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PRINCETONIANS

== 1748-1768 ==

A BIOGRAPHICAL DICTIONARY

By JAMES McLACHLAN

PRINCETON UNIVERSITY PRESS
PRINCETON, NEW JERSEY

1976

by any one, by my father I am sure it cannot. It is needless to tell that my prayers are for the happiness of the family and for its preservation in this general confusion. Should Providence in its wisdom call me from rendering the little assistance I might to my country, I could wish my brother did not continue in the service of her enemies."

Along with General Montgomery, MacPherson was killed a few hours later. Before news of his death had reached Philadelphia Congress, on Philip Schuyler's recommendation, promoted him to the rank of major. One of MacPherson's last wishes was fulfilled. His brother William eventually resigned from the British army. On January 1, 1779, the Supreme Executive Council of Pennsylvania recommended and Congress approved William's appointment as major in the American army, "in regard to the memory of his brother Major John MacPherson, who fell before the walls of Quebec, as well as in consideration of his own merit."

SOURCES: Parentage, father, Mt. Pleasant, and Dec. 30, 1775 letter: T. W. Glenn, *Some Colonial Mansions* (1900), 445-83; H. D. Eberlein and H. M. Lippincott, *Colonial Homes of Philadelphia* (1912), 113-17; grammar school, L. Martin quotation: *MHM*, 50 (1955), 154; commencement: *N.Y. Gaz.*, Oct. 2, 1766; letters from Paterson: MSS, NjP; letters to Paterson: copies at NjP; some originals, PHi; some printed in *PMHB*, 23 (1899), 51-59; New Castle practice: W. T. Read, *Life and Correspondence of George Read* (1870), 140; Schuyler and Dec. 6, 1775 letter: B. J. Lossing, *Life and Times of Philip Schuyler* (1883), 1, 345, 487, 498; several acts. of death: K. Roberts, *March to Quebec* (1938); brother's appointment: *PMHB*, 5 (1881), 89-90. In 1903 Paterson's letters to MacPherson were published by W. Jay Mills in a bowdlerized and inaccurate edition called *Glimpses of Colonial Society and the Life at Princeton College 1766-1773*. For the reliability of this volume, see: R. C. Haskett, "Princeton Before the Revolution: Notes on a Source," *WMQ*, 6 (1949), 90-93.

Mss: PHi

Luther Martin

LUTHER MARTIN, A.B., A.M. 1769, lawyer and public official, was born about February 9, 1748, on his father's New Jersey farm, located above the Raritan River in the neighborhood of Piscataway. He was the third son in a family of nine children of Benjamin Martin and his wife Hannah, whose maiden name is unknown. Writing in 1802, Luther recalled that "in my thirteenth year, and in the month of August, I was sent to Princeton College, where I entered the grammar school" to begin "the first Rudiments of the Latin language." If by his "thirteenth year" he meant the year following his twelfth birthday, his enrollment fell in 1760, but it may have been in 1761, as is suggested by the immediately



Luther Martin, A.B. 1766
BY ROBERT FIELD

following statement that "in September, five years next after, I received the honours of the College." At the time of his graduation, he tells us, "I wanted near five months of being nineteen years of age."

It is not known when Martin was admitted to the College, nor with what standing, but he reported that he studied both Hebrew and French, and that of the latter he became a "tolerable master." His claim to have graduated as "the first in the languages, and second to none in the sciences" probably was an exaggeration, for he was not salutatorian of his class. Among the friendships formed at Princeton, Martin gave special emphasis to those with his classmate John MacPherson and with William Paterson (A.B. 1763). Martin became a member of the Well-Meaning Club, and so is numbered among the founders of the Cliosophic Society.

In the spring of 1767 Martin became the master of a school at Queenstown in Queen Anne's County, Maryland. He held that post until 1770, when he moved down the Eastern Shore to Somerset County, apparently with a view to studying law, which he already had be-

gun to read in such spare time as he had. A later charge that he left Queenstown because of scandalous conduct lacks confirmation, but he did leave behind unpaid debts, and perhaps for this reason he agreed to succeed in the summer of 1770 David Ramsay (A.B. 1765) as master of a grammar school at Onancock in Accomac County on the Eastern Shore of Virginia. He continued in this position until August 1771.

Shortly thereafter Martin sustained at Williamsburg the examination required for the practice of law in Virginia, and in September he qualified as an attorney in Accomac County. During the next year he toured northwestern Virginia in the evident hope of finding a likely location for his practice, but in the end he settled in Maryland's Somerset County, where he resided and practiced in the courts of both Virginia and Maryland until his appointment as attorney-general of the latter state in 1778. In the spring of that year he moved to Baltimore.

Martin early identified with the Whig cause. Elected in the fall of 1774 to the Somerset Committee of Observation for enforcement of the boycott of British imports, he sat for his county in December at the third meeting of the provincial convention. When Howe was moving up the Chesapeake late in the summer of 1777, Martin through letters to the newspapers and a broadside warned his countrymen against the General's promises of amnesty and of protection for the king's "WELL-DISPOSED SUBJECTS." The office of attorney-general widened Martin's circle of acquaintances among leading citizens of the state and improved his opportunities for private practice, which the office did not preclude. He continued as attorney-general until 1805. As a member of the Baltimore Light Dragoons, a company of some fifty mounted gentlemen, Martin caught a brief glimpse of the war early in the summer of 1781, when the Dragoons rode south to assist Lafayette on the Virginia peninsula, but official duties soon called him back to Maryland and he apparently saw no action.

Elected to Congress in December 1784, Martin did not serve, a fact often overlooked, and so his first appearance on the national political scene was as a member of the Constitutional Convention of 1787. Having been elected on May 26, he took his seat on June 9, just as the convention, sitting as a committee of the whole house, faced one of its more serious crises. The question was whether the rule of equal representation by state should be abandoned for the principle of representation in proportion to population. It is impossible to say what specific contribution he may have made to the drafting of the Paterson or New Jersey Plan, which supported equality among the states and was submitted on June 15 to the convention, still in committee, but historians have assumed that it was significant. After the rejection of this plan on

June 19, the issue continued to hang like a threatening cloud over the deliberations of the convention, now in formal session, and when on June 27 the question no longer could be avoided, Martin sorely tried the patience of his colleagues by speaking for more than three hours and then announcing that he would have more to say on the following day. On the 28th Martin completed his remarks "with much diffuseness & considerable vehemence," noted James Madison (A.B. 1771), who responded at some length himself, and the day's debate ended with Franklin's famous and unavailing suggestion that the convention resort to prayer. On the next day it was decided that representation in the lower house would be in proportion to population.

Martin had failed even to carry his own delegation, but he probably should be credited in part for the sober mood in which the convention on July 2 designated a committee of one delegate from each state to search for a possible basis of compromise. It is significant that Martin was chosen to represent Maryland on this committee, which incidentally included four other graduates of Nassau Hall: Gunning Bedford of Delaware (A.B. 1771), William R. Davie of North Carolina (A.B. 1776), Oliver Ellsworth (A.B. 1766), and William Paterson. The committee's recommendation, submitted on July 5, was to balance proportional representation in the lower house of Congress with equality among the states in the upper branch, and this was the decision the convention finally made.

No other member held more extreme views regarding the rights of the states than did Martin, who insisted, in Madison's succinct summary, "that the General Government was meant merely to preserve the State Governments, not to govern individuals." But Martin was more than an irresponsible obstructionist. He favored additional powers for the central government, though within the framework of a union perpetuating the basic assumptions written into the Articles of Confederation. Having remained an active member of the convention until September 4, he returned home to lead the opposition to ratification of the new constitution. His "Genuine Information," originally a report in November to the Maryland legislature, spells out in great detail his views. But once again Martin lost. The ratifying convention, of which he was a member, adopted the constitution by a decisive vote of 63 to 11 in April 1788.

The remainder of Martin's life is an almost unbelievable combination of professional success and personal tragedy. By the testimony of Chief Justice Roger B. Taney, himself a Marylander, Martin had become by the end of the century "the acknowledged and undisputed head" of the bar in Maryland. Nor was his reputation limited to his

own state. Having qualified for practice before the United States Supreme Court in 1791, he repeatedly appeared over the course of many years in some of the more important proceedings of the federal courts. In 1805 he was one of the defense attorneys in the abortive impeachment of Justice Samuel Chase, a native of Somerset County with whom Martin long had been acquainted and politically associated. Two years later he had a prominent part in the defense of Aaron Burr (A.B. 1772) before Chief Justice John Marshall at Richmond.

Martin achieved success at the bar despite a number of personal deficiencies, chief of which was a weakness for hard drink. In 1801 a Baltimore newspaper reported as a remarkable fact that he had been in Washington for an entire week without having once been seen drunk on the streets. Justice Taney reported that Martin often appeared in court intoxicated, that his dress was "a compound of the fine and the coarse" and at times soiled, that his voice was unmusical, that his arguments were "unreasonably long," and that in his speech he delighted "in using vulgarisms which were never heard except among the colored servants or the ignorant and uneducated whites." To this summation Taney added: "He was as coarse and unseemly at a dinner-table, in his manner of eating, as he was in everything." But the Justice also reported that Martin was an "accomplished scholar" who "wrote with classical correctness and great strength." Those who may be puzzled as to the man's extraordinary achievements at the bar are perhaps best advised to fall back on Henry Adams's description of him as a "notorious reprobate genius."

A part of Martin's personal difficulties can be attributed to the misfortunes he suffered in his family. He was married on December 25, 1783, to Maria Cresap, daughter of Captain Michael Cresap, a prominent frontiersman whom Martin had met on his westward tour in 1772. The couple apparently lived well in Baltimore. Although Martin's income from his law practice may have been less than the \$12,000 he claimed in 1800, it must have been substantial. He had speculated in confiscated Loyalist property, and at the time of the Constitutional Convention his holding of public securities was substantial. The census of 1790 shows that he owned six slaves, a fact lending additional interest to the opposition he expressed in the convention to both the slave trade and slavery. Of the five children born to the marriage, two died in early childhood, and his wife died in November 1796 after a long struggle with cancer, leaving Martin with three young daughters.

It was little over six months later that Martin launched a famous attack in the public print upon Thomas Jefferson. In the *Notes on Virginia* Jefferson had included the "speech" by a Mingo Indian chief

named Logan which charged "Colonel Cresp" with the murder in 1774 of Logan's entire family. It had been printed in a number of places as an example of Indian oratory, but Martin blamed Jefferson for its circulation in what he insisted was an unwarranted attack upon his father-in-law. The eight letters addressed to Jefferson, and immediately printed in the newspapers, reveal above all that Martin could be as intemperate with words as with the bottle, and that he had acquired a deep hatred of Jefferson. This hatred has been used as a simple explanation for Martin's identification with the Federalists, but it may be too simple. He was not alone among the Antifederalists of 1788 in Maryland, and elsewhere, who later became Federalists. Jefferson, who naturally attributed Martin's action to political motives, withheld public reply until 1800, when he published an *Appendix* to the *Notes* embodying information he meanwhile had accumulated.

Soon thereafter Martin was involved in another public controversy, this time with a son-in-law. In January 1802 Richard R. Keene (A.B. 1795), who had clerked in Martin's office and resided in his home, eloped with one of his daughters, then fifteen years of age. Before this, at the beginning of December 1801, Martin had circulated a printed notice *To the Citizens of Baltimore* of a plan to publish "a variety of letters" between the two men for correction of gross misrepresentations he charged to Keene. As good as his word and against the advice of friends, Martin published four angrily rambling pamphlets under the title of *Modern Gratitude* before Keene felt compelled to respond in June 1802 with a published account of his own. Of the two accounts the latter is the more sane and so the more persuasive, but fortunately for historians Keene's charge of scandalous conduct in 1770 provoked Martin into publishing a largely autobiographical fifth number of *Modern Gratitude*. Keene's wife died as early as 1807. Her sister Maria, who was blamed by Keene for the trouble, after an unhappy marriage and separation from her husband suffered mental derangement through many years.

It usually has been assumed that Martin's friendship with Burr dated from the Chase impeachment trial, over which Burr presided as vice president and in which Martin effectively pled for a strict construction of the "high Crimes and Misdemeanors" clause of the Constitution. His first identification with litigation arising from the Burr Conspiracy came in February 1807, when he successfully appealed to the supreme court for the release from prison of Erich Bollman and Samuel Swarthwout, agents of Burr who had been arrested in New Orleans by General James Wilkinson. Martin was probably firmly convinced of Burr's innocence of treason, which he insisted must be

narrowly defined, but President Jefferson's special message to Congress on January 22 affirming that Burr's guilt had been "placed beyond question" was in itself enough to explain Martin's enlistment with the defense. His suspicion of Jefferson was fully reciprocated by the president, who advised the government attorney in Richmond that "this unprincipled & impudent federal bull-dog" was probably guilty at least of misprision of treason. Martin is reported to have served without fee. He was among those who provided security for Burr's bail, and after the jury failed to convict, he again became surety for Burr's bail pending a trial in Ohio on a misdemeanor charge. When Burr fled to England the bond was forfeited.

This default helps to explain Burr's unusual kindness to Martin in his last years. Martin's health broke in the summer of 1819, when he suffered a stroke. By his own confession in 1802 he had never been "an economist of any thing but *time*," and with his health collapsed also his fortune, such as it may then have been. He had served as the chief judge of a Baltimore court from 1813 to 1816, and his return to the office of attorney-general in 1818 could have been intended to provide him financial support, as it did until his resignation in 1822. In that year the Maryland legislature adopted an extraordinary resolution imposing a \$5 annual license fee upon every practicing attorney in the state for the benefit of Luther Martin. Burr on hearing of Martin's plight took him into his home in New York City, where incapacitated physically and mentally he lived for more than three years. He died on July 10, 1826, and was buried in New York.

SOURCES: P. S. Clarkson and R. S. Jett, *Luther Martin* (1970), is the only biography and the authority followed here except where otherwise noted. Number 5 of *Modern Gratitude* remains the chief source for Martin's early career, but it has to be used with care, and see C. R. Williams, *Cliosophic Society* (1916), 1-13; W. J. Mills, *Life at Princeton College* (1903), 141-43; and PUA file. Sketches: DAB; H. P. Goddard, *Md. Hist. Fund Pubs.*, 24 (1887), 9-42. Congress: LMCC, vii, lxxvii; Constitutional Convention: Charles Warren, *Making of the Constitution* (1928); M. Farrand, *Framing of the Constitution* (1913), 93, 120 and 209; G. Hunt, *Madison's Journal* (1908), I, 248-261; M. Farrand, *Records of the Federal Convention*, III, 172-232 for "Genuine Information"; P. A. Crowl, "Anti-Federalism in Maryland," *WMQ*, 4 (1947), 446-69; E. D. Obrecht, "Influence of Luther Martin in the Making of the Constitution," *MHM*, 27 (1932), 173-90, 280-96; McDonald, *We the People*, 69-70, 90, for economic interests. Janey's comments are found in Appendix C of Clarkson and Jett; Adams's quotation from his *John Randolph*, 140. See also C. Warren, *Supreme Court in U.S. History* (1923), I, 56. The account of attack on Jefferson follows D. Malone, *Jefferson and His Time*, III, 346-52, except for the error as to the time of death for Martin's wife; and for *Appendix*, see W. H. Peden, *Notes* (1955), 226-58. Earlier publication of Logan's speech, see I. Brant, *James Madison*, I, 281-84. For the Chase and Burr trials: C. Evans, *Report of the Trial of . . . Chase* (1805), and D. Robertson, *Reports of the Trials of . . . Burr* (1808), together with W. H. Safford, *The Blennerhassett Papers* (1864), esp. 377-79; H. S. Parmet and M. B.

Hecht, *Aaron Burr* (1967), 290-94; S. H. Wandell and M. Minnigerode, *Aaron Burr* (1925), II, 308; T. P. Abernethy, *Burr Conspiracy*, 227-49; and D. Malone, *Jefferson and His Time*, v, 312-16, 330-31, 337, 348-49. In the College catalogues after 1812 Martin is listed as holding the LL.D. degree, but a search of the Trustees' minutes indicates that it was not awarded by Princeton.

Mss. MdHi

WFC

Nathaniel Niles

NATHANIEL NILES, A.B., A.M. 1769, Harvard 1772, Dartmouth 1791, preacher, public official, inventor and businessman, was born at South Kingston, Rhode Island, on April 3, 1741, a son of Sarah Niles and her husband and first cousin, Judge Samuel Niles (Harvard 1731), a farmer and a leading citizen of Braintree, Massachusetts. Young Nathaniel was prepared for college in Braintree by Joseph Marsh (Harvard 1728) and entered Harvard College in the summer of 1761. For reasons now unknown, Niles transferred to the College of New Jersey the following year. His younger brother Samuel (A.B. 1769) joined him at Princeton in 1765. Inclined to endless theological disputations, in College the brothers were known as "Botheration Primus" and "Botheration Secundus" by their fellow students.

After graduation Niles briefly studied law and medicine and took up schoolteaching in New York City for a time. Finally deciding upon the ministry, he traveled to Bethlehem, Connecticut, to study with the New Light theologian Joseph Bellamy. Licensed to preach on April 25, 1769, in the early 1770s Niles began speaking from various pulpits in Massachusetts and Connecticut without being called permanently to any of them. However, he was very much in demand as a visiting preacher and several of his sermons were printed. While preaching at the Congregational church in Charlestown, Massachusetts, in 1772, Niles so impressed a large proportion of the communicants that they urged him to stay. Since such a move would have split the congregation, Niles did not accept, continuing instead to preach in other New England pulpits. Theologically, Niles was a moderate follower of the New Divinity thinker Samuel Hopkins, a position that attracted neither rigid Calvinists nor those Congregationalists who were sliding toward Arminianism, a forerunner of Unitarianism. In later years Niles used to say of this part of his life that he had "had seventeen calls, but they were all to go away."

Niles was an early and enthusiastic supporter of the Revolution.