

MARYLAND *Historical Magazine*

In this issue . . .

“Wirt—or Wart?”: John Neal’s Feud with Baltimore’s Literary Elite
by Peter Molin

“She Spurns the Northern Scum”: Maryland’s Civil War Loyalty in
Mass Culture and Memory
by David K. Graham

Circling the Square: The City Park and the Changing
Image of Annapolis
by Michael P. Parker

The Rhetoric and Reality of English Law in Colonial
Maryland—Part II, 1689–1732
by Jeffrey K. Sawyer

Research Notes & Maryland Miscellany
The First University of Maryland: The Fight for and Formation of
Higher Education in Maryland’s Early Federal Period
by Joseph C. Rosalski

The Journal of the Maryland Historical Society

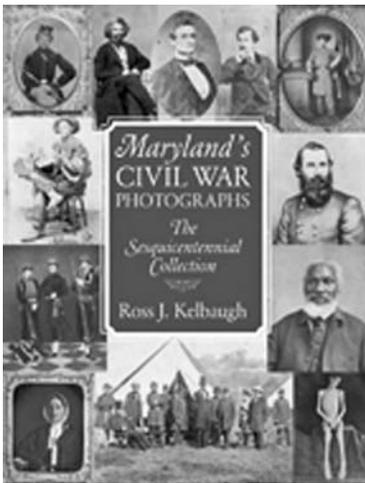
Maryland Historical Magazine

Vol. 109, No. 1, Spring 2014



Friends of the Press of the Maryland Historical Society

THE PUBLICATIONS COMMITTEE continues its stalwart support of Maryland Historical Society books with the funding of two titles during this season of commemorating the sesquicentennial of the Civil War and the bicentennial of the War of 1812.



Ross J. Kelbaugh, *Maryland's Civil War Photographs: The Sesquicentennial Collection*, is a vast photographic record of the people, places, and events surrounding the war. It is also the largest collection of original Maryland-related Civil War photographs ever published.

Donald R. Hickey's *187 Things You Should Know About the War of 1812* is a concise and informative introduction to the often complex issues surrounding that conflict, presented in an engaging question-and-answer format.

These books are numbers five and six of the Friends of the Press titles, continuing the society's mission to bring forth the best new Maryland history. We invite you to become a supporter, to follow the path first laid out with the society's founding in 1844. Help us fill in the unknown pages of Maryland's past for future generations. Become, quite literally, an important part of Maryland history. If you would like to make a tax-deductible gift to the Friends of the Press, please direct your gift to Development, Maryland Historical Society, 201 W. Monument Street, Baltimore, MD, 21201. For additional information on MdHS publications, contact Patricia Dockman Anderson, Editor, 410-685-3750 x317, or panderson@mdhs.org.



Maryland Historical Society

Founded 1844

Officers

Thomas A. Collier, <i>Chairman</i>	James W. Constable, <i>Secretary</i>
Richard C. Tilghman Jr., <i>Vice Chairman</i>	Louise Lake Hayman, <i>Vice President</i>
Burton K. Kummerow, <i>President</i>	M. Willis Macgill, <i>Vice President</i>
Cecil E. Flamer, <i>Treasurer</i>	Lynn Springer Roberts, <i>Vice President</i>

Board of Trustees

Thomas C. Barbuti	Brian W. Hammock	<i>Immediate Past Chairman</i>
Robert G. Bolton	Louis G. Hecht	Robert R. Neall
H. Clay Braswell Jr.	Frederick M. Hudson	<i>Chairpersons Emeriti</i>
Francis J. Carey III	George S. Malouf Jr.	Jack S. Griswold
Robert M. Cheston Jr.	Jayne H. Plank	Barbara P. Katz
Virginia Claggett	Brien Poffenberger	Stanard T. Klinefelter
W. Talbot Daley	George S. Rich	Henry Hodges Stansbury
Russell C. Dashiell Jr.	Jacqueline Smelkinson	
Sandra R. Flax		

Ex-Officio Trustees

The Hon. John P. Sarbanes
The Hon. David R. Craig
The Hon. Stephanie Rawlings-Blake, Representative: William B. Gilmore II
The Hon. Kevin Kamenetz, Representative: Richard Parsons
John Siemon, Maryland Genealogical Society
Chandler B. Denison, Young Defenders Representative

The Maryland Historical Magazine

Patricia Dockman Anderson, *Editor*
Matthew Hetrick, *Associate Editor*
Christopher T. George, Donna B. Shear,
James Singewald, Joe Tropea, *Editorial Associates*

Editorial Board

Charles W. Mitchell, *Chair*
Jean H. Baker; Robert J. Brugger; Deborah Cardin; Lois Green Carr; Suzanne E. Chapelle; Marilyn Davis;
Toby L. Ditz; Jack G. Goellner; Elizabeth Gray; H. Thomas Howell; Norvell E. Miller III; Charles W.
Mitchell; Edward C. Papenfuse; Lawrence Peskin; Jean B. Russo; James F. Schneider;
David S. Thaler

ISSN 0025-4258

© 2014 by the Maryland Historical Society. Published quarterly as a benefit of membership in the Maryland Historical Society, spring, summer, fall, and winter. Articles appearing in this journal are abstracted and indexed in *Historical Abstracts* and/or *America: History and Life*. Periodicals postage paid at Baltimore, Maryland, and at additional mailing offices. Postmaster: Please send address changes to the Maryland Historical Society, 201 West Monument Street, Baltimore, Maryland 21201. Printed by The Sheridan Press, Hanover, Pennsylvania 17331.

MARYLAND

Historical Magazine

VOLUME 109, NO. 1 (Spring 2014)

CONTENTS

“Wirt—or Wart?”: John Neal’s Feud with Baltimore’s Literary Elite	7
PETER MOLIN	
“She Spurns the Northern Scum”: Maryland’s Civil War Loyalty in Mass Culture and Memory.....	35
DAVID K. GRAHAM	
Circling the Square: The City Park and the Changing Image of Annapolis	51
MICHAEL P. PARKER	
The Rhetoric and Reality of English Law in Colonial Maryland— Part II, 1689–1732.....	81
JEFFREY K. SAWYER	
Research Notes & Maryland Miscellany	96
The First University of Maryland: The Fight for and Formation of Higher Education in Maryland’s Early Federal Period, by Joseph C. Rosalski	
Book Reviews.....	111
Smith and Willis, <i>Maryland Politics and Government: Democratic Dominance</i> , by Robert Chiles	
Rice, <i>Tales from a Revolution: Bacon’s Rebellion and the Transformation of Early America</i> , by Jeffrey K. Sawyer	
Tonsetic, <i>Special Operations During the American Revolution</i> , by Michael P. Gabriel	
McDonald, <i>Light and Liberty: Thomas Jefferson and the Power of Knowledge</i> , by F. Evan Nooe	
Daughan, <i>The Shining Sea: David Porter and the Epic Voyage of the U.S.S. Essex during the War of 1812</i> , by David MacDonald	
Rediker, <i>The Amistad Rebellion: An Atlantic Odyssey of Slavery and Freedom</i> , by Beverly Tomek	
Hochfelder, <i>The Telegraph in America, 1832–1920</i> , by James Risk	
Baker, <i>Prigg v. Pennsylvania: Slavery, the Supreme Court, and the Ambivalent Constitution</i> , by Thomas H. Sheeler	
Blackett, <i>Making Freedom: The Underground Railroad and the Politics of Slavery</i> , by Raven J. Crowder	

“War, war, war! If either of you boys says ‘war’ just once more . . .”

—Scarlett O’Hara to the Tarleton Twins, in *Gone with the Wind*

This spring as we enter the fourth year of the Civil War sesquicentennial and year three of the War of 1812 bicentennial, the nation is justly celebrating the courage that held the young republic together in the nineteenth century. Across the nation and here in Maryland, the historical community is presenting rich and varied offerings crafted to engage a curious public with informative exhibitions, living history dramas, parades, reenactments, books, magazines, and official souvenirs such as Fort McHenry commemorative quarters and a Maryland license plate. The Maryland Historical Society’s contribution to the celebration will be long-lasting. Drawing upon the society’s rich collections and its experts, internal and external, we have installed two major exhibitions and published three new books. We have also published two special issues of this magazine and at least one Civil War or War of 1812 article in each number since 2011.

This is an exciting and rewarding time, but one that also calls for a look back. The magazine is now in its 109th year of uninterrupted publication, a total of 433 issues to date. Over the course of nearly eleven decades, editors in this chair have pondered how best to commemorate nation-changing events such as the War of 1812 and the Civil War. All have presented a diverse yet familiar pallet of offerings, among them military and civilian stories, transcriptions of letters and diaries, and reinterpretations of past works. Without exception is the unwritten acknowledgment that although there are celebratory moments in these histories, anniversaries of wars should not be occasions for merriment. They are times to reflect upon the origins of conflicts, and to remember those who fearlessly (and sometimes fearfully) defended their country and beliefs. Ultimately, the historical imperative to honor the thousands of Americans who gave their lives in the War of 1812 and Civil War undergirds the stories presented on these pages.

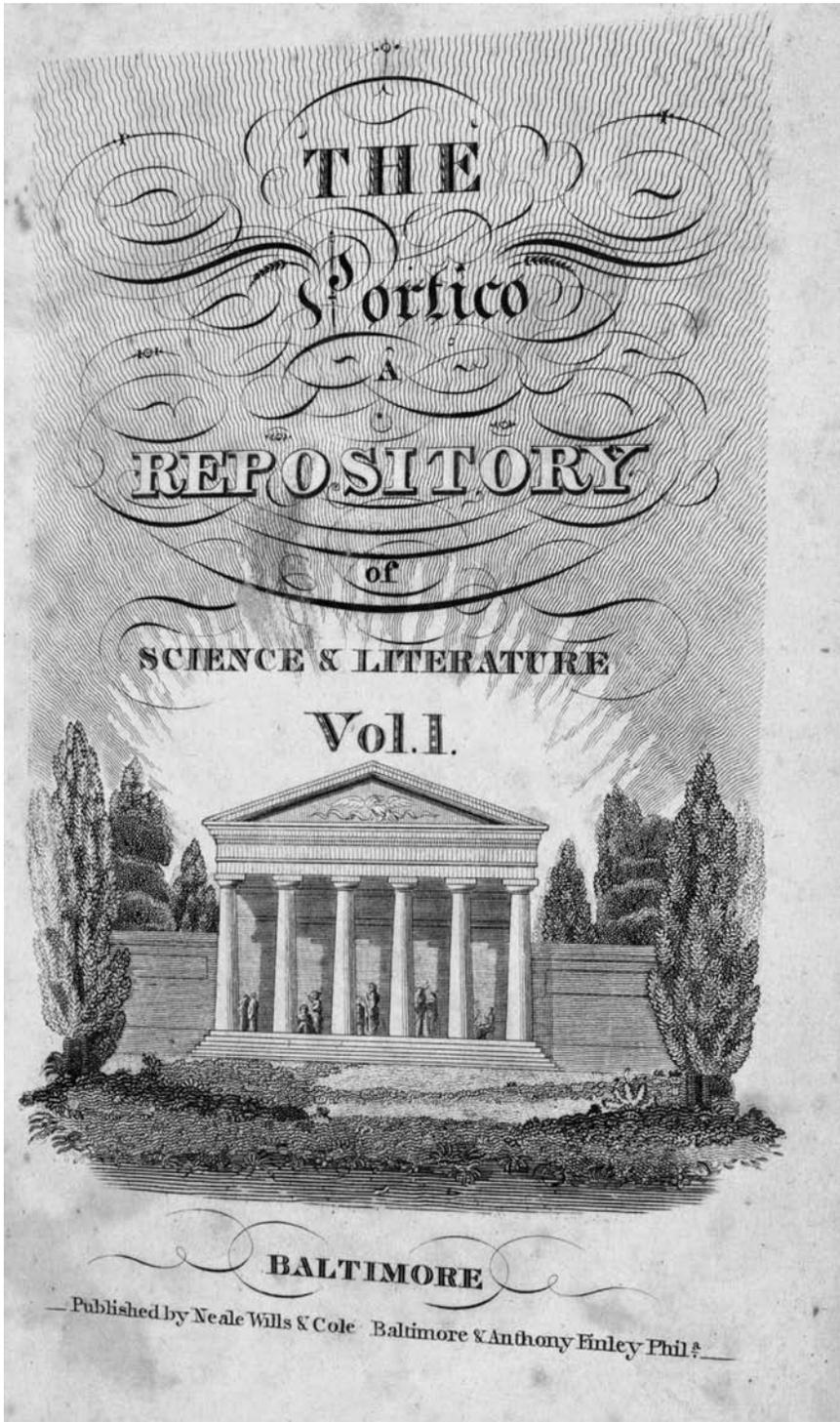
There are days when many of us, our members, and supporters ask if these wars are taking too much of our time and resources. The answer, of course, is no. The society’s mission is preserving and interpreting the best of what is new in Maryland history and the offerings extend far beyond the wars. This year’s publications include a history of Southern Maryland Indians, the story of Cecil County slave catcher Timothy McCreary, and a biographical catalog based on the Elizabeth Patterson Bonaparte exhibition. And in this season of commemorating wars while paying due attention to other Maryland stories, we duly note that the centennial of our involvement in the Great War is just three years away. Unlike Scarlett O’Hara, however, we will not threaten to “go in the house and slam the door.”



Cover

The Patent of Nobility, 1625

King James I granted George Calvert the title “Baron Baltimore of Baltimore in the Kingdom of Ireland.” The portrait of the monarch shown here is in the top left corner of the parchment, ornamented with scrolls, flowers, and gold urns. The letter “J”—blue and knotted with gold and running into the mouth of the “Dragon of Tudors”—begins the first line of the document: “*Jacobus Dei gratia Angliae*, James by the Grace of God.” This document is part of the Calvert Papers collection, Maryland Historical Society library.



The Portico, print venue of choice for the literary elite in early nineteenth-century Baltimore. (The Portico: A Repository of Science and Literature, Volume 1, January 1816.)

“Wirt—or Wart?”: John Neal’s Feud with Baltimore’s Literary Elite

PETER MOLIN

Factual information about the early American author John Neal’s life in Baltimore from 1815 to 1823 is scant, and the five novels he wrote during that time rarely depict Marylanders or scenes set in Maryland. Investigation of his energetic and tumultuous Baltimore years, though, reveals that Neal’s feud with the city’s print aristocracy—a group of distinguished gentlemen-authors associated with a club called the Delphians—instigated the transformation of Baltimore’s literary culture from its republican and neoclassical Federalist roots to the more commercial, democratic, and popular ethos and praxis of the antebellum period. Beginning by describing Neal’s discontent with Delphians Tobias Watkins and Paul Allen before recounting Neal’s vehement critique of Marylander William Wirt’s *Sketches of the Life and Character of Patrick Henry* (1817), this essay uncovers a heretofore neglected but important chapter in Maryland and American literary history. Neal’s flamboyant fight with the mentors who sponsored his entry into the realm of letters contributed to the national development of emerging modes of authorship and literary style, while also promoting fiction and the novel as exciting new forms of artistic entertainment that entranced authors and readers alike at the end of the early national period.

Neal’s place in American letters depends essentially on two anecdotes, neither one with obvious relation to Baltimore. Neal is remembered, first, for his intrepidity in traveling to England in 1823 to refute in person the charge of British critic Sidney Smith, who famously asked, “In the four quarters of the globe, who reads an American book?” in the January 1820 edition of the *Blackwood’s Edinburgh Review* and, second, for being the object of a wistful remembrance by Nathaniel Hawthorne. In 1845, Hawthorne, not realizing that Neal was still alive, wrote, “There was that wild fellow, John Neal, who almost turned my boyish brain with his romances; he surely has long been dead, else he never could keep himself so quiet.”¹ Both vignettes are telling, and their tenor should invite longer consideration of the novels that Neal authored before leaving for England. But neither anecdote suggests that it stems from Neal’s experiences in a city—Baltimore—whose own place in nineteenth-century national literary history is rarely considered.

One reason Neal is not remembered as a Baltimorean is that he helped craft his

Peter Molin is an active-duty Army officer on the faculty of the United States Military Academy at West Point.

own enduring image as an arch-New Englander. Born in Portland, Maine, in 1793, Neal was raised and resided there most of his life. He also edited for many years a magazine called the *Yankee*, and titled one of his novels *The Down-Easters* (1833). Still, the facts do not completely support Neal's identification with New England, for his formative years as an author and his most important imaginative texts were written in Maryland. With a friend named John Pierpont—himself a minor poet—Neal moved to Baltimore in 1815 at age twenty-two to attempt a wholesale dry goods business. The business failed, but Neal remained in Baltimore to study law and by 1820 had passed the bar. Under the influence of Pierpont, he began writing poetry, which he published in local papers, and soon was devoting more time to letters than to law. Over the next eight years, Neal published two verse-dramas and five novels, *Keep Cool* (1817), *Logan* (1822), *Seventy-Six* (1823), *Randolph* (1823) and *Errata, or the Works of Will Adams* (1823). Late in 1823, after Neal relocated to England, he authored essays on American literature for *Blackwood's*, an important arbiter of literary affairs of the period. Without access to a library, Neal described 135 American authors and their texts from impressions formed during a study regimen he had undertaken in Baltimore.²

When Neal began writing shortly after his arrival in Baltimore in 1815, he adopted the norms of the city's leading men of letters. Soon, however, he began to reformulate the city's print traditions in ways that anticipated and precipitated larger changes to come. Neal's tenure in Baltimore was marked by scandal and feuds, in particular with the literary benefactors who originally welcomed him. The story of Neal's revolt against those whom he called in *Blackwood's* the "beadles of literature" has many chapters, but an especially telling episode is his critique of William Wirt's *Sketches of the Life and Character of Patrick Henry*.³ Wirt was one of the era's most famous and important lawyers and authors, as well as a Maryland native and sometime Baltimore resident, and at the time he published *Sketches* in 1817 he was the United States attorney general. Largely absent from today's anthologies, Wirt has been called by literary historian Charles Bohner the nation's "premier man of letters" in the twilight of the Federalist period.⁴ Neal's tangle with Wirt illustrates the social imperatives afoot as early American cultural formations gave way under the pressures of democratization, urbanization, industrialization, demographic change, and geographic mobility. In this fight across epochal fault lines, Neal stands as the print avatar of a heavily commercialized print sphere against Wirt, the literary counsel for a fading cultural aristocracy. Neal's most trenchant comments on Wirt and Henry appear in *Randolph*, an epistolary novel that not coincidentally most directly portrays the Baltimore environment that nourished Neal's attitudes about literature and culture. Understanding Neal's critique of Wirt offers exemplary insight into the changing nature of literary endeavor and culture at a pivotal moment in American history. As he upset the equilibrium of Baltimore letters, Neal facilitated the Americanization of themes and subjects associated with European Romanticism

and helped democratize the prevailing ethos governing literature's production. While in Baltimore, Neal promoted fiction as the preferred literary mode of authors who wanted to be popular and influential, and within the realm of fiction instituted a new array of subjects, themes, and styles that were successfully adopted by authors in his wake. Neal's aggressive promotion of his own ideas changed fiction in his time and especially influenced the Baltimore writers who followed him.

AMERICAN LITERARY ENDEAVOR was still largely the preserve of social elites when Neal began writing poems in 1816. Men of stature exchanged views and formulated tastes in magazines such as New York's *Salmagundi*, Boston's *North American Review*, and Philadelphia's *Port Folio*, journals that exuded learnedness and refinement. In Baltimore between 1816 and 1818, the print venue for the city's leading men of letters was the *Portico*. Its editor was Tobias Watkins, the assistant surgeon general of the United States, and a key contributor was Paul Allen, a newspaper publisher who had been commissioned by Thomas Jefferson to write the official history of the Lewis and Clark expedition. Admiring Neal's talent, energy, and charm, Watkins and Allen asked Neal to publish his poetry in the *Portico* soon after his arrival in Baltimore. The fact that Neal—without name or education in comparison to blue bloods such as Watkins and Allen—might now associate with Baltimore's aristocracy was a sign that social boundaries were in flux, but Neal was still to feel keenly the stigma of status inferiority in his association with Baltimore's print aristocracy.⁵

Watkins and Allen also invited Neal to join the Delphian Club, a literary coterie that imitated and mocked the gentleman-litterateur tradition of elegant leisure. The Delphians were inspired by the European salon and coffeehouse tradition, as well as by Americans such as New Yorkers Washington Irving and James Kirke Paulding, who combined amusement and literary endeavor in the club that shared the name of their journal *Salmagundi*. In Baltimore, the Delphians met weekly between 1816 and 1825 to drink, dine, and engage in convivial literary talk. The most frequent site for meetings was the home of William Gwynn, a newspaper publisher to whom Edgar Allan Poe would later apply for a job. Another Delphian was John H. B. Latrobe, a lawyer-litterateur who hosted Alexis de Tocqueville's visit to Baltimore in 1831 and served as one of the judges in a famous 1833 literary contest that helped launch Poe's career. Perhaps the most recognizable Delphian name today was Henry Marie Brackenridge, the son of Hugh Henry Brackenridge, the author of the early American picaresque novel, *Modern Chivalry*.⁶

The Delphians enveloped their proceedings in an intimidating web of rituals, ceremonies, in-jokes, group lore, and formal and informal protocols. Gatherings began with serious-minded poetry and essays but ended with games, puzzles, skits, and other literary high jinks, while club names such as Opechancough Soulikouqui, Blearix von Crambograph, and Jehu O'Catara— the name given John Neal after he wrote a poem called "The Battle of Niagara"—render the members' mirthfulness. An

unpublished group novel called “Incomprehensibility” also points to the Delphians meta-literary antics, as does a piece of waggish verse:

Of essays may I be prolific,
And every one so soporific
That not e'en Delphians may determine
Whether it essay be, or sermon.⁷

In his late life memoir, *Wandering Recollections of a Somewhat Busy Life* (1869), Neal called the Delphians “builders of Babel” and their literary endeavors (including the *Portico*) “intellectual rubbish and glitter.”⁸ The assessments are fair, but underestimate the avidity with which Neal originally embraced the spirit of the Delphians and contributed to their activities and publications.

In fact, assessing the extent to which the *Portico*'s spirit was serious endeavor or refined malarkey is difficult. Though the announcement on the masthead, “Conducted by Two Men of Padua,” signaled a comic text, the dominant impression is that the *Portico* addressed with high seriousness extremely obtuse and arcane subjects. Periodical historian Frank L. Mott called the *Portico*, apparently without irony, a “rather grave magazine.”⁹ The first essay in the March 1816 issue, for example, is a twelve-page review of a book entitled *On the Nature, Origin, Progress and Influence of Consular Establishments*. The second essay is titled “Lettre Inedite de la Seigneurie de Florence au Pope Sixte IV, 21 Juillet, 1478”; over half the piece consists of an untranslated transcription of a letter written in Latin in the fifteenth century. The third article is a twenty-page treatise: “Cursory Remarks on the Origin and Progress of the Important Arts, with Observations on the Invention and Utility of MINERAL PASTE TEETH.” The first fifteen pages discuss the aesthetic properties of civil and naval architecture before segueing into a catalog of recent medical and dental innovations. Though the disparity of tone and topic often tilted toward the absurd (or, to use the Delphians' own term, “incomprehensibility”), the overall manner was sober and pedantic. Only one article in the issue, a satire of women's reading clubs, was clearly intended as comedy or couched in an accessible literary register.

To all this Neal was eager to contribute, but *Portico* editor Tobias Watkins was at first reluctant to publish anything other than Neal's poetry. To prove his mettle as a serious author, Neal composed a fifty-page essay on the British poet, adventurer, and publishing sensation Lord Byron, whom he revered. In his memoir *Wandering Recollections*, Neal reported that the essay was “scribbled with one hand, while I was holding the book with the other, and copying at arm's length.”¹⁰ Watkins published Neal's essay on Byron and subsequently began relying heavily on him, for his capacity for work was clearly enormous. Toward the end of the *Portico*'s run, with Watkins called away from Baltimore for long periods of time, Neal edited and wrote much of each issue.

As he began to circulate in Baltimore's print sphere, Neal perceived that many of the Delphians' attitudes and practices were old-fashioned. Two important experiences generated especially telling impressions. The first was an assignment from Paul Allen to ghostwrite long portions of a history of the American Revolution that Allen had undertaken. Neal found Allen a wonderful writer when inspired, but more consistently lazy, sloppy, and out of step with the times; in his novel *Randolph* Neal wrote that Allen possessed a "character of sluggishness, slovenly inaptitude and moroseness, all about him."¹¹ Neal's impression matched that of Thomas Jefferson, who had become irritated at Allen for Allen's long delay in completing the official history of the Lewis and Clark expedition. By the time Allen and partner Nicholas Biddle completed their *History of the Expedition of Captains Lewis and Clark* in 1814, unauthorized versions written by expedition members and profiteering publishers had already sold widely.

Still, Neal worked hard on Allen's behalf. He traveled about the country collecting statements and examining documents, organized and edited the scraps Allen had compiled, and authored several entire chapters. But when *The History of the American Revolution* appeared in 1819, nowhere had Allen mentioned his contributions, an omission that at first angered Neal. Later, when he read the published history he was relieved that few knew of his association with the project. As Neal wrote in *Randolph*, *The History of the American Revolution* was "so shamefully misprinted, and so crowded with blunders, often making nonsense of the finest passages," that he no longer felt bad about being slighted.¹²

In contrast, Neal was impressed by Hezekiah Niles, the publisher, editor, and primary writer of *Niles' Weekly Register*. The *Weekly Register* was an important political periodical in the early national period. Published in Baltimore and dedicated to documenting Washington political and legislative activity, it transcribed bills, resolutions, speeches, and entire debates from the floors of Congress and the Senate, much as the *Congressional Record* does today. By the standards of the time the paper was a hit, claiming over ten thousand subscribers and remaining in publication for over three decades. Neal met Niles when the latter hired him for \$200 to compile an index for a bound volume of the *Weekly Register*. Neal attacked this assignment much as he had the essay on Lord Byron; he completed the job, he said, after working "upon the average, sixteen hours a day, every day, including Sabbaths; and never taking an hour for exercise or amusement, for full four months."¹³

Not a Delphian, Niles was an ex-printer with as little formal education as Neal himself. His personal demeanor was blustery and unpolished—"blundering over the simplest things" is how Neal describes him in *Randolph*—and Neal poked fun at Niles for publishing atrocities such as "She had went" in the *Weekly Register*.¹⁴ But Neal forgave Niles as he could not Allen, for the *Weekly Register* was both financially successful and read by many of the most powerful men in the nation. Inspired by Niles's entrepreneurial spirit and energy, Neal wrote that Niles was a "shrewd calcula-

mentioned, when I thundered and lightened, and marched and countermarched, through that soliloquy. Hence much of the effect, I am sure. I did not then know, having only seen Mr. Duff, that soliloquies are not to be declaimed, though they almost always are, even to this day. How strange! Off the stage, we can always tell, by the modulation of his voice, whether a man in the next room is talking to himself honestly and fairly, or only making believe. We cannot be deceived: we should never mistake imitation or counterfeit, for the truth, were we to overhear a lunatic or a street-walker.

That particular modulation is never heard upon the stage; but we have accepted a conventional tone, so that stage soliloquies are but rehearsals or declamations. A blind man, overhearing them, would know for a certainty that the speaker was not alone, and was not talking to himself.

At the time I speak of, I was in my twentieth year, well grown, active, and alert; ambitious, too, and not easily discouraged; anxious to "do, I knew not what," like old Lear, with no idea of what I was good for, or capable of.

1716
As for what is called oratory, or elocution rather, I knew it was in me; and, like Sheridan, I was determined "to have it out" — and the sooner, the better. Still no opportunity offered, until I was a member of the Delphian Club at Baltimore, when I had reached the age of twenty-three, or thereabouts. Our treasury being low, we set the members talking and writing, to entrap them into forfeitures, under one pretence or another. Most of us tried our hand at what our secretary called *ex-trumpery* speaking; but we found it wouldn't *pay*, though we did. All of us fell short of what might have been reasonably expected — all who made the attempt, I should say; for two or three of the brethren had large experience at the bar, General Winder being an accomplished advocate, and William Gwinn, and Breckinridge, respectable attorneys, to say nothing of Mr. Pierpont, my old partner in business; but, after all, I rather think mine was the most pitiable failure, because too much was expected of me. I was then studying law with General Winder, and my best friends did not seem to know that an after-supper speech cannot be made by the unpractised speaker, any more than

Neal wrote of his years with the Delphians in his autobiography. (John Neal, *Wandering Recollections of a Somewhat Busy Life: An Autobiography* (Boston: Roberts Brothers, 1869).)

tor, far-seeing, crafty, and sagacious; a truly honest man, a patriot, and a Christian."¹⁵ To Neal, there was little difference between being a "shrewd calculator" and a "truly honest man," or between being "crafty" and a "Christian." "Mr. Niles, after all," wrote Neal, "has done a great deal of good in his generation."¹⁶ In comparing Allen and Niles, Neal hit upon a conceptual diptych that would influence greatly his own developing sensibility: the impractical, backward-looking aristocrat-litterateur and the business-savvy, crowd-pleasing, forward-leaning author-entrepreneur.

Neal's experiences caused him first to lose patience with the Delphians and then in 1820 to quit the club after they refused to accept a friend he had nominated for membership. In the texts published thereafter, he mounted a critique not just of the club and its members, but of the ethos that governed the practice of all such gentleman-litterateurs. At such long temporal remove and without contemporaneous accounts of Neal in Baltimore it is hard to assess the psychological and emotional reasons for his literary revolt. Had he been slighted? Was he ambitious? Was he a born maverick? How did ego coincide with analytical perceptiveness and justified indignation? Precise answers, or even more informed speculation, to these questions await further archival discoveries. Neal's own account in *Wandering Recollections* of these years did not come until 1869. The events he described therein are flavored by five decades of rumination, while the texts he wrote as a young man reflect the white heat of a mind inflamed with desire to shake things up.

In any case, Neal noted the essential conservatism of Watkins and Allen and sensed that it stemmed more from timidity than prudence. The periodical realm at large was saturated with such men, Neal discovered, and the rearward orientation of their publications hindered rather than facilitated the modernizing processes that Neal sensed were both needed and inevitable. Searching for a target of his crystallizing ire, he deduced that the cultural imperative that debilitated the Delphians and the entire American magazine community was its reverence for the neoclassical spirit and style of the early modern English periodicals the *Tatler* and the *Spectator*.

America's early-national periodical neoclassicists believed that a nation's cultural elite might use literature and the press to disseminate desirable opinions and values among themselves and, in so doing, reinforce their control of the society at large. American neoclassicists drew inspiration from John Dryden, Jonathan Swift, Alexander Pope, and Daniel Defoe, Augustan-era British authors who themselves were inspired by the social order and cultivated sensibility they claimed characterized ancient Greece and Rome. American neoclassicists also admired Joseph Addison and Richard Steele, the author-proprietors of the *Tatler* and the *Spectator*, two groundbreaking London periodicals that were popular in their short-lived print runs between 1709 and 1712 and remained influential on men of letters long afterwards. Tobias Watkins wrote, for example, in the March 1816 *Portico* that in the "time of Dryden, Addison, Steele, and Pope . . . criticism flourished in the highest beauty and vigor." Periodical pioneers Addison and Steele were not as politically or socially

conservative as their American disciples would have them; if anything, they sought an engaged accommodation with the modern world. Certainly their medium, the periodical, was a new-fangled form with no antecedents in antiquity, and Addison and Steele placed a high value on originality and imagination. Still, neoclassical ideals undoubtedly favored reason and prudence and scorned folly and vanity. For those so inclined—such as the Delphians—neoclassicism was a handy weapon for bludgeoning modern excess. Watkins and Allen worried that the American Revolution had validated behaviors and attitudes that were selfish, unprincipled, and crass. Their ambivalence is reflected in a March 1816 *Portico* essay about the savage governing practices of nomadic Turkish tribes. Considering the stringent measures taken by the tribal leaders in the face of objectionable values and behaviors, the anonymous *Portico* author writes, “While we detest the atrocities they perpetrate, we must commend the order of nature that has provided a check to ambition and tyranny.” Watkins and Allen admired the staunch founding fathers who had resisted a tyrannical king, but sensed also that the Revolution had authorized ambitious upstarts to disrupt the natural order of things by unleashing an unhealthy emphasis on fame and money-making as the means by which ordinary citizens strove to fulfill their potential. In the face of social unruliness, they consistently favored order, tradition, and respect for status and authority.¹⁷

An important apostle of American neoclassicism, William Wirt was the United States attorney general in 1818, a friend of Watkins and Allen, and a frequent visitor to Baltimore. Rarely thought of today, Wirt figured in many aspects of American life in the first third of the nineteenth century. Born in Maryland, he rose from humble beginnings to become an esteemed lawyer and politician in Virginia. In 1807, President Thomas Jefferson named him the prosecutor in Aaron Burr’s treason trial, and from 1817 to 1829 he served as the United States attorney general under James Monroe and John Quincy Adams. While attorney general, Wirt visited Baltimore often to argue cases and mingle with the Delphians. In 1829, after Andrew Jackson’s election as president drove him from government, Wirt moved to Baltimore, where he lived until his death in 1834. While a resident of Baltimore, he argued before the Supreme Court for the rights of Cherokee Indians in several important cases and ran for president in 1832 as the candidate of the Anti-Masonic party. Wirt, deferential to status and proud of his rise from humble beginnings into the new nation’s cultural and legal elite, earnestly believed that the nation’s fate depended upon learned men steeped in republican values, attitudes, and behaviors.¹⁸

Wirt owed his literary prominence to two collections of essays first published in magazines, *The Letters of the British Spy* (1803) and *Notes of a Bachelor* (1812). The essays in both collections are in the style of the *Tatler* and the *Spectator*, no surprise given that Wirt referred to his inspirations frequently. In *The Letters of the British Spy*, for example, the “spy” is an Englishman traveling through Virginia who spends one evening reading a bound volume of the *Spectator*. The pleasant experience causes

him to rhapsodize that if he were “sovereign of a nation” he would “furnish every poor family in my dominions (and see that the rich furnished themselves) with a copy of the *Spectator*.”¹⁹ Wirt’s own writings exemplified neoclassical literary style, which sought to reproduce in writing the balance, proportion, harmony, and restraint its adherents thought characterized the ideal political order. Or, to use the words of Gilbert Highet, the author of *The Classical Tradition* (1949), neoclassical writers tried to convey a “controlled power” that was both highly expressive and in accordance with a naturalized sense of literary order.²⁰ To Wirt, sentences, paragraphs, and essays were elaborate edifices that one might admire for the care of their construction, and which generated an elegant yet forceful effect. Extremely sensitive to textual sonic quality, Wirt frequently used Latinate words to generate a cultivated feel and impart a sonorous tone. To create drive and melody, he often repeated evocative words in close proximity or in key syntactical positions. He also grouped words according to their tonal similarities to infuse his prose with a rolling, rhythmic texture. Syntactically, Wirt favored long sentences composed of clauses loosely connected by light conjunctions or punctuation and peppered with conjoined terms and phrases (as in “terms and phrases”).

A passage from *The Letters of the British Spy* illustrates a variety of Wirt’s neoclassical prose techniques and attributes. The subject is the great orator and Revolutionary War hero Patrick Henry:

I am told that his [Henry’s] general appearance and manners were those of a plain farmer or planter of the back country; that in this character, he always entered on the exordium of an oration; disqualifying himself, with looks and expressions of humility so lowly and unassuming, as threw every heart off its guard and induced his audience to listen to him, with the same easy openness with which they would converse with an honest neighbor: but, by and by, when it was little expected, he would take a flight so high, and blaze with a splendour so heavenly, as filled them with a kind of religious awe, and gave him the force and authority of a prophet.²¹

Divided in halves by the colon, further punctuated by two semi-colons, and extending for 118 words, the sentence introduces an idea, complicates it, and then expansively builds to an emphatic finale marked by the sentence’s most vivid description and important claim. But also evident is Wirt’s tendency—characteristic of much neoclassical prose—to rumble along in an abstract register. In this passage, for example, the figurative language of “a flight so high” and “blaze with a splendor so heavenly” fail to specify exactly what words, images, and tones give Henry’s speech the “force and authority of a prophet.”

John Neal, in contrast to Wirt, sensed that what we call today neoclassical style was a veneer that disguised outdated, vacuous thought. Using his departure from

the Delphians as a spur, Neal began using the word “classical” to impugn literary language he disliked. “I never shall write what is now worshipped under the name of *classical* English,” he wrote in the introduction to his 1828 novel *Rachel Dyer*, “It is no natural language—it never was—it never will be spoken alive on this earth; and therefore, ought never to be written.”²² In his 1823 novel *Errata*, Neal explained:

the cold, artificial beauty of classical writing; interminable periods; interwoven sentences; and, what is called a gradual development of thought; as if men, when they think at all, have the patience to think gradually; and as if, what is called a gradual development of their thought, were not a mere subterfuge to delay the exposure of their own ignorance; and avert the punishment, which they deserve, for attempting to talk at all.²³

Neal used the term and related ideas to damn many prominent authors. Of Joseph Dennie, the editor of Philadelphia’s *Port Folio*, Neal asserted, “Mr. Dennie was not a man of genius—there was nothing remarkable in anything that he ever said or did. He was only a man of talent—assiduous—tame—and (what more *can* we say?)—*classical*.” Of Washington Irving, he asked, “There is Washington Irving now, he has obtained the reputation of being—what?—why at the best, of being only the American Addison in the view of Englishmen. And is this title to care much for?”²⁴

Neal in particular singled out William Wirt for criticism; the enmity is so great that one suspects the two men had a personal confrontation. In any case, Neal’s dislike began to manifest itself in 1817 when Wirt published *The Sketches of the Life and Character of Patrick Henry*, a biography that expanded upon his comments on Henry in *The Letters of the British Spy*. Wirt, like many Americans, including Neal, admired Henry’s passion for liberty and ability to galvanize followers with his powerful speeches. *The Life of Henry* was a significant event, at least according to the anonymous *Portico* reviewer (it might have been Neal himself) who announced in the December 1817 issue, “No work was ever more impatiently expected, than the one now before us, has been, by the American public.” Clearly not a hagiographic biography like Mason Locke Weems’ *The Life of Washington* (1806), the most famous and popular early American biography of a founding father, *The Life of Henry* was meant to be a serious appraisal by a serious author. Wirt had never met Henry (who died in 1799), but he felt strong affinities with the Virginia statesman and believed his own stature as a prominent man of letters made him well qualified for the job. He worked on the biography for over a decade and fought to overcome several large obstacles. Unfortunately, many of Henry’s closest friends had died before Wirt began, most without leaving detailed reminiscences. Even worse, no reliable transcripts of Henry’s already famous speeches existed. Finally, Wirt’s duties as a lawyer and attorney general interfered with progress on the biography.²⁵

Wirt pressed on because he believed the task important, but he was not able to surmount the problems he encountered to complete a compelling, authoritative ac-

count. To his credit, Wirt acknowledged that the lack of reliable material had made his task difficult, and he asked the reader's forgiveness for presenting, after many long years of work, a series of "sketches" instead of a unified, comprehensive, and detailed narrative. Further, Wirt did not shy away from some hard-to-handle aspects of Henry's life, such as Henry's troubled relation with his father or his tendency to coast when not confronted by a call for action. Wirt's discussion of Henry's shop- and tavern-keeping experience in the employ of his father-in-law is also astute. He noted, for example, how Henry's observation of customers' spending habits helped develop his understanding of human nature.

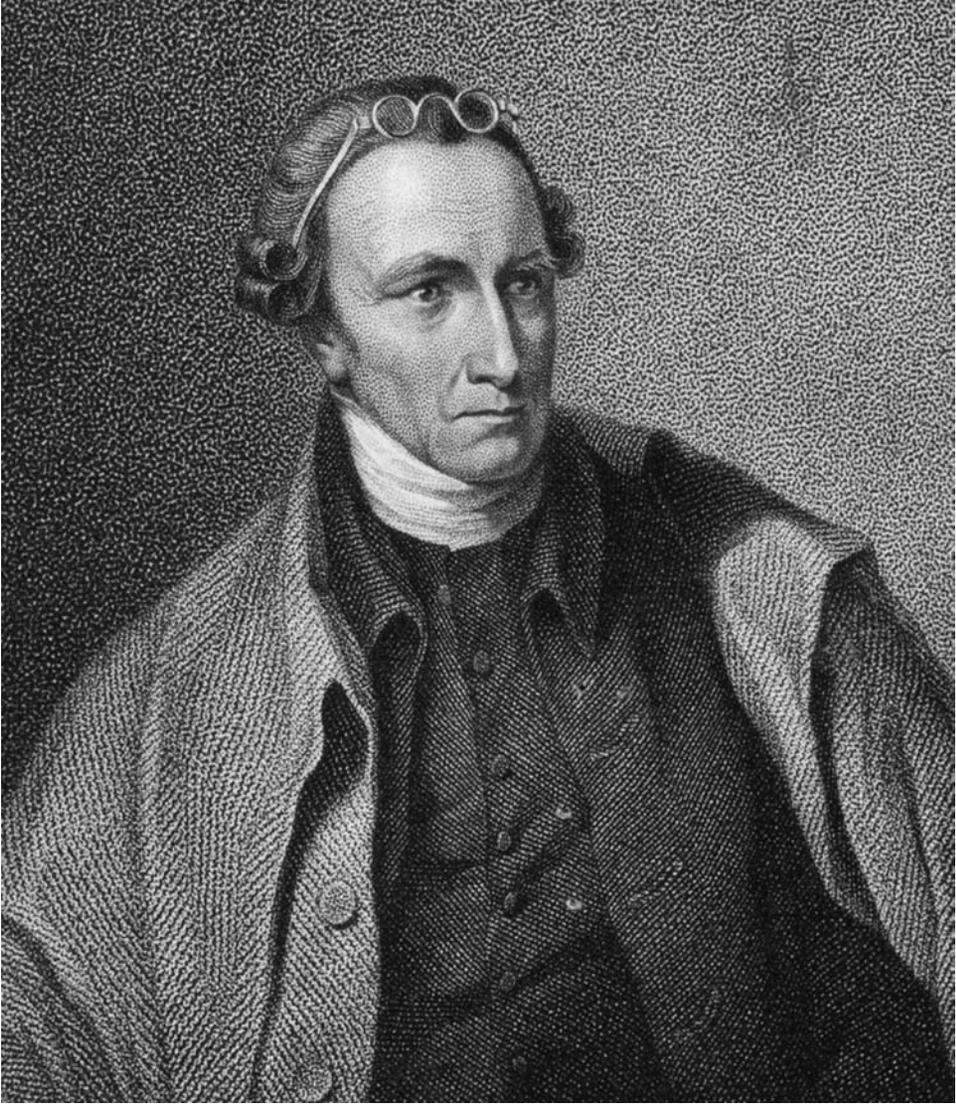
On the other hand, Wirt mishandled many aspects of Henry's life. For example, he presented Henry's upbringing in colonial Virginia in far grander terms than the evidence merited. In Wirt's hands, James River plantations assumed the polished sheen of European courts, and Virginia's political and legal circles became epicenters of refinement and principled discourse. Through this milieu, according to Wirt's account, Henry moved with the poise and dignity of an English nobleman. In promoting Henry to republican royalty, Wirt minimized or excused untidy details, such as Henry's general contempt for book learning and his enjoyment of long, backwoods camping trips with his slave overseers. Further, Wirt's *Life of Henry* is not at all "sketch"-like. Instead of vividly portraying scenes from Henry's life, it consists primarily of long passages that assert Henry's greatness without corroborating evidence or detailed explanation. Wirt wrote in the poised sentences of American neoclassicism at its most disconnected from close observation. Three examples will illustrate:

[Henry's] morals were strict. As a husband, a father, a master he had no superior. He was kind and hospitable to the stranger, and most friendly and accommodating to his neighbors.

The love of money is said to have been one of Mr. Henry's strongest passions. . . . Let these things be admitted, and "let the man who is without fault cast the first stone."

[I]t has sometimes been objected to [Henry], that he waited on every occasion, to see which way the popular current was sitting, when he would artfully throw himself into it, and seem to guide its course. Nothing could be more incorrect.²⁶

Wirt's neoclassical sensibility served him well in at least one instance. Henry's famous "Give me liberty, or give me death" speech, as it is known today, comes from Wirt's *Life of Henry*.²⁷ The speech is powerfully rendered, but even Wirt defenders such as his biographer, the prominent Baltimore antebellum novelist John Pendleton Kennedy, agreed that *The Life of Henry* was flawed. "It is even to be regretted that [Wirt] undertook the task," wrote Kennedy in *Memoirs of the Life of William*



Patrick Henry (1736–1799). Neal penned a vitriolic critique of William Wirt's biography of the Virginia statesman. (*Frontispiece, William Wirt, The Sketches of the Life and Character of Patrick Henry, 2nd edition, Philadelphia, 1818.*)

Wirt (1849), "As an entire performance it disappoints the reader,—not in relation to Henry, but in relation to the author."²⁸ According to historian William Robert Taylor, Thomas Jefferson, who knew both Wirt and Henry, was another who was disappointed.²⁹

Wirt may not have expected unanimous approval of his biography, but he probably did not expect to encounter antagonism from within the Baltimore literary coterie whose company he often enjoyed. John Neal's admiration for Henry was the

equal of Wirt's. In *Blackwood's*, for example, Neal wrote that Henry was "one of the most extraordinary men that ever lived."³⁰ In the 1823 epistolary novel *Randolph*, a Neal-like character asserted that Henry was "one of the truly great men of America" and claimed that "in his power and originality, [he] stood up like a giant, among dwarfs, and dictated to them, in the plain, great language of a giant."³¹ But Neal vehemently objected to *The Life of Henry*, and he expressed his contempt several times in print. The outbursts are colorful, but one must work through the invective and exaggeration to determine the real points of contention dividing Neal and Wirt. Neal's essential claim was that Wirt misunderstood Henry's greatness and described him not as he was but for what he wished he had been.

A passage on Wirt in *Blackwood's*, for example, indicts Wirt's intrusive stylistic mannerisms, which Neal claimed reflected Wirt's own arrogance. Neal called *The Life of Henry* a "piece of extravagant eulogy, wherein the biographer has overlooked everything but himself, in his passion for rhetorical ornament."³² Neal's most trenchant comments on Wirt and Henry appeared in *Randolph*, his novel that not coincidentally most directly portrays the Baltimore environment that nourished his attitudes about literature and culture. The letters Edward Molton, Sarah Ramsay, and the other characters write are saturated with references to contemporary authors, artists, actors, and other personages. References to cultural celebrities establish the protagonists' taste and intelligence, as well as demarcate the culture of the 1820s mid-Atlantic urban centers in which they move. They also give Neal a chance to expound his personal opinions, for Edward's comments about his favorite and least-liked authors echo those made by Neal in his own name. For example, Edward writes at length about Byron—favorably—and in less flattering ways about Irving. Midway through the second volume, Edward takes Henry and his biographer Wirt into consideration.

Edward's first mention of Wirt in *Randolph* is auspicious. "Wirt—or Wart?" he asks.³³ The sneer suggests Neal's willingness to use *Randolph* to settle scores and precipitate new understandings, for all of Edward's remarks about Wirt combine scorn with impudent correction. Of *The Life of Henry* Edward comments, "There was never a more intemperate, injudicious, and unworthy biography." Continuing, Edward claims that "false notions of eloquence" caused Wirt to misread the socio-cultural factors that coalesced around Henry, made him such a compelling figure, and explained his oratory's strength. Rather than an honest or insightful effort at plumbing Henry's appeal, Wirt bedecked the Virginia orator with "flowers and festoons, and fireworks." Instead of depicting Henry "with his limbs all uncovered . . . amid the convulsion and turbulence of all the political elements of the day," Wirt made Henry the idealized object of his neoclassical notions of republican virtue.³⁴

Using Edward's opinions about Henry's eloquence as close approximations of Neal's own offers insight to the half-submerged, half-visible historical trends that influenced Neal's prose practice and aesthetics. In *The Life of Henry*, Wirt defended

Henry against critics who claimed that he “waited on every occasion, to see which way the popular current was sitting, when he would artfully throw himself into it, and seem to guide its course.” Instead, wrote Wirt, Henry’s oratorical power depended on his knack for verbal embellishment, as if he had wisely studied a rhetorical primer. “No speaker,” Wirt wrote, “ever understood better than Mr. Henry, the true use and power of the *pause*: and no one ever pronounced it with happier effect.” Neal, on the other hand, sensed that Henry’s oratory depended exactly on his ability to assess “which way the popular current was sitting,” not on tricks and tactics learned from handbooks. In *Randolph*, Edward asserts that Wirt “wrote a book of five hundred pages, octavo, to prove that Patrick Henry was an eloquent man; and he finished, by showing that he was a rhetorician.”³⁵

In contrast, Edward’s remarks on Henry are few and conflicted, though picturesque:

Patrick Henry was an eloquent man. Yet you would look in vain for ornament, and rhetoric, and poetry, in his sayings. No!—his manner was above that. It was kingly. No—it was greater!—it was republican! . . . The men that heard him, shook in all their limbs, and sweat fell, like rain, from their foreheads.³⁶

Edward’s stammering description of Henry blends discursive registers to portray and assess Henry’s effect on his listeners. Searching for the right words, Edward rejects the language of conventional oratorical praise—“ornament, and rhetoric, and poetry”—and appeals to divine authority and inspiration—“kingly”—to recast Henry’s oratory in “republican” terms. Then, by describing Henry’s effect on his listeners—they “shook in all their limbs; and sweat fell, like rain, from their foreheads”—he moves toward an explanation of Henry’s appeal that depended on evoking intense emotional and sensory responses by his audiences. Neal implied that Henry’s extended hours passing the day with store and tavern customers, attending camp meetings in rural Virginia, campaigning with revolutionary militiamen, and participating in long storytelling sessions in backwoods hunting camps taught him to communicate in words, images, and tones that resonated strongly with his listeners. Specific words and ideas were important, Neal implied, but the speeches primarily evoked physical and emotional responses, not intellectual ones.

Neal’s account has been seconded by contemporary scholars who also suggest that Henry’s personality- and emotion-laden oratorical style made his speeches almost participatory acts for listeners. According to David McCants’ *Patrick Henry, the Orator* (1990), Henry did not so much preach, dictate, or expound to his audiences, as employ a new “plain, pungent style that without seam addressed the understanding and the affections” of listeners.³⁷ Henry’s plain-but-seamless oratory incorporated words and tones from many places in the registry of linguistic effects, as Kenneth Cmiel, the author of *Democratic Eloquence: The Fight over Popular Speech in Nine-*

teenth-Century America (1991), describes: "Classical cadences, passions verging on the evangelical, pronunciation that smacked of the rustic, and dress and deportment that were genteel—it all added up to a *sui generis* public performance." Cmiel also points out that Henry "jumbled symbolic and expressive cues."³⁸ This undisciplined but still finely wrought synthesis of language and thought allowed Henry to reach and unite diversely composed audiences. Elites, commoners, soldiers, and legislators each found elements in Henry's speech with which they identified and which also provided a basis of shared experience with fellow listeners. This encompassing style, dependent on reducing the emotional, physical, and cognitive distance separating speaker and listener, united Henry and his listeners in what David McCants calls an "inclusive community of equals governed by talk."³⁹

The divide between Wirt and Neal illustrates the fast-widening fissures that were to eventually separate the early-national from the antebellum periods. Wirt saw Henry as a virtuous blend of Virginia yeoman and gentry—attributes that Americans might still usefully emulate in the name of republican virtue. Specifically, he prized Henry's sturdy integrity and cultivated eloquence, which he believed served as bulwarks against unprincipled behavior and crude speech. Neal, on the other hand, asserted that Henry had been a representative modern American, one motivated primarily by self-interest and the demands of the moment. Neal too respected Henry's soaring oratory, but believed its power stemmed from Henry's ability to communicate in a register drawn not from traditional sources of oratorical brilliance, but from a reservoir of much more modern tones, effects, and images. Where Wirt was horrified by the evolving nature of American identity and speech, Neal was enthusiastic and unapologetic, and thought that Henry had done much to facilitate exciting new forms of being and expression.

The conservative and cautious Wirt had hoped that his celebration of Henry's principled defiance might bridge differences between South and North, plebian and aristocrat, agrarian and cosmopolitan, the colonial republic and early-national democracy. Rather than unite an increasingly pluralistic nation, however, *The Life of Henry* exposed large fissures. As Wirt wrote, demographic changes and rising prosperity were transforming the nation materially and ideologically, and the new cultural fault lines made consensus regard even for Revolutionary War heroes hard to attain. Keenly aware of the new stratified cultural terrain, Neal sensed that Wirt was using Henry's legacy to counter the grasping and unpolished American masses that Wirt found threatening. To Neal, Henry had not been an example of principled character, even in his own time. Instead, he had been a prototype of a new kind of citizen who propelled himself from obscurity to fame and influence by breaking with tradition, not by exemplifying it. Now commonplace Americans by the millions, empowered by democracy to seek prosperity and personal advantage, were doing the same.

In truth, Neal had no more reliable reports about Henry than Wirt, and he was

just as eager to idealize him, but Neal recognized the grasping, opportunistic side of Henry—and America—that Wirt either missed or wished away. Specifically, where Wirt deflected criticism of Henry’s ambition, vanity, and greed, Neal saw commendable qualities that allowed Henry to gratify personal desires within a structured and coherent social order. Where Wirt praised Henry’s commitment to public service, Neal saw behavior that veered close to selfish aggrandizement—and recognized that Henry’s ability to act decisively upon his instincts served the country well during crises. Further, though Henry clearly pursued financial gain, this “strongest passion” demonstrated healthy energy and enterprising spirit. And though Henry’s morals were not “strict,” but loose, Neal understood that his flexibility and tolerance allowed him to better understand others.

Indeed, it is hardly a stretch to say that Neal, who had failed as a shopkeeper before turning to the law in his mid-twenties and embarking on a public career, saw himself in Henry. Henry was writ larger upon the cultural and historical landscape, to be sure, but in the outline of his character and achievements he modeled what Neal hoped to be: a catalyzing figure who presciently foretold important changes in American public communicative patterns. In Neal’s view, Henry’s oratorical prowess stemmed not from Henry’s bedrock virtue but owed much to a slippery disingenuousness that made him keenly able to tell others what they wanted to hear.

Neal was not the only one who was intrigued by the obscure linkage between Henry’s oratory and what might be said to be his inner or true character. Thomas Jefferson, for example, first met Henry at a plantation dance and noted his storytelling, fiddle-playing, and jig-dancing ability, but found the array of charismatic, pleasure-producing abilities slightly ominous. Later, Jefferson credited Henry for instilling backbone in the revolutionary cause, but he also complained that Henry spent too much time with disreputable associates, referring especially to Henry’s fondness for the company of overseers, and he noted that Henry’s career after the Revolution was lackluster and tinged with scandal. “In his heart,” Jefferson noted, Henry “preferred low company and sought it as often as possible. He would hunt in the pine-woods of Fluvanna with overseers, and persons of that description, living in a camp for a fortnight at a time without a change of raiment.”⁴⁰ Jefferson’s suggestion is that Henry’s brilliant speeches overshadowed more careful appreciation of the entire man and complete life.

Neal’s sensibility, however, drove him to applaud what alarmed others. Though direct connections are difficult to establish, a number of Neal’s ideas about literature seem rooted in his positive evaluation of Henry and his negative estimation of Wirt. Neal could create spectacular figures of speech, for example, as in a passage in *Rachel Dyer* where he described American soil as “beautiful brave earth” and in another from *Randolph* where he described an author (Wirt, in fact) as a “conquering magician in his march.”⁴¹ More generally, though, the tendency of Neal’s prose was demotic—interested in representing the vernacular tones, idioms, and habits of a gamut of

character types and in making his texts accessible to minimally educated American readers who resisted or rejected the allure of elevated literary mannerisms. In particular, Neal believed that narrative prose should be unadorned and lifelike. In *Randolph*, for example, Edward Molton writes, "People may be amused—astonished—but they are never wrought upon, or *convinced* by metaphor." Comparing "judicial eloquence" with "poetical eloquence," Edward asserts that a lawyer arguing a case before a bar should avoid dramatic rhetorical effects because the "less poetry he uses, the better it will be for his client."⁴² He then advises that poets and novelists should abide by the same philosophy. For Neal, literature was not a realm of symbolically charged, super-expressive language, but one of intensely rendered realistic speech that, in the manner of Patrick Henry, united authors, characters, and readers together in, to use David McCants' phrase, an "inclusive community of equals governed by talk."

Indeed, the phrase that Neal hit upon to articulate the idea that Henry-like communicative patterns might form an attractive narrative prose style was "talk on paper." The phrase reflects Neal's idea that fictional prose should more resemble the texture and rhythms of colloquial speech than the neoclassical style of Wirt. A December 1817 *Portico* review of *Keep Cool*, Neal's first novel, stated that Neal possessed "too great a fondness for colloquial phrases and expressions, and [paid] too little attention to the proper connection of sentences." The reviewer may well have been Neal himself. Neal first used "talk on paper" in the 1823 novel *Seventy-Six* where he counseled, "Learn that—and learn it speedily—there is no time to be lost" and afterwards the idea reappeared many times in his writings.⁴³ In the 1823 novel *Errata*, Neal wrote that "all public speaking; and all written language, are but the imperfect imitation of *talking*; and that the nearer they approach to it, the more beautiful and powerful is their operation, upon the heart of man."⁴⁴ In *Randolph* Sarah Ramsay is the advocate for vernacular prose—an interesting "reader in the text" who proclaims, "Nothing is so tiresome to me as the conversation of one that talks 'like a book;' and what is good letter writing, but written conversation?—free, natural, and unstudied, touching us rather, with its readiness, and simplicity, like the playfulness of a well bred woman."⁴⁵ Drawing on the compelling aspects of a number of oral traditions—folk-tale telling, political and religious oratory, regional idiomatic expression, class-marked speech, and everyday conversational dialogue—the "talk on paper" ethos reformulated the neoclassical literary register and made it reflective of contemporary speech and more accessible to modern readers.

A crucial aspect of the belief that narrative prose should resemble familiar, everyday speech was Neal's interest in textual speech representation. He believed that an ability to formulate interesting and realistic quoted speech demonstrated technical skill, alertness to social complexity, and the ability to create interesting characters. Neal, for example, was one of the first reviewers to criticize James Fenimore Cooper's clumsy, un-individuated speech. Neal wrote that Cooper's characters "with two or three exceptions, talk too well; too much alike. . . . [Cooper] is afraid of

his dignity, perhaps; afraid if he make an idiot behave like an idiot, or talk like one, that he himself,—he, Mr. Cooper, may be thought one.”⁴⁶ In Neal’s opinion, Cooper was unable to effectively portray what Russian theorist Mikhail Bakhtin would call a character’s “idiolect”: his or her world-view as it was processed and expressed by and through the language used for speaking and thinking. For Bakhtin, the representation of speech was the “central problem of novelistic prose.”⁴⁷ Neal would have agreed; his criticism of Cooper suggests that he had forfeited one of the novel’s key means of portraying what Neal called in *Seventy-Six* “all the attributes of humanity.”⁴⁸

Neal himself employed a number of techniques for representing speech. Some were well-worn even by 1820, such as the use of italics, dashes, and asterisks to represent points of emphasis and interruptions of verbal flow. More innovative were Neal’s attempts to render regional and social status through speech. *Seventy-Six*, for example, is narrated in the form of a long letter written by a Revolutionary War veteran named Jonathan Oadley. In the novel’s preface, Oadley writes that he will employ the “style of a soldier, plain and direct, where facts are to be narrated; of a man, roused and inflamed, when the nature of man is outraged—of a father—a husband—a lover and a child, as the tale is of one, or of the other.”⁴⁹ True to Oadley’s word, the novel is full of individuated colloquial speech, as when Oadley describes a hand-to-hand skirmish: “I wheeled, made a dead set, at the son-of-a-bitch in my rear, unhorsed him, and actually broke through the line.”⁵⁰ Elsewhere, Neal flaunts the use of interjections such as “well” and “er.” Oadley himself pauses in the midst of unhorsing sons-of-bitches to comment on the ubiquity of verbalized pauses and space-fillers in spoken language: “Well—(the yankees, and Hanson was a yankee, had the practice of prefacing almost every remark, and every question, and every answer, then, as now, with a “well,” or a “why”)—after he got well, they let him.”⁵¹

By infusing novels with verisimilitude and color, “talk on paper” contributed to the glow of excitement that Neal felt characterized fiction. He keenly perceived that fiction was the literary and artistic medium of expression most in tune with the reading desires of contemporary Americans, and set about helping establish the validity of his ideas. He believed that almost everyone was susceptible to the allure of fiction, provided it was both realistic and interesting. “People read novels,” he wrote in *Seventy-Six*, “who never go to play or to church. People read novels, who never read plays, sermons, history, philosophy, nor indeed any thing else. And people read novels secretly, in all weathers, from morning till night—who do nothing else.”⁵² According to Neal, fiction was popular because it engagingly and usefully linked private and domestic concerns with national and international social processes; in *Rachel Dyer* he called novels the “fire-side biography of nations.”⁵³ In *Blackwood’s*, he had demanded that American narratives convey a “brimful of descriptive truth—of historical and familiar truth; crowded with real American character; alive with American peculiarities.”⁵⁴

Neal also thought fiction was popular because it presented readers with interesting characters to contemplate. To Neal, novels were places “where imaginary creatures, invested with all the attributes of humanity, agitated by the passions of our nature, are put to the task of entertaining or terrifying us.”⁵⁵ “Man must be the hero—and his heart the world which is convulsed in his career,” Neal later expounded in *Blackwood's*.⁵⁶ He believed that readers identified with morally exemplary characters, but that they were excited by immoral and criminal ones. In *Rachel Dyer*, he explained that Byron's and Sir Walter Scott's popularity stemmed from the fact that “all their great men are scoundrels. . . . their good men are altogether subordinate and pitifully destitute of energy and wholly without character.”⁵⁷

To Neal, fiction was far superior to poetry for describing the world, depicting character, and (even) experimenting with literary language. Neal had Edward Molton ask, “How many volumes of prose do you read in a year? and how many would you read, if the same things were told in verse! . . . hence the superiority of prose, if one wants to convey instruction, or amusement, or obtain reputation, glory, or popularity.” Elsewhere, Edward proclaims, “Whatever can be said *well* in poetry, may be said *better* in prose.” Neal urged other authors to abandon poetry for fiction. Writing of two of his inspirations, Lord Byron and the Irish poet Thomas Moore, Edward Molton urges, “Let them write fiction, but let their fiction be in prose, let them put out all their power, upon a literature that all may read, century after century—I do not mean *quote*, and keep in their libraries, but *read*.”⁵⁸

A final, most compelling reason for the popularity of fiction was the model modern expression it gave to the ancient practice of storytelling. A passage from *Errata* evokes this sense of communal connection offered by narrative:

I have written this tale, for the purpose of showing how people talk, when they are not talking for display; when they are telling a story of themselves, familiarly; seated about their own fireside; with a plenty of apples and cider; in the depth of winter—with all their family, and one or two pleasant strangers, lolling about; and the great house dog with his nose in the ashes; or out under the green trees, on a fine summer night; with all the faces, that they love, coming and going, like shadows, under the beautiful dim trees; and the red sky shining through them.⁵⁹

The tone of this passage is nostalgic, but as it reminisces it also calls attention to its own project of capturing in print the magic of oral storytelling, the ability to connect readers and tale-tellers in inclusive, harmonious communities of shared sensibility, organized around the production and reception of stories.

Fiction's superiority was ultimately proven by the fact that publishers paid authors to write novels. Neal claimed in *Wandering Recollections* that he never received the “first farthing” for his *Portico* endeavors, but that he was offered \$100 to write

Keep Cool in 1817 and he “jumped at the offer like a cock at a gooseberry.”⁶⁰ Before leaving Baltimore he sold four more novels to publishers up and down the Atlantic seaboard. Unfortunately, the record of the reception of Neal’s own narratives is, as with other early American texts, difficult to recover, thus making assessments of his impact and influence difficult. But the facts that Neal was able to attract publishers as far north as Boston (for his verse-drama *Otho* in 1819) and readers such as Nathaniel Hawthorne in Salem, Massachusetts, demonstrate his reach.

With certainty one can claim that *Randolph* was read avidly in Baltimore. Though William Wirt’s reaction is unknown, Baltimore poet Edward Pinkney, the son of William Pinkney, a Baltimore elder even more venerated than Wirt, responded heatedly to his father’s negative portrayal in the novel. Pinkney senior had been a congressman, senator, attorney general, and ambassador to both Britain and Russia, but in *Randolph* Neal described him as a “thick, stout man, with a red, fat, English face remarkable for nothing at all” and asserted that “Mr. Pinkney is not an eloquent man.”⁶¹ After describing at length Pinkney’s poor performance in Baltimore courtrooms, he ended with the accusation that Pinkney picked his nose while arguing before the bar.⁶² Making matters worse, Pinkney died while Neal was writing *Randolph*. “The giant has gone down, *like a giant*, to the household of death,” said Neal in a hasty postscript to the novel—and yet Neal consciously decided, in the name of truth, to retain his unflattering portrait.⁶³ When Edward Pinkney read the humiliating account, he published a handbill that refuted Neal’s charges and challenged Neal to a duel. Neal, who had denounced the practice of dueling in his novel *Keep Cool*, attempted to brush off the challenge both on principle and as a matter of no import.

But the Neal-Pinkney affair was just one of a series of scandals that ruined Neal in the eyes of Baltimore society. In addition to attacking the Delphians and insulting Wirt and Pinkney, Neal began an affair with a married actress whom he tried unsuccessfully to introduce to Baltimore’s gentility. He further wrecked his reputation when he was found in the room of his friend John Pierpont’s fourteen-year-old sister-in-law in the middle of the night. Neal was fully clothed, but his behavior was still inappropriate and his apologies to the Pierpont family were callous and unconvincing. In *Errata*, the second novel he wrote in 1823, Neal tried to justify his many breaches of propriety but succeeded only in fanning fires. In addition to including fictionalized scenes of grown men lurking in the rooms of adolescent girls, he returned to his feud with Edward Pinkney by reprinting the exchange of letters between the two. He now claimed that William Pinkney had been a celebrity and thus had no claim to either privacy or deference—“Public men are public property,” Neal wrote, an arguable legal point but a quibble in real terms.⁶⁴ He also trivialized Edward Pinkney’s bruised honor by offering stylistic advice on the wording of his challenge to a duel. Finally, Neal stated that he was worried most about the public outrage that would ensue if he killed—as he claimed he would—the famous poet in a duel.

Almost certainly feeling the heat of burning bridges, Neal left Baltimore for England at the end of 1823. On his return to America in 1827, Neal considered residing once more in Baltimore. After testing the Maryland waters, though, Neal decided instead to resettle in his boyhood home of Portland, Maine, claiming that Baltimore's mania for the new Baltimore & Ohio railroad had now made the city crass, materialistic, and inhospitable to literary endeavor. The "Baltimore-and-Ohio Railroad had crippled and emasculated her energies," he reflected in a curiously peevish counter-commentary on a development that was widely celebrated by Baltimore residents of all stripes.⁶⁵ But perhaps Neal was right about the changed spirit of Baltimore, for even men whom he respected, such as Hezekiah Niles, were promoting the railroad without shame, hesitation, or fear of contradiction. Had Neal stayed a little longer in Baltimore, he might have discovered that literary activity had not disappeared entirely but had instead, in very real terms, relocated physically and perhaps even had been boosted by the shared euphoria of railroad mania.

In the late 1820s, the writing, reading, and discussion of literature migrated from the city's finer homes to the rowhouses, taverns, and cramped offices inhabited by a much younger and less affluent set of authors and readers. The changes bespoke a certain democratization of effort and spirit that Neal had anticipated. Where Neal had felt the stigma of his inferior social status among the Delphians, in the late 1820s the dynamic would reverse, and literary acolytes with superior educations and proud of their family backgrounds—such as Edgar Allan Poe—would find themselves alienated from a literary culture now dominated by authors and editors with more plebian roots. The new writers and readers were not beadles of literature, but upper-class drop-outs and working-class aspirants who dreamed of making literature a profession. By 1831, the new cohort had found outlets for their poems and stories in magazines and newspapers such as the *Baltimore Times*, *North American Review*, *Emerald*, *Minerva*, *Wreath and Literary Shamrock*, *Young Ladies Journal*, and *National Magazine*, and many had published tales in locally produced gift books such as *The Amethyst*. Some of them, to include Poe, clustered together in a new club called the Seven Stars, named after the Baltimore saloon in which they met. The material look and feel of literary production and consumption had also changed. Neal sensed early the power of fiction, but, disdaining the magazine ethos of the Delphians and other American neoclassicists, he had enthusiastically touted—prematurely—the supremacy of novels. While waiting for America's reading public and publishing infrastructure to mature, young Baltimore men and women at the dawn of the antebellum era found periodicals and periodical fiction exciting to read and hospitable to their own efforts to publish.

Though the locus of energy had shifted back from the novel to the magazine, the new Baltimore literary acolytes remembered Neal and paid homage to him. Poe, for instance, sent his early poetry to Neal in Portland and rejoiced at the kind encouragement he received. Much later, in 1847, Poe would offer a much more mixed

estimation of Neal's short fiction in a review that comically mixes praise with rebuke. In a famous essay called "Tale-Writing – Nathaniel Hawthorne," published in the November 1847 *Godey's Lady's Book*, Poe would write:

In the higher requisites of composition, John Neal's magazine stories excel—I mean in vigor of thought, picturesque combination of incident, and so forth—but they ramble too much, and invariably break down just before coming to an end, as if the writer had received a sudden and irresistible summons to dinner, and thought it incumbent upon him to make a finish of his story before going.

Poe's affectionate reproof was mirrored by Timothy S. (T.S.) Arthur, a young Baltimorean who would later write the enormously popular temperance classic *Six Nights with the Washingtonians* and also become a featured writer for high circulation magazines such as *Godey's Lady's Book*. In his 1841 novel *Insubordination*, Arthur named a character "John Neal"—a journeyman shoemaker who played "rough music" outside the house of his master. Rufus Dawes, the editor of a Baltimore magazine called the *Emerald*, commented on Neal like an underling chattering about a lord, as when he wrote, "John Neal is carrying on one of the most agreeable flirtations with our offspring the *Times*, and he pats the little fellow under the chin so prettily."⁶⁶ Neal's Baltimore adherents also drew on Neal as a source of innovative and exciting characters, plot-lines, themes, and manners of expression. Edward Molton-like characters, for example, some with names as close as "Edward Morton," began appearing regularly in Baltimore magazine stories.⁶⁷ The generation of Baltimorean literary aspirants of the 1830s recognized that Neal's texts registered an epochal divide. Not immediately, but soon enough, their endeavors would contribute to the creation of a popular, accessible narrative prose inspired by the "talk-on-paper" methodologies Neal had instigated. Following Neal, in the 1830s vernacular prose styles and dependence on quoted speech would become an abiding feature of Baltimore magazine fiction and, later, 1840s authors everywhere employed "talk on paper" strategies to popularize novels and other texts in the new American print sphere. Writers and readers alike recognized the appeal of colloquial rhetorical tones and tactics and, whether they were aware of Neal or not, embraced styles and attitudes first given expression in his works.⁶⁸

Thus texts written by Neal and events associated with him exemplarily illustrate a number of the imperatives that made writing and reading fiction popular in the new nation. While a Baltimore resident between 1815 and 1823, Neal sensed the rotteness of lingering American neoclassical thought and expression and set about their systematic dismantling. Whether driven by egotism or principled indignation, he colorfully condemned authors who, in his mind, held outmoded or hostile attitudes toward fiction, and he aggressively agitated for the superiority of novels over

poetry. A culture critic who used fiction to dramatize American foibles, Neal, as much as more celebrated authors Washington Irving and James Fenimore Cooper, brought the shape of contemporary public and private experience into artistic focus. Foreseeing the future shape of imaginative prose style and theme, he practiced and agitated for a new praxis. In his novels, Neal reformulated the stylistic texture of narrative prose to make it more supple, realistic, and accessible to readers without educations. Neal argued that fiction's prose texture should be as relaxed and informal as conversational English, that stories should be narrated through generous quantities of reported speech, and that reported speech should realistically reflect the social position of its speaker. Thus Neal initiated the substantive and stylistic trends that culminated in the commercially successful, everyman-and-woman literary vernacular of the 1840s.

Neal would remain an active author until his death in 1876, and in 1863 his *The White-Faced Pacer* was the first in a series of dime novels published by the famous venders of cheap, unpretentious literature, Beadle & Company. To this degree, Neal's early effort to popularize fiction bore full fruit for him personally long after his efforts had pioneered successful new styles and subjects for others. The development of a characteristic mainstream fiction style of the antebellum period and after had begun with Neal's rebellion against the literary and publishing orthodoxy he encountered in Baltimore. But besides his reminiscences in his late-life autobiography *Wandering Recollections*, Neal himself never made much of his Baltimore years. Too busy to look back, he treated his eight years there as an easily overlooked chapter in his life, a perspective that Maryland and American literary historians have until now been too eager to share.

NOTES

1. Benjamin Lease borrows from Hawthorne for the title of his biography of Neal, *That Wild Fellow John Neal and the American Literary Revolution* (Chicago: University of Chicago Press, 1972). Lease's is one of three biographies of Neal; the other two are Donald Sears, *John Neal* (Boston: Twayne Publishers, 1978) and Daggett Windsor, *A Down-East Yankee from the District of Maine* (Portland, Me.: A. J. Huston, 1920). Sears' profile in the *Dictionary of Literary Biography*, vol. 59 (Detroit: Brucoli-Clark, 1987) is also helpful, as are F. L. Pattee's introduction to John Neal's *American Writers: A Series of Papers Contributed to Blackwood's Magazine (1824-1825)* (Durham: Duke University Press, 1937) and Robert Bain's introduction to Neal's *Seventy-Six* (Bainbridge, N.Y.: York Mail-Print, 1971). The title of Windsor's biography and chapter titles such "Yankee Genius as Young Man" and "New England Fiction" in Sears' *John Neal* illustrate the lack of emphasis on Neal's Baltimore years typical of the biographies. The most recent scholarly work on Neal is the collection of essays *John Neal and Nineteenth-Century American Literature and Culture*, edited by Edward Watts and David J. Carlson (Lewisburg, Pa.: Bucknell University Press, 2011). Neal himself wrote extensively about his Baltimore years in his memoir, *Wandering Recollections of a Somewhat Busy Life* (Boston, 1869). In addition to the Neal biographies mentioned above, John Uhler's "The

Delphian Club: A Contribution to the Literary History of Baltimore in the Early Nineteenth Century” in *Maryland Historical Magazine*, 20 (1925): 306–46 provides background information about Neal’s Baltimore years. Neal’s *Blackwood’s* essays are collected in the above mentioned *American Writers* (1937).

2. Imaginative works by Neal discussed in this essay include the verse dramas *The Battle of Niagara* (Baltimore, 1817) and *Otho: A Tragedy in Five Acts* (Boston, 1819) and the novels *Keep Cool: A Novel Written in Hot Weather* (Baltimore, 1817), *Logan: A Family History* (Philadelphia, 1822), *Seventy-Six* (Baltimore, 1823), *Randolph: A Novel* (Philadelphia, 1823), *Errata; or, the Works of Will Adams* (New York, 1823), *Rachel Dyer: A North American Story* (Portland, Me., 1828), *The Down Easters* (New York, 1833), and *The White-Faced Pacer* (New York, 1863).

3. Neal, *American Writers*, 153.

4. Charles Bohner, *John Pendleton Kennedy: Gentleman from Baltimore* (Baltimore: Johns Hopkins University Press, 1961), 28.

5. The first issue of the *Portico* was published in January 1816. The last issue was a triple issue that covered April, May, and June 1818. The most extensive accounts of the *Portico* are in Frank L. Mott’s *A History of American Magazines: 1741–1850* (Cambridge: Belknap Press of the Harvard University Press, 1957), 293–96 and Edward Chielens’ *American Literary Magazines: The Eighteenth and Nineteenth Centuries* (New York: Greenwood Press, 1986), 323–27. The premier American periodical in the first quarter of the nineteenth century was the Philadelphia journal *Port Folio*. Published in Philadelphia between 1801 and 1825, the *Port Folio* combined learned essays (sometimes written in Latin), gentle stabs at humor, and outraged denunciations of democracy and the dollar. In its eccentric blending of subject, theme, and style, as well as in its Tory political leanings, the *Port Folio* served as the model for the *Portico*. Watkins, Allen, and other *Portico* authors contributed articles to the *Port Folio* and shared the conservative political leanings and neoclassical literary influences of its two editors, Joseph Dennie and Nicholas Biddle.

6. The best source for Delphian Club activities is John Uhler’s “The Delphian Club” (see note 1). Uhler’s essay includes capsule biographies of Tobias Watkins, Paul Allen, Henry Brackenridge, William Gwynn, and other members.

7. Quoted in Uhler, “The Delphian Club,” 349.

8. Neal, *Wandering Recollections*, 316, 321. Neal also wrote about the Delphians in his novel *Randolph* and in the *Blackwood’s* essays collected in *American Writers*.

9. Mott, *A History of American Magazines*, 296.

10. Neal, *Wandering Recollections*, 194. In the preface to his verse tragedy *Otho* (1819), Neal acknowledged his inspiration to “all Byron’s heroes, little and big.” See also “Lord Byron,” an appreciation written by Neal published in the Baltimore *Emerald*, October 4, 1828.

11. Neal, *Randolph*, 1:135–36.

12. *Ibid.*, 2:204. More extended comments on Allen can be found at *Wandering Recollections*, 201–5.

13. Neal, *Wandering Recollections*, 213. The best source of information on Hezekiah Niles is his entry in *American National Biography*, John A. Garraty and Marc C. Carnes, eds. (New York: Oxford University Press, 1999).

14. Neal, *Randolph*, 2:246; Neal, *Wandering Recollections*, 210; Neal, *Randolph*, 2:246.

15. Neal, *Wandering Recollections*, 211.

16. Neal, *Randolph*, 2:246.

17. My account of neoclassicism follows Robert Otter’s “Neoclassical Literary Theory” in *Literary Critics and Criticism* (Chicago: Fitzroy Dearborn, 1999), 795–803, and Gilbert Highet’s *The Classical Tradition: Greek and Roman Influences on Western Literature* (New

York: Oxford University Press, 1949). Chapter One, "The Best Speech of the Best Soul" in Kenneth Cmiel's *Democratic Eloquence* (New York: William Morrow, 1990) also describes the American neoclassical ethos of the colonial era, 23–54.

Antebellum literary style and language use will be recurrent subjects in this study. In addition to the above-named texts, my primary references include Bill Bryson's *Made in America: An Informal History of the English Language* (New York: William Morrow, 1994), Mary P. Hiatt's *Style and the Scribbling Woman: An Empirical Analysis of Nineteenth-Century American Fiction* (Westport, Conn.: Greenwood Press, 1993), J. L. Dillard's *A History of American English* (London; New York: Longman, 1992), Gerald Prince's *A Dictionary of Narratology* (Lincoln: University of Nebraska Press, 1987), Geoffrey Leech and Michael Short's *Style in Fiction: A Linguistic Introduction to English Fictional Prose* (New York: Longman, 1981), and Carl Strauch's *Style in the American Renaissance: A Symposium* (Hartford, Conn.: Transcendental Books, 1970). Other sources will be noted as appropriate.

18. The best biography of Wirt remains John Pendleton Kennedy's *Memoirs of the Life of William Wirt* (New York, 1849). No book-length study has been attempted since Kennedy's, but several scholars have written articles and chapter-length studies. Joseph C. Robert's "William Wirt, Virginian" in the *Virginia Magazine of History and Biography*, 80 (1972): 387–441, and William Robert Taylor's "William Wirt and the Legend of the Old South" in the *William and Mary Quarterly*, 3rd ser. 14 (1957): 447–93, are especially helpful.

19. William Wirt, *The Letters of the British Spy*, int. Richard Beale Davis (1803; Chapel Hill: University of North Carolina Press, 1970), 242.

20. Gilbert Highet, *The Classical Tradition: Greek and Roman Influences on Western Literature*, 3rd ed. (New York: Oxford University Press, 1953), 33.

21. Wirt, *Letters of the British Spy*, 19.

22. Neal, *Rachel Dyer*, 1:xv.

23. Neal, *Errata*, 1:vi.

24. Neal, *American Writers*, 86.

25. Neal's comments on Wirt in *Randolph* are at 2:229–35. His comments on Wirt in *Blackwood's* are at *American Writers*, 184. Weems's *The Life of Washington*, reprinted and revised many times in the early 1800s, is the classic hagiographic biography that demonstrates how uncritically Americans viewed the Revolutionary War generation. An excerpt of Weems's biography can be found in Paul Gutjahr's anthology *Popular American Literature of the 19th Century* (New York: Oxford University Press, 2001), 1–44.

26. William Wirt, *Sketches of the Life and Character of Patrick Henry*, 2d ed. (Philadelphia, 1818), 418, 418–19, 432.

27. Historians debate how much of Henry's speech was written by Wirt. Judy Hample, for example, argues in "The Textual and Cultural Authenticity of Patrick Henry's 'Liberty or Death' Speech" in the *Quarterly Journal of Speech* 63 (1977): 298–310, that Wirt composed the speech out of summaries and half-remembered bits and shards provided by Henry's auditors. David McCants, on the other hand, claims in *Patrick Henry, the Orator* (New York: Greenwood Press, 1990) that Wirt obtained an accurate, full transcription from Henry's friend St. George Tucker.

28. Kennedy, *Memoirs of the Life of William Wirt*, 2:37.

29. Taylor, "William Wirt and the Legend of the Old South," 477–93.

30. Neal, *American Writers*, 184.

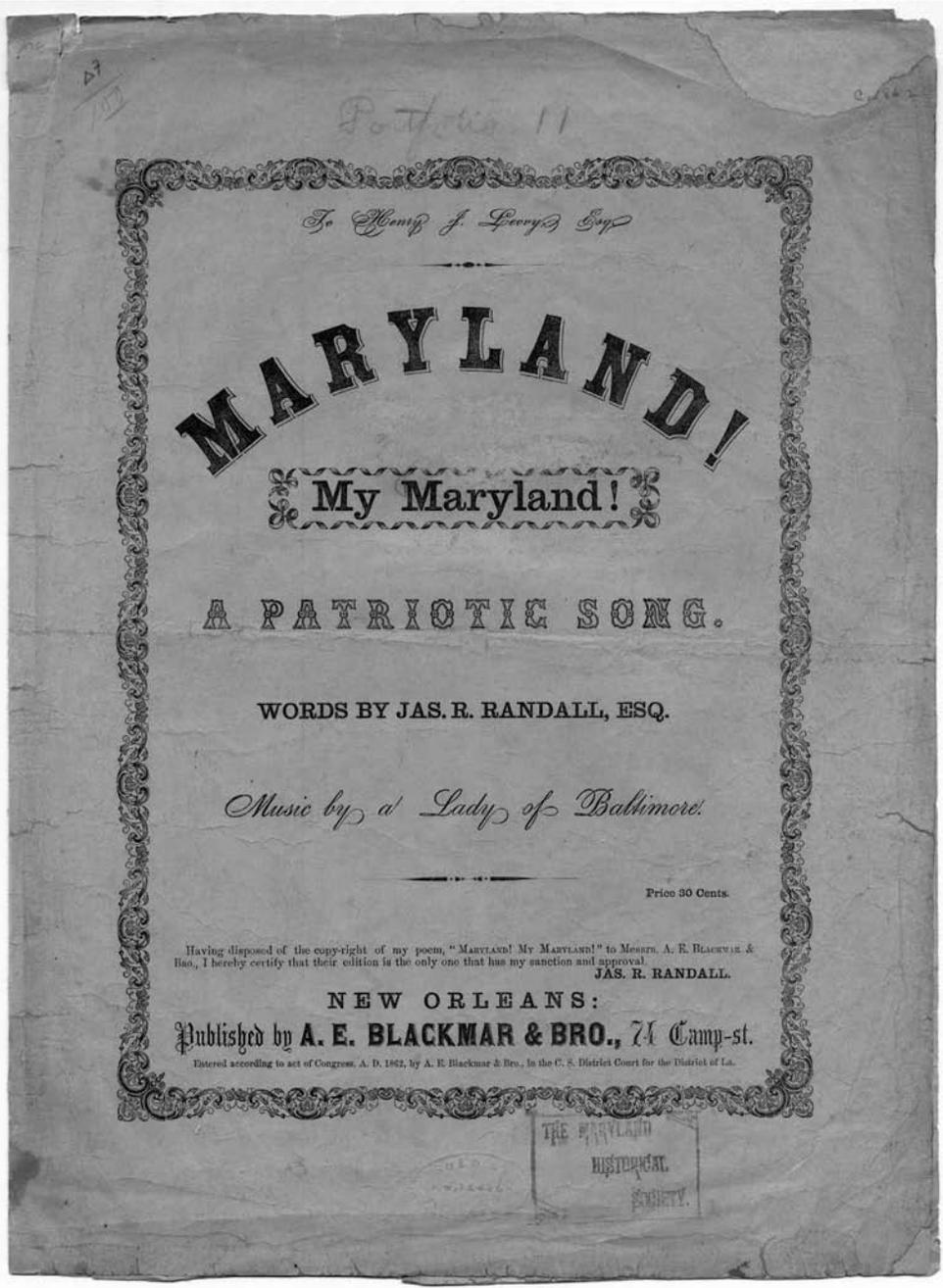
31. Neal, *Randolph*, 2:230.

32. Neal, *American Writers*, 184.

33. Neal, *Randolph*, 2:156.

34. Ibid., 230.
35. Wirt, *Life of Henry*, 430, Neal, *Randolph*, 2:230.
36. Neal, *Randolph*, 2:230.
37. McCants, *Patrick Henry, the Orator*, 31.
38. Kenneth Cmiel, *Democratic Eloquence: The Fight over Popular Speech in Nineteenth-Century America* (New York: William Morrow, 1990), 52.
39. McCants, *Patrick Henry*, 19.
40. Quoted in Taylor, "William Wirt and the Legend of the Old South," 478.
41. Neal, *Rachel Dyer*, 1:xv and Neal, *Randolph*, 2:233.
42. Neal, *Randolph*, 2:234.
43. Neal, *Seventy-Six*, 1:17.
44. Neal, *Errata*, 1:vii.
45. Neal, *Randolph*, 1:14–15.
46. Neal, *American Writers*, 213.
47. Mikhail Bakhtin, "Discourse in the Novel," in *The Dialogic Imagination*, Michael Hulquist ed., trans. Caryl Emerson and Michael Holquist (Austin: University of Texas Press, 1981), 337.
48. Neal, *Seventy-Six*, 2:28.
49. Ibid., 1:17.
50. Ibid., 2:11.
51. Ibid., 2:95. In my discussion of Neal's stylistic techniques, I draw heavily on Benjamin Lease, *That Wild Fellow John Neal and the American Literary Revolution*; Donald Sears, *John Neal*; and Robert Bain, "Introduction," *Seventy-Six* (1971).
52. Ibid., 2:229.
53. Neal, *Rachel Dyer*, 1:xi.
54. Neal, *American Writers*, 205.
55. Neal, *Seventy-Six*, 2:228.
56. Neal, *American Writers*, 74.
57. Neal, *Rachel Dyer*, 1:ii–iii.
58. Neal, *Randolph*, 2:181, 182, 187.
59. Neal, *Errata*, 1:xi.
60. Neal, *Wandering Recollections*, 170.
61. Neal, *Randolph*, 2:235, 238.
62. Ibid., 2:241.
63. Ibid., 2:"Footnote."
64. Neal, *Errata*, 2:358.
65. Neal, *Wandering Recollections*, 323.
66. Dawes, Rufus, *The Baltimore Emerald and Literary Gazette*. July 12, 1828.
67. See, for example, a story called "The Kiss," written by "H.," that appeared in *The Baltimore Emerald and Literary Gazette* on August 9, 1828.
68. My account of the transformation of American literary style follows Cmiel's *Democratic Eloquence: The Fight for Public Speech in America*. The literature on the development of American speech in the nineteenth century is vast. See note 17 above for general references. Richard W. Bailey's very recent *Speaking American: A History of English in the United States* (New York and Oxford: Oxford University Press, 2012) reminds us that the democratization of literary speech in the antebellum era lagged behind that of spoken speech, which Bailey attributes to the literary realm's "fawningly dependent" regard for British books and authors (7). Both Cmiel and Bailey are also aware of a persistent counter-tendency in American speech

towards strained efforts at refinement and grandiloquence and frequent use of euphemism. Within the literary sphere, however, I would point to evidence presented by scholars writing in the wake of David Reynolds' important *Beneath the American Renaissance: The Subversive Imagination in the Age of Emerson and Melville* (New York: Alfred A. Knopf, 1989) who characterize American literary endeavor as an insistent and evermore inclusive movement towards a more vernacular prose style, as well as range of subjects, as part of a widening desire and ability of American men and women of all ranks, races, and backgrounds to participate in writing and reading literature.



"Maryland, My Maryland," declared the state song in 1939, was first popular in the Confederate armies during the war. (New Orleans: A. E. Blackmar & Bro., 1862)

“She Spurns the Northern Scum”: Maryland’s Civil War Loyalty in Mass Culture and Memory

DAVID K. GRAHAM

Deeply troubled with what he heard as he walked “past the open window of an elementary school classroom,” Jack L. Levin expressed his concern over the education of Maryland youth in a 1993 article in the *Baltimore Sun*. Levin had heard children singing of a “despot’s heel” and the necessity to “gird thy beauteous limbs with steel” and “avenge the patriotic gore that flecked the streets of Baltimore.” The disconcerting song continued with lines that called for bursting “the tyrant’s chain” and praised the spurning of “the Northern scum.” Surely, it was a controversial message for an instructor teaching ten-year-olds and a lesson that had to bring reprimands of some form. However, the “hateful song,” as Levin characterized it, was the official state song—“Maryland, My Maryland”—adopted as such in 1939. The song originated from a poem penned by James Ryder Randall in 1861 in response to the Baltimore Riot and called for the state’s secession. The poem had been set to the tune of “O, Tannenbaum” and was popular throughout the South during the Civil War.¹

The song was not the only instance of Maryland’s role in the Civil War serving as a prominent backdrop for artistic and literary cultural depictions of the conflict. Several playwrights and novelists set their narratives in the border state, and theirs were not arbitrary selections. A few examples will serve to demonstrate the pervasiveness of Maryland’s Civil War loyalties in the popular memory, not only in Maryland but far more broadly: the state song, two immensely successful late nineteenth-century plays, *The Heart of Maryland* and *Barbara Frietchie*, and an early twentieth-century novel, *For Maryland’s Honor: A Story of the War of Southern Independence*. Examining the different works, each separated from the next by several decades, contributes to a more complete answer to the question of how mass culture represented, and at times manipulated, the history of Maryland’s Civil War loyalty.

Maryland did not secede from the Union but its loyalties and sentiments were certainly divided. Many regions and towns harbored strong Confederate sympathies. Though it had strong Unionist sentiment, particularly in the business community, Baltimore was also a bastion for Confederate sympathizers and became a central set-

David K. Graham is a doctoral candidate in history at Purdue University. His research centers on Civil War memory.

ting for contention between the two sides. Maryland furnished over 46,000 soldiers for the Union army, and perhaps 25,000 from the state fought for the Confederacy. As a slaveholding state that did not secede, a state in which Union slaveholders sometimes opposed Southern-sympathizing non-slaveholders, Maryland's policies on race and race relations shifted during the war before settling into de facto segregation in its aftermath.

Northerners, southerners, and Marylanders themselves used mass culture as a means to create a southern, white identity for the state. While not shying away from its wartime divisiveness, playwrights and novelists in the late nineteenth and early twentieth centuries presented a romanticized image of a southern and Confederate Maryland. Writing in the age of Jim Crow, authors of mass culture largely created a racial and Confederate heritage for Maryland similar to those who used Kentucky as a backdrop. In *Creating a Confederate Kentucky*, Anne Marshall argues that Kentucky developed a southern, Confederate identity in the first century after Civil War despite the facts that Kentucky never seceded and that significantly more Kentuckians fought for the Union than the Confederacy. She notes that Confederate memories and ideologies dominated postwar Kentucky in spite of challenges from former Unionists and African Americans. Here, though, is where the postbellum histories of the two states diverge: Maryland's postwar legacy and memory was more strongly divided between those emphasizing her Unionist efforts and those underscoring the state's connections to the Confederacy.² Although numerous historians have explored the power of the Lost Cause and the lure of reconciliation, the history of Maryland suggests the limits of reconciliation and the persistence of sectional bitterness.³

The adoption of "Maryland, My Maryland" as the state song in April 1939 was another attempt to reaffirm a Confederate identity in a growing climate of black activism and civil rights in Maryland during the 1930s. Maryland's search for a useable past became even more of an imperative in the second half of the century, when the civil rights movement of the 1960s provided additional fuel with which to challenge Maryland's Civil War memory. The struggle became more than sectional; it became one of race. Border states were the front lines for the divisions over identity during the war, and Maryland continued to embody those struggles well into the twentieth century. Civil War memory thus provides a window through which to view broader social and cultural divisions in America at the dawn of the twentieth century and beyond.

The Heart of Maryland (1895)

David Belasco penned *The Heart of Maryland* with the intent that the production would serve as a melodramatic highlight for his protégé Mrs. Leslie Carter, who played the star role of Maryland Calvert. After several failed attempts to have his play produced, it finally debuted at the Grand Opera House in Washington, D.C. on October 9, 1895. At the end of the month, the production moved to Herald

Square Theatre on Broadway and opened the first of what would be more than two hundred performances. After its initial run in New York, *The Heart of Maryland* toured the country for the next several years and even played the Adelphi Theatre in London.⁴

Belasco, who spent considerable time in the state to enhance his play's sense of realism, centered it on the romantic relationship between the young Union officer Alan Kendrick and Confederate sympathizer Maryland Calvert. Not only is their own relationship conflicted, but their familial bonds are strained because Alan's father Hugh is a Confederate general and Maryland's brother Lloyd is a Union spy. Kendrick is captured while attempting to sneak through Confederate lines to see Maryland and is held prisoner under the authority of Colonel Thorpe, a former officer seeking to exact revenge because Kendrick had him court-martialed many years before. Maryland tries to dissuade Thorpe from executing Kendrick; Thorpe then advances on Maryland, who resists by stabbing Thorpe and presenting Kendrick with an opportunity to escape. Thorpe gives the order to ring the church bell and signal the attempted escape, but, in the play's most iconic scene, Maryland leaps onto the bell's clapper to muffle the bell and allow Kendrick to flee. He later returns with his troops and receives a letter indicating that Thorpe is in fact a Confederate spy, which leads to Thorpe's imprisonment and the reunion of Kendrick and Maryland.⁵

Using the name "Maryland" for the main character as well as the state in which the play is set seems a little cheesy, but its significance should not be overlooked. Historian Nina Silber notes that "Several authors exploited the feminine names of southern states to make the analogy between femininity and southern geography explicit."⁶ That, however, is not the only analogy Belasco made in his play. "Maryland" as both setting and protagonist provides not only a convenient metaphor for the state during the war, it enlightens with regard to Maryland's status in popular Civil War memory during the late nineteenth century. This simple literary device allowed Belasco to demonstrate the unresolved conflicts of both girl and state. Throughout the play, the multiple divided loyalties in and among the various families highlight the much larger theme of an identity-confused border state torn between opposing sides.

Maryland Calvert's loyalty to the southern cause and her relationship with those who support the Union, including members of her own family, is established very early in the play. A young Confederate officer pursuing the affections of a young relative of Maryland's inquires, "However does a rabid little abolitionist like you manage to get along under the same roof with Miss Maryland?" Knowing Miss Maryland's deeply held sentiments, the young girl replies, "I reckon it's just as well not rouse her secesh." The Confederate spy, Thorpe, also states fairly early on to Maryland's brother that "your sister, Miss Maryland, one of the most loyal women in the South, and your local knowledge makes you invaluable. That's why you were sent to me."⁷ The confidence in Miss Maryland's loyalty to the South expressed by various characters in the play not only foreshadows the confusion the protagonist

will soon face in deciding on which side her loyalty lies, it reflects the state's divided house during the war.

Not long after these initial cues, Belasco begins to draw out more explicitly the significance of the state's loyalty to the play and the narrative he wants to tell. Miss Maryland receives a letter from General Robert E. Lee thanking her for her contribution to the Confederate war effort, which Maryland's aunt, Mrs. Gordon, reads aloud with pride:

Headquarters, Southern Army

My dear little Miss Patriot:

Your last contribution of tobacco, coffee, and shirts, is hereby gratefully acknowledged. Were all hearts in Maryland as loyal as yours, she would stand with her sister states, o'v' hthrowin' her present shamblin' indecision.

Yours with most grateful regards, Robert E. Lee

Colonel Thorpe concurs with Lee's assessment by saying, "Miss Calvert is known to be the fiercest Southerner of us all," but, much like Lee, Thorpe questions the state's loyalty and is aware of its indecisiveness. He asks Mrs. Gordon, "Do you know, I find a strong tide of sympathy for the North amongst the people here?" Mrs. Gordon replies, "Ah, but there's an undercurrent of love for their native state. Were it not fo' those Northern soldiers at Cha'lesville—stationed there to ove'awe the people—they would rally to our ranks."⁸ Mrs. Gordon's lines are particularly interesting in that, unlike Thorpe and Lee, she assumes the Confederate identity of her state and argues that only the presence of Union troops gives a misleading impression of the state's population as predominately sympathetic to the North. These subtle few lines seem insignificant to the larger plot but they would have resonated with a crowd still wanting to believe a certain memory and legacy of the war. They also mirror an argument Lost Cause devotees employed to justify Maryland's non-secession by citing militaristic and authoritarian rule on the part of Abraham Lincoln and the Union army to prevent the state from joining the Confederacy.

As the play progresses, Miss Maryland, the most loyal of all Confederates, realizes the struggle and timidity of not only her own loyalties but of all Marylanders. In a dramatic scene with Kendrick, Miss Maryland exclaims, "Oh, you don't know how we feel—we women of the South! How our hearts are torn by this divided duty." She continues that "On one side, our country" and "On the other, our very own turned to foes." Maryland's role in aiding Kendrick's escape harms not only her own reputation and legacy but that of her family. Mrs. Gordon notes remorsefully that she "can see our name trailing in the dust—the wiping out of our proud record of loyalty" and the fact that she is "ashamed to the look the neighbors in the face."⁹ Mrs. Gordon seems unaware that many of her neighbors view loyalty as adhering to a completely

different cause and that many of them would support a Confederate-turned-Union supporter. In her eyes, the state of Maryland is firmly entrenched in a Confederate ideology and that her family would come to represent a misfortunate anomaly.

Maryland's Civil War identity was defined by its loyalty in Belasco's play, but there is also, and more subtly, its history as a slave state. That is brought to life in the character of "Uncle Dan'l," an overtly racist and stereotypical depiction of a loyal slave. Belasco introduces him in the script as a "lovable old darky" with "a large watermelon" lying nearby. Although he only appears in a few instances, Uncle Dan'l fits more broadly within an idealized and romanticized image of Maryland and the South. In a moment of distress, Miss Maryland calls out for Uncle Dan'l, whispers instructions in his ear, and asks him to hurry. He responds to the ardent secessionist with a simple and polite, "Yes, Miss Maryland." Similar attempts to solidify a white, Confederate identity for Maryland several decades later faced a growing opposition from those fighting for equality.¹⁰

Many critics were quick to point out the distorted, romanticized view Belasco painted of the South and the entire Civil War period. One noted in the *New York Tribune* that "The enormities which he puts on the stage as perpetrated by military men of high rank were never committed by officers who wore the recognized uniform of the Confederate Army" and took issue with the play's "wild shrieking melodrama." A southern reviewer concurred. Under the lukewarm heading "It Is Not Altogether Good Nor Altogether Bad," he grouched, "If it had been an attempt to burlesque the army, it could not have been better done." Another critic recalled, "As is usual in plays of this sort, the heroine is a loyal Southern girl, and the hero a soldier of the North." George Bernard Shaw sarcastically remarked, "I infer from the American war plays that most of the Northern officers acted as spies for the Southern army, and that the Southern officers acted as spies for the Northern army."¹¹

Yet, as Glenn Hughes and George Savage point out, although the play "was treated rather severely by the critics . . . its popular appeal was enormous."¹² Local newspapers across the country raved at each stop on the play's cross-country tour. A Nebraska newspaper referred to the production as the "most memorable triumph in dramatic work" and "unequaled." Others commented that it had "few compeers" and "is a masterpiece of intense dramatic power." The belfry scene received particular applause. A critic from the *St. Paul Globe* wrote that the scene was "said to be the acme of realism" as well as "a striking spectacle." In commemoration of the play's 200th performance at the Herald Square Theatre, souvenirs for the night were "solid silver, gold-lined bon-bon boxes in the shape of a heart." The response in London was equally enthusiastic with widespread pronouncements that *The Heart of Maryland* was "interesting and thrilling" and reports of record-breaking numbers at the Adelphi box office.¹³

The reaction, popular and critical, to *The Heart of Maryland* reveals a significant aspect of late nineteenth-century depictions of Maryland during the war. The

overwhelmingly positive response to the play demonstrates that few took issue with the production as partisan or favoring a particular side. Unlike the attempt to place a Maryland Confederate monument on the Gettysburg battlefield a decade earlier, in 1886, few objected to *The Heart of Maryland* for attempting to stake a claim for Maryland's position during the war. Some questioned the play's historical accuracy, but as a theatre critic for the *New York Times* contended, its representation of Maryland's loyalty was fair in that "the people of that State were about equally divided."¹⁴ Few other narratives that described the role of Maryland confessed to, let alone emphasized, its fractious society and culture in the Civil War era. The widespread acclaim for the play also affirms the willingness of many, particularly in the North, to view the Civil War South as gentle and benevolent, even in a time of great division and conflict. As a period in American history that solidified the legality of "separate but equal" in *Plessy v. Ferguson*, the *Heart of Maryland* provides another example of the passivity with which many viewed some of the war's more troubling legacies and consequences.

***Barbara Frietchie* (1899)**

Another Civil War play set in Maryland premiered a few years after *The Heart of Maryland* and provoked a strong reaction, though in a much different way. *Barbara Frietchie*, by Clyde Fitch, originated from a poem of the same name penned in 1864 by John Greenleaf Whittier. The poem depicts a local legend of the small town of Frederick, Maryland, in which Barbara Frietchie, an elderly Unionist woman, proudly flew the U.S. flag from her house as Confederate troops commanded by Stonewall Jackson marched past. As legend and poem have it, the marching soldiers grew angry but Jackson, impressed with the woman's bravery, demanded that she not be harmed.¹⁵

The play debuted and ran for eighty-three performances at the Criterion Theatre in Manhattan from October 1899 to January 1900. Fitch was harshly criticized for turning the story of Frietchie, an elderly woman, into one of young romance. In Fitch's hands, Barbara is a young Confederate sympathizer living in secessionist Frederick who is engaged to Union Captain Trumbull. After Trumbull is wounded and dies in Frietchie's home, out of devotion to him she displays the Union flag as the Confederate soldiers march by and is the only one in Frederick to do so. Despite Jackson's order that anyone who harms Barbara will be shot, a bitter former admirer and suitor, Jack Negly shoots her. Negly's own father, Colonel Negly, is forced to ensure that Jackson's command is carried out.¹⁶

Like Mrs. Gordon in *The Heart of Maryland*, many of the characters in *Barbara Frietchie* assume a Confederate and southern identity for the state of Maryland. In an expression of love and assurance to Trumbull, Barbara cries out "and Maryland and all the South, the blessed, sweet, dear South, still you, you Northerner—you Yankee!—you, my soldier lover—I love you most!" Jack Negly celebrates a Confederate

Barbara Frietchie, Maryland's symbol of loyalty to the Union. (Courtesy Ross Kelbaugh.)



victory by shouting “Three cheers for Maryland and Stonewall Jackson! Hooray!”¹⁷ In one of the play’s silent film adaptations there was a reference to the secession of Maryland which, of course, never occurred.

Loyalty was a central topic in responses to the play, but they focused not on the loyalty of Maryland but of Barbara Frietchie. For months after the play’s initial performance, the *New York Times* ran a series of letters to the editor which included exchanges not only on the question of whether or not Frietchie existed, but whether she was a Unionist or a secessionist. The nature of the discussion inevitably came to characterize Barbara Frietchie as indicative of the state of Maryland’s loyalty at large. Two weeks before the play debuted in New York, Fitch anticipated criticism from the license he had taken in reinterpreting the legend and the poem Whittier had written over thirty years earlier. A *New York Times* reporter opined that the “heroine of the play will be found to be a new Barbara Frietchie” and “Mr. Fitch makes his Barbara a beautiful Southern girl instead of an old woman.” Fitch felt free to manipulate the legend as he saw fit because he had “delved into all available data to discover if Whittier’s heroine had a real existence” and had concluded “the burden of proof against that assumption.”¹⁸

Those claims, of course, did not go unanswered. The first letter came just two days later with the line, “I regret that ‘his delving into available data’ has not given me the pleasure of meeting Mr. Fitch and of assuring him of the very real existence of Barbara Frietchie.” The writer, Emily N. Ritchie McLean, claimed that her “grandfather was the executer of her [Frietchie’s] husband’s will” and her “father came into possession of some of her household furniture after her death.” McLean approved



*Interior, Barbara Frietchie house,
Frederick, Maryland. (Courtesy Ross
Kelbaugh.)*

of Fitch paying tribute to “the aged heroine” but felt that her existence “should not be denied.”¹⁹

C. E. Hudson took issue with McLean’s conclusions. Hudson asserted the existence of a letter, written by Whittier, in which the poet supposedly “stated that his poem was absolutely without foundation in fact; that he never heard of a person of the name ‘Barbara Frietchie’ or of the name itself until he used it, and that the whole incident was simply imaginary.” He thought “Whittier must be recognized as an authority on the subject” and thus, the case was closed.²⁰

Hudson’s reply prompted a wave of letters to the *Times* from those declaring some sort of “authority” over the real story of Barbara Frietchie. For many, denying the Frietchie’s existence was to take a point of pride away from Marylanders who were loyal to the Union during the war and believed that the legend of her heroics served as a justification for claims that Maryland was an ardent supporter of the North and its cause. McLean responded to Hudson: I can consider myself an authority on the existence of Barbara Frietchie, as I was born in Frederick, Md., my father’s home was opposite Mrs. Frietchie’s, and her ‘attic window’ was a familiar daily sight to me.”²¹

Others, including Clyde Fitch himself, chimed in. John Jerome Rooney knew a friend who had been acquainted with Frietchie and he was confident that she “really was an ardent Union sympathizer.” In response to the letters criticizing his denial of Frietchie’s existence, Fitch claimed that the initial article which represented his voice was false and “probably originated from an exuberant press agent or enthusiastic correspondent.” He stated emphatically, “Barbara Frietchie, of course, existed.” Although Fitch agreed with Rooney that Frietchie existed, he did not come to the same conclusion about her loyalty to the Union. Fitch contended, “I have it on the

authority of relatives of Barbara that her patriotism was very much to question” and “had she been able to wave any flag before the rebel troops, they fear it would have been a Confederate one.” Jesse W. Reno took issue with that and stated, “Barbara Frietchie was loyal to her heart’s core.” Henry Goddard claimed “that no more loyal soul to the Union cause ever existed in Frederick.”²²

This lengthy exchange reveals the importance of Civil War loyalty in memory. Nevertheless, it is important to note that the heated back-and-forth over Barbara Frietchie’s loyalty was about the actual individual and not the character in the play. The impetus for the discussion was the *Times* article in which Fitch supposedly denied that she once existed and then questioned her loyalty. Her loyalty, as depicted in the play, did not strike any of the responders as unfair or incorrect; it was only when the claims of historical truth were made outside the parameters of a fictitious production that individuals attempted to check the narrative being put forth. This important qualification will gain additional significance when we examine the state song controversy, but before approaching the 1930s we must first stop and see what mass cultural narratives emerged in the early twentieth century.

For Maryland's Honor (1922)

Although Lloyd T. Everett’s novel, *For Maryland's Honor: A Story of the War for Southern Independence* (1922) did not garner as much attention as *The Heart of Maryland* or *Barbara Frietchie*, it nonetheless represents an important aspect of Maryland’s Civil War loyalty in popular memory. Everett was the son of a Maryland Confederate veteran and, appropriately, a member of the Sons of Confederate Veterans. This inevitably influenced the story he told in *For Maryland's Honor* but he did not shy away from commenting on his state’s divided sympathies even though he proclaimed the moral correctness of the Confederate cause.²³ The rising membership of the Ku Klux Klan, the frequency of lynching in the South, and increased segregation also undoubtedly affected Everett’s narrative.

Everett’s plot mirrors that of *The Heart of Maryland* with the notable difference that the loyalties of the main characters are inverted. In Everett’s narrative, the male protagonist and young Confederate Marylander, Phil Elliott, seeks the affection of a Unionist woman, Marion Palmer. When we meet her, she is engaged to a Union soldier from Boston named Guy Hancock. As the story progresses, the relationship of Elliott and Palmer evolves from initial timidity because of their opposing views on the war to their eventual marriage and Elliott’s untimely death at the novel’s end. All the while Everett underscores Maryland’s Confederate heritage. *For Maryland's Honor* is more than the novel’s title, it was the author’s purpose in writing it.

Everett was aware of the criticism Maryland received from those who supported the former Confederacy and he makes a point to address it. Early in the novel, a public debate is held concerning the issue of secession, and the audience, made up primarily of Marylanders, “was Southern in sentiment” but moderate in their view

favoring “the continued union of the States so long as possibly compatible with the welfare of their several people.” Phil Elliott stands in front of the crowd and makes his case with a keen knowledge of the sentiments of those gathered. He “knew that they were true Marylanders—hence patriotic Southerners—and were deeply resentful at the persistent crusade of aggression and abuse waged against their section.”²⁴ Everett’s use of the phrase “true Marylanders” to describe those who supported the Confederate cause was an interesting, subtle claim for him to make regarding the state’s loyalty. In Everett’s eyes, Marylanders with Confederate sympathies were the norm, whereas a Maryland Unionist was anomalistic.

Not only did Everett contend that “true Marylanders” were Confederates, throughout the book he attempted to justify the state’s course during the war. As Elliott explains to Marion Palmer, “we are always ready to stand by our comrades when assailed in their just rights” and the “cause of one of our sister States or colonies in peril or suffering, is the cause of ourselves—of Maryland.” Claiming that after several instances of injustice had played out, Maryland finally resolved “upon rolling back at her threshold the tide of invasion,” Everett used his novel to make partisan claims about Maryland’s “true” character during the Civil War.²⁵

Not only did Everett attempt to establish a strong Confederate identity for Maryland, he also tried to explain the perceived shakiness of her wartime loyalty to the Confederate cause. Throughout the novel, Everett combined fiction with real historical events taken mostly from the years just before the war began. It is within these discussions of events that we can extract the more pertinent features of Civil War memory in mass culture. Early historians of the Lost Cause called forth many of the same reasons Everett did for the ambiguity of Maryland’s loyalty. He pointed to Governor Hicks as a central factor in Maryland’s inability to break away from the Union. His description of Hicks was brief and pointed: “After a course of dalliance and delay,” Hicks “was eventually to go over body and soul to the Northern invaders.” Everett argued that Hicks’s slight delay in convening the legislature to vote on secession put Maryland in the position of a “helpless victim” when “*Habeas Corpus*, free speech, the freedom of the press, were taken away from the people” and the “most honorable and influential citizens and members of the State Assembly were cast into prison.”²⁶

Frequently using lines from a popular Confederate song to describe what Maryland faced during the war, Everett wrote that “Maryland found the despot’s heel indeed upon her shore” and that other southern states viewed her “as a beautiful maiden bound in chains.” He also believed “the despot’s heel” provided incentive for “redemption of their beloved State” and led to the creation of the song—“Maryland, My Maryland.”²⁷ Everett was hardly the only one who remembered the song more than sixty years after it first appeared in the form of a poem. Seventeen years after the first copies of *For Maryland’s Honor* began to circulate, Maryland’s General Assembly adopted it as the official state song.

“Maryland, My Maryland”

On April 19, 1861, Union volunteers marching through the streets of Baltimore received an unwelcoming response from the local citizenry in the form of hurled bricks and occasional pistol shots. The troops opened fire and killed several in the crowd. James Ryder Randall, a young Maryland native, was teaching school in Louisiana when he heard the news of the Baltimore riot. Randall vented his rage against the North and his sympathy for the South and his home state in the poem, “Maryland, My Maryland.” Newspapers across the country republished it, and after it was set to the tune of “O, Tannenbaum,” it became a favorite in the South and among Confederate soldiers.²⁸

More than three-quarters of a century later, in 1939, Maryland adopted “Maryland, My Maryland” as its state song. That year was the hundredth anniversary of Randall’s birth, but it was not the first time Maryland tried to make it the state song. In 1935, a bill passed “both houses of the Legislature, with only one dissenting vote,” but Governor Harry Nice refused to accept it until “the offensive verses were removed.” The Maryland Federation of Music Clubs, under the leadership of B. S. L. Davis and Louise Criblet, helped push the bill through in 1939, making official the longtime unofficial song of Maryland.²⁹

That seventy years passed before Maryland made the song its official anthem appears strange until one examines more closely the social and cultural context of 1930s Maryland. The 1930s was a significant decade in the history of Maryland civil rights. The lynching of George Armwood on the Eastern Shore in 1933 served as a catalyst for much of the civil rights efforts that would follow during the decade and launched “intense activism on the part of black and white residents in Baltimore.” Shortly after the lynching, the Baltimore branch of the NAACP reformed and began pushing for equality, in particular striving for desegregation in public education. After several years of struggle and opposition, the efforts at reform through legislative and judicial means came to fruition in the landmark case of *Murray v. Maryland*, which successfully desegregated the University of Maryland School of Law in 1936.³⁰

The lynching of George Armwood was not, however, the only such incident to occur in Maryland during the 1930s. With regard to race relations and lynching, Maryland’s Eastern Shore had had a particularly sordid past. As legal scholar Sherrilyn A. Ifill points out, as far as “matters of race were concerned, the Eastern Shore of Maryland was not, in 1931, very different from the rest of the South” and for “the last 150 years, Maryland has been characterized by a kind of racial schizophrenia.”³¹ In this environment, the adoption of a Confederate song as the official state song stood as a counterpoint to the successful and momentum-building efforts of the NAACP and other civil rights activists in Maryland during the 1930s. By combating civil rights progress with their own legislation, a portion of the white population living in Maryland could hope to maintain at least some small version of the status quo and southern heritage in an ever-changing racial and cultural society. As histo-



James Ryder Randall, author of “Maryland, My Maryland.” (Maryland Historical Society.)

rian Anne Marshall points out, “in the hands of white conservatives, mass culture proved a very powerful tool to reiterate white versions of history and to solidify racial hierarchy of whiteness and blackness.”³²

The immediate response to the adoption of “Maryland, My Maryland” as the state song was mostly positive. Although the news did not receive widespread fanfare, newspapers that did cover the story expressed satisfaction and contentment with the legislative result. The headline for the story authored by Virginia Y. McNeil in the *Baltimore Sun* read, “State Song is Now Official: Maryland, My Maryland at Last Adopted by the Legislature and Approved by Governor Completing Symbols.”³³ To McNeil, the adoption was long overdue and marked the end of an inevitable legislative process.

The initial reaction to Maryland’s new state song did not mirror the sentiments toward it a few decades later. In May 1970, the *Baltimore News-American* reported on a movement to replace “Maryland, My Maryland” as the official state song. Tom Wason, author of the article, reminded readers that in the song’s “first verse, the federal government is called despotic and in the final verse northerners are called scum.” Wason also reported that Delegate Werner Fornos had been contacted by members of his constituency “who felt that the song [was] an inflammatory holdover from the Civil War.” Fornos suggested that the state hold a contest in order to find an alternative. History professor John W. Baer also suggested changing the state song and remarked that the first and last verses were indeed the “most outrageous” and that there existed a “widespread ignorance about the song among Marylanders.”³⁴ The debate did not end in 1970, and almost ten years later another Maryland official, Senator Howard Denis, attempted to change the song by encouraging a statewide

contest. Denis argued that the song was “very offensive” and he could not “see how any self-respecting citizen of the state can sing the lyrics.”³⁵ As before, many came to the defense of the song and cited its history and heritage. The Senate Constitutional and Public Law Committee killed Denis’s bill with a vote of 6–2. Denis expressed his frustration by calling the song “a hate song” and noting that it “distorts history and is an insult to Marylanders who were loyal to the Union.” Others believed that it was a waste of the state government’s time and that if they contemplated the bill their constituents would ask, “Is that what they’re doing in Annapolis?”³⁶ Many notable columnists chimed in against the effort to whitewash Maryland’s history. Richard Cohen authored a column entitled, “Tidying Up Our History with Aid of the Eraser,” and George Will concurred, asserting that “attempts to sanitize what the past has passed on to us are disloyalties disguised as fastidiousness, disloyalties to our parent, the past.”³⁷

A group of bitter citizens, oversensitive senators, and angry columnists does not fully explain the backlash against Maryland’s state song during the second half of the twentieth century. The culture and legacy of the civil rights movement undoubtedly influenced the environment in which these protests took place. The *Baltimore Afro-American* reported on the legislative effort to remove “Maryland, My Maryland” as the state song as it had covered other challenges to Confederate symbolism and ideology several years earlier. In 1931, the newspaper protested the dedication of the Heyward Shepherd Memorial, citing that “these Confederate dames are as busy today fighting for the ‘lost cause’ as their ancestors were from 1861 to 1865” and that the United Daughters of the Confederacy was also “seeking to justify secession by blackening the character of the abolitionists and glorifying slavery.” The article went on: “The AFRO-AMERICAN not only condemns the whole procedure but deprecates the fact that any Baltimorean or any of our college presidents had a share in it.” In 1952, the *Washington Afro-American* reported on the abundance of Confederate regalia among the Dixiecrats with an article subtitled: “Flags, Caps, States’ Rights Talk Smoke Screens to Hide Opposition to Truman’s Civil Rights Program.” The same paper also outlined a story in which a group of 130 African American students attempted to change their high school’s use of Confederate symbols, including Confederate uniforms for the band, “Dixie” as the school song, and the *Rebel Review* as the title for the school newspaper.³⁸

Although these articles do not deal with it directly, it is not unreasonable to assume that the culture of the civil rights movement had some effect on the move to change the state song. Some prominent historians of Civil War memory have made a connection between remembrance of the divisive conflict and the Civil Rights era.³⁹ In her article on the 1906 *Uncle Tom’s Cabin* law, Anne Marshall implores “historians to reconsider the nature of black and white contests over white and African American Civil War memory and to broaden the arenas in which we look for them.”⁴⁰

The civil rights movement played a significant role in the protest over the state

song, but it is important to keep in mind that opposition was more fierce when the government attempted to legally entrench Confederate memory. No one demanded that Marylanders stop singing “Maryland, My Maryland,” nor did substantial numbers of people protest reincarnations of *The Heart of Maryland* or *Barbara Frietchie*. Memory-making media generally received few negative reactions unless they possessed the potential to influence remembrance of the war for perpetuity.

Representations of Civil War Maryland in mass culture did not, of course, cease in the twentieth century. *The Conspirator* (2010), directed by Robert Redford, details the trial of the conspirators involved in the assassination of Abraham Lincoln. The film generated interesting responses from critics and historians. Historian Elizabeth Leonard drew attention to the film’s sympathetic portrayal of Mary Surratt and the South as a whole.⁴¹ A single line stands out as particularly relevant to the preceding discussion. During a heated exchange, General August Kautz admonished and mocked Maryland native and former U.S. attorney general and Surratt defender Reverdy Johnson. In the course of his tirade, Kautz questioned Johnson’s credibility. “Sounds to me like the enemy is among us. I recall Maryland was not among our most loyal states during the war. I think its Senator ought to certify his allegiance to this court.”⁴² Both the United Daughters of the Confederacy and the Sons of the Confederate Veterans still retain Maryland divisions, attendees still sing “Maryland, My Maryland” during the opening ceremonies of the Preakness Stakes, and publishing houses continue to turn out histories of Maryland during the Civil War. Maryland’s Civil War loyalty still perplexes us and mass culture provides an interesting medium through which to admit our perplexity.

NOTES

1. *Baltimore Sun*, March 25, 1993. “Maryland! My Maryland!,” *Maryland State Archives*, 2005, <http://teachingamericanhistorymd.net/000001/000000/000010/html/t10.html>.

2. Anne Marshall, *Creating a Confederate Kentucky: The Lost Cause and Civil War Memory in a Border State* (Chapel Hill: University of North Carolina Press, 2010).

3. Paul Buck provided the foundation for analysis on reconciliation in *The Road to Reunion* (1937). He noted that sectional reconciliation and reunion occurred during the 1880s and 1890s and argued that race played a central role in the process. David Blight furthered the reconciliationist thesis with *Race and Reunion* (2001). Edward Blum’s *Reforging the White Republic* (2007) also falls within this school of interpretation. Nina Silber’s *The Romance of Reunion* (1993) argues that romantic depictions of the South facilitated a reunion of North and South. John Neff’s *Honoring the Civil War Dead* (2004), Barbara Gannon’s *The Won Cause* (2011), Benjamin Cloyd’s *Haunted by Atrocity* (2010), William Blair’s *Cities of the Dead* (2003), and Caroline Janney’s *Remembering the Civil War* (2013) counter the reconciliationist thesis put forth by the Blight school.

4. Glenn Hughes and George Savage, eds., *America’s Lost Plays: The Heart of Maryland and Other Plays by David Belasco* (Princeton: Princeton University Press, 1940), 171–72.

5. Gerald Martin Bordman and Thomas S. Hischak, *The Oxford Companion to American Theatre* (Oxford: Oxford University Press, 2004), 299.
6. Nina Silber, *The Romance of Reunion: Northerners and the South, 1865–1900* (Chapel Hill: University of North Carolina Press, 1997), 89.
7. Hughes and Savage, *America's Lost Plays*, 179, 181.
8. *Ibid.*, 183–84.
9. *Ibid.*, 194, 240.
10. *Ibid.*, 176, 193.
11. *New York Tribune* quoted in Hughes and Savage, *America's Lost Plays*, 172; *Macon Telegraph*, December 13, 1898; *New England Magazine* quoted in Silber, *Romance of Reunion*, 111; *New York Times*, April 17, 1898.
12. Hughes and Savage, *America's Lost Plays*, 172.
13. *The [Lincoln, Nebraska] Courier*, December 29, 1900; *[Philadelphia] Evening Bulletin*, March, 12, 1900; *The Minneapolis Journal*, January 12, 1901; *The St. Paul Globe*, December 12, 1897; *New York Times*, April 22, 1896.
14. *New York Times*, October 27, 1895.
15. “Barbara Frietchie,” *The Atlantic*, accessed March 2012, <http://www.theatlantic.com/magazine/archive/2012/02/barbara-frietchie/8826/>.
16. Bordman and Hischak, *Oxford Companion to American Theatre*, 52–53.
17. Clyde Fitch, *Barbara Frietchie: The Frederick Girl* (New York: Life Publishing Company, 1900), 42, 112.
18. *New York Times*, October 3, 1899.
19. *Ibid.*, October 5, 1899.
20. *Ibid.*, October 10, 1899.
21. *Ibid.*, October 13, 1899.
22. *Ibid.*, October 14, 15, 29, and November 6, 1899.
23. Brian C. Pohanka, “For Maryland’s Honor: A Story for Southern Independence (review),” *Civil War News*, <http://www.civilwarnews.com/reviews/bookreviews.cfm?ID=262>.
24. Lloyd T. Everett, *For Maryland’s Honor: A Story of the War for Southern Independence* (Boston: Christopher Publishing House, 1922), 11–12, 14.
25. *Ibid.*, 35–36, 54.
26. *Ibid.*, 43, 56, 142.
27. *Ibid.*, 62, 185.
28. “Maryland! My Maryland!,” Maryland State Archives, 2005, <http://teachingamericanhistorymd.net/000001/000000/000010/html/tio.html>.
29. *Baltimore Sun*, April 30, 1939.
30. “Current Exhibitions,” Maryland Historical Society, accessed March 26, 2012, <http://www.mdhs.org/museum/exhibitions/current>. “Civil Rights in Maryland,” Maryland State Archives, accessed March 26, 2012, <http://www.msa.md.gov/ecp/45/00028/html/civilrgt.html>.
31. Sherrilyn A. Ifill, *On the Courthouse Lawn: Confronting the Legacy of Lynching in the Twenty-First Century* (Boston: Beacon Press, 2007), 24–25.
32. Anne E. Marshall, “The 1906 *Uncle Tom’s Cabin* Law and the Politics of Race and Memory in Early Twentieth-Century Kentucky,” *The Journal of the Civil War Era*, 1 (2011): 376.
33. *Baltimore Sun*, April 30, 1939.
34. *Baltimore News-American*, May 10, 1970.
35. *Washington Post*, September 27, 1979.
36. *Ibid.*, January 30, 1980.

37. Ibid., January 29, 1980; *Evening Capital*, February 16, 1980.
38. *Baltimore Afro-American*, October 17, 1931; *Washington Afro-American*, January 8, 1952 and September 24, 1968.
39. Robert J. Cook, *Troubled Commemoration: The American Civil War Centennial, 1961–1965* (Baton Rouge: Louisiana State University Press, 2007); David W. Blight, *American Oracle: The Civil War in the Civil Rights Era* (Cambridge: Harvard University Press, 2011).
40. Marshall, “The 1906 *Uncle Tom’s Cabin* Law,” 371. The 1906 *Uncle Tom’s Cabin* Law was passed by the Kentucky state legislature and made it “unlawful to present plays in this Commonwealth that are based on antagonism alleged formerly to exist between master and slave, or that excites race prejudice.”
41. Elizabeth Leonard, “Elizabeth D. Leonard: A Historian’s Review of *The Conspirator*,” *UNC Press Civil War 150*, May 11, 2011, <http://uncpresscivilwar150.com/2011/05/elizabeth-d-leonard-a-historians-review-of-the-conspirator/>.
42. *The Conspirator*, directed by Robert Redford (2010; Santa Monica, Calif.: American Film Company, 2011), script.

Circling the Square: The City Park and the Changing Image of Annapolis

MICHAEL P. PARKER

On October 28, 2013, after a series of contentious public hearings that had begun the previous spring, the Annapolis City Council voted 8–1 to accept a long-term plan for the redevelopment of the City Dock prepared by the consultants Jakubiak & Associates, Inc.¹ On one of the major points of controversy, though—a recommendation to replace Peace Memorial Circle at the intersection of Main Street, Compromise Street, and the Market Space with a T-shaped intersection—the council deferred a final decision by voting to reconsider the issue at a later date.² The rationale for removing the circle was that the new configuration would facilitate the flow of traffic, create new parking spaces, and “improve the pedestrian experience” for visitors to the area.³ The plan added, almost as an afterthought, “The current circle is a ‘within living memory’ feature of the City Dock.”⁴

A number of aspects of the City Dock Master Plan aroused opposition, but this easy dismissal of the circle and the consultants’ apparent ignorance of its historical significance particularly grated on the sensibilities of native Annapolitans and some newer residents as well. Although the current configuration of Memorial Circle as a roundabout dates only from 1977, the circle itself was first laid out in 1884–85. Over the course of 128 years the circle in the Market Square has been a major civic and ceremonial space for the citizens of Annapolis.⁵ Its history falls into roughly four phases: its original construction in 1884–85; its rededication during the 1908 Charter Day Bicentennial and the effort to erect a memorial fountain on the site; the conversion of the park into a gasoline filling station in 1929; and finally, the reconfiguration of the circle as a roundabout and its re-dedication as Peace Memorial Circle in 1977. Each of these events is significant for the light it sheds on the ongoing history of Annapolis in several ways. First, the circle has a cultural and iconic importance: it reflects the image that Annapolis and Annapolitans hold of themselves. The original construction of the park arose from a desire to dispel the city’s reputation as a provincial backwater and present it instead as modern and cultivated; the subsequent reconfigurations of the circle throughout the twentieth century reflect changing

Michael P. Parker is a professor of English at the United States Naval Academy and the author of Presidents Hill: Building an Annapolis Neighborhood, 1664–2005.

conceptions of how residents looked at the city and how they wanted the nation and the world to look at it as well. Second, the circle often held a political importance: under-represented or disenfranchised groups clashed to gain control of it in order to publicize their aspirations and assert their right to a place in the city's consciousness. Thus, over the past century Roman Catholics, women, preservationists, military veterans, and African Americans have successively embraced City Circle as a vehicle for showcasing their distinctive accomplishments and values. Finally, the circle illuminates the character of Annapolis's city government and its relationship to private interest groups and individuals. The weak city government of the late nineteenth and early twentieth century took a minimalist view of its functions: it would supply the basics necessary to safety and good order, but it shied away from long-term projects that would require any regular commitment of funds. In other words, the mayor and city council thoroughly rejected "the vision thing." Private organizations stepped into the gap: they attempted to foster civic pride and provide Annapolis with a sense of itself as a city that balanced the past and the future in a picturesque, prosperous present. Unfortunately, private organizations tended to lack the stability of elected government. Over the past two centuries Annapolis has seen clubs and committees come and go as members moved or died and tastes changed. Private entities formed at best an uneasy alliance with the city government, providing inspiration and initial leadership while the government supplied, at least in theory, the funding and continuity necessary to realize and maintain these inspirations. Somehow, those projects never worked out as smoothly as everyone hoped.

The City Park Plan of 1884

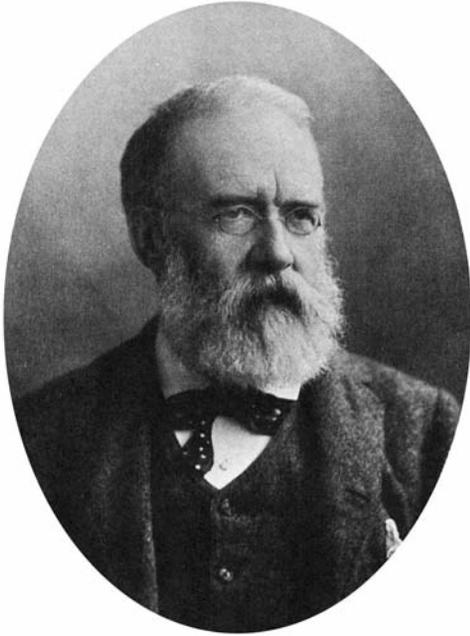
What was apparently the first proposal to build a park where Main Street intersected with the Market Space was made to the city council on June 11, 1877, by City Commissioner W. F. Williams, who suggested that such a park would cut down on paving expenses and "beautify that part of the city, which, in my opinion, is something very much needed."⁶ The city government failed to act on Williams's proposal. Not until early 1885 was the City Circle, also known as City Park, finally laid out by the Annapolis Local Improvement Association, a private group chartered by painter and amateur historian Francis Blackwell Mayer to preserve Annapolis's historic past while endowing it with the amenities of a modern city.⁷ The Baltimore-bred Mayer, who moved to Annapolis in 1876, became enamored of his adopted city. His illustrated 1879 article, "Old Maryland Manners," painted a romantic portrait of a "rare old town" that needed only a little sprucing up to restore its earlier glory.⁸ The all-male Local Improvement Association formed a roster of the city's political and professional elite. In addition to Mayer, who served as president, the officers included Louis Gardner Gassaway Jr., the cashier of Farmers' National Bank; Naval Academy professor of drawing Marshall Oliver; Charles Munroe, son of the city's postmaster and nephew of the former mayor; Julian Brewer, the city's leading real estate lawyer



The intersection of Main Street and the Market Square, ca. 1876–1884. The space that would become the City Circle is marked by a signal pole at right. (Courtesy, Be-Hold, Inc. of Yonkers, N.Y.)

whose older brother, Nicholas, was one of Anne Arundel County's state senators; and J. Wirt Randall, president of Farmers Bank, member of the House of Delegates, and son of former Maryland congressman and attorney general Alexander Randall.⁹ The earliest mention of the circle scheme appeared in the September 12, 1884 edition of the *Annapolis Evening Capital*. A short item entitled "Improving the City" explained that the first effort of the new association "would be the improvement of the Market Square. This they proposed to make into a miniature park, by the planting of trees, laying out of walks, and the erection of a fountain." Mayer appeared before the city council on October 13 to petition that it reconfigure the gutters on Main Street to conform to plans for curbing the new park. The council agreed to his request with the stipulation that "the cost to the city shall not exceed \$150, and the residents along the line of the proposed improvement assent thereto."¹⁰ Despite the council's backing, the work was slow to begin; on December 10, 1884, the *Evening Capital* complained that "the dilatory action of the City Council" in making changes to the gutters had held up the entire project.¹¹ Mayer was at this time in New Orleans assisting in plans for that city's World Cotton Exposition, and the paper expressed the hope that construction would get underway once he returned.

The new park would take the form of a circle, a geometric choice not immediately obvious since Market Square was actually a sprawling trapezoid approximately 180 feet wide on the northeast side, 280 feet on the southwest, and 450 feet in length. Mayer perhaps envisioned that the new circle at the foot of Main Street would balance Church Circle at the top; he may also have had an intuitive sense that there

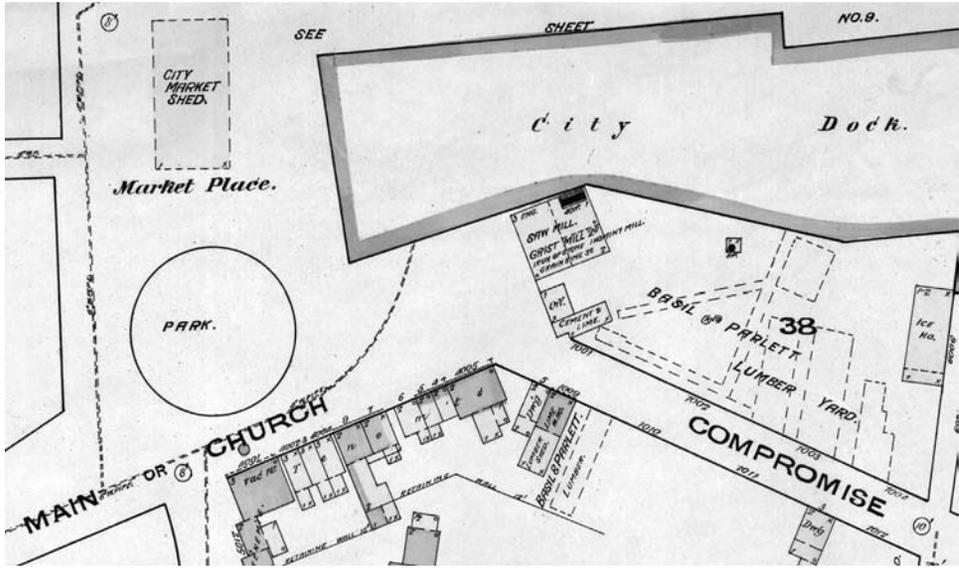


Artist Francis Blackwell Mayer (1827–99), who laid out the City Circle in 1884. (*The Baltimore Museum of Art*, 36.674.)

was something peculiarly Annapolitan about a circle. Although Governor Francis Nicholson's original 1695 plat of the city called for formal squares as well as circles, only the latter were built, and the placement of the Maryland State House and St. Anne's Church, the city's two most prominent structures, within circles distinguished Annapolis from almost every other city on the eastern seaboard.¹² The circular design, moreover, marked out the new park as a ceremonial space, defined by a geometry that distinguished it from the straight lines and right angles of everyday urban streetscapes. It would prove to be the site of important civic rites and celebrations for the next 128 years.¹³

Work on the circle finally commenced in late winter. On February 21, the *Evening Capital* reported that very near nine hundred cartloads of soil had already been dumped in the Market Space to grade the site for the park.¹⁴ The paper expressed understandable pride in describing the new civic amenity:

The extent of the circle expands as obstructions are removed. It is twenty-five feet larger in diameter than the rotunda of the Capitol in Washington, over one hundred and twenty feet. Efforts are being made to procure a handsome fountain or statue to ornament the centre of the circle and it may be reasonably expected that by midsummer we shall have another green spot added to our city, probably the first improvement of this kind, *by the people and for the people*, in the two hundred years that Annapolis has been a city. Several citizens propose to plant each a tree and to give their personal supervision to its protection and growth.¹⁵



Sanborn Insurance Map of Annapolis, 1885, showing the newly laid-out City Circle. (Library of Congress.)

By early April, the Local Improvement Association had ordered three hundred trees for planting throughout the city. “The circle on the Market Space will first engage their attention, and will soon present a pleasing appearance. . . . Annapolis will soon rank with the most quaint and beautiful cities in the country.—Life without beauty is not worth living.”¹⁶

The *Evening Capital's* sometimes breathless advocacy of the circle project provides thought-provoking insights into the city’s conception of itself in the 1880s. Annapolitans, or at least the prominent and prosperous, worried that the city was falling behind and felt a need to compete with other municipalities in civic improvements and general amenities. Thus, the circle is “larger in diameter than the rotunda of the Capitol”; thus, Annapolis “will soon rank with the most quaint and beautiful cities in the country.” The sophisticated, widely traveled Mayer was trying to make Annapolis a city with a national, even an international reputation. The Local Improvement Association may have designed the circle for Annapolitans, but it always had a wider audience in mind.

The second noteworthy feature of the circle project is administrative: although the Market Space fell under public jurisdiction, it was a private organization that took the lead in designing and developing the circle. Some today might hail that collaboration as a fine example of private-public partnership, but in fact it often led to misunderstandings, bungling, and delays, such as the failure of the city to rebuild the Main Street gutters in time for construction to commence before winter. The city government had little investment, monetary or psychic, in the project, and in the case that the Local Improvement Association failed to survive, the future of the circle



The City Circle in the early 1890s. Note the young trees and ornamental urns. (Photograph, Henry Schaefer; Maryland State Archives MSA SC 985.)

would be up for grabs. For its part, the Local Improvement Association represented only a small portion of the citizenry. Despite its claim to be “by the people and for the people,” it appears to have made decisions without broad consultation among the entire community. Finally, perhaps the most unsettling aspect in the *Evening Capital* coverage was the detail that individual “citizens propose each to plant a tree and give their personal supervision to its protection and growth.” Such an arrangement had the potential to lead to competition, one-upmanship, and inconsistent maintenance of the park over the long term.

Indeed, problems arose as early as June. At the request of the Local Improvement Association, the city had moved the hydrant at the corner of the Market Space to a triangle opposite the City Circle to provide water for the plantings and ultimately for the proposed fountain. Nearby residents and businesses, who were not consulted in the decision, petitioned to have the hydrant moved back.¹⁷ To them, it must have seemed that the City Circle was not so much something by or for the people, but something done *to* the people. On June 10, the city council resolved the controversy by ordering another hydrant installed near the Market House to answer their needs. Of more lasting concern was the withering of the Local Improvement Association itself. With the waning of the 1880s it disappeared from civic life. By 1894, the city had assumed sole responsibility for maintaining the circle—in that year George Jewell was paid \$11.50 for placing coping around the edge of the circle and E. A. Seidewitz received \$50 for “furnishing flowers and attending city park.”¹⁸ That maintenance,

however, was cursory and desultory: in 1901, the *Evening Capital* denounced the lack of follow-through on the painting and placing of the ornamental urns for which the city council had appropriated the sum of \$8.00. The article's closing injunction, "Let the proper authorities look into the matter," is revealing inasmuch as it never really identified who those authorities were. It is no surprise that it was during this period that City Circle acquired the nickname that it carried well into the succeeding century—"Dog-Turd Park."¹⁹

The Memorial Fountain

City Circle continued to languish until 1908 when a group of citizens, led by Mayor Gordon Handy Claude, revived the plan of erecting a fountain as a means of commemorating the 200th anniversary of Queen Anne's grant of the city charter. Claude was the spokesman and ostensible originator of the project, but the *éminence grise* was attorney, politician, and gifted amateur historian J. Wirt Randall, the erstwhile secretary of the Local Improvement Association that had first initiated the circle scheme twenty-four years earlier. On November 10, the *Evening Capital* reported that the city had hired the John Dowin Company to dig the well for the fountain and that the city council had authorized a payment of \$220 for work already completed by that date. Dennis Claude, the grandson of Gordon Claude, remembers his father telling him that citizens whispered that the water in this well contained excessive iron and was unfit to drink. To counteract these rumors, Mayor Claude made his five children troop to the well each morning and each down a cup of water before an amused audience of townspeople.²⁰ On November 11 the newspaper announced that it hoped to publish within a day or two the design of the fountain: it would commemorate religious liberty. The fountain, which was to be located in the center of City Circle, would conduct the water from the well

through three dolphin heads into three shell-shaped basins, from which the water will be conducted under ground to a hexagonal, massive, seven-foot granite drinking basin for horses, to the east of the circle and tracks from which it will be discharged into the dock. Above the base and fountain proper will rise a triangular pillar surmounted by a large globular electric light. On each of the sides of that triangular pillar, hollowed out, . . . will stand a bronze figure representative of the three religions that were present in Maryland after the . . . coming of the Annapolis colony—a Puritan in characteristic garb, a Jesuit monk and a Cavalier, the latter representing the Church of England, all standing but in attitude of devotion, worshipping their Common Father.²¹

The pedestal of the fountain was designed by the Baltimore architectural firm of Wyatt & Nolting, and its bronze figures were modeled in clay by Hans Schuler (1874–1951), "a young Baltimore sculptor who is rapidly gaining fame." A native of Alsace-Lorraine, Schuler was to become the most important Maryland sculptor



Mayor Gordon Handy Claude (1854–1940), his children, and some of their friends posed in the cavity of the Liberty Tree, St. John's College, September 1907. (Maryland State Archives, MSA 182-1-607.)

of the first half of the twentieth century.²² He executed scores of commissions in Baltimore and all along the East Coast and served as the director of what is now known as the Maryland Institute College of Art from 1926 until his death. Interestingly, he later would sculpt the Religious Toleration Monument in St. Mary's City for the Maryland Tercentennial in 1934, but its design seems to owe nothing to that of the Annapolis project.

The issue of the *Evening Capital* that was to run the design of the fountain is

John Wirt Randall (1845–1912), state senator and chief supporter of the City Circle and Memorial Fountain. (Maryland State Archives, MSA SC 2214-1-45.)



now missing; the microfilm of the newspaper prepared by the State Hall of Records in 1951 lacks issues from November 12, 1908 through May 1909. Fortunately, a postcard of the Schuler design was published shortly after the dedication; a copy of this postcard, dated March 3, 1909, depicts the Jesuit and the Puritan in their niches.²³ It is important to note that the basin and the cornerstone, while elements of a unified design, were never parts of the same structure; the water from the fountain would be piped underground to the basin, which stood in the middle of lower Main Street. These two pieces of masonry were brought together only in 1929 as will be explained below.

The fountain was designed to be both ornamental and practical since the basin would alleviate the thirst of the workhorses that hauled most of the produce and merchandise to and from businesses on the Market Space. Concern for the welfare of horses and other animals was an aspect of the Progressive Movement that we tend to overlook today, and the city's providing an elegant trough was another sign that Annapolis was modern, up-to-date, and business-oriented. Even more acutely than in the 1880s, the city's leaders worried that Annapolis was falling behind comparable cities. The *Evening Capital* in 1907 made frequent reference to "Smart-Alex" Baltimoreans and other outsiders who stereotyped the city as sleepy and old-fashioned.²⁴ Indeed, the *Baltimore Sun*, perhaps tongue in cheek, headlined its coverage of the Charter Day festivities with the caption, "Annapolis Is Wide-Awake and Hustling."²⁵ It is ironic, then, that the city chose to signal its modernity to the world by building a fountain for horses, which would virtually disappear from the streets in the next decade; indeed, in 1922 the city council itself would order the removal of equestrian



MEMORIAL FOUNTAIN, ANNAPOLIS, MD.

The Memorial Fountain as designed by Hans Schuler. (Postcard published by L. & M. Ottenheimer, Baltimore, Md., 1909. The Jack Kelbaugh Collection.)

mounting-blocks from the sidewalks, “since the advent of the automobile . . . has rendered them obsolete.”²⁶

The event the city decided to commemorate with the fountain—the Maryland Act Concerning Religion, popularly known as the Toleration Act of 1649, which provided religious liberty to all who professed belief in Jesus Christ as Savior and the Holy Trinity—was not an obvious choice for an Annapolis monument and certainly not for a monument dedicated on the anniversary of the grant of the city charter. The *Evening Capital* provided the official explanation, pointing out that the Puritans who settled the city in 1649 were religious refugees from Virginia who came to Maryland because they regarded it as a sanctuary for their beliefs; hence, the Toleration Act might be construed as having led to the founding of Annapolis. The concept of religious toleration perhaps resonated in 1908 Annapolis because of the increasingly diverse ethnic and religious composition of its population, particularly in the business community. The influx of Germans in the 1840s and 1850s, followed by successive waves of Italians, Eastern European Jews, and Greeks greatly changed the complexion of what had once been a small, stolidly Anglo-Saxon town. By 1900 many of the leading merchants were of German or other European origin and as likely to be Roman Catholic or Jewish as they were Protestant. The 1900 census gave the population of Annapolis as 8,525.²⁷ According to the records of the Archdiocese of Baltimore, in 1903 the sole Catholic parish in the city, St. Mary’s, numbered 1,189 communicants, i.e., Catholics constituted about 14 percent of the city’s population.²⁸ The number of Jews was much smaller, probably less than 200. Annapolis Protestants were no longer almost exclusively Episcopalian as had been the case in the mid-eighteenth century but were now divided among Episcopal, Methodist, Presbyterian, Baptist, and AME churches as well as a number of smaller sects. Moreover, those churches often disagreed on matters of private practice and public policy as the debate over temperance in the next decade would make clear. Although the impulse behind the monument was progressive, it was a progressivism within very narrow limits. The sort of religious toleration envisioned by the city council and the business community seems to have been very close to that advocated by the original Toleration Act, i.e., intended for Christians alone. As the dedication ceremonies would underscore, Jewish sensibilities were ignored, either deliberately or more probably by accident.

Even more disturbing, perhaps, is the recognition that the city’s championing of religious toleration did not extend to racial differences as well. The city council that commissioned the fountain of Religious Toleration was the same council that earlier that year connived with the state legislature to amend the Annapolis charter to deprive African American citizens, most of whom supported the Republican Party, of the franchise by adding a grandfather clause to the voting qualifications. The bill, shepherded through the legislature by Delegate A. Theodore Brady, the Democratic boss of southern Anne Arundel County, received minimal press coverage, and the

day after Governor Austin L. Crothers signed it the *Evening Capital* relegated it to the fourth paragraph of an article headlined "Local Legislation: Resume of Laws Passed for Anne Arundel."²⁹ According to the *Baltimore Afro-American Ledger*, the act reduced the number of black voters in Annapolis from over 800 to about 100.³⁰ The Annapolis grandfather clause represents the only effective disenfranchisement of African American voters in the state of Maryland after the Civil War.³¹ The provisions of the grandfather clause went into effect in the municipal elections of 1909; most African Americans did not regain the right to vote in Annapolis until a Supreme Court decision in 1915 invalidated the changes to the charter.³²

The relationship between the disenfranchisement of African American voters and the decision to erect a fountain celebrating religious toleration is unclear. It is possible that the theme of the fountain was a logical corollary to the enactment of the grandfather clause: deemphasizing the factors that divided whites in the city from one another could unify the majority after it had been complicit in the disenfranchisement of the minority. On the other hand, the fountain might be seen as an act of atonement, an indirect approach to restoring the civic harmony that had been shattered by the passage of the grandfather clause. Those most involved in the fountain might have entertained very different ideas of its purpose: while Mayor Claude's descendants remember him as an unreconstructed racist, John Wirt Randall was one of the civic leaders who assisted former U.S. Attorney General Charles J. Bonaparte in taking the fight against the disenfranchisement of African Americans to the Supreme Court.³³ However Annapolitans viewed the two events at the time, their very juxtaposition serves as a cautionary reminder that the concept of "toleration" 110 years ago was limited and meant something rather different than it does today.

The cornerstone of the Toleration Fountain was dedicated at an impressive ceremony derived from Masonic rites on November 22, 1908.³⁴ The granite stone, perched in state on a plinth at the center of the circle, bore the legend "Annapolis. Settled 1649. Capital 1694. Chartered and Commemorated 1708-1908." After an address by J. Wirt Randall on the founding of Annapolis, Miss Ruth W. Claude, the daughter of Mayor Claude, christened the cornerstone with a stream of water while proclaiming, "May all who pass this stone be imbued with a Christian spirit." The aldermen positioned themselves at the compass points of the circle. Mayor Claude then advanced to the stone, tapped it three times with his cane, and said, "I declare the stone plumb, level and in place, and this spot dedicated to the purposes of a memorial to commemorate the Act of Religious Toleration. May the motives which prompted these ceremonies bear fruit, and may a Supreme Being guide us from the paths of darkness in the light of truth."³⁵ A time capsule containing Elihu Riley's *History of Annapolis*, a copy of the City Code, and several other "historical papers" was placed "in the cornerstone."

Despite these auspicious beginnings, adequate funding to erect the fountain remained elusive. Mayor Claude's resounding defeat in the Democratic primary in

July 1909—he came in an embarrassing third—effectively sidelined him as a force in public affairs, and the task of erecting the fountain passed to J. Wirt Randall.³⁶ Drawing on his long experience in both the House of Delegates and the Senate, Randall turned to the State of Maryland as a funding source. At Randall's behest Senator Charles J. Linthicum introduced a bill into the state senate on March 11, 1910, appropriating \$10,000 for the completion of the fountain “upon proof furnished . . . that a sufficient sum of money has been raised to otherwise complete said memorial fountain and group of statuary thereon.”³⁷ What should have been a fairly routine local appropriation, however, soon turned contentious. The bill appointed a committee of politicians and clergymen to certify that Annapolis had raised the required matching funds. In addition to Governor Crothers, the committee included James Cardinal Gibbons, the redoubtable Roman Catholic archbishop of Baltimore. Apparently Gibbons had not been apprised of the design of the fountain, and when he read the description in the bill, he immediately wrote Senator Peter J. Campbell, a Democrat representing the Second District of Baltimore City,

At the time when the question of erecting a fountain to commemorate the establishing of civil and religious liberty in the Maryland colony was brought before me and my sanction and approval asked in my capacity as representative of the Catholic community of the State, to my knowledge no reference was made to any figures to be placed there. Imagine my astonishment on learning now that figures are to be erected and no mention made at all of Lord Baltimore.

I am unalterably opposed to the erection of any figures on the fountain except the figure of Lord Baltimore, to whom we are indebted for the priceless boon of civil and religious liberty. I beg of you to call the attention of the honorable members of the legislature to this matter.”³⁸

Randall immediately set to work to defend the fountain. Claiming that “the bill before the Legislature has been misquoted and misunderstood,” he argued that the legislation never denied the role of the Catholic Cecilius Calvert, Lord Baltimore, in extending religious toleration to the Maryland colony, but that the fountain was intended to commemorate the first embodiment of that policy in the form of legislative statute. Citing parallels with monuments commemorating Lincoln's Emancipation Proclamation and Czar Alexander II's freeing of the serfs, Randall observed that it was “much more interesting” to depict the beneficiaries of religious toleration than the person who bestowed it. In closing, Randall cut to the most pressing issue: he claimed that he had originally wanted the figure of Cecilius Calvert to surmount the entire fountain, but that sculptor Hans Schuler had advised him the design would be “too elaborate and too costly.”³⁹

During a frenzied week of negotiations between Randall and Cardinal Gibbons, the more elaborate and costly option won out. The two men agreed upon an enlarged,

double-decker fountain in which the figure of Lord Baltimore replaced the electric globe on the upper tier. Randall also agreed to add “two prominent laymen of his [the cardinal’s] church,” Senator Campbell and Representative Carville D. Benson, Democrat of Baltimore County, to the list of commissioners.⁴⁰ Through his well-timed and well-publicized opposition to the fountain, Gibbons effectively transformed Roman Catholics from junior to equal partners in the Memorial Fountain. Not only were there now two figures of Catholics to balance the two Protestants on the fountain itself, but Gibbons had secured himself effective allies in ensuring the project continued to treat both religions with an even hand.

Despite this creative compromise, the amended bill to appropriate state funds for the Memorial Fountain never made it past the senate finance committee. J. Wirt Randall died in August 1912, and the efforts of the Memorial Fountain Committee faltered without his leadership. Delegate Frick of Baltimore City introduced a new amended bill on February 20, 1914, calling for a \$20,000 appropriation for the fountain, but it again expired in committee. The Annapolis Memorial Fountain Committee continued to meet for another fifteen years on a monthly basis, and it occasionally discussed approaching the state legislature yet again for aid in erecting the statue, but with no success. There is no evidence that the committee ever engaged in private fund-raising, even on a limited basis, to raise the \$25,000 it was estimated the fountain would cost. Indeed, after the failure of the 1914 legislative effort the unbuilt fountain appears to have become something of a joke in town. On March 14 of that year the *Evening Capital* reported receiving a copy of the fountain postcard signed “Stranger” with the request, “I would like to know where this fountain is.”⁴¹ After correcting the writer’s spelling and diction, the newspaper informed “Stranger” that “the fountain is not—but Is To Be,” with the last three words capitalized. The Memorial Fountain Committee itself seems to have shriveled into a private club for the city’s elite, all male, its membership limited to fourteen.⁴²

While the official committee dithered, the impetus for improving the City Circle passed to a new community group, the Civic League. The Civic League and its sister organization, the Just Government League, had largely overlapping memberships that were primarily though not exclusively female: they represented the vanguard of the women’s suffrage movement in Annapolis during the second decade of the century. League members were primarily the wives and daughters of prominent professional men in town, such as Mrs. James Munroe and Miss Katharine Walton, who was a distinguished painter in her own right, and the wives of Naval Academy and St. John’s professors like Mrs. William Oliver Stevens, Mrs. Theodore Woolsey Johnson, and Mrs. Horace Fenton. Although some of these women, Claudia Stevens among them, had grown up in Annapolis, many were New England-born and educated, and they set at the work of improving the city with crusading zeal. In 1912 alone the League embarked on a campaign of fly-swatting, manure-removing, and trash-basket-placing that left many Annapolitans breathless, and not a few disgruntled.⁴³ Under

the leadership of Claudia Stevens, the Civic League set out to beautify the circle in the early summer of 1912. On May 27, the *Evening Capital* reported, "Ladies of the Civic League were busy Saturday planting flowers in the city park near the Market. In their spick and span white dresses and white parasols over them, with a trowel, they made a pretty picture kneeling on the ground planting flowers to beautify the city and make the square attractive." The *belle époque* approach to gardening was clearly different from our own, but it conveyed an important political message: that women were ready and capable of governance. While the men wasted their time in fruitless meetings, women had the practical know-how to make the circle an ornament to the city. Their hands-on involvement with the project was an assertion of their growing place in the public sphere.

Not everyone was impressed with the plantings. Professor Robert Werntz grouched to the city council that it ought to clear away the greenery and build the proposed new Waterwitch Fire Station in the circle rather than on a site adjacent to his property at the corner of Randall and Prince George Street.⁴⁴ His proposal fell on deaf ears. In the meantime the Civic League added playground equipment to the circle, but after six-year-old George Anderson fell from a swing onto the cobbles of Main Street, gashing his head in the process, it was decided to remove the playground to the W.B. & A. Lot on West Street, where it survived another year.⁴⁵ In the spring of 1913, the *Evening Capital* ran a letter signed "Citizen" and entitled "The City Park—What Shall Be Done With a Place That is More or Less an Ugly Scar to City's Beauty?"⁴⁶ "Citizen" argued that Annapolis should either demolish the park or take better care of it; his letter was crafted to support the latter course. Three days later the Civic League voted "to urge upon the city council the great necessity and growing public sentiment to have the Market cemented and also to beautify the city park, which, in its present condition is an eyesore to every citizen possessing any feeling of civic pride."⁴⁷ In a special session on March 24, the council voted to appropriate \$250 for plantings and maintenance.⁴⁸ In the meantime, the Civic League voted to work with the Memorial Fountain Committee to seek, once more, state funding for the statue.

After this spate of activity the Civic League's interest in the circle waned as many of its most prominent members turned their energies from traditional "female" interests such as beautification to active engagement with the women's suffrage movement. The outbreak of World War I in Europe increasingly focused Annapolitans' attention on the wider world; citizens had other things to worry about than the City Circle. Over the next fifteen years the *Evening Capital* regularly reported on schemes to improve the circle with benches, wire fencing, and yet more plantings of annuals, and it decried the unkempt state of the circle—horses kept eating the ornamental hedge—but nothing very much happened.⁴⁹

Ultimately, the failure of the city to erect the long promised fountain was probably due to the emergence of the automobile. The practical reason that gave impetus to the fountain in the first place—the need for a trough near the market to water



View of Main Street and the west end of the Market Space showing the City Circle, ca. 1924. Note the placement of the horse trough in the street adjacent to the trolley tracks. (Postcard published by George W. Jones, Annapolis. The Jack Kelbaugh Collection.)

workhorses—rapidly disappeared as trucks supplanted horse-drawn carts and wagons in Annapolis. Indeed, there is a certain ironic inevitability in the succeeding development—the lease of the circle to the American Oil Company to build a gasoline station. Instead of fueling horses, the circle would fuel cars.

The Lord Baltimore Filling Station

The next phase in the history of the City Circle began in October 1928 when Mayor Charles W. Smith proposed to the city council a scheme for building “Public Comfort Stations” in the city park. To accomplish this aim, the city would lease the park to an oil company which, in compensation for building the restrooms, would also be allowed to erect a gasoline station on the site. According to the *Evening Capital*, the City Circle

has lost all its former beauty and must now be improved, city officials feel. In connection with the new street to be laid in Market Space, 15 feet of the City Park on the side opposite the Main street juncture, will be removed to widen the street. In the remaining portion it is Mayor’s Smith’s aim to have a gasoline service station in the middle and attractive rest rooms on each side. . . . Mayor Smith said that he expects some merchants to object to his plan, but feels that the council will back him up in what appears to be a progressive move.⁵⁰

Six companies bid on the project. The council provisionally accepted the proposal of the American Oil Company on November 13 and voted to approve the lease on January 21, 1929.⁵¹

It was only at this council meeting on January 21 that the Memorial Fountain Committee raised its rather feeble voice in protest against the lease. Former Mayor Claude, still president of the committee, presented a petition signed by twenty-eight persons arguing that the city had acted illegally by failing to advertise the leasing plan thirty days before the meeting and that the circle should remain a public park. Doctor Claude added that “spiritual things are often times more important than commercialization” and that he was sure the city could still gain state aid to construct the fountain.⁵²

Mayor Smith let him have it with both barrels. Concerning the lack of an advertisement, he replied that the issue had been frequently reported in the *Evening Capital* since the previous October; as for the twenty-eight signers of the petition, he stated that he could get more than double that number to oppose the petitioners’ plan on Main Street alone. He went on to assert “that the park has been a failure. . . . It was tried for a playground and proved too small and also bred fights between white and colored children. It has become of no use except as a haven for dogs.”⁵³

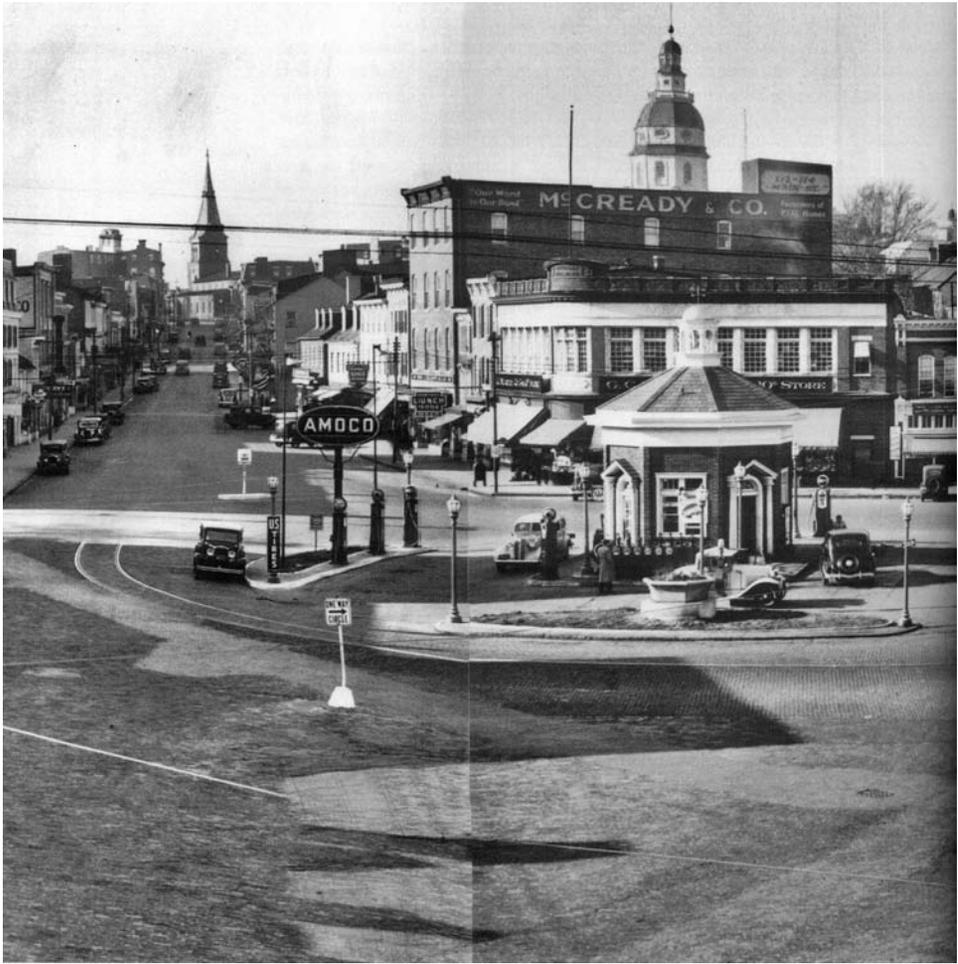
Mayor Smith’s bill of complaint against the City Circle lends insight not only into his own personality but also into important shifts in the political structure of Annapolis and the city’s self-image. Smith, a grocer and furniture store operator by trade, appears to have been a plain-spoken, “get things done” kind of guy. His frustration with the ongoing problems with the park is obvious. Smith also verbalizes the problem that had afflicted the City Circle since its inception: the city was unwilling or unable to commit itself to a long-term maintenance program for the park, and the best solution was to hand the property over to some entity that would do so. That Smith’s entity of choice was a business rather than a non-profit group such as the Memorial Fountain Committee reflects not only financial realities but the tenor of the times. The 1920s were the great age of American business and free enterprise, and a thriving oil company represented American (and presumably Annapolitan) values better than an elitist group of old men and women. In a sense, the leasing of the park to American Oil symbolized the shift in power from a small group of old families—the Claudes, the Randalls, the Wellses, the Munroes—to a broader group of downtown businessmen who would figure more prominently in city affairs in the future.⁵⁴ Smith’s plan for the circle combined the ornamental and the useful in a way that the Fountain of Toleration no longer did. As subsequent events would prove, he was more in touch with the spirit of Annapolis than his opponents.

The Memorial Fountain Committee did not accept defeat easily. W. W. Parce wrote to the *Evening Capital* asserting that civic pride in Annapolis was not dead, merely asleep, and that the citizens would surely refuse to give up their only park space for “an insignificant return in dollars and cents.”⁵⁵ On March 2 the *Evening*

Capital reported that a committee of prominent women was circulating a petition asking the city and the American Oil Company to agree to a mutual withdrawal from the lease of the circle; the organizers hoped to gain a thousand signatures on the petition.⁵⁶ Insurgent Democratic alderman Louis N. Phipps allied himself with the petitioners and tried, unsuccessfully, to procure them a special hearing before the council. By mid-March, however, only two hundred people had signed the petition and many of them “were found to live in the county and some in Baltimore. Few businessmen signed the protest.”⁵⁷

With the failure of the petition drive, the campaign to annul the service station lease sputtered and died. Local contractor S. R. Dove was the successful bidder for the construction of the filling station and bathrooms, which were to be built to a “colonial design.”⁵⁸ The northwest quadrant of the circle itself was compressed and the remaining space smoothed into an ellipse. Making the best of defeat, the Memorial Fountain Association decided to work with Mayor Smith to relocate the cornerstone. The original plan was to “remount the stone in the center of the grass plot to face the water. . . . Around the back of the stone there will be constructed a picturesque rockery, with vine growth and shrubbery. The dimensions of the grass plot will be about 16 by 50 feet, and will be surrounded by a three-foot wall and lighted at both ends.”⁵⁹ It was later decided to include the stone water-trough in the design as “a flower urn to rest upon the stone. . . . For several years the trough did good service for thirsty horses. Its logical mission now is to adorn this filling station erected for thirsty automobiles.”⁶⁰ Local florists engaged to take turns growing flowers in the urn; George Hambruch signed up for the first year.⁶¹ In a final flourish of cooperation, the committee drew on the remains of its meager treasury to hire a local stonecarver to add a rueful coda to the existing inscription on the cornerstone: “Onward! 1929.”

The History Stone, as it was now termed, was unveiled at a public ceremony on August 1, 1929, the same day as the grand opening of the new Amoco station.⁶² The festivities included music by the Naval Academy Band, the Boys’ Drum and Bugle Corps, and the Annapolis Choral Society; addresses were given by former mayor Claude, former mayor Smith, and the recently elected mayor Walter E. Quenstedt. The organizers rededicated the time capsule, adding memorabilia (primarily copies of the *Evening Capital*) from 1929 to the items deposited in 1908.⁶³ The Lord Baltimore Filling Station—its official name—proved to be a more aesthetically pleasing addition to the circle than anyone dared hope. In mass, the small octagonal structure provided the center of the circle with a sculptural silhouette not far removed from that envisioned in the 1910 two-tiered version of the fountain. In an imaginative act of appropriation, the architect capped the Amoco station with a cupola modeled on that of the State House. Although long treasured as the symbol of Annapolis, the State House belonged to the state, and in important ways it was off-limits to residents.⁶⁴ The new design provided an intimate, approachable version of the capitol building, one truly “for the people.” The celebrated comfort stations that had sparked the en-



The Amoco station in the City Circle, early 1930s. The horse trough and the History Stone sit on the island in front of the station. (Photograph, Jim Hefelfinger; Maryland State Archives, MSA SC 1885-1-834, detail.)

tire project were simple but handsome structures with entrances flanked by Doric columns under Georgian fanlights. This amenity required two structures, not one for each sex, but one for each race. The comfort stations constituted the city's most visible testimony to the racial segregation that remained the norm in Annapolis until the 1960s. As it fell out, the restrooms received little usage from city residents because they were so poorly maintained.⁶⁵

Peace Memorial Circle

Over the next thirty-nine years the Amoco station remained one of the most visible features in the Market Space. The addition of a garage linking the station and the restrooms after World War II spoiled the simplicity of the original design, but the



The demolition of the Amoco station, September 5, 1968. (Photograph, Lee Troutner, Annapolis Capital.)

History Stone and horse-trough turned planter remained in place on the southeast perimeter of the circle. Civic parades, such as those commemorating the end of World War II and the inauguration of the Annapolis Arts Festival in 1967, continued to roll down Main Street to the Market Space, but without the City Park to host culminating ceremonies, they merely sputtered out in the crowds at the head of the dock.⁶⁶ The city council renewed Amoco's lease on the property in 1939, 1947, 1952, 1958, and 1963, renegotiating the original terms to provide more revenue for the city.⁶⁷ When the lease expired in 1968, however, the council had other ideas. The previous summer new city planner Jesse Nalle had announced plans for a study of the City Market and dock area.⁶⁸ In a presentation before the city council the following year, he recommended against renewal on the grounds that the station detracted from the historic character of the Market Square and that its removal would beautify and "open up" the area. Nalle's proposal passed by one vote in a victory that he later described as "my major contribution to Annapolis."⁶⁹ This decision marked the first time in the City Circle's long history that the city government would take sole responsibility for its design and upkeep. On September 5, 1968, demolition of the gas station commenced, and the job was completed the following day.⁷⁰ The curbing of the circle remained, but the rest of the site was paved over in anticipation of redevelopment.⁷¹

The beautification of the dock, on the other hand, proved to be a decade-long enterprise. The city council originally voted to raze the neighboring market house as well, but the determined opposition of Historic Annapolis, Inc., the city's planning and zoning department, and numerous residents persuaded the council to

reverse its decision and embark on a careful restoration of the historic structure.⁷² The market finally reopened on August 2, 1972, but the renovation of the remainder of the dock area remained on hold until the summer of 1975, when the impending bicentennial celebration of American independence sparked the city council to take action.⁷³ The city's planning and zoning department presented a \$98,000 plan to revise the vehicle circulation patterns for the Market Space, add more parking, and make the area more attractive to residents and tourists. The aspect of the proposal that generated the most controversy was the relocation of City Circle and its transformation into a roundabout. Nearby merchants, led by Ellen Ward of Ward's Liquor and William Clatanoff of Wilkins, Inc., protested that the changes would eliminate parking spaces, confuse motorists, and ultimately harm their businesses. Nearly every business on the Market Space—Sadler's Hardware, Stevens Hardware, Mills Wine and Spirit Mart, Rookies Meat Market, Dockside Restaurant, even venerable barber Irving "Izzie" Wolfe—supported Ward and Clatanoff's position.⁷⁴ At an impasse, the council divided the project into two halves, proceeding with beautification for the dock while delaying changes to the area around the market house and the vacant circle for a year.

On the evening of Labor Day, September 6, 1976, the Annapolis Public Works Department experimentally reconfigured the empty City Circle, removing the old curbing and reconstructing a new pattern thirty feet south at the intersection of Compromise Street and the Market Space.⁷⁵ With a diameter of sixty-six feet, the new circle was only about half as large as its predecessor, and city officials viewed it primarily as a device to improve traffic flow around the City Dock. Initial response to the plan was decidedly hostile—confused motorists abused the city government, and several merchants and aldermen continued to denounce the new configuration—but at a public hearing on October 21, citizens who came out to testify were overwhelmingly in favor.⁷⁶ Historic Annapolis president St. Clair Wright asserted the pattern would be "an outstanding contribution to downtown"; planner Jack Ladd Carr argued that the traffic circle "comes as close as anything I've seen" to meeting the needs of both businesses and tourism on the City Dock.

The controversy over the circle from 1975 to 1977 was in many respects a replay of the battle waged in 1928–29, pitting the retail business community on one side against a professional elite composed of preservationists, planners, and affluent downtown residents on the other. But the balance of power in Annapolis had shifted; this time, the businessmen lost. At its meeting on February 14, 1977, the city council voted to make the changes permanent; work commenced in early July, and the new roundabout was dedicated one year later on November 11, 1977, under the name "Peace Memorial Circle."⁷⁷

Both the design and the name of Peace Memorial Circle are significant. The new circle was elevated several feet above the road surface, and a steeply raked skirt of bricks around the rim discouraged pedestrian access. This green space, carpeted in



Peace Memorial Circle, 2005. (Photograph, David Hartcorn; detail.)

English ivy, was first and foremost a traffic device devoid of attractions for even the most curious visitor. Indeed, the city proved innovative in installing one of the first roundabouts in Maryland, two decades before other municipalities across the state embraced them to ease chronic traffic congestion. The only ornament of the new circle was a flagpole bearing the United States and city flags and spotlighted at night. The cost of the flags was borne by the Military Order of World Wars. The History Stone and the basin were removed and re-erected in the new plaza stretching south from the Market House toward Main Street, a location that obscured their essential connection with the circle. On a positive note, the plaza did restore amenities such as plantings and benches, important elements of the original City Park design that had been lost during the circle's years as a filling station.

The name of the new roundabout—"Peace Memorial Circle"—was the fruit of the usual Annapolis process of negotiation and compromise. Although the battle over the circle raged throughout the fall and winter of 1976–77, it was only at the February 14 meeting that the issue of civic or ceremonial meaning arose when Mayor John J. Apostol informed the city council that the new space would feature "a veterans' memorial flagpole in the center."⁷⁸ Despite its long naval and military history, the city of Annapolis had never erected a proper war memorial; the city's

remembrance ceremonies were held at the National Cemetery on West Street and the naval cemetery on the Academy grounds.⁷⁹ And although commemorating the city's veterans may seem natural enough, appending the name "Peace" to the memorial was unusual. The choice of name may recall Peace Circle at the intersection of First Street and Pennsylvania Avenue, N.W., in Washington, D.C.; the Peace Monument at the center of the circle, dedicated in 1878, commemorates the naval dead of the Civil War. It is possible that Annapolis veterans who had participated in ceremonies at the monument in Washington recollected the name when designing this new memorial. If so, it would constitute an interesting echo of the comparisons to the size of the rotunda of the U.S. Capitol that underlay the design of the original circle. On the other hand, the name clearly reflects the city's and the nation's struggle to reconcile its traditional admiration for the military with the overwhelming war-weariness that followed the Vietnamese conflict. As Mayor Apostol recalls, "This was right after the end of hostilities in Viet Nam which at the time was still a very sore spot in the minds of many Americans. There were some people who did not want the word 'WAR' in the naming, and the Veterans not only respected that, but emphasized that the aim of the military is to maintain the peace. As a Veteran myself, I was on board with the reasoning."⁸⁰ Whatever the precise origin of the name, by the time the city finally installed a bronze plaque commemorating the dedication, the word "Peace" had disappeared; the plaque merely bears the legend, "Memorial Circle. Dedicated 1977 in Memory of Veterans of all Wars." Indeed, so identified has the circle become with the U.S. military that most Annapolitans today believe the full name of the park is "Veterans Memorial Circle"—the original "Peace" has long faded from popular memory.

The 1977 dedication ceremony was attended by members of all the major veterans organizations—the Veterans of Foreign Wars, the American Legion, the Military Order of World Wars, Veterans of World War I, the Jewish War Veterans, the Fleet Reserve Association, and Disabled American Veterans—and in the ensuing decades the circle has become a focal point for major patriotic ceremonies in the city, notably on November 11 when veterans re-enact the dedication of 1977. Indeed, at least one feature of the roundabout proved to be serendipitously functional: raising the surface several feet above street level made the circle a natural dais for speakers and dignitaries. Maintenance of the park continued to be a matter of uncertainty. Although the city originally assigned a Department of Parks and Recreation employee, Ula Collison, to tend to the ivy, after his retirement in the early 1980s Alderman John R. Hammond and his wife Louise took over the job.⁸¹ Funds raised from donations by downtown businesses and organizations to plant colorful perennials made the circle a showcase. Eventually, Alderman Hammond persuaded the city council to include circle plantings as a line item in the budget. When Louise Hammond succeeded her husband as alderman in 1994, she continued the tradition until the early years of the administration of Mayor Ellen Moyer, when maintenance was contracted to a

private landscaping company. In recent years new plantings have ceased, and today the greenery consists solely of four vigorous crape myrtles originally added by the Hammonds and some hardy clumps of black-eyed Susans.

While the new circle flourished, the History Stone and basin languished with little notice in their new location. During the celebration of the 275th anniversary of the City Charter in 1983, *Evening Capital* columnist Jack Mellin announced a search for the time capsule, which apparently disappeared during the demolition of 1968, but no one responded to his request for information. In the early 1990s the stone and basin were removed to new positions, about twenty feet apart, near the Market House. They were reunited only in 2002 in what was to mark the final major phase in the saga of the circle.

In 1992, Leonard A. Blackshear proposed erecting a memorial to the African American author Alex Haley and his ancestor Kunta Kinte, the protagonist of *Roots*, Haley's best-selling novel based on his family history. Local activist and later alderman Carl O. Snowden had dedicated a plaque at the head of the dock in September 1981 celebrating Kinte's arrival in Annapolis. Less than forty-eight hours later, the plaque was stolen, reportedly by the Ku Klux Klan.⁸² Annapolis residents rallied to fund the installation of a replacement early in 1982.⁸³ Blackshear's plans called for a much larger memorial, this one designed by local architect Gary S. Schwerzler, that featured a sculpture group and a story wall comprising ten plaques displaying quotations from *Roots*. The third phase of Blackshear's project, a compass rose tying Annapolis to the Kunta Kinte story, directly addressed the prior history of the site. The compass rose was set in a circular pavement that recalled in miniature the original City Circle; the proposed plan reunited the circle with the History Stone and the basin in a spot near the market house. A new plaque composed by Dr. Edward C. Papenfuss of the Maryland State Archives, explained their historical significance.⁸⁴ The Historic Preservation Commission approved the plans for the new placement on April 18, 2001, but, as usual, the decision was not without controversy. *Capital* columnist Eric Smith complained in a column that the History Stone had become so laden with different interpretations that it had become meaningless:

Maybe I'm wrong, but the symbolism seems sort of fuzzy here.

I mean, what exactly is this re-inscribed cornerstone supposed to represent? Is it a history stone? A religious toleration stone? A City Charter stone?

What possible connection could it have with Alex Haley and Kunta Kinte?⁸⁵

Smith's primary observation was absolutely correct that the City Circle, the History Stone, and the basin had accumulated a rather daunting congeries of meanings in the hundred-odd years of their existence. Whether that multifaceted significance was a source of confusion or a testament to the site's rich history and the city's diverse

heritage was another question entirely. The Kunta Kinte–Alex Haley Memorial was dedicated on June 12, 2002, and the long saga of the City Park came to yet another end, at least until the publication of the City Dock Plan in late 2012.⁸⁶

THIS BRIEF OVERVIEW of the history of the City Circle lends itself to a number of observations. First, there seemed to be an increasing need to justify any improvements to the park as practical rather than merely decorative as the twentieth century progressed. While Mayer and the Local Improvement Association stressed merely the ornamental aspect of a park in the 1880s, Gordon Claude and the Memorial Fountain Committee in 1908 strived to balance the ornamental with the practical in providing a watering place for workhorses. By 1928, Mayor Smith was all business in his emphasis upon the practical need for a filling station and public restrooms. The “colonial design” and dome were an inspired afterthought, a pastry-chef’s flourish without any real relationship to the functions that went on below; nevertheless, they expressed the lingering sense that this site had to be about more than commerce. The 1977 conversion of the circle into a traffic circle represents the logical culmination of this trend, but it is noteworthy that private groups reclaimed the green space, if rather awkwardly, for patriotic and civic ceremonies. For most Annapolitans, the circle continued to hold a significance that went beyond the merely useful.

This growing emphasis on practicality is perhaps an outgrowth of the evolving role of municipal government in realizing civic aspirations in some concrete way. In the 1880s the city council took a hands-off attitude toward designing the circle, allowing the Local Improvement Association free rein to do what it wished. It conceived of its role as holding taxes down and keeping public expenditures to a minimum. In 1908 it was the mayor himself, Gordon Claude, who took the lead in planning the fountain, but he was unable to draw the city government along with him. After Claude’s failure to gain reelection the following July, incoming mayor Robert Strange and the city council reconsigned the circle to its customary neglect, again leaving it to private organizations to take charge of its maintenance and design. In some respects Mayor Smith represents a break with the city’s prior attitude—he took the critical role in the redesign of the circle—but his actions really represent the most extreme version of it: he allowed the city to wash its hands of the entire issue by “disparking” the circle and turning it over to a private business. One can argue that Mayor Smith represented the will of many or even most Annapolitans of the time, but it is equally true that he exceeded his predecessors in his failure to appreciate the need for municipal government to take the lead in expressing civic aspiration. Although the phrasing of Gordon Claude’s protest that “spiritual things are sometimes more important than commercialization” may strike us today as a bit fusty and overly genteel, he made an important point. In the most recent phase of the circle’s history, the city government assumed complete control over design and eventually maintenance, but it still seems ambivalent about the responsibility. The

2012 proposal to efface the circle entirely and replace it with a traffic signal suggests the city's desire to wash its hands of the entire business once and for all.

Perhaps the most important role of the City Circle over the past 128 years has been the opportunity it has provided emergent, often previously disenfranchised groups in Annapolis to assert their importance and showcase their values. Cardinal Gibbons displayed the growing political clout of the Catholic minority in Maryland by forcing a redesign of the statue and the addition of Catholic members to the legislative oversight committee. The women suffragists in 1912 who shouldered the men aside to transform the circle into a garden and then a children's playground conveyed through their actions that they understood the community's real needs and knew how to meet them. The business community that backed Mayor Smith's plans in 1928–29 turned the city's attention to the profound impact of the automobile on the narrow streets of Annapolis: the construction of an Amoco station smack in the middle of the city's traditional ceremonial space symbolized the end of the power long wielded by the genteel elite of the Ancient City. The rededication of the circle in 1977 reversed the business community's earlier victory as a new elite of preservationists and affluent newcomers asserted their vision of what Annapolis should be. Peace activists and military veterans rushed into the middle of the fray to advocate a meaning for the circle that both sides could honor, the latter gradually supplanting the former with shifts in public attitudes toward the military during the 1980s. Finally, Leonard Blackshear's successful integration of the History Stone and basin into the African American saga of Kunta Kinte and the larger story of the immigrant heritage of all Americans very publicly demonstrated the new power of black Annapolis. The compass rose of the memorial sits on the very site of the segregated public lavatories that once symbolized the city's hostile attitude towards racial equality.

Clearly, as Annapolis has physically reconfigured the City Circle over the years, it has also reconceptualized it. The circle has meant different things to different groups, but it has never totally shed the associations that had accrued to it in previous incarnations. The recommendation to eliminate the circle in the 2013 City Dock Master Plan is just the most recent round of an ongoing civic process. Even if the 1977 traffic circle disappears from the Market Space, a new circle will undoubtedly reemerge in altered yet definitely recognizable form, a palimpsest from the Annapolis past. Indeed, the City Dock Plan calls for the construction of a "new central market square" almost precisely on the site of the original 1885 City Circle.⁸⁷ If built, the only question that remains is how long it will take Annapolitans to circle the square once again.

NOTES

1. This article originated from a paper delivered before the Annapolis History Consortium in August 2003. "City Dock Plan Gets Green Light," *Annapolis Capital*, October 29, 2013.
2. Elisha Sauers, "City Board Endorses Plan for City Dock," *Annapolis Capital*, May 17, 2013.
3. *Annapolis City Dock Master Plan: A Framework to Guide Improvements & Redevelopment (Draft)* (Annapolis: City of Annapolis, 2012), 16.
4. *Ibid.*, 17.
5. The names "Market Square" and "Market Space" were used synonymously in late nineteenth-century and early twentieth-century Annapolis. Jane Wilson McWilliams notes that "Market Square" gradually fell out of favor and does not appear in her chronology of Annapolis history after 1940. E-mail of October 29, 2013, to the author.
6. Annapolis Mayor and Aldermen (Proceedings) 1869–1877, Maryland State Archives M49-11, p. 280; Jean B. Russo and Jane Wilson McWilliams, "City Circle on Lower Main Street and Market Space," a summary delivered to the Annapolis City Dock Advisory Group, September 26, 2012, p. 1. I am grateful to Dr. Russo and Ms. McWilliams for pointing out this earliest reference park proposal. "City commissioner" was in this period an appointive position in the city administration, not to be confused with the elected position of alderman.
7. See Jean Jepson Page, "Notes on the Contributions of Francis Blackwell Mayer and his Family to the Cultural History of Maryland," *Maryland Historical Magazine*, 76 (1981): 217–39.
8. *The Century Magazine*, 27 (January 1879): 315–31. Mayer settled permanently in Annapolis after his marriage to the twenty-seven-year-old widow Ellen Stevenson Brewer and remained until his death in 1899.
9. Elihu Riley, "*The Ancient City: A History of Annapolis in Maryland, 1649–1887*" (Annapolis: Record Printing Company, 1887), 325.
10. "Proceedings of the Corporation," *Annapolis Evening Capital*, October 14, 1884.
11. "The Market Space Improvement," *ibid.*, December 10, 1884
12. John W. Reys, *Tidewater Towns: City Planning in Colonial Maryland and Virginia* (Williamsburg: Colonial Williamsburg Foundation, 1972), 123. The market platted for the Market Square at the intersection of Market and Duke of Gloucester Streets was eventually located in the vacant land at the head of the city dock, which assumed the name "Market Space" or "Market Square." Bloomsbury Square to the north of Church Circle was not included in Nicholson's original design but was laid out by Charles Carroll and William Bladen shortly before 1718, when it is shown in James Stoddert's recreation of Nicholson's plan.
13. In particular, the circle provided the terminus (and rarely, the starting point) of parades from the year of its construction until the present day.
14. "The 'City Circle,'" *Annapolis Evening Capital*, February 21, 1885.
15. *Ibid.*
16. "Local Improvements," *Annapolis Evening Capital*, April 7, 1885.
17. "Meeting of the Council," *Annapolis Evening Capital*, June 11, 1885.
18. *Report of the City of Annapolis, 1894–5*, 8–9.
19. Lee Merrill, "Bulkheads and Bucks: Evolution of the City Dock," in Marion E. Warren and Mary Elizabeth Warren, "*The Train's Done Been and Gone: An Annapolis Portrait, 1859–1910*" (Boston: David R. Godine, 1976), 31.
20. Personal interview with the author, October 2001.
21. "The Memorial Fountain."

22. "Hans Schuler," *National Cyclopedia of American Biography*, 39:83–84.
23. The postcard and photographs of the clay model in the *Baltimore Sun* of November 22, 1908, and March 13, 1910, appear to be the only surviving depictions of the statue; I am grateful to Sally K. Craig for her help in tracking down these images. The Schuler School of Fine Arts, still operated by the sculptor's family, has no records of the sculpture in their extensive files of his work (telephone interview with Frederic S. Briggs, January 25, 1999).
24. For a representative example, see "A Mendacious Attack," *Annapolis Evening Capital*, October 22, 1907.
25. November 22, 1908.
26. "Stepping-Stones Must Be Removed from Front of all City Residences," *Annapolis Evening Capital*, September 14, 1922.
27. I follow Jane Wilson McWilliams in using the Census Bulletin 78 figures; see *Annapolis, City on the Severn, A History* (Baltimore: The Johns Hopkins University Press, 2011), 383n.
28. Robert L. Worden, *Saint Mary's Church in Annapolis, Maryland: A Sesquicentennial History, 1853–2003* (Annapolis: Saint Mary's Parish, 2003), 117.
29. April 9, 1908. For the best account of the 1908 disenfranchisement of African Americans in Annapolis, see McWilliams, *Annapolis, City on the Severn*, 247–48.
30. June 12, 1909.
31. Margaret Law Callcott, *The Negro in Maryland Politics, 1870–1912* (Baltimore: The Johns Hopkins Press, 1969), 138.
32. Jane L. Phelps, "Charles J. Bonaparte and Negro Suffrage in Maryland," *Maryland Historical Magazine*, 54 (1959): 331–52.
33. McWilliams, *Annapolis, City on the Severn*, 248.
34. "Annapolis' Great Day," *Baltimore Sun*, November 24, 1908.
35. *Ibid.*
36. "Strange Wins Victory. Nominated for Mayor City Over Williams and Claude in Yesterday's Hot Primaries," *Annapolis Evening Capital*, July 2, 1909.
37. Senate of Maryland, Bill No. 397, March 11, 1910. I am grateful to Richard E. Israel for bringing the negotiations between Cardinal Gibbons and J. Wirt Randall to my attention.
38. "The Cardinal Objects," *Annapolis Evening Capital*, March 16, 1910.
39. "Defends the Design," *ibid.*, March 18, 1910.
40. Letter of Randall to Senator Charles J. Linthicum, March 21, 1910; copy in collection of Richard E. Israel.
41. *Annapolis Evening Capital*, March 14, 1914, "Wants to Know."
42. "Memorial Fountain Asso. New Members Appointed To Fill Vacancies," *Annapolis Evening Capital*, February 4, 1914.
43. See the account in Clarence Marbury White Sr., and Evangeline Kaiser White, *The Years Between: A Chronicle of Annapolis, Maryland, 1800–1900 and Memoirs of Clarence Marbury White, Sr., and Evangeline Kaiser White* (New York: Exposition Press, 1957), 77–79.
44. "Object to Site for New Fire Quarters," *Annapolis Evening Capital*, August 17, 1912. Ultimately the city council decided to erect the new Waterwitch Station on East Street rather than adjacent to the Werntz residence.
45. "Serious Accident," *Annapolis Evening Capital*, July 30, 1912; "Looking Toward Playground," *Evening Capital*, December 10, 1912.
46. *Annapolis Evening Capital*, March 8, 1913.
47. "Civic League Holds Monthly Meeting," *ibid.*, March 12, 1913.
48. "To Beautify City Park," *ibid.*, March 25, 1913.

49. "Wanted—Seats in the Park," *ibid.*, April 22, 1915; "History Stone is Dedicated with Ceremony," *Evening Capital*, August 2, 1929.
50. "City Plans to Erect Comfort Stations Here," *Annapolis Evening Capital*, October 11, 1928.
51. "Asks for New Market House for Annapolis," *ibid.*, November 14, 1928; "Lease of City Park Granted to Oil Company," *ibid.*, January 22, 1929.
52. *Ibid.*
53. *Ibid.*
54. The divide between the professional and business communities in Annapolis before World War II was more rigid than we tend to realize today. Elizabeth Hill Drake, whose father was a naval officer and mother a member of an old city family, has observed that when she was growing up in the 1920s and 1930s the two groups did not socialize at all: "I can't remember how many times I heard the expression, 'Such a nice man. What a shame he's in trade.' It was all very silly." Personal interview, November 18, 1985.
55. "Letter to Editor," *Annapolis Evening Capital*, January 26, 1929.
56. *Evening Capital*, "Another Move to Save 'City Park.'"
57. "Only 200 Signed Protest against Oil Station Plan," *ibid.*, March 12, 1929.
58. "Local Contractor Will Build Comfy Stations," *ibid.*, April 10, 1929.
59. "Stone Marker to be Placed in Grass Plot," *ibid.*, January 26, 1929.
60. "The 'History Stone' and Bi-Centennial of City's Charter," *ibid.*, July 18, 1929.
61. *Ibid.*
62. "Local Man Given Contract for New Gasoline Station," *ibid.*, July 31, 1929; "History Stone is Dedicated with Ceremony," *ibid.*, August 2, 1929.
63. "The 'History Stone' and Bi-Centennial of City's Charter," *ibid.*, July 18, 1929.
64. The State House continues to exert an iconic hold on Annapolitans today. One lifelong Annapolitan, Phyllis Carrick Robinson, was known to remark frequently that she never wanted to live where she couldn't see the State House dome; when she died in 1998, her family buried her with a photo of the building mounted on the underside of her coffin lid.
65. Emily H. Peake, personal interview, 12 August 2003. Ms. Peake recalls, "The odor just slapped you in the face."
66. "Peace! The Town Went Wild," *Annapolis Evening Capital*, August 15, 1945; "Gala Parade Opens 4-Day Fine Arts Festival on Waterfront," *ibid.*, June 15, 1967.
67. Russo and McWilliams, "City Circle on Lower Main Street and Market Space," 3.
68. "City Market Site Study Suggested," *Annapolis Evening Capital*, July 19, 1967.
69. Russo and McWilliams, "City Circle on Lower Main Street and Market Space," 3.
70. Lee Troutner, "Room for a View," *Annapolis Evening Capital*, September 6, 1968, and "Vista Opened Up," *ibid.*, September 7, 1968.
71. Richard L. Hillman, telephone interview, June 10, 2013.
72. For an account of the market house controversy, see Ginger Doyel, *Gone to Market: The Annapolis Market House, 1698–2005* (Annapolis: City of Annapolis, 2005), 99–113.
73. At stake was an offer from the Federated Garden Clubs of America to landscape the dock area gratis as its bicentennial project (Pamela Constable, "Dock Plan Stirs Lengthy Debate," *Annapolis Evening Capital*, July 29, 1975).
74. *Ibid.*
75. Tom Coakley, "Drivers Wary of New Traffic Patterns," *ibid.*, September 7, 1976.
76. Pamela Constable, "Merchant Gripes May Doom Circle," *ibid.*, October 4, 1976; "Maligned Circle Change Gets Surprising Support," *ibid.*, October 22, 1976.

77. Maggie Walker, "Battle of Circle Is Finally Over with 1 Last Shift," *ibid.*, February 15, 1977; "Finished Soon," *ibid.*, September 28, 1977; and "Memorial Circle Dedicated," *ibid.*, November 12, 1977.
78. Walker, "Battle of Circle Is Finally Over."
79. Although the city itself had never erected a monument to commemorate veterans, the Greater Eastport Civic Association dedicated a war memorial on May 30, 1951, at the corner of Sixth Street and Severn Avenue (*Annapolis Evening Capital*, May 31, 1951). The newspaper account makes it clear that this memorial was primarily a neighborhood affair: the Rev. Charles Volke of the Eastport Baptist Church "accepted the memorial in the name of the people of Eastport," not of Annapolis.
80. John C. Apostol, e-mail to author, July 3, 2013.
81. John R. Hammond and Louise Hammond, telephone interview, June 4, 2013.
82. Ed Kean, "In Kinte's Footsteps: 500 Cheer as Haley Unveils Plaque Here," *Annapolis Capital*, September 22, 1981; Ed Kean, "City 'Roots' Plaque Stolen," *ibid.*, September 23, 1981.
83. Gene Bisbee, "Mayor: 'Kunta' arrests near; Collection Begins to Replace Plaque," *ibid.*, October 3, 1981.
84. Jeff Horseman, "Romancing the Stone," *ibid.*, March 26, 2001.
85. "Cornerstone Set to Move Again," *ibid.*, April 9, 2001.
86. "Commission Approves Moving Cornerstone," *ibid.*, April 19, 2001; Jeff Horseman, "Kinte/Haley Monument Dedicated," *ibid.*, June 13, 2002; Kunta Kinte–Alex Haley Memorial Official Dedication Program.
87. *City Dock Master Plan*, 13.

The Rhetoric and Reality of English Law in Colonial Maryland— Part II, 1689–1732

JEFFREY K. SAWYER

The first half of this essay, published in *MdHM*, 108 (2013): 393–409, explored the status of English law in colonial Maryland from the colony’s beginnings to 1689. Despite heated rhetoric to the contrary, the central issue of contention for Marylanders was not the extension of specific rules of English law, but whether the proprietor and his judicial appointees should have the last word on the subject. Political flare-ups in the legislature notwithstanding, a stable legal reality developed in practice. Maryland law ruled in all legal proceedings. English law remained available in reserve for use *as appropriate* where Maryland law was silent. This practical solution prevailed against the impractical alternative sometimes advocated by the Lower House of the legislature, namely, *requiring* judges, by their oath of office, to apply English rules in any case where Maryland law was silent. The issue remained a highly emotional one, however, as English law continued to symbolize liberty as strongly as it had before, and any abridgment of it came even more strongly to epitomize tyranny during Maryland’s years as a royal colony and during the restored proprietorship of Charles Calvert, the Fifth Baron of Baltimore. The resolution of the conflict was a subtle compromise that accommodated political realities as well as the intricacies of early Maryland law.

The Glorious Revolution and its Aftermath

News of the Glorious Revolution prompted disturbances in English North America, and in the spring of 1689 a convention of self-styled “freemen of Maryland” executed a successful coup against the local government. The leaders published their grievances, and among the charges was the claim that Maryland did not follow English law. The coup was, at first, backed from London by the Privy Council. But by 1691 preparations were underway, despite Lord Baltimore’s protests, for the Crown’s solution to colonial unrest, the appointment of a royal governor.³²

Royal governors appointed directly by the Crown exercised executive authority in the colony until 1715. These men naturally inclined toward bending the will of

Jeffrey K. Sawyer is the H. Mebane Turner professor at the University of Baltimore, where he teaches history and legal studies.



Charles Calvert, Fifth Baron of Baltimore. Charles Calvert inherited the title after his father's death in 1715. (Maryland Historical Society.)

colonists to that of London, and Maryland's royal governors found it irksome, to say the least, that the Maryland legislative assembly expected to carry on its law making more or less as before. This situation led to conflicts between the governors and the legislature with similar dynamics as those between the proprietary government and the Assembly. What changed, however, were some new tactics on the part of the Crown, a new assertiveness on the part of the Lower House, and the infiltration of some new ideas—ideas about the sources of political authority colored by the Glorious Revolution and the writings of John Locke and other proponents of the Parliamentary view of English government. The result is brilliantly illustrated in “The *RIGHT* of the Inhabitants of *MARYLAND* to the Benefit of the *ENGLISH* Laws” by Daniel Dulany Sr. With its very effort to be definitive, this astonishing discourse demonstrated how impossible it was to give a once-and-for-all answer to the question of English law's authority in legally complex colonial Maryland. But at the same time, the phrase “English law” had practically become a rhetorical synonym for the liberties and privileges to which all free Englishmen believed themselves entitled.

Francis Nicholson came to Maryland in 1692 with prior experience as a colonial administrator in New York and Virginia and was appointed governor in 1694. From his earlier experience he had almost certainly developed some opinions of his own on how English law should operate in the colonies. If not, he soon would. In a com-

munication to London in August 1698 he used exaggerated language to describe the temerity of colonists who believed that the laws of England did *not* apply to them and who viewed any law from England that inconvenienced them as a great hardship. Nicholson suggested that the full authority of English law would surely extend to all the plantations, should the Privy Council will it. To think otherwise was foolish, he proclaimed, and in an effort to bolster his point and make the provincials seem petulant and careless of royal authority (perhaps even disloyal), he added the following words that now ring with great irony:

And I have observed that a great many people in all these Provinces and Colonies, especially in those under proprietors, and the two others of Connecticut, and Rhode-Island, think that no Law of England ought to be in force, and binding to them, without their own consent. For, they foolishly say, they have no Representatives sent from them selves to the Parliaments in England.³³

We do not know in much detail how such ideas were received by William III and his advisers. We can, however, see a strategy emerging during this period of requesting that individual English colonies work under royal supervision to draw up definitive copies of their laws to be sent back to London for approval, modification, or disallowance, as the King and his advisers thought fit. Acting on instructions to this effect, Nicholson requested Maryland's Assembly to compile "such a Body of Laws as they think may be the standing body of the Laws of the Province" so that they then might employ "some able lawyer in England" to digest them and "put them into better Language" after which they could be brought back to Maryland for review and re-enactment, and then be returned to England for final approval by the Crown. The Lower House stonewalled Nicholson, but then pursued attorney William Bladen's suggestion to compile *verbatim* the existing laws in force in Maryland and have them printed. The Lower House had often demanded such dissemination of the colony's laws. Thus began a codification effort that continued throughout the royal period and beyond. Maryland's legislature, for reasons of its own, reviewed, revised, and re-enacted its own body of laws, but also, especially under Nicholson's successors, John Seymore and John Hart, submitted to bringing Maryland law into better conformity with the laws and legal traditions of England. Thus also began a new era of legal publishing in Maryland, encouraged by lawyers, but closely monitored by politicians.³⁴

The codification and publication initiatives presented both a threat and an opportunity. On the one hand, Maryland law makers, many of whom by this point were Maryland born, preferred their long established practice of shaping the law through frequent assemblies and continuous local legislation. During each session of the Assembly, by this time, they reviewed the Maryland statutes believed to be in force to determine which ones should be continued or suppressed, as well as which

ones might better be modified and re-enacted, replaced with different versions, and so on. A single overarching code, drafted and enacted under a royal governor's supervision, threatened this kind of autonomy and agility. At the same time, codification appeared to be an opportunity for securing the full "rights of Englishmen" if the Marylanders could gain royal assent to a statute that would articulate their view of the proper role of English law.

Accordingly, despite some internal dissent, the Assembly revived the effort to pass a general incorporation statute that would guarantee to Marylanders the benefit of English statutes *en masse*. In an attempt to be clever, they inserted it into an "Act for Religion" establishing the Church of England in the colony, another important element in the program to regularize colonial administration during the reign of William and Mary. Nicholson warned the legislators that Crown officials would see through the stratagem. He told the Lower House in July 1696 that it was "the Opinion of his Majestys Attorney General and other Learned Lawyers in England" that colonial legislation with clauses like "the People enjoying their rights &c according to the fundamental Laws of England" were viewed as a pretext for bringing "all [the colonists'] causes to Westminster Hall" (that is, before English judges, an obviously inconvenient arrangement). He added, with one of his characteristic rhetorical flourishes, that such a law would "enslave" Marylanders, not bring them any benefit.³⁵

Nicholson accurately conveyed the controlling view of things in London. The Crown's attorney general advised the Committee on Trade that it did not seem "reasonable for all the Acts of Parliament in England to be made laws for Maryland." He recommended that if "they wish to enact any particular Acts of England into laws in Maryland they had better send over a list of them, that the King may declare whether such acts are fit to be made laws or not."³⁶ King William apparently agreed with this strategy, and in his council in November 1699 he formally disallowed the Maryland statute importing English law *en masse*.³⁷

Under Maryland's royal governors the question of English law also played out along a different political axis. The Assembly became the champions of Maryland tradition against the persistent efforts of the royal governors to implement what they and their English overlords saw as reforms. While London did not want English law in the colonies across the board, it did want colonial law to reflect the good order of English legal practice. From the Crown's perspective, this meant, for example, implementing a system of itinerant trial courts (like the English assizes) presided over by professionally trained judges and requiring English training or its equivalent as the standard for admission to the colonial bar. These efforts made some progress, and under Governor Hart's leadership various compromises enabled the Assembly to approve a new compilation of Maryland law, reflecting much of the indigenous legal tradition, tempered with the recent royal initiatives making Maryland practice more English. A very comprehensive code of laws was passed in 1715, then printed in partnership with Pennsylvania printer Andrew Bradford for sale in Annapolis

by the entrepreneurial Evan Jones.³⁸ But even a printed codification of laws recently decreed in force in Maryland did not settle matters for long.

Legal Technicalities and Constitutional Principles

The climax of the English law controversy in Maryland before the struggle for independence occurred shortly after the re-establishment of proprietary authority in 1715. When the Privy Council eventually determined that Maryland's charter had created *property rights* that had to be restored to the rightful heirs of Cecilius Calvert, a second period of proprietary rule began that lasted until the Revolution. Religious conversion had helped clear the path. The fourth Lord Baltimore converted to the Church of England and raised his son, Charles, in that faith. Charles, still a minor in 1715, became the fifth Lord Baltimore. In the meantime, the mother country had become "Great Britain" by the Acts of Union in 1707, and administration of the Crown's overseas dominions had become an even greater focus of the Privy Council.³⁹

The new proprietor soon paid a visit to his Chesapeake colony, but, unfortunately for his repose, shortly before his arrival two lawsuits had begun a furor in legal circles around the question of whether a specific English statute was in force in Maryland. They were similar cases dealing with title to real property. The first pitted long-time proprietary agent Philemon Lloyd against another local notable who had purchased land along the Wye River that had originally been part of an estate called "Carter's Inheritance." William Bladen and Thomas Bordley, attorneys of record for the defendant, Vincent Hemsley, cleverly maneuvered a jury into rendering a special verdict in Lloyd's case. Their finding of fact forced the judges to rule upon the specific question of whether the English statute would be controlling in Maryland.⁴⁰

We of the Jury do find for the plaintiff, if the honorable Court are of the Opinion that the Statute of the twenty first of king James the first Entitled an Act for the Limitation of actions and for Avoiding of Suits In law do not Extend into this province and [is not] applicable to the Cause[,] otherwise we find for the def.⁴¹

The statute at issue was a well-established seventeenth-century statute of limitations containing a number of sections designed to prevent plaintiffs from bringing stale suits. Lloyd had been a proprietary agent during the royal period and had acquired his interest through a reassignment following a determination that the property had escheated (that is, fallen into possession of the government for lack of legitimate heirs). Extension of the statute, the jury found, would have barred Lloyd's suit, leaving the defendant, Hemsley, in possession. Not discussed in the record was the statute's potential effect of imposing a time limitation on the proprietary family's right to escheated property. The Provincial Court judges denied that the statute extended to Maryland, and were then backed up by the governor's council sitting as a court

of appeals. The Lower House quickly swung into action and attempted to secure the extension of the English statute by enacting a local statute specifically incorporating the limiting provisions into Maryland law.

The Lower House also moved to escalate the legal controversy into a political confrontation. The chamber consolidated its Committee on Grievances with the Committee on Courts of Justice and charged the new committee with keeping an eye out for any “alterations” that might have crept into the law, and especially the administration of judicial oaths. This eventually led to a bold proclamation of “Resolutions” on October 25, 1722. Among other things, these resolves rehearsed the 1678–1681 arguments that Maryland could not possibly be “under the Circumstance of a Conquered Country” and that “if it were, the present Christian Inhabitants thereof would be in the Circumstances, not of the Conquered, but of the Conquerors, It being a Colony of the English Nation encouraged by the Crown to transplant themselves hither.” They had not “forfeited any Part of their English Liberties.” Further, “if there be any Pretence of Conquest it can be only supposed against the native Indian Infidels.” But this view, they continued, did not square with the facts, since “the Christians” had purchased the land from the “Indians” and the two peoples had generally lived in peace, despite a few skirmishes that never amounted to a general war.⁴²

Daniel Dulany and Thomas Bordley, two of the most able lawyers in the colony, had been appointed to the new committee and were no doubt mainly responsible for the research, drafting, and passage of the provocative “Resolutions” of 1722. Unlike Bordley, who relentlessly pursued the politics of confrontation, Dulany eventually came to realize that the key to moving beyond the impasse over the English law question was to finesse the language in the judicial oath. The oath had to satisfy the political demands of both the Lower House and the proprietor. It had to appear that the oath would place the fundamentals of Maryland’s enacted laws unquestionably beyond the reach of arbitrary executive and administrative decision-making. English law would have to be affirmed in its entirety, but could operate directly only where Maryland law was silent. Judges would have the final say, but only in rare circumstances and within narrow constraints. This was far from easy, since defending the proprietor’s unique authority under the terms of the charter remained a Calvert family objective. No general default to English law would be acceptable to Charles. Despite enormous effort and several drafts, Dulany could not get an oath passed in the 1722 session, and the conflict carried on into subsequent sessions. Dulany’s attempts to broker a compromise must have annoyed all sides—he was denied re-election to the Lower House in 1725 and dismissed from his post as attorney general.⁴³

In a letter from London dated March 19, 1722/3, the proprietor stated his views very clearly. He disallowed the act of the Assembly designed to secure the benefits of the English statute of limitations because it “seems by implication to introduce English Statutes to operate there, which Statutes have been always held not to extend to the Plantations unless by Express Words Located thither.” He went on in the same

letter to state explicitly that if any particular English statute might be appropriate for Maryland's circumstances, it could be enacted in Maryland "De Novo," but that he would never agree to "an Act of the Province [that would] Introduce in a Lump (as it were) any of the English Statutes." The proprietor intended to be taken seriously on the question of *which* English laws were appropriate to be incorporated into his colony.⁴⁴

The 1722 House committee had produced a very different analysis based on the "ancient records" of the colony. When taken up for discussion in the legislative session of October 1723, this analysis allegedly revealed that, although the chain of evidence was not perfect, it was "sufficient to evince, that as well the Governours as the people Governed Within this Province since its first Settlement, or at least ever since we Can find any foot Steps of Assemblys or Judicial Proceedings, deemed the General Statutes of England to have the force of Laws in Maryland." The report concluded, with a rhetorical flourish, that it would be quite an "absurdity" to advance that "we [Marylanders] are intituled to all the Rights and Liberties of British Subjects and that we Can't have the Benefite of the Laws by which those Rights and Liberties are Reserved."⁴⁵

The proprietor authored a speech for delivery by his brother, the governor, to the Assembly in October 1725. In conciliatory tones, he allowed that his earlier instructions on the English law question must have been misconstrued, and he explicitly disavowed the relevance of conquest theory. He clearly hoped to avoid further confrontations, but he did not retreat from his core views on the extension specifically of English statutes. He cited a number of instances in which specific English statutes did not and should not extend. He noted in particular that "all the Judges" (in England) had held that the "Habeas Corpus Act" did not extend either to Ireland or the plantations. He also declared that if "the Statute of the 5th of Elizabeth about Servants were to Extend to the Plantations, it would be Destructive to the very being and Constitution of them."⁴⁶ This was something of a long shot, and more than vaguely threatening. The only plausible statute from the fifth year of the reign of Elizabeth was a lengthy ordinance with forty separate headings regulating working conditions, wages, and hours for many trades, which remained the basis for portions of the English master-servant law and the laws of indentured servitude.⁴⁷ The inference must have been that its strict enforcement in Maryland would have completely upset prevailing economic relations between laborers and their employers, and perhaps even undermined slavery. If the latter was intended as an *argumentum ad absurdum*, it was apparently not very persuasive. Neither the point about the "Statute of Artificers" nor the reference to *habeas corpus* gained any traction, illustrating perhaps that, despite the obvious potential for mischief, no powerfully compelling example of the inconveniences that would have arisen from a general extension of English law could be put in play.

Again, the legislature and the proprietor were at a political impasse on English

law questions—both the judicial oath and the extension of the statutes—and again the conflict and surrounding rhetoric would grind on over several sessions of the Assembly, overshadowing other business. Unable to secure the desired recognition more directly with a general incorporation statute, the Lower House returned to the strategy of requiring a judicial oath that would bind judges to the rule of decision that the Lower House wanted.

As it happened, these events occurred at a time of increased anti-lawyer sentiment in Maryland. An explosion of litigation in the early 1700s, much of it over debts, fueled a general backlash. Lower House delegates and the governor's office worked together during the 1725 session to pass a law limiting the fees attorneys could charge their clients. Bordley and Dulany adamantly opposed it, and any credit they must have earned with delegates pushing on the English law question was of no avail. When the bill passed, both men announced their retirement from legal practice.⁴⁸

The Pre-Revolutionary Settlement of the English Law Question

In 1727 Maryland's governorship passed to the proprietor's younger brother, Benedict Leonard Calvert, who served until 1731. Very little correspondence among the political actors of this period survives, but a trickle of letters confirms that the Calverts were extremely anxious to have a political resolution to the English law controversy. The proprietor expressed impatience that brother "Ben" could not bring the situation under control quickly. Benedict, far from passive, had apparently sent back to England a detailed request for clarification to be presented to the Crown's senior legal advisers, but the proprietor and his secretary, Charles Lowe, refused. Lowe explained that opinions from lawyers and judges in England would do little to quiet Maryland's "Obstinate, & Malicious" faction and, further, that hostility to proprietary forms of colonial government was so evident in the Privy Council that it was unwise to raise any fundamental legal questions there. In the sole surviving letter from this proprietor to this governor, a letter explaining his veto of the Assembly's latest attempt, Charles explained to Benedict that an oath would be acceptable only if it contained language to this effect: where Maryland law was silent, judges would decide cases "*according to the Laws, Statutes, and reasonable Customs of England, as used and practised within this Province.*"⁴⁹ This was a shrewd compromise, and it worked.

Dulany returned to a seat in the House of Delegates as a replacement for the deceased Thomas Bordley during the October 1727 session, the first session under Governor Benedict Leonard Calvert. Dulany was immediately appointed to the "Committee of Laws" and this presented him with another opportunity to demonstrate his mastery of the English law controversy. Success came slowly, but after persistent efforts over several sessions Dulany guided the Assembly to passage of an oath for judges that Charles did not disallow because it incorporated his own views in language that Dulany helped persuade the House to accept. The key passage in the final (1732) version of the oath was worded as follows:

[As a Judge] you shall do equal *Law* and Right to all the King's Subjects, Rich and Poor, according to the Laws, Customs, and Directions, of the Acts of Assembly of this Province, so far forth as they provide, and where they are silent, according to the Laws, Statutes, and reasonable Customs of England, as used and practised within this Province.⁵⁰

This formula preserved the overlapping sources of the law actually used in colonial Maryland. Despite its apparent mandate it did very little, if anything, to write into law an absolute requirement that a relevant English rule had to be adopted in any and every case where Maryland law was silent. It captured the overwhelming reality that Maryland law had developed within the framework of English law as a whole, but had become well established and semi-autonomous. Only in unusual cases would Maryland law be silent and would judges need to turn to English (and British) sources for guidance. Within this reality there would remain a narrowly circumscribed and almost certainly unavoidable opportunity for local *judicial* law-making. Might judges be influenced by those who appointed them? Perhaps, but the *usage* requirement in the oath meant that in any such cases Maryland's leading attorneys would have a chance to argue before the judges as to whether the law in question had been explicitly or implicitly recognized in Maryland and would be appropriate for adoption.

“The Right of the Inhabitants of Maryland” (Annapolis, 1728)

At some point during his involvement in the English law controversy, Daniel Dulany conceived a plan to author a sustained and definitive analysis of the subject in the style of a political oration. The result was a polemical *tour de force*, which must have been all the more impressive when it appeared as a handsomely printed pamphlet from the Annapolis shop of William Parks, Maryland's only printer at the time, who also published the weekly *Maryland Gazette*. Dulany's tone had to have been astonishing even in a political culture used to the oratorical style.⁵¹

Dulany sounded a general alarm against tyranny (carefully avoiding any specificity with regard to the personal identity of the tyrants) and stridently took up the side of the Lower House on the English law question. He began by referencing the “pretty warm Contest” of the “utmost Consequence” over the English law question and then laid down this bold challenge:

For as Laws are absolutely necessary, . . . it is certainly of the greatest Importance to know, whether a People are to be governed by *Laws*, which their *Mother-Country* has experimentally found, to be beneficial to Society, and adapted to the Genius, and Constitution of their Ancestors; . . . Or whether, They are to be governed by the Discretion, (as some People softly term the *Caprice*, and *Arbitrary Pleasure*,) of any Set of Men.⁵²

The question of English law, in other words, went to the core of what “rule of law” meant, and the freemen of Maryland had to show their courage and stand up against “arbitrary” government.

Dulany’s argument unfolded conceptually along three main axes: 1) fundamental political principles, 2) fidelity to the rule of law and legal precedent, 3) and weight of historical analogies. He avoided concentrating on the legal/constitutional conundrums surrounding the precise location of British sovereignty or its reach across the Atlantic, but he did argue directly that all parties were bound by the terms of Maryland’s charter. He devoted much more of the text to re-working the polemical strategies of Whig propaganda such as Henry Care’s *English Liberties* and John Rushworth’s *Collections*, sources Dulany fully acknowledged in his abundant footnotes.⁵³ All the more resonant because of the hundred-year anniversary, the analogy of the politics surrounding the Petition of Right, that is, the constitutional confrontation in 1628 between the Crown on one side and Parliament and the common lawyers on the other, was played to the hilt. It was the same story all over again in Maryland in 1728, with the lawyers of the Lower House fighting for the rule of English law and their opponents, some “set of men” vaguely associated with London, inclined toward capricious executive authority.

Dulany demonstrated that he was a man of the early Enlightenment (as a reader might have detected initially from his use of the term “experimentally” in the passage cited above). He invoked John Locke’s *Second Treatise* in laying down *equality* and *consent* as foundational concepts of political legitimacy. Since Marylanders were in no way inferior to Englishmen, they were obviously entitled to the same consensual relationship to their government.⁵⁴ He combined this radical argument with a more traditional interpretation of the meaning of the Magna Carta, admonishing his readers that the “29th Chapter is not long, and ought to be read by every Body, and . . . taught to Children with their first Rudiments.”

These arguments clearly flowed out of his work for the Lower House several years earlier, but Dulany often went further. At one point he launched into an almost sarcastic legal analysis as to how some men were “so good natured, as to allow the People of Maryland, the Benefit of the Common Law; but contend stiffly, that they have no Right to any of the Statutes.” He conceded for an instant that there might be an important distinction between the common law of England and the statutes applicable in the colonies, but then he laid down a rhetorical smoke screen obscuring any such distinction. What, really, was a statute? There were three kinds, he posited (reaching back rather to Coke than to Locke), and each was in essence an elaboration of the common law—1) those enactments that affirmed common law, 2) those that modified common law to address newly perceived needs, and 3) those that fortified common law against some new attempt to subvert it. The main purpose of statutes was to preserve the common law from the “invasions” of evil and ambitious men. In other words, instead of taking on the imperial legal arguments directly as to the

extension of British statutes to the colonies, he glossed over the distinction between English common law and English statutes and then argued that since no fundamental distinction could be made, Marylanders had to be entitled to the whole of English law if they were entitled to any.⁵⁵ It was a neat rhetorical strategy.

Dulany also rehearsed and embellished the arguments against conquest theory that had surfaced earlier. “Some people,” he noted, “will [reference] several Book Cases [i.e. legal precedents] wherein the Judges have resolved, that the English Laws did not extend” to several of the king’s dominions. And from this they infer “the Necessity of enacting the English Statutes, in Maryland, before its Inhabitants can have the Benefit of them.” But these cases “in a Word” turn upon this point as well, “that even in the Case of a Conquered Country, the People ought to enjoy their own Laws, until they are actually abrogated, and others instituted in their room, by the Conquerer.” When applied to the reality of Maryland’s history (Dulany finished with another rhetorical flourish), the whole construct was so “gross” and “absurd” that it could hardly be taken seriously by any “Man of Common sense.”⁵⁶

Dulany repeatedly emphasized the importance of Maryland’s charter and its constitutional effects as a conduit through which the Crown explicitly acknowledged the fundamental rights of Marylanders as Englishmen. As he put it, “the Charter of Maryland does not only contain a Grant of the Country, with several Prerogatives to the Lord Proprietary; But also contains a Grant to the People, of all the Rights, Privileges, Immunities, and Franchises of English Subjects.” He backed this claim by citing the entire text of the tenth section of the charter, which explicitly gave English inhabitants of Maryland full status as the king’s subjects, including, “All Liberties, Franchises, and Privileges, of this our Kingdome of England, freely, quietly, and peaceably” in perpetuity. He then concluded, “It would be difficult, to invent stronger, or more comprehensive terms than these,” and added, for good measure, that he had seen evidence in the “Old Books, of the [governor’s] Council’s Proceedings” that the charter had been confirmed by Act of Parliament.⁵⁷ Along with his initial premise regarding allegiance to the Crown, this was as close as Dulany came to acknowledging where he thought ultimate *sovereignty* lay (i.e., in an act of the Crown ratified by Parliament), a topic he otherwise avoided.

Dulany embroidered his historical analogy to Stuart England with some examples from ancient history pulled from Cato’s *Letters* and Caesar’s *Commentaries*, and he referenced the Biblical story of Paul’s appeal to Rome. These passages underscored the idea that the rule of law question in Maryland might be at the core of a free man’s freedom as understood universally among civilized peoples. Men with “authority” and “interest” in Dulany’s own time could well “have as strong an Inclination for Power, and Dominion, and of Lording it over their Inferiors, as we are told great Men in other Parts of the World have.”⁵⁸ Marylanders could press for their liberty fortified by law, historical example, and a clear conscience.

What did Dulany resolve, in the end, with his pamphlet and with his legislative

work on a precise rule of decision for Maryland judges? When his words and actions are viewed as a whole, it is clear that Dulany did not see the rule of English law *per se* as a great bulwark against arbitrary government. He certainly helped establish an effective *rhetoric* to the contrary. He showed how compelling it was to conceptualize men in authority (even sovereign monarchs) as acting arbitrarily whenever they acted politically outside the rule of settled English law. Built on foundations laid by seventeenth-century common lawyers such as Edward Coke and John Selden, and amplified by their Whig apologist successors, this line of attack worked nicely in the imperial world of the eighteenth century against agents of executive colonial administration. But in reality, Dulany's view of the place of English law in Maryland was simply a more sophisticated and developed version of what Leonard Calvert had articulated during the founding decades of the colony. Dulany's pamphlet was more in the spirit of a seventeenth-century "self-consuming artifact" than Enlightenment clarity of principles and exposition.⁵⁹ It did not deliver on its bold claim to prove that Marylanders were legally entitled to the whole of English law, nor even specify in any particularity what parts of the English law definitively extended to Maryland. Instead, the pamphlet and the revised oath of office for judges subtly accomplished something else, the perpetuation of a distinct sphere of judicial review in which learned lawyers and judges examined the appropriateness of specific English laws for Maryland use. What Marylanders were legally entitled to, as a matter of reality, was to lay claims on English law on a case-by-case basis and to have those claims duly deliberated upon by serious and learned members of the legal profession like Dulany himself. And this was a reality that endured.

NOTES

32. Carr and Jordan, *Maryland's Revolution of Government*, 46–179; David S. Lovejoy, *The Glorious Revolution in America*, 2d ed., with a new introduction (Middletown, Conn.: Wesleyan University Press, 1987), 1–31, 70–97. For Calvert's objections, see the minutes from proceedings at the Committee of Trade and Plantations at Whitehall, January 3, 1691, *Arch. Md.* 8:230.

33. Letter to the Board of Trade (August 20, 1698) in Proceedings of the Council, *Arch. Md.* 23:494. On the later importance of representation as an underlying issue in the American Revolution, see Gordon S. Wood, *Representation in the American Revolution*, rev. ed. (Charlottesville: University of Virginia Press, 2008), 1–20.

34. For the view that William III sought to secure England's colonial empire as a resource in his global struggle against Catholic Europe, see Simon Groenveld, "Jequippe une flotte tres considerable': The Dutch Side of the Glorious Revolution" in *The Revolutions of 1688: The Andrew Browning Lectures*, 1988, ed. Robert Beddard (Oxford: Clarendon Press, 1991), 213–45. For a different view, see Sosin, *English America and Imperial Inconstancy*, 5–36.

On the work of Seymore and Hart see Carr, *County Government in Maryland*, 1:86–98; and Ellefson, *The County Courts and the Provincial Court in Maryland*, 74–114. Lawrence C. Wroth carefully analyzed the legislative records related to the activities of Maryland's printers

and their sponsors during this period, including the instructions to Nicholson, *A History of Printing in Colonial Maryland, 1686–1776* (Baltimore: The Typothetae, 1922), 17.

35. Assembly Proceedings (1696), *Arch. Md.* 19:393, 483. The establishment statute ended Maryland's tradition of lawful toleration.

36. Memorandum from “Tho[mas] Trevor” to the Council of Trade and Plantations, August 26, 1697, in *Calendar of State Papers, Colonial Series, America and West Indies, 1574–1739*, CD-ROM, consultant editors Karen Ordahl Kupperman, John C. Appleby and Mandy Banton (London: Routledge & Public Record Office, 2000), vol. 15 (1696–1697), 586.

37. Disallowance to the governor and council over the King's Seal, Council Proceedings (1700), *Arch. Md.* 25:82.

38. A “Petition” from Andrew Bradford, after Jones's death, requesting payment from the legislature for printing the *Great Body of Laws* [italics added], was denied; Assembly Proceedings (Lower House Journal, September 30, 1723), *Arch. Md.* 34:617. Upon instructions from London, Seymore implemented something closer to English standards for admission to the bar for Maryland attorneys; see Council Proceedings (1707), *Arch. Md.* 25:224. Ellefson examines political and legal developments during this period in detail, *County Courts and Provincial Court*, 43–93.

39. Ann Lyon, *Constitutional History of the United Kingdom* (London: Cavendish Publishing, Ltd., 2003), 264–70. The significance for England's political culture of the shift from an “English” to a “British” world is underscored by J. G. A. Pocock in his valedictory lecture of 1994 at Johns Hopkins University, published as *The Owl Reviews His Feathers* (Nashville, Tenn.: Archangul Foundation, 2006), 19–21.

40. *Philemon Lloyd's Lessee v. Vincent Hemsley* (1712) and *Richard Lee's Lessee v. William Bladen et al.* (1715) are reported in the first volume of the *Maryland Reports* at 1 H. & Mc. H., 28–30. The English statute covered multiple forms of actions, and one of its sections barred any “person or persons” from making any “entry into any lands, tenements or hereditaments, [by means of suits for possession of land] within twenty years after the right or title first descended or accrued [with certain exceptions]”; 21 Jac. 1 (1624) c. 16 “An Act for Limitation of Action,” sec. 1.

41. Provincial Court Judgment Records (1712–1713), Lib. I.O., vol. 1, 399–402, Maryland State Archives. The eighteenth-century manuscript supplies the text for the special verdict in the nineteenth-century printed reports as well as a summary of the pleading. The underlying facts of the escheat, reassignment and purchase in *Lloyd v. Hemsley* can only be partially reconstructed from the surviving land records and probate court entries. Durand, the last person with clear title, died in 1673 leaving a will naming a minor grandson as the heir in the event he and his wife, Elizabeth, had no children (and they did not have any). The widow Elizabeth remained on the property and then remarried. After Elizabeth's death the second husband conveyed some or all of the tract to Hemsley; Talbot County Land Rec., Liber R.F. 9, f. 158, Maryland State Archives. The will disinheriting Elizabeth in favor of the grandson, who never appeared (hence the escheat), was filed before county commissioners, one of whom had been Lloyd's father; Prerogative Court Records, Lib. 1, f. 514–15, Maryland State Archives.

42. Upper House Journal, Assembly Proceedings (1722), *Arch. Md.* 34:373ff. [some punctuation added to quotations]; the brief may have been aimed primarily at London where conquest theory was now regularly referenced in colonial cases heard in King's bench; see Smith, *Appeals to the Privy Council*, see Part I, n. 4 at 470–43.

43. Aubrey C. Land, *The Dulanys of Maryland; A Biographical Study of Daniel Dulany, The Elder (1685–1753) and Daniel Dulany, The Younger (1722–1795)* (1955; Baltimore: The Johns

Hopkins University Press, 1968), 62–75. (“The Elder” was the father of the equally talented Revolutionary lawyer, politician, and polemicist.)

44. Instructions from Charles Calvert (the proprietor) to Charles Calvert (the governor [probably a cousin]) dated March 19, 1722/3, read into the Assembly Proceedings (September 1723), *Arch. Md.* 34:493, 602–3.

45. Lower House Journal (1723), *Arch. Md.* 34:661ff.

46. Assembly Proceedings (1725), *Arch. Md.* 35:197.

47. 5 Eliz. C. IV, “An Acte towching dyvers Orders for Artificers, Laborers, Servants, of Husbandrye and Apprentices” *Statutes of the Realm*, vol. 4, pt. 2 (Buffalo, N.Y.: William S. Hein & Co., Inc., 1993). The author has an essay forthcoming on this subject; see also Christopher Tomlins, *Freedom Bound: Law Labor, and Civic Identity in Colonizing English America, 1580–1865* (New York: Cambridge University Press, 2010), 78–82.

48. Land, *The Dulanys*, 94–95.

49. This correspondence is published in Bernard C. Steiner, “Benedict Leonard Calvert, Esq., Governor of the Province of Maryland, 1727–1731,” *Maryland Historical Magazine*, 3 (1908): 191–227, 283–343; especially Lowe to B. L. Calvert (November 17, 1927) in *ibid.*, 303; Lowe to B. L. Calvert (April 5, 1728), in *ibid.*, 313–14; and the source for the quotation, Charles Calvert to B. L. Calvert (no date, but answering Benedict’s correspondence from April 13 and 30, 1729), *ibid.*, 335–38 [italics added].

50. Assembly Proceedings (Session Laws enacted on August 8, 1732), *Arch. Md.* 37:519, Chap. V, “An Act for ascertaining the Form of the Oath of Judge or Justice.”

51. A. Franklin Parks, *William Parks: The Colonial Printer in the Transatlantic World of the Eighteenth Century* (University Park, Penn.: The Pennsylvania State University Press), 78–106.

52. Dulaney, “The RIGHT of the Inhabitants of MARYLAND,” 1 (81). Wroth, *Printing in Colonial Maryland*, 60–70, 173. Notice of the pamphlet’s availability for purchase for two shillings appeared in several issues of the *Gazette* (December 1728 through March, numbers 68, 69, 72 & 77), microfilm available at the Maryland Historical Society. Two shillings would have also purchased a bushel of barley or paid the taxes on 100 pounds of exported tobacco.

53. Dulaney’s essay deserves an even fuller explication along all of its intellectual and stylistic dimensions than can be undertaken here. For a good discussion of Dulaney’s pamphlet as an important early expression of intellectual trends that flowed into the Revolutionary era, see Craig Yirush, *Settlers, Liberty, and Empire: The Roots of Early American Political Theory, 1675–1775* (New York: Cambridge University Press, 2011), 142–57. On the Whig sources, also used by later publicists, see Lois G. Schworer, *The Ingenious Mr. Henry Care, Restoration Publicist* (Baltimore: The Johns Hopkins University Press, 2001), 234–35. Care’s collection had probably appeared in eight different editions by Dulaney’s time, and one had been printed in Boston, i.e., *English liberties, or The free-born subject’s inheritance; containing Magna Charta, Charta de Foresta, the statute De Tallagio non Concedendo, the Habeas Corpus Act, and several other statutes; with comments on each of them . . . with many law-cases throughout the whole*, 5th ed. (Boston, 1721). The full title of Rushworth’s work was *Historical collections of private passages of state, weighty matters in law, remarkable proceedings in five Parliaments beginning the sixteenth year of King James, anno 1618. and ending . . . [with the death of King Charles the First, 1648]* . . . Dulaney’s edition is unknown, but one possibility was printed in London by J. A. for Robert Boulter, 1680–1701.

54. Dulaney, “The RIGHT of the Inhabitants of MARYLAND,” 9–10 (87–88).

55. *Ibid.*, 3–6 (82–85).

56. *Ibid.*, 20–23 (95–98). Dulaney did acknowledge and discuss at various points leading cases,

including *Calvin's Case*, as well as a comprehensive range of other sources, but careful legal analysis was not the heart of his argument; see *ibid.*, 15–21 (92–96). For a formal legal analysis, see William B. Stoebuck, “Reception of English Common Law in the American Colonies,” *William and Mary Law Review*, 10/2 (1968): 393–426, <http://scholarship.law.wm.edu/wmlr/vol10/iss2/7>.

57. Dulany, “The *RIGHT* of the Inhabitants of *MARYLAND*,” 23–25 (98–99).

58. *Ibid.*, 19 (95).

59. An idea from Stanley Fish, *Self-Consuming Artifacts: The Experience of Seventeenth-Century Literature* (Berkeley and Los Angeles: University of California Press, 1972), 4. A “self-consuming artifact signifies most successfully when it fails, when it points away from itself to something its forms cannot capture.”

Research Notes & Maryland Miscellany

The First University of Maryland: The Fight for and Formation of Higher Education in Maryland's Early Federal Period

JOSEPH C. ROSALSKI

During the 2008–2009 academic year, colleges and universities in the state of Maryland awarded almost 56,000 degrees—associates, bachelors, masters, and doctoral—to students pursuing higher education. The trend shows that the number of students earning higher education degrees continues to grow in Maryland.¹

That was certainly not the case in Maryland's early federal period, a time when higher education was synonymous with elitist notions that left the multitudes bereft of any of its benefits. Many opposed publicly funding Maryland colleges and universities with a post-Revolutionary, republican vehemence. Political corruption, promises of lower taxes, and post-war financial woes already had many Marylanders up in arms when in 1784 the legislature proposed the College Bill, which would publicly fund and join Washington College on the Eastern Shore and Saint John's College on the Western Shore as a single entity. This bill ultimately formed the first University of Maryland, some twenty-five years before the charter of the institution located at the corner of Greene and Lombard Streets in West Baltimore (the second University of Maryland), which has brought acclaim to the city and state. Although the first University of Maryland ultimately foundered, it laid the foundation not only for its successor but also for the future of Maryland higher education in the newly formed republic. The political firestorm that ensued over publicly funding the first university illustrated the zeal with which citizens of the newly formed nation argued their opinions and fought for their beliefs. Many Marylanders held the opinion that only higher education would ultimately build a strong citizenry and

Joe Rosalski teaches history at the Community College of Baltimore County, Essex and Stevenson University.



Washington College in Chestertown can be seen in the left distance in this period view. Washington College and St. John's College in Annapolis formed the first university system in Maryland. (A View of Chestertown from White House Farm, 1794. Courtesy, Washington College.)

stronger nation, while opponents of the College Bill viewed it as an elitist attempt to usurp democracy.

The story of Maryland's higher education begins with an Anglican minister and educator from Pennsylvania, Reverend Dr. William Smith, who came to Maryland when a change in the political climate ended his tenure as president of the College of Philadelphia. His relocation to Chestertown on the Eastern Shore in 1780 ultimately heralded a major change in Maryland's education. Smith became pastor of a local parish and sought to not only supplement his income, but also to keep his hand in education, the field he loved.² Starting with just a few pupils, Smith built the small school into an academy that eventually joined with the Kent County Free School, originally chartered and funded by a legislative act in 1723. Within two years of his arrival, Smith, with the support of Eastern Shore Marylanders, transformed the small Kent County academy into a viable institution of higher learning with the General Assembly agreeing to "contribute to the existing funds of the school a sufficient amount . . . £5,000 currency. When such a sum had been raised the said school [could] be incorporated as a college" with expanded faculty and courses of study. Under Smith's direction, over £10,000 was raised in five months' time to support his college, with most of the support coming from the Eastern Shore.³

The story of Washington College's role in early Maryland higher education is the story of William Smith. Under its new name, "in honorable and perpetual memory of his Excellency George Washington, the illustrious and virtuous Commander in Chief of the Armies of the United States," the General Assembly in 1782 passed an Act for Founding a College on the Eastern Shore.⁴ Written by Smith himself, the preamble stated that a liberal education was of "the highest benefit to society, in order to raise up and perpetuate a succession of able and honest men for discharging the various offices and duties of the community."⁵ On the occasion that his school became Washington College, Smith imparted the importance of the founding of a college to Eastern Shore citizens, telling them:



William Smith, first president of Washington College (Courtesy, Washington College.)

Lasting provision must be made, by good education, for training up a succession of patriots, lawgivers, sages, and divines; for liberty will not dwell but where her fair companion, Knowledge, flourishes by her side; nor can government be duly administered but where the principles of religion, justice, virtue, sobriety, and obedience, for conscience sake, are upheld.⁶

The first building dedicated to higher education in the state of Maryland was at Washington College. In addition, its initial graduating class, in 1783, was the first ever in the state. “Before him there was no collegiate education in the colonies south of the Mason Dixon line except the College of William and Mary in Virginia.”⁷

The 1782 legislation was also the first official document to discuss the possibility of joining colleges or “seminaries” under one umbrella in Maryland, stating it would be “conducive to the advancement of learning, religion and good government, [and] may afterwards, by common consent, when duly founded and endowed, be united under one supreme legislature and visitatorial jurisdiction.”⁸ Vision became reality with the charter of King William’s School in Annapolis when a 1784 legislative act (the “College Bill”) transformed it into Saint John’s College.⁹ The bill, almost identical to the wording of Washington College’s charter in 1782, founded the school on “a most liberal plan, for the benefit of youth of every religious denomination who shall be freely admitted to equal privileges and advantages of education.”¹⁰ The charter legally joined the colleges from each shore under one entity named the University of Maryland. The Act for Founding a College on the Western Shore (1784), stated:

the connexion between the two shores will be greatly increased by uniformity of manners and joint efforts for the advancement of literature, under one supreme legislative jurisdiction; be it further enacted that the said two colleges, viz. Washington College on the eastern shore, and Saint-John's on the western shore, shall be, and they are hereby declared to be, one university, by the name of The University of Maryland.¹¹

The General Assembly promised £1,750 each year “as a donation by the public to the use of said college on the western shore, to be applied . . . to the payment of salaries to the principal, professors, and tutors.”¹² Washington College also received public funds. Combined, the universities were given approximately £3,000 annually from taxes raised on “marriage licenses, hawkers' licenses, and fines and forfeitures.”¹³

The College Bill passed by a vote of thirty-three to eighteen with voting divided along geopolitical lines. General Assemblymen representing constituents geographically farthest from the two colleges voted against a unified system since it would be of little benefit to their constituents because of sheer distance.¹⁴

Rivalry between the two shores also played an important role in debate over the College Bill. From the time of the Declaration of Independence, attempts had been made to permanently separate the two shores politically. Maryland's Declaration of Rights, also adopted in 1776, proposed that if either shore wished to separate from the other it should have the right to do so. Although this resolution was rejected, demand for autonomy continued through the 1790s because money for improvements seemed to be doled out unevenly, with more going to the cities and towns on the Western Shore. Passage of the College Bill merely exacerbated an already tense relationship between the two shores.¹⁵

Divisive religious sentiments also influenced debate surrounding the Clergy Bill. Many legislators and citizens were concerned about what seemed like a growing Episcopalian presence and influence in the state, especially in Baltimore Town, in the years following the Revolution. Because colleges had almost always been affiliated with a religious denomination during the colonial and early federal periods, to its opponents the College Bill looked like another way of re-establishing Episcopalian authority. As a result, the bill's framers took great care to ensure that the university remained secular in nature; the governor was appointed the university's chancellor and an oversight board of governors and visitors included representatives from each of the colleges.¹⁶

To understand the public debate over the College Bill, it is necessary to understand Maryland's educational history prior to 1784. Until then, higher education was simply nonexistent. Affluent families usually sent their children to schools in Great Britain and throughout Europe. Middle-class citizens, tradesmen, and well-to-do farmers attempted to emulate their wealthy neighbors by creating such institutions at home, but they had limited means to support them. School conditions in Maryland stagnated since the rising merchant class was not yet wealthy enough to financially

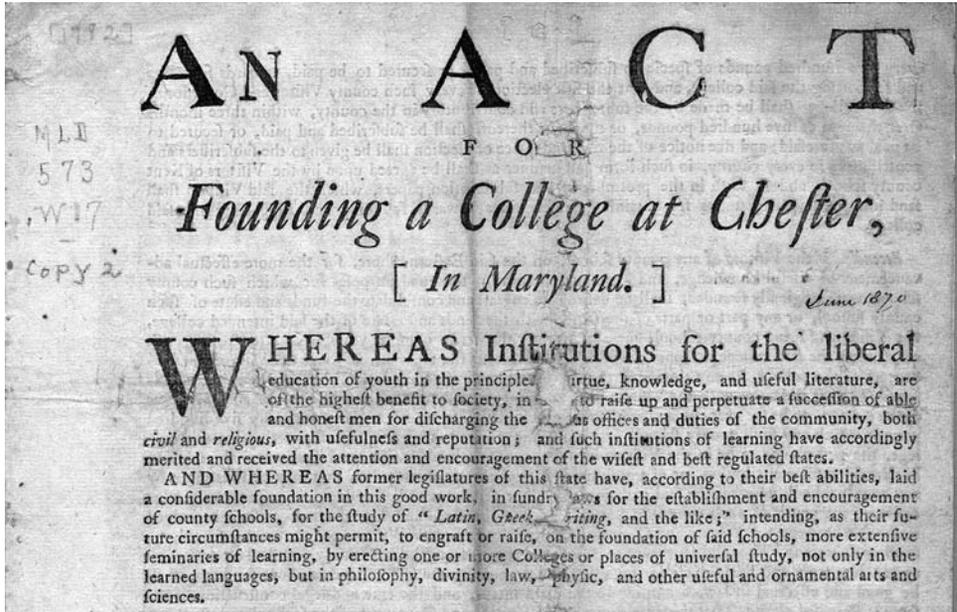
support local institutions and the upper classes sent their children and tuition money abroad. Not until Maryland gained its independence did the importance of education within the state gain support—thanks to William Smith.¹⁷

Though education seemed to do nothing except create arguments, Robert J. Brugger insists that “Marylanders considered no issue more important than preparing young people for the duties of liberty.” Samuel Knox, a Presbyterian minister from Frederick and principal of Frederick Academy, became a leading spokesperson for the cause. In his 1797 *Essay on Education*, Knox’s plan to improve Maryland education was two-fold. First, support and aid for the development of primary schools should be the priority, not colleges. Knox thought that a “pompous college here and there might give the illusion of literary character . . . but without ‘proper subordinate nurseries of students,’ the state would enjoy neither general knowledge nor scientific improvement.”¹⁸ Knox maintained that strong foundations must be in place. Otherwise there would be no need for a college education. Second, Knox suggested a new, radical hierarchical system of education in which local parish schools would be located in each county, and county academies would constitute the next tier in the educational structure. Atop Maryland’s educational structure should be a state college, “regulated and organized as to fall in with the general uniform system, and for the establishment of one national university for the United States.”¹⁹ Governing this new system would be a board of education that, in Knox’s opinion, would annually visit and oversee the operations of each school.

Knox led the opposition against funding the University of Maryland while lower schools that would benefit more people were in need of funds. No one school should receive more funding than another because, as Knox insisted, “the elementary or grammar school up to the university . . . should be considered, supported, and encouraged as constituting one entire system, no part of which could be neglected without injuring materially the whole fabric or institution.” In favor of common schools for the common person, Knox argued that two colleges forming the University of Maryland would leave the “ignorant herd, to live and die the profanum vulgus [uneducated masses], the despised, enslaved, and stupid multitude.”²⁰

The public shared the view that the College Bill was an elitist piece of legislation. Opposing the bill became synonymous with opposing an aristocracy associated with British colonialism. Americans had fought the War for Independence in an attempt to gain freedom from taxes and oppression, but in the newly formed state of Maryland, citizens began to see a sight all too familiar—elitism—now exemplified in the proposal to grant public funds to schools that would benefit only a fraction of the population.

Political controversy brewing in Annapolis only fueled opposition to the College Bill. Samuel Chase, a leader in the House of Delegates in the late 1700s, began to “confirm the worst fears that self-government led to self-indulgence.” From buying up tobacco before an embargo was lifted to acquiring land at far less than it was valued,



An Act for Founding a College at Chester, 1782 (Maryland Historical Society.)

Chase began using his knowledge of state affairs and initiatives to amass enough personal money to begin making loans. Chase and other speculators were viewed as poison for the new republic, becoming “drunk on the wine of self rule. By gaining privately from public service, they exemplified the corruption that had brought decay to earlier republics.”²¹ Now, on the heels of this government corruption, came the College Bill, adding to citizens’ fears that the tyranny they had opposed during the Revolution was coming full circle. Oppressors thousands of miles away, in their opinion, had simply been traded for ones closer to home.

Infuriated, opponents circulated petitions, articles, and opinions, filling the pages of local newspapers from Annapolis to Frederick. One such piece appeared in a March 1785 issue of the *Maryland Gazette*. “An Old Soldier” from Western Maryland addressed his letter “To the Whigs of Maryland,” called for a repeal of the College Bill, and questioned the use of public money to “aggrandize the few, and depress the many.” He then spoke of the sacrifice he had made for his country “to establish equal and impartial liberty! And that she might be an asylum for the poor and oppressed of every country.” It was his belief that the College Bill would make the living conditions of the poor even worse. Perhaps most important was the matter of his benefits. He concluded by complaining, “I much fear I bled in vain and though suffering, am yet without my pay.”²² Why should funds go to schools for the elite when the common folk that shed blood and protected liberty still needed their pay?

Many shared the feelings of the old soldier from Western Maryland and supported the anti-funding cause by circulating blank petitions demanding that the

legislature repeal the college appropriation; a newspaper subscriber needed only to fill in the name of his county and delegate before sending it to the General Assembly.²³ The petition discussed the oppressiveness of adding to the largely unpaid public debt.

In the exercise of our undoubted right, and constrained by a sense of our duty to ourselves, to our fellow citizens, and to posterity, we inform you in the most express terms, that we highly disapprove of all such parts of the laws, passed last session of Assembly, as appropriate the public money to the support of colleges.²⁴

The petitions offered alternatives. One suggested that if the College Bill could not be repealed, the University of Maryland should at least be suspended until the public debt and soldiers' salaries were paid. Another, which appeared in the *Maryland Gazette*, suggested leaving learning to Europe, where colleges were "erected by subscriptions and donations from private gentlemen, whose affluent circumstances will admit it." These petitioners insisted colleges would "be of no advantage to a great majority in the state."²⁵ Considering that, by the 1790s, public funds supported the education of only a few dozen graduates each year, those opposed to it had good reason to be up in arms over the College Bill.

In the midst of the financial depression that struck the country in the late 1790s, the question of college appropriations arose yet again in the General Assembly. By a margin of thirty-two to twenty-nine, opponents of the College Bill within the General Assembly won permission to draft a bill suspending college appropriations and applying the funds instead to the "exigencies of government" in order to ease taxes.²⁶

With funding cuts to Washington and Saint John's Colleges, Knox and other anti-University of Maryland supporters had won their battle. The legislature marked the money thus saved for use by local schools and academies in various counties throughout Maryland. The University of Maryland's loss was a gain for smaller, local schools, but while this adversely affected the university, it was the first time the House of Delegates "supported both levels of education, collegiate and elementary, without placing them in rivalry."²⁷

The University of Maryland was not alone when it came to precarious financial positions during the early federal period. Other institutions of higher learning throughout the newly formed United States faced the same pressing financial issues. In his article for the *History of Education Quarterly*, Robert Thomson argues that many states "accepted little or no financial obligation for the colleges they chartered." Contending there was a common thread in the founding of many colleges in the late colonial and early federal periods, Thomson argues, "The memory of some thwarted colonial endeavor, the absence of imperial restrictions, the desire to uphold local honor, and the commitment to republican virtue were important elements in almost

every instance.”²⁸ Chartering new colleges or universities was the easy part; many state legislatures began eliminating financial support for these schools once funding issues became difficult.

Interestingly, supporters and opponents of the College Bill both used republican rhetoric to defend their positions. Opponents circulated in local papers petitions that recalled the days of British tyranny and equated the College Bill with a subjugation of liberty. Discussions of freedom, equality, and taxation without representation once again ran rampant throughout the state. Opponents referred to the Maryland Declaration of Rights, insisting all men were born equal with a “right to liberty.” Citizens argued that if they were “compelled to pay where they have no advantage . . . where there are establishments, they are not free.” Calling up the arduous battle for freedom, College Bill opponents relied heavily on everyone’s—especially Revolutionary soldiers’—memories and experiences of the not-so-distant past to gain support for their cause.

We have fought jointly for liberty— we have sworn allegiance to the state, and that we will maintain its constitution— we have supported government according to our ability— we have sealed with blood the great charter of our privileges, which we would not have cancelled by any means²⁹

Advocates of the bill also relied heavily on republican rhetoric. William Smith, spearheading the fight for Washington College, vehemently argued that the only way to maintain the newly formed republic was to educate its youth to become “patriots, lawgivers, sages, and divines.” Smith further argued that because the country would eventually grow beyond its original thirteen states, “knowledge, liberty and happiness” would also spread to “every part of this American continent.”³⁰ Similarly, the governors and visitors of St. John’s College in their *Address of the Visitors & Governors of St. John’s College to the State of Maryland* argued that funding for the colleges was crucial to the maintenance of American liberty because it would overwhelmingly benefit poorer citizens as well as the wealthy. In their opinion, the College Bill did not neglect or diminish the common man; on the contrary, it was the best way for a government to “consult [citizens’] interests . . . by providing a succession of honest and able men to protect their rights.”³¹ St. John’s well supported its claim to providing Americans with leaders, although whether or not they adequately protected the rights of the people is another topic entirely. In its short time under the umbrella of the University of Maryland, St. John’s graduated four Maryland governors, one governor of Liberia, three U.S. Senators, five members of the U.S. House of Representatives, four judges of the court of appeals, one attorney general, one U.S. district attorney, and numerous state senators and delegates. Graduates served not only Marylanders but also the people of Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia and Louisiana.³²

Now supposing, that this college affords the benefits of education only to the rich,—suppose what the following detail will fully disprove,—and it is still the rich man only, who will be least injured by its suppression. With a view to expence only, it is of no consequence to *him* whether he sends his son to Annapolis, Philadelphia, Princeton, Liege, or Eton.—Many are the youths, whom St. John's college may prevent from being shipped to Europe, and becoming aliens, if not in person, at least in affection.—It was this unhappy circumstance, which was most complained of before the revolution; and it is this circumstance, which, at this time, deserves a more serious consideration. Cannot your honours even recollect cases, where this State hath lost some of its best men; because they could not conquer the strong attachments formed in the course of their education in neighbouring States? Is it not common too for young men, who have been sent to Europe, to return with an admiration of every thing foreign, and a contempt for their countrymen.—And yet, these are the men on whom, if the colleges are to be suppressed, we must hereafter principally depend, as statesmen, patriots, and heroes.

St. John's College, formerly King William's School, chartered in 1782. Supporters of the university system sought to attract Maryland's young men in an effort to keep them from leaving the state and studying abroad. (An Address of the Visitors and Governors of St. John's College to the Senate of Maryland, December 11, 1794. Maryland Historical Society.)

Supporters of the College Bill further attempted to muster support by attacking the feasibility of Samuel Knox's education plan. An academy in every county, they insisted, could not logistically work. With little manpower to carry out Knox's plan, the public could ill afford this option. Moreover, they contended, the monies earmarked for the colleges in the University of Maryland did not adversely affect the schools already in existence. Specifically, the colleges had not prevented or "rendered it more difficult for the poor to educate their children. No county school has been broken up on its account." The attack on Knox's plan continued with a vehement denunciation of the idea of educating American children abroad. That, as Knox himself had suggested, would only strengthen young Americans' "admiration of everything foreign, and [foster] a contempt for their countrymen." It makes sense that citizens in the new republic did not want the British educating future leaders of the United States. Essentially, the governors and visitors of St. John's College insisted that the absence

of a liberal education offered by the University of Maryland would ultimately lead to a nation whose officials gained their education from a former national enemy.³³

Many newly formed universities and colleges in the United States expressed similar sentiments, maintaining that it was their responsibility to instill republican values in their students. Not only were they attempting to produce knowledgeable citizens, they were also rearing future governors, legislators, congressmen, and presidents. David Robson argues that college founders recognized “that collegiate education played a part in shaping the political attitudes of students and that it therefore must aspire to insure the viability of the republican form of government.” Universities in Georgia, North Carolina, Virginia, Maryland, and Vermont all agreed on the need to produce a “succession of able and honest men for discharging the various offices and duties of the community” to preserve the new American republic.³⁴

The duty of producing able and honest men became slightly more difficult for the educators of the University of Maryland in 1798 when the General Assembly repealed a portion of the College Bill of 1784, cutting public funding to the University of Maryland and making it a defunct institution. Eugene Cordell’s comprehensive history of the University of Maryland lays out several reasons for the ultimate failure of the University plan. Cordell places blame on the two institutions themselves, insisting that the failure to carry out the original plan of the charter was partly responsible for the failure of the university concept.³⁵ The colleges ignored the stipulation in the original act that they convene at least seven members from both schools to produce the laws determining governance and creating “uniformity of manners and literature” until six years after the charter’s passage.³⁶

When the convocation did finally take place in 1791, only representatives from St. John’s attended. This lack of interest, coupled with interstate rivalry, added to the failure of the plan to grow out of its infancy and aided in the eventual demise of the institution that sought to bring not only uniformity to education in Maryland, but also connect the two shores of the state.³⁷

The lack of state funds did not spell the end of collegiate education in Maryland. On the contrary, many Marylanders began to believe the state was falling behind others when it came to education. George Callcott’s seminal history of the University of Maryland argues that with “well-established denominational colleges and new state universities flourishing North and South, even men little concerned with education felt rivalry which the American federal system promoted.”³⁸ Many private colleges took root in Maryland, institutions including Cokesbury College in Abingdon (1784), the nonsectarian Baltimore College (1803), and the Roman Catholic St. Mary’s Seminary in Baltimore (1791). When it graduated more than one hundred students in its class of 1806, St. Mary’s furnished “almost the only evidence in the State of growth and prosperity in educational circles.”³⁹

While Washington and St. John’s Colleges were fighting for the maintenance of their funds, a simultaneous effort to bring uniformity to the study of medicine in

Baltimore was also taking place. This effort would ultimately resurrect the University of Maryland on the foundation of a newly formed medical school.⁴⁰ A group of practitioners began offering lectures and classes in makeshift classrooms across the city and considered the idea of creating a medical school but were hard pressed to find others “willing to embark on an untried experiment so inauspicious and problematical.”⁴¹ This lack of support notwithstanding, their hopes of creating a medical school reached fruition in 1807 when the General Assembly passed An Act for Founding a Medical College in the City or precincts of Baltimore for the Instruction of Students in the Different Branches of Medicine.⁴² After securing a permanent site at Greene and Lombard Streets, the practitioners raised funds through a public lottery with the lion’s share coming directly from the doctors themselves. Modeled on the Pantheon in Rome, Davidge Hall continues to be the oldest building in the United States used in the education of medical students. Almost ten years after the General Assembly pulled funding for a unified University of Maryland, the institution began slowly resurrecting itself on the base of the medical college.⁴³

As it became successful and expanded, the College of Medicine in Baltimore was “re-chartered as the University of Maryland, authorized to add other professional schools and an undergraduate college” in December 1812.⁴⁴ The charter, “An Act for Founding an University in the City or Precincts of Baltimore, by the name of the University of Maryland,” also included three other schools (Divinity, Law, and Arts & Sciences) under the name “University of Maryland.” The preamble insists that the “promotion and diffusion of scientific and literary knowledge, under salutary regulations, can not fail to produce the most beneficial results to the State at large, by instilling into the minds and hearts of the citizens the principles of science and good morals.”⁴⁵ Ironically, most of the wording within the 1812 charter was adapted from William Smith’s charter of Washington College. Just as Smith planned for his university, the second University of Maryland, based on the medical college, was also to be “founded and maintained on the most liberal plan for the benefit of every country and every religious denomination . . . according to their merit, without requiring or enforcing any religious or civil test.”⁴⁶

Unlike the firestorm that erupted when its predecessor came into existence, the second University of Maryland’s founding met little or no controversy in the public arena while also bringing a certain notoriety to Baltimore. “The assembly never debated the act and few newspapers mentioned its passage. . . . The charter was scarcely more than another act of private incorporation for a well-intentioned organization with a slightly pretentious name.”⁴⁷ Additionally, the ability to hold lotteries allowed the university to raise a maximum of \$100,000 in property each year. According to Bernard C. Steiner, that was a “remarkably liberal amount for Maryland beneficent institutions in those days.”⁴⁸ Although the state “continued to fall behind in the development of an outstanding undergraduate college,” it assumed national leadership in the creation of “professional schools, which helped men vocationally,”

including the world's first college of dentistry, one of the country's first colleges of law, the sixth medical school, fourth college of pharmacy, and third college of agriculture in the United States.⁴⁹

Even though Maryland's early federal period was a somewhat unfriendly atmosphere for higher education, several new institutions came into being, rooted in the 1784 legislation passed by the Maryland General Assembly. While the first University of Maryland effectively never moved past the charter stage, it laid the groundwork for future education initiatives in Maryland. The debate on college funding was ultimately responsible for the downfall of the first University of Maryland, but it brought to the forefront forward-thinking educators such as William Smith throughout the new nation, who attempted to make liberal education a priority in the United States. Ultimately, these early graduates of publicly funded colleges fulfilled their duty, becoming leaders throughout state and in national offices. Once the University of Maryland took root after its "second coming," it became a leading academic and medical institution, offering the city of Baltimore, the state of Maryland, the nation and, indeed, the world, professional schools where people could not only advance their knowledge, but gain the ability to help those around them.

NOTES

1. Digest of Education Statistics. US Department of Education. http://nces.ed.gov/programs/digest/d10/tables/dt10_335.asp [Accessed June 4, 2013].
2. Albert Frank Gegenheimer. *William Smith: Educator and Churchman, 1727–1803*. (Philadelphia: University of Pennsylvania Press, 1943), 81–82.
3. *Ibid.*, 83.
4. Bernard C. Steiner. *History of Education in Maryland* (Washington D.C.: Government Printing Office, 1894), 74; *An Act for Founding a College at Chester [in Maryland]* 1782. Rare Broadside 101, Maryland Historical Society (MdHS).
5. *An Act for Founding a College at Chester [in Maryland]*, 1782.
6. Steiner, *History of Education in Maryland*, 73.
7. Gilbert Mead, *William Smith: Founder of Colleges* (Association of American Colleges Bulletin, May 1941), 272.
8. Margaret Ballard, *A University Is Born* (Baltimore: Garamound/Pridemark Press, 1965), 3.
9. William Kilty, *Index to the Laws of Maryland* (Annapolis, 1827), chapter 37 (1784). Reading Room MK2 1799–1818, MdHS.
10. General Acts of the General Assembly of Maryland respecting St. John's College. 1785. Rare Broadside 101, MdHS.
11. *Ibid.*
12. Kilty, *Index to the Laws of Maryland*, chapter 39 (1784).
13. Steiner, *History of Education in Maryland*, 43.
14. The information in this paragraph is drawn primarily from Norman K. Risjord, *Chesapeake Politics, 1781–1800* (New York: Columbia University Press, 1978), who discusses various factors of legislators' votes (215–16) to disprove the popular theory that religion played the major factor in the passing of the College Bill of 1784.

15. Elmer F. Ruark, "Secession on the Eastern Shore," *The [Easton] Sunday Star Magazine*, June 29, 1952. <http://news.google.com/newspapers?nid=2290&dat=19520629&id=hrMmAAAAIBAJ&sjid=5wEGAAAAIBAJ&pg=2727,5481545>. [Info Accessed: June 10, 2013].
16. *Maryland Law (1784)*, chapters 33–36 (College Bill). <http://aomol.net/megafile/msa/spec-col/sc2900/sc2908/000001/000203/html/am203--400.html>. [Info Accessed: June 10, 2013].
17. The information in this paragraph is drawn primarily from Steiner, *History of Education in Maryland*, 42–43.
18. Robert J. Brugger, *Maryland: A Middle Temperament, 1634–1980* (Baltimore: Johns Hopkins University Press, 1988), 172, 173.
19. The information on Knox's educational plan is drawn primarily from Steiner, *History of Education in Maryland*, 45.
20. This portion of Samuel Knox's essay is quoted in Steiner, *History of Education in Maryland*, 44–45.
21. Information on Samuel Chase and the political scandal discussed here are drawn primarily from Brugger, *Maryland: A Middle Temperament*, 134–36.
22. "To the Whigs of Maryland," *Maryland Gazette*, March 14, 1785, Micro 2217-2220, MdHS.
23. Risjord, *Chesapeake Politics*, 215.
24. "For the Maryland Gazette," *Maryland Gazette*, April 29, 1785.
25. The quotes in the latter part of the paragraph are taken from "Copy of a Petition," *Maryland Gazette*, March 25, 1785.
26. Risjord, *Chesapeake Politics*, 215.
27. *Ibid.*, 491–92.
28. Robert Polk Thomson, "Colleges in the Revolutionary South: The Shaping of a Tradition," *History of Education Quarterly* (Winter 1970), <http://links.jstor.org/sici?sici=0018-2680%28197024%2910%3A4%3C399%3ACITRST%3E2.o.CO%3B2-Q> [Accessed November 15, 2006].
29. "Copy of a Petition," *Maryland Gazette*, March 25, 1785.
30. Smith quoted in Steiner, *History of Education in Maryland*, 72.
31. "An Address of the Visitors and Governors of St. John's College to the Senate of Maryland," December 11, 1794. Special Collections Rare Broadside MLD 481.S18 1794, MdHS.
32. Facts regarding professions of graduates of St. John's drawn from Steiner, *History of Education in Maryland*, 104.
33. "An Address of the Visitors and Governors of St. John's College to the Senate of Maryland." December 11, 1794.
34. Quotes and college information in this paragraph are drawn from David W. Robson, "College Founding in the New Republic," *History of Education Quarterly* (Fall 1983), <http://links.jstor.org/sici?sici=0018-2680%28198323%2923%3A3%3C323%3ACFITNR%3E2.o.CO%3B2-T325> [Accessed November 15, 2006].
35. Eugene Cordell, *University of Maryland, 1807–1907: Its History, Influence, Equipment and Characteristics* (New York: Lewis Publishing, 1907), 5. Although Cordell ascribes the failure of the first University of Maryland to several factors, it is important to note that he does not consider this the first University of Maryland, since it existed only in the charter stage.
36. Kilty, *Index to the Laws of Maryland*, chapter 37 (1784).
37. Cordell, *University of Maryland*, 3–6, 35–36; Steiner, *History of Education in Maryland*, 70.
38. George H. Callcott, *A History of the University of Maryland* (Baltimore: Garamond/Pridemark Press, 1966), 27–28. This work was republished under a new title, *The University of Maryland College Park: A History* (Baltimore: Noble House, 2005). Much narrower in its focus,

the updated version focuses more on the founding of the University of Maryland, College Park beginning in 1856, rather than the University's existence in the early federal period.

39. Quoted in Cordell, *University of Maryland*, 18. Information on college foundings in Maryland is drawn from Cordell, 5. Cordell writes of St. Suplice Seminary, which became St. Mary's College & Seminary in 1791.

40. Steiner, *History of Education in Maryland*, 118.

41. Quote by Dr. Nathaniel Potter, Professor of Theory and Practice of Medicine at the College of Medicine in Ballard, *A University is Born*, 11. Some of the original founders of the medical school include George Brown, M.D., Solomon Birkhead, M.D., James Cocke, M.D., and John B. Davidge, M.D., all members of the original board of trustees.

42. Kilty, *Index to the Laws of Maryland*, chapter 132 (1807).

43. Ballard, *A University is Born*, 19. The medical school's building design was created by architect Robert Carey Long Sr.

44. Callcott, *A History of the University of Maryland*, 17; Steiner, *History of Education in Maryland*, 119.

45. Steiner, *History of Education in Maryland*, 119–20.

46. Original text of the 1812 Act quoted in Steiner, *History of Education in Maryland*, 119.

47. Callcott, *A History of the University of Maryland*, 28.

48. Steiner, *History of Education in Maryland*, 120–21.

49. Callcott, *A History of the University of Maryland*, 15.

Book Reviews

Maryland Politics and Government: Democratic Dominance. By Herbert C. Smith and John T. Willis. (Lincoln: University of Nebraska Press, 2012. 400 pages. Tables, maps, figures, bibliography, notes, index. Paper, \$35.00.)

This serviceable hybrid combines the insights of long-time McDaniel College political science professor Herbert C. Smith and veteran Maryland Democratic official John T. Willis. The authors contend that “Maryland, its government, its politics, and its policies are eminently worthy of both sustained scrutiny and a measure of acclaim,” and it is clear from the outset that there will be ample acclaim indeed. “Maryland’s elected officials, predominantly Democrats, have long steered a stable and persistent course of fiscal prudence. . . . a mix of progressive and pragmatic policies that have proven responsive, fair, and effective” (xi). While this leads the authors to a generally partisan and Whiggish view of Maryland political development, their optimism is neither uncritical nor detached from historical reality, rendering this a cheerful but extremely useful volume.

For historically minded readers, by far the most important part of the work comes in the first eighty-eight pages. Chapter one presents a crisp analysis of Maryland’s surprising diversity, grounded in its dramatic cartographical disunity, its unique place at the cultural and economic crossroads of the American North and South, and its remarkable ethnic and racial spectrum—a defining feature of the state’s character and politics since the Antebellum period. This analysis provides the foundation for one of the authors’ signature contributions: that “Politically there are two Marylands today,” the “multiracial and multiethnic” Democratic Maryland of the voter-rich urban and suburban I-95 corridor (and urban outposts scattered across the rest of the state), and the “predominantly white, increasingly conservative” Republican Maryland of the Tidewater, the western counties, and the farthest suburbs of Baltimore (16).

Chapters two and three chronicle the creation of this contemporary dichotomy from the arrival of the ships Ark and Dove in 1634 to the reelection of Democrat Martin O’Malley as governor in 2010. Throughout this engaging and fast-moving historical narrative, the authors seamlessly integrate broader national trends without ever abandoning their appropriately narrow focus on the Old Line State. The influences of Jacksonian Democracy, Antebellum immigration and nativism, slavery, Jim Crow, Progressivism, New Deal liberalism and the aggrandizement of the federal bureaucracy, World War mobilization, postwar suburbanization, the Civil Rights revolution, and the rise of modern Republican anti-statism are all taken into account.

This history is traced through the postwar years in order to explain the persistence of Democratic hegemony. In the authors’ view, this is the product of a four-pronged advantage for the majority party: a “large and activist African-American voting bloc”;

the “multitude of federal installations and Maryland’s proximity to Washington”; the organizational vitality of liberal interest groups in the state; and the Democrats’ “pragmatic and progressive” rather than crusading temperament (62–63). The authors also repeatedly invoke another key to sustained Democratic dominance—the minority party’s failure consistently to apply what the authors dub “the McKeldin formula” for Republican success. Named for Theodore McKeldin, the moderate Baltimore mayor who served as Maryland’s only two-term Republican governor from 1951 to 1959, this phenomenon combined progressive positions (especially on civil rights) with reliance on “fratricidal” Democratic infighting (52). This interpretation is applied to exceptions to the Democratic rule ranging from McKeldin’s two gubernatorial triumphs to those of Spiro Agnew (1966) and Robert Ehrlich (2002).

The balance of the book presents a trenchant deconstruction of the mechanics of Maryland government (with chapters on the state constitution, the general assembly, the executive branch, the judiciary, federalism, and local governance) and of contemporary public policy debates and their political ramifications (with chapters on public opinion, parties and corruption, fiscal politics, and environmental politics). These chapters effectively ground modern concerns in the historical narrative while demonstrating the institutional influence on that history. Of particular interest are the sections on corruption because of the colorful personalities involved; the chapter on the environment (“‘Pleasant Living’ Policies and Politics”) because of the centrality of the Chesapeake to Maryland life and the usefulness of environmental policy as a case study in programmatic liberalism; and the chapter on the executive because, as the authors note, the governor wields remarkable power under Maryland’s constitutional arrangement (206).

For both authors, this book was a labor of love, and the intensity of their devotion to the subject radiates from its pages (xii). Readers benefit from their insider status through lively portraits of colorful politicians like Marvin Mandel, “the consummate insider” (192), William Donald Schaefer, “a party unto himself” (197), and Ehrlich and O’Malley, “the two alpha males of Maryland politics” (83). At times this can be problematic. Occasionally the anecdotes seem more like war stories, and the coverage of the acrimonious Parris Glendening years at times verges on hagiography, no doubt a result of Mr. Willis’s service as secretary of state during that administration. Maryland Republicans may find themselves frustrated by unrelenting critiques of Bob Ehrlich and Ellen Sauerbrey. Also, the structural divide between the history and the political science leads to occasional repetition. Despite such issues, this is a useful study that should command wide readership among historically inclined political scientists, American political historians, and, perhaps most especially, “educated laypeople” interested in an insiders’ take on the vibrant world of Free State politics.

ROBERT CHILES
Loyola University, Maryland

Tales from a Revolution: Bacon's Rebellion and the Transformation of Early America. By James D. Rice. (New York: Oxford University Press, 2012. 273 pages. Illustrations, notes, bibliography, index. Cloth, \$24.95.)

Professor Rice has written an engaging book centered around the events known as Bacon's Rebellion. Shortly after his arrival in Virginia in 1674, with enough cash to be treated instantly as a member of the local elite, Nathaniel Bacon led a bloody insurrection against veteran royal governor Sir William Berkeley. Struggling farmers and traders, particularly from the frontier, organized into a surprisingly large militia and briefly took over the colony. (A similar uprising occurred in Maryland.) In Rice's telling, the tale of this astonishing collapse of authority, which shook the Anglophone world, unfolds in two main parts, with an interesting "Afterward."

Part One (Chapters 1–7) is a gripping narrative that begins in the early months of 1675. A typical dispute between an Englishman and Indians sparked retaliatory raids, and revenge killing escalated. Bacon and the rebels claimed that the allegedly corrupt and incompetent governor would fail to protect them from murderous Indians. Bacon gathered support and volunteered to lead a war against the Indians, but Berkeley refused to commission him. Virginians chose sides, but many seem to have been ambivalent, and their deeper motives remain difficult to comprehend. Alliances between Indian tribes and the English and between larger and smaller tribes were undone.

As the drama unravels, Bacon, Berkeley, and a London merchant turned Virginia planter named Thomas Mathew receive considerable attention as individual personalities and as representatives of their colonial types—a literate but credulous farmer and trader, a reckless young aristocratic adventurer, and a knighted veteran imperial bureaucrat. Rice's descriptions of encounters between the English and Indians in the riverine landscapes of Virginia and along the shores of the Chesapeake Bay are compelling, and they also provide a fresh and deeply informed perspective on Native Americans as agents of their own destiny to some degree and as victims of the clash of cultures. Readers unfamiliar with the sudden disappearance of the Susquehannocks and eventual elimination of other Indian tribes from Maryland will find their stories here. Bacon's Rebellion also cut across the master/servant divide in interesting ways. Rice provides many subtle portraits of Virginians and Marylanders caught up in the conflict and acting out of self-interest and emotional solidarity with their neighbors on one hand, or according to feelings of duty and pangs of conscience on the other. These are set against a panoramic and detailed view of the economic and social realities of the Chesapeake. Bacon was ultimately unsuccessful. Berkeley managed to survive and restore a veneer of order even before reinforcements arrived from England in January 1677, but there is much more to the story.

Part Two (Chapters 8–11) contains many good stories as well, but it is organized more analytically. Examining the causes and implications of Bacon's Rebellion, Rice

synthesizes an impressive range of recent research and adds to a growing body of scholarship on the volatility of Anglophone political culture during this period. The depth of its anti-Catholic paranoia is hard to fathom. In one example, Rice details the fantastic rumors spread by malcontents in Maryland that the Indians were in league with a world-wide Catholic conspiracy aimed at ruining England and Protestants everywhere. In England, after a faction in Parliament had conspired against the succession of James II for years, Parliament finally backed a coup in 1688/89 against their Catholic (but tolerationist) king. After this Glorious Revolution, the English monarchy remained more or less in crisis until 1715. The rivalries among English, Dutch, French, and Spanish commercial interests, continued to destabilize governments and their relationships around the Atlantic for decades. Charles Calvert, also a Catholic tolerationist, lost control of Maryland, and came perilously close to permanently forfeiting his family's proprietorship.

Virginia's seditious, genocidal militia men were not apparitions but partly the result of a systemic crisis of imperial governance. "Bacon's Heirs," Rice argues, were elite colonial men who learned from this era how to orchestrate and amplify a new politics of self-assertion and self-preservation. This transformed the colonial enterprise in early America into something meaner and more fundamentally brutal. The new politics helped to justify the enslavement, removal, or extermination of indigenous people and, in the Chesapeake, furthered the consolidation of the tobacco-based economy increasingly dependent on African slave labor.

In the Afterword, Rice provides a brief historiographical essay in line with one of the aims of the book, which is part of Oxford University Press's New Narratives in American History Series, intended both for general readers and for use in college classrooms. Rice candidly invites consideration of his version of the tale of Bacon's Rebellion against, for example, Edmund S. Morgan's venerable *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1975), covering some of the same ground. Morgan's Virginians fought each other for advantage and survival along well-demarcated battle lines—economic, social and racial. Rice's Virginians struggled in these ways too, but also with conflicting emotions, dysfunctional belief systems, primitive attitudes toward gender, and, hardly incidentally, with the realities of a specific geographical and biological environment. If such nuances matter for one's view of the early Chesapeake and its historical importance, there is much in this book to inform further reflection.

JEFFREY K. SAWYER
University of Baltimore

Special Operations During the American Revolution. By Robert L. Tonsetic. (Philadelphia: Casemate Publishers, 2013. 272 pages. Illustrations, maps, notes, index. Cloth, \$32.95.)

Events over the past several decades have made the public increasingly aware of

elite military units such as Delta Force and Seal Team 6, and their exploits. Robert L. Tonsetic, a retired United States Army officer, demonstrates that such units and operations predate the late twentieth and early twenty-first centuries. His *Special Operations During the American Revolution* argues that numerous small engagements and raids, often conducted by select troops, played an important if overlooked role in the colonists' ultimate success. These actions kept the British off balance, helped obtain necessary supplies for the Continental Army, and boosted American morale.

Tonsetic's work can be read on two levels. Citing present-day Army publications and doctrine, he uses each chapter as a case study to analyze what factors contribute to successful special operations. When describing the partisan warfare that raged in New York and New Jersey, he cites the importance of reliable intelligence. American militia repeatedly bloodied British foraging expeditions by taking advantage of local knowledge and luring them into ambushes. Similarly, he identifies George Rogers Clark's strong leadership and use of psychological warfare as keys to his victories in the Illinois region. Clark skillfully maintained his troops' morale on their epic march to Vincennes in February 1779, then intimidated British lieutenant governor Henry Hamilton into surrendering with threats and violence.

Tonsetic also shows where Revolutionary special operations differed from current practices. Moses Whitcomb's Independent Corps of Rangers laid a foundation for today's U.S. Special Forces with long-range surveillance and reconnaissance far behind British lines in the Champlain Valley. Still, George Washington failed to similarly utilize Thomas Knowlton's rangers, another hand-picked unit led by a talented officer, deploying them instead as little more than skirmishers and light infantry. Knowlton was mortally wounded at Harlem Heights in September 1776, and most of his command was captured at Fort Washington two months later. Benedict Arnold jeopardized Ethan Allen's attack on Fort Ticonderoga in May 1775 by potentially disrupting unity of command when he joined the expedition at the last minute. Fortunately, Allen defused this situation and then designed a flexible plan that allowed him to surprise and seize the British fort without firing a shot.

Those less interested in this more "technical" level of Tonsetic's book can also benefit from it. Each chapter provides insights into peripheral aspects of the war, some of which are not widely known, and they can be read independently in any order. Three of the better ones involve the war at sea. The author provides an interesting account of the Continental Navy and the Marines' first offensive action. Sailing from Philadelphia and Baltimore, American forces landed on New Providence Island in the Bahamas to seize badly needed gunpowder. The operation was only nominally successful because they moved too slowly and gave the British time to remove most of the powder. John Paul Jones was more effective operating in the Irish Sea in 1778, where he captured a number of ships, including H.M.S. *Drake*, and raided the port of Whitehaven. Tonsetic compares Jones's carrying the war to the British Isles with Doolittle's Raid on Tokyo in World War II. Neither action caused significant long-term damage, but both made the enemy aware of their homeland's vulnerability to

attack even though an ocean separated it from the main combat theater. The book's best chapter, "The Whaleboat Wars," offers a fascinating look at that the repeated raids the Continental Army launched in Long Island Sound and the waters off New York harbor. Here, physically fit and well-trained American troops destroyed British fortifications, provisions, and ships with only minimal losses. Tonsetic's chapter on the partisan war in the southern colonies, especially his account of the Battle of Kings Mountain, is also worthwhile.

A popular history designed for a wide audience, this book contains all the strengths and weaknesses that one might expect in such a work. Tonsetic writes clearly, and he has wisely included a number of detailed maps and illustrations. The book also covers topics that span the entire range of the Revolutionary War chronologically and geographically, which will attract readers. Still, the work has a few rough edges. Largely based on secondary sources with some memoirs, letters, and pension records interspersed, the book could use more citations. This would facilitate the readers' ability to locate the sources for Tonsetic's information. The book would also benefit from stronger editing and proof-reading. Many of the chapters contain small factual errors or typos. Individually they mean little, but collectively they detract from the book. Despite these shortcomings, *Special Operations During the American Revolution* is a welcome and highly readable work that offers a different perspective to the War for Independence.

MICHAEL P. GABRIEL
Kutztown University

Light and Liberty: Thomas Jefferson and the Power of Knowledge. Edited by Robert M. S. McDonald (Charlottesville: University of Virginia Press, 2012. 256 pages. Illustrations, foreword, notes, index. Cloth, \$40.00.)

As it does now, education promised opportunity in the Age of Jefferson. In the wake of the American Revolution, many political thinkers theorized that knowledge safeguarded the opportunity for a free people to govern themselves and stave off corruption and tyranny. To preserve the political responsibilities of self-government, the American citizenry had to be prepared. The collection of essays in *Light and Liberty: Thomas Jefferson and the Power of Knowledge* explores Jefferson's role as he contemplated the relationship between knowledge and freedom. The volume originates from a 2008 conference commemorating the opening of West Point's new library building, Thomas Jefferson Hall. The conference came about as a collaboration between the United States Military Academy and the Thomas Jefferson Foundation (operators of Monticello and the Robert H. Smith International Center for Jefferson Studies) working to convene "a group of scholars to consider Thomas Jefferson's multitudinous efforts to enlighten America's citizens and encourage them . . . to embrace and advance his expansive vision for a free society" (xv). The resulting collection of published essays is a product of this laudatory celebration.

Volume editor and associate professor of history at West Point, Robert McDonald framed the 2008 conference and resulting 2012 publication around Jefferson's belief that "Light and Liberty" went hand-in-hand (1). Herein, lay the central tenets linking this multi-disciplinary collection of essays by a diverse range of scholars. Tying together each essay is the exploration of how Thomas Jefferson promoted, cultivated, and encouraged the enlightenment of America's citizenry directly and indirectly to secure republican values of self-government. Essentially, each contributor explores how Jefferson used knowledge, through many mediums, to secure the freedoms and liberties won in the American Revolution. Though the central premise of the volume on the connections between Jefferson, his promotion of an informed citizenry, and republican self-government is not original, each of the essays moves in new directions as they investigate subject matter assessing Jefferson's impact.

Although the restraints of a book review prohibit a close look at each of the eight essays, most share similar contributions and shortcomings. As historian Joyce Appleby points out in an afterword, they represent a new generation of Jefferson scholars who have eschewed older historiographical pursuits. The authors praise Jefferson and utilize a broad cultural approach to evaluate his relationship to knowledge and its dissemination throughout the United States. For instance, Frank Shuffelton's "Thomas Jefferson: Colporteur of the Enlightenment" employs a transatlantic approach that recognizes the importance of a give-and-take relationship between Jefferson and European intellectuals. Even during a period in which the United States looked to set itself apart from the Old World, information still flowed both ways across the Atlantic. Jefferson used transatlantic channels to promote America's image abroad and disseminate the greater Western World's knowledge to friends and colleagues back home through books.

Each essay is well organized and structured, and the fluidity of a cultural approach to Jeffersonian studies produces a greater opportunity for exploring the connection to American society in general. In "The Jefferson Gospel: A Religious Education of Peace, Reason, and Morality," Cameron Addis explores how Jefferson molded the curriculum of the University of Virginia to promote democracy and prepare its students with a complete knowledge of their rights and responsibilities. Addis focuses on how Jefferson pushed the school to instill "ethics based on Enlightenment universalism rather than orthodox Christianity" (96) and offers a thoughtful examination of Jefferson's relationship to higher education and problems of religious pluralism in the Early American Republic.

Although each scholar is pushing investigations into new directions, all produce glowing depictions of Jefferson and his methods. Few of the essays even broach the less than savory elements shaping Jefferson's life and understanding of the world, such as slave ownership, thoughts on race, or even partisan politics. Certainly Jefferson had shortcomings, and it would be interesting to investigate the complexities. Furthermore, McDonald notes that *Light and Liberty* "could never represent more than a partial treatment" of the relationship between Jefferson and knowledge (5).

This is evident in the project's almost exclusive and narrow focus on white men as the consumers and targets of knowledge. Readers will wonder how African Americans, Native Americans, and women seem to have little relevance to the volume's central questions or contributors, but perhaps here is opportunity. The contributors have firmly established the multifaceted ways in which Jefferson encouraged knowledge as a means to secure liberty among white men and left the door open for more inclusive investigations by future scholars.

Overall, *Light and Liberty* accomplishes the goals it set to do and produces an interesting angle on one of the most written about figures in American history. Jefferson scholars will welcome each contribution and the product as a whole for the highly focused and nuanced approaches but these same accolades will likely dissuade non-specialists. The specialized nature of the project may cause some to overlook *Light and Liberty*, but each essay is accessible and well written, and the multifaceted approaches make use of investigations into diverse topics such as art and architecture. Readers interested in an intellectual assessment of Jefferson or considerations on the nature of knowledge and republicanism will be pleased by this book.

F. EVAN NOOE

Austin Peay State University

The Shining Sea: David Porter and the Epic Voyage of the U.S.S. Essex during the War of 1812. By George C. Daughan. (New York: Basic Books, 2013. 376 pages. Illustrations, maps, glossary, notes, selected bibliography, index. Cloth, \$29.99.)

The Shining Sea offers a lively recounting of Commodore David Porter's celebrated War of 1812 cruise to the Pacific and the whaling grounds off South America's west coast. Unable to rendezvous with his assigned squadron in the South Atlantic, in January 1813 Porter seized the opportunity for independent operations. With a crew of 319 in the thirty-six-gun frigate *Essex*, Porter rounded Cape Horn and over seventeen months played havoc with the British whaling fleet, capturing and burning vessels, seizing valuable cargoes of whale oil, ransoming crews, and generally frustrating efforts to stop him. Ultimately, the Royal Navy dispatched ships to find and capture Porter and his squadron of converted prizes. On March 28, 1814, unable to escape from the harbor of Valparaiso and hampered by weather damage, Porter was confronted by H.M.S. *Phoebe*, thirty-six guns and H.M.S. *Cherub*, eighteen guns. Despite the enemy's superior firepower and his own limited maneuverability, Porter refused to concede the contest until conditions aboard *Essex* demanded surrender or total loss of the ship and crew. Despite losing his ship and his consort, *Essex Jr.*, and suffering 60 percent casualties among crew and officers, Porter was hailed as a hero on his return to the United States.

In addition to a rousing tale of the War of 1812 in the Pacific, *The Shining Sea* is a study of the times and culture of a nineteenth-century American naval warrior. Like

his contemporaries Decatur, Perry, Macdonough, and others, Porter was staunchly patriotic but also personally ambitious, daring, and at times reckless. Respected as a consummate seaman and effective commander, Porter's abilities and actions were tempered by past experience, his touchy sense of honor, and his thirst for glory and gain. The narrative of his early experience, including being twice impressed by the British, learning his craft under Thomas Truxton and William Bainbridge, and his imprisonment in Tripoli after the 1805 loss of the *Philadelphia*, offers insight into some of his attitudes and actions, but the term hubris also comes to mind. After vehemently protesting that the *Essex* was a "bad sailer" and under-armed, Porter took her around Cape Horn in a remarkable thirteen days to cruise in unfamiliar waters with poor charts and without assurance of any sources for refitting or resupply. In the first U.S. Navy vessel to reach the western Pacific, he ranged unopposed from Valparaiso to the Galapagos Islands and the Marquesas, captured fifteen vessels and cargo valued at nearly \$3,000,000, resupplied his stores, and converted some of the captures to form a small squadron. During a rest and refitting stop in the Marquesas, he became embroiled in warfare between native tribes and, without any official authority, claimed the island of Nuka Hiva in the name of the United States. Finally, in pursuit of his personal goal of besting the British in a single ship-to-ship action, Porter actively sought an encounter with his pursuers—in direct contravention of established orders. Ultimately trapped in an indefensible position by two enemy ships of combined superior force, Porter refused to surrender until his ship was no longer able to fight, with fifty-eight of his crew killed, forty-five wounded and thirty-one missing in action. In today's culture, Porter would have earned a reputation as a "loose cannon" who needed careful monitoring if not relieved of command. Instead, a nation thirsty for positive news hailed Porter as a hero upon his return, but his character flaws would continue to adversely affect the remainder of his public career.

Like any thorough historian and enthusiastic storyteller, Daughan weaves the tale of the *Essex's* cruise into the context of the time and the realities of the situation into which Porter injected himself. On the Pacific coast, revolutionary Chile looked to the U.S. for support, while Peru (including modern-day Bolivia and Ecuador) was still under Spanish control and officially allied with Britain. On the whaling grounds, fierce competition existed between British and American whalers before the war; by 1813, British captains were arming their ships and seizing American vessels and cargoes. The possibility of mutiny during the Marquesas layover was a concern as well, sparked by Porter's awareness of the mutinies of the *Nore* and *Spithead*, and particularly William's Bligh's experience with H.M.S. *Bounty*. Daughan's discussion of these events and the overall effect of the first presence of a United States military force in the region and its first contact with native Polynesian cultures, contribute greatly to our understanding of Porter's motivation and actions in the region.

The Shining Sea is a welcome addition to Daughan's work on the U.S. Navy.

In 2008 he provided an excellent overview of the founding of the Navy from 1776 through the War of 1812, and the culture and political influences that shaped its development. In *1812: The Navy's War*, published in 2011, he focused on the Navy's successful performance during the War of 1812, how it changed European perceptions of the United States' ability to defend itself, and our nation's appreciation of the value of a permanent naval establishment. This new work brings the cycle full circle by describing one of the most celebrated naval actions of the war and revealing the flawed personality behind one of the least well-understood naval heroes of the War of 1812.

DAVID MACDONALD
Maryland Historical Society

The Amistad Rebellion: An Atlantic Odyssey of Slavery and Freedom. By Marcus Rediker. (New York: Viking Press, 2012. 288 pages. Illustrations, notes, index. Cloth, \$27.95.)

The story of the *Amistad* Rebellion has been told many times, but Marcus Rediker offers a fresh perspective that encourages both scholars and general readers to think about not only the event itself, but the abolition movement in general, in a new light. Naturally, the most obvious contribution of this work is Rediker's in-depth focus on the agency of the captive Africans in one of the most famous uprisings in Atlantic history, but a more subtle and equally important theme involves the evolution of the American abolition movement. In short, Rediker brings people of African descent on both sides of the Atlantic to the center of the international struggle against slavery.

In his quest to "restore the *Amistad* Africans to their rightful place in their own story" (235), Rediker traces the origins of the primary actors in the rebellion, describing their West African homeland and explaining the complicated diplomatic relations between their nations of origin. Some of the men might have fought against each other, and one of them may have been involved in the slave trade at some point. In addition to outlining the conflicts, slave trading, and wars the Africans dealt with on a regular basis, he also reveals that a number of factors encouraged the men to act collectively to defeat the slavers and ultimately secure their freedom. Among those factors were the tendency to create fictive kin networks, a tradition of collective governance, and the extensive physical training that almost all African men underwent. According to Rediker, the men on the *Amistad*, like all adult men in their region of Africa, would have been members of the Poro Society, a secret group that trained men in physical combat and political leadership. Because of their work with this society, they had a common ground upon which to build and the training necessary to organize the rebellion and then to carry it out.

Even readers who have a basic knowledge of the revolt will find this emphasis on African origins enlightening, for the book serves as an important corrective to

the image that most viewers of the film *Amistad* would have taken away—one dominated by white abolitionist heroes and politicians. Rediker shows that the Africans did not stop leading the way in their struggle for freedom after they landed in the U.S. but actively shaped the partnership they built with American abolitionists and the American public.

Rediker also uses the *Amistad* revolt to draw attention to the central role black leaders took in the U.S. antislavery movement. He portrays the abolition movement as an interracial partnership, which began when William Lloyd Garrison embraced immediate abolition after interacting with enslaved and imprisoned blacks in a Baltimore jail in 1830 and was still evolving at the time of the rebellion. The *Amistad* incident serves as an important milestone in the U.S. antislavery movement because of its emphasis on black agency and the resulting boost it gave to African American leaders who called for more militant action, such as work with the Vigilance Committees and the Underground Railroad. It also inspired another shipboard rebellion led by an African American who faced reenslavement after trying to help his wife escape bondage. As Rediker shows, following Cinque's example many black leaders began to cite Lord Byron's words that "*Who would be free themselves must strike the first blow*" (233).

In the end, Rediker shows how events on the *Amistad* affected the move against slavery on both sides of the Atlantic. In Africa, it led to the eventual destruction of the slave factories through which the *Amistad* captives had passed, and it resulted in American missionary work in the area, independent of the American Colonization Society. In the U.S. it opened the minds of many who refused to call themselves abolitionists but could sympathize with the victims of the slave trade. The heroic efforts of Cinque and the other warriors also dovetailed nicely with the work of Robert Purvis and other African American leaders who were, at the time of the revolt, beginning to call for more direct action against slavery, and it strengthened the hand of political abolitionists who maintained hope that American slavery could be overturned through the courts and the political process.

BEVERLY TOMEK

University of Houston–Victoria

The Telegraph in America, 1832–1920. By David Hochfelder. (Baltimore: Johns Hopkins University Press, 2012. pp. viii, 250. Cloth, \$55.00.)

The history of the telegraph in the United States begins and ends with a Baltimore connection according to David Hochfelder, in this latest addition to Johns Hopkins University's Studies on the History of Technology series. This concise but well-researched study chronicles the social, political, and technological development of the electromagnetic telegraph from the first words, "What Hath God Wrought?" spoken across the Baltimore-to-Washington line to the last transmission between

Baltimore and Pittsburgh in 1920. In the near-century in between, the telegraph aided the Union Army during the American Civil War, monopolized long-distance communication in the second half of the nineteenth century, impacted Gilded Age financial markets, and transformed the way society received news. Ultimately, however, the telegraph failed to keep pace with emerging technologies that enabled voice communication, thus assuring its own demise.

Optical telegraphy originated in the mid-1790s as a way to communicate between ships at sea and between the sea and the land. The electromagnetic telegraph debuted four decades later in the 1830s, a credit to the earlier invention of the battery. Competition in the telegraph industry in America began with six regional operators who contracted with railroads to install wires along the railways' rights-of-way. During the American Civil War the military began using the telegraph to relay field orders, troop movements, and battle results. After the war, the telegraph assumed a role in business and among the wealthiest Americans who desired the speed of the telegraph's messages and could afford the high cost of a telegram. By 1867, Western Union had gained a near monopoly over electronically transmitted messages, either by purchasing its rivals and securing exclusive contracts with the press and the New York Stock Exchange, or through patent infringement suits. Anti-monopolists advocated for a government controlled telegraph under the United States Postal Service. In response, Congress passed the National Telegraph Act of 1866 granting the government an option to nationalize existing telegraph companies after 1871, but otherwise the government showed little interest in regulating the industry. Congress never acted on the legislation. This allowed the telegraph to play a prominent role in the stock and commodities markets, which shifted from a product-driven market to one based on speculation with the development of the ticker in 1867. The invention of the duplex in 1868 and the quadruplex in 1874 increased the role of the telegraph by allowing more messages to be sent simultaneously on the same line. But when Alexander Graham Bell patented his electrical transmission of sound in 1876, the telegraph's decline was all but assured. For the next four decades Western Union and AT&T became embroiled in numerous disputes over patents. The compromise, Western Union abandoning its telephone business and AT&T giving up its telegraph business, sealed the telegraph's fate.

Hochfelder argues the telegraph had a great impact on American society from its invention in the 1830s until the 1920s. It changed the way society obtained news bulletins, created the "need" for instantaneous updates, and changed how information was presented and disseminated. Hochfelder also contends the telegraph's expensive cost per word established today's current journalistic style of a reverse pyramid with the important information condensed into the first few sentences. He claims further that telegraphic shorthand, designed to reduce the cost of sending messages, pioneered the stock exchange's three and four letter designators.

Hochfelder adds significantly to the understanding of the telegraph with his

discussion of its role in the American Civil War, the invention of the stock ticker, and his connection of the telegraph with modern journalism, yet his study neglects an important aspect of its history. He acknowledges the origin of the telegraph in semaphore communication but does not provide enough background on “wireless” communication, leaving the reader with an incomplete understanding of the progression of telegraphy as a communication technology. By essentially starting with the electromagnetic telegraph, Hochfelder omits a rich and important part of the history of telegraph communications. What little discussion Hochfelder includes on pre-telegraph communications is attributed solely to the French. He fails to acknowledge the competing claims of the British or the Swedes who were developing visual telegraphy signals around the same time as Claude Chappe.

Despite this misgiving, Hochfelder’s narrative will surely find its way onto academic reading lists in history and the history of technology. Its concise nature makes it especially appealing to assign to undergraduates, who will undoubtedly be thankful for Hochfelder’s clear prose.

JAMES RISK

University of South Carolina, Columbia

Prigg v. Pennsylvania: Slavery, the Supreme Court, and the Ambivalent Constitution. By H. Robert Baker. (Lawrence: University Press of Kansas, 2012. 214 pages. Chronology, bibliographical essay, index. Cloth, \$34.95; paper, \$16.95.)

Despite a titular focus on a single Supreme Court case, H. Robert Baker’s interpretation of *Prigg v. Pennsylvania* is nuanced and complex. Arising from a dispute between Maryland and Pennsylvania over fugitive slave rendition, the case served as an attempt to clarify constitutional ambiguity on slavery, state sovereignty, and citizenship, particularly regarding slaveholders’ rights to retrieve fugitives without interference and states’ rights to establish procedures for rendition to protect free people from being kidnapped. Central to this question was who possessed the power to determine an individual’s status in a nation that recognized both slavery and freedom. In *Prigg*, the Supreme Court granted this power to the federal government but equivocated on state participation. Consequently, *Prigg* “served as a marker of rupture” (7), exacerbating the tensions among slaveholders, abolitionists, and African Americans that ultimately led to civil war.

But Baker’s book is about more than the case itself; it examines the entire legal history of the fugitive slave and kidnapping issues. Baker divides his analysis into two basic parts. The first positions *Prigg* in a historical context of bound labor, resistance, and the struggle to define rights stretching back to the colonial period. Baker argues that the colonies entrenched bound labor in the American experience, first through indentured servitude and then slavery. In the Revolutionary era, ideological shifts and fugitive slave cases weakened this tradition by defining slave ownership as rooted

in legislation rather than natural rights, meaning that states could revoke property rights in slaves. As northern states began abolishing slavery, the Constitutional Convention tried to settle the ensuing issue of slaves escaping into free states. Baker contends that its answer—the fugitive slave clause—settled very little. It appeared to give Congress jurisdiction over fugitive slave renditions (requiring fugitives to “be delivered up”), but its language did not specifically grant such authority, implying the states would determine rendition procedures. The Fugitive Slave Act of 1793 addressed this ambiguity, empowering both state and federal judges to hear fugitive slave cases, but it ignored kidnapping, an important omission since states defined status and citizenship. Since free states recognized African Americans as citizens, they began passing anti-kidnapping laws that set evidentiary standards to differentiate between actual fugitives and free persons. (Pennsylvania’s law passed in 1826.) Baker argues that heightened political tension over slavery in the 1830s and 1840s reshaped these issues by creating contradictory interpretations of constitutional rights—an abolitionist view demanding state sovereignty to determine the status of alleged fugitives, and a proslavery view resting on congressional exclusivity to bypass anti-kidnapping laws.

The second part of Baker’s analysis explores *Prigg* within this historical context. In February 1837, Maryland slave catchers led by Edward Prigg removed Margaret Morgan and her three children from Pennsylvania without conforming to its 1826 anti-kidnapping law. The circumstances were complicated. Although her master never formally manumitted her, Morgan had lived openly in Pennsylvania for five years, which could have implied consent to her freedom. Moreover, Morgan bore a child in Pennsylvania, who by state law was a citizen and could not be removed without due process. Prigg’s actions thus reinforced questions about what separated fugitive slave rendition from kidnapping and whether free states could make the rules. In *Prigg v. Pennsylvania* (1842), the United States Supreme Court ruled that Congress possessed exclusive power to enforce the fugitive slave clause and that states could not pass laws interfering with rendition, even if they sought merely to distinguish fugitives from free people. The Court ignored the issues of kidnapping and the status of Morgan’s Pennsylvania-born child, which Baker suggests may have been the most problematic. Baker contends that *Prigg* overturned decades of political compromise by eliminating shared state and federal power over the fugitive slave issue and replacing it with a system that threatened black freedom because anti-kidnapping laws might interfere with fugitive slave rendition. In turn, *Prigg* fostered much confusion and debate. The Fugitive Slave Law of 1850, intended to codify the Court’s decision and alleviate confusion, only deepened the gulf separating pro- and antislavery positions (and it overlooked kidnapping). *Prigg* thus exposed a fundamental rift in constitutionalism that required civil war to rectify.

Baker’s analysis is breathtaking in its scope and implications. It succeeds in its

goal of presenting the “deep context of Margaret Morgan’s dilemma” (7), joining a seemingly local dispute to a long, twisted constitutional trajectory. Baker makes a bold argument in locating the fugitive slave and kidnapping issues at the heart of sectional tension, but it is convincing on a constitutional level. By implying that fundamental legal differences over defining African American status contributed to political breakdown, he puts a new, provocative spin on longstanding debates about Civil War causation. Although Baker’s constitutional history is impressive, his political history is less satisfying. Given the weight of his argument that defining African American status presented a nearly insurmountable constitutional problem, he generally disregards political debates on the matter both before and after *Prigg*. Connecting the constitutional problem of defining status to the politics of race—particularly in border states like Pennsylvania and Maryland, where status differences were most apparent—would only strengthen Baker’s interpretive force.

Still, this is a first-rate assessment of the complicated legal dimensions of slavery and interstate relations before the Civil War. It is indispensable to readers interested in the law of slavery, the role of the fugitive slave issue in antebellum America, and the causes of the Civil War.

THOMAS H. SHEELER
University of Delaware

Making Freedom: The Underground Railroad and the Politics of Slavery. By R. J. M. Blackett. (Chapel Hill: University of North Carolina Press, 2013. 134 pages. Notes, index. Cloth, \$27.95.)

In a slight departure from previous works concentrating on the Underground Railroad and the involvement of white northerners, Blackett focuses on several distinct themes in *Making Freedom*. The roles of the slaves who took an active part in gaining their freedom are highlighted, as well as the assistance received in the South to aid them in their escape, the support received from black communities once escapees made their way to free territories, and the politics that came to fruition as a result of enslaved men and women escaping life on southern plantations.

If one is in search of literature that includes specifics in terms of individual stories of formerly enslaved men and women this book will prove to be worthy. There is no shortage of names, dates, and locations detailing the ways in which men and women risked their lives in the pursuit of life outside the boundaries of bondage. In recognizing their participation, Blackett deemphasizes the (recently deliberated) glorified involvement of northern abolitionists as it relates to the enslaved obtaining freedom. Past offerings on the subject frequently depicted slaves as passive bystanders in their quest for liberty, but *Making Freedom* sheds light on a varied experience. Escaping bondage had personal meaning for the men and women who reached freedom, but Blackett asserts there were greater political implications for the states

involved and the nation as a whole. The author explains how the 1850 Fugitive Slave Law influenced the manner in which slaveholders set out to regain slaves who escaped to the North. The law gave political legitimacy for a posse to be assembled in hopes of catching fugitive slaves, but as noted in the book the searches were often disrupted by the community where former slaves settled. The people of these communities combined efforts in order to hide those who were considered fugitives, assisted them on their journey to the next stop on the Underground Railroad, and at times engaged in physical altercations with the search parties.

A book with 134 pages may be considered too brief to allow the reader to get a full sense of a topic as complex as slavery, but Blackett accomplished his goal of relating the experiences of escapees, the communities built by the formerly enslaved, and the clandestine role of free blacks in obtaining freedom for the enslaved. Although Blackett's focus was not necessarily that of individual territories and the regional positions on slavery, Pennsylvania and Maryland were given singular attention because of their shared border, their opposing views on slavery, and the violence associated with Maryland slaveholders who traveled to Pennsylvania in attempts to capture escapees. The incident at Christiana, where a posse of Philadelphia policemen aided Maryland slaveholders attempting to capture former slaves living in Pennsylvania, strained relations between the two states. Blackett details the countless Maryland slaveholders who suffered the economic loss of their slaves escaping to Pennsylvania, or using Pennsylvania as a route to freedom farther north. Maryland slaveholders (as well as slaveholders in other southern states) believed citizens of Pennsylvania and other non-slaveholding states did not respect the Fugitive Slave Law and accused northern states of aiding slaves in their escape whether they were involved or not. Tensions rose in the years leading up to the Civil War.

Blackett went far beyond the customary search of library books. He gathered information from newspapers for the entire decade of the 1850s and credits newspapers for providing more than what many may already know regarding the historiography of antebellum slavery. In examining them, one gains a sense of southern politics from the number of runaway notices and the determined actions slaveholders took in their quest to regain the "property" they felt was legally and rightfully theirs.

One of the nice things about *Making Freedom* is the ease in which readers will be able to understand the text. The writing never feels cluttered with unnecessary information. Blackett balances the realities of the nation's history with stories of the individuals who were directly affected by the politics of the day. By taking the focus off the abolitionists who were involved with the Underground Railroad and placing the ownership of attaining freedom back in the hands of the people most involved, Blackett has given a voice to those who lost theirs under the nation's "peculiar institution."

RAVEN J. CROWDER
University of Houston–Victoria

CALL FOR ARTICLES AND RESEARCH NOTES:

The War of 1812 in the Chesapeake

The summer of 2014 marks the high point of bicentennial commemorations of the War of 1812. The Chesapeake was a center of that conflict, where a series of naval actions and British raids culminated in the burning of Washington, the defense of Fort McHenry, and Francis Scott Key writing the “Defense of Baltimore,” which became “The Star-Spangled Banner” and national anthem. Dozens of events and celebrations are planned, and the *Maryland Historical Magazine* is seeking submissions for a commemorative special issue. All topics that relate to the war in the Chesapeake and Mid-Atlantic region will be considered, but of special interest are those that examine the social and cultural history of the war, military and civilian defense, and past commemorations.

Reaching over 3,000 subscribers, the *Maryland Historical Magazine* publishes articles on Maryland history, the Chesapeake, the American South, and the broader Atlantic. The deadline for submissions is July 1, 2014. Please send submissions to: Editors, Maryland Historical Magazine, 201 W. Monument St., Baltimore, MD 21201. Please direct queries to Patricia Dockman Anderson, Editor, panderson@mdhs.org.



Maryland in Black and White

Documentary Photography from the Great Depression and World War II

Constance B. Schulz

foreword by Frederick N. Rasmussen

"When I reflect on the grimness of the Depression and World War II, I naturally think in terms of the dramatic qualities of black and white photography. Among the images Schulz includes here, even a seemingly routine photo of a Hagerstown railroad station has a certain wonderful, almost Edward Hopperesque, quality to it." —from the foreword by Frederick N. Rasmussen

\$34.95 hardcover • \$34.95 ebook

Football in Baltimore

History and Memorabilia from Colts to Ravens

second edition

Ted Patterson

*with contributions by Dean Smith
photographs by Edwin H. Remsberg
forewords by Michael Gibbons and
Raymond Berry*

"Ted Patterson's meticulously researched *Football in Baltimore*, now featuring Dean Smith's championship update, perfectly captures the magical tour-de-force of Baltimore football, as played and celebrated along the shores of Chesapeake." —from the foreword by Michael Gibbons, executive director, Sports Legends Museum

\$44.95 hardcover • \$44.95 ebook

Front Stoops in the Fifties

Baltimore Legends Come of Age
Michael Olesker

"*Front Stoops in the Fifties* is a fascinating read; one which convincingly makes the case that what was happening in the Baltimore of the 1950s was a microcosm of the shift that was happening all across America. The shocking part is just how relevant these stories remain today." —*Baltimore Post-Examiner*

"A crisp, insightful dispatch from a skilled writer who knows his city and its history." —David Simon, executive producer of HBO's *The Wire* and *Treme*

\$29.95 hardcover • \$29.95 ebook

Washington and Baltimore Art Deco

A Design History of Neighboring Cities

Richard Striner and Melissa Blair

Striner and Blair explore the most significant Art Deco buildings still standing and mourn those that have been lost.

"Striner is one of the most knowledgeable individuals about Art Deco in Washington, D.C.—this is an important book." —Richard Guy Wilson, University of Virginia

\$49.95 hardcover

 **JOHNS HOPKINS**
UNIVERSITY PRESS

1-800-537-5487 • press.jhu.edu