore General Advertiser*, 1775–1776; Gregory R. Weidman, *Furniture in Maryland, 1740–1940: The Collection of the Maryland Historical Society* (Baltimore: Maryland Historical Society, 1984), p. 46; Daniel D. Hartzler, *Arms Makers of Maryland* (York, Pa.: George Shumway, 1977), pp. 200–201; J. Hall Pleasants and Howard Sill, *Maryland Silversmiths, 1715–1830* (New York: Robert Alan Green, 1972); John N. Pearce, “The Early Baltimore Potters and Their Wares, 1763–1850,” (M.A. thesis, University of Delaware, 1959), pp. 2, 17; William Russell Account Book, 1774–1783, (for building tradesmen) Ms. 1989, Maryland Historical Society (hereafter cited as MdHS).

4. Arthur Pierce Middleton, *Tobacco Coast: A Maritime History of Chesapeake Bay in the Colonial Era* (Newport News, Va.: The Mariner's Museum, 1953; reprint ed., Baltimore: Johns Hopkins University Press, 1984), p. 258.

5. Joseph Goldenberg, “With Saw and Axe and Auger: Three Centuries of American Shipbuilding,” in Brooke Hindle, ed., *Material Culture in the Wooden Age* (Tarrytown, N.Y.: Sleepy Hollow Press, 1981), pp. 109–14.

6. William M. Fowler, Jr., *Rebels Under Sail: The American Navy During the Revolution* (New York: Charles Scribner's Sons, 1976), pp. 254–55. See also Charles Oscar Paullin, *The Navy of the American Revolution* (Cleveland, 1906), p. 111, for data upon which Fowler based his estimate.

7. These records have been published in William B. Clark, et al., eds., *Naval Documents of the American Revolution* (9 vols. to date; Washington, D.C.: Department of the Navy, Naval Historical Center, 1968–), 3: 1371–75.

8. “Census of Deptford Hundred or Fell's Point, 1776,” *Maryland Historical Magazine* 25 (1930): 271–75. The manuscript version of this census can be found in the Revolutionary War Collection, Ms. 1814, MdHS. Maryland Tax List, 1783, Deptford Hundred, microfilm, MdHS. The slave totals from the 1783 assessment are most likely low. The tax assessor failed to enumerate male slaves over the age of 45 and female slaves over the age of 36.

Statistics on shipbuilding in Baltimore during the war years do not exist. For Maryland as a whole, see Arthur Pierce Middleton, “Ships and Shipbuilding in the Chesapeake Bay and Tributaries,” in Ernest McNeill Eller, ed., *The Chesapeake Bay in the American Revolution* (Centreville, Md.: Tidewater Publishers, 1981), pp. 129–32. Middleton suggests that shipbuilding in the Chesapeake was “greatly stimulated by the war” (p. 129).

9. For Stodder and Steele, see Maryland Tax List, 1783, Deptford Hundred. For Wells and Morgan see *ibid.* and *Annapolis Maryland Gazette*, 13 April 1769 (Wells) and advertisement of John Deaver, 22 July 1773, which mentions Morgan's shipyard. For Buchanan see Joshua Johnson to Wallace, Davidson, and Johnson, 2 February 1774, in Jacob Price, ed., *Joshua Johnson's Letterbook, 1771–1774* (London: London Record Society, 1979), p. 118; and Myron J. Smith, Jr., and John G. Earle, “The Maryland State Navy,” in Eller, ed., *Chesapeake Bay in the American Revolution*, p. 247.

10. For Jacob and Johnson see Marion V. Brewington, “Chesapeake Sailmaking,” *Maryland Historical Magazine* 65 (1970): 142–43; on Mason and Carter see *Maryland Journal*, 2 February 1779; for Trimble and Peters see *ibid.*, 22 July 1783.

11. For McMyer and Myers see *Maryland Journal*, 16 September 1783; for Dowson and Sinklar see *ibid.*, 3 September 1782. For Hayes and Jackson see *Annapolis Maryland Gazette* 27 June 1765 (Hayes); “Census of Deptford Hundred,” p. 272; Maryland Tax List, 1783, Deptford Hundred; *Maryland Journal*, 6 July 1784 (Jackson).

12. See “Births and Baptisms,” First Presbyterian Church Records, microfilm, MdHS, s.v. “Biays” for evidence of their presence in Baltimore during the war; see also the John

McLure Account Book, Ms. 552, MdHS, entry of 11 July 1782, for work of Joseph Biays.

13. *Maryland Gazette or Baltimore General Advertiser*, 2 April and 23 July 1784.

14. *Maryland Journal*, 13 May 1783.

15. *Maryland Journal*, 16 May 1780, 9 April 1784.

16. Geoffrey Gilbert, "Baltimore's Flour Trade to the Caribbean, 1750–1815," *Journal of Economic History* 37 (1977): 249–50; Robert A. East, *Business Enterprise in the American Revolutionary Era* (New York: Columbia University Press, 1939), p. 167.

17. John W. McGrain, "Englehart Cruse and Baltimore's First Steam Mill," *Maryland Historical Magazine* 71 (1976): 66.

18. Sherry H. Olson, *Baltimore: The Building of an American City* (Baltimore: Johns Hopkins University Press, 1980), p. 22; G. Terry Sharrer, "Flour Milling and the Growth of Baltimore, 1783–1830," (Ph.D. dissertation, University of Maryland, 1975), pp. 84–97.

19. Cumberland Dugan to Council of Safety, 7 June 1776, and Council of Safety to Jesse Hollingsworth, 26 June 1776, in William H. Browne et al., eds., *Archives of Maryland* (72 vols. to date; Baltimore: Maryland Historical Society, 1883–), 11: 471–72, 522.

20. Several independent bakers can be found in the McLure Account Book. See entries for Cornelius Clopper and Andrew Estave, 25 September 1781, and William Rummelson, 21 September 1782. For postwar bread advertisements see *Maryland Journal*, 23 March 1784; Baltimore *Maryland Gazette*, 21 June and 29 July 1785. Other sectors of the food processing industry grew in the immediate postwar period; a new brewery and an "extensive Sugar-House" opened in 1784. *Maryland Journal*, 22 June and 19 October 1784.

21. *Proceedings of the Convention of the Province of Maryland Held at the City of Annapolis in 1774, 1775, and 1776* (Baltimore, 1836), entries for 8 December 1774, 3 January, 25 May, 5 July, 22 August, and 31 August 1776.

22. John Smith and Sons to Joseph Jones and Son, 22 September 1775, Smith Letter-books, Ms. 1152, MdHS.

23. *Maryland Journal*, 17 January 1776; *Dunlap's Maryland Gazette*, 7 November, 24 October 1775, 10 December 1776; *Maryland Journal*, 3 January and 30 October 1776. For bleachfields, see ads of Robert Riddle, *Maryland Journal*, 19 June 1776 and 18 March 1777, and of John McFadon, *ibid.*, 18 September 1776.

24. See, in *Maryland Journal*, ads of Jacob Lemmon, 1 October 1775; Thomas Williamson, 7 September 1779 (2 mills); and James Bozlett, 17 October 1780.

25. This information on craftsmen has been gathered from my reading of the *Maryland Journal*, 1776–1785, *Dunlap's Maryland Gazette*, 1776–1778, and Baltimore *Maryland Gazette*, 1783–1785. These totals understate the size of the craft community, since not all master craftsmen advertised in the local press and journeymen advertised not at all.

26. Baltimore *Maryland Gazette*, 24 May 1785.

27. Victor S. Clark, *History of Manufactures in the United States* (3 vols.; New York: McGraw Hill, 1929), 1: 220–21; John W. McGrain, *From Pig Iron to Cotton Duck: A History of Manufacturing Villages in Baltimore County* (Towson, Md.: Baltimore County Public Library, 1985), pp. 16, 20, 21, 23–24, 27. See also Michael Robbins, "The Principio Company: Iron Making in Colonial Maryland, 1720–1781," (Ph.D. dissertation, George Washington University, 1972), p. 284.

28. John Smith and Sons to Joseph Jones and Son, 22 September 1775, Smith Letter-books, MdHS; *Dunlap's Maryland Gazette*, 27 May 1777. For nails and nailers see ad of John Graham, *Dunlap's Maryland Gazette*, 16 April 1776; in *Maryland Journal* see George Matthews, 22 November 1775; Samuel Matthews, 27 November 1781; Grant and

Waters, 22 February 1780; H. Waters, 28 May 1782; Alexander McFadon and Richardson Stuart, 28 February 1782.

29. *Maryland Journal*, 4 December 1781, 3 June, 18 November 1777, 23 July 1782; *Dunlap's Maryland Gazette*, 27 January 1778.

30. *Maryland Journal*, 18 July 1780 and 20 August 1782. Collamer M. Abbott, "Colonial Copper Mines," *William and Mary Quarterly* (3d. ser.) 27 (1970): 305.

31. See n. 25 above.

32. During the war Baltimore's population increased by one-third, from about 6,000 to 8,000 inhabitants (Suzanne E. Greene *Baltimore: An Illustrated History* [Woodland Hills, Ca.: Windsor Publications, 1980], pp. 28, 46; Paul Kent Walker, "The Baltimore Community and the American Revolution: A Study in Urban Development," [Ph.D. dissertation, University of North Carolina, 1973], p. 338). Six parcels of land were added to the town during the war years (Olson, *Baltimore*, p. 19.) For building activity see Merrill Jensen, *The New Nation* (New York: Alfred A. Knopf, 1950; reprint ed., Boston: Northeastern University Press, 1981), p. 116. Quote is by Johann David Schoepf, printed in Raphael Semmes, *Baltimore as Seen by Visitors, 1783-1860* (Baltimore: Maryland Historical Society, 1953), p. 3.

Legislative authority for street and bridge construction was granted in "An Act for the speedy application of monies appropriated for repairing the streets in Baltimore Town, in Baltimore County and for other purposes," printed in *Records of the City of Baltimore, 1782-1797 (Special Commissioners)*, (Baltimore, 1909), p. 5.

33. Records of the Orphans Court, Baltimore County (1778-1787), Maryland State Archives. The author wishes to thank Barbara W. Sarudy, who kindly shared her notes on apprenticeship indentures.

34. Richard Howland and Eleanor Spencer, *The Architecture of Baltimore: A Pictorial History* (Baltimore: Johns Hopkins Press, 1953), p. 5; Rough Minutes, Baltimore County Court, 1772, Maryland State Archives, p. 48; *Maryland Journal*, 24 February 1784. Those presenting accounts for bricks to the Special Commissioners included George Helms and Jacob Myers (both 27 November 1786), Adam Welsh and Frederick Develsbiss (both 29 November 1786), Philip Ling (19 April 1788), and John McDonough (9 August 1788). *Records of the City of Baltimore, 1782-1797 (Special Commissioners)*. A. P. Folie, *Plan of the Town of Baltimore and It's Environs* (Philadelphia, 1792), reproduced in Edward C. Papenfuss and Joseph M. Coale III, *Atlas of Historical Maps of Maryland, 1608-1908* (Baltimore: Johns Hopkins University Press, 1982), p. 96. For the operation of brickmaking yards at the end of the century, see Lee H. Nelson, "Brickmaking in Baltimore, 1798," *Journal of the Society of Architectural Historians* 18 (1959): 33-34.

35. For similar practices in other colonies see Richard B. Morris, *Government and Labor in Early America* (New York: Columbia University Press, 1946; reprint ed., Boston: Northeastern University Press, 1981), pp. 34-35, 152-54.

36. *Annapolis Maryland Gazette*, 30 March 1769; *Dunlap's Maryland Gazette*, 23 May and 28 November 1775; *Maryland Journal* 2 February 1779.

37. *Dunlap's Maryland Gazette*, 10 December 1776; *Baltimore Maryland Gazette*, 27 January 1778; *Dunlap's Maryland Gazette*, 7 November and 24 October 1775; Isaac Griest to Council of Safety, 19 August 1776, and Journal of the Council of Safety, 31 July 1776, *Archives of Maryland*, 12: 222, 148.

38. *Dunlap's Maryland Gazette*, 24 October 1775; *Maryland Journal*, 4 December 1781; *Dunlap's Maryland Gazette*, 23 May 1775; *Maryland Journal*, 27 October 1778; *Annapolis Maryland Gazette*, 17 August 1769.

39. See ads of tailor Cornelius Garretson, *Maryland Journal*, 29 May 1781; tailor Henry Speck, *ibid.*, 4 February 1783; and cloth dyer Jacob Henninger, *ibid.*, 10 December 1782. A study of Annapolis silversmiths and watch and clockmakers in the late

colonial period shows that many kept taverns to supplement their craft earnings (Nancy Baker, "Silversmiths in Colonial Annapolis," in Jennifer F. Goldsborough, *Silver in Maryland* [Baltimore: Maryland Historical Society, 1983], pp. 18–19).

40. *Dunlap's Maryland Gazette*, 19 January and 25 July 1775; *Maryland Journal*, 18 May 1784.

41. *Maryland Journal*, 23 May 1780; Baltimore *Maryland Gazette*, 24 September 1784.

42. *Maryland Journal*, 22 June 1784.

43. For other artisans selling imported and ready-made goods, see ads of saddler Matthew Patton, Baltimore *Maryland Gazette*, 25 July 1783; brassfounders Causten and Weir, *Maryland Journal*, 24 September 1784; ship chandler, oil and colourman Richard Jones, Baltimore *Maryland Gazette* 2 April 1784; currier Robert Hutton, *Maryland Journal*, 11 June 1784; cabinetmakers John Bankson and Richard Lawson, *ibid.*, 6 September 1791.

Writing on the condition of American manufactures in 1785, "A Plain But Real Friend to America" complained that too many craftsmen were becoming merchants because they could not make a living by their trade. Without encouragement to manufacturing, he warned, "in half an age, perhaps, there may not be a sufficient number found to carry on the most useful branches." *Maryland Journal*, 16 August and 11 October 1785.

44. I have presented evidence for this in chapter 1 of my forthcoming dissertation on artisans and revolutionary Baltimore.

45. Adams quoted in Olson, *Baltimore*, p. 15.

46. See, for example, the numerous ads for "highest wages" and "great" and "good encouragement" for journeymen ropemakers (*Maryland Journal*, 20 May 1777 and 25 August 1778), tailors (*ibid.*, 8 January 1777 and 27 October 1778), papermakers (*ibid.*, 8 August 1780), and nailers (*ibid.*, 28 May 1782). Slaves were acquired mainly by artisans in the maritime trades.

47. For evidence that they were acquiring servants see the numerous servant runaway ads appearing in the local press after the first ships arrived with servants following the war in November 1783. For the great demand for skilled servants in Baltimore see George Salmon to George Moore, 31 December 1783, Woolsey and Salmon Letterbook, 1774–1784, Peter Force Papers, Series VIID, Library of Congress.

48. "Baltimore-Town, Committee-Chamber, December 2, 1784" (Broadside collection, MdHS).

49. Charles G. Steffen, *The Mechanics of Baltimore: Workers and Politics in the Age of Revolution, 1763–1812* (Urbana: University of Illinois Press, 1984), chapter 2.

50. Artisan members of the Sons of Liberty included hatter David Shields, carpenter/builder George Lindenberger, shipbuilder George Wells, tailor James Cox, brickmaker John Deaver, tanner Erasmus Uhler, cabinetmaker Gerrard Hopkins, coppersmith William Clemm, and watch and clockmaker George Lively (George W. McCreary, *The Ancient and Honorable Mechanical Company of Baltimore* [Baltimore, 1901], pp. 14–15, 18–19). Those serving on the Committee of Observation included coppersmith Francis Sanderson, carpenter/builder George Lindenberger, brickmaker John Deaver, breeches maker Richard Lemmon, tailor James Cox, blacksmith John McClellan, and cabinetmaker Gerrard Hopkins (*Proceedings, Baltimore Town and Baltimore County Committee of Observation, 1774–1776*, bound photocopy, MdHS, entries of 30 November 1774, 6 March, 10 and 26 April, and 1 May 1775). Artisans served on the committee from November 1774 until November 1775. Members of the Whig Club included tailors James Cox and Cornelius Garretson, clock and watchmakers Thomas Morgan, John McCabe, and James French, saddler John Gordon, and wheelwright David Poe (William Goddard, *The Prowess of the Whig Club* [Baltimore, 1777], postscript, p. 4, Readex Microprint edition of Early American Imprints, #15315).

51. Shipbuilder George Wells, tailor James Cox, and house carpenter William Richardson were captains of militia companies. Their officers were also craftsmen ("Returns of Companies of Militia in Baltimore County," 3 April 1776, *Proceedings, Baltimore Town and Baltimore County Committee of Observation*). For Cox's company, which was composed largely of craftsmen, see also McCreary, *Mechanical Company*, pp. 19–21.

52. J. Thomas Scharf, *The Chronicles of Baltimore* (Baltimore, 1874), p. 186; "Provisioning the Continental Army," *Maryland Historical Magazine* 9 (1914): 241. It is important to keep in mind, as discussed above, that a trade title did not typically define the full range of an individual's economic activities. Poe, McClellan, and Lemmon were also involved in mercantile ventures. All three were artisan-merchants.

53. *First Records of Baltimore Town and Jones' Town, 1729–1797* (Baltimore, 1905), pp. 40, 41.

54. See, for example, Ludwig Lowman vs. John Casey, Baltimore County Court Papers (Misc.), 1782, Maryland State Archives, for silversmith George Franciscus and skin dresser John Speck acting as arbitrators; also, "Schedule of goods & Chattel, Lands & Tenements of Robert Christie, Jr.," 10 July 1781, *ibid.*, 1781, for shipbuilder David Stodder acting as an appraiser. Carpenter/builder George Lindenberger served as a justice of the peace beginning in 1777. Pamela Satek, "William Lux," p. 263. Those craftsmen serving as special commissioners in 1786 included silversmith George Franciscus, shipbuilder David Stodder, and carpenter/builder Leonard Harbaugh (*Records of the City of Baltimore, 1782–1797 [Special Commissioners]*, pp. 7–8).

55. *Maryland Journal*, 11 October 1785.

56. This movement for protection of manufactures and for ratification of the Constitution has been detailed in Steffen, *Mechanics of Baltimore*, chapter 4.

57. U.S. Congress, American State Papers, *Finance*, 1: 5–8.

Maryland's Antifederalists and the Perfection of the U.S. Constitution

GREGORY A. STIVERSON

Federalists around the country awaited Maryland's Constitution ratification convention with hand-wringing anxiety. By the time Maryland's elected delegates assembled in Annapolis in late April 1788, six states had approved the proposed frame of government, five of them unanimously or by overwhelming margins. Nine states were necessary for adoption, however, and antifederal forces had considerable strength in several of the remaining states. Adding to the federalists' uncertainty was what had happened in Massachusetts. There, the state convention narrowly ratified on 6 February, but only after the federalists, a minority at the meeting, agreed to support nine amendments to the Constitution. Then, in early March, the New Hampshire convention adjourned without even taking a vote. Another blow came later that month when Rhode Island towns voted overwhelmingly not to consider ratification at all.¹

The next test of the Constitution, and only the second to be held in the presumably more antifederal agrarian South (Georgia had ratified unanimously on 2 January), was set for April in Maryland. If Maryland's convention failed to vote, as New Hampshire's had, or adopted amendments, as Massachusetts had done, federalists believed their cause was lost.

Whether Maryland ratified the Constitution was not the main issue. What concerned federalists most was the effect another defeat would have on the large and powerful states of Virginia and New York. Virginia's governor, Edmund Randolph, was openly critical of certain provisions of the proposed Constitution. So were other leaders like Patrick Henry and George Mason, who were held in high public esteem. If Virginia failed to ratify at its June convention, antifederalists in New York were expected to gain the upper hand at their ratification convention two weeks later. Without approval by Virginia and New York, the Constitution was doomed, even if the necessary votes for technical ratification could be garnered from the remaining states. Since Virginia's vote, and indirectly that of New York, hinged on the actions of Maryland's ratification convention, it is not surprising that all eyes focused on Maryland's capital city in April 1788.

What is astonishing is that anyone could have doubted the outcome in Maryland. The Convention that met in Annapolis on 21 April was dominated by federalists, and it ratified the Constitution without hesitation or qualification. The entire

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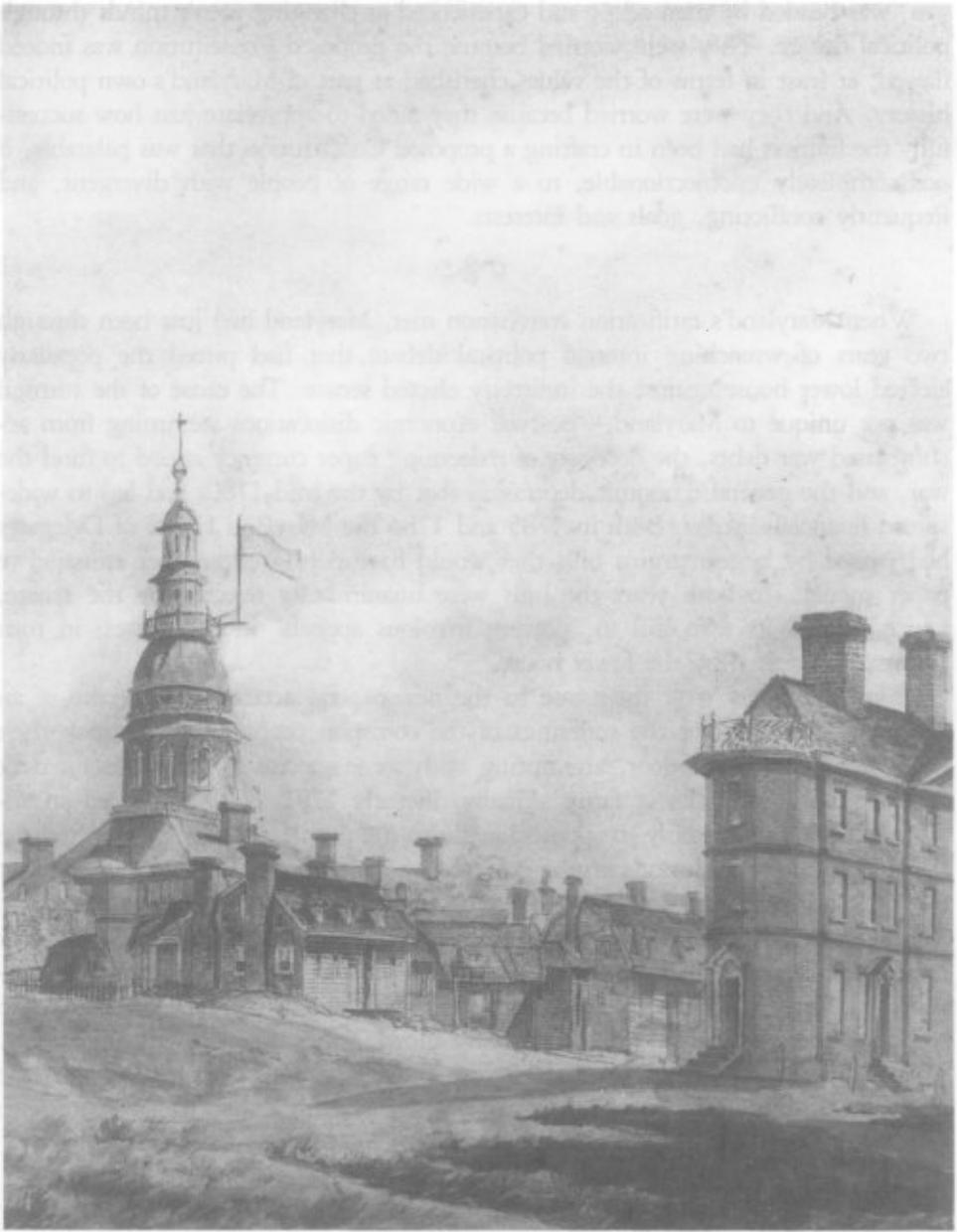


FIGURE 1. Detail from 1794 watercolor of Annapolis attributed to C. Milborne. (Hammond-Harwood House Association, Annapolis. Photograph courtesy of the Maryland State Archives. MdHR G1556-10.)

affair, in retrospect, proved as uneventful as the convention in Delaware, which with its unanimous vote the preceding December had set the ratification process in motion.

So why were the federalists, both within and without Maryland, so concerned? They were worried because of the nature of eighteenth-century politics, where loose and shifting coalitions rather than rigid political allegiances meant that men could be moved, and positions changed, by principle and reason. They were worried because the antifederal contingent in the Maryland Convention, small though it

was, was headed by men adept and experienced at changing men's minds through political debate. They were worried because the proposed Constitution was indeed flawed, at least in terms of the values cherished as part of Maryland's own political history. And they were worried because they failed to appreciate just how successfully the framers had been in crafting a proposed Constitution that was palatable, if not completely unobjectionable, to a wide range of people with divergent, and frequently conflicting, goals and interests.



When Maryland's ratification convention met, Maryland had just been through two years of wrenching internal political debate that had pitted the popularly elected lower house against the indirectly elected senate. The cause of the turmoil was not unique to Maryland—postwar economic dislocations stemming from accumulated war debts, the necessity of redeeming paper currency issued to fund the war, and the general economic depression that by the mid-1780s had led to widespread financial distress. Both in 1785 and 1786 the Maryland House of Delegates had passed by large margins bills that would have permitted another emission of paper money. In both years the bills were unanimously rejected by the senate, which drafted its own bill to "prevent frivolous appeals" in debt cases, in turn summarily rejected by the lower house.

House members took their case to the newspapers, accusing the senate of an aristocratic disregard for the sufferings of the common people. Debtors took their case to the courthouse door, attempting with some success to stop suits for debt and to prevent tax sales of farms. Finally, in early 1787, delegates forced an adjournment of the assembly to appeal directly to the people. The house expected the counties to adopt resolutions urging passage of a paper money bill and denying that the indirectly elected senate was exempt from such instructions by the electorate. The move failed when most of the resolutions returned to Annapolis opposed paper money and supported the independence of the senate. When the assembly reconvened in April 1787, a chastened house and a more conciliatory senate agreed to work together on a bill to provide relief by allowing installment payment of debts. This effort also foundered when the senate bill could not be reconciled with the more liberal house draft. More than two years' wrangling ended in stalemate with considerable hard feelings on both sides.



Paper money and debtor relief were the major political issues in Maryland during the mid-1780s, and similar problems occupied the attention of legislatures in other states as well. Since it was an economic issue seemingly pitting debtors against creditors, which occurred immediately before the Philadelphia Constitutional Convention and state ratification conventions, the response of people to paper money and debtor relief has long been seen as crucial to understanding the support the proposed Constitution received in the states. Maryland, it appeared, with its clear-cut division between the house and senate on paper money and debtor relief, provided a textbook case of how the relationship worked.

Despite only a cursory glance at the state, Charles Beard concluded that the federalist-antifederalist division in Maryland was a straightforward example of the

"struggle between debtors and creditors, between people of substance and the agrarians."² That verdict issued in 1913 has strongly colored virtually all subsequent discussions of Maryland's role in the ratification of the Constitution.

The first detailed examination of Maryland's ratification of the Constitution, by Philip A. Crowl, was published thirty years after Beard's seminal interpretation. Crowl fought mightily to make the facts fit Beard's economic-determinist model. He cited popular opposition in Maryland in 1785 to the two endowed state colleges—Washington College in Chestertown and St. John's in Annapolis—as the opening shot in the democrat's war against the "rich and well born."³ In his excellent analysis of the paper money and debtor relief issues of 1785 and 1786, Crowl sees the machinations of "partisans . . . [who] did not hesitate to encourage and exploit democratic resentment against the men of wealth and property who occupied . . . powerful positions in Maryland's aristocratic government."⁴ He imputes significance to the fact that future antifederalist Samuel Chase was a member of the House of Delegates committee that in December 1785 drew up the first paper money bill and that the other leader in the fight against the Constitution, William Paca, had spearheaded the newspaper attack on the senate during the winter and spring of 1787.⁵ Having sketched a "background of debt and distress" in the state, Crowl proceeds to examine the Maryland ratification convention, finding that the federalists came predominately from those opposed to paper money, and the antifederalists from those who had favored paper money and other debtor relief.⁶ In fact, Crowl states, antifederalists in Maryland "based a good part of their opposition to the Constitution on the ground that it would preclude future resort to paper money. . . ."⁷

Despite the conviction behind his pronouncements, Crowl finds that the facts keep getting in the way of his hypothesis. His roll call analysis of the votes on paper money in the lower house do not show the predicted agrarian-commercial split, but rather reveal no pattern at all.⁸ His analysis of wealth reveals a disturbing number of affluent people among those who should have been democrats opposing the aristocracy. The holders of certificates and purchasers of confiscated property populate both sides of the battlefield.⁹ His effort to separate the democrats from the aristocrats in the Maryland ratification convention comes to naught when he finds that nearly everyone was part of the same socio-economic elite, in which nearly all were related by blood or marriage to one another.¹⁰ Crowl knew, but let pass without comment, that two of the senate's nominees as delegates to the Philadelphia Constitutional Convention were his erstwhile egalitarian-democrat leaders of the house fight for debtor relief, Samuel Chase and William Paca.¹¹ Finally, while admitting that economic determinism has its shortcomings in explaining political behavior in Maryland where the Constitution is concerned, Crowl concludes that the federalists were those who had consistently held aristocratic scruples against paper money. Maryland's antifederalists were more difficult to characterize, because in so many respects they seemed just like federalists. So, Crowl decides, most Maryland antifederalists took the position they did because first, they were "currently suffering from personal financial difficulties which aligned them temporarily with the debtor class . . . [and] secondly, two years of bitter political dispute with the leading members of the federalist (*read senate*) party over paper money had aroused personal antagonisms which inevitably reflected in the division of votes on

the Constitution."¹² Opposition to the Constitution in Maryland, in other words, came from people who in virtually every respect looked and acted like federalists, but who for the moment took the antifederalist side because they were broke and mad.

Jackson Turner Main, in his *Antifederalists* published in 1961, uses Crowl as the principal source for his discussion of Marylanders who opposed the Constitution. Despite Crowl's conclusions to the contrary, however, Main cites Crowl's analysis to support clear sectional divisions within the state of Maryland on the issues of paper money and debtor relief, and on the later issue of ratification of the Constitution. Given Main's intent to show a small farmer/great planter, democratic/aristocratic split on the Constitution, he is forced to conclude that the poor showing of antifederalists in Maryland occurred despite the "large potential for antifederalism" among the state's small farmers and numerous debtors. Antifederalists failed in Maryland, Main concludes, because the men that the general population looked to for leadership did not take up the challenge.¹³

The point of this review of the literature is to suggest that attempts to make Maryland fit a preconceived model of political behavior have distorted what actually occurred and that as a result entirely incorrect conclusions about the role of Maryland in the Constitution ratification process have been reached. A fresh look at Maryland in the Constitution era, unencumbered by the insupportable statements of those who have tried to make Maryland fit into a particular mold, reveals patterns of behavior and a response to the proposed Constitution that ring truer, not only for the personalities involved but for the state itself given Maryland's unique political history. The inextricable link between proponents of debtor relief and the Maryland antifederalists, for example, probably did not exist at all. If not, then we must explore other avenues to explain the motivation behind those who opposed the Constitution. If federalism was not spawned in the aristocratic senate, as it surely was not, then we must seek other reasons to explain the ardent attachment of so many Marylanders to the proposed new framework of government. Given the generally conservative nature of Maryland politics, we need to examine why so many political leaders were willing to reject the Articles of Confederation, and to jeopardize much of the power they exercised at home, in favor of the new Constitution. And we need to take a look at what Maryland antifederalists really stood for. Instead of assuming that they were democratic champions opposed to a distant and aristocratic government that would prevent the states from undertaking populist programs like issuing paper money, we need to look at what they were really willing to fight for against great odds in the Maryland ratification convention.

This essay in no way purports to answer definitively any of these questions. Rather, it seeks to clarify the situation in Maryland at the time of the Constitution ratification convention, and to define the roles and goals of the antifederalist minority in the state ratification convention of April 1788.



The first point that must be made by way of background to the Constitution ratification in Maryland is that popular sentiment in the state was overwhelmingly pro-Constitution, not just with the general population, most members of which

knew or cared little about the issue, but among the middle and upper classes that constituted the bulk of the electorate and officeholders in the state. Supporters of debtor relief proved not to be ardent antifederalists, as Crowl implies, or there would have been many more antifederalists running for election to the ratification convention and writing critiques of the Constitution for the newspaper. In fact, antifederalists are known to have run for election in only five counties and Baltimore Town, and federalists dominated in the newspaper debate.

Nor is it plausible, as Main contends, that there was a large body of antifederal supporters in the counties who waited in vain for a political leader to arise to champion their cause. In fact, federalist sympathies were so strong in most parts of Maryland that some of those who strongly opposed the Constitution were forced to run for election in counties where they did not reside. William Paca, a resident of strongly federalist Queen Anne's County, returned to the county of his youth, Harford, and assembled a ticket that included Luther Martin of Baltimore Town and Samuel Chase's law clerk, William Pinkney, who had only recently moved to Bel Air. The only true Harford Countian on the slate was John Love, a member of the House of Delegates.

Paca had never before run for election in Harford County, but his family had a long and distinguished history there, with three generations of the family serving the county in various public offices. Paca himself, as a signer of the Declaration of Independence and former three-term governor, was the county's most illustrious native son. Paca's antifederal slate won Harford County easily, with no known opposition, but the victory tells us more about the high public standing of the Paca name and the personal popularity of William Paca in that county than it does about grassroots opposition to the Constitution.

Samuel Chase had been lured to Baltimore Town in 1787 by the gift of ten city lots from John Eager Howard, who hoped that Chase would lend his considerable influence to the proposal to make Baltimore the state capital. Politics was Chase's life, but he found his new Baltimore constituency less easily won over by his fiery stump rhetoric than his former neighbors in Anne Arundel County. Chase faced a hard fight to win election to the 1787 assembly as a delegate from Baltimore Town, and to do so he had to downplay his numerous reservations about the proposed Constitution.

Pro-federal sympathy was so strong in Baltimore that Chase did not even enter the race for delegates to the ratification convention from the town. Instead, four days before the election he returned to his old political base, Anne Arundel County, where he joined forces with his cousin, Jeremiah Townley Chase, the political newcomer John Francis Mercer, and Benjamin Harrison to upset in a close election the federal ticket headed by Charles Carroll of Carrollton. An important point to note is that if Paca and Chase had not left their home counties to run as delegates in other areas where they were personally popular and politically well-connected, it is probable that the antifederalist delegation in Maryland's ratification convention would have consisted of only the four Baltimore County delegates led by Captain Charles Ridgely of Hampton. The elections for delegates to the ratification convention show that Maryland was solidly a federalist state, and former stands on paper money and debtor relief proved largely irrelevant in determining who ran for election and who was elected to serve.

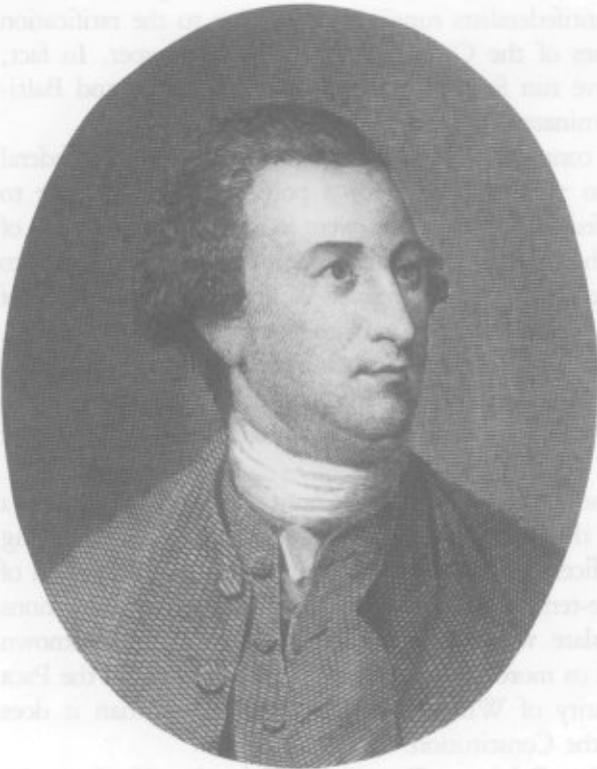


FIGURE 2. William Paca. (P. Maverick engraving based on the painting by Charles Willson Peale, n.d. Maryland Historical Society. Photo: Jeff Goldman.)



FIGURE 3. Charles Carroll of Carrollton. (Oil on canvas by Michael Laty, after Robert Field, 1846. Maryland Historical Society.)

If Maryland was so pro-Constitution, why did so many observers, both inside and outside the state, consider Maryland's ratification doubtful? In part it was because they underestimated the appeal of the Constitution to Maryland's governing class. Political power in the state was controlled by a relatively small number of individuals, all of whom were experienced in politics and accustomed to the idea of the few making decisions for the many. Governing was a responsibility and an obligation that most Maryland political leaders took seriously. They exercised their duty with full regard to what they considered the general good, which did not necessarily coincide with their own personal interests. Despite differences in background, wealth, occupation, and social standing, each member of Maryland's governing elite had observed and experienced by 1788 the economic dislocations following the war and the inability of Congress, under the Articles of Confederation, to act decisively or to govern effectively. These men would not, however, have abandoned the articles in favor of the proposed Constitution simply because it promised a new approach to dealing with the country's problems. Maryland politicians were, on the whole, far too conservative for that.

Instead, most of Maryland's political leaders concluded, by studying the document and listening to arguments for and against, that the proposed Constitution really did address problems that were important to them and to the people they represented. The great virtue of the Constitution was that it included different features that appealed to different interests, and this fact weighed heavily in its favor in the microcosm of Maryland politics. To a Baltimore merchant, the great promise of the Constitution was that it offered an effective means of dealing with the thorny problems of interstate and foreign trade and commerce. To a true aristocrat like Charles Carroll of Carrollton, the separation of powers and indirectly elected Senate promised to keep the mob at bay. To slaveholders, the Constitution guaranteed freedom to continue dealing in human bondage for a while longer, and westerners saw the Constitution as providing solutions to the problems of Indians and navigation on the Mississippi. In short, the fact that most Maryland political leaders became federalists had little to do with debtor relief or paper money, but it says much for the skill of the Constitution's framers, who through debate and compromise had created a document that offered something that nearly every constituency wanted badly.

Although many observers underestimated the appeal of the Constitution to Maryland political leaders, another source of grave concern about Maryland's ultimate ratification of the document centered on the leaders of the antifederalist opposition, William Paca and Samuel Chase. These two men had worked together effectively for more than twenty years on every major political issue in Maryland, from the Stamp Act in the mid-1760s to the Fee Bill controversy in the early 1770s, from drafting Maryland's first Constitution in 1776 to the movement for debtor relief in the mid-1780s. Paca and Chase made an odd couple. Paca, with his solid family background, excellent education, and social prominence and economic security derived from two highly advantageous marriages, was most comfortable at things cerebral—crafting finely reasoned newspaper polemics, developing strategies for gaining the point and winning the battle. Chase, from a more humble background, was at least until the late 1780s always in or near bankruptcy. But Chase was the classic front-line fighter, the scrapper, the “fiery patriot,” who could sway

votes in a legislative assembly nearly as easily as he could mobilize a mob in the streets.

No political leaders in Maryland were more experienced than Paca and Chase at pounding away at principle, or more knowledgeable about the political philosophy underlying Maryland's own government. They had fought together against the arbitrary power of the proprietor and the king, and they appreciated fully the radical changes contemplated by the proposed Constitution. Working together in the ratification convention, they could be expected to launch an assault that would draw on ancient history and English political theory and, to make the attack more pointed, the principles and values enshrined in Maryland's own Constitution and Declaration of Rights. With the potent combination of reason and rhetoric embodied in Paca and Chase, bolstered by first-hand testimony from John Francis Mercer and Luther Martin, two of Maryland's delegates to the Philadelphia convention who openly opposed the finished document, the federalists may well have been expressing justifiable concern, rather than groundless paranoia, when they anguished over Maryland's ratification convention. If Paca and Chase were able to mount in the Maryland ratification convention the intellectually and emotionally overpowering assault they had combined to create so many times before in other forums, the result could be major, perhaps fatal, defections from the federalist ranks.



Maryland's federalists were convinced that Paca and Chase would try to thwart Maryland's ratification of the Constitution by either forcing an adjournment without a vote, or by securing a ratification conditional upon the adoption of amendments. In fact, the federalists fretted needlessly, at least in terms of the effort to delay a vote on the Constitution. Federal strength in Maryland was so great that neither Paca nor Chase bothered to attend the opening days of the ratification convention, which convened on Monday, 21 April.

With the leaders of the opposition absent, the federalists moved quickly to consolidate their numerical advantage. They agreed not to debate the merits of the proposed Constitution, or to respond to anything said by its opponents. Federalists would not permit themselves to be trapped in a debate with the antifederalists where they could be forced to concede a weakness or defect in the Constitution. After completing the first reading, the federalists adopted additional parliamentary rules designed to block any attempt to examine the Constitution section by section. Instead, on second and third readings the Constitution would be read in its entirety, and the vote would be either for or against the document as a whole.

With any move to delay a vote on the Constitution out of the question, Chase continued to bide his time. When the convention passed the Constitution on second reading on Wednesday, 23 April, the antifederalists made their move.

Accompanied by Luther Martin, one of Paca's fellow antifederal delegates from Harford County, Chase entered the convention on Thursday morning, 24 April, and immediately took the floor. In a two and one-half hour speech, Chase ran the gamut of antifederalist objections to the Constitution. Nearly all that Chase said was familiar antifederalist rhetoric, but if the brief notes of his speech that survive are an accurate reflection, they were delivered with Chase's typical hyperbole and

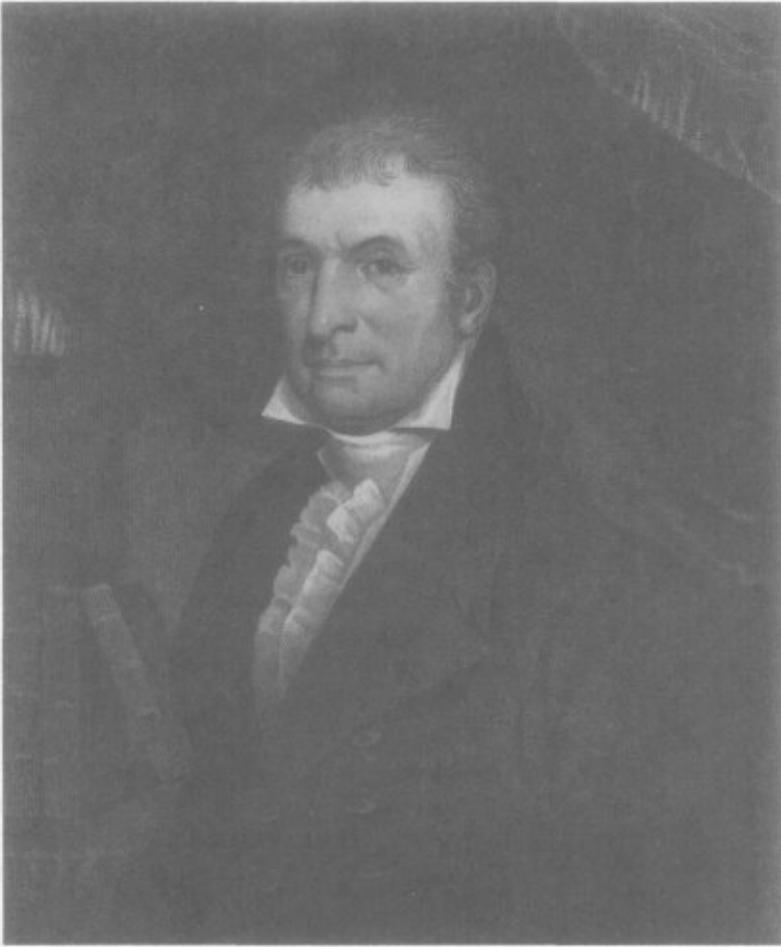


FIGURE 4. Luther Martin. (W. A. Wilmer engraving from a painting by an unknown artist, n.d. Maryland Historical Society.)

bombast. Among the points raised by Chase was a charge that John Jay, James Madison, and Alexander Hamilton, authors of *The Federalist* papers, had confessed that they intended to destroy all state governments with the new Constitution. Somewhat far afield from the matter at hand, Chase also excoriated Rhode Island and Georgia for contributing nothing to the common defense during the Revolutionary War. Returning to the dire consequences that could be expected if the Constitution were adopted, Chase predicted flatly that jury trials would be taken away and state governments annihilated.¹⁴

Claiming that he was exhausted, but promising that he would continue his speech the next day, Chase finally sat down. Luther Martin, who might have been expected to take up where Chase left off, was suffering from laryngitis and was unable to speak. Determined to stick to their vow of silence on the issues involved, but apparently unwilling to deny Chase an opportunity to continue his argument the next day, the assembly adjourned for dinner.

After dinner on Thursday William Paca arrived in town, and in the evening the Convention sat again to hear him announce that he had “great objections to the

constitution proposed, in its present form, and meant to propose a variety of amendments, not to prevent, but to accompany, the ratification." Paca claimed that because of his late arrival the amendments were not ready to lay before the house, and requested "indulgence until the morning for that purpose."¹⁵

The delay of the proceedings until Friday morning allowed the now complete antifederalist delegation to plot a strategy. From the sketchy notes that survive from the debate of the next two days, it is clear that the plan was to concentrate on the points addressed in the twenty-two amendments Paca intended to introduce, and to divide up the work of presenting the antifederal case for the amendments among the more able and eloquent opposition delegates. The goal was not to achieve rejection of the Constitution in Maryland, for the large federal majority in the Convention made that unrealistic. Instead, the antifederalists sought to secure approval of a list of amendments that would accompany the ratification, thus qualifying Maryland's approval of the Constitution.

When Paca arrived at the convention the next morning, he had his twenty-two amendments ready for consideration and discussion.¹⁶ As soon as he announced that he would read his proposed amendments, however, the federalists showed that they, too, had been busy plotting. Paca was interrupted by one delegate each from Frederick, Talbot, Charles, Kent, Somerset, Prince George's, Worcester, Queen Anne's, Dorchester, Calvert, and Caroline counties, and from Annapolis and Baltimore Town, declaring for themselves and their colleagues that "they were elected and INSTRUCTED by the people they represent to ratify the proposed constitution and that as speedily as possible; and after . . . the ratification their power ceased, and they did not consider themselves as authorized by their constituents to consider any amendments."¹⁷ With this unanimous and coordinated action by every federalist jurisdiction in the convention, Paca was denied the opportunity even to read his amendments.

Without amendments before the convention, the antifederal attack lacked the anticipated focus. Nevertheless, for the remainder of Friday and until noon on Saturday the antifederalists held forth with their objections to the proposed Constitution. Samuel Chase led off, concentrating first on the taxation power of Congress under the proposed Constitution, arguing for state requisitions instead. He then moved on to attack the lack of representation in the proposed Congress and perceived deficiencies in the federal judiciary. Then Chase turned to provisions in the Constitution that would violate or abrogate freedoms guaranteed by Maryland's own Declaration of Rights. Specifically, Chase argued that the proposed Constitution jeopardized the rights Marylanders enjoyed to the common law of England, the guarantee of trial by jury, the prohibition against the quartering of soldiers in private homes, the keeping of standing armies in peacetime, the guarantee of freedom of the press, and the right to freedom of conscience.¹⁸ After Chase concluded, William Paca must have spoken, at least briefly, on the right to trial by jury, because at the beginning of the session on Saturday he asked permission to correct a statement he had made in that regard.¹⁹

On Saturday, the principal antifederalist speaker was John Francis Mercer, who based much of his criticism of the Constitution on his perspective as a member of Maryland's delegation to the Philadelphia Convention. The end product, Mercer alleged, was "not the result of Mature deliberations." The long, hot summer had

fatigued the delegates, Mercer claimed, resulting in "capital alterations" being made in the last few days of the Convention. Among the provisions in the Constitution that most alarmed Mercer were the broad taxing authority given Congress, the provision making treaties the supreme law of the land, the unlimited authority of Congress to create inferior federal courts, the power given the federal government to call forth the state militia, and the power given Congress to make and alter the mode of electing members of the House of Representatives and Senate. Mercer was especially disturbed by the extent to which the proposed Constitution affected both states and individuals, noting with concern that the first draft of the Constitution began with a list of the states concurring instead of the words, "We the People." The results of this change in language, said Mercer, was a Constitution that created two governments, one federal, operating on the states, and the other national, operating on persons.²⁰

Mercer also devoted considerable attention to sectional divisions within the thirteen states, arguing that the country was too large and diverse for republican government. "The Eastern [states] threaten the southern States, about their *negroes*," he charged, "& will always hold up that article to carry other points." Later Mercer argued that the "Eastern states will sacrifice [the] southern in Commercial Treaties."²¹ Then, like Chase, Mercer singled out specific provisions of the Constitution that would remove liberties guaranteed to Marylanders by the state's Declaration of Rights, such as freedom of conscience, trial by jury, and freedom from unreasonable search and seizure.

Jeremiah Townley Chase then rose to denounce Congress's power to tax under the proposed Constitution, arguing instead, like Samuel Chase, for state requisitions. He also opposed the proposed Congress as unrepresentative, concluding that "the rich and powerful will prevail." He attacked the "elastic clause" in article 1, section 8, saying that by permitting Congress the vague power to "provide for the General defense and welfare" effectively gave it "all powers of Legislation." Then Chase followed the lead of earlier speakers by focusing on the individual liberties guaranteed in the Maryland Declaration of Rights that would be jeopardized by the proposed Constitution, including abolition of the poll tax, a prohibition against a standing army in peacetime, and strict controls over militia discipline.²²

Samuel Chase concluded the antifederalists' presentation by injecting two new, and unrelated, items for consideration by the convention. First, Chase argued that the president should be popularly elected. After the first presidential ballot when General Washington would be elected, Chase contended, no other person would have the kind of wide appeal necessary to achieve a majority in the electoral college. As a result, the House of Representatives would, in fact, always elect the president. Second, Chase returned to a theme alluded to by Mercer, that the southern states had given up precious liberties in the Philadelphia Convention in exchange for the northern commercial states allowing them to continue the importation of slaves. "The liberty of America," Chase thundered, "has been traded away for the liberty of importing slaves."²³

The antifederalists concluded their testimony at noon on Saturday. Despite their eloquence, and the constant hammering home of the point that freedoms guaranteed Marylanders under their own Declaration of Rights were threatened by the proposed Constitution, the federal majority was unmoved. Repeated calls and ear-

nest requests that the federalists answer the objections of the antifederalists evoked no response. The federalists remained "inflexibly silent." When the antifederalists' presentation was complete, the question was called, that "the convention assent to and ratify the proposed plan of federal government for the United States?" The vote was sixty-three to eleven in favor of the Constitution.

One of the twelve antifederalists, William Paca, had defected to the majority. His vote for the Constitution might seem astonishing for a man of such high principles. But Paca was practical as well as principled, and he had struck a deal with the federalist leadership. In exchange for his vote he was promised that once the Constitution was unconditionally approved, he would be given the opportunity to present his proposed amendments to a special committee.

When he had first attempted to introduce his amendments on the convention floor, Paca stated that he could support the Constitution with amendments, but without them he pledged that no man in the state would be more firmly opposed to it than himself. Perhaps wary of the great prestige Paca enjoyed throughout Maryland, or conscious that Samuel Chase was correct when he charged that untold damage would be done if they did not consider the amendments proposed by a "man of such influence," the convention, after ratifying the Constitution, did agree on a vote of 66 to 7 to appoint an amendments committee. The committee would "take into consideration and report to this house on Monday morning next, a draught of such amendments and alterations as may be thought necessary, in the proposed constitution for the United States, to be recommended to the consideration of the people of this state, if approved of by this convention."²⁴

Thirteen men were named to the amendments committee. The convention leadership prudently appointed nine federalists to the committee. Among the four antifederalists named were Paca, who was designated chairman, and Chase. When the thirteen men retired to a committee room, Paca for the first time had an opportunity to present the amendments he believed were essential to safeguard individual liberties and states' rights under the proposed Constitution.

Although Paca's amendments had not been presented before, there could have been few surprises among them to the federalists who had sat through the preceding day and a half of antifederalist discourse on the convention floor. Of Paca's twenty-two proposed amendments, fourteen were taken verbatim, or derived in substance, from Maryland's own Declaration of Rights.²⁵ To them, Paca added three limiting the jurisdiction of the federal Supreme Court, two relating to the collection of revenues designed to preserve a major role for the states in tax collection, and single amendments prohibiting Congress from altering the time, place, or manner of electing senators and representatives, prohibiting the president from commanding the army in person without the consent of Congress, and an "express powers clause" stating that "Congress shall exercise no power but what is expressly delegated by this Constitution."

From Saturday afternoon through Monday morning, the amendments committee scrutinized Paca's proposed amendments. Unlike on the floor of the convention, the federalist majority on the committee was free to debate the issues in this forum, and Paca and Chase made the most of their opportunity while facing stiff opposition at every turn. They were forced to retreat, or abandon, many principles they held dear, but they convinced their opponents on some points and agreed to com-

promise on others. Paca, for example, had expanded the prohibition against plural officeholding by legislators beyond what was dictated by the Maryland Declaration of Rights to include offices of trust in addition to offices of profit. The committee felt this went too far and restored the original language from the Declaration of Rights. The same was the case with Paca's amendment guaranteeing freedom of speech, writing, and press, with the committee insisting that the Declaration of Rights' guarantee of freedom of press only was sufficient. In other instances, the antifederalists were forced to give a little to retain the substance of their amendment. Paca's proposal that standing armies in peacetime would require approval by a three-fourths vote of Congress was changed in committee to require only a two-thirds vote. His amendment that would have prohibited the state militia from being marched out of a state without the consent of the state's legislature was weakened to permit Congress to march the militia as far as the boundaries of an adjoining state.²⁶

Despite antifederalist concessions, the amendments committee retained fewer than half of Paca's original proposals.²⁷ Defeated in committee were many propositions drawn in whole or in part from Maryland's Declaration of Rights, including the provision that government officials are trustees and servants of the people and that the people have a right to reform or abolish a bad government.

In addition to reviewing Paca's proposed amendments, the committee also considered eight others introduced during the course of their deliberations, at least three of which were authored by Samuel Chase. The committee approved five of the amendments and rejected three.²⁸

By Monday morning, 28 April, the amendments committee had agreed to support twelve amendments, but deep divisions remained concerning other issues. In an effort to reach a compromise, three federalist members, William Tilghman, George Gale, and Richard Potts, met privately outside the committee room with John Francis Mercer, the least experienced politically and apparently most recalcitrant antifederalist. The federalists "expressed an earnest desire that we should all join in such amendments as might satisfy both parties," telling Mercer that if this could be effected they would support the compromise amendments "with their influence both in convention and all other places."²⁹ This was a potential breakthrough for the antifederalists. Their opponents in the amendments committee had already agreed to a dozen changes they wanted badly, and now a commitment to support those amendments, not only on the floor of the convention but in public as well, had been volunteered in exchange for coming to terms on the issues remaining.

Mercer told Tilghman, Potts, and Gale that he, too, wished to come to an accord, and when asked what would satisfy him responded that if the committee would agree to a single additional change—one protecting the state militia from martial law in peacetime—he would end his opposition. The three federalist members agreed, and later on Monday the committee accepted that thirteenth amendment. Contrary to his agreement, however, Mercer then proposed another amendment, one to vest the "advice and consent" powers of the Senate in an executive council to the president, and also pressed for approval of "several new amendments proposed by Mr. S. Chase."³⁰

The fragile accord broke down. Federalists on the committee insisted that when

they reported to the committee of the whole, none of the rejected amendments, or any new ones, be placed before the convention for consideration. Antifederalists, who felt strongly that all of the amendments deserved a hearing, finally agreed to limit themselves to the thirteen already agreed to, plus Chase's three additional amendments. The antifederalists asked only that they be allowed to take the sense of the convention on these last three amendments, agreeing that they would hold themselves bound by the decision of a majority of that body. The committee voted on the request, and, with only Thomas Johnson joining the antifederalist minority, defeated it five to eight.³¹

The antifederalists on the amendments committee had pushed too hard. Perhaps emboldened by their success in achieving agreement on thirteen amendments in the committee, they were determined to pursue their cause on the convention floor in an effort to get even more. But federalist members of the amendments committee had had enough. They had struck a deal with Mercer, and he had reneged on his promise. They had added his thirteenth amendment, but refused to be pressed into allowing consideration by the convention of amendments they had already rejected.

When the amendments committee was summoned to the floor on Monday, 28 April, federalist members announced they would make no report at all. Paca nevertheless rose and read all they had considered, the thirteen amendments the committee had originally approved and those it had rejected. Immediately another member stood and proposed a vote of thanks to the president, which if approved would effectively end the convention. The minority called for a roll-call on the motion, but the request was defeated. With fifteen federalists joining the minority, the Maryland ratification convention then adjourned on a vote of forty-seven to twenty-seven. Maryland's support for the Constitution would go into the record books unblemished by qualifying amendments.



So, what can be said about William Paca and his proposed amendments to the Constitution, and about Maryland's antifederalists generally? That they failed at every turn is not surprising, given the overwhelming federalist sentiment in virtually all sections of Maryland. But on the floor of the Maryland ratification convention the antifederalist minority nevertheless waged a vigorous battle, against overwhelming odds, for principles in which they firmly believed. Theirs was not a fight against aristocracy, or in favor of a special interest issue like paper money, nor was it for or against any particular class of men or economic position. Instead, Maryland's antifederalists argued that the proposed Constitution held the potential for doing violence to fundamental political values and individual liberties that Maryland's own citizens had fought mightily to preserve in the war for independence and that had been guaranteed to them in the state's first framework of government, the Declaration of Rights and Constitution of 1776.

Maryland's antifederalists desperately wanted to present their case to the ratification convention. Federalist dominance in the convention, and the federalists' refusal to debate the issues, however, left them without an effective forum until Paca bargained away his vote in exchange for the appointment of the amendments com-

mittee. The convention may have agreed to the amendments committee solely in deference to Paca's political stature and influence, but it was a serious mistake that proponents of the Constitution must have quickly regretted. The committee gave the antifederalist members, albeit only four in number, the opportunity they needed to focus attention on just what Marylanders would be risking under the new Constitution. It also gave their chief spokesmen a chance to argue their points from an agenda that they had set—the twenty-two amendments Paca had carried into the convention. And antifederalists won a major victory in the amendments committee. They convinced their adversaries that the proposed Constitution was flawed—in at least thirteen respects.

The antifederalist struggle in Maryland proved a boon to opponents of the Constitution elsewhere, especially in Virginia. There, more numerous critics of the Constitution accomplished what Maryland antifederalists could not. Virginia's convention adopted a proposed bill of rights and list of amendments to accompany its ratification. Close study of the Virginia amendments shows that antifederalists in that state had learned and profited from Maryland's experience. As in Maryland, the Virginia antifederalists based their amendments on their own state bill of rights, with thirteen of the twenty clauses coming directly, or in substance, from that document. Five of the remaining articles in their proposed amendments to the Constitution came either from the Maryland Declaration of Rights of 1776, Paca's original amendments as submitted to the committee on amendments, or the amendments as finally drafted by that committee.³²

In his concluding remarks to the Maryland ratification convention, Samuel Chase chastised the majority for refusing to permit the antifederalist amendments to be introduced onto the floor. The minority was "deprived of the right of speaking," he argued, "least Virginia should be influenced."³³ He was only partly right. Despite being stifled in the ratification convention, Maryland's antifederalists very much influenced the outcome in Virginia. Maryland's ratification of the Constitution helped assure Virginia's approval, and Virginia's affirmative vote ensured ultimate success for the proposed Constitution. But Virginia also heard from the small cadre of Maryland antifederalists, who supplied their counterparts in that state with their solutions to the problems of safeguarding individual liberties and of defining a role for the states under the new federal government.

The movement for amendments, which had begun in Massachusetts in February and continued in April despite extreme adversity in Maryland, became political necessity with Virginia's adoption of amendments in June and New York's similar recommendations in July. As a result, when the first federal Congress met, one of its priorities was adopting a list of constitutional amendments for review in the state legislatures.

Of the twelve amendments Congress proposed in 1789, the states ratified all but two by 1791, and those first ten amendments became our Bill of Rights. Its adoption must have given Maryland's small but skillful band of antifederalists a sense of accomplishment and vindication. For in the search for a more perfect union, they had done more than their numbers or scant support in the state warranted to ensure that the new Constitution was even better than the Founding Fathers intended.

NOTES

1. For a discussion of the implications of the actions of these three states on the prospects for ultimate ratification of the Constitution, see Jackson Turner Main, *The Antifederalists, Critics of the Constitution, 1781-1788* (1961, reprint ed. Chicago: Quadrangle Books, 1964), pp. 200-13.

2. Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (1913, reprint ed. New York: Macmillan, 1946), p. 316.

3. Philip A. Crowl, *Maryland During and After the Revolution: A Political and Economic Study* (Baltimore: Johns Hopkins Press, 1943), p. 85.

4. *Ibid.*, p. 89.

5. *Ibid.*, pp. 90-91, 107, 118, 128-29.

6. *Ibid.*, pp. 96, 118.

7. *Ibid.*, p. 131.

8. *Ibid.*, pp. 91, 103.

9. *Ibid.*, pp. 103-4, 124-28.

10. *Ibid.*, pp. 134-41.

11. *Ibid.*, p. 109.

12. *Ibid.*, p. 143.

13. Main, *Antifederalists*, pp. 213-15.

14. Chase's arguments and the description of what was said by other antifederalists in Maryland's ratification convention are drawn in large part from a collection of notes taken by William Tilghman, a federalist delegate to the convention. These notes—often frustratingly brief—provide valuable hints about antifederalist arguments and tactics in the convention. They are especially important, since the notes of the official recorder, Thomas Lloyd, are not known to have survived. The Tilghman notes are in the Maryland State Archives' Special Collection MdHR 1592.

15. Quoted in Crowl, *Maryland During and After the Revolution*, p. 152.

16. "Proposed Amendments by Wm. Paca Esq," MdHR 1592-6.

17. "To the People of Maryland," Thomas Papers, Maryland State Archives, MdHR G176, no. 44. This printed, three-page, undated broadside was probably written by William Paca and printed immediately after Maryland's ratification convention adjourned. It summarizes the antifederalists' efforts to get the convention to consider amendments to the Constitution.

18. Tilghman notes, MdHR 1592-9, pp. 1-5.

19. *Ibid.*, MdHR 1592-2, pp. 1.

20. *Ibid.*, pp. 1-2.

21. *Ibid.*, p. 2.

22. *Ibid.*, pp. 4-5.

23. *Ibid.*, p. 6.

24. *Ibid.*, MdHR 1592-9, p. 1; "To the People of Maryland," p. 1.

25. These included Paca's amendment 1 (Declaration of Rights 4), which stated that government officials are the trustees and servants of the people, that the people have the right to reform their government, and that the doctrine of non-resistance to arbitrary power is oppressive and absurd; amendment 2 (Declaration of Rights 11), which guaranteed citizens the right to petition the legislature for a redress of grievances; amendments 3 and 4 (Declaration of Rights 19 and 21), which gave persons accused of a crime the right to be informed of the charges, to confront witnesses against them, and to have a trial by a jury of their peers; amendment 5 (Declaration of Rights 7), which provided for the suspension of laws only with approval of the legislature; amendment 6 (Declaration of Rights

23), which mandated that search warrants be issued only on oath or affirmation, and outlawed general search warrants; amendment 10 (Declaration of Rights 33, altered), which made representatives ineligible for other offices of trust or profit; amendment 11 (Declaration of Rights 34), which prohibited a state religion; amendment 13 (Declaration of Rights 17 and 18), which guaranteed a person injured in trespass, torts, personal wrongs and injuries a jury trial in the state where the offence occurred, and provided for concurrent state/federal court jurisdiction; amendment 16 (Declaration of Rights 26 and 28), which limited standing armies in peacetime and prohibited the quartering of troops in private homes; amendment 17 (Declaration of Rights 42), which prohibited the abrogation of state constitutions or bills of rights by law or treaty; amendment 18 (Declaration of Rights 25), which guaranteed state control over the militia; amendment 19 (Declaration of Rights 3), which outlawed the poll tax; and amendment 20 (Declaration of Rights 38), which guaranteed freedom of speech, writing, and press.

26. The amendments considered by the committee are in "To the People of Maryland," pp. 1-2.

27. Paca apparently withdrew from consideration, or did not formally present to the committee, two of his twenty-two amendments. These amendments, numbers 5 and 7 on his original list, do not appear in the summary of amendments discussed by the committee, which is printed in the "To the People of Maryland" broadside. Amendment 5 provided that laws could only be suspended on a vote by the legislature, and amendment 7 prohibited an appeal to the Supreme Court in criminal cases.

28. Amendments that were approved included one prohibiting federal judges from holding other offices of profit, another limiting soldiers' enlistments to four years except in time of war, a third limiting the duration of mutiny bills, a fourth exempting the militia from martial law except in time of war, and a fifth limiting the jurisdiction of inferior federal courts and providing for appeals in revenue cases. The three rejected amendments included one requiring a two-thirds vote of both houses of Congress on commerce and navigation acts, a second exempting pacifists from bearing arms, and a third establishing a council to the president. Two of these eight amendments were drawn in substance from Maryland's Declaration of Rights.

29. This attempt at accommodation is described in "Mem. of conversation with Col. Mercer," by W[illiam] T[ilghman], MdHR 1592-12.

30. *Ibid.*

31. "To the People of Maryland," p. 3. The first of Chase's amendments would have limited the right of the federal government to march a state militia beyond the boundaries of a neighboring state; the second limited the right of Congress to alter the place, time, and mode of holding elections for congressmen; and the third would have allowed the states the freedom to raise their share of money required by Congress.

32. The Virginia amendments drawn from Maryland are number 9 (Paca amendment 4; Declaration of Rights 21), number 12 (Declaration of Rights 17), number 15 (Paca amendment 2; Declaration of Rights 11), number 18 (Paca amendment 16; Declaration of Rights 28), number 19 (amendment proposed but rejected by the amendments committee).

33. Tilghman notes, MdHR 1592-8, p. 3.

Samuel Chase and Maryland Antifederalism: A Study in Disarray

JAMES HAW

Historians have generally regarded Maryland's ratification of the federal Constitution as a foregone conclusion. The vote of sixty-three to eleven in the ratifying convention reflected a margin of at least equal proportions in the popular vote for convention delegates. The state's antifederalists, it seems, had no chance of success. This paper does not dispute that basic conclusion. It does advance the hypothesis that the antifederalists might have accomplished more than they did, albeit still falling short of victory. Maryland's antifederalists were in some ways their own worst enemies, and their shortcomings contributed substantially to the magnitude and totality of their defeat. Their campaign against ratification suffered from disorganization, lack of coordination, and at times a simple failure to try. That antifederalists failed to mount an effective effort can be attributed in large part to the unusual ineffectiveness of one man, Samuel Chase.



The fact of antifederalist disarray is not hard to establish. Their disorganization is evident from an examination of the elections for delegates to the state ratifying convention, and to a lesser degree from the behavior of antifederalist delegates at the convention itself.

The Maryland legislature, acting on 1 December 1787, scheduled convention elections for the first Monday in April 1788. The ratifying convention would meet on 21 April.¹ That gave the antifederalists four months to organize a statewide campaign, put forward slates of candidates in every county, and take their case to the people. To a striking degree, the necessary effort was not made.

The convention, like the General Assembly, was to be composed of four delegates from each of Maryland's eighteen counties, plus two each from Annapolis and Baltimore Town. In Frederick County there were no antifederalist candidates, giving the friends of the Constitution an unanimous victory, and no evidence has been found that antifederalists contested the election in eleven other counties or the city of Annapolis.² As many as fifty of the seventy-six convention seats, therefore, may have gone to the federalists by default—hardly an impressive effort on the part of the opposition. Where the existence of antifederalist candidates can be confirmed, the local organization behind their campaign seems solid only in the county and town of Baltimore, and in neighboring Harford County.

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Baltimore County had for more than a decade been the political preserve of the Ridgely family, who as usual had the situation under control despite a determined federalist challenge. Baltimore County politics were highly sophisticated for the period. Slates of candidates appealed to various geographical sections and constituencies in the county, and details of electoral strategy were discussed in the newspapers as well as in private correspondence. Though the election was bitterly contested, antifederalists emerged victorious by a margin of more than three to one.³ Here, at least, there was no sign of disarray. But the Ridgelys apparently made no effort to extend their well-oiled operation beyond the bounds of Baltimore County.

Baltimore Town elections by 1788 required as much organization as the surrounding county's and were more prone to disorder, fraud, and even violence. Since the city favored the Constitution, local antifederalists muted their true beliefs and resorted to sailing under a false flag. They almost got away with it. When the polls opened, David McMechen and Samuel Sterett were unopposed. Both were pledged to support ratification of the Constitution. Some Baltimore federalists remained uneasy about that pledge, however, as well they might; McMechen was a long-time ally of the antifederalist Samuel Chase and a legal counsel for the Ridgely family. Deciding to investigate further, a delegation of federalists called upon the two candidates and quizzed them in more detail. They discovered that McMechen supported ratification with amendments, while Sterett avoided a straight answer on that subject. Hastily the federalists put forward James McHenry and John Coulter on the second day of the election. This last-minute slate swept to an easy victory.⁴ Baltimore Town antifederalists, like those in the county, had done all they could locally, but apparently had made little effort to develop a broader strategy. Their horizons went no further beyond the town than nearby Harford County.

Little is known about the election in Harford, where antifederalists were said to be strong because "many powerful and popular men who have speculated deeply in British confiscated property and for that reason are alarmed at shutting the door against state paper money" resided there. No federalists are known to have stood for convention seats from Harford, and three of the four antifederalist candidates—William Paca, Luther Martin, and William Pinkney—were not residents of the county and were therefore legally ineligible to represent it.⁵ Paca and Martin were close friends of Samuel Chase, and Pinkney was reading law in Chase's office. The ticket, therefore, bears all the earmarks of an outside job arranged by the Chase circle in Baltimore. The slate speaks well for the initiative (at least this once) of Chase and his friends, but it also exposes the supineness of Harford County's supposedly numerous indigenous antifederalists.

Beyond the immediate neighborhood of Samuel Chase and Captain Charles Ridgely, Maryland antifederalism was at best a badly bedraggled affair. Antifederalists contested only four other counties: Anne Arundel, Kent, Montgomery, and Washington. Nothing is known of the election in Kent beyond the fact that the federalists won by a margin of more than three to one in a race that federalist candidate William Tilghman had expected to be very close.⁶ Either Tilghman was unduly worried or the Kent County antifederalists were unusually ineffective.

At first glance, it appears that the western counties of Washington and Montgomery on the upper Potomac should have been a happy hunting ground for the antifederalists. The representatives of those counties in the legislature in the 1780s

almost invariably supported policies of limited government activity, low taxes, and debt relief, reflecting the desires of small farmer-debtor constituencies of the sort that generally opposed the Constitution.⁷ It has recently been noted, however, that by the late 1780s population growth and improved transportation were changing the character of the upper Potomac and swinging it rapidly toward federalism. Norman Risjord considers the area "evenly divided" between the old and the new political allegiances in 1788. If so, as Risjord notes, that balance was not revealed in the convention election.⁸ The result does not speak well for the effectiveness of the two counties' antifederalists.

Federalists carried Montgomery County by a rather startling margin of nearly three to one. They did so despite the presence on the antifederalist ticket of veteran assemblymen Lawrence O'Neill and Edward Burgess. Only Thomas Cramphin on the federalist side could match this duo's long record of electability. The apparent antifederalist edge in the prestige of their candidates makes the result hard to explain if, as one writer reported shortly before the election, most people in Montgomery were undecided. According to this report only the Georgetown merchants strongly favored the Constitution. Another contemporary commented that the county's voters decided solely on the issues, not on the basis of "personal Regard" for the candidates,⁹ but this statement fails to explain what convinced so large a proportion of the voters to support the Constitution on its merits if in fact they had really been undecided until the last minute. The limited evidence available is thus rather contradictory, but it does seem that the antifederalists should have had at least a chance to win in Montgomery County. One wonders why their veteran leaders were not more effective.

In Washington County, the westernmost in Maryland, federalists had the established names and a stunning victory, with 657 votes each to only 14 to 25 for their opponents. Reportedly, more federalist voters in the farther reaches of the county were ready to make the long trek to the polls "had any thing like a respectable Opposition taken place."¹⁰ But, alas, Washington County's antifederalists could not furnish even a "respectable Oppostion."

Anne Arundel County, where antifederalists scored their final victory, held perhaps the most intriguing and suggestive of all the convention elections. The interesting thing is that antifederalists won, not because of organization and systematic effort, but despite a conspicuous lack thereof. The strong federalist slate, organized several months before the election, anticipated no opposition until the Thursday before election Tuesday. Then, at the last minute, Jeremiah Townley Chase, John Francis Mercer, and Benjamin Harrison declared their candidacy as antifederalists. Their first task was to find a fourth candidate to complete the ticket. Antifederalists wrote first to William Smallwood, but that gentlemen "being at his Seat in Charles County, the Letters did not reach him in time." Unable to contact Smallwood quickly, the antifederalists added Samuel Chase's name to their slate "without his Knowledge or Intention" (it is interesting that they felt free to draft Chase without his approval, but not Smallwood; probably Jeremiah Townley Chase assured his colleagues that his cousin Samuel would go along with the idea).

Samuel Chase found out about his candidacy by accident. He had agreed earlier to make a speech on the Constitution in the Elk Ridge area of Anne Arundel County. After that address, he continued on to Annapolis, where he discovered that

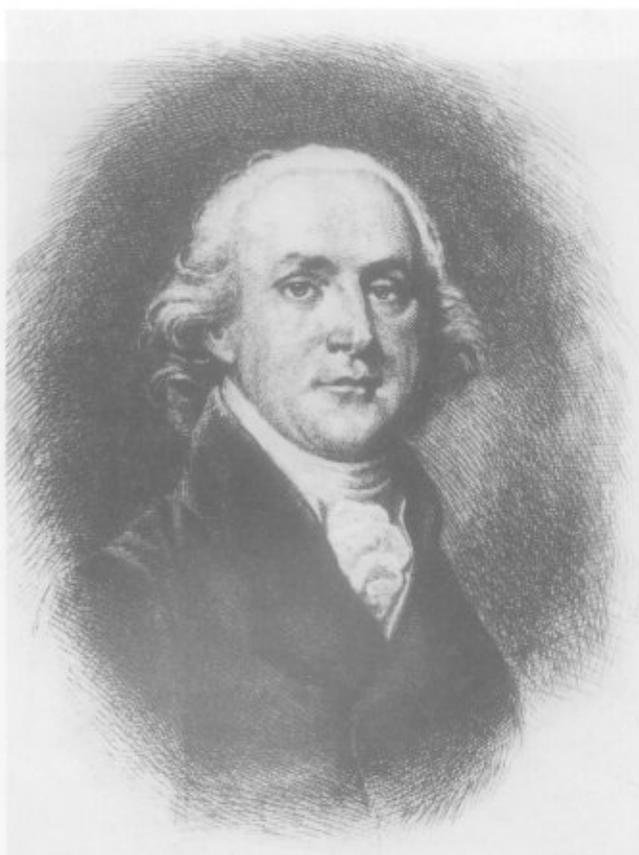


FIGURE 1. John Francis Mercer. (Albert Rosenthal engraving, 1888. From the *History of the Celebration of the 100th Anniversary of the Promulgation of the Constitution of the United States*, Hampton L. Carson, ed. [Philadelphia: J. B. Lippincott Co., 1889], vol. 1, facing p. 223. Courtesy of the Maryland State Archives. MdHR G1796-A-91.)

he had been speaking in behalf of his own candidacy. Whether Chase's running mates knew in advance of his scheduled appearance at Elk Ridge and planned to make it a part of their campaign is not clear. Whether by design or serendipity, it worked out nicely.¹¹

In the meantime, Mercer and Jeremiah Chase undertook a speaking campaign of their own. They also distributed a handbill warning of increased taxation, unreasonable militia service, and violations of individual liberties to come if the Constitution were adopted. Mercer spoke darkly of plots linking the Constitution to the machinations of Robert Morris and "a Juncto with a French Interest." "The people were alarm'd at their positive assertions," reported federalist Daniel Carroll, "and I am afraid when they attended the polls, a wildness appeared in many which show'd they were really frightened by what they had just heard." Antifederalists carried Anne Arundel by about fifty votes, but Carroll was later "assur'd that many who were hurried away under their sudden impressions, see their errors, and express their regret."¹² If so, the antifederalists' lack of careful planning and organization may have aided them in this instance.

The surprising result in Anne Arundel affords grounds for speculation about the



FIGURE 2. Daniel Carroll. (From a Max Rosenthal print, n.d. Maryland Historical Society.)

antifederalists' potential elsewhere in the state. If the voters of Anne Arundel were so weak in their federalism that they could so easily be converted (or stampeded), what about the voters of Annapolis and the other twelve counties that antifederalists definitely or probably did not contest? Were there really no opponents of the Constitution of sufficient stature to mount a campaign in two thirds of Maryland's counties? What about the voters of counties like Washington, where the opposition apparently made only a token effort? Could not something more have been accomplished by a better statewide campaign? Can we conclude that Maryland voters in fact favored the Constitution by an overwhelming margin, or could a stronger antifederalist effort have produced, if not victory, at least a better showing? We will never know for sure, of course, and perhaps that supports the point: antifederalists were too disorganized to permit us to assess accurately their true potential strength.

The antifederalists' disarray in the election extended well into the ratifying convention. After the election, rejection of the Constitution was out of the question. But there had been persistent rumors that antifederalists would try to persuade the convention either to adjourn until Virginia had acted, or to propose amendments to

the Constitution, preferably as a condition of ratification. Success in either of these tactics might have influenced Virginia, where the contest was very close, to defeat the Constitution.¹³ It seems highly unlikely that ratification could have been blocked or postponed in the convention, where the heavy federalist majority was very well organized, but again the antifederalists added to their own problems.

Their major omission was a simple one: failure to arrive on time. Captain Charles Ridgely reached the convention on Tuesday, 22 April, the second day. Six other antifederalist delegates, including the leaders, Samuel Chase, William Paca, and Luther Martin, did not take their seats until Thursday. The delay ensured that there would be no real opposition to the procedural rules the federalists proposed for the convention. Among those rules was the important provision that the Constitution would be debated and voted upon as a whole, not clause by clause.¹⁴

For whatever reason, antifederalists made no attempt to move for adjournment or to propose amendments as a condition of ratification. Samuel Chase spoke at length against the Constitution, and several of his colleagues voiced their objections as well. With the arrival of William Paca on Thursday afternoon, antifederalist disorganization temporarily ended and an astute strategy finally emerged. Paca turned the antifederalist effort toward persuading the convention to accompany unconditional ratification with proposed amendments "as standing instructions to our representatives in congress."¹⁵ Paca calculated that this was the most that his side could realistically hope to achieve.

The strategy almost succeeded against all apparent odds. Paca gained the support of moderate federalists like Thomas Johnson. Worried federalist leaders rallied their forces sufficiently to prevent the introduction of amendments until the Constitution had been ratified, but then the convention voted overwhelmingly for a committee to consider Paca's proposals. The committee at first agreed to support thirteen of those amendments if the others were dropped. But, with a stunning success within their grasp, antifederalists reverted to ineffectiveness and lost everything by insisting on pushing for still more amendments. The committee broke up amid mutual recriminations, and antifederalists failed in the end to get their proposals to the floor of the convention. Still, the convention's forty-seven to twenty-seven vote to adjourn without considering amendments showed they had made lasting inroads into the ranks of the majority.¹⁶ There were, then, a number of federalists in the convention who might have been persuaded to support amendments accompanying unconditional ratification, whether from conviction, political expediency, or a desire to conciliate the opposition. How much a better antifederalist effort in the elections might have increased their chances of achieving at least that much in the convention is a question to which we shall return.

One final opportunity was also missed. Though antifederalists published their proposed amendments and complained of their treatment in the convention, they made no effort to bring their proposals directly to the attention of Virginia antifederalists, who desperately needed any ammunition they could get for the upcoming battle in their own state convention. A rider dispatched to Virginia with Maryland's suggested amendments and a suitably embellished account of the support they had momentarily appeared to achieve in the convention would have provided at least some aid and comfort to Patrick Henry. But this last opportunity to influence Virginia was either not seen or not grasped.¹⁷

In the elections, in the convention, and afterward, Maryland's antifederalists were repeatedly too late with too little. Organization and planning were clearly deficient. What was needed, it appears, was a master political organizer and legislative strategist: someone to organize a statewide campaign, to mobilize leading men in every county for a serious electoral effort, to spur antifederalist delegates to attend on time and plan a strategy for the convention, and to keep in touch with Virginia antifederalists as effectively as did federalists in the two states. But to state the need for such a master strategist is immediately to realize that the antifederalists did have Maryland's best organizer of political campaigns, both in legislative assemblies and in the court of public opinion, Samuel Chase.



Chase, of course, was an organizer of political campaigns in an eighteenth-century sense of the term, and it is in an eighteenth-century context that my insistence throughout this paper on antifederalist disorganization must be understood. Maryland politics in the revolutionary era revolved primarily around families

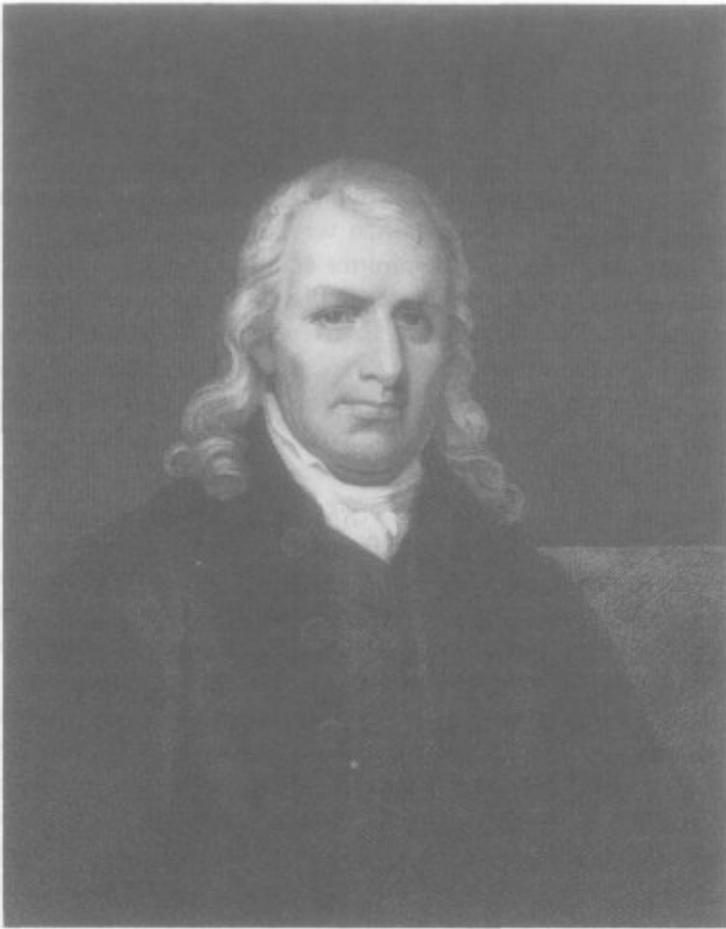


FIGURE 3. Samuel Chase. (J. B. Forrest engraving based on a painting by John Wesley Jarvis, n.d. Maryland Historical Society.)

and personalities. Gentlemen in each county were generally on their own in arousing local support and getting elected. But Maryland's county leaders were not necessarily self-starters on important issues of statewide or broader concern. Even on major issues they sometimes required an outside stimulus to get them moving; a conspicuous public appeal, for example, or a personal letter from a well-known state leader emphasizing the importance of an issue and recommending a course of action. Samuel Chase earlier had demonstrated his ability, by contemporary standards, to orchestrate a statewide campaign; he failed in 1787-1788 to do for the antifederalist cause what he had so often done before.

For a quarter of a century before 1788, Chase repeatedly had displayed his virtuosity in influencing voters and legislators. For some fifteen years he dominated the state's political agenda. As a fledgling lawyer in 1764, he mobilized the tradesmen of Annapolis for a partially successful political assault on a city government, then in the hands of the proprietary court party that was viewed as ineffective and unresponsive. These same tradesmen, under Chase's leadership, became Annapolis's Sons of Liberty in the contest against the Stamp Act.¹⁸

The peak years of Chase's power in Maryland state politics began in 1773, when he and William Paca were the principals in a newspaper battle with Jonathan Boucher over clergy salaries. While Charles Carroll of Carrollton carried on a nearly simultaneous exchange with Daniel Dulany over the governor's proclamation fixing officers' fees, Chase effectively organized support for Carroll's opposition to the proclamation. He wrote to leaders in other counties urging them to plan for the 1773 elections and to make their opposition to the fee proclamation publicly known. This was only the first of Chase's effective efforts at colonywide and statewide political organization. He continued actively to rally public support for the patriot cause in the critical years between the Intolerable Acts and independence. In 1776, when the Maryland convention hesitated until the last minute to break its ties with England, Chase wrote a circular letter to secure county instructions that were instrumental in Maryland's decision for independence.

After independence, Chase took the lead in calling for a state constitution. He may have been the principal draftsman of the Maryland constitution of 1776. For most of the ensuing decade, Chase dominated the Maryland House of Delegates. The most important legislative initiatives of the first state legislature were his. Though he did not always succeed, Chase determined the state's legislative agenda more than any other politician.

A notable characteristic of Chase's legislative tactics was his penchant for taking his case to the people to overcome the frequent opposition of the state senate to his programs. In 1777, thwarted in his desire for a strong test act to ferret out covert Loyalists, Chase took to the newspapers urging the voters to instruct the senate to approve the bill. There was no measurable response from the public, but the act was adopted at the next session. Late in 1779 Chase again asked the voters to express their will on his proposal for the confiscation of British property in Maryland, but without immediate result. Chase's most vigorously pursued appeal to the people came in 1786-1787 over the issues of paper money and debt relief, a supreme effort on Chase's part that failed completely.

From this record, Samuel Chase should have been just what the antifederalists needed: an energetic leader, skilled in organizing a statewide campaign, practiced

in taking his case to the people, experienced in the arts of swaying a legislative body to his point of view, and with a celebrated name to which people could rally. And Chase was a thoroughly committed antifederalist. Convinced that the Constitution was wrongheaded and dangerous, Chase opposed it with all the warmth and ardor of his passionate nature.

Chase's criticism of the Constitution resembled those of other antifederalists, but the points he emphasized reveal his own particular philosophy. His objections began with the procedural: a convention called to revise the Articles of Confederation had no authority instead "to annihilate [the] Confederation" and replace it with an entirely new government. Nor did Chase accept in principle the legitimacy of the ratification process, which nonetheless he found necessary to support in practice. In Chase's view, the Constitution would "*alter*, and in some Instances, *abolish*" the Maryland state constitution and bill of rights. That could only be accomplished through the amendment procedure prescribed in the state constitution.¹⁹

Substantively, the argument Chase emphasized most was that the new federal government would not be truly representative of the people at large. "The bulk of the people can have nothing to say to it. The government is *not* a government of the people. . . . A right of election is declared, but it can not be exercised. It is a useless, nugatory right."²⁰ Chase's point was that a representative should share the interests and reflect the feelings of his constituents. But the national congress would consist of too few men to represent accurately "the *opinions*, wishes, and *interests* of great numbers." The few chosen to such an elevated office must necessarily come from the ranks of the wealthy and prominent; "they will be ignorant of the sentiments of the middling [and much more of the lower] class of citizens, strangers to their ability, unacquainted with their wants, difficulties and distress and need of sympathy and fellow feeling."²¹ The nation would be governed by an irresponsible aristocracy, beyond the effective power of their constituents to control or even influence.

Chase's other fears centered around the familiar antifederalist contention that the proposed government would annihilate the powers of the states and invade individual rights and liberties. It seemed axiomatic to him that "a national or general government however constructed over so extensive a country as America must end in despotism." And this particular government exhibited flaws in its construction so numerous and serious as to condemn it in Chase's eyes. Not only would the national representatives be out of touch with the people at large, but their small numbers would allow a handful of men—a bare majority of a quorum—to make decisions on the most momentous issues. The small numbers of the House and Senate would make both houses "liable to bribery and corruption" by the executive and by foreign powers. Chase found it objectionable, too, that only one third of the Senate could be removed in any given election, making that chamber "a perpetual *body*."²²

Nor was the executive branch more safely constructed. Chase complained that the president was not elected directly by the people and could potentially serve for life. The powers of the office, too, appeared overblown. The president's power to nominate civil officers smacked too much of British prerogative for Chase's comfort, as did his ability to pardon offenders before conviction. As for the federal judiciary, Chase quaked in contemplation of its extensive jurisdiction.²³

Even more alarming was the sweeping power with which these mighty officers of government were endowed. Chase considered the constitutional powers of the federal government to be virtually unlimited, extending "to every case of the least consequence." He concentrated especially on the power to "impose every species of taxes external and internal." The government could easily preempt all sources of revenue, leaving the states impotent for lack of money. "They will sink to nothing, and be absorbed in the general government. The people will not bear the expense of two governments." The prospect was especially alarming when Chase considered that the federal government could also maintain a standing army of unlimited size, and assume control of the state militias without the consent of the legislatures. Money and troops, the chief engines of despotism, were joined in the hands of political leaders over whom the people had no real control. Given the inevitable tendency of power toward self-aggrandizement, surely the dangers inherent in the Constitution were acute.²⁴

Chase did not oppose all change in the Articles of Confederation. He admitted that the Confederation Congress was "without power, or respect and despised." But he insisted that the central government should be strengthened within the framework of a federal system in the traditional meaning of the term: "a confederation of small republics exercising all the powers of *internal* government, but united by league as to their external foreign concerns." Chase believed that the Maryland state constitution was sound, perfectly adequate for all internal needs. Where the states could act, the central government should not interfere. Its authority should be limited to general concerns: defense, foreign affairs, regulation of interstate and international commerce, maintaining "peace between the States," and so forth. All that was needed was to give the central government the means to make these powers effective, especially a way "to make the *states* do their duty" in paying their share of the national expenses. Chase stated that he would favor a government of three branches, as proposed by the Constitution, if the legislative branch was enlarged to a size "sufficient to know the wants and the wishes of those they represent—too numerous to be corrupted and not so great as to be a mob"; if the president were made "ineligible after a limited time with a Council of short duration and responsible for their advice"; and if the judicial power was "confined to the decision of cases arising on treaties." In short, the powers of the central government, in Chase's view, should be enlarged only to the extent that experience had demonstrated to be indispensably necessary. Upon further reflection, he was even uncertain that Congress really needed, and could be trusted with, the power to regulate trade.²⁵

Why, then, were Maryland's antifederalists so poorly organized, so ineffective, when the master organizer and campaigner Samuel Chase was so firmly in their camp? The answer is that Chase was in no position to furnish his usual leadership in 1787–1788, and no one else stepped forward to fill the void.

Chase's problems at the time began with insolvency, with no immediate prospect of extrication from his financial embarrassments. Imprudent speculation in confiscated British property, debts arising from unsuccessful business efforts during the War for Independence, ravages upon his estate and earning power wreaked by long years of devotion to public service, currency depreciation, depression, and Chase's own imprudence in financial matters had brought him to an impasse. In

1789, even after the legislature agreed to cancel some of his British property purchases, Chase's debts exceeded his total assets by some £800.²⁶ Preoccupation with his own problems impinged seriously upon Chase's ability to devote his time to politics.

A second problem was that Chase had moved in 1786 from Annapolis to Baltimore. The move was related to his financial problems. Thriving Baltimore would offer more rewarding opportunities for the practice of law than stagnating Annapolis. And Baltimore's John Eager Howard had given Chase a generous gift of land in the city, expecting that Chase would be able before long to bring the state capital north with him.²⁷

Chase's new constituency favored the Constitution. Since Chase sought a seat in the legislature from Baltimore Town in the fall 1787 elections, he could not for the time being oppose it too openly. Chase told the voters in late September that he had "not formed my Opinion, whether the Plan proposed ought to be accepted . . . without any Amendment." He promised to support a call for a timely ratifying convention. The farthest he would go in expressing opposition was to warn that the Constitution would supersede Maryland's form of government and bill of rights in some respects, and should not be adopted hastily. After the election, which Chase won, his public statements for a time continued to be cautious. He advised the voters not to make up their minds until they had the opportunity to hear both sides and judge carefully. Not until the assembly met in November 1787 did Chase openly avow his antifederalism.²⁸ Whether or not he allowed Baltimore Town's federalism to hamper him thereafter is not clear.

A third handicap under which Chase suffered was that his political strength had been substantially damaged by his recent defeat on the issues of paper money and debt relief. From 1785 to 1787 Chase made an all-out effort to secure the adoption of those measures. For a time his campaign appeared to enjoy widespread support, but there was determined opposition from the state senate, supported by merchants and creditors. That opposition could not be overcome. Not only were Chase and his supporters exhausted and discouraged after their supreme effort failed, but Chase's own personal reputation as well as his political prestige suffered greatly in the process. Opposition charges that the paper money and debt relief bills were designed to further the personal self-interest of Chase and his speculator-debtor allies gained wide credence in the campaign. Thus, when the Constitution was proposed, Chase's political fortunes were at a low ebb. Defeat, discouragement, and loss of reputation put Chase and his faction in a weak position from which to launch a campaign against the Constitution. And many of Chase's supporters in the paper money battle could not be brought into the antifederalist camp at all.²⁹



The circumstances in which Samuel Chase and his closest allies found themselves in 1787–1788 therefore account for much of the disarray so evident in Maryland antifederalism. It remains to be asked whether the antifederalists' disorganization made any difference. If Chase had been in a position to organize an effective statewide campaign against the Constitution, would enough local leaders and enough voters have responded to send the Constitution down to defeat? The answer is surely no. All the evidence indicates that federalism in Maryland was strong

enough to have prevailed on the basic issue of ratification even against a substantially stronger antifederalist effort. It is likely that the antifederalists realized that fact, and that discouragement at their prospects was another reason for their ineffectiveness.

But the issue can be stated differently. The decision facing the 1788 convention was not limited to the simple alternative of ratification or rejection. Options theoretically included unconditional ratification, unconditional ratification accompanied by proposed amendments, conditional ratification contingent upon the acceptance of amendments, adjournment without decision, and rejection of the Constitution—each with different ramifications for the Constitution's fate in Virginia and elsewhere. When the issue is approached from that perspective, it is possible that the disarray of Maryland's antifederalists may in fact have made a considerable difference.

Carrying this hypothesis further, it is intriguing to note a few observations Samuel Chase made after the ratification struggle was over. In October 1788, in connection with his unsuccessful campaign for reelection to the legislature from Baltimore Town, Chase published a broadside supporting his charge that his opponent, James McHenry had opposed in the ratifying convention any amendments to accompany unconditional ratification. "It was universally believed," Chase told the voters, "that all of you were for amendments *after* ratification." He alluded to a large meeting of Baltimore citizens held at the time of the 1787 election for convention delegates, which Chase said had taken that position. In a private letter in June 1788, Chase had gone even further. "I believe a very great majority of the people of this state are in favor of amendments, but they are depressed and inactive."³⁰

It is easy to dismiss these statements as campaign rhetoric or wishful thinking. After all, Baltimore Town voters were heavily federalist; they did soundly reject David McMechen and Samuel Sterett for convention seats when it appeared that they would support ratification only with amendments. On the other hand, Chase obviously expected that McHenry's opposition to amendments would hurt McHenry politically in the 1788 assembly election. Suppose, for the sake of argument, that Chase's assessment should be taken at face value. Apparently one of Maryland's most astute and experienced politicians—a man who was usually more closely in touch with the feeling and opinions of the "middling sort" of men than most other leaders—really believed that the majority in Baltimore Town and throughout the state favored amendments to the Constitution to accompany unconditional ratification. Perhaps this belief in a strong popular desire for amendments after ratification was responsible for antifederalist strategy at the ratifying convention. And perhaps many Federalist delegates also realized that that desire ran strong among their constituents.

If so, the record of the convention should read in a somewhat different light than it generally has been. Perhaps Paca's plea that his amendments be considered met with initial general assent because the delegates knew it was popular—and, in some cases, agreed with it themselves. That would account for the favorable reception Paca's bid for amendments received. With the convention on the verge of bolting, federalist managers succeeded in securing ratification first. But the popularity of some proposed amendments and a desire to conciliate might have carried

the day for Paca's strategy if some of his colleagues had not overplayed their hand by trying to accomplish too much. The fact that fourteen or fifteen of the sixty-two federalist delegates present joined the twelve antifederalists in voting to oppose adjournment of the convention without considering amendments³¹ showed that the idea continued to have considerable appeal. A clear majority in Maryland preferred the Constitution to the Articles of Confederation, but perhaps even many active federalists considered the new fundamental law to be, in some respects, imperfect.

If, in fact, there was strong public support in Maryland for proposing amendments to accompany unconditional ratification, and if that support was reflected in the actions of the convention, what might a more effective antifederalist effort have accomplished? A better organized, more determined electoral campaign and a stronger antifederalist delegation at the convention would have put greater impetus behind the move for ratification with a list of suggested amendments and would have increased the antifederalists' chances of achieving that much. If there is any validity to this hypothesis, the disarray of Maryland's antifederalists may have been a factor of some importance in the biography of the United States Constitution.

NOTES

1. *Votes and Proceedings of the House of Delegates of the State of Maryland* (Annapolis, 1788), 27 November 1787; *Votes and Proceedings of the Senate of the State of Maryland* (Annapolis 1788), 26 November, 1 December 1787.

2. *The Maryland Journal and Baltimore Advertiser*, 11 April 1788; *Maryland Gazette, or Baltimore General Advertiser*, 18 April 1788; Philip A. Crowl, *Maryland During and After the Revolution; A Political and Economic Study* (Baltimore: Johns Hopkins Press, 1943), p. 136. Crowl lists thirteen counties as apparently uncontested, but since his book appeared, evidence has been found of an antifederalist slate in Kent County; see below, n. 6.

3. *Baltimore Maryland Gazette*, 11, 15 April 1788; *Maryland Journal*, 14, 25 March, 4 April 1788.

4. *Baltimore Maryland Gazette*, 11, 15, 18, 22, 25 April 1788; *Maryland Journal*, 11 April, 19 September, 1788; Norman K. Risjord, *Chesapeake Politics 1781-1800* (New York: Columbia University Press, 1978), p. 285.

5. *Philadelphia Pennsylvania Gazette*, 30 April 1788; Risjord, *Chesapeake Politics*, pp. 286-87; Crowl, *Maryland During and After Revolution*, p. 136.

6. William Tilghman to Tench Coxe, 6, 11 April 1788, Coxe Papers, Historical Society of Pennsylvania, Philadelphia, cited in Risjord, *Chesapeake Politics*, p. 284.

7. James Haw, "Politics in Revolutionary Maryland, 1753-1788," (Ph.D. diss., University of Virginia, 1972), pp. 364-65; Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781-1788* (Chapel Hill: University of North Carolina Press, 1961).

8. Risjord, *Chesapeake Politics*, pp. 281, 287-88.

9. *Maryland Journal*, 4, 15, 18 April 1788.

10. *Ibid.*, 15 April 1788.

11. *Ibid.*, 18 April 1788.

12. Daniel Carroll to James Madison, 28 May 1788, *Documentary History of the Constitution of the United States of America* (5 vols.; Washington, D. C.: Department of State, 1905), 4:636-42.

13. Crowl, *Maryland During and After Revolution*, pp. 144-49.

14. Alexander Contee Hanson, ms. address "To the People of Maryland," *Documentary History*, 4:650–51; William Paca et al., *To the People of Maryland* (N.p.: n.p., 1788).

15. Hanson, "To the People," *Documentary History*, 4:652.

16. Paca et al., *To the People*. This pamphlet gives the vote for adjournment as 47–27 but lists only twenty-six delegates as opposed. See also Gregory A. Stiverson, "Maryland's Antifederalists and the Perfection of the U.S. Constitution," paper delivered at the conference "Unus ex Multis, Chestertown, Md., June 1986.

17. Risjord, *Chesapeake Politics*, p. 293.

18. For a full discussion of Chase's career, see James Haw, Francis F. Beirne, Rosamond R. Beirne, and R. Samuel Jett, *Stormy Patriot: The Life of Samuel Chase* (Baltimore: Maryland Historical Society, 1980), upon which this discussion is based.

19. James Haw, "Samuel Chase's 'Objections to the Federal Government,'" *Maryland Historical Magazine*, 76 (1981): 274; *Maryland Journal*, 28 September 1787.

20. Samuel Chase to John Lamb, 13 June 1788, Isaac Q. Leake, *Memoir of the Life and Times of General John Lamb* (Albany, N. Y.: Joel Munsell, 1850), pp. 310–11.

21. Haw, "Chase's 'Objections,'" p. 275; brackets are in original.

22. *Ibid.*, pp. 274–76.

23. *Ibid.*, p. 280.

24. *Ibid.*, pp. 277–79.

25. *Ibid.*, pp. 274, 280–82.

26. Chase and Dorsey, statement of account, 19 November 1789, Samuel Chase Papers, Duke University Library.

27. John Ridout to Horatio Sharpe, 28 June 1786, Ridout Papers, Maryland State Archives; statement of John Eager Howard, 22 July 1811, Chase Papers, Ms. 1235, Maryland Historical Society.

28. *Maryland Journal* 14, 25, 28 September 12 and 16 October 1787.

29. Haw et al., *Stormy Patriot*, pp. 134–43; Crowl, *Maryland During and After Revolution*, pp. 133–34.

30. Samuel Chase, *To the Voters of Baltimore-Town*, [October 1788], broadside, Maryland Historical Society; Chase to Lamb, 13 June 1788, Leake, *Memoir of Lamb*, pp. 310–11.

31. Paca et al., *To the People*; see n. 16 above.

Federalism in Baltimore

GARY L. BROWNE

America's experiment with a republican form of government began to falter during the Revolution and worsened immediately after. In Baltimore federalism itself (meaning a belief that the former American colonies should form a viable federation of states) was in ferment, and by the late 1780s differences over semantics had distilled into separate ways of federalist life. Sensing something more was needed for the success of their experiment, proponents of a new federalism championed the Constitution that emerged from the Philadelphia Convention of 1787 and thus challenged the word's conventional meaning. Audaciously calling themselves "federalists" and everyone else "anti's," they announced their willingness to carry the republican experiment even further. They became the radicals of the 1780s.

Among Baltimoreans, conventional understanding of federalism was probably best summarized by Luther Martin, the man of "an unfortunate habit" who in 1787 was attorney general of Maryland. Living in Baltimore from 1778 to 1823, he was one of Maryland's delegates to the Philadelphia Convention—and a bitter foe of the Constitution:

the *Thirteen States* are *thirteen distinct political individual existences*, as to each other; that the *federal government* is, or *ought to be* a government over these *thirteen political individual existences*, which form the members of that government. . . .

Believing that states were the constituency of the federal government, traditional federalists also believed that individuals were, in turn, the constituents of the states:

A *federal government* is formed by the *States*, as *States*, that is, in their *sovereign capacities*. . . . it is the *State governments* which are to watch over and protect the *rights* of the *individual* whether *rich* or *poor*, or of *moderate circumstances*, and in which the *democratic* and *aristocratic influence* as principles are to be so *blended, modified, and checked* as to prevent *oppression* and *injury*; that the federal government is to guard and protect the *States* and their *rights*, and to regulate *their common concerns*. . . .¹

But the new, radical federalists—men like Alexander Hamilton and James Madison—redefined the term to fit their proposed Constitution. In a classic rhetorical maneuver, they embraced their opponent's position and went beyond it. Hamilton specifically answered Martin by emphasizing the confederate nature of the union and de-emphasizing the consolidation of states. Distinguishing republicanism from democracy (through the former's delegated authority), Madison like-

Professor Browne, author of *Baltimore in the Nation, 1789–1861* (North Carolina, 1980), has begun a study of James Madison.

wise denied the national character of the federal government; it would not destroy state sovereignty.²

These are important distinctions, first because Baltimoreans during this period—from the Revolution to 1800—identified more with American developments than Maryland ones and, second, because the new federalists who in 1787–89 supported the Constitution out of principle found themselves in the 1790s divided over its application. Madison assembled forces that became known as Republicans in opposition to Hamilton's increasingly national Federalist party. Such is the conventional view; but we must remember that Madison's Republican party was yet another manifestation of the new federalism and certainly not like Luther Martin's federalism. Baltimore decided to follow Madison and thus became the first important urban constituency for the Republican party. This development naturally helped persuade the Federalist-dominated state legislature in the winter of 1796–97 to incorporate the city in an effort to contain the political "virus."

Baltimore's republicanism (the ideology of the Jefferson-Madison party) therefore took root in its own reality. With regard to trade between Europe, the West Indies and North America, the city was virtually a little Philadelphia. Indeed, merchant Samuel Smith—whose firm of Smith & Buchanan in the 1790s was reportedly the largest American shipping firm—advertised Baltimore as "Philadelphia plus tobacco." The city's population almost tripled from the eve of the Revolution to 1790 and then doubled in the nineties. No other seaport in America experienced such expansive—and explosive—growth. How curious then, that republicanism appeared as a political explosion knocking Baltimore off its feet and catching its leadership off-guard.³

Why did it? The facile answer would be that political changes can lag behind socio-economic ones; yet there are two deeper reasons. First, the political faction that had dominated the town during and immediately after the Revolution opposed the new Constitution. This triumvirate combined Captain Charles Ridgely's social and economic clout, Luther Martin's legal abilities, and Samuel Chase's political theatrics. Captain Ridgely was frankly acknowledged as the political "boss" of Baltimore County. He was fifty-four years old in 1787, of average height, overweight, and overbearing; he also was ill-educated—surprising given the fact that his father was a well-to-do planter, iron mine owner, merchant, and legislator. He inherited much of his father's estate, including the fine Hampton mansion north of Baltimore City, and improved on it. Horse racing, boxing, and wrestling were his passions, and he was famous at the Baltimore County fairs as the man wearing a ribbon around his knee, indicating an open challenge to fight. Married in 1760 to Rebecca of the "Belmont" Dorseys in Anne Arundel County, his wife became a "Born again" (her phrase) Methodist in 1774. Although Charles and Rebecca were childless, the children of Charles's nephews and family political supporters—John Sterett, Lyde and William Goodwin—frequently used "Ridgely" as their middle name.⁴

When he died in 1790, the Captain was land rich and cash poor. He owned 24,000 acres, including many lots in Fells Point, but he owned about £6,241. When constitutional ratification was at issue, he was one of the three most notorious debtors in Maryland. The other two were Samuel Chase, owing about £6,367, and William Paca, in debt £2,115. That Ridgely and Chase led the paper



FIGURE 1. Charles Ridgely of Hampton. (Goodman & Piggot engraving, from painting by John Wesley Jarvis, n.d. Maryland Historical Society. Photo: Jeff Goldman.)

money or pro-debtor faction in Maryland's House of Delegates is a fact; that they did so because it was in their interest to retain Maryland's power over emitting bills of credit and not to give that power to the proposed new federal government is a suspicion.

The Captain's career in that House of Delegates throughout the 1780s combined inflation and *laissez faire* government with a startling consistency. He voted to reduce the number of government officers and to reduce the fees and salaries of those who remained; he opposed internal improvements, higher education, and higher taxes.

The new federalists wasted no time in opposing the incumbents. They argued for Baltimoreans to see themselves as townsmen, residents of a commercial and urban depot, to free themselves from agriculturalists who were the brakemen on their line of progress.

This appeal touched a sore point and was the second reason for the coming political explosion: Baltimore's socioeconomic power had, indeed, far outstripped its two-legged legal status. First, it was founded in 1729 as a collection point for agricultural commodities and taxes and evolved as a depot for trade. Second, the town became the site for the administration of Baltimore County when in 1768 the offices and courts were moved there from Joppa Town. About seven years before the Revolution Baltimore Town became a legal and administrative center as well as a depot for trade. Then, in those seven years, Baltimore became the leading port on the Chesapeake, surpassing Annapolis and engrossing the trade of all the others.⁵

The Revolution provided a different and even greater impetus to Baltimore's growth. American and French war contracts, privateering, and General Nathaniel Greene's use of the town as the staging area for his Southern army swelled Baltimore's population and introduced socioeconomic specialization and interdependence on an unprecedented scale. Most important to the new federalists, the Revolution gave birth to a manufacturing base, and the Continental Congress Marine Committee's location there gave it a national and international importance. Entrepreneurs who had been dribbling into Baltimore now poured into the town, including Samuel Chase in 1786. But those merchants (the Buchanans, Calhouns, Hollingsworths, McHenry's, Olivers, Purviances, George Salmon and the Smiths, for example) and the new manufacturers and workingmen who wanted to incorporate and direct the destiny of their town found the county-court-house clique in league with the agricultural interests of Maryland and opposed to their interests. When in September 1787 the terms of the constitution became known, new federalists knew they would reap a bountiful harvest.

Baltimore supported the new order overwhelmingly because it promised to stimulate the fortunes of the town, as is well known, but three episodes were important for later developments. First was the Baltimore election on 3 October 1787, when, as the town voted for two representatives to Maryland's House of Delegates, the Constitution for the first time became a political issue. Samuel Chase easily won in that election, but only after stating at a rally on the courthouse steps: "I have not formed my Opinion, whether the Plan proposed ought to be accepted as it stands, without any Amendment or Alteration." Chase was the candidate of the Ridgely faction and both equivocated.⁶

Second was the special election for delegates to the state ratification convention held on 7, 8, and 9 April 1788, when the question was whether to adopt the Constitution with or without amendments. Chase stood for Anne Arundel County in this election, but two of his and the Captain's confederates, David McMechen and Samuel Sterett, ran on a ticket demanding that the Constitution be adopted only with amendments. They were defeated overwhelmingly.

The last episode was the House of Delegates election of 6, 7, and 8 October 1788. Running for reelection, Chase employed every trick in his book of rhetoric: rich against poor, Irish against English, employed against employers. But he lost. And thus, in the course of one year—from the fall of 1787 to the fall of 1788—Baltimore demonstrated for federalism consistently and overwhelmingly.

But the traditional political model of "rational decision-making" does not answer why they lost and the new federalists won. Indeed, Baltimore's elections during the late eighteenth century were anything but rational, peaceful, or deliberate. In the

above three elections, for example, roaming mobs assaulted potential voters, violently captured polling stations from the election officials, suspended the law requiring a £30 property qualification for voting, and ignored its one-year residency requirement. The point is that the new federalists were even more adept at mob rule than the Ridgely-Chase-Martin triumvirate.⁷

Baltimore's new federalists were led by Dr. James McHenry. His family were Scots-Irish Presbyterians who immigrated from Ballymena, County Antrim, Ireland in 1771 when James was about twenty years old. His father was one of the town's patriot merchants during the Revolution; older brother John took over the firm in 1782 when their father died, as did James in 1790 when John died. James studied medicine under Benjamin Rush in 1774–75 and then joined General Washington's camp at Cambridge, Massachusetts, where he served as a surgeon with the American hospital. He then served in various medical and attaché capacities throughout the remainder of the war (at one point he was secretary to General



FIGURE 2. James McHenry. (Wood engraving, n.d. Maryland Historical Society. Photo: Jeff Goldman.)

Washington) and was present at the Battle of Yorktown. He was personally acquainted with both Alexander Hamilton and General Lafayette, after whom he named his estate, Fayetteville.⁸

After Yorktown, he returned to Baltimore where he practiced politics, business and doctoring in that order. An original member of the Society of the Cincinnati and a member of the American Philosophical Society, he was also a Mason. He served in the Continental Congress with Hamilton and James Madison from 1783 to 1785, was at the Philadelphia Convention the following year, and was a "signer" of the new Constitution. From the very beginning, then, McHenry was an insider among the new federalists and just about the antithesis of that other Baltimorean at the convention, Luther Martin.⁹

McHenry spoke for the new federalism in Baltimore through his militia connections, his residency at Fells Point, his playing up his occupation as a physician rather than a merchant, and his support of a protective tariff for the town's manufacturers. This last was a touchstone of the new federalism that sharply defined it from the old view of the Ridgely faction. The new federalism embraced economic nationalism by giving the federal government sole jurisdiction over interstate and international trade. It was McHenry who in the summer session of the Continental Congress in 1785 wrote the second of two proposals to do just that. Neither one carried, of course; but McHenry never forgot that commercial and political weakness went hand-in-glove among nations.

Like other Baltimoreans, McHenry had observed the enormous growth of manufacturing and mechanics during and immediately after the Revolution. Unlike many of the others, however, he realized their political potential. After his return to Baltimore in December 1785, he supported the new federalism and economic nationalism. McHenry ran in the fall election of 1786 for the House of Delegates and lost. Then followed his participation in the convention at Philadelphia and his linking the interests of Baltimore's merchants with those of the town's manufacturers/mechanics and the general citizenry, chiefly through the militia. The new movement was irresistible because it offered a political adjustment to the community's new social and economic reality as well as a true alignment of local and national interests.

Once the Constitution was ratified and the new government begun, federalism presented a united front in the town's support of the new constitutional order. Its mechanics lost no time in submitting the first petition to the new government praying for tariff protection, while others boomed the town as the site for the permanent capital of the new nation. Indeed, so noisy did Baltimore nationalism become that other Marylanders, perhaps fearful of being forgotten, decided in dividing the state for federal elections to confine it to the fifth congressional district.

How, then, did Baltimore's identity with nationalism become known as Republicanism? Conventional wisdom has the federalists coming into power in 1789 and many of them following President Washington into the Federalist party while a minority became oppositionists. Republicans resembled more and more the old antifederalists. How could this be?

The answer lay in the failure of Federalism with its capital F. Federalist policies increasingly addressed a static, pre-French-Revolutionary order that no longer seemed germane to Baltimore life. Baltimore's growth and on-going socioeconomic

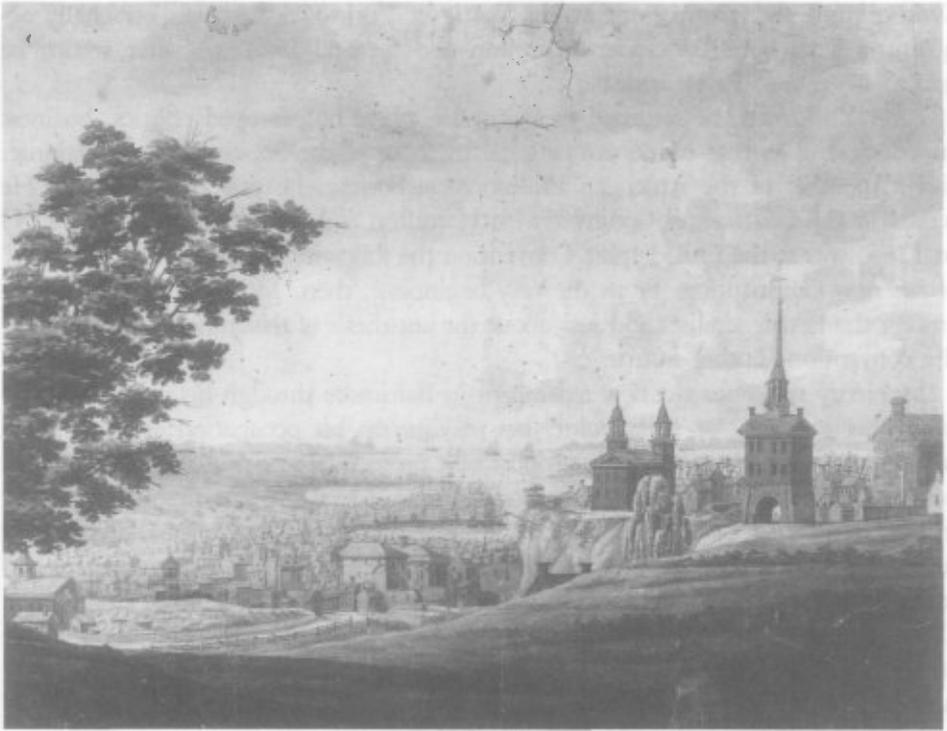


FIGURE 3. *View of Baltimore, 1798–1802.* (Francis Guy watercolor. Maryland Historical Society.)

specialization and interdependence demanded political adjustments that Federalists seemed increasingly unwilling to make.

The most important of these changes occurred among the mechanics and workmen of the town. After 1789 their organizations proliferated (earlier only one—the Association of Tradesmen and Manufacturers—had existed). No less than five occupational associations appeared during the 1790s, and a sixth one was created to coordinate them. A tremendous immigration, both foreign and domestic, introduced labor problems on an unprecedented scale, and foreign goods flooded the market. The Federalist tariff of 1789 supplied not protection but “revenue only,” and Federalists refused to make it a truly protective one. Baltimore-made goods confronted foreign competition throughout the nineties, and if it had not been for the Napoleonic wars that disrupted competitors, the town’s manufacturers would have suffered an unknown fate. Republicans passed the first avowedly protective tariff in 1816.¹⁰

Thus, 1789 federalism, which offered freedom and independence to workingmen in the high-cost, domestic market against lower-priced, foreign-made goods, turned into support for fixed prices and controlled markets through organizational activity. Increasingly, this brand of federalism—we have learned to spell it with a capital F—looked backwards to the medieval guild system controlled by the master craftsmen and the concept of a just price. Static values, social rigidity, and control became important to these Federalists. And they were easy to identify, for the higher they rose in status the more fixed, rigid, and haughty they appeared—

men like master tailor John McCannon or merchant John O'Donnell. As these Federalists waxed, they abandoned their city and its dynamism to those other federalists who called themselves Republicans.

NOTES

1. Luther Martin, "The Genuine Information, Delivered to the Legislature of the State of Maryland on November 29, 1787. Relative to the Proceedings of the General Convention, Held at Philadelphia, in 1787, by LUTHER MARTIN, Esquire, Attorney General of Maryland and One of the Delegates in the Said Convention," in Max Farrand, ed., *The Records of the Federal Convention of 1787* (rev. ed. 4 vols; New Haven: Yale University Press, 1966), 3:180, 185, 192, 196.

2. Clinton Rossiter, ed., *The Federalist Papers*, (New York: New American Library, 1961). In addition to the paper numbers in the text, see 15, 80, 81, and 82.

3. Gary Lawson Browne, *Baltimore in the Nation, 1789-1861* (Chapel Hill: University of North Carolina Press, 1980), pp. 3-13.

4. The information for this description of Ridgely comes from the Ridgely Papers at the Maryland Historical Society and the Hampton Mansion.

5. Browne, *Baltimore*, pp. 3-13.

6. Following these elections in the newspapers is quite interesting; see the Annapolis *Maryland Gazette*, 18 September 1787, 15, 18, 22 April, 22 August, 5, 17, 30 September, 3, 10, 24 October, 11, 28 November 1788, and the Baltimore *Maryland Journal*, 14, 21, 25, 28 September, 5, October 1787, 11 April, 2, 6 May, 5, 9 September, 4 October, 11 November 1788.

7. See *Maryland Gazette* for 10, 24 October, 11, 28 November 1788.

8. Lewis Steiner, *Life and Correspondence of James McHenry* (Baltimore: Johns Hopkins Press, 1907) is the handiest source to use although it does not contain McHenry's papers located at the William Clement Library of the University of Michigan.

9. No one, to my knowledge, has commented on McHenry's role here; see the two letters of James Monroe to James Madison and Thomas Jefferson, both dated 14 August 1785, in Edmund C. Burnett, ed., *Letters of Members of the Continental Congress* (8 vols.; Washington, D.C.: Carnegie Institution of Washington, 1938), 8:184-187.

10. Charles G. Steffen, *The Mechanics of Baltimore: Workers and Politics in the Age of the Revolution, 1763-1812* (Urbana: University of Illinois Press, 1984), has the information about the labor organizations; I am working on a history of the American tariff system.

An Afterword: With What Dose of Liberty?

Maryland's Role in the Movement for a Bill of Rights

EDWARD C. PAPENFUSE

The sharing of power is not easy. King John discovered this at Runnymede in 1215, when he was compelled to sign *Magna Carta*. George Washington confronted it in 1788 when, as the respected chairman of the Philadelphia Convention, he defended the Constitution in his home state of Virginia against a rising tide of pro-amendment sentiment. In the end Washington had to concede that a "bill of rights" reserving certain "unalienable rights" to the people and to the states would be added to the Constitution. Unlike King John, Washington coped well with defeat, proving by any measure a successful first executive under the amended Constitution. Even the opponents of his policies praised his devotion to the experiment in republican government at the national level. Several years after his death and in the midst of a second war with Great Britain, Thomas Jefferson remembered that Washington "often declared to me that he considered our new Constitution as an experiment on the practicability of republican government, and with what dose of liberty man could be trusted for his own good."¹

Today, when most Americans think of the Constitution, they think of the rights and privileges it protects. Yet freedom of speech, freedom to worship as we please, freedom to assemble peaceably for whatever purpose, were not a part of the document signed on 17 September 1787. Indeed it took an additional four years of debate and political maneuvering before any amendments to the Constitution would be adopted.



In the summer of 1787 thirteen loosely affiliated sovereign states set out to bind themselves more closely together into a nation. It was a remarkable exercise in defining the nature and limits of political power. Nowhere else in the world had so many people attempted to speak with one voice about how they ought to be governed. Rather than a bold new venture, it was the culmination of a process underway in America since the founding of the colonies. Over a period of one hundred and fifty years, each colony experimented with a form of representative government calculated to challenge the executive power of the king as vested in the

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governor. Maryland, for example, began in 1635 with a General Assembly composed of "all the free-men of the province," which immediately disputed the virtually autonomous executive power conferred by the Charter on Lord Baltimore. In 1776 seventy-eight men chosen by the freemen of the province "above twenty-one years of age, being freeholders of not less than fifty acres of land or having visible property . . . to the value of £40 sterling at the least," would write a constitution for the state in which "All freemen having property in this State above the value of thirty pounds current money, and having resided in the county in which they offer to vote one whole year next preceding the election," elected a General Assembly that chose a governor by secret joint ballot.²

What was new in 1776 was the universal desire to write down on paper in a constitution just how state governments should be organized and to explain in some detail what that government could and could not do. With a few exceptions, all the state conventions began by drafting a "declaration" or "bill" of rights. Virginia was first, and with the help of George Mason's inspired pen, produced a model containing sixteen articles for the other states to follow. Maryland obliged later that same fall with a Declaration of Rights almost three times as long as Virginia's and the longest any state would attempt.³

In Maryland the movement for a written declaration of rights (and responsibilities) of the governed began in earnest in the weeks preceding the call for a constitutional convention. On the day that Virginia adopted its Constitution (27 June 1776), a small band of discontented citizens of Anne Arundel County issued a twenty-two point manifesto calling for a new "Form of Government." "The right to legislate is in every member of the community," the statement read, "even if, for the sake of convenience the exercise of such right must be delegated to certain persons, to be chosen by the people. 'When this choice is free, it is the peoples fault if they are not happy.'" "It is essential to liberty," further argued the Anne Arundel Committee, "that the legislative, judicial and executive powers of government be separate from the each other; for where they are united in the same person or a number of persons there would be wanting that mutual check which is the principal security against . . . arbitrary laws, and a wanton exercise of power in the execution of them."⁴

Some of those already in power, such as Charles Carroll of Carrollton, were uncomfortable with the Anne Arundel Committee and the concerns it raised. Carroll called their leaders levelers and spoke disparagingly of them as emanating from a democratic element. Yet the convention that summer adopted the majority of their proposals and much of their language into a Declaration of Rights and Form of Government that was implemented without dissent the following February.⁵

Ten years later the experiments in balanced republican government at the state level were working reasonably well. Even Massachusetts, which had to contend with an armed taxpayers' revolt in the fall of 1786, managed effectively to quell the riots by the time of the Philadelphia Convention.⁶ At the national level, however, the states were not nearly as successful in the exercise of shared power as many in Congress and outside would have liked. With regard to the administration of the vast territory ceded to it under the terms of the treaty ending the war for independence, the states did manage to agree on an ordinance for the creation and admin-

istration of new states which was exceptional in its vision for the future and in the democratic nature of its provisions. They included specific language quaranteeing freedom of worship, right of trial by jury, public support of education, and the prohibition of slavery (save in the punishment of crimes). In all other matters, however, the government of the states under the Articles of Confederation was inept and unable to cope with a whole range of federal and diplomatic issues, including the regulation of trade and the protection of American interests abroad. This is confirmed over and over again by a close examination of the proceedings of Congress. Not even congressmen took Congress seriously. A good example is the Annapolis experience of the winter and spring of 1783-1784, as described by Thomas Jefferson:

Congress had now become a very small body, and the members very remiss in their attendance on its duties, insomuch, that a majority of the States, necessary by the Confederation to constitute a House even for minor business, did not assemble until the 13th of December [1783]. . . . Our body was little numerous, but very contentious. Day after day was wasted on the most unimportant question. A member, one of those afflicted with the morbid rage of debate, of an ardent mind, prompt imagination, and copious flow of words, who heard with impatience any logic which was not his own, sitting near me on some occasion of a trifling but wordy debate, asked me how I could sit in silence, hearing so much false reasoning, which a word should refute? I observed to him, that to refute indeed was easy, but to silence was impossible.⁷

It was left to the states to resolve their own interstate problems. Maryland and Virginia signed the first and precedent-setting interstate compact. It was mutually binding and suggested to a small band of "nationalists" that at least in matters of commerce, it might be possible to strengthen the role of the central government without too much difficulty. Maryland suggested to Virginia that there should be a regional conference on commerce. Virginia, as it did with most national issues, interpreted the request broadly and countered with a proposal for a convention in Annapolis. The results were disappointing to all concerned. Attendance was embarrassing, but the time spent waiting for delegates who never came was used to develop a strategy for promoting the idea of a more broadly defined convention the following year in Philadelphia. By cleverly setting a time and place, issuing a vaguely worded call that alluded to the "exigencies of the union," and humbly soliciting the support of Congress, the executive and legislative branches of each state and the public through an effective use of planted newspaper stories, the Annapolis delegates succeeded beyond even their own expectations.⁸

The debate among scholars will never cease over the precise reasons why a constitutional convention convened in Philadelphia in the summer of 1787. Those who believe that the country could have survived and prospered in the context of a loose confederation of sovereign states will never be dissuaded by the arguments of those who feel that "a more perfect union" was the only way to avoid economic and political disasters of the greatest magnitude. But whatever the justifications there may have been for writing a new constitution, far more important is the debate that the document itself engendered from the moment of its first public printing.

As with most things, George Washington understated the significance of 17

September 1787, when he referred to the "momentous work" signed that day in Philadelphia.⁹ Without a doubt the Constitution deserves our praise as a noble document that has survived the test of time better than any similar effort in the history of the world. It was not perfect, however—as signers like James McHenry and Benjamin Franklin were quick to point out—and it failed in one singular regard to meet the expectations of those who were expected to approve it. It lacked any statement or declaration of rights reserved to the states and the people, something that could be found in almost all of the state constitutions adopted over the previous decade.

Indeed, in Maryland, 17 September has a special meaning in light of the controversy over the lack of a bill of rights in the Constitution. On 17 September 1776, the convention that produced the first written constitution for the state of Maryland adopted a motion that took the proposed declaration of rights and state constitution to the people several weeks *before* its final passage on 8 November 1776. The words of the motion adopted by the Maryland convention on 17 September 1776 are particularly significant considering what happened eleven years later. "Establishing a bill of rights and the formation of a new government on the authority of the people only," read the resolution, "are matters of the utmost importance to the good people of this state and their posterity." The convention resolved that "the said bill of rights and form of government be immediately printed for the consideration of the people at large, and that twelve copies thereof be sent without delay to each county of this state."¹⁰



No one will ever fully understand why the Philadelphia Convention of 1787 refused to consider a bill of rights for the federal Constitution or, for that matter, declined to make its proceedings readily available for consultation before or long after 17 September 1787. Perhaps, as Pennsylvania delegate James Wilson suggested, the drafters took for granted that the constitutions of each of the states would provide any needed protection of individual and states' rights.¹¹ Whatever the reasons, the process of writing state constitutions should have been a warning signal, if not a model to follow.

Beginning in 1776, such "bills" or "declarations" of rights were considered an integral part of the constitution-making process in each state, and their adoption preceded discussions of the actual form and structure of state government. In addition, the states did not hesitate to draw on one another's work as they set about writing a form of government. Maryland was the sixth of the thirteen states to produce a constitution. The previous deliberations of Virginia and Pennsylvania proved most helpful. George Mason, who in 1787 opposed the federal Constitution because it lacked a bill of rights, drafted a Declaration of Rights and Constitution for Virginia which was adopted with little dissent in June 1776.¹² Pennsylvania completed its work in September 1776. Maryland turned to both, but went beyond both. To the sixteen articles found in the declarations of rights of Virginia and Pennsylvania, Maryland added twenty-six for a total of forty-two.

The federal Constitution as drafted at Philadelphia was, at the least, "a momentous work," yet, the omission of a bill of rights was a serious oversight of the

Founding Fathers that caused considerable debate and took four years to rectify. Whatever their reasons, an overwhelming majority of delegates assumed on that "clear & quite cool" September 17th two hundred years ago that the parchment they signed would stand by itself without need of amendment.¹³ As thirty-eight delegates formally signed the parchment document before them (George Read signed for absent John Dickinson, making the total number of signatures thirty-nine), George Mason, Edmund Randolph, and Elbridge Gerry stood apart in opposition. Others, such as Maryland delegates John Francis Mercer and Luther Martin already had gone home, unhappy with the way matters were progressing.¹⁴ The signers would soon find that it was indeed they who stood apart from the rest of the country.

The public first learned of the proposed Constitution on 19 September when it was printed in a Philadelphia newspaper. Other printings appeared shortly thereafter. The Baltimore *Maryland Gazette and General Advertiser* printed the Constitution as a broadside on 22 September, and all Maryland newspapers soon followed with full printings in their regular issues. The wide distribution of the text of the proposed document provoked a storm of protest, the first truly national debate over constitutional issues. It was a debate that the Founding Fathers lost on the question of the need for amendments but that produced a vast number of newspaper articles on the merits of the Constitution. The debate for the first time focused the attention of the country as a whole on the argument between those who favored a strong federal government and those who felt that a loose confederation of strong states was sufficient.

Whether it would have been better to have followed the Maryland example of 17 September 1776 and submitted the proposed Constitution and a bill of rights to the people before their final adoption, is impossible to say. What is certain is that the Founding Fathers failed to sense the commitment of the country to the form and substance of the state constitutions that had been written and tested over the previous decade. The instinct of the Maryland delegates of 1776 proved sounder than that of the majority in Philadelphia in 1787. In celebrating the triumph of 17 September 1787, it is important to recognize that the "Miracle at Philadelphia" was brilliant but flawed and that it took months of prolonged debate before a lesson learned in 1776 could be taught anew to those who had forgotten or chose to ignore it in 1787.

In examining the debate over the adoption of the Constitution and its amendment by a bill of rights, it is important to distinguish between unqualified opposition to any constitution and the effort further to define the rights and privileges encompassed by the product of the Philadelphia Convention. In Maryland and probably elsewhere most concern over the Constitution centered on the absence of a bill of rights and not on the need for "a more perfect union." Indeed the 12 percent or so of the state's population that had a choice in the matter were generally apathetic and content to accept the recommendations of the Philadelphia Convention.¹⁵ This does not mean that they would not also support amendments if they were proposed and their purpose explained.

Initially the explanations of those unhappy with the Constitution proved ill-defined and poorly articulated. In Pennsylvania and Massachusetts vocal minorities

protested that a declaration or bill of rights was needed, but until a ratification convention was called in Maryland there was nothing like a substantive agenda for the electorate to react to or act upon. Even then the "Amending Fathers" were slow to coordinate their efforts and to launch an effective campaign. For example, when "two gentlemen" of Washington County tried "to stir up the minds of the common people against the new constitution," a meeting was called in Hagerstown to discuss in detail the provisions of the document. That meeting in turn called for another to counter the "scurrilous language" about the Constitution then appearing in the *Carlisle* [Pennsylvania] *Gazette*, which one irate reader argued was "calculated to inflame and irritate the minds of the contending parties, and run them to desperation, instead of harmony and amenity." The second meeting was held on 1 March, a month and a half before the Maryland ratifying convention would meet in Annapolis. It proved even more supportive of the Constitution than the first. As reported in the *Carlisle Gazette*, "the people of this country (considering the shortness of the time) had a pretty general notice of the meeting, and accordingly assembled, at the court house, to a very considerable number."

At one o'clock the doors were open. Elijah Gaither was appointed to read and explain the Constitution in English, while Abraham Faw, a member of the House of Delegates from Frederick County, did likewise in German.

These gentlemen very coolly and ably read and explained the plan, section by section, and clause by clause, to the general satisfaction of all present, the chairman at intervals calling on the populace, if any among them had objections to any of the articles, sections, clauses, or provisions, to state them, in order that they might be answered, and the doubts cleared up, but contrary to my expectations, (knowing that some of the gentlemen were in the assembly, that heretofore had made such extraordinary exertions to prejudice the minds of the common people against the plan, by misrepresentations:) not one objection was offered, or a dissenting voice heard.

At that point most of the concrete concerns about the Constitution that had been aired in writing were confined to the minorities of Pennsylvania and Massachusetts and did not seem to convince the crowd. The *Gazette's* correspondent did concede that the federalists (among whom he counted himself) had been so zealous in their criticism of the Constitution's detractors that some were reluctant to speak out. He chastised his friends and closed with the hope that,

after some short time, we will all be unanimous in our opinions, and as soon as nine states shall ratify, (which I have no doubt but such ratification will take place before the first of July next, as it is allowed, there will be little or no opposition in the convention of this state) I hope we will be all unanimous in rejoicing on the joyful event, and burying all discord and animosity in oblivion, with the old articles of confederation.¹⁶



In part his hope was justified. Maryland did ratify the Constitution without amendment, but the small minority of delegates who favored amendment had an influence on the future course of events far greater than their numbers might

indicate. By 21 January 1790, the *Charleston* [South Carolina] *Morning Post & City Register* could report that the previous November the Maryland legislature

unanimously adopted the amendments to the Federal Constitution recommended by the Senate and House of Representatives of the United States. In one of the articles it is said, "That congress shall make no laws abridging the freedom of speech or of the press." If the supreme legislature of the union, can make no laws on the subject, the press is free indeed! and the state legislatures cannot interfere therein, much less can any of the county courts pretend to set bounds to that which, by the wise and constitutional declaration of a free people, is not under the control of their superiors.¹⁷

In Maryland the Amending Fathers finally developed a convincing platform, even if it came too late to change the minds of the electorate in more than a handful of counties before the Maryland ratifying convention. The proposals of the minority at the Maryland convention, as widely distributed in the newspapers and in a pamphlet printed that summer in Richmond, touched a responsive chord throughout the country, but especially in those states that had not yet ratified. Maryland was the catalyst and William Paca, who had served on the committee that drafted Maryland's Declaration of Rights in 1776, was the principle instigator, drawing his inspiration from the document he and six others had written eleven years before.

In this special issue of the *Maryland Historical Magazine*, Dr. Stiverson has ably documented the work of the minority at the Maryland ratifying convention. There were twelve men who pledged themselves to the amendment of the Constitution. They were led by William Paca, Samuel Chase, and Luther Martin. They represented three counties, Harford, Baltimore, and Anne Arundel, all of which were within one good day's riding by horseback from their existing bases of local political support. They were men of principle who proved to be more representative of the sentiments of the people generally than were the majority in either Philadelphia or Annapolis. Indeed, to join his friend William Paca, Samuel Chase sacrificed his political career in Baltimore Town.

William Paca offered twenty-two amendments to the Maryland convention, over half of which were taken verbatim from the 1776 Declaration of Rights. At first it seemed as if the minority might be able to convince the majority of convention delegates to entertain amendments, but the sentiments for unqualified ratification proved too strong. Paca joined the majority, explaining that:

As to the line of conduct which I shall now pursue, I thus publicly declare, that exceptionable as this government is, and liable to all these objections . . . I hope and trust, that its defects may be hereafter corrected.

After the decisive vote was taken (63 to 11 in favor of unqualified ratification), Paca then

laid upon the table a list of amendments, which [the *Pennsylvania Packet* reported] will be considered by the gentlemen, and those that approved of by them, in the capacity as citizens, not as members of convention, will be recommended by them to the legislature, who may, if they think proper, instruct the delegates to the first Federal Congress to press their adoption.¹⁸

In the end it was the report of the minority, as it appeared in the 6 May 1788 *Maryland Gazette and Baltimore Advertiser* and as a broadside, which proved the critical agenda for reform. It gave the nearly evenly divided Virginia convention a detailed list of amendments to discuss and debate in the context of the Declaration of Rights imbedded within its own state constitution. As Dr. Stiverson points out, at least a quarter of the amendments proposed by the Virginia ratifying convention were drawn from those introduced in Maryland. Indeed, third on Virginia's list was a provision based upon the fourth article of the 1776 Maryland Declaration of Rights—a provision unique among the state constitutions and with minor modification headed the list of amendments that William Paca first proposed to the Maryland convention:

That it be declared that all persons intrusted with the Legislative or Executive Powers of Government are the Trustees and Servants of the public, and as such accountable for their conduct. Wherefore whenever the ends of Government are perverted and public Liberty manifestly endangered and all other means of Redress are ineffectual, the people may, and of right ought . . . to reform the old or establish a new Government, the doctrine of non Resistance against arbitrary power and Oppression is absurd, slavish and destructive of the Good and Happiness of Mankind.¹⁹

In any government, determining who should share power and how it should be shared is fundamental to its survival. In 1776 the balancing of legislative, executive, and judicial power at the local level was begun in earnest with the writing of the state constitutions. At issue not only was the structure and form of government, but also the definition of who should choose those who govern.



In May 1776, on the eve of what Samuel Chase referred to as the “Decisive Blow” for independence, Thomas Stone (with Chase, a signer of the Declaration of Independence) wrote a long and thoughtful letter to the political leadership of Maryland:

The Vox Populi must in great measure influence your determination of the part to be taken by the Province [of Maryland with regard to the issue of Independence] You must . . . declare explicitly that you will go all Lengths with the majority of Congress or that you will not join in a War to be carried on for the purposes of Independency & new establishments, and will break the Union . . . either of which are dangerous extremes—But whatever is determined it will be wise and prudent to have the concurrence of the People.²⁰

Who the people are and how ought they be consulted is the crux of the American experiment in democracy. To date it has survived over two hundred years of sometimes violent debate. In large measure we owe that survival to the persistence of a small minority of dissenters. Two hundred years ago they insisted on arguing peaceably and ultimately in convincing detail for amendments that better defined the rights and responsibilities of the governed while reserving the privilege of further definition for future generations. To the Amending Fathers should go the

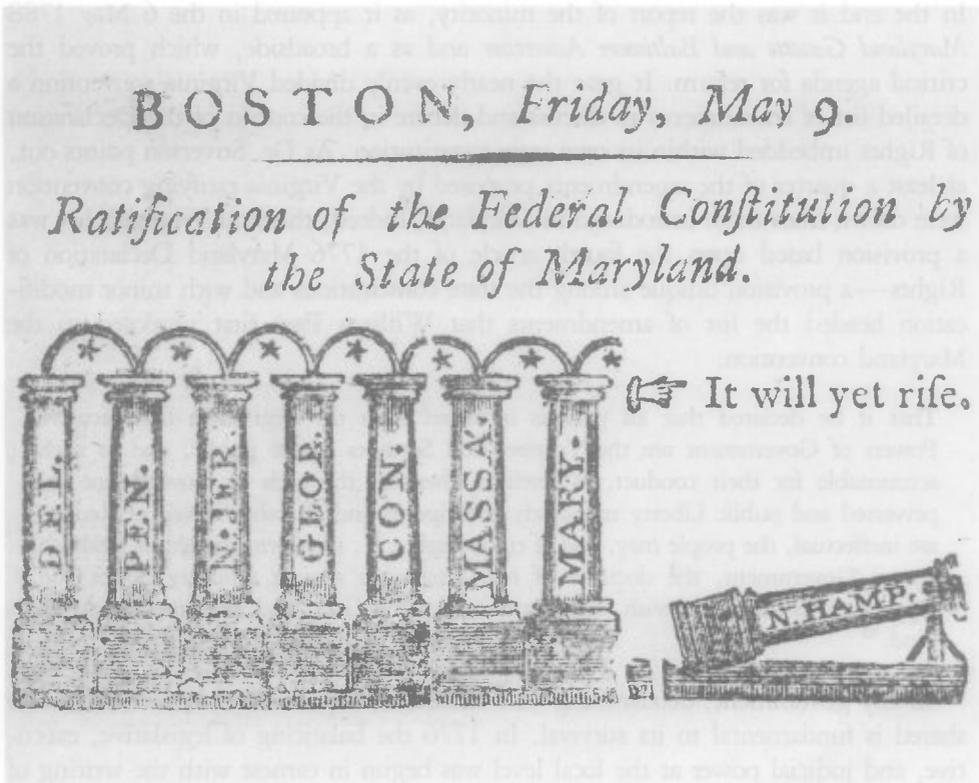


FIGURE 1. Cartoon showing Maryland as the seventh pillar, from the *Massachusetts Gazette*, 9 May 1788. (Photo: Chris Steele. Courtesy of the Massachusetts Historical Society.)

credit for demonstrating that the “dose of liberty” with which “man could be trusted for his own good,” was limited only by apathy and ignorance.

NOTES

1. A. E. Dick Howard, *The Road from Runnymede: Magna Carta and Constitutionalism in America* (Charlottesville: University Press of Virginia, 1968). Thomas Jefferson to Dr. Walter Jones, 2 January 1814, *The Writings of Thomas Jefferson*, collected and edited by Paul Leicester Ford (New York: G. P. Putnam's Sons, 1898), 9:450, reprinted in Herman S. Frey, *Thomas Jefferson's Description of George Washington* (Nashville, Tenn.: privately published, n.d.).

2. *The Charter of Maryland June 20, 1632*, with an introduction by Edward C. Papenfuse (Annapolis, Md.: Hall of Records Commission, 1982), p. 3. *The Decisive Blow is Struck: A facsimile edition of the Proceedings of the Constitutional Convention of 1776 and the First Maryland Constitution*, with an introduction by Edward C. Papenfuse and Gregory A. Stiverson (Annapolis, Md.: Hall of Records Commission, 1977), articles 2 and 25 of “The Constitution and Form of Government.” See also David W. Jordan, *Foundations of Representative Government in Maryland, 1632–1715* (Cambridge: Cambridge University Press, 1987).

3. Willi Paul Adams, *The First American Constitutions* (Chapel Hill: University of North Carolina Press, 1980).

4. Annapolis *Maryland Gazette*, 18 July 1776.
5. *Decisive Blow is Struck*, pp. 5 and 1 ff. For a brief discussion of the "troubled spring of 1776," see Peter Charles Hoffer, "Their Trustees and Servants': Eighteenth-Century Maryland Lawyers and the Constitutional Implications of Equity Precepts," *Maryland Historical Magazine* 82 (1987): 142–143.
6. There is no question that the success of Daniel Shays's rebellion in Massachusetts in 1786 temporarily raised the anxiety level of the existing political leadership in Maryland as elsewhere. But as Uriah Forrest, a member of the House of Delegates, observed to Thomas Jefferson, then in Paris, "the most trifling events have been magnified into monstrous outrages." Would, he wondered, the next generation, "credit us, that in the first twelve years of the independence of thirteen free powerful and separate states, only one rebellion happened." Jefferson's well-known response that "a little rebellion" was "a good thing," has helped to obscure the fact that by the time the debate over the adoption of the Constitution was begun in earnest, Shays's rebellion had been controlled locally and was largely ignored nationally. See Peter S. Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775–1787* (Philadelphia: University of Pennsylvania Press, 1983), p. 175.
7. Henry A. Washington, ed., *The Writings of Thomas Jefferson* (9 vols.; Washington, D.C.: Taylor & Maury, 1853–54), 1:52, 58.
8. See the *Report* of the Annapolis Convention signed by the chairman, John Dickinson, and reported in *The New-Jersey Gazette*, Monday, 2 October 1786. As one delegate, St. George Tucker, explained to fellow Virginian and member of Congress James Monroe: You have by this time [September 18], I conclude, seen the address to the states, as a copy was in the first instance transmitted to Congress. We have certainly exceeded our powers, in this address. But under such a concurrence of circumstances with unfavorable aspects, it was judged expedient, if possible, to prevent our enemies from receiving the same impression of the disjointed Counsels of the states, as we ourselves felt. If you view this matter in the same light that I do, you will concur with the Commissioners in opinion, that finding they had not power to do that which was entrusted to them, it was better to do something extraneous, then to let it be discovered that the plan of the Convention had altogether miscarried. Perhaps the veil under which this concealment is made is too thin to beguile even a common observer: it may be so; yet I can assure you not a little pains were taken to make it even of that consistency which it now appears to possess. If Congress should approve of the proposed Convention, perhaps the more ready concurrence therein on the part of all the states might be procured if that approbation were made known. Would publication of the Address, by Congress be proper? Would a recommendation to the states, conformable thereto, be consistent with the dignity of that body? Would either, or both of these measures, impress the United States with such a sense of the expediency, not to say necessity, of the proposed plan, as to induce them unanimously to adopt it? I wish you would consider this subject, & should you decide in the affirmative, act therein so as to bring it to effect (Tucker to Monroe, 18 September 1786, Monroe Papers, Library of Congress).
9. Washington's diary quoted by Charles F. Warren, *The Making of the Constitution* (Boston: Little, Brown, and Company, 1929), p. 720.
10. *The Decisive Blow is Struck*, p. 21.
11. See Wilson's views as indexed in *The Documentary History of the Ratification of the Constitution* (Madison: State Historical Society of Wisconsin, 1981), vol. 13, especially pp. 339–344.
12. 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.
13. For a suggestion that the Summer of 1787 was not unusually warm, see James H.

Hutson, ed., *Supplement to Max Farrand's The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1987), 325–337.

14. *The Records of the Federal Convention of 1787*, ed. by Max Farrand, (New Haven: Yale University Press, 1934), and James H. Charleton, Robert G. Ferris, and Mary C. Ryan, eds, *Framers of the Constitution* (Washington: National Archives and Records Administration, 1986), *passim*.

15. Thornton Anderson, "Maryland's Property Qualifications for Office: A Reinterpretation of the Constitutional Convention of 1776," *Maryland Historical Magazine*, 73 (1978): 327–339, and "Eighteenth-Century Suffrage: The Case of Maryland," *ibid.*, 76 (1981): 141–158.

16. *Carlisle* [Pennsylvania] *Gazette*, 27 February and 19 March 1788.

17. *Charleston* [South Carolina] *Morning Post & City Gazette*, 21 January 1790.

18. *Pennsylvania Packet*, 2 May 1788.

19. Draft in William Paca's hand, Maryland State Archives, Special Collection MdHR 1592. The minority report also appeared in the Annapolis *Maryland Gazette*, 1 May 1788. On 28 May Daniel Carroll wrote James Madison that he had "reason to conjecture you will find on yr. reaching Richmond, a considerable number of hand Bills circulating containing the address of our Minority" (William T. Hutchinson, et al., eds., *The Papers of James Madison* [16 vols. to date; Chicago: University of Chicago Press; Charlottesville: University Press of Virginia, 1962–], 11:62–63). The editors seem to miss the importance of the printed agenda in the accelerating movement for a bill of rights. Robert A. Rutland, *The Birth of the Bill of Rights, 1776–1791* (Chapel Hill: University of North Carolina Press, 1955), gives little attention or weight to the importance of the Maryland minority's agenda, emphasizing instead Jefferson's positive response to the amendments proposed in Massachusetts (pp. 148–49). The Massachusetts amendments were minor, technical, and few in number.

20. Thomas Stone letter quoted in Dorothy S. Eaton and Vincent L. Eaton, "The Dye is Cast . . .," *Library of Congress Quarterly*, 14 (1957): 183.

Research Notes & Maryland Miscellany

“Every Eye Sparkled, Every Heart Glowed . . .”

BETTY BANDEL

If Baltimoreans wish to pay tribute to the national Constitution on its two-hundredth birthday, they could hardly do better than to recreate the celebration their forebears staged five days after Maryland ratified the Constitution in 1788.

Mervin B. Whealy, in his essay on the Annapolis Convention of 1786, pointed out how large a part Maryland played in moving Congress and the states “off dead center” so the 1788 convention in Philadelphia could, in the end, create the national Constitution.¹ Dr. Whealy points out, however, that many Marylanders, especially of the planter class, were reluctant to strengthen the federal government. Baltimoreans, on the other hand, seem to have been federalists almost to a man. At least three thousand, out of a population of about thirteen thousand, turned out on 1 May for the “grand procession” that erupted “as soon as it was known in Town that the Constitution for the United States of America” had been ratified in Annapolis. So writes the *Maryland Journal and Baltimore Advertiser* on 9 May 1788, stating that the demand for its journal of “last Tuesday,” in which the story of the celebration was first told, had been so great that the issue had been exhausted. Therefore the whole story was being repeated in the 9 May issue for the benefit of those who could not get a copy of the earlier paper.

The *Journal* points out that Baltimore mechanics (skilled workers), merchants, and ship builders were united in believing that the Constitution would regulate duties, navigation, and credit in ways that would protect “the person and property” of every citizen. Mechanics were in the forefront of those desiring protection from foreign competition. In his study of *The Mechanics of Baltimore*, Charles G. Steffen showed that the units of craftsmen in the procession chose, as leaders for each “Order,” men who had been prominent in the emerging mechanics’ societies and in the attempt to protect workers’ rights.² Thus, David Shields, former president of the Mechanical Company, led the hatters; John McClelland, captain of the militia’s Mechanical Volunteers, led the blacksmiths; and John Gordon, formerly of the Whig Club, headed the saddlers’ unit. William Duncan, a former Son of Liberty, headed the coopers’ group; and three leaders of the Baltimore Association of Tradesmen and Manufacturers led units: David Stodder the ship carpenters, John Gray the hatters, and William Clemm the coppersmiths.

The *Journal* told the story of this “most interesting scene” down to the last jot and tittle, and much that follows in this essay is drawn from the *Journal’s* account.

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One gains an unrivaled picture of how people made their livings in the growing town, soon to be a city, that already housed Maryland's major commercial interests. Quite as interesting as the list of forty occupations represented in the procession is the pride displayed by each craft, trade, or business in its work. Apparently no effort was spared by each "Order" in attempting to illustrate both the uniqueness and the importance of its function. So elaborate were many of the displays that one questions the suggestion made by the *Journal* that the entire spectacle was prepared in five days.

Most elaborate of all displays must have been the ship *Federalist*, prepared by the pilots. Preceded by the pilots themselves, with Captain John Pitt sounding the channel with lead and line, and followed by sea captains and mariners, the ship, "completely officered and manned, rigged and sailed," was borne on a carriage drawn by horses. With Joshua Barney, Esq., as commander,³ and Mr. Cooper as first lieutenant, the ship "displayed the Flag of the United States, and was fully dressed. Being the Seventh Ship in the Line, and having weathered the most dangerous Cape in the Voyage, she lay to, under Seven Sails, during the Repast, on Federal Hill [that followed the parade], throwing out signals, and expecting the Arrival of the other Six." Doubtless the people who were not in the parade turned to each other and said, "We were the seventh state to ratify. They're six more to go. Get it?"⁴

Giving the usual pride of place to agriculture, those in charge placed a group of "respectable farmers," including the four federal candidates for Baltimore County, John Eager Howard among them, at the head of the procession. The line of march then hurried on to the crafts and trades that were the lifeblood of Baltimore town. Whether elaborate or simple, each display illustrated a craft's contribution to life, and the enthusiasm of its members for the emerging United States. Thus the bakers carried a flag displaying two men hand in hand, thirteen loaves, thirteen stars and stripes, the rising sun, a sheaf of wheat, and the motto, "May our Country never want Bread."

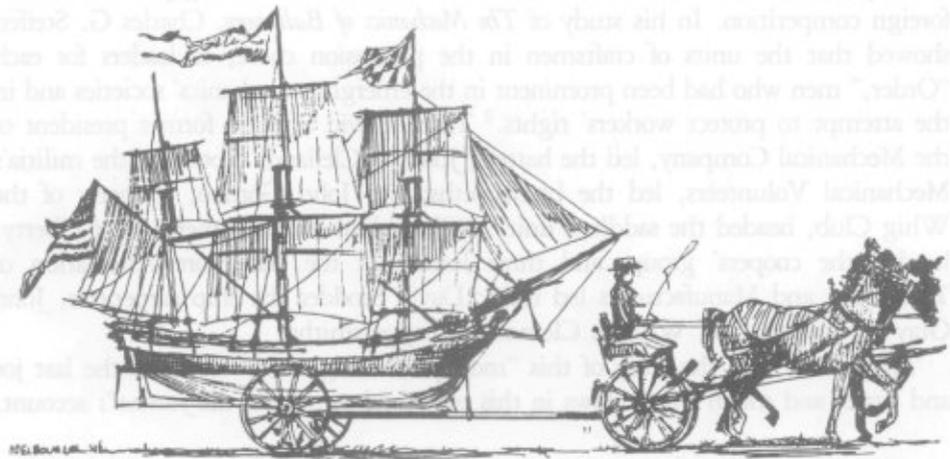


FIGURE 1. Drawing of the *Maryland Federalist* by its designer, Melbourne Smith. (Courtesy of the Maryland Federalist Foundation and the Maryland State Archives. MdHR G1863-98.)

The hatters, in black aprons, carried the implements of their trade, and displayed upon an obelisk furs and "elegant hats," with a beaver and fox appearing at the base. The mottoes read, "With the Industry of the Beaver, we will support the Federal Constitution," and "With the Eye of the Fox, we will watch and guard our Rights." The barbers presented figures of a goddess surrounded by the Sons of Freedom. While one figure offered the new Constitution, the goddess smiled approval. Their motto was, "May our Trade succeed, and the Union enrich us." Silversmiths and watchmakers, carrying a flag representing the articles of their manufacture, were equally forthright in announcing their economic bias: "No importation and we shall live." A beehive was pictured under the motto, with the added words, "It encouraged."

Many displays allowed men to exhibit the intricacies of their crafts. Sailmakers with their tools presented a portable sail loft and showed men at work. Ship chandlers displayed a half-hour glass, log reel and line, atlas, compass, scale and dividers, sea chart, tinderbox, lead line, log board, hand trumpet, and spy glass.

The ship carpenters went so far as to provide a shipyard, with one ship in the stocks, and thirteen men at work. There was the "draught" of a ship, complete and decorated, followed by carpenters with axes, adzes, etc.

The brass-founders, cutlers, plumbers, whitesmiths, and gunsmiths combined to present three large candlesticks, disposed in a triangular manner, supported by a column with thirteen stripes displayed, surrounded by jack, bell, andirons, fender, grate, shovel and tongs, rifles, gunlocks, etc. Similarly the tallow-chandlers displayed a frame bearing seven candles, a wedge of soap in the center, a flag with thirteen stripes and seven stars, and the motto, "Let your light so shine." A chandler was making candles.

Many displays spoke not only of the members' pride in their craft and in their country, but also of the long history that lay behind their endeavors. The printers presented a figure of Gutenberg, with compositors nearby showing American-made books, and "Mercuries" distributing copies of the new Constitution "*without Amendments.*"

Modern lacemakers may be surprised to learn that they share their emblem, the "Catherine wheel," with a thread craft of startling dimensions: The ropemakers displayed a spinning wheel with thirteen whirls, drawn by thirteen laborers. Thirteen workmen with hemp around their waists were "occupied." Overhead flew a large flag on which "Queen Catherine" was displayed. Doubtless the ropemakers were no more confused as to their patron than are today's lacemakers: she may be St. Catherine of Alexandria, tortured on the wheel that is her symbol; or Queen Catherine of Aragon, first wife of Henry the Eighth of England; or even Catherine de Medici, queen of Henry the Second of France. Whoever she is, the wheel is her trademark, and she is the patron of spinning wheels and of all the thread crafts.⁵

The shoemakers shared with Shakespeare's Henry the Fifth veneration for St. Crispin, the shoemaker saint.⁶ Their flag displayed "King Crispin" in his robes, with a boot in his hand. The coopers went back to antiquity for their image. Men in white aprons were shown working in a carriage drawn by horses, the carriage surmounted by a golden figure representing Bacchus. Their flag displayed thirteen stripes and seven stars. It may be that the vintners' display would have been displeasing to a later generation. They showed a bunch of grapes with a flag

bearing the motto, "We lead to joy, jollity, and real Independence. . . . Follow us to real Joy! . . . We alone dispense the Blessing."

The painters, glaziers, and manufacturers of glass went right to the top for their symbol. Michelangelo was portrayed with his pallet and pencil, "taking Sketches on a Piece of prepared Canvas," two boys attending him. With him in the carriage was "Peter Coeck" (Pieter de Hoogh?), with pallet, pencils, etc., painted on canvas. On the back of the carriage a paint-stone was fixed, with a painter grinding colours. The carriage was followed by painters with heraldry books, pallets, and "guilding cushions," all decorated, proper. The glaziers held a sash fixed on a staff, and glazed with thirteen panes. In the center pane was a portrait of General Washington. Glass trumpets and a figure of "Fame descending" completed this tour de force.

The blacksmiths and nailers also turned to antiquity for their patron and rose to poetry, of sorts, in honoring him. They presented a travelling forge drawn by horses, with journeymen and apprentices at work "in the different branches." Their mottoes read:

May ev'ry Federal Heart
Encourage Vulcan's Art
and
While Industry prevails,
We need no foreign nails.

Perhaps as ambitious as the pilots' creation of the ship *Federalist* was the presentation by the house carpenters. They displayed a "grand Tower" supported by "Seven Architects, with Thirteen Fronts, on which were suspended Tools emblematic of the respective States. . . . Thirteen Stories, Thirteen Pillars, Thirteen Arches, Thirteen Pediments, Thirteen Spires (with Flags displayed on Seven), and Thirteen Flutes." In the column was a battery of thirty-nine guns whose salvos were answered by the salutes of the "park of artillery" commanded by Major (later General) Samuel Smith. On the column were portrayed his Excellency General Washington—and Andrea Palladio.

All this magnificence was formed into a parade at nine in the morning at Philpot's Hill. The *Journal* states that in preparing the line of march "the different Orders were arranged promiscuously, Equality being the basis of the Constitution." When one recalls that farmers began the march, and reads that surgeons and physicians, the clergy, the sheriff of Baltimore County (Philip Graybell, Esq.), the bench and the bar, and members of the convention brought up the rear of the procession, one may be permitted to doubt the absolute promiscuity of the arrangements.

The procession moved to Fells Point, and then wound through the town "amidst the Acclamations of a prodigious Number of Spectators" until it came to Federal Hill. There a salute of seven guns announced the participants' arrival. The entire company was then seated at a "circular table of 3600 feet," with the devices of the various "Orders" displayed to the town and to shipping in the harbor. The "repast" consisted entirely of "Productions of this Country."

The dinner, presumably held at midday, ended with the drinking of thirteen toasts ("drank in the excellent Ale of Messrs. Peters and Company"). First among

the toasts were "the Majesty of the People," "the late Convention," and "Congress." Then followed "The Seven States which have adopted the Federal Constitution," and "A Speedy Ratification by the remaining Six, without Amendments." As always, George Washington was toasted, and so was "His Most Christian Majesty" (presumably of France). "The virtuous Sixty-three of the Maryland Convention" were toasted, while the eleven members who voted against ratification were not. The "worthy Minority of Massachusetts" was toasted, even though Massachusetts had ratified the constitution in February. Apparently Baltimoreans remembered how many in Massachusetts had at first opposed the proposed constitution.

After dinner the "several Classes of Citizens" returned to their "respective Stations," and spent the remainder of the day in a "Variety of rational and elevated Pleasures." In the evening a bonfire was lighted on Federal Hill, and an "allegoric transparent Painting, finely illuminated" was exhibited by "Mr. [Charles Willson] Peale, in front of the Court House." Mr. Starck's "superb building" was "handsomely illuminated," and in it the grand ball was held that concluded the festivities.

It will surprise no one to learn that the expenses of this affair ran to £600 "independently of what the different Orders expended in their preparations." The *Journal* apparently believed that the money was well spent. In its closing panegyric, the paper "had the happiness of adding, that every part of this variegated, pleasing and august Scene, was conducted with the most perfect Regularity, Order and Harmony. . . . Every Eye sparkled, every Heart glowed with Rapture, upon this brilliant Occasion."

NOTES

1. "The Revolution is not Over": The Annapolis Convention of 1786," *Maryland Historical Magazine* 81 (1986), 228-240.

2. Charles G. Steffen, *The Mechanics of Baltimore: Workers and Politics in the Age of Revolution, 1763-1812* (Urbana: University of Illinois Press, 1984), pp. 92-93.

3. Lieutenant Joshua Barney commanded the privateer *Hyder Ally* in a brilliant action during the Revolution; during the War of 1812, as Commander Barney, he commanded a flotilla of small vessels that harassed the British naval forces in the Chesapeake.

4. Since provision had been made that nine states must ratify before the Constitution could be established, it was New Hampshire's vote in June that turned the tide.

5. I am indebted to Katharine Dopp of South Burlington, Vt., a member of The Lace Guild of Great Britain, for revealing to me the tangle in which the Catherine emblem is enmeshed.

6. *Henry the Fifth*, IV, iii, 40 ff.

Book Reviews

Michael Kammen, *Spheres of Liberty: Changing Perceptions of Liberty in American Culture* (Madison: University of Wisconsin Press, 1986. Pp. 191. Illustrations.)

In the United States centennials and bicentennials are first and foremost celebrations—self-congratulatory rites—and only secondarily occasions for scholarly reflection. The constitutional bicentennial has proven no exception to this rule. Little of intellectual novelty or depth has accompanied the pomp and ceremony of the official commission. Nevertheless, a few works of shining merit published over the past two years demonstrate that celebration does not bar self-examination. Such reconsiderations of our government remind us that at its center lie puzzles and dichotomies that we cling to with passion. Every serious student of our legal system is indebted to Michael Kammen for his lively and thoughtful exploration of one set of contradictory values, that of liberty and law.

Spheres of Liberty, the 1985 Merle Curti Lectures at the University of Wisconsin, exhibits astonishing breadth. Though familiar with the literature pouring out of American law schools, Kammen approaches his subject as a cultural historian. He charts our way through the great sea changes in the idea of liberty; he also maps the places where liberty enfolded other values in our society. Kammen is so much at home with English and Continental discourse on politics, law, and philosophy, and so graceful in his prose, that the reader feels as comfortable with Locke and Montesquieu as with Madison. Kammen's work, a model of intellectual and cultural history, fuses sophisticated analysis with lucid explanation.

Kammen's three overlapping chapters—"Liberty and Authority," "Liberty and Order," and "Liberty and Justice"—combine theme with chronology. The first chapter, covering roughly the founding of the colonies through the beginning of the nineteenth century, makes clear that liberty existed (or was thought to exist) only in relation to organizing principles of society. Pure liberty meant anarchy and had to be checked. Authority—in government, churches, and families—subdued the inclination to excessive liberty. On one side were the rights of property and personal (civil) autonomy; on the other were political representation, political participation, and procedural safeguards. In passages recalling his brilliant *People of Paradox*, Kammen traces the question of where due authority ended and the protection of liberty began. The American Revolution tapped the tension between liberty and authority and led to a republican "political liberty" guaranteeing both civil capacity and political participation.

After 1776 the states went far beyond their former Mother Country in exploring the politics of liberty. New states were magnificent proving grounds for theory, but the experience of self-governing raised anxieties about both overweening power that corrupted liberty and too much liberty that might destroy political independence and property protections alike. In response to this latest dilemma, forward-looking founders like Jefferson proposed a partnership of liberty and happiness (where happiness, more than possession alone, meant economic security, including freedom from debt). This idea of happiness embodied a faith in the balancing powers of conflicting interests that Madison outlined in the tenth *Federalist*.

While Jefferson explored the revolutionary potential of liberty and property, more conservative revolutionaries raised the standard of liberty and order or "ordered liberty." Kammen's second chapter follows this paradigm from the pulpits and counting houses of New England to the porches of manor houses in the slaveholding South. A compound of

moralistic Whig-party principles that Daniel Webster and Henry Clay voiced, proslavery constitutionalism (Calhoun's "concurrent majority," for example), and ironic twists in the rhetoric of nationalism and capitalism, "ordered liberty" became a bulwark against successive waves of egalitarian reform in the nineteenth century. Kammen dwells on the courts' development of "labor law" (actually anti-labor) to give texture to this passage; he might well have examined the formalism of "classical contract" law, the rise of contributory-negligence theory, assumption of risk, and the fellow-servant rule in torts, or the pro-private enterprise doctrines surrounding "substantive due process."

Yet even as proponents of ordered liberty worked out the ideal of the neutral, watchman state, Progressive reformers prepared a counterattack. They defended state regulation of wages, hours, working conditions. They at last succeeded in obtaining federal regulation of foods and drugs, railroad—and maritime—employee liability legislation, and (during the depression of the 1930s) laws regulating the process of production itself. These jurists, academics, and liberal politicians argued the case for the valid interests of a humanitarian state. Long the potential enemy of liberty, government finally became its protector against what Kammen describes as overpowering private interest. State regulation of the economy gradually gained support as a reasonable intrusion on private property, he writes. As it did, liberal thinkers made liberty the precondition of order rather than the offspring of respect for authority.

Kammen's final chapter, entitled "Liberty, Justice, and Equality," deals with the sweeping changes in liberty and law that flowed from the New Deal. The application of the Bill of Rights to the states via the Fourteenth Amendment, a new commitment to social justice in legislatures and both federal and state courts, and a growing national consensus on the rights of minorities all matched liberty with justice. The idea was as old as Lincoln's sporadic musings (far older if one views equity courts in Britain and America as coupling liberty and justice), but it did not become central until the early twentieth century. The pledge of allegiance that Congress adopted in 1942, wedding liberty to "justice for all," gave form, Kammen argues, to the visions of Reinhold Niebuhr, Louis Brandeis, and Franklin D. Roosevelt. If conservative jurists and scholars still preached the gospel of ordered liberty, voters in the Depression—particularly younger voters—rejected the anti-democratic implications of the liberty that served the "old order." During and after World War II, a third term, equality, joined the modern ideals of liberty and justice.

Not even this prolonged summary does justice to the scope of Kammen's brief book. If there are faults, they reflect that brevity. Much of the evidence Kammen quotes is squib rather than full text. One wonders how typical are his examples, how influential the men he chooses to quote. In a book that spent more time with the familiar Madisons, Calhouns, and Cardozos, the views of lesser figures would be helpful supporting evidence; here they may bear too much weight. Kammen's personal repugnance for Calhoun's views on slavery and "liberty of contract" (p. 106), for example, stand out boldly in this short work. Kammen's limits of space seem also to have prevented him from discussing the concept of equity in the law—important in America as early as the Declaration of Independence, carried forward in the briefs of antislavery lawyers to the Reconstruction amendments, echoed in the dissents of John Marshall Harlan and Frank Murphy, and brought to full light of day by Justices Douglas and Brennan. But I am cavilling at a marvelously supple and delightfully literate book. It is a shame that all its many readers cannot have more of it.

PETER CHARLES HOFFER
Harvard Law School

Books Received

In celebration of the constitutional bicentennial, the Library of Congress has published a special edition, the *Constitution of the United States*, with an introduction by the Librarian of Congress, Daniel J. Boorstin, and a preface by former Chief Justice Warren E. Burger. Available through the library sales shop or the Superintendent of Documents, the paperback booklet typographically follows an expensive, leatherbound edition that the Arion Press in San Francisco designed and printed early in 1987 and priced at five hundred dollars.

Library of Congress, \$2.50

On the background of the Constitution and the process that produced it, one may pick up Robert A. Rutland's fully illustrated *The American Solution: Origins of the United States Constitution*—a catalog to accompany the Library of Congress exhibit of the same title. Professor Rutland, for many years editor of the *Papers of James Madison* at the University of Virginia and a longtime student of the early republic, surveys the economic and interstate tensions of the 1780s, the movement for a stronger union, the intellectual foundations for the suggested frame of the government that emerged from the Philadelphia convention, the compromises that ensued, and the debates that led finally to ratification and the Bill of Rights.

Library of Congress, \$6

From the same source comes volume 13 of the *Letters of Delegates to Congress, 1774–1789*, a long-term project about half completed. This latest sourcebook covers the period June to September 1779 and such diplomatic topics as the debate over recalling American commissioners abroad, reaction to Spanish peace proposals, and discussion of north Atlantic fisheries, the Floridas, and navigation of the Mississippi River; the volume deals with domestic issues that included coastal defenses, runaway inflation, price regulation, foreign loans, military expenses, and the increasing numbers of appeals from state courts. These letters convey a clear understanding of the problems Congress encountered under the Articles of Confederation, which, in fact, all states had not yet ratified.

Library of Congress, \$27

Volume 9 of another federally-sponsored editing project, the *Naval Documents of the American Revolution*, also appeared this past year. This volume deals with the American Theater, June to September, 1777, a critical period of the war, when the Continental frigates *Boston* and *Hancock* won and then lost HMS *Fox*, John Paul Jones assumed command of the *Ranger*, and the Royal Navy under Vice Admiral Lord Howe sailed unopposed up the Chesapeake Bay and landed troops who soon captured Philadelphia. As General Burgoyne invaded upper New York, Captain Lambert Wickes, leading a three-vessel squadron, took eighteen sail from British merchants. Volume 9, like its predecessors, draws on a wide collection of sources—correspondence, ships' logs, muster rolls, orders, newspapers, and officers' journals among them.

Naval Historical Center, \$44

Lovers of Maryland owe strong support to the work underway at the University of Maryland's Sea Grant College, a marine research institution at the College Park campus

operating through the U.S. Department of Commerce. Its publications list, available at no charge, includes dozens of titles primarily of concern to scientists studying Chesapeake Bay fin- and shellfish, but V. S. Kennedy and L. I. Breisch have written a useful historical overview, *Maryland's Oysters: Research and Management*, which teachers and readers of the magazine may well consult as a reference.

Maryland and Sea Grant College, \$14.95

In *Free Blacks of Anne Arundel County, Maryland, 1850*, Ralph Clayton publishes an alphabetical index—the result of a census survey—and an introduction discussing general patterns. At the time most free blacks and mulattoes in the county, Maryland-born, worked as farmers, carpenters, or unskilled laborers; Clayton also lists deaths among this group during the year, with age and apparent cause.

Heritage Books, \$6.50

Darlene M. McCall and Lorain E. Alexander's *Genealogical Research Guide for Cecil County, Maryland*, has appeared in a third printing, again providing land, marriage, equity, probate, vital, church, and cemetery records, as well as information from newspapers, censuses, tax lists, county histories, and atlases. An outline map of Cecil County, lists of published sources, and addresses of pertinent organizations complete this helpful volume.

Published by the authors, \$3

Calvin W. Mowbray and Maurice D. Rimpo's *Close-ups of Early Dorchester County History* attempts to correct some commonly believed falsehoods. Chapters deal with Indians, early settlements, the county's founding and early courts, planters, and plantations; the book supplies new information on the Revolution, slavery, Harriet Tubman, and the Civil War. *Close-ups* also offers biographical sketches of famous county citizens, a gazetteer, and bibliography.

Family Line, \$10

Working from county courthouse records, Margaret E. Myers has compiled *Marriage Licenses of Frederick County, 1811–1840*, an alphabetical listing of both brides' and grooms' names and dates of licenses.

Family Line, \$12

Genealogy Department volunteers at the Carroll County Public Library have compiled *Carroll County, Maryland, Marriage Licenses, 1837–1899*, with separate listings for brides and grooms. The volume includes a facsimile of the form bridal couples filled out in applying for a license and mentions widows, widowers, and addresses outside the county.

Carroll County Public Library, \$20

Western Maryland Families, consisting of essays that have appeared in *The Maryland and Delaware Genealogist*, discusses the Brunner, Cost, Getzendanner, Hager, Pfoutz, Powell, Schlosser, Shover, Welch, Willett, and Wilson families, as well as a number of Bible records. Sturdily bound, the volume contains two indexes.

Raymond B. Clark, Jr., \$12

News and Notices

SYMPOSIUM ON RELIGION IN THE REVOLUTIONARY ERA

The United States Capitol Historical Society will sponsor a symposium entitled "Religion in a Revolutionary Age" on 30 and 31 March 1988. The meeting will be held in the Senate Caucus Room, SR-325, in the Russell Senate Office Building, Washington, D.C. The program consists of four sessions and a concluding lecture, followed by a reception. Speakers include Ruth Bloch, Patricia U. Bonomi, Miles Bradbury, Jon Butler, Robert M. Calhoon, Paul K. Conkin, Elaine F. Crane, Sylvia R. Frey, Edwin S. Gaustad, Philip F. Gura, Christine Leigh Heyrman, Stephen A. Marini, Donald G. Mathews, Robert Middlekauff, and Ronald Schultz. All proceedings, including the reception, will be open to interested persons free of charge, and no advance registration is required. For additional information, write:

Professor Ronald Hoffman
Department of History
University of Maryland
College Park, Maryland 20742

CONFERENCE AND CALL FOR PAPERS

"The Salem Conference: The Rise of Nationalism and American Culture, 1788-1830" will be held 14-15 October 1988, at Salem State College. In the three decades after Americans ratified the Constitution and established a new political entity, nationalism emerged as the basis for development of the arts in America. The conscious search for national identity found expression in the first American novel, the first American secular songbooks, the first American dancebook, the first American landscape paintings, the repeal of the theater laws, patriotic epics, and innovative architecture and furniture-making.

The Conference Committee welcomes papers on any of the above topics or others relevant to a consideration of nationalism as a spur for the cultural, literary, and artistic development of the period. The Committee is especially interested in papers that focus on New England. Contact Patricia Parker, Department of English, Salem State College, Salem, Mass. 01970.

GEORGIA ARCHIVES INSTITUTE

Designed for beginning archivists, librarians, and manuscript curators, the twenty-second annual Archives Institute to be held 13-24 June 1988 in Atlanta, Georgia will offer general instruction in basic concepts and practices of archival administration and management of traditional and modern documentary materials. The two-week program will focus on an integrated archives/records management approach to records keeping and will feature lectures and demonstrations, a supervised practicum, and field trips to local archives. Topics will include records appraisal, arrangement and description of official and private papers, control systems, micrographics, conservation, legal issues, and reference service. Tuition is \$350. Enrollment is limited and the deadline for receipt of application and resume is 28 March. Participants needing housing should so note on their application and information will be provided. For more information and application, write: Division of Library and Information Management, Emory University, Atlanta, Ga. 30322

NEW LOCAL-HISTORY BOOKLET ON THE CONSTITUTIONAL ERA

This spring the Montgomery County Historical Society will publish *We the People: Montgomery County and the Constitution*. Joseph McPherson, Jean B. Russo, Gregory A. Stiverson, and Jane C. Sween have collaborated on the paperbound volume; printed in a limited edition and available at a modest price while supplies last, it addresses students in middle school and high school. For further information, contact Ms. Sween at the society (103 Montgomery Avenue, Rockville 20850).

PRESENTATION OF TWO GLENN PORTRAITS TO THE FEDERAL COURT

On Thursday, 14 April 1988, the Baltimore Chapter of the Federal Bar Association will present to the federal court two portraits, both copies of originals maintained at the Maryland Historical Society. One of the portraits is of Elias Glenn, the other is of John Glenn, both federal judges for the district of Maryland in the last century. The portrait artist who made the copies is Elizabeth Byrd Mitchell. The chief judge of the United States District Court for the District of Maryland, The Honorable Alexander Harvey II, will preside at the presentation ceremony.

RESEARCHER SEEKS INFORMATION ON GLENN FAMILY

Mr. Francis J. Gorman, chairman of the project for the Federal Bar Association, seeks information about Elias and John Glenn, the first named a federal judge for the district of Maryland in 1824, the second appointed to the same bench in 1852. Anyone having material on these jurists and their careers may contact Mr. Gorman at Semmes, Bowen & Semmes, 250 West Pratt Street, Baltimore, Maryland 21201.

HOUSE AND GARDEN PILGRIMAGE

The Maryland House and Garden Pilgrimage opens its fifty-first season on 23 April with a tour of the Annapolis area. In all, seven tours are offered over three weekends, with visits to Guilford, Northern Montgomery County, and the counties of Queen Anne's, Saint Mary's, Worcester, and Somerset. Tickets for each tour are \$12.00, or \$4.00 for a single house; proceeds go toward restoration projects throughout Maryland. For information contact: Maryland House and Garden Pilgrimage, 1105-A Providence Road, Towson, Md. 21204.

FIFTEENTH ANNUAL MARYLAND SHEEP AND WOOL FESTIVAL

This year, the Maryland Sheep and Wool Festival will be held 7 and 8 May 1988 at the Howard County Fairgrounds in West Friendship, Md., off I-70 and Route 32, exit 80. The sheep auction will be held at 3:00 8 May; other activities include crafts, a lamb cook-off, shearing and other contests, sheep shows, sheep dogs, and food. Free admission. Contact Mary Streaker, general chairman, 1739 Circle Rd., Towson, Md. 21204, (301) 321-1344.

SURVEY RECORDS OPEN FOR RESEARCH

The William D. Pitts Collection is now open for public research at the Worcester County Library in Snow Hill, Maryland. Created and collected by William Dixon Pitts (1889–1983) during his sixty-year surveying career, it may be the greatest assemblage of land survey records for any county in America. It occupies seventy cubic feet, comprising over 19,780 items of land survey records as old as 1677 regarding Worcester County and neighboring lands; 75 percent of the surveys were made between 1920 and 1982.

Records in the collection include diaries, reference books and maps, field books, note books, property descriptions, plats, correspondence, and deeds. The plats range from rough sketches of property lines to duplicates of the official drawings filed at the county

court house. The descriptions, plats, correspondence, notes and deeds constitute the single largest series: survey files. Extensive indexing allow users access through a variety of means. For more information contact the Auxiliary Services Assistant, 307 North Washington Street, Snow Hill, Md. 21863, (301)632-2600.

CONTRIBUTORS WANTED

Garland Publishing, Inc., of New York seeks contributors for a compact encyclopedia, "The War of the American Revolution." Writers who wish to contribute articles of 50 to 2,000 words on the military and naval aspects of the 1763-83 era should contact Richard L. Blanco, History Department, SUNY College at Brockport, Brockport, N.Y. 14420.

MHM CALL FOR VOLUNTEERS

The *Maryland Historical Magazine* solicits the help of persons who have spare time and, preferably, some experience in editing or marketing. Those interested in taking part in the production of the magazine, its advertising-revenue base, and its circulation may write or phone Susan D. Weinandy, managing editor, at the MHS.

Maryland Picture Puzzle

Test your knowledge of Maryland's past by identifying this street scene in Baltimore. What year was this picture taken? What building is being constructed? What buildings are shown in the background?

The Winter 1987 Picture Puzzle shows a 1931 street scene of Frederick taken by the Hughes Company. It depicts Market Street looking south. The bridge in the photograph crosses Carroll Creek.

Correct responses to the Fall 1987 Picture Puzzle were supplied by James Bready, C. McIntosh Gordan, Thomas Carberry Jones, and David Monath.

Each installment of the Maryland Picture Puzzle presents a photograph from the collection of the Prints and Photographs Division of the Maryland Historical Society Library. Send your response to this issue's puzzle to:

Prints and Photographs Division
Maryland Historical Society
201 W. Monument Street
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We are looking for a few good contractors to do Historical Restoration work for M-NCPPC in Montgomery County, Md.—INTERESTED?

Contact: Jan Wilson/Maryland-National Capital Park & Planning
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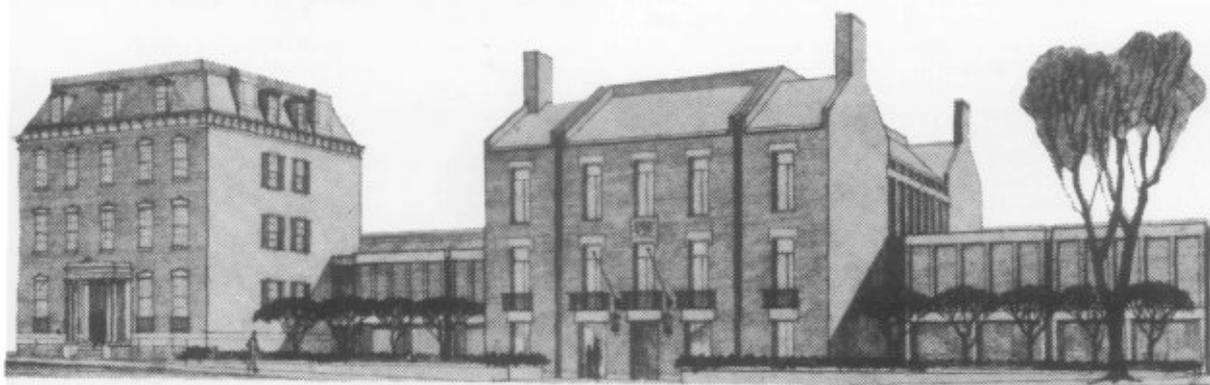
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Five copies of a single work may be ordered at a 40% discount (except for hardbound *Silver In Maryland and Furniture in Maryland 1740-1940*). All orders are to be prepaid. Postage and handling of \$2.00 for the first item and \$.50 for each additional 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.

- ANDERSON, GEORGE MCC. *The Work of Adalbert Johann Volck, 1828-1912, who chose for his name the anagram V. Blada*. 222pp. Illus. 1970. \$20.00
- ARNOLD, GARY. *A Guide to the Microfilm Edition of the Lloyd Papers*. 27pp. 1973. 41 reels. \$2.00
- BOLES, JOHN B. *Guide to the Microfilm Edition of the Pendleton Kennedy Papers*. 30pp. 1972. 27 reels. \$2.00
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