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HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics are present History. Freeman

VOLUME XVII

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BALTIMORE

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BALTIMORE, MD., U. S. A.

History of State Banking

IN

Maryland

V

SERIES XVII Nos. 1, 2, 3

JOHNS HOPKINS UNIVERSITY STUDIES

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HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics are present History. Freeman

HISTORY OF STATE BANKING

MARYLAND

BY

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THE JOHNS HOPKINS PRESS, BALTIMORE

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PREFACE.

Banking under State charters, the system under which all

the banks of the United States, except the two national

banks, were organized from the adoption of the Constitution

down to 1863, a period of over eighty years, has received

very little scientific investigation. The scattered character

of the material has been one of the chief obstacles to a de-

tailed inquiry into this large division of our banking history.

Local studies in the various States must necessarily precede

the comprehensive treatment of the whole subject. The

advantages to be gained from the study of our banking ex-

perience cannot be doubted, and especially at the present

time are its lessons important, when we are in the midst of

discussion of reforms in banking and currency, and the

necessity of a change in our present system is within plain

view.

Moreover, as a portion of local history, the subject has a

decided interest. The development of banking facilities and

the industrial progress of the State have been very closely

connected.

Nothing whatever has been written upon State banking in

Maryland. Scant materials have rendered necessary the

omission entirely of some subjects which should have found

place, and the limited treatment of others. The more im-

portant sources for the present narrative are the Maryland

Laws, Maryland Public Documents, Reports of the State

Treasurer, and of the Comptroller of the Treasury of Mary-

land, and Niles's Register. The bank reports made to the

State Treasurer before 1828 were not published, and the

statistical material for this period is quite unsatisfactory.

From 1828 to 1863 the reports were generally published, and

are available in the Maryland Public Documents. The orig-

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inal reports were destroyed "with all the other rubbish,"

as a State officer informed me. Newspaper and magazine

files have been constantly consulted.

Acknowledgment must be made of the courtesy of the

Maryland Historical Society, the use of whose library gave

to the writer access to many pamphlets and papers not else-

where obtainable. Acknowledgment must also be made to

many bankers for information and suggestions concerning

matters within their experience.

A. C. B.

History of State Banking in Maryland,

1790-1864.

CHAPTER I.

THE BEGINNING OF BANKING IN MARYLAND, 1790-1810.

i. Introduction.

In the following' narrative we shall study the system of

banking which existed in Maryland prior to the passage of

the National Bank Act in 1863. The organization and line

of development will be studied chiefly as they are reflected in

the legislative regulations upon banking by the General

Assembly of the State. Our history will be, however, more

than a bare legislative history, for political, economic and

industrial conditions will be constantly examined to afford

the reason for legislative action, and also the close relation-

ship between development in banking and industrial ad-

vancement will be constantly kept in view.

The limits of our territory shall be observed, so far as the

nature of the subject will permit. If the present paper were

the place for it, material for a broad comparative study is not

available. The period covered extends from the first grant

of a charter for banking purposes, in 1790, to 1864, at which

date State banking was almost entirely superseded by the

establishment of a national banking system, in consequence

of which nearly all the old banks reorganized as national

banks, and the old system received little further develop-

ment.

10 Plistory of State Banking in Maryland.

The term "State banking" is used in the sense common in

the United States as applicable to banks operating under

State charters, as opposed to government or national banks.

The study will be confined to "banks" in the ordinary

sense, i. e., to those having the three functions of discount,

deposit and issue. "Banks" in the early sense, implying

simply the power of issue, under which class would fall land

and other private banks, and also early government banks,

will not be considered. Savings banks are also omitted from

treatment, except in so far as they possessed the three func-

tions named.

The year 1810 presents itself as a natural point of division.

The period before this is concerned with the introduction of

banks into Maryland, the economic conditions giving rise to

their organization, and the source of Maryland banking

ideas. The disappearance of the first Bank of the United

States marks a period in the banking history of the country.

Particular results of it in Maryland were the broad exten-

sion of banking facilities to the counties, in contrast to their

previous confinement to Baltimore and Annapolis, and at

the same time there occurred a decided change in the char-

acter of banking in the State, a period of experimentation

follows, due to the withdrawal of the controlling influence

of the United States Bank.

2. Economic Condition of Maryland.

Banks in the modern sense, exercising functions of dis-

count, deposit and issue, cannot be said to have existed in

America until the last quarter of the eighteenth century.

Their establishment was called for by the economic needs of

the country. It is generally true that in a new and develop-

ing country profitable employment can be found for all ob-

tainable capital. In addition to this, the English colonies

were just emerging from a long period of war, in which their

resources had been greatly exhausted. The revival of in-

dustry from the interruption of the war was quick and ener-

getic, and capital was in demand for productive purposes.

The Beginning, 1790-1810. 11

The value of banks in collecting free capital, in aiding the

anticipation of funds, in increasing the medium of trade, was

clearly seen. 1

The condition of the circulating medium was also a source

of inconvenience and confusion. Prolonged scarcity of

money sooner or later drove all the colonies to paper issues.

A proper limit was seldom observed, consequently deprecia-

tion resulted, and fresh issues became in the hands of a spec-

ulating and debtor class a means of release from their obli-

gations.

Maryland first issued paper money in 1733. Thereafter

almost any object, war, State loans, roads, bridges, State

buildings or what not, became a sufficient excuse for a new

issue. The intervals between emissions varied from one to

six years, and the amounts ranged from $150,000 to $1,500,-

ooo. After a term of years, usually about twelve, the notes

were to be redeemed, but redemption was commonly made

in new notes at fixed rates. The depreciation was usually

about six or seven to one of specie.

During the Revolutionary War this paper currency

reached its floodtide. The Continental Congress issued at

least $200,000,000, which distributed itself throughout the

States. 2 It did not, however, supersede State money in

Maryland; both were made legal tender in 1777. The war

expenses necessitated increased State issues to aid the State

treasury. In 1777 Maryland issued $1,300,000; in 1780 an-

other million followed, and in 1781, a third. The whole

mass depreciated greatly, and continental bills became

worthless. Maryland currency at this time was composed

of various issues, known as continental bills, convention bills,

provincial bills, State continental bills, State money, black

money and red money. Such a quantity of paper in circu-

lation was naturally calculated to drive out the specie, al-

though in 1781 the considerable sum of 100,000 was esti-

1 See pp. 17 and 21.

\* Thomas Jefferson's estimate. Cf. H. Phillips, Amer. Paper

Currency, 2d series, p. 199.

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mated to be still in the State, although it became more and

more hoarded. 1 It is difficult at this time to imagine the

confusion inevitably resulting from such a mixture of paper

and metal money.

To relieve this condition of the circulating medium, and

to assist in the industrial revival which was occurring imme-

diately after the war, fresh paper issues, superseding the old

ones, and with better provision against depreciation, were

believed to be the remedy. Bills for new emissions were

urged at every session of the Assembly, but unsuccessfully.

The sound industrial classes preferred existing conditions to

the probable perversion of the remedy by demagogues and

speculators, and the virtual destruction of the effects of all

money contracts. 2 The numerous special bills for the relief

of debtors at this time indicate also the class which was most

clamorous for State issues.

The industrial development of Maryland after the war

was something phenomenal. In 1790 her total population

was 320,000, distributed over eighteen counties, 9000 square

miles in area. Baltimore numbered 13,500 people; Annap-

olis was the second city in importance. The population of

the country districts was located chiefly along the river

courses, and grain and tobacco culture were the most impor-

tant pursuits. A keen rivalry for industrial supremacy ex-

isted between Maryland and her sister States. By 1794 she

had become the second State in the Union in respect to her

export trade. Baltimore became transformed from a large

town to the first port of the United States for grain, grain

1 The coins were various and circulated according to weight :

Johannes, half-johannes, moidores, English guineas, French guineas,

doubloons, Spanish pistoles, French milled pistoles, Arabian

chequins, English milled crowns, other English milled silver, French

silver crowns, Spanish milled pieces of eight, and other Spanish,

French, German and Portuguese gold and silver coins. (Scharf,

History of Maryland, Vol. II, p. 478.)

Cf. Scharf, Western Maryland, p. 538.

The Beginning, 1790-1810. 13

products and tobacco. 1 The continental wars created an

unusual demand for American breadstuffs, and likewise a

large part of the European carrying trade devolved upon

American boats. In this traffic Baltimore became a center,

and the Baltimore "Clipper," through its superior sailing

qualities, became the chief instrument.\*

Baltimore was the natural entrepot for the large extent of

country embracing Maryland, Delaware, Western Pennsyl-

vania, Southwestern New York, the Ohio region and parts

of Virginia. To maintain this trade against her rivals, New

York, Philadelphia and Alexandria, communication had to

be made as easy and inexpensive as possible. This neces-

sitated the improvement and extension of roads and the

building of bridges. Each session of the Assembly was be-

sieged with petitions for internal improvements of one sort

or another, having for their object the development of the

counties and the advancement of agricultural interests. In

1785, for example, there were thirteen State roads proposed,

aggregating 504 miles, the estimated cost of which was

20,800. The activity along all lines of industry was intense,

and the available resources of the State were being strenu-

ously developed. It was at this time that the beneficial in-

fluence of banks in other places was brought prominently to

the public attention, and this method was adopted to assist

in Maryland's advancement.

3. Source of Maryland Banking Ideas.

The idea of great national banks was a familiar one

throughout the last century. The banks of Venice, Amster-

1 Table showing growth of Maryland's export trade :

1791, 12,239,691 1795, $5,811,380

1799, 16,299,609 1800, 12,264,331

I 8o3i 5,078,062 1805, 10,859,480

1807, 14,298,984 1 8 10, 6,489,018

Pitktn's Statistical View.

\* Maryland Tonnage (Pitkin) :

1793, 127,300 1794, $53,ooo

1795, 66,000 1797, 80,100

1799, 109,600 1800, 112,400

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dam, of France, England, Ireland and Scotland were the

chief representatives of this class, and they had acquired

world-wide fame. This same idea of a great national bank

for each State, whether established to assist the government

directly or simply for general economic purposes, was

adopted in America, and the Bank of North America was

chartered by the Continental Congress in 1781 to help it in

its financial difficulties. Alexander Hamilton considered

that it had forfeited its place by accepting a charter from the

State of Pennsylvania, and accordingly he proposed in its

stead the first Bank of the United States. 1 After sovereignty

and independence had been won, it was natural that the indi-

vidual States should proceed along the same line, and ac-

cordingly single State banks were established, chiefly for

general economic reasons, in Massachusetts (1784), New

York (1784), and Maryland (1790).

The Scotch banking system, through the writings of Adam

Smith, Sir James Steuart and Montefiore, exercised more

influence than any other system upon the form and character

of organization of early Maryland banks. The favorable

criticisms by Smith, 2 Steuart 3 and Montefiore 4 upon the

Scotch system did much to alleviate the prejudice against

banks, and they acquainted the people generally with the

leading features of a successful system. When banks began

to be earnestly discussed in Maryland about 1790, the Scotch

system received the greatest amount of attention, owing, no

doubt, to greater familiarity with it through the economists

just mentioned. 5

1 Hamilton's report on a National Bank, Dec. 13, 1790.

2 Wealth of Nations, Vol. I, pp. 296 ff. (Bohn ed.)

8 Pol. Econ., Vol. II, Bk. XIV, ch. 3.

4 Commercial Dictionary, Vol. I, p. 235-6.

The following passages, previously referred to were fre-

quently quoted (cf. Md. Journal and Baltimore Advertiser, Dec. ^

and 17, 1784; Observations on an act to establish a Bank, Annap.,

1805) : "In countries where trade and industry are in their infancy,

credit must be little known, and they who have solid property find

the greatest difficulty in turning it into money, without which indus-

The Beginning, 1790-1810. 15

Following are some of the more important points of simi-

larity to the Scotch system which were adopted in Mary-

land: Most of the early Scotch banks were originally pri-

vate copartneries; this system was usually followed in Mary-

land until 1817, when it was prohibited by law in order to

prevent the increase of banking companies.

The large extension of branch banking is a distinctive

feature of the Scotch system. This principle was introduced

into Maryland in 1804, but it has received comparatively

little development. No bank in Maryland has had more

than two branches performing a regular banking business,

and but a limited number have had branches at all; these

were organized early. Several attempts at a broad exten-

sion of the system were not carried through.''' Perhaps on

this account outlying agricultural districts were developed

try cannot be carried on, and consequently the whole plan of

improvement is disappointed. Under such circumstances it is proper

to establish a bank upon the principles of private credit; this bank

must issue upon land and other securities. Of this nature are the'

banks of Scotland ; to them the improvement of that country is

entirely owing although I have represented this species of banks,

which I call Banks of Circulation upon Mortgage, as peculiarly adap-

ted to countries where industry and trade are in their infancy, their

usefulness to all nations who have upon an average a favourable

balance upon their trade, will sufficiently appear on examination of

the principles upon which they are established." (Steuart.)

"I have heard it asserted that the trade of the city of Glasgow

doubled in about fifteen years after the first creation of Banks there ;

and that the trade of Scotland has more than quadrupled since the

first creation of the two public banks of Edinburgh, the Bank of

Scotland (1695), and the Royal Bank (1727). Whether the trade,

either of Scotland in general, or of the city of Glasgow in particular,

has really increased in so great a proportion during so short a period,

I do not pretend to know. If either of them has increased in this

proportion, it seems to be an effect too great to be accounted for by

the sole operation of this cause. That the trade and industry of

Scotland, however, have increased very considerably during this

period, and that the banks have contributed a good deal to this

increase, cannot be doubted." (Smith.)

1 Md. Laws, 1817, ch. 156. \* Cf. pp. 83 and 85.

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more slowly than they might have been under a system of

branch banking. The expense of operation of independent

banks is greater than of branch banks, and at the same time

the funds are managed less effectively and the competition is

greater. The period of disaster to country banks following

the suspension of 1812 would probably have been avoided

under a system of branch banking.

Large capitals were a feature of early Maryland banks, as

of the Scotch banks. The Bank of Maryland had $300,000

paid-up capital; the Bank of Baltimore wished to be allowed

$9,000,000, but was limited to $1,200,000; $1,200,000 was the

capital of the Farmers' Bank of Maryland, and $3,000,000

that of the Union Bank of Maryland.

The payment of interest on deposits was begun by the

Farmers' Bank of Maryland in 1804, for the first time in the

United States. This plan later became general. The pecu-

liarly Scotch feature of cash credits was also introduced by

this bank. In each case the issue of notes was free and based

upon general credit, as opposed to specific funds. The max-

imum rate of discount was fixed in Maryland ; in Scotland,

the minimum rate. Maryland banks generally could loan

upon real estate. In their relations with each other the

banks were prompt and exacting; there were regular and

frequent exchanges; in fact, daily exchanges became the

practice in Baltimore very early. 1 In the general attitude

of the State toward the banks there was another similarity.

The charter regulations were by no means of a strict nature

in either case; the public was virtually dependent upon the

will of the officers for proper banking facilities and good ad-

ministration.

The influence of the Bank of the United States, established

in 1791, was not great; some principles of minor importance,

which will be noticed hereafter, 2 may perhaps have been

adopted in Maryland from its example.

1 Bank of Md. Conspiracy, T. Ellicott, p. 3.

1 See p. 26.

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4. Early Banks.

The economic condition of Maryland during the last quar-

ter of the eighteenth century has been briefly described

above. It will suffice here merely to recall the remarkable

industrial development through which the State was passing.

At the same time the specie in circulation was limited in

amount and heterogeneous in character and fluctuating in

value. The State bills of credit, of which there had been

such a flood during the war, were gradually passing out of

circulation, and the Legislature persistently refused new

issues. The circulating medium was becoming more and

more contracted. An adequate metallic currency was too

expensive. Under these conditions the demand for State

bills of credit began to change to one for a bank.

The first attempt to incorporate a bank in Maryland oc-

curred in 1782, when James McHenry, Esq., introduced into

the Senate "an act to establish the credit of a bank" in Bal-

timore. The bill was considered and passed the Senate; the

House of Delegates, however, rejected it. 1 Nothing further

can be learned about it.

In 1784 the agitation was again revived. The following

advertisement appeared in the Baltimore papers: 2 "Such of

the Inhabitants as are desirous of promoting the establish-

ment of a Bank in the Town of Baltimore are requested to

meet \* \* \* , when proposals for carrying into imme-

diate effect an institution so essentially necessary to the com-

mercial interests, not only of the town, but of the State also,

will be laid before them." The townspeople entered heartily

into the scheme; proposals for the bank were immediately

published and subscriptions solicited. 3 The proposals ex-

plain in the following words the advantages that were ex-

pected to be derived from a bank: "The experience of wise

commercial nations has fully evinced the utility of well-regu-

lated Banks. The advantages resulting from the Bank of

1 Journal of Senate, Nov. Sess., 1781, pp. 20, 28 and 31.

1 Md. Journal and B alto. Advertiser, Nov. 9, 1784.

\* Md. Journal and Balto. Advertiser, Nov. 19, 1784.

2

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North America, in Philadelphia, have already been mani-

fest, and point out to this State the evident necessity of an

institution which naturally increases the medium of trade,

promotes punctuality in the performance of contracts, facili-

tates the payment of public dues, furnishes a safe deposit for

cash, aids the anticipation of funds on paying common in-

terest, advances the value of country produce and facilitates

the negotiations of the foreigner, while it promises an ad-

vantage to the Stockholder."

The bank was to be styled the "Bank of Maryland," and

the capital stock proposed was $300,000, in shares of $400,

payable in gold or silver. Other sections of the articles of

association relate to the subscription and payment of shares,

the general powers and salaries of directors, and penalty for

fraud. 1 The election of directors might be made after 150

shares had been subscribed. In case the State by law made

the bank notes receivable in payment of taxes and other

public dues, the Legislature was to have the right to examine

the affairs of the bank and to have access to its books and

papers. Within ten days 150 shares had been subscribed,

so that they were able to proceed to the election of directors.

A lively discussion was carried on between the friends and

opponents of the bank until the matter was finally decided

by the Legislature. The merchants of Baltimore favored it.

The agricultural and speculative elements opposed it; the

former, because the short time of loans practically excluded

them from borrowing, the rates of discount would be high.

They also argued that it would draw capital from the coun-

try to the city, and thus check improvement and agriculture.

The latter, the speculative class, preferred State issues. 2 It

was objected also that it would aid only a few. The 300

shares which were subscribed were distributed among but

seventeen persons.

1 These provisions recur in the charter of the Bank of Maryland;

see p. 29.

2 Md. Journal and B alto. Advertiser, Dec. 7 and 17, 1784.

The Beginning, 1790-1810. 19

A petition for a charter was presented to the Senate at the

November session, 1784. A committee of the House of

Delegates reported favorably upon it, and a bill was brought

in to charter a bank, but it was finally laid over until the next

session of the Assembly, and was not called up again.

For six years no further attempt was made to start a bank

in Maryland. 1789 and the early part of 1790 formed a

period of considerable depression in the State. A revival,

however, began in the spring of 1790, when the extraordi-

nary demand in Europe for food products, resulting from

the breaking out of the French Revolution, began to be felt

in America. Baltimore, the first grain and flouring port of

America, received great stimulus from the rapid rise in the

price of wheat, and all branches of industry were greatly

quickened.

Credit facilities at this time were very meagre. An ad-

vance could usually be obtained upon tobacco after it had

been placed in the warehouses which were regulated by the

State. The State inspectors issued warehouse receipts stat-

ing the quantity and quality of tobacco in custody; these in-

spectors' bills could always be exchanged for good bills in

London, and they furnished the medium for the large com-

me/cial transactions. This means of anticipating the return

from crops was, however, limited, since the State undertook

the inspection of tobacco only, and not of wheat and flour

also, which at this time exceeded the former in amount.

As a result of these conditions an application was made

by sundry citizens to the November session of the Assembly

for a charter for a bank to be called the "Bank of Mary-

land." In this case the petitioners did not organize a part-

nership under articles of association before applying for a

charter. Perhaps this may have been due to a desire to pre-

vent public discussion of the project by enemies of banks

who had been so effective in preventing the passage of the

charter in 1784. Very slight notice of the bank appears in

the papers before it had received a charter.

The assistance of industry and commerce was stated to be

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the motive in establishing a bank. The bill had little diffi-

culty in passing; the final vote in the House of Delegates

was fifty-one affirmative to seven negative. 1 The capital

stock was fixed at $300,000. Subscriptions were opened in

Baltimore, December 10, 1790, and within fourteen days

$200,000 was subscribed, 2 the amount necessary to be sub-

scribed before the election of directors might occur. Dur-

ing the ensuing year this amount was paid in, and the bank

began operations. The remainder of the capital stock was

called in within the following four years. Subscriptions

were paid in foreign gold coins at 6s. or 6s. 8d. the pwt, de-

pending upon the fineness. 3 Few of the notes of the Bank

of North America at Philadelphia, and none of those of the

banks of New York and Massachusetts had reached Balti-

more at this time.

An addition to Baltimore's banking capital occurred in

1792, when the Bank of the United States established a

branch at that place which usually operated a capital of

about $500,000.

In 1793 the Maryland Legislature granted a charter\* to

the Bank of Columbia, which was to be located in the Dis-

trict of Columbia. The avowed object of the formation of

the bank was to assist in the preparation of the District for

occupancy by the National Government. The nominal cap-

ital was $1,000,000. It immediately passed from the juris-

diction of Maryland.

During the years 1790 to 1800 the Bank of Maryland was

able to declare annual dividends of 12 per cent. Its capital

was far below what it might with ease have employed. In

1795 an unsuccessful attempt was made to double this cap-

ital. 5 As a substitute it was proposed to establish another

1 Journal of House of Delegates, 1790, p. 34. Md. Laws, 1790, ch. 5.

\* Griffith, Annals of Baltimore, p. 128.

8 Md. Journal and B alto. Advertiser, April 5, 1791.

4 Md. Laws, 1793, ch. 30.

Griffith, Annals of Baltimore, p. 128. Brief exposition of the

leading principles of a bank.

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bank, which might consolidate with the Bank of Maryland,

upon the consent of both parties. This clause was stricken

out and an entirely separate institution received a charter in

1795 as the Bank of Baltimore, 1 although the Bank of Mary-

land became a subscriber to its stock.

The petition for a charter, signed by sixteen parties and

submitted to the Legislature, declares that the Baltimore

banks from the inadequacy of their capital to the trade of the

country, do not come up to the end for which they were insti-

tuted, and it states further that the stimulation of industry,

the extension of commerce, a more favorable balance of

trade, a lower interest rate, the collection of capital, are ad-

vantages invariably following from the establishment of

banks. 2

The capital of the bank was fixed by the Legislature at

$1,200,000, though the petitioners wanted the limit placed at

$3,000,000, with provision for increasing it ultimately to

$9,000,000, as the growing character of Baltimore trade de-

manded more banking accommodations.

Tf,e two banks had an aggregate capital of $1,500,000, to

which there were added by the United States branch bank

at Baltimore about $500,000. This amount could be very ac-

tively employed in a town whose export trade alone was of

an annual value of more than $9,000,000, and which was

rapidly growing, to say nothing of other commercial and in-

dustrial operations. Manufacturing was at this time ad-

vancing apace. A climax was reached at the end of the

eighteenth century. Maryland's total exports for 1799 were

$16,300,000. After this time there was a decrease, due

chiefly to the narrowing of the market for American bread-

stuffs by the restoration of peace in Europe in 1802, and also

to the competition of Philadelphia and New York for Balti-

more's trade. By 1803 the lowest point had been reached;

exports had fallen to $5,100,000; there was a general stagna-

1 Md. Laws, 1795, ch. 27.

\* A brief exposition of the leading principles ol a bank, etc.

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tion. The relapse was in large measure charged to Balti-

more's lack of banking facilities in comparison with her sister

cities. 1 It was estimated that $120,000 of good paper was

weekly rejected by the Baltimore banks. The parties seek-

ing accommodation were compelled to patronize brokers

who charged them excessive rates. Trade was thus driven

away. 2 The rivalry with Philadelphia and Alexandria, Va.,

was very keen. Pennsylvania at this time had six banks,

four of which were in Philadelphia, whose total capital was

$10,000,000; the banking capital of New York was $6,500,-

ooo, operated by seven banks; yet the trade of these places

was normally about the same as Baltimore's. Within ten

years the circulating medium of Virginia, Pennsylvania and

New York had increased about 50 per cent., it was esti-

mated, whereas in Maryland it had remained almost sta-

tionary. 3 Baltimore saw Philadelphia drawing part of her

Western and Northern trade. A considerable amount of

her Eastern Shore products were going to Alexandria.

To assist Baltimore from the depression, and to render her

more nearly equal to her rivals in banking capital, the Union

Bank of Maryland was organized. The articles of associa-

tion appeared February 24, 1804.\* On April 10 of the same

year books were opened for subscriptions of stock, and the

amount requisite to enable them to proceed with the election

of directors was subscribed in one day. It began business

in June, 1804, as a limited partnership or company, and it

was thus the first bank in Maryland to begin operations with-

out first having procured a charter.

The capital stock of the bank was $3,000,000, in shares of

$100, of which $2,312,150 was paid in. Subscription books

were opened in the counties, and 500 shares were allotted to

each county (1000 to Anne Arundel) for subscription. Sen-

ators and delegates were made county commissioners in

1 Federal G azette and B alto. Daily Advertiser, Jan. and Feb., 1804.

2 Federal Gazette and Baltimore Daily Advertiser, Feb. 23, 1804.

8 Ibid. \*Ibid., Feb. 24, 1804.

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charge of the subscriptions. Five thousand shares were re-

served until after incorporation, so that the State, if it de-

sired, might subscribe. The two latter measures were prob-

ably taken with a view to procuring votes for the charter,

though there appears to be no evidence that other induce-

ment was offered.

The articles declared the liability of the company to be

limited to their capital stock, but directors were personally

liable for dividends declared in excess of profits. Land,

ships, and merchandise could be held only as security. The

partnership was to terminate in 1825, unless a charter was

received before that time. 1

All of the banks thus far established were in Baltimore,

and were preeminently for the aid of its commerce and manu-

factures. The agricultural needs had not yet received the

necessary attention. With a view to assisting the farmer

class especially, the Farmers' Bank of Maryland was organ-

ized Jin August, 1804, at Annapolis, and a branch bank was

located at Fasten, and later (1807) another at Frederick. In

addition to benefiting the agricultural interests, it was hoped

that it would also assist in Annapolis a commercial develop-

ment parallel to that of Baltimore, and that it would divert

from Baltimore to Annapolis the amassing of the free capi-

tal of the State. Easton, too, it was hoped to develop into

an entrep6t for the southern part of the Eastern Shore, and

thus cut off the flow of Maryland produce to Alexandria.

It started as a private partnership. The articles of asso-

ciation appeared early in August, 1804. A lively discus-

sion was provoked. It was urged that the agricultural in-

terest did not require and could not support such an institu-

tion, and that the commerce of Annapolis and Easton was

not of sufficient magnitude to need it. 2 At this time the

1 Other provisions related to voting and the election of directors

and are essentially the same as those of the charter to be described

in the next section.

2 Observations on an act .... to establish the Farmers' Bank

of Maryland.

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application of the Union Bank for a charter was being bit-

terly opposed by the friends of the old banks, who wished

to retain the monopoly of banking in their hands. The

Bank of Baltimore had been paying regularly from 10 to 12

per cent, in dividends, and its stock was quoted at $500 (par

$300). Union Bank stock was selling at $8 to $10 advance,

though it was still unincorporated. The two new banks

were able to obtain charters from the December session of

the Assembly, 1804, by banding their forces and working

for each other in the Assembly. 1

At Charlestown, a town created by act of Assembly, and

which scarcely had an existence except on paper, a private

bank was organized in 1804 under the title of the "Fisher-

man's Bank of Charlestown." A branch was placed at Tur-

key Point. The nominal capital was $1,000,000. A char-

ter was never obtained. It was largely a means of booming

the town. 2

The renewal of the continental wars in 1804 again made a

market for Maryland products, and Maryland commerce and

manufacture, which had sunk so low in 1803, had by 1806

again almost attained that degree of prosperity which was

reached in 1799. The export trade in 1806 amounted to

$14,500,000. On the crest of this wave of prosperity the

Mechanics' Bank of Baltimore was chartered in 1806 to give

aid especially to practical mechanics and manufacturers.

The capital was $1,000,000, of which $640,000 was paid in,

including $94,625 subscribed by the State. 3

Up to 1807 Baltimore and Annapolis, the most populous

and leading industrial cities of the State, were the seats of

all the banking institutions. In the Farmers' Bank, at An-

napolis, one of the aims was to aid agriculture. In 1807 a

general extension of banking advantages to the various

counties by locating banks in the most important county

1 Federal Gazette and Balto. Daily Advertiser, Aug. 28, 1804.

2 Ibid., Aug. 7, 1804.

3 Griffith's Annals of Baltimore, p. 179.

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town, was begun. The first bank thus established was the

Hagerstown Bank, in Washington county. Its capital was

$250,000. In the course of a few years banks were located

in nearly all the counties of the State.

TABLE OF THE CHARTERED BANKS OF MARYLAND

ON JANUARY i, 1810.

Name of Bank. Established. Capital\*\* 1 Capttal.

Maryland 1790 $300,000 $300,000

Baltimore, ...... 1795 1,200,000 1,199,250

Union, 1804 3,000,000 1,845,560

Farmers', 1804 1,200,000 819,575

Mechanics', . . . . 1806 . . . 1,000,000 555,97

Hagerstown, 1807 250,000 250,000

Totals $6,950,000 $4,9/0,355

\. A Typical Charter.

"Ve. shall defer consideration of the charter for a moment

to notice briefly the legal basis of banking privileges in

Maryland. The sources of this privilege were the common-

law right and special charters granted by the State. In some

of the States of the Union the common-law privilege was

from an early date restricted, both to secure the public

safety and also on account of the granting of monopoly priv-

ileges to special companies. This, however, did not occur

in Maryland until I842. 1 The two systems coexisted

throughout the early part of our period, though in 1817 a

partial restriction of the common-law right occurred, when

it was made unlawful for persons to associate for banking

purposes without first procuring a charter. 2 The effect of

this law was to prevent companies with large capital from

engaging in banking without charters, but it did not apply

to individuals. Persons issuing notes were in 1831 made

subject to the same laws as banks in regard to the denomi-

nations of the notes allowed to be issued, 3 but the power to

1 See p. TOO. 2 Md. Laws, 1817, ch. 156.

8 Ibid., 1831, ch. 317.

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issue remained intact until in 1842 the State removed it by

legal enactment. 1

A change occurred in the legal basis of banking rights in

1864, when the National Government passed a general law

regulating banks. The reorganization of nearly all Mary-

land banks under this law marks the limit of our study. Free

banking under a general law was frequently under debate in

Maryland during the forties and fifties, and in 1852 a bill was

introduced into the Legislature to establish such a law, but

its passage was defeated. 2

With this preliminary digression we will return to the

charter. Excepting the charter of the Bank of Maryland,

the charters of all Maryland State banks follow closely the

form of that of the Bank of Baltimore, which was established

in 1795, the second bank in the State. Special attention was

given by the House of Delegates to the form of the charter, 3

and it served as a type for the charters of later banks. For

these reasons it is the better suited for examination.

Various points of similarity between it and the charter of

the first Bank of the United States indicate that the latter

may have been used to some extent as a model. The follow-

ing points of similarity may be mentioned:

1. The system of voting; the power of the majority lim-

ited.

2. Rotation of directors.

3. Personal liability for debts exceeding a limited amount.

4. Similar regulations regarding real estate and trade.

The following is an abridgment of the leading articles of

the charter:

The location, capital, and number of shares were prescribed, and

thirty-six persons were designated to receive subscriptions of a stated

number of shares in Baltimore and in each of the eighteen counties.

The books were to be kept open for subscriptions not less than three

days nor longer than three weeks. Stock subscribed was deemed

the property of the person in whose name it was taken in spite of all

1 Seep. loo. 2 Seep. no.

9 Journal of House of Delegates, 1795, p. 25, (Nov. 18).

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agreements to the contrary. A person was allowed to subscribe not

more than twenty shares in one day, though if too many shares were

subscribed, the largest subscriptions were to be reduced so that all

subscribers might hold some stock. Unsubscribed shares were to be

laid open for subscription in Baltimore after four weeks' notice.

Payment of subscriptions was divided into two parts, and the first

part was subdivided into thirds, of which the first third was payable

to the Commissioners of Baltimore previously to the election of

directors, after two months' notice. The directors, when elected,

were to call in the remainder by December i, 1797, though any sub-

scriber could pay up his stock in full at any time before this limit

and draw dividends on the amount paid in. Failure to pay the first

third forfeited the right to the share.

The shareholders were to elect annually a board of fifteen direc-

tors who were to choose one of their number as president. As soon

as 3000 shares had been subscribed and $150,000 paid in specie, the

election of directors was to be effected. The bank was allowed to

begin operations when $300,000 had been paid in specie. The direc-

tors were empowered to appoint officers, clerks, and servants, and

to fix their compensation.

They were created a corporation with the usual powers and the

following provisions were to be the fundamental articles of its con-

stitution :

(1) The number of votes to which each stockholder was entitled,

was, according to the number of shares he held, in the following pro-

portion : one vote for each share up to two ; one vote for every two

shares from two to ten ; one for every four from ten to thirty ; one

for every six from thirty to sixty ; one for every eight from sixty to

one hundred. No one could have more than thirty votes. Shares

had to be held three calendar months previous to the day of election

to confer the right of voting. Stockholders actually resident within

the United States and none other were allowed to vote by proxy.

(2) One-third of the directors in office was ineligible for reelection

the next year ; the director who was president could always be

reelected.

(3) Directors had to be citizens of the United States. No director

of another bank could be a director of this bank. There were to be

half-yearly dividends of profits. The stockholders were to receive

an annual statement from the directors of surplus profits and of debts

unpaid at the expiration of the original credit.

(4) Compensation of the president and directors was in the hands

of the stockholders.

(5) Nine directors were to constitute a board for the transaction of

business.

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(6) Six hundred shares of stock, $180,000, were to be reserved for

the State, of which not over $90,000 might be paid in in any one year.

(7) A meeting of the stockholders could be called by sixty or more

stockholders representing at least two hundred shares. Ten weeks'

notice of the meeting had to be given and its object specified.

(8) Neglect to pay any instalment of the capital forfeited the bene-

fit of any dividend having accrued prior to the time of making the

payment or during its delay.

(9) Bond of at least $50,000, with two or more acceptable sureties,

was required of each cashier or treasurer.

(10) The corporation could only hold such lands and tenements

as were necessary for its accommodation in the transaction of its

business, and such as were mortgaged to it as security, or conveyed

in satisfaction of debts previously contracted, or purchased at sales

upon judgments obtained for such debts.

(n) The corporation could only deal in bills of exchange, promis-

sory notes, gold or silver bullion, or in the sale of the produce of its

lands. Six per cent, per annum was the maximum rate for loans

and discounts.

(12) A loan of more than $50,000 to the State of Maryland, to the

United States, or to any State, or of any amount whatsoever to a

foreign State, required legislative sanction.

(13) Stock was transferable according to the by-laws of the cor-

poration.

(14) Bills obligatory and of credit made to any person or persons

were to be assignable by endorsement ; bills or notes of the bank

payable to bearer were made negotiable by delivery only.

(15) A prescribed form of oath for directors and cashier.

(16) If the corporation dealt in any goods contrary to this act,

treble the value of the goods so dealt in was to be forfeited.

(17) If loans were made in violation of the twelfth article, three

times the amount so loaned was to be forfeited.

(18) The total amount of the debts which the corporation might at

any time owe, not considering deposits for safe keeping as a debt

within the meaning of this provision, might not exceed double the

amount of the capital actually paid in. Directors under whose

administration any excess occurred were made personally liable for

it, in addition to the liability of the corporation. Directors who

were absent when the excess was created or who dissented from the

resolution creating it, might exonerate themselves by giving notice

to the Governor of the State or to the stockholders.

(19) The treasurer for the Western Shore was to be furnished

annually, or oftener if required, with statements of the amount of the

capital, the debts due to and from it, the deposits, the notes in circu-

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lation, the cash in hand, and profits. He was given power to inspect

the books and accounts of the bank, so far as was necessary relative

to the public safety and the profits belonging to the State, but he was

not allowed to inspect private accounts.

(20) The State, whenever it held $66,000 stock, was entitled to

appoint two directors, to be elected one each by the House and

Senate.

(21) The capital stock and funds of the bank were deemed personal

and not real estate.

(22) The bank was prohibited from issuing notes of a less denomi-

nation than five dollars.

The duration of the act was limited to twenty years.

The charter of the Bank of Maryland, established in 1790,

differed materially from that of the Bank of Baltimore. The

privileges granted were greater, and there were no provi-

sions corresponding to the fundamental articles of the char-

ter of the Bank of Baltimore. The subscription of the capital,

$300,000, was not allotted among the counties. Provisions

regarding the capital, payment of subscriptions, voting, elec-

tion of officers were similar to those of the charter described.

A committee of three, chosen quarterly from the directors,

were to inspect the accounts of the bank weekly. The lia-

bility of stockholders extended only to the amount of the

stock. The charter was perpetual.

There were special provisions relating to fraud, robbery

and debts. Any officer or stockholder convicted of fraud,

forfeited his stock to the company, in addition to the remedy

which might be had in the name of the company. Forging

or counterfeiting was felony, punishable with servitude,

seven years or less. Stealing bank notes was punishable as

if other goods of the same value had been taken. 1 Debts of

delinquents were to be collected by sale of property on an

issue of a capias ad satis faciendum, fieri facias, or attachment

by way of execution. Such execution was not liable to delay

by a super sedeas, writ of error, appeal or injunction from the

chancellor, provided no part of the debt was in dispute.

1 Md. Laws, 1792, ch. i.

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No limits were prescribed to the debts of the bank, none

to its issues. It was not required to make an annual report

to the Legislature, probably because the State had reserved

for itself no share in its stock.

6. Some Features of Early Maryland Banking.

The monopolistic element in banking was especially dis-

tasteful in Maryland. A clause of the State Constitution

discourages monopolies. 1 Two means were adopted to ren-

der banks of a public character. First, the State reserved

the power in the charter to subscribe a specified amount to

the capital stock of each bank. 2 As early as 1803 the State

utilized this privilege as an investment for its unemployed

funds by paying up the amount of 220 shares, out of 600

reserved, in the Bank of Baltimore. 3 The State did not

subscribe in all the banks, but by 1811 some stock had been

paid up in each of the city banks, and in three county banks.

The State subscribed to the stock of no banks established

after 1811. The maximum reached by the State subscrip-

tions was $540,000. The revenue which it yielded ranged

from $30,000 to $40,000 per annum. 4 The amount reserved

for subscription by the State varied from one-third to one-

tenth of the capital.

In a second manner the interest in banks was made gen-

eral, and they were prevented from becoming too great a

power in the hands of a few. The subscription of the cap-

ital stock of the early banks chartered by the State Legisla-

ture, unless they had been previously organized as part-

nerships, was apportioned among the twenty-two counties of

the State. 5 A committee, usually of three, was appointed to

receive subscriptions at the county seat of each county. Per-

sons non-resident in the county could not subscribe until

after the lapse of a specified time. Shares remaining untaken

1 Dec. of Rights, sec. 39.

2 The Bank of Maryland is excepted ; its stock was wholly private.

3 Md. Laws, 1802, ch. 58.

4 Annual Reports of Treasurer for the Western Shore.

6 Cf. Charters of Bank of Baltimore, Farmers' Bank, City Bank, etc.

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at the expiration of the time limit could be subscribed by

any one, and if they still remained untaken, they were

offered in Baltimore after notice given in the papers. 1

The allotment of the stock to the various counties for sub-

scription was, of course, impossible when the banks had

been in existence as partnerships before a charter had been

applied for. In such cases their stock was already sub-

scribed. Whenever the distribution of their stock was ob-

jectionable to them, they avoided it by organizing as a part-

nership before asking for a charter. Of the eleven banks

which had been chartered in Baltimore before 1812, six

started as private partnerships, though when charters were

obtained by most of these, their capital stock was distributed

throughout the State for subscription. In 1817 it was for-

bidden by law to organize a banking company without hav-

ing first procured a charter. 2 The object of the law was to

prevent the rapid increase of banking organizations. How-

ever, by this time the establishment of banks throughout the

counties had put at rest the cry against the privileged few

and against the absorption by the city, of the free capital of

the country districts.

In 1795 an attempt was made to introduce into Maryland

the principle of State participation in the profits of banks,

in addition to the dividends upon its stock. It was proposed

that one-half of the excess of the profits of the Bank of Balti-

more, over 10 per cent, per annum should be paid to the

State. 3 A lengthy discussion over it was provoked in the

Legislature, but it was finally rejected, perhaps to compen-

sate for the refusal of the Legislature to grant as great privi-

leges as were asked for.

The right to issue promissory notes to circulate as money

1 In the same spirit, if too much was subscribed, the largest sub-

scriptions were reduced in favor of the smallest, so that each sub-

scriber might have at least one share. Cf. p. 27.

2 Md. Laws, 1817, ch. 156.

3 This principle is a feature of the charter of the Reichsbank of

Germany, established in 1875.

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is in no case specifically granted, inasmuch as at this time the

common-law privilege of every one to issue, had not been

restricted. 1

The only limit placed upon the issue of notes was that the

total of debts which a bank might at any time owe should not

exceed twice the amount of the capital actually paid in. This

limit was of little effect. Only in one or two cases of the

most reckless banking did the debts approach it. The per-

sonal liability of the directors for any excess of debts over

this amount was, therefore, only an empty form, since there

was little probability of reaching this mark in practice.

However, the introduction of the principle of personal lia-

bility was valuable, and the path to its future use was made

easier.

The clause of the charter which required that the capital

be paid in legal money 2 proved a very salutary one. Usually

one-fourth of the nominal capital was required to be in hand

in specie before operations could be begun. This compelled

the banks organized between 1795 and 1810 to be founded

upon a solid capital. Up to this time no evidence can be

found that the instalments of capital were paid with stock

notes.

The business which the banks might engage in was care-

fully restricted to banking operations exclusively, in which

were included the functions of discount, deposit and issue.

The holding of real estate was expressly prohibited, except

so far as it was necessary for the conduction of business, and

except also land mortgaged or purchased in satisfaction of

debt, or held as security. Real estate was not allowed to re-

main in the possession of the bank more than three years.

It was not forbidden to loan upon mortgage security; in

fact, in the case of the country banks it was expressly per-

mitted to loan upon land. The Mechanics' Bank also was

allowed to loan to practical mechanics and manufacturers on

1 Cf. p. 25.

2 Gold, silver, or the notes of specie-paying banks.

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property security up to one-eighth of its paid-in capital, but

no loan was to be made for more than $3000, nor for longer

than two years. Commercial operations, a most tempting

field for Maryland capitalists, were usually especially for-

bidden to the banks.

The monopoly of banking was not given to the chartered

banks, though they enjoyed an advantage over unincorpo-

rated banks through their limited liability.

By virtue of the State's subscription to the stock of the

banks, two means of inspection of their operations were fur-

nished. As a stockholder the State assumed the right to

participate in the direction of the banks by appointing a part

of the directors, usually from one to four, varying with the

amount of the State's stock. These directors had the same

rights, powers and privileges as those elected by the stock-

holders. 1 In the second place, the annual reports, required

to be rendered to the treasurer for the Western Shore, gave

the public some idea of the condition of the banks. To be

sure, the primary object in each case was not protection of

the people at large, but simply the safety of the State's stock.

In 1806 a provision was introduced into the charter of the

Mechanics' Bank requiring a reservation of I per cent, of

its capital from surplus profits as a contingency fund. The

principle became common by insertion in other charters, but

it did not appear in all. The fund was not applicable to any

particular sort of liability, but to all in general. It might

easily have become an important safeguard by being re-

quired of all the banks, and by being placed in the hands of

a State officer, to meet the liabilities not otherwise provided

for, of insolvent banks. This is, in fact, the substance of the

Safety Fund law of New York, adopted in I82Q. 2

In 1793 an act was passed making the forgery, or counter-

feiting, or stealing, or knowingly passing such notes of any

bank of the United States felony, and punishable as if goods

1 Md. Laws, 1807, ch. 141.

2 N. Y. Senate Journal, Apr., 1829.

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of like value had been stolen. 1 This simply made general

the application of the law passed with reference to the Bank

of Maryland. 2 In 1797 the same was applied to the forging

of checks and orders. 3 Forgery on a bank was made pun-

ishable by death in 1806,\* but this extreme measure was

repealed after two years. 6 No executions occurred under it.

The much milder penalty of five to ten years in the peniten-

tiary was fixed upon in 1809.

In many respects we must pronounce these early ideas of

banking very crude, yet little else could be expected in the

case of a new institution. As with other institutions, so

with banking, the elements were imported, but the develop-

ment was made to suit American conditions; experience was

the teacher. The nature, functions and benefits to be de-

rived from banks were pretty clearly understood, 7 but on the

side of practice, their experience had not yet been sufficient

to lead them to sound rules of management. The law pre-

scribed no security for notes or deposits, and practically no

limit for issues. The public was really at the mercy of the

bank. The capital was required to be paid in gold, silver,

or the notes of specie-paying banks, but no method of exam-

ination was prescribed to see that the law was complied with.

Contemporary writers 8 repeatedly affirm that the capital

was paid in specie bona fide, and that stock notes were not

used.

The State did not insist upon its privilege of supervision

granted to it as a stockholder. The requisition of an annual

report and the right to inspect at any time might easily have

been made by the State authorities a means of wholesome

criticism upon the banks, if it had been properly enforced,

but the banks paid little attention to it, and repeated acts\*

1 Md. Laws, 1793, ch. 35. 2 See, p. 29.

3 Md. Laws, 1797, ch. 94. \* Ibid., 1806, ch. 84.

8 Ibid., 1808, ch. 72. 8 Ibid., 1809, ch. 138.

7 See pp. 17 and 21. 8 Cf. Miles' Register.

9 Resolution 18, Md. Assem., Dec., 1818. Ibid., 47, Md. Assem.,

Dec., 1819.

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requiring the reports availed little until 1826, when a penalty

was imposed for non-compliance.

An annual report kept the stockholders informed of the

condition of the bank. This, with the rotation of directors

and their personal liability for dividends declared in excess

of profits, were almost the only provisions in the interest of

stockholders.

Political influence frequently had much to do with secur-

ing a more or less favorable charter. State Delegates and

Senators were made county commissioners to receive sub-

scriptions in the various counties with a view to procuring

their influence in the Assembly on the vote for the charter. 2

No direct evidence of corruption has been found; however,

complications with political parties were scarcely calculated

to assist in the formation of sound banking principles.

7. Practice.

The presence in Baltimore of the branch of the Bank of

the United States had a very salutary effect upon Maryland

banks. The policy of the Bank of the United States was

always to restrict as far as possible State bank circulation.

This was accomplished by the frequent return of the State

bank notes received over its counters. Naturally the State

banks were strenuous in their objections to what they called

the oppression of the "monster" bank, but on the whole the

competition was very beneficial in reducing issues and in fix-

ing the habit of daily exchanges between the banks.

The directors were usually men engaged in mercantile

pursuits, who were broadly acquainted in business circles,

and who knew the standing of parties liable to call for loans.

To secure a broader territory from which to draw its patrons,

the Farmers' Bank of Maryland adopted the plan of having

a director from each county, who might be able as an inter-

mediary to extend banking facilities into his county, and

1 Md. Laws, 1826, ch. 215, sec. 5. Gouge, History of Paper

Money, ch. 6.

2 Federal Gazette and Baltimore Daily Advertiser, Feb. 24, et

seq., 1804. A Brief Exposition, etc.

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who might also have the necessary knowledge of parties of

his locality asking the bank for accommodations.

To prevent the banks from falling into the hands of a few

individuals, a system of rotation of directors prevailed, as

has been mentioned. 1 The danger in this was that a board

not sufficiently skilled in banking affairs might be placed in

charge of the bank. This, however, seems to have been

avoided, since any diminution of the percentage ineligible

for reelection was, when referred to the stockholders, regu-

larly opposed by them, 2 whereas they would have been very

sensitive to a diminution of the dividends from lack of skill

in management.

The directors, since they were usually men in mercantile

or commercial business, especially appreciated banking facil-

ities and in many cases they were the ones who most needed

discounts, yet there can be no doubt but that they enjoyed

especial favors at the bank, both in respect to rates and

amounts of discounts. In the charter of the Farmers' Bank

at Annapolis a clause was inserted which prohibited direc-

tors from receiving discounts on different terms from

others. 3 A second step was immediately taken placing a

definite limit to the amount of discounts which directors

might receive. For the Farmers' 4 Bank the limit was

$1000 a week ; for the Mechanics' of Baltimore the total was

fixed at $9000, renewable at discretion. The Hagerstown

Bank allowed $500 a week.

There was, too, considerable dissatisfaction with the

banks, owing to the fact that they confined their discounts

largely to a small number of friends, and did not grant ac-

commodations to all simply on the merit of the paper offered.

This charge was urged especially in the early years of bank-

ing in Maryland, when the banking capital was altogether

inadequate to the needs of the community. The Bank of

Maryland and the Bank of Baltimore became very objection-

1 See pp. 26, 27 and 35. 2 Md. Laws, 1800, ch. 23.

8 Ibid., 1804, ch. 6r. Ibid., 1807, ch. 26.

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able in this respect, and this, in fact, furnished a strong argu-

ment for the creation of the Union Bank. 1

The board of directors for the transaction of business

usually consisted of from six to nine, of whom the president

was one; but four or five directors were allowed to consti-

tute a board for making discounts only. 2 Discounts were

made on two days of the week, and two acceptable sureties

were required on each paper. The maximum rate lawful for

the banks to charge on loans and discounts was fixed at 6

per cent, per annum. 3 If information was given and sup-

ported to the satisfaction of the majority of the board or

quorum of directors that any director or other officer had in

any way been concerned in taking usury, he lost his seat. 4

After 1806 this provision was inserted in the charters.

In respect to discount time the provisions in the various

charters varied, the country banks as a rule being allowed

to discount for a longer time than city banks, and those dis-

counting on real security for a longer time than those taking

only personal security. There was no general law on either

the time or rate of discounts, but after 1806 each was regu-

lated by a clause of the charter. The Mechanics' Bank dis-

counted notes or bills on personal security for 120 days; on

property security the maximum time was two years. 5 For

the Hagerstown Bank the discount time was six months. 6

In Baltimore at this time the major part of the loans were

upon personal security. It was impossible to obtain collat-

eral for any considerable portion of the business. Loans

were made to some extent also upon real security; in the

country most loans were secured either primarily or ulti-

mately by real property.

A feature peculiar to the Scotch banks was introduced

into Maryland by the Farmers' Bank at Annapolis; this was

1 Federal Gazette, etc., Apr. 10, 1804.

2 Md. Laws, 1814, ch. 9. Ibid., 1804, ch. 61.

8 Ibid., 1807, ch. 26. \* Ibid., 1806, ch. 19.

B Ibid., 1806, ch. 19. e Ibid., 1807, ch. 26.

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the system of cash accounts. An account of this sort might

be opened on application of any farmer, mechanic or manu-

facturer for sums from $100 to $1000, whereby the party

might draw or pay in any sum not less than $50 at any one

time, and on which settlements were to be made semi-annu-

ally, the party drawing cash to pay interest for what he

might owe at 6 per cent, per annum, to be deducted on open-

ing the account, and to be allowed interest on all sums re-

turned from the time of payment. The party opening the

account had to give good personal or real security. The

directors were not obliged to lend money on such cash ac-

counts to a greater amount, at any one time, than one-fifth

part of their capital. 1 An attempt was made in 1804 to in-

troduce this feature into the practice of both the Bank of

Baltimore and the Union Bank. 2 A special object of the

formation of the Farmers' Bank was the encouragement of

agriculture, and this was practically but another method of

loaning upon real security, since most of the bank's patrons

were farmers with little other available security. Anne

Arundel was one of the most fertile and progressive sections

of the State, and therefore one where loaning upon real se-

curity would most likely be successful, since there land found

comparatively ready sale.

The practice of paying interest on deposits was first intro-

duced in America by the Farmers' Bank of Maryland. 3 De-

posits for a period of at least six months drew interest at the

rate of 4 per cent, per annum; 3 per cent, was paid on de-

posits drawable on demand. The directors of the Farmers'

Bank were empowered to issue notes on such deposits, as

they might judge prudent, up to the amount of the deposits.

The practice of paying interest on deposits became general

at a later time.

It has been impossible to ascertain the amount of the cir-

culation of Maryland bank notes at this time. Mr. Blodget,

1 Md. Laws, 1804, ch. 61.

1 Federal Gazette, etc., Nov. 14, 1804. A Brief Exposition, etc.

8 Md. Laws, 1804, ch. 61.

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in his "Economica," places the circulation of all the banks

of the United States for 1804, 1807 and 1809 at $14,000,000,

$18,000,000 and $19,000 ooo, respectively. This is probably

only an estimate; however, we may be safe in the inference

that no great expansion had yet occurred. The United

States Bank and its branches were efficient in keeping State

bank issues in check; also the prohibition from issuing notes

of a less denomination than $5, acted as a restriction upon

issues, in that it kept an amount of small coin always in cir-

culation.

It was usual for the banks to try to maintain an amount of

cash on hand equal to one-third of their circulation. This

proportion was familiar from the custom of the Bank of the

United States and of the Bank of England. 1 There was no

legal requirement in Maryland fixing the amount to be held.

Dividends of profits were made semi-annually. The di-

rectors were personally liable for dividends declared in ex-

cess of profits. 2 Up to 1795 the Bank of Maryland divided

12 per cent, annually. In 1804 it divided 9 per cent., and the

Bank of Baltimore 10 per cent. 3 As banking capital in-

creased the profits of the individual banks slowly declined.

In 1810, 8 per cent, per annum was perhaps the average. 4 In

March, 1804, Bank of Baltimore stock was selling at $500

per share (par $300). In the latter half of the year it dropped

to $400, on account of the establishment of competitive

banks. Union Bank stock at this time, before the bank

was chartered, was selling at $8 to $10 premium. 5

1 A Brief Exposition, etc., p. 38.

2 Md. Laws, 1806, ch. 19.

3 Federal Gazette, etc., Mar. 7 and Aug. 14, 1804.

4 Ibid., Mar. 26, 1810.

8 Ibid., Aug. 14, 1804.

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CHAPTER II. ,

BANKING IN MARYLAND, 1810-1864.

i . A Period of Expansion, 1810-1818.

The development of State banking in Maryland proceeded

slowly and naturally from the establishment of the Bank of

Maryland in 1790 with $300,000 capital, up to the end of

1807, when the total banking capital was $7,450,000, includ-

ing $500,000 in the branch of the United States Bank at Bal-

timore. $5,500,000 of this total had actually been paid in.

Extension had been made only in response to an actual de-

mand for increased banking facilities, and in reality it had

scarcely kept pace with the rapidly-developing commercial,

manufacturing and agricultural interests of the State.

From 1806 to 1810 Maryland industries were in a very

unsettled condition, owing to interruptions by the belliger-

ents of Europe. Troublesome interference, the Berlin and

Milan decrees of 1807, and the embargo of 1807, had almost

ruined Maryland's export trade. In March, 1809, the em-

bargo was raised, and conditions immediately improved; ex-

ports jumped from $2,700,000 for 1808 to $6,600,000 for

1809. This period of prosperity was only checked by the

war of 1812, and after its termination Maryland trade as-

sumed its normal proportions.

This state of affairs is reflected in the banking history.

No increase of banking capital occurred during the years

1806-9. 1 1810, coincident with a revival of trade, a period

of rapid expansion began, which extended over eight years.

It was in part evoked by industrial causes, but was also

largely due to the prospective failure of recharter of the first

Bank of the United States. The closure of this bank,

whose charter expired in 1811, was anticipated in 1810, and

throughout the country there was a general and rapid move-

ment of expansion on the part of the State banks to occupy

the banking field which was about to be vacated. In Mary-

Banking in Maryland, 1810-1864. 41

land, however, the cause of the organization of the new banks

was largely industrial, and the purely speculative element

was decidedly subordinate.

During these eight years banks were located in the indus-

trial centers of the most advanced counties of the State;

fourteen of the nineteen chartered during these years were in

the counties. The expansion was an extensive, rather than

an intensive, one. There was no increase in the amount of

the nominal capital of the old banks; some enlargement may

have been effected by calling in additional payments on the

shares when the entire capital had not been paid up. This

margin was, however, small, since the entire capital of the

banks, with two or three exceptions, had been paid up.

The increase of banking institutions began in 1810, when

the Assembly granted five new charters for banks, of which

four were to be located in Baltimore, the fifth at Elkton, in

Cecil county. The Baltimore banks were the Marine, 1 the

Commercial and Farmers', 2 the Farmers and Merchants', 3

and the Franklin, 4 and they embodied a nominal capital of

$2,700,000. All of these banks organized under articles of

association before applying for charters. The Commercial

and Farmers' Bank had been under discussion for some

time, and its organization had been decided upon in order

to bring banking advantages nearer to the merchants in the

upper part of the town. Subscriptions to its stock were well

advanced, when notice of the projected establishment of the

other banks was sprung upon the public by the publication

of their articles of association. Quite a sensation was cre-

ated by the suddenness and the extent of the new enter-

prises, and efforts were made to consolidate the four into

one, or at most two. 5 These were, however, unavailing, and

the four banks received charters from the Assembly. The

State became a subscriber to the stock of each of them.

1 Md. Laws, 1810, ch. 66. 2 Ibid., 1810, ch. 68.

3 Ibid., 1810, ch. 77. \* Ibid., 1810, ch. 67.

Federal Gazette, etc., Mar. 14, 19 and 23, 1810.

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The discussion evoked by the organization of these appar-

ently uncalled-for banks was not, however, without fruit.

To prevent a repetition of this occurrence the General As-

sembly immediately passed an act "to prevent the increase

of banking companies," by which persons were prohibited

from associating for the purpose of forming a banking com-

pany without first applying for a charter. Each person act-

ing as commissioner for such parties was made liable to for-

feit $2000, and each subscriber $ioo. 1 The effect of this

was to enable the Assembly to control completely the in-

crease of banking companies, and thus to enable them to

check at the start the mania which was growing apace in

other States.

Great alarm was occasioned in the State in 1812, when it

was found that a company had dared to organize under arti-

cles of association. The City Bank of Baltimore was formed

as a private partnership in 1811, and over $800,000 of its

stock had been subscribed before it asked for a charter. In

1812 one was granted which fixed the capital at $1,500,000,

of $25 shares, of which 4000 shares were reserved for the

State and 27,600 shares were distributed among the coun-

ties for subscription. 2 The remainder was taken in Balti-

more. There is no evidence that the penalty for violation of

the law was imposed upon them.

No other banks were chartered in Baltimore until 1835.

In 1813 the monopoly of banking in Baltimore was conferred

on the banks then existing. 3 The circumstances under

which this occurred will be explained in the next section.

The banks which were organized in the counties were

largely to assist the agricultural class, though manufactur-

ing was becoming an important interest, and, especially in

the western counties, mining and lumbering operations had

already assumed large dimensions.

The Elkton Bank was started with the primary object of

1 Md. Laws, 1810, ch. 108. \* Ibid., 1812, ch. 180.

8 Ibid., 1813, ch. 122.

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43

aiding the flour trade of that town. 1 And thus special cir-

cumstances in each case were of influence. Between 1810

and 1817 banks were established in twelve counties. Fol-

lowing is a list of these banks :

TITLE. LOCATION.

Elkton.

Elkton

Farmers' Bk., Som-

erset and Worcester

Branch at ... .

Cumberland . . .

Somerset

Conococheague . .

Caroline

Susquehanna Bank

and Bridge Co. .

Havre-de-Grace . .

Westminster . . .

Branch at ... .

Planters' Bank of

Prince George's Co. Upper Marlboro.

Snowhill.

Salisbury.

Allegany.

Princess Anne.

Williamsport.

Denton.

Port Deposit.

Havre-de-Grace.

Westminster.

Fredericktown.

Centreville\*. . . .

Farmers' Bank of\*

Frederick Co.

N. and S. Branch

Bank of Potomac\*

Centreville.

Leonardtown.

Frederick.

Old Town.

EST.

CAPITAL.

1810

$300,000

1811

2OO.OOO

1814

....

1811

2OO,OOO

1813

200,000

1813

250,000

1813

2OO.OOO

1814

250,000

1814

300,000

1816

3OO,OOO

1821

....

1817

2OO,OOO

1817

2OO,OOO

1817

100,000

1817

50O,OOO

1818

25O,OOO

Total,

$3,450,000

\* Did not open for business.

Summarizing our results, we see that from seven banks in

1809, with a nominal capital of $7,450,000, of which $5,500,-

ooo had been paid in, the number had risen to twenty-two,

whose nominal capital was $14,750,000, of which $8,500,000

was paid in. About $500,000 had been withdrawn by the

closing of the branch of the United States Bank at Balti-

more.

1 Johnston, History of Cecil County, p. 405.

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2. An Industrial Experiment by the Banks; Recharter and

Taxation.

The period of duration of all the charters granted by the

State, except that of the Bank of Maryland, was specified;

1815 was the time of expiration of all the charters given be-

fore that date. When the question of recharter arose, Mary-

land was in the heat of the internal improvement discussion.

The popular favor of this policy was strong, and roads,

bridges and canals were being planned on a broad and sys-

tematic scale to bring all sections of the State within easy

communication of their port, Baltimore. The war with

Great Britain was burdening the State and the city of Balti-

more with debt, so that they were unable to assist the new

schemes financially. Much private property of citizens had

been destroyed, and their resources had been otherwise

drained by the calls of the State and city for loans. It was

strongly urged to sell the bank stock owned by the State, and

to invest the proceeds in the various road companies, but the

bank stock had been so profitable to the State treasury that

the proposition was rejected.

Another circumstance opened up a course of action. A

large element of the people was hostile to the banks, either

owing to fear of their power or to personal reasons, or to

dread of conditions in Maryland similar to those in other

States, concerning the horrors of which the periodicals of

the day, such as Niles', expatiated with the utmost vigor.

The people generally agreed that the banks should pay to

the State some return for the considerable privileges be-

stowed upon them. Under these circumstances it was de-

cided to harness upon the banks the construction of some of

the new roads in return for the continuation of their expiring

charters. This was by no means the first attempt to tax the

banks. Annually, excepting one year, from 1804 on, bills

had been introduced for this purpose, but had met opposi-

tion in one or other chamber of the Assembly.

Early in 1813 there was passed an act "to incorporate a

company to make a turnpike road leading to Cumberland,

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and for the extension of the charters of the several banks in

this State, and for other purposes." 1 By this act the char-

ters of all the banks in the State were extended to November

I, 1835, upon two conditions first, that the banks of Balti-

more and of Washington county subscribed for as much

stock as would raise a fund necessary and sufficient to com-

plete the road to Cumberland; secondly, that all the banks

of the State paid annually during the continuation of their

charters under this act $20,000 into the treasury, to be used

as a fund for the support of county schools, and to be di-

vided equally among the counties. Subscription to the road

stock and contribution to the school fund were to be made in

proportion to capital actually paid in, or that might be paid

in from year to year. The State pledged itself to impose no

other tax during the continuation of the act. Managers for

the road company were to be chosen by the banks from their

stockholders at the rate of one manager for every $25,000

of stock subscribed, though each bank subscribing was al-

lowed to appoint one manager. The charters of banks not

complying with the terms of this act were not extended.

Unless the banks expressed their agreement to it before

October i, 1813, it was to cease to be effective.

The banks did not agree to the proposition, but certain

adjustments were made and embodied in a supplement to the

preceding act, which passed the Assembly at the December

session of i8i3 2 and received the approbation of the banks.

The leading points of difference between the two acts

were:

1. The number of banks subscribing to the road was in-

creased. It now included the banks of Baltimore, the

Hagerstown, the Conococheague and the Cumberland Bank

of Allegany.

2. The president and directors, for the time being, of these

banks were specifically incorporated "The President, Man-

agers and Company of the Cumberland Turnpike Road."

3. The charters of the banks were continued to January i,

1835-

1 Md. Laws, 1812, ch. 79. 2 Md. Laws, 1813, ch. 122.

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4. The annual tax of $20,000 for the school fund, appor-

tioned among all the banks of the State, was changed to a

tax of twenty cents on the hundred dollars of capital paid in,

or paid in thereafter. This provision was to come into ope-

ration January I, 1815. The banks could exempt them-

selves from this tax by paying to the treasurer before Jan-

uary i, 1816, $200,000.

5. The fund was pledged for the establishment of a gen-

eral system of free schools throughout the State, and was

to be equally divided among the counties. This fund was

to be kept separate from the general funds of the State, and

was to be invested, together with the dividends from it, in

the shares reserved for the State in the Commercial and

Farmers' and the Mechanics' Banks of Baltimore, and an

annual report thereof to the General Assembly was re-

quired. The road became the property of the banks.

Banks accepting these provisions were continued until

1835; those neglecting them forfeited their charters. On

the other hand, the State pledged itself to the banks to im-

pose upon them no other tax during the continuation of this

act, and to the banks of Baltimore it promised to grant a

charter to no other banking institution to be established in

the city or precincts of Baltimore before January I, 1835.

The banks did not regard the compulsion to subscribe the

road stock as a very serious burden. It was expected that

the tolls would be of considerable amount, and that after a

few years the stock would be a valuable resource. All the

banks of the State agreed to the act within the specified time

limit or shortly thereafter, and were absolved from the pen-

alty of forfeiture of charter. 1

This same idea was frequently acted upon thereafter. In

1821 the banks expressed their willingness to undertake the

construction of the Boonsborough and Hagerstown turn-

pike road. The president and directors for the time being

1 Md. Laws, 1816, ch. 99. Ibid., 1815, ch. 167. Ibid., 1818, ch.

147. Ibid., 1821, ch. 131.

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of the banks of Baltimore (except the City Bank) and of the

Hagerstown Bank were accordingly incorporated the

Boonsborough Turnpike Road Company. 1 In return the

charters of the banks which complied were extended to 1845.

The tax of twenty cents on the hundred dollars of capital

paid in was continued, and the pledge of the State to impose

no further taxation during the continuation of the act was

renewed, as well as the one to charter no new banks in Bal-

timore or its precincts during the continuation of the act.

Release from the school fund tax could be obtained by pay-

ment to the treasurer of $100,000 before January i, 1823.

In other respects the act was like the one incorporating the

Cumberland Turnpike Road Company.

Likewise in 1827 the charters of the Farmers' Bank and

its branches, the Farmers' and Mechanics' Bank of Frederick

County, and its branch, and the Frederick County Bank were

extended to January I, 1845, on condition that they sub-

scribe $10,000 each to the Frederick and Harper's Ferry

road, or to one of several other roads mentioned. 2 The Sus-

quehanna Bank and Bridge Company was incorporated to

build a bridge over the Susquehanna, with the privilege of

doing a banking business with one-half its funds. 3 The

Washington County Bank was given a charter in 1831, on

condition that it subscribed $10,000 to the Williamsport and

Hagerstown road. 4 In other cases the banks subscribed of

their own choice. The Baltimore and Havre-de-Grace, 5 the

Monocacy and Frederick, 6 the Rockville and Washington 7

road companies and others received aid in this manner. The

Commercial Bank had the privilege of investing $300,000 in

steamers which should trade with Baltimore. 8 Investment

in the various improvement schemes was very common, but

the incorporation of banks as road-constructing companies

1 Md. Laws, 1821, ch. 131. 2 Ibid., 1824, ch 92. Ibid., 1827, ch. 42.

3 Ibid., 1814, ch. 66. \* Ibid., 1829, ch. 198. Ibid., 1831, ch. 133.

6 Ibid., 1814, ch. 69. e Ibid., 1829, ch. 35.

7 Ibid., 1827, ch. 42. Ibid., 1828, ch. 119. Ibid., 1829, ch. 198.

8 Ibid., 1835, ch. 289.

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is rather a novel feature. The effect of investments of this

sort upon the banks will be discussed in a later section. 1

The idea of a tax on bank stock to raise a school fund was

not new in 1812. In 1810 a bill to tax canal, road and bank-

ing corporations for this purpose passed the House of Dele-

gates, but was defeated in the Senate. 2 The tax on bank

stock laid by the law of 1813, chapter 122, continued in force

until 1863, and yielded a fund varying in amount from $30,-

ooo to $40,000 per annum. No other tax was imposed up

to 1835, at which time the act expired.

3. Suspension of 1814..

The suspension of 1814 was a general one, but the causes

leading up to it were of especial force in Maryland. The

demand for specie was increased by the commercial restric-

tions caused by the blockade of United States ports. Mary-

land exports, from $6,833,000 in 1811, dropped to $3,787,000

in 1813, and $248,434 in 1814. The sudden drop in Mary-

land's exports of produce in 1814 necessitated other modes

of payment for her imports. 3 The Eastern States, too, had

imported largely, and specie for repayment was required.

The enlargement of the bank circulation in the Middle

States had given the Eastern States an advantage; paper

money replaced the specie circulation. Excessive issues

were called forth by the loans to the National and State Gov-

ernments, which were necessitated by the war. The Eastern

States were unfavorable to the war, and in great measure

they withheld subscriptions to the loans, so that the burden

was thrown upon the Middle States, and especially upon the

cities, Baltimore, Philadelphia and New York. Of the

United States loans of 1812, 1813 and 1814, more than

$2,500,000 was subscribed in Baltimore. 4 In addition to

this, the banks loaned the State over half a million dollars in

I See p. 60, et seq.

II Journal of House of Delegates, 1810, p. 37.

8 Cf. An Address by the Directors of the Banks of Phila., Aug.

30, 1813.

4 Niles, May, 1812, and Apr. 3, 1813, and 1814.

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1813 and I8I4. 1 The restrictions upon the banks from mak-

ing large loans to any State without the consent of the Gen-

eral Assembly 2 were removed, and the banks were allowed

to loan Maryland up to the amount of their actual capital,

and to the United States up to one-third of this amount. 3

In addition to this, the loans of private individuals to the

State and to Baltimore fell to considerable extent upon the

banks.

The transmission abroad in 1811 of over seven million dol-

lars which had been invested in the Bank of the United

States, had perhaps some influence. The expansion of the

State bank currency to fill up the place made vacant by the

expiring bank was of much greater importance. The rapid

multiplication of banks and the loss of the centralizing in-

fluence of the United States Bank almost destroyed entirely

the degree of consolidation and unity which had been the

effect of the creation of the United States Bank. The banks

of the leading commercial cities now exercised this function,

but more weakly, since the number of centers was larger and

the relations to the other banks were not so stringent. Each

bank now dared to issue more than formerly; the facility of

getting discounts was increased, and the demand for them

became greater. There was an abundance of paper money,

but little gold and silver ; prices were high. 4 No resistance

could be offered to the heavy demand for specie from the

Eastern States and Canada, and the South and Southwest,

which had been remitting in specie to the Middle States,

"closed the profitless traffic." The alternatives were a re-

striction of discounts and circulation or suspension of specie

payments. The following incomplete returns illustrate these

facts : 5

1 Reports of Treas. for Western Shore of Md. \* See p. 28.

8 Md. Laws, 1812, ch. i, June session. Ibid., 1813, ch. 22, May

session. Ibid., 1814, ch. 70. \* Cf. Niles.

6 Gallatin, Considerations on the Currency, etc., p. 101.

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NO. OF

BANKS.

MARYLAND. CAPITAL. CIRCULATION.

Jan. i, iSn,

6

$4,895,202

$2,730,000

$850,000

Jan. i, 1815,

17

7,832,002

3,97O,OOO

740,000

Jan. i, 1816,

20

8,406,782

5,615,000

760,000

Political conditions determined the turn of affairs at this

time. During 1814 the British army directed its operations

against the Middle and Southern States especially; in Au-

gust Baltimore was threatened. Such alarm was occasioned

that the banks suspended and had their specie conveyed to

places of safety. Philadelphia and New York banks imme-

diately followed. The condition of Maryland banks, while

not strong, was by no means desperate, though they would

doubtless soon have been driven to suspension, since debtor

banks in the South had ceased paying in specie, even if polit-

ical conditions had not made it necessary.

Baltimore bank notes remained at par or very small dis-

count in Maryland; the notes of the country banks depreci-

ated somewhat more. Immediately after the restoration of

peace in 1815, confidence in the bank notes began to rise.

In February and March, 1815, Maryland notes generally,

excepting those of three or four country banks, were at par

within the State, and discount at Philadelphia and New York

was only 2 or 3 per cent. Considerable pressure was

brought to bear on the banks at this time to resume specie

payments, but exchange was still high, and besides some of

the country banks had extended their circulation to danger-

ous limits. Altogether they were unwilling to resume.

Congress, at the suggestion of the Secretary of the Treas-

ury to force a return to specie payments, authorized the

establishment of the second Bank of the United States, and

it also directed that after February 20, 1817, the public rev-

enue should be received in "lawful currency," i. e., specie,

treasury notes, United States bank notes and notes of other

specie-paying banks. The Secretary of the Treasury was

ordered to take such measures as were necessary to cause as

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soon as possible the payment of all debts due to the United

States in lawful money. Accordingly, after October i, 1816,

only lawful money was received by the government for debts

less than five dollars.

The Secretary of the Treasury endeavored to secure the

agreement of all the banks to resume February 20, 1817.

Maryland and Pennsylvania banks objected, and insisted

upon July i, 1817, instead, as the earliest date at which they

would be prepared to resume. However, on February i,

1817, at a meeting of representatives of the banks of New

York, Philadelphia, Baltimore and Richmond, held in Phil-

adelphia, it was decided to accede to the request of the Sec-

retary of the Treasury and resume February 20, under cer-

tain provisions. The Secretary of the Treasury accepted the

conditions, and accordingly agreed not to withdraw the

public deposits from the State banks before July i, 1817, or

before the discounts of the United States Bank reached

$2,000,000 at both New York and Philadelphia and $1,500,-

ooo at Baltimore. 1 Also the Bank of the United States

promised to aid the State banks with its resources to any

reasonable extent. This compact and its support by the

Bank of the United States enabled the resumption of specie

payments to be made February 20, 1817.

Preparation for resumption and anticipation of the power

of the United States Bank compelled the State banks to

strengthen and to restrict issues. This they did by a very

severe curtailment of discounts. In January, 1816, the notes

in circulation of Maryland banks amounted to $5,615,000.

Within the year they were reduced by $2,000,000, or more

than one-third. The deposits suffered slight diminution, so

that the restriction of discounts must have been at the same

rate. The result of this would inevitably have been wide-

spread commercial disaster, but the Bank of the United

States met the demand. Within two months its discounts

ran up to $20,000,000, and by October 31, 1817, they had

1 Niles, Aug. 24, 1816. National Intelligencer.

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reached $33,000,000. The passage to specie payments,

therefore, caused little inconvenience to Baltimore banks.

Some of the more reckless country banks, which had ex-

tended their circulation too far, were in a precarious condi-

tion and were practically insolvent. In Baltimore almost

as much specie was deposited as was withdrawn. 1

The administration of the Baltimore banks during the

suspension was careful, but the majority of the country

banks, becoming irresponsible, sacrificed safety to profit.

The position of the country banks, too, was peculiar, in that

they had just been established. Five of the nine then exist-

ing had been chartered in 1813 and 1814. The deposits in

the country districts being relatively smaller than in the

city, they were forced to depend more upon their circulation

for profits.

The following table will show the circulation of Mary-

land banks before, during and after the suspension:

BANKS. CAPITAL. CIRCULATION.

Jan. i, 1811, 6 $4,895,200 $2,730,000

Jan. i, 1815, 17 7,832,000 3,970,000

Jan. i, 1816, 20 8,406,700 5,615,000

Jan. i, 1817, 22 8,708,800 2,727,000

Jan. i, 1818, 22 8,708,800 1,742,000

The plethoric state of the currency was reflected through-

out 1815 and 1816 by the high prices. The abundance of

money was a matter of comment. All specie disappeared

from Maryland at an early date, and the very serviceable reg-

ulation, 2 which prohibited the issue of notes of denomina-

tions under five dollars, was of necessity repealed in 1814.\*

Notes were the sole currency, even for small change, 4 until

November, i8i7- 5

1 Niles, Mar. 15, 1817. 2 Md. Laws, 1812, ch. 134. 5 Ibid., 1814, ch. 27.

\* The lowest denomination issued in Maryland was six and one-

fourth cents. Niles, Apr. n, 1818.

6 The law of 1814, ch. 27, was limited to Nov. 20, 1815 ; it was con-

tinued in force by the law of 1815, ch. 220, to Nov. 20, 1816, and to

Nov. 20, 1817, by law of 1816, ch. 267.

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It is impossible to find out the rates of dividends declared

by the banks during the suspension, but the quotations of

stock are a good indication of its profit. The following

table gives the quotations for Baltimore bank stock for Sep-

tember 2,

PAID IN SELLING ADVANCE

PER SHARE. PRICE. PER CENT.

Maryland $300 $360 20

Baltimore 300 350 16.66

Union 50 63 26

Mechanics' 15 22.50 50

Franklin 17.50 23.50 34-39

Commercial and Farmers' 25 34 36

Marine 25 30 20

City 15 20 33.33

Farmers' and Merchants'. 45 53 i?-33

Average, 28.19

The weakest of the country banks, whose notes were

greatly depreciated, continued to pay 8 per cent.

At the time of suspension specie commanded a premium of

10-12 per cent, in Baltimore; in August, 1815, the premium

had risen to 1217 P er cent. ; by November it was 1922 per

cent, advance; in August, 1816, it was 14-15 per cent, pre-

mium; after this the premium rapidly declined.

Maryland bank notes fell to 5-10 per cent, below par im-

mediately after the suspension. As soon as peace had been

declared in 1815, they recovered and rose to 2-5 per cent,

discount, and soon stood at par in Maryland. By August,

1815, they were at par at home, and at 2.\ per cent, discount

in Philadelphia and Richmond. In November they were at

3 per cent, discount in Philadelphia and 19-20 in Boston. 2

Nearly all Maryland notes circulated at par or small discount

in Maryland after the first months of 1815. The mass of

1 Niles, Sept. 2, 1815. 2 Niles, Sept. 2, 1815.

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paper from other States rendered the situation inconvenient

and confusing. The notes of each foreign bank had their

rates of exchange, varying from time to time, and with the

distance of the place of issue. The ignorance of the condi-

tion of many distant banks and of the value of their notes,

gave rise to another expense upon the public, the note

broker. Their service was the purchase and exchange of the

unknown and useless notes which were in circulation, but the

cost of this service was an exorbitant one. The character

of the men who entered this pursuit was usually such that the

evil possibilities of this office were carefully developed. En-

deavor was made to crush them out of existence by expen-

sive licenses. In 1819 Maryland passed a law fixing the

license at $500 per annum, 1 and requiring bond to the

amount of $20,000 and an oath to act without fraud and col-

lusion. However, their service was a real one, and without

them troubles increased, so that a milder law was soon sub-

stituted.

4. Crisis of 1818.

The Bank of the United States, immediately after its char-

ter, began to discount freely in order to relieve the pressure

upon the State banks. Within eight months after the re-

sumption the discounts of the bank reached $33,000,000.

The Baltimore branch discounted very freely, and at this

place alone the discounts were more than $8,000,000. An

inflation was produced which unchartered companies did

much to increase. The exact amount of influence upon the

inflation from unchartered banks cannot be estimated. The

usual widely speculative tendencies which accompany an in-

flation of the currency were present.

The condition of the Bank of the United States became a

matter of great concern, and it was feared that the reckless

administration of the branch at Baltimore would bring it

into further peril. Its notes in circulation amounted to

$8,000,000; its specie was low, never more than one-eleventh

1 Md. Laws, 1818, ch. 210.

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of its cash liabilities. Under these circumstances a policy

of restriction was decided upon July 10, 1818. Before Jan-

uary, 1820, the discounts of the bank had been reduced $10,-

000,000. The State banks necessarily followed its lead.

The Baltimore city banks did not extend their circulation to

any considerable degree during the later months of 1817 and

the first half of 1818. The restriction which had been begun

before the resumption of specie payments was continued dur-

ing the time of the inflation. The large discounts of the Balti-

more branch bank rendered this the easier. During the

year 1817 the circulation of the Baltimore banks was re-

duced from $2,727,000 to $1,742,000, or about 40 per cent.

The report became widely spread early in 1818 that the

Baltimore banks were in a critical condition, and that a sus-

pension of specie payments was imminent. The report prob-

ably originated in some knowledge of the losses which Bal-

timore banks were then undergoing, 1 though the full extent

of these losses was not yet apprehended. During the year

1817 the cash liabilities had been diminished from $4,835,000

to $3,440,000. The banks regarded themselves as sound. 2

The wide extension of discounts at the Baltimore branch

bank had likely created the impression that all Baltimore

banks had out much paper. In fact, there seems to have

been little danger of a suspension. The condition of some

of the country banks was very different. Most of them were

solvent, but at least three had practically never redeemed

their notes in specie since 1814. The weakest ones were the

Elkton, Somerset, Somerset and Worcester, Cumberland,

and Susguehanna Bank and Bridge Company.

The irregularities in the administration of the Baltimore

branch bank were upon discovery immediately examined

into, and the amount of its discounts was decidedly lessened.

Baltimore State banks continued their restriction more grad-

ually throughout 1818, 1819, 1820 and 1821. For the items

of their cash liabilities, see Appendix, p. 139.

1 See pp. 60 and 67. \* Niles, Dec. 27, 1817.

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The drain upon the banks for specie, caused by the more

active demand for it North, impelled them to a policy of re-

striction. The brokers were always very sensitive to any

slight advantage to be gotten by an exchange at the bank

of notes for specie. Throughout 1818 notes were returning

to the banks for redemption and their specie was being

drawn out for sale at an advance. To prevent a decrease of

the specie reserves, the Legislature early in 1819 attempted

to control the natural rates of exchange. It was made un-

lawful to buy or sell gold or silver coined for a greater sum

in notes than the nominal value of such notes. The penalty

for violation was forfeiture of double the sum of gold or

silver bought or sold, or imprisonment not exceeding one

year. 1 Importers of specie were excepted from the action

of this provision. These regulations, so far as they referred

to the sale of foreign gold and silver coin, were repealed in

1823. 2 The law was, of course, unable to control such trans-

actions; its natural effect was to add to the price compensa-

tion for the risk incurred. 3

The continued contraction of Baltimore State banks and

of the United States branch bank, the latter a more extensive

and rapid one, produced a very severe effect upon Maryland

industry. Debts contracted during the inflation of 1817 and

1818 became payable after the currency had been reduced.

The result was that property everywhere was sacrificed to

pay for the speculation and extravagance of the previous

years. Bankruptcies were common, and for immense

amounts. The Federal Gazette of October 18, 1819, has six

columns of applicants for benefit of the insolvent laws; Niles

for May 5, 1821, mentions 350 applicants. The low price of

grain added to the troubles of the agriculturists. By 1822

liquidation had taken place, and the financial condition of

the State was much improved.

1 Md. Laws, 1818, ch. 191. \* Ibid., 1823, ch. 147.

3 Niles, July 24, 1819.

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5. Condition of the Banks after the Crises of 1814 and

1818.

The crucial period of 1814-20 resulted in great loss to

Maryland banks and effected a reduction of banking capital

both by the enforced insolvency of some and by a diminu-

tion of the capital of others. The losses of nine country

banks and of one city bank resulted in insolvency; other

Baltimore banks were compelled to reduce their capital

stock.

The weaker organization of the country banks, as com-

pared with the city banks, has already been mentioned. 1

This fact, together with the locking up of their resources in

real estate, due to the low price of grain and consequent agri-

cultural depression which compelled the banks to take se-

curities in payment of money loaned, kept the majority of the

country banks from a permanent resumption of specie pay-

ments in February, 1817. Most of them resumed tempo-

rarily, but were unable to stand the strain. They had issued

proportionally more than the city banks. Of the $5,615,000,

the total circulation of Maryland banks in 1816, at least one-

third belonged to the country banks, whereas their paid-up

capital was less than one-fourth of the total capital. At the

same time they were unable to convert their resources into

a ready form. The result was that they were in a state of

chronic suspension from 1814 to 1820. Throughout 1817-20

their notes were much below par, ranging in discount from

i o to 90 per cent., so that even brokers refused to buy them.

In February, 1819, steps were taken to compel these banks

to pay specie or forfeit their charters, by the passage of an

act 2 which provided that persons obtaining judgment for

debt against banks might demand interest at 6 per cent, per

annum from the time when payment was requested. Upon

refusal or neglect to pay in specie, any county court might

order to be issued a scire facias to show cause why its charter

should not be declared forfeited. The court, after investi-

1 Cf. p. 70. \* Md. Laws, 1818, ch. 177.

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gation, might declare the charter forfeited, and might ap-

point three commissioners to settle up the affairs of the

bank. The interests of other creditors were to take prece-

dence of those of stockholders. Notes of the bank were re-

ceivable by the bank for debt at their nominal value. The

commissioners were allowed a commission not exceeding 5

per cent. Banks which had paid specie for their notes from

May to October preceding the passage of the act, were ex-

empted from its force until January, 1820. Early in 1820

the act was suspended until the beginning of the year 1821. 1

The suspension of the act protracted for a year the exist-

ence of the weak banks. At the end of 1820 eight of the

thirteen country banks signified to the Legislature their in-

tention of closing, and asked release from the school-fund

tax. This was granted, but the banks were forbidden to

make any new discounts, and dividends could be made only

after all the debts were paid. 2 In most cases the directors

closed up the business, though three commissioners were

appointed by the Legislature for the Cumberland Bank of

Allegany at its request. 3 A list of these banks, with their

dates of incorporation and their paid-up capital, is here

given :

BANKS. ESTABLISHED. CAPITAL.

Elkton 1810 $110,000

Conococheague 1813 157,500

Cumberland 1811 107,862

Somerset and Worcester 1811 90,000

Somerset 1813 195,850

Caroline 1813 103,057

Havre-de-Grace 1814 132,540

Planters' Bank of Prince George's Co. 1817 86,290

Total, $982,622

1 Md. Laws, 1819, ch. 154.

2 Ibid., 1829, ch. 170. Ibid., 1820, chs. 102, 97, 116, 190 and 189.

Ibid., 1824, ch. 163. Ibid., 1819, ch. 142.

8 Ibid., 1823, ch. 144.

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It is very difficult, at this time, to obtain any exact infor-

mation of the particular circumstances attending each of

these failures. The banks made no annual reports to the

State Treasurer, and, at that time, newspapers were not gen-

erally established in the counties. We cannot estimate the

loss from the failure of these banks. The liability of the

stockholders for the amount of their shares most likely

availed little, since a large part of the stock had been paid

in stock notes, which, in case of failure, were liquidated by

the return of the certificates of stock. Thus all loss above,

perhaps, the first instalment of capital which was required

to be paid in specie or the notes of specie-paying banks, was

thrown upon the noteholders and depositors. The accep-

tance of stock of a bank in payment of debts due to it, was

legalized for the Bank of Caroline, 1 and for the Planters'

Bank of Prince George's County. 2 The certificates of de-

posit of any bank were also made a lawful tender to that

bank for debt. 3

The resources seem to have been of little value in most

cases, so that it is probable that considerable stock was lost.

The Bank of Caroline sold its debts to the highest bidder. 4

On the other hand, the Havre-de-Grace Bank closed up

creditably. It laid aside a fund to meet outstanding notes 6

and established an agency in Baltimore, the Franklin Bank,

for this purpose. 6 Generally noteholders suffered much in

disposing of their notes at a sacrifice in haste to realize upon

them immediately after failure was openly acknowledged.

The failure of the Elkton Bank was charged to a disaster

in the flour trade of that town, with which the bank was

closely connected. The bank had been very weak for sev-

eral years, and had ceased to declare dividends. Though

practically insolvent before, it failed utterly in 1822; yet it

did not close entirely until 1830, when the Legislature pro-

1 Md. Laws, 1824, ch. 163. a Ibid., 1831, ch. 176.

3 Ibid., 1824, ch. 199.

4 Ibid., 1824, ch. 163. Niles, Aug. 26, 1820.

s Md. Laws, 1825, ch. 151. ' Niles, Nov. 15, 1823.

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vided for its closing on the same terms as the other banks,

and allowed it ten years to effect this. 1

The Planters' Bank of Prince George's County after a time

resumed business. In August, 1829, it again failed. The

deficiency in assets in this case amounted to $16,000, which

was charged to embezzlement by the cashier. Its notes, of

which there were then $15,000 in circulation, were at 30-4

per cent, discount. Its stock was quoted at 20 per cent.

discount. 2

During the period 1814-20 the Baltimore banks were also

undergoing severe losses. The traceable causes of this are

found to be maladministration, bad practice and poor in-

vestments, operating singly or together. The Mechanics'

and City Banks lost heavily from maladministration. The

effect of the practice of granting renewals of notes from time

to time without proper consideration of the changes in the

financial ability of the endorsers will be noticed in the next

section. 3 The banks generally were considerably affected

by losses through this practice. The Union Bank perhaps

lost most heavily in this manner; in fact, its directors de-

cided to alter its policy and reduce its personal notes and in-

crease those granted upon real security, and this plan was

followed from 1820 to 1830.\*

The third cause was general in its effects, and it inflicted

loss proportionately on all who were compelled by the law

of 1813, chapter 122, and subsequent laws, to subscribe to the

various improvement schemes. As far as we have been able

to estimate these subscriptions, they amounted to over

$1,500,000. The cost of building the roads was always much

greater than the computation. They were in no sense a

good investment for the banks. The best of these stocks

paid no dividends at all for a number of years, and then per-

haps they paid 2 or 3 per cent, per annum, seldom more;

1 Johnston, Hist. Cecil County, p. 405. Md. Laws, 1834, ch. 288.

a Niles, Aug. 29, 1829. Ibid., Mar. 20, 1830. \* See p. 67.

4 Report of Union Bank to Stockholders, 1830.

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after a few years they ceased to pay at all. This is the his-

tory of nearly all of these improvement companies in Mary-

land.\*

The only failure which occurred in Baltimore at this time

was that of the City Bank, which failed in 1819. Some ac-

count of its affairs will illustrate the extreme form of reck-

less banking. 2 The cashier had entire control of the con-

cern, and ran it according to his own ideas. The causes of

loss were mainly negligence and embezzlement. Many ac-

counts, especially the largest ones, were not posted up;

nearly every one was incorrectly kept; in some cases no ac-

count at all was on the books. Individual accounts amount-

ing to hundreds of thousands of dollars were not settled for

three or more years in some cases. Under such careless

supervision embezzlement was easy. All the officers and

clerks (except one) had received large discounts; the direc-

tors also received discounts without proper security. 3 The

overdrafts amounted to $426,000.

The immediate occasion of the failure was a call upon it.

by the branch of the United States Bank at Baltimore,

1 Let us examine briefly a single example. The Cumberland turn-

pike road was the most important and most promising of these un-

dertakings. Between 1816 and 1822 the banks were required to pay

their subscriptions to it, amounting to more than $1,000,000, or 56,000

shares at twenty dollars the share. After several years without a

dividend, in 1830 it was paying three per cent. ; that is, its value capi-

talized at six per cent., the usual rate got by the banks, was $500,000.

In 1841 the rate of dividend had declined ; the capitalized value was

$333.333- The market price of shares whose par was twenty dol-

lars, was two and one-quarter dollars ; the total market value was

$126,000. (Report of Union Bank to Stockholders, 1830.) In other

words, within a period of twenty years the million dollars of stock

was almost an entire loss. When we consider that the actual capital

of the banks which subscribed was about $8,000,000, we immediately

see what an enormous part of their capital was unproductive and

ultimately a loss. Cf. p. 90.

2 Report to Stockholders of City Bank of Baltimore, Oct. 20, 1819.

Niles, Oct. 30, 1819.

s Niles, June 5, 1819.

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which it could not meet A run upon it was the result. It

extended to other banks, but all resisted it ably except the

City Bank, which could only pay its notes under five dollars

in denomination in specie.

STATEMENT OF THE CONDITION OF THE CITY BANK OF

BALTIMORE, OCTOBER 18, 1819.

ASSETS:

Bills discounted:

Well secured $571,065.21

Doubtful 28,180.89

Insolvent 43,792.50

$643,038.60

Real estate 37,000.00

Cumberland Road stock .... 39,569.41

Baltimore Exchange Building . . 10,000.00

49,569.41

Cash, specie $3,061.62

Notes of Baltimore banks . . . . 4,475.00

Notes of insolvent banks .... 1,915.87

9,452-49

Due from banks (supposed) . . . 4,079.84

Overdrawings 426,083.78

Fifty-nine persons in the list, all

but eleven for less than $1000;

most of them for less than $100.

Cashier $166,548.85

His friend 185,382.00

Clerk 30,000.00

" I5 ; o82.io

" 6,324.99

Total, $1,181,324.12

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LIABILITIES.

Capital $832,030.00

Notes 70,020.00

Certificates for notes depos-

ited 117,824.03

Small notes in circulation . $7,000 to 10,000.00

Due to banks 119,429.67

To U. S. branch $87,634.00

To Baltimore banks . . . 24,000.00

Unclaimed dividends . . . 5,276.80

Deposits 17,409.53

Sundry small accounts . . 350.00

$1,172,340.03

In the $571,065.21 of discounts considered well secured,

$250,000 or $300,000 is included which at the time of failure

was overdrafts of directors or others. One account

amounted to $97,000. These were arranged for before the

statement to the stockholders was made. The committee

estimated the value of the assets at $760,310.08, and the debts

due by the bank at $340,310.08, which left a remainder for

capital of $420,000. The loss of $400,000 by the stock-

holders was the greatest one. The notes were ultimately re-

deemed, though many were sacrificed through alarm imme-

diately after the failure at rates ranging from 10 to 20 per

cent, discount. 1 The bank very soon after the failure issued

certificates bearing interest at 6 per cent, per annum in sat-

isfaction of its notes deposited. 2 The loss of interest was

of considerable amount; over fifteen years were consumed in

the settlement; in 1834 it was continued to 1840 to wind up. 3

A part of the stockholders desired to continue the bank, but

it was finally decided to close. Effort was made to convict

1 Niles, July 17, 1819. \* Ibid., June 26, 1819.

\* Md. Laws, 1834, ch. 93.

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and punish the embezzling officers, but after a protracted

contest it was decided by the court that the action of the de-

frauders was not punishable. 1

None of the other banks of Baltimore were driven by their

losses to suspension. However, very considerable reduc-

tions of capital occurred. The Mechanics' Bank was com-

pelled to reduce its capital by two-fifths, from $1,000,000 to

$6oo,ooo. 2 In 1827 it was again almost driven to the verge

of insolvency by bad management, but a change of its offi-

cers brought it out of trouble. 3 On account of losses the

Commercial and Farmers' Bank reduced its stock from

$1,000,000 to $666,666f, or one-third. The Union Bank

reduced its capital one-fourth, from $3,000,000 to $2,250,-

ooo. 5 These losses were reported to the Legislature in 1819

and permission was asked to continue the payment of divi-

dends without it being regarded as an infringement on the

capital. 6 This was granted, and provision was made for re-

funding the capital. Money already earned was allowed to

be divided, one-half to the stockholders and one-half to meet

the contemplated loss. Of future earnings three-fourths

might be paid in dividends and one-fourth retained to meet

the loss until it was finally made up. 7 The tax for the school

fund was adjusted to the reduced capital. 8

The total loss of banking capital by reduction was more

than one-seventh. The State lost as stockholder about

$64,000, and besides other stock became unproductive. 9 In

addition to these losses there were doubtless others of con-

siderable extent which did not become public, and which

were made up from profits instead of a reduction of capital

being made. Of these we can form no estimate.

1 Niles, Apr. 21 and Dec. 29, 1821.

\* Md. Laws, 1821, ch. 167. Griffith's Annals of Balto., p. 179.

8 Scharf, Chronicles of Baltimore, p. 574. \* Md. Laws, 1823, ch. 68.

5 Ibid., 1821, ch. 166. Griffith, Annals of Balto., p. 179. Report

of Union Bank to Stockholders, 1830. 6 Md. Laws, 1819, ch. 121.

7 Ibid., 1819, ch. 141. 8 Ibid., 1826, ch. 215.

9 Griffith, Annals of Balto., p. 251. Journal of House of Delegates,

1828 and 1829.

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Summarizing the results, we see that after the critical

period of 1814-20, almost one-half (nine out of twenty-one)

of the Maryland banks failed, representing a capital of

$1,821,162, or more than 22 per cent, of the entire active

capital. In Maryland and Pennsylvania alone of the East-

ern States was the rate so high, though about the same rate

prevailed for the country as a whole. For the United States

the failures of State banks amounted to $30,000,000 out of a

total of $140,000,000. The total loss of capital in Maryland

by failures and reduction was about $3,000,000, or one-third

of the paid-up banking capital.

This period of trial and discipline was not without its salu-

tary effects. It removed the whole mass of weakly organ-

ized country banks which had been only a disturbing ele-

ment. The agricultural conditions which had called them

into existence were now rapidly changing. Instead of the

boom of the early years of the century, which Maryland

wheat lands experienced, developed by Baltimore commerce,

this commerce was stationary, perhaps declining a little, and

Baltimore was beginning to take her place as a manufactur-

ing city. This meant a slower development for agriculture.

The ideas of banking, too, were greatly changed. The

period of excessive profits was regarded as past, and the

banks endeavored by care and economy to make up what

they had lost by laxness and speculation. From 1823 to

1830 may be regarded as a period of recuperation, during

which the banks were endeavoring to recover from the

effects of the preceding decade.

6. Practice of the Banks.

It was during the expansion of 1810-17 that the practice

first became prevalent in Maryland of paying subscriptions

to the stock of banks with stock notes. It was charged that

this occurred in the case of every bank, except two, which

was established in Maryland between 1811 and iSiS. 1 These

were all country banks, and their organization was looser

1 Niles, Feb. 28, 1818.

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than that of the city banks. The action of these banks in

the crises of 1814 and 1818 indicates their weakness. A

part of the capital, usually about one-third, was required by

the charters of these banks to be paid in gold or silver or the

notes of specie-paying banks, before they could begin busi-

ness. No manner of State inspection was provided to insure

obedience to the law. The payment of the remainder of the

stock was left entirely in the charge of the directors. The

plan followed was briefly this: Allowing that the first in-

stalment of the capital was, as required, paid in specie or the

notes of specie-paying banks, then the subscriber could ob-

tain discounts to the amount of his paid-up stock; with this

he could pay his second instalment, and thus on until his en-

tire subscription was paid. If the bank fared well, he en-

joyed dividends on the whole amount of his stock; if it

failed, he could absolve his indebtedness to it by paying in

his certificates of stock. Thus he had all to gain, and was

irresponsible for losses.

The bad condition of the country banks from 1816 to 1820

may be ascribed to two chief causes : first, their weak organ-

ization; and second, their loans on real estate. Loans had

been secured by farmers during the inflation of 1816-17; m

1817 the prices of agricultural products fell, and the farmers

were unable to meet their obligations. The banks, entering

upon a restrictive policy, were anxious to retire as much

paper as possible; renewal of loans was refused and in many

cases the borrower became bankrupt. At one time early in

1818, the Somerset Bank had 150 suits at law against indi-

viduals for debt. In this way much real estate fell into their

hands for which at that time the price was low and ready sale

could not be found. With their resources locked up in real

estate, they were unable to meet their cash liabilities, and

were in almost continual suspension from 1817 to 1820.

Their paper was either at a great discount or ceased to circu-

late altogether.

In all the banks reforms were needed. Directors and

officers were still able to use their positions to secure loans

Banking in Maryland, 1810-1864. 67

and discounts in extraordinary amounts. The administra-

tion of banks at this time was practically controlled by the

cashier. The president was largely a nominal officer, and

the one elected to it was supposed to devote but a small por-

tion of his time to its duties. A change in this respect be-

gan in 1821, when the Union Bank decided that it would be

conducive to better management to have a president who

would devote to the office all the time required, and who

should receive for his services proportionate recompense. 1

Considerable danger and loss resulted to the banks from

their laxity in permitting the renewal of notes. Some of the

charters limited discounts upon real security to a certain per-

centage of the capital, usually one-eighth; in others no lim-

itation is mentioned. Aside from this, it was the custom

among the city banks to discount chiefly on personal secur-

ity. The discounts on personal security were to those on

real in the ratio of 9-12 to I. Two names were uniformly

required on each paper, one of which had to be of undoubted

credit. The banks were too accommodating in permitting

renewals ; it was common for paper to run four or five years

without change in the endorsement. 2 In a time when finan-

cial matters undergo such violent convulsions as between

1814 and 1820, the danger of such a practice cannot be exag-

gerated. Endorsers who were sound in 1814 were very

unsound in 1818. The losses of Baltimore banks on bad

paper between 1816 and 1821 were enormous, and most all

of the banks were seriously affected in this way. 3

1 Report to Stockholders of Union Bank, 1821.

a Report to Stockholders of Union Bank, 1820. Cf., p. 60.

8 The following example will illustrate this point as well as others

of which we have just been speaking, the power of the cashier at this

time and the manner in which favorites were accommodated. In a

report of the condition of the Union Bank on August 26, 1819, among

the resources was listed an item of $719,238.59, made up as follows :

tf advanced by the Cashier without the

f 100,000.00 knowledge of the Directors.

357,502.39 doubtful paper.

151,293.52 overdrafts ascertained.

110,442.68 deficiency in funds unaccounted for.

$719,238.59

Almost the entire amount proved an utter loss. The bank was

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The varying rates of depreciation of bank notes opened up

to the banks the opportunity of buying up their notes at the

lowest possible rates. For this purpose special arrange-

ments were entered into with the note brokers, and it was

not unusual for a bank to have out agents for this purpose.

After 1818 it became illegal for any one to buy, sell or ex-

change any Maryland bank notes for a less sum than their

nominal value, or to employ for the purpose any broker or

agent. The forfeit was in each case double the amount of

gold, silver or notes so exchanged. 1 The law was ineffective

and simply added a risk charge to the price asked for such

notes. 2 The practice was common down to the passage of

the National Bank Act.

The action of some of the banks with reference to counter-

feits upon their notes was also extremely reprehensible. In-

stead of announcing to the public the discovery of a coun-

terfeit upon their notes, the more unprincipled banks en-

deavored to keep the knowledge of it as secret as possible,

lest their notes of that denomination might cease to circu-

late and return to them for redemption. Counterfeiting was

rendered easy and successful by the great number of banks,

each of which had a different style of note, so that unless one

were familiar with the particular characteristics of the notes

of each bank the imposition of false notes was easy. The

poor quality of paper used and the simple engraving made

them easy of imitation and increased the temptation to coun-

terfeit them accordingly. Each newspaper usually con-

tained a list of the counterfeits for the warning of the public.

In 1827 the penalty for knowingly passing forged or coun-

saved for the time being by loans from its friends, amounting to

$560,000 and by passing its dividends. It finally resulted in loss to

the stockholders by a reduction of the capital, amounting to $600,000,

or one-fourth of the whole. (Report to the Stockholders of Union

Bank for 1820 and 1830. Md. Laws, 1821, ch. 166.)

1 Md. Laws, 1818, ch. 191. \* Niles, July 24, 1819.

Banking in Maryland, 1810-1864. 69

terfeit notes was fixed at five to ten years in the penitentiary

for the first offence, and ten to twenty years for the second. 1

The Baltimore banks were driven to stop receiving on de-

posit depreciated bank notes. They were not allowed by

law to receive them at less than their nominal value, while

the risk of the solvency of the issuers and the trouble and

expense of collecting and sending them home for redemp-

tion fell upon the banks. Demand for specie, too, was in

many cases the cause of unpleasant relations. The notes,

not only of Virginia, Pennsylvania, District of Columbia and

other distant points, but also of some Maryland country

banks and those of the United States Bank, if payable at dis-

tant points, were refused. This action tended naturally to

increase the discount upon such notes, and to retard their

circulation; the only recourse was to place them in brokers'

hands. The banks suffered materially by refusing them.

To secure a freer circulation of their notes, the country

banks of Maryland contemplated the establishment of a joint

bank just outside of Baltimore. On January 27, 1816, they

were successful in procuring a charter under the title of the

Consolidated Bank. 2 The capital, $500,000, in shares of

$100 each, payable in Baltimore bank notes, was to be ap-

portioned to the banks of Maryland located outside of Balti-

more; the directors were to be appointed by the banks. The

capitals of the banks subscribing were to be reduced in pro-

portion as they subscribed for stock in the new bank. The

charter was to be made null if the Baltimore banks agreed to

receive the notes of outside banks on deposit and to reissue

them. The project never materialized. Not until June,

1823, did the banks of Baltimore begin again the receipt of

all Maryland bank notes on the same terms as their own, arid

at the same time Pennsylvania and Virginia notes were re-

ceived on deposit. 3 While the organization is different, this

is in principle an anticipation of the Suffolk bank system.

1 Md. Laws, 1827, ch. 62. \* Ibid., 1815, ch. 169.

3 Niles, June 28, 1823. Ibid., Aug. 23, 1823.

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The wider credit of all would have been substituted for the

individual credit by the central redemption.

7. Miscellaneous Legislation.

It has been said that the charters of the country banks

established between 1810 and 1818 were of less strict nature

than the earlier ones. Some of these points of difference will

now be mentioned. Usually one-third to one-fourth of the

first instalment only of the capital was required to be paid in

specie; the amount of the first instalment varied from one-

third to one-half of the capital. The payment of subsequent

instalments was left entirely with the directors, and thus an

opportunity was offered for the use of stock notes. 1 In one

case, that of the Centreville Bank, to avoid this the charter

required the whole capital to be paid in specie.

The State became a subscriber to the stock of two of these

country banks, viz., the Elkton and Hagerstown Banks,

but usually the provision was made that whenever the State

desired to take stock it might increase the capital of the

banks and subscribe. Until subscription was made the

State appointed no directors, and usually required no annual

reports, since it was only as stockholder that it exercised

this supervision. Only five of these country banks were re-

quired to send reports of their condition to a State officer.

However, by a resolution of the General Assembly, passed in

i8i8, 2 all the banks within the State were required to trans-

mit an annual report in December to the Assembly. 3 The

points to be specified in the report were the same as those

described heretofore in the charter of the Bank of Balti-

more. 4

In some cases even the nominal limit of debts to twice the

amount of capital paid in was omitted, and no limit at all was

imposed. 6 These were allowed to discount on property se-

curity up to one-fifth to one-eighth of their actual capital.

The Mechanics' Bank of Baltimore allowed discounts on the

1 Cf., p. 27. \* Resolution 18.

\* Cf. ibid., A-J, 1819. \* See p. 28.

5 Cf. Md. Laws, 1813, ch. 33.

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security of stock up to three-fourths of the stock paid in. As

a consequence of their discounting largely to farmers upon

real security, the discount term was increased. Only two

were limited to sixty-day discounts; for one the limit was

four months, for nine it was six months, for two there was

no limit.

Directors were forbidden by most all of the charters to re-

ceive discounts on different terms from others. The usual

limit of discounts to directors was $1000 in one week, or a

total of $5000 in all. The president and directors were eligi-

ble for reelection without limit in the bank of Somerset and

Worcester. In the five charters which were granted in 1817

and 1818 suspension of specie payments rendered the charter

void. The insertion of this provision was a result of the

continued suspension of Maryland country banks after the

general resumption of February, 1816. Six per cent, was

fixed as' the legal rate of interest and discount, and usury was

forbidden; however, interest calculated according to Row-

lett's Tables was made valid. 1

The issue of small notes was uniformly prohibited by the

charters, but this became a matter of special legislation. In

1821 a general law 2 was passed on this subject, called forth

by the violations of charter provisions and previous legisla-

tion, which made it unlawful, under penalty of $20 fine, for

any bank to issue or pay out notes or bills of a less denomina-

tion than $5, or of a denomination intermediate between $5

and $10. Persons passing such notes of any incorporated

or unincorporated company were liable to a fine of $5 for

each offence. This law was the result of a genuine effort on

the part of the banks and people to regenerate the currency

and get rid of the small "rags." Early in 1820 the banks

were freely supplying specie dollars in place of the small

notes, but the silver was immediately displaced by notes from

the District of Columbia. 8 Finally in September, 1820, the

1 Md. Laws, 1826, ch. 99. Ibid., 1832, ch. 152.

\* Ibid., 1820, ch. 150. \* Niles, Jan. 6, 1820.

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banks decided to receive for five days all notes under $5, and

thereafter neither to reissue them nor issue new ones, 1 and

the townspeople in a general meeting agreed to assist in im-

proving the currency by not circulating such notes. 2

"An act to impose a tax on all banks or branches thereof

in the State of Maryland not chartered by the Legislature"

was passed in i8i8. 3 It enacted that any bank establishing

an office or branch in the State without first obtaining the

State's authority, should not issue notes except upon

stamped paper procured from a State officer and of the de-

nominations $5, $10, $20, $50, $100, $500 and $1000, on

which a tax of 10, 20, 30 and 50 cents, $i, $10 and $20, re-

spectively, was imposed. $15,000 annually might be paid in

lieu of the above tax. $500 was the penalty for establishing

such an office, and $100 was the penalty for circulating notes

of such banks unstamped. The direct object of this law was

the taxation of the branch of the Bank of the United States

located at Baltimore. The law was urged both on general

grounds of hostility to the bank and on account of opposi-

tion to it by the State banks, who feared its competition and

restraining influence; besides, the opinion was general that

an outside bank should not be permitted to enter the State

on more favorable terms than the State banks. The law was

declared unconstitutional by the Supreme Court of the

United States in 1819 in the familiar case of McCulloch vs.

Maryland, on the ground that it interfered with the execu-

tion of one of the implied powers of the government.

Several restrictive measures were the outcome of the

speculative character of banking from 1814 to 1820. The

use of proxies in voting was manipulated to the advantage

of ring or machine management, and fraudulent proxies

were used. The correction of this abuse was aimed at in the

law of 1819, chapter 134, which forbade the use of proxies to

all except the infirm and those living more than ten miles

1 Niles, Sept. 9, 1820. \* Ibid., Sept. 30, 1820.

s Md. Laws, 1817, ch. 156.

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away. No officer, clerk or director could act as proxy, and

in any case power of attorney was necessary. Judges of

election permitting violation of these provisions were liable

to $2000 fine and imprisonment for a year.

Directors were not entitled to receive any accommoda-

tions on special terms, and no one could be elected director

of a bank whose partner was a director of the same bank. 1

This law was restricted to Baltimore banks, and the assent

of the stockholders was necessary to give it force. This it

received.

The frauds which were exposed in the management of the

City, Union and Mechanics' Banks and the escape of the

parties from punishment, led to severe laws on this subject.

The law of 1819, chapter 145, fixed the penalty for embez-

zlement by a bank officer at one to seven years in the peni-

tentiary; for fraudulent abuse of trust the punishment was

one to ten years in the penitentiary. In 1821 the penalty in

each of these cases was made five to fifteen years in the peni-

tentiary.

8. Crises 0/1825 an ^ 1828.

After 1820 there came a reaction from the period of spec-

ulation which had preceded. The weak banks passed out of

existence; the survivors enjoyed a long period of prosperity

without violent disturbance. By 1830 they had recovered

from the losses of 1816-21. The United States Bank exer-

cised a controlling influence over them and rendered their

operations more guarded and regular. The State banks

followed more slowly the restrictions and expansions of the

national bank. In Maryland there was not a time in the

decade 1820-30 at which the banks had dangerously ex-

panded. (See Appendix, page 137, for the circulation and

deposits of Baltimore banks for this period.) It is impos-

sible at present to obtain the figures for the country banks;

however, they represent but a small part of the banking cap-

ital at this time, since all had gone out of existence except

four.

1 Cf. Md. Laws, 1819, ch. 156.

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The panic of 1825 was the result of a general spirit of spec-

ulation, which reached its greatest magnitude in Europe; in

America its special feature was speculation in cotton. An

increased tariff also heightened the expectation of prosper-

ity. Demand for credit stimulated the creation of banks

again, especially in New England, New York, Pennsylvania

and the West. The currency became considerably inflated.

Maryland was . comparatively affected but little, since the

speculation in cotton in this district was not great. Her

banking institutions did not receive a single addition. The

circulation of the Baltimore banks was increased but $240,-

ooo during 1824, the year of inflation. Within the next six

months there was added about $150,000, but nothing ex-

treme occurred.

When the reaction began, about September, 1825, by the

fall in the price of cotton and other products, general distress

prevailed. Many failures occurred all over the Union, but

Maryland suffered proportionally less than any other State.

The circulation was uniform and adequate to its work. 1 The

contraction by the State banks was not sufficiently rapid to

produce disaster; in fact, the discounts of Baltimore banks

was greater in January, 1826, than for a number of years pre-

ceding, reaching $3,047,410. By January, 1827, the amount

had been diminished by $70,000 by curtailing issues. The

entire circulation of Maryland banks was in good credit;

none of it was at a discount. This was largely the effect of

the frequent settlements required by the United States

Bank. A considerable part of the circulation was coin ; very

few notes under $5 in denomination were current, and these

were chiefly Virginia bank notes. 2

The disturbance of 1828 was largely resultant from an ex-

tension of circulation by the Bank of the United States. By

April, 1828, the money market had become very close, and

much specie was being exported. The banks of Maryland

had already been compelled to begin a reduction of dis-

1 Niles, Dec. 3, 1825. \*Niles, Nov. 19, 1825.

Banking in Maryland, 1810-1864. 75

counts. At the same time they ceased to receive on deposit

or for the payment of notes, the bills of all banks which were

not received in Philadelphia and New York. The quantity

of specie at the command of the country banks was so lim-

ited that already the redemption of their notes was in many

cases a task. The Baltimore banks relieved the stringency

as far as lay in their power. In January, 1828, the circu-

lation and deposits amounted to $2,996,350; by January,

1829, they had increased to $3,055,980. The periods of

greatest depression were May, 1828, and September, 1828,

to July, 1829. By the end of 1829 business had revived and

money seemed plentiful ; a large part of it was silver. 1

9. Expansion of 1829-36.

Several causes were operative in producing the expansion

of banking in Maryland which occurred from 1829 to 1836.

In the first place, the counties which had been gradually pro-

gressing during the decade 1820-30 had been practically

without banking facilities since the wholesale fall of the

country banks in 1819-21. This field was now a ripe one for

entrance. Secondly, no new banks had been established in

Baltimore since 1812; the monopoly of banking in that city

had been conferred on the banks then existing in return for

their agreement to build a road from Baltimore to Cumber-

land. 2 This monopoly expired in 1835. During this period

of twenty-three years Baltimore manufactures had devel-

oped steadily, and in 1835 works were in construction or

contemplation destined to make Baltimore the mart for a

wide extent of territory. In 1825 the Chesapeake and Ohio

Canal was chartered; the Chesapeake and Delaware Canal

was entered upon in 1829. A charter was given to the Bal-

timore and Ohio Railroad in 1826, and to the Susquehanna

in 1829; the Philadelphia, Wilmington and Baltimore line

was opened for travel in 1837. Other lines were being dis-

cussed. The improvement in transportation was opening

up new industrial possibilities, and Baltimore was zealous to

1 Niles, 1828 and 1829. See table next page.

7 See p. 46.

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RESOURCE

Discounts.. . .

Specie

Due from banks

Real estate

Road and other

Suspense accoui

UABILITII

Capital

Circulation . .

Denosits ....

Due to banks .

Surplus ....

Other liabilities

Banking in Maryland, 1810-1864. 77

render effective her strong natural position. In 1830 the

cry for more banking capital had already become a strong

one. 1 The whole State was dependent for bank accommo-

dations upon twelve banks, of which eight were in Baltimore.

The total capital for the State was $5,455,000, exclusive of

$1,500,000 to $2,000,000 employed by the branch of the

United States Bank. The counties needed the introduction

of facilities at the more advanced points, and the city needed

an increased banking capital.

A third cause which was influential in the increase of

banks at this time was the termination of the Second Bank

of the United States. The end of this institution at the ex-

piring of its charter in 1836 was anticipated as early as 1830.

In 1832 President Jackson, by his veto, put at rest all hopes

of recharter. As in 1810, so again in 1832, this was the sig-

nal for hosts of applications for new banking charters.

In Maryland the expansion took the forms both of an in-

crease in the number of institutions and also of an augmenta-

tion of the capital of several of the old banks. The former

movement was much the greater. No banks were chartered

in Maryland from 1818 to 1829. Between 1829 and 1836

seventeen new ones were granted charters and two old ones

which had failed in 1821 were revived. Five of the seven-

teen, however, did not organize and open for business. Nine

of the new banks were chartered for Baltimore in 1835; ten

were distributed over seven counties. None were created in

Baltimore after 1835 for more than a decade, owing to the

renewal of the monopoly to the banks then existing until

1845 upon their agreement to make the Boonsboro road. 2

The total authorized capital of the new banks was $17,-

900,000, though the banks which did not enter upon opera-

tions reduced this by $10,750,000. The actual increase of

capital was $4,878,900, or half as much as the preexisting

1 Report of Select Committee on a Bank of the State of Maryland,

1830. Report of Committee of Ways and Means on a Bank of the

State of Maryland, 1833. \* See p. 47.

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capital; $3,788,730 of this new capital belonged to the five

new Baltimore banks.

A list of these banks, with their nominal capital, follows:

CAPITAL.

$ 50,000

250,000

IOO,OOO

2OOJOOO

200,000

3OO-I5O,OOO

2,OOO,OOO

500,000

3,000,000

5OO-25O,OOO

1,000-500,000

250,OOO

5OO,OOO

2,OOO,OOO

5,OOO,OOO

30O,OOO

150,000

2,OOO,OOO

5OO,OOO

NAME.

LOCATION.

KSTAB'D.

Salisbury,

Salisbury,

1829

Washington Co.,

Williamsport,

1831

Commercial,

Millington,

1831

Cumberland,\*

Cumberland,

1832

Planters' Bank of

Prince Geo. 's Co. , \*

St. Mary's,

1832

Patapsco,

Ellicott's Mills,

1833

Merchants',

Baltimore,

1835

Western,

Baltimore,

1835

Commercial,!

Baltimore,

1835

Eastern, f

Baltimore,

1835

Chesapeake,

Baltimore,

1835

Mineral,

Cumberland,

1835

Citizens',

Baltimore,

1835

Farmers' and Plan-

ters',

Baltimore,

1835

Real Estate, f

Baltimore,

1835

Farmers' and Millers' ,

Hagerstown,

1835

Hamilton,

Anne Arundel,

1835

Real Estate, f

Frederick,

1835

Union,f

Cumberland,

I8 3 6

\* Revived.

Total, $17,900,000

f Did not open for business.

The strict conditions imposed upon some of the new banks

prevented their organization. The capital of the Commer-

cial Bank was fixed at $3,000,000, to which the State might

add $100,000 whenever it wished to subscribe to its stock.

The bank was allowed to invest $300,000 in ocean steam-

ships trading with Baltimore. Baltimore was to be the loca-

tion of the main bank, and two offices of discount and de-

Banking in Maryland, 1810-1864. 79

posit were to be opened on the Eastern Shore and three on

the Western. $600,000 in specie was required to be on hand

at the beginning of business, and besides the regular school

tax, a bonus of $112,500 was required. 1

The Eastern Bank of Baltimore had already been in ope-

ration as the Fell's Point Savings Institution. It was given

full banking privileges on condition that when the change

was effected it should have on hand in specie $125,000, half

its nominal capital, and should become subject to the school

tax, besides paying the State a bonus of $9/75 and an addi-

tional bonus of $3.75 per $100 of capital over $250,000.

Likewise for the Union Bank of Allegany the specie require-

ment was large, and besides the regular school tax, a bonus

of $3.75 per $100 of nominal capital was required.

The two real estate banks, located in Baltimore and Fred-

erick, respectively, were a manifestation in Maryland of the

same movement which was gaining ground rapidly at this

time in the West. The plans of the two banks were similar.

The capital of the Real Estate Bank of Baltimore was

$5,000,000, consisting of real estate in Baltimore, conveyed

to the bank, to the amount of $4,000,000, and $1,000,000 in

money. Only fee simple and unencumbered estates of les-

sees for ninety-nine years, renewable forever, were received.

The bank was to borrow $4,000,000 by a sale of bonds bear-

ing interest at 6 per cent, or less. Each one conveying land

to the corporation held stock to the amount of its value, but

was responsible for depreciation of the land. The Governor

of the State had power to appoint five persons to inspect it

after the lapse of three years. A bonus of $3.75 on each $100

of its capital up to $4,000,000 was required by the State.

$400,000 in specie had to be in its possession before it could

begin business. The charter of the Real Estate Bank of

Frederick County was similar to the one just described.

Its capital was $2,000,000, of which $1,800,000 was to be in

Frederick County real estate and $200,000 in money. Bonds

1 Md. Laws, 1835, ch. 289.

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for $1,500,000 were to be issued. The strict requirements,

together with their experimental character, prevented their

organization. 1

The restraint exercised by the Legislature was sufficient

to allow banks to be organized only where there was an

economic demand for them. A number of applications for

charters was refused, and the strictness of those granted pre-

vented their acceptance by speculators. Several of the

companies granted charters were compelled to ask for an

extension of the time allowed them for organization, which

indicated the difficulty of complying with the conditions.

The new charters were more rigorous in the following re-

spects: The quantity of specie required to be on hand on

opening for business varied in different cases from the entire

authorized capital to one-fourth of it, and before the bank

could open for operations the Treasurer of the Western

Shore must have made examination and seen that this

amount of specie was in the hands of the bank. It was pro-

hibited, too, to pay instalments of stock with discounts ob-

tained by pledge of such stock. Forfeiture of charter on

failure to pay their liabilities in specie on demand was a pro-

vision of these charters, and interest at 12 per cent, per an-

num was demandable from the time when payment was de-

manded and refused. In the report of the Select Committee

on the Currency to the Legislature in 1837, greater respon-

sibility on the part of the directors was urged. It was sug-

gested that this be fixed at an amount equal to one-half their

stock. This, however, failed to receive sufficient support to

make it a law.

The expansion of the capital of banks already in opera-

tion amounted to $2,500,000. The Franklin Bank added

$1,200,000 ; 2 the Salisbury, $100,000 ; 3 the Hagerstown

$400,000;\* and the Hamilton, upon its removal to Baltimore,

in 1837, added to its capital $8oo,ooo. 5 The State, too, by

1 Md. Laws, 1835, ch. 378. \* Ibid., 1835, ch. 277.

8 Ibid., 1836, ch. 159. \* Ibid., 1836, ch. 295.

5 Ibid., 1836, ch. 198.

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selling its right to subscribe in several of the banks effected

really an increase of active capital. The right to subscribe

to the capital had been reserved by the State in every case

in granting the charter, and inasmuch as but a small portion

of this amount had ever been subscribed and paid for, it really

operated as a limitation of capital. Between 1833 and 1836

the State sold the right to subscribe some or all of her re-

served shares in three banks at rates varying from $2 to $10

per share. Stock to the amount of $625,000 was thus freed

for subscription, $75,000 in the Union Bank, $500,000 in the

Merchants' and $50,000 in the Hamilton.

Some mention of the great extension of private banks

should be made here. It is impossible to obtain definite in-

formation concerning them. The chief function performed

by these private banks was that of issue, and after about

1825 this function was exercised by companies of all sorts

which could find a market for such wares. With a view to

restraining them they were made subject to the same pro-

visions as banks as regards the denominations of their

notes. 1 A more effective check was administered in 1842,

when they were prohibited altogether from issuing. 2

Reviewing, then, the increase of banking capital from

1829 to 1836, we find that at its beginning there were thir-

teen banks, with an active capital of $7,461,372. These

were increased by fourteen banks, whose paid-up stock was

$4,878,000. The total increase of active capital from the

three sources mentioned above was over $8,000,000, i. e.,

the capital was doubled. The Bank of Maryland by its fail-

ure in 1834 detracted $300,000.' In 1836 there were, then,

twenty-six banks, whose nominal capital was $19,176,000, of

which $15,465,000 was paid in.

10. An Attempt to Establish a Bank of the State of Maryland.

Throughout the years 1830-33 there was an active discus-

sion of a plan to establish a bank under the direct control of

1 Md. Laws, 1831, ch. 317. \* See p. 100.

8 See p. 89, et seq.

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the State government. The need of a decided increase of

banking capital and of the location of banks in the country

sections were facts admitted by all. Those engaged in man-

ufacturing and commercial operations especially complained

of the inadequacy of the banking capital and the limited

amount of the currency. 1 The cause of the small amount of

circulation was considered to be the influence of the United

States Bank in restraining the State banks. 2 The espousers

of the new State bank were bitterly opposed to the United

States Bank.

The objects of the new institution were to be an increase

of the circulating medium, the convenience and benefit of the

people at large, the repletion of the treasury of the State, the

keeping of the public deposits, the making of improvements,

the support of public education and the avoidance of taxa-

tion. The bank was to belong to the State exclusively, and

the contemplated organization of it would have made it a de-

partment of the State government. The president and

board of five directors were to be appointed by the General

Assembly, on the recommendation of the Governor, with the

consent of the Council. The president and directors had

power to appoint the officers and other agents. Office was

to be tenable during good behavior, subject to removal by

the Governor upon the recommendation of the General As-

sembly. Political opinion was to have no influence in the

appointment or dismissal of any officer.

It was proposed to form the capital of the bank from the

invested money in the State treasury, which was composed

of United States, bank, road and other stocks. The bank

stock amounted to about $520,000, and there was $335,105

invested in United States 3 per cents. Other funds

amounted to about $80,500, making in all about $935,600.

The augmentation of this capital was provided for as fol-

1 Report of Mr. Teackle, Chairman of Select Committee on a

State's Bank, House of Del., Dec. session, 1829. Report of Com-

mittee of Ways and Means on a State Bank, 1833. \* Ibid.

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lows : The bank officers, with the approval of the Governor,

Council and Legislature, were to be authorized to purchase,

at a rate not exceeding the par value of the actual capital

paid in, any one or more of the banks then existing in the

State. To pay for it, the bank was to issue 2o-year 5 per

cent, bonds, for payment of both principal and interest of

which, the faith of the State was to be pledged. Two per

cent, semi-annually of the amount of the bonds was to be

set aside and invested by the bank for the redemption of the

bonds. After the payment of the debt the banks which had

been purchased were to be merged into, and their funds were

to form a part of the capital of the State's bank.

This scheme introduced the idea of consolidation and cen-

tralization by the absorption of some or all of the old banks.

This principle was further extended by provision for a sys-

tem of offices and agents embracing all the counties and

important centers. These offices were to be for discount

and deposit; their capital was to be apportioned them from

the central bank.

The advancement of the counties was one of the objects

especially aimed at, and in furtherance of this, money was

to be advanced on real estate security at a rate of interest

not exceeding 5 per cent, per annum.

The profits of the bank were to be at the disposal of the

State Treasurer, though if the semi-annual dividends ex-

ceeded 5 per cent., the excess was to be turned over to in-

crease the capital of the bank. The State Treasurer was

to be allowed to anticipate an accruing dividend by drawing

on the bank for its probable amount.

The Attorney-General and the Treasurers of the State

were made ex-officio directors of the bank. For discounts

upon personal security two good names were to be required,

otherwise a deposit of bonds or precious metals was made

necessary; accommodation notes were not to be discounted

without a similar deposit. No president, director, officer or

agent of the bank was to be allowed to be a borrower, or

endorser, or receive discounts.

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There were two peculiar features in the proposed bill; the

first was the power of issuing "bettering notes," or notes

bearing interest at the rate of one cent a day, redeemable

both in principal and interest at three months after presenta-

tion; the denomination of the note was to be $100. The

second experiment was the sale of certificates of stock of a

face value of $100 each, bearing interest at 3 per cent, per

annum, to persons having notes of the bank to an amount

of $1000. Eighty dollars of the bank's notes were to be

exchangeable for a certificate of stock. This stock was to

be redeemable at pleasure by the State.

Provision was made for periodic inspection and reports to

the Assembly; $500,000 in coin had to be in hand before

opening.

The leading points of this proposed legislation were

strong. As an instrument to centralize and make uniform

the State banking system, it would have been an immense

step in advance. A great economy in banking would have

been effected, while by the branch office and agency system,

less advanced districts would have received the assistance

necessary for their development. The experience of the

country banks from 1814 to 1820 pointed in this direction.

The danger of such an institution from the political side

would be great.

In 1829 the Legislature appointed a committee to con-

sider the petitions for the bank; it made a careful investiga-

tion and reported favorably. The bill received a lengthy

discussion, but finally was rejected by a vote of 46 to 23.

Similar committees had the same matter referred to them in

the various sessions of 1830-33; invariably the report was

favorable, but a bill could never be carried through the

Assembly. 1

In the formation of the bill just described, much study was

devoted by the committee to the foundation and operation of

other State's banks already organized, especially that of

1 Niles, Feb. 13, 1830.

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South Carolina. The State's banks of Georgia, Alabama,

Tennessee, Louisiana, Indiana, Ohio, Florida, Kentucky

and New York were also carefully examined, and corre-

spondence was entered into with officers of these banks. 1

In 1837 the question of a State bank was revived. The

House of Delegates ordered that the Committee on the

Currency "inquire into the expediency and practicability of

changing the banking system of the State in such a way as

might lead to the establishment of a State bank \* \* \*

by a union of all such solvent banks of the State as may be

willing to convert themselves into branches of the State's

bank by transferring to it all their stock and assets." All

the banks without exception expressed disapproval of the

scheme and their unwillingness to enter into it, consequently

it was immediately dropped. 2

ii. The Merchants' Bank Charter.

(a). Uniform Regulation of Banks.

Up to 1834 the major part of the legislation affecting

banks was the charter regulations of the separate banks; very

few general laws applicable to all had been passed. The

various charters differed considerably in their provisions,

as has been shown. A considerable step toward uniformity

was taken in 1835, when all Baltimore banks were made to

conform to the charter of the Merchants' Bank of Balti-

more. This charter was given early in 1835, and new banks

which were established in Baltimore after this date were sim-

ply brought under its provisions. The old banks came upon

the same basis when in 1835 and following years acts were

passed continuing their charters. In the case of the banks

which had been continued to 1845 by the Act of 1821, chap-

ter 131, in return for their agreement to construct the

Boonsboro road, the new regulations could not be intro-

duced until after the termination of the old charter. The

1 Report of Select Committee on a State's Bank, 1829. Ibid., 1830,

pp. 8 ff. and 48 ; also p. 33. Report of Committee of Ways and

Means upon a State's Bank, 1833.

J Report of the Committee on Currency, 1838, p. 5.

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Marine and the Farmers' and Merchants' Banks were ex-

tended to I856; 1 the Mechanics' and the Franklin to i857; a

the Commercial and Farmers' and the Baltimore to 1858;

the Union to 1859. In return they were to become subject

to the regulations contained in the charter of the Merchants'

Bank, to relinquish the exclusive right of banking in Balti-

more and to suffer additional taxation.

The more important changes which were introduced in the

charter of the Merchants' Bank were the following: The

president and directors had to be citizens of Maryland, not

of the United States merely, as previously. Issues might

not exceed the amount of the capital paid in; the total

amount of debts exclusive of issues was limited to the same

amount. Formerly the total debts might equal twice the

capital. The president and directors in their corporate ca-

pacity could not hold any part of the capital of their bank,

nor make any loans on a pledge of stock, nor receive the

same as collateral security for any money loaned, except for

doubtful debts previously contracted. Debts due to a bank

by a stockholder had to be settled before he could transfer

his stock, unless the president and directors allowed other-

wise. Real estate falling into a bank's hands had to be dis-

posed of within five years. The banks were empowered to

invest in Maryland, Baltimore and United States bonds.

Fifty stockholders controlling 1000 shares could call a gen-

eral meeting of the stockholders.

The Legislature reserved the power to regulate the de-

nominations of bank notes. It required the banks to act as

commissioners of loans when desired. In case of suspen-

sion of specie payments, interest at 12 per cent, per annum

might be demanded, if the assets of the bank were sufficient

to pay it; otherwise as much above 6 per cent, was recover-

able as the assets would pay. 3 The law provided for the pro

1 Md. Laws, 1834, ch. 274. \* Cf. ibid., 1844, ch. 294.

8 To place all the banks upon the same footing, the rate was -made

6 per cent, until 1845, by the law of 1841, ch. 41. The country

banks were subject to the general law of 1818, ch. 177, which required

interest at 6 per cent.

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rata distribution of all assets in case of suspension of specie

payments.

The country banks were likewise placed upon a common

footing by the Acts of 1836, chapter 239, and 1842, chapter

25 1, 1 which extended their charters to dates varying from

1855 to 1860. All were required to send to the treasurer an

annual report of their condition. Through this act inspec-

tion by the State became a protection of the general inter-

ests, and was not done by the State as stockholder, inasmuch

as the State had only subscribed in two or three of these

banks. The payment of the school tax was continued and

a new tax, a bonus of $1.25 per $100 of capital paid in, was

imposed. Notes under $5 were prohibited, and the State

reserved the right to regulate the denominations of issues

after 1845. The charters were to become void on failure to

pay specie.

(&). Increased Taxation.

An additional tax was imposed in each case as the condi-

tion of a continuation of the charter after 1845. The banks

of Baltimore were required to pay in three annual instal-

ments a bonus of $75,000, proportioned to the amount of

capital of each bank. The country banks whose charters

were renewed had to pay, as stated above, $1.25 for every

$100 of capital paid in, as a bonus to the State.

The new banks which were established during the expan-

sion of 1829-36 were taxed, in addition to the tax for the

school fund, $3.75 per $100 of capital paid in, and at the

same rate for additions to capital. In one or two cases the

rate varied slightly. These taxes were payable in annual in-

stalments within three years.

An attempt was made in 1835 by the municipal authorities

of Baltimore to lay a tax upon the stock of banks. 2 The

Legislature decided this to be in violation of its pledge

1 Cf. Md. Laws, 1843, ch. 95.

1 Md. Laws, 1834, ch. 274. Ibid., 1836, ch. 239. Ibid., 1842,

ch. 251. Ibid., 1843, ch. 95.

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given in the Act of 1821, chapter 131, to impose no addi-

tional tax until 1845. To prevent discrimination between

the banks, the city was also forbidden to tax banks incorpo-

rated since that act. 1

In i84i 2 the State's indebtedness required extra taxation

to meet its expenses. All bank stock was taxed at the rate

of twenty cents on the $100, in addition to taxes on real and

other personal property. The banks objected strenuously

to this burden, and claimed it was a violation of the State's

pledge to impose no further tax until i845- 3 The loan had

been obtained from the banks, now they were taxed to pay

it. Considerable trouble was met in the collection of this

tax. To facilitate its collection banks which had loaned the

State in 1841 were allowed, upon notice to the treasurer, to

issue orders upon the State treasury up to the amount of

each one's loan. These were receivable in payment of the

direct tax upon bank stock. They were not to be reissued

by the treasurer. 4 Still collection of the tax continued to be

impeded, so in 1843 the bank officers were required to retain

from the profits and pay the treasurer the amount of the tax.\*

However, in January, 1845, tne Supreme Court of the United

States decided that the banks which had been incorporated

prior to the Act of 1821, chapter 131, were exempt from the

tax during the continuance of their charters. This freed

six Baltimore banks from payment of the tax until March

10, 1846, and the money which had been paid in by them was

refunded.

12. Crisis 0/1834 an d M S Effects.

A tax of one-half of one per cent, was imposed on all bank

stock sold at auction by the Act of 1843, chapter 293.

The crisis which occurred in 1834 was felt comparatively

little in the East, and was of short duration. It was precipi-

tated to great extent by the hostile relations existing between

the administration and the United States Bank. In 1833,

^Id. Laws, 1835, ch. 142. 2 Ibid., 1841, ch. 23.

8 Ibid., 1821, ch. 131. Mbid., 1841, ch. 291.

5 Ibid., 1843, ch. 289.

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when the national deposits were removed, the bank was

compelled to contract its discounts suddenly. This occurred

before the new State banks which had been chartered were

fully organized, hence they were unready to relieve the situ-

ation. The branches of the United States Bank, too, were

very stringent in their relations with the State banks, and

prevented an active response to the demand for discounts.

A rapid retrenchment occurred; on January I, 1834, the dis-

counts of the Maryland banks were $10,273,000, and the cir-

culation was $2,071,000. Within six months the discounts

had been reduced by $1,100,000 and the circulation by $800,-

ooo; the specie on hand was maintained at $630,000, or one-

half the circulation. After June, 1834, the influence of the

newly-chartered banks began to be felt and the discount and

circulation lines began to rise. The rate of discount dropped

rapidly from 30-36 per cent, per annum to 10-12 per cent,

and lower, and the tightness of the money market was soon

relieved.

To this crisis was charged the failure of three banks in

Maryland. Maladministration was the cause of bankruptcy

in each case; the removal of the national deposits from the

United States Bank and the resulting restriction were the

occasion of it. The greatest of these failures and the most

wide-reaching in its effects was that of the Bank of Mary-

land. It was the first bank chartered in the State, and it re-

ceived an exceptionally liberal charter. 1 The State was not

a stockholder in it, nor did it render any reports to the treas-

urer. Its early administration was vigorous and successful.\*

During the years 1816-24, in common with the other banks,

it suffered severe losses, due partly to the character of its

officers, who were now conducting it sluggishly in contrast

to its former active policy. An investigation of its affairs

was made in 1824, which revealed the fact that $100,000 had

been lost. The following statement was rendered to the

stockholders February 10, 1824:\*

1 See p. 29. \* Ibid.

1 Observations on an Act to Establish a Bank, etc. T. Ellicott,

Bank of Maryland Conspiracy, etc.

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ASSETS.

Discounts accommodation notes. $206, 340.00

" business notes . . . . 49,765.00 $256,105.00

Protested notes (bad) 74,912.00

Overdrafts (doubtful) $2,926.00

" (bad) 197.00

" (good) 267.00 3,390.00

Due from other banks 16,375.00

Specie 18,969.00

Real estate 24,765.00

Road stock 22,324.00

Other assets 6,314.00

$423,154.00

Deduct Protested notes (bad) . $74,912.00

Estimated loss on doubt-

ful notes 12,870.00

On banking house . . 13,189.00

On road stock .... 16,695.00

Expenses 2.528.00 120,194.00

Real value of assets, $302,960.00

LIABILITIES.

Capital $300,000.00

Circulation 43,736.00

Discounts received 6,963.00

Due to other banks 2,185.00

Deposits 56,438.00

Contingent profit $13,231.00

Unpaid dividends 574.00

Other liabilities 27 13,832.00

Total debts, $423,154.00

Deduct Contingent profits . . . $13,231.00

Accruing discounts . . 6,963.00

Real value of assets . . 302,960.00 323,154.00

Loss, $100,000.00

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It is thus seen that one-third of the capital was lost in

1824. The bank, however, continued to pay dividends, and,

it was believed, restored no portion of this loss. 1 This is

presumed to have been substantially its condition in 1831,

when a change in the personnel of its administration oc-

curred. A radical turn in its policy was immediately ob-

servable. Its business was extended much further than its

limited capital permitted. The practice of paying interest

on deposits which were by contract to remain a specified

time, was begun. In 1832 a deposit of $335,000 was ob-

tained from the State. Its circulation increased enormously

and somewhat of an apprehension of a disaster arose in

banking circles. At the Union Bank its notes were re-

ceived in such quantities that remonstrance was made to

the directors of the Bank of Maryland. However, daily ex-

changes were still effected. The expansion of business

within two years was as follows :

AUG. 30, 1831. SEPT. 24, 1833.

Specie $8,525 $45,000

Circulation 213,070 620,000

Deposits 88,998 1,720,000

Discounts 500,000 1,873,000

In October, 1833, President Ellicott, of the Union Bank,

refused their notes above a limited amount. The Bank of

Maryland tried to procure aid from the Secretary of the

United States Treasury, but without avail. In January or

February, 1834, the Union Bank loaned it $100,000 to tide

it over the crisis. However, on March 22, 1834, it was

compelled to suspend. An investigation revealed the fol-

lowing facts: 2 About May, 1832, a partnership had been

formed by the president and two directors of the bank and

two other parties to deal in the stock of the bank. Between

May 22, 1832, and January 22, 1833, 900 shares out of a

1 T. Ellicott, Bank of Maryland Conspiracy, etc.

Ibid.

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total of 1000 were purchased at $500 per share (par value

$300) out of the funds of the bank. On March 10 the presi-

dent and directors transferred these 900 shares of stock to

the partnership, and, to pay for them, discounted their notes

for $450,000, payable on presentation in money or stock of

the bank. They were thus placed in control of the bank.

With the bank's funds they also subscribed for the major

part of the stock of the General Insurance Company, and

created the partners, president and managers of it. A pur-

chase of 6000 shares of Union Bank stock was made by one

of the partners, for which he gave his note for $510,000 and

deposited as security bonds belonging to the Bank of Mary-

land to the amount of $500,000. The partners were through

these transactions indebted to the bank $950,000.

When the crisis of 1834 came on, they, by powers of attor-

ney, conveyed their stock to the president and withdrew their

notes from the bank ; in their place was substituted his indi-

vidual checks. Bank of Maryland stock also was deposited

with the General Insurance Company, as security for some

policies, by the president of the bank in March, 1834. The

proceeds of these policies were deposited in the Bank of

Maryland to the credit of the president. He checked upon

this credit to parties who used it to counterbalance obliga-

tions to the bank. On March 21, the General Insurance

Company returned the stock held by them to the bank and

cancelled their policies. The chief losses thrown upon the

bank by the partnership were:

Loss on 900 shares of Bank of Maryland Stock . . $270,000

Loss on Union Bank Stock 40,000

Loss on General Insurance Co. Stock 30,000

Total . . . $340,000

Immediately after the failure of the bank its affairs were

placed in the hands of a trustee, with whom afterwards two

others were associated. Bitter enmity existed between all

concerned in the fraud and the trustees, and polemic after

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polemic was published. No report was rendered to the

creditors for seventeen months. Finally they became so ex-

asperated that they mobbed the houses of all the parties con-

cerned in the partnership, and there was considerable de-

struction of property. The mob held sway from five days.

Upon petition to the Legislature an indemnity of $102,550

was granted to those who suffered by it. 1

The trustees were in disagreement among themselves.

Two of them allowed the acceptance of $400,000 from the

president of the bank to cover his obligations, after the trust

had been conferred. The president pledged his private es-

tate to meet the debts of the bank, and suits against various

parties were instituted for sums aggregating over $600,000,

a large part of which, it was charged, was recovered

through unjust influence over the court. By these means

sufficient funds were collected to cover all claims against the

bank, although it was at first thought the creditors would

lose almost everything. The following tables show the con-

dition of the bank at the time of its failure, and in an imper-

fect way, how far liquidation had proceeded in 1838, when

a dividend of ten cents on the dollar was made to the

creditors.

STATEMENT OF THE CONDITION OF THE BANK OF

MARYLAND, MARCH 22, 1834.\*

LIABILITIES.

Capital $300.000

Circulation 624,3^.5

Deposits bearing Interest 1,069,752

Other Deposits 371,256

Profit and Loss ... 18,551

Other Liabilities 735,660

$3,109,614

1 Scharf, History cf Maryland, Vol. II, p. 182.

3 Report of the Case of Bank of Maryland vs. Sam'l Poultney and

Wm. M. Ellicott, Harford Co. Court, 1836, p. 49.

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ASSETS.

Bank of Maryland Stock $ 400,000

Discounts i,37 r >394

Specie 3 2 9~7

Real Estate 34-5 I 8

Stocks, etc 1,243,046

$3,081,935

Deficit 27,679

$3,109,614

CONDITION OF THE BANK MAY 20, 1838. 1

Current Funds $131,626

Bills and Notes\* 566,644

Due on Open Accounts 133,643

$831,421

Claims of every kind, including 200 shares of stock, 614,474

$216,947

\*This includes $400,000 passed to the credit of the

bank after its failure.

The above statements do not indicate the character of the

assets. The trustees, in their testimony in the case of the

Bank of Maryland vs. Sam'l Poultney, gave as their opinion

that the losses on the assets would be small. The creditors

ultimately lost little. The greatest loss fell upon those who,

in the height of the panic, disposed of their claims at 40 to 50

per cent, discount. 2

The failure of the Bank of Maryland immediately caused

runs upon the other banks, but they withstood them without

serious difficulty.

The Commercial Bank of Millington failed in 1836. Its

nominal capital was $100,000, and it had been chartered only

in 1832. Its president was a speculator, who immediately

before the failure of the Millington Bank organized another

1 Report of the Case of Bank of Maryland vs Sam'l Poultney and

Wm. M. Ellicott, p. 49. \* Niles, 1834, Vol. XLV, p. 65.

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in Hagerstown on deposits in the old bank as capital. The

amount of its assets and debts is unknown. 1

The Susquehanna Bank, which had failed in 1820, was re-

vived. It sustained the run upon it made at the failure of

the Bank of Maryland 2 with difficulty, and soon after suc-

cumbed. It must have satisfied its creditors in some way,

inasmuch as it resumed business again in 1836. The loss in

each of these cases was probably small, since the character

of these banks was generally known and their business was

very limited.

The Salisbury Bank, which had commenced operations in

November, 1830, was compelled to suspend for a time in

April, 1834; however, it soon resumed. 3 In the liquidation

of debts to banks their notes were receivable, consequently

immediately after a failure the debtors of the bank were an-

ious to purchase at a discount the notes of the insolvent bank

to pay their obligation. On this account the Legislature

enacted in 1835 that whenever a bank failed to pay on de-

mand in specie, and was in condition to be proceeded

against under the Act of 1818, chapter 177,\* the notes of the

bank were not receivable for debt to the bank unless they

had been held by the debtor at the time of failure. 6 The

same law provided that to settle the affairs of a bank, if

stockholders holding the major portion of the stock so de-

sired, the chancellor or county court might appoint a trustee,

instead of the bank officials. This law was a direct outcome

of the Bank of Maryland trouble. 6

13. Crisis and Suspension 0/1837.

The period of 1822-37 was one of almost unbroken pros-

perity in the eastern part of the United States; the difficul-

ties of 1825, 1828 and 1834 were of short duration, and their

effects in the Eastern States were not so great. Several cir-

cumstances combined to produce the panic of 1837. In the

1 Niles, June 7, 1834. \* Ibid., Feb. 15, 1834.

8 Ibid., Apr. 26, 1834. \* See p. 57.

' Md. Laws, 1834, ch. 305. See p. 93.

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first place, the long-continued prosperity led naturally to a

dangerous expansion in industrial enterprises of all sorts.

The spirit of speculation had been growing for a decade. In

Maryland the special form of speculation was in the various

improvement schemes. Canals, railroads, turnpike roads,

etc., were proposed and entered upon with zeal. The Bal-

timore and Ohio, the Baltimore and Washington, the Sus-

quehanna, the Philadelphia, Wilmington and Baltimore

Railroads, the Chesapeake and Ohio and the Chesapeake and

Delaware Canals, and roads too numerous to mention, were

all under way at this time in Maryland. They were to a

great extent local projects, and drew their resources from

within her bounds. The public lands were an object of in-

vestment generally.

Secondly, the price of cotton had been low for several

years, and in 1836 the wheat crop was a failure. The bal-

ance of trade had continued against the United States for

some years, and specie had been sent abroad to adjust her

balances.

A third cause of the crisis was the general apprehension

of financial trouble at the closing of the United States Bank

and its restriction to enable it to adjust itself to the new

conditions.

The Baltimore, Philadelphia and New York banks sus-

pended specie payments on May 12, 1837, shortly after the

specie circular had been put into operation, which threw

back upon the banks their notes for redemption. At the

same time shipment of specie abroad continued, and the

government made heavy demands upon the deposit banks.

Specie in Maryland commanded a premium of 6 per cent.

To retain it the banks were compelled to suspend.

In Maryland this was altogether a protective measure;

the banks were in a sound condition. At the time of sus-

pension they had one dollar in specie in their vaults for every

three of notes in circulation, which at that time was regarded

as the criterion of soundness. The ratio of specie to circu-

lation and deposits was as one to eight. The country banks

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were uniformly in as good condition as the city banks. All

but four of them had been recently organized, and their ope-

rations were not yet far extended.

At the first meeting of the General Assembly after the

beginning of the suspension a Committee on the Currency

was appointed to examine into the solvency of the banks and

their ability to redeem their notes ultimately, and to report

whether or not they had forfeited their charters by suspend-

ing. The committee conducted its examination by means

of sworn statements from bank officers in reply to certain

general and special questions. These replies were after-

wards verified by the committee by a personal investiga-

tion of the books of the banks. 1 The committee pronounced

the banks without exception to be in a sound and highly

creditable condition.

There could, however, be no doubt that the banks had

rendered their charters liable to forfeiture. The general

law of 1818, chapter 177, declared all charters voidable on

suspension. This had been reaffirmed for Baltimore banks,

when, by the recharter law of 1834, chapter 274, they became

subject to the eleventh and thirteenth sections of the charter

of the Merchants' Bank, and for the country banks by the

law of 1836, chapter 239. 2 In addition to this the charters

of the Frederick County, Western, Farmers' and Planters',

Chesapeake, Citizens', Hamilton and Mineral Banks specific-

ally reserved the right to revoke the charters on failure to

pay in specie.

The banks expressed their readiness to resume at any

time the Legislature might appoint, but they feared the con-

sequences if they were compelled to resume before the banks

north of them, to which they were heavily indebted. Mary-

land banks were owed balances by the banks of the Southern

States, which were still in suspension. Their specie would

have been drained off to pay their Northern balances, and at

the same time they would have had no means of replenishing

1 Report of the Select Committee on the Currency, 1838, p. i.

J See p. 87.

1

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themselves except by purchase at a heavy premium. On

January I, 1838, the Baltimore banks were in debt to those

of New York and Philadelphia $730,000. The country banks

owed no balances North. 1

The committee framed its recommendations into a bill,

which was passed by the General Assembly in March, i838. 2

It provided that every bank and savings institution should

transmit to the State Treasurer, once a month during the

suspension, a statement under oath of its condition, and like-

wise to every other bank and savings institution in the State

a similar statement at least once a month during the sus-

pension. The circulation during the suspension was limited

to three times the amount of the specie in the bank's posses-

sion, and after resumption they were not allowed to issue

more than the amount of their actual capital. No notes nor

certificates of deposit of a less denomination than $5 were

to be issued after May, 1838. The date for resumption was

fixed at January I, 1839, or within thirty days after resump-

tion by the banks of New York, Philadelphia and Virginia,

should they resume previously to that date. Banks comply-

ing with these conditions were freed from the penalties in-

curred by the suspension of specie payments and the issue

of small notes. Against banks not complying the Attorney-

General was to have issued a scire facias, to show cause why

their charters should not be revoked.

These provisions were made with a view to preparing the

banks for resumption. The New York banks were com-

pelled by a State law to resume specie payments by May 10,

1838. The Philadelphia banks followed in August, and

those of Baltimore immediately afterward. The resumption

caused little inconvenience in Maryland. Discounts were

not diminished at all.

For a statement of the condition of Maryland banks in

January, 1838, see Appendix, page 185.

1 State Banks, p. 708. " Md. Laws, 1837, ch. 315.

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14. Crisis 0/1839,

The prosperity which had been hoped for did not return

with resumption. A year of disaster for the entire country

followed, though the South and West especially felt its force.

Maryland had become involved in a large and increasing

debt through her improvement works, whose cost far ex-

ceeded estimation, and from which no returns were being

received. In many cases work came to a standstill through

lack of funds, and thus a vast amount of public and private

capital lay locked up. Banks among others were heavy in-

vestors in this sort of stock.

The Bank of the United States, owing to its speculations,

had become in a perilous condition, and was laboring to pro-

duce another suspension in order to shield itself. On the

loth of October, 1839, it suspended, and all the banks

of the Union except those of New England and New York

followed. The failure of the Bank of the United States fell

very heavily upon Baltimore, where originally over $4,000,-

ooo of its capital was subscribed ; the whole capital was lost.

Under these circumstances the banks contracted rapidly.

Interest rose to 20 per cent. Just before the suspension the

discounts of Maryland banks had stood at $16,400,000, and

the issues at $3,400,000. By the first of January, 1840, the

discounts had fallen $2,500,000 and the issues $500,000.

The financial condition of the State, too, was most

wretched. In the cause of internal improvement, Maryland

had subscribed almost $12,000,000, and had become involved

in a debt of $5,500,000, the interest upon which she was un-

able at that time to keep up. 1 The public revenue paid the

current expenses only. No system of direct taxation was in

use in the State, and for several years the inconveniences at-

tendant upon the inauguration of one were felt. The laws

taxing real and personal property were not enforced in some

counties. The negotiation of a loan abroad failed in i837. 2

1 Scharf, History of Maryland, Vol. Ill, p. 211.

\* Ibid., p. 208.

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In January, 1842, the State was driven to suspend payment

of interest on its debt. Between 1837 and 1842 the State

borrowed over $500,000, principally from the banks. The

suspension of interest payment thus directly affected them.

At the same time lack of resources necessitated a cessation

of work on canals and roads, and the State was again ap-

pealed to for help.

To assist the improvement companies, which were in dis-

tress, specific powers of issue were granted in a number of

cases. The Baltimore and Ohio, 1 the Annapolis and Elk-

ridge 2 Railroad Companies, the Chesapeake and Ohio 3 and

the Tidewater\* Canal Companies were empowered to issue

up to $4,000,000 paper variously denominated stock orders,

certificates of debt or toll notes, secured by bonds of the

State or of Baltimore or by mortgage of property. Other

companies by their charters were allowed to make such

issues; many made them without legal sanction. The or-

ders issued by the Corporation of Baltimore and the Balti-

more and Ohio Railroad had general circulation, and were

the most reliable fractional currency after the disappearance

of specie. 5

.The authorization of issues of individuals upon bond was

discussed in 1838. The bond proposed was to be of five

times the amount issued, and was to be filed with and ap-

proved by the clerk of the county court where issued. The

matter was referred to the Committee on Currency, which

reported unfavorably. 6

An attempt was made in 1842 to put an end to all issues

made without legal sanction. Improvement and other in-

corporated companies, except such as were allowed to do so

by their charters, were prohibited from issuing any sort of

1 Md. Laws. 1840, ch. 25. 2 Ibid., 1841, ch. 168.

3 Ibid., 1841, ch. 30. \* Ibid., 1841, ch. 47.

5 Scharf, Hist, of Maryland, Vol. Ill, pp. 207 and 182. Chronicles

of Baltimore, pp. 491 and 495.

6 Orders for the Com. on the Currency, House of Delegates, 1837.

Report of Com. on the Currency, 1838, p. 5.

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paper to circulate as money. The penalty was both corpo-

rate and individual liability to pay the full amount issued. 1

At the end of 1842 still more comprehensive legislation was

passed, prohibiting every one except banks from issuing any-

thing to circulate as money, under penalty of $20 for each

offence. Traders forfeited their licenses for passing such

notes. Besides the banks, the Baltimore and Ohio, the An-

napolis and Elkridge Railroad Companies, and the Chesa-

peake and Ohio Canal Company were excepted from the

operation of this law. 2

The position of Maryland banks with reference to re-

sumption was similar to that of 1838; they were between two

fires, neither Pennsylvania nor Virginia banks were paying

in specie, hence they hesitated to take the risk of having their

specie drawn off. A special committee of the Legislature

consulted the officers of the different banks in regard to re-

suming January I, 1842. With two exceptions they de-

clared their ability to resume at any time, but they unani-

mously preferred to wait until after resumption in Pennsyl-

vania and Virginia. The Legislature set May i, 1842,' and

in case of non-compliance the bank forfeited its charter. On

March 18, 1842, the Pennsylvania banks resumed, and those

of Maryland followed without hesitation.

15. Practice, 1837-44.

The banks were uniformly administered with care during

the suspensions of 1837 and 1839. There was a gradual ex-

pansion of discounts from 1836 to 1839 to meet the needs of

patrons whom the stringency was pressing. This expan-

sion was not, however, carried to a degree which imperilled

the solvency of the banks. The increase of issues was com-

paratively small during the suspension of 1837. The calling-

in of paper and the reduction of discounts in 1839 was sharp,

and caused considerable inconvenience. Between October,

1839, and January, 1840, discounts were diminished $2,500,-

ooo, or more than one-seventh. Interest rose to 20 per cent.

1 Md. Laws, 1841, ch. 219. \* Ibid., 1841, ch. 321.

8 Ibid., 1841, ch. 302.

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on good paper. Soundness was not sacrificed to profit.

The specie reserve was maintained above one-third of the

amount of the circulation, even at the expense of purchasing

specie at a considerable premium. By January I, 1838,

$425,000 in specie had been purchased since the beginning

of the suspension. 1 Some of them had disposed of gold and

silver, almost entirely in the form of foreign coins, at a

premium.

The dividends made at this time do not indicate excessive

profits. The dividends of the twenty-two banks in opera-

tion ranged between 4 and 8 per cent, per annum during the

years 1837 and 1838. Only one dividend as low as 4 per

cent., and only two as high as 8 per cent. The rates of nearly

all were between 6 and 7^ per cent. Nor was the surplus of

any bank materially increased during the suspension. In

some cases the usual rate was declared, and, profits falling

short of this amount, the deficiency was made up from the

surplus. 2 The market price of the stock of the various banks

at this time points to the same conclusion. They were nearly

all about par; only one or two commanded any considerable

premium. 3

A statement of the discounts, deposits, circulation and

specie of Maryland banks, 1834-40:

fjAN. DISCOUNTS.\* DEPOSITS. CIRCULATION. SPECIE.

1834 $10,273 $3.567 $2,072 $ 664

J 835 9,374 3,346 1,811 856

1836 I3,5 r 9 4,967 3,052 1,180

J837 14,7\*8 4,390 3,221 1,015

1838 15,821 4,329 3,084 1,342

1839 16,365 4,652 3,797 1,443

1840 13,934 3-379 2,937 !,222

\*Three figures omitted throughout.

During the suspension all specie disappeared from circu-

lation, and all the banks were driven to violate the law in re-

1 State Banks, p. 705. 3 Ibid.

2 Report of Select Committee on the Currency, 1838.

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ceiving and passing notes. of less denomination than $5.

Three banks confessed that they had issued such notes,

though two of them claimed that this power was given them

by their charters, and had not been revoked. 1 The Patapsco

and Frederick County Banks made this claim; the Bank of

Westminster also issued them. Post notes were issued by

two banks in the crisis of 1837 and 1839. The Western

Bank had out, in 1839, $150,700 in post notes. The law

which provided for resumption of specie payments allowed

the issue of small notes up to one-fifth the amount of the

capital paid in. 2 .

The Committee on the Currency investigated the charge

that directors received discounts on more favorable terms

than others. The banks all denied that they discounted to

directors as such; some acknowledged that they favored di-

rectors when their paper was as good as that of others, since

they had difficulty in obtaining discounts at other banks.

Most of the banks favored their regular patrons when their

paper was unquestionable. Of the total discounts on Jan-

uary i, 1838, of $15,800,000, $2,300,000 had been made to

directors. The highest discount to any one director was

$121,500; seven directors had received over $40,000 each. 3

The banks, too, almost unanimously confessed that during

the suspension they had discounted to parties on condition

that the notes be taken to a distance to be put into circula-

tion. 4 A few, too, had sent out agents, chiefly to Southern

points, to buy up their notes at a discount, 5 though the ex-

tent to which this was practiced was very small. Although it

was prohibited by their charters, the capital of all the banks

1 Report of Select Committee on Currency, 1838.

\* Md. Laws, 1841, ch. 302. The issue of these notes was prohibited

after November, 1842. The law of 1844, ch. in, allowed the issue of

notes between five and one dollar in denomination up to ten per cent,

of the capital, or at least up to five thousand dollars by each bank.

s Report of Select Committee on the Currency, 1838. State Banks,

p. 709. \* Ibid. 6 Ibid.

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chartered between 1829 and 1837, with a few exceptions, was

paid partially with stock notes. 1

1 6. Effects of the Crises 0/1837 and 1839.

As a result of the depression quite a reduction took place

in the banking capital of the State, both by voluntary lessen-

ing by the stockholders and by failure. Four banks became

insolvent, the Franklin and the Citizens', of Baltimore; the

Susquehanna, of Port Deposit, and the Planters' Bank of St.

Mary's. The closing of the Franklin Bank in 1841 was only

a temporary one, due partly to losses and partly to frauds

practiced upon it. The public was subjected to no loss at

all, and it resumed after a short time. 2

The failure of the Citizens' Bank was the most important

of those that occurred at this time. Its nominal capital had

been $500,000 until 1843, when it was reduced to $334,000.\*

In 1844 the stockholders decided to close up its affairs, since

it had suffered such heavy losses that they were doubtful of

the advisability of trying to restore its capital. 4 Finally,

however, it paid all creditors in full, and the stockholders re-

ceived for their claims $8 per share (par value $10). Their

loss, therefore, amounted to about $65,000.

The Planters' Bank of Prince George's County, which,

after having failed in 1822, had been restored in 1832, by the

desire of its stockholders decided to close up again in 1842."

Its nominal capital was $200,000. It was able to meet all its

liabilities.

The Susquehanna Bank had been very weak for years. It

had suspended in 1818, while operating under the name of

the Susquehanna Bank and Bridge Company. About 1824

it was revived, and its name was altered to the Susquehanna

Bank. During the crisis of 1834 it required assistance to

enable it to keep afloat. Loans were made by various banks

of Baltimore. The Union Bank and the Bank of Mary-

land, before its failure, had each sent it $50,000. But even

1 Md. Laws, 1843, ch. 269. 2 Scharf, Chronicles of Baltimore, p. 503.

8 Md. Laws, 1842, ch. 76. 4 Ibid., 1843, ch. 240.

5 Ibid., 1842, ch. 204.

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with this aid it was unable to stand. In March or April,

1834, it suspended business a second time after a reckless

attempt to get into circulation as many notes as possible.

Its paid-in capital was $393,319. On March 8, 1834, three

or four weeks before its failure, its issue amounted to $128,-

925. The first statement after its failure, September, 1834,

shows the circulation to have been $328,359. Likewise

within the same month the specie had been reduced from

$74,289.07 to ninety-seven cents. The deficiency of assets

March 8, 1834, was $93,085; in September, 1834, it had in-

creased to $283,353. After its failure and the partial settle-

ment of its affairs, its leading stockholders decided, in 1836,

to resuscitate it and pay its liabilities. In some manner it

was able to struggle to its feet again, though the old creditors

were not paid off. It was unable to stand the pressure of

1837, and in January, 1838, it was again compelled to sus-

pend. A special committee of the Legislature was appointed

to examine into its affairs, and they advised that its charter

be declared forfeited. 1

These cases led to further legislation in regard to the

method of procedure in closing up insolvent banks. The

law of 1841, chapter 302, provided that the Governor, upon

information that any bank had refused to pay in specie on

demand or had issued small notes in violation of law, should

direct the Attorney-General to issue a scire facias against

such bank. In this case the county court or any judge of it

might by injunction restrain the bank from improperly dis-

posing of its funds, and might appoint a receiver if it thought

best. The court upon proper evidence could adjudge the

charter forfeited and appoint three trustees to settle up the

business. Thereupon the property of the bank vested fully

in the trustees, and the court might require the bank to exe-

cute a deed of assignment to the trustees.

The time consumed in the liquidation of insolvent banks

was frequently very long, extending from five to fifteen years

1 Report of the Select Committee in relation to the Susquehanna

Bank, House of Delegates, Apr. 3, 1839.

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in some cases. To prevent the trouble of keeping bank

notes this long time, while awaiting dividends of the assets,

the Legislature enacted that record might be made of such

notes in any court of the State and the notes themselves

might be destroyed by the sheriff. 1

In 1842 a scire facias was issued against the Farmers' and

Millers' Bank of Hagerstown, to show why it had not for-

feited its charter. It had secured its charter in 1835, with an

authorized capital of $200,000, of which $100,000 was sub-

scribed. $75,000 only, the amount of the specie require-

ment, was paid in. A committee appointed by the treasurer

to make examination reported the $75,000 in specie to be in

the possession of the bank. They had, however, allowed the

bank to consider $60,000 in certificates of deposit as specie.

These certificates of deposit were from the Commercial Bank

of Millington, which immediately failed. Its president was

the president of the new bank, and, in like manner, when the

Hagerstown Bank was on the point of failure, he attempted

to start another in Virginia. Under this scheme the Farm-

ers' and Millers' Bank got into operation with but $15,000 in

specie. Its notes were sent to friends at a distance for cir-

culation. Its cashier was of great resource, and he man-

aged to keep the concern afloat. At one time there were

only four dollars in bankable funds in the institution, and

the only specie was some boxes of pennies. On January 18,

1843, the committee appointed to examine it reported its

condition as follows : 2

Liabilities Circulation $8,839.00

Deposits 5,464.54

$14,303.54

Assets Notes of specie banks $285.00

Specie 1,725.50

$2,010.50

Deficit, 12,293.04

1 Md. Laws, 1840, ch. 85.

2 Report of Special Committee to Legislature, 1843.

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The other assets were estimated to be worthless, and no

mention was made of the capital stock, which would increase

the deficit by $15,000. The bank was allowed to continue

on condition that $30,000 be paid in specie, and a specie re-

serve be held equal to one-third of its notes issued; besides

this, it had to meet the other provisions of its charter. 1

Considerable reduction was made in the capital of other

banks, both on account of losses and also because, in the de-

pression succeeding the panics of 1837 and 1839, they were

unable to employ profitably their entire capitals. The Ches-

apeake Bank reduced its capital from $500,000 to $350,000;

the Farmers' and Planters' from $1,000,000 to $600,625 ; the

Farmers' and Merchants' from $500,000 to $400,000; the

Western from $604,300 to $308,280; the Frederick County

from $500,000 to $150,000; the Washington County from

$250,000 to $150,000. The Merchants' was authorized to

invest $500,000 in its own stock, since it could not employ it

all in ordinary banking operations. 2 The voluntary reduc-

tion, together with that from failures, amounted in all to

$2,325,395; of this amount, at least $715,000 was due to loss.

17. Other Details.

In the various great works projected at this time, the

Chesapeake and Ohio, the Tidewater and the Annapolis

Canals, the Baltimore and Ohio, the Baltimore and Wash-

ington, the Susquehanna, the Eastern Shore and the Annap-

olis and Elkridge Railroads, the State subscribed over $16,-

300,000. These obligations placed the State under a con-

stantly-increasing debt, even the interest upon which the

State revenue was inadequate to pay, after providing for the

current expenses. The panic had rendered the negotiation

in Europe of loans upon American securities impossible

upon favorable terms. Immediately after the suspension of

1837, Maryland made a desperate effort to pay her creditors

in gold and silver, but the extent of its obligations compelled

the discontinuation of this policy. In 1842 it was unable to

1 Md. Laws, 1844, ch. 276. \* Ibid, 1843, ch. 85.

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pay the interest due. The system of general taxation which

had been introduced was not providing sufficient revenue,

so in 1843 it was deemed necessary to dispose of the State's

interest in the public works, amounting to $11,700,000, but

no acceptable offer was made. In January, 1846, effort was

made to sell the bank stock belonging to the State to the

amount of $510,966. The proposition passed the House by

a large majority, but failed by a single vote in the Senate.

Through loans from the banks and private individuals, the

State was enabled to avoid open bankruptcy until the system

of taxation provided an adequate revenue. Resumption of

interest payment was made January I, 1848.

For some years the State had been commuting to money

the right to subscribe to the stock of the several banks, and

to appoint directors in them. The proceeds were applied to

current expenses. This first occurred in 1828, when the

Commercial and Farmers' Bank of Baltimore agreed to pay

$9533^ on condition that the State give up the right to sub-

scribe 286 reserved shares, and also the right to appoint di-

rectors. It could still, however, vote on the shares held by

it. 1 The right to subscribe 1000 shares in the Union 2 Bank,

5000 shares in the Merchants' 3 and 500 shares in the Hamil-

ton 4 were in like manner offered by the State to the banks

at prices varying from $6 to $10 per share. The right to

appoint directors in the Farmers' and Merchants' Bank was

offered to the bank for $5000, the right to vote on the shares

being retained. 5

In 1841 the fight against bill brokers and note shavers was

renewed. The first step was to raise the cost of their license

to $3000 yearly. The penalty for exchanging and purchas-

ing bills without a license was fixed at $500 for each offence.

The banks were released from all obligation to redeem their

1 Md. Laws, 1827, ch. 215.

2 Ibid., 1827, ch. 216. Ibid., 1827, ch. 185. Ibid., 1833, Resolution.

5 Ibid., 1836, ch. 154. \* Ibid., 1836, ch. 198.

5 Ibid., 1833, ch. 115. Ibid., 1841, ch. 282.

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notes in specie for any foreign or domestic broker. 1 The

next year these conditions were mitigated to considerable

extent by a reduction of the cost of license to $5O. 2 This

was brought about by the inconvenience arising from the

mass of depreciated and uncurrent paper money, chiefly of

banks of other States, which by means of the brokers could

be exchanged for reliable currency.

In 1837 there was further legislation to prevent the fraudu-

lent manipulation of stock in the election of officers. It pro-

vided that stockholders intending to canvass the votes must

notify beforehand an officer of the bank; this officer, in turn,

had to notify all the stockholders residing in the State. Upon

voting, each stockholder had to swear that the stock which

he was voting was his bona fide property, or was held by

him in some fiduciary relation, and was not transferred to

him to increase the number of votes. Persons voting by

proxy had to make this oath before some qualified officer of

the State. Directors had to make oath that they had not

acquired shares to qualify themselves for office.

General permission was extended to all the banks in 1844

to make loans upon promissory notes or obligations under

seal, secured by mortgage, for any period up to five years at

6 per cent. 3

In 1833 an act was passed subjecting stocks and funded

property to attachment and execution for debt. The pro-

ceedings were similar to those regarding real estate.

18. Increase of Banking Capital, 1843-62.

By the middle of the century the financial troubles of

Maryland, brought on by its participation in the construc-

tion of internal improvements, had been adjusted, and the

fruits of these public works were being realized in the rapid

development of its resources. The canals and railroads were

making Baltimore the commercial center and shipping point

for the coal, lumber and agricultural products of Western

Pennsylvania and the Ohio region. The Southern States,

1 Md. Laws, 1841, ch. 302, sec. 8. \* Ibid., 1842, ch. 257.

3 Ibid., 1843, ch- 269.

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which were almost entirely devoted to cotton and tobacco

culture, drew from Maryland a large part of their bread-

stuffs. From 1848 to 1858 the South American trade of

Baltimore was at its zenith.

After the industrial revival which followed the disturbance

of 1837-42 had begun, the inadequacy of Baltimore banking

capital became a matter of common concern among mer-

chants, and various means were adopted within a few years

to stimulate its increase. Old banks were allowed to enlarge

their capitals ; new ones were incorporated, and savings insti-

tutions were changed to regular banks of discount and issue.

Some savings banks were allowed the power of issue. Effort

was made to secure the passage of a free banking law.

The formation of new banks proceeded gradually from

1843 to 1862; from 1853 to 1858 the rate of increase was a

little greater than before. The total number of new banks

incorporated, exclusive of those which had been operating

before as savings banks, was seventeen, and the amount of

capital allowed them by their charters was $3,000,000. One

of these banks failed to go into operation, and the charters

of two others were repealed by the Legislature, deducting

in all $350,000 from the total just mentioned. Two of these

banks, representing $800,000 nominal capital, were located

in Baltimore.

Seven savings institutions were regularly incorporated as

banks and allowed all the privileges usually given to banks

under the laws of the State. The conversion of savings

banks to regular banks had occurred in two cases previously

to this time. The Western Bank of Baltimore had been

formed in 1835 from the Mechanics' Saving Fund Society,

and at the same time the Fell's Point Savings Bank was

authorized to become the Eastern Bank of Baltimore; the

latter, however, did not change. The total authorized cap-

ital of these seven banks was $1,800,000, of which $1,400,000

belonged to the four located in Baltimore. The chief ad-

vantages gained by these banks were the power of issue and

less restriction in their investments. The savings banks

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were generally limited to investing in bonds and securities;

some were allowed to discount up to two-thirds the amount

of their deposits. In making the change they became sub-

ject to the laws controlling banks generally. Two of them

were allowed to continue the practice of receiving weekly

deposits and paying interest on them up to 6 per cent. 1 The

practice of paying interest on deposits left for a specified time

had already become general among the banks.

It is impossible to conjecture the extent of the business

done in Maryland by savings banks, except so far as their

number gives an indication. Though two or three had been

incorporated before 1830, about that time they first became

of importance in Maryland. The increase of their number

corresponds in time to the increase of the regular banks.

Up to 1842 nineteen had been established in the counties

and eleven in Baltimore. In most cases they simply in-

vested their deposits and had no capital stock. Between

1842 and 1861 twenty-nine were chartered, eight of which

were in Baltimore. Of the total number a capital limit was.

fixed for sixteen, aggregating in all $2,800,000. They were

required to send no reports to the State treasurer, and the

magnitude of their operations is unknown. A very small

number of failures occurred, only two or three. 2

One peculiar feature of Maryland savings banks which

appears to have developed in no other State, was the right

given to some of them to issue notes to circulate as money.

This privilege was first conferred by the Legislature in 1844,

and by 1860 nine savings banks had acquired this power.

In nearly every case it was the subject of a special act of the

Legislature, and was not included in the charter. The limit

for issues was usually, as for other banks, the amount of

the capital paid in. For the Howard Street Savings Bank it

was fixed at one-fourth of the deposits, and one-fourth of

the deposits was not subject to withdrawal, but formed a

1 Md. Laws, 1856, ch. 109. Ibid., 1856, ch. 340.

2 That of the Maryland Savings Institution in 1834 was the most

important. Niles, 1834, May 10 and June 7. Scharf, History of

Maryland, Vol. Ill, p. 176.

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fund for note redemption. 1 The Fredericktown Savings In-

stitution was allowed to issue up to $30,000, provided it kept

as a redemption fund $15,000 in certificates of Maryland,

Baltimore, United States or Chesapeake and Ohio Canal

stocks. 2 Others were required to keep a redemption fund

of State stocks or specie equal to one-half the issues. In

each case the school fund tax was required, twenty cents on

the hundred dollars of capital paid in or of notes issued, 3 as

the case might be. In one or two cases a bonus also was re-

quired, as likewise was an annual report to the treasurer.\*

TABLE OF MARYLAND BANKS CHARTERED 1843-62.

Havre-de-Grace

Valley,\*

Cecil,

Farmers' and Mechan-

ics' of Kent Co. ,

Farmers' and Mechan-

ics' of Carroll Co.,

Howard Co. ,f

Easton,

Central,

Commerce,

Farmers' and Mer-

chants' ,

Queen Anne's Co.,

Farmers' and Mer-

chants' of Cecil Co.,

American,

Patapsco.f

Alleghany Co.,

Clinton,

Delaware City,

\* Did not open.

LOCATION.

Havre-de-Grace

Hagerstown,

Port Deposit,

Chestertown,

1843

1847

1849

CAPITAL.

$2OO,OOO

IOO,OOO

IOO,OOO

1849 150,000

Carroll Co.,

1849

300,000

Ellicott's Mills,

1853

150,000

Easton,

1853

150,000

Frederick,

1853

150,000

Baltimore,

1854

300,000

Greensborough ,

1856

100,000

Centreville,

1856

100,000

Elkton, 1862

Baltimore, 1856

Ellicott's Mills, 1856

Cumberland, 1858

Westernport, 1858

Delaware City, 1862

J

t Charter repealed.

100,000

500,000

100,000

250,000

100,000

100,000

52,950,000

1 Md. Laws, 1849, ch. 456.

3 Ibid., 1849, cn - 3 2 5-

2 Ibid., 1849, ch. 290.

\* Ibid., 1849, ch- 290.

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TABLE OF BANKS FORMED FROM SAVINGS BANKS.

LOCATION.

Howard Baltimore.

Exchange Baltimore.

People's Baltimore.

Union . Hagerstown.

Frostburg Frostburg.

City Cumberland.

Fell's Point . . Baltimore.

DATE.

CAPITAL.

1854

$3OO,OOO

1856

5OO,OOO

I8 5 6

25O,OOO

1856

150,000

1856

100,000

1858

I50,OOO

1862

350,000

$1,800,000

TABLE OF SAVINGS BANKS HAVING POWER TO ISSUE.

NAME.

Fell's Point

Hagerstown

Fredericktown

Cumberland

Howard Street

Somerset and Worcester

Franklin

Manchester

Old Town .

LOCATION.

Baltimore.

Hagerstown.

Fredericktown.

Cumberland.

Baltimore.

Snowhill.

Frederick.

Baltimore.

1844

1846

1849

1849

1849

1858

1860

1860

1860

$80,000

100,000

100,000

150,000

To encourage the growth of banking capital the Assem-

bly made a general law, March 8, 1854, allowing the banks

of Baltimore to increase their capitals at times suiting their

convenience, simply upon reporting the increase to the State

Treasurer and paying the school tax fund. Not less than

$100,000 might be added at any one time, and the maximum

amounts were as follows :

Banks of $1,000,000 capital and over might enlarge to

$2,000,000; banks of $900,000 to $1,000,000 might enlarge

to $1,500,000; banks of less than $900,000 might enlarge

to $1,000,000.

Between the time of resumption in 1842 and the passage

of the above act the old banks had added $289,000 to their

8

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capital. Within five years after the act was passed $1,458,-

ooo had been added; reductions, however, offset this in-

crease to the amount of $397,000. The total increase of

active banking capital from all sources was $2,823,000, from

$9,746,000 in twenty banks in 1843 to $12,569,000 operated

by thirty-one banks in 1858. From 1858 to 1862 the re-

duction was greater than the increase from new banks.

19. Expansion, 1845-57.

After the period of liquidation which followed the panic

of 1839, the banks began again to extend their credit, and

in 1847 and 1848 this movement became accelerated under

the stimulus of the general industrial prosperity. The en-

largement of discounts proceeded regularly until 1854, when

a temporary reaction occurred, on account largely of the dis-

turbed condition of financial relations with Europe. After

this check the process of expansion continued until 1857.

This increase of bank notes, however, to a large extent took

the place of the silver coins, which by 1850 had almost en-

tirely disappeared from circulation. From 1850 to 1854 the

quantity of money in circulation was too small to perform

conveniently its uses, and there was a constant demand for

more money. 1 The State attempted to relieve the situation

by the charter of new banking companies, by allowing all

banks to double their issues, i. e., to issue up to twice the

amount of their capital paid in, and finally, by the permission

granted to certain savings banks to issue.

The State had always insisted strenuously that the money

of denominations under five dollars should be coin, and only

under exceptional circumstances had it departed from this

rule. In 1851 silver dollars and half-dollars had become so

scarce that some of the banks had again adopted the expe-

dient of issuing notes of denominations under five dollars,

and the small notes of banks of other States also circulated

in Maryland in considerable numbers. The Legislature in

May, 1852, forbade both their issue by Maryland banks after

1 Baltimore American, Mar. 19, 1852. Bankers' Magazine, Feb.,

1853-

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March, 1853, and also the receipt or payment of such notes

of banks located outside the State under penalty of five dol-

lars for each offence. 1 The inconvenience of the lack of

small currency was felt on all sides, and quite an agitation

was aroused to procure the repeal of the law. The Balti-

more City Council by almost unanimous vote requested this

action, but without avail. 2 After 1854 the quantity of specie

in circulation increased in a marked manner, owing to the

influence of the newly-found gold mines.

Throughout the period 1843-57 the quantity of specie in

the hands of Maryland banks was always large in proportion

to circulation. During these years there was always an

amount of specie in the possession of the banks equal to

more than half the circulation, and the ratio of specie to cir-

culation and deposit combined was never less than I to

4. The following items from the reports of the banks will

show these points :

YEAR. CIRCULATION. DEPOSITS. SPECIE.

1843 $1,743,768 $2,977,174 $2,537,822

1847 2,400,267 3,863,891 2,005,078

1851 3,532,^70 5,966,834 2,738,834

1854 4,9l8,38l 8,621,052 3,405,090

1857 5^55, 096 9,611,324 3,522,561

The condition of all the banks was sound, and all re-

deemed their notes in specie; no Maryland bank paper was

at a discount within the State. In New York the notes of

Baltimore banks were at a slight discount, about equal to

the cost of having them exchanged. The notes of the less

well-known banks of the State were quoted in New York

at a small discount ranging from one-half to four per cent.

The greatest abuses of the period were, first, the issues of

unknown and worthless banks, chiefly Western and South-

1 Md. Laws, 1852, ch. 235.

\* Baltimore American, Mar. 19, 1852. Baltimore Patriot, Jan. 24,

1853. Bankers' Magazine, Feb., 1853.

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ern, which made their way into all quarters of the country,

furnishing a mass of greatly depreciated notes upon the ex-

change of which the note brokers thrived; secondly, the ap-

palling amount of counterfeiting. The various registers and

reporters of counterfeit notes, published monthly or quar-

terly, gave information to the public of the many counterfeits

in circulation.

20. General Banking Law.

The call for an increased banking capital led in the early

fifties to an agitation for free banking under a general law;

the time seemed especially auspicious, too, for this move-

ment, since the old charters had expired in the course of the

years 1854-60. The matter was brought up in the Senate in

1852, and a committee was appointed to consider it. The

committee viewed the proposition favorably, and offered a

bill which resembled in most respects the New York law of

I838. 1 The committee recited that in its estimation freer

access to banking privileges would be an advantage, and

that banking operations could be conducted as well under a

general law as under separate charters, and that, except when

necessary, the Constitution of the State discountenances the

granting of special corporate powers. 2 It was argued that

the government owed to the people security from loss on

the currency, the issue of which was a function of sovereignty

which had been bestowed upon the banks, and the commit-

tee could see no means of securing protection of notes other-

wise than by requiring as security from all institutions hav-

ing the power of issue, the pledge of property to at least an

amount equal to their circulation. The policy of the banks

of Venice, Barcelona, Genoa and England had been to in-

vest their capital in permanent securities, and to use the

credit for purposes of discounting. Several of the United

States had adopted the plan, and in practice it had worked

well.

1 Report of Select Committee ... on a General Banking Law,

Mar. 30, 1852. \* Ibid., p. i.

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The innovations proposed in the bill were as follows :

1. Organization. Any number of persons might associate

to establish offices of discount, deposit and issue. They

must specify the name and location of the institution, its

capital and the amount of each share, the name, residence

and number of shares of each stockholder, and the date of

commencement and expiration of the institution.

2. The president was required to make a list of stock-

holders, and the number of shares held by each, and to file

it in the office of the clerk of the Circuit Court.

3. Upon application of a thousand stockholders, any court

or judge possessing equity jurisdiction might order an ex-

amination by the auditor of the court or by a special commis-

sioner, to ascertain the safety of the public interests, and the

results of the investigation were to be published.

4. Upon deposit of United States or Maryland 6 per cent,

bonds with a State officer, the officer was directed to sign

and register notes for circulation, furnished by the bank, to

an amount equal to the bonds deposited. Such notes were

to be stamped "Secured by the Pledge of Public Stocks."

The banks by powers of attorney were to continue to receive

the interest on the bonds, unless the bank failed to redeem

its notes or the State officer thought the security was becom-

ing insufficient. After protest of a bank's notes, and after

an order had been issued upon the bank for their payment

by the specified State officer, the officer was directed to re-

deem the notes and to auction the bonds for this purpose.

5. No officers were allowed to borrow.

6. Banks might increase their capital at will.

7. Statements were to be rendered to the State whenever

required; upon failure to give them, the business operations

of the bank were to cease and a receiver was to be appointed

by any court or judge having an equity jurisdiction.

These were the leading provisions which it was proposed

to introduce into Maryland banking law at this time. Their

strong feature was the security which they offered for bank

notes, the beneficial operation of which system in several

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States was attracting attention at this time. 1 However, the

question of special security for bank notes was not then a

sufficiently vivid one to be effective in the passage of the

bill. Little or no loss had occurred in Maryland from this

source for twenty years. On the other hand, the deposit of

bonds equal to the amount of notes issued tended to restrict

elasticity of the currency; the banks would generally deposit

in bonds the amount of their average issues, to avoid the in-

vestment of so much of their funds in this manner which

they might employ more profitably in discounting. Any

response to the demands of industry would thus be slow and

unnatural. This was the direct opposite of the object

desired.

Leaving out of consideration the security of note issues, in

some other respects the bill was weak. The careful provisions

in regard to the payment of capital which had been found

necessary in practice, were wanting, and any details or ad-

justment to suit special cases was impossible in a general

law.

After somewhat considerable discussion in the Senate the

bill was tabled. 2 At the following session of the General

Assembly the question was revived and referred to the Com-

mittee on the Currency, but no action was taken. 8

A general banking law was, however, adopted in 1853, but

it was simply a collection of the laws of the State governing

banks, with a few modifications, reenacted in a single law,

and all the banks were made subject to it, both those already

existing and those subsequently chartered. The occasion of

the passing of the law was the expiration of the charters of

twenty banks of the State. These were all continued to

1880, subject to the restrictions of the law. The only new

regulations were the following: 4

i. Regulating voting.

For i-io shares, the holder was entitled to I vote each.

1 Cf. Report of Select Committee . . . . on a General Banking

Law, March 30, 1852. 2 Md. Senate Journal, Apr. 13, 1852

\* Ibid., 1853, PP- 2 9 and 451. \* Md. Laws, 1853, ch. 441.

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For 10-100 shares, the holder was entitled to I vote for

every two.

For 100 and over, the holder was entitled to i vote for

every five.

2. The president and majority of the directors were to

constitute a board for ordinary business and discounting.

3. Discounts and loans for directors were absolutely pro-

hibited, under pain of fine or imprisonment for violation.

4. Interest upon deposits was limited to 3 per cent, per

annum.

5. The State Treasurer was to have a semi-annual state-

ment of the condition of each bank, which was to be pub-

lished in the county in which the bank was located.

6. The school fund tax was continued.

The free banking principle was entirely omitted; the

Legislature continued to hold within its hands the power to

extend banking privileges. No special provision was made

for the security of bank notes. The regulations of the law

were much more minute than those of the free banking bill

proposed in 1852.

The Act of 1854, chapter 152, should be taken in connec-

tion with the above law. By the general law issues, as pre-

viously, were restricted to the amount of the capital paid in;

by the law of 1854 banks having a paid-in capital of less than

$250,000 were allowed to issue up to double that amount.

The explanation of this step lies in the fact that the amount

of currency was found to be inconveniently small; 1 the ex-

tension of bank issues was the most available remedy at hand.

21. Crisis and Suspension of 1857,

The continual expansion along all lines throughout the

entire country during the years 1842-57 culminated in dis-

aster in 1857. The speculative condition of industry stimu-

lated the issues of the banks until in 1857 a climax was

reached. The currency, becoming increasingly inflated

from 1853 to 1857, was highly conducive to over-trading,

over-importation, stock speculation, etc. The reaction was

J Seep. 114, et seq.

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first felt in the Western States in the summer of 1857, and

many Eastern firms, creditors of Western concerns, soon

failed. Bills on Eastern points were at 10 to 15 per cent,

premium. New York was the first Eastern city affected by

this panicky state of affairs, but until the middle of October

its banks were able to resist suspension. A run began on

the deposits of Eastern banks in September, and on Septem-

ber 25 the banks of Philadelphia suspended; on the 26th

those of Baltimore did likewise, and the banks of Cumber-

land, Frederick and other towns followed soon. 1 The de-

posits of Baltimore banks January 4, 1858, were $1,683,861

lower than on the same day of the previous year. This

heavy drain upon the specie reserve reduced its amount

$829,359.

The condition of the banks was sound, but suspension

was a matter of self-preservation when the creditor banks of

Philadelphia had suspended and those of the South were on

the point of doing so. Every facility in the line of discounts

within their power was rendered by the banks to relieve the

situation. By January i, 1858, the diminution of discounts

was $902,256, less by almost half than the withdrawal of de-

posits. The amount of circulation outstanding decreased

$337,000. Even after this strain the condition of the Balti-

more banks was comparatively strong.

ITEMS OF BALTIMORE BANK STATEMENTS, 1851-1858.\*

DATE. CAPITAL. DISCOUNTS. SPECIE. CIRCULATION. DEP'T.

Jan. 6, 1851 $6,101 $11,783 $2,330 $2,281 $4,528

5, 1852

7,141

11,428

1,967

2,180

3,912

3, 1853

7,291

14,291

2,992

3,328

6,021

2, 1854

7,592

14,969

2,848

2,956

6,962

i. 1855

8,576

H,279

2,485

2,638

5,858

7, 1856

9,065

i6,397

2,832

3,388

6,485

5- 1857 9,777 18,704 2,998 3,395 7,765

" 4, 1858 10,160 17,802 2,169 3, 58 6,082

\* Bankers' Magazine, Vol. VII, p. 655. (Three figures omitted.)

1 Bankers' Magazine, Vol. VII, p. 426.

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The money market in Baltimore grew tighter toward the

end of 1857, and interest was charged at I to i per cent,

per month. Exchange on New York was 4^ to 5 per cent,

premium. An effort was made in New York to resume De-

cember 13, and discounts were contracted and specie pro-

cured for this purpose. 1 The time seemed rather unfavor-

able, since the exportation of specie at the rate of $2,000,000

or $3,000,000 a week had succeeded the importation of a few

weeks previous. Baltimore bank notes were at par in Mary-

land, and those of country banks were at very slight dis-

count. The public seems to have exerted very slight pres-

sure upon the banks to resume. The Baltimore Patriot,

speaking of resumption, said: "The banks, we feel confi-

dent, are amply prepared to meet any emergency, but as a

mutual dependence and reciprocal interest exist between

them and the community, neither can entertain any desire to

hamper or oppress the other. Whatever advantage can

arise from a state of suspension, let it be enjoyed, allowing

ample time for all to participate, as far as prudence may

dictate. Business must be resumed and take an active turn

before wonted ease and confidence find full restoration.

Viewing matters in this light, we are safe in asserting that

resumption of specie payments by our banks, at so early and

injudicious a period as the first of January next, is not con-

templated." 2 The banks, though able to resume at any time,

preferred to wait for a general resumption, or at least until

after the Philadelphia banks had resumed, the time for

which had been set at April i, i852. s The Virginia banks

also resumed about this time.

The greatest nuisance of the suspension was the mass of

foreign depreciated paper, which could only be disposed of

through the bill brokers by paying a large discount. The

banks would not receive it; in fact, again, as in the suspen-

sion of 1814, the Baltimore banks refused to receive the

1 Baltimore American, Dec. 14, 1857. Bankers' Magazine, Vol.

VII, p. 583. " Baltimore Patriot, Dec. 20, 1857.

8 Baltimore American, Jan. 7, 1857.

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notes of Maryland country banks, which not only caused

great inconvenience, but also reacted upon the banks, caus-

ing a greater depreciation of their paper. 1 This condition

of affairs offered opportunity to the banks of making ar-

rangements with brokers and of sending out agents to buy

up their notes at the lowest possible prices. This scheme

was worked not only by the country banks, but also the city

banks quietly sent their agents to foreign points for this

purpose. 2

In the spring of 1858 there was an agitation for the pub-

lication of weekly statements by the banks, a custom which

had been introduced in New York in 1853. At the spring

session of the General Assembly a bill was presented to com-

pel the Baltimore banks to publish a weekly statement and

those of the counties to publish one monthly in some one

paper of their respective counties. The measure failed in

the House of Delegates by a vote of 38 to 28.\*

The failure of two country banks, both of Allegany

County, resulted from the crisis. The Cumberland City

Bank, which had been established in May, 1858, made an

assignment on November 26 of the same year. Noteholders

and depositors were made preferred claimants. The loss

could not have been large. The report of the trustees, Jan-

uary, 1859, shows the following items :\*

Liabilities Circulation $23,857

Deposits and Notes of Banks 836

$24-693

Assets Cash $3.478

Banks 1,613

Discounts, Good 12,803

" Doubtful and Bad 11,603

$29,497

1 Baltimore American, Oct. 21 and 27, 1857. ' Ibid., Oct. 27, 1857.

1 Ibid., Mar. 10 and 13, 1858.

4 Scharf, Western Maryland, Vol. II, p. 1447. Lowdermilk, His-

tory of Cumberland, p. 386.

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The Mineral Bank, also located in Allegany County, failed

October 5, 1857. The total liabilities were $199,681. The

trustees paid 83^ cents on the dollar and the expenses of

settlement. 1

22. The Baltimore Clearing House.

Just after resumption in 1858 the banks of Baltimore re-

solved unanimously to form a clearing house. It began

business Monday, March 8, 1858. In its purpose and opera-

tion it is very similar to those of New York, Boston and

Philadelphia, though there are differences of detail arising

from differences in the magnitude of business transacted.

The purpose of the association was stated to be "a more

perfect and satisfactory settlement of the daily balances be-

tween them and the promotion of their interests." The

daily exchanges were to be effected at one time and place,

and at the same place the payment of balances resulting

from the exchanges was to be made. The depository bank

was to be in nowise responsible in regard to exchanges and

balances, except so far as balances were actually paid into

the bank. The bank was not bound to admit reclamations

for errors in money paid out under its seal, where the money

had passed into the hands of parties not members of the

association. Errors in the exchanges and claims arising

from the return of checks or from other causes, were to be

adjusted by n o'clock A. M., directly between the banks

which were parties to the transaction, and not through the

clearing house. In case of refusal or inability of any bank

to pay promptly checks, drafts or other items returned as

not good, the amount of such items was to be deducted by

the manager from the settling sheet of both banks.

The officers were to be a president, vice-president, secre-

tary and an executive committee of five, all chosen annually.

Each bank had to be represented at every meeting, and was

entitled to one vote. The executive committee were to in-

vestigate any matter referred to them pertaining to the bank-

1 Scharf, Western Maryland, Vol. II, p. 1447. Lowdermilk, History

of Cumberland, p. 385. Md. Laws, 1858, cK. 291.

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ing interests of the city; they had charge of disciplining, ex-

amining and suspending members of the association.

The association appointed one of its members a deposi-

tory of such money, derived from the exchanges, as any of

the banks cared to leave on special deposit, for safe-keeping,

and for this the depository was to issue certificates signed

by the cashier or president, which might be received in pay-

ment of balances, at the clearing house, and which were

negotiable only among the associated banks. Money on

special deposit could not be used by the depository bank for

any purpose but the payment of certificates.

The depository bank had the whole management, and did

all the service of the clearing house, paid all expenses, and

was responsible for the money received by it in payment of

balances due by the various banks. For these services the

depository bank received annually thirty cents on the $1000

of the capital of each bank belonging to the association.

Admission to the association was obtained by application

to the executive committee, which had an examination made

of the bank applying. A three-fourths vote of the associa-

tion gave admission. All banks, members of the association,

had to have their principal office in Baltimore, and had to

be organized under the laws of Maryland, with a paid-up

capital of at least $200,000. An admission fee of $500 was

charged. The cashier of the depository bank was by the

constitution the manager of the clearing house, and he had

charge of the transaction of all business.

The method of business was as follows: The hour for

exchanges was 9 A. M. sharp. For five minutes' tardiness

or less a fine of one dollar was imposed; for the second five

minutes' tardiness, or part of it, one additional dollar fine;

for over ten minutes late the fine was three dollars. One

dollar fine was imposed if errors in exchanges were not cor-

rected before n o'clock. By n o'clock the debtor banks

paid the balances due from them either in money or certifi-

cates. One dollar fine was payable for failure to appear at

this time. The creditor banks at 12.30 P. M. could receive

the balances due them in money or certificates, at their op-

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tion, provided by that time all the debtor banks had paid.

Any member unable to pay its indebtedness to the clearing

house on any day had to return all checks, drafts, notes and

bills of exchange that had been presented to it that day, and

the manager returned them to the members from whom they

were received, and they reimbursed the clearing house to

that amount. If any member failed to pay its balance by 1 1

o'clock, and did not return the checks and other instru-

ments received, the executive committee and the bank were

notified by the manager, and if by 12.30 the balance was

not paid, the bank was ruled out by default, and the other

banks immediately reimbursed the clearing house to the

amount of their balances against the defaulting bank for

that day.

The chief point of difference from the New York plan was

the appointment of one member of the association the depos-

itory bank, in whose banking rooms the transactions of the

clearing house were performed, and whose cashier was man-

ager of the clearing house. The smaller number of banks

clearing and the smaller amount of business cleared in Bal-

timore, in comparison with other cities, permitted this less

specialized form of organization. The number of banks

clearing at this time was 31. No accurate indication of

the extent of clearings before 1864 can be given. State-

ments of these facts were never published by the clearing

house at the time, and the records of these years have been

destroyed. No clearing-house loan certificates had been

issued up to 1864.

23. Suspension of 1860.

The recovery from the crisis of 1857 was very rapid; the

first nine months of the year 1860 was one of the most pros-

perous seasons in our history. The grain crops were good;

the cotton production was unparalleled. After the fall elec-

tion, however, the attitude of the South created great alarm,

and the previous expansion gave way to contraction and

preparation for the threatening emergency. Diminished

imports brought considerable gold into the country. The

banks were strengthening their position. A change of tariff

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reduced the revenue from this source, and to meet its needs

the government issued $250,000,000 in treasury notes.

The commercial and financial relations of the Northern

cities with the South were in a very uncertain condition, and

Northern creditors were eagerly trying to insure themselves

by early settlements of their affairs with Southern corre-

spondents. Immediately after the election the Southern

banks felt the withdrawal of their gold, and it was thought

that political motives had much to do with the removal of

their specie resources to Northern banks. At any rate, the

Virginia banks decided that their commercial, financial and

political interests demanded that they stop this flow to the

North by suspension, which they did November 20. Other

Southern banks followed on succeeding days. 1

This course necessitated the same action upon the part of

Baltimore and Philadelphia banks, which were heavy credi-

tors in Virginia and elsewhere in the South. They accord-

ingly suspended November 22. Such a contingency had

been anticipated, and preparation had been made for it in

Baltimore, but the restriction of the banks was inflicting

upon the commercial community the greatest hardships.

For several days preceding the suspension it had been almost

impossible to negotiate loans upon any terms. 2 This strin-

gency was alleviated after the suspension as far as circum-

stances permitted, and the public reaped a substantial bene-

fit. This is shown in a comparative statement of the Balti-

more banks for January, 1860, and January, 1861 :

JAN., i860. JAN., l86l.

Capital $10,328,120 $10,408,120

Investments 679,300 679,300

Discounts 17,533,728 18, 767,936

Circulation 3,182,106 2,670,296

Deposits 7,351,519 7,656,798

Specie 2,360,870 1,850,522

1 Bankers' Magazine, Vol. XV, p. 485.

1 Baltimore Patriot, Nov. 22, 1860. Baltimore American, Nov.

22, 1860.

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During February and March, 1861, the banks of both

Philadelphia and Baltimore prepared for resumption, but the

suspension continued in the South, and rendered the resump-

tion of specie payments in Maryland hazardous. Affairs

generally, however, soon wore a much more serious aspect,

and resumption was indefinitely postponed.

In the fall of 1861 the government borrowed $100,000,000

in gold of the banks. It was desired by the banks that the

Secretary of the Treasury leave this money with them and

call for it as need required; this, however, the Secretary re-

fused to do, and the specie of the banks was drained in pay-

ing the instalments of the loan. Again, the Secretary had

no strong policy to put forward for the government, and

matters went from bad to worse. The drain of gold con-

tinued throughout November and December, 1861, and the

banks generally drifted into suspension toward the last of

December without great resistance.

Gold immediately rose to i to 2 per cent, premium. The

quantity of bank paper and treasury notes, perhaps $400,-

000,000 in all, drove the gold from circulation. The gov-

ernment, to tide it over the crisis, began in April, 1862, the

issue of legal tender paper money. The premium on gold

increased and exchange became very high. By August,

1862, all specie had disappeared from circulation. Further

issues of legal tender notes followed, and the inflation pro-

ceeded until gold was at 140 to 150, and later in 1863 at 200

to 220. American bonds could not be sold abroad, and to

create a market for them the National Bank Act was passed

February 25, 1863, though it did not become operative until

the next year.

After the issue of government legal tender notes had be-

gun, the banks redeemed their notes in this government

paper when required, but the restoration of specie payments

did not occur until 1879.

The protracted suspension and the entire disappearance of

metal money at an early date necessitated legislation in

Maryland to prevent the infliction of the penalty prescribed

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for suspension forfeiture of charter and to provide a small

currency. In May, 1861, it was made legal for the banks to

use notes or certificates of deposit less than one dollar up

to 10 per cent, of the capital paid in, though any bank might

issue $5000 in this manner. The act only applied to banks

already having the power of issue, and its duration was lim-

ited to two months after the session of the General Assembly

in I864. 1 The following year (March, 1862) this law was

repealed, and the banks were allowed to issue up to 20 per

cent, of their paid-up capital in notes under five dollars, but

none were to be under one dollar in denomination. 2 This

law was to terminate May 10, 1864. By the law of 1864,

chapter 13, the privilege was continued indefinitely.

Article 12, of the Code of General Public Laws, rendering

banks suspending liable to forfeiture of their charters, was

amended by the Act of May 3, i86i, 3 so that no corporation

authorized to issue notes for circulation was subject to any

forfeiture or penalty for not redeeming in specie before

March n, 1862. On March 8, 1862, the exemption was ex-

tended to March u, 1864.\*

The great number of counterfeits current led to the repeal

of the old law and the substitution of one more carefully

worded, so as to prevent evasions. The penalty, two to ten

years in the penitentiary, was continued. 5

During the first year of the suspension the discount line of

Maryland banks advanced about $1,500,000, though the

amount of circulation decreased. During 1862, in the midst

of inflation, Maryland banks expanded beyond prudence.

The discounts increased $6,500,000 within the year; the

circulation jumped up $2,900,000 and the deposits $6,100,-

ooo. The quotations of stock for January, 1862, and Janu-

ary, 1864, show the effects of the expansion. Whereas in

1862 the stock of most of the Baltimore banks was more or

1 Md. Laws, 1861, ch. n. \* Ibid., 1862, ch. 138.

8 Ibid., 1861, ch. 6. \* Ibid., 1862, ch. 178.

6 Ibid., 1862, ch. 82.

Banking in Maryland, 1810-1864. 129

less below par, by 1864 the increased profits from a large

circulation had raised them all to a premium. The same

process continued throughout 1863, and in January, 1864,

the Baltimore banks were in a condition which would have

been risky under any other circumstances than in a general

suspension. Loans were increased $2,200,000 during the

year, and circulation and deposits increased proportionately.

A comparative statement of their condition in January and

July, 1863, and January, 1864, follows: 1

RESOURCES. JAN., 1863. JULY, 1863. JAN., 1864.

Loans $18,884,027 $19,780,917 $21,058,135

U. S. Stocks . . . 2,352,522 3,177,201 3. 6 30.775

Real Estate . . . 414,450 360,526 444,154

Other Stocks . . . 937, 039 49.014 1,488,702

Due from Banks . . 1,701,512 1,443,308 1,654,096

Notes of Banks . . 1,718,238 1,800,485 2,555,780

Specie 1,810,663 1,967,179 1,553.495

Totals. . .$27,818,451 $28,578,630 $32,385,137

LIABILITIES.

Capital 10,305,295 10,305, 295 $10,305,295

Circulation .... 4,562,875 4,800,860 6,421,059

Deposits 9,917,620 10,522,446 11,410,590

Due to Banks . . . 1,800,879 1,758,022 2,469,361

Profits 1,231,782 1,193,007 1,742,468

Miscellaneous .... 36,364

Totals . . . 127,818,451 $28,578,630 $32,385,137

24. Effects of the National Bank Act.

The passage by Congress of the National Bank Act, or,

as it was entitled, "An Act to provide a national currency,"

primarily a financial scheme to float bonds necessitated by

the Civil War, brought before the State banks the question

1 Bankers' Magazine, Vol. XVIII, p. 771.

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of reorganization. The defects and incompleteness of the

first act, passed in February, I863, 1 rendered its effect upon

the State banks comparatively slight. In Maryland but one

bank, the Fell's Point, asked permission of the Legislature

to reorganize. 2 The law passed in June of the following

year 3 was much more effective in producing the desired re-

sults, and finally by the taxation of all State bank notes at 10

per cent, on July I, i866, 4 nearly all the old banks were

driven over to the form of national banks.

The question was raised whether or not the State banks

might change to national banks without the State's permis-

sion. The Fell's Point Bank had taken the precaution to

secure this by a special act of the Legislature. The other

banks remained under their State charters until after the

doubt was put at rest by the passage of an "enabling act" by

the General Assembly, March 24, 1865.

The matter was complicated by the fact that the State held

considerable bank stock, and was otherwise the creditor of

the banks. Further, the State system of free public educa-

tion was largely dependent upon the receipts from the free-

school tax upon banks. In view of these facts the General

Assembly was not eager to allow the banks to pass from its

control. In 1864 a joint committee of both houses was ap-

pointed to make inquiry in regard to the reorganization of

the banks under the National Banking Act. 5

The committee called in the testimony of the Hon. Alex-

ander Randall, the Attorney-General, on the disputed points.

First, in regard to the State's claims upon the banks, he de-

cided that as stockholder the State had no priority over other

stockholders or creditors in event of failure or liquidation.

As creditor in other claims he argued that the State had

priority by virtue of its prerogative as sovereign, which pri-

ority would be lost if the banks became subject to the na-

1 12 Statutes at Large, 665. 2 Md. Laws, 1864, ch. 307.

3 13 Statutes at Large, 99. \* Ibid., 484.

5 Journal of Maryland Senate, 1864. Proceedings of House of Del-

egates, 1864.

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tional law; furthermore, the State would have no control

over them.

The committee asked whether or not the State had power

to prevent the reorganization under the National Act. Any

such action, the Attorney-General thought, would be an at-

tempt to nullify a law of .Congress, and hence unconstitu-

tional. The only influence which it could exert was by

voting its shares as stockholder when the stockholders in

general meeting decided what course they would take.

Likewise in regard to the enforcement of the school fund

tax from the converted banks, the principle established in

the leading case of McCulloh vs. Maryland 1 was conceded to

remove all power of constraint on the part of the State. 2

Being thus unable to prevent the conversion of the State

banks into national banks, the Legislature, in accordance

with the advice of the committee, passed, March 24, 1865,

"An Act to enable any bank, savings institution or savings

bank of the State to become an association for the purposes

of banking under the laws of the United States." 3 This priv-

ilege was conferred upon condition that banks making the

change first comply with all the requirements of the act of

the first session of the Thirty-eighth Congress of the United

States, entitled, "An Act to provide a national currency,"

etc. A bank might change if the owners of three-fourths of

the stock expressed their consent in writing to that effect,

or if at a special meeting of the stockholders, voters holding

two-thirds of the stock so desired. At this meeting one vote

might be cast for every share, and the State Treasurer voted

the State stock. If the stockholders decided to change, the

directors, or a majority of them, could execute the organiza-

tion certificate and such other papers as were necessary, and

could perform all other acts necessary for the conversion.

The bank was ordered to present to the Clerk -of the Court

1 4 Wheat. 436. See p. 72.

2 Communication from Hon. Alex. Randall to the General Assem-

bly, Mar. 7, 1865.

3 Md. Laws, 1865, ch. 144.

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of Appeals of Maryland a certificate from the Comptroller of

the Currency that the bank concerned had become a national

bank; this certificate was to be recorded by the clerk, and a

copy sent to the Governor, who was to have it published in

the locality of the bank. Its charter was considered to be

surrendered and its corporate powers to cease, though it

could continue to use its corporate name in closing its

affairs. No State bank money was allowed to be reissued

for more than one year after the surrender of the charter.

Contrary to the opinion of the Attorney-General, all taxes

were to be continued as before. All the assets without fur-

ther transfer were to vest in the association, and it became

responsible for all debts incurred previously to the surrender

of the charter. Destruction of all plates and dies was pro-

vided for.

Within the year 1865 twenty-four banks passed over to the

new form; only six State banks were left in 1867; these con-

tinued in existence as State banks until after 1871, when at

different intervals all became national banks except two, the

People's of Baltimore and the Hagerstown. A small num-

ber of savings banks, perhaps two, also changed over in

1865.

Although in the enabling act the State tried to continue in

force the taxes which had formerly been collected, it was

unsuccessful. By 1867 the school fund tax had dropped

from about $35,000 to $3805, and the banks refused to pay it. 1

In 1866 it was decided to dispose of the State bank stock,

amounting then to $463,406, 2 and the Governor, Comptroller

and Treasurer of the State were authorized to sell it at not

less than its par value, and to invest the proceeds in funded

debt of the State. 3

25. Conclusion.

In the economic condition of Maryland after the close of

the Revolutionary War is to be found the natural explana-

1 Report of Comptroller of Currency of Md., 1867. 2 Ibid.

8 Md. Laws, 1866, ch. 170. Ibid., 1872, ch. 275. Bankers' Maga-

zine, Vol. XX, March.

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tion of the introduction of banking into this State. In the

face of an important and rapidly-developing commerce, and

feeling the inconvenience of a very limited circulation of for-

eign coins of unstable value and of depreciated American

paper money, the State Legislature persistently refused fur-

ther issues of bills of credit. Under such circumstances the

citizens turned to a study of other commercial States, Scot-

land, England, Holland and Genoa, and resolved that it

would be expedient to establish a bank. This close rela-

tionship between the industrial development of the State and

her banking facilities is a noticeable feature of Maryland his-

tory. The periods of banking expansion have in each in-

stance been times of corresponding industrial development

and prosperity, and the enlargement of banking facilities has

kept pace with the growing industrial needs. The develop-

ment of the resources of the State was the object of a general

extension of banking advantages to the counties in the years

1810-12. About the same time this feature comes out

strongly again in the part the banks played in the internal

improvements of the State, when they entered actively into

the work and actually became jointly incorporated as turn-

pike road companies. The value of the service of the banks

to the State can hardly be exaggerated. On the other hand,

there has been comparatively little of deleterious effect. Very

few speculative attempts of individual capitalists have oc-

curred. Vices of practice have existed, as under all sys-

tems, but willful fraud upon the public has been rare. Since

1820 the necessary loss by the public from insolvent banks

has been remarkably small. From 1820 to 1864 but two

failures occurred in the city of Baltimore. No radical steps

for the cure of evils became necessary.

Maryland banks were rendered of a public character in

two ways. First, by a State subscription to the capital stock

of the early banks, and the reservation of the privilege to

subscribe in all; and, secondly, by providing an opportunity

for all to subscribe to the stock of the banks at the time of

their organization by an allotment of their stock to Balti-

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more and the various counties for subscription. This ceased

to occur as soon as the general extension of banking reduced

the monopolistic element to a minimum. The further step

of free banking under a general law was not taken in Mary-

land; 1 it preferred to retain closer control by necessitating

special legislative enactment to suit the requirements of each

case. Although under these conditions opportunity for

political bargaining was offered, nevertheless no evidence

has been found indicating that other considerations than the

public interest were of weight in the decision of measures

brought before the Legislature, except in the first few years

of banking in the State.

The chief elements of the system appear in the first char-

ter; (i) special legislation in each case, (2) broad regulations,

liberal powers, freedom of action, few restrictions. An

eager competition, enforcing prompt attention to contracts,

rendered careful administration a necessity for survival. In

the first place the ideas adopted were not native to Maryland,

but had been worked out elsewhere, notably by the Scotch

banks and the first Bank of the United States. In the adap-

tation of principles to suit Maryland conditions, the State's

own experience was the teacher, and changes were only in-

troduced when deficiencies appeared under the actual work-

ing of the system. Very little was developed that was new;

at the same time, disastrous experimentation, under which

other States suffered so much, was avoided. Even the lead

of more progressive States was not followed in the adoption

of advance ideas.

The lack of uniformity in the regulations controlling the

various banks was for a long time a source of confusion.

This was partially remedied by making all the banks subject

to the fundamental principles of the charter of .the Mer-

chants' Bank of Baltimore in 1835, and further, by the pas-

sage of a general banking law in 1852. State inspection for

1 A free banking law was passed in 1870.

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public security alone, and not by the State as stockholder,

was arrived at long after it had been adopted by other States.

Stockholders and directors, except in cases of maladminis-

tration, were never made personally liable beyond the extent

of their shares. There were no preferred claimants in case

of insolvency.

The issue of notes was competitive, upon the general credit

of the banks. Issue upon the deposit of bonds was rejected

to preserve a greater elasticity of the currency and greater

possible profits. The payment of interest on deposits was

general from an early time, and stimulated to the utmost

economical habits on the part of the public. The practice

of daily settlements among the Baltimore banks rendered

necessary the exercise of the greatest skill and care in ad-

ministration, and the brisk competition between each other

and the branches of the two United States banks, for a large

part of the time, was most salutary.

In the performance of their functions they responded to

the needs of the State at all times as well as might be under

the circumstances. Maryland's central situation as creditor

of the South and debtor of the North must be constantly

borne in mind in understanding the position of her financial

institutions. After the period 1814-20, during which the

Maryland country banks were in wretched condition, the

Maryland banks never ceased to redeem on demand in specie

except during times of general suspension. A number of

crises were passed with comparatively little inconvenience to

Maryland's business men. The cases of insolvency have

been remarkably few in Baltimore, three in all, with no loss

ultimately falling upon depositors and noteholders. Since

1820 bankruptcy has concerned but five county banks; only

two of the five were of any consequence, and the loss was

small.

In answering the final questions we can say that the cur-

rency was always highly elastic, ultimately secure, excepting

the period 1814-20 for the country banks, and convertible

upon demand except in time of general suspension. For the

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shareholders they earned fair dividends, not large, except in

the first few years. They collected the free capital and

turned it to the assistance of every form of industry within

the State. A long period of very conservative banking won

the entire confidence of the people. The Legislature did not

intrude upon the banker's domain. To this strongly con-

servative spirit was doubtless due to large extent the success

of a system which, owing to its freedom from restrictions,

proved deficient under other circumstances.

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APPENDIX I.

MARYLAND STATE BANK STATISTICS.

TABLE I.

The circulation and deposits of Baltimore State Banks

(except the Bank of Maryland), from January i, 1817, to

January I, 1830:

JAN.

CIRCULATION.

DEPOSITS.

TOTAL.

1817

$2,727,230

$2,108,560

$4,835,790

1818

1,742,780

1,697,290

3,440,070

1819

1,662,320

1,248,470

2,910,790

1820

1,229,540

1,226,690

2,456,230

1821

I,020,O8O

1,382,850

2,402,930

1822

1,214,030

1,533,440

2,747,470

1823

1,031,750

1,261,330

2,293,080

1824

1,113,750

1,441,160

2,554,910

1825

i,537,6io

1,581,850

2,936,460

1826

1,519,190

1,528,220

3,047,410

1827

1,347,690

1,629,620

2,977-310

1828

1,272,190

1,724,160

2,99 6 .350

1829

1,422,970

1,633,010

3,055,980

1830

1,299,760

1,349,770

2,649,530

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Maryland State Bank Statistics.

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APPENDIX II.

BIBLIOGRAPHY.

Bibliographical Note. Information about State banks

before 1830 is very meagre. Contemporary periodicals,

especially Niles' Register, have been of great service for this

period. Considerable statistical information has been tabu-

lated in the report of the Secretary of the Treasury for 1876,

and in the special report of January 28, 1893. This, how-

ever, is abridged from the tables appended to Gallatin's

"Considerations on the Currency," and from Elliot's "Fund-

ing System." Of especial value have been several reports

of Baltimore banks to their stockholders, in which various

facts have been collected. After 1827 the reports to the

State Legislature became regular; tables, not otherwise ac-

credited, have been compiled from these. The following

are the more important works which have been consulted :

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History of the Know Nothing Party

IN

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History is past Politics and Politics are present History. Freeman

History of the Know Nothing Party

IN

Maryland

BY

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PREFACE.

This study of the Know Nothing party in Maryland was

undertaken at the suggestion of Dr. B. C. Steiner, of the

Johns Hopkins University. The success of the Know

Nothing party in Maryland has never been really under-

stood. Partisan bias and personal feeling have too often

obscured the essential elements in the progress of the

party. Removed as we are forty years from the heated

politics of the time, it is possible to give that calm con-

sideration which the subject requires. At the same time

the interval is not too great to preclude the possibility of

interviews with men who were contemporary with the

events narrated.

The work has involved searching the files of many faded

and dusty newspapers. These have been the principal

sources of information. The numerous pamphlets quoted

have also greatly supplemented the information given by

the newspapers. Use has also been made of other inci-

dental authorities which the footnotes show in all impor-

tant cases. By no means the least enjoyable part of the

work has been the numerous interviews with "survivors"

of the period. The uniform courtesy shown, and the will-

ingness to help an historical student have been extremely

gratifying.

For valuable suggestions or information, the writer de-

sires to express his thanks to Professor H. B. Adams and

to Drs. Vincent, Steiner, Hollander and Ballagh, of the

Johns Hopkins University; also to others who have as-

sisted the writer by personal reminiscences of their experi-

ences of this turbulent time in American politics.

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History of the Know Nothing Party in

Maryland.

I. INTRODUCTION.

When Alexis de Tocqueville visited the United States in

1832, he was struck by the great freedom of the people in

forming associations of all kinds, and especially upon the

liberty with which political associations were formed.

Commenting upon this he said : "It cannot be denied that

the unrestrained liberty of association for political pur-

poses is a privilege which a people is longest in learning

how to exercise. If it does not throw the nation into an-

archy, it perpetually augments the chances of that calamity.

On one point, however, this perilous liberty offers a security

against dangers of another kind ; in countries where asso-

ciations are free, secret societies are unknown. In America

there are numerous factions, but no conspirators." 1

What would have been the surprise of De Tocqueville if

he had visited the United States two decades later and seen

a secret oath-bound organization sweeping all before it in

a triumphal march through the United States. Such an

organization was the "Know Nothing" or American party. 2

1 De Tocqueville : " Democracy in America," I, 236.

2 After the secret machinery was discarded, the party called itself

the "American " party. However, it was always popularly known

as the "Know Nothing" party, and will always be referred to as

such in this monograph. The official name of the order and of the

party was always the American party, and not the " Supreme Order

of the Star Spangled Banner," as stated by Mr. James Ford Rhodes in

his history. Mr. Rhodes has taken his description from Hamble-

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Obscure in its origin, its growth and membership known

only to its officers, it first made its strength felt by its suc-

cesses in local elections, where in many cases persons who

had not been candidates were elected to office, or in other

cases the members of the party split the old tickets and voted

for the candidate favorable to their views. A unique phe-

nomenon, indeed, in American politics was this new organi-

zation. With all its proceedings shrouded in secrecy, it

managed to exist for several years before any accounts of it,

except the vaguest generalities, found their way into the

newspapers. The call for a meeting was never published,

and the members were merely notified by bits of white paper

stuck on fences and lamp-posts and scattered over the

streets. In the early stage there was no public propaganda

of its beliefs, and its membership was recruited and extended

merely through personal solicitation. A member of the

order would feel his way cautiously in conversation with a

friend, and if he found him favorably disposed, would

undertake to conduct him into the august presence of "Sam,"

this being the name by which the order was popularly

known. This name was acquired from the fact that one

member on meeting another would ask as a pass-word:

"Have you seen Sam?" The answer would show whether

the person questioned was a member of the order. All over

the country extended the secret party, the organization ris-

ing from the local Council in the ward or county, through

the Superior Council of the large cities, the State Coun-

cils, and culminating in the National Council.

To the inquirer who asked of the member who had

attended a meeting, where he had been, the answer was

invariably, "I don't know," and the same answer was

given to all inquiries concerning the object and purposes

ton's "History of the Campaign in Virginia in 1855," a contemporary

work, very bitterly opposed to the Know Nothings. I have been

assured by the recording secretary of the National Council and sev-

eral of the surviving members of the party, that it never had any

other name officially than the American party.

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of the order. It was thus that the party got its popular

sobriquet of "Know Nothing." A system of pass-words,

grips and countersigns made known the members to one

another and prevented the inquisitive from penetrating

into the secrets of the order. An elaborate ritual com-

pleted the machinery, and the candidate for the honor of

being enrolled in the ranks of the party had to pass

through a series of questions, and when the ceremony was

complete he was finally charged with the objects and pur-

poses of the order.

The object of this new secret party was to oppose the

progress of the Roman Catholic Church, and to secure

a longer term of residence for foreign immigrants before

giving them the privilege of naturalization. The great

watchword was, "Put none but Americans on guard to-

night," a saying attributed to Washington. Washing-

ton's farewell address was also held up as justifying the

movement, and especially that portion where Washington

said: "Against the insidious wiles of foreign influence, I

conjure you to believe me, my fellow-citizens, the jeal-

ousy of a free people ought to be constantly awake. It is

one of the most baneful woes of a republican government."

After the party came into the open its purposes were stated

by the Know Nothing Almanac of I855 1 to be "Anti-

Romanism, Anti-Bedinism, Anti-Pope's Toeism, Anti-

Nunneryism, Anti-Winking Virginism, Anti-Jesuitism,

and Anti-the-Whole-Sacerdotal-Hierarchism with all its

humbugging mummeries. Know Nothingism is for light,

liberty, education and absolute freedom of conscience, with

a strong dash of devotion to one's native soil."

It seemed strange that a party bound to secrecy and

opposed to the Catholics, as it was, should lay claim to

"light" and "liberty of conscience" as its tenets. To

the charge of secrecy they would answer that in all political

movements secrecy is the element of success. The old

parties were charged with having their secret agents at

1 Tisdale's " Know Nothing Almanac," 1855, 7.

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Washington, and conventions were said to be run by secret

committees. 1 Furthermore it was said that it was fighting

with Jesuits and priest, an enemy sworn to secrecy, and

it declared that "When you fight the devil, you have a

right to fight him with fire." 2

As to the question of liberty of conscience, the Know

Nothings denied that they were intolerant towards the

Catholic religion. The leading Know Nothing speakers

were eager to deny any proscription, either of Catholics or

foreigners. Not on account of their religious belief did

they oppose the Catholics, but on account of their political

activity. But while they denied that they warred upon the

Catholics, because they were Catholics ; yet with a casuisti-

cal ingenuity and sophistry worthy of their Jesuit op-

ponents, they declared that a Catholic could not be a good

American citizen.

The party, it seems, had been put into operation in the

State of New York in the early part of 1852. A gentle-

man in that State had worked out the plan as early as

i849- 3 I\* rapidly extended its influence, but quietly withal,

and not until 1854 did it play any important part in the

elections. Old Whigs, dissatisfied Democrats, and the

mass of the discontented, who are always looking for some

universal panacea eagerly went into the new party. Its

very secrecy and the mystic charm of clandestine meetings

also exerted a great influence in attracting men into its

organization. With this sketch of its general principles we

can enter into a consideration of the progress of the party in

Maryland.

1 " Principles and Objects of the American Party," 22.

2 Speech of W. R. Smith, oi Alabama, in House of Representa-

tives, January 12, 1855. Cong. Globe, 33d Congress, 2d Session ;

Appendix, 97.

3 Whitney : "Defense of the American Policy," 280.

II. GROWTH OF THE PARTY IN MARYLAND.

In the latter part of the year 1852, probably in the month

of October, this secret order first made its appearance in

Baltimore. 1 At this time thirteen persons, symbolic of the

thirteen original States, met and were initiated into the

mysteries of the order by a duly commissioned delegate

from the Council in New York State. In a short space of

time the order spread rapidly, and subordinate Councils

were established all over the city and in the counties. Five

delegates from the subordinate Councils constituted the

Superior Council of the city, and this Superior Council

together with the lodges in the counties elected delegates

to the Grand Council. Within three months from the time

the order started, a grand lodge had been established.

The rapid growth of the order was not at all surprising.

At various times before there had been ebullitions of a

native sentiment, but they had subsided almost before they

had time to crystallize into a formidable political organiza-

tion. Some years before this time, in the forties, a party

known as the American Republican party, and having op-

position to foreigners as its basis, had made its appearance

in the United States. In 1844 this party made its appear-

ance in Baltimore, and received the support of the Clip-

per, 2 the newspaper which was afterwards the great advo-

cate of the Know Nothing party. On March 12, 1845,

this party held a convention, 3 and in the election of that

1 Whitney, in the "Defense of the American Policy," 284, states

that the first Council was instituted in May, 1853. This, however, is

probably a mistake, as the recording secretary of the National Coun-

cil, and two members who were present at this first meeting, state

positively that it was held in the fall of 1852.

\* Clipper, November 5, 1844. 3 Ibid., March, 13, 1845.

NOTE The references to newspapers are to Baltimore papers, ex-

cept where otherwise stated.

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year put candidates for local offices into the field. The time,

however, was not yet ripe for such a movement to make

an impression in American politics. The old parties were

too strong and active for this newcomer to force itself into

the field. The anti-foreign sentiment alone was not enough,

and this early movement lacked the opposition to the Cath-

olics which was characteristic of its more fortunate suc-

cessor. At the election in 1845 it polled about thirty-three

hundred votes, 1 and then quietly sank into oblivion.

The sentiment against the immigrant again came to the

surface in the Constitutional Convention of 1850. Here

a motion was introduced looking to some provision "re-

stricting from future foreign immigrants to the State of

Maryland, the right of suffrage, until they shall have been

residents of said State for at least ten years after they shall

have given notice to the proper authorities of their inten-

tion to become citizens of the United States." 2 Again, at

the municipal election of 1852, the spread of the native

sentiment made itself felt. France, the Whig candidate,

was charged with having signed a memorial to Congress

in favor of the Native American movement. He denied

the charge, and his denial apparently went against him in

the election. 3

Such had been the forerunners of this new secret political

party. Such a sentiment being latent in the community,

it was no wonder that the party attained an exceedingly

rapid growth. The progress of the order was manifested

by trie growth of public opinion in favor of its principles.

These had acquired so great a circulation that on March

15, 1853, a new order, known as the United Sons of Amer-

ica, was instituted in Baltimore. 4 This order had practi-

cally the same principles and was composed to a large ex-

tent of the same men, but it was distinct from the Know

Nothing order. At the same time it worked hand and

1 Clipper, October 2, 1845. 2 "Proceedings Convention," 1850, 94.

\* American, October, 15, 1852. \* Clipper, March 15, 1853.

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glove with the secret order in agitating the principles com-

mon to the two, while the secret order held the political

machinery.

For some months after the institution of this new order

the party is apparently quiescent. It was so quiet that by

July the Baltimore American thought it time to preach its

funeral sermon, saying that "its structure was never more

formidable than a jack-o'-lantern \* \* \* and in time

the folks found out that the ghost was composed of a flimsy

sheet topped by an illuminated pumpkin." 1 Yet scarcely a

month had passed when the movement again bobbed up,

and this time with a mass-meeting in Monument Square.

On August 1 8 the first mass-meeting was held in the

above-mentioned locality, and was attended by a great

number of people. This meeting was held under the aus-

pices of the United Sons of America, 2 and the Know Noth-

ing order was merely a passive participant. About the

same time we find notices in newspapers of the growth of

the party in other sections of the State. 3

In the meantime another new organization had come

into the field, and gave the first occasion for an exhibition

of the strength of the Know Nothings. This was the

movement in favor of a "Maine Law Temperance" ticket,

which finally crystallized in the nomination of candidates for

the House of Delegates and for Sheriff of Baltimore. 4 The

Maine Law ticket for the Legislature was composed of

five Whigs and five Democrats.

In the previous session of the Legislature a bill, known

as the "Kerney School Bill," had been introduced, having

for its object the allotment of a certain portion of the

school fund to private or sectarian schools. 5 The object of

this bill was to enable the Catholic schools to share in the

1 American, July 9, 1853.

3 Sun, American, Clipper, August 19, 1853.

3 Sun, August 23, 27, 31, September 15 ; Clipper, August 27, 1853.

4 Sun, September 30 ; American, August 15.

5 House Journal, 1852, 606, 768; 1853, 330, 551, 563, 577.

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school fund, and accordingly the Know Nothing 1 party

threw its weight against those candidates who were favor-

able to the bill. The United Sons of America addressed

a circular-letter to the candidates, asking them whether

they favored the bill, and also whether they were in "favor

of exempting the members of any religious sect from pay-

ment of their quota of the school tax." 1

The Democratic candidates to a man refused to con-

sider the questions, while the Temperance candidates an-

nounced their opposition to the Kerney Bill and were ac-

cordingly endorsed by the Sons of America, which was

practically the Know Nothing party at this time. 2 The re-

sult was seen in the election, when the Democratic candi-

date for Governor received a majority in the city of more

than three thousand over his Whig opponent, while the

Democratic Legislative ticket was defeated by a little less

than a thousand. The Know Nothing party did not enter

into the question in the rest of the State and straight-out

Whigs and Democrats were elected from the counties.

The House of Delegates, being about equally divided be-

tween the two parties, the ten Delegates from Baltimore

Cky held the balance of power. 8

A little later the Anti-Catholic sentiment was increased

by the presence in Baltimore of Bedini, the Papal legate.

In the early part of 1854 he made his appearance in Balti-

more, and was the occasion of much excitement. On the

sixteenth of January, a crowd of men and boys proceeded

to Monument Square and burned him in effigy. 4 The op-

position to Bedini was claimed to be due, not as much to

his being a Catholic as to his cruelty while Governor of

Bologna, and his opposition to the national movement in

Italy. 5 However much may be ascribed to this cause,

there is no doubt that sentiment was aroused against him

because he had come to adjudicate between an American

\* Sun, October 8, 1853. 2 Sun, American, November i, 2.

3 Sun, Novembers. \* Sun, American, January 17, 1854.

5 Sun, January 18, 1854.

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congregation and the Catholic clergy. He was looked upon

as the intruding representative of a foreign power beyond

the sea.

In the meantime the order was spreading all over the

State and lodges were reported as organizing in the various

counties. 1 The first development of their power was in

Western Maryland, in the city of Hagerstown. Here, at

the municipal election on April 10, a sensation was created

by the election of the Anti-Maine Law candidate for Mayor

and the Know Nothing candidates for the Council. 2

This surprise was followed by a greater one about a

month later in the city of Cumberland. Here the Whigs

and Democrats had both made nominations for Mayor and

city officers. The result was that some candidates of both

parties had been elected. The Know Nothings had selected

a ticket from those nominated by the two old parties and

had triumphantly elected every man on it. 3 The strength

of the order was thus manifested even to the most skepti-

cal, and it looked as if the defunct Whig party and a divided

Democracy were alike to be swallowed up in this new force

which was showing so much strength. 4

In Baltimore also the order was constantly gaining in

numbers and influence. The Washington election of June

5 was the first open manifestation of sympathy toward the

new party in Baltimore since the election in the previous

year. The canvass in Washington had been especially

spirited, and much interest was manifested in Baltimore as

to the outcome. Crowds gathered around the newspaper

offices awaiting the results, and when the success of the

Know Nothing candidate was announced the cheering

indicated that there were many sympathizers among the

waiting crowd. 5 About the same time there is a notice

of a new weekly paper, to be called the Spirit of '76, whose

l Sun, May 13, July 3, 8, 28, August 12; Easton Star, April 18.

\* Sun, April 12, 1854. 3 Sun, May 10, 1854.

\* Ibid. Easton Star, May 16, 1854.

5 Sun, American, June 6, 1854.

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great aim was "to place the government of America in the

hands of true Americans." 1

Meanwhile the Democrats had not been inactive. Their

City Convention had met on July 20, and had denounced

the Know Nothing party as "contrary to the principles of

the Constitution." 2 As yet the Know Nothings had made

no move, but their strength was evidently feared, as the

Democratic meeting on September 12 declared that they

could carry the election "in spite of the combination of

Whigs, Know Nothings and Temperance men." 3 Not

until about two weeks before the election, which was to

occur on October u did the Know Nothings put a candi-

date in the field. On September 27 the Clipper put the

name of Samuel Hinks at the head of its editorial column,

and stated that it was authorized to announce him as the

American candidate for Mayor. On the night before a

secret convention had been held, composed of five dele-

gates from each ward, and the candidate had been selected. 4

Unannounced to the public, unknown to the press, with

no published account of the proceedings, no one possess-

ing any information concerning it, except the delegates, this

new party, which was to save the democratic institutions

of America, met in a secret convention and put forth its

candidate.

The campaign was a short and lively one. The Demo-

crats were absolutely at sea in regard to the number of

their opponents. In order to watch the election they had

recourse to a trick which was adopted and put to service-

able use by the Know Nothings. When the tickets were

printed, three blue stripes were printed down the back, so

that the observer could easily see how a person voted.

But before the election the Know Nothings had learned

of this trick, and they accordingly had their tickets printed

with a like stripe. Not until the middle of the day of

1 American, June 10. 2 Ibid., July 22.

3 Sun, American, September 13.

4 Sun, American, September 27.

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election did the Democrats discover the trick, but it was

too late to rectify it. The Know Nothings elected their

candidate by over two thousand majority, and also a ma-

jority in both branches of the City Council. 1 The election

was as fair as elections were in those days, the methods em-

ployed not being peculiar to any party. At one of the

lower wards the Empire Club attempted to run things

in the interest of the Democrats, and the Know Nothings

from up-town sent a deputation to resist them. The op-

posing forces met at Fayette and Exeter Streets, and for

some time a lively contest was waged with pistols, clubs

and stones. 2 When it became evident that the Know

Nothing candidates had been elected the victors paraded

the streets with fireworks and cannon. At several points

the procession was attacked by its opponents. 3

Hardly had the party come into power in Baltimore when

there was friction between the Mayor and City Council

over the appointments. 4 The Councilmen claimed that

they were not consulted in the selection of city officials;

that former political divisions were not sufficiently re-

garded ; 5 and that some of the nominees were not members

of the order. 6 The Councilmen, however, contented them-

selves with rejecting some of the nominations of the Mayor

and did not attempt to take the appointing power away

from the Mayor, as they did in a recent case of this kind.

The majority of the party were in favor of the Mayor 7 and

the Councilmen had to give way.

During 1855 the party continued its successful course.

Not only in Hagerstown 8 and Cumberland, 8 where they

had been successful the year before, were they again vic-

torious, but also Annapolis 10 and Williamsport 11 fell into

1 Sun, American, October 12, 1854. \* Sun, American, October 12.

\* Sun, American, October 12 and 13.

4 Cf. " Mayor Hooper and the Republican Councilmen in 1896."

6 Sun, January i. 6 Ibid., American, January 4 and 6.

''American, January 8. 8 American, April 12, 1855.

9 Sun, May 17. 10 Ibid. , April 4. n Ibid. , March 9.

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their hands. At Westminster, Carroll County, a meeting was

called to form a party in opposition to the Know Nothings.

A series of resolutions denouncing the Know Nothings

were presented, but the meeting, amid much confusion, re-

fused to adopt them, and finally adjourned with three

cheers for "Sam." 1

Nor was it in Maryland alone that the party was making

such great progress. The year 1854 was an off year in

Maryland politics, there being in that year only elections

to local offices. Consequently there was no opportunity

for it to show its power over the State at large. It was

in the Northern States that the party achieved a phenome-

nal success which made all the old politicians open their

eyes in wonderment. In Massachusetts no Governor had

been elected by a majority of the people since the rise of

the Free Soil party, but in this year the Know Nothings

elected their candidate for Governor by a clear majority of

thirty-three thousand. 2 Gardner, a played-out Whig, had

been the Know Nothing candidate, and those, like Cong-

don, the editor of the Boston Atlas, who thought the

movement a "huge joke," 3 found out the day after the elec-

tion that the joke was on the other side. In New York,

although the party did not elect its candidate, it surprised

its opponents by polling over a hundred and twenty-two

thousand votes in the State election. Delaware was also

carried by the Know Nothings. In the other States the

success of the party was mainly confined to the local elec-

tions. The Congressional elections resulted in the re-

turn of seventy-five Know Nothing Congressmen. 4

These successes, of course, revealed the strength of the

party, and the year 1854 saw the end of the secret organi-

zation. After the National Convention of 1855 (which will

1 Sun, April 6.

2 Haynes : "Causes of Know Nothing Success in Massachusetts,"

in American Historical Review for October, 1897, 81.

5 Congdon : " Reminiscences of a Journalist," 145.

4 "Tribune Almanac, 1855."

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be considered in the next paragraph), the party gave up

the "humbugging mummeries" of ritual, grips and pass-

words and adopted the current political methods. The con-

vention, having determined that all the proceedings of the

party should be free and unconcealed, the secret machinery

was given up, primaries and nominating conventions were

held and the party became worthy of more respect as it

came out into the open.

The National Council met at Philadelphia on June 5.

Almost every State in the Union was represented. This

convention clearly showed that the secret machinery was

played out, as the proceedings of the convention, while

ostensibly secret, were being reported in the newspapers all

over the country. This resulted in the convention abol-

ishing all the secret machinery, and the principles of the

order were thenceforth to be openly avowed and discussed.

A platform was put forth, the first public authoritative

statement of the principles of the party, which may be sum-

marized as follows:

1. Acknowledgment of a Supreme Being.

2. Cultivation of an intense American feeling.

3. Maintenance of the Union.

4. Obedience to the Constitution.

5. Revision of the immigration laws.

6. Essential modification of the naturalization laws.

7. Hostility to corrupt political practices and "the wild

hunt after office."

8. Resistance to the "aggressive policy and the corrupt-

ing tendencies of the Roman Catholic Church."

9. Reformaton of the character of the National Legis-

lature.

10. Restriction of executive patronage.

11. Education in the public schools, and the use of the

Bible therein.

12. Existing laws on slavery to be maintained, and at

the same time denying the power of Congress to legislate

upon the slavery question.

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13. Non-intervention in the internal affairs of foreign

nations.

14. All principles of the order to be openly avowed. 1

This platform was not adopted without a struggle. The

Northern members, led by Henry Wilson, of Massachu-

setts, fought hard and earnestly for the adoption of an anti-

slavery plank. This, however, was rejected, and the dele-

gates from twelve States seceded and issued an appeal to

the people for the re-enactment of the Missouri Compro-

mise. The twelfth section on slavery was indeed a peculiar

one. It begins by holding the old Whig and Democratic

parties responsible for the systematic agitation of the slav-

ery question, and counsels submission to the laws on the

subject as a "final and conclusive settlement." But deem-

ing it the highest duty "to avow their opinions on a subject

so important" the platform went on to deny that Congress

had any power to legislate upon the subject, and that Con-

gress "ought not to legislate upon the subject of slavery

within the territory of the United States." While they

deplored the agitation which was caused by Congressional

legislation, yet they were willing to acquiesce, but at the

same time they denied the authority of Congress to pass

the laws which they were willing to approve. While a

straddle was intended, yet it was on the whole more favor-

able to the South, as the power of Congress to legislate on

the slavery question in the territories was denied.

The meeting of the National Council revived interest in

the party, and on June 20, an immense mass-meeting in

Monument Square, Baltimore, ratified the action of the

Philadelphia Convention. 2 Numerous ratification meetings

were also held throughout the State. 3 On July 18 the

first State Convention, and also the first open convention,

met in Baltimore. The above platform of the Philadel-

phia Convention was adopted and endorsed in toto. The

1 For the complete platform, see Appendix A.

2 Sun, American, June 21.

3 Sun, June 30, July 7, 9, u, 19. American, July 19.

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convention also nominated candidates for State offices. 1

These nominations were W. H. Purnell for Comptroller,

and D. J. McPhail for Lottery Commissioner. Purnell had

been a Whig and McPhail a Democrat. 2

It was over the eighth section of this platform that the

controversy in Maryland was most pronounced. Some of

the lodges had even given up the Catholic test for admis-

sion, and it was reported that an effort would be made in

the State Convention to repudiate the religious reference in

the Philadelphia platform. 3 By many it was thought best

not to have such an unequivocal denunciation of the Cath-

olics as was contained in the article against "aggressive

policy and corrupting tendencies of the Roman Catholic

Church." An effort was made to substitute in place of this

clause "that no person should be selected for political

station (whether of native or foreign birth) who recognizes

any allegiance or obligation of any description to any for-

eign prince, potentate or power, or who refuses to recog-

nize the Federal and State Constitutions (each within its

sphere) as paramount to all other laws as issues of political

action." Maryland, it must be remembered, had produced

such Catholics as Charles Carroll of Carrollton and Roger

Brooke Taney.

The agitation against the Catholics had brought forth

an explicit denial by the Archbishop and Bishops of the

province of Baltimore of any allegiance other than spiritual

to the Pope. In a pastoral letter the above-named Church

authorities in May, 1855, had said: "Respect and obey the

constituted authorities, for all power is from God, and they

that resist, resist thie ordinance of God, and purchase for

themselves damnation. To the general and State govern-

ments you owe allegiance in all that regards the civil order ;

the authorities of the Church challenge your obedience in

the things of salvation. We have no need of pressing this

1 Sun, American, Clipper, July 19.

2 American, July 19. 3 American, July 13.

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distinction, which you fully understand and constantly

observe. You know that we have uniformly taught you

both publicly and privately to perform all the duties of

good citizens, and that we have never exacted of you,

as we ourselves have never made, even to the highest

ecclesiastical authority, any engagements inconsistent with

the duties we owe to -the country and its laws. On every

occasion we have avowed these principles, and even in our

communications to the late Pontiff, we rejected as a cal-

umny the imputation that we were in civil matters subject

to his authority." 1 The party, however, in its zeal for Pro-

testantism, was not ready at this time to adopt the milder

plank, which every true American could endorse, and

which did not savor of the bigotry and intolerance of the

more radical pronunciamento.

The candidates of the Know Nothing party denied any

intolerance. They claimed, and with justice, that the Catho-

lics had thrown themselves into the arms of one great

political party, 2 that they had endeavored to change the

Public School System, 3 and that the trustees of the Church

of St. Louis at Buffalo had been excommunicated for

their refusal to violate the laws of the State in obedience

to the rule of the Church. 4 These facts will be considered

at greater length when the causes of the success of the

party are considered. At present we shall merely con-

sider the progress of the party.

The nominations of the American party set the ball roll-

ing. About a month later, on August 16, 1855, the Demo-

cratic State Convention met and put its candidates in the

field. As was to be expected it denounced the Know

Nothing party as contrary to the Constitution, and de-

clared that "its precepts, its organization, its principles and

objects are unconstitutional, anti-republican, dangerous to

1 ' ' Review of H. W. Davis, "8. " Pastoral Letter, " 1 5 and 16.

2 Address of the American Candidates to the people of Baltimore.

Sun, November 3.

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free institutions, and destitute of sound morals and true

religion." 1 Within a short time, local and legislative tickets

had been put forth in almost all the counties of the State

by both the Know Nothings and their opponents. In

some of the counties, the Democrats and Whigs united and

ran a fusion ticket against the new party. This was the

case in Montgomery, 2 Anne Arundel, 3 Howard, 4 Kent,

Queen Anne, Caroline, 5 Dorchester, 6 Somerset and Wor-

cester. 7 The Legislative 8 and City Conventions 9 met in

Baltimore and completed the Know Nothing nominations.

The Maine Law Temperance Convention also met on Sep-

tember 27, and a motion was made to endorse the Know

Nothings. The motion, however, was withdrawn, and it

was determined that it was inexpedient to make nomina-

tions. 10

The campaign was a brisk and merry one. The cry of

the Know Nothing party was "to bring the Constitution

back to the model it had in the days of the fathers," much

as in recent campaign we have heard the cry of "the money

of the Constitution." The venal influence of the foreign

immigrant and the corrupting policy of the Catholic Church

were the two great themes of its discourses. The most in-

decent stories were circulated of the immoralities of the

confessional and the licentiousness of the priests. 11 The so-

called "Confessions of a French Priest" were held up as

high proof of the immorality in the convents and nunner-

ies. 12 All the evils of the Church and the crimes of the

Popes in the Middle Ages were again published, 18 and it was

denied that Popery had changed its character since the

1 "Proceedings Convention ;" Sun, American, August 17.

2 Sun, August ii. 3 Sun, August 28; American, August 29.

4 Sun, September 4. 5 Easton Star, September 4.

6 American, September 14. 7 Easton Star, September 4.

8 September6. 9 September 12-21.

10 'Sun, American, September 28.

11 " Priests' Prisons for Women," 28. 12 Ibid., 24.

13 Clipper, February 14, 1855.

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Middle Ages. 1 The Pope was held up as aiming to become

supreme head of the world, and such authors as Bellarmme,

Augustinus Triumphus, Avorus, Pelagius, Panormita-

mus, Hostiensis, Sylvester and Thomas Aquinas were

appealed to in order to prove the indictment. 2 Seldom had

so much scholasticism been quoted in the exciting arena of

American politics. Even the style of architecture of the

churches was appealed to. It was said " they are built of

solid masonry, gothic style of architecture, and easily' con-

vertible into forts; and any one who has been in a country

where he has seen them used for forts can readily imagine

why they are so strongly built in this country." 3

Nor were the opponents of the Know Nothings at all

sparing in the use of epithets. The party was character-

ized as a secret oath-bound, dark-lantern organization,

meeting in the dead of night to concoct schemes and hood-

wink their opponents. Then again it was charged with

being descended from the Hartford Convention and its

leaders were denounced as traitors. 4 The Know Nothings

were denounced as Abolitionists in disguise, on account of

the abolition tendencies of the Northern branch of the

party, where indeed the cry of the order had by this time

been changed from an Anti-Pope to Anti-Nebraska. 5 The

climax of these characterizations was reached by a Demo-

cratic leader in Western Maryland, who is reported to have

said that "St. Paul was a Democrat and all the Jews were

Know Nothings." 6

A special point of attack was Henry Winter Davis, who

was running for Congress in the Fourth District. His in-

1 " Popery as it was in the Middle Ages, and as it is in the Nine-

teenth Century," 25.

3 "Sons of the Sires," 201.

3 "Reasons for Abandoning the Old Whig and Democratic Par-

ties," 12.

4 American, November 5, 1855.

5 See Haynes in American Historical Review, for October, 1897,

79-80.

6 Wm. T. Hamilton. Clipper, November 2, 1855.

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consistencies and change of front did not fail to be availed

of by his opponents. Davis had been a Whig, but when

the new party came into the field he went into it, and his

great ability and magnetic power soon made him one of

its leaders. In 1852 he had been presidential elector on the

Whig ticket, yet only three years later, in 1855, he said of

the presidential canvass, in which he had taken so active a

part: "In 1852 the rumps of two broken-down and dis-

credited factions usurped the name of national parties, en-

tered the field under the old platforms and waged a scan-

dalous contest of bribery and fraud, which ended in the

election of President Pierce." 1 In 1852 he had also pub-

lished the "War of Ormudz and Ahriman in the Nineteenth

Century," containing an account of the fight of freedom

against despotism. In this work he eulogized the foreign-

born citizen and delighted to do him honor, 2 and he was

the pronounced advocate of Kossuth and the policy of

American intervention in the affairs of Europe. 3 Yet in

1855 he was opposed to the election of foreigners\* and he

favored as little connection with foreign nations as possi-

ble. 6 In his earlier work he had stated that "the forms of

democratic government admit of no concealment \* \* \* the

quarrels are as open as the unity, the peace, and the love," 6

yet in 1853 ne became the member of this new secret

organization in Baltimore. It was said that copies of this

book could not be bought in 1855, although they were plen-

tiful before Davis was nominated for Congress. 7

Nor were the incidents of the campaign confined to a

mere bandying of words. There was great political ex-

citement, and fights and personal encounters were quite

frequent. 8 The Know Nothings while marching to their

1 "Origin, Principles and Purposes of the American Party," 19.

2 "Ormudz and Ahriman," 344-348. \* Ibid., 367, 393, 428.

4 "Origin, Principles and Purposes of the American Party," 26.

5 Ibid., 46.

6 "Ormudz and Ahriman," 352. 7 "Review of H. W. Davis," n.

8 American, October 6.

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convention had a brick thrown at them while passing the

Lexington Market and a riot almost resulted. 1 Sometime

later a shot was fired from a Democratic parade into the

office of the Clipper, the leading Know Nothing paper. 2

In other parts of the State also much bitterness was mani-

fested, and at Ellicott City, after the adjournment of a

Know Nothing mass-meeting, the Know Nothings pro-

ceeded to the Union meeting, and set up such a shouting

that it was impossible for the meeting to proceed. 3 The

day before the election the report was circulated that the

government at Washington had sent five hundred horse-

pistols to the Democratic party. 4 Davis himself reported

this at a mass-meeting, and having one of them handed up

to him, he declared that it had the government mark upon

it. 5

The election passed off much like that of the year be-

fore. There was considerable fighting and rioting at vari-

ous points between the Democratic and the Know Noth-

ing clubs, and the jubilation of the victors was kept up

far into the night and even into the next day. Indeed, the

rioting on the day after the election was probably greater

than on the election day itself. At one point a Know Noth-

ing procession was fired upon from the second story of a

building. The building was stormed and its occupants

were glad enough to escape. 6

1 Sun, American, September 22. 2 Ibid., October 27, 30.

3 Sun, . November 6, 1855. This was a favorite trick of the Know

Nothings all over the country. George N. Julian thus describes this

action in Indiana : " If a meeting was called to expose and denounce

its schemes, it was drowned in the Know Nothing flood which at the

appointed time, completely overwhelmed the helpless minority.

This happened in my own county and town, where thousands of men

including many of my old Free Soil brethren, assembled as an organ-

ized mob to suppress the freedom of speech, and succeeded by brute

force in taking possession of every building in which their opponents

could meet and silencing them by savage yells." "Political Recol-

lections," 142. 4 Sun, November 7. 6 Ibid.

6 Sun, American, November 9, 1855.

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The success of the Know Nothings was complete. Bal-

timore City and thirteen out of twenty-one counties were

ranged in the Know Nothing column. Most of the Whig

counties became Know Nothing, but there were three Whig

counties where the Know Nothings never obtained a foot-

hold. These were St. Mary's, Charles and Prince

George's. 1 In Charles and St. Mary's especially did both

Whigs and Democrats unite in opposition to them. 2 At

the State Convention of the Know Nothing party in 1855

these two counties were not even represented. The reason

for this was apparent. It was in St. Mary's County that

the colony of Maryland had first been planted, and this

and the adjoining county (Charles) had always had a large

Catholic population. These counties were also adjacent

to the Virginia line, and the defeat of the Know Nothings

in that State in June, 1855, had also probably had its influ-

ence on the vote in this section.

Again in other sections of the country were the Know

Nothings victorious. In Massachusetts they elected their

candidate for Governor and in New Hampshire, Connecti-

cut, Rhode Island, New York and Kentucky the party was

again successful.

On January 2, 1856, the new Legislature met at Annap-

olis. The Know Nothings had an overwhelming majority

in the House of Delegates, 8 while in the Senate\* they were

only able to organize with the help of some of the hold-

over Whig Senators. In Massachusetts in the previous

year the Know Nothing Legislature was marked by the

great number of ministers elected to it, twenty-four clergy-

men being members, a number which has never been

equaled since. 6 Although many clergymen had taken an

active part in the Know Nothing movement in Maryland

1 Sun, June 5, Julys an d n, August 25; American, August 18

and 27. 2 Eastern Star, June 12.

3 Know Nothing 54, Whig i, Democrat 9, Union 10.

4 Know Nothing 8, Whig 9, Democrat 3, Union 2.

5 New England Magazine, March, 1897, 7.

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(a Presbyterian minister in Baltimore being especially

prominent in the agitation in the preceding campaign and

exceedingly persistent in his endeavors to suppress con-

vents and nunneries), the Constitution of Maryland forbid

any minister of the gospel from holding a seat in the Leg-

islature. 1 The House organized by electing Wm. H.

Travers, of Baltimore, Speaker. 2 George Wells, a hold-

over Whig Senator from Anne Arundel County, was elected

President of the Senate. 3

Hardly had the Legislature organized when its equa-

nimity was rudely disturbed by the message of the Gov-

ernor. Governor Ligon, as a Democrat, was naturally

much opposed to this new party which was sweeping all

before it, and in his official communication to the General

Assembly he took pains to score the Know Nothings upon

their secret organization. 4 After reviewing the affairs of

the State he considers that he would "fail to discharge a

public duty" if he did not call attention to "the formation

and encouragement of secret political societies." Con-

tinuing, he says : "But how much more are they to be

deprecated, when those purposes tend to the subversion of

the well and most dearly cherished principles of our Gov-

ernment, and to the establishment of rules for discriminat-

ing against large classes of citizens, not only unknown to

the Federal Constitutions 5 and those of the several States,

but plainly prohibited both by the letter and spirit of each

and all of them. \* \* \* If on the one hand we permit

brute force to control the ballot-box and violence to deter

the quiet and peaceably-disposed citizens from the exer-

cise of his right of suffrage, or on the other hand to allow

a citizen to be proscribed on account of his religious faith,

we poison the very foundation of public security, our Con-

Constitution 1850, Art. Ill, sec. n.

J House Journal, 5. 3 Senate Journal, 4.

4 Governor's Message, 28, 29.

5 An ambiguity of which his opponents did not fail to take advan-

tage.

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stitution becomes a solemn mockery and the Republic a

cheat and a delusion whose very essence is despotism." 1

Mr. Kennedy, of Baltimore, at once offered a resolution

that "so much of the Governor's message as related to

secret political societies be referred to a select committee

of five," which should inquire as to the existence, import

and character of such secret societies, and also to ascer-

tain the kind of secrets held by such societies. 2 The com-

mittee was also instructed to request the Governor to com-

municate to them any information which he might possess,

and also have power to summon witnesses. A substitute

to refer the entire message to a select committee of five with

instructions to refer all subjects in it to the appropriate

committee was adopted, 3 but on the following day a re-

consideration was carried, 4 and finally, on January 10, the

original resolution was adopted by the House. 5 The com-

mittee as appointed consisted of Messrs. Kennedy, Hall,

Goldsborough, Merrick and Smith. 6

It soon became evident that the investigation was pro-

ceeding along the line of most legislative investigations,

and a conclusion reached favorable to the dominant party.

On January 31, Mr. Merrick submitted an order that the

cleric of the House be directed to issue a summons at the

instance of any two members of the committee for such

witnesses as they might designate. 7 This, however, the

House refused to do by a strict party vote of twelve to

forty-seven. 8

It seems that on January 19, four days after the com-

mittee was appointed, and the committee not yet having

been convened or organized, the minority addressed a note

to the chairman of the committee, furnishing him with a

list of persons who could give testimony relative to the

i

1 Governor's Message, 29. \* House Journal, 26.

\* House Journal, 27. \* Ibid., 29.

5 Ibid., 46. 6 Idid.,5 9 .

''Ibid., 170. 8 Ibid., 171.

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investigation. 1 No notice was taken of this note, except

a mere acknowledgment at the first meeting of the com-

mittee, which was held on January 3i. 2 At the meeting

on February 8, the committee by a party vote of two to

three refused to examine witnesses or send for the papers. 3

The committee thus refusing to examine witnesses the

minority carried on an investigation of its own, and on

March 3 the majority and minority both presented their

reports to the House. 4

Trie majority commented rather sarcastically upon the

Governor's fear of secret political societies, stating that evi-

dently the secrets which disquieted the Governor were the

political doctrines avowed in the platform of the American

party which had been published in a thousand newspapers, 5

and which were still undergoing republication. The com-

mittee, the report stated, found no use for its power to

send for witnesses and papers and the House was already

possessed of the most authentic information. 6 The report

was partly a justification of the Know Nothing party and

partly an attack upon the Governor. It concluded as fol-

lows : "To call it a breach of privilege, might perhaps de-

scribe it as the greater number of judicious and impartial

citizens of the State would think most appropriate. To re-

gret it as an unfortunate exhibition of ill-timed and unde-

served discourtesy, is the milder, and on that account the

preferable judgment of the committee upon an act of official

intercourse which for many reasons touching the dignity

and harmony of the State Government, it is to be hoped may

never hereafter be used as a precedent." 7

The minority, as was to be expected, took an opposite

course, affirming the existence of the order, 8 which could

hardly be contradicted, and denying any religious agitation

before the Know Nothings came on the scene. 9 They also

1 Minority Report, 6. \* Ibid. \* Ibid. , 9.

4 House Journal, 622. 8 Majority Report, 8.

6 Majority Report, 9. ''Ibid., 18.

8 Minority Report, 13. 9 Ibid., 24.

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gave what purported to be the ritual and pass-words of the

order, together with the oaths and obligations. 1 They did

not recommend any legislative action but left the subject to

the "known patrotism, intelligence and reflection of the peo-

ple of this State and the Union, whose sober second thought,

past experience teaches, is not likely to fail in applying to

all specious and spurious political agitations, or morbid

political excitements, the best of all correctives their cen-

sure and rebuke." 2

The session had not progressed very far when it became

evident that the majority of the members cared more for

spoils than they did for the principles of the party. A

great deal of agitation had been carried on in regard

to convents, and numerous petitions were presented to the

Legislature praying for the protection of persons confined

in convents and nunneries. 3 A law which was presented

proposed to give the Orphans' Court jurisdiction over the

property of every inmate of such an institution, and pro-

vided that each inmate should appear in court twice a year

and state whether she had any cause of complaint. Vari-

ous other provisions for publicity were also inserted.\*

These petitions were all referred to a select committee,

which consisted of three of the majority and two of the

minority, 6 and on March 4 this committee brought in its

report. 6

To the surprise of all the report was unanimous. The

committee did not feel called upon to inquire into the pro-

priety of persons entering such establishments, and stated

that the charge that persons are unlawfully confined was

merely a general one, and no particular case had been

cited. Even if such were the case, however, the committee

thought the writ of habeas corpus offered ample protec-

tion to all citizens of the State, and if persons were unlaw-

1 Minority Report, 14, et seq, \* Ibid., 44.

3 House Journal, passim.

\*A. B. Cross : "Young Won.ta ui Convents."

8 House Journal, 298. 6 Ibid. , 641 .

3

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fully detained, it was not because the law did not afford

ample protection, but because its benefits had not been

availed of. In the opinion of the committee no further

legislation was necessary. 1 On the last night of the ses-

sion a member from Baltimore moved a substitute for the

report of the committee. In the rush of the closing session,

however, his motion was lost, and this was the end of the

agitation. 2

In the Senate some few petitions relative to the same

subject were presented, but they were all laid on the table, 3

and not taken up for further consideration. The other pet

doctrines of the party shared no better fate. Petitions to

change the naturalization laws were referred to the Com-

mittee on Judiciary, 4 from which they never emerged, and

a joint resolution offered in the House 5 to request the rep-

resentatives in Congress to use their endeavors to modify

the naturalization laws was never acted upon. On the last

day of the session the author of the resolutions moved to

call them up, but the House refused. 8 Petitions to equal-

ize taxation by removing the exemptions of churches and

literary institutions were likewise lost in the slough of

legislative business. 7

About the only thing of importance done by the Legis-

lature was the election of a United States Senator to suc-

ceed Senator Pratt. Senator Pratt's term did not expire

until March 4, 1857, and the Democratic members did not

want to proceed to an election as there was no vacancy. 8

The Democrats proposed to postpone an election until

there was a vacancy. 9 This would give the Governor a

chance to appoint until the next meeting of the Legislature

and there were hopes that the next Legislature would be

Democratic. The Know Nothings, however, refused to

1 House Journal, 641. 2 American, March 12, 1856.

3 Senate Journal, 246, 336. 4 House Journal, 298.

5 Ibid., 483. 6 Ibid., 846.

1 Senate Journal, 91 ft. 8 Senate Journal, 135. 9 Ibid.

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fall into the trap, and on February 14, Anthony Kennedy,

a brother of John Pendleton Kennedy, was elected Sena-

tor. 1 The point was raised that he was ineligible as he

was a member of the House which elected him, but on the

last day of the session he resigned his seat. 2 It was rumor-

ed that the Governor would refuse him his commission

on the above-named ground, 3 but on April 18, the com-

mission was finally issued.

The success of the Know Nothing party in 1854 and 1855

brought it into undue prominence in national politics, and

it was determined that a presidential ticket should be put in

the field in the contest of 1856. In this year the Know

Nothings were the first in the field. Their National Conven-

tion met at Philadelphia, on Washington's Birthday, and

nominated ex-President Millard Fillmore, of New York,

for President, and Andrew Jackson Donelson, of Tennessee,

for Vice-President. While denouncing the slavery agitation

yet they had nothing to offer to quell it. The party again

straddled on the slavery question. Slavery itself was not

mentioned except by implication. The repeal of the Missouri

Compromise was condemned, but the convention at the same

time refused to endorse the right of Congress to re-establish

the Missouri Compromise line. 4 Slavery was not men-

tioned; but there was vague talk about the "cultivation of

harmony and fraternal good-will \* \* \* and to this end,

non-interference by Congress with questions appertaining to

the individual States and non-intervention by each State

with the affairs of any other State." 6 It denounced the ad-

ministration for "its vacillating course on the Kansas-

Nebraska question," but gave no inkling as to what would be

the proper course to pursue. An Indiana delegate, Sheets,

stated the contents of the platform truly, when in accepting

it he said "if there was anything in it, it was so covered up

1 House Journal, 327-29. z House Journal, 840.

3 American, February 25. 4 Johnston : "American Politics," 175.

5 For entire platform, see Appendix B.

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with verbiage that a President would be elected before the

people would find out what it was all about." 1

The Democratic National Convention met in Cincinnati

on the second of June and nominated James Buchanan and

John C. Breckenbridge. 2 On the seventeenth of the same

month the first Republican National Convention met in

Philadelphia and nominated John C. Fremont and William

L. Dayton. 3 The City,\* State, 5 and National 8 Conventions

of the Old Line Whigs met in Baltimore, and endorsed the

nominations (but not the platform) of the Know Nothing

party. 7 The limits of this monograph do not admit of a

consideration of this great national contest, but some of its

principles will be discussed in the next chapter on the causes

of the success of the Know Nothings in Maryland. 8 We

must turn away from the broad vision of national affairs

and confine our attention to the more restricted field of local

and State politics

The Maryland campaign was waged vigorously, but

the chief interest was centered in Baltimore. Here the

presidential canvass was carried on concurrently with the

local campaign for the Mayoralty, and for members of the

City Council. The candidates for the former office had

both been railroad presidents, and charges were made

against each in relation to the strikes in order to get the

workingmen's vote. 9 The Know Nothing nominee was

Thomas Swann, 10 who had been president of the Baltimore

and Ohio Railroad, and his opponent was Robert Clinton

1 "Von Hoist, " V, 259.

2 James Ford Rhodes : "History of the United States from Compro-

mise of 1850," II, 171. \*Ibid., 183.

4 June 30. 5 July 10. 6 September 17 and 18.

7 Sun, American, September 18 and 19.

8 An admirable treatment of this campaign and the entire period in

all its aspects is given by Mr. James Ford Rhodes in the second

volume of his " History of the United States from the Compromise

of 1850." The fifth volume of Von Hoist also treats it at great

length. 9 Sun, October 7, 1856.

10 Sun, American, September 23, 1856.

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Wright, 1 an ex-president of the Baltimore and Susque-

hanna, now the Northern Central Railroad.

If the campaign of the preceding year had been exciting

and disorderly, this one was doubly so. Fighting and

rioting seemed to be the order of the day. On September

u, the newly organized Republican party attempted to hold

a meeting in Baltimore. 2 Only about thirty or forty persons

were present, while a mob of about two thousand howled

outside of the hall and finally broke up the meeting. 3 The

same week was also characterized by three other riots of a

more or less serious character. 4 A favorite method was

for the clubs to cut down the flag poles which had been

raised by the opposing party. A few days before the

election the Democrats tore down a Know Nothing ban-

ner, and the usual riot resulted. The Democrats took

refuge in a house on Marsh Market Space, which they de-

fended with a swivel placed in the doorway, while their an-

tagonists showered bricks upon it. 5

The municipal election occurred! first, on October 8.

The disorder during the campaign had presaged a riotous

and exciting election, and the events of the day did not

disappoint these anticipations. Besides the usual pushing

and crowding with consequent fighting at each polling

place there were two riots of considerable proportion. In

the Eighth Ward the American ticket holders were driven

off, and their uptown friends coming to help them, the

opposing forces met at the corner of Monument and Cal-

vert Streets. 6 Up Monument Street toward the Washing-

ton Monument raged the conflict, the rioters firing from

behind steps and tree boxes. The Lexington Market was

also the scene of a desperate encounter. Here the Know

Nothing Clubs, known as the Rip Raps and the Plug Uglies,

were ranged against the New Market Fire Company, and

1 Sun, American, September 23, 1856.

2 Ibid., September 12, 1856. \*Ibid. \*Sun, September 16, 1856.

5 American, October 6, 1856. 6 Sun, American, October 9.

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for over two hours the partisans fought in and out of the

Market House. 1 As a result four persons were killed and

many wounded.

The Know Nothing candidate for Mayor was elected by

about fifteen hundred majority, and the Know Nothings

also elected a majority of the members of the City Council. 2

During the night the city was in uproar, and even during the

next day the disorder continued. In the Eighth Ward large

parties of men armed with muskets congregated on the street

corners, awaiting the expected attack of the Know Nothings

of the upper wards. 3

The following from the diary of Dr. L. H. Steiner will

give an idea of the condition of affairs at this time :

October 8. "This has been one of the most disgraceful

days for Baltimore. From early in the morning until very

late at night, both parties have been drawn in deadly array

against each other, and Plug Uglies and Rip Raps and

Eighth Ward Blackguards have endeavored to see which

could be vilest and most inhuman. The so-called Ameri-

can party seems to have the most villainous material in its

composition, while the other side has never been deficient

in that article. A number of men have been killed to-day

and over fifty wounded, more or less dangerously. At

some of the polls only such as were of the party predomi-

nating at the polls were allowed to vote. Affairs going on

in this way and the elective franchise will become a hum-

bug. Swann elected Mayor by a large majority." 4

October 9. "The day is bright and beautiful, but the

evil passions of men seem not yet to have died out.

Fights and wounds of various kinds were the order of the

day, and on a small scale some of the scenes of yesterday

were re-enacted." 5

1 Sun, American, October 9.

2 First Branch, Know Nothing 13, Democrat 7; Second Branch,

Know Nothing 5, Democrat 5. 3 American, October 10.

4 B. C. "Steiner: Citizenship and Suffrage in Maryland," 39. ^Ibid.

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During the interval between this and the presidential

election an effort was made to prevent a recurrence of such

riotous scenes. A committee of citizens waited upon the

Mayor and requested him to call the City Council in extra

session in order to make some special preparations against

disorder. 1 This the Mayor refused to do, stating that he

did not fear a recurrence of the disorder, and adding that

he had made such arrangement as would insure the peace

of the city. 2 What these arrangements were the Mayor

did not state at the time, but on October 31 he ordered the

whole Light Division of Infantry to be under arms and

equipped at their armories at eight o'clock of the day of

election. 3 The order was afterwards countermanded but

the troops were ordered to keep themselves in readiness. 4

The Governor also came to Baltimore just before the elec-

tion and proffered his services to assist in maintaining

order. The Mayor coolly repulsed his overtures, and the

election being too near at hand to accomplish anything,

the Governor was compelled to retire. 5

The events of the day proved that the fears were not

ill founded. Fighting and rioting occurred in various

parts of the city, but the most serious affair was in and

around Belair Market. The fighting here began about

three o'clock and continued desperately until dark. The

Know Nothings brought with them a small cannon mount-

ed on wheels, which was loaded with all kinds of missiles.

The Democrats, however, overpowered them and got pos-

session of the cannon, and the high constable and twenty

policemen were not able to prevent the rioters from carrying

it off. 6 As a result of this fighting we find a list of ten killed

and over two hundred and fifty wounded, making a total of

fourteen killed in the two elections. We have the following

from Dr. Steiner's diary :

l Sun, American, October 27. \* Ibid. 3 Sun, November i.

4 Sun, Novembers. 5 Governor's Message, 1858, 21.

6 Sun, American, Nov. 5.

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November 4. "The usual amount of rioting made its

appearance during the day and after the plan of the last

election day. Wounding, maiming and killing were not

infrequent. When will the executive of the city be able to

manage its internal affairs?" 1

The result of the election was the complete success of

the Know Nothings in the State. They carried the city

of Baltimore by over seven thousand majority and the

State by over eight thousand. The party alignment in

the various counties was practically the same as that of

the preceding year. Only in Maryland, however, was the

party successful. The straddle over the slavery question

had been a failure. It was a cry of peace, peace, where

there was no peace. The slave States went solidly for

Buchanan and in addition he carried Pennsylvania, New

Jersey, Indiana, Illinois and California, giving him 174

electoral votes. Fremont received only 114. In the State

elections in Massachusetts, Rhode Island and New Hamp-

shire the Know Nothings were nominally victorious, but

their candidates were really Republicans and in the na-

tional contest these States were all carried by Fremont, the

Republican candidate. The national aspirations of the

Know Nothings had vanished into thin air. In the North

where they had shown their greatest strength, they had

served as a bridge between the old Whig party and the Re-

publican party. In the South the party still existed to a

slight extent in a desultory way in local affairs but it never

carried another election, except in the State of Maryland.

We have seen that when the Know Nothings attempted

to "rough" the elections the Democrats met them in the

same manner, and in many cases the Democrats were

the aggressors. Although the disorder and violence in-

creased to a great extent during the Know Nothing days,

the Know Nothings were not the originators of this

disorder. In the Constitutional Convention of 1850 we

^teiner, 39.

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find numerous complaints against the rowdies in the city of

Baltimore, who went from poll to poll committing acts of

violence and interfering with the elections. 1 In the

same year we find the practice of cooping voters in full

sway and the Mayor 2 of the city only escaped being cooped

by the swiftness of his horse. 3 In the campaign of that year

a gang of rowdies, known as the "Reubenites," were

especially prominent in creating street fights. 4 Not only

were fights between rival factions frequent, but crime and

rowdyism of all kinds were so prevalent that the news-

papers complained that it was unsafe for peaceable citizens

to walk the streets at night. 5

The papers of the time are full of reports of the preva-

lent disorder, and in 1852 when the Know Nothing order

was just beginning its secret operations we hear frequent

complaints against the lawlessness then prevalent in the

city. 6 Holidays and Sundays especially were the days on

which disorder was most common. If one of these passed

without disorder it was the subject of congratulation for

the newspapers on the next day. The disorders became so

frequent that Mr. George William Brown took occasion to

make it the subject of an address at the Maryland Institute

on March n, 1853. After commenting upon the increasing

lawlessness, the speaker read from a newspaper 7 the record

of the happenings in the city on the previous Thanksgiving

Day. After enumerating the general disorder he tells of

two attempts of highway robbery upon respectable citizens,

followed by "a case of incendiarism of an outhouse, the

flames of which communicated to a dwelling on Saratoga

Street, but the event is passed over without much notice,

as if it were an ordinary occurrence, as in fact it really was.

And then we have an account of two riots, one on Thanks-

1 Steiner, 36. " Debates Convention 1850," 32, 36, 64.

2 Elijah Stansbury. 3 Clipper, October 8, 1850.

4 Ibid., October 10. 5 Ibid., September n, October 24, 1850.

6 Editorials in American, November n, 17, December i, 17, 1852.

''Sun, November 27, 1852.

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giving night and the other on the afternoon of the previous

day. Persons connected with different fire companies were

the combatants. Pitched battles were fought, muskets,

pistols and other dangerous weapons used. Various per-

sons were injured, but most of them were carried from the

ground before their names were ascertained." 1

It was essentially an age of disorder. In the light of

subsequent events this period seemed, as John Quincy

Adams said of the struggle over the admission of Missouri,

"A mere preamble a title page to a great tragic volume." 2

Not only men, but almost every boy, carried a pistol, and

did not hesitate to use it. 3 Drunkenness and debauchery

were also common. 4 But probably the most frequent

cause of disorder were the volunteer fire companies. The

rivalry between the various companies was intense, and

hardly a fire occurred but what there was a free fight be-

tween the members and adherents of the various companies.

Besides the natural rivalry between the companies, the

engine houses were also the center of political organiza-

tion, 5 and this helped to increase the disorder. Buildings

were frequently set on fire merely for the purpose of bring-

ing out the companies and the resulting fight. 6

One cause of the disorder was the extremely loose or-

ganization of the police department. Prior to 1857, the

force consisted of one day policeman in each ward and the

night watchmen. 7 The officers were not uniformed, with

very little discipline, and with no facilities for ferreting out

crime. The police were often chosen for political reasons

and taken from the very roughs whom it was their duty to

1 American, March 18, 1853. 2 Diary, IV, 502.

3 American, September 27, 1856. A deputation of boys visits the

Mayor and ask to have their fire-arms restored, which the police had

taken away from them.

4 Mayor's Message, 1858. 5 Sun, September 23, 1857.

6 In 1858 of 255 fires, 130 were of incendiary origin. Mayor's Mes-

sage, 1859.

7 Folsom : "Our Police," 203 ft.

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subdue. In 1850 police officers were even reported to be

engaged in cooping, and one is said to have been hurt while

standing guard over one of these coops. 1

With such a general state of lawlessness, and such a po-

lice organization, it is little to be wondered at that election

day was the occasion of disorder and bloodshed. Add to

this the fact that there was only one polling place in each

ward, and the resulting crowding and pushing easily de-

velops into more extended disorder. The maintenance of a

challenger at the window was acknowledged to have been a

question of muscle. 2 The lack of any registration of voters

gave an incentive to fraud, and it was generally admitted as

early as i85o. 3 The voter merely presented himself before

the judges, and proved his right to vote as best he could.

I have given these facts at some length to show that the

Know Nothing party was not the originator of such meth-

ods at elections. Indeed, not long after the party started,

the originators were swept aside and the party was in the

control of those desiring offices. These men helped to sup-

port the clubs, and many of the old members raised their

voice in protest against such violent measures.

These clubs were also characteristic of the politics of the

time, and were peculiar to neither party. They were mod-

eled after the Empire Club of New York, the great Demo-

cratic organization. The names of these clubs in them-

selves are valuable as reflecting the character of the politics

of the day. Among the American clubs were the Black

Snakes, the Tigers, the Rough Skins, the Red Necks, the

Thunderbolts, the Gladiators, the Ranters, the Eubolts,

the Little Fellows, the Ashland Club (of which I. Freeman

Rasin, the late Democratic boss of Baltimore, was sec-

retary), the Rip Raps, the Screw Boats, the Stay Lates, the

1 Clipper, October i, 1850. Edgar Allan Poe, the brilliant Southern

poet, died after being shut up in one of these coops on October 3,

1849. See Woodberry: " Life of E. A. Poe," p. 342.

2 "Maryland Contested Election, 808."

3 Steiner, 37. " Debates Convention 1850," 58, 62.

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Hard Times, the Dips, the Plug Uglies, and the Blood

Tubs. The latter acquired their name from the fact that

at one of the elections a tub of blood was brought from a

nearby slaughter house, and this was applied very freely

to the persons of foreign voters in order to frighten the

others. 1 The Democratic clubs were not far behind in the

matter of euphonious names, for among them were num-

bered the Bloody Eights, the Double Pumps, the Cali-

thumpians, the Ferry Road Hunters, the Gumballs, the

Peelers, the Pluckers, the Shad Hoes, the Bloats, and the

Butt Enders.

Nor was Baltimore alone in such a troubled experience,

as every city of any size in the country was going through

an era of disorder and riot. The newspapers and maga-

zines are full of accounts of riots and outrages. The fol-

lowing extract will give an idea of life in American cities:

"What Dante says of the Tuscan City is, in a ten-fold

degree, true of our great commercial metropolis heart,

soul and center as it is of the life and enterprise of the Re-

public. Its growth outstrips all calculation ; its luxury is not

less reduplicative and its corruption is unspeakable. \* \* \*

The supremacy of the Empire Club at the ballot box is con-

fessed in our highest Federal elections. On the spot, you

are informed that the mob has elected itself to the magis-

tracy of the city, and that the watchmen are themselves

thieves. \* \* \* Not to dwell on other numerous details,

which are familiar to all readers of the newspapers, and

touching lightly upon the negro and fire riots of Philadel-

phia, we are sorry to learn that the beautiful city of Balti-

more finds it proverbial wealth and refinement suddenly

surrounded by a ruffianism more brutal and more aggres-

sive than has been heretofore imagined a possibility in

America." 2 And this was written as early as April, 1853.

I have traced the history of the Know Nothing party

1 "Maryland Contested Election," 829. Clipper, November 9, 1855.

2 " Religion for the Republic," Church Review, April, 1853.

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in Maryland down through the year 1856. This year di-

vides the history of the party into two distinct periods. The

campaign of 1856 was its first and last campaign as a na-

tional party. In the spring of 1857 the National Council

met and recommended that each State should be allowed

to adopt such a platform as it deemed best. 1 After this

date principles are wholly lost sight of and the party is

ruled entirely by the clubs and the aspirants for office. The

Democratic party, defeated and disheartened, and hope-

lessly divided into rotators and anti-rotators, no longer

offered an effective resistance. Hereafter we do not have

the bloody riots which characterized the first period. The

fighters of the Democracy,' beaten and outnumbered, re-

fused to give battle, and some, eager to be on the winning

side, joined the ranks of the Know Nothings, and the latter

had sense enough to leave the Eighth Ward, the stronghold

of the Irish, in the undisputed sway of the Democrats.

From this time the election disorder consists in intimidat-

ing and in sticking awls into peaceful citizens. But these

events can best be considered in their proper place. The

next chapter will be devoted to the consideration of the

causes of Know Nothing success in this first period.

1 June 2, at Louisville.

III. CAUSES OF THE SUCCESS OF THE KNOW

NOTHINGS.

In considering the causes of the success of the party in

Maryland, we shall first take up the opposition to the for-

eigners. It is far beyond the scope of this monograph to

consider the effect of immigration upon American civiliza-

tion or the development of the country. I shall merely

consider the conditions which led to opposition to the for-

eigner at this time. The late forties and the early fifties

were years unprecedented in the number of immigrants

who came into the country. Never before and not for

twenty years afterward was there such a rush of immigrants

as between 1850 and 1855. The immigration was 408,828

in 1851, 397,343 in l8 5 2 > 400,474 in 1853, 46o>474 in I854. 1

In Maryland there are no figures to show the number of

foreign settlers each year, as many of the immigrants arriv-

ing at Baltimore went through to the West, and many also

came to Maryland who had landed at the Northern ports.

However, we may take the figures of the census of 1860 as

approximately representing the proportion of foreign popu-

lation in Maryland, as there was a great falling off in the

immigration after 1854, and the foreign-born population

did not increase in any larger ratio than the natives. In

1860 the total white population in the State was 599,860.

Of these the foreign-born numbered 77,536, or a little over

eleven per cent, of the entire population. This, however,

was not evenly distributed, but was mostly in the city of

Baltimore. Here the total population was 212,418, while

1 House Executive Documents, 34th Congress, 3d Session, No. 78,

37. Also Brownell : " History of Immigration," 153. The figures

vary slightly in the different reports, but not enough to make any

material difference.

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the foreign-born numbered 52,497, or over twenty-four

per cent, of the entire white population of the city. This

left the proportion of foreign-born to the native population

in the entire State outside of Baltimore a little over six per

cent. Of the 52,497 foreign-born citizens in Baltimore,

32,613 were Germans and 15,536 were Irish. 1

As the stream of immigration rose higher and higher, it

could not help but stir up apprehension, and it was feared

that the United States would be swamped in the ever-in-

creasing tide. At various times in the history of the coun-

try opposition has cropped out against the immigrants.

Notably in the Alien Act of 1798 and in the short-lived

Native American movement in 1844-45. To the natives in

the fifties it appeared that this was a part of the work of the

Holy Alliance in its endeavors to suppress democracy. 2

Men in Congress gravely gave vent to their fears that the

country was endangered by this immigration, and it was

pointed out how easy it would be for a foreign power to

send an army of a hundred thousand men to this country

in the guise of immigrants. 8 Furthermore, the Duke of

Richmond was reported to have said that the European

governments were determined upon our destruction, and

that by sending over the low population of Europe we

would be plunged into civil war and discord, and a despot-.

ism would result. 4

The fears were increased by the conduct of the immi-

grants themselves, and especially of the Germans. Indeed,

many of the latter had come to this country after the sup-

pression of the revolutionary outbreaks in Europe in 1848,

expecting to return within a few months and to recom-

1 Census 1860. "Volume on Population," xxxi.

2 Robertson: "The American Party, its Principles, Objects and

Hopes," 15.

3 Cong. Globe, 2d Session, 33d Congress. Appendix, 94.

4 " Reasons for Abandoning the Old Whig and Democratic

Parties," 9.

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mence their opposition to the governments. 1 These Ger-

mans made no effort to Americanize themselves, 2 and in

fact they thought that all America would be Germanized. 8

This was to be accomplished by the founding of German

States in the West and in the dissemination of German cul-

ture from these central points. 4 These movements did not

fail to be noticed by American politicians, and one member

of Congress expressed himself as follows : "The foreigner

believes that America is the natural rendezvous for all the

exiled patriots and disappointed and turbulent persons of

the earth, and that here they are to meet to form plans and

concoct schemes to revolutionize all creation and the rest of

mankind." 5 And again: "They aspire to play reformers

and insolently form associations and devise plans to im-

prove our homely American institutions into the likeness

of the bloody and drunken dreams of French and German

liberty." 6

These tendencies were embodied in the demand of the

German Social Democratic Association of Richmond, 7 and

the organization of a German Reform party by the "Free

Germans" of Louisville, Ky. 8 The reforms demanded by

the German Democratic Association were as follows :

"Reforms in the laws of the General Government as well

as those of the States. We demand: (i) Universal Suf-

frage. (2) The election of all officers by the people. (3)

The abolition of the Presidency. (4) The abolition of

Senates, so that the Legislatures shall consist of only one

branch. (5) The right of the people to recall their repre-

1 T. S. Baker: "Lenau and Young Germany in America," 56.

\* Ibid., 57. z lbid., 60.

\*Ibid., 72. A full account of these German movements may be

found in the work of Dr. Baker referred to.

5 Cong. Globe, 2d Session, 33d Congress. Appendix, 95.

6 H. W. Davis : " Origin, Principles and Purposes of the American

Party."

7 Cong. Globe, 2d Session, 33d Congress. Appendix, 95.

8 American, April 22, 1854.

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sentatives (cashier them) at their pleasure. (6) The right

of the people to change the Constitution when they like.

(7) All law-suits to be conducted without expense. (8)

A department of the Government to be set up for the pur-

pose of protecting immigration. (9) A reduced term for

acquiring citizenship.

"Reform in the foreign relations of the Government : (i)

Abolition of all neutrality. (2) Intervention in favor of

every people struggling for liberty.

"Reform in what relates to religions : (i) A more perfect

development of the principle of personal freedom and lib-

erty of conscience ; consequently (a) abolition of laws for

the observance of the Sabbath; (b) abolition of prayers in

Congress; (c) abolition of oath upon the Bible; (d) repeal

of all laws exacting a religious test before taking an office.

(2) A prohibition of incorporations of all church property

in the name of ecclesiastics.

"Reform in the social condition: (i) Abolition of land

monopoly. (2) Ad valorem taxation of property. (3)

Amelioration of the condition of the working class : (a) By

lessening the time of work to eight hours for grown persons,

and to five hours for children ; (b) by incorporation of me-

chanics' associations and protective societies; (c) by grant-

ing a preference to mechanics before other creditors ; (d) by

establishing an asylum for superannuated mechanics with-

out means at the public expense. (4) Education of poor

children by the State. (5) Taking possession of the rail-

roads by the State. (6) The promotion of education: (a)

by the introduction of free schools, with the power of en-

forcing parents to send their children to school and prohib-

ition of all clerical influence ; (b) by instruction in the Ger-

man language; (c) by establishing a German University.

(7) The supporting of the slave-emancipation exertions of

Cassius M. Clay by Congressional laws. (8) Abolition of

Christian system of punishment and introduction of the

4

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human amelioration system. (9) Abolition of capital pun-

ishment." 1

The demands of the German Reform party at Louisville

were practically the same as the above. 2

These, however, were merely the radical dreams of a

small coterie of theorists, and were looked upon by the

people as such. 8 If the foreigner had kept out of politics,

all this talk of foreign domination would probably have

fallen flat. But such an increase in the number of voters

through naturalization did not escape the keen notice of the

American politicians of both parties, and frantic efforts

were made to command this foreign vote.\* Runners were

employed to colonize these voters in boarding houses, 5 and

in one instance a committee in New York took one hun-

dred and sixty aliens from a ship just arrived from Liver-

pool on the day of election, and conducted them to the

polls, after having informed them that they became Ameri-

can citizens the instant their feet touched the American

shore. 6 The Democratic party seems to have been most

successful in these tactics, as most of the foreign voters

(both German and Irish) were enrolled with that party. 7

This in itself was enough to set most of the Whigs against

the immigrant. General Scott, however, the Whig nomi-

nee for President in 1852, made a great bid for the foreign

vote when he spoke of a "rich Irish brogue" and a "sweet

German accent." 8

The catering of the politicians to the foreign vote could

not but give the immigrants an exaggerated idea of their

1 Cong. Globe, 2d Session, 33d Congress. Appendix, 95.

\* American, April 22, 1854. 3 American, editorial, April 22, 1854.

\*"Remarks on the Majority and Minority Report of the Select Com-

mittee on Secret Societies of the Maryland House of Delegates," n.

5 Ibid., 12. 6 Ibid.

T Koerner : " Das Deutsche Element in den Vereinigten Staaten,"

403. Christian Examiner, 1851, LI, 355. " Principles and Objects

of the American Party," 14.

8 Henry A. Wise : " Letter on Know Nothingism," 29.

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importance in politics. Consequently they began to inter-

fere in local politics through organizations of their own.

This was especially true of the Germans, who, speaking a

different language and naturally somewhat clannish, pre-

sented a good opportunity to be controlled as a unit. The

politicians also favored this, as it enabled them to manage

this vote more easily through a few influential leaders than

if they had to deal with them as individuals. The result

was that the Germans soon learned their power and began

to form organizations of their own. 1

During 1853 the Germans in Baltimore held frequent

meetings in order to discuss the merits of the various can-

didates. 2 They finally sent inquiries to each candidate

for Congress, inquiring: (i) "If he is convinced of the

justice and necessity of our organization? (2) If he openly

pledges himself to represent us in Congress according to

the laws of equity and justice without any reference to

native-born American citizens?" 3 Only one candidate,

1 Easton Star, September 6, 1853. Cf. the following from the Balti-

more Sun of January 12, 1898: "A German-American Republican Club

was organized last night at 1000 Hopkins Avenue, in the Seventh

Ward, with 150 members.

" The Constitution provides that no one shall be admitted to mem-

bership in the club who cannot speak and write the German language.

In addition it is stipulated that all the proceedings of the meetings

shall be in the German language and that all speeches delivered on

all occasions must be made in German. \* \* \*

"Mr. K. Rudolph Sternberg, in a speech at the club, said : 'The

Germans, considering their numbers in this country, have no repre-

sentation in the city, State or National Government. There is only

one native born German now in Congress, Mr. Barthold, of Missouri.

It was left to him to be the sole defender of the illustrious Carl Schurz,

a few days ago when that gifted statesman was attacked in Congress

by Representative Grosvenor of Ohio. We must organize and stick

together if we are to have any representation such as we deserve in

the Nation, to whose greatness our race has contributed so much."

\* Easton Star, Baltimore Correspondence, September 6, 1853.

3 Sun, July 4, 1853 ; Clipper, July 6 ; American, July 9.

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Mr. William Preston, had the independence to declare him-

self opposed to any political organization along national

lines. The others were not all so frank, and one candidate

evaded the questions by replying that he could not answer,

owing to an attack of cholera morbus, saying, "My physi-

cal and almost mental depression would have rendered it

impossible for me to reply to the letter in such a manner

as I desire to do to the German Association." 1

Such an interference of the newcomer in American poli-

tics could not help but stir up the natives against him.

Statistics of crime and vagrancy were appealed to in order

to show the demoralizing effect of the foreigner (not the

German especially) upon American life. 2 There were no

doubt among the immigrants some convicts and paupers

deported by the European governments. The most unde-

sirable portion of this immigration had also settled in the

large cities, and these were the centers of Know Nothing

strength. As to the charge that the foreign element was

responsible for the disorder, the lawless conduct of the

Know Nothing party belied this statement. The indus-

trial competition of the foreigner also stirred up opposition

against him. Kossuth, the Hungarian patriot, had visited

the United States a few years before, and had been enthu-

siastically received and ftted in all parts of the country.

The reaction against everything foreign was now beginning

to set in.

In Maryland and the South immigration was feared on

account of its effect upon the question of slavery. This

was really the cause of the opposition to the foreigner south

of Mason and Dixon's line. There being no large cities,

there was no great foreign settlement in the South, except

in Baltimore, as free labor found it impossible to exist

alongside of slave labor. It was not because the foreigner

settled among them that the Southerners opposed him, but

because he was opposed to slavery, and went to settle new

L Snu, July 4, 1853. 2 " Madison Letters," No. 8.

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free States in the Northwest. 1 Indeed, the fantastic im-

agination of the extreme pro-slavery advocate, always seek-

ing a bogey, saw "abolition emigrant societies stretching

their arms all over Europe to subsidize the foreigner into

a crusade against slavery." 2 The opposition was' most

forcibly manifested on the breaking out of the Civil War.

On April 20, 1861, the German Turner Hall was sacked

by indignant Southern men because it was reported that a

number of Germans had volunteered their services to the

government at Washington. On the same night the office

of the Wecker, a German paper, was attacked by a mob on

account of the anti-slavery views expressed by that jour-

nal. 3 Englishmen were also disliked because of opposition

to slavery, and it was charged that they had come to stir

up discord on the slavery question. 4 The Irish immi-

grants, being mostly Catholics, came in for a double share

of the opposition. 6 However, many of the bitterest of

the Know Nothings, although of course not members of

the order, were the Protestant Irish who joined the party

on account of its opposition to their Catholic brethren. 6

This leads us to a consideration of the opposition to the

Catholics.

Mr. James Ford Rhodes has said that "distrust of Ra-

man Catholicism is a string that can be artfully played upon

1 " Reasons why Coleman Yellott would not have Voted to Cen-

sure Henry Winter Davis," 7.

2 Speech of L. M. Keitt, of South Carolina, in the House of Repre-

sentatives. Cong. Globe, 2d Session, 33d Congress. Appendix, 67.

3 Sun, American, April 22, 1861.

4 "Reasons for Abandoning the Old Whig and Democratic Parties,"

10. It is worth noting that English travelers in this country returned

to England and stirred up a public feeling against slavery ; yet when

the Civil War broke out the aid and sympathies of England were

entirely with the South. It is a signal illustration of Cecil Rhodes

late remark about " English philantrophy plus five per cent."

5 " Principles and Objects of the American Party," 14.

6 Maguire : " Irish in America," 450.

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in an Anglo-Saxon community." 1 Every now and then it

crops out in Lord George Gordon "No Popery Riots," in

a Know Nothing movement, or the latest manifestation of

it in the A. P. A. But it required no artful playing to

bring this question to the front in the early fifties. There

were causes at this time, both general and local, which had

a great influence in stirring up opposition to the Catholics.

In its early settlement Maryland had been largely colo-

nized by Roman Catholics, the proprietor of the colony

himself being a Catholic. With the increase in the numbers

of Protestants ill feeling had developed, where at first there

had been more or less mutual toleration. As the number

of Puritans in the colony increased, this opposition became

more strenuous, and in 1654 the Act of Toleration was re-

pealed and a new act provided "that none who professed and

exercised the Popish (commonly called Roman Catholic)

religion could be protected in this province." 2 In 1658 the

Act of Toleration was again enacted. 3 The Catholics and

Protestants distrusted each other, and the opposition to the

Catholics, combined with the grievances against the Pro-

prietor, were enough to overthrow the proprietary govern-

ment when the news of the invasion of England by William

III reached the colony in 1689.\*

The descendants of the Protestants inherited and shared

this antipathy to the Catholics, and at various times consid-

erable ill-feeling was developed. For instance, this showed

itself in 1839, when a great commotion was caused by the

escape of a nun from one of the convents. 5 This nun,

\*J. F. Rhodes: "History of the United States since the Compro-

mise 1850," II, 50.

2 "Maryland Archives, Proceedings of .the Assembly, 1654," 340.

\*Ibid., 351.

\*F. E. Sparks: "Causes of the Maryland Revolution of 1689,"

Johns Hopkins University Studies in Historical and Political Science,

Series XIV, Nos. XI and XII, passim.

5 A. B. Cross : "Priests' Prisons for Women," n ; also Sun, Amer-

ican, August 19, 1839.

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who, it was alleged, was of unsound mind, took refuge in

a house in the neighborhood of the convent, and threw her-

self upon the protection of the residents. The priest in

charge of the convent attempted to take her back, and, the

day being Sunday, a large crowd soon gathered, and it

looked as if serious difficulty would result. Only the

timely arrival of the Mayor, 1 and the interference of calmer

citizens prevented serious trouble. There was consider-

able talk of mobbing the convent, and a number of citizens

volunteered to guard it during the night.

This was only an outcropping of the sentiment against

the Catholics, which the Catholics themselves fostered a

short time before the rise of the Know Nothing party by

their activity in injecting a sectarian issue into local poli-

tics in order to obtain a division of the public school fund.

It was the old struggle which recurs at frequent intervals,

in which the Catholic Church shows itself hostilely opposed

to the American system of public schools. The Catholics,

themselves gave the Know Nothings good cause for com-

plaint against "the aggressive policy and corrupting ten-

dencies" 2 of the Catholic Church. Indeed, there could have

been hardly any objection raised against the public schools

of Baltimore on the score of religious teaching. No sec-

tarian instruction was given, and even in the matter of

Bible reading a distinction was made between the

Protestant and Catholic children. The Protestant version

was read to the children of Protestant parents, while the

Douay version was read to the Catholics in another apart-

ment. 3

In view of these facts it seemed all the more offensive

that a bill should be introduced into the Legislature allow-

ing a division of public funds among private schools giving

1 S. C. Leakin.

8 Platform 1855, sec. 8.

3 " Report of the School Commissioners of Baltimore, 1856," 45.

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gratuitous instruction. At the sessions of the Legislature

in 1852 and I853 1 the "Kerney Bill," so-called from the

chairman of the Committee on Education, was reported for

the above purpose. 2 The bill of 1852 was laid on the table

on the motion of its author, 3 and not again taken up, while

that of 1853 was taken up 4 and given back to the committee,

from which it never reappeared. Numerous petitions both

for and against the measure were presented, 6 the great ma-

jority being opposed to it, and in 1853 a mass-meeting was

held at the Maryland Institute to protest against the pas-

sage of the bill. 6 This meeting was addressed by the most

prominent Protestant ministers of the city. Also at the

same time a memorial headed by Archbishop Kenrick,

praying for a reform of the public schools, was presented

to the City Council. 7

In the municipal campaign of 1852 the question had been

brought even more directly into the field of politics. The

Archbishop and some representative Catholics addressed

the following circular-letter to the candidates for Mayor,

asking them to define their positions :

"The undersigned, on behalf of themselves and many of

the citizens, desire to know prior to the next election for

Mayor of the city :

1. "Whether or not you are favorable to such a change

in the present school laws as would secure a distribution of

the school fund amongst all the schools and orphan asy-

lums of this city, pro rata to the number of scholars, where

the rate of charge is not greater than that in the public

schools of similar grade; or

2. "Such a change as would secure to each taxpayer the

right to select the particular schools to which his portion

J The same Legislature sitting in two separate years, owing to the

adoption of a new Constitution.

' 2 House Journal, 1852, 606. Ibid., 1853, 330.

3 Ibid., 1852, 768. \*Ibid., 1853, 551.

5 Ibid., 1852 and 1853, passim. ^Clipper, April 12, 1853.

''Journal First Branch City Council, 1853, 545.

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of the school tax shall be paid (see Declaration of Rights,

1776, section 33).

3. "And whether or not, if a bill affecting such changes in

the present law shall pass the City Council, you would give

your assent to it, should you be elected to the Mayoralty of

this city.

"To prevent misapprehension for the future, the under-

signed waive for the present all questions as to the consti-

tutionality of any school tax." 1

This letter was signed by B. R. Spalding, F. Neale, M.

Courtney Jenkins, and T. Parkin Scott. Both the candi-

dates rather evaded a direct reply, stating that they would

give the subject the proper consideration which their duty

required. 2 These answers were so far from being satisfac-

tory that there was considerable talk of running a third can-

didate who would favor the Kerney Bill. 3 The advocates

of the measure were too sharp to expose themselves to an

undoubted defeat, and so the matter rested. When the

Know Nothing party came on the scene, a short time later,

their opponents and the Catholics were quick to denounce

them for introducing the question of religion into politics,

but the Catholics had evidently anticipated them in this

respect.

Not only in Baltimore but in Western Maryland as well,

was their political activity manifested. In Cumberland the

Catholics were said to have nominated one of their own

number for the City Council in order to condemn and close

a street which ran between the German Catholic Church

and some property owned by the priest. 4 It was also charged

that the Catholics had deserted the Whig party in great

numbers in the election of 1850 in order to vote for Lowe,

the Democratic candidate for Governor, who was a Catho-

lic. 5

1 Clipper, October i, 1852. 2 Ibid.

3 Ibid., October 2. \* Clipper, May 9, 1853.

5 H. W. Davis : " Origin, Principles and Purposes of the American

Party," 31.

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So far we have only considered the local conditions

which were likely to contribute to the success of a party

which had opposition to the Catholics as one of its tenets.

But there were a number of more general conditions which

did not fail to be noticed. In several States there had been

a movement to take the Bible out of the public schools, and

this had stirred up particular resentment. In New York

this was especially true. Archbishop Hughes had thrown

the weight of his influence direct from the pulpit in favor of

certain candidates who were favorable to the Catholics.

After reviewing the contest, he said, "The question lies be-

tween the two parties, and you are the judges ; if you desert

the cause, what can you expect from strangers? \* \* \*

I wish therefore for you to look well to your candidates,

and if they are disposed to make infidels or Protestants of

your children, let them receive no vote of yours." 1 Arch-

bishop Hughes was well calculated to stir up some of the

Catholics to assert what they were told were their

rights. In 1844, during one of the periodical outbreaks

between the Protestants and the Catholics in New York,

the Archbishop encouraged armed resistance, and when

milder measures were counseled by some of the Catholics

he retorted that "if a single Catholic church were burned

in New York, the city would become a second Moscow." 2

The attitude of the Catholic Church on the question of

church property led to a long controversy between Senator

Brooke of New York and Archbishop Hughes. It was a

rule of the Catholic Church that all church property should

be vested in the bishop. The trustees of the Church of St.

Louis, in Buffalo, refused to transfer their title, and as a

result they were put under the ban of the Church and

1 Maguire : " Irish in America," 434.

2 Ibid., 441. It should be noted that these extracts are not taken

from a writer opposed to the Catholics, but from a Catholic writer who

glorifies in, and commends such bellicose expressions.

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excommunicated. 1 The trustees of the church were sup-

ported in their course by the law of the State of New York.

To adjudicate the question, a Papal legate, Bedini, was

sent as the representative of the Pope. A Papal legate was

something new and the position of this one was very pecu-

liar. He came to adjudicate between the Bishop of Buffalo

and the laws of the State of New York, and decided in favor

of the Bishop. He was very kindly received by the Presi-

dent, and a Government vessel was placed at his disposal

to make a tour of the Great Lakes. 2 The populace, how-

ever, did not receive him so kindly, and in many cities

organized mobs adopted the petty expedient of burning

him in effigy. The fact that many of the Catholics and

the priests were immigrants and aliens also did not fail to

be taken into account. 8

The question of the temporal power of the Pope also

came up for discussion. In spite of the declaration of the

Archbishop of Baltimore, that the allegiance of the Cath-

olics was only spiritual, 4 the Know Nothings held that the

Catholics owed a temporal allegiance to the Pope which

was higher than the Constitution. 5 To prove this point

misrepresentation was not neglected. Brownson's Review,

a leading Catholic magazine, was reported to have said

that "if the Pope directed the Roman Catholics of this

country to overthrow the Constitution, to sell the national-

ity of the country and annex it as a dependent province to

Napoleon the Little's crown, they would be bound to

obey." 6 This quotation Brownson denied and disavowed

in toto, declaring that his allegiance was only spiritual. 7

While Brownson (who was a recent convert to Catholi-

cism) had not gone to this degree, he had held some very

1 Cong. Globe, ist Session, 34th Congress. Appendix, 968. \*lbid.

8 H. W. Davis : " Origin, Principles and Purposes of the American

Party," 31. \* Supra, p. 23. 5 "Sons of the Sires," 201.

6 "Reasons for Abandoning the Old Whig and Democratic Par-

ties," 7.

7 Brownson's Review, III series, III, 123 ff.

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extreme doctrines which almost amounted to the same

thing. "The temporal order," he said, "is subject to the

spiritual, and consequently every question that does or can

arise in the temporal order is evidently a spiritual ques-

tion and within the jurisdiction of the Church, as the spir-

itual authority, and therefore of the Pope," and carrying

this out to its logical conclusion, he says the Pope "has

the right to pronounce sentence of deposition against any

sovereign when required by the good of the spiritual

order." 1

In justice it should be said that this view was contro-

verted by Catholic writers, and the Metropolitan, a Cath-

olic magazine, published at Baltimore, in a review of

Brownson's article, said : "We are unwilling to make any

comments on this doctrine. We think it enough to state

it, and feel confident that every Catholic in the country

will unite with us in protesting against it. \* \* \* Though

the foregoing is not the only point on which we think he

has adopted extreme and untenable views, we appreciate

and approve his writings in other respects, warmly and

sincerely, as far as a general approbation may be fairly con-

strued; but on this point particularly, we beg leave to re-

cord our most solemn protest against his doctrines." 2 Two

other Catholic journals, the Shepherd of the Valley and the

Freeman's Journal, were exceedingly prominent by their

ultramontane position on the question of the Pope's

supremacy. 3 The former of these papers was discontinued

1 Brownson 's Review, III series, I, 48.

2 Metropolitan, II, 1854, 360, 361, also 117.

3 1 have been unable to obtain a file of these papers. The Know

Nothing papers and pamphlets contain a great many quotations from

them. These I have been unable to verify. Von Hoist quotes from

these papers, although he takes his quotations from the polemical

books of the Know Nothing writers. I presume he has verified the

extracts, although he gives the above extract from Brownson,

which is false. Of the many quotations of the alleged Brownson

passage I have seen only one which had a reference to the source.

This referred it to April, 1853, and I have been unable to find it in

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in June, 1854, owing to the lack of financial support. 1 This

would hardly indicate that a large number of the Catholic

population shared in the views expressed by the paper.

Events on the Continent of Europe did not fail of atten-

tion. The Catholic cantons of Switzerland had revolted

only a few years before, 2 and with some degree of truth

the Catholic Church was proclaimed as the friend of mon-

archy and despotism and the enemy of republican insti-

tutions. 8 The activity of the Jesuits and their banishment

from even the Catholic countries of Europe was also ap-

pealed to as an evidence of the intriguing tendencies of the

Catholic Church. 4 These views were also intensified by

an apostate priest, Gavazzi, 6 who made a tour of the princi-

pal cities preaching a crusade against the Catholic Church.

He appeared in Baltimore in April, 1853, and his failure to

obtain the Maryland Institute Hall for his two lectures en-

abled him to pose as a martyr to Roman intolerance. 6 A

traveling preacher, calling himself the Angel Gabriel, also

made the rounds of American cities, and helped to stir up

sentiment against the Catholics.

The opposition to the Catholics, so far as it related

to their efforts to obtain control of the school fund, and

to inject sectarian issues into politics was justifiable, but

this is about the most that can be said. It was a pity that

this opposition had been carried on by the slanderous

course of a secret organization, which was just as incon-

sistent with the spirit of the Constitution as was the enemy

against which it pretended to protect it. But, however,

this number of the Review. Even if the other extracts from these

papers are incorrect, which is unlikely, they would be valuable as

illustrating the manner in which the Catholic population was rep-

resented.

1 Clipper, June 17, 1854. Metropolitan, 1854, II, 461.

2 Wm. S. Balch: "Romanism and Republicanism Incompatible," 30.

3 Ibid., 23. \* Ibid., 32. 5 Cf. Slattery within recent years.

6 Clipper, April 20, 22, 1853. This was the only paper which gave

a report of the lectures.

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men may differ as to the justification of the party, and the

real danger to the country, it can be readily seen how these

foregoing incidents would stir up opposition to the Cath-

olics, and contribute to the success of a party which had

opposition to the Catholics as one of its principles.

The slavery question also played no small part in the re-

sult in Maryland. Not even a party opposed to foreigners

and immigrants could altogether ignore the burning ques-

tion of the day, no matter how much they might attempt to

straddle it. But this very straddle was what conduced to

its success in Maryland.

In the campaign of 1856 this question was really upper-

most, and had taken the place of the anti-foreign and anti-

Catholic agitation of the year before. The Northern mem-

bers of the Know Nothing party had seceded from the

convention when it had refused to adopt an abolition plank,

and when the party had determined, in the words of Prof.

Wilson, to be "Do Nothings." 1 The entire slavery agita-

tion was condemned and the party proposed to leave the mat-

ter in statu quo. 2 Even the Maryland Republican, which was

opposed to the Know Nothing party, characterized its

slavery plank as being "sound, Union-loving and consti-

tutional.'' 3

This position was eminently satisfactory to the people

of Maryland who were midway between the abolition ex-

tremists in the North and the slavery Quixotes in the South.

Her position has been admirably stated by Governor Hicks

in his inaugural address in 1858: "A slave-holding State

by inheritance, by her traditions, usages and laws, a border

1 Division and Reunion, 187.

2 "The unqualified recognition and maintenance of the reserved

rights of the several States, and the cultivation of harmony and fra-

ternal good-will, between the citizens of the several States, and to

this end, non-interference by Congress with questions appertaining

solely to the individual States, and non-intervention by each State in

the affairs of any other State." Platform, 1856, sec. 6.

3 Maryland Republican, Annapolis, June 23, 1855.

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State between those now forbidding slavery and those

retaining it; allied to all the States with equal sympathies,

and by her various interests nothing can be indifferent to

her people which tends to disturb their Union. To that

Union she is indissolubly bound by every tie, by every in-

terest in the present, by every association and memory oi

the past. Her people heretofore have always refused to take

part in the struggles for sectional power. Her voice has

always been raised for peace and compromise, from the

day of the first great settlement of this disturbance down

to its unpardonable renewal, and the violation of the sacred

compact 1 by which it was settled and silenced." 2

And at this point it is well to make a digression and show

the position of the party in Maryland upon the slavery

question. In Massachusets the party had gone bag and

baggage into the Free Soil camp. 3 Yet the opponents of

slavery distrusted them, and Henry Ward Beecher de-

nounced them in his usual forcible style. Writing in the

Independent, he said: "One might as well study optics in

the pyramids of Egypt or the subterranean tombs of Rome,

as liberty in secret conclaves controlled by hoary knaves

versed in political intrigue, who can hardly enough express

their surprise and delight to see honest men going into a

widespread system of secret conclaves. Honest men in

such places have a peculiar advantage that flies have in a

spider's web \* \* \* the privilege of losing their legs,

of buzzing without flying, and of being eaten up at leisure

by big-bellied spiders." 4

Likewise in Maryland the opponents of the Know Noth-

ings, led by the Maryland Union at Frederick, charged it

with being allied with "Abolitionism" and "Black Repub-

licanism." It is to establish the fact that the Know Noth-

ing party in Maryland was not opposed to slavery that

1 Missouri Compromise. 2 Inaugural Address, 1858, 7.

3 Haynes : American Historical Review, October, 1897,81.

\* Independent, January 18, 1855.

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this digression is made. Its position can be shown by the

action of two Know Nothing Legislatures. At the session

of the Legislature in 1856 the House of Delegates passed

a resolution deprecating the election of a sectionalist 1 as

Speaker of the House of Representatives which concluded

as follows : "Resolved, That while we accord justice to all,

we boldly assert and will steadfastly maintain the rights

of the South to Southern institutions, and we will repel, at

all hazards, any interference therewith.

"Resolved, That the views in regard to constitutional

rights and national policy, expressed in the foregoing reso-

lutions, are the same which have ever been and are now

entertained and advocated by the citizens of Maryland,

and which we believe will ever be proclaimed and advo-

cated by their Representatives in the State and national

Legislatures." 2 A substitute was offered by a Democratic

member, stating: "That we most deeply deplore that one

of the Representatives of a portion of the people of this

State, should in such an emergency, as the late election

of the Speaker of the House of Representatives of the

United States, have failed in his high duty to his con-

stituents, and given to our sister States of the South rea-

sonable ground to apprehend that the people of the city of

Baltimore are not with them in sentiment and opinion upon

the great issue now before the country." 3 This was defeated

by a party vote of eleven to forty-four, and the original

resolution was passed without a dissenting vote. 4

1 Banks. \* House Journal, 1856, 539.

\* This referred to the fact that Henry Winter Davis with five other

Know Nothings voted for Fuller for Speaker to the last, when they

could have prevented the election of Banks by joining forces with the

Democrats, who were supporting Aiken. The final vote for Speaker

was Banks, 103; Aiken, 100; Fuller, 6; Campbell, 4; Wells, i. The

Speaker was elected by a plurality vote under a resolution adopted

by the House on the previous day. See Cong. Globe, ist Session,

34th Congress, 334, et seq.

\* House Journal, 1856, 541.

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Again at the session in 1858, a bill being under consider-

ation to cede to the United States jurisdiction over cer-

tain lands, the following amendment was adopted : "That if

at any time after the passage of this Act, the Congress of the

United States, shall pass any law abolishing within the jur-

isdiction of the same, the relation of master and slave as it

now exists in this State without the consent of this State,

then from and after the passage of any such law by the

Congress aforesaid, the jurisdiction required by the United

States, within the limits of this State, over any part of the

territories of the same, shall cease and be utterly void and

of none effect, and such jurisdiction shall revert to the

State." 1 The amendment was accepted by a vote of fifty-

three to five, 2 and the bill as amended was passed without

a dissenting vote. 3 Many of the Know Nothings were

also slave holders, and many of them supported the Federal

Government in 1861, not because they were opposed to

slavery, but because they wanted to preserve the Union. 4

Not only the slavery plank of the Know Nothings, but

their presidential candidate as well appealed very strongly

to the people of Maryland. The national campaign of

1856 was a three-cornered contest. At the one extreme

stood Fremont, the Republican nominee, untried and inex-

perienced in politics, who was looked upon as a sectional

candidate. 5 At the other extreme stood Buchanan, who

had "been everything by turns, and nothing longer than

suited his own convenience." 6 He was charged with having

been opposed to slavery in iSig, 7 and also with having

slandered Clay. 8 Then he had switched around as a

1 House Journal, 1858, 762. 2 Ibid., 763. \* Ibid.

\* The emancipation proclamation did not free the slaves in Mary-

land, as it applied only to the States in rebellion. Nevertheless it

had the practical effect of freeing the slaves, and consequently ruin-

ing many people who were friendly to the Federal Government.

5 American, June 24, 1856. 6 " Letter of a Conservative Whig," 4.

7 "Buchanan's Political Record," 6.

8 Letter from an old and constant Whig in Baltimore American,

June 24, 1856.

5

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defender of the repeal of the Missouri Compromise, and a

filibuster with Soule at Ostend. 1 Midway between these

two stood Fillmore, who represented the conservative in-

fluence of the old school, and who had been favorable to

the Compromise of 1850. At the same time he was ex-

ceedingly popular throughout the State. 2 His having been

a Whig secured him the support of the old Whigs, who did

not care to have anything to do with Buchanan, and were

not yet ready to take up with the new party, of which Fre-

mont was the representative. And this leads to a consid-

eration of the influence of the old Whig party.

One most potent cause of the success of the Know Noth-

ing party was the opportune time at which it appeared.

The movement in 1844 had failed because the old parties 3

were still intact and men were not looking around for new

political connections. But by the middle of the fifties all

this had been changed. The death of Clay and Webster,

in 1852, and the crushing defeat of Scott in the presiden-

tial contest in that year, had utterly annihilated the Whig

party. It was just at this time that the Know Nothing party

appeared in the field. The Whigs who had followed in

the footsteps of Henry Clay resented the destruction of the

great compromise measure for which he had labored so

long and earnestly. For this repeal, Douglas and the

Democratic party were responsible, and therefore there

could be no comity between them and the Whigs. The

trend of public opinion in this respect was only reflected

when all the Whig papers in Maryland, except the Mary-

land Republican, published at Annapolis, went into and

supported the new movement. 4 Indeed, one of the most

frequent arguments heard against the Know Nothing party

was that it was only a "Whig trick."

This was further shown by the fact that the old Whig

1 "Letters of a Conservative Whig," 4.

\* Cecil Democrat, quoted by American, November 17, 1856.

3 Vide supra, 13. \* Easton Star, June 12, 1855.

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counties were carried by the Know Nothings. 1 But there

was undoubtedly a great breaking up of party ties, and an

interchange of votes. The Democratic organization, how-

ever, remained intact, and very few of the Democratic

leaders went over to the other side, and what accessions

the Know Nothings made was from the rank and file of

the party. With the old Whigs it was just the reverse.

Most of the rank and file went into the new organization,

while many men who had been prominent in the party came

over to the Democrats. The most prominent among these

were S. Teackle Wallis, Reverdy Johnson, James Alfred

Pearce and ex-Governor Pratt.

In Baltimore City old party lines were more broken than

in the counties, and the Know Nothings received great ac-

cessions from the Democrats. The most marked change

was in the Eighteenth Ward. This ward had been one of

the Democratic strongholds, and. it now became the banner

ward of the Know Nothings. This ward, adjacent to the

Baltimore and Ohio Railroad shops, was inhabited mainly by

mechanics and workingmen, and gives a clue to the social

status of a great number of the Know Nothing party.

Other strong Democratic wards which came under the con-

trol of the new party were the first, seventh and seven-

teenth. In 1852 these four wards had given a Democratic

vote of 3661, and a Whig vote of 1720. In 1855 the Demo-

cratic vote had fallen to 1896, while the Know Nothing

vote was 2198. The only Democratic wards which did

not show a decrease on the advent of the Know Nothing

party were the second and the eighth. The reason for this

was obvious, as the former was composed of Germans to

a large extent, while the latter was the stronghold of the

Irish. Later the enterprising methods of the Know Noth-

ings succeeded in carrying the Second Ward, and in the

palmy days of Know Nothing success the Eighth Ward

("Old Limerick"") was the only ward which remained faith-

ful to the banner of Democracy.

1 See election statistics in " Tribune Almanac."

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This disappearance of the Whigs from politics was more

a cause of weakness than a source of strength to their

Democratic opponents. The eager endeavor to get a nom-

ination for an office for which there was no opposition

caused jealousies, which all the appeals to party loyalty

could not allay. In Western Maryland, in 1853, there was

no Whig candidate in the field, and William T. Hamilton

was the nominee of the Democratic Convention. 1 There

was considerable discord in the party and great corruption

was charged in the nominating convention, 2 and the result

was that ex-Governor Thomas ran as an Independent

Democrat. 3 In Baltimore City there was the same lack

of harmony. There were fierce factional fights between

Joshua Vansant and William Pinckney Whyte, and be-

tween Henry May and William P. Preston over the nomi-

nation for Congress. 4 After an exciting contest, in which

the ballot box of the Ninth Ward was broken up, Vansant

and May obtained the nominations. 5 The county papers

also noticed these dissensions and stated that the persist-

ence of the factions in Baltimore would cause the downfall

of the Democratic party. 6 Add to these troubles the fact

that the party in the Legislature of 1853 was hopelessly

divided into "hards" and "softs" over the repeal of the

prohibition of small paper notes, 7 and we can readily see

how easy it was for a compact and well-organized party

like the Know Nothings to make great inroads upon the

party vote.

In addition to these causes the age was one essentially

of unrest, both in politics and social life. In the wild and

exciting arena of political strife men did not know exactly

where they were. The Nation might be said to be just

1 True Democrat (Frederick), October 6, 1853.

2 Ibid. 3 Ibid. 4 Sun, June 25, 1853.

5 Ibid. 6 Eastern Star, June 14, 1853. July 19, 1853.

1 Sun, February 7, 1853. Of- "The Democratic Party after the

Campaign of 1896."

213] Causes of the Success of the Knozv Nothings. 69

budding into manhood, and was full of the wild animal

spirits of youth. The Nation seemed to be passing through

the storm and stress period which is characteristic of early

manhood. Swayed violently back and forth by the politi-

cal unrest and sectional discord, many men caring little

for the so-called "American principles" of the party went

into it looking upon it as a kind of universal panacea for

all the evils of mankind. Third parties are very apt to

sweep everything momentarily on account of this trait. In

the early days of the party the secret machinery also exer-

cised a charm which drew many into it.

To sum up the causes of the success of the party were:

(i) A largely increased immigration followed by the radi-

cal demands of some of the German immigrants and a jeal-

ousy of the immigrant in politics. (2) The interference

of the Catholic Church in politics to obtain a portion of

the school fund, and the radical and ultramontane position

taken by certain Catholics. (3) The position of the party

on the slavery question and the personal popularity of

MTllard Fillmore. (4) The disappearance of the old Whig

party, and the disorganization within the Democratic party.

(5) The general unrest of the period seeking a remedy in

any new expedient.

IV. HEIGHT OF KNOW NOTHING SUCCESS,

1857-1858.

The early months of 1857 brought forth no new incidents

in the progress of the party in Maryland. The spring

elections in the small towns for local office showed no

great changes; 1 in some cases the Know Nothing party

showed a gain, and in others a loss, but there was no sub-

stantial change in the position of the two parties. Not

until June was any activity noticeable, when there occurred

almost simultaneously two events which again stirred up

interest in the party.

The first of these was the municipal election in Washing-

ton in June. Great interest was manifested in the election

in Baltimore and there was much excitement. The elec-

tion was conducted in much the same manner as that of the

year before in Baltimore. There was considerable dis-

order and rioting, and the marines from the Navy Yard

were finally ordered out to suppress the disorder. 2 The

result was a collision with the mob, attended with some

loss of life. On the morning of the election a large number

of men had come over from Baltimore, and these, it was

charged, began the trouble. The Democratic papers

claimed that the riot was begun by the Plug Uglies from

Baltimore, 3 while the Know Nothings charged that all the

trouble was caused by the members of the Empire Club of

Baltimore, who had gone over to help the "loco-focos."\*

The true facts in the case, as noticed by impartial observers

1 Frederick, February 26; Annapolis, April 6; Hagerstown, April

15; Westminster, May 4; Cumberland, May 12.

2 Sun, American, June 2, et seq.

3 Maryland Union (-Frederick), June 4, 1857; Sun, June 2.

\* Clipper, June 2 and 4.

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215] Height of Know Nothing Success, 1857-1858. 71

at the time, were that members of both parties went over,

and as neither side had any special scruples against "rough-

ing" the election, it can easily be seen how disorder re-

sulted.

While these turbulent scenes were being enacted in the

Nation's capital the last National Council of the party was

being held in the city of Louisville. The presidential cam-

paign of the preceding year had wrecked the party, Mary-

land being the only State carried by Fillmore. Indeed, for

some time before, the disintegration of the party as a

national organization was evident. Massachusetts and the

other Northern States had repudiated the slavery platform, 1

and the party had fallen almost entirely into the hands of

free soilers and abolitionists, while in Louisiana and Cali-

fornia, almost from the start, the party had discarded the

plank in opposition to the Catholics. 2 With the over-

whelming defeat in the national canvass in 1856 it was clear

that the coherence of the party was gone and the National

Council passed a resolution "that the American party in

each State and Territory and the District of Columbia

be authorized to adopt such a plan of organization as re-

spectively may be best suited to the views of the members

of the party in their several localities." 3

In the meantime the party in Maryland had been actively

engaged in preparing for the fall election. The spoil

was indeed an inviting one. Governor, Lottery Commis-

sioner, Comptroller, Land Commissioner, members of the

House of Delegates, and successors to those Senators who

had held over during the last session. By law, the Gov-

ernor in this year was to be elected from the Eastern

Shore, 4 and the competition between the various candidates

1 Haynes in American Historical Review, October, 1897, and in

New England Magazine, September, 1896.

2 American, May .5, 1855. 3 Sun, June 5, 1857.

4 The Constitution divided the State into three Gubernatorial

Districts, as follows: I. St. Mary's, Charles, Calvert, Prince George's,

Anne Arundel, Montgomery and Howard Counties and the City of

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was quite intense. In Baltimore especially the rivalry was

very keen between the friends of Ricaud, Hicks and Pur-

nell, 1 the three candidates for the Gubernatorial nomination,

and we find the Clipper, the chief paper of the party, mak-

ing an appeal for harmony. 2 The State Convention met on

July 22, and nominated Hicks for Governor and Purnell

for Comptroller. 3 Ricaud was afterwards given the nomi-

nation for Congress from the first district. 4 The other

nominees were D. H. McPhail for Lottery Commissioner

and L. W. Seabrook for Land Commissioner. 5

The Democratic Convention met a week later. Not only

were the Democrats divided into factions through the riv-

alry of the different candidates, but the party was also

thrown into discord by the contests between the rotators

and anti-rotators, 8 these terms being used to represent

rotation in office. Baltimore City was not represented at

all in the State Convention on account of disturbances

which had taken place at the City Convention. 7 This State

Convention was marked by unanimity and lack of enthusi-

asm ; no formal nominations were made, but candidates for

the various State offices were recommended to voters of the

party. 8 The Democratic City Convention determined to

make nominations for Congress and ward nominations,

but no others. 9 A number of the members of the Ameri-

can party, dissatisfied with the course of that party, united

with some of the Democrats and nominated candidates for

local offices and for the Legislature. 10 The Know Noth-

Baltimore. II. The eight counties of the Eastern Shore. III. Balti

more, Harford, Frederick, Washington, Allegany and Carroll Coun-

ties. The Governor was to be taken from each of these districts in

rotation, beginning with the first in 1853. Constitution, 1850, Art.

II., sec. 5. l Maryland Union (Frederick), June 18.

3 Clipper, June 22. 8 Sun, American, July 24.

4 American, August 6. 5 Ibid, 6 Sun, May 25.

7 Testimony of Joshua Vansant, "Maryland Contested Election," 99.

8 Sun, American, July 31. 9 Sun, American, September 4, 1857.

10 Sun, September 17 and 21, American, October 10. "Maryland

Contested Election," 115.

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ings nominated candidates for every office to be voted for

at the election. 1

The State election was preceded by the municipal elec-

tion for members of the First Branch City Council on Oc-

tober 14. On a small degree the election was a repetition

of that of the year before. In the wards controlled by the

Know Nothing party it was difficult for naturalized citizens

to vote, while in the Eighth Ward the native voters had the

same difficulty unless they were known to be Democrats. 2

The police seem to have made some effort to put a stop to

the rioting at least, as one of their number was killed while

attempting to suppress a riot started by the Democrats in

the Eighth Ward, and several were wounded in protecting

the Democratic headquarters on Federal Hill from an at-

tack made upon it by the Know Nothings. 3 The combat-

ants had evidently laid in munitions of war in anticipation

of a disorderly election, as the police captures included a

swivel, together with powder, slugs and cartridges, and also

thirty carbines and three rifles from one of the engine

houses. 4 The result of the election was a complete victory

for the Know Nothings. Compared with the presidential

election in the preceding year the Know Nothing vote de-

creased about five thousand and the Democratic vote about

seven thousand. 8

Such an amount of disorder having occurred at the

municipal election, there was apprehension that the more

important election for State officials and members of Con-

gress would result in even greater rioting and more blood-

shed than had yet been seen. Moved by these considera-

tions, 6 and actuated no doubt by animosity to the Know

Nothing party, Governor Ligon determined to use the

executive arm of the State to insure the peace of the com-

1 Sun, American, August 6, 7 and 21; September n and 15.

2 American, October 15. 3 Sun, American, October 15.

\* Ibid. 5 American, October 15.

6 Governor's Message, 1858, 23.

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ing election in Baltimore. 1 Accordingly the Governor pro-

ceeded to Baltimore, and on October 27 he addressed the

following letter to the Mayor, inquiring as to the prepara-

tions made to prevent a recurrence of the disorder:

BARNUM'S HOTEL,

Baltimore, October 27, 1857.

HON. THOMAS SWANN,

Mayor of Baltimore.

SIR: Representations from a large number of respectable citi-

zens, of the conditions of things in this city, added to my own

convictions of my constitutional duty, impose upon me the obliga-

tion respectfully to consult you, as Mayor of the city, as to

what provision should be made by you to guarantee personal secur-

ity, and the free exercise of suffrage by the legal voters at the

approaching election. The events of October, 1856, both at the

municipal and Presidential elections, and the violence of the recent

municipal election, which practically disfranchised many thousands

of the qualified native and naturalized voters of this city, conclu-

sively established the inadequacy of the existing city police to

secure the elective rights and the personal safety of the voters.

The citizen has a right to good government. He surrenders his

individual power of defense and pays his property dues in consider-

ation of the pledge made that he shall enjoy it; and I am resolute

in the determination to exert any constitutional power to fulfill the

guarantee.

Subordinately you are like myself sworn in your sphere to put

forth your powers in this behalf, and I have come to this city to

confer with you, and ascertain what provision of an extraordinary

character you propose to make to meet apprehended disorders of

a character like those which have heretofore successfully defied

the ordinary police force of the city. I shall be most happy if you

can assure me of any detailed preparation on your part which will

allay my solicitude, and certify me that the citizens may not have

the occasion to reproach us as derelict in duty.

It will never do for a great commercial metropolis like this to

be dishonored by this unchecked violence of mobs, and it is

necessary that the civil power should at once bring under subjec-

tion those evil-minded citizens whose acts are tarnishing the honor

of the city and State, and destroying the prosperity of our com-

mercial, mechanical and manufacturing interests. Not doubting

1 Governor's Message, 1858, 23.

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that you concur with me in these sentiments, and will appreciate

the sense of official duty from which I invite your co-operation, I

have addressed you this letter and ask, most respectfully, an imme-

diate reply.

Very respectfully, your obedient servant,

T. WATKINS LiGON. 1

The Mayor, however, did not agree with the Governor

as to the relative spher^e of their duties, and he flatly denied

the right of the Governor to interfere. Accordingly he at

once sent him the following letter in reply :

MAYOR'S OFFICE, CITY HALL,

Baltimore, October 28, 1857.

To His EXCELLENCY, T. WATKINS LIGON,

Governor of Maryland.

SIR: I have had the honor to receive your letter of the 27th inst.,

in which you say that "representations from a large number of most

respectable citizens, of the condition of things in this city added to

my own convictions of my constitutional duty impose upon me

the obligation respectfully to consult you, as Mayor of the city of

Baltimore, as to what provision should be made by you to guaran-

tee personal security, and the free exercise of suffrage by the legal

voters at the approaching election."

Your letter goes on to indicate duties which are incumbent upon

us both. The constitutional sphere assigned to you as Governor

of the State of Maryland, and to me as Mayor of the city of Balti-

more, is believed to be sufficiently defined. While I should claim,

by virtue of my commission, the privilege of the initiative in any

demand which I might consider necessary to be made upon your

Excellency for your aid and co-operation in preserving the peace of

the city and the rights of its citizens, I do not object at any time

to impart to you, or any other citizen, the fullest information in

regard to matters connected with the government of the city, in

which the public might feel an interest. It could not fail to excite

my surprise that in a letter inviting a consultation with me, your

Excellency, after pronouncing summary judgment upon the ineffi-

ciency of the city government, should have thought proper to refer

to the events of the municipal and Presidential elections of 1856,

1 Governor's Message, 33.

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with which, as Mayor of the city, I had no official connection; and

to impress upon me that you were "resolute in the determination

to use your constitutional power to fulfill the guarantee that the

citizen is entitled to good government."

In your reference to the representations you have received from

a large number of most respectable citizens, your Excellency would

seem to have lost sight of the facts, that by the authority under

which he is acting, the Mayor of the city is made the judge of

and is responsible for the completeness and efficiency of his ar-

rangements for preserving the public peace; and that the only

official source of information, in reference to the plans heretofore

adopted, was in him alone, and the officers acting under him.

As to what your Excellency has said about the importance of

maintaining law and order in a great commercial metropolis like

this, I need hardly assure you that no man has labored more

faithfully or assiduously than I have done towards the accomplish-

ment of this end. The events which have transpired since I took

charge of the municipal government, and the murdered and wound-

ed policemen, who have fallen in the late effort to preserve the

peace of the city and to secure to the citizens the free exercise of

his right of suffrage, will sufficiently attest the activity of my labors.

My preparations at the last municipal election were, as is known,

of the most ample character, sufficiently so in my judgment, to

have met any emergency. That individual instances of complaint

were to be found, is not to be wondered at. These are incident to

all excited elections that have heretofore taken place in our city.

My instructions to the police were of the most absolute and

impartial character, and in every instance of decided outbreak, the

efficiency of this force was felt and acknowledged.

At the election in November, in furtherance of the object which

I have never lost sight of, in addition to the complement of officers

assigned to the stations and the various election precincts, acting

immediately in concert with the judges, together with the details

by which they will be regulated, there will be, what may be deemed

in my judgment, a competent force to ensure to those who may

be entitled to vote, the free and untrammeled exercise of their right

of suffrage; and I will state it as my belief that unless some unfore-

seen occurrence should ta 1 :e place, or an ungovernable feeling

should be excited by those who are now engaged in the effort to

break down the city government, that the election will proceed

quietly and without interruption.

As the Mayor of the city of Baltimore I hold my commission

directly from the people, and am accountable to them for the marr-

ner in which I discharge my trust, the office which I have been

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called upon to assume was confered upon me without solicitation,

and will be laid down whenever it will be made to appear that I

have lost the confidence of those whom it has been my highest en-

deavor to serve. I can recognize "subordination" to no other

power within the sphere of my duty. I deemed it due to courtesy to

afford your Excellency the amplest information in regard to the

matters to which you refer in your letter, and now invite from you

any reliable evidence upon which I can legally act, of a combina-

tion on the part of any of our citizens to obstruct the laws at the

coming election. But while I am thus frank in foreshadowing my

plans for the preservation of the public peace, and the protection

of the voter by every means at my disposal, I must be equally so

in declining to recognize any joint administration of the affairs of

this city. The powers of the Mayor are believed to be ample. He

has his resort, in case of emergency to the civil posse, as well as to

the military arm, which like the former is placed by the law under

his control. It will be his duty to use his best endeavors to see

that every citizen is protected in his constitutional rights, and that

the peace of the city is preserved by every means at his disposal.

If, however, it should be attempted to introduce a power in the city

of Baltimore above that of its regularly constituted authorities, or

if the power should be assumed in anticipation of a state of things

which may not occur, to bring the military in contact with the

people on the day of election, without an official requisition on the

part of the local authorities, I can only express the sincere belief

that such a policy might seriously endanger the peace of the city,

and lead to consequences which it should be the duty of all good

citizens to endeavor if possible to avert. 1

With great respect, I have the honor to be, your obedient servant,

THOMAS SWANN, Mayor.

Being thus rebuffed by the Mayor and co-operation

with that official being 1 out of the question, the Governor

proceeded to take measures of his own for the desired end.

With this object he ordered Major-General George H.

Stuart, of the First Light Division, to hold his command

ready for service, and Major-General John Spear Smith

was ordered to enroll six regiments of not less than six

hundred men each, and to hold them in readiness for ser-

vice by noon of the Saturday preceding the election. 2 To

Governor's Message, 1858, 34, \* Ibid., 23, 28.

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arm and equip this force the Governor of Virginia was ap-

plied to for a loan of two thousand muskets, which that

official at once had forwarded to Baltimore. 1 At the same

time the Governor issued the following proclamation:

PROCLAMATION.

BY THE GOVERNOR OF MARYLAND:

I, T. Watkins Ligon, Governor of the State of Maryland, hereby

make this proclamation to the citizens of Baltimore:

Having been creditably informed by a large and respectable num-

ber of citizens of Baltimore, that serious apprehensions are enter-

tained that the approaching general election is threatened with ex-

treme violence and disorder in this city, sufficient to terrify and keep

away from the polls many peaceable voters, unless the civil arm is

vigorously interposed for their protection, and being fully convinced

of the justice of this apprehension from events of the election of 1856,

and of the recent municipal elections in the city, I have felt it my duty

to repair to this city to fulfill my constitutional obligations to afford

to the citizens the faithful observance of the laws. Accordingly I

have addressed the Mayor of the city and solicited his co-operation

in adequate measures for the protection of the peace of the city.

So far I have received from him no satisfactory response, and being

resolved to be involved in no failure of duty by postponing meas-

ures which can only be efficiently carried out under the circum-

stances by the greatest promptitude, I hereby proclaim to the

citizens of Baltimore, that in virtue of my powers and duties under

the Constitution and laws of the State, I have directed the proper

military officers to enroll and hold in readiness their respective

corps for active service at once, and especially on the approaching

day of election; and I have issued to them full instructions to

preserve the peace of the city, and to secure to the legal voters

their rights against the violence and intimidation of the lawless

ruffians who have disgraced the city, and outraged the elective

rights in the recent election.

In thus acting I have sought merely to discharge my duty and

insure to the citizen the right pledged to him by the Constitution

and the laws, and I earnestly invoke the moral support and aid of

all good citizens who value their government and its privileges.

Especially do I forewarn all persons against all illegal conduct

1 Governor's Message, 1858, 30.

223] Height of Know Nothing Success, 1857-1858. 79

in the obstruction of voters and admonish them of the serious

responsibility which awaits the infraction of the law.

It is to be seen if republicanism is adequate for its own protec-

tion. The Governor confidently relies on the loyalty of the citizens

of this great metropolis, and in the hearty readiness with which

they will co-operate in the vindication of the city and State from

an ignominious submission to lawless ruffians. If they do, all

parties will rejoice in the triumph of government, and every good

man that the pledges of the Constitution are not an empty mockery.

At all events, the Governor will do his duty, if constitutional author-

ity and law are not upheld and vindicated, the responsibility must

rest elsewhere.

But there is no reason to fear any adverse result. The Governor

will not question the fidelity of the military arm, or doubt its

ability for any emergency that may arise. The military officers

with whom I have consulted express their willingness to serve the

State, and I have no doubt of their sufficiency for the occasion;

and good citizens may confidently trust that their title to a consti-

tutional government will be fully redeemed.

Let all citizens, therefore, exercise their rights, abstain from dis-

order and violence, and trust in the genius of the Constitution and

the laws.

Let no man leave the precincts of his own ward, unless ordered

to do so by competent authority. Thus he will promote the fair-

ness of the election and avoid the just retribution that will be

dealt to those vagrant emissaries of disorder who wander from

polls to polls for the purpose of illegal voting, and to deter peace-

able citizens from the exercise of their rights; but it is the sincere

hope of the Governor, that the majesty of the law, supported by the

countenance of good citizens, will make the ensuing election a

signal triumph to those who believe in the capacity of the people

for self-government.

Given under my hand, at the city of Baltimore, this twenty-

eighth day of October, in the year of our Lord, one thousand

eight hundred and fifty-seven.

T. WATKINS LIGON.

By the governor.

J. PINKNEY, Secretary of State.

It looked as if the dilemma presented itself of the hind-

rance of the right of suffrage by armed ruffians or its

exercise under the protection of the bayonet, either of

which showed a deplorable state of affairs among a free

people.

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The authority of the Governor having been called in

question, both the Mayor and the Governor at once ob-

tained legal opinions as to the validity of their conduct.

Hardly any one paper in Maryland history contains such an

array of legal talent as the opinion upholding the action of

the Governor. At the head stood Reverdy Johnson, who had

been United States Senator in 1845 an d Attorney-General

of the United States in 1849, an d who was again United

States Senator in 1863 and minister to England in 1868.

Then came the name of John Nelson, who had been Attor-

ney-General of the United States under President Tyler,

and minister to Naples under Jackson. Following these was

R. N. Martin. Then followed John V. L. McMahon, the

Maryland historian, and also the author of the charter of

the Baltimore and Ohio Railroad Company. Then came

the names of Charles F. Mayer and I. Nevett Steele, both

of whom were typical of the old Maryland bar. George

William Brown, the next signer, was Mayor of Baltimore

in 1860, and was afterwards Chief Judge of the Supreme

Bench in Baltimore. Three more eminent lawyers, F. W.

Brune, Jr., J. Mason Campbell and S. Teackle Wallis com-

pleted the list. The Mayor did not have quite so formid-

able an array of legal talent, his action being upheld in an

opinion by J. Meredith, William Price and Thomas S.

Alexander.

Having completed these arrangements, the Governor

again endeavored to secure the co-operation of the Mayor,

and for this purpose he wrote to him as follows :

BARNUM'S HOTEL,

Baltimore, October 28, 1857.

HON. THOMAS SWANN,

Mayor of Baltimore.

SIR: I have just received your reply to my letter of yesterday,

and beg to say that your views of our respective powers and duties

do not accord with my own.

Clothed with the authority to see that the laws are executed

throughout the entire State, I cannot comprehend how the city of

225] Height of Know Nothing Success, 1857-1858. 81

Baltimore or its Mayor recognizes no subordination to the State

Executive. His power is created by the Constitution; that organic

instrument also defines his duties. Has the Mayor of Baltimore

any co-ordinate position in that charter, or are not his authority

and that of his city the mere endowments of ordinary legislation?

I am mortified and pained to notice that spirit in a municipal

agent of the Government, which, if generally adopted, would sub-

vert the whole theory of our institutions and end in jealous rivalries

among the chain of officials. Under your view it would seem that

any officer of a municipality elected by the people became by that

circumstance subordinate to no one, and only accountable to them

for the manner in which "he" discharged "his trust."

I will not indulge in any protracted repetition of an error which

must rather be the growth of official sensibility than of mistaken

conceptions of constitutional position. The natural sequel of such

an error is the further implication that my powers and duties are

to be initiated into activity by the discretion of municipal subordi-

nates. Do you thus await the application of your subordinates?

If not, why not? Simply because you are sworn to see the laws

executed, and whilst in general you confide in the fulfilment of their

duties, you still hold in reserve those powers of supervision, which

are made necessary by the fact that these subordinates may not

recognize their own defaults, and their serious bearings on the

general welfare.

Is not the city filled with clubs of lawless and violent partisans,

whose very appellatives brandish defiance at order, and make the

peaceable prefer to surrender rights rather than claim them at the

risk of life. Sir, is there no law or no authority somewhere to

curb the one class and shield the other? If the ordinary civil power

of the city is insufficient, what is the inevitable deduction? Is

it not better that you should admit its inadequacy, and be cordially

grateful that the Constitution has supplied other powers, and per-

mitted for your aid that Executive to interfere who has not been at

all complicated in past animosities?

You mention in your communication that one of your policemen

was "murdered" at the recent election. What guarantee is there

that a similar occurrence may not happen again at the approaching

election, unless more adequate arrangements are prepared for the

suppression of lawlessness? I have not come here to empower

assaults upon your police, but to protect them, and invigorate

every arm that will be sincerely extended in behalf of individual

security and constitutional liberty. And I feel that it is a circum-

stance of just mortification that a State Executive who has re-

paired to a city in which the press has not hesitated to declare

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that the recent election was a "mockery" from the intimidation to

voters, should be asked by its municipal head to furnish him with

"any reliable evidence upon which I can legally act, of a combina-

tion on the part of any of our citizens to obstruct the laws at the

coming election."

Is there no such thing as a fact? Does the spirit of party blind

municipal officers to that condition of things which all fair-minded

citizens recognize? Are there not daily and nightly murders?

It is to be deeply regretted that we should be at all separated in

the performance of our duties for ensuring to the citizen his legal

rights which violence has thus overawed, and that you decline to

"recognize any joint administration of the affairs of this city," when

I tender you the Executive co-operation. This fearful responsi-

bility you have taken. I believe that a just-minded community

will severely censure this false independency as not consistent

with our relative official positions or consonant with that spirit

of union which should unite all good men against the bad and law-

less. But however this may be, I announce to you respectfully,

that I shall nevertheless see that the laws are ''faithfully executed"

by every constitutional power.

I feel assured that this community and the State will see in this

conduct a spirit of no intrusive interference, but rather that impera-

tive duty which they have a right to expect.

Entertaining none but the most friendly feelings to yourself,

personally, and desiring that successful administration by you of

your civic duties which will redound to the credit of the city

and State, I again renew my solicitation for your cheerful co-

operation with the Executive, and hope that on a revision of your

opinion, you will not see any derogatory subordination which

will prevent you, as the municipal head of the city, from uniting

in a harmonious effort to assert the supremacy of the laws. 1

Very respectfully, your obedient servant,

T. WATKINS LIGON.

The Mayor, however, felt no disposition to co-operate,

and the following curt note sent in reply showed that the

Mayor had no intention of prolonging the controversy :

MAYOR'S OFFICE, CITY HALL,

Baltimore, October 29, 1857.

To His EXCELLENCY, T. WATKINS LIGON,

Governor of Maryland.

SIR: I have had the honor to receive your letter of yesterday's

date, by the hands of your secretary.

1 Governor's Message, 1858, 41.

227] Height of Know Nothing Success, 1857-1858. 83

I feel no disposition to discuss the relative powers of your office

and mine, or the other points referred to in your letter.

Your Excellency has thought proper to visit the city, and upon

representation which you have deemed sufficient, to place its inhab-

itants under military supervision. The responsibility is with your

Excellency.

In the exercise of my functions I shall be governed by the

authority of the law, and, I trust, by the support of the entire com-

munity.

With great respect, I have the honor to be,

Your obedient servant,

(Signed) THOMAS SWANN, Mayor. 1

In the meantime the military arrangements of the Gov-

ernor had not prospered, and, to use his own words, "that

class of citizens from whom military service was mainly

to be expected exhibited first, indecision, and at last, un-

willingness to respond to the call which had been made

upon the community." 2 During all this time the city was

in a high state of excitement over the prospective use of

military force. The situation, indeed, seemed very critical

by reason of the conflict between the city and the State au-

thorities. To overcome this danger a committee of citizens

waited upon the Mayor to persuade him to make arrange-

ments to satisfy the demand of the Governor. As a result

the Mayor agreed to appoint two hundred special policemen

from the members of both parties, although he would not

agree to appoint half the number from among the Demo-

crats. 3 At the same time he issued the following proclama-

tion :

PROCLAMATION.

BY THE MAYOR OF BALTIMORE:

With a view to preserve order at the polls, at the election to be

held in this city on the fourth of November next, I deem it my duty

to issue this proclamation to the citizens of Baltimore, in order

that the position of the city government may not be misunderstood.

The following order will be strictly observed:

1 Governor's Message, 1858, 24, 43. 2 Ibid. t 24.

3 American, November 2.

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The police detailed for the various precincts will carry out all

orders directed to them by the judge or judges of election, and

see that the polls are kept open and unobstructed.

They will arrest and promptly convey to 'the nearest station all

intoxicated or disorderly persons, who may be found at or near the

polls.

They will seize and convey to the nearest station all firearms

which may be exhibited at the polls or used to intimidate persons

from voting.

They will arrest all carriages passing through the streets with

rioters or disorderly persons, and order them to be driven to the

station.

On the occurrence of any serious disorder, or an attempt to ob-

struct the polls by any party or parties whatsoever, the judges of

election or either of them are respectfully requested to dispatch

a messenger immediately to the Mayor's office in order that the

same may be promptly arrested.

The citizens generally are respectfully requested to report at once

any case of delinquency on the part of the police.

Omnibuses will be in readiness at the Central Station to convey

an adequate force to any part of the city where a disturbance may

take place, or an attempt is made to interfere in any manner with

the free right of suffrage.

The police are instructed to see that all drinking houses are

closed on the day of election, and to report all who refuse to obey

this order.

There will be ten special policemen, in addition to the regular

force, who will be commissioned by the Mayor to lend their aid in

preserving order at the polls.

As Chief Magistrate of the city of Baltimore, I call upon all good

and order-loving citizens to co-operate with me in carrying out the

details of this proclamation. J

THOMAS SWANN, Mayor.

These arrangements having been communicated to the

Governor, and the citizens committee, some of whom had

signed the opinion affirming the legality of the Governor's

action, having informed the Governor that they thought

the arrangements of the local authorities sufficient, 2 the

Governor gave way, and in a new proclamation renounced

all intention of using military force :

1 Governor's Message, 1858, 44. \* Ibid., 45.

229] Height of Know Nothing Success, 1857-1858. 85

PROCLAMATION.

BY THE GOVERNOR OF MARYLAND:

I, T. Watkins Ligon, Governor of the State of Maryland, hereby

make this proclamation to the citizens of Baltimore:

Being satisfied that the extraordinary and additional arrange-

ments made by the Mayor of the city of Baltimore, and with

which he has more fully acquainted me, will afford to all citizens

personal protection, and a fairness and impartiality calculated to

remove all distrust as to the freedom of the elective franchise on

Wednesday next, and the object of my official intervention having

thus, in my own judgment, and in that of a large number of re-

spectable citizens whom I have consulted, been secured.

I do hereby proclaim and give notice that I do not contemplate

the use, upon that day, of the military force which I have heretofore

ordered to be enrolled and organized.

And I do hereby call upon and solemnly enjoin all good citizens

to unite with and support the constituted authorities of the city

in maintenance of order and the law.

Given under my hand, at the city of Baltimore, this first day

of November, in the year of our Lord one thousand eight hundred

and fifty-seven. \*

T. WATKINS LIGON.

By the Governor,

J. PINKNEY, Secretary of State.

The undersigned, having been called by his Excellency, the Gov-

ernor of Maryland, into consultation with him, touching the meas-

ures that ought to be adopted for supporting the laws of the city

of Baltimore, at the approaching election, and we having been

made fully acquainted with all the facts and circumstances which

have attended the subject, have fully concurred in all the views and

measures which he has felt it to be his duty to take, from first to

last.

W. H. D. C. WRIGHT,

ROB'T CLINTON WRIGHT.

Baltimore, November i, 1857.

With the two following brief notes ended an incident

which at one time threatened to lead to a serious conflict

1 Governor's Message, 1858, 4.6.

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between the Governor of the State and the Mayor of Balti-

more:

Baltimore, November i, 1857.

To THE HON. THOMAS SWANN,

Mayor of Baltimore.

SIR: It is a matter of extreme gratification to me that you have

communicated to me the extraordinary and additional arrangements

by which you propose to preserve order at the coming election.

Seeing in these the composition of a special police, which affords to

all citizens the promise of personal protection, and also of a fair-

ness and impartiality calculated to remove all distrust as to the free-

dom of the elective franchise on that day, it gives me great pleasure

tp say that I now contemplate no use of the military force which

I have ordered to be enrolled and organized.

I have the honor to be, sir, your obedient servant,

T. WATKINS LicoN. 1

MAYOR'S OFFICE, CITY HALL,

Baltimore, November i, 1857.

To His EXCELLENCY, T. WATKINS LIGON,

Governor of Maryland.

SIR: I have the honor to receive your letter of this date. It

affords me pleasure to know that your Excellency is satisfied with

my arrangements for preserving order at the coming election. The

assurance which you have given me that you do not now contem-

plate the use of the military force, which you have ordered to be

enrolled and organized, enables me to anticipate a quiet and peace-

able election, which, I am sure, will be as agreeable to your Excel-

lency as myself.

I have the honor to be, with great respect, etc.,

THOMAS SWANN, Mayor. 2

The withdrawal of the Governor quieted the excitement

to some extent, and the election was marked by neither

riot nor bloodshed. 3 But while these factors were absent,

fraud and intimidation were carried on in a manner only

equalled by the later elections of this same party. The

police made no attempt to protect voters, and when men

were assaulted the police either arrested them or took

1 Governor's Message, 45. 2 Ibid., 46.

3 Sun, American, November 5, 1857.

231] Height of Know Nothing Success, 1857-1858. 87

them aside and endeavored to persuade them to leave the

polls. 1 The assailants in almost every case were not even

molested, and one officer who did try to protect the voters

in their exercise of the suffrage found himself recalled to

the station house as a result of his pains. 2 The special

police appointed by the Mayor found themselves powerless

when unsupported by the regular officers, and even in

some cases they were told to leave the polls, as they had no

business there. 3 The result was that before the day was

over many of them tendered their resignations to the

Mayor. 4

At this election the Know Nothings again made use .of

the device they had learned from the Democrats in the

municipal election in 1854. The Know Nothing ticket

had a red or pink stripe down the back and the voter that

did not have this ticket had a hard time in getting to the

window. 5 The roughs at the polls had a regular system of

signals to indicate the reception to be accorded to the

voter. As the voter approached the polls he was solicited

by the party workers, and if he voted the Know Nothing

ticket they would cry out: "Clear the way, let the voters

come up." Having thus been vouched for he was allowed

to vote. But if he declined the red-striped ticket, they

would shout: "Meet him on the ice," and then the voter

was generally pushed away from the window and into the

street. 6

The polling places were also situated in many cases away

from the most populous parts of the ward and in the neigh-

borhood of political headquarters and disreputable grog

shops. 7 At one polling place a cannon was mounted at

the curb as a dire menace to the opponents of the Know

Nothings. 8 Not only was intimidation resorted to, but a

1 " Maryland Contested Election," 29.

2 Ibid., 113 and 114. 3 Ibid., 37.

4 American, November 5. 5 "Maryland Contested Election, ' ' 54.

6 Ibid., 107. ''Ibid., 34, 20, 815. 8 Ibid., 20.

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more positive means of fraud was practiced by minors and

repeaters. 1 Indeed in many cases the judges, knowing the

votes to be illegal, received the ballots, and then threw them

on the floor as the only means of getting rid of these im-

portunate voters. 2 The Eighth ward the Know Nothings

seem to have tacitly surrendered to their opponents, and

the latter did not hesitate to drive the Know Nothing

ticket holder away. 8 That fraud was practiced here is

evident from the fact that the total vote in 1860 was only

1266, while the Democratic vote in 1857 was 2135. The

absence of serious riot is probably due to the fact that this

ward was left in undisputed sway of the Democrats.

With such intimidation, it is almost needless to state

the result of the election. Hicks, the Know Nothing candi-

date for Governor, received in the city 17,850 votes, as

against 8211 for his opponent, Groome. It was well for

him that the city gave him such a majority, for the rest of

the State gave his opponent a clear majority of 1179. The

other State officials and four Congressmen out of six were

also elected by the Know Nothings. 4 The Legislature also

continued in the control of the Know Nothings, the latter

having a clear majority in both houses. 5

An election conducted in such a manner was not to

pass unquestioned. On November 25, Mr. William Pinck-

ney Whyte, the Democratic candidate for Congress in the

third district, notified his successful opponent, Mr. J. Mor-

rison Harris, of his intention to contest the election. 6 On

February 25, 1858, the papers in the case were presented

to the House of Representatives and referred to the Com-

mittee on Elections. 7 After considering the thousand

printed pages of testimony offered, the committee reported

1 "Maryland Contested Election," 127, 128. 2 Ibid., 25.

3 Ibid., 876. \*Vide election returns in " Tribune Almanac, 1858."

5 Senate: Know Nothings 15, Democrats 7. House: Know

Nothings 44, Democrats 29.

6 " Maryland Contested Election," i.

7 Cong. Globe, 35th Congress, ist Session, 102.

233] Height of Know Nothing Success, 1857-1858. 89

unanimously in favor of denying the seat to Mr. Whyte, 1

but by a strict party vote of five to four it recommended

that the election be declared void and the seat vacant. 2

On December 15, 1858, the report was presented to the

House. 8 The House was Democratic, but some of the

Southern members were afraid to unseat the sitting mem-

ber, as the Know Nothing leaders said that the contestant

could not be elected, and that if the sitting member was

ousted an anti-slavery man would be sent from the district.

The Kansas question was then uppermost, and the Southern

men were endeavoring to have Kansas admitted under the

Lecompton Constitution. The threat of the Know Noth-

ing leaders had the desired effect, and when the question

came up in the House the whole subject was ordered laid on

the table by a vote of one hundred and six to ninety-seven. 4

and no further action was taken upon it. The Southern

Democrats thus showed that they were willing to sacrifice

everything, even the freedom of elections, the very founda-

tion of republican government, in order to further the in-

terests of slavery. In justice to Mr. Harris it should be

stated that neither Mr. Whyte nor the Committee on Elec-

tions connected him in any way with the fraud and disorder. 5

Later in the sesion the House allowed Mr. Whyte pay and

mileage up to the time the case was disposed of. This how-

ever, was not accepted.

Henry P. Brooks also contested the seat of Henry Winter

Davis, in the Fourth Congressional District. The con-

testant did not claim the seat, but merely asked that it be

declared vacant, and asked that the House make a special

investigation of his statements. 6 This the House refused to

1 American, June 7, 1858. 2 Ibid.

3 Cong. Globe, 35th Congress, 2d Session, 102.

4 Cong-. Globe, Part I, ad Session, 35th Congress, 102-3, I2 -

5 " Report of the Committee on Elections," 38.

6 Bartlett: " Contested Election Case in Congress." House Mis-

cellaneous Documents, No. 57, 38th Congress, 2d Session, 245.

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do, declaring that the contestant must take his testimony

before a local magistrate as provided for by the Act of I85I. 1

The defeated candidates for the House of Delegates from

Baltimore also contested the seats of the members as re-

turned by the election officials. On January 21, 1858, the

House received the memorial,- and after refusing to have

it printed in any form, referred it to the Committee on

Elections. 3 On February 16 the committee reported against

any investigation of the election in Baltimore, saying

that all the trouble was caused by the action of the Gov-

ernor. 4 The minority of the committee made a dissenting

report, 5 but the report of the majority was adopted by the

House by a strict party vote of thirty-nine to twenty-six. 6

The second Legislature controlled by the Know Nothing

party met at Annapolis on January 6, 1858. The previous

Legislature had failed to carry out the demands of the party,

and consequently many new faces were seen upon the

Know Nothing side of the House of Delegates. In fact,

there were only two members of the dominant party who

had also been members at the previous session. The re-

mainder were mainly raw and inexperienced, very few of

the minority ever having had any legislative experience. 7

The House organized by electing J. Summerfield Berry,

of Baltimore County, as Speaker, 8 and the Senate chose

as its presiding officer Edwin H. Webster, of Harford

County. 9

At this session, as at the previous one, the Governor's

message was the occasion of the first disturbance of the

even tenor of legislation. The Governor committed the

indiscretion of giving his message to the newspapers before

it had been presented to the House. 10 Accordingly when

^artlett: "Contested Election Case in Congress." House Mis-

cellaneous Documents, 38th Congress, id Session, 246.

\* House Journal, 1858, 101. \* Ibid., 102. \* Ibid., 396.

5 Ibid., 397. 6 Ibid., 399. ^American, March 13, 1858.

8 House Journal, 1858, 6. 9 Senate Journal, 1858, 4.

10 Sun, January 9, 1858.

235] Height of Know Nothing Success, 1857-1858. 91

the message was presented to the House, on January 8,

that body refused to have it read and ordered it to lie on

the table by a strict party vote of forty-one to twenty-eight. 1

At the next meeting of the House the message was read, 2

but the temper of the House was manifested when it ordered

only one hundred copies to be printed for the use of the

members. 3 Not until February 17 were five thousand

copies, together with the correspondence between the

Mayor and the Governor, ordered to be printed. 4

The strict party vote on the question of reading the mes-

sage showed that it was not the dignity of the House which

had been offended, but merely the feeling of the majority.

This was caused, not by the premature publication of the

message, but by the reference in it to the conduct of elec-

tions in Baltimore. Under the heading, "Lawlessness in

Baltimore," the Governor devoted twelve pages of his mes-

sage to an account of the recent election in Baltimore, and

his own futile efforts to exercise the authority of the State

Executive for the preservation of the peace. 5 Commenting

upon the election in the metropolis of the State, he said :

"A form of suffrage was observed under circumstances

defiant of the execution of the laws. Riot in its vociferous

and most formidable aspect did not occur, but I was

made the recipient of almost ceaseless complaints of out-

rages, violence and organized ruffianism at the polls,

whereby multitudes of citizens, native and naturalized, were

deterred from voting. 6 \* \* \*

" \* \* \* Before I leave this branch of the subject, I

must take occasion to remark, that under a sense of duty,

not left to my discretion, I have issued commissions to all

those persons who appear by the official returns from the

city of Baltimore to have been elected to the various offices.

At the same time I record my deliberate opinion that the

1 House Journal, 1858, 19. \* Ibid., 27.

3 Ibid., 29. 4 Ibid., 407 and 408.

5 Governor's Message, 1858, 21, et seq. 6 Ibid., 27.

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election was fraudulently conducted; that in the exclusion

of thousands of people from the polls, there has been no

expression of the popular will; and that the whole of the

returns from this city are vicious, without a decent claim

to official recognition anywhere, and in all their charac-

ter a gross insult to our institutions and laws, and a most

offensive mockery of the great principles of political inde-

pendence and popular suffrage." 1

Such a denunciation of the election by which a number

of the members of the House had been returned could not

fail to stir up bad feeling. On the day after the message

was read a preamble and resolutions were offered, 2 censur-

ing the Governor for his interference. The allegations of

the Governor were denounced as a "libel upon the people

of that great commercial metropolis of our State," 3 and the

interposition of the Governor characterized as "ill-advised,

reckless, unnecessary, and dangerous to the peace of the

city." 4 The expression used in the Governor's proclama-

tion, "let no man leave the precincts of his own ward," was

pronounced "without authority of law, a flagrant invasion

of that personal liberty so dear to every American heart,

and, sustained as it was by such an exhibition of intention

to use military force, was an act of despotism unparalleled

in the annals of our country." 5

When the resolutions came up the debate over them was

long and angry. On the night of January 22, the debate

was particularly exciting and acrimonious, and the House

was in session until i o'clock in the morning. The House

was in committee of the whole, when one of the minority

persisted, in spite of the orders of the chairman, in inter-

rupting a member who was giving vent to some very severe

denunciations of the Governor. The member still con-

tinuing his interruption, the chairman, in the excitement,

left the chair and advanced upon the member and declared

1 Governor's Message, 1858, 28. \* House Journal, 1858, 37.

9 Ibid., 39. ^ Ibid. ''Ibid.

237] Height of Know Nothing Success, 1857-1858. 93

that he would compel him to take his seat. A scene of

wild disorder and confusion followed. Many of the mem-

bers were known to be armed, and it seemed as if serious

trouble would ensue. Just at this moment the Speaker

sprang into the chair, declared the committee dissolved,

and called the House to order. 1 The previous question

having been called, the resolutions were passed by a strict

party vote. 2 The Senate also adopted the resolutions by

a party vote of ten to four. 3

The dominant party let no opportunity escape for de-

nouncing the action of the Governor. The House com-

mittee on the Contingent Fund censured the Governor for

his expenditure of $1712.44 for freight on the muskets bor-

rowed from the Governor of Virginia, and for the pur-

chase of cartridges. 4 The majority of the committee pro-

tested against such a use of the State's money, 5 but as the

Governor was the sole judge of such expenditures, the

House could take no further action. Governor Hicks, in

his inaugural address on January 13, 1858, also took oc-

casion to pay his respects to his predecessor for his action

in the election in Baltimore. 6

Although the membership of the House had been almost

entirely changed, yet the majority in the House, just as in

the preceding one, seemed to care very little for the pet

principles of the party. Indeed, public sentiment seems to

have changed. Whereas, in the Legislature of 1856 num-

erous petitions had been presented praying for the sup-

pression of convents and nunneries, 7 at this session the only

petition of this kind was from the Rev. A. B. Cross, who

had been so active in the previous agitation. 8 The peti-

tion was referred to the Committee on Judiciary, 8 from

1 "Baltimore, Past and Present," 190, 192.

\* House Journal, 121, et seq. 3 Senate Journal, 1858, 152.

\* House Journal, 1858, 477, House Document, L, i. 5 Ibid., 2.

6 Vide Inaugural Address, 10-12.

T House and Senate Journals, 1856, passim.

8 House Journal, 1858, 281. Ibid., 282.

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whicH it never emerged. Nor did a bill to prohibit the

State courts from granting naturalization certificates share

a much better fate. The bill got as far as its second read-

ing, but a motion to suspend the rules for its third reading

was lost, 1 and the bill was heard of no more.

If the Legislature was lax in these original precepts of

the party, it was not at all slow in passing a measure which

might look to a perpetuation of the power of the party.

This measure was to submit to the voters the question of

calling a convention to frame a new Constitution. 2 While

the existing Constitution had been recognized as not being

all that could be desired, 3 yet there had been no agitation

of the subject during the preceding campaign, nor had it

been demanded by the people. The Constitution provided

that after each census the question of calling a Constitu-

tional Convention should be submitted to a vote of the peo-

ple. 4 This would bring up the question in the regular

course of events in 1861, and after seven years' service it

seemed strange to call a new convention within three years

of the regular time.

The real object of the proposed convention, it was

charged, was to provide offices for the Know Nothings by

concentrating the appointing power in the hands of the

Governor. 5 It was also charged that representation was to

be placed exclusively upon a basis of population. This

would give Baltimore one-third of the Legislature, and the

clubs in that city were to ensure the supremacy of the Know

Nothings. 6 It was further stated that the independence of

the judiciary was to be attacked, and that the removal of

the seat of government to Baltimore was also contemplated. 7

The suddenness of the movement was enough in itself to

throw suspicion upon it.

1 House Journal, 1858, 657. 2 Ibid., 546.

3 "The Reform Conspiracy" Letters by E. W. Belt, 22.

\* Constitution 1850, Art. XL

5 Maryland Union (Frederick), March n and May 20, 1858.

6 Ibid., March n. 7 Ibid., May 13 and 20.

239] Height of Know Nothing Success, 1857-1858. 95

On March i and 2, the bill was taken up in the House,

and the action on the amendments offered seemed to verify

the charge of its opponents. An amendment providing

that the convention should not be held unless "a majority

of the actual legal voters of the State shall vote 'for' the

said convention; and the said majority shall be computed

with reference to the total vote cast for Governor in the

year 1857 as a standard," was voted down by a vote of

twenty-two to thirty-three. 1 Further amendments 2 deny-

ing to the convention the power to change the basis of

representation of the counties and of the city of Baltimore

in the General Assembly; 3 denying the pOAver to alter any

part of the existing Constitution giving the people the right

to elect the principal officers in the several departments of

the Government; 4 and one denying any power to remove

the capital from Annapolis were all voted down by a party

vote. 5 An amendment proposing that the convention

should have no power to amend the guarantees of reli-

gious liberty as set forth in the Constitution and Bill of

Rights was also rejected by a party vote of twenty to thiry-

nine. 6

The House had denied the right of the Legislature to

restrict the convention in the exercise of its power, but it

was not consistent, to say the least, when it adopted an

amendment declaring that the convention should have no

authority to change any provisions of the existing Consti-

tution which recognized the institution of slavery and the

relation of master and slave. 7 The bill with this amend-

ment passed the House by a vote of forty-four to twenty-

three. 8

In the Senate the same amendments and a few additional

ones denying the right of any further lottery grants, 9 and

1 House Journal, 1858, 658. 2 Ibid., 673, et seq.

3 Ibid., 67 5. \* Ibid., 676.

5 Ibid., 677. 6 Ibid., 678 and 679.

1 Ibid., 673, 674. 8 Ibid., 806.

9 Senate Journal, 1858, 533.

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providing that no life terms should be created were all re-

jected by a party vote. 1 The bill was then passed by a

vote of fifteen to six, 2 one of the Know Nothing Senators

voting against it." 3

This was the only piece of legislation of any importance

passed during the entire session. The legislation was

almost entirely in the nature of private and local bills. The

inexperience of most of the members caused a great loss

of time in determining the rules, and much time was lost

in the quarrels between the majority and the minority. 4

Nor were these the only quarrels, as there was friction

within the dominant party. The Clipper, the Know Noth-

ing organ in Baltimore, expected to get the State printing,

and with that end in view set up a printing office at An-

napolis. But the printing went elsewhere, and the Clipper

charged that "the man who furnished the barrel of whiskey

which defeated the Clipper for the printing of the House

never received a red cent." 5 It was no wonder that the

Clipper rejoiced when the Legislature adjourned and gave

"thanks to the Creator of all good that we have just passed

from an epoch shrouded in pestilential vapors blunting

the edge of our brightest hopes and spreading a pall over

the future energy and justice of State Legislatures." 6

The first event after the adjournment of the Legislature

was the vote upon the question of calling the Constitutional

Convention. The election excited comparatively little inter-

est, the main adherents of the convention being the Know

Nothing clubs, who endorsed the call with great unanim-

ity. 7 The influence of the party in the city was strong

enough to bring out a vote of 5404 for a convention and

3957 against it; the counties, however, came to the rescue

and the proposal was defeated by over 8000 majority. 8

1 Senate Journal, 1858, 532. \* Ibid., 534.

3 Daniel, of Somerset County. \* Clipper, March 13, 1858.

5 Clipper, March 18, 1858. 6 Ibid., March 25.

7 Clipper, May 24, 1858. 8 Clipper, June 4, 1858.

241] Height of Know Nothing Success, 1857-1858. 97

The year 1858 was essentially an off year in Maryland

politics. There was no election for State officials in this

year nor for Congressmen; and the entire interest was

centered in the town elections and in the municipal election

in Baltimore. Swann, after announcing that he would not

run again, 1 was finally persuaded to accept a renomina-

tion. 2 The Democrats seemed to be hopelessly demoral-

ized and resolved to make no nominations. 3 The oppo-

nents of Swann and Know Nothingism, however, met in

convention and nominated Col. A. P. Shutt for the Mayor-

alty. 4 The independents did not carry on a very vigorous

campaign and many persons supported Swann because "the

Know Nothings were driven to desperation and were bound

to win in any event." 5

The election was preceded by unusual quietness and a

peaceful election was looked forward to. 6 The election

was a repetition of that of the year before, there being

no rioting, but much intimidation and disorder. As in

the preceding year the opponents of Know Nothings held

the Eighth Ward, and citizens who were unable to vote in

other wards came to this one and cast their ballots. As

a result the independent candidate received in this ward

3428 votes out of his entire total of 4859.\* The marked

tickets were again used, and after the election Mr. Swann

had the complacency to say that he did not know that

these tickets were to be used until the night before the

election, when it was too late to print others. 8 At noon

the independent candidate withdrew from the contest, no

longer wishing to endanger the lives of his friends at the

polls. 9 The result of the election was that Swann was

elected by a majority of 19,144 out of a total vote of 24,003.

1 American, September 9, 1858. \* Sun, American, September 22.

3 American, August 6, 1858. \*Stm, American, October 13.

5 American, October, 16, 1858. 6 Ibid., October 13.

7 Sun, American, October 14 ; Sun, October, 29.

8 American, October 20, 1858. 9 Ibid., October 14.

7

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The City Council was Know Nothing with the exception

of one member in each branch. 1

The outcome of this election was a nominal reorganiza-

tion of the police force by Mayor Swann, 2 which, however,

had little effect in checking disorder and none whatever in

improving the conduct of elections. But more important'

than this was the organization of a "City Reform Associa-

tion" on November 2, for non-partisan nominations to city

offices. 3 It was this association which two years later

finally wrested the city from the rule of the Know Noth-

ings.

1 Sun, American, October 14. 2 American, October 20.

3 Sun, American, November 3, 1858.

V. DOWNFALL OF KNOW NOTHINGISM.

1859-1860.

As in other years the spring months of 1859 showed no

great political activity in either party. The State Council

met on April 6, and adopted resolutions repudiating sec-

tionalism of all kinds, both abolitionism at the North and

sectionalism at the South. 1 In the Democratic party fealty

had evidently disappeared and the party machinery had

fallen into a state of "innocuous desuetude." 2 While there

was not much political excitement in these months, yet the

disorder and lawlessness grew apace. 3 What efforts the

police made to check this disorder were rendered nugatory

by the action of the Judge of the Criminal Court, who was

notorious for his loose habits and disregard of all the con-

ventions of civilized society and the dignity of a court. 4 A

Judge who treated the ruling of the Court of Appeals with

contempt, 5 and who was frequently picked up by the night

watch for his convivial habits, could hardly inspire much

respect for the majesty of the law.

The Know Nothings having conquered and disheart-

ened their Democratic opponents, they now began to fight

among themselves. At the primary elections held to elect

delegates to the City and Legislative Conventions the fac-

tions in the party fought each other as cordially as they had

fought the Democrats in the previous campaigns. Open

intimidation was practiced to such an extent that the re-

spectable members of the party were driven from the polls

1 American, April 7, 1859. \* Ibid., February 3, 1859.

3 Clipper, June 30 ; American, July 7.

\* American, September 15, 1858.

5 Testimony before the Committee of the House of Delegates, 12.

American, February 2, 1859.

99

100 History of Know Nothing Party in Maryland. [244

and the party was left to the tender mercy of the clubs. 1

The disorder was so marked that notice was taken not only

in the newspapers of other cities, and in some cases greatly

exaggerated, but a report of the disorder also found its way

into the London Illustrated News. 2

Within a short time the Know Nothings had put candi-

dates in the field for all the offices. The Democratic party

seemed utterly powerless, and some opposition was abso-

lutely necessary, as the recurring disorder threatened to

injure the trade of the city and to prevent merchants from

visiting it to make purchases. 3 Accordingly the American,

on August 26, demanded that a town-meeting should be

held to consider the condition of the city. The matter was

given in charge of a committee of citizens and a call was

issued for a meeting to "devise some means to rescue our

city from its present deplorable condition." 4 At this

meeting, which was held on September 8, it was resolved

that the president of the meeting should appoint a central

committee of one from each ward to have charge of the

election arrangements and to make nominations. 5

This meeting called forth a counter, demonstration on the

part of the Know Nothings, and Henry Winter Davis took

care to pick to pieces the address issued by the Citizens

Committee. In this address the committee had used the

words "to devise some means of rescuing the city from its

present deplorable condition." In commenting upon the

use of the word "rescue" Davis took occasion to denounce

it as an attempt to establish a vigilance committee and to

overthrow the regularly constituted authorities. 6 His

adherents were not slow to grasp his meaning and the

usual amount of disorder prevailed at the municipal elec-

1 American, August 3 and 18 ; Sim, August 19, 1859.

2 London Illustrated News, August 20, 1859.

3 American, September 9, 1859.

4 Ibid., August 30, 1859.

5 Sun, American, September 9, 1859.

6 American, September 6, 1859.

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tion on October 13. But in spite of fraud the reform party

succeeded in electing six members of the City Council. '

Most of the interest, however, was centered in the State

election about three weeks later. About a week before the

election the clubs held a grand rally in Monument Square,

and the transparencies gave evidence of what could be ex-

pected at the coming election. At the preceding munici-

pal election the shoemaker's awl had been introduced as an

element of persuasion, and this instrument formed the sub-

ject of many of the designs. One of the clubs even had a

blacksmith forge on wheels with men at work making awls,

and Henry Winter Davis did not hesitate to address his

supporters with a huge awl four feet long hanging over his

head. 2

The mottoes were characteristic of what the party had

come to in the hands of the clubs, and gave evidence of an

open disregard for even an appearance of decency. One

paper stated that some were exhibited which no paper

would dare to print. 3 The following are selected as char-

acteristic : One of the transparencies contained the figure

of a man running with another in pursuit sticking an awl

into him. 4 Another represented an uplifted arm with a

clenched fist with the motto "With this we'll do the work/'

Still another was a picture of a bleeding head marked "the

head of a Reformer." But the transparency which prob-

ably most correctly represented the feeling of the majority

of the meeting was the couplet which read :

"Reform movement reform man,

If you can vote, I'll be d d." 5

It is hardly necessary to give the details of the election,

duplicating as they do those previously described. A new

1 Sun, American, October 14, 1859.

2 Ibid., October 28, 1859. "Testimony before a Committee of the

House of Delegates," 12.

3 American, October 29, 1859.

4 " Baltimore Contested Election," 352. 5 Ibid.

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departure was the use of the awl, which had been first

tried at the municipal election in October. Another cus-

tom which had never been used by the Know Nothings,

but which had existed before their time, was the use of

coops for voters. Voters, and many persons not legal

voters, were captured by the workers of the party and con-

fined in cellars and other convenient places. Often beaten

and robbed, the poor victims were thrown into these filthy

places where as many as a hundred and fifty men were

sometimes confined for several days without even the de-

cencies of civilized life. 1 It is a nauseating narrative

which reminds one more of the Middle Ages than of a free

country in the middle of the Nineteenth Century.

With such methods the success of the Know Nothing

candidates was assured and they carried the city by almost

twelve thousand majority. The remainder of the State,

however, went against them. Disgusted with the state of

affairs in Baltimore the counties went into the Democratic

column and the vote of the State, outside of Baltimore,

showed a majority of over nineteen hundred for the Demo-

cratic candidate for Comptroller. The Legislature was

also Democratic, the relative strength of the parties in the

House of Delegates being just the reverse of what it had

been two years before. 2

This election also gave occasion for several contests.

The defeated candidates 3 for the Legislature from Balti-

more filed notice of contest, 4 and the usual mass of testi-

mony was taken by a committee of the Legislature. The

Committee on Elections reported that there was no election

by reason of the disorder. 6 On the last day of the session

1 " Baltimore Contested Elections," 36, et seq., 145.

J House : Democrats 45, Know Nothings 29. Senate : Democrats

12, Know Nothings 10.

3 Adam Denmead, E. Wyatt Blanchard, Francis B. Loney, Hugh

A. Cooper, Isaac S. George, John J. Graves, Henry Stockbridge,

John F. Meredith, William Colton and William F. Burns.

4 House Journal, 1860, 10. \* Ibid., 706.

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the matter came up in the House, and the House by a vote

of forty-one to six adopted the report of the committee, de-

claring the seats to be vacant. Twelve of the minority

refused to vote on the ground that the testimony had not

been read in the House. 1

The defeated candidate for Comptroller likewise con-

tested the election of his successful opponent. 2 This con-

test was also decided by the House of Delegates, as that

body was vested with the power to decide contested elec-

tions to the office of Comptroller. 3 The contest hinged

upon the conduct of the election in Baltimore as the vote

of the State outside of Baltimore was 33,076 for Jarrett, the

Democratic candidate, and 30,584 for Purnell the Know

Nothing. In Baltimore the vote received by the two can-

didates was 5333 and 18,118, respectively. In the contest

of the defeated candidates for the House of Delegates from

Baltimore, the House had not seated the contestants, but

had merely declared the seats vacant, and the election void

by reason of fraud and violence at the election. 4 In this

case the House threw out the vote in Baltimore entirely,

but instead of declaring the office vacant, it decided that

Jarrett, the contestant, was entitled to the office as he had

received a majority of the votes in the State outside of Bal-

timore. 5

The resolution of the House, however, did not put Jar-

rett in possession of the office, although such was the evi-

dent intention of the law. When Jarrett appeared before

the Governor and tendered his bond and offered to take the

oath of office, the Governor accepted the bond, but refused

to administer the oath. 6 Consequently Jarrett could not

take possession of the office. In this way the Governor

overcame the action of the House of Delegates, as the

1 House Journal, 1860, 893. \* Ibid., 49.

3 Act 1853, chap. 244. Code of Public General Laws, Art. 35,

sec. 52. \* House Journal, 1860, 706, 893.

5 House of Delegates Document Y, 23-27. Journal, 894.

'17 Maryland Reports, 315.

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Know Nothing candidate, Purnell, had held the office for

the previous term and held over until his successor should

qualify. On May 8, 1861, Purnell resigned the office, and

the Governor appointed Dennis Claude. 1 On June 12, 1861,

the Legislature, then in extra session, passed an act author-

izing any Judge of the Court of Appeals to administer the

oath to Jarrett and to approve his bond. On July 9, Judge

James L. Bartol approved Jarrett's bond, and administered

the oath in conformity with the above statute. 2 Claude,

however, refused to vacate the office. The State Treasurer,

on July 29, refused to pay a warrant drawn by Claude in

favor of Thos. J. Wilson, and Wilson applied for a writ of

mandamus against the Treasurer. At the same time the

State prayed a writ of injunction against Harwood and Jar-

rett to prevent them from interfering with the incumbent,

Claude. It was on the injunction suit that the case came

to the Court of Appeals from the Equity side of the Circuit

Court for Harford County. 3

On October 8, 1861, the Court of Appeals decided the

case, and held Jarrett entitled to the office. In deciding the

case the following points of law were established. The

decision of the House of Delegates on such a contest must

be taken as final and conclusive, no matter what may have

been the reasons which induced such decision. The power

given to the House of Delegates is not a special or limited

jurisdiction, nor are its decisions liable to the reasoning

applicable to judgments of such tribunals, its jurisdiction

is the only entire and absolute one in such cases, and there

is no other tribunal which can review it. In case of a con-

tested election for the office of Comptroller, if the party

decided by the House of Delegates to be elected, fails to

qualify, by giving bond and taking the necessary oath of

office, the party holding under the previous election contin-

ues in office until the due qualification of his successor. In

1 17 Maryland Reports, 310, 324. 2 Ibid., 316.

3 State vs. Jarrett, 17 Maryland, 310.

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case the party so holding over resign, the Governor has

the constitutional power to appoint his successor, not, how-

ever, necessarily for the full period between the appoint-

ment and the next general election, but until the party

entitled to the office shall duly qualify. In case of con-

tested election to the office of Comptroller, the party de-

cided by the House of Delegates to be elected, is placed in

the same position as if he had been returned by the Judges

of Election, and if, by any defect in the law, or on the part

of its administrators, he is prevented from qualifying, it is

competent for the Legislature to pass an enabling act for

that purpose. When the party declared elected qualifies

after the resignation of the party holding over, and after

an appointment by the Governor, the appointment of the

Governor, in such case, is ad interim only, and the ap-

pointee is subject to be divested whenever the party

declared elected duly qualifies. 1

The new Legislature met on January 4, 1860. One of

the first matters to engage its attention was the question of

a proper police force for Baltimore, and one of the first acts

passed was one taking the control of the police away from

the Mayor, and putting it in the hands of a board of four

Commissioners elected by the Legislature. 2 At the same

time the Board was authorized to divide the city into elec-

tion precincts. 3 Those bills were among the earliest passed

by the Legislature, the Senate having passed the Police

Bill on January 28\* and the House on February 2. s In its

conduct on the Police Bill the Legislature went to an ex-

treme of partisanship and sectionalism which was charac-

teristic of the period. The Act contained a clause "that

no Black Republican or endorser of the Helper Book should

be appointed to any office under said Board." 6 This "Helper

1 State vs. Jarrett, 17 Maryland, 309.

2 Act of 1860, chap. 7. 3 Ibid., chap. 9.

4 Senate Journal, 1860, 130. 5 House Journal, 1860, 27.

6 Act 1860, chap. 7, sec. 6. Code 1860, Public Local Laws, Art. 4,

sec. 809.

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Book" was a book by H. Rowan Helper, a native of

North Carolina, and was written under the title of the "Im-

pending Crisis." The book advocated the abolition of

slavery more particularly with reference to the economic

aspects as regards the whites than with regard to humani-

tarian or religious considerations. 1 The book was first

published in 1857, and in 1860 it was largely used by the

Republican party as a campaign document. Over a hun-

dred and forty thousand copies were issued within four

years of its first publication. This action of the Legislature

showed that the Democrats were just as prescriptive as

they had charged the Know Nothings with being, as it

was just as much a part of the religion of the Abolitionist to

oppose slavery as it was for the Catholics to believe in the

Pope's supremacy. This section was repealed by the Act

of February 18, i862. 2

It is interesting to compare this section with that part

of the law which prescribed the oath to be taken by the

members of the Board of Police Commissioners. After

enumerating the duties of the Board, the following oath

was prescribed : "That in any and every appointment or

removal to be by them made to or from the police force

created and to be organized by them under this article, they

will in no case and under no pretext appoint or remove any

policeman or officer of police, or other person under them,

for or on account of the political opinion of such police-

man, officer or other person, or for any other cause or

reason than the fitness or unfitness of such persons." 3 While

the Commissioners were forbidden to appoint or remove

any policeman for political reasons, yet they were allowed

and even enjoined not to appoint any person who held cer-

tain political views.

1 H. R. Helper : " The Impending Crisis," v.

2 Act of 1862, chap. 131.

"Public Local Laws 1860, Art. 4, sec. 806. Act 1860, chap. 7,

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In addition to the Police Bill the Legislature petitioned

the Governor for the removal of Judge Stump, the Judge

of the Criminal Court in Baltimore, whose conduct had

done so much to encourage the lawless element. The Con-

stitution empowered the Governor to remove any Judge

upon the petition of two-thirds of the members of each

House of the General Assembly. 1 The Legislature, after

taking testimony, petitioned the Governor in due form,

and the Judge was accordingly removed from office. 2 This,

however, was not accomplished before the Judge had ap-

peared at the capital, and had a personal encounter with

one of the Senators relative to the Senate report. 3

The Legislature also passed a resolution censuring

Henry Winter Davis for voting for Pennington for Speaker

of the House of Representatives. 4 This resolution was

passed by an almost unanimous vote, the Know Nothing

members voting in favor of the resolution. 5 The action of

Davis was contrary to the position of the party in Mary-

land, even the Clipper joining in the universal condemna-

tion of Davis. 6 Davis retorted in his usual forcible style

in a speech in the House of Representatives. 7 After review-

ing the conduct of the Democratic party in the Legisla-

ture he scored it in the following language: "Sir, it has

always been the striking and marked peculiarity of that

Constitution 1850, Art. IV, sec. 4.

2 House Journal, 1860, 704. Senate Journal, 1860, 584, 637.

3 Clipper, March 8, 1860.

\*" Resolved by the General Assembly of Maryland, that Henry

Winter Davis acting in Congress as one of the representatives of

this State, by his vote for Mr. Pennington, the candidate of the Black

Republican party for the Speakership of the House of Representa-

tives, has misrepresented the sentiments of all portions of this State,

and thereby forfeited the confidence of her people." House Journal,

1860, 354.

5 Ibid., 355. Maryland Union (Frederick), February 16, 1860.

6 Clipper, February n, 1860.

'Cong. Globe, ist Session, 36th Congress. Appendix, 117.

"Speeches and Addresses of Henry Winter Davis," 125.

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party, which now accidentally and only temporarily pre-

dominates in the councils of Maryland, that they will allow

no opportunity to pass of what they call indicating their

entire fealty to the South, and that, sir, always consists in

exciting sectional strife, in mooting matters which men

ought not to argue, in libeling their neighbors, in endeav-

oring to make them hateful and disgusting to their fellow-

citizens, in giving an advertisement to the whole country

that everybody that is not a Democrat is an Abolitionist,

and that if any fanatics shall see fit at any time to come

within the limits of a Southern State for the purpose of

shaking and upsetting the solid foundations of society,

there would be found men who, if they feared to join them,

would yet sympathize with them. \* \* \* Agitation, clamor,

vituperation, audacious and pertinacious, are their weapons

of warfare. Of this spirit the Legislature of Maryland as

now constituted is the incarnation. It stands the embodi-

ment of that terrific vision of the Portress of Hell gate,

who to the eye of Milton

' Seemed women to the waist and fair

But ended in many a scaly fold

Voluminous and vast,' etc.

"And they, as false to their mission as the Portress of

Hell to hers, stand ready, for the purpose of retaining their

hold of power, to let loose on this blessed land the Satan of

demoniacal passion." 1

Then, turning to the Know Nothing members who had

voted for the resolution, he paid his respects to them in the

following terms : "I confess myself surprised that my own

friends, excepting four of them, voted for it. I fear that in

one evil hour some of them allowed themselves to be

frightened. I suspect some of them were afraid that they

should be called 'Abolitionists.' Subjected to the torture

of voting against a resolution which was supposed to be in

ll< Speeches and Addresses of Henry Winter Davis," 132.

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favor of Southern rights, or of deserting a friend, they

could not be expected to regard justice to me rather than

safety to themselves. So every man took care of himself.

Some voted for the resolutions who went through the elec-

tions on my shoulders. They did not know that when

they saw away the bough between themselves and the tree

they must fall. But, sir, it was a curious scene. The clerk

called the name of an American in the Legislature once,

and there was a pause; twice, and there was a shuffling;

thrice, and there was a hesitating response. Then there

was a period of blessed repose, when certain Democratic

names were called, and were responded to with that earn-

estness with which Democrats always respond when aim-

ing a blow at a political adversary. Then some unfortunate

Americans were called upon to vote. The gentlemen stood

first on one leg and then on the other, in sad doubt on

which to rest; gentlemen looked over their shoulders to

see if there were not some dust of a coming reprieve, some

rushed to inquire of friends whether they ought or ought

not to vote for the resolution; while there sat their inex-

orable and determined opponents, with their eyes glaring

upon them and their mouths open, sure of their prey after

the fluttering was over, and in they went. \* \* \* Sir, I

admire the audacity of the Maryland Democrat as much as

I deplore the weakness of the Maryland American." 1

Such a diminution of the power of the Mayor and City

Council as was effected by the law putting the control of

the police force in the hands of Commissioners appointed

by the State was not to pass unchallenged. When the new

Commissioners demanded the control of the police force,

the Mayor refused to acknowledge the constitutionality of

the Act creating the Board of Police Commissioners. The

new Commissioners accordingly, on February 10, 1860,

applied for a writ of mandamus in the Superior Court of

Baltimore. This being granted, the Mayor and City Coun-

1 " Speeches and Addresses of Henry Winter Davis," 137.

1 10 History of Know Nothing Party in Maryland. [254

cil took an appeal, and on April 17, a decision was rendered

by the Court of Appeals. 1 Upon the Act of 1860 and this

decision upon it rests the present government of the Balti-

more police. The main points laid down in this decision

were the following:

The attorney for the Mayor and Council argued that

the Legislature had no power to appoint the Commission-

ers, as this was an executive act, and the sixth Article of

the Declaration of Rights declared "that the legislative,

executive and judicial powers of government ought to be

forever separate and distinct from each other, and no per-

son exercising the functions of one of said departments

shall assume or discharge the functions of any other." In

ruling upon this point the Court held that the power of ap-

pointment to office is not, under our system of checks and

balances in the distribution of powers, where the people

are the source and fountain of government, a function in-

trinsically executive in the sense that it is inherent in and

necessarily belongs to the executive department. The sixth

Article of the Bill of Rights, "that the legislative, executive

and judicial powers of the government ought to be forever

separate and distinct from each other," is not to be inter-

preted as enjoining a complete separation between these

several departments. The design of this article is to en-

graft the principles there announced, on our system, only

as far as comported with free government. The Bill of

Rights is not to be construed by itself according to its lit-

eral meaning ; it and the Constitution compose one form of

government and they must be interpreted as one instru-

ment; the former announces principles on which the gov-

ernment about to be established will be based ; if they differ,

the Constitution must be taken as a limitation or qualifi-

cation of the general principles previously declared. If the

power of appointing officers is given to the Legislature, it

may be exercised notwithstanding the sixth Article of the

1 Baltimore vs. State, 15 Maryland, 376.

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Bill of Rights. Section 1 1 of Article 27 of the Constitution

confers on the Executive the appointment of all officers pro-

vided for, "unless a different mode of appointment be pre-

scribed by the law creating the office," and under this the

Legislature may designate the officers in the law creating

the offices. 1

The appellants further argued that the transfer of the

police force from the city government to the Commission-

ers was unconstitutional, because the charter of 1796 gave

Baltimore a local government with all the means necessary

for the purposes of government. Among these was a police

power to maintain the peace and security of the governed.

Furthermore, it was claimed that the Constitution in recog-

nizing the municipal corporation of Baltimore as part and

parcel of the organized government of the State, had placed

the charter beyond the reach of mere legislative power. In

passing on this the Court held that the fact that the Constitu-

tion mentions and recognizes the municipal corporation of

the city of Baltimore does not make the charter of the city a

constitutional charter, so as to place it beyond the reach of

legislative power. 2

In regard to that section in the law prohibiting Black

Republicans from holding any office under the Board, the

Court held that it was "obnoxious to the objection urged

against it, if we are to consider that class of persons as

proscribed on account of their political of religious opin-

ions. But we cannot understand, officially, who are meant

to be affected by the proviso, and therefore cannot express

a judicial opinion on the question." 3 The various other

objections urged against the law were all disposed of, and

the decision of the lower court in favor of the Commis-

sioners was affirmed. Chief Justice LeGrand delivered a

separate concurring opinion going more fully into some of

the points passed upon.\*

1 15 Maryland, 455-461. \* Ibid., 462-464.

. ,468. \*/rf., 470.

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With the police force in the hands of their opponents, it

was evident that the Know Nothings did not stand much

chance of success in the next election. In every other part

of the State they had been swept out, and only in Balti-

more did they still hold their sway. But when the control

of the police passed from them, their power in the city fell

like a house of cards. They themselves realized this, and

it was a question whether they should make a Mayoralty

nomination or make a fusion with the Constitutional Union

party, 1 which was the successor of the Know Nothings in

the border States between the North and South. Most of

the members of the party also supported the Constitutional

Union party in the national contest, but it was finally de-

cided to make a nomination along the old party line for

the Mayoralty. 2 Accordingly, Charles M. Keyser was

nominated as the candidate for Mayor. 3 Mr. Keyser, how-

ever, refused to accept the doubtful honor, and the Con-

vention reassembled on September 19, and nominated

Samuel Hindes. 4 The Reform Committee met on Sep-

tember 28, and nominated Mr. George William Brown for

Mayor, and also made nominations for the Council in the

various wards. 5

The campaign was the last fight of the Know Nothings,

who had long outlived any definite principles except an

endeavor to obtain public office. But while the party had

outlived its principles, it had not outlived its resource?,

questionable though some of them were. In the last year

of Know Nothing administration Druid Hill Park had been

purchased by the city, and it was arranged to dedicate this

great pleasure ground two days before the municipal elec-

tion with a grand celebration, including the participation

of a number of school children. 6 But the lucky star of the

1 American, September 3, 1860. 2 Ibid., September 6.

3 Sun, American, September 13, 1860.

4 Ibid., September 19 and 20. 8 Ibid., September 29.

6 Sun, October 6.

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Know Nothings had waned, and on the appointed day the

rain upset all the calculations of this great coup d'etat, and

the park was not formally opened until October IQ. 1

As the Know Nothings no longer controlled the police,

il was not possible for them to look for any aid in that quar-

ter, either in aiding or in countenancing their skillful man-

ipulations of the ballot box. Accordingly they adopted a

device which they calculated would mislead many voters.

The name of the reform candidate was George William

Brown, and the Know Nothings had a number of tickets

printed with the name of William George Brown upon

them, and on the day of election his name appeared in the

advertising columns of the American and Clipper as a can-

didate for Mayor. 2 The notice was brought to the Ameri-

can office late at night, just as the paper was going to press,

and the trick was overlooked. Otherwise the American

stated that the notice would not have been inserted. 3 The

Clipper had the complacency to deny any trick, and stated

that the name was all right, and that William George was

a citizen of the Fourteenth Ward. 4 The writer has been

informed that the latter part of this statement' is correct.

There is hardly any necessity for comment upon the

former.

The trick, however, deceived very few, as the fake candi-

dates received only twenty votes. Each ward had been

divided into three election precincts, and the election passed

off quietly and orderly. Brown received 17,771 votes

to 9>575 f r Hindes, and the entire Reform ticket was

elected in both branches of the City Council. 5 In the pre-

vious year the Know Nothing vote in the city had been

18,194 while that of their opponents was only 5250.

With this election ended the career of the Know Noth-

ings in Maryland, and, indeed, all over the country, for

1 Sun, October 20. ' 2 American, Clipper, October 10.

3 American, October n. \* Clipper, October n.

5 Sun, American, October n.

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elsewhere the Know Nothing party was only a memory.

In the presidential contest of 1860 the Constitutional Union

party adopted the "Do Nothing" position of the Know

Nothings on the slavery question, but not the rest of the

Know Nothing program. 1 Most of the Know Nothings

went into the Constitutional Union party, as it still repre-

sented the middle path between what seemed to be the

extreme parties. In the presidential election of 1860 the

vote of the four candidates in Maryland was : Bell (Con-

stitutional Union), 41,760; Breckenbridge, 42,482; Doug-

las, 5966 ; Lincoln, 2294. In Baltimore the vote was :

Bell, 12,604; Breckenbridge, 14,956; Douglas, 1503;

Lincoln, io83. 2

In the next year came the war, and everything was chaos.

Many of the turbulent spirits who had created so much dis-

order went into the army and utilized their rude energy in

a better cause than roughing elections. Afterwards the

Republican party absorbed most of the Know Nothings,

the line of descent being Whig, Know Nothing, Consti-

1<( WHEREAS, Experience has demonstrated that the Platforms

adopted by the partisan conventions of the country have had the

effect to mislead and deceive the people, and at the same time to

widen the political divisions of the country, by the creation of

geographical parties ; therefore,

"Resolved, That it is both the part of patriotism and of duty to

recognize no political principle other than the Constitution of the

country, the union of the States, and the enforcement of the laws, and

that as representatives of the Constitutional Union men of the

country in National Convention assembled, we hereby pledge our-

selves to maintain, protect, and defend, separately and unitedly,

these great principles of public liberty and national safety, against

all enemies at home and abroad, believing that thereby peace may

once more be restored to the country, the rights of the people and

of the States re-established and the Government again placed in

that condition of justice, fraternity, and equality which under the

example and Constitution of our fathers has solemnly bound every

citizen of the United States to maintain a more perfect union, establish

justice, insure domestic tranquility, provide for the common defense,

promote the general welfare, and secure the blessings of liberty to

ourselves and our posterity." " Tribune Almanac, 1861," 34.

8 Ibid., 49.

259] Downfall of Know Nothingism, 1859-1860. 115

tutional Union and Republican. Swann, who had been

Know Nothing Mayor for four years, first became a Re-

publican, and then went over to the Democrats, being wel-

comed into the Democratic ranks like a prodigal son, and

received the enthusiastic support of many who had bitterly

denounced him in former years. Another Know Nothing

who became a prominent Democrat was I. Freeman Rasin,

the late Democratic boss of Baltimore. Having gradu-

ated from the turbulent school of Know Nothing ante-

bellum politics, he has utilized his training in Know Noth-

ing methods with eminent success.

The period of the Know Nothing party in Baltimore will

always be looked back to as one of violence and disorder.

For this the Know Nothings were not altogether responsi-

ble. They were more of a condition than a cause of the

disorder. Outside of the police department and the fraud-

ulent methods in use at the elections, the administration

of the Know Nothings was good. The finances were well

administered, and a progressive policy of municipal im-

provement was undertaken. Under Swann especially was

the financial administration good. He had been president

of the Baltimore and Ohio Railroad, and had considerable

experience. Under him the various city departments were

reorganized and the office of Comptroller was created. 1

Various municipal enterprises, such as the purchase of

Druid Hill Park, the construction of a new jail, introduc-

tion of the paid fire department, with steam engines, and

the police and fire alarm telegraph were instituted or car-

ried to completion. These improvements would probably

have come in any event, but it is worth noting that the

Know Nothing administration in Baltimore was neither

retrogressive nor behind the spirit of the times. A rather

unique institution was the so-called "Floating School," es-

tablished by the Ordinance of May 30, 1855. This was a

nautical school to be used by the Board of Trade to train

sailors.

1 Ordinances, 1857, No. 8. Mayor's Message, 1858, in Journal First

Branch City Council, 1858, 7.

VI. CONCLUSION.

We have been considering a period in American history

almost unparalleled in violence and bitterness. There has

probably been no party in the history of the country more

cordially hated by its opponents than were the Know Noth-

ings. Even to-day we find traces of this animus. But on

the other hand most of the survivors of the party will speak

of it as the grandest party that ever existed. Looking back

it seems almost ludicrous to find men seriously thinking

that the liberties of America were in danger from the feeble

old pontiff who was so soon to have his temporal possessions

snatched away by those of his own faith. But there were

local provocations which stirred up a justifiable resentment,

which, however, soon exceeded all rational limits and sank

to the level of bigoted intolerance and proscription. But

we must not judge the men of almost half a century ago by

the more tolerant and enlightened spirit of the present day.

It must be remembered that the Know Nothings existed

in a time when William Lloyd Garrison openly burned the-

Constitution of the United States at Framingham, Mass.,

and denounced it as "an agreement with hell," 1 because it

recognized the institution of slavery ; at a time when Repre-

sentative Brooke, of South Carolina, could make a cowardly

assault upon Senator Sumner in the Senate of the United

States while members turned their backs and declined to

help the defenseless man, and the assailant was unanimously

re-elected by his district, and applauded as a gallant gentle-

man. 2 The Know Nothing party was a child of the age.

It has been made the scapegoat of many evils that were com-

1 " Life of Wm. Lloyd Garrison," by his Children, III, 88, 412.

2 James Ford Rhodes, II, 115, 224.

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261] Conclusion. 117

mon to all the political parties of the time. Nor must it be

thought that the disorderly faction represented the majority

of the party. The word "Know Nothing" has become largely

a synonym for all that is bad in politics, but thousands of

worthy citizens who did not all sympathize with the rough

methods of the clubs, went into the movement honestly

thinking that in it alone rested the salvation of the country.

Several valuable lessons might be deduced from the

course of this party. In the first place, the Catholic Church

should learn the lesson that the American people will not

tolerate any interference with the public school system of

the country, nor will they suffer any ecclesiastics to inter-

fere in American politics. On the other hand, the extreme

to which this party carried opposition to the Catholic

Church should warn Protestants against political tricksters

who make political capital out of religious differences.

Even to-day we see in our midst an organization which

proposes to believe that America, with a great Protestant

majority, is in danger from a power which cannot assert

political rights in a nation where practically all are of the

same faith. Such intolerance and fears were somewhat

excusable two generations back ; on the eve of the twentieth

century they are entirely out of place.

Looking back upon this turbulent era what a contrast

does it present to the Nation of to-day. Only within a few

years we have seen a presidential campaign in which great

interests were at stake : in which great excitement was dis-

played, but which was decided peacefully and acquiesced

in quietly by the people. More recently we have gone

through a war which was preceded by incidents which were

well calculated to try the patience of the people. But

throughout it all there was only a calm self-restraint and

reliance in the Government, and men of all shades of opin-

ion stood firm together in its support. The majority of

voters of to-day, who calmly go to the polls, and mark their

ballots in the little booth, can hardly realize how different

this is from the conduct of elections forty years ago. To

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one who has read the newspapers of the period, the picture

of riot and disorder is almost as vivid (and fresher in mind)

than to those who lived through it. We are far from the

millennium in our civic life; we have many grave defects

and faults which are to be remedied, but we should not

despair. The only way to overcome evil is to fight it, and

if the last four decades have wrought such a change for

the better, what may not the next four decades bring forth?

APPENDIX A.

NATIONAL PLATFORM 1855.

1. The acknowledgment of that Almighty Being who

rules over the universe who presides over the Councils of

Nations who conducts the affairs of men, and who, in every

step by which we have advanced to the character of an

independent Nation, has distinguished us by some token of

Providential agency.

2. The cultivation and development of a sentiment of

profoundly intense American feeling, of passionate attach-

ment to our country, its history and its institutions ; of ad-

miration for the purer days of our national existence ; of

veneration for the heroism that precipitated our Revolu-

tion, and of emulation of the virtue, wisdom and patriotism

that framed our Constitution, and first successfully applied

its provisions.

3. The maintenance of the union of these United States,

as the paramount political good ; or, to use the language of

Washington, "the primary object of patriotic desire." And

hence

First Opposition to all attempts to weaken or subvert it.

Second Uncompromising antagonism to every princi-

ple of policy that endangers it.

Third The advocacy of an equitable adjustment of all

political differences which threaten its integrity or per-

petuity.

Fourth The suppression of all tendencies to political

division, founded on "geographical discriminations, or on

the belief that there is a real difference of interests and

views" between the various sections of the Union.

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Fifth The full recognition of the rights of the several

States, as expressed and reserved in the Constitution, and a

careful avoidance by the general government of all inter-

ference with their rights by legislative or executive action.

4. Obedience to the Constitution of these United States

as the supreme law of the land, sacredly obligatory upon

all its parts and members; and steadfast resistance to the

spirit of innovation upon its principles, however specious

the pretexts. Avowing that in all doubtful or disputed

pionts it may only be legally ascertained and expounded by

the judicial power of the United States.

First A habit of reverential obedience to the laws,

whether national, State or municipal, until they are re-

pealed or declared unconstitutional by the proper authority.

Second A tender and sacred regard for those acts of

statesmanship which are to be contradistinguished from

acts of ordinary legislation by the fact of their being of the

nature of compacts and agreements ; and so, to be consid-

ered a fixed and settled national policy.

5. A radical revision and modification of the laws regu-

lating immigration, and the settlement of immigrants, offer-

ing the honest immigrant, who from love of liberty or

hatred of oppression, seeks an asylum in the United States,

a friendly reception and protection, but unqualifiedly con-

demning the transmission to our shores of felons and

paupers.

6. The essential modification of the naturalization laws.

The repeal by the Legislatures of the respective States of

all State laws allowing foreigners not naturalized to vote.

The repeal, without retrospective operation, of all acts of

Congress making grants of land to unnaturalized foreign-

ers, and allowing them to vote in the territories.

7. Hostility to the corrupt means by which the leaders of

party have hitherto forced upon us our rulers and our politi-

cal creeds.

Implacable enmity against the present demoralizing sys-

tem of rewards for political subserviency, and of punish-

ments for political independence.

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Disgust for the wild hunt after office which characterizes

the age.

These on the one hand. On the other

Imitation of the practice of the purer days of the Repub-

lic, and admiration of the maxim that "office should seek

the man, and not man the office," and of the rule that the

just mode of ascertaining fitness for office is the capability,

the faithfulness and the honesty of the incumbent candidate.

8. Resistance to the aggressive policy and corrupting

tendencies of the Roman Catholic Church in our country

by the advancement to all political stations executive, leg-

islative, judicial or diplomatic of those only who do not

hold civil allegiance, directly or indirectly, to any foreign

power, whether civil or ecclesiastical, and who are Ameri-

cans by birth, education and training, thus fulfilling the

maxim, "Americans only shall govern America."

The protection of all citizens in the legal and proper ex-

ercise of their civil and religious rights and privileges ; the

maintenance of the right of every man to the full, unre-

strained and peaceful enjoyment of his own religious opin-

ions and worships, and a jealous resistance of all attempts

by any sect, denomination, or church to obtain an ascend-

ancy over any other in the State, by means of any special

privilege or exemption, by any political combination of its

members, or by a division of their civil allegiance with any

foreign power, potentate or ecclesiastic.

9. The reformation of the character of our National Leg-

islature, by elevating to that dignified and responsible posi-

tion men of higher qualifications, purer morals, and more

unselfish patriotism.

10. The restriction of executive patronage especially in

the matter of appointments to office so far as it may be

permitted by the Constitution, and consistent with the pub-

lic good.

11. The education of the youth of our country in schools

provided by the State, which schools shall be common to

all, without distinction of creed or party, and free from any

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influence or direction of a denominational or partisan char-

acter.

And, inasmuch as .Christianity, by the Constitutions of

nearly all the States ; by the decisions of most eminent judi-

cial authorities, and by the consent of the people of

America, is considered an element of our political system,

and the Holy Bible is at once the source of Christianity and

the depository and fountain of all civil and religious free-

dom, we oppose every attempt to exclude it from the

schools thus established in the States.

12. The American party, having arisen upon the ruins,

and in spite of the opposition of the Whig and Democratic

parties, cannot be held in any manner responsible for the

obnoxious acts or violated pledges of either. And the sys-

tematic agitation of the slavery question by those parties

having elevated sectional hostility into a positive element

of political power, and brought our institutions into peril,

it has, therefore, become the imperative duty of the Ameri-

can party to interpose for the purpose of giving peace to

the country and perpetuity to the Union. And as experi-

ence has shown it impossible to reconcile opinions so ex-

treme as those which separate the disputants, and as there

can be no dishonor in submitting to the laws, the National

Council has deemed it the best guarantee of common jus-

tice and of future peace to abide by and maintain the exist-

ing laws upon the subject of slavery, as a final and con-

clusive settlement of that subject, in fact and in substance.

And, regarding it the highest duty to avow their opinions

upon a subject so important in distinct and unequivocal

terms, it is hereby declared as the sense of this National

Council that Congress possessed no power under the Con-

stitution to legislate upon the subject of slavery in the

States, where it does or may exist, or to exclude any State

from admission into the Union because its Constitution

does or does not recognize the institution of slavery as a

part of its social system, and expressly pretermitting any ex-

pression of opinion upon the power of Congress to establish

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or prohibit slavery in any territory, it is the sense of the Na-

tional Council that Congress ought not to legislate upon

the subject of slavery within the territory of the United

States, and that any interference by Congress with slavery

as it exists in the District of Columbia would be a violation

of the spirit and intention of the compact by which the

State of Maryland ceded the district to the United States,

and a breach of the national faith.

13. The policy of the Government of the United States,

in its relations with foreign governments, is to exact justice

from the strongest and do justice to the weakest, restrain-

ing by all the power of the Government all its citizens from

interfering with the internal concerns of nations with whom

we are at peace.

14. This National Council declares that all the principles

of the order shall be henceforth everywhere openly avowed,

and that each member shall be at liberty to make known

the existence of the order, and the fact that he himself is a

member, and it recommends that there be no concealment

of the places of meeting of subordinate councils.

APPENDIX B.

NATIONAL PLATFORM, 1856.

An humble acknowledgment to the Supreme Being for

his protecting care vouchsafed to our fathers in their suc-

cessful Revolutionary struggle, and hitherto manifested to

us, their descendants, in the preservation of the liberties, the

independence and the union of these States.

2. The perpetuation of the Federal Union, as the pal-

ladium of our civil and religious liberties, and the only sure

bulwark of American independence.

3. Americans must rule America, and to this end,

native-born citizens should be selected for all State and

municipal offices, or government employment, in prefer-

ence to all others ; nevertheless,

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4. Persons born of American parents residing tempo-

rarily abroad should be entitled to all the rights of native-

born citizens; but

5. No person should be selected for political station

(whether of native or foreign birth) who recognizes any

allegiance or obligation of any description to any foreign

prince, potentate or power, or who refuses to recognize the

Federal and State Constitutions (each within its sphere) as

paramount to all other laws as issues of political action.

6. The unqualified recognition and maintenance of the

reserved rights of the several States, and the cultivation

of harmony and fraternal good- will between the citizens of

the several States, and to this end, non-interference by Con-

gress with questions appertaining solely to the individual

States, and non-intervention by each State with the affairs

of any other State.

7. The recognition of the right of the native-born and

naturalized citizens of the United States, permanently re-

siding in any territory thereof, to frame their Constitution

and laws, and to regulate their domestic and social affairs

in their own mode, subject only to the provisions of the

Federal Constitution, with the privilege of admission into

the Union whenever they have the requisite population for

one representative in Congress. Provided always, that

none but those who are citizens of the United States, under

the Constitution and laws thereof, and who have a fixed

residence in any such territory, ought to participate in u.e

formation of the Constitution or in the enactment of laws

for said territory or States.

8. An enforcement of the principle that no State or

territory ought to admit others than citizens of the United

States to the right of suffrage, or of holding political office.

9. A change in the laws of naturalization, making a

continued residence of twenty-one years, of all not herein-

before provided for, an indispensable requisite for citizen-

ship hereafter, and excluding all paupers, and persons con-

victed of crime, from landing upon our shores, but no inter-

ference with the vested rights of foreigners.

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10. Opposition to any union between Church and

State; no interference with religious faith or worship, and

no test-oaths for office.

11. Free and thorough investigation into any and all

alleged abuses of public functionaries, and a strict economy

in public expenditures.

12. The maintenance and enforcement of all laws con-

stitutionally enacted, until said laws shall be repealed, or

shall be declared null and void by competent judicial au-

thority.

13. Opposition to the reckless and unwise policy of the

present administration in the general management of our

National affairs, and more especially as shown in removing

"Americans" by designation and conservative in principle

from office, and placing foreigners and ultraists in their

places; as shown in a truckling subserviency to the

stronger and an insolent and cowardly bravado towards the

weaker powers; as shown in reopening sectional agitation

by the repeal of the Missouri Compromise; as shown in

granting to unnaturalized foreigners the right of suffrage in

Kansas and Nebraska ; as shown in its vacillating course

on the Kansas and Nebraska question ; as shown in the cor-

ruptions which pervade some of the departments of the

Government; as shown in disgracing meritorious naval

officers through prejudice or caprice; and as shown in the

blundering mismanagement of our foreign relations.

14. Therefore, to remedy existing evils, and prevent

the disastrous consequences otherwise resulting therefrom,

we would build up the "American party" upon the prin-

ciple hereinbefore stated.

15. That each State Council shall have authority to

amend their several Constitutions, so as to abolish the sev-

eral degrees, and institute a pledge of honor instead of

other obligations for fellowship and admission into the

party.

1 6. A free and open discussion of all the political prin-

ciples embraced in our platform.

THE LABADIST COLONY

IN

MARYLAND

SERIES XVII No. 6

JOHNS HOPKINS UNIVERSITY STUDIES

IN

HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is past Politics and Politics are present History. Freeman

THE LABADIST COLONY

IN

MARYLAND

BY

BARTLETT B. JAMES, Ph.D.

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The Labadist Colony in Maryland.

INTRODUCTION.

This monograph treats of what was practically a lost

chapter in the early history of Maryland. In the year 1864

Mr. Henry C. Murphy, then corresponding member of the

Long Island Historical Society, discovered in an old book

store in Amsterdam a manuscript which proved to be the

journal of two commissioners, sent out by a peculiar reli-

gious body, that had originated in a defection from the Re-

formed Church of The Netherlands, to discover in the new

world a suitable place for the establishment of a colony that

should perpetuate their principles.

Prior to the discovery of this document, it was indeed

traditionally known that a peculiar sect of people, called

Labadists, had settled on the estates of Augustine Herrman

in the first half of the seventeenth century. Nor had the fact

only a traditional basis, for there were indeed fragmentary

references to these people in the early records of the State

and in historical manuscripts, as well as occasional isolated

notices in contemporary writers. But, withal, the informa-

tion was so meager as to preclude the possibility of a proper

conception of their place or importance in the early history

of the State.

Mr. Murphy translated and published the manuscript in

the "Memoirs of the Long Island Historical Society." He

accompanied it with an introductory sketch of the rise and

development of the Labadists sufficient to assign it to its

proper place among the historical documents of the State.

Since Mr. Murphy's publication, the "Bohemia Manor"

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8 The Labadist Colony in Maryland. [278

has received the attention of two persons, whose family

affiliation with its history renders them peculiarly com-

petent to undertake its recital. I refer to General James

Grant Wilson, who delivered an address on "An Old Mary-

land Manor/' before the Maryland Historical Society, in

1890, and another address before the New Jersey Historical

Society in the same year, on "Augustine Herrman, Bohe-

mian, 1605-1686," besides an extended sketch of the manor,

in the Dutch- American Magazine, for 1886; and the Rev.

Charles Payson Mallary, who issued a monograph on "The

Ancient Families of Bohemia Manor," in 1888, in the publi-

cations of the Delaware Historical Society. While treating

exhaustively of the history of "Bohemia Manor" proper,

neither of these gentlemen have contributed anything to

that important phase of its history, a study of which is con-

templated in the present monograph. It seems unfortunate

that an important chapter in the religious life of colonial

Maryland should so long have failed of adequate treat-

ment, a failure due, however, to the unavailability of

material. There is indeed no lack of materials for a proper

study of the Labadists, but such materials have been inac-

cessible because, with few exceptions, they were not to be

found in this country. The writer has succeeded in obtain-

ing from abroad a number of the contemporary sources and

authoritative works bearing upon the subject, and has

sought to embody such research in a paper designed to set

forth a history of the rise and development of Labadism, and

of that system of doctrine, religious polity and administra-

tion, which was so faithfully reproduced by the colony

beyond the seas. By availing himself of the materials

already at hand it has been possible to write a history of the

Labadist settlement on "Bohemia Manor," such as was pre-

viously impracticable.

CHAPTER I.

DOCTRINES OF THE LABADISTS.

Labadism was a late product of that spirit of reform

which inaugurated the Protestant systems. Theologically,

it belonged to the school of Calvin. In its spirit, however,

it was in the direct line of that vein of mysticism which is

met throughout the history of the Christian Church. In the

mode of life which it prescribed, it was conformable to that

sentiment of ideal brotherhood, which, though not dis-

tinctively a Christian conception, has been ever a favorite

mode of representing the fellowship of Christian believers.

Its theology was not distinctive enough to differentiate

it from the Reformed Church of The Netherlands, of which

it was an off-shoot. But there were certain individual

characteristics in Labadism sufficient to give it a character

quite distinct from that of the established church. Yet, as

will be noticed later, these distinctive elements in Labadism

embraced no principle vital enough to insure their perpetua-

tion. At best, Labadism was a sporadic effort to effect a

reform in the established church, to infuse a sentiment of

deeper fervor in its formal administrations, and to awaken

in the believer devoutness of spirit by enjoining austerities

of life, abnegation of the flesh, and renunciation of the world.

Though, like most profoundly spiritual movements, it

was influenced by its millennial hopes, yet it would be an

error to place Labadism in the category of those Adventist

sects which have a brief existence, as prophets of the coming

kingdom, only to decline when the time of the supposed

Advent has passed by. These millennial hopes were not a

part of the system itself, but only an expression of that

spirit of profound pietism which, in response to the

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10 The Labadist Colony in Maryland. [280

announcement, "Behold, I come quickly!" yearningly

responds, "Even so, come, Lord Jesus !"

The influences which shaped Labadism must be sought

in the theological controversies of the day controversies

which, as one of the Dutch writers expresses it, "warmed

the head and cooled the heart." The Cartesian and Aristo-

telian schools of philosophy found their counterparts in the

Church in the adherents respectively of John Kock and

Gysbert Voet. The Cocceian was the more influential, the

Voetian the more evangelical. The Labadists were a radi-

cal development in the Voetian party, until their separation

from the Reformed Church. Labadism emphasized the vig-

orous protest of the Voetian party against the moral laxity

and spiritual lassitude countenanced by the established

Church.

The theology of Labadism may be briefly summarized

from the catechism prepared by du Lignon, a prominent

member of the Labadist community, as well as from other

contemporary sources, to which the writer has had access. 1

The progressive plan of God for the salvation of the

race was embraced. in four covenants. The first was one of

nature and of works. This was a race covenant and was

based on the laws of God as implanted in human nature.

Its infringement by Adam, produced from the inexhaustible

stores of God's goodness, the second covenant, "more excel-

lent and holy than the first" that of grace. During the

continuance of this race covenant, which extended up to the

coming of Christ, and which provided for the salvation

through the merits of the promised Redeemer of all who

came within its provisions, there was established a special

covenant with Abraham. The benefits of this covenant

extended to all his posterity, and to those who became his

spiritual children by entering into his belief. Its sign was

X P. du Lignon: "Catechismus of Christelyke onderwyzinge," etc.,

pt. III. Koelman, J.: "Historisch Verhael nopende der Labadisten

Scheuringh," Preface, v.

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circumcision, and the salvation of those who received it was

no longer conditionally provided for under the general

covenant of grace, but was assured through especial calling

and election. This covenant was superseded by a special

covenant with Moses. It is described by du Lignon as

"typical, ceremonial, literal and entirely external; hence,

only designed as temporary in order to set forth the grace

and truth of Christ by symbols." 1 The Israelites were

united to God by the covenant of grace and the outward

covenant as well, but all other races could be united to God

only by the outward covenant. But this ceremonial covenant

was only intended to prepare the way for the reception of

Christ. As Christ had been manifested in the time of the

patriarchs by sacraments, promises, visions and the com-

munication of his spirit, so now under the covenant with

Israel he was revealed by fuller and more frequent prophe-

cies, by sacraments and shadows, by revelations and appear-

ances, and by the outpouring of the spirit.

But the fourth and last covenant was the consummation

of the revelation of Christ and of the plan of salvation. It

differed from the covenant entered into with Adam in that

it was not hidden under a cloak of ceremonials. It was also

a covenant of fulfillment instead of one of promise; it was

clearer, holier and more exalted than its predecessors.

Faith was its condition, obedience its sign. It included in

its gracious provisions only the elect. The heart was con-

ceived of as a tablet on which was inscribed the law of love.

Pardon, holiness and salvation were its fruits. This cove-

nant placed the renewed spirit, which it provided in contra-

distinction to the works of the law. The new spirit made

possible a new life. The symbols of this covenant as insti-

tuted by Christ were baptism and the Lord's Supper. When

the Lord had sealed this covenant by his death and ascen-

1 "Catechismus," III, 16. A. M. van Schurman: "Eucleria Seu

Melioris Partis Electio," p. 9, v. v. "Historisch Verhael," etc.,

p. 252. Yvon: "De regten aard van't oude en nieuwe verbond."

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sion, he sent the Holy Spirit to lead into it his elect and to

keep them under its provisions.

The Holy Spirit is conceived of as operating through

the Scriptures and the administration of the sacraments, as

well as by the more direct way of immediate communication

to the souls of the elect or faithful, his presence in the heart

being indicated by the conduct of the believer. The Church

was to be a community of the elect kept separate from the

world by its pure teachings. This Church was to be uni-

versal and holy, comprehending all believers; the love of

the truth as it is in Christ Jesus, being the common bond.

Outside of this Church there was no safety, and from it

there could be no severance. 1 It was to be distinguished by

two great periods : the one of sorrow, conflict, work and

crosses; the other of triumph and honor, the millennial

reign on earth of the Church triumphant. 2

Those who were uncircumcised, impure, and abomina-

tions of desolation 3 were represented to have crept into the

fold, but with such the members of the true spiritual Church

were to have no communion. To this doctrine of the sep-

aration of the believer from the unbeliever is directly attri-

butable the communal mode of life of the Labadists. 4 In its

rigid application it made it the duty of husband and wife

to separate if either were not of the elect Church. The

elect Church came to be synonymous with the Church of the

Labadists, so that a Labadist could not be lawfully united to

one who was outside of his belief. This necessary conse-

quence of the doctrine of the separation of believers and

unbelievers was embodied in an explicit tenet, as follows :

"Beide personen begenadigd en wedergeboren zyn, omdat

1 "Het Heylige voor de Heyligen," p. 724. "Eucleria," p. 152. J.

de Labadie: "Le He"raut du grand Roi J6sus."

2 H. van Demeter, "Saatste monarchic," in his work: "De opend

vanje"sus Christ."

3 " Eucleria," pp. 196, 202.

\*"Catechismus," III. De Labadie: "Wedergeboren of geen

Christen."

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anders het huwelyk niet heilig kan zyn en een geloovige

moet geen juk aandoen met een angeloovige." 1

Another important element of the new covenant was

freedom from the dominion of law. The only law to which

the believer was subject was the new law of Spirit and of

love. The effect of this doctrine as applied by the Labadists,

was to nullify the ceremonial system of the Old Testament,

and to reduce to a position of incidental importance all its

specific moral injunctions. With this conception, the law of

Sabbath observance lost its importance. As a part of the

old Jewish system it failed of honor among them. But, in

effect, the Labadists did observe the Sabbath as a rest day,

not on conscientious grounds, but in consideration of the

scruples of others ; in other words, so that they might not

render themselvs legally amenable to the civil authorities 2

for its infraction.

As none save the true believers were included in the new

covenant, so evidently no others had a right to the signs and

seals of this covenant. This was the basis of the Labadists'

doctrines concerning the Lord's Supper and baptism. Bap-

tism, according to the Labadist formula, insured the wash-

ing away of sins and the sealing of a new covenant of grace

with God. 3

Infant baptism was discountenanced, because it could

not be told beforehand whether the child would grow up as

the elect of God in grace or increase in sins. Yet the bap-

tism of the children of believers was not actually proscribed

by the Labadists. In lieu of infant baptism, the child was

brought before the Church, presented, consecrated and

blessed.

1 Both persons must be pardoned and regenerated because other-

wise the marriage cannot be considered holy ; and a believer may

not assume the yoke with an unbeliever. "Catechismus," III.

Yvon: " Le Mariage Chretien."

2 " Eucleria," p. 106, v. v.

3 Yvon: "Leer van den h. doop en deszelfs zuivere bediening," etc.

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The Lord's Supper also was limited to those who were

beneficiaries of the new covenant. 1 Even such as they could

not partake of it when conscious of sin. Indeed they affirm-

ed that it were better that the sacrament should not be

administered at all, than that one unworthy person should

partake of it.

In addition to the sacraments and preaching, the new

covenant provided for the study of the Scriptures as a

medium of communication between the Holy Spirit and the

Church. This was strongly insisted on by the Labadists.

But yet, they insisted quite as strongly, that while the read-

ing of the Bible was a medium of communication for the

Holy Spirit, the Spirit was not limited to any medium, and

even though the Bible was not read, the believer could not

fail to be instructed immediately by the Spirit in all Christian

doctrine. The effect of this teaching was to cause the place

and importance of the Bible to be underestimated. 2 Yet the

preaching of the Word was obligatory on the part of the

teachers, and the speaking brothers and sisters were also

commissioned to interpret and to apply it to their hearers.

Labadism was essentially a mystical form of faith,

teaching supreme reliance upon the inward illumination of

the Spirit. And yet the works of the Labadists disclose a

high form of Christian faith and aspiration. Whatever its

defects, and the opportunities for hypocritical pretence

which it offered, Labadism was yet a standard of faith and

conduct which no one could conform to without at the same

time exemplifying- high Christian graces. True, Jean de

Labadie, the founder of the faith, was a profound mystic,

seeing visions and hearing voices, receiving revelations as

to his course and conduct, and thereby discrediting himself

with many intelligent admirers of his fearless eloquence

and reforming zeal.

1 Yvon: " Het heylige voor de heyligen."

J "Declar. fidei," p. 228.

CHAPTER II.

GOVERNMENT OF THE LABADISTS.

In its government, the Church of the Labadists was a

strongly centralized church, all mission communities being

directed from the Mother Church at Weiward. 1 Pierre

Yvon, the successor of de Labadie, was regarded as the

Supreme Father of the whole Church. With him were

associated a number of governors or superintendents, who

met in an assembly for the transaction of business of im-

portance. The superintendents comprised the speaking bro-

thers or ministers and the more eminent of the women.

These constituted a class of preachers, teachers and Bible

readers, who had charge also of the instruction of the

youth. Sometimes there was held a general assembly, includ-

ing all the members of the community above the rank of

novice. The superintendents constituted an advisory council

to the supreme head of the Church. It was this superior

council which received the reports from the heads of the

various daughter churches, and it was this council that

passed upon all recommendations for elevation to the rank

of full brother or sister of those who had been received into

any of the communities as novices. Thus the community in

Maryland was kept under the direct controlling influence of

the Mother Church.

At the head of the Maryland community was Bishop,

or Superintendent Sluyter. Unquestioning obedience to

those placed over them was rigidly exacted of every member

of the community. Dittleback (who had himself been a

Labadist, and had severed his connection with the Church)

\*Du Lignon: "Catechismus," III, chap. 9-13.

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assures us, in his "Verval en Val Labadisten," that Sluyter

arrogated to himself and his wife absolute authority in the

Maryland community, without regard to the provision in

the Labadist system for an assembly of the brothers and

sisters of the higher order.

Each member of the community had his or her assign-

ment of work and duties. Order and system of the most

admirable character prevailed in all departments of the com-

munity. 1 Some were in charge of the laundry, others of the

cooking ; others again were nurses and physicians. To such

minute detail did the system extend that Dittleback assures

us that a register was kept of the number of pieces of bread

and butter consumed at a meal. The different families had

dwellings according to their needs, though, by partitioning

off the larger compartments, strict economy cf space was

observed. All rooms were at all times open to the pastors

and to those who held oversight in their name. Those who

joined the community resigned into the common stock all

their possessions. Individuality in attire was suppressed.

"The haughtiness of the worldly spirit must be subdued"

was a tenet far-reaching and well understood by each mem-

ber of the community. 2 Degrading tasks were assigned those

suspected of pride. Samuel Bownas, a minister of the Society

of Friends, in the record of his visit to the community

gives a more particular account of their table discipline than

can be found elsewhere. He says : "After we had dined we

took our leave, and a friend, my guide, went with me and

brought me to a people called Labadists, where we were

civilly entertained in their way. When supper came in, it

was placed upon a large table in a large room, where, when

all things were ready, came in at a call, twenty men or up-

wards, but no women. We all sat down, they placing me and

my companion near the head of the table, and having passed

1 H. Van Berkum: Labadie en de Labadisten, part II, p. 113.

2 "Catechismus," III, chap. 9.

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a short space, one pulled off his hat, but not so the rest till

a short space after, and then they, one after another, pulled

all their hats off, and in that uncovered posture sat silent

uttering no word that we could hear for nearly half a quar-

ter of an hour, and as they did not uncover at once, neither

did they cover themselves again at once, but as they put on

their hats fell to eating not regarding those who were still

uncovered, so that it might be ten minutes time or more

between the first and last putting on of their hats. I after-

wards queried with my companion as to their conduct, and

he gave for an answer that they held it unlawful to pray

till they felt some inward motion for the same, and that

secret prayer was more acceptable than to utter words, and

that it was most proper for every one to pray as moved

thereto by the spirit in their own minds. I likewise queried

if they had no women amongst them. He told me they had,

but the women ate by themselves and the men by themselves,

having all things in common respecting their household

affairs, so that none could claim any more right than another

to any part of their stock, whether in trade or husbandry;

and if any one had a mind to join with them, whether rich or

poor, they must put what they had in the common stock, and

afterwards if they had a mind to leave the society they must

likewise leave what they brought and go out empty-handed.

They frequently expounded the Scriptures among them-

selves, and being a very large family, in all upwards of a

hundred men, women and children, carried on something of

the manufacture of linen and had a large plantation of corn,

flax and hemp, together with cattle of several kinds." The

custom of beginning the meal by chanting a psalm, which

was the practice at Weiward, seems to have fallen into dis-

use in the Maryland community. In other respects, how-

ever, the observations of Samuel Bownas agree very accur--

ately with what we know to have been the custom of the

Mother Church.

The following extract from the "Verval en Val Laba-

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disten," by Peter Dittleback, affords an instructive side-

light upon the life of the Maryland Labadists, particularly

as to their views of marriage. The writer says : "A friend

of mine arriving from Sluyter's community has made revela-

tions to me with regard to their doctrine of marriage.

\* \* \* He went there with a full surrender of himself,

family, goods and effects. His penitence, Sluyter wrote,

was unusual. The letter was read to us at Weiward and we

rejoiced exceedingly over his conversion ; but now since he

has left them, they charge and blacken him with sin. He

was compelled not only to submit to the mortifications im-

posed by Sluyter, but also to those of Sluyter's wife, who had

shortly previous arrived from Weiward and took a little

hand in mortifying. What they thought of at night had to

be done somehow during the day. Indeed they made it so

sharp that a brother who had been sent over from Weiward

would remain with them no longer, but returned to Wei-

ward, where also he was humiliated. This abasing cannot

continue a long time among these people. My friend's wife

had five small children whom she brought with her to this

new cloister discipline. When she kissed them she was

rebuked for showing so naturally her fleshly cleavings.

\* \* \* I could tolerate Weiward in some degree, that

there should be no fire in the cells, although it is cold there

in the winter, because turf is dear, and so many families could

not be supplied unless at great expense, but this friend told

me that Sluyter would not allow them to have any fire in

order to harden them and to mortify and subdue the sins of

the body, while there was so much wood there that they

were obliged to burn it in the fields to get it out of the way ;

but Sluyter had his own hearth well provided night and day.

My friend had never suffered more cold and hardship than

among these people, and he frequently made a fire in the

woods in order to warm himself. His wife had no mind to

remain in this cloister under such an abbess, who censured

her at the time she had a child nursing at her breast, because

she drank too much at the table, and when afterwards she

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drank less, because she left off too soon. As they saw these

things did not please his wife they began to talk to him

more plainly and freely concerning marriage, arguing that

hell was full of ordinary marriages, saying, among other

things, these abominable words: 'It was for God alone to

judge whether he cohabitated with a harlot or with his

wife.' The wife fearful lest they should take her husband

away from her, of which there had been at that place more

than one instance, sought very affectionately to speak to her

husband privately, and to exhort him to steadfastness, as

she had come away with him from Amsterdam and was

there in a strange land with her little children. They had

succeeded, however, with him so far that he began to keep

himself away from her. His wife being very angry about

it, trie abbess jeeringly asked her if she could not be one

night without her husband? The husband finally began to

attack their doctrine about marriage out of the Scriptures,

showing that the apostles had not taught so. He asked

Sluyter what marriage he came of? Whether his parents

were not married in the ordinary way? They began to

wonder at this man's opposing them out of the Scriptures,

until finally he told them soundly that all connection between

him and them was at an end. They were confounded, and

went at him in another way, saying we have several times

spoken about marriage, which is a delicate subject, but

we must also say to you that when there are any who cannot

conduct themselves that way in the marriage relation, we

will tolerate them. But how tolerate, as a brother? No;

but only as regards community of goods and living together.

This was a new trick to get him in; but they had already

blabbed too much. They did not look favorably upon his

going- back to Holland, and attempted to frighten him from

it, asking him if he were not afraid to trust himself on the

sea, and fall from one pit into another? But he persevered,

and the Lord helped him and his, in an especial manner, to

reach the Father-land in safety." 1

1 "Verval en Val Labadisten," Letter III.

CHAPTER III.

LABADIE AND THE LABADISTS.

"Few theologians," says Dr. J. D. T. Schotel, in his

"Anna Maria van Schurman," "have ever lived, concerning

whom their contemporaries have spoken and written with

deeper contempt and more unstinted praise than Jean dc

Labadie." But with all the diversities of opinion concerning

him, there was a general concensus of opinion as to his wide

and varied learning and his matchless pulpit eloquence, while

his sermons and treatises remain to-day as evidences of his

theological grasp.

He was born at Bordeaux, in France, February 10,

I6IO. 1 His parents entered him at the Jesuit College, where

later he became a member of the lower order of the priest-

hood. His mystical views and eccentricities finally made

him objectionable to the Jesuits. For this reason, as many

writers believe, though ostensibly on the ground of ill-health,

he secured his release from the order and became a secular

priest. His genius and talents had led the Jesuits to tolerate

him until his attacks upon salient features of the Catholic

Church, 2 added to his fanaticism, made him altogether unde-

sirable. He considered himself immediately inspired in his

1 Chaufepie, "Nouveau Dictionnaire Historique et Critique." Some

of the Dutch writers give his birth as February 13. Dittleback

declares that he was an illegitimate son of Henry IV, whom he

greatly resembled. The more general and credible view is that

his father was a French noble, Chaufepie. Niceron, Basnage, in

his "Annals des Provinces Unies," p. 52, Spener, et al., hold that

the father of Labadie was a soldier of fortune, who rose to be

Governor of Bourg.

2 J. de Labadie : "Grace and the Efficacious Vocation." Mollerus :

"Cimbria Litters."

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utterances. 1 He attracted the attention of P. Gondran, sec-

ond general of the oratory of Paris, and received a call to

that city, the whole body of the Sarbonne uniting in the

call. 2 The fame he acquired there, extended beyond the

borders of his own country.

Jesuitical jealousy persecuted him with stories of gross

immorality 3 and caused him to leave Paris for Amiens.\*

Here he had the good fortune to come under the notice of

the courtiers of Louis XIII, who recommended him to the

good offices of their sovereign and Cardinal Richelieu. Until

the death of the latter he was safe from attack. 5 At Paris

he had united with the Jansenists and had been unsparing in

his crusade against the Jesuits ; but not alone against them,

for in a preaching tour throughout Picardy, he had severely

arraigned the Catholic Church at large.

His declared intention was to reform the Church, and

he conducted his services after what he considered the apos-

tolic model.

On the death of Richelieu and the succession of Car-

dinal Mazarin, the Jesuits obtained an order of the Court

for the arrest of Labadie, who was saved its execution by

the death of the King. In 1645 ne was cited to appear at

Court along with his friend the Bishop of Amiens. He was

sentenced to perpetual imprisonment, which sentence was

modified on appeal from the Assembly of the Clergy of

France, then in session. He was ordered to renounce his

opinions and to refrain from preaching for a period of

1 "Declaration de la Foi," p. 84; "Historisch Verhael nopens Laba-

disten Scheuringh," p. 109.

2 "Declaration de Jean de Labadie," p. 122.

Dutch historians discredit these stories; many French writers

affect to believe them.

4 Chaufepie says : "One is not able to understand the motives that

prompted Labadie to leave Paris," but Labadie seems to make it

clear in his "Declaration," p. 122-123,

5 Mollerus, p. 36: "Declaration," 124, et seq.

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years. 1 During a second forced retirement, 2 he obtained and

read a copy of "Calvin's Institutes," which had a determin-

ing influence on his after-career. The result of his solitary

reflections is summarized in these words: "This is the last

time that Rome shall persecute me in her Communion. Up

to the present I have endeavored to help and to heal her,

remaining within her jurisdiction; but now it is full time

for me to denounce her and to testify against her." 3

In 1650 he proceeded to the Chateau of the Count of

Tavas where he adjured his former faith, adopted that of

the Calvinistic system, and was later ordained a Protestant

minister. The reception of the famous priest was heralded

as the greatest Protestant triumph since the days of Calvin.\*

Montauban, Orange, and Geneva were the scenes of

his labors. He declined to consider many splendid overtures

for a renewal of his Catholic allegiance. 5 At the Protestant

center of Geneva, his services were attended by persons from

all parts of France, Holland, Switzerland, The Netherlands

and England. Among his converts were Pierre Yvon and

Du Lignon, both prominent in the later history of Labadism ;

also Abraham van Schurman and his sister Anna Maria,

who was considered the foremost literary woman of her

day. 6

De Labadie found the Protestant Church also in need of

a reformer, and addressed himself zealously to the work.

Voetius, Essenius and Lodenstein, prominent theologians of

Utrecht, whither Labadie had been called through the influ-

\*De Labadie: "Traite de la Solitude Clare" tienne."

\*' r Cimbria Littera," p. 37.

3 Schotel : "Anna Maria van Schurman," p. 160.

4 Among the treatises he published at this time were the "Declara-

tion de la Foi" and the "Practique des Oraisons mentale et vocale."

5 "Nouveau Dictionnaire," etc., Article, Labadie.

6 Those unfamiliar with the famous "Mithradates of the Seven-

teenth Century" are referred to the following sources: "Nouveau

Dictionnaire Historique et Critique," Article, Schurman. Schotel :

"Anna Maria van Schurman." Tschackert: "Anna Maria von

Schurman."

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ence of Anna Maria van Schurman, 1 were not altogether

favorably impressed with him. To them he was not only

the brilliant divine, but also an irresponsible visionary, not

only the eminent theologian, but an arrogant egotist. Hence

his stay at Utrecht was short. At Middleburg, Zealand, his

previous successes were repeated. Among his converts was

the Ch. de Rochefort. 2 Such an aggressive personality dom-

inated by a sincere conviction of a call to attempt a great

work of reform in the Church could not but eventually

antagonize the established ecclesiastical order. Such was

the case. He became embroiled with the ecclesiastical and

civil authorities and was formally deposed from the minis-

try. 3 In this position he felt the alternative thrust upon him

of founding an independent church, which should illustrate

the pure principles and practices of the Christian faith, as

he conceived them. Being driven out of Middleburg, he

established at Veere, a church which he styled the Evangel-

ical. 4 The States of Zealand again ordered him to move on,

After a demonstration on the part of the burghers which

nearly precipitated an armed conflict, Labadie removed to

Amsterdam, where he had an interval of peace, and an op-

portunity to establish a communal society, theories of which

had always been cherished by Labadie. 6

The Church at Amsterdam grew and prospered. Over-

tures of union were received from various sectaries, nota-

bly the Society of Friends, all of which Labadie declined

to consider. 6 Labadism as an independent ecclesiastical sys-

1 Schotel : "Anna Maria van Schurman," p. 167.

2 The eminent cartographer.

3 Ypey en Dermout : "Geschiedenis der Nederlandsche Hervormde

Kerk," vol. Ill, p. 88, note 128; vol. II, note 751. "Historic curieuse

de la vie, Sr. Jean Labadie," p. 22, etseq. "Nouveau Dictionnaire,"

Article, Labadie. "Historisch Verhaelnopensder Labadisten Scheur-

ingh," 2d edition, 1770, pp. 14, 15.

4 De Labadie: "Declaration Chretienne," etc. "Historisch Ver-

hael," etc., p. 15.

5 A. M. a Schurman: "Eucleria Seu Melioris Partis Electio,"

p. 147.

6 "Nouveau Dictionnaire," Article, Labadie.

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tern became the subject of a great deal of polemical writing

on the part of its founder, his friends and his adversaries.

After a long period of uninterrupted and peaceful devel-

opment, some disorders occurring at their services fur-

nished a reason for the civil authorities to place such restric-

tions upon the society as practically to cripple the Church.

In this emergency, the Princess Elizabeth, daughter of

Frederick the Elector Palatine and King of Bohemia, who

was a friend of Anna Maria van Schurman, became their

patroness. She tendered them the Abbey of Herford, in

Westphalia, of which she was abbess. 1 But here also they

were denied a permanent asylum. Their immediate offense

was certain excesses which were indulged in by some of

their number, and which resulted in the withdrawal of many

of the more sober and intelligent members of the commu-

nity. 2

The Princess being ordered by the Imperial Diet to

cause the removal of the Labadists from Herford, the whole

company sorrowfully embarked for Altona, Denmark, in

1672. Here Labadie died two years later. His death

evoked estimates of his work and worth from high ecclesias-

tical sources and it is significant to note that the general

expression was in a high degree laudatory.

His evident fanaticism and strong personal ambition

were recognized and deplored, but his bold and fearless

attacks upon immorality and upon lassitude in the Church,

had an awakening influence upon the ecclesiastical organ-

ization, which long survived him. Indeed, the Dutch his-

torians are disposed to regard Labadie's chief work the

leavening of the old lump, by the many hundreds of his

converts who remained in connection with the Reformed

Church, and the Labadists after Labadie who were re-

^'Eucleria," pp. 182-184.

\* On one occasion of the celebration of the Lord's Supper, a spir-

itual dance was indulged in by men and women promiscuously, with

the accompanying excesses of indiscriminate kissing and embracing.

" Historisch Verhael nopens der Labadisten Scheuringh," p. 73,

et seq.

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ceived back into the Reformed Communion upon the disin-

tegration of their own society. Pierre Yvon succeeded to

the position of Father of the community. The problem of

properly provisioning a large community led the Labadists

to remove to Weiward, in Friesland, where they became

established in an estate called Thetinga or Waltha House,

which was tendered to them by the three daughters of

Francis Aarsen, Lord of Sommeldyk. There in the depths

of a thick grove of stately trees they lived in rigid accord-

ance with the practices which had been left them by their

late lamented leader for the regulation of their religious

lives. From the simple people of the neighboring hamlet

they received the name of Bosch-lieden, "people of the

woods." 1

If communal Labadism was born at Amsterdam, it was

at Weiward that it attained its full measure of strength,

declined and died. For more than half a century this place

was the seat of the new Church, and from it jurisdiction

was exercised over the few feeble communities planted at

other places. From Weiward also proceeded the colonists

who settled in Maryland, and from Weiward proceeded the

voice of authority that controlled these colonists.

At Weiward the Labadists were still subjected to eccle-

siastical persecution. Synod after synod furnished oppor-

tunities for forensic declamation against them on the part

of ill-disposed ministers. 2 The Estates of the Provinces,

however, maintained their tolerant attitude towards the oft-

persecuted sect.

The return of the Labadists to The Netherlands had

been marked by large accessions to the community. Among

those received at this time was Peter Dittleback, the trans-

lator into Dutch of Anna Maria van Schurman's "Eucleria,"

and the author of the work, entitled "Verval en Val Laba-

disten," to which reference has been made.

1 "Geschiedenis der Nederlandsche Hervormde Kerk," note 149.

1 "Acts of the Synod of Friesland for the Year 1675," Article 44.

CHAPTER IV.

COLONIZATION IN AMERICA.

Two distinct sets of forces were operating to link Mary-

land with a movement which, though modest in its local

development and influence, is yet recognized by Dutch writ-

ers as one of the most significant developments in the Re-

formed Church of The Netherlands. Having considered

the history of Labadism prior to its planting in Maryland,

and having studied the doctrines and practices which the

Maryland Labadists held in common with the mother com-

munity, we must now notice the course of events which gave

the name "Labadie Tract" to the nomenclature of the State.

Whatever may be the theories concerning the source

and motives of religious toleration in Colonial Maryland,

certain it is that where religious toleration has been practiced

the result has been the attraction or development of sects

reflecting the various shades of religious opinion. Whether

or not Maryland's attitude in this respect attracted the Lab-

adists to her shores, it is a fact that their experience of

repeated persecutions in Europe, had led them to turn their

eyes longingly towards the New World, in the hope that

they might there discover a haven of refuge, where they

might practice the principles of their faith without let or

hindrance.

The particular circumstances which favored the settle-

ment of the Labadists in Maryland lead to a consideration

of the manorial grant of Lord Baltimore to one Augustine

Herrman j 1 for it was upon the lands thus granted that the

settlement of the Labadists was made.

1 There are various spellings of the name, and on these spellings

hinges the controversy of Herman's nativity, the Germans claim-

ing him for themselves and asserting that Bohemia was his adopted

country, while the Bohemians claim that he was a native of Prague.

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Augustine Herrman, "first founder and seater of Bohe-

mia Manor," was a Bohemian adventurer who made his

way to America in the service of the West India Company.

He is generally believed to have been a native of Prague,

Bohemia, and to have been born about the year 1608. A

fair education, supplemented by the opportunities of an

adventurous career had made him conversant with French,

Dutch, German and English. He was also an excellent

surveyor and something of an artist.

As a soldier he had seen active service under Gustavus

Adolphus, and upon retiring engaged in various commercial

undertakings in the service of the West India Company 1

and thus made his way to New Netherlands. New Amster-

dam, where he made his home, felt the impress of his strong

personality in many ways. He was an original member of

the council of nine men instituted by Governor Stuyvesant

in 1647, an d his name appears in various important trans-

actions, while serving as a member of this council. 2

His connection with Maryland matters dates from his

appointment by Governor Stuyvesant as a special commis-

sioner, along with Resolved Waldron, to negotiate with

Governor Fendall, of Maryland, relative to the disputed

eastern boundary of Lord Baltimore's Province. 3 As an

instance of his acute discernment, he pointed out that Lord

Baltimore's patent only invested him with such lands as had

not Been previously inhabited by any persons save the bar-

barous people called Indians. This interpretation of the

terms of the charter was not acceptable to the Maryland

authorities, and the dispute was referred to the respective

governments for adjudgment.

1 Johnston : "History of Cecil County," p. 15.

a "Ancient Families of New York," in New York Genealogical and

Biographical Record, April, 1878, p. 54.

3 "New York Colonial Documents," vol. II.

28 The Labadist Colony in Maryland. [298

Waldron returned to New Amsterdam to submit their

report, and Herrman proceeded to Virginia to clear the

Dutch of the charge of inciting the Indians in the Accomac

to hostilities against the English. Returning, he passed

through what is now Cecil County, Maryland. So favorably

was he impressed with the beauty and advantages of the

section, that he commenced negotiations with Lord Balti-

more, which resulted in his receiving an extensive land

grant in consideration of his making a map of Maryland

and Virginia, which would be valuable to Lord Baltimore in

the settlement of the boundary dispute pending between the

two colonies. 1 Thus Herrman was invested with about

twenty-four thousand acres of the most desirable lands of

what is now Cecil County, Maryland, and New Castle

County, Delaware, which he erected into several manors,

called by him, "Bohemia Manor," "St. Augustine Manor,"

"Little Bohemia," and "The Three Bohemian Sisters."

Among the titles of Acts passed by the Maryland As-

sembly, is one dated 1666, which provides for the naturaliza-

tion of several persons therein named, and including "Au-

gustine Herrman of Prague, in the Kingdom of Bohemia,

Ephraim, Georgius and Casparus, sons of said Augustine,

Anna Margaritta, Judith and Francina, his daughters." 2

It was the design of Lord Baltimore to erect a county

that should bear his name, so that one of the specifications

of Herrman's grant was that he should erect a County of

Cecil with the town of Cecilton. Herrman's lands were

at that time included in Baltimore County, which embraced

all the head tributaries of the Chesapeake. The year of his

settlement in Maryland, the year 1661, he mentions that he

was engaging settlers to unite to form a village. It is not

probable that he succeeded in his purpose. The County of

1 A reprint of this map is in the possession of the Maryland His-

torical Society.

2 Bacon, sub Anno 1666. This was the first naturalization act

passed by any of the Colonies.

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Cecil was subsequently erected, and until that time Herr-

man was a Justice of the Peace of Baltimore County.

The alliance of his eldest son, Ephriam, with the Laba-

dists, who made their appearance in America in 1679, leads

us to consider the circumstances and motives which led the

Labadists to Maryland and effected their settlement on

"Bohemia Manor." The circumstances were industrial and

economic, the motives were religious. Along with a desire

to find in the New World an asylum where they might

peacefully pursue their communal life, they were actuated

by a praiseworthy zeal for the conversion of the Indians.

But, perhaps, the scheme of colonization found its greatest

strength in the industrial needs of the community at

Weiward. The problem of sustenance for a community of

above one hundred persons was one not easy of solution;

and, indeed, at the time of its highest development this

problem was magnified four-fold.

At the time of their greatest prosperity they received

a visit in 1667 from William Penn and his associates, Fox,

Barclay and Keith, 1 who renewed the overtures of union

which William Penn had made to Labadie in Amster-

dam. But the Friends left without accomplishing their pur-

pose, though with pleasant impressions of the people so like

themselves in the mystical elements of their faith.

The community the Quakers visited at Weiward was an

eminently industrious one. Each member had an assign-

ment of work, the returns for which went into the general

coffer. 2 Of this industry, Anna Maria van Schurman says :

"It is nearly incredible with what splendid order, with what

comfort and ease even the heaviest and most difficult work

is performed by us, where the Christly love, which maketh

not ashamed, goes before and directs everything. By the

singular blessing of God, it sometimes happens that we do

1 "Penn's Travels," 4th ed., p. 98, "De Labadie en de Labadisten."

Gough: "History of the People called Quakers," p. 9, 492; part II,

p. 12.

2 "De Labadie en de Labadisten," pp. 118-119, part II.

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more work in a single day than other workers of the same

kind in three or four days/' 1

The lands at Weiward were chiefly valuable for graz-

ing, but Dittleback ascribes their failure for agricultural

purposes to indifferent cultivation. Besides sheep-raising

and agriculture, various other pursuits were engaged in.

There were complete facilities for printing and publish-

ing books and tracts, the sale and circulation of which

devolved on some members of the community. Soap manu-

facture was followed with indifferent success; the sale of

Labadie pills brought considerable profit to the commu-

nity, while the Labadist wool was a celebrated brand of the

times. There were also in the community tailors, shoe-

makers, bricklayers, carpenters, etc. But the revenues from

all sources were insufficient to provide more than the scan-

tiest subsistence for the whole company of men, women and

children. 2

The policy pursued was to relieve the mother com-

munity by successive subdivisions and the establishment of

communities at other places. The Labadists had discovered

that the plan of concentrating a very large force at any one

point was impracticable in communal relations, unless

forms of remunerative employment sufficient to meet their

needs could be originated. So, as the community increased

in number, daughter churches were established at Rotter-

dam, The Hague, and elsewhere. They considered this form

of Church organization to be primitive and apostolic, and as

in all things they endeavored to foster the ideal of their

illustrious founder the reproduction of the living image

of the early Church they endeavored to model their Church

organization and adapt its administration to the sacred pat-

tern, just as in practice they sought to reproduce the customs

of the early Church.

The attention of the Labadists had been first directed

1 "Eucleria," p. 145, et seq.

'"Korte onderrichtinge, rakende den staet en maniere van het der

Labadisten."

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to the New World by the three sisters of the Lord of Som-

melsdyk, 1 who was also the Governor of Surinam, which

had passed into possession of the Dutch by the treaty of

Breda, in 1667, in compensation for New York, which was

ceded to the English. This seemed to be the most desirable

place in the New World for the establishment of their

colony, as it was the only possession remaining to the Dutch

in America, and their colony would be under the patronage

and protection 2 of the friendly Governor. A deputation that

was to report on its availability found that the Governor's

representations were colored by his desire to have such pious

and industrious people as his colonists, and in reality the

Eden which they expected to find approximated more closely

to a hospital.

The Labadists next considered New York for their

purposes. The objections to this place were that it had now

become an English possession, and its Governor, Andros,

was a Roman Catholic, and they were afraid that under

him they would not enjoy the measure of religious liberty

they craved. 3 Another objection to New York was that

tobacco, which was a staple product, was interdicted by the

rules of their society. Especially solicitous were they as

to the probable measure of success with which they might

preach the evangelical faith to the natives.

It was determined by the Weiward assembly to send

two of their number to New York at once to secure land for

a colony. Peter Sluyter and Jasper Danckers, both promi-

nent men of the community, were selected for the task. The

journal, which was kept by these two men, constitutes an

important source of information concerning the Labadists

in America. 4 For some prudential reasons they traveled

under the aliases P. Vorstman and J. Schilders. Their

departure for America is thus noted: "On the eighth of

J Kok: " Vaderlandsch Woordenboek," subject Aarrsens.

2 "De Labadie en de Labadisten," part II, p. 132.

3 "De Labadie en de Labadisten," part I.

\* "Memoirs of the Long Island Historical Society," vol. I.

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June, 1679, we left home at four o'clock in the morning,

taking leave of those with whom God had joined us fast in

spirit, they committing us and we them with tenderness of

heart, unto the gracious protection of the Highest." They

arrived at New York on Saturday, the twenty-third of Sep-

tember. The next day they attended church "in order to

avoid scandal, as well as for other reasons." On the follow-

ing Thursday they received a call from one Arnold de la

Grange, to whom they appeared to have brought letters.

They thanked him for an invitation to accompany him to

the South River, and replied that they would await the

Lord's will as to their future course. Their journal is

instructive as showing the manner of life of the American

Colonists, unless the experiences they relate were excep-

tional. A night spent on the estates of a fellow-countryman

from Utrecht is thus described: "After supper we went

to sleep in the barn upon some straw spread with sheep-

skins, in the midst of the continual grunting of hogs, squeal-

ing of pigs, bleating and coughing of sheep, barking of dogs,

crowing of cocks, cackling of hens, and especially a goodly

quantity of fleas and vermin, of no small portion of which

we were participants; and all with an open barn door

through which a fresh northwest wind was blowing."

They sought in a quiet way to insinuate their doctrines

into the minds of those whom they met in familiar converse.

Remembering one of the declared purposes of their com-

mission, they also sought every opportunity to acquaint

themselves with the religious conceptions of the Indians, and

expressed themselves in terms of indignation at the frauds

perpetrated upon the natives. "Although," sav they, "it is

forbidden to sell drink to the Indians, yet every one does it,

and so much the more earnestly, and with so much greater

and burning avarice, that it is done in secret. To this extent

and further reaches the damnable and insatiable covetous-

ness of most of those who here call themselves Christians."

Shortly after the date of this observation an event

occurred which determined Maryland as the place of the

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Labadist settlement in America. This event is recorded in

the journal as follows : "From this time (October 18)

to the twenty-second of October, nothing especially took

place, except that we spoke to one Ephraim, a young trader,

who was just married here, and intended to go to the South

River, where He usually dwelt, for which purpose he was

only waiting for horses and men from there." 1 Thus is

described the meeting of the Labadist commissioners with

Ephraim, the eldest son of Augustine Herrman. They

thankfully accepted his invitation.

Their journal of daily events during this journey is not

noteworthy for the purposes of this study, save as it com-

ments upon and characterizes the Quakers, for whom they

express the greatest contempt, notwithstanding the high

esteem in which the Society of friends was held at Weiward.

They speak of their experience at Burlington, a Quaker vil-

lage, as follows : "We went again to the village this morn-

ing, and entered the ordinary exhorter's house, where we

breakfasted with Quakers, but the most worldly of men in

all their deportment and conversations. We found lying

upon the window a copy of 'Virgil,' as if it were a com-

mon hand-book, and also Helmont's book of medicine, whom,

in an introduction which they have made to. it, they make

pass for one of their sect, although in his lifetime he did

not know anything about Quakers, and if they had been in

the world or should have come into it while he lived, he

would quickly have said no to them ; but it seems these peo-

ple will make all those who have had any genius in any

respect more than common, pass for theirs, which is great

pride, wishing to place themselves far above all others;

whereas the most of them whom I have seen as yet are

miserably self-minded in physical and religious knowledge." 1

Further in their journal they again describe their ex-

perience with the Quakers: "In the evening there also

arrived three Quakers, one of whom was the greatest pro-

1 "Memoirs of the Long Island Historical Society," vol. I, p. 153.

2 Ibid., p. 176.

34 The Labadist Colony in Maryland. [304

phetess, who traveled through the whole country in order

to quake. She lives in Maryland, and forsakes husband

and children, plantation and all, and goes off for this pur-

pose. She had been to Boston, and was there arrested by

the authorities on account of her quakery. This worthy

personage came here in the house where we were, although

Ephraim avoided her. They sat by the fire and drank a

dram of rum with each other, and in a short time afterwards

began to shake and groan so that we did not know what had

happened and supposed they were going to preach, but

nothing came out of it. I could not endure them and went

out of doors." The next day the journalist continues, "The

dinner being ready I was placed at the table next to the

before-named prophetess, who, while they all sat at the table,

began to groan and quake gradually until at length the

whole bench shook, then rising up she began to pray, shriek-

ing so that she could be heard as far as the river." 1

The following day they record their arrival at New

Castle, where they were welcomed to Ephraim Herrman's

home 2 by his sister, whom they describe as "a little volatile,

but of a sweet and good disposition." Here they met Mr.

John Moll, a man of considerable distinction in the affairs of

Delaware, and with whom they had previous acquaintance

in New York, and who became one of their converts. Con-

cerning- Ephraim and his wife, they confidently expressed

the hope that they would yet bring forth the seed the Lord

had sown in them in his own time. A devout hope which

was realized in the case of Ephraim to the sorrow of his

wife.

The two Labadists next lepaired to the home of Mr.

Moll, expecting to be met there by servants of Casparus

Herrman, who were to conduct them to their master's plan-

tation. They digress enough in their journal to describe

the system of indented servitude which they found on Mr.

MolPs plantation and which they strongly denounce.

1 "Memoirs," pp. 182-183, 186. \* Ibid., p. 188.

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They proceeded to Casparus Herrman's, and in his

absence they examined into the suitability of the "Manor"

St. Augustine's : for their purposes. The next day they

visited Augustine Herrman's, meeting Casparus Herr-

man on the way. They describe "Bohemia Manor" as a

noble piece of land, and speak of Maryland generally as

the most fertile portion of North America, and add that it

could be wished that it were also the most healthy. They

presented to Augustine Herrman letters of introduction

from his eldest son. 1 The worthy Bohemian appears to

have been attracted to the two Labadists, and assured them

that while he would not consent to sell or hire his land to

Englishmen, yet they might buy what they desired cheap.

Without entering into a definite contract for the transfer

of land to the Labadists, Augustine Herrman rendered

himself legally liable for such a transfer, so that on the

return of the Labadists to America with colonists, the con-

summation of the sale of a portion of his estates to them

was enforced by law. "Bohemia Manor" was free from the

objection which they made to the plantation of Casparus

Herrman. viz : that it lay along a road "and was, therefore,

resorted to by every one, especially by these miserable

Quakers."

The Labadists proceeded to New Castle, Delaware,

where they were cordially received by their friend Ephraim

Herrman. The following Friday, Augustine Herrman was

sent for by his father, the Labadists supposing the sum-

mons to have reference to their proposed land transaction

with the elder Herrman. 2 In view of Ephraim's friend-

ship for them they congratulated themselves that this

augured well for their prospects. But in view of subsequent

developments it is probable that Augustine Herrman's sus-

picions had been aroused as to the Labadists, and that

he sent for his son in order to sever his connection with

them. This is abundantly borne out by the fact that the

1 "Memoirs," p. 195. \*Ibid., p. 225.

36 The Labadist Colony in Maryland. [306

Labadists had subsequently to resort to law to compel Herr-

man to hold to his engagement and to transfer to them

the land for which they had negotiated. Besides this, in a

codicil to the will of Augustine Herrman, which was made

not a great while subsequent to this, provision is made for

the appointment of three of his neighbors as his executors,

instead of his son Ephraim, the motive assigned for the

change being that Ephraim adhered to the Labadist faction,

and was using his best efforts to proselyte his brothers and

sisters, and he feared the Labadists would become, through

Ephraim, sole owners of all his lands. Nor were his fears

groundless.

Having accomplished their mission to America, the

Labadist commissioners returned to New York to embark

for their own country. Until their departure their journal

is prolix with conversations held with various persons on

the subject of religion, some of whom are afterwards met

in connection with the Labadist settlement in Mary-

land. The policy of the Labadists was to enlist converts

by personal converse, and not by preaching. They attended

church service whenever possible on Sundays, for pruden-

tial reasons alone, as they themselves admit. They studi-

ously avoided bringing themselves into public notice, as

though fearful, lest the object of their visit to the country

becoming known, their plans might miscarry. While await-

ing a ship in which to take passage, they received a visit

from Ephraim Herrman and his wife in fulfillment of a

promise made them on their departure from New Castle.

A notable event which occurred during their waiting

was a visit paid to the Labadists by Pieter Beyaert, "a

deacon of the Dutch Church," whom they describe as "a

very good sort of a person, whom God the Lord began to

teach and enlighten, both ir regard to the destruction of

the world in general and of himself in particular." 1 This

was an ancestor of the Bayards, of Delaware. He later left

1 "Memoirs," pp. 343-344-

307] Colonisation in America. 37

New York and removed to the vicinity of Casparus Herr-

man's home, and was subsequently a member of the Laba-

dist community.

On June 19 the Labadists embarked for Boston, intend-

ing to visit that place before starting for Weiward. While

at New York their reticence with regard to themselves and

their apparent lack of definite purpose, had awakened sus-

picions and surmises concerning them, so that they were

variously credited with being Roman Catholic priests,

Quakers, Brownists and David Jorists. At Boston they

surrounded themselves with the same air of mystery and

were suspected of being Jesuits.

John Eliot, the missionary to the Indians, to whom they

sold copies of their publications, enjoyed the exceptional

distinction of being the only religionist outside of their own

faith, of whom they had a favorable word to say ; due, per-

haps, in some measure to the fact that work among the

Indians was one of the avowed purposes of their own com-

ing to America. They represent Eliot as expressing him-

self as highly pleased with the principles of their faith and

as profoundly grateful to God for sending such pious people

to the New World. On the twenty-third day of July, the

Labadists set. sail for Europe.

CHAPTER V.

LABADISTS AND THE MANOR.

In 1683 the two Labadists returned again to Mary-

land, bringing with them the nucleus of a colony. As has

been stated already, Augustine Herrman refused to con-

summate the sale of his land to them, and they only suc-

ceeded in obtaining what has since been known as the Laba-

die tract, by recourse to law. The deed is executed to Peter

Sluyter (alias Vorstman), Jasper Danckers (alias Schil-

ders, of Friesland), Petrus Bayard, of New York, and John

Moll and Arnold de la Grange in company. This deed is

dated August n, I684- 1 The tract conveyed embraced four

necks of land eastwardly from the first creek that empties

into Bohemia River, from the north or northeast to near

the old St. Augustine or Manor Church. It contained

thirty-seven hundred and fifty acres.

Those who were associated with Sluyter and Danckers

in this land transaction are all persons who have been

referred to before in this paper. They were all professed

converts to Labadism. Soon after they had received the

deed of the land. Moll and la Grange conveyed their inter-

est in it to Sluyter and Danckers. Bayard retained his

interest until 1688, when he seems to have left the commu-

nitv and returned to his wife. 2

1 "Baltimore County Records."

\* He and Ephraim Herrman had both separated from their wives

on embracing Labadism. There is a tradition that Augustine Herr-

man pronounced a curse upon his son Ephraim that he might not

live two years after his union with the Labadists, and he actually did

die within that time, but not before he had repented of joining the

Labadists, and, like Bayard, returned to his wife.

38

309] Labadists and the Manor. 89

The advent of the Labadists into Maryland does not

seem to have attracted great attention. The aggressive

spirit which characterized the Labadists in The Netherlands

did not manifest itself in the New World. The additions

to the community were made largely from converts among

their own countrymen of New York.

The industrial activities of the Labadists show the

influence upon them of new conditions. Slave labor and

the cultivation of tobacco had been two objections advanced

against the planting of a colony in America, yet notwith-

standing the virtuous indignation expressed in their journal

against these practices, we find the Labadists engaged in

cultivating tobacco extensively, and using for the purpose

the slave labor that was so abhorrent to them. In addition

to the cultivation of tobacco, the culture of corn, flax and

hemp, and cattle raising were prominent among their indus-

tries.

But the main purpose of the community was not rapidly

accomplished. Their maximum development but slightly

exceeded a hundred men, women and children. 1 The feel-

ing of detestation for them expressed by Herrman in a

codicil to his will, seems to have been very generally shared

by their neighbors. This was doubtless in part due to the

distrust engendered by their peculiarities and their seclu-

siveness of life. The peculiar forms of the Labadists were

not favorable to the propagation of their faith ; so that there

seems to have Been no attempt whatever by energetic public

preaching or by missionary efforts among the Indians, to

realize the hopes of the mother community in sending them

out. The spirit of zeal for the salvation of men that gave

rise to Labadism was not manifested by the Church in Mary-

land. It may be that the report of the decline of their faith

at Weiward had a disheartening effect upon them. But,

however this may be, the fact remains that the Maryland

Colonists whom the Labadists in their journal describe as

1 Samuel Bownas : "Life, Travels, Experiences," etc., p. 9.

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very godless and profane, were little bettered by the coming

of the Labadists among them. Their efforts in this direc-

tion were confined to endeavors at proselyting individuals,

and frequently those were selected for their proselyting

attempts, who would bring some substantial material bene-

fits to the community.

In 1698 a division of the "Labadie Tract" was effected,

Sluyter conveyed, for a mere nominal rent, the greater part

of the land which he possessed to a number of the promi-

nent men of the community. He reserved one of the necks

of land and became very wealthy. In 1722 he died. Though

up to that time there was still kept up some sort of organi-

zation among the Labadists, yet the division of 1698 marked

the disintegration of the community, as did a similar division

at Weiward, at about the same time. There, however, the

dissolution came by consultative action, the Labadists return-

ing to the Reformed Church became a leaven of profound

spirituality, and their influence, it is affirmed, never died.

The dissolution in Maryland came by the logic of events.

The community dwindled into extinction. Five years after

the death of Sluyter, the Labadists had ceased to exist as a

community; 1 and were it not for certain prominent families

descended from them, whose genealogy has been carefully

traced by the Rev. C. Payson Mallary, in his excellent

monograph, 2 the community on "Bohemia Manor" would

be but a memory.

When we come to examine into the cause of the failure

of Labadism to permanently establish itself in the New

World, we find it to be attributable to that assertion of indi-

vidualism which has proved destructive to all attempts at

founding religious or industrial communities, subsequent to

this first community ever attempted in America. But be-

sides this weakness, inherent in the communistic system,

there were particular contributing causes for the failure of

the Labadist ideal. Of these particular causes those result-

1 Samuel Bownas : "Life, Travels," etc.

\* C. Payson Mallary : "Ancient Families of Bohemia Manor."

311] Labadists and the Manor. 41

ing from the system itself were more potential than those

due to the environment in which it was placed. It was con-

cerned more with intensive spiritual cultivation than with

extensive propagation. It could operate more successfully

upon those who were longing to separate themselves from

worldiness, and were thus responsive to the profound pietis-

tic aspirations which were the breath of the Labadist faith.

The Labadist Church was not a pioneer but a reforming

church. But besides this it had as a heritage from its foun-

der, formularies and disciplinary methods, which militated

against it even in those countries where it was originally

developed. The communistic form of religion is not suited

to longevity or large accomplishments, and must ever re-

main a Utopian ideal.

The personal character of those at the head of the com-

munity would of itself have operated against its success.

Sluyter, though a man of almost morbid religious tendencies,

was yet a man of strong mercenary instincts ; and the merce-

nary motive seems to have gained the ascendency in the

community.

Had Sluyter been possessed of the strong traits of

character which presaged success to the pioneers of Puritan-

ism, Catholicism, Quakerism, or any of the other vigorous

systems, which had already, or which subsequently came

with a strong- hand to possess the New World for God,

Labadism might have wrought itself into the religious life

of the Colonies as effectively as did any of these systems of

faith.' Yet the decline of the Mother Church at Weiward,

not only had a disheartening effect upon the Maryland

Cfiurch, but so intimately connected were they by the Laba-

dist polity, that the downfall of the communal fabric at

Weiward, meant assuredly dissolution in Maryland, as the

Labadist system had in it no latent possibilities of adaptation

to new conditions.

And now, perhaps this paper cannot find a more fitting

close than is offered by a glance at the declining fortunes of

"Bohemia Manor." Augustine Herrman, its founder, had

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cherished the ambition of perpetuating his name through a

line of male descent, and desired that each of his male

descendants in the line of primogeniture should incorporate

in his name, the name of Augustine, on coming into pos-

session of "Bohemia Manor." The free use of his name, or

that of his native country, all point to the supreme passion

of the worthy Bohemian.

He made fiis last will in 1684, an d did not long survive.

The stone which once marked his resting-place is now en-

cased in a wooden box. But the place of burial of Augus-

tine Herrman is beyond the possibility of accurate location.

His burial on his manorial estates carried out a pro-

vision of a will which he made, and which, though never

proved, is preserved among the land records of Baltimore

County. It is as follows : "I do appoint my burial and

sepulchre, if I die in this bay or Delaware, to be in 'Bohemia

Manor/ in my garden by my wife, Johanna Varlett's, and

that a great sepulchre stone shall be erected upon our graves,

three feet above the ground, like unto a table, with engraven

letters that I am the first seater and beginner of 'Bohemia

Manor,' Anno Domini 1660, and died," etc. 1

Besides the slab of oolite bearing this inscription, the

devastation of fire and the ravages of time have left few

traces of the glory of other days, while the knowledge of

the Labadists has become such a fading tradition in the

locality where their history was developed, that very many

who have been born and reared in the vicinity of "Bohemia

Manor," have never heard of the sect which once flourished

in a mild way under the broad toleration of the religious

policy of Maryland's proprietaries.

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SLAVERY IN THE STATE OF

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History is past Politics and Politics are present History. Freeman

SLAVERY IN THE STATE OF

NORTH CAROLINA

BY

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DURHAM, N. C., July 7, 1899.

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Slavery in the State of North Carolina.

INTRODUCTION : GENERAL CHARACTERISTICS.

The story of slavery in the State of North Carolina may

be considered in two parts, the dividing point of which is the

year 1831. Before this year the general conditions of the

slave were more humane than after it. Public feeling on

the question was then unimpassioned. Some people opposed

it; some favored it. It seems to have been discussed in a

sane way, as a matter of public policy and without any

extraordinary excitement or recrimination. After 1831,

or about that year for no fine and distinct dividing

point can properly be made the conditions of slavery

became more severe. One law after another was passed

which bore hardly on the slave, until at last he was

bound hand, foot, and brain in the power of his master.

Moreover, public feeling became inflamed. Slavery could

no longer be discussed as a public policy, and there arose

with most people in the State a fervent intolerance of all

views advanced against the system.

The causes of this remarkable development have often

been enumerated. Later on in this work I propose to

explain the matter with some degree of fulness in a chapter

on the development of the pro-slavery sentiment. Here

it cannot be necessary to do more than point out the gen-

eral facts of the process.

In' this sense the chief cause of this change was the inven-

tion of the cotton gin and the consequent opening up of the

cotton industry, not only in many parts of North Carolina,

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but in the entire Gulf region. This gave a strong impetus

to the settling of large plantations which hitherto had been

limited for the most part to the rice producing regions. A

wide extension of slavery could never have been made on

the basis of the small farm, where there was necessarily

much white labor. In North Carolina, and elsewhere, no

doubt, it was noticeable that slavery, even in the days of the

greatest excitement over the slave question, was of a milder

type in the western counties. Here the farms were small.

Slave-owners had but few slaves. With these they mingled

freely. They worked with them in the fields, ploughing side

by side. The slave cabins were in the same yard with the

master's humble home. Slave children and, indeed, slave

families were directly under the eye of the master, and better

still, of the mistress. On such farms from five to twenty

slaves was a usual quota, although their number often went

to fifty and even higher. Could this type of bondage have

predominated in the South, it is likely that slavery would

sooner or later have softened itself, as in the disintegrating

Roman Empire, into some less austere forms of servile labor,

until at last it came by successive stages to the light of free-

dom. That it did not happen was due to the aristocracy of

cotton.

The triumph of the cotton aristocracy did not come in a

day. In 1800 North Carolina was, except certain sections

in the far East, in the grasp of the small farm system. There

were then many people in the State who opposed slavery.

Some of them were statesmen who, like Jefferson and Wash-

ington, looked to the day of freedom. They were strong

enough to offset and keep down a certain thorough-going

tendency to deal with slaves in a summary manner, which

from the first was not wanting with some legislators. But

as the large estate prevailed, the pro-slavery influence

became stronger. The arguments on this side were natur-

ally aggressive ; and those on the other side were conserva-

tive. The former caught the support of the younger men

in politics. As time passed the older party was weakened

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by the death of its leaders, and the new party gained

strength. It was in 1831 that the latter was able definitely

to triumph over the former.

There are two well-known facts that secured this decisive

victory; that is to say, the Nat Turner rebellion and the

beginning of the more vigorous anti-slavery agitation in the

North. The former won the victory; the latter undoubt-

edly made it forever sure.

Looking behind these two facts, however, it is worth

while to ask how much the newer development of slavery,

due to cotton cultivation, had to do with these two occur-

rences. To attempt to answer this question here would be to

anticipate the task of the historian of slavery in general. I

shall only venture to suggest that it may be probable that

the growing harshness of slavery, either in Virginia or in

the far South, led Nat Turner to make his futile attempt

at freedom. With more confidence I might assert that the

certain extension of slavery in the Gulf States, as well as

in the older slave States, nerved the anti-slavery associates

of Garrison to a fiercer battle. They saw, they must have

seen, that the enemy against whom they contended was

every day growing stronger. This aroused their efforts

in the first instance, and made the fight more bitter through-

out its course. This increased strength of slavery was due

to cotton. But for this the famous contest in the Virginia

Legislature of 1831 might have had another end. Mr.

D. R. Goodloe 1 is authority for the view that such a triumph

of anti-slavery in Virginia would have carried North Caro-

lina against slavery. Such a victory in either State, or in

both, would have broken the sectional balance in the United

States Senate and secession would have been blighted ere it

had sprouted.

1 See a manuscript sketch by Mr. Goodloe himself, which is pre-

served among the papers of the Trinity College Historical Society.

CHAPTER I.

THE LEGAL STATUS OF THE SLAVE.

The spirit of the slavery legislation in the State of North

Carolina conforms to the development that has been indi-

cated. Before, and immediately after, 1800 many of the

laws passed indicated a milder spirit. After that they

became more austere till they finally partook of the spirit of

harshness to which allusion has been made. But this devel-

opment did not come because of deliberate cruelty on the

part of the slave-owners. There are throughout the period

of greatest restriction enough humane laws and more than

enough humane custom to show the contrary. It came as

a logical consequence of the conviction that the future

development of Southern society as well as the safety of the

Southern people demanded that slavery should be perpet-

uated. Before this iron necessity every impulse to human-

ity, every suggestion for a better elevated negro race, was

made to fall. Now and again some sharp-eyed pro-slavery

advocate would discover some way by which it was thought

that the slave could lift himself out of slavery, and the way

would be as promptly closed up. At one time it was teaching

slaves to read, again it was allowing negroes to preach to

their race, again it was allowing free negroes to attend

muster, and sometimes it was allowing a slave to hire his

own time. In every case the Legislature was prompt with

its veto. And yet it is certain that the feeling of the com-

munity was not so harsh as these laws indicate. Severe

laws were often not obeyed. Besides some other provi-

sions of the law, the single case of the State vs. Will is suffi-

cient evidence of this humaner feeling. This case is remark-

able because it settled, in 1834, i us t a \* the time when the

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pro-slavery sentiment was in the flush of victory over the

conservatives , the question that a slave had a right to defend

himself against the apparently murderous attack of his

master or overseer. Such a decision granted the slave all

the rights of a moral conscience and gave the lie direct to

the notion that the slave is not a person, the notion which

underlay the Dred Scott decision.

These two opposite tendencies of greater austerity and of

greater sympathy within the bounds of slavery existed con-

jointly throughout the period we have under consideration.

In considering the legal status of slavery as well as the gen-

eral social conditions of slaves, the reader will often remark

the outcropping of one or both of them.

The Slave in Court. During the period of statehood the

slave law of 1741 continued the basis of the law of slavery,

although it was frequently modified. By this law two or

more justices of the peace and four freeholders were con-

stituted a court to hold the trial of a slave. 1 But in 1793

(chap. 5) the slave received the additional security of being

tried for offenses involving life, limb, or member before a

jury of twelve slaveholders in open County Court, but "in

a summary way." If, however, the County Court were not

to meet in regular order in fifteen days after the arrest of the

slave, the sheriff was to call a special court of three justices

of the peace and twelve disinterested slaveholding jurymen,

as before provided, and these were to have the powers

of the County Court for the case at issue. The owner was

to have notice and might defend his slave, and if the case

went against the slave he paid the costs ; but if the master

were unknown the slave was allowed counsel. What was

meant by the expression "in a summary way" was defined

in an explanatory act a year later (Laws of 1794, chap.

1 1 ) . It was at first intended doubtless that the court should

not be bound by the ordinary rules of pleading. Now it

was declared with more explicitness that the jury should

'See the author's " Slavery and Servitude in the Colony of North

Carolina," pp. 28-29.

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return a verdict on the evidence submitted by the Court, and

that the Court should give judgment "agreeable to the ver-

dict of the jury and the laws of the country." By this it

seems that the penalties inflicted on white men for the crimes

in question were extended to slaves convicted of the same

crimes.

Further guarantees of security were given in 1816 (chap.

14) when it was provided that slaves charged with capital

offenses should be tried in the Superior Courts ; and that

the trial was to be conducted as the trial of a freeman,

unless the charge were conspiracy. It was expressly stated

that there must be a presentment by the grand jury ; that the

owner must be notified ; that the hearing might be removed to

another county on affidavit of owner ; that an offense clergy-

able for freemen was to be clergyable for slaves; and that

the slave with the advice of his master might challenge the

jury for cause. Otherwise the trial was to follow the law of

1777 (chap. 2) and that of 1779 (chap. 6). If the charge

were conspiracy the trial was to be by special commission of

Oyer and Terminer issued by the Governor to a Superior

Court on the petition of five freeholders in the county in

which the conspiracy was alleged to have occurred. Conspir-

acy was an exceptional affair in reference to the slave; but

for ordinary cases the status of the slaves improved steadily.

In 1818 a slave on trial for his life was given the full right of

a freeman to challenge jurors. 1 Thus in the matter of his life

the standing- of the slave approached nearly to that of the

freeman.

In 1820 a further distinction between the trial of a free-

man and a slave was obviated when it was provided that

when a slave was convicted of a capital offense the costs

should be paid by the county. 2

Minor offenses were tried differently. By the law of 1741

they were tried in the same way as capital offenses. But in

1783 (chap. 14) it was enacted that a justice of the peace

Revision of 1821, chap. 972. 2 Ibid., chap. 1073.

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before whom the case of a slave was brought should try the

case at once, if it were less than a capital crime and if, in his

judgment, the penalty ought not to be heavier than forty

lashes. Such trial was to be "in a summary way." Cases

between these minor cases and capital cases gradually

came to be tried in the County Courts, as capital cases were

to be tried in the Superior Court. Here also the trial was to

be conducted "under the same rules, regulations and restric-

tions as the trials of freemen ;" and the slave was entitled to

a jury of slaveholders. 1

The law as just stated remained in force till the war, with

the difference that the cases hitherto left to the County

Courts went now to one or more justices of the peace, if

they chose to sit on the case, and the penalty was to be whip-

ping not to exceed thirty-nine lashes on the bare back.

Appeal was, by law of 1842 (chap. 3), to be allowed to the

County or the Superior Court. Such offenses were what

were called "inferior offenses" and crimes which if done

by free persons would be cognizable in the County Court.

Some of the "inferior offenses" ought to be mentioned.

Among them were insolence to a free white person; slan-

dering" a free white person, or trespassing- on the property

of such a person ; intermarrying or cohabiting with a free

negro; having sexual intercourse or indulging in grossly

indecent familiarity with a white female ; trying to teach a

slave to read or to write the use of figures excepted;

exhorting or preaching or holding any other public religious

service where slaves of different families were assembled;

playing cards, dice or nine-pins, or gambling for money,

liquor or other property ; raising cattle, hogs, horses, etc. ;

producing a forged pass or certificate of freedom, and some

other offenses. Felonies and other offenses of slaves not

given for trial to a justice of the peace were to be tried before

the Superior Court in the manner of the trials of freemen

and before juries of slave-owners. 2 Conspiracy to rebel was

Revised Statutes, 1837, p. 582. 2 Revised Code, pp. 510-11.

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also construed a felony and punishment was to be death or

transportation.

The payment of the owners for slaves executed by law

was a hard matter to settle. At the beginning of statehood

the State paid the owner for the slave, and in I779 1 the

Assembly fixed the maximum value of such a slave at 700,

continental money, then much depreciated. In 1786 (chap.

17) the Assembly repealed all acts allowing payment for

executed slaves, since, as it declared, "many persons by cruel

treatment of their slaves cause them to commit crimes for

which many of the said slaves are executed." Masters now

for financial reasons protected their slaves from prosecution,

and there was a demand for a return to the old system.

Formerly the burden had been borne by the whole State,

and this was considered unfair to the counties which had

few slaves. The final solution lay in local action. In 1796

(chap. 27) seven eastern counties were authorized to lay a

tax to pay for slaves executed within their respective bor-

ders, the owner to receive two-thirds of the value of the

slave, as estimated by the jury that pronounced him guilty.

This amount, however, w r as not to be paid unless the jury

was convinced that the owner had properly fed and clothed

the delinquent slave. A tax for such a purpose was to be

levied on the black polls of the county. This law seems to

have worked well for within a few years several other coun-

ties had been granted the same privileges.

Runaways. In the above section the development was in

favor of a more humane treatment of a slave. There had

been an honest desire to secure justice to the slave, and

the graver offenses were put on the same basis as in the

graver cases of freemen. It could be done because in no

way was the perpetuity of slavery concerned. This was not

true in regard to runaways. Such slaves threatened the very

life of slavery. The law of colonial days on this subject had

been stringent; and that was slightly modified after the

1 Laws of 1779, 3d session, chap. 12.

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Revolution. Such enactments as were made had to do

chiefly with persons who aided runaways. Thus in 1779

(ist session, chap, n) it was made a capital felony to steal

or seduce away a slave and this law remained in force till

the war. 1 This probably referred to persons who stole

slaves as property; but in the same act it was further pro-

vided that whoever aided a runaway to escape should on

conviction pay 100 to the owner of the fugitive and, in

addition, whatever damages might be incurred. In 1793

(chap. 5) it was made a capital felony for a ship captain to

take, or knowingly allow others to take, a slave out of the

State without the written consent of the slave's master.

In the days of exasperation against the anti-slavery party

in the North more stringent rules were made. From 1825

till 1833 there were three laws passed, the substance of

which was to make the stealing of a slave with the purpose

of sending him out of the State, or the aiding of one to

escape out of the State, a felony punishable by death. 2 This

law remained in effect till i86o. 8 This was no doubt aimed

at Northern men bent on working the Underground Rail-

way. For ordinary cases of persuading slaves to run away

or for harboring runaways one should on conviction pay the

owner of the slave a fine of $100 and damages and be liable

to fine of $100 more, and might furthermore be indicted and

fined another $100 and imprisoned not more than six

months. 4 The latter amendments were passed in 1821 and

1830.

The Slave's Right to Hunt. Here, too, the question of the

perpetuity of slavery was involved. For slaves to hunt with

a gun jeopardized the masters' lives. Throughout the period

of statehood there was no disposition to relax the strict pro-

hibition of this practice. Anyone who found a slave so

hunting might take the gun for his own use and carry the

1 Revised Statutes, chap. 34, sec. 10, and Revised Code, chap. 34,

sec. 10. 'Revised Statutes, chap. 34, sec. u.

8 Revised Code, chap. 34, sec. n.

4 Revised Statutes, chap. 34, sec. 73, and Revised Code, chap. 34,

sec. 81.

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slave to the nearest constable who should at once give the

slave twenty lashes on his bare back and the owner should

pay the same reward as was paid for taking up a runaway. 1

The Slave's Right to Travel and Trade. The patrol, which

had been established in I753, 2 became steadily a more per-

manent institution as the people became more convinced of

the necessity of keeping slavery unassailed. In 1779 (3d

session, chap. 8) it was required to make a general search

once a month and to report to the County Court. Slaves

off their masters' plantations on Sunday were to be arrested,

unless they had passes or were in the company of a white

man. In 1794 (chap. 4) it was provided that the patrol

should be appointed by the County Court whenever it

should think necessary. No more than six men should be

appointed to the district of each militia captain. The patrol

was to be in office one year, was to have stipulated fees and

one-half of the money from fines under this act of 1794, and

was to be exempt from road and jury duty. Two patrolmen

going together were to cover a district at least once a fort-

night. They might whip not to exceed fifteen lashes

slaves found off their master's land without permission.

In 1802 there was an alarm over a reported slave insur-

rection in Bertie and adjoining counties. This induced the

Assembly to provide a still more efficient patrol. 3 The

County Court was now authorized to appoint patrolers in

such numbers and under such rules as it might think neces-

sary, the patrolers retaining the powers a'nd privileges con-

ferred by the act of 1794. To support the patrol the County

Court was given the authority to levy a special tax of one

shilling on each black poll. In the same year (1802, chap.

68) the militia of Gates, Pasquotank, and Camden Counties

were constituted a patrol. The captains were directed to

divide their companies into squads of four or five men who

1 Revised Statutes, chap, in, sec. 23, and Revised Code, chap. 107,

sec. 26.

'See author's "Slavery and Servitude," p. 38.

3 Laws of 1802, chap. 15.

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were to search their respective neighborhoods once in three

weeks and to whip slaves found at large.

No further change was made in the patrol till 1830 (chap.

16, sees, i and 14) when the County Court was given author-

ity to appoint, if it saw fit, a Patrol Committee of three per-

sons in each captain's district who might appoint as many

patrolers as they thought necessary, provided that this

should not prevent the County Court from appointing

patrols as they saw fit. The patrol was now given large

powers of arrest. The patrolers were enjoined to visit sus-

pected places, to disperse assemblages of slaves, to be dili-

gent in arresting runaways, to detect thefts, and to report

persons who traded with slaves. The patrol, or any two of

them, should "have such powers as may be necessary to a

proper discharge of the duties herein enjoined," ran the law.

If a negro who was being whipped was insolent to them he

might be further punished not to exceed thirty-nine lashes

in all. The Patrol Committee was given power to dis-

charge patrolers and to appoint others in the vacancies. To

refuse to serve on the patrol was punished by a fine of $20,

to go to the support of the patrol, and in 1835 (chap.

22) it was enacted that persons who refused or neglected to

perform the duties of this office should be fined $25. 1

There was more than one reason why masters did not

want their slaves to meet at slave-meetings about the neigh-

borhood. It afforded opportunity for concocting mischief;

and it demoralized the slaves by bringing them into contact

with the worst negroes of the community, by keeping them

up till late at night, and by giving them a desire for idle-

ness. Accordingly the laws were always against such slave-

meetings. In 1779 (2d session, chap. 10) it was enacted that

an ordinary keeper who entertained slaves against their

master's will should forfeit his license. In 1794 (chap. 4) it

was declared that no person should permit any negroes, bond

1 See Revised Statutes, chap. 86; also Tate vs. Neale, I Hawks,

418, and Revised Code, chap. 83.

2

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or free, to meet on his property for drinking or dancing on

penalty of fine of 10.

The commonest crime of slaves in all ages is no doubt

theft. The negro has bee'n called thievish by nature. Cer-

tainly in American slavery he showed a decided tendency

to petty thievishness, so that it was necessary to throw a

great deal of legal restraint around his petty business rela-

tions with others. Various laws were passed on this sub-

ject. A slave must not trade with any other person without

the written consent of his master, the article for which per-

mission to trade was given being expressly specified. 1

Between 1826 and 1833 a series of laws enumerated the arti-

cles which slaves might not sell without the consent of their

masters. These were articles raised on the farm, tools, food

supplies, and articles prepared for sale, as staves, cloth, and

gold and silver bullion. Other persons were forbidden to

sell anything at all to slaves ; provided, however, that this

should not hold when slaves traded with the written permis-

sion of their masters between sunrise and sunset, Sunday

excepted ; but this proviso was not to apply to the sale of

spirituous liquors, arms, and ammunition, unless they were

for the master's own use. 2 How rigidly this law was enforced

may be seen from the fact that in 1846 (chap. 42) it was

enacted that this section should not be construed to mean

that the master of a slave was not to give him these prohib-

ited articles to carry from one place to another. 3 Further

indication of the rigidness of the law is seen in the statement

of what should be considered presumptive evidence in such

a case. It was enacted in 1826 (chap. 13, sec. 6) that if a

slave should be found in a place used for trade between nine

o'clock and daybreak, or at any time unless his master sent

him ; or, if a slave should stay in such a place, unless sent

thither by his master, for fifteen minutes with the door shut ;

01 if he should come out of such a place with articles which

1 Laws of 1779, ist session, chap, n, and 1788, chap. 6.

1 Revised Statutes, chap. 34, sees. 75-78.

3 Revised Code, chap. 34, sees. 83-92.

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might have been purchased therein ; it should be presump-

tive evidence against him. 1 Shipmasters, many of whom

were from the North, were forbidden to entertain negroes

or mulattoes, slaves or freemen, on their ships between sun-

set and sunrise or on Sunday, unless the said negroes had

permission from their masters or from a justice of the peace,

or unless they were employed on board. 2 Negroes who

violated this law were presumed to be disposing of stolen

goods.

Of a somewhat similar nature was the custom of allowing

a slave to hire his own time. This was a practice by which

a slave paid his owner a certain sum of money for his own

time and then followed some line of work in which he was

proficient. The more industrious negroes who had trades,

as blacksmiths, carpenters and bricklayers, ofte'n did this.

From one hundred to one hundred and fifty dollars a year

was the amount usually paid by a slave for his own time.

Most slaves who hired their time did it with the intention

of buying their freedom, and many of them accomplished

their purpose. The practice gave the slave more liberty of

action and it was considered undesirable both because it

increased the number of free negroes and because it removed

the slave so hiring from the strict control of the whites.

Accordingly it was enacted as early as 1794 (chap. 4) that

no slave should hire his time on penalty of being hired out

for a year by the sheriff at the direction of the County Court,

the proceeds to go to the poor. There is good reason to

believe that this law was not generally executed, but it

remained on the statute book throughout the period of

slavery. 3 Neither should a slave be allowed to go about

as a freeman, using his own discretion as to his employ-

1 Revised Statutes, chap. 34, sec. 78, and Revised Code, chap. 34,

sec. 88.

1 Revised Statutes, chap. 34, sec. 76, and Revised Code, chap. 34,

sec. 93.

'Revised Statutes, chap, in, sec. 31, and Revised Code, chap. 107,

sec. 28.

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ment or living in a house to himself and remote from other

slaves, as a freeman, even though his master should con-

sent. 1

The Slave's Right to Life. In 1774 it was enacted that a

person who willfully killed a slave should be imprisoned a

year for the first offense and suffer death for the second. 2

In 1791 it was further enacted that if a person should be

convicted of maliciously killing a slave he should on the

first conviction be held guilty of murder and should "suffer

the same punishment as if he had killed a freeman." But

in 1801, in the case of the State vs. Boon, this law was

declared inoperative on the ground that the clause which

fixed the penalty was ambiguous. There were, it was said,

various ways of punishing freemen for murder. Since the

law left a shade of uncertainty in the penalty the prisoner

was entitled to the doubt and in this case was released. 3

Two of the five judges of the court gave it as their opinion

that the malicious killing of a slave was murder at com-

mon law, and the three others did not contradict the

opinion. It is possible that it was under this influence that

such a principle began to be held by the courts, since Chief

Justice Taylor declared in 1820 that if a white person killed

a slave under such circumstances as constituted murder he

might have been punished for that offense. 4 A difficulty

arose, however, if the case could be extenuated to man-

slaughter. No punishment was provided for that offense, and

the prisoner was uniformly discharged. The Assembly,

accordingly, in 1817 enacted that "the killing of a slave

shall partake of the same degree of guilt, when accompanied

with like circumstances, that homicide now does." This,

the Court held in i82O, 5 was designed "to make the homi-

cide of a slave, extenuated by a legal provocation, man-

Revised Statutes, chap, in, sec. 32, and Revised Code, chap. 107,

sec. 29.

2 See the author's " Slavery and Servitude," p. 43.

"North Carolina Reports, vol. i, p. 103 (edition of 1896).

\*Hawks's Law, p. 217. \*> Ibid., p. 210, State vs. Tackett.

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slaughter." After stating the common law in regard to

manslaughter the Court added that in the very nature of

slavery "many acts will extenuate the homicide of a slave,

which would not constitute a legal provocation if done by a

white person." The defining of these acts was not

attempted, but it was presumed that the Court and jury

would estimate them seriously in individual cases, with due

regard to the rights of slaves and white men "to the just

claims of humanity, and to the supreme law, the safety of

the citizens."

In 1823 the Supreme Court in the case of the State vs.

Reed, declared directly that the killing of a slave might be

tried as murder at common law, Chief Justice Taylor and

Justice Henderson acquiescing and Justice Hall dissenting.

The grounds of the decision were the law of Nature and

Christianity. Justice Henderson made the very substantial

statement that the law of slavery gave the master the con-

trol of the services of the slave and that it would be not

too scrupulous in adjusting the means of enforcing these

services. "But the life of a slave being in no ways necessary

to be placed in the powers of the owner for the full enjoy-

ment of his services the law takes care of that ; and with me

it has no weight to show that, by the laws of ancient Rome

or modern Turkey, an absolute power is given to the mas-

ter over the life of his slave. I answer, these are not the

laws of our country, nor the mode from which they were

taken. It is abhorrent to the hearts of all those who have

felt the influence of the mild precepts of Christianity." The

argument of Justice Hall was on the basis that the slave

is a chattel. Now if a slave be killed the law provides that

the owner has an action for trespass against the slayer. But

if killing a slave be murder at common law the offender

would be answerable both civiliter and criminaliter. The

Legislature could not have intended to create such a condi-

tion. Besides, the Legislature in 1774 (chap. 31) passed a

law to punish the killing- of a slave. If such an offense had

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been cognizable at common law the Legislature need not

have made a statute on the subject. 1

The effect of this decision was modified shortly after-

wards in the case of the State vs. Hoover, where it was

held that if a slave died from moderate chastisement of his

master every circumstance which in the general course of

slavery might have hurried the master to excess would be

tenderly regarded by the law. But where the punishment

was barbarously immoderate and accompanied by painful

privation of food, clothing, and rest, it is not correction in

foro domcstico, indicates deliberate killing, and is therefore

murder. 2

The next question to be taken up in this connection was

that of the culpability of a white man who cruelly beat a

slave. In 1823, in the case of the State vs. Hale, 3 it was held

that a battery committed on a slave, no justifying circum-

stances being shown, was an indictable offense. But it was

explicitly stated that circumstances which would not justify

a battery on a free person might in the nature of slavery

justify ail assault on a slave. "The offenses," said the

Chief Justice in a sentence which casts a clear light on one

phase of slavery in the South, "are usually committed by

men of dissolute habits, hanging loose upon society, who,

being repelled from association with well-disposed citizens,

take refuge in the company of colored persons and slaves

whom they deprave by their example, embolden by their

familiarity, and then beat, under the expectation that a slave

dare not resent a blow from a white man." This principle

did not apply, however, to the assault of a master on his

slave. This latter case was taken up in 1829 in the case of

the State vs. Mann, 4 when it was decided that a master was

not to be indicted for battery on his slave, that he who has

1 North Carolina Reports (new edition), vol. 9, p. 454.

'See 4 Devereaux and Battle, p. 365.

s Ibid., p. 582. Here the defendant is called Hale. Later cases

cite this case as State vs. Hall.

4 North Carolina Reports (new edition), 13, p. 263.

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a right to the services of a slave has a right to all the means

of controlling his conduct that belong to the owner, and

that this rule would apply to the hirer of a slave. The

decision was given by Justice Ruffin. Although, as he

affirmed, there was no question about a master's right to

inflict any kind of corporal punishment short of death on

his slave, he still stated the general grounds for such a

principle. There had been no prosecutions of masters for

such an offense. Against this general opinion of the com-

munity the Court ought not to hold. It was erroneously

said that the relation of master and slave was like that of

parent and child, and it was held that a parent could not

commit a cruel battery on his own son. The object of the

training of a son was the life of a freeman, and the means to

be used was moral and intellectual instruction. With

slavery it was otherwise. "The end," ran the decision, "is

the profit of the master, his security and the public safety;

the subject, one doomed in his own person and his posterity,

to live without knowledge and without the capacity to

make anything his own, and to toil that another may reap

the fruits. What moral considerations shall be addressed

to such a being to convince him what it is impossible but

that the most stupid must feel and know can never be true

that he is thus to labor upon a principle of natural duty, or

for the sake of his own personal happiness. Such services

can only be expected from one who has no will of his own,

who surrenders his will in implicit obedience to that of

another. Such obedience is the consequence only of uncon-

trolled authority over the body. There is nothing else

which can operate to produce the effect. The power of the

master must be absolute to render the submission of the

slave perfect. I most freely confess my sense of the harsh-

ness of this proposition. I feel it as deeply as any man

can ; and as a principle of moral right every person in his

retirement must repudiate it. But in the actual conditions

of things it must be so. There is no remedy. This disci-

pline belongs to the state of slavery. They [the discipline

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and slavery] cannot be disunited without abrogating at

once the rights of the master and absolving the slave from

his subjection. It constitutes the curse of slavery to both

the bond and free portion of our population. \* \* \*

The slave, to remain a slave, must be made sensible that

there is no appeal from his master; that his power is in no

instance usurped ; but is conferred by the laws of man at

least, if not by the laws of God." The Courts could not

fix the punishment due to the violations of duty by the

slave. "No man can anticipate the many and aggravated

provocations of the master to which the slave would be con-

stantly stimulated by his own passions or the instigations

of others to give, or the consequent wrath of the master

prompting him to bloody vengeance upon the turbulent

traitor a vengeance generally practiced with impunity

because of its privacy." I do not think that one can find

anywhere in the annals of modern justice a decision more

brutally logical, and more void of that genial spirit of pro-

gressive amelioration which should run through a legal

development. Justice Ruffin announced his own horror

of the decision he was giving and consoled himself with

the thought that the softening feeling of the masters in

general for the slaves was increasing and with the decreas-

ing numbers of the slaves, would eventually enable the

relations of slavery to be more humane a result more

likely to come in this way "than from any rash expositions

of abstract truths by a judiciary tainted with a false and

fanatical philanthropy." Was it not the duty of the Court

to give such a decision that would help on the humaniz-

ing process by giving the Courts the right to restrain exces-

sive cruelty of masters towards slaves rather than by crys-

tallizing into a judicial opinion the brutal theory of the

harshest days of slavery to scotch the wheels of the progress

that it was desired to see abroad ?

It was fortunate for the slave, it was fortunate for the

State, that this spirit was not permanent in the Supreme

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Court decisions. In 1834 the case of the State vs. Will, 1

established the distinctly milder principle that a slave who

was barbarously attacked by his master might defend him-

self with physical force. The facts of the case were these :

Will was a slave who became angry because another slave

was allowed to use a hoe which Will used and had helved

in his own time. In his rage he broke the helve and went to

his work. When the overseer knew of it he took his gun

and rode to the place at which Will was at work. He called

the slave to him, who approached humbly with his hat off.

Some words were exchanged when Will began to run. Then

the overseer fired, making a wound in the back of the

fugitive which might have proved fatal. The terrified slave

was pursued and caught by the overseer and two slaves,

but in the struggle of arrest he cut the overseer with a

pocket knife so that the overseer bled to death. All the cir-

cumstances showed that Will had acted in supposed self-

defense. His plea was manslaughter one of his counsel

was B. F. Moore, 2 then young and unknown, but after-

wards one of the leading lawyers of the State. At the out-

set Mr. Moore was confronted by Judge Ruffin's opinion in

the case of the State vs. Mann. These sentiments he dis-

tinctly challenged. "It is humbly submitted," said he, "that

they are not only abhorrent and startling to humanity, but

at variance with statute and decided cases." Judge Hender-

son's opinion in the State vs. Reed was quoted to show that

the master's power extends only to the services of his slave.

Point by point Judge Ruffin's opinion so far as it related

to the general relation of master and slave was combated.

One eloquent passage will indicate the nature of the attack.

Judge Ruffin had said that the slave must be made to

realize that in no one instance was the master's power

usurped. This, exclaimed Mr. Moore, repressed thought

1 See "The Trinity College Historical Society Papers," series II,

p. 12; also i Devereaux and Battle, p. 121.

\*Mr. G. W. Mordecai was also associated with the defense, but

Mr. Moore's argument won the case.

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and "reduced into perfect tameness the instinct of self-

preservation," a result difficult to accomplish and lament-

able if accomplished. But if the relation of slavery required

"that the slave shall be disrobed of the essential features

that distinguish him from the brute, the relation must adapt

itself to the consequences and leave its subjects the

instinctive privileges of a brute. I am arguing no question

of abstract right, but am endeavoring to prove that the

natural incidents of slavery must be borne with because

they are inherent to the condition itself ; and that any attempt

to punish the slave for the exercise of a right which even

absolute power cannot destroy is inhuman and without the

slightest benefit to the security of the master or to that of

society at large. The doctrine may be advanced from the

bench, enacted by the Legislature, and enforced with all the

varied agony of torture and still the slave cannot believe

and will not believe that there is no instance in which the

master's power is usurped. Nature, stronger than all, will

discover many instances and vindicate her rights at any and

at every price. When such a stimulant as this urges the

forbidden deed punishment will be powerless to proclaim

or to warn by example. It can serve no purpose but to

gratify the revengeful feelings of one class of people and to

influence the hidden animosities of the other."

The opinion was written by Justice Gaston, who two

years earlier had said in a public address : "Disguise the

truth as we may, and throw the blame where we will, it is

slavery which, more than any other cause, keeps us back

in the career of improvement." 1 Now he showed him-

self a humane judge : He said : "Unconditional submis-

sion is, in general, the duty of the slave ; unquestioned legal

power is, in general, the right of the master. Unquestion-

ably there are exceptions to this rule. It is certain that the

master has not the right to slay his slave, and I hold it to

be equally certain that the slave has the right to defend

himself against the unlawful attempt of his master to deprive

1 Address at Chapel Hill, June 20, 1832, p. 24.

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him of life. There may be other exceptions, but in a matter

so full of difficulties, where reason and humanity plead

with almost irresistible force on one side, and a necessary

policy, rigorous indeed, but inseparable from slavery, urges

on the other, I fear to err should I undertake to define

them." Neither would he define legal provocation, but he

did say that a slave's unlawful violence excited by his mas-

ter's inhumanity ought not to be construed as malice. "The

prisoner," said the Court, "is a human being, degraded by

slavery, but yet having organs, senses, dimensions, passions

like our own." No malice was shown in the evidence and

the killing was pronounced manslaughter. It was a notable

case and it fixed a humaner spirit in the law of slavery in

North Carolina until the end of that institution.

But one more case before the Supreme Court will be

mentioned, that of the State vs. Jarrot, 1 in 1840. It was

declared, that the difference between homicide through

malice and homicide through passion was to hold as much

in the trial of a slave as in that of a white man ; but the same

matters which would be sufficient provocation for a free-

man would not be sufficient when a slave had killed a white

man. Some words of a slave might be so aggravating as

to arouse the temporary fury which negatives the charge

of malice, "and this rule holds without regard to personal

merit or demerit of the white man." The insolence of a

slave would justify a white man in giving him moderate

chastisement at the moment, but would not authorize an

excessive battery, or moderate correction after the insolence

was past. The rule that where two parties become angry

and fight on equal terms till one kills the other the crime

is manslaughter is not to apply to slaves, but to equals only,

it being the slave's business to avoid such a contest. But

if the battery endangers the slave's life it will reduce homi-

cide by him to manslaughter. 2

1 North Carolina Reports, 23, p. 75.

\*This decision also was written by Judge Gaston.

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In regard to the slave's legal status a curious case has

come under my notice. The late Dr. John Manning, widely

known as Professor of Law at the State University, told

me that Judge Ruffin, the senior, told him that a case was

once decided in the North Carolina Supreme Court in which

it was held that a white man could not be convicted of forni-

cation and adultery with a slave woman, because such a

woman had no standing in the courts. The case, said Judge

Ruffin, was decided early in this century, but it was agreed

that in the interest of public morality it should not be pub-

lished. 1

1 Inquiry of the Clerk of the Supreme Court fails to discover the

papers in reference to the case ; but since there is no other index to

the Supreme Court cases than the printed reports it is quite possible

that the papers are preserved, but so lost among a vast number of

documents thatonly a long and careful search would bring them to light.

CHAPTER II.

FREE NEGROES AND EMANCIPATION.

Emancipation. During the colonial period emancipation

was forbidden except for meritorious conduct to be

adjudged by the County Court, 1 and this law was confirmed

by the Assembly in 1777 (chap. 6) and further explained

in 1796 (chap. 5). 2 At the beginning of the Revolution

"seme evil-minded persons intending to disturb the pub-

lic peace" liberated their slaves and left them at large in the

community. The authorities in Perquimons and Pasquo-

tank counties took up the negroes and resold them into

slavery. The Legislature confirmed these sales and pro-

vided that other such slaves at large might be sold in the

same way; provided, however, that this law did not extend

to such of these negroes as had enlisted in the patriot army. 3

These slaves had been freed by the Quakers, who were at

that time very active in favor of emancipation. Their

liberated slaves were going about, said the Assembly, "to

the terror of the people of the State." The law which for-

bade their liberation was a failure, because it left the duty

of informing of its violation to freeholders only and made

their action optional. To remedy this condition the

Assembly in 1788 (chap. 20) gave the duty of informing

on such liberated slaves to any freeman, and thus secured

the co-operation of the landless whites who were usually

strangely willing to have a fling at the slaves and who, no

1 See the author's " Slavery and Servitude," pp. 64-66.

3 When the Superior Courts were created the judging of meritorious

conduct was left to them. Revisal of 1821, chap. 971.

3 Laws of 1779, 2d session, chap. 12.

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doubt, were anxious to get the reward offered for such infor-

mation.

After the San Domingo revolt in 1791 much concern was

felt in the Southern States lest the success of the slaves there

should inspire attempts at insurrection in the United States.

Several new features of the slave law were added, one of

which provided that no slave should be liberated unless he

could give bond in the sum of 200 that he would remain

quiet and orderly. 1

In 1830 (chap. 9) it was made more difficult to emanci-

pate. Now, the petitioner must notify his intention at the

court house and in the State Gazette six weeks before the

hearing of the petition ; he must give bond with two sureties

for $1000 that the said slave should conduct himself well

as long as he or she remained in the State, that the slave

would leave the State within ninety days after liberation,

and the said liberation should invalidate the rights of no

creditor. Executors of wills by which slaves were directed

to be liberated must secure consent of the courts and take

steps to send the negroes out of the State and guard against

the loss of creditors. A slave more than fifty years old

might be liberated for meritorious conduct to be approved

by the Court without subsequently leaving the State, pro-

vided that the master swore that the emancipation was not

for money and that he gave bond that the negro would

conduct himself well and not become a charge on the

cou'nty. No slave was to be liberated except by this law. 2

This law remained in force till the war. 3 Within the strict

conditions herein embraced, ruled the Supreme Court in

1841, it was the policy to facilitate emancipation. 4 Besides

this method, slaves were occasionally freed by special Act

of the Assembly.

1 Laws of 1795, chap. 16.

'Revised Statutes, chap, in, sees. 57-64.

3 Revised Code, chap. 107, sees. 45-53.

4 Cameron vs. Commissioners of Raleigh (the Rex Will Case),

i Iredell's Eq., p. 436.

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Among the various cases reported from the Supreme

Court in regard to emancipation there are several from

which the point is obtained that the freedom of slaves could

be acquired through prescription. For instance, it was held

that when a woman who had once been a slave, but who for

thirty years or more, had been treated as a free person, and

her daughter with her, then a granddaughter must be free ;

for it would be proper to infer that so long an enjoyment

of freedom must have followed legal emancipation. It was

not attempted to fix the time necessary to constitute such

liberation by prescription; but in the cases cited thirty and

forty years are the periods mentioned. 1

In Sampson vs. Burgwin 2 a decided tenderness for the

slave is observed in the Court. Here suit was brought to

invalidate the emancipation of a slave, because, being but two

years old when liberated and being freed along with her

mother, she could not have performed meritorious ser-

vices. The Court held that the act of liberation was that

of "a court of conclusive jurisdiction, and could not be

impeached by evidence that she had not and could not per-

form such services." It also decided that a petition of an

owner to free slaves need not be in writing, and that "in

an action by a negro to try his right to freedom if evidence

of his being reputed to be a freeman is offered it is admis-

sible to show in reply acts of ownership inconsistent with

reputation." The opinion was by RufHn, Chief Justice.

Granting permission to liberate was not liberation, as was

held in the case of Bryan vs. Wadsworth. 3 Here Elizabeth

Bryan, of Craven County, had in 1808 received permis-

sion from the County Court to liberate her slave Abram

for meritorious services and gave the bond required for

the same; but further she did not go. She kept Abram

as a slave till 1820, when she sold him. He then sued for

1 Brookfield vs. Stuart, 6 Jones, p. 156; Cully vs. Jones, 9 Iredell,

p. 168; Strange vs. Burnham, 12 Iredell, p. 41.

2 3 Devereaux and Battle's Law, p. 28.

3 1 Devereaux and Battle's Law, p. 384.

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his freedom. He lost the case. It was held that only the

master could emancipate and that the Court only gave per-

mission to emancipate.

The harshness of the law led to various subterfuges in

regard to emancipation. It was attempted to hold slaves

in nominal servitude, but in real freedom. This was opposed

for the general reason that it increased the free negro class

and whenever a case involving such a trick came before the

Supreme Court it was severely handled. A case in point

was that of the Quakers, which arose as follows: In 1817

William Dickinson conveyed a slave to the trustees of the

Quaker society of Contentnea, to be held in a kind of

guardianship, to be kept at work but to receive the profits

of his labor, and ultimately to be free when his freedom

could be effected by the laws of the State. In 1827 the

matter was before the Supreme Court. It was in evidence

that nothing was said about sending the slave out of the

State when he should be freed. On the contrary it seemed

to be the purpose of the parties to keep him in the State

till free, and then to let him go where he would. The

opinion was by Taylor, Chief Justice. He declared that the

practice of the Quakers was emancipation in everything but

name. By statute a religious society could hold property

for its use only, and in a conveyance to it for a purpose

forbidden by the policy of the laws nothing was passed.

That the Quakers did not hold this slave, or other slaves, for

their own use was shown by the fact that slaveholding was

against their well-known principles. Justice Hall dissented.

He thought a religious society might hold personal

property unlimitedly and seems not to have approved of the

law which fixed such stringent measures against emanci-

pation. 1 Regardless of this decision, as will be seen later on,

the Quakers, as a society, continued to hold slaves for pur-

poses of emancipation.

A case not unlike this occurred in 1822, when Collier

Hill left slaves to four trustees, one of whom was "Richard

1 Contentnea Society vs. Dickinson, i Devereaux, p. 189.

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Graves, of the Methodist Church," with the injunction to

keep the said slaves for such purposes as "they [the trus-

tees] shall judge most for the glory of God and the good of

the said slaves." The case came before the Supreme Court,

and the opinion declared that such a bequest, "when it could

be fairly collected from other parts of the will that the tes-

tator did not mean by the bequest any personal benefit to

the legatees, was held to constitute them trustees for the

purpose of emancipation," and as such purpose was illegal

it was held that the trustees take the property in trust for

the legal heirs. 1

In all these cases the cast-iron necessity of keeping

slavery unbendingly confined to its present condition, cut-

ting off the least tendency to amelioration, is clearly seen.

Slavery absolute nothing short of it and as few free

negroes as possible ; that was the idea.

As time passed this feature of the law became harder.

Most severe was a case before the Court in 1849. The facts

were these. William Quarry, of Mecklenberg, conveyed by

deed absolute to Peoples and others a slave woman Linney,

who was married to a freeman. Desiring that she might con-

tinue to live with her husband he conveyed to the same

parties twelve acres of land with a house on it, presumably

for her use. No consideration was paid, although it

was duly acknowledged. The defendants claimed that they

were absolute owners, that the donor conveyed the woman

and her family to provide for her comfort and to prevent

the division of the family. They allowed the husband to

occupy the house with his wife for a certain rent. They

took her and her children under their personal care and

agreed to control their conduct. Yet the arrangement

would not do at all. It was, said the Court, qualified

slavery, and the conveyance was void. Lkmey and her

children were given to the heirs of the donor, and, moreover,

J Huckaby vs. Jones, 2 Hawks, p. 720. See also Stephens vs. Ely,

I Devereaux's Equity, p. 497.

3

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the donees were held liable, "with just deductions," for the

profits clue from her services while in their hands, and

because the defendants had attempted to defraud the law

they were to pay the costs. 1

Severe as these cases seem the Court showed that within

the range of the fact that the free negro class must not be

extended they were disposed to be as humane as possible.

In the case of Redding vs. Long, 2 a grantor had given slaves

in trust during his lifetime and directed the trustee to send

them to Liberia after the grantor's death, if they wanted to

go. The Court declared that this will was not against the

spirit of the laws. "Though slaves have no capacity to make

contracts," said the Court, "yet they have both mental and

moral capacity to make election between remaining here

and being slaves, and leaving the State and being free."

Free Negroes. Slaveholders disliked and feared free

negroes because they demoralized the quiet conduct of the

slaves. These negroes were under no direct control of the

white man. They might aid the slaves in planning a revolt,

in disposing of stolen property, in running away, and in any

other act of defiance. Privilege after privilege was with-

drawn from them. At first they haa most of the rights and

duties of the poor white man ; they fought in the Revolu-

tionary armies, mustered in the militia, voted in the elec-

tions, and had the liberty to go where they chose. At

length they lost their right to vote; their service in the

militia was restricted to that of musicians; and the patrol

came more and more to limit their freedom of travel. Taxes

and road duty alone of all their functions of citizenship

were at last preserved. The story of the appearance of these

progressive limitations is not a pleasant one.

It was in 1787 (chap. 6) that the Assembly enacted that

no free negro should entertain a slave at his house at night

or on Sunday, on penalty of fine. If the fine was not paid

the culprit was to be hired out long enough to pay it. The

1 Lemmond vs. Peoples, 6 Iredell's Equity, p. 137.

"4 Jones' Equity, p. 216,

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same law forbade a free negro to marry or to cohabit with

a slave without the written consent of the master, and in

1830 (chap. 4, sec. 3) such relations were forbidden even

though the master gave his written consent, and the penalty

for violation was thirty-nine lashes. 1 In 1795 (chap. 16)

free negroes who settled in the State were required to give

bond of 200 for their good behavior, in default of which

they were sold by the sheriff for the benefit of the public.

In 1826 (chap. 13) a free negro was forbidden to be on a

ship at night, or on Sunday, without a pass from a justice

of the peace, unless, indeed, he were employed there; but

the punishment for a violation of this law fell on the captain

of the ship. Neither must a free negro trade with a slave,

and a free negro must have a license from the County Court

to hawk or peddle. 2

The collection of fines from free negroes was often diffi-

cult, and in 1831 (chap. 13) the Legislature enacted that

when the Court had reason to believe that a free negro

could not pay the fine imposed upon him it might direct that

he be hired out to the highest bidder for a time long enough

to pay the fine. The bidder who bid the shortest time took

the negro. The relation between hirer and hired was to be

the same as that between master and apprentice. A free

negro was not to be hired out in this way for a longer term

than five years. If a longer term was the lowest bid the fine

was to be reduced to an amount which five years' service

would satisfy. 3 Later it was thought necessary to provide

that such a free negro should be well supplied with food,

clothing, medicine and lodging; that he should be kept

employed in some useful and industrious occupation, that

he should not be taken from the county during service, and

1 State vs. Fore, i Iredell, p. 378.

2 Laws of 1830, chap. 7, and 1831, chap. 28.

'The constitutionality of this law was questioned but it was upheld

by the Supreme Court. See State vs. Oxendine, I Devereaux and

Battle, p. 435, and State vs. Manuel, 4 Devereaux and Battle,

p. 20.

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that he should be produced in Court at the end of his ser-

vice or oftener, if so ordered by the Court. 1

In 1826 (chap. 21) the relation of the free negro to the

State was pretty thoroughly restated by law. With free

negroes were now to be included all persons of negro blood

to the fourth generation inclusive, though one ancestor in

each generation may have been white. 2 It was declared that

no free negro should move into the State; and if one did so

and did not leave within twenty days after being notified

of the provisions of this law he should be fined $500, or held

to labor for ten years or less. After paying such a penalty

he must leave within thirty days or suffer a repetition of the

punishment. He who brought in a free negro to settle in

the State should pay a fine of $5oo. 3 Any able-bodied free

negro "found spending his or her time in idleness and dissi-

pation, or having no regular or honest employment," was

to be arrested and made to give bond for good behavior, in

default of which he or she was to be hired out for such a

term as the court might think "reasonable and just and

calculated to reform him or her to habits of industry or

morality, not exceeding three years for any one offense."

Furthermore the Courts might bind out the children of such

free negroes who were not industriously and honestly em-

ployed. Persons hiring free negroes under this act were

required to furnish them with proper food and clothing,

to treat them humanely, and to teach them some trade or

other useful employment. In the later days of slavery 4 the

hirer was to give bond to perform this duty, and on failure

he was to pay the negro the amount of the bond, and also to

lose his services and be liable for a misdemeanor. A further

check was placed on the 'number of free negroes in 1830

1 Revised Code, chap. 107, sec. 77.

a See State vs. Dempsy, 9 Iredell, p. 384.

3 It was under the operation of this law that Lunsford Lane was

driven from the State. See the author's "Anti-Slavery Leaders of

North Carolina," p. 60.

4 Revised Code, chap. 107, sec. 77.

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(chap. 14) when it was provided that those who were

willingly absent from the State for more than ninety days

together should not be allowed to return to it. It was a

capital offense without benefit of clergy for any person of

color to rape a white female. 1 By law of 1830 (chap. 10,

sec. 2) a free negro was forbidden to gamble with a slave,

or to allow a slave to gamble in his house. A further

restraint came in 1840 (chap. 30) when a free negro was

forbidden to carry a gun or other deadly weapon without

license from the County Court. 2 A free negro was not

allowed to sell or to give spirituous liquor to any person what-

ever, 3 and if a free negro were charged with the support of a

bastard child, the Court might order him bound out for such

a sum as would maintain the child. 4 Thus it will be seen

that in regard to his rights of conduct the free negro was

reduced more and more to the position of the slave.

The legal status of the free negro was peculiar. Was he

a freeman, or was he less than a freeman? The former

he was by logical intent; yet he was undoubtedly denied,

as has just been stated, many rights which mark the estate

of freemen. At any time in the eighteenth century, I sup-

pose, there would have been no question about the free

negro being equally a freeman with the whites. After the

severe laws of the third and fourth decades of the nineteenth

century opinion changed. It was thus that it was as late

as 1844 that the Supreme Court undertook to fix the status

of free negroes. It then declared that "free persons of color

in this State are not to be considered as citizens in the

largest sense of the term, or if they are, they occupy such

a position as justifies the Legislature in adopting a course

of policy in its acts peculiar to them, so that they do not

violate the great principles of justice which lie at the founda-

tion of all law." 5 This position is further illustrated by the

opinion of the Court in regard to the free negro's right to

1 Laws of 1823, chap. 1229. 2 State vs. Lane, 8 Iredell, p. 256.

3 Laws of 1844, chap. 86. \* Revised Code, chap. 107, sec. 76.

'State vs. Newsom, 5 Iredell, p. 250.

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defend himself against physical force. It was held in 1850

that insolence from a free negro to a white man would

excuse a battery in the same manner and to the same extent

as insolence from a slave. 1 In 1859 the Court became more

explicit. It declared that a free negro was in the peace of

the State, and added at length : "So while the law will not

allow a free negro to return blow for blow and engage in a

fight with a white man under ordinary circumstances, as

one white man may do with another or one free negro with

another, he is not deprived absolutely of the right of self-

defense, but a middle course is adopted" by which he must

prove "that it became necessary for him to strike in order

to protect himself from great bodily harm or grievous

oppression." 2

More important still is the history of free negroes and

suffrage. 3 The first State Constitution provided that free-

holders should vote for members of the State Senate and

freemen for members of the House of Commons. By stat-

ute a freeholder was one who owned in fee or for life fifty

acres of land. When the Constitution began to operate it

was a day of strenuous danger. Free negroes were enlisted

in the patriot armies, and discharged the other burdens of

government. They were admitted also to the privileges of

citizenship. Negro freemen voted for members of the Com-

mons and when they were freeholders they voted for mem-

bers of the Senate. Having formed political alliances they

found protectors in their party allies, and, eventually, foes in

their party opponents. As they became more and more the

object of suspicion there was a stronger demand for their

disfranchiseme'nt. In some localities they ceased to vote at

all. This was probably where the political party with which

they affiliated was in the minority. In many com-

munities they voted and were protected by their friends.

1 State vs. Jowers, n Iredell, p. 535.

2 State vs. Davis, 7 Jones, p. 52.

8 See the author's paper on " Suffrage in North Carolina," Report

of the American Historical Association, 1895, pp. 272-3.

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Of course, where they did not vote it was through their own

will whether it was influenced by choice or by fear of the

whites. Unquestionably, they were not a desirable class of

voters. In Granville County, it is said, they lost the favor

of the people because they persistently voted for one Potter,

a demagogue of plausible speech, who had not the respect of

the best whites. At length it came to be regarded as a blot

on a man's political record to have the support of the free

negroes. It was not unusual for candidates to twit one

another with such support and for the one to reply that he

would give up the negro vote if the other would do the

same. 1

In the triumph of the pro- slavery views, about 1830, the

free negro was destined to lose the franchise. The matter

came to a head in the Constitutional Convention of 1835.

Already a law had been passed to forbid the free negro to

hold office in the State. I do not know just how the act

which called the Constitutional Convention came to include

in the objects of the convention the consideration of the dis-

franchisement of free negroes. Perhaps it was a compro-

mise wrung from the men of the West by those of the East

in order to get popular representation. Its consideration

was made optional. There were many friends of the black

man in the convention, but the majority was against him.

Realizing their position they tried to secure a law which

would save the franchise to the more industrious and intelli-

gent of the free negroes. It was therefore proposed to

limit the right to vote to such of this class as had a freehold

estate worth $250. The debate on this proposition was

long. It was argued by the affirmative that this would be

an incentive to the thrift and good conduct of the free

negroes; that it would make the better men in that class

friends of the whites in case of slave riot; that many free

negroes had fought in the Revolution; that they usually

1 See David Dodge: "The Free Negroes of North Carolina," The

Atlantic, Jan., 1886. David Dodge is O. W. Blacknall, Esq., Kit-

trels, N. C.

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voted for good men when they voted, and that if they were

taxed they ought to vote. It was admitted that the bill of

rights was intended to apply to white men only ; but, it was

said, expediency demanded the present concession. It was

not denied that the prejudice against these people was justi-

fied by the unworthiness of many of them ; but the whites

were -largely responsible; for, it was added, "the whites are

the principal corrupters of the morals of these people." Mr.

Shober, of Surry, an extremely western county, was more

outspoken. He said that it was sufficient for him that a

free negro was a human being, that he had a will and was

a free agent. If held liable for taxes and other burdens he

ought to have some privileges. Said Mr. Giles : "It was

charged that the vote of the free negro could be purchased

purchased by whom? Undoubtedly by white men. The

Legislature had been remiss in its duty to the free negroes.

Instead of improving their situation they appear to have

acted on a principle of hostility toward them." The con-

vention ought to do something to raise them from their

degradation. Judge Gaston also spoke for the negro.

After Macon he was the most distingished man in the con-

vention. The question, said he, was not the giving of a

right but the taking of one away. He was willing to

restrict the right of suffrage ; but those free negroes who

possessed freeholds were honest men and perhaps Christians

and they should not be politically excommunicated on

account of their color. "Let them know that they are part

of the body politic, and they will feel an attachment to the

form of government, and have a fixed interest in the pros-

perity of the community, and will exercise an important

influence over the slaves."

On the other hand, it was argued that a free negro was

not a citizen, and that if he had ever voted it was illegally.

Being called freemen in the abstract did not confer on them

the dignity of citizenship. Fighting in the Revolution did

not make them citizens any more than it made citizens of

the slaves, many of whom fought in the Revolution. The

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lot of the free negro was not a hard one. "It far surpassed

the nondescript situation of the ancient Helots and villeins,

or the ignoble condition of the oppressed peasants of

Poland." A slave was not a citizen. When was a freed

slave naturalized? And until naturalized could he be a

citizen? Citizens of one State have privileges of citi-

zens in the other States, and yet North Carolina severely

restricted their coming to its borders, thus implying that

they were not citizens. It was granted that the better class

would suffer hardship in losing the right of suffrage, yet

the interest of a few must yield to the general good.

Although, it was said, free negroes voted elsewhere in the

State, yet the privilege was not allowed to those in the east-

ern counties, and they had accepted the restriction "with

cheerfulness and contentment." The cold logic of the

views of the majority was stated by Mr. Bryan, of Carteret,

as follows :

"This is, to my mind, a nation of white people, and the

enjoyment of all civil and social rights by a distinctive class

of individuals is purely permissive, and unless there be a

perfect equality in every respect it cannot be demanded as a

right. \* \* \* It may be urged that this is a harsh and

cruel doctrine, and unjust, and by no means reciprocal in

its operation. I do not acknowledge any equality between

the \\hite man and the free negro in the enjoyment of politi-

cal rights. The free negro is a citizen of necessity and

must, as long as he abides among us, submit to the laws

which necessity and the peculiarity of his position compel us

to adopt."

Mr. McQueen, of Chatham, continued the argument : The

Government of North Carolina did not make the negro a

slave, said he. It gave the boon of freedom, but did that

carry the further boon of citizenship? "Is there any solid

ground for the belief that a free mulatto can have any per-

manent interest with, and attachment to, this country? He

finds the door of office closed against him by the bars and

bolts of public sentiment; he finds the circle of every

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respectable society closed against him; let him conduct

himself with as much propriety as he may, he finds himself

suspended between two classes of society the whites and

the blacks condemned by the one and despised by the

other; and when his favorite candidate in the election pre-

vails, it communicates no gratification in his breast, for the

candidate will be a white man, and he knows full well that

the white man eyes him with contempt." More relentless still

was Mr. Wilson, of Perquimons. He said : "A white man

may go to the house of a free black, maltreat and abuse him,

and commit any outrage upon his family, for all of which the

law cannot reach him, unless some white person saw the act

committed some fifty years of experience having satisfied

the Legislature that the black man does not possess sufficient

intelligence and integrity to be intrusted with the important

privilege of giving evidence against a white man. And after

all this shall we invest him with the more important rights of

a freeman?"

After the discussion had continued two days, the matter

was carried against the free negro by a vote of 65 to 62.

It was the strongly slaveholding East that carried the vote ;

for, of the majority, 47 votes were eastern and 18 were west-

ern, while of the minority 40 were western and 22 eastern.

The amendment to the Constitution as finally adopted read :

"No free negro, free mulatto, or free person of mixed blood,

descended from negro ancestors to the fourth generation

inclusive (though one ancestor of each generation may have

been a white person) shall vote for members of the Senate

or House of Commons."

There were more free negroes in North Carolina in 1860

than in any other State except Virginia. Rigorous as they

were the North Carolina laws against these people were

more lenient than the laws of Virginia or of any other State.

Consequently many free negroes quietly crossed into the

former State and settled there undisturbed in the northern

or southern counties. They took the poorest land. Usu-

ally they rented a few acres; often they bought a small

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"patch," and on it dwelt in log huts of the rudest construc-

tion. In either case they supplemented their resources by

following some simple trade. They were well-diggers,

shoemakers, blacksmiths, fiddlers, hucksters, pedlers, and

so forth. Besides, they were easily called in to help the

whites on occasions of need. There were a very few who

accumulated money and some of these became slave-owners.

Although it was against the law for them to come into the

State, their arrival was tolerated both because the law was

recognized as severe and because their services were wanted

in the community. Many of them had Indian blood in

their veins, and when such was the case they were a little

distant towards the slaves. Unambitious, often immoral,

they were of the least value to society, which, indeed, offered

them no inducement to be better than they were. They

usually were on terms of friendship with that other class

of incompetents, the "poor whites." Sometimes these two

classes lived on terms of sexual intimacy. In Granville

County there was a pretty well authenticated story of a white

woman who had her colored lover bled and drank some of

the blood so that she might swear she had negro blood in

her and thus be enabled to marry the object of her affection.

She succeeded in her purpose and the couple lived to rear

a family of children. 1 I have been speaking of free negroes

who lived in the country districts. In towns they fared

better and accumulated wealth.

Regardless of the severe laws there were not a few free

negroes who acquired wealth and consideration. Of th's

class were notably Rev. John Chavis, Lunsford Lane and

John C. Stanley. The first of these will be noticed in

another chapter, the second has been treated by the author

with much fulness elsewhere, 2 and here I shall speak of the

third only.

'David Dodge [O. W. Blacknall] in The Atlantic Monthly, Jan.,

1886.

"'Anti-slavery Leaders of North Carolina,'' p. 60.

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John C. Stanley was a mulatto, the son of an African

born slave woman, who was brought to Newbern, N. C.

(from the West Indies), before the Revolutionary War. He

\vas a barber by trade and throughout his days of manhood

was known as "Barber Jack." He was a faithful servant,

and in 1808 he was liberated by the General Assembly on

petition of Mrs. Lydia Stewart, into whose possession he had

come. He soon began to acquire negro slaves and land

till at length he had sixty-four slaves and as many more

bound free negroes working his several plantations. Says

Col. John D. Whitford : "He was popular, too, with both

slave and free negroes generally, notwithstanding he was a

hard taskmaster. Yes, he worked all well and fed and

clothed indifferently." 1 He married a moor, a copper col-

ored woman who was not a slave. He got his start in the

barber business although he made much of his money by

discounting notes. Certain white men of means who did

not care to go openly into the business of sharp discounting,

took him for a partner and furnished the means. He had

three sons, John, Alexander and Charles. John became an

expert bookkeeper and was employed in that capacity by

a prominent firm. John C. Stanley amassed a fortune sup-

posed to be worth more than $40,000 ; but in his old age he

lost much of it by bad management. His family held them-

selves aloof from the other negroes of the community. They

were members of the Presbyterian Church, to which Mrs.

Stewart, his former mistress, had belonged. This lady lived

till 1822, and when old and feeble could be seen on the

streets in fine weather supported on the arm of her faithful

old servant now fourteen years a freeman. Thus she took

the air and thus she went to church on Sunday. When the

couple had arrived at the church, John would conduct her to

^ee Raleigh, N. C., Morning Post, Dec. 5, 1897. Other facts

not mentioned by Col. Whitford are from statements made to the

writer by Maj. D. W. Hurt, Goldsboro, N. C.

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her pew and then leave her to take his seat with his own

family in the place assigned to colored people.

Many of the free negroes were in circumstances of inde-

pendent thrift, and from many parts of the State I have had

evidence that some negroes were slaveholders. In New-

bern especially there were a number of such thrifty colored

men. Notable among these was John Good. He was a son

of his master and for a long time a slave. When the master

died, his two surviving children, who were daughters, had

but little property besides this boy, John, who was a barber.

John took up the task of supporting them. He boarded them

in good houses and otherwise provided for them well. His

faithfulness won him many friends among the best citizens,

and when both of his mistresses were married these friends

united to persuade the owners to liberate him as a reward

for his services. Unfortunately, freedom proved no boon.

He fell into bad habits, took to drink and soon died. There

were other thrifty and notable free negroes in the same

place, as, for example, John Y. Green, a carpenter and con-

tractor ; Richard Hazel, a blacksmith of means ; Albert and

Freeman Morris, described as two "nice young men," and

thoroughly respected, tailors by trade ; and Scipio, slave of

Dr. Hughes, who was a blacksmith and owner of a livery

stable. Another was Fellow Bragg, a tailor who was thor-

oughly conscientious and so good a workman that promi-

nent people were known to move their custom to the shops

at which he was employed in order that he might work on

it. Most of these men moved to Cincinnati sooner or later.

What became of them after that I do not know. 1 The con-

ditions here recorded for Newbern were not unusual for

North Carolina towns in general. Everywhere there were

usually a number of prosperous free negroes. Most of them

were mulattoes, 'not a few of them were set free by their

fathers and thus they fell easily into the life around them.

facts in this paragraph are from Maj. D. W. Hurt, formerly

of Newbern, but now of Goldsboro, N. C.

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This mulatto class was partly due to the easy sexual rela-

tions between the races. A white man who kept a negro

mistress ordinarily lost no standing in society on account of

it. The habit, though not common, was not unusual. Often

the mistress was a slave, and thus there were frequent eman-

cipations either by gift or by purchase of liberty, till the

stricter spirit of the laws after 1831 checked it.

CHAPTER III.

RELIGIOUS LIFE.

I have already said that the central idea of slavery in

North Carolina was a determination to perpetuate the insti-

tution, whatever the price, and at the same time a disposi-

tion to make it as gentle as possible for the slave, pro-

vided that doing so did not tend to loosen his bonds. This

same idea is found in the master's regulation of the religious

life of the slave. Without question he was willing to make

the slave a Christian. He was anxious to do it. He spent

money with more or less bountifulness to do it. This was

sometimes done by men who were not Christians them-

selves, but who wanted their slaves to be Christians for the

purposes of discipline ; but oftener it was done out of pure

benevolence, and with a devout purpose to accomplish the

spiritual welfare of the negro. Persons who have formed

their opinions of Southern society from the popular works

of certain novelists are apt to think of the slave-owner as

a fine-bred gentleman of cavalier instincts and patriarchal

feelings. Such an estimate is but half true. There was in

the South in North Carolina it was very strong a large

class of slave-owners who approached more nearly to the

English farmer type than to the English gentleman type.

They were usually self-made men, of fair intelligence, and

of some education. They were generally thrifty and often

wealthy. The majority of them were Christians, mostly

of the Methodist, Baptist and Presbyterian Churches. This

class of men has received but little attention from those who

have written of Southern society, and yet it was the back-

bone of that society. There was little that was ideal about

such men. They were humdrum, but they were honest,

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pious and substantial, and they were numerous. Such peo-

ple are to be compared, not only in wealth, but in general

social development as well, with the upper farmer class in

the North and West. I do not mean to say that they were

all of the South. The planter class, in the ordinary use of

the term, was there, and it was the governing class and the

class that touched the outside world. It went to summer

resorts, and to Congress, and to political conventions, and it

got into novels, and sometimes into history, and it was usu-

ally benignly patriarchal, but the farmer class as a class came

closer into touch with the slave and in a hundred ways soft-

ened the harshness of an institution which no one knew

how to modify in law.

It was, indeed, in a harsh spirit that the law came at last

to regulate the religious relations of the slave. In the begin-

ning, when the slaves were just from barbarism and free-

dom, it was thought best to forbid them to have churches

of their own. But as they became more manageable, this

restriction was omitted from the law 1 and the churches

went on with their work among the slaves. A large num-

ber of negroes were converted and taken into church mem-

bership, some of the more intelligent negroes were taught

to read and were licensed to preach. Some churches made

a specialty of work among the slaves. Often negro preach-

ers held services with their own race and sometimes estab-

lished separate congregations, though the latter was not

the rule. The advantage of this system was that it was

developing the negro into self-dependence religiously, but

doing it under the intimate oversight of the whites among

whom he was interspersed. Never before or since was the

relation between the negro and his white neighbors so aus-

picious. The change came openly in 1830, when a law was

passed by the General Assembly which destroyed the hopes

of all those who were favorable to this movement. It was

enacted that no free person or slave should teach a slave

^ee the author's "Slavery and Servitude," p. 50.

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to read or write, the use of figures excepted, or give to a

slave any book or pamphlet. 1 This law was no doubt

intended to meet the danger from the circulation of incen-

diary literature, which was believed to be imminent; yet

it is no less true that it bore directly on the slave's religious

life. It cut him off from the reading of the Bible a point

much insisted on by the agitators of the North and it fore-

stalled that mental development which was necessary to

him in comprehending the Christian life. The only argu-

ment made for this law was that if a slave could read he

would soon become acquainted with his rights. Caruthers

thought it a shame that a Christian people would make such

arguments. "How dare you," he exclaims, "by your

impious enactments doom millions of your fellow-beings to

such a gross and perpetual ignorance!" 2 A year later a

severer blow fell. The Legislature then forbade any slave

or free person of color to preach, exhort, or teach "in any

prayer-meeting or other association for worship where

slaves of different families are collected together" on penalty

of receiving not more than thirty-nine lashes. 3 The result

was to increase the responsibility of the churches of the

whites. They were compelled to abandon the hope of see-

ing the negro made his own evangel and to take on them-

selves the task of handing down to the slaves religious

instruction in such a way that it should be comprehended

by their immature minds and should not be too strongly

flavored with the bitterness of bondage. With the mandate

of the Legislature the churches acquiesced.

As to the preaching of the dominant class to the slaves

it always had one element of disadvantage. It seemed to

the negro to be given with a view to upholding slavery. As

an illustration of this I may introduce the testimony of

1 Revised Statutes, pp. 209, 578, and Revised Code, p. 218.

"See the unpublished manuscript of E. W. Caruthers's book on

"Slavery," p. 396. It is preserved in the library of Greensboro

Female College, Greensboro, N. C.

s Revised Statutes, p. 580, and Revised Code, p. 576.

4

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Lunsford Lane. This slave was the property of a prominent

and highly esteemed citizen of Raleigh, N. C. He hired

his own time and with his father manufactured smoking

tobacco by a secret process. His business grew and at

length he bought his own freedom. Later, he opened a

wood yard, a grocery store and kept teams for hauling.

He at last bought his own home, and had bargained to buy

his wife and children for $2500, when the rigors of the law

were applied and he was driven from the State. He was

intelligent enough to get a clear view of slavery from the

slave's standpoint. He was later a minister, and undoubt-

edly had the confidence and esteem of some of the leading

people of Raleigh, among whom was Governor Morehead.

He is a competent witness for the negro. In speaking- of

the sermons from white preachers he said that the favorite

texts were "Servants, be obedient to your masters," and

"he that knoweth his master's will and doth it not shall

be beaten with many stripes." He adds, "Similar passages

with but few exceptions formed the basis of most of the

public instruction. The first commandment was to obey

our masters, and the second was like unto it ; to labor as

faithfully when they or the overseers were not watching

as when they were. I will not do them the injustice to say

that connected with this instruction there was not mingled

much that was excellent." All this was natural. To be a

slave was the fundamental fact of the negro's life. To be

a good slave was to obey and to' labor. Not to obey and not

to labor were, in the master's eye, the fundamental si'ns of a

slave. Such a condition was inherent in slavery. On the

other hand, many of the more independent negroes, those

who in their hearts never accepted the institution of slavery,

were repelled from the white man's religion, and thus the

support of a very valuable portion ot the race was lost.

This condition of affairs was not to be entirely remedied

by having negro preachers ; but it might have been amelior-

ated by it, and if, in the long course of time, the church

work among the slaves could have been done entirely by

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negro preachers acting under white supervision the salva-

tion of the slave would have been very near its accomplish-

ment.

As it was, it is no doubt true that many slaves were

reached by religious influences. Through the teachings of

the church many were enabled to bend in meekness under

their bondage and be content with a hopeless lot. There

are whites to whom Christianity is still chiefly a burden-

bearing affair. Such quietism has a negative value. It

saves men from discontent and society from chaos. But

it has little positive and constructive value. The idea of

social reform which is also associated with the standard of

Christian duty was not for the slave. Those very few who,

like Lunsford Lane, did work themselves heroically to free-

dom were acting on principles not usually preached from

the pulpit in the latter part of our period.

How a slave looked at the religion that was brought to

him may be seen from the following words of Lunsford

Lane, who seems to have been a consistent Christian :

I was permitted to attend church, and this I esteem a great bless-

ing. It was there I received much instruction, which I trust was a

great benefit to me. I trusted, too, that I had experienced the renew-

ing influences of divine grace. I looked upon myself as a great sin-

ner before God, and upon the doctrine of the great atonement,

through the suffering and death of the Saviour, as a source of continual

joy to my heart. After obtaining from my mistress a written permit,

a thing always required in such cases, I had been baptized and

received into fellowship with the Baptist denomination. Thus in

religious matters I had been indulged in the exercise of my own

conscience; this was a favor not always granted to slaves. There

was one hard doctrine to which we as slaves were compelled to listen,

which I found difficult to receive. We were often told by the minis-

ter how much we owed to God for bringing us over from the benighted

shores of Africa and permitting us to listen to the sound of the gos-

pel. In ignorance of any special revelation that God had made to

master, or to his ancestors, that my ancestors should be stolen and

enslaved on the soil of America to accomplish their salvation, I was

slow to believe all my teachers enjoined on this subject. How sur-

prising, then, this high moral end being accomplished, that no proc-

lamation of emancipation had before this been made ! Many of us

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were as highly civilized as some of our masters, and, as to piety, in many

instances their superiors. I was rather disposed to believe that God had

originally granted me temporal freedom, which wicked men had

forcibly taken from me which now I had been compelled to pur-

chase at great cost. \* \* \* There was one very kind-hearted cler-

gyman whom I used often to hear; he was very popular with the col-

ored people. But after he had preached a sermon to us in which he

urged from the Bible that it was the will of Heaven from all eternity

that we should be slaves, and our masters be our owners, many of

us left him, considering, like the doubting disciple of old, "This is a

hard saying, who can hear it P" 1

Dr. Caruthers, whose long pastorate in Guilford ought

to have given him good grounds for speaking, said that

slaves knew little of the Bible, except as they picked it up

from others, "and that little," he adds, "they don't know half

their time whether to believe or disbelieve. It is often said

that many of them become very pious people, and although

we can't know the heart, charity would lead us to believe or

hope so ; but no thanks to slavery or the slave laws." It was

the Lord's work. The negroes who were spoken of as pious,

said he, did not have "those enlarged views or that expan-

sion of soul which is always imparted by scriptural and

enlightened sentiments of immortality." 2

All the churches of North Carolina, so far as I have been

able to ascertain, received freely negro members. Every

church had its space reserved for negroes. It was almost

invariably in the gallery, if there was one, or in the back of

the church, if there was no gallery. In the ceremony of the

Lord's Supper, after the whites had partaken, the sacra-

ment was administered to the negro members. In many

churches, particularly of Methodist and Baptist denomina-

tions, which had often many colored communicants, there

was a special service in the afternoon by the white preacher

for the negroes. It was to these two churches that most of

the negroes joined themselves, although there were some in

each of the other leading bodies. There was much reason

1 See Hawkins' "Memoir of Lunsford Lane," 64-66.

2 See manuscript book on "Slavery," p. 294.

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for this. These two churches in North Carolina were

organized for the masses. Their doctrines were easily com-

prehended and emotional ; and the negro is a creature of

emotions. Moreover these bodies made special efforts to

reach the negroes. They went among the large slave plan-

tations as missionaries. Other denominations paid more

attention to household slaves. In not a few cases Meth-

odism began with negro congregations and in at least one

place it was introduced by a negro preacher. But true as it

was that the Methodists and Baptists attracted the negroes

more strongly, it was perhaps equally true that the Quakers,

in proportion to their own numbers, were more closely

intimate with the negroes than any other religious body

in the State. Of this more will be said later on. Let us

now consider the Methodists and the slave.

In the eighteenth century the record of the Methodists

was clearly against slavery. John Wesley himself said that

the slave trade was the sum of all villainies, although White-

field was not opposed to it. The anti-slavery sentiment

was strongest in the Northern Conferences, although it was

not unknown in the Southern. As early as 1780 the Con-

ference of all the Church declared : "Slavery is contrary to

the laws of God, man and nature and hurtful to society, con-

trary to the dictates of conscience and pure religion, and

doing that which we would not that others should do to us

and ours." 1 In 1784 the Conference resolved to expel from

membership those who bought and sold slaves. 2 This step

was calculated to arouse much opposition in the South

among the laymen, even if the preachers had favored it.

It occasioned much criticism and aroused much feeling in

both Virginia and the two Carolmas. In the spring of 1875,

Dr. Coke arrived in America. He preached strongly

against slavery and got the Virginia Conference to petition

the Legislature for gradual emancipation. This made him

very unpopular, so much so that he barely escaped bodily

violence. The slaveholders now withdrew their slaves from

1 Conference Minutes, p. 25. ''Ibid., pp. 47-48.

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contact with Methodist preachers. 1 The Conference of

1785 thought it prudent to rescind its former action, but

was particular to add : "N. B. We do hold in the deepest

abhorrence the practice of slavery, and shall not cease to

seek its destruction by all wise and prudent means." 2 So

far as an open declaration for emancipation is concerned,

the Conference was quiet for some time; but in 1795 it

showed its concern in the negro's welfare by setting apart a

fast day "to lament the deep-rooted vassalage that still

reigneth in many parts of this free and independent United

States," and it added: "We feel gratified that many thous-

ands of these poor people are free and pious." 3

As the Church became strong enough to organize Con-

ferences, in the various sections the question of the existence

of slavery was referred to these bodies and thus localized to

an extent. But one particular question that concerned all

was the propriety of allowing a preacher to hold slaves. As

early as 1/83 the Conference forbade a preacher to own

slaves in a State where it was legal to free them. 4 Much dis-

cussion grew up over this matter early in the present century.

Finally it was settled on the lines earlier adopted. It was

agreed in 1816 that no slaveholder should hold office in

States which allowed emancipation and subsequent resi-

dence of the liberated negro. Here was a distinct compro-

mise fixed on the principle of sectional conditions, the prin-

ciple which four years later the Missouri compromise

followed in the broader sphere of politics. 5 The Church

continued the former strong declaration against slavery in

the abstract, a declaration which, it was likely, was supported

by Southern preachers. It w r as on the compromise of 1816

that the fight which led to separation in 1844 was made.

1 Drew: "Life of Dr. Coke," pp. 132-139.

\* Conference Minutes, p. 55.

3 fbid. t pp. 163-164.

\*Ibid., p. 41, and the Discipline of 1821, p. 69.

5 See the Discipline of 1817 and Redpath's "Organization of the

Methodist Episcopal Church South," p. 10.

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The occasion was the censure voted against Bishop

Andrew because he had married in Georgia a woman who

owned slaves. The Southern organization which was now

formed continued its protest against slavery. The first

edition of its Discipline, 1846, said in the words of the

older Discipline : "We declare that we are as much as ever

convinced of the great evil of slavery. Therefore, no slave-

holder shall be eligible to any official position in our Church

hereafter where the Laws of the State in which he lives will

admit of emancipation and permit the liberated slave to

enjoy freedom. When any traveling preacher becomes an

owner of a slave or slaves, by any means, he shall forfeit

his ministerial character in our Church, unless he execute,

if it be practicable, a legal emancipation of such slaves, con-

formable to the laws of the State in which he lives." Fur-

thermore, preachers were to enforce prudently on their mem-

bers the duty of teaching slaves to read the Bible and to

attend church services. Colored preachers and officials

were guaranteed the privileges of their official relation

"where the usages of the country do not forbid it." Of all

of these ameliorating conditions to the slave but one was

applicable in North Carolina; for here he could not be

legally emancipated and remain in the State, nor could he

be allowed to preach or be taught to read the Bible. It

only remained for him to aspire to be s6me church official

lower than a preacher. The original strong desire to chris-

tianize the negro, which the Methodists never forsook, was

clearly bound and held in restraint in conformity to the

newer spirit of harshness that, as has already been said,

seized the State Legislature about 1830.

The labors of the Methodists among the slaves began in

the very first days of Methodism in the State. The General

Conference in 1787\* urged the preachers to labor among the

slaves, to receive into full membership those that seemed

1 See Minutes of Conference, p. 67. The Methodist Church in

America dates from 1784.

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worthy, and "to exercise the whole Methodist Discipline

among them." How well these efforts prospered may be

seen from the following figures : In 1787 there were in

North Carolina 1 5017 white and 492 colored members ; in

1788 there were 5263 white and 775 black members; in

1789 there were 6644 whites and 1139 blacks; in 1790 there

were 7518 whites to 1749 blacks; in 1795 there were 8414

whites to 1719 blacks; in 1800 there 6363 whites to 2108

blacks ; in 1805 there were 9385 whites to 2394 blacks ; in

1810 there were 13,535 whites to 4724 blacks; in 1815 there

were 14,283 whites to 5165 blacks; in 1820 there were 13,179

whites to 5933 blacks; in 1825 there were 15,421 whites to

7292 blacks; in 1830 there were 19,228 whites to 10,182

blacks; in 1835 there were 27,539 whites to 8766 blacks,

and in 1839, which is the last year for which I have been

able to obtain the figures, there were 26,405 whites to 9302

blacks. Here was a rapid proportional gain of the blacks

over the whites. In 1787 there were not 10 per cent, as

many black as white members ; i'n 1839 there were 35 per

cent, as many. The membership for each race varied nota-

bly, but the variations were wider with the negro race.

This indicates, it must be supposed, the more emotional

nature of the negro. A wave of revival feeling which would

sweep over the country would swell the roll of membership

and a few years of coolness would contract it.

Although there were negro Methodists in most sections

of the State, they were most numerous in the eastern coun-

ties. In this section the Methodists often began their work

with an appeal to the slaves "negro churches," their meet-

ing houses were often called by the more aristocratic

denominations. An illustration is Wilmington. Here

William Meredith, a Methodist preacher, arrived at the

beginning of this century. He began to work among the

1 The estimates are based on reports in the Minutes. It is doubtful

whether some charges near the State boundaries were in North Caro-

lina or out of it. Therefore, the figures may not be absolutely cor-

rect, but for purposes of comparison they are adequate.

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slaves. He bought a lot, and through the penny collection

from the blacks and the scanty contributions of the few

poorer whites who had joined with him, a building was

completed. This was the beginning of Methodists in the

town. Hither came Bishop Francis Asbury in 1807 and

preached twice in one day. On the same day, John Charles,

a colored preacher, preached at sunrise. The feeling of

friendship for him seems to have been great and the good

Bishop writes in his journal that it was "a high day on

Mount Zion." The attitude of the community was not

always tolerant of this "negro church." There were vari-

ous disturbances, and once the building was wrecked by

a mob. 1

More striking, but not so typical, is the story of the plant-

ing of Methodism in Fayetteville. Late in the eighteenth

century, Fayetteville had but one church organization, the

Presbyterian, and that had no building. One day there

arrived in town Henry Evans, a full-blooded free negro from

Virginia, who was moving to Charleston, S. C, where he

proposed to follow the trade of shoemaking. He was perhaps

free born ; he was a Methodist and a licensed local preacher.

In Fayetteville he observed that the colored people "were

wholly given to profanity and lewdness, never hearing

preaching of any denomination." He felt it his duty to stop

and work among them. He worked at his trade during the

week and preached on Sunday. The whites became alarmed

and the Town Council ordered him to stop preaching. He

then met his flock in the "sand hills," desolate places out-

side of the jurisdiction of the Town Council. Fearing vio-

lence he made his meetings secret and changed the place of

meeting from Sunday to Sunday. He was particular to

violate no law, and to all the whites he showed the respect

which their sense of caste superiority demanded. Public

1 See " Early Methodism in Wilmington," by Dr. A. M. Chreitz-

berg, in the Annual Publication of the Historical Society of the N. C.

Conference, 1897, p. i; also Wightman: "Life of Bishop Capers,"

p. 136.

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opinion began to change, especially when it was noticed that

slaves who had come under his influence were more docile

for it. Some prominent whites, most of whom were women,

became interested in his cause. They attended his meet-

ings and through their influence public opinion was

reversed. Then a rude frame building was erected within

the town limits and a number of seats were reserved for the

whites, some of whom became regular attendants at his

services. The preacher's reputation spread. The white

portion of the congregation increased till the negroes were

crowded out of their seats. Then the boards were knocked

from the sides of the house and sheds were built on either

hand and in these the blacks were seated. By this time the

congregation, which had been unconnectional at first, had

been taken into the regular Methodist connection and a reg-

ular white preacher had been sent to it. But the heroic

founder was not displaced. A room was built for him in

the rear of the pulpit and there he lived till his death in

1810.

Of Henry Evans, Bishop Capers said: "I have known

not many preachers who appeared more conversant with

the Scriptures than Evans, or whose conversation was more

instructive as to the things of God. He seemed always deeply

impressed with the responsibility of his position \* \* \*

nor would he allow any partiality of friends to induce him

to vary in the least degree from the lines of conduct or the

bearing which he had prescribed to himself in this respect ;

never speaking to a white man but with his hat under his

arm, never allowing himself to be seated in their houses and

even confining himself to the kind and manner of dress

proper for slaves in general, except his plain black coat in

the pulpit. 'The whites are kind and come to hear me

preach,' he would say, 'but I belong to my own sort and

must not spoil them.' " Rare self-control before the most

wretched of castes ! Henry Evans did much good, but he

would have done more good had his spirit been untram-

meled by this sense of inferiority.

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His last speech to his people is noteworthy. Directly

after the morning sermon for the whites it was customary

to have a sermon for the blacks. On the Sunday before

Evans' death, as the latter meeting was being held the door

of his little shed room opened and he tottered forward.

Leaning on the altar rail he said : "I have come to say my

last word to you. It is this : None but Christ. Three

times I have had my life in jeopardy for preaching the

gospel to you. Three times I have broken the ice on the

edge of the water and swam across the Cape Fear to preach

the gospel to you, and if in my last hour I could trust to

that, or anything but Christ crucified, for my salvation, all

should be lost and my soul perish forever." Of these words

Bishop Capers justly says that they were worthy of St.

Paul. 1

The opposition that was encountered in Fayetteville and

in Wilmington had been due to the more active abolition

turn of the Church in the North. In 1785 Dr. Coke arrived

in America on a visit to the Church. He preached aboli-

tion and gave it an impetus among the Methodists which

resulted in memorials and remonstrances to the Legisla-

ture. Before this the large slave-owners had encouraged

preaching to their slaves. 2 They now became fearful that

the slaves would be incited to violence, and generally in the

South, Methodist ministers were forbidden access to the

slaves. It took some time to live down this unfavorable

impression and it was only when it was seen that the South-

ern preachers did not approve of the interference with the

agitation against negro slavery that public sentiment came

around. There was the most urgent need for such preach-

ing. Of the negroes around Wilmington, Bishop Capers

says : "A numerous population of this class in that town

and vicinity were as destitute of any public instruction (or,

probably, instruction of any kind as to spiritual things) as

if they had not been believed to be men at all, and their

1 Wightman: "Life of Bishop Capers," pp. 124-129.

"Drew: "Life of Dr. Coke," pp. 132-139.

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morals were as depraved as, with such a destitution of the

gospel among them, might have been expected." To this

state of things the masters were indifferent; for, adds the

Bishop, "it seems not to have been considered that such a

state of things might furnish motives sufficient to induce

pure-minded men to engage, at great inconvenience or even

personal hazard, in the work of reforming them. Such

work, on the other hand, seems to have been regarded as

unnecessary, if not unreasonable. Conscience was not

believed to be concerned in it. "\* And yet when conveyed

the negroes made good Christians. Says the same author-

ity : "I believe I have never served a more Christian-hearted

people." The preacher had a great influence over them.

Church trials were rare among them and the numbers

increased constantly. They were faithful in giving to the

church. The pastor's salary at Wilmington was derived

almost wholly from their scant resources ; for the few white

members were very poor. They were attached to their

preacher, as many a pound cake or warm pair of knit socks

or gloves from their hands testified.

Sometimes a congregation outgrew in dignity the hum-

bler persons who had at first constituted its chief elements.

Such was the case at Raleigh. Here there were at first a

large number of colored members, and when the church

building was erected they contributed their part. They were

given seats in the gallery. At length there was an oppor-

tunity to buy a church which might be turned over solely

to the negroes. Both whites and blacks worked with their

might to get the necessary money. When it was at length

secured, there was a two-fold rejoicing; by the negroes

because they had a building of their own, by the whites

because the negroes were out of the white man's church.

This negro church now became a mission and a white

preacher was assigned to it by the Conference. Usually

an old preacher of kind disposition and good judgment was

sent to them. They were still under the oversight of the white

1 Wightman: " Life of Bishop Capers," p. 163.

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congregation from which they drew for Sunday school

teachers and other church workers.

The Baptists were early in North Carolina, but until the

establishment of the Missionary Baptist Church in 1830

they were hardly as zealous for converting the unsaved as

later. I have not found evidence that they began by work-

ing up congregations among the slaves as did the Meth-

odists in some places, but from the first they took great

care to bring under religious influence the slaves of their

own members and through these the negroes generally

came to be reached at length. The records of Sandy Run

Church, in Bertie County, as early as 1773, show that there

were negro preachers for the negro members, and that these

were instructed not to hold services at the time of the regular

meeting of the whole church, at which it was designed that

the slaves might also be present. Both colored preachers

and colored members were under the control of the white

congregation. They had no voice in general church affairs,

but would be heard in church meeting in cases which

related to their own race. There were in some eastern sec-

tions colored deacons who were given charge of the colored

members and who made report from time to time to the

church meeting. 1

It has been found impossible to get an estimate of the

number of negroes in the Baptist Church in North Carolina.

Here the congregational idea was strong, the reports to the

associations were not very full and do not always show the

number of members. In 1830 the Baptist State Conven-

tion was formed, and from that time the minutes are pub-

lished for the Missionary Baptist Church in North Carolina,

but in the few years for which the number of members are

reported, there is no distinction made between blacks and

whites. It is only in the Chowan Association that I have

had a glimpse of numbers. Here there were in 1843, 4575

white to 1228 black members; in 1844, 3241 whites to

many of the facts here presented I am indebted to Dr. J. D.

Huff ham, of Henderson, N. C.

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1160 blacks; in 1848, 4619 whites to 1541 blacks; in 1850,

4668 whites to 1476 blacks; in 1855, 6960 whites to 2545

blacks, and in 1860, 7539 whites to 3043 blacks. This pro-

portion was strong, but it must be remembered that the

Chowan Association lay in the East, and that it was in a

region which was strong in Baptist faith. It was not repre-

sentative of the denomination on this question.

The care of the Church over the life of the slave was com-

mendably faithful, especially over the relation of master and

slave. As early as 1778 it was decided that a marriage

between slaves ought to be respected, even though it was

against the law of the land, and that any member who broke

the marriage vows of servants ought to be denied fellow-

ship. 1 In 1783 it was declared by a meeting in the Sandy

Creek Association that a master should give his servants

liberty to attend family prayers in his house, that he should

exhort them to attend, but not use force. 2 How this duty

was fulfilled may be seen from the memoir of Capt. John

Freeman, a prominent Baptist of Chowan County, who

died in 1794. It is said of him that although he had many

slaves "his lenity towards them was very remarkable. If

any of them transgressed, his general method to chastise

them was to expose their faults before the rest of the ser-

vants and the whole family when they were at family wor-

ship in the morning, who, when assembled at morning

prayer, would talk to them, exhort and rebuke them so

sharply for their faults that he made others fear. \* \* \*

He was so very affected for the spiritual welfare of his fam-

ily that often he seemed almost convulsed, and this extraor-

dinary zeal was not the impulse of a moment, but his con-

stant practice for seventeen years." 3

The above statements apply to the Baptist body before

the separation of the Missionary Baptists from it. For a

view of the attitude of the latter toward slavery, the best

1 Biggs: " History of Kehuckee Association," p. 47.

2 Purefoy: "History of Sandy Creek Association," p. 60.

'Biggs: "History of the Kehuckee Association," pp. 95-96.

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source at hand is Purefoy's "History of the Sandy Creek

Association." Here it is seen that the question of a valid

marriage between blacks was still unsettled. The Associa-

tion was asked in 1805 to settle it. 1 After three years' post-

ponement it was answered that such a marriage should be

valid, "when they come together in their former and general

custom, having no [other] companion." Rev. Purefoy,

commenting on this, says 2 owners should endeavor to keep

married slaves from being separated, even if they put them-

selves to some inconvenience in buying, selling, or exchang-

ing them.

To the buying and selling of slaves for profit Baptists in

both East and West were opposed. In 1818 the Chowan

Association was asked if a Christian could consistently

buy slaves in order to sell them to speculators. The answer

was clear : "We believe that such practice is at war with the

spirit of the gospel and shocking to all the tender feelings

of our nature. We answer No." 3 In 1835 Sandy Creek

Association spoke still more emphatically. It said :

"WHEREAS, We believe it inconsistent with the spirit of the

gospel of Christ for a Christian to buy or sell negroes for the

purpose of speculation or merchandise for gain. Resolved,

therefore, that this association advise the churches of which

it is composed to exclude members who will not abandon

the practice after the first and second admonition." 4 When

in 1847 the Association was asked if it was agreeable to the

gospel for Baptists to buy and sell human beings or to keep

them in bondage for life, the only answer vouchsafed was

to refer the interrogators to the minutes of 1835. The

slavery dispute was then well-nigh in its stage of highest

passion, and it is not unlikely that the Church authorities

did not like to take a more definite position on either the

first or second part of the query.

1 Purefoy: "History of Sandy Creek Association," p. 76.

\*Ibid., pp. 93-94.

'"Minutes of the Chowan Baptist Association," 1818, p. 7.

4 Purefoy: "Sandy Creek Association," pp. 163-164.

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The Baptists, like the Methodists, early in the century had

negro preachers, most notable of whom was Ralph Free-

man. Ralph was a slave in Anson County in the neighbor-

hood of Rock River Church. Soon after his conversion he

felt an impulse to preach, and early in this century he was

licensed by his church for that purpose. Soon afterwards

he was ordained to the regular ministry. He did not have

specific charges, but traveled and preached through his own

and the adjoining counties. Says Rev. Purefoy: "He

became a good reader and was well versed in the Scripture.

He was considered an able preacher and was frequently

called upon to preach on funeral occasions, and was

appointed to preach on Sabbath at Association, and fre-

quently administered the ordinance of baptism and the

Lord's Supper. He was of common size, was perfectly

black, with a smiling countenance, especially in the pulpit

while speaking. He was very humble in his appearance at

all times, and especially when conducting religious services.

Great personal respect was also shown him by the brethren

whom he visited in his preaching excursions." Rev. Joseph

Magee, a white Baptist minister, became much attached to

Ralph. They used to travel and preach together and after

the fashion of the times it was agreed between them that the

survivor should preach the funeral sermon of the one who

died first. This task fell to Ralph. Although his friend

had moved to the West, the colored preacher was sent for all

the way from North Carolina to come and fulfil the promise

made years earlier. Ralph complied with great success and

before a large audience. When the Baptists divided on the

question of missions, Ralph sided with the anti-mission

party, and so fell into disfavor with the others. This he

regretted, but a greater blow, which also fell about the same

time, was the statute which forbade negroes to preach. He

was greatly mortified, but submitted, and with that passes

from our notice.

In proportion to their strength the Quakers did more for

the negroes than any other religious body in North Caro-

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lina. They did not have very many colored members, but

before the Revolution they set themselves to free those they

did have ; and they did not stop until the process was

accomplished. The Yearly Meeting of the very first year

of the war, 1776, appointed a committee to go about and aid

Friends to free their slaves. This committee was expected

to act in co-operation with the various monthly meetings.

Thus a considerable number were liberated in the following-

year. The committee reported that they found among the

Friends a great willingness to forward the work. But they

had acted contrary to the law of emancipation which

required that slaves should be freed for meritorious conduct

only. Forty of those thus emancipated were taken up and

sold into slavery ag-ain. The Quakers complained that this

was done under a law passed in 1777, after the slaves were

liberated. At considerable expense they fought the matter

through County and Superior Courts and won the verdict ;

but the Assembly was then appealed to and in 1779 it passed

a law confirming the sales of these negroes and directing

that all other negroes similarly freed should be sold into

slavery in the same manner as if they had been freed after

the passage of the law of 1777. The reason for this extra-

ordinary procedure was no doubt the law of 1741, which

was held to be still in force. The Friends, however, were

not satisfied. They appealed to the Assembly. They based

their theory on the principle "that no law, moral or divine,

has given us a right to, or property in, any of our fellovv

creatures any longer than they are in a state of minority."

They appealed to the statement of the rights of man in the

Declaration of Independence, and showed that the sale of

the negroes in question was in opposition to the spirit of the

North Carolina Bill of Rights, which forbade the passage

of ex post facto laws. This petition was signed by the

eleven men who had owned the slaves in question and was

sent to the Assembly, but on the advice of persons friendly

5

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to the Quakers it was not presented. 1 This did not deter

the Friends from further petitions. One was sent in 1787,

another in 1788, and another in 1789. The petitions were

about various matters, but none of them amounted to any-

thing. In 1792 they petitioned again, asking the repeal of

the law restricting emancipation, and demanding that it

"never again disgrace the aftnals of a Christian people." The

petition failed, but they did not cease to send others in the

years following. In 1817 they asked the Legislature to

take joint action with Congress for the colonization of the

free negroes. The petition failed, and the next year they

voted $1000 to the American Colonization Society. For

some time there seems to have been no further connection

with this society.

The instruction of the slaves in religious and educational

matters aroused the energies of the Quakers. They became

awakened in this matter in 1780, when it seems that but little

had been done. In 1787 it was asserted that one of the two

leading objects of their activities toward the negro was to

care for, protect, and instruct the freed negroes. The

immediate result of this interest does not appear; but in

1815 Friends were exhorted by the Yearly Meeting to pre-

pare schools for the literary and religious instruction of

the negroes, 2 and in 1816 a school for negroes was opened

for two days in each week. Some progress was made, as

may be seen by the reports. Most of the negroes in the West-

ern Quarter who were minors had been put in a way to get "a

portion of school learning." The Quarter recommended that

males be taught to "read, write and cipher as far as the Rule

of Three," and that females be taught to read and write

merely. 3 In 1821, Levi Coffin and his cousin, Vestal, opened

'A chief source of facts relating to the Quakers and Slavery has

been "A Narrative of Some of the Proceedings of the North Carolina

Yearly Meeting on the subject of Slavery within its Limits." (See

"Slavery and Servitude," p. 50, note i.)

2 Quaker pamphlet cited above, p. 24.

3 Ibid., p. 24. See also Weeks: " Southern Quakers and Slavery,"

p. 231.

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a Sunday school for the blacks at New Garden and began to

teach some slaves to spell; but when they could spell words

of two or three letters they were withdrawn by their masters.

The former attempt must have been as unsatisfactory as that

of the Coffins, since the standing committee of the Quakers

reported in 1821 that they could find no way to educate col-

ored children except in the families of Friends. Either in

this way or otherwise some progress was undoubtedly

made, as appears from the reports sent in to the Yearly

Meeting. When the Assembly passed the law forbidding-

slaves to be taught to read and write the Quakers petitioned

for its repeal, and they also asked for the repeal of the law

forbidding colored persons to preach. They said: "We

consider these laws unrighteous and contrary to the spirit

of Christianity, offensive to God; and your memorialists

believe, if not repealed, they will increase the difficulties and

dangers they are intended to prevent." 1 Furthermore, they

asked for the enactment of a law to instruct slaves in reli-

gion and in reading, so that they could read the Bible.

To accomplish the liberation of slaves in the face of the

laws they had recourse to corporate ownership. In 1808

a committee was appointed on the state of the people of

color, and its recommendation, which was adopted, was

that certain trustees should be appointed to whom should be

conveyed the slaves whom it was desired to emancipate.

These slaves were to be held in nominal bondage, but the

trustees were to retain only so much power over them as

should be for the good of the slaves' conduct. Thus an

idle negro might be coerced moderately. The Friends took

this step on the advice of Judge William Gaston, who was

always a friend of freedom and of the slave. At first some

Friends opposed the project, but they gradually changed

their views and the custom continued in force until the Civil

War. As soon as this plan was in operation, slaves began

to disappear from among the Quakers. Many of them

1 See Quaker pamphlet cited, p. 34!

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were sent out of the State either to free territory in the

United States or to Africa or to the West Indies. A few

could be freed by the consent of the County Courts. A

considerable number, especially those who were connected

by family bonds with the slaves of persons not Quakers, as

well as old persons who were not fit to begin a new life in

a new place, were retained in the hands of the trustees.

The general result of this relation, however, was to move

the negroes out of the State; and this was no doubt due

partly to the legal aspects of the case as seen in the decision

in the Contentnea Society vs. Dickinson, to which reference

has already been made. 1 This decision might well convince

the Quakers that they could not hope to make society own-

ership a permanent feature and they used more and more

the practice of sending the slaves away. Another induce-

ment to send the slaves away, and an earlier one, was the

liability of having them become a charge on the society.

It is with evident feelings of relief that the agents of the

Eastern Quarter in 1820 reported that the four hundred

slaves who were owned by the Yearly Meeting had been

managed so as to avoid expense, except for sending some

away. In 1822 the number in hand was four hundred and

fifty and the Yearly Meeting ordered that the trustees

should receive no slaves except from Quakers. It was for

this reason that a committee was appointed to examine the

laws of the free States to see if negroes might be sent

thither. In 1823 this committee made its report in favor of

Ohio, Indiana and Illinois, and steps were taken to remove

the slaves as rapidly as possible, and $200 was voted to

defray the expenses. They were sent to Pennsylvania, to

the Northwest, to Hayti, and, perhaps, to Liberia. Six hun-

dred and fifty-two had gone by 1830 and four hundred and

two were still under care. The expense of moving so many

had reached $12,769.50, not all of which had been borne

by the North Carolina Friends, for in 1829 the Rhode

1 See Quaker pamphlet cited, p. 32. Although this decision was

not given till 1827, the case was begun earlier than 1822.

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Island Yearly Meeting had contributed to the work

$i35i-5O- Sometimes the negroes themselves paid part of

the expense of removal by being hired out for wages, the

surplus earnings being saved for this purpose. But the

Friends were not ungenerous in this matter. On one

occasion four women had promised to go and leave their

husbands in slavery. At the last moment they refused to

go, and the Friends bought the husbands at an expense of

$1400 and sent them along with the faithful wives. The

owners of the husbands were here equally benevolent, for

they sold them at half their value. The last important

removal was in 1836, when fifty-seven persons were sent

to the Northwest and two hundred were left in the possession

of the society. Many of these were old people and children.

Death rapidly thinned the one class, and the members of

the other were sent away as they became grown. In 1848

the number was about twelve, and it was said by the Com-

mittee on Sufferings : "It is believed that there is no instance

of any [slaves] being held among us so as to deprive them

of the benefit of their labor." 1 In 1856 there were eighteen

still under care.

The work of the Quakers was not easy. "Such," says the

narrative of the Committee on Sufferings, from which I have

already taken so much, "it would appear was the prejudice

against freeing the slaves, the danger of their being carried

off and sold in distant parts, the ignominy of their situation ;

that there was no way but to remove them to the free gov-

ernments as fast as their circumstances would permit."

Many Quakers and other persons moved from North Caro-

lina to the Northwest, and the Friends often sent slaves

whom they desired to free along with these emigrants.

Sometimes a large number would be sent, and trusted

Quakers would go along with them with authority to

effect emancipation. Sometimes a ship would be chartered,

as when the negroes wanted to go to the West Indies.

1 Quaker pamphlet cited, p. 40.

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To the Quakers must be given, also, much of the credit

for the organization of the North Carolina Manumission

Society. This society existed in the region around Greens-

boro, where the non-slaveholding element was strong. It

had members who were not Quakers, but it had many, per-

haps a majority, who were of that faith. This society had

many branches and its inception was doubtless due to the

efforts of Charles Osborn, a Quaker minister, who organ-

ized various branches in Guilford County in 1816. In the

same year these branches were organized into a general

society, and in the following year this society agreed to

act in connection with the American Colonization Society.

To this move there was, however, much opposition, mostly

from the Quaker members. These were largely abolition-

ists and they looked upon colonization as an aid to slavery.

The minority seceded and continued to meet at New Garden

till most of them had moved to the West. The society,

however, continued to grow. In 1821, Benjamin Lundy

appeared in North Carolina and made anti-slavery speeches

in Guilford and Randolph Counties. He came from Ten-

nessee, where Elihu Embree had already inaugurated a

promising anti-slavery movement. 1 In 1824 the term

"Colonization" was dropped from the name of the society.

In 1825 there were thirty-three local societies 2 with a total

of more than 1000 members. In 1827 there were forty

branches; but this was the flood-tide of the movement.

Public sentiment was turning against the cause of the aboli-

tionists, as has been already seen. In 1834 the society had

its last meeting. Of those who had been leaders many had

emigrated. Many of the rank and file had either gone

away or been frightened by the greater vehemence of the

pro-slavery advocates. Whatever of vitality it had left

seems to have been thrown into support of the Under-

"Sketch of Elihu Embree." Publication of Vanderbilt

Southern History Association, No. 2, 1897.

2 Weeks says thirty-six, but names only thirty-three. "Southern

Quakers," p. 240.

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ground Railway. It became in it's later days emphatically

abolitionist. It advised its members to subscribe for

Lundy's paper, and in 1830 it passed resolutions in support

of William Lloyd Garrison. 1

The Presbyterian Church of North Carolina had never so

large a proportion of negro members as the Methodist or

Baptist Churches, but it opened its doors as freely to the

slaves. These were given special seats and admitted to the

sacrament of the commu'nion after the whites. That many of

them became faithful and obedient Christians there can be

no doubt. Rev. J. D. Mitchell, a Presbyterian pastor of

Lynchburg, Va., said in 1858, after twenty-seven years in the

pastorate : "Our colored members have exhibited a uniform

consistency of moral and religious character. In my long

pastorate I remember only three cases of discipline among

the servants. \* \* \* Instances of high-toned piety are

frequent among them." 2 The Southern Presbyterian bore

evidence that the Bible was often read in the churches where

there were negroes, especially the parts dealing with the

duties of master and slaves. The reading of the Bible, it

thought, was not necessary to getting to heaven, and if

slaves were taught to read they would read incendiary liter-

erature more than the Bible. "There are more pious per-

sons among the blacks," it added, "than among any sim-

ilar class of people in the world." 3 It is likely that the atti-

tude of this Church in North Carolina did not differ materi-

ally from the spirit of these utterances.

At first the Church was not hostile to emancipation in

the abstract, but it was not inclined to wholesale abolition in

actual practice. In 1787 the Synod of New York and Phila-

delphia declared that it highly approved of universal liberty

and of "the interest which many States had taken in pro-

moting the abolition of slavery;" but since indolent and

'See "North Carolina Manumission Society," by C. C. Weaver,

Trinity College (N. C.) Historical Papers, series I, p. 71.

3 Quoted in De Bow's Review, vol. 24, pp. 277 and 279.

3 Ibid., vol. 18, p. 52.

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ignorant persons would be a disadvantage in a community,

it urged that slaves be educated, that they be encour-

aged to buy themselves, and that members use all efforts to

secure abolition of slavery. 1 In 1795 the question of fellow-

ship with slaveholders was up, but elicited nothing but an

injunction to brotherly love and charity. The same

body in 1815 urged members to give religious education to

the slaves, so that they might be fit for freedom when God

might "open the door for their emancipation." At the

same time it declared that trading in slaves and cruelty

toward them were contrary to the spirit of Christ. The

split between the Northern and Southern wings of the

Church was already in sight, although it did not proceed

so rapidly as among the Methodists. In 1818 the General

Assembly endorsed abolition in the abstract and expressed

sympathy for the South where most of the virtuous people

were thought to be for emancipation. It urged such peo-

ple to continue their efforts and exhorted others not to make

"uncharitable reflection on their brethren, who unhappily

live among slaves whom they cannot immediately set free."

It also spoke decidedly against the separation of slave fam-

ilies by sale. Any church member who would do this

ought to be suspended from fellowship, "unless there be

such peculiar circumstances attending the case as can but

seldom happen." 2 For some time after this the question

was not brought up; but in 1835 it would be ignored no

longer. A committee was appointed on the matter, and

the next year it reported that slavery was a civil question

and ought not to be considered by the Assembly. After

some debate the matter was indefinitely postponed. But it

was up again in 1845, when it was resolved that "since

Christ and his inspired Apostles did not make the holding

of slaves a bar to communion, we, as a Court of Christ, have

no authority to do so ; since they did not attempt to remove

1 See " Presbyterianism and Slavery," an official document pub-

lished for the use of the General Assembly in 1836.

9 Ibid., pp. 6-8.

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it from the Church by legislation, we have no authority to

legislate on that subject." The progress of the slaves could

not be obtained by ecclesiastical legislation or by "indis-

criminate denunciations against slaveholders, without

regard to their character or circumstances." The resolu-

tion passed by 168 to 13 votes. 1 By such action this con-

servative Church put off its division till the war was actually

at hand. This relation of the general Church to slavery

must have influenced the attitude of the local Church. It

no doubt kept up a conservative and abiding interest in the

welfare of the slave on the part of the Church authorities.

What Henry Evans was in the Methodist Church and

Ralph Freeman in the Baptist, John Chavis was in the

Presbyterian Church. In native ability he was no doubt

equal to either of the other two, but in education he was

superior to them. He was, probably, born in Granville

County, near Oxford, about 1763. He was a full-blooded

negro of dark brown color. He was born free. In

early life he attracted the attention of the whites, and he was

sent to Princeton College to see if a negro would take a

collegiate education. He was a private pupil under the

famous Dr. Witherspoon, and his ready acquisition of

knowledge soon convinced his friends that the experiment

would issue favorably. After leaving Princeton he went to

Virginia, sent thither, no doubt, to preach to the negroes.

In 1801 he was at the Hanover (Virginia) Presbytery, "rid-

ing as a missionary under the direction of the General

Assembly." In 1805, at the suggestion of Rev. Henry

Patillo, of North Carolina, he returned to his native State.

For some cause, I know not what, it was not till 1809 that

he was received as a licentiate by the Orange Presbytery.

Although he preached frequently to the regular congrega-

tions at Nutbush, Shiloh, Island Creek, and other churches

in the neighborhood, I do not find that he was called to a

church as pastor. Mr. George Wortham, a lawyer of Gran-

tee "American Slavery as Viewed and Acted on by the Presby-

terian Church in America," by Rev. A. T. McGill, 1865.

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ville County, said in 1883 : "I have heard him read and ex-

plain the Scriptures to my father's family repeatedly. His

English was remarkably pure, containing no 'negroisms;'

his manner was impressive, his explanations clear and con-

cise, and his views, as I then thought and still think, entirely

orthodox. He was said to have been an acceptable preacher,

his sermons abounding in strong common sense views and

happy illustrations, without any efforts at oratory or sensa-

tional appeals to the passions of his hearers. He had certainly

read God's Word much and meditated deeply on it. He had

a small but select library of theological works, in which were

to be found the works of Flavel, Buxton, Boston, and others.

I have now two volumes of "Dwight's Theology," which

were formerly in his possession. He was said by his old

pupils to have been a good Latin and a fair Greek scholar. He

was a man of intelligence on general subjects and conversed

well." He continued to preach till in 1831 the Legislature

forbade negroes to preach. It was a trial to him and he

appealed to the Presbytery. That body could do nothing

more than recommend him "to acquiesce in the decision of

the Legislature referred to, until God in his providence shall

open to him a path of duty in regard to the exercise of his

ministry." Acquiesce he did. He died in 1838 and the

Presbytery continued to his widow the pension which it had

formerly allowed to him.

Mr. Chavis' most important work was educational.

Shortly after his return to North Carolina he opened a class-

ical school, teaching in Granville, Wake, and Chatham

Counties. His school was for the patronage of the whites.

Among his patrons were the best people of the neighbor-

hood. Among his pupils were Willie P. Mangum, after-

wards United States Senator, and Priestley H. Mangum, his

brother, Archibald and John Henderson, sons of Chief Jus-

tice Henderson, Charles Manly, afterwards Governor of the

State, Dr. James L. Wortham of Oxford, N. C., and many

more excellent men who did not become so distinguished

in their communities. Rev. James H. Homer, one of the

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best teachers of high schools the State has produced, said

of John Clavis: "My father not only went to school to

him but boarded in his family \* \* \* The school was

the best at that time to be found in the State."

All accounts agree that John Chavis was a gentleman.

Mr. Paul C. Cameron, a son of Judge Duncan Cameron,

and a prominent man in Orange County, said: "In my

boyhood life at my father's home I ofte'n saw John

Chavis, a venerable old negro man, recognized as a

freeman and as a preacher or clergyman of the Presby-

terian Church. As such he was received by my father

and treated with kindness and consideration, and respected

as a man of education, good sense, and most estimable

character. \* \* \* He seemed familiar with the pro-

prieties of social life, yet modest and unassuming, and

sober in his language and opinions. He was polite yes,

courtly; but it was from his heart and not affected. I

remember him as a man without guile. His conversation

indicated that he lived free from all evil or suspicion, seeking

the good opinion of the public by the simplicity of his life

and the integrity of his conduct. If he had any vanity he

most successfully concealed it. \* \* \* I write of him as

I remember him and as he was appreciated by my superiors,

whose respect he enjoyed." The same gentleman adds that

the slaves were amazed to see a negro receive so much

respect from the whites. Others have confirmed Mr. Cam-

eron's statement. 1 From a source of the greatest respecta-

bility I have learned that this negro was received as an

equal socially and asked to table by the most respecta-

ble people of the neighborhood. Such was the position of

the best specimen of the negro race in North Carolina in

the days before race prejudices were aroused. It goes with-

out saying that such a negro would not receive the same

'The facts here given were collected by Dr. Charles Phillips, of the

University of North Carolina, and used by Dr. C. L. Smith for the

short sketch of John Chavis, which he included in his "History of

Education in North Carolina," Washington, D. C., 1888, pp. 138-140.

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treatment to-day. That such is true is due to that strenuous

state of feeling which preceded and followed forcible eman-

cipation. So much the cause of humanity would have gained

could slavery have been removed by reason !

In 1830 John Clavis, described as an educated colored

Presbyterian preacher, was teaching a school for free col-

ored children in Raleigh. Joseph Gales attended a public

examination at this school in April, 1830, and said in his

paper: "It was an example, both in behavior and scholar-

ship which their white superiors might take pride in imitat-

ing-." He complimented a speech in which Chavistold his

pupils that they possessed but an humble station in life;

but that even they could make themselves useful. 1

The Protestant Episcopal Church was not indifferent to

the spiritual welfare of the slaves, although it had not so

many slave members as some other churches. The pro-

portion is indicated for 1857, as follows : Communicants,

white 2341, colored 345; and catechumens (Sunday School

pupils), white 1105 and colored 488. In 1858 it was: Com-

municants, white 2364 and colored 353 ; and catechumens,

white 943 and colored 351. I have been unable to find full

statistics for the whole time, but the above figures show the

proportions for the years when this church probably had

its largest number of members.

Here the members must have been mostly house servants,

since the Episcopalians were largely slaveholders, and the

2364 communicants must have owned many thousands of

slaves. Usually the colored people occupied the seats reserved

for the slaves, as in other churches. Sometimes there were

special missions for the slaves. Capt. T. W. Battle, of Edg-

combe County, had one, but discontinued it after a year

because the slaves took no interest in it. Mr. Josiah Collins

and Rev. W. S. Pettigrew had similar enterprises in Wash-

ington County, and there seems to have been one in connec-

tion with the church at Tarborough. 2

1 Raleigh Register, April 19, 1830.

2 For facts here mentioned I am indebted to Dr. K. P. Battle of the

University of North Carolina.

CHAPTER IV.

INDUSTRIAL AND SOCIAL RELATIONS OF

SLAVERY.

Population. At the outbreak of the Revolution there were

by the most probable estimate 36,000 colored people in

North Carolina. 1 From then till 1790 no facts for an esti-

mate have come under my observation. From the latter

date till 1860 the numbers of whites, free negroes and slaves,

as included in the census tables, were as follows :

Year.

Whites.

Increase.

PerCent.

Free

Colored.

Increase.

PerCent.

Slaves.

Increase.

PerCent.

Total.

1790

288,204

4,975

100,572

393,751

1800

337,764

17.19

7,043

41.56

133,296

32-53

478,103

1810

376,410

11.44

10,266

45-76

168,824

26.65

555,500

1820

419,200

11.36

14,612

42.33

205,017

21-43

638,829

1830

472,823

12.79

19,534

33-74

245,601

19.79

737,987

1840

484,870

2.54

22,732

16.31

245,817

.08

753,419

1850

553,028

I4-05

27,463

20.81

288,548

17.38

869,039

1860

629,942

14.42

30,463

10.92

331,059

14-73

992,622

From this table it is seen that the increase of the whites

was slow, being normal at about 13^ per cent., a rate

decidedly slower than that maintaining since the war. This

slow increase is no doubt due largely to emigration which

took off many of the non-slaveholding farmers to the

Northwest and many of the slaveholders to the far South.

The latter movement was strongest from 1800 to 1840; the

former from 1830 to 1860. Where the two overlapped,

from 1830 to 1840, the population was well-nigh stationary.

1 See " Slavery and Servitude in North Carolina," p. 22.

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The number of free negroes depended on the number of

emancipations plus the natural increase in the free negro

families. Emancipation was considerably practiced till 1820.

After that the laws grew harder on free negroes. Many of

them left the State, and thus the increase was reduced.

During the last decade of slavery this increase was smaller

than ever before, and had slavery endured till 1870 it would,

no doubt, have been well-nigh nothing.

Of the slave population the greatest increase was from

1790 to 1800, when the slave trade was still allowed, but

after this source of increase had been destroyed there is a

decided falling off. The remarkable drop from 1830 to 1840

has sometimes been attributed to an erroneous census. If the

claim be true then it is still true that the increase was very

small, since from 1830 to 1850 it was only 17.48 per cent.

In the days when many whites moved to Georgia and Ala-

bama, and other cotton States, there must have been a con-

siderable drain on the numbers of the slave population.

But later on when the great demand for slaves in these States

had raised the price paid for them a great many more were

sent. This probably accounts for the slow increase in the

census tables after 1830.

There were 34,658 slaveholders in North Carolina in

1860, and these owned in all 331,059 slaves, or an average of

9.6 to each owner. In Virginia there were 9.4 slaves to

each owner, and in South Carolina there were 15. For

North Carolina there had been from 1850 till 1860 a lessen-

ing of the number of slaves to an ow'ner, since it was in 1850

10.1 slaves to each owner.

Distribution. In the colonial period the eastern counties

had most of the slaves ; but throughout the period of state-

hood the West acquired continually more of them. It never

had as many as the East, but along the upland rivers, and

wherever in the West there was fertile land, there the large

slave-tended farm was found. This was true of the upper

Roanoke section of the Yadkin, and of other river sectio'ns.

Jn 1790 there! were in the^western counties 30,068 slaves

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and in the East 70,504. In 1860 the same western counties

had 146,463 slaves and the eastern 184,596. In the West

the ratio of increase in seventy years was 387 per cent.,

while in the East it was 161 per cent. In 1790 there were in

the same western counties 136,655 whites, and in 1860 the

number was 385,724. In 1790 the same eastern counties

had 151,549 whites, and in 1860 they had 244,218. Thus it

will be seen that for these seven decades the ratio for the

increase of the whites in the West was 182 per cent., and for

those in the East it was 61 per cent. 1 Plainly enough the

West was gaining rapidly on the East in regard to slave

population. This was partly due to the extension of the

area of cotton cultivation. Counties like Mecklenberg,

Anson and Union were properly under the influence of the

western ideas and life in 1790; but in 1860 they were great

cotton counties and largely slaveholding. Moreover, in

other western counties, which by 1800 were past the pioneer

stage, there grew up continually numerous wealthy families.

They owned slaves. The slaves competed with the small

white farmers. Thus there began slowly that process by

which slavery always eats out all the life of a free yeomanry.

The small farmers sold their farms and moved to the

Northwest, the slaveholders bought the farms and consoli-

dated landholding. Had slavery continued till the present

time some wonderful changes would have taken place in this

part of the State. There is every reason to believe that

besides the tobacco industry, which might profitably have

been conducted here, this would have become, along with

parts of Virginia, a notable breeding ground for slaves to be

sent southward.

The progress of the slave population in the State could

not have been due in any considerable extent to importa-

\*Of course the selection of a dividing line between the East and the

West is a matter more or less arbitrary, but the change of a dozen

counties along this line, where white and black populations remained

relatively constant, would make no appreciable difference in the

proportions given in the text.

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tion. Before the final prohibition of the foreign slave trade

by Congress in 1808, there was a strong feeling against it

in North Carolina. In 1774 the Provincial Congress of the

colony resolved that they would not import or purchase

any slaves brought into the colony after November, I774- 1

This was part of the body of resolutions by the first Pro-

vincial Congress, and was due as much to the desire to

retaliate on Great Britain as to opposition to the slave

trade. How well this resolution was executed I am not

able to say ; but it was, no doubt, often violated ; for, in 1786

(chap. 5), the Assembly passed a law the preamble of which

ran: "WHEREAS, The importation of slaves into this State

is productive of evil consequences and highly impolitic."

In accordance with this patriotic sentiment 40 shillings was

to be levied on each imported slave under seven years old and

over forty, and 5 on those from seven to twelve and from

thirty to forty years, and 10 en those from twelve

to thirty years. This duty was to be levied whether

the slaves were imported by land or by sea. This was

aimed avowedly at the slave trade, and exception was made

in favor of incoming settlers who brought slaves, and per-

sons who received foreign slaves by gift, marriage or inheri-

tance. Besides, a tax of 5 was to be collected on all

slaves imported directly from Africa. A further section pro-

hibited the introduction into the State of slaves from the

States which had then recently liberated their slaves, and

directed that those already so imported should be sent to

the places whence they came. The motives for making this

law I can know only inferentially. There seems to have

been behind it an honest desire to restrict the number of

slaves in North Carolina, and a purpose to protect domestic

slavery from the disquieting' influence of the more unman-

ageable slaves from Africa and the West Indies.

The public opinion, however, soon changed, and the act

'"Colonial Records of North Carolina," IX, p. 1046. Also

"American Archives," 4th series, I, p. 735.

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was repealed in 1790. But almost immediately there

occurred an incident which secured the enactment of still

severer laws against the slave trade. I refer to the Haytien

outbreak, which occurred in 1791. These outrages, bad as

they were, were exaggerated in American minds and filled

Southern hearts with terror. 1 In 1794 (chap. 2) a strict law

was passed forbidding the importation of slaves or indented

colored persons under a penalty of 100 fine. This law

did not forbid a person who came into the State to settle

to bring his slaves with him. A year later (Laws of 1795,

chap. 1 6) it was provided that this privilege should not

apply to persons coming from the West Indies, the Bahamas

and the "southern coast of America," if the imported

negroes were over fifteen years old.

The foreign slave trade was prohibited by Congress from

1808, and in the same year the North Carolina Assembly

repealed its law of I794- 2 The National Statute left the

disposition of the illegally imported slaves to the States in

which they should be taken up. The North Carolina

Assembly took up the matter in 1816 (chap. 12), and enacted

that such slaves should be sold by the sheriff for the use of

the State, one-fifth to go to the informer. This law

remained in force till the war. 3 This National Statute could

not have been enforced very well, if at all, before 1816, for

the law of that year provided that slaves imported into the

State from abroad before 1816 and the descendants of the

same should not be sold according to this law, but that the

owners thereof should have legal titles made out and certi-

fied by the sheriffs. In view of this law and of the general

loose administration of the National Statute in the South,

it is safe to say that it was not always enforced in North

Carolina after 1816.

\*See Du Bois: " Suppression of the Slave Trade," pp. 72 and 73.

\*Laws of 1808, chap. 16.

3 Revised Statutes, chap, in, sees. 1-6, and Revised Code, chap.

107, sees. 1-6.

6

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As to the prices of slaves it has been impossible to pro-

cure any trustworthy evidence. It is enough to call atten-

tion to the fact that the opening of the cotton industry with

the greater demand for slaves in the Gulf States continued

to advance the prices. Slavery became more profitable, and

North Carolina found it fixed in her life more than was

formerly expected. It has already been pointed out how

slavery extended itself at this period into the western

counties with the probable reason that this region raised

slaves for the Southern markets. It was the ever acting law

of economic rent applied to slaveholding. As the price

of the product increased, territory that was formerly below

the point of diminishing returns was now taken within the

area of cultivation.

The Regulation of the Slave's Life. Next to the loss of

liberty the worst evil connected with slavery was the fact

that it left the welfare of the slave to the accidental temper

of the master. If the latter were humane and intelligent

the slave fared well. If he were otherwise the slave fared

poorly. A correspondent has called to my attention the

fact that a master's treatment of his slaves corresponded

relatively to his treatment of his children: good father,

good master ; careless or cruel father, careless or cruel mas-

ter. There were all kinds of masters as there are all kinds

of fathers. Some undoubtedly were cruel; some undoubt-

edly were wisely humane; many were neither the one nor

the other, but gave their slaves such care as custom

demanded, just as many men clothe and train their chil-

dren without really having any opinions of their own about

the matter.

Of the slave-owners there were the holders of large slave

herds and the holders of few slaves. Of the former there was

the cultured class of planters and the more ordinary class

of wealthy farmers about which I have already spoken.

The gentleman planter type was not so numerous in North

Carolina as elsewhere in the South. Such masters were

often absentee landlords, though this was not general in

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the State. Here their relation to the slaves was patriarchal.

As a class they were careful of the slaves' health and morals,

and philanthropic students of the theories of good master-

ship. The wealthy farmers rarely lived away from their

estates. They were usually religious. They were thrifty and

honest. Their sons worked in the fields along with the

slaves, sometimes leading the plow gang, and sometimes

swinging a cradle in the harvest. Their wives superintended

the making of the slave clothing, the cooking of the slave

dinners, and the nursing of the slave patients. Here the

slave fared best, and this class was strong in North Carolina.

It extended all over the State, and was extensively found

in the West. The lot of the slave who belonged to the owner

of few slaves might be bad and was usually not good. He

was frequently overworked or underfed. The straitened

condition of his master, often not an enlightened man, was

responsible for this.

Next to the master the overseer was the most important

personage. If the master were absent his powers were

great. He was usually a white man, but rarely a slave.

Often a man owned several plantations, on each of which

he would place an overseer, and over all of which he would

keep continual oversight. Overseers were of two classes.

Those on large plantations must be men of intelligence and

men who could take care of slaves as property. They com-

manded good salaries, often getting $100 a month. On the

smaller plantations inferior men were employed, and the

slaves there were not so well cared for. Here an overseer

was well paid at from $200 to $400 a year. What an over-

seer should do properly to fulfill his office may be seen in

the statement of a master in De Bow's Magazine in I856. 1

In managing negroes, says the writer, the first aim of the

overseer should be to obey the instructions of the master

in respect to them; the second to satisfy them that he is

doing so. He should always allow the slave easy appeal to

'Vol. 21, p. 277.

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the master, and not to do so must be due to bad temper,

false dignity, or the notion that the slave has no rights. If

a slave makes a false complaint he should be punished for

it, and the privilege of complaining should not extend to mat-

ters affecting the overseer's character, for a negro may not

testify against a white man. Some overseers declared that

no negroes should complain of them, and that if they did,

they (the overseers) would whip them in spite of the masters.

"This," exclaimed the writer, "is simply brutal and no man

of spirit will permit it." Still it is bad policy not to punish

a slave without the consent of the master. An overseer

should be kind to the slaves, speaking in a low tone, but

firmly. Negroes should not be fretted at, for it injured their

capacity for work, and when practiced on the young had

been known to lessen their value. Fretting also injured the

overseer. "The habit of swearing at or before negroes an

overseer should never indulge in. If the negro is not

allowed to swear because it is disrespectful to the over-

seer, the latter should not swear because it is disrespectful

to his Maker. Besides, it shocks some pious negroes and

sets a bad example to them all." The overseer should visit

the cabins and promote cleanliness there, see that clothes

and shoes are repaired, and on Sunday he should require all

the slaves to appear in clean clothes. He should rather

encourage their taste for finery than ridicule it. He should

consult with the old men about the work some of them

were very intelligent. He should be disposed to share their

labor. "Nothing more reconciles a negro to his work than

the overseer sharing 1 it with him. Let him go with them

in heat, rain and cold. If they shuck corn at night let him

be with them." Another writer in the same magazine 1

declared that no one should try to manage slaves who had

not firmness, fearlessness and self-control. Punishment

should not be cruel. "If ever any of my negroes are cruelly

and inhumanely treated, bruised, maimed, or otherwise

1 Vol. 21, pp. 617-620.

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injured," the overseer was dismissed. Each place was to

keep enough milch cows to furnish milk for the slaves. The

overseer must care for the sick, especially for the pregnant

women. Nurses should be provided for the sick, and

mothers of young children should not be assigned full tasks.

These regulations were prepared by two successful farmers

who did not live in North Carolina yet they are standards for

slavery as a whole, and bring to us vividly the office of the

overseer. Possibly they were never enforced entirely. Cer-

tainly they could not have been always enforced, but there

is no doubt that the spirit of them was present on many

plantations. It was this spirit and its practical realization

in many ways which gave some foundation to the claim

that the master provided better for the physical wants of

the slaves than the freed negro provides for himself in the

days since the war. The claim is to-day debatable, but it is

necessary to remember that physical wants are not the chief

thing in life. ;

I have" been able to get the following account of slave

life on a rice plantation near Wilmington, N. C. My

informant is a son of the gentleman who owned the place

for some years before the war, and in his young manhood

he was overseer on the farm. He is now a prosperous physi-

cian, and I have every reason to believe that his informa-

tion is trustworthy. He says : "There were about one

hundred slaves on the plantation. They were called at dawn

and went to the fields under the care of drivers at sunrise.

Two meals were served each day, one at 9 a. m. and one

at i or 2 p. m. The daily allowance of food was one quart

of meal, which was given from March i till October I, one-

half a pound of meat, and one pint of molasses a week for

each adult. Sweet potatoes were given from October to

March instead of meal, and peas were allowed in planting

time. There was a regular allowance of tobacco. The

meals were prepared by the cooks and sent to the field ready

cooked. Milk was furnished at the cook's place. The

tasks were light, and most of them were finished by 2 p. m.

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After they were done the slaves might do what they liked.

They usually slept or went fishing. Among themselves the

slaves were immoral, but, generally speaking, there were

no illicit relations between them and the white men. The

white boys were sometimes intimate with the housemaids.

The slaves went to Sunday School, and the owners of this

and the adjoining farms paid a Methodist preacher to

preach to them once a month." But my informant saw but

small results in the field hands. The negroes were con-

tented and happy among themselves, if let alone by out-

side influences. The owner always counted on their stealing

and took no notice of small offenses. They were not

allowed to go off the plantation, except by special permis-

sion. They were not allowed to buy whiskey, but occa-

sionally the master would give it to them, and it was a race

trait that all of them, men, women and children, liked it.

Under the care of his owner the slave's health was good,

much better than it is now. Slave mothers frequently

neglected their children, while for the children of the whites

they manifested great affection. This last point is often

corroborated. Said another gentleman : "I have often seen

the slave women come from the fields to the house of the old

woman who took care of the small children during the day,

take their babies in their arms, nurse them, and put them

down without the least show of affection."

"Negro slavery," continued the gentleman whose state-

ments I was just quoting, "was profitable in producing rice,

cotton and turpentine. One good hand could thus make

in rice from $300 to $400 a year above his expenses, and in

turpentine he could make as much as $1000 a year. On the

farm in question $10,000 a year was cleared in bank from

the rice crop. When masters made no profit it was because

the negroes were not properly cared for. Few of the old

slaveholders had runaway negroes. These negroes usually

afflicted people who had recently begun to have slaves, par-

ticularly Northern men who had married and settled in the

South. These people did not understand the negro, and

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expected too much from him. A man who was cruel to his

negroes was not highly respected in the community by the

best people. An evidence of the solicitude of the good mas-

ters for their slaves was the difficulty which the authorities

experienced in getting slaves hired to them to construct forti-

fications at the outbreak of the war. Masters would not trust

their slaves in the hands of the officers. Among the promi-

nent characteristics of the negro," concludes my informant,

"were no gratitude, no resentment and a deep love of home."

By the side of this statement I am fortunately able to place

the account of slave life on the plantation of a well-to-do

farmer of the central part of the State. The farmer was a

well-known Baptist preacher, and the account is from his

son, who is now a respected minister in the same church.

The locality was in the area of cotton production, and on

the farm were from forty to fifty slaves. The narrator says :

I never saw or knew [my father] to whip [a slave] save sometime

to correct a child for some evil, and then the whipping was light. He

never overworked them, for I was for a number of years foreman of

eight or ten plows. They started to work when I started; when I

rested they rested; when I stopped at evening they stopped; when I

got a holiday they got one. They ate what I ate, though at different

tables. Never a day's ration was issued to any of them. They were

well housed and were allowed to use all the firewood they needed

from the same yard from which the white family got its own supply.

They were well shod and clothed, wearing the same kind of goods I

used on the farm all home-made. In winter all the slaves, from

the youngest to the oldest, wore woollens. My father retained two

of the best physicians in the county to give them any needed atten-

tion, the same as his family had. He gave each year to each slave

large enough to work a "patch of ground" and the time to work it, in

order that each might have some money of his own to spend as he

chose. The breeding women he was always careful should never

be worked too hard or in any way strained. When any of the slave

children were very sick they were brought into the house of the

white family and there attended as one of the white children. He

always provided for them to go to church on Sunday, allowing them

to use the farm teams when necessary. They were invited to family

prayers in the room of my parents. He often urged his children to

read the Bible to them in their own houses, for each slave family had

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a separate home, which, in the main, was more comfortable than

three-fourths of the colored people now have, or perhaps nine-tenths

of them. One of his old slaves told me recently 1 that he has never

been as happy or well provided for since he has been free as he

was while a slave. Much more I could say, but this is perhaps

enough. I state the above on my honor as a Christian minister.

P. S. He never allowed his sons to whip any of the field hands.

In a further communication the same gentleman says of

slavery as an institution:

It never paid my father, only by the increase of his slaves. His

land was poor and this may have been the reason why he never made

any money by it only as above stated. He never kept any account

of debtor and creditor in running his farm. I was very well acquainted

over the county in ante bellum days and knew of but one or two par-

ties who failed to clothe well and treat well their slaves. Those par-

ties, like some of this day, never had a good set of harness, or good

stock or farm tools. In all my section of the county I knew of no

whites who did not own some land and have their own homes. I

knew but one free negro, a woman, and she lived with my father.

She was a housemaid and worked for her victuals and clothes.

The difference between the conditions of slaves in North

and South Carolina is illustrated graphically in the follow-

ing statement of a negro whom Mr. Olmsted met in South

Carolina about 1855. 2 The negro was free, and with his

son had come from Rockingham County, N. C., to peddle

out two wagon loads of tobacco in eastern South Carolina.

Said the old man in the course of the conversation :

"Fac' is, master, 'pears like wite folks doan ginerally like niggars

in dis country; dey doan ginerally talk so to niggars like as do in my

country; de niggars ain't so happy heah; 'pears like the wite folks is

kind o' different, somehow."

"Well, I've been thinking myself the niggers did not look so well

here as they did in North Carolina and Virginia; they are not so well

clothed, and they don't appear so bright as they do there."

"Well, massa," was the answer, "Sundays dey is mighty well

clothed, dis country; 'pears like dere ain't nobody looks better Sun-

days dan dey do. But, Lord ! working days, seems like dey had no

J This narrative was sent me in 1896.

\*" Journey to the Seaboard Slave States," pp. 389-393.

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close dey could keep on 'em at all, master. Dey is almost naked

wen dey's at work, some un 'enl. Why, master, up in our country

de wite folks, why some un 'em has ten or twelve; dey doan hev no

real big plantations like dey has heah, but some un 'em has ten or

twelve niggars, maybe, and dey juss lives and talks along wid 'em.

If dey gits a niggar and he doan behave himself, dey won't keep him;

dey juss tell him, sar, he must look up anudder master, and if he doan

find himself one, I tell 'ou, wen the trader cum along, dey sell him

and he totes him away. Dey always sell off all de bad niggars out

of our country; dat's de way all de bad niggar and all dem no-account

niggar keep a comin' down heah; dat's de way on't, master."

To this, which is offered only for what it is worth, add the

statement of Mr. Olmsted himself: "So far as I have

observed," he says, "slaves show themselves worthy of trust

most where their masters are most considerate and liberal

to them. Far more so, for instance, on the small farms in

North Carolina than on the plantations of Virginia and

South Carolina." 1

Here we have three pictures, more or less complete, of

slave life ( i ) on a fertile farm in the East, under conditions

of extensive farming, (2) on a large farm in the central part

of the State, and (3) on the small farms of the western part

of the State. I must believe that each picture is given fairly,

so far as it goes. All show that slavery in North Carolina

was not so harsh as elsewhere. To this conclusion I may

add the positive evidence of Mr. Olmsted. He says : "The

aspect of North Carolina with regard to slavery is, in some

respects, less lamentable than that of Virginia. There is not

only less bigotry upon the subject and more freedom of

conversation, but I saw here, in the institution more of the

patriarchal than in any other State. The slave more

frequently appears as a family servant a member of his

master's family, interested with him in the fortune, good or

bad. This is the result of less concentration of wealth in

families or individuals \* \* \* Slavery thus loses much

of its inhumanity. It is still questionable, however, if, as

^'Journey to the Seaboard Slave States," p. 447.

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the subject race approaches civilization, the dominant race

is not proportionately detained in its progress." 1

I am able also to publish the following from a gentleman

of great intelligence and humanity, who was intimately

connected by birth and association with the most prominent

people of the State. He says :

I did not like the institution of slavery, but I wish you to know :

(1) That while the laws were severe the natural amiability of the

people tempered the administration of them. I never whipped a

grown up slave in my life, nor did my father, nor brothers; and such

families were the rule and not the exception. Nor did I ever witness

any of the scenes of barbarity so much spoken of. Although a large

slaveholder, and raised among slaveholders, I never saw a grown

person punished in my life. By grown person I mean fifteen and

sixteen years old and upwards. The separation of husband and wife,

parent and young child, were not common. My family never did it,

nor did any of the families known to me, and I am sure that the

great majority of families in North Carolina would not allow it.

(2) To balance the cases of barbarity I wish you to remember that

the wives and other dependents of slaves were protected by the

owners from brutality on the part of their slave-husbands, etc. The

awful, horrible brutality of drunken husbands and fathers as seen in

England, and the cities of the North was not allowed in the South.

(3) You should not attribute to slaves the fine feelings of whites.

They had recently been savages. Separation of children from

parents, etc., was not to them what it is to whites. But there was in

practice no more separation than in New England families, whose

children as a rule scatter over the whole face of the earth. (4) The

sum of misery was no greater among them practically than among

the laboring classes in free countries. You may not believe all this,

but I hope that it will be within your plan to mention that slave-

owners claim this.

On the subject of mulattoes the same correspondent writes:

The number of mulattoes must not be held to prove correspond-

ing licentiousness on the part of the whites. Many of them were

descended from Indians and many were descended from mulattoes

lawfully married. ' The mulattoes were employed in towns

and were hence more observed. I have seen great plantations with

not one of them all black.

If I were defending 1 a side in the never ended controversy

about the treatment of slaves by their masters, it would only

^'Journey to the Seaboard Slave States," p. 367.

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be necessary to point out here that the essence of the misery

of slavery in the South and elsewhere was not physical

suffering, however frequently or infrequently that may have

occurred, but the mental and spiritual wretchedness that

follow a loss of liberty. If you deny the rights of man to

the negro slaves you cut the heart out of the anti-slavery

argument. By the side of the above testimony I shall place

some statements from an unpublished book 1 of Dr. Eli W.

Caruthers, of Greensboro, N. C, well known as the author of

some valuable volumes relating to the history of the State.

For events he claimed to know about he was the best kind of

authority. Speaking of beating slaves cruelly, he said: "I

have known a number [of instances] myself in which

nobody in the neighborhood had any doubt that the death

of the slave was caused by the severity of his treatment, but

no attempt was made to punish the cruel perpetrators of the

deeds." 2 The conjugal and parental instincts in the slaves

were lessened on account of the frequent breaking of family

ties by masters. "I have known some instances," said he,

"in which [the slave family] have been permitted to live on

in great harmony and affection to an advanced age, but

such instances, so far as my observations have gone, have

been 'like angels' visits, few and far between.' Generally, in

a few weeks at most, they have been separated, sold off

under the hammer like other stock and borne away to a

returnless distance." 3 An evil result of this condition of

affairs was that the negroes did not regard marriage as

strictly as they ought. They married carelessly and

separated easily. The result was much licentiousness. A

few Christian owners did what they could to prevent the

separation of their married slaves, but after their death z if

not before, the slaves were sold for debt or to satisfy less

scrupulous heirs. 4 In his own congregation was an excel-

x " American Slavery and the Immediate Duty of Slaveholders."

See the author's "Anti-Slavery Leaders," p. 56.

2 Ibid., p. 282. s lt>id., p. 299. \* Ibid., p. 307.

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lent man and wife, both slaves, who were very fond of one

another and of their children. Their master died in debt.

Their eldest daughter was sold to a speculator, and other

children were also sold. The honest parents were heart-

broken and succumbed under their sorrow. "I could fill

a volume with similar instances," exclaimed the indignant

writer. 1

From an intelligent gentleman, who was a large planter

in the eastern part of the State, I have the following :

Slaves were generally fed three times a day; but I knew several

men who fed only twice a day. I practised medicine on many plan-

tations and never found negroes that were so badly fed that it inter-

fered with my treatment. A few people stinted their children and

their slaves also. Usually the slave fared as well as the child,

relatively speaking. If any difference was made it was in favor of

the slave, who was property. I knew a few people who treated slaves

badly. Such masters were brutal by nature. The morality of the

negro was greater then than now. One fault, however, was the

putting of more than one family into one room. This was not

unusual on plantations. The profit to the employer of the labor of

the slave was perhaps greater than that of the negro freeman to-day.

The negro pays in a region where the ground has to be stirred steadily;

but he does not pay in a grass or grain country. He has not enough

of the faculty of direction for the latter. The negro does not want

or need free circulation of air in his living quarters. As a rule he

sleeps in badly ventilated apartments and seems to suffer no ill effects.

This is a conclusion from my experience as a physician. They

always sleep with their heads covered up. Nearly all like the taste

of whiskey.

From the same source I am able to give an incident,

piteous as it is, but which from the trustworthy and direct

source from which it comes to me I am not able to doubt.

It illustrates most touchingly the hardships which came

from breaking the Africans into slavery. About the begin-

ning of this ce'ntury when the large Collins plantation on

Lake Phelps, Washington County, was being cleared a num-

ber of negroes just from Africa were put on the work. One

1 "American Slavery and the Immediate Duty of Slaveholders."

See the author's "Anti-Slavery Leaders," pp. 308 and 310.

409] Industrial and Social Relations of Slavery. 93

of the features of the improvement was the digging of a

canal. Many of the Africans succumbed under this work.

When they were disabled they would be left by the bank of

the canal, and the next morning the returning gang would

find them dead. They were kept at night in cabins on the

shore of the lake. At night they would begin to sing their

native songs, and in a short while would become so wrought

up that, utterly oblivious to the danger involved, they would

grasp their bundles of personal effects, swing them on their

shoulders, and setting their faces towards Africa, would

march down into the water singing as they marched till

recalled to their senses only by the drowning of some of

the party. The owners lost a number of them in this way,

and finally had to stop the evening singing. This incident

was related to my informant by the gentleman who was

overseer on this plantation when the incident occurred.

CHAPTER V.

THE TRIUMPH OF THE PRO-SLAVERY

SENTIMENT.

Slave Conspiracies. The possibility of slave insurrections

was a source of the greatest solicitude to the Southern

whites. This was heightened about the close of the last

century by the Haytien outbreak and by the Nat Turner

attempt in 1831. Probably the slaves as a body were more

rebellious a century ago, when many of them were fresh

from African freedom, and probably the whites as time

passed knew better how to keep the slave from rebellion.

Certain it is that after the early decades of the nineteenth

century there were no attempts at conspiracy among the

North Carolina negroes.

After the reported conspiracy in Beaufort County, just

before the Revolution, no further trouble is reported till

1802. In that year the extreme northeastern part of the

State was thrown into paroxysms of terror by reports of a

slave insurrection. It is difficult to say just what was the

extent of the danger there. The insurrection was at first

reported to have gone through the counties of Camden,

Currituck, Pasquotank, Perquimons, Chowan, Hertford,

Martin, Bertie, Beaufort and Washington. At some places

the slaves were reported to have done great havoc, though

no definite acts of outrage were mentioned. Eighteen

negroes were reported to have been executed and a large

number to have been arrested. After awhile it was realized

that "various extravagant and unfounded reports," as the

Raleigh Register' 1 - put it, had been circulated. On July 27,

'June I, 22 and 29, 1802.

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411] The Triumph of the Pro-Slavery Sentiment. 95

1802, this paper published a full story of the affair by a

reliable witness. It appears that in May of this year a report

came to be circulated that the negroes were about to revolt.

All those who were strongly suspected were arrested.

Excitement ran high, and mob violence was averted with

difficulty. The negroes were at length frightened into con-

fession. They admitted that June 10 had been set for the

beginning of a general insurrection, and that they were

threatened with death if they revealed it, or if they did not

join it. On the night of the tenth they were to form into

groups of seven or eight, fire the houses of the whites, kill

the white males over six years old, kill the women, black

and white, except the young and handsome white women,

who were to be kept for wives, and the young negro women,

who were to be kept for waitresses. After finishing in the

country they were to go to Plymouth, N. C, where they

expected reinforcements, and where the work of destruction

was to be continued. A few arms were deposited in the

swamps, and they expected to get others. They had been

told by their leaders that the rising would cover the whole

country. The leaders were obstinate, but after much whip-

ping they confessed to the conspiracy. Two of them were

executed, and the others were whipped and sent to their

homes. How a whole State might be terrified by such

reports as were then in the air is seen by the fact that false

alarms were given in Halifax and Franklin Counties, and in

the former a negro was tried and convicted, but the com-

munity soon recovered from its shock, and both whites and

blacks joined to petition the Governor to pardon him. 1

In 1805 an outbreak of a similar kind was reported in

Wayne County, about which a correspondent wrote to the

Register\* as follows : "We have been engaged in this county

in the trying of negroes for poisoning the whites ever since

Monday last. One suffered death at the stake (was burnt

1 Raleigh Register, August 10, 17 and 24, 1802.

2 Ibid., July 23 and August 13, 1805.

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alive) on Saturday last, for poisoning her master, mistress

and two others. Two more are under sentence of death, and

are to be hanged on next Wednesday." Thirteen, it was

said, were in prison, but some of them had been brought

from Sampson and Johnston Counties. The accused con-

fessed that the plan was to kill the chief white men, and to

keep the others in slavery. Later advices stated that one

more negro was executed besides the two mentioned, and

others had lesser punishments, as whipping, pillorying,

transporting and cropping the ears. In neither of these

outbreaks, it will be noticed, is there mention of Northern

emissaries. Whatever plan there was among the negroes

was probably due either to their own suggestion or to some

negro who came in from the West Indies. Either source

was not improbable. There must have been then, and per-

haps always, a large number of stronger minded slaves who

resented their situation. Of this class was one, "Yellow

Jack," who was advertised in 1812 as a runaway, who had

been overheard to say that "all should be free, and that he

saw no reason why the sweat of his brow should be

expended in supporting the extravagance and idleness of

any man," or words to that effect. 1

In 1822 there was a slave rising in Charleston, S. C., in

which Denmark Vesey figured as leader. It had no effect

on the slaves of North Carolina, much to the relief of the

whites there. 2 But in 1821 there had been trouble of some

kind in Jones County. The militia was called out, and in

1823 the Assembly allowed its claim for services. The

Nat Turner insurrection of 1831 aroused great feeling in the

State, and this was chiefly responsible for the state of terror

that possessed the adjacent counties immediately thereafter,

when news was circulated of a similar conspiracy in Samp-

son and Duplin. The terror spread as far as Wake, and

even Raleigh was put into a state of defense, even the old

Raleigh Register, June 5, 1812.

1 Ibid., August 20, and September 6, 13 and 1822.

413] The Triumph of the Pro-Slavery Sentiment. 97

men past the militia age volunteering for service. Johnston

County called on Raleigh for ammunition and received a

supply. The report stated that seventeen families had been

murdered by the slaves. When it was reported in Hills-

borough that Raleigh was in imminent danger the former

place at once raised a military company and sent it to the

latter. On careful investigation the reports were found to

have been much exaggerated. It seems that a free negro

had revealed a concerted plan in Duplin, Sampson, New

Hanover, Wayne and Lenoir Counties for the negroes to

rise on October 4, 1831, march to Wilmington, where they

expected to get arms and recruits. Whatever plan there

was, no whites were harmed. Twelve alleged leaders were

taken and shot, and three others were hanged in Duplin,

and the people were restored to confidence. In Wilming-

ton the excitement had been painful. At one time it was

reported that the infuriated blacks had reached a point two

miles from the city. The whole available population was

put under arms. 1 When men were so carried away by the

prevailing fear as to credit such reports as the latter it

was not unlikely that some of their judgments were wrong.

I have it on the authority of the son of the man who was at

that time sheriff of Sampson County that the negroes exe-

cuted for this crime there were innocent, and that he had

often heard his father say as much. This was the last

attempted slave insurrection, so far as I have been able to

learn, in North Carolina. It is singular that we find no

more periods of terror from reported slave insurrections

after the triumph of the pro-slavery element. It would be

interesting to know whether or not these frights were of

political origin.

The Growth of the Pro-Slavery Sentiment. Intimately

connected with the reported slave conspiracies was the

growth of a stronger pro-slavery sentiment. Each period of

excitement tended to weaken the arms of those who hoped

Raleigh Register, October 15 and 21, 1831.

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for final emancipation. It has been said that the Nat Turner

insurrection a'nd the active campaigns of Garrison and his

associates turned the South into pro-slavery advocates.

The statement is but partly true. The process of change in

sentiment had begun some time before, and these events

only hastened its culmination.

There was for some years before 1831 a considerable pro-

slavery sentiment which made its presence felt in the Legis-

lature. It was strongest in the East where there were more

slaves. Opposed to it were the western counties. As they

became more and more slaveholding, the non-slaveholding

element leaving largely for the Western States, the pro-

slavery faction was strengthened. They were, moreover,

a party of action and they drew young men. Those who

hoped for emancipation had no plan of action. They only

awaited for some door to be opened to effect their hopes.

They could not approve of the procedure of the abolition-

ists in the North. They realized that latent public opinion

in the South was such that it would be folly to argue against

slavery on the grounds of the rights of man. The half-

hearted opposition they could make had no chance against

the fervid arguments of the convinced and enthusiastic

supporters of slavery.

The steps by which the pro-slavery minority was con-

verted into a majority are obvious. In 1818 Mr. Mears, of

New Ha'nover, introduced a bill to prohibit the teaching

of slaves to read and write. It was lost on the second read-

ing. 1 A year later a similar bill was unanimously rejected. 2

In 1825 a bill to prevent the escape of slaves by assuming

the privileges of free negroes was indefinitely postponed.

In 1825 free negroes were required to have license from the

county justices to live in Raleigh. Licenses were given to

those only who could prove good character. 3 In the same

year the Governor in his annual message referred sarcasti-

1 Raleigh Register, December 18, 1818.

"Ibid., December 10, 1819. \* Ibid., February 18, 1825.

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cally to resolutions of the Ohio Legislature in regard to

abolition in the Southern States. He appreciated the inter-

est of the non-slaveholders, but hoped they would "shortly

learn and practice what has familiarly been termed the

Eleventh Commandment, 'Let every one attend to his own

concerns.' ' n In the same year a bill to restrain improper

conversation between mulattoes and free negroes on the

subject of freedom was lost in committee. 2 Another bill to

prevent the education of slaves, a bill to prevent free negroes

from migrating to North Carolina and a bill to forbid

emancipation societies were introduced but lost, the second

by a vote as close as 56 to 47. 3 Evidently the pro-slavery

men were in earnest.\*

The matter became graver in 1826. In his message the

Governor referred to a petition from the Vermont Legislature

to the North Carolina government praying for the abolition

of slavery. The Northern agitation, he thought, "demanded

from us a sleepless vigilance." He recommended revision

of the laws relating to the militia, to the patrol, and to the

immigration of free negroes. 5 A warm debate followed in

the Senate. Mr. Speight, of Greene, was particularly bel-

ligerent. "As a North Carolinian he felt that he was being

imposed upon, and that there was an improper attempt to

dictate to the Southern States in what manner they should

govern their own property; and before he would tamely

acquiesce in any infringements of his rights in this par-

1 Raleigh Register, November 29, 1825.

\*Ibid., December 6, 1825.

\*Ibid., December 30, 1825, and January 3, 1826.

\* It is curious to read the estimate of the North Carolina Manumission

Society in 1825 , as to the sentiment of the people of the State on the ques-

tion of emancipation. They said that -fa of the people wanted immediate

emancipation, ^j wanted gradual emancipation, ^ wanted emigra-

tion, -fo were totally indifferent, f were ready to support schemes of

emancipation, -fo opposed emancipation because impracticable, and

tf\5 were bitterly against it. See Weeks: "Southern Quakers and

Slavery," p. 241.

5 Raleigh Register, December 29, 1826.

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ticular he would destroy the constitution, law and every-

thing most dear to him." He favored referring the matter

to a committee. Mr. Forney, of Lincoln, counseled modera-

tion. "There was," he said, "a good deal of sensibility

excited whenever this subject was mentioned, and a dispo-

sition was felt to take umbrage when no offense was

intended." The Senate referred the matter to a committee,

but with what result does not appear. 1 In the Assembly of

1827-28 there were several bills in regard to minor features

of the slave controversy, but none passed. In 1828-29 a

bill was introduced to prohibit the education of slaves and

on the recommendation of the Judiciary Committee it was

rejected. Both here and in the following year other bills

were introduced to restrict the activity of slaves, but they

failed to pass. It was only when the Governor sent in to

the Assembly a copy of an inflammatory circular found in

North Carolina and in other States, that passion rose to

summer heat again. Slavery, said the Governor in his

message, was a fixity, and "it would be criminal in the

Legislature to attempt to avoid any responsibility growing

out of this relation." It was known that free negroes had

helped to circulate such literature as this, and it was recom-

mended that they be required to give bond not to do so in the

future. The Governor's note of warning was heard. The

first bill introduced was to regulate the patrol. A committee

of the House of Commons was instructed to inquire into

the expediency of preventing the education of slaves, and a

number of other restrictive bills and resolutions followed

quickly. 2

The incendiary publication referred to was by one Walker,

of Boston. 3 I presume this was David Walker, the third

edition of whose "Appeal in Four Articles" had just been

issued. This appeal, said he, was made to rescue the negro

from wretchedness in consequence of slavery, ignorance, reli-

1 Raleigh Register, January 2, 1827.

\* Ibid., November 18 and 25, and December 2, 1830.

8 Ibid., December 9, 1830.

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gious teachers and the colonization plan. It was written by

a negro and was intended to incite negroes to progress.

They were urged not to be content with the position of

menials, but to educate their children. The habit of the

whites of teaching negro children in Sunday Schools was

denounced, evidently because it tended to make the negroes

contented with slavery. Garrison reprinted much of this

pamphlet in one of the early numbers of the Liberator. 1 It

was not openly and violently incendiary, to be sure, but it

aimed to make the negro discontented with his lot, and

falling into the hands of slaves might well be construed to

lead to any kind of a stroke against their shackles. To the

North Carolina Legislaure it was a most serious matter.

The Senate went into secret session on it, the second secret

session in the history of the State. The bill to prevent slaves

being taught to read and write was taken up and went

through the Senate on its second reading without a divi-

sion. Mr. Robert P. Dick, of Guilford, protested

in the name of many of his constituents who con-

ceived that it was their duty to teach the slaves to read the

Bible. 2 The bill was finally enacted. The tide had turned.

The pro-slavery minority that had often tried to pass this

bill had at last been able to get it through. This faction

was not only supreme in the Assembly, but it soon became

supreme in society at large. It took its case into the realm

of literature. Arguments sociological, arguments ethno-

logical, arguments psychological, arguments biblical, and

goodness knows how many others were hurled at the slave.

The very nature of the controversy engendered passion. The

abolitionist considered slavery a crime against the slaves.

His saying so reflected on the moral integrity of the masters.

Specifications of the criminality were enumerated. The

masters became angrier. The passions once kindled might

be relied on to keep themselves burning. It would have

l TAe Liberator, April 23, 1831.

J Raleigh Register, December 9, 1830.

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taken admirable self-control for either side to have stopped

or to have turned aside the flood. Said Mr. Julius Rock-

well: "It is no credit to the civilization of the nineteenth

century that slavery could not have been abolished without

that horrid war." It was slavery itself that defeated the

humaner forces of civilization. Had slavery not been

slavery the minds of men might have been calmer in its

presence, but then there had been no need of abolition.

After the triumph of 1830 the dominant faction was more

determined than ever to protect slavery. The Governor in

his message in 1831 referred to the discontent among the

slaves, and recommended the organization at the expense

of the State of a reliable county militia to be held ready to

march at a moment's notice. His recommendation was not

adopted. Neither were a number of bills brought in to

restrict the action of slaves.

In 1835 a joint committee on incendiary literature, of

which Thomas G. Polk was chairman, reported in favor of

a permanent policy in regard to such literature. This the

State could undoubtedly do and "no other State, and no

other portion of a people of any other State can claim to

interfere in the matter, either by authority, advice, or persua-

sion; and such an attempt, from whatever quarter it may

come, must ever be met by us with distrust and repelled with

indignation. \* \* \* Whatever institution or state of

society we think proper to establish or to permit is by no

other State to be disturbed or questioned. We enter not

into the inquiry whether such institution be deemed by

another State just or expedient. It is sufficient that we think

proper to allow it. \* \* \* We do full justice to the

general sentiments and feelings of our fellow-citizens in

other States, and are fully aware that the attempts to injure

us are made by a small minority composed probably of

many misguided and some wicked men, and that these

attempts meet with no favor, but on the other hand with

marked disapprobation from a large majority of the com-

munities in which they are made. Still it must be recollected

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that from the nature of the means employed the danger to

us is the same." "We asked not assistance," continued the

committee, "to put down insurrectionary movements among

our slaves, for should such occur we are fully able to put

them down ourselves. But we ask that our slaves and our-

selves may be relieved from external interference. Left to

themselves, we believe our slaves, as a laboring class, are as

little dangerous to society as any in the world. But we do

ask, and think we have a right to demand, that others do

not teach them evil of which they do not think themselves."

The report closed as follows : "Though we feel the greatest

attachment for the Union, and would do all in our power

to strengthen and perpetuate it, yet we are not ready to

surrender those very rights and blessings which that Union

was formed to protect; and should the means now adopted

prove ineffectual in stopping the progress of these attacks

on our peace and happiness, we would invoke the aid of the

other slaveholding States that there may be concert of action

in taking such steps as the occasion may demand." 1 With

this report were some resolutions i'n the same spirit, and

these were passed by a large majority.

By the side of this I should like to place a resolution which

the Raleigh Register, June 4, 1836, said had just been

adopted by the New England Anti-Slavery Society. It read :

Resolved, That regarding a surrender of the right of free discus-

sion upon the altar of Southern slavery as involving on our part the

commission of moral suicide, treachery to the cause of civil liberty,

of humility and guilt before high Heaven, we hereby pledge ourselves

to one another to the oppressor and the oppressed to our country

and our God that, undeterred by threats or persecution at common

law, whether in the messages of the governors, the pages of our

theological reviews, or the reports of legislative committees come

what may, gag law or lynch law, we will never cease to work

for its exercise full, free, and undiminished until the last fetter

shall be broken and slavery and prejudice shall be buried in one com-

mon grave.

'Raleigh Register, January 5, 1836.

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Alas ! that was a good way to bury slavery, but neither the

resolutions of the North Carolina Assembly nor those of

the New England Society were calculated to diminish preju-

dice.

The change in public opinion is well illustrated by the

course of the Raleigh Register. Its editor, Joseph Gales, had

left England in 1794 on account of a certain connection with

a violent pamphlet of a French republican flavor. His love

of liberty made him steadily opposed to slavery. He was a

follower of Jefferson and later on a Whig. He certainly did

not represent the general sentiment on the slavery question,

but even the opinions of his paper were not proof against

the pro-slavery impulse of public thought. In 1818 the

Register described slavery as "a Upas tree of most frightful

dimensions and most poisonous qualities." In 1825, when

another paper declared that the Register was "very little in

unison" with the opinions of the great body of slaveholders,

Mr. Gales replied :

We consider slavery an evil, a great evil, but one imposed on us

without our consent, and therefore necessary, though we cannot

believe irremediable, hopeless and perpetual. On the simple ques-

tion: "Ought slavery to exist" we presume but few persons would

answer in the affirmative, and still fewer would be found bold enough

to advocate the practice as being right in itself or to justify it, except

on the broad plea of necessity. That it would conduce equally to the

interest and happiness of the slaveholding States to get rid of this

part of our population few will deny. It is a dead weight which

mars all enterprise and clogs the wheels of the political machine.

None can doubt that if North Carolina could give the whole of

her colored population for one-half the number of whites she would

be among the foremost in the race of active improvements now run-

ning by most of the free States. We hope the time will come,

though it is probably far distant, when a better order of things will

prevail in this respect. 1

In 1830 the Register had begun to change its tone. It

pronounced "highly seditious" the anti-slavery articles then

1 Raleigh Register, September 20, 1825.

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appearing in the Greensboro Patriot, of which William

Swaim was the editor. In 1835 the Register declared itself

as follows :

Until recently we were disposed to regard the movements of the

abolitionists with indifference and contempt ; but it is folly to shut

our eyes to the fact that they are rapidly augmenting in numbers, and

that their zeal and exertion are increasing in even greater ratio. By

a late circular, signed by Arthur Tappan, Lewis Tappan, the Rev. Dr.

Cox, etc., it seems that they are determined to raise $30,000 during

the present year to be devoted to printing and circulating gratuitously

inflammatory papers calculated to do extensive mischief. 1

Four weeks later the same paper, on the authority of

Lewis Tappan, said that the abolitionists had printed 175,000

abolition circulars, of which 1000 had been destroyed in

Charleston. "The rest," said Tappan, "are accomplishing

the designs intended throughout the United States. We

will persevere, come life or death. If any fall by the hand

of violence, others will continue the blessed work." By this

time the Register was out and out a pro-slavery organ. This

change in sentiment in a most conservative paper the edi-

torial management of which remained continually in the same

family father and son during this entire period, must

have been indicative of a much stronger popular change. 2

Co-existent with the facts just mentioned there was a

strong political side to this change. The Whigs were, for

most of the period before the Civil War, more opposed to

slavery than the Democrats. They now found themselves

uncomfortably placed between two fires. Abolitionists

charged them with favoring slaveholders. Pro-slavery peo-

ple charged them with a leaning towards Northern abolition

doctrines. Each charge was denied. In each there was some

'Raleigh Register, October i, 1835.

\* Sometime before his death in 1842 Joseph Gales went to live in

Washington City, leaving the editorial management of the paper in

the hands of his son. I can find no date for this, but it was hardly

so early as 1835. At that time the paper announced at its head that

it was published by "Gales and Son."

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show of truth. Whiggery was already being dragged into

the maelstrom of sectionalism, which was destined to destroy

it. In North Carolina it did not dare to oppose slavery. At

the time about which I have been speaking, another issue

overshadowed all others. It was the question of apportion-

ment of seats in the Assembly. The Constitution provided

that each county should have equal representation. The

western counties were larger than many eastern counties and

demanded an apportionment of seats according to popula-

tion. The struggle was won by the West, and the desired

reform was accomplished by the constitutional convention

of I835- 1 This put a new complexion on State politics for a

few years ; but as soon as this issue was forgotten and it

was not long in doing so the two parties were drawn into

discussion of the slavery question. It was in the campaign of

1840 that the matter first became prominent. The Standard,

a Democratic paper at Raleigh, called the Whigs "abolition-

ists." The Register, which was the leading Whig organ,

charged Van Buren with favoring negro equality. The

controversy became warm. The Democrats attacked Mr.

Morehead, Whig candidate for Governor, because he had

prepared a report against the bill to prevent the instruction

of slaves. The Whigs replied that Mr. Haywood, the Demo-

cratic candidate, had done the same thing. The Whig candi-

date was looked upon with suspicion, because he was from

Guilford County, where anti-slavery ideas were abundant.

The Whigs replied by charging that Mr. Saunders, a Demo-

cratic ex-Congressman, had presented to Congress a petition

from the Manumission Society of Guilford County. When

the Whigs finally won in 1840 the Register announced the

victory under the headlines : WHIGGERY VICTORIOUS ! THE

BLACK FLAG OF ABOLITION LAID Low !

After 1840 the controversy slept till 1846, when the Wil-

mot Proviso was introduced. It now became violent.

the author's "Suffrage in North Carolina," Report of the

American Historical Association, 1895.

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The Democrats had the Whigs on the defensive. The latter

were forced to repudiate the action of the New England

Whigs, who had just endorsed the proviso in a convention

at Springfield, Mass. The result was satisfactory. The

Whigs were still strong, and carried the State by what was

then a substantial majority of 7000. In 1848 the controversy

for equal suffrage began, the Democrats favoring it aiid the

Whigs opposing. It ran strong, but the feeling on the

slavery question was not allayed. The two parties vied with

one another in denouncing abolition.

In the storm of feeling which preceded the compromise

measures of 1850, North Carolina was not untouched. The

strongly conservative feeling of the State was brought into

play, and the resolutions which were introduced into the Leg-

islature were milder than they would have been in some

other Southern States. On January 16, 1849, the

Assembly resolved all but unanimously, that to forbid slav-

ery in the District of Columbia or in the territories would

be a "grave injustice and wrong" and contrary to the spirit

of the Constitution, and that they were willing to stand by

the Missouri Compromise. An amendment to these resolu-

tions was offered by the House of Commons and concurred

in by the Senate, pledging the State more strongly than

ever to the Union and repudiating "whatever may suggest

even a suspicion that it can in any event be abandoned. This

amendment was introduced into the House by Edward Stan-

ley, of Beaufort County, 1 who was a Union man of the

strongest sort.

In the session of 1850-51 the same matter came up again.

A joint committee was appointed to act for the two Houses.

A report was prepared and submitted. It was in favor of

accepting the Compromise of 1850, but sounded a note of

warning in regard to the Fugitive Slave Law. There were

many resolutions on this subject before the Assembly. One

of them expressed, perhaps, pretty thoroughly the feeling

journal of the Assembly of 1848-49, pp. 717 and 725.

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of most of the members. It ran : "Resolved, That we will

have the Fugitive Slave Law or fight." Many amendments

were offered to the resolutions of the committee, and an

intricate debate was just beginning when the matter sud-

denly dropped out of the journal of the Assembly, leaving us

to guess the cause. Perhaps it was because the Assembly was

brought to realize the futility of bringing on a discussion

which would create feeling and endanger the Union, all to

accomplish no definite end. The compromise laws had

then been passed in Congress, and as yet the Fugitive Slave

Law had not been tried. It was evidently in the interest of

good 'sense to say nothing about the slavery question.

The last decade before the war was quiet enough so far

as the political relation of slavery was concerned. There was,

as the crisis approached, a considerable amount of sectional

recrimination, but it does not belong to the history of slavery,

but rather to the larger history of the great sectional strug-

gle. In the meantime, and, indeed, for a decade and a half

previously, there had been no legislation of importance which

bore on slavery. The status of the slaves had been fixed to

the satisfaction of the masters by the legislation which came

closely before or after 1830. This intermediate period was

marked by profound quiet on the part of the slaves. The

negroes were prostrate, restrained at every point by law. So

completely were they subjected that they gave no trouble

during the war that followed. During this war it was

not found necessary to amend the law controlling the con-

duct of slaves at any vital point. This quietude of the slaves

has been attributed to their good nature. It ought to be

attributed to their lack of esprit du corps, their lack of

organization, and their fear of the whites. They did not

remain quiet because they loved slavery. They had small op-

portunity for rebellion. The counties were closely defended

by home guards, embodied from the old men and the youths

and in each State till the end of the war there were easily

accessible bodies of troops which would have crushed with

fearful promptitude an attempt at insurrection. No revolt

425] The Triumph of the Pro-Slavery Sentiment. 109

that the negro could have made would have stood a week.

That the negroes were willing enough to have their liberty,

even at the expense of the lives of their masters, is shown

by the readiness with which they enlisted into regiments in

the Union Army, and by the desperate courage with which,

raw as they were, they frequently bore themselves in battle

when under the leadership of competent white officers.

AUTHORITIES.

With few exceptions, I have been thrown back on Quellen,

and of this class of material the pieces have been varied and

multitudinous. Slavery is unannalled so far as the slaves

themselves are co'ncerned. I have been forced to pick up

information here and there as it is found in the documents

and other literature of the white man. At best I can hope

for but little more than that this, and other works of mine

on slavery in North Carolina, may serve for a point around

which many more facts not now in the range of my knowl-

edge may be gathered, till at last the subject is know'n

through and through.

My chief sources of information have been laws and legal

opinions. Of these are :

Laws of North Carolina, 1790.

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Revised Statutes of North Carolina, 1837.

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day, particularly the Raleigh Register, and the North Caro-

lina Standard.

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(N. C.)

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427] Authorities. Ill

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The Early Development of the

I Chesapeake and Ohio Canal

Project.

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The Early Development of the Chesapeake

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BY

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The Early Development of the Chesapeake

and Ohio Canal Project.

INTRODUCTION.

The Chesapeake and Ohio Canal, as it exists to-day, lies

on the north shore of the Potomac River, forming a navi-

gable water-way between Georgetown, near the head of

tide-water in the Potomac, and Cumberland, at the eastern

base of the Alleghany Mountains, where Will's Creek joins

the Potomac. The canal is one hundred and eighty-six

miles in length, sixty feet wide at the surface (with some ex-

ceptions) and six feet deep. There are two very expensive

aqueducts, besides many culverts. The water supply is

drawn from the Potomac by means of six dams with their

feeders, while the difference in level between Georgetown

and Cumberland is overcome by eighty-one locks.

Ground was broken for the work by John Quincy Adams,

then President of the United States, on the Fourth of July,

1828, the same day on which ground was broken for the

Baltimore and Ohio Railroad, by the venerable Charles

Carroll, of Carrollton. Thus auspiciously begun under the

patronage of the United States, the Chesapeake and Ohio

Canal soon came into the care of the state of Maryland, and

was not completed to Cumberland until October, 1850,

more than twenty-two years after the work was commenced.

Such, in a word, is the origin of the Chesapeake and Ohio

Canal.

"The Chesapeake and Ohio Canal project" was some-

thing of a widely different character. It is to the history

of the project that this monograph is chiefly devoted. So

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voluminous are the materials that it has been a difficult

matter to select and arrange only those more important

facts which have a direct bearing upon the development of

the "project." The constant aim, however, has been to

do this in such a manner as to show :

I. The slow process of evolution through which the idea

passed; and,

II. The relation of the United States Government to that

development.

Incidentally, light has been thrown upon the cause of

the failure of the canal, upon the historical relation of the

Baltimore and Ohio Railroad to the canal, and other points

not without their interest. In proportion as the purpose of

the paper has been accomplished it will appear that the

Chesapeake and Ohio Canal project was launched upon the

tidal wave of the "American System," dashed to pieces by

the sudden recession of that wave, and left stranded on the

southern shore of Maryland. Deserted by the Federal

Government, when no more than twenty miles of the canal

had been opened to navigation, Maryland furnished the mil-

lions with which the work was finally completed to Cum-

berland.

CHAPTER I.

EARLY DEVELOPMENT OF THE TRADE ROUTE

BY WAY OF THE POTOMAC.

The Chesapeake and Ohio Canal project had its origin

in the abiding conviction that the shortest route from the

seaboard to the Ohio Valley; that, namely, by way of the

Potomac and Monongahela Rivers, should and would be-

come the great thoroughfare of trade and communication

between the regions east and west of the Alleghany Moun-

tains. The importance, amounting almost to necessity, of

establishing and maintaining such a route was very early

perceived. The Ohio Company was organized in I748, 1

primarily to promote the settlement of the Ohio Valley, 2

and, incidentally, to trade with the Indians. 3 So early as 1749

the boats of the Ohio Company had ascended the Potomac

from the head of the Great Falls ;\* and in 1750 a storehouse

was built at the point where Will's Creek falls into the north

branch of the Potomac, on the site of the present city of

Cumberland. 5 Trade flourished from the start, and in 1752,

the company having determined to make Will's Creek a per-

manent trading post, a second storehouse was built. So

rapid was the growth of business at this point that a town

was laid out with streets, lanes and squares subdivided into

lots. This town, which lived and had its being only on the

surveyor's plats, was named Charlottesburg, in honor of the

1 Winsor : "Narrative and Critical History of America," V, 570.

2 Lowdermilk: "History of Cumberland," 26-33.

s lbid., 31.

4 House Report No. 90, ipth Congress, 2d Session, 2.

6 Lowdermilk's "Cumberland," 29. Fort Cumberland erected on

this site, 1754-5, 89.

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Princess Charlotte Sophia, afterwards Queen of George III.

Beyond Charlottesburg there was nothing worthy the name

of road. 1 The English had but lately (1744) acquired a

doubtful title to any territory west of the Alleghanies ; 2

and when Christopher Gist, the surveyor for the Ohio Com-

pany, left Will's Creek, in 1749, to explore the Ohio Valley,

he found only an Indian trail leading thence to the West.\*

Over this same route Washington made a temporary road\*

to accommodate the little army of two hundred Virginians

which he led against the French in the summer of I754- 5

Later, when, in 1755, Major-General Braddock, with his

two regiments of regulars, came to the assistance of the

Virginians, the route by which he should proceed from his

headquarters at Alexandria was decided upon economic

rather than upon military principles, a circumstance which

had more to do with the failure of the expedition than did

the stubbornness of Braddock. It was not the blindness of

Braddock, but too great eagerness on the part of Virginia

to improve the Potomac route that is responsible for the

overthrow of an ably conducted expedition. 6

It was decided by a council of the governors of the colo-

nies held by invitation of General Braddock at Alexandria,

Virginia, April 14, 1755, that Braddock should lead the

expedition against Fort Duquesne. This expedition, which

was to proceed from Alexandria, would have choice of two

routes. Braddock might lead his men through Pennsyl-

vania, or through Maryland by way of the Potomac River

and Fort Cumberland. The route by way of Pennsylvania

offered the advantages of a settled country with roads

already made. That by way of the Potomac led through a

rugged, mountainous region with scarcely a settlement be-

yond a point eighty miles east of Fort Cumberland, while

west of Fort Cumberland there was not even a road worthy

of the name. If, then, the Potomac route should be chosen

iLowdermilk's "Cumberland," 30, 31. 2 Ibid., 31, 32. 3 Ibid, 28.

\* Winsor : "The Mississippi Basin," 279.

5 Winsor : "Narrative and Critical History," V, 493-4.

6 Parkman : "Montcalm and Wolfe," I, 196, 214.

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it would be necessary to make a military road for a distance

of more than one hundred miles through the Alleghany

Mountains before the expedition could reach Fort Du-

quesne.

This single difficulty, had there been no others, should

have settled the question decisively in favor of the Penn-

sylvania route, which offered comparatively easy roads with

ample provisions. But the very consideration which, from

a military point of view condemned the Potomac route,

was precisely that which, from the Ohio Company's point

of view, made it so important to adopt that route ; the fact,

namely, that Fort Cumberland and Gist's settlement on the

Ohio were separated by more than one hundred miles of

rugged, roadless mountain wilderness. Because of the profit

which the consequent improvement of the Potomac route

would bring to the company, one of its stockholders, John

Hanbury, of Pennsylvania, is said to have "cajoled the Duke

of Newcastle into ordering" the Potomac route. Governor

Dinwiddie, of Virginia, was also interested in the Ohio Com-

pany and for that, as well as other reasons, used his influ-

ence for the Potomac route. 1

How difficult and tedious the making of this road proved

to be ; how ample time was allowed the French to concen-

trate their forces at Fort Duquesne and to become fully

acquainted with all the plans and movements of Braddock,

so as to make sure of his defeat, needs no rehearsal here.

It is worth while, however, to remark that already, in 1755,

the trade route by way of the Potomac had become a ques-

tion of sufficient importance to influence the decision of

national and military affairs. That trade route must be

held responsible for the most serious disaster suffered by the

victor in a struggle for the possession of a continent.

The apparent compensation for the enormous obstacles

to be met beyond Fort Cumberland was the bare possibility

1 Winsor : "Narrative and Critical History of America," V, 495.

"The Mississippi Basin," 356-60.

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that supplies might be forwarded by boat as far as the head-

waters of the Potomac. This possibility was promptly can-

vassed by Governor Sharpe, of Maryland, and Sir John

St. Clair, who, in January, 1755, made a careful examina-

tion for the purpose of ascertaining the navigability of the

Potomac between Fort Cumberland and Alexandria. They

reported that the river channel would be opened to navi-

gation throughout by the removal of the rocks which form

the Great Falls. St. Clair thought this might be done at

least sufficiently to allow the passage of flat-bottom boats ;

but the experiment was not made. 1

During the French and Indian War the operations of the

Ohio Company were practically suspended. At the close

of the war the company itself was suspended, or rather

merged into the Grand Company. 2 The Grand Com-

pany came to nothing, and no further attempts were made

to develop the Potomac route till the War for Independence

had been fought and won. 3

The tendency of commercial and economic considerations

to take precedence, and to determine the more distinctly

political affairs of a country has rarely been more apparent

than in the history of the Potomac trade route. Economic

considerations led to the choice of that route for Braddock's

expedition, and the road was actually opened to the Ohio

by his forces. Economic questions again came to the front

immediately upon the close of the Revolutionary War, and

efforts were at once made to improve the commerce of the

new country. 4

In the South, Washington strove to rouse Virginia and

Maryland to the importance of opening the Potomac for

navigation as far as Cumberland. From that point west

he thought that the two states should jointly maintain 'a

road. 5 In the line of these suggestions a joint committee

1 Lowdermilk : "History of Cumberland," 103.

2 Ibid., 33-

3 House Reports, igth Congress, ist Session, Report No. 228, 4.

4 "Narrative and Critical History of America," VII, 219, 220.

5 Pickell : "A New Chapter in the Life of Washington," 46.

437] Early Development of Trade Route. 13

was appointed by Maryland and Virginia to consider plans

for improving the navigation of the Potomac. The com-

mittee, with Washington as its presiding officer, met in

December, 1784. The result of that meeting was the Po-

tomac Company.

Incorporated by Virginia and confirmed by Maryland,

the company was organized at Alexandria, Va., on the I7th

of May, 1785, with George Washington as president. The

first and chief, if not the only, work then expected of the

company was to clear the channel of the Potomac for navi-

gation as far as Cumberland. The extension of the route

from that point to the Ohio by means of a road would open

easy and rapid communication between the rapidly filling

West and the seaboard, thus establishing a bond of eco-

nomic interest as well as one of friendship between these

two sections of the infant republic. 1

From this it is plain that Washington foresaw at least so

long ago as 1784 what has long been to us matter of his-

tory, namely, that the commercial center to which a people

habitually look must, under ordinary economic conditions,

become the centre of power which controls political action

and to a great extent determines political allegiance. To

understand correctly this point one of the earliest, strong-

est and most persistently used of all the arguments urged

for the establishment and maintenance of the Potomac

route, first for river navigation and later as a canal it is

necessary to recall the fact that, in 1784, the now familiar

method of creating new states had not yet been discovered.

How to deal with this new empire so rapidly rising in the

West was, therefore, a rather puzzling question. The

French held the Mississippi, and it was reasonably feared

that if the trade of the country west of the Alleghanies

should be allowed to float down the Ohio and Mississippi to

the French, there would be little ground for expecting the

inhabitants of that region to remain politically united with

1 House Reports, ipth Congress, 1st Session, 9.

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a government which could do nothing for them but tax

them. Thus, while the Potomac Company was commercial

only, there were certainly very sound and strong reasons

politically for the maintenance of such a corporation.

In order to secure the best results it was necessary for the

states of Virginia and Maryland to arrive at some definite

understanding about the division of privileges and respon-

sibilities in the navigation about to be opened. For this

purpose a meeting of the most influential citizens of both

states assembled at Alexandria, in Virginia, March 21,

1785. Later, at the invitation of Washington the meeting

adjourned to Mount Vernon, March 28, 1785. 1 The min-

utes of this meeting, if any were made, do not appear to have

survived. If it could be known more definitely what hap-

pened in that Mount Vernon retreat around the hospitable

board of Washington, we should be able to see more clearly

how the history of the Potomac trade route stands related

to the origin of the Federal Constitution. 2

The Potomac Company, which had received a charter

1 Laws of Maryland, 1785, chap. I, Preamble.

2 Out of the discussions relative to opening the Potomac River to

navigation and the principles which should govern the use of that

navigation by Maryland and Virginia, there grew a wider discussion

of the condition of trade in the colonies generally. In the absence

of anything like a national policy in regard to commerce there ex-

isted such obstacles to trade between the colonies themselves, to

say nothing of foreign trade, that Madison left the Mount Vernon

Conference determined to secure a more representative meeting.

As a result of Madison's earnest representations the General As-

sembly of Virginia, at its next session, issued an invitation to the

colonies to send delegates to a meeting to be held at Annapolis,

Maryland, to take into consideration the condition of trade in the

colonies. Thus the Annapolis meeting of 1786 sprang directly out

of the Potomac trade route agitation. Out of the Annapolis meet-

ing sprang the Convention which met in Philadelphia, 1787, to revise

the Articles of Confederation. The fact that this Convention is

known only as the Constitutional Convention should not obscure its

origin in the effort of Southern statesmen to develop the Potomac

trade route.

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from Virginia in October, 1784,\* confirmed by Maryland

early in 1785^ "for opening and extending the navigation

of the Potomac River," did not prosper. The most serious

obstacles to the passage of boats down the river were the

Little Falls, five miles above Georgetown, and especially

the Great Falls, about seven miles higher up. At these

points the water is so rapid and the rocks in the channel

so formidable that the only means of passage that promised

success was that by canal and locks. But besides overcom-

ing these obstacles of a really serious character, the Po-

tomac Company accomplished more than has generally been

supposed towards opening a passable river navigation.

Descending the Potomac the first obstacle is encoun-

tered at House's Falls, five miles above Harper's Ferry.

Here a canal was made fifty yards in length with a total

fall of three feet. Around Shenandoah Falls, immediately

above Harper's Ferry, a canal was dug on the left bank of

the river one mile long with a total fall of fifteen feet. At

Seneca Falls a third canal was constructed three-quarters

of a mile in length with a total fall of seventeen feet. To

that point no locks had been found necessary. On exam-

ining the Great Falls it was found that the river at that

point makes a descent of seventy-six feet nine inches in the

short space of twelve hundred yards. Besides the difference

in elevation the shores for some distance below the falls are

perpendicular cliffs towering thirty feet above the river, mak-

ing the return of a canal to the channel both difficult and

expensive. And yet by a triumph of engineering remark-

able for that age the passage was effected.

The canal, on the Virginia shore, is still traceable

throughout its entire length of about three-quarters of a

mile. The locks, though constructed more than a hun-

dred years ago, might be used to-day but for the forest trees

which have sprung up, in one instance at least, directly

1 Henning's "Statutes of Virginia."

2 Maxey's "Laws of Maryland," I, 488-500. "Laws of Maryland,"

1784, chap, xxxiii.

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through the walls. The last two locks, descending through

which boats were passed out again into the river, are

chambered out of the solid rock with no interval but the

partition-gate serving both locks. Each has a lift of over

eighteen feet, nearly three times the average lift of a canal

lock.

The fifth and last canal, passing the Little Falls on the

Maryland shore, is something over two miles in length.

The total fall is over thirty-seven feet, overcome by the use

of four locks. Much work also was done throughout the

river channel, deepening it and removing rocks. 1

Nevertheless, the Potomac Company was only moderately

successful under the immediate presidency of Washington.

With his death, involving the loss of his influence and wise

counsels, prosperity may be said to have departed. In-

deed, soon after organization it became evident that the

company could not meet the requirements of the charter

as to the time within which the river was to be opened to

navigation, and from time to time extensions were granted

by the General Assemblies of Maryland and Virginia. 2 So

things went on till 1819. The terms of the charter had not

yet been complied with, and the company, after an exist-

ence of thirty-five years and the expenditure of over $700,-

ooo, including stock, debts and tolls, with the exception of

one small dividend of $30,000 paid in 1811, applied to the

Board of Public Works of Virginia for relief. 3

Soon after the creation of the Board of Public Works by

an act of the General Assembly of Virginia, in 1816, the

Board suggested in a report to the legislature, that a con-

nection might be effected between the waters of the Po-

tomac and the Ohio by navigable canal. 4 This is prob-

1 See for detailed minute of the works of the Potomac Company.

"Reports," etc., i7th Congress, ist Session, XI, Report No. in.

14-17.

2 See "Acts, etc., Relating to the Chesapeake and Ohio Canal,"

Washington, Gales & Seaton, 1828, 113-116, 139, 140.

3 For further details see chap iv. of this monograph.

4 House Reports. iQth Congress, 2d Session, Report No. 90, 2.

441] Early Development of Trade Route. 17

ably the earliest official suggestion of a continuous canal

from tide-water in the Potomac to the head-waters of the

Ohio. But the proposal was allowed to fall to the ground,

and when, after several years, the subject was again agi-

tated, the nationalizing tendencies in the Federal Govern-

ment had proceeded so far that the canal project was soon

drawn away from private, almost from state, influence, and

developed under the auspices of the United States.

In order that the place of the Chesapeake and Ohio Canal

project in the "American System" may be understood, it

becomes necessary to notice in the next chapter the attitude

of the Federal Government towards internal improvement

during the first twenty years of the nineteenth century.

CHAPTER II.

GALLATIN'S REPORT ON THE SUBJECT OF

INTERNAL IMPROVEMENT.

In the United States there was no great transportation

line until the Erie Canal was opened to navigation in 1825.

For this there were two main reasons. First, private capi-

tal, and even state resources, had proved inadequate to the

magnitude of such works as the widely extended territory

of the country demanded. Second, the Federal Govern-

ment, though possessing the means, hesitated between con-

stitutional interpretation and the actual necessities of com-

merce, while for twenty years the country waited most

impatiently for the decision only to discover at last that

internal improvement in the United States must be initiated,

at least, by private or state enterprise.

To provide for the common defence and to regulate com-

merce are duties assigned by the Constitution to Congress, 1

while the implied powers clause gives to that body power

to make all laws necessary for the execution of these duties.

Such were the arguments of those who favored internal im-

provement by the Federal Government. On the other

hand, there had been from the foundation of the government

a strong party in favor of limiting the powers of the Federal

Government as nearly as possible to the letter of the Con-

stitution. In 1801 this party, with Jefferson at its head,

came into power. When the men of the strict construc-

tion party were thus brought face to face with the difficul-

ties of actual government, they found it necessary to use

power enough to govern efficiently even at the expense of

their platform. Expediency conquered theory, though an

effort was made to cover the defeat by a constitutional

1 Article I, sec. 8. 19

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amendment authorizing what had already been done under

the plain requirements of the situation. 1 From that time

forward nationalizing influences were kept at work by a

succession of events beyond the control, perhaps, of any

man, or even of any party.

Europe was distracted by a devastating war and as early

as 1803 signs were not wanting that the United States would

be drawn into the conflict. 2 Such a contingency empha-

sized the importance of a complete system of internal im-

provement and efforts were made to interest the Federal

Government in that direction. 3 In 1807 it was said that

without the aid of England a war with any principal power

of Europe would suspend if not destroy our external navi-

gation. 4 The lack of an adequate system of internal im-

provement was, during the Revolutionary War, the cause

of almost every difficulty and danger which the colonies

experienced. 5

The subject of internal improvement was brought promi-

nently before Congress for the first time in 1806. In that

year no less than four separate enterprises were seeking

financial assistance from the Federal Government, as fol-

lows :

I. On the fifth of December, 1805, several petitions

which had been presented in the House for and against a

bridge across the Potomac, at the city of Washington, were

referred to a committee for report. 6 In due time the com-

mittee reported favorably with a bill which was passed

March 21, 1806, by the House, but failed in the Senate. 7

II. On the nineteenth of December the bill for the Na-

tional Road was introduced in the Senate, 8 and became law

by the approval of the President, March 29, i8o6. 9

Jefferson's "Writings," Ford (1897), VIII, 262-3.

a President Jefferson's Third Annual Message. Richardson's

"Messages and Papers of the Presidents," I, 361.

3 "Annals of Congress," vol. 1806-7, 83, 84.

4 Ibid., 58. \* Ibid., vol. 1805-6. 6 Ibid., 263.

T Ibid., 234. 8 Ibid., 25. n Ibid., 1238.

445] Gallatin's Report on Internal Improvement. 21

III. On the twenty-eighth of January, 1806, the me-

morial of the Chesapeake and Delaware Canal was presented

in the Senate and referred to a select committee. 1

IV. On the tenth of February, 1806, a memorial from

the General Assembly of Kentucky, in behalf of the Ohio

Canal Company, was presented in the House and referred. 2

In due time the memorial was reported unfavorably, and

the House resolved that it was inexpedient to grant the aid

solicited by the legislature of Kentucky, in opening a canal

to avoid the rapids of the Ohio. 3

Of the four efforts to obtain federal aid only one, the Na-

tional, or Cumberland Road succeeded. But that was by no

means regarded as the beginning of a system of internal

improvement by the Federal Government. On the other

hand, aid was granted under what seemed the necessity of

opening communication with the Western country. The

Cumberland Road Bill was, moreover, based on an earlier

arrangement by which the Federal Government waived a

very small percentage of the income from the sale of public

lands in Ohio for the purpose of making roads in or to that

state.\* The bill as passed in 1806 appropriated thirty thou-

sand dollars to make a road from Cumberland, Maryland,

to the Ohio River. The entire amount, however, was

chargeable to the above-mentioned public lands fund which

had been provided for in i8o2. 5

The Cumberland Road Bill was, therefore, scarcely more

than a fulfilment by the Federal Government of a promise

made to the people of the Northwest Territory in the bill of

1802, which provided for the admission of Ohio into the

Union as a state. 6 Nevertheless, the Cumberland Road soon

furnished the friends of internal improvement with a con-

crete example, to which they never failed to point whenever

the constitutionality of their program was called in question.

1 "Annals of Congress," vol. 1805-6, 74; see also infra, 16-19.

2 Ibid., 448. 3 Ibid., 828. \* Ibid., 21-25.

5 Ibid., vol. \* Ibid., vol. 1801-2, 1349-51.

22 Chesapeake and Ohio Canal. [446

The case of the Chesapeake and Delaware Canal was

different. An appeal was made directly to the Federal

Government for aid in the prosecution of a work of internal

improvement. The memorial, after reciting the military

and commercial advantages which the canal was expected

to furnish, gives in outline a review of that system of internal

improvement along the Atlantic Coast, which was a little

later recommended in the special report of the Secretary of

War on the subject of roads and canals. 1 There is the same

propriety, it was argued, in federal assistance for works of

general importance to the Union as there is in state aid for

local works such as the opening of rivers and the making

of roads. 2 Great as were the advantages which the adjacent

states were expected to derive from the canal, those to be

gained by the Federal Government would be far greater,

especially in the event of a foreign war. The committee

to whom the memorial was referred brought in a favorable

report, declaring that it is among the first duties of a gov-

ernment to promote public works of a general nature, and

no work deserves the character of public improvements

more than canals. 3 But the real importance of the proposed

canal could only be justly appreciated when considered as

"the basis of a vast scheme of interior navigation, connect-

ing the waters of the Lakes with those of the most southern

states." In the House, however, the memorial received an

unfavorable report 4 and the matter was postponed to the

next session.

In his message of December 2, 1806, President Jefferson,

having reviewed the financial situation which promised in

the near future a large surplus, recommends the mainte-

nance of the import duties at a reasonable figure and the

application of the resulting surplus to purposes of educa-

tion and internal improvement. But "because the objects

1 See Memorial of the Chesapeake and Delaware Canal Company

in "Annals of Congress," vol. 1805-6, 194-197.

2 Ibid., 195. \*Ibid., 193. 4 Ibid., 537-

447] Gallatin's Report on Internal Improvement. 23

now recommended are not among those enumerated in the

Constitution," an amendment conferring the necessary

authority was suggested. 1 Again, however, no amendment

was proposed, since there was a strong party in favor of an

aggressive internal improvement policy on the part of the

government under cover of the implied powers of Con-

stitution. On the contrary, an amendment intended to pre-

vent the adoption of any such policy by the government was

proposed in the House on the eleventh of December. 2

Here the amendment question rested for the time.

Again, in January, 1807, the Chesapeake and Delaware

Canal question came up and was again favorably reported

in the Senate. 8 With a full treasury, a small national debt,

for the most part irredeemable for a term of years, and a

committee appointed in the House to devise means of dis-

posing of the surplus, no more propitious moment could

be selected for the inauguration of the work. The sym-

pathy of the executive was assured, and as to the question

of the constitutionality of federal aid for internal improve-

ments, it was argued that the cutting of a canal was a meas-

ure unquestionably proper with a view either to the safety

of commerce or the defence of the nation, both of which

functions belonged to the Federal Government. But even

if that were not so, why should not Congress aid the canal

in the same manner in which aid had just been given to the

Cumberland Road? Why not make the company a grant

of land to be paid for in capital stock? As soon as the canal

should be completed the stock would become convertible,

so that the government would merely be serving its own

interests in effecting a quicker sale . of the public lands,

while the aid afforded the canal company would result in

great and permanent advantages to the Union. But even

beyond this there was good reason to believe that the stock

1 "Sixth Annual Message," Richardson, I, 409, 410.

2 "Annals of Congress," vol. 1806-7, 148.

8 Ibid., 31-

24 Chesapeake and Ohio Canal. [448

of the canal would become a valuable source of income. It

was cited that English canals had already become very

profitable. 1 In accordance with these arguments, a bill

making a grant of land to the company was introduced and

read a second time, when the whole matter was postponed

till the next session. 2

In 1809 a bill was passed by the Senate making a grant

of land to the Chesapeake and Delaware Canal Company,

but the measure was lost in the House. 3 The House held

that the bill not only involved a great grant of public prop-

erty, but also a constitutional question too important to be

taken up near the end of a session. Still, the party in favor

of the bill argued that no new principle was involved, and

that the constitutional question had been decided long ago,

when the Congress had taken stock in the Bank of the

United States. Besides, the Cumberland Road had re-

ceived grants in that very session, and also the Canal of

Carondelet. 4 Nevertheless, the measure was postponed, 5

this time indefinitely, and though persistently brought for-

ward at each session of Congress till 1819, no aid was

granted till 1824, after the Chesapeake and Ohio Canal Con-

vention had led to a change in the policy of the Federal

Government toward internal improvement.

Meanwhile the subject of a system of internal improve-

ment, under the auspices of the Federal Government, had

developed independently of the Chesapeake and Delaware

Canal Company's importunities. When it was discovered

by the internal improvement party that Congress probably

could not be committed to a system of internal improvement

by urging the advantages to be expected from any particular

work, the Senate immediately adopted other tactics look-

ing to the inauguration of such a system in any form that

might prove acceptable to the whole country. On the

1 "Annals of Congress," vol. 1806-7, 59. 2 Ibid., 87.

3 Ibid., vol. 1808-9, 34i- \* Ibid., 1558-59.

6 Ibid., 1559.

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twenty-third of February, 1807, a resolution was introduced

directing the Secretary of the Treasury to collect and re-

port to the Senate, at its next session, the best information

obtainable concerning the usefulness, practicability and

probable expense of the Chesapeake and Delaware Canal,

together with plans by which the government might aid

in the work. On the twenty-eighth this resolution was

withdrawn and another substituted, asking for information

and plans with a view to a comprehensive system of internal

improvement. 1

Following the directions of this resolution, Mr. Gallatin,

Secretary of the Treasury, instituted an extensive inquiry

on the subject of internal improvement in the United States.

Two circulars were prepared, one containing fourteen ques-

tions about canals, the other nine questions about overland

roads. By means of these circulars sent to those known to

be in a position to furnish facts, a great mass of material

was collected. The information gathered was embodied

in a report of the Secretary of the Treasury on the subject

of roads and canals. This report, dated April 4, i8o8, 2 fur-

nished the internal improvement party with another maga-

zine of arguments and soon became a landmark in the

struggle scarcely less important than the Cumberland Road.

The strong recommendations of the report occasioned no

surprise, however, because it was well known that Mr. Gal-

latin was in favor of a central government that could do the

things recommended by the report. 3 The extent of terri-

tory in the United States rendered facilities for transporta-

tion necessary and at the same time too expensive to be

provided by private capital. But even if an individual work

could be operated here and there, the whole country would

not be benefited, as it would be by a general system of

works advantageously distributed under the direction of the

1 "Annals of Congress," vol. 1806-7, 97-

2 I7th Congress, ist Session, "Reports," etc., X, Document No.

8, 7-86, passim.

3 "Annals of Congress," vol. 1806-7, 86.

26 Chesapeake and Ohio Canal. [450

Federal Government, and the Federal Government alone

could overcome the difficulties of such a system. Again,

the early and efficient aid of the Federal Government was

recommended because good roads and canals would tend,

through commercial and social intercourse, to bind in closer

union the remotest corners of the United States. 1 Gallatin,

therefore, thought that the United States should begin at

once a complete system of internal improvement to be

steadily prosecuted through a period of ten years. The

entire plan comprehended four fairly distinct parts, corres-

ponding in general with the physical features of what was

then the United States.

I. The Atlantic Coast system, extending from Maine to

Georgia.

II. The Atlantic and Western waters system, embracing

the region south of New York and east of the Mississippi.

III. The Atlantic and Great Lakes-St. Lawrence sys-

tem, chiefly in New York.

IV. Interior canals or local works throughout the coun-

try.

The report is somewhat confused, however, by an attempt

to classify the proposed works according to their character

as canals or roads rather than upon the single basis of routes,

since several of the routes involve both canals and roads.

The main features of the document may be briefly presented

by routes, as follows: 2

I. Atlantic Coast system.

1 "Report Secretary of the Treasury on Public Roads and

Canals," 1808, 2, 3.

2 It would be difficult to overestimate the importance of the report

which is summarized in the following text. It has been generally

overlooked that the Chesapeake and Ohio Canal as actually com-

menced under the patronage of the Federal Government twenty

years later, was an attempt to realize the ideals of this report, some-

what modified by the changes of those twenty years.

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i. Canals.

27

Name.

Connecting.

From to

Qg

o^

Estimated

cost.

Massachusetts

( Barnstable Bay

I Buzzard's Bay

Weymouth

Taunton

26

26O

$1,200,000

New Jersey

/ The Raritan

\ Delaware Bay

Brunswick

Trenton

28

IOO

800,000

Delaware and

Chesapeake

/ Ches. Bay

\ Delaware Bay

Christiana

Elk

22

148

75O,OOO

Chesapeake and

Albemarle

f Ches. Bay

\ Albemarle Sd.

Elizabeth riv

Pasquotank

22

40

250,OOO

Totals,

98

548

$3,000,000

2. Roads.

A great turnpike road from Maine to

Georgia, along the whole extent of the

Atlantic Coast, to cost

4,800,000

Total $7,800,000

II. The Atlantic and Western waters sys-

tem.

1. The improvement of the four At-

lantic rivers Susquehanna, Potomac,

James, and Santee to the highest practi-

cable point, principally by canals, with

locks where necessary, around the falls,

to cost, in addition to what had already

been expended by private companies . . . $1,500,000

2. A canal at the falls of the Ohio,

estimated at 300,000

3. Four artificial roads from the head

of navigation on the four Atlantic rivers

to the nearest corresponding Western riv-

ers, namely, from the Susquehanna to the

Alleghany, the Potomac to the Mononga-

hela, the James to the Kanawha, and the

Santee to the Tennessee, a total of four

hundred miles, at an average cost of

$7000 a mile 2,800,000

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4. Improvement of roads to Detroit,

St. Louis and New Orleans 200,000

$4,800,000

III. The Atlantic and Great Lakes-St.

Lawrence system.

1. The Hudson and Champlain, or

Northern navigation, extending from the

confluence of the Hudson and the Mo-

hawk to Lake Champlain $800,000

2. The Mohawk and Ontario, or West-

ern navigation, extending from the Hud-

son by way of the Mohawk River, Oneida

Lake and the Onondaga and Oswego

Rivers with Lake Ontario 2,200,000

3. Canal around Niagara Falls 1,000,000

Total $4,000,000

IV. Interior, or local, canals.

This system was apparently devised to

meet the charge of favoritism which, it

was thought, might be urged in some sec-

tions which could not be directly bene-

fited by any of the great routes proposed.

The location of such works was left to

time and circumstance, while "without

pretending to suggest what would be the

additional sum necessary for that object,

it will, for the sake of round numbers, be

estimated at $3,400,000

RECAPITULATION.

I. Atlantic Coast system $7,800,000

II. Atlantic and Western waters system. 4,800,000

III. Atlantic and Great Lakes-St. Law-

rence system 4,000,000

IV. Interior canals, estimated roughly at 3,400,000

Grand total $20,000,000

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The report suggested three ways in which the govern-

ment might prosecute the actual construction of the works.

These were:

First, purchase of stock in private companies.

Second, loans to private companies.

Third, direct prosecution of the works by contract under

supervision of the government engineers.

Of the three the first two were considered better than the

last because private companies, it was expected, would be

more diligent and less wasteful. Gallatin preferred the first

method. He thought the government should purchase

stock in private companies organized for the immediate

construction of the several works.

Arguments supporting a national internal improvement

policy which looked to the ultimate expenditure of twenty

million dollars of the public money were found in the follow-

ing facts : An annual appropriation of two millions of dollars

would bring the entire system to completion in ten years.

That sum could in time of peace be furnished without in-

convenience from existing resources of the treasury. The

annual appropriation on account of the public debt alone

for the preceding six years had been eight millions of dol-

lars. After 1809, on account of the irredeemable character

of the debt, scarcely more than four and a half millions

annually could be used in that service. This one item

would produce a surplus of over three and a half millions

a year.

Viewed in another way, it appeared that the United

States from 1801 to 1809 had discharged, or provided for,

twenty-three millions of the principal of the old debt, to

say nothing of the payment of a large portion of the Loui-

siana purchase in the meantime . Increasing revenues from

a growing commerce rendered it probable that the country

could more easily furnish twenty millions during the next

ten years for internal improvements.

Again, the permanent annual revenue of the United

States had, on a most moderate estimate, on a peace basis,

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been placed at fourteen millions. The annual expenses of

the government, including the debt service for the corres-

ponding period, would not exceed eight and a half mil-

lions. If the government should apply three and a half

millions annually to the defence and protection of the

country, a most improbable amount if peace should con-

tinue, there would still remain two millions annually for

internal improvement.

Finally, the Federal Government held, north of the Ohio

River about one hundred million acres of land fit for culti-

vation, and about fifty million acres south of the Tennessee.

Mo source of revenue could be more appropriately devoted

to internal improvement. The proposed annual appropri-

ation from the Treasury would cease in the event of a war,

but the appropriation of the income from public lands till

a certain sum should be reached, would constitute a prac-

tically permanent fund. "If the proceeds of the first ten

millions of acres which may be sold, were applied to such

improvements, the United States would be amply repaid in

the sale of the other ninety millions." x

Such in outline is the system of internal improvement

which for about a quarter of a century the Federal Govern-

ment was more or less persistently urged to undertake.

With what success it is the purpose of the following pages

to show.

1 Report of the Secretary of the Treasury on Public Roads and

Canals, 1808, 42.

CHAPTER III.

EFFORTS TO INDUCE THE FEDERAL GOVERN-

MENT TO UNDERTAKE A SYSTEM OF

INTERNAL IMPROVEMENT.

Mr. Gallatin urged that the government at once under-

take his system as above outlined, by purchasing stock in

the Chesapeake and Delaware Canal, the Dismal Swamp

Canal, the Ohio Canal and the Pittsburg Road. Appro-

priations to the Cumberland Road, the only work yet

undertaken directly by the government, might be made as

occasion should demand. 1 As an important preliminary

also, surveys and levels of the various routes might be

obtained by the government at small expense. Until the

expected amendment to the Constitution should be ob-

tained, however, the government ought to be guided in the

application of its means largely by circumstances. 2

But before these recommendations reached Congress

that body, as well as the whole country, had become ab-

sorbed in foreign affairs. Nevertheless, in 1810, the per-

sistence of the Chesapeake and Delaware Canal Company,

and the great need of a line of transportation to the Ohio

country combined to direct attention once more to the

subject of internal improvement. In January, 1810, a bill

embodying the principal features of Mr. Gallatin's system

was introduced in the Senate. A similar bill was about the

same time introduced in the House, but both came to grief. 3

The increasing troubles which were soon to issue in the

War of 1812 only temporarily drowned the clamor for

1 "Report of the Secretary of the Treasury," 1808, 44.

2 Ibid., 43.

8 "Annals of Congress," nth Congress, vol. 1809-10, 613, 1443.

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32 Chesapeake and Ohio Canal. [456

internal improvements. The subject continued to come up

in every session of Congress, and with the return of peace

internal improvement began once more to absorb the atten-

tion of the people at large, and to find even stronger advo-

cacy in the national legislature.

In his annual message of December 5, 1815, President

Madison declared that the attention of Congress should

now be recalled to the importance of establishing through-

out the country the roads and canals which could be best

executed under national authority. Such works, he con-

tinues, are not only the most profitable investments known,

but also they "do the most honor to the governments whose

wise and enlarged patriotism duly appreciates them." The

fact that individual states were doing much was only

stronger reason, said Madison, why the Federal Govern-

ment should undertake those works which by their nature

required a "national jurisdiction and national means." A

constitutional amendment was again suggested to remove

any doubt as to the power of the government to proceed

with such works. 1

The Senate Committee to which was referred that part of

the President's message relating to roads and canals,

brought in a bill, in February, 1816. The four principal

provisions were as follows :

First, the appropriation of a certain annual sum which

should constitute a fund for making roads and opening

canals.

Second, payment for any shares of stock for which Con-

gress might subscribe in any private company was to be

made out of the fund so created.

Third, all dividends and profits which should accrue from

the shares of stock held by the United States were to be

credited to the fund.

Fourth, the Secretary of the Treasury was required to

1 Richardson : "Messages and Papers of the Presidents," I, 567-8.

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report the condition of the fund at each session of Con-

gress. 1

The bill reached and passed a third reading, but was then

indefinitely postponed by a vote of eighteen to nine. 2

President Madison was by this time, however, so warmly

attached to the idea of a system of internal improvement

by the Federal Government that he could not permit such

a disposition of the subject. In his eighth and last annual

message Madison says : "I particularly invite again the

attention of Congress to the expediency of exercising their

existing powers, and, where necessary, of resorting to the

prescribed mode of enlarging them, in order to effectuate

a comprehensive system of roads and canals." 3 The friends

of internal improvement thought no such amendment neces-

sary and none was proposed. But in 1817 both Houses

of the national legislature were able to agree upon a meas-

ure for the inauguration of a system of internal improvement

by the Federal Government without an amendment to the

Constitution.\* This bill set apart the bonus paid for the

charter of the second Bank of the United States, together

with the share of the United States in the dividends of the

bank, so as to create a permanent fund for the construction

of roads and canals. 5 The money was to be applied in the

same manner as that prescribed in the Senate Bill of i8i6. 6

The national policy of internal improvement which had

been favored by every executive since the foundation of the

government, 7 for which a constitutional amendment had

been first suggested in i8o6, 8 which had been first clearly

outlined in Gallatin's report in i8o8, 9 and which had been

^'Annals of Congress," vol. 1815-16, HI. 2 Ibid., 300.

3 Richardson, I, 576.

\* "Annals of Congress," vol. 1816-17, 191, 934.

5 Ibid., 361. 6 See supra.

7 "Annals of Congress," vol. 1816-17, 9 2 5-

8 Richardson, I, 410.

9 "Report of the Secretary of the Treasury on the Subject of

Roads and Canals." Washington, 1808.

3

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urged in some form in every session of Congress for almost

ten years, seemed at last about to be inaugurated. Im-

agine, then, the disappointment of the friends of the system

when President Madison, on the last day of his presidency,

vetoed the bill on the ground that the Federal Government

had not the power under the Constitution to engage in

such works. The bill had passed the House originally by

only a narrow majority and of course could not be passed

over the veto. To the friends of the system it appeared as

if the patient, persistent work of a decade had been de-

stroyed by the stroke of a pen.

By this time the states had begun to despair of national

assistance in works of internal improvement and were turn-

ing more seriously to their own resources. New York

was just beginning the Erie Canal, which was soon to make

New York City the metropolis of America. 1 The General

Assembly of Virginia, in 1816, created a Board of Public

Works, 2 while Maryland soon after took action to hasten

the opening of the Potomac navigation. 3

In Congress the friends of internal improvement soon

rallied again, and President Monroe, in his first annual mes-

sage, once more urged upon Congress the opportunity

amounting almost to a necessity in view of the great extent

of the United States, of a national policy of internal im-

provement. 4 At the same time the President expressed

the opinion that Congress did not have the power to prose-

cute such works, and strongly recommended an amendment

to remedy the defect. 5 The Senate was first to act, and on

the ninth of December, 1817, the following amendment to

the Constitution was proposed :

"Congress shall have power to pass laws appropriating

money for constructing roads and canals, and improving the

1 "The Erie Canal and its Relations to the City of New York,"

Scribner's Magazine, vol. 1877-78, 118, 119.

2 "Laws of Virginia," 1816, ch.

3 "Acts, etc., Relating to the Chesapeake and Ohio Canal," 142.

4 Richardson, I, 584-5. 5 Ibid., II, 17, 18.

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navigation of water-courses. Provided, however, That no

road or canal, shall be conducted in any state, nor the navi-

gation of its waters improved, without the consent of such

state. And provided also, That whenever Congress shall

appropriate money to these objects, the amount thereof

shall be distributed among the several states, in the ratio

of representation which each state shall have in the most

numerous branch of the national legislature. But the por-

tion of any state, with its own consent, may be applied to

the purpose aforesaid, in any other state." \*

The amendment passed to a second reading, but on the

twenty-sixth of March, 1818, the matter was indefinitely

postponed by a vote of twenty-two to nine. 2

The above vote, however, must not be regarded as in

any way significant. On the other hand, the "American

System" was just beginning to take strong hold of the coun-

try, and every influence was beginning to strengthen the

hands of the Federal Government. The President was

strongly in favor of a system of internal improvement. He

was most ably seconded in the Cabinet, not by the Secre-

tary of the Treasury, as the President in 1808 had been, but

by the Secretary of War, that doughty champion of ener-

getic measures in anything in which he might be engaged,

John C. Calhoun. Recognizing in Calhoun the champion

which had been found in Gallatin in 1808, the House passed

a resolution in April, 1818, directing the Secretary of War

to collect and report at the next session such information

as he might be able to obtain on the subject of roads and

canals, together with plans for the application of such means

as Congress possessed to internal improvement. 3 Mr. Cal-

houn at that time was known to favor large national powers.

He had no constitutional scruples, and his report in re-

sponse to the resolution of the House went even further

1 "Annals of Congress," 1817-18, I, 22.

2 Ibid., 292.

3 Ibid., II, 1678.

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than that of Gallatin had gone in recommending an aggres-

sive policy in regard to internal improvement. 1 For such a

policy Calhoun believed that the government had ample

powers under the Constitution.

He therefore recommended that the Federal Government

engage directly in the work of construction. This might

be done at once by employing the engineer corps in mak-

ing the necessary surveys and plans. Then the work might

be let out to contractors under the supervision of the gov-

ernment. It was even recommended that the soldiers be

employed on works of internal improvement at a compen-

sation a little below the average wages paid for such work,

in addition to their regular pay, which was scarcely more

than nominal. The proposition will not seem so startling

when it is recalled -that this very method had been adopted

by the Secretary of War in the construction of military

roads, and with highly satisfactory results. On several roads

work was, at that time, being performed by the soldiers,

who received a wage of fifteen cents a day, "with an extra

allowance of a gill of whiskey." 2

With this report of the Secretary of War the second cycle

of internal improvement agitation may be said to culmi-

nate. The "American System" had been practically, if not

theoretically, accepted, the era of good feeling had been

ushered in, the effects of the War of 1812 were no longer

felt, save in the prosperity shared by all branches of indus-

try, and population and wealth were rapidly increasing,

while there was yet no adequate means of communication

between the Atlantic seaboard and the interior. Such a

communication, always greatly to be desired, had, with the

increasing importance of the Western country, become

almost indispensable. Still the Federal Government hesi-

tated.

1 See "Report of the Secretary of War Relative to Roads and

Canals.' ' Washington, 1819.

1 Ibid.

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Meanwhile there were other influences at work develop-

ing, half unconsciously and under other auspices, one of the

greatest enterprises which the modern world has seen in

the way of internal improvement. Public works by the

Federal Government, as an abstract principle, seemed out of

the question, but might not the Federal Government be

induced to undertake the Chesapeake and Ohio Canal pro-

ject?

CHAPTER IV.

INDEPENDENT MOVEMENT FOR A CANAL.

It would be difficult to say precisely where or when the

Chesapeake and Ohio Canal project had its origin. The

Board of Public Works of Virginia, soon after its creation

by Act of Assembly in 1816, had suggested that a connection

might be effected between the waters of the Potomac and

those of the Ohio "by a navigable canal." \* There was no

response to this suggestion, but in 1819 the board received

an application from the Potomac Company for an exami-

nation with a view to decide upon the best policy to be

adopted for the future in order to give full effect to the

purposes of that company's charter. 2 As a result of this

appeal, the General Assembly of Virginia passed a reso^

lution, January 8, 1820, requesting the Board of Public

Works to inquire into the expediency of directing the prin-

cipal engineer to examine the waters of the Potomac, above

the upper line of the District of Columbia, with a view to

ascertain and report upon the most efficient means of im-

1 House Report No. 90, iQth Congress, 2d Session, 2.

2 The Potomac Company was chartered by Virginia in 1784 ; the

charter was confirmed by Maryland in 1785, and in the same year

George Washington was chosen president. The company at once

engaged in a determined and persistent effort to render navigable

the channel of the Potomac River. The effort was only partially suc-

cessful. Only one dividend was ever paid ($3000, in 1811), and by

1819 the company had expended every dollar of its stock, its entire

income for thirty-five years, besides creating a debt of $100,000,

while the condition of the River channel was still so obstructed that

the income from tolls was not sufficient to meet operating expenses.

It was under these circumstances that the appeal was made to the

Board of Public Works of Virginia.

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40 Chesapeake and Ohio Canal. [464

proving the navigation of the same, "and to explore the

country between the Potomac and the Ohio on one side,

and the Potomac and the Rappahannock on the other, with

a view to ascertain and report upon the practicability of

effecting a communication by canals between the three

rivers." x Accordingly, Mr. Thomas Moore, chief engineer

of the board, was detailed for the work, which was begun

June 30, i82O. 2

Though the Potomac Company had failed to accomplish

the purposes set forth in the charter, yet the amount of

traffic which passed through the company's works, while so

very imperfect, seemed to show conclusively a strong de-

sire on the part of the public to transport goods by way of

the Potomac. What could explain this desire if not the

shortness and cheapness of the route? Mr. Moore was,

therefore, directed to survey the river with a view to the

location of a canal in that valley. The results of that survey

led to the conclusion that a canal from Georgetown to the

Coal Banks above Cumberland was entirely practicable,

while the probable cost was put down at only $i,ii4,3OO. 3

This was the earliest survey to determine the practica-

bility of a continuous canal throughout the valley of the

Potomac, 4 and the accompanying estimate of the cost of

such a canal became the basis of the agitation which from

that time forward ceaselessly occupied the friends of the

enterprise. Mr. Moore's report, dated December 27, 1820,

was transmitted to the Governor of Virginia and by him to

the General Assembly. Upon the basis of the representa-

tions made in this report a resolution 5 was adopted author-

izing the governor to appoint a committee to co-operate

1 "Laws of Virginia Relating," etc., December Session, 1819, Reso-

lutions.

2 House Report No. 90, igth Congress, 2d Session, 33.

3 "Mr. Andrew Stewart's Report on the Chesapeake and Ohio

Canal," 14.

\* Ibid., 14.

5 "Acts, etc., Relating to the Chesapeake and Ohio Canal," 116.

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with a similar committee to be appointed by the governor

of Maryland. This committee was to be empowered to

make an examination of the affairs of the Potomac Com-

pany and report to the states immediately concerned.

Accordingly, as soon as the resolution had been passed,

January 29, 1821, by the General Assembly of Virginia, a

copy was laid before the legislature of Maryland. A similar

resolution was promptly adopted by that body, 1 and the

joint committee thus authorized was immediately after

appointed.

The object for which the committee had been appointed

was to examine the Potomac and its branches in order to

show whether the Potomac Company had fulfilled the con-

ditions of its charter. If it should appear that the terms

of the charter had not been complied with, and that the

resources of the company afforded no prospect of effecting

at an early date the objects of the incorporation, one of two

possible courses would have to be adopted :

I. The states interested might furnish money to the Po-

tomac Company.

II. An action might be brought for "annulling and

vacating the charter," z which had continued in force to

that time only through the indulgence accorded the com-

pany on account of the urgent need of better transportation

facilities through the valley of the Potomac. Nor were

these diplomatic formalities intended for one moment to

conceal the facts in the case. It had become painfully evi-

dent, even to the members of the company, that the Po-

tomac Company had outlived its day. Yet the negotia-

tions which were considered necessary for the accomplish-

ment, without opposition, of so plain a requirement had

dragged along through almost two years. At last, however,

under the pressure of new commercial conditions, and the

1 "Acts, etc., Relating to the Chesapeake and Ohio Canal," 142.

2 See "Laws of Virginia," December Session, 1820.

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rapid growth of all kinds of business after the peace of 1815,

a new order of things was tardily inaugurated.

The members of the joint committee were Athanasius

Fenwick, William Naylor and Moses T. Hunter \* on the

part of Maryland ; William T. T. Mason and Elie Williams

on the part of Virginia. Slow communication and the dis-

tance which separated the members of the commission

caused some delay; then the sickness of Mr. Moore, who

had made the previous survey, and had therefore been

appointed by the commissioners to undertake, with Mr.

Isaac Briggs, of Maryland, the present examination, caused

still further postponement. It was not till July 2, 1821,

that the commissioners were able to meet at Georgetown,

D. C., and begin the responsible work imposed upon them.

An examination of the books of the Potomac Company

revealed a condition of hopeless bankruptcy, with no rea-

sonable prospect of obtaining in the near future a sum of

money sufficient to meet the requirements of the charter. 2

Having satisfied themselves that the purpose for which

the Potomac Company had been created, namely, the open-

1 "Report of the Commissioners to Survey the Potomac," 90.

2 The questions put by the Commissioners to the treasurer of the

Potomac Company brought out the following facts :

Amount actually received on stock $336,551.10

Total amount on tolls from August i, 1799, to August I,

1822 225,817.67

Total $562,368.77

Deduct the only dividend ever paid 3,890.00

Total resources $558,478.77

Total amount expended by the company from its origin

till August i, 1822 729,387.29

Leaving net indebtedness, August i, 1822 171,909.52

The interest alone on this debt amounted to near $10,000 a year,

while the average annual tolls for the preceding ten years had not

been over $10,300, leaving practically nothing for operating expenses

or repairs.

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ing of the channel of the Potomac River to navigation,

could not be accomplished with the means in sight, the

commissioners determined to recommend that the charter

be annulled. They believed that the time had come for

abandoning the river channel in favor of a continuous canal

extending at least from tide-water to Cumberland. Accord-

ingly, the commissioners proceeded to Cumberland on the

fifteenth of July, and spent the rest of that month in an

inspection of the Potomac from that point westward as far

as the mouth of Savage River. An attempt was also made

to discover a possible line of communication between the

head-waters of the Potomac and those of the Ohio at the

junction of the Monongahela and the Alleghany.

On the thirty-first of July, having completed these pre-

liminary surveys under the guidance of Mr. Moore's sur-

vey of 1820, the commissioners began the location of a canal

which they had reason to believe would be at once under-

taken jointly by Maryland and Virginia. But in the work of

location many difficulties were encountered, among which

sickness was by no means the least. Members of the engi-

neer corps would fall sick, leave the work and perhaps sev-

eral days would elapse before a competent substitute could

be found to fill the vacant place. 1 Finally, on the eighteenth

of September, when the work of location had proceeded to

a point one hundred and fifty-seven miles eastward from the

beginning, Chief Engineer Moore fell sick and the work had

to be abandoned. The death of Mr. Moore, which followed

within a week or ten days after his retirement, undoubtedly

marks a turning point in the history of the Chesapeake and

Ohio Canal project. Had this able and efficient officer, already

an authority on the topography of the Potomac region, lived

to give practical and immediate direction to the eager yet

half-jealous interest of the states concerned, there is every

reason to believe that the canal would have been in operation

between Georgetown and Cumberland before 1826, when

1 "Report of the Commissioners to Survey the Potomac," 70, 71.

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the United States Government completed its first survey

and estimate. As it was, the survey could not be resumed

till the first of December. Mr. Isaac Briggs, who had been

appointed by Maryland to assist Moore, of Virginia, suc-

ceeded to Moore's place as chief engineer to the Board of

Public Works of Virginia, and now took up the work where

it had been dropped.

Notwithstanding the lateness of the season, Briggs pushed

the work of location rapidly to completion. The commis-

sioners then addressed themselves to the task of accumu-

lating data for an estimate of the cost of the proposed canal.

But pioneer work in this field was found to be both tedious

and difficult. It is true that by 1822 canals were no longer

new or strange, but in the United States canals were looked

upon as having just entered the experimental stage, and

the vast sums of money necessary for such undertakings

were not forthcoming. The Erie Canal in New York had

been commenced about 1817 with money furnished by the

state treasury, after a vain effort had been made to induce

the United States Government to undertake the work, and

by 1822 this great enterprise was nearing completion. It

would seem, therefore, that the Erie Canal should have fur-

nished all necessary data ready to hand, and, in fact, such

was the case; but the Chesapeake project involved two

peculiar difficulties which were never sufficiently taken into

account :

I. The canal as located by the joint commission of

Maryland and Virginia would lie throughout in the valley of

the Potomac, a valley everywhere narrow, while in many

places mountain cliffs confine the river to a narrow gorge.

II. On account of these cliffs the canal would have to

lie for miles on the very margin of the river sometimes

partly in the channel thus exposing the works to the full

force of the frequent and violent freshets in the Potomac

Valley.

These conditions appear to have been overlooked in every

one of the numerous estimates of the cost of the Chesa-

peake and Ohio Canal.

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Neglecting the enormous expense required to give per-

manence to a work exposed to such dangers, the commis-

sioners were able to reach quite satisfactory conclusions as

to the probable cost of the work. How little value attached

to such an estimate becomes very clear in the light of sub-

sequent events.

As the basis of their estimate the commissioners adopted

a canal thirty feet wide at the surface, twenty feet wide at

the bottom, and deep enough for three feet of water. Such

a canal, it was thought, might be constructed along the

Maryland shore of the Potomac from Georgetown to Cum-

berland for $1,574,954, an increase over Moore's estimate

of nearly half a million dollars. 1 As finally constructed,

the canal cost the state of Maryland alone over eleven mil-

lions of dollars, while the subscriptions of the United States

Government, the District cities, Virginia and others in the

early days of the enterprise, swelled the .total to almost

fifteen millions of dollars, 2 or nearly ten times as much as

the work was expected to cost if it had been pushed rapidly

to completion at the time when public interest was first

generally attracted to the canal enterprise. It is not strange,

therefore, that the report of the commissioners, transmitted

under date of December 19, 1822, to the governors of Vir-

ginia and Maryland, and by them to the General Assemblies

of their respective states, should have aroused considerable

enthusiasm in the enterprise. The first cost was to be in-

deed large for those days, but trifling after all in comparison

with the profits which English experience had taught to

expect from a canal. Some English canals were at that

time paying an annual dividend of thirty per centum on

their stock, to say nothing of the reduction of the cost of

transportation to the general public. The proposed canal

from Georgetown to Cumberland was expected to reduce

1 "Report of the Commissioners to Survey the Potomac," 83.

2 "Report to the Stockholders on Completion of the Canal to

Cumberland," 154.

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the cost of transportation to one-tenth of the cost by team

over the roads. 1

Maryland and Virginia had long been accustomed to act

together in regard to the Potomac, and it was confidently

expected that they would now quickly agree upon the legis-

lation necessary for a canal. Yet a bill for the incorporation

of the "Potomac Canal Company" failed to pass the General

Assembly of Maryland. Why? Did the business instinct

of Maryland's legislators scent danger in the quiet and

apparently innocent thread of water which it had been pro-

posed to prepare to lead small, harmless craft to George-

town instead of Baltimore ? We are not told unless in the

logic of the events which followed.

In the General Assembly of Virginia, a bill for the incor-

poration of the "Potomac Canal Company" passed on the

twenty-second of February 1823 ; but of course the enter-

prise could not proceed without the consent of Maryland.

If that refusal to charter the "Potomac Canal Company"

had killed the enterprise outright, Maryland would have

been spared a humiliating and very costly series of blunders

extending through a period of three-quarters of a century.

Maryland's refusal, however, so far from killing the enter-

prise, only served to arouse its friends. Maryland may,

therefore, on account of that hesitation, be said to have pre-

vented the speedy and economical construction of a small

canal which would have conferred inestimable benefits upon

the adjacent country, might have paid a good annual divi-

dend, and still left Baltimore entirely free to adopt any mode

of communication with the West that might seem to offer

the best results. If the prevention of these things had been

the end of the matter, the responsibility might be com-

placently, even cheerfully, accepted. But there was more.

When the first practical and needful measures were aban-

doned there was substituted for them a chimerical project

1 "Report to the Stockholders on Completion of the Canal to

Cumberland," 32.

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which was by courtesy called the Chesapeake and Ohio

Canal. Is it possible that a canal connecting Georgetown

instead of Baltimore with the West could have interfered

with Baltimore's prosperity more than did that chimera of a

canal ? That question also may be best answered in the lan-

guage of events.

It was in the early twenties that the rising tide of public

opinion in favor of internal improvements by the Federal

Government began to sweep away all obstructions. Al-

ready there were unmistakable signs that the policy which

the Federal Government had adhered to more or less con-

sistently for thirty-five years was about to be abandoned.

If at last a great system of internal improvement was to be

inaugurated by the Federal Government, what more appro-

priate than that a beginning be made with a liberal subsidy

to the "Potomac Canal?" Accordingly, at the call of

friends of the enterprise popular meetings were held in Vir-

ginia, Maryland and Pennsylvania during the spring and

early summer of 1823. Public sentiment was found to run

so strongly in favor of the enterprise that it was determined

to hold a convention in Washington some time in the fall

for the purpose of uniting counsels, proposing such legis-

lation as would harmonize all the interests to be advanced

by the canal, and of enlisting the hearty co-operation of the

three sister states of Maryland, Pennsylvania and Virginia

with the United States in an enterprise that would surpass

in importance any like undertaking in the world. So invit-

ing did the project appear to its friends that few if any real-

ized how many obstacles blocked the way to success. The

advantages of the proposed work to private and public wel-

fare, to civil and military interests were so apparent and so

real to the promoters of the enterprise that local jealousies

and political intrigues were expected to vanish in the ardent

desire of all to see the canal speedily completed.

Meanwhile events were rapidly enlarging the project and

raising questions which for number and difficulty must have

baffled the wisdom and magnanimity of the world. It

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appears that the first public meeting in the interest of the

canal enterprise was held at the courthouse in Leesburg,

Virginia, August 25, 1823. \* Mr. John Rose, Esq., was

chosen president and Mr Robert Braden appointed secre-

tary. Many similar meetings were held, but the preamble

to the resolutions adopted at Leesburg will serve to show

the purpose and spirit of all :

"WHEREAS, The improvement of the navigation of the

River Potomac by a canal from the seat of government to

the Great Cumberland Road, to be thence extended, as soon

as practicable, so as to meet a similar canal from the head

of the steamboat navigation of the nearest western water,

is an object of inestimable importance, not only to the sev-

eral states through whose territory the contemplated canal

may pass, but to the commercial and political prosperity of

the United States in general : Be it therefore recommended

to the citizens of the several counties and corporations dis-

posed to co-operate in the promotion of the above object, in

order to devise some practical scheme for its certain and

speedy accomplishment; to elect, respectively, two or more

delegates to represent them in a general meeting to be held

in the city of Washington, on Thursday, the sixth of No-

vember next."

The invitation was generally accepted. The delegates

chosen met in the Capitol at Washington, Thursday, Friday

and Saturday, November 6, 7 and 8, i823. 2 The personnel

of this convention is not without a certain significance.

Glancing over the roll, it appears that there were thirty-eight

representatives from Virginia, thirty-one from Maryland,

twenty-four from the District of Columbia, one only from

Pennsylvania and none from Ohio.

When it is remembered that Virginia had ever been most

active in regard to the Potomac route, had originated the

1 "Washingtonian," No. 910.

2 "Proceedings of the Chesapeake and Ohio Canal Convention."

Washington, 1823.

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Potomac Company and given her most illustrious son to

preside over that ill-starred corporation, had received the

Potomac Company's appeal, acted upon it and procured an

examination, had chartered the Potomac Canal Company,

and when Maryland refused to aid in the prosecution of that

modest work, had first given active support to that larger

design born of an expanding commerce and a vigorous

young republic just becoming conscious of its unparalleled

powers and possibilities, it will not seem strange that Vir-

ginia's delegation of her most public-spirited and influ-

ential citizens should have composed three-fifths of the

whole convention. This also in spite of the fact that three

other states and the District of Columbia each had a ma-

terial interest about as important as that of Virginia.

Maryland's interest in the Potomac trade route had always

been lively, and though hesitating in the matter of a canal,

she sent a good delegation to the Washington convention.

The District of Columbia delegation was naturally the

largest in proportion to area represented. Two or three

citizens of Ohio found their way across the Alleghanies

and sat in the convention as honorary members, notwith-

standing the fact that the new state would presumably have

to wait a long time for the canal to reach her borders, while

the Erie Canal was almost ready to offer the West easy,

rapid and cheap transportation to the seaboard at New

York. Pennsylvania, absorbed in the construction of trans-

portation lines intended to draw the products of the West

to Philadelphia, sent only one delegate to the Washington

convention, and Mr. Shriver attended, no doubt, more out

of the personal interest which he felt in such works than as

a representative of the public sentiment of Pennsylvania.

It is worth while to take this glance at the convention in

which the Chesapeake and Ohio Canal project took shape,

and to mark where the centre of gravity, so to say, lies,

because that centre was to shift twice within the next ten

years, the second time not without its interest for Maryland.

A further fact to be noted in behalf of Maryland is that

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although Virginia had apparently been more active in the

matter of legislation favoring the Potomac, Maryland had

subscribed for more shares of stock. 1 Finally, and most

significant of all, it is to be noted that while the state of

Maryland sent one-third of the delegates who attended the

Washington Convention Baltimore sent not a single dele-

gate. The proceedings show that on the first day of the

Convention, on motion of Gen. Mason, Dr. Wm. Howard,

of Baltimore, was admitted to a seat in the Convention as

an honorary member. Dr. Howard was always a warm

friend of the Chesapeake and Ohio Canal project, believing

that by connecting Baltimore with the canal Maryland's

metropolis would secure the earliest and best communica-

tion with the West then possible.

After the roll-call on Friday, November 7, 1823, on

motion of Mr. Mercer, of Virginia, Dr. Joseph Kent, of

Prince George's County, Maryland, was unanimously

chosen President of the Convention. The preamble to the

resolutions then introduced by Mr. Mercer is as follows :

"WHEREAS, A connection of the Atlantic and Western

waters by a canal, leading from the seat of the National

Government to the river Ohio, regarded as a local object, is

one of the highest importance to the states immediately

interested therein, and considered in a national view, is of

inestimable consequence to the future union, security and

happiness of the United States,

"Resolved, That it is expedient to substitute for the present

defective navigation of the Potomac River, above tide-water,

a navigable canal from Cumberland to the Coal Banks at the

eastern base of the Alleghany, and to extend such canal as

soon thereafter as practicable to the highest constant steam-

boat navigation of the Monongahela or Ohio River." 2

1 Amount subscribed by Virginia, 120 shares, $53,333-33^; by

Maryland, 220 shares, $97,777-77%; "Report Maryland and Virginia

Commissioners," Exhibit A.

\* " Proceedings," 4.

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It was further brought out that the canal was to extend

ultimately to Lake Erie, thus connecting the seat of Gov-

ernment and the Great Lakes. If this idea was not new it

was the earliest complete statement of the Chesapeake and

Ohio Canal project.

The construction of the canal from Georgetown to the

Coal Banks was to be commenced at once. The estimate

of the Virginia and Maryland Commissioners was adopted

as a basis, and, making liberal allowance for the extension

above Cumberland, and an enlargement of the canal to forty

feet at the surface, Mr. Mercer considered the sum of

$2,750,000 as ample for the completion of the work. 1 In

justice to Mr. Mercer and the members of the Washington

Convention, it ought to be said in the light of experience

that if the work could have been put at once into the hands

of a strictly business corporation operating on purely econ-

omic principles, there are many reasons to believe that the

canal would have been actually completed within two or

three years at a cost of no more than $2,750,000 if not less.

But the Chesapeake and Ohio Canal project was born in

politics and in politics it was to die.

Ninety-six miles of the Erie Canal had been completed,

at an average cost of only $11,792 a mile, while the com-

pleted section of the Champlain Canal had fallen 28 per cent,

below the estimated cost of $10,000 a mile. Canals had

been constructed in both Virginia and Pennsylvania at a

cost even lower than this. 2 The estimate proposed for the

Chesapeake and Ohio Canal, 212 miles to the Coal Banks,

gives an average of nearly $13,000 per mile. Gen. Lacock,

late of the United States Senate, aided by Mr. David Shriver,

who had an intimate general and local knowledge of the

subject, had formed an independent estimate, and, in con-

junction with other responsible men, had offered to con-

struct the proposed canal for $2,500,000, being a little over

1 Speech of C. F. Mercer, Convention of 1823, 23.

2 Ibid., 22.

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$11,000 a mile. Upon those who' are skeptical on this point

must rest the burden of showing how practical business men,

accustomed to large financial responsibility, could have

exposed themselves to such ruin as that which ultimately

overtook the canal had that ruin been inherent in the nature

of the enterprise.

Just at this time the results of Clay's "American System"

were just beginning to appear and some popular object had

to be found upon which to expend the surplus revenue

brought into the Treasury by the protective tariff of 1820.

In that situation Mr. Mercer and other members of Con-

gress, as well as the local politicians, saw what they mistook

to be their opportunity. General Lacock's offer was not

considered, and the Convention under the direction of Mr.

Mercer proceeded to the adoption of the following plan :

The entire sum of $2,750,000 was to be furnished by the

governments interested : The United States four-elevenths,

or $1,000,000; Virginia, three-elevenths, or $750,000; the

District cities, two-elevenths, or $500,000; and Maryland

two-elevenths, or $500,000. The Federal Government

would thus, aside from great moral weight, be by far the

largest stockholder, and might, for that reason alone, be

expected to exert a controlling influence in the work. In-

deed, the proposed division of stock was entirely arbitrary,

and was adopted for the double purpose of committing the

Federal Government irrevocably to the enterprise, and of

retaining the management of the canal in the hands of fed-

eral officials. In order to make certain of these points the

plan went further, and proposed that the United States

should become directly responsible to the company for the

entire amount of the stock, which was to be paid over in

four annual instalments, the first payment to be made on

the first of March, 1825, the last on the first of March, 1829.

Here at last was a great work of internal improvement for

the execution of which the Federal Government was ex-

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pected to become responsible. The whole project was ex-

pressly stated to be otherwise impracticable. 1

The Joint Commission to Survey the Potomac had reck-

oned upon an equal division of the financial responsibility

between the interested states. The existence of industries

which paid large profits on all available private capital,

leaving none for transportation companies, made the neces-

sity for those facilities all the more pressing. But indepen-

dent of this fact it was widely believed that canals offered a

good investment for the state's money on purely economic

grounds. The first cost might be met by a loan. After the

completion of the canal, the dividend on the stock would be

sufficient not only to pay the interest on the loan, but in

time to extinguish the principal. Was not New York about

completing such a work at a very reasonable cost, and with

every prospect of a liberal income? The Washington Con-

vention simply proposed to apply the same reasoning to the

Federal Government. That, of course, involved the old con-

stitutional question which had steadily confronted the coun-

try since the Declaration of Independence. That question

had defeated two propositions for an extended system of in-

ternal improvement by the Federal Government, but at last

the success of the so-called "American System" had brought

to\* Congress a solid majority in favor of a strong national

policy. Whether prosperity came because of the tariff duties,

or not, it certainly came after them, and the theories which

had stood the test of oratory and logic for more than a

quarter of a century were powerless against the logic of

commercial prosperity.

Once more expediency was to triumph over theory.

President Monroe believed, like his predecessor, that Con-

gress did not have power, under the Constitution, to under-

take works of internal improvement. Yet Monroe was not

the one to stand in the way of a popular movement, and

1 "Proceedings of the Chesapeake and Ohio Canal Convention in

1823 and 1826," 56.

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there were already signs that he would conquer his convic-

tions in regard to internal improvements. Such were the

conditions under which the Convention of 1823 assembled.

It is not strange, therefore, that the Convention assumed not

only the sympathy and interest, but also the financial sup-

port of the Federal Government in a work which was to a

certain extent, in its very nature, national.

The financial plan thus conveniently disposed of, the Con-

vention was at liberty to address itself to more serious diffi-

culties. Judging from the number and enthusiasm of the

delegates the Convention expected that the charter would

be readily agreed upon, and that by the spring of 1825 at

the latest the company would have all of the many conflict-

ing interests harmonized and be ready to begin cutting the

canal. In that event coal would be coming down the canal

from theAlleghanies by the summer of 1829. With the large

dividends which were confidently expected in that event

the company was forbidden to pay a dividend of more than

fifteen per cent, in any one year until the western section

of the canal should be completed the interest was to be

paid on the original loan and the canal pushed steadily west

to Pittsburg. All this looked reasonable enough to those

most familiar with the physical obstacles to be overcome.

What the Convention did not foresee was the impossibility

of obtaining in this epoch of stage coaches the speed neces-

sary for the successful prosecution of such a work so long

as two jealous state legislatures had to agree with the Con-

gress of the United States on every question of policy that

might arise.

As an example of the almost romantic nature of what was

made to appear so practical an undertaking, the evolution of

the name is in point. The Joint Commission had recom-

mended, and the Virginia act of 1823 had adopted the title,

"Potomac Canal Company." The Washington Convention,

in view of the enlarged purpose of the enterprise, had

changed the name to the "Union Canal," which was to con-

sist of an eastern section, extending from Georgetown to

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the Coal Banks, and a western section extending from the

Coal Banks to the head of steamboat navigation on the

Ohio. When the resolutions containing these suggestions

were referred, on motion of Mr. Mercer, to a committee,

another change of name was proposed. It was discovered

that a short canal in Pennsylvania had received the name,

"Union Canal," and the committee recommended that their

own darling be christened, in allusion to the waters to be

connected, the "Chesapeake and Ohio Canal." From that

time the Convention has been called the Chesapeake and

Ohio Canal Convention.

The resolutions of Mr. Mercer, as revised by the commit-

tee of which Mr. Mercer himself was Chairman, were adopt-

ed by the Convention on the last day of the session.

These resolutions contained a form for the charter, drawn

on the lines of the charter of the Potomac Company, enacted

by Virginia in the preceding winter. Separate committees

were appointed to see that a ^draft of the charter was

promptly introduced at the coming session of the General

Assemblies of Maryland, Virginia, Pennsylvania and Ohio,

while a similar committee was to look after the interests of

the project in Congress. In addition to these there was ap-

pointed a Central Committee, with Mr. Mercer as Chairman,

to give direction and efficiency to all the various forces at

work in behalf of the canal. Among other things the com-

mittee was empowered to prepare and introduce into Con-

gress a suitable memorial, gather all the information pos-

sible, hasten the surveys, have commissioners appointed to

open books for subscription to stock, and, if occasion re-

quired, call another meeting of the Convention.

The Convention of 1823 is a very important landmark in

the development of the Chesapeake and Ohio Canal project.

Up to that time the face of the nation's executive had been

firmly set against federal participation in works of internal

improvement. After the Convention the National Adminis-

tration threw to the winds its scruples on the unconstitution-

ally of such a proceeding, and enlisted heartily and effec-

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lively in the project to which the Convention had first given

a definite, concrete shape. Up to this point the development

had been rather that of a theory the growth of an idea,

which had been very early grasped, and clearly expressed

by Washington. After 1823 the development is of another

sort.

The most plausible theory may prove difficult to reduce

to practice. Three or four generations had passed away

while Washington's great idea was slo\vly maturing into the

Chesapeake and Ohio Canal project, with a definite plan for

the immediate commencement of the work. To theoretical

and logical difficulties must be added henceforth practical

difficulties of the most serious character. Ideals must be

reduced to realities, and means provided for - the actual

accomplishment of a project which, for magnitude and

bright promise, had scarcely been equaled, perhaps, in the

history of transportation. 1

Before the Convention of 1823, argument for the advan-

tages and even necessity of better transportation facilities

by way of the Potomac had formed the burden of examina-

tions, reports and recommendations. After that Conven-

tion the question is one of cost, and the possibility of over-

coming the physical and other obstacles which one after

another confront those who have the responsibility of lead-

ing the movement to success or failure.

Finally the project which seemed so promising to the

Convention received its first complete expression in that

body. Washington, nearly three-quarters of a century before,

had indicated in general the lines of transportation to be

first developed. The Potomac Company, about half a century

before, had partially opened a small section of the lines in-

dicated by Washington. But it remained for the Chesapeake

and Ohio Canal Convention of 1823, assembled in the Capi-

tol building in the capital of the nation, to lay down upon

1 Letter of General Bernard, printed in "Proceedings of the Chesa-

peake and Ohio Canal Convention," Washington, 1823 and 1826, 60.

481] Independent Movement for a Canal. 57

reasonable data a complete plan of communication by canal

between the seat of government on the Potomac and the

head of steamboat navigation on the Ohio, and thence, by a

route which had just been pronounced practicable, to the

Great Lakes.

Such was the Chesapeake and Ohio Canal project. It

remains to discover how far the enterprise was successful,

and to notice some of the things which contributed to its

ultimate failure.

CHAPTER V.

CHARTER LEGISLATION.

Ordinarily a charter could be obtained from a state legis-

lature for the asking, and usually within a few weeks after

the application. But the charter for a great national water-

way through the heart of the country was a different mat-

ter. Four states and the United States Government were

directly interested, and the consent of all would be necessary

to the validity of any charter for the entire work. When it

is remembered that scarcely a generation had passed since

the states had been at daggers' points over their commercial

relations, it might be safely predicted that to harmonize five

of these conflicting interests in a joint commercial enterprise

would be no easy task. Fortunately, the consent of all the

parties interested was not necessary to the inauguration of

the work. The agreement of Virginia and Maryland, how-

ever, seemed essential in any measure affecting the earlier

Potomac Company. That company was the creature of

those two states ; its affairs had been examined and reported

upon by a committee acting under a joint authority, and it

was clear that the charter which had been drafted for the suc-

cessor to the Potomac Company, could not become opera-

tive until sanctioned by both Maryland and Virginia.

Maryland had neglected to confirm the charter of the

Potomac Canal Company, granted by Virginia in 1823,

hence the act never became operative. By a rather unex-

pected turn in the fortunes of the enterprise, however, that

act became the basis of the charter of the Chesapeake and

Ohio Canal Company.

When the Convention of 1823 met in Washington, the

most important business, after defining the project and

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60 Chesapeake and Ohio Canal. [484

deciding upon its expediency and practicability was to

agree upon the terms of a charter. Mr. Mercer, who had

been the leader of the movement for a convention, never

tired of reminding his followers that the charter of the enter-

prise which was to cement the Union and bring untold

wealth and power to the nation, originated in an "act passed

by the General Assembly of Virginia on the twenty-second

of February." 1 Accordingly, though a few changes were

made recognizing the larger purposes of the proposed com-

pany, the main features of the charter of the Potomac Canal

Company were retained in the new charter, and separate

committees were appointed to bring the proposed charter

before the legislatures of the several states, and before

Congress. 2

Immediately after the adjournment of the Convention the

several committees addressed themselves confidently to the

work with which they had been entrusted. Bills were pre-

pared on the basis of the draft which had been adopted by

the Convention, and after approval by the Central Commit-

'tee, forthwith introduced into the legislature of Maryland

and Virginia. The committee for Pennsylvania was to

postpone action, since it was believed the problem would be

simplified by leaving the two states most directly concerned

to agree upon the details of a charter which Pennsylvania

and Congress could then be asked to confirm. 3

Virginia had manifested her zeal in the promotion of

internal improvements in so many ways within the preced-

ing decade that there could be no reasonable doubt as to her

action upon the bill for the incorporation of the Chesapeake

and Ohio Canal. But while the questions as to the prac-

ticability and urgent necessity of the work remained the

1 Speech of Mr. Mercer in Chesapeake and Ohio Canal Conven-

tion, 1823.

2 "Proceedings of the Chesapeake and Ohio Canal Convention,"

1823 and 1826.

3 Ibid., 38.

485] Charter Legislation. 61

same as they had been when the previous charter had been

enacted, the fact that the request came now for the state

to charter a work avowedly proceeding under national aus-

pices, made the whole situation very different. Only

twenty-five years had elapsed since that legislature had

fulminated the Virginia resolutions, and now it was asked

to incorporate a work whose chief claim to support was

that the federal power would be strengthened. There were,

however, mitigating circumstances in the case. The Gen-

eral Assembly of Virginia still believed in a strict construc-

tion of the Constitution, but the need for the proposed

improvement amounted almost to a necessity, besides there

was nothing in the charter itself which required the Federal

Government to prosecute the work. Finally, if the work was

actually to be undertaken by the Federal Government it was

not yet too late to procure an amendment to the Constitu-

tion. Virginia therefore granted the charter, but insisted

upon coupling with her sanction a clear expression of her

views on the constitutional question involved. With this

qualification, so to say, the act of incorporation was passed;

January 27, 1824, scarcely two months after the adjourn-

ment of the Convention. 1

In Maryland the measure failed chiefly through what

must be called, for want of a better name, jealousy.

Little or no difficulty had been anticipated in procuring

the consent of all the states interested, while in Congress

the majority for the "American System" had become large

enough to render favorable action practically certain. When

however it became known that the General Assembly of

Maryland had risen without acting upon the charter, its

friends began to realize that their dreams of political concert

among powers economically antagonistic were not to be-

come realities, at least for the present. This unexpected

blow brought matters up with a round turn, since the spe-

1 "Laws of Virginia," December Session, 1823, chap. ; also

"Acts, etc., Relating to the Chesapeake and Ohio Canal," I.

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cial committee which had been appointed to prepare a suit-

able memorial to Congress could do nothing till the charter

should be agreed upon by the two states most directly

concerned.

The committee for Pennsylvania, which had been in-

structed to await the action of Maryland and Virginia in

order that the affairs of the Potomac Company might be

satisfactorily adjusted between those states, was now direct-

ed to use all fair means to procure the assent of Pennsyl-

vania to the charter as enacted by Virginia. 1 In case of

success there was still time, before the end of the session,

to obtain the consent of Congress. But the legislature of

Pennsylvania was not more disposed than that of Maryland

to be in a hurry. The interests of Philadelphia must be

protected ; there were internal improvements of a local char-

acter from which great things were expected, and the me-

morial in behalf of the Chesapeake and Ohio Canal must

wait. To bring the matter before Congress in that condi-

tion was to create a bad impression, so the whole thing was

laid over till the next session of the Maryland legislature,

when another step in the foredoomed attempt to manage a

great economic interest through the fickle agency of poli-

tics would be taken.

At length the General Assembly of Maryland was con-

vened, and then it was developed that not only Pennsylvania

had a metropolis, but Maryland also must see to it that her

own metropolis did not suffer by the state's action in estab-

lishing an all-water route from the West to Georgetown

instead of Baltimore. Such a route would inevitably bring

to Washington by quicker, cheaper and more certain trans-

portation much of that Western trade that had hitherto

found its way to< Baltimore. Maryland's statesmen did well

to hesitate, but their opposition was not obstinate. Balti-

more had already become one of the most important sea-

1 ''Proceedings of the Chesapeake and Ohio Canal Convention,"

1823 and 1826, 39.

487] Charter Legislation. 63

ports of the country and her interests naturally demanded

protection. Since the only means by which she could par-

ticipate in the benefits of the proposed canal was through a

branch canal, the right to tap the main line at some conve-

nient point in Maryland or the District of Columbia was the

only condition upon which the charter would be confirmed.

The condition was readily granted by the Central Commit-

tee. With this concession expressly stipulated the Virginia

act of incorporation was confirmed by Maryland, January

3 J > 1825.\*

More than a year had now passed since the Convention

of 1823, and yet the charter which at that time it was

thought might be secured in three or four months at most,

still lacked the sanction of Congress and the consent of the

Potomac Company before the new company could be organ-

ized. True, these last steps were generally understood to

be little more than forms, but even then the canal could not

proceed beyond the western limits of the state of Maryland,

because Pennsylvania had twice turned a deaf ear to the

appeals of the committee appointed for that state. Never-

theless it was determined to bring the matter, as it stood,

before Congress without further delay. A bill confirming

the acts of Virginia and Maryland was introduced and

promptly passed by that body, March 3, 1825. Almost the

last official act of President Monroe was to sign this bill,

which, less than two years before, in his famous veto mes-

sage, he had laboriously proved to be unconstitutional.

When, on the sixteenth of May, 1825, the Potomac Com-

pany formally gave its consent, there was no longer any

legal obstacle to the organization of the proposed company.

Finally, the legislature of Pennsylvania passed an act, Feb-

ruary 9, 1826, in which, upon numerous conditions, the

sanction of that state was given to the canal.

Thus more than two years had been occupied in procur-

ing the legislation which the convention of 1823 had hoped

1 "Laws of Maryland," December Session, 1824.

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for within a few months. But the end was not yet; new

difficulties were met at almost every step. It became neces-

sary, therefore, again and again to amend the act of incor-

poration, and this could be done only through the same

tedious, cumbrous process of legislation which had created

the charter.

The first of these amendments came in 1827, when

Maryland passed an act, February 5, to bring the charter

into harmony with the report of the United States Board

of Internal Improvement, by allowing the company to ter-

minate the eastern section of the canal "at or near Cum-

berland," and to substitute inclined planes and railways

across the Alleghenies if it be found expedient. 1 But be-

fore the amendment could carry any authority the confir-

mation of Virginia and the Congress of the United States

must be secured. Probably that would be no difficult task,

but the successful operation of such complicated political

machinery requires time under the most favorable circum-

stances. Virginia acted promptly, confirming the amend-

ment February 26, 1827. Action in Congress was not

obtained till May 23, 1828, and by the Potomac Company,

July 10, 1828.

A further amendment was enacted by Maryland in 1828,

making the stock of the company personal property entitled

to all the rights and privileges usually enjoyed by that class

of property, and giving to aliens the power to hold the

same. 2 Once more the legislative machinery was set

agoing and this amendment was confirmed by Virginia Feb-

ruary 26, 1828, by Congress May 23, 1828, and by the canal

company (which had been organized in June preceding),

on the third of July, 1828. Finally, the Potomac Company,

which had not yet formally surrendered its charter, gave

consent July 10, 1828.

But the canal project had already been long in play as a

1 "Laws of Maryland," December Session, 1826, chap. 2, sec. 2.

2 Ibid., 1827, chap. 61, sec. 2.

489] Charter Legislation. 65

political foot-ball, and it was now the turn of Virginia. On

the twenty-seventh of February, 1829, an amendment was

passed regulating the height of bridges which might be

built over the canal. Of course, the confirmatory machinery

was regularly put in motion, and the amendment, in due

process of time, became law. One more amendment Vir-

ginia passed, February 13, 1830, giving permission to the

stockholders to commence the western section of the canal,

and prescribing the conditions under which the work might

proceed. Other amendments were passed from time to

time as the changing fortunes of the enterprise required,

but it is not necessary to carry our chronological summary

further. In the next chapter we return to the narrative

where it was dropped in Chapter III.

CHAPTER VI.

THE FEDERAL GOVERNMENT ASSUMES

CONTROL. 1

It is necessary at this point to recapitulate the steps by

which the Federal Government committed itself to internal

improvements of any kind. About 1820 the party in favor

of federal public works, seeing little hope of bringing over

the administration to the full program of the "American Sys-

tem," began to look about for some specific object upon

which the surplus to be produced by a protective tariff might

be best expended. The Cumberland road furnished such

an object ready prepared to their hand. Made, and more

than once prepared, by the Federal Government, why might

not this highway be used as the "entering wedge" for a

general system of internal improvement, both the need

and the possibility of which were being pressed with greater

chance of success at each succeeding Congress ?

In accordance with this plan Congress passed a bill late

in the spring of 1822, making an appropriation for the

repair of the Cumberland Road. 2 But once more the

bright prospects of the plan were darkened by executive ink.

The veto of this bill was followed, May 4, 1822, by Monroe's

famous message on the subject of internal improvement. 3

After treating at length the constitutional question, and

1 On the subject of Chapters VI and IX, see "Letter of J. P.

Kennedy." Washington, J. and G. S. Gideon, printers, 1844. This

letter did not come to my notice till both these chapters had been

written. It will be seen that my conclusions are supported through-

out by the letter.

2 "Annals of Congress."

3 Richardson's "Messages and Papers of the Presidents," II,

144-183.

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assuming that he had "demonstrated Congress have not

the power to undertake a system of internal improvement,"

the President urged, in view of the manifest advantages

of such a system, that an amendment remedying the defect

in the Constitution be at once submitted to the states. 1

No amendment was ever procured, but the subject was

kept constantly before Congress by petitions from the peo-

ple and by frequent reports of committees in the House of

Representatives. 2 Such a report had been heard in the

House on the second of January, 1822, in which, however,

pleading was more prominent than report. 3 "In what age

or nation has the power of improving a country been

abused?" asks the report. 4 "No power can be more safely

placed in the hands of the people." "Even the unsuccessful

attempts at great undertakings have received the admiration

of mankind." Such were the arguments dinned into the

ears of the House almost without intermission.

But the friends of internal improvement were far from

being compelled to rely wholly upon a priori arguments.

Besides the National Road, which appeared to furnish inex-

haustible ammunition, there were the District cities, for

whose prosperity Congress must be held directly account-

able.

Numerous petitions had been received from the Dis-

trict and from the counties adjacent to the Potomac,

praying the aid of the Federal Government in improving

the navigation of the Potomac River. The committee on

the District of Columbia, therefore, made a report on the

third of May, 1822, going into the subject of internal im-

provements at some length, and claiming that the practica-

bility of a canal in the Potomac Valley was no longer open

to serious doubt. 5

1 Richardson's "Messages and Papers of the Presidents," II,

144-183.

2 I7th Congress, ist Session, XI, doc. in, i.

3 Ibid., Reports, etc., doc. No. 98. \* Ibid., 7.

5 Ibid., XL, doc. No. HI, 29.

493] The Federal Government Assumes Control. 69

Some time before this a resolution in the House had

aimed to procure surveys and estimates for the proposed

canal, but the Board of Public Works of Virginia had anti-

cipated such action and the required data were already at

hand. Those who, in spite of mathematical calculations,

still feared that the Alleghany ridge might prove to be an

insuperable obstacle, were referred to the canal of Reynosa

in Spain, where a descent of three thousand feet had been

triumphantly effected in the short compass of three leagues.

One thousand feet of this descent had been accomplished in

the well-nigh incredible distance of less than half a league,

while the tunnel uniting the Thames with the Severn in

England, was as long as that proposed by the Board of

Public Works of Virginia to connect the sources of the

Potomac with those of the Ohio. 1

The financial plan rested upon the hypothecation by the

Federal Government of the lots for sale in the cities of the

District of Columbia. On this security the government

might borrow two and a half millions for which it was be-

lieved the canal could be made, and with the completion of

the work in three years, the advance in the value of the lots

would more than repay the loan. 2

With the assembling of Congress in December, with its

clear majority for the "American System," there came also a

good omen for internal improvement from a quarter whence

it might have been least expected. The President, in his

annual message, notwithstanding that his plea for consti-

tutional amendment had not been heeded, returned to the

subject of the Cumberland Road, declaring that if Congress

had power to make the road it surely had power to keep

it from going to ruin. Then followed this significant ex-

pression: "Under our happy system the people are the

sole and exclusive fountain of power." 3 If the people were

1 Benton's "Debates of Congress," VII, 448.

2 17th Congress, ist Session, XI, doc. HI, 7, 8.

3 Richardson, II, 191.

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bent upon a system of internal improvement under federal

control and at the charge of the federal treasury, why should

their chief executive do more than had already been done

to prevent the accomplishment of their purpose? It was

evident to all thinking men that Monroe had come over to

the side of the majority.

In May Congress had been told that authority for its acts

must be found in the Constitution, and that the Constitution

gave them no power to appropriate money for internal im-

provement. In December it is the people who are "the

sole and exclusive fountain of power," and the Federal Gov-

ernment is at last ready, after a fruitless struggle of more

than fifteen years, to> undertake a gigantic system of internal

improvement reaching every section of the country from

Maine to Florida and involving the ultimate expenditure of

millions o<f dollars. The estimates were nearly double the

entire annual expenses of the Federal Government at that

time.

In this state of affairs it seemed to the friends of the Po-

tomac route that only one thing more was necessary in

order to have Congress assume definite responsibility for

the proposed canal. That one needful thing was the de-

mand of the people. During the following summer were

held the numerous public meetings in which the conven-

tion of 1823 originated. The enthusiasm which that conven-

tion discovered in favor of a canal to unite the waters of

the Potomac and the Ohio furnished the required popular

approval. The President was now without grounds for

further hesitation, and in his annual message of December,

1823, he recommended that Congress "authorize by an ade-

quate appropriation the employment of a suitable number

of the officers of the corps of engineers to examine the

unexplored ground during the next season and to report

their opinion thereon. 1

As a sort of preamble to\* this radical departure from the

1 Richardson, II, 216.

495] The Federal Government Assumes Control. 71

previous policy of the government, Monroe summed up

under three main heads the strongest arguments of the

internal improvement party, and then added a plain state-

ment of his own position in the matter. Monroe's words

may be regarded as the platform upon which the Federal

Government proceeded in all that was done in the matter

of internal improvement, and as the highest authority on

the subject. Monroe at that time was not arguing for an

indefinite system of internal improvement, but was setting

forth the reasons why the Federal Government should con-

struct the Chesapeake and Ohio Canal. The summary is

as follows :

First, "A great portion of the produce of the very fertile

country through which it would pass would find a market

through that channel."

Second, "Troops might be moved with great facility in

war, with cannon and every kind of munition, and in either

direction."

Third, "Connecting the Atlantic with the Western

country in a line passing through the seat of the National

Government, it would contribute essentially to strengthen

the bond of union itself."

For such a national object as this Congress possessed the

power, Monroe believed, to appropriate money, on condi-

tion that the jurisdiction remain with the states through

which the canal might pass. 1

The Twenty-third Congress had a good working majority

in favor of the "American System" and was, therefore, not

slow to act upon the President's suggestion. On the ninth

of December a resolution to refer the subject of roads and

canals to a standing committee was adopted by a vote of

eighty-six to seventy-seven. 2 The committee was immedi-

ately appointed, and on the fifteenth of December a bill was

introduced appropriating thirty thousand dollars "to pro-

cure the necessary surveys and estimates on the subject of

1 Richardson, II, 216. 2 "Annals of Congress," vol. 1823-24, 808.

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roads and canals." \* On April 30, 1824, this bill, having

passed both Houses of Congress, received the approval of

the President.

Monroe, without delay, appointed a chief and two assist-

ant engineers, primarily for the purpose of procuring sur-

veys and estimates for the Chesapeake and Ohio Canal.

Thus the United States Board of Internal Improvement

grew directly out of the Chesapeake and Ohio Canal project

and the United States Government became committed to

the prosecution of the greatest public work which had up

to that time engaged the attention of men.

1 "Annals of Congress," vol. 1823-24, 828, 829.

CHAPTER VII.

THE UNITED STATES GOVERNMENT SURVEY

AND ESTIMATE FOR THE CHESAPEAKE

AND OHIO CANAL.

The person selected to be chief of the United States

Board of Internal Improvement was General S. Bernard,

a Frenchman, who had been for some time virtually at the

head of the corps of United States engineers, though with

the title of assistant. He was recognized as one of the fore-

most engineers of his time. His assistants were Lieuten-

ant-Colonel Totten, of the corps of engineers, and John L.

Sullivan, Esq., civil engineer. 1 Besides these three, a con-

siderable number of army engineers and civil surveyors

were attached to the board.

Up to this time, it is true, the Chesapeake and Ohio Canal

had not been mentioned by name in the proceedings of the

Federal Government. But if what has been already related

could leave any doubt as to what, in the plans of the Federal

Government, really constituted, for immediate and practical

purposes, the "system" of roads and canals about to be

undertaken, that doubt disappears in the light of the direc-

tions which were to guide the board in their work. These

directions were as follows: "The board will proceed to

make immediate reconnoissance of the country between

the tide-waters of the Potomac and the head of navigation

on the Ohio, and between the Ohio and Lake Erie, for the

purpose of ascertaining the practicability of communication

between these points, of designating the most suitable route

1 See letter of General Macomb, May 31, 1824, printed in Senate

Document No. 32, 8, i8th Congress, 2d Session.

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74 Chesapeake and Ohio Canal. [498

for the same and of forming plans and estimates in detail of

the expense of erection." x Then the board was urged to

push the work on this important line in order to have a

report ready for the next session of Congress.

For two successive years more than half the entire ap-

propriation for surveys was expended on the Potomac

route alone, 2 while little was done on any other line beyond

a reconnoissance upon which future surveys might be based.

Following the directions of his superior, Chief Engineer

Bernard turned his attention almost exclusively to the

Chesapeake and Ohio Canal. In July, 1824, was completed

the organization of three brigades of engineers, two of which

were assigned to the summit of the Alleghanies, and the

third to the valley of the Potomac. 3

The parties assigned to the mountains were not able to

complete their portion of the work until the next season.

In the valley of the Potomac fever soon disabled both

officers and men, therefore little was accomplished there

before 1825. In that summer the engineers were in the

field in April, three brigades east of the Ohio River and one

between Pittsburg and Lake Erie. 4

The character of the survey and estimate made for the

Chesapeake and Ohio Canal by the United States Board

of Internal Improvement can only be appreciated fully

when it is remembered that the chief of the board was a

military engineer of the first rank, who, according to his

long-established custom, did his work with little reference

to temporary or economic considerations. Fully alive to

the national significance of the proposed work General Ber-

1 i8th Congress, 2d Session, Senate Doc. No. 32.

2 igth Congress, ist Session. See table at the end of Document

No. 149.

3 Letter of General Bernard to General Macomb, December 26,

1825, printed in "Proceedings of the Chesapeake and Ohio Canal

Convention," etc., 58-60.

4 See the MSS. report of this survey in the War Department,,

Washington.

499] The United States Government Survey. 75

nard proceeded on precisely the principles which had

guided him so recently in the construction of Fortress Mon-

roe. He did the United States the honor to believe that

Congress was perfectly serious in its intentions ; that the

country was entirely competent from a financial point of

view, and was about to construct a work which was to be

the pride and glory of the nation for generations to come. 1

The plans for the surveys were as follows :

"The complete project of a canal requires great researches

and careful investigation of its smallest details."

I. There must be the general reconnoitering of the

ground.

II. An exact survey must be made to determine accu-

rately the topography of the region to be traversed, as well

as differences of level and water supply.

III. Exact drawings of the work must be made and the

cost of the construction accurately calculated. 2

Upon these principles and guided by the work of pre-

vious surveyors, especially that of Mr. James Shriver on

the summit of the Alleghanies in the summer of 1823, the

surveys went slowly forward, and on the fourteenth of Feb-

ruary, 1825, the results of the previous season's work were

transmitted to the President and by him were laid before

Congress.

The projected canal was described in two parts :

I. The Chesapeake and Ohio Canal proper, extending

irom tide-water in the Potomac to Pittsburg on the Ohio.

1 See "General Considerations" upon the conclusion of the work

of the Board of Internal Improvement, Document No. 10, ipth Con-

gress, 2d Session. State Papers, II, 63-80.

2 i8th Congress, 2d Session, Senate Doc. No. 32, 14.

3 See elaborate report of Mr. Shriver's work, entitled "An Ac-

count of Surveys and Examinations, with Remarks and Documents,

Relative to the Projected Chesapeake and Ohio and Lake Erie

Canals." By James Shriver, Baltimore, 1824. The work is accom-

panied by a map of the summit level region, which differs somewhat

from the plan prepared by the Board of Internal Improvement.

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II. The Ohio and Erie Canal, extending from Pittsburg

through either Ohio or Pennsylvania to Lake Erie.

The Chesapeake and Ohio Canal proper was subdivided

into three sections :

I. The eastern section, extending from tide-water in the

Potomac to the mouth of Savage River.

II. The middle section, extending from the mouth of

Savage River to the Youghiogheny River at the mouth of

Bear Creek.

III. The western section, extending from the mouth of

Bear Creek through the valley of the Youghiogheny to

Pittsburg.

In the eastern section the canal was to follow the north

bank of the Potomac. The surveys and estimates were

completed accordingly and the canal was located by the

United States engineers on the Maryland shore.

The middle section was, naturally enough, found to pre-

sent the greatest difficulties to be met with in the entire

project. This section included the summit level of the

canal, offering at the same time the greatest elevation to be

overcome and the scantiest supply of water. To this sec-

tion, therefore, the board had devoted most of its energies

during the season of 1824. Here it was that the surveyors

were visited about the middle of September, 1824, by Mr.

Calhoun, then Secretary of War, under whose supervision

the work had been undertaken. 1

The summit level had been established at a bridge across

Deep Creek, and here, in the presence of their distinguished

visitor, the engineers carefully measured the supply of water.

It was found that there was enough water to fill a lock sixty

feet long, twelve feet wide and ten feet deep in thirteen min-

utes, notwithstanding the season had been unusually dry.

From that time the question of water supply, which had

occasioned much uneasiness on the part of the friends of

the project, was considered as finally settled.

1 Niks' Register, 3d Series, III, 53.

501] The United States Government Survey. 77

The most important work done on this section was the

tedious, careful comparison of routes in order to determine

the best location for the tunnel which was known to be re-

quired. The results of the summer's work seemed to point

to what was known as the Youghiogheny Route, by way

of Savage River, Crabtree Creek and thence by tunnel from

a small branch of Crabtree Creek to a small branch of Deep

Creek, on the western side of the ridge.

In 1824 the western section had received little more than

a preliminary examination. It was then determined that

that part of the canal should lie on the right bank of the

Youghiogheny and the Monongahela. It was noted that

this section would require some expensive work, such as

aqueducts and deep cuts, but there was no question of its

ultimate practicability. Contributary streams to the Yough-

iogheny and Monongahela were closely observed and a

favorable location for at least one branch canal selected.

While the brigades of Captain McNiell and Captain

Shriver were thus respectively employed on the eastern and

western side of the summit level, members of the Board of

Internal Improvement were making an examination of the

Ohio country. This part of the project, described in the

report as the "Ohio and Erie Canal," was subdivided into

(i) the southern section, extending from Pittsburg to the

summit level on the watershed between the Ohio and Lake

Erie, and (2) the northern section, extending from the sum-

mit level to Lake Erie, near the mouth of the Ashtabula.

For this part of the canal four possible routes were exam-

ined, but they differed in little except the location of the

summit level, a practical question which would have to be

determined ultimately by the water supply. In any case

the route would lie by way of the Ohio to the mouth of Big

Beaver Creek, and thence, probably, along the valley of that

stream to the summit level.

From the summit level to Lake Erie the routes differed

considerably. Cleveland was suggested as the northern

terminus of the great work, on the ground that an earlier

78 Chesapeake and Ohio Canal. [502

opening would be possible in the spring. But the final

recommendation was in favor of the mouth of Ashtabula

Creek, on the ground of economy shorter route and less

lockage. 1

Notwithstanding the name, "Ohio and Erie Canal," this

section was none the less understood to> be merely a part of

the Chesapeake and Ohio Canal, "forming part of that

noble line of artificial communication which will join the

vast regions of our Northern Lakes with the Capital of the

Republic." 2 The indefinite character of the information

contained in the report, however, did not warrant congres-

sional enactment, and so the matter was postponed.

April, 1825, found four brigades of engineers in the field,

three on the Chesapeake and Ohio Canal proper, and one on

the Ohio section just described. 3 All through that season the

work went slowly forward. Again Congress met and again

there was no official information or report upon which to

base intelligent action. As the session wore to its close with-

out any report from the engineers, the friends of the project

began to grow restless. To anxious letters of inquiry 4 the

1 Since this part of the project was carried no further, a summary

of the route gathered from the MSS. report in the War Depart-

ment at Washington may be of interest :

Champion Swamp Route, . . 115 342 557

The Long Route, ...... 140 470 749

Connert Route, ....... 113 470 803

The Connert route was recommended by the Commissioners. See

i8th Congress, 2d Session ; Senate Document, No. 32, 55.

2 "Report of the United States Board of Internal Improvement."

Printed as Senate Document No. 32, i8th Congress, 2d Session, 53.

3 Letter of General Bernard to General Macomb, December 26,

1825. Printed in "Proceedings of the Chesapeake and Ohio Canal

Convention," Washington, 1823 and 1826, 59, 60.

4 See copies of letters from Mr. Mercer, printed in "Proceedings,

etc." Note 2, Appendix.

503] The United States Government Survey. 79

chief engineer, General Bernard, replied that estimates of

such importance could not be grounded upon conjecture

and misleading analogies, for there were no canals "to be

compared in magnitude and difficulties to be overcome,

with the Chesapeake and Ohio Canal." \*

Finally, however, on the twenty-first of March, 1826, Ber-

nard was induced to give the results which had, up to that

time, been obtained by the board with reference to the east-

ern section, i. e., from Cumberland to Georgetown. This

section, as drafted by the United States Board of Internal

Improvement, was to cost, in round numbers and exclusive

of the item of contingencies, what was for that time the

enormous sum of eight million eighty-five thousand dollars.

The publication of the board's estimate, in the spring of

1826, marks a turning point in the history of the Chesapeake

and Ohio Canal. Up to that time the most liberal estimate

for the eastern section had stood at two million seven

hundred and fifty thousand dollars. The friends of the

project had first hoped to begin the work of construc-

tion in the spring of 1825, only to find themselves dis-

appointed by the slow processes of politics. Taking cour-

age again they had confidently looked forward to the spring

of 1826 for tangible results. Now they were dismayed.

They saw that the work simply could not proceed in the

face of such an estimate, and there was not sufficient time

left to obtain a revised estimate before the end of the ses-

sion of Congress. However, when it was learned that the

General Assembly of Maryland had passed an act subscrib-

ing five hundred thousand dollars to the stock of the pro-

posed company, the Central Committee thought it worth

while to memorialize Congress without further delay. From

this source the committee expected to realize one million

dollars. The memorial was referred and a favorable report

was obtained, Mr. Andrew Stewart, of Pittsburg, one of the

leaders of the project, being at that time chairman of the

1 Letter of General Bernard, cited in note 2, 60.

80 Chesapeake and Ohio Canal. [504

House Committee on Roads and Canals. 1 But the project

got no farther, for, a few days later, Congress adjourned.

The ambitious project for a canal through the heart of

the young republic had, after four years of hopeful strug-

gle, at last stuck fast in a slough of figures unwittingly pre-

pared by the friends of the enterprise. The time had come

for decisive action. The friends of the enterprise decided

upon heroic measures. They would call another meeting

of what had been known since 1823 as the Chesapeake and

Ohio Canal Convention, prove that the estimate of the United

States Board of Internal Improvement was too large by

half, procure, besides private subscriptions to the stock of

the company, a million dollars from Congress, a million

and a half from the District cities Washington, George-

town and Alexandria and, with something less than four

million dollars in sight, including private subscriptions, pro-

ceed with the construction of the canal.

But for one element of weakness which the friends of the

enterprise seem never to have taken sufficiently into

account, this plan would probably have succeeded. That

element of weakness was the delay involved. Delay was

necessary to the execution of the plan, and delay meant

defeat, because both in Maryland and in Congress the

canal's chief sources of strength, the forces which ultimately

led to defeat, were rapidly gathering head and needed only

time to develop their full strength. In 1826 a new Con-

gress was elected and the "American System" was doomed.

In that same year prominent business men of Baltimore

were diligently investigating a new system of transportation

which, under the competition of John Ericsson, better

known as the inventor of the "Monitor," and George Ste-

phenson, of locomotive fame, was just passing through its

experimental stage on the Liverpool and Manchester Rail-

road in England.

1 ''Report of Mr. Stewart on the Chesapeake and Ohio Canal."

Washington, 1826.

CHAPTER VIII.

THE CONVENTION OF 1826 AND THE REPORT

OF MESSRS. GEDDES AND ROBERTS.

The report of the United States engineers was not ready

for publication in detail till October, 1826. Whatever may

be said of the failure of the project, the canal as constructed

on paper was a marvel of ingenuity and scientific skill.

Scarcely a detail in the entire work from Washington to

Pittsburg was omitted. Every item of cost was included

by name even to the fraction of a cent. 1

The water-way of this famous report lay on the north

bank of the Potomac from Georgetown to Cumberland,

every foot of the canal having been surveyed and definitely

located. From Cumberland it proceeded by way of Will's

Creek to the mouth of Bowman's Run. 2 It then crossed

the highest ridge of the Alleghanies by a tunnel and de-

scended in succession the valley of Casselman's River, the

Youghiogheny and the Monongahela, terminating at Pitts-

burg. 3 The total estimate was something over twenty-two

million dollars. 4

1 It is an interesting coincidence rather than a logical result that

the part of the canal afterwards constructed from Georgetown to

Cumberland cost\* almost to the dollar the sum named by the United

States engineers in this report.

2 It will be observed that the route of the canal westward from

Cumberland was changed from the Youghiogheny route of the pre-

liminary report to the Casselman's River Route in the complete

report; also Cumberland and not the Coal Banks is to be the ter-

minus of the Eastern section.

3 "Report of the United States Board of Internal Improvement,"

October 26, 1826. Executive Document No. 10, 22.

\* Summary of the report is as follows :

Miles.

Yards.

Lockage ft.

No. Locks.

Estimated Cost.

Eastern Section,

185

1078

578

74

$8,177,081.05

Middle

70

IOIO

1961

246

10,028,122.86

Western "

85

348

619

78

4,170,223.78

Totals,

340

2436

3158

398

$22,375,427.69

6

81

82 Chesapeake and Ohio Canal. [506

Meanwhile the Central Committee and the commissioners

to open books for subscriptions to the stock of the company

had united in calling another meeting of the Chesapeake

and Ohio Canal Convention. In pursuance to this call the

delegates reassembled in Washington December 6-9, 1826.

The chief business of the Convention was the consideration

of the final report of the United States engineers with a

view to reduce their estimate of cost to a practicable figure.

The Convention proved to its own satisfaction that, when the

errors of the United States engineers were corrected as to

the actual cost of labor and materials, the Georgetown-

Cumberland section of the canal could be constructed for

less than five millions of dollars, without changing the great

width and durability of the canal recommended by the

report.

If the friends of the enterprise had accepted this revision

as final the work might have been commenced at least as

early as the spring of 1827 with still a possibility of success.

Instead of that, however, it was decided that an entirely

new survey and estimate, at least of the Georgetown-Cum-

berland section, must be made. In March, therefore, upon

the request of some twenty or more members of Congress,

President Adams appointed Mr. James Geddes and Mr.

Nathan S. Roberts, of the topographical engineers, to survey

again the entire route from Georgetown to Cumberland, and

to revise the estimate of the Board of Internal Improvement

on the basis of actual wages and current prices for mate-

rials. 1

1 Just before the Convention of 1826, Mr. Lacock, a United States

Senator, and a practical contractor as well, in answer to an inquiry

from Mr. Stewart wrote: "My project would be this: Make a lock

and canal navigation from Washington City to Cumberland; take the

National Road as your portage road until you come to the Little

Crossings, twenty-two miles from that point; make canal and lock

navigation to Pittsburg. \* \* \* Of this I am positive, that this

improvement could be made for less than six millions of dollars, and

that in a very short time you would have as much freight upon your

507] The Convention of 1826. 83

This revision was accomplished during the season of 1827

and the report of Messrs. Geddes and Roberts was trans-

mitted to Congress on the tenth of March, I828. 1 Accord-

ing to the revised estimate in this report the eastern section

was to cost $4,479,346.93. The project had been rescued

from the realms of imagination and there would be a Chesa-

peake and Ohio Canal ! It was a gala day for the friends

of the enterprise and enthusiasm rose to a high pitch.

canal as could be passed through one set of locks, \* \* \*

I am very willing to undertake the Eastern section at my old bid,

two and a half millions. \* \* \* There is nothing wanting but to

give up everything that is enormously expensive in the project, and

adopt what is within the means at your command." See "Proceed-

ings, etc., of the Chesapeake and Ohio Canal Convention," 1823 and

1826, 105.

The Eastern section afterwards cost the state of Maryland alone

$11,279,836.94. See "Report to the Stockholders on the Completion

of the Chesapeake and Ohio Canal to Cumberland," 154. Here is

certainly food for reflection.

1 State Papers, V., Doc. 192, 2Oth Congress, ist Session.

CHAPTER IX.

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THE CHESAPEAKE AND OHIO CANAL AS A

NATIONAL ENTERPRISE. 1

After long waiting and many disappointments the com-

missioners who had been appointed by the President of the

United States and the Governors of Maryland and Virginia

to open books for the subscriptions of stock, finally made

their announcement, August 20, 1827. In accordance with

the notice then given subscription books were opened, Oc-

tober i, 1827. In less than a month and a half there had

been subscribed, independently of the debts of the Potomac

Company, the sum of one million five hundred thousand

dollars. 2 This sum was sufficient, under the provisions of

the charter, to permit the organization of the proposed

company. But Congress had not yet\* acted. For several

years past everything had waited upon the action of the

Federal Government, and now, on the point of realization of

hopes so long deferred, came the fatal delay, the final waiting

for the support of Congress, which assured the defeat of the

whole great enterprise.

Had the company been organized in November, 1827, and

actual work pushed from the earliest spring of 1828, there

was unquestionably a chance of reaching Cumberland before

the accumulated enthusiasm of years had become entirely

exhausted. But the Federal Government had taken up

internal improvement and the Chesapeake and Ohio Canal

project was to be made the irrefutable proof of the folly of

such a course.

1 See Chapter VI, note i.

2 "Maryland Court of Appeals Reports," 4 Gill and Johnson, 57.

85

86 Chesapeake and Ohio Canal. [510

At length, May 24, 1828, the action of Congress direct-

ing the Secretary of the Treasury to subscribe for ten thous-

and shares of the stock of the Chesapeake and Ohio Canal

Company, was approved. 1 The act directs the subscription

to be paid out of the dividends accruing to the United States

on account of the stock of the United States Bank. The

privilege of voting the stock of the United States was con-

ferred upon the Secretary of the Treasury.

On the same day an act was approved giving the sanc-

tion of Congress to any subscriptions which had been made,

or might be made, to the stock of the proposed company by

the cities of Washington, Georgetown and Alexandria. 2

Washington had already subscribed ten thousand shares

and soon Georgetown and Alexandria each subscribed

twenty-five hundred shares. The financial support which

the Chesapeake and Ohio Canal Company received from the

Federal Government must, therefore, be reckoned not at one

million dollars but at two and a half millions. What

grounds had Congress for expecting that towns such as

those of the District were in 1828 could hope to meet even

the interest on such vast sums? Compare, for instance, the

action of Shepherdstown, West Virginia, with that of the

District cities. This thriving little town, wide awake to the

interests of commerce, and acting entirely upon its own re-

sponsibility, subscribed twenty shares.

The District cities, it is true, looked for rapid growth

under the impulse which the proposed improvement was

expected to give to trade. Perhaps, also, the smallest of

these cities was financially stronger than Shepherdstown,

but it cannot be supposed that either Georgetown or Alex-

andria was one hundred and twenty-five times stronger.

However that may be, the fact remains that the loan

which the District cities and Alexandria negotiated in Hol-

land to meet their subscriptions, was finally liquidated by the

1 "Debates of Congress," vol. 1827-8, Appendix, xxvii.

2 Ibid., xxvii, xxviii.

511] The Canal as a National Enterprise. 87

Federal Government, though not till 1837. If this should

leave any doubt as to the national character of the enter-

prise, that doubt ought to be dispelled by recalling the atti-

tude of the Federal Government toward the project from its

very inception. So important is this point that it seems

worth while to repeat here in briefest outline, the previous

development of the project.

The practicability of connecting the waters of the Poto-

mac with those of the Ohio had been first suggested in

I82O, 1 in a report of the chief engineer of the Board of Pub-

lic Works of Virginia. From that time petitions were fre-

quently sent to Congress praying for aid in clearing the

channel of the Potomac for navigation. On the third of

May, 1822, the Committee on the District of Columbia made

a favorable report on the numerous petitions which had

been received, and called the attention of Congress to the

practicability of connecting the seat of government with

the Western country by means of a navigable canal. This

report may, in a certain sense, be regarded as the origin of

the Chesapeake and Ohio Canal project. It is true that the

House Committee on Roads and Canals had made a report

in January, 1822, urging the Federal Government to take

up the matter of internal improvement. Moreover, the

report of the Committee on the District of Columbia was

itself one of the results of a still earlier report of the chief

engineer of the Board of Public Works of Virginia, while

this last in turn had been brought about by the failure of

the Potomac Company. But it may also be correctly said

that none of these earlier reports had clearly in view what

was later undertaken by the Federal Government as the

Chesapeake and Ohio Canal.

On the other hand, the report of May 3, 1822, points

unmistakably to the canal project as finally adopted, and at

the same time led directly to the calling of the Convention

1 "First Annual Report of the Chesapeake and Ohio Canal Com-

pany," Appendix, xxiii.

88 Chesapeake and Ohio Canal. [512

of I823. 1 By that Convention the President of the United

States was interested, and at his suggestion the survey act

of April 30, 1824, was passed. With the passage of that act

the Federal Government may be fairly said to have com-

mitted itself to the Chesapeake and Ohio Canal project.

From that time the action of the United States determined

the fortunes of the enterprise. For example, the committee

which had been appointed by the Convention of 1823 to

interest the legislature of Ohio, was at once directed to post-

pone action in view of the fact that the entire route was to

be surveyed by United States engineers. 2 More than that,

the work had been so well managed by the Central Com-

mittee that subscriptions to the stock of the company might

have been solicited a year and a half earlier than the books

were finally opened, but nothing could be intelligently done

till the estimates of the United States Board of Internal Im-

provement could be obtained. 3 Another year was lost in

the revision of these estimates, so that it was not till May 4,

1828, that the action of Congress opened the way for the

legal organization of the company. Notice was promptly

given and on the twentieth of June, 1828, the stockholders

met to elect a president and six directors. Mr. Charles Fen-

ton Mercer, 4 of Virginia, was chosen president.

Most elaborate arrangements were made for the ceremony

of breaking ground for the first great work of national im-

provement. The spot chosen was near a powder magazine

1 "First Annual Report of the Chesapeake and Ohio Canal Com-

pany," Appendix, xxiii.

2 "Proceedings of the Chesapeake and Ohio Canal Convention," 38.

3 20th Congress ist Session, February n, 1828, Report No. 141,

50-59-

4 Mr. Mercer had been the moving spirit in the Leesburg meeting,

the first public meeting held in the interest of the canal project.

From that time forward few if any had labored so persistently or so

effectively as he. His presidency continued for five years, lacking

fifteen days. For the period of Federal interest and encouragement,

about ten years, Mr. Mercer was the soul of the project.

513] The Canal as a National Enterprise. 89

at the head of the Little Falls, 1 about five miles west of

Georgetown, and accessible by boats up the Potomac.

Among those invited to attend the ceremonies on the

Fourth of July, 1828, were the President of the United

States, the Secretary of the Treasury, the Secretary of War,

the Secretary of the Navy, the Postmaster General, the Min-

ister of Great Britain to the United States, the Russian Min-

ister and Secretary of Legation, the Minister of the Nether-

lands, the Charge d'Affaire of Sweden, the Brazilian Secre-

tary of Legation and the Vice-Consul General of France,

comprising all the representatives of foreign powers at that

moment in Washington.

The morning appointed for the exercises broke clear and

beautiful. The procession formed at eight o'clock near

Bridge street, whence the line of march led to High street,

accompanied by the music of the Marine Band. Once

aboard the Potomac River boats, the short voyage to the

Little Falls was made without important incident.

A great concourse of people had gathered to witness the

doings of that day, many even climbing into the neighboring

trees in order to command a better view. When the spot

where the first spadeful of earth was to be taken up had been

selected, and a little space cleared of the crowd, President

Adams stepped forward and delivered an oration appropriate

to the occasion. Among other things, he said, "I regard

this event the most fortunate incident in my life." Then,

taking from Mr. Mercer, president of the company, the

spade which had been provided, the President struck it

vigorously into the ground. The spade caught on a root

and refused to bring up earth, whereupon the last of the

dignified, old-school Presidents, threw off his coat, and

amidst the applause of the assembled thousands, with music

by the band thrown in, proceeded with that determination

which, he declared, should characterize the efforts of the

1 "MS. Proceedings of the President and Directors of the Chesa-

peake and Ohio Canal Company," July i, 1828.

90 Chesapeake and Ohio Canal. [514

company, to begin the excavation of the eastern section of

the canal. The work was completed a little more than

twenty-two years later.

The return down the Potomac was made in the midst of

general rejoicing and goodfellowship. At the collation

which was served on board boat, the President of the United

States proposed the following toast : "To the Canal : Per-

severance." The toast proposed by the president of the

company was, "The Constitution of the United States."

The Secretary of the Treasury proposed : "The Chesapeake

and Ohio Canal." 1 Thus, under the immediate auspices of

the Federal Government, and with high hopes, was begun

the historic Chesapeake and Ohio Canal.

The company's charter required one hundred miles of the

canal to be opened for navigation within three years from

the time work was commenced. On that propitious Fourth

of July there were good reasons for expecting the entire

eastern section of the canal to be completed before the end

of that time.

Contracts were soon closed for forty-three miles of the

canal, but the difficulty of getting laborers was so great that

arrangements had to be made to import them from Europe.

"Meat three times a day, a plenty of bread and vegetable,

with a reasonable allowance of liquor and eight, ten or

twelve dollars a month for wages would, we have supposed,

prove a powerful attraction to those who, narrowed down in

the circle of their enjoyments, have at this moment a year

of scarcity presented to them," 2 writes Mr. Mercer to the

United States Consul at Liverpool. At the same time half a

dozen copies of a suitable advertisement were sent to be

published in Dublin, Cork and Belfast. Notices were also

sent to Holland. 3

1 For full description of the ceremonies in connection with the

breaking of ground, see Niles' Register, XXXIV, 325-8.

2 MS. Letter Book, Chesapeake and Ohio Canal Company, 1828-

1832, 39-

3 Ibid., 41.

515] The Canal as a National Enterprise. 91

Plans, too, were already on foot for opening books of

subscription to the stock of the company in Great Britain

and on the continent. 1

Before March, 1829, the whole forty-eight miles of canal

between Georgetown and Point of Rocks had been let to

contractors and before the first of May, 1829, more or less

work had been done on all the five residencies into which

that section had been subdivided. 2 The cost of the work

up to that date had amounted to $131,168.94. From the

first of May to the first of August, 1829, further work was

done to the amount of $164,569.96, making a total of $295,-

738.90, or about one-fourth of the work necessary to open

that section of the canal to navigation. 3

The advertisement for foreign labor had meanwhile met

with satisfactory responses. In July Mr. Mercer wrote to

Mr. Maury in Liverpool to have emigrants embarked in

time to reach America in September or October, since by

that time "the autumnal fevers in the Potomac Valley, when

any occur, are over, and there are still three months for

labor.'' 4 In order to further expedite matters, Mr. Henry

B. Richards was engaged as an agent of the company and

sent to Liverpool to deal directly with any who were willing

to emigrate.

Before October the foreigners began to arrive, and for

awhile wages fell according to the expectations of the com-

pany. But on the whole the season of 1829 had proven most

unfavorable to the enterprise. Fevers became so prevalent

that some of the contractors were compelled to withdraw

temporarily, 5 and it was late in the autumn before the vari-

ous gangs were again reported in good condition. 6

1 MS. Letter Book, Chesapeake and Ohio Canal Company, 1828-

1832, 40.

2 MS. Letter, Mr. Mercer, March 7, 1829.

3 "First Annual Report of the Chesapeake and Ohio Canal Com-

pany," Appendix, table between xxii and xxiii.

\* MS. Letter, Mr. Mercer, July 8, 1829.

5 MS. Letter, Secretary of the Company, August 24, 1829.

6 "Second Annual Report of the Company," 6.

92 Chesapeake and Ohio Canal. [516

The immigrants were brought over at the expense of the

company for the most part, a sort of return to the indenture

system of early Virginia, since the laborers were compelled

to sign a strict contract before leaving Europe. And when

the laborers arrived on the ground there was a re-enactment

of the scenes which had so irritated Captain John Smith at

Jamestown just about two hundred years before. The new-

comers were often idle and quarrelsome, while the laws of

free America were found ill adapted to such conditions,

conditions, it should be remarked, which those laws were

neither intended nor expected to cover.

Insubordination and general disorder became common.

The contracts which the laborers had been compelled to

sign could not be enforced, while in some instances the

laborers ran away and were brought back only at great

expense, if indeed they could be captured and returned at

all. 1 In October a party of these indentured derelicts was

arrested in Baltimore, but a mob gathered about the officers

and aided the captives to escape. 2 Toward the end of Octo-

ber the "Shenandoah" arrived in the Potomac bringing "a

hundred and seventy-six more of the plagues." After that

the importation of labor was ordered to be stopped until

further notice. 3

So late as the middle of October physicians were regularly

employed by the company to attend the sick, who were to

be formally reported to the "Superintendent of Imported

Laborers" as soon as they should recover. The weather,

however, permitted the continuation of the work far into

the winter, and on the twenty-eighth of November there

were thirteen hundred and sixty-six men, "besides

the usual proportion of other force," employed on the

three "Residencies" into which the distance between

Georgetown and Seneca had been divided. This section of

1 ''Second Annual Report," June 7, 1830, 5, 6.

2 MS. Letter, Secretary of the Company, October 26, 1829.

3 Ibid.

517] The Canal as a National Enterprise. 93

the canal between the Little Falls and Seneca the company

expected to open to navigation by the first of June, I83O. 1

Before the work closed for the winter the expenditures

had reached the sum of $560,750.63, or nearly half of the

cost of the canal from Georgetown to Point of Rocks. But

for some time past the work had been restricted to the sec-

tion below Seneca because from that point westward there

was to be no supply of water till Harper's Ferry should be

reached. 2

It further turned out that the section below Seneca could

not be opened on the date expected, though three-fourths

of all the work between Georgetown and Point of Rocks

had been completed. But in November, 1830, the section

from Seneca to the old locks of the Potomac Company at

Little Falls through which it was possible to reach tide-

water, was opened to navigation. The distance from

Georgetown to Seneca is about twenty miles. Early in the

spring of 1831 the canal was opened a mile below Little

Falls, and with the further extension of a mile a little later,

the work was brought in sight of Georgetown. 3

With the practical completion of these twenty miles of the

canal in the summer of 1831, another phase of the history

of this ill-starred enterprise is introduced. The force in the

employment of the company had already been greatly re-

duced more than a year before, while still further reductions

had just taken place, with a prospect of bringing the work

to a complete stop, pending a decision in the controversy

with the Baltimore and Ohio Railroad Company. 4

1 MS. Letter, Secretary of the Company, December 12, 1829.

2 Ibid., December 14, 1829.

3 Third Annual Report," 5.

\* Ibid., 30.

CHAPTER X.

CANAL AGAINST RAILROAD.

From a small settlement on the banks of the Patapsco in

1729, Baltimore had become in 1829 a flourishing com-

mercial center. The largest flour market in America, her

trade in general compared favorably with that of Philadel-

phia, and had even kept pace fairly well with that of New

York. As the western country began to claim more and

more the attention of the cities on the coast a business rivalry

naturally sprung up among them, especially for the promis-

ing trade of the region between the Ohio and the Great

Lakes. It had been noticed as early as Washington's day

that the traffic from that area must, under the conditions

which existed until 1803, pass by way of the Great Lakes

and the state of New York, or by way of the Potomac to

the Chesapeake Bay.

It was not strange, therefore, that as early as the begin-

ning of the present century New York, Philadelphia and

Baltimore were each pushing one or more independent

enterprises for the improvement of transportation facilities

to the West. 1 Now the manifest advantage of Baltimore in

the race lay in the fact that her distance from the goal was

some fifty or sixty miles less than that of Philadelphia, and

between one hundred and two hundred miles less than that

of New York. 2 Such a difference in distance has not been

sufficient under the transportation systems developed in the

present century to decide which should be the metropolis,

but when the average cost of transporting a bushel of wheat

1 "Report of the Secretary of the Treasury on the Subject of

Roads and Canals," Washington, 1808, 46-48.

2 Ibid., 23.

95

96 Chesapeake and Ohio Canal. [520

was about a quarter of a cent a mile, a small difference might

well have determined which should be the chief seaport for

the produce of the interior. 1

But there was another thing which appeared to favor

Baltimore as the metropolis of the future. The National

Road was already making its way westward from Cumber-

land, while from that place by way of Frederick to Baltimore

roads were soon in such a condition as to offer the best

transportation by land then known.

Yet by the middle of the second decade of this century

the commercial states of the Union had become saturated

with the canal idea, and Baltimore was not fortunately situ-

ated for canal communication with the West. On the other

hand New York, before 1820, was pushing the Erie Canal

across that state to the Great Lakes, while Philadelphia with

a sort of mongrel sluice and river navigation was reaching

out toward Pittsburg and the Ohio valley. If, therefore,

canals were to furnish the transportation of the future, there

was little promise that Baltimore would be really in the race

at all, for there was no considerable river valley connecting

Baltimore with the distant interior. It is true that the

Potomac was only forty miles distant with comparatively

level country intervening, but Baltimore very correctly

judged that a canal in the Potomac Valley would do much

more to build up for her a rival on the lower Potomac than

it would do for the development of her own trade. Hence,

when the bill for incorporation of the Chesapeake and Ohio

Canal had first come before the General Assembly of Mary-

land the state refused its assent on the ground that the

charter did not expressly give Baltimore the right to partici-

pate in the advantages of the canal through a branch canal

to terminate in that city. But in this a very pardonable

local jealousy had, perhaps, gone rather far, for there ap-

peared to be no disposition whatever on the part of the pro-

moters of the canal project to localize its advantages.

1 "Annals of Congress," 1810, II, 1394.

521] Canal Against Railroad. 97

The people of western Maryland, however, began to be

interested in the canal because it would furnish them direct

and cheap transportation for their produce. Meetings were

held in the interest of the canal with a desire to influence

the General Assembly. At one of these meetings held in

Frederick in the fall of 1825 it was decided to hold a general

convention in Baltimore. By that time the Erie Canal had

been opened in New York, the Federal Government was

pushing its survey of the Chesapeake and Ohio route, and

it began to look as if Maryland must get into line pretty

quickly or be left practically without communication with

the West. Under such conditions internal improvement

naturally became a political issue. There was a sort of gen-

eral rising throughout the state. Accordingly when the

internal improvement convention which had been called by

the Frederick meeting met in Baltimore December 14, 1825,

a memorial was drawn up and presented to the General As-

sembly requesting a state subscription to the stock of the

canal company. 1 The privilege of a branch canal to Balti-

more had been granted, and as no other means had yet ap-

peared by which Baltimore might hope to participate in the

Western trade, the General Assembly was urged to act at

once while the co-operation of the United States might be

secured. What the General Assembly did for the Chesa-

peake and Ohio Canal at that time has already been related.

It is needful to recount here only what was done to enable

Baltimore to compete for the Western trade on equal terms

with the other cities of the coast.

In view of the importance which internal improvement

had assumed for Maryland and especially for Baltimore the

General Assembly passed an act March 6, 1826, for the

promotion of internal improvement, and granted a charter

to the "Maryland Canal Company." 2 This company was

charged with the making of a canal from some convenient

1 Niles' Register, New Series, V, 164, 246, 328.

2 "Laws of Maryland," December Session, 1825, chap. 180.

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point of intersection Math the Chesapeake and Ohio Canal

on the Potomac to Baltimore. 1

The surveys for the Maryland Canal were prosecuted

during the season of 1826 under the efficient management

of Dr. William Howard, and by November of that year the

work had been pronounced practicable and a route had been

selected. 2 But just as the making of canals was about to be

seriously undertaken in the south there came from England

a new idea in transportation destined to change completely

the development, not only of the Chesapeake and Ohio Canal

project, but of the economic conditions of the entire world.

Baltimore was the first American city to seize and apply the

results of George Stephenson's experiments with steam.

During February, 1827, several meetings in the interest

of internal improvement were held in Baltimore, and the

battle, canal against railroad, was fought over again and

again with vehemence. 3 To speak of a convention of pro-

gressive business men called to discuss the relative advan-

tages of canal and railroad would now provoke a smile, but

it should be recalled that in 1827 the canal was an estab-

lished commercial agent, while there was not a steam rail-

road in all America, and only one short experimental line

in all the world. For more than half a century the canal had

been to the commerce of that day what the railroad is to that

of the present. The railroad when heavily burdened could

not insure greater speed than the canal, while many believed

that both in cost of construction and in operation the rail-

road would be totally unable to compete with the canal.

Again it must be remembered that for twenty years steam-

boats had been a decided success, and it was but natural

to think of steam as the motive-power for canal boats. 4 If

1 "Maryland Reports," 4 Gill and Johnson, 55.

2 Niles' Register, XXXI, 169.

3 See "Proceedings of the Convention of 1827." Also, current

issues of Niles' Register.

4 In 1830 the Chesapeake and Ohio Canal Company was experi-

menting with steam as a motive power for canal boats. MS. Letter

of the Secretary, February 8, 1830.

523] Canal Against Railroad. 99

that force were used the speed of the canal would be as

great as that of the railroad, while the advantages of com-

fort and cheapness would be all on the side of the canal. 1

Who could then foresee the modern Pullman train of parlor,

dining and sleeping coaches speeding across the continent

in four days while the traveler enjoys most of the comforts

of a well-appointed home ? Yet Baltimore seemed to foresee

enough of this to make her decide in favor of the railroad

and against the canal. A memorial to the General Assembly

then in session at Annapolis was followed almost immedi-

ately by an act approved February 27, 1827, incorporating

the Baltimore and Ohio Railroad Company. In less than

two months all of the stock of the company had been sub-

scribed. On the twenty-third of April, 1827, the company

organized with Mr. Philip E. Thomas as President, and the

preliminary surveys were commenced without delay.

The route selected by the engineers and adopted by the

stockholders at their first annual meeting, May, 1828, pro-

ceeded by way of the Patapsco river to Point of Rocks, and

thence along the north shore of the Potomac river to Har-

per's Ferry. On the Fourth of July, 1828, the same day

that the President of the United States broke ground at the

Little Falls for the Chesapeake and Ohio Canal, the vener-

able Charles Carroll, of Carrollton, the only survivor of the

signers of the Declaration of Independence, broke ground

at Baltimore for the Baltimore and Ohio Railroad. Thus

were inaugurated about the same hour and scarcely more

than forty miles apart two works destined by their situation

to decide for the world whether the transportation of the

future was to be by canal or by railroad. But it was not to be

expected that so important a question would be settled

either amicably or quickly. A curious fate had brought

into direct opposition, not only two distinct systems of

transportation, but also several distinct and conflicting inter-

ests, both public and private. Under such conditions it was

probably impossible from the first to settle the issue without

litigation.

1 "Second Annual Report," 8.

CHAPTER XL

IN THE COURTS.

On the tenth of June, 1828, the Chesapeake and Ohio

Canal Company filed in the Circuit Court for Washington

County, sitting as a court of chancery, a bill of complaint

against the Baltimore and Ohio Railroad Company, and

prayed an injunction to estop the said railroad company

from locating its road between Point of Rocks and Harper's

Ferry on land to which the canal company claimed prior

rights. 1 At several points in the disputed section there was

not space enough between the cliffs on the north shore and

the channel of the Potomac river to accommodate both

works. All these places the canal company claimed to have

pre-empted by numerous surveys, but especially by the

location and estimation of the canal by the United States

Board of Internal Improvement in 1826, and again by the

survey, location and estimation of Geddes and Roberts in

In accordance, therefore, with the prayer of the complain-

ants the court issued an injunction to prevent any further

condemnation of land or location of the road by the railroad

company. This bill the company did not answer, though

that would apparently have led in a very short time to a

settlement of the dispute. Instead of taking this simple

way to get a decision of the question as to which of the

1 For a copy of this bill, see "Report of Albert and Kearney on

Examination of the Chesapeake and Ohio Canal from Washington

City to Point of Rocks," Washington, 1831, Appendix, 145.

2 For a careful and accurate statement of the points involved in

the question of priority, see the decision of the Court of Appeals of

Maryland by Buchanan, C.J., in 4 Gill and Johnson, 52, et seq.

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102 Chesapeake and Ohio Canal. [526

enterprises had the better right to construct its work in the

narrow passes of the Potomac Valley, the railroad company

proceeded to file three separate bills of complaint against

the canal company, June 23, 24 and 25, 1828, in the

Court of Chancery at Annapolis, thus causing two separate

cases about the same question to depend at the same time

in two quite distinct courts. 1

With affairs in this condition and after considerable cor-

respondence, the president of the canal company, with coun-

sel, visited Baltimore in November, 1828, to arrange if

possible for the immediate submission of the question at

issue to the Chancellor, but the contending companies

could reach no agreement and on the eighth of May, 1829,

the canal company answered the bills in the Court of

Chancery. 2 At the September session of the Court the

canal company filed a motion to dissolve the injunction but

the relief was not granted.

On the eighteenth of January, 1830, the court issued a

decree for a new survey of the disputed passes, in order to

see if the works might be constructed jointly and thus econ-

omize space. 3 Against this survey, involving as it did

a loss of time ruinous to the interests of the canal, the com-

pany protested strongly but to no purpose. Accordingly

each company employed skilled engineers and the joint sur-

vey began. By the time this was completed the case was

ready for trial at the September term of the Court of Chan-

cery. The result was a decree of perpetual injunction

against the Chesapeake and Ohio Canal Company. The

case was immediately taken to the Court of Appeals. There

the decision of the lower court was reversed ; the injunction

against the railroad company was continued, and the right

1 "Second Annual Report," g.

2 Gill and Johnson, 62. See this answer and accompanying exhib-

its filed in the Land office at Annapolis, Md.

3 Correspondence between the Chesapeake and Ohio Canal Com-

pany and the Baltimore and Ohio Railroad Company. Maryland

Historical Society, copy, 27.

527] In the Courts. 103

of the Chesapeake and Ohio Canal Company to the disputed

passes fully affirmed.

It thus appears that the Chesapeake and Ohio Canal

Company having overcome the greatest difficulties by dint

of toil and patient waiting through many long years, was

at last in a fair way to a speedy realization of hopes deferred,

when progress beyond the Point of Rocks was suddenly

cut off by the action of the railroad company within little

more than a month after ground was broken. Four years

were then to elapse before a right which had not before

seemed questionable could be legally established in the face

of the bitterest opposition. By 1832 the canal should have

been completed to Cumberland. "We shall in the next

year reach the mouth of the Shenandoah, in three years

from the stroke which the President first struck for us,

Cumberland," wrote Mr. Mercer in November, I828. 1 But

no such thing happened. Instead the next three years wit-

nessed not only the controversy with the railroad company,

but also a complete change of center of gravity in the financial

support for the canal company. Just as the relative advan-

tages of canal and railroad had been debated in Baltimore in

1827, so the same question was discussed in Congress early

in 1830, with the result that all hope of further support from

the Federal Government, at least for the time being, had

to be abandoned by the canal company. It is true that

Congress did not at this session aid either of the contending

companies. It was rather determined to wait until experi-

ence should determine whether canal or railroad would best

supply the necessities of the community. 2

Meanwhile not only had the Federal Administration

changed, but also the party controlling the popular branch

of the national legislature. The "American System" had

been pushed too far. With Jackson's election had come a

1 MS. Letter, November 18, 1828.

\* Letter of Mr. Mercer to Mr. Andrew Stewart, of Pittsburg,

May 14, 1830.

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reaction. Jackson opposed the construction of internal

improvements by the Federal Government, and since the

whole project had been founded upon federal support the

withdrawal of that support caused the original project of

the Chesapeake and Ohio Canal to collapse. 1

With the opposition of the railroad company came first

delay, then disappointment and finally almost complete

abandonment of the work till 1832. 2 By that time enthusi-

asm for the canal had somewhat cooled, improvements in

the steam engine had demonstrated the superiority of the

railroad, at least in many respects, and last, but not least, the

canal company was bankrupt.

It seems, therefore, pretty evident that when the railroad

company in 1828 had "deemed it expedient for both com-

panies to reach the disputed ground and to regard both

works as mere experiments until time should disclose their

comparative advantages," 3 the root of the whole matter

was reached. It was indeed far less a question of title to a

few acres of land on the north bank of the Potomac than it

was a question in the problem of nineteenth century trans-

portation. Should transportation adopt as its chief agent

for the future the canal or the railroad? The Court of

1 "In the existing temper the Committee on Roads and Canals,

I clearly perceive that any memorial which we might present

would be unfavorably regarded; and I had too little reason to

hope a more favorable result from the House while the present de-

lusion prevails in favor of the railroad." Letter of Mr. Mercer to

Mr. Andrew Stewart, of Pittsburg, May 14, 1830. The "delusion"

still prevails.

2 Letter of the president of the company, February n, 1833. It

is curious that the state which had, through the railroad enterprise,

dealt the Chesapeake and Ohio Canal project its death-blow, should

have been the only government that ever ventured again to touch

the corpse. But it cannot be too strongly insisted that what Mary-

land resurrected in 1832 was not the original project, but something

that the originators of the Chesapeake and Ohio Canal project would

scarcely have recognized.

3 "Second Annual Report," 8.

529] In the Courts. 105

Appeals answered in favor of the canal, but that higher

court of great natural and economic forces which must ever

determine the direction of material progress has answered

in favor of the railroad.

Nevertheless the Chesapeake and Ohio Canal survived

and the history of that survival is a checkered and interest-

ing tale.

CHAPTER XII.

THE STRUGGLE FOR EXISTENCE.

When in the spring of 1832 the canal company found

itself legally free to prosecute the work of construction,

another difficulty presented itself. Bankruptcy had super-

vened and before work could be resumed financial support

would have to be obtained from some quarter. Everything

possible had already been done to induce the Federal Gov-

ernment to continue the support which alone had brought

the project to its present dimensions, but it was apparent

that all hope of further aid from that quarter must be aban-

doned.

One glimmering hope remained the self-interest of the

state of Maryland. In the matter of subscription to stock

Virginia had never measured up to the reasonable expecta-

tions of the company, but Maryland with her western coun-

ties to develop and her metropolis to foster had always

manifested a lively interest in the subject of internal im-

provement. Therefore it was quite as natural as necessary

for the canal company to appeal to the General Assembly

of Maryland for liberal support in order that the work

might be completed at least to Cumberland. Until that

much should be accomplished the six hundred thousand

dollars already invested by the state in the canal could pro-

duce no income whatever.

Maryland naturally hesitated to undertake single-handed

the completion of the canal even to Cumberland, since that

would mean the making of about one hundred and forty

miles of canal on a scale devised by the Federal Government

to meet national requirements and expecting the support of

the national treasury. When, however, it became evident

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that the Federal Government had definitely and finally de-

serted the work, Maryland began to look about for means

to make her investment productive. With things in this

situation the General Assembly of Maryland in the year I834 1

passed an act authorizing a loan of two million dollars to the

Chesapeake and Ohio Canal Company. 2

Let it not be said that there were no financial returns.

From August 15, 1828, to June i, 1831, the income from

all sources on account of the canal amounted to $52,-

048.95. Repairs and collections had cost in the same period

$15,138.85. This result would seem remarkable in view of

the fact that no part of the canal was open to navigation till

November, 1830, were it not remembered that tolls never

ceased to be collected at the locks of the Potomac Company

around the Great and the Little Falls. The canal company

succeeded at the same time to the rights and the revenues

of the older organization. Not only this but the twenty

miles of navigation opened for a short time in the fall of 1830

and reopened in the spring of 1831 proved eminently satis-

factory to the company, as may be gathered from the follow-

ing quotation :

"The spectacle which has recently been presented of a

single horse of moderate size and strength drawing five hun-

dred and twelve barrels of flour in a heavy boat with ap-

parent ease a distance of twenty-two miles through twenty-

three locks in a single day, is calculated of itself to counter-

vail the numerous theories of the utility of railroads." 3

It soon became apparent to all that two million dollars

would be totally inadequate to the completion of the canal

to Cumberland and state support was again sought. "Wea-

1 "Laws of Maryland," 1834, chap. 241.

2 This act was procured through the influence of an internal im-

provement convention held in Baltimore in December, 1834. See

"Eighth Annual Report," 3. The estimate of this convention's me-

morial was that $2,000,000 would be sufficient to complete the canal

to Cumberland.

3 "Third Annual Report," 32, 33.

533] Struggle for Existence. 109

ried with fruitless efforts to obtain the necessary funds from

the United States and Virginia, finding the interest which

Ohio and Pennsylvania formerly professed diverted to other

and rival works, the only reliance of the company for

prompt and efficient aid was upon the legislature of Mary-

land." x That aid was given by Maryland in the famous

eight million dollar bill passed June 4, 1836. In accordance

with the provisions of this act the canal company received

three million dollars.

In spite of all this the summer of 1837 found the canal

completed only to Dam No. 5, seven miles above Williams-

port, and one hundred and seven miles from Georgetown.

The next twenty-seven miles of the canal to Dam No. 6,

Great Cacapon, were in progress, and the last fifty miles

thence to Cumberland were under contract. 2 But the canal

company's share of the eight million loan was issued in six

per cent, bonds which proved unsalable in England and had

to be converted by another legislature into five per cent,

bonds. Add to this the difficulties caused by the suspension

of specie payments and the panic of 1837, and there need be

no surprise that the canal company was again begging the

General Assembly for a further subscription to its stock.

Such a subscription the session of 1838 3 granted to the

amount of one million three hundred and seventy-five thou-

sand dollars.

Among other difficulties with which the company had to

reckon were the riots which occasionally broke out among

the laborers on the canal. A fight between a company of

Irishmen engaged on the line of the canal at Oldtown and a

body of their countrymen at work on the tunnel near by,

resulted in the destruction of considerable private property

and was only quelled by the intervention of military force.

The ring leaders were arrested and taken to Cumberland

1 "Special Committee Report," July 18, 1836, 4.

2 "Ninth Annual Report," 3. 3 Chap. 396.

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for trial while others less guilty were dismissed from the

works. 1

The eleventh annual report of June 3, 1839, remarks with

evident satisfaction that the receipts of tolls for the last

twelve months had amounted to $42,835.80, an increase

of over twelve thousand dollars. It was then expected that

the canal would be completed to Cumberland in two years, 2

but at the end of that time the water-way reached no further

than Dam No. 6, fifty miles below Cumberland.

By 1841 the company was again in need of aid and Mary-

land was herself practically bankrupt. Thus matters stood

till 1844, the company's receipts being meanwhile less than

its expenses. On the tenth of March was passed the famous

"Act of 1844" waiving Maryland's several liens on the pro-

perty and revenues of the canal and giving the company

power to issue preferred bonds to the amount of one million

seven hundred thousand dollars. As security for these

bonds the holders received from the canal company a mort-

gage dated on the fifth of June, 1848. It was with the

money raised on these bonds that the canal was at last com-

pleted to Cumberland, October, i85O. 3

1 "Tenth Annual Report," 12.

2 "Eleventh Annual Report," 7.

3 For a less summary review of the period treated in this chapter,

see "Twenty-second Annual Report," which is accompanied by an

outline history.

CONCLUSION.

When the canal was completed to Cumberland its great

rival, the Baltimore and Ohio Railroad, was reaching out

almost to the Ohio river at Wheeling. Thus the trade from

the Coal Banks which had been the chief hope of the canal

company, had already been more conveniently provided for

by the railroad, because the coal was some twenty or thirty

miles west of Cumberland and the terminus of the canal,

while the railroad fairly penetrated the coal region. After

a short experience the railroad found it possible to fix the

rates so as to draw the coal to itself in such quantities that

the revenue of the canal was little above its running ex-

penses. No interest was paid on the "bonds of 1844" after

July, I864. 1

Nevertheless interest in the "Old Ditch," as the canal

came to be called, never completely died out, and about

1870 occurred a most curious instance of history repeating

itself. The Federal Government revived the original pro-

ject of 1823-24. The matter was put again in the hands of

the United States Board of Internal Improvement for new

surveys with a view to extending the canal westward from

Cumberland to Pittsburgh But the whole matter ended

where it began, in minutely detailed estimates of cost and

voluminous reports.

In 1877 the works of the canal were almost ruined by a

freshet. The company found itself unable to repair the

damages. The General Assembly, therefore, once more

came to the rescue. At the session of 1878 an act was

1 "73 Maryland Reports," 582.

z See "Annual Report upon the Improvement of the Ohio," etc.

Washington, 1874. Also same for 1876.

Ill

112 Chesapeake and Ohio Canal. [536

passed again waiving the state's liens and authorizing the

company to issue preferred bonds to the amount of five

hundred thousand dollars. The necessary repairs were

effected, but still the canal could scarcely be made to pay

operating expenses. Thus matters stood when the freshet

of 1889 completely wrecked the canal.

The company could do nothing to put the canal in repair,

and the trustees of the bondholders under the act of 1844,

therefore, filed in the Circuit Court for Washington County,

sitting as a Court of Equity, a bill of complaint against the

canal company and asked that receivers be appointed to

operate the canal, December 31, iSSg. 1

January 15, 1890, the trustees under the act of 1878 also

filed a bill against the canal company asking that receivers

be appointed and that the canal be sold.

January 16, 1890, the trustees of the bondholders under

the act of 1844 filed a second bill, not only against the canal

company, but also against the trustees under the act of

1878.

January 29, 1890, the trustees under the act of 1878 filed

their answer to this bill. January 31, 1890, the Chesapeake

and Ohio Canal Company filed its answer to the same bill.

On the same day the state of Maryland was admitted as a

party defendant.

As a result of all these proceedings the court issued a

decree March 3, 1890, appointing Robert Bridges, Richard

Johnson and Joseph D. Baker receivers for the purpose of

ascertaining by actual examination and estimate the condi-

tion of the canal, cost of repair, and prospects of profitable

operation if repaired. The receivers reported the condition

of the work in detail and were of opinion that profitable

operation would be out of the question.

The court then decided to issue a decree for the sale of

the canal, but before this actually came to pass the trustees

1 For fuller details of these legal proceedings, see "73 Maryland

Reports," 488-516, and 567-618.

537] Conclusion. 113

under the act of 1844 asked to be subrogated to the rights

of the bondholders under the act of 1878 on condition of

redeeming and bringing into court the bonds of 1878. To

this arrangement the state of Maryland strenuously objected.

Nevertheless the decree issued by the court October 2,

1890, providing for the sale of the canal provided also that

the sale should be estopped on condition that the trustees

under the act of 1844 should, within sixty days from Octo-

ber 2, 1890, bring into court the bonds of 1878, put the

canal in repair by May i, 1891, and agree to operate it as a

public water-way, open an office in Hagerstown where

books showing in detail all business of the canal should be

kept accessible to the court, and finally, if after four years

from May i, 1891, the revenues should not equal or exceed

the expenses that the original decree for a sale should

become operative, "unless the time be extended by the court

for good and sufficient cause shown."

From this decree an appeal was taken, but the lower

court was sustained, February 20, 1891, by the Court of

Appeals of Maryland. Accordingly the trustees under the

act of 1844 assumed control. At the expiration of four

years the time was extended and the canal continues to be

operated in the same manner to the present time.

An act was passed by the General Assembly of Mary-

land in 1892 authorizing the sale of the state's interest in

the Chesapeake and Ohio Canal, but the matter was deferred

from time to time. In 1899 several bids of a rather favorable

character were received and there is some ground for expect-

ing the sale to be effected at an early date.

For about a century and a half efforts have been put forth

to secure communication by water between tide-water in

the Potomac and the head of navigation on the Ohio. Such

persistence deserved better results. Such heroic perform-

ances, even though attended almost uniformly with disaster,

are unquestionably worthy of record upon the fair page of

history.

8

PUBLIC EDUCATIONAL WORK

IN BALTIMORE

SERIES XVII No. 12

JOHNS HOPKINS UNIVERSITY STUDIES

IN

HISTORICAL AND POLITICAL SCIENCE

HERBERT B. ADAMS, Editor

History is Past Politics, and Politics are Present History. FREEMAN.

Education of the people is the first duty of democracy. JULES SIEGFRIED.

PUBLIC EDUCATIONAL WORK

IN BALTIMORE

BY

HERBERT B. ADAMS

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PUBLIC EDUCATIONAL WORK IN BALTIMORE.

i.

JOHNS HOPKINS UNIVERSITY

The Johns Hopkins University, from its very beginning

in 1876, has offered continuous and systematic courses of

public lectures, often as many as twenty in a course and

with a printed syllabus or bibliography, to Baltimore audi-

ences ranging from 200 to 700 hearers. Without employ-

ing any characteristic name for its missionary or extension

work at home or abroad, the institution has been actively

engaged for nearly twenty-five years in widening its use-

fulness. The system of public lectures, comprising a great

variety of subjects and methods of treatment, has been

continued with increasing success down to the present time.

Class courses have been provided for school teachers;

special courses for special students, for lawyers, physicians,

clergymen, bankers, business men, and practical workers in

city charities. Public readings have been given in Homer,

Dante, Chaucer, and Shakespeare. Lectures on poetry,

art, and archaeology, and many other courses of public in-

struction, sometimes with a text-book and a list of good

authorities, have been welcomed by the people in Baltimore.

Seminary exercises or conferences in American history

for the joint benefit of young lawyers from the city and

Hopkins students, were begun in the library of the Mary-

land Historical Society in 1876, and were continued in a

class-room at the Peabody Institute in 1881. Extended

courses of public lectures were given under university aus-

at the Peabody Institute by Edmund Gosse and

8 Public Educational Work in Baltimore. [546

Professor Corson in 1885, by Professor Lanciani in 1887,

and Professor Andrew D. White in 1888. In connection

with his lectures on the French Revolution, a printed syl-

labus was used. Class courses in natural science with

elaborate experiments were early conducted at the Pea-

body Institute by individual Hopkins professors for classes

of young ladies from Baltimore private schools.

In the fall of 1879, through the exertions of the Rev. J.

Wynne Jones, of East Baltimore, was organized the Work-

ingmen's Institute of Canton, an industrial district with a

busy population of four or five thousand laborers, employed

in iron works, copper works, oyster packing, etc. Mr.

Jones had been impressed with the story of Dr. Channing's

lectures to workingmen (1838-40) and with the good exam-

ple of the Workingmen's College in London (1854). The

president of that institution, the Hon. Thomas Hughes

(author of Tom Brown at Rugby), wrote Mr. Jones an

encouraging letter concerning his project.

From the outset the co-operation of members of the Johns

Hopkins University was assured. At one of the earliest

meetings Mr. Jones said he hoped the Institute " would be

the beginning, as it were, of an intellectual solar system,

having the Johns Hopkins University as the central light

and source of learning. Here was the first little satellite,

and others should be formed until there was a perfect ring

of them in the ' Belt ' district, and each one could commu-

nicate light to others. He was sure the professors of the

University would do all they could in aid of the Institute,

for he had found them most warm and friendly in its

interest."

A committee representing the different industries of Can-

ton was appointed to call upon President Oilman and invite

him to deliver the opening lecture. This was promptly

done. Through the efficient co-operation of Mr. N. Mur-

ray, of the Johns Hopkins Press, who became the secretary

of the Institute, a course of twelve " Lectures for the

People " was arranged for the winter season of 1879-80.

547] Johns Hopkins University. 9

In the opening lecture President Oilman explained the

character of the proposed course and suggested possible

lines of development for the Institute: (i) lectures, re-

lieved by stereopticon illustrations and good music; (2) a

local reading-room with periodicals and illustrated journals;

(3) a circulating library; (4) supplementary evening classes,

with lessons in drawing and the keeping of accounts, in

economy, co-operation, and the principles of business. He

suggested also the cultivation of flowers indoors, in yards,

and windows, as adding much to the pleasures of city life,

with occasional exhibitions to stimulate rivalry. He ex-

pressed the belief that four or five such institutes as that at

Canton might thrive in Baltimore. Many of these good

suggestions have since been carried out.

Among other university lectures at Canton from 1879 to

1881 were Professor H. N. Martin on " Some Uses of

Plants "; Professor Remsen on (i) " The Air We Breathe,"

and (2) "The Light We Use"; and Dr. W. W. Jacques,

now electrician of the Bell Telephone Company, on " Elec-.

tricity," illustrated by experiments. Literary as well as

scientific lectures were given. Professor J. J. Sylvester,

one of the original lecturers in the Workingmen's College

at London and after his academic connection with Balti-

more, professor of mathematics at Oxford, read some of

his metrical translations from Schiller. Professor Albert

S. Cook, now of Yale University, lectured in Canton on the

" Life and Writings of Shakespeare " ; and the present

writer gave an illustrated talk on " Venice and the Begin-

nings of Modern Commerce." Dr. Samuel F. Clarke, now

of Williams College, illustrated the physical geography and

political history of the United States by beautiful maps and

charts. Mr. C. L. Woodworth, the first teacher of elocution

at the University, delighted his audience by dramatic and

humorous readings. Vocal and instrumental concerts were

occasionally given by the best available talent in the city.

A local reading-room was opened at Canton and flourished

for some years in connection with a circulating library.

10 Public Educational Work in Baltimore. [548

The institution of a local branch of the Pratt Library in

Canton somewhat overshadowed the Institute library; but

with increased facilities for readers, there is now a better

chance than ever for good class-work among the working-

men of East Baltimore.

The lecture courses at the Workingmen's Institute in

Canton, in East Baltimore, led directly to another interest-

ing pioneer experiment. In 1882, a course of four lectures

on Biology was given by instructors in the Biological De-

partment of the University to the employees of the Balti-

more and Ohio Railroad and to their wives and daughters.

This course was supported by the late John W. Garrett,

President of the Baltimore and Ohio Railroad, who paid

the necessary expenses and published, for free distribution

among his employees, the four lectures given by the four

instructors, in a neat pamphlet of 98 pages with illustra-

tions (Baltimore, Friedenwald, 1882). The subjects of the

lectures were as follows: (i) " How Skulls and Backbones

are Built," by Professor H. Newell Martin; (2) " How We

Move," by Dr. Henry Sewell; (3) " On Fermentation," by

Dr. William T. Sedgwick; (4) " Some Curious Kinds of

Animal Locomotion," by Dr. William K. Brooks.

All the above work was in one sense University Exten-

sion, but it was never called by that name. M. Jourdain,

in Moliere's comedy Le Bourgeois Gentilhomme, after

taking a private lesson, found to his surprise that he had

been talking prose all his life. American colleges and

universities have all been engaged in popular educational

extension, sometimes without knowing it.

The first conscious attempts to introduce English Uni-

versity Extension methods into this country were made in

1887, by individuals connected with the Johns Hopkins

University.

About the time when various experiments were being

tried by Dr. E. W. Bemis, a Hopkins graduate, in Buffalo,

Canton and St. Louis, other individual members of Johns

Hopkins University were attempting to introduce Univer-

549] Johns Hopkins University. 11

sity Extension methods in connection with local lectures in

the city of Baltimore. The first practical beginning was

made with a class of young people who met once in two

weeks, throughout the winter of 1887-88, in the reading-

room of a beautiful modern church close by the Woman's

College. After an introductory talk upon " University

Extension " by a Hopkins instructor, the class was in-

trusted to a graduate student, Mr. Charles M. Andrews,

now professor of history in Bryn Mawr College, who gave

a series of instructive lectures, accompanied by class exer-

cises, upon " The History of the Nineteenth Century," with

Mackenzie for a text-book on that subject. A working

library of standard authorities was collected by the joint

efforts of the leader, the class, and the Rev. John F.

Goucher, then pastor of the church. To the hearty and

generous co-operation of this gentleman, now the president

of the Woman's College of Baltimore, the success of this

initial experiment, and indeed of several others, is chiefly

due.

Following the young people's course, the like of which

is entirely practicable in any church society with a college

man for class-leader, came a co-operative and peripatetic

course of twelve lectures for workingmen on " The Pro-

gress of Labor," by twelve different men from the historical

department of the Johns Hopkins University. These

twelve apostles of extension methods swung around a cir-

cuit of three different industrial neighborhoods in Balti-

more, each man repeating his own lecture to three different

audiences. The subjects were as follows: (i) "The Edu-

cational Movement among Workingmen in England and

America," by Dr. H. B. Adams, of Baltimore; (2) "What

Workingmen in America Need," by C. M. Andrews, of

Connecticut; (3) "Socialism, its Strength and Weakness,"

by E. P. Smith, of Massachusetts; (4) " Chinese Labor and

Immigration," by F. W. Blackmar, of California; (5)

" Labor in Japan," by T. K. lyenaga; (6) " Slave Labor in

Ancient Greece," by W. P. Trent, of Virginia; (7) " Labor

12 Public Educational Work in Baltimore. [550

in the Middle Ages," by J. M. Vincent, of Ohio; (8) " Me-

diaeval Guilds," by E. L. Stevenson, of Indiana; (9) " Labor

and Manufactures in the United States One Hundred

Years Ago," by Dr. J. F. Jameson, then of Baltimore;

(10) " Industrial Progress in Modern Times," by H. B.

Gardner, of Rhode Island; (n) "Industrial Education,"

by P. W. Ayres, of Illinois; (12) "Scientific Charity and

Organized Self-help," by A. G. Warner, of Nebraska, then

General Agent of the Charity Organization Society of

Baltimore.

Every lecture was accompanied by a printed syllabus in

the hands of the audience, and was followed by an oral

examination and a class discussion. Every man lectured

without other notes than those contained in his outline of

topics. The courses were organized upon a business basis

and not upon the theory of giving something for nothing.

This co-operative experiment in University Extension work

was, however, only moderately successful. Probably it

was more useful to the lecturers than to their hearers. It

is the conviction of the writer that it is mistaken zeal for

university men to attempt to lecture to workingmen as

such, or indeed to any " class of people." University Ex-

tension should be for citizens without regard to their occu-

pation.

The most successful educational experiments by Johns

Hopkins men have been in connection with Teachers' Asso-

ciations and Young Men's Christian Associations in Bal-

timore and Washington. Under such auspices co-operative

and class courses in American history and economic and

social science, with printed syllabuses, have been given

before audiences varying from 150 to 1000 appreciative

hearers. Chautauqua circles in Baltimore have also been

found intelligent and responsive to student lectures. Under

the direction of Hopkins men a three years' graduate course

of study in English history was successfully carried on

by more than one thousand students, who had already

finished the four years of required study in the Chautauqua

551] Johns Hopkins University. 13

Literary and Scientific Circles. A very elaborate sylla-

bus, based on Green's " History of England " and select

volumes of the " Epoch Series," was the means of guid-

ing this interesting work once in progress in all parts

of the country. In connection with the Chautauqua Col-

lege of Liberal Arts more detailed courses in ancient and

modern history were conducted in the same way, with

monthly written examinations, the papers being in most

cases set and read by Hopkins graduates, working under

direction after the method of Professor W. R. Harper,

formerly of Yale University, now president of the uni-

versity at Chicago, who was long the recognized leader in

the higher educational work of Chautauqua.

II.

PUBLIC SCHOOL TEACHERS' ASSOCIATION OF

BALTIMORE

In a quiet and unobtrusive way, beginning in 1890, the

public school teachers of Baltimore worked out a good

system of higher popular education for themselves and

their friends. The Association enrolled as many as 1500.

Of this number from 300 to 400 took an active interest in

Association work and in their own intellectual improve-

ment. Association work began with short courses of five

lectures, given by professional educators from Baltimore

and Washington, in the Concert Room of the Academy of

Music. Several of the Johns Hopkins faculty, including

President Gilman and Professors Elliott, Remsen, and

Adams contributed to these public courses. The subject

of the Higher Education of the People in England and

America was presented by H. B. Adams, March 7, 1890,

with a printed syllabus showing all the features of the

University Extension movement.

In 1891, the first special courses of class lectures or

lessons were organized. In that year was given the first

class course of ten lessons in Baltimore on Kindergarten

Methods by Miss Susan P. Pollock. Similar class courses

were given in Botany, in Chaucer, and in Physical Train-

ing. In 1892, class courses of twenty-four lessons were

organized under competent direction in Latin for begin-

ners, in Vocal Culture, and in Arithmetic. A general

course of illustrated lectures was also given on Literature,

Travel, and Science. In 1893, the class work was still

further developed, and the general course was made more

attractive. The following year, special courses of ten lee-

553] Public School Teachers' Association. 15

tures each, with a printed syllabus for each lecture, were

given on German Literature by Professor Learned, and

on American Literature by Mrs. M. A. Newell.

Special credit for the organization of all of these courses

of public instruction is due to Mr. Basil Sellers, himself a

teacher, and a man of excellent scientific and historical

attainments. He is the author of the chapter on Academies

and Secondary Education in the U. S. Government Report

on the History of Education in Maryland. In 1894-95,

Mr. Sellers and other members of the committee of ar-

rangement, advertised an excellent lecture course, to be

given in the new Music Hall. Among the attractions were

Locke Richardson; Dr. Horace Howard Furness, the

Shakespearean scholar; Professor H. S. Clark, of the Uni-

versity of Chicago, who represents the New Elocution and

the Art of Expression; Professor Garrett P. Serviss, of

the Brooklyn Institute, who lectured on ~ Astronomy; Mrs.

French Sheldon, a grand-niece of Sir Isaac Newton and a

Fellow of the Royal Geographical Society of London.

These and several other good lecturers addressed the

Teachers' Association on Friday or Saturday evenings be-

ginning in January and continuing until the course was

ended. A ticket for the entire series of ten lectures cost

only fifty cents, or, with a reserved seat, $i. This charge

was at the rate of five or ten cents per lecture. As for many

years at the Peabody Institute, a premium was put upon a

course ticket, but a single admission cost twenty-five cents.

Over 3000 course tickets were sold. The success of the

experiment in Music Hall was phenomenal.

In 1896, the Teachers' Association, in addition to the

above general course, made an improvement upon the

ordinary system of popular instruction. It introduced

so-called " Lesson Courses," that is to say, systematic

class work upon specific themes, which was continued

throughout a term of several weeks. For example, Dr.

Learned, of the Johns Hopkins University, lectured to a

class of teachers on German Literature every Monday

16 Public Educational Work in Baltimore, [554

afternoon. Professor Maupin conducted classes in Begin-

ners' Latin, Intermediate Latin (Caesar), and Advanced

Latin (Virgil), respectively on Mondays, Tuesdays, and

Thursdays at 4.30 p. m. He had altogether 125 pupils in

Latin. Professor Copinger taught beginners in French and

advanced students in French on Mondays and Wednesdays

with altogether 35 pupils. Professor Schwier had a class of

17 in German on Fridays. Miss McCauley had a class of 40

in Shakespeare on Wednesdays; Mr. Arthur, a class in

Algebra on Fridays; Mr. Sellers, a class in Botany on

Thursdays; and Miss Haughwout, a class in Physical and

Vocal Culture on the same day. Besides these regular

classes there was instruction in Kindergarten Work on

Tuesdays by Miss Beatty. All of these classes were held in

the rooms of the Western Female High School at 4.30 p. m.

It is not possible for busy teachers to undertake very much

extra work; the limitations of time and place compel them

to elect something specific. Not more than two or three

hours of class work were elected by individual teachers.

Altogether about 400 were enrolled in class courses. The

cost of 24 lessons was $2.50. The charge for ten lectures

was $i.

The above programme of " Lesson Courses " for busy

school teachers was one of the best educational projects

developed in Baltimore after the excellent class courses

which once flourished at the Peabody Institute. 1 Such

work is still maintained.

1 See H. B. Adams' Memorial of Dr. N. H. Morison.

III.

TEACHERS' LECTURES AT THE JOHNS HOPKINS

UNIVERSITY, 1898-99

Lectures for teachers are not an altogether new feature

of public instruction at the Johns Hopkins University. At

various times educational talks have been given by in-

vited lecturers; for example, Dr. William T. Harris, of the

Bureau of Education, and Dr. James MacAlister, of the

Drexel Institute, Philadelphia. Public school teachers and

kindergarten teachers were admitted to these Saturday

morning courses. In the early years of the University,

1877-78, laboratory courses, especially in Biology, were

organized for the special benefit of those Baltimore teach-

ers 1 who were prepared to profit by such facilities.

Since its opening in 1876, the University has maintained

free courses of instruction by lectures which have been

attended from year to year by thousands of Maryland citi-

zens, men and women, many of them professional educators

and teachers in the public or private schools. Local lec-

tures have been given by Hopkins men in the Peabody

Institute, in city churches, at the Young Men's Christian

Association in its various branches, and also in various

schools and colleges throughout the State. For many years

there has been in Baltimore an organized Teachers' Asso-

ciation, before which occasional lectures were given by

Hopkins men. Teachers' Associations and Institutes, rep-

resenting Baltimore County and other regions, have also

invited University men to speak upon educational subjects.

1 See account of Professor Martin's educational work with Balti-

more teachers in the third and fourth annual reports of the Johns

Hopkins University.

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In the spring of 1898 there was an urgent request for

lectures especially adapted to the needs of Baltimore teach-

ers, and the Johns Hopkins University offered for the

winter season of 1898-99, two class courses of instruction:

(1) An Historical Series of 20 lectures, (i) on Educa-

tion, and (2) on England and America.

(2) A Scientific Series of 20 lectures on (i) Physical

Geography and (2) Geology.

The Historical Course began on Friday evening, Novem-

ber 4, 1898, at 8 o'clock, in McCoy Hall, and continued on

successive Fridays (holidays excepted) until April 14, 1899.

The Scientific Course began on Saturday, November 5,

at 9.30 a. m. in McCoy Hall, and continued at the same

hour on successive Saturdays until the course was com-

pleted, April 15.

The Historical Series began with a course of 10 lectures

on the Education of the People. The course was intro-

duced by Mr. J. W. Martin, of the People's Palace, who

gave an instructive talk on " Educational Work in London,"

with pictorial illustrations of various polytechnic institutes,

evening continuation schools, board schools, public baths,

etc.

The course was continued by Professor H. B. Adams

with a series of special lectures on the following subjects:

(1) A Summer Meeting of Teachers at Chester, England;

(2) University Extension and the Cambridge Summer

Meeting; (3) Summer Meetings for Teachers in Edinburgh

and Paris; (4) Educational Movements in Modern France;

(5) Public Education in Germany; (6) Public Education in

England; (7) Mediaeval Schools and Universities; (8) Clas-

sical Education; (9) Hebrew Education; (10) Chinese and

Japanese Education.

Instead of beginning with education in antiquity or in

the far-off Orient, Dr. Adams deliberately planned to work

backward from the standpoint of present interest in adult

education in certain modern educational movements. The

first three lectures of his course have since been published

557] Lectures at the Johns Hopkins University. 19

as Chapter II of the Report of the Commissioner of Edu-

cation, Volume II, 1898. Each lecture of the entire series

was accompanied with a printed outline of references of

good books with questions requiring written answers.

Following the educational course came a more strictly,

historical series beginning with two instructive lectures on

(1) English Country Life in the Middle Ages and (2) Eng-

lish Towns in the Middle Ages, by Dr. William Cunning-

ham, of Trinity College, Cambridge. He was followed by

Albert H. Smyth, Professor of English, Central High

School, Philadelphia, who gave a graphic description of

the Land of Shakespeare, based on personal observations

and summer residence at Stratford-on-Avon for several

seasons. Then followed a series of four lectures by Dr.

Guy Carleton Lee, of the Johns Hopkins University, on

the English Beginnings of American Institutions, with the

following special themes: (i) First English Settlement in

America; (2) English and Colonial Churches; (3) English

Law and Government; (4) Conflict of England and France

in America. Dr. Bernard C. Steiner, also of the Johns

Hopkins University, gave four lectures on American His-

tory with special reference to (i) American Geography;

(2) Causes of the American Revolution; (3) Adoption of

the Federal Constitution; (4) the War of 1812. Toward

the end of the course a very practical and suggestive lec-

ture on " Learning to Teach " was given by Dr. S. E.

Forman, a graduate of the Historical Department of the

University, now Director of the Teachers' Institutes of the

State of Maryland.

In addition to these lectures, which formed part of the

regular Historico-Educational course, the following special

courses were offered, without extra charge, to the public

school teachers holding tickets to the Historical Section:

(i) Eight lectures, in January and February, by Dr. James

Schouler, on " The Industrial History of the United

States " ; (2) Five lectures on " The Diplomatic Relations

of the United States and Spanish-America " (reported in

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the University Circulars for March, 1899, p. 38), by Dr.

John H. Latane, Professor of History in Randolph-Macon

Woman's College, and "Albert Shaw Lecturer" in this

University for 1899. These two special courses were given

respectively in the Donovan Room and McCoy Hall on

alternate days at 5 p. m. The attendance, although grati-

fying, showed that the 5 o'clock hour is not so convenient

for public school teachers as an evening appointment at

8 o'clock.

A striking feature of the experiment was the large and

regular attendance. There were in each course two grades

of hearers: (i) Members of the " Class," who paid each a

fee of $5, and who did a certain amount of required reading

and class work; and (2) simply attendants on lectures, who

paid an admission fee of $3. Of the first grade, or regular

members, there were in the Historical Course 117; in the

Scientific Course in. Of the second grade there were 191

attendants on the historical lectures, and 115 attendants on

the scientific lectures. The total number of hearers in

Science was 226; the total in History, 308. Records of at-

tendance were kept from week to week for the classes only.

In spite of continued cold and inclement weather, the regu-

lar members of classes were almost invariably present.

Every Friday night, at 8 o'clock, in McCoy Hall, and every

Saturday morning, at 9.30, a large and attentive audience

greeted the lecturer.

A special feature of the historical course was the written

exercise required from week to week, in answer to printed

or set questions connected with the previous lecture. These

exercises involved not merely an understanding of the lec-

ture, but, in some cases, a considerable amount of private

reading. The questions, few in number, led to original

inquiries in the Peabody and Pratt Libraries and to the

exercise of independent judgment. The answers, which

sometimes amounted to a series of short essays on assigned

themes, were always carefully scrutinized by the lecturer

or his assistants, and were returned to the writers with the

559] Lectures at the Johns Hopkins University. 21

needed corrections or suggestions. The papers were

marked in the same general or descriptive way as that now

in vogue in the collegiate departments of the University,

and the results from week to week showed that by far the

greater number were ranked above the grade called "good."

From time to time the names of the five leading members

of the Historico-Educational class were publicly mentioned

by the lecturer. To encourage the best students, a prize

was offered at the beginning of the above course.

Another feature of the Teachers' Lectures was the illus-

tration of the subject-matter by lantern views. Instead of

subordinating the lecture to mere sight-seeing or evening

entertainment, the illustrations were usually given after

the lecture and were always contributory to it. About 50

minutes were allowed for the lecture and note-taking, with

about 20 for the slides, which furnished an instructive and

pleasing variation of the lecture theme. These object les-

sons were in all cases carefully selected by the lecturer and

served a really pedagogical purpose.

A third feature of the Historico-Educational course was

the systematic publication of select bibliographies of good

books on the themes suggested by the lecture outlines,

which were printed and taken home by the teachers from

week to week, with the printed questions and topics for

home study. This naturally led to considerable use of the

library resources of Baltimore and to the practical discov-

ery that the available literature on educational history is

somewhat inadequate. There is manifest need of a good

working library in this city for the investigation and pro-

motion of educational interests, primary, secondary, and

higher. Many complaints were made by Baltimore teachers

regarding the impossibility of obtaining access to the books

recommended in the select bibliographies.

A fourth and very noteworthy feature of the Teachers'

Lectures was the public interest in them shown by the

teachers themselves, by university students, the public, the

press, the Superintendent and Commissioners of the Public

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Schools of Baltimore, many of whom were present from

time to time. Earnest requests have been made for the

continuation and further development of these courses of

public instruction, which tend to promote mutual sympathy

and understanding between the University and the City,

and also between teachers, public, private, and academic.

As a profession, the teaching class is really one in spirit and,

in Baltimore at the present time, all should unite in promot-

ing the common cause of education.

In connection with the regular Historico-Educational

Course, one of two recommended text-books was required,

either Compayre's " History of Pedagogy " or Painter's

" History of Education." This private reading, together

with the substance of the educational lectures constituted

the basis of the written examination at the end of the course.

In addition to this work, and the various written exercises,

a more elaborate essay was required upon some special

subject suggested by the lectures, either historical or edu-

cational. Prizes in books were offered for the best essays.

A simple certificate was prepared, on the Oxford model,

for those members of the class whose final examination,

required essay, written exercises, and attendance were pro-

nounced satisfactory by the examiner.

The following account of the Scientific Course was

written by Dr. George B. Shattuck, the lecturer and exam-

iner in that course:

The teachers attending the Scientific Course concentrated

their attention on studies in Geology and Physical Geog-

raphy. In this course four lines of instruction were fol-

lowed. These were first, the lectures; second, essay writ-

ing; third, the journal club; and fourth, field excursions.

The lectures were delivered on Saturday mornings at

9.30, in McCoy Hall, and were scheduled so as to cover

systematically a large range of topics in Dynamical, Phys-

iographical and Historical Geology and Physical Geogra-

phy. The following is a synopsis of the lecture course:

November 5, The Atmosphere; 12, Rain; 19, Rivers in

561] Lectures at the Johns Hopkins University. 23

General; December 3, Classification of Rivers; 10, The Life

History of Niagara and the Development of the Great

Lakes; 17, Lakes; January 7, Ice in General; 14, Glaciers;

21, Geological Work of Organisms; 28, Oceans; February

4, Volcanoes; n, Mountains and Continents; 18, Geog-

raphic Distribution of Organisms; 25, Paleontology; March

4, Precambrian Time; n, Cambrian and Silurian Time; 18,

Devonian, Carboniferous and Permian Time; 25, Mesozoic

Time; April 8, Tertiary Time; 15, Quaternary Time. The

subject-matter of these lectures was treated so as to convey

a comprehensive idea of the various forces at work on the

earth's surface and within its mass, as well as to give a

broad outlook over the history of the earth as a whole.

From time to time essays were assigned, on special topics

discussed in the lectures, in order that the instructor could

follow more carefully the progress of those participating in

this exercise. These essays were carefully examined in

detail and corrections and suggestions made wherever

necessary.

References and bibliographies, which had been printed

and circulated, both aided the teachers in preparing their

essays and served as a guide for those who desired to read

some of the leading works on geology and geography.

The journal club was held Tuesday afternoons through-

out the months of December, January, February and March.

The teachers who took part in this exercise reviewed papers

on geological and geographical subjects published in the

various scientific periodicals. During the four winter

months a large number of books and papers were reviewed

and discussed in the club and the desire of keeping abreast

of the current literature was thus cultivated.

Numerous geological excursions, into the region about

Baltimore, were planned and began as soon as the weather

permitted. The object of these excursions was to point

out in the field many of the phenomena which were dis-

cussed in the lectures. Explanations were given in the

field. Teachers provided themselves with hammers and

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notebooks in order to collect specimens and record obser-

vations. Many of the teachers were in this way placed in

a position to conduct small excursions of school children

into the country on pleasant holiday afternoons and point

out to them the meaning of the objects with which every-

day contact has made them familiar.

A longer excursion was projected to Niagara Falls. This

outing took the form of a scientific expedition and many

points of interest other than Niagara were visited.

Professor William B. Clark exercised general direction

over the course, while the instruction was given by Dr.

George B. Shattuck. Mr. Bailey Willis, of the United

States Geological Survey, delivered a most instructive lec-

ture on " Mountains and Continents."

FINAL EXAMINATION OF TEACHERS IN THE HISTORICO-

EDUCATIONAL COURSE, APRIL 15, 1899.

TIME 2 HOURS

1. Influence of Early Christian Teaching on Education.

2. How did the Mediaeval Church and Cloister teach

the People?

3. Significance of the Revival of Greek.

4. Briefly characterize German Educational Reform in

the 1 6th Century.

5. Mention some of the Leaders of French Education in

the 1 7th Century.

6. Of what use were the Theorists of the i8th Century?

7. Popular Educational Progress in the igth Century.

LIST OF SUBJECTS CHOSEN FOR ESSAYS BY BALTIMORE

TEACHERS

1. Thomas Arnold and his Influence as an Educator.

2. Schools of Athens before the Christian Era.

3. Sketch of the University of Cambridge.

4. Charles the Great and his Patronage of Education.

5. John Amos Comenius.

563] Lectures at the Johns Hopkins University. 25

6. Comenius and Pestalozzi. (5)

7. Egypt and Greece before Christ.

8. Ancient Egyptian Civilization.

9. Classical Education.

10. Evolution of Education in the United States.

11. Mediaeval Education.

12. Rise of the New Education.

13. Civil Liberty and Popular Education.

14. Popular Education in Maryland.

15. Growth of the Modern Idea in Education.

16. Beginnings and Growth of Popular Education in the

U. S. (3)

17. Progress of Education in England.

18. A Sketch of the Progress of Education.

19. Educational History of the U. S.

20. Educational Ideals of the Ages.

21. Educational Moldings.

22. The French Academy.

23. Life and Teachings of Froebel.

24. Culture in Ancient Greece.

25. Hebrew Education and its Influence on Modern

Culture.

26. Old and New Ideals.

27. Influence of Education on the Indian.

28. Relations of the English and French to the Indians

of America.

29. Education in Japan.

30. The Jesuits as Educators.

31. Education among the Ancient Jews.

32. Condition of the Jews in the Middle Ages.

33. Early Education of the Jews and its Influence upon

Civilization.

34. Massachusetts and Virginia Harvard and William

and Mary.

35. French Monastic and Church Schools in the Middle

Ages.

36. Monastic and Church Schools in the Middle Ages. (2)

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37. The Northmen and Normans.

38. Oxford and Cambridge.

39. Summary of the History of Pedagogy.

40. Pestalozzi. (3)

41. Port Royalists.

42. Regeneration of Prussia.

43. Some Beginnings of the Renaissance.

44. The Hotel de Rambouillet and the Salons of the Old

Regime. (4)

45. Saracenic Contributions to Civilization.

46. Early English Schools and Scholars. (2)

47. The Evolution of a State.

48. Stein and the Regeneration of Prussia.

49. English Universities. (2)

50. German Universities.

51. The Utility of Universities.

52. Development of Constitutional Liberty in Virginia.

53. Higher Education of European and American

Women.

54. Influence of Women in the English Reformation.

55. Higher Education of Women.

56. Higher Education of Women in England.

PRIZE WINNERS IN THE HISTORICAL-EDUCATIONAL

COURSE

Each person received five carefully chosen books, com-

bining educational, historical, literary, biographical, patriotic

or romantic interests. The award was made upon the basis

of the written essay, the weekly written exercise, regular

attendance, and final examination. The winners were all

of the same rank and are arranged in alphabetical order:

Augusta F. Ditty, Maud Hazeltine,

Jessie J. Fitzgerald, Mary R. Le Compte Hess,

Jacob Grape, Harriet L. Hopkins,

Barbara Schunck.

565] Lectures at the Johns Hopkins University.

LIST OF TEACHERS RECEIVING CERTIFICATES IN THE

EDUCATIONAL-HISTORICAL COURSE

All of these candidates wrote special essays and passed

the final examination. From all were required weekly exer-

cises. Some were more regular than others in attendance.

At least 12 stood very near the honor list:

Edward S,. Addison,

L. Elizabeth Andrew,

Fannie Ash,

M. I. Barney,

Flora Becker,

Jessie S. Bell,

John S. Black,

Jennie G. Borrell,

Amicie M. Brun,

Mary Bunworth,

Agnes G. Carlisle,

Helen G. Chowning,

Agnes V. Corcoran,

Elizabeth Crummer,

Gerriet D ewers,

Celesta L. Diggs,

Augusta F. Ditty,

Mary Graham Duff,

Isabel P. Evans,

Clara B. Fishpaw,

Jessie J. Fitzgerald,

Adelaide A. Glascock,

Jacob Grape,

Ella Harrison,

Caroline Hayden,

Maud Hazeltine,

Clara Herman,

Mary R. Le Compte Hess,

Harriet L. Hopkins,

Ella M. S. Horstmeier,

Bella S. Hunter,

Minna C. Kaessmann,

Elizabeth R. Kearney,

Mary E. W. King,

M. Josephine Krager,

Irene Leonard,

Annie C. Meushaw,

Eula R. Pollard,

Mary M. Quinn,

Alberta F. Reid,

Carrie Rodgers,

Blanche Rosenthal,

Lavinia Schleisner,

Anna C. Schloegel,

Anna Schmidt,

Barbara Schunck,

M. Alice Smith,

Lilian M. Skinner,

Lydia E. Spence,

Guy Spencer,

Marshall Stitely,

Carrie M. Sumwalt,

Mary H. Sumwalt,

Maggie Swain,

Lida L. Tall,

Clara V. Tapman,

Louise E. Thalwitzer,

Nellie A. Tompkins,

Annie R. Tull,

Saida A. Wallace,

Mrs. Benjamin Wallis,

Estelle S. Walters,

Bertha Warfield,

L. Ava Weedon,

M. Josephine Wilson,

Helen McCay Young.

IV.

PUBLIC EDUCATIONAL COURSES, 1899-1900

During the current academic year the scope of the winter

courses of public instruction has been somewhat widened.

Last season a single course of twenty lectures was given in

the representative science of Physical Geography. This

year there is an advanced course in this subject, including

Meteorology, and also a course of twenty lectures in Phys-

ics, including laboratory exercises.

The lectures in physical geography are given under the

auspices of the Geological Department. Dr. Shattuck, who

opened the course, is, in addition to being one of the asso-

ciates in Geology, Chief of the Coastal Plain Division of the

Maryland Geological Survey and has made a special study

of physiographic processes. The general course which he

gave in 1898-99 was largely attended by teachers and others

desirous of acquiring a thorough knowledge of the prin-

ciples of physical geography.

Dr. Fassig, in addition to being an instructor in mete-

orology at the University, is also a Section Director of the

U. S. Weather Bureau, assigned to work in connection with

the Maryland State Weather Service, and has a very inti-

mate knowledge of the meteorology of Maryland.

The lectures of Dr. Shattuck and Dr. Fassig are admir-

ably adapted to teachers and others who desire information

not only regarding the general principles of physical geog-

raphy but also a concise knowledge of the physiographic

conditions of Maryland.

The courses in Physics under the direction of Professor

Ames are given in the Physical Laboratory, and are de-

signed to offer instruction in various branches of the subject,

making a fairly systematic course. The lectures are illus-

567] Public Educational Courses, iSpp-ipoo. 29

trated by experiments and by lantern demonstrations, and

are suited for a public audience as well as for those who are

teachers or students.

The laboratory exercises are offered exclusively to teach-

ers of Physics, and an attempt is made to offer suitable in-

struction in the preparation of lectures and in the direction

of laboratory work. It is expected that from time to time

lecturers from other universities will be invited to take part

in the Physical course.

Last season a course of twenty lectures was given upon

historical and educational subjects.

This year three short courses of lectures in English Lit-

erature, by Professor Albert H. Smyth, of Philadelphia, illus-

trated by lantern views, are in progress. On Nov. 10,

Dr. James E. Russell, Dean of the Teachers' College,

Columbia University, New York, gave an address on the

theory of normal education and the aims of the institution

of which he is the head. Nov. 17, Dr. James MacAlister,

President of the Drexel Institute, lectured on the public

school system of Philadelphia.

It is not possible for any one to attend all of these classes.

Some are held on Friday evenings and Saturday mornings,

at times the most convenient for public school teachers.

Other courses are given in the afternoon, during the week ;

but all of the following are public educational courses and

are open to applicants at a moderate charge. (See below

under " Fees.")

Citizens of Baltimore and Maryland, whether engaged in

teaching or not, now enjoy in the winter season the privi-

leges which in some academic communities are offered in

summer sessions. It is hoped that many attendants upon

lectures may be attracted from the country as well as from

the city, and that students from Washington and vicinity,

possibly persons from Virginia and other States, may find

winter residence in this city.

Special arrangements have been made to encourage

county teachers, and persons living at a distance from Bal-

30 Public Educational Work in Baltimore. [568

timore, to attend the Friday evening and Saturday morning

lectures.

The attention of clergymen, Charity Organization work-

ers, and the friends of municipal improvement should be

called to two courses of Dr. Jeffrey R. Brackett and Dr. J.

H. Hollander (author of " The Financial History of Balti-

more "), devoted to " Studies of the Modern City."

Fees. The courses in English Literature constituted one

series of 18 lectures, for which one fee of $3 for attendance

was required at the Treasurer's office. For attendance with

the additional privilege of class work, consisting of written

exercises and final examination, the fee was $5. The same

terms were required for the course on Advanced Physical

Geography, and also for the course of twenty lectures on

Physics. The charge for laboratory privileges in Physics

on Saturday mornings, twenty exercises, was $5 ; for labora-

tory privileges in zoology, $10. The two courses under IV.

formed a public educational series, for which the fee was $3.

The introductory lectures in the teachers' educational course

were free.

Certificate. For regular attendance, satisfactory class or

laboratory work, and final examination, a simple certificate

is to be awarded to successful students in any public educa-

tional course.

PROSPECTUS.

I.

Advanced Physical Geography. (20 lectures.)

(i) GEOLOGY. Five class lectures by Dr. GEORGE B.

SHATTUCK, beginning in McCoy Hall, Saturday morning,

November 4, at 10.30, and continuing weekly at this hour

in the same place.

Lecture I. The Cause of a Glacial Period.

Lecture II. The Age of the Earth.

Lecture III. The Ocean from a Geological Point of View.

Lecture IV. Critical Periods in the Earth's History.

Lecture V. The Antiquity of Man.

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(2) METEOROLOGY. Fifteen class lectures by Dr. OLI-

VER L. FASSIG, according to the following outline of topics,

will be given on Saturday mornings after the close of Dr.

Shattuck's course:

Lecture I. ) The Temperature of the Atmosphere. (Lantern illustra-

j. tions.)

Lecture II. ) Temperature defined. How it is measured. Solar

radiation. Variations in temperature at the earth's

surface. The temperature of space. The functions

of the atmosphere.

Lecture III. \ Forms of Water in the Atmosphere. (Lantern illustra-

v tions.)

IV. ) The vapor of water. Humidity. Evaporation. Dew.

Frost and frost-forms. Fog. Clouds and cloud-

forms. Rain, snow, and hail. Rainfall and its

measurement; its variations and its distribution

at the earth's surface. Theories of rain-formation.

Lecture V. The Weight and Extent of the Atmosphere. (Lantern

illustrations.)

Measuring the pressure of the air. Variations in

pressure. Relation between pressure and wind-

direction and velocity. The height of the atmos-

phere. The distribution of atmospheric pressure

at the earth's surface. Areas of high and low

pressure.

Lecture VI. ) The Movements of the Atmosphere. (Lantern illustra-

VII. V tions.)

VIII. ) Winds and their causes. The measurement of wind,

velocity and direction. Variations in wind-velocity

and direction. Periodic winds. Cyclonic winds.

Permanent winds. The general circulation of the

atmosphere. Storms: dustwhirls, thunderstorms,

tornadoes, waterspouts, cyclones and anti-cyclones.

Factors in the formation, maintenance, and pro-

gression of storms. The geographical distribution

of storms.

Lecture IX. Weather, or the Transient Phases of the Atmosphere.

A study of the daily synoptic weather charts. (Lan-

tern illustrations.)

Lecture X. Climate, or the Average Character of the Weather. (Lan-

tern illustrations.)

Climate defined. Climatic factors. Determination of

average values. Climatic zones. Ocean-climates.

Continental climates. Mountain climates.

Lecture XI. Do Climates Change?

Lecture XII. ) Foretelling the Weather. (Lantern illustrations.)

XIII. J The methods of the ancients and some moderns.

Modern official methods.

Lecture XIV. The Work of a National Weather Bureau. (Lantern

illustrations.)

Lecture XV. Two Centuries of Progress in Meteorology. (Lantern

illustrations.)

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PROPOSED TOPICS FOR A SUPPLEMENTARY COURSE.

Friday afternoon informal conferences on the practical bear-

ings of meteorology and on the work of meteorological

bureaus will be arranged for those taking the course in

Physical Geography, without additional fees.

1. The equipment of an observing station.

2. The meteorological work of the U. 8. Hydrographic Office upon

the oceans.

3. The organization and work of foreign services.

4. Practical lesson in the construction and interpretation of the

daily weather chart.

5. Meteorological instruments and their installation.

6. The use of kites and balloons in the exploration of the atmosphere.

7. Meteorology as a nature study in the public schools.

8. Mountain meteorological stations.

9. The literature of meteorology.

10. Some American contributions and contributors to meteorology.

II.

Physics.

There will be two courses in Physics, as follows :

First, a Series of Twenty Lectures on Special Topics by

Professor AMES:

1. Vibrating Bodies. 11. Elementary Electricity.

2. Spinning Tops. 12. Electrical Conduction.

3. Fluid Motion. 13. Induced Electric Currents.

4. Soap Bubbles. 14. X-Rays.

5. Flying Machines. 15. Lightning.

6. Theory of Music. 16. Telegraphy with and without

7. Mechanical Theory of Heat. Wires.

8. Radiation and Conduction of 17. Wave Theory of Light.

Heat. 18. Color Photography.

9. Liquefaction or Gases. 19. Spectrum Analysis.

10. Magnets. 20. Constitution of the Sun.

This course will begin Saturday, November 4, at 9 a. m., in the

Physical Laboratory, and continue weekly at the same hour in that place.

The lectures will be illustrated by experiments and demonstrations.

Second, a Laboratory Course designed for Teachers of

Physics. This will consist of work in the Physical Labora-

tory on Saturday mornings, at 10 o'clock; and opportuni-

ties will be given the members of the class to set up appa-

ratus for lecture purposes and to perform suitable experi-

ments. This class will not be formed unless twenty-five

students are enrolled.

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III.

Zoology.

A practical course in Zoology is offered, provided twenty-

five students are assured at once. A larger number cannot

be accommodated.

The work will be done in the Biological Laboratory Sat-

urdays from 9 to i o'clock, November n to March 14 in-

clusive seventeen sessions, or sixty-eight hours, in all.

The ground covered will be: the use of the microscope;

microscopic study of fresh water infusoria (e.g. Amceba, the

Bell-animalcule, the Slipper-animalcule) and of the Hydra;

dissection of the Earthworm, Mussel, Insect, Crayfish, Crab,

and Frog ; study of the Frog's egg and the Tadpole.

The laboratory work will be superintended by Dr. E. A.

Andrews, Associate Professor of Biology, and by Mr. W. C.

Curtis, Assistant in Biology. In each session, an explana-

tory lecture will be given by Professor Andrews.

Such books and implements as are not supplied by the

University should not exceed in cost two dollars. The fee

for the course is $10, payable in advance at the Treasurer's

office.

IV.

Studies of the Modern City. (20 lectures.)

Part i. PUBLIC AID, CHARITY, AND CORRECTION. A

course of ten lectures is offered by Dr. JEFFREY R.

BRACKETT upon problems of Public Aid, Charity, and Cor-

rection, with particular reference to social conditions in the

large cities of the United States. Beginning with the grow-

ing opportunities and the need of education for social ser-

vice, the lectures will treat of the general tendencies towards

the restoration of dependents and the prevention of depend-

ence. Illustrations will be given from conditions in Balti-

more, and the course is aimed to be of especial use to

clergymen and to students who plan to take up practical

social work.

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This course will begin Monday, November 13, at 4 p. m.,

in the Donovan Room, and continue on successive Mondays

at the same hour and place.

The topics will be as follows :

1. Study of Philanthropy. 6. Public Aid or Charitable Aid.

2. Causes of Poverty, Pauperism, 7. Reformation.

and Crime. 8. Child-saving.

3. The Aim of Philanthropy. 9. Neighborhood Improvement

4. Treatment of the Homeless. and Personal Contact.

5. Treatment of the Resident 10. The Church as a Factor in

Needy. Social Progress.

Part 2. CITY GOVERNMENT AND CITY IMPROVEMENT.

A course of ten lectures, following Dr. Brackett's, is offered

by Associate Professor J. H. HOLLANDER upon the prin-

ciples and practice of Municipal Government, with particu-

lar reference to current municipal problems in the United

States. The method of treatment will be descriptive, critical

and comparative. Beginning with a discussion of the

growth and significance of the modern industrial city, atten-

tion will be paid to the characteristic features of municipal

organization in Great Britain, France and Germany. The

evolution of the American city will then be traced, and de-

tailed study made of municipal administration, finances and

functions in the United States. In conclusion, the future

and the possibilities of the American city will be discussed.

This course will be given in the Donovan Room on Mon-

days at 5 p. m., beginning in the latter half of January, after

the close of Dr. Brackett's course. One fee of $3 is required

for the two courses, including brief class discussions.

The topics will be as follows:

1. The Problems of Municipal 6. The Evolution of the Amer-

Government. ican City.

2. The Growth of Cities. 7. Municipal Administration in

3. Municipal Government in Great the United States.

Britain. 8. Municipal Finances in the

4. Municipal Government in United States.

France. 9. Municipal Functions in the

5. Municipal Government in Ger- United States.

many. 10. The Possibilities of the

American City.

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V.

Modern English Literature. (18 lectures.)

(1) LIVING WRITERS OF ENGLAND. Six class lectures

by Professor ALBERT H. SMYTH, of Philadelphia, in McCoy

Hall, beginning at 8 o'clock Friday evening, December 15,

and continuing Saturday noon, December 16; Friday even-

ing, December 22, Saturday noon, December 23; Friday

evening, January 5, and Saturday noon, January 6.

This course of lectures is prepared entirely from personal

knowledge and acquaintance, and contains material that has

never found its way into print. The lecturer's purpose is to

introduce the student to the writers who are to-day the

acknowledged chiefs of English literature, to portray their

personal traits, and to describe their methods and their mis-

sion. The lectures are:

I. Thomas Hardy.

II. George Meredith.

III. Algernon Charles Swinburne.

IV- The Minor Poets.

V. The Literary Scholars and Critics.

VI. The Journalists.

Lecture IV contains sketches of the personal career and appreciations

of the verse of the following poets : Francis Thompson, Stephen

Phillips, Lawrence Binyon, Lionel Johnson, John Davidson, Ernest

Coleridge, W. B. Yeats, Moncy-Coutts.

Lecture V relates to such critics as Lang, Courthope, Saintsbury,

Stopford Brooke, Sydney Lee, Dowden, Hereford, Furnivall, Knight,

and Aldi-Wright.

Lecture VI defines the character and describes the personnel of the

literary papers of England quarterly, monthly, and weekly reviews,

and the daily papers which devote attention to literary matters.

(2) THE LAKE COUNTRY PAST AND PRESENT. These

lectures, also by Professor Smyth, are illustrated with en-

tirely new lantern views. The photographs of Cumberland

scenery and of Westmoreland places and people were taken

under Professor Smyth's direction. This series will begin

Friday evening, January 12, and continue Saturday noon,

January 13, and so until January 27.

I. Life and Nature in the Lake Country. (Summary : Geography

of the Lake Country ; language, folk-lore, and customs of the

country; Daffodil Day; rushbearing; views of the historic

ruins and natural scenery of the region.)

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II. Literary associations of the Lakes. (Illustrated with views of

the interior and exterior of Rydal Mount, Dove Cottage, Nab

Cottage, The Knoll, Fox How, Fox Shyll, Elleray, and Brant-

wood.)

III. William Wordsworth.

IV. Coleridge and his Children.

V. Robert Southey, John Wilson, and Thomas De Quincey.

VI. Harriet Martineau, the Arnolds, John Ruskin, and William

Watson.

(3) BURNS AND SCOTT. This series will begin Friday

evening, February 2, and continue Saturday noon, Febru-

ary 3, and so on to February 17.

I. The Land of Burns (fully illustrated by Professor Smyth, with

new lantern slides).

II. The Songs of Burns. (In the course of this lecture several

songs of Burns are read by the lecturer and views are shown

of the persons and places concerned in the poems.)

III. Sir Walter Scott at Home (fully illustrated with new lantern

slides).

IV. The Wizard of the North.

V. Literary Edinburgh.

VI. Scott's Poems and Romances.

( H. B. ADAMS, Chairman.

Committee: V W. B. CLARK.

I J. S. AMES.

V.

WASHINGTON AND BALTIMORE 1

Your Excellency, the Governor; your Honor, the Mayor; Ladies

and Gentlemen:

The Colonial Dames of America deserve to be congratu-

lated this day on the completion and unveiling of a beautiful

tablet marking the historic site of the old Fountain Inn on

Light Street or, as it used to be called, " Light Lane,"

where George Washington tarried on at least three memor-

able occasions. The first visit was on May 5, 1775, when he

was on his way to Philadelphia as a delegate to the Con-

tinental Congress, where he was appointed to command the

Revolutionary army at Cambridge. The second visit was

on September 18, 1781, on his way to Virginia, to the siege

of Yorktown. The third visit was on the I7th of April,

1789, when he was journeying northward to New York to

be inaugurated as first President of the United States.

These three visits to Baltimore by George Washington are

especially worthy of patriotic commemoration because they

1 An address to Chapter I of The Colonial Dames of America

and invited guests, February 22, 1899, in the parlors of the Carroll-

t6n Hotel, on the occasion of the unveiling of a memorial tablet

bearing this inscription:

" This site was formerly occupied by the Fountain Inn where

General George Washington lodged upon the following memorable

occasions: May 5, 1775, on his journey to Philadelphia as a Dele-

gate from Virginia to the Second Continental Congress; Septem-

ber 8, 1781, on his way to the reduction of Yorktown; April 17,

1789, when proceeding, as President-elect, to his Inauguration at

New York. This tablet is erected by Chapter I of the Colonial

Dames of America, February 22, 1899."

To illustrate in educational ways the relations of George Wash-

ington to Baltimore was the object of this address.

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represent not only Washington's personal relations to Bal-

timore, but also three great and decisive events in the his-

tory of our common country: First, the beginnings of the

American Revolution and of our national Declaration of

Independence. Second, the completion of the American

Revolution by Washington's capture of the British army in

Virginia. Third, the establishment of a permanent union of

these United States and by the unanimous choice of George

Washington as our first President First in war, first in

peace, and with special significance on this memorial day,

first in the hearts of his countrywomen.

It is impossible in the brief space assigned me to speak

in detail of the circumstances attending the three memorial

visits of Washington to Baltimore. But I will briefly de-

scribe the most famous of all. Late in the afternoon of the

1 7th of April, 1789, General Washington, coming by way

of Alexandria, Georgetown and Bladensburg in three days,

in his own carriage, approached the town of Baltimore. A

cavalcade of finely mounted horsemen rode forth from this

hospitable city to meet the coming chief of the nation.

They escorted him into town amid the general enthusiasm

of citizens and small boys, who lined the streets on either

hand. Salvos of artillery greeted the civic hero. Joy and

rejoicing filled the heart of Baltimore. Washington was

taken to Grant's Tavern, or the old Fountain Inn, upon the

site of the present Carrollton Hotel. A committee of citi-

zens, headed by James McHenry, afterwards Washington's

Secretary of War in his second administration, promptly

appeared upon the scene and made a speech of welcome.

In reply, Washington said : " Gentlemen, the tokens of

regard and affection which I have often received from the

citizens of this town were always acceptable, because I be-

lieved them always sincere. Be pleased to receive my best

acknowledgments for the renewal of them on the present

occasion. If the affectionate partiality of my fellow-citizens

has prompted them to ascribe greater effects to my conduct

and character than were justly due, I trust the indulgent

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sentiment on their part will not produce any presumption

on mine."

Other visits there certainly were. Every time Washing-

ton went to Philadelphia or northwards he must have

passed through Baltimore. For example, in 1798, Nov.

7, he is known to have stopped at this Fountain Inn when

on his way to Trenton to reorganize the American army.

Danger had arisen of a war with France, then endeavoring

to coerce America into a war with England. But the danger

soon died away and that visit of Washington to Baltimore

is of minor interest. Old soldiers were, however, recruiting

their companies afresh. The Baltimore Independent Blues,

ready to be reviewed, were drawn up on Baltimore Street,

then Market Street, and down the line, from Light Street

corner to South Street, walked Ex-President Washington

in civilian dress. The soldiers afterwards marched down

Light Street in compliment to General Washington, who

stood on the front steps of the old hotel.

It is, therefore, by singular historical fitness that this

memorial tablet has been erected on the Light-Street side

of the Carrollton Hotel, for, on the west side, was the

original entrance to Fountain Inn. On that side stood

General Washington, as on all other occasions when he was

especially honored and escorted to his lodgings by the

soldiers and populace of this city. And there, too, in 1824,

stood the Marquis de la Fayette when escorted to his hotel

and saluted by the National Guards and the De Kalb

Cadets.

Many have been the stirring events and social scenes on

this historic spot, from the time of the American Revolution

to the close of the i8th century, from the War of 1812 down

to our own times. The politics and parties of Baltimore

and Maryland have been and still are shaped under the

shelter of this historic roof-tree. In the inner courtyard

of the Fountain Inn there once grew a shady tree under

which Washington undoubtedly stood, as he did under the

famous elm, when he took command of the troops at Cam-

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bridge. But the Cambridge elm is fast falling to decay and

soon it will be only a memory like that of the ancient tree

in the Fountain Inn courtyard, which survives only in a

print, which Mr. Brooks has shown you.

After all, old trees and oM houses do not compare with

the historic spirit in living people who keep alive the events

which the old trees and the old houses once helped to

commemorate. More enduring than the Fountain Inn will

be that beautiful tablet now facing the western sun. That

tablet will recall to every Baltimore beholder and to the

stranger within your gates the living presence of George

Washington, the immortal guest-friend of Baltimore. He

will be welcomed anew by every visitor who drives or walks

through Light Street, by every citizen and schoolboy who

sees your artistic memorial. " The living, the living, he

shall praise thee, as I do this day" (Isaiah 38: 19).

Visitors to Montreal or Quebec, to London, Paris, Bos-

ton, Philadelphia, or any historic city, are profoundly im-

pressed by these street reminders of the illustrious dead.

It is they, the immortals, who really live in the conscious-

ness of thoughtful citizens, the men and women of to-day.

The spirits of the past have the perpetual freedom of historic

cities. The fathers live on in the sons and daughters who

realize the significance of Baltimore's history. True and

loyal souls, men and women of light and leading, constitute

this modern town.

Your Honor, the Mayor, Baltimore is indeed great in

population, extensive in territory, flourishing in business,

distinguished in art and institutions, but its noblest inherit-

ance, its eternal monument, is the stately column erected

by the State of Maryland to the memory of George Wash-

ington. There it stands on our Capitoline Hill, the historic

acropolis of Baltimore, the most beautiful column in this

country, a conspicuous landmark for the whole region

roundabout, and at the same time viewed and reviewed by

passing citizens every day of their lives. Its inscriptions

form a compendium of our Revolutionary history, an open

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record known to all men, read and re-read this very day by

children from the public schools. The Washington Monu-

ment has determined the development of this city, the up-

ward tendency of its growth and institutional life. But for

that magnificent work of historic art, that memorial of

George Washington by the State of Maryland, Baltimore

would never have had its Mount Vernon Place, its Peabody

Institute, its Johns Hopkins University.

Let us, therefore, fellow-citizens, honor the deeds of the

fathers of this American republic and cherish their memo-

ries^ For they founded states and cities. They fought bat-

tles for liberty and independence. They made their country

truly great and free. Even this American continent can-

not limit their fame. " The whole earth," said Pericles, " is

the monument of illustrious men."

In the old English city of Chester there is on a certain

street a house-motto which impressed me when I first be-

held it. The motto reads, ".God's Providence is Mine

Inheritance." We ought to feel that the memory of George

Washington is the most precious historic legacy of this

Monumental City. Battle Monument does not compare

with the Washington Monument in educational value.

Here in Baltimore, in December, 1776, George Washington

received his power as Commander-in-Chief. In our State

Capitol at Annapolis he resigned his commission and be-

came once more a private citizen and a man of peace.

Grandest of all his peaceful projects was that of a National

University, based upon individual endowment. That pro-

ject may be found in many of his writings, but the clearest

and strongest statement of it occurs in his last will and

testament. There he employed the following significant

language: "It has been my -ardent wish to see a plan

devised, on a liberal scale, which would have a tendency to

spread systematic ideas through all parts of this rising

empire, thereby to do away local attachments and State

prejudices, as far as the nature of things would, or indeed

ought to admit, from our national councils. Looking

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anxiously forward to the accomplishment of so desirable an

object as this is, in my estimation, my mind has not been

able to contemplate any plan more likely to effect the

measure than the establishment of a University in a central

part of the United States, to which the youths of fortune

and talents from all parts thereof may be sent for the com-

pletion of their education, in all branches of polite literature,

in arts and sciences, in acquiring knowledge in the princi-

ples of politics and good government, and, as a matter of

infinite importance in my judgment, by associating with

each other, and forming friendships in juvenile years, be

enabled to free themselves in a proper degree from those

local prejudices and habitual jealousies which have just

been mentioned, and which, when carried to excess, are

never-failing sources of disquietude to the public mind, and

pregnant of mischievous consequences to this country.

Under these impressions, so fully dilated, I give and be-

queath, in perpetuity, the fifty shares which I hold in the

Potomac Company . . . towards the endowment of a uni-

versity."

Was it not a remarkable fact that the two great rivers of

Virginia, the James and the Potomac, should have been the

principal economic forces in the development of Washing-

ton's educational hopes for Virginia and his country? His

stock in the James River Navigation Company became a

permanent source of revenue for Washington College, now

Washington and Lee University, where recently President

Wilson consciously and avowedly revived the Old Williams-

burg ideal of a combined school of law and history, politics

and economics. Washington's stock in the Potomac Navi-

gation Company became the historic source for his larger

idea of a national university. The Baltimore and Ohio

Railroad, which succeeded the Chesapeake and Ohio Canal

and the Potomac Company as a trade-route between the

West and the Atlantic seaboard, proved for many years the

chief source of revenue for the Johns Hopkins University,

itself national in spirit, though not in name.

Washington and Baltimore. 43

Whatever may be the fate of corporations, Washington's

grand idea of a truly national university will live on in

Baltimore and find ultimately even larger realization in the

nation's capital. To this end all existing colleges and uni-

versities will in spite of themselves contribute. State inter-

ests and sectional prejudice will yield to larger and richer

opportunities for the study of history, politics, economics,

social science and diplomacy opportunities already exist-

ing in the city of Washington. A national government

which expends over three million dollars per annum for

scientific purposes is, consciously or unconsciously, promot-

ing George Washington's noble project for the highest edu-

cation of the American people. Private and ill-considered

schemes may fail, but State and national ideas in university

education must ultimately combine and prevail in this fed-

eral Republic. " He that believeth, doth not make haste."

Washington's idea of a National University in the city

which bears his name was never so full of life as it is to-day.

But let us remember that, as Baltimore anticipated 1 the

Federal City by many years in the completion of a noble

1 It is a curious fact that Baltimore anticipated the Federal City

in founding a " Washington University." In the spring of 1827,

Washington College, of Washington, Pennsylvania, authorized the

institution in Baltimore of the " Washington Medical College."

It got a charter from the Maryland Legislature in 1832 and in 1839

became legally known as the " Washington University of Balti-

more." It occupied on North Broadway new buildings costing

$40,000, now occupied by the Church Home and Infirmary.

" Washington University " collapsed in 1851 and its buildings were

sold for debt. After the civil war, the old Washington University

Medical School was revived by the Legislature in 1867. The cata-

logue of 1868 said that " one student from each Congressional

district of the late slave-holding States is received as a beneficiary

in Washington University, precedence being given to wounded

and disabled soldiers." Lectures were held in the buildings now

occupied by the City Hospital and by the College of Physicians and

Surgeons, with which college "Washington University" was

merged in 1877. See Dr. Bernard C. Steiner's " History of Edu-

cation in Maryland " (Bureau of Education, 1894), pp. 286-291, a

work which originated in the above curious bit of educational

history narrated by his father.

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monument to George Washington, so we have anticipated

Congress in establishing, according to Washington's liberal

plan, " a university in a central part of the United States,"

to which young men from all parts of our common country

are sent for the completion of their education.

The 22d of February is a fitting day for this historic com-

memoration. The birthday of George Washington marks

a national as well as a municipal holiday. It is also the

anniversary of the inauguration of the Johns Hopkins. If

the Father of his Country could have seen with his own

eyes the establishment of a university in Baltimore, midway

between the North and the South, he would have rejoiced,

as we do this day, in the providence of God in human his-

tory. God's providence is indeed our inheritance. Let us

accept in the spirit of the Psalmist: " Be ye sure that the

Lord he is God; it is he that hath made us, and not we

ourselves."

To the Colonial Dames of America I would say: " Be not

weary in well-doing"; revive and quicken here the national

spirit of George Washington in matters pertaining to his-

tory and education. Devise a plan on a liberal scale which

shall " have a tendency to spread systematic ideas through

all parts of this rising empire." These are not my words,

but those of the greatest American. I would suggest

that you establish a Maryland Scholarship or Fellow-

ship in American History, to be awarded annually to the

best Maryland graduate student in that department of the

Johns Hopkins University. Encourage him on this Balti-

more and Maryland vantage-ground to contribute some

lasting memorial as did your fathers before you when they

erected the Washington Monument. Continue to mark the

historic sites of this Monumental City. Collect all the

books and historic prints ever published in Baltimore and

Maryland. But above all things, discover a talented Mary-

land college graduate, possibly one already a Doctor of

Philosophy, and develop him into an American historian.

I have lately been much interested in a published inter-

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view with President Schurman, of Cornell University, who

went out to the Philippine Islands as chairman of our gov-

ernment commission of five men, including Admiral Dewey,

Major-General Otis, Colonel Charles Denby (our Ex-Min-

ister to China), and Professor Worcester, of the University

of Michigan, author of a book on " The Philippine Islands

and their People." Jacob Gould Schurfnan was originally

a poor boy, born in Prince Edward's Island in 1854. He

did not begin to seek a higher education until he was six-

teen years of age. Before that he had been a clerk in a

country store, first on $30 and afterwards on $60 a year.

He went to the Prince of Wales College situated at

Charlotte Town and there, in open competition with boys

from the entire island, won a $60 scholarship. That paltry

stipend, the equivalent of his former salary as a clerk, was

Schurman's first positive encouragement in the higher edu-

cational life. From the Prince of Wales College, in Prince

Edward's Island, young Schurman went next to Acadia

College in Nova Scotia and there won a $500 scholarship,

tenable for three years in London University. The ques-

tions were sent out from England and were distributed by

the Governor-General to all the colleges in Canada. That

poor boy from Prince Edward's Island won the noble prize

which took him across the sea. He studied in London and

Edinburgh and there after three years competed for the

Hibbard Travelling Fellowship, yielding $2000 a year for

philosophical study anywhere on the continent of Europe.

In the face of competition from Oxford, Cambridge and the

United Kingdom, Schurman won the splendid honor. He

finished his liberal education in Heidelberg and Berlin.

There he met the American Minister, Hon. Andrew D.

White, who afterwards recommended him for the chair in

philosophy at Cornell University, of which Dr. Schurman is

now president.

Does any one believe for one moment that this poor

Canadian boy would now be one of the most scholarly

college presidents in the United States and at the same time

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the head of a most important American commission but

for those early academic rewards and scholarships? God's

providence was certainly his inheritance.. I do not ask you

to establish another scholarship or fellowship for a Canadian

or a New Englander at the Johns Hopkins University. I

am simply illustrating the English system of prize scholar-

ships by recent noteworthy results, and I ask you, the

Colonial Dames of America, to found in Baltimore, as

your Washington Monument, a Maryland Fellowship of

American History, to be awarded annually to the best grad-

uate student from this State. My plea is for a local, acad-

emic foundation, not another marble column or another

bronze statue, but a permanent fund for the extension of

Maryland's historical influence throughout the whole

country and for the perpetuation of the national spirit of

George Washington, which we have this day commemo-

rated.

Yesterday I had the pleasure of accompanying a party of

30 Hopkins college boys, nearly all of them Baltimoreans,

on a visit to Washington to see the New Congressional

Library and Congress itself in session. Most interesting

were the living men and those artistic memorials of our

nation's history, those reminders of the world's civilization;

but, as we came out from those stately halls, we saw tower-

ing above all the government buildings that magnificent

obelisk dedicated to the one man Washington. I thought

and reminded the boys from Baltimore: "How much

greater even than great men are the influences which pro-

ceed from their lives." Emerson has said that " Institutions

are the lengthened shadows of great men " ; but are not

cities like Baltimore and Washington, are not institutions

of law, education, and religion more than mere shadows of

men? Indeed, they are in one sense the projected souls of

the illustrious dead. They are, like all history, the glorious

resurrection of the deathless past, the larger life of the

present, the advancing sunlight of an immortal future.

May your Washington Monument be a creation of the

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spirit, the liberation of a soul, and not a work of mere

stone or brass. May you, Colonial Dames of America, be

able to say with the poet Horace:

I've reared a monument, my own,

More durable than brass,

Yea, kingly pyramids of stone

In height it doth surpass.

Rain shall not sap, nor driving blast

Disturb its settled base,

Nor countless ages rolling past

Its symmetry deface.

I shall not wholly die. Some part,

Nor that a little, shall

Escape the dark destroyer's dart,

And his grim festival.

Let us turn now, in conclusion, from the noble words of

the Roman poet to the aspiring sentiments of an American

woman, in her ode to the Washington Monument, pub-

lished in Scribner's Magazine, February, 1899:

Oh, pure, white shaft upspringing to the light

With one grand leap of heavenward-reaching might,

Calmly against the blue for evermore

Lift thou the changeless type of souls that soar

Above the common dust of sordid strife

Into the radiant ether of a life

Shepherded by the vastness of eternity!

A hero's quickening spirit lifteth thee

Unto the skies that claim thee for their own:

In those vast fields of light, sublime, alone,

High commune holdest thou with the young day,

With sunset's glowing heart ere twilight gray

Hath stilled its throbbing fires, and with dim night

That folds thee softly in the silver light

Of many a dreaming moon. In majesty

Serene, like the great name enshrined in thee,

Thou dost defy the all-destroying years.

Smite with thy still rebuke our craven fears!

Point us forever to the highest height,

And in our Nation's peril-hours shine white

With the mute witness to the undying power

Of the high soul that lives above the hour!

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