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LETTERS OF ANDREW JACKSON TO ROGER BROOKE TANEY.¹

March 12th 1833

Dr. Sir

Since my interview with you to-day, I have carefully looked into the charter of the Bank of the United States. The president, from that charter, has only power to order a *scire facias* to repeal its charter when the facts warrant it.

The Secretary of the Treasury has the sole power under the charter, to manage the deposits; I have therefore confined my requirement to your opinion in writing to the violation of its charter, as from the facts disclosed in the reports of the minority and majority of the Committee of Ways and Means, the facts warrant it, leaving the Secretary to his own deliberations or to the removal of the deposits and where to intrust them, believing that he would, if he thinks it necessary, apply for directions or counsel in this matter.

From a careful perusal of the reports, this night I have come to the conclusion that my former opinion of the incapacity of the Bank to continue specie payment for one month after it meets the payment of the public debt, is confirmed; but much perplexity will occur in finding safe deposits for the public funds, and ought

¹ A few words (indicated by breaks) are torn away or illegible.

to be well weighed. On this subject I will be happy to see and converse with you, when your leisure will permit.

In haste, yrs,
ANDREW JACKSON.

R. B. Taney, Esq.

The relations in which the Government stands toward the Bank of the United States renders it advisable, if not indispensably necessary, that a decision should be now made, covering the whole ground, and which will establish rules for our Government during my administration.

With this view I invite the attention of my Cabinet to a full consideration of the following points, viz :

1. Whether anything has occurred to lessen the expression, at the late session of Congress, as to the safety of the Bank of the United States, so far as regards the public deposits.

2. Whether the management of the institution is such that the Government can rely upon it as an agent in carrying into effect the fiscal arrangements of the Treasury, as well as whether it has heretofore been its faithful agent in that respect.

3. The propriety of acquiescing in the renewal of the charter of the present Bank under any circumstances or with any modifications ; and if with any modifications, what ought these to be ?

4. The propriety of assenting to the establishment of a new Bank ; and if a new Bank, when, and in what manner ought the suggestion to be made of my views on the subject, and upon what principles, under what limitations and with what privileges ought a new institution to be formed ?

5. What system ought to be established for the future disposition of the public moneys, so far as relates to the place for their deposit and the manner of their distribution ? And if the deposits are withdrawn from the Bank of the United States, would it be necessary to receive the public dues in the notes of all the Banks, or to limit their payment to the notes of those Banks that may be selected as the places of deposit, and the agents of the fiscal concerns of the Government ?

The results of my own reflections are :

1. That the charter of the present Bank, ought under no circumstances and under no conditions whatever, to be renewed.

2. That the ground gained for the veto ought to be firmly maintained, and that my assent ought to be withheld from any bill authorising the establishment of a Bank out of the District of Columbia.

3. That if my assent is given to the establishment of a new Bank, it ought to be to one located in the District of Columbia, having the right to establish Branches in the different States, and in such places thereof only with the permission of the different States upon the application of the Bank for that purpose and under such restrictions as the several States may think proper to impose; and even with these restrictions, that the Government shall have the right to appoint the President and as many directors of the principal Bank and the Branches thereof as will secure fidelity and a thorough knowledge by the proper officers of the Government of its transactions; and also that Congress should retain the right to repeal or modify the charter from time to time, as it may deem proper, as a security against the corruptions and evils which are now experienced from the uncontrollable authority of the present Bank.

4. That such an institution ought not to be recommended until a full and fair experiment has been made to carry on the fiscal affairs of the Government without a national Bank of any description.

5. If this last view of the subject be adopted, it will be necessary *now* to devise and settle a system for the deposit and distribution of the public funds through the agency of the State, to go into operation at such a time as shall, upon a careful consideration of the subject, be thought most advisable.

The suggestions are submitted to the consideration and free discussion of the members of the Cabinet, giving each their opinions in writing.

ANDREW JACKSON,
March 19, 1833.

R. B. Taney, Esq.
Att^y Gen^l U. S.

(private)

Rip Raps, August 11th 1833D^r Sir :

Your letter of the 5th instant has been received, perused with much pleasure, and the contents duly noted.

I am still of opinion that the public deposits ought to be removed, provided a more safe depository, and as convenient, for carrying on the fiscal operations of the Government, can be found in the State Banks, as is now found in the U. S. Bank.

The United States Bank attempts to overawe us; it threatens us with the Senate and with Congress, if we remove the deposits. As to the Senate, threats of their power cannot control my course, or defeat my operations. I am regardless of its threats of rejecting my nominations. If Mr. Duane withdraws, and you, under an agency, can carry on and superintend the Treasury Department until nearly the close of the next session of Congress, before which the battle must be fought and all things settled, before your nomination would be sent in.

As to the threats about Congress, though it may be observed the Bank having been chartered contrary to the powers of Congress as defined by the Constitution, may find, when once the deposits are removed, *for cause*, that Congress is not competent to order the deposits to be restored to this unconstitutional and corrupt depository, but must find another, and that can only be the State Banks—there is none other. But more of this when we meet.

I have no doubt of receiving, in a few days, in a report from the Directors appointed by the Government, proof that about \$40,000 have been paid by the U. S. Bank for printing essays, pamphlets, etc., etc., in favor of the Bank, and in abuse of the Executive, and in subsidising and corrupting the public journals. When this proof is furnished, of which I have no doubt, it will be considered sufficient cause for removing the deposits. If the Bank can apply \$8,000 (being $\frac{1}{5}$ of \$40,000) out of the public funds, without any appropriation by law, it may one or ten millions. Therefore the Deposits cannot be safe in such an institution—it might use the whole money of the Gov^t and stop its wheels.

I have been recently advised that a large amount of the 6 per cents which have been paid off three or four years ago, remains uncalled for, and the evidences of debt not surrendered to the Gov^t; therefore the Government [is] still bound for the debt to the holder of the scrip, whilst the Bank has had, and still has, the use of the money. I have directed the Secretary of the Treasury to make a short enquiry into this matter and to report the real facts of the case to me, that such steps may be taken to coerce the surrender of the stock, and to have the Government exonerated from its liability, as may be in our power to adopt. If it be that the original holders of the scrip are dead, it can only be justice to their representatives to publish to the world the fact that it appears from the books of the commissioners of loans that to A, B and C there is money due, which will be paid to the individuals who will present the evidence of debt, and make satisfactory proof that he is the legal heir or assignee. The Bank has no [lawful right] to this money. If the proper owner is dead

heirs or representatives, or legal assignees, it belongs to the Government and not to the Bank. I have suggested to the Secretary of the Treasury the proposal of calling in the loan office books, and put an end to this agency of the Bank, and having this duty performed in his own Department, that when the debt is paid the evidence may be surrendered, and put it out of the power of the Bank to make any more secret arrangements for postponing the payment of the public debt. To this, it is intimated that the act of the 3^d of March 1817, which abolished the old commission of loans and transferred it to the Bank, will prevent the exercise of this power by the Government. This is not my idea of the law. I may be mistaken, as I have not referred to it lately, and I have it not with me. You will find it in the 6th vol. of the laws, page 192, and I ask your opinion on its proper construction and power of the Government in this particular. If the Government have no power to call for these Books, and put an end to this Bank agency, how can we know when the national debt is paid, or how much is and has been postponed by the Bank and remains unpaid by the Bank, although it has been thought by the people, and reported by the Secretaries of the

Treasury that the whole public debt has been paid except about seven millions, when seventeen may have been postponed by the Bank, and the Government now liable for the same. Should I be mistaken, then I can understand that all legislation from the charter is a _____ the Bank, and in the charter must have been to increase its powers, open avenues for its speculations and frauds to the great neglect of the security of the Government and the interests of the people. Should we remove the Deposits I should not be surprised if the Bank would rebel against our power, and even refuse to pay to the order of the Government the public money in its vaults, and lay claim to all the money that remains uncalled for on the books of the loan office. Every investigation gives us evidence of the assumed power of this *monster*. It must be thought by Mr. Biddle that it is above the law, and beyond any control of the Executive Government. *He has boasted that it is*. We must test this matter and meet it promptly and boldly, and no doubt remains on my mind that we will be sustained by the people.

I write in haste for the mail and keep no copy, My health is improving, but I am much pestered with business which is sent after me. This will hasten my return to the city. There the burden of so much writing will be lessened. I shall remain here 8 or ten days more, perhaps a fortnight.

My little family all now enjoy health and all join with me in a _____ of kind salutations to you and your amiable family I am very

friend

ANDREW JACKSON.

Roger B. Taney, Esq.
Attorney General U. S.

Washington, Sep^t 23rd 1833

Sir—

Having informed William I. Duane, Esq^r this morning that I have no further use for his services as Secretary of the Treasury of the United States, I hereby appoint you Secretary in his stead,

and hope you will accept the same and enter upon the duties thereof forthwith, so that no injury may accrue to the public business.

Please signify to me your acceptance or non-acceptance of this appointment.

I am, with great respect,
 your most ob^t servant
 ANDREW JACKSON.

R. B. Taney, Esq^r
 Att^y Gen^l U. S.

Washington, Oct. 13th 1834

My dear Sir—

I should have done myself the pleasure of writing you immediately after my return to this place, but had the pleasure of seeing your amiable family from whom I have learned that you would be here in a few days.

I am this moment advised that you will not be here before the return of your family to Baltimore. If this be so, I shall regret it very much, as I have a great desire to see you and consult with you upon some important points necessary to be embraced in my message.

Your legal opinion on the charge for damages by the Bank, is much wanted upon the files of the Atty. Gen^l's records, as well as in the possession of the Secretary of the Treasury, on which subject I have, as well as on others, a desire to see you. Leaving these matters entirely out of view, nothing will afford me more pleasure [than] to see you as a private friend and shake you by the hand. You have my warmest friendship and most ardent wishes for your prosperity and happiness thro life, and that of your amiable family.

I remain respectfully y^r friend
 ANDREW JACKSON.

R. B. Taney, Esq.

Washington Nov^r 8th 1834

My Dear Sir,

New York has nobly done her duty, and in the language of M^r Clay reversed, the last nail is driven in the coffin of modern whigism. We will now have peace for many years.

I was happy to hear by M^r Leland and M^r Collister that your health was improving and we would have the pleasure of seeing you with M^r Van Buren. Remember I have a bed and room for you. With my kind salutations to every branch of your family, I am sincerely

Y^r friend

ANDREW JACKSON

R. B. Taney, Esq^t

(private)

Dec^{br} 6th 1836

My Dear Sir,

I inclose you my message—you will see that it wants the table A. referred to. Read and give me your opinion of it as a whole. It lacks some of that energy I am wont to use in speaking of the Deposit bill, alias distribution bill, and the bank, and proper system, but I did not wish to do anything that might embarrass others coming after me, and I was [in] too much debility to attend to its common details. I have now done with annual Messages. My farewell address will be my next concern, and I shall await your views which I have solicited before I attempt anything at that. I am mending slowly and am much debilitated, having lost more than 60 ounces of blood in less than 48 hours. With my respects to M^{rs} Taney & all your amiable family I am with great respect

Yours

ANDREW JACKSON

Chief justice
Taney

(private)

Hermitage, April 14th 1838

My dear Sir—

Your kind and very acceptable letter of the 19th of December last was rec^d in due course of mail, and has remained unacknowledged until now. For this delay I have only the apology of bad health to make. I had a return of hæmorrhage last winter, as severe as the attack at Washington, which confined me to my room for more than 8 weeks. The fine weather in the latter part of March, invigorated and gave me great hopes of better health than heretofore; but the very sudden change in the present month admonished me that my hopes were too sanguine; and to prevent a return of hæmorrhage I have been obliged to apply the lancet and return to a very light diet. This has again had a good effect, and I hope as soon as the summer commences and we have uniform good weather, that I may again be able to take horse, ride over my farm, and visit occasionally my good neighbours. The balance of my family are in good health, and join with me in kind salutations to you and your amiable family. In my family your good friend Col. Earle is included. We are all highly gratified to learn that your lady and family had returned from their country residence with improved health, and join with me in best wishes for a long continuance of that greatest of blessings. For be assured that that energetic aid I received from you in the most trying period of my administration will not be forgotten by me as long as I live. I often review in my mind these scenes, and fully appreciate that talented and energetic aid I received from you and Mr. Kendle. It was that firmness of character displayed by you both, and high talent, that made you and him the target for their hatred and calumny so bitterly displayed against you and myself; but a virtuous people has and will in the end do justice to us all.

During my confinement I had my son to aid me in another search for the letter you want. I am now confirmed in the opinion that when I was so ill in Washington, and gave instructions to my son to have burnt all letters marked confidential except those of Mr. John Randolph of Roanoke, and one or two

others, that was preserved as a shield to my post-mortem reputation. Not one of yours marked confidential have I found. One marked only private is still safe, and will, with pleasure, be handed over to you, if desired, when I have the pleasure of seeing you at the Hermitage, which I hope will be this summer.

The view you have taken of the Treasury notes issued by the Government, corresponds precisely with my own; and to Mr. Grundy I personally pointed out the results that would happen, and which have happened, and I gave my opinion freely to Mr. Blair, who made it known to the Cabinet. The policy was a bad one, under the existing circumstances. When it must have been known that the Banks would unite with the opposition to depreciate them, to issue any bearing a less interest than six per cent was suicidal. This might have sustained their credit under the powerful opposition, and none ought to have been issued on any other basis but that which would have fully sustained the credit of the Government. I had another objection to Treasury notes. I can find nowhere in the Constitution the power granted to the general Government to issue a paper currency. It has the power to borrow, and by its drafts to change the deposits from one place to another to meet the appropriations made by law. The money borrowed must be specie, as none other can legally be paid out to public creditors.

It is true, Treasury notes were issued during the late war. They depreciated, and their issue was not justified on constitutional grounds, but only on the ground of necessity. This must be a real necessity to excuse the departure from the Constitution, and not a feigned one. In a state of war, such necessity might arise, the safety of the country might imperiously demand it. But in a state of profound peace, our country prosperous, with thirty millions of surplus revenue on hand, no case of real necessity can be made out. Therefore, it was vitally wrong to make a feigned necessity the basis for issuing them. The Banks ought to have been coerced to have yielded to the Government the deposits in specie, and on the drafts of our Government being dishonored, suit ought to have been brought against every Bank and its securities. This I urged on Mr. Woodbury. Had this course

been adopted, I would vouch for it, the Banks would have paid up faithfully ; but they were indulged and left at liberty to dishonour the drafts, refuse the pay their own notes, and to sell the specie thro' brokers, at a large premium, to be sent to Europe. A woeful policy, thus to destroy the credit of the Government for the benefit of those who had adopted measures for its destruction, and Government adopting measures for the relief of the Banks, bankers, speculators and brokers, to whom alone can be ascribed the real cause of all the evil produced to the country. The merchants are the bankers, and the relief given to the merchants and bankers, leaves the labour of our country to groan under the load and evil of a depreciated currency, brought about by the avarice and fraud of our trading merchants, and Bank overissues to satiate the greedy appetite of speculators and gamblers, to the great injury of our whole country. The Banks are struggling for the sovereign power. The only balm for the country is a complete divorce from all banks ; and I have been astonished to find that such a bill had not at once been introduced, leaving to another bill all and every regulation about the funds receivable in payment of the public dues. First regulate where the deposits shall be made, how the revenues are to be kept, and whether by our own agents, over whom there is control, or that of corporations over whom the Gov^t has no control. This done, then the powers of the Government, under the Constitution, to regulate the currency, is fairly open for discussion ; but the first question is : by whom and where our revenue is to be kept. If our General Government, for general purposes, are independent of the States, I suppose the question would solve itself—that the taxes collected must be kept by its own agents over whom the Government has complete control, and not by agents of corporations over whom the Government has none. It is, therefore, that I have regretted to see this simple question encumbered with so many details about the currency. Still, I hope the bill may pass, as it contains the principle of separating the Government from the Banks.

What an unenviable situation has Mr. Rives got into. I was fearful he had got wrong before I left Washington. His calculation must have been to raise a third party who would hold the

power in their hands—that he would be second choice of the Whigs, and then, rather than not defeat Mr. Van Buren, the Federalists and Bank power would take him as second choice for the Presidency, and the conservatives and Federalists of the new school Whigs would carry him into the Executive chair. Must he not feel mortification when he is told by Clay that his amendment is a half-way stage to the great national hotel, where he is willing to stop one night on his journey thither. His fate will be that of Burr and old Judge White—first used, and then hated and forgotten.

But I must close. I find my strength failing, and my head aching. Expecting to see you, if I live thro' the summer, I bid you for the present an affectionate adieu, and remain

Your friend sincerely

ANDREW JACKSON.

The Hon^{ble} R. B. Taney
Chief Justice of the U. States

P. S. I am too much debilitated to copy, and as it is for your own eyes, you will pardon the errors it contains.—A. J.

(private)

Hermitage, October 10th 1839

My dear Sir

Your kind letter of the 31 of last August has been for some days before me, but being desirous to see the real character of our Legislature when assembled, has delayed my answer. Our Legislature assembled on the 7th instant, and I can now assure you that we have a decided Democratic majority in both branches, united and firm, and have given full evidence that neither the intrigues of Bell, Foster & Co., aided by the personal presence of Judge White, can overawe them or control their actions, or prevent their instructing their senators, and requesting our representation in Congress to vote for the constitutional Treasury, the separation of the Government from all Banks, both state and national, and against all gag laws, and Mr. Clay's Land bill and

national bank, and for the repeal of the tax upon salt. Thus, you see, they are embracing all our great federal relations and I have no doubt will carry them through.

Myself and little family had a hope that we would have had the pleasure of seeing you and part at least of your family at the Hermitage the past summer, and seriously regret the cause that has prevented it; but we all rejoice to learn from your letter that your health is restored, and add our fervent wishes that you may long continue to enjoy that greatest of blessings, and yet hope the next summer to have the pleasure of seeing you at the Hermitage. My whole household, together with Major Donelson and Mary, join me in kind salutations to you and all your amiable family.

My health has been benefitted by taking the Matchless Sanative, but I am greatly afflicted otherwise, and particularly by head and ear-ache, that at times render me incapable of writing, having greatly impaired my hearing and vision, and, when attacked with it, my recollection; but I still hope that as my strength increases, these affections may subside or be less frequent. I have just returned from a visit to Nashville.

Mr. Duane, just before our elections, furnished the opposition with his book to aid their sinking cause, and sent me a copy; but he was mistaken if he supposed I would condescend to make a reply to it. Hearing that one of my Whig relations had been secretly traversing the neighborhood with it, and charging that I had offered to bribe Duane to be silent, I took the occasion on the morning of the election to expose him to the people, since which Mr. Duane and his Book has not been heard of and the secret conduct of the Whig has placed him in a very unenviable situation. The conduct of Duane, as exposed in his Book, has destroyed him in the estimation of all honorable men. But as he has written a Book containing so many positive falsehoods, I think with you that it is altogether proper to leave, for the benefit of the faithful historian, Major Donelson's and your statement. Major D. was present at all interviews I had with Duane, except when my Cabinet were convened, and can testify to the positive falsehoods contained in Mr. Duane's Book, of which, he says, he made memorandums. They are like the memorandums of Mr.

Adams about the Spanish treaty, which I proved from his own records to be false. I will prove, by Major Donelson, his (Duane's) statements to be false. This, with his violation of all confidence as a member of my Cabinet, will leave him where all such ought to be placed in the estimation of all honorable men. I therefore will thank you for your statement which, with Major Donelson's, will enable the historian to place Mr. Duane and myself in our proper positions. I will therefore thank you to forward it as early as your convenience will permit.

My dear sir, how much gratification it would afford me to have a few hours personal conversation with you.

You will see that our modern Whigs have weekly meetings in Nashville, have sent for Clay and White to aid them. This is to give Bell capital for the Speaker's chair, but rely on it, the opposition is dead in Tennessee.

Your friend

ANDREW JACKSON.

The Hon^{ble} R. B. Taney.

Hermitage, Nov^{br} 27th 1841

My dear Sir—

I am, from affliction and disease, become a bad correspondent. Your much esteemed favour of the 30th of September has been received long since, and often have I been resolved to take up my pen and acknowledge its receipt, but have been hitherto prevented from various causes.

I have been greatly afflicted through the past summer. Over and above my common disease, twice have I been seriously attacked, the first most seriously and suddenly, in which, for six hours, I suffered more acute pain than I ever experienced thro' life, and from which my life was greatly endangered. The second was the chills and fever, which left me much debilitated, and from which I am gradually recovering to my usual but feeble health, through the mercies of a gracious Providence.

I now have the great pleasure of congratulating you and my beloved country on the result of the elections over the whole

Union, and the triumph of Democracy. The result realises my confidence always placed in the people. They may be deluded for a while by designing demagogues, as they were during the late canvas for the Presidency, but the outrageous proceedings of the Federal Whigs at the late extra session of Congress, has opened the eyes of the people to the dangers to which their constitutional liberty was exposed by the daring usurpations of Clay and his obedient majority, and has aroused the people to their danger, and being thus awakened from their delusion, they have taken their stand and will hurl those usurpers from their ill-gotten power obtained by the vilest and most corrupt means, and on their native dunghills set them down, there to remain as living monuments of corruption, and enemies to republican government.

When Providence, in his wisdom, took to himself Gen^l Harrison, I received it as a divine interposition to save the Union, as I believed that he would have been a mere puppet in the hands of Clay, to approve all Clay's edicts which he might prepare through his obedient majority in Congress, for I did believe that Tyler never could be brought to approve a national bank of discount and exchange, when all his public acts and declarations thro' his whole political life had been opposed to such institutions, and so I wrote Mr. Blair before Mr. Tyler's first veto. We have now nothing to fear from the establishment of a national Bank. Tyler will know how to be firm on that point; and I have no doubt but he now regrets that he had not put his veto upon the distribution land bill, and his not suspending the act repealing the independent Treasury until some other safe repository for the public money had been adopted. Tyler being opposed to the executive holding the purse and the sword, on this ground alone he might not have suffered the Independent Treasury bill to have been repealed until some other repository for the public moneys had been provided; but I have no doubt but the next Congress will repeal the distribution bill and re-enact the independent Treasury law. Tyler will recommend it with some amendment to save appearances—such as this, perhaps, to give to the keeper a power, where an individual deposits his specie, to give to the depositor a treasury draft for the amount on the holder or keeper of the public money

at the point the individual making the deposit wishes to use it. Such policy I am opposed to. I wish to see the Government free from all connection with corporations or individuals, giving equal protection to all, granting exclusive privileges to none, exercising the powers expressly granted by the Constitution to the great general concerns of our nation, interfering with none of the reserved rights to the States or to the people.

Clay, I think, with all his unblushing effrontery, cannot now appear in the Senate—he must resign—he cannot face the sarcasms that will be cast upon him for his repeated bold assertions that the people wanted a fiscal corporation, which he so often repeated throughout the debates in the called session in the Senate. We have lost greatly in our national character abroad in the last two years. I hope the triumph of democracy will soon regain it, and we will live in peace, respected abroad, in harmony at home, and that our republican system, administered on the true principles of the Constitution, may long endure.

I am happy to hear of the good health of your family, and that your owu, with care, continues usually good. May you and yours continue to enjoy that greatest of blessings, in which [wish] my whole family unite, and beg that their kind salutations should be presented to you all.

It would afford me great pleasure to have the pleasure of seeing and conversing with you. From your arduous duties and the care necessary to be taken to preserve your health and useful life, I now despair of ever having that pleasure. I am well aware that my glass is nearly run out, and I am awaiting the call with composure, ready to say, with due submission, “the Lord’s will be done.”

But living or dying you have my sincere regard, friendship, and esteem.

ANDREW JACKSON

Chief Justice
R. B. Taney.

Hermitage, June 15th 1842

My Dear Sir

I have had the pleasure to receive your very acceptable and kind letter of the 22nd of May last. It reached me in bad health, a severe attack of chills and fever, from which I am very slowly recovering. I seize the first moment of leisure, since I have been able to wield the pen to acknowledge yours of 22nd.

My health may be well compared to an expiring taper, which sometimes is apparently going out but again shines out with apparent vigor. Just so with me; and how long the taper of life may continue to burn, an all wise providence only knows, and I await the summons with calm resignation.

Nothing would have afforded me more sincere pleasure than to have seen you at the Hermitage. But the Labour you have to perform, and [your] not very vigorous health, forbid me now to expect that gratification. I hope we will meet in a happier clime, where the wicked cease to trouble and the weary are at rest. I feel truly grateful for the benedictions of my friends, and the anxiety expressed for my health. To all be pleased to offer my sincere thanks.

Be pleased to present to every branch of your amiable family and accept for yourself, the kind regards and best wishes of myself and family, and believe me sincerely your friend

ANDREW JACKSON

R. B. Taney Esq^r
Chief Justice of the United States.

COL. JOHN EAGER HOWARD'S ACCOUNT OF THE BATTLE OF GERMANTOWN.

[From the autograph in the Harvard Library. Transcript given to the Maryland Historical Society by the late Justin Winsor, Librarian.]

D^r Sir

On reading your account of the battle at German Town, and General Pinckney's letter to Judge Johnson, with the Judge's comments, I determined to write to you, in order to correct some inaccuracies, which I can do from my own knowledge:—

“Sullivan's Division was composed of the seven Maryland Regiments and Hazen's Regiment, formed into two Brigades under Smallwood and Gist; but neither of those Officers were present, they having command of the Maryland Militia under General Greene. I was Major of the Fourth Regiment, commanded by Col. Hall, which was on the extreme left of the division. Sullivan on the march followed closely the advance. As we descended into the valley near Mount Airy, the sun rose, but was soon obscured. The British picket at Allen's house had two six pounders, which we several times fired at the advance, and killed several persons.

Sullivan's division in the Valley, left the road, and moved to the right through fields, and formed in a lane running from Allen's house towards the Schuylkill. Our left about two hundred yards from the house. Soon after being formed, we had orders to move on, and advanced through a field, to the encampment of the British Light Infantry in an orchard, where we found them formed to receive us. A close and sharp action commenced, and continued fifteen or twenty minutes, when the British broke and retreated. In our regiment four Officers, and upwards of thirty men were wounded; and to the best of my recollection several men were killed.

In the advance we had inclined to the left, until we reached the

road; and in the action one Company, commanded by Cap^t Daniel Dorsey, crossed the road. It is certain that no other part of the army was up with us at that time.

I recollect many of the circumstances of this affair, as perfectly as if it had occurred yesterday. Colonel Hall, who was on foot, ordered me to bring up the Company that had crossed the road; but finding them engaged from behind houses, with some of the enemy, who, I supposed, had belonged to the picket, I judged it not proper to call them off, as it would expose our flank. I reported to Col. Hall, who then desired me to let him have my horse, and said he would bring them up himself. Riding one way and looking another, the horse ran him under a cider-press, and he was so hurt that he was taken from the field. I was then left in command of the Regiment, as Lieu^t. Col. Smith some time before had been detached to Fort Mifflin. The enemy by this time had given way, and I pushed on through their encampment, their tents standing, and in the road, before we came opposite to Chew's house, took two six pounders, which I supposed were those that had been with the picket, but as the drag ropes had been cut and taken away, we could do nothing with them. I had orders to keep to the right of the road, and as we passed Chew's house we were fired at from the upper windows but received no injury. We passed on, to the rear of several stone houses, four or five hundred yards to an orchard, where we were halted by Colonel Hazen fifteen or twenty minutes or more until the troops who made the attack on the house had retreated; when we had orders and retreated, inclining further from the road. As we passed opposite the house the enemy sallied out, one hundred or more, and fired on our rear. Some of my men faced about, and gave them a fire, which killed the Officer in front, and checked them. We then retreated at leisure.

I speak particularly of the left of Sullivau's division, and can say but little of the right, as it was not within my view after we first formed. But I know that in advancing they fell in with some part of the enemy, and had a sharp action, in which Col^o. Stone of the First Regiment, Major Forrest of the Third, and many other Officers were wounded. Whether any were killed I

do not recollect. No doubt they had a number of men killed and wounded. By comparing this statement with your own, you will perceive that we agree in the most material facts, but differ as to some others.

You say, "Whether delay in the advance of the division in our rear was occasioned by the pause at Chew's house, I am satisfied that Sullivan's column did not halt there at all, as mentioned by Judge Johnson."

I am positive you are correct, although the Judge after seeing your account, and Pinckney's letter, says, "*The halt of Sullivan's division was without orders*" and refers to the letter of Pinckney, who does not say that *Sullivan* halted, but only "that at the house the men unfortunately halted." I will now state wherein I differ from you. You say "the general engagement must have commenced after he [Sullivan] *had passed Chew's house*, for I saw not one dead man until I passed it, and then but one, lying in the road, near where I fell in with General Sullivan." This is in direct contradiction of the part of General Washington's letter you have quoted. The General there says—"Sullivan's advanced party attacked the enemy's picket at Mount Airy, which presently gave way; and his main body followed soon, engaged the light infantry and other troops, encamped *near the picket*." You have been led into this error, by not seeing any dead men before you passed Chew's house. Had you moved to the right of the road, thirty yards, you would have seen a number dead, and the enemy's tents standing. You say "I presume that following close on the heels of the British battalion of light Infantry, and the Fortieth Regiment which were retiring before him, Sullivan with his column had passed Chew's house *without annoyance from it*; For it must have taken some time for Musgrave who entered with six companies of the fortieth regiment, to barricade and secure the doors and windows of the lower story, before he would be ready to fire from the chamber windows." I am confident that you, as well as most historians have been led into an error, in stating that Musgrave was with the light infantry. I am satisfied that he was not there, but with the fortieth regiment was encamped in the field, near the house. I have been at the house more than twenty

times since, and have frequently been shown the place where he was encamped, back of the house near the summer house. I am confirmed in this opinion by a son of M^r Chew's, who says that the people of the neighborhood to this day shew the place where he was encamped. I presume that General Howe, seeing the advantageous situation of the house, upon high ground, descending every way and cleared all round, posted Musgrave there, with orders to occupy the house, in case of attack. If he did, he certainly shewed his military judgment. Besides, as we followed so close on the heels of the light Infantry, I think that if Musgrave had been with them, he could not have reached the house, and taken possession of it before we passed it; and that I must have seen them on their way. I did not see any men on that side of the road. After we passed the house some stragglers of the enemy were discovered among the houses on the right of the road, probably wounded, and we fired at them as they were making their escape. No doubt the man you saw *lying dead in the road* was one of them.

Neither you, nor Pinckney, nor Judge Johnson, make any mention of Wayne after he formed on the left of the road. I believe the following account of him will be found correct. As Sullivan's division was in front, his rear would be up in line, before Wayne's front reached their ground; and as Sullivan moved on as soon as formed, he of course got ahead of Wayne, whilst the latter was moving his rear into the line. This will account for his not being up at the attack on the light infantry. As Wayne was on the same side of the road, the house was directly in his way; and he could not avoid it without making a considerable circuit, which those who know him will not believe him disposed to do. I have other reasons for believing that he was up at the house.

Marshall says: "Great loss was sustained in the attempt to storm the house. The men boldly advanced to the house, and made every effort to force the doors and windows." They also attempted to burn it by putting fire to the window shutters, which were very strong and well fastened. I saw some years afterwards, the marks of the fire on the shutters. A Cap^t White was killed at one of the windows. He was so close that they could not fire at him from the upper windows, and he with several others were

killed from the Cellar Windows. Marshall says "The Brigade engaged with Musgrave drew off some distance, and brought up a field piece, which played on it [the house] without making any impression." "Great efforts were made to rally the American troops, when the retrograde movement commenced ; but they were ineffectual." The right of the left wing got so out of its course, as to be entangled with Chew's house." It is certain that several corps were thrown out of their way by the firing and in the fog got so intermixed as to cause great confusion. Judge Johnson observes : "That whatever delay took place at that point was very brief and unavoidable ; and was provided against with promptness and judgment." No doubt General Washington did every thing to remedy the evil, but all his efforts were unavailing ; for they had suffered so severely that they (as Marshall says) drew off some distance, in other words, retreated.

General Pinckney says : "The General said to me, do tell the Colonel I have already directed the army to file off to the right and left." Owing to different corps being intermixed, and the dense fog, it could not be done.

Judge Johnson, in his remarks, says : "Colonel Pickering, in his answer to the 4th query, expressly confines the halt to what he terms the rear division ; and which, all the world knows, must mean the reserve under Lord Stirling." Your words are : "Whatever delay in the advance of the division in our rear was occasioned by the pause at Chew's house I am satisfied that Sullivan's column did not halt there at all." I suppose by "the division in our rear" you meant Wayne and in reference to Sullivan, who you had left considerably advanced, I think your expression is correct. I am positive that Sullivan's division, did not halt at the house. I wish to be understood that whenever I speak of Sullivan's division, I mean his own proper division : that is the Maryland troops, and Hazen's regiment.

It seems to me that the Judge has been led into an error by General Pinckney placing Wayne under Sullivan, as commanding the right wing. Nominally Wayne might be considered as under his command, but I believe Wayne was not under his orders on that day. For if it had been the case, he would not have moved on as he did, leaving Wayne behind, and his left

flank exposed. It does not appear that there was any concert between the division during the day. Besides General Washington was up with Wayne, and no doubt, gave him orders. When you say that Sullivan's column did not halt there at all, it seems evident to me that you mean his own proper division. Whether Sullivan had orders to halt as I have stated, four or five hundred yards beyond the house, or whether he was induced to do so by the division on the other side of the road not being up to support his left flank, I do not know. We were halted so long that our men sat down some time, being greatly fatigued by having been on their feet from seven o'clock the preceding evening.

Whilst we were halted, the British Army were formed in the School-house lane, directly in our front, six or seven hundred yards from us ; but owing to the denseness of the fog, which had greatly increased after the commencement of the action, we could not see them. About the time of the attack on the house a part of Muhl-enberg and Scott's Brigades, from the left wing, particularly the ninth Virginia Regiment, commanded by Col. Matthews, advanced to the Eastward of Chew's house, and penetrated to the Market house. The British General Grey, brought from their left the fourth Brigade under Agnew and three Batalions of the third, and made an attack upon them, whilst they were engaged with two regiments brought up from the right wing. Thus assailed in front and on both wings, Matthews defended himself with great bravery, and did not surrender until the most of his Officers and men were killed or wounded. He himself received several bayonet wounds. Marshall says "that part of the third and fourth Brigades were detached from the left under Generals Grey and Agnew, to attack the front of the column led by *Sullivan*, which had penetrated far into the village, whilst its left was detained at Chew's house." Why draw off troops who were directly in front, to their right, to attack him ? It is evident they were moved from their left to their right, to attack Matthews, who, it was said, had taken some of their artillery.

Besides Sullivan had previously retreated ; for we heard the firing at that place, after we had retired some distance. I have seen the accounts of several historians stated in such a way as to induce a belief that the whole of the enemy's tents and baggage

fell into our hands. The fact is that it was the tents and baggage of the light infantry and Musgrave that were taken in our quarter. Whether General Greene took any tents and baggage I cannot say. Judge Johnson observes, "It is true that General Washington when he wrote his dispatches had an idea that the surprize was complete, but it was as Gordon asserts, because he supposed had it been otherwise, the enemy would have advanced beyond the village to meet him. General Howe had chosen his ground with judgment. His left wing extended from the Market house, along a ridge called the school house lane, to the falls of Schuylkill, and his left flank was well protected by the river, and by the Hessians posted on the high strong grounds. His front was difficult to approach, being much intersected by ravines and enclosures. On his right wing, he covered the road which entered the village—at the Market house from the North Eastward. He had posted the light Infantry and Musgrave in his front, to check the advance of an enemy, and he had posted light Infantry on his extreme right, to protect that flank. I cannot see any reason why he should leave the ground he had chosen, to meet General Washington.

I am y^r obed^t Serv.,

JOHN E. HOWARD.

Baltimore, January 29th, 1827.

P. S.—Since writing the above I have read the account of the action by Wilkinson who in his memoirs Vol. I, page 363 says "The 40th regiment was encamped three quarters of a mile in the rear of the light infantry, in a field of B. Chew, Esq^r, and eastward of his country seat." To which he adds the following note, "This fact is derived from Cap^t Campbel of that corps, who was wounded in defence of the house."

COLONEL TIMOTHY PICKERING,
Massachusetts,
Salem.

(The preceding copy is in Col. Howard's handwriting, and was given to me by him in Baltimore soon after it was written.—J. Sparks.)

SIEGE AND CAPTURE OF HAVANA IN 1762.

ROBERT BURTON.

It has often been said that events move in circles, and that history repeats itself. And to-day,* while praising our noble volunteers in their struggle against the fierce foe, and the fiercer fever, against militarism and mismanagement; we must remember that once before Cuba was assailed by English-speaking soldiers; that once before Havana succumbed to the soldiers of England, and the volunteers of Colonial North America. And of the many conquests which were made by the English in the Seven Years' War, none were more remarkable than that which placed Havana in their hands, practically giving them possession of the Island of Cuba. And their disposal of their splendid prize was one of the chief causes of their failure to conquer the thirteen States in the War for Independence.

In the Winter of 1762 those hereditary enemies, England and France, as usual were at war. During this period the agreement between France and Spain, called the "Family Compact" came to light, and England believing that an open foe was better than a secret enemy, took the sturdy advice of the sagacious Pitt, declared war against Spain, and determined to strike a crushing blow at once at the heart of her power and riches, namely Havana.

Havana has been called the heart of Spain's power, and having due regard to the Spanish Colonies of South America, the epithet is justified; for this City was the key to Mexico, and indeed it was Philip II who gave to Havana a coat-of-arms having a golden key, to signify that it was the key of the Indies. Here came the Spanish galleons with their great stores of yellow diamonds from Brazil, and gold and silver gathered from rich Mexico and opulent Peru, the lands of the Aztecs and the Incas. Here

* Written in 1899.

the precious fleets rested from the perils of buccaneer and storm, preparing for their final flight across the broad Atlantic to the ports of Spain. To take Havana was to break the spinal cord which connected Spain with her great Colonial Empire.

The soliloquy of Macbeth, "If it were done, when 'tis done, then 'twere well it were done quickly," is, and ought to be the soul of war; but when steam was not, the world was a slower place, and men moved, and indeed had to move, slower.

During this particular winter, a large force, under the command of Major General Monckton, had been sent to the French island of Martinique, and it was determined to utilize these troops in making an attack on Havana.

The blow was to be a sudden and crushing one, but there was the greatest difficulty in collecting enough troops and ships for such an enterprise. Orders were sent to General Monckton to collect all the troops that could be spared, which were thought to amount to about 8000 men. This force was to be increased by 4000 regulars sent from England; and Sir Jeffrey Amherst, Lieutenant-General of his Majesty's forces in North America, was ordered to send 2000 men and to see that 2000 Provincial Volunteers were raised to serve in this Expedition. Altogether it was expected that there would be about 16,000 troops to be used against Havana. Admiral Sir George Pocock was to command the fleet, and the Earl of Albemarle, whose father was Governor of Virginia in 1737, and whose grandfather Arnold Van Keppel came over to England with William of Orange, was to command the land forces.

Accordingly in pursuance of this plan, on March 5th, 1762, an army, composed of several regiments amounting to more than 4000 regular troops, set sail from Portsmouth, England, in thirty transports, accompanied by nineteen store-ships and eight vessels loaded with artillery, guarded by six ships of the line, making altogether a very large fleet. Soon after their departure, a violent storm arose which so scattered the squadron that it did not completely unite again until April 20th, when the flagship *Namur* arrived at the Barbadoes after a voyage of forty-five days. Here, Major Monypenny, aide-de-camp to General Monckton, had

been sent to acquaint Lord Albemarle of the success of the English arms against Martinique.

On April 24th the fleet sailed from Carlisle Bay and arrived on the 26th in Cas des Navières Bay. At this place the Admiral and the Earl of Albemarle assumed command of their respective departments and everything was prepared for the secret expedition. The troops now added to the expedition consisted of nine regiments, which, with the Royal Artillery and Engineers, amounted to over 5000 men. This number was further increased by some regular troops brought from South Carolina, swelling the total number of soldiers above 11,000. Besides the troops, about 1000 negroes were hired in Martinique to be taken to Havana.

Everything being in readiness, the fleet set sail from Martinique on May 6th, and soon after arrived at Jamaica where they were joined by a fleet under Sir James Douglas, and another under Captain Hervey. The ships, with snowy sails and pennons fluttering, doubtless made a fine spectacle, but would have contrasted strangely with the monster ironclads of to-day. But this was no mean fleet. For England had brought against the strength of Havana twenty-four ships of the line and twenty-two frigates, with one hundred and fifty transports; probably one of the most powerful squadrons ever sent out by the Mistress of the Seas.

Commodore Keppel, brother of Lord Albemarle, was second in command, while another brother, Major-General Keppel, was third in command of the army. On board also, was Howe, who as Lord Howe, was to bow at Brandywine and Germantown to the genius of Washington, and Elliot too was there, who has gone down to history as the immortal defender of Gibraltar.

Now ere the majestic fleet proceeds on its way, something should be said about the provincials, the ancestors of those troops who frustrated the spruce Burgoyne, captured the City of Mexico, and engaged in that gigantic but unnatural struggle which made every spot of Virginia sacred by the spilling of precious blood. The policy of Great Britain has ever been Roman in this; she has believed in fighting her battles with troops recruited from all parts of her vast empire; and this intention has become largely a

fact since the days of Lord Beaconsfield. But even in the times which we are considering, the British War Office had cast admiring eyes on the men of the provinces of North America. In many ways she had tried to induce a sufficient quantity of these hardy men to join her regular army. But this by no means met the tastes of the colonists. They were not reluctant to fight; they were willing to volunteer for six months or even for a year, but only for service in North America; to go abroad was quite another thing. Regiments were, however, raised, notably the "Royal American Regiment of Foot."

No account of this expedition would be complete unless a sketch were given of this most famous Regiment. An Act of Parliament of November 13, 1755, authorized the formation of a regiment of foot in North America. In the following month, the 62nd, or Royal American Regiment of Foot was raised. This Regiment was intended to combine the characteristics of a Colonial Corps with those of a Foreign Legion. For the men were composed mostly of German and Swiss Protestants who had settled on land assigned them by the British Government. The regiment was divided into four Battalions, and consisted of 4,160 men, 101 officers and 240 non-commissioned officers. The officers were of mixed nationalities, and consisted of English, Scotch, Irish, French, Dutch and Germans. The Colonel in Chief, in 1772, was Sir Jeffrey Amherst. In 1756 the title was changed to the 60th, or Royal American Regiment of Foot. Different divisions of this Regiment were stationed in Canada, Pennsylvania and South Carolina. Among the battles in which this regiment was distinguished were the capitulation at Fort William Henry in 1757, the Louisburg Expedition in 1758, the capture of Ticonderoga in 1759, and also of Quebec in 1760, beside several other less important engagements.

This celebrated regiment is still in existence, though now known as the "60th King's Royal Rifles," and has distinguished itself in a number of the great battles of the world, among which are Talavera, Ciudad Rodrigo, Taku Forts, Kandahar in 1880 and Chitral in 1892, besides many others.

Particular interest hangs around the 3rd Battalion, for after

having taken part in the capture of Martinique, it had joined the Havana Expedition.

War against Spain had been declared at Whitehall on January 4, 1762, but was not proclaimed at New York until April 3rd, a month all but two days after Admiral Pocock and Lord Albemarle had sailed from Portsmouth. The British Ministry did not want it known for what point the expedition was bound, in order that the Spaniards might not get wind of the enterprise and thereupon strengthen their defenses. So for some time the American troops did not know for what expedition they enlisted. Governor Hardy of New Jersey in writing to the Earl of Egremont, Secretary of State, on April 29th, stated that he had received the proclamation of war against Spain and that the Assembly had voted the number of men for the Provincial Regiment and had granted encouragement for enlisting in the Regular forces.

Of the Provincial troops called upon for the Havana Expedition, 500 were from New Jersey, 800 from New York and 1000 from Connecticut. Two companies of 207 men were raised in Rhode Island, and four companies from South Carolina had already departed with General Monckton for Martinique. It would be interesting to know something more about the South Carolina Troops, regarding their number and personnel, particularly as at that time the Regiment in actual service was commanded by Col. Thomas Middleton and was officered by such men as Richard Henry Lee and Pickens. What part, if any, of this regiment went to Havana, is unknown, though the writer has diligently searched the authorities for their whereabouts.

All the Provincial troops were under the command of Major General Phineas Lyman, who was Colonel of the 1st Connecticut Regiment. He was born at Durham, Connecticut, in 1716, became a distinguished lawyer, a representative in the Assembly, a judge, and was appointed Major General and Colonel in 1755. In all these employments he rendered important services to his country, and gained a high reputation for bravery and military skill. Of these regiments and their perils by land and sea, something will be said later.

With more or less backing and filling ; with the creaking of cordage and blocks, and hoarse roarings through the speaking trumpets, the expedition left Jamaica behind, and arrived off Cape Nicholas on May 23rd. There were two routes open to the Admiral ; the easier was to sail along the south side of the Island of Cuba, and by turning around the west end of the Island, to beat down to Havana ; and thus by a long, circuitous, safe route reach his destination. But not only would this take much time ; it would give full notice to the enemy. The near way was through that intricate and dangerous passage, 600 miles in length, called the Old Straits of Bahama. However, it was the short way, and Pocock never hesitated. He passed through the Straits, and blocked them against French assistance. On June 6th the fleet came in sight of Matanzas, a small town, six miles east of Moro Castle.

Shortly after, the whole armada dropped anchor, with the exception of twelve ships of the line, which under the command of Admiral Pocock himself raced to the mouth of Havana Harbor, and bottled up the Spanish fleet. These ships, by making a feint on the west side, also drew away the Spaniards' attention from the point where the English proposed to disembark. If there was bustle on board the English squadron there was agitation and consternation inside the lines of Havana ; for the Captain General, Don Juan de Prado Puerto Carrero, found it so difficult to believe that the English intended to attack him, that he would not allow any precautions.

Havana was a beautiful city, situated in the most beautiful part of the island, with a harbor so wide and deep, that a thousand ships could anchor there without confusion. Its large and elegant buildings were made of stone. It had eleven rich, magnificent churches, whose lamps, candlesticks and altar ornaments were made of gold and silver. It had, in the year 1762, a population of over 46,000 souls. The people were renowned for their politeness ; and in their dress and habits were close imitators of the French.

Havana was strongly fortified and garrisoned. In the City were 4000 regular troops ; and if we take into consideration

militia, and the large parties of armed negroes, the fortifications were guarded by 17,000 men. In addition 9000 armed sailors and marines could be drawn for the defense of the City from the twelve war-ships in the harbor. Spanish officers too, were worthy of the times when the Spanish infantry was counted as the best in the world. And one name should be particularly recorded, that of Captain Don Luis de Velasco, a naval officer, the commander of the Moro Castle, whose determination, skill and dauntless courage compelled the admiration of his British foes. The forts which these combatants manned were strong and numerous. At the entrance of the narrow channel which led to the harbor, towered the Moro Castle. Further up on the east side of the harbor was the Fort of the Twelve Apostles; while a little higher up the Sheppard's Battery showed its teeth. There were forts, too, on the Cavanos Hills, which ran along the east side of the harbor, while in the marshes on the west side, behind a deep ditch frowned the Punta Fort. Further back on high ground rose the spire of the church of Guadaloupe.

But let us return for a moment to the English fleet. The Captains were all gathered in Commodore Keppel's cabin, who made them a bluff little speech, which is probably not diminished in the historical telling—"Courage, my lads," cries Keppel, "we shall soon be as rich as Jews: Havana is paved with gold which the lubberly Dons have gathered for us; and the Admiral has just given us leave to take yonder town with all its treasures, so you see our fortunes are made, for the place can never hold out against us. And now aboard, and when you get there let the purser give every man a can of punch to drink prosperity to Old England, and then we shall go about our business with the proper spirit." The report of this speech was greeted throughout the fleet with cheers, dancing of hornpipes and general jollity.

In spite of the evening revel, the business of the next day was carried out with skill and dispatch, for at daybreak the next morning, which was June 7th, in one hour and without opposition or the loss of a man, the whole army was landed.

Shortly after landing, with the army divided into five brigades, Lord Albemarle crossed the River Coximar, three miles east of

Havana, with the Grenadiers and Light Infantry, and ordered Lieutenant General Elliot and Major General Keppel to march forward to the little town of Guanamacoa. Colonel Carleton, afterwards Sir Guy Carleton, who was almost defeated at the Battle of Monmouth by Washington, advanced to the Cavanos Hills on the east side of the Harbor, and captured a redoubt, thus securing a point which commanded the Moro. From this redoubt it was necessary to advance two hundred and fifty yards, to make the batteries, proposed to be erected, effective. Step by step, through thick, almost impenetrable woods, harrassed by the Spanish fire and constant sallies from the fort, tortured by the fierce heat of a tropical sun, the British made slow way. When the spot of their endeavors was reached, and breastworks were to be made, the baked soil broke the points of their picks. But still they persevered, and by July 1st several batteries were erected on the heights of the Cavanos.

Nor had the enemy been idle. Several ships were sunk, blocking the entrance to the harbor, and sailors had been landed to assist in the defense of the city. In the meantime, Col. Howe, with the Light Infantry and Grenadiers, had landed at Chorera, seven miles west of the city, to engage the enemy's attention on that side.

On the 4th of July, the English batteries opened fire with forty-seven guns. Then the *Cambridge*, the *Dragon*, and the *Marlborough*, line-of-battle ships outside the harbor, with a total of two hundred and twenty guns, kept up a continuous fire; but the Moro was equal to the occasion. It replied with such ardor that the war ships were finally drawn off, much damaged. The English batteries, however, still continued their good work, and at last succeeded in silencing all the guns of the Spanish but two. At this period in the history of artillery, guns were usually fired between eighty and ninety times in 24 hours, but during this engagement the English, by extreme quickness, fired three of their guns 145 times in sixteen hours, which was thought almost incredible. But if the Spanish ceased firing, so did the English. The guns were red hot, the sun beat down, and the fascines were as dry as chips. There had been no rain for fourteen days.

That night they awoke to find the battery on fire, and in one hour the work of six hundred men during seventeen days was swept away. But nothing deterred those obstinate English, and with song and cheer the battery was again rebuilt.

But the world and its riches are given to the persistent. In spite of fire, in spite of sun, in spite of the want of water, and salt provisions, the English batteries drew nearer and nearer. Men talked about the assault, and the sick were clamoring for the front, when a terrible object confronted the gaze, and hope almost seemed to wane. Right between them and the Moro stretched a great ditch cut in the solid rock, 56 feet wide and 63 feet deep, and only separated from the sea by a narrow ridge, so narrow that an attempt to cross it would have been madness, as dangerous to the attacking soldier as Mahomet's sword-blade, which stretches to heaven across the flames of hell. But to the brave a new difficulty is the opportunity for a new plan. The engineers were ordered to sink a deep shaft, to run mines, and by exploding them, to throw a great mass of rock into the gulf, and make some sort of passage for the daring stormers. It was now the dawn of July 22nd. The tired soldiers were resting on their arms. The sappers and miners were making their slow way with the tenacious rock, when there was a great cry, that the enemy was upon them; and 1500 Spaniards rushed to destroy the camp. As the 1st Division came up, it was confronted by the line of the advance guard. Thirty men for sixty precious minutes held the foe at bay, till some companies of the Royal Americans under Lieutenant Forbes, ran forward, hurled back the enemy, and the works were saved.

Some of the difficulties of this arduous enterprise have already been mentioned, but perhaps a longer description of the sufferings of the army may not be out of place. The least thing they suffered, was from the weapons of the Spaniards. The water which had to be carried from the transports was flat and scanty. The constant use of salt food had brought on scurvy. Some died from the toil of dragging guns, felling trees, and rending rock. Many more expired from sunstroke, and even those who survived slept, drenched with pestiferous dews, stung by mosquitoes, and

inhaling with every breath the germs of malaria and yellow fever. It is safe to say that half of the expedition were either dead or dying; 500 sailors had been landed, but even they were dropping at their posts. Disease had almost forced Albemarle to the desperate determination of abandoning the siege, for 5000 soldiers and 3000 sailors were laid up in the hospitals. On July 16th., Lord Albemarle wrote to the Duke of Cumberland, "I have heard nothing of the North Americans; if any accident happens to them I shall be undone." But as the Colonial troops helped to save the works, so were the Colonial troops to refresh the tired British and to prevent the lamentable abandonment; for on July 28th the whole camp was cheered by the arrival of reinforcements from North America.

To follow the progress of our own troops who came so opportunely to Havana, it is now necessary to transport ourselves back to North America some months previous to this last mentioned date.

From a letter of Lieut.-General Amherst written to Governor Colden of New York, on May 20, 1762, we learn that the Rhode Island and New Jersey troops were then on board ship ready to sail, and that the Connecticut troops were expected every moment, but that up to that time only 553 men out of 800 from New York had enlisted as they were afraid that Gen. Amherst was deceiving them. This deception resulted from the fact that they were not told whether they were to be sent out of the country or retained at home. As has been said before, the English ministry wished to keep the expedition secret, and so manifestly could not announce its object at that time. Notwithstanding the fact that the Rhode Island and New Jersey troops were ready on May 20th, the expedition did not leave New York until June 11th. The first detachment was composed of one battalieu out of the eleven companies, of the 1st Connecticut Regiment, consisting of 500 men under the command of Lieut. Col. Israel Putnam, who was afterwards so conspicuous in the Revolution. Most probably the New Jersey and Rhode Island troops were of this first detachment, which consisted altogether of 1400 men under command of Brigadier General Burton of the Regular Army.

On June 11th the troops left New York in eleven transports, and, by a roundabout course, pursued their way safely until they arrived near Jamaica, when a violent storm arose and scattered the fleet in all directions. One transport bearing the 500 men of the Connecticut Regiment under the command of Lieut. Col. Putnam, was separated from the rest, and driven with great violence on a reef of craggy rocks, near Carthage on a coast of what is now the United States of Columbia. Things seemed quite desperate. There was not a ship in sight, not even a sail of the enemy. In rapid succession gigantic waves dashed against the vessel's side. A few hours of such battering, and she must have broken to pieces; but Lieut.-Col. Putnam was equal to the occasion, and his cool demeanor in the face of death encouraged his men. In a moment every man who could wield a saw or hammer was set to work, making rafts from the spare planks and spars, and in a slight lull of the storm, one of the rafts, with some of the best seamen, was floated ashore. With the help of these, other rafts were towed across through the foaming space, till every man was landed in safety. After remaining here for several days, within twenty miles of the enemy, the whole party were rescued by a convoy sent out in search of them by Admiral Pocock, and finally, after a voyage of forty seven days, they reached Havana.

Of the second detachment of troops, which left New York on June 30th, but very little record can be found. It consisted of some regulars, and probably the New York troops, 800 strong, and the second Battalion of the Connecticut Regiment of 500 men. The New York troops were made up of three companies of the 1st Regiment, and three of the 3rd, commanded by Col. George Brewerton and Major John Van Veghten, of the 2nd Regiment. Who commanded this expedition is not known, but more than likely it was General Lyman. While on the voyage the troops were pursued and overtaken by a French fleet which captured several of the transports. This misfortune resulted in the loss of 350 Regulars of Anstruther's Regiment and 150 Provincials. The remnant of this division arrived at Havana on August 2nd.

Nor was the martial zeal of those sturdy Americans quenched by their shipwreck and distressing perils. No soldiers in His

Majesty's service showed greater valor. Nor was this true alone of Putnam's men, for a large body of Colonial Volunteers, who were engaged in the capture of Martinique, and were returning home invalided, having heard of the Havana enterprise, found that they had recovered, and so about ship, they steered straight for Havana, and engaged in the dangers and perils of that glorious enterprise.

With renewed heart the Army now prepared for the reduction of the Moro. On July 30th the mines were sprung, and a great mass of rock was thrown into the air, which, descending, filled the ditch; and at once the bugles sounded the assault. Lieut. Charles Forbes, with the Royal Americans, led the way, and the Colonists followed. Forbes entered the breach, and then pausing a moment, formed his men, and stormed the ramparts. For awhile the Spanish held their own with the greatest bravery; nor was it until their brave commander Don Velasco fell mortally wounded that they gave way. Five hundred and thirty were killed, wounded and taken prisoners, and the rest threw down their arms and escaped by boats to Havana. The British loss on this occasion was only thirty-two. Again the Americans had done more than their duty, and joy reigned through the English camp with the certainty that Havana must fall. But the Commander in Chief, the Earl of Albemarle, was taking no risks. He instantly gave orders for an assault on the Punta Fort, on the west side of the harbor, whither Col. Howe had been despatched with a large body of troops. Thirty American carpenters were set to work to build platforms, so that the guns of the captured Moro might open fire across the harbor on the Punta. Other Provincial troops, on the west, were sent to clear away the felled trees which prevented a near approach to the desired fortifications. On the 11th of August, the Punta found itself exposed to a rain of shot and shell, and taken between two fires, was soon silenced and captured. The Spanish Governor-General saw that resistance was useless, and resolved to surrender the city. The 13th of August saw the Cross of St. George flying over the Governor's Palace, and the British and Provincial troops had captured Havana.

History—perhaps because the English restored the captured town to the Spanish—has devoted very little space to this exploit, yet it was a glorious campaign, a struggle of more than two months against a superior force, against sickness, against appalling heat, and against forts deemed impregnable. By this campaign Havana was taken, a large army made prisoners, ten ships of the line captured, and a large treasure seized. As profits of his success Lord Albemarle received \$500,000, while his brothers, Commodore Keppel and Major General Keppel, received each \$125,000. Therefore, notwithstanding the terrible blow to Spain, some cynics were inclined to criticize the expedition, and say, that it was undertaken for the sole purpose of putting money into the pockets of the Keppels.

But there is a darker picture to follow. A picture which ought to warn the future of the danger of keeping unacclimated troops in a tropical country during the sickly season. For the real anguish and suffering of the campaign is now to be recounted. The sufferings of the English and Americans were well portrayed by an eye-witness, the Rev. John Graham, Chaplain of the 1st Connecticut Regiment :

“Last night, Sept. 28, was sultry and hot ; I could not rest, for my ears were constantly assailed by the outcries of the sick and distressed. The camp is a vale of misery and woe. Alas ! we are like shipwrecked mariners cast upon a barbarous coast, surrounded by savages who know not pity. The sun smites us by day, and the sickly moon consumes us by night. We, who are spared for a while, can only stand near the plague-stricken ones, and tell them that comfort and means are not ours to give, and in fact sound the trumpet of despair in the ears of the dying. As I pass from the presence of death, and stand without the tent, I say to myself, ‘ Who are these straggling along the road, with awful mien they totter forward ; they seem like walking ghosts come from the shades ;’ but viewed more nearly, I see these are not spectres, but men wasted with sickness ; all their flesh consumed with disease ; their bones looking through the skin ; faces yellow and pallid ; eyes sunken in their sockets ; heads drooping and spiritless ; knees feeble and joints trembling ; and

though, in the form of life, they totter along leaning on staves like men bowed with old age. As I hasten on I find some fallen in the way with weakness ; others, lie in dead faints ; while others, like snails, crawl to them and offer them our only cordial, water. There go four comparatively well, bearing their Captain who has fallen in front of his quarters. Here are four open graves, and here they bring the four bodies to fill them. The bodies wrapped in blankets, in life a protection, in death a shroud. Yea, before the graves are filled up, comes a message to bid them dig more graves in the pestilent soil. Horror after horror do I perceive. Decency and hope seem to have entirely left us ; some gnaw their tongues with pain, and some lie on the ground and curse God."

But it is not well to harrow one's feelings, though a catalogue of similar horrors would be both possible and true. Suffice it to say that perhaps those were happiest who died and left their bones around Havana, for those who returned home, took with them broken strength, and a languor which lasted to their life's end.

Although Havana was captured, yet the troops were still retained in that unhealthy place. As a result of this campaign, out of 1000 men in the Connecticut Regiment, 423 died in Cuba, and on the return voyage, and only a mere handful of the remainder ever regained their former strength. From June 8th, to October 8, 1762, out of the whole army, 520 men were killed, or died of wounds received in battle, while 4700 perished from sickness and disease.

Though there was much suffering in silence among the troops, there were some deserters ; and from the Orderly Book of Lieut. Col. Putnam, it may be seen that life in the Connecticut Regiment was not entirely smooth, as an abstract dated September 3rd will show :

"The Court Martial, to try prisoners of the 1st Connecticut, of which Captain Spaulding was President, is dissolved and the judgment of the Court approved and Henry Gray of Captain Butler's company is ordered to be whipt 150 lashes with a Cat of Niue Tails, well laid on his naked back, according to the sentence of the Court."

On October 16th, Major General Lyman ordered the remnant of the Connecticut troops, composed of 698 officers and men, to embark on seven transports for home. The squadron was delayed some days and it was not until October 21st that it set sail for New York. With these ships went also the Rhode Island troops. Owing to the sudden change from a warm to a cold climate, many died on the voyage. Upon their arrival at New York on November 23rd, an examination discovered that the men were too weak to be moved, and they were therefore placed in hospitals. A transport was provided to take the remnant of the Rhode Islanders to their colony, whence they had set out so joyously five months before.

The war, which really ended with the success of this expedition, disclosed the military strength of the British Colonies, and inured them to the toils and privations of the camp. They acquired military skill and became accustomed to military discipline under the experienced commanders of the mother country. Instead of being exhausted, they were enriched by the war. The mother country had sent them vast armies and fleets for their protection, besides paying them great sums for their personal services, while many fortunes were made by prizes captured on the seas.

It has been said of England that she never gives up what she conquers. Cuba was returned to Spain, which, like so many Latin countries, seems doomed to moral degeneracy and imperial decay. It was Spain's last chance. Spain was given the chance of competency and a moderate empire, for Cuba, like Egypt, has all the possibilities of wealth for the foreign master who will behave with the same decent regard which a man pays to his farm, where he may not overwork his stock, nor exhaust his land. Cuba was to the Spaniards, a place for obtaining riches by force and fraud.

DR. JAMES McHENRY'S SPEECH BEFORE THE
MARYLAND HOUSE OF DELEGATES
IN NOVEMBER, 1787.

BERNARD C. STEINER.

As described in my article entitled Maryland's adoption of the Federal Constitution (5 *American Historical Review*, Oct., 1899, p. 32), after the preparation of the United States Constitution by the Convention at Philadelphia, and its reference to the States for the ratification, the Maryland House of Delegates sent for the five delegates from the State to the Convention to appear before it. Of the five, Mercer and Martin had refused to sign the Constitution as drafted at the convention. Mercer did not come to the House of Delegates, but Martin appeared and made a long and bitter address which was printed. Of the speeches made by the three delegates who signed the Constitution, and who were Federalist in their views, no account was printed, nor has any been known to be extant. The Library of Congress, however, has recently bought the papers of John Leeds Bozman, the historian, among which are contained manuscript copies of the remarks made by Martin and also by Dr. James McHenry. Those manuscripts are in the same excellent clerkly hand and are not autographs of the speakers. Martin's was very much expanded in publication, but does not differ in any important respect. Both speeches show from their form that copies of the Constitution must have been before the members of the House of Delegates at the time they were made. Dr. McHenry's speech, which is here printed for the first time, is interesting from its strong national tone, especially when it is remembered that no member of the Convention was personally more intimate with Washington than McHenry.

Mary Land Novr. 29th, 1787

The Delegates to the late Convention being call'd before the House of Representatives to explain the Principles upon which the proposed constitution of the United States of America were formed,

Mr. McHenry addressed the House in the following terms.

Mr. Speaker.

Convention having deposited their proceedings with their worthy President and by a Resolve prohibited any copy to be taken, under the idea that nothing but the Constitution thus framed and submitted to the Public could come under their consideration, I regret that at this distant period, I am unable from Memory to give this Honorable House so full and accurate information as might possibly be expected on so important and interesting a subject. I Collated however from my Notes as soon as the Pleasure of this House was made known to me such of the proceedings as pass'd under my observation from an auxious desire I have to give this Honorable Body the information they require.

It must be within the Knowledge of this House, Mr. Speaker, that the plan of a Convention originated in Virginia. Accordingly when it met at Philadelphia the objects of the meeting were first brought forward in an address from an Honorable Member of that State. He premised that our present Constitution had not, and on further experience would be found that it could not, fulfill the objects of the Confederation.

1st. It has no sufficient provision for internal defence nor against foreign invasion. If a State offends it cannot punish; nor if the rights of Embassadors, or foreign Nations be invaded have the Judges of the respective States competent jurisdiction to redress them. In short, the Journals of Congress are nothing more than a History of expedients without any regular or fixed system and without power to give them efficacy or carry them into Execution.

2nd. It does not secure the separate States from Sedition among themselves nor from encroachments against each other.

3rd. It is incapable of producing certain blessings the objects of all good governments Justice, Domestic Tranquility, Common Defense Security to Liberty and general Welfare. Congress have no powers by imposts to discharge their internal engagements or to sustain their Credit with Foreigners ; they have no powers to restrain the Emission of Bills of Credit issued to the destruction of foreign Commerce, the perversion of National Justice and violation of private Contracts. They have no power to promote inland Navigation, encourage Agriculture or Manufactures.

4th. They have no means to defend themselves against the most direct incroachments. In every Congress there is a party opposed to Federal Measures. In every State, even, there is a party opposed to efficient Government. The wisest regulations may therefore [be] thwarted and evaded ; the Legislature be treated with insult and derision, and there is no power nor force to carry their Laws into execution or to punish the Offenders who oppose them.

5th. The Confederation is inferior to the State Constitutions and cannot therefore have that control over them which it necessarily requires. The State Governments were first formed and the Federal Government derived out of them ; wherefore the Laws of the respective States are paramount and cannot be controlled by the Acts of Congress.

He then descanted with Energy on our respective situations from New Hampshire to Georgia, on the Situation of our joint National Affairs at Home and abroad, and drew the Conclusion that all were on the brink of ruin and desolation. That once dissolve the tie by which we are united and alone preserved, and the prediction of our Enemies would be compleat in the bloodshed in contending and opposite interests. That perhaps this was the last, the only opportunity we should ever have to avoid or remedy those impending evils. The eyes of all, actuated by hopes or fears, were fixed upon the proceedings of this Convention ; and if the present meeting founded in a Spirit of Benevolence and General Good, did not correct, or reform our present situation, it would end, most assuredly, in the Shame and ruin of ourselves and the Triumph of others. He therefore moved that it be Resolved the

Articles of the Confederation ought to be corrected and enlarged and for that purpose submitted certain resolves to the further consideration of the Convention. The Convention being thus in possession of these propositions, on the thirtieth of May Resolved to go into a consideration of them, when the Honorable Gentlemen who first brought them forward moved to withdraw the two first Resolutions, and to substitute the following in lieu of them.

1st. That the Union of the States ought to be founded on the basis of Common Defence security to Liberty and General Welfare.

2nd. That to this end the right of Suffrage ought to be in proportion to the value of the Property contributing to the expense of General Government or to the free Inhabitants that compose such Government.

3rd. That a National Government ought to be formed with Legislative and Judicial powers.

At this period, Mr. Speaker, I was suddenly call'd from Phila. by an account that one of my nearest and Dearest relations was at the Point of Death, and did not Return till the 4th. of August. Convention had formed a Committee of Detail in my absence, which on the Sixth of August brought in their Report, that had for its basis the propositions handed from Virginia and, with some amendments, is the Constitution now submitted to the People.

S. 2. To this Section it was objected that if the qualifications of the Electors were the same as in the State Government, it would involve in the Federal System all the Disorders of a Democracy : and it was therefore contended that none but Freeholders permanently interested in the Government ought to have a right of suffrage. The Venerable Franklin opposed to this the natural rights of Man—their right to an immediate voice in the general Assemblage of the whole Nation or to a right of Suffrage and Representation and he instanced from general History and particular events the indifference of those to the prosperity and Welfare of the State who were deprived of it. Residence was likewise thought essential to interest the Human heart sufficiently by those ties and affections it necessarily creates to the general prosperity.

At first the Report of the Committee had extended it to three years only, but on better consideration it was altered to seven ; and the Period of Twenty five years deemed a necessary age to mature the Judgment and form the mind by habits of Reflection and experience. Little was said on this subject : it passed without any considerable opposition and therefore I was not at the pains to note any other particulars respecting it.

That the representatives should be appointed according to Numbers occasioned a very long, interesting and serious Debate, the Larger States warmly contended for this Regulation and were Seriously opposed by the lesser. By the latter it was contended it threw too much power into the hands of the former, and it was answered by the former that Representation ought to be according to property or numbers and in either case they had a right to such influence as their situations gave them ; on the contrary if each State had an equal voice, it would unreasonably throw the whole power in the lesser States. In the end a compromise took place by giving an equal voice to each State in the Senate which till then the larger States had contended ought to be formed like the other branch by a Representation according to numbers.

S. 3. The classing the Senate so as to produce the proposed change was established by Convention on the principle that a Rotation of power is essential to liberty. No qualification of property was adopted, that merit alone might advance unclogged by such restriction. It did not pass however unattempted ; but the proposed rate of property by the South, was thought much too high by the East, as that by the East on the contrary was deemed too low by the South. The Committee of Detail by their report had at first given to the Senate the choice of their own President, but to avoid a Cabal and undue influence, it was thought better to alter it, and the power of trying impeachments was lodged with this Body as more likely to be governed by cool and candid investigation, than by those heats that too often inflame and influence more populous Assemblies.

S. 4. It was thought expedient to vest the Congress with the powers contained in this Section, which particular exigencies might require them to exercise, and which the immediate repre-

sentatives of the People can never be supposed capable of wantonly abusing to the prejudice of their Constituents. Convention had in Contemplation the possible events of Insurrection, Invasion, and even to provide against any disposition that might occur hereafter in any particular States to thwart the measures of the General Government on the other hand, by an Assembly once a year. Security is Annually given to the People against encroachments of the Governments on their Liberty.

S. 5. Respects only the particular Privileges and Regulations of each branch of the Legislature.

S. 6. That the attendance of Members in the General Legislature at a great distance from their respective abodes might not be obstructed or in some instances prevented either by design or otherwise in withholding any Compensation for their Services, Convention thought it most advisable to pay them out of the General Treasury, otherwise a representation might sometimes fail when the Public Exigence might require that attendance. Whether any Member of the Legislature should be capable of holding any office during the time for which he was Elected, created much division in Sentiment in Convention ; but to avoid as much as possible every motive for Corruption, it was at length settled in the form it now wears by a very large Majority.

S. 7. Much was also said on the Privilege that the immediate Representatives of the People had in originating all Bills to create a Revenue : It was opposed by others on the principle that, in a Government of this Nature flowing from the People without any Hereditary rights existing in either Branch of the Legislature, the public Good might require and the Senate ought to possess powers coextensive in this particular with the House of Representatives. The Larger States hoped for an advantage by confining this Privilege to that Branch where their Members predominated, and it ended in a compromise by which the Lesser States obtained a power of amendment in the Senate. The Negative given to the President underwent an amendment, and was finally restored to its present form, in the hope that a Revision of the Subject and the objections offered against it might contribute in some instances to perfect those regulations that inattention or other motives had at first rendered imperfect.

S. 8. The powers given to Congress to lay taxes contains nothing more than is comprehended in the Spirit of the eighth article of the Confederation. To prevent any Combination of States, Duties, Imposts, and Excises shall be equal in all ; and if such a Duty is laid on Foreign Tonnage as to give an advantage in the first instance to the Eastern States, it will operate as a bounty to our own Ship-builders. If an oppressive Act should be obtained to the prejudice of the Southern States, it will always be subject to be regulated by a Majority, and would be repealed as soon as felt. That at most it could prevail no longer than till that Jealousy should be awakened which must have slept when it passed, and which could never prevail but under a supposed Combination of the President and the two Houses of the Legislature.

S. 9. Convention were anxious to procure a perpetual decree against the Importation of Slaves ; but the Southern States could not be brought to consent to it, all that could possibly be obtained was a temporary regulation which the Congress may vary hereafter.

Public Safety may require a suspension of the Habeas Corpus in cases of necessity : when those cases do not exist the virtuous Citizen will ever be protected in his opposition to power, 'till corruption shall have obliterated every sense of Honor and Virtue from a Brave and Free People. Convention have also provided against any direct or Capitation Tax but according to an equal proportion among the respective States.

This was thought a necessary precaution though it was the idea of every one that government would seldom have recourse to direct Taxation, and that the objects of Commerce would be more than Sufficient to answer the common exigencies of State, and should further supplies be necessary, the power of Congress would not be exercised, while the respective States would raise those supplies in any other manner more suitable to their own inclinations. That no Duties shall be laid on Exports or Tonnage on Vessels bound from one State to another, is the effect of that attention to general Equality that governed the deliberations of Convention. Hence unproductive States cannot draw revenue from productive States into the Public Treasury nor unproduc-

tive States be hampered in their Manufactures to the emolument of others. When the Public Money is lodged in its Treasury there can be no regulation more consistent with the Spirit of Economy and free Government than that it shall only be drawn forth under appropriations by Law, and this part of the proposed Constitution could meet with no opposition, as the People who give their Money ought to know in what manner it is expended.

That no Titles of Nobility shall be granted by the United States will preserve it is hoped, the present Union from the Evils of Aristocracy.

S. 10. It was contended by many that the States ought to be permitted to Emit Bills of Credit where their local circumstances might require it without prejudice to the obligations arising from private Contracts; but this was overruled by a vast Majority as the best Security that would be given for the Public faith at home and the extension of Commerce with Foreigners.

Article the 2nd.

S. 1st. The Election of the President according to the Report of the Committee of Detail was intended to have been by ballot of both Houses; to hold his appointment for Seven years, and not be Capable to be re-elected; but this mode gave an undue influence to the Large States, and paved the way to faction and Corruption. All are guarded against by the present method, as the most exalted Characters can only be known throughout the whole Union. His power when elected is check'd by the consent of the Senate to the appointment of Officers and without endangering Liberty by the junction of the Executive and Legislative in this instance.

Article the 3rd.

S. 1st. The judicial power of the United States underwent a full investigation, it is impossible for me to Detail the observations that were delivered on that Subject. The right of tryal by Jury was left open and undefined, from the difficulty attending any limitation to so valuable a priviledge, and from the persuasion that Congress might hereafter make provision more

suitable to each respective State.—To suppose that mode of Tryal intended to be abolished would be to suppose the Representative in Convention to act contrary to the Will of their Constituents and Contrary to their own Interest. Thus, Mr. Speaker, I have endeavoured to give this Honorable House the best information in my power on this Important Subject. Many parts of this proposed Constitution were warmly opposed, other parts it was found impossible to reconcile to the Clashing Interests of different States. I myself could not approve of it throughout, but I saw no prospect of getting a better. The whole, however, is the result of that spirit of Amity which directed the wishes of all for the general good, and where those sentiments govern, it will meet I trust with a kind and cordial reception.

LETTERS RELATING TO THE FRENCH AND INDIANS.

GENERAL BRADDOCK TO GOVERNOR SHARPE.

S^r

As I propose soon to begin my march for Fort Du Quesne I am desirous of adjusting every future contingency in such a manner as to avoid any mistake or misunderstanding. If I take the Fort in its present condition I shall make additions to it as I shall judge necessary & shall leave the Guns Ammunition & Stores belonging to the Fort with a Garrison of Virginia & Maryland fortes. But should they as I have reason to apprehend they should abandon & destroy the Fortification with its Guns &c I will repair or construct some place of defence & leave a Garrison as before. But as to the Artillery ammunition Stores Provisions &c they must be immediately supply'd by the Governments of Virginia Maryland & Pensilvania seperatly or jointly according to the agreement made at Alexandria and that I may

not by delays in yours or the other Governments be detain'd so long as to frustrate any other designs for this year I must beg that you will have all these things in readiness to be forwarded to the Fort escorted by your Militia. A proper quantity of Flower & Meal should be preparing as these in every scituation must be required & if care is not taken to send these convoys the men must starve & his Majesty's Arms be dishonour'd (should they prove successful) & the expences & Trouble which his regard for the Colonies have engag'd him in renderd useless. Some Indians lately arrived from the French fort mention a bravado of the French & their Indians that they propose when the troops are far advanc'd to fall upon this back country & destroy the inhabitants. Make what use or give credit to this intelligence as you please. However it may not be amiss to take all possible precautions as I find impracticable to take my Chariot with me if you will send for it & the Harness for the six Horses, I shall be much oblig'd to you & you will make use of it till I want it, I shall be still more so as I am sure it will be less damag'd by good usage than by lying still. It will also save you the trouble of sending for another to England as it shall be at your service at your own price when I leave this part of the world. Let your serv^{ts} take care of the harness & have it oil'd if you don't use it. I shall leave directions to Coll: Innes to deliver Chariot Harness spare axle trees & pole to your order. I am

S^r:

Your most Obedient &
most Humble Servant

Fort Cumberland
May 22^d 1755

E. BRADDOCK.

GOVERNOR SHIRLEY TO GOVERNOR SHARPE.

Camp at Oswego Sept. 9th 1755.

Sir

As it may be acceptable to your Honour to know the situation of the Service, which is under my immediate Care, I transmit you the following account of it.

The last Division of the Forces under my Command were twenty six Days upon their march from Schenectady to this Place, where they did not arrive until the 2^d Instant ; the Troops are so much reduced by Desertion and Sickness, and Absence of Detachments upon Parties and Command, that by a Field Return, which I ordered to be taken yesterday, it appears, that the number of men in the three Regiments and Independent Company fit for Duty upon the Spot, don't amount to 1400, out of which we are oblig'd to keep 100 at work upon a New Fort, and if the Body of the Forces moves from this Place, must leave 300 at least for the Defence of it, so that not 1000 men will remain for other Service, and of these 60 must be employ'd as Matrosses, and a number as Pioneers : To this I am to add that we have Suffered greatly by Desertion of Battoe men, after being impress'd and even proceeding Part of the way with us ; by which means we are in want of Provisions for any Service, that will require ten days in the Execution.

However, if I am not disappointed of Supplies of Provisions which I hourly expect ; I am encourag'd, upon the Intelligence, I have gained since my arrival here, that with our Naval Force, and the Assistance of the Indians, whom I have pick'd up in my Passage thro' the Country of the five Nations, and the Albany men, whom I hired to go with me as a scouting party of Guards (both which may amount to 140 men) I say, I am encouraged, Sir, to hope that we may proceed upon Action in a very few Days, and that a foundation will be laid this year for such a Campaign the next, as I flatter myself (provided the Colonies shall then exert a proper Spirit) may secure all Points in dispute between us and the French.

As a meeting of Commissioners from all the Colonies as far westward as Virginia inclusive, with me to be appointed by Act of Assembly, in the month of October or November in order to consult upon the most Proper measures to be taken for the general Interest of the Common Cause the next Spring, may have a good Effect for his Majestys Service, I mention it to your Excell^{cy} for your Consideration and shall do the same to the other Gov^{ts} in a Circular Letter ; if such a Convention shall be thought adviseable,

I would propose New York for the Place of meeting, and the 15th of November the time for it, as I shall be there in my Return to Boston, where I must be present early in December.

As I think a very early Campaign the next year necessary I have sent orders to Col. Dunbar, the Commanding officer of his Majestys two British Regiments & two Independent Companies of New York to march those Troops directly to Albany, where I design their Winter Quarters shall be, and to leave at this Place as many of the Troops now with me, as can be supported here during the winter, that they may be Assembled ready to act either seperately or in conjunction with such Provincial Troops as the Colonies shall think fit to raise ag^t the French Settlem^{ts} either upon the Lakes and Ohio; which last place is very accessible thro' that Route or ag^t any part of Canada, as his Majestys Service, & the General Interest of the Colonies may most require.

The first thought of having a meeting with Commissioners from the Colonics was suggested to me from the inclosed Extract.

As Col. Dunbar's and the late Sir Peter Halkets Regim^{ts} have been greatly reduced by the Defeat of the late Major General Braddock in their march to the Ohio for the Protection and Service of the several Colonies of Pensilvania, Maryland and Virginia in Particular; and his Majestys Service, & their further Protection require that those Regiments should be compleated to 1000 men each by the beginning of the Spring. I can't but hope that the three before mentioned Gov^{ts} will readily make Grants for Supplying Col. Dunbar & L^t Col. Gage with levy money for that purpose; and that your Honour will be pleased to recom- mend it in the strongest Terms to the Assembly within your own Governmen^t I have wrote to Gov^r Morris & Gov^r Dinwiddie to the same Effect.

I am with great Regard

Sir

Your Honours most Humble
and most Obedient Servant

W. SHIRLEY.

Hon^{ble} Horatio Sharpe Esq^r

Extract of an Account of the Proceedings of the New Jersey Assembly, drawn up at the request of Governor De Lancey by M^r. Alexander, a Member of his Majestys Council for the Provinces of New York & New Jersey & communicated to Major General Shirley by the Governor.

Sundrys of the Assembly heartily wish that a Congress of Commissioners should meet with Major General Shirley at Albany or where else he would be pleased to appoint in October or November next, to agree on the further necessary Supplies & Forces for next Year, that should be provided in the winter, so that all might be at the place of rendezvous by the first of the spring that the Commissioners should be appointed by Acts of the Several Legislatures. But as they are one of the smallest Colonies they durst not take upon them to begin a Proportion for that purpose, but will most readily follow the Example of the other greater Colonies as far as their abilities can go.

RICHARD PETERS TO GOVERNOR SHARPE.

New York 18th May 1761.

Sir

I thank you heartily for your kind answer to mine of the 12th Feb^{ry}. M^r. Hamilton has laid before General Amherst a large Detail of the Connecticut People's Proceedings, and desired his Excellencys Interposition, so far as to prevent any fresh disturbances with Indians. The Issue it is put upon with the General is, that the Delawares were placed by the six Nations on the Susquehanna (I think in 1744 or 1745) and Teedyusanny at the Treaty of Easton in 1757, just before the peace Belts were exchanged, did demand that the Lands at Wyomiut & parts adjacent shoud be granted to him & his Delawares for their Habitation, and houses be built for them there, which was acceded to, so far as coud be done for Lands not purchased of the Iudians; and in consequence of this Stipulation, to w^{ch} M^r. Croghen your Deputy Agent was consenting, together with the six nations there present, Houses have been built for these Indians at Wyomint.

Now for them to be turned out of their peaceable Possession so solemnly stipulated as well in his Majesties name as in that of the six nations is such a Breach of Faith as deserves the highest resentment in them, & most certainly they will shew it, [if] the attempt to settle those Lands be carried into Execution. The Governor thinking th^t General Amherst might want to be informed if some particulars that were mentioned in the Governors Letter gave me the charge of it; and I have endeavord to set before the General the Stipulations made with the Susquehanna Indians and the Consequences of a Breach of them, and he has wrote to the Governor of Connecticut on the head; w^{ch} with any other people would have a proper Effect, but wth these I imagine that bare writing will not be regarded. Gov^r Fitch will I suppose disown on the part of the Govern^t any Grants or Countenance to these Land Companies, & say that it is a Project of their own, & they must be dealt with according to the Laws of the Province into which they intrude themselves. This is what he has said to Governor Hamilton and It may be truth. But what is the Consequence? Some Indians espouse that cause, some even live among them, others are angry and threaten to do them mischief. The Civil Power by a Sheriff and the Pope of the County, we will suppose, endeavours to apprehend them as Trespassers & breakers of the Peace, (for so they are having no Grant from the Gov^r Council & Assembly of Connecticut) they resist and being numerous, people are killed on both sides, and perhaps some Indians have their friends & abettors fall in the Fray. Will not this kindle fresh disturbances? At least until the Indians are properly acquainted with this matter & their minds known no force can be used against them—and if in the meantime they multiply umbrage will be given to the Indians & so it may prove very bad this way. It is a very bad affair and I should be extremely obliged to you for a little advice. As to the Lands it is an indifferent matter whether the Prop^{rs} of Pennsylvania or of Connecticut have or have not the legal Property of them to the rest of the Kings Subjects—but that not being purchased of Indians & appropriated by the six Nations to the Delawares for an habitation at a Treaty where Peace was concluded between His

Majesty & the Indians ; this, I say, makes it a national not a provincial Cause & the Controversy is not between Subject & Subject but between Indian & Englishman.

Teedyusenny told Governor Hamilton that he had not received a second letter from you, and until he does I imagine, by His Habit of Drunkenness that he is got into that he will neglect this as he does most other things.

M^r: Shuckburg will I hope relieve some of the distress that you must be in for want of Secretaries & other Assistants. I beg pardon for this trouble, but my mind is so much disturbed least the Indians fall again into hostilities that I could not rest till I had opened my Grievances to a Gentleman who has the clearest understanding & the most in his power in all matters relating to Indians. I am with a very sincere regard

Sir

Your most obedient and
most humble Servant

RICHARD PETERS.

SIR WILLIAM JOHNSON TO GOVERNOR SHARPE.

Johnson Hall, Jan^y 29th 1767.

Sir

I had the favor of your Letter concerning the running the Divisional Lines a few days ago, before which I received a Letter from Governor Penn on that Subject which I immediately answered Assuring him of my readiness to assist in obtaining permission from the Indians for that purpose & of doing all I could to remove any unjust Suspicions thereon which I have reason to think will be the case from their present jealousy & for other reasons I therein assigned, at the same time informing him that it would be necessary to have all the Chief Sachems and Principal Warriors of the Six Nations present for rendering it more effectual which at this Season I was certain could not be done for Less than £500 N York Curr^t. in presents to the Chiefs & entertainment on their way to, and at the Congress altho I offered to lessen

it by Meeting them 50 miles from hence at the Upper Settlements, for there is no Calling of them on any business without expense & I made the nicest calculation I could Least Gov^r. Penn should have been unacquainted with it. On this head I expect to hear from him in a few days, when if it is approved of I shall without delay send to them, and hope to effect your desire.

The obtaining their consent was highly necessary, the more so, by reason of their present disposition owing as well to the Artifices of French Agents, as to the Conduct of the frontier Inhabitants towards them on many late occasions.

Give me leave to add my remembrance of your politeness to me when in Maryland, That I shall be at all times Glad to hear from you, and That I am

with perfect Esteem

Sir

Your most obedient

& Very Humble Servants

The Honble

L^t Governor Sharpe.

W. JOHNSON.

Johnson Hall May 1st 1767.

Sir,

Immediately on receipt of the Answers to my Letters concerning the Expense of Calling the Indians together, I dispatched messengers to them, and have received an Account of their being on their way, but that they have been greatly retarded by the Extraordinary floods, however I daily Expect to hear of their arrival at the frontiers where I am to meet them. Altho I sent only for the Chiefs, yet I find that a Considerable number beside are on their Way.

This Letter is to go by the Nanticokes from Otsiningo near the head of the Susquehanna River, who go to your Government in order to bring off their people to Joyn them at their present residence. I am fully persuaded you will give them all the Assistance and protection you can, and direct how their rights there are to be disposed of, which they are desirous of Selling as the Tuscaroras

did who left N. Carolina. Acts of Justice and kindness to these people particularly when the Indians in general appear discontented with the conduct of many of the frontier Inhabitants cannot fail having a good effect. I have furnished them with a Passport for their Journey and heartily wish they may pass unmolested.

I am, with great Esteem

Sir

Your most obedient
& Very Humble Servant

W. JOHNSON.

The Honble L^t Gov^r Sharpe.

Johnson Hall March 25th 1768.

Sir

The Bearer Cap^t Ogden has made me a Visit on the Subject of your letter of August last concerning the disposal of the Lands of the Nanticokes lying in your Province, since the receipt of which letter I find that these Indians have an Inclination to dispose of their Rights there, and as they are for the most part removed, and that it will be for the Advantage of the Colony, I cannot but greatly approve of it, as I do of Cap^t Ogden as their Attorney to transact that business, so that you will please to lay the same before your Assembly agreeable to the proposals contained in your Letter. I need not to recommend the making them a handsome Compensation for the Sale, as doubtless it will be duely attended to. But in answer to your Queries must add, That such Sale may be made by Cap^t Ogden at Annapolis in the presence of such Persons as you shall direct, at which time the purchase money may be paid to him in trust for the Indians, whom I shall direct to Assemble (on his return) at Otsenigo, or some Convenient place, where He shall in the presence of the Whole Tribe, & an officer of my Department distribute the money Justly amongst them, taking two Setts of proper Receipts, the one to be sent to you & the other to be lodged in my Secretarys office, After which, they can never think of laying any future Claim to the Tract.

I have now furnished Cap^t Ogden with a short power in my name for Negotiating this matter, and I shall take such farther Steps herein as may be necessary, so soon as the purchase is made.

I am with great Truth

Sir

Your most obedient
& Very Humble Servant

W. JOHNSON.

The Honourable
L^t Governour Sharpe.

THE CAPTURE OF THE INDIANOLA.

W. F. BRAND.

In the beginning of 1863 the Mississippi below Port Hudson and above Vicksburg was in the hands of the Union forces. To keep open the river between these two points, it may be readily seen, was of the greatest importance to the Confederates.

In February the *Indianola*, an ironclad gunboat built in Pittsburgh, passed Vicksburg. She steamed down the Mississippi as far as the mouth of the Red River, and then went back. Why she did no more than secure a stock of coal is not known. But her power to do harm was felt everywhere, and also on the part of the military authorities the obligation to attack her at whatever risk. The capture of the Federal gunboat, the *Queen of the West*, made such an attempt at least practicable. This boat was of the ordinary river type, but her bow had been built up solid that she might be used as a ram. Her machinery was protected on all sides by cotton bales. Her armament consisted of a Parrott gun on her unprotected bow, and five field pieces on her gun deck, masked, but not protected, by a plank bulwark. After having done some damage on the Mississippi she ascended the Red River to attack Fort de Russy, a post below Alexandria. During the

attack a shot from a water battery struck the steam pipe of the gunboat and rendered her unmanageable. She was abandoned and was taken possession of by the Confederates. The question naturally suggests itself? Why was not the *Queen of the West* burned when abandoned? The answer brings a glow to the heart as showing that even the excitement of battle does not always stifle the feeling of humanity, although to some stern soldier mercy in such a case may seem foolish weakness. The reason was that there was on board a wounded man who could not be hastily removed, and the surgeon took upon him to protest against the cremation of his patient. I wish that I knew that he remained to share his imprisonment. There was also lying at Fort de Russy the steamboat *Webb*, which before the war had been used below New Orleans as a tow boat. Taken with the city, it had been somewhat, but not effectively, strengthened, and was employed as a gunboat. On some of the waters of Louisiana it had been surprised and captured by a small force under command of Captain McCloskey, who was at this time an aid to General Dick Taylor, whose headquarters were at Alexandria. When the presence of the *Indianola* on the Mississippi was known, Captain McCloskey proposed that an expedition should be fitted out against her. General Taylor approved, if he had not in his own mind forestalled the suggestion; and, on the 19th of February ordered Major Brent of the artillery and then chief of ordnance, to take command of the two gunboats, the *Queen of the West* and the *Webb*, and as he best could fit them out in the shortest possible time and go in search of the *Indianola*, taking also such other available assistance as he might choose. The *Webb* carried a banded and rifled thirty-two pounder, its carriage partly decayed and of uncertain strength. This was the best gun on either boat. The *Queen* was in the hands of mechanics repairing damages. The force was organized at Fort de Russy, if the term organized can be applied to a body of men hastily gathered together from various quarters needing constant drilling up to the time of engaging the vessel against which they were sent. Lower down the river a few Maryland artillery men were taken on board, whose highest officer was a sergeant, Edward H. Langley of the 3d Maryland Battery: these did good service.

On the 22nd of February the expedition left Fort de Russy. Major Brent was on the *Queen of the West*, Captain McCloskey commanding, with seventy-five men. On the *Webb* were sixty men under command of Lieutenant Hardy of Louisiana. The boat was under the control of Captain Pierce, a civilian, whose experience on the river served in good stead in the encounter with the doomed *Indianola*. When at the mouth of the Red River, while stopping to take in wood, (the supply of coal being small and only that which was on the *Queen* when captured), an intelligent planter warned Major Brent against the danger before him. "I have seen," he said, "Most of the enemy's Vessels. The *Indianola* is an iron clad and the strongest boat on the river. To think of attacking her is utter folly. All that you can do is to go back." To this well meant advice all the answer that could be given was, "I am ordered to attack, and I must obey orders."

On the Mississippi the expedition overtook the *Dr. Baitey* having on board two hundred and fifty volunteers under the command of Lieutenant-Colonel Brand of the Louisiana Miles' Legion, who had left Port Hudson with the same purpose of looking for the *Indianola*. The *Baitey* was an old river packet which had been lying at Port Hudson. It was without defence of any kind; having only a few cotton bales at the bow to hide its fires. It was armed with one brass field piece which had been captured in Virginia and sent to Colonel Miles by President Davis and was therefore named the *Lady Davis*. Having learned the object of the Port Hudson expedition Major Brent enquired, "What in the world can you do against an ironclad? The answer was, "Nothiug, except seize a chance to board her." "Well then, join us, for we are seeking the same enemy." General Brent has declared this venture of Lieutenant-Colonel Brand to be one of the most desperate of the war. He had obtained leave to fit out the *Dr. Baitey* and to call for volunteers for the daring undertaking. More had claimed the privilege than could be received, every man of whom offered his life as freely as did their commander. Personal friends implored Brand to abandon his proposal. Even General Gardner who permitted it, tried to dissuade from it, and in the end said laughingly, "Well, I'll have boats on

the river to pick up the fragments that may float so far." Arrived at Natchez the expedition was received with enthusiasm, and a full supply of coal was given. "You shall have," said the Major, "every pound in the city."

At various points the ironclad was heard of. She was steaming steadily up the river at a slow rate, partly because of having on each side a barge loaded with coal. To overtake her was a certainty as her rate was but half that of the *Queen*; and thus choice was given for the time of attack. But the *Baitey* was a hindrance because of her little speed. She had to be waited for at Rodney, where the *Grand Era*, a steamboat, taken as a tender, was given her as a tow.

There was every reason for choosing night as the time for the attack. Early in the night of the 24th, which was just dark enough to suit the wishes of the assailants, the ironclad was sighted. Here it should be said that the *Indianola* had sidewheels and also two screws. She mounted forward two eleven-inch guns, and astern three nine-inch guns protected by casemates of great strength, stronger it would seem than her iron sheathing. The coal barges were on either side, forward of the wheels. When first seen she was near the right bank of the river, about three quarters of a mile from the *Queen of the West*, which was five hundred yards ahead of the *Webb*, while the *Grand Era* with the *Baitey* was two miles below. All lights were obscured on the Confederate vessels, and their approach seems to have been at first unobserved. Signal was given to the *Webb* to prepare for action. With all the speed her steam could give, the *Queen* was driven toward the *Indianola*, whose bow was now turned somewhat down stream as if aware of the approach of an enemy; yet no gun was fired. The intention was to strike her behind the wheel, but just before the blow was given the gunboat backed and interposed the coal barge. Such was the tremendous force of the ram that the barge was cut into, the side of the vessel was struck and indented, and the engine of at least one of her wheels disabled, thus rendering her subsequent handling more difficult. The ardor of the gunners had been with difficulty restrained. When within a short distance the three forward upper pieces were discharged but without doing

damage. In fact no shot fired against the *Indianola* did the least harm to her. Even the Parrott gun in the bow of the *Queen* fired in immediate contact did no more—as was afterwards seen by Major Brent—than merely indent the casemate that was struck. When the *Queen* had cut through the barge, she was held fast by the weight of the coal on either side. In vain was the order given “Back her!” Impatience had to wait till one-half of the barge floated away, and the other half sank. Meanwhile the deck of the *Indianola* was swept by the Confederate sharpshooters. As the *Queen* got away, the *Webb* dashed up. When she was within a short distance, the two eleven-inch guns were fired at her. One shot rightly aimed would have sufficed, but both were fired wildly as if not aimed at all. The *Indianola* received only a glancing blow with no apparent damage, but with injury to one of her engines, as was afterwards learned from prisoners. The impetus carried the Confederate boat across the bow of her enemy, where for a short while she could have been almost touched by the muzzles of the huge guns had they been run out. Passing round to the starboard, she forced herself between the vessel and the coal barge which was on that side and broke loose the fastenings. By this first attack the gunboat was stripped of the two barges, one of which had proved an actual defence and had also her engines deranged. The *Webb* ran up the river to add the force of the current to that of her steam, and at the same time the *Queen of the West* came down the stream. The ironclad sluggishly turned to receive her. The blow was therefore glancing and with little effect. The Confederate vessel was carried aft of the wheelhouse, and here the three nine-inch guns were opened on her at so close a range that the flames were felt on the ram. One shot struck the cotton bales on one side of the *Queen*, and sent them flying in the air; the field pieces on the upper deck were also rendered useless, but this was of little moment, as they were ineffective against the ironclad; a shell also entered a porthole and, exploding, killed one man and wounded several. Had the shot that struck the cotton bales been aimed a little lower, the result of the battle might have been different. The *Queen* than ran up the river, and coming down for her third attack escaped the fire of the two forward guns, and with full

force squarely struck the side of the gunboat aft of the wheelhouse, doing serious damage; as she backed out, the *Webb* delivered her blow, as it happened, on the spot where the plates had been loosened by her consort. On receiving this fatal stroke, the *Indianola* turned her head down stream and attempted to reach the shore that her crew might escape. Three men actually did reach the shore but only to be captured the next day. Not knowing that her bow was broken almost to the water's edge, the commander of the *Webb* was returning to the encounter, when the cry was heard, "We surrender! We are sinking. Take us in tow!" and a line was passed aboard which soon parted. Had the *Webb* again given her intended blow, she would herself have sunk. It was strange that she endured so much. Meanwhile the *Queen*, which had been damaged at the time of her second encounter and, after her third ramming had been in actual danger of sinking, was being righted. Despite her worsted condition her commander was preparing for a fourth attack, when she met the *Baitey*, which had been waiting for her opportunity. If her guns had been used it was with waste of powder. Major Brent called out to Lieutenant-Colonel Brand that his time had come; and warned him against the danger of breathing steam which would be turned on him. Neither of them knew the actual condition of the ironclad. The *Baitey* was drawn up alongside the redoubtable gunboat and the command was given, "Prepare to board!" when the cry came from some one, "For God's sake, do not board. We have surrendered!" The commander of the *Baitey* alone sprang aboard and received the sword of the officer in command, Lieutenant Brown of the United States Navy.

As the *Indianola* was in evident danger of sinking, the surrendered men were placed on the tender the *Grand Era* under guard of men of Major Brent's command. An attempt was made to tow the gunboat from the right bank of the river, then held by the Northern army, to the left bank which was in the possession of the Confederates; but she sank on a sand-bar not far from the bank, and was lost to her captors.

It is hard to account for the result of this battle save by saying, "The battle is not always to the strong; for time and chance

happeneth to all." It is strange that the Confederate boats could have approached their enemy without discovery until so close at hand; and could have struck her without being fired on. As has been intimated the attack must have been perceived at the last moment, for when first rammed the bow of the gunboat was partly turned down stream. It is strange that so few shots were discharged by the *Indianola*, and these with so little effect. The wild aim may have been due to the fact that when the guns were unmasked the sharp shooters on board the attacking boats kept up a hail of bullets. As prisoners the officers of the captured gunboat accused the crew of cowardice; and the crew hurled back the accusation. Major Brent was obliged to place a guard over Lieutenant Brown, when he was on board the *Grand Æra*, to protect him from his own men. The next day when he saw the force that had attacked him with such hardihood, he said with bitterness, "Is this the craft I surrendered to?" And later he said to Major Brent, "You would not have succeeded had you approached me in the day time," and he was answered simply, "So I judged." The prisoners were taken to Rodney and delivered to a commander of cavalry.

The capture of the *Indianola* was not only a cause for exultation, but became a matter of angry disputation among men who made themselves partizans of Brent or of Brand. I have seen songs that were sung in camps belauding "Brave Colonel Brand" as the one distinguished man on the occasion, the captor of the ironclad. It is needless to say that no dissension existed for a moment between the men quarreled over. Brand at the first, in his report to General Pemberton disclaimed all credit. While to his too warm friends Major Brent with good humor said, "Well, the commander of the *Indianola* surrendered his sword to him." This sword Brand always kept; against military rules perhaps; but in the Southern army they were not very particular about trophies.

General Joseph L. Brent to whom is due the credit of this brilliant deed is a descendant of a family connected with the early history of Maryland. He was born in Charles County. The daring nature which led to his distinction, characterized him when

a boy. When the war began he was in Lower California, a man of influence though holding no public office. Returning to the East by the way of Panama on a vessel on which was also a body of United States soldiers, he was by the General in command arrested as a suspect, not for what he had done, or was known to intend doing, but because of what he might do. Refusing to take the oath of allegiance as then tendered, he was imprisoned in Fort Lafayette. After some time, there being no ground for his detention, he was released. He immediately found a way to Virginia. In the army he served first on the staff of General Magruder. Then, although he had received no military training he was thought worthy of a commission as Major of Artillery. Holding this position he crossed the Mississippi with General Taylor and thus had the opportunity for the gallant deed which has been related. In April, 1864, he received—but not as a reward for the capture of the *Indianola*—the rank of Colonel of Artillery, a commission which he prized above that of Brigadier-General which, later in the same year, he unwillingly endured. Of the esteem in which he is now held in his native State it may not be meet to speak.

May I be permitted to say of his less distinguished fellow soldier and friend that Frederic B. Brand was born in New Orleans, and was thirty-eight years old on the day when he received the sword of Lieutenant Brown. He was one of the earliest graduates of the Naval Academy at Annapolis. His warrant was obtained for him by Ex-President Jackson the only favor asked of the Government since leaving Washington. On sending the warrant to the lad the General wrote, "My son, remember that you have not only to gain a reputation but to maintain mine also, for I have answered for you." Certainly a stimulus to serve a life time. As midshipman Mr. Brand was with Commodore Ap Catesby Jones when he prematurely took possession of California; and he came home as sailing master. He served during the war with Mexico; and was for a while commandant of some Mexican town. Soon after the war he resigned from the Navy, and entered on mercantile business. When Louisiana seceded he was made Captain of Artillery and

as such was in Fort Jackson at the mouth of the Mississippi, when "Beauregard opened on Fort Sumpter this morning at four o'clock." I can never forget these words of the Major in command announcing the fact to a group of officers and the exultation of the untried young men, while my heart was bursting with grief. After the occupation of New Orleans, Captain Brand was engaged sometimes on land, sometimes in command of a steamboat. He assisted Colonel Miles in the forming Miles' Legion, and was chosen Lieutenant Colonel. A legion—probably copied from the French—is composed of artillery and cavalry as well as infantry. He was wounded at Port Hudson and made prisoner when that fort surrendered; but was soon after exchanged. On promotion of Colonel Miles, he was, I believe, made Colonel. After the fall of Richmond as bearer of dispatches from the Trans-Mississippi department he followed President Davis in his retreat and flight from place to place. From the President he received a commission to raise a regiment where possible. This was the last commission given by the chief of the moribund Confederacy, one which Colonel Brand took good care not to boast of as he found his way back to Louisiana as secretly as possible. This act of Mr. Davis shows how persistently he held to the notion that the war could be continued. Strange to say his opinion was shared by not a few of the force beyond the Mississippi.

Beside the formal reports of the officers engaged, the capture of the *Indianola* was of course much discussed in the Southern States. A volume has come into my hands entitled *Military Annals of Louisiana*, by Napier Bartlett, which contains a relation of the encounter. What has been read to you might be said to have been drawn from this volume. And yet my information was received from a different source. With the exception of some names and dates, even the details that you have heard were in my mind arranged for the writing before that I had read any printed line that gives the same statements.

GRIEVANCES OF THE MARYLAND LINE.

TO GENERAL GREENE

from the Officers of the Maryland Line

Sir

It is painful to us, So Soon after your wished for arrival, to be Under the Necessity of addressing you On a disagreeable Subject, a Subject Exceedingly Embarrassing to Ourselves as Officers and of Some Importance to the Army.

At a time when the Maryland line was much reduced by an adverse Stroke of Fortune, of Itself Sufficiently humiliating, The Legislative power of that State Created a new Corps and Commissioned New Officers, without Regard to the service and Sufferings of those in the Field, and before any measures are taken to re-establish the Old Regiments, We find this new Corps in Camp, Our relative Rank likely to be Diminished by the names of the Officers being Introduced into the Roster, and Our Commands Comparatively Diminished by being Oblig'd to serve Under them. We do not presume to contest the power of the State to appoint, nor your Authority, Sir, to Employ those Officers, That the Legislature have a right to raise and Establish what Corps, and Commission whom they please, is Indubitable. But to An Officer of your Observation and Experience the practice of this privilege in the Extent of the present Case will appear Injurious and Unjust. We Are not Ignorant of the arguments to be Used in comparing the State Regiment to the militia who are Occasionally called into the Field; But we have no assurance that the former is for a Temporary Service. On the Contrary we know the Soldiers are Inlisted During the war, and are call'd Continental Troops; and we Own Our Jealousy that Maryland by adopting the Example of a Neighbouring State, in a Case exactly Similar, may Incorporate the Officers into the line, which will put us Under an Indispensible Necessity of Leaving a Service to which we are attached by principle and habit. We

inclose for your perusal, a Remonstrance addressed to the Governor Council and House of Delegates of the State of Maryland to which no Answer has been received. Their Silence On the Subject Seems to Justify Our Apprehension and Obliges us to Give you Sir, this trouble Upon the Occasion. We intreat your Interposition with the Legislative Authority of Our State to have the Grievance of which we Complain removed. The circumstance, the necessity, alluded to in Our remonstrance becomes pressing, and we Humbly Solicit that, until the pleasure of the assembly is known, you will Excuse us from being commanded by Officers of Inexperience, as we will most Chearfully Submit to have Our duty doubled that what may be Expected of the Officers may be performed without prejudice to those of Other Corps.

We are conscious of the consequence any steps we may now take, may be to ourselves, to the Maryland line, and at this critical Juncture to the army in General, therefore are Disposed to acquiesce in whatever you will please to order for the present, But we trust Such Instructions will be Given as will relieve us as far as the Good of the Service and peculiarity of circumstances will admit.

We are &c

December 18th 1780

GENERAL GREENE'S REPLY.

Camp Charlotte Decem 18th 1780

Gentlemen

Nothing would Give me greater pleasure then to have it in my power to Oblige a Corps of Officers whose Services have been So Important to their Country, and So honorable to themselves.

The Subject you write Upon is delicate no less for you than me. As an Officer I feel for you, As your Commander, it is my duty to Represent your Grievance, and to endeavor to procure Redress.

It has ever been my study to render the Service as agreeable to the feelings of Officers as possible Consistent with my Own standing, and the reputation of the Army, More then this delicacy would not permit-you to ask, Or me to Grant.

I persuade myselfe your fears are Groundless respecting the Intention of the State to Incorporate the new Regiment into the Continental line. The resolution of Congress for the new Establishment of the Army, Says the Officers of the Old Regiments Shall compose the Officers of the new, therefore the State will not have it in their power, to Impose those Officers Upon you, even if they Were Guided by principles So Unjust and impolitic.

I am Gentlemen

your most Obedient

humble Servant

NATH GREENE

To the Majors Captains & Subalterns Officers
of the Maryland Line.

MEMORIAL OF MARYLAND LINE.

To the Hon. the Speaker and the Delegates of the House of Assembly for the State of Maryland.

A Memorial of the subscribers on behalf of themselves the Officers and Soldiers from the State of Maryland serving in the Continental Army Humbly Sheweth, that in Consideration of the services and hardships Your memorialists have done and underwent since the Commencement of the present just and necessary war, Your Hon. House, with the Concurrence of the Hon. the Senate, made an Act at their last Sitting to make good the depreciation of the Officers and soldiers from this State Since 1777.

That Your memorialists with the other Officers belonging to the State were highly pleased with the Assembly for such Acts of Attention and Justice particularly at a time when the heavy expence attending a long War had reduced the Treasury, and the inhabitants unaccustomed to taxes, especially such as in our Situation is absolutely necessary to Compleat and finish the Arduous undertaking of Securing the Lives and liberties and Establishing the freedom of this Continent. At the very time Your memorialists Hearts were overflowing with gratitude for such a mark of the justice rectitude and attention of the Legislature of the State,

they discover'd that the good intention of the Assembly, by interested individuals and the necessitous Circumstances of the soldiers, were ineffectual and the Substance reduced to a shadow. We Conceive it was the intention of the Assembly and the Law to make the Certificates given equal to gold and silver, otherwise it was not doing the Army that justice the Law promised, and if we Only Consider the depreciation of Specie since the pay of the army was fix'd, it is so considerable that few who Compose it can even afford to give up that ; but when we find these very Certificates given in Lieu of gold and silver (after lying three years out of the money) sold and exchanged for State money dollar for dollar, and considerable sums even at half that price, what must be our feelings after the hardships and Sufferings we have embraced in the service of Our Country, to make this sum more aggravating these certificates have been ingrossed by Speculators who have been amassing fortunes on the ruins of their Country, which now enables them to take advantage of the soldierys necessitous Circumstances and buy their rights from one fifth to One tenth of their worth, nor can it be urged that those officers who keep their Certificates will receive the Value. Such as has either sold or have lived on the incomes of their Estates, and in Consequence are enabled to keep their Certificates, they can Only get from a fifth to a tenth of the sum. The property set apart for the redemption of these Certificates being to be set up to the highest bidder, the speculator who has obtained these Certificates upon such Easy terms can give upon an average seven times its real worth. We cannot pretend to Account for such depreciation, on what appears really to be, or Ought to be, gold and silver ; but are of Opinion the first and most material Stab was the Treasurer's refusing to receive them for One fifth part payment for confiscated property sold by the Commissioners in Baltimore Town. To remedy such depreciation and render the Act of Assembly aforesaid Adequate to its original intention, we would Humbly recommend the receiving these Certificates in all payments of purchases made of the state, where there are assignments in every such instance let the possessor make it appear what He really gave, and that no more be allow'd than the sum so given

for such certificate in any payment to be made the state, and in Lieu of certificates in future to the soldier allow them a small sum of money in hand which will please them better and render a more essential service, at the same time reserving for them such a quantity of the Confiscated Lands as will indemnify them for the Balance of depreciation at the end of the War; which laid off in small lotts at a moderate valuation might induce a majority of those who turn their Eyes to Husbandry, at their discharge to settle and cultivate these Lands and become usefull subjects to this State in time of peace as well as War, and will at the same time be a better Security to prevent desertion than any mode heretofore Adopted—without some such mode Your memorialists are of Opinion that at the expiration of the war and Your soldiers discharged most of these who wish to follow Husbandry (and these are the most useful citizens) will emigrate and fly to the Western Waters for Lands and settlements which means this state will not only lose so many subjects, but in any future War they will lose so many Old experienced soldiers.

REPORT OF COMMITTEE.

Report of a Committee of the
Maryland Assembly
1781

The Committee, To whom was referred the Letter from General Gist respecting the Officers and Soldiers of the Maryland Line beg leave to Report.

That from a variety of Causes, the United States, have not complied with their Engagements, heretofore made with their Officers & Soldiers, which has occasioned great and unavoidable difficulties and distresses in the service as well as much injustice, to the said Troops, to whose virtuous and disinterested exertions America is much indebted.

Your Committee have therefore come to the following Resolutions, to wit,

1st That it is the Opinion of the Committee that the pay of the said Officers and private Men should be made good in Specie, or the Value thereof, from the 1st of January 1777, to the 1st of August 1780.

2d That it is the Opinion of the Committee that the several Sums of Continental Money, Received by the said Officers and Soldiers, on Account of their pay, within the Dates aforesaid, Should, in the Settlement of their Accounts be estimated in specie according to the value thereof at the times of it's becoming due, and that all Cloathing furnished by this State to its Officers and not Properly Chargeable to the United States ought to be deducted out of their pay @ the value in specie.

3d That it is the Opinion of the Committee that three or more Commissioners should be appointed to settle the accounts of all the Officers & Privates of the Troops of this State in the Cont^l Service agreeable to such scale of depreciation as may be agreed upon by the House and that the Comm^{rs} proceed to the Army there to settle such of those Accounts as they cannot settle without.

4th That such Commissioners be authorised & directed to give the Officers and private Men, to whom pay as aforesaid may be found due after deducting for Cloathing furnished as afd., one Certificate or more bearing Interest from the Date thereof and Specifying the Sums due in Specie so that no Certificate shall be for less than $\frac{1}{5}$ part of the Sum due to the person to whom the same shall be given and that the whole of the Cert^s giuen to the same person shall Amount to the Sum only due to him; which Certificates shall be paid out of the money arising from the Sale of the Confiscated Property, or in such other Manner as the Circumstances of the State will permit.

5th That the Widows and Children of Officers and private men of the said line, who have fallen or died in the service during the said period, should be entitled to the Allowances and benefits above mention'd.

6th That it is the Opinion of the Committee that the part of the 37th Article of the form of Government which declares that no person employed in the Regular land service or Marine of this State or the United States should have a seat in the General

Assembly or the Council of this State be repealed in the mode prescribed by the Constitution & form of Government and that provision be made that in time of War any Regular Officer elected a member of the Assembly or Council shall not qualify or Act as such before they Resign their Commissions.

7th That it is the Opinion of the Committee that as doubts have been entertain'd whether Officers in the Regular service are eligible during the time of holding their Military Commissions to Civil Offices in this State, that it be declared by Law that any Regular Military Officer of this State or belonging to its quota of Troops, having the Qualifications required by the Constitution, Be eligible to any civil office of trust or profit.

All which is submitted to the honourable House.

By Order

JOHN KNAPP C. Com

The Seventh Resolution therein being read, the Question, put that the following words be added thereto but shall not quallify or act in any civil office before he resigns his military Commission, yeas and nays on the Clause are as follows

	Affirmative		Negative
Mills	Job	Norris	} Plowden Wilmer Fitzchew E. Johnson Dye Hindman Sulivane Whitely } O'Neal Claget } T. Johnson McMechin
W. Stevenson	Crawford	Giles	
McCubbin	Duckett	Alexander	
Freeland	Magruder	Cramphin	
Causin	Chase	Bayley	
Hanson	Quynn	Hungerford	
I. Stevenson	Morris		
Shaw	Dasshiell		
Lawson	Taylor		
	McComus		

LETTER OF GENL. GIST TO COL. MUNFORD.

Baltimore 24 October 1780

Dear sir

We have just receiv'd intelligence that Col^o Clarke with a number of militia under his Command, has defeated Col^o Ferguson the famous British Partizan near Rocky River; as also a Victory gained by Col^o Lewis in S. Carolina but neither of these accounts came sufficiently authenticated. I wish you would sometimes think of your friends, and relieve them from the disagreeable state of suspense. Your Signature my Dear Sir, on other occasions woud be agreeable but most truely so when dress'd in the lively form of Victory.

We are assured from Philadelphia that an embarkation of 3,500 men, a Troop of Horse &c, have Sailed from N. York, supposed to be bound for Virginia or North Carolina. No News of the second Division of the French Fleet. The present period is critical, and may involve the Southern States in the most imminent danger, their situation requires the most spirited exertions to counteract the designs of a barbarous, cruel Army. What infatuation has possessed the legislature of the Antient Dominion, to Vote at this period to raise Troops for Eighteeu months? this measure can be equalled only by the duplicity which has crept into the Councils of the Eastern States, the frequent Bounties paid to their Recruits, is not only imposing an unecessary Tax in the people, but in its consequences ruinous to the Continental Army: for just as such soldiers begin to learn the common duties of a military life, their times expire, and they return disgusted to their former State as Citizens, by which means an Army becomes enervated, disagreeable sensations arises in the Breasts of our Officers, they feel a conscious inferiority for want of proper Commands and lose that emulation necessary in a military life. This gives place to a relaxation of Discipline, which must ever be followed by misfortune and Disgrace in Action.

It is a lamentable reflexion that we profit not by experience. How long shall Error stare us in the face before we adopt the

dictates of common Sense and reason? can it be supposed that by raising Recruits and giving them the name of regular Troops, they shall at once become metamorphosed into Veterans, and inspired with a confidence to oppose an equal number of experienced Troops at the point of the Bayonet?

The expectation wou'd be as absurd and fruitless, as inconsistent with the feelings and principles of Human Nature.

I trust the glow of honest Zeal which now actuates and directs my pen will not be imputed by my friend to sinister views, or clamorous intentions. The lethargy & supineness of the Legislative and Executive Powers are universally complained of by Judicious & thinking minds, and the unfortunate military feel it in a double capacity to the Citizen; Fortune is the smallest sacrifice made by them in the Glorious Contest: I believe I may without ostentation venture to say, that in general our Officers were reputable Characters before we assumed a military profession. Fame, Honor and Glory, then became the object in pursuit; these depend on the success of our Arms; for with a soldier success alone is merit, and if the means to obtain this desirable end is withheld from us, the best prospect that presents itself is inglorious obscurity, with the mortifying recollection, that the prince of our life has been devoted to a people that wanted spirit or Virtue to support the Dignity of our Independence.

The Independence of the United States is as fixed as fate; yet if we neglect to support it with Dignity or to aim at national Glory, if we cease to sacrifice private Interests to public Good, the Blessings will corrupt at our touch and like an affectionate love [?], worn out by Injuries, grow into a hated Monster.

An Honorable Peace must now be the wish of every good man in the Union; the only means left to acquire it on our part, is to be prepared for war: can it be thought the Policy of Great Britain will offer or admit of Terms Honorable to the United States, when our Army is reduced and the Sinews of war are relaxed? the man who wou'd suppose it, or dread either the expence, or consequence of a Regular Army enlisted for the war, is at best an involuntary Traitor to his Country, and instead of being intrusted with the liberties of the Subject, shoud be hang'd for his Ignorance.

The Opening of your Land Office with a view to engross back Territory has made Kentucky an Asylum for Deserters and weakened the internal Strength of your State. This with the manifest neglect to fill up your quota of Troops in the Continental Army, and to protect the trade in Chesapeake, was impolitic in itself, if not criminally injurious to the Union. The late Executive of Maryland fell into the latter error, and to our reciprocal shame, Boats and Barges have infested our Bays and Rivers, interrupted the Trade and Commerce of our Ports, and Destroy'd the property and fortunes of many worthy Inhabitants.

The parsimonious wretch will tell you this evil is forced on us for want of Resources, when the real Poverty exists only in his contracted soul. Our Resources are less impaired than those of any Nation in the world who have ever supported a war against as formidable an Army as that in America, under half the disadvantages; and when they cease to flow, it will be because the Springs of Action are permitted to Rust for want of Order and Motion. Maryland deserves the highest Credit for her efforts to keep her quota of Troops in the field, but has been particularly unfortunate in the loss of them. What Action, plain, or field, that the blood of her sons has not been Spilt in? yet under all her misfortunes rising superior to her Antient sister. Pardon me my Dear sir if my Candor calls the blush to your Cheek; your Integrity is above the reach of censure, & I have that confidence in your abilities, which inclines me to hope, when joined with the influence of other good members of your Assembly, that the present Sessions will terminate to the Honor of Virginia.

The Assembly of Maryland is now Sitting and most undoubtedly will adopt some plan to fill up their quota of Troops once more: it is generally believed that Classing the Inhabitants will be the most eligible mode. For instance should we want 3000 men, the Inhabitants may be laid off in 3,000 Classes of 10 men each; who are to furnish one Soldier for the Army, and continue him or his Substitute during the war as their representative, otherwise the Class to be subject to a Draught. This will prevent the imposition of Substituting bad men, and engage all to be Interested, & to share the dangers of the field, either personally or by Proxy. Some Law to give Stability to our new Currency will also be con-

sidered, and without doubt they will concur with the recommendation of Congress in making good the Depreciation to her Officers & Soldiers; who having hazarded their Lives, and exhausted their fortunes in defence of their Country look up in confidence to the Legislative Power for an Act of Common Justice.

Make my Compliments acceptable to the Ladies of your family, & believe me with perfect esteem and Regard.

Y^r most Obed^t Servant

M : GIST.

Col. Robert Munford
Richmond, Virginia.

THE BALTIMORE INDEPENDENT CADETS.

WE, THE BALTEMORE INDEPENDENT CADETS

Impress'd with a sense of the unhappy [state] of our Suffering Bretheren in Boston, the Alarming conduct of General Gage, and the oppressive Unconstitutional acts of Parliament to deprive us of Liberty, and enforce Slavery in his Majesties Loyal Liege Subjects of America in General,

For the better Security of our lives, liberties, and Properties under such Alarming Circumstances, we think it highly advisable and necessary, that we form ourselves into a Body, or Company in order to [learn] the military discipline; to act in defense of our Country agreeable to the Resolves of the Continental Congress.

And first, as dutifull Subjects to King George the third, our Royal Sovereign, we Acknowledge all due Allegiance, under whose Banner we wish to support the Dignity of his Crown; and the freedom and Liberty of this Constitution.

Secondly, we Resolve, after a company of Sixty Men have voluntarily subscrib'd their names to this Paper, that Public notice thereof shall be given and a Meeting call'd to Elect Officers of said Company; under whose Command we desire to be led and will strictly adhere to, by all the Sacred ties of Honour and the

love and Justice due to ourselves and Country ; and in case of any Emergency we will be ready to march to the assistance of our Sister Colonies, at the discretion and direction of our Commanding Officer so Elected and that in the space of Forty Eight Hours Notice from said Officer.

Thirdly and finally Resolve to Procure at our own Expence a Uniform Suit of Cloaths (viz^t) [a Coat] turn'd up with Buff, and trim'd with Yellow Metal, or Gold Buttons, White Stockings and black Cloth half Boots ; likewise a good Gun, with Cartouch Pouch, a pair of Pistolls Belt aud Cutlass with four pounds of powder and 16 lb. of Lead which [we] shall be ready to Equip ourselves with, on the shortest notice.

And if default shall be found in either of us, contrary to the true Intent and Meaning of this Engagement ; we desire and Submit ourselves to trial by Court Martial whom we hereby fully Authorize and Impower to determine Punishments Adequate to the Crimes that may be Committed, but not to extend to Corporal Punishment.

Given under our hands, this third Day of December in the year of our Lord One Thousand seven hundred & seventy four.

A. M ^c Lure	Thos Russell
James Clarke	David Hopkins
Barnet Eichelberger	John Lahavan [?]
Rich. Cary Jun.	A. M ^c Kim
Christ ^r Hughes	Rob ^t M ^c Kim
W. Beard	Alex Donaldson
Henry Shaaff	Walter Roe
Matt ^w Scott	W ^m Sterett
John Spear	Mordecai Gist
Hugh Young	John M ^c Lure
W ^m Hammond	Sam Smith
William Stone	John Smith jun .
Abr ^m Risteau	J Kennedy
Moses Darley	Geo. M ^c Call
Rob ^t Buchanan	Jon. Hudson
Geo. Lux	Thomas Lansdale
N. Ruxton Moore	J. Govane

Philip Graybell	William W. Creery
David Plunkett	David M ^c Mechen
Jn ^o . Riddley	Geo; Peter Keeports
Brian Philpot	John Weatherburn
Charles M ^c Connell	Matthew Patton
Christ ^r . Johnston	Hez. Waters
Tho ^s . Ewing	William Yeates [?]
Rob ^t . Worttens [?]	John Deitch
Christop. Lem	Tho ^s . Jonas
Caleb Shields	James Somervell
David Evans	Joseph Magoffin
Simon Bashor [?]	Geo Mathews

SIR HENRY CLINTON'S SOLILOQUY.

[This humorous patriotic effusion is found, without note of any sort, in the Gist Papers.]

Sir Henry Clinton's Soliloquy recovering from the Phrenzy into which he was thrown by storming Stony Point.

To fight or not to fight: that is the question.
 Whether 'tis best, within Manhattan's Isle
 Snug to encamp, secure from war's alarms,
 Or, mounting Hudson's oft-attempted wave,
 Encircled with my British-German bands,
 At once let loose the terrors of my arm
 And crush rebellion at its farthest source.

To fight—perchance be beat—Ah, there's the rub—
 ('Tis Conscience makes a Coward of Sir Harry)
 Well I remember the opprobrious time
 When Tryon and Sir George by my command
 On poor Connecticut's defenceless towns
 Poured out the flaming vials of my wrath,
 Murder'd the old and plunder'd the infirm,
 Torrent-like, when brave Wayne's determined Corps
 Resistless rushed on all my boasted works,

And in an instant quench'd the British fire !
 What dread Ideas fill my tortured Brain !
 West Point still rises to my troubled view,
 Unnerves my heart, and damps my ardent passion.
 There proud America's undaunted Host
 With Victory flushed and pulses beating high
 Unfurl their glittering Ensigns to the air,
 And claim, impatient claim, the promised fight,
 Smile at my losses and defy my power.

What's to be done? At Charles Town baffled twice,
 At Monmouth routed with a dire disgrace,
 Britannia blushing, and my sanguine hopes,
 So flattering late, all vanishing to nought !

It must be so—soon as to-morrow's sun
 Through ether darts his horizontal rays
 Straight I'll embark :
 Unfold the spreading canvas to the winds,
 And bend my course to England's peaceful shore,
 Join Gage, Burgoyne and Howe, ill-fated Chieftains,
 Who trod before me this disastrous road,
 Beneath their wither'd Laurels lay me down,
 And sleep the hours away, nor dream again
 Of conquering Freedom's all-subduing Sons.

TWO LETTERS OF WASHINGTON.

WASHINGTON TO JENIFER AND CARROLL.

New Windsor 7th June 1781

Gentlemen—

I was this day honored with your favor of the 3rd instant. I very sensibly feel not only for the danger to which the States immediately invaded are exposed, but for the general bad consequences which may ensue if the enemy are permitted at this time to gain and hold possession of a part of our Country, and I have been endeavouring to concert such plans with our Allies, as I hope will eventually frustrate the projects which the enemy seem

to have in view. Nothing but an adherence to regular plans and systems can ultimately be attended with salutary effects, and I flatter myself the issues of those now in contemplation will justify the observation.

I have desired the Executives of the States of Pennsylvania, Delaware, and Maryland to send the Corps of Infantry, Artillery, and Cavalry requested by the Resolution of the 3^d of May, to the Head Quarters of the Army in Virginia or in Maryland (should the Enemy have advanced into that State) as fast as they are raised and equipped. I cannot promise any further assistance as to Arms and Accoutrements, having already forwarded to the southward all that could possibly be spared of those on hand.

The danger to which letters are exposed upon the communication between this and Philadelphia, renders it unadvisable to enter into details upon paper, but I beg you to be assured that the slender means with which I am yet furnished shall be directed, to the best of my Abilities, to the general good. To those who are experiencing the calamities of War, all relief only in prospect seems very far off; but I trust the enemy will in the end repent the hasty advance which they are now making.

I have the honor to be, with very great Respect and esteem,
Gentlemen,

Y^r most ob^t Servant

GE^o WASHINGTON.

Dan^l of St. Tho^s Jenifer, and
Dan^l Carroll, Esquires.

TO THE RIGHT WORSHIPFUL GRAND LODGE OF FREE
MASONS FOR THE STATE OF MARYLAND.

Gentlemen and Brothers,

Your obliging and affectionate letter, together with a Copy of the constitutions of Masonry, has been put into my hands by your Grand Master; for which I pray you to accept my best thanks.

So far as I am acquainted with the principles and doctrines of Free Masonry, I conceive it to be founded in benevolence, and to

be exercised only for the good of Mankind ; I cannot therefore upon this ground, withhold my approbation of it.

While I offer my grateful acknowledgements for your congratulations on my late appointment, and for the favorable sentiments you are pleased to express of my conduct, permit me to observe, that, at this important and critical moment, when high and repeated indignities have been offered to the Government of our Country, and when the property of our Citizens is plundered without a prospect of redress, I conceive it to be the indispensable duty of every American, let his situation and circumstances in life be what they may, to come forward in support of the Government of his choice, and to give all the aid in his power towards maintaining that Independence which we have so dearly purchased ; and, under this impression, I did not hesitate to lay aside all personal considerations and accept my appointment.

I pray you to be assured that I receive with gratitude your kind wishes for my health and happiness, and reciprocate them with sincerity.

I am Gentlemen & Brothers

Very respectfully

Your most Obed^t Serv^t

November 8th 1798.

GE^o WASHINGTON.

THE ORIGINAL "TOLERATION ACT."

The most important document in this history of colonial Maryland, next to the Charter, is the "Act concerning Religion," often called the "Toleratiou Act." It was the first of twelve Acts passed by the Assembly of 1649, and assented to by Governor Stone, thus lacking only the assent of the Proprietary to be the law of the Province. When they reached his hands, we do not know—his Declaration, dated August 26, 1649, refers only to Acts passed in the preceding year ; so they could not then have reached him. Possibly the disturbed state of affairs in England

caused him to delay. In the session of 1650 eight other Acts were passed, and duly sent for approval.

On August 6, 1650, the Proprietary gave his assent to ten of the Acts of 1649 (two having expired) and to the eight Acts of 1650, and sent them out in a body for publication by the Governor. The first is the Act concerning Religion.

This Act was printed in Vol. I, of the *Archives of Maryland*, from the contemporary Liber A, which was both Journal and Statute Book, and from this record all copies have been taken. When that volume was published, the Society had not acquired the Calvert Papers.

Among the Calvert Papers is a roll of parchment sheets indorsed "Acts assented vnto by his Lo^{pp} 6th Aug^t 1650," and containing the eighteen Acts. They are beautifully engrossed, and preceded by the Proprietary's Declaration, declaring his assent to the eighteen Acts, which he has "caused to be Engrossed together on Parchment; and to be herevnto annexed vnder our Greater Seale at Armes, and Signed also by vs." The first of these Acts is the Act concerning Religion. Both it and the Declaration are ornamented with elaborate calligraphic initials. Each sheet is headed with the Proprietary's autograph signature, "C. Baltimore." The seals, which were appended to each sheet, have been lost—probably crumbled away—but the perforations in the parchment show where they were attached by cords.

The text is identical with that published, with one slight exception. The phrase "the General Assembly," has been changed by interlineation of the words "the Upper and Lower Houses of." The Assembly resolved to sit in two Houses in 1650; so that it is plain that the Proprietary was not informed of this fact when the Act was engrossed.

This, then, is the original Toleration Act itself, which, by virtue of the Proprietary's sign-manual and seal, became the law of the Province.

The question naturally arises: How came these Acts to be in England, and among the Calvert Papers? This is explained by an indorsement in a contemporary hand, perhaps that of the

Proprietary himself—"Brought from Maryland in the troublesome time."

Evidently, when the Parliamentary Commissioners were seizing the records, some one secured these Acts, sent or carried them to England, and placed them in the Proprietary's hands. After he was re-instated in his government, he sent out, in 1659, a Declaration referring to them, and to others subsequently passed, and declaring his assent. It is not impossible, as his charter was incessantly attacked on the ground that Protestants in Maryland were most grievously persecuted, and the toleration of all Christians was a mere pretence, that he may have thought it wise to have the very Act itself to produce before the Privy Council.

RETURN OF 33^D BATTALION MARYLAND MILITIA.

Bask^e Ridge East New Jersey 3^d. March 1777.

A Return of Officers & privates of part of the 33^d. Battalion of Maryland Militia, not yet discharged under the command of Colonel Charles Beatty.

Charles Beatty, Colonel	1 Henry Gallman, Corp ^t
W ^m . Beatty, Lieut. Colonel	2 Conrad Winholt
W ^m . Radford, Adju ^t	3 Adam Gernant
W ^m . Ritchie, Q. Master	4 W ^m . Critzer
1 st Cap ^t Swearingen's Co.	5 Henry Young
Van Swearingen Cap ^t	6 Tho ^s . Mock
Fred ^k . Stemple } Lieut ^s	7 John Long
Philip Nollert } Lieut ^s	8 John Flink
John Kern, Ensign	9 Jacob Coons
Peter Stork } Serg ^{ts}	10 Mertz Coons
Jacob Lorens } Serg ^{ts}	11 Jacob Wertibaker
Peter Shoemaker } D & fife	12 Christ ^f . Long
Fred ^k . Miller } D & fife	13 Frances Young
	14 Rob ^t . Dill

- 15 Tho^s Pitcher
 16 Henry Fluck
 17 Henry Rigely
 18 Geo. Yost
 19 Lud^h Leafer
 20 Geo. Pawlas
 1 Waggoner with waggon &c.

2nd Cap^t Hillearys Co^{py}

- Ralph Hilleary, Cap^t
 Tho^s Kirk, Lieu^t
 Charles Busey, Ensign
 Elisha Griffith }
 Levy Davis } Serg^{ts}
 John Hinton }
 1 Arch^d Nichols } Corp^{ls}
 2 W^m Chapman }
 3 Rich^d Hinton
 4 Edw^d Busey
 5 Zadaek Griffith
 6 Rich^d Eyams
 7 Chisholm Griffith
 8 W^m Hilleary
 9 Mass Fleehart
 10 James Plummer
 11 Ab^m Manet
 12 John Cash
 13 Geo. Kimball
 14 James Moore
 15 John M^cDonald, wounded
 16 Geo. Plummer }
 17 Nich^s Roads } Lying in
 18 Jn^o Smith } Quarters
 19 Uriah Laton } Ill of the
 20 Rich^d Andrews } small
 21 John Roads } Pox.
 1 Waggoner with his Team.

3^d Cap^t Yost's Com^{py}

- John H^d Yost, Cap^t
 Adam Mantch, Lieu^t
 Peter Prefanger, Serg^t
 1 Lud^h Smith }
 2 And^w Peck } Corp^{ls}
 3 Geo. Larney }
 4 Jacob Caver
 5 Philip Trine
 6 Frank Vampigler
 7 Mich^l Miller
 8 John Stone
 9 John Man
 10 Peter Shoemaker
 11 John Keller
 12 John Fister
 13 John Cornish
 14 Patrick Day
 15 Hugh Dyall

4th Capt. Stull's Co.

- Christ^f Stull, Capt.
 Wm. Hedge }
 Jacob Kent } Lieuts.
 Conrad Crepanie, Ensign
 1 Jacob Frush } Corp^{ls}
 2 And^w Sullivan }
 3 John Julian
 4 Bartle Shoemaker
 5 Jacob Youler
 6 Adam Bains
 7 John Hughlet
 8 Youlem Strafer
 1 Waggoner & Team
 1 Wm Burnister of Capt.
 White's Co.
 2 Sam^l Cock of Capt.
 Stoner's Cop^y

Brief Amount	Colonel	L. Colonel	Capts	Lieuts.	Ensigns	Adjut.	Q. Master	Serg ^{ts}	D. & Fife	Waggoners	R. & File	Total.
Field & Staff Offs.	1	1				1	1					4
Swearingen's Co.			1	2	1			2	2	1	20	29
Hilleary's Co.			1	1	1			3		1	21	28
Yost's Co.			1	1				1			15	18
Stull's Co.			1	2	1					1	8	13
privates of other Comp ^{ys}												2
Total	1	1	4	6	3	1	1	6	2	3	66	94

C. BEATTY, Col.

March 3, 1777.

33^d B. Maryl^d M.

RAID OF BRITISH BARGES.

Sir

Two of the Enemy's Vessels came up Potomack on Thursday last in the Evening. They dispatched two of their Barges in the Night to plunder, the men from these landed at Portobacco Warehouse but did no damage, from thence they crossed over to M^r Walter Hanson's and robbed him of effects to considerable Value. They then went to the Pricsts where they pillaged and took with them everything that was portable not sparing the Church furniture. On Fryday morning they landed at Capt. Geo. Dent's before the Militia could be collected in sufficient force to oppose them and burnt all his Houses. On Saturday they took from Cedar point warehouse nearly all the Tobacco and have robbed several persons in different parts. We are informed they have near 300 men and five or six Barges. The Militia turn out with Alacrity and spirit. But we have neither Arms or Ammunition sufficient to defend all the Points in which we are accessable. I am desired to request y^r Excell^y and Council to send 60 Muskets

and such Quantity of Powder and Lead as you may think proper. A few pieces of cannon are also very much desired and if you can send two or three field pieces the People of this County will be extremely obliged. The enemy have small pieces under the cover of which they can land at any point without being hurt by Musquetry. All the Tobacco in Warehouses on Potomack is in great danger and I think it would be well for Y^r Excel^y and Council to order the publick Tobacco to be moved to some places of Safety. The Enemy's Vessels moved round Cedar point yesterday afternoon and now lie at Swan Point and it is said several other Vessells were seen yesterday afternoon endeavouring to come up the river but the wind blowing fresh from N. West they made little way.

Col. Ware has been too much fatigued by constant Duty to give Y^r Excell^y an Account of the transactions here.

I am Sir

Y^r most Ob^t Ser^t

T. STONE

Monday, April 8th 1781.

INSTRUCTIONS TO DELEGATES IN CONGRESS.

The Committee appointed to prepare Instructions to the Delegates of this State to Congress report the following Draft.

By the General Assembly of Maryland April 18, 1777

Instructions To Samuel Chase, William Paca, William Smith, Benjamin Rumsey and Charles Carroll of Carrollton Esquires, Delegates to Congress.

We have long and impatiently expected that a Confederacy would have been formed between the United States; nothing we apprehend but the urgency of Affairs more immediately pressing and necessary would have protracted to this time that essential

measure. Without it there will be no bond of Unity among these States, no general superintending and controlling Power, when once the object of the subsisting union ceases by a happy Conclusion of the present war. You, Gentlemen, must be fully sensible of the importance of a permanent Confederacy, and that its permanency depends on its being founded in Justice and good policy.

On a Subject in which we feel ourselves and our Posterity so deeply interested, it becomes our duty thus publicly to deliver our sentiments for the better regulation of your Conduct. We do therefore instruct you to move for a Stricter Union and Confederacy of the thirteen united States reserving expressly to the general Assembly of this State the power of confirming and Ratifying the said confederacy, without which ratification we shall not consider it as binding upon this State; and should any other Colony solicit to be admitted into that confederacy you are to oppose such admission until the general Assembly can be informed thereof, and their Consent obtained thereto. Without an Economical management of our Revenues it will be extremely difficult to support this expensive War; nothing can contribute more to such management than a liquidation of the public debt, and the laying down in the Confederacy some equitable rule for the ascertaining the quotas of that debt which the several confederating States are to pay. We know no rule liable to so few exceptions as the number of white Inhabitants in each of the States. Negroes rather weaken than strengthen the Southern States, yet as they are accounted property, tho often of a precarious, and the very young and aged always of an expensive nature, we consent that the Negro Taxables in this State be deemed and taken as part of our people for the purpose of Taxation. Representatives ought always to be accountable for their conduct to their Constituents, yet when their proceedings remain secret and their votes on the most important subjects are unknown, their conduct, tho ever so censurable, will go unpunished for want of proper information; we therefore instruct you to move for and endeavor to obtain that all the journals of Congress be regularly and expeditiously Published, except such parts there-

of as relate to military operations and secret correspondence ; that all proceedings of Congress and all questions agitated and determined in that Body be entered on their Journal and that the yeas and nays of each member, if required by any State, be taken on every question, as stated and determined by the House.

COURT HOUSE AT JOPPA, BALTIMORE COUNTY.

As supplementary to the history of Baltimore County Court houses (see Vol. I, p. 109) a correspondent, Mr. Kirk Brown, sends us a transcript from the County Records, Lib. I. S., No. B, fol. 98, giving the agreement made in March, 1709, with Col. James Maxwell to build a Court house at Joppa. From the specifications it appears that it was to be thirty-five feet long by twenty-four wide ; to have two stories with rooms for the Grand and Petit Juries and the Clerk on the second floor. It was to be completed "with all expedition," and to cost 125,000 pounds of tobacco. If this was "the new Court house" to which the Court adjourned in June, 1712, Maxwell must have taken his time.

Taken from Records of Superior Court of Baltimore County, Maryland. Liber I. S. No. B. Folio 96.

March Court 1709.

"March the Elevent The Trustees again were present,

Capt. James Maxwell,	Mr. William Talbott,
Mr. James Phillips,	Mr. James Crook,
Mr. Aquilla Paca,	Mr. Fran. Dallahide,
Gent. Trustees.	

The Mojority of this Court now setting doe agree with Coll. James Maxwell of Baltimore County Gent to build a Court house at the Towne of Joppa Baltimore County and the above said Gent doth agree to give unto the said James Maxwell One hundred and Twenty five Thousand pounds of Tobacco for the performance of the Accomplishing the same & the said James Maxwell doth bind himself & his heirs Exec. &c. in the sum of Two hundred and fifty pounds of Tobacco to perfect the same

with all Expedition and the above payment of One hundred and Twenty five Thousand pounds of Tobacco is to be paid unto the said James Maxwell in three payments the last collection to be made in the year One Thousand Seven hundred and Eleven and for the Forty Thousand pounds of Tobacco allowed levied its ordered by the Court here sitting that the Sheriff pay unto the above said James Maxwell when he shall require it towards the Carrying on the building aforesaid &c. Viz. The Dementions of the Court house are as follows:

Thirty five foot long from outside to outside & Twenty four foot wide from outside to outside Fourteen foot pitch and one foot on Each overjected the lower floor laid with Brick the Trustees Seat to be four foot wide and four foot high with a passage up to the said Seat on Each End a barr under the Judges Seat Eight foot square with one more round that fiveteen foot wide and Eleven and a halfe foot long all the barrs and Seats of Trustees to be with raile & Bannister with a Gallery on Each side Six foot and a halfe high fifteen foot long and four foot wide to be with railles and Bannisters Assending by plank steps with Two windows at the End six foot high from outside to outside of the frame and four and halfe foot wide four windows below staires of the said Dementions to be planed at the discretion of the builder assending above by a pr. staires with railles and Bannisters a Grand Jury room about thirteen and a halfe foot long with a passage from the staires to the sd. room four foot wide another petition from the Grand Jury room to be Twelve foot which will make the Grand jury room be thirteen and halfe foot long and Twenty foot wide and the petty Jury room Twelve foot long and Sixteen foot wide the Clarkes Office Eight foot wide and Sixteen foot long with a window at Each End of the house four Dorment windows Two of Each side five foot high and four wide the End window of the same bigness to be placed at the discretion of the builders all the petitions above staires to be with Inch pine plank planed on both sides and egeed with a Large pr. of folding doors to come into the Court house below stairs with all other necessarys as doors Locks Keys Hinges Glass windows with shutters windows tight with Table in Every room.

with Benches all round the barrs and a Table in the Eight foot barr to be lathed plastered and wt. washed below stairs with summer end small Give the rafters to be forward Six inches all above stairs to be sealed with Inch pine plank the Gable End to be carryed up with brick wall to Eighteen Inches thiek the foundation laid with stone Two foot thick to the Water Table and then Eighteen Inches all the way up to the Gable End above gice to be Fourteen thick to be plastered and white washed to be shingled with poplar or Cyprus the back of the Trustees Seat to be wainscoated four foot high above the seat with a chair for the Judge Two chairs for the Cryer The Gallerys to be plastered and wt. washed underneath with Folding Casements for the Two End windows below and one Casement in Each window below with Cornish and Moulding all round the Eaves with forms to Every Table above stairs all the above said buildeng to be performed in good sufficient manner and time.

Copied from the original by Kirk Brown, 7th Mo. 5th, 1906.
Liber I. S. No. B. Folio 313.

June Court Anno Domini 1712.

At a Court of our Sovereign Lady Ann &c held for Baltimore County the third day of June in the year of our Lord One thousand seven hundred & twelve before her Majesties Commissions thereunto authorized & appointed viz.

The Worshipfull	{ Coll. Ja. Maxwell, James Phillips, Aquilla Paca, Luke Raven,	Gentlemen Justices
James Presbury Sherif		John Stokes Clerk.

The Court adjourned for one hour to the New Court house at Joppa & met again according to adjournment the afsd. Justices being present.

TRUCE BETWEEN BRITISH AND AMERICANS.

Particulars of the truce agreed upon between Colonel Barnwell and Major Brereton for the Island of Port Royal—[Augt 1782]

The British are to have all the old corn and Rice on the Island—They are to have Beef, sheep, Hogs &c for their subsistence while on the Island—They insist on taking poultry wherever they find it within their limits—The Corn, Rice &c are to be carried to Broad River to Major Brereton—

In consequence of this agreement Major Brereton gives his word and honor that he will not molest the inhabitants in any property within their houses—He promises that nothing remaining in the fields shall be taken, that he will not cross the road called the Broad River road—That he will not carry away negro property belonging to the inhabitants of this Island, and that any inhabitants going within the British limits unarmed shall not be considered as prisoners of war—That he will not go to the town of Beauford and that he will not again land on the Island or carry away property from it—

As Colonel Barnwell had not above five and twenty men indifferently armed and worse accoutred, and Major Brereton gave his honor that he had five hundred men fit for duty, which he had landed before he sent a flag—it was out of his power to make even the most trifling resistance He therefore thought it incumbent on him to make the best terms he could, as he had no right to expect assistance from the main—The troops are the 64th Reg^t, part of 84th, Lord Rawdons Corps which came up in ships under the command of Major Doyle and a body of Hessians—

On St Helena the British demanded 1500 Bush^l Corn, 200 Bullocks 150 Sheep and a number of Poultry—

On their part they promised not to advance into the Island, and not further to molest the inhabitants in person or property—

The vessels at present lay at M^r George Scotts in Beauford river—

Lieutenant Graham who came to Colonel Barnwell with a flag mentioned that they intended going to Charlestown as soon as they had taken on board the above mentioned articles

(Signed) ROB^T. BARNWELL Cap^t

N. B. the Troops under Major Doyle viz^t L^d Rawdons corps & Hessians joined Maj^r Brereton after the action in which Col^o Laurens was killed.

ROUSBY AND DULANY PAPERS.

BERNARD C. STEINER.

With the papers of Gov. Benedict Leonard Calvert which Roland S. Morris, Esq., of Philadelphia, recently lent me were some letters of John Rousby and Daniel Dulany, the elder, which seem worthy of publication and which are subjoined.

Readers of my "Restoration of the Proprietary" in the Report of the American Historical Association for 1899 will remember that Thomas McNamara had long been troublesome and Michael McNamara referred to here was, probably, his son.

I. To Daniel Dulany, Esq., at Annapolis.

Sir

As it was at yr Request yt I Appointed Mr. Macnemara to be my Deputy at Annapolis so I now take the Liberty of Informing you that I Cannot Keep him any Longer in that Employmt you Very well Know yt ye Collector is Obliged to follow the Instructions wch he receives from the Commrs So of Course A Deputy ought to Observe Carefully wt Instructions he receives from the Principall officer but Mr. Macnemara will not mind any Instructions wch he has had at times from me In fine he will Do Just wt he pleases I Cannot gett from him any Lists of Shiping nor Accots nor the Hospitall Money &c I assure you tht his Negligence in the Office has been A Very Great prejudice to me in my office

& I have been Blamed more on his acct at home at the Custome house & then in all my Other Affairs I have Some thoughts of puting in that office If you think he would be A proper person, If Sr you would please to favour me wth your Advice herein I should Esteem it a Very Great favour.

I Sincerely am wth Very Great Respects

Dr Sr

yr Most Obedt Humble Servt

J. ROUSBY

October ye 26th 1737

I have the Gout in my Right
hand tht I Can Scarcely Write.

II. To Mr. Bordly.

Sir,

Having heard that you have been Aspersed with having Endeavour'd to Supplant Mr. Macnemara in the office of Deputy Collector of this, which I know to be without any foundation; and therefore think it but justice to Supply you with the Means of justifying yourself from so unjust & Groundless a charge. To this end you have Mr. Rousby's letter to me of which you may make what use you please in your own Vindication, and as to your proceeding it was on my Recomending the thing to you upon a Supposition of a vacancy, as what wou'd be of some little advantage and not much trouble; And even after I spoke to you about it you hesitated some time before you came to any resolution, from an unwillingness to meddle in an Office of which another had the possession; But I remember that I represented to you that you went upon the foot of a vacancy and Consequently cou'd not Injure any body; Upon this and Mr. Bennett's joyning with me in a letter to Mr. Rousby to recomend you, you went and Apply for ye office, Which I think was very justifiable. I am

Sir

Yr very Obdt Servant

D. DULANY.

Jan. 21, 1737.

III. Mr. Dulany's Drt. of a letter for me to Mr. Rousbey abt ye Collector's place. 15. Jany 1738.

Sir,

That I have not hitherto reminded you of your promise to Messrs B & D in my favour has not proceeded from any disregard to you or neglect, but merely because I wou'd not take a single Step which shd carry the least Appearance of endeavouring to Supplant another person But as I am informd Applications have been or are Intended to be made to you for the office of Deputy Collector of this Port, it wou'd like Slighting the Application of My friends in my behalf and the kind Assurances you gave me, shou'd I neglect to Acquaint you that I rely on the performance of your promise when a vacancy shall happen and at the same time that I take this freedom I wou'd beg leave to be understood as only desiring the place if Mr. Macnemara shall be removed But not desiring his removall to make room for me.

IV. Sr.

The Inclosed is the Intended letter to Mr. Rousby, which be pleased to peruse, & alter or underwrite as you think fitt, & return by bearer.

From Sr.

Yr very Hble Servt.

BORDLEY.

15. Jany 1738.

Sr.

I've taken the freedom with almost a whole letter leaving the conclusion as it is in yours, not that I think my own style is better than yours, but because I think it may suit the temper of the Gente it's designed for. My underwriting any thing wd look like a [illegible] which perhaps may disgust instead of being serviceable. I am

Sr yr hble servt

D. DULANY.

Jan 16

BOUNTY ON INDIAN SCALP.

I, James Davis of Virginia, the person in whose favour the General Assembly of the Province of Maryland passed an Act in October Session last, giving me a Bounty of fifty pounds Current Money for Killing and Scalping of an Indian at George's Creek within the Province aforesaid, which sum of fifty pounds I do acknowledge to have received from the Commissioners of the Loan Office as directed by the above Act; Entituled an Act for giving a Bounty for taking Indians Prisoners, and other purposes therein mentioned. As witness my hand this 19th day of March, 1764.

JAMES DAVIS.

Testis

James Tootell.

PROCEEDINGS OF THE SOCIETY.

MONTHLY MEETINGS.

October 11, 1909.—The opening meeting of the fall was attended by a great many members.

The additions reported to the library of the Society showed a large number of donations, prominent among them being 17 bound volumes of the Southern Historical Society Papers, from Mr. John C. Daves, 26 magazines and several pamphlets from the Enoch Pratt Free Library, and from Mrs. Katherine C. Goldsborough, 5 large volumes, in manuscript, containing the Civil List of the Officials of the Province and State of Maryland compiled by her husband, the late Honorable Henry Hollyday Goldsborough, as also a number of packages and bundles of papers containing historical and genealogical data and miscellaneous manuscripts from his collection.

Another gift was an original letter (framed) written by William Strahan, King's Printer and a Member of Parliament, dated January 26, 1771, to David Hall of Philadelphia, his stepson, and an apprentice and later a partner of Benjamin Franklin, from Mr. J. Wilson Leakin. A Land Patent, dated July 4, 1741, for land called "Conveniency" in Dorchester County, Md., from Henry Trippe to Philemon Jones, was received from Rev. William H. Higgins, Laurel, Del.

Resignations were received and accepted from Messrs. George R. Gaither, E. Stanley Gary, H. C. McElderry and J. Edward Mohler.

Mr. Richard D. Fisher from the Library Committee submitted "A list of donations to the cabinet from 1844-1909, indexed alphabetically according to the name of the donors;" also, a "List of 256 letters from various persons on interesting subjects from 1714-1886;" also, the original "Act Concerning Religion" of 1649, which had been recently unearthed from among the papers of the Society.

Hon. Henry Stockbridge made an interesting impromptu address on the aforesaid Act to the great enjoyment of all present.

The necrology was read as follows: Rufus K. Wood, Basil Sollers, John O'G. Allmand and Thomas Hill.

The President spoke of the valuable services Mr. Basil Sollers had rendered the Society, especially as its Recording Secretary.

Mr. Richard D. Fisher, Chairman of the Special Committee appointed by the Council on the 8th inst. to draft suitable resolutions of respect to the memory of Mr. Sollers, offered the following report.

The undersigned, a Committee appointed by the Council on the 8th inst. to prepare a tribute to the memory of Mr. Basil Sollers, late Recording Secretary of this Society, have the honor to submit the following:

Mr. Sollers died on the 27th day of July, 1909, after a comparatively short life of 56 years. From his early days he had been a teacher of youth, and having steadily accomplished himself as an educator, had finally attained the principalship of Group B of the Public Schools of Baltimore City, in which position he had become an ornament to his profession.

It is our province, however, to speak of Mr. Sollers more particularly in his relation to the Maryland Historical Society, of which institution he was a valued member for 27 years. Of a family long identified with Maryland citizenship, he took a personal interest in the story of his State, and had accumulated a library of printed and manuscript material, bearing thereon, which is probably unique in variety and extent. Hence it was that he was peculiarly equipped for the authorship of the papers read by him before these meetings, of which we may especially mention *The Acadians transported to Maryland* and *Transported Convict Laborers in Maryland*, as combining thoroughness of research with frankness of statement. His unexpected death cuts short a career of usefulness and devotion to this Society, which hereby desires to place upon record its sincere appreciation of his loss. Therefore be it

Resolved, That this tribute be spread upon the minutes of the Society, and that a copy thereof be transmitted by the Corresponding Secretary to the widow and family of the deceased.

Respectfully submitted,

RICHARD D. FISHER,
RICHARD H. SPENCER,
ANDREW C. TRIPPE,

Committee.

On motion the minute and resolution was unanimously adopted.

A very interesting paper was read by Mr. J. Wilson Leakin upon "An Eighteenth Century News Letter and some of its Contemporaries."

November 8, 1909.—Among the donations reported to the Society at this meeting were, "Muster Rolls of the Virginia Militia in the war of 1812, which also contains muster rolls of men called into the service of the United States by the President in 1846, for the War with Mexico," from Mr. James Edward Carr, Jr., and the "Journal of the House of Burgesses of Virginia 1742-1749," from the Virginia State Library.

There was also received a photographic copy (framed) of an original Maryland legal manuscript 180 years old, from Dr. G. D. Darnall, West Union, Iowa, a descendant of Col. Henry and John Darnall.

The elections to membership were: Active, W. Cabell Bruce, William Ingle, Thomas A. Smith, Mrs. John Edward Raine, Mrs. Mary H. Sumwalt and Miss Margaret Waters. Associate, Mrs. John Eldridge Bently, Beverly W. Bond, Jr., and Otis Burgess Sears, Ph. D.

A letter was read from Mrs. Basil Sollers acknowledging the receipt of the minute and resolution of respect, passed at the last meeting, in reference to her late husband Mr. Basil Sollers.

The amendments to the Constitution of the Society, submitted at the regular monthly meeting, May 10, 1909, were then taken up.

Amendment to Article III, Sec. 4, having been read, on motion, action on same was deferred until the next regular monthly meeting.

Section 7, of Article V, of the Constitution was repealed and re-adopted by a two-thirds vote, so as to read :

7. Any active or associate member in arrears for dues for six months shall be reported by the Treasurer to the Recording Secretary, whose duty it shall be formally to notify the member so in arrears and at the same time to send to such member a copy of this section of the Constitution. If after such notice the dues shall remain unpaid at the end of the fiscal year, the Treasurer shall report the fact to the Council, and unless the Council otherwise directs the Recording Secretary shall strike the name of the delinquent from the rolls of the Society and notify the Treasurer thereof.

Any person whose name shall have thus been stricken from the roll, may thereafter be reinstated upon such terms and conditions as the Council may from time to time prescribe.

Article III, Section 2, was amended by a two-thirds vote, by substituting the word seven for three in the tenth line so as to make the Committee on Membership to consist of seven members, in place of three as heretofore.

The necrology was read as follows : Thomas J. Hayward and Teackle Wallis Blackistone.

The address of the evening was read by Dr. Bernard C. Steiner, in an exceedingly careful and well written paper on Brantz Mayer, one of the original members of this Society, to whom is attributed, more than to any one else, the founding of the Society, and who was for many years its Corresponding Secretary and later its President.

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