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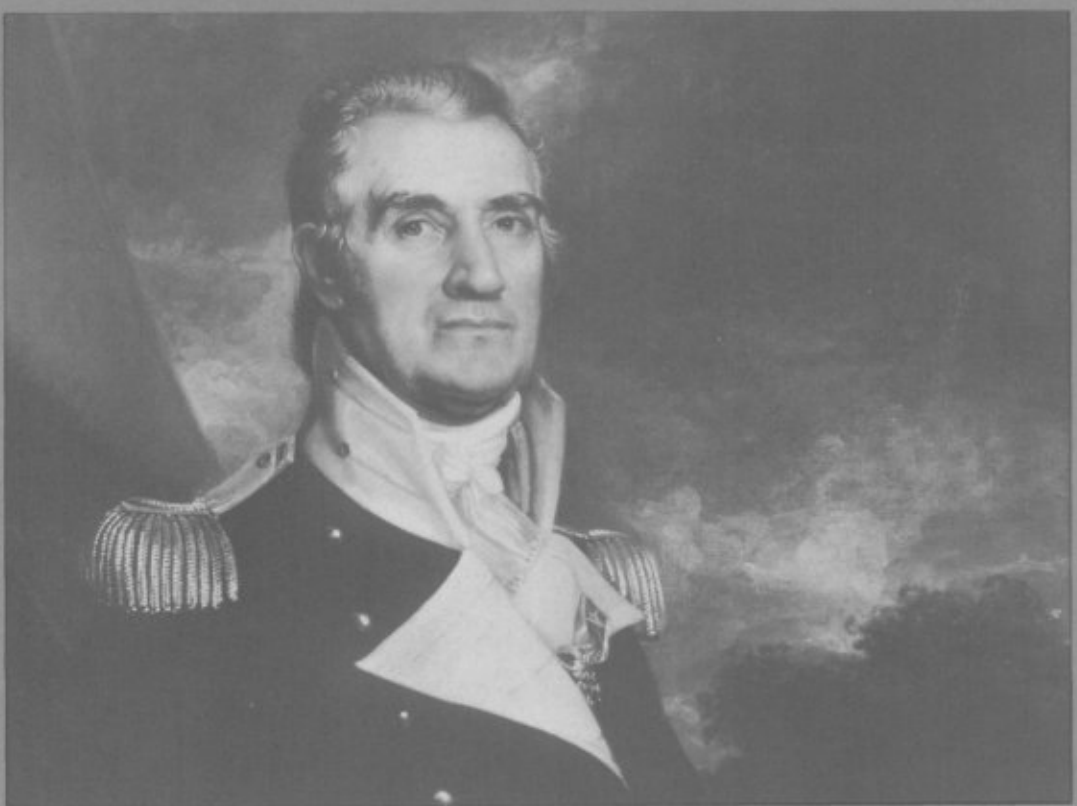

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MARYLAND HISTORICAL MAGAZINE

A Quarterly

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GENERAL SAMUEL SMITH AND THE ELECTION OF 1800

By FRANK A. CASSELL

IN October of 1800 a desperate political atmosphere prevailed in Maryland that moved Baltimore Federalist Charles Warfield to declare: "With how much heat and violence is agitated the approaching election of president, how vehement, how passionate the struggle."[1] Indeed, it would have been unnatural for the citizens of Maryland to remain calm since they were in the midst of the most important presidential campaign the new nation had yet experienced. The popular Thomas Jefferson of Virginia opposed the incumbent President, John Adams of Massachusetts, for the office. For the first time the possibility existed that new men representing new ideas would replace the Federalists in the seat of power. In this drama the state of Maryland might conceivably play an important role since her ten electoral votes could give either candidate a powerful boost

[1] See the public letter of Charles Warfield in the Baltimore *Federal Gazette & Baltimore Daily Advertiser,* October 1, 1800.

towards victory. Because of the high stakes both Republicans and Federalists expended much time on electioneering within the state. Yet one man emerged as the key figure, not only in the Maryland campaign, but also in the United States House of Representatives where the election was ultimately decided. To a surprising degree Thomas Jefferson owed his election as third President of the United States to the efforts of General Samuel Smith of Baltimore.

Time has mellowed and hallowed the memory of General Smith in Maryland. His statue peers over the thriving Baltimore of today, while his portrait hangs honorably in the Maryland Historical Society. Smith's revered position in Maryland's history results from his military exploits in both the Revolution and the War of 1812.[2] But Smith's contemporaries also knew him as a skillful and powerful politician. In 1793 he had begun a forty-year career in the United States Congress where his experience as a successful merchant and soldier rapidly made him a prominent figure. By 1795 he drifted into opposition to Washington's administration because he believed its policies were destructive of the mercantile interests he represented. His outspoken attacks in Congress against the controversial Jay treaty prompted Baltimore Federalists, who had previously supported him, to campaign against his reelection. Forced to seek political support elsewhere, Smith had successfully built by 1798 a potent machine in Baltimore based upon his personal command of the militia, and his influence with various societies representing the city's artisans and laborers. With this coalition of forces he smashed the Federalists in the local elections of 1798. This victory helped to catapult Smith into the top leadership of the new Jeffersonian Republican party and into unchallenged control of Republican forces in Baltimore and, in fact, in all Maryland.[3] The election of 1800 awaited him.

Scholars have long recognized the importance of this election; the historical literature has dealt at length and in depth with

[2] For a complete treatment of Samuel Smith's career see John Silas Pancake, "The General from Baltimore; A Biography of General Samuel Smith" (Unpublished Ph.D. dissertation, University of Virginia, 1949).

[3] For further information on this point see Frank A. Cassell, "Samuel Smith: Merchant Politician, 1792-1812" (Unpublished Ph.D. dissertation, Northwestern University, 1968), pp. 42-92.

the subject.[4] General Samuel Smith is rightfully accorded a prominent role in the affair, yet nowhere can there be found a complete treatment of the part he played. His progressive emergence to the position of kingmaker goes unmentioned in the histories of the period. By his effective campaigning for the Republican party in Maryland and later by dominating the negotiations in the House of Representatives, Smith played a large part in determining who would be President.

The "heat and violence" of the election of 1800 ran especially high in Maryland. The contest between Jefferson and Adams for the Presidency grew bitter when the Federalists attempted to alter the method of choosing Presidential electors. The old district system permitted the citizens of the state to select their electoral representatives. Federalists feared, however, that this method would allow Jefferson to win perhaps three of Maryland's electoral votes.[5] By eliminating the district system and allowing the Federalist-controlled state legislature to appoint electors, they hoped to give the Federalist candidates, Adams and Charles Pinckney of South Carolina, all of Maryland's ten votes. Samuel Smith identified Robert Goodloe Harper as the author of this maneuver and warned other Republicans of the consequences: "Mr. Harper is agitating this state & I fear will succeed in passing the [electoral-vote] legislation[;] if so we will lose all Maryland."[6]

Smith and other Republicans reasoned that only by winning control of the lower house of the Maryland legislature in the fall elections of 1800 could the Federalist strategy be frustrated. For this purpose Samuel Smith began a round of intense electioneering. Assured of his own reelection to the House of Representatives from Baltimore, the General felt free to assist the campaigns of Republican candidates to the state legislature in other parts of Maryland. On August 14, 1800, he told his brother-in-law, Wilson Cary Nicholas of Virginia, that he was becoming a "political preacher." He reported that for the

[4] See for example Morton Borden, *The Federalism of James A. Bayard* (New York, 1955), pp. 73-95; Charles A. Beard, *Economic Origins of Jeffersonian Democracy* (New York, 1965), pp. 353-414; and John S. Pancake, "Aaron Burr: Would-Be Usurper," *William and Mary Quarterly*, VIII (April, 1951), pp. 204-213.

[5] Alexander Hamilton to James McHenry, August 27, 1800, Bernard C. Steiner, ed., *The Life and Correspondence of James McHenry* (Cleveland, 1910), p. 138.

[6] Samuel Smith to Wilson Cary Nicholas, June 24, 1800, Samuel Smith Papers, Library of Congress.

General Charles Goodloe Harper. 1765-1825. By St. Memin. Md. Hist. Soc. Collection.

previous three weeks he had traveled through the state debating leading Federalists before local political gatherings.[7] On October 12 he told Nicholas that he had campaigned in Anne Arundel, Frederick, and Baltimore counties and "confidently routed my political opponents."[8]

Smith's success as a stump-speaker prompted Baltimore's Federalists to launch a newspaper attack against him in late September and early October, 1800. The public prints charged that he was "insidious," "ambitious," and suggested darkly that his opposition to the Federalists bordered on treason.[9] They even ridiculed Smith's use of Aesop's Fables in his campaign speeches.[10]

[7] Smith to Nicholas, August 14, 1800. quoted in Cary Nicholas Fink's unpublished, undated, and poorly paginated MS history of the Smith family, Smith-Carter Papers, University of Virginia.

[8] Smith to Nicholas, October 12, 1800, Wilson Cary Nicholas Papers, University of Virginia.

[9] *Federal Gazette & Baltimore Daily Advertiser,* September 24, 1800.

[10] *Ibid.,* September 29, 1800.

The General's use of his position as commander of the militia for political ends particularly outraged the Federalists. During the campaign Smith suddenly felt called upon to address militia meetings throughout the state. His message to the troops was unvaryingly political and pro-Republican.[11] The General's effectiveness spurred Federalists papers to new virulence against him. Federalist editors in Baltimore attempted to limit Smith's influence by inflaming traditional rural jealousies against Baltimore. Maryland farmers were warned that Smith was a conniving big-city politician, "publicly interfering in your actions." The *Federal Gazette and Baltimore Daily Advertiser* charged Smith with building a subtle conspiracy based on a low opinion of the political awareness of the people. Smith's "self-created city clubs," the paper added, were trying to dominate the selection of representatives to the legislature in all parts of Maryland. The paper then asked and answered its own loaded question, "who is at the head of this *League*. . . . ? The public must say with one voice that general Smith is their ringleader."[12] Affecting indifference to such attacks, Smith refused to reply. Instead he stepped up the tempo of his campaign with an outrageous denunciation of John Adams as a monarchist who had once said that "America should never be happy until [it] had an hereditary chief magistrate and Senate."[13]

The crucial election of the state legislature took place in early October, 1800. The outcome pleased Smith who confided to Jefferson that the election "exceeded our most sanguine expectations." The General estimated that forty-nine Republicans had been elected and "40 will be sufficient to prevent a change in our present mode of Elections." The local elections had shown that many Marylanders strongly disapproved of the Federalists machinations, and Smith confidently predicted that five and possibly six Republican Presidential electors would be selected in Maryland's Presidential balloting.[14] Federalists agreed that the attempt to abolish the district method of choosing electors had failed. James McHenry, the Federalist leader in

[11] *Ibid.*, October 1, 1800.
[12] *Ibid.*
[13] *Ibid.*, October 24, 1800.
[14] Samuel Smith to Thomas Jefferson, October 8, 1800, Thomas Jefferson Papers, Library of Congress; see also Smith to Wilson Cary Nicholas, October 12, 1800, Nicholas Papers.

Baltimore, conceded that a Republican majority in the House of Delegates was a certainty and declared that "all expectations of an election of electors of President & C., by our Legislature, may be considered as completely extinct."[15]

Maryland Republicans gratefully acknowledged Smith's effectiveness in the legislative elections throughout the state. Gabriel Christie, another leading Maryland Republican, noted that Smith's "industry and zeal" greatly contributed to the victory of Republican candidates in Harford, Cecil, and Kent counties.[16] Thomas Jefferson personally sent his congratulations to the General "on the triumph of republicanism in the city and county of Baltimore."[17] Samuel Smith had made a significant contribution to the Republican victory. Because of his work Marylanders again went to the polls in November, 1800 to choose their Presidential electors rather than allowing a political faction in the legislature to do the job for them.

The electoral vote at stake in Baltimore was virtually uncontested by the Federalists. James McHenry grudgingly admitted that Samuel Smith had built a powerful and unbeatable political machine. McHenry believed it foolish to make exertions for the Federalist candidate, "not from any indifference to the good old cause, but from a kind of conviction that our labor would be lost . . ."[18] The Baltimore election returns justified McHenry's pessimism and again demonstrated the General's political power within the city: the Republican electoral candidate defeated his rival by a margin of five to one. Outside of Baltimore the Republicans enjoyed similar success. No less than five of the ten Presidential electors chosen were Republicans, one more than the party elected in 1796 and two more than the Federalists had predicted before the balloting began.[19]

Samuel Smith's concern with the Presidential election of 1800 went far beyond an interest in the selection of electors in Maryland. In early 1800, long before the state elections, he and

[15] James McHenry to Oliver Wolcott, October 12, 1800, George Gibbs, ed., *Memoirs of the Administrations of Washington and Adams, Edited from the Papers of Oliver Wolcott* (New York, 1946), II, p. 433.

[16] Gabriel Christie to Samuel Smith, December 19, 1802, Smith Papers.

[17] Thomas Jefferson to Samuel Smith, October 17, 1800, Jefferson Papers.

[18] James McHenry to Oliver Wolcott, November 9, 1800, Gibbs, ed., *Wolcott*, II, 445.

[19] Manning J. Dauer, *The Adams Federalists* (Baltimore, 1953), pp. 106, 257.

Wilson Cary Nicholas had approached President Adam's Secretary of the Navy, Benjamin Stoddert of Maryland, to ask whether "some means could not be adopted for a reconciliation or union . . . of parties."[20] Although they talked circumspectly, Smith and Nicholas apparently hinted at a plan by which moderate Republicans would vote for Adams's reelection in 1800 if he agreed to appoint some Republicans to the Cabinet and support Jefferson as his successor in 1804. The political circumstances at the time made such a scheme plausible. Adams's decision to send a new peace mission to France in 1799, and the abrupt dismissal of some cabinet members loyal to Alexander Hamilton had seriously divided the Federalist party. Consequently Hamilton and others conspired to defeat the President's bid for reelection.[21] The Republicans gleefully observed this internecine struggle, but could not be certain it would mean Jefferson's victory. The Smith-Nicholas scheme would have not only preserved the country from Hamiltonian excesses, but insured Jefferson's eventual accession to the Presidency. In May, however, news arrived of a surprising Republican triumph in New York where the party had captured all of the state's electoral votes. Jefferson's prospects brightened, and talk of a coalition ceased.[22] Although Hamiltonian Federalists long insisted that Smith and Nicholas had consummated a deal with Adams, there is no proof to substantiate their claims.[23]

Significantly, the correspondence of Jefferson, James Madison, and other national Republican leaders lacks any reference to a plan to coalesce with moderate Federalists, which indicates that the General and his brother-in-law acted on their own initiative. Perhaps they seriously hoped to lay the groundwork for a Jefferson-Adams alliance or, at the least, to widen the rift

[20] Timothy Pickering to James McHenry, February 11, 1811, Steiner, *McHenry*, p. 567; see also Benjamin Stoddert to John Adams, October 27, 1811, Charles Francis Adams, ed., *The Works of John Adams* (Boston, 1850-1856), X, pp. 5-6; see also Dauer, *The Adams Federalists*, p. 248.

[21] Stephen G. Kurtz, *The Presidency of John Adams* (New York, 1957), pp. 406-407.

[22] Benjamin Stoddert to John Adams, October 27, 1811, Adams, *Works of John Adams*, X, pp. 3-9. This letter appears to mark the first time Stoddert had told Adams about Smith's overtures.

[23] The coalition plan was not fully exposed until 1811. See the following letters: John Adams to Benjamin Stoddert, October 15, 1811; Benjamin Stoddert to John Adams, October 27, 1811; Robert Smith to John Adams, November 30, 1811; and John Adams to Samuel Smith, December 13, 1811, in Adams, *Works of John Adams*, X, pp. 3-9.

Benjamin Stoddert. 1751-1813. Courtesy of the U.S. Navy.

between Adams and Hamilton.[24] At any rate, Smith had established valuable contacts with moderate Federalists; an advantage he used later with telling effect.

By December 15, 1800, Smith and his fellow Republicans knew they had won the Presidential election and had done so with impressive but paradoxical party unity.[25] Unexpected solidarity and discipline among Republican electors gave Jefferson and Aaron Burr, the Republican Vice-Presidential candidate, an equal number of electoral votes. This was possible since each elector had two votes, and the Constitution at that time had no provision for allowing them to designate whom they preferred for President. If one Republican elector had

[24] If such was Smith's plan, it was successful. Hamiltonian Federalists were convinced that Adams had conspired with the Republicans in 1800 to secure his reelection. See Timothy Pickering to James McHenry, February 11, 1811, Steiner, *McHenry*, p. 567.

[25] Aaron Kitchell to E. Elmer, December 11, 1800, Gratz Collection, Historical Society of Pennsylvania; Thomas Jefferson to Aaron Burr, December 15, 1800, Paul Leicester Ford, ed., *The Writings of Thomas Jefferson* (New York, 1892-1899), VII, pp. 466-467.

voted for Jefferson and not Burr, the situation could have been avoided. Party leaders felt deeply chagrined. Jefferson despondently penned a note to Burr saying that "it was badly managed not to have arranged with certainty what seems to have been left to chance."[26] But chagrin gave way to consternation as Samuel Smith and other Republican leaders realized the seriousness of the political challenge now facing them.

The Constitution required the House of Representatives to decide between Jefferson and Burr by voting as state delegations. Each state had one vote, and a majority of the representatives of each state determined which candidate should receive that state's vote. A Federalist majority dominated the House, but Republicans controlled eight of the sixteen state delegations—one short of the number needed to break the tie and elect Jefferson. The Federalists held majorities in six state delegations; two states, Maryland and Vermont, were divided between the two parties and therefore had no vote. Thus quite possibly the Federalists could have withheld the Presidency from Jefferson.

Although it appeared absurd, the situation severely challenged the new American nation. Unfortunately, the crisis over the Presidency also involved the transfer of political power from one party to another, something that had never before occurred in the United States. The electoral vote tie inevitably tempted the ousted Federalists to exploit the situation for their own benefit, even to the point of discarding constitutional process and the wishes of the people. Potentially, then, the dispute Samuel Smith and his colleagues in the House had to settle went beyond the selection of a President: it involved the very future of the country.

No one could be sure what the Federalists intended, and rumors were rife. Jefferson reported that "high-flying Federalists" hoped to prevent the House from choosing a President and to let the government "devolve on a President of the Senate."[27] Throughout the nation in both word and deed Republicans made clear their determination to resist should the Federalists try to violate the constitution. In Pennsylvania the Republican

[26] Thomas Jefferson to Aaron Burr, December 15, 1800, Ford, *Writings of Thomas Jefferson,* VII, 466-467.
[27] *Ibid.*

Gabriel Christie. 1757-1808. Miniature. Md. Hist. Soc. Collection.

governor drafted plans to mobilize the militia and distribute arms in case the Federalists attempted to steal the Presidency.[28] Another Pennsylvanian, John Beckley, also panicked at the vision of a Federalist usurpation and predicted civil war should it occur.[29] Samuel Smith's brother-in-law, a loyal Virginian, hinted that his state was another one that would not accept a Federalist *coup*.[30] One Republican warned that the "public mind in Virginia is in State of Ferment," and if the Federalists seized the Presidency, "Virginia would instantly proclaim herself *out of the Union*."[31]

As the time approached for the House of Representatives to select a President, both political parties carefully scrutinized Aaron Burr to determine whether or not he would actively seek

[28] Governor Thomas McKean to Thomas Jefferson, January 10, 1801; same to same, March 19, 1801, Jefferson Papers.

[29] John Beckley to Albert Gallatin, February 15, 1801, Albert Gallatin Papers, New York Historical Society.

[30] Wilson Cary Nicholas to John Breckinridge, January 20, 1801, Breckinridge Family Papers, Library of Congress.

[31] Joseph Hopper Nicholson to Caesar Rodney, January 15, 1801, Jefferson Papers.

the office. Burr, a brilliant New York lawyer, had masterminded the Republican victory of 1800 in his state. All admired his political adroitness, but many also considered him devious and untrustworthy. The Federalists hoped that his ambition would lead him to accept their support in electing him President; such support, they felt, would make him virtually a Federalist President.[32]

Burr at first seemed more interested in convincing fellow Republicans of his good faith than in conspiring with the Federalists. Indeed, on learning that a tie electoral vote was virtually certain, Burr immediately wrote his old friend Samuel Smith to deny all rumors that he would compete with Jefferson for the Presidency. The New Yorker, in effect, asked Smith to be his political spokesman in Washington.[33] Smith, who strongly supported Jefferson and who may have had misgivings about Burr's intentions, published the letter immediately in an effort to undercut the Federalists' efforts on Burr's behalf. On December 24, 1800, after the final election returns confirmed the tie vote, Burr once again wrote the Marylander restating his disinterest in the Presidency.[34]

Burr's protestations may have lulled Smith's suspicions but only temporarily. On December 29, 1800 Burr dispatched a third letter to the General that seemed to imply greater interest in the Presidency. He angrily related that one Republican had demanded to know if Burr would resign the Presidency in favor of Jefferson should he be elected. Burr found the suggestion "unnecessary, unreasonable, and impertinent." The New Yorker noted that he had been made a candidate against his will and was now insulted by those who had used his name. Yet, if the House should choose him for the office, Burr concluded, he would accept the position. After this outburst Burr inexplicably invited Smith to meet with him in Philadelphia.[35] Now watchful and wary of Burr, the Marylander traveled to Philadelphia with plans of his own.

Concerned primarily about Burr's disinclination to resign the Presidency if elected, Samuel Smith arrived in Philadelphia in

[32] Robert Goodloe Harper to Aaron Burr, December 24, 1800, printed in the *Niles Weekly Register* (Annapolis), January 20, 1823.
[33] Aaron Burr to Samuel Smith, December 16, 1800, Smith-Carter Papers.
[34] Burr to Smith, December 24, 1800, McGregor Folder, University of Virginia.
[35] Burr to Smith, December 29, 1800, Smith-Carter Papers.

early January, 1801, hoping to obtain a definite pledge from Burr that he would refuse the office under any circumstances. Almost certainly, Smith attended the conference with Jefferson's knowledge.[36] But the encounter with Burr only served to confirm the General's mistrust of the New Yorker. After much verbal fencing, the Marylander bluntly asked Burr "what would be done if the Federal members would not give up [their support of Burr]." The New Yorker responded that the "House of Representatives must make a choice," and that "if they could not get Mr. Jefferson they could take him." Smith declared that solution impossible because the Republicans would never agree to abandon Jefferson. The Marylander later confessed himself "mortified" at Burr's attitude.[37] He left Philadelphia convinced that Burr coveted the Presidency and would strive to obtain it.[38]

When Smith returned to Washington, he found what appeared to be further proof that Burr was actively seeking the Presidency. In a carefully worded letter to Burr the General reported on the activities of a man named Ogden, who had circulated among the New York Congressional delegation. Claiming to represent Burr and "urging a Variety of Reasons," Ogden had preached support for their fellow New Yorker rather than Jefferson. Smith told Burr to discount Ogden's belief that there was any chance Burr could be elected. The General went on to explain the political facts to Burr: eight states would persevere in their loyalty to Jefferson. "*Be assured*" Smith wrote, "*Believe me,*" he insisted, "those-Eight States are unmovable." Moreover, after analyzing the situation in the House of Representatives, Smith concluded that Jefferson would easily obtain the one vote that he needed to become President.[39]

Despite Smith's suspicions, he had misconstrued Burr's intentions. While Burr was probably honest in saying that he would serve as President if elected, there is no evidence that he wished to deny Jefferson the post or that he encouraged the Federalists

[36] Gabriel Christie to Samuel Smith, December 19, 1802, Smith Papers; *Aurora* (Philadelphia), January 6, 1801; see also Borden, *James A. Bayard,* pp. 82-83.
[37] Christie to Smith, December 19, 1802, Smith Papers.
[38] Deposition of Samuel Smith in the New York court case of *Aaron Burr v. James Cheetham,* dated March, 1806, Smith Papers.
[39] Samuel Smith to Aaron Burr, January 11, 1801, Smith Papers.

in the House to support him. Many well-placed individuals testified to these facts, including Governor George Clinton of New York and other leading Republicans.[40] Burr himself wrote his son-in-law on January 17, two weeks after meeting Smith in Philadelphia, that he believed "all will be well," and Jefferson would be elected.[41] Those Federalists who were actually involved in the attempt to replace Jefferson with Burr also agreed that Burr in no way tried to secure his own election.[42] Indeed, Federalist Congressman James A. Bayard of Delaware accused the New Yorker of acting a "miserable and paultry [sic] part" during the election in the House of Representatives. Bayard complained that Burr had actually discouraged the Federalists from efforts to elect him President.[43] Without knowledge of this correspondence, Smith continued to believe that Burr was conspiring with the Federalists.[44] This fundamental misunderstanding helps to explain the Marylander's subsequent actions.

In the months preceding the actual vote in the House of Representatives, Samuel Smith had established himself as a center for negotiations. Enjoying the confidence of both Jefferson and Burr and with a reputation as a political moderate, it seemed only natural that the Marylander would continue in this capacity during the crucial period when the House made its final decision. His position was not an enviable one. Operating in a crisis atmosphere and under great pressure, Smith and his colleagues engaged in activities that they would later regret and deny. Nevertheless, the General's role as a conduit of information between the opposing groups in the House gave him a unique opportunity to shape the final settlement. It was an opportunity that he did not waste.

The House of Representatives began seven days of balloting for the Presidency on February 11, 1801. Until February 17 the votes remained eight states for Jefferson, six for Burr, and

[40] George Clinton to DeWitt Clinton, January 13, 1801, DeWitt Clinton Papers, Columbia University.

[41] Aaron Burr to Joseph Alston, January 15, 1801, Matthew L. Davis, ed., *The Memoirs of Aaron Burr* (New York, 1836-1837), II, p. 144.

[42] See for example William Cooper to Thomas Morris, February 13, 1801, *ibid.*, p. 113.

[43] James A. Bayard to Andrew Bayard, February 16, 1801, James A. Bayard Papers, Library of Congress.

[44] Samuel Smith to Aaron Burr, January 11, 1801, Smith Papers; see also Wilson Cary Nicholas to Smith, December 19, 1806, Smith-Carter Papers.

Thomas Jefferson. 1743-1826. Painting by B. H. Latrobe. Md. Hist. Soc. Collection.

the two states of Vermont and Maryland evenly divided. On the evening of the first day Smith was approached by James A. Bayard, who told him that "there was nothing in the way of an appointment" that the General could not command if he switched his vote to Burr. By doing so the Marylander would have broken the tie in the state's delegation and given Maryland to Burr. Smith asked if Burr had authorized the offer; Bayard replied affirmatively.[45] Since Bayard later said that Burr refused

[45] Anas, February 12, 1801, Ford, *Writings of Thomas Jefferson*, I, p. 291.

to cooperate with the Federalists in the House, he apparently lied to Smith. To the Marylander this conversation undoubtedly appeared as one more proof of a sinister conspiracy between Burr and the Federalists.

Bayard was but one of several Federalists who sought out Smith to propose deals or to ask for information. The same day that he received Bayard's proposition, the General was also approached by Federalist Josiah Parker of Virginia. Parker claimed to represent a number of Federalist Congressmen interested in abandoning Burr and "putting an end to the election." They wished to know what Jefferson's attitude would be, if elected, towards the public debt, the navy, and commerce. Smith answered that he had recently spoken with Jefferson, who lived in the same boarding house, about these very points. He told Parker that he understood Jefferson, as President, would hesitate to touch the debt, reduce the navy, or act in an unfriendly manner towards commerce. To be sure of his facts the Marylander again talked with Jefferson that evening without mentioning Parker's conversation. The next day Jonathan Dayton, a Federalist Senator from New Jersey, approached Smith with the same questions and received the same replies.[46] From these contacts Smith learned that moderate Federalists seemed more interested in future governmental policies than in keeping Jefferson from the Presidency. Moreover, the fact that Parker and Dayton approached Smith rather than the acknowledged leader of the House Republicans, Albert Gallatin of Pennsylvania, showed that Smith had clearly emerged as Jefferson's spokesman. Federalists considered the General their most reliable contact among those close to the Virginian.

Bayard, now convinced that the Federalists could not elect Burr, again approached Smith on Friday, February 13. This time the talk avoided the subject of political bribery to win support for Burr. The representative from Delaware declared that he could end the tie, but like Parker and Dayton he also wished to know Jefferson's attitude towards commerce, the navy, and the public debt.[47] As the only representative from Delaware, Bayard constituted the entire state delegation. By

[46] Deposition of Samuel Smith in the New York court case of *Gillespie v. Smith*, dated April 15, 1806, Smith Papers.

[47] *Ibid.*

switching his vote to Jefferson he could indeed have broken the deadlock in the House of Representatives. Having recently talked with Jefferson, Smith easily satisfied Bayard's curiosity on the three points of policy. But the man from Delaware was not above using his unique position to seek personal favors. Bayard also asked, as Smith recalled, what Jefferson as President would do about Federalists holding government jobs. He made specific reference to two port collectors who were close friends and political allies.[48] Clearly Bayard had made his vote for Jefferson contingent upon an assurance that these two men would not be dismissed. When Smith pleaded ignorance of Jefferson's intended policy on patronage, Bayard insisted that he approach Jefferson on the subject and bring his answer back the next day.

On Smith's report depended the outcome of the election. Should he tell Bayard that Jefferson had rejected the implied deal, the struggle in the House of Representatives would have continued. Extremist elements among the Federalists might well have tried to impose some unconstitutional settlement. The confidence of the American people in their new political institutions could have been seriously shaken and civil war possibly resulted. Rarely has so much rested on the actions of a single individual. Written several years after the event, the accounts of that critical second meeting between Smith and Bayard are contradictory. According to Smith, he told Bayard that as far as the treatment of incumbent Federalist officeholders was concerned, Jefferson did not think that such men "ought to be dismissed on political grounds only." Smith also remembered telling Bayard again that he might rest assured that Jefferson would act on the other three points as Smith said he would on the day before. The Marylander recalled that Bayard then promised that Jefferson would be elected.[49]

Bayard's own account of the meetings with Smith, also written several years later, indicates his conviction that he had, through Smith, struck a bargain with Jefferson. He claimed that he told the General at their first meeting on Friday, "I should not be satisfied nor agree to yield, till I had the assurance from Mr. Jefferson himself" that as President he would act as the Fed-

[48] *Ibid.*
[49] *Ibid.*

James Asheton Bayard. 1767-1815. By St. Memin. Md. Hist. Soc. Collection.

eralists desired on appointments, the navy, the debt, and commercial policy. According to Bayard, Smith returned the next day and said that he had conferred with Jefferson on the points Bayard had raised and was *"authorized by Jefferson to say, that they corresponded with his views and intentions, and that we might confide in him accordingly."*[50] On the word "authorized" rests the principle difference between the two stories. Was Smith in truth commissioned by Jefferson to complete the bargain with Bayard? Was Smith merely speaking his own thoughts? Did Bayard simply misinterpret what Smith told him?

The evidence indicates that Jefferson did not make a political bargain with Bayard to secure his own election. Smith later denied that Jefferson authorized any deals with the Federalists or was aware of Bayard's overtures. The Marylander claimed that he had learned of Jefferson's attitudes on the various points in general conversation, "without [Jefferson] having the remotest idea of my object." It was this information that Smith

[50] Deposition of James A. Bayard in the New York court case of *Gillespie v. Smith,* dated April, 1806, Bayard Papers. Words in italics are by the author.

said he relayed to Bayard in their two meetings. Smith asserted he never told Bayard "that I had any authority from Mr. Jefferson to communicate anything to him or to any other person."[51] Jefferson also said that he never empowered Smith to strike a bargain with Bayard.[52]

The truth of the matter can never be precisely known; it appears, however, that Smith used his role as intermediary to purposely mislead Bayard in order to bring a quick end to the election. Although aware that some Federalists wanted to conclude the contest, he still believed Burr was actively seeking the Presidency. There was no way of knowing whether Burr could still win. Furthermore, the possibility remained that the Federalists would prevent any choice at all or make one that was unconstitutional. Republicans had made it clear that such a move would lead to a breakup of the union and perhaps civil war. When the two men met that Saturday morning, the temptation Smith felt to tamper with the truth must have been great. By merely allowing Bayard to believe that Jefferson's casual references to future policy constituted a capitulation to Federalist terms, Smith could have and probably did make a significant contribution to ending the "aweful [*sic*] crisis."[53] Many years later, the Republican leader in the House of Representatives, Albert Gallatin, admitted that he believed this to be the case. Gallatin asserted that Smith misled Bayard because the Marylander erroneously feared a defection to Burr by some Republican Congressmen.[54]

The Saturday meeting proved to be decisive. After leaving Smith, Bayard wasted no time in initiating procedures to end the election. He called a caucus of Federalist House members and announced that he would vote for Jefferson, a move assuring Jefferson the ninth vote he needed for election. The Delawarean successfully won the acquiescence of many in his own party. Several Federalists later said they were willing to drop Burr after Bayard claimed that he had received "assur-

[51] Samuel Smith to Richard H. Bayard and James A. Bayard, Jr., April 13, 1830, Smith Papers.

[52] Anas, April 15, 1806, Ford, *Writings of Thomas Jefferson*, I, pp. 313-314.

[53] See Margaret Bayard Smith's notebook, Gaillard Hunt, ed., *First Forty Years of Washington Society* (New York, 1906), pp. 1-25.

[54] Albert Gallatin to Henry Muhlenberg, May 8, 1848, Henry Adams, ed., *The Writings of Albert Gallatin* (Philadelphia, 1879), I, p. 250.

ances" from Jefferson that "certain points of Federal policy . . . would be observed in case Mr. Jefferson was elected."[55] On February 17, 1801, several Federalist representatives from Maryland and New Hampshire cast blank ballots, broke the tie, and gave Jefferson the necessary margin of victory.[56] Ironically, Bayard himself had managed to avoid the embarrassment of casting his ballot for Jefferson.

Remembered principally for his role in the final scenes of the election in the House of Representatives, Samuel Smith's other labors on behalf of Jefferson and the Republican party have been largely ignored. Beginning with his talk with Benjamin Stoddert and his vigorous campaigning for Republican legislative and electoral candidates in Maryland, the General had loyally served his party. Moreover, Smith's actions in these events showed his willingness to deceive others when it suited his purposes, a fact reflected in his unauthorized negotiations with Stoddert and his prevaricative charges that John Adams was a monarchist. That Smith could and probably did mislead Bayard by allowing him to believe Jefferson had agreed to terms appears consistent with his earlier behavior.

The election of 1800 marked a major turning point in Smith's personal political career. Prior to 1800 the General had been known as an important political figure in Baltimore and a respected if obscure member of the House of Representatives. With Jefferson's victory, Smith's services merited reward. Federal patronage enhanced his power in Maryland, and the new administration listened closely to his recommendations on military and commercial policy. A grateful Jefferson pressed the Marylander to accept a Cabinet post as Secretary of the Navy, but Smith preferred to remain in the House where he soon emerged as a spokesman for the President. The election of 1800 had dramatically transformed Smith from a provincial politician of limited influence into a figure of national significance who for the next thirty years advised Presidents and helped shape government policies.[57]

[55] George Baer to Richard H. Bayard, April 19, 1830, Bayard Papers.

[56] James A. Bayard to Richard Basset, February 17, 1801, Elizabeth Donnan, ed., "Papers of James A. Bayard, 1796-1815," *Annual Report of the American Historical Association for the Year 1913* (Washington, D. C., 1915), II, p. 127.

[57] For a detailed analysis of Smith's political career in those years see Cassell, "Samuel Smith," pp. 112-137.

THE VESTRIES AND MORALS IN COLONIAL MARYLAND

By Gerald E. Hartdagen

The inhabitants of colonial Maryland had a poor reputation and were frequently characterized by contemporary writers as "immoral" and "lawless." In terms of neighboring colonies such an unfavorable assessment was probably not justified, but the image of Marylanders, in general, suffered with the "bad press" of a number of disreputable clergymen. The General Assembly of Maryland attempted to regulate the morals of the people through numerous laws which assigned primary responsibility for enforcement to the vestries of the Established Anglican Church. In the final analysis, therefore, the degree of "lawlessness" and "immorality" in the colony of Maryland must be closely related to the effectiveness of the vestries as the governing bodies of the parishes.

The Maryland vestry was composed of the parish minister, two churchwardens, and six vestrymen.[1] During the eighteenth century the duties assigned to these nine individuals increased significantly, and it should be understood that supervision of morals was only a small part of the total responsibility of the vestry for local government. It should also be mentioned that the powers of the Maryland vestry in this area were by no means unique since the vestries in England and in other colonies such as Virginia performed a similar function.

Operating as the basic unit of government, directly under the county courts, the vestries were vitally important; their assigned police powers, which enabled them to supervise the morals of the local citizenry, were essential to the orderly processes of government in the colony. How well they performed their task in four distinct areas is the subject of this study.

[1] The churchwardens and two vestrymen were elected annually by the freeholders of the parish. In practice, however, so few freeholders attended elections on Easter Monday that the vestries were virtually self-perpetuating.

I

INDENTURED SERVANTS, SLAVES AND ILLEGITIMATE CHILDREN

The morals of indentured servants and slaves were kept under close scrutiny by the vestries of Maryland. The vestries' concern in this area was the greater since the fruits of an illicit union presented them with a difficult problem. An illegitimate child born of white parents, of which one or both were servants, was a serious matter; a mulatto child, resulting from a union between slave and servant, was not only serious but abhorrent in the eyes of the white vestrymen. Every effort was made, therefore, to supervise the morals of servants and slaves and to meet quickly the special problems posed by illegitimate children.

A large number of the male inhabitants of the colony of Maryland were called before the various vestries to answer charges of improper relations with their servants. In St. Paul's Parish,

> "Thomas Tulley & Mary Freeborn being Warn'd by Mr Thos Hynson C: Warden to appear before the Vestry of the Parish Church of St. Paul's on Whitsun Monday, they being suspected of Incontinency, he the said Tulley appears & produceth an Indenture & that the Sd Mary is his Indented Servant, the Sd Tulley therefore is ordered to appear before the Next Court, with the Indenture, & that the Clk Send this Ordr of Vestry to Court, that their Worships may proceed as they see Occasion & as the Law in those Cases Directs p Order of Vestry".[2]

Since the servants involved were often the housekeepers for bachelors, it is interesting to conjecture on the manner in which initial suspicions were aroused. One can almost visualize a churchwarden peeping through the window in an attempt to catch the unwary at an indiscretion.

The vestrymen, however, were extremely lenient with wayward bachelors; the impression given is that such behavior was

[2] Kent County, St. Paul's Parish: Vestry Minutes, Vol. 2, 1693-1726, original (12927), May 17, 1714. All vestry minutes, vestry accounts, and parish registers quoted in this paper are located in the Hall of Records, Annapolis, Maryland. Since there is often no pagination, the date of entry will be given.

almost expected. It was unthinkable, in fact, that a man should be forced to give up his housekeeper prior to finding a replacement:

> 'James Maxwell appeared before the vestry according to the notice given him for unlawfully cohabiting with a Certain Susanah Rigbie his housekeeper and being admonished to put her away the vestry have given him untill the first of November next to provide himself with a Person to keep his house in her room by which Time he has promised to put the said Susannah Rigbie away."[3]

Mr. Maxwell was allowed an additional three months of "unlawfully cohabiting" with his housekeeper so that he might be spared any inconvenience.

Servant women who had illegitimate children were usually ordered by the vestry to serve an additional period of time. If the child was a mulatto, the period to be served was increased an even greater amount.[4] Mulatto children were often turned over to the minister "to be disposed of as he should think fitt."[5] It must be presumed that they were bound out to some local planter. Newton D. Mereness makes the assertion that the county court "sometimes decreed that the vestry should sell an immoral woman and her children into slavery."[6] Mereness almost certainly meant immoral servant women, but no evidence can be found in the vestry minutes to support even this interpretation of his statement. In Virginia female servants with bastard children had their period of servitude extended by two years; if the child was a mulatto, an additional five years must be served. Bastard children could be bound out by the Virginia churchwardens until they were thirty years of age.[7] When mulattoes were born to a slave mother, the vestries were not involved since these children were automatically slaves and

[3] Baltimore and Harford Counties, St. John's Parish: Vestry Minutes, 1735-1783, original (13871), August 1, 1749.

[4] See, for example: Anne Arundel County, St. James' Parish: Vestry Minutes, 1695-1793, original (12320), November 5, 1697.

[5] *Ibid.*, December 7, 1701.

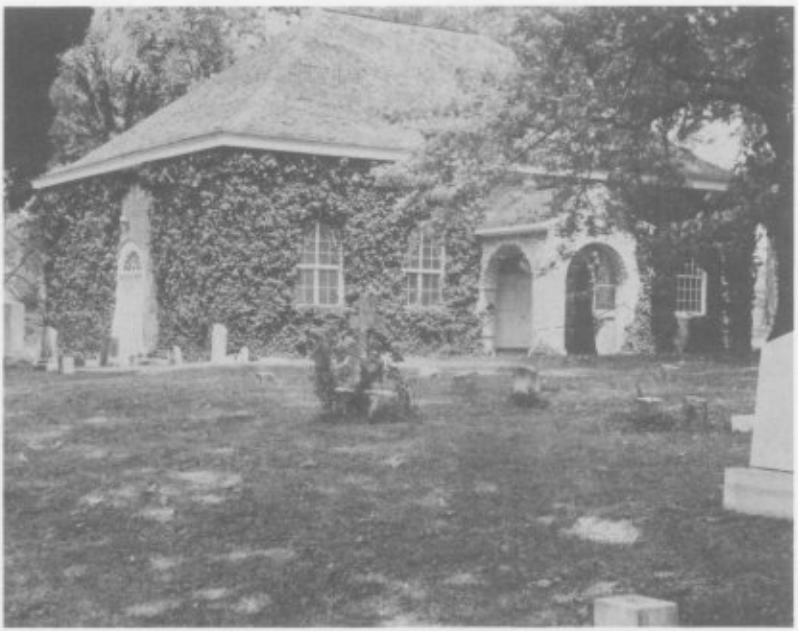
[6] Newton D. Mereness, *Maryland as a Proprietary Province* (New York, 1901), p. 412.

[7] Philip Alexander Bruce, *Institutional History of Virginia in the Seventeenth Century: An Inquiry into the Religious, Moral, Educational, Legal, Military, and Political Condition of the People,* (New York, 1910), I, pp. 83-85.

remained the property of the mother's owner. Mulattoes born to a servant, however, were technically free until bound out by the vestries.

Vestry minutes, unfortunately, do not record a sufficient number of cases to allow for a determination of the extent to which this authority was used. Except for occasional notations, as indicated above, which assigned to the minister the power to dispose of mulatto children or to order a servant to be bound out for an additional period of time, there is too little information upon which to base a sound conclusion as to the degree of enforcement. It is probable that the vestries used their legal powers in this area sparingly and that servants were not punished for immorality, unless a mulatto child was involved, and illegitimate children were not made to suffer for the mistakes of their parents.

The morals of slaves and indentured servants were viewed with concern by the Maryland vestries for a number of reasons: (1) the cannons of the Church and the enactments of the



St. James Church. Anne Arundel County. Md. Hist. Soc. Graphics Collection.

assembly which established a code of morality extended to all levels of society; (2) though difficult to prove, it may be presumed that the attitude of the vestrymen toward the dependent classes contained both religious and paternalistic sentiments which could see in moral supervision only positive benefits; (3) illegitimate children, and particularly mulattoes, were a serious social and economic problem; (4) when immorality led to pregnancy, it disabled female servants from performing the duties expected of them for an indefinite period of time. The extension of the period of indenture for servants who had illegitimate children may be seen as compensation to the owner for the time lost through pregnancy and the care of an infant; illegitimate children were bound out to their majority more from compassion than from any thought of punishment since provision had to be made for the child's physical needs.

II

MARRIAGES

Marriages in the province of Maryland were closely supervised by the vestries; their responsibilities paralleled those in England and in Virginia. Authority in this area rested on the following provisions of the Act of 1702:

> "And to prevent all illegal and Unlawful Marrages; not allowable by the Churcli of England; but forbidden by the Table of Marrages. Bee it Enacted by the Authority aforesaid; That noe Minister, Preist or Magistrate shall Presume to joyne Together in Marriage any Person whatsoever Contrary to the Table of Marriage: by this Act appoynted to be sett up; in Every Parish Church wth in this Province; under the penalty of ffive Thousand pounds of Tobo Nor shall any Person fforbidden to Intermarry by such Table of Marriage prsume to be joyned in Marriage under the Like Penalty of ffive Thousand pounds of Tobo . . . And be it likewise Enacted by the Authority aforesaid; Tht in every Parish where any Minister or Incumbent shall reside & have charge of Souls therein; noe Justice or Majestrate being a Lay man shall Joyne any Person in Marriage; Under the Penalty of ffive Thousand Pounds of Tobo ffor such Offence."[8]

[8] William H. Browne, et. al., eds., *The Archives of Maryland* (70 vols. to date, Baltimore, 1883 to present), XXIV, p. 267. Hereafter cited as *Arch. Md.*

After having procured a table of marriages and placing it where all could see, the vestries had to make sure that it was observed by the parishioners. Vestry minutes indicate that this duty was faithfully carried out; they also show that many of the inhabitants either did not read the table of marriages or else they decided to disregard it. Certain of the prohibited degrees of marriage would not be considered necessary today. For a man to marry his deceased wife's sister, for example, would be perfectly acceptable now, but in the seventeenth and eighteenth centuries this would have been viewed as scandalous. As a matter of fact, even a distant relationship on the wife's side was sufficient to make a marriage illegal. The vestry of St. John's Parish "Ordered that summons Issue for Jacob Jackson and his present wife who was niece to his Deceased wife to show cause if any why they shall not be prosecuted according to Law, for Marrying Contrary to the Table of Mariage." When the couple appeared, they had "no Legall Defense to make and it fully appearing that they have married contrary to the Table of Marrage it's ordered that there be an Information made thereof to the next County Court to be helf for Baltimore."[9]

In nearly all cases of marriages within a prohibited degree, the only alternative offered to the guilty parties, other than presentation to the county court, was for them to agree to separate:

> "John Giles appeared according to his summons from the Vestry for Marrying Hannah Scott sister of His late wife Deceased, and being admonished to put her away has refused to do it therefore the Vestry hereby orders the Clk to make Presentment to the Grand Jury against the said Giles & said Hannah Scott, as haveing offended against the Act of Assembly in that case made and provided."[10]

The most frequent type of entry in the vestry minutes simply states that it was "agreed to prezent William Merritt & his present wife Martha the Daughter of Benjn Vansant & the

[9] Baltimore and Harford Counties, St. John's Parish: Vestry Minutes, 1735-1783, original (13871), April 3, 1744, and May 1, 1744.
[10] *Ibid.*, September 1, 1752.

Grand Daughter to the aforesd William Merritts former wife, for There Intermarrage togeather Contrary to the Rules & Cannons of the Church."[11]

Occasionally when doubts arose as to whether a couple were married, or living together in sin, they were ordered by the vestry to offer proof of their relationship: "Thomas Combest being Summon'd to meet the Vestry on this day appeared and produced a Certificate of his Marriage with Elisabeth Thornbury on the Twentyeth of November Anno Dom 1735 the Rites of Marriage Performed by Elisha Gatchell Justice of the Peace in ye Province of Pennsylvania."[12] The vestry also watched carefully to see that marriage rites were performed only by those qualified by law. The vestry of St. Paul's Parish ordered "That Mr Wm Coursey [a justice of the peace and also a former vestryman] be sued for marrying Mr Robt Grundy contrary to an Act of Parliament for that Purpose & that Mr. Peck bring an Action of Debt for the breach thereof."[13] When the parish had a resident minister, he alone had the legal right to conduct a marriage ceremony.

The Maryland vestries had extensive supervisory authority over marriages. Their responsibilities included the procuring and posting of a table of marriages, the investigation of cases involving a violation of this table with guilty parties being given the option to separate or be presented to the county court for punishment, the calling for written proof of a legal marriage from couples suspected of living together out of wedlock, and the prosecution of persons guilty of performing an illegal wedding ceremony. Numerous entries in the vestry minutes indicate that parishioners were not always deterred from violating the prohibitions of the table of marriages. The records also attest to vigorous enforcement of the marriage laws by the colonial vestries. Although there were very few cases which today would be viewed as involving an incestuous relationship, they were regarded as serious transgressions of the moral law in the eighteenth century. Only close surveillance by the vestries led

[11] Kent County, Shrewsbury Parish: Vol. III, Vestry Register (Minutes), 1745-1794, original (13091), November 19, 1775.

[12] Harford County, St. George's Parish: Vestry Minutes A, 1718-1771, original (12211), April 11, 1737.

[13] Queen Anne's County, St. Paul's Parish: Vestry Minutes, 1694-1762, original (D376 (1)), January 1, 1704/5.

to the punishment of the offenders and helped to reduce the incidence of such infractions.

III

ADULTERY AND FORNICATION

The moral offenses which appear to have been the most prevalent in the colony of Maryland, and which occupy a large portion of the vestry minutes, were adultery and fornication. The number of terms used to describe the latter of these two acts, such as "unlawful cohabitation", "living incontinently", "an unlawful communication", "unlawful practices", and "keeping company", should not obscure their meaning. By investigating and suppressing these moral infractions, as defined by legislative enactment, the vestries rendered an important service to the community.

A number of laws were passed which assigned to the vestries extensive authority to deal with adultery and fornication. An act of 1704 states that:

> "whosoever shall directly or indirectly entertain or provide for or cause to be entertained and provided for any lewd woman or women or that shall frequent her or their company after that Admonition to him or them be given by the Minister or the Vestry or the Church Warden or Church Wardens of the Parish where such person or persons shall inhabitt shall be adjudged a ffornicator or Adulterer as the Case shall be and shall suffer such Penaltys as by this Law is hereafter appointed."[14]

An admonition was to be accepted as evidence of guilt by the county court when persons were presented for disregarding the injunctions of the vestry. Heavy fines could be levied by the court, and, in default of the fine, adulterers and fornicators could be "whipped until the blood ran." Corporal punishment was not abolished for these offenses until 1749.[15]

[14] *Arch. Md.* XXVI, p. 342.

[15] For the penalties which could be imposed on adulterers and fornicators see: *ibid.*, XXVI, p. 342.

In 1712 the exact procedure to be used by the vestries was clearly stated:

> Be it therefore Enacted . . . That It shall and may be lawfull for the Minister Vestry & Churchwardens of any parish where there is a Minister and for the Vestry and Churchwardens where there is noe Minister before any Admonicion by them or any them given in pursuance of the direccions of the aforemencioned Act to give Notice or cause notice to be given to any person or persons by them or the Major part of them Suspected of Lewdness or Incontinency & being Resideing within their respective parishes to appeare before them or the Major part of them at such Time & place As they or the Major part of them shall appoint, and on the Appearance of such person or persons to Acquaint them of the suspicion that is had of them and to heare what reasonable Excuse such persons shall offer why they ought not to be proceeded against according to Law as Fornicators or Adulterers As the Case shall happen. And in Case the person or persons haveing such Notice given them shall not appeare according to such Notice on affidavit of such Notice given or appearing doe Not Excuse or Acquitt themselves of the Grounds of such Suspiccon in such Manner As such Minister Vestry and Churchwardens As aforesd shall approve, That then it shall and may be lawfull for such Minister Vestry & Churchwardens or the Major part of them As aforesd. And they are hereby required to Admonish such person or persons according to the direccions of the aforemencioned Act which Admonicion together with proof of the Cohabitacion of the parties soe Admonisht or they frequenting the Company of each other Contrary to and after such Admonicion given shall be sufficient Evidence in any Court of this Province to Convict the psons soe Cohabiteing or for frequenting each others Company after such Admoniccion as aforesaid of Fornicaccion or Adultery As the Case shall happen and Subject them to the penalties Exprest on the afore mencioned Act for punishing the offenses of Adultery & Fornicacion Any Law Statute or Custome to the Contrary Notwithstanding.[16]

Adultery must have been extensively practiced in colonial Maryland. Such a statement could be amply supported by the number of cases dealt with by the vestries. It should be clear, however, that not every adulterous relationship came to the

[16] *Ibid.*, XXXVIII, p. 153.

attention of the vestries. Many injured parties preferred to handle this situation in their own way, and others wished to avoid the notoriety certain to attend action by the vestry. There must also have been numerous occasions when the moral offense went undiscovered and unpunished. If the known cases of adultery are added to those which must be assumed, there is justification for believing that the Sixth Commandment was a frequently evaded religious precept.

St. Andrew's Church. Md. Hist. Soc. Graphics Collection.

A few examples may serve to illustrate the type of entry found in the vestry minutes concerning adultery. A case in St. Anne's Parish is recorded in the following terms: "It being represented to this Vestry that a Certain Wm Organ unlawfully Cohabits with Eliz. Johnson the wife of Geo. Johnson. It is ordered that the Regr give the said Organ & Johnson Notice to appear before this Vestry at their next Meeting to answer the premisses afd."[17] Often, as on this occasion, the minutes do

[17] *Anne Arundel County, St. Anne's Parish: Vestry Minutes, 1713-1767*, original and photostat (D15 (5)), November 13, 1732.

not provide information on the manner in which an offense came to the vestry's attention. The comment "It being represented to this Vestry" probably, but not necessarily, indicates that the charge was made by an informer. At other times the vestry was asked to act by an injured party. In St. James' Parish a complaint was made by Alexander Chappoll that his wife was "meeting with and cohabitting with" George Symons. The vestry ordered the minister and churchwardens "to admonish them to forbeare frequenting or cohabitting one anothers company."[18] An entry in the vestry minutes of St. John's Parish points out that witnesses were usually called by the vestry to give testimony against the accused:

> "It appearing to the Vestry here by the Information of a Certain Sarah Elliott yt her husband John Elliott unlawfully Cohabits with a Certain Ann Elliott the wife of a Certain Geo. Elliott upon which it is ordered that Summons Issue for the said Ann and John to Answer the afd Information—and that summon's Issue for George Elliott, Frances Williams and Sarah Elliott as Evidencers."[19]

There are ample reasons for believing that the vestries did not admonish or take further action simply on the basis of hearsay evidence, and the accused parties were always allowed to refute the charges against them. When, however, suspected individuals failed to answer a summons, the vestries felt that this was a sound presumption of guilt.

Cases involving fornication were treated in the same manner as those of adultery, and, in fact, the two offenses were not clearly distinguished. In All Saints' Parish, for example, it was

> "Order'd that Richard Stallings Clk of the Vestry Summons Thomas Stallings and Grace Howard, John Hermodine and Elizabeth High, and Robert Allen and Sarah Pound to be and appear at the next Vestry of All Sts Parish . . . to show Cause why they Cohabit together Incontinently a ffornicators and Adulterors Repugnant to Law in that Case Provided &c."[20]

[18] Anne Arundel County, St. James' Parish: Vestry Minutes, 1695-1793, original (12320), August 14, 1698.

[19] Baltimore and Harford Counties, St. John's Parish: Vestry Minutes, 1735-1783, original (13871), August 2, 1743.

[20] Calvert County, All Saints' Parish: Vestry Minutes, 1720-1753, original (12472), July 20, 1731.

St. Anne's Church. Annapolis. Md. Hist. Soc. Graphics Collection.

Adultery can usually be identified, however, since suspects were listed as the wife or husband of another individual.

Vestry minutes almost never contain more than the essential information pertaining to a case. Two illustrations will show rather full accounts of action by the vestry. On June 20, 1758, in St. Andrew's Parish, it was "Ordered, That Stourton Edwards and Barbara Edwards be Summoned to appear at a Vestry to be held the Second Tuesday in July next to Answer unto the said Vestry for unlawfull Cohabiting together." On the appointed day "Stourton Edwards appeared before this present Vestry to answer the Charge of unlawful Cohabition with Barbara Edwards, and the said Vestry being dissatisfied with his Defense, gave him an Admonition according to law Stourton Edwards informed the Vestry that Barbara Edwards could not attend being Indisposed."[21] In St. James' Parish the vestry ordered John Connor summoned before it

[21] St. Mary's County, St. Andrews' Parish: Vestry Minutes, 1753-1895, original (12673), June 20, 1758, and July 11, 1758.

"to answer to such things as shall be objected agt him in relation to his keeping Company in an unlawfull mannor wth one of Wm Doves Daughter—Whereupon this Vestry as the Law directs admonished the said John Conner, for such his unlawfull Cohabbitting as aforesaid, upon wch admonition, the said John Conner promised, that for the future he will not keep Company wth the said Willm Doves Daughter, wch answer being satisfactory this Vestry has discharged the said John Conner."[22]

It is, perhaps, fortunate that the vestry clerks did not give a more detailed account of moral offenses for, had they done so, the vestry minutes would have assumed voluminous proportions.

Many vestries felt called upon to record only the barest mention of their action. Entry after entry states merely that "Dr Andrew Imbert & Margaret Mireux, Edward Stevenson and Alice Mitchell be admonished for incontinent living," or "That Mr Thos Emerson Admonish David Wilson & Tirence Sue; Ralph Stevensen & Ann Netus, Robert Burden & Mary Stevenson for Cohabiting together."[23] These abbreviated comments do not necessarily mean that the vestries did not follow the prescribed procedure for dealing with adultery and fornication. Problems of space and the repetitious nature of the proceedings made a simple recording of the action both efficient and sufficient.

On the basis of the evidence presented in the vestry records, it should be fairly easy to substantiate the contention that the people of colonial Maryland were grossly immoral when judged in terms of the standards set by the enactments of the Maryland Assembly. According to the laws of Maryland, which reflected the concept of morality found in the cannons of the Anglican Church and which was not in disagreement with the moral codes of the Quakers and Puritans, adultery and fornication were serious offenses. The prevalence of adultery and fornication justifies the use of the term immorality inasmuch as these infractions were defined in this manner by the General Assembly of the province. Understood in these terms, immorality was widespread in Maryland, though probably to no

[22] Anne Arundel County, St. James' Parish: Vestry Minutes, 1695-1793, original (12320), March 26, 1733, and April 3, 1733.

[23] Queen Anne's County, St. Paul's Parish: Vestry Minutes, 1694-1762, original (D376 (1)), February 6, 1704/5, and April 3, 1705.

greater extent than in colonial Virginia.[24] Obviously, a detailed analysis of the morals of the province would be out of place in this study; a closer look at one parish, however, will show the degree with which practice was at variance with legal and religious standards of morality.[25]

St. Paul's Parish in Kent County had a population in 1714 of between 1,800 and 2,000.[26] The parish, therefore, had roughly the number of people which today would constitute a village or small town. The minutes from a single session of the vestry, and other sessions could just as easily have been chosen, will illustrate the extent of immorality. The reader would do well to keep in mind the comparison of the parish with a small town of today. Vestry minutes of May 17, 1714, are as follows:

> Bartholomew Brown & Sarah Hollis being Warn'd by Mr Thos Hynson C:Warden to Appear before the Vestry at the Parish Church of St. Paul's on Whitsun Monday they being suspected of Incontinency & sd Bartholomew appears & is admonished to live separately & not Cohabit together, & he the Sd Bartholomew doth promise Sd Vestry to turn Sd Sarah Hollis from his house so soon as he doth go home upon pain & Perill that shall fall thereon
>
> Josias Sarmum & Frances Crawford being Warned by Mr Thos Hynson C:Warden to appear before the Vestry at the Parish Church of St. Paul's on Whitsun Monday, they being suspected of Incontinency, the sd Josias & Frances appears & is admonished by this Vestry Henceforward to refrain Each other's Company & not to Cohabit upon Pain & Peril that shall fall thereon.
>
> John Underhill Jr & Katherine Hopkins being warn'd by Mr Michll Hacket C:Warden to appear before the Vestry at the Parish Church of St. Paul's on Whitsun Monday, they being suspected of Incontinency, the Sd John & Katherine appears & is admonished by this Vestry henceforward to refrain the Company of Each other, & not to Cohabit together upon pain & peril that shall fall thereon.
>
> And Kathne Hopkins is Admonish'd by this Vestry to refrain the Company of John Reddish, or Cohabiting together at any-

[24] See, for example: Bruce, *Institutional History of Virginia*, I, pp. 28-93.

[25] For two other parishes with widespread immorality see: Queen Anne's County, St. Paul's Parish: Vestry Minutes, 1694-1762, original (D376 (1)); and Kent County, Shrewsbury Parish: Vol. II, Vestry Register (Minutes), 1701-1730, original (13090).

[26] Derived from multiplying the number of taxables by three.

time anymore from Henceforeward upon pain & peril that shall fall thereon.

William Brown & Jane Rawlins being warned by Mr Michll Hacket C:Warden to appear before the Vestry at the Parish Church of St. Paul's on Whitsun Monday they being suspected of Incontinency The Sd Brown appears & the Vestry doth admonish Sd Brown to put away the Sd Jane Rawlins that Day Month that she is brought to Bed, & from thenceforward to Refrain Cohabiting, Entertaining or Keeping her Company anymore upon pain & peril that shall fall thereon.

James Meeks being Warned by Mr Michl C:Warden to meet the Vestry at the Parish Church on Whitsun Monday he being Suspected to live Incontinently wth Mary Oneal, the Sd Meeks doth not appear. It is therefore Order'd by this Vestry that a return be made to Court, that he the Sd Meeks may be prosecuted according to Law in that Case Provided.

Thomas Tulley & Mary Freeborn being Warn'd by Mr Thos Hynson C:Warden to appear before the Vestry at the Parish Church of St. Paul's on Whitsun Monday they being Suspected of Incontinency, he the Said Tulley appears & produceth an Indenture & that the Sd Mary is his Indented Servant, the Sd Tulley therefore is order'd to appear before the next Court, with the Indenture, & that the Clk Send this Ordr of Vestry to Court, that their Worships may proceed as they see Occasion & as the Law in those Cases Directs p Order of Vestry.[27]

Here we have the spectacle of thirteen persons being charged with adultery or fornication in a single session, and these are only a small portion of the men and women accused of having committed moral offenses during the year. Imagine the impact on a town today, with a population of 1,800, if thirteen individuals in one month were charged with serious moral offenses. Two interesting observations may be offered about this situation. If the cases found in the vestry minutes represent only a portion of the acts of adultery and fornication which were committed, the total number of such actions must have been staggering. On the other hand, if most of the illegal acts were being uncovered and punished, then the vestries were doing an extremely able job of policing the moral life of the community.

[27] Kent County, St. Paul's Parish: Vestry Minutes, Vol. 2, 1693-1726, original (12927), May 17, 1714.

When moral offenders did not respect the authority of the vestry, they were turned over, or "presented," to the county court for punishment. Persons suspected of illegal acts sometimes did not appear before the vestry upon being summoned to do so; certain individuals adjudged guilty of immorality refused to heed the instructions of the vestry; and there were those, who having promised to mend their ways, reverted to practices for which they had been admonished by the vestry. Occasionally the vestry noted the specific reason for presentation to the county court: "Then was William Boosley Mary Brown Robt Collings & Anne Sibe Returned to Court for not Separating and Refraining each others Company according to their promisses made to ye Vestry."[28] Usually, however, the violations leading to the vestry's actions were not recorded. "Then was a Vestry held in Order to present Sundry persons to the Grand Jury of Kent County Court Viz. John Gyant & Ann Toulson Likewise Thos Price and Eliz Schags, as also John Thrift and Mary Sympson all for their unlawful Cohabitation."[29]

It is not possible, of course, to accurately determine the effectiveness of the vestries in deterring the commission of moral offenses. The number of cases of adultery and fornication which were undiscovered by the vestries must remain a matter of guesswork, but there was almost certainly a great many. The majority of moral offenders were punished only to the extent of admonition. Only those persons who were openly contemptuous of the vestries' authority or who reverted to their previous errors were fined or whipped. These facts might easily lead to the assumption that the vestries were, at best, an irritant to a people who showed such open disregard for the prohibitions against adultery and fornication. A more reasonable conclusion, however, would be to see the vestries as positive instruments for good and as the one force which was capable of checking those tendencies which were defined as immoral by both the cannons of the Established Church and the laws of the provincial assembly. The Anglican clergy could not effectively inculcate high moral principles since too many of this persuasion were noted

[28] Harford County, St. George's Parish: Vestry Minutes A, 1718-1771, original (12211), June 6, 1737.

[29] Kent County, Shrewsbury Parish: Vol. III, Vestry Register (Minutes), 1745-1794, original (13091), March 9, 1755.

St. James Herring Creek. Anne Arundel County. Historic American Buildings Survey.

for their immorality. It is to be doubted that any other agency of government could have enforced the laws pertaining to morals as adequately or as effectively as the vestries. There is at least a possibility that an absence of restraint would have led to an even higher incidence of fornication and adultery, and such a state of affairs could hardly have been desired by any of the responsible persons in the colony of Maryland.

IV

DRUNKENNESS, PROFANITY, AND OTHER MINOR OFFENSES

The Maryland vestries had no authority to punish murder, thievery, or many other criminal actions. They were, however, indirectly involved with the punishment of drunkenness, profanity, and other minor offenses. Persons who used profanity

or who cursed within hearing of a minister, churchwarden, or vestryman were to be fined two shillings and six pence current money for the first offense and five shillings for every offense thereafter. Cases of drunkenness were to be subject to the same fines. Offenders who could not or would not pay their fines could be placed in the stocks for an hour or, until 1749, whipped. Whippings were carried out by the constable or, in his absence, by a deputy constable appointed for the occasion. Thirty-nine lashes were the maximum which could be administered.[30]

It might be presumed from the above punishment that drunkenness and profanity were considered more serious than adultery and fornication. This was not true. The approach to adultery and fornication was quite different, and first offenders were admonished in an effort to get them to amend their ways. When admonition did not have the desired effect, the punishment which could be meted out by the county court far exceeded that prescribed for profanity and drunkenness.[31]

The power to punish profanity and drunkenness was assigned to the aforementioned individuals as officers of the colony rather than to the vestry. For this reason no mention is made in the vestry minutes concerning the punishment of these offenses. There is no way of determining, therefore, the degree of enforcement which was obtained. In St. George's Parish the vestry fined Abraham Lord five pounds for being drunk.[32] This situation was unusual, since he was drunk in church and was obviously subject to action by the entire vestry.

Mention should be made of a different form of punishment occasionally used by the vestries. Aside from the powers assigned to them by the General Assembly, the vestries had ecclesiastical authority which allowed them to impose penance. Penance was a form of censure which often carried with it certain penalties. Performance of penance, however, did not relieve an offender from further prosecution by the civil authorities, if such was called for. The following entry illustrates both penance and the possible civil punishment for the same offense:

[30] *Arch. Md.*, XXX, pp. 244-245.
[31] These penalties are given in *Arch. Md.*, XXVI, p. 342.
[32] Harford County, St. George's Parish: Vestry Minutes A, 1718-1771, original (12211), April 8, 1750.

"The fifth day of July last came James Campbell to ye Communion table and asked parden of Col Blay and Mr. William Comegys for calling them murderers of ye parish: at ye same place the aforesaid Campbell did condescend to pay what Charge should Increw upon him for his fault."[33]

The vestries of Maryland had extensive police powers with which to uphold the laws of the province pertaining to morals; their authority in this area did not differ from that of the Virginia and English vestries. Their duties ranged from the punishment of drunkenness and profanity, as individual civil officers, to collective responsibility for the suppression of the serious moral offenses of adultery and fornication. The sheriffs, constables, and justices of the peace would have been overwhelmed if these duties had been placed upon their shoulders. The vestries were the only bodies capable of effectively performing these diverse functions. There can be little question but that they did an exceptionally able job. If they were unable to effect a moral reformation, they at least reduced the incidence of immoral acts which were undesirable in terms of the standards set by the eighteenth-century Maryland assembly.

[33] Quoted in Edward Ingle, *Parish Institutions of Maryland: With Illustrations from Parish Records,* in *Johns Hopkins University Studies in Historical And Political Science,* I, No. 6 (Baltimore, 1883), p. 21.

THE LAST GREAT CONCLAVE OF THE WHIGS

By CHARLES R. SCHULTZ

THE Whig Party—formed in the early 1830's from former National Republicans, remnants of the Anti-Masonic Party, and various other anti-Jacksonian factions—served primarily as an opposition party during its twenty-odd years of existence. Once in 1840 and again in 1848 it succeeded in electing its candidates to the presidency. Neither William H. Harrison nor Zachary Taylor, both of whom were military heroes, completed his term of office. Of the two most prominent Whigs, Daniel Webster and Henry Clay, only the latter ever received his party's nomination. In 1850 Congress passed a series of compromise measures, initiated by Henry Clay, in an effort to stem the growing tendency toward separation of the Union over states' rights and the extension of slavery. These measures played a major part in the outcome of the Whig convention in 1852.

Ominous warnings from both North and South were in the air as the Whigs of the nation gathered in Baltimore around the middle of June in 1852 to nominate their presidential candidate. Northern Whigs, especially in New York, were divided into Cotton and Conscience Whigs, or Silver Greys and Woolly Heads, or supporters and opponents of the Compromise of 1850. Southern Whigs, though almost unanimously in favor of the Compromise, were undecided as to whether they should remain in the Whig Party, continue in and expand the local Union Parties organized in 1850, or shift to the Democratic Party. Nearly all returned to the fold, although some did not decide to attend the Whig convention until a few days before it opened.[1] Even the Congressional caucus of the Whigs which set the date and place of the convention was disrupted over the Compromise measures.

[1] Washington *National Intelligencer,* January-June, 1852, *passim.* The paper gives scattered reports on state Whig conventions.

Actually there were two caucuses called before the date and place of the convention were decided. The first met on April 9, but was adjourned early as the chairman, Willie P. Mangum, Senator from North Carolina, decided that nothing could be accomplished. Possibly the poor attendance also had something to do with the early dismissal. Before the members departed, Humphrey Marshall of Kentucky gave notice that he would bring up a resolution at the next meeting on April 20 inviting the Whig National Convention to endorse the Compromise measures.

The second caucus was even less well attended than the first with only seventy-five of 116 Whigs in attendance. Seventeen of these left before the meeting was adjourned. Southern members were most conspicuous by their absence, although some Nothern members, the most important of whom was William H. Seward, were also absent. As soon as the meeting was called to order, Edward Stanley of North Carolina moved that the convention be held in Baltimore beginning on June 16. True to his promise, Marshall introduced his resolution regarding the Compromise but was declared out of order. Chairman Mangum ruled that the meeting had been called for the sole purpose of setting the time and place of the convention, and, according to the Rules of the Senate which they had adopted, all other matters were automatically out of order. Marshall appealed the decision but was voted down; nearly all the opposing votes came from the Northern states. After this, M. P. Gentry of Tennessee introduced a resolution stating that Whig members of Congress were not to be understood as pledged to support the nominees of the convention unless they agreed to the Compromise measures. Gentry was also ruled out of order. Finally Stanley's original resolution was approved. Other cities mentioned, though not considered seriously, included Cincinnati, Louisville, Pittsburgh, and Philadelphia.[2] Baltimore was the only logical choice because it was a "center of extended and convenient system of rapid and easy communication;" it was surrounded by "healthful political influences;" its citizens were very hospitable and courteous; and it had an

[2] *Ibid.*, May 8, 1852. The *National Intelligencer* gave the proceedings of both caucuses; M. W. Cluskey, *The Political Textbook, or Encyclopedia* (Washington, 1857), pp. 607-608.


THE FOURTH ANNUAL EXHIBITION
OF THE
MARYLAND INSTITUTE
FOR THE
PROMOTION OF THE MECHANIC ARTS
Will be opened in the City of BALTIMORE, on Monday, October 20th, 1851.

The Maryland Institute for the Promotion of the Mechanic Arts. Baltimore. 1851. Broadside Collection. Md. Hist. Soc.

ideal meeting hall in the Maryland Institute. The hall measured some three hundred feet in length and was approximately fifty feet in width.[3]

A few days after this action was taken, a group of Whigs issued a memorial justifying the action of Marshall and Gentry in the Whig caucus.[4] This led one writer to assert that the party was "*quartered*; one-fourth of them having published a manifesto, two-fourths having remained silent, and one-fourth, with an India rubber stomach, having swollowed [*sic*] Seward, Stevens, free-soil and all."[5] Despite its interest, this statement was not wholly true, since the group which issued the memorial was far from being one-fourth of the Whigs in Congress. There is no way of determining exactly how many Whigs "swallowed"

[3] Baltimore *Sun*, April 27, 1852, editorial; *National Intelligencer*, June 18, 1852.
[4] *The Slavery Question, 1852*, pp. 37-44 and 321-328. This volume is a collection of speeches, primarily in Congress, most of which were printed by the Globe Printing Company.
[5] *Sun*, April 30, 1852, editorial.

the doctrines of Seward; however, the votes in the convention seem to indicate that the number was over one-fourth.

Delegates to the convention were chosen by state conventions, by district meetings, or a combination of the two. Most of the Southern ones were appointed by state conventions, probably by custom and partly because the opening of the convention was near at hand when they decided to participate. Some of these delegations were selected as late as June 10. Several Southern states decided to participate in the convention only after Southern Union Democrats attended the regular Democratic convention; thereby taking away a large portion of the support Southern Whigs had counted upon. Although most of the Northern delegates were chosen by district meetings of popularly elected delegates, some few were appointed by state conventions. In Vermont there was a combination of the two methods, but this was an unusual case.[6]

There was no uniformity among the states with regard to the unit rule and instructions to delegations. Without exception the Southern delegations were instructed to support the nomination of someone "unequivocally in favor" or "known to be in favor" of sustaining the Compromise measures. In nearly all cases this meant Millard Fillmore. Some Northern delegations were instructed to vote under the unit rule, and most Southern ones did so, whether told to do so or not. The middle Atlantic and Middle Western delegates were largely pledged to Winfield Scott, whereas those from New England, with the exception of Maine, favored Daniel Webster. Nearly all the Fillmore and Webster supporters favored acquiescing in the finality of the Compromise measures, whereas a large portion of those who backed Scott opposed doing so, even though Scott seemingly was willing to go along with the measures.[7]

Delegates began congregating in Washington and Baltimore three or four days before the convention was scheduled to open. The Baltimore & Ohio, Baltimore & Susquehanna, and Philadelphia, Wilmington & Baltimore railroads conveyed large numbers of delegates, alternates, and visitors to the convention

[6] Arthur Charles Cole, *The Whig Party in the South* (Washington, 1913), pp. 241-242; *National Intelligencer* and *Sun*, January-June, 1852, *passim*.

[7] Cole, *Whig Party in South*, pp. 242-244. Occasionally during the balloting a state inquired whether it might discontinue voting under the unit rule. The decision was left to each delegation.

city. Several stages, mostly from nearby towns, but some from as far away as Gettysburg and Chambersburg, Pennsylvania arrived in Baltimore daily or three times a week, probably via the National Road. Some delegates undoubtedly arrived aboard the ships of the Citizens' Union Line, the Great Daily Line (Baltimore Steam Packet Company), Great Southern Mail Line, Petersburg & Richmond Transportation Line, and Baltimore & Philadelphia Steamboat Company, or aboard any of several individual vessels, including the *Maryland,* the *Cambridge,* the *Planter,* the *Mary Washington,* or the *Portsmouth.* Upon their arrival in Baltimore, the delegations registered in any of several good hotels, among which were Barnum's City Hotel, Henry F. Jackson's Eutaw House, Gilman's Washington House, Howard House, Fountain Hotel, Globe Inn, Smith's American House, J. P. Bayless' Western Hotel, Grey's United States Hotel, M. Jamart's Exchange Coffee House, or J. McIntosh's Wheatfield Inn.[8]

Some of the more important delegations, such as those of Pennsylvania, New York, and Massachusetts, were met by large groups of Baltimore Whigs with bands, banners, and transparencies. Similar meetings were conducted each evening of the convention for all three candidates. Although the delegates were divided into three distinct groups, they intermingled in the hotels in which they stayed. Some supporters of each of the three aspirants stayed at Henry F. Jackson's Eutaw House and Barnum's City Hotel, Baltimore's largest. Each of the three groups held its caucuses in Carroll Hall, though they did occupy different floors. Fillmore's supporters occupied the main saloon and Webster's group the floor above. On occasion they met together. No indication was given as to which part of Carroll Hall was used by the Scott backers.[9] It has been said of these indoor caucuses and the outdoor meetings that followed them, that the Webster meetings were the noisiest,

[8] *Matchett's Baltimore Directory* (Baltimore, 1849-1850), p. 402 and appendix, pp. 11-14; *Sun,* June 14, 1852; *A Guide to the City of Baltimore* (Baltimore, 1869), pp. 97-102 gives the capacity of some of the hotels, such as Barnum's City Hotel—500, Eutaw House, Howard House, and Maltby House—300 each, and Fountain Hotel—150 rooms.

[9] *Sun,* June 14 and 15, 1852 contained notices to the Whigs of Baltimore to gather in various places to meet these delegations as well as a resumé of which delegations registered where. See also James Ford Rhodes, *History of the United States From the Compromise of 1850* (New York, 1902), I, p. 253.

while the Fillmore ones were the most bitter, and the Scott ones seemed the most confident.[10]

When a delegation arrived in town, the chairman was requested to go to the office of the arrangement's committee at the Maryland Institute and present a list of his people. After that, each delegate could present his credentials and receive his ticket and other pertinent materials, or the chairman could secure the necessary items for his entire party. Immediately there arose a question over how to distribute tickets, for some delegations were over-represented. The arrangement's committee decided to give tickets to every delegate who had proper credentials. Pennsylvania and New York protested against this but were finally satisfied when the convention decided to limit each delegation to the number of electoral votes of the state.

Barnum's City Hotel. Calvert and Fayette Streets, Baltimore. Md. Hist. Soc. Graphics Collection.

[10] New York *Herald,* June 16, 1852, and *Sun,* June 14 and 15, 1852.

Seating in the convention hall was at a premium. In the center of the hall was a raised platform which had been constructed to accommodate delegates and newspaper reporters—the latter numbered over one hundred. Since the platform did not take all the available space on the main floor, there was some room for general spectators here. The entire east gallery was reserved for ladies and gentlemen accompanying them. No indication was ever given as to how these guests secured their tickets, if they were necessary. Holders of complimentary tickets, including alternate delegates, members of Congress, general representatives of the press, city authorities, Whig state central committee members, Whig city convention delegates, and managers of the Institute, were given the entire west gallery.[11] Despite the intense heat which lingered on during most of the convention, the hall was crowded during every session. There was also a crowd milling around outside since there was not enough room to accommodate the estimated ten thousand people who desired admission.[12]

Before the delegates began arriving and while they were doing so, a large committee of Whigs under the direction of William Prescott Smith was busy decorating the hall and making other preparations for the convention. William Bayley supervised the building of a raised platform in the center of the hall with seats in several tiers so that all the delegates would be able to see the chairman at all times. This platform was designed to accommodate 612 delegates and reporters on 102 settees. The whole area was carpeted, as was the remainder of the floor of the hall and the floor of the galleries, in order to keep unnecessary noise at a minimum. Seats were placed on the floor of the hall and in the galleries to accommodate visitors. Other conveniences included a liberal distribution of palm leaf fans and an abundant supply of ice water.[13]

[11] *Sun,* June 12 and 15, 1852; *National Intelligencer,* June 16, 1852; New York *Daily Times,* June 16, 1852.

[12] Allan Nevins and Milton Halsey Thomas, eds., *The Diary of George Templeton Strong* (New York, 1952), II, pp. 96-97; Robert J. Rayback, *Millard Fillmore,* vol. XI of the *Publications of the Buffalo Historical Society* (Buffalo, 1959), p. 354. All the newspapers consulted gave some information on the weather, and the attendance was reported by the *Daily Times* most regularly and completely.

[13] *Sun,* June 16, 1852; *National Intelligencer,* June 17, 1852. Tanbark was spread on nearby streets to prevent passing carriages from disturbing the convention proceedings.

A rostrum containing elaborate furniture, built by A. and J. B. Malthiot for the chairman and other convention officers, was constructed on the west side of the platform. Immediately behind and above the rostrum was a full-length portrait of George Washington, "tastefully draped with flags." On each side of this portrait were banners expressing the two great mottoes of the Whigs: "*The Union of the Whigs for the sake of the Union,*" and "*Liberty and Union, now and forever, one and inseparable.*" Somewhere between these was a golden eagle with unfolded wings that looked "over the glowing scene with hopeful and expectant eye." Across the hall was a portrait of Henry Clay, also draped with flags. Bunting was hung from the cornice of the ceiling and from the fronts of the galleries. Flags and "other appropriate devices" were used to decorate the ends of the hall. After the convention was in session, engravings of Webster, Scott, and Fillmore appeared throughout the hall. By Wednesday noon all was in readiness for the delegates to begin their deliberations. A couple of hours before the time established for the opening of the first session, delegates and visitors poured into the hall in large numbers.[14]

Even though the opening time of the convention had definitely been set at noon on June 16, the first session was called to order ahead of schedule. At 11:45 a.m. George C. Morgan of Maryland and Simeon Draper of New York arose simultaneously to call the convention to order. Draper took charge and nominated George Evans, a Scott supporter from Maine, as temporary chairman. Evans delivered what we today would call the keynote address. He first expressed his lack of experience in presiding and then a hope that "a spirit of order and decorum, of harmony, conciliation, and union" would prevail.

As soon as the address was completed, Evans called for nominations for a provisional secretary. R. A. Upton of Louisiana was chosen. James O. Brodhead of Missouri moved that a committee of one from each state should be appointed by the various delegations to report on permanent officers. But Joel G. Sevier of Louisiana protested that the convention had been called to order ahead of time and that because of this,

[14] *National Intelligencer,* June 14-18, 1852; *Sun,* June 14-16, 1852. Rayback in *Millard Fillmore,* p. 356 gives the attendance as three thousand, whereas the *National Intelligencer* reports it as five to six thousand.

several Southern states were not fully represented or were not represented at all. Despite the protest, the committee was chosen. James C. Jones of Tennessee then moved that a similar committee be appointed to report on credentials, and the motion was approved. The committee on organization then retired, while the convention adjourned until 6:00 p.m. Immediately after this action was taken, the credentials committee agreed upon a time to meet.[15]

Later Temporary Chairman Evans called the convention to order at the designated hour, at which time Samuel Watts of Virginia reported that the committee on credentials was not ready to report. George B. Way of Ohio then moved that the convention should adjourn until 11:00 a.m. on Thursday because there were several contested seats. He maintained that no business should be transacted until it was definitely decided who should vote. John Welsh of Ohio introduced a resolution calling for the adoption of the rules of the House of Representatives where applicable and permitting each delegation only as many votes as it had electoral votes. This item was tabled.

After some discussion, Edward C. Cabell of Florida said that the committee on organization was ready to report. But James C. Jones opposed the acceptance of the report until the credentials committee had reported. A lengthy, heated, and fruitless debate ensued on who had the right to vote, during which time several resolutions were introduced but not adopted. Finally the committee was permitted to report. It had voted 17-13, with one blank, in favor of John G. Chapman of Maryland as permanent chairman. The committee nominated one vice-president from each delegation and thirteen secretaries with R. A. Upton as the chief one. Following a discussion regarding the method of voting upon the report, Temporary Chairman Evans announced that all opposition had been withdrawn and that it was unanimously approved. John M. Clayton of Delaware and Samuel F. Vinton of Ohio were then requested to escort the permanent chairman to the chair.

Chapman addressed the convention briefly. Contrary to the custom of today, he did not condemn the opposition Democratic

[15] *Sun, National Intelligencer, Daily Times, Herald,* and *New York Tribune,* June 17, 1852.

Party. After thanking the convention for the great honor it had bestowed upon him and stating how much better Evans was fitted for the job than he was, Chapman went on to deny the existence of sectionalism in the Whig Party and reminded the delegates that the country had prospered greatly under Whig principles. At the end of the speech, the vice-presidents and other officers took their places on the rostrum and the Rev. Thomas H. Stockton offered a prayer for the success of the convention. It was then decided to adjourn until 12:00 noon on Thursday.[16]

After the Rev. Dr. Atkinson of the Episcopal Church opened the Thursday afternoon session, the convention adopted two resolutions introduced by John Minor Botts of Virginia. One proposed that each state, when a division was called, should have the same number of votes as it had in the electoral college, and the other one called for the use of the rules of the House of Representatives where applicable. Almost immediately, P. B. Duncan of Louisiana submitted three resolutions calling for the appointment of a committee on resolutions similar to the two committees previously selected, and for the convention not to proceed to ballot for nominations until the platform was approved. The third was withdrawn after some discussion. There were objections to choosing the committee on resolutions before the credentials committee reported because of the uncertainty of some delegations as to which persons would be seated. If the person named for the committee should not be seated, the state would be without representation. Despite objections, Duncan's first two resolutions were adopted by a vote of 199-96. William Jessup of Pennsylvania proposed an amendment to Duncan's second resolution to provide that each member of the committee should be permitted to cast as many votes as his state had electoral votes, thereby giving the large states more weight. The amendment was approved 149-143. Presley Underwood Ewing of Kentucky introduced another amendment relative to this committee that said nothing about how the members should vote. Jessup immediately offered his amendment again. Since nothing was being accomplished, the convention adjourned until 6:00 p.m.[17]

[16] *Ibid.*, June 18, 1852.
[17] *Ibid.*

The entire evening session on Thursday was spent in a further discussion over the matter of voting in the committee on resolutions. Representatives from the larger states, such as New York, Pennsylvania, and Ohio, felt that they should carry more weight than the smaller ones from the South. Needless to say, the latter delegates objected to numbers being the only consideration in determining voting strength. After a fruitless half hour, the convention adjourned until 10:00 a.m. on Friday.[18]

On the following day after Rev. Dr. Hamner of the Presbyterian Church delivered the opening prayer, Jessup withdrew his previously adopted amendment to the Duncan resolution. With this matter now settled, the committee was appointed, and resolutions were committed to it. Most important among the resolutions was a group of eight that had been adopted by several Southern delegates who had met in Carroll Hall on the evening of June 15. After several other ones were referred to the committee, it was excused to carry out its assigned task.

The delegates then proceeded to other matters. A debate immediately arose over party loyalty. B. M. Davis of Florida introduced a resolution which would permit members of the convention to withhold their support from the nominee if he had "by his public acts and recorded opinions, left any ground for misunderstanding as to his opinions upon the compromise question." Immediately John Minor Botts introduced a counter measure pledging the support of the convention to anyone it nominated. Davis, however, withdrew his resolution after a short discussion. Edward C. Cabell then announced that the credentials committee was ready to report, so that report was called for.[19]

Seats were contested only in Vermont and New York, while another question existed over seating the alternates from California. Since all the contestants had credentials, the chief problem was to decide which ones were to be accepted. Isaac G. Wright, who had been appointed by the state convention in Vermont, was a member of the committee on credentials and had the unique privilege of voting for himself. In the case of the New Yorkers, Scott supporters had received their credentials from the Seward dominated New York Whig convention,

[18] *Ibid.*, June 19, 1852.
[19] *Ibid.*

Winfield Scott. 1786-1866. Engraving by J. C. Buttre, New York. Md. Hist. Soc. Graphics Collection.

whereas the Fillmore and Webster delegates relied on the credentials from their districts. The latter had refused to show their credentials in the state convention; so they were denied its approval. In reaction to this, they promised to contest the seats in the national convention.[20] Because the Fillmore and Webster groups controlled more states in the committee than did the Scott group, their men were seated. This seems to have been the sole determining factor in settling the issue. The decision was only a minor setback for Scott, for the extra votes did not aid either of his opponents. It resulted only in prolonging the voting for a few more ballots.

Upon recommendation of the credentials committee, the convention seated Isaac G. Wright over Portus Baxter, who claimed that he had been elected by the third Vermont district. The committee felt that Baxter had been elected "contrary to the usages of the Whig party." In the New York contest James W.

[20] *Sun*, June 14, 1852; *Daily Times*, June 12 and 14, 1852.

Beekman was seated over William I. Chardlow from the third district, while Moses H. Grinnell was given the nod over Thomas Dornell in the eighth district. Theodore H. Benedict was declared to be the duly elected delegate from the ninth New York district, while William Blakely was denied his claim to that seat. Charles A. Randall was seated over Charles Cook in the twenty-seventh district. Albert A. Bennett was chosen over A. Cone in the thirty-first. Both claimants from the eleventh district, Jacob Hardenburg and Joseph M. Smith, were seated and allowed to cast one vote "in all cases in which they can agree." As one was a Scott supporter and the other a backer of Fillmore, one may well assume that they seldom agreed. Finally, the four alternates from California were given seats but were not allowed to vote.[21]

All the contestants who were seated were supporters of either Webster or Fillmore. In each case, Joel G. Sevier proposed that the Scott men be denied seats. As soon as the report of the committee on credentials was adopted, the convention adjourned until 5:00 p.m. The Scott group tried to protest the decisions on seating, but their attempt was nipped in the bud.[22]

Immediately after the opening of the evening session, the committee on resolutions, headed by George Ashmun of Massachusetts, gave its report which was "interrupted by applause and other enthusiastic marks of approbation, which was long protracted, and accompanied by loud and general cheering, when the reading of the last resolution was concluded." The first seven items were very ambiguous in supporting such things as limited government, states' rights, obedience to laws, a tariff policy with "just discrimination, whereby suitable encouragement may be afforded to American industry, equally to all classes, and to all parts of the country," internal improvements, and the refusal to make entangling alliances. The eighth and final resolution was the most significant one in that it recognized the finality of the Compromise measures. These were basically the same as the eight resolutions adopted by the caucus of Southern delegates on June 15 and constituted what we today would call the party's platform. As soon as

[21] *Sun,* June 14 and 19, 1852; *National Intelligencer,* June 19, 1852; *Daily Times,* June 12 and 14, 1852; Cole, *Whig Party in South,* p. 248.

[22] *Sun, National Intelligencer, Daily Times, Herald,* and *Tribune,* June 19, 1852.

Ashmun finished reading the report, there was a general cry for a speech from Rufus Choate of Massachusetts.[23]

Choate gave three fundamental reasons for adopting the platform. First, the Democrats had already acquiesed in the finality of the Compromise measures in their convention. Secondly, the slavery question could best be kept out of politics if both parties accepted and maintained the Compromise. Thirdly, a definite platform would prevent the temptation of advocating one thing in one section and the opposite in another by pulling a letter from one's breeches pocket.

Charles Anderson of Ohio replied to Choate by saying that in politics nothing is ever final; that the Compromise measures were really only regular laws of Congress despite their high-sounding title; that "it is not very complimentary to future wisdom to aver that a law is so perfect that it cannot be amended;" and that by discussing the platform they were only bringing on the very agitation it was intended to prevent. Continuing the discussion, John Minor Botts took Choate to task by accusing him of eulogizing Webster. He also made reference to the matter of letters in breeches pockets. Botts, an ardent Scott supporter, produced a letter from Scott to William S. Archer of Virginia indicating that he was willing to accept the Compromise measures. He insisted upon reading the letter himself rather than letting the secretary of the convention do so. After some discussion as to why Botts presented the letter at this time and whether or not Choate had eulogized Webster in his speech on the platform, the convention voted 227-66 in favor of the resolution. All the opposition came from Northern Scott supporters.

With the business of the platform concluded, the delegates were ready for the serious matter of a candidate. William Jessup moved that the convention proceed to balloting for President and Vice-president and that a majority should be sufficient to make a nomination. James C. Jones arose to address the convention and uttered a valiant plea for support for Scott, though he denied that it was his intention to do so. This is the only speech resembling a nominating speech in the con-

[23] Cluskey, *Political Textbook*, pp. 605-609; Kirk H. Porter, comp., *National Party Platforms* (New York, 1924), pp. 36-37. Both give the Whig platform of 1852 as do all the newspaper accounts of the convention.

vention and was not followed by a demonstration. After Jones finished, Jessup's resolution was amended to require a majority of the electoral votes rather than a simple majority of the delegates for the nomination. This made 149 rather than 147 votes necessary.

On the first ballot Fillmore received 133, Scott—131, and Webster—29. All Southern votes, except one, went to Fillmore who also got seven from New York, four from Iowa, and one each from Vermont, Rhode Island, Connecticut, Pennsylvania, Ohio, Wisconsin, and California. Webster's votes came from New England, except for Maine, and from Wisconsin and California. Scott controlled the middle Atlantic and Middle West and got scattered support in New England and one vote from Virginia. After six almost identical ballots, the convention finally adjourned.[24]

Following the opening prayer on Saturday morning by the Rev. Dr. J. G. Morris of the Lutheran Church, Simeon Draper asked that the roll be called to determine how many delegates were actually present. Rumors had been circulating that one state with only four delegates present was casting its full eight votes. The chairman of the delegation in question, South Carolina, immediately declared that the rumors were false. The convention then returned to balloting for President and continued through the thirty-first ballot. Several delegations took to announcing their votes in a peculiar manner so as to relieve the boredom, and on the nineteenth ballot a lady in the balcony threw a bouquet to W. Jayne of Illinois for his consistent support of Fillmore. Several other bouquets were tossed down by ladies throughout the morning. Finally at 2:00 p.m. the convention voted to take a two-hour recess.[25]

[24] *Sun, National Intelligencer, Daily Times,* and *Tribune,* June 21, 1852; *Herald,* June 20, 1852; Samuel Gillman Brown, *The Life of Rufus Choate* (Boston, 1870), pp. 254-257; Edward G. Parker, *Reminiscences of Rufus Choate* (New York, 1860), pp. 65-66; Claude M. Fuess, *Daniel Webster* (Boston, 1930), II, p. 286. Charles Winslow Elliott, *Winfield Scott* (New York, 1937), p. 616; Cole, *Whig Party in South,* pp. 248-249. The vote on the platform is usually given as 227-66; however, the newspaper totals vary. *The National Intelligencer* gives it as 227-65, the *Sun* as 227-66, and the *Herald* as 226-66. The accuracy of the *Herald's* count is subject to question as it omits altogether the vote of Vermont and has all of California's votes against, instead of for, the platform as the other accounts have them.

[25] *Herald,* June 20, 1852; *Sun, National Intelligencer, Daily Times,* and *Tribune,* June 21, 1852.

Immediately after the opening of the afternoon session at 4:00 p.m., Mr. Call of Florida introduced three resolutions. One pledged the convention to support any nominee provided that he substantially accepted the platform. Another one provided that no further adjournments were to be made, except to observe the "holy Sabbath," until a nomination was made. The other one provided that, if no candidate received a majority on the fiftieth ballot, then the one with the most votes was to be declared nominated unanimously. In order to adopt these resolutions, it was necessary to suspend the rules, since the convention had before it the question of balloting for the nominations. The two-thirds vote required to suspend the rules was not given.

Balloting continued without serious interruption until after the thirty-fifth ballot. At that time, P. B. Duncan announced that he had an important dispatch from New York City stating that the people of New York would not support any nominee except Scott, for the delegation from that state had given way on the platform with the understanding that Southern Whigs were to give way on the nomination. This, of course, implied collusion in the platform committee which was immediately denied. Henry J. Raymond of New York's twenty-second district, the author of the dispatch, rose to defend himself but was denied the privilege because the convention had a question before it. Finally, after the forty-sixth ballot, the tired delegates voted 145-147 to adjourn until Monday at 10:00 a.m.[26]

This recess from Saturday night until Monday morning provided an excellent opportunity for the managers of the aspirants to make some type of agreement. Fillmore supporters, led by George Babcock of New York, suggested that if Webster's vote could be brought to forty-one on the first or second ballot on Monday, then they, with 107 certain votes, would switch to Webster on the next ballot. But if Webster's managers could not get forty-one votes "north of the Maryland line," they, in turn, were supposed to swing to Fillmore. Webster's managers, Linus Childs and Rufus Choate of Massachusetts and Moses H. Grinnell and James Watson Webb of New York, readily agreed to the first proposal but hedged slightly on the

[26] *Ibid.*

Eutaw House. Baltimore. 1859. From a photograph by Gurney. Md. Hist. Soc. Graphics Collection.

second. Despite their Herculean efforts, the Webster managers could not get the necessary votes; however, they did not swing to Fillmore either.

By Monday morning both Fillmore and Webster had authorized that their names be withdrawn, but neither name was. Both groups knew that among their ranks there were delegates who had Scott as their second choice. If they started to unite on either Webster or Fillmore, these delegates would switch to Scott and nominate him. One writer referred to these delegates as "*recreant broken down politicians.*"[27] Even though no swing was started for Webster or Fillmore, a few of their supporters did switch to Scott and brought about his nomination.[28] One may logically ask, why was no compromise candi-

[27] *Herald,* June 14, 1852, editorial, probably by James Gordon Bennett. The *Herald* was not very favorable to Seward and his associates.

[28] Rhodes, *History of United States,* I, pp. 257-258 treats the matter as an informal canvass, whereas Rayback in *Millard Fillmore,* pp. 360-361 indicates that it was a rather definite understanding, at least on the part of the Fillmore

date proposed upon whom all three groups could agree. The answer lies primarily in the confidence of the Scott supporters. They were certain of victory. Then too, the Southerners were satisfied with the way Fillmore had enforced the Compromise measures, and they could not be sure that a compromise candidate would suit them as well. The Webster supporters were too dedicated to him ever to support anyone else.

Following the opening prayer on Monday by the Rev. Dr. Webster, Samuel F. Vinton immediately introduced a resolution proposing that the convention should recess from 1:30 p.m. to 4:00 p.m. and that no motion to adjourn should be entertained prior to 1:30 p.m. unless a nomination were made before then. The rules were suspended, and the resolution adopted.

A slight furor was created when a Mr. Reneau of Georgia proposed to read an editorial written by Henry J. Raymond, a delegate and editor of the newly founded New York *Daily Times,* in which three Southern delegations were charged with corrupt bargaining. Reneau then moved that Raymond, whose title to a seat was questionable, should be expelled. Raymond, of course, requested and was given permission to defend himself on this matter of personal honor. He replied that James Watson Webb had brought the dispatch to the attention of the convention for political reasons and out of personal spite. He stated further that the dispatch that Reneau had read was not complete and that Reneau had misinterpreted what he had read. The original dispatch was prefaced with "it is believed," and he asserted that "understanding" did not mean a definite bargain; it rather meant a speculation. On the matter of his title to a seat, Raymond stated that he had come to the convention as a reporter for the New York *Daily Times,* but on the second day he had been asked by the chairman of the New York delegation to fill a vacancy caused by the departure of Benjamin F. Bruce from the twenty-second district. The names of Ogden Hoffman and George W. Blunt had been already crossed off Bruce's proxy when Raymond's name was

supporters. Frequent speculations were reported in all the newspapers as to how the agreement was made and who was to withdraw and when. Fuess, *Daniel Webster,* II, p. 286 suggests that Maine refused to vote for Webster because of his alleged betrayal of that state during the negotiations for the Webster-Ashburton Treaty.

placed there by the New York chairman and had been given to the credentials committee by Raymond. The committee had informally approved the credentials. According to Samuel Watts, it later voted two to one to reverse the informal decision. In any event, Reneau's resolution to expell Raymond was withdrawn, and Raymond was thereby vindicated.

With this personal matter out of the way, the convention proceeded once again to balloting and finally succeeded in nominating Scott on the fifty-third ballot by giving him 159 votes to 112 for Fillmore, 21 for Webster, and one for John J. Crittenden. During all fifty-three ballots, the most votes ever given to any one candidate other than the big three was on the thirty-fourth when Crittenden received four votes. On other occasions he received single votes as did Edward Bates of Missouri, Rufus Choate, and Mr. Douglas of California. Immediately after the fifty-third ballot was completed, William L. Dayton of New Jersey thanked the convention for bestowing this honor on one of her citizens. After much confusion, during which a telegram from Scott accepting the nomination was read, several pledges for support were made, and many resolutions were introduced, the convention adjourned until 5:30 p.m.[29]

The Whigs who gathered in the Maryland Institute Hall on Monday evening were very jovial, for they had just nominated Winfield Scott for President and had only to choose a Vice-presidential candidate before their duties would be ended. Before they set about this task, however, the nomination of Scott was made unanimous by acclamation; several dispatches were read relative to the acceptance of Scott's nomination by the Whigs of various cities; and several minor resolutions were adopted. Finally, when they did ballot for Vice-president, sixteen or eighteen men received votes with Edward Bates, with 97 or 99 votes, and William A. Graham of North Carolina, with 74 votes, leading the field. Several names were withdrawn before the second ballot on which Graham received 169 votes to 40 for Bates and four each for Willie P. Mangum and James

[29] *Sun, National Intelligencer, Daily Times, Herald,* and *Tribune,* June 22, 1852. The *Herald* on June 20 in an editorial, probably by James Gordon Bennett, suggested that the one vote for Douglas of California might possibly have been a vote for Frederick Douglass of New York instead. Here again it should be pointed out that the *Herald* was anti-Seward, and Seward and Douglass were close.

A. Pearce of Maryland. Convention Chairman Chapman then declared Graham unanimously nominated. Henry W. Miller of North Carolina immediately thanked the convention for honoring his state by nominating one of its sons for the Vice-presidency.

Two resolutions were then introduced by William Jessup. One called for appointing a National Committee of one member from each state with Samuel F. Vinton as chairman. The other called for the 1856 Whig National Convention to be held in Louisville, Kentucky at such time as the committee should choose. However, the resolutions were tabled, and Thomas M. Edwards of New Hampshire moved that the National Committee decide the time and place for the next convention. It was again suggested that the convention be held in Louisville to honor Henry Clay, but again the motion was rejected. Several more minor resolutions were introduced and the National Committee was named. With the conclusion of its business, cheers were given for Scott, Graham, Clay, Chairman Chapman, Fillmore, Webster, and George S. Bryan of South Carolina, one of the convention officers, and at 8:00 p.m. the convention adjourned *sine die*.[30]

Thus was ended a convention of five days during which ten sessions totaling between twenty-five and thirty hours were held. The shortest was one of thirty minutes on Thursday evening, June 17. The longest was probably Saturday, June 19, from 4:00 p.m. to a late hour, possibly 9:00 p.m.[31]

Almost immediately following the convention, there was a great prearranged ratification meeting in Baltimore and one in Washington which was apparently spontaneous. The attendance

[30] Louis Clinton Hatch, *A History of the Vice-Presidency of the United States* (New York, 1934), pp. 220-230; *Sun, National Intelligencer, Daily Times, Herald,* and *Tribune,* June 22 and 23, 1852. The *National Intelligencer* of June 22 gives Bates 99, but on June 23 it gives him only 97. The *Sun* of June 22 gives Bates 97. Only the Herald reported a state-by-state breakdown of the vote; however, it probably is inaccurate as it gives Graham only 68 votes rather than 74. It is almost too much to expect a reporter to be accurate with eighteen men receiving votes.

[31] Based upon the previously mentioned newspaper accounts plus the Boston *Daily Evening Transcript,* June 16-23, 1852 fairly accurate closing times can be established for all the sessions except for the second on Saturday. The times for the sessions were: Wednesday, 11:45 a.m.-12:30 p.m. and 6:00-7:30 p.m.; Thursday, 12:00-2:00 p.m. and 6:00-6:30 p.m.; Friday, 10:00 a.m.-12:15 or 12:30 p.m. and 5:00-9:15 p.m.; Saturday, 10:00 a.m.-2:00 p.m. and 4:00 p.m.—a late hour; and Monday, 10:00 a.m.-2:45 p.m. and 5:30 p.m.-8:00 p.m.

Millard Fillmore. 1800-1874. Published by E. & H.T. Anthony, New York from a photograph by Brady. Md. Hist. Soc. Graphics Collection.

at the one in Baltimore on Monument Square was estimated at 20,000 and was described as "one of the densest throngs . . . ever . . . gathered there." Addresses were delivered by Benjamin Gardner, William Ballard Preston, John S. Williams, Charles Anderson, R. A. Upton, James C. Jones, Henry W. Miller, Mr. Edney of North Carolina, Mr. Schouler of Massachusetts, and Mr. Yerger of Mississippi. Enthusiastic telegraphic dispatches were read from Boston, New York, Philadelphia, Albany, Buffalo, Pittsburgh, Wheeling, Norfolk, Portsmouth (Virginia), Wilmington (North Carolina), Savannah, New Orleans, Maysville (Kentucky), Louisville, Memphis, Columbus (Ohio), Cincinnati, and St. Louis. In Washington a large group of people followed the Light Infantry band to the residences of Scott, Graham, Mangum, and Webster, and at each place the crowd was treated to an address.[32]

This immediate acceptance of Scott's nomination did not last long. Webster soon refused to support him and even advised his friends to vote for Franklin Pierce, the Democratic nominee. Ere long a group of Whig Congressmen issued a statement telling why they could not support Scott. A very considerable

[32] J. Thomas Scharf, *The Chronicles of Baltimore* (Baltimore, 1874), p. 539: *Sun, National Intelligencer, Daily Times, Herald,* and *Tribune,* June 22 and 23, 1852.

number of prominent Southerners refused to support him; some few remained silent on the issue; and at least one joined the Democratic Party. Among those bolting Scott were W. D. Merrick, John Henderson, Daniel Jenifer, James Lyons, Kenneth Rayner, Waddy Thompson, W. G. "Parson" Brownlow, Merideth P. Gentry, Alexander H. Stephens, Robert Toombs, James Johnson, Alexander White, James Abercrombie, Walter Brooke, Charles J. Faukner, and C. H. Williams. Edward C. Cabell, Jackson Morton, Joseph P. Caldwell, and David Outlaw were among those who kept silent, while Thomas L. Clingman joined the Democratic Party.[33] With the failure of these men to support him, plus the opposition of the united Democrats, it is hardly surprising that Scott was so badly beaten in the election in November, 1852. He received only forty-two electoral votes to 254 for Franklin Pierce.

[33] Cole, *Whig Party in South,* pp. 260-263; Joseph Backlin Bishop, *Presidential Nominations and Elections* (New York, 1916) pp. 35-36.

SIDELIGHTS

Charles Town, Prince George's First County Seat

By Louise Joyner Hienton

Charles Town, Prince George's first county seat, had its beginning as one of the towns or ports established between 1683 and 1686 by the General Assembly of the Province of Maryland, at the behest of the Lord Proprietary, in an effort to advance trade and to bring more money into the province. The Act of 1683 for the Advancement of Trade, the Supplementary Act of 1684, and the Further Additional Act of 1686 named commissioners in each county and directed them to purchase 100 acres of land for a town or port at each place specified in the three acts. The commissioners were instructed to have this land surveyed. Streets, lanes, and alleys with open spaces left for erecting a church, chapel, market house, or other public buildings were to be laid out and the remainder divided into 100 equal lots. It was provided that the owner of the land was to have the first choice of a lot, while the remainder was to be sold to county inhabitants. Any lots remaining unsold after four months were to be offered to the general public. Houses of at least twenty feet square were to be built by each owner, and all ships or vessels trading with the province were required to use these ports or towns.

The land "att Pig Pointe vpon Mount Colverte mannor in Patuxent River" was one of five places in Calvert County which was named in the Act of 1684 as a town or port. And in 1686 Colonel Henry Darnall, Keeper of His Lordship's Great Seal, was designated as the member of the Council to have charge of the towns in Calvert County, while Mr. Ninian Beall was appointed the officer of Mount Calvert Town. It was Beall's duty to keep a full account of all ships which used the port's facilities.[1] Mount Calvert Manor was a tract of one thousand acres which had been surveyed for Philip Calvert, youngest

[1] William H. Browne, et. al., eds., *The Archives of Maryland* (70 vols. to date, Baltimore, 1883-), V, pp. 500-502, 527; VII, pp. 609-617; XIII, pp. 111-120, 132. Hereafter cited as *Arch. Md.*

brother of the Lord Proprietary, in 1657 and granted to him in the following year. In 1667 Calvert sold it to William Groome, who had it resurveyed three years later. When Groome died in 1677, he left the tract to his sons, William and Richard; in the will William was given first choice of his half.[2] The early records of Calvert County have not survived, but from transactions recorded in Prince George's County we can reconstruct some of its history. William Groome apparently chose the northern half of the tract, and it was out of the northeast corner of his part that Charles Town was laid out.

Since roads were few and in poor condition, most of the travel within the province was done by boat, and it was important that the towns were located on waterways, not only for the unloading and loading of vessels from abroad, but for accessibility by potential customers such as the farmer and planter who lived inland. Charles Town was advantageously situated on the Patuxent River at the mouths of the Charles Branch and the Western Branch, so that it drew trade not only from the immediate vicinity, but from the upper reaches of these three streams and their tributaries as well.

During the town's early years, stores were opened and operated by Richard Charlett, a factor for Peter Paggen & Co.; Robert Bradley, a factor for Edward and Dudley Carleton; Col. Thomas Hollyday, a factor for Peter Paggen & Co. after the death of Charlett; David Small, a factor for Joseph Jackson and Co.; John Gerrard, a factor for Peter Paggen & Co. after the death of Col. Hollyday; Thomas Sprigg, a factor for Timothy Keyser; Thomas Emms & Co.; John Bradford, a factor for John Hide; Charles Reid, John Contee, George Harris, John Cobb, Josiah Wilson, and others.[3]

These storekeepers sold all sorts of merchandise; articles of wearing apparel, such as jackets, waistcoats, breeches, gowns, petticoats and so on, and all manner of cloth, weapons, gun powder, and some imported foodstuffs, furniture and kettelry. As a service to county inhabitants, merchants stored tobacco

[2] Rent Rolls, Vol. 2, no. 2, Calvert Prince George Frederick, p. 309; Land Records, Lib. Q, f. 421; Lib. 12, f. 603; Provincial Court Records, Lib. FF, f. 478; Lib. 5, f. 191, Hall of Records, Annapolis, Md.

[3] Prince George's County Court Records, Lib. A, f. 62, 84, 132, 167, 250-1, 350, 385, 448; Lib. B, f. 16a, 100, 210, 391, 430, 435; Lib. C, f. 19, 92a; Lib. G, 15a; Prince George's County Land Records, Lib. C, f. 171a; Lib. E, f. 59.

awaiting shipment for a charge of ten pounds of tobacco per hogshead.[4]

William Groome was the first to open an ordinary or inn on his town lot, and he was soon competing with an imposing number of like proprietors.[5] Prices of liquor were set by the county court and the inns were licensed. The town also possessed two practicing physicians [6] and a church. When the Church of England was established in Maryland in 1692 and the province was divided into parishes, there were a few churches already existing. One of these at Mount Calvert or Charles Town was St. Paul's church.

When Prince George's County was created in 1695, it included all of Charles County north of Mattawoman Creek, a vast but sparsely settled area, and that part of Calvert County lying on the west side of the Patuxent River north of Swanson Creek, a comparatively small but well-settled area. Charles Town was the only town in the new county, and by 1695 it had become a thriving business center. Instructions were issued by the General Assembly for the county court to meet in the church at Charles Town until a courthouse could be built.[7] The town was called both Charles Town and Mount Calvert, but at the first meeting of the court on April 23, 1696, the justices ordered that it was to be called Charles Town.[8] The county clerk was meticulous in recording the action, but the name of Mount Calvert seemed to cling, and the inhabitants continued to use the two names interchangeably.

Just where the court held its first meeting on April 23rd is a moot question. One would assume that the instructions of the General Assembly were followed and that the court met in the church. Perhaps it did; but it was not until a special meeting of the court, held on May 4th, that the original copy of the order was presented, and it was not until a meeting on July 25th that Sheriff Greenfield was ordered to have the shingles and lumber removed from the old church and to ready the building for the court's sessions in the following month.[9] It

[4] *Arch. Md.,* VII, p. 616.
[5] PGCo. Ct. Rec., Lib. A, f. 8, 21, 150, 321; Lib. B, f. 119, 191, 354, 360a; Lib. C, 74, 158a, 160a; Lib. D, 165; Lib. G, f. 39, 693, 787: Lib. H, f. 6.
[6] *Ibid.,* Lib. A, f. 123-4.
[7] *Arch.* Md., XIX, p. 233.
[8] PGCo. Ct. Rec., Lib. A, f. 7.
[9] *Ibid.,* f. 8.

seems probable that the first metting was in Col. Thomas Hollyday's (the chief justice) store, as he later received payment out of the county levy for its use "to keep court in."[10] At the court's first meeting the sheriff was ordered to have a cage, pillory, whipping post, and stocks erected, which was done at a cost of 4600 pounds of tobacco.[11]

At the meeting in June, 1696, the land in Charles Town belonging to the church and court was ordered surveyed. Thomas Addison, who had been made deputy surveyor for the county, returned his certificate of survey for the courthouse land in the following month.[12] A year later the justices entered into an agreement with Robert Brothers, a carpenter, to pay him 50,000 pounds of tobacco for building the courthouse. It was to be a frame building, thirty-five feet in length by twenty-two feet in width, with locust or cedar ground sills; the remainder was to be oak. The building was to have two doors in front, with folding shutters between the doors, and two transom windows of six lights each, one on each side of the place of judicatory. The courthouse was to be well lathed and plastered, both above and below stairs, with one large window at each gable end of the upper room, and the interior was to be similar to the Calvert County courthouse. All of the work, except the glazing and plastering, was set to be finished by December 25, 1697. However, Brothers, claiming to have a sick family, dallied with the work so that it was not until June, 1698, that the court met in its new quarters.[13] In addition, Nicholas Sporne, an innkeeper, was employed to clear the courtyard in order to lessen the danger of fire, even though the courthouse had no chimney. A few years later, arrangements were made to add a penthouse, so perhaps chimneys were added at that time. In 1710 a prison was built on the courthouse land for 12,000 pounds of tobacco.[14]

[10] *Ibid.*, f. 8, 12, 257. See also Joseph H. Smith, ed., *Court Records of Prince Georges County, Maryland 1696-1699* (Washington, 1964), p. xvi.

[11] PGCo. Ct. Rec., Lib. A, f. 7, 52-53. See also Morris L. Radoff, *The County Courthouses and Records of Maryland, Part One; The Courthouses* (Annapolis, Md., 1960), p. 117. and Smith, *Court Records*, p. xxiii.

[12] PGCo. Ct. Rec., Lib. A, f. 7, 10, 18.

[13] *Ibid.*, f. 189, 298, 316. See also Radoff, *County Courthouses*, p. 117-118, and Smith, *Court Records*, p. xxiii.

[14] *Arch. Md.*, XXII, p. 103; PGCo. Ct. Rec., Lib. A, f. 371; Lib. B, f. 117; Lib. D, f. 311.

William Groome seems to have disposed of most of his share of Mount Calvert Manor by ninety-nine year leases. Before Prince George's became a county he had leased 100 acres just west of Charles Town to John Davis, a 100 acres tract in the southeast corner to Robert Bradley, and a three-cornered tract of a little over two acres by the river to Charles Tracy. In July, 1697, he leased an additional 163 acres, including the land in Charles Town, except for those lots which had already been sold to Thomas Emms of London, a mariner, and David Small, a merchant.[15]

In June, 1697 the General Assembly passed two acts: one confirming titles of the land for the use of churches and the other empowering commissioners of each county to purchase land for the use of the courts. Three months later, at the September court, Captain Emms' and Small's title was vested in them as land leased from Groome, and allowed them 900 pounds of tobacco per acre as a fair price. A new survey was also made for the two acres for the church and three adjoining acres on the west for the courthouse.[16]

The courthouse and the church were evidently on the west side of the town, for John Davis leased a four acre strip across the east end of his 100 acre tract. The agreements to sell this land indicate that it was near the church.[17] The historian may wonder whether all the town lots had already been sold, or if these attorneys wanted this particular land because it would be near the courthouse.

Local travel to the town was by both road and ferry. In 1696 a public ferry was maintained temporarily to Pig Point in Anne Arundel County and paid for out of provincial funds.[18] This public ferry was evidently discontinued after a year or so, and a private one instituted. In 1705 Alexander Deheniossa, an innkeeper, was operating it with William Smith as ferryman.[19]

The road leading to Charles Town was one of the main routes of the county. It was twenty feet wide and was marked with two notches on trees or posts at each side of the roadway.

[15] PGCo. Land Rec., Lib. A, f. 65.
[16] *Ibid.*, Lib. C, f. 157a; PGCo. Ct. Rec., Lib. A, f. 254-5.
[17] *Ibid.*, f. 236.
[18] *Arch. Md.*, XIX, p. 134, and XXXVIII, p. 91.
[19] PGCo. Ct. Rec., Lib. B, f. 437.

But there were those who did not appreciate its location. At the September, 1697 session of court, Christopher Beanes, who lived at "Brookridge" plantation which joined Mount Calvert Manor on the west, complained that he was bothered by escaping horses which ate his corn, and he requested permission to change the road. He was given leave to do so, if he could provide as good a road as the existing one.[20] Whether or not he did, the record does not indicate.

Who were the people one might meet on the streets of Charles Town? On court days the town was busy with officers of the county court: the justices varying from eight to twelve in number, the clerk of the court, the sheriff, the coroners, the clerk of the indictments, the attorneys, the cryer, and the drummer. During the first eight months after the establishment of the county, the court met every month. After that it met in January, March, June, August, September, and November, with some additional meetings until 1708, when the General Assembly set the fourth Tuesday of March, June, August, and November as court days.[21]

The first justices of the county court were Thomas Hollyday, William Hutchison, William Barton, John Wight, Robert Bradley, William Tanyhill, David Small, and Robert Tyler, who were among the most respected men in the county. New commissions of the peace were issued from time to time at the pleasure of the governor with some new names either added or substituted each time. They were a closely knit group, with many ties of blood and marriage. Certain families with their affiliated members seemed to emerge as the local leaders. The group included many merchants and two physicians, but all of the men were well-to-do planters. A study of the 1719 lists of constables' returns (the only surviving one for this twenty-five year period when Charles Town was the county seat) shows that while most of the county inhabitants possessed only one, two, three, or four taxables, those appointed as justices had from five to twenty taxables, with John Bradford and Thomas Addison with forty-five and fifty-two respectively.[22]

[20] *Ibid.*, Lib. A, f. 227.
[21] *Arch. Md.*, XXVII, p. 368.
[22] Black Books, X, pp. 7-14, Hall of Records, Annapolis.

These men considered it their duty and their responsibility to serve when appointed, even though the remuneration was slight, eighty pounds of tobacco for each days' attendance at court. Only one man refused to serve. In 1702 John Smith, a planter of Mattapany Hundred, was called in, but protested that he was not fit to hold this office since he was not able to get on a horse without help. He also maintained that he had been mistaken for another John Smith who had served from 1697 to 1699 but who had moved out of the county.[23] His protest was accepted, and a new justice was appointed.

There was also one other instance in which there was some reluctance to serve. The name of Robert Bradley, who was one of the first justices, appeared in the second commission which was issued on June 6, 1697. Bradley failed to appear at the June court to take the oaths. At the following March session he was summoned by the sheriff to appear in court and to take the necessary oaths; Bradley now appeared. The commission was read to him, but he replied that while he was willing to serve his King and Country, he thought that he was at that time not capable of serving as a justice of the peace and refused to take the oaths. However, six months later at the September court, Bradley appeared and complied with the requirements of office.[24] He served faithfully for the remainder of the term and was reappointed to successive terms. Eventually Bradley served as a chief justice until 1709 when he was appointed a justice of the Provincial Court. In the meantime, he was also elected as a delegate to the General Assembly and served as Speaker of the Lower House from 1708 to 1711.

County records were kept by the clerk of the county court, and he was instructed to appear at his office in Charles Town every Wednesday and Saturday unless the day proved wet. In such a case he was then to appear on the first dry day thereafter.[25] William Cooper, the first clerk, died four months after the establishment of the county. Among the papers connected with the administration of his estate is one which throws an interesting insight into the funeral customs of that time. In one bill of charges, Charles Tracy, an innkeeper, presented a claim for

[23] PGCo. Ct. Rec., Lib. B, f. 162.
[24] *Ibid.*, Lib. A, f. 167, 296, 342; Smith, *Court Records,* p. xxv.
[25] PGCo. Ct. Rec., Lib. A, f. 515; Smith, *Court Records,* p. xxiii.

reimbursement to David Small, the estate's administrator, consisting of a list of the liquor dispensed for the funeral. It included 11 pints of brandy, 10½ gallons of cider, and 10 gallons of boiled cider with spirits. The whole bill amounted to 1445 pounds of tobacco. The coffin cost only 400 pounds, but it was listed as a separate item and not included in the list of funeral charges.[26] No doubt all of the county officials, plus residents of the town and his friends for miles around, expressed their grief by quaffing these refreshments.

Joshua Cecell, an attorney, replaced Cooper as clerk of the county court and keeper of the records, and served for two years. Later he served for a time as clerk of indictments. In 1698 Edward Willet, a pewterer, was appointed clerk of the county court. He served only one year but continued as deputy under the next two clerks, Henry Bonner and Thomas Dent. In January, 1708 Willet was again appointed to the position and served for several years. While serving as deputy clerk, he was employed by the justices to write out the rules of the court on parchment, frame them, and to have them placed in the most visible place in the courthouse.[27]

The court also had a cryer and a drummer. John Joyce was the first cryer and served until his death three years later. Simon Nicholls was then appointed cryer in 1699 and was still serving in 1721. As a matter of fact, he went on to complete fifty years of service as cryer and retired at the age of 106 in 1749.[28]

Anthony Smart was the first drummer and served for a year and a half. The county was then without a drummer until January, 1704 when Marmaduke Scott, an innkeeper, was appointed to beat the drum three times in the morning and once in the afternoon. A few years later the justices sent to England for a new drum with Prince George's County in colored letters printed on it.[29] In 1711 John Mason became the drummer.

The lucrative office of sheriff was considered the most important office in the county and was much sought after. The sheriff received 10 per cent of the annual levy for collecting it,

[26] Inventories & Accounts, Lib. 15, f. 279; List of Funeral Charges, PG County, Box 10, folder 6, Hall of Records, Annapolis.
[27] PGCo. Ct. Rec., Lib. B, f. 337a.
[28] PGCo. Levy Book, Lib. A, f. 560; PGCo. Ct. Rec., Lib. LL, f. 80, 243.
[29] PGCo. Ct. Rec., Lib. B, f. 286a; Lib. D, f. 34; Lib. G, f. 38.

plus certain fees. Thomas Greenfield, who was the brother-in-law of Col. Thomas Hollyday,[30] was the first sheriff of the county and served until 1699. In that year he was elected as a delegate to the General Assembly and served in that capacity until 1708. He also served as a justice of the Provincial Court in the same period, and in 1708 he was appointed a member of the Council in which he served until his death in 1715.

Both the Province of Maryland and Prince George's County grew rapidly. The venture of establishing towns had proved so successful, that in 1706 the General Assembly passed another Act for the Advancement of Trade and designated many more towns in the province, including five new towns or ports in Prince George's County. These were Mill Town, Nottingham, and Queen Anne on the Patuxent River, Marlborough on the Western Branch, and Aire at Broad Creek. The following year a Supplementary Act was passed, adding to Nottingham the three acres where George Harris had built dwellings and stores, and established the town of Piscataway at the head of Piscataway Creek.[31]

Charles Town could not help but feel the loss of trade to these new towns, particularly Nottingham only five miles down the Patuxent River, to Queen Anne eight miles upstream, and to Marlborough four miles to the northwest on the Western Branch. The first intimation that Charles Town was slipping came during a fight over county ferry service. In 1710 a petition was presented by forty-two persons requesting that Charles Town and Pig Point in Anne Arundel County should be joined by a ferry. The request was granted and ferry service, operated by Mr. James Stoddart with John Edgerly as ferryman, was then started. Stoddart was a large land owner in Charles Town, and he had been appointed a justice of the county court in 1699 and in 1709 a chief justice. However, the matter of the ferry became an issue between two factions in the county. Another petition, requesting the discontinuance of the service, was presented to the General Assembly. This in turn was granted, and after a number of protests and delays ferry service was eventually discontinued. Stoddart was paid for nineteen months of service. Despite the order Stoddart, William Tany-

[30] PGCo. Wills, Lib. 11, f. 314.
[31] *Arch. Md.*, XXVI, p. 637, and XXVII, p. 160.

hill, Frederick Claudius, and Thomas Clagett—all four justices—continued the service for a few months. They were subsequently ordered to pay 500 pounds of tobacco for the clerk's fees and expenses incurred as a result of the delay. Two of the county justices, Philip Lee and John Bradford, who had opposed the operation of the ferry, were merchants in Nottingham.[32]

But it was the Town of Marlborough, only four miles from Charles Town up the Western Branch, which became the town's chief rival. With new and better roads trade was not as dependent on travel by water. Also, with the spread of the county's population northward, people stopped rather at Marlborough to trade than to go on to Charles Town. Marlborough soon became the hub of the county. There were times when the county court, lacking a sufficient number of justices present at Charles Town, was forced to adjourn and move to Marlborough to hold its meetings.[33] Finally the county standard of weights and measures was moved to Marlborough in 1717.

In the following year a number of citizens petitioned the General Assembly to move the county seat to Marlborough. They maintained that the present site was inconvenient to two-thirds or more of the county and that Marlborough was better located. To press the petition, a number of citizens raised a private subscription towards the building of a new courthouse. The proposal for the change met with the approval of the General Assembly, and an act was passed which authorized the removal of the courthouse, the purchase of two acres of land on which to build a new one, a levy of five pounds of tobacco per poll for purchasing the land and completing the building, the removal of the records to the new courthouse, and the sale of the old building and prison at Charles Town when the new one was finished.[34]

It took three years to accomplish the change, but on March 28, 1721 twenty-five years after the county had been established, three of the justices met at Charles Town and immediately adjourned to meet at Marlborough at three o'clock in the

[32] PGCo. Ct. Rec., Lib. D, f. 280, 311; Lib. G, f. 37a, 40a, 129, 167; *Arch. Md.*, XXIX, 58, 70; PGCo. Land Rec., Lib. E, f. 16, 225.

[33] PGCo. Ct. Rec., Lib. D, f. 84; Lib. H, f. 662.

[34] *Ibid.*, Lib. K, f. 77-79; *Arch. Md.*, XXXVIII, pp. 239-241. See also Radoff, *County Courthouses*, pp. 118-119.

afternoon of the same day. There they were joined by the other justices for the March court in the new building.[35] Charles Town was no longer the site of the county seat.

One of the items of business at this term of court was to pass an ordinance for the selling of the old courthouse to the highest bidder. Accordingly, at the June court of 1721 the three acres of land at Charles Town, together with the courthouse and prison, were sold to Joseph Belt. He paid only 2200 pounds of tobacco for them.[36] Today, only one old brick home, which may possibly have been built during this period, still stands at the mouth of the Western Branch overlooking the Patuxent River. All other traces of Charles Town, the first county seat of Prince George's County, have long since disappeared. Nevertheless, we must remember that Charles Town had its not-to-be-overlooked place in the early development of both the Province of Maryland and Prince George's County.

[35] *Ibid.*, Lib. K, f. 77-80.
[36] Ibid., f. 85, 249.

MASTER'S THESES AND DOCTORAL DISSERTATIONS IN MARYLAND HISTORY

Compiled by DOROTHY M. BROWN AND RICHARD R. DUNCAN

WHIMSICALLY but with some measure of truth, *Evening Sun* commentator Mr. Peeps has described Baltimore as the greatest unknown city in the nation. More seriously, an article in the same paper last spring stressed the need of additional studies in Maryland history. A card catalogue survey of state and local histories emphasizes that the number of Maryland titles is comparatively modest. While published studies of leaders and events in the Colonial and Revolutionary periods rival those of her sister states, for the periods before and after the Civil War and in the modern era they become increasingly rare.

Yet the following bibliography, which will run serially in the next issues of the *Magazine,* indicates that while there is a relative paucity of published material, there is no lack of scholarly interest in Maryland. Investigation of dissertations and theses, cited in *Dissertation Abstracts* (Ann Arbor, Michigan: University Microfilms, Inc., Vols. 21-28) and Warren F. Kuehl, *Dissertations in History: An Index to Dissertations Completed in United States and Canadian Universities 1873-1960* (University of Kentucky Press, 1965) and consultations of listings in twelve college and university libraries, yielded over 370 titles.[1] These included 125 doctoral dissertations and 240 master's theses in the fields of history, political science, economics, education and library science. This listing, especially of the master's theses, is by no means definitive, but it should provide a useful beginning. From time to time a supplementary list will be added.

Interestingly the chronological emphasis of the historical and economic studies centered in the Colonial and Revolutionary periods. Dissertations and theses in political science, education and library science were most concerned with post Civil War

[1] American University, The Catholic University of America, Georgetown University, George Washington University, Howard University, The Johns Hopkins University, Loyola College, Morgan State College, Towson State College, University of Maryland, and the University of Virginia.

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KIRWAN, KATHARYN
Runaways (The); by K. Kirwan.
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KNIGHT, PERCIVAL, see KUMMER, FREDERIC ARNOLD

KNOX, DOROTHEA HENESS
Frisky (The) Mister Brown; by D. H. Knox.
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KOLLER, MRS. E. B.
Hypnotism; a dramatic composition, by Mrs. E. B. Koller. Typewritten.
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KRANTZ, A. A. and WM. F. PENTZ
Pilgrim's progress; dramatized by A. A. Krantz and W. F. Pentz.
© A. A. Krantz and Wm. F. Pentz, Baltimore; 1882:12938, Aug. 5.

KRONMILLER, GEORGE, JR.
Antoinette; or, A woman of the people, a drama in 5 acts adapted from the German, by G. Kronmiller, jr.
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Blue blood and red; a romantic military drama in 5 acts, by G. Kronmiller, jr. (P. H. Marcellus)
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Corporal Josephine; or, The maiden militaires, a vaudeville in 1 act, founded on the German, by G. Kronmiller, jr.
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Farmer Porkberry; a comedy in 4 acts, by G. Kronmiller, jr.
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———*or, All's fair in love,* a comedy in 4 acts, adapted from the German of Kotzebue, by G. Kronmiller, jr.
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Héloise; or, Love's sacrifice, a play in 5 acts, by G. Kronmiller, jr. Baltimore, The Sun book and job printing office, 1870.
© George Kronmiller, jr., Baltimore; 1870:4547, Dec. 7.
Huberstein; or, The rose of the Black Forest, a romantic drama in 5 acts, by G. Kronmiller, jr.
© George Kronmiller, jr., Baltimore; 1871:9014, Sept. 27.

KUMMER, FREDERIC ARNOLD
Change partners; farce comedy in 4 acts, by F. A. Kummer. 114 p. 4°. Typewritten.
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Daughter of Eve; comedy in 3 acts, by F. A. Kummer. 130 p. 4°. Typewritten.

Ford's Grand Opera House [Ford's Theatre]. Fayette Street, Baltimore. 1872
Md. Hist. Soc. Graphics Collection.

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Emigrant (The); play in 3 acts, by F. A. Kummer. [134] p. 4°. Typewritten.

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Get the hook; a comedy sketch in 1 act, by F. A. Kummer. 23 p. 4°. Typewritten.

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Man (The) from Buda-Pesth; play in 3 acts, by F. A. Kummer. [103] p. 4°. Typewritten.

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Mother (The); a play in 1 act and 3 scenes, by F. A. Kummer. 19 p. 4°. Typewritten.

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Nick Carter; play in 4 acts, by F. A. Kummer. [140] p. f°. Typewritten.

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Other (The) woman; play in 3 acts, by F. A. Kummer. 108 p. 4°. Typewritten.

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Painted (The) woman; a play in 4 acts, by F. A. Kummer. [129] p. 4°. Typewritten.

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Phryne; a play in 1 act with 2 scenes, by F. A. Kummer. [37] p. 4°. Typewritten.

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Speed; comedy in 4 acts, by F. A. Kummer. [2], 110 p. 4°. Typewritten.

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Voice (The); play in 3 acts, by F. A. Kummer. [113] p. 4°. Typewritten.

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KUMMER, FREDERIC ARNOLD and HORACE FISK
Trickstress (The); play in 4 acts, by F. A. Kummer and Horace Fisk. [135] p. 4°. Typewritten.
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KUMMER, FREDERIC ARNOLD and PERCIVAL KNIGHT
Detective Anson; a play in 3 acts, by F. A. Kummer and Percival Knight. 4v. 4°. Typewritten.
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KUNKEL, ADDIE PROCTER
Strathmore; or, The Queen of Paris, a play in 5 acts, by A. P. Kunkel.
© Addie Procter Kunkel, Baltimore; 1871:9264, Oct. 5.

Baltimore EDGAR HEYL

NOTES ON THE MARYLAND HISTORICAL SOCIETY MANUSCRIPT COLLECTIONS

By Bayly E. Marks, Manuscripts Curator

With the publication in July of the *Manuscript Collections of the Maryland Historical Society,* it is the intention of the Manuscripts Curator to use this page to acquaint researchers with outstanding new accessions and to provide appropriate background notes to them. In the seven months the *Manuscript Collections* was in preparation, the Society added thirty-five new collections. While each is interesting, the following five transcend regional interest in their importance.

The *Papers of Richard Dorsey* (1780-1850), MS. 1653, donated by Mrs. Charles Gillet as part of the Governor Thomas Swann Papers (restricted), cover the first half of the nineteenth century. Dorsey was a Baltimore commission merchant with offices at the Commercial Exchange; he dealt in the sale of such commodities as flour, tobacco, and corn. Most of his business centered in the Howard District of Anne Arundel County, but also spread to Eastern Shore tobacco farmers. His personal correspondence, mainly with his nephew William B. Dorsey of Ellicotts Mills, discusses the social and political events of the time. Also included in the collection are neatly kept bills, receipts and checks for Dorsey's household dealings, a revealing insight into day to day life in early nineteenth century Baltimore. The collection consists of forty-one packets in nine boxes, covering 1799-1848.

The Richard and David S. Gittings Papers (1815-1896), MS. 1667: Dr. David Gittings (1797-1887) left Baltimore in 1818 to continue his medical education at the University of Edinburgh. During the two years of his studies there, he wrote to friends and family his reflections on life in London and Edinburgh, and on the education he was receiving. His principal correspondent was his father Richard Gittings, whose personal papers are also included, along with others of family interest. The Gittings Papers, which consist of thirty-one items and two volumes (1815-1896), were given to the library by Miss Victoria Gittings.

Of special interest to the Civil War social historian is part of the papers of Baltimore lawyer *William P. Preston,* (1811-1880), MS. 711. In addition to deeds, petitions, etc. concerning "Pleasant Plains" near Baynesville, in Baltimore County, there are letters to his daughter May Preston on the effects of the Civil War on the area. In 1868, May toured Europe, and wrote her father descriptions of her travels. The sixty-seven items in this collection cover the period of 1836-1885.

An excellent collection has been added to the library's Turnpike papers with the *Survey Notes of James Steel,* MS. 1649. Steel, a Harford County surveyor, covered the country in the early nineteenth century recording the routes of proposed roads. His fifty-three notebooks include a copy of the "Minutes on laying out the Baltimore and Harford Turnpike Road" in 1816. The notebooks date from 1795 to 1849.

The John Stevenson Account Books, MS. 1662: John Stevenson, who we know little about, was a merchant and shipmaster. He has left us two highly detailed account books concerning his trade between Baltimore and the West Indies in flour, tobacco, and molasses on the schooner *Echo.* Included in the *Echo's* accounts are detailed costs for repairs to her hull and rigging in the 1820's as well as Captain Stevenson's pay for service on other ships. The other volume details trade with Marseilles, Lisbon, South America, and the West Indies in a variety of ships. Details of ship stores and seamen's pay make fascinating reading. These two small volumes date 1821-1836, and were the gift of Mr. Jack D. Hudson and Mr. Thomas Stevenson.

GENEALOGICAL NOTES

By MARY K. MEYER, Genealogical Librarian

IN the wake of the publication of the *Index to the Manuscript Collections* by the Society, a regeneration of interest in manuscripts has taken place. The recently published *Manuscript Collections* makes no deliberate attempt to expunge genealogical material because family papers inevitably concern Maryland history and family history. But where a collection was entirely genealogical, it has been placed with other collections which were segregated some years ago and assigned to what is known as the "G" Series. To date the series, numbered from G-5000 to G-5089, are all under the supervision of the genealogical reference librarian.

A listing of these papers as a supplement to the *Manuscript Collections* in a new genealogical guide is under consideration. But it must be emphasized that few of these collections are indexed or even sorted, and until this work is accomplished, the genealogist will find research most difficult. The Librarian would welcome assistance in this important task from anyone well versed in the field.

Among these many fine collections is that of the late Maria Ewing Martin (G-5076) of New Straitsville, Ohio. This collection, consisting of 28 volumes and 3 boxes of handwritten copies of wills, deeds, Bible records, and personal correspondence, deals primarily with the Beall family of Maryland.

Mrs. Martin accumulated the majority of this material during the years, 1903-1906, and planned to publish a comprehensive genealogy of the descendents of Ninian Beall. However, the book seems never to have materialized. This was extremely unfortunate, as a really good study of the Beall family which was very prominent in the affairs of the Colony and the State of Maryland, has never been published. There have been brief works concerning various branches of the family, none of which appears to have been well researched or documented. As a matter of fact, some of the compilers have been guilty of serious faulty conclusion.

Mrs. Martin's collection contains several hundreds of letters from various Beall descendants throughout the United States. In these letters undoubtedly lie the answer to many perplexing genealogical problems. However, the genealogist must be willing to spend a great deal of time in the Martin Collection to find his own answers. The Library staff cannot make a search of this or any other collection for any individual.

From time to time, on this page, we will discuss some of the other important collections housed by the Society as well as other genealogical sources available to our readers and record significant events as they occur.

REVIEWS OF RECENT BOOKS

Rufus King: American Federalist. By ROBERT ERNST. (Published for the Institute of Early American History and Culture at Williamsburg, Virginia by the University of North Carolina Press, Chapel Hill, 1968. Pp. ix, 446. Note on sources, index, illustrations. $10.00.)

The first fifty years of the history of the United States, 1776-1826, might be called the Old Republic for it was during this period that simplicity, learning and public service were prized above all other virtues. The historical parallel between their own and early Roman times did not escape the founding fathers themselves. In 1823 Harrison Gray Otis expressed the hope to Rufus King that "whoever writes your epitah . . . may be able to say that you continued many years at your post, the last of the Romans." This hope was fulfilled. King, after fifty years of public service, died in 1827, only a few months after the passing of Thomas Jefferson and John Adams.

King lacked the versatility and vision of Jefferson, the profundity and pungency of John Adams, and the brilliance and magnetism of Alexander Hamilton. But as much as any of these he possessed the old Roman virtues of dignity, moderation, and patriotism. He lived a long and active life. Born in Massachusetts, he attended Harvard, studied law and was admitted to the bar, served in the American Revolution, was a delegate to the Confederation Congress, married well, was a delegate to the Constitutional Convention in Philadelphia, changed his residence to New York where he became a United States Senator, Minister to England, Federalist Vice Presidential candidate in 1804 and 1808, Senator again in 1813, and Federalist candidate for President in 1816.

There are no startling revelations in this biography. Its merits consist rather in the care and thoroughness with which the author has explored the vast number of sources bearing on his subject and the balance and skill of his presentation. The author has successfully solved one of the main problems faced by all biographers: the correct balance between the man and his times. Enough general history is given to make the narrative understandable and meaningful, but Rufus King, the man, is never lost sight of in a discussion of his times.

Despite the lack of radical revisionism this biography throws light upon and clarifies several points of general interest. For example, Rufus King, if mentioned at all in the textbooks, generally

appears in connection with the debates over the Missouri Compromise. It is sometimes suggested that in opposing the admission of Missouri as a slave state King had personal political motives; that he hoped to revive the expiring Federalist party on the basis of an anti-slavery platform. The author shows that King had consistently opposed the spread of slavery into the territories of the United States, and after a thorough examination of the evidence he concludes that while King certainly hoped to revive his party there is no evidence of ulterior motives on his part.

Besides correcting some aspects of general history this biography also adds to our understanding of moderate Federalism. Though he had a life-long interest in shipping and finance we do not find King, like Hamilton, advocating the employment of children in factories in order to increase the wealth of the country. His intellectual interests were broad—he correctly considered himself one of the foremost authorities on international law—but his sympathies were completely provincial. All foreigners were suspect (especially Frenchmen) and Virginians and other Southerners only a little less so. This left only New Englanders to be trusted. But King could and did work even with those he disliked and distrusted if the good of the country was involved. Above all, King rejected theory and doctrine as guides to policy. "Governments are the fruit of experience," he maintained, "they can safely rest on those political truths to which time has added his infallible sanction; and it is only the wise combination and distribution of these truths which distinguish our free constitutions from all others."

The Ohio State University HARRY L. COLES

Charles Cotesworth Pinckney: Founding Father. By MARVIN ZAHNISER. (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture. 1967. Pp. 285 + index. $7.50.)

"A barrister, a planter, a soldier, and more important, a Pinckney," Charles Cotesworth Pinckney was a prototype of the Southern aristocracy who saw themselves as "a service gentry, self-appointed to guard both local and national interest." After spending sixteen years in England where he received "the best possible education" but was also "stung by the snubs and barbs reserved for 'colonials,'" Pinckney returned to South Carolina where he immediately threw in his lot with "the more assertive Whigs." He had an honorable, if frustrating, command during the revolutionary war, and played

an important role in state politics during the Confederation period. Convinced that a stronger national government was necessary to secure South Carolina's interests, he attended the Convention and strongly supported the Constitution and the new government. Although he did not always approve of Federalist policies, he moved naturally into the party of "the rich, the wise and the good," and served the party as a diplomat, local leader, and presidential candidate.

In spite of all this, Pinckney must still be rated as only a second rank leader of our early national history because he had "neither the . . . talent, nor the good fortune which make heroes out of common mortals." Marvin Zahniser details this career "of unbroken virtue and usefulness" in this well written, carefully researched biography.

While a biography of a man of Pinckney's stature is, in itself, a valuable contribution to historical knowledge, narrow concentration on the life of one who lacked "broad vision" and showed "a willingness to sacrifice great plans for technicalities" is not likely to produce any new information or present any new interpretations.

If this study describes and explains Pinckney's movement into the revolutionary party, it does not detail the political divisions in the state at all. Why were South Carolinians "not persuaded . . . that the road to independence was the only course open to thinking patriots?" If it explains why the "low country" aristocracy of which Pinckney was a member supported the revolution it does not explain why it got so little cooperation (in fact, so much opposition) from "up country" South Carolina. Why did the revolution bring so little change in South Carolina that, "In the political sphere it sometimes seemed that the war had never taken place?" More attention to the local context in which Pinckney lived would have been a greater contribution.

The same may be said of the description of Pinckney's role on the national scene. If his experiences as head of the diplomatic mission which resulted in the XYZ affair turned his sympathy for France into antipathy, and finally committed him to the Federalist party, why did he not become a "high federalist" as did so many others who were not as directly or personally insulted by the affair? Why did he refuse to participate in Hamilton's intrigues designed to make him president? How could he come to be "the head of a party without being a party man?" Answers to such questions would contribute to a better understanding of the sectional and personal divisions within the Federalist party and help to explain that party's tortuous course and ultimate demise.

In short, this study has all the virtues which a detailed chronicle of an important man can have, but it has all the faults of a biography that is, after all, not much more than a chronicle.

Towson State College VICTOR SAPIO

Social Reform in the United States Navy, 1798-1862. By HAROLD D. LANGLEY. (Urbana: University of Illinois Press, 1967. Pp. xiv, 309. $8.50.)

In the half century before the outbreak of the Civil War, various crusaders and reform groups manifested a compelling interest in the improvement of American society. Reform agitation centered in such movements as the abolition of slavery, women's rights, temperance, and humane treatment of the criminal and the insane. "The purpose of this study," explains Professor Harold D. Langley of The Catholic University of America in his preface, "is to examine the impact of this nineteenth-century reform fever on the United States Navy, and specifically on the common sailor."

In dealing with this subject the author has concentrated on four main themes: "(1) The origins, membership, and activities of societies dedicated to working among sailors, and particularly the American Seamen's Friend Society; (2) the manpower situation in the Navy, including some attention to the history of recruiting; (3) the agitation against corporal punishment, which may also be considered as a chapter in the history of American penal practices; (4) the movement to abolish the sailor's ration of whisky or grog, which is a part of the temperance crusade." While all four themes were interrelated, the quest to end flogging and the temperance crusade bore a particularly close relationship. "In the eyes of the humanitarian reformers," notes Langley, "the daily ration of a half pint of whisky or grog, produced a desire for additional intoxicants. The sailor often went to great lengths to satisfy this desire, and drunkenness was the cause of most of the flogging. Thus, if the spirit ration were eliminated and temperance promoted, better health and better discipline would result. Better conditions of service would attract a higher type of recruit, and harsh discipline would be less necessary."

The end of flogging in the Navy came in 1850 but was achieved in Congress by a narrow margin. This victory and its importance was overshadowed, however, by the popular interest in the enactment of the famous Compromise of 1850 some weeks before. The end of the grog ration did not come until twelve years later when

the necessary legislation was passed on the day following the battle of Antietam.

Langley has given a detailed, well-documented account of the struggle, both in and out of Congress, to end flogging and the grog ration, to improve the spiritual and moral lot of the sailor, and to secure a sufficient number of dependable recruits to man the Navy's ships. For a landlubber it would have been helpful if the author had defined such terms as ships-of-the-line, frigate, and sloop-of-war. But such omissions do not detract from a volume which is a solid contribution to American social and military-naval history from the end of the eighteenth century to the early years of the Civil War. The book includes an impressive bibliography and a useful index.

Montgomery Junior College WILLIAM LLOYD FOX

The Methodist Publishing House, A History, Beginnings to 1870. Volume One. By JAMES PENN PILKINGTON. (Nashville, Tennessee: Abingdon Press, 1968. Pp. xv, 585. $7.50.)

The Methodist Church and Methodist publishing both began with the labors of John Wesley and throughout history the fortunes and the vicissitudes of the two institutions have been inseparably intertwined.

Although Methodist publishing efforts in this country officially date from 1789, there were Methodist book sellers in the colonies perhaps as early as 1759, and among those who printed Methodist items prior to 1789 was Benjamin Franklin. John Wesley had determined that every Methodist preacher should be a colporter and throughout the early decades of the church's history each clergyman was a book and tract agent.

James Penn Pilkington, currently associated with the Methodist Publishing House, has written the first volume of a projected two volume history of Methodist publishing in America. The narrative, which is based upon fifty-eight pages of notes and bibliography and is interspersed with eighty illustrations, is smooth flowing and factual, and the author has attempted to relate the history of Methodist publishing to the history of the Church and to the nation. The presentation is in the "impartial" or "objective" tradition of historical scholarship and is not distorted by ancestor worship, sentimentalism, or denominational pride—vices which continue to plague some so-called church history.

Certain portions of the book are superior to other sections; the account of John Dickins and the founding of the Book Concern

is one of the best and most informative parts of the book. The author puts to rest certain myths relating to the early history of the publishing house, and he also prompts one to wonder why someone has not written a biography of Dickins. Dickins along with Nathan Bangs, John Emory, and Thomas Carlton tower above others associated with Methodist publishing in the period covered by this volume.

The story becomes a bit tedious when the author attempts to describe the contents and binding of every item the publishing house printed in the various decades of its history. Numerous pages are devoted to descriptions of different items of Sunday school literature, the several quarterlies and reviews, various editions of hymnals, assorted magazines, an increasing variety of religious and secular books, and the constantly growing number of weekly newspapers or *Advocates*.

The author has not ignored the tensions and divisions which wracked the Church in the nineteenth century, and he has recorded the efforts of various Methodist splinter groups to establish publishing firms of their own. The account of the major denominational split which occurred in 1844 and involved the propriety of a bishop to own slaves, and the subsequent formation of the Publishing House of the Methodist Episcopal Church, South, is carefully related and is a valuable contribution. The sketches of T. O. Summers, John B. McFerrin, Holland McTyeire and others are informative and illuminate the Methodist mind in the South in the mid-nineteenth century. The role of the Methodist press and Methodist publishers, in both sections, during the Civil War receives approximately seventy pages; however, the discussion of the Methodist press in the Confederacy is incomplete, since there is no mention of the *Soldier's Paper* or the *Army and Navy Herald*, both published under Methodist auspices from the summer of 1863 to April, 1865.

Two unattractive features of this volume are: (1) the placing of footnotes at the back of the book, and (2) the hodgepodge arrangement of the bibliography. Manuscript materials and printed items, primary and secondary sources are all listed together, the only classification being an alphabetical ordering of the entries.

Despite minor criticisms, this is a useful and worthwhile book. Church and non-church historians will find this history of one of the oldest and largest publishing establishments in the nation a helpful reference, and they look forward to the appearance of the author's concluding volume.

University of Richmond W. HARRISON DANIEL

The Amazing Pennsylvania Canals. By WILLIAM H. SHANK. (York, Pennsylvania: The Historical Society of York County Press. Pp. 79.)

Economic historians of transportation developments in the first half of the 19th century have been provided with a new dimension in scholarship with W. H. Shank's work on the Pennsylvania canals. Shank's background as a professional engineer and his ability to conceptualize his field in a historical tract elevates his work in importance to the rank of that of George Rodgers Taylor, Carter Goodrich and Madeline S. Waggoner who have considered the role of canals in American economic history. Shank's work supplements these in that his major, although unstated, concern is with the physical construction and operation of locks, inclined planes, aqueducts, dimensions of construction, masonry, etc.

His account of the Allegheny Portage Railroad demonstrates the problem facing the engineers involved in the construction of the Pennsylvania "Main Line" Canal. The dilemma facing them from the standpoint of construction was to build a four-mile tunnel through Allegheny Mountain or to pull canal boats over the mountain on rails by a system of ascending and descending weights by the use of water cylinder brakes and a primitive steam engine. The portage railroad, as Shank demonstrates, was the engineering marvel of its day.

Whereas other economic historians have concerned themselves with the place of the canals in the overall development of the economy, Shank does not deal with this aspect. He says nothing about the Pennsylvania Canal System accelerating the state's economic growth. He does not touch upon the role of canals in opening new markets in the East and the corresponding price rises for Western produce either in the foreign or domestic market. Shank also neglects the touchy regional political situation which dictated the building of a "Main Line" instead of a series of local canals to stimulate the local economy. Although he does make general statements concerning the economic rivalry between Pennsylvania and New York with the new Erie Canal, he fails to indicate the panic reaction that gripped the state of Pennsylvania and the quest of Philadelphia to maintain its colonial dominance over New York City. The Pennsylvania canals also widened economic opportunities in western Pennsylvania and beyond by providing low transportation costs. This, no doubt, stimulated the westward movement of peoples in general. Much more could have been done with regard to the financing of the Pennsylvania canals.

Shank neglects to say how the financing of canals had a changing history in the period under discussion. At first bondholders of the canal construction companies were farmers, merchants and investors along the route who stood to profit from the canals running through their areas. With the expansion of the canals after 1820, these local resources proved to be insufficient and the canals began to be capitalized by the big brokerage houses of New York City and Philadelphia. For example, by 1830, one half of the bonds of the Erie Canal in New York were held by foreign investors. The House of Baring in London with their important financial contact of Kidder-Peabody and Company of New York City was responsible for much of canal capitalization. This was true of Pennsylvania as well.

Shank has a unique section of his study devoted to "Life on the Canals." As an engineer he shows himself to be far more competent in dealing with the social history and the lore of the tow paths than with the economic impact of canal building. His section on the transition from canals to railroads demonstrates for Pennsylvania what George Rodgers Taylor has synthesized so well in his study of the revolution in transportation in the United States. W. H. Shank's study is especially valuable for those who want to know how canals were actually constructed and operated and will be a useful adjunct to the literature of transportation already in existence.

Monroe College L. D. GELLER

General George H. Thomas: The Indomitable Warrior. By WILBUR THOMAS. (New York: Exposition Press, Pp. 649. $10.00).

The purpose of Wilbur Thomas' biography of "Old Pap," which is a very sympathetic study, is to give General George H. Thomas his proper place in American history and thus right the wrong which has pushed the General into obscurity. The author contends that the Grant, Sherman, and Sheridan military hierarchy has kept Thomas from receiving his full recognition for his outstanding accomplishments during the Civil War. Unfortunately, the author's treatment of Grant, almost vindictive at times, and the belittling of Sherman's accomplishments detract from his presentation of an otherwise solid study.

General Thomas, a dedicated career soldier, graduated from West Point in 1840. He served with notable distinction in the Mexican War, and after the firing upon Fort Sumter, Thomas, a

native Virginian, re-affirmed his allegiance to the Union. He was an inspiring leader whose men fought well at Mills Springs and Perryville in 1862. Then at the head of the Fourteenth Corps, he made a brilliant and heroic stand during the battle of Chickamauga where he received the nickname, "Rock of Chickamauga." After reluctantly accepting the promotion as head of the Army of the Cumberland, he played a strategic role during the battle of Chattanooga in September, 1863. Following an able performance during the Atlanta campaign, Thomas successfully halted Hood's final thrust into Tennessee by inflicting a crushing defeat on the Confederates at Nashville in December, 1864. During the Reconstruction era he was in charge of several military districts in the South until his death in 1870 at the age of fifty-three.

General Thomas' career displayed the highest qualities of an army officer. The author describes him as honest, truthful, methodical, painstaking and thorough. The General is further praised for developing a very effective intelligence system which permitted him to judge events correctly.

This biography, representing twelve years of study, presents a thorough picture of the General's role during the Civil War, but the author sometimes overstates his case for Thomas. Unfortunately, the author is led into making several dubious statements: such as, only Thomas "can stand beside George Washington and not lose stature;" if Thomas had fought for the South "his decision might have well meant the difference between Southern defeat and Southern independence;" and "Grant was not in any sense the equal of Thomas either in character or in profession of arms."

The author, who is not related to the General, does make a valuable contribution in emphasizing the influence of the "military hierarchy," which has dominated Civil War military history. The battle maps and illustrations are exceptional, and his descriptions of Thomas' campaigns are clear, vivid and concise. While sometimes too sympathetic to his subject, Wilbur Thomas presents a good case for the General's role during the Civil War.

Georgetown University RICHARD PAUL GRAU

Slavery in the Americas: A Comparative Study of Virginia and Cuba. By HERBERT S. KLEIN. (Chicago: The University of Chicago Press, 1967. Pp. xi + 270. Tables, notes, and index. $6.95.)

Professor Klein has produced an excellent comparative history dealing with slavery in Cuba and Virginia. The author has gone beyond legal aspects of the peculiar institution into its social and

economic forces. He has given American historiography a scholarly account of slavery in two important areas. Numerous facets of slavery, from its inception to its death, have been recorded. One cannot read this volume without having acquired a better understanding of current race problems in the United States.

After a comparison of Spanish and English colonization, the author moved to a discussion of slavery's legal structure. Since English common law offered no precedent for Negro slavery, Virginians through various decisions and practices "created their own slave regime" (p. 40). The codes of Virginia made manumission difficult, while Castilian imperial law encouraged the reverse. In contrast to Cuba's slave structure, Virginia's laws were directed toward perpetual enslavement. Cuban codes were based upon Spanish laws which recognized that "slavery was against natural reason" (p. 59). The peculiar institution was thought to be a necessary evil and not a positive good. According to Spanish law, the slave was regarded as a human being with obligations and rights. In marked contrast to English colonial law, the Spanish statutes gave the slave considerable protection.

An analysis of slaves and their relations to Anglicanism and Catholicism is presented. In Cuba the Catholic Church was active in converting and protecting them. Slaves were considered members of the fold and were made aware of Church sacraments. Manumission was felt to be approved by God. In colonial Virginia, however, the legislature controlled religion, and custom opposed the conversion of blacks. Emancipation in Virginia was irregular, and clergymen never were able to prove to the masters that bondage was a moral evil.

An important section of the book recalls the economic life of the regions. The strategic location of Cuba was a significant factor in the development of a diversified economy. This meant a profusion of economic opportunities for Negro slaves in both rural and urban Cuba. Their position was more favorable than that of their counterpart in Virginia. The plantation system along with a lack of economic diversity dominated the slave scene in Virginia. Consequently this structure gave the slave few opportunities to find himself.

The informative comparison of positions held by free Negroes merits special attention. The freedmen of Virginia were "degraded despised and . . . isolated from the main movement of society . . ." and this resulted in "a legacy of hatred, bitterness, and contempt" (p. 253). The caste system with segregation was so acceptable that it continued even after the death of slavery. The futility, however,

of keeping a caste structure was soon apparent to Spanish officials. Negroes, particularly mulattoes, were observed in "every rank, class, and occupation . . ." (p. 225). Social and economic mobility in Cuba was not only possible but obvious.

Professor Klein's clear and objective style of presenting history deserves commendation. The volume is carefully documented with numerous footnotes. It is unfortunate, however, that a separate bibliography was not included in the format of this excellent study.

John Carroll University WILLIAM J. ULRICH

NOTES AND QUERIES

Number of Men Maryland Supplied to the Union and Confederate Armies: There is an error in the number of troops that Maryland claims to have furnished to the Union. A miscalculation has been discovered which is interesting in that it means that the state supplied a much greater percentage to the Southern cause than has been previously recorded.

In Wilmer, Jarrett and Vernon's *History and Roster of Maryland Volunteers, War of 1861-5* (1898), I, pp. 7-8 the error appears as such:

Union troops:	50,316	white
	8,718	colored
	3,925	sailors and marines
	62,959	total to the Union

This erroneous figure of 62,959 has been repeatedly used. It appears on the bronze plaque which was placed by the state Civil War Centennial Commission in the State House at Annapolis and in the leaflet concerning the Confederate Room in the Maryland Historical Society. It has also been used in other books and pamphlets.

The correct figures for the Union can be obtained from the *Official Records,* series III, IV, pp. 1268-1270. The correct figures are as follows:

33,995	white
3,925	sailors and marines
8,718	colored
46,638	total to the Union

An additional 3,678 Marylanders paid commutation as a substitute for Union military service.

It is interesting to note that the error must have been a mathematical one which was arrived at by taking the figure of *46,638,* which is the correct *total* of all Maryland men furnished to the Union and adding to it the figure 3,678, which is the correct number of Marylanders who paid commutation. The total of 50,316 was then erroneously labelled as the number of white troops supplied.

It also seems that the most reliable information now states that Maryland contributed over 22,000 men to the Confederate armed

forces. If this be true, Maryland therefore supplied 32 per cent of its men to the Confederacy and 68 per cent to the Union. When considering the relative proportions of white men furnished to both sides, Maryland actually furnished 37 per cent to the Confederacy and 63 per cent to the Union in contrast with the erroneous figures of 29 per cent for the South and 71 per cent for the North.

By correcting this error of long standing, it is therefore seen that Maryland's proportionate contribution to the Southern cause has been considerably underestimated in the past. Yet, the correction nevertheless further substantiates Maryland's love for the Union. On the other hand, it also indicates and reaffirms her strong ties of heritage and blood to the South.

Jack T. Hutchinson
Cincinnati Civil War Round Table

The Star-Spangled Banner:

In the previous number of the Magazine it was stated that the Society would mount a definitive exhibition on The Star-Spangled Banner in September, 1969. Below is a list of the most outstanding items, all comparatively rare, and since a catalogue is envisaged, it would be useful to know the locations of any copies. Comments are invited and should be sent to P. W. Filby, Librarian.

1. *Baltimore Patriot and Evening Advertiser,* September 20, 1814.
2. *Baltimore American and Commercial Daily Advertiser,* September 21, 1814.
3. *National Intelligencer,* Washington, D. C., September 27, 1814.
4. *Mercantile Advertiser,* Utica, New York, October 6, 1814.
5. *Independent Chronicle,* Boston, October 3, 1814.
6. *Maryland Gazette & Political Intelligencer,* Annapolis, Md., October 13, 1814.
7. *Federal Gazette & Baltimore Daily Advertiser,* October 14, 1814.
8. *Analectic Magazine,* Philadelphia, November, 1814. (Note: Only the November number in original wrappers is of significance; bound volumes, lacking original stitching and wrappers, need not be notified.)
9. *Providence Patriot, Columbian Phenix,* Providence, R. I., December 10, 1814.
10. DEFENCE OF FORT M'HENRY. 14 lines. Single leaf. Printed on recto only.

11. DEFENCE OF FORT M'HENRY. (Key's name in editorial note.) 19 lines. Single leaf. Printed on recto only.

12. The American Muse: Or, Songster's Companion. New-York: Printed and sold by Smith & Forman, at the Franklin Juvenile Bookstores . . . 1814. "Defence of Fort M'Henry," pp. 187-188.

13. American Patriotic and Comic Modern Songs. Commemorative of Naval Victories, &c. Newburyport, 1814. "The Star-Spangled Banner . . ." pp. 36-37.

14. The Columbian Harmonist, or Songster's Repository . . . New-York: Printed and sold by Smith & Forman . . . 1814. "Defence of Fort M'Henry," pp. 187-188. [This is an extended edition of The American Muse (no. 11 above).]

15. National Songster; or, A Collection of the Most Admired Patriotic Songs . . . First Hagers-Town ed. Hagers-Town: Printed by John Gruber and Daniel May. 1814. Unprinted gray paper wrapper. "Defence of Fort M'Henry" pp. 30-31.

16. THE/STAR SPANGLED BANNER/A PARIOTIC (sic) SONG. Baltimore. Printed and sold by Carrs Music Store, 36 Baltimore St. [LC dates 1814?]

17. A celebrated PATRIOTIC SONG./THE/STAR SPANGLED BANNER/Written (during the Bombardment of Fort/McHENRY, on the 12th & 13th Septr 1814.) by/B. (sic) KEY Esqr./Baltimore. Printed and sold at Carrs Music Store . . . [Probably Dec., 1914] [2nd ed. of Carr, no. 16]

18. Star Spangled Banner/(flag and clouds)/PHILADELPHIA/Published by A. Bacon & Co. S. 4th St./ [LC dates c. 1815]

19. THE/BATTLE OF THE WABASH:/A PATRIOTIC SONG,/Written by Joseph Hutton . . . PHILADELPHIA. Published by G. E. Blake. [LC dates 1814?]

20. WASHINGTON GUARDS. Philadelphia: Published and sold at G. Willig's Music Store. [1816?]

21. The Star Spangled Banner, published by Geib and Company, 23 Maiden Lane, N. Y. [1816 or 1817].

22. New edition/Star Spangled Banner/Written by B. (sic) Key Esqr./ Written during the Bombardment of Fort McHenry/on the 12 and 13th Sept. 1814/Published and sold by T. Carr, Music Store Baltimore [Fort, Flag, Ships] [Feb., 1821, 3rd ed. of no. 16]

23. General Hull, and The Defence of Fort M'Henry. Feb., 1815. [L. side] A new song/called The surrender of/General Hull. [R. side] The Defence (sic) of/Fort M'Henry, (Baltimore)/ A new song. [Broadside]

24. The Baltimore Almanac for 1816. The Defence of Fort M'Henry, Baltimore. pp. 5-10. Baltimore, William Warner.

25. *Frederick-Town Herald,* Sat., Jan., 18th, 1806. Song. (Tune—Anacreon). [Prepared for, and sung by, a gentleman of George-town, at an entertainment given in honour of capts. Stephen Decatur, jun., and Charles Stewart.] "When the warrior returns from the battle afar . . ." [Any song book in which this song may have appeared should be noted.]

26. The Anacreontic Song/ as sung at the Crown and Anchor Tavern/in the Strand/the words by/Ralph Tomlinson . . ./ (rule)London, printed by Longman and Broderip no. 26 Cheapside Price 6d. [178-]. (*Sonneck,* Plate VIII)

27. —The same. [a later ed.] Price 6d/ (rule)London/Printed by Longman and Broderip No. 26 Cheapside and No. 13 Hay Market. (*Sonneck,* Plate IX)

Note: Nos. 16-23 are sheet music; nos. 25-27 are association pieces.

P. W. Filby

In the cemetery of historic Taylor's Chapel, built in 1853, and located on the Mt. Pleasant Golf Course on Hillen Road between Northern Parkway and Belvedere Avenue, there is buried a Captain George Pollard who died at the age of sixty-six on December 10, 1854.

In an effort to learn something of this man, who was also a Mason; the Masonic order was contacted as was the National Archives and Records Division of the United States. It was learned that he was a member of the Washington Lodge #3, the Masonic Order, from May, 1821 until 1844. Nothing was gleaned from the National Archives however.

Any information would be greatly appreciated. Please send replies to:

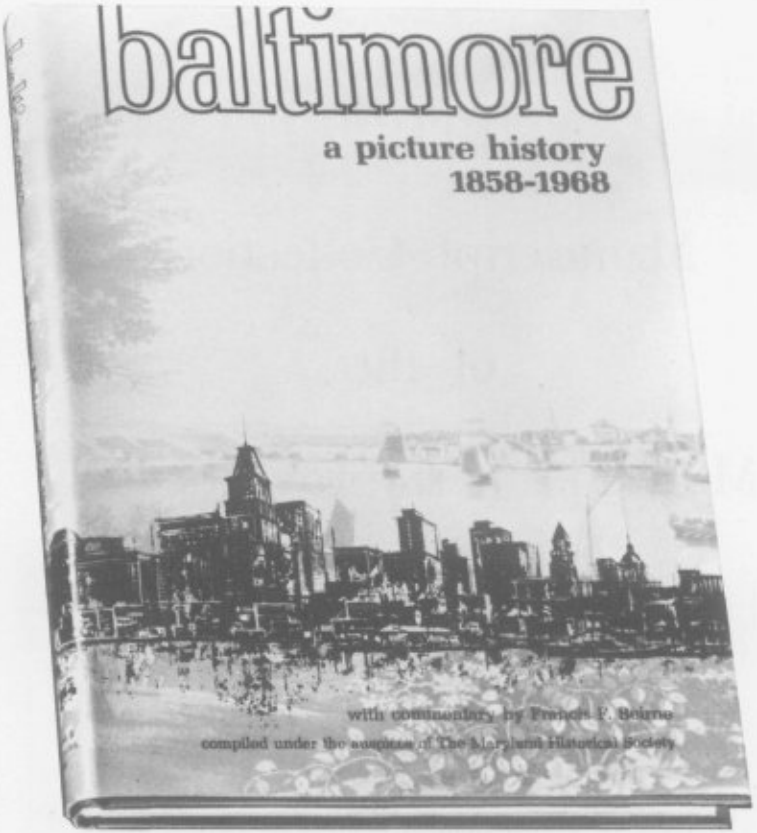
Mrs. Donald Loeschke
5517 Plymouth Road
Baltimore, Maryland 21214
426-1689

REQUEST FOR HELP

I am seeking information about MARTIN JOHNSON HEADE (1819-1904), an American landscape, still-life, and portrait painter. The first exhibition of Heade's work will be shown next year, opening at the Whitney Museum in New York. This will be followed by a monograph of his life and work, including a catalogue raisonné. I would appreciate hearing from any individuals or museums who own or know the whereabouts of any works by Heade, or who have any other information on him.

THEODORE E. STEBBINS, JR.
Associate Curator, Garvan and
Related Collections of American Art
Yale University Art Gallery
New Haven, Connecticut 06520

COVER—General Samuel Smith. 1752-1839 (A Painting by William E. West after Gilbert Stuart) Maryland Historical Society Collection.



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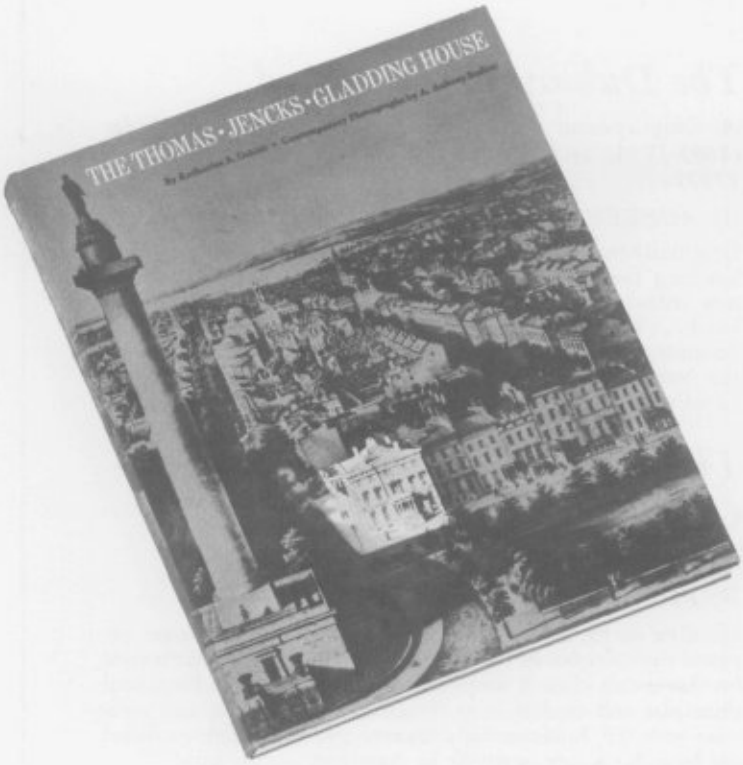

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Four New Volumes Available On

Colonial and Revolutionary History of Maryland

John Leeds Bozman, John V. L. McMahon and James McSherry were Maryland's first historians. The Reprint Company is pleased to announce that it has reprinted their histories and that they are now available.

The titles involved follow:

BOZMAN, John Leeds: "The History of Maryland From Its First Settlement, In 1633, To Its Restoration, in 1660, With Introductions, Notes And Illustrations," orig. pub(d) 1837, v I pp 314, $12.50, v II pp 728, $20.00.

McMAHON, John V. L.: "An Historical View Of The Government of Maryland From Its Colonization To The Present Day," orig. pub(d) 1831, pp 539, $17.50.

McSHERRY, James: "History of Maryland," orig. pub(d) 1849, edited and continued by Bartlett, B. James, pub(d) 1904, reprinted from 1904 edition, pp 437, $15.00.

In addition, the Reprint Company produced earlier and still has available, the following Maryland title:

"HEADS OF FAMILIES—The First Census of the United States, 1790—State of Maryland," originally published by the Government Printing Office for the Census Bureau, 1908—$10.00.

(Note—The Bozman, McMahon and McSherry volumes supplement and in no way conflict with the reprinting program being carried forward by a Committee of the Maryland Library Association. New introductions for all three titles were prepared by Mr. Richard Parsons, Coordinator, Adult Services, Baltimore County Public Library, Towson, Maryland.)

The Maryland volumes are part of a larger reprinting program of 100 or more titles on the Colonial and Revolutionary period of the original Colonies. Over 50 books have been completed and are available (see Publishers' Trade List Annual or Antiquarian Bookman Yearbook for complete list).

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Names of authors and titles of papers and original documents printed in the *Magazine* are set in capitals. Titles of books reviewed or cited are set in italics.

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