

HISTORY
OF
WESTERN MARYLAND.

BEING A HISTORY OF
FREDERICK, MONTGOMERY, CARROLL, WASHINGTON, ALLEGANY, AND GARRETT
COUNTIES

FROM THE EARLIEST PERIOD TO THE PRESENT DAY;

INCLUDING

BIOGRAPHICAL SKETCHES

OF THEIR

REPRESENTATIVE MEN.

BY

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the law. The son of Chancellor Johnson the first, the brother of Chancellor Johnson the second, he was born in Annapolis, May 21, 1796, educated at St. John's College, and taught law in his father's office. In 1817 he came to Baltimore to challenge the stalwart elders whose history we have already sketched. He never hesitated to throw down the gauntlet to any one. His success was immediate and continuous, nor did his loss of popularity in consequence of the Bank of Maryland troubles affect his standing at the bar. He was Attorney-General of the United States in 1849, United States senator in 1863, minister to England in 1868, and besides these received many other important appointments at the hands of his State and the Federal government.

The last of the lawyers whom we shall attempt to mention in connection with this period as fertile in legal ability of the first order will be William Schley.

Mr. Schley, of Frederick, was one of the most competent and successful barristers and pleaders of his time. He knew the law well, both the common law, the statutes, and the rulings; he was an excellent judge of human nature, full of sound practical common sense, and no man could be plainer or more logical than he in statement and argument. In many respects he resembled Luther Martin, and he had the faculty in a remarkable degree, both before judge and before jury, of following up, pursuing, and hunting down with pertinacity and the unerring instinct of a sleuth-hound the point of all others which was the material, vital, and hinging-point of the case upon which he was engaged.

In 1851 the issue raised by the "glorious nineteen" was finally settled. Governor Philip Francis Thomas, in his message to the General Assembly when it met in January, 1850, speaking of the long-deferred question of constitutional reform, very plainly told them that "unless the wishes of the people in this behalf are gratified, the sanction of the Legislature will not much longer be invoked." A "Reform Bill" calling a Constitutional Convention was accordingly adopted; the Convention met in November, and adopted the new constitution of May, 1851.

This instrument did away with the Court of Chancery, made judges and court officers elective by the people, abolished imprisonment for debt, and radically changed the whole court apparatus of the State, simplifying practice and processes, deeds, and instruments, and paving the way for codifying the statutes. The State was divided into eight judicial districts for county courts; there was a Court of Appeals with four judges, and for Baltimore City there were established a Court of Common Pleas, a Superior Court, and a

Criminal Court, to which was afterwards added a City Circuit Court. The office of attorney-general was abolished. Under this new system John C. Legrand was elected chief judge of the Court of Appeals, with John Bowie Eccleston, William Hallam Tuck, and John Thompson Mason, associates.

One of the most accomplished and most beloved members of the Frederick and Baltimore bar was Charles H. Pitts, who died in 1864. Mr. Pitts was endowed with those qualities which give usefulness and honor to his calling, thoroughly grounded in the principles of his profession, and quick and able in their perception and application. He was distinguished for his taste and judgment as an advocate, was eloquent, witty, and forcible, full of manliness, honor, and loyalty to duty and to friendship. Mr. Pitts was a native of Frederick, but made Baltimore his home from the time that he came to the bar. The profession had no greater favorite than Mr. Pitts.

Henry Winter Davis, despite the political estrangements to which his radical opinions and his boldness in expressing them gave rise, is acknowledged on all hands to have been one of the brightest and most conspicuous ornaments of the bar of Maryland. He was but forty-nine years old when his death occurred, in December, 1865, yet he had reached a prominent and commanding position in national affairs. Born in Annapolis in 1817, he was educated at Kenyon College, Ohio, and the University of Virginia, with the idea of becoming a minister of the Protestant Episcopal Church. He, however, passed the bar in Alexandria, Va., and after practicing there a while came to Baltimore in 1850. He was always fond of polemics, however, and shone in ecclesiastical controversy. He was in every way a ripe scholar, full of various attainments carefully elaborated, and must have attained success as a writer if his oratorical powers had not swept him away. As an orator he scarcely had his equal, and he was as impressive on the stump as he was in legislative halls. As elector on the Scott ticket in 1852, he canvassed the State as it had never been canvassed before. Then he



HENRY WINTER DAVIS.

joined the Know-Nothing movement, and represented Baltimore in the Thirty-fourth, Thirty-fifth, and Thirty-sixth Congresses, and again in the Thirty-eighth, having been defeated for the Thirty-seventh by Hon. Henry May. Mr. Davis was a master of elo-

cution. His mind was a store-house of immense reading, which his memory kept ready parceled for his service; he was highly imaginative, had great power of invective, and his wit and sarcasm were mordant to the last degree. He was one of the ablest debaters who ever went to Congress, and a man of superb genius, imposing presence, and possessing the faculty of command in a distinguished degree.

The bar of Western Maryland to-day, as reflected in its living and active members, both those upon the shady side of the hill and those younger men who are gallantly climbing towards the summit, is not unworthy in any respect of the distinguished ancestry whose faint outline has been painted in the preceding pages. The profession holds out the same high rewards to honorable industry, cultivated talents, probity, and integrity, and our contemporaries toil with an inherited zeal and compete with an ardor transmitted through unbroken generations for the same sort of distinction as that which compensated Chase and Martin, Pinkney and McMahan. Those who lightly pretend to believe the bar has degenerated are not familiar with its past or have neglected to measure the stature of its present.

In making comparisons between the lawyers of the past and present, it must not be forgotten that much more is demanded of advocates nowadays than was the case a hundred or even fifty years ago. The rules and forms of practice have been greatly simplified, statutes codified, reports made more complete and comprehensive, and the profession wears much more the aspect of a science than formerly. But at the same time the sphere of the advocate has both widened and deepened enormously. Precedents and rulings have multiplied on all sides, and the *juris-consultus* must nowadays be ready at a moment's warning to thread the intricate labyrinths of a dozen branches of science which had no existence in the times of Martin and Pinkney. Then expert testimony was almost unknown, now it is called in the majority of important issues. Patent law, railroad law, telegraph law, all open new and most arduous fields to the profession, and compel it to specialize itself more and more every day. Business law is assuming a thousand new shapes, each more complicated than the other, nor can the vast body of decisions, rapidly as it accumulates, keep pace with the ever-swelling volume of new issues daily coming up for adjudication. A lawyer who would embrace the whole scope of his profession nowadays must travel very far beyond Coke and Blackstone, Chitty and Greenleaf, Kent and the code. He must be an accountant, a civil engineer, an architect, a mechanic, a chemist, a physician, he must know the vocabulary and technology of all the arts and pro-

fessions, he must be a theologian and a metaphysician, with the experience of a custom-house appraiser and the skill in affairs of an editor. And after all, with all these stores in his possession, so great is the competition that he may scarcely be able to hew out a living in his profession.

At an early period in the history of Maryland jurisprudence, the bar of Frederick County, then embracing the whole of Western Maryland, numbered among its members some of the most distinguished lawyers in the State. It furnished the fifth Chief Justice of the United States, Roger Brooke Taney; the first Governor of Maryland, Thomas Johnson; the second United States senator from the Western Shore, Richard Potts, who was also one of the early judges of the Court of Appeals; and two Attorney-Generals of the United States, Roger B. Taney and John Nelson. Among the other prominent members may be mentioned Alexander Contee Hanson, John Hanson Thomas, Francis Scott Key, author of the "Star-Spangled Banner," Francis Thomas, Governor of Maryland, John Thomson Mason, William Schley, Charles H. Pitts, Robert J. Brent, Madison Nelson, Wm. P. Maulsby, John Ritchie, Enoch Louis Lowe, Governor of Maryland, John A. Lynch, James McSherry, a historian of Maryland, Bradley T. Johnson, and Milton G. Urner. Alexander Contee Hanson, the younger, who figured during the anti-Federalist riots in Baltimore upon the declaration of war with Great Britain in 1812, was a son of Alexander Contee Hanson, Chancellor of Maryland. His grandfather, John Hanson, who removed to Frederick County from Charles County in 1773, was one of the most conspicuous Revolutionary leaders of Maryland, and was elected President of the Continental Congress. William Cost Johnson, the famous lawyer, politician, and duelist, was also a member of the Frederick bar.

In the olden days there were visiting lawyers, men distinguished for ability and eloquence, and regarded as patriarchs in the legal profession of Maryland, who met at various courts to measure weapons with each other. There were giants in those days in the country court-houses, and many of them who attended the first and later courts at Frederick became the country's pride in legal lore and political reputation. The first mention of the appearance of any attorney at the Frederick courts is that of William Cumming, in 1749, and the next name found in the court minutes is that of Daniel Dulany, in the same year. Of the latter it has been well said, "For many years before the downfall of the proprietary government he stood confessedly without a rival in this colony as a lawyer,