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Historical Magazine



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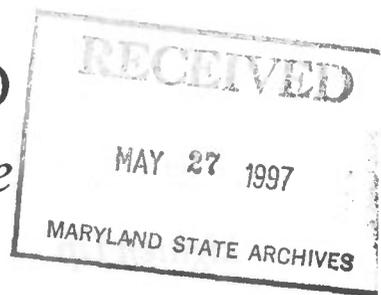
ISSN 0025-4258

© 1997 by the Maryland Historical Society. Published as a benefit of membership in the Maryland Historical Society in March, June, September, and December. Articles appearing in this journal are abstracted and indexed in *Historical Abstracts* and/or *America: History and Life*. Second class postage paid at Baltimore, Maryland and at additional mailing offices. Postmaster: please send address changes to the Maryland Historical Society, 201 West Monument Street, Baltimore, Maryland 21201. Composed by Publishing Concepts, Baltimore, Maryland, and printed in the USA by The Sheridan Press, Hanover, Pennsylvania 17331. Individual subscriptions are \$30.00. (Membership in the Society with full benefits is \$40.00.) Institutional subscriptions are \$24.00 per year, prepaid.

MARYLAND

Historical Magazine

VOLUME 92, 1 (SPRING 1997)



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Cover: *Baltimore’s Sesquicentennial*

Photograph of Howard Street looking south from Baltimore Street in 1880 showing one of ten arches raised in celebration of the city’s first charter granted in August 1729 and its settlement in 1730. Patriotic banners, bunting, flags, and seals adorned public buildings, businesses, and tens of thousands of private homes. The highlight of the festivities was a parade of more than thirty thousand people and two thousand vehicles.

This year the city once again celebrates an anniversary. On December 31, 1796, the Maryland legislature passed a law converting Baltimore Town to Baltimore City that went into effect the following year. The *Maryland Historical Magazine* is proud to recognize Baltimore’s bicentennial.

P.D.A./A.A.

Lighten Up

Recently, in the *Princeton Alumni Weekly*, distinguished historian James M. McPherson asked “What’s the matter with history?” With a logic we should perhaps call McPhersonian because he has used it so often and so well, the author of several important works on the Civil War, most notably *Battle Cry of Freedom*, cut the question several ways and even threw in some quantitative analysis. He noted the wide, apparently cultural, gap between professional historians—generally academics—and well-meaning but perhaps not-so-thorough amateurs, that is, non-academics. The first group writes for colleagues who can bestow professional approval and for a captive audience of students. The latter group writes for educated men and women who want to know more about history but are put off by an academic style that is frequently analytical and too often over-specialized for a general readership. What is wrong with history, McPherson concluded, is that the professional historical community is not fulfilling its role of communicating, via cogent, literate, narrative synthesis, with a public hungry for well-written history. Academic culture in fact frowns on the very possibility.

McPherson is certainly right about that: history would be far more appealing if more of it were written as entertaining narrative. One need look no farther than the successes of Bruce Catton, Shelby Foote, and Barbara Tuchman, and the 600,000 copies sold (so far) of McPherson’s own *Battle Cry of Freedom*. But the unwillingness of professional historians to write popular narrative is not the only thing wrong with history at the end of the twentieth century. A second flaw is that so much recent history is written not with a pen but with a vengeful sword.

From the time I first sat in this chair last fall and looked through the amassed submissions to this magazine, most from professionals, I have been overwhelmed by the sense of righteous anger affecting the historical community. For many, history is apparently atrocity leavened with suffering and unfairness. Oh, of course there is the occasional heroic struggle against oppression that is usually beaten down by overwhelming odds, but all in all things have been horrible since the beginning of time. The apotheosis of local negativism came with a collection of papers presented at a Baltimore history conference last fall whose theme was “Working through Diversity” and which was intended to be part of the city’s bicentennial celebration. One pathetic optimist thought the building of the city’s public squares might be interesting, but he was swamped by accounts of racism, gender issues, political infighting, class warfare, and the fall of the school system.

Righteousness is for the most part a fine thing for those who can afford it, but it quickly becomes tiresome. As it applies to redressing historical wrongs via angry

it quickly becomes tiresome. As it applies to redressing historical wrongs via angry books and articles, we on the editorial staff think we speak for a large number of readers in saying: Enough. We know that life was not good for Native Americans, indentured servants, slaves, most immigrants to the United States, most women, or most men. We are more than sufficiently aware that selfishness, cruelty, callousness, exploitation, small-mindedness and various other human and societal shortcomings did not begin in the 1980s.

It seems, therefore, that our first editorial duty to the readership of this magazine is to make the following call to writers: What we want in this journal (and on bookstore shelves) is history that has more than one dimension. We want evidence of intellect, clear thinking, and a sense of style. A lighter spirit would be nice, even from time to time a sense of humor (though these days only the brave should try it). We prefer information to indoctrination. We want to move toward an understanding of events, and we want a sense of perspective, the discipline's most valuable gift. These are some of the elements of good history. If you write it, we will applaud.

The editorship of this venerable journal brings with it honor and humility in equal measure, for the traditions and standards of the Maryland Historical Society are second to none. With profound gratitude to those who have come before, and especially to my predecessor, Ernest L. Scott, a devoted friend to all who love books and good writing, we welcome you to Volume 92.

R.I.C.

Clarification

In the fall issue of this journal, book reviewer Jennifer Bryan wondered in print why passages of Bruce A. Ragsdale's recent *A Planter's Republic* closely resembled parts of her own master's thesis but concluded that it was probably the result of using identical examples from a limited field. Dr. Ragsdale has written to object that this sounds to him like a suggestion that he plagiarized Ms. Bryan's thesis, and to say that this portion of his work derived from a doctoral dissertation completed five years prior to hers. He sent along the relevant portions as proof.

The editors would like to assure Dr. Ragsdale and our readers that we did not intend and would not permit a casual suggestion of plagiarism. Ms. Bryan did not write one. Unaware of Dr. Ragsdale's dissertation, she naturally questioned the resemblance, then attributed it to coincidence, something that has happened in the past and will again in the future as fields with limited evidentiary sources are more closely scrutinized. As editors, we regret that any other inference was possible.



Margaret Williams was denied admission to Baltimore County's all-white Catonsville High School in 1935. NAACP attorney Thurgood Marshall challenged the county's segregation laws and lost the case in 1937. (Williams family photograph.)

Neither Separate Nor Equal: Foreshadowing *Brown* in Baltimore County, 1935–1937

W. EDWARD ORSER

The recent fortieth anniversary of the landmark Supreme Court decision in the cases grouped under *Brown v. Board of Education of Topeka* has afforded the occasion to take stock of the status of school desegregation in America. The results are sobering. School integration has shown the first indication of decline since the 1960s. Moreover, segregation seems to be more entrenched in the largest cities and in the North than in rural areas or the South.¹ At the level of popular attitudes, the goal of integration and the methods used to achieve it increasingly have come under fire. Many whites, especially young people whose own experience is limited to recent years, take the view that opportunities long have been equalized and that African Americans are too prone to claim discrimination or to focus on a legacy of inequality now safely relegated to the past. In national politics the current backlash against affirmative action and the series of recent court decisions placing limits on the need to remedy historic patterns of inequality tend to amplify this mood. At the same time among African Americans there is notable frustration with integration, which typically has meant either resegregation or uncomfortable minority presence in predominantly white schools. Increasingly, African Americans place more emphasis upon equity and community control, less upon integration per se.²

Against this backdrop, it may be instructive to look back sixty years to the mid-1930s—two decades before *Brown*—to a court case in Baltimore County, Maryland, which in retrospect deserves much more attention than it has received in chronicles of school desegregation. The county, a predominantly rural jurisdiction that surrounded Baltimore City like a horseshoe, permitted no integration in its high schools and afforded no high schools for African-American young people. This seemingly flagrant violation of the “separate but equal” formula the Supreme Court had accepted in the *Plessy v. Ferguson* decision in 1896 prevailed without any apparent indication of institutional discomfort until the 1920s. In 1926 the county school board finally yielded to pressure with a partial remedy: the county would grant tuition payments allowing pupils who passed a special exam to attend segregated high schools in Baltimore City; those who fell

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short of the designated score had no option for a public high school education at all. In 1935 county African-American parents with the assistance of the National Association for the Advancement of Colored People (NAACP) challenged this system in a series of legal actions under the direction of Thurgood Marshall, then only in the second year of trying to establish a law practice in his native Baltimore after graduation from Howard University Law School. The case, *Williams v. Zimmerman*, was tried in Baltimore Circuit Court in 1936 and before the Maryland Court of Appeals in 1937. Both courts ruled against the suit.³

The *Williams* case stands out in retrospect in part because it was a notable early loss in the remarkable string of courtroom successes Thurgood Marshall achieved on behalf of the NAACP. Yet the issues in the case were significant in two other respects. First, because in the mid-1930s neither Marshall nor the NAACP was prepared to launch a full-scale attack on segregated schools at the primary or secondary level, the legal action represented only an intermediate step along the way to that ultimate objective. In the *Williams* case, Marshall argued the inadequacy of the tuition program as part of a larger strategy, namely that of petitioning for admission to white schools in order to force establishment of African-American schools. He challenged the jurisdiction to consider whether the creation and maintenance of dual systems, sanctioned in the *Plessy* principle of "equality," was worth the cost, but his tactic also placed the NAACP legal team in the ambiguous position of appearing to condone what it opposed in principle. It therefore risked the confusion of means and ends.

Second, in important ways *Williams* explored the terrain later addressed in the *Brown* case and contained the logic that would triumph in 1954, because it foreshadowed the argument that separate educational opportunities constituted inherent inequality. Initially, the *Williams* loss represented a setback to the NAACP legal campaign, for in its aftermath more than a decade would pass before a direct challenge to dual schooling would be mounted other than in higher education. But while the lessons of *Williams* may have been partly responsible for this deferral, they surely contributed to the honing of the strategy that eventually prevailed.⁴

The Baltimore County case was one of several in Maryland which served as early tests of a new NAACP legal strategy whose evolution had been spurred by financial support from the Garland Fund in 1930. The guiding concept outlined by civil rights lawyer Nathan Margold, who had been commissioned to draft the strategy report, was to make fulfillment of the "separate but equal" standard so difficult and expensive that eventually the edifice of segregation would collapse under its own weight. Charles Houston, appointed as the NAACP's special counsel in 1934, elected to implement the new strategy in a campaign involving step-by-step litigation linked to local community efforts to lay the groundwork for the eventual broad assault upon segregation. Houston,

who had played a decisive role as dean in reviving the Howard University Law School, believed that education was the key to African-American progress and therefore made the tactical decision to select educational inequality as the initial focus of NAACP legal action.⁵

1935: A Pivotal Year

The campaign against educational inequality confronted the NAACP legal team with a dilemma—whether the challenge to educational facilities was intended to secure improvements within the context of segregation or to end segregation by integrating the schools. Efforts to gain equal facilities ran the risk of appearing to condone Jim Crow, while a bold demand for desegregation might seem premature, more appropriate in certain selected, and limited, instances—as at the post-graduate level—than in more general cases like public primary and secondary education. Nathan Margold, who argued for a direct attack upon the constitutionality of segregation while recognizing that intermediate steps might require pressing states to live up to their own dictum of equality within a context of separation, had written: “In choosing to attack it [the practice of segregation], we are in effect seeking only to compel the states which desire segregation to provide for it in a form which will render equality imperative.” Similarly, Charles Houston, in a 1934 memorandum, suggested that the NAACP campaign might have to press for equality in dual programs without condoning them: “The Association does not intend to endorse the principle of segregation; but to fight segregation by making it so expensive to the State that there will be a disposition on the part of the taxpayer to do away with it.”⁶

The dilemma moved to the front burner within civil rights circles in 1935 when the *Journal of Negro Education* devoted an entire yearbook edition to the issue of school segregation, especially focusing upon the advantages and disadvantages of resorting to court action but with significant overtones regarding means and ends. Editor Charles H. Thompson acknowledged that the courts had upheld segregation in states where it was mandated and urged that equalization be pressed in those instances. But he took special pains to argue against the extension of segregation in states where it had not been required in the past and to insist upon the benefit of integration as an ultimate goal. He was clearly responding to those like W. E. B. DuBois who, in the same edition, contended that the persistence of white prejudice meant that for the time being separation must be accepted as “a grim necessity” and that, indeed, the opportunity for African Americans to control their own schools and promote racial pride should be welcomed. DuBois criticized the NAACP for spending its money to prevent the establishment of separate schools rather than concentrating upon the equalization of funds.⁷ Charles Houston followed the debate in the *Journal* closely



Thurgood Marshall and Donald Murray circa 1935–1936. Marshall won Murray’s case for admission to the University of Maryland School of Law in 1935. (Library of Congress, Prints & Photographs Division, Visual Materials from the NAACP Records.)

and drew upon it in several of his 1935 pronouncements. In a speech in August to the National Bar Association, Houston asked, “What is to be our goal?” He distinguished between “the ultimate goal”—the “fight for the complete elimination of segregation”—and what he referred to as “positionary tactics.” The latter, he said, might involve “the recognition of the separate school as an exist-

ing fact in a large section of the country, and educational discrimination in some form or other the entire country over.”⁸ While born out of necessity and realism, the distinction risked ambiguity, not only from the perspective of legal strategy but also in terms of public opinion, white and African-American.

The year 1935 was indeed pivotal for Houston and the launching of the NAACP legal campaign for educational equality. He had identified three targets: 1) inequities in teachers’ salaries; 2) unequal school facilities; and 3) inequalities in graduate and professional education. In 1935 all three became the subject of legal efforts in Maryland, a border state Houston considered fertile ground for challenges because “public policy is not so crystallized that it may not be directly affected by court decisions.”⁹ The arena of graduate and professional education yielded the most significant breakthroughs for the organization’s legal arm over the next decade, because the general absence of separate institutions made the preservation of segregation a costly outcome.

In 1935 Charles Houston, then based at NAACP headquarters in New York, directed Thurgood Marshall, a 1933 graduate of Howard Law and a protégé, to assist him as the Baltimore attorney in a case against the University of Maryland School of Law on behalf of Donald Murray. Murray, an Amherst College graduate and member of a prominent local African-American family, had been denied admission. *Murray v. Pearson* was argued before Judge Eugene O’Dunne in Baltimore District Court on June 18, 1935. In testimony university president Raymond Pearson acknowledged that Murray had been denied admission solely on the basis of race and that the legislature’s recent attempt to establish tuition payments for professional school study outside the state was inadequately funded. Judge O’Dunne’s ruling on June 25 found for Murray and ordered his admission to the school that fall. After Murray had begun classes, the case went to the Maryland Court of Appeals; hearings were held on November 5, and on January 15, 1936, the lower court ruling was affirmed. Marshall had argued that the issue before the court was not segregation, since the state had not established a separate law school, but exclusion. The appeals court echoed this line of reasoning in its decision, ironically using *Plessy* to find in Murray’s favor because he had been excluded from “the only school provided.” It was a spectacular victory for the NAACP legal strategy and Houston; but it was especially significant for the legal education and reputation of the young Marshall, who in the fall of 1935 initiated what NAACP press releases referred to as “the second assault” on educational inequality in Maryland.¹⁰

The Strategic Dilemma

Fresh from the stunning initial victory in the *Murray* case (and before an appeal had been heard), Thurgood Marshall became involved in the second



Photograph of the former “Cowdensville Colored School,” later converted to a house and still used for that purpose. The structure was built as a school in 1886 and closed in 1939. (Photo by Jean Flanagan.)

Maryland education case, *Williams v. Zimmerman*. Marshall consulted regularly with Houston on the case and frequently followed his direction on political and legal matters, but the case really was his to argue, and it provided a significant training ground in the evolution of his own civil rights legal strategy. The rationale for *Williams* in many ways paralleled that of *Murray*—both pressed the logic of *Plessy*—but it presented the difficult question of on which basis to mount the attack: on the basis of exclusion, as in *Murray*, or on equalization. The former might lead to an argument for integration of the county’s high schools, while the latter would constitute the demand for comparable institutions for African Americans. Indeed, the *Williams* case posed in sharp outlines the problem in developing a strategy that distinguished clearly between “positionary tactics” and “the ultimate goal.”

The *Williams* case originated in the efforts of the Baltimore City branch of the NAACP to organize a branch in rural Baltimore County. African Americans, who constituted nearly 10 percent of the population, were distributed in scattered settlements throughout the county, with sizable concentrations only in the Catonsville, Towson, and Sparrows Point districts.¹¹ It is not surprising that education became the focus of these meetings, since Baltimore County entered the 1930s as one of only three Maryland counties that had no high school

grades for African-American pupils. By tradition, the only alternative for families who aspired to secondary education for their children was to send them to schools in Baltimore City, either by paying the requisite tuition or by devices that skirted the regulations. Even those who found ways to negotiate these obstacles faced lengthy and in some cases impossible commutes unless arrangements could be made for temporary accommodations with relatives or friends in the city. What appeared to be a conspicuous violation of the *Plessy* “separate but equal” formula had not even been addressed by the county school board until 1926, when protests by African-American parents and teachers finally led to a partial remedy.¹² In that year the superintendent informed the board that Baltimore City would permit “colored pupils” from the county to attend “colored high schools” in the city in return for *annual* tuition payments (\$80 for senior high; \$50 for junior high), and the board agreed to supply scholarships for pupils “who have satisfactorily completed the work of our elementary schools and are approved” by the assistant superintendent. As it moved to implement this policy, the board in 1927 added another important qualification: an examination would determine those eligible for the tuition payments. The passing score was initially set at 60 percent, and a scholastic average of 60 percent was necessary to assure continued support.¹³

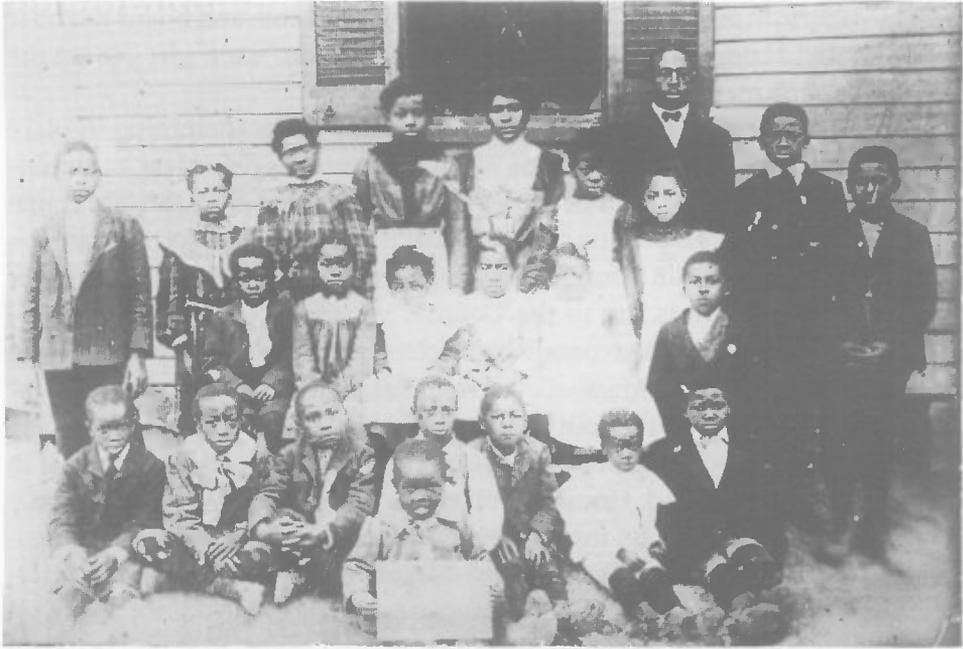
As Marshall later pointed out, the examination suggested that Baltimore County officials had little confidence in the adequacy—let alone equality—of the elementary school education provided African Americans; otherwise, satisfactory completion of seventh grade should have been sufficient for admission to the high school tuition program. Only a portion of seventh-grade pupils were even encouraged to take the test, and of that number fewer still were deemed to have secured sufficient marks to receive the tuition payments. Between 1929 and 1935 the number of students taking the examination ranged from a low of eighty-nine to a high of 135. Approximately one in three passed, their numbers ranging from twenty to sixty-four.¹⁴ When the city system was extended from eleven to twelve grades (six at the elementary level, three at junior high, and three at senior high), the four-year county payments failed to cover the additional, twelfth year. In 1934 the county board moved to remedy this situation by paying for the new senior grade—a policy that, ironically, assured this group of African-American students twelve years of education at a time when whites in the county only had eleven.¹⁵

Early in the fall of 1935, prior to the start of the school year, Marshall met with the parents of two pupils whose high school needs were not served by the tuition policy, Lucille Scott and Margaret Williams.¹⁶ Both had attended the one-room “Colored School #21” in Cowdensville, a small African-American enclave on the county’s southwest side. They had completed the seventh grade satisfactorily (their teacher marking their report cards “Promoted to VIII grade”

as Marshall would note in the trial) but had failed to secure the necessary passing mark on their exams to qualify for county tuition payments to attend high school in the city. On September 12, 1935, the two girls, accompanied by Margaret's father, Joshua Williams, and their pastor, Rev. James E. Lee, sought admission at all-white Catonsville High School. There they were met by Principal David Zimmerman, to whom they presented their report cards. Zimmerman reportedly treated them courteously but claimed that admitting them would violate county policy. This action had been carefully worked out with Marshall, who did not accompany them into the school presumably because this was not yet his (or the NAACP's) case, but who had provided specific guidance. He wrote that day to Charles Houston: "As per instructions, Williams showed the record of his daughter to the principal, and the principal made the statement in the presence of another witness that her record was good enough for admission to any high school." These remarks by the principal were reported in NAACP press releases about the incident.¹⁷

It is not at all clear whether Marshall and the NAACP were seeking plaintiffs to fit a particular legal strategy along these lines or whether this was a matter of a response to concerns identified by Baltimore County African Americans in these initial meetings. But it is clear that Marshall was involved in the decision to take the step of applying to the nearest white county high school, where he must have anticipated the application would be turned down, and that he was in close consultation with NAACP special counsel Houston from the inception. Houston immediately offered to come to Baltimore to work with Marshall on the case, the NAACP paid the modest fees Marshall received for his labors, and press releases from the NAACP national office identified the Baltimore County case as part of the association's national campaign.¹⁸

The tactic of seeking admission to the white high school raised questions regarding the goal envisioned by the case—integration of the white schools or establishment of segregated ones, the still unresolved dilemma in the NAACP strategy as it had unfolded under the guidance of Margold and Houston. Consistent with that strategy, it put pressure upon white authorities either to live up to the letter of "separate but equal" or to abandon it when the cost of segregation proved too high. Rather than placing African Americans in the position of defining appropriate remedies, this course of action permitted the complainants to call attention to instances of inequality and forced whites to grapple with how to resolve a problem of their own making. As logical as this was, it nevertheless appeared to use integration as a threat, not place it as the immediate goal, thereby running the risk that means and ends might be confused and leaving the matter of a suitable remedy somewhat ambivalently defined. These theoretical and tactical difficulties would become evident in the course of the Baltimore County trial and appeal.



Pupils of the one-room "Cowdensville Colored School" in Baltimore County, early 1900s. (Doris Matthews Manoke family photograph.)

Marshall and Houston approached the case in a way that cast the issue broadly upon the goal of securing "adequate high school facilities for Negroes" by placing the burden upon the county of deciding whether to admit them to the white schools or to provide separate high schools. As a matter of legal strategy, Houston advised Marshall that it might be advisable to consider two suits, one to admit the pupils into the white high school and a second to force the county to provide high schools for African Americans.¹⁹ Marshall's own statements, as reported in the Catonsville newspaper, reflected that advice. The paper quoted Marshall as intending to file a suit "to compel the Baltimore County Board of Education to receive children of our race into [the] high schools," but also promising to "go into court to fight for the building of a colored high school in the county." Suggesting that this was a problem of the local jurisdiction's own making, Marshall insisted that "It is my idea to force the county to make provision for colored children."²⁰ In a sense the Williams case embraced both horns of the dilemma. While Marshall advanced it in the court on the grounds of gaining entry to the white high school, the record is reasonably clear that he and Houston envisioned it as a stratagem to gain the second: the intermediate goal of high schools for African Americans in the county, not the immediate integration of the white high schools. Marshall's next step was to appear before the county school board and present a petition calling for the establishment of

African-American schools. The board rejected the petition, and board member Henry Warfield admonished Marshall that these actions “were going to set the Negro race back many years.”²¹

Although Marshall may have felt some satisfaction in attempting to place the burden of finding a remedy in the lap of segregation’s defenders, the ambiguity lingering about the goals of the legal action troubled Houston. His initial response to Marshall’s report on the Catonsville situation was to urge that it be made clear that “the main effort is to secure adequate high school facilities for Negroes” and that it was “up to the County” whether to admit them to the white schools or to provide separate high schools. Much was at stake. Within two weeks he again wrote Marshall, worried that a direct challenge to segregation might “unduly alarm the South without attendant benefit.” Houston hoped, as did Marshall, that the Catonsville case might be deferred until the appeal in *Murray* had been rendered. Houston’s unwillingness to link the two apparently stemmed from apprehension that if they succeeded in gaining Murray’s admission to an all-white institution at the post-baccalaureate level it would be interpreted as a signal that the NAACP was preparing to launch an all-out attack on segregated schools at all levels. He therefore advised Marshall it was better to emphasize that the objective of the envisioned legal action was merely establishment of a separate Negro high school rather than “trying to get into white high schools.” Two days later an NAACP press release announced, “Baltimore County Citizens Ask for High Schools.” Noting that for years African-American demands for secondary schools in the county had been “ignored as impractical” and that the alternative of tuition scholarships to the city had been restricted to only a few, the release sought to clarify the means and ends involved in the case: “It is recognized by *both* the white *and* colored people here that this sort of legal action is for the purpose only of securing high school education for Negroes and is *not to be construed as a movement having for its ultimate object the forcing of Negro pupils into white high schools*” [italics added].²²

Marshall seemed to concur with Houston on this point, although he may have had some personal qualms. In his initial report to Houston on the Catonsville actions, Marshall wrote that he would use some of his contacts in the white community to create a favorable sentiment “for the establishment of a colored high school in Baltimore County.” A year later, in the midst of the trial, he confided to Houston his personal misgivings that the strategy could ostensibly succeed while leading to an unsatisfactory result: “A small school could get all State requirements and still be inferior.” Indeed, he had come to wonder whether it might have been more beneficial for the county’s African-American students had they pressed for expansion of the tuition program to include *all* (presumably on the basis of promotion without the exam). These comments acquire greater significance when Marshall’s own educational background in

Baltimore is taken into account. A graduate of the city's first high school for African Americans, he knew through experience both the inequalities inherent in segregation and the benefit of attending an institution well regarded as a center of pride in the city's African-American community. Ironically, arguing for African-American schooling in Baltimore County—separate or integrated—placed him in the position of opposing a tuition plan that funded attendance for a select minority of county African-American students at his own alma mater, Douglass High School. It was entirely likely that any schools resulting from the *Williams* suit would be, compared to Douglass, “small” and “inferior” indeed.²³

Nevertheless, employing the strategy of pursuing the two alternatives simultaneously, on November 22, Marshall presented two petitions to Maryland's State Board of Education, one for the establishment of a “Negro high school” and the other for admission of African Americans to the white high schools. The state board gave Marshall a “cordial hearing”—in his words, but Superintendent Albert Cook, addressing only the first of the two requests, informed him by letter that although the board had given “sympathetic consideration to your presentation of the need for high schools for colored pupils in Baltimore County,” it had concluded that it had “no authority under the law to take action in this matter.”²⁴

A third option, of course, was to accept the status quo, the system of tuition scholarships to send a limited number of county pupils to the city, possibly even to expand that program. Had that policy not been implemented eight years earlier the case for inequality would have been clear enough. But Marshall seemed to recognize that the scholarship program constituted the biggest challenge in the equalization argument, because it represented a partial remedy—not unlike the devices Maryland and other segregating states had crafted to side-step challenges at the graduate and professional levels and which were at issue in the *Murray* case. As significant and satisfying as the *Murray* victory had been, it had not resolved the legal adequacy of programs designed to evade both integration and “equalization” through out-of-jurisdiction tuition plans. Marshall sensed that the case would stand or fall on his ability to establish that the current tuition program failed to provide educational equity, and during the winter months leading up to the trial he devoted considerable time and energy to documenting the shortcomings of the scholarship program.²⁵

Making the Case

The selection of an appropriate plaintiff for the county school suit presented a curious contrast to the approach required for the *Murray* case. While the argument for Donald Murray's admission to the law school rested on the presentation of seemingly impeccable credentials, this legal proceeding dictated selection of a plaintiff



Sunday School of the Cowdensville African Methodist Episcopal Church in the early 1930s. Margaret Williams is in the second row, second from the left. The congregation was founded in 1857 to serve a small rural community of free blacks, and this structure, erected in 1907, still serves a small congregation. (Doris Matthews Manokey family photograph.)

whose record was not so strong. Although Williams had passed the seventh grade with adequate—though not impressive—grades, she had failed to secure the established passing mark on the county's exam. In hopes of a better score the next year, she had repeated the seventh grade, only to come up short again. Her qualifications suited Marshall's strategy. Rather than making her a weak candidate for the case, her failure made her precisely the type of appellant required to petition for redress; after all, had she been eligible to receive tuition, she would have had little basis for appeal (unless a case was to be made that, *even so*, the program was inequitable, an even tougher case to prove). The argument Marshall planned to make was that she had completed the county's own elementary school program satisfactorily, therefore she was entitled to proceed to secondary school. In this contention, challenges regarding the nature and status of the exam would prove crucial, since they formed the basis for excluding Williams from further educational opportunity. She was the kind of plaintiff the logic of the suit required—strong enough to pass the grade, but not strong enough to pass the examination. Still, the question of Williams's qualifications made Marshall and Houston nervous, and the subject received a great deal of attention, both in the courtroom and in the court of public opinion.²⁶

In preparation for the suit, Marshall launched an extensive investigation in the early months of 1936. He reviewed official school board records, including the minutes and the annual reports. His research reflected the dual nature of the case's logic—it concentrated on the unfairness of the examination and the current tuition program, and it also substantiated the case for establishing county high schools for African Americans. To survey county African-American students enrolled in city schools under the tuition scholarship program he petitioned the city school board for a list. When this was denied, he found the necessary information elsewhere. Though the county represented "a large jurisdiction" and snowstorms twice forced delay, Marshall (and a small cadre of assistants) tirelessly visited the homes of pupils and their parents to conduct his survey, which requested information on the examination, transportation distances and costs, attendance, parents' occupations and property ownership status, and whether the parents were "in favor of having a first rate high school for Negroes in Baltimore County."²⁷ Marshall believed that the number of students identified in his tallies as tuition recipients (eighty in the junior high school and seventy-four in the senior high) was sufficient to justify a high school in the county. To document the transportation hardships students faced in their commute to the city, he constructed a map showing the distance and time involved to travel from their county homes—some as far as twenty-four miles, many of them more than fourteen, and the majority between four and eight—and noted the absence until that year of any provision for transportation costs despite the fact that white high school students were transported by bus.²⁸ He also devoted considerable research to the nature and circumstances of the qualifying examination. He found, for instance, that the exam was given only in four centers in the county and under the supervision of white teachers whom the pupils had never seen, rather than in their own schools supervised by their own teachers; that only students deemed to have a "reasonable chance of success" were encouraged to take them; and that only 30 percent of African-American students leaving seventh grade had received tuition scholarships.²⁹

After the successful resolution of *Murray* in mid-January, Marshall was now ready to proceed with his two-pronged attack.³⁰ One part was the long-promised suit, filed on behalf of Margaret Williams in the Baltimore County Circuit Court in Towson on March 14, 1936. Because the suit called for a *writ of mandamus* requiring county officials to admit Margaret Williams to the nearest high school, it raised once more the issue of whether its intention was integration or the establishment of separate schools. Both Marshall and Houston winced when a Baltimore newspaper suggested a link between *Murray* and *Williams* in a common agenda to seek admission to white schools. With Houston's support, Marshall sought the aid of a sympathetic columnist, Louis Azrael of the *Baltimore News-Post*, to clarify the NAACP goals in the *Williams* case. Of the im-

pending suit Azrael wrote, "There's likely to be considerable commotion soon about admission of colored children to white high schools." This concern Azrael allayed by contending, "The colored people don't really want to start any movement toward that end. But they do want, according to some of their leaders, to see that the county affords colored children the advantages which the law demands and what other counties are giving. . . . They want a Baltimore County high school for colored children." Azrael reported that he had been assured that it was only because of the way the law worked that the case was being pressed for admission rather than for separate schools: "They can't go to court to ask for a special school. If they go to court, their lawyers say, the technicalities of legal procedure will force them to ask for a mandamus demanding the admission of colored children into white high schools."³¹

Underscoring this strategy, the second prong was the demand that the county establish African-American high schools, which came in the form of a public petition by the "United Parent-Teachers Association," a document bearing Marshall's strong imprint. Issued on February 26 to "All Citizens of Baltimore County," it called for the establishment of "Negro" high schools, noting the board's continuing refusal to consider such pleas and citing disparities in facilities, expenditures, and transportation (using figures from Marshall's investigation). Objecting to the low percentage of African-American pupils deemed eligible for tuition scholarships based on the county's examination, it made use of a formulation Marshall advanced on a number of occasions: *either* it showed that the education afforded African Americans was inferior and unsatisfactory, *or* it showed that the examination was unfair.³²

With the die now cast, Marshall scrambled to prepare the *Williams* case for trial. This included deciding how to respond to several issues county attorneys had raised in their counter-statement. The first of these challenged Margaret Williams's qualifications on the grounds that she had failed the test, a point that initially troubled Houston. On the same day Marshall informed Houston that he had two retired educators who had reviewed her record and deemed it "OK," Houston relayed his "further thought" that Margaret Williams had not failed an examination to enter *Baltimore County* high schools, but one for tuition to *Baltimore City* schools.³³ The county contended, second, that white students also took a seventh-grade examination. Marshall initially had asserted that they did not, based upon his careful scrutiny of the school board minutes, which reported on the results of African-American student exams but made no mention of an exam policy or test results for whites. The claim threatened to undercut his argument, and he sent his legal team searching for more information.³⁴ Third, the county claimed that separate African-American high schools would be uneconomical and impractical, a position that suggested that the county understood separate schools to be the primary goal in the case.

Houston was unable to attend preliminary hearings during the late spring and summer, and Marshall continued as lead attorney (assisted by Leon Ransom and Edward Lovett). The conduct of the judge in the case, Frank I. Duncan (who in September announced his plan to retire after the current session), gave Marshall little hope for a positive outcome at the circuit court level. Marshall wrote Houston that the judge had “leaned very far to the other side” in the arguments about the grounds for the suit, adding, “We are in for a real battle.”³⁵ This assessment was confirmed when Duncan declared prior to the trial that the case would fail if it could not be shown that Margaret Williams had passed the “required” exam—thereby seizing on a fact that was uncontested (passage of the exam) while clearly missing the points Marshall had raised about the nature and purpose of the test.³⁶

When the trial got under way in mid-September, Marshall explained in his opening argument that the objective of the suit was to secure an opportunity for high school education that the county had denied the plaintiff’s daughter. He asserted that the petition for admission to Catonsville High School did not stem from “the express desire to enter that school,” but that the county’s failure to provide any alternative had left no other remedy. In his presentation of the case, Marshall tried to cast the issue of educational inequality in the broadest and starkest terms as a denial of constitutional rights to equal protection. Drawing upon his meticulous research, he laid out the pronounced differences in general educational facilities and expenditures, noting, for example, the glaring absence of any county high schools for African Americans when there were ten with a valuation of two million dollars for whites. Much of his argument focused upon the inadequacy of the tuition program and the unfairness of the exam. In part, this emphasis may have been influenced by the judge’s strict ruling regarding the grounds for the case, but in large measure it seemed to represent Marshall’s conviction that the inequity of the program generally, and of the exam in particular, was central to his contention of unequal treatment. Marshall argued “that the form of examinations was a means of discrimination and set up for the direct purpose of preventing Negro children from obtaining a high school education, and further, that this system of paying tuition for the children to go out of the County was not an equal educational opportunity.” He went on to assert that while white children who passed the elementary school grades were “automatically” promoted to high schools within the county, African-American children were required to take an examination which, as he described it in a follow-up summary, was “merely a subterfuge to exclude Negroes from a high school education.”³⁷

The testimony of Joshua Williams on behalf of his daughter included the statement that in the fall of 1934 she had enrolled in the city’s Booker T. Washington Junior High School. She had to withdraw a month later when city offi-

cials discovered her county residence and informed him that he would have to pay tuition, which he could not afford, the development that led her to repeat the seventh grade so that she could retake the tuition exam. Williams's admission confirmed the lengths to which county African Americans felt forced to go to secure educational opportunity for their children.³⁸ Marshall also called as a witness Francis Wood, Director of Colored Schools for Baltimore City, to establish that the exam requirement was not the city's; Wood stated that the city considered promotion, not an exam, as the single criterion for admission to high school. Finally, Violet Taylor, the principal and sole teacher in the one-room Cowdensville school, took the stand to testify that Margaret was "a very good student" and that African-American teachers and principals were not consulted on the exams or the results.³⁹

The exam issue, which seemed pivotal to Marshall's argument, proved vexing in the trial debate. His plan to argue that the policy was *prima facie* evidence of differential and therefore unequal treatment had been undercut by the county's counter statement that exams were required of both races. Curiously, when Marshall had demanded to see proof, no copies of the exams given whites were forthcoming (though he was given copies of those taken by Margaret Williams and Lucille Scott).⁴⁰ Indeed, in the trial Marshall noted that school board minutes revealed no reference to any exam given to whites until that very summer, some four months after the suit had been filed.⁴¹ Marshall devoted much of his trial cross-examination of Principal David Zimmerman and Superintendent Clarence Cooper to their contention that exams were given to students of both races. Their testimony was confusing and perhaps evasive. Certainly it left profound doubts whether there had been any such testing prior to 1935 (when the state had recommended use of standardized achievement tests in schools generally), even more whether the tests that white students took had any relevance to their promotion to high school.⁴² Most importantly, as Marshall emphasized in the trial and subsequently, each school official acknowledged in court that even if Williams had received a passing mark on the exam, she would have been denied admission to the county's high schools on the basis of race.⁴³

A Victory for Jim Crow

In October, Judge Duncan rendered his ruling, turning down the case on the grounds that he had announced at the outset would govern his decision: Margaret Williams had failed the exam and therefore was not entitled to redress.⁴⁴ The NAACP press release, noting that the judge had refused to consider the arguments regarding unequal treatment of whites and African Americans on the exam and promotion policy, concluded "that this point will be the base for the appeal." Marshall's own post-mortem to the NAACP contended that

Judge Duncan's ruling had failed to address the principal position in the suit, that the county's system was not uniform "and is merely a subterfuge to exclude Negroes from a high school education," and that this contention would serve as the basis for an appeal. Leon Ransom, who had assisted Marshall in the trial, wrote confidentially to Charles Houston that if the argument had been lost on a prejudiced judge, the fault had not been Marshall's, whose "preparation and trial work in this case was a thing of beauty."⁴⁵

The case next would be heard by the Maryland Court of Appeals, which had upheld the favorable ruling in the *Murray* case and which, Marshall must have hoped, would respond to similar legal arguments in this instance. As he prepared the appeal, Marshall's circumstances took a significant turn when in November 1936 he left Baltimore for New York to accept the position as Assistant Special Counsel to Charles Houston in the NAACP's national office. The move not only heightened Marshall's profile as a civil rights litigator but helped to resolve his tenuous economic situation as an independent lawyer trying to establish a practice while working for minimal fees on civil rights cases. Throughout the *Williams* case, which consumed considerable time and energy and for which Marshall received only modest fees from the national office (\$50 for some of the initial work; \$350 for the trial case), financial support clearly was a significant concern. In April he even gave thought to leaving his role as a practicing attorney when he inquired about a faculty position at Howard University Law School. The following month he wrote Houston: "Personally, I would not give up these cases here in Maryland for anything in the world, but at the same time there is no opportunity to get down to really hustling for business."⁴⁶ The call to New York permitted him to focus upon civil rights law without sacrificing his practice.

The Court of Appeals held its hearing on the case on April 23, 1937, and announced its decision a month later on May 26. While the court—in a ruling written by Chief Judge C. J. Bond—did indeed take note of the *Murray* case, it used that decision to buttress its rationale for refusing to overturn Judge Duncan's verdict. The court brushed aside challenges to segregation policies within Baltimore County and the state, which it asserted were underwritten both by statute and custom, while giving no consideration to requiring the county to establish separate African-American high schools. Bond's statement nevertheless went well beyond Duncan's strict interpretation regarding Williams's performance on the test. Grasping the broader challenge implicit in the suit, Bond devoted considerable attention to Marshall's argument about the equity of the exam. The judge reasoned that if the exam could be proven to be unfair, the appropriate remedy would not be admission to the white school, the stated objective of the suit, but either revision of the exam or abolition of the exam requirement for the tuition program. Bond cited the Court's own *Murray* decision, writing

that “admission to the white school could be required only upon a showing that the equality of treatment is not obtainable separately.” But the judge contended that the suit had not demonstrated a substantial degree of inequality. While conceding Marshall’s arguments that there were differences in the way the examination policy was administered regarding white and African-American pupils, he accepted the county’s contention that the examinations were essentially uniform, and concluded that the differences were “minor” and the inequalities “insufficient.” Indeed, he said, in language Marshall would find significant, “the allowance of separate treatment at all involves allowance of some incidental differences and some inequalities in meeting practical problems presented.” These, Bond concluded, “could not be remedied by admitting to a high school a child who is not fitted for it.” But, in an observation that seemed rich in portent, he added, “The remedy would have to be one reaching farther back.”⁴⁷

There was no disguising the fact that Marshall and the NAACP legal strategy had suffered a major setback in the Baltimore County case. Despite a press release indicating a further appeal, the NAACP legal team refrained from taking subsequent action, an apparent admission that the effort looked unpromising.⁴⁸ Although Marshall earlier had hoped that this case might provide a model for approaches in other suits across the country, instead the NAACP chose not to bring another school equalization case involving public primary or secondary education for the next ten years—not until the late 1940s when it moved ahead with the legal strategy that resulted in *Brown*. Commentators on the development of the NAACP legal strategy and Marshall’s career have tended to cite Judge Bond’s admonition that Marshall had sought the wrong remedy, and some have questioned whether his meticulous research and presentation on the examination may have deflected the courts’ attention from the simple inequity the case should have emphasized.⁴⁹ A more appropriate reading might be that the rulings in the case, especially in the instance of the Court of Appeals, reflected the risks inherent in the ambiguity regarding goals as Houston and Marshall had conceived the case. Pursuing the remedy of admission to the white high school, the suit, though directly challenging the adequacy of the tuition program, had not called for its expansion, nor had it created a legal framework for an explicit order to establish separate high schools. A legal strategy that successfully resolved this ambiguity remained elusive.

While the Baltimore County case clearly forced reassessment and resulted in deferral, it nevertheless contained seeds of the *Brown* argument, which neither Marshall nor the NAACP legal team were quite prepared to advance yet. Marshall’s response to the ruling may have been an attempt to find the silver lining within the cloud, but it also suggested an important lesson he drew from it: “Here, for the first time, a court has admitted that some inequalities are inevitable in a separate school system. It is significant and valuable to have a court



First graduating class of George Washington Carver High School, 1943. The Baltimore County School Board voted in 1939 to open high schools for African-American students in Towson, Catonsville, and Sparrows Point. (Photograph by Caren Shelley, courtesy Evelyn J. Chatmon.)

recognize and state that *the mere existence of a separate system, in itself, imparts inequalities*” [italics added]. The logic seemed portentous, yet Marshall worried that the time did not appear to be ripe to press further; in a follow-up summary he wrote that the NAACP might support another suit testing the policy of sending Baltimore County African-American students to the city but that the organization could not “move faster than the courts and the citizens.”⁵⁰

If indeed the remedy must “reach farther back,” in the court’s words, perhaps the *Williams* suit muddled means and ends—petitioning for admission to the white high school, attacking the basis of the examination requirement for the tuition policy as unfair and exclusionary, yet using both arguments to put pressure upon Baltimore County to establish separate high school education for African Americans. Perhaps the logical next step was a clear and direct assault on the “separate but equal” doctrine with the argument that dual educational opportunities were inherently unequal. The full development of that rationale would be some time in coming. However, there can be little question that Marshall’s loss in the *Williams* case combined with his victory a year earlier in *Murray* to shape his thinking at the point when his new role as chief counsel for the NAACP placed him in a position to direct NAACP civil rights legal strategy.

If the lesson of *Williams* was not lost on Marshall, neither was it lost on the Baltimore County School Board, though necessity rather than principle may have forced its hand. In 1939, only two years after the appeals court ruling, the board voted to establish high school grades at three county sites—Towson, Catonsville, and Sparrows Point. In October 1938 the superintendent had informed



Margaret Williams graduated from the St. Frances Academy in 1939. Mother Elizabeth Lange, founder of the Oblate Sisters of Providence, opened this Catholic school in 1828 as a private day or boarding school for “colored” girls. The school is still open in Baltimore City. (Courtesy St. Frances Academy.)

the board of the city’s decision not to accept additional pupils from the county, beginning the following September. Consequently, the board, having “conferred” with a committee representing the PTA of the “colored schools” and—significantly—the NAACP, announced its plan to initiate high school grades as additions to the elementary schools at the three locations. In 1940, at the end of the first year, the annual report recorded 104 African-American high school enrollees (those already in the city schools were not included in this count), compared to 5,788 whites.⁵¹ In 1940–1941 construction of high school facilities proceeded at the three sites, and in 1943 the schools, which that year graduated their first classes with forty students receiving diplomas, took the names of George Washington Carver (Towson), Benjamin Banneker (Catonsville), and George F. Bragg (Sparrows Point).⁵² Meanwhile, county school officials identified a decline in elementary school enrollment for African Americans and proceeded to close and consolidate a number of the smaller schools. In 1939 the Cowdensville school that Margaret Williams had attended was reported to have



Margaret Williams (right) with members of her family in the 1930s. A brother and sister qualified for tuition payments to attend the city high school; a younger brother attended the new African-American high school in Catonsville. (Williams family photograph.)

only fourteen pupils, and the superintendent recommended its closure.⁵³ By 1945 African-American high school enrollment had grown somewhat, to 305, but it was still far out-distanced by white enrollment numbers of 6,436.⁵⁴ When long-time Baltimore County teacher Amy Crewe published her history of the county schools a few years later in 1949, she made no mention of the *Williams* case in her chapter on African-American education but included the organization of the segregated high schools as part of her uncritical assessment of the “bright prospects for the future.” She wrote: “The new school buildings, modern equipment, the 12-year school program including a complete high school education, all are tangible evidences of the progress of the colored schools.”⁵⁵ And, indeed, by that point many segregated systems were scrambling to upgrade their African-American schools so that they could not be challenged for failing to meet the “separate but equal” standard.

As to the plaintiff, Margaret Williams entered high school at St. Frances Academy, a Roman Catholic parochial school serving African-American students in Baltimore City. A brother and sister, both slightly younger, qualified for tuition payments on the basis of their test scores and attended Frederick Douglass High School in the city during the late 1930s and early 1940s. Another brother, the youngest of the four children, attended the newly established segregated high school in Catonsville.

Following the *Brown* decision in 1954, the Baltimore County School Board waited a year to announce a policy that it would “make every effort to comply”

under a plan calling for the gradual phasing out of separate African-American schools. The goal, which angered some African-American parents who questioned why schools that had served as sources of community pride could not be retained on an integrated basis, was not fulfilled until 1966.⁵⁶ In recent years the African-American population has grown substantially in Baltimore County to 12.4 percent in 1990, but much of the expansion has been concentrated primarily on the aging suburban county's northwest side, adjacent to Baltimore City. This settlement pattern has contributed to the increasing number of schools with "majority-minority" enrollments, a form of resegregation mirroring residential location, not overt policy. Increased African-American school enrollment percentages—approximately one quarter in 1994—have been accompanied by a climate in the county school system in which varied issues frequently take on racial overtones. Writing about the changing mood of African-American parents in Baltimore County and other Maryland jurisdictions where the number of "majority-minority" schools continues to grow, *Baltimore Sun* reporter James Bock recently observed: "Now facing 'resegregation' of their children's schools, some black Americans are saying separate doesn't have to be unequal. They don't advocate a return to Jim Crow. But they care less about integrated schools and more about good schools, even if they are segregated."⁵⁷

In a very real sense, the outcome of the Baltimore County case—the loss in court and the subsequent establishment of Jim Crow high schools—put Marshall and the NAACP in a position reminiscent of the old adage, "Be careful what you ask for, because you may get it." The Houston-inspired strategy had worked remarkably well in the Maryland law school case, where exclusion arguments were successful before the courts because the state was unlikely to incur the costs of establishing a separate institution.⁵⁸ But in the Baltimore County case, not only did the court approve of the county's device for skirting *Plessy*, thereby denying the explicit goal of admission to the white school, but the school board's subsequent decision to pursue the more typical Jim Crow alternative of establishing separate high schools seemed to address an implicit goal of the suit. If in the mid-1930s neither Marshall, nor Houston, nor the NAACP were yet prepared to press for full-scale integration of schools, especially in the border and southern states where separate institutional arrangements prevailed, the outcome of the *Williams* case gave them little immediate hope that a successful legal instrument for such a challenge was at hand.

At the same time, in the *Williams* case Marshall indeed had charted significant new ground in the argument for equalization, especially in his careful presentations regarding the nature and circumstances of the examination, disadvantages related to transportation, and the inferiority of segregated African-American elementary schools as preparation for successful admission to high school. Although the district court judge ignored these arguments, the appeals

court took them quite seriously, ruling that the evidence presented was nevertheless insufficient to grant the redress to Margaret Williams that Marshall was calling for. However, while the court's finding that "some" inequalities were "inevitable" in a dual system dealt Marshall a substantial defeat in the *Williams* case, it nevertheless left the door open, if seemingly only ajar, for the contention that eventually would prove successful in the *Brown* cases: that educational segregation was inherently unequal and therefore unconstitutional.

Without a doubt the *Williams* outcome represented a significant setback to the newly devised NAACP legal strategy. Still unresolved was the quandary whether to press for equalization within a context of segregation or whether to press for inclusion, challenging segregation by insisting upon integration. In essence, the ambiguity still remained regarding "positionary tactics" and "the ultimate goal." However, if in the Baltimore County case Marshall had failed to find a remedy through *Plessy*, the seed unquestionably had been sown for *Brown*.

NOTES

1. [Gary Orfield], *The Growth of Segregation in American Schools: Changing Patterns of Separation and Poverty Since 1968* (Alexandria, Va.: National School Boards Association, 1993). For a forceful statement of these concerns, see Jonathan Kozol, *Savage Inequalities: Children in America's Schools* (New York: Crown Publishing Group, 1991).

2. For recent white and black attitudes, see, for example, George Lipsitz, "The Possessive Investment in Whiteness: Racialized Social Democracy and the 'White' Problem in American Studies," *American Quarterly*, 47 (September 1995): 369–87, and James Traub, "Separate and Equal," *Atlantic Monthly*, 268 (September 1991): 24.

3. While separate facilities (frequently unequal) may have been the rule in many jurisdictions, especially in southern and border states, some 230 counties with a combined African-American population of 1.3 million had no high school facilities for African-American children in 1935, according to figures cited by NAACP chief counsel Charles Houston. "Summary of Speech by Charles H. Houston to National Bar Association Convention, Nashville, Tennessee, August 1, 1935," and "Don't Shout Too Soon," typescript for an article in *Crisis*, October 1935. Both documents are in the NAACP Papers, Library of Congress (cited hereafter as NAACP).

No Maryland jurisdiction had a high school for African Americans until 1895. As late as 1932, Baltimore County was one of only three (along with Howard and St. Mary's) without any facility of its own. Progressive-era educational reform at the state level during the first two decades of the century contributed only marginally to the improvement of schooling prospects for African-American children. See Robert J. Brugger, *Maryland: A Middle Temperament, 1634–1980* (Baltimore: The Johns Hopkins University Press, 1988), 419–20, and Raymond S. Sweeney, "Public Education in Maryland in the Progressive Era," *Maryland Historical Magazine*, 62 (March 1967): 28–46.

4. Major works focusing largely or in part on the legal career of Thurgood Marshall include Randall W. Bland, *Private Pressure on Public Law: The Legal Career of Justice Thurgood Marshall* (Port Washington, N.Y.: Kennikat Press, 1973); Michael D. Davis and Hunter R. Clark,

Thurgood Marshall: Warrior at the Bar, Rebel on the Bench (New York: Birch Lane Press, 1992); Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Random House, 1975); Carl T. Rowan, *Dream Makers, Dream Breakers: The World of Justice Thurgood Marshall* (Boston: Little, Brown & Co., 1993); Mark V. Tushnet, *The NAACP's Legal Strategy Against Segregated Education, 1925–1950* (Chapel Hill: University of North Carolina Press, 1987); and Mark V. Tushnet, *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936–1961* (New York: Oxford University Press, 1994). The Baltimore County high school case is ignored by several (Bland and Rowan) and receives relatively slight consideration in the others, who generally treat it as a strategic error on Marshall's part and an early loss.

5. [Nathan Margold], "Preliminary Report to the Joint Committee Supervising the Expenditure of the 1930 Appropriation by the AFPS to the NAACP," n.d., NAACP. The AFPS was the Garland Fund-supported American Fund for Public Service, which subsequently established a joint committee with the NAACP to pursue the strategy. An early statement of Houston's goals and the emphasis upon educational inequality is in his "Memorandum for the Joint Committee of the NAACP and the AFPS, Inc.," October 26, 1934, NAACP.

Several commentators attribute Houston's decision to emphasize education and to concentrate upon the graduate and professional level to his own background in legal education, the availability of plaintiffs, and the appeal to the interests of the African-American leadership class. See, for example, Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia: University of Pennsylvania Press, 1983), 114–17; Bland, *Private Pressure on Public Law*, 20–22; Davis and Clark, *Thurgood Marshall*, 63–68; and Tushnet, *Making Civil Rights Law*, 12–13.

6. [Margold], "Preliminary Report," n.d.; Houston, "Memorandum," October 26, 1934, NAACP.

7. Charles H. Thompson, "Court Action the Only Reasonable Alternative to Remedy Immediate Abuses of the Negro Separate School," and W. E. Burghardt DuBois, "Does the Negro Need Public Schools?" *Journal of Negro Education*, 4 (July 1935): 328–35, 419–34.

8. "Summary of Speech by Charles H. Houston to National Bar Association Convention, Nashville, Tennessee, August 1, 1935," NAACP.

9. The three targets were identified by Charles Houston in "Tentative Statement Concerning Policy of NAACP in its Program of Attacks on Educational Discrimination," July 12, 1935 (report to the AFPS). An earlier statement of these goals is in Houston's "Memorandum for the Joint Committee of the NAACP and the AFPS, Inc.," October 26, 1934. The quote regarding Maryland is from "Memorandum Report to the Joint Committee of the AFPS, Inc., and the NAACP," July 29, 1935 (the report went out under the title of the Secretary, Walter White, but bore Houston's initials). All are from NAACP.

10. Carl Rowan's 1993 biography of Marshall asserts that the *Murray* case was his "revenge" upon the University of Maryland Law School for not having admitted him earlier (see chapter 4); Davis and Clark quote from a 1991 press conference in which Marshall is said to have responded to a reporter who asked about the meaning of the *Murray* case to him, "It was sweet revenge, and I enjoyed it no end" (*Thurgood Marshall*, 90). A number of investigators have questioned whether Marshall actually applied and have concluded that, even if he did not, he clearly resented the fact that it had been closed to him. David Folkenflik reports on the recent controversy in "Marshall May Not Have Tried to Enroll in UM Law School," *Baltimore Sun*, July 20, 1995.

NAACP press releases on the Baltimore County case linked it to the successful *Murray* outcomes, identifying the former as the "second assault" and Marshall as "one of the victo-

rious attorneys in the case against the University of Maryland." See "Baltimore County Citizens Ask for High School," October 4, 1935, and "Citizens Sue Baltimore County for High Schools," March 20, 1936, NAACP.

11. African Americans represented 9.4 per cent of Baltimore County's population in 1930 (11,764 of 124,565). The percentage actually declined during the first half of the century, a function of growing white population and lower African-American presence in real numbers. In 1920 African Americans constituted 12.2 per cent (9,099 of 74,817) but by 1940 only 6.7 per cent (10,504 of 155,825). *United States Census of Population, 1920, 1930, 1940*.

12. Catonsville resident Eva Brooks recounted in a recently published interview: "To further my education . . . I had to go to Douglass High School in Baltimore City because we were not allowed to go to the white Catonsville High School. My father had to pay tuition which was a real hardship for him, for me to attend Douglass High School. Fortunately, before the end of my first year at Douglass, people led by William Lowman fought to the extent that Baltimore County paid the rest of my tuition until I graduated. Later, colored children had to pass an examination before the county would pay the tuition." See Louis S. Diggs, *It All Started on Winters Lane: A History of the Black Community in Catonsville, Maryland* (published by the author, 1995), 133–34. Those who could not afford the tuition sometimes had to resort to listing the city address of a relative as a means of securing a high school education for their children.

13. The assistant superintendent generally was assigned responsibility for African-American schools. As if begrudging any giving without taking, the board at the same time eliminated the eighth grade in county black schools. White elementary schools at the time also had only seven grades, although four additional high school grades were available for whites. In some years the passing score was set as low as 50 percent, but in 1933 it was raised to 70 percent. Board of Education of Baltimore County, *Minutes, 1928–1935* (records in the office of Baltimore County Public Schools, Towson, Maryland).

14. A table showing the number and percentage of African-American pupils passing the exam for the years 1931–1935 is among the miscellaneous documents related to the Baltimore County case in the NAACP papers. The original records are in Board of Education, *Minutes, 1928–1935*.

15. Board of Education, *Minutes*, June 20, 1934. In 1927 Baltimore County tuition payments to adjoining counties and Baltimore City totalled \$9,564; in 1930, \$16,265; and in 1935, \$17,161. See Board of Education of Baltimore County, *Annual Reports* (records in the office of Baltimore County Public Schools, Towson, Maryland). In a letter to Walter White, Thurgood Marshall noted the irony of twelfth grade payments to African Americans. Thurgood Marshall to Walter White, October 10, 1935, NAACP.

16. In his testimony at the trial Joshua Williams identified himself as thirty-three, the father of four children, a taxpaying homeowner, a chauffeur and truck driver, and a life-long resident of the Cowdensville section of Baltimore County, as had been his parents. See "Stenographic Transcript, Circuit Court, Baltimore County, Testimony of Joshua A. [?] Williams, September 14, 1936," NAACP. Williams had only an eighth-grade education.

17. Marshall to Houston, September 12, 1935. Marshall noted, "On reaching the high school, I remained outside, and Joshua Williams, father of Margaret Williams, went in with the children." In later trial testimony Williams indicated that he had contacted Marshall after the incident, and dodged the question when he was asked who had advised him on the action (Stenographic Transcript). NAACP press releases stated that Principal David Zimmerman had refused to admit Margaret "on the grounds that it was against the policy of the county to educate the races together. . . . He admitted, however, that her credentials were good." NAACP

press releases, "Children Seek to Enter Maryland High School," September 30, 1935, "Citizens Sue Baltimore County for High Schools," March 20, 1936 (quotes from the latter). All are in NAACP.

18. Whatever the origins of the potential Baltimore County high school suit, Marshall had been in close communication with Houston during the late summer on the subject of appropriate plaintiffs. In mid-August he wrote Houston that the parents he had met with had decided to move into the city to provide for the high school education of their two daughters; however, he had the promise of alternative plaintiffs. On August 24 he wrote to Houston of the possibility of numerous plaintiffs and reported widespread apprehension that the county planned to cut back on the number of tuition payments it would provide. Prior to September 12 he had met with the Cowdensville parents and advised them on a course of action. Marshall to Houston, August 16 and 24, and September 12, 1935, NAACP.

Houston characterized the Baltimore County case as an important piece of the NAACP's legal campaign. In October he wrote to the Joint Committee: "In Maryland the first blows have been struck at inequality on the high school level" ("Memo of the Joint Committee, AFPS, Inc.-NAACP," October 8, 1935). An NAACP press release prior to the trial in 1936 stated: "The case is being pushed by the Baltimore branch of the NAACP and the national office in New York . . . [as part of] the nation-wide campaign for education equality being carried on by the NAACP under the direction of Charles H. Houston, special counsel of the association" (August 7, 1936). All are in NAACP.

19. Houston to Marshall, September 14, 1935, NAACP. Marshall earlier had suggested the possibility of as many as four suits, including such goals as establishing separate high schools, securing transportation, removing the necessity of taking the qualifying exam, and admission to the white high school. The Baltimore County situation offered the opportunity for experimentation, he wrote Houston, "to try out the different remedies and discover which is the best to be used in subsequent suits in other States." See Marshall to Houston, August 24, 1935, NAACP. Tushnet appears to be mistaken in interpreting Houston's advice on the two suits that one should be against the city ("to force admission to the segregated schools there without an entrance examination") and one against the county ("to insist on desegregation of its schools"). See Tushnet, *Making Civil Rights Law*, 16.

20. *Catonville Herald and Baltimore Countian*, September 27, 1935.

21. Board of Education, *Minutes*, October 8, 1935. Marshall to Walter White, October 8, 1935, and NAACP press release, "Baltimore County Board of Education Flatly Denies Petition for High School," October 11, 1935, NAACP. The Baltimore *Afro-American* reported extensively on the incident: "Mr. Warfield declared that he was a friend to Mr. Marshall's race and asserted that the colored people of Baltimore County are getting all they need in the way of education." When Marshall responded affirmatively to Warfield's question whether he expected the board to take any action, Warfield exclaimed: "Well, we are not." Warfield went on to warn Marshall that the NAACP program calling "for a high school in Baltimore County and equality of education facilities is going to do more harm than good. It will set your people back further than they are." When Marshall reminded Warfield that even in Mississippi there were educational opportunities for blacks, Warfield replied, tellingly: "Well . . . there is a lot more of them down there than up here and we believe that we are being fair with your people." *Baltimore Afro-American*, "County Refuses to Accept Petition for High School," October 12, 1935, NAACP.

22. Houston to Marshall, September 14, 1935, and October 2, 1935; NAACP press release, October 4, 1935, NAACP. Like Houston, Marshall also was concerned to keep the case out of the "white papers" pending resolution of the *Murray* appeal. Marshall to Houston, November 22 and 26, 1935, NAACP.

23. Marshall to Houston, September 12, 1935; Marshall to Houston, September 19, 1936, NAACP.

The high school Marshall attended occupied new quarters as Frederick Douglass High School in 1925, the year after he graduated. Karen Olson has written: "Although Douglass High School was a segregated school, it was also the focus of enormous pride and enthusiasm for Baltimore's African-American community." See "Old West Baltimore: Segregation, African-American Culture, and the Struggle for Equality," in Elizabeth Fee, Linda Shopes, Linda Zeidman, eds., *The Baltimore Book: New Views of Local History* (Philadelphia: Temple University Press, 1991), 64.

During the 1930s progressive educators backed efforts to replace small schools still common in rural areas with modern, consolidated schools. In 1930 Baltimore County elementary schools with only 1–3 teachers totalled 92 for whites and 30 for African Americans; by 1935 these had been reduced to 60 for whites and 24 for African Americans; and by 1940 to 49 for whites, 18 for African Americans. Board of Education, *Annual Reports*.

24. Marshall to White, November 22, 1935, and Albert Cook to Marshall, November 23, 1935, NAACP.

25. Marshall's investigations led him to consider a pair of suits testing the tuition program directly: one to compensate parents who were paying tuition to Baltimore City in cases where their children had not qualified for county payments and a second for the transportation costs of pupils with scholarships to the city. As he wrote Houston, "I think these two types of cases will break the question wide open and will help protect us in our present case." See Marshall to Houston, June 22, 1936, NAACP.

26. In 1934, Margaret Williams scored 38.25 on a 100-point scale. That year only 31 of 112 secured the 70 percent mark the board had determined as "passing," the smallest percentage (27.6) during the 1930s and the smallest number since 1931. The previous year 62 had been successful, leading the board to change the "passing" mark from 60 percent to 70 percent. Board of Education, *Minutes*, July 11, 1933 and July 19, 1934.

When Margaret Williams retook the exam in 1935, she scored 244 of a possible 390 (62.5 percent) on a new type of test on which 250 (64 percent) had been set as the "passing" mark. Of 128 taking the exam that year, 64 (50 percent) met the standard, by far the highest percentage under the tuition policy to that date. Board of Education, *Minutes*, July 16, 1935. These figures were also contained in a table prepared by Marshall or his assistants for the trial, undated [1936], NAACP.

Marshall had written to Houston on September 12 that Margaret had repeated the seventh grade and "passed with a very good record"; on September 16 he wrote of the two applicants that "one of the girl's records is not very good, though it is an average record" and the other's is "above average." See Marshall to Houston, September 12 and September 16, 1935, NAACP. After the suit was filed, Marshall and Houston were concerned that the defense was focusing on Williams's record. Houston to Marshall, March 30, 1936; Houston to Marshall and Marshall to Houston, both April 1, 1936, NAACP.

27. Marshall kept Houston informed of these efforts. In one letter he wrote, "I am . . . personally visiting the spots that look bad for the purpose of taking pictures, etc." In another he described staff assistant Bob McGuinn, who "looks enough like our white brethren" that he was able to go into white schools for information. Marshall to Houston, January 22 and February 5, 7, and 10, 1936, NAACP.

28. Marshall to Houston, February 5, 1936, NAACP. In public statements Marshall pointed out that the board had only recently instituted a policy for partial repayment of transportation costs via public transport but only at a rate of 10 cents per day. United Parent-Teachers

Association of Baltimore County, "To All Citizens of Baltimore County," February 26, 1936, NAACP. See also NAACP press release, "Need for High School Facilities for Education of Negroes in Baltimore County," March 2, 1936, NAACP. The board policy had not been approved until November, after Marshall had initiated the efforts on behalf of Margaret Williams. Board of Education, *Minutes*, November 5, 1935.

29. The latter he deemed evidence that the exams had been "manipulated" to keep pass rates—and hence expenditures—limited. See "Need for High School Facilities," March 2, 1936, NAACP.

30. With the successful *Murray* decision on January 15, Marshall and Houston agreed that the time was right to proceed with the Williams suit, Marshall announcing his intention to file right away since he felt the board was waiting to see if "we mean business." Houston to Marshall, January 31, 1936; Marshall to Houston, February 3, 1936, NAACP.

31. *Baltimore News-Post*, March 3, 1936. Regarding ongoing concern about how the case would be interpreted in the "white papers," see Marshall to Houston, January 22, 1936, February 11, 1936, and April 1, 1936, NAACP.

32. For example, the petition, drawing upon evidence Marshall had compiled, pointed out that white high school buildings were valued at \$2 million while there were no African-American high schools, and that the operating budget for white high schools of \$446,594 compared to the only \$14,041 appropriated for the African-American tuition program. See "To All Citizens of Baltimore County," February 26, 1936, and "Seek Colored County School," *Baltimore News-Post*, February 28, 1936, NAACP. The follow-up NAACP press release referred to the "chicanery" of the board regarding the examination requirement and used the term "contestants" which Marshall had noted (and marked) in the board's minutes to show that it was intended that only a limited number pass. See "Need for High School Facilities," March 2, 1936, NAACP, and Board of Education, *Minutes*, July 10, 1931.

In addition to the suit and the petition, the Baltimore County NAACP campaign included mass meetings and leaflets, consistent with Houston's directive that suits should be linked with organizing and public action. For example, Marshall described a leaflet using photos he had secured to show whites in high schools but "Negro children on streetcorners with nothing to do." Marshall to Houston, April 1, 1936, NAACP.

33. Houston's concern on this score was evident in his admonition that Marshall impress upon the local citizens' group the importance of locating a plaintiff for a potential second suit: "Since Margaret Williams' record has been challenged, it is up to them to produce an absolutely infallible case." Houston to Marshall, March 30, 1936, NAACP. The further exchange on qualifications, cited above, was in Marshall to Houston and Houston to Marshall, both on April 1, 1936, NAACP.

34. Marshall contacted Azrael, who also had difficulty getting details regarding the exam and had "the impression they're being very carefully protected." Marshall to Houston, April 8 and 14, 1936, NAACP.

35. Marshall to Houston, May 22, 1936. Marshall wrote Houston that he thought the defendant's case "a flop" and that he was prepared to take the case to the Court of Appeals if it failed. See Marshall to Houston, July 13, 1936, NAACP.

36. Marshall referred to the judge's pre-trial ruling on August 4 in "Briefs, Circuit Court Case, 1936"; he also discussed it in Houston to Marshall, September 1, 1936, and Marshall to Roy Wilkins, September 16, 1936, NAACP.

37. "Stenographic Transcript, Case of *Margaret Williams*, Circuit Court for Baltimore County, September 14, 1936," NAACP (hereafter referred to as Transcript, *Williams* case, 1936, NAACP). After the trial, Marshall summed up the case he had presented on the exam in

several memoranda, noting that African Americans were tested outside their home schools in only four centers, no transportation was furnished, exams were constructed by outside examiners without knowledge of actual instruction in the schools, supervision was by white teachers with whom the pupils were unfamiliar, African-American teachers and principals had no role in the exam or the recommendation (were not even informed of the results), and the exam served as the sole criterion for tuition payment without consideration of classroom work or achievement. Marshall, "Memorandum re. the Baltimore County Case," November 10, 1936; Marshall to Lillian Alexander [a sympathetic YMCA official in New York], November 17, 1936, NAACP.

38. Transcript, Williams Case, 1936, NAACP. Marshall wrote in his letter to Lillian Alexander that Margaret Williams had applied to a Baltimore City school, "making the false statement that she was a resident of Baltimore City," and that she was admitted to the eighth grade, but that her parents had to withdraw her when tuition was demanded. Marshall to Alexander, November 17, 1936, NAACP.

39. Transcript, Williams Case, 1936, NAACP; Marshall to Houston, September 16 and 19, 1936, NAACP.

40. The suggestion of requesting the pupils' exams had come from Houston. See Marshall to Houston, September 16, 1936, NAACP. Superintendent Cooper testified in the trial that the African-American exams had been available because they were kept in the central office, but that white exams were kept in the schools for only six months, due to storage shortages. Transcript, Williams Case, 1936, NAACP.

The NAACP press release reporting on the trial in September focused upon Marshall's assertion that white pupils were "automatically" entitled to attend high school with the presentation of their elementary school promotion, while African-American pupils were required to take a special exam. See "Decision on High Schools Before Court," September 25, 1936, NAACP.

41. Board of Education, *Minutes* for July 7, 1936, reported on the results of "county-wide examinations in arithmetic, English, history, and geography, given to the seventh grade, white and colored pupils and the results of the Unit S of Attainment tests given to the seventh grade colored pupils on June 9, 10, and 11"—a formulation which seemed like two different tests, not the same one.

Copies of Margaret Williams's tests in the NAACP files show that in 1934 she answered in longhand, with scores registered by evaluators directly on the test sheet, while in 1935 the printed test bore the title, "The Progressive Test Series" ("devised by" Los Angeles-area educators whose names were listed) and scores were registered on a "diagnostics profile" sheet (NAACP).

42. For example, Cooper said that white students were tested in January and African Americans in June, while Zimmerman claimed that whites were given remedial work and re-tested in June. Cooper distinguished between "promoted" [from seventh grade] and "promoted to high school," contending that African-American principals had the authority to determine the former, not the latter, though Zimmerman apparently felt no such distinction necessary for white pupils. Transcript, Williams Case, 1936, NAACP. On the testimony of the two, see Marshall to Houston, September 19, 1936, NAACP.

Marshall wrote after the trial that testimony had stated that white pupils were given exams in January and in June by their own principals, and that test results plus classroom records were used as the basis for their promotion to high school, but that Margaret Williams and other African-American pupils were given exams *after* completion of the seventh grade by examiners at central locations and that the exam served as the *only* basis for receiving

tuition payments to attend high school. "As a result of this system in that year [1935], 96 percent of the white pupils passed and only 50 percent of the Negroes were permitted to pass." See Marshall, "Memorandum re. the Baltimore County Case," November 10, 1936, and Marshall to Alexander, November 17, 1936, NAACP.

43. Zimmerman claimed that he refused to admit Williams because he had no jurisdiction in the high school over "other than the white race," though he admitted that he had no written instructions to this effect (Marshall had also asked him about jurisdiction over Spanish, Chinese, Japanese, etc.). Cooper stated that even if she had passed the test she would not have been admitted to Catonsville High School because she was a Negro. Transcript, Williams Case, 1936, NAACP.

Marshall told Houston that Zimmerman did not even know the exam results when he turned her down. See Marshall to Houston, September 16 and 19, 1936, NAACP. Dr. Davids, identified as a Ph.D. "from Johns Hopkins University," testified as an "expert witness" that the type of exams administered were an improper basis for promotion, that the criteria for promotion were unfair compared to whites, and the system of education for African Americans in Baltimore County was discriminatory. Transcript, Williams Case, 1936, NAACP; Marshall, memorandum, September 29, 1936, NAACP.

44. *Baltimore Daily Record*, October 23, 1936. Marshall sent a copy of the ruling, "rendered by our esteemed friend, Frank I. Duncan," to Houston on October 22, 1936, NAACP.

45. "Court Denies Petition for County High Schools," NAACP press release, October 23, 1936; Marshall, "Memorandum," November 10, 1936; Leon Ransom to Houston, September 20, 1936, NAACP. In the last, Ransom also wrote that the judge had been prejudiced and that Marshall "is our most valuable field agent."

46. Marshall to Houston, May 25, 1936, NAACP. One consequence of the move is the absence of the kind of correspondence between Marshall and Houston for the appeal portion of the case that had accompanied the initial trial phase.

In his letter applying for the position at Howard University Law School, Marshall noted his civil rights cases (*Murray* and the pending Baltimore County case) and legal work for African-American clients in Baltimore, including a laundry, building and loan association, and funeral directors association. Marshall to George Crawford [Howard University School of Law], April 23, 1936, NAACP. Houston wrote Marshall on September 24, 1936, that Walter White had recommended putting him on a salary basis (NAACP).

Persistent conflict over the Baltimore branch's financial support for the Baltimore County case was only resolved at the time of Marshall's departure with its agreement to pay a share of the expenses. See Lillie M. Jackson to Walter White, October 19, 1936, NAACP.

47. *Baltimore Daily Record*, June 2, 1937.

48. The NAACP press release on the ruling indicated that Marshall planned to re-file the case, but no such action occurred. See "Maryland Court Declares Inequalities Inevitable in Segregated Schools," May 28, 1937. Marshall's follow-up memo, "Draft Statement of Baltimore County Case," was listed as "presented September 10, 1937," though probably written earlier. As the case was going to appeal in April, Marshall expressed concern that the Baltimore branch and Lillie M. Jackson seemed to have lost interest. Marshall to White, April 23, 1937. All are in NAACP.

49. Mark Tushnet has argued that Marshall's preparation may have been "too thorough" and obscured the "simple legal theory of the case" and that his "complex investigation" may have led down the "wrong path." Richard Kluger has stated bluntly, "In hindsight only, it was a blunder." See Tushnet, *The NAACP's Legal Strategy*, 66; Tushnet, *Making Civil Rights Law*, 16; and Kluger, *Simple Justice*, 196.

50. "Maryland Court Declares Inequalities Inevitable in Segregated Schools," NAACP press release, May 28, 1937; Marshall, "Draft Statement of Baltimore County Case," "presented September 10, 1937," NAACP.

51. Board of Education, *Minutes*, October 4, 1938, February 2, 1939, July 11, 1939. The board's *Annual Report* for the year ending July 1, 1940, listed tuition payments for those already in Baltimore City high schools as \$19,643.

52. The name change apparently permitted deletion of "colored" in the school names. Board of Education, *Minutes*, November 2, 1939, February 6, 1940, and May 11, 1943. Amy C. Crewe, *No Backward Step Was Taken: Highlights in the History of the Public Elementary Schools of Baltimore County* (Baltimore: Teachers Association of Baltimore County, Maryland, 1949), 218–19.

53. Board of Education, *Minutes*, April 3, 1939. The report recommended the closure of both the Cowdensville and nearby Halethorpe elementary schools, with their pupils to be sent to Catonsville, but a subsequent decision assigned the Cowdensville pupils to Halethorpe.

54. Board of Education, *Annual Report*, 1945. By that year Halethorpe also had been closed, and there were no remaining schools for African Americans in the southwestern 13th district of the county.

55. Crewe, *No Backward Step*, 219. Omission of reference to the *Williams* case is striking in Crewe's work, since she had taught for thirty-five years in the schools of the county, her retirement was recognized by the board in the midst of the case, and her history made frequent use of board minutes. In 1939 some Baltimore County white schools moved to a twelve-year system. Board of Education, *Annual Report*, 1939.

56. "Desegregation Policies of Local Boards of Education, Baltimore County," July 21, 1955 (report in the office of the Baltimore County Public Schools, Towson, Maryland); Board of Education, *Minutes*, 1955–1966. On the response to the 1954 ruling in the county and state, see Neal A. Brooks and Eric G. Rockel, *A History of Baltimore County* (Towson, Md.: Friends of the Towson Library, 1979), 390, and George Calcott, *Maryland and America, 1940 to 1980* (Baltimore: Johns Hopkins University Press, 1985), 244–45; and Brugger, *Middle Temperament*, 579–80.

57. James Bock, "'Resegregated' Schools Not All Bad, Some Say," *Baltimore Sun*, June 5, 1996. Bock reported that "majority-minority" schools in Baltimore County had increased from 16 in 1988 to 30 in 1995. Bock documented a similar pattern in Prince George's and Montgomery Counties, Maryland's suburban jurisdictions in the metropolitan Washington area.

58. In response to subsequent suits, segregationist states would test how far they could go in devising patently inferior separate educational arrangements. For example, in cases involving law school education during the 1940s, Texas claimed to have established a separate institution in the basement of buildings in Austin, while Oklahoma provided segregated quarters within the white university. These evasive devices were declared unconstitutional by the Supreme Court in the *Swett* and *McLaren* decisions on June 5, 1950.

5/ 1 Very good rugg - - - d - 1: 6: 8
 In the study room - - - -
 16 p^s of Earthen ware at 3 p^s 19 } - 18: 6
 4 p^s of China ware at 6 p^s 2 }
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 a Sere tore - - - - d - 3: 10 -
 An old Trunk - - - - d - 4 -
 A per^o of Books Viz^t Cook on - - - 4 -
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Inventory of Colonel Thomas Ennals, 1718. Maryland's colonial gentry owned law and prayer books to guide them toward knowledge and gentility. (Maryland State Archives, Inventories of the Prerogative Court Z:5.)

The Reading Habits of Maryland's Planter Gentry, 1718–1747

CARL E. GARRIGUS, JR.

You may load an Ass with money, or deck him with rich trappings, yet still you will not make him a whit the nobler kind of beast.

Richard Allestree, *Whole Duty of Man*

A gentleman in the Chesapeake of the eighteenth century was a man of means and substance, possessed of an independence from menial labor and an inner confidence of superiority. He was judged by how much land and how many slaves he owned, the quality of his tobacco crop, and whether or not he held political office. He also was assessed on his ability as community leader and his willingness to converse intelligently on a wide range of subjects—in other words, on his genteel behavior. Books were an integral part of gentility because they offered instruction and support in this slippery world of perception, where a family's prosperity might hinge on the correct nuance of phrase. Books also could open doors to the fluid world of upper-class Chesapeake life, where they counted heavily in calculations of standing and social rank. Not surprisingly, during the first half of the eighteenth century, Maryland's economic elite increasingly collected books that supported and defined an emerging genteel world.

Scholars have produced excellent studies detailing the emergence of an economic and political elite. They have shown how some Marylanders garnered an increasing share of the colony's wealth in the late seventeenth century, as tobacco prices declined and dependence on African slaves rose.¹ Historians also have described gentry efforts in the eighteenth century to intermarry, to dominate political office, and to pass on the spoils of victory to their children.² But there has been no comprehensive effort to determine what the gentry were reading during this process of consolidation.³ Earlier studies have described the elite's acquisition of "rich trappings"; this study examines their attempts to become "the nobler kind of beast."

The data for this inquiry come from 1,911 probate inventories recorded in Maryland during the periods 1718–1722 and 1743–1747. All of the decedents have been categorized by wealth into four classes: inventories valued at less than £50, £50–£150, £150–£400, and greater than £400.⁴ But the focus is upon the

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A
M A N U A L
O F
Devout Prayers,
And other
Christian Devotions;
Fitted for all
Persons and Occasions.

*Much Corrected from the Errors of
former Editions.*

Printed in the Year 1725.

Colonial gentry frequently owned several prayer books and Bibles. (Maryland Historical Society.)

planter gentry, defined here as those whose inventoried wealth exceeded £400. All the identifiable books listed in the probate records were placed in one of several categories: religion, law, history, science, journals, philosophy, literature, and "other."

Righteous and Proper Conduct

Private libraries of the wealthy in the early 1700s suggested a strong concern for religious conduct and everyday business affairs. When Col. Thomas Ennals "expired" in 1718, this planter, merchant, and mariner left extensive possessions: five thousand acres, 118 sheep, ninety-six cows, thirty-eight slaves, eighteen earthen plates, one "Very good rugg," "a Large old Looking Glass," and a respectable library of thirty books whose titles were fairly typical of gentry private book collections in his time.⁵ The appraiser listed two dictionaries, "four old book[s]," and the following:

Cook on Littleton
Cooks Reports
Daltons Justice
Orphans Lagacy
Wingates abridgm^{ts} of Statutes
Bakers Chronicles
Josephus
Quarto Bible
four Comon prayer Books
3 Testam^{ts}
1 psalter
3 small Book Divinity

As the list shows, religious books were a favorite, and almost half the works gracing Ennals's bookshelves fell into that category. A Christian bearing was basic to acceptable behavior—the essence of civility was not to be found at posh balls or in luxurious gatherings but in the root-and-fiber underpinning of proper conduct. A true gentleman was grounded in and obedient to the Christian faith, although the genteel ideal of moderation acted to curb any excessive displays, including even exorbitant piety.⁶ Actually, Ennals's collection slightly understated the predominance of religious works in gentry libraries. Overall, 54 percent of identifiable books fell within the religious category in the early part of the century.

A typical library frequently contained several volumes of the same perennial favorites, usually the Bible or *Book of Common Prayer*. Foster Turbutt, a Kent County planter, owned two Bibles, three psalters, and two primers.⁷ And Philemon Hemsley, a planter-merchant and frequent Justice of the Peace, counted

8

An Abridgment of the Laws of

protected, more than 20 per Cent. Damages, besides the Debt sued for, together with ordinary Costs of Suit.

Blasphemy, Swearing, &c.

I. 11 W. 3. p. 82. If any person whatsoever inhabiting within this Province shall Blaspheme, that is, Curse God, deny our Saviour to be the Son of God, or deny the Holy Trinity, or the Godhead of any of the three Persons, or the Unity of the Godhead, or shall utter any reproachful words or Language concerning the Holy Trinity, or any of the 3 persons thereof, he or she shall for the first Offence be bored through the Tongue, and fined 20 *l.* Sterling to the King, towards defraying the County charge where the Offence was committed; or if the Party hath not an Estate sufficient to answer that sum, then to suffer 6 months Imprisonment. For the 2d Offence, he or she shall be stigmatiz'd in the Forehead with the Letter B, and fined 40 *l.* Sterling to the uses aforesaid, or Imprisonment for one whole year. And for the 3d Offence, he or she so offending, and thereof legally convicted, shall suffer Death, with confiscation of all their Goods and Chattels to the King.

II. Every Person convicted of Fornication, shall for every time so offending, be fined to the King 20 *s.* Sterling, or 400 *l.* of Tobacco, or receive Corporal Punishment, by whipping at the discretion of the Court, not exceeding 39 Lashes. And every Person convicted of Adultery shall be fined 40 *s.* Sterl. or 800 *l.* of Tobacco, or receive Corporal punishment as aforesaid.

III. Every Person who shall harbour, entertain or provide for the maintenance of any lewd Woman, or frequent the Company of any such, after Publick Admonition by the Minister, or Church Wardens, or Vestry of the Parish, shall for every such Offence undergo such Pains and Penalties, as by this Act are provided against those who are convicted of Fornication or Adultery.

IV. If any Person Prophanely Swear or Curse in the hearing of any one Justice of Peace or Head Officer of a Town, or that shall be thereof convicted by the Oath of one Witness before any one Justice or other Head Officer, or by Confession of the Party, he shall forfeit 5 *s.* Sterl. to the King, to the use of the Poor of the County.

19

An Abridgement of the Laws in Force and Use in His Majesty's Plantations (viz.) of Virginia, Jamaica, Barbadoes, and Maryland (London, 1704). *Respect and obedience to God, with strict punishments for offenders, were basic to colonial laws.* (Maryland Historical Society.)

thirteen "Common prayer books," two Bibles, fourteen primers, and "3 torn grammars" among his impressive array of eighty-one titles.⁸ Albert Grooming of Anne Arundel County possessed one of the smallest book collections: only four identifiable volumes, all Bibles.⁹ The book-collecting habits of the economic elite mirrored their consumption habits. As their wealth increased, they usually bought more of the same chairs or warming pans, only occasionally purchasing more expensive styles.¹⁰

The Christian conservatism favored by the gentry is delineated most clearly in the erudite but nevertheless blunt style of one of the most frequently listed books, Richard Allestree's *Whole Duty of Man*. While several sections of the book were simply instructional—the third chapter explained in a plain manner the importance, method, and meanings of the Sacrament—Allestree also provided instruction on a more personal level. Man needed to show self-restraint in all areas of life, including drinking, eating, and sleeping. Those who engaged in idle pastimes should consider "what a woeful reckoning they are like to make when they come at last to account for that precious treasure of their time."¹¹ Humility also was an important duty man owed God. The frightful image of pride in material wealth or power—"the sin of it is so great, that it cast the Angels out of heaven"—was a constant warning to those whose ambition clouded the path to righteousness. "The Honours of the world seek to wound us by pride, the Wealth by covetousness; the Prosperity of it tempt us to forget God."¹²

Allestree also upheld the divinely ordered society, an argument pleasing to those gentlemen who sat atop the colonial pecking order. God ordained a select few to hold a dominant position in life, and these men could take comfort in the stability of the system. "What condition soever he put us in, we are to assume our selves it is that which is best for us."¹³ And just as God, King, and husband were due obedience, so "all inferiours are to behave themselves to their superiours with modesty and respect."¹⁴ As gentlemen looked about their world, they could draw strength from the seeming rightness of Allestree's words, but they also had to obey his stern warnings to uphold their end of the bargain and to conduct themselves properly.

The list of appraised books owned by William Bladen—a placeman, lawyer, and merchant who served as a clerk for numerous local and provincial courts—included "a bible, new Testam^{nt} & comon prayer" and "nine books of Devinity." His was a library with a focus different from Ennals's, yet it was also typical.¹⁵ The appraiser in 1718 counted sixty-seven books on Bladen's bookshelves, forty-five of which were law books, including:

Cowells Interpretor

Assistance to Justices of the Peace by Jos. Keabllle, Esq

The Epitome of y^e Comon Laws by W^m Stepard, Esq

The practical Councillor of W^m Stepard, Esq
Cooks Entrys
Cooks Reports in English & French
 an abridgmt^s of *Cooks Report*
 Abridgmt of y^e 11 books of *Cooks Report*
Lox Marcatorya or y^e Antient Laws
Win Gates Abridgmts
Cooks Justices of the Laws of England in three pts
The Compleat Att^{ry} silicitor
The Method of pleading by Rule & president
practice of y^e Ct of Chancery 2 books

While Bladen's passion for law books was greater than that of most of his neighbors—on average, 16 percent of a gentleman's library consisted of law books, making them a distant second to religion—his collection contained many of the same works found in other libraries.

Many of the law books in the inventoried libraries of the planter gentry during the century's early years were general works. The elite's preferred legal author was Sir Edward Coke (appraisers spelled his name Cook), whose books appear several times in the list above. The two books by Coke listed most frequently in inventories were *Reports* and *Institutes*, the latter being a large, four-part work containing ancient statutes from the Magna Carta to James I, and laws of England covering high treason and the jurisdiction of courts.¹⁶ Supplements (such as abridgements), frequently called reports, and commentaries listed prominent contemporary cases, an important aid in the gentleman's official duties as justice, sheriff, or assemblyman. Of Bladen's forty-five law books, seventeen were either abridgments or commentaries.

Law books not only provided guidance to a budding political career but also to a gentleman's primary occupation. A vast majority of the elite were planters, but many also engaged in mercantile pursuits, where at least a basic knowledge of law was imperative in the complex world of trans-Atlantic trade. Bladen certainly referred to the popular instructional manual, Giles Jacob's *Everyman His Own Lawyer*, as well as to John Cowell's *Interpreter*, a dictionary complete with words and terms used both in common and statutory English law.¹⁷

Bladen's library fell short in one respect: it did not contain the single most popular law book, Michael Dalton's *Countray Justice*. Much like *Whole Duty of Man*, *Countray Justice* offered simple instructions. Dalton candidly admitted that his book was designed for those who "have not been much conversant in the studie of the Lawes of this Realme."¹⁸ For instance, following a group of sections that dealt with the laws and powers of one or more justices in matters that ranged from rioting and forcible entry to "Destroyers of Partridges" and

"Disturbers of preachers," Dalton listed each offense with a brief sentence-length description. In addition, he provided examples of precedents, recognizances, licenses, releases, and the correct forms for forcible entry, riot, and indictments to aid the justice in his recording duties.

Dalton's work also contained passages that unmistakably promoted the existing social order. Justices, whom Dalton assumed would come from society's upper echelon, enjoyed wide discretionary powers, such as the right, out of session, to "compell any person . . . to be bound an apprentice" and to "cause all such persons as be meet to labour to worke in Harvest, and Hay time."¹⁹ English law took a dim view of idleness and vagrancy, but these deficiencies were seen as located in the poor alone. Gentlemen, on the other hand, enjoyed a special place within the law, which "hath conceived such an opinion of the peaceable disposition of Noble-men, that it hath bin thought enough to take one of their promises upon his Honour."²⁰ The justice of the peace also held other powers, from "conservator of rivers within his county" to the right to enter dwellings with the authority of several statutes.²¹ In addition, the law reflected the patriarchal system by prohibiting wives from testifying against their husbands and by establishing different penalties for the same crime: "the wife maliciously killeth her husband; this is pety treason," but "the husband maliciously killeth his wife; this is but murder."²² The explanation for this inequality, and the subordinate position of the wife, was, in the eyes of the law, entirely logical: "The reason of this disparity is, for that the one is in subjection, and oweth obedience, and not the other."²³ As the Maryland gentry combed through *Countray Justice*, they must have taken away from their readings a greater sense not only of the law and their duties and responsibilities but also of the proper place of the world about them. Conservatism, as embodied in *Countray Justice* and *Whole Duty of Man*, and the elite's penchant for multiple copies of religious works and legal manuals, were the hallmarks of the early eighteenth-century library.

By the middle of the eighteenth century, religious works still dominated a gentleman's library, remaining at a little over half the titles, but a move toward diversity occurred by mid-century. George Bailey of Baltimore County owned one each of the still popular Bible, *Book of Common Prayer*, and *Whole Duty of Man*, but also Robert Nelson's *A Companion for the Festivals and Fasts of the Church of England*, William Sherlock's *A Practical Discourse Concerning Death*, William Law's *Christian Perfection*—a treatise that greatly influenced John Wesley, the founder of Methodism—and other works simply listed as "one new version of psalms, The Practical believer, The Whole Duty of a Christian, and The Christian Pattern."²⁴ Susannah Holland, also of Baltimore County, owned the Bible, *Book of Common Prayer*, and *Whole Duty of Man*, as well as Lewis Bayly's *Practise of Piety* and Matthew Poole's *Annotations upon the Holy Bible*, the latter being completely absent from earlier inventories.²⁵

Sydenhams Practical Phisⁿ
 A Common Prayer book Quarto
 Bysshe's Art of Poetry
 Collections of Ecclesiastical matters
 Scotto Christian Life 3 Vol
 Enquiry after Happiness 2 Vol
 Unheard of Curiosities
 Young Surveyors Guide
 Introduction to the Grammar
 Ellis Husbandry
 manners of Christians
 Hudibras 8/ Lowes Surgery 6
 Spectators 9 Vol. 10/ Grotius de Veritate Res 6
 Brays Bapt. Convent. 6 pr State of England 2/
 Prayer Books of a small Bible 4/
 A. oops Fables, Latin and Greek
 Ovids metam^r. Latin 1/6 Behens Plays 4/
 Farquars Plays 2 Vol
 Laws of Maryland
 Old Magazines Pamphlets &
 a parcel of old books in the store
 1 hone and Razor Strap

Inventory of George Bailey, 1742. By the mid-eighteenth century books of science, literature, and philosophy lined the bookshelves of the upper class. (Maryland State Archives, Inventories of the Prerogative Court, 34:91-93.)

Table 1: Percent of "Genteel" Books Per Library

Category	1718–1722	1743–1747
History	1.2	2.6
Science	0.5	2.1
Philosophy	0.0	2.6
Literature	0.4	2.3
Journals	0.4	13.7

Part of the new diversity was the appearance of books that specifically examined religion within the context of gentility. The most popular work along this vein was William de Britaine's *Humane Prudence*, which described "the Art by which a man may raise himself and his fortune to grandeur."²⁶ Another favorite, *The Gentleman Instructed*, by the English Jesuit William Darrell, outlined proper conduct and virtuous behavior "for the instruction of a young nobleman."²⁷ The difference between these books and, for example, the *Whole Duty of Man*, is that whereas Allestree's passages warned the elite to behave properly in God's eyes, the "genteel" religious works sought to give the elite guidance in creating a more respectable wealth in the eyes of the community. Allestree listed actions that a good Christian should not do; Darrell showed a man how to become a moral gentleman.

Law books experienced a fate different from that of religious tracts—they faded as a favorite choice. The percentage of law books fell by approximately one-third during the first half of the eighteenth century, from 16.8 percent to 11.6 percent. While it would be foolish to conclude that this was the result of a declining importance accorded to legal or business affairs, it appears that the mid-century gentry were making a conscious choice to collect one or a few law books rather than several of the same manuals or abridgments.

Other types of works began to find their way to gentry bookshelves by mid-century—volumes of history, science, philosophy, literature, and journals—all of which promised the well-rounded education necessary for any wealthy aspirant to the inner circles of social acceptability and power. George Bailey, a planter-merchant who died in 1742, left behind an impressive array of books, revealing the new, wide-ranging reading tastes of the gentry. In addition to the ten religious books mentioned above, Bailey owned two histories, six works on philosophy, and one each of law, science, education, and literature, as well as a journal and thirteen "other" books. While such diversity was not unheard of earlier in the century, it was much more commonplace by 1750, as each of these "genteel" categories experienced a marked upsurge in popularity. A stark contrast



Plutarch's Lives offered classical tales to Maryland colonists. (Maryland Historical Society.)

existed between Bailey's collection and those of Thomas Ennals and William Bladen, where law and religion comprised more than 80 percent of the volumes.

A Growing Civility

Sir Walter Raleigh's *History of the World* was by far the most popular history throughout the first half of the eighteenth century, and the character of Epaminodas, "the worhiest man that ever was bred in that Nation of Greece, and hardly to



Maryland gentry studied the “sweat cure for gout” among other treatments in their medical books. (From Otto Beckman, *A Pictorial History of Medicine* [Charles C. Thomas, Publisher, 1956].)

bee matched in any Age or Countrie” was probably the favorite for many gentry.²⁸ Epaminodas excelled in justice, temperance, wisdom, and sincerity. All of these traits, together with his “notable Discipline, and good Conduct” and his high degree of “Eloquence, and very deep knowledge in all parts of Philosophie and Learning” earned him a preeminent place in the annals of history.²⁹ Raleigh’s description of Epaminodas certainly gave eighteenth-century Maryland gentlemen, in their thoughtful moments when they pondered their own story and legacy, a powerful measuring stick.

The gentry owned many other history books, including *Josephus*, written by the Jewish historian Flavius Josephus, which contained “Seven Books of the Jewish War,” “Two Books against Apion,” and illustrations “With New Plans and Descriptions of the Tabernacle of Moses; and of the Temples of Solomon, Zorobabel, Herod, and Ezekial; and with correct Maps of Judea and Jerusalem.”³⁰ George Bailey, like several of his gentry brethren, owned the eight-volume work by Plutarch titled *Parallel Lives of Illustrious Greek and Romans* that contrasted men such as Alexander and Caesar. English history was well represented by Sir Richard Baker’s *A chronicle of the kings of England, from the time of the Romans government unto the reign of King Charles* and French historian Paul de Rapin-Thoyras’ *History of England*, which recounted English history down to William III.³¹ Gentlemanly conversations between well-versed loyal subjects of the Crown probably often turned to ancient and English history as life on the edge of the wilderness pushed many ascendant gentry to identify with their ancestors’ glorified past.

Most science books were basic medical manuals. George Robins, a Talbot County planter-merchant who died in 1742 after accumulating fifty-seven slaves and 7,972 acres, owned *Practical Physician* by Thomas Sydenham, a seventeenth-century English medical writer who was called “the English Hippocrates” and whose work explained and described cures; John Quincy’s *Dispensatory*, which dealt with the theoretical and practical composition, preparation, and application of medicine; and a book simply titled *Surgery*.³² Other medical books found in gentlemen’s libraries included: Lazarus Riverius’ *The Practice of Physick*, which described in plain terms “the nature, cause, differences, and several sorts of signs; together with the cure of all diseases in the body,” and William Cheselden’s *The Anatomy of the Human Body*.³³ As plantation masters and community leaders, the planter gentry were expected to administer physick and be knowledgeable on a variety of subjects, including science.

At mid-century the elite collected a greater and more diverse number of philosophical and literary works than they had earlier in the 1700s. The most notable belletristic works poised on gentry bookshelves in the early period were Shakespeare’s *Works* and Beaumont and Fletcher’s *Works*, a collection of comedies and tragedies written by the English dramatists Francis Beaumont (1584–1616) and John Fletcher (1579–1625).³⁴ The classics were represented only by two copies of a book listed as “Aristotles masterpiece,” and no appraiser listed a philosophical work.³⁵ By 1750, libraries included these books, but gentlemen like Bailey also left behind such philosophical works as Lucius Annaeus Seneca’s *Morals*, Anthony Ashley Cooper’s *Characteristicks of Men, Manners, Opinions, Times*, and Sir Francis Bacon’s *Essays*. Some fashionable libraries included a collection of Irish dramatist George Farquhar’s poems, letters, essays, and comedies simply titled *Works*, Aesop’s *Fables*, *Hudibras* by the English poet Samuel

OF HUMAN UNDERSTANDING.

BOOK IV.—CHAP. I.

OF KNOWLEDGE IN GENERAL.

§ 1. *Our knowledge conversant about our Ideas.*

SINCE the *mind*, in all its thoughts and reasonings, hath no other immediate object but its own *ideas*, which it alone does or can contemplate, it is evident, that our knowledge is only conversant about them.

§ 2. *Knowledge is the Perception of the Agreement or Disagreement of two Ideas.*

John Locke's *An Essay Concerning Human Understanding* generated popular discussion as Marylanders debated the "blank slate" philosophy. (Maryland Historical Society.)

Butler, and Ovid's *Epistle*. Another favorite, John Milton's *Paradise Lost*, with its admonitions against pride and ambition, reinforced one of the strongest tenets of gentility: moderation. A gentleman was not to appear overly educated or pious and thereby run the risk of seeming boorish to his peers; rather, he was naturally to exude qualities of refinement, education, and righteousness with a quiet inner confidence of superiority, and all the above "genteel" books helped the elite acquire and sustain such proper intellect.

The gentry were particularly fond of the immensely popular *An Essay Concerning Human Understanding* by the enlightened philosophe, John Locke. In his discussion of the differences between innate law and the intellectual necessity of reason, and of the intricacies of the concept of abstract morality, Locke proposed his famous "blank slate": "Let us then suppose the mind to be, as we say, white paper, void of all characters, without any ideas:—How comes it to be furnished? To this I answer, in one word, from EXPERIENCE."³⁶ He denied the validity of innate principles when he declared that "it is evident, that all children and idiots have not the least apprehension of thought of them [universal maxims and innate speculative principles]."³⁷ To his logical, rational mind, it

was “to me near a contradiction to say, that there are truths imprinted on the soul, which it perceives or understands not.”³⁸

To move within Maryland high society was to become a part of trends, both tangible and intellectual. With the Enlightenment swinging into full gear in Europe, it was natural for American elites to join in the discussion of the latest tract, but Locke’s work must have led to some interesting conversations as these conservative gentlemen, surrounded by the trappings of a hierarchical society with themselves at the pinnacle, discussed the merits of the *tabula rasa*.

Journals emerged as the second most popular category of works by mid-century—surpassed only by religion. By far the most common of the journals was *The Spectator*, begun by Joseph Addison and Richard Steele in 1711. This series of essays, more than any other work mentioned above, directly examined genteel behavior. The essays revolved around a select group of men who represented a broad mixture of all the leading members of society, including gentlemen, clergy, and military captains, but one gentleman in particular formed the hub: Sir Roger de Coverly. He was of the finest breeding, possessed keen humor and good sense, and enjoyed the love of his tenants. He also served the public good as a Justice of the Peace. The member next in esteem was a gentleman “of great Probity, Wit, and Understanding,” whose “Familiarity with the Customs, Manners, Actions, and Writings of the Antients, makes him a very delicate Observer of what occurs to him in the present World.” Next was the eloquent, educated, industrious, and self-made merchant, Sir Andrew Freeport. Captain Sentry, “a Gentleman of great Courage”; William Honeycomb, who was well-dressed, educated, and remembered “Habits as others do Men”; and a clergyman “of general Learning, great sanctity of Life, and the most exact good breeding” completed the membership of the club.³⁹

Many of Addison and Steele’s essays were concerned with manners and refinement. According to the authors, the three rules for developing a “fine Taste in Writing” were: to be acquainted with the works of “the most Polite Authors,” to converse with “Men of a Polite Genius,” and to be “well versed in the Works of the best Criticks both Ancient and Modern.” In one essay, the spectator (Addison) visited Sir Roger at his country house and observed a true gentleman’s world. The great man enjoyed the adulation of his servants, who “could not refrain from Tears at the Sight of their old Master,” as “every one of them press’d forward to do something for him, and seemed discouraged if they were not employed.” But Sir Roger also possessed the sanction of the larger community, as evidenced by the people’s reaction to the gentleman’s attendance at a session of the county court: “a general Whisper ran among the Country-People that Sir Roger *was up*.” Such reverence and quiet adulation were the right and proper domain of high society, where “there cannot be a greater Satisfaction to an honest Mind, than to see those Approbations which gives itself seconded by the Applause of the Publick.”⁴⁰

Addison and Steele also reminded their readers of the pitfalls of luxury. Gentility should not come at the expense of virtue: "there is no Doubt but the proper Use of Riches implies that a Man should exert all the good Qualities imaginable." By contrast, if "Wealth is used only as it is the Support of Pomp and Luxury, to be rich is very far from being a Recommendation to Honour and Respect." And finally, from one of the earliest essays, Addison and Steele stated that a rich man may enjoy "the Satisfaction of Luxury, of Wealth, of Ambition," but "he has lost the Taste of Good-will, of Friendship, of Innocence."⁴¹ In one sense, these admonitions by Addison and Steele are reminiscent of Allestree's *Whole Duty of Man*, but *The Spectator* offered the elite much more than caveats. It provided guidance for social occasions at the dance hall, church service, assembly debates, and tavern. The popularity of *The Spectator* is indicative of a definite shift in gentry reading habits by mid-century toward works that defined genteel behavior rather than the more general confines of proper behavior, works which helped the reader navigate the genteel world.

Maryland's elite began the eighteenth century with a relatively firm hold on the economic spoils of the colonial economy. They would steadily tighten their grip on the political apparatus of Maryland and increasingly pass on the fruits of their labor to sons and family members. Through the course of the century, these wealthy British subjects acquired the necessary accoutrements to fit their station and to look the part of community and colony leader. In short, they accumulated "rich trappings." The gentry also began to collect books that told them how to correctly conduct themselves before the community. Having acquired genteel habits of mind, they became, in their own eyes, "the nobler kind of beast."

NOTES

1. Russell R. Menard, *Economy and Society in Early Colonial Maryland* (New York: Garland Publishing, Inc., 1985); Lois Green Carr, Russell R. Menard, and Lorena S. Walsh, *Robert Cole's World: Agriculture and Society in Early Maryland* (Chapel Hill: University of North Carolina Press, 1991); Gloria L. Main, *Tobacco Colony: Life in Early Maryland, 1650–1720* (Princeton: Princeton University Press, 1982).
2. Ronald Hoffman, *A Spirit of Dissension: Economics, Politics and the Revolution in Maryland* (Baltimore: The Johns Hopkins University Press, 1973); Rhys Isaac, *The Transformation of Virginia, 1740–1790* (New York: W.W. Norton & Company, 1982); Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680–1800* (Chapel Hill: University of North Carolina Press, 1986); Charles S. Sydnor, *Gentlemen Freeholders: Political Practices in Washington's Virginia* (Chapel Hill: University of North Carolina Press, 1952); T. H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton: Princeton University Press, 1985).

3. Louis B. Wright, *The First Gentlemen of Virginia: Intellectual Qualities of the Early Colonial Ruling Class* (Charlottesville: University Press of Virginia, 1940); Richard Beale Davis, *Intellectual Life in the Colonial South, 1585–1763* (Knoxville: University of Tennessee Press, 1978); George K. Smart, "Private Libraries in Colonial Virginia," *American Literature*, 10 (1938): 24–52; and Joseph Towne Wheeler, "Books Owned by Marylanders, 1700–1776," *Maryland Historical Magazine*, 35 (1940): 337–53 are all excellent works that describe what people in the Chesapeake read, but they do not attempt to strike at the heart of the issue and relate reading habits to a larger societal process. Only Wheeler provides a statistical breakdown of changes through time, but his methodology is questionable.

4. The wealth classes used here are a generalized version of Gloria Main's wealth distribution scheme found in *Tobacco Colony*, 60. All the final wealth values have been calculated using a price deflator devised by P. M. G. Harris of Temple University and supplied by Lois Green Carr for Historic St. Mary's City.

5. Inventories of the Prerogative Court, Maryland State Archives (hereinafter MSA), Annapolis, Maryland, liber 2, folio 4. In addition, biographical information for every Marylander mentioned in this essay comes from Edward C. Papenfuse, Alan F. Day, David W. Jordan, and Gregory A. Stiverson, *A Biographical Dictionary of the Maryland Legislature, 1635–1789* (Baltimore: The Johns Hopkins University Press, 1979).

6. For an excellent study of gentility and civility see Richard L. Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Alfred A. Knopf, Inc., 1992).

7. Inventories of the Prerogative Court, liber 7, folio 41, MSA.

8. *Ibid.*, liber 4, folio 33 and 119.

9. *Ibid.*, liber 7, folio 187.

10. Main, *Tobacco Colony*, Chapter 6.

11. Richard Allestree, *Whole Duty of Man* (London: Printed by R. Morton for George Pawle, 1684), 200–201.

12. *Ibid.*, 137, a2.

13. *Ibid.*, 41.

14. *Ibid.*, 272.

15. Inventories of the Prerogative Court, liber 2, folio 176, 177, and 184, MSA.

16. E. Millicent Sowerby, comp., *Catalogue of the Library of Thomas Jefferson*, 5 vols. (Washington, D.C.: United States Government Printing Office, 1953), 2:217–19.

17. *Ibid.*, 2:232.

18. Michael Dalton, *The Countrey Justice* (London: Printed by John Streater and James Flesh, 1666), A1.

19. *Ibid.*, 18–19.

20. *Ibid.*, 145.

21. *Ibid.*, 48.

22. *Ibid.*, 213.

23. *Ibid.*

24. Inventories of the Prerogative Court, liber 30, folio 270, MSA; Sowerby, *Library of Thomas Jefferson*, 2:151.

25. Inventories of the Prerogative Court, liber 31, folio 50, MSA.

26. Sowerby, *Library of Thomas Jefferson*, 2:157.

27. *Ibid.*, 2:160.

28. Sir Walter Raleigh, *History of the World*, ed. C. A. Patrides (Philadelphia: Temple University Press, 1971), 239.
29. *Ibid.*, 239–240.
30. Sowerby, *Library of Thomas Jefferson*, 1:4–5.
31. *Ibid.*, 1:152, 156.
32. Inventories of the Prerogative Court, liber 34, folio 88, MSA; Sowerby, *Library of Thomas Jefferson*, 1:396, 410.
33. Sowerby, *Library of Thomas Jefferson*, 1:404, 450.
34. *Ibid.*, 4:552.
35. Inventories of the Prerogative Court, liber 4, folio 253, MSA.
36. John Locke, *An Essay Concerning Human Understanding* (New York: Dover Publications, Inc., 1959), 122.
37. *Ibid.*, 38.
38. *Ibid.*
39. Joseph Addison and Richard Steele, *Selections from the Tattler and the Spectator*, ed. Robert J. Allen (New York: Holt, Rinehart & Winston, 1966), 61–66.
40. *Ibid.*, 132, 150, 152, 201–5.
41. *Ibid.*, 67, 191.

The New Castle & Frenchtown Turnpike & Railroad Company

EDWARD ZERIN

Note: This article, written when the author was an undergraduate at the University of Delaware, shared the Avery O. Craven prize in 1939. We are pleased to publish it with minimal editing.

On that fateful May day in 1777, when General Howe and his British regulars stalked in the vicinity of New Castle and were preparing an attack on Wilmington, the officers of the small colony of Delaware agreed in a solemn special session to move their little capital city from the banks of the historic Delaware River to the small town of Dover in Sussex County, away from all the possible lines of attack of the British army. The citizens of New Castle immediately became greatly concerned over their future welfare, for the attraction of many people to their small capital had brought much business and happiness to them; but now their thoughts were turned from welcoming their guests and from preparing accommodations for the wealthy politicians. Instead, the tavern keepers thought only of once again re-establishing Delaware's capital city in New Castle after the English had been defeated.

But just as there was a fateful day, so there was destined to be a day of rejoicing in little old New Castle. It all happened because Thomas Jefferson and Alexander Hamilton had reached an agreement over the establishment of a United States Bank. In return for Jefferson's concessions, Hamilton agreed to the ultimate location of the capital city of the United States upon the shores of the Potomac, a site selected by the great "Pater Patria," George Washington, only a few miles below his own Mount Vernon. Consequently, New Castle again became the transfer point for peninsula traffic, and after 1800 the town began to bloom as a prosperous community. Senators, congressmen, foreign diplomats and all the great international dignitaries stopped at New Castle on their journey to the capital, if they happened to be proceeding south. A customary practice of the time was to board a ship at Philadelphia and to sail down the Delaware River until one reached the site of the old Dutch Fort Casimir. The packet boat docked midway on the Strand; the passengers came up Packet Alley to take

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The Delaware General Assembly voted to move the capital from New Castle to Dover in 1777. Later, in an effort to keep New Castle prosperous, its civic leaders promoted the waterfront community as an important transportation link between northern cities and Washington, D.C. (From J. Thomas Scharf, History of Delaware [Philadelphia: L. J. Richards & Co., 1888].)

the stage coach waiting on the Strand for the trip to Frenchtown on the Chesapeake Bay where they again boarded a ship for the journey to Baltimore; they then completed the trip to Washington by stage coach.

Peninsula traffic proved to be very difficult, however, and much delay was occasioned by rains and washouts in the roads. Travel was very slow, and the trip to Frenchtown often took several hours, though the distance was only sixteen and a half miles. Inadequate accommodations on the stage to carry all the passengers became one of the chief difficulties. It was quite common for a traveler to remain in New Castle or Frenchtown until the next stage left because there wasn't enough room on the previous coach for his accommodation.

As a result of these difficulties, many scientific groups met in Wilmington at various times for the dual purpose of "promoting means of communication and progress in manufactures." At one of the meetings at which James Madison, Benjamin Franklin, Benjamin Rush and Benjamin Latrobe were present, an advertisement for a map that would show the best routes for canals between the Delaware and Chesapeake Bays was placed, and several editions were prepared between 1797 and 1801. In the latter year definite steps were taken to construct the Delaware and Chesapeake Canal which was not completed, however, until 1829.

That the focal importance of New Castle as a transportation center was fully realized at the time is clearly shown in the following:

All vessels bound from Philadelphia for foreign parts stop here and supply with live stock. A great line of packets and stages passes through from Philadelphia to Baltimore by way of Frenchtown, in Cecil County, Md. Vast quantities of merchandise are sent to the West.

It is at present one of the greatest thoroughfares in the United States. Seven large Packet-boats sail from New Castle to Philadelphia. Ten to fifteen Conestoga Wagons cross to Frenchtown and four large stages.”¹

The first effort by the Delaware Assembly to improve transportation across the state in the direction of Baltimore was received with great acclaim by everyone. On January 24, 1809, the Assembly chartered the now-famous New Castle Turnpike Company; however, the success of the venture depended upon cooperation from Maryland in granting a similar act of incorporation. Maryland reluctantly complied by chartering the New Castle and Frenchtown Turnpike Company on January 30, 1811. These companies acted in complete union with each other, for their ownership was one and their welfare depended upon the success with which the other met the daily packet boats arriving at the Strand in New Castle or at the wharf in Frenchtown.²

Coincident with this sudden expansion of the stage-coach route was the rapid growth of the water routes. Although the War of 1812 had caused a short psychological plateau among men, the flame burned even stronger in the hearts of the many patriots who fore-saw the advantages of the rapid military communication across the Eastern Shore which the United States had lacked when the British burned the national city. But on June 21, 1813, less than two months after the English had burned Frenchtown, the first steamboat that ever floated on the Chesapeake Bay or its tributaries was launched and made the initial trip from Baltimore to the burned town. Its owners, the Union Line, christened her the “Chesapeake”; she had been built in Baltimore by William Flannigan under the supervision of Edward Trippe.³

Steamboat passenger service proved to be very popular and profitable, for in July 1815 a rival line owned by Messrs. Briscoe and Partridge brought the steamboat “Eagle” to Baltimore from the Delaware to make the run to Elk’s Landing and operating from Philadelphia to Baltimore, via Wilmington and Elkton. But the Union Line was not daunted by the appearance of this rival; in fact, because of the forbearance of the open competition, the owners built two new steamboats, the “George Washington” and the “Charles Carroll” in the following year. The Union Line continued until 1822, when an association consisting of John and Thomas Janvier of New Castle and of a group of Philadelphians organized the steamboat company under the name of “Union Line Transportation Company.”



Oliver Evans of Philadelphia, an inventor and transportation pioneer, obtained exclusive rights from the Delaware legislature in 1787 to make and operate a steamboat. (From J. Thomas Scharf and Thomas Westcott, History of Philadelphia [Philadelphia: L. H. Everts & Co., 1884].)

Competition between the lines remained ever-present, though the Union Line proved to be the superior in the long run. Operations were continued at all times of the year, except when the rivers and routes were blocked with ice; then the passengers were carried in stages through Perryville and Elkton. During this time Elkton and Frenchtown grew to be places of great business importance. The farmers in the vicinity derived much benefit from the sale of their surplus horses and grains to the proprietors of the stage lines and from the sale of market produce to the hotel keepers for the accommodation of the passengers.

Water transportation, though it was quite reasonable in price, did not fulfill the speed requirements which many people, aware of the horse-drawn carriages in England, believed possible. Consequently, many people already had turned to thinking of the days when the route across the peninsula would be quickly traveled. Oliver Evans, who in February 1787 already had obtained from the Legislature of Delaware "the sole and exclusive right of making and employing a steamboat," once remarked that "the time will come when people will travel in stages moved by steam engines from 15 to 20 miles an hour, when you can breakfast at Baltimore and dine at Philadelphia." His incredulous Quaker father replied that he was now convinced that his son's brain was a "little cracked," but Mr. Evans' prophecy did not remain disregarded very long. Men soon began to visualize and actually to materialize the replacement of the slow, cumbersome coach lines by the roaring steam engines which conveyed the passengers to their destinations with greater rapidity and with greater comfort. The Janviers and other progressive citizens were quickly persuaded to replace the Union Line stage

coaches with locomotive engines. Consequently, agitators and lobbyists were sent to the respective legislatures of Maryland and Delaware in order to secure permission for the construction of the proposed railroad.

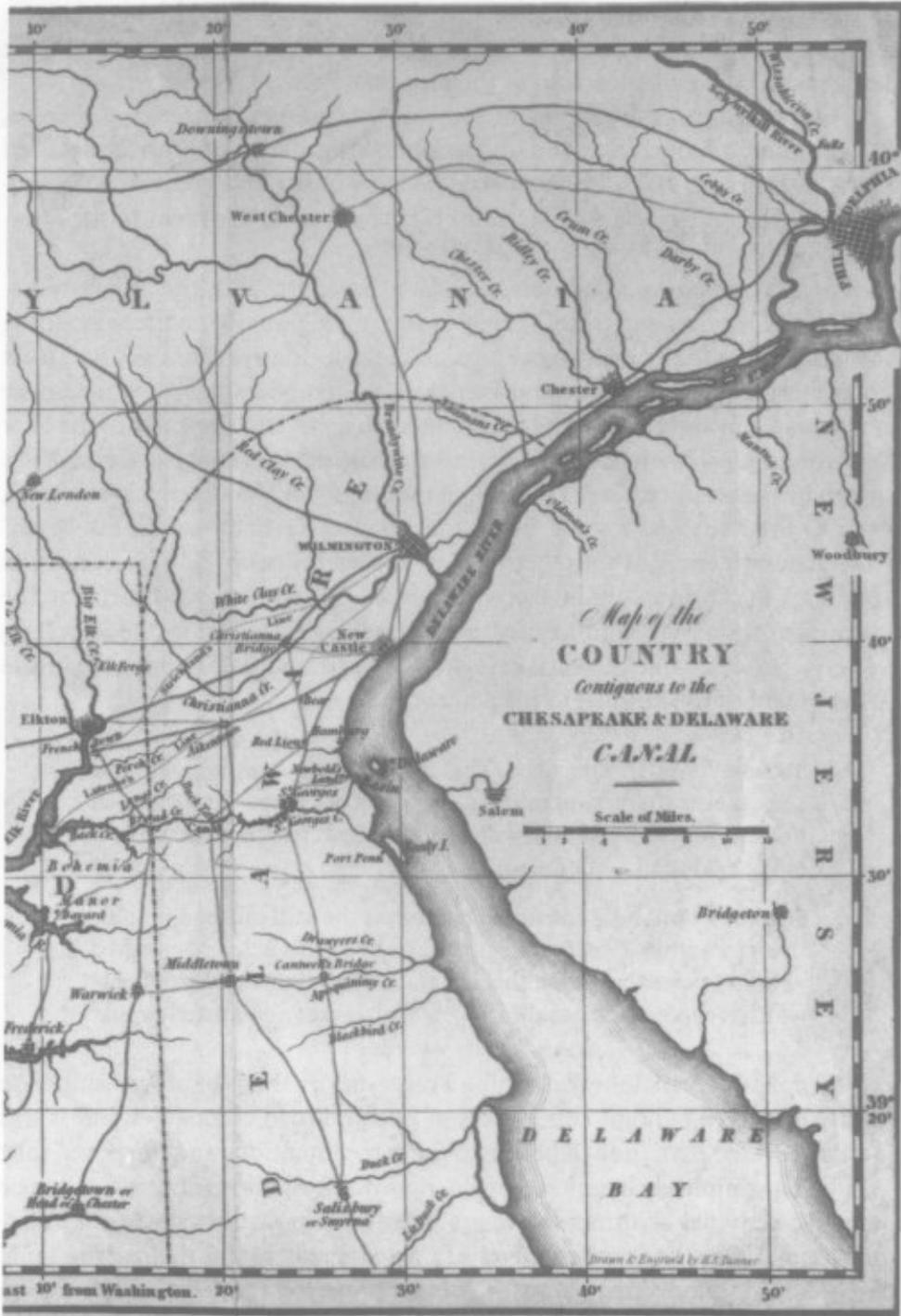
The project had the support of some of the nation's outstanding citizens, and after much deliberation and discussion the Legislature of Maryland passed an act in February 1827, "to authorize the New Castle and Frenchtown Turnpike Company to make a railroad from Frenchtown, on Elk River, to the Delaware Line, in a direction toward New Castle."⁴

The scheme now needed only the legislative approval of the Delaware Assembly. The Janviers and the other highly interested pioneers in the railroading business conducted an intensive campaign in the legislative chambers for an act "to authorize the New Castle and Frenchtown Turnpike Company heretofore incorporated by the name of the president, managers, and company of the New Castle and Frenchtown Turnpike, to make a railroad from the place called and known by the name of Clark's Corner, in the county of New Castle, in this state, as far as the Maryland line, in a direction towards Frenchtown on Elk River." The Assembly complied with their wishes, and on February 7, 1829, an Act was passed, in the main being in accordance with the principles set forth by the recent act of the Maryland Legislature. However, there were included certain sections in the Act, one of which at least was to prove a vital factor in the future development of the railroad in the State of Delaware:

Section 7: And be it enacted, That it shall be and may be lawful for any other turnpike and railroad company or companies, or either, to form junctions of their said road or roads, at any part or parts of the said road, with the same road.

Section 9: And be it enacted, That unless the said railroad is commenced within 2 years from the passage of this act, and finished within 5 years thereafter, this act and all the rights and privileges which it confers upon said company shall cease and be utterly void.⁵

Complete negotiations concerning a route and methods of progressing were eagerly discussed by joint committees of both railroad companies, but it was soon discovered that, though both had the same intentions and purposes, they were being completely hampered by the rigorous formalities of having all their proposed activities scrutinized and amended by two distinct boards of directors. Many times the representatives of one company found themselves being checked at a joint meeting because the other preferred a different word or plan to which the original party was unwilling to yield. The matter was soon brought to the attention of the Delaware Legislature, for as yet there had been no actual commencement of work on the anxiously awaited locomotive route. The Delaware



Portion of an 1824 map showing the network of waterways that were later connected by the railroad. (Maryland Historical Society.)

Assembly finally arrived at a suitable solution to the problem by passing on January 16, 1830, a supplement to its Act.

Section 3: And be it enacted . . . to call a meeting of the stockholders of the New Castle Turnpike & Railroad Company, and of the stockholders of the New Castle and Frenchtown Turnpike & Railroad Company, attending in person or by proxy, shall be competent to decide, whether or not the said turnpike & railroad Companies shall be united, and together form one body politic and corporate, upon such terms and stipulations as by them shall be deemed proper and expedient; and if at such meeting it be decided that the said turnpike & railroad companies shall be united, and together form one body politic and corporate, it shall be so certified in writing at the recorder of deeds for New Castle County; who is hereby required to record the same. And thereupon and immediately thenceforth, the said New Castle Turpike and Railroad Co., and New Castle & Frenchtown Turnpike & Railroad Company shall be and are hereby created one body politic and corporate in fact and in law, by the name style, and title of New Castle & Frenchtown Turnpike & Railroad Company.

“Articles of Union”⁶ were accordingly adopted by the respective companies, and they were deposited with the recorder of deeds of New Castle County as was specified in the recent supplement of the Delaware Assembly. The seals of the corporate firms were each affixed with great ceremony, and upon receipt by the recorder, the New Castle & Frenchtown Turnpike & Railroad Company came into existence.

Accordingly, a meeting of the stockholders was called at the tavern of Bennett Lewis⁷ on the southeastern side of Front Street on March 31 following. Elections were conducted for a board of directors of which John Janvier was elected president. The remaining members of the board were: William MacDonald, James R. Black, James Rogers, Frisby Henderson, John Moody, Thomas Stockton, Thomas Janvier, James Smith, George Reed, Jr., Thomas W. Rogers, James Rooth, C. Blaney and J. Couper.

A seal, circular in form and having the name of the company around the margin of the circle with a steam locomotive carriage of the day in the center of the circle on a section of railraod and the words “The Novelty” immediately above it, was adopted as the official insignia of the road. The words “New Castle” later were substituted for “The Novelty.”

The engineer of the Delaware and Chesapeake Canal, John Randall, was named principal engineer at a salary of \$1500.00. At a smaller salary, Morris J. Caulk was appointed assistant engineer. After preparing the necessary parapher-

nalía for laying open the books of the company, the board decided to meet every Saturday afternoon at 4 o'clock in a room of the New Castle Town Hall, and then adjourned.

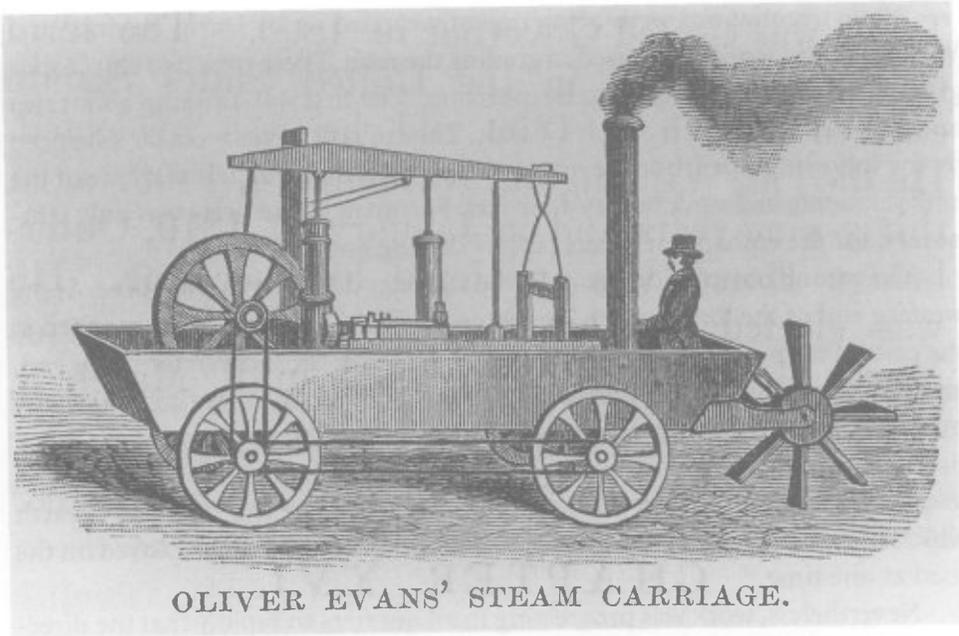
The books of the company were accordingly laid open, and subscriptions were being demanded at a surprisingly fast rate. On May 20, less than five days after the company had placed an initial order for white oak with Thomas B. Armstrong, the stocks were listed by Sylvanus Lehman, Stock and Exchange Broker of Philadelphia, at "asked" 25 and "offered" 24 for the installment of \$10.00 which had been paid on the stock by its purchasers. Early in November brokers declared that "it was too late to get any of the New Castle Railroad stock, to which from \$125,000.00 to \$150,000.00 had been subscribed." By Christmas the price "asked" had risen to 34, a tremendous increase for its time.

One of the Philadelphians who early became interested in the development of the railroad was William D. Lewis, railroad financier and "Jim Hill" of his day. Mr. Lewis expressed high optimism in his outlook upon the future success of the railroad, and very early bought several shares of stock upon margin. However, optimistic though he may have been, he was at first skeptical about the management of the company, but he did note soon after in his diary that he had "great faith in the poor judgment and character of the people in New Castle who are now in the direction." In fact, when signs of progress became imminent, the financier became so convinced of its success that he noted in the following spring, "I think it will go to 300 at least within two years if judiciously completed."

Early in the spring of 1832, a financial statement of the company was issued, which was clearly demonstrative of the good faith which the people held in the railroad, for the total assets were already estimated at \$428,000.00.⁸

Now that the company was receiving investments very freely, representatives were delegated to purchase the necessary lands upon which the road was to be constructed. By a supplement to the Act of Incorporation of the Delaware legislature, the persons holding land upon which the right of way of the railroad was fixed were required to "grant to the company their land in fee in receiving from the company a just compensation for it." However, it was very often quite difficult to determine a "just compensation," and the law required that all parties were to settle their differences amicably through the appointment of arbitrators by a court. The authority granted the company to hold the lands, therefore, was tantamount to a perpetual charter granted by the State of Delaware. A similar supplement was later granted by the Maryland Legislature.

Of the purchase records obtainable, the contract signed by Mr. Henderson, "of or near Frenchtown," is quite representative of the complete jurisdiction over the property rights which the company assumed over all rented or leased lands. Mr. Henderson was the owner of a margin of land for a distance of a mile



OLIVER EVANS' STEAM CARRIAGE.

One application of steam power designed by Oliver Evans. (From Scharf and Westcott, History of Philadelphia.)

or more on the north side of the Elk River, on which every point practical for a landing was located. By the terms of this contract, the road secured the exclusive privilege of using the land for the purpose of embarkation, so that no other rival company could secure any rights-of-way across the property.

But all the landowners were not quite as congenial as Mr. Henderson. A Dr. Cooper held a small strip of land for which he asked the exorbitant sum of \$2000.00, just twice as much as Representatives Nevins and Lewis of the railroad were willing to offer. Dr. Cooper was eager to sell, but he was even more desirous of scalping every cent which he could from the road. His second offer of \$1500.00 was a little more conciliatory; but he soon offered a third, \$1375.00. Finally, after a year of almost fruitless negotiations, the small property was acquired at a price of \$1250.00.

Actual work on the railroad was now ready to begin. Already an order for blocks had been placed with Thomas B. Armstrong; an order for 10,000 cedar or chestnut rails, 5,000 white oak parts and 100,000 feet of Georgia heart pine to be delivered at the dock at New Castle was placed with Charles Gwinn of Baltimore in July 1830. John Cazier⁹ was entrusted with the contract to lay the rails upon the blocks, and confidential sources reported that at least three miles of the road would be completed by July 1, 1831. Optimism was very high, but it was soon to wane because of certain discrepancies in the management of the road.¹⁰

While negotiations were being urgently carried on by David Nevins¹¹ and William Lewis, work progressed in grading the road. There were two chief topographical barriers which had to be overcome. The first was a swamp about two and one-half miles out from New Castle. The embankments were far advanced by the following April, but the overseer soon informed officials that one of the embankments had sunk twenty-four feet. Fortunately, the delay was only temporary, for the embankment was rapidly finding bottom.

The second obstruction proved to be a greater difficulty to overcome. At the western end of the line rose the Frenchtown Hill, 393 feet long. The roadbed at the eastern terminus was eleven feet below the slope; the western terminus end, eight feet; however, the hill rose to a height of thirty feet at its summit. "As many men were placed at work at it on each side as could find space for their operations." However, in the intervening stretch of four to six miles, the road "was so level as not to require in any one part the removal of more than two feet of earth which can be done with great alacrity." All told 1100 men were employed on the road at one time.¹²

Nevertheless, work was progressing in all quarters so rapidly that the directors reported that "they can have it graded by the fifteenth of June." Four miles of rails were expected to be in operation by the Fourth of July. But as a result of the mismanagement of the board and subsequent delays in the shipment of the blocks, only one and one-half miles of rail were actually laid by the day of Independence, 1831.

On the morning of the Fourth, great crowds, including many gentlemen who had come to view "Col. Long's Locomoter,"¹³ gathered in New Castle for the official opening of the long-awaited New Castle & Frenchtown Turnpike & Railroad Company. The contractors had succeeded in laying the single track unto a station called "Morven," one and one-half miles distant from New Castle; however, the company had planned a "reception" in the woods at Ross's Point for its first day passengers,¹⁴ to which they were conveyed in horse-drawn carriages at the nominal cost of 25 cents per person. The opinion concerning the medium of transportation was:

That it was strong enough for our purposes, and well made in every respect. Its great strength seemed in fact to cause general astonishment. . . . The fact that of yesterday being the first day of running, and the consequent want of management, I have no doubt that more than one-half of those who rode paid anything. —The expenses of the opening, while doubtful, will considerably exceed the receipts.

Because the locomotives ordered in England had as yet not arrived, the locomotion for the railroad cars was effected by the employment of horses. Two

coaches, ordered from Steever of Baltimore¹⁵ at a cost of \$510.50 had been safely delivered and were placed into service immediately for the opening trip to Morven. The horses walked between the stone sleepers upon which the rails were fastened, pulling the cars after them. The tracks were very primitive in themselves. Stone sleepers, ten or twelve inches square, were placed at regular three-foot intervals. Wooden rails, about six inches square and about ten or twelve feet long, were attached to these sleepers by means of a spike driven into the wooden plugs which had been placed, two in each stone. "Bars of flat iron, like tires, were spiked on top of the wooden rails, and this, such as it was, completed the structure." The engineers soon experienced great difficulties through the use of these rails, but it was not until after the steam locomotives had been introduced several years later that improvements were made in the tracks.

As prospects for securing locomotives within a very short time grew less imminent, the officials began to make elaborate plans for the stabling of horses. The horses used for the opening occasion had been hired, but on August 15, following, the directors ordered the purchase of horses not to exceed four in number. Subsequently, two stables were purchased on East Delaware Street in the rear of the Farmer's Bank. Other stables were in a court behind the Presbyterian Church. As transportation across the peninsula increased rapidly during the summer and fall months, additional stables were secured on Third Street running back to Fourth Street.

It proved rather expensive to keep the horses properly fed and fit for the heavy strain of pulling the cars over the iron rails. In March 1832, George Janvier gave the following report on the costs of the upkeep:

That to run seven passenger cars and two baggage cars it would require 27 horses going but five and one-half miles, could return the same day. That we should require two horses at each changing place. One at New Castle. Four at Frenchtown. Horses will require for this work one-half bushel of oats each per day and about two tons of hay each per year. The usual price of oats is 37½ cents per barrel; for hay, about \$12.00 per ton. The wages of hostlers and drivers are \$22.00 per month.¹⁶

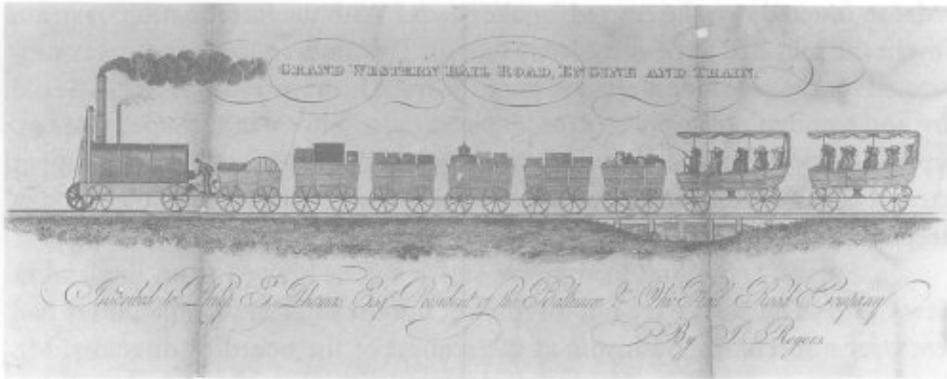
The officials of the company were so pleased with the joyous ovation with which the passengers had inaugurated the road that they pressed all the available forces into the completion of the road. But almost immediately, the railroad was confronted with a lack of stone blocks. After almost two months of "chaffering and huckstering" they did succeed in getting from the quarrymen blocks at a price of 30 cents per block with a bonus of 7½ cents per block if the contract was "completed to the letter."

“This was the great obstacle—blocks.” As a result, the contractors were able to lay the rails only as far as Red Lion Road from Christiana, viz. five miles from New Castle, by September. Consequently, even though the company had contracts with six different quarry concerns, it was not until the twenty-eighth day of February 1832, that a horse-drawn carriage was able to negotiate the complete run from New Castle to Frenchtown on the single track without interruptions.

We are highly indebted to an anonymous writer who sent the following letter to the editor of the “U.S. Gazette.”

Dear Sir:

This morning the railroad from New Castle to Frenchtown was opened for the conveyance of passengers. I passed over Saturday, accompanied by four or five of the directors of the company, to whom I stand indebted for their courtesy and attention, as also the engineer in chief, with his principal assistants who were with us, and were particularly kind and attentive in pointing out and explaining objects of interest, of which there are many on this really beautiful work: it is in which all concerned may be really proud, and particularly the inhabitants of Delaware, who first originated the idea, and who with their capital have come forward manfully to assist, even after witnessing the ruinous efforts of another work under their very eyes. This road is about sixteen miles in length, and so nearly allied to a straight line that the shortest curve (horizontal) has a radius of two miles,¹⁷ the verticals are almost imperceptible; being never more than 16 feet rise and fall in a mile; in fact, I overheard persons, during the ride, inquire whether we were descending or not, and was much surprised to hear that we were descending, at the above rate; these gentle undulations have been referred, I suppose, to a level; indeed, from the nature of the ground. I expect on account of a superiority, as there could not be a finer location, taking all things into consideration for a railroad, in this or any country; parts of the road being level as to have required, apparently, but scrapping and laying the rails—at the west end the greatest difficulty was experienced in cutting through a formidable hill, composed of what these rail-folks denominated “hard pan,” a tough, viscous, kind of clay; this hill has been removed, and formed into a high embankment along the shore of the Elk River, about 500 yards in length; on top of this the road continues, and presents to the traveler a splendid panoramic view of this noble river, and the surrounding beautiful and bountiful country; this rail-road needs but to be seen and traveled on, to attain for all engaged in it. The thanks of the community for durability, and power of sus-



The first train to leave New Castle for Frenchtown in 1831 looked much like this B&O early model. (Maryland Historical Society.)

taining any duty that may be required of it, none will doubt for a moment, that have ever examined the construction and materials.

The Wellington Greys, under the command of Captain Warrel, returned from their excursion, were brought over on it yesterday, from Frenchtown, in fine style; at New Castle they were saluted by the regular troops, stationed there, with 13 guns, this was responded by the huzzas of the volunteers, and the music of Johnson's enlivening band.¹⁸

The company was now preparing to guarantee active service across the narrow peninsula. Already a crossing with all the passengers and their baggage had been effected "without the least interruptions in one hour and thirty minutes." Baltimore, too, was rapidly becoming an important port of entry into the United States¹⁹ for immigrants, especially since the advent of the packet boat. Consequently, the legislatures soon authorized the company to increase its capital stock to a sum "not to exceed \$300,000.00 for the purpose of constructing a second track." A ticket office²⁰ was erected in New Castle, and a fence was built across Front Street in New Castle to prevent the cattle and the small children from getting on the rails and, thereby, seriously impeding a rapidly developing project. The committee held a board meeting in May, at which James Booth was re-elected president, and it decided that the stone foundations for the rails were too solid and inflexible for satisfactory use. An order for wooden sleepers, mostly locust, was purchased, therefore, to take the place of the stones.

Trial runs had been conducted already with one of Stephenson's locomotive engines,²¹ and it was soon discovered that the spikes in the ends of the tire that had had been placed on the wooden rails would become loosened through use. The telegraph operators were required, therefore, to follow after each train in

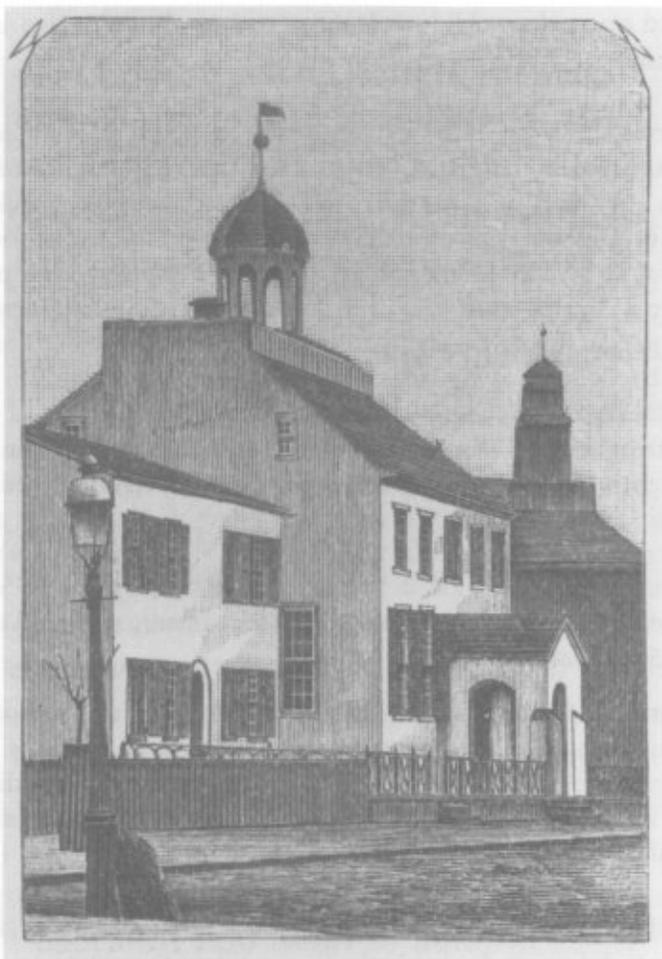
order to fasten down the erected "snake heads." With the introduction of steam power, the rails had to be completely rebuilt. The modern wooden tie was substituted for the old stone sleeper to keep the track from spreading apart. The old tire and wooden rails were replaced by iron rails, "hollow and shaped like two capital 'L's,' with the horizontal part of one of them reversed and the upper parts of the two letters joined together. These rails were fastened to the wooden sleepers by spikes driven through holes in the flange of the rail."²²

On August 1, the first locomotive steam engine arrived from England at New Castle. The parts were not assembled, but the English manufacturers had sent over a mechanic, Swanson, at the request of the board of directors. Mr. Swanson was seven weeks in putting the locomotive together. Local tradition contends that he made a drawing of each part for Matthias W. Baldwin, who later became one of the pioneer railroad manufacturers in the United States.

At last, on September 10, the "Delaware" with two carriages attached began its initial trip across the road. The engineer had been warned beforehand not to travel the length of the road "at a speed greater than one hour and fifteen minutes." However, the trouble was just about to begin. Due to an oversight, or rather through inexperience, the committee had failed to make the necessary provisions to supply the puffing engine with water. Consequently, the engine had to be served water much after the manner of watering horses, notably from springs and wells along the road. In front of the screeching monster ran a Mr. Galloway, who rang a bell to warn off the children or cattle who may have strayed upon the road. After several days of delay and stopping for repairs, the "Delaware" completed the first trip.

The committee decided to order another engine, the "Pennsylvania," because the "Delaware" was not working satisfactorily and had been ordered to undergo repairs. In the meantime, two other locomotives, the "Maryland" and the "Virginia," were being constructed in the company shops at New Castle. By now several interested individuals had invented new mechanisms which they offered to sell to the railroad. In September 1833, the company ordered installed in each of its engines a new throttle valve, called the "poppet valve," invented by Edward A. G. Young, Superintendent of Engineers of the Company. In the spring of 1834, the company voted to Mr. Young \$200.00 for "the first spark catcher invented or used upon a locomotive engine in the United States." Many other persons also were making and inventing new contraptions which the railroad bought, and for which they often obtained patents.

A primitive signaling system was inaugurated through the use of flags and peach baskets. When the train left its terminal, the telegrapher hoisted a white flag upon a pole twenty-five or thirty feet high. This information was transferred along the line by intermediate telegraphers who raised their white flags on the poles. If, however, the train failed to move, which it sometimes did, a



The "Old New Castle County Court-House." From its steeple, flags and peach baskets signalled a train's progress. (From J. Thomas Scharf, History of Delaware.)

black flag was hoisted instead of the white. A combination of flags and positions gradually came to assume different meanings. At New Castle, frames about the size of peach baskets, covered with white muslin, were hoisted instead of flags on the court house steeple. This system allowed for the sending of a message a distance of 16½ miles in the space of two minutes, weather permitting and the intermediate telegraphers being attentive. In New Castle, a bell also was employed to call the train crew together whenever a boat load of passengers arrived from Philadelphia or New York.²³

Today we travel in a railroad coach in absolute safety and security, but a century ago railroad development was comparatively naive. Consequently, the legislators took all precautions to guarantee the safety of all travelers both on

the trains and upon the public roads. On February 9, 1832, the Assembly of Delaware passed the following supplement to its act:

Section 6 . . . therefore, be it further enacted, that it shall and may be lawful for the said company, and they are hereby required to cause good and sufficient gates to be erected across each public road or highway which intersects the said railroad; and the said gates shall be opened at all times to all and every person or persons traveling on such road or highway, except when the safety of such person or persons requires the said gates to be closed. And it shall be the duty of the said company to have gate keepers to attend such gates. And if any gate keeper in the employment of the said company, shall unreasonably and without sufficient cause, delay the passage across the said railroad, of any person or persons traveling along such public roads or highway aforesaid, such gate keeper so offending, shall be liable to pay such person or persons, any sum not exceeding \$20; to be recovered before any justice of the peace in New Castle County in the same manner as debts under \$50 are recovered.

Section 7 . . . That it shall and may be lawful for the said company to cause good and sufficient gates to be erected across each of the said streets or lanes, to be so constructed as to open without difficulty and close themselves. But the said company shall be required to station gate keepers at the said gates.

In spite of the provisions to provide gates and to place keepers at the public roads, accidents did occur. Probably the first accident that ever occurred on the road took place at New Castle where a Mr. W. Rockhill sprained his knee by stepping into one of the cars. On July 13, 1832, the *Newark Daily Advertiser* obtained from a watchman the following account of an accident:

We learn that a young man, a resident of New Castle, was run over, on the 4th instant by the new locomotive engine, employed on the New Castle and Frenchtown Railroad, and considerably mangled: his arms and legs having been broken in several places.

The following year the *Advertiser* again gave an account of an accident:

U. S. Gazette says southern mail detained three hours at Frenchtown—no. of cars from New Castle thrown off track by cow—no damage, except cow run over. The Directors have since placed guards along the road to prevent accidents in the future.

A most unfortunate accident occurred one day while the coaches were filled with passengers bound for Baltimore for a special occasion. It was before the time of Mr. Young's spark catcher for which the company was to generously reward him. A strong wind caught a spark and carried it into the baggage cars where it set fire to a lady's hat box. Because of the high wind and of the wooden construction of the coaches, the whole car was on fire within a very few minutes. Much baggage was destroyed, and some very valuable jewelry was damaged. A large stock of U.S. Bank notes bound for Baltimore also was badly damaged. Several passengers were forced to postpone their journey because their wearing apparel had been completely destroyed. Further difficulty was experienced at Frenchtown because the steam boats were unable to navigate the river because of ice. Several people were of the opinion, however, that the fire could have been averted if the road had substituted coke, which had been used quite extensively and successfully in England, for the pine wood brought from the Eastern Shore; however, this was all before the days of the spark catcher.

With the development of these safety devices and of the increased speed of travel, the railroad expected very little competition. But the records show that in the spring of 1833, a passenger line of barges, drawn by horses and known as the "Peoples Line" or "Canal Line," was operating through the Delaware and Chesapeake Canal in competition with the railroad. The "Peoples Line" first charged \$3 per passenger; however, the railroad reduced its rate to \$2, i.e. the complete rate from New Castle to Baltimore was reduced to \$2. Immediately, a deep-seated rivalry ensued, and speed contests were conducted to determine the superior route to Baltimore. After three weeks of operation, it became a well-founded fact that the canal route was inferior to the railroad. The steam engine was able to convey the passengers, on the average, one hour and thirty minutes faster than the barges, and often as much as two hours and thirty minutes faster. The superiority of the rail route was established.

The "Peoples Line" soon realized their disadvantage, especially in competing against steam power, and they immediately entered into negotiations for a merger with the railroad route. Discussions were conducted at the home of James Frazer, but consolidation procedures were blocked for a time by the question of how to dispose of the steamboat company's surplus fund. Finally a settlement was reached on May 31, 1830.²⁴ After the official signatures had been attached to the document, it was announced by the committee that Thomas Stockton had been appointed general superintendent of the road at the annual salary of \$1000.00. This agreement gave the entire control of the route between Philadelphia and Baltimore to the railroad.

The rise of the "Peoples Line" had brought the rate question to the fore, and many people were beginning to speculate on the ultimate advantages to be derived from the competition between the rival roads. Undoubtedly, this competi-

tion was proving advantageous to the consumer, for when the road first opened on Independence Day, the rate charged for transportation to Morven was only 25 cents per person. As the road was pushed to completion, additional fare schedules for the new distances were published. After the road was completed, the company printed a schedule of prices, which were very moderate for the time.

Passenger Rates as per April 6, 1832:

From New Castle to Bear Tavern or any intermediate point: 37½ cents

From New Castle to Buch Road, or any intermediate distance beyond the Bear: 75 cents

From New Castle to Frenchtown: \$1.00

Same from Frenchtown to New Castle: \$1.00

Excursion passenger to and from any point: \$1.00

However, in the following year just before the competition began with the "People's Line" an advertisement was printed in the *Delaware Gazette* to the effect that:

Passengers from Baltimore and those wishing a pleasant and novel excursion are respectfully informed that a train of cars drawn by a locomotive engine leaves New Castle immediately on the arrival of the steamboat from Philadelphia, about half-past eight, a.m., for Frenchtown where passengers take the steamboat, and are landed at an early hour in the afternoon at Baltimore. Return trains arrive at New Castle about 1 o'clock p.m. Fare from New Castle to Baltimore \$3.25. (Signed) John D. Bird, Agent.

This advertisement marked the peak of the rates charged because after the "Peoples Line" came into existence, the fare rates were reduced to \$2.00 per passenger. However, the prices for the transportation of commodities across the road still were controlled by law rather than by competition. The Delaware Assembly had passed a supplement regulating these fares.

For every passenger, including customary baggage, not exceeding 100 pounds, 10 cents per mile. For dry goods, and such other articles of merchandise not herein particularly specified, as usually pay freight by measurement, 6 cents per cubic feet.

For flour	15 cents per barrel
For coffee	20 cents per barrel and 15 cents per bag
For figs	5 cents per drum

For indigo	75 cents per box
For lemons, oranges, large or round top boxes	20 cents
For same in small boxes	12½ cents
For paper	10 cents per ream
For raisins	4 cents per box and 12 cents per keg
For segars	6 cents per box
For tea	25 cents per chest 5 cents per catty box
For wood	\$1 per cord
For specie	At the rate of 50 cents for every thousand dollars of value

For all other articles not specified, one cent per mile for every 100 pounds provided, nevertheless, that it shall and may be lawful for the said company to charge and receive tolls, either by weight or by measurement, according to the rates of toll fixed by this section.

The merger with the “Peoples Line” by the New Castle & Frenchtown Turnpike & Railroad Company was not the first attempt of the company to expand. Previously the board of directors had voted to hold its meetings in Philadelphia and Baltimore because they had visions of extending their investments to Boston and even as far south as South America. It is easy to visualize the optimistic attitude of the board. America was the land of golden opportunity to thousands of immigrants who were filling up the mid-west. The middle border was moving westward at an unprecedented rate. Never before had the world experienced such a rapid influx of settlers into a territory. Farmhouses sprang up everywhere. Adventurers and homestead seekers even ventured across the Mississippi River, daring and braving the dangers of the unsettled territories of the United States.

And the East was the natural entrance for these immigrants. Every seaport, every river, every lake was buzzing with humanity going west. The Delmarva Peninsula offered a natural route into the heart of the Middle Border. Thousands of foreigners had landed at Baltimore, and immediately they shuffled westward by the quickest method possible—the New Castle & Frenchtown Turnpike & Railroad Company. Adjacent to the peninsula was the State of Pennsylvania which offered two excellent routes into the interior, one through Harrisburg and the other through Lancaster leading into the fertile Shenandoah Valley.

Added to this was Jacksonian Democracy. President Andrew Jackson’s Mayesville

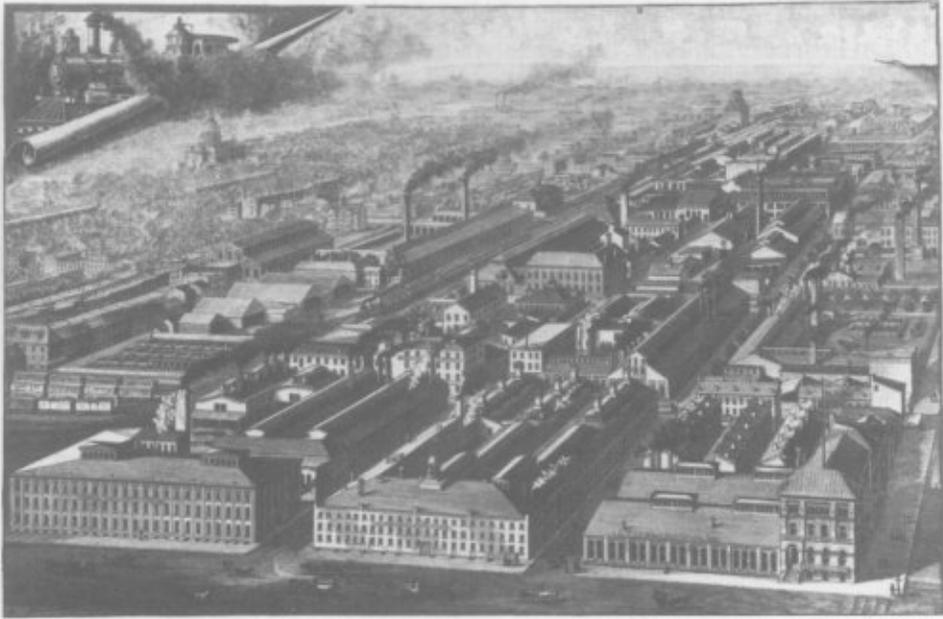
Veto had changed the entire character of America's internal improvement situation. All roads and canals now had to be constructed either by individual states or by private investments. Private investments prefer an inactive governmental policy toward federal participation in business, and this theory now spurred on thousands of people and even speculators to invest their money in canals and, especially, the railroads. Already New York State had built the Erie Canal. Private funds had organized the Baltimore and Ohio Railroad. Delmarvians, too, had subscribed to the building of a railroad, the New Castle & Frenchtown Turnpike & Railroad Company.

This business activity spurred an active participation for the completion of the second track which was dedicated May 1, 1837, and it was announced that passengers would henceforth be transported from New Castle to Frenchtown in forty-five minutes. Two trains had passed daily between the two terminals on the single track; now schedules were speeded up for the greater accommodation of the passengers. However, Sunday schedules had been suspended in 1834, because of much complaint, "particularly from the good Presbyterian elements." By 1837, the New Castle & Frenchtown Turnpike & Railroad Company had reached its pinnacle.

In the fall of 1837, the financial panic, which Andrew Jackson had so fortunately passed along with the White House to his successor Martin Van Buren, reached major proportions. Factories began to close down, and U. S. exports fell still further behind the imports. Banking houses closed their doors in the faces of clamoring depositors. Commodity transportation revenues dropped over night. Railroads and transportation roads were forced to nullify all dividend obligations. Immigration, too, had been affected. The Hessian Fly had destroyed the western wheat crop, and this crop-failure had greatly depressed the ardor of many prospective European immigrants.

All told, the traffic on the New Castle and Frenchtown Railroad decreased, and in order to meet current expenses the directors ordered the iron from the old tracks to be sold. Expenses in every department were cut as much as possible. The number of workmen in the carpenter shops was decreased until only two men were still employed at a salary of \$1.37 per day; the guards on the roads, the person employed at signal stations and also at the river station at Gloucester Point were ordered dismissed; the duty of "watch" at New Castle was delegated to only one man. Only four horses were retained for general use on the railroad; the others had been sold at public auction. Finally, in 1839, all the old tracks were ordered to be sold.

Outside forces now were being organized, and though they were at the time of their commencement completely independent of the peninsula road, they came to have a great bearing upon the future of the road. On March 15, 1839, the Philadelphia, Wilmington and Baltimore Railroad purchased a controlling



The phenomenal success of railroading gave rise to great factories like Philadelphia's Baldwin Locomotive Works, which opened in 1831. (From Scharf and Westcott, History of Philadelphia.)

interest in the road. Several years later the Delaware Assembly was petitioned by Messrs. Booth, Rogers and Johns to permit a union between the New Castle & Frenchtown Turnpike & Railroad Company and the Philadelphia, Wilmington and Baltimore Railroad because the new through-route via Wilmington was much more convenient to the travelers. Consequently, on December 12, 1842, the last meeting of the New Castle and Frenchtown road was called, but it was adjourned because of a lack of a quorum. The following spring, the Delaware Assembly placed the management control of the two companies into the hands of the directors of both companies who were to act jointly.

In the meantime, a road had been constructed from New Castle to Wilmington under the corporate name of "New Castle and Wilmington Railroad Company." It was not until 1852, however, that the first through train ever to pass between Frenchtown and Wilmington inaugurated the road. On April 11, 1853, an agreement was signed between the New Castle and Wilmington Railroad Company, the New Castle & Frenchtown Turnpike & Railroad Company, and the newly organized Delaware Railroad to have joint operation of trains. In 1855, the Delaware Railroad was completed and used the tracks of the New Castle and Frenchtown road from New Castle to Bear Station. The following year the Assembly authorized the company to abandon its Frenchtown tracks west of the junction with the Delaware Railroad, and the aforesaid roadbed was

sold to Samuel Veach and A. Butler of New Castle, who placed it under cultivation. On February 22, 1877, the representatives of the New Castle & Frenchtown Turnpike & Railroad Company, the New Castle and Wilmington Railroad Company, and the Philadelphia, Wilmington and Baltimore Railroad were authorized by the Delaware Assembly to merge. An agreement was drawn between the three roads, and it remained in existence until the Philadelphia, Wilmington and Baltimore Railroad leased the entire road to the Pennsylvania Railroad.

Officially, the New Castle & Frenchtown Turnpike & Railroad Company was in existence approximately forty-seven years and three months, for on April 15, 1887, the General Assembly approved the purchase of the New Castle & Frenchtown Turnpike & Railroad Company and the New Castle and Wilmington Railroad Company by the Delaware Railroad from the Philadelphia, Wilmington and Baltimore Railroad. The Delaware Railroad continued to use the road between New Castle and Bear Station until May 1, 1910, when the Philadelphia, Baltimore and Washington Railroad leased the road for a period of ninety-nine years and four months. Finally, the Pennsylvania Railroad re-leased the section, proudly contended by many as the home of the first railroad in the United States, from the Philadelphia, Baltimore and Washington Railroad for a period of 999 years.

Thus it was that the New Castle Railroad ceased to function under its own name, but the impetus to the railroading enterprise had been given. No longer was the country dotted with local feeders. In its place loomed the great eastern, western, and transcontinental trunk lines. Transportation was the key to the post-Civil War era, and the railroad was the instrument. The old line of box cars was transformed into the modern high-powered steam and electric trains; and with the introduction of the Westinghouse Air Brake, railroad transportation had been completely revolutionized.

But the glory of the old New Castle & Frenchtown Turnpike & Railroad Company still lingers in the memory of some old-timers who had heard their grandfathers speak of the roaring and belching monster, or is perhaps recalled by the discovery of an old stone sleeper by a casual surveyor. In commemoration of this early railroad enterprise stands a monument of the old stone sleepers used in the roadbed, built by the commissioners of the New Castle Court House: "These stones were sleepers in the New Castle and Frenchtown Turnpike and Railroad Company, completed in 1831, the first railroad in Delaware, and one of the first in the United States."

NOTES

1. Janvier, *Stories of Old New Castle*.
2. The turnpike was officially completed in 1818, and a line of stage coaches ran regularly over the 16.5-mile pike, connecting the steamboat routes at Frenchtown on the Elk River and at new Castle on the Delaware River. Travel along the pike was not restricted to the stagecoach company alone, however. Turnstiles were erected at specified points along the road, and anyone paying the toll was permitted to travel along the turnpike. This privilege remained in effect until the chartering of the New Castle & Frenchtown Turnpike & Railroad Company by the Delaware Legislature. By the provisions of the said charter, the turnpike was turned over to the state as a public road.
3. The steamboat is thus described in a paper in possession of the Maryland Historical Society. "When completed, her length was 130 feet, width 27 feet, and depth of hold 7 feet. Her wheels over 10 feet deep in diameter, and 5 in depth. Her engine was a cross-head, which received a cogswheel that worked in teeth upon the shaft, which was of cast iron. To the engine a fly-wheel was connected to enable it to pass its center. The smoke-stack was amidships, behind the engine. Extending about 25 feet, and raised 2 feet above the deck was a boiler. She had a mast forward with a spar and sail, which spread whenever the wind was fair. She made her first trip from Baltimore to Frenchtown and back, 140 miles, in 24 hours. The appliances for her navigation were simple and crude. Her pilot stood at the bow who called out the course to a man amidships, and he to the helmsman. There were no bells to signal the engine, but the captain conveyed his commands by word of mouth, or by stamping his heels on the woodwork over the engines. The boat had been running 6 months when the engineer accidentally found out he could reverse the engines and back her."
4. The proponents of the railroad were quite thorough in their formation of the several sections of the act as is evinced by the Maryland Act of Incorporation.

Section 1: Be it enacted by the General Assembly of Maryland, That the president and managers of the company incorporated by the name . . . of the New Castle and Frenchtown Turnpike Company, or of a majority of them, be hereby authorized and required to call a meeting of the stockholders of the company, at such time and place as they may deem convenient, after giving at least three weeks' notice of such time and place, and the object of the meeting, in one newspaper published in Cecil County, one in the City of Baltimore, and one in the State of Delaware; at which meeting the holders of the major part in amount of the stock . . . shall be competent to decide whether or not the capital stock of the said company shall be increased for the purpose of locating and constructing a railroad from Frenchtown toward New Castle . . . and if it shall be decided to increase the stock for the purpose aforesaid, . . the said books shall be kept open until so many shares shall be subscribed, as shall amount to \$200,000.00, or such smaller sum as shall be sufficient to complete the road hereby authorized. . . .

Section 2: And be it enacted, that when the said amount of increased stock shall be subscribed, and \$5 per share paid thereon, as above provided, the corporate name of the said company, shall and the same is hereby changed and altered to "The New Castle and Frenchtown Turnpike and Railroad Company" . . . and shall be answerable and bound for all existing contracts and claims whatsoever, in the same manner as if the said corporate name had not been changed.

Section 3: And be it enacted, . . . within 30 days after the increased stock shall be subscribed . . . shall appoint a day and a place, of which 3 weeks' notice shall be given as aforesaid, for the stockholders in the said New Castle and Frenchtown Turnpike and Railroad Company to meet, for the purpose of choosing seven of the stockholders as directors, to manage the affairs of the said company; . . . each share of stock shall entitle the holder to one vote; Provided, however, that no person shall have more than 25 votes at any election. . . .

Section 4: And be it enacted, That the Directors, when elected, shall be vested with full power to locate and construct a railroad from Frenchtown aforesaid, to the line of this State, in a direction toward New Castle, with as many tracks as they shall think necessary. . . .

Section 5: And be it enacted, That it shall be the duty of the said New Castle and Frenchtown Turnpike and Railroad Company, to keep open and in good repair at least 20 feet in breadth of the turnpike aforesaid, from Frenchtown to new Castle, subject to the same penalties for neglect, and entitled to the same tolls prescribed and allowed by the acts of Assembly hereinbefore mentioned . . . or where it shall be necessary to pass through the land of any individual, it shall be the duty of the said Directors to provide for such individual proper wagon ways across said railroad. . . .

Section 6: And be it enacted, That the said Directors may procure and use any railroad which shall be constructed by them in virtue of this Act, all machines, wagons, and carriages, and other vehicles, which they may deem proper and necessary, for the purpose of transportation on said road; and they shall have power to charge and receive as tolls for using the said road not exceeding 3 [cents] per ton per mile, for the transportation of passengers, not more than 25 [cents] each for the whole distance, including customary baggage, not exceeding 100 pounds each; for transporting the whole distance any trunk, box, bale, basket or package, not being the baggage or part of the baggage of a passenger, and not exceeding 100 pounds, 13.5 [cents]; and it shall not be lawful for any company, or any person or persons whatsoever to travel upon or use any part of the said railroad, or to transport persons or property of any description thereon, without the license or permission of the said Directors.

5. The State of Maryland was to enact a similar supplement to its Act on February 8, 1830: "And be it enacted, That the time limit in the charter of the said Company, for the commencement of the said road, be extended to the first day of March, 1831." An earlier addition had placed the date of commencement at a time previous to that of the passage of an Act by the State of Delaware.
6. The Articles were signed by James R. Black, Chairman, and attested by Cornelius D. Blaney, Secretary, of the New Castle Turnpike and Railroad Company, and by William McDonald, Chairman, and also attested by James Couper, Secretary, of the New Castle and Frenchtown Turnpike and Railroad Company, respectively.
7. The Stockton House was later erected on this precise spot.
8. The exact particulars of the statement have been preserved for us by Mr. Lewis:

Subscribed	\$235,000
Loan convertible into stock	65,000
Additional loans on same terms	55,000
80 shares belonging to the company held in trust	2,000
Present loan	<u>20,000</u>
	377,000
This is exclusive of the Turnpike which we were obligated to take, their worth netting at	<u>51,000</u>
	\$428,000

9. "The contractors on the sections near New Castle could not carry on the work and their contracts were annulled. . . . The man who has contracted to lay the rails (Swift) is a first rate fellow. . . ." From Mr. Lewis' diary.
10. On June 3, 1831, John Janvier, the President of the Board, resigned as a Director; Kensey Johns, Jr. was elected a Director in his place, and James Booth, Jr. was elected President of the Board. Mr. Lewis remarked in his diary concerning the resignation, "the resignation of John Janvier is in the abstract a very fortunate event for the Company, and I am sure the work will proceed much better and deliberations more harmonious without him."
11. In Mr. Lewis' diary, dated May 14: "I foresee we shall be delayed for want of materials, particularly blocks, and that it will be, I fear, impracticable to finish the road this year owing entirely to mismanagement on the part of the present board." Again on July 26, he noted: "This is the great obstacle—blocks."
Matters became even worse, and there was increasing difficulty in securing blocks. "William Nevins and myself resolved to make a contract for 10,000 blocks with Robinson Carr and Co. which we did this evening. . . . The delivery is to commence on Wednesday next the 1st of June and to proceed at the rate of 500 blocks per day." Nevertheless, progress in laying the rails was impeded for at least several months by the delay.
12. Mr. Lewis' Diary.
13. Col. Long had been experimenting with his "locomoter" for a very long time; however, his first public performance on the day of the opening proved a failure which was

believed due "mainly to the capacity of the boiler being insufficient to furnish the requisite supply of steam." But on the sixth, Col. Long had much better success with his "locomoter." "It went to Ross' Point and back without stopping, dragging the passenger cars filled with people, and had 50 lb. of steam on when it returned."

14. Special invitations had been sent to several gentlemen of repute by the Directors of the Road. "The following were among them: M. La Brown, Major Ware, Major J. N. Barker, T. M. Dallas, W. R. Johnson, Hamilton Merrick, Dr. Ducatet, R. Tyler, A. Dallas Bache, Franklin Peale, Col. C. C. Biddle, W. Rund, Jr., and Dr. Topin."

15. According to *New Castle on the Delaware*:

Three passenger cars of the latest improvement and construction, with Wyman's Patent Friction Wheels, were ordered to be purchased of Steevers of Baltimore for \$1100." Mr. Steever, however, delivered but two of them. These cars were very much the shape of an old-time stagecoach, with four wheels and the entrance at the side. They were made to accommodate about a dozen people, or perhaps, one or two more persons. The two cars cost the company \$510.50.

16. Mr. Lewis' Diary, dated Thursday, March 22, 1832.

17. The curves on the New Castle and Frenchtown Turnpike and Railroad Company are as follows:

Starting from New Castle:

Curve No. 1	radius 14,898 feet.
2	10,560
3	10,560
4	10,560
5	20,000
6	13,243 32/100

18. Another account of the opening of the road is given in *Niles' Register* of March 3, 1832.

The Frenchtown and New Castle Railroad was opened for transportation of persons and goods on Thursday last. It is a very interesting public work, faithfully executed and will add much to the public accommodation. It may and will be very rapidly traveled by steam power, because of its extraordinary straightness. One of the coaches, built to run upon it, by the famous Imlay of Baltimore may well be called a traveling "palace" because of its conveniences, and will comfortably seat 50 persons—inside and out. The length of the road is 16 1/2 miles. The present time of traveling is 1 hour, 35 minutes, including a change of horses."

19. An account in the *Delaware Advertiser and Star* of Wilmington, July 5, 1832, states: "From the 1st to 20th June, there arrived at the port of Baltimore from foreign ports 1424 passengers of which 1336 foreigners, and 88 citizens of the United States."

20. The first ticket office erected for the sale of passenger tickets on a railroad in the United States (so far as can be accurately ascertained) was erected and put into use by

the New Castle and Frenchtown Turnpike and Railroad Company in New Castle, Delaware, in January 1832. It was a small frame structure, about seven feet long, five feet wide, and eight feet high to the eaves of the roof. The roof was made of shingles and ran up on each side about four feet to a peak. The body of the building was built of ordinary studding. The outside was covered with lap-boards about six inches wide and 1/2 inch thick at the lower part. The inside was lathed and plastered. The entrance door was at one end. There was a small window for light and air on each side. At the other end was a window, about two feet square, with a projection sill from which the tickets were sold. Over this window was printed in capital letters the word "Tickets." It was, and is, a quaint little building.

21. The *Newark Daily Advertiser*, dated July 9, 1832, lists the following account:

A trial run of one of Stephenson's locomotive engines was made on the New Castle and Frenchtown Railroad, on the 4th instant. From its results, the engineer expresses his entire conviction, that the whole distance between the two places (16 1.2 miles) may be traveled with this new engine in twenty minutes, at the rate of fifty miles per hour. This is truly going "like lightning": but we presume that travelers will hardly fancy traveling at this rate, as though they were attached to the tail of a comet.

Another account in the *Baltimore American* of July 27, 1832, states: "Trial Saturday, New Castle to Frenchtown in 56 minutes."

22. In the construction of the second track, "T"-shaped rails were used.

23. A twin relic of the historic office (ticket office) was the bell, which when the old Frenchtown Railroad was in full operation, was used on the wharf at New Castle to call the men forming the crew of a train that a boat of passengers had arrived at the wharf from New York to resume their journey to Washington over the railroad line.

When the railroad changed hands, the Philadelphia, Wilmington and Baltimore Railroad taking over the line, the old bell was loaned to the trustees of the Townshend M. E. Church where, in the belfry, it was used for years to summon the "Flock" to the Sunday morning and evening services. In 1903, the members of this church erected a modern brick-church, the old one having been sold and moved away. The old bell still remained in the neighborhood of Townshend, its next place of duty being to serve the children by calling them to school for their various studies, and it hung in the belfry of the old school house from 1903 until the year 1916. In 1916, a fire, which started in the basement of the school building, destroyed it. The old bell, falling into the cellar, was burned into a shapeless mass in a huge pile of coal that smoldered for days.

24. The agreement can be generalized into the following points:

The railroad should take the whole capital stock of the navigation company, amounting to \$367,000.00, and assume all its debts. In consideration of this the railroad company was to issue certificates of its own stocks—two to one of the other. It was also to take all the property of John Glenn, Hugh McElderry, and Evan T. Ellicott, which they held as trustees for the old "Citizens" or "Peoples Canal Line," and to pay all debts, due or to become due, by and to said trustees of the said trust.



PHOTOGRAPH PORTRAIT GALLERY & PAINTING

Weaver's Gallery.

147 CAFE DE VITTES 147

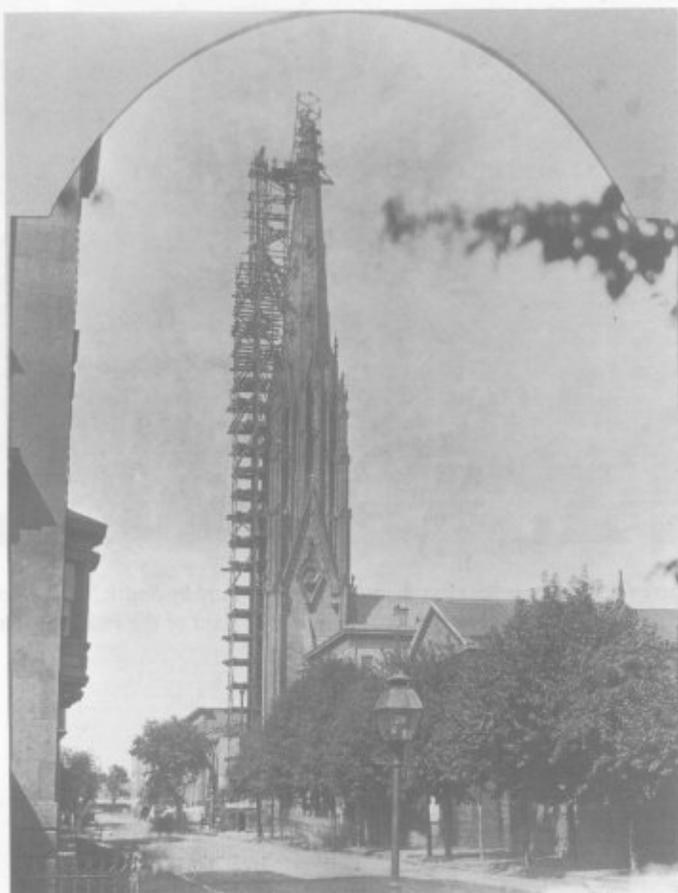
HENRY WERNER
149
CONFECTIONERY & ICE CREAM DEPOT.

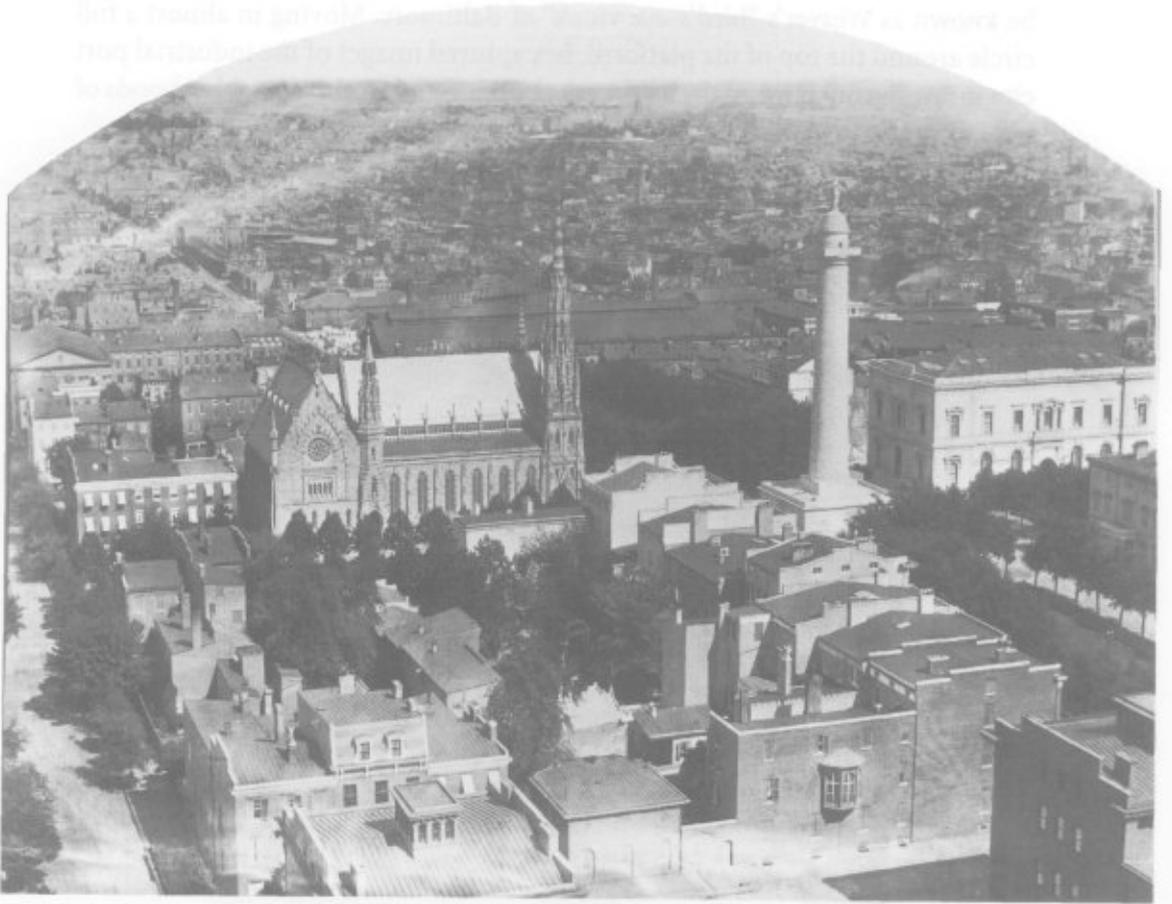
Portfolio

Baltimore photographer William H. Weaver (1825–1913) maintained a studio at 1151 (147 old style) East Baltimore Street from 1863 to 1913, where he was listed in the Baltimore City Directories as an artist and photographer. In 1873 he climbed 250 feet up the steeple scaffolding of the new First Presbyterian Church at Park Avenue and Madison Street and took the series of pictures that have come to be known as Weaver's "bird's-eye views" of Baltimore. Moving in almost a full circle around the top of the platform, he captured images of the industrial port city sprawling out beyond the landmark churches and wealthy neighborhoods of old Baltimore toward the wooded countryside at what is now North Avenue.

The Prints and Photographs Division is pleased to present this selection from the Weaver album, representing all of the directions Weaver photographed from the top of the steeple.

P.D.A.





“View from Dr. Backus’s Church Spire 250 feet from the ground. East by South.” The church in the center is Mount Vernon Methodist. The Washington Monument is to the right, in front of the Peabody Institute. The long roof in the background is the Calvert Street train shed.



"Park Street Due South." The Pratt House and garden are in the foreground. The columns of the Basilica of the Assumption can be seen in the top far left, and St. Alphonsus Catholic Church is in the top center.



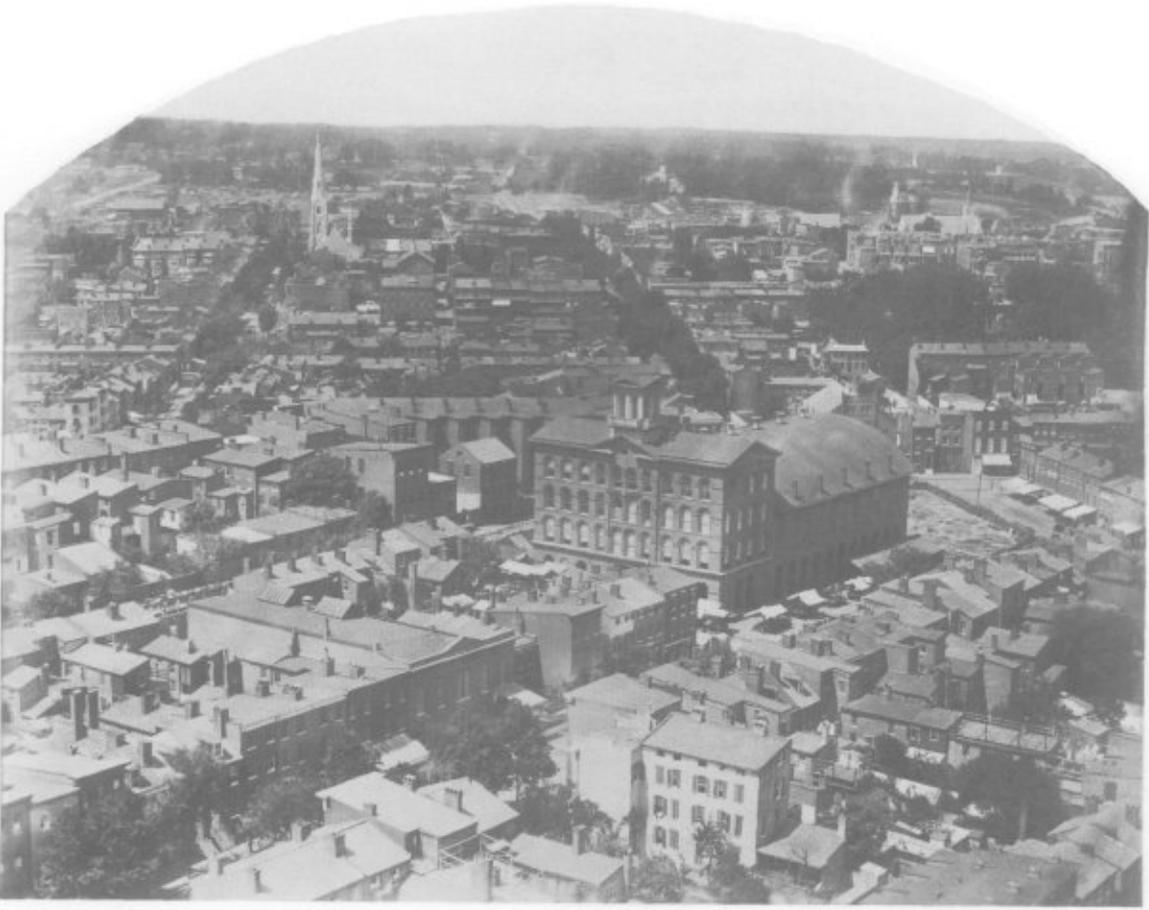
"Howard Street South and West." City College faces the Convent of the Visitation garden. The Academy of Music stands on the corner of Howard and Center Streets.



"Due West, Eutaw Street and Madison Avenue." St. Mary's Protestant Episcopal Church is at center right, and the edge of the St. Mary's Seminary grounds can be seen on the far left.



"North West Madison Avenue and Hoffman Street." Mount Calvary Baptist Church is in the foreground. The steeple in the top center is that of St. Peter's Episcopal Church.



"North West by North." The Richmond Market is in the center. The church in the top left is Eutaw Place Baptist.



"Due North Park Avenue." Tyson Street is in the front lower left. Park Avenue has recently cut through past Madison Avenue.



“North East. Charles Street Depot and the Blind Asylum.” Park Avenue is on the left. The Charles Street Depot is in the top center, and the white building on the hill is the Blind Asylum.



“East by North. Jail and Penitentiary.” The jail and penitentiary are in the top right. The Emmanuel Episcopal Church is in the left foreground.

The 8th New York Heavy Artillery in Baltimore 1862–1864

KATHRYN W. LERCH

On July 8, 1862, the *Batavia Republican Advocate* in Genesee County, New York, called for a “war meeting” to “ensure the speedy enlistment of Volunteers.” They would join others from Orleans and Niagara Counties to serve three years in the 129th New York Volunteer Infantry under the leadership of the wealthy and highly respected Colonel Peter A. Porter of Niagara County. The editor urged “every one who has the honor and welfare of his country at heart, to make this a personal matter. . . . All should feel that no sacrifice is too great, to save from destruction by traitors, the best government ever given to man.”¹

Answering this call were men who had read the casualty lists from the Seven Days battles in Virginia and who knew the war would not be short, or easily won. They were descended from hardy New England stock and further tempered in the extensive and often fiery religious revivals that had left their part of New York known as the “Burned-over District.”² From Genesee came Sergeant Thomas Jasper Dean and Lieutenant Marshall Norton Cook; the Fenner brothers, Privates William and Daniel; and Privates Norman Martin and John Jay Sherman. The majority of the new Genesee recruits were farmers, with a sprinkling of stone masons, laborers, and merchants from twelve small rural communities near Batavia. Dean and Cook referred to themselves and other members of Company I as the “Bergen” or “Byron Boyes,” whose respective towns northeast of Batavia had 2,000 and 2,861 white inhabitants in 1860. The Fenner brothers came from the similarly sized town of Alabama, northwest of Batavia. Martin and Sherman were from the largest community, Batavia, with a population of 5,837 in 1860. Most were leaving home for the first time. When the regiment mustered at Lockport on August 22, the *Niagara County Union & Advertiser* described it as being “composed of as fine material as any volunteer regiment that has been raised in the State. It is finely officered, and there is no reason why it should not be successful in the field, and do credit to the counties from which it goes—Niagara, Orleans and Genesee.” As they marched to the train that would take them through Elmira and Harrisburg before stopping on August 25 in Baltimore, the 129th was “cheered by the people and the ladies waved their handkerchiefs in token of approbation.”³

Kathryn Wilsey Lerch is a teacher of history and German at Park Tudor School in Indianapolis.

Eager to fight and expecting to go straight into battle, the volunteers instead met with disappointment. Jasper Dean had expected “to see a battle and be in one before this time . . . [for] when we started from Lockport I did as much think that we was going streight into a battlefield to fight.”⁴ The 129th though was assigned to garrison duties in Baltimore. The regimental adjutant wrote to the newspaper in Batavia:

On our arrival in Baltimore we were taken to the Union Relief Association,⁵ and supplied with hot coffee, bread and butter, ham, and other good things. . . . we expected to start immediately for Washington, but received orders from Major-General Wool to come here. We are located on Druid Hill, about three miles from the city acknowledged by all to be the most beautiful and healthy grounds in this vicinity. . . . We are not certain whether we will remain here or go to Federal Hill, where the famous N.Y. 7th Militia are now quartered, but who return home Thursday. I visited Federal Hill this morning and had a most magnificent view of Baltimore. Several fine columbiads, 32-pounders and howitzers are mounted here, which completely command the city, and would soon level it to the ground should it become necessary. We are all well here, and enjoying ourselves first-rate.⁶

The New Yorkers resigned themselves to the likelihood of missing the war. “This Rebellion will come to a close this fall or before spring,” one wrote.⁷

On the twenty-eighth, the regiment formed on Warren Street and exchanged salutes as the 7th New York marched smartly out of the fort, their band playing “We Are Getting Out of the Wilderness.” The *Baltimore American and Commercial Advertiser* announced the identity of the new garrison troops and assured all that “citizens of South Baltimore, who may wish to spend a few hours on the Hill, will be kindly received.”⁸

Colonel Porter, no doubt trying to conceal his disappointment at the regiment’s posting, exhorted his men to make the most of this opportunity. He congratulated the regiment on reaching Baltimore in good order. “We must not disgrace ourselves or the State of New York by proving ourselves unequal to our advantages,” he added, noting the polish attained by their predecessors, the New York Seventh. “We who saw what they are, should be inspired by a desire and determination to equal them. . . . We must drill from morning till night. We must learn; some to command; some to obey. . . . Let us do our duty and all will be well.”⁹

Baltimore in 1862

Baltimore had changed significantly since the chaotic days of April 1861. No doubt the green New Yorkers knew all about the Pratt Street Riot from the inflammatory reports that followed it. They also knew that forces commanded by Brigadier General Benjamin F. Butler had moved into the city “for the purpose . . . of enforcing respect and obedience to the laws” which were being “violated . . . by some malignant and traitorous men.” Butler had proclaimed that “no loyal and well disposed citizen will be disturbed in his lawful occupation. . . . [All] property, munitions of war, and that fitted to aid and support the rebellion, will be seized and held subject to confiscation.” Existing forts were modified to accommodate increased numbers of troops, prisoners, and artillery. A New York zouave regiment under Butler’s direction greatly strengthened the position on Federal Hill, “mounting upwards of fifty heavy guns, and effectually commanding the city. . . . It enclosed the entire crown of the hill. The angles of the bastions were so arranged that all the guns mounted on them would rake by enfilading fire all the streets by which the hill could be reached.”¹⁰

Additionally, strong works were constructed in Forts Marshall and Worthington, and both were armed and garrisoned for the duration of the war. Fort McHenry, also garrisoned, became primarily a prison. Numerous barracks or temporary unarmed camps such as Camp Belger accommodated arriving troops until they could be sent to more permanent locations. One of Baltimore’s early Union commanders, General Nathaniel P. Banks of Massachusetts, explained the value of the forts as training camps to Secretary of War Simon Cameron in 1861:

Baltimore would afford most excellent camps of instruction for raw troops. They can be easily and cheaply supported here in healthy and convenient locations, well drilled and disciplined and their presence would afford support to the Government against the rebel elements of the city. In a short time you could safely withdraw the best troops for service elsewhere.¹¹

After three days at Camp Belger near Druid Hill, the men were ordered to march to Federal Hill. The weather was hot, and some of the New Yorkers in wool uniforms and carrying full equipment found the relatively short march unendurable. Nevertheless, Jasper Dean liked what he saw on reaching the fort. It was

one of the plesantest places that I ever saw. . . . There is watter on three sides whare there is vesels running for all ports in the World. It is also a very strongly Fortifide place with large Cannon placed and pointing in every direction. Some of these cannon masure two feet and a half through at the but. There is also plenty of Morters &

plenty of shelles and Balles. We have butifull Barrockes with plenty of room. Each Company has a room by itself aside from the cook room. These Barrockes are on three sides of a butifull Park with nice shade trees all through the center of the Park also abundance of watter. There is a stream of watter two and a half inches in diameter running into a large vat and out constantly. I am well and enjoying good spirits like solgers life well. . . . The 7 N York regiment has been [here] for the last three Monthes. They wer here when John and me arrived. They gave us to good straw beds besides a good many other articles such as penes ink Paper oil for guns. They gave me also a jar of nice Pickeles. There time was out yesterday.¹²

That same day, Norman Martin wrote: "We have brick houses to stay in and a pentwalk [?] in the center of the fort. It is by a reserivor w[h]ich is about 4 miles from here. The water is good tasting but it is as warm as milk." He then described a cave under the fort. "We went into it yesterday. It has got alleys all the way through it. They say it is a place where a band of robbers lived. It is so muddy in it that I did not go in only a couple of rodd."¹³

Colonel Porter's anticipated "few weeks" in Baltimore passed quickly into months. Relief seemed to be in sight when Brigadier General W. W. Morris, commanding the 8th Army Corps, Middle Department in Baltimore, extolled the virtues of the 129th New York at Fort Federal Hill. On December 12 he recommended in a letter to Porter that they be made into an artillery regiment. The fort was in "excellent condition for defense, the guns mounted and appointed, and the entire Ordnance and Ordnance Stores of the Post, in superior order." Moreover, the 129th had begun to acquire a little polish of its own. When the regiment had entered his command, it was "a most irregular and undisciplined body of men," but owing to Porter's "unwearied perseverance and personal labour . . . , System & order have been produced, and they are not only well drilled as Infantry, but excellently instructed in the heavy Artillery arm." Porter's spirits, having soared, doubtless fell when he learned of Morris's conclusion. "I unhesitatingly and earnestly recommend that this Regiment be converted into Artillery, to be used to Garrison the Forts for the Defense of the harbor of Baltimore."¹⁴ In December 1862, the 129th New York Volunteer Infantry was redesignated the 8th New York Heavy Artillery.

"The Whiskey Hant Worth a Dam"

Soldiers everywhere, whether in the field or serving garrison duty, regularly corresponded about the mundane elements of their lives. Shortly after arriving in Baltimore, Dean wrote his mother: "We are . . . eating Beef & Bakers Bread getting tuffer every day. This Regiment has got the name of haveing the healthiest toughest



Fort Federal Hill viewed from the west, 1862–1864. (Maryland Historical Society.)

heartiest set of men that has ever been in this Fort. There has not been but a very few of us sick. There is none sick now of my acquaintances.”¹⁵ Naturally, not everyone approved of camp food. Daniel Fenner wanted his family to “send me a box of provisions and send me a lot of it. Send me some mince pies and some cake. . . . send me some buter. Now [Sophie] make me some good stird cake and send me some dried fruit. . . . send lots of cake for you know what a hand i be for cake and pie. i spose you have got mince pies if you have cilled hogs but if you hant send something els and put in some apels.”

Fenner had another wish. “Tell Em to put in the gunk botle this time and have it filled with gin for we drink gin all to geather down here for the whisky hant worth a dam and gin is hellthy to drink if you you can git it handy and if you cant send the whisky and it wont go bad for we drink all we can git.”¹⁶ As the regiment settled in, rations improved. J. J. Sherman reported in 1863, “We have beefsteak & potatoes & coffee & draw our loaf of bread for the day. The beefsteak is well cooked & the loaves are large & light. — for dinner we have boiled beef either fresh or corned & soup & for supper we have either boiled rice or hominy & tea; our facilities for cooking are firstrate. We have two large kitchens & hire negro cooks.”¹⁷

Their accommodations, though comfortable, were not ideal. Dean squashed a bug at the top of one of his letters and explained, “rebel bed bug death caused by invasion.”¹⁸ Daniel Fenner complained that the bedbugs are so “thick here that . . . we can pick them off of us any time. . . . I woke up the other night and they was all out on the flore and had our guns and was a going threw with the bayonet exercise and they done it prety well for bedbugs I thought.”¹⁹

An important subject in correspondence was morality and the temptations inherent in military duty. The Fenners’ ambition to “drink all we can git” of gin and whiskey was behavior that Dean found disagreeable. “I have not been drunk since



John Jay Sherman as he looked while a garrison soldier in Baltimore. (Holland Land Office, Batavia, New York.)

I have been here,” he reassured his Presbyterian mother. “I shall endeavor to keep my morals as strict as when at home. I have not yet got into the guard house, or had any trouble in any shape since I have been here. I have got along so far without stealing anything. I think I can a spell longer.”²⁰

Similarly, Sherman wrote disapprovingly about the recent death of another soldier, Stephen Wilson: “He was a very rough sort of fellow & his death was caused by his own excesses.”²¹ A month later he proudly wrote home about his own conduct in the face of “the evil influences to be found among the officers & men.” Since he had been in the army, he had “never disobeyed an order & have never had a reproving word spoken to me by one of my officers.” He promised to “try & keep clear of such influences.”²²

Reading and letter-writing were usually safe activities. Dean often spent his money on books—Shakespeare’s works or *The Life of Lincoln*. “There is not much of my time spent in amusement. I am determined to use what leisure time I have to myself to proffit by it and make the best of what spare moments there are aloted to me.”²³ Sherman tried to stay informed via newspapers sent from home, reading with great interest the *Independent*, a reformist magazine featuring antislavery articles by Henry Ward Beecher. He was “in something of a hurry to read Beecher’s next letter,” because “his first one was first rate but it was to[o] short.”²⁴

Cook, often busy with officer’s duties, enjoyed correspondence and listening

to music. "I for one do not know what I should do if I should be deprived the priveledge of writing & receiving letters. We can almost 'enjoy' each others society by writing." He also wrote that they had "any quantity of music in the quarters" next to them. "They have a piano & are tuneing it up while I'm writing."²⁵

Many of the officers and men were joined by their wives in camp, and some married while in Baltimore. Colonel Porter, for example, brought his family to Baltimore and maintained a residence at his military quarters. Cook, who had been divorced and was still single, no doubt missed female company. "Two or three of the Captains have their Wives to comfort & console them while off duty. The Orderly of company I was married last night. His wife was from Orleans Co. Quite a number of the privates have their wives with them."²⁶

Religion was ever present. Cook and Dean both dwelled on this theme—the former because he liked to attend services often and the latter because it would please his mother. "We have prayer meetings every night," Dean told her. "We have a sermon Sunday at 4 o clock PM. We form into double file each company by itself and march in front of the Cirnolds [colonel's] Quarters Front face to the building one behind another untill the congregation is all formed in a square bodey. We have extemporize Preaching. I guess he is a methodist man." The worshippers wore their cartridge belts and white gloves, "makeing quite a fashionable Congegation." "All sing that wants to," he continued, "they stand up at perade rest through preachin. Take there hats off when he prayes."²⁷

Cook observed a "great many visitors on the Sabbath" including "towns People & Soldiers of the different Regiments in the City." One prayer meeting drew "about 50 Soldiers . . . some 30 of them professers of Religion. Wish that you could once attend a soldier's prayer meeting. They are so interesting." After a large meeting in January 1863, Cook hoped he was "much benefited by being permitted to once more hear the works of God preached in truth & soberness."²⁸

Illness and death were common, even in garrison duty. In addition to the intemperate Stephen Wilson, three other men died in 1862. In an incident reported in the newspapers and vigorously investigated by regimental officers, Benjamin F. Rafter of company F died by accidental shooting. Although Rafter had earlier been disciplined for being "drunk and disorderly," this time he was simply unlucky. "There was a solger shot here last monday morning," Daniel Fenner began:

He stood in the dore a taking a chew of tobacco and one of the boys . . . put a cap on his gun part to snap it for fun and his gun hapened to be loded but he dident know it and it went of[f] and shot this fellow. It hit him right under the left sholder blade and come out on the rite side just forward of his sholder. It killed him dead. They sent him home. He lived to Jonsons creek. Maby you know him his name was B. F. Rafter Co F. Em i tell you it loked hard he had been marid [married] three months.

wife for past time, got a three days furlough, met on the ice, broke through and was drowned." His widow's application for a pension was rejected.³⁰

As in all Civil War units, illness caused numerous deaths. By October 1862 there were "thurty od sick" in Company H and "too hundred sick in the regiment." Early in November, Jerod Hescocok, a neighbor of the Fenners, died of dyptheria in the Federal Hill hospital. Daniel Fenner mourned his loss. "We have got him embalmed and sent him home. They say that he will keep to [two] months. We done all we could for him but it done no good. He is dead and gone. He has got threw with the trials and troubels of this world and i trust he has gone to a beter world than this."³¹

Life in garrison was more comfortable than the field, and more monotonous. The regiment had no choice but to follow Col. Porter's orders to "fit themselves by discipline and drill in the shortest possible time . . . [whether] to go to the field of battle, or to defend this *fort*. . . [and] to observe the watchword . . . *work, work, work*." It was "not the time for amusement or for passes." William Fenner became the company cook. Others were detailed to serve in the medical purveyor's or provost marshal's office—and some, Dean among them, chose extra duty for an extra forty cents a day. "It is not very hard lackering the cannon and shell Painting the Frames &c &c &c. They comenst the Job of soding the Banks and walks around the Paritpetts. You can see in the Picture I sent you what I mean if you have got them."³²

Cook remarked that they didn't "*have* to guard rebel property," but escorting "Convals" was a never-ending responsibility. As an officer, Cook was also responsible for instructing the men in a variety of lessons and therefore had to spend time learning them himself, "studying the school of the Co in Infantry . . . till [he had] got [ten] completely sick of it." After "a plesant Day and Night" of guard duty, Dean regaled his family with an account of how he had "had the pleasure of Commanding the staff Officers last Night. . . by hauling them and Demanding the Counter Sign of them whe[n] they was coming into Fort. I was on the Gate where I had pleanty of Hauling to do at all Hours of Night."³³

One opportunity to escape the confines of Federal Hill was to be assigned to guard Confederate prisoners-of-war or captured Federal deserters. After major battles such as Antietam and Gettysburg, thousands of prisoners arrived at the train stations in Baltimore prior to being sent to prisons or parole camps. A month after the regiment arrived at Federal Hill, Dean and others came face-to-face with campaign-hardened Confederates captured at South Mountain, and the rebels made quite an impression. Surely the war could not go on much longer if the enemy were in such poor condition. With a mixture of bluster and sympathy, Dean wrote:

Our folks are giving them fight on all sides. I had the pleasure of seeing between 3 & 4 thousand of them a few dayes ago. They are an awful speciman of humanity raged nasty lousy ravinous with starvation and a great many without shoes. A great maney wer old and young some 12 and some 65 with there gray locks reaching almost down to there sholders. The beard on there Faces wer ver[y] long. They looked more like ourang outang than they did like men.³⁴

After Gettysburg, Cook grouched about the wet and miserable time he had spent escorting prisoners to Fort McHenry before returning to the comforts of Federal Hill. Company I had escorted 1,500 prisoners there late in the afternoon, and at midnight another 2,300 arrived from the trains. All were to be paroled and sent to a disbursement station. "Soon after the last batch arrived, it commenced to rain & continued to do so until day light. The Prisoners wer obliged to stand on the open parrade ground as well as the guard althrough the whole of it. . . . Of course we had no sleep besides getting thoroughly wet." The guard, presumably, had the easier time of it. "I escaped with a dry skin as I had my rubber overcoat."³⁵

In October 1863 a detachment from Company I escorted a train-load of prisoners to Johnson's Island, near Sandusky, Ohio. One of their famous clients was Confederate General Isaac Ridgeway Trimble, wounded and captured at Gettysburg at the height of Pickett's Charge. "Rebel General Trumble," who had gained earlier fame for burning bridges north of Baltimore at the onset of the war, was in Dean's opinion clearly a prize. "The old chap was minus one leg and a prisoner of war when he arived since the Battle of Gettysburg."³⁶

In addition to escorting and guarding prisoners the regiment also provided officers for military commissions and courts-martial.³⁷ Porter and his regiment were continually involved in these proceedings during their stay in Baltimore. In December 1863 alone there were prospects for more than fifty cases. In January Lieutenant Cook lamented he would probably not be able to get home on a furlough anytime in the near future. "I spoke of coming home & thats about as near to it as I shall probably get very soon," he pined. "Was in hopes our Commission would break up after disposing of the case on hand now — but this morning the judge Advocate brought in seven more cases to grind out & all of them Spies. It will probably take about a week for each case, so you can make Your own calculations."³⁸

"Secesh" and Oysters

"Spies" were not the only evidence of "secesh" spirit in Baltimore. During the October elections, Daniel Fenner threatened to have Baltimore's southern sympathizers "smell powder." When the Holliday Street Theatre put on a New York company's production of *The Seven Sisters*, starring Britain's renowned Miss Laura

Keene, the producer remarked that “he [had] heard no objection . . . to the piece, contrarily he knew it had been applauded.”³⁹ That is not how the New Yorkers saw it. “We come very near having a spree with the secesh a few dayes ago,” Dean wrote excitedly, “I have not doubt but what we will have a spree with them yet.” He continued, “The trouble arose from a theater got up by secesh and in secesh stile. The loyal men of B[altimore] got wind of it and reported to the military authority.” Porter accompanied the chief of police to the theater and presented the manager “with orders not to play a secesh piece.” Meanwhile, “We wer ordered to arm ourselves with guns and thirty rounds each of amenition and be readey at a moments warning for a spree down town. We laid on our armes until after twelve at night. . . . Every man in co I was on his heigh heel boots anxious to fight.” Hours passed and no order came to march. “We was very much disappointed to learn we wer not wanted.” The manager had taken the stage at the time the play was to begin and read Porter’s ultimatum “with a geer and scoff” to the audience, to which “the secesh of the asembly [c]heered three chers for davis and Co.” Porter and the police replied by arresting the manager. “That ended the theater that night.” Dean could not resist a little boasting. “They expected to have a fuss when they took him but secesh thought they had better dry up as save there hides from a terrible scratching. They acted wisely for I presume if they had resisted there would [not have] been a brick left standing in B[altimore] by this time but what we would have whiped them.” For good measure he added, “I had rather sholder my gun and start down town and fight than eat aney time.”⁴⁰

The equally ardent Lieutenant Cook went so far as to warn his Democratic friends at home who might be “so bold in their secession sentiment . . . that it is well for them they are not in Baltimore.” He had gone to the Maryland Institute one evening where a lady playing the piano suddenly broke into “Dixie.” “She was hissed down at once,” Cook reported. “The least word of secesion is at once put down in Baltimore, as it should be all over the *north*.”⁴¹ Cook was incensed by anything resembling disloyalty. “I dont consider a Person over & above good unless they are *true Union*,” he fumed. Those who were not—in Batavia or Baltimore—were cowards. “There is quite a large class at the north that stand upon the same platform with the Secesh of Baltimore. Any one would naturally suppose that the Rebs of this City would hail the day when the Rebel Harts should appear in front of this rich & beautiful City but such is not the case. They sympathize with them & if it wasent for the *pocket* & fear of being shown would gladly see them come.” But “few of them in B[altimore] or Byron are willing to sacrifice a shilling or a drop of their traitorous blood in defending the cause they so sneaking advocate. The late excitement here has brought out the true union sentiment — & its much stronger than was supposed to be[.] [R]ecruiting goes on lively.”⁴²

Occasionally the New Yorkers were called upon to control unruly Federal troops. In October 1863, elements of the 8th New York were joined by a detach-



Lieutenant Marshall Norton Cook. (Courtesy, Mrs. Betty Cook, Bergen, New York.)

ment of Connecticut cavalry, who helped them escort a New Jersey regiment passing through to Washington. "The train came in at eight o'clock with such a load of Soldiers as You dont often see," Cook wrote with evident distaste. "It was a Regt of Vol Cavalry from New Jersey armed with the Sabre & Revolver. To say that *some* of *them* were drunk is no name for it." The New Jersey colonel had lost nearly two hundred men on the way to Baltimore and had telegraphed for a "strong guard" to escort them through the city. Baltimore military authorities assigned him an escort of five companies of artillery (four from the 8th) and an additional company of Connecticut cavalry who rode along the sidewalks casting watchful eyes on their charges. "Well it was quite an exciting scene by gas light, the continual rattle of the Cavalry Sabres on the pavements & the sharp clang of the shoes of the Cavalry horses on the side walks intermingled with the noise of a drunken rowe among them. . . . which usually ended in a hand to hand conflict till one or more of them 'dropped' to be picked up by the Police." At the Union Relief House the Jerseymen were given a midnight meal before entraining for Washington. Their guards then returned to Federal Hill and "took a lunch." "It strikes me 'they are just the men for the front,'" Cook harumphed. "They certainly aint good for anything anywhere else."⁴³

Cook's patriotism probably reached a zenith on July 4, 1863, a day of celebration following the exciting news from Gettysburg. Baltimore's mayor issued an official notice for the firing of a "national salute" and the ringing of bells at sunrise, noon, and sundown. The army contributed a salute of its own, via cannon fire, at noon. The customary firing by citizens of "guns, pistols, double-headed Dutchmen and spirit devils" within the city limits was prohibited, and fireworks could only be put to "moderate use," but General Robert C. Schenk, commanding in Baltimore, requested citizens to display the national flag from their houses.⁴⁴

It so happened that the 8th New York Artillery was in possession of some new ordnance, and Colonel Porter thought "twould be a grand time to test our new 32 rifled guns." He sent Lieutenant Cook to Fort McHenry to ask General Morris if they might this time have "the privelege of firing some of our guns with shot & shell instead of blank cartrage." It was Cook's first horseback ride "in uniform armed & equiped as the law directs," and he made the most of it. "The City was perfectly alive with flags, the Stars & Stripes were floating from allmost every window on each side of the street." The approach to Fort McHenry was "nearly covered over with Army Beef," which must have been a cause of chagrin for the Gettysburg prisoners inside. Cook "got a good look" at them. "There they lay on the sand in the sun, with their butternut drab clothes on! It doesnt seem as though a bodey of civilized beings could look quite so bad, but such is the affects of war."⁴⁵

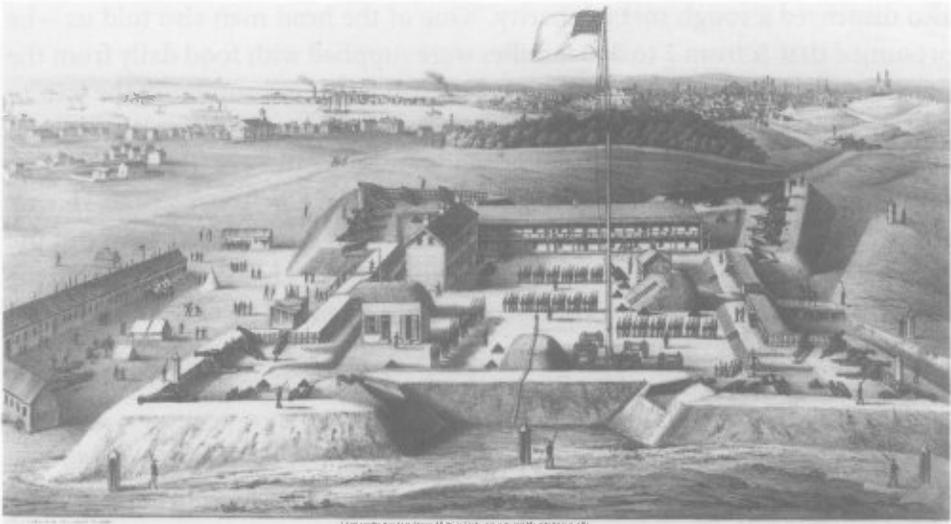
Cook returned to Federal Hill with Morris's permission to fire, and that day Baltimore heard the sound of live shells, though they came from Fort Marshall, not Federal Hill.⁴⁶ Unfortunately they were poorly aimed and landed on a farmer's

property not far distant from the intended target. Cook and another lieutenant rode out “to see the effect of our shots to pick up pieces of the shells &c.” They found few fragments but noted how the shells “would plow through the ground for five or six feet, throwing the dirt each way making a splendid bed for gardening purposes.” They then rode into the woods, “hoping to see the effects of the shot in the timber such as we had read about since the war began but the timber being small could only find here & there a twig broken off.”

As soldiers are wont to do, the lieutenants looked about for targets of opportunity. Picking out “a large well to do looking farmers dwelling” they “came to the conclusion we could make a *raid* on them & the Col would be non the wiser.” After “looking at our clothes, smoothing down our hair, wiping our noses, though doubting our passing inspection,” they rode to the barn, “an old fashioned rickety looking thing sills all rotted out floor allso[.]” On turning the corner, they were spotted by “the hired man” who wanted to know “what you was trying to kill in you[r] firing today? No one says I. Why did you ask? Says he one of them d—d shells burst in the orchard (only a few rods from the barn) one of the pieces struck the barn & came near killing Mr—.” The lieutenants satisfied themselves that the farmer was telling the truth, then “thinking that a miss is as good as a mile” went around the house and found the entire family “sitting under the veranda taking things cool as the weather & excitements of the day would permit.” The soldiers listened with “*inward* merrymment” as the farm’s owner said he thought they “were firing at him for not deploying the Union flag.” The New Yorkers apologized and promised to be more careful in the future, whereupon the farmer invited them to stay for supper. It was then that they further discovered they had bombarded a wedding, and that the dinner table included the bride, groom, and wedding party. The irrepressible Cook took “quite a shine at the Bride” before learning that all the young ladies were spoken for.⁴⁷

On the day of their arrival at Federal Hill, William Fenner seemed pleasantly surprised at their friendly reception. “It is vary handsome plase. The folks apeere to bee vary kind,” he told his mother. “They gave us all our sup[p]er and . . . meny a hearty cheers. We hav seene some hard looking places threw the state of pensilvany.”⁴⁸ By November the soldiers began leaving the fort to “go down town,” to “see the sights,” or to enjoy the local oyster establishments. Lieutenant Cook may have missed sharing Thanksgiving with relatives back home, but not terribly. “Baltimore was quiet — no business doing. The sick & wounded Soldiers in the City (about 6000 of them) had a thanksgiving dinner furnished by the patriotic Ladies of the City. The 129 was treated to an oyster stew all round. It only took 75 *bushels* of oysters in the shell to go the rounds *its a big thing*.”⁴⁹

In December he was joined by his brother, Irving, on the first of a number of visits, and together they gave family and friends a firsthand description of wartime Baltimore. “[W]e went down town — on our way, met a company of soldiers on



Fort Marshall, east of Baltimore, where elements of the 8th New York artillery were stationed and where they took gunnery practice on the Fourth of July, 1863. (Maryland Historical Society.)

their way to Washington, convalescents we thought for they looked as though they had seen service – some with their arms slung up – others lame etc. – following after them nearby was a Regiment of new recruits from the North also going South.” Cook had perhaps a twinge of guilt over his relatively soft duty. “I thought to myself—how many of these poor fellows who now seem so cheerful and happy will live to go back to their once happy homes. I begin no[w] to realize a little more what a terrible thing this war is.” The grim thoughts soon passed as the New Yorkers visited the Washington Monument,⁵⁰ “a beautiful shaft of marble 150 feet high – surmounted by a statue of the Father of his country fifteen feet high.” After paying thirteen cents each they climbed “up a winding stair case inside of the shaft (of 200 steps)” to the summit. “The statue still high above our heads which on the ground appeared to us like a mere toy now looked like great coarse monsters which forcibly reminded me of the saying of the Poet – or someone else that ‘Distance lends enchantment to the view.’”

From there they walked to the Union Relief Association near Camden Station. “Its a large three storied building the two first floors are furnished with tables for the accomodation of feeding two Regiments or about 2000 men – the upper floor is for the accomodation of transient – sick or wounded soldiers which average about five to fifteen or twenty a night.” Being farm boys, they were impressed with this colossus of organization. “Its astonishing to see the amount of food disposed of there each day – the item of cheese alone amounts to from 10 to 12 hundred pounds daily – besides thousands of pounds of beef – and piles of bread to correspond – its kept up and sustained by the citizens of Baltimore.” The association

also dispensed a rough sort of charity. "One of the head men also told us – he presumed that & from 2 to 300 families were supplied with food daily from the fragments left on the ground of their having lost father or brothers in the war."

The brothers then watched a train packed with soldiers leave for Washington before returning to Federal Hill for the midday meal. Cook's company took target practice in the afternoon. "I tried my hand with one of Uncle Sam's rifles," Irving wrote, "done about as well as any of them and that's not saying much." But the day's high point was cultural and culinary. "Nothing that I have seen interested me more than visiting one of the great Oyster establishments of this city – to see some fifty or sixty niggers of all sizes opening oysters only as *they can* do it – singing, talking or laughing – dressed in all manner of styles – is a sight I never expected to see and never expect to again."⁵¹

Also going to town, but in the pursuit of liquor, was William Fenner. "I was down to the city the other day and I took a glass of old rye for you and we had a oster super hear thanksgiving and we had a very good time," he wrote his brother-in-law.⁵² Since the Fenners both confessed to a perpetual thirst they doubtless had a good time but were never charged with drunkenness before a regimental court-martial as were so many others.

The religious and filially devoted Dean first reported visiting the city on Christmas Day, 1862—as a part of the regiment, which "has all been paradeing through the streets makeing a big show." How Baltimoreans celebrated Christmas simply amazed him: "They selebrate the same as we do the forth of July." He went out again after New Year's, this time with some money he had just received from home and which he found "very axceptable for [he] was entirely out." The money did not last very long. "Had our pictures taken. . . I also pirchased a new gold pen which cost twelve shilings and a new book and some tobaco and paper and verious other nesisaries to numerous to mention. In fact I pirchased untill I traided all of my money away. I dont know but I should bought Baltimore if I had onley money enough."⁵³

In the summer of 1863 the Federal army began recruiting and training regiments of U.S. Colored Troops. While not all federal soldiers welcomed them, Dean found them impressive and heartily approved of their participation in the war. In September he and a friend revisited Camp Belger, where they had first arrived in Baltimore and where a U.S.C.T. regiment⁵⁴ was in the middle of drill.

It was quite a sight to see the odd geniuses perform. They are the most jovial set of men I ever saw. They make the best of soldiers. Some folks say that a negro wont fight or wont do there duty promp[t] when on guard. I say it is all a farse. They make the most trusty guard that can be got and as for there courage and bravery I havent the least reason to doubt I should as lives be excused as to tackel them in

a fight. I believe I had rather fight a white man than a negro. These negroes appeared to be inspired with a spirit of rights to Liberty and the pursuits to happiness. They are just the men to fight with energy. Talk about a negro not knowing anything just talk with them and convince yourself just ask them what the[y] volunteered for and your answer will immediately come (to fight for my rights). What more do they want to know to make good fighting men.⁵⁵

By 1864, the industrious and congenial Lieutenant Cook had managed to create something of a social life in Baltimore. He attended special functions at the assembly rooms and in the spring visited Baltimore's great Sanitary Fair. To market his brother Irving's farm produce he investigated business opportunities, made new acquaintances, and took to visiting local friends. In April 1864 he received a fifteen-day leave of absence and returned escorting his sixteen-year-old niece from home, Esther Cummings. Although they missed the opening of the Sanitary Fair—"Well the fair is a grand *affair* & no mistake"—and Lincoln's address on the eighteenth, he eventually attended along with Esther and the five daughters—"Union Girls"—of Thomas Peirce, a Baltimore business acquaintance.⁵⁶ Esther moved in to a separate room in Cook's quarters, made private with the help of a tent flap. "Have just got things nicely arranged & are calculating to have a nice time in fact are now all ready for the *order to pack up* & on to Richmond!" (This last referred to rumors, rife that spring, that the regiment would finally be leaving for the war.) Cook congratulated himself on selling his brother's produce. "[H]ave sold Your Apples & Potatoes to a Baltimore dealer. . . . think you sold them very well as the market stood when I left, good Apples are worth in the market \$5.00 to \$5.50 Potatoes \$1.00 to \$1.40 per bushel. It costs about 1.00 per bbl for transportation from Byron to Baltimore. . . . They say that butter & eggs are *decidedly flat* can get rid of it at no price."⁵⁷

"Going Like the Wind"

From the day the 129th became an artillery outfit they were never sure how long they would remain in Baltimore. There had been rumors, "flying reports about camp," that they might be stationed as artillery at Arlington Heights near Washington (in 1862), or go to New York Harbor (in 1863). Porter had written a petition, signed by all the commissioned officers in the regiment, requesting to leave Baltimore in 1863, but it was refused, according to Dean, because "he was kneede whare he was to garison these forts about Baltimore." In January 1863, Sherman had also been confident of remaining in some fort, somewhere, "for the remainder of [their] term of service . . . and thereby escape the danger of the field."⁵⁸

When the regiment changed to artillery, officers frequently returned to western New York for additional recruits to fill out their larger complement. A regulation heavy artillery regiment was nearly twice the size of an infantry regiment at full strength, about 1,800 men. The draft of December 1863 brought in many, and by March 1864 the regiment reached its maximum enrollment.⁵⁹ By that time, rumors of a move abounded. "There is talk of *our going out* this Spring," wrote Cook, but he was undeceived. "Col Porter says within three weeks but the Col is allways *going out* three weeks or a month at most is as long a period as he generally puts off our time of departure – however its evident enough that either the 5th or 8th will leave here this spring – there is now about three thousand Troops in Baltimore. Twice the number required to effectually garrison the Forts." By mid-March little more was known regarding the departure. Cook thought there was "nothing more in relation to *our going out* – camp rhumors go & come like the wind."⁶⁰

This time the rumors were true. In May 1864, General Ulysses S. Grant, new commander of the Union armies, began what he hoped would be his final assault against Robert E. Lee's Army of Northern Virginia. The campaign began in the Wilderness on May 5. By the sixth Federal losses were staggering, nearly 18,000 killed, wounded, or missing. But Grant, unlike his Union predecessors, would not withdraw. By the eighth, both armies were deadlocked in the woods near Spotsylvania Court House. Losses mounted in another series of bloody assaults. To fill his depleted ranks, Grant sent for the heavy artillery units or "heavies"—to be used not as artillery but as infantry.⁶¹

"Well we have made all the preparations necessary for such a move & only await the final order to 'get up & git,'" Cook wrote his brother. He then added, as though he felt it necessary, "a word in explanation why we have not left before or why we 'are' to go or *want* to go as the case may be." First, the regiment had been in a "perfect stew for the past two weeks owing to the looked for & expected battle in Old Virginia." Other regiments of heavies had "gone to the front as Infantry," and the 8th did not want to be left behind. "Even the Co of Regulars stationed at Fort McHenry have packed up & left but why have they waited so long before giving us to understand that we are to have a hand in?" Cook thought he knew the answer. "There is not the least prospect of our going in on the *first round*." The long hours of drill they had had made them too valuable, something civilians would not understand. "Then again," he added, "We may be kept as a reserve in case Grant is defeated or flanked." Should that happen, the 8th could man the works outside Washington, which were now drained of knowledgeable artillerymen "& their places filled with Veteran Reserves who are not supposed to know the Arty drill" (but who did, presumably know something about fighting). Cook turned grim and determined as news reached the city of the Wilderness losses. "I only wish that our full Regt could be sent to the assistance of the Potomac Army 1800 men at the

right moment might save a defeat & be the means of gaining a decided victory.”⁶²

As word reached them of the impending move, the atmosphere around Federal Hill was electric, and Cook was caught up in it. “What do you think of it?” he asked his brother. “The war news I mean.” A dispatch appeared, wildly claiming that Grant’s force had captured forty thousand Confederates including Lee himself. Crowds so large that street cars could hardly pass gathered in front of newspaper offices. “What a glorious time for America!” Cook exclaimed. That afternoon one newspaper prematurely announced that the 8th New York had already left Baltimore. Cook made his rounds, “probably for the last time very soon in Baltimore.

The regiment entrained, and from Washington Cook wrote one last note home. “I can say that I have no fears of any mishap to myself. Think, trust & prey that if the opportunity presents itself that I may do honor to my country & name But I must hurry back to the Col to see what is to be done for us tonight in the line of quarters. As ever lots of love to all from Brother Marshall PS 7000 men left this City yesterday for the Army of the Potomac & the same no. today. The Soldiers are pushing on.”⁶³

“We Were the Proudest Regiment”

In February 1864, after the arrival of the new draftees, the regiment reached its ultimate number of 1839 men. Some of the draftees were immediately discharged for blindness, hernias, and old age. Approximately twenty-five men and officers remained behind for another month in Baltimore as drillmasters to help train new arrivals and members of the Maryland’s 3rd Regiment. Another forty-five men continued to guard the West Building Hospital and the Relay House, eleven remained at Fort Carroll, and four at Fort McHenry. Some would be released to rejoin the regiment late in June.⁶⁴ When the 8th New York Heavy Artillery left the comforts of Baltimore, approximately 1800 men were under marching orders to join the Army of the Potomac’s Second Corps, commanded by General Winfield S. Hancock.

After disembarking at Belle Plain they marched through Fredericksburg, a town still in ruins from a Union artillery bombardment in December 1862, and where thousands of wounded from the nearby battles sought solace and care. They passed the dead being hastily buried wherever space could be found, and more wounded moving north to Washington and Alexandria hospitals. They passed Confederate prisoners in the “Punch Bowl” near Belle Plain, some with contempt, some possibly with more respect than they had felt in Baltimore.

Marching “with flags flying and bands playing” they hoped to be welcomed as heroes by the beleaguered army but were instead rudely awakened. Gaunt and bitter veterans who resented these johnnie-come-latelies greeted them cruelly. “Our uniforms were clean and neat and our brass buttons and shoulder plates shone in the morning sun,” J. J. Sherman recalled.



John Jay Sherman after his release from Salisbury (N.C.) Prison. (Courtesy, Genessee County Historical Society.)

We were the proudest regiment to ever reach the front. But our pride was short lived. As we approached the veteran troops, there were cat calls and insults thrown our way. Many a begrimed veteran called to ask if we had brought our artillery with us. Others wanted to know if we had brought along our fortifications. Wounded men lined the road and tauntingly pointed to shattered legs and arms or to bloody faces and shouted that we would get ours up ahead where the rebels were waiting.⁶⁵

The New Yorkers were now in the war. Norman Martin would never leave Baltimore; he died of pneumonia in March 1864. Of the men who joined the fighting, more than half would be killed before the summer was over. Their baptism of fire came at the Harris Farm or Pine Grove, near Spotsylvania, on May 19. Here thirty-three officers and men were killed, wounded or declared missing. After an exhausting, sweltering, and fast-paced march from Spotsylvania to North Anna for which they were ill-prepared, the regiment was thrown into the slaughter at Cold Harbor. On the third of June, the regiment suffered its greatest loss in a single charge: 505 officers and men. Colonel Peter Porter was killed leading the assault; Lieutenant Cook suffered a grave head wound and was sent back to Washington and later Annapolis for care and recuperation; William Fenner was killed; his brother, Daniel, survived unscathed.

The regiment regrouped. Junior officers were promoted to fill more and more



While the regiment was still the 129th New York Infantry, its officers posed on a porch at Fort Federal Hill. From the left are Major James M. Willet, Adjutant Edwin L. Blake, Colonel Peter A. Porter (before doorway), Surgeon James M. Leet, Lieutenant Colonel Willard W. Bates, and Captain Kendrick, Instructor. The civilian to the left is the congressman from Baltimore, Henry Winter Davis. Porter, Willet and Bates were killed in action in June 1864. (Kathryn W. Lerch.)

vacancies. The 8th marched southeastward with the army. In assaults on Petersburg (June 16, 18, and 22) another 299 fell, including four more officers. As part of a ploy to confuse Lee, part of the regiment countermarched northward on a diversionary expedition to Deep Bottom in August. Fifteen more were lost. On August 25, in the attack on the Weldon Railroad, the regiment lost its colors when the Federals were badly routed in an ambush at Ream's Station. Dean was wounded by a shell fragment and Sherman captured. The final tabulation: five killed, twenty-three wounded and 221 missing (and presumed captured). Cook rejoined the regiment in time for the final engagement of 1864 at the first battle of Hatcher's Run on October 27. Forty-eight men and officers were killed, wounded or declared missing.

After recuperating from his wounds at Armory Square Hospital in Washington, D.C., Dean returned to the regiment as a lieutenant in February 1865. John Jay Sherman was imprisoned first at Libby, then briefly at Belle Isle, and finally spent nearly five horrible months at Salisbury, where starvation reduced him to a mere skeleton. He was eventually paroled and reached Union lines on March 1,

1865, at Wilmington, N.C. Although broken in health, Sherman was found by his brother and returned home to Batavia.

The 8th New York Heavy Artillery was one of the units present at Appomattox Court House to see the close of the war. Its remnants marched in the final Grand Review in Washington, D.C. Dean and Cook returned home changed men.

Over 2,500 men were, at one time or another, part of this regiment, including those who died or were released due to poor health prior to May 18, 1864, or who were recruited as late replacements at the end of that terrible year. During its thirteen months of fighting, the operational force of 1800 was profoundly reduced. The 8th New York Heavy Artillery suffered the second highest numerical losses of any Union regiment—only the 1st Maine Artillery lost more. According to the final tabulations recorded in the Record book, the regiment lost the following numbers in action: officers: 13 killed, 32 wounded and 7 missing; enlisted men: 137 killed, 651 wounded, and 323 missing, for a grand aggregate of 1,163 or 64 percent of their regimental strength.⁶⁶

NOTES

1. *Batavia (New York) Republican Advocate*, July 8 and August 6, 1862. Peter Augustus Porter, born 1827, was the only son of General Peter Buell Porter and Letitia Grayson (Breckinridge) Porter. His mother was the daughter of John Breckinridge of Kentucky, attorney-general in Thomas Jefferson's administration. In 1852 he married his cousin, Mary Cabel Preston Breckinridge. He was also a cousin, by birth and marriage, to John C. Breckinridge, vice president of the United States and later a major general for the Confederacy. Breckinridge fought directly opposite him in the lines at the Battle of Cold Harbor. See the *Boston Advertiser*, July 19, 1865, Harvard Memorial Biographies, vol. 1 (1866) and Harvard College Library Clipping Sheet, B 699, Nathan Marsh Pusey Library, Cambridge, Mass.
2. These New York Yankees were also literate and well-informed. The Bible, religious periodicals, agricultural magazines, and newspapers influenced their opinions. They tended to be a "more quarrelsome, argumentive, experimenting brood than their parents" and would support ideas based on observation and evidence (albeit fallacious) to the point of fanaticism. See Whitney R. Cross, *The Burned-Over District: The Social and Intellectual History of Enthusiastic Religion in Western New York, 1800–1850* (New York: Harper & Row, 1965), 82, 217.
3. *Niagara County (New York) Union & Advertiser*, August 20 and 25, 1862.
4. Thomas Jasper Dean to Fanny Dean Baker and Loring Baker, March 9 and 10, 1863. Dean Civil War Letter Collection (hereinafter Dean Letters) in possession of the author.
5. The Annual Report of the Union Relief Association stated its purpose in 1862: to "gratuitously" feed and care for transferring soldiers from the North and to serve "furloughed, discharged, sick and wounded soldiers, and refugees from the Southern army, . . . trying to reach their northern homes." The Association also reported that since January

1862 it had “purchased and consumed 46,687 pounds of ham, 4,777 pounds of corned beef, 54,200 pounds of bread, 357 pounds of butter, 7,342 pounds of cheese, and a large quantity of coffee, sugar and other edibles.” From September to December 1861 the Association cared for 68,499 soldiers, and 50,423 more from January through August 1862. “City Affairs: Annual Report of the Union Relief Association,” *Baltimore American and Commercial Advertiser*, August 29, 1862.

6. *Batavia (New York) Republican Advocate*, September 9, 1862.
7. Thomas Jasper Dean to James [Templeton], September 1, 1862, Dean Letters.
8. *Baltimore American and Commercial Advertiser*, August 28 and 29, 1862.
9. 8th New York Heavy Artillery Regiment Books, Regiment Order Book, August 29, 1862, RG94, National Archives (hereinafter 8NYHA Order Book).
10. *Baltimore American and Commercial Advertiser*, May 15, 1861. Forty-two forts and camps formed a defense network around Baltimore and its harbor. See Scott S. Sheads, *Fort McHenry in the Civil War* (n.p., n.d.), appendix C, C1; and J. Thomas Scharf, *The Chronicles of Baltimore Being a Complete History of “Baltimore Town” & Baltimore City* (Baltimore: Turnbull Bros., 1874), 615.
11. *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington, D.C.: Government Printing Office, 1880–1901), [Hereafter cited as O.R.], series 2, vol. 2, 10–11.
12. Thomas Jasper Dean to Fanny Dean Baker, August 29, 1862, Dean Letters.
13. Norman Martin to Elizabeth Joyce Martin (wife), August 29, 1863, Norman Martin Letters, Holland Land Office, Batavia, New York. A 1949 letter mentions caverns which may date to the 1700s. Iron ore deposits had been found as early as 1648 and the writer speculated the Patapso Iron Works may have done some digging on “the South side of the basin . . . probably in the neighborhood of Federal Hill . . . and Iron diggings may explain the ‘mysterious caves’ of Federal Hill.” See, Arthur E. Hungerford to Hon. Thomas D’Alessandro, Jr., VF 1949, Manuscript Collection, Maryland Historical Society.
14. Letter from Major General W. W. Morris to Col. Porter, December 12, 1862, 8NYHA Order Book, RG94, National Archives; *Regimental Roster*, May 1864, in possession of author; Adjutant General, State of New York, *A Record of Commissioned Officers & Non-commissioned Officers & Privates of the Regts Organized in the State of New York*, 8 vols. (Albany, N.Y., 1864–1868), 2:15.
15. Thomas Jasper Dean to Fanny Dean Baker, September 1, 1862, Dean Letters.
16. Daniel Fenner to Sophie Fenner Ackerson and Emery Ackerson, January 10, 1863, Holland Land Office, Batavia, New York (hereinafter Fenner Letters).
17. John Jay Sherman to parents, October 16, 1863, John Jay Sherman Letters, Holland Land Office, Batavia, New York (hereinafter Sherman Letters).
18. Thomas Jasper Dean to Fanny Dean Baker, October 31, 1862. Dean Letters.
19. Daniel Fenner to Sophie Fenner Ackerson and Emery Ackerson, October 15, 1862, Fenner Letters.
20. Thomas Jasper Dean to Fanny Dean Baker, December 7, 1862, Dean Letters.
21. John Jay Sherman to family, January 28, 1863, Sherman Letters.
22. *Ibid.*, February 23, 1863, Sherman Letters.
23. Thomas Jasper Dean to Fanny Dean Baker, March 26, 1863, Dean Letters.
24. John Jay Sherman to family, July 3, 1863, Sherman Letters.

25. Marshall Norton Cook to Irving David Cook, December 1, 1862 and October 20, 1863, Marshall Norton Cook Letters, in possession of Betty Cook, Bergen, New York (hereinafter Cook Letters).
26. Marshall Norton Cook to Irving David Cook, December 1, 1862, Cook Letters.
27. Thomas Jasper Dean to Fanny Dean Baker, September 23, 1862, Dean Letters. The regimental chaplain, Rev. Gilbert De LaMatyr, was indeed a methodist minister from Albion, N.Y.
28. Marshall Norton Cook to Irving David Cook, October 5–6 and 14, 1862, and January 4, 1863, Cook Letters. Cook's views on temperance may have been similar to many in Genesee County. Temperance meant abstaining from all forms of distilled liquor (except for medicinal purposes); this did not apply to wine, beer, or hard cider used in moderation.
29. 8NYHA Order Book, G.O. No. 18, 1862, RG94, National Archives; Daniel Fenner to Sophie Fenner Ackerson and Emery Ackerson, October 22, 1862, Fenner Letters. The *Baltimore American and Commercial Advertiser* reported on October 21, 1862, that a private McCarthy left a rifle loaded after the night's guard duty; this was picked up by private Joseph Childs, prior to company roll call, and "snapped as is the usual custom. The weapon was loaded with ball which penetrated the breast of the deceased, and he died almost instantly. The deceased was about 21 years of age, is of Niagara County, New York State, and leaves a wife to mourn his sudden loss. The officers of the company telegraphed immediately to his bereaved widow and forwarded the body by express to her address. The affair was thoroughly investigated by the officers, and the evidence showed that it was entirely accidental."
30. Military pension file, George A. Haight, RG94, National Archives.
31. Daniel Fenner to Sophie Fenner Ackerson, October 8 and November 10, 1862, Fenner Letters. More deaths would follow in 1863 and 1864 from various 'camp feavors,' small pox, mumps and poisonings.
32. 8NYHA Order Book, G.O. No. 12, September 3, 1862, RG94, National Archives; Thomas Jasper Dean to Fanny Dean Baker, n.d., October 1862, Dean Letters.
33. Marshall Norton Cook to Irving David Cook, April 5 and 23, 1863, Cook Letters; Thomas Jasper Dean to Fanny Dean Baker and Loring Baker, March 8–9, 1863, Dean Letters.
34. Thomas Jasper Dean to Fanny Dean Baker and Loring Baker, September 23, 1862, Dean Letters.

On the evening of September 17, Companies G, B and C were detailed to guard 1200 newly arrived prisoners from the Battle of South Mountain; they were relieved for the night by Company I, and then Companies G and O returned the next morning to accompany the prisoners aboard the ship *City of Norwich* to the distant Fort Delaware. See articles in the *Baltimore American and Commercial Advertiser*, September 18 and 22, 1862.

Although Dean may have exaggerated the number of prisoners, their physical description is accurate. Army correspondent "Jack" also wrote similarly to the *Republican Advocate* that the prisoners were "poor, emaciated, half-famished, ragged, filthy set of creatures, and in many instances without shoes or stockings, hats or caps, and occasionally without a shirt to their back. The officers . . . could scarcely be distinguished from the privates, their clothing being in no better condition . . . they are the most disgusting set of creatures I ever saw." *Batavia Republican Advocate*, September 22, 1862.

35. Marshall Norton Cook to Irving David Cook, July 6, 1863, Cook Letters.
36. Thomas Jasper Dean to Fanny Dean Baker, October 9, 1863, Dean Letters.
37. The role of military commissions was to investigate and/or try individuals not regulated by a regiment or garrison; courts-martial could be 'general,' 'regimental,' or 'garrison.' Regimental courts-martial could try minor offenses such as drunkenness, disorderly conduct, being away without leave, desertion, etc. A general court-martial, which could try officers and capital cases, could only be convened by the president, the secretary of war (under orders of the president), by a general officer commanding an army, or a colonel commanding a separate department. See microfilm introduction for information on commissions and courts-martial in *List of Soldiers Executed by United States Military Authorities* (National Archives: M1523, roll 1, preface).
38. Marshall Norton Cook to Irving David Cook, n.d. (late fall) 1862, Cook Letters.
39. Daniel Fenner to Sophie Fenner Ackerson, 8 October 1862; *Baltimore American and Commercial Advertiser*, December 22, 1863, Fenner Letters.
40. Thomas Jasper Dean to Fanny Dean Baker, December 25, 1863, Dean Letters.
41. Marshall Norton Cook to Irving David Cook, November 21, 1862, Cook Letters.
42. Marshall Norton Cook to Julia Holmes Cook, January 25, 1863, Cook Letters.
43. Marshall Norton Cook to Irving David Cook, October 7, 1863, Cook Letters.
44. *Baltimore American and Commercial Advertiser*, July 4, 1863.
45. Marshall Norton Cook to Julia Holmes Cook, July 4, 1863, Cook Letters.
46. "The forts, too, have been put in good condition. We mounted four 80 pounder rifles guns in this fort last week [Ft. Marshall], and on the 4th of July tested their qualities of firing at a target about one mile distant and succeeded in knocking a hole in it at the second shot." *Batavia Republican Advocate*, July 7, 1863.
47. Marshall Norton Cook to Irving David Cook, July 5, 1863, Cook Letters.
48. William Fenner to Maria Fenner, August 29, 1862, Fenner Letters.
49. Marshall Norton Cook to Irving David Cook, November 28 and 30, 1862, Cook Letters.
50. Baltimore's monument to George Washington was, and still is located at the intersection of Charles and Monument Streets.
51. Irving David Cook to Julia Holmes Cook, December 17 and 20, 1862, Cook Letters.
52. William Fenner to Sophie Fenner Ackerson and Emery Ackerson, December 1, 1862, Fenner Letters.
53. Thomas Jasper Dean to Fanny Dean Baker, December 25, 1862 and January 3 and 7, 1863, Dean Letters. Pictures of Dean have not been found.
54. Possibly the 7th United States Colored Troops. See Sheads, *Fort McHenry*, appendix C, C3.
55. Thomas Jasper Dean to Fanny Dean Baker, September 3, 1863, Dean Letters.
56. Esther Cummings was the eldest child (age 16) of Cook's sister Electa and Theodore Cummings. Thomas Peirce was a wealthy commission merchant with an office at Bowley's Wharf. The family resided at 573 W. Fayette Street, near Franklin Square. Lincoln's address at the Sanitary Fair was reported in the Batavia papers because he complimented the regiment. "At the beginning of the war, the soldiers of the Union could not pass through unmolested, and now we have this assemblage of people brought together to do them honor, and provide for their wants and make them comfortable." Lincoln mentioned Col. Porter, who was "prominent in the parade" and "This excellent

Regiment is well spoken of by the papers, for their soldierly conduct, as well as the gallant bearing of the officers." *Batavia Republican Advocate*, dateline August 18, 1863.

57. Marshall Norton Cook to Irving David Cook, April 20, 25, and 26, 1864, Cook Letters.

58. Marshall Norton Cook to Irving David Cook, May 15, 1864, Cook Letters; Thomas Jasper Dean to Fanny Dean Baker and Loring Baker, May 11, 1863, Dean Letters; John Jay Sherman to family, January 28, 1863, Sherman Letters.

59. Letter from W. W. Bates, Lt. Col. Commanding Regt. to Provost Marshal, L. B. Bowen, 29th District, New York, Regiment Books and Misl. Letters, RG94, National Archives.

60. Marshall Norton Cook to Irving David Cook, March 1 and 14, 1864, Cook Letters.

61. The heavy artillery regiments in and around Baltimore and Washington were freed to join the Army of the Potomac because Lincoln had accepted the April 23 offer by state governors in Indiana, Illinois, Ohio, and Iowa to send one hundred days' men to fill the impending vacancies and aid in the final push to win the war in 1864. The first of these one hundred days' regiments arrived in Washington on May 14. See reference to this proposal in *O.R.*, series 3, vol. 4, 383.

62. Marshall Norton Cook to Irving David Cook, May 7 and 11, 1864, Cook Letters.

63. Marshall Norton Cook to Irving David Cook, May 15, 1864, Cook Letters. An agricultural journal reported that "Six tons of soldiers' letters, principally from the Army of the Potomac, were sent from Washington on the 16th and 17th [of June]. they numbered over 400,000." *The Country Gentleman*, Volume 23, No. 25 [June 23, 1864], 405. Note on *Regimental Roster*, May 1864.

64. 8HNYHA Regiment Morning Books (May 1864) RG94, National Archives.

65. Quoted in Richard I. Reed, *Niagara County in the Civil War as Reported in the Pages of the Niagara Falls Gazette* (Lockport, N.Y.: Niagara County Historical Society, 1966), 572.

66. 8NYHA Regiment Book, "Tabular List of Casualties occurring in the Eighth N.Y. Vol. Art in the different engagements from May 15th 1864 to March 28th 1865," [n. d.], RG94, National Archives.

Book Reviews

The Papers of George Washington. Colonial Series, Volume 9, January, 1772–March, 1774. Edited by W. W. Abbot. (Charlottesville: University Press of Virginia, 1994. 569 pages. Notes, index. \$55.00); Volume 10, March, 1774–June, 1775. Edited by W. W. Abbot. (Charlottesville: University Press of Virginia, 1988. 657 pages. Notes, index. \$55.00).

These two volumes signify the completion of the Colonial Series, the first of four chronological series spanning the life of George Washington. Publication of *The Papers of George Washington* was launched in the 1970s, and now includes approximately two dozen volumes as well as the six-volume set of Washington's diaries. Spanning about three and a half years at the end of the Colonial period, these two volumes document the correspondence of Washington at a critical point both in our nation's history and the life of the first president.

Volume 9 opens in January 1772, and portrays Washington while still firmly entrenched in private life. His correspondence at this time is broad in both subject material and geographic reach, but primarily concerns his personal affairs and the management of the Mount Vernon plantation. His letters document agricultural pursuits, improvements to the Mt. Vernon buildings and land, the acquisition of slave and free labor, and business transactions with merchants of the eastern seaboard, the West Indies, Madeira and the British Isles.

At home, Washington launches a major building campaign to enlarge the "Mansion House" at Mount Vernon, creating the grand public room to the north and a suite of rooms at the south end that included his first-story library and second-story bed chamber. The correspondence only briefly hints at the specific work involved, but much can be winnowed from orders for materials and payments to craftsmen. Bricks and some of the timber are prepared on the plantation, shingles are ordered from Norfolk, tools, hardware, paint and glass come from London. The work proceeds under the direction of the Alexandria carpenter Going Lanphier, assisted by skilled slave craftsmen and indentured servants. Lanphier may be tracked primarily through periodic drafts in Washington's account books; the skilled servants are identified through indenture documents and advertisements when they run away. The skilled slaves are nearly invisible during this period, but are well represented in the rigorously maintained plantation accounts of the post-revolutionary period.

Plantation improvements are also treated here. By the early 1770s, Washington has shifted from tobacco to grain as the principal cash crop. His growing emphasis on wheat production is reflected in credit entries in the monthly rec-

conciliation of plantation accounts, and in physical improvements to the farm operation. Washington orders wheat fans, riddles and a roller for his fields; he also invests in improvements to the Mount Vernon grist mill. Evidence of another important source of income may be found in the fishery operated by Washington on a seasonal basis on the banks of the Potomac. Sales of herrings are substantial during this period, largely for the export trade to the West Indies.

By the latter part of volume 9, Washington's attention increasingly shifts to a wider stage. Whereas recognition of western land claims occupies considerable attention in 1772 and 1773, by the close of volume 9 Washington is able to turn his attention to the equally challenging task of settling the land and satisfying requirements for physical improvements to his claims. Of particular interest in this regard is a series of letters exchanged with merchants knowledgeable in the importation of families from the Palatine region of Germany. Washington, seeking settlers willing to enter long-term lease agreements on untamed Western lands, toys with a scheme to import one hundred or more families directly from Europe. At least one merchant urges him to take a more conservative approach, and simply seek out new immigrants on the wharves of Philadelphia. While Washington fails to execute either plan, the correspondence provides valuable insights regarding the Palatine emigration that lent much to the settlement of the Pennsylvania back country, and offers as well a blueprint of Washington's plans for clearing and settling his western lands.

This settlement process draws more attention in volume 10 as the pressure of new settlement sets off a reaction among the Indian tribes of Western Pennsylvania and Ohio. A series of Indian raids on isolated settlers along the frontier in 1774 forces most settlers to withdraw from their claims. Some retreat to the east or to the safety of Fort Pitt; others pull together in small bands within hastily erected palisaded house sites. Washington receives regular reports of these developments from his land agents on the frontier, accompanied by discouraging news regarding the cost of erecting a grist mill and the propensity for indentured servants sent west to melt away into the forest.

The push to settle the west receives a jarring interruption in the summer of 1774, with the British blockade of the Port of Boston. At first, the growing conflict with Britain is only marginally evident in Washington's papers. In June 1774 he corresponds with Thomas Johnson of Maryland regarding the blockade, and in August his accounts record the purchase of "Mr Jefferson's Bill of Rights," shorthand for Thomas Jefferson's *A Summary View of the Rights of British America*. By October, Washington has been drawn more directly into the independence movement. On behalf of the Fairfax Independent Company, Washington initiates correspondence with a Philadelphia merchant to secure 100 muskets as well as other military equipment. In January 1775, acting as chairman of the Fairfax County Committee, Washington orders the publication of

resolutions regarding the need to acquire ammunition and powder, and the committee's intention to form a militia for the defense of the colony.

Volume 10 ends early in June 1775, just days before Washington's appointment as commander in chief of the Continental army. That event signifies the end of Washington's career as a private citizen and signals an appropriate end for the Colonial Series. Washington's revolutionary career is chronicled in the Revolutionary Series, six volumes of which are now in print.

ORLANDO RIDOUT V
Maryland Historical Trust

The Transforming Hand of Revolution: Reconsidering the American Revolution as a Social Movement. Edited by Ronald Hoffman and Peter J. Albert. (Charlottesville: University Press of Virginia for the United States Capitol Historical Society. 540 pages. Notes, index. \$47.50 cloth.)

With almost alarming regularity the United States Capitol Historical Society issues another volume edited by Ronald Hoffman and Peter Albert examining the era of the American Revolution. Over the last two decades or so, this pair of scholars have produced thirteen volumes which collect the thoughts of a host of historians writing on different themes relating to eighteenth- and early nineteenth-century America.

The theme of *The Transforming Hand* is the influence of Progressive historian J. Franklin Jameson on contemporary consideration of the Revolution. It was Jameson who first encouraged historians to examine the Revolution's effect on social structure and social relationships. The eleven first and second generation neo-Progressive contributors to *The Transforming Hand* have all at one moment or another in their careers tried to follow out Jameson's imperative. Their essays here reflect those efforts and their continuing attempts to understand Jameson's legacy.

Like most anthologies, this one suffers from some fragmentation despite the presence of a central theme. The pieces in *The Transforming Hand* are of two types: historiographical and historical. Morey Rothberg, Robert Gross, and Alfred Young have written the former sort of essay. Of these, I found the Young and the Gross essays most satisfying. Young provides an overview of Progressive and neo-Progressive scholarship. Because he has accepted that some honor Jameson in the spirit rather than in the letter of their approach, Young includes several historians in his essay that others might not think of as Jameson's heirs and suggests future lines of inquiry that build on rather than simply repeat what has already been established. Gross's solid essay examines how historical treatment of Shays' Rebellion has changed over time since the Federalist period.

The eight other essays are historical treatments of varying quality on a wide

variety of subjects. The scope is broad; gentlemen as well as common men are treated, frontier settlers as well as merchant seamen and runaway slaves. These essays are all well crafted, and their footnotes tend to be bibliographic goldmines on a variety of important subjects. Indeed, I think it is fair to say that the authors collected here have helped broaden discussion of early American society to a great degree.

But early American historians may well be frustrated by the familiarity of these essays as the authors almost uniformly have drawn on their own and other previously published research to construct them. Thus we have Billy Smith writing on runaway slaves, Alan Taylor on frontier unrest, Jean Lee on the Maryland gentry, Allan Kulikoff on the bourgeois character of the American Revolution, Jean Russo on Chesapeake artisans, Marcus Rediker on sailors and slaves, Barbara Clark Smith on nonimportation and revolutionary crowds—in short, themes already well examined in print by this talented group of historians. The collection thus loses some of its force, and the impact it might have had is blunted.

J. Franklin Jameson was one of the great American historians of the early twentieth century, and he would no doubt have been pleased by the rise of new generations of historians interested in the transforming power of the American Revolution. Among the authors of this collection he would find some of his most vigorous heirs.

BRENDAN MCCONVILLE
Binghamton University

At the Head of the Bay: A Cultural and Architectural History of Cecil County, Maryland. Compiled and edited by Pamela James Blumgart with contributions by Mark Walston, Paul Baker Touart, and others. (Elkton: The Cecil Historical Trust; Crownsville: The Maryland Historical Trust, 1996. 512 pages. Illustrations, notes, index. \$45.00.)

This book should have—and could have—been much better than it is. It has been in the works for a full twenty years, has had the enthusiastic support of a number of knowledgeable local historians and volunteers, is based on an inventory of more than 1,400 identified historic sites, and is lavishly illustrated. Yet for all that, it disappoints.

It is divided into three parts: Mark Walston's general history ("essentially a contextual piece that presents the social, cultural, and economic context in which the material culture of the county was created," the editor explains); Paul Touart's essay on the county's architecture (which "discusses, from a historical perspective, the form, construction, and interior detail" of Cecil's building stock); and an uncredited catalog (descriptions and photographs) of roughly seven hundred houses, churches, mills, schools, and other structures. Full disclosure: in

1983–1984 I labored on some of the catalog entries as writer/editor for the Maryland Historical Trust.

Perhaps this very format contains the seeds for failure and one must question the need for two essays. One assumes that they were intended to complement and enrich one another, yet in fact they make the book choppy and difficult to use. This is partially because the authors' styles differ so greatly, creating an abrupt and disconcerting change for the reader, and partially because the generally excellent and interesting information is presented in a disjointed and sometimes repetitive manner. The use of two essays poses another real if subtle problem, especially when combined with the authors' apparent disinterest in discussing local families in any detail. Books such as this should not double as genealogies, but to look up Coudon, for instance, in the index of a tome on Cecil County, and to find only two entries—both directing the reader to a single paragraph in the catalog—makes one question the work's thoroughness. Moreover, treating the people of the county separately from structures causes the reader to infer, if only on a subliminal level, that no relationship exists between builder and building. This flies in the face of current beliefs in architectural—and art—history, which hold that “who,” “why,” and “how” must be answered if one is to understand “what” and “when.”

A few more specific quibbles: This reader wished he had been told more about planter-merchant George Milligan, builder of the noble eighteenth-century house, Bohemia. Both authors, for instance, write that Milligan “probably” modeled Bohemia's stair on William and John Halfpenny's influential pattern book *Rural Architecture in the Chinese Taste* because of obvious visual similarities and because both book and house appeared at roughly the same time, the 1750s. The unanswered question, of course, is whether Milligan had access to the book. He did, they argue, because of his “merchant activities.” Janice Schimmelman, in her authoritative *Architectural Treatises and Building Handbooks Available in American Libraries and Bookstores through 1800*, writes that the book's first known American appearance was in a Philadelphia bookstore in 1796, so one must wonder if Milligan traded directly with London or whether he subscribed to libraries there. It is possible that no one will ever know the answers, but one wishes for evidence that the questions had been asked. (“Always connect,” as E. M. Forster urged.) Both authors often use Simon Martenet's detailed map of Cecil County to date a house, yet they cannot seem to settle on the date the map was published—sometimes it is 1868, sometimes 1858 (86, 277, 489). The Paca house in Charlestown is credited to John Paca, but his relationship to Signer William is alternatively father (46) and brother (378). The influence of the Freedmen's Bureau is, at best, covered passingly. While the Tome School received (justifiable) lengthy coverage, one is left wondering if there were any Freedmen's schools in the county. And there are a few stylistic complaints,

perhaps insignificant in themselves but annoying when taken together: “a contextual piece that presents the . . . context”? (vii); “builders blithely continued to mine the architectural past. By World War I they had introduced a whole host of American apparitions” (134)—does one really mine an apparition?

A few specific strengths: the account of British activities in Cecil County during the War of 1812 is nicely presented (I happily steer the authors and interested readers to Stump of Perry Point’s memoirs in the Maryland Historical Society’s manuscript division); there is a thorough coverage of the county’s remarkable industrial architecture; the photographs—current and historic—are generally excellent; and the jacket, which features a splendid watercolor by local artist Geraldine McKeown, is highly evocative of the county’s rolling terrain and omnipresent waterways.

CHRISTOPHER WEEKS
Baltimore

Landscape Archaeology: Reading and Interpreting the American Historical Landscape. Edited by Rebecca Yamin and Karen Bescherer Metheny. (Knoxville: The University of Tennessee Press, 1996. 292 pp. Illustrations, bibliography, notes, index. \$48.00.)

Sometimes it is risky to ask a historian to review a collection of essays in archaeology. As an historian, I have been alternately confused, amazed, and puzzled at how archaeologists jump to conclusions without gathering as much recorded evidence as possible to support their observations in the ground. But at its best, this book offers a glimpse into a different kind of archaeology—an interdisciplinary, cautious, thorough yet exciting approach. Rebecca Yamin and Karen Bescherer Metheny chose articles for this work that focus on the interpretation of historical landscapes. They divide their articles into two groups: the first dealing with individual gardens and the second with the larger landscape.

While the editors use some off-putting jargon in explaining that the work includes a post-processualist framework and “a manner of reasoning (hermeneutics) that moves back and forth between past and present, between different categories of data...until the part and the whole begin to make sense”—stick with the essays anyway; some of them are gems.

Marylanders should be particularly interested in the introduction by Anne Yentsch; Carmen A. Weber’s look at Margaret Carroll’s greenhouse efforts at Mount Clare; Elizabeth Kryder-Reid’s study of Charles Carroll’s garden in Annapolis after a female religious community acquired the property in the nineteenth century; and Julia A. King’s search for ruins and romanticism in nineteenth-century Southern Maryland. And even though it is not focused on Maryland, Martha A. Zierden’s and Bernard L. Herman’s study of historic Charleston

is down-to-earth and enlightening as it explores changing facets of urban life from trash disposal to courtyard planning through the landscape.

As Yentsch points out, many of these articles move away from earlier landscape archaeology studies which concentrated on the gardens of powerful men (i.e., the work by Ivor Noel Hume, William Kelso, and Mark Leone) to present a broader view of the past from the brains and hands of women gardeners, urban workers, and rural dreamers. Yentsch's reference to Ann Markell's studies of the eighteenth-century Vergelegen estate make her introductory essay worth looking at and give added credence to Mark Leone, Paul A. Shackel, Julie H. Ernststein, and Elizabeth Kryder-Reid's earlier interpretations of Annapolis gardens.

This isn't a book about applied archaeology, even though Yentsch notes that it is an area of study "that dovetails nicely with many relevant issues in today's world—from the concerns of city planners, environmentalists, and ecologists to those people who simply love beauty in their gardens." This book hits harder than that—no sappy sentimentalism here. Sure, it talks about power and geometry and optics and manipulation of the landscape, but it also leads us to see how a variety of people mold the land to reflect the dreams and aspirations they have for themselves and for the society around them. It shows us how changes in these dreams and our culture are reflected in our landscape over time and space. And the best of the articles use good documentary evidence to back up all that stratigraphic analysis and archaeobotany.

BARBARA WELLS SARUDY
Maryland Humanities Council

Jimmie Foxx: Baseball Hall of Famer, 1907–1967. By W. Harrison Daniel. (Jefferson, N.C.: McFarland & Co., Inc. 256 pages. Notes, bibliography, index. \$28.50.)

Thirty years after his death, the fame of the great baseball player Jimmie Foxx recedes. Marylanders may still recognize "the right-handed Babe Ruth," but on beyond, Foxx is by now one more in the unmanageably long list of home run specialists. Worse, sixty years having gone by since Foxx's palmy days, what people now around may remember best is his somber later life.

W. Harrison Daniel, as a boy in central Virginia, was "a consummate baseball fan." Distracted by his subsequent career in teaching, but long wanting to do honor to "my childhood hero," Daniel finally set out five years ago to write a life-and-times. The outcome, *Jimmie Foxx, Baseball Hall of Famer, 1907–1967*, is truer to its subject than most of the current booklists' sports-hero biographies.

James Emory Foxx, the older son of a Queen Anne's County tenant farmer (and local baseball player), was captain of the soccer and basketball teams at Sudlersville High School. At age fifteen, Foxx won the high jump and the 220-yard

dash at the annual outdoor Maryland high school championships in Baltimore. The summer after his junior year, Foxx turned pro, signing with the new Easton Farmers (player-manager: Frank Baker) in the Eastern Shore League. In academics, meanwhile, including two years of Latin, he made Bs and Cs. When the seventeen other members of the Class of '25 received their diplomas, however, Foxx was absent; despite his mother's misgivings, he had dropped out the previous February to go south for spring training as a member of the Philadelphia Athletics. Farm work surely hardened his physique; but from the start, genetics had given him many advantages.

There followed all or part of twenty seasons in the majors, mostly with the A's and then the Boston Red Sox. Foxx was the first baseman as Philadelphia won three pennants and two World Series. Then the team lost momentum (and the Depression struck—management's response, Daniel notes, was to reduce player list and player salaries, but leave ticket prices unchanged; attendance sank). When the Philadelphia manager, Connie Mack, then sold off his star players, Foxx was the one he kept longest. Foxx's legacy included fifty-eight homers hit during 1932; as Daniel explains, outfield fences and ground rules had become less lenient than in 1927, the year of Ruth's sixty. Otherwise, Foxx might have been credited with as many as seventy. For students of the art: Ruth's trademark homer rose in a majestic parabola and floated out of the park; a low arc, force and distance—broken seats or windows five hundred-plus feet away—meant the ball had been double-XXed.

From then on, Foxx's life was a slow, interrupted but irreversible downslide. Was his versatility a handicap? Foxx suggested this, after playing every position except second base. How much was he held back by ill health? Foxx had chronic sinusitis; he could not bring himself to wear the glasses urged on him by sports writers. Alcohol and tobacco overplayed their familiar roles.

A big man, Foxx nonetheless had a compliant personality. After marriage at twenty-one to a girl from Delaware, Foxx adapted to city life; his father and mother dying, he ceased returning to Sudlersville. But he tried almost too hard to be liked. The nickname Beast was satiric. The man who in restaurants picked up the check for his whole table was never, in 2,335 big league games, ejected by an umpire. The man who could do it all was never, after retirement as a player, offered a job as a big league manager or even coach.

The implication is that Foxx was deemed no Leader of Men. The parallels with Ruth (each, still in his teens, was briefly optioned to Providence in the International League and, coming to Baltimore, played against Jack Dunn's Orioles) go on to include free-spending and limited interest in family life—each left his first wife. Later on, Foxx did have a year as manager of the Fort Wayne Daisies in the All-American Girls Professional Baseball League (memorialized in the recent movie, *A League of Their Own*); but even there, his contract was not renewed.

After dozens of jobs in sales and public relations that traded on his player fame (he was voted into the Cooperstown Hall of Fame in 1951), after years on the banquet circuit, after moving from city to city, Foxx settled in Florida, with many friends and no funds. His (second) wife died from choking on food; a year later, at age fifty-nine, so did Jimmie Foxx.

To tell this story in comprehensive, occasionally trivial, detail, Daniel has read miles of microfilm, i.e., contemporary sports pages, plus the publications of subsequent researchers. He interviewed surviving relatives. Strangely, he has taken nothing directly from the baseball world—the living fellow-players whose recollections now, however blurred, would reveal circumstances the press box never heard about. The prose style of *Jimmie Foxx*, while cliché-free, is also utterly unadorned. To his credit, Daniel eschews psychoanalysis, moralizing, generalizing. It is up to the reader to discern meanings, along this path from sunny precociousness to melancholy fade-out.

A generation ago, Daniel notes, the Eastern Shore stood with back turned to its famous son. He drank, he divorced, he departed. On his last visit, in 1966, no one would cash his check. Today, Sudlersville has put up a granite monument honoring the champion baseball player, and talks of a statue. To the baseball encyclopedias, to Daniel and to Foxx himself, his first name was Jimmie; the Shore, unimpressed, spells it Jimmy.

JAMES H. BREADY
Baltimore

Six Years of Hell: Harpers Ferry During the Civil War. By Chester G. Hearn. (Baton Rouge: Louisiana State University Press, 1996. 320 pages. Illustrations, maps, bibliography, appendix, notes, index. \$29.95.)

Located at the gateway to the Shenandoah Valley, Harpers Ferry played a crucial role in the strategy of both sides during the Civil War. Even before the war began, abolitionist John Brown targeted the Ferry because of its United States armory and arsenal. This same invaluable weapons center brought southern militia to the town less than twenty-four hours after Virginia's secession. As the war progressed, Union authorities amassed thousands of bluecoats in the vicinity to protect the Baltimore and Ohio Railroad—a critically important east-west transportation link for the North. Union quartermasters stockpiled tons of supplies at this vital railroad center, and it became the primary base of operations for Federal movements into the Shenandoah Valley.

Chester Hearn's chronological narrative documents the Ferry's wartime woes from Brown's raid in October 1859 to the conclusion of hostilities in April 1865. Perhaps no other town in Virginia found itself at the epicenter of so many important events. From John Brown's quake to Thomas J. Jackson's first command of

the war in the spring of 1861; from Stonewall's famous 1862 Valley Campaign to "Old Jack's" dramatic capture of the Ferry in the September 1862 Maryland Campaign; and from the town's involvement in the Gettysburg Campaign to Phil Sheridan's successful operations in the Valley in 1864, Harpers Ferry played a central role.

Hearn's lively narrative utilizes official documents and personal accounts, both military and civilian, to weave a mournful tale of the vicissitudes of war. The Ferry's factories were destroyed and its economy shattered. Simple existence was hazardous at best and intolerable for most civilians, and the once-thriving town soon felt the weight of military occupation. *Six Years of Hell* is an appropriate title for the Harpers Ferry experience.

This well-written text is marred, unfortunately, by numerous historical errors of fact. This reviewer discovered dozens of mistakes, including twelve in the first three pages of the prologue, enough apparent inattention to historical detail to invite skepticism regarding the author's research and use of sources.

Too many defects appeared to enumerate all, but several egregious examples follow. In the chapter on John Brown's raid, Hearn's timing is flawed when he places the captured prisoner Lewis Washington in town before the express train arrived (14–15). In recounting Jackson's 1862 Valley Campaign, the author has two regiments, rather than two companies, of Turner Ashby's 7th Virginia Cavalry chasing Yankees north from Winchester (104). Hearn refers to Grimes Davis's 8th New York Cavalry as "veterans" (134) and "one of the best units in the command," but documents in the Official Records (Vol. 51, Part 1) indicate that in June 1862 the regiment had not yet received its horses and was in a "disorganized and mutinous condition." Following the siege, Hearn reports an order to Ambrose Burnside and his IX Corps to move to the Ferry (192) but failed to discover countermanding orders that delayed Burnside's arrival for three weeks. John Singleton Mosby is promoted to colonel in 1863, more than a year before he actually achieved this rank (203) and Jubal Early is made corps commander in the winter of 1863–1864 and his "corps" placed in the Shenandoah Valley (231). Finally, back in Harpers Ferry, Hearn states that Abraham Herr rebuilt his flour mill after the war (290) although it remained a charred ruin for decades.

While individually innocent, collectively this preponderance of historical errors detracts from the work's credibility. So too does Hearn's acceptance of and dependence upon conventional wisdom. For example, in his presentation of Harpers Ferry's siege and capture, which comprises more than one-quarter of the book, Hearn eagerly denigrates Colonel Dixon Miles—a Baltimore native and commander of the U.S. garrison opposing Stonewall Jackson—with repeated references to his taste for liquor, his stubbornness, his ineptitude, and his penchant for treason. This assessment follows the scapegoat theory adopted by the

1862 investigating committee, whose primary purpose was to protect the Lincoln administration from embarrassment. Hearn did not clearly analyze the vendettas of Miles's accusers, even though more than a century and a quarter have passed, allowing more dispassionate reflections. Perhaps even more troubling, Hearn's acceptance of Miles as an imbecile detracts from the brilliant tactical performance of Stonewall Jackson as he orchestrated the town's siege and capture.

Hearn's work on Harpers Ferry is useful for its chronological narrative, its ability to present strategic context, and its interwoven descriptive accounts by soldiers and civilians. Its numerous historical errors and limited scholarly analysis diminish its value.

DENNIS E. FRYE

Association for the Preservation of Civil War Sites, Inc.

A History of the Confederate Navy. By Raimondo Luraghi. (Annapolis, Md.: Naval Institute Press, 1996. 540 pages. Notes, bibliography, index. \$39.95.)

This is a work of profound scholarship, which the amateur of Civil War naval history, such as this reviewer, approaches with respect, and even awe. At the same time, it is eminently readable and will hold the attention of both student and general reader. While not neglecting such familiar stories as those of the *Virginia*, the *Alabama* (commanded by Maryland's Raphael Semmes), the *Manassas*, and the *Shenandoah*, the blockade, and the inland campaigns, Professor Luraghi has filled in the flesh behind those prominent bones by providing a wealth of detail, including the administration, logistics, and strategic objectives that lay behind the efforts of the Confederacy to produce a navy from a zero base. The central figure in this effort was clearly Stephen R. Mallory, the only Confederate cabinet officer to hold his position through four years of war. Despite occasional missteps, Mallory was able to provide central direction and a consistent policy, revised when necessary, so that once it was recognized that the blockade probably could not be broken, nor command of the sea attained by the introduction of new types of warships produced at home or abroad, the small Confederate navy was able to confront the northern amphibious strategy, which developed during the war a remarkable degree of effectiveness.

The breadth and depth of research required to develop so fully the details of this picture can only be described as monumental. The central research problem is the destruction of the Confederate naval records in two phases at the end of the war, first in Richmond and subsequently in Charlotte, North Carolina. This was deliberately done out of fear that the victors would prosecute as pirates some of those associated with the Confederate effort at sea. As the author notes, "It was like putting together the splinters of a beautiful china pot and

doing it without showing that it had to be glued together" (xii). Some idea of the effort required, which consumed twenty-eight years, may be gained from the comprehensive and meticulous bibliography and source notes.

Incidentally, one of the many collections referred to is that of our own Maryland Historical Society, which contains the working papers of J. Thomas Scharf. In 1887, Scharf produced a *History of the Confederate States Navy*, drawn from his own recollections and extensive correspondence with other participants. Professor Luraghi refers to it as "an invaluable treasure trove of information" (481). Another source of interest is the collection of papers of the Italian chairman of the *Alabama* claims arbitration case between the United States and Britain after the war. Inevitably, his account is more balanced than the submissions of either side to the commission.

Despite the depth of research and the level of detail selected for inclusion, this is a work that is chronologically well organized and highly entertaining. The book has a few unusual features that contribute to its usefulness. At the bottom of each page, the chapter heading is repeated, which helps to keep the reader's mind on the writer's primary focus. Second, at the bottom of each page of notes are the page numbers to which the notes on that page refer, making rapid reference easy.

The book was originally published in Italian in 1993 and was translated by Professor Emeritus Paolo E. Colletta of the United States Naval Academy. The translation is flawless, and it is impossible to discern from internal evidence that the book was written in another language.

Every review of this book mentions that it is the first truly comprehensive work of its kind produced in more than a century, and that it is likely to remain the standard work on the subject for many years to come. This reviewer can only concur with that judgment, and strongly recommends the book to any student of naval history who does not already own a copy.

HENRY S. MORGAN
Gibson Island

Books in Brief

In 1900, sixty-eight Chesapeake lighthouses cast their beams across the Chesapeake, providing safe passage for merchant vessels and passenger ferries through treacherous shoals. But it has been nearly ten years since a lighthouse was manned on the bay, and many of them are gone, victims of hurricanes and shifting coastlines, and occasionally ice. The original Wolf Trap Lighthouse, for example, was pushed over in 1893, due to one of the worst freezes of the nineteenth century. Superbly illustrated and designed, Pat Vojtech's *Lighting the Bay: Tales of Chesapeake Lighthouse* recounts the stories behind these Chesapeake sentinels.

Tidewater Publishers, \$34.95

While there were no military battles fought in Cecil County, Maryland, the region abounds with stories recounting tales of the Civil War. *Muffled Drums and Mustard Spoons: Cecil County, Maryland 1860–1865*, by Jerre Garrett, utilizes letters, newspaper accounts, and service and pension records “to present a view of a border county in a border state” during the war.

White Mane Publishing Company, Inc., \$40.00

Originally produced in 1916, and recently released as a “facsimile reprint,” *Maryland's Colonial Eastern Shore: Historical Sketches of Counties and of Some Notable Structures* features numerous turn-of-the-century photographs of the oldest homesteads that graced the Eastern Shore. The text celebrates the lives of the estate owners and their properties, but would have benefited from the addition of an explanatory note. It would be helpful to know, for example, which of the buildings are still standing.

Heritage Books, Inc., \$ 24.50

For nearly fifty years, Sun photographer A. Aubrey Bodine's photographs graced the news pages. And so familiar were his softly-lustered images that they shaped the collective memory of two generations of Baltimore Sun readers. Indeed, when it comes to mid-twentieth-century images of Maryland, it is hard to know where one's own remembered experience leaves off and Bodine's familiar images begin.

In *A. Aubrey Bodine: Baltimore Pictorialist, 1906–1970*, author Kathleen M. H. Ewing has compiled a handsome collection of the photographer's works, from Eastern Shore watermen to the Bessemer furnaces at Bethlehem Steel to the tranquil glow of merchant vessels in the nighttime waters of Baltimore Harbor in 1949. The book is reprinted from the 1985 hardback edition.

Johns Hopkins University Press, \$24.95 paperback.
D.B.S.

Notices

Maryland House & Garden Tours Announced

The Maryland House & Garden Pilgrimage has set the dates and locations of its Spring 1997 Tours. The tours will begin in Queen Anne's County on Saturday, April 26, and in Somerset County on Sunday April 27. On Saturday, May 3, the tour takes place in Baltimore County, in the Lutherville Historical area, and continues on Sunday, May 4, at Fells Point and Federal Hill in Baltimore City. Prince George's County will host the tours on Saturday, May 10, in the Riverdale area. The following week, on Saturday, May 17, the tour will take place in Frederick County, and in St. Mary's County on Sunday, May 18.

The Maryland House & Garden Pilgrimage celebrates its sixtieth anniversary this year. Funds raised through the tours are used for the preservation and restoration of historically important sites throughout Maryland. For information, call 410-821-6933.

Articles Solicited by Eastern National Park & Monument Association

Nominees for the Harold L. Peterson Award are invited by the Eastern National Park & Monument Association. The awards is made for the best scholarly article on any facet of American military history. Also eligible are articles concerning economic, social, or political developments during a war, or affecting military history between wars. Three copies of the article should be submitted by the editor of the publication in which the article appeared. The deadline is October 15. Articles must have been published during the year prior to June 30, and should be sent to the Peterson Committee at the association. The address is 446 North Lane, Conshohocken, PA, 19428. An educational service organization, the Association cooperates with the National Park Service to support educational and interpretive programs.

Chesapeake Bay Maritime Museum's 5th Annual Mid-Atlantic Maritime Festival

On May 16-18, the Chesapeake Bay Maritime Museum, in St. Michaels, Maryland, hosts this three-day event, which features skipjack races and boat-building contests, painting and ship-model exhibits, and a seafood-cooking contest. On Saturday, participants can sail up the Miles River aboard a historic skipjack; sailings take place at 10 A.M. and 2 P.M. Skipjacks, the state boat, made up the last working commercial sailing fleet in the U.S. To make advance reservations, call Capt. Ed Farley at 410-745-6080, or the Museum. Sunday's activities include exhibits, music, and tours aboard the *Pride of Baltimore*, which will be docked at the Museum.

A one-day pass to the festival is \$7.50 for adults and \$3.00 for children; a special three-day pass is available for a discounted fee. For museum members, admission is free of charge. A private, not-for-profit educational institution, the Museum is dedicated to furthering the heritage of the Bay. It is located forty-five minutes from the Bay Bridge off Route 50 on Maryland's Eastern Shore. For more information, call 410-745-2916 or 410-822-5553."

Call for Papers by the Irish American Cultural Institute

Applications are now being accepted by the Institute for research investigating the Irish experience in America. Applications from all disciplines are accepted. Awards are made for primary research. Museum and oral history collections are eligible to apply; proposals for bibliographical projects are also accepted.

The Irish American Cultural Institute is a non-profit membership organization headquartered in Morristown, New Jersey. For more information, or to apply, write to the Irish Research Fund, Irish American Cultural Institute, 1 Lackawanna Place, Morristown, NJ, 07960, or call (201) 605-1991. Application deadline is August 15, 1997.

Furnace Town Foundation Calendar of Events

Archaeology Dig Series Sponsored by Furnace Town Foundation. A public dig at the site of an early 19th-century building will be opened to the public one day monthly, through the Summer and Fall months. Volunteers will train and dig in shallow pits at the site, under the supervision of professionals. Pre-registration for participants is mandatory. The dates are: April 6, May 11, June 8, July 6, August 3, continuing into September and October. Times: 1-4 P.M. The admission and dig fee is \$5.00.

The 9th Annual Pocomoke River Canoe Challenge will take place on May 17 at a ten-mile course of the Pocomoke between Snow Hill and Shad Landing. The event will feature kayaks as well as canoes, and begins at 9 A.M. For information, contact the Pocomoke River Canoe Company, 410-632-3971.

An Antiques and Crafts Weekend will be held at Furnace Town Historic Site May 3-4, from 10 A.M. to 6 P.M. Admission is free. Contact Gary Burnett 410-632-2566. For information about other events sponsored by the Furnace Town Foundation, call Executive Director Kathy Fisher, at 410-632-2032.

D.B.S.

Maryland Picture Puzzle

Test your knowledge of Central Maryland by identifying the location, date, and historic significance of this site.

The Winter 1996 Picture Puzzle depicts the College Park Airport and Army Flying School in 1911. The airplane shown is a Wright biplane. The College Park Airport, established in 1909, is the oldest continuously operating airport in the United States.

Our congratulations to Mr. Percy Martin and Mr. Raymond Martin who correctly identified the Fall 1996 Picture Puzzle.

Please send your answers to: Picture Puzzle, Maryland Historical Society, 201 West Monument Street, Baltimore, MD 21201.

A.A.



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These five volumes contain an alphabetical listing of all Maryland Land Grants issued between 1679 and 1783. Based on land records at the Hall of Records in Annapolis, entries are arranged by family name, county, name of tract granted, acreage, date and reference to original sources.

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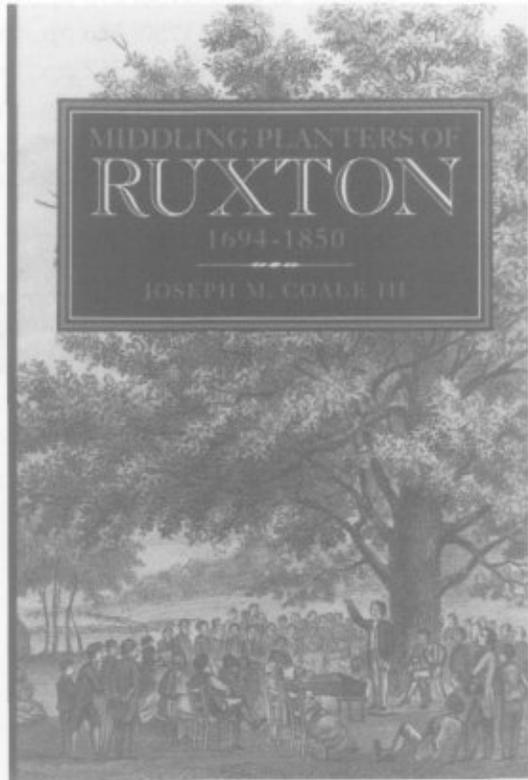
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The *Maryland Historical Magazine* welcomes submissions from authors. All articles will be acknowledged, but only those accompanied by a stamped, self-addressed envelope will be returned. Submissions should be printed or typed manuscript. Once accepted, articles should be on 3.5-inch (preferably) or 5.25-inch disks for IBM (or compatible) PCs or Macintosh. Preferred word-processing programs are Wordperfect or Microsoft Word. Guidelines for contributors are available on request. Address the Managing Editor.

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