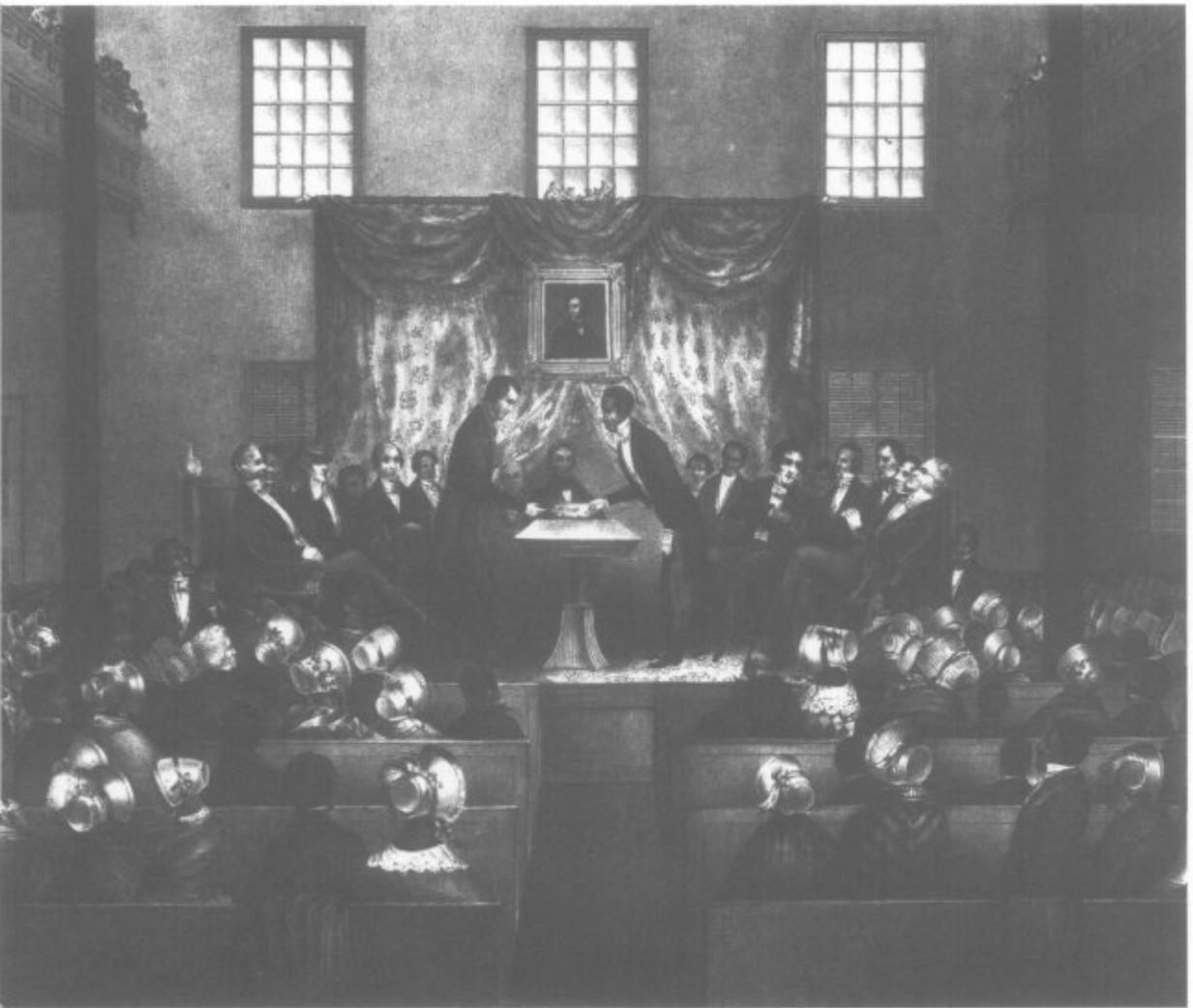
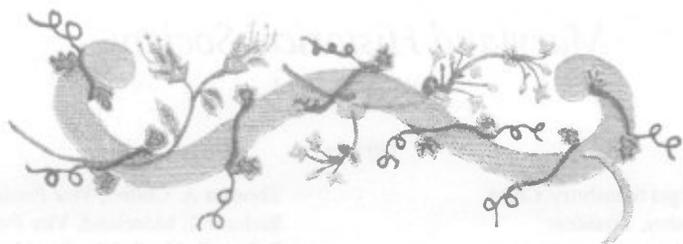


MARYLAND

Historical Magazine





A Maryland Sampling: Girlhood Embroidery 1738-1860

By Gloria Seaman Allen, Ph. D.



A Maryland Sampling brings together for the first time a rich collection of Maryland samplers and pictorial embroideries and the stories of the girls who created them. With more than 150 color photographs—most never before published—the book showcases the most skillful, unusual, and interesting aspects of Maryland girlhood embroidery, illustrating regional, religious, and racial diversity.

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Cover: *The Presentation of a Gold Snuff Box to the Reverend R. J. Breckinridge D.D.*

In December 1845, the congregation of Bethel (African Independent) Church honored Presbyterian minister Robert J. Breckinridge “for the warm interest he has taken in the colored race,” particularly his efforts to prevent the state legislature from passing harsh laws that would have severely restricted free blacks. Baltimore’s independent black churches served as spiritual communities and provided an arena for collective action in a sometimes racially hostile city. (Maryland Historical Society.)

The *Maryland Historical Magazine* welcomes submissions from authors and letters to the editor. Letters may be edited for space and clarity. 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. Address Editor, *Maryland Historical Magazine*, 201 West Monument Street, Baltimore, Maryland, 21201. Include name, address, and daytime telephone number. Once accepted, articles should be on 3.5-inch disks (MS Word or PC convertible format), or CDs, or may be emailed to panderson@mdhs.org. The guidelines for contributors are available on our website at www.mdhs.org.

“You Dog . . . Give Me Your Hand”: Lord Baltimore and the Death of Christopher Rousby

Antoinette Sutto

On November 24, 1684, Lord Howard of Effingham, the royal governor of Virginia, wrote to the Earl of Sunderland, one of the two English secretaries of state, to inform him of an unusual event that had taken place in Maryland just a few weeks earlier. Proprietor George Calvert’s Irish cousin, George Talbot, had come aboard a royal patrol boat, the *Quaker*, and:

after he had endeavored to quarrel both with the captain and [customs official] Mr. [Christopher] Rousby then on board about his majesty’s business, without any provocation, with a short pocket dagger, newly prepared and sharpened (I cannot say for the person on whom it took effect but for some ill design it plainly appeared it was) stabbed Mr. Christopher Rousby his majesty’s only collector for the penny per pound in that province.

Rousby died a short time afterward.¹

Local men, including Rousby, served as collectors of the “penny per pound” tax on tobacco, one piece of the parliamentary legislation known as the Navigation Acts, and they answered to the customs commissioners in London, who reported to the treasury and ultimately to the Privy Council. The *Quaker*’s captain also worked for the Crown, patrolling for smugglers and seizing illegal goods. Another look at Rousby’s murder on board the ship reveals a more unusual situation than Effingham’s account indicated.

According to Captain Thomas Allen, whose deposition provides the most detailed account, late on the afternoon of October 31, George Talbot hailed the *Quaker* near the mouth of the Patuxent River. Talbot was looking for Allen, and the latter invited him to stay and eat with him and Rousby, who was already aboard the *Quaker*. Talbot refused supper, as it was Friday and a fasting day for Catholics, but remained to keep the others company.

After Rousby and Allen had eaten, Talbot “did fall a kissing of” Allen. The latter:

denied him to forbear, for I was no woman, then he hit me a blow on the breast and a box on the ear, and I said to him this compliment was something

The author is a graduate student in history at Princeton University.

coarse; in half a quarter of an hour after the said Talbot did come and kiss me again, and then I put him from me and he gave me another blow on the breast and a box on the ear.

At this point Allen had had enough, and “told him I could bear it no longer, and the said Talbot did say that he and I should not be friends till he and I should fight on shore.” Allen replied that “for the king’s interest” he “would not refuse him,” at which point “Talbot did say I was a stern and hasty man, as he heard, but he did find me no such thing, and he would have kissed me again but I would not let him.” Talbot’s sexual teasing of Allen and his offer to fight him go unmentioned in most historical accounts of Rousby’s death, probably because it appears to have little to do with Talbot’s actions later that evening. As will be discussed below, however, tension between proprietary authority in Maryland and Crown authority, which Rousby and Allen represented, ran high. Talbot may have been attempting to embarrass or humiliate the captain of the *Quaker*, or at least demonstrate to him that he had the power to do so if he wished.

The conversation then turned to politics. Talbot proposed a toast to Lord Baltimore, to which Allen agreed. The captain of the *Quaker* began, though, with “my Lord Effingham’s health, and the said Talbot did swear that he would not drink my Lord Effingham’s health the first, but the Lord Baltimore’s health first, and I said to him then there should be none of their healths drank.” Allen added that he “would give the Lord Baltimore as many guns [i.e. a salute with the ship’s guns] as I did give my lord.” Talbot replied that “the lord Baltimore had as much to do with me as my Lord Effingham had with me; and my answer was no, and I told him that all the river in Maryland was the king’s and all the ships that are in Maryland are under the king’s command.”

Later, probably after more punch had been drunk, “Col. Talbot said to Mr. Rousby ‘you son of a whore, you dog, Rousby, give me your hand.’” Rousby “answered he would not give him his hand without better words,” to which Talbot replied “‘you dog Rousby, give me your hand, don’t you know that I am your governor and can do you a kindness?’ Mr. Rousby’s answer was, ‘I don’t value anything you can do to me,’ and with that Col. Talbot started up and pulled Mr. Rousby’s lace of his cravat in pieces and Mr. Rousby said nothing to him.” After this Rousby got up to leave, and Talbot:

started up and met him and clapped Mr. Rousby with his left hand on his right shoulder and said ‘dear Rousby,’ and his dagger under his coat in his right hand and stabbed the said Mr. Rousby in the right breast, one of my servants standing by said he hath stabbed the gentleman, with that word my doctor standing by seized Col. George Talbot and took the dagger out of his hand from under his coat, my men hearing that a man was stabbed took the

said Talbot out of the cabin and my doctor went to the man that was stabbed to staunch the blood, but it could not be, but in half an hour Mr. Rousby was dead.

Allen ordered one of his crew to “put the said Talbot in irons . . . and as Col. Talbot was putting into irons the said Talbot did say several times that nothing troubled him so much, as that he had not stabbed more of them, and hoped to drink and kill a thousand of our blood, and if he were ashore he would raise a thousand men and make all to shake.” Allen told him “that if all Maryland were all together they should not make the kings commissioners to shake, although you have stabbed the king’s commissioner.”²

According to the ship’s steward, John Lloyd, Talbot continued violent even when in irons. Confined on deck, “he fell a railing again and abusing the men upon the deck, calling them sons of whores and heretic dogs and using such sort of words and language.” When Lloyd:

told him I believed I should see him . . . hanged for that most heinous and wicked act he had done, to which he replied what hang for that, no, I hope said he to drink and spill the blood of a great many more; then I told him I fancied he had done the worst he could do. No, said the said Talbot, you cannot detain me here, and if I had you ashore I can presently raise a thousand men and make you tremble at my very words.³

Rousby’s body remained aboard the *Quaker* until Saturday night, a full day after the murder—not even his servants knew he had been killed until that evening.⁴

Rousby’s death aboard the *Quaker* appears in most histories as a minor incident that indicated to London authorities, and Calvert’s political enemies, that the proprietor had too much power and the charter of his lawless colony should be revoked. Early histories of the Maryland colony avoided discussion of Talbot’s attempts to kiss Allen, and cast uncertainty on the question of whether Talbot or Rousby carried blame for the latter’s death.⁵ The murder is mentioned in most modern accounts, usually to emphasize the danger Talbot’s rash act posed for the proprietary regime, but there has been no detailed analysis of the events surrounding it or the tense exchange between Allen, Talbot, and Rousby aboard the *Quaker*.⁶ Talbot’s motives remain less than clear, as does the source of the antagonism between the two men. We know, for example, that Rousby, during his time in the lower house of the assembly several years earlier, had been among those who criticized the proprietary circle.⁷ None of those others, however, suffered violence or death at the hands of George Talbot. The crime had less to do with political opposition as it did with the particular circumstances of Rousby’s place in the apparatus of colonial administration.

Rousby did not die simply as the result of a drunken brawl. Rather, the episode exposes the complex problems of empire and political authority in the last quarter of seventeenth-century Maryland. Talbot exercised poor judgment, but his actions nevertheless addressed, albeit in an extreme and ill-advised manner, an increasingly serious concern for his cousin, Lord Baltimore. Charles I had granted the Maryland charter sixty years earlier, at a time when colonial administration functioned in an informal and at times haphazard fashion. London addressed problems on an ad hoc basis, and in corporate and proprietary colonies administrative power rested in private hands. But after 1660, and particularly after 1675, England increased efforts to streamline and systematize colonial administration. The architects of the Restoration wished to ensure that the King's authority was respected in the American colonies as well as in Britain. By 1675 the Lords of Trade had become a permanent standing committee of the Privy Council. They received their own secretary and staff, thereby gaining many able administrators. The committee addressed two growing concerns—the increasing independence of both corporate and proprietary colonies and the need for an orderly tax collection system in an expanding colonial economy.⁸

By the 1680s, Calvert's authority functioned out of step with the sort of authority that the English administration wanted to enforce. The proprietor's system of personal power and private patronage created friction when the government in Whitehall tried to impose rules, such as the Navigation Acts, ideally crafted to operate the same way in all colonies and bring them under something close to a uniform system. This third Lord Baltimore believed, as had his father before him, that all authority in Maryland derived from him through the Bishop of Durham clause in the charter, not from any other system of laws or rights or administration. The increasing presence of Crown officials such as Rousby, who did not receive their commissions from him or take orders from him created problems.⁹ Their presence revealed irregularities in Maryland's government. For example, the proprietor's own officers could not discipline these men and if Calvert wanted them removed, he had to write to the Privy Council or Treasury Commission. Locally, the problems defied resolution, and the only place to seek remedy for a conflict between customs officials and a royal charter lay with the Crown. Parliament had the authority to pass laws relating to customs and trade, but had no power to appoint or remove officials. Similarly, a colonial proprietor would not prosecute a customs official for professional irregularities under criminal or civil law in England, or in the law courts of Maryland or Virginia.

Appeals to the king and/or Privy Council resulted in actions directed toward the specific incident—one particular officer or the enforcement of this or that rule—rather than address the underlying problem. Charles Calvert could hardly petition for the removal of customs officials from his province or the annulment of the navigation laws. Neither could any of his political enemies request that the

crown issue no more proprietary charters. Moreover, whatever orders the king issued might later be altered or rescinded. An ousted official might be restored to his place, a charter revoked or reissued. And all the while, the fundamental problem remained. Lord Baltimore's charter was legal, as were the proceedings of the customs officials in Maryland. Conflicts between them were many, they were not easily or speedily resolved, and the resentment that resulted sometimes bred disastrous consequences.

Prelude

Rousby's difficulties with the proprietary regime in Maryland had in fact begun years earlier. In March 1678/9 the governor's council received word of a story circulating among the colony's settlers that Calvert "and Mr. Christopher Rousby had lately had some high words, that Mr. Rousby called his lordship a traitor to his face, and his lordship offering to speak again, Mr. Rousby told him he had best hold his tongue and say no more." Members of the assembly questioned those involved in the story. One witness said that "he heard . . . that Mr. Rousby had grossly abused his lordship, calling him 'runaway' or words to that effect, and that he ought to be sent home in chains." The proprietor "asked Mr. Rousby what was the reason he so abused him," and Rousby "rapped out a great oath and swore that what he said was true, that he had from under the king's hand and seal for it." Another witness, who also had his story secondhand, said that Rousby after "high words" with Baltimore called him "traitor, and told him he might expect to hear more of it."¹⁰ Despite the evident seriousness of the rumor the council took no further action. Rousby was never asked to explain himself, at least not formally. The accusations of treason may have some reference to the Calvert family's Catholicism and the popish plot in England, in which some accused Calvert of complicity.¹¹ Again, though, no further details survive.

As customs collector, too, Rousby had a blemished reputation. In February 1679/80, two traders, John Addison and Mark Cordea, alleged that Rousby had illegally seized some of their goods and sold or used them himself. On technical grounds, Rousby requested and gained an abatement, as well as permission to recover court costs from the two traders. The matter dragged on for several more years, until in April 1681 Cordea and Addison "refuse[d] to make any further prosecution against" Rousby, who again won court costs, continued to maintain his innocence.¹²

Rousby's most significant brush with proprietary authority occurred in 1681, when Calvert attempted to have him removed from his office, on what appear to be fabricated or at the very least exaggerated charges of delinquency and corruption. The proprietor wanted to replace him with his wife's son-in-law William Digges. In addition to being part of Baltimore's family, the proposed appointee

served as a member of the governor's council. Calvert undoubtedly believed that his kinsman would be more compliant than Rousby in terms of respecting his proprietary authority and far more politically reliable than a man like Rousby, who had already demonstrated his willingness to cross the proprietor. Digges, as a member of the council, depended on Calvert for his post. In the course of the dispute over Rousby's office, charges emerged that the proprietor countenanced smuggling and wished to replace Rousby with Digges because the latter could be trusted to connive at it. Also involved was a second customs collector, Nicholas Badcock, who complained about Baltimore's lax enforcement of the Navigation Acts, and, eventually, a third official, Nehemiah Blakiston, who took up the torch for Badcock after the latter's death. Three years later, Blakiston also backed up Captain Allen's account of Rousby's death aboard the *Quaker* and supported him in the face of the Maryland establishment's poorly orchestrated attempt to blacken Allen's reputation.

Rousby's 1681 dispute with Calvert began with a letter from the proprietor to the Earl of Anglesey, Lord Privy Seal, to ask for the latter's help in persuading the privy council to remove "this knave" and "devil" Rousby from his post. Digges, he explained, would "be more faithful in the discharging of that place." Calvert alleged that Rousby had behaved so arrogantly toward several merchants and traders, from New England and elsewhere, that they had abandoned Maryland. This slump in trade was liable to cause a "mutiny" or worse among the inhabitants. Personally, he continued, he found Rousby "the most lewd debauched swearing and most profane fellow in the whole government and indeed not fit to be admitted into civil society." He had "imposed fees, exacted presents, seized and brought several masters in trouble" even though the masters worked within the law. He interfered with Calvert's collectors, treated him and his authority with contempt, and even more seriously, would not allow ships' masters to present their paperwork to the proprietor's government. Rousby's "unwarrantable proceedings" deprived both ships' masters and proprietary officials of proof that they obeyed the Navigation Acts, and Calvert feared that he was thus "in danger to be brought into trouble." Also seditious, Rousby hated monarchical government, and his friends reported "frequent discourse" of treason.¹³ In a second letter, written in June 1681, Baltimore added the charge, backed up by his own brother-in-law Vincent Lowe, that Rousby had said he thought the king, like the Duke of York, was a Catholic and that "great men were great knaves."¹⁴ Beyond Lowe's signed statement that Rousby had said those words, Baltimore offered no proof of his accusations.

Some explanation for Calvert's sudden desire for more easily manageable tax collectors is found in the information that a second Crown official submitted to the customs commissioners in May. Nicholas Badcock complained that Marylanders flouted the Navigation Laws and that the governor and council not only

permitted it but hindered Badcock when he attempted to enforce them. He referenced three specific ships, and the circumstances, which added up to a customs deficit of £2500. Furthermore, Badcock noted that the men who held the primary interest in these ships included Digges and Calvert's other two sons-in-law, who connived with the ships' masters to avoid paying taxes.¹⁵ Baltimore knew of Badcock's allegations even before the latter's letter reached London later that year, and when he dispatched Lowe's statement about Rousby's treasonable speech, he included his own response to Badcock. As the proprietor described it, he and Badcock disagreed as to the meaning of the particular acts of navigation in question. Badcock had gone beyond the law and was harassing ships' masters in an attempt to get them to pay duties they did not owe. Badcock told Baltimore he would report what he considered lapses in Maryland customs collection to the customs commissioners, a statement that Calvert described as "insolence." The Maryland proprietor further alleged that Badcock stood deeply in debt and that he intended to pocket any excess duty he collected. Consequently, Calvert asked that the customs commissioners replace Badcock with "some persons of good estates" and resident in Maryland who would "have some respect to the government they live in."¹⁶

Meanwhile, Calvert's allegations of Rousby's treasonous words bounced back and forth among the treasury, the customs commissioners, and the Privy Council. Rousby, who had left Maryland for England in May, obtained a copy of Baltimore's charges, and in statements given to both the customs commissioners and Secretary of State Sir Lionel Jenkins denied them all.¹⁷ As he told the customs commissioners, he had not prevented ships from entering with Baltimore's own collectors unless they gave him presents and had not exacted undue fees or bribes. Indeed, all Rousby had done, he claimed, was attempt to enforce the law. If his strictness had scared off a few dubious traders, so be it.

Moreover, if corruption or slack administration existed in Maryland, Rousby went on in his statement to the customs commissioners, he was not the guilty party. Baltimore had accused Rousby of keeping paperwork he should have turned over to his own collectors. Rousby admitted he had kept such papers, but that he had not kept them for gain—rather, the person Baltimore had deputed to manage such affairs could not perform his job. On his last trip to England, the proprietor had "left his lady's son, a very young man, to be his collector, who trusted the business to a young Irish fellow employed by him as a clerk." Rousby had arranged with then-governor Thomas Notley that he, Rousby, should keep the paperwork, and make the reports. Baltimore had known about this procedure and had never complained.

As for the charges of "insolence" and "profane language and debauchery," as well as commonly talking treason, Rousby utterly denied all and noted that Baltimore had not produced any proof. Baltimore had, in the end, he argued, not

charged him with "the least breach of trust in my said employment or with any neglect or omission in the execution of your commands," and he felt "confident that till you find me guilty of some misdemeanor you will not think fit to remove me to make room for Mr. William Digges, son-in-law to his lordship's lady."¹⁸

The defense also mentioned Badcock, who had died by the time Rousby wrote in late 1681. Calvert had also accused him of "debauchery lewdness and all manner of villainy;" in order, he penned, "to render us too infamous to be capable of our employments. Though his lordship have no cause or ground for the same but hopes that casting much dirt some might stick to work his own ends against us." Here, Rousby said more directly what he thought of the proprietor's machinations. It seemed "by all his lordships letters against me, as also by those against Mr. Badcock that his chief aim and design is to get those offices of collector and surveyor in Maryland into the hands of his own creatures and dependents." In Maryland, the king had no officials except royal tax assessors and collectors, "and to rid himself of both these," Calvert had spun allegations against both Rousby and Badcock and the former had backed up the latter's allegations "to the damage of his Majesty's interest at least 2000 sterling."¹⁹

By December 1681, Rousby's situation looked better. He wrote to a friend in Maryland, Robert Ridgeley, that he hoped to be cleared of the charges soon, and that although "character given of me by his Lordship" was "black as hell, yet am I not looked upon to be so profligate or despicable a rogue as he sets me forth, but have met with fair honorable and just dealing."²⁰ On December 15, the customs commissioners concluded that "there are no particulars transmitted upon the points complained of nor any proofs of the same," and it would be to the king's disadvantage if crown officers could be removed "upon such terms." They recommended that Rousby be continued in his office and that a letter be written to Baltimore "desiring him that if he shall hereafter have any cause of complaint against the said Rousby that he will first give him a particular charge thereof and receive his answer thereunto and then transmit both the said charge and answer to us with the proofs thereof," which would save both time and effort.²¹ The Lords of Trade confirmed this decision in early January 1681/2.²²

The proprietor did not fare as well. On December 10, the Lords of Trade reviewed Nicholas Badcock's letters and found him more creditable than Calvert. Considering what he had reported, they determined that a royal letter ought to be sent to the Maryland proprietor "reprehending him for these proceedings and strictly requiring him to cause the several acts of trade and navigation . . . to be duly observed within his province."²³ A few days later, on December 13, treasury commissioner Sir George Downing attended the meeting and "explain[ed] to the committee the mistakes my Lord Baltimore seems to be in concerning the acts of trade," as the proprietor's own letters had revealed. These included "his having hindered . . . Badcock from receiving the penny per pound on tobaccos." Once

more, the committee agreed that “Lord Baltimore be severely reprehended for his erroneous opinion in that matter” and required to repay the £2500 his actions had caused in lost revenue to the Crown. He was also to be “given to understand that unless he do readily comply with the acts of trade and navigation,” the king would “call him to a further account” and “direct a quo warranto (a writ requiring the recipient to defend his or her legal claim) to be issued upon his patent.”²⁴ Baltimore’s treatment of Badcock had landed him in some fairly serious trouble.²⁵

Baltimore, still in Maryland, received these commands in May 1682. He immediately devised a new interpretation of the situation and concluded that if he had indeed broken the law, he had done so through ignorance. Badcock and others had intentionally misled and even attempted to “ensnare” him, and when he had tried to get a full explanation of the law and how to apply it in his colony, he received only “a scornful and rude” answer. Stressing that he had been misinformed about the legislation and that official communications had failed to reach him, Calvert begged the king’s pardon for his transgression—but did not state that he intended to pay the £2500 he owed the Crown.²⁶

This particular instance of customs maladministration apparently went no further. Badcock, Rousby, the customs commission, and the Lords of Trade had backed Calvert into a corner, forcing him to admit that he had allowed breaches of the law, even if, as he said, he had allowed them unintentionally. Badcock had died before the dispute was resolved, but Rousby by all indications resumed his office and collected crown duties without incident until late 1684, when Calvert’s cousin George Talbot brought the surveyor’s career to an end.

Talbot’s motives remain unclear. Probably he was drunk, but punch alone does not explain his tense exchange with Allen over drinking “healths” to Effingham rather than Calvert, or his pressure on Rousby to admit that Talbot might be able to provide him patronage. Most likely, the heart of the exchange aboard the *Quaker* occurred when Talbot pressed the surveyor to admit that he might be a powerful friend, and Rousby replied that he did not value anything Talbot could do for him. Rousby did not need Talbot’s patronage—or, by implication, the proprietor’s—and the insult caused Talbot to lose his temper.

Rousby’s death exposed once more, this time with greater urgency, the same political and administrative problems that existed in 1681. A jurisdictional dispute over who should keep custody of Talbot revealed the difficulties of reconciling royal and proprietary authority. Members of the Maryland council launched a virulent campaign to discredit Captain Allen, prompted by his role in the jurisdictional dispute. In addition, the administrative irregularities that had frustrated Nicholas Badcock continued to hinder Crown revenue collection. Maryland inhabitant and crown official Nehemiah Blakiston now addressed those complaints.

The disputed point involving who had custody of Talbot centered on whether

the murder had taken place far enough from the mouth of the Patuxent River to have occurred at sea, in which case it fell within admiralty jurisdiction. Admiralty cases went to Lord Effingham who served as vice-admiral of the royal navy in addition to his post as governor of Virginia. If the crime occurred within Maryland's domain, prosecution then belonged to the colony. Additionally, Talbot wanted a trial in a sympathetic court and Calvert as well hoped that his cousin not be subjected to too rigorous a prosecution. Captain Allen, for his part, had little patience with proprietary pretensions, and preferred to acknowledge Crown authority in Virginia over Baltimore's in Maryland. In addition to all this was the larger question of whether the trial of so serious a crime as the murder of a crown official committed aboard a royal patrol boat ought to be tried by Maryland's provincial court, or whether some special court under more direct crown supervision would be more appropriate.

Thus it happened that when two members of the Maryland council, Henry Darnall and Nicholas Sewall, with several other men, came aboard the *Quaker* on Sunday, two days after the murder and demanded Talbot, Allen told them he would hand over the prisoner only in the king's name, not Lord Baltimore's. Darnall and Sewall refused, upon which Allen said he "would carry him to Virginia, where the king's name should be observed before the lord proprietor's."²⁷ Darnall and Sewall here chose to change the subject. They later reported to the council that they had informed Allen that "he had not (in their opinion) civilly and fairly comported himself to the government" in Maryland. Talbot aside, Allen "ought upon his arrival here in this province, and before he had exercised his commission here, to have applied himself to the government and acquainted them therewith." Allen would have none of this, and "roughly" told Darnall and Sewall that "for the government, he had nothing to do with it, his business was only with the king's collector who lay murdered aboard his ketch." Darnall and Sewall insisted that "as he bore his majesty's commission it had been but civil" to present himself to the Maryland government before using it, otherwise anyone could claim royal authority. Allen relented and as Darnall and Sewall put it "in some seeming disturbance" finally "produced his commission and instructions."²⁸ According to one Maryland deputy sheriff, who remained on board with Allen for a cup of punch after the others had left, Allen said "that now my lord's charter was not worth a pin, and that there were a great many of hungry courtiers that would jump at the news of Rousby's death, being killed at the hands of Col. Talbot, a man entrusted by my lord." Maryland, Allen reputedly added several days later, might soon be under the government of Virginia.²⁹

Allen left for Virginia with Talbot, and the Maryland council wrote to Effingham asking for the captain's return. Effingham refused, despite Talbot's arguments about limitations on the extent of admiralty jurisdiction and repeated requests from Maryland. The murder of a royal official aboard a royal ketch was

a serious matter, and Effingham did not think Baltimore's jurisdiction was being "encroached upon."³⁰ The vice-admiral thought it best to wait for orders from the king. He then suggested that the Maryland government appoint someone to collect crown taxes "that his majesty receive no further detriment by this unfortunate accident." He also reminded them that Allen in "the discharge of his duty in detecting unfree ships and uncustomed goods" should also be given "such aid as will be necessary."³¹ Effingham, like Allen, had no intention of letting Talbot stand trial in Maryland. Calvert took Effingham's advice and appointed interim collectors to receive crown revenue. Quite efficiently, he simply nominated those who collected his own taxes to collect, for the time being, the king's as well. The list of men so empowered included William Digges, whom Baltimore had tried to put in Rousby's place three years before.³²

Meanwhile, the council collected information against Allen that seemed unrelated to the dispute over Talbot. The previous day, local planter Garratt Vansweeringen had brought an account of "several insolencies and injuries done him by Capt. Allen's men" the previous October. Several, who comported themselves "roughly" and carried "muskets upon their shoulders," had taken "cabbage and the like" from his garden and "would have killed one of my sheep, if [Mark Cordea] had not prevented it." The men also broke some of the fence around the garden, allowing livestock to come inside and trample the remaining vegetables.³³ Other more substantive accusations included threats to ships' masters, forceful and unwarranted aggression in asserting the king's authority, and at one point, in a deposition taken the following summer, imprisoning a man aboard his ship. Allen was also accused, again, of derogating Baltimore's authority as well as throwing about his own from the king, claiming for example that "they were fools and puppies that paid my lord the two shillings per hoghead [on tobacco] for that it was the king's due, and not my lord Baltimore's." Allen also said that the king was being cheated of customs duties in both Maryland and Virginia, yet no evidence of serious wrongdoing surfaced.³⁴

Talbot himself decided the custody question in early February 1684/5 when he escaped from prison in Virginia. Effingham wrote to the Maryland council to inform them of what had happened, and they assured him in return that they would undertake a search immediately.³⁵ The councilors also informed Calvert that his cousin had escaped and that Effingham had intimated in his letter "that we were not to be trusted with the prisoner." Most of this communication to Baltimore, though, concerned Captain Allen, who, according to the council was becoming a serious threat to order, "not only continuing in his former rudeness, but increasing daily in his openly declared malice to this province . . . terrifying and disturbing all masters of ships and traders here, lording it over them in a most unsufferable manner." If something were not done about Allen, trade would cease, and "the government here [would be] rendered ridiculous and ineffectual." Allen

had even gone so far as to attempt to appoint a royal surveyor to take Rousby's place.³⁶

Months passed and Talbot remained at large. Effingham, for one, was not surprised. Indeed, he "rather wonder[ed that Talbot] was kept so long. He had a guard of two men every night, and one in the day, besides he was sufficient ironed, but he corrupted his guards and others[sic] persons in the house." Effingham had questioned them "and found great suspicion, though no positive proof against them." He had ordered them imprisoned also, but "they are since likewise escaped."³⁷ Rumors circulated in Maryland too about Talbot's escape. One Roger Skreen, whose name was given to the council by Christopher Rousby's brother John, described a voyage to Virginia with Madam Talbot and several others, during the course of which Madam Talbot visited Gloucester County, where her husband was held. An additional man, a stranger, came back with them to Maryland.³⁸ Other persons involved in this excursion were questioned, and one man reported that Skreen told him that Talbot "would never come to a trial . . . he did know it, and neither man, woman nor child should know it, but those that knew it already."³⁹ On March 2, on information that Talbot "is now privately lodged and hath sheltered himself in some part of this province," the council issued an order to all officers and inhabitants "to use their utmost endeavor, skill, cunning and power" to find him.⁴⁰ Soon after this, Robert Kemble deposed that Talbot "hath been for the greatest part of the time since he made his escape, in his own house" in Cecil County and "does by the assistance of his confederates keep watch and ward at the places and avenues leading to his house." The council issued search orders in the area Kemble described, but he was not found.⁴¹ The following month, the sheriff of Cecil County was reminded of these orders, as his "delays" in carrying them out "give cause of suspicion that he holds correspondence" with Talbot.⁴²

By this time some saw the Maryland government's apparent inability to find Talbot fairly ludicrous. In late April, Effingham wrote to Digges and Darnall reminding them that "it's now near ten weeks" since the fugitive's escape and to note his surprise at such "slow proceedings" in a matter that so closely concerned the king's honor and authority.⁴³ Not only had Rousby's murder insulted royal authority, the council's utter failure to capture the man responsible placed them, and the proprietor, in an extremely unfavorable light.

Royal customs official and Maryland inhabitant Nehemiah Blakiston, who had backed Allen in his refusal to surrender Talbot the day after the murder, voiced suspicions similar to Effingham's in an April 1685 letter to the customs commissioners. He also complained that members of the council had slandered Allen and interfered with his ability to execute his duties. Blakiston, much as Nicholas Badcock had done in 1681, warned the customs commissioners that the king's authority was in serious jeopardy in Maryland and that the "bad usage" meted out to royal officials must be stopped. Revenues had dropped and smug-

gling had increased dramatically. Sewall, Darnall, and others encouraged masters of ships caught with illegal cargos to submit to them rather than Blakiston or Captain Allen, and then arranged trials rigged in their favor. Blakiston asked for "a few lines by the first opportunity that I may know his majesty's royal pleasure for reducing the disorders and remedy of the smarting grievances of his loyal subjects trading to and living in this province."⁴⁴

At the end of April, soon after Blakiston wrote this letter, Talbot surrendered to the Maryland authorities, forcing a second custody battle with Effingham. Once again Virginia prevailed.⁴⁵ By royal command, Talbot stood trial in Virginia by a special court of oyer and terminer and was found guilty. He admitted to the murder, although he maintained that Rousby's death had been an unfortunate accident and not committed by design.⁴⁶ He received a stay of execution until the king and Privy Council could send further instructions. In 1686, two-and-a-half years after Rousby's death Talbot received a royal pardon that lessened his sentence to banishment. He died of fever the following year.⁴⁷

Calvert's Defense

Meanwhile, Calvert had to defend himself against Blakiston's charges to the customs commissioners. In a letter to the London authorities, the proprietor insisted that Talbot's escape from the Gloucester County prison in Virginia had been "occasioned by the corruption of the guard and not procured by any persons of Maryland." Here he referenced a letter from Effingham in which the governor noted that the guards had been bribed, although this letter did not excuse any and all Marylanders from culpability. As for the long lapse between Talbot's escape and his capture, Calvert went on, the Maryland authorities had made every effort to find him and the fugitive "never was publicly seem at his own plantation." He was now "under a strong guard to be disposed of as his majesty shall think fit." Blakiston's complaints of "being discountenanced in the execution of his place," proved similarly false. He had never been hindered or harassed as he alleged. Digges's and Sewall's appointments as interim crown collectors did stand as legitimate as "both of them [were] persons of good repute and estates," who would undoubtedly enforce the law and provide full accounts of their activities.

Baltimore here took the same *ad hominem* approach with Blakiston as he had with Rousby in 1681. The reason Blakiston complained of the proprietor's officers defrauding customs lay in the fact that he had siphoned off the money to pay off his own substantial debts, according to Calvert.⁴⁸ Like Rousby, Blakiston had less than clean hands. Captain John Estes, of the ship *Providence* of Deale, had accused him of taking a bribe to clear a ship, but the precise circumstances were unclear and he was not prosecuted.⁴⁹

The Privy Council considered Blakiston's letter and Baltimore's response at

several meetings during July and August 1685.⁵⁰ On August 10, the colonial governors received royal instructions requiring them to familiarize themselves with all relevant legislation, and explained in detail what obedience to the laws entailed. Two articles of the instructions were inserted specifically for Maryland. The first noted that since counterfeit bonds and certificates, as well as forged cocketts, had been used in Maryland, a list of all bonds, certificates, and cocketts that had been or would be presented or received in Maryland between Michaelmas 1679 and Michaelmas 1685 must be sent to the customs commissioners in England. The second instruction ordered that those the proprietor had appointed after Rousby's death, to collect royal revenues, must cease immediately and give a full account of all their actions. Additionally, Calvert had to ensure that "they do not hereafter presume to collect our duties or otherwise to concern themselves therein" without explicit orders from the customs commissioners.⁵¹

Blakiston's long and tedious tango with the proprietor and council over his allegations of customs fraud continued for several years. Members of the council harassed him over his April letter to the commissioners and demanded that he prove the charges or withdraw them. Blakiston feared legal chicanery, and insisted that he had done nothing "criminous" and if he had, he wanted to be told of it immediately.⁵² The council, unable to prosecute him or work him into denying the contents of the letter, resolved to write to Baltimore to tell him of the continuing difficulties with this collector, "humbly beseeching of his lordship to consider of some way to compel the said Blakiston to make good his charge against this government or else reasonably and justly to acquit them from the same, and make such satisfaction as may reasonably be required of him."⁵³ In the end, Blakiston let the matter drop.

The trouble here for the council rested in the fact that Blakiston had written a complaint to the customs commissioners, and those same officials would then address and attempt to resolve the problem. If Blakiston's complaint seemed valid, the customs commissioners, not the Maryland council, would inform him and then remove him from his job if necessary. Blakiston's letter, however, had reflected badly on the Maryland council, and they wanted the matter settled. If members complained to the customs commission and demanded that he prove his charges, the situation would likely backfire—and legal proceedings were not an option. Since a letter of complaint from Blakiston about the Maryland council was the beginning of a series of official proceedings, not an offence against the law, there was no way, legally, the council in Maryland could prosecute him. They had to wait, while damaging statements circulated neither confirmed nor denied. Thus they sent their request to Calvert asking that he find a way to force Blakiston to prove his charges to them, rather than the customs commissioners, or apologize. Two channels of administration or authority worked simultaneously, one proceeding from the king through the treasury, customs officials, and Blakiston, and

the other passing from the king through the charter to Lord Baltimore and his council. Neither channel of power had much influence on the other. This, of course, was the same problem Calvert faced when he attempted to control the administration of customs collection in his colony.

Conclusion

The murder of Christopher Rousby lay at the center of a tangle of problems that affected Calvert's regime and colonial administrators in London. First, there was the problem of tax evasion in Maryland. Smuggling occurred, and it is fairly clear that some members of the colonial government profited. Both Badcock and Blakiston complained, much to the annoyance of Lord Baltimore. Second, as Calvert's irritation with crown officials' complaints suggests, the problem of proprietary authority and patronage versus royal authority demanded resolution. In a certain sense, the two were the same. The Crown had granted Calvert's charter, the source from which the authority of the customs commissioners also derived. By the 1680s, however, an increasingly streamlined and regularized colonial administration in Whitehall often ran up against the privileges of proprietors such as Lord Baltimore, and difficulty ensued.⁵⁴ Both Rousby's death and the evasions of the navigation law provided further evidence to the Lords of Trade and customs commissioners that proprietary colonies could interfere with efficient tax collection and, more generally, with the proper acknowledgement of the king's authority. Captain Allen certainly believed this, and got into several scuffles with the Maryland authorities as a result. Effingham probably did as well, and it is significant that Allen's comment after Rousby's murder that Virginia and Maryland would soon be one royal colony was followed a few years later by a letter from Effingham to the Privy Council suggesting that should Maryland become a royal colony, he would be happy to take on the governorship.⁵⁵

This muddle of overlapping authorities reveals much about the workings of the English overseas empire in the 1680s. Despite efforts to streamline tax collection and impose some sort of administrative uniformity on the American colonies, many parts of the empire remained essentially private estates. The ambiguous relation between these estates and the metropolitan administration was often contested. At bottom, the questions turned on the nature of power and authority in the colonies. When Charles I had granted the Calverts a charter, what sort of transfer of power had occurred? Charles Calvert, Third Lord Baltimore, assumed that all authority in Maryland was or ought to be mediated through him, to whom the king had delegated royal authority in the colony via the charter. He expected royal officials to defer to his wishes and regarded complaints to outside authorities as a kind of insubordination. Officials such as Rousby, Blakiston, Badcock, and Allen, in contrast, expected the Maryland proprietor to acknowl-

edge their authority, which also derived from the king, and duly obey the law. Calvert had a charter, but the authority that charter provided was not absolute. There might well be men in Maryland who were bound to the proprietor by neither patronage ties nor official subordination. As the career and eventually the death of Christopher Rousby indicate, this argument was given a cool reception at best by the proprietor and his government. George Talbot might have rid his cousin of Rousby, but the questions Rousby, Badcock, and Blakiston raised about the nature and limits of proprietary authority in Maryland remained unsettled.

NOTES

In the following, spelling and punctuation have been modernized. Dates are Old Style. CO references indicate the Colonial Office papers at the National Archives in Kew, Richmond, Surrey, U.K. The term "British" as used in this paper refers to inhabitants of England, Scotland, Wales, and Ireland.

1. CO 1/56/90.
2. CO 1/56/90, encl. 1.
3. CO 1/56/90, between encls. 3 and 4.
4. William Hand Brown, et al., editors, *Archives of Maryland* (Baltimore: Maryland Historical Society, 1883–1972), 17: 300, 304–305 (hereinafter cited *Arch.Md.*).
5. Matthew Page Andrews, *The Founding of Maryland* (Baltimore; New York: Williams & Wilkins; Appleton-Century, 1933), 297–99.
6. Lois Carr and David W. Jordan, *Maryland's Revolution of Government, 1689–1692* (Ithaca: Cornell University Press, 1974), 147, 152–53, 177, 201; David W. Jordan, *Foundations of Representative Government in Maryland, 1632–1715* (Cambridge, UK: Cambridge University Press, 1987), 130–31; David W. Jordan, "Maryland's Privy Council," in *Law, Society, and Politics in Early Maryland: Proceedings of the First Conference on Maryland History, June 14–15, 1974*, ed. Lois Carr, Aubrey C. Land, and Edward C. Papenfuse, *Studies in Maryland History and Culture* (Baltimore: Johns Hopkins University Press, 1974), 75; Aubrey C. Land, *Colonial Maryland, a History* (Millwood, NY: KTO Press, 1981), 85–86; David S. Lovejoy, *The Glorious Revolution in America* (New York: Harper & Row, 1972), 94–96; J. M. Sosin, *English America and the Restoration Monarchy of Charles II: Transatlantic Politics, Commerce and Kinship* (Lincoln, Neb.: University of Nebraska Press, 1980), 229, 300; Richard Walsh and William Lloyd Fox, eds., *Maryland: A History, 1632–1974* (Baltimore: Maryland Historical Society, 1974), 24; Robert J. Brugger, *Maryland A Middle Temperament, 1634–1980* (Baltimore: The Johns Hopkins University Press, 1984), 39. The most recent monograph on the Lords Balti-

more and Maryland in the seventeenth century does not refer to Rousby at all. See John Krugler, *English and Catholic: The Lords Baltimore in the Seventeenth Century* (Baltimore: Johns Hopkins University Press, 2004).

7. Jordan, *Foundations of Representative Government in Maryland*, 95–96, 130–31.

8. The first of the Navigation Acts, the aim of which was to funnel all colonial trade through English or British ports, thus increasing English shipping business and crown revenue from customs and cutting out foreign competition, was passed in the 1650s, but most were enacted between 1660 and 1680. Enforcement of the navigation laws, particularly the 1673 Plantations Duty Act which required, under a specific set of circumstances, payment of a penny per pound on enumerated commodities—tobacco, sugar, indigo, and other colonial staples—in the colony where the shipment originated rather than in England, required crown customs collectors even in privately run proprietary colonies like Maryland.

9. The Bishop of Durham clause of the Maryland patent provided the proprietor with the broad and loosely defined powers of the medieval bishops of the county of Durham in England. The bishops had been delegated great authority so that they could coordinate defense against the Scots. Before the sixteenth century, Durham was almost a foreign country. Legal proceedings were carried out in the bishop's name rather than the king's, and the bishop mediated any contact between the king and English inhabitants in that region. See Francis Mullin, "The Palatine Dream," *Catholic Historical Review*, 21 (1935): 177–89; Tim Thornton, "The Palatinate of the Durham and the Maryland Charter," *American Journal of Legal History*, 45 (2001): 235–55. Records indicate that Rousby initially obtained his office through Baltimore's patronage. Why Baltimore was originally willing to help Rousby, and why the relation between the two men changed so abruptly and completely is unknown. See *Arch. Md.*, 5: 274.

10. Massachusetts, for example, after a running battle with the crown during the 1660s and 1670s, had its charter revoked in 1684. *Ibid.*, 15: 227–31.

11. J. P. Kenyon, *The Popish Plot* (London: Heinemann, 1972), 82.

12. The case appears again in the records in June 1683, but Addison and Cordea evidently dropped it either then or when Rousby died the following year. *Arch. Md.*, 70: 19–26, 405, 407, 443 and 69: 172–77.

13. CO 5/723, 66–71; *Arch. Md.*, 5: 274–76.

14. CO 1/47/3 and CO 1/47/4; *Ibid.*, 278.

15. CO 1/46/150; *Ibid.*, 276–78.

16. CO 1/47/4; *Ibid.*, 278–80.

17. CO 1/47/110, encls. 1, 2, 9.

18. CO 1/47/110, encl. 1; *Arch. Md.*, 5: 286–95.

19. CO 1/47/110, encl. 2.

20. CO 1/47/100; *Arch. Md.*, 5: 302–304.

21. CO 1/47/110 and 1/47/107; *Ibid.*, 308.

22. *Ibid.*, 305–306.

23. *Ibid.*, 304.

24. *Ibid.*, 304–305.

25. *Ibid.*, 305–306.

26. CO 1/48/72; CO 1/48/89 and encls.; *Ibid.*, 357–61, 363–68.

27. CO 1/56/90, encl. 1.

28. *Arch. Md.* 17: 298–300.

29. *Ibid.*, 333–34.

30. CO 1/56/90, encl. 4; CO 5/1405, 208–209; CO 1/56/139.

31. CO 1/56/90, encl; *Arch. Md.*, 17: 324.

32. *Ibid.*, 326–28.
33. *Ibid.*, 300–301.
34. *Ibid.*, 386–87, 306, 307.
35. *Ibid.*, 340–41.
36. *Ibid.*, 341–43.
37. CO 5/723, 104–105.
38. *Arch. Md.*, 17: 344–45.
39. *Ibid.*, 345–46, 370.
40. *Ibid.*, 347–48.
41. *Ibid.*, 355–58.
42. The sheriff later asked the council's pardon and was forgiven. *Ibid.*, 364, 381–82.
43. *Ibid.*, 371–73.
44. CO 1/57/92; *Ibid.*, 5: 436–39.
45. *Ibid.*, 17: 373–75, 377, 378, 385–86, 391–92; CO 5/1405, 213–14; CO 5/1356, 331–32.
46. *Ibid.*, 475–80. CO 1/59/55; CO 1/59/133, and encl; CO 391/5, 183–87, CO 5/1357, 57.
47. CO 1/59/75; CO 391/5, 285–90; CO 1/59/133 and encl.; CO 5/1357, 85–86 ; Lovejoy, *The Glorious Revolution in America*, 95; *Arch Md.*, 17:480–83.
48. CO 1/58/12; *Arch. Md.*, 5: 439–41; see also CO 1/57/105 and *Arch. Md.*, 5: 441–42.
49. *Arch. Md.*, 17: 382–83.
50. CO 1/57/44; *Ibid.*, 454; *Arch. Md.*, 5: 439–41, 445, 442–43, 446.
51. *Arch. Md.*, 17: 392–98, 5: 446–52.
52. *Arch. Md.*, 17: 449–57.
53. *Ibid.*, 5: 484–85.
54. It is worthwhile to note that William Penn's charter for Pennsylvania, granted in the early 1680s in payment of a crown debt to his father, gave Penn substantially less sweeping powers than those set out in the charter Baltimore's father and grandfather had secured in the 1630s.
55. CO 1/61/71.

A Geographic History of Maryland Shipbuilding, 1631–1850

Ben Ford

Shipbuilding thrived within Maryland's boundaries before the colony's official founding and continues to be a substantial industry in the region to this day. At one time or another shipbuilders constructed vessels on almost every major waterway within the state, yet no systematic study has been made of shipyard locations and the factors that led shipbuilders to choose particular sites. Similarly, with the exception of the Steward Shipyard, the Lambdin Shipyard, a few yards situated in Baltimore, and the Chesapeake & Ohio Canal terminus at Cumberland, the precise locations of shipyards have remained elusive.¹ This article focuses on ship, rather than boat, construction during the period of wooden, sail-powered vessels (pre-1850) and the factors that determined shipyard location.

Records of land transactions, the Baltimore City directories, and other primary documents helped indicate tracts that likely held shipyards and provided material for the geographic information system (GIS) database utilized in this study. A total of 181 known shipyards operated between 1631 and 1850 and, of these, ninety-five offered enough information for inclusion in the geographic analyses. These results, together with temporal analyses utilizing the entire sample of 181 yards, are presented here from general to specific. This paper proceeds from a holistic discussion of Maryland shipyards, through comparative analyses of various regions, to investigations of individual shipyards. In all cases, statistical and descriptive results are linked to cultural, historical, or environmental explanations.

History of Maryland Shipbuilding

The dates for all of the shipyards were tabulated in order to create a timeline for the shipyard sample and compare it to the chronology that historians have developed. Three dates for each shipyard were drawn from this table: early decade, flourish decade, and late decade (figure 1). The early decade was the decade in which the shipyard was founded, and the late decade was when the shipyard founded, while the flourish decade represents the median decade that the shipyard

The author is a doctoral candidate in the Nautical Archaeology Program at Texas A&M University.

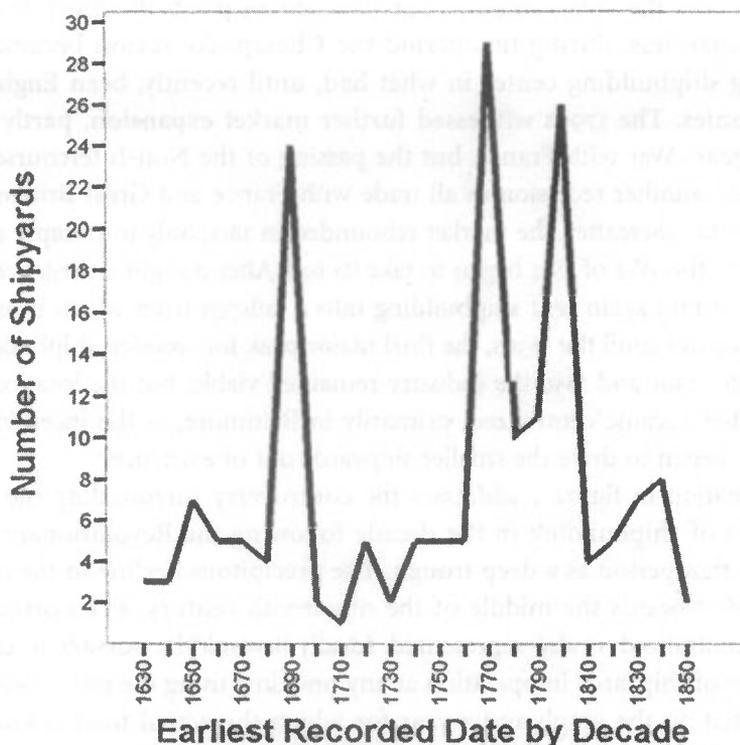


Figure 1. Temporal trends in the earliest recorded operation dates of Maryland shipyards.

was in operation, adjusted for any relevant information regarding that particular yard. In all three cases, decades were used instead of individual dates as they offer less-cluttered results. All three graphs corroborate the historical record surprisingly well, but the graph drawn from the earliest recorded date grouped by decade seem to offer the tightest fit.

To summarize briefly, the accepted history of shipbuilding in Maryland is as follows. Beginning in the late seventeenth and early eighteenth centuries, Maryland shipbuilding saw its first expansion, followed by a collapse in 1708 during Queen Anne's War. Shipbuilding regained a foothold in 1713 only to suffer another recession in the 1720s and 1730s. The year 1748 stands as a benchmark in Maryland shipbuilding as the industry produced more vessels than those brought in from other regions. In that year, the percentage of New England ships registered at Annapolis fell from 80 percent to 30 percent. Due to a collapse in the grain market, however, Maryland shipwrights suffered another recession between 1766 and 1768. The American Revolution saw a dramatic increase in domestic shipbuilding, not only to support the war effort but because merchants could no longer depend on British ships to transport their wares. The period following the Revolution is contested terrain among scholars. Ernest McNeill Eller and Arthur Pierce Middleton believe that the shipbuilding boom begun during the Revolu-

tion continued after the Treaty of Paris, but Toni Ahrens posits that the 1780s saw a recession. Regardless, during this period the Chesapeake region became the second leading shipbuilding center in what had, until recently, been England's American colonies. The 1790s witnessed further market expansion, partly as a result of the Quasi-War with France, but the passing of the Non-Intercourse Act (1808) prompted another recession as all trade with France and Great Britain was suspended. Quickly thereafter, the market rebounded in 1811, only to collapse again two years later as the War of 1812 began to take its toll. After a slight resurgence, the financial scare of 1819 again sent shipbuilding into a tailspin from which most regions did not recover until the 1830s, the final major peak for wooden shipbuilding. Between the late 1830s and 1850 the industry remained viable, but the locations in which it operated became centralized, primarily in Baltimore, as the inception of iron and steam began to drive the smaller shipyards out of existence.²

The information in figure 1 addresses the controversy surrounding the economic fortunes of shipbuilding in the decade following the Revolutionary War and represents that period as a deep trough. The precipitous decline in the number of shipyards towards the middle of the nineteenth century, as construction became more centralized, is also represented. Ideally it would be possible to calculate the number of shipyards in operation at any one time using the ratios between dates represented on the graph and a year for which the actual total is known. Unfortunately, although the graphs represent trends well, it is likely that some of the peaks are exaggerated. The years of the Revolution and the transition from the seventeenth to the eighteenth century were undoubtedly times of increased shipbuilding, yet the numbers, relative to other periods, may have been inflated. The popularity of the first period and its expanded coverage in the secondary historical literature leads to a better than average knowledge of the shipwrights of that time. Additionally, a sheriff's report of all identified shipbuilders exists for the second time span. Yet it seems that not even these periods represent a total accounting of all the shipbuilders in operation at that time. For instance, figure 1 shows approximately thirty shipbuilders working in the colony in 1775, but Arthur Pierce Middleton puts the number closer to sixty-eight at the beginning of the American Revolution.³

Regardless of this fault, the temporal analysis is a source of new information. Little has been written regarding the history of shipbuilding prior to the eighteenth century, and no known source reports an expansion of the market during that period. However, a marked increase in shipbuilding between 1645 and 1660 is indicated in figure 1. This period was a time of population and economic growth through immigration and relatively uninterrupted trade. Furthermore, it is possible that indigenous shipbuilding sprang up to facilitate the exportation of tobacco. The 1650 peak roughly corresponds with the initial surge in tobacco mania and its decline in 1660 matches the onset of the recession that reached its apex at

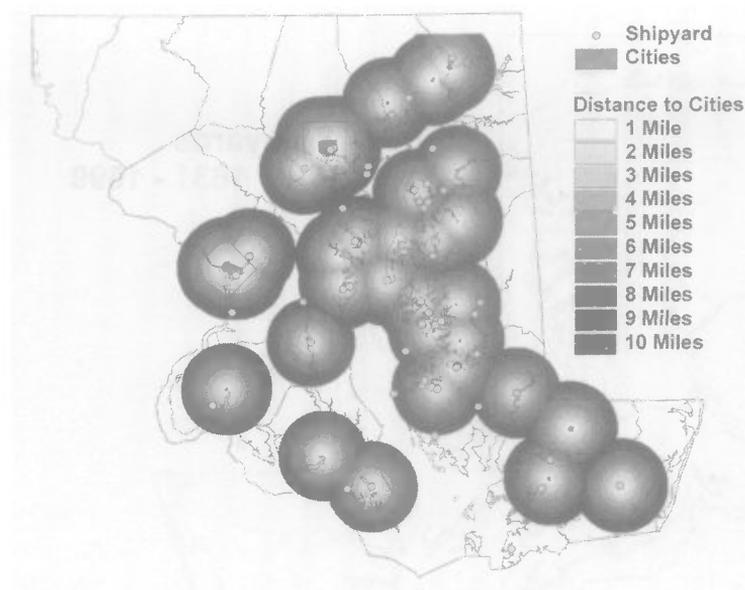


Figure 2. The proximity of shipyards to Maryland towns.

the beginning of the seventeenth century. Additionally, the 1650 peak begins around the start of the English Civil War, which cut off trade to the colonies and would have necessitated colonial shipbuilding for trade with the West Indies.

Geographic Distribution of Maryland Shipbuilding

Moving then from temporal to geographic analyses, there is the matter of the proximity of shipyards to urban centers (figure 2). It behooved shipbuilders to locate their yards near towns in order that their primary clients, merchants, could easily visit the site. Lorena S. Walsh has demonstrated that, until at least the end of the eighteenth century, the maximum effective radius of a community network was five miles, a convenient distance for face-to-face contact.⁴ Based on that hypothesis, it seems reasonable to expect shipbuilders to locate their yards within five miles of a town center. In fact, of the ninety-five shipbuilders in the sample, a full seventy-five (79 percent) operated within five miles of a town, and all but two (2 percent) of the shipyards lay within ten miles. Somewhat surprisingly fifty (53 percent) shipyards operated within the boundaries of urban centers. Slightly better than half of the shipbuilders opted for lands that likely cost more to purchase or lease and were removed from immediate stores of timber in order to be readily accessible to their clients and labor force. Those shipyards located in urban centers tended to cluster along specific parts of the shoreline and form shipbuilding districts. Examples of these districts can be seen at Fells Point in Baltimore and along the St. Michael's waterfront. These clusters were both a concession to the

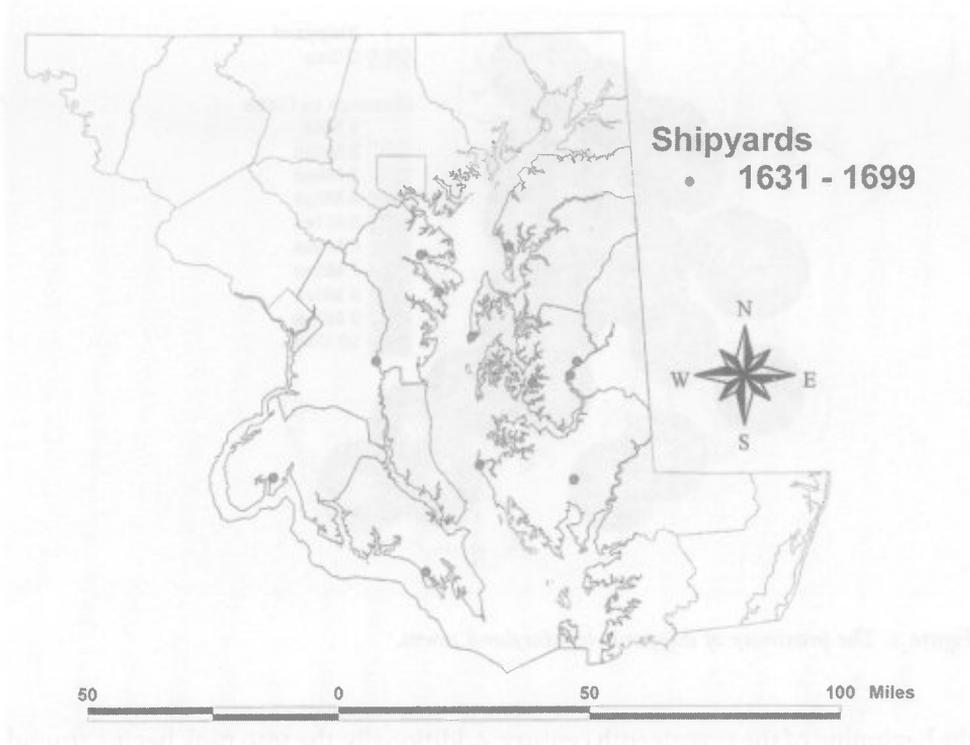


Figure 3. Location of known shipyards, 1631–1699.

natural environment and the result of a decision on the part of shipbuilders to make their yards more convenient to suppliers, prospective clients, and the labor force. For example, Fells Point developed during the late eighteenth century as a result of possessing an excellent harbor, capital and commercial connections from Baltimore, a pool of available skilled labor, and the timely increase in demand for vessels due to the American Revolution and the Quasi-War with France.⁵ During this period, shipbuilding became more of an urban occupation than has been previously believed.

The other gross spatial analysis conducted on the shipyards involved their proximity to one another. This analysis also segues into the comparison of the Eastern Shore to the remainder of the state. In order to compare proximity throughout the entire period of study, the identified yards are divided into five periods, based on their earliest recorded date. The results offer a clear description of the geographic development of Maryland shipbuilding.

The first period included all of the shipyards in existence prior to the first major expansion of the market in 1700 (figure 3). These yards reflect the pattern described by Middleton, in which shipyards tended to be widely dispersed, the majority at least eighteen miles apart.⁶ The exception to this pattern was the small cluster of yards in Queen Anne's County on the Eastern Shore. Generally more

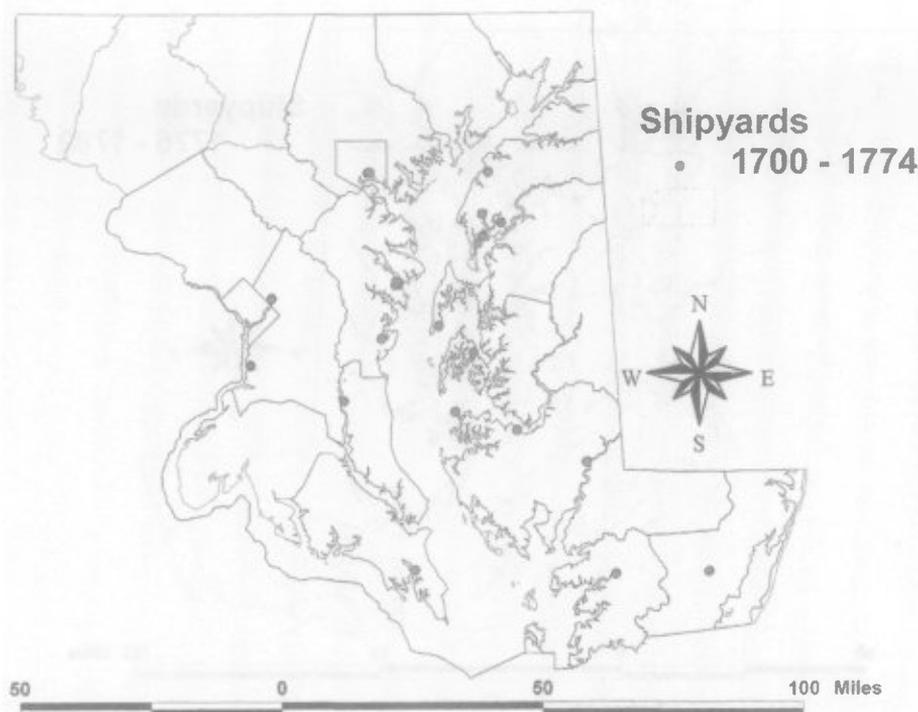


Figure 4. Location of known shipyards, 1700–1774.

developed in terms of shipbuilding, this area supported seven shipbuilding centers as compared to five in the rest of the colony. Shipbuilding outside of the Eastern Shore centered in the southern part of the state. The upper reaches of the Chesapeake Bay remained empty. This was likely due to the fact that the upper bay had not yet been substantially settled.

Over the next three quarters of a century this pattern changed (figure 4). For the period of 1700 through 1774, the shipyards expanded northward as Europeans colonized the periphery of the bay and the population spread westward. Although the shipbuilding industry extended into these regions, the major centers of shipbuilding remained primarily on the Chesapeake, particularly on the Eastern Shore. That region boasted eleven shipbuilding clusters during this period, many of which were in Kent County, compared to seven such centers in the rest of the state.

The next period, the years of the American Revolution, initiated a drastic shift in the distribution of shipyards (figure 5), tightly clustered in the northern portion of the bay, primarily on its western shore. This may have been in part a defensive measure, an attempt by shipbuilders to put as much distance as possible between themselves and the attacking British entering the mouth of the bay. These fears gained a measure of credibility when the British sought out and burned the Stephen Steward shipyard located south of Annapolis. Baltimore yards, particu-

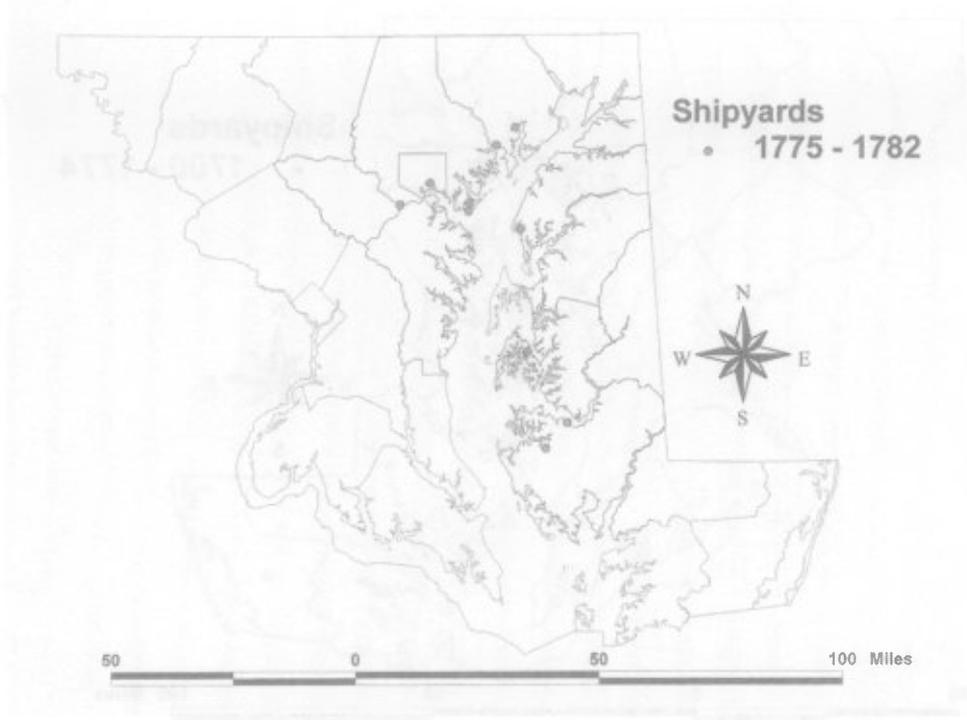


Figure 5. Location of known shipyards, 1775–1782.

larly those situated on Fells Point, expanded during this period with increased demand for privateers, naval vessels, and other ships, and, after the 1779 British destruction of the Gosport shipyard (Portsmouth, Virginia), the influx of new craftsmen.⁷ Additionally, the Eastern Shore may have temporarily lost its dominance over the shipbuilding market as it only boasted four shipbuilding clusters as compared to five for the rest of Maryland.

The period from 1783 to 1813 was the beginning of a golden age of wooden ship construction (figure 6). This was the period of the Baltimore clipper when Maryland shipbuilding gained international recognition and fame. The final surge before the collapse of wooden shipbuilding was indicated by the massive clustering of shipyards along the Eastern Shore. That area clearly won back the market after the Revolution and contained three times as many shipbuilding centers as the remainder of the state. Yet a harbinger of the next period lay in the large number of shipyards operating in Baltimore (hard to discern due to the scale of figure 6).

The final period, from 1814 until 1850, was the period during which shipbuilding became centralized (figure 7). Although figure 7 gives the impression that shipbuilding had come full circle and returned to the same pattern of a few dispersed yards, the opposite was in fact true. More shipyards clustered in Baltimore (more specifically, along what is now Key Highway at the foot of Federal Hill)

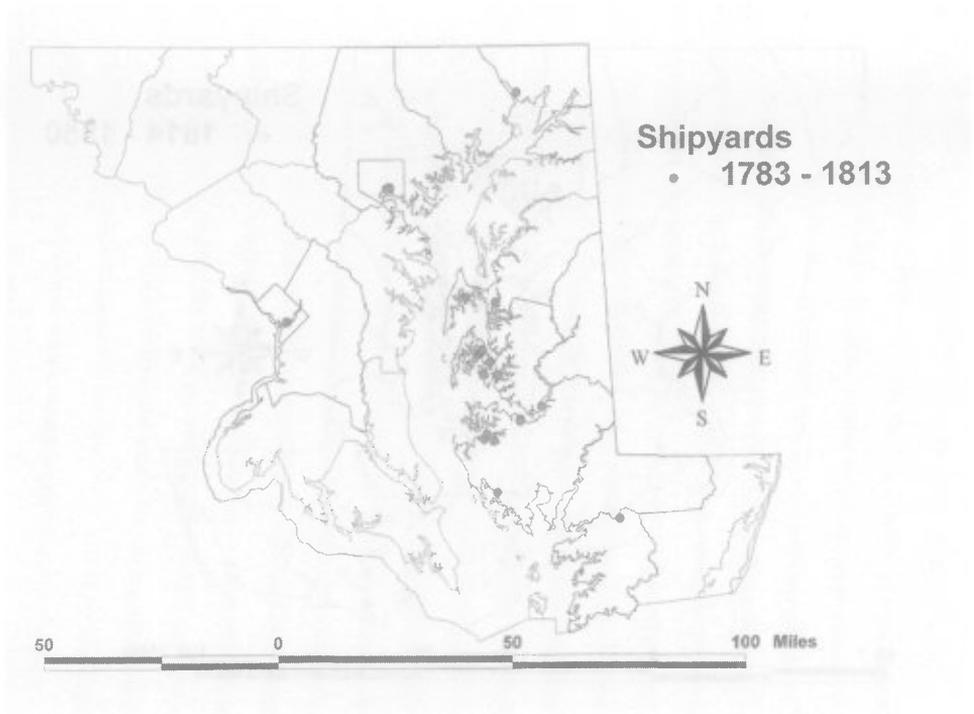


Figure 6. Location of known shipyards, 1783–1813.

than existed in all other areas of the state combined. Significantly, the shipyards in Baltimore were primarily founded late in the period, indicating that they likely had many years of production ahead of them. Productivity in the state's remaining shipyards, founded early in this period, declined by 1850 as it became increasingly difficult and expensive to muster the required materials. From this time forward, Baltimore was the undisputed center of Maryland shipbuilding.

Distribution of Shipbuilding Centers

Maryland shipbuilding can be effectively divided into two regions, the Eastern Shore and the western portion of the state south and east of the fall line. With a few exceptions, those shipyards operated at the northern extreme of the bay. This distinction parses the shipyards into two categories, those on the east side of the bay and those on the west. Based on the previous analysis, in which the Eastern Shore dominated the market for three of the five periods, it would seem that the vast majority of shipbuilding took place in that region, yet this is not the case. The region did support more shipyards than the western part of the state, but not by an overwhelming amount. In this sample, seventy-eight shipyards (46 percent) were located to the west of the bay and ninety-three (54 percent) operated to the

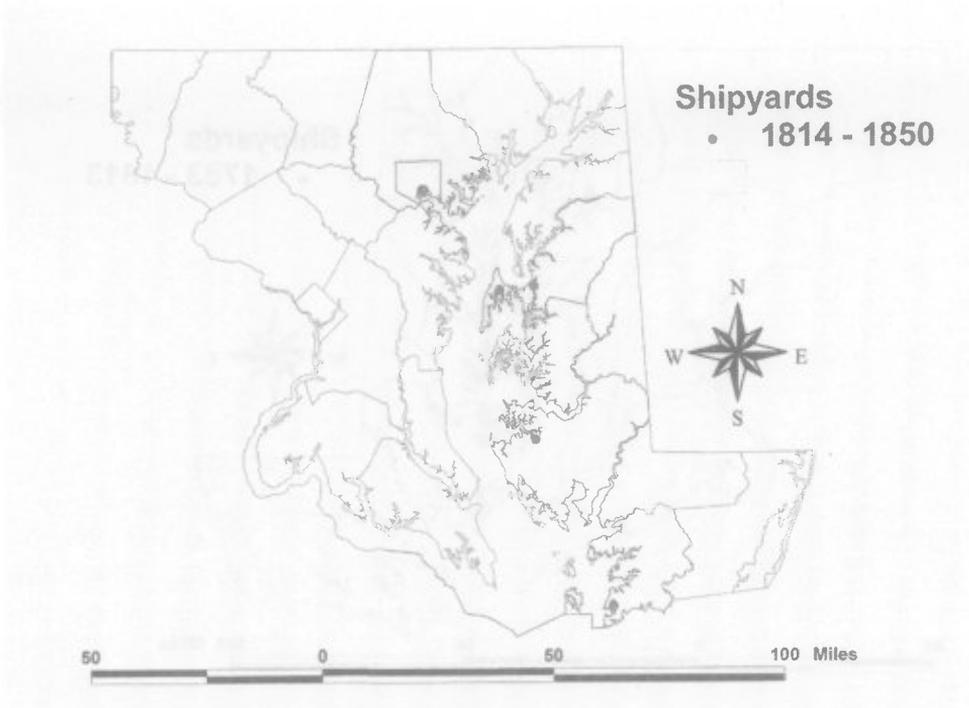


Figure 7. Location of known shipyards, 1814–1850.

east. Baltimore's role as a major shipping hub and the substantial number of shipyards (twenty-five) located there significantly increased the number of yards on the western shore.

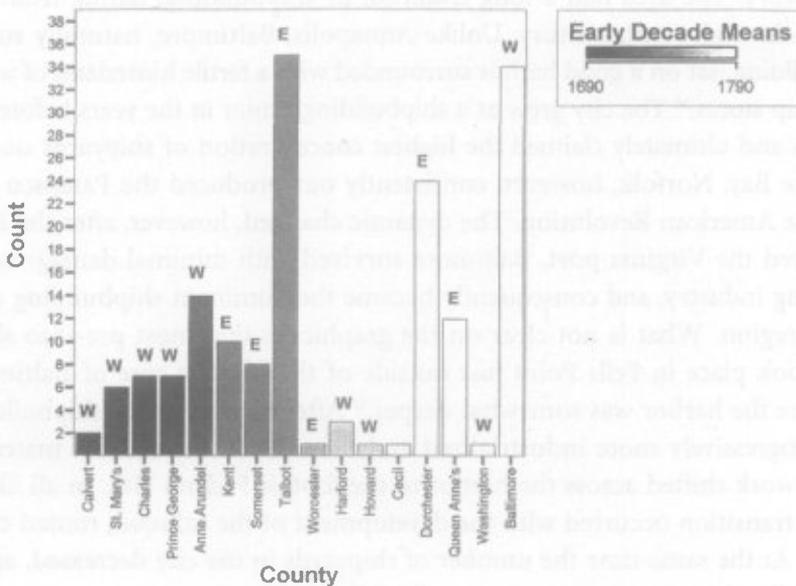
Tracing the fluctuations from shore to shore clarifies the relationship between the Eastern Shore and the rest of Maryland (figure 8). The mean dates for the shipyards in each county show that early in Maryland's history the vast majority of the shipyards were clustered in the southwestern portion of the state, logical as colonists first settled this area. The industry grew on the Eastern Shore for much of the eighteenth century although building slumps allowed northern and western counties to briefly pull ahead. Although the sample is small, the results indicate that the Eastern Shore regained its dominance by the second half of the century. Lastly, the west, Baltimore County in particular, surpassed the east at the end of the period of study, representative of the shift to large, centralized, iron shipbuilding in major cities.

From this discussion of the temporal variance in the shores it is appropriate to proceed to a specific discussion of Maryland's shipbuilding counties. Initially, much of the shipbuilding took place along the Potomac and the state's southern waters.⁸ By the late seventeenth century, however, shipbuilders were present in Annapolis, Anne Arundel County. The city became a shipbuilding center as a

result of being the seat of government, not through an abundance of naval stores, timber stands, or a deep harbor.⁹ In fact, an act of the legislature was required to initiate shipbuilding in the capital. A 1695 act declared that one or more places in Annapolis “be laid out and reserved as ship-yards.”¹⁰ Nevertheless, the town grew into a respectable shipbuilding center with multiple yards, rope walks, and ship chandlers. Until its decline after the middle of the eighteenth century, Annapolis vied with Norfolk, Virginia, as the dominant port on the Chesapeake.¹¹

Talbot County experienced two shipbuilding peaks that conflate into one on the graph (figure 8). The county’s first rise corresponded to, and possibly preceded, that of Annapolis. In 1697–1698, with eleven yards in operation, Talbot County led the colony in shipbuilding and dominated the market. Despite the efforts of merchants and politicians to concentrate Talbot County shipbuilding in Oxford and other towns, the yards were widely distributed, unlike Annapolis where the industry thrived around a single town.¹² This diffuse industrial pattern typified the region during this era. Shipyards, like settlements, spread along the coast. After this initial surge, Talbot County maintained a strong shipbuilding presence through the middle of the eighteenth century. Between 1690 and 1759 fifty shipbuilders and associated craftsmen (forty-two ship carpenters, four caulkers, two sail makers, and two block makers) worked in the county, accounting for 6 percent of the artisan population.¹³ Rising from this strong base, Talbot County

Figure 8. Number of shipyards, grouped by county and arranged chronologically.



saw its second period of flourishing just prior to the turn of the nineteenth century at which time the majority of shipbuilding was centralized in St. Michael's. This was a short-lived boom as building declined across the state with the War of 1812. Talbot County never recovered, primarily because it was deforested by 1820 as a result of agriculture, lumbering for fuel and construction, shipbuilding, and other industries.¹⁴

Deforestation limited production in Dorchester County as well, yet the community continued to grow, and by the nineteenth century shipbuilding was a respectable component of the county's economy. Similar to the early period in Talbot County, shipbuilding in Dorchester was dispersed throughout the county. Yet, in the decades immediately before and after the turn of the nineteenth century, there was a shipbuilding center in the town of Cambridge.¹⁵

The patterns seen in Dorchester and Talbot Counties reveal an interesting trend in Maryland shipbuilding. The transition from multiple small, dispersed yards to relatively few larger yards in a single location was not abrupt, but rather occurred over time. Builders continued to produce wooden, sail-driven ships as they centralized their businesses, an indicator that the ages-old craft was growing into a modern industry. The shipyards of St. Michael's and Cambridge, although never as large as the ones in Baltimore a few decades later, also required large amounts of supplies and skilled laborers and began to centralize in those areas where these essentials were readily available. Consequently, the advent of iron and steam in shipbuilding simply accentuated a trend that had begun decades earlier.

Baltimore, the ultimate beneficiary of centralization, did not spring fully formed from the womb of Chesapeake shipbuilding at the beginning of the nineteenth century. The area had a long tradition of shipbuilding, dating from the middle of the eighteenth century. Unlike Annapolis, Baltimore, naturally suited for shipbuilding, sat on a good harbor surrounded with a fertile hinterland of white oak and ship stores.¹⁶ The city grew as a shipbuilding center in the years before the Revolution and ultimately claimed the highest concentration of shipyards on the Chesapeake Bay. Norfolk, however, consistently out-produced the Patapsco city prior to the American Revolution. The dynamic changed, however, after the British destroyed the Virginia port. Baltimore survived with minimal damage to its shipbuilding industry, and consequently became the dominant shipbuilding center in the region. What is not clear on the graphics is that most pre-1820 shipbuilding took place in Fells Point just outside of the historic core of Baltimore Town where the harbor was somewhat deeper.¹⁷ After about 1820, as shipbuilding became progressively more industrialized and the need to import raw materials increased, work shifted across the harbor to the foot of Federal Hill. In all likelihood, this transition occurred with the development of the railroad, routed close to the hill. At the same time the number of shipyards in the city decreased, again as shipbuilding became ever more centralized.¹⁸

Although the above discussion identifies the highest density areas of Maryland shipbuilding, some consideration should be given to those regions where shipyards are conspicuously absent. The most noticeable of these areas is Calvert County, with its Chesapeake Bay margin oddly vacant, primarily due to the natural setting.¹⁹ Very few rivers bisect the shoreline, and cliffs tower above much of the coast offering no natural harbors to provide shelter from storms.²⁰ Calvert County did not have large port cities to attract merchants and subsequently shipbuilders. Furthermore, tobacco grows well in the counties west of the Bay and unlike the Eastern Shore, where shipbuilding and other crafts arose out of necessity, the counties of southwestern Maryland may have been able to sustain their economies with tobacco agriculture alone.²¹

Characteristics of Shipyards

The remainder of the analysis is at the site level for the purpose of examining the reasons investors chose specific sites. Yet prior to continuing the discussion of geography and the environment, some attention should be paid to the shipyard owners. Joseph Goldenberg argues that merchants such as Charles Carroll, Samuel Galloway, and Patrick Creagh paid unusually close attention to their shipbuilding interests, as builders and as yard owners, and were exceptional as most merchants avoided active involvement in shipbuilding—an often unstable and unprofitable industry. Yet of the forty-four shipyard owners who had an identifying title attached to their name, eight (18 percent) were listed as either merchants or gentlemen. Consequently, there seems to have been a sizable population of Maryland shipyard owners who were also merchants.

Regardless of their title, all of these shipbuilders would have been engaged in constructing similar vessels and as such had similar needs in choosing a location. The literature on shipbuilding is peppered with references to the importance of a site's characteristics to the success of a shipyard.²² Few of the sources, however, cite specific criteria as to what made one site better than another, and none of them attempt to quantify the characteristics of a superior shipyard location.

First, the slope of the land was of critical importance in transporting the vessel to the water in a safe and efficient manner. Too steep a slope would have resulted in a premature and often fatal launching of the vessel, sending it sliding, unexpectedly, down the launching ways perhaps crushing any hapless workman caught in its path. Conversely, not enough slope required a substantial effort on the part of the builders to motivate the vessel from terra firma to its proper home on the waves. Both secondary and primary sources indicate the importance of the angle of the landscape, but few state explicitly what that angle should have been.²³ The following analysis offers one possible answer.

The average slope for the shipyards measured (N=53) ranged from one to

forty-three degrees, yet a number of outlier averages skewed the sample to the higher end. By excluding the three highest values, all those greater than twenty-five degrees, a mean slope of eight degrees was obtained with a standard deviation of five. Further limiting the sample so that a larger group of outliers, six slopes of twenty degrees or greater, were excluded, yielded a mean of seven degrees with a standard deviation of four. Consequently, the majority of the shipyards have slopes today of between three and eleven degrees. This range corresponds well with the few recorded historical slopes of 2.3 to 3.5 degrees for eighteenth-century French launching ways and four to fifteen degrees for similar sites in the classical Mediterranean.²⁴ This range also includes the only archaeologically recorded slope of a launching way in Maryland. The Stephen Steward Shipyard reported a slope of three to four degrees for its launching ways. The Steward Shipyard utilized side launching ways, rather than a bow-first launch, and this may be the reason it figured on the low end of the range.²⁵ Future archaeological investigations of both bow and side launch shipyards will be necessary to test that theory.

The next site-specific analysis involved amount of protection from weather and waves. Goldenberg mentions that shipbuilders favored bays and the mouths of rivers, but no examples are provided to elucidate the nature of these sites. The study conducted here found that 67 percent (64) of the shipyards under consideration were located in areas that were well protected but not exceptionally limited in their ability to host large vessels. Only 16 percent (15) of the sites were less protected, and 17 percent (16) more protected. In order to further understand the relationship between protection and the ability of the shipbuilder to construct large vessels, the width of the channel was statistically analyzed in relation to its degree of protection.²⁶ These results demonstrated that channel width and degree of protection are inextricably linked with greater protection correlating with a narrower channel, which supports the idea that the more protected a site was the more limited it was in its ability to produce large ocean-going vessels. Thus, it would seem that shipwrights carefully weighed the pros and cons of a site in terms of its protection from storms and its flexibility in terms of vessel construction. Based on these calculations the majority of shipbuilders arrived at a similar conclusion that is still evident today.

The final set of analyses center around the soil characteristics of the shipyard sites. Specifically, they focus on the ability of those soils to support oak trees, tobacco, and construction, as identified by the United States Department of Agriculture. Three separate hypotheses are at work here. First, it is believed that shipwrights would have sought out naturally stable soils on which to construct their vessels. Even with the assistance of building ways to distribute the weight, a ship is a massive piece of construction, and just as with building a house, settling and sinking would have been a concern. Secondly, in order to construct these vessels, copious amounts of oak would have been necessary, specifically 2,000 trees worth

for a third-rate British war vessel, or 1,200 board feet of 1¼ inch planks for a barge.²⁷ Shipbuilders likely placed their yards within or near existing stands of oak. Soils data were used to investigate the presence of oak because Maryland was deforested before accurate accounts of the locations of trees were recorded. Finally, in response to the fact that tobacco was king in the early Chesapeake, shipwrights may have made a conscious effort to avoid soils suitable for tobacco agriculture. These lands could have been employed much more lucratively than building ships.

A total of sixty-nine shipyards were included in the soil analysis. For these yards, 32 percent (by acreage) of the soils within their boundaries had high construction values, while 5.2 percent had high tobacco values, and 39.5 percent were judged to be beneficial for the growth of oak. These numbers are in comparison to the values for all of the soils in the thirteen counties that contained shipyards (Baltimore City County was excluded because its urban environment affects the soil characteristics). On average, 37.3 percent of the soils in the 13 shipbuilding counties are beneficial for construction, and 33.9 percent are good for oak growth. There are two values for good tobacco soils because not all of the counties contained data on tobacco. The percentage of tobacco soils in all thirteen counties is 10.9 percent, while it is 17.7 percent if only the counties with data on tobacco growth are considered.

No statistical test was required to investigate the relationship between the construction potentials of the shipyard soils and the county soils, as the shipyards had fewer soils with positive construction values than the counties as a whole. Thus, it would seem that the ability of the soil to naturally support construction was not a concern to the shipbuilders of the colonial and early republic eras. This fact may have been due to their ability to lay a foundation of paving stones or wooden posts beneath the ways, in order to help distribute the vessel's weight and provide a steady base on which to build.²⁸

The interpretation of the tobacco results depends on the interpretation of the soils reports. If the absence of soils data is taken to be just missing data, to which no reasoning can be attached, then it is almost certain that early shipbuilders gave prime tobacco lands a wide berth.²⁹ However, if the absence of soils data is interpreted to indicate that little or no suitable tobacco lands are present in that particular county, then it is likely, but not certain, that shipbuilders were intentionally avoiding tobacco lands. Conservatism, and a close reading of the soils books points toward the latter interpretation. Regardless, these results are a good indication that tobacco not only influenced the trend of shipbuilding recession and expansion, but the very location of shipyards. For instance, the leadership of the Eastern Shore in early Maryland shipbuilding was likely a result of that region's inability to support tobacco agriculture.

The most surprising results were those of the one-sample *t*-test performed on

the oak soils. Various scholars have made the point that the primary factor for shipyard locations was the availability of timber.³⁰ However, the difference between the soils under the shipyard sites and in the counties as a whole was only significant at roughly the 65 percent confidence level ($t = -.95$, $df = 68$). In other words, it is not particularly likely that shipwrights chose locations because they included stands of oak within their boundaries.

This result warranted further analysis, due to the fact that it diverged significantly from what would have been expected based on the historical record. None of the previous studies stated that shipyards contained stands of white oak within their boundaries, or even in contiguous lots, but only that suitable timber was available nearby. Thus, the soils of the four counties in the study area for which there was GIS soils data were analyzed to measure the distance between each shipyard and soils that possibly contained oak in the past. All of the forty-six shipyards included in this sample were located within 0.7 mile of land suitable for growing oak. Furthermore, 15.5 (34 percent) of the sites were located within 0.1 mile of oak soils. Therefore, although shipbuilders did not necessarily choose sites that contained stands of oak they always chose sites where oak was locally available. The proximity of sites to oak, however, is at best a mediocre factor for predicting the locations of yet unidentified shipyards because a large amount of the study area is within 0.7 mile of oak soils. Consequently, it is as likely that the results of the proximity study are as much a result of Maryland being a superior region for oak growth as it is representative of a conscious decision on the part of the shipwright.

Conclusion

In summary, shipyards of the pre-iron and steam period tended to be located either in towns or in close proximity (i.e. within five miles) to them and on tracts of land with slopes generally ranging from three to eleven degrees. Furthermore, the majority of shipwrights carefully selected the location of their yard so that it provided good protection from the wind and waves that commonly swept the bay, without limiting the size of the vessel they could produce due to a narrow channel. Additionally, it appears that shipbuilders consciously avoided taking up valuable tobacco land with their trade but did not fret over having oak or a spot naturally suited for construction on their property, assuming that they could alter the land to suit their needs and import timber from nearby at minimal expense.

NOTES

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1. For a discussion of the Steward Shipyard see Bruce Thompson, *A Preliminary Report of Archaeological Investigations at the Stephen Steward Shipyard Site, 18AN817* (Crownsville: Maryland Historical Trust, 1993). For a discussion of the Lambdin Shipyard see Peter Leshner, "Apprenticeships and the Shipbuilding Trade: Robert Lambdin of St. Michaels," *The Weather Gauge* 37 (2001). For a discussion of the shipyards in Baltimore see N. G. Ruckert, *The Fells Point Story* (Baltimore: Bodine and Associates, 1976), N.G. Ruckert, *Federal Hill* (Baltimore: Bodine and Associates, 1980), and Lawrence A. Peskin, "Fells Point: Baltimore's Pre-Industrial Suburb," *Maryland Historical Magazine* 97(2002): 153–173.
2. Lois Green Carr, "Diversification in the Chesapeake: Somerset County Maryland, in Comparative Perspective," in *Colonial Chesapeake Society*, eds. L. G. Carr, P. D. Morgan, and J. B. Russo (Chapel Hill: The University of North Carolina, 1988) discusses the late seventeenth- and early eighteenth-century expansion. Arthur P. Middleton, *Tobacco Coast: A Maritime History of Chesapeake Bay in the Colonial Era* (Baltimore: Johns Hopkins University Press, 1984) discusses the late seventeenth and early eighteenth century expansion, the 1708 collapse, the 1766–1768 collapse, the 1790s expansion, and the Chesapeake's role as the second leading shipbuilding center in North America. J. A. Goldenberg, *Shipbuilding in Colonial America* (Charlottesville: University of Virginia Press, 1976) discusses the 1713 expansion and the fact that 1748 was a benchmark year for Chesapeake shipbuilding. The 1720 to 1730 collapse is discussed in Bruce F. Thompson and John L. Seidel, *Field Procedures for the Twenty-Third Annual Field Session in Maryland Archaeology: The Stephen Steward Shipyard (18AN817)* (Crownsville: Maryland Historical Trust, Office of Archaeology, 1993). The disagreement over the level of post Revolutionary War shipbuilding is drawn from E.M. Eller, "Chesapeake Bay in the American Revolution," in *Chesapeake Bay in the American Revolution*, ed. E.M. Eller (Centreville: Tidewater Publishers, 1981); Arthur P. Middleton, "Ships and Shipbuilding in the Chesapeake Bay and Tributaries," in *Chesapeake Bay in the American Revolution*, ed. E.M. Eller (Centreville: Tidewater Publishers, 1981); and A. Ahrens, *Design Makes a Difference: Shipbuilding in Baltimore 1795–1835* (Bowie: Heritage Books, 1998). Ahrens, *Design Makes a Difference*, also discusses the 1808 collapse, the 1811 expansion, and the 1813 expansion. Finally, the 1819 collapse and the subsequent 1830 expansion are discussed in M. V. Brewington, *Chesapeake Bay: A Pictorial Maritime History* (Cambridge: Cornell Maritime Press, 1953) and Robert J. Brugger, *Maryland, A Middle Temperament* (Baltimore: Johns Hopkins University Press, 1988). Ben Ford, "Wooden Shipbuilding in Maryland Prior to the Mid Nineteenth Century," *American Neptune* 62(2002): 69–90, summarizes much of the preceding information in a longer format than is provided here.
3. Middleton, "Ships and Shipbuilding."
4. Lorena S. Walsh, "Community Networks in the Early Chesapeake," in *Colonial Chesapeake Society*, eds. L. G. Carr, P.D. Morgan, and J. B. Russo (Chapel Hill: The University of North Carolina, 1988). The use of the term "town" here closely follows that of Joseph Thomas Jr., "One Hundred Lots Make It a Town: Four Surveys of Early Oxford," *Maryland Historical Magazine* 94(1999): 173–191. While plantation landings and other small transportation nodes were important in early Maryland shipping, towns became increasingly significant after the mid-eighteenth century.

5. Brugger, *Maryland*; Sherry Olson, *Baltimore, The Building of an American City* (Baltimore: Johns Hopkins University Press, 1997); and Peskin, "Fells Point."
6. Middleton, *Tobacco Coast* and "Ships and Shipbuilding."
7. See Thompson, *Stephen Steward Shipyard Site*, regarding the destruction of the Steward Shipyard and Peskin, "Fells Point," regarding the destruction of the Gosport Shipyard.
8. Fredrick Tilp, *This Was Potomac River* (Alexandria: Fredrick Tilp, 1978).
9. Middleton, *Tobacco Coast*; Robert J. Winklareth, *Naval Shipbuilders of the World From the Age of Sail to the Present Day* (London: Chatham Publishing, 2000); and S. E. G. Chappelle, J. H. Baker, D. R. Esslinger, W. H. Ridgeway, J. B. Russo, C. B. Shulz, and G. A. Stiverson, *Maryland: A History of its People* (Baltimore: John Hopkins University Press, 1986).
10. Quoted in E. S. Riley, *The Ancient City: A History of Annapolis, in Maryland* (Annapolis: Record Printing Office, 1887), 63. A shipyard was also mandated for Oxford at this time according to Thomas "One Hundred Lots."
11. Middleton, *Tobacco Coast*.
12. D. J. Preston, *Talbot County: A History* (Centreville: Tidewater Publishers, 1983); Peter Leshner, "Oxford's Shipyard: Benson and Bateman," *The Weather Gauge* 33 (1997): 13–18; and Thomas, "One Hundred Lots."
13. J. B. Russo, "Self-sufficiency and Local Exchange: Free Craftsmen in the Rural Chesapeake Economy," in *Colonial Chesapeake Society*, eds. L. G. Carr, P. D. Morgan, and J. B. Russo (Chapel Hill: The University of North Carolina Press, 1988).
14. Brugger, *Maryland*, 159; and Preston, *Talbot County*. Ben Ford, "Down by the Water's Edge: Modeling Shipyard Locations in Maryland, USA," *International Journal of Nautical Archaeology* 36(2007): 125–137, discusses what remains of the Cambridge and other shipyards.
15. This environmental decline effectively put an end to all shipbuilding in the county. However, the region still supports a strong small-craft building population, specializing in oyster boats and pleasure craft. See Calvin W. Mowbray, *The Dorchester County Fact Book* (Calvin W. Mowbray, 1980) and C. W. Mowbray and M. D. Rimpo, *Closeups of Early Dorchester County History* (Cambridge: Dorchester County Historical Society, Dorchester County Public Library, no date).
16. Chappelle et al., *Maryland*.
17. Today, the shipyards that operated along the Key Highway in the mid-nineteenth century lie underneath the Bethlehem Steel shipbuilding facilities. See Middleton, *Tobacco Coast*, and "Ships and Shipbuilding."
18. City directories list occupations, among them "ship builder." It is, however, difficult to determine whether these men owned yards or simply worked on building ships, as indicated by Peskin, "Fells Point." The hypothesis that many of these men worked in but did not own shipyards is supported by the inland location of many of their addresses. Consequently, individuals identified only in the city directory were not used in the geographic sample. Yet the vast majority of the real estate along both Fells Point and the foot of Federal Hill is represented in the geographic sample. The excluded yards, therefore, limited only the total counts and not the geographic areas. Some mention, nonetheless, should be made of these shipbuilders. Between 1812 and 1815 there were at least two "ship carpenters" at Fells Point not included in this sample and a minimum of ten additional shipbuilders at the foot of Federal Hill between 1773 and 1850. Peskin, "Fells Point," 262, lists 200 Fells Point heads of households as directly involved in shipbuilding in 1796. Additionally, there were six individuals listed as either "shipwright" or "shipbuilder" in the 1804 Baltimore City Directory that were mentioned in no other text. Interestingly, the addresses given for all of these individuals placed them under what is now Oriole Park at Camden Yards. With all of these individuals, especially those listed only in

the city directory, it is hard to discern if they owned their own shipyard or were simply employed at one of the yards already listed in the sample. William Parsons is listed in the 1812 Baltimore City Directory, on file at the Maryland State Archives (hereinafter cited MSA), M2856-73. Andrew Flannagan is listed in the 1814–1815 Baltimore City Directory, MSA, M2856-74. Joseph Degles, Levi Regin, Charles Nash, William Parson, and Ezekiel Stokes are listed in the 1804 Baltimore City Directory, MSA, M2856-69. The others are mentioned in Ruckert, *Federal Hill*.

19. Based on personal communication from Paul Berry, Librarian, Calvert Marine Museum, Solomons Island (2000).
20. Based on personal communication from Michael Humphries, Chief, Museum Division, Recreation and Parks, St. Mary's County (2001).
21. Brugger, *Maryland*, 63.
22. Brewington, *Chesapeake Bay*; Goldenberg, *Shipbuilding*; P. H. Spectre and D. Larkin, *Wooden Ship* (Boston: Houghton Mifflin Company, 1991); and D. J. Souza and S. M. Peters, "Shipyard Archaeology," in *Encyclopedia of Underwater and Maritime Archaeology*, ed. J. P. Delgado (London: Yale University Press, 1997).
23. Goldenberg, *Shipbuilding*, and Westcott Abell, *The Shipwright's Trade* (New York: Conway Maritime Press, 1981).
24. Richard Barker, *Cradles of Navigation: Launching Ships in the Age of Discoveries, VIII International Reunion for Nautical Science and Hydrography* (Viana do Castelo, 1994); and Sean McGrail, "The Interpretation of Archaeological Evidence for Maritime Structures," in *Studies in Maritime Archaeology*, ed. S. McGrail (Oxford: BAR, 1997).
25. Thompson, *Stephen Steward Shipyard Site*.
26. A Kruskal-Wallis test (performed using Statistical Package for the Social Sciences (SPSS)), used to compare the width of the channels by their degree of protection, showed that there is a very significant difference between at least two of the variables ($\chi^2 = 23.144$, $df = 3$, $p < .01$). To further substantiate these findings, a one-tailed Spearman's rho test was performed to measure the correlation between channel width and degree of protection. The result was a nonparametric correlation of -0.485 ($N = 95$, $p < .01$). Thompson, *Stephen Steward Shipyard Site*, offers further insights.
27. Spectre and Larkin, *Wooden Ship*; and Middleton, "Ships and Shipbuilding."
28. Abell, *Shipwrights Trade*; and Christian Lemée, *The Renaissance Shipwrecks of Christianhavn* (Roskilde: Viking Ship Museum, 2006).
29. The difference between the ability of the shipyard soils and the county soils to support tobacco agriculture was investigated using a one-sample t -test. When compared only to the counties for which there were tobacco data, the results were significant at the 0.5 significance level ($t = 4.68$, $df = 68$), meaning that there is a nineteen in twenty chance that shipbuilders were actively avoiding good tobacco lands. When compared to all thirteen counties, the results are even more significant ($t = 2.13$, $df = 68$, $p < 0.01$).
30. Brewington, *Chesapeake Bay*; Goldenberg, *Shipbuilding*; Middleton, *Tobacco Coast*; Spectre and Larkin, *Wooden Ship*; and Souza and Peters, "Shipyard Archaeology."

“This Horrible Place”: Dr. Mudd’s Prison Years in the Dry Tortugas

Joseph George Jr.

The military commission that heard the case of the alleged conspirators in Lincoln’s assassination found Dr. Samuel A. Mudd, one of the eight defendants, guilty of involvement and sentenced him to life in prison. Four others were condemned to the gallows, a fate Mudd avoided by one vote. Five of the nine army officers sitting on that commission judged him guilty, one short of the number required for the death penalty. Joseph Holt, judge advocate at the conspiracy trial, later informed General Thomas Ewing Jr., one of Mudd’s counsel, that Ewing’s able defense had saved his client’s life.¹ Dr. Mudd, according to contemporary press accounts, belonged to one of the oldest families in Maryland, one whose estate along the Potomac River dated to a grant from the colonial proprietor, Lord Baltimore. Mudd was born in 1833 in the old family mansion, son of a wealthy planter who owned more than a hundred slaves. Young Mudd graduated from Georgetown College in the District of Columbia and then studied “medicine and surgery” at Baltimore Medical College, receiving his medical degree in 1856. He married his childhood sweetheart, Sarah Frances Dyer, the following year and in 1859 moved into his own home where he concentrated on his medical practice, his farm, and his growing family. When war came in 1861, Mudd’s sympathies, like those of many of his neighbors, were with the South.²

That military commission cited above tried Mudd and his seven codefendants in the spring of 1865 for “maliciously, unlawfully, and traitorously” conspiring with John Wilkes Booth, John H. Surratt, Jefferson Davis, and others to murder President Abraham Lincoln and other high officials of the federal government. This alleged conspiracy had begun on or before March 6, 1865, and culminated in Lincoln’s death on April 15 of that year. According to the indictment, Mudd did “advise, encourage, receive, entertain, harbor, and conceal, aid and assist” Booth and the others in the assassination plan and then in attempting to escape from justice after the murder. The commission found Mudd guilty of the charge, but not guilty in regard to conspiring with Edman Spangler, one of the accused, and sentenced him “to be imprisoned at hard labor for life.”³

Joseph George Jr. is Professor Emeritus of American History at Villanova University. He has written extensively on the conspirators involved in the assassination of President Abraham Lincoln. See, for example, “The Trials of John H. Surratt,” MdHM, 99 (2004): 17–49.



Samuel Mudd (1833–1883) at Fort Jefferson, 1866. (courtesy, Library of Congress.)

On July 16, 1865, Washington's *Evening Star* reported that the four prisoners scheduled to serve their terms of incarceration at Fort Jefferson in the Dry Tortugas were still in Washington. The paper noted that they were in good spirits, relieved that they had escaped the gallows. Two of them, Michael O'Laughlen and Samuel B. Arnold, reiterated what they had previously stated, that they had been involved in the plot to kidnap the president but knew nothing of the conspiracy to murder him. Spangler, the only one not receiving a life term—his was a six-year sentence—was described as cheerful and “talking and joking when allowed with every one passing near him.” Mudd seemed to be “in good spirits,” relieved that he had escaped execution and acknowledged that the testimony concerning his meeting with Booth in Washington several months before the assassination was accurate.⁴

The press later reported conversations that prisoners held with army officers assigned to guard them while en route to Fort Jefferson. Brigadier General Levi S. Dodd reported to the War Department on his return to Washington that O'Laughlen and Arnold repeated their claim that they were involved in the abduction plot but knew nothing of assassination plans. Dodd also stated that Mudd acknowledged to him and others that he had recognized Booth when he came to his house on the morning after the assassination, seeking relief from pain caused by a broken leg. Mudd admitted again that he had met Booth earlier in Washington.⁵

Judge Advocate General Joseph Holt asked Captain George W. Dutton, who was in immediate charge of the guard overseeing the prisoners en route to Fort

Jefferson, if reports of Mudd's confession were true. Dutton, whose duties required him to be constantly with the prisoners on their voyage to the Dry Tortugas, replied affirmatively. Mudd "confessed that he knew Booth when he came to his house with Herold," but feared to say so, believing "that his own and the lives of his family would be endangered thereby." Mudd also conceded that he had known Booth for some time and that the testimony of Louis J. Weichmann at the conspiracy trial concerning Mudd's meeting with Booth and John H. Surratt at the National Hotel, in January 1865, was correct. The War Department also released Dutton's statement to the public.⁶ When he learned of newspaper reports of his alleged confession, Mudd stated bluntly in a letter to his wife that he had made "no such admission or confession."⁷ But he may have been protesting too much. The War Department released these references to Mudd's confession, and Judge Holt apparently had few scruples in selecting which "evidence" supported the government's position against the doctor and his fellow prisoners.⁸

Prison Life

When the officers assigned to deliver the co-conspirators returned to Washington, they reported in the press that Arnold had been assigned prison duty as a clerk and that O'Laughlen would likely be doing similar work. Spangler went to work as a carpenter, his occupation by trade, and Mudd served as a hospital surgeon. The news of Mudd's assignment as doctor bothered Secretary of War Edwin M. Stanton who ordered Major General Philip H. Sheridan, Commander of the Military Division of the Gulf, to look into the matter. Stanton complained that such press reports, if accurate, bestowed "honorable employment" to "one of Mr. Lincoln's assassins." He directed that Sheridan "ascertain the facts and have him [Mudd] treated as a felon and murderer."⁹

Stanton need not have troubled himself. An item appearing in the press less than a month following his complaint to Sheridan stated that Mudd did not work as an assistant surgeon. Rather, the surgeon ordered him to report to the ward master "for duty as [a] nurse," replacing one "whose sentence has expired." Mudd confirmed this in a letter to his wife of August 24, in which he stated, "I am now in the hospital," he wrote, "with little or no labor to perform." When his wife appealed to the War Department for permission to correspond with her husband and to send him articles of clothing and money, Stanton asked Holt for comment. Holt replied that he had no objection to such correspondence, subject to the usual restrictions, but demurred as to the sending of money and clothing. Such articles, sent from home, "might be applied to improper uses." Regardless of Holt's misgivings, prisoners at Fort Jefferson did receive money that then went into the custody of the camp commander. As Mudd once explained to his brother-in-law, prisoners could draw up to three dollars per month from this account.¹⁰

As the commanding officer of the fort when Mudd first arrived there later

described them, these seven small islands were merely the tops of coral reefs, the largest of which was about ten acres in area. They all rose "but a few feet above the surface of the ocean," are barren, and lacking in fresh water—hence the name "Dry Tortugas." (Tortuga is the Spanish word for turtle.) Sunken reefs surrounding these islands provide a few narrow channels, but ships avoided approaching them by night. The government had begun constructing Fort Jefferson on Garden Key, because the Tortugas lie close to busy sea lanes. By 1865, construction had not been completed, but the fort now operated as a military prison. About 250 soldiers guarded some four hundred prisoners who rarely gained permission to receive visitors. The fort was well isolated.¹¹

The relative tranquility of Mudd's stay at Fort Jefferson ended when he tried to flee. On October 6, 1865, the *New York Tribune* reported that Mudd had "recently attempted to escape, but was captured and then put to hard labor wheeling sand." Three days later the *Tribune* published a more detailed account of the incident. An unnamed special correspondent of the paper, reporting from Fort Jefferson on September 25, stated that "today," while a steamer was lying at the wharf waiting to transport north the 161st New York Volunteers, whose term was about to expire, Mudd attempted to escape on that ship with the aid of a crew member. "Taking advantage of the confusion of moving baggage, stores, &c.," Mudd walked on board and concealed himself "in the coal bunkers of the steamer." The "storekeeper of the port" reported that Mudd had boarded the ship, gone below, but "had not come up again." Three senior army officers at the fort, joined by a corporal and five soldiers, "went searching for the vile conspirator." One of the officers first discovered Mudd "by running his saber under an old box in the coal-bunker, and the cold steel coming in contact with the latter end of Dr. Mudd made him cry out." As he was being taken off the ship, he said something about "being in hard luck." "Two colored sentinels in his rear," however, "urged the gentleman forward without any further remarks." This report concluded that "the Doctor is now enjoying the dungeon and a brand new pair of bracelets for both wrists and ankles."¹² On October 11, the *Tribune* published additional details obtained from an officer on board the steamer. Prisoners at Fort Jefferson enjoyed the liberty of the island except on the day of a vessel's departure. At night they were expected to sleep within the fort. But Mudd slept in a shed outside the fort on the eve of his attempt to flee from the island. The next morning he boarded the steamer and "disappeared into the lowest deck," asking a fireman to find a particular member of the crew who had agreed to come to his aid. "That was the last that was seen of him." When Mudd was missed at the fort, an officer and a squad were sent to search for him on the vessel. On the ship's bottom lay a platform resting on two cross beams. The officer thrust his sword under one side, and a soldier did the same under the opposite side with a bayonet. Mudd's "roar of pain" indicated that "both sword and bayonet had reached their mark." Returned to the fort, Mudd

had “thumb screws . . . applied to him.” This method of torture yielded the name of crewman Henry Kelly who had aided in his escape attempt—“on the promise of receiving Mudd’s gold watch.” After Kelly was arrested, a hastily assembled court martial found him guilty and sentenced him to six years imprisonment at hard labor in the Tortugas.¹³

The War Department paid close attention to these press reports. The Secretary of War ordered the commanding officer at Key West to “give personal and immediate attention” to the Mudd affair. Washington directed the officer in charge at Fort Jefferson to keep the four state prisoners—Arnold, Mudd, O’Laughlen, and Spangler—under strict restraints and limits outside Fort Jefferson “as shall make abortive any attempt at escape or rescue.” Mudd’s escape effort demonstrated that affairs at the Dry Tortugas “evidently require correction.” The department sent General Sheridan a telegram directing him to arrange for an “immediate investigation of the affair,” and to report “who is to blame.”¹⁴

A week later Sheridan received another War Department order concerning the newspaper account that Mudd had been subject to torture and that thumb screws had been applied to him. Secretary Stanton directed, according to this telegram, that the incident be investigated and that “if true the guilty officer . . . be brought to trial.” What such an investigation revealed is unknown. Mudd never mentioned this manner of torture. On October 1, Mudd admitted in a letter to his brother-in-law that Kelly had promised to hide him aboard the steamer, and added, “I was necessitated to inform on him,” without explaining what he meant by the word “necessitated.” He added that he felt “much relieved” by the news of Kelly’s escape from the island a few days later.¹⁵

Kelly may have paid dearly for his willingness to assist Mudd. (It is not clear whether or not he ever received that gold watch.) Sometime between 3:00 a.m. and 6:00 a.m., on the morning of October 1, Kelly and another prisoner escaped from their cell, stole a boat that was in the process of being repaired, and escaped to a neighboring key, where they seized a more seaworthy vessel. A “very heavy gale” arose during the day, “and men here who had seen the boat that they went to sea in,” according to the commandant of the fort, agreed that it could not possibly have weathered that storm.¹⁶

As to the bayonet and/or sword thrusts we can only surmise that they were meant to irritate their victim, not to cause serious injury. They are neither mentioned in the official reports nor in Mudd’s description of his capture. Camp commandant Major George E. Wentworth explained that Mudd had managed “in some way,” to get outside the fort, board the ship, “and with the assistance rendered him by one of the crew, Kelly, secreted himself under some planks in the lower hold.” After a brief search, “he was found and I put him in irons and into one of the dungeons.”¹⁷

General Newton’s reply from Key West to the War Department sympathized



Florida, 1863. The Dry Tortugas, are shown on the lower left. (New York: A. J. Johnson, 1863.)

with Wentworth. Following the War Department's instructions, he investigated conditions at Fort Jefferson, and reported that the written instructions he left with the commanding officer should deter future attempts at escape. He noted that when first sent to the fort, the then commanding officer had assigned Mudd as a nurse, and "no difference was made between him and the other prisoners." When Major Wentworth arrived at the fort, he continued with the established system. The officer he relieved neglected to turn over the War Department's instructions concerning custody of the state prisoners, and those instructions could not be found in the files. Wentworth could not be held responsible for Mudd's escape attempt.

Newton also explained that the army routinely employed prisoners in loading and unloading vessels at the wharves located outside the fort. It wasn't difficult, therefore, with the help of a conniving crew member, for a prisoner "to secrete himself" on board ship. Fort authorities, however, had adopted the system of refusing clearance to any vessel until the prisoners had been "mustered, and every one accounted for." Thus they detected Mudd's absence and searched the ship. Newton imposed subsequent regulations during his investigation, among them disallowing "prisoners of State" to work outside the fort, a change that eliminated that mode of escape. Newton noted that Wentworth reported

“the loss of several prisoners who skipped away” in the ranks of the departing army unit, dressing in the uniforms of the departing soldiers, “evidently with the connivance of some of the men of the regiment,” as well as with the “carelessness of some of its officers.” Newton neglected to explain why the muster of prisoners that accounted for Mudd’s absence failed to detect the disappearance of these prisoners—who did escape on that ship. Instead, he praised Major Wentworth as a “careful and conscientious officer,” new at his job, but one who would “devote himself to the duties of his important position.” He ended his report with the note that one of Sheridan’s officers had accompanied him and made his own inspection and special examination of the prisoners.¹⁸

General John G. Foster of the Department of Florida sent Sheridan his account of Mudd’s attempted escape. Adding a few details to Newton’s report, Foster explained that in searching the ship for the missing Mudd, the guards in turn reached the lower hold. “Picking with their sabres between the joints of the planks,” they “struck Doctor Mudd in the leg, whereupon he came out. He was placed in irons.”¹⁹

Although put in irons, Wentworth did allow him to prepare a statement explaining his action and asking to be removed from the dungeon where they had placed him following his capture. He acknowledged to the major that he had acted from “impulse of the moment,” hopeful of seeing his wife and children. Kelly, he added, did not “secrete” him. And finally, he assured Major Wentworth that even before detection, he had decided to leave the ship before it departed “without being observed by the guards.”²⁰

In a letter to his attorney, Mudd claimed that he “was *persuaded* by a member of the crew” that he could board ship and leave the island when it sailed away. He therefore “went aboard, but being well known & without any disguise . . . was immediately recognized & put under arrest.” To his brother-in-law he said merely that he tried to escape but “was too well known and was apprehended five or ten minutes after being aboard the steamer.”²¹

In his letter to Ewing, Mudd specified what had induced him to flee. The 161st New York Volunteers were to be replaced by a regiment of black soldiers, who had arrived on the steamer scheduled to take the New Yorkers back to the mainland. Members of the New York regiment were “well acquainted with the Negro regiment,” and they contributed towards “inflaming” his “already prejudiced feelings.” They had warned him that once their regiment was withdrawn, “many of our former *privileges* [sic] *would be denied* & that *life would be very insecure*.” These apprehensions and the presumed degradation about to be visited upon this former slaveholder induced him to try to escape. Although he couldn’t complain about the usual punishment for his offense—placed in irons in a dungeon, it was nevertheless “goading and humiliating to be subjected to a negro guard.” He believed that if the incident could be “fully understood and appreciated,” honest and high-

minded men would give him "credit [rather] than blame" for his attempt to extricate himself "from this horrible place." Afraid that his life would be "insecure" under the control of black troops, Mudd commented to Arnold that "he was fearful that his life would be sacrificed under their rule."²²

Mudd's fear that his life would be in danger with black troops as his jailers is consistent with William P. Wood's report, published twenty years later, concerning another incident in the doctor's life. A close associate of Secretary of War Stanton, Wood had been ordered to assist in the search for the fleeing Booth in the days following Lincoln's assassination. He knew many prominent residents of southern Maryland whose statements pointed to Dr. Mudd as involved in treating the assassin's broken leg. Her husband already in custody, Sarah told Wood she felt "alarmed" for her husband's safety and "in terrible agony lest her home be destroyed and her children murdered by the excited negro soldiers." Through her urging, Wood learned that the doctor had set Booth's broken leg. The actor then attempted to cross the Potomac River in that area to reach Virginia. Wood got this important information by promising Mudd that instead of continuing in pursuit of Booth, he would remain at his home to protect the doctor's wife and children until Booth was captured. With the information he obtained from Mudd, which he passed on to Col. L. C. Baker, another Stanton associate directing troops seeking the assassin, Wood believed that Booth's fractured leg would make it impossible for him to remain at liberty and that he would be captured before very long.²³ In another instance of Mudd's fear of black troops, he now turned on Booth to save his family.

Wood's 1885 account is supported in a letter from Sarah Mudd's brother written June 13, 1866. Jere Dyer mentioned that while in Washington he had engaged in a long conversation with Wood on the subject of how best to obtain the doctor's freedom. Wood promised to give Dyer a letter he believed would be helpful. "He requested me to say to you," Dyer added, that "he had given you his word to do all for Sam in his power, and he never falsified his word."²⁴

According to Arnold, Mudd's three co-conspirators found themselves in the dungeon with him following the escape attempt, also with "shackles placed around [their] ankles." Mudd, ordered to "wheel sand" and clean bricks, wore chains around his legs until February 1866 when the army finally relieved all four prisoners of their fetters. Arnold, then employed as a clerk for the fort's commanding officer, explained that a communication from the War Department inquired if Mudd, as his wife reported, was "working in irons." If so, they were to be removed at once. The very night that message was received, the four men were relieved of their chains. Mrs. Mudd had written to President Johnson the previous December, complaining that by order of the War Department her husband and the others were "heavily ironed" and provided with food of the poorest quality. That letter most likely helped improve the treatment of these state prisoners. As Mudd described it just one week later, "we have been relieved of our chains and some interest [has been] manifested for our general well-being."²⁵

In his memoirs Arnold, who had served in the Confederate army, made an interesting comment concerning those black troops whose replacement of the New York regiment had prompted Mudd's rash attempt to escape. Writing of the cruel treatment prisoners received at the hands of the white officers of the 82nd Colored Infantry Battalion, Arnold commented that "we did not think it possible that worse men could be found upon the face of the earth." Although their replacements proved just as bad, the enlisted men, "both white and black . . . we were treated by them with the most grateful feelings."²⁶

Nevertheless, despite the removal of their chains, the four lived under minute scrutiny in harsh conditions. In August 1866, Mudd explained to his wife that they had been guarded "day and night since November last." They needed the guard's permission to leave their quarters, and sentries followed them everywhere they went. They alone were denied the "freedom of the island."²⁷

According to Arnold, the soldiers had chained them to one another on November 17, 1865, upon which they became known as "the chain gang at Dry Tortugas." Arnold did not endure this condition much beyond several weeks as he had gained appointment as clerk to the commanding officer on December 14. The others, however, suffered this indignity for more than a year. Mudd recalled in 1867 that they were "fed like brutes for more than fourteen months." Under close guard, day and night, they were allowed "no conversation with any one outside the room" when they returned to their dungeon after work. One positive change came with Mudd's transfer to the carpenter's shop in February 1867. He found it provided him "more exercise and a greater diversion to thoughts," and he spent his time making little boxes and "ornamenting them with different colors and varieties of wood."²⁸

But this easier routine did not last long. In a letter to his wife during that summer, Mudd complained that "there are millions of little mosquitoes [here] that are very annoying."²⁹ Unfortunately, medical science had not yet identified mosquitoes as carriers of that deadly disease, yellow fever. When the epidemic struck the island in that summer of 1867, soldiers and prisoners fell to disease, and many of them died. At one time during the epidemic only one officer was well enough to supervise the administration of the fort, and he himself was suffering from the effects of the disease. Writing to friends in Baltimore, on September 24, 1867, Spangler reported that there had been 280 cases of the fever on the island, thirty of which proved deadly. He added that "some are even taken with it the second time."³⁰

"We had one case of yellow fever here since I last wrote, which proved fatal," is the way Mudd mentioned the onset of the epidemic. The next day he informed his wife that "since I wrote yesterday, another case . . . has been admitted to the hospital, which from present symptoms will prove fatal." Three weeks later, Mudd reported that the fort's army physician, who had welcomed him as an assistant during this emergency, had succumbed to the disease. "Nearly every man on the



Fort Jefferson, Dry Tortugas, 1934. (Historic American Buildings Survey, Library of Congress.)

island,” according to Mudd, was now infected. The physician’s death left Mudd managing the hospital, yet help arrived. Dr. Daniel H. Whitehurst from Key West was brought in to assume control of the operation. Whitehurst, however, could not afford Mudd much relief. He proved to be “very old” and “a little slow in his actions and treatments.” His condition was unfortunate because by mid-August the epidemic had seemed to increase “with unabated fury.” Mudd now found himself busy every day until eleven or twelve, midnight— “and sometimes later.” Dr. Whitehurst remained on duty for the rest of the night. Mudd had now been restored to liberty of the island “at all hours.” Every officer on the post had contracted the disease, and only one remained able “to perform all the duties.” Few guards performed their duties, rendering it almost impossible to prevent anyone disposed to escape. He assured Sarah, however, that he had resigned himself to his fate and would “no more act upon my own impulse.”³¹

Of the four state prisoners, only Spangler managed to avoid the illness. Arnold caught the fever, but by September 21, according to Mudd, was “well.” Spangler reported, however, that although Arnold had “fully recovered,” he remained “in a very weak condition,” not unusual for one recuperating from the fever. As for O’Laughlen, Mudd noted that he too was ill with fever, but was “getting along very well.”³²

A few days later, however, Mudd informed his brother-in-law that O’Laughlen, “who had been getting along well,” had suffered a relapse. “It was with difficulty

[that] we could save his life up to the present." O'Laughlen's friends could nevertheless be assured that he would receive Mudd's "unremitted attention." While writing this letter, Mudd was interrupted, "I have just been called to O'Loughlen; will finish when I return." When he resumed writing, Mudd explained that O'Laughlen "had a convulsion a few minutes ago. My heart fails me, but I must say he is dying." In a letter to his wife the doctor wrote that "we did all that was possible. We prolonged his suffering life for two days by constant nursing and attention."³³

According to Spangler his "friend and roommate" died at 7 o'clock in the morning of the 23rd. In a later, undated "short abstract" from his notes on yellow fever, Mudd described O'Laughlen as "deserving of his esteem." He had successfully passed through "the first stage of the disease" and appeared to be improving when suddenly his condition became serious and within thirty-six hours "terminated his life." He appeared to be aware of his impending death, exclaiming to Mudd, "Doctor, Doctor, you must tell my mother all." He then turned to Spangler, who was in the room, and uttered his last words of consciousness, "Good-by, Ned." He then fell into a "profound stupor." He was kept alive by changing his position from side to side, and the use of "cold applications," but he could not be saved. Mudd praised his "friendly disposition" as well as his "comprehensive intellect," and confessed that he had enjoyed conversations with O'Laughlen more than with any of his other fellow prisoners.³⁴

Arnold's memoirs provide a description of Dr. Mudd's bout with the disease. During the two-month long epidemic "Dr. Mudd was never idle," working day and night. When the army brought in a new contract physician to replace the elderly Dr. Whitehurst, there were only "two or three sick, and they were in a state of convalescence." Soon thereafter, Mudd himself came down with the fever. He remained in his quarters, but the "surgeon in charge" never visited him. According to Arnold, he and Spangler provided Mudd's "only medical treatment." Their limited medical knowledge came through "observation" as well as "personal experience in the nursing of patients under our charge." They took turns caring for their patient who "stated upon his recovery that had it not been for our care and watchfulness he would have died, and thanked each of us." It should be noted that Mudd never complained of the post physician's failure to visit him, if such were the case.³⁵

Arnold wasn't the only person who appreciated Mudd's labors during the epidemic. "A formal petition to the Government," Mudd wrote his wife, "with preamble enumerating the services I rendered the garrison, has been drawn up and signed by every non-commissioned officer of the Post." He expected that all of the privates would also sign it—and all done without his knowledge. "The officers, two in number, expressed themselves favorable toward the idea," and, he added, were "confident it will be attended with success."³⁶

The garrison's petition, signed by the officer then in charge and 199 soldiers, lauded Mudd who "spontaneously and unsolicited came forward to devote all his

energies" to aid "the sick and the dying." His constant presence in their midst, despite the obvious danger to himself, "tranquillized the fearful and desponding." His method of treatment and the changes in the hospital routine he instituted "met with hearty approval and warm commendation of the regularly appointed surgeons" with whom he associated "in the later stages of the epidemic." In consideration of his "invaluable services" the petitioners recommended him "to the well-merited clemency of the Government." They urged his "immediate release" and "restoration of liberty."³⁷

In 1867, as now, the only effective treatment of yellow fever was supportive, supplying patients with fluids and good nursing care. As one student of Civil War medicine has observed, Mudd did what was possible, lowering body temperature with cool water and "providing supportive care." For those efforts the prisoner justifiably won the gratitude of his keepers.³⁸

A poignant plea for Mudd's release came from Lizzie P. Smith, who identified herself as "Widow of the late Brvt Major & Asst. Surg. Jos. Smith U.S. Army." In a petition to President Andrew Johnson she explained that she possessed "feelings of deep gratitude" for Mudd's kindness and attention to her "late husband and only son," both victims of the yellow fever epidemic on the island. Mrs. Smith and another child recovered from their bouts with the disease. She praised Dr. Mudd for his attention toward her husband, her two children, and herself and noted that he was ever prepared to render any assistance "to the sufferers." She remembered most gratefully his attention to her young son, noting that "up to his last hour" Dr. Mudd "was near him trying to relieve his dreadful suffering."³⁹

The widow Smith's petition was part of the Mudd family's efforts, with their attorneys, friends, and sympathizers, to gain Mudd's release. As early as a week after the execution of Mrs. Surratt and the other three condemned to death, and even before the doctor had been sent to the Dry Tortugas, his attorney received a note from the president's secretary stating that Johnson had received and read his petition for the remission of Mudd's sentence. However, "the prayer of the petition cannot be granted."⁴⁰

Sarah Mudd saw Johnson in September, to no avail, and addressed a petition to him in December, as noted above, seeking her husband's freedom. Six months later she again appealed to the president. Grateful that his chains had been removed, she nevertheless reported that her husband had become nervous and weak, "yielding to long and close confinement and improper food." Once again she appealed for a presidential pardon.⁴¹ In his impatience to gain his freedom, however, Mudd failed to appreciate the difficult position a sympathetic President Johnson faced from 1866 almost to the end of his term in March 1869.

Profile of a President

In the election of 1864, Republicans changed their party's name to the Union

Party, intending to encourage War Democrats to support the Lincoln administration. As a U.S. Senator, Johnson, a Democrat, had refused to follow his state into secession in 1861, remaining loyal to the federal government. Lincoln appointed him military governor of that part of Tennessee then under federal control. After being elected vice president on the Lincoln-Johnson Union ticket in 1864, Johnson suddenly found himself president on April 15, 1865. As a self-made man Johnson had nothing but contempt for the slave-holding aristocratic leaders of the Confederacy. But he also shared anti-black prejudices prevalent among southern whites of all classes. As a biographer has observed, President Johnson politically moved away from the Republican congress and toward his former Democratic colleagues when they appealed to his "deepest prejudices against the blacks."⁴²

Initially suspicious of Johnson, many Democrats came to support him as he began using his pardoning power to forgive some former Confederates and, his veto power against a number of bills dealing with southern reconstruction. The bitter congressional campaign of 1866, however, resulted in an overwhelming veto-proof Republican victory. The party enjoyed huge majorities in both houses of Congress beginning on March 4, 1867, majorities large enough to ensure a favorable vote of impeachment in the senate. Although the Mudd family realized that the president found himself in a difficult position, despite his evident sympathy for Mudd, the prisoner remained understandably impatient. His family and friends had assured him that Johnson knew of his plight, yet the doctor still languished in prison.⁴³

Even before the 1866 congressional election, Johnson had indicated to Ford's Theatre owner John T. Ford that he intended to release Mudd at his first opportunity but found that caution was necessary because he had to deal with congressional radicals. He did not consider it "prudent" to act at that time as it would serve as a "pretext for the radicals to build capital on." Senator Reverdy Johnson of Maryland held similar sentiments. In June 1866, he warned that it would not help the president to act while Congress was still in session. Such a move would "probably do harm."⁴⁴ As the threat of an impeachment trial deterred the president from granting Mudd a pardon, the prisoner, as well as his family, looked to the courts as a possible alternate liberator. The Supreme Court had stressed, in *Ex parte Milligan*, that civilians living in the free states were not fit subjects for trial by military tribunals. Speaking for the court, Justice David Davis asserted that the Constitution did not permit that after a writ of habeas corpus is denied a citizen, he "shall be tried otherwise than by the course of the common law." Chief Justice Salmon P. Chase, in his comments, noted that the Habeas Corpus Act of 1863 had been framed specifically "to secure the trial of all offences of citizens by civil tribunals in states where these tribunals were not interrupted in the regular exercise of their functions."⁴⁵

Unrelated to the case of the Lincoln “conspirators,” but as part of its battle against the Southern state governments that Johnson had established, Congress passed an act on February 5, 1867, granting the Supreme Court authority to issue writs of habeas corpus—mainly to prevent state governments and courts from harassing freedmen. Shortly afterward the newly elected Congress contained even larger majorities of anti-Johnson Republicans in both houses. Control of reconstruction in the Southern states now shifted to the legislature. In November 1867, the military arrested a Mississippi editor for publishing inflammatory articles against the new reconstruction acts. When a federal circuit court judge denied imprisoned editor William McCardle a writ of habeas corpus, he appealed, under the provisions of the February 5, 1867, act, directly to the Supreme Court. Suspicious of the Court that had unanimously approved *Milligan* and concerned that the justices might be tempted to declare unconstitutional those reconstruction laws enacted to protect former slaves against the infamous Black Codes, the new Congress quickly repealed the act and barred the Supreme Court from hearing such habeas corpus requests. On March 27, 1868, both houses of Congress overrode the president’s veto of this bill. The court sat deprived of its appellate jurisdiction, and McCardle remained in military prison.⁴⁶ Thus, efforts to obtain Mudd’s release by judicial process took place while this struggle between Johnson and Congress over control of southern reconstruction entered its bitterest stage—Johnson’s impeachment trial.

The Supreme Court announced its *Milligan* decision in March 1866 but put off releasing the full text of its finding until the new term opened in December. The Court’s insistent decision that civilians in the free states during the war had to be tried in civilian courts offered hope to the Mudds and their attorneys that the courts would ultimately release the doctor. In February 1866, attorney Ewing had advised Sarah Mudd to take no legal action until the court decided *Milligan*’s fate. When the court finally released the text of its decision, Mudd’s attorneys became confident of success. The court’s opinion, attorney R. T. Merrick assured Mrs. Mudd, “must secure the liberation of your husband.” Merrick admitted that he had previously been unwilling to say anything that could induce hopes that would end unfulfilled. But the language of the court’s decision convinced him that “the case is settled, and your husband must be speedily released from his most unjust confinement.” Even before the court’s release of its *Milligan* decision, the Mudd family had hired Senator Reverdy Johnson’s son-in-law to petition the court for a writ of habeas corpus to release their kinsman from custody.⁴⁷

On December 29, however, Chief Justice Chase declined to intervene and returned that petition to counsel. The following paragraph, a report of his statement, appeared verbatim in at least three New York dailies:

Some days ago an application was made by J. A. Sterrett Ridgely, of Baltimore,

to Chief Justice Chase, for a writ of habeas corpus for the release of Dr. Mudd, one of the persons condemned by the military commission which tried the Booth coadjutors to imprisonment for life at the Dry Tortugas, in the Gulf of Mexico. It was returned yesterday by the Chief Justice to the counsel, with the following endorsement: "The written application has been considered and is denied." This, however, does not prevent a similar application from being made to some other judge or civil tribunal in Florida or elsewhere.⁴⁸

That paragraph obviously originated with somebody connected with the Court, and its final sentence invited Mudd's attorneys to apply for the writ in Florida. Mudd's counsel considered sending an attorney to do just that, but such a move would prove expensive. When the yellow fever epidemic hit the island in the summer of 1867, that option no longer seemed viable, but the following year the prisoners at Fort Jefferson managed to make their own deal with an enterprising Key West attorney. W. C. Maloney Jr. agreed to take the cases of all civilian prisoners at the fort for \$100, plus \$100 each upon release of the prisoners.⁴⁹ The War Department, however, had tried to prepare against just such a possibility.

On July 5, 1865, President Johnson had agreed to send the four prisoners not scheduled for hanging to the Albany, New York, penitentiary. But on the morning of July 8, execution day for Mrs. Mary E. Surratt and the three other doomed prisoners, General W. S. Hancock was hauled into a District of Columbia court, on a judge's demand that he turn over Mrs. Surratt. Attorneys for the three other condemned prisoners stood ready to do the same for their clients should the court grant Mrs. Surratt's petition. The Attorney General of the United States, not Mrs. Surratt, accompanied Hancock before the court where he argued that the government would not surrender the prisoner. The judge then backed down, complaining that he could not take on the whole of the U.S. Army. The four condemned prisoners were hanged that afternoon. The War Department, determined to eliminate any threat of a similar state court habeas corpus writ for the remaining four prisoners, changed the place of their final confinement from Albany to Fort Jefferson in the Dry Tortugas—an order the president approved on July 15, 1865. Here, on federal property, only a federal court could intervene. As Ewing explained to Mrs. Mudd, the change of imprisonment to the Dry Tortugas removed her husband from the "jurisdiction of an established state court." In reporting this change the *New York Times* pointed out that "no visitors can reach their place of confinement except by special permission of the government." A more suitable spot for their incarceration, the paper continued, could not have been selected for those four "to whom the law and the testimony have denied the boon of death."⁵⁰

When Maloney attempted to consult personally with his clients on August 18, 1868, he was denied that opportunity. He nevertheless went ahead and petitioned for a writ of habeas corpus to free Mudd, Arnold, and Spangler. He charged that

he was unable to communicate with his clients “by reason of the orders obtaining within the aforesaid fortification,” and requested of federal district judge Thomas J. Boynton, in Key West, that his clients be released on two counts. First, on the constitutional grounds stressed in *Milligan* that prohibited trials in military courts of civilians residing in the free states. Secondly, Maloney contended that President Johnson’s Third Amnesty Proclamation of July 4, 1868, had included pardon of the crimes for which his clients had been convicted.⁵¹

By the time this petition came before Judge Boynton, Congress had passed, over Johnson’s veto, that act depriving the Supreme Court of jurisdiction in these habeas corpus cases. Boynton denied the request for the writ, reasonably certain that the Court could not act on an appeal of his decision. Ignoring that court’s dismissal of Attorney General Speed’s contention in *Milligan* that war necessarily curtails constitutional guarantees, Boynton used Speed’s brief as the basis of his decision. In a detailed explanation of his action he stressed that civilians accused of killing military officers were subject to the jurisdiction of military tribunals. Lincoln of course had been commander-in-chief of the armed forces when he was killed. As Maryland’s two U.S. senators reminded the president in a petition seeking Mudd’s pardon, such an argument meant that murder, or even assault, on any member of the army “takes away the constitutional right of the trial by jury.”⁵² Concerning the second count, Boynton also found that the prisoners were not included in that class of former Confederates eligible for pardon under Johnson’s latest proclamation.⁵³ Although efforts to obtain Mudd’s freedom via the courts proved unsuccessful, his family never abandoned hope of convincing President Johnson to grant a pardon—but politics intruded. On January 7, 1867, Congressman James M. Ashley, accusing the president of “high crimes and misdemeanors,” introduced a resolution directing the House of Representatives Committee on the Judiciary to inquire into Johnson’s “official conduct” and to report to the House whether the committee found that Johnson had been guilty of acts “designed or calculated to over throw, subvert, or corrupt the Government.” The resolution was easily adopted, and Johnson’s term as president was in jeopardy. Mudd, in prison in the Dry Tortugas, could not appreciate Johnson’s need for caution in handling his case. As his brother-in-law commented, Mudd remained convinced that Johnson ought to release him “even at the risk of being impeached.”⁵⁴

Events in Washington, nevertheless, moved Johnson and the public, to some extent, toward sympathy for Mudd and the other state prisoners. John H. Surratt had been captured in Egypt in late 1866 and had arrived as a prisoner in Washington the following February. His return renewed the debate over the use of military trials of civilians during war time, particularly inasmuch as the Supreme Court had ruled in *Milligan* that such trials were unconstitutional. During that same month the chief of the War Department’s National Detective Police blurted out during a congressional committee hearing that Booth had on his person a

pocket diary at the time of his death. On March 26, a bitter argument broke out in the House of Representatives between Congressmen Benjamin F. Butler and John A. Bingham in which Butler, who had read the diary, accused Bingham, former assistant judge advocate at the Lincoln conspiracy trial, of deliberately hiding the fact of the diary's existence from the commission's judges, an act that would have saved the life of Mrs. Surratt, who was therefore "improperly convicted."⁵⁵

Reacting to reporters' requests to release the diary, President Johnson ordered his Secretary of War to send him a "certified copy" of the diary with a "succinct statement of all the facts connected with its capture and its possession by the War Department." Stanton responded on May 14, 1867, and a week later the diary and pertinent correspondence between the White House and the War Department were released to the public. The diary began with the following statement in Booth's handwriting, "Friday the Ides. Until to-day nothing was ever thought of sacrificing to our country's wrongs. For six months we had worked to capture, but our cause being almost lost something decisive had to be done."⁵⁶ The government had argued during the trial that Booth and his band of conspirators had become involved in an elaborate plot for some time before April 14, 1865, to murder Lincoln. Butler argued that keeping the contents of that diary from the commission was tantamount to murdering Mrs. Surratt, that there was no proof that she was involved in the assassination. That same argument could be made in the case of Dr. Mudd. If the plot to murder was formed when Booth learned just before noon on April 14, 1865, that the president planned to attend Ford's Theatre that evening, he couldn't possibly have informed Mudd down on his Maryland farm what was to happen that evening. Mudd could only be an accomplice after the fact, a less serious crime.

Although sympathetic toward the notion of pardoning Mudd, Johnson, by 1867, had to face the threat of an impeachment trial, an event that took place the following year. When conviction failed by one vote, Johnson found it politically safe to pardon those federal prisoners connected with the Lincoln assassination trial, and they received their freedom before he left office on March 4, 1869. In her letter of November 15, 1868, Mrs. Mudd urged her impatient husband to "have courage a little longer." From what she had learned from his lawyers and the administration's officials, she remained convinced that President Johnson intended to release him before leaving office. Should he not, she had received assurances that President-elect Grant would do so. Two months later she was even more hopeful. "Every body seems to think" she wrote, "that Johnson will release you, beyond a doubt, before his term of office expires."⁵⁷

Johnson signed Mudd's pardon on February 8, 1869, and then sent a note to Mrs. Mudd, inviting her to come to Washington to receive the document. On February 14, he personally handed her the official pardon. She asked if it would be safe to mail it to her husband. Johnson replied, according to her recollection, that

if the pardon document were to “go amiss,” to be forgotten “in some pigeon hole or corner,” the result could be unfortunate.⁵⁸ According to her daughter, a concerned Mrs. Mudd then sent the official document by express to her brother in New Orleans, who paid \$300 to have it delivered to Dr. Mudd at Fort Jefferson. On March 20, 1869, sixteen days after Johnson left office, Mudd arrived home, “frail, weak and sick, never again to be strong during the thirteen years he survived.”⁵⁹

One doubts that the president seriously believed that had the papers become lost in some pigeon hole, Dr. Mudd would have languished in jail. On February 13, the day before Mrs. Mudd met with Johnson, the War Department ordered the commanding officer at Fort Jefferson to release Mudd “from confinement and permit him to go at large where he will,” upon receipt of the official pardon. And even if the document did go astray, its existence had been widely reported in the press. *The New York Tribune* announced that Johnson had signed the document and forwarded it to the State Department for the Secretary of State’s signature and the seal of the United States. In its coverage of the story, the *New York Herald* noted that evidence against Mudd admitted “of reasonable doubts,” predicting that “public opinion will not demur against his release.”⁶⁰

When Johnson formally pardoned Mudd, he justified his action in part on the basis of Mudd’s heroic activity during the yellow fever epidemic, as well as the sentiments expressed in petitions of members of Congress, Maryland state legislators, and prominent citizens. He emphasized that he could accept the military commission’s finding that Mudd was guilty of “receiving, entertaining, harboring, and concealing” Booth and Herold, intending to “aid, abet and assist them in escaping from justice after the assassination.” Johnson refused, however, to accept the commission’s belief that Mudd was guilty of involvement in “any other or greater participation or complicity” in Lincoln’s assassination. He disagreed with the commission’s finding that Mudd conspired with Booth and others in a plot that began on or before March 6, 1865, and culminated in the Ford’s Theatre tragedy.⁶¹

This view, Johnson’s position, has been challenged in a more recent volume dealing with Mudd’s participation in the assassination. There the author argued that Mudd knowingly joined Booth in a plot to assassinate the president as well as in Booth’s attempt to escape capture and found no contradiction in the statement that “certainly Dr. Mudd did not know of or participate in any plot to murder the president.” “The Government,” he explained, “did not distinguish between the original conspiracy to capture Lincoln, and the ultimate conspiracy which resulted in his murder.” The assassination was merely an “extension of the conspiracy to capture.”⁶² Those three highly competent and successful attorneys who were in charge of the government’s case—Stanton, Holt, and Bingham—declined to use that strategy. They knew better. In addressing the military commission, Bingham even quoted that pertinent doctrine involving conspiracies. “It is an established rule,” he explained, that “where several persons are proved to have combined together

for some illegal purpose," both law and reason agree that "any act done by one of the party . . . is the act of the whole party when in pursuance of the original concerted plan." Thus proof of the act will be "evidence against all engaged in the same general conspiracy."⁶³ The government argued, however, that from the beginning, and specifically in its charge, Booth's intent and that of his co-conspirators was to murder the president as part of a plot that originated with Jefferson Davis. As Bingham asserted during the trial, it was "proved beyond any question of doubt . . . that Booth, during . . . October, 1864, was in Canada plotting the assassination." In November he was "on his way to Washington City, for the purpose of hiring his assistants." In his summary of the prosecution's case at the conclusion of the trial, Bingham specifically dismissed the claim of an abduction plot. "It appears from every utterance of John Wilkes Booth," he assured the military commission, "that as early as November, the proposition with him was to kill and murder—not to kidnap."⁶⁴ But the War Department had too much evidence in its possession—Booth's "diary," as well as statements of two defendants and two of Booth's actor friends—that referred to the existence of a previous plot to abduct Lincoln.⁶⁵ When the kidnapers failed, the abduction conspiracy dissolved. The assassination plot came later.

In 1867, when John H. Surratt stood trial before a civilian court for his role in Lincoln's murder, the main government attorney, Edwards Pierrepont faced a difficult task. He had to explain why Surratt, whom Booth allegedly summoned from Canada to rush to Washington and help him, got off the train from Montreal in Albany, and instead of proceeding south to Washington, boarded another train destined ultimately for Elmira in western New York, a twelve-hour train ride away. By the time he arrived there, it was too late for Surratt to catch another train that could get him to the Capital in time to participate in the murder. Pierrepont did not resort to the argument that Surratt's involvement in the abduction plot made him *ipso facto* a participant in the assassination. Instead, Pierrepont suggested that by using several freight trains running between Elmira and Washington, Surratt could still have arrived in time to assist Booth. Pierrepont, an able New York attorney, obviously ignored the abduction-murder conspiracy because he too realized it was unsustainable.⁶⁶

At that 1867 Surratt trial, the defendant's chief counsel hinted broadly that the same William P. Wood, who in April 1865 had promised to protect Mrs. Mudd and their children from possible attack, conceded that the government was well aware of the two separate plots. That attorney explained in court that he could not disclose during the trial what Wood had communicated to him, "made to me . . . in the presence of three or four others," but he would be willing to do so at the conclusion of the trial. He immediately added that ample proof existed, nevertheless, showing that "the government knew the scheme to abduct did exist and had been abandoned."⁶⁷ President Johnson agreed with Wood

rather than with Bingham. He concluded in Mudd's pardon that Mudd was guilty of the lesser crime of being an accessory after the fact, but not involved in the plot to assassinate.

Mudd died on January 10, 1883, after battling pneumonia for nine days. He was not yet fifty years old.⁶⁸

Perhaps much of the tragedy connected with this physician, who died at that early age, weakened (as his family believed) by his four years in prison, was due to his own inability to be truthful, even to his family and himself. Two years after Lincoln's death, the *New York Times* published an item dealing with the trial of the "assassins" that first appeared in the *Baltimore Gazette*. A Mr. Henry presented a statement with an accompanying affidavit in which he claimed that General David Hunter, president of the military commission that tried the Lincoln "conspirators," informed Henry of the commission's estimate of Mudd's complicity in the plot. "The Court," according to this statement, "never believed that Dr. Mudd knew anything about Booth's designs." Had he acknowledged to the soldiers searching for Booth the day after the assassination that "Booth had got his leg set" at Mudd's residence; had he admitted that he knew Booth "instead of flatly denying it to the Court, he would have had little trouble."⁶⁹

A similar lack of candor appears in Mudd's contradictory statements regarding the rationale for his attempt to escape from Fort Jefferson. According to his daughter, he stated, after he was released from prison, that had he succeeded in escaping from the island, he intended to search for a judge who could provide him a writ of habeas corpus and his freedom. But his explanation at the time of his capture was different. He may well have considered plans to escape even before the arrival of that transport on September 25, 1865, scheduled to take the 161st New York Volunteers back to the mainland. In a letter to his wife dated September 5, Mudd speculated that if he should "take French leave," it would amount to his leaving the United States, a move he didn't "feel disposed to do at present." In that same letter he remarked that he had "lost all confidence in the veracity and honesty of the Northern people, and if I could honorably leave the country for a foreign land, I believe our condition would be bettered."⁷⁰ Those musings justify suspicions that he had not acted from an "impulse of the moment," when he secretly boarded the transport, as he claimed in his statement to Major Wentworth. Similarly, he was considering the possibility of flight and exile in a foreign land before he was "*persuaded* by a member of the crew" to attempt to escape, as he wrote to Ewing. Nor was it true that his capture resulted because he was "too well known" and therefore "apprehended five or ten minutes after being aboard the steamer."

He made contradictory statements as well concerning what induced him to implicate Kelly in his escape attempt. The report in the *New York Tribune* of October 11 stated that Mudd succumbed to torture, that he identified Kelly as his accomplice when "thumb screws" were applied to him. To his brother-in-law, Mudd

wrote that he was forced, “under penalty of being shot,” to name Kelly. But five days later, again writing to Dyer, Mudd said he regretted naming Kelly. “It was all done by the mere slip of the tongue, and without reflection.”⁷¹

Contradictions also appeared in Mudd’s post-trial statements concerning his relationship with Booth. Yet, in spite of the evidence to the contrary cited above, Mudd claimed in a “sworn” statement, dated October 1, 1865, that he neither recognized the injured Booth after the assassination nor knew anything of the fugitive’s destination when Booth and Herold left his residence.⁷²

If one can believe Henry’s statement, General Hunter perceptively observed Mudd’s lack of candor—in so many ways, Mudd sabotaged his own case.

NOTES

1. Thomas Ewing, Jr., to Thomas Ewing, Aug. 22, 1865, Thomas Ewing Family Papers, Library of Congress.
2. *Public Ledger* (Philadelphia), July 17, 1865, 1; Nettie Mudd, ed., *The Life of Samuel A. Mudd* (Marietta, Ga.: Continental Book Company, 1955), 23–27. Originally published in 1906, this volume is mainly a collection of letters Mudd sent from prison to his wife Sarah Francis (Frank) Mudd and other family members.
3. Benn Pitman, comp., *The Assassination of President Lincoln and the Trial of the Conspirators* (New York: Funk & Wagnalls, 1954), 18–21, 249.
4. Quoted in *Public Ledger*, July 17, 1865, 1.
5. *New York Times*, Aug. 4, 1865, 1.
6. George W. Dutton to Joseph Holt, Aug. 22, 1865, Pitman, *Assassination*, 421.
7. Mudd, *The Life of Samuel Mudd*, 118–20.
8. He had done so during the conspiracy trial. See Joseph George, Jr., “Military Trials of Civilians under the Habeas Corpus Act of 1863,” *Lincoln Herald*, XCVIII (Winter, 1996), 133; and Joseph George, Jr., “Subornation of Perjury at the Lincoln Conspiracy Trial?: Joseph Holt, Robert Purdy, and the Lon Letter,” *Civil War History*, XXXVIII (Sep., 1992), 232–41. But even before Mudd boarded the ship taking him to prison in the Dry Tortugas, he had admitted to others, at least, that he had met with Booth in Washington, as reported at the trial. In 1869, shortly before Mudd was pardoned, a seaman attached to the steamer that had carried the prisoners to the Dry Tortugas in 1865, informed an Illinois Congressman that Mudd had admitted to him that he had indeed recognized Booth when he set his broken leg and that he knew “and of what crime he was guilty.” *Public Ledger*, July 17, 1865, 1; W. F. Keeler to B. C. Cook, Jan. 25, 1869, Samuel A. Mudd Pardon File, B-596, Records of the Pardon Attorney, U. S. Justice Department, Record Group 204, National Archives.
9. *The Age* (Philadelphia), Aug. 5, 1865, p. 2; Stanton to Philip H. Sheridan, Aug. 24, 1865, Roll no. 89, Telegrams Collected by the Office of the Secretary of War (Bound), 1861–1882, Micro No. 473, National Archives.
10. *Constitutional Union* (Washington), Sept. 20, 1865, 2; Mudd, *The Life of Samuel Mudd*,

- 115, 143; Holt to Stanton, Aug. 18, 1865, Letters Sent, vol. 17, p. 238, Records of the Office of the Judge Advocate General, Record Group no. 153, National Archives.
11. W. R. Prentice, "On the Dry Tortugas: Stories of Military Prisoners and of the Lincoln Conspirators," *McClure's Magazine*, XVIII (Apr., 1902), 564–70.
 12. *New York Tribune*, Oct. 6, 1865, 4; Oct. 9, 1865, 1.
 13. *Ibid.*, Oct. 11, 1865, 4.
 14. E. D. Townsend, Asst. Adj. Gen., to Brig. Gen. John Newton, Oct. 10, 1865, and Townsend to Sheridan, Oct. 10, 1865, Micro 473.
 15. Townsend to Sheridan, Oct. 18, 1865, *ibid.*; Mudd, *The Life of Samuel Mudd*, 127.
 16. Wentworth to Maj. Samuel Breck, Asst. Adj. Gen., Oct 3, 1865, 415-584 N (1865), roll no. 391, Letters Received by the Office of the Adjutant General (Main Series, 1861–1870), Micro-copy no. 619, National Archives.
 17. Wentworth to E. C. Woodruff, Act. Asst. Adj. Gen., Dept. of Florida, Sep. 27, 1865, *ibid.*
 18. Newton to E. D. Townsend, Oct. 23, 1865, *ibid.*
 19. Maj. Gen. J. M. Foster to Sheridan, Oct. 21, 1865, in Mudd, *The Life of Samuel Mudd*, 352–53.
 20. "Dr. Samuel A. Mudd Papers," *Journal of the Illinois State Historical Society*, XLVI (1953), 428.
 21. Mudd to Ewing, Oct. 11, 1865, Ewing Papers; Mudd, *The Life of Samuel Mudd*, 123.
 22. Mudd to Ewing, Oct. 11, 1865, Ewing Papers; Samuel Bland Arnold, *Memoirs of a Lincoln Conspirator*, ed. by M. W. Kauffman (Bowie, Md.: Heritage Books, 1995), 68.
 23. Curtis Carroll Davis, "In pursuit of Booth Once More: A New Claimant Heard From," *Maryland Historical Magazine*, LXXIX (Spring, 1983), 230–34; William P. Wood, "On Booth's Trail," *Sunday Gazette* (Washington), Feb. 22, 1885.
 24. Mudd, *The Life of Samuel Mudd*, 181–82.
 25. Arnold, *Memoirs*, 82–83; Sarah F. Mudd to Andrew Johnson, Dec. 22, 1865, Mudd Pardon File; Mudd, *The Life of Samuel Mudd*, 164.
 26. Arnold, *Memoirs*, 77.
 27. *Mudd*, 204–206.
 28. Arnold, *Memoirs*, 78–79; Mudd, *The Life of Samuel Mudd*, 224–25, 244.
 29. *Ibid.*, 249.
 30. *Freeman's Journal*, (New York), Oct. 26, 1867, 3.
 31. Mudd, *The Life of Samuel Mudd*, 255–56, 258–59, 259–60, 262.
 32. *Ibid.*, 262; *Freeman's Journal*, Oct. 26, 1867, 3.
 33. Mudd, *The Life of Samuel Mudd*, 265–67.
 34. *Ibid.*, 293–95.
 35. Arnold, *Memoirs*, 112–13.
 36. Mudd, *The Life of Samuel Mudd*, 278–79.
 37. Petition of Edmund L. Zalinski *et al.*, n.d., Mudd Pardon File.
 38. Ira M. Spar, M.D., to the writer, May 5, 2004.
 39. Leroy F. Graf, *et al.*, eds., *Papers of Andrew Johnson* (Knoxville: University of Tennessee Press, 1967–2000), XIV: 32.
 40. R. D. Mussey to Ewing, July 12, 1865, Andrew Johnson Papers (microfilm), Library of Congress.
 41. *Johnson Papers*, IX: 520–31, X:362.
 42. Hans L. Trefousse, *Andrew Johnson: A Biography* (New York: Norton, 1989), 223.
 43. Mudd, *The Life of Samuel Mudd*, 229.
 44. *Ibid.*, 165–66, 181–82.
 45. William Wallace, comp., *Cases Argued and Adjudged in the Supreme Court of the United States*, 126, 136.

46. *Statutes at Large*, XIV:385–87, XV:44; James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction*, 2nd ed. (New York: McGraw Hill, 1992), 350.
47. Mudd, *The Life of Samuel Mudd*, 166, 214–15, 217.
48. *New York Herald*, 5; *New York Times*, 4; *New York Tribune*, 4, all of Dec. 31, 1866.
49. Mudd, *The Life of Samuel Mudd*, 312.
50. The seven Tortugas islands became American territory with the purchase of Florida from Spain in 1819. Roll 14:0525, 0528, Investigation and Trial Papers Relating to the Assassination of Abraham Lincoln, Microcopy no. 599, National Archives; John W. Clampitt, “The Trial of Mrs. Surratt,” *North American Review*, CXXXI (Sep., 1880), 236–37; *Trial of the Alleged Assassins and Conspirators at Washington City, D. C., May and June 1865, for the Murder of Abraham Lincoln* (Philadelphia, 1865), 209–10; Mudd, *The Life of Samuel Mudd*, 112; *New York Times*, July 19, 1865, 4.
51. “Petition of Samuel A. Mudd & Others for a Writ of Habeas Corpus,” Aug. 24, 1868, Mudd Pardon File; *Papers of Andrew Johnson*, XVI:317–19.
52. Wm. Pinkney Whyte and George Vickers to Andrew Johnson, undated thirty-two page petition in Mudd Pardon File.
53. For a copy of Boynton’s decision, see “Ex parte Mudd, et al.,” *ibid.* Boynton’s denial of the writ was appealed to the Supreme Court. When that court finally agreed to hear arguments concerning whether or not it possessed authority to review Boynton’s decision, Mudd had already been pardoned. The issue thus concerned the two remaining Fort Jefferson prisoners in the Lincoln conspiracy trial when the Court finally heard the appeal on February 26, 1869. After hearing the counsels’ arguments for the plaintiffs and the government, the court took the case under advisement. Before they could decide on whether to change the law depriving the high court of jurisdiction in these habeas corpus cases, President Johnson pardoned Arnold and Spangler on March 3, 1869—the day before he left office. The court then dismissed the case and avoided a confrontation with Congress. A clue as to what the court might have ruled had Johnson not pardoned the two prisoners perhaps appears in its decision concerning McCardle’s appeal for the writ. In that case Chief Justice Chase, speaking for the court on April 12, 1869, explained that “this court cannot proceed to pronounce judgment . . . for it has no longer jurisdiction of the appeal,” *New York Herald*, Feb. 27, 1869, 1; *New York Times*, Mar. 4, 1869, 1, Apr. 13, 1869, 4; Wallace, 515.
54. *Congressional Globe*, 39th Cong., 2nd Sess. (1866–1867), 320–21; Mudd, *The Life of Samuel Mudd*, 229.
55. William Hanchett, “The Diary of John Wilkes Booth, April, 1865,” *JISHS*, LXXII (1979), 39–56; *Congressional Globe*, 40th Cong. 1st Sess. (1867), 363.
56. *New York Tribune*, May 21, 1867, 1.
57. Mudd, *The Life of Samuel Mudd*, 315, 317.
58. *Ibid.*, 319.
59. *Ibid.*, 320–21.
60. *Ibid.*, 318; *New York Tribune*, Feb. 12, 1869, 1; *New York Herald*, Feb. 12, 1868, 6.
61. For the text of the pardon document see Mudd, *The Life of Samuel Mudd*, 361–63. More recently it was printed in Edward Steers, Jr., *His Name Is Still Mudd* (Gettysburg, Pa.: Thomas Publications, 1997), 116–17.
62. *Ibid.*, 60.
63. Ben Perley Poore, comp., *Conspiracy Trial for the Murder of the President* (3 Vols. Boston, 1865–66), III: 344–45; Roll 13: 3603–3608, Micro no. 599. This part of Bingham’s remarks was omitted in Pitman, 341–42.
64. *Ibid.*, 373, 380; Poore, III: 345.

65. See *Lincoln Herald*, CIV (Summer, 2002), 82–95.
66. Joseph George, Jr., “The Trials of John H. Surratt,” *Maryland Historical Magazine*, 99 (2004), *passim*.
67. *The Trial of John H. Surratt in the Criminal Court for the District of Columbia* (2 Vols. Washington, 1867), II: 1235–36.
68. Mudd, *The Life of Samuel Mudd*, 326.
69. *New York Times*, Apr. 15, 1867, 4.
70. Mudd, *The Life of Samuel Mudd*, 181–82.
71. *Ibid.*, 123–25, 127–28.
72. *Ibid.*, 42–48.

Baltimore's First Birth Control Clinic: The Bureau for Contraceptive Advice, 1927–1932

Lauren P. Morton

Baltimore City has the distinction of serving as home to one of the first birth control clinics established in the United States. The Bureau for Contraceptive Advice (BCA) opened its doors in 1927 and continued its services through 1932. Unlike Margaret Sanger's New York clinic that closely linked access to safe birth control as a woman's right, physicians and scientists ran the BCA with a focus on investigating and providing contraception as good public health care. Highlighting foundations grounded in scientific research and up-to-date medical services, the BCA was founded by a group of scientists and physicians associated with the Johns Hopkins School of Hygiene and Public Health, the first institution of its kind in the nation. Designed as a research facility for the advocacy of public health initiatives, the BCA functioned as part of groundbreaking work that helped to move contraceptive medicine from the fringes of birth control activism to the arena of mainstream-physician-provided public health care.¹

The nineteenth century witnessed the profound changes in the social and legislative views in the United States, particularly related to science, medicine, and the early woman's rights movement. The integration of these issues influenced the development of contraceptive advocacy and public policy. Largely at the urging of physicians and moral reformers, on March 3, 1873, Congress passed the *Act for the Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use*, commonly referred to as the Comstock Act. This significant piece of legislation marked a distinct and significant tide of thinking that many adopted during the Gilded Age. Section 148 of the Comstock Act stated:

That no obscene, lewd, or lascivious book, pamphlet, picture, paper, print, or other publication of an indecent character, or any article or thing designed or intended for the prevention of conception or procuring of abortion, nor any article or thing intended or adapted for any indecent or immoral use or nature, nor any written or printed card, circular, book, pamphlet, advertisement or notice of any kind giving information, directly or indirectly, where,

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or how, or of whom, or by what means either of the things before mentioned may be obtained or made, nor any letter upon the envelope of which, or postal card upon which indecent or scurrilous epithets may be written or printed, shall be carried in the mail.²

The Comstock Act “made it illegal and punishable to send through the mail six kinds of material: erotica, contraceptive medications or devices, abortifacients, sexual implements such as those used in masturbation, contraceptive information, and advertisements for contraception and abortion, or sexual implements.”³

The legislation reflected the fears of some Americans that the nation’s morality had declined as urbanization and demographic diversity expanded. The law also formally linked contraception with abortion and pornography. Congress passed the act during the period in which the nation underwent dramatic changes standardizing medicine and other professional fields. Leading physicians and scientists worked toward uniform qualifications for degree seekers, like curricula in training programs, and state certification for medical doctors. By the early years of the twentieth century, physicians had successfully consolidated their field in the effort to legitimize and professionalize medicine and had gained public authority for these changes through the 1909 Flexner Report. This shift in the status of certified medical doctors represented a significant restructuring of their importance in everyday health care and in the future development of medicine.⁴

This shift, however, did not come easily, and physicians associated with the nation’s leading professional organization, the American Medical Association (AMA), generally avoided controversial topics such as contraception and abortion. Considering the precarious leadership position physicians held within the larger social framework of society, it is understandable why most medical doctors wished to avoid controversial issues, such as contraception, which was closely linked to abortion. As historian Leslie Reagan explains, “The exposure of medical involvement in abortion threatened the profession’s identity as morally pure and trustworthy, thus jeopardizing its legal privileges and social authority.”⁵ In another strategy to raise their status, physicians attacked midwives as ineffective health care practitioners for women, particularly in the areas of fertility control and administration of abortions. Some also accused midwives of being the primary perpetrators of illegal abortion. By the early twentieth century, many male physicians wanted to attract female patients for obstetrical and gynecological care. Attacking midwives removed a potential competitor and also suggested a higher moral authority for physicians. Many male physicians endorsed the AMA’s antiabortion campaign that launched medical society cooperation with law enforcement and state and local legislatures.⁶ The professionalization of the medical field had distinct effects on women’s health

care and a long-lasting impact on birth control—men became the primary overseers of women's medical care.

Margaret Sanger opened her Brownsville clinic in 1916 in Brooklyn, New York. Although the move was a major step forward for birth control advocates, many people viewed it as a radical threat to the nation's social and moral fiber. New York City police quickly raided the Brownsville clinic, yet the effort symbolized Sanger's initial argument that women needed birth control for the freedom it gave them to express their sexuality within marriage. By the 1920s, Sanger sought to more closely link her advocacy with the medical profession.⁷

The effort to modify the birth control movement from one of radical agitation toward a closer connection to professional medicine hit its high mark by the 1930s and medical care transitioned into the female sphere in previously unheard of ways. Increasingly women traveled to hospitals and consulted with state certified physicians for their gynecological and obstetrical needs. The structure of female social networks, always a dynamic feature of generations of American women's lives, experienced an acute reorganization when it came to female health care and advice. Although women continued to rely upon female relatives and friends for advice, physicians increasingly became an integral part of this circle.⁸ By the end of the Second World War, the certified physician, mostly male, became the most important figure in the dissemination of contraceptive advice, a profound change from the nineteenth century.⁹

Change of Direction

The Bureau for Contraceptive Advice is a prime example of this important development. Although the bureau had no formal ties with the Johns Hopkins University, the presence of Hopkins' medical leadership was unmistakable. The clinic operated just a few blocks from the Hopkins hospital and medical school compound, and operated under the direction of a female physician who had graduated from the Johns Hopkins Medical School a few years earlier.¹⁰ Never promulgated as anything less than a research establishment for the purpose of ascertaining fertility patterns among groups of women and determining the effectiveness of contraceptive devices, the BCA prided itself on its extensive statistical analyses of medical data obtained during its five years of operation from 1927 through 1932. Although the clinic served a relatively small number of women, the information the medical staff obtained at this health care facility had a profound impact on the birth control movement. The Bureau for Contraceptive Advice altered previous stereotypes associated with race and fertility that had up until this point gone relatively unchallenged and untested by scientific methods. In addition, the members of the Hopkins community who actively participated in the clinic's operation had strong connections with the national birth control movement and made significant inroads for public policy and legislative changes that came about in

the mid- to late-1930s. The bureau's work serves as a microcosm of the merits of the national birth control movement's newfound attempts to form strong, beneficial alliances within the professional medical community in order to bring about groundbreaking changes for the state of female reproductive knowledge and health care during this time. Although the relationship between professional medicine and the birth control movement proved tense, the partnership strengthened over time.

In the 1920s, the birth control movement gained numerous inroads in its fight for greater access to contraceptive information for women. Building on Margaret Sanger's model, a few new contraceptive clinics opened in several states, providing interested women with information, guidance, and products designed to aid fertility control. Dr. Bessie Moses, the medical director of the Bureau for Contraceptive Advice, believed these clinics should move away from their role as reform advocates and instead serve as public health research centers:

It was felt that the medical, social, and biological problems presented by the widespread and growing practice of contraception in the population demanded a more rigorous and precise type of scientific investigation than had come, or seemed likely to come, from the activities of birth control clinics partly or wholly dominated by the philosophy and attitudes of propagandists and uplifters.¹¹

The BCA's close ties to Johns Hopkins made it an exceptional model for Moses's vision. The Johns Hopkins Hospital and University was founded in Baltimore City as a progressive medical institution designed to produce groundbreaking work in the health field and to graduate distinguished individuals to continue this work throughout the world. Heavily oriented as a research institution, the Johns Hopkins Hospital opened its doors in 1889, and the medical school welcomed its first class in 1893. Unlike most medical and science schools at the time, Hopkins also accepted women. Interested students flocked to the prestigious institution.¹² In the twentieth century, Johns Hopkins established new schools in order to expand upon significant medical research. For example, the groundbreaking School of Hygiene and Public Health opened in 1916. The school quickly gained a highly respected reputation around the country and within the medical field. Funded by the Rockefeller Foundation, the school was meant to be "both an institute for basic scientific research and, at the same time, a school for practical training in public health—themes that resonate with the founding and operation of the bureau."¹³ It is no surprise, therefore, that the Bureau for Contraceptive Advice, closely tied to the revered physicians and scientists from the School of Hygiene and Public Health, became a leader in this controversial field and helped to legitimize it as mainstream public health work.

Drs. John Whitridge Williams, William H. Howell, Adolf Meyer, and Raymond Pearl, leading Hopkins medical men, played important roles in formulating the BCA. Dr. Williams, as an obstetrician and gynecologist, had first-hand knowledge of female reproductive concerns. Dr. Howell, although medically trained in other fields, advocated good public health practices and served as director of the School of Hygiene and Public Health. The close association and oversight he had with the school indicates his immense interest in conducting research into related topics, such as the benefits of birth control and reproductive care for the health of women. Dr. Pearl, a leading figure of eugenic ideology, came from a background centered on statistical analysis and mathematical inquiry, which he used to study populations and genetics. Dr. Meyer had been a vocal advocate of the benefits of physician-directed birth control for numerous years and worked with Margaret Sanger. Keenly aware of the negative psychological effects of frequent pregnancy and childbirth on female patients at the Hopkins hospital, Meyer quickly supported the establishment of a clinic that provided fertility-related information for the well-being of the female population and the overall status of public health.¹⁴ Elaborating on the need for contraceptive advice to improve public health, Dr. Adolf Meyer stated, "Social happiness, the health of the individual, and the health and development of the progeny—it is these three points which furnish the basis for any consideration of sex and of birth control."¹⁵

These members of the Hopkins' medical community eagerly advocated the formation of a contraceptive advice clinic as they had first hand experiences working with the problems related to non-existent and ineffective birth control awareness among women in Baltimore City. Aware of Sanger's efforts and those of others around the country, these men felt the time had come for a change in the relationship between contraception and physician-administered public health services. Concerned with the potential negative health impact of frequent childbearing on women and witness to consequences of poor health, such as tuberculosis, that pregnancy could worsen, these men wanted to study the benefit of a fertility control clinic on public health. Their medical backgrounds and inclinations toward scientific studies steered them away from the "social radicalism associated with Sanger's [earlier] tactics. All three men thought it should be possible to offer birth control services 'on conservative and scientific lines' and to open a clinic both socially and medically respectable."¹⁶ These men envisioned their clinic as a medical establishment for the explicit purpose of obtaining scientific data related to the benefit and effectiveness of birth control.

The first organizational meeting for the Baltimore contraceptive clinic committee, initially referred to as the Maternal Welfare Committee, met March 22, 1926, with Dr. Adolf Meyer as its chairman. The meeting minutes outlined their immediate function and goals:

The primary function of the Bureau will be to give advice concerning the prevention of conception to such women as may be sent to it by reputable physicians with a statement that in his or her opinion the mental or physical condition of the patient will be aggravated by further childbearing, and that he is not prepared to give the necessary advice. A secondary function will be to ascertain the efficiency of the advice given, as well as to determine the relative value of the various methods which may from time to time be recommended.¹⁷

In establishing these goals, the committee also agreed that the clinic's services should only be rendered for married women referred by a physician or social worker. In order to ensure this guideline, women were required to submit a letter or statement from their medical attendant, either a physician or a social service worker, to the clinic where an advisory group of physicians reviewed the application. This policy acted as "a precaution . . . necessary to prevent advice being given in unsuitable cases, as well as to protect the physician in charge from personal solicitation."¹⁸ Policies such as this one paralleled those Margaret Sanger established in New York City in only providing services to married women.¹⁹ Many people believed that if unmarried women had access to birth control, instances of premarital sex and promiscuity would increase and ultimately lead to the moral degradation of society. Therefore, to lessen the controversy, clinics provided services only to married women, a decision that placed these organizations within the mainstream sphere of moral acceptability.

The daily operation of the Bureau for Contraceptive Advice was outlined in a series of meeting minutes. The group chose Dr. Bessie L. Moses, an obstetrician and gynecologist, as medical director. A native of Baltimore City, Moses earned her medical degree in obstetrics and gynecology from Johns Hopkins in 1922.²⁰ Moses's assistant, Mrs. Edwin K. Gontrum, had graduated from the Johns Hopkins Training School for Nurses.²¹ These two professionals were the only two clinicians at the bureau during its initial operation. The bureau modeled many of its practices and operations after those Moses observed at Margaret Sanger's clinics in New York.²² Moses presented the idea of serving white and black patients on different days, a practice the Baltimore clinic adopted: "White patients will be seen on Wednesdays 1:00-4:00 pm. Colored patients will be seen on Thursdays 1:00-4:00 pm."²³ Even though the clinic segregated the days it served white and black women, the fact that it served white and black women at all is testament to the strides the bureau made during this period. Modeled after Sanger's clinics in New York, contraceptive advice clinics, or even medical establishments in general, serving both races of patients was a new idea and one practically unheard of below the Mason-Dixon Line.²⁴ The committee opted to advertise its practices in a letter sent only to area physicians. The fact that this letter went only to physicians highlights an-

other significant aspect of the birth control movement. As Bessie Moses explained, "When the Bureau was ready to accept patients, every physician, important social agency, and hospital in the State of Maryland received a letter explaining the purpose of the clinic and stating that it was prepared to treat patients referred by physicians for definite medical indications."²⁵ Physicians, intent on professionalizing their field, generally did not support the operation of birth control clinics, but the Baltimore clinic, physician founded and run from the beginning, attracted like support. It is also likely that these men used their prominent status as a safeguard for working in a more controversial field of public health.²⁶

After years of planning and development, the Bureau for Contraceptive Advice formally opened on November 2, 1927. Just prior to its opening, Dr. Williams issued a public statement in an article published in both the journal *Science* and a Baltimore City newspaper. The announcement read:

The clinic will differ from those in most other cities, Dr. Williams pointed out, in that it will not dispense propaganda but will give advice to persons sent there by their own physicians... It was further explained that the clinic would be purely an association of medical men and would be operated by them. The idea of the project was brought up more than a year ago, Dr. Williams said, by a group of persons who had studied conditions in the city carefully and had come to the conclusion that such a clinic would be of benefit to the community.²⁷

The BCA served its first patient on opening day.²⁸ The fact that the clinic opened in an area that the Hopkins community dominated further indicates the founders' desire to make the bureau appear very professional and scientific, devoid of the radical implications related to earlier clinics that had operated without professional oversight. Neighboring addresses show that the BCA was surrounded by the homes and businesses of physicians and nurses. Also, numerous drug stores operated along Broadway and adjacent streets. Although there were some residences, the majority of addresses, close to three quarters in the immediate area around the bureau were in some way connected to the medical community.²⁹

The neighborhood was a lower-middle-class district. Bureau records from 1928 indicate that the majority of women coming to the clinic reported their husbands' occupations as skilled or unskilled workers.³⁰ According to the BCA records, "of the 168 patients advised, 29 or 17.3 per cent were 'colored', and 139 or 82.7 per cent were 'white'. In 1925, the last year for which data are available, 14.7 per cent of the total population of Baltimore was made up of negroes. It is thus seen that the attendance of negroes on the clinic is slightly higher than their representation in the general population."³¹ Although a vast majority of patients in the

first year were white, the statistics suggest that a significant number of black women also visited the BCA.

The demographic makeup of Baltimore City during this time holds important clues about the area's population and the composition of the patients who visited the Bureau for Contraceptive Advice. According to the 1920 U.S. census, the total population of Baltimore City stood at 733,826, including 372,266 females. African American women numbered 55,433, the enumerators counted 374 women of other racial backgrounds, and the remainder are listed as white.³² Although the bureau reported seeing patients as young as fifteen, the most relevant statistic found in the census cites that in 1920, there were 172,973 women between the ages of eighteen and forty-four in Baltimore City.³³ This is the most accurate statistic available to ascertain the largest group within the female population, those at their reproductive prime, who might be inclined to visit the BCA.

Indicative of the strong connection the bureau had with the Johns Hopkins medical community and other physicians and health care providers in Baltimore City and other parts of Maryland and Washington, D.C., the clinic reported high numbers of physician referrals. In the first year alone "81 different physicians in Baltimore [City], 3 different physicians in Maryland outside of Baltimore, and 2 different physicians in Washington, D.C." referred women to the bureau.³⁴ Most of them probably learned about the clinic through letters sent by the BCA committee. These letters brought awareness about the BCA among doctors without overt public advertising, such as newspapers or other media.³⁵ By avoiding announcements in such public venues, the bureau maintained its reputation as a justifiable, medical establishment designed for public health research, rather than a clinic premised on efforts to instigate radical social change.

One of the bureau's most imperative questions lay in determining why women sought contraceptive advice. Clarifying the motivating factors behind the concerns for their reproductive lives, the BCA hoped to chart the best course of action for providing comprehensive health care. Although the records are not clear as to why every woman desired birth control information, the vast majority presented health conditions and concerns about too frequent pregnancies. Close to half of the patients in the first year cited purely medical reasons for seeking contraceptive advice from the clinic. These medical conditions included nervous disorders, such as dementia and a husband's mental problems, tuberculosis, kidney diseases, syphilis, epilepsy, asthma, and previously difficult labors. The most common cases were "nervous disorders, tuberculosis, kidney disease, and heart disease."³⁶ Twenty-three women sought help because they had already experienced numerous pregnancies, making them susceptible to undernourishment, anemia, and heightened chances for miscarriage. For example, case number 62 stated that she had given birth to seven children and had fifteen miscarriages in her twenty-one years of marriage. One woman (case number 109) had already given birth to

six children and had only been married for six years when she was referred to the bureau. Another, case number 52, gave birth to six children over the course of sixteen years of marriage, and stated her complications as “general debility, husband alcoholic, and cripple.”³⁷ These women obviously suffered mental and physical anguish over their inability to effectively control their own fertility and, thus, were eager to speak with the medical staff of the BCA, which may have been their only source of such information.

The onset of the Great Depression and its effect on American families can be seen in the medical data of BCA patients. As Dr. Raymond Pearl wrote, “During the last year [1930–1931], for the first time, there have been a number of women falling in the lowest income class, \$0–\$9.99 per week.”³⁸ Seven women reported weekly incomes at this low level, compared to just two years earlier when none reported less than \$10.00 per week.³⁹ Additionally, the average length of marriage for bureau patients declined during its five years of operation, from twelve to ten years between 1927 and 1931.⁴⁰ Although the difference is slight, the fact that there was a relatively noticeable decline is significant to understanding the effects of the Depression on city families and individuals. As with marriage rates across the country, Baltimore’s decreased, and couples sought reproductive advice sooner. “As young working-class women and men put off marriage during the Depression to support their families or to save money for a wedding, marriage rates fell drastically.”⁴¹

The bureau also collected data on previous contraceptive use and the religious affiliations of its patients. The results indicate the profound differences between public declarations of religious leaders towards birth control and private fertility control practices among couples, at least among women who came to the clinic. Particularly during the Depression years, women were more likely to utilize some form of contraception in order to limit their chances of pregnancy. Oftentimes, this desperation to control fertility led many women to seek criminally induced or self-induced abortions. Moses reports a marked increase in the number of abortions patients reported between 1927 and 1932. The number of patients reporting self- or criminally-induced abortions was 37 percent, a total of 1,008 abortions out of 1,152 patients. Moses acknowledged that the actual number of abortions was probably much higher since many patients may have hesitated to admit to a criminal activity. Other clinics, particularly the Birth Control Clinical Research Bureau in New York City, reported similar findings about worsening economic conditions and patient reproductive practices.⁴² Abortion and contraceptive use rates increased among the women seen at the bureau during these years, a trend that rippled through clinics around the nation.

Follow-up reports were a standard feature of each patient file, as it was essential to the bureau’s medical mission to learn the effectiveness of the services and contraception it provided—a significant feature of medical studies. These reports

were designed to glean information about the successful use and personal opinions of patients and their husbands about contraception. The BCA advised the pessary as the preferred method, but many women found it difficult to use, not to mention cumbersome. In subsequent visits, patients answered a myriad of questions, including whether they understood its insertion, if they or their husbands found it to be a satisfactory method of birth control, did they experience any negative health side effects from its use, how frequently they used the contraceptive, and finally, had become pregnant since their last visit.⁴³ Patients also received contraceptive supplies, such as pessaries, jellies, and douching implements. Clinic visits and supplies were not always free of charge, but the clinic charged fees “commensurate with [patients’] ability to pay.” The Bureau for Contraceptive Advice charged between \$1.00 and \$15.00 for services.⁴⁴ In the first year, they charged twenty-three white women, but no black women, for both fees and supplies. Fifty-one white and three black women paid for just supplies. And sixty-five white women and twenty-six black women—the majority—received all services and supplies free. Ninety-one out of 168 women, just over half, could not afford to pay for services.⁴⁵ Therefore, although many of the women most likely came from the upper-working to lower-middle-class families, the BCA presumed that husbands earned insufficient salaries and could not cover the costs of clinic services. Considering that the bureau worked independently of any hospital or medical affiliation, it makes sense that costs for their services ran much higher than many other clinics with such ties. Fundraising remained an ongoing concern for the committee as it relied heavily on donations from members and private donations from the community.⁴⁶ By pricing their supplies and services higher, perhaps they hoped to bolster BCA and promote the clinic with an air of professional private medical service rather than a charity service for poor women unable to afford the services of a private physician.

Premised on the idea that the Bureau for Contraceptive Advice was a medical establishment conducting scientific research for the benefit of the medical community and for the City of Baltimore, the physicians and scientists involved in the clinic’s five year operation eagerly shared their data analyses with like-minded parties. In 1936, the bureau published Dr. Bessie Moses’s *Contraception as a Therapeutic Measure* as a summary of the clinic’s patient information and the successes and failures of the contraceptive advice they provided to the city’s women. This report detailed the BCA’s conclusions about the effectiveness of contraceptive use and the related need for fertility control clinics to provide female patients with accurate information. Further establishing the bureau as a legitimate medical center for reproductive research, this report included an introduction written by Dr. Raymond Pearl, who by this point in his career had significantly modified his stance on eugenics and reproductive issues. The work conducted at the BCA factored into the breakdown of previous perceptions, generally from the eugenic

standpoint, of reproductive use and success among various segments of the population. The bureau's statistical findings helped bring about a new development in the birth control movement, one centered on partnerships between activists and physicians, a relationship that had been tenuous at best and hostile at worst in previous decades.

The vast majority of patients at the bureau reported that they found the contraception method to be satisfactory. These patients used the combination of a pessary and spermicidal jelly with a douche as directed by the BCA's medical staff. Although the extent to which women utilized this combination alone cannot be fully determined, it appears in the data that most women effectively used the prescribed contraceptives to prevent unwanted pregnancies. In many cases women returning to the clinic after lengthy lapses in time reported positive results with the advised methods. Some, however, had for whatever reason become pregnant. A few women carried these pregnancies to term, but others sought out criminal abortions or performed self-induced abortions. Following this, most of these women later returned to the bureau for "refresher" courses of instruction and new diaphragms and went on to successfully prevent further pregnancies.⁴⁷ Analyzing the bureau's data shows very high success rates among women using diaphragms in conjunction with jellies, "There were 234 of the total treated group of 1069 patients who had undesired pregnancies. Of these, 169 had not used the method advised; 36 had used the method but with defective materials or faulty technique, and only 29 claimed to have followed the given instructions. Thus only 2.71 per cent of the total treated cases were actual failures of the method."⁴⁸

A prevalent idea of the period, stemming from the pseudo-science and racism of the nineteenth century, deemed non-white peoples belonged to "lesser races" and were therefore perceived as less intelligent. Many considered these individuals incapable of understanding contraception and how to utilize birth control measures with any degree of measurable success. Bound in eugenics, the belief that non-white individuals had little or no ability to comprehend topics such as birth control shaped scientific research conducted at contraceptive clinics, including the BCA in Baltimore.

Although Baltimore's Dr. Raymond Pearl was also a leading eugenicist of the early twentieth century, he was very interested in ascertaining the prevalence of use of contraceptives among non-white populations. But, by the late 1920s, Pearl began to distance himself from the eugenicist community because he wanted more concrete and scientific data to support such claims. Some of these scientists argued that native-born whites committed "race suicide" by limiting their fertility as the number of children among immigrant and black families was higher. Pearl's beliefs, however, did not fully conform to this argument. Speaking about the relatively large number of black women that sought out the services at the bureau, Pearl wrote in the first statistical report, "As this first year's experience may

be taken as indicative, it tells against the argument frequently made against birth control, to the effect that the economically less fortunate and less foresighted elements of the population would not avail themselves of contraceptive advice if it were freely offered.”⁴⁹ The statistical data from the bureau’s studies further impressed this point upon birth control advocates and combined with work conducted at similar clinics around the nation, helped to substantiate the claim that Pearl espoused in 1934, “the single greatest factor in the differential birth rate was knowledge of and access to birth control,” rather than racial or intelligence factors.⁵⁰

Quite possibly, the most significant and groundbreaking statement Pearl made that directly and positively affected the birth control movement was in his study “Second Progress Report on Family Limitation” published in 1934:

Our detailed records indicate clearly that this [same fertility rates among all races and economic classes] is due primarily to ignorance of contraceptive methods and technique rather than to a desire to have large families... The logic of our results would seem to point clearly and unequivocally to the probability that prompt removal of all legal restriction to the free dissemination of contraceptive information, and barriers to the unrestricted distribution of contraceptive devices, would tend to have the effect of bringing the differential fertility of social classes more nearly into balance again.⁵¹

With this statement, Pearl helped rid legitimate scientific and public health practice from the rhetoric associated with eugenics and also provided backing for further public policy changes and strategies for the birth control movement. By voicing support for the work of physician-controlled contraceptive clinics, Pearl validated the work and reinforced the importance of contraception as part of individual and public health. Although he drew from statistical accounts provided by clinics around the country, his close association with the bureau in Baltimore undoubtedly indicates the direct influence its work had on his own research.

The issue of patient and physician access to contraceptive information reached the federal government by the early 1930s. Beginning in 1931, Congress held a series of hearings on amending existing U.S. codes and statutes in order to allow physicians to freely disseminate contraceptive advice. These hearings, Senate Bill 4582, enabled licensed physicians, hospitals, and clinics to distribute birth control information, services, and products to patients. In addition, these entities gained permission to obtain contraceptives from licensed manufacturers without fear of retaliation.⁵² Margaret Sanger, a headline figure, extended her endorsement of the measure, as she had experienced first-hand the restrictions of the Comstock Act and the limits it placed on clinics and physicians who tried to

procure contraceptive information and supplies. Physician participation in support of legalizing doctor-controlled contraceptives is, again, another key piece of evidence illustrating the relationship between the birth control movement and professional medicine at this time. Although many physicians perceived Sanger's actions as propagandist and wished to separate themselves from her controversial nature, they also willingly testified on behalf of the birth control cause. The tense relationship between Sanger and the larger medical community was a significant component of the birth control movement as it moved into the 1930s.

The Johns Hopkins medical community played an active role in the senate hearings. Interestingly, however, individuals within the Hopkins' circle had differing points of view on the issues surrounding birth control accessibility. In support of the measure, Dr. J. Whitridge Williams, an influential and significant figure to the founding and operation of the Bureau for Contraceptive Advice, testified on the medical need for contraception to improve women's health. Williams elaborated on the negative medical effects of frequent pregnancies. Williams' concern clearly reflected a significant problem sympathetic physicians and clinics encountered during this period in their efforts to serve female patients. Williams also discussed the experiences of the Bureau for Contraceptive Advice when calling for passage of S. 4582:

Some years ago, when we organized in Baltimore a birth control clinic, we wanted to import from Europe certain contraceptive devices because they were better and cheaper than the ones we could buy here and Judge Moses of Baltimore and I made an appointment with Mr. Camp, who was then the Commissioner of Customs. He received us very kindly here in Washington, talked very nicely to us, read us the law, and said there was no possibility of importing such things even for scientific purposes, and that according to the law they were going to be destroyed on the dock whenever found. Now, the result is that a huge bootleg trade has developed in all devices and everyone knows it, and you gentlemen know it probably just as well as I do, and you only have to study the history of what is happening in your own acquaintance to see that this information and these devices are widespread.⁵³

By the 1930s, with the help of groups such as the BCA, birth control became firmly entrenched in the professional medical field and came under the guidance of physicians and other health care providers, which added to the validation of contraceptives that movement supporters had sought from previous decades.⁵⁴

The Baltimore Bureau for Contraceptive Advice deftly illustrates this newfound relationship between birth control advocates and the professional medical community. The clinic provided services exclusively to women referred by

physicians, likely those associated with Hopkins, the AMA, or social service workers. The clinic itself operated out of a house located just blocks from the Johns Hopkins Hospital complex and had been donated by Dr. Donald Hooker, a physician from Hopkins, and his wife. Further connecting the BCA to the professional health care community of Baltimore City, the surrounding addresses show that the neighborhood was a center for physicians, nurses, and other medical services, such as pharmacies.⁵⁵ And, when it first opened, the bureau distributed letters of intent only to physicians.⁵⁶ All these factors indicate that the bureau did not function as a radical establishment, a place run by inexperienced advocates agitating for drastic legislative and social change. On the contrary, this clinic ran as a scientific research venue staffed by experienced Johns Hopkins physicians and operated well under the radar of political scrutiny. As Pearl wrote, "It was felt that the medical, social, and biological problems presented by the widespread and growing practice of contraception in the population demanded a more rigorous and precise type of scientific investigation than had come, or seemed likely to come, from the activities of birth control clinics partly or wholly dominated by the philosophy and attitudes of propagandists and uplifters."⁵⁷ The bureau's patients actively participated in the push for greater access to effective and safe contraceptive advice. A relatively high number of patients returned to the clinic for follow-up care and materials even though some contraceptive products, such as jellies and condoms, were readily available at local drugstores, of which there were many around the BCA. Many women sought greater control of their fertility and did so within the circle of professional medicine. Female patients played an important part of the growing relationship between the birth control movement and the medical community.

The data collected at the bureau and the conclusions its medical staff and Board of Directors drew highlight the immense impact such scientific studies had on the perceptions of birth control during this period. Eugenic thought shifted dramatically as studies showed that access, not innate characteristics of individuals, determined effectiveness of contraceptive methods. Also, the studies conducted at the bureau and safety of contraceptive materials supported arguments addressing the health needs and benefits of birth control to female patients. Significantly, the bureau emphasized its statistical analyses as an indicator of their work's great importance in accessing birth control information and materials to the public health of the community. Never, at any time, did the bureau put forth its conclusions in the language that provided women with control or the choice to freely express their sexuality, an argument most closely associated with advocacy surrounding the earliest period of the birth control movement.⁵⁸ This stark difference reinforces the motivations of the bureau's staff in operating such a clinic in Baltimore City. They were not there to freely disseminate materials to any and all women that came to their office. Rather, they operated from a specific agenda and

provided contraceptive advice to a select group of women for a select purpose. Birth control, therefore, became a method of public health improvement, not a tool of the promiscuous.

Although the Bureau for Contraceptive Advice operated formally for just five years, it hosted a significant study on birth control, public health, community, reproduction, and economic trends that had not been conducted previously in this area. The involvement of the Johns Hopkins medical community in the contraceptive debate can be seen through the formation of the bureau and various physicians' participation in congressional hearings for legislative change. But, most of all, the BCA underlined the enormous need for such a venue to address the health needs and concerns of the women of Baltimore City. Even though it faced controversy and discontent from segments of the community, the bureau also highlighted the paradoxical place of birth control within society. Contraception had become, during the nineteenth century in particular, a public secret. Although there were great backlashes against its practice, the patient records and statistical data obtained by the Bureau for Contraceptive Advice illustrate that women, regardless of age, race, or creed, wanted, and will continue to want, to control their fertility and ensure their own overall and reproductive health.

NOTES

1. On the general history of Margaret Sanger and the early birth control movement see, Ellen Chesler, *Woman of Valor: Margaret Sanger and the Birth Control Movement in America* (New York: Simon and Schuster, 1992); on the overall history of contraception see, Linda Gordon, *Woman's Body, Woman's Right: Birth Control in America* (New York: Penguin Books, 1990); on the period focused on in this essay see Carole R. McCann, *Birth Control Politics in the United States, 1916–1945* (Ithaca: Cornell University Press, 1994); and on the BCA see Bessie L. Moses, *Contraception as a Therapeutic Measure* (Baltimore, Md.: The Williams & Wilkins Company, 1936).
2. Public-No. 133, "An Act for the suppression of trade in and circulation of obscene literature and articles of immoral use," *Acts and Resolutions of the United States of America Passed at the Third Session of the Forty-Second Congress, December 2, 1872–March 3, 1873* (Washington, D.C.: Government Printing Office, 1873), 234–36, reprinted in Andrea Tone, ed., *Controlling Reproduction: An American History*, Worlds of Women Series (Wilmington: Del.: Scholarly Resources Inc., 1997), 140–43.
3. Helen Lefkowitz Horowitz, *Rereading Sex: Battles Over Sexual Knowledge and Suppression in Nineteenth Century America* (New York: Alfred A. Knopf, 2002), 382.
4. Paul Starr, *The Social Transformation of American Medicine* (New York: Basic Books, Inc., 1982), 85.
5. Leslie J. Reagan, *When Abortion was a Crime: Women, Medicine, and the Law in the United States, 1867–1973* (Berkeley: University of California Press, 1997), 57.

6. Reagan, *When Abortion was a Crime*, 81.
7. Sheila M. Rothman, *Woman's Proper Place: A History of Changing Ideals and Practices, 1870 to the Present* (New York: Basic Books, Inc., 1978), 200; Susan Ware, *Holding Their Own: American Women in the 1930s* (Boston: Twayne Publishers, 1982), 104.
8. Reagan, *When Abortion was a Crime*, 147; See also Susan Cotts Watkins and Angela D. Danzi, "Women's Gossip and Social Change: Childbirth and Fertility Control Among Italian and Jewish Women in the United States, 1920–1940," *Gender and Society* 9 (Aug. 1995), 476.
9. Rothman, *Woman's Proper Place*, 201.
10. Moses, *Contraception as a Therapeutic Measure*, 3.
11. Moses, *Contraception as a Therapeutic Measure*, xi.
12. Women were first admitted to the Johns Hopkins Medical School in 1893, thanks to a sizable donation and fundraising efforts of a group of young women from wealthy families in Baltimore City: Mary Elizabeth Garrett, M. Carey Thomas, Mary Gwynn, and Elizabeth King; through an agreement with the Board of Trustees, the women were able to raise the necessary \$500,000 to enable women to attend the medical school alongside men; three women were part of the first graduating class; Bertram M. Bernheim, *The Story of the Johns Hopkins: Four Great Doctors and the Medical School They Created* (New York: McGraw Hill Book Company, 1948), 14, 26–34.
13. A detailed discussion of the founding of the Johns Hopkins School of Hygiene and Public Health and its importance in development of new avenues of medical research can be found in Elizabeth Fee, *Disease and Discovery: A History of the Johns Hopkins School of Hygiene and Public Health, 1916–1939* (Baltimore, Md.: The Johns Hopkins University Press, 1987).
14. Biographical Information on Members of the Hopkins faculty and staff, related collections, AMCMA, JHMI, Baltimore, Md.
15. Adolf Meyer, "The Obligation of Procreative Hygiene," speech read at the Baltimore Conference on Birth Control, 1923, in Meyer, *Birth Control, Facts and Responsibilities*, 2. Also see Adolf Meyer, letter to Margaret Sanger, January 15, 1924, Meyer Collection, II/26/19, AMCMA, JHMI, Baltimore, Md.
16. Fee, *Disease and Discovery*, 205.
17. Organization Meeting of Committee on Contraceptive Information, 22 March 1926, Meyer Collection, III/62/1, AMCMA, JHMI, Baltimore, Md.
18. Organization Meeting of Committee on Contraceptive Information, 22 March 1926, *Ibid.*, III/62/1.
19. Robyn L. Rosen, *Reproductive Health, Reproductive Rights: Reformers and the Politics of Maternal Welfare, 1917–1940* (Columbus: The Ohio State University Press, 2003), xiii; Carole R. McCann, *Birth Control Politics in the United States, 1916–1945* (Ithaca, NY: Cornell University Press, 1994), 43.
20. In addition to heading the Bureau for Contraceptive Advice and subsequent clinics in Baltimore and Maryland, Bessie Moses was also in private practice as an obstetrician and gynecologist in Baltimore City until her death in 1965. She was a prominent figure in health care in the city and was frequently asked to speak to groups and mentor students on all topics of health. Lauren Morton, "Bessie Moses, 1893–1965," Archives of Maryland, Biographical Series, Maryland Women's Hall of Fame, Maryland State Archives (August 24, 2005). See also, Planned Parenthood Collection, Langsdale Library Special Collections, University of Baltimore, Baltimore, Md. As Ellen S. More explains, the field of public health had become an acceptable medical field for women interested in becoming physicians by the twentieth century. Combining the work with maternal concerns, public health became a large venue for female physicians during the efforts of progressive reform organizations experienced relative successes with ad-

vancing female issues. See Ellen S. More, *Restoring the Balance: Women Physicians and the Profession of Medicine, 1850–1995* (Boston, Mass.: Harvard University Press, 1999), 79–94.

21. Letter to Potential Benefactors of the Bureau for Contraceptive Advice, 1926, *Ibid.*, III/62/2; See Appendix II, Moses, *Contraception as a Therapeutic Measure*.

22. Third Meeting of Committee on Contraceptive Information, October 18, 1926, *Ibid.*, III/62/1.

23. See Appendix II, Moses, *Contraception as a Therapeutic Measure*.

24. Jim Crow practices were by no means absent in northern states during the 1920s and 1930s, however, they were most prevalent in southern areas. It is surprising for the period and location that the Bureau for Contraceptive Advice served black women. But Johns Hopkins was well-known as an institution of progressive ideas, meaning that it is understandable why the clinic apparently did not discriminate against patients.

25. See Appendix II, *Ibid.*, 3.

26. Women interested in obtaining birth control advice tended to write to Margaret Sanger at her clinic in New York City inquiring for information. It was customary for Sanger to send a reply with a list of names of sympathetic physicians in particular local areas for women to contact in order to ascertain fertility control services and supplies, see Adolf Meyer correspondence with Margaret Sanger, Meyer Collection, AMCMA, JHMI, Baltimore, Md. In addition, it appears that the bureau was able to secure connections with high numbers of physicians across the state of Maryland. According to the statistical records published for the bureau, by the fifth year of operation (1932), there were 119 different physicians in Baltimore alone that had referred women as patients to clinic. In the same year, there were 18 different physicians in Maryland outside of Baltimore that also referred patients. Moses, *Contraception as a Therapeutic Measure*, 12.

27. “Birth Control Clinic Planned for Baltimore,” September 23, 1927. This article was printed in a Baltimore City newspaper, either the *Sun* or the *Evening Sun*. I was unable to determine the exact name due to the copy found in the archival folder. John Whitridge Williams Papers Collection, the Alan Mason Chesney Medical Archives, the Johns Hopkins Medical Institutions, Baltimore, Md. I was unable to find any other public mention of the clinic in Baltimore City newspapers. I performed a search of one newspaper issue per week between October to November 1927 of the *Baltimore Sun*, *Baltimore Evening Sun*, and *Afro-American*, and was unable to find any other information regarding the opening of the clinic.

28. Meyer Collection, III/62/3, AMCMA, JHMI, Baltimore, Md.

29. *Polk’s Baltimore (Maryland) City Directory* (Baltimore, Md: R. L. Polk & Company, 1928).

30. *Polk’s Baltimore (Maryland) City Directory*; *First Annual Report of the Bureau for Contraceptive Advice* (Baltimore: Waverly Press, 1929), 5, Meyer Collection, III/62/2, AMCMA, JHMI, Baltimore, Md.

31. *First Annual Report of the Bureau for Contraceptive Advice* (Baltimore: Waverly Press, 1929), 3; *Ibid.*, III/62/2.

32. “U.S. Census Data: 1920, State of Maryland,” Geospatial and Statistical Data Center, University of Virginia Library (July 30, 2004) <http://fisher.lib.virginia.edu/collections/stats/histcensus/php/county.php> (accessed September 30, 2006). The age ranges for these data are not specific on the Historical Census Browser website. The only categories available to search were “total female population” or “total female population over the age of 21.” Considering that this study is focused on reproduction and contraceptive use, I did not want to limit my study to those women age twenty-one and over, as it may have cut out a portion of the female population that would fit into my area of interest for this project. However, to include as much useful data as possible, the census indicates that in 1920, there were 234,695 females over the age of 21 living in Baltimore City, and of these, 36,711 were African-American women.

33. In the *First Annual Report of the Bureau for Contraceptive Advice*, the Bureau reported seeing five patients that were between fifteen and nineteen years of age. That does not, of course, mean that there actually were any patients as young as fifteen, but the fact that they devised fifteen as a start-off point for their age categorizations leads me to believe that there was a purposeful reason. *First Annual Report of the Bureau for Contraceptive Advice* (Baltimore, Md.: Waverly Press, 1929), 4, Meyer Collection, III/62/2, AMCMA, JHMI, Baltimore, Md.
34. *First Annual Report of the Bureau for Contraceptive Advice* (Baltimore, Md.: Waverly Press, 1929), 6; *Ibid.*, III/62/2.
35. Little mention of the bureau was found in prominent Baltimore City newspapers of the period. Examinations of the *Baltimore Sun*, *Baltimore Evening Sun*, and *Afro-American* resulted in few articles either directly or indirectly mentioning the clinic.
36. Fourteen women reported nervous disorders, with nine of those citing psycho-neurosis as the main health concern. Thirteen women cited tuberculosis, and another thirteen cited kidney disease. And, twelve women arrived at the clinic suffering from heart disease. *First Annual Report of the Bureau for Contraceptive Advice* (Baltimore, Md.: Waverly Press, 1929), 8, Meyer Collection, III/62/2, AMCMA, JHMI, Baltimore, Md.
37. *First Annual Report of the Bureau for Contraceptive Advice* (Baltimore, Md.: Waverly Press, 1929), 9, Meyer Collection, III/62/2, AMCMA, JHMI, Baltimore, Md.
38. *Statistical Report on the Fourth Year's Operations of the Bureau for Contraceptive Advice*, 10. Although the table representing these figures includes data from November 2, 1927, to September 30, 1931, the fact that no women appeared in the tabulations at this weekly income range in the statistical reports for years 1–3 leads to the strong belief that this data must have come about within the fourth year of operation. Therefore, my assertion that the Great Depression took a visible toll on the economic conditions of families in Baltimore City is greatly supported.
39. *Second Annual Report of the Bureau for Contraceptive Advice*, 7. Also, there were no women reported as having weekly incomes below a minimum of \$10.00 during the third year of the bureau's operation (1929–1930). During this period, there were 72 white women and 57 non-white women.
40. *Statistical Report on the Fourth Year's Operations of the Bureau for Contraceptive Advice*, 5.
41. Reagan, *When Abortion was a Crime*, 133. The vast negative impacts of the Depression can also be seen through a larger view of economic data related to Baltimore City during this period. Baltimore City had been a growing economic center for Maryland due to its harbor's prime location on the Chesapeake Bay and railroad hub. Numerous industries and other occupations flourished in the city, but the Depression eventually took its toll on the burgeoning market. In 1920, the number of manufacturing establishments, just a portion of the total industries and businesses located within the city limits, was 2, 797. However, as in cities and towns across the nation, this number began to plummet under the financial pressures wrought by the Depression. By 1930, the number of manufacturers had dropped to 2, 140. In addition, according to census records, there were 33, 677 registered unemployed persons in Baltimore City in 1930. At the bureau the greatest number of women reported having husbands employed as either unskilled or semi-skilled workers. The highest percentages of husbands' occupations were found in the unskilled laborers category (with 23% over the course of four years of study) and semi-skilled and skilled laborers (which included manufacturing, building and other industries and had about 30% of husbands over four years of study). *Statistical Report on the Fourth Year's Operations of the Bureau for Contraceptive Advice*, 9. These men would have been significantly impacted by the drop in city employment at this time. Nation-

ally, the period between 1929 and 1932 witnessed unemployment numbers skyrocketing from one million to over twelve million, "Employment Status of the Civilian Population: 1929-2002," United States Census Bureau, Statistical Abstract of the United States (2003) <http://www.census.gov/statab/hist/HS-29.pdf> (accessed October 2, 2006).

42. Nationally, the number of abortions spiked during the Depression as desperation forced women to seek any available avenues for preventing and ending unwanted pregnancies. Moses reported that, "Some women [patients at the bureau] had had only one abortion but others as many as 10 or 15 and one woman admitted having had 25, the first criminally induced by a physician and the other 24 self-induced after she had learned the technique." Moses, *Contraception as a Therapeutic Measure*, 24; Fee, *Disease and Discovery*, 207. Leslie Reagan discusses the impact of the Depression on abortion rates and women's use of abortion as a means for controlling fertility. She notes that, "A number of studies showed that white and black married women of the same class had abortions at the same rate," which indicates the use of the practice within classes, racial groups, and the population as a whole. Reagan, *When Abortion was a Crime*, 135; "Annual Report: Birth Control Clinical Research Bureau, December 1, 1929—November 1, 1930," Meyer Collection, III/63/13, AMCMA, JHMI, Baltimore, Md.

43. See Appendix IV. Moses, *Contraception as a Therapeutic Measure*, appendix IV.

44. As a point of comparison for clinic fees around the nation, in Cleveland, Ohio, the clinic instituted a sliding scale of prices according to income and family size that it used to determine payment of fees by patients. For example, a woman who had a family weekly income of \$25.00 and one child would pay \$1.40 for her consultation and supplies. In contrast, another woman with the same weekly income and five children would only be obliged to pay \$0.35 for the same services. The highest charge at the Cleveland clinic was for a woman with a family weekly income of \$40.00 and only one child—\$5.50. Caroline Hadley Robinson, *Seventy Birth Control Clinics: A Survey and Analysis Including the General Effects of Control on Size and Quality of Population* (Baltimore: The Williams & Wilkins Company, 1930), 114.

45. *First Annual Report of the Bureau for Contraceptive Advice* (Baltimore: Waverly Press, 1929), 11, Meyer Collection, III/62/2, AMCMA, JHMI, Baltimore, Md.

46. Committee meeting minutes detail fundraising issues. In a letter dated January 15, 1932, Dr. Bessie Moses wrote to Margaret Sanger about the upcoming closing of the Bureau for Contraceptive Advice due to its having completed its research goals. She stated, "At the last meeting of the Committee the feeling of the members was that they would not care to undertake the raising of funds for such a project [running another clinic]. I made the point that I felt there are many people in Baltimore who would be glad to contribute to a Birth Control Clinic . . . I, of course, know some wealthy and interested people, but I thought you might be able to give me the names of some Baltimoreans who have shown interest in reform of the Federal Law [to ease restrictions on physician access and distribution of contraceptive materials]." Letter from Dr. Bessie L. Moses to Margaret Sanger, January 15, 1932, Margaret Sanger Papers Collection, box 95, reel 62, Library of Congress, Washington, D.C.

47. There are summaries of a few cases as examples of this occurrence at the bureau. All of the women who experienced initial success and then had pregnancies before returning to the clinic went on to successfully utilize the birth control method for many years (the study follows them only through the few months following the official closure of the Bureau in 1932, of course). Moses, *Contraception as a Therapeutic Measure*, 44–47.

48. *Ibid.*, 85–86.

49. *First Annual Report of the Bureau for Contraceptive Advice* (Baltimore, Md.: Waverly Press, 1929), 3, Meyer Collection, III/62/2, AMCMA, JHMI, Baltimore, Md.

50. McCann, *Birth Control Politics in the United States*, 125.

51. Raymond Pearl, "Second Progress Report on Family Limitation," *Milbank Memorial Fund Quarterly* 12 (July 1934), 268.
52. Congress, Senate, Subcommittee on the Judiciary, *Birth Control*, 71st Cong., 3rd sess., February 13 and 14, 1931, Meyer Collection, II/505/12, AMCMA, JHMI, Baltimore, Md.
53. Testimony of Dr. J. Whitridge Williams, "Birth Control," Senate Hearing before the Subcommittee on the Judiciary, February 13, 1931, 10, Meyer Collection, II/505/12, AMCMA, JHMI, Baltimore, Md.
54. Ware, *Holding Their Own*, 104; Tone, *Devices & Desires*, chapter 6.
55. *Polk's Baltimore (Maryland) City Directory*.
56. In addition, the absence of any form of articles or advertisements related to the Bureau within local newspapers attests to the fact that the Bureau's Board of Directors wished for the clinic to remain under the radar. The Bureau, operating as a medical institution conducting scientific research, did not want to be associated with "radical" clinics of the past that openly advertised their services in order to appeal to as many local women as possible. I conducted a cursory search through issues of the *Baltimore Sun*, *Evening Sun*, and *Afro-American* between the years 1927 and 1930, and found few articles related to the Bureau.
57. Moses, *Contraception as a Therapeutic Measure*, xi.
58. For a discussion of the idea that early arguments espoused by Margaret Sanger dealt with birth control as necessary for women's freedom to express themselves sexually, particularly in the idea that women should be able to engage in sexual relations freely and at will apart from the responsibility of pregnancy, see McCann, *Birth Control Politics in the United States*, 35.

Research Notes & Maryland Miscellany

Charles Dickens in America: The Baltimore Letters

Jon Acheson

Were I an English legislator, instead of sending Sedition to the Tower, I would send her to make a tour of the United States. I had a little leaning towards sedition myself when I set out, but before I had half completed my tour, I was quite cured. — Frances Trollope, 1838

At half past eight on the morning of Thursday, March 24, 1842, Charles and Catherine Dickens boarded a train in Baltimore and set out for western Pennsylvania, their American tour nearly half over.¹ Originally, Dickens planned to travel south to Charleston, South Carolina, but after conferring with Senator Henry Clay during their visit to Washington D.C., he changed course. With the western Senator's encouragement, a new itinerary—skipping at least a fortnight in the Carolinas—would have them leave the east coast immediately and move inland, eventually reaching St. Louis by train, wagon, and riverboat. They understood that they would have to move fairly rapidly over this greater distance as Charles had a performance scheduled in Montreal in early May. While in Baltimore, Dickens confirmed that his final day in America would be in early June and that he and Catherine had booked their passage home to England. From Baltimore, Dickens wrote his brother Fred, “We have arranged to embark from New York for England in the *George Washington* Packet Ship, on the 7th of June. We shall count the days until that blessed time arrives.”² From Baltimore, Dickens admitted in letters home that his profound disappointment with America had made him homesick.

In total, “Mr. and Mrs. Boz,” would spend four and half months in America, having arrived in Boston on January, 22, 1842, after a harrowing steamship passage from Liverpool.³ Dickens explained his change of plans in several letters he composed while staying at Barnum's Hotel near Monument Square in Baltimore.

The author has lived and worked in Baltimore since 1995. He is currently chair of the History Department at the Park School.



*Charles Dickens, 1812–1870.
(Maryland Historical Society.)*

On March 22 he wrote to Lord Brougham (John Mildmay-White), “I have been South as far as Richmond in Virginia; but the weather becoming prematurely hot; and the sight of Slavery, and mere fact of living in a town where it exists being positive misery to me; I turned back.”⁴ Altogether Dickens wrote thirteen letters during those three nights spent in Baltimore. One was a short instructional note in which he made arrangements for the remainder of the journey and two were short thank-you notes. Ten were of greater length, the longest written to his close friend, the actor and dramaturge, William C. Macready, runs over 2,900 words.

Just thirty years of age, but already a popular author on both sides of the Atlantic having published six novels in seven years, Dickens arrived in Baltimore fairly wrung-out from weeks of being feted at receptions and dinners from Boston to Richmond. In every town visited, his and Catherine’s fans expected them to hold “a Levee” like “a kind of Queen and Albert.” The travel between towns since leaving Philadelphia two weeks before had been especially tiring, “the same thing over and over again . . . the low grounds and swamps . . . it is all one eternal forest, with fallen trees mouldering away in stagnant water.”⁵

Having escaped the unseasonable heat of Washington D.C. and Richmond, Dickens sought temporary refuge in Baltimore, arriving unannounced. His new personal secretary, George Putnam, hired in Boston to answer the hundreds of invitations and letters Dickens received each week, tried to shield “Boz” from the attention of local admirers, but erecting a privacy barrier proved difficult. None-

theless, Catherine and Charles Dickens disappeared into Barnum's Hotel hoping not to be disturbed.⁶ No doubt many Americans, having read, enjoyed, and sometimes personally identified with the irreverent voice of sagacity in his novels, felt they knew the man already and therefore had some proprietary right to an audience. Enconced in his Baltimore hotel room, Dickens, finally free of social obligations, wrote at his usual furious pace. In three of the Baltimore letters he used virtually the same sentence regarding the overwhelming American hospitality he had thus far received, "They give me everything here, but Time." He needed time to scratch out his reflections about his meetings with President John Tyler, Secretary of State Daniel Webster, and members of Congress, including ex-President John Quincy Adams, and Senators Calhoun and Clay. The Washington and Richmond establishments had sought his attentions morning, noon, and night, and now the writer used the hiatus to compose his thoughts before heading west.

It is in the Baltimore letter to William Macready that Dickens aired his most famous and pointed sentences about America. The particular candor of this letter is likely generated by the fact that he was writing to a close friend, and a man who, having had a positive experience in America himself, had encouraged Dickens to make the trip.⁷ To Macready, Dickens expressed his grave disappointment, "This is not the Republic I came to see. This is not the Republic of my imagination. I infinitely prefer a liberal Monarchy—even with its sickening accompaniments of Court Circulars, and Kings of Prussia—to such a Government as this . . . it sinks immeasurably below the level I had placed it upon. And England, even England, bad and faulty as the old land is, miserable as millions of her people are, rises in the comparison. . . . You live here, Macready, as I have sometimes heard you imagining! You! Loving you with all my heart and soul, and knowing what your disposition really is, I would not condemn you to a year's residence on this side of the Atlantic, for any money."⁸

Dickens's strong opinion of the United States prompts several questions. Why did he and Catherine stay on, rather than cancel the remainder of the trip? And more to the point, what did he find that so seriously disappointed him? These questions may be answered through an examination of the Baltimore letters and by referring to the books and articles that subsequently emerged from his American visit. But two even more basic questions might be asked first—why did Dickens come to the United States, and what did he expect to find in America?

Back in London, in 1841, in the wake of the success of *The Old Curiosity Shop*, Dickens spun out a new tale, *Barnaby Rudge*, set during the time of the American Revolution. His interest in revolutionary-era politics grew with each weekly installment. Though his youngest son was just a few months old, he formed a plan to take Catherine with him to America early in the new year, and began assembling an itinerary. We know Dickens picked up and read Harriet Martineau's travel memoir, *Society in America* (1837), Frances Trollope's *Domestic Manners of the*

American (1832), and Captain Basil Hall's travelogue (1827).⁹ In fact, an American journalist who interviewed Dickens at Devonshire Place in London a few months before his departure reported that heaps of travel literature littered the table in Dickens's study including American memoirs, historical tomes, and three-color maps of America.¹⁰ Dickens understood at once that he too might join this cottage industry of critically assessing the new republic, bringing to it his particular sensitivities. Much of the ink already spilt by British writers had focused on the lack of decorum and class consciousness in American culture. Americans in Trollope's book spit tobacco copiously, cursed with abandon, practiced a polyglot set of religious traditions, and exhibited few scruples in the continuous and dismal pursuit of profit.¹¹ In her most famous of novels set in America, Trollope's English heroine provided the typical British opinion of the common American merchant, "everyone of them being cheats."¹² Ms. Martineau expressed similar bias. These authors, and other European judges of American culture, consistently criticized the failure of republican institutions and their inability to create a well-ordered society capable of teaching self-restraint and modesty. The youthful Dickens believed that his own modern talents could overcome any old world prejudices, using what author and biographer Jane Smiley calls Dickens's particular "ecological perspective, an intuitive understanding of the social world as a web rather than a hierarchy."¹³

Dickens specifically planned to visit public institutions, particularly schools, hospitals, and prisons. We know from his childhood experiences and from his biting use of these settings in subsequent novels, had a lifelong interest in such places and the twin phantoms of "Ignorance and Want" that the administration of public institutions could either cultivate or diminish. In Philadelphia, Washington D.C., and again in Baltimore, he made good on this intention, touring prisons and dining with wardens. In Lowell, Massachusetts, Dickens inspected the factories and dormitories of textile workers and came away with a positive view of liberal capitalism's potential to treat workers fairly.¹⁴ The author's desire for fresh experience and to witness experiments in social engineering, he hoped, would combine seamlessly on his American tour.

Lastly, Dickens hoped the American trip would provide a bit of rest, a respite from the rush of his hectic London literary life. Meeting weekly publishing deadlines, fulfilling the demands of producing new chapters to *The Old Curiosity Shop* and *Barnaby Rudge*, and the consequent new social engagements the young author took on left him exhausted. Going to America for a few months, he believed, would afford him a proper escape and the chance to catch up with old American literary acquaintances such as Washington Irving and make new ones, including Cornelius Felton, Henry Longfellow, and Edgar A. Poe.¹⁵

Charles Dickens was not a Tory. In London, he associated with Benthamite Liberals who believed progressive laws and charitable agencies would best ad-



Barnum's Hotel, c. 1870. (Maryland Historical Society.)

dress the sometimes desperate consequences of industrial life. He had arrived in America a liberal reformer, believing much could be learned from the country's penal and educational practices. In his letter to Macready from Baltimore, after decrying the faults of American government, he pleaded, "You know I am, *truly*, a Liberal. I believe I have as little Pride as most men." He abhorred the typical condescending language of Tories who referred to Americans as crude "colonials."¹⁶ Indeed, Dickens reported that he had found a receptive working class audience in America, "the Carmen [railroad workers] of Hartford turned out to greet [me] in their blue frocks, among a crowd of well-dressed ladies and gentlemen and bade me welcome through their spokesman." Delighted, he learned they had "read all my books and perfectly understood them." But these brief moments of proletarian solidarity could not erase his profound disappointment in the new nation, "It is not these [experiences] I have in mind when I say that the man who comes to this Country a Radical and goes home again with his old opinions unchanged, must be a Radical on reason, sympathy,

and reflection, and one who has so well considered the subject, that he has no chance of wavering."¹⁷ Elsewhere in the Baltimore letter to Macready, Dickens referred to America as a "great dish." However much he approved of some "ingredients," the "dish itself goes against the grain with me . . . I don't like it."¹⁸

Dickens knew, before coming to America, that slavery would be a repellent ingredient in the "great dish." He knew he would see slavery first hand, and that sight would upset him, and particularly Catherine. Indeed, in another of the Baltimore letters, this one to his brother Fred Dickens, who was taking care of their children back at Devonshire Place, Catherine added a message below Charles's signature. "As you [Fred] may imagine the sight of slavery was most painful to us and we were most happy to turn our backs upon it, however we are still in a slave state [Maryland] and shall be until Thursday morning, when we go West."¹⁹ Among the nine surviving personal letters from Baltimore, Dickens mentioned the institution of slavery and slaves seven times (eight, if you include Catherine's aside). In the Baltimore letter to Thomas Mitton, Dickens again wrote of his decision to bypass the deep South:

We have been as far South as Richmond in Virginia (where they grow and manufacture Tobacco; and where the labour is all performed by Slaves) but the Season in those latitudes is so intensely and prematurely hot. . . and because the country between Richmond and Charleston is but desolate swamp the whole way; and because Slavery is anything but a cheerful thing to live amidst, I have altered my route.²⁰

Servant labor had never troubled the young author, yet when Maryland slaves waited on him, the experience filled him with revulsion. In *American Notes* (1842), the volume that emerged from his America tour, Dickens wrote:

We stopped by to dine at Baltimore . . . were waited on, for the first time, by slaves. The sensation of exacting service from human creatures who are bought and sold, and being for a time, a party as it were to their condition, is not an enviable one. The institution exists, perhaps, in its least repulsive and most mitigated form in such a town as this; but it is slavery; and though I was, with respect to it an innocent man, its presence filled me with a sense of shame and self-reproach."²¹

Dickens also wrote of corruption in the minds of those who participated in and justified the practice. The reaction of Southerners who "rain down a cataract of abuse" on anyone who questions the practice appalled him. Again, to Macready from Baltimore, "The sight of slavery in Virginia; the hatred of British feeling upon that subject; and the miserable hints of impotent indignation of the South have pained me very much."²² In another letter, this one to a liberal literary pa-

tron, Lady Holland, Dickens wrote that due to his change of plans, he would not likely encounter Lord Morpeth, their common acquaintance, who was sojourning in the American South. Holland, certainly disappointed with the change of plans, had believed the southern leg of the tour crucial “to ascertain by personal inspection the condition of the poor slaves.”²³ English abolitionists and liberals, including Holland, had recently secured emancipation within the British Empire (1833), and saw the fight against slavery in America as the next logical battleground.

In *American Notes*, written within four months of his return to England, Dickens devoted the penultimate chapter of the book to the “abomination” of slavery. The bulk of the chapter demolished the facile arguments that the “upholders” had put forward, one in which they claimed the practice functioned as a perfectly humane feature of American society. Dickens identified those who believed they had the right to enslave others, as “doggedly” in denial of slavery’s immorality and attendant horrors.²⁴ He skewered the “delicate gentility” of slave owners and laid bare their tiresome hypocrisy—one that tainted the new republic and gave the “democratic cause of Liberty” a bad name. He mockingly quoted owners and apologists, “It is not so bad as you in England take it to be. You are deceived by the . . . emancipationists. The greater part of my slaves are attached to me . . . it [cannot] be a general practice to treat them inhumanly, when it would impair their value.” To refute this position, Dickens cited examples of abuse he had clipped from American newspapers during his journey:

Ran away, a negro woman named Rachel. Has lost all her toes except the large one. . . . Ran away, Sam. He was shot a short time since through the hand, and has several shots in his left arm and side. . . . Ran away, a negro man named Henry; his left eye out, some scars from a dirk on and under his left arm, and much scarred from the whip.²⁵

Dickens cited over forty similar examples pulled from advertisements and public notices. The effect on the reader proved devastating, a thorough exposure of the crimes of the “slaveocracy” that they had placed in the public record.

In *Martin Chuzzlewit*, the 1843 novel set partly in America, Dickens’s fictitious American abolitionist family, the Norrises, are simple-minded racists. Indeed, the author dismissed the work of American abolitionists, and this dismissal is similar to the attitude southern apologists had of abolitionists. The caricatures of many American types in *Martin Chuzzlewit* leave the reader supposing most Americans acted out of mercenary motives, and were, by turns exceptionally stupid and villainous.²⁶ Dickens identified the corruption of slavery as part of a larger corruption of politics and economic exploitation in American culture. Even before coming south and witnessing slavery first hand, in a letter to John Forster, Dickens wrote that he feared he would:

return home a tory . . . [because] the heaviest blow ever dealt at liberty will be dealt by this country, in the failure of its example to the earth. The scenes that are passing in Congress now, all tending to the separation of the States, fill one with such a deep disgust that I dislike the very name of Washington (meaning the place, not the man), and am repelled by the mere thought of approaching it.²⁷

Slavery was part of a larger problem of republican corruption in the New World. Indeed, what disturbed Dickens more than the plight of those enslaved lay in the fact that most Americans had swallowed the slaveholders' rhetoric, apparently without serious reflection. The author, shocked that some believed salubrious intervention of "Public Opinion" would naturally suppress the worst aspects of slave owning and that slavery could be practiced without harming either slaves or morally degenerating their masters, found these positions laughable and monstrous:

Public Opinion! . . . Public opinion in the slave States has delivered the slaves over to the tender mercies of their masters. Public opinion has made the laws, and denied the slaves legislative protection. Public opinion has knotted the lash, heated the branding-iron, loaded the rifle, and shielded the murderer. Public opinion threatens the abolitionist with death, if he venture[s] to the South; and drags him with a rope about his middle, in broad unblushing noon through the first city in the East.²⁸

Dickens, familiar with vitriolic Parliamentary debates, nonetheless found southern congressional rhetoric violent to the ear. Culled from his growing collection of American newspapers, and from his visit to Capitol Hill, he presented the words of an unnamed southern Congressman discussing a northern petition in support of legislation to end the slave trade within the federal city, Washington D.C., "I warn the abolitionists, ignorant, infuriated barbarians as they are, that if chance shall throw any of them into our hands, he may expect a felon's death." Cries from another elected member echoed the point, "Let any abolitionist come within the borders of South Carolina and if we catch him, we will try him, and, notwithstanding the interference of all the governments of the earth, including the Federal Government, we will HANG him."²⁹

Such violence from New World republicans proved indigestible to the young author who found himself sickened by the paucity of rational public debate on all manner of issues in America. In the Baltimore letter to Macready, he expressed his frustration. Out of patience with the reactionary nature of too many Americans, Dickens wrote disappointedly of the fundamental lack of vigorous and genuine freedom of expression in a nation that had enrolled such freedom as a primary right in its founding charter:

Freedom of opinion! Where is it? I see a press more mean and paltry and silly and disgraceful than any country ever knew. . . . Americans can't bear to be told of their faults. 'Don't split on that rock, Mr. Dickens, don't write about America—we are so suspicious.' Freedom of opinion! Macready, if I had been born here, and written my books in this country— producing them with no stamp of approval from any other land—it is my solemn belief that I should have lived and died, poor, unnoticed, and a 'black sheep' to boot. I never was more convinced of anything than I am of that."³⁰

With nearly ten weeks of travel left in his western and Canadian itinerary, Dickens impatiently waited for the time when he could rid himself of the close-minded politicians and newspaper editors of America's east coast. The Baltimore letters percolate with homesick asides, "After Niagara, we sweep through Canada and then home sweet HOME!" Catherine too was relieved to be leaving the south and slavery and wrote to Fred, "We are still in a slave state . . . yet we don't see it here, and there are none in the Hotel. Thank God, they are all white, we are quite tired of black faces."³¹

Thin-skinned boosters, crass newspaper critics, violent Southerners, grasping businessmen, and doleful "black faces" had all begun to wear on Mr. and Mrs. Boz. Other than a brief return to New York before their June departure, the east coast tour had wound up in Baltimore, and they gladly left it behind. Yet Dickens had a job to do, a contracted work based on his tour. The deluge of letters he sent back to friends and family, particularly those to John Forster and William Macready, served a dual purpose. Dickens knew the letters would be kept and returned to him as the primary material for the composition of *American Notes*. He wrote splenetic and spontaneously critical observations in the letters home, shared his frustrations, and recorded his humorous encounters, knowing he would use much of the material in his forthcoming book.

The newly planned western trip would certainly provide good material for the travelogue. The western "sweep," as he put it, offered an opportunity to concentrate on the crusty oddities of frontier life. He would travel as far west as Missouri, the most recent addition to the growing number of slave states. Dickens's trip down the Ohio River provided a reminder of the deep division of slavery within the structure of American society—off the starboard bow, freedom and dreams of prosperity, and off the port side, slavery and despair.³² Going west instead of south assuaged his growing distaste for life in a slave society. Yet more than slavery and its accompanying abominations sat at the root of his disappointment.

Dickens understood the physical, moral, and psychological harms of slavery to some degree before he sailed for America. Like his fellow Liberals in England, he despised the practice and viewed slavery, like poverty, as a social evil that must be

combated with legislation as well as charity.³³ His ability to agitate for liberal reform through his literary fame grew, even before the publication of his most socially conscious novels, and Dickens no doubt hoped to add his critical voice to the cause of abolition in America.³⁴ Yet Dickens also despised the mundane in American life. The filthy habit of tobacco chewing, for instance, garnered at least as many passages in his letters and in *American Notes* as the issue of slavery. Before going to America, Dickens thought the ubiquity of the habit of tobacco chewing must have been exaggerated in Frances Trollope's revolting accounts, but even in the House of Representatives, he observed an abundance of drooling and spittle. He noted that American politicians did not take good aim into their spittoons and that the errors created daily additions to the pattern of the "fine republican carpet." Brown expectorations . . . "are squirted and dabbed [on] it in every direction. . . . I strongly recommend all strangers not look at the floor; and if they happen to drop anything, though it be their purse, not to pick it up with an ungloved hand on any account." Ultimately, Dickens found himself alternately amused and disgusted with American customs. He was saddened by the pall of slavery, angered by the fatuity of slavery's apologists, dispirited by the racism of abolitionists, and shocked by the vehemence of southerners' anti-abolitionist rhetoric. An additional source of disappointment is found elsewhere in *American Notes* and in letters sent home.

There are several references in the Baltimore letters to the issue of international copyright and of his efforts to secure American agreement on the necessity of a law to protect and reward authors across the Atlantic. To Lord Brougham he explained, "Any wretched halfpenny newspaper can print [an English writer] at its pleasure."³⁵ American book, periodical, and newspaper publishers copied the latest British and continental literary works and resold them, sometimes in expurgated editions. Dickens found it a "most iniquitous and disgraceful" practice and witnessed how Americans openly advertised the very latest works and competed with each other to be the first to put stolen works into print. He spoke on the impunity of this "system" of "piracy" in at least three after-dinner speeches during his New England tour in February. By the time he reached Baltimore, though, several northern newspapers had launched a vigorous counterattack. Nonetheless, Dickens thought his advocacy for reform in Washington D.C. would "shame the Americans" into action. Armed with petitions bearing the signatures of British and American literary luminaries, he wrote to Lord Brougham that he had delivered them to Congress and received support for the project from the opposition party. "Mr. Preston who will be the leader of the Whig party on Mr. Clay's retirement gives me such positive assurances, that I almost begin to hope it may be brought about."³⁶

The attacks, however, continued and grew more intense, and Dickens became frustrated in this attempt to foster rational debate on the subject. The same "pub-

lic opinion” that prevented intelligent debate on the issue of slavery and politics generally plagued Dickens in the argument over international copyright. Some American editors concocted elaborate reasons for why absolute freedom of the press should include the ability to reprint essays and books from abroad, without paying for them. One newspaper went so far as to argue that copyright might prevent American editors from acting as guardians of the republic, limiting their ability to have free reign to expunge any polluting “tinge of monarchism” from the fiction of the old world when sold to citizens of the new republic.³⁷ But the counterattack against Dickens’s call for copyright was also particularly personal.

Some accused him of seeking only to line his own pocket, and others depicted him as an arrogant ingrate. Feted at lavish public dinners, he had the temerity to raise the issue of copyright, noted Colonel Webb, of the New York *Morning Courier*, “On both occasions he has made an appeal to his hosts [on] behalf of a law to secure him a certain amount in dollars and cents for his writing. We are . . . mortified and grieved that he should have been guilty of such great indelicacy and gross impropriety.”³⁸

Dickens did find support among a handful of American authors and newspaper men. At the time of his visit to Baltimore, Joseph E. Snodgrass, editor of the *Baltimore Saturday Visitor* wrote, “What justice is there, we pray, in appropriating the results of the brain-sweat of foreign authors, to our purpose, without their consent, and without the return of a farthing in payment for the same.”³⁹ Yet even those newspapers that offered Dickens the opportunity to fully air his views worried about his “interference” on the issue. Perhaps it would be better, opined the *National Intelligencer*, the Whig Party’s mouthpiece, for someone other than Mr. Dickens to carry the proposal, as he is both a “beneficiary” and a “representative.” His repeated attempts to line up Whig support, they suggested, appeared at least “indelicate” and, in fact, by having fostered a more vocal opposition, actually diminished the chances for reform.⁴⁰

Although American authors such as James Fenimore Cooper and Washington Irving signed on to Dickens’s cause, this criticism, coming from abroad by an Englishman, proved painful to accept in the political climate of early 1842. Indeed, many late-winter American newspapers carried articles encouraging politicians to stand up to the British. The issue, anger over the British government’s handling of the *Creole* mutiny, drove the press.

In December 1841, slaves on board the *Creole* took over the ship and its white crew and set course for the Bahamas and freedom. The British navy intercepted the ship, took it to Nassau, and imprisoned nineteen of the mutineers, refusing to return the remaining slaves to their American owners. By the spring of 1842, responding to the protests of English abolitionists, the mutineers, too, gained release from prison and refuge in the British Empire. Since the “property” in question—American-owned slaves—was part of a legal interstate trade, far fewer

Washington Irving (1783–1859) at Sunnyside, New York, 1842.. The popular American author supported Dickens's efforts to protect author copyright. (Evert A. Duyckinck, *Irvingiana: A Memorial of Washington Irving* [New York: C.B. Richardson, 1860.]..)



Washington Irving

Americans willingly articulated a liberal, anti-slavery position, unlike the previous case of the *Amistad* in which the U.S. Navy had sequestered Spanish-owned mutineer slaves. Thus, by March 1842, virulent, anti-British rhetoric dominated political discourse. The “Creole Affair,” combined with the impending discussions between the British and American governments over the disputed Canadian boundary line, generated hostility to any British criticism of American social or political practices. From Baltimore, Dickens wrote that in Richmond, the “southern people are perfectly frantic about the Creole business.”⁴¹ In the *Baltimore Sun* during the month of March, one finds three lengthy articles excoriating the British for their handling of the mutineers.

American manners and social practices may not have impressed Charles Dickens, but his own notoriety and its accompanying welcome genuinely surprised him. “The best and only passports needed in this country, are frankness and good humour.” American audiences understood his characters and his class-conscious sense of humor, yet many bristled at the frank message he sent about the need for international copyright. He explained that the most famous of all living English writers of the age, Thomas Carlyle, had summed up the case for copyright by saying simply that current American practices violated the eighth commandment, “Thou Shalt Not Steal.” In the Baltimore letter to Thomas Mitton, Dickens enclosed a clipping from the *National Intelligencer* wherein W.W. Seaton wrote in his defense: “If [Mr. Dickens was] in any degree culpable for the introduction of this subject [of copyright], while standing in the position of honored guest, in

what light do those appear who think that they have settled in full the claims of a living author . . . by the mere breath of their applause, or the smile of their favor!"

Writing from Baltimore to Lord Brougham, Dickens clarified his position, "The system, as it stands, is most iniquitous and disgraceful. A writer gets nothing for his labours, though they are diffused all over this enormous Continent." Dickens had been taken aback in Boston, New York, Hartford, and Philadelphia at the high numbers of people who had read his novels and essays. Although beloved and adored, he'd never received more than about fifty pounds sterling worth of American sales proceeds as most often his works had simply been copied. In the Baltimore letter to Miss Burdett Coutts he wrote that he shook hands with "five or six hundred people. . . . Mrs. Dickens and I hold a formal Levee in every town we come to." The adulation was, at times overwhelming. "[We] usually faint away (from fatigue) every day while dressing for dinner. . . . They gave me a ball at New York, at which Three Thousand people were present."⁴² The problem confronting Dickens, then, was how to reconcile his fame—the discovery he had been so widely read and adored in America—with the fact that he had not profited from the sale of his stories. As a professional writer who labored weekly to meet the serials deadlines, he felt enormous gratification at the unexpected scope of his fame, but also anger that he had not materially benefited from his work. American periodical and book publishers had captured all of the profit from his labors, and the situation troubled far too few. A large commercial advertisement ran in the March 22, 1842, *Baltimore Sun*. Among the sale items, medicated hoar-hound candy, artificial teeth, Jamaican cigars, and:

Fun Enough For One Week! *The Boston Notion*, Which boasts over twenty eight columns of "Fresh Articles" received by the last English Steamer; *Handy Andy* Part II; *The Gipsy's Vengeance*—A deeply exciting Novel, continuing from last week's No. of the *Notion*; "The Death Blow"—a thrilling tale, from the *Dublin Magazine* for February, 1842; A Tale of Spain—from the *London Monthly Magazine* for February, 1842, 6 cents per weekly \$3 per annum Wm. Taylor, 12 North Street

The author had not come to America with Tory pretensions, but Charles Dickens's experiences in America, by the time he came to rest at Barnum's Hotel in Baltimore, had produced such negative feelings that he despaired of finding the "republic of [his] imagination," a place where his argument for copyright law could be viewed rationally and not as a selfish act. To Macready again, he wrote:

I speak of International copyright, and am implored not to ruin myself outright. . . . I return frankness with frankness, met questions not intended to be rude, with answers meant to be satisfactory, and have not spoken to one

man, woman, or child of any degree, who has not grown positively affectionate before we parted.”⁴³

But he could not convince the majority of newspaper editors arrayed against him to stop their personal attacks on his proposal for international copyright law.

Dickens spent his last night in Baltimore staying up late with Washington Irving and sharing a giant, “beautiful and delicious” goblet of mint julep that William Guy, proprietor of a rival hotel, had presented him.⁴⁴ The next day Irving left for New York, and Dickens and Catherine boarded a morning train to Pittsburg, Pennsylvania. If Dickens had bothered to have his young secretary, Mr. Putnam, purchase the *Patriot and Inquirer* before boarding the train, he might have been gratified to read the following account of his brief visit to Baltimore:

Mr. Dickens made a visit yesterday to the Maryland Hospital and Penitentiary, as he takes a deep interest in studying human nature in such receptacles of misfortune and crime. The civilities extended to him in Baltimore were very quiet and unostentatious, and such as must have been gratifying to his feelings as a man. He takes the Pennsylvania works at Harrisburg to Pittsburgh; then to St. Louis; returns by the Lakes to New York, and sails for England in June. His distinguished reception in this country is a striking illustration of the influence of mind over mind, of the homage which all civilized nations pay to the genius of the pre-eminence of that best of all nobility – the nobility of nature. It is a fine feature in our Republican country, as indicating our attachment to Republican institutions, that this architect of his own fortune is received with ten thousandfold more distinction than titled nobility. Long may he live to delight and instruct the world with beautiful creations of a genius which does honour to the age.

The contrast between Dickens’s view of America, and the American insistence on republican individualism is striking. Dickens remained fully aware that he could not gain a penny from his “beautiful creations” as long as American publishers freely stole his works and that slavery prevented everyone in America, white and black, from living out the true meaning of the founders’ creed. As he and “Kate” chugged north on the new rail line toward Pennsylvania he might have read, in the March 24 *Baltimore Sun*, another advertisement:

For Sale A Negro Girl about 20 years old, a slave for life. She is [a] healthy, active, good looking girl, well acquainted with cooking, washing, and ironing, and understands nursing and waiting on children. She has a mild and obedient disposition, and is sold in consequence of the owners both having

any further employment for her. Apply immediately at the corner of Baltimore and Frederick streets. A. R. DAY

No doubt this advertisement might have disgusted Dickens more than the gleeful notice of freshly purloined popular literature from Europe. His crusade for international copyright might yet be won, but the sale of a human being, just a short walk from the luxury of his last hotel room on the east coast surely depressed him further.

Conclusion

Dickens's crusade for international copyright did not result in any immediate action from the U. S. government. Indeed, his largely unflattering descriptions in *American Notes* ensured delay of that reform. Even some in Great Britain wrote critically of his attempt to raise the subject. James Spedding, in his review of *American Notes* for the *Edinburgh* magazine, suggested, "The study of America does not appear to have been his primary object in going. . . . He went out, if we are rightly informed, as a kind of missionary in the cause of International Copyright." The reviewer went on to point out that Dickens had criticized American newspapers "in his bitterest and by no means best style."⁴⁵

His stay in Baltimore, like most of his experiences in America, proved bitter-sweet. Dickens came to understand his books had crossed the ocean and deeply affected many American people. He was beloved and astonishingly well-known, but his inability to raise the issue of intellectual property rights in this new Atlantic economy of mass-produced literature left him deeply hurt and disappointed. Dickens wrote from Baltimore to author Samuel Rogers of St. James Place, London, "I am obliged to make, as perhaps you have heard, a kind of Public Progress through this Country; and have been so oppressed with Festivals given in my honour, that I have found it necessary to notify my disinclination to accept any more." He went on to explain his change of itinerary, going west to the very edge of "Indian Territory" rather than south and complained of how pressed he was for time, but that he had made "great exertions here in behalf of an International Copyright law."⁴⁶ Though Rogers had the petition he had delivered to the Senate, Dickens omitted mention of the firestorm he had created by raising the issue. He left it for the letters posted from Baltimore to his brother Fred, and to close friends, John Foster and William Macready, to express, in no uncertain terms, his profound disappointment with the new republic.

Twenty-five years later, after the Civil War had burnt away the uncouth qualities of the early republic, Dickens returned to America and visited Baltimore once more. In 1867 he delivered a series of public readings of his most famous works to audiences who had long forgotten his deep disappointment with their country.

The tour, this time managed like a modern, professional speaking-tour, became a lucrative venture. Tickets in Baltimore sold for three times the price of a play, his thespian skills gained great acclaim, and his ability to slip from one character to the next, drew deep admiration from a well-heeled audience. In 1867 a late middle-aged Dickens left all politics aside, and spoke not at all about international copyright, the plight of the Negro Freedmen, or the children “Ignorance” and “Want” in the United States. Dickens and the American press considered this second and final trip a commercial and artistic success.

NOTES

1. *The Baltimore Sun*, March, 25, 1842, includes this notice on the front page: “Boz’ —Mr. and Mrs. Charles Dickens, after spending two days in our city of monuments, seeing what was to be seen, left yesterday for Pittsburg, by the Susquehanna Railroad. During his stay, Mr. D. visited several of our public institutions, and was everywhere received with consideration due so distinguished a stranger and author. Washington Irving was also in the city during the time, and left for New York yesterday morning.”
2. To Fred Dickens, March 22, 1842 from M. House, et al., eds., *The Letters of Charles Dickens* (Clarendon Press: Oxford) 1974, 3: 148.
3. Journalists, including those at the *Baltimore Sun*, referred to them as such, see also the *Sun* March 23, 1842, “Boz,” a pseudonym Dickens used in signing short, humorous stories in the 1830s, quickly became an affectionate nickname for the young author. The first volume of *Sketches by Boz* was published in 1836.
4. To Lord Brougham, House, et al., *The Letters*, 3: 145.
5. To Miss Burdett Coutts, March 22, 1842, House, et al., *The Letters*, 3:146.
6. Dickens mentions Barnum’s as “The most comfortable of all the hotels of which I had any experience in the United States.” Barnum’s, he tells the reader is where, “the English traveller [sic] will find curtains to his bed, for the first and probably the last time, in America; and where he will be likely to have enough water for washing himself, which is not at all a common case,” Dickens, *American Notes* (Glouster, Mass.: Peter Smith Publ., 1968), 162.
7. W. C. Macready first visited and performed as an actor in the United States in 1826–1827 for eighteen months.
8. With his literary and drinking companion Daniel Maclise, Dickens had witnessed, the previous winter, the Royal visit by the King of Prussia, Frederick, and been amused and appalled by the degree of pomposity and obsequious behavior exhibited by both British hosts and their Hohenzollern guests. House, et al, *The Letters*, 3: 156–57
9. Dickens’s possession of Hall’s work is cited in Edgar Johnson, *Charles Dickens: Triumph and Tragedy* (New York: Simon and Schuster, 1952), 360
10. See reference to this interview by John Sherwood in Peter Ackroyd, *Dickens* (New York: Harper Collins, 1990), 337.
11. Frances Trollope actually went to America in 1827 to pursue her fortune and to investigate

the utopian community of Nashoba in Tennessee which radical, British feminist, Frances Wright, had convinced her to support. Mrs. Trollope and her son lasted only ten days in the Nashoba commune populated in the main by freed slaves on a squalid cotton plantation near the Ohio River. Later, Trollope's husband met her in Cincinnati, where they constructed an elaborate building to house a luxury imports business. This enterprise failed miserably and brought the family financial hardship. Frances Trollope turned to writing her book, *Domestic Manners*, in large part to recoup something for her family from her three difficult years in America. Helen K. Heineman, "Frances Trollope in America: Starving in the Land of Plenty," *Three Victorians in the New World: Interpretations of the New World in the Works of Frances Trollope, Charles Dickens, and Anthony Trollope* (New York: P. Lang, 1992), 1–19

12. Frances Trollope, *The Barnabys in America: or Adventures of the Widow Wedded* (London: Henry Colburn, 1843), I: 356. Less well known, or read, is her opus in three volumes, *The Refugee in America: A Novel* (1832).

13. Jane Smiley, *Charles Dickens, A Penguin Life* (New York: Penguin Group, 2002), 36.

14. Ackroyd, *Dickens*, 369.

15. Poe and Dickens met on two occasions while in Philadelphia; see House, et al., *The Letters*, 3: 106.

16. Helen Heineman, *Three Victorians in the New World*, American University Studies series iv (New York: Peter Lang, 1992), 106: 81.

17. To Macready, March 22, 1842, House, et al., *The Letters*, 3: 159.

18. *Ibid.*, 158

19. To Fred Dickens, House, et al., *The Letters*, 3: 150.

20. To Thos. Mitton, 3:160.

21. Dickens, *American Notes*, 136.

22. To Macready, House, et al., *The Letters*, 3: 158.

23. To Lady Holland, House, et al., *The Letters*, 3: 151 and 2: 447n.

24. James Hackett Fischer has called the belief in "hegemonic liberty" present in tidewater English settlements from the 1600s onward, James Hackett Fischer, *Albion's Seed, Four British Folkways in America* (Oxford: Oxford University Press, 1989), 412.

25. Dickens, *American Notes*, 261.

26. Sydney Moss, *Charles Dickens' Quarrel with America*, (New York: Whitson Publishing Co., 1984), 4.

27. To John Forster, February 24, 1842, House, et al., *The Letters*, 3:90.

28. Dickens, *American Notes*, 262.

29. *Ibid.*, 263.

30. To Macready, House, et al., *The Letters*, 3: 158.

31. To Fred Dickens, House, et al., *The Letters*, 3: 150.

32. Before setting out from Liverpool, Dickens had a contract with his publisher, William Hall, to produce a book about the tour, Dickens, *American Notes*, 195–96. When he and Catherine reached the "West," he took more time and keenly observed customs, manners, and colorful characters such as the "Giant of Kentucky," a seven foot, six inch hard-drinking lad who delighted them in conversation, deposited his long rifle in his overcoat as if it were a pocket watch, and marched away into the crowd "like a lighthouse walking among lamp-posts."

33. See for example Edmund Wilson's essay about Dickens, poverty, and social consciousness "Dickens: The Two Scrooges," *The Wound and the Bow* (Boston: Houghton Mifflin, 1941).

34. Upon his return to London in 1842, Dickens corresponded again with Lady Holland about the possibility of publishing a newspaper committed to the Liberal party's positions on issues of the day, including support for new world abolitionism.

35. To Lord Brougham, March 22, 1842, House, et al., *The Letters*, 3: 145.
36. *Ibid.*, 3: 144.
37. *American Traveller*, August 26, 1842.
38. Moss, *Quarrel with America*, 3.
39. *Baltimore Sunday Visitor*, March 12, 1842.
40. *The National Intelligencer*, March 19, 1842.
41. To Fred Dickens, March 22, 1842, House, et al., *The Letters*, 3: 149.
42. To Miss Burdett Coutts, March 22, 1842, *Ibid.*, 3: 146.
43. To William Macready, March 23, 1842, *Ibid.*, 3: 158.
44. To William [Guy], March 23, 1842, *Ibid.*, 3: 166.
45. Moss, *Quarrel with America*, 59.
46. To Mr. S. Rogers, March 22, 1842, House, et al., *The Letters*, 3: 162.

Letters to the Editor

Editor:

The article about Riversdale plantation in the last issue, “‘The Torment with Servants’: Management and Labor in a Southern Maryland Plantation Household,” by Steven Sarson, was very interesting. The author discussed some aspects of Rosalie Calvert’s character I missed when I read *The Mistress of Riversdale*. However, two of the illustrations in the article were almost worthless. Specifically, the photograph of “Riversdale, c. 1890” doesn’t show the mansion at all, but rather a water tower built years after Rosalie’s death. Similarly, the map of Prince George’s County, 1804, does not include the location of the Calvert property.

Henry Borger
Laurel, Maryland

From the Editor: The photograph used in Steve Sarson’s article is in our collection, clearly labeled “Riversdale.” Further research, however, identifies the building as a “bell tower” on the estate grounds. We regret the error. PDA



Riversdale, 1950. Former Oregon congressman Abraham Lafferty lived at Riversdale until the late 1940s when he sold the property to the Maryland-National Capital Park and Planning Commission. This bi-county parks, recreation, and planning agency used Riversdale for offices until it built new quarters. Occasionally, the Riversdale Historical Society opened the house to the public. Full restoration began in 1988. The discovery of Rosalie Calvert’s letters in the family archives in Belgium prompted the decision to restore the house to how it looked during the period of Rosalie and George Calvert’s occupancy, 1801–1838. The house is located on Riverdale Road, two blocks south of East-West Highway, between Route 1 and Kenilworth Avenue. (Maryland Historical Society.)

Editor:

The history of the Maryland Historical Society in the December 2006 issue was very interesting and only made the reader wish for more. The period of Herbert Baxter Adams must have been a golden age when almost every topic was yet to be explored. One wonders if Baxter students Thomas Woodrow Wilson and Frederick Jackson Turner searched the MHS collections. You did not mention some of the people who served while I was enjoying a golden age probing into the gristmills of this state, a topic almost no one else wanted to explore. Ms. Hester Rich was the living card catalog at that time, ably succeeded by Francis O'Neill when Ms. Rich had looked irreplaceable. Then there was long time corresponding secretary, William B. Marye, who was in his eighties when I first met him. He had a photographic memory, and once he called me and he could remember all the lettered footnotes on a map of the Green Spring Valley that I had in front of me. Mr. Marye was still revising his conclusions about the Baltimore County Garrison a half-century after he published his 1920–1921 articles in this same magazine. Mr. Marye probably examined every known deed and court paper concerning the earliest days of Baltimore County. There was almost nothing new unearthed about the county until Charles G. Steffen put inventories and account books to work for his *Gentlemen to Townsmen* published in 1993. Mr. Marye's long articles were laced with extensive footnotes almost more interesting than the main text. Some pages might have a few lines of running text with all the rest of the page in fine print notes. Some of the notes contained wry humor. Some of the earliest damnations of urban sprawl occurred in the Marye articles, long before people were known as environmentalists.

Sometimes it occurred to me that there should be a sign reading, "Please do not shout 'Eureka,'" because an historical discovery can be a thrilling experience. Some of the beaver-like people working at the desks do not look as if they are involved in a joyful pursuit, but I have had some thrills. Once it struck me that a periodical called *Southern Society* was bound to have something about landscape artist Hugh Bolton Jones, and indeed it had. Another time, I suspected that a paper with the name *Baltimore Clipper* was bound to have something about launching the Texas Navy, and that proved correct. Another satisfying find resulted when I noticed in the manuscript collection guide book the listing of a "Baltimore Town Account Book." The description mentioned the name of one of the Catholic priests who served Hickory in Harford County in the early nineteenth century. When the ledger was brought up the creaky dumbwaiter from the bowels of the society, it proved to be an eighteenth century, leather-bound account book from Priest Neale's Mass House on Deer Creek, Harford County, near present Churchville. Not only were there notations about transactions with nearby Lebanon Furnace and accounts of fish purchased, but there was also a list of the first Catholic baptisms in that county.

To mark the history of history, there ought to be a plaque affixed to the wall of the former gallery to commemorate the appearances of Vice President Harry S Truman and French Prime Minister Georges Clemenceau.

John McGrain
Towson, Maryland

Editor:

Benjamin Chew Howard (1791–1872) was a son of John Eager Howard, and an estimable individual in his own right. A graduate of Princeton, he was captain of a company of volunteers in the Battle of North Point. A lawyer by training, he served in the Baltimore city council, the state legislature, and US House of Representatives. He was a member of the committee that first recommended construction of the Baltimore and Ohio Railroad. He served as mediator in the boundary dispute between Ohio and Michigan, was the unsuccessful Democratic nominee for governor in 1861, was a Maryland delegate to the Washington Peace Conference in 1861, and served as reporter of the decisions of the Supreme Court from 1843 until 1862.

Despite these many accomplishments, I was surprised to see a story in *Niles' National Register*, 75 (1849): 161 indicating that Howard had been appointed senator from Maryland after Reverdy Johnson resigned to become attorney general. Howard is not identified as a senator in the *Biographical Directory of the American Congress*, nor is there any mention of this appointment in the *Dictionary of American Biography* or in *Appleton's Cyclopaedia of American Biography*. It is briefly mentioned in John Thomas Scharf's *The Chronicles of Baltimore*, but only in passing, and without any explanation which might account for other sources not mentioning such a noteworthy event.

Consequently, I turned to the Internet to ask if any of the subscribers to H-Maryland knew anything about Howard's supposed appointment. H-Maryland is the free electronic e-mail forum devoted to Maryland history and culture. Questions and comments posted to that list are distributed to all the subscribers, and any subscriber can post his or her own question, or respond to anyone else's query. Currently moderated by Mary K. Mannix (of the Frederick County Public Libraries) and Mary Beth Corrigan, it is a part of H-Net, a consortium of researchers and scholars in the arts, humanities, and social sciences.

Several respondents quickly provided useful information. Jennifer Hafner of the Maryland State Archives responded that the biographical research file on

Howard at the archives contained no reference to his having been a senator. Margaret Shannon of Washington Historical Research responded that there was no record of Howard having been a senator in the U.S. Senate Historical Office.

However, Bea Hardy, of William & Mary (formerly of Maryland Historical Society) turned up a story from the Baltimore *Sun* (December 7, 1849) indicating that Howard had resigned his commission as U.S. senator from Maryland. Evidently, then, he *had* been appointed a senator even though so many sources made no mention of it.

Furthermore, Jennifer Hafner also suggested that some information on this matter might lie in the digitized microfilms of the official actions of the governors of Maryland that the State Archives makes available online at <http://aomol.net/megafile/msa/speccol/sc4800/sc4872/003162/html/index.html>

At that location is a handwritten logbook of official actions of the governor of the era, including transcripts of official communications from and to the governor. These records turned out to include a commission to Howard as U.S. senator dated March 10, 1849, and Howard's acceptance.

However, the records also include a letter from Howard dated December 4, 1849, in which he declined the appointment. In that letter, he expressed apprehension that presenting his credentials to the Senate would result in termination of his long-time employment as reporter of the decisions of the Supreme Court. Although he doesn't mention it, Howard apparently understood that the senate appointment would only be temporary—the man appointed to replace him, David Stewart, served only about a month before his place was taken by a permanent replacement elected by the legislature—and Howard evidently didn't want to lose his permanent position for a short-term honor. The Senate was in fact in session for several weeks after Howard's initial appointment, and it resumed sitting the day before his withdrawal. It appears, however, that he never presented his credentials during either of these sessions, and therefore is not on record as senator from Maryland.

William H. Earle
Baltimore, Maryland

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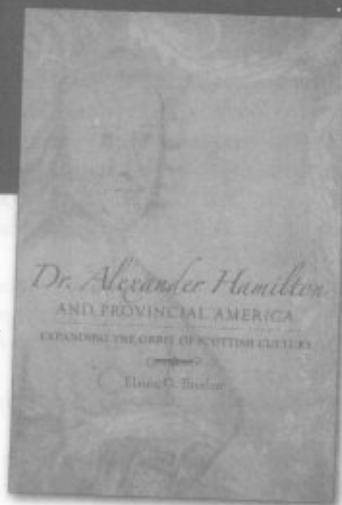
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