



The Archivists' Bulldog



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Baltimore City Supreme Bench

by Louis Mallick

One Special Collections summer intern project dealt with the history of the Supreme Bench of Baltimore City, now the Baltimore City Circuit Court. The project focused on processing the Schneider Collection, SC 5598, and researching the most notable cases of Judge Joseph N. Ulman. Both projects led to a better understanding of the history of the city and state judicial system.

Judge James F. Schneider at the Archives

U.S. Bankruptcy Judge James F.

Schneider recently donated to the Archives a collection of materials dealing primarily with Baltimore and Maryland judicial history. The collection includes biographical information and photos of judges, lawyers and other public figures, newspaper and magazine clippings on historical events, historical information on Baltimore, and historical information and photographs on Maryland county courthouses. Judge Schneider acquired the materials over the past 40 years, mostly as a result of research for his several books, including histories of the Maryland State Bar Association and the Baltimore City Bar Association, both compiled to commemorate organizational centennials. His current project is a history of the Supreme Bench.

Judge Schneider came to the Archives on August 15 as a guest speaker. His talk, entitled "40 Years as a History Detective," reflected his research and historical interests over the years, including Baltimore County, Baltimore City, family genealogy, and First and Franklin Street Presbyterian Church.

During the summer after graduating from high school, he began his pursuit of history by following historic routes through Baltimore County from a guide to Maryland prepared as a WPA project. The guide was later updated by the Archives and published as *A New Guide to the Old Line State*. He was also interested in family genealogy and did research at the Maryland Historical Society. His legal background helped him learn about government agencies and their records.

During his careers as a lawyer and court official, Judge Schneider was always concerned with the history of the offices and buildings where he worked. As a clerk for Judge Sklar, he became interested in the Mitchell Courthouse portrait collection. He has researched the portraits themselves and compiled biographies on the subjects. He gained a reputation as the amateur court

historian, and began collecting historical items as well as research notes. These include *cartes de visite* of numerous prominent lawyers from the nineteenth century and a book, dated 1840, from the Baltimore Bar Library, documenting the legal research of some of the most important legal minds in Baltimore. He saved the book from certain destruction by removing it from a trash pile in the Mitchell Courthouse.

Judge Ulman was a member of the Supreme Bench of Baltimore City from 1925 to 1943. His prominence in Baltimore's legal history stems in part from his book, *A Judge Takes the Stand*, published in 1933. This semi-autobiographical publication describes the life of a judge and the state of the legal system from a judge's perspective. The intern project this summer focused on identifying, describing, and scanning papers relating to cases heard by Judge Ulman, with an emphasis on those discussed in his book and on others with special legal or historical significance. Nearly thirty cases were identified, representing five of the six courts in Baltimore at the time, and more than 3300 pages of material were scanned.

The focus on the Baltimore court system is important in several ways. First, Baltimore City had a very peculiar and unique system of courts, consisting of the Criminal Court, City Court, Superior Court, Circuit Court, Circuit Court No. 2, and Court of Common Pleas. In 1983 they were consolidated into one court, called the Circuit Court, more in line with those in the counties. Second, the Supreme Bench was made up of some of the state's best legal minds, making the interpretation of the law in the Baltimore City judicial system a very significant part of the legal history of Maryland.

Justice Tempered With Mercy - Part 2

by Robert Barnes

Colonial penal laws could be harsh. At the February-March 1638/9 Session the Assembly passed a law providing that anyone who committed manslaughter or burned down a house or a stack of corn or tobacco could be sentenced to death by hanging. If a plea for "benefit of clergy" was offered, the individual instead could be burnt in the hand or forehead or lose a hand (*Archives of Maryland* 1:72). Other legislation at the same session specified that in offenses of petit treason the punishment of death would be by drawing and hanging for a man and by burning for a woman (*Archives of Maryland* 1:72).

In October 1685 Mrs. Anne Thompson was sentenced to be burnt in the hand for having two husbands. The Council relieved her of the punishment when she promised to live a better life (*Archives of Maryland* 17:417-418). As shown in [a previous article](#), persons who committed suicide might have their property confiscated by the State.

On the other hand, the government of colonial Maryland could show mercy. When a malefactor was sentenced to death by the county court, the residents or even some of the justices could petition for mercy.

One of the earliest cases concerned Ann Smith of Anne Arundel County who had been sentenced to death for murdering a Negro boy. Governor Nicholson felt she was penitent enough to be pardoned (*Archives of Maryland* 20:461).

In 1738 the Council advised the governor to grant a pardon to Negro Sampson, under a sentence of death in Dorchester County, and a reprieve to Mary Oneil, under a similar sentence for burglary in Baltimore County, with the proviso that she be transported out of the province. The Council considered other cases of condemned persons and adjudged their crimes too heinous, and it recommended the issuance of warrants of execution (*Archives of Maryland* 28: 136-137).

In December 1763 Justice John Darnall wrote the Council about the conviction of Negro Toby, a slave of Benjamin Hall, Jr. of Frederick County for the murder of Ely Linthicum. Because of his age, only nine years old, the Court thought him a suitable object of mercy. The Council concurred and the governor issued

a pardon (*Archives of Maryland* 32:91).

In April 1768 the Baltimore County Justices sent a petition to the Council, outlining the conviction of Richard Mansfield for stealing the horse of Richard Rogers. The evidence delivered in court justified the verdict, but with extenuating circumstances. Mansfield's wife was giving birth in a "lonesome wood cutter's cabin" and his master was not at home. By foot he went to town for rum and sugar, and out of concern for his wife wanted to return as fast as possible. He took a horse and released it when he reached his home a few miles away. Accompanying the petition were witness accounts, character verifications, and an indenture showing him to be "no Convict from abroad." On advice of the Council, the governor granted a pardon (*Archives of Maryland* 32:221).

Excerpts from the *Saint Mary's Beacon*, September 21, 1905

[from the *Saint Mary's Beacon* Collection, MSA SC 2841]

The newspaper was published in Leonardtown, and the issue for September 21, 1905, contained national, state, and local news along with ads and legal notices.

The local news contained most of the "interesting" material. Horses received substantial press coverage. A mare, named Nell and belonging to the Sisters of the St. Mary Academy, died from eating green cowpeas. A horse, being driven by Benjamin Ball of St. George's and owned by P.J. Medley of Piney Point, dropped dead on the road about a mile from Leonardtown. Another horse owned by W.C. Mattingly of Leonardtown fell down the cellar of R.C. Combs' carriage house. The animal "slipped in without trouble, but the floor had to be taken up to get it out."

Among the reported crimes was a charge against James Holly for breaking into the bar of Henry Love at Coltons Point. Thomas Bond, captain of the Patuxent Oyster Police schooner *Folly*, arrested several people for failure to obtain tonging licenses. The newspaper editorialized with "License and save trouble."

Charles Sterret Grason sent a letter to the paper. "I was utterly amazed to see in the last issue of your paper that I had been appointed as the Republican Clerk of Election for the 1st district of St. Mary's county. I desire to say that this appointment was made without my knowledge and consent and I most emphatically decline to serve in such capacity. I am a Democrat."

The entire last page of the *Beacon* was devoted to the detailed statement of expenditures of the county commissioners. Total expenses for fiscal year 1905 amounted to \$28,949.22. The greatest sum, \$6000 was spent on roads, followed by \$3214 on schools and \$3128 on the circuit court.

The legal requirement to publish a detailed financial account was taken literally. The statement included the names of all individuals and the amount paid each one. This included the \$1 allowed most witnesses appearing before grand juries and in court for criminal cases. Amounts allocated for pensions, the precursor of modern welfare, ranged from \$2 to \$100 per year. Payments to jurors could be as little as \$.50 and as high as \$24. Almost all the funding for the county came from the property tax.

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The Editor welcomes editorial comments and contributions from the public.

The Archives maintains a web site on the Internet at <http://mdsa.net>

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