

Bites from The Archivists' Bulldog



by long-serving editor
Patricia V. Melville

To Pat Melville

In gratitude for your 39 years of service to the state and to the Archives. Your knowledge of Maryland's permanent records and your willingness to share it will be missed by all who have worked with you.

This compilation of your articles written for the *Bulldog* over the last 16 years is a measure of the depth of your understanding of and interest in the historical records of Maryland.

You will be missed but you have our very best wishes for a wonderful retirement!

From your friends and colleagues at the Maryland State Archives.

June 5, 2006

THE ARCHIVISTS' BULLDOG

Vol. 4, No. 10, 5 March 1990

RESEARCH NOTES by Pat Melville

A recent research question involved the establishment of election districts in Anne Arundel County and the citations for specific laws. The researcher was referred to Edward B. Mathews, *The Counties of Maryland: Their Origin, Boundaries, and Election Districts* (Maryland Geological Survey Special Publication, Vol. VI, Part V, 1907), rather than the index to laws. This book is very useful for people wanting information about the establishment and boundaries of both counties and election districts within each county.

In the introduction Mathews discusses the origin of county names and the times and methods of erecting counties, election districts, and precincts. Election districts were first authorized in 1798 by the General Assembly. The law specified the number of districts for each county. A subsequent law appointed commissioners to survey the district boundaries. (Some of these surveys have been found in land records; others have never been located.) Mathews summarizes the means of changes for later years. Usually the General Assembly mandated increases in the number of districts or changes in boundaries. A few counties received a general power to erect and change their own districts or precincts.

The rest of book contains specific information about each county, arranged alphabetically. Mathews discusses the erection of the county and its boundaries, including subsequent changes. He then outlines chronologically the development of election districts, polling places, and precincts by citing and summarizing each law.

Numerous color plates showing the counties for blocks of time appear throughout the book.

This publication should be used with great care because some pages are loose and others are tearing

THE ARCHIVISTS' BULLDOG

Vol. 4, No. 11, 12 March 1990

RESEARCH NOTES by Pat Melville

Nancy notes the maps in Mathews, *Counties of Maryland* are reproduced in *The Hammond-Harwood Atlas of Historical Maps of Maryland, 1608-1908*.

SERENDIPITOUS NEWS

Doug McElrath and Lois Carr supplied the answer to last week's query about Ded. Pots. It is an abbreviation for *Dedimus Potestatem*, defined in *Black's Law Dictionary* as follows: "In old English practice, a writ or commission issuing out of chancery, empowering the persons named therein to perform certain acts, as to administer oaths to defendants in chancery and take their answers, to administer oaths of office to justices of the peace, etc. 3 Bl.Comm. 447. It was anciently allowed for many purposes not now in use, as to make an attorney, to take the acknowledgment of a fine, etc."

In the United States, a commission to take testimony was sometimes termed a "dedimus potestatem."

THE ARCHIVISTS' BULLDOG

Vol. 4, No. 15, 9 April 1990

RESEARCH NOTES by Pat Melville

Occasionally we receive requests for information about trade names, company names, corporate names, or names of businesses. Usually the person is setting up a business and wants to know if a certain name is already being used. There are two places to find this information for any one jurisdiction - Dept. of Assessments and Taxation and the county and Baltimore City circuit courts.

One source of information is the series of charter records for incorporated institutions. For unincorporated institutions there is a series called (Agency Record) which dates from 1922. A law passed then required business agents or any person(s) doing business under any designation other than ones own

name(s) to file a certificate with the clerk of the circuit court where the business was conducted and with what is now DAT. The certificate, listing owner(s) and place and name of the business, was to be recorded in (Agency Record).

Since researchers usually want current information, it is best to refer them to DAT, Charter Division, or the appropriate circuit court.

THE ARCHIVISTS' *BULLDOG*

Vol. 4, No. 27, 3 August 1990

RESEARCH NOTES by Pat Melville

The Immigration and Naturalization Service in Washington, DC has an index to naturalizations from 1906 to the present, regardless of which federal, state, or local court handled the process. This index is useful for researchers who do not know where a person was naturalized. The index will specify the place and court and then the research can contact that institution or an archives if the records have been so transferred.

THE ARCHIVISTS' *BULLDOG*

Vol. 4, No. 31, September 17, 1990

RESEARCH NOTES by Pat Melville

While trying to locate something else, I encountered an unusual chancery case. We all know that equity proceedings contain a wealth of information. On occasion we should remind ourselves of this fact and the following notes are serving that purpose.

Many equity proceedings in Maryland courts involved petitions to sell land. The stated reasons are usually fairly routine. The parcel is too small for division among several heirs or the sale proceeds are needed to pay the debts of an estate. **CHANCERY COURT** (Chancery Record) 129, pp. 308-323 [MdHR S 517-17843;1-35-3-38] contains a case instituted in part for nobler purposes. On July 17, 1824, Robert Welch of Ben, as guardian of Nicholas Darnall, filed a petition for the sale of land in Anne

Arundel County. Nicholas and his older brother Henry, both free blacks, inherited about 800 acres from their father Bennett Darnall. Since 1814, after Bennett's death, Henry and Nicholas had been living with Quaker families in Philadelphia and desired to continue residing in Pennsylvania. The petition then contains the following statements.

"The circumstance of the said Infant being himself a colored person and descended from a slave and having conscientious scruples against the practice of slavery would render it most unpleasant and unprofitable to him to retain the ownership of lands in a slave holding state where it is not possible to work such lands without employing slaves in the cultivation of tobacco and other planted crops. Indeed if he is not allowed to dispose of these lands and to convert them into a more satisfactory and profitable fund, the said infant will thus be deprived of the full enjoyment of this Estate bequeathed to him by his father. But admitting that these conscientious scruples are not to be regarded and that no wright whatever is to be allowed to the disinclination of the said infant to employ slaves as is indispensable on such an Estate as the one that is owned by him, it cannot be denied that at least one half the value of any property must be lost to the individual possessing it who is compelled to hold it in a community where he does not stand upon the same political and civil rights as other members of society and where he is subjected to do many degrading and burthinsome disabilities that he must almost prefer abandoning his property to retaining it under such a pressure."

Other documents in the case reveal that Nicholas and Henry Darnall and two other brothers, William and Philip, were the children of Bennett Darnall and his slave Susanna. Bennett Darnall in his will mentioned manumissions for Susanna and her children. In fact, three manumissions, dated 1802, 1805, and 1810, were filed with the AA Court because Darnall was uncertain of the legality of the earlier ones. These documents, not part of the chancery case, provide more details about the family. Susanna had two other sons in 1805 who were not included in the 1810 manumission and were mentioned in Darnall's will, but not acknowledged as his children. The 1810 manumission noted Susanna as deceased and gave

the ages of William 17, Philip 14, Henry 8, and Nicholas 6.

After Welch filed his petition and exhibits the Chancellor appointed commissioners to appraise the land, part of Portland Manor, and to make recommendations. The commissioners valued the land at \$13,495 and recommended that it be sold because it could not be cultivated without slaves and the current proprietor was a slaveholder. Robert Welch of Ben was appointed trustee to sell the land in 1825. At this point the proceedings stop. Maybe Welch could not complete the sale before Nicholas Darnall come of age.

Rather than stop the tale here I checked AA land records. In 1827 Henry Darnall by power of attorney to Welch sold part of his land. Henry had died by 1831 and his brother Nicholas inherited his property. Nicholas then divided all his land into four parcels and sold them.

THE ARCHIVISTS' BULLDOG Vol. 4, No. 33, October 1, 1990

RESEARCH NOTES by Pat Melville

FR CORONERS INQUESTS

Anderson, Patricia A., "Coroner's Inquests 1778-1789, Frederick County," *Western Maryland Genealogy*, Vol. 1, No. 1, January 1985, and No. 2, January 1985, contains abstracts of inquests of suspicious deaths. Ms. Anderson compiled the abstracts from records here at the Archives. She concluded that the inquests "show a readily-admitted belief in acts of God to explain accidental deaths and the instigation of the Devil to explain acts of violence and suicides."

The following summaries are taken from Anderson's article. In 1779 an infant died in a tan vat accident. In 1780 a slave died by the accident of God. In 1783 a boy drowned when he fell off a log he was using to cross a creek. In the same year a runaway slave had been captured and, while being taken across the Monocacy River in a boat, he jumped overboard and drowned because his arms were tied. In 1784 a man

died of smallpox. In 1785 a man murdered his wife and four children with an ax and then stabbed himself with a penknife. In 1785 another runaway slave died, this time from the freezing cold. One man stole a keg of brandy and four days later was found dead with the empty keg. In 1786 a woman was accused of murdering her newborn infant. In 1787 a man beat his wife to death.

Several men while in jail, including one imprisoned for debt, died of natural causes. The inquests list many accidental drownings, many deaths attributed to drinking including a man who, while trying to climb a hill, tumbled into a creek at the bottom of the hill, and several suicides by hanging.

THE ARCHIVISTS' BULLDOG Vol. 4, No. 38, November 19, 1990

RESEARCH NOTES by Pat Melville

CHANCERY COURT (Chancery Papers) 10028
[MSA S512, MdHR 17898-10028-1/5, 1-39-2-34]

Chancery case 10028 involves people living in Baltimore County and in England and land and mineral speculation in Western Maryland and what is now northern West Virginia. In 1849 George Neilson filed his bill of complaint against the heirs and representatives of Richard Caton who had died intestate in 1845. Incidentally Caton was a son-in-law of Charles Carroll of Carrollton. Neilson had tried to collect a debt owed by Caton by having his land in Allegany County sold. But this attempt was blocked by claims that the land was held in trust for Caton's daughters and thus not subject to seizure for the father's debts. Neilson claimed this was a fraudulent maneuver to prevent creditors from getting their money. The personal property of Caton's estate was insufficient to cover all debts. Thus, Neilson wanted the court to order a sale of real estate.

Richard Caton had four daughters, three of whom married titled Englishmen and lived in Great Britain. They and the other defendants presented basically the same answers to the bill of complaint. They

all said that the three daughters living in England periodically sent money to their father for investment purposes. Caton used the funds to purchase land in the coal and iron regions of Western Maryland and Virginia. Some land was deeded to William Woodville, Caton's nephew, as trustee for the daughters. In some instances Caton would invest his own money and become part owner of some of the parcels.

The more interesting parts of this case concern the exhibits filed by both sides. There are transcripts of civil cases in the Allegany and Baltimore county courts. The original papers of these cases may not be found among the extant records of those two courts. One daughter submitted extracts of her father's letters. The defendants also filed several original letters written by Richard Caton to his daughters. The letters and extracts showed Caton acknowledging receipt of money and describing the investments he made. Caton also described in detail the land and stocks being purchased, gave progress reports, and speculated about future prospects. Besides proving the defendants' points, these exhibits give information about mining, canals, and railroads in Western Maryland and northern Virginia in the mid-nineteenth century.

In 1847 Richard Caton attempted to establish a coal and iron company in order to realize a return on his family's lands in Allegany Co. A copy of the prospectus summary, and exhibit in the case, appears at the end of this newsletter. The attempt to sell the lands and form a corporation did not succeed, in part because Caton died in early 1845.

James H. Stimpson testified in 1852 about the lands in Allegany Co. The case file offers no clue about Stimpson's role in any of the points introduced into court. But he did list each parcel of land and give the tract names, acreage, and owners' names. He described the land as vacant and unimproved and worth between \$.25 and \$2.00 per acre.

Another unusual feature of this chancery case is the existence of the Chancellor's notes, made presumably when he was considering his decision in 1852. The Chancellor felt that the evidence supported the defendants' contentions and yet revealed that Richard Caton had owned some land in his own right and

some in common with his daughters. So he decreed that the lands owned outright Caton should be sold to satisfy the debt.

The case papers do not reveal whether the sale actually took place. In 1853 the Chancery Court eased to exist and all pending proceedings were sent to the appropriate circuit court. In the Neilson case this could have meant either Allegany Co. where the land was located or Baltimore Co. where some of the litigants lived. Or, maybe the case was settled out of court.

THE ARCHIVISTS' BULLDOG

Vol. 4, No. 40, December 10, 1990

RESEARCH NOTES by Pat Melville

CHANCERY COURT (Chancery Papers) 10309

[S512, MdHR 17,898-10,309-1/4, 1-39-2-71]

In 1837 a woman filed a bill of complaint against her ex-father-in-law. She and her husband had separated in 1827 and obtained a divorce in 1835. After the separation the wife lived in Baltimore and Washington, DC with her family. The husband retained custody of their daughter who has been born in 1824. After the husband's death in 1835 the wife tried to meet with her daughter. After these attempts failed to produce satisfactory results, the mother decided to sue the grandfather, who was legal guardian of the child, in order to obtain custody.

Rare indeed is a child custody suit in the 19th century, especially one involving a parent. The names of litigants and witnesses are not being used in this article because of the personal nature of the information revealed in the documents.

Amidst the claims of abuse and abandonment it is difficult to determine from the chancery papers a clear picture of what caused the breakup of the marriage. Of course, this was not the matter under consideration. The issue concerned the custody of a child. The mother claimed that the grandfather was too old to be an effective guardian and that he had no wife or daughter to help him. She ignored the fact that his other son and his family lived in the

same house. The mother also claimed that her daughter was not receiving an education. In his answer the grandfather denied all these allegations, said his granddaughter did not wish to live with her mother, and accused the mother's uncle of scheming to kidnap the daughter in 1836.

The rest of the case file contains testimony and exhibits from both sides. The plaintiff's witness included two aunts who operated a boarding house in Washington, DC, an uncle who worked as clerk for the U.S. Treasury, a U.S. Supreme Court justice, a former SO register of wills, and a former SO orphans court judge. The defendant's witnesses were locally prominent planters, businessman, and politicians. Most of the testimony centered around the competency of one person to be the guardian and the incompetency of the other.

From these same documents one can glean much genealogical and biographical information about both sides of this troubled family. For example, the grandfather had been a SO orphans court judge and a successful businessman. Specifics about the education of his two sons were presented. One son, the plaintiffs' husband, had not been financially successful and was supported by his father. The other son became a medical doctor and practiced in SO. The plaintiffs' uncle had been a member of the House of Delegates from SO. Then he worked as a land surveyor in Indiana and later as an agent for the American Colonization Society in the western territories.

Other matters for which opposing versions were presented concerned two visits between the mother and daughter in 1836 and plots to kidnap the daughter. As a result of a court order from a WO Court judge, two visits between the mother and daughter were arranged. Everyone agreed that the daughter did not want to see her mother and that both meetings were unpleasant. The second visit ended violently. The mother claimed she was trying to hug the child when three men pulled her away. The men claimed that they rescued the child from being abducted by the mother. Afterwards the quarrel erupted into print. The mother's uncle prepared two pamphlets for local distribution and the three men printed one. Two of the pamphlets appear as exhibits in the case file. Each

side gave its version of the visits and the kidnapping plots.

After reading this chancery case one could easily react by feeling very sorry for the daughter for imposing on her a variety of adult disputes. In the end her guardianship was resolved very sadly. The case file shows nothing happening after February 1838. Marriages and Deaths of the Lower Delmarva by F. Edward Wright contains an entry about the daughter's death at the home of her grandfather in June 1838.

THE ARCHIVISTS' BULLDOG Vol. 5, No. 2, January 21, 1991

RESEARCH NOTES by Pat Melville

CHANCERY COURT (Chancery Papers) 11141

[MSA S512, MdHR 17,898-11141-1/2, 1/39/3/76]

The history of mills in Maryland is a subject that interests many people. Chancery case 11141 provides information relevant to this topic. The case concerns land on which was situated Roxbury Mill, which was located near the town of Roxbury in what is now western Howard County.

According to the bill of complaint filed in 1822 Samuel Thomas and his wife Anna owned the land and the mill in 1818 when they sold it to their daughter and son-in-law, Julianna and Isaac Knight. The Knights had agreed to pay to the Thomas an annuity of \$300 per year and \$150 per year to the survivor. This agreement was secured by a mortgage. Anna Thomas died in May 1820 and Samuel Thomas in September 1820, leaving Julianna Knight and Elizabeth Snowden as their heirs. The latter and her husband Nicholas Snowden, the administrator of Samuel Thomas' estate, were the plaintiffs, claiming that the annuities were never paid and requesting the court to grant a mortgage foreclosure.

Legal activity ceased until 1824 when an amended bill of complaint was filed. During that time Isaac Knight had become insolvent. In 1824 Isaac and Julianna Knight filed their answer. According to their

version of events, the Knights purchased the land and mill for \$18,000, \$5,000 of which Samuel Thomas had promised to release as a gift to his daughter. The rest of the money was paid to Thomas prior to his death.

Knight also claimed the annuities were paid, partially by settling a civil suit filed against Thomas. Roxbury Mill had been using machinery upon which Oliver Evans had obtained a patent. Thomas, however, has never paid Evans for his patent rights; as a consequence Evans sued Thomas for \$800. Knight settled the dispute and paid Evans \$400, which amount Thomas agreed would be deducted from the annuity payments. As proof of the settlement Knight filed the license granted by Evans which allowed the construction and use of “my Patented Machine and Patented Improvements in the art of manufacturing flour or meal, as follow, viz. For elvating [sic] grain and meal and conveying the same from one part of the mill to another, and for cooling the meal and attending the bolting - hoppers; for the use of his (Isaac Knight) Mill consisting of one waterwheel, driving not more than one pain of millstones at the same time, situate on Cattail Branch, called Rocks Bury Mill...”

The back of the license contained a diagram of the mill machinery, reproduced at the end of this newsletter.

For unstated reasons Elizabeth Snowden in 1836 asked the court to strike the case off the docket. According to *Old Homes and Families of Howard County, Maryland* by Celia M. Holland Roxbury Mill, the last functioning grain mill in the county, ceased operations in 1958.

THE ARCHIVISTS' BULLDOG

Vol. 5, No. 6, February 25, 1991

SERENDIPITOUS NEWS Pat Melville

The introduction to *Archives of Maryland, Vol. LXI, Proceedings, and Acts of the General Assembly of Maryland 1766-1768*, contains a section regarding the condition of public records, a transcript is pro-

duced below. The page numbers refer to the text in Vol. LXI where one can obtain more detail.

The bad condition of the public records of the Province was reported to the Assembly at the 1766 session and again in 1768. A committee of twelve of the Lower House, headed by Robert Tyler of Prince George's County, was appointed to inspect the papers and records in the public offices at the May, 1766, session, and handed in an exhaustive report upon the records in the Land Office, the Provincial Secretary's Office, and the Commissary's Office. No mention is made of the records of the Governor and Council nor of the record of the Chancery Court which were apparently considered as Proprietary papers and therefore not subject to Assembly scrutiny. It was reported that in the Land Office the original land certificates were in the greatest confusion, that many had not been copied into the record books, and that the alphabets (indices) were incomplete and defaced; the judgments of the Provincial Court since 1765 had in part not been recorded and were badly indexed.

The recording of the session laws escaped criticism. Severe criticism was directed at the various testamentary records in the Commissary's Office. It was said that many of the original wills and other papers has not been copied in the record books, and that many omissions and mistakes had been found in the recording of several which had been examined; that the alphabets were in poor condition. There was a general criticism of all the public offices in that the records “for a Considerable Time Past Appear to be made up Generally by Persons who write incorrect and unsettled hands.” with this report were filed lengthy lists of the libers in the Secretary's Office and the Commissary's Office. These lists are still of value and interest to those who work among the old provincial records (p. 18,33-46).

On the closing day of the May session, the Lower House sent an address to the Governor, calling his attention to the condition of the public records and requesting him to use his influence with the “Gentlemen who Enjoy such Public Office”, to secure from them “a more exact Discharge of Duty” (p. 62).

At the 1768 session, a committee, again headed by Tyler, was appointed to examine the public records and made another somewhat less detailed report. This examination disclosed that the records in the Land Office from 1745 to 1768 were not in good condition and had been well transcribed in the record books, but that before 1745 they were still in bad shape. In the Commissary's Office recent records had been well cared for but before the year 1764 mistakes in recording had not been corrected and many of these earlier records had not been copied at all. The committee also reported that the records in the Assembly Office, presumably the journals and the petitions, were also in the greatest confusion (pp. 355-357).

THE ARCHIVISTS' BULLDOG
Vol. 5, No. 7, March 4, 1991

RESEARCH NOTES by Pat Melville

Has anyone ever wondered what property was owned by William Kilty, the compiler of Kilty's Laws of Maryland? Probably not, but ponder no longer; the answer will be supplied. On December 26, 1821, John Brewer and John Randall appraised the personal estate of William Kilty, deceased. The inventory is recorded in AA REGISTER OF WILLS (Inventories) THH 2, pp. 97-106 [MSA C 88, MdHR 13,810-1, 1-3-12-40]. In his house on West St. in Annapolis Kilty had possessed property worth \$3917.87 1/2. Some of it included a normal assortment of early 19th century household furnishings; other items were less usual. Among the latter were several book cases, a large sea chest, desks, a box of toys, chess set, piano, violins, and mandolin.

Not surprisingly most of the inventory consisted of the contents of Kilty's extensive library. Each title was itemized and appraised. Most titles of the law books and other publications are uninteresting to the average person even when average is defined as someone who works at the Archives. Some of the more noteworthy titles include the following: *History of the Devil*; *The Adventures of A Guinea*; *Encyclopedia of Wit*; "Collection of the official details

of the actions fought by sea and land during the late war"; *The Vision of Don Roderick*, 26 copies; *Landholders Assistant*, 100 copies; [written by William's brother John]

THE ARCHIVISTS' BULLDOG
Vol. 5, No. 10, March 25, 1991

SERENDIPITOUS NEWS by Pat Melville

PREROGATIVE COURT (Inventories) 32, pp. 18-21 [MSA S534-32, MdHR 1139, 1-11-5-21] contains an inventory of the estate of John Tharp of Kent County, 1745. In the list of livestock most of the horses were given names. Having never encountered such a document before, I felt it should be noted. Has anyone else has seen an inventory wherein individual animals are named? Incidentally, the horses were named Prince, Gray, Rock, Ball, and Mountain.

THE ARCHIVISTS' BULLDOG
Vol. 5, No. 11, April 8, 1991

BOOK REVIEW by Pat Melville

Elie Vallette, *The Deputy Commissary's Guide* (Annapolis, 1774)

Eli Vallette was Register of the Prerogative Court and perceived a need to prepare a guide for handling probate matters. He wrote the book for the purpose "of introducing a general uniformity in the proceedings of deputy commissaries, and of assisting executors and administrators in the performance of their duties." The Guide is an excellent source of information for legal requirements and procedures regarding estate and guardianship matters during the colonial period. Vallette used the word guide literally because the book is filled with detailed descriptions and instructions. It definitely does not fall within the realm of light reading. But the small volume is useful for answering legal questions about probate matters.

For the determination of who was entitled to be granted administration on the estate of an intestate, statutes laid out a specific system based on kinship to the deceased. The Guide outlines the goods and chattels to be included in the inventory and specifies who should sign the document. The section on administration accounts defines four classifications of debts due by the decedent, the order in which they should be paid, and the means of proving the validity of each type. Instructions are given for calculating the commission allowed to the executor or administrator and for constructing the account in a proper format.

Valette describes the various types of letters of administration, such as *de bonis non administratis*, granted when the former executor or administrator can no longer serve.

Valette defines wills in general and notes two kinds of wills, written and nuncupative, or verbal. Other matters discussed include the manner of proving nuncupative wills and the procedure for probating a will. A widow had the right to renounce bequests and devises made by her husband in favor of her dower rights, or one third of the estate. But the renunciation had to be filed within forty days after the probate of the will. Certain people were legally unable to write wills. Minors under twenty-one could not devise land, but if they were fourteen or older could bequest chattels. Married women could write wills, but only with consent of their husbands.

The Guide defines a legacy as a bequest or gift of personal property by a will. However, legacies could be paid only after debts were satisfied. There is a lengthy discussion about how and under what restrictions legacies were to be paid. Many wills, for example, made bequests contingent upon something such as reaching a specific age or marrying with permission.

Valette presents seven rules of descent for the distribution of real estate of a decedent. Preferences were given to male descendants, especially the oldest son, and to the lineal line of descent. A chart illustrating the lines of descent appears after p. 106.

Statutes specified how the property of an intestate estate was to be distributed. One-third went to the widow and the rest to his children. If any of these parties were deceased or never existed, the rules of distribution became more complicated. Valette describes several scenarios, such as a widow, mother, brother, and sisters as heirs, and specifies what should happen.

In the directions for guardians Valette observes that “the guardian, considered in the relation of a temporary father, undertakes a trust, which, if his heart is not debased by the passions of avarice, and rapacity, and steeled against every impression of humanity, every touch of sensibility, will be performed not only with the most disinterested probity, but with an assiduous, generous, and affectionate attention...” Orphans aged fourteen and older could choose their own guardians; the county court selected guardians for younger children. Guardians entered into land in order to secure delivery of the estate when the orphans come of age, males at twenty-one and females at sixteen or day of marriage. In order to preserve the lands and improvements thereon guardians had them appraised. The resulting document, annual valuation, described the land, listed improvements and noted their physical condition, and estimated the yearly value of the estate. To further protect orphans’ estates the guardians were required to file periodic accounts, and the county courts had the power to oversee and determine matters regarding guardianships.

The first part of the appendix contains forms that were used by the Prerogative Court, including a commission of rebellion. The second part of the appendix contains tables showing the conversion of sterling money into common money and an interest table.

When assisting researchers with questions regarding estates and money in the colonial period, we should try to remember to consult Valette’s Guide.

THE ARCHIVISTS' BULLDOG

Vol. 5, No. 12, April 15, 1991

RESEARCH NOTES by Pat Melville

While researching for my role in the Jacobsen Conference, I have found several interesting documents, one of which is abstracted below. On June 13, 1863, Lt. H. Thomas Burrows, 7th Regiment, Maryland Volunteer Infantry, Maryland Heights, MD, wrote a letter to Gov. A.W. Bradford. ADJUTANT GENERAL (Civil War

Papers) MSA S935-11, MdHR 50,037-3, 2-5-3-2.

I would most respectfully call your attention to a few questions which I have the honor to propound to your excellency.

I have frequently heard it asserted that your excellency is about to tender to the National Government, the services of several Regiments of coloured troops to be raised in this state. This rumor is quite prevalent here at present, and I would most respectfully request that you will be pleased to enlighten us as to the authenticity of it.

This rumor - no matter how groundless it may be - has had a good effect in removing from the minds of many of our good loyal citizen soldiers, a prejudice which has long existed against negroes being used by the Government in a military capacity, to assist in crushing this miserable Rebellion, - it has caused our men to look at the question in its proper light, and they have come to the conclusion that we must stand by the Government in all its lawful undertakings to mete out punishment to traitors and their sympathisers.

In case of it being the intention of your excellency to tender any portion of Maryland Quota of the 150,000 colored volunteers authorized by Congress last winter, to be raised at this time, several of our officers and enlisted men have determined to request of your excellency permission to raise a Regiment, which we have no doubt can be done in thirty days.

Should your excellency make up your mind to issue the proper authority for raising a Regiment of col-

ored Volunteers, I will at once send you the names of the men desiring to take part in the matters, in order that they can be properly commissioned and enter at once upon their recruiting duties.

Hon. Francis Thomas has kindly undertaken to forward our request, and will no doubt lend us his assistance in raising the Regiment.

Believing that the exigencies of the times demand strenuous efforts to protect our state against invasion, and hoping for an early and favorable answer to our proposal I am Your Excellency's Most Obedient Serv't.

THE ARCHIVISTS' BULLDOG

Vol. 5, No. 15, May 6, 1991

RESEARCH NOTES by Pat Melville

Les White found two interesting affidavits in CH COURT (Land Records) IB 6, p. 453 [MSA C670-43, MdHR 40,333-6, 1-7-7-36]. On August 30, 1805, Mary Thomas certifies that she is a free born woman and has eight children, born between 1788 and 1804. The names of the children and the birth dates are included in the document. Thomas Jenkins similarly files an affidavit certifying these facts. He also states that Mary Thomas' daughter Letty Thomas gave birth to a daughter in 1804 and that Terry Thomas, a free born woman, has two sons born in 1793 and 1796. The relationship between the two Thomas families is not given.

Henry L. Rogers, a retired District Court judge, recently wrote an article for the Daily Record about the crime of adultery in Maryland. In 1715 the punishment for someone convicted of adultery was a fine of 3 pounds currency or 1200 lbs. of tobacco. If the fine could not be paid, the sentence was a whipping on the back till blood appeared, but not to exceed thirty-nine stripes. A 1749 law abolished the corporal punishment and "called for a fine of 30 shillings, admonishment by the local minister and the giving of security to keep the child, if any, from becoming a public charge." By 1860 the penalty was set at \$10.00. That remains the law today. And, be-

cause the law has not been changed since 1860, only a circuit court judge can try the case.

THE ARCHIVISTS' BULLDOG

Vol. 5, No. 17, May 20, 1991

RESEARCH NOTES by Pat Melville

In AA COURT (Land Records) IHTI 1, pp. 603-605 [MSA C97, MdHR 4782, 1/1/16] appears a lease from Ephraim Gover, planter, to Abraham Perkinson, cordwinder, dated 1733. The twenty year lease encompasses fifty-six acres of Bachelors Choice, a tract near Jug Bay. The document is unusual because of the rent payments and an unclear title to the land. For the annual rent Perkinson agreed to provide "Six pair of Mens Strong Shoes, six pair of Womens Strong [shoes], four pair of Negroes Strong falls." [If anyone knows what type a shoe a fall is, let me know. Don't ask Lois Car; she says this record simply confirms her theory that a fall is really a shoe.] Perkinson could substitute four pounds current money, if the shoes could not be furnished.

"Whereas there has heretofore been a Rumor of the title of the said Land and if it should so prove that the title Should be defective then... the said Pirkenson is to pay No more Rent... and if the said Pirkenson Should put any Extraordinary buildings thereon... then the said Gover... shall Reinburst him..." at the time and for many years thereafter the Vestry of St. James Parish had problems with the boundaries of its adjoining land, called Wrighton.

THE ARCHIVISTS' BULLDOG

Vol. 5, No. 19, June 3, 1991

RESEARCH NOTES by Pat Melville

The Evening Sun, May 24, 1991, contained an article about a new biography of Billie Holiday. Much of the article concerns her place of birth. Robert O'Meally, the biographer, states that she was born in 1915, in Philadelphia, not Baltimore. He based his conclusion on records of the House of Good Shep-

herd, a Catholic home for black girls in Baltimore. A form filled out by Holiday's mother and a baptismal certificate list the place of birth as Philadelphia. Carl Schoettler, the reporter, tried another route to verify or refute the information by requesting a birth record search at the State ARchives. The state and local records staff found no record; nor, for that matter, did researchers in Pennsylvania.

SPECIAL REPORT by Pat Melville

Patterson Points, Vol. 4, No. 4, 1991, a newsletter of the Jefferson Patterson Park, contains an article about Maryland's archaeology collection. In February over 2200 boxes of artifacts were moved from three locations into the old Hall of Records Building. The building is described as "the perfect location to serve as an interim archaeology curation facility" because of the climate controlled stacks area. The collection and subsequent acquisitions will remain in our former site until 1996 when everything will be moved to a new archaeological conservation center at Jefferson Patterson Park.

THE ARCHIVISTS' BULLDOG

Vol. 5, No. 25, July 22, 1991

RESEARCH NOTES by Pat Melville

In the library will be found the following book by Samuel M. Andrusko - Maryland Biographical Sketch Index, Vol. I (1983). The book includes references to over 10,500 biographical sketches found in 33 state histories and biographical works and county histories. Most entries pertain to individuals; some refer to surnames when the family information in the publication was more prominent.

Andrusko's index should be consulted whenever anyone is trying to get biographical information about an individual because it provides a quick check of several publications some of which are poorly indexed anyway. A list of the works indexed appears at the front of the Index and each book is given a number. The index entries give these key numbers and a page number for the referenced book.

THE ARCHIVISTS' BULLDOG
Vol. 5, No. 31, September 16, 1991

RESEARCH NOTES by Pat Melville

Among the many documents processed this summer by the interns was a letter from a black woman in New Town, Worcester Co., MD, April 25, 1865, to President Johnson asking whether her former mistress could take her children.

“I want to know if my old mistees has enny right to take my children from me[.] she is going to send the sheriff I understand and take them[.] I have four children one son nineteen and one daughter fourteen whitch I have hired out by the year at good homes[.] my daughter is with Master John B. Melvin’s wife[.] Master John and his son is in the army[.] I have one girl eleven and son nine at home with me[.] my husban workes with his old master at ten dollars a month and ... I do all the worke that I can and my husban and mee can support our children and them that is hired out can support themself[.] help me pleas ... I am [al]most crazy[.]”

To make the situation more heartbreaking, the letter was forwarded to Jefferson City, MO, by mistake and then to MD. The resolution of the matter is unknown.

THE ARCHIVISTS' BULLDOG
Vol. 5, No. 32, September 23, 1991

RESEARCH NOTES by Pat Melville

Recently a researcher hit the jackpot by finding a will that not only gave the date of death but also the cause of death. PREROGATIVE COURT (Wills) 28, p. 349 [MSA S538-41, 1/11/1/35] contains the nuncupative (oral) will of Cloudsberry Kirby, TA, probated June 1, 1752.

“Christopher Spry and James Kirby, witnesses to a nuncupative will made by Cloudsberry Kirby... Joyner... say that on the thirtieth day of last May being only two days ago they heard the said Cloudsberry Kirby say (who was then dangerously

ill with a fall from a cherry tree) that in case he should die with that illness he would have all his estate go to his Mother Elizabeth Kirby... [H]e died the morning following which was the thirty-first day of... May.”

THE ARCHIVISTS' BULLDOG
Vol. 5, No. 35, October 15, 1991

RESEARCH NOTES by Pat Melville

Occasionally researchers use the House and Senate Journals, and the staff should know how to gain access to specific entries. The journals for each session are indexed, separately of course for the House and Senate. If a researcher is searching for a subject, person, or agency, the index entry does not give page number(s). Instead a cross reference to a number for a House Bill, House Joint Resolution, House Resolution, Senate Bill, Senate Joint Resolution, or Senate Resolution is given. This can be confusing because it is not readily obvious what the next step should be. One should look under H for the House documents and under S for the Senate documents. Under House and Senate respectively will appear the bills, joint resolutions, and resolutions in that order. The document numbers appear under each category in numerical order. These entries give the page number(s) for the journal entries.

If a research looked in the index of the 1985 House Journal for pharmacies the cross reference says See H.B. 1572. Under House Bills, 1572, is a brief statement giving the content of the bill and page numbers for the journal entries - 1193, 2137, 2270 (1050), 3015. The number in parenthesis refers to a roll call number on that page.

This type of indexing system was instituted in 1945 and continues to be used presently. The earlier journals contain index entries that give direct references to page numbers.

THE ARCHIVISTS' BULLDOG

Vol. 5, No. 37, October 28, 1991

RESEARCH NOTES by Pat Melville

Adoption in Maryland

Adoption in Maryland as a court proceeding is a relatively recent development. The first law regarding adoption was enacted in 1892 (Ch. 244) and provided that adoption petitions be filed in the circuit courts and handled as equity procedures.

Prior to 1892 there were no formal adoption procedures in Maryland. Instead people used other methods to accomplish the same purpose and sometimes, but rarely, used the word adoption. Often relatives would simply assume care over children whose parent(s) had died. If the minors inherited real estate the orphans court usually appointed these same relatives as guardians.

Name change procedures were also used to formalize situations where relatives or others had custody of children and wanted their surnames to be the same and wanted to secure future inheritances to them. In fact, some adult name changes occurred because the individual was being designated as the principal heir of an estate on condition that he or she take the testator's surname. Sometimes names were altered to legitimate bastard child(ren) or to give child(ren) the same name as a stepfather.

At first a name change was handled by petition to the General Assembly which granted the request through passage of a law. Not until 1868 (Ch. 311) did the legislature make this matter a court proceeding. After that the circuit courts heard name change cases as an equity procedure. The records prior to 1868 are found in the laws of Maryland. The ones for 1634 to 1854 are abstracted in *Divorces and Names Changed in Maryland by Act of the Legislature* by Mary K. Meyer.

Among the name changes granted by law through 1867 only four use the word adoption. An 1816 law (Ch. 210) states that "Isaac O. Lea, of the city of Baltimore, having adopted Lewis Pinney, an orphan aged about three years, and intending to educate and

support the said orphan as his own offspring, hath applied to this General Assembly to alter and change the name of the said Lewis Pinney into Lewis Lea ...". An 1820 law (Ch. 155) shows George Charles Townes petitioning for an act "to change his name to that of George Charles Thompson, to enable him to become the adopted child and heir at law of Thomas Thompson of the city of Baltimore, sea captain ...". An 1824 law (Ch. 150) states that "George Jacob, (silver smith and jeweller) and Louisa Decoutres, of the city of Baltimore, by their joint petition, have represented to this general assembly, that she the said Louisa desires ... to have her name altered to Louisa Jacob, and that said George Jacob wishes to adopt the said Louisa as his daughter ...". An 1847 law (Ch. 29) authorized James Cloudy and his wife Mahala of Washington County "to adopt the said Catharine Maker as their daughter and legal heir at law." The law also changed her name to Cloudy.

The significance of rarely finding the word adoption in records prior to 1868 is not readily apparent. I have not checked name change equity files for the later years.

Even after the adoption law was enacted in 1892 I suspect the procedure was not pursued too often until it became more legally and socially important to do so. Researchers wanting to search for adoptions records should be referred to county and Baltimore City equity dockets and then to case files if a docket entry is located. Most adoption files prior to 1947 are open and thus accessible to anyone. All files created after July 1, 1947 are sealed and can be opened only by court order. Some earlier files are also sealed because the law permitted parties involved in a proceeding to petition the court to close an individual file.

THE ARCHIVISTS' BULLDOG

Vol. 5, No. 38, November 4, 1991

SERENDIPITOUS NEWS by Pat Melville

CHAPTER 245, Acts of 1892

AN ACT to provide for the removal of the water

closet from the State House and for the erection of the same in a building elsewhere, and for the ventilation of the State House, the cleaning of the basement, and the renovating of the furniture of the Executive Chamber, and to appropriate a sum of money therefor.

SECTION 1. Be it enacted by the General Assembly of Maryland, That the Board of Public Works be and it is hereby authorized and directed to cause the water-closets to be removed from the State House and annexed thereto and to have erected a building near to and properly connected with the State House in which all water-closets for the use of the State House shall be connected.

SEC. 2. And be it enacted, That the said Board of Public Works is hereby authorized and directed to provide a proper and efficient system of ventilation of the State House.

SEC. 3. And be it enacted, That the said board of public works is hereby authorized and directed to have the basement of the State House and annex thoroughly cleaned, and all books and records therein of value to be stored in proper places of deposit; and such books and papers as said board, after due examination, shall not deem worthy of preservation it shall cause to be sold, and the proceeds of such sale shall be paid into the treasury of the State.

SEC. 4. And be it enacted, That the said board of public works is hereby authorized to have the furniture and hangings of the Executive Chamber repaired or replaced with new furniture and hangings in such manner as it may deem necessary for the comfort of the occupants thereof.

SEC. 5. And be it enacted, That the secretary of the State Board of Health be and he is hereby directed to act with the said Board of Public Works in all matters mentioned in the preceding section of this act which have reference to the ventilation and sanitary condition of the State House or any part thereof, and the building referred to and provided for in this act which is to contain said water-closets.

SEC. 6. And be it enacted, That fifteen thousand dollars or so much thereof as may be necessary be

and it is hereby appropriated to carry out the provisions of this act.

THE ARCHIVISTS' BULLDOG
Vol. 5, No. 44, December 23, 1991

PUBLICITY NEWS by Pat Melville

The Baltimore Sun, December 15, 1991, contained an article about Sulphur Springs which was a 19th century spa in what is now Arbutus. The land is now owned by UMBC which plans to build a research park. Charles A. Kucera has researched the site, using some sources here, and believes he has found the remains of the Sulphur Springs Hotel. He is "campaigning for an archaeological study of the area and for its preservation as a nature conservancy."

THE ARCHIVISTS' BULLDOG
Vol. 6, No. 1, January 6, 1992

SERENDIPITOUS NEWS by Dean Yates and Pat Melville

TV journalism has changed a lot since 1965. For instance, according to the 10 September 1965 minutes of the Department of Correction's Advisory Board [MSA S247], the Board exercised editing authority over a WMAR-TV news production. On that day, the Board met at the television station to preview the documentary prior to its 14 September public broadcast. After seeing the film, non-members (including Robert B. Cochrane, WMAR's Assistant General Manager) were dismissed while the Board met in executive session. During the session, the minutes report that "It was the general consensus of opinion that the reference to Lesbianism at the Institute for Women gave an untrue and distorted picture of conditions at the institution, and should be deleted." The minutes indicate that when Cochrane was called back into the room, he agreed to delete the "entire segment" which had distressed the Board.

The following nuncupative will appears in *PREROGATIVE COURT (Wills)* 18, p. 23 [MSA S 539-

26; 1/11/1/20].

“May 2nd [1732]. Then heard Mr. Cockshut say his two Daughters must be content with an 100 [pounds] a piece and that accounts between Mr. Lingan and him should be discharged on both sides. And his son Thomas to go to Doct. Locks, and be disposed of [sic], as he sees fit.”

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 3, January 20, 1992

SERENDIPITOUS NEWS by Pat Melville

For the researcher looking for a list of timber cut from a small portion of Cottingham in Talbot County, we have the answer. In *CHANCERY COURT* (Chancery Record) 71, pp. 119-190 [MSA S517-83; 1/35/2/21] appears the case of James Dixon and his guardian Samuel Troth vs. William Marsh Catrop. The bill of complaint was filed in 1796 and concerned the boundaries within part of Cottingham. Dixon and Catrop each owned 150 acres. Included in the bill was the chain of title from 1698 to 1796. By the time the case was finally resolved title can be determined through 1809. In 1781 Robert Dixon, the father of James, and Catrop had submitted their boundary dispute to arbitration and agreed to abide by the arbitrators' decision. The plaintiff accused the defendant of continuing to retain, use, and cultivate the part of the land that had been awarded to Dixon and wanted the court to compel Catrop to abide by the agreement.

Four years later testimony was taken concerning the boundary arbitration. After eight more years the Chancellor in 1808 confirmed the award and ordered the defendant to account for the profits derived from using the plaintiff's land. By this time Catrop had died and his heirs became the defendants. In 1809 the court auditor took testimony regarding the illegally obtained profits. Samuel Troth appeared with an itemized list of trees cut by Catrop on the disputed land between 1796 and 1808. The list included each type of tree and its diameter, i.g., popular tree, 1 foot 5 inches. There were 244 trees including popular, ash, gum, sycamore, maple, red oak, white oak,

mulberry, cedar, locust, walnut, and hickory. The largest were two red oaks, measuring 3 feet and 7 inches in diameter. The record does not indicate how the former guardian of James Dixon could compile this list of trees with such precision.

The Chancellor ordered the defendants to pay the plaintiff 465 pounds and 15 shillings plus interest for the trees and use of the tillable acreage.

The case papers are found in *CHANCERY COURT* (Chancery Papers) 1496 [MSA 512-1561; MdHR 17898-1496-1/4; 1/36/1/61].

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 4, January 27, 1992

RESEARCH NOTES by Pat Melville

Recently Greg found an index of officeholders in State Publications that was compiled by the State Roads Commission [8000865; 2/9/6/53]. The document is entitled “Alphabetical Index of Proper Names from the ‘Maryland Manual’ for the years 1959 through 1966 and from the ‘Directories of County Officials’ for the years 1964 and 1966.” Apparently the commission prepared the index as part of an investigation into public officials involved in public road contracts. An accompanying document contains an alphabetical list of individuals and firms involved with state road contracts.

The index of officeholders would be a quick way to check for public officials, especially at the state level, in the 1959 to 1966 period. It is much more comprehensive than the Historical List and encompasses several Maryland Manual indexes in one source. Each entry consists of a name (surname and initials only) and source abbreviation (MM for Maryland Manual and one or two letter designations for counties). A severe drawback to this index is the lack of volume and page references. Thus, if a name is shown as appearing in MM, a researcher does not know which one and would still have to look in each Manual. If, however, a name did not appear, a person would have eliminated the process of going through several Manual indexes.

THE ARCHIVISTS' *BULLDOG*

Vol. 6, No. 5, February 3, 1992

MORE SERENDIPITOUS NEWS by Pat Melville

On the last page of the Bulldog is a copy of a handbill advertising a stallion Pawnee Bill, offered by Daniel W. Townshend of Rutland, MD. This undated document was found in a box of miscellaneous court documents within ANNE ARUNDEL COUNTY CIRCUIT COURT (Equity Papers) T71. A notation on the back indicates that the paper was filed in an unspecified court case. If the case was an equity proceeding it did not involve Townshend because his name does not appear in the equity docket index, 1852-1937. Since the Archives has no general index to civil records, I did not try to check this category. Based on the type of paper, other papers in the box, and data shown below, the date of the document should be the late 19th century or early 20th century.

Rutland is an area located near Davidsonville just east of Routes 50 and 424.

From death records, marriage indexes, census records, assessment records, and land records I did compile some biographical information about Townshend. Daniel Webster Townshend was born in Brandywine in PG, on January 7, 1844, the son of George William and Jane Wall Townshend. On January 19, 1875 he and Martha S. Bealle obtained a marriage license in PG. In 1887 he purchased 119 1/2 acres in AA, called Chaney's Resolution in the deed and Springfield in the assessment record. Townshend and his wife were probably living in the county by 1876 because he was assessed for three horses in that year. The census of 1880 did place them in AA and listed Townshend's occupation as farmer. In 1904 his assessment included one stallion. The census of 1900 listed seven children living at home, ranging in age from six to twenty-three. Townshend died of pneumonia on November 29, 1937 at age 93.

THE ARCHIVISTS' *BULLDOG*

Vol. 6, No. 6, February 10, 1992

SERENDIPITOUS NEWS by Pat Melville

On the last page of the Bulldog is a copy of another handbill, also found in a box of miscellaneous court documents within ANNE ARUNDEL COUNTY CIRCUIT COURT (Equity Papers) T71. Neither side of the document contains enough information to determine the appropriate case citation. But it was filed somewhere in 1886. The handbill is an advertisement for the sale of lots in Brooklyn. I am intrigued that the first benefit cited on the handbill is a free bridge. The rest of the advantages were probably not that unusual for the late 19th century.

THE ARCHIVISTS' *BULLDOG*

Vol. 6, No. 7, February 18, 1992

SERENDIPITOUS NEWS by Pat Melville

The illustration on the last of the Bulldog can be interpreted as it was intended in 1765 or viewed in a more modern context.

The graphic comes from The History of Maryland Slide Collection [MSA SC 1260-54]. The guide to the collection contains the following description. "The Stamp Tax of 1765 was passed by Parliament nearly six months before it was to go into effect, and colonial hostility proved so strong that by the time of the November deadline, no agents could be found to distribute the tax stamps. In defiance of the law, many newspapers continued to publish, many of them printing instead a 'stamp' which expressed clearly their political position." This 'stamp' appeared in the Maryland Gazette, November 1765.

THE ARCHIVISTS' *BULLDOG*

Vol. 6, No. 12, March 23, 1992

SERENDIPITOUS NEWS by Pat Melville

Found loose in KENT COUNTY COURT (Proceedings) C 1091 was a document listing the "Rules for

regulation of the Grand Jury” with the fine for each rule infraction.

1st: The roll to be called each morning of the session of the grand jury on the assembly of the jury in their room. Anyone late ten minutes or more to be fined \$.25.

2nd: No witness to be questioned but by the permission of the foreman, penalty of \$.10.

3rd: No member to leave the room without the permission of the foreman, penalty of \$.25.

4th: Smoking in the grand jury room, fine of \$.25.

5th: Profane language, fine of \$.25.

6th: Private conversation while a witness is in the room, fine of \$.10.

7th: Colts to pay footing [I have no idea what this means], at least \$1.00.

8th: Members leaving the room by permission of the foreman not to remain out more than twenty minutes, penalty of \$.20.

9th: The foreman leaving the room without appointing a foreman pro tem, fine of \$.25.

10th: The foreman shall give notice when the door of the jury room is open by a rap on the table, fine of \$.10 if not done.

Any member feeling aggrieved by any fine may appeal to the grand jury and his fine may be remitted by a two thirds vote.

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 13, April 6, 1992

RESEARCH NOTES by Pat Melville

The Maryland Genealogical Society Bulletin, Fall 1991, Vol. 32, No. 4, contains an alphabetical list of Baltimore City birth records, 1865-1894. Mary K. Meyer transcribed these records from a book that was created as a result of a 1865 law that required

the recording of births and deaths by clerks of the county circuit courts and the Baltimore City Court of Common Pleas. The Baltimore City record somehow ended up at City Hall where it was found in 1971. A newspaper reporter then took it to the Maryland Historical Society where Ms. Meyer made her transcriptions. After that the book was supposedly sent to the Baltimore City Archives. But as of last year no one had any knowledge of its location.

Like the county records, the Baltimore City birth record probably contains substantially less births than actually occurred. But for the period 1865 to 1874 especially the transcriptions provide another potential source of birth information. Each entry gives the name of the child, sex, race, date of birth, names of the parents, occupation of the father, and date recorded.

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 17, May 11, 1992

SERENDIPITOUS NEWS by Pat Melville

In the October term 1829 of the Frederick County Court Robert Chapman was indicted on three counts of passing counterfeit bills. On November 7 he was arraigned and pled not guilty. He was found not guilty on one count and guilty on two counts. The judge sentenced Chapman to a total of 10 years in prison with 10 months in solitary confinement. Appearing in the case file is one of the counterfeit bills and a drawing of the bill. (See copies at the end of the newsletter.)

This document was brought to my attention by a researcher who is studying the criminal justice system in Frederick County. The case file has been accessioned in FREDERICK COUNTY COURT (Court Papers) C 773-34; 1/41/8/44.

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 19, June 1, 1992

TRANSFER NOTES by Pat Melville

In the early 1970's the Archives (then the Hall of Records) faced a space problem in its stacks. There was very little room left for more records and an increasing number of government officials, especially circuit court clerks, were beginning to realize that they could no longer adequately house their older files. Over time Ed, first as Assistant State Archivist and then State Archivist, and I developed and implemented a plan to pack, inventory, and store large quantities of mostly county and Baltimore City records.

The clerk or register of wills and Ed or I would determine which records should be transferred to the Archives. Quite often it was as simple as the agency wanting to empty out a storage room or office by sending permanent records to us and destroying the disposable materials. We decided very quickly that trying to rearrange records into their original order (chronological, numerical, etc.) would not work well because of sometimes chaotic storage conditions. Instead the records would be boxed and inventoried as found. The labor force usually consisted of myself as supervisor and students hired by the court. For inventory control and ease of marking boxes and volumes we devised a nine digit coding system at the series level. The first set of three numbers designated the jurisdiction such as Baltimore City, the second set the office such as the Superior Court, and the third set the series. We used the Historical Records Survey files to determine the series numbers. These files were also useful for identifying and describing records that we should and might encounter.

The Archives' space problems were solved by arranging to store the records in the state record center, first in Jessup and then in Cheltenham. We used several methods of transporting the records to these warehouses including vans and staff from Records Management and the Archives and rental trucks driven by the same staff.

Many of us have fond memories of shelving records in and providing reference from the tobacco warehouse in Cheltenham.

The first tests of the inventory and transfer system

occurred with records of the Baltimore City courts. Most were stored in the basement of the courthouse, a dungeon-like area littered with catacombs filled with files and books. Some rooms had been used for the storage of coal in the past and not thoroughly cleaned before records were put there. Most of the coal dust dissipated as the records were packed and moved. But some files retain a black veneer that rubs off easily onto skin and clothes.

Another unusual feature of the courthouse basement was the loading area. One could drive a car or van into the basement through a narrow, steep passage with a sharp turn at the bottom. There was room to park four vehicles; but the first one out faced the challenge of getting the car or van facing forward to drive out. There were pillars to dodge and it was impossible to back up the ramp. The state van accumulated many scratches from the brick walls. For loading and unloading a larger vehicle could be backed onto the ramp until it was stopped by the ceiling.

[In the next installment I will discuss highlights of individual inventory and transfer projects in Baltimore City.]

THE ARCHIVISTS' *BULLDOG*

Vol. 6, No. 22, June 22, 1992

TRANSFER NOTES by Pat Melville

The last article outlined the procedure for the inventory and transfer of large quantities of records, that was developed in the mid-1970's. The labor pool usually consisted of an Archives' staff person and students hired by the agency. Within a three year period, 1974 to 1977, the Archives inventoried and transferred about 9000 cu. ft. of material from the Baltimore City courts. The general working conditions were described previously. However, not all records were located in the basement. Some were found in the offices and upper level storage areas. In this and subsequent articles I will concentrate on the interesting challenges and unique discoveries encountered during inventory and transfer projects in the Baltimore City courthouse. The first test of the

inventory and transfer procedures with the records of the Superior Court ran fairly smoothly.

The second attempt with the records of Circuit Court No. 2 did not proceed as smoothly. The overall atmosphere of the office was clouded by malfeasance charges against the clerk. Employees were taking sides, concerned about who was talking, and apprehensive about their jobs. The students hired to work with me picked up these tensions and involved themselves in the office politics to the point where two of them could not work together. One day they even got into a fist fight. Interference from the regular staff caused additional tensions and extra work.

Hundreds of loose case files were lying around because few people bothered to refile them. We boxed the files as found, but had to inventory each file number.

The ultimate test of my ability to withstand mental stress occurred on a Friday, on what was anticipated to be the last day of inventorying. A fairly large quantity of records remained to be transferred, including a small room filled from top to bottom with about 400 boxes. Above this room was a holding area for juveniles. Just after we quit work on Thursday one of these individuals tore out some plumbing in the bathroom. The water entered that small storage room in the basement and poured into the hallway where more records were being temporarily stored. The water was shut off, but the records were allowed to sit in water overnight. The cleanup, drying, reboxing, and reinventorying extended over four days. Fortunately the boxes in the small room were so tightly packed that the containers in the middle were unaffected.

When the project was completed, the Archives became the depository of over 1700 cu. ft. of permanently valuable equity papers. We found several interesting exhibits, mostly photographs. One exhibit is still fascinating. Two Baltimore firms were manufacturing ice cream biscuits, rectangular containers that were forerunners of the current round cake cones. The firms were disputing exclusive manufacturing rights in 1927. In 1977 we found one of the exhibits, a box of biscuits in perfect condition. The Archives

has retained this document ever since, except when it was on exhibit at the Baltimore Museum of Industry.

SERENDIPITOUS NEWS by Pat Melville

On the last page of this newsletter is a copy of a flyer concerning a trip around the world. It was found by Beverly in a church record recently loaned to the Archives for filming. [MSA SC 1630].

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 24, June 29, 1992

TRANSFERS NOTES by Pat Melville

This article continues the saga of record transfers from the Baltimore City courthouse.

During the summer of 1976 the records of the Court of Common Pleas and Register of Wills were inventoried and transferred; a total of 1381 cu. ft. Prior to that time there had been leaking water pipe problems in one of the basement storage rooms used by the Court of Common Pleas. Most of the files were stored in metal cabinets covered with plastic and thus remained dry. Some of the cabinet drawers had rusted shut. We solved that problem by using crowbars.

The metal cabinets mentioned above are not the same file cabinets we use today for flat filing of letter and legal size papers. Clerks and registers throughout Maryland used large cabinets for storing folded documents. Each drawer in a cabinet measured about 9" high, 5" wide, and 15" long. Some cabinets were built into or anchored onto walls and others were placed loosely in storage areas. The Baltimore City Register of Wills had one room filled with these cabinets to the top of the 14' ceiling. One gained access to the upper files by climbing a ladder that moved along a track built into the ceiling. We began the boxing of these files by carefully carrying each drawer down the ladder and taking the empty one back up. The students quickly abandoned this practice and used a system of dropping the documents to the person packing the box. This method usually worked well because most papers were tied into

bundles. Loose papers were carried down. As might be expected, some bundles did break. At that point we simply retied the papers.

This room with the high cabinets apparently had been used for purposes other than the storage of records. A few drawers contained empty whiskey bottles behind the documents. One day I discovered the students huddled behind a door looking at something with great interest. They had found a deck of pornographic playing cards.

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 29, August 31, 1992

RESEARCH by Pat Melville

When working with the records of the Department of Health and Mental Hygiene, Stephanie found some unique, but vital documents. In (Minutes) [MSA T 1358, 2/60/5/7] she discovered blueprints for the Department of Health Approved Sanitary Privies, which were billed as combining "the features of fly-tight construction and good ventilation". The blueprints were accompanied by step-by-step instructions for building the privies including specifications for the size of the seat and a pulley and sash weight to keep the door closed. [See next pages for copies of the blueprints.]

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 30, September 8, 1992

TRANSFERS NOTES by Pat Melville

This article is the last installment in the saga about record transfers from the Baltimore City courthouse.

In December 1976 and January 1977 I supervised the inventory and transfer of records from the Baltimore City Circuit Court. We boxed and moved 2377 cubic feet of equity papers and 195 volumes of related records. Once again students hired by the clerk's office did the boxing and inventorying. We were able to handle a large amount of material in a relatively

short period of time because the files had been maintained in an orderly manner, even in the basement catacombs.

Problems encountered in previous transfers were minor compared to what happened during this one. Many files were stored in large metal cabinets, about 6' by 4', some of which were stacked two high. One day a student was standing on a ladder and handing me the files to put in boxes. Suddenly he yelled, "It's falling." I ran and then turned around to see what had happened. The top cabinet had fallen to the floor and tilted against filled record center boxes stacked along the wall. The student on the ladder was nowhere to be seen. We quickly found him physically unharmed behind the fallen cabinet. When the cabinet had begun to move, he had jumped to the floor and was protected because the boxes of files had prevented the cabinet from falling flat on the floor.

We did not reenter that storage room until the fallen cabinet was removed and all the other stacked cabinets were braced. No one begrudged the sorting and reboxing of files from boxes that had been crushed by the falling cabinet. After all they had saved one person from injury or death. During the remaining time in that room we worked with extreme caution and jittery nerves. We would all jump when hearing an unexpected noise such as a dropped file or a creaking door.

In planning all future record transfers I placed safety high on my list of factors to consider.

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 32, September 21, 1992

TRANSFERS NOTES Pat Melville

In this installment I will highlight unusual happenings during a few more record transfer projects. A future article will concern the adventures of other staff members.

I have one more note about a transfer from the Baltimore City Courthouse. In the summer of 1977 we inventoried and transferred 500 boxes and 300 vol-

umes. As boxes were filled we stacked them against a wall and in the process covered a vent for the air conditioning system. This incident caused the air conditioning to stop functioning in one of the courtrooms. The judge was somewhat unhappy.

In the summer of 1976 we inventoried and transferred 461 boxes and 809 volumes from the Frederick County Circuit Court. The records were stored in the third floor attic which had a floor covered with dirt as a fire prevention measure. Some of the files had remained in good order in cabinets. Others had migrated to piles in cardboard boxes and on wooden shelves. The Archives and the court received a fair amount of media coverage during this project. The local newspaper sent a reporter and photographer and featured an article and photograph on the front page. The local radio station interview me for one of its news broadcasts.

We rented a truck to move the Frederick County records to Cheltenham and I was the appointed driver. One day after traveling about a mile I noticed that smoke seem to be coming

into the cab. Soon I saw flames coming from underneath the cab. I left that vehicle in one heck of a hurry and called the fire department. Only then did I remember that the truck was loaded with records. Luckily by the time the fire truck arrived the fire had burned itself out. Foolishly I had left the emergency brake on and it got too hot. As I recall that was the last time I drove a rental truck.

In the summer of 1981 two Archives interns and I moved 137 volumes from the St. Mary's County Register of Wills. (We used a state van.) It was raining when we left Annapolis and it was raining even harder when we reached Leonardtown. Old court-houses, of course, do not have loading docks. So we were planning to use the handicap ramp, which meant the records would get wet. We did devise a way to load the records while keeping them mostly dry. The maintenance department provided a flat bed cart and the register of wills found large, white plastic cloths. So down the hall and outside we went with white shrouded loads of records, causing stares and comments from many people. It looked like we were re-

moving a body.

Several years earlier Ed, Greg, and I had moved circuit court records from the basement of the jail in Leonardtown. It was so hot and humid in that storage area that we were going outside during a typical sultry summer day to cool off. In addition, we were wearing face masks because of the insecticides and other products being used to control bugs and vermin. Some records were so badly mildewed that we eventually had to dispose of several boxes of matted papers.

THE ARCHIVISTS' BULLDOG

Vol. 6, No. 33, September 28, 1992

RESEARCH NOTES

The Calvert family received Maryland from the King as an outright gift. The Calverts spent a large part of their fortune settling and securing the province, and the successive Lords Baltimore were determined to recoup as much as possible from their colony in the New World.

The Calverts initially granted land to settlers who would pay their own way to Maryland or who would pay the cost of transporting others. Later they sold land outright. In either case, the Calverts retained a perpetual interest in all land granted by charging an annual fee per acre, called a quitrent. A great part of the profits that flowed into the Calvert coffers came in the form of these annual rents collected by their agents in Maryland. The annual rents due were carefully recorded in the Rent Rolls, which today are an invaluable source for studying the early settlers and landholding patterns in colonial Maryland. These records are particularly useful for counties where earlier land records are not extant, such as Calvert and St. Mary's.

Patrons using the Rent Roll series at the Maryland State Archives should be aware of the Rent Rolls found on microfilm number M921 through M927. These were filmed by the State Archives in 1966 from the Calvert Rent Rolls at the Maryland Historical Society. They compliment the volumes at the State

Archives, and in certain respects provide information available nowhere else.

The Calvert Rolls were sent by the provincial secretary or later by the Rent Roll keepers of both shores to the Lords Baltimore. The Calvert Rolls are indexed by the name of tract and all persons who at one time or another possessed, leased, or fell heir to the property. The Calvert Rent Rolls provide the only complete index to those people who possessed the land, since the Archives indexes access only the tract name and original grantee. Of particular importance are the early rolls for St. Mary's, Calvert, Charles, and the Isle of Kent. The Calvert Rent Rolls cover the periods 1659-1660, 1704-1707, and the later ones begin in the 1730s.

For other information about rent rolls and their indexes, see *Bulldog*, Vol. 2, Nos. 25 and 35.

THE ARCHIVISTS' *BULLDOG*

Vol. 6, No. 34, October 5, 1992

RESEARCH NOTES by Pat Melville

ANNE ARUNDEL COUNTY REGISTER OF WILLS (Wills, Index) 1777-1958 [CR 3229] is an incomplete index. The record contains names beginning with A through M for 1777-1958. But for names beginning with N through Z the date span is 1819-1958. Thus for 1777-1818 for N-Z there is no index to wills on microfilm. Instead we must use one of the original volumes MSA C 154.

MORE RESEARCH NOTES by Pat Melville

GOVERNOR AND COUNCIL (Pardon Papers) [MSA S 1061-1, MdHR 5401-1-46, 1/46/1/1] contains documents pertaining to John Derr who was accused of passing counterfeit bills. On July 20, 1780, Richard Potts wrote to Gov. Thomas Sim Lee, requesting a pardon for Derr. "There is a man confined in this [Frederick Town] gaol on suspicion of having knowingly passed counterfeit money. This man is a native of Pennsylvania, has a wife and four children, and a good home in that State, was taken up at Tawney Town on his way to Virginia and com-

mitted by Mr. [John Ross] Key. To avoid the ruinous Expense of waiting a Trial at the General Court, and tempted by the great premiums given men to raise the new Regiment, he wishes to enlist as a soldier during the War in the Regiment, if he can obtain a pardon and receive the large Bounty given by Classes."

Potts went on to explain that John Derr used several bills that he thought were legitimate to pay expenses at a tavern and that the counterfeits closely resembled the real thing. Potts also described Derr as a model prisoner, unlike others at the jail. On July 24 the governor did pardon Derr "on condition that he do forthwith enlist himself into the Regiment extraordinary for some one of the Classes of the Militia in the same County and that he do not depart the same Regiment during the War or until regularly discharged."

The file contains two of the counterfeit bills (see copies at the end of the newsletter) which have been removed to Special Collections and replaced by xerox copies.

THE ARCHIVISTS' *BULLDOG*

Vol. 6, No. 41, November 23, 1992

LEAD COFFIN PROJECT by Pat Melville

The discovery of three 17th century lead coffins in St. Mary's City led to a cooperative project to examine and study the contents. An organizational meeting was held last spring at the State Archives to lay out the components of the project. Participants included anthropologists, archaeologists, forensic experts, geologists, atmospheric scientists, historians, archivists, radiobiologists, and pathologists.

The coffins were finally opened this month. One contained the body of a female and another a baby. The third was opened on November 13. Members of the project had hoped to find an intact skeleton of Philip Calvert who died in 1682, but the condition of the remains is such that only through DNA analysis and other scientific data will such a positive identification be possible.

In preparation for the opening of the third coffin Ed Pafenfuse and Lois Carr served on the Coffin Advisory Committee and prepared a biography of Philip Calvert. They described him as the "Consummate Public Servant and Keeper of the Conscience of Maryland." Philip Calvert was the sixth son of George Calvert, first Lord Baltimore. Cecil Calvert, second Lord Baltimore, sent his half brother Philip to Maryland in 1657 to supervise re-establishment of the government which had been seized by radical Protestants. Philip Calvert remained in Maryland the rest of his life and held a variety of offices including councilor, provincial court justice, principal secretary, judge of probate, and chancellor. For a brief period he was also governor.

ABC's "Nightline" filmed the activities of the lead coffin project from the time of the meeting last spring and features scenes at the State Archives. The program was aired on the 13th. Greg is making available his videotape of the program. Anyone reading this newsletter is invited to attend the viewings which are scheduled for Monday, November 30 at 12:30 p.m. and for Wednesday, December 2 at 12:30 p.m. People may bring their lunch and join us in the conference room.

THE ARCHIVISTS' BULLDOG

Vol. 7, No. 5, February 16, 1993

SERENDIPITOUS NEWS by Pat Melville

In BALTIMORE COUNTY COURT (Land Records) HWS IA, pp. 567-570 [MSA C352-18, MdHR 4898, 2/12/10/38] appears a Report of the Records in Baltimore County, dated April 20, 1741. It was prepared by Richard Caswell and John Ristean and listed the records to be turned over to Thomas Brerewood, Sr., the new court clerk. The list mentions each volume, its physical condition, type of binding, and existence of an index. All the land records are itemized by volume reference and described as "well bound with a good and sufficient alphabett". Two land commission books are similarly described. All these records have survived to the present as originals or transcripts transferred to the Archives.

The proceedings did not fare as well, then or later.

Many of these records were preserved and sent to the Archives. Others did not withstand the ravages of time and inadequate storage conditions. The earliest proceedings, 1665-1708, are noted as "Regularly Entered but the Books Decayed and broke out of the Bindings." The later records are described as "whole and well Bound." By the time the proceedings come to the Archives several time periods are missing from the series, specifically 1665-1682, 1686-1691, 1696-1708, 1725-1728, 1732-1733, and 1734-1736.

Other records mentioned in the report were missing in 1741 and not found later or did not survive into the 20th century. "There are Several Small Books in Bad Order Consisting of Deeds of gift, Bills of Sales, Servants Indentures, Marks, Brands, Births of Children and Marriages the Libers of them not plainly to be Discovered." Oh, to have these records today. Original papers (not further described) were nonexistent for 1665-1708, incomplete for 1708-1715, and complete for 1715-1741. They were filed in bundles, a practice followed well into the 20th century. Some of these early papers were transferred to the Baltimore City Archives where they were indexed as a WPA project in the late 1930s. About 40 years later the papers and a copy of the index were transferred to the Archives. The papers are found in BALTIMORE COUNTY COURT (Miscellaneous Court Papers) [MSA C1], which date from 1729.

THE ARCHIVISTS' BULLDOG

Vol. 7, No. 7, March 1, 1993

FEDERAL JUDICIAL RECORDS by Pat Melville

From the U.S. Circuit Court for Maryland the Archives has (Minutes) 1790-1911 [MSA SM 192] and (Criminal Papers) 1795-1860 [MSA SM 194] and from the U.S. District Court for Maryland (Bankruptcy Papers) 1800-1803 [MSA SM 193]. The following descriptions of the courts and their records are derived from pamphlets received with the films from the National Archives.

The Judiciary Act of 1789 provided for a system of

district and circuit courts in addition to the Supreme Court of the United States. The act divided the country into thirteen judicial districts, each with a district court and a district judge. The districts were grouped into three circuits - eastern, middle, and southern. Maryland was part of the middle circuit which also included Pennsylvania, Delaware, and Virginia. At first the court in Maryland sat alternately at Annapolis and Easton. In 1797 the Easton site was replaced with Baltimore. An 1802 law provided for holding both the district and circuit court at Baltimore only.

The jurisdictions of the district and circuit courts varied over the years. The district courts had original civil and criminal jurisdiction. The circuit courts had both original and appellate jurisdiction. The district courts had exclusive jurisdiction over bankruptcy, admiralty, and some criminal cases, seizures of land, penalties and forfeitures incurred under federal laws, and suits against consuls and vice consuls.

The first national bankruptcy act was enacted in 1800 as emergency legislation following the depression of 1797 and was to continue for five years. As business conditions improved the act was repealed in 1803. The act of 1800 applied only to merchants or other persons residing in the United States who engaged in the wholesale or retail merchandise trade or dealt in exchange or as a banker, broker, factor, underwriter, or marine insurer. The act provided for compulsory or involuntary bankruptcy, but not voluntary bankruptcy.

Most of the case files from the Maryland district court are arranged chronologically by date of the creditors' petition. When this document is not extant, the arrangement is alphabetical by name of the alleged bankrupt person. Other documents within each file may include proofs of publication, bonds and affidavits of creditors, oaths of commissioners, proofs of debts, schedules of property and debts owed, depositions, discoveries, and transcripts.

The circuit courts had both original jurisdiction and appellate jurisdiction over decisions of the district courts. Original jurisdiction in civil cases involved suits over \$500 in which the United States, an alien, or citizens of different states were parties. The cir-

cuit courts also heard cases relating to the infringement of patents and copyrights, transportation of passengers in merchant vessels, controversies between trustees in bankruptcy and claimants to property held by the trustee, violations of civil rights and elective franchise, importation of alien contract labor, registration of trademarks, and unlawful restraints of trade and monopolies.

Until 1842 the criminal jurisdiction of the district courts was extremely limited, and almost all cases were tried before the circuits courts. The (Criminal Papers) of the court for Maryland relate to mutiny, piracy, assault and battery, theft, murder on the high seas, slave trade, counterfeiting and forgery, perjury, mail theft, sedition, smuggling, and conspiracy to invade nations at peace with the United States. There are also suits concerning unlawful arming of vessels, trading without a license, and false reporting by U.S. census takers. The case files are arranged chronologically by court session and then alphabetically by name of defendant. When there is more than one defendant, the case is filed by the name of the first person named. Documents in the case files may include bills of indictment, presentments, pleas, recognizances, depositions, affidavits, writs, court orders, petitions, warrants, bonds, and pardons.

(Minutes) of the circuit court for Maryland provide a daily record of activities in court. They are arranged chronologically by date of the session. The minutes show dates of sessions, names of presiding judges, and judgments and orders arising out of all cases before the court, original and appellate, civil and criminal. The minutes also contain naturalization proceedings, admission of attorneys to practice, names of grand and petit jurors, findings and verdicts of juries, settlement of cases by agreement, approval of accounts submitted by court officers, adoption of procedural rules and administrative regulations, and appointment of court officials.

The minutes relate to cases concerned with such matters as the maintenance of U.S. neutrality during foreign wars, disputes with France during the John Adams administration, embargo during the Thomas Jefferson administration, evasion of customs duties and trespass laws, salvage, privateering and prize

law, mutinies and revolts, bankruptcy, slavery and slave trade, protection of patents, ejection of tenants and rent procedures, suspension of habeas corpus during the Civil War, and voting rights during Reconstruction. The minutes contain copies of some official correspondence including letters appointing justices, judges, and clerks. The writ of habeas corpus issued by Chief Justice Roger Taney on May 26, 1861, for the release of John Merryman and related correspondence were entered in the minutes. There are also some eulogies and newspaper articles concerning the deceased persons.

In 1891 the authority to handle appeals was removed from the circuit courts and given to the newly created circuit courts of appeal. In 1911 Congress abolished the circuit courts altogether.

THE ARCHIVISTS' BULLDOG

Vol. 7, No. 9, March 15, 1993

SERENDIPITOUS NEWS by Pat Melville

CHARLES COUNTY CIRCUIT COURT (Equity Papers) Box 16, Case 986 [MSA T 2154, 1/23/12/34] concerns a dispute in 1901 over the lease of land on the Potomac River for the digging and dredging of sand and gravel. The plaintiff, working as a sole proprietor, claims that the landowner reneged on the lease agreement they had in order to accept a more lucrative offer from a sand and gravel company. At one point the plaintiff tries to finalize the agreement by sending the landowner a \$10.00 bill (see copy on last page). The landowner tries to return the bill by registered mail which the plaintiff refuses to accept. For reasons that only a legal mind can fathom (meaning I gave up trying to understand the lengthy handwritten opinion), the judge rules against the plaintiff.

Can anyone identify the people portrayed on the bill? The answer will appear in the next issue of the Bulldog.

CARROLL COUNTY CIRCUIT COURT (Court Papers) Box 3A [MSA T2120, 1/54/10/38] contains several newspapers, mostly the Carroll Record. They

were probably filed because they contained legal notices. The July 26, 1912 issue (also found on microfilm, M8726) contains the following medical information. "Another cure from rheumatism, is to be struck by lightning, or rather, to have the lightning strike so close as to have the current pass through the body and bring unconsciousness. Being stung by bees will likely be more popular than this new treatment, which is said to have fully cured a New York woman, on Monday."

THE ARCHIVISTS' BULLDOG

Vol. 7, No. 10, March 22, 1993

SERENDIPITOUS NEWS by Pat Melville

Nancy Bramucci correctly identified the figures shown on the \$10.00 bill depicted in the last newsletter. The figure on the left is Daniel Webster, U.S. Congressman and Senator, and Secretary of State in 1841 and from 1850-1852. The scene on the right shows Indian Princess Pocahontas being presented to England's royal court. The bills in this series of \$10.00 notes were nicknamed the "Jackass" notes because the eagle on the bottom looks like the head of a jackass when the note is held upside down.

This information comes from Robert Friedberg, Paper Money of the United States: A Complete Illustrated Guide with Valuations (The Coin and Currency Institute, Inc., Tenth Edition).

THE ARCHIVISTS' BULLDOG

Vol. 7, No. 38, December 6, 1993

SERENDIPITOUS NEWS by Pat Melville

Paul found a marriage certificate, dated 1942, in which the groom is listed as being two years old, and his occupation is given as "Shoe Factory". Presumably the age designation is missing a digit, and the man simply worked in a shoe factory.

THE ARCHIVISTS' BULLDOG

Vol. 8, No. 1, January 10, 1994

RESEARCH NOTES by Pat Melville

Like other slaveholding states after the Civil War, Maryland enacted legislation providing for the legitimization of marriages that previously had occurred between blacks (Chap. 413, Laws of 1867). "All marriages, heretofore made and celebrated in this State by and between colored people are hereby confirmed and made valid ... from the time of the celebration of such marriages ...; provided, that in every case the parties claiming to have been married, by a competent person, shall by sufficient proof before some Justice of the Peace establish the fact of having been so married, a certificate of which shall be filed with the Clerk of the Circuit Court of the County in which said marriage was celebrated, or the Court of Common Pleas of Baltimore City, and be preserved with the Register of Marriage Licenses in the office of said clerk."

I looked through the Baltimore City marriage records for 1867 to 1869, but found no example of anyone using this law to record a marriage. [I did find a marriage taking place in the Baltimore City jail.] Whether the law was ever used or even whether it was known to the black community is unclear. Or, it may have been too difficult to establish "sufficient proof" of marriage.

ARTISTIC RECORDS by Pat Melville

Many of the clerks who recorded documents in record books took pride in their penmanship. Some viewed their work as art and created some fine line art work within the records. Or maybe they were bored and added interest to their workday by doodling. Carson Gibb in the course of his research discovered a series of drawings of animal and human figures in LAND OFFICE (Patent Record, Original) 1678-1681 WC 3, pp. 378-391 [MSA S920]. The information, but not the art work, was transcribed into (Patent Record) 21 [MSA S11].

THE ARCHIVISTS' BULLDOG

Vol. 8, No. 27, August 29, 1994

SERENDIPITOUS NEWS by Pat Melville

ANNE ARUNDEL COUNTY COURT (Land Records) IB 2, p. 120 [MSA C97-10] contains the following receipt for a "long standing" debt [found by Rouse Todd]:

Received of Thomas Holms the sum of ten shillings on Account of a Lot by the house of Mr. Loyd which is in full of all accounts from the Beginning of the world to this day. Lane Todd, September 19, 1713.

THE ARCHIVISTS' BULLDOG

Vol. 8, No. 28, September 12, 1994

FAMILY TIES by Pat Melville

[The following article appeared in *Antique Week*, December 18, 1989, as a reprint from the *Delphi Times*, May 19, 1893. Phyllis Moore, a historian/genealogist from Delphi, IN, provided the information. Pat Anderson supplied a copy of the clipping.]

In the early part of the winter of 1824 two young men clad in the homespun suits of that date, with their mothers and sisters made their appearance in Pulaski County (Ind.). Each selected a 150-acre tract of land lying on the banks of the Tippecanoe river near Winamac. They were James MEISLEY and Robert WALLACE. Each erected a log cabin and each married each other's sisters. In a year two babes were born, but the wives died and the two widowers in time sought consolation by marrying their mothers-in-law. Two more babes were rocked in the cradle, but the fathers were widowers again.

For the third time they bore the matrimonial yoke by marrying their mothers-in-law's cousins. Again their family cares were increased, and two more little ones rolled over the hewed log floors. Their wives died and the widowers married their mothers-in-law's sisters, and in a year two bright little ones clasped their little hands, and again two widowers solaced each other in their grief.

Again they married, this time widows and a further increase was made to their families. Their wives died, and in the meantime their daughters by the first wives had grown up to womanhood and married and their daughters were blooming into the matrimonial market.

But Jim and Bob did not give up their matrimonial intentions and they married again. In 1888 James Meisley died and Wallace, once more a widower, married Meisley's second daughter, and one child was the result of the union. Wallace's wife died in 1892, and the courts are called upon to decide what is the relationship of the children of both families to each other. Mr. Wallace says he believes if the right girl comes along he will marry again, although he is 96 years old.

The Archivist's *Bulldog*

Vol. 9 No. 23, July 17, 1995

ESTATE PAPERS by Pat Melville

Three years ago the Prince George's County Register of Wills transferred older, mostly 19th century, (Estate Papers) to the Archives where they were given a temporary series number of T698. Previously volunteers from the Prince George's County Genealogical Society had flattened the papers and placed them in folders, securing the items with metal clasps. As reference demands on the collection increased, the Archives identified the collection as a priority for processing and assigned the project to Ann Mack, one of our volunteers. Walter Krause, another volunteer, recently completed the work.

The order in which the files were received, alphabetical by names of the decedents, was maintained. The papers were removed from the record center boxes and the folders and placed in acid neutral folders and clamshell boxes. Each estate file was given a unique accession number consisting of the series number [MSA C2119], box number, and folder number(s). The date span for the (Estate Papers) ranges from 1766 to 1881, with the majority of the files falling between 1780 and 1845. Some estates contain only a few papers; others are quite volumi-

nous with many documents filling several folders. The types of documents include copies of wills, renunciations, administration bonds, inventories of personal property, lists of debts, accounts of sales of personal property, administration accounts, distributions, receipts, petitions, and claims of creditors submitted as promissory notes and detailed invoices and accounts. The index for this series is published in Index to the Probate Records of Prince George's County, Maryland, 1696-1900 (Bowie, Maryland: Prince George's County Genealogical Society, Inc., 1988) where the records are referred to as 1810A. The Archives will locate a file based on the decedent's name.

A DEED IN THE PATENT RECORDS by Pat Melville

When looking for early settler information, Carson Gibb found a deed with an unusual preface in LAND OFFICE (Patent Record) 5, p. 74 [MSA S11]. "At David Holt of St. Georges Request this deed is recorded Verbatim with what Nonsense it Contains in his Verbis. "Know all men that I Robert Holte do freely of my own free will give and make over to my Son David Holt, his heirs, Executors, Administrators and assignes, the one half of the hundred Acres of Land called by the name of Randalls Point, Hundred Acres, my Sonns Davids part, being that part or Side, which lyeth Easterly, of the Line of Mark Trees, which divideth the said hundred Acres, which said part lyeth towards Randalls Point, Wittnesss my hand the 11 of February 1661. Subscribed The mark of Robert Holt."

The Archivist's *Bulldog*

Vol. 9 No. 28, September 11, 1995

CLERKS OF THE COURTS IN BALTIMORE CITY by Pat Melville

Over the years I had compiled bits and pieces of information about the clerks of the six courts in Baltimore City. A recent request for a list of the clerks and their terms of office prompted me to review the files, search for gaps in the data, and produce the lists which appear below. The lists are being filed in

SPECIAL COLLECTIONS (Topic File) [MSA SC1456]

The following sources were consulted for the names and dates: Maryland Manual, 1898-1982, SECRETARY OF STATE (Commission Record) 1851-1967 [MSA S1081], BALTIMORE CITY CIRCUIT COURT NO. 2 (Minutes) 1948-1977 [MSA T1691], BALTIMORE CITY COURT (Minutes) 1867-1945 [MSA T531], BALTIMORE CITY COURT OF COMMON PLEAS (Minutes) 1950-1971 [MSA T1433], BALTIMORE CITY CRIMINAL COURT (Minutes) 1851-1971 [MSA T483], and BALTIMORE CITY SUPERIOR COURT (Minutes) 1851-1968 [MSA S219 and T590] and (Test Book) 1851-1982 [MSA C252 and T2394].

There are a few uncertain dates in the Circuit Court No. 2 list. The records are unclear about when the term for Alfred J. Shultz ended and the one for William R. Brewer began. The same is true for Elliott R. Morrison and John F. Kelly.

BALTIMORE CITY SUPERIOR COURT CLERKS

Edward Dowling, 1851-1856
John Spear Smith, 1856-1857
George E. Sangston, 1857-1863
Alford Mace, 1863-1867
George Robinson, 1867-1878
Francis A. Prevost, 1878-1882
Richard T. Allison, 1882-1883
James Bond, 1883-1895
Robert Ogle, 1895-1907
Stephen C. Little, 1907-1938
M. Luther Pittman, 1938-1956
James F. Carney, 1956-1968
Robert H. Bouse, 1968-1978
William Allen, 1978-1982

BALTIMORE CITY CRIMINAL COURT CLERKS

Thomas H. Moore, 1851-1857
Thomas H. Gardner, 1857-1863
James B. Askew, 1863-1867
William F. McKewen, 1867-1879
John S. Bullock, 1879-1891
Horace G. Dudley, 1891-1897

Henry J. Broening, 1897-1903
Sam W. Pattison, 1903-1921
Edward Gross, 1921-1946
Wilford L. Carter, 1946-1952
Lawrence R. Mooney, 1952-1972
George F. J. Brown, 1972-1974
Lawrence A. Murphy, 1974-1982

BALTIMORE CITY COURT OF COMMON PLEAS CLERKS

Lambert S. Norwood, 1851-1855
William J. Hamill, 1855-1861
James D. Lowry, 1861-1867
Isaac Freeman Rasin, 1867-1885
John T. Gray, 1885-1896
James M. Vansant, 1896-1897
James H. Livingston, 1897-1903
Adam Deupert, 1903-1921
James Y. Claypoole, 1921-1934
Frank C. Robey, 1934-1970
Joseph C. Dersch, 1970
Paul L. Chester, 1970-1975
J. Randall Carroll, 1975-1978
Saundra E. Banks, 1978-1982

BALTIMORE CITY CIRCUIT COURT CLERKS

William H. H. Turner, 1853-1859
Thomas B. Gaither, 1859-1860
George W. Sherwood, 1860
Robert J. Kerr, 1860-1861
J. Thomas Adams, 1861-1865
Samuel M. Evans, 1865-1867
James R. Brewer, 1867-1885
Alvin Robertson, 1885-1897
Barreda Turner, 1897-1903
Max Ways, 1903-1909
William M. Carson, 1909-1915
Charles R. Whiteford, 1915-1942
Henry J. Ripperger, 1942-1972
Louis Cohen, 1972-1978
Ronald J. Wiley, 1978-1982

BALTIMORE CITY COURT CLERKS

Andrew J. George, 1867-1873
Nathaniel C. Robertson, 1873-1880
William F. McKewen, 1880-1887
Henry A. Shultz, 1887-1905

George Carey Lindsay, 1905-1934
James B. Blake, 1934-1938
John O. Rutherford, 1934-1978
Elmer O. Harris, 1978-1982

BALTIMORE CITY CIRCUIT COURT NO. 2 CLERKS

John H. Suter, 1888-1895
Alfred J. Shultz, 1895-1901
William R. Brewer, 1901
Thomas A. Robinson, 1901-1907
John Pleasants, 1907-1939
Charles A. McNabb, 1939-1942
John S. Clarke, 1942-1956
G. Gordon Kirby, 1956-1970
Raleigh E. Stokes, 1970
John D. Hubble, 1970-1976
Elliott R. Morrison, 1976-1977
John F. Kelly, 1977-1982

The Archivist's *Bulldog*

Vol. 9 No. 32, November 14, 1995

CHATTEL RECORDS by Pat Melville

The following article (the first of a two-part series) stems from remarks made by Jerry Hynson, a reference volunteer and member of the Search Room Advisory Committee, who is abstracting manumissions from the Kent County chattel records. He was looking at the series as a rich source of data about slaves and free blacks in Kent County. This information and much more can indeed be found in the records.

The KENT COUNTY COURT (Chattel Records) 1750-1851 [MSA C1035] and 1750-1809 [MSA CM1256] contain materials relating to personal property and served as vehicle for recording documents that could not be placed in other record books in the clerk's office. The entries are arranged chronologically by recording date. Only the volumes between 1764 and 1828 contain indexes. The following analysis concentrates on records relating to slaves and free blacks. Other documents will be discussed in the next article.

Bills of sale, mortgages, and deeds of trust comprise the largest category of documents in chattel records. Some properties appear repeatedly throughout the records and others show up only periodically. Chattels sold and mortgaged throughout the time period of 1750 to 1851 include slaves. Some documents stand out from the others, especially the many sales to southern buyers in the 1820s, sales of "vicious and turbulent" slaves to out-of-state buyers per an act passed in 1833, and sales of wives and children to free black men.

Manumissions, 1764-1851, are documents giving slaves their freedom contemporaneously or at a later date. The records show names, ages, and freedom dates and include many granted by free blacks, especially for family members. In 1808, William Smith, a free black man, "...in consideration of the abhorrence in which I view all kinds of bondage and especially that which dooms a fellow creature to vassalage for life..." manumitted a negro woman Mary Smith, perhaps his wife [TW 2, p. 253].

The chattel records include powers of attorney whereby one person authorizes another to act on his/her behalf. Some granted the power to convey slaves, 1820-1837.

Some people filed depositions and agreements with the clerk of the court so that the information could be a matter of public record. Some depositions concerned the African-American population of Kent County, such as a jail escape in 1800, the free status of several blacks in 1822, and the ownership of slaves, 1823-1828. In the agreements individuals were contracting to abide by arbitration concerning the ownership or use of slaves, 1775-1837. In 1823, a free black agreed to let his son serve a farmer for 5 1/2 years and the farmer agreed to manumit the daughter of the free black. The document did not specify the reason for this agreement.

State law required anyone bringing slaves from out of state into Maryland to file a certificate with the clerk of the county court. The certificates of removal in Kent County, 1799-1851, list slaves coming mostly from Delaware. Other states were Louisiana, Missouri, and Virginia.

Some certificates of freedom are recorded in the chattel records - three pages in the back of WS 2 and one entry in JNG 2, covering the years 1781-1833. A discharge from a former slave owner, Isabella Pearce, was enrolled in 1809. "Samuel Chase and Hannah his wife both free Negroes of Kent County Maryland, have two children, the eldest of the two called Sam or properly Samuel born August the twenty fifth one thousand eight hundred and three, the other called Hannah between two and three years younger. The Mother of these children was formerly a slave of mine but has been manumitted by me soon after the birth of each of these children. I gave them to their mother to be her own property. But the parents still anxious and doubtful of the future freedom of their children has begged me to write something to confirm the gift, which I do here confirm by relinquishing all wright or claim to them and do hereby certify that I have never given to any person except their parents a right to claim any authority over them... [TW 2, p. 413].

Free blacks leaving Maryland but intending to return after thirty days were required to file certificates of intention to return to the state. The chattel records contain certificates for 1835 to 1845 and include a Methodist minister visiting his children and preaching, a wife accompanying her sailor husband to Nantucket, and others looking for work.

In 1828, a petition and court order to export a slave out of state were recorded. Among the 1843 chattel documents is a court order adjudging a free black the property of two men under Acts of 1826, ch. 229, sec. 9. Under that section free blacks after serving time in the Maryland Penitentiary were banished from the state. If found in Maryland sixty or more days after discharge, a free black could be sold into slavery for the time served in the penitentiary.

Based on past experience with chattel records I expected to find bills of sale, mortgages, deeds of trust, and manumissions. The other documents were less common, but in many ways more interesting because of their uniqueness.

The Archivist's *Bulldog*

Vol. 9 No. 33, November 27, 1995

CHATTEL RECORDS by Pat Melville

The previous article described materials concerning African-Americans found in KENT COUNTY COURT (Chattel Records) 1750-1851 [MSAC1035] and 1750-1809 [MSA CM1256]. This one will discuss all the other information in the records. The series contains documents relating to personal property and served as vehicle for recording papers that could not be placed in other record books in the clerk's office. The entries are arranged chronologically by the date of recording. Each volume between 1764 and 1828 contains an index.

Bills of sale, mortgages, and deeds of trust comprise the largest category of documents. Some properties appear repeatedly throughout the records and others show up only periodically. Chattels sold and mortgaged throughout the time period of 1750 to 1851 include household goods, livestock, crops and produce, merchandise from general stores, books, vessels, farm tools and equipment, carpentry tools, blacksmith tools, and fishing gear. Between 1750 and 1775 some individuals were selling their servants, and in 1831 the unexpired term of an apprentice was sold. One household sale in 1829 included a medical library.

In 1753 Edward Scott, merchant, sold the following to Joseph Nicholson, merchant: "One Third part of the Ship Industry, together with one third ... of the Tobacco, Iron, Walnut Plank, and Staves, now on board the said ship (as she lyes sunk off the Mouth of Worton) all which was purchased by me the said Edward Scott at a public Vendue" [A, p. 57]. Obviously the ship and its cargo held some salvage value. After 1831 many of the sales of vessels included enrollment bonds which were federally required for transporting cargo.

Other items being sold and mortgaged consisted of trade tools, such as surveying, 1764-1775, furniture making, 1798-1804, weaving, 1810-1832, shoemaking, 1814-1845, mill stones, 1823-1828, and cartwright, 1832-1837. Another category of income

producing items included hides and skins, 1790-1831, medicines, 1829-1832, and construction materials - lumber, logs, and bricks, 1810-1851. Sometimes entire businesses changed hands or were used as collateral, such as blacksmith shops, 1814-1818, apothecaries, 1831-1833, a tavern, 1835, saw mills, 1832-1837, silkworms, 1837-1845, hat shops, 1845-1851, and newspapers and printing shops, 1831-1851. The newspapers included *The Kent Examiner*, *Kent Inquirer*, *Kent Bugle*, *Weekly Herald*, and *Kent News*.

During the years 1750 to 1814 individuals were selling judgments rendered in court cases. At other times bills of sale and mortgages referred to church pews, 1801-1818, shares of an estate, 1804-1851, guns and swords, 1811-1851, stage coaches, 1820-1823, jewelry, 1820-1823, and U.S. maps, 1829. An 1826 bill of sale concerned the right to construct, use, and sell a patented threshing machine and patented corn sheller [TW 3, pp.456-458]. Although mortgages occur earlier, the releases do not appear in the records until 1810; they continue through 1851.

Some documents in the chattel records relate to land, and are usually found in the (Land Records) series. There are at least two sales involving the same structures in Chestertown, 1775-1790, described as "...two wooden Houses or Buildings Situated in Chester Town aforesaid in part of a lot of Ground leased to the said Levinus [Clarkson] by Thomas Van Dyke Esq. late of the same Town deceased one of which Buildings is now in the occupation of Gabriel Kingsbury & Nicholas Kirby Cabinetmakers and the other in the occupation of the said John Crockett..." [AB 1, pp. 137-138]. Other land related sales include the lease of a grist mill on Morgans Creek in 1794, leases of farms, 1823-1828, rents from real estate, 1831, interest in a house and lot in Queen Anne's County, sales contracts, 1800-1809, deeds, 1810-1845, plat dividing a wood lot between heirs in 1825, and a mortgage in 1842. On one deed is a notation about it being recorded in the wrong place and a cross reference to a land record book. The names in two other deeds do not appear in the Kent County land record indexes.

The chattel records include powers of attorney whereby one person authorizes another to act on his/her behalf to collect debts, 1750-1851, to collect

rents, 1798-1804, to recover money from estates, 1798-1818, to convey or lease land, 1810-1828, to negotiate or sell shares of estates, 1814-1845, to settle estates, 1832-1851, and to act as guardians, 1823-1828. In 1843 one man was given the power to sell policies for the Franklin Fire Insurance Company of Philadelphia.

Records pertaining to minors are found in the chattel records. They include valuations of land and buildings belonging to orphans, 1764-1788. Also recorded were apprenticeships of minors by trustees of the poor, judges of the county court, and parents, 1787-1834. An indenture of an adult was filed in 1785.

The chattel records contain instruments relating to personal and business finances, such as confessed judgments, 1775-1804, whereby debtors permit judgments to be entered by creditors, thus bypassing a court hearing. Other affairs of debtors are found in insolvency proceedings for the period 1783 to 1823. After that, until 1837, only the deeds of trust to trustees of insolvent debtors were recorded. The governor and council remitted a fine levied against an importer who failed to obtain a permit to sell merchandise; an extract of the minutes of the governor and council were filed in 1787.

Frequently appearing are records pertaining to government officials. There are commissions issued to justices and judges of the county court, 1788-1804, justices of the peace, 1794-1845, justices of the levy court, 1804-1837, coroners, 1810-1845, sheriffs, 1810-1837, clerks of the county court, 1814-1828, states attorneys, 1820-1823, and deputy states attorneys, 1823-1828. There are qualifications for deputy court clerks, 1783-1823, deputy register of wills, 1804, justices of the peace, 1804-1818, clerks of the county court, 1814-1823, and sheriffs, 1823-1828. Officials filing performance bonds included sheriffs, 1775-1851, tax collectors, 1775-1851, tobacco inspectors, 1783-1798, road supervisors, 1794-1845, road contractors, 1794-1828, coroners, 1798-1851, justices of the levy court, 1798-1828, registers of wills, 1798-1851, clerks of the county court, 1798-1845, standard keepers, 1798-1851, constables, 1798-1845, treasurers of the school fund, 1814-1837, and stewards of the almshouse, 1832-1845.

The Kent County chattel records also contain bonds for purposes other than officeholding. Some bonds concern actions by individuals, such as education of minors, 1790-1794, financial support of illegitimate children, 1775-1851, distribution of money to heirs, 1798-1818, and conveyance of land, 1804-1851. Others pertain to business and institutional activities, including the operation of Rock Hall ferry, 1783; operation of the Shrewsbury Church lottery, 1804-1809, and Washington College lottery, 1828; and construction of a bridge over Chester River at Chestertown, 1825.

Some people filed depositions and agreements so the documents could be a matter of public record. The depositions frequently were taken in reference to court cases, such as debts, 1775-1832; the ownership and use of livestock, 1783-1828; estate settlements, 1790-1818; boundaries, sales, and leases of land, 1801-1851; shares in the Chesapeake and Delaware Canal Co., 1807; murders, 1815-1823; use of bricks from Shrewsbury Church, 1816; and surveys of roads and rights of way, 1823-1828. One deposition, dated 1818 and describing an ear deformity, was filed to show the disfigurement was not the result of punishment for a crime. Agreements concerned distributions of estates and arbitrations to settle estates, 1775-1845, and a marriage contract, 1805.

A few corporate documents are found in the chattel records. Charters and charter amendments were filed by Hynsons Methodist Episcopal Chapel and Salems Chapel in 1807 and Wesleyan Chapel in 1830. Regulations of the Union Methodist Episcopal Chapel were recorded in 1835. In 1850 the Still Pond Division No. 83 of the Sons of Temperance of Maryland filed its constitution, by-laws, and rules of order.

Two records concern proceedings of commissioners appointed to lay out roads. The returns, including plats, related to a road from Rock Hall Road to a wharf at a shipyard on Langford Bay in 1825 and a road on Eastern Neck in 1827.

Individuals and government bodies filed a variety of certificates. Most involved stray livestock, 1775-1818, and the aggregate value of assessable property in Kent County and neighboring counties, 1794-

1809. Other, one-time records concern an oath of fidelity and oath as justice of peace dated 1792 and the age of an individual recorded in 1835.

Other documents in the chattel records include coroners' inquests, 1775-1845, an oath to become a citizen of Maryland, 1788, letters of administration on an estate in Delaware, 1811, and papers to show Revolutionary soldiers were entitled to pensions, 1820-1826. Some people filed receipts for legacies, use of servants and slaves, rent of land from Washington College, and mortgage payments, 1788-1851.

In 1799 the General Assembly ratified a constitutional amendment requiring each county to be divided into election districts and passed a law authorizing each county court to appoint commissioners to lay out the districts. The amendment specified three districts for Kent County, and the law directed the commissioners to file their return with the county clerk who placed it in (Chattel Records) TW 1, pp. 221-223. The return contains descriptions of the boundaries of the three districts. The respective polling places included Simon Wickes' dwelling house on his farm adjoining St. Paul's Church for the First Election District, courthouse in Chestertown for the Second Election District, and Jesse Boyer's house in Georgetown Crossroads for the Third Election District. In 1810 the polling place for the First District was changed to the brick dwelling house of Joseph N. and Mary Gordon, near St. Paul's Church [BC 3, pp. 110-111].

The range of documents in the Kent County (Chattel Records) was much broader than expected, and not nearly as mundane as the series title implies. One volume, TW 1 covering 1798 to 1804, even yielded pieces of a quill pen.

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Vol. 10 No. 2, January 22, 1996

INK TESTING IN THE 18TH CENTURY by Pat Melville

Bill Dow, one of our researchers, discovered interesting notations about the qualities of ink used for recording documents. The comments were written

by Solomon Wright, clerk of the court in Queen Anne's County, on a front flyleaf in (Docket) 1775-1777 [MSA C1391-16]. The first remarks are headed "Queen Annes County Docketts for the Years 1775, 1776 & 1777." Below that he wrote: "The above was written with an Ink made of the ripe Elder Berries pressed, and strained, and a small piece of Copper as dissolved therein, in order that posterity may be benefited by the discovery if this ink is as lasting as beautiful: October 25th 1777." About another ink he noted: "This Ink is made of the Ripe Elder Berry pressed and strained and a small piece of Allom dissolved therein. An ounce of Allom is sufficient for two Quarts of the Juice of the Berry."

The Archivist's *Bulldog*

Vol. 10 No. 3, February 12, 1996

GRAND JURY SYSTEM by Pat Melville

The Archives has grand jury reports from several county circuit courts: Anne Arundel, 1933-1981; Baltimore City, 1925-1964 and 1973; Baltimore County, 1960-1961; Calvert County, 1886-1942; Montgomery County, 1923-1976; Prince George's County, 1803-1887; and Wicomico County, 1900-1990. Some reports are found only in State Publications. The grand jury has been part of the Maryland judicial system since the colony was founded; it had been used in Great Britain since the 14th century. For an analysis of the grand jury and its work the following records were examined - ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178]. In a later article it will become clear why the board of education received reports.

The grand jury has two functions. First, it must hear criminal charges and return indictments or dismiss the case. Second, it must examine state, county, and municipal buildings where hazards to the public might exist. In Anne Arundel County the grand jury meets at each of the two court terms held each year.

Each jury panel contains twenty-three people, including one who is designated the foreman. Initially only men served on a grand jury. Not until October 1947 were women empaneled in Anne Arundel County. The names of the jurors appear in each report.

As each grand jury convened a circuit court judge offered remarks and instructions. In 1935 the judge summarized their criminal work as follows. "Some say your body is an arm of the court, others an arm of the police agencies. This is immaterial. It is sufficient that you are an indispensable part of the enforcement machinery of the laws of this county. Your duty is to hear accusations, and even to initiate accusations where acts or omissions constituting crimes, are within your own personal knowledge. Also, any citizen, including the Court, may bring to your attention such acts or omissions.... Most cases will come to you from the Police Justices, and will be submitted to you by the States's Attorney."

During the 1970s many organizations and individuals including the jurors themselves began to question the value of the jury's indictment powers. In the end the institution was deemed essential and retained. As stated in the September 1972 report: "When corrupt, power-hungry or demented men occupy high offices, the Grand Jury stands like a shield between the citizen and the arbitrary or capricious misuses of the sovereign power of the State. The grand jury, like the petit jury, affords the American citizen ... a vital and essential role in our system of justice. Citizen participation is all that makes a democracy possible."

During the same time period the jurors began to receive more detailed orientation and instructions, and a handbook was prepared. It contained a set of legal definitions that today can assist us in understanding the criminal justice system and its dockets and case files. An arraignment is the process of bringing an accused person before a court to inform him/her of the charges and to spell out certain rights. Sometimes this is called an initial appearance. At the circuit court level, the procedure includes a plea from the accused, a selection of mode of trial (jury or non-jury), and resolution of others issues involving pre-trial release or legal representation.

An indictment is a charging document returned by a grand jury based upon their finding that probable cause exists to charge an individual with one or more criminal acts. An information is a charging document based upon the oath of the State's Attorney that there is probable cause for the charge(s). In general, an indictment is used for felonies while an information is used for misdemeanors. There can be exceptions to this rule.

A preliminary hearing may be given in the District Court to a person accused of a felony to determine if there is sufficient evidence or probable cause to turn the case over for action of the grand jury or the state attorney.

The next article will provide more details about the criminal work of the grand jury, both routine matters and special investigations.

The Archivist's *Bulldog*

Vol. 10 No. 4, February 26, 1996

VOLUNTEER NEWS by Pat Melville

John and Lettie Cullom, two of our most diligent and competent helpers in the search room, have resigned as reference volunteers. The Archives will miss their services and contributions of time.

TRIBUTE TO AGNES KANE CALLUM by Pat Melville

As reported previously Agnes Kane Callum lost all her worldly possessions when a gas explosion and fire destroyed her Baltimore home on January 19. Gone were all her reference materials, years of research and writings, collected manuscripts, and family papers and memorabilia. Within days a Friends of Agnes Kane Callum group was organized to collect donations to help her restore the materials and tools needed to reconstruct research efforts and to embark upon new projects.

One month later on February 18 friends and colleagues gathered at a meeting of the Central Mary-

land Chapter of the Afro-American Historical and Genealogical Society in Columbia, where she had been scheduled to speak on U.S. Colored Troops in the Civil War. The event became a tribute to Agnes for her contributions to African-American genealogy and history and an effort to help rebuild her life as a researcher. Several speakers recounted research trips taken with Agnes, and others highlighted her accomplishments. Interspersed were stories from Agnes herself, including tales of her family research back to an Irish servant and a negro slave in the 17th century.

Agnes was presented with a variety of research materials and tools, and certificates for many such items in the future. Included were the twenty-one books she has written, a complete set of *Flower of the Forest* which is her journal of black genealogy, many other African-American reference books, use of a laptop computer, folders, and notebooks. It is hoped that the funds being collected by the Friends' account and a fund raiser in Chicago will be sufficient to purchase a microfilm reader and computer.

The Archives honored Agnes by giving her a microfilm copy of the St. Mary's County (Certificates of Freedom) 1806-1864 and a disk containing her finding aid for Comptroller of the Treasury (Bounty Papers) 1864-1868 [MSA S627]. This series contains correspondence and other documentation submitted by persons or their agents claiming Civil War bounties. Documents include affidavits of slave ownership, affidavits of freedom, bounty certificates and lists, death certificates, discharge papers, draft notices, manumissions, muster rolls, pension claims, powers of attorney, and substitutions. Agnes headed a group of volunteers who processed this collection of about 10,000 items and indexed the names found in the records. The presentation included a printout of the portion of their work converted to dBase. In addition, I read a letter from Ed, who could not attend, in which he offered our continued assistance to help Agnes reconstitute her research work and designated her one of our Adjunct Research Scholars. Also attending the tribute were Nancy Bramucci and Phebe Jacobsen who declared Agnes a worthy descendant of Irish Nell and Negro Charles.

CRIMINAL WORK OF THE GRAND JURY

by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178].]

At each court term a grand jury considers criminal presentations and determines whether there is enough evidence to indict the individuals charged. Each Anne Arundel County grand jury report contains statistics on these proceedings, and sometimes remarks on the types of cases being encountered. In 1939 the jury heard 38 cases, resulting in 24 indictments, 11 dismissals, and 3 holdovers. Three years later there were 52 presentments with 38 indictments, 11 dismissals, and 3 holdovers. In 1945 there were only 26 presentments because of a new law allowing the states attorney, at the request of the person charged, to take the case to trial without using the grand jury process. Ten years later the grand jury was hearing 140 cases, with only two dismissals. By 1975 the number has grown to 550 of which 548 were returned as indictments. In 1981 the jury handed down 610 indictments, while the States Attorney filed 159 informations.

Individual citizens could bring criminal charges before the grand jury, but seldom did so. The following lament was offered in a 1937 report: "The general public are very free in their complaints of violations of all kinds of law, and in criticism of the [police] officers, but when called upon to appear as witnesses in order to do justice they shrink from any publicity as to themselves, and refuse to appear to prosecute...." The jury considered this attitude especially prevalent in regard to violations of liquor licensing and gambling laws.

Between 1934 and 1965 the grand jury regularly investigated compliance with and violation of liquor license laws in Anne Arundel County and Annapolis. The juries' concerns often were rectified through subsequent state legislation or local ordinances. These matters included public notification about license applications, liquor board inspectors to investigate violations, sales near churches and schools, and days and hours of operation.

Three years after prohibition ended 223 liquor licenses were granted in Anne Arundel County and 78 in Annapolis which handled licensing separate from the county. By 1957 licenses in the two jurisdictions totaled 355. The grand jury was especially troubled by the licensing situation in Annapolis. Some hotels and restaurants in the 1930s acquired alcoholic beverage licenses when they did not meet the legal definition for such establishments. In 1938 the grand jury visited each hotel in Annapolis that claimed to have rooms and dining facilities. One had no kitchen and no food service equipment. Another placed cardboard partitions in large rooms to create bedrooms, and its dining room service consisted of three cups, two saucers, ten plates, twenty-five sauce dishes, and one soup bowl. A third placed beds in the living room, dining room, and kitchen to achieve the legal requirement of ten bedrooms. In 1952 the grand jury noted rumors regarding the sale of liquor to midshipmen by taxi drivers. In addition, regulations at that time permitted the sale of alcoholic beverages by telephone and home delivery, thus complicating the enforcement of laws pertaining to minors.

The grand jury criticized the county liquor board less frequently. The more common complaints concerned lax enforcement of liquor laws and inadequate record keeping. In 1940 past actions of the board could be determined only by calling witnesses to find out what happened. Legislation in 1963 placed a moratorium on the issuance of liquor licenses for two years. The grand jury recommended that the board use that time to reorganize its records so it could compile accurate information about locations and kinds of licenses and the persons holding them.

No grand jury in Anne Arundel County condoned gambling, even when slot machines were legal. A 1950 report called the enforcement of gambling laws weak because the county and city police forces were relatively small, officers were known to offenders, and police cars were readily identifiable. Many police officers questioned the expense and time involved in a gambling investigation as long as the offense was only a misdemeanor. In 1962 the jury surveyed the operation of slot machines and other gambling devices and concluded that slots could be eliminated without a severe economic impact on the

county. Monies spent on gambling could be put to better use, and revenue derived from the slots were absorbed by the costs of enforcing gambling laws. Despite regulations the jurors felt proprietors were letting minors play the slots and failing to report all receipts. Their solution called for “a total abolition of these gambling devices [which] would lend itself to the introduction of better government” and less crime. A few years later slot machines were abolished throughout the state.

The next installment will look at other criminal investigations by the Anne Arundel County Grand Jury.

The Archivist's *Bulldog*

Vol. 10 No. 5, March 11, 1996

CRIMINAL WORK OF THE GRAND JURY

by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178].]

Frequently, the Anne Arundel County grand jury conducted special criminal investigations, many of which failed to result in indictments. The previous article discussed the activities regarding liquor licensing and gambling. Other areas of concern included juvenile delinquency, organized crime, elections, and bribery.

The earliest concern about juvenile delinquency among the extant reports occurred in 1940. The grand jury attributed the rise in juvenile crime to parental delinquency and the automobile. Parental delinquency was defined as the neglect of children by their parents. The automobile permitted juveniles to come from surrounding counties to commit crimes. It also subjected young people to attack by parking with their friends in isolated places, too often first spending the evening at taverns. The grand jury continued to focus on alcohol as a factor, noting in 1943 that “it is not so much the child who needs a curfew law as it is ... those parents who deliberately abandon their infant children and spend their nights and

days in the various taverns.” The next report contained a recommendation for a law keeping children out of taverns and saloons.

By 1972, the grand jury was examining the juvenile justice system as a whole. It concluded that the states attorney's office and the court were keeping fairly current with case loads. Most delays and inadequacies were found at the state level with the Juvenile Services Agency. “Maryland's long-term detention facilities for juveniles are already overloaded, do not provide effective rehabilitation and have an unacceptably high escape rate.” Grand jury recommendations for change included dealing with first offenders quickly and firmly, providing harsher punishments for recidivism, developing additional detention facilities, and increasing rehabilitation operations such as youth sanctuaries and foster care homes.

On several occasions, the grand jury investigated election law violations and shortcomings. After the primary election in 1938 the jury received reports of infractions by election officials and police officers. Some police, one while in uniform, were soliciting votes and distributing campaign literature. Ballots in many polling places were improperly guarded after removal from ballot boxes. Many election judges and clerks lacked the training to tally votes appropriately, thus resulting in many inaccuracies. The grand jury returned no indictments because the irregularities stemmed from ignorance or lack of instruction from election supervisors and from partisanship and lack of supervision in the police department. During the general election that fall, the jurors visited every polling place and declared the election the most orderly and well conducted ever held in the county. Later extensive election law investigations were conducted in 1973 and 1974. The grand jury found insufficient evidence to substantiate most allegations and suggested legislation to remove ambiguities.

In 1955, the grand jury examined rumors that pressure from police in Baltimore City was driving organized crime into Anne Arundel County. Despite finding no evidence to support the rumor, the jury believed “that syndicated racketeers who operate big business in gambling, sports fixing, narcotics, and commercial prostitution endeavor constantly ... to

extend their sphere of operation in all directions....” In 1962 the grand jury conducted an inquiry into alleged bribery of members of the county delegation to the General Assembly, and after seeing insufficient evidence to indict anyone, declared media reports misleading.

In 1976 the grand jury handed down the first indictment under the new state antitrust law against a taxicab firm that held an exclusive contract to provide service at Baltimore-Washington International Airport. The indictment included several counts of false pretense and violation of insurance laws. The next installment will begin a consideration of the role of the grand jury regarding public facilities.

The Archivist's *Bulldog*

Vol. 10 No. 8, April 22, 1996

INSPECTION WORK OF THE GRAND JURY

by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178].]

In addition to investigations and considerations of criminal charges, grand juries in Maryland inspected public facilities in their respective counties. The definition of public buildings falling under the purview of a grand jury evolved over time. Always included, at least in the 20th century, were county and municipal jails, state prisons, state hospitals, county almshouses, police stations, courthouses, and schools. Included at other times were municipal government offices, fire stations, theaters, and other places considered public. The jurors did not confine themselves just to the physical plants. They also looked at the administrations of the systems and the operations of individual departments within the facilities.

The Anne Arundel County grand jury inspected a large number of building complexes because of the

many state facilities in the county. In 1935 the jury was charged with looking “into conditions at the House of Correction, Crownsville Hospital for Insane, Anne Arundel County Home, Maryland Training School for Colored Girls, and City Jail, and all school buildings, theaters and other public buildings where hazards to the general public are possible.” Usually the foreman of the jury assigned specific inspections to individual committees in order to divide the workload. Instructions from a judge in 1963 illustrate the expansion from physical examinations. He told the jury to consider county jail conditions, possible replacement of the magistrates court with a peoples court, need for qualified sanitary commission employees, need for conflict of interest law, regulation of trailer parks, need for additional men on the police force, and viability of the county civil defense board.

The inspection reports contained details about the shortcomings, and sometimes the strengths, of the buildings and the operations within them. In addition, the grand juries made recommendations to rectify the problems they encountered. The procedures lacked a mechanism to enforce the recommendations or to obtain responses from the administrators of the facilities under consideration. This problem persisted throughout the period of 1933 to 1981.

One of the 1948 juries examined past reports “and noted a very inefficient and discouraging practice of having no carryover from one Grand Jury to the other. The recommendations made by the retiring Jury have been filed and nothing ever happens to them by way of correcting the deficiencies....” A 1955 jury suggested that department heads be required to acknowledge receipt of reports and respond on actions to be taken regarding recommendations and suggestions. Three years later a report noted the following: “The general attitude of the public is that recommendations made by a Grand Jury amount to nothing and rarely is action taken to comply with...” them. The jury advocated publication of the reports and called for less frequent inspections, annually instead of semi-annually, since conditions were not likely to change that much within a year. In 1964 Anne Arundel County implemented the idea of splitting inspections between the two grand juries impaneled each year.

Some grand juries questioned the value of the inspection process. A 1961 jury wanted these duties eliminated. Because trained inspectors already examined many buildings the “trooping of Grand Jury committees through seventy or eighty schools, the Court House, the penal institutions, offices, and garages becomes a largely meaningless duplication of effort.” It was recommended that juries limit themselves to periodically checking the quality of the professional inspections. A 1975 report called routine inspections “senseless” because they reviewed the blatantly obvious problems and failed to perceive the situations only a trained person would see.

By 1978 the grand jury was confining its major inspections to facilities and institutions concerned with law enforcement and administration of justice.

The next installment will concern the findings and recommendations resulting from inspections of penal institutions.

The Archivist's *Bulldog*

Vol. 10 No. 9, May 13, 1996

GRAND JURY INSPECTIONS OF PENAL INSTITUTIONS by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178].]

The Anne Arundel County grand juries inspected all penal institutions, state and local, located within the county. The state facilities, all located in the Jessup area, included the House of Correction, Correctional Institution for Women, Correctional Camp Center, Patuxent Institution, and pre-release units. For two years there was a state prison camp located at Sandy Point. The County Jail was located in Annapolis. The grand jury usually inspected each institution and reported on conditions biennially until the 1970s when the jurors began to rely increasingly on annual inspections to fulfill their obligations.

The reports of the grand juries reveal the extent of the inspections which encompassed physical conditions of the buildings, living conditions and work opportunities for the inmates, and administration of the institutions. Some reports contain summary information about a facility, while others give detailed descriptions and analyses.

The House of Correction was the oldest state penal institution in Anne Arundel County. It was built in 1878 and expanded periodically during the next century. The original building was constructed of quarried granite, stone, and brick. Until 1942 both men and women were incarcerated at the House of Correction. From the 1950s onward overcrowding was a perennial problem. In 1955 the jury noted that the prison, meant to accommodate 700 inmates, was housing twice that number and that the new wing under construction was designed to handle only 400 more men. By 1965 normal capacity had reached 1500, but the population had risen to 1904. In 1977 the facility was 59% over capacity.

The grand juries often expressed concern about work opportunities for the inmates to keep them occupied and out of trouble. A jury in 1938 lamented the withdrawal of inmates from work on farms in the neighborhood of the House of Correction. The men had been performing wholesome work, the institution receiving produce, and the farmers saving crops. In 1955 prison labor was used for maintenance on state roads, building walks and other projects at state facilities, and working on the prison farm and in prison shops. The jury in 1965 commended the House of Correction for supplying food for its kitchen and furnishing milk to other state institutions.

The grand jury of the April 1965 Term conducted an especially thorough inspection of the House of Correction and produced a detailed, descriptive report. It covered administration, custody and security, inmate control and discipline, buildings and equipment, food, housekeeping and sanitation, medical and health services, and inmate employment and activities. Included were copies of handbooks for correctional employees and inmates. The report contained recommendations concerning preventive maintenance, public relations program to inform Maryland-

ers about the facility, personnel procedures, and overcrowding.

Sometimes a grand jury would describe a penal institution in terms not usually associated with a prison. A 1977 report said the Correctional Institution for Women “resembles a boarding school in a rural setting, with dormitories and a chapel around a grassy rectangle....” In 1973 the Maryland Correctional Camp Center was praised as being “very close to the ultimate in the search for the rehabilitation of inmates before they are returned to society.”

Prior to construction of the County Detention Center in the mid-1960s inmates at the local level were housed in the County Jail, a three story stone and brick structure built in 1913 on Calvert St. in Annapolis. Almost every grand jury report described deplorable conditions at the old jail, that were seldom corrected despite repeated recommendations. The jurors in 1933 noted poor ventilation in the cells and cell tiers, bedding in need of sterilization, lack of paint on cell bars, and debris in the basement. A 1946 jury called attention to a front door without a lock, “a ludicrous situation” that earlier had led to an escape. In 1957, the jail was described as “overrun with vermin, and those confined in many cases have venereal diseases; the cots are filthy and there is no chance for privacy....” In 1960, the problems included leaking toilets, no separate bathrooms for female prisoners, no laundry facilities, and dirty matresses.

Many grand juries attributed poor jail conditions to lack of interest by the county commissioners and inefficient administration. The sheriff operated the jail, but not until 1946 did he have the authority to appoint the warden and deputy wardens. In 1957 there were only four guards during any one 24-hour period to oversee between 75 and 85 inmates. Prisoners were used to perform several functions in the jail, including maintenance and cooking. One jury wondered what would happen if no qualified cooks were incarcerated. Record keeping remained an issue until 1965 when the warden established a system of individual folders for each prisoner and segregated them into active and inactive files.

Calls for a new county jail appeared throughout the grand jury reports for many years. In 1951 it was deemed inadvisable to expend capital funds for remodeling an old, inadequate structure. The county commissioners obtained authorization to build a new jail in 1957, but failed to acquire a site until 1964. The April 1965 jury report contained the preliminary drawings for the proposed detention center. This same report presented a detailed description of the county jail, in which the jury examined the administration and management, building, cleanliness and sanitation, food, health service, and inmate activity, recreation, and employment.

Even relatively new penal facilities were not immune to failings and criticisms. By 1978 the grand jury was finding fault with the Detention Center by citing poor sanitation, insufficient staff, inoperable closed-circuit monitoring system, and ineffective supervision of inmates on work furlough.

The Archivist's *Bulldog*

Vol. 10 No. 11, June 7, 1996

GRAND JURY INSPECTIONS OF STATE HOSPITALS AND SCHOOLS by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178].]

The Anne Arundel County grand juries inspected the state hospitals and schools in the county. The committees looked at both the physical plant and the administration of each facility. The institutions included Crownsville State Hospital, Clifton T. Perkins State Hospital, and Barrett School for Girls.

Crownsville State Hospital was established in 1910 to house and care for insane persons among the African American population within the state. It was desegregated in 1949. Throughout the 1940s the grand jury lamented the practice of placing criminally insane and older, senile people in the hospital.

In the 1950s the grand jury reports referred to periodic riots which were blamed on operating the facility both as a mental hospital and a penal institution. Overcrowding necessitated the mixing of the two types of patients. In 1955 the patient population reached 2600. Some buildings were jammed full of beds and others contained individual bedrooms and commodious day rooms.

As with the penal facilities, the grand jury of the April 1965 Term conducted a very thorough examination of the Crownsville State Hospital and reported their findings in detail. By then most of the patients were coming from a specific geographical area, specifically southeast Baltimore, Anne Arundel County, and Southern Maryland. A Community Psychiatric Center provided out-patient treatment of mental disorders. An Alcoholic Rehabilitation Unit treated alcoholics who admitted themselves or had been committed by a judge, family, or friends. The unit experienced a high return rate because community based out-patient clinics were unavailable. The grand jury inspection included training opportunities for patients which involved home economics, manual arts, upholstery, shoe repair, cosmetology, clerical work, reproduction and duplication, custodial services, food services, sewing, painting, nurses aide, and horticulture. The jurors presented several recommendations for the hospital, such as recruitment and inducement pay for psychiatric aides, removal of some geriatric patients to nursing homes, improved methods for treatment of alcoholism, means to transport visitors without cars, and private offices with air conditioning for doctors.

In 1976 the grand jury reported that "patient care appeared inadequate, facilities seemed in disrepair and in need of replacement or refurbishment..., the number of personnel on duty seemed limited [with] a very low level of morale on the part of the patients." A formal inquiry was deemed unnecessary since a consultant had already been hired to investigate hospital management. By 1981 the jury was pleased to note immense improvement at the hospital.

The Clifton T. Perkins State Hospital was established in 1959 as a maximum security facility for mentally

ill prisoners and other psychiatric patients needing secure confinement. The grand jury devoted few resources to this facility, and in 1966 described it as a small hospital with few problems.

The Barrett School for Girls began as a private school in 1882 and was purchased by the State in 1931 for African American female juvenile delinquents. The school seemed to average between 60 and 70 residents. Periodically the grand jury would criticize the operating expenses, especially personnel. In 1953 the teacher to student ratio was one to seven, contributing to an annual cost of \$3000 per resident. The equivalent cost at Crownsville was \$1000 per inmate and in the county schools was \$175 to \$225 per pupil. In 1955 the jury called attention to physical problems at the school, such as worn floor coverings, old kitchen sinks, missing or damaged screen doors, peeling paint, and battered dining room furniture. Three years later repairs were completed. In 1963 the Barrett School merged with and moved to the Montrose School for Girls.

At the local level the grand jury intermittently inspected the Anne Arundel Hospital between 1933 and 1941 and health centers in 1948 and 1957-1958, and usually adjudged them in good condition. The 1933 report noted the upcoming elimination of student nursing classes at the former facility because of a surplus in the profession and insufficient experience garnered at a small hospital.

The Archivist's *Bulldog*

Vol. 10 No. 12, June 22, 1996

NATIONAL HISTORY DAY by Pat Melville

On June 9-13 the 17th annual National History Day was held at the University of Maryland at College Park. It was the culmination of a series of local, regional, and state contests held through the school year. Each contest and category of presentation was separated into two divisions, junior and senior. The former included grades six through eight, the latter nine through twelve. Students must use primary

sources to prepare papers, projects, performances, or media presentations based on a broadly defined historical theme. Except for papers, each category can be done by an individual or a group, with each one being judged separately.

By incorporating history day presentations into the curriculum, individual teachers can lead students to view history as an interesting activity and learning experience.

The 1995-1996 theme for National History Day was "Taking a Stand in History: Individuals, Groups, and Movements." Entries were required to include both a description of the selected topic and analysis and interpretation, accompanied by written, annotated bibliographies. The paper category consisted of a written presentation, between 1,500 and 2,500 words in length, supplemented by footnotes or endnotes. The project category contained a visual representation of research and interpretation, resembling a small museum exhibit accompanied by a 500 word description of the display. The performance category was a dramatic portrayal of the topic's significance in history, developed from an original composition. The media category consisted of the use of one or more media to communicate the significance of the topic.

I participated in National History Day as a judge of individual projects in the junior division. Each group of three judges was assigned fourteen projects to evaluate. Receiving our highest rating was a display on Admiral Nimitz and the Battle of Midway. The student clearly and forcefully showed how Admiral Nimitz took a stand and how and why his actions made a difference in World War II. His research was extensive, including declassified radio messages and oral interviews with several officers serving under Nimitz. This project received our nominations for a special award for best naval history presentation and for best use of oral history.

Another student outlined the importance of a Civil War battle at Mine Creek in Kansas. As a resident of the area, he was able to use the resources of a local museum and take photographs of the battle site. One young girl traced the history of the Boy Scouts and

tried to show how the organization develops leadership qualities. She chose the topic because of a lifetime exposure through her father and three older brothers. A project on the Pullman strike in 1894, involving Eugene V. Debs, made extensive use of newspapers. Two projects covered the Battle of Little Bighorn and the stand taken by Indians. Other topics included Gandhi and nonviolent resistance, Frank Lloyd Wright and his influence on modern architecture, the women's temperance movement, and the role of the First Minnesota Regiment at the Battle of Gettysburg.

The theme for National History Day 1997 is "Triumph and Tragedy in History." Students should select an individual, idea, or event and show how and why that topic was a triumph and/or a tragedy in history.

GRAND JURY INVESTIGATIONS OF LAW ENFORCEMENT by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT(Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178].]

With great regularity the Anne Arundel County grand juries investigated law enforcement and the criminal justice system and made recommendations for improvement. In 1933, the jury described county law enforcement as inefficient. Officers included the sheriff and his deputies and special officers or constables appointed by the county commissioners. The sheriff appointed one deputy for each election district and could pay them only low salaries. The commissioners appointed three or four special officers for each district and authorized salaries higher than those for deputy sheriffs. The situation was alleviated finally by the establishment of a county police department in 1936, with headquarters at Ferndale.

As one might expect, the grand juries continued to find problems with law enforcement procedures and administration. In 1938, the jury received complaints about officers failing to see that liquor establishments closed by the time prescribed by law. A 1952 grand jury report noted several raids on suspected gam-

bling places where no evidence was found because of tip-offs. The same report called for greater police presence to combat sales of alcoholic beverages to minors in the northern part of the county and at beach resorts. Two years later, "State Police consider that those who control slot machine operations have a better intelligence system than the [County] Police Department."

In 1936, the county commissioners were criticized for requiring all police officers to attend their meetings in Annapolis, thus leaving outlying areas without protection. In 1949, the police board was cited for its failure to meet monthly. In the eight previous years it had met only nine times. By 1954 the grand jury recommended the removal of police matters from the jurisdiction of the county commissioners and the removal of the county manager and coroner from the police board. At the same time, it was revealed that the incumbent coroner also held the offices of police commissioner and police examiner. The jury recommended the separation of these offices.

Periodically, the grand juries commented on hiring and promotion practices. In 1954, the police department hired almost any man who passed a simple examination and then gave him only minimal training. The jury recommended taking advantage of the state police offer to use their training school, which required six months of training. Within one year, the department had upgraded its selection and training procedures. The promotion process continued to be plagued with charges of favoritism, resulting in poor morale in the department by 1962. In addition, some transfers to different stations were treated as punishment for disciplining an officer or failing to drop or reduce charges, especially traffic violations.

Frequently after 1942 the police headquarters were described as inadequate or overcrowded. In 1963, the intelligence unit was operating out of the basement of a magistrates court, where it was damp, flooded periodically, and housed snakes. New headquarters were built in 1966 in Millersville, but were deemed overcrowded by 1978.

Prior to the establishment of the District Court in

1971, the grand jury periodically investigated the lower court system in the county. In 1933, the jury recommended a reduction in the number of magistrates, regular daily court hours, and greater criminal jurisdiction to reduce burdens on the circuit court. In 1937, there were allegations of fixing traffic tickets and suggestions were made for standardized criminal and civil dockets. All these recommendations were incorporated into the trial magistrate system established statewide in 1939. By 1963, the jury found problems with parttime court schedules, delays in hearing cases, and overcrowded court room facilities. In 1965, the Anne Arundel County Peoples Court replaced the trial magistrates.

In the mid-1970s, the grand juries found fault with the handling of criminal cases at the circuit court level. The average time between arrest and trial was 153 days; the highest average was for robbery cases - 440 days or 14 1/2 months. Most recommendations centered around sterner punishments for criminals, such as higher bail and stiffer sentences for repeat offenders, reestablishment of the death penalty, and treatment of repeat juvenile offenders as adults.

The Archivist's *Bulldog*

Vol. 10 No. 13, July 8, 1996

GRAND JURY INSPECTIONS OF COUNTY HOME AND COURTHOUSE by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178].]

When investigating the County Home and the courthouse, the Anne Arundel County grand juries repeatedly cited insufficiencies in both facilities. The County Home was a public institution for housing indigent and mostly elderly county citizens. The county had acquired the property in 1828 for use as an almshouse. Throughout the twentieth century the population of the County Home decreased, thus be-

coming less and less economically feasible. In 1933 it offered services for nineteen residents, and in 1965 only seven.

The April 1965 grand jury report contained a detailed description of the property. The home was situated on the South River in Edgewater and consisted of three buildings. The main building, a colonial brick structure, housed the superintendent and his family and all female residents and contained the only cooking and dining facilities. A one-story dormitory served as quarters for the male residents. An old stable was used as a storage shed. Since 1948 the grand juries had recommended sale of the property because the colonial building was historically valuable and its waterfront location would generate enough revenue to purchase a different site and build a better facility. By 1965 the jury was suggesting that such funds be used to house patients in privately run nursing centers.

The main building and site of the County Home property has since been restored as the London Town Publick House and Gardens.

With each grand jury holding its hearings in the courthouse members had ample opportunity to view its physical conditions and generally found them inadequate. In 1933 the jury reported poor ventilation in the clerk's office, no fire extinguishers in the basement or boiler room, and no place to safely store records in the tax office. In 1940 a "thorough examination of the physical condition of the Court house was not necessary because it is so plainly seen, even without inspection, that the whole building, inside and outside, is fast deteriorating because of the lack of repairs...." Woodwork was crumbling for lack of paint and window panes falling out for lack of putty. Paper records scattered about and exposed electric wires presented fire hazards. Basement offices lacked proper lighting and adequate heating.

A 1948 grand jury recommended "that the Hall of Records might be importuned to store valuable County Records until such time as a new Court House will be built and proper storage provided for these documents." Although a new facility was not forthcoming, the building was remodeled and an

addition constructed shortly thereafter. By 1955 the grand jury reports began again to contain indications of overcrowding because of the expansion of services required by rapid county growth.

In 1978 the grand jury cited problems of overcrowding, maintenance, and security. Prisoners transferred from motor vehicles to holding cells in the basement and from the cells to courtrooms passed through public hallways, stairways, and elevators. The number of security officers was insufficient for covering all floors of the courthouse or for providing 24-hour protection. There was considerable debate about whether to remodel the current building or construct a new facility in a new location, a dispute that continued until just a few years ago. The jury in 1978 favored the latter solution, but in the interim recommended that the county relocate offices on the third floor, reevaluate record storage, conduct annual fire inspections, post floor plans and evacuation routes, provide additional security, and have future juries "continue to stress the inadequacy of the courthouse facilities...."

Today in Annapolis one can see the ongoing resolution of the courthouse problems as the building is being remodeled and expanded.

The Archivist's *Bulldog*

Vol. 10 No. 14, July 24, 1996

GRAND JURY INSPECTIONS OF COUNTY GOVERNMENT by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178].]

Until the adoption of charter government in 1964 the grand juries frequently investigated the operations of county government. The grand jury reports present a distorted picture of the county administration because of the heavy emphasis on deficiencies

especially in the areas of accounting and budgeting, personnel, and structure.

A 1933 report called the bookkeeping system of the treasurer's office "practically incomprehensible." In 1937 the grand jury complained about the high tax rate and excessive spending by the board of county commissioners. Specific problems were outlined in 1939. Some expenditures were improperly charged against the funds debited. Budgets and audits were unnecessarily complicated by special taxes and charges. During the Depression the county had accumulated many parcels of land that were difficult to sell at tax sales. The jury recommended that ways be found to get these properties back on the tax rolls. By 1940 the budget process was being regularized by the employment of a budget director.

In 1937 the grand jury recommended a reduction in the number of what in its view was an excessive number of county employees. One year later it lamented even higher growth in county personnel. In the late 1950s the juries repeatedly advocated the adoption of a merit system for employees. "We must forget about patronage and politics in our personnel operations and try to run this County like an efficient business." A merit system was implemented in 1963.

The grand jury joined the debate in the early 1960s concerning the structure of the Anne Arundel County government, the existing board of county commissioners as opposed to the proposed charter form with a county executive and council. Jury reports pointed out the inefficiencies and drawbacks of having executive and legislative functions in one governing body. The county commissioners "concern themselves with minutiae which should be delegated and then either fail to act in the establishment of sound governing policy or permit policy to be disregarded by their inattention." In county offices the juries found divided authority, inadequate accountability, duplicate functions, and conflicting orders being given subordinates.

The sanitary commission and public works department were subject to much criticism in the early 1960s. The sanitary commission failed to submit

detailed budgets, relied on appointees to both formulate and administer policies, and allowed confusing accounting practices. Some grand juries advocated a merger of the commission and the public works department. Others felt the department needed "fortification, not added burdens." The public works problems included verbal, rather than written, approvals for contract changes and verbal confirmation of easements from property owners. Records were mislaid or lost because of "loosely organized filing systems."

Readers familiar with Ritchie Highway will appreciate the following statement from a 1939 grand jury report. The highway "is about to be completed without any steps having been taken by the law-making body to protect this highway from being despoiled by commercial signs and structures which are either unsightly or dangerous, or both."

After establishment of charter government, the grand jury investigated aspects of county government only when criminal allegations were present.

REFERENCE ON THE ARCHIVES WEB SITE by Pat Melville

For genealogical research the Reference Services section of the State Archives web site provides the most information. General information includes location, days and hours of operation, copying fees, and answers to frequently asked questions.

More specific details are presented for government records and selected special collections. The Archives has placed on-line all electronic guides, published and unpublished, to government records, including *A Guide to Government Records at the Maryland State Archives: A Comprehensive List by Agency and Record Series*, *A Guide to State Agency Records at the Maryland State Archives: State Agency Histories and Series Descriptions*, printed guides to county and Baltimore City records on film, unpublished guide to state records on film, and unpublished series unit lists for accessioned, original records. Through hyperlinks a researcher can determine whether the Archives has a particular type of record, read a description of its content or a history of the agency that created it, and identify the spe-

cific index, volume, box, or film needed for research. People wishing to acquire film through interlibrary loan or purchase can easily determine specific reel numbers.

Other resources for genealogical research in government records include a list of indexes (cards, volumes, and databases) available in the Search Room at the Archives, information about vital records (birth, death, marriage, and divorce), and forms for ordering birth and death records. Plans are being developed for providing web access to the database indexes. For genealogy and other research the web site contains a description of African American resources.

The Archives presents some aspects of special collections on its web site. The newspaper section consists of histories of Maryland newspapers; issues available on film at the Archives, listed individually by reel number; and issues found at other institutions. The church record section contains itemized information about registers and other documents, mostly on film. This is an ongoing project with work on Methodist, Quaker, and United Brethren denominations not yet completed. Other special collection presentations include brief descriptions of recent accessions and finding aids for the Huntingfield Map Collection, Savings Bank of Baltimore Collection, and the Peabody Art Collection.

The Reference Services portion of the Archives web site also contains lists of books and merchandise available for purchase and issues of *The Archivist's Bulldog*, a bi-weekly newsletter that includes articles about record series, indexes, acquisitions, and staff and volunteer activities.

The Archivist's *Bulldog*

Vol. 10 No. 17, September 9, 1996

GRAND JURY INSPECTIONS OF COUNTY GOVERNMENT by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports)

1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury Reports) 1969-1981 [MSA CM1178].]

A major component of the investigative work of each grand jury involved the education system and individual school facilities throughout the county. Until the 1970s the grand jury school committees primarily focused on school buildings. As the task of visiting each school became too burdensome and inefficient, the jurors concentrated on the education system as a whole and inspected a few representative facilities.

From the school building inspections the grand juries found many system wide problems. A 1935 jury report identified two matters needing immediate attention. Larger schools, especially Southern High School and Wiley Bates High School, and others in remote areas needed telephone service. Many smaller, rural schools, especially those attended by African Americans, lacked water, a condition that persisted for at least another decade. Pupils either relied on kind neighbors or brought their own water to school.

Transportation of students was often a concern of the grand jury. In 1937, it complained about overcrowded school buses. The next year it recommended passage of a law compelling cars to stop when a school bus was loading or unloading children. Apparently there had been several accidents involving pupils at bus stops. During World War II the school system had to contend with gas rationing even though school buses were assigned a priority. The jury suggested that students be transported to schools in their districts, rather than out of them, and questioned why the federal government gave school buses and beverage trucks the same priority rating for gasoline. Several reports discussed excessive bussing in later years, an issue that was part of a larger concern involving segregation or large school campuses.

School overcrowding was, and still is, a perennial problem. But in 1950 the grand jury "was impressed by the great amount of time and thought which have obviously been devoted to the planning and development of an improved school system. In all instances where overcrowding and poor housing were

found, there was also found a plan for correcting these conditions.” By 1960 some schools were holding split sessions in order to accommodate large numbers of students.

Sometimes recommendations of grand juries contradicted each other. In 1952, the jury suggested the construction of consolidated schools as a means to eliminate poor conditions in African American schools in southern Anne Arundel County. By 1974 there was some sentiment that the process of consolidation had gone too far. Neighborhood schools were viewed more favorably than large campus like schools. “Local community schools may limit a curriculum but the students would have a closer relationship with the teachers and with each other.”

After the 1954 Supreme Court decision in *Brown vs. Board of Education*, school integration became a concern of the grand jury. A 1963 report questioned the sincerity of school board policies by citing “token integration” whereby a few African American students attended “ostensibly all-white schools” and by noting “the continued existence of numerous all-negro schools.” One such facility was Bates High School in Annapolis. Black secondary students were given the option attending Bates or a school nearest their homes. Many chose Bates, thus traveling by bus past under utilized schools to a severely overcrowded facility. Gradually this policy of school selection was abolished, and system wide integration took place.

The next article in this series on grand jury reports will concern the investigations of individual schools.

The Archivist's *Bulldog*

Vol. 10 No. 21, November 12, 1996

GRAND JURY INSPECTIONS OF SCHOOLS

by Pat Melville

[Continuation of analysis of ANNE ARUNDEL COUNTY CIRCUIT COURT (Grand Jury Reports) 1933-1966 [MSA C2137] and ANNE ARUNDEL COUNTY BOARD OF EDUCATION (Grand Jury

Reports) 1969-1981 [MSA CM1178].] The previous article in this series concerned the investigative components pertinent to the county educational system as a whole. The grand jury reached these conclusions after visiting individual schools. At first the jurors inspected each school twice a year. By the 1970s they were looking at selected samples of school buildings.

The grand jury reports contained summaries of the findings of each investigation. Common elements of a report on a school included enrollment, number of teachers, and physical condition of the building with an emphasis on the problems and deficiencies. These conditions often persisted for years before corrective measures were taken. Other factors subject to inspection involved maintenance, play grounds, fire hazards, fire drills, overcrowding, bus safety, and food service.

In 1933, Wiley Bates High School opened in Annapolis as a secondary school for blacks within the county. The grand jury noted the event as a step forward for education in Anne Arundel County. Despite some repairs and additions throughout the next thirty-six years, the facility had fallen into severe disrepair by 1969. “It appears that the sins of the past have finally caught up with us. This school has been seriously neglected throughout the past decades....” Problems included broken windows through which pigeons were flying in and out, dilapidated bleachers and buckled floors in the gym, broken water fountains, inadequate lighting, missing or inoperative switch boxes, leaky faucets, leaking roof, broken floor tiles, peeling paint, roach and termite infestation, and leaky gas range.

Many of the schools, especially in the rural areas, were small, but still subject to the same signs of neglect. Bristol Elementary School for black students was a two-room school located in southwestern Anne Arundel County. In 1950 the school contained eighty pupils and its condition was described as good. One year later the grand jury specified several deficiencies. “Frames holding wire mesh to protect windows are rotting at corners. Spots of wood along roof edge are rotting; also shingles on roof are curling up. Water from outside pump drains over play ground. Door

knobs gone and nails in their place make a fire hazard.”

In 1954, the Bristol school building was renovated and enlarged to four classrooms. Within a few years, however, the roof was leaking, restroom doors were warped, paint was peeling, and sawdust was being stored in the furnace room. After these problems were rectified, the grand jury issued mostly favorable reports for the next decade. The last report in 1969 gave the school a satisfactory rating for building and grounds maintenance and an unsatisfactory for heat and ventilation and insect and rodent control. The student body consisted of two hundred students taught by four teachers.

Overcrowding was a persistent problem. Eastport Elementary in 1955, for example, contained three classrooms to educate 140 students. Five years later the school was so overcrowded that the principal's office was located in the hallway. Just before a new school was built in 1965 Traceys Landing Elementary housed two hundred forty-five pupils in a facility rated for one hundred eighty. The quality of school maintenance followed a definite pattern in the years before desegregation.

In general the schools for blacks suffered far greater deficiencies than those for the white population. In 1951 the grand jury called the black school in Friendship the worst facility in the southern part of the county. The main classroom contained no lights, and the temporary building, described as a shack in 1955, only one light. The playground was so rough that several students had sprained their ankles. To reach the outdoor toilets the pupils had to walk through a cemetery. In 1947 the McKendree Elementary School for blacks lacked many window panes, a desk and chair for one teacher, drinking water, and electricity.

Researchers studying elementary and secondary education in Maryland will find a substantial amount of statistical and descriptive information in the grand jury reports for Anne Arundel and other counties in the state.

The Archivist's *Bulldog*

Vol. 11 No. 1, January 13, 1997

GRAND JURIES IN THE 19TH CENTURY

by Pat Melville

After a long series of articles on the activities and reports of the Anne Arundel County grand juries in the 20th century, it seems logical to make a comparison with the 19th century. Records for Anne Arundel County for that time period are not extant. Prince George's is one county for which there is a significant quantity of material. The (Grand Jury Reports) 1803-1886 [MSA C1218 and C1219] include papers filed with the juries and reports and other documents generated by them.

Official grand jury reports in the Prince George's County records date from 1859. The first one dealt with unhealthy jail conditions and leaks in the courthouse, complaints similar to those in Anne Arundel County a century later. Earlier in 1828 the grand jury had outlined deplorable conditions in the county goal by means of a letter to the judges of the court. In 1860 the jail was described as "wretched," especially regarding security. "As it stands at present, the jail is no security whatever for the safe keeping of any prisoner, and all the principal offenders for the last two or three years have invariably escaped."

The earlier grand jury papers, 1804-1833, contain detailed information about individuals and the criminal charges against them. The records name those indicted and describe the offenses which include several not often encountered in the twentieth century, such as dueling, breaking the sabbath, stealing slaves, operating illegal billiard tables, operating a ferry without a license, forging a pass for a slave, allowing negroes to game and drink, neglect of duty as a road supervisor, and leasing a boat to a slave. In 1812 a schoolmaster was indicted for beating a pupil. In 1808 several men were charged with assaulting constables and magistrates on March 12, 1807 or refusing to aid the sheriff on the same day. [Further details about what happened that day could not be found.]

Lists of licenses comprise the largest quantity of material in the Prince George's County grand jury

papers. The county clerk prepared these lists which showed the types of licenses and names of the licensees. The grand juries used these lists when considering violations of the license laws and subsequent recommendations to withdraw or not renew a license. In fact, most presentments, at least through 1833, concerned sales of liquor without a license or illegal liquor sales by those with a license. Periodically citizens would file a petition in favor of or against someone getting a liquor license. The 1871 grand jury submitted a long list of persons allowing the consumption of alcohol in and near stores licensed only for retail sales.

The greater value of the lists of licenses may lie in their research potential to compensate for the lack of extant Prince George's County license records prior to 1835. The types of licenses include ordinary (also called tavern), retail (later called trader), liquor, billiard table, fishery, oyster house, race course, peddler, stallion, oyster boat, millinery, exhibition, and female trader (first appeared in 1874). The major difference between the grand juries of the 19th and 20th centuries lies in the emphasis given their duties. In the 1800s, jurors were primarily concerned with their responsibilities to handle criminal charges brought before them. In the next century, equal emphasis is given criminal matters, building inspections, and investigations of government activities.

The Archivist's *Bulldog*

Vol. 11 No. 2, January 27, 1997

DOCKETS AND INDEXES by Pat Melville

A docket is a summary record of court proceedings. Each entry pertains to one case, listing the names of the plaintiff(s) and defendant(s) or petitioners and, if applicable, the case number. The main body of the entry outlines what happens with the case from its inception to the final resolution be it a conviction, judgment, decree, or settlement. The listing of pertinent facts is arranged chronologically and shows the documents filed and actions taken in court.

For many types of court cases, mostly criminal and civil, the docket entry may be the only part of the court record being retained permanently. When the case file is extant, the docket can be used to locate the papers, based on the case number or the date the proceedings began or ended.

Most dockets are easy to identify because the word "Docket" appears in the series title. One major exception pertains to the Baltimore City civil courts - Superior Court, Court of Common Pleas, and City Court. Their dockets are called (Cases Instituted). Indexes to dockets can be contained with the individual volumes or maintained as a separate series of records. In almost all instances the indexes are based on the names of the defendants. Many dockets dating from the colonial period and those of the Court of Appeals are indexed by both plaintiffs and defendants. Some series titles contain the words "Plaintiffs Index," but these indexes should be used with caution. They usually list only those parties obtaining judgments, and thus are not a complete listing of all plaintiffs.

The Archivist's *Bulldog*

Vol. 11 No. 3, February 10, 1997

OCCUPATIONS by Pat Melville

A few years ago the *Bulldog* contained an article about unusual and interesting occupations found in marriage certificates by Paul Goddard, an Archives volunteer processing the records. As his work has continued into the mid-1940s, his list of occupations has grown even longer. Paul uses the term "oddball jobs," and they include the following:

Mining and manufacturing: zinc worker, steel pourer, nickel plater, beveler, parachute packer, silver chaser, and casket trimmer.

Textiles - shirt trimmer, wool washer, silk spotter, bobbin boy, button man, and quiller.

Inspectors - chains, torpedoes, and magnetic.

Food and drink - dough mixer, fish smoker, meat washer, stillman, scallop cutter, tea tester, and egg breaker.

Art and entertainment - airbrush artist, organ voicer, and street photographer.

Military - Spar (member of U.S. Coast Guard women's reserve), demolitionist [wonder how he died], Dutch navy, and army crash crew.

Transportation - track walker and airship rigger.

Medical - drug granulator and penicillin extractor

Religious - church visitor.

Miscellaneous and sometimes mysterious - tobacco case, wax cutter, stock tracer, tube bender, gate tender, guest house, paper ruler, dipper, car dresser, clock checker, car wrecker, spring worker, jogger, spoiler, umbrella tipper, and matching teeth.

The Archivist's *Bulldog*

Vol. 11 No. 6, March 24, 1997

DISEASES

Researchers using old death certificates and sometimes other records may be confused by the terminology used to describe the cause of death. The following are some of the commonly found terms that may appear in 18th and 19th century records. The definitions are taken from: *The Olive Tree Genealogy: Glossary of Diseases*: <http://www.rootsweb.com/~ote/disease.htm>.

Ague: Malarial or intermittent fever characterized by chills, fever, and sweating at regular intervals. Also called fever and ague, chill fever, the shakes, and swamp fever.

Apoplexy: Paralysis due to stroke.

Bad Blood: Syphilis.

Cholera infantum: A common, non-contagious diarrhea of young children. Death frequently occurred within three to five days.

Consumption: A wasting away of the body, formerly applied to pulmonary tuberculosis.

Debility: Abnormal bodily weakness or feebleness, decay of strength.

Dropsy (or Hydropsy): The presence of abnormally large amounts of fluid. Another name for congestive heart failure.

Hectic fever: A daily recurring fever with profound sweating, chills, and flushed appearance, often associated with pulmonary tuberculosis or septic poisoning.

Gravel: Another term for kidney stone.

Hydrocephalus: Dropsy.

Inflammation: Redness, swelling, pain, tenderness, heat, and disturbed function of an area of the body. Often a cause of death was listed as inflammation of a body organ, such as brain or lung. This was purely a descriptive term that is not helpful in identifying the actual underlying disease.

Jail fever: Typhus.

Lung fever: Pneumonia.

Malignant fever: Typhus.

Marasmus: Malnutrition occurring in infants and young children, caused by an insufficient intake of calories or protein.

Milk sick: Poisoning resulting from the drinking of milk that had been produced by a cow that had eaten a plant known as White Snake Root.

Morral: Gangrene.

Phthiis: See consumption.

Putrid fever: Typhus.

Scarlatina: Scarlet fever; highly contagious.

Ship fever: Typhus.

Summer complaint: See cholera infantum.

Variola: Smallpox.

Winter fever: Pneumonia.

The Archivist's *Bulldog*

Vol. 11 No. 16, September 8, 1997

AN UNUSUAL INVENTORY by Pat Melville

Edward Pye arrived in Maryland by 1682 as a free adult, taking up residence in Charles County, and shortly thereafter married the stepdaughter of Charles Calvert, 3rd Lord Baltimore. During the next seven years he served as a member of the Upper House and the Council, justice of the

Provincial Court, member of the Board of Deputy Governors, supervisor of town officers in Charles County, and colonel in the army. By his death in 1696 he had accumulated over 5,000 acres of land and personal property worth almost 1,200 pounds sterling, including a large map “of the whole world.”

Most inventories of personal property taken after a person’s death list individual items and their values. One of the inventories of Pye’s estate specifies document containers without monetary values. Perhaps this was a way to show the existence of information about the financial affairs of Pye. Later entries in (Testamentary Proceedings) do show the appointment of appraisers to determine the debts owed to and by the estate. The short inventory of papers is transcribed below. If only the documents themselves still existed.

An Inventory of such Bookes Letters & other Papers belonging to said Estate of Col. Edward Pye late of Charles County Deceased,

- Three small old Stiched Paper Bookes of litle or no consequence
- 2nd. A packett tyd up of Letters & other papers relateing to Col. Lightfoot & Col. Talbots affaires to said number of 8 pieces
- 3rd. A Small Long wooden Box a parcell of Letters & other Papers of divers concernes to said number of thirty pieces
- 4th. A black box with divers Deeds Letters & other Papers relateing to a tract of Land called Cornwallis’s Neck
- 5th. A white wooden Box containing a parcell of Old Letters & other papers of divers natures and concernes.

The inventory was returned to the Commissary General on January 8, 1696/7 by Nicholas Sewall and William Joseph.

The Archivist’s *Bulldog*

Vol. 11 No. 22, December 8, 1997

WASHING MACHINE SALES by Pat Melville

In Chancery Court (Chancery Papers) [MSA S512-8667; MdHR 17,898-8720] is a case concerning a partnership formed in Baltimore City to manufacture and sell washing machines for clothes. The partnership between Ephraim J. Lukens and William J. Hyde was formed in 1844. Hyde provided the start-up money and Lukens obtained the patent and operated the business. On October 4, 1845 Hyde filed a bill of complaint with the Chancery Court, charging Lukens with failure to share the profits. Lukens responded with a different interpretation of the partnership agreement and cited high expenses. On January 29, 1846 the Chancellor issued a decree dissolving the partnership and appointing a receiver to close out the business.

The receiver, S. Teackle Wallis, in reporting to the Chancery Court filed two account books of the business. One showed the expenses for making and transporting the washing machines from February 24, 1844 to October 10, 1845. The second book contained the list of sales from May 27, 1844 through October 3, 1845. According to these documents sales totaled \$2508.81 (machines sold for between \$15.00 and \$20.00), and expenses amounted to \$1576.92, leaving a profit of \$931.89.

The account book of sales contains interesting bits of information. The first washing machine was purchased by the Sisters of Charity of St. Vincent de Paul. Later the Sisters of Mt. Carmel, Sacred Heart Institute make their own purchase. Usually it is unclear from entries in the book whether purchasers are acquiring the machines for personal or business use. A.S. Abell “of the *Sun*” obtained a small machine. (Was it set up at his house or the newspaper?). Obvious examples of intended business or institutional use include the B & O Railroad getting a machine for use in Ijamsville, an unnamed boarding school six miles out of town, the Universalist Fair, Baltimore Laundry, Maryland Penitentiary, and Baltimore Almshouse.

Some payments were based on the barter system. George E. Cooper, for example, did "Blacksmithing" for the business, Mr. Noyes performed "Dentistry", John Gross provided groceries, and William Allen supplied bacon. Apparently the washing machine did not satisfy all customers. Mr. Maculey returned a machine because his wife refused to use it. Mrs. Montell was credited \$1.00 on her purchase on condition that she recommend the machine. Six weeks later her husband pays back this dollar to have her name removed from the *Whig*.

Most sales were made to residents of Baltimore and the surrounding counties. The account book lists several out-of-state sales to places in New York, Massachusetts, Pennsylvania, South Carolina, North Carolina, Rhode Island, Virginia, Louisiana, and Georgia. Some machines were exported to Jamaica, South America, West Indies, and Sweden, often "on speculation," probably attempts to develop an overseas market. Perhaps that explains the purchase by General Carlos Soublette, President of Venezuela.

All entries in the account book mention the date of the transaction, name of the purchaser, place of residence or business, number of washing machines purchased, and amount paid. Some include occupation - William H. Keevil, tavern keeper on Low and Front Sts; Michael Alder, farmer four miles out on Falls Road; Washington Rider, brick maker on Lee St.; George W. Webb, jeweler on Park St.; John McGraw, brickmaker on Saratoga St.; John Hitzelberger, keeper of Washington Monument; Jacob Sommer, coach maker on Howard and Lombard Sts.; David Carlisle, farmer near Green Spring; T.J. Sutton, victualler on Exeter St.; John Fisher, bank cashier in Westminster; C.G. Conratt, carpet manufacturer on Albemarle and Granby Sts.; Henry Leif, ship chandler on Stiles St.; Jesse Hunt, city registrar; Jacob Shower, clerk of Carroll County; A. Devanges, wig maker and hair cutter on Baltimore St.; John Daley, dry goods store on Franklin St.; Samuel Feast, florist; and Benjamin Charles, teacher in P.S. No. 5. This account book is just one more example of the undiscovered treasures that can be found in court records, especially equity.

The Archivist's *Bulldog*

Vol. 12 No. 2, January 26, 1998

A STORM IN THE ATLANTIC by Pat Melville

Pat Guida, a former staff member and volunteer, found an unusual set of documents in Caroline County Register of Wills (Orphans Court Papers) [MSA C492-5]. The papers concern the death and estate of Levin Turner of Shelburne, Nova Scotia. It is not at all clear why the file exists in the register of wills' records, either from Turner being a former resident of the county or from his ownership of land there.

The file contains a copy of letters of administration granted on June 22, 1787 and depositions possibly taken to prove his death which occurred at sea. On September 15, 1790 John MacTier, mariner, and Alexander Leyburn, merchant, of Shelburne described the voyage of the *Peggy*, a thirty-five ton sloop sailing to New York City in November 1786. Levin Turner, a merchant in partnership with his brother Jesse Turner, also of Shelburne, was a passenger on the ship. The crew set sail on the 11th and on the 15th encountered stormy weather, "heavy Gales and Squalls of wind from the East with Thunder and Lightning." On the morning of the 16th Levin Turner went on deck to observe the weather conditions and was thrown overboard as the sloop almost capsized. The heavy seas prevented the crew, which was preoccupied with trying to keep the vessel upright, from trying to rescue Turner.

The storm continued intermittently until November 26 by which time the *Peggy* was leaking extensively and its sails were completely torn despite numerous repair efforts. MacTier, master of the sloop, had injured his shoulder when he was thrown from his cabin at the same time Turner was drowned. On the 21st "they had hard Gales with Hail and Snow" and turned west to try to return to Shelburne. By the 26th conditions were so terrible that MacTier decided to abandon ship and hoisted a distress signal. The *Patsy Rutledge*, operated by Capt. William Bell and sailing from Philadelphia to Hamburgh, rescued the crew two days later. Capt. Bell continued his voyage and dropped off the *Peggy* crew at Dover, Kent County, England.

These depositions are historically significant for the descriptions of how weather adversity affected the ship and how the crew valiantly tried to keep the vessel afloat. They highlight the dangers of conducting trade across the Atlantic in the 18th century.

The Archivist's *Bulldog*

Vol. 12 No. 5, March 9, 1998

RECORDS NOT AT THE STATE ARCHIVES

by Pat Melville

It is not unusual to receive inquiries about records unavailable at the Archives. Some of these questions recur on a regular basis. One in particular concerns the censuses of 1867, 1868, and 1878 for Washington, DC. Several guides, including web sites, note that one or more of these censuses are available at the Maryland State Archives. In the past some person or institution made this statement, and many afterwards have perpetuated the falsehood. Several years ago an attempt was made to have the author of a guide delete this referral to the Archives. It was not successful because the requests for the censuses persist today.

Any researcher wanting to see the censuses of 1867, 1868, or 1878 for Washington, DC must be told that the Archives does not hold these records in any format, despite any printed reference to the contrary. In addition, the Archives has been unable to determine where the records might be located, or whether they have ever existed. Anyone with additional information is urged to contact the Archives.

Another periodic question concerns the patients' records of the Leland Hospital in Riverdale in Prince George's County. In this instance researchers are referred to the Archives as a last resort. In mid-1941 Drs. W.E. and L.W. Malin applied to the board of county commissioners for permission to build a 50-bed private hospital. Leland Memorial Hospital opened in September 1942 as the first hospital in Prince George's County. By 1989 rumors were circulating that the owner, Adventist Health Systems, was planning to close the facility for financial rea-

sons. The owners and county citizens tried for the next few years to develop ways to keep the hospital operational. None succeeded, and Leland Hospital closed in March 1993. After that the site was sold and converted into a nursing home. One researcher followed the path of ownership and ascertained that the patients' records from Leland were transferred to Washington Adventist Hospital in Takoma Park, where they remain today.

The Archivist's *Bulldog*

Vol. 12 No. 11, June 8, 1998

REPORTS ON EDUCATION, 1829-1862

by Pat Melville

The Archives' collection of government publications, printed materials from state and local government agencies, contains many reports concerning education in Maryland. For the period of 1829 through 1862 the reports fall into three categories - annual reports of the Baltimore City Commissioners of Public Schools, financial reports from the State Treasurer or Comptroller, and reports from legislative education committees. The financial reports are basic documents showing the sources of income for the school funds and the distributions to the individual counties and specific academies throughout the state. In 1842, for example, the levy on banks and an insurance company yielded \$26,419.80 for the free school fund. Baltimore County received \$660.49 and Baltimore City \$660.50. Each of the other counties was given \$1,320.99.

The reports from education committees to the General Assembly follow the general themes of lamenting the unsatisfactory state of education in most of Maryland and of advocating changes for improvement, most of which remained suggestions until the mid-1860s. The act of 1825 provided for a uniform system of education that was never fully implemented because in many counties the required ratification failed to be approved by the voters and funding was insufficient. As the state became increasingly mired in the financial misfortunes of the C & O Canal and B & O Railroad, it lacked the resources to devote to other initiatives such as schools. A com-

mittee on education in 1837 recommended continuation of the state school fund to be supplemented by local taxes. A majority of the committee, however, opposed the imposition of a direct tax for education and favored funding “obtained by light taxation and by voluntary subscription.”

Another committee in 1843 analyzed the education system and prepared draft legislation that was not adopted. The committee criticized the distribution of the fund for academies, colleges, and schools which provided \$3,000 to St. John’s College in Annapolis and \$800 to each of the counties for redistribution to academies. St. Mary’s and Charles counties had agreed to direct their shares to the academy at Charlotte Hall. The committee viewed the academy funds in the other counties as insufficient and wasted because the moneys were divided among so many individual academies. “These institutions having but little aid other than this pittance, are for the most part, unable to render any extended or substantial service to the community in which they are located....”

Appended to the 1843 report was an analysis of responses to a questionnaire sent to each county and Howard District. Thirteen of the twenty-one jurisdictions replied. This report provided an outline of the public school system, exclusive of the academies. The number of primary schools in each of the counties reporting included 88 in Allegany, 22 in Anne Arundel, 24 in Caroline, 29 in Charles, none in Cecil (schools were kept in private houses and churches), 44 in Dorchester, 80 in Frederick, 20 in Howard, 31 in Prince George’s, 24 in Queen Anne’s, 40 in Somerset, 20 in St. Mary’s, and 40 in Worcester. The number of students were listed as totals or averages - about 20 per school in Allegany, 525 in Anne Arundel, about 12 per school in Caroline, between 700 and 800 in Charles, between 10 and 40 per school in Dorchester, 2500 to 3000 in Frederick, 526 in Howard, about 900 in Prince George’s, and about 25 per school in Queen Anne’s. All counties received money for schools from the state. Other sources of funding, if available, varied. Anne Arundel and Queen Anne’s levied both county and district taxes, Charles, Dorchester, Frederick, Howard, and Prince George’s levied only county taxes. St. Mary’s raised

money by private subscription, and Allegany and Worcester by charging tuition.

In 1853 another legislative committee recommended a centralized and standardized system of education. The report was highly critical of the existing system, calling it “totally unequal to the task of educating our children. In a great majority of the counties the local laws have been found entirely inadequately to the ends for which they were designed. In many the system has become almost extinct; in others, it has never been adopted; while in but very few the working of the system gives satisfaction to the people.” It was felt that state expenditures for support of private academies and public schools were not being used effectively because so many children remained uneducated.

In many of the reports examined for this article the use of flowery language is quite prevalent when discussing the value of education. One example will suffice to give readers the flavor of this 19th century writing. “These facts speak to us in forcible accents. They tell us in language that cannot be denied, that with all our efforts in the cause of education, the march of ignorance is rapidly on the advance, that thousands of the sons and the fair daughters of Maryland are growing up to manhood and womanhood with minds incapable of appreciating the blessings that flow from the free and happy institutions under which they live; with minds incapable of teaching their children to place a proper estimate upon these time honored institutions; with minds incapable of enjoying the favors of fortune, or the blessings which nature has so abundantly cast around them; with minds which must forever remain a blank to the enjoyment of the purer pleasures which are only tasted at the fountains of knowledge.”

Sources: (1)Treasurer of the Western Shore (Communication on Education) Maryland Public Documents 1842 R [MSA PD436, MdHR 811899]; (2)General Assembly, House of Delegates, Committee on Education (General System of Education Establishment Minority Report) House and Senate Documents 1836 O [MSA PD1634, MdHR M60-93] and (General System of Education Establishment Report) House and Senate Documents 1836 P [MSA

PD1635, MdHR M60-94]; (3) Secretary of State, Treasurer of the Western Shore, and State Librarian (Report and Draft of a Code for Support of Common Schools) Maryland Public Documents 1843 [MSA PD485, MdHR 811949]; (4) General Assembly, House of Delegates, Committee on Education (Report) Maryland State Documents 1853 K [MSA PD662, MdHR 812127].

The Archivist's *Bulldog*

Vol. 12 No. 14, July 27, 1998

REPORTS ON EDUCATION, 1866-1868

by Pat Melville

With the establishment of a statewide public education system in 1865 comes the beginning of a long series of annual reports from the state agency or official in charge of education matters. The reports include statistical information for each county and Baltimore City concerning the number of students and teachers, subjects taught, types and numbers of school houses, funding from various sources, and expenditures for various categories. Most of the county reports contain a list of schools and the principal or teacher assigned to each one. The first two annual reports, compiled in 1866 and 1868 provide insights into the local education systems prior to 1865 and the efforts to implement a centralized state system. The county boards of school commissioners described a litany of problems resulting from the previous system and offered high hopes for improvement with the new program, despite reservations about some of its facets.

Before 1865 each county school system operated under a separate set of laws, even though several were similar in nature. Some counties ran a successful education program, others languished. The Allegany County school commissioners characterized the old system as “extremely defective” and by 1865 “worse than none at all.” Supervision was nonexistent, and some school directors were illiterate and paid scant attention to the schools. Schoolhouses were poorly constructed, and some teachers were not competent. The Dorchester County school commis-

sioners described the same problems, noting that some schools were open only three months during the year because of the lack of funds.

The Anne Arundel County commissioners commented on the uneven quality of the old district school trustees some of whom were conscientious about performing their duties. Others selected unqualified teachers and failed to review and evaluate the teaching efforts. It was pointed out that the trustees served unpaid positions and “could not be expected to neglect their own business in order to serve the community in which they lived.” In Harford County accountability was also missing. District school boards hired teachers, but paid no attention after that. Thus, “each Teacher was the sole judge of his or her own work.” The Howard County school commissioners criticized the trustees for not examining the schools, but felt parents should have shared the responsibility to visit the facilities.

In its report the Montgomery County school commissioners described its system as successful for only one year, 1860, as a result of revisions in the law. After that the effort was crippled by an amendment that eliminated the funding. The old Washington County schools were deemed unsatisfactory due to the lack of a system and the unfortunate influence of politics. The school commissioners had derived their powers from the county commissioners, and the district trustees were elected by the voters. The law failed to clearly define the duties of either body, leading to frequent conflicts of authority. These conditions led to variations in the school terms and hours, lack of uniformity in methods of instruction, and unequal salaries paid the teachers.

Annual reports of government agencies are seldom noteworthy for creative writing. The 1866 report compiled by the Calvert County school commissioners, whose president was J.A. Ellis, is a delightful exception. The county contained nineteen buildings used for schools. “The frame tenements, though substantial, were diminutive, and destitute of all pretension to good taste in their appearance. The log buildings were of the rudest construction. In one case a log barn had been purchased by the County at a cost of \$130, and devoted, without alterations, to the

imprisonment of children.” Furniture in the schools was sparse, “in perfect keeping with the exterior. It consisted of a single desk, extending along each sidewall, and a few rough benches, without backs.” “Blackboards had indeed been introduced, but their untarnished surface evinced little use.” Many schoolhouses were situated next to roadways. “If a triangular lot of barren land, bounded on each side by a public road could be found, it was selected par-excellence as a suitable site.”

Efforts of the state Board of Education to implement the education law of 1865 faced several hurdles. During consideration of the bill the Baltimore City delegation and school officials tried diligently, but unsuccessfully, to get the city exempted from the law. Afterwards the city refused to recognize the authority of the state board and chose to select their own textbooks. The State Superintendent decided to avoid a direct confrontation with municipal officials and to wait for cooler heads to prevail in the future. At the same time he criticized Baltimore for having “a congregation of schools regulated in external matters by a system of by-laws, many highly competent and zealous teachers, but no Educational System.”

One major drawback to the 1865 legislation concerned the lack of funds for building and furnishing schoolhouses. Every county report mentioned the high incidence of inadequate facilities. In addition, many citizens resented the imposition of a centralized school system. Opposition from Calvert County residents, according to the commissioners’ report, stemmed from the “prejudices of Partizanship, Sectionalism and Caste.” “The Demagogue dreads Free Schools, which engender free thought and render the masses less subservient to their leaders. The Sectionalist recognizes in Free Schools the odor of ‘Yankeeedom,’ the advocate of Caste declaims against Free Schools as detrimental to the contentment of the poor.” The Somerset County school commissioners mentioned a lack of zeal for the new education system, but attributed these sentiments to the divisive nature of the recent Civil War. According to this argument, it was too soon to expect people to forget the past and unite to support a new state institution.

The last report prepared before the reorganization in

1868 outlined the major objections to the 1865 education law. Citizens viewed the state Board of Education as too far removed from the people, having too much authority, and being too political. The expense of the system was deemed too high. Many counties objected to the distribution of the school tax whereby it seemed that wealthier parts of the state were supporting the poorer sections, an argument not necessarily diminished over time.

Sources: (1) State Superintendent of Public Instruction (Report with Appendix of Reports of Presidents of Boards of School Commissioners) House Journal and Documents 1866 E [MSA PD1267, MdHR 812489]; (2) State Superintendent of Public Instruction (Annual Report) House and Senate Documents 1868 [MSA PD971; MdHR 812600]

The Archivist’s *Bulldog*

Vol. 12 No. 17, September 28, 1998

REPORTS ON EDUCATION, 1869-1916

by Pat Melville

The reorganization and decentralization of the state education system did not alter the format or type of content of the annual reports. They continue to provide detailed information about schools, teachers, students, and funds. Over time new components are added as the system changes to encompass the development of grades (1st grade, 2nd grade, etc.), expansion of high schools, and consolidation of rural schools.

Regardless of the changes within the education area funding, remained a predominant theme. The needs of the local school systems always seemed to be greater than the means to meet them. Collectively in 1871, for example, local school officials spent less on construction of school buildings than the previous year because funds were being exhausted before the end of the year. In fact, many school systems borrowed money to pay teachers and then faced the subsequent burden of paying interest out of future funds. Other school commissioners, despite a law specifying that schools be open ten months a year, closed them early or opened them late.

On December 31, 1869, the St. Mary's County school commissioners faced a debt of \$5,115.21 and no funds to meet it. Teachers were issued interest bearing certificates of indebtedness, payable when levied and collected by the county commissioners. The school commissioners requested \$8,000 from the county commissioners to cover the debt and expenses for the rest of the school year. The county deemed the requisition unaffordable and levied only an amount to take care of the existing debt, thus leaving the school commissioners no choice but to continue operating in a deficit mode.

In the 1875 annual report the state Board of Education noted the construction of seventy-nine new schools, many of them built on credit. It recommended a separate appropriation for this activity. "It would seem to be the wisest plan to acknowledge candidly that we cannot have a school system without school houses, and to make specific provisions for building them." In 1879 the Baltimore County school commissioners described several newly constructed schoolhouses, one of which replaced a frame structure originally built as a corn crib. Not yet scheduled for replacement was a school housed "in a narrow frame shanty, built by the Northern Central Railroad Co. for a tool house."

In an effort to increase funding for colored schools the General Assembly in 1872 appropriated \$50,000 out of general funds. Proceeds from the public school tax were devoted exclusively to white schools. This funding formula continued until 1878 when the appropriation for colored schools was taken out of the public school tax, thus theoretically lessening the funds available for white schools. The actual decrease was insubstantial because for many years the state had failed to collect all the school taxes, and thus could not distribute all the moneys due each jurisdiction. In 1878 the local school boards sued the state Comptroller of the Treasury to obtain the distribution of state school taxes that had been collected but applied to other purposes. The plaintiffs won their case, but never actually received any money for their efforts.

Baltimore City and the county school systems received funds from the state, one set for white schools

and the other for colored schools. Each also obtained moneys from the local government through the local school tax. The school commissioners tried to anticipate income from this source, and often borrowed money to meet current expenses with the expectation of receiving sufficient tax funds. Tax collection was often irregular, and sometimes the county commissioners delayed payments to the school commissioners. In 1879 the Anne Arundel County school commissioners tried to discharge the debt load by reducing the salaries of the teachers and shortening the school year. In 1882 the Frederick County school officials delayed opening schools until November 1. From Carroll County in 1887 came the following statement: "It is idle and ridiculous to boast that we have the lowest tax rate in the state, when at the same time we are obliged to close the schools to get funds for building and furnishing necessary schoolhouses."

Changes in tax collection procedures helped alleviate some financial constraints. Several counties replaced district tax collectors with a county treasurer in order to enhance efficiency and promptness. Eventually the local school commissioners paid off their debts and could budget their funds more systematically.

Other matters addressed in the annual reports included teachers, academies and high schools, and attendance. In order to maintain quality instruction state law required the certification of teachers. Due to insufficient applicants and low salaries some district school trustees awarded temporary certificates in order to fill teaching positions. In 1875 the county school commissioners were asked to comment on the appointment of teachers by the district trustees. Most felt that teachers were hired on the basis of merit. Others noted preferences for relatives or friends of the trustees, and advocated placement of this duty with the school commissioners.

The establishment of high schools in Maryland was a gradual process dependent upon resources and interest. In 1871 there was a public high school in Talbot County. Three graded schools in Worcester County contained high school departments. A few private academies, although not subject to the county school commissioners, functioned as the high schools for other localities. Throughout this time period the

academies continued to receive annual donations from the state. Charlotte Hall Academy served St. Mary's and Charles counties, Cambridge Male Academy served Dorchester County, and the Preparatory Department of St. John's College in Annapolis served Anne Arundel County.

In general the state school officials opposed the public donations to private academies, unless they were serving a truly public purpose. In 1875 the state board suggested the abolition of most academies or a stipulation that they become an extension of the local school system, in essence a high school. The annual report of 1907, when about thirty-five high schools existed in the state, contained a similar observation. "The amount now appropriated to the old academies may be used as a nucleus for a high school fund, and this could be supplemented from other sources until it becomes adequate to provide necessary facilities to make our high schools equal to the demands which are being made upon them."

The local school commissioners supplied a variety of statistics, including total and average student attendance and number of days schools were open. In 1882-1883 many schools were closed for long periods of time because of the prevalence of contagious diseases, mostly smallpox and measles. The counties mentioning this factor included Harford, Kent, Queen Anne's, Somerset, St. Mary's, Talbot, and Washington. In Easton the janitor and his family lived in the basement of the high school, and were ill with smallpox for almost two weeks before this fact was discovered and the affected individuals removed from the building. Surprisingly only a few students became sick after this long exposure.

School officials expressed concern about providing educational opportunities for all school age children in the state. Maryland was one of the last states to enact a compulsory attendance law. The first one was passed in 1901, but applied only to Allegany County and Baltimore City. Only in 1916 was the law extended statewide. Attendance in the colored schools was more erratic than in the white schools because public funds were insufficient. Many colored schools were open only half the school year. Some parents pooled personal funds in order to continue paying

the teacher for a longer period of time. In 1915 Anne Arundel County colored schools were open only four months. In fact, ten counties spent less on their colored schools than the amount received from the state for that purpose.

Legislation substantially revising the law on education in 1916 addressed many of the concerns expressed in the annual reports throughout the late 19th and early 20th centuries.

Sources: (1) Board of State School Commissioners (Annual Report) House and Senate Documents 1872 V [MSA PD1044, MdHR 812672]; (2) State Board of Education (Annual Report) House and Senate Documents 1876 E [MSA PD1097, MdHR 812726]; (3) State Board of Education (Annual Report) 1879 [MSA E10420, MdHR 784197]; (4) State Board of Education (Annual Report) House and Senate Documents 1884 M [MSA PD1372, MdHR 812812]; (5) State Board of Education (Annual Report) House and Senate Documents 1888 [MSA PD1390; MdHR 812830]; (6) State Board of Education (Annual Report) 1891, 25th [MSA E10425, MdHR 784202]; (7) State Board of Education (Annual Report) 1895, 29th [MSA E10426, MdHR 784203]; (8) State Board of Education (Annual Report) 1907, 41st [MSA R10436, MdHR 784214]; (9) State Board of Education (Annual Report) 1911, 45th [MSA E10440, MdHR 784218]; (10) State Board of Education (Annual Report) 1915, 49th [MSA E10444, MdHR 784222].

The Archivist's *Bulldog*

Vol. 12 No. 19, October 26, 1998

A MEDICINE WORSE THAN THE CURE?

The following medicine recipe was found in Harford County Register of Wills (Orphans Court Papers, Exhibits) Ledger of Nathan Rigbie, 1772-1797 [MSA C934]. "A Receipt for the Consumption. White Pitch & Yellow Bees Wax, Equall Qtys. Burt on Coles in A Close Room. & the Sick Parson, Walk and Suck in the Smoke by his Breath. Once a Day."

The Archivist's *Bulldog*

Vol. 13 No. 1, January 11, 1999

SCHOOL RECORDS FOR BALTIMORE COUNTY, 1849-1857 by Pat Melville

The Archives has very few county records pertaining to schools in Baltimore County. From the Baltimore County Board of School Commissioners are two series: (Receipt Book) 1849-1857 [MSA C407] and (Expense Accounts) 1852-1856 [MSA C329].

After the establishment of state mandated commissioners of the school fund in 1816, changes in the governing education bodies in Baltimore County began in 1826. A law passed in the 1825 session gave voters in Election District 1, the Catonsville area, the authority to annually elect five commissioners of public free schools. The commissioners could determine the number of schools needed, obtain school buildings and furniture, establish curriculum, and hire teachers. The county levy court was given the authority to impose and collect a school tax on the property and income of the residents of the district. All children and wards of white residents were permitted to attend the schools for free. The law went into effect only after being ratified by the voters of the election district in October 1826.

In 1829 the General Assembly transferred the responsibility for distribution of state school funds from the commissioners of the school fund to the county commissioners who were required to use population figures to determine the amount for each election district. Three trustees were appointed for each election district to receive and expend the moneys. The first trustees were named in the law, with vacancies to be filled by the county commissioners.

A law passed in 1848 moved Baltimore County towards a centralized system for the entire county. The county commissioners were given the power to levy school taxes and to appoint one person from each election district to a county board of school commissioners. This latter body could establish schools, purchase or lease lots, build or lease school houses, employ teachers and set their salaries, and prescribe

courses of study and textbooks. Each student was required to pay \$1.00 per quarter, unless exempted by the school commissioners. By amendments enacted in 1850 the board of school commissioners became an elected body with the voters in each election district annually selecting one commissioner for the board. In addition, the patrons of each school annually elected three directors who selected a teacher, inspected the school house, examined pupils, and reported to the school commissioners of their election district.

In 1853 the Baltimore County Board of School Commissioners was incorporated, making it possible for the board to receive and disburse school funds directly instead of working through the county commissioners as an intermediary. At the same time elections were changed to biennial events.

The two records cited above of the board of school commissioners concern financial activities. The (Receipt Book) series contains receipts for school funds received from the county treasurer. The (Expense Accounts) series lists chronologically expenditures for school and office purposes. Supplies included stamps, brooms, gold pens, hatchets, coal, stationary, spittoons, wash boards and pitchers, lamps, window glass, chairs, charcoal, sand, wood, soap holders, door mats, venetian blinds, water coolers, and forms for teachers' reports. Services involved freight charges for deliveries to schools, removal and installation of desks, ads for teachers, rent of office space specifically Rooms 2 and 9 in Franklin Hall, carpentry work, and audits. Some entries list the names of vendors and show receipts of payment.

The Archivist's *Bulldog*

Vol. 13 No. 2, January 25, 1999

SCHOOL RECORDS FOR CHARLES COUNTY by Pat Melville

Among the Charles County records are two series pertaining to education: Charles County Register of Wills (School Papers) 1824-1855 [MSA C678] and (School Reports) 1839-1853 [MSA C2044]. Many

of the reports found in the (School Papers) series are recorded in the (School Reports) series.

Between 1820 and 1846 the structure for the distribution of school funds and for the management of schools in Charles County was periodically reformatted. In 1821 the General Assembly passed a law naming seventeen men as commissioners of the free school fund, four from each election district and one from Port Tobacco. The commissioners were authorized to divide themselves into district committees based on election districts. The county school records show that this provision was adopted. A law passed in 1831 designated the Charles County Orphans Court to receive the free school funds and to distribute them to the school commissioners on the basis of annual reports sent to the register of wills. By provisions of an 1833 law the commissioners were directed to divide each election district into school districts and to estimate the costs of acquiring lots and building school houses. Apparently implementation was less than successful because in 1836 the General Assembly gave the orphans court the responsibility of appointing three commissioners in each election district to carry out the tasks specified three years earlier.

As a result of the 1836 law Charles County was divided into school districts, but insufficient funds were available to actually establish the schools. The situation was remedied in 1839 by a law that authorized the Treasurer of the Western Shore to convert invested school funds of Charles County into cash and gave the county levy court the power to levy taxes for schools. This same law named five trustees for each district school. Each body of trustees was required to secure a centrally located lot and have a school house built. After that they had to hire a teacher and open the school which was designated as free for all white children residing in the district. Money problems persisted, and prompted the passage of a law directing the board of county commissioners to levy an additional tax in 1847 in order to pay past claims from teachers.

The (School Papers) series contains few materials prior to 1832. They consist of accounts, 1824 and 1831, from teachers for tuition reimbursement from the charity school fund for teaching poor children

and orphans. The documents show the names of the teachers, names of students, names of fathers or mothers, some ages, number of months taught for each student, amounts due, and dates of the account. The pay for each student was \$.04 per day. The same type of accounts continue to be filed, but in greater numbers, between 1832 and 1839. Each account during that time was approved and signed by a district school committee. The files contain some assignments of pay and receipts for pay from teachers. Not all accounts include the names of parents or ages of students. Periodically a teacher would file an attendance chart, showing the number of days per month that each student was present in school. The trustees of the Catholic school at Cobb Neck filed affidavits concerning the indigent children being taught there in order to receive money from the school fund. In 1832 and 1837 commissioners reported on the boundaries of several school districts.

Examples of family relationships and ages found in the accounts include Robert Posey, age 14, son of Hendly Posey; William Posey, age 12, son of Hendly Posey; Elizabeth Posey, age 10, daughter of Hendly Posey; F.E. Parker, orphan; son and stepson of Ignatius Huntington; orphan children of Courtney Robinson; Luke Scroggin, son of Mary Scroggin, widow of George; and three sons of Mrs. Catharine Tenison. Some entries list very precise ages, such as Mrs. Elizabeth Boswell's sons (William age 11 years and John age 9 years, 6 months) and James Thompson's niece Elizabeth Chamberlin, age 14 years, 5 months.

Some documents provide other tidbits of interesting information. Teacher J. F. Price made the following comment in his account: "It is much to be regretted that although the poor of our County might have their children educated gratis, yet they will not be at the small trouble of sending them to school, so that justice can neither be done towards the pupil or his instructor. Among those committed to my care in 1832 there are talents above the common order, & such as deserve advantages than can or will be given by their parents." The 1836 folder contains a printed flyer from the Institution for the Cure of Stammering in New York City.

The (School Papers) series for 1839-1855 contains mostly reports that were recorded in the (School Reports) series. In the latter entries are arranged chronologically by year and then numerically by election district number and school district number. Most of the reports for 1839 and 1840 concern the establishment of primary school districts, acquisition of lots, construction of school houses, and requests for funds to defray expenses. The more detailed documents contain location information on the lots, names of sellers or donors, and building contracts with specifications for construction and furnishings. A few schools opened before buildings were constructed. For example, school district one in election district four held classes in the Methodist church in New Port.

After a school was opened and a teacher hired, the district trustees were required to file annual reports in order to secure funds from the orphans court. Most of the school reports after 1840 fall within this category. Each report shows the election district and district school numbers, number of students, name of the teacher, number of days the school was open, request to pay the teacher, names of the district trustees, and date. Some of the summary reports prepared by the register of wills for the General Assembly appear in the records. In 1846, for example, there were 29 district schools in Charles County, teaching 805 students at a cost of \$5583.00. St. Paul's Chapel Free School and McDonough School were instructing another 65 pupils. The same number of schools were operating in the 1850s.

During the first half of the 19th century, most teachers were male, thus making the existence of at least two female teachers noteworthy. In 1841 the General Assembly passed an act authorizing payment to Ann S. Morris who taught in Charles County in 1840. [Efforts to determine why this action was necessary were unsuccessful.] Earlier Miss Thirza Hobert taught from 1833 through 1836.

Sometimes the reports contain observations or supplemental information that highlights the human dimension behind the statistics. In the report for 1841 the trustees of primary school four in election district two commented that "they feel sorry that they cannot ... show more zeal for learning than it is in

their power to do, the irregularity with which many children attend the school clearly show that the privilege of attending school is not as much appreciated as it should be by parents. Your trustees think that the number of children vary from about thirty-two downwards as low as eighteen." Occasionally the teachers, not the students, presented the attendance problems. In 1840 one teacher failed to keep school open regularly, taught fewer pupils than claimed, and was hired by one trustee without the concurrence of the others. In 1846 a teacher was hired from Calvert County, but could not begin until the middle of February. Inclement weather further delayed school opening for another month. In 1848 teacher John A. Dyer submitted a list of days he did not open the school, including two days in February to attend court as a witness, followed by two days for the burial of his son, one day in June to harvest crops, one day in July because of a storm, and after that six more days as a witness in court.

The Archivists' *Bulldog*

Vol. 13 No. 3, February 8, 1999

SCHOOL RECORDS FOR HARFORD COUNTY by Pat Melville

Records of the Harford County Commissioners of the School Fund and Register of Wills provide mostly financial information about the county school system for the years between 1821 and 1850. Very few details are preserved concerning the schools themselves and the students attending them.

The commissioners of the school fund appointed by the 1816 law were replaced by a new, independent board named in a law passed in 1822. There were two men from each election district. In 1830 the General Assembly placed administration of the school fund in the hands of the orphans court, with the register of wills named as the record keeper. The orphans court received the funds from the Treasurer of the Western Shore and distributed them to the commissioners of each school district, the boundaries of which were the same as the election districts. During the next three years some of these school officials accumulated unexpended funds. As

a result the distribution pattern was changed by a law passed in 1833. Thereafter, the orphans court drew out school funds only as the commissioners needed them to pay expenses. Another law enacted in 1840 directed the orphans court to pay teachers directly, rather than through the commissioners. At the end of each calendar year the court could invest unspent school funds as mortgages on real estate. In 1848 the distribution reverted to the former system of money flowing from the orphans court to the commissioners who then paid the teachers for the poor students being instructed.

In 1838 the commissioners of the school fund were made elective, with voters annually electing five commissioners from each election district. The term of office was increased to three in 1842. An 1848 law returned the officials to appointive status with the General Assembly naming three commissioners for each election district (now numbering six) and directing the orphans court to fill vacancies.

In 1850 the Harford County school system was revamped by an act to establish public schools in the county. The commissioners of the school fund and the role of the orphans court were abolished, and their responsibilities and duties given to the board of county commissioners and a board of school commissioners. The county commissioners would receive the state funds, levy taxes for school purposes, appoint the school commissioners, and disburse funds to this board. The school commissioners could establish and manage “as many schools as supportable and necessary,” hire teachers, and prescribe courses of study and textbooks. Unless exempted by a school commissioner, each student paid a tuition of not over \$1.00 per quarter.

Records of the Harford County Commissioners of the School Fund include (Proceedings) 1821-1829 [MSA C947]. School records of the Harford County Register of Wills consist of (School Proceedings) 1830-1850 [MSA C951], (School Papers) 1821-1845 [MSA C950], and (Check Stubs) 1839-1846 [MSA C933]. The proceedings of the commissioners of the school fund contain minutes of their meetings which show the date, members present, and business transacted. Most entries notes funds re-

ceived from the state and their distribution to commissioners in each school district. Also recorded are membership changes as resignations, deaths, and appointments occurred. On November 13, 1821, the commissioners adopted resolutions to govern the disbursement of school funds. The distribution of moneys among school districts would be based on the number of votes cast in the preceding election. Each commissioner would deposit his share in a bank and use it only for tuition of poor children “according to need and equity.” The books of the commissioners would be filed with the register of wills “as he has politely promised to take care of them.”

When the orphans court assumed functions regarding the school funds, the register of wills continued to use the same book described above for recording the financial transactions. Other entries pertain to appointments of commissioners, brief reports on the number of male and female students in each district, removal of a commissioner because he failed to file accounts, and rules and regulations to be followed by teachers filing accounts directly after 1840. For several years the orphans court continued to use the distribution formula based on voting patterns. The (School Papers) series contains copies of laws and resolutions, and other documents relating to the receipt and distribution of school funds. The (Check Stubs) series outlines checks issued by the orphans court. The stubs show check number, date, name of payee which was probably a teacher or assignee, name of school district, and amount.

Information about Harford County school records after 1865 will appear in a later article.

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Vol. 13 No. 5, March 8, 1999

SCHOOL RECORDS FOR PRINCE
GEORGE'S COUNTY, 1826-1866
by Pat Melville

The Archives possesses records pertaining to schools in Prince George's County prior to 1865 only from the register of wills, specifically (School Proceedings) 1826-1866 [MSA C1302] and (School Min-

utes) 1850-1859) [MSA C1301]. During that time period, the Prince George's County Orphans Court administered the free school fund to provide education for poor children and orphans, but played only a minor role in the management of the school system.

Throughout the mid-19th century, the General Assembly passed a series of laws pertaining to the administration of the free school fund and the school system in Prince George's County. The laws seem to reflect struggles to develop a workable plan to successfully establish and maintain schools in the county. A law passed in 1826 removed responsibility for the free school fund from the commissioners of the school fund to the orphans court. Initially the court distributed a set amount to the school trustees in each election district. The trustees were required to report semi-annually to the orphans court to show expenditures from the fund and number of pupils educated out of the fund.

Legislation in 1831 appointed commissioners from each election district to divide the county into school districts. The report describing the districts was required to be filed with the register of wills and the General Assembly. An additional report on the costs of building a schoolhouse in each district was directed to be filed with the General Assembly. Since the commissioners failed to execute their duties, the law was amended in 1833, giving the Prince George's County Levy Court the power to appoint the persons to establish school districts. Implementation remained slow, resulting in another governance change in 1836. The General Assembly extended the provisions of an 1825 law to Prince George's County. This established a county wide board of commissioners of primary schools to set up school districts, distribute funds, certify teachers, and examine school. District trustees would manage individual schools. Use of the state and county school funds would continue to be governed by existing formulas until the county was divided into school districts and at least five schools were opened.

Success remained elusive. An act passed in 1839 brought the levy court back into education system. The court was authorized to appoint commissioners

to divide the county into school districts. To make their job easier, the county surveyor was directed to assist in laying off the districts. After the completion of the commissioners' task, the court would appoint annually trustees of the school fund, a county board that would obtain lots, contract for construction of schoolhouses, and hire teachers. The trustees would secure funds from the orphans court. Schools were to be free for all children of county residents, regardless of their economic status.

The plan laid out in the 1839 legislation finally resulted in the establishment of operational school districts, but tinkering continued. In 1840 provision was made for the taxable inhabitants of each school district to select trustees for their school, who were given the duty of visiting and examining schools and the power to discharge, but not hire, teachers. One year later an amendment to the law removed the hiring of teachers from the county board of trustees to the local boards of trustees. To deal with the problem of taxpayers failing to elect local trustees, an 1843 law directed the county trustees to appoint the local officials until the citizens resumed their duties.

This same 1843 act authorized the orphans court to invest the principal of the school fund in stocks or bonds of the state.

In 1848 another method was mandated for the selection of local school trustees, this time all appointive by the county board of school trustees. In 1849 the selection was given back to the taxpayers of each school district. One more law was enacted in 1860, this time in regard to the boundaries of school districts, some of which were outdated or not recorded in extant records. The county trustees could appoint commissioners to survey old boundaries or lay out new school districts.

After this lengthy explanation of the laws governing schools in Prince George's County, readers may be disappointed by the paucity of information found in the extant records. The (School Proceedings) series contains minutes of meetings of the orphans court to consider school fund matters.

Entries in the proceedings overwhelmingly concern the financial aspects of receiving, managing, and

disbursing the state free school fund. The state treasury sent the funds to the register of wills for deposit and administration as directed by the orphans court. The court conducted an active business of lending part of the principal of the school fund to individuals who, of course, redeemed their notes or mortgages with interest. Often, justices of court filed suits in the county court to compel collection of the debts through, if necessary, judgments and executions. The records provide detailed information about each loan, including the name of the individual(s), amount of the loan, receipts for each payment, and, if necessary, notes about a court suit. Before 1839 even the justices and the register of wills could borrow money from the fund. After a register experienced delays making his payments, the orphans court banned themselves and the register from such transactions. Beginning in 1843 some funds were invested in state stocks and bonds.

The orphans court authorized disbursement of school funds through orders to pay trustees, teachers, and contractors building schoolhouses or making repairs. The disbursement entries show the names of the payees, dates, amounts, and occasionally the purposes. Rules adopted in 1827 for distribution to teachers directed that only one child per family was eligible for education through the free school fund, unless there was an insufficient number of poor children from other families. The trustees had to approve the accounts of the teachers and contractors before the court issued payments to them. The first reports, few in number because not many schools were yet established, filed by the school trustees in 1827 are summarized in the proceedings. Some give the names of teachers and the names and ages of the students. After 1827 the register of wills ceased recording such details from the reports.

The proceedings include copies of the annual reports to the General Assembly. The reports show income and disbursements by types and amounts. Until 1840 the orphans court appointed the school trustees and filled vacancies. The proceedings contain records of these appointments. The school records date beyond 1864 because the register of wills maintained entries concerning the transfer of funds to the Prince George's County Board of County School Commissioners.

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Vol. 13 No. 6, March 22, 1999

SCHOOL RECORDS FOR QUEEN ANNE'S COUNTY, 1833-1863

by Pat Melville

Despite the thirty year date span, the school records for Queen Anne's County are meager, to say the least. All the materials are contained in one folder in Queen Anne's County Register of Wills (School Papers) [MSA C1475].

The orphans court in Queen Anne's County had fewer responsibilities regarding education than in many other counties. Distribution of the free school fund remained under the control of the county commissioners of the school fund. By a law passed in 1831, but taking effect in 1832, they were given additional powers to change school district lines and appoint the trustees for each school district, except in Centreville where the private Centreville Academy existed. The academy was governed by its own board of trustees and was considered a free school for county residents as long as it received state funds. In 1833, the General Assembly gave the orphans court the duty of filling vacancies within the commissioners of the school fund, which was composed of one person from each of the five election districts. The court was given the task of annually appointing the commissioners. Beginning in 1850, the commissioners were required to file annual financial reports with the orphans court.

In an attempt to provide adequate funds for the establishment and maintenance of schools, the General Assembly in 1833 authorized school districts in Queen Anne's County to levy a school tax, but only after approval by the voters. Apparently this tax plan was unpopular and little used because by 1846 many districts had failed to set up schools. A legislative proposal to levy a school tax country wide and distribute the proceeds to the districts was rejected by the voters. The (School Papers) series for 1833 through 1849 contains notices about vacancies among the commissioners of the school fund and the board of trustees of the Centreville Academy and recommendations for replacements. The later

records consist of annual reports of receipts and disbursements, filed by the commissioners of the school fund. The last three reports provide summary information about schools and students. In 1858, the county contained thirty-seven school districts, with all but one of them operating a school. In 1859, a new district was established on Kent Island. By 1862, four more school districts had been added. An average of 821 students attended school in 1858, 880 in 1859, and 900 in 1863.

The Archivists' *Bulldog*

Vol. 13 No. 9, May 10, 1999

CECIL COUNTY ESTATE PAPERS

By Pat Melville

Cecil County Register of Wills (Estate Papers) 1790-1850 [MSA C645] contains the original papers filed in the administration of estates. The individual files consist of some or all of the following types of documents – will, bonds, inventories, sales of personal property, lists of debts, claims against the estate, petitions, accounts, distributions, and receipts from heirs. Records versions of most of these papers are found in other Register of Wills series.

Many of the bonds filed by executors and administrators, beginning about 1800, contain notations concerning the death of the decedent and heirs. These notes were not recorded in the (Administration Bonds) series [MSA C589]. The following examples will demonstrate the kinds of information found on the bonds. James Cannon died intestate on March 16, 1800 at his dwelling house and left a widow Susanna and six children named Susanna, James, Mary, Cassandra, Caroline, and Matilda. Harman Husbands died intestate on July 31, 1805, at Peter Wingate's and left heirs named Isaac, Rebeccah, Benjamin, and John Benson, children of his sister Mary Benson and her husband Benjamin.

The executors of the estate of Joseph Hutchinson filed their bond on January 7, 1805. A notation on the paper lists his representatives as his widow Ann and eight children - John, William, Walter, Samuel,

Elizabeth, Ann, Benedict, and Rachel, the last two being under age. John Lynch died at his own house in October 1817 and left a widow and two children. The names of these heirs are not given. William Gorrell died intestate on June 6, 1823, at his own house and left a widow Elizabeth and three children - John, Joseph, and Henrietta, all minors.

Michael Hayne died intestate on November 4, 1830, at his house and left nine children of whom Albert was the oldest. The others were Matilda, John, Elizabeth, Sarah, Julia, William, Rebecca, and Michael. Hannah Quarle died intestate in 1838 at her residence and left one son Joseph, a minor.

[A special thanks to Jon Livezey who brought these records to the attention of the author.]

The Archivists' *Bulldog*

Vol. 13 No. 10, May 24, 1999

SCHOOL RECORDS FOR ST. MARY'S COUNTY, 1838-1860 by Pat Melville

The state of the school system in St. Mary's County prior to 1839 cannot be determined easily because of the lack of extant local records. Legislation (Acts of 1838, Ch. 362), taking effect in 1839, revamped the educational operation in the county. Commissioners of Primary Schools were established for each election district. The first commissioners, three in each of the five election districts, were named in the law, with subsequent vacancies to be filled by the board of county commissioners. Initial duties of the school commissioners included the division of each election district into an appropriate number of school districts, selection of sites for school houses, and appointment of five trustees for each school district. The school trustees were responsible for acquiring a lot, not to exceed one acre, by purchase, gift, donation, or condemnation at the site selected by the school commissioners, getting the school built and maintaining it, and employing a teacher.

The county commissioners assumed the powers and duties of the commissioners of the free school fund for St. Mary's County. The school commissioners

were directed to inspect all schools annually and report to the county commissioners on conditions, number of students, and recommendations. In turn the county commissioners filed an annual school report with the General Assembly.

In 1842 (Acts of 1841, Ch. 202) the voters of each school district were authorized to elect annually the school trustees. One year later, the law was repealed (Acts of 1842, Ch. 124) perhaps because of low voter turnout.

The St. Mary's County school system was again reorganized in 1853 (Acts of 1853, Ch. 279). A Board of School Commissioners replaced the Commissioners of Primary Schools. Members of the board, consisting of one person from each election district, were appointed by the orphans court for four year terms. The register of wills would serve as treasurer of the school fund. The school board took on the appointment of school trustees, to be done every two years. The trustees were directed to revise and describe the boundaries of their districts and report to the school board which would submit it to the county clerk for recording. In addition, the trustees were required to determine the number of white children, between the ages of five and seventeen, in their respective school districts and report the figures to the school board. It is unknown whether these last two provisions were ever executed.

The school board was given the authority to hire teachers, based on recommendation from the school trustees. The power of dismissal, however, was vested in the trustees. The 1853 law specified two local sources for school funds. Trustees could collect \$1.50 for each child attending a school, unless the parents or guardian could prove themselves indigent. The county commissioners could levy a school tax on assessable property. These funds plus those from the state were to be divided equally among the school districts by the school board.

School records prior to 1865 include St. Mary's County Levy Court (School Papers) 1838 [MSA C1695] and St. Mary's County Board of County Commissioners (School Papers) 1839-1860 [MSA C1696]. Both series consist of mostly reports and financial records filed with and generated by the levy

court and its successor, the county commissioners. The papers are arranged chronologically by year.

The 1838 file contains a time roll from one teacher, showing the name of each indigent student, number of days in attendance per month, and total attendance for the year. An extensive set of time rolls appears in the 1839 folders, and thereafter only one such record, in 1841. Several time rolls list both students and parents, for example, John, Catherine, and George Ann, children of George Batty and Benjamin, Elizabeth A., and Priscilla J., children of William and Ann Clocker, father deceased. Another early record that does not appear later is an account of school funds for 1836-1837 and for 1839, which lists for each school the number of indigent children taught, name of the teacher, amount approved and to whom payable, and date and amount of the draft. The number of indigent pupils ranged from two each under teachers George J. Spalding and George Saxton and thirty-nine under James Rock.

In 1839 the Commissioners of Primary Schools in each election district filed reports on the establishment of school districts, which included boundary descriptions and the names of the appointed trustees. To some of the reports were attached surveys and plats. Twenty-three school districts were created - three in Election District 1, five in Election District 2, seven in Election District 3, five in Election District 4, and three in Election District 5. Subsequent reports from the school trustees outlined the acquisition of land for schools and the building of schoolhouses. Similar trustees reports continued to be filed through 1847, many containing surveys and plats of the school lots.

Financial records between 1840 and 1853 consist of affidavits from the trustees, certifying that their school had been open, orders to pay money due teachers, and receipts for funds paid the teachers and the school districts. Most of the affidavits include the names of the teachers. Sometimes the funds allocated to the districts were deemed inadequate. Trustees of one district in 1841 stated that the school "has been regularly open and in successful operation up to the first day of Augt last, but is now temporarily closed owing to a disappointment as to the

amount coming to us from the state....” Other accounting records came from the treasurer of the school fund, which showed receipts, expenditures, and distributions to each school district.

Periodically between 1841 and 1853 a copy of the annual report filed with the General Assembly appears in the (School Papers) series. These records noted the number of schools in operation and summarized receipts and disbursements. In 1841 nineteen schools were open; two years later there existed schools in all twenty-three districts. In 1847 a twenty-fourth district was added.

The files for 1842 contain election returns for the one year trustees were elected by voters in each school district. The returns show date of the election, name of the election judge, names of the candidates and elected trustees, and some vote totals. Voter turnout was very low in most cases. The highest number of votes for any one man was eighteen. In School District 2 in Election District 5, three voters cast ballots. Some election judges filed tally sheets on which appeared the names of the voters and candidates. In School District 4 in Election District 3 there were nine voters.

After the 1853 law takes effect and until the state system comes into existence in 1865, only three documents are found in the (School Papers) series. One is a copy of a resolution of the school board concerning the school tax to be levied by the county commissioners. The other two are reports of commissioners to divide school districts, condemn land for the schools, and recommend compensation to the landowners.

An analysis of the rest of the MSA C1696 series which continues through 1895 will be take up in a later articles on schools in St. Mary’s County.

The Archivists’ *Bulldog*

Vol. 13 No. 13, July 12, 1999

NATIONAL HISTORY DAY by Pat Melville

National History Day is the culmination of local, district, and state competitions for middle and high school students who have developed projects based on a set theme which in 1999 focused on science, technology, and invention. Students participated individually or in groups in the following categories: paper, exhibit, documentary, or performance. All projects must make use of primary sources. This year I served as a judge at the state and national levels where there is an initial competition and then a runoff to select the winners. The quality of the projects, especially at the national level, speaks well of the students and their teachers and parents. The comments below are taken from the national competition and are based on the list of runoffs and the ten senior individual documentaries assigned to my group of judges.

The theme of science, technology, and invention presented students with several challenges as they tried to explain their specific topic and its impact on history. Most of the projects could be classified into several broad categories – medical, transportation, atomic and nuclear energy, agriculture, photography, and communication. Surprisingly space exploration and computers were not heavily featured.

Medicine was definitely the most popular topic, led by polio and the Salk vaccine. Other favorite subjects concerned human eugenics, penicillin, smallpox, and x-rays. Also represented were prosthetics, DNA, Thalidomide, leeches, pacemakers, cholera, yellow fever, mental illness, water fluoridation, 1918 flu epidemic, syphilis at Tuskegee, birth control, emergency care, and plastic surgery. One student was even brave enough to tackle the history of medicine and civilization.

Transportation projects included bridges, canals, roads, planes, helicopters, railroads, tunnels, cars, and streetcars. More specifically students examined the historical significance of the Tappen Zee Bridge, Takoma Narrows Bridge, Erie Canal, Panama Canal, Wright brothers, good roads movement in Illi-

nois, and railroad technology and the adoption of standard time zones. One student produced a documentary on the Stanley Steamer, which concentrated on the history of its development and its popularity during the late 19th and early 20th centuries. She obtained documentation from the Stanley Steamer museum in Kingfield, ME, talked to descendants of the Stanley brothers and restorers, and even drove one of the cars.

Atomic and nuclear energy topics concerned mostly the development of the atomic bomb. One student looked at the impact of the bomb on the war itself and later cold war developments, but her main emphasis lay on the moral dilemma for Robert Oppenheimer, the director of the Manhattan Project. A Maryland student from Calvert County produced an impressive documentary about Enrico Fermi who supervised a series of experiments that culminated in construction of the CP-1 Pile, the first controlled self-sustaining nuclear chain reaction. This momentous event took place in a squash court under the west stands of Stagg Field at the University of Chicago on December 2, 1942. The only visual depiction of this successful experiment exists on a painting. The student conveyed a sense of tension and drama in his description of this event through vocal inflections, ticking sound effects, and panning and zooming on sections of the painting.

Presentations on agriculture covered George Washington Carver, invention of the peanut shaker, green revolution, REA, Kudzu vine in the South, condensed milk, refrigeration, food preservation, and grain harvesters.

Students with photography as a topic concentrated on aerial photographs, camera technology, camera as an eyewitness to war, and impact on painting. One student produced a video on George Eastman, focusing on his development of a commercially successful camera for the amateur. Through the use of manuscript materials and contemporary visuals, she gave a brief historical background of the camera and biography of Eastman, thus giving the presentation an historical perspective.

Another student researched Farm Security Admin-

istration and its photography program and examined its impact on the development of documentary photographs. Much of video concerned the immediate effects of the photographs on political policies during the depression.

Communication topics involved the telephone, radio, television, Morse code, and Braille. One student reviewed the life and inventions of Dr. Lee De Forrest, a radio pioneer and inventor of the vacuum tub triode (a key element required in voice radio transmission at the time). This was an interesting topic of scientific endeavor where the inventor defeated himself by unethical business practices and ill timed sales of his inventions. Another student discussed the invention of the telephone by Alexander Graham Bell and its extensive impact since then. She offered an effective combination of historical narrative and analysis over a long period of time, including the development of the switchboard and its ultimate importance for women in the labor force.

The first place winner in the senior individual documentary category produced a video on television and its effect on elections and wars in the U.S. He chose this topic because society needs orderly government and security. He focused first on the use of TV ads in campaign and how they have become a driving force in attempts to obtain votes. Then he looked at the Vietnam war and how its portrayal on TV affected perception by Americans, leading to protests and opposition. Much of the primary source documentation came from news clips in film archives and interviews, by phone or letter or in person, with prominent newscasters and politicians, such as Walter Cronkite, Mike Wallace, Peter Jennings, Henry Kissinger, and gubernatorial and senatorial candidates in California. The resulting documentary was historically accurate, with in-depth analysis, and produced with polished visuals and narrative.

Other National History Day topics concerned textile mills, sanitation systems including privies and indoor plumbing, Darwin's theory of evolution, stock ticker, radar, air conditioning, Grand Coulee Dam, Hoover Dam, dynamite, blue jeans, chemical weapons, radio carbon dating, pesticides, elevators, cryptography, Galileo, and mummification.

The Archivists' *Bulldog*

Vol. 13 No. 14, July 26, 1999

MARYLAND CIVIL WAR ENROLLMENT RECORDS: INTRODUCTION

(Part I of Three Parts)

by Pat Melville

Throughout the Civil War period the federal government and the states struggled with the problem of acquiring the soldiers and sailors needed in the military. Some of the methods used by Maryland officials to raise troops are revealed through the records of the Adjutant General.

In all states at various times throughout the conflict, volunteer enlistment dragged. This was particularly true in Maryland whose citizenry largely supported the Union and were economically tied to it. But they manifested little inclination to battle for the cause. There were areas within the state - the six most southern counties of the Western Shore and parts of the Eastern Shore - who by kinship, tradition, and dependence on slave labor were attached to the South. Nonetheless thousands of young men, white and later black, served the national government. Far fewer actually fought for the Confederacy, but their families were more genteel and vocal. Officially Maryland was a Union state, but the rebels are best remembered.

President Abraham Lincoln's first call for 75,000 volunteers was made a few days after the bombardment of Fort Sumter. The War Department determined the number of volunteers expected from each state according to population. Maryland's quota was set at 3,123 men; it was never met. Until the end of the war, Maryland with one exception failed to meet any federal quotas.

In July 1862 the United States government called on the states for the recruitment of 300,000 men for three-year terms of service. Maryland's quota was set at 8,532.

Lack of adequate response led to the issuance of another nationwide call in August lowering the time of service to nine months. Quotas remained the same. Any state not fulfilling its quota was required to institute a draft. War Department regulations called for

each state to conduct an enrollment of able bodied male citizens between the ages of eighteen and forty-five. Exemptions were allowed for men already serving in the military, performing certain jobs such as railroad engineer or postmaster, or having physical disabilities. Anyone drafted had the right to furnish a qualified substitute.

The first draft was set for September 3, 1862, but in Maryland was postponed three times and finally conducted on October 15. Earlier on August 26 Maryland's quota had been reduced to 6,000. In the end Maryland furnished only 3,586 men. Despite all the problems - constant communiques from Washington and complaints and threats from Marylanders - the Adjutant General's office completed the enrollment. It formed the basis for subsequent drafts and to keep count of the Maryland militia until enactment of a new militia act in 1864.

On March 3, 1863, the U. S. Congress passed its first conscription act whereby all able bodied male citizens and foreigners who had declared intentions to become citizens were subject to the draft. The federal provost marshal general conducted the draft. Draftees could provide qualified substitutes or buy their way out of service by paying a commutation fee of \$300. A bounty of \$100 was paid to each volunteer, draftee, and substitute. The federal bounty was paid in addition to any authorized by state or local governments. Maryland did provide for a bounty system in 1864. The federal conscription act was inherently inequitable since it excluded anyone with the means to buy his way out of service. However, it did furnish men for the Union army.

Few blacks served in the military in the early months of the Civil War. Some states did have blacks in their militia and among their volunteers, and federal law authorized their enrollment. But this had not yet occurred in Maryland. Some citizens urged the recruitment of blacks since the number of white volunteers was inadequate. The War Department finally agreed to the recruitment of free blacks and slaves of rebels in late July 1863. Free blacks flocked to the recruiting office in Baltimore.

On October 1 the War Department ordered the recruitment not only of free blacks but also slaves of

loyal Marylanders. Opponents of black recruitment were powerless to protest. Besides, parts of the order appealed to officials and citizens. Loyal masters would be paid \$300 for each able bodied slave enlisted in Union service. Better yet, black soldiers would be counted as part of the Maryland quota.

In the call issued March 14, 1864, Maryland at last filled her quota; 4,317 were required and 9,365 appeared for duty. Federal and state bounties for both black and white enlistments probably made the difference. In February the General Assembly had consented to the payment of bounties to Maryland recruits, both black and white. Owners who freed their slaves for military service also received a stipend.

The Archivists' *Bulldog*

Vol. 13 No. 15, August 9, 1999

MARYLAND CIVIL WAR ENROLLMENT RECORDS: ENROLLMENT AND DRAFT

(Part II of Three Parts)

by Pat Melville

In the process of trying to comply with the various federal calls for troops, the Adjutant General of Maryland generated a body of record material that is very useful for historical and genealogical studies. The people and situations come alive for subsequent generations.

Marylanders regarded the recruitment calls of July and August 1862 as more than an enrollment of potential enlistees. They viewed the enrollment as a draft because the latter would be imposed where local quotas were not met. The military enrollment of 1862 was directed by an assistant Adjutant General, called the Superintendent of Enrollment, but administered locally by a commissioner in Baltimore City and each county and an enrolling officer in each Baltimore City ward and each county election district. One or more surgeons were appointed in Baltimore and each county to process applications for physical exemptions.

State and local officials encountered resistance in

trying to commission enrolling officers and surgeons. Joseph Hall of Calvert County had "heard of several threats to assassinate me or rob me...." Isaac S. Lankford of Somerset County felt that outsiders should do the enrolling. "I have no objection to the Enrolement. It is something that] ought to be done but I think if it is done by one of its citizens his property will be endangered if not his life. This has been my opinion for some time and my ... fears have be[en] confirmed by Evidence. The officer in the district adjoining me received his commission some two or three days before I did. He entered upon his duty and the first or second night after he commenced his wheat stacks were set on fire and burned...."

Apparently the situation was so dire in St. Mary's County that the superintendent of enrollment sent Randolph Jones three blank commission forms and gave him full authority to fill vacancies. Philip G. Love, who resigned as enrolling officer in that county, described the atmosphere as being "surrounded by a hostile foe. I occupy a very peculiar position in this County when I say there is no man that lives in the County that has been stigmatized and condemned more than I for my Loyal or union sentiments. It may be that I have talked too much.... Many men have left here at different times since the outbreak of the Rebellion and supposed to be in the Confederate service. Others have left here lately supposed to ... escape the draft.... I do not believe that my Brother or myself could ride three hours in attempting to enroll our Dist[ri]ct without being shot. We have been openly and publicly threatened. We have also been advised ... that if we qualified for said office we would only be signing our own Death warrants."

Even after local officials were appointed and functioning, troubles continued to plague the enrollment process. The Confederate invasion into Western Maryland in September 1862 created havoc for some enrolling officials. Isaac Nesbitt, enrolling commissioner for Washington County, reported that he had received returns from all but one district by September 1. He then began "to receive applications for exemptions, and continued in the discharge of that duty until the evening of the tenth, when, learning that the rebel Army was rapidly approaching this

place I secured my books and papers connected with the enrollment, and retired a few miles into the country, believing from what had occurred in Frederick and Carroll counties, that if I remained I should be caused to surrender the Books of Enrolment to be destroyed as had been the case in those counties. After an absence of a few days I returned to my post....”

Also causing great consternation among Marylanders, government officials and citizens alike, were the policies and procedures regarding exemptions from military duty, specifically for medical reasons. The exemptions were supposed to be granted when a disability rendered a man unfit for military duty for more than thirty days.

Many people complained about the high number of physical exemptions being accepted. The most severe condition occurred in Calvert County where 62% of the 839 enrollees were exempted for medical reasons. Dr. John R. Quinan was ready with an explanation. Upon being asked about the prevailing diseases of the county, he replied “that our endemic affections are malarious in origin and almost universal in extent.... Nor is the extent of our endemic disease a matter of surprise, to one taking into consideration the topography of our county, but a few feet above sea level, with a coast of sixty miles, indented at short intervals with creeks and marshes, affording during the greater part of the year fruitful hotbeds of malaria.... What the exact proportion of our population may be who have been the subject of malarious disease, I am not able to say with certainty; but I feel assured that it cannot be less than four fifths of our adult residents.” Several other physicians supported his statements.

The Adjutant General’s office overruled these decisions and canceled all physical exemptions in Calvert County. Any man subsequently drafted could resubmit his medical claim for exemption at the state level.

In Frederick County the surgeon, Dr. J.J. Moran, was accused and found guilty of granting disability certificates for monetary considerations and of refusing to issue such certificates when the applicant would not pay. The Adjutant General’s office vacated all medical exemptions and ordered a rehearing for all claims.

While contending with incomplete and erroneous enrollments, Maryland officials tried to institute the draft. The War Department had set September 3, 1862, as the draft date, but had given each governor the power to postpone it. Gov. Bradford exercised this option three times. He first moved the date to September 15 because the enrollment was not completed. The invasion of Western Maryland caused the second postponement to October 1. The third delay to October 15 resulted from the destruction of many enrollment records in the western counties and the need to reconstruct them. Many letters about these postponements revealed a decided opposition to the draft. John W. Crisfield from Somerset County wrote, “I wish it could be dispensed with altogether in this state. It has caused tremendous excitement here, and if pressed, it will I fear drive many of the disloyal proclivities into the Southern Army. If on the other hand it could be understood there was to be no draft, there would be a very general feeling to serve in the militia, to drive the invaders from our own soil.”

The latter statement reveals another common theme - the desire to protect parochial interests as opposed to a national goal of preserving the union. Thomas A. Miller of Charles County disclosed the sentiment in his community. “I understand hundreds of our young men ..., apprehensive of a draft, are making preparations to cross the Potomac with a view of joining the Confederate Army. The Gov[ernment] ought to provide against this by thoroughly picketing the Virginia side of the Potomac River. There is a great deal of excitement here, the secessionists declaring they will die by their firesides sooner than fight against the South.”

The Archivists’ *Bulldog*

Vol. 13 No. 17, September 13, 1999

MARYLAND CIVIL WAR ENROLLMENT RECORDS: RECRUITMENT (Part III of three parts) by Pat Melville

When the drafted men were taken to their places of rendezvous, Camp Bradford for the Western Shore and Camp Hicks for the Eastern Shore, problems plagued the mustering in process. The substitute sys-

tem whereby a draftee could supply a replacement was proving troublesome. William S. Reese, on November 9, 1862, outlined the abuses occurring at Camp Bradford. "Of the four hundred substitutes offered, a large proportion of them are men of vicious habits, bad associations, and dishonest principles. They never intended to act in good faith and serve the time for which their principals were drafted, but have sold themselves for money to escape with their booty the first opportunity presented. Some of this class made their escape on the day they were received, others have remained to rob and plunder the innocent, who fall easy victims to these practiced thieves, and then desert. My opinion is that most of the Class taken since the Camp was Established have made their escape.... Another great abuse of the system is found in the imposition practiced upon the men drafted, and substitutes, by Agents or Middle Men engaged in the traffic of furnishing substitutes. Drafted men coming to the City unable to find substitutes apply to these agents, who have men secured for the purpose, and to avoid delay and vexation are induced to pay them large prices for a substitute, while the substitute in turn receives but a small portion of the price paid."

On November 17 the system was amended so that the fee was paid to the camp commander who then paid the substitute in installments. Anyone deserting forfeited future payments due him. The number of desertions after November 17 declined dramatically. Brig. General E. Shriver, commander at Camp Bradford, reported on the rendezvous through March 1, 1863. 4,114 men from the Western Shore should have reported for duty by then. Of the 1,786 (43%) that did report 181 (10%) were mustered into service, 759 (42%) furnished substitutes who were mustered into service, 425 (24%) furnished substitutes who deserted, and 421 (24%) were exempted for various reasons. 83% of the desertions had taken place before the rule change about paying substitutes.

Blacks as a source of manpower for military service remained out of the question in Maryland until later in 1863 when federal orders regarding the enlistment of free blacks and slaves changed this scenario. As far as can be determined, the Adjutant General's records of the civil war period do not contain mate-

rials from blacks themselves. Reactions of white men are abundant, however. When slaves were emancipated in the District of Columbia, slave holders in the southern counties of Anne Arundel, Prince George's, and Calvert were quite upset and appointed a committee to meet with Gov. Bradford regarding the slaves escaping into the district. According to the slave holders "large and organised bands of slaves are now daily marching forcibly from said counties into the said District, in an armed and threatening manner; and ... this proceeding, if not arrested, is likely in a short time to deprive the people of these counties all their slave property; ... the said slaves after reaching the District, are protected by persons representing themselves to be Federal Officers, so that they cannot be reclaimed by their owners under civil process."

Citizens wanted their property rights upheld. Dr. J.H. Miles refused an appointment as examining surgeon in St. Mary's County's County for that reason. "[T]he government under which we live does not protect our property.... [T]he people well know that if the rebellion was permitted to succeed, ruin and desolation would follow. The protection the laws afford to life and property would be swept away with the destruction of the Government. The rebellion has not succeeded; but the protection which the laws afford to property has been swept away, by the establishment of the Point Lookout Hospital.... Negroes belonging to Citizens, as loyal, as any in Maryland, have gone there...."

Not all sentiment was so negative. 1st Lieutenant H. Thomas Burrows had heard that black troops were being recruited in Maryland for federal service. He commented to the governor, "This rumor no matter how groundless it may be has had a good effect, in removing from the minds of many of our good loyal citizens & soldiers, a prejudice which has long existed against negroes being used by the Government in a military capacity, to assist in crushing this miserable Rebellion, it has caused our men to look at the question in its proper light, and they have come to the conclusion that we must stand by the Government in all its lawful undertakings to mete out punishment to traitors and their sympathisers."

Sources: The documents cited in this series of articles come mostly from the (Civil War Papers) series [MSA S935] of the Adjutant General. These miscellaneous administrative files concern enrollments, drafts, troop returns and reports, officers' commissions, orders, and bounty vouchers and rolls. I used this series of records heavily because the content is so rich, or, to put it another way, the other records do not tell such interesting stories. Yet these other, perhaps more mundane, materials, are equally important for a full understanding of the enrollment and draft in Maryland. They include (Draft Proceedings) [MSA S341] which lists all the local enrollment officials and their financial accounts, (Draft Record) [MSA S340] which names the men received at Camp Hicks and those drafted in 1864, (Order Book) [MSA S350] which contains the general and special orders regarding enrollment policies and procedures, (Quotas and Credits) [MSA S331] which records the federal calls for troops, Maryland's quotas and her credits toward these quotas, and (Enrollment Record) [MSA S352] which shows the registration of each person subject to military duty under federal orders in 1862 and under state orders in 1864. There are over 400 enrollment record volumes, arranged by county election districts and Baltimore City wards in 1862 and by military districts in 1864. The information for each enrollee includes name, address, age, occupation, and remarks, usually about exemptions. Draftees are indicated by the letter D.

The Archivists' *Bulldog*

Vol. 13 No. 21, November 8, 1999

SCHOOL RECORDS FOR TALBOT COUNTY, 1835-1849 by Pat Melville

For the years prior to 1865 the Archives has few records concerning schools in Talbot County despite the amount of legislative activity. Talbot was one of the earliest jurisdictions to obtain the authority to levy taxes for education purposes, through an act passed in 1817. The levy court was supposed to appoint seven trustees for the education of poor children in each election district and a county treasurer

for school funds. The trustees would divide their district into seven sub districts, allotting one to each trustee. Each trustee would conduct a census of poor children over the age of eight whose parents could not pay tuition and report the results to the levy court which would set the annual levy on the basis \$12.00 per child in the census, plus \$50.00. Properties assessed for under \$200.00 were excluded from the school tax. The levy court would cease this tax when sufficient funds were available from the tax on banks. A student could not be educated from the school fund for more than three years.

In 1831 the newly created board of county commissioners took over all duties of the levy court. In 1833 the General Assembly amended the law concerning education in Talbot County. The county commissioners would appoint three district school commissioners for each election district. The district commissioners would divide their election district into school districts and arrange for election of trustees where none existed. The passage of another law the next year implies a lack of compliance with existing statutes. If taxable inhabitants of a school district failed to levy a tax or raise money for building or maintaining a school, the county commissioners could impose a tax and appoint trustees to manage the district. Citizens to be taxed were limited to those having children between the ages of six and fourteen and having an annual income of at least \$100.00.

Two series of the Talbot County Board of County Commissioners involve education: (School Proceedings) 1835-1842 [MSA C1912] and (School Ledger) 1840-1846 [MSA C1911]. The (School Proceedings) consists of only eleven pages of minutes of meetings concerning schools. The entries for 1835 contain a legal opinion confirming the authority of the county commissioners to appoint trustees when the taxable inhabitants of a district neglected to conduct an election and the appointments of school commissioners and schools inspectors. In 1836 the county commissioners filled a vacancy for a trustee who resigned, appointed inspectors, considered applications to alter the boundaries of school districts, recorded election returns for trustees, and appointed trustees when no elections were held. The proceedings for 1837 were limited to the results of two elec-

tions for trustees. The entries then skip to 1842 when the clerk recorded a boundary change between school districts, listed individuals receiving teaching contracts and trustees for each school district, and summarized receipts and disbursements for each school district.

The (School Ledger) series contains financial accounts with school trustees which outline receipts and disbursements. The latter entries show dates, names of payees including teachers, purposes, and amounts. Also included are some receipts for payments of teachers' salaries.

The Archivists' *Bulldog*

Vol. 13 No. 22, November 22, 1999

EDUCATION RECORDS FROM AN ACADEMY (Part I of two parts) by Pat Melville

Between 1778 and 1867 eighty-eight academies were chartered by the General Assembly. They were built and staffed with private funds and governed by self-perpetuating bodies of visitors or trustees. Most academies also received state appropriations because initially they may have offered a viable alternative to the lack of local public schools and because they often agreed to accept poor students. Legislative attempts to remove these appropriations and donate them to the free public schools were proposed throughout the 19th century, but were strongly and successively opposed.

Records of the board of trustees of one of these academies – Washington Academy, located in Somerset County – are available at the Archives. They include (Ledger) 1841-1867 [MSA C1782], (Miscellaneous Papers) 1770-1867 [MSA C1791], and (Proceedings of Trustees) 1783-1910 [MSA C1803].

Washington Academy was chartered as a boarding school in 1779 by a legislative act. Inhabitants of Somerset County had already erected the school building and other structures on Back Creek, about two miles from Princess Anne. Eleven men were named to the board of trustees. The board was expanded to eighteen in 1785 in order to incorporate trustees from surrounding counties in Maryland,

Delaware, and Virginia. Despite these efforts, the student body continued to come primarily from Somerset County. In 1872 the academy was integrated into the public school system as a county high school and over time lost its separate identity. The board of trustees continued to function for several more years because it continued to control assets and receive income.

The (Proceedings of Trustees) series contains the minutes of the meeting of the board of trustees. Each entry shows the meeting date and members present. The contents of the entries can be divided into parts – those prior to 1872 and those after consolidation with the county school system. Some business matters remain constant throughout both time periods. They include the elections, resignations, and dismissals of individual trustees and secretaries and treasurers of the board, audits of treasurer's accounts, approvals of special expenditures, and maintenance and repairs of the school buildings.

The proceedings for 1783 through 1872 reflect the active and extensive role played by the board of trustees in the operation of the Washington Academy. They hired and fired principals, assistant principals, tutors, teachers, assistant teachers, and stewards who were in charge of the boarders, set their salaries, and drew up contracts. Other matters involved tuition rates, adoption and revision of rules and regulations governing operation of the school and conduct of the students and staff, recommendations to the General Assembly, and regular visits to the school to examine the physical facilities and to review academic accomplishments of the students. In 1841 the trustees created an executive committee to supervise the affairs of the academy between board meetings.

The trustees met for the first time on September 4, 1783, and spent the next ten months trying to secure the services of a principal, then called a president, for the academy. One of his first acts was the submission of rules and regulations which were adopted by the board. Although not affiliated with any denomination, the school operated within basic religious premises. In fact, for many years ministers served as principals. Students were required to attend prayers twice a day. Hours for study were set at 6-7 and 9-12 in the morning and 2-5 in the after-

noon. In 1813 a new rule provided that each “student shall commit to memory the Catechism of his Own church, & Keep by him a New Testament.” Misbehaving students could be admonished by the faculty, but expelled only by the trustees. The minutes also contain investigations of charges of cruelty against teachers.

The minutes are heavily laden with financial matters, both routine and extraordinary. On December 9, 1818, the board directed the treasurer to state accounts in dollars and cents, not pounds, shillings, and pence. Periodically detailed accounts would be recorded. For example, the minutes for May 3, 1820 delineated expenditures and amounts for tuition and board received from parents and guardians. In February 1843 the trustees lowered tuition because of the depressed state of the economy as a means of maintaining an income stream.

Some time prior to April 18, 1797, the school house was destroyed by fire. The trustees obtained a private house for temporary use, and even considered taking over the Eden School building which was for sale at the time. Eventually a new building was constructed. In 1824 a carriage house and stable were added for use by the principal. Ten years later a committee of trustees considered replacement of the roof of the main school building. Instead they recommended the less expensive route of repairing the roof and coating it with tar and fish oil in a black or red color.

The earlier proceedings contain little information about the number of students attending the academy. A report for 1818 shows 45 boys in attendance. Ten of them, named in the minutes, were present as free students, those whose parents had insufficient income to pay the public school fees. The academy received state funds for educating these poor pupils. Whenever a free student left, the trustees reviewed applications and selected another one in his place. The total number at any one time varied between six and ten.

By 1829 the number of boarders had fallen so low that their fees could no longer support the services of a steward. Instead the principal was given the boarding operation. Boarders were charged \$1.75 per week for room and board and \$5.00 for fuel in the winter. Day students paid \$2.00 for fuel. The tuition

fee was set at \$10.00 per quarter.

In 1869 there were 35 paying students and 10 free ones. On September 27, 1869 the principal submitted an analysis of the performance of each of the ten free students. Attached to this report was a wish list which included more frequent visits by board members, coal in place of wood for fuel, and blackboards.

Periodically the trustees would outline the courses of study for the academy. In 1842 the subjects included English, Latin, Greek, geography, natural science, moral science, and mathematics. By 1867 the list was longer and more detailed and encompassed reading and spelling, writing, bookkeeping, surveying, moral philosophy, astronomy, arithmetic, English grammar, navigation, general history, historical geography, geometry, algebra, trigonometry, natural philosophy, elocution, political economy, Latin, and Greek.

Between 1841 and 1844 the board of trustees undertook a project to move the academy to a more central location in Princess Anne. The first hurdle involved the actual decision to relocate. In a report filed on July 18, 1841, the members stated: “...[I]n arriving at this conclusion they have had to combat their feelings of veneration for an ancient building at the associations of early youth. Yet an ardent desire for the advancement of education now and in the time to come has induced them to recommend the change. It is much to be regretted the house was not originally situated in Princess Anne, and it seems to the Committee that whatever was the taste of the public at the day in regard to Boarding Schools, certain it is, public sentiment is in some measure against then now...” The committee also believed that it would be easier and cheaper to obtain and retain competent teachers. In that same year the effort to hire a principal was so difficult that the trustees suspended the rule preventing that person from simultaneously acting a rector or pastor of a church or parish.

In December 1841 the trustees of the academy and the Franklin School agreed to merge under the name Washington Academy and to locate in Princess Anne. Legislation permitting the union was passed shortly thereafter. In the meantime the newly united school

was holding classes in the Franklin School building. In March 1842 the trustees reached an agreement with Mrs. Elizabeth R.W. Waters to purchase three acres in Princess Anne for \$450. Then ensued a series of reports and discussions regarding the options of constructing a new building or moving and repairing the old academy building. Ultimately cost became the deciding factor, \$2,800 for construction opposed to \$356.72 for moving and repairs. In addition, no one seemed interested in buying the old academy property. The trustees saw it as ideal for an almshouse, but the county disagreed. The minutes for March 29, 1843 contain a detailed analysis of the costs for supplies and labor to move the existing school building to the Waters lot and to repair it. The work is completed by the end of the year.

The old academy property remained under the ownership of the trustees for at least another fifty years. During that time the trustees leased the property to individuals and tried to sell it several times, including once for a female school. Other concerns pertained to unauthorized cutting of trees and repairs to the house.

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Vol. 13 No. 23, December 13, 1999

EDUCATION RECORDS FROM AN ACADEMY (Part II of Two Parts) by Pat Melville

After the appearance of the previous article on Washington Academy, a faithful reader and diligent volunteer, Doug Hayman, alerted me to an account of the school written in 1949. "Washington Academy, Somerset County, Maryland" by Raymond B. Clark, Jr. appeared in the *Maryland Historical Magazine*, Vol. 44, No. 3, pp. 200-210. As a result I must amend and add certain details to the historical background presented in Part I. Washington Academy actually dated from 1767 when Somerset Academy was established on Back Creek, six (not two) miles from Princess Anne. Under the 1779 legislation the name was changed to Washington Academy. After the fire in April 1797 the trustees selected a new site for the school, located two miles south of Princess Anne

near Jones Creek.

In 1868 the trustees of the academy and the Somerset County public school commissioners began negotiations concerning the merger of facilities for the establishment of a public high school. Four years later the officials reached an agreement whereby the school commissioners took over the academy lot and building in Princess Anne for the high school. The trustees agreed to assign its income, including state monies, to the school commissioners for the operation of the high school and to pay for modifications to the building.

By 1890 the high school building needed substantial repairs and enlargement. During the next year the trustees and the county school commissioners developed a plan for a new structure. Bricks, doors, and flooring were taken from the old academy building located near Jones Creek and incorporated into the new facility, completed in 1893. This Washington High School building was used until 1938 when it was torn down and replaced with a more modern structure.

With less educational matters to consider after 1872 the trustees meet less frequently. Between then and 1910 the proceedings show routine considerations concerning the replacements of board members, secretaries, and treasurers, examinations of treasurer's accounts, reports to the Comptroller of the Treasury on the numbers of students and teachers, committee reports about the operation of the high school, repairs to the high school, and maintenance measures such as buying coal and hiring a janitor. The trustees made several unsuccessful attempts to sell the old academy grounds. They rejected an offer of \$550 in 1885. A few years earlier they had filed an ejectment suit in order to secure possession of the property. The minutes reveal the ultimate disposition of the building, but not the land.

The last meetings shown in the proceedings occurred in February 1910 when the board agreed to sell a 15' wide strip of the academy lot in Princess Anne to the New York, Philadelphia and Norfolk Railroad.

The minutes for May 16, 1907 contain several biographical sketches of deceased board members -

Robert F. Brattan, William J. Brittingham, John W. Crisfield, Dr. Cadmus Dashiell, Hampton Haynie Dashiell, James M. Dennis, Dr. William N. Gale, Judge Levin Thomas Handy Irving, William S. McMaster, Ephraim Gilman Polk, William Purnell Rider, and Levin Lyttleton Waters. The biography of Waters includes a lengthy description of his arrest during the Civil War. After the February 10, 1910 meeting appears an account of the life of Judge Henry Page who died on January 6, 1913.

Other records of the Washington Academy include a ledger and miscellaneous papers. The (Ledger), 1841-1867 [MSA C1782], kept by the treasurer, shows the income and expenditures of the board of trustees. The accounts of tuition payments give amounts, dates, and names of payees and students.

The (Miscellaneous Papers), 1770-1867 [MSA C1791], consists of three folders. One contains a copy of the 1770 act to unite the free schools of Worcester and Somerset counties into the Eden School. Another contains an 1808 fire insurance policy on the academy, described as a brick edifice covered with shingles. The third one includes vouchers and receipts, 1861-1867, mostly for salaries of teachers. Other products and services encompass wood, building materials, window glass, dinners for trustees, chalk, crayons, plaster work, window repairs, and auction of the lease on the academy house and lot.

The Archivists' *Bulldog*

Vol. 14 No. 5, March 13, 2000

SCHOOL RECORDS FOR ANNE ARUNDEL COUNTY, 1865-1916

by Pat Melville

With this article the series on education begins an examination of county records dating from 1865 which marks the beginning of standardization and centralization in the state. For general background information, see a previous article in Vol. 12, No. 9.

During the period of 1865-1916 the Board of School Commissioners, 1865-1868, and the Board of County

School Commissioners, 1868-1916, in Anne Arundel County, as in all other counties, administered state education policies and developed and managed local policies. For both bodies the Archives has the (Proceedings) [MSA C134, C135, CM1168] that contain the minutes of the regular, usually monthly, and special meetings. Not examined for this article because it contains restricted information was the (Grade Record) 1904-1910 [MSA CM1180], which consists of the grades of students attending Annapolis High School.

For each school commissioner meeting the proceedings show the date, members present, and business transacted. Business concerns involved internal board matters, policies and practices, finances, school districts, school trustees, teachers and principals, school buildings, and students.

Internal board affairs included the selection of someone from within their ranks to act as president and the appointment of a county examiner who performed the functions of secretary, treasurer, and chief administrative officer. In 1904 this office became the county superintendent. For office space in 1865 the first school board rented two rooms in the basement of the Presbyterian Church of Annapolis for \$100 per year. The school commissioners maintained this arrangement at least through 1873.

The school board developed rules and regulations to govern the operations of the schools and to outline the duties and responsibilities of officials, employees, and students. Although not extant at the Archives, a "School Manual" did exist since it was revised in 1868 to incorporate changes in the law. Each year the commissioners set the dates for the school term. The ending date varied considerably and was based on the availability of funding. When the money was gone, the schools closed. In 1898 education ceased on April 29 and in 1902 on April 1.

The funds for what was then called "colored schools" were separate from the money for white schools, and usually much smaller. As a result, for example, in 1903 all schools opened on September 1, with the white schools to remain open for two to three quarters and colored schools for one quarter or ten weeks.

On January 5, 1915, the commissioners ordered colored schools to close on January 29 due to a lack of funds.

At every meeting the school commissioners passed on accounts presented to them for payment, and the minutes contained the lists of these authorizations. Other financial issues pertained to budget preparation, recommendations to the county commissioners concerning the school tax, review of audit reports, and solicitation of bids and awarding of contracts for supplies and services. Special requests for expenditures were submitted for consideration. For example, in 1888 a teacher requested a bell and a revolving chair. She got the bell, but not the chair.

The boundaries of school districts determined where individual student attended classes. The first school board divided the county into four commissioner districts so that each of the four commissioners could have responsibility for one large district. Boundary descriptions were recorded in minutes for November 20, 1865. Each commissioner was ordered to renumber the existing schools in his district, beginning with one at the north end and then proceeding south. To meet changes in the law three years later the reorganized school board abolished the commissioner districts and returned to the use of election districts as the larger unit. The individual commissioners no longer had responsibilities for individual schools because the boards of trustees for school districts were reestablished. These local boards hired teachers and maintained and managed the schoolhouses. The minutes of May 19, 1868 referred to a book, not known to be extant, showing the bounds of all school districts.

Evidently the initial efforts at defining school districts were not maintained sufficiently. On September 19, 1905, the commissioners noted that the boundaries of many districts were unknown. They ordered that a county wide survey be conducted, to include, besides the boundaries, the locations of all schoolhouses, their names and numbers, and road distances between schools. Other information to be determined about each school included a general physical description, dimensions, when built, construction cost and materials, number of rooms, type

and condition of outbuildings and fences, and inventory of furniture. The time limit of six months was not met, and an extension was given on April 10, 1906. No further mention of this survey was found.

Initially the residents of the school districts annually elected the school district trustees, three for each school. If a district contained two schools, one for whites and one for African-Americans, each school had its own trustees. The county school commissioners filled vacancies occurring between elections. Beginning in 1892 the commissioners annually appoint the district trustees. The names are recorded in the proceedings.

The school commissioners had the authority to confirm the district trustees' selection of principals, teachers, and assistant teachers. The names, along with the district and school numbers or names, were usually recorded in the minutes. The commissioners handled the process as a routine matter with little controversy. In 1895, however, several parents protested the hiring of some teachers, but their concerns did not prevail. The commissioners also set salaries, scheduled times for teacher certification examinations, accepted resignations, handled complaints against teachers, and heard appeals of firings. In 1890 the school board did reverse a decision by district trustees to dismiss a teacher, but only because of improper procedures.

Some teachers were expected to perform janitorial duties. In 1906 the school board confirmed that teachers in rural schools were responsible for keeping the school buildings clean and warm. No janitors could be hired for these schools.

Teaching was a profession readily open to women, but only if they were unmarried. On April 4, 1899, the school commissioners confirmed the policy of refusing to hire a married woman as a teacher. But on September 19, 1905, the board overruled this policy by confirming a married woman as a teacher despite the opposition of one commissioner.

The school board spent considerable time dealing with issues concerning school buildings. Land was acquired by donation, purchase, or condemnation.

Schoolhouses were constructed, remodeled, and repaired. Sometimes facilities were leased for use as classrooms. On October 4, 1881 the commissioners established a new school at Bristol and authorized the trustees to rent a house or room. In June 1903 the board received notice that Sollers Chapel would no longer be available for use as a school. This may have been a colored school since Sollers was an African Methodist Episcopal church.

Some schools were damaged or destroyed by fire. On February 4, 1881, the minutes contained a notice that schoolhouse No. 4 in Election District 8 had burned recently. The commissioners ordered the facility rebuilt. Sometime prior to December 3, 1895, a school in Glen Burnie was torched by an arsonist. Periodically reports of vandalism were filed. In 1886 the commissioners offered a reward of \$25 for information about the despoiling of school No. 1 in Election District 8.

When the student body declined to a low number, the commissioners often closed the school. On June 2, 1903, they ordered eight schools closed for the next year because the number of pupils averaged less than ten during the past two quarters.

School facilities often have been viewed as community centers available for non school activities. The school commissioners handled many requests from organizations to use school buildings for meetings and events. In October 1914 the board gave permission to use the assembly room of the County High School for exhibitions by the boys corn club and the girls canning club.

The commissioners periodically dealt with issues concerning attendance by students. On February 2, 1896, the board ordered that the gates of the schools on Green Street in Annapolis be closed at 9:00 a.m. and remain so until dismissal time. This was an effort to compel punctuality that was being "grossly neglected." Some parents petitioned the commissioners for permission to place their child(ren) in a school outside their district. Many requests were denied on the basis of overcrowding.

The names of individual students seldom appeared in the proceedings. Exceptions included the students

awarded scholarships to attend colleges in Maryland. And, the minutes contained a list of graduates from the County High School in May 1913.

The Archivists' Bulldog

Vol. 14 No. 6, March 27, 2000

SCHOOL RECORDS FOR CAROLINE COUNTY, 1870-1871 by Pat Melville

The Archives possesses only one county record concerning the schools in Caroline County after 1865. The (Ledger) of the Board of County School Commissioners [MSA C524] lists accounts of teachers for textbooks for the years 1870-1871. The entries provide the names of the teachers, titles of textbooks, and costs. Titles and prices included Cornell's First Steps in Geography (\$1.25), Ray's Practical Arithmetic (\$.50), Ray's Primary Arithmetic (\$.20), Philosophy for Beginners (\$.50), Conely's Speller (\$.20), Catechism of History (\$.40), Compendium of History (\$1.00), Smith's English Grammar (\$.50), Newell's Third Reader (\$.40), Webster's Dictionary (\$.75), First Reader Maryland Series (\$.20), and Davis' Algebra (\$1.00).

The Archivists' Bulldog

Vol. 14 No. 7, April 10, 2000

HARFORD COUNTY TAX LISTS by Pat Melville

The county records at the Archives do not include assessment records or tax lists for Harford County. Records at the state level do include for that jurisdiction (Assessment Record) for 1783 filed with the General Assembly, House of Delegates [MSA S1161 and SM59] and copies of the (Federal Direct Tax) for 1798 found in Maryland State Papers [MSA SM56].

Recently discovered was another instance of Harford County tax records appearing among state records, specifically in Chancery Court (Chancery Papers) 2210 [MSA S512-2282, MdHR 17,898-2210-1/5]. The case began in 1801 with the filing of a bill of

complaint by James Holmes against Robert Amoss. In 1783 and 1785 Amoss, tax collector for Harford County, appointed Holmes the deputy collector for Susquehanna and Deer Creek Lower Hundreds. In 1791 Holmes still owed Amoss over £249 and in order to secure payment conveyed land to him. Holmes continued to live on the land, and claimed that he had made periodic payments to fully satisfy the debt. Amoss refused Holmes' request to reconvey the land and had instead filed an ejectment suit in the General Court of the Western Shore. Holmes wanted the Chancery Court to grant an injunction against further proceedings in the General Court and to decree a reconveyance of the land - Out Quarter, Widows Care. The Chancellor did grant the injunction, to remain in effect until further ordered.

In his answer Robert Amoss presented a slightly different version of the events to secure payment of the tax collections, and unlike Holmes, submitted exhibits to support his arguments. Amoss claimed that the deed gave him absolute title to the land and that Holmes continued to occupy the property on the basis of a signed lease agreement. There was a separate agreement for reconveyance upon payment of the debt by Holmes. Only in this answer did it become clear that this debt stemmed from taxes already collected by Holmes, but never paid to Amoss. Amoss contended that the payments made by Holmes actually covered taxes he collected after 1791.

The exhibits filed by Amoss included several pertaining to assessments and taxes in Harford County. A tax list for the entire county for 1785, organized by hundred, showed the names of the individuals alphabetically and for each person the total value of assessable property and the assessed amount. Other documents included accounts of taxes due from the 1783 and 1785 assessments and paid to Holmes and Amoss from individual taxpayers in Susquehanna and Deer Creek Lower Hundreds.

No actions were taken in the case until early 1804 by which time James Holmes had died and Robert Amoss petitioned the court to have the injunction dissolved. Holmes' children - William Holmes, Mary Holmes, Jane Bay, and Elizabeth Money - countered by reviving the case. Testimony from several men revealed that the taxes collected by Holmes between

1783 and 1791 had been applied to his own use rather than paid to Amoss. The negotiations to settle this debt extended over three days and resulted in the 1791 deed. By 1798 or 1799 Holmes had become insolvent.

A decree in this chancery case was finally issued in December 1810. The plaintiffs were ordered to pay over £568 by February 1811. When this did not occur, the Chancellor dismissed the bill of complaint and dissolved the injunction.

This particular court case highlights the potential significance of exhibits that might be found in the surviving files, especially when the original documents are no longer extant.

The Archivists' *Bulldog*

Vol. 14 No. 9, May 8, 2000

JOHN SHAW AND A HOUSE IN ANNAPOLIS

by Pat Melville

John Shaw (1745-1829) was a famous cabinetmaker who lived and worked in Annapolis. Besides his numerous private commissions, he fulfilled several contracts for the State of Maryland as a cabinetmaker, building contractor, and armorer. He worked on the State House in many capacities and provided furnishings for it in the late 18th and early 19th centuries.

Shaw's home and workshop were located on State Circle. In 1819, according to the Annapolis (Assessment Record) in MSA M71-1, he owned two other lots on which stood buildings. The record does not indicate where the properties were located in the city. In 1816 the City of Annapolis disputed his ownership of a house and filed suit in the state Chancery Court [see (Chancery Papers) 58, MSA S512-54]. City officials claimed ownership of a house built for the purpose of a Ball Room. They accused John Shaw of taking possession of the building and leasing it to Anne Arundel County for use by the county court. The officials wanted the Chancellor to order Shaw to pay to the city the rent money he had collected.

In his answer, Shaw asserted his ownership of the

house and denied any role as a leasing agent for the city. And, he challenged the city to file an ejectment action to try to prove their title. Except for some undated legal notes, nothing happened until 1830 when the plaintiffs requested that the case be dismissed. By that time, of course, Shaw had died and Anne Arundel County had constructed its own courthouse, completed in 1824.

As usually happens, this single case file cannot provide a complete picture. In fact, it leaves us with unresolved questions about the assertions of both parties. Logical sources to search include other Chancery Court files and Anne Arundel land record and civil cases.

The Archivists' *Bulldog*

Vol. 14 No. 10, May 22, 2000

SCHOOL RECORDS FOR HARFORD COUNTY, 1865-1916 by Pat Melville

The Archives has on microfilm the (Proceedings) of the Harford County Board of School Commissioners, 1865-1867, in series CM582 and (Proceedings) of the Harford County Board of County School Commissioners, 1868-1916, in series CM583. Also on film is a series originally called (Proceedings, Miscellaneous), 1904-1909, [CM585]. Examination of the record for this article revealed that the correct title is (Minutes, Rough) which were used for compilation of the official proceedings.

The proceedings contain the minutes of the school commissioners, that for each meeting, monthly or special, show the date, place, members and staff present, and business transacted. Business matters included internal board affairs, policies and practices, finances, school districts and buildings, school trustees, teachers and principals, students, and curriculum.

Internal matters kept the school board functioning and consisted of filling vacancies among themselves, electing officers, and appointing staff. The board set policy and prescribed practices on the basis of state law and directives of the state school body. In 1865 the commissioners directed that a school must have

a minimum of fifteen students in order to remain open, unless it was over three miles from the nearest educational facility. Then the minimum was set at twelve. A year later an age limit of nineteen for education in the public schools was adopted. Any pupil over age eighteen could attend only by paying tuition.

Sometimes public and private school concerns were intermingled. In November 1865 the school board authorized a teacher at the Darlington Academy to teach public school courses as long as the class contained no more than ten classical students and a minimum of twenty free scholars.

In November 1912 the commissioners decided to apply the recently passed compulsory education law (Ch. 173, Acts of 1912) to their schools. The law required all children between the ages of eight and fourteen to attend school.

Throughout time, including the present, school boards spent considerable time concerning themselves with finances. The commissioners in Harford County authorized the expenditures for the construction, repair, and maintenance of school buildings, purchase of textbooks and other school supplies, furnishing of coal, and payments of salaries to principals, teachers, and assistant teachers.

Each year the board recommended to the county commissioners the amount to be imposed for the school levy. Other funds came from the state, but not always in a timely fashion. In April 1877 the school commissioners discussed the delays in obtaining this money and wrote a letter to Levin Woolford, Comptroller of the Treasury. His response was deemed unsatisfactory, a fact that was communicated to other county school boards and the state board.

When funds ran out before the end of the fiscal year, the board postponed repairs and closed schools were. Colored schools were closed more frequently because of the separate and lower level of funding made available. This monetary situation also led to shortcomings in supplies that the board tried to remedy by transferring used items to the colored schools. This happened in October 1888 when a white school obtained new desks, and the old ones were sent to a colored school.

A board of trustees managed the school in each school district and hired teachers, subject to the approval of the county board. District residents annually elected the trustees, and the school commissioners filled vacancies during the interim. Sometimes a dozen or more trustees would resign immediately after being elected. The proceedings did not give the reasons.

The county school commissioners made the decisions concerning boundaries of school districts, the establishment of new ones, and the construction of and major improvements to school buildings. Sometimes districts were combined. In 1866 minimum dimensions for a schoolhouse were set at 24' x 36', with an 11' ceiling. Land for schools was acquired through donations, purchases, and condemnations. As in other counties, the Harford County board sometimes purchased the land and buildings of private academies when they ceased operations. One example was the Abington Academy in 1870. Unneeded public schools usually were sold. Some buildings were rented for use as school rooms on both permanent and temporary bases. On January 27, 1916, the Perryman school burned, and the board arranged for classes to be held in a hall over a store.

In the late 19th century a separate library within a school became an important enhancement in education. A report issued in April 1892 noted twenty-five out of seventy-nine white schools having libraries. All but one had been organized in the past four years.

The school board established the salaries for school employees. In 1865 teachers with fifteen students earned \$60 per term. For each pupil over that number, pay was increased by \$1.50. For a lower student enrollment, the opposite formula was applied. In 1893 the commissioners laid out a salary schedule for white schools. The pay for teachers in one-room schools ranged from \$65 to \$100 per term, and depended upon the type of certification. Principals of two-room schools were paid from \$100 to \$125. Until delegated to the county superintendent, the board administered

examinations for the certification of teachers. The names of those who passed and failed were often recorded in the proceedings.

Sometimes the board considered disputes involving teachers. In December 1873 a father accused a high school teacher of using foul language and assigning his daughter "lessons inadequate to her abilities" as a form of punishment. The proceedings contained no resolution of the matter within the next six months.

In September 1887 a controversy developed over who should be teaching at one school. Two people claimed the position. One person held the key to the building and refused to relinquish it. The other one broke into the school and claimed possession. The woman with the key had been notified on August 15 that her services were no longer needed. Because thirty days notice was required, she was allowed to teach until September 15. The man who broke in was censured.

The commissioners selected textbooks and periodically mandated curriculum changes. In 1873 they adopted *Good Morals and Gentle Manners* for use in the classroom, and in 1881 *Eclectic History of the United States*. An unusual complaint about textbooks was filed in April 1881. Parents believed that the books in their school "were infected with scarlet fever." The board ordered the books sold [Who would purchase them?] and new ones supplied.

Two other strange, but humorous, entries appeared in the proceedings. In January 1889 the commissioners ordered a bell placed on a schoolhouse "in lieu of the tree cut down." Perhaps the bell had been hanging on a tree branch. In February 1902 the following statement was inserted: "The matter putting an additional window in building at 5-5 [school 5 in school district 5] was left open for further investigation." Does one sense a clerk with a sly smile?

The Archivists' *Bulldog*

Vol. 14 No. 12, June 26, 2000

SCHOOL RECORDS FOR ST. MARY'S

COUNTY, 1865-1916
(Part I of two parts)
by Pat Melville

The Archives has several series of records pertaining to schools in St. Mary's County, that were generated between the adoption of the Constitution of 1864 and the establishment of the current State Department of Education. The local agencies included the Board of School Commissioners, succeeded by the Board of County School Commissioners in 1868, and the Board of County Commissioners.

This article deals with information garnered from the (Proceedings), 1865-1901, of the school commissioners in series C1678 and C1680. The minutes of their meetings are arranged chronologically, list members present, and describe matters under consideration. Business affairs included election of the board president, appointments of school officials, certification and employment of teachers and assistants, selection of textbooks, school openings and closings, construction and maintenance of schoolhouses, awards and scholarships to students, and expenditures of school funds. The first volume of the proceedings, 1865-1888, was not reviewed because water damage has made the pages too fragile to handle. Thus, the following comments encompass only 1888-1901. Marginal notes in the second volume guide the researcher to topics under consideration.

The school board selected a county examiner, the predecessor of the county superintendent, to handle the certification of teachers and to act as its secretary and treasurer. Annually it appointed three trustees for each school district and filled vacancies during the interim. The lists of trustees were recorded in the proceedings.

The county examiner administered examinations for the certification of teachers and reported the results to the school commissioners. From 1895 onward the proceedings include a list of certificates issued, showing the names of the teachers and the types of certificates. Two years later the examination scores are added to the lists. School trustees hired teachers, subject to confirmation by

the county board. Within state guidelines the school board set salaries for teachers and policies for employment. In 1901 the commissioners adopted a policy prohibiting the employment of married women as teachers. Any woman marrying while employed was required to resign at the end of the quarter or with approval of the board at the end of the school year.

The school commissioners handled complaints against teachers, often involving discipline. One case was resolved by the resignation of the teacher, and another by placing the teacher on probation and requiring the student to apologize for her behavior. In 1896 the board investigated a teacher for falsification of attendance reports. Another hearing concerned irregularities in the certification examination. Three women, all with the same surname, were accused of cheating because their answers were so similar. The commissioners exonerated one and granted certificates to the other two on the basis of previous examinations.

Periodically the board selected new textbooks, usually one or two at a time, for use in the schools. In August 1896 it specified a full list of books for reading, spelling, geography, arithmetic, English grammar, physiology, history, algebra, geometry, physical science, bookkeeping, and Latin.

The commissioners established dates for the start and end of the school year, based respectively on the estimate of funds available and on actual remaining money. To determine whether to open a new school, close an existing one, or merge districts, the board usually formed a decision on the basis on student population. In 1898 a school was closed temporarily because of scarlet fever. In 1896 the General Assembly directed the county commissioners to appropriate funds for two new colored schools in St. Mary's County. For one of the facilities to be situated on St. George's Island, the county commissioners and school board decided to rent a building for one year in order to see if the number of students could be maintained at a minimum average of fifteen. Whether this condition was met is not clear from the minutes.

To meet the pressures of overcrowding the school board could establish a new school district or enlarge the existing structure, perhaps by attaching two buildings as was done in 1900.

Annually the school commissioners awarded scholarships to students in the county. By 1901 the number of institutions had grown to include St. John's College, State Normal School, Charlotte Hall School, Western Maryland College, St. Mary's Female Seminary, Maryland Agricultural College, and Washington College. In 1889 the board gave awards to students for excellence in religion, physiology, and animals.

As elsewhere in the state, adequate funding became a perennial problem for the schools in St. Mary's County. Colored schools were closed frequently in early spring because no more money was available. Sometimes the commissioners authorized loans in order to pay the teachers. In at least one instance the commissioners diverted funds from one area to another. In August 1896 they ordered that one-half of the cost of supervising schools and one-half of the expenses common to both white and colored schools be charged against the colored school fund. Assuming that the appointment of trustees indicated the presence of a school, there were in existence at that time forty-three white schools and twenty colored schools. One month later the board "disclosed the unpleasant fact that the appropriations" for textbooks was inadequate. It directed the secretary to try to convince the supplier in Baltimore to postpone payment of part of the bill until the 1897 appropriation was available.

Some concerns involving modern education seem to be constant throughout time - funding, for example. Another theme pertains to parental involvement. In 1892 the St. Mary's County school commissioners adopted a policy for teachers to issue monthly report cards in order to encourage cooperation and interest from the parents. The minutes did not reveal the reactions of the teachers, the length of time the policy remained in effect, and the effectiveness of the monthly reports.

The Archivists' *Bulldog*

Vol. 14 No. 13, July 10, 2000

SHIPPING GOODS BETWEEN BALTIMORE AND WEST INDIES

by Pat Melville

A state Chancery Court case heard between 1807 and 1809 provides detailed financial information on trade between Baltimore and the West Indies. (Chancery Papers) 4883 [MSA S512-5035, MdHR 17,898-4883-1/21] concerns a suit filed by John Smith, a master mariner, against James Biays, a merchant in Baltimore. Smith stated that he and Biays were partners involved in shipping goods between Baltimore and the West Indies from 1799 to 1806. Smith classified himself as master, supercargo, and part owner of vessels and their cargo. He claimed that much of the income from the sale of merchandise was deposited with Biays who "produced such a complicated account as rendered it impossible for your orator to define accurately the sum due to him." After dissolution of the partnership in 1806 the two men tried to settle their accounts. Smith alleged that accounts worth \$90,000 remained unsettled and wanted the court to make a determination.

Biays offered a different version of the transactions with Smith. Biays said he employed Smith as a ship's master for the years 1799-1801 and paid him monthly wages. The partnership supposedly existed only between January 1801 and May 1805. During that time Biays claimed that he bore most of the expenses, sometimes meeting them by borrowing money at a high interest rate. He filed several accounts, one of which showed Smith indebted to Biays for \$10,000.

Most of the papers found in the twenty-one folders consist of exhibits detailing shipping expenses, cargo values, and merchandise sales. The documents included wage agreements with crew members, cargo invoices, insurance policies, letters, bills of lading, and other account statements. An auditor appointed by the Chancellor analyzed the documents and filed an initial report and subsequent ones after the litigants rendered comments. The reports basically confirmed Biay's version of events and transactions.

The Archivists' *Bulldog*

Vol. 14 No. 14, July 24, 2000

SCHOOL RECORDS FOR ST. MARY'S COUNTY, 1865-1916 (Part I of two parts)

by Pat Melville

This article will deal with records, other than proceedings, of the St. Mary's County school commissioners, including (Annual Reports) 1871-1916 in series C1515, (School Reports) 1896-1916 in series C1697, and (Accounts) 1866-1897 in series C1502. Also considered will be (School Papers) 1865-1895 of the board of county commissioners in series C1696.

The annual reports contain copies of the yearly statistical compilations prepared for the State Board of Education and recorded in form books. For the county as a whole and for each school the records provided data on school buildings, pupils, teachers, curriculum, and school funds. The county summary page showed the number of school houses according to type of construction, number of teachers and assistants by male and female, number of terms schools were open, number of students attending each term, and number of students studying specific subjects. Other statistics about schools included the number having fenced lots, outbuildings, blackboards, good furniture, and wall maps. Entries for each school encompassed the school number, election district number, name of the teacher, attendance figures for each term, teacher's salary for the year, other expenses, total expenses, and receipts from textbooks.

A summary page categorized and totaled the receipts and disbursements. The school commissioners received funds from the state school tax, state free school fund, state donations, county school tax, book sales, and state appropriation to colored schools. After the mid-1870s other income was derived from oyster and tonger license fees. Most of the funds were spent on teachers' salaries. Other disbursements included rent, construction, repair, and furnishing of school houses, interest on loans, salary of the secretary of the board, expenses of the commissioners, and office supplies.

The format of the annual reports changed somewhat over time. In 1875 the statistics began to emphasize the number of students in each grade, rather than specific subjects. In addition, the books were divided into two sections, one for white schools and one for colored schools. After installation of the free textbook program, the records after 1896 included a section listing the books, publishers' names, cost per book, total costs, appropriation for books, and for each school the number issued, lost, on hand, new, good, and tolerable.

The school reports consist of form books in which were recorded statistical information about individual schools, providing much of the same data pertaining to students and expenses as found in the annual reports. School reports exist for white schools for 1896-1916 and for colored schools for 1915-1916.

The accounts show receipts and disbursements of school funds as handled by the treasurer of the school board. Only one volume, 1866-1891, dealt with the full range of school finances. Until 1876 the entries listed all income sources and detailed expenditures. After that the treasurer recorded quarterly reports call abstracts of financial statements. The remaining five books itemized the appropriations and expenses associated with each teacher. Interspersed were accounts of tax payments due from tax collectors, money due suppliers, and expenses of individual commissioners.

The school papers consist of documents related to expenditures for the operation of public schools, that were filed with the county commissioners. The records included letters, resolutions of the school commissioners, petitions, and agreements. The resolutions involved recommendations for the annual school tax and requests for special levies for schoolhouse construction or repair. The signed petitions contained requests from citizens for special levies for schoolhouses, many having been authorized by the General Assembly. In 1889 petitioners described school No. 4 in election district 4 as dilapidated and "doubtless the smallest and oldest in the county." The citizens offered to donate and haul the timber for the frame.

In 1886, L. Albion Wilson submitted an agreement to convey an acre of land from Piney Bluff for a school on Medleys Neck. In 1888 John Palmer wrote a letter, accompanied by a petition, concerning the need for a schoolhouse on Bedlam Neck in Election District 7. His business letterhead listed him as a dealer in dry goods, groceries, hardware, fancy articles, medicines, etc. in Milestown. Attendance at the state prohibition convention in Baltimore had prevented Palmer from making a personal appeal to the commissioners.

The Archivists' *Bulldog*

Vol. 14 No. 15, August 14, 2000

SCHOOLHOUSES IN COURT RECORDS by Pat Melville

The State Chancery Court handled equity proceedings until it was abolished by the Constitution of 1851. Among the (Chancery Papers) in series S512 are found cases that mention the existence of schoolhouses, peripheral to the issues under consideration.

In case 7937 the trustees of Primary School District Number 45 in Howard District filed a bill of complaint against William McLaughlin, Andrew McLaughlin, and James C. Barry on July 4, 1845. William McLaughlin, being indebted to the trustees, executed a mortgage on a lot in Ellicott Mills in 1842. The trustees wanted to foreclose because the debt was not paid within the specified two years. Andrew McLaughlin was named as a defendant because he held a second mortgage. Barry became a party as a result of being named trustee for the creditors of William McLaughlin who has declared himself insolvent.

The court ordered a sale of the property which was divided into two lots. The ad for the sale listed improvements as "a large stone and frame dwelling, formerly known as the Primary School house." The trustees successfully bid on one of the lots, presumably the one with the schoolhouse.

In case 11448 Thomas Tongue, Jr. filed a bill of complaint against Tolly Moore on June 11, 1823. Tongue

was seeking a foreclosure on a mortgage executed by Moore in 1821 to secure payment of a debt of \$203.60 and not yet paid by him. A copy of the mortgage was filed as an exhibit. The property being mortgaged included land that originally was part of Portland Manor and on which sat "a house formerly occupied as a school house wherein the said Tolly Moore now resides...." Also being mortgaged were one yoke of steers, one heifer, one cow, three horses, and tobacco crop.

On July 28, 1823, Moore filed his answer and a bill of complaint countersuing Tongue. At this point the court case becomes interesting beyond the initial pursuit of information on education. Moore's version of events differed substantially from that offered by Tongue. In addition, it becomes obvious that Moore was a free black who was unable to read or write. At some unspecified time Moore applied to borrow \$100 from Thomas Owings who asked him "to get some white person to draw an instrument of writing," i.e. a promissory note. Robert Welch of Ben performed this service. The money given Moore was advanced in small increments over time, amounting to \$49 before the death of Owings. When the administrators demanded payment, Moore, in the process of selling his tobacco crop to Tongue, arranged to have Tongue settle the account out of the proceeds of the sale. The same arrangement was made for the payment of money owed to Thomas Tongue, Sr. and Nicholas Darnall and for settlement of a store account with Thomas Tongue, Jr.

As indemnification for assumption of these debts, Tongue requested a mortgage on Moore's land and personal property. Three different documents were executed because Tongue kept forgetting to record the instrument. In the meantime, Moore had delivered to Tongue two more crops of tobacco and all livestock except the horses and had received no accounting for any of them. In addition, Tongue had not paid any of the debts as promised. Moore believed that the mortgage he signed outlined the debts Tongue was supposed to pay out of the tobacco sales. The copy filed by Tongue did not contain these provisions. The cross bill of complaint described Tongue's actions as "artful and fraudulent misrepresentations" and "artful misrepresentations and fraudulent contrivances."

The outcome of the case could not be determined because no other papers appear in the file and it was not recorded.

The Archivists' *Bulldog*

Vol. 14 No. 17, September 11, 2000

A SCHOOL HOUSE IN ANNAPOLIS

by Pat Melville

Some information about schools and education in Maryland is found in private manuscripts in Special Collections at the Archives. This article and future ones will highlight some of the collections.

The Mrs. James N. Galloway Collection [SC374] contains materials on the Gibson family of Anne Arundel County, including papers relating to a school in Annapolis for the years 1828 through 1832. During that time the Trustees of the Primary School District 38 were establishing a school on Green Street in Annapolis. The relationship of that building to the current Annapolis Elementary School on Green Street cannot be determined without further research.

In 1828 the trustees included Dennis Claude, Edward Sparks, and Thomas S. Alexander. They made at least three attempts to obtain a suitable contractor for construction of a school house. In May they received two or more proposals. Dunn & Duvall submitted two plans and elevations and four proposals. Only the latter document appears in the collection. One plan envisioned a two-story building, 24' x 35' with 9' ceilings and constructed of either brick or frame. The second plan called for a one-story building, 24' x 60' with two rooms and constructed of either brick or frame. The cost estimates ranged from \$1,300 to \$1,600.

Jeremiah L. Boyd proposed a frame school house, either two-story with dimensions of 32' x 24' or one-story 60' x 24'. Both included ten windows, two outside doors, side desks around the room, and one double desk in the center. He estimated the cost at \$850.

The trustees obviously found these proposals unsat-

isfactory and later that year asked for new bids based on pre-determined specifications. The building requirements included 10' setback from the street, brick construction, 54' x 26' as the outside dimensions, partition to divide the inside, 14" walls, 12' ceilings, yellow pine floors, roof with a pitch of 45 degrees and covered with cypress shingles, four outside panel doors, one double door in the partition, six windows with movable lower sashes and venetian shutters, two brick chimneys, three coats of paint on wooden work, and furnishings of benches and desks. Separate proposals were requested for paving between the building and curb, shed to contain 15 cords of firewood, two wooden privies each with an area of 6 sq. ft., and 6' plank fence.

In October the trustees received at least four bids for the school house. Boyd set his cost at \$1,749 plus an unreadable figure for the fence. Aaron Duvall and Davis S. Caldwell changed the dimensions to 54' x 30', excluded the fence, and submitted an estimate of \$1,750. James Dunn bid \$1,700 and Elijah Wells \$1,350.

The trustees must have deemed the construction estimates too high because in December they issued new specifications in which the dimensions were reduced to 40' x 26'. Everything else remained the same. In addition, no bid could exceed \$1,200. It is unclear how many new proposals were received. On December 23 Boyd submitted a revised bid at the request of Alexander S. Randall. He reached the figure of \$1,200 only by reducing the ceiling height to 10 1/2', shortening the roof rafters, and eliminating the venetian blinds. Some kind of arrangement was reached because on the 26th Boyd executed a bond for building the school house.

On July 25, 1829, the school trustees signed an agreement with Henry Roe, Jr. for him "to take charge of the primary school about to be established at Annapolis...." The contract covered six months and set the total salary at \$250.

Between 1829 and 1831 the inspectors of primary school district 38 issued certificates of qualification to three teachers - Nathaniel Kennedy, Thomas Karney, Jr., and Dr. Frederick L. Grammer.

The Archivists' *Bulldog*

Vol. 14 No. 19, October 10, 2000

A RELIGIOUS CENSUS by Pat Melville

The St. Thomas Church, Garrison, Collection MSA SC2656] contains registers and vestry minutes usually associated with Protestant Episcopal parishes. The institution and its records date from the mid 18th century. At first the parish encompassed almost all of northern Baltimore County. By the early 20th century its boundaries extended to Falls Road on the east; Liberty and Deer Park roads on the west; Old Court, or Joppa, Road on the south; and on the north by a line from Liberty Road at the Patapsco River to Timber Grove Station to Ridge Meeting House on Falls Road.

In 1903, the rector was Hobart Smith, a man also interested in history and genealogy. In December 1803, the vestry had ordered a census of church members, an endeavor never completed. Rev. Smith liked the idea of a religious census and convinced his congregation to support it. He expanded the parameters to include all white inhabitants, regardless of religious affiliation, in the parish area and hired a theology student, James Luther Martin, to conduct the census during the summer of 1903 and to prepare maps showing residences. Robert D. Livingston volunteered to copy the census data into a form book, and, after his death on December 1903, Rev. Smith completed the work. This form book is the record that has survived and is available on film, M11068.

The census record included a series of maps of St. Thomas Parish. A sketch map showed the boundaries of the parish and major roads and communities within the area. In addition, the parish was mapped out in sections of one square mile each. Noted on these maps were the residences, each marked with the name of the head of the household, of all the families listed in the census. Sometimes ownership of land was indicated. Other features included major tracts of land and their owners, public roads, private roads and driveways, Western Maryland Railroad tracks and stations, streams, schools, churches, hospitals, and post offices.

The initial census data collected in the summer of 1903 was supplemented by information accumulated during the next several months. Rev. Smith summarized the census figures as of Easter 1904. "The lists ... contain the record of 643 families embracing 2810 names; of whom 2514 have been baptized and 1009 are communicants in some Christian body. There are 620 who profess themselves attached to the Protestant Episcopal Church; 1276 are Methodists; 299 belong to the Roman Church; 183 are Lutherans; 117 are Presbyterians; 104 are Baptists; while 99 are attached to no church and 346 never attend church."

Each page in the census book was divided into sections to handle information about four different families. The family line listed the surname of the head of the household. Residence included coordinates keyed to the square mile maps and names of post offices or communities, such as Owings Mills, Gwynnbrook, Brooklandville, Cronhardt, Garrison, Stevenson, Randallstown, and Pikesville.

Church information usually denoted the denomination and often the name of the parish. Some families expressed an affiliation with a denomination, but never attended church. Others, as noted by Rev. Smith, exhibited no preferences. One husband and wife said they were Baptists, but attended All Saints Protestant Episcopal Church. Sometimes family members attended churches according to individual preferences or frequented more than one church.

The name column listed the first names of all members of the household, and the full names of those with different surnames. Husbands and wives were marked with the letters H and W, respectively. The relationship of subsequent names was not usually indicated. Apparently they were assumed to be children, unless otherwise stated. Sometimes the initial data included only the number of children, and was later supplemented by the actual names. As seen in the federal censuses, other family members often resided in a household and their relationships usually were indicated. The data could be quite specific, identifying a female child as the daughter of the wife by her first husband. Another girl was described as an adopted child. Following the names were columns to be checked if an individual had been baptized or

confirmed or was a communicant.

McDonough School was located with the boundaries of St. Thomas Parish, and on its campus lived the principal and some of the teachers, including a household of four unmarried men. For a boarding house in Pikesville the census named the husband, wife, and children, but not the boarders themselves. Despite statements to the contrary a few African American families were included in the census.

The remarks column was used to record miscellaneous information, such as the year the household was visited, movement within or without the parish area, operation of a business, births or ages, marriages, and deaths. In 1904 the Spring family moved away, and the Bosleys moved into the house they left. The Wright family moved in 1904 and the house remained vacant until Rev. Goodwin, a retired clergyman, and his family took over occupancy. J.T. French, a single man, operated a store at Delight and his parents lived with him.

In the Nelson household, the husband died in 1904 and a daughter got married, but the date and husband were not shown. Other entries were more complete, listing both parties and the date of marriage. For the Tayson family, the census listed the names of the husband and children, but not the wife, gave full birth dates for the children, and noted its move into the parish from Emmerton in 1904 and its move away in 1905. Events in the Thompson family included the death of the husband in 1903, remarriage of the widow in 1904, and death of that husband in 1905.

The census ended with a summary list arranged alphabetically by the first letter of the family names. Each entry included the name of the head of the household, map coordinates, number of family members, number baptized, number confirmed, religious affiliation, and post office address.

The church census conducted by Rev. Smith can be used to supplement the federal census, particularly for tracking families between census years and locating their residences.

The Archivists' *Bulldog*

Vol. 14 No. 23, December 11, 2000

GRAND JURY RECORDS IN THE 19TH CENTURY: FREDERICK COUNTY by Pat Melville

Grand jury functions and activities in Anne Arundel County in the 20th century were described at length in a series of *Bulldog* articles, begun in 1996. For a general introduction to grand juries in Maryland, see Grand Jury System in Vol. 10, No. 3.

For only four counties does the Archives have grand jury papers and reports prior to 1900. The earliest records come from Frederick County and are found in (Grand Jury Papers) 1784-1847 in series C792 and 1854-1896 in series C793. The collection includes documents filed with the grand juries and orders and reports generated by the jurors.

Grand juries in Maryland were charged with looking at violations of licensing laws and making recommendations to the court clerk about individuals who should be forbidden from holding or renewing licenses. To assist the jurors the court clerk prepared lists of licenses by type. These lists make up the majority of the records found in C792, and take on added significance for Frederick County since license records prior to 1844 are not extant. The records include the names of the licensees, dates, and sometimes location and encompass the following: ordinaries for 1784-1846, retail liquors for 1799-1827, ferries for 1805-1827, billiard tables for 1805-1846, horse races for 1817-1838, merchants and traders for 1817-1844, hawkers and peddlers for 1823-1846, lottery agents for 1827, victuallers for 1836, stallions and jackasses for 1844-1846, brokers for 1844-1846, and public exhibitions for 1844-1846.

An 1859 list shows the names of merchants, election districts, and merchandise values.

Related documents consist of a list of taverns prepared by the sheriff in 1837 and lists of persons who should be denied licenses for 1844, 1847, and 1866. In 1798 the Frederick County grand jury prepared a report on the proliferation of unregulated and unlicensed taverns where gambling and cock fighting

took place and young men were allowed to congregate. The suggested remedy was a call for law abiding citizens to present their complaints before the grand jury. The 1895 report noted a high number of traders failing to take out licenses. In “the more glaring instances Indictments have been found. The other cases we thought best to ignore, as many, doubtless, are the result of inadvertances.”

Other documents filed with the jurors included a list of public roads and overseers appointed by the court in 1784, lists of constables for 1817-1846, and lists of people in jail awaiting trial for 1798, 1835-1838, 1854, and 1875-1877. Overseers not keeping assigned roads repaired were subject to fines. The grand jury could report constables not fulfilling their police powers to the county judges. The lists of inmates may have stemmed from the role of the grand jury in considering criminal charges or in inspecting the jail.

The main function of the grand jury flowed from its authority to pursue wrong doing, whether by licensees or murderers, and, and where appropriate, forward indictments to the court. Upon dismissing charges against an individual already incarcerated, the jury issued an order for release from jail.

Examples are found in the records of 1865 and 1866. Statistics on the amount of criminal business handled by the grand jury does not appear until 1891 when 226 cases were considered, with 129 presentments and 97 dismissals, and 527 witnesses were heard. At the same time the jurors urged greater enforcement of laws concerning concealed weapons, firearm sales, sexual assaults, gambling, and liquor sales. In 1892 the grand jury estimated that 2/3 of the charges it considered involved violations of the laws regulating liquor sales to minors and on Sunday.

Reports on investigations of public facilities in Frederick County begin to appear in the grand jury papers in 1837 when the jail and almshouse were visited. The jurors deemed the facilities in good condition, except for needed floor repairs at the jail and constructions of a walk around the front yard. Reports exist sporadically for the jail through 1896, and for the almshouse through 1892. The grand juries

usually gave favorable ratings to both facilities, but seemingly pegged at a low level for furnishing, as stated in 1855, the “care and comfort of the unfortunate inmates in as good condition as circumstances admit.” But the jail building itself was described as insecure and overcrowded from 1864 through 1871. The county completed construction of a new facility in 1875. During the 1890s the jail housed an average of about twenty prisoners at a time.

In 1870 the county erected Montevue Hospital for the care of insane, indigent citizens. In its reports the grand juries praised the institution, and not until 1891 did criticisms appear. The jurors recommended use of the old farm house for housing African American residents in order to relieve overcrowding in the main building. The facility was then caring for 223 people. The number reached 303 by 1894, which included 51 tramps and 125 insane persons. In 1895 the hospital’s potato crop averaged 250 bushels per acre.

In 1892 the grand jury was directed to examine sanitary conditions in the city of Frederick and enforcement of its ordinances. Unsatisfactory findings included sewage flowing from City Hall, hog pens located too close to public roadways, failure of a contractor to collect garbage, dogs running loose and unmuzzled in the summer, horses hitched on the streets for more than two hours, and sidewalks blocked by displays.

Other investigations conducted by the grand jurors in the 1890s included front doors of public buildings, such as schools and churches, that illegally and unsafely opened inward and expenditures of public moneys by county and municipal officials. In the latter area the grand jury concluded that it needed more time and the services of financial experts.

Although incomplete, the Frederick County grand jury papers provide a good representation of the activities of this judicial body and contain information supplemental to other records.

The Archivists' *Bulldog*

Vol. 15 No. 1, January 8, 2001

GRAND JURY RECORDS IN THE 19TH CENTURY: PRINCE GEORGE'S COUNTY by Pat Melville

For Prince George's County the Archives has (Grand Jury Reports) for 1803-1887 in series C1218 and C1219. The collection includes both reports from the grand juries and documents filed with them.

The court clerk prepared lists of licenses for the grand jury to help that body fulfill its role in investigating violations of licensing laws and making recommendations for license denials. The lists show the names of licensees and types of licenses that included liquor, retail, ordinary, ferry, peddler, billiard table, stud horse, race course, oyster house, fish landing, and millinery. These license records span the years 1803 to 1887, with intermittent gaps, the most significant being between 1825 and 1856. The earlier documents expand the known license records of Prince George's County, that date from 1835.

Liquor licenses seemed to provoke the most interest and activity, an issue still prevalent today. Periodically citizens filed petitions to protest the issuance of such licenses or to support worthy individuals. A grand jury report prepared in 1824 probably summarized the prevailing community sentiments. "[W]e have viewed with deep regret the many evils growing out of the numerous petty establishments throughout the county for selling spirituous liquors, either licensed or carried on in violation of the law, that we consider those places not only calculated to corrupt, demoralize and ruin those who frequent them, but also to annoy and injure the better part of the community and the Public at large, by the improper conduct of those notaries to drunkenness and blasphemy, as well as the improper traffic which is generally there carried on with slaves...." The jurors concluded with a list of recommended places for taverns.

Other documents filed with the grand jury included a list of license fees to be collected by the sheriff for 1850, lists of supervisors of roads for 1804-1805, lists of constables for 1804-1805 and 1860-1861, and

list of postmasters for 1843. The grand jury could present road supervisors for neglect of duty and needed the constables to report crimes occurring in their districts. Oftentimes the juries reviewed the operations themselves and alerted officials about their concerns. An 1854 grand jury report criticized the road maintenance system with its reliance on road supervisors as too expensive, but offered no suggestions for improvements. Highlighted in 1881 was a situation whereby a county commissioner was being paid for the construction of a bridge, despite its incompleteness two years later.

An 1884 report notified the judges and court clerk about a persistent failure of constables to take the oath of office. The reason for finding a list of postmasters in the grand jury records is not readily apparent.

Most of the routine reports on public facilities in Prince George's County date from 1859 and address conditions in the jail, almshouse, and courthouse. In 1865 the grand jury described the jail as "no security whatever for the safe keeping of any prisoner, and all the principal offenders for the last two or three years have invariably [sic] escaped." In 1864 the General Assembly had authorized the county commissioners to rebuild the jail, a task apparently completed by 1870 when the jurors praised the conditions, but recommended the use of bedsteads or wooden floors instead of brick for sleeping arrangements. In 1882 the grand jury advocated the appointment of a committee of local citizens to periodically visit the jail and report its findings to the judges so that unsanitary and unsatisfactory conditions could be addressed more expeditiously. The circuit court judges did implement this policy.

Apparently some parts of the courthouse lacked essential amenities. In 1860 the petit jurors complained about the room assigned to them and described it as lacking a fireplace, seats, and writing materials.

Intermittently the grand jury reports contain presentations of criminal charges for 1804-1816 and 1831-1833. The documents provide the names of the indicted persons and informants, criminal charges, and dates of the offenses. In 1804 fifty-four charges were presented to the court. Twenty-five involved liquor

license violations, mostly selling without a license, and fifteen were assault and battery allegations. In 1816 the number of presentments remained about the same at fifty-nine, but largest categories were reversed with thirty-one assault and battery charges and thirteen liquor license violations.

Researchers can endeavor to locate more information about specific presentments by using other Prince George's County records: (Docket) in series C1203, (Minutes) in series C1265, and (Court Papers) in series T67. For the few cases tracked for this article only the dockets provided documentation about subsequent court actions. In 1805 John F. Bowie, Jr. was charged with killing Enoch M. Lyles in a duel, and Michael Taney, Jr. and George N. Lyles with acting as seconds. All were acquitted at a special court held on October 24.

In 1806 John Free was presented for the murder of Cupid Plummer. His trial was moved to Anne Arundel County in September, but the lack of court records for that time period closed the path of research. In the same year Charles Eversfield was indicted for challenging John Duvall to a duel, and on December 1, 1808, was fined \$50.

The presentments for 1814 contained two murder charges. William Spilman for killing his wife Sarah on October 17, 1813, and Michael Whalen for killing Thomas Brooks on October 21, 1813. Both trials were held in 1814 and both men were found guilty. The judge sentenced both to the Maryland Penitentiary, Spilman for fourteen years and Whalen for seven years. With the penitentiary's (Prisoners Record) in series S275, one can continue the search for information. This record describes each inmate upon admission, lists the offense and sentence, and shows when and why someone leaves. Spilman had been born in Virginia, was thirty years old, and gave his occupation as shoemaker. During his time at the penitentiary he was employed as a cordwainer. He was released on March 31, 1821, by a pardon from the governor. Whalen had been born in Ireland, was forty-five years old, and gave his occupation as farmer. He did not work while in prison because of a lame right leg. He was discharged on December 14, 1818, also by pardon.

The Prince George's County grand jury records show their intrinsic value as research tools and their place as one piece of a reference search.

The Archivists' *Bulldog*

Vol. 15 No. 4, February 26, 2001

A SLAVE FAMILY IN ANNE ARUNDEL COUNTY: GENEALOGICAL CLUES IN COURT RECORDS by Pat Melville

Research into the ancestry of African American families can be uniquely difficult when the family line includes slaves. Then search efforts become centered on records pertaining to the owner or owners. Such inquiries can be lucrative and provide interesting, but unexpected, sidelights. A good example is found in Anne Arundel County Circuit (Equity Papers) OS288 in series C70 [MdHR 40215-254-1/5].

The court case began on October 25, 1860, with the filing of a bill of complaint by Fielder Suit of Prince George's County against John T. Drury, his wife Sarah E. Drury, and their children — Ellen O. Atwell, Fannie V. Drury, Josephine Drury, and John T. Drury. Suit had tried to collect a four year old debt from John T. Drury through a civil suit. He obtained judgments in April 1860 and executions were issued to the Anne Arundel County sheriff to seize and sell Drury's slaves. Only then was it discovered that in January 1860 Drury had conveyed these slaves and other personal property to his wife. At the same time he deeded his land, Fox Hall, consisting of 178 1/2 acres, to his four children. Ellen O. Atwell was actually the daughter of Sarah E. Drury from her first marriage. All four children were minors.

Shortly after signing over all his property, Drury left Maryland and had not been heard from since. Suit alleged that the conveyances were executed to fraudulently deprive creditors payment of their debts. He asked the court to void both the bill of sale and deed and order the properties sold for the payment of the judgments, and any other debts of creditors who joined his law suit.

Exhibits filed with the bill of complaint furnished family information about the slaves owned by John

and Sarah Drury. The bill of sale listed the slaves by name: “negro man Bill, negro woman Susan, negro woman Sarah Ann, negro girl Margaret, negro girl Emma, negro girl Dinah, negro girl Molly, negro boy Thom, and negro boy Jim....” The schedules of property to be levied on by the sheriff included family relationships, ages, and the man’s surname: “One negro woman Susan 35 years old and her seven children — namely Sarah Anne 21 years, Margaret 16 years, Emily 12 years, Mary 8 years, Dinah 6 years, Thomas 4 years, and a boy child 3 months — & negro man Bill or William Waters about 40 years old.” Some of the names differed slightly and the baby was named in only one document. Assuming correctness in given ages, Susan first gave birth at age fourteen, a young age at any time.

Other documents filed and created during the course of this equity case, a span of fourteen years, offered insights into the income and expenditures of the Drury family and their personal interactions. The papers included answers filed by the defendants, petitions of other creditors to join the suit along with their accounts and transcripts of judgments, testimony, decree, and sale report.

John Drury and Sarah Atwell were married in March 1851. Everyone agreed that money for the acquisition of land and slaves after the marriage came from Sarah. In fact, she described John as so poor that she bought his clothes for the wedding ceremony and paid many of his debts. Sarah had inherited about \$25,000 from Joseph Fowler, an uncle who had lived in New Orleans. That money was used to purchase two parcels of land, slaves, livestock, and farm equipment and to build a house. As a result Sarah claimed that the slaves really belonged to her and that the bill of sale executed by John was designed only to clarify her title to the property. She also asserted that they had intended all along to list the children as the grantees in the deed for Fox Hall. Supposedly such a document had been prepared, but never recorded. Thus, the 1860 deed was designed to correct this oversight. Sarah, of course, disclaimed any attempt to defraud creditors.

By 1856 three children had been born to John and Sarah Drury. In 1860 the youngest, John T., died at age four.

John probably did not leave Maryland solely because of his debts. In addition, he may have signed over the land and personal property to ease his conscience or to meet demands from an angry and upset wife. Sarah had discovered adulterous acts committed by her husband with his stepdaughter. Shortly after John left the state in January 1860, Sarah filed for divorce which was granted in June 1861 [OS273, MdHR 40215-241]. She was awarded all property she brought into the marriage and any they acquired afterwards even if the title was in his name.

John Drury returned to Maryland in 1863 and testified in the equity case twice within the next two years. By September 1864 Sarah Drury had resumed use of the surname Atwell, and Ellen Atwell had married George W. Owings.

The debt owed to Fielder Suit resulted from John Drury’s gambling losses in card games played on elected day in 1856. Suit convinced Drury to sign two promissory notes to cover the losses. Nine years later Drury claimed he was drunk at the time and not fully aware of his actions, but did remember finding five aces in the deck of cards.

A decree was issued finally in September 1867. Since gambling debts were not recoverable by law, the judge dismissed Suit’s bill of complaint. The remaining creditors succeeded in their efforts to collect. The judge vacated the deed of land to the children because public records showed titles to property only in the name of John T. Drury without any indication of an agreement to ultimately change the titles to anyone else. Additionally the legality of the 1860 deed was questionable because the children were minors and no trustee from them was named in the document.

The judge appointed a trustee to sell Fox Hall to pay the creditors. No ruling was made on the bill of sale because the remaining creditors had not asked for relief again that conveyance. Of course, by the time of the decree, the slaves had been freed and much of the other personal property, such as livestock and crops, no longer existed. The trustee tried unsuccessfully to sell the land at auction in 1867 and 1868. Six years later he finally sold the property to Frank Mitchell.

The Archivists' *Bulldog*

Vol. 15 No. 5, March 12, 2001

GRAND JURY REPORTS: CALVERT COUNTY by Pat Melville

Calvert County (Grand Jury Reports) in series C441 exist at the Archives for the years 1886 and 1930-1942. The 1886 file contains the detailed report of a committee to examine the financial records of the county commissioners. The later files consist of shorter and more general reports.

The committee to examine financial records of the county government was appointed on May 7 and filed its report on July 1. Its efforts were hampered by the short time period allotted for the audit and the lack of records prior to June 1882. A fire in March 1882 had destroyed several buildings in Prince Frederick, including the courthouse and all the records housed there. In June more files were lost when fire struck the Episcopal rectory being used for temporary county offices. Even so the jurors found irregularities, negligence, and poor record keeping. Some tax collection accounts could not be reconciled, and many vouchers could not be matched with disbursement ledger entries. Details were outlined in copies of financial statements appended to the report.

The grand jury committee reviewed the administration of the pension and road funds, and found waste in both. "The County should feel a pride in helping its indigent poor, but not place, as a burden upon the taxpayers, those on the pension list who are able and competent to earn their own living." The report recommended that the county commissioners strike all names from the pension list and thereafter enroll people only upon a petition from at least ten "credible taxpayers of the community."

Without a county road law to guide them, the jurors decided to forego a full investigation of road accounts, but did note exorbitant amounts being spent on some road projects. The county commissioners had paid \$15 to repair a bridge that cost \$8 to build. (Even in the 19th century, one wonders what kind of bridge could be built for such a low sum.) At an-

other time the board authorized \$400 for annual maintenance on a road, when the same contract in 1873 had cost only \$96. Other examples involved individual commissioners, including one who received a contract to build a bridge for \$167, even though a lower bid of \$150 had been submitted. In May 1886 another commissioner, without authorization from the full board, arranged for the removal of a newly constructed bridge across a stream on the road from Smithville to Lyons Creek Wharf and had it placed over a small stream six miles away. The action "was done to satisfy a little personal spite."

The report cited other instances of abuse and patronage, including the rejection of a low bid of \$60 to build a horse rack in front of the courthouse in favor of one for \$90. The final product was unsatisfactory because the contractor used inferior material and poor workmanship.

The 20th century grand jury reports pertain to criminal matters and physical conditions of the jail and courthouse. The number of indictments returned by the Calvert County grand juries remained fairly constant between 1930 and 1942, with an average of ten per year. In 1934 the jurors commented on failures to observe license laws pertaining to soda fountains and building contractors, and to collect the dog tax. The 1935 report noted the prevalence of slot machines throughout the county and recommended that the Sheriff exercise his duty and confiscate all the machines. Gambling devices were still present in 1942, but the jury lacked sufficient evidence to charge any individuals.

In 1938 the jurors examined traffic violations. They urged enforcement of violations under the motor vehicle law, especially reckless driving and operating a motor vehicle under the influence of alcohol, and of parking regulations in Prince Frederick. One recommendation called for the appointment of a special officer to patrol the streets of Prince Frederick on Saturdays to preserve order and regulate traffic.

In counties throughout Maryland, it was difficult to convince officials to devote resources toward the maintenance of the local jail. Calvert County was no exception. The grand jury reports repeatedly outlined the same maintenance problems, such as, un-

sanitary conditions and lack of screens or bars on the windows. The 1937 report contained a recommendation for an inspection of the jail by the county health officer in order to force the issue of filthy conditions. Such frustration seemed even more evident the next year: "We find it useless however to recommend any betterment of conditions relative to the jail, as such recommendations made by former Grand Jurors have been completely ignored." The county commissioners must have provided for some improvements, because thereafter the jurors commended the sheriff and jailer for their efforts in keeping the jail clean and sanitary.

Finally, the war effort in 1942 provoked the Calvert County grand jury to "recommend that the officers and magistrates of this county fall in line with those in a number of counties in the state, and see that there is no more idleness or unemployment. In short, 'Work or Fight'."

The Archivists' *Bulldog*

Vol. 15 No. 6, March 26, 2001

PRIMARY SCHOOL DISTRICTS: ANNE ARUNDEL AND HOWARD COUNTIES
by Pat Melville

In August 1827 the Commissioners of Primary Schools for Anne Arundel County met to divide the county into school districts most of which were drawn as close as possible to a standard of five miles in length and five miles in width. The results were filed with the clerk of the court and recorded in (Land Records) WSG 13, pp. 123-129 in series C97. The commissioners numbered the districts consecutively beginning with one at the south end of the county and proceeding north through what is now Howard County. Nineteen of the thirty-seven districts are outlined in this article. The rest will be included in a future edition. The boundary descriptions also provide names of land owners, creeks and other small bodies of water, roads, and other local landmarks. Descriptions for districts 1-19:

No. 1. Beginning at the southeastern point of the county and running west and north with the county

line to Lyons Creek; then with the creek to the eastern part of the farm of Thomas J. Hall; then east by Benjamin Griffin to a small creek; then with the creek to Herring Bay; then south to the beginning.

No. 2. Beginning at the mouth of Lyons Creek and running up the creek to a branch south of Robert Pindell's mill; then north up the branch, including the farms of Philip Darnall, heirs of John Weeks, Nicholas L. Darnall, Isaac Owens of Ben, heirs of Nicholas Owens, and James S. Owens, to Mataponi Branch; then down this branch to the Patuxent River; then down the river to the beginning.

No. 3. Beginning at the creek south of Gustavus Weem's farm; then up the creek, including Benjamin Griffin, to Lyons Creek; then down the creek to the first branch emptying into the creek from the north and below the farm of Gassaway Pindell; then up the branch, including the farms of Gassaway Pindell, Levi Wayson, Rezin Estep, Claudius F. Legrange, and Susanna J. Gott, to the public road leading from Annapolis to Pig Point; then up the road, including the farms of Henry A. Hall, John Thomas, Dr. Martin Fenwick, Nancy Franklin, Capt. Thomas Franklin, and John C. Weems, to the tidewater; then with the tidewater to the beginning.

No. 4. The territory called the Swamp and farm of Judge Johns.

No. 5. Beginning at the headwaters of West River, including Virgil Maxcy's farm, to the public road leading to Traceys Landing; then up the road by Butlers and Fogget's Tavern to Harwoods Wind Mill; then north to Stocketts Run; then up the run until it intersects Annapolis Road; then up the road to South River Church; then down the road leading to West River to the head of Muddy Creek; then with the creek to the tidewater; then with the tidewater to the beginning.

No. 6. Beginning at the head of Muddy Creek and running with the road from the creek to South River Church; then with the road southwest to the head of Stocketts Run; then with the run to the road near Mrs. John Bird; then on a straight line to Beards Creek; then with the tidewater to Rhode River; then to the beginning.

No. 7. Beginning at the mouth of Mattaponi Branch on the Patuxent River and up the branch to the road between Dr. James S. Owens and Joseph Ward; then up the road until it intersects the road leading to Pig Point; then up the road, including Mrs. Rachel Richardson, by Butlers Tavern to Harwoods Wind Mill; then north to Stocketts Run; then with the run to the Patuxent River; then to the beginning.

No. 8. Beginning at the mouth of Beards Creek and running to its headwaters and up Sparrows Branch, including the farms of Caleb Steuart and Edward Steuart to Stocketts Run; then with the run to the Patuxent River; then up the river to Governors Bridge; then with the federal road to Elijah Chaney's farm, including that farm and those of the heirs of Davis, Joseph Meekins, Robert W. Kent, and George Mackubin to Parrot Creek; then with the tidewater to the beginning.

No. 9. Beginning at Governors Bridge and running with the Patuxent River to the mouth of Cooks Branch; then in a straight line to intersect the main road where it leaves the land of Philip H. Hopkins, including the property of Gerard R. Hopkins; then with the main road to Methodist Meeting House; then up the road leading by Thomas Snowden and Mrs. Becknell, including the property on which she formerly resided; then in a straight line to the Baltimore Road and down the road, including the property of Brice T. Worthington south of the road, on which he resides; then to the head of hog Neck Run and with the run to South River; then with the river to the line of school district 8; then with the lines to the beginning.

No. 10. Beginning at the mouth of Cooks Branch and running with the Patuxent River up to the mouth of Towsers Branch; then up the branch until it passes Mrs. Hammond's farm; then in a straight line to the road leading from Annapolis to Elk Ridge; then down the road until it intersects the line of school district 9; then with the lines to the beginning.

No. 11. Beginning at the headwaters of Broad Creek and then in a straight line to the Severn River, including the property of Miss Harriet Hammond; then down the river to Thomas Point, the city of Annapo-

lis not included; from Thomas Point up South River to the beginning.

No. 12. Beginning at the Severn River at the point where school district 11 strikes and running up the river to the head of Indian Landing; then with the road from the landing to the fork bridge until it intersects the lines of school district 10; then to the beginning.

No. 13. Beginning at the junction of Severn River and Chesapeake Bay on Greenburys Point and running with and bounding on the north side of the river to Roys Creek; then up the creek to its head; then across to the head of Mill Creek. Off Magothy River, including the property of the late Jesse Ray; then bounding the creek, river, and bay to the beginning.

No. 14. Beginning on the west side of Roys Creek at a point formed by its junction with the Severn River and running with the river in the main stream to Hage Road leading from Baltimore to Annapolis; then running up the road to the Half Way House; then running across to the head of Magothy Branch, including the lands of Sarah E. Murray and Charles D. Steuart; then down the branch and Magothy River to Mill Creek; then with the lines of school district 13 to the beginning.

No. 15. Beginning on the Chesapeake Bay where it receives the Magothy River and running up the bay to Bodkin Creek; then along the creek to its head; then across to the head of a creek of the Magothy River west of Elijah Gray, including William Linstead's farm; then down the creek and river to the beginning.

No. 16. Beginning at the head of Bodkin Creek and running down the creek to the Chesapeake Bay; then running along the bay and Patapsco River to Stony Creek; then along the creek to its head; then with Bate Branch to its head; then in a straight line to the place where Jumpers Hole Road and Mountain Road intersect; then with Jumpers Hole Road to Magothy Branch; then down the branch and river to the creek west of Elijah Gray; then with the creek and lines of school district 15 to the beginning.

No. 17. Beginning at the place where Jumpers Hole

Road and Mountain Road intersect and running in a straight line to the head of Bate Branch; then down the branch and Stony Creek to the Patapsco River; then with the river to Curtis Creek; then with the creek and Jumpers Hole Road to the beginning.

No. 18. Beginning where Jumpers Hole Road crossed Magothy Branch and running with the branch and line of school district 14 to the Half Way House; then with Baltimore Road to Mrs. Cissells Tavern; then across to intersect the old saw mill branch; then along the branch, Furnace Creek, Curtis Creek, and Jumpers Hole Road to the beginning.

No. 19. Beginning at Mrs. Cissells Tavern and running with the public road to Hammonds Bridge; then down the Patapsco River to Curtis Creek; then with the creek to Furnace Creek and old saw mill branch to Holly's old mill and then to the beginning.

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Vol. 15 No. 7, April 9, 2001

PRIMARY SCHOOL DISTRICTS: ANNE ARUNDEL AND HOWARD COUNTIES

by Pat Melville

[Continuation of boundary descriptions, as surveyed in 1827 and recorded in (Land Records) WSG 13, pp. 123-129 in series C97 and abstracted in Vol. 15, No. 6.] Descriptions for districts 20-38:

No. 20. Beginning at the Indian Landing and bounding on the Severn River until it intersects the stage road leading from Baltimore to Annapolis; then with the road to Poultons Tavern; then with a straight line to intersect the road from Elk Ridge to Annapolis at the Piney Woods Meeting House; then down the road to school district 10 and with that line and the one for school district 12 to the beginning.

No. 21. Beginning at Poultons Tavern and running with the Baltimore Road to Joshua Hawkins; then with the most direct road, the bridge road near Richard Martin; then bounding on the road from Elk Ridge to Annapolis and school district 19 to the beginning.

No. 22. Beginning at Joshua Hawkins and running with the Baltimore Road to the bridge on the Patapsco River at Hammonds Ferry; then with the river and falls to the line of election district 5; then with that line to the Washington Turnpike; then with a straight line to Hammonds old paper mills; then with a most direct road to Richard Martin and with school district 20 to the beginning.

No. 23. Beginning on the Little Patuxent River where it receives Towser Branch; then up the branch to the Huntington Mills; then with the direct road to the Piney Woods Meeting House; then bounding on school districts 19 and 10 to the beginning.

No. 24. Beginning at the Huntington Mills and running with the Patuxent River to the Washington Turnpike; then with the turnpike to school district 21; then with school districts 20 and 19 to the beginning.

No. 25. Beginning at the point formed by the junction of the two branches of the Patuxent River; then bounding on the larger branch to the Washington Turnpike; then with the road to the smaller branch; then down that branch and with school districts 22 and 23 to the beginning.

No. 26. Beginning on the Patuxent River where the Washington Turnpike crosses; then northerly with the road to John Haslip; then with a straight line to the Columbia Turnpike opposite James Shipley; then southerly with that turnpike to the Patuxent River at Crows old mill; then down the river to the beginning.

No. 27. Beginning on the Patuxent River near Crows old mill and running northerly with the Columbia Turnpike to Owens Road; then with that road to the road leading to Porters Tavern; then with that road to the tavern; then with the Montgomery Road to Snells Bridge; then down the Patuxent River to the beginning.

No. 28. Beginning at Snells Bridge and running up the Patuxent River to the election district line; then with that line to the Frederick Turnpike; then easterly with that road, leading by Carrolls Mansion, to Porters Tavern; then with the Montgomery Road to the beginning.

No. 29. Beginning at the Patapsco Falls and with the election district line near Sarah Brown to Carrolls Manor; then with the road to Porters Tavern; then easterly with the Montgomery Road to the Columbia Turnpike; then with that road to the Patapsco Falls; then with the falls to the beginning.

No. 30. Beginning at the bridge near Ellicotts; then with the Columbia Turnpike to the crossroads where Davis formerly lived; then with the road leading by Dr. Thomas and Dr. Stockett and by the bridge where John Sullivan formerly lived until it comes to the road leading to where Robert Allcock lived; then with Deep Run to the Washington Turnpike; then with the election district line to the Patapsco Falls; then with the falls to the beginning.

No. 31. Beginning at John Haslip; then with the Washington Turnpike by Merrills to Deep Run; then with the run to the road where Allcock lived; then with the road by Dr. Stockett to Porters Tavern; then with the road by Dr. James Dorsey to Owens Road; then to the Columbia Turnpike until it arrives opposite James Shipley; then with a straight line to the beginning.

No. 32. Beginning at the toll gate in Carrolls Manor; then with the line of election district 6 to Hambletons ford on the Patapsco; then up the falls to James Oneil; then to Major Dorsey; then to the meeting house; then down the branch to Randalls Tavern; then down the turnpike to the beginning.

No. 33. Beginning at Roberts Tavern; then down the turnpike to the branch near Randalls Tavern; then up the branch to St. James Meeting House; then to Major Edward Dorsey; then in a straight line to James O'Neill on the Patapsco Falls; then up the falls to James Hoods Mill; then with the Westminster Road to the beginning.

No. 34. Beginning at the Patuxent River where the Westminster Road crosses; then with the river to the factory; then with the lines of election district 6 to the Frederick Turnpike near Beale Manahan; then with that road to the Westminster Road; then with that road to the beginning.

No. 35. Beginning at Messburghes Mill on the Patuxent River; then down the river to the

Westminster Road; then with that road opposite Jasper Petticord; then up Charles D. Warfield's lane to the West End; then with a straight line to Buzzards Mill; then up the branch to Samuel Dorseys Spring; then with a straight line to the old road where the line of school district 36 crosses; then with that district to Messburghes Mill.

No. 36. Beginning at the mouth of Poplar Spring Branch where it empties into Patapsco Falls; then with the falls to James Hoods Mill; then with the Westminster Road until it arrives opposite Jasper Petticord; then up Charles D. Warfield's lane to the West End; then with a straight line to Buzzards Mill; then up the branch to Samuel Dorseys Spring; then with a straight line to the beginning.

No. 37. Beginning at the ford at Messburghes Mill; then with the road to Edward Warfield; then with the road to Leonard Shaffer; then with a straight line to Miller on the turnpike; then with Poplar Spring Branch to the Patapsco Falls; then with the falls to the Montgomery County line; then with the line to the beginning.

No. 38. The city of Annapolis.

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Vol. 15 No. 9, May 14, 2001

GRAND JURY PAPER: ST. MARY'S COUNTY by Pat Melville

(Grand Jury Papers) of the St. Mary's County Court and Circuit Court in series C1601 and C1602 at the Archives cover a broad expanse of time, 1831-1996, but with records not extant for several of the individual years. Prior to 1857 materials exist only for 1831, 1839, and 1848; after 1857 periodic gaps appear throughout the records.

The content of the grand jury papers changes over time. The 19th century records contain documents filed with the jury and reports issued at the end of a court term. With one exception, a list of licenses for 1912, the 20th century files include only the reports.

Documents were made available to the grand jury to assist in its criminal considerations and consisted of lists of licenses, recognizances, constables, and inquests. Other papers included lists of members of the grand jury for 1869-1890, copies of coroner's inquests for 1870-1885, and rules and regulations for the jury for 1874 and 1883.

The grand juries inspected county facilities, meaning only the jail and courthouse until the mid 1900s when county offices expanded into other buildings. For some unknown reason the St. Mary's County grand jury seldom visited the almshouse. The reports of these inspections outlined problems with the physical plants, recommended corrective actions, and noted improvements. Often the jurors recorded the number of prisoners housed in the jail.

Interestingly, there were no inmates at the time of the 1869 visit.

Between 1868 and the early 20th century the grand jury reviewed road conditions throughout the county and reported their findings, often highlighting the shortcomings. The 1868 report characterized many roads as impassable, "but no officer being appointed to superintend the roads, we are at a loss to know who to censure." Two years later jurors found little correlation between the amount of taxes collected for road repair and the actual evidence of road work. In 1882 the management of roads was described as careless due to incompetent supervisors and excessive expenditures. In addition, the jury could obtain from the county commissioners the names of only a few of the road supervisors, estimated to total 130. Periodically notations about obstacles to safe travel, such as brush, logs, saw dust, fences, and overhanging branches appeared in the reports.

Despite the passage of laws by the General Assembly poor maintenance of roads continued to be perceived as a problem area. In 1889 the grand jury commented on legislation establishing district road commissioners, and the failure of the county commissioners to appoint these officers or to develop rules and regulations. One aspect of the road law was being followed, that of taxation. As conditions gradually improved and the state assumed control over some roads the jurors focused less attention on

public highways.

By an 1876 law (Ch. 239) the county commissioners of St. Mary's County were required to file financial statements with the grand jury so it could review public expenditures. By the mid 1900s this function devolved into an examination of operations of specific departments of county government. In 1965 the jurors investigated land use in the county, and faulted the lack of an adequate zoning system. The report made two recommendations to the county commissioners: one, disapprove the use of land along Rt. 234 as a drag racing strip and, two, establish agricultural and residential zonings in areas not then zoned. The commissioners approved the racing strip anyway despite protests from adjacent property owners and did nothing about the zoning. In addition, the commissioners refused to appear before the grand jury by saying they were too busy. The jury had a subpoena issued for the chairman, but he had gone fishing out of the county.

Periodically the grand jury conducted special criminal investigations, some so secret and nonclusive, that its reports left a reader wondering what had happened. In 1947, for example, the jury was charged with examining some kind of illegal action, but refused to act. The judge discharged the jurors and issued a long statement about their refusal to carry out their duties, but offered no clue about the matter under consideration.

The grand jury reports repeatedly contained exhortations to enforce gambling and liquor laws. In 1886 the jury investigated unspecified election irregularities, but found insufficient evidence to indict anyone. A year later it examined a lynching, but could not fix the blame on specific individuals. A casino operation in 1963 resulted in a few indictments, but no indication of involvement of government officials. At that time and later violations of drug laws became a frequent matter of concern. In fact, the 1972 file contains a transcript of testimony given at a special grand jury session on youth and the use of drugs.

Sometimes record keeping factored into the jurors' duties. While reviewing the failure of some justices of the peace to submit payments of fines, the grand jury in 1894 discovered an equivalent omission of

maintaining criminal dockets and a lack of uniformity among the others. During a time of concern about courthouse fires, the jury inspected the storage of records in 1892 and ascertained that the court clerk's office has neglected to send deed abstracts to the Court of Appeals for the period of 1851-1863. This oversight must have been corrected, because such a book does exist at the Archives in (Land Record Abstracts, SM) in series S1361.

The St. Mary's County grand jury papers offer intriguing glimpses at many aspects of the judicial system and county government functions. Sometimes the information obviously is incomplete and leaves the researcher with questions. For example, one senses a conflict between the grand jury and the county commissioners in 1965 that goes beyond the zoning matters discussed in the report. What were the subjects of the undisclosed, secret criminal investigations? Would the local newspaper have covered the lynching in 1887?

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Vol. 15 No. 10, May 29, 2001

SOMERSET COUNTY LAND RECORD PAPERS by Pat Melville

John C. Lyon, a volunteer at the State Archives and a member of the Reference and Search Room Advisory Committee, is nearing completion of a project to map tracts in the original Somerset County that encompasses what are now Wicomico and Worcester counties in Maryland and Sussex County in Delaware. The database contains surveys of 6000 tracts, derived mostly from certificates of survey and patent records. In addition, he consulted several series of county records, including Somerset County Court (Land Record Papers), 1738-1802, in series C1777. Upon analyzing the box of miscellaneous folded documents, he volunteered to place the records in folders and produce an item inventory. The resulting finding aid sows dates, types of documents, names of parties, abstracts of content, book and page references, when given, to recordings in land record books, and editorial annotations, such as current

county locations for lands once in Somerset County.

Most of the 214 records date from the 1790s, with other scattered time period going back to 1738. Most, if not all, of the original documents were recorded in (Land Records) in series C1778. As expected, the land record papers contain many deeds. Other types of documents include bonds and oaths of officials, conveyance bonds, performance bonds, manumissions, slave removal certificates, bills of sale, depositions, indentures, valuations, leases, land inquisition, estate papers, agreements, receipts, and arbitration awards.

The conveyance bonds involved a promise to convey land. Individuals executed performance bonds when agreeing to do work for the county government. In 1799 John Leatherbury contracted to repair the causeway, bridge, and wharf at the Lower Ferry on the Wicomico River and William Anderson the causeway and wharf at the Upper Ferry on the same river.

The depositions usually concerned the ownership of personal property or land. In 1799, Elizabeth Reese provided evidence on the ownership of a slave. In 1796, Solomon Gibbens testified to the title of a ditch.

In 1739, the will of William Reed, Sussex County, PA, was filed with the court and recorded in the land records because one bequest concerned land in Somerset County.

Valuations were appraisals of real estate inherited by minors with the purpose of determining the yearly income the land should produce. The documentation included descriptions of the land and improvements. A 1741 valuation of the land of Revill Horsey listed a dwelling house with attached, unfinished shed and two log houses not worth fixing. The appraisers set the potential annual rental income at eighteen shillings and recommended that the guardian be permitted to clear parts of the plantation. Another valuation dated 1759 delineated the trees in the orchard and gave the outside dimensions for each structure that included a dwelling house with a brick chimney, kitchen, barn, corn house, smoke house, and milk house, all needing repairs. The land, cleared with few remaining trees, was valued at thirty shil-

lings per year.

The one land inquisition in series C1777 concerns the acquisition of land in 1743 for the first courthouse and jail in Princess Anne. Ownership of the parcel was unclear and the court ordered the sheriff and a jury of twelve men to determine the owners and the value of the land. The inquisition return was signed and sealed by all thirteen individuals, and other papers were signed and sealed by the justices. The original documents still contain the wax seals.

The jury identified ten owners, including John Anderson, minor son of James Anderson, who held title to 21/30 of the lot. The remainder consisted of Col. Levin Gale, Col. Robert King, Capt. David Wilson, Patrick Allison, Capt. John Tunstall, David Polk, James Polk, James Strawbridge, and Heber Whittington, each holding between 1/30 and 3/30 parts. The jury appraised the value of the land at £10 current money.

The selected lot was located on the northeast corner of Main and Broad Streets. The courthouse remained in use until 1833 when it was replaced by a new structure on Prince William Street.

Complementing this collection of land record papers is another transferred from the Somerset County Circuit Court a few years ago. These unprocessed materials, housed in twenty-nine boxes, span the years 1723 to 1899. The contents will be similar to those described above.

The Archivists' *Bulldog*

Vol. 15 No. 13, July 9, 2001

NAMING OF LYONS CREEK

by Pat Melville

Lyons Creek is a branch of the Patuxent River that forms the boundary between Anne Arundel and Calvert counties. Maryland records seldom indicate how and when bodies of water, especially the smaller and less important ones, received their names. One of the exceptions concerns Lyons Creek, as found by Carson Gibb, a researcher and volunteer at the Archives, in Land Office (Patent Record) in series

S11 in 13, pp. 93-95. Other references concerning the same tract of land appear in 13, pp. 125, 131-132 and 14, pp. 416-420.

Henry Cox immigrated into Maryland from Virginia by 1653. He obtained rights to land for bringing himself and Paul Busey into the colony and through assignments of rights from other individuals. Between 1653 and 1673, he obtained patents for seven tracts of land in northern Calvert County. In 1653, two warrants were executed for the survey of two tracts, each with 300 acres. In 1658, a patent was issued for one of them - Coxes Hays. According to a petition filed in 1671, Cox did not receive the second patent, although he used the land and paid quit rents during the intervening time period. Officials could locate the records of the assignment and warrant, but not the certificate of survey. Cox blamed this oversight on "those troublesome times" in 1656 and 1657, years for which "very few records for lands" existed.

In the 1671 petition to Lord Baltimore, Henry Cox requested a resurvey of the land to establish the original boundaries and prevent encroachments from later surveys. As proofs he presented men who could testify about the original survey, and he provided references to patents that mentioned his land. Accompanying the petition was the deposition of John Hambleton, age 50, who was present at the survey of both 300 acre tracts. The tract remaining unpatented bordered on the Patuxent River and a creek. According to Hambleton, the surveyor asked Cox for the name of the creek. Cox replied that it should be called Lyons Creek since "he had served his time in Lyons Creek in Virginia. And to this day from that time the deponent saith that the said creek hath gone by the name of Lyons Creek. And that the said parcell of land lyeth on the southeast side of Lyons Creek and that William Parrot's land lyeth on the northwest side of the said Creek."

The petition was viewed favorably and a warrant for a resurvey was issued on April 21, 1671, with the boundary lines to be based on the testimony of inhabitants. The land, named appropriately Lyons Creek, was surveyed two months later, but not everyone was satisfied. Some landowners claimed the lines did not follow the survey done in the 1650s.

Another survey and more testimony was ordered. Accordingly, the line began at the mouth of Lyons Creek, followed the Patuxent River southeast for 108 perches, then east from a bounded oak for 316 perches, then from another bounded oak northwest for 230 perches, and then along Lyons Creek to the beginning point. The patent was issued subsequently on July 10, 1671.

The Archivists' *Bulldog* **Vol. 15 No. 14, July 26, 2001**

DUCKING POLICE by Pat Melville

Ducking police - an evasion of law enforcement or officers enforcement of duck hunting laws? This question arose from a genealogical inquiry about an ancestor and the ducking police. The *Maryland Manuals* in the *Archives of Maryland Online* revealed the existence of officers called ducking police through 1939, but only for two jurisdictions - Cecil and Harford counties. The publications gave no indication of when the office came into existence or its duties. The research strategy to establish dates and determine duties should have been a simple process of checking the laws of Maryland. Instead, the effort became a lesson in overcoming inadequate indexes.

First to be searched was (Laws, Index) 1800-1920 in Government Publications. No citations appeared under the obvious headings of duck, ducking, or police. And, nothing showed up under hunting, waterfowl, Cecil County, or Harford County. Since the governor appointed the ducking police, research moved to (Commission Record) in series S1081 in hopes of finding a legal citation when the first officers were appointed. The strategy succeeded with a reference to the annotated code which in turn provided the citations to individual laws.

Now a legal timeline could be established. By 1860, the General Assembly had passed laws regulating the hunting of waterfowl and placed enforcement in the hands of sheriffs, constables, and commissioned militia officers. In 1872 (Chapter 54), a section of the Chesapeake Bay called the Susquehanna Flats

was exempted from the general waterfowl law. The legislation defined the area as north of a line from Turkey Point in Cecil County to one-half mile north of Spesutie Island to Oakington in Harford County. It also laid out detailed gunning regulations and time periods and provided for the licensing of hunters. A Board of Special Police was established to enforce the law and arrest violators. The board consisted of men named in the legislation - John Mahan and Henry J. Poplar of Harford County and Benjamin Die of Cecil County, with vacancies to be filled by the county commissioners of the county where they occurred. The State Police Force, otherwise called the Oyster Police, was given concurrent jurisdiction to make arrests.

In 1878 (Chapter 292), the waters of the Elk and Bohemia rivers were added to the special hunting provisions. Chapter 106, Acts of 1880, gave the governor the authority to appoint the Board of Special Police, to consist of four men, two each from Cecil and Harford counties, for two-year terms. The board could appoint deputies from among citizens who obtained the gunning licenses. From the time of the first appointments, the governor's commission records listed the officers as special ducking police, later abbreviated to ducking police.

The next significant change occurred in 1927 (Chapter 568) with the establishment of a state Game Warden within the Conservation Commission. The ducking police, still appointed by the governor, were designated as deputy wardens and placed under the supervision of the state Game Warden. As deputies, they were compelled to enforce all conservation, game, and fish laws.

In 1941 (Chapter 258), the special legal provisions for gunning on the Susquehanna Flats and for the ducking police were repealed.

MILITIA ON THE LOWER EASTERN SHORE by Pat Melville

During the American Revolution, popular sentiment on the Lower Eastern Shore of Maryland leaned toward the British cause or indifference. Many citizens were more concerned about preserving their

property, especially slaves, than about defending a new nation and new state government. Efforts to recruit men for military service, even in the local militia, produced meager results. The men who did join might show up for training or duty sessions, or they might decide some other task was more important.

Records of the Revolutionary time period contain many illustrations of the uncertainties and problems encountered on the Lower Eastern Shore. John Lyon, an Archives' volunteer and researcher, found such documentation in Maryland State Papers (Red Books) in series S989, Vol. 19, Nos. 45-48. On September 24, 1778, George Dashiell wrote a letter to Gov. Thomas Johnson and enclosed other correspondence and a deposition supporting his points. Dashiell discussed the selection of officers of the Rewastico Company of the Salisbury Battalion and the punishment of deserters.

Field officers, while attempting to select a captain for the Rewastico Company, rejected two candidates before recommending William Turpin. They had pronounced Huett Nutter as unworthy of promotion from his position as first lieutenant, and judged William Nutter as unfit for the office. Dashiell in his letter said that William Nutter "was looked upon by the Field officers as a very improper person to command [the company], and has since given us a convincing proof by refusing to take the oath of fidelity to the States...."

Dashiell praised the dedication and loyalty of William Turpin, and then outlined the travails he faced with the most disaffected company in the county and the "most obstinate and disobedient" soldiers. The company had been heavily fined for violating regulations and met infrequently for exercises. In his deposition, Joseph Piper, an ensign in the company, described the situation quite graphically.

That on the fifth Day of September 1778 Capt. Wm. Turpin called on John Grumble to give his excuse for his non Attendance at a muster some time before. He gave answer that he had None and swore that he did not carry an Almanack [in] his head. With that Capt. Turpin desired him to recollect and see if he could not remember and again [he] swore that he had not any nor should not trouble his head

abt it. The Officers proceed[ed] to fine him and the Captain ask'd him for it. He made answer and ask'd him...and cursed the Capt. and officers and swore that they were [a] parcel of rascals and that they would be turned out and better men put on their Room, and further said that they were not all of them worth thirty shillings, and further that Capt. Turpin had come out of jail and could not pay his debts, and that if he had been in jail and taken his degrees as Capt. Turpin had he should be made an officer, too; and this deponent further sayeth that it is usual for the Company to insult Capt. Turpin with the grossest language almost at every meeting.

George Dashiell questioned the effectiveness of punishments meted out to deserters. Anyone committed to the local jail seemed to escape with ease and impunity. "Four of the recruits which deserted from their quarters in this county last summer, has [sic] now surrendered themselves to me. From a conviction that imprisoning them will not have the desired effect, I have permitted them to quarter themselves in private homes, until they receive orders to march to camp, as their [sic] is no probability of delivering them to an officer."

Research by John Lyon reveals that Capt. Turpin, Ensign Piper, and Private Grumble remained in the Rewastico Company until at least 1780. Six years later, Grumble was listed as a debtor in the estate of Piper.

The Archivists' Bulldog

Vol. 15 No. 17, September 10, 2001

GRAND JURY REPORTS: BALTIMORE CITY (Part I) by Pat Melville

Printed copies of Baltimore City (Grand Jury Reports), filed with the Criminal Court, exist for the years 1925-1964 at the State Archives in series C2790. The documents contain the usual reports on criminal activity, conditions in public facilities, and special investigations.

In Baltimore City, each grand jury sat for a term of four months, and during that time considered hun-

dreds of criminal charges. A 1944 report contained the remark: "As in times past, we had the usual 'Three Musketeers' that keep the law enforcing agencies busy - liquor, gambling and vice."

Sometimes the jurors expressed opinions on the imposition of punishments for crimes that now seem unduly harsh and unforgiving. In 1926, the grand jury viewed prisons not as places of reform, but as institutions for "the rigid punishment of those who violate willfully and forcefully the personal or property rights of another." The prisons provided an environment ideal for learning new criminal behavior. "We do not capture a wolf, or other predatory animal, give it a comfortable home for a year or so, and then turn it loose to re-enact its former depredations. We make the public safe either by putting to death, or incarcerate it permanently." Such drastic measures were not advocated for all offenders. In 1935, a grand jury committee recommended using the whipping post for some unnamed minor offenses.

The grand juries visited the city jail, state prisons, mental hospitals, and juvenile facilities located in the city and surrounding counties. Any institution, public or private, was subject to investigation as long as city residents were committed there at public expense. Inspection reports in 1925, for example, included the House of Correction, Maryland Penitentiary, St. Mary's Industrial School, City Jail, Maryland School for Boys, Industrial Home for Colored Girls, Maryland School for Girls, Bay View Asylum, Maryland House of Reformation for Colored Boys, House of Good Shepherd, Springfield State Hospital, Spring Grove Hospital, Mount Hope Retreat, Crownsville State Hospital, Melvale School for Colored Girls, and Montrose School for Girls. The longest trip regularly undertaken was the one to the House of Reformation for Colored Boys located in Cheltenham in Prince George's County. Occasionally a committee of jurors would travel to the State Penal Farm in Hagerstown, that opened in 1942.

During World War II, some of the trips outside the city ceased because of gasoline rationing and shortage of available vehicles. The court tried to tell the grand jury that it had no legal jurisdiction over institutions in the counties and that past inspections were permitted only as a matter of courtesy by the admin-

istrators. The jurors felt obligated to visit any facility where substantial numbers of city citizens were incarcerated or committed at public expense. The jurors prevailed and the inspections continued.

Most inspection reports contained satisfactory remarks about the institutions. Even when problems were outlined, the jurors almost always commended the personnel for doing the best job possible under the circumstances. But, as one grand jury foreman remarked, the more interesting reports described deficiencies. The reform school in Cheltenham was the one facility that fit the opposite pattern of having persistent problems [a subject to be considered in a subsequent article].

In 1938, a grand jury report described the locking system at the city jail where all cell doors had to be individually locked and unlocked by a tier guard. With four sections of cells, each with five tiers, locking or unlocking doors involved sixty-six steps in each section. The potential for disaster in the event of an emergency, such as a fire, was deemed unacceptable. The jury recommended the installation of a new locking system.

The committee on exits in public buildings factored fire hazards into investigations. In 1927, it criticized the enforcement of laws regarding fire hazards in places of public assembly, such as theaters. The fire department conducted inspections, but building inspectors were responsible for getting the conditions corrected. Sometimes months elapsed between the discovery of a problem and its correction or elimination especially when owners appealed through the courts. Some problems persisted despite the imposition of fines and penalties. The jurors cited one example of the practice of emptying oil and gasoline into Jones Falls, that in 1926 had caused a fire under the fallsway that spread from Monument Street to the outlet of the falls, blowing manhole covers in the air and engulfing a theater in flames.

On the morning of July 4, 1944, the first Oriole Park burned to the ground. Mayor Theodore R. McKeldin offered the baseball team the use of Municipal Stadium. The grand jury committee on nuisances and

sanitation expressed concern about fans setting fires in the seating areas of the stadium. The fire board and park board could not agree on who bore responsibility. The committee pointed out that the stadium was city owned and the Orioles were paying rent to the city. Thereafter, the fire department was present at all baseball games.

Grand juries throughout the state often lamented the lack of significant impact of their investigations and recommendations. In 1937, foreman Robert E. Vining offered a commentary worth repeating.

It is precedential that as Grand Jury terms near conclusion the Foreman prepared a report detailing the work of the Grand Inquest during its tenure of office. In the fulfillment of this tradition, it is easy to attain, unwittingly, new heights of absurdity, because at best Grand Jurors have but a measurable degree of common sense. For a Foreman, while drafting his section of the term report, to feel that while so doing he is then and there bestowed with new gained wisdom is nonsense of the first degree. No Grand Jury is equipped mentally to cope with or pontificate upon the contemporary problems represented by the parade of personalities which passes before it throughout the four months covered by this service of citizenship. But surely Grand Jurors can at least offer some crumbs of observation from the cake of human, emotional, and criminal conflict which should prove to be edible sustenance for tomorrow's careful analysis by experts.

The Archivists' Bulldog

Vol. 15 No. 19, October 9, 2001

GRAND JURY REPORTS: BALTIMORE CITY (Part II) by Pat Melville

Baltimore City Criminal Court (Grand Jury Reports), 1925-1964, in series C2790 contains findings that resulted from visits to the city jail, state prisons, mental hospitals, and juvenile facilities located in the city and surrounding counties. Any institution, public or private, was subject to investigation as long as city residents were committed there at public ex-

pense. The jurors seemed to take a special interest in the juvenile facility in Cheltenham in Prince George's County. For about 30 years, beginning in 1925, the investigative results were reported in detail and at length.

The current Cheltenham Youth Facility originated in 1870 as the House of Reformation and Instruction for Colored Children (Ch. 392, Acts of 1870), a privately run institution that began operations in 1872. In 1937, it became a public facility under state control and was renamed the Cheltenham School for Boys (Ch. 70, Acts of 1937). The school was renamed Boys' Village of Maryland in 1949 (Ch. 692, Acts of 1949) and Cheltenham Youth Facility in 1992 (Ch. 8, Acts of 1992).

Some reports, such as the ones for May 1927 and September 1937, provided a historical background for the House of Reformation. Early patrons included Enoch Pratt who donated 550 acres for the school and Gen. Thomas J. Shryock who served as president of the facility for many years. Over time, seven large brick buildings were constructed, along with a hospital, broom factory, and several farm buildings. The school was designed to educate and train African American boys from throughout the state, who were deemed incorrigible, vicious, or vagrant or lacked proper care and discipline in their homes.

Did the Cheltenham facility fulfill its purpose? Most Baltimore City grand juries through the 1940s answered in the negative. They blamed failure on disinterest on the part of public officials, insufficient funds, inefficient management, and inadequate education and training.

As a private institution, the reform school was governed by a board consisting of sixteen members, two appointed by the governor, two by the mayor and city council of Baltimore City, and the rest self-perpetuating. Financial support came from the public sources with the state furnishing one third of the funds and Baltimore City two thirds, amounts that reflected the residence ratio of the school population. Sometimes the number of boys from Baltimore City reached 80% of the total. The rated capacity of the school was 330.

The city grand juries repeatedly advocated state take-over of the institution. When this finally occurred in 1937, the transition was anything but smooth. Members of the governing board were retained until their positions became vacant and the governor appointed replacements. All employees of the school were supposed to be placed in the state merit system without examination. When the State Employment Commissioner declared twenty-six of them unfit for inclusion in the merit system, the board of managers filed suit against the action. Two years later the jurors urged Governor O'Connor to fill five vacancies on the board with qualified people. "No members of the old board should be reappointed. They have had their chance and failed miserably...." Gradually the diatribes against the board and staff disappear from the reports.

The jurors discovered multiple problems with the physical plant and operation of the reform school at Cheltenham. Deteriorating buildings and lack of maintenance were constant complaints. By 1938, the hospital had burned down and medical needs were being handled in the basement of one of the cottages. The jurors in 1939 observed that the "barns and cow sheds are far superior in structure and cleanliness than the boys and dormitories." Persistent problems included rotting window frames, leaking roofs, malfunctioning radiators, falling plaster, peeling paint, and outdated plumbing. Gradually in the 1950s these problems dissipate as the state replaces the older buildings with new structures.

Failure to educate and train the boys sent to the House of Reformation and the later Cheltenham School for Boys was another recurring theme within the jury reports. By 1926 the training seemed to consist of working in a broom factory and the farm fields at the school or as laborers for local farmers. The latter practice began during World War I when it was difficult to find farm workers. The boys sent to the farms received very little of the \$25 to \$40 paid yearly for their services." This practice is virtual peonage, hardly one step removed from slavery and should be stopped." The program did cease in 1927. At the same time the jurors found little evidence of actual classroom education. Gradually competent classroom instruction was provided and more vocational

opportunities were implemented.

The 1944 report contains the following observation. "...Cheltenham is misnamed. It is not operated as a correctional institution. Boys leaving this place are still a juvenile problem. This school is administered more like a Penal Institution." Ample evidence had existed for several years. The Child Welfare League of America investigated the school in the early 1930s and found insufficient food and clothing, overcrowded dormitories, inadequately trained teachers, severe punishments, few recreation opportunities, and little vocational training.

After the state assumed control over the Cheltenham school, the grand juries for several months focused on long standing operational problems, many disclosed as the State Employment Commissioner evaluated staff for inclusion in the state merit system. Record keeping practices were haphazard with many medical and punishment records nonexistent. There was no resident physician, and a practical nurse and "Dr. John", the plumber, handled first aid. The staff imposed harsh disciplinary measures such as flogging with rubber hoses, solitary confinement, and bread and water diets. In 1938 one supervisor was suspended for hitting two boys with his fists and cracking the skull of another one. In the latter case no one could find a record of the assault or the alleged offense of stealing cigars from the superintendent's office. Riots and escapes occurred regularly.

On their visits the grand jurors toured the kitchen facilities and usually ate a meal with the boys. Unsatisfactory conditions were found frequently. In 1926, the school bakery was turning out heavy, undercooked loaves of bread. Sometimes the juries were mystified by the situations they observed. In 1929, the "food seemed to be plentiful and wholesome but served by barefooted boys who wore white jackets. The combination seemed incongruous — and what lesson was to be gleaned from this seems an enigma." Ten years later the boys found the food so unappetizing that they refused to eat during the jury's visit. Ten years after that, the jurors found a poorly equipped kitchen, dishes being washed without soap, open garbage containers, lack of adherence to menu

plans, and dirty refrigeration area.

In the 1950s, the tenor of the jury reports on the Cheltenham school gradually change to more positive observations. A 1956 jury described the visit to Boys Village as the highlight of its tour of juvenile facilities. Two years later it was called “a place of rehabilitation, superior in all respects to the old Cheltenham School....” Racial integration occurred in 1961 when the programs of Boys Village and Maryland Training School for Boys were reconfigured according to a formula based on physical and mental age.

The Archivists' *Bulldog*

Vol. 15 No. 20, October 22, 2001

GRAND JURY REPORTS: BALTIMORE CITY (Part III) by Pat Melville

Baltimore City Criminal Court (Grand Jury Reports) 1925-1964, in series C2790 contains periodic reports on conditions in the courthouse, now called the Mitchell Courthouse. The architectural features were well appreciated, but the functionality of an aging structure was declared insufficient to meet the demands for more court rooms, increased staff, and records storage. Heating and cooling systems failed to maintain even temperatures throughout the building. Pigeon droppings discolored the façade.

The register of wills and the clerks of the six courts of the Supreme Bench (Circuit Court, Circuit Court No. 2, City Court, Court of Common Pleas, Criminal Court, and Superior Court) faced enormous pressures in coping with the expansion of record materials. They found storage areas wherever possible in the courthouse, including the walls of high-ceiled rooms and nooks and crannies in the basement. In some areas ladders were needed to reach the top rows of metal storage bins.

The September 1964 jury report described “an inspection tour from the overcrowded record room of the Superior Court Clerk on the 6th floor to the maze of low ceilinged sections of the old fashioned ‘celar’ with its myriad of steam and hot water pipes – almost reminding one of the historic catacombs of

Rome. Indeed the Register of Will, the Clerks of the several courts, etc., are to be commended for the high degree of efficiency with which they have thus far conducted their all important record departments, with deplorably inadequate space.”

In the early 1970s the clerks, register, and State Archives began a concentrated, cooperative program to transfer permanently valuable records to the Archives, an ongoing process that continues to the present. Even so, some of the catacombs in the basement are still being used for the temporary storage of paper records.

On at least one occasion, the foreman of the grand jury decided to dispense with the appointment of a courthouse committee because no one was paying attention to its concerns about the building. The January 1964 report contained an appropriate comment. “...there has been an attitude of ‘let George do it.’ Apparently George is difficult to find.”

WILLS AS INSTRUMENTS OF CONTROL by Pat Melville

Men and women have been known to use their last wills and testaments as instruments to control the lives of their family members. To prevent an unwanted marriage, a testator might bequeath property to a son or daughter with the proviso that he or she not marry someone. In 1774, Ann Mareman of St. Mary's County directed that a sloop be sold and the proceeds be divided among her children, except that son Zachariah would receive only one shilling if he married Ann Howard. [Prerogative Court (Wills) 40, p. 1, MSA S538]

In 1889, Charles Sollars devised land and money to his son John Arthur Sollars. But if he married Cena Butler, those bequests were to be divided among the testator's other children, except for \$1 to be given the disobedient son. [Anne Arundel County Register of Wills (Wills) JWB 1, p. 462, MSA T2559]

Sometimes testators wanted to provide for the welfare of a descendant who required special care. Perhaps that explains why Thomas Cook of Dorchester

County in 1773 provided that three of his sons each pay £4 annually to his fourth son Nehemiah for as long as he lived. [Prerogative Court (Wills) 40, p. 55, MSA S538]

The Archivists' *Bulldog*

Vol. 15 No. 23, December 10, 2001

CHRISTMAS IN ANNAPOLIS: Newspaper Articles, 1865-1894 by Pat Melville

As we approach Christmas in the 21st century, we can gain a different perspective on the holiday by looking at past celebrations, as revealed through local newspapers. The following collections were used: *Annapolis Gazette*, SC4144, for December 28, 1865 and December 23, 1873, and *Evening Capital*, SC2733, for December 26, 1884 and December 26, 1894.

The 1865, Christmas was summarized in one paragraph: "The great festival of this day was celebrated in Annapolis by a general cessation of all business pursuits, and by religious rejoicings appropriate to the occasion. Although the day was rather wet and disagreeable, yet the Churches were all well attended — more so than has been usual on former occasions; and although every one seemed to enjoy the day to the utmost, it was also to be noticed that few if any, could be seen who were intoxicated or noisy, save in the harmless way of gunpowder, fire-crackers, drums, tin horns, &c., with which our young gentry tried to out-do each other."

In 1873, the *Gazette* recommended several business places in Annapolis for holiday shopping. The article was based on advertisements appearing elsewhere in the newspaper. At C. Boessel's jewelry store at 33 Main Street, one could "find a beautiful assortment of watches and jewelry selling at panic prices...." Those looking for more practical gifts could go next door to check out the stoves and heaters at Wilson & Sons. For "friends who indulge in the weed, " people could visit Alex Hart's 'Little Cigar Store Around the Corner' and, while there, order a beverage from the "Arctic Soda-Water Foun-

tain." John T. Johnson, at 53 Prince George's Street, provided men's boots and shoes, and Rhen's at the corner of Main Street and Market Space, offered clothing for both men and women. Music lovers could obtain an Estey Cabinet Organ from Charley Hopkins on Main Street.

A few grocers were recommended, including James Hopkins at the corner of Main and Francis Streets, who was "selling, like an honest man, for very small profits," Joseph S.M. Basil on Market Space, and George E. Franklin on Main Street. "Annapolitans are famous for their love [of] good eating, and it may not be amiss ...to call their attention... to the superior manner in which Col. Black, opposite the State House, serves up the good things of this life. His terrapins, oysters, steaks, &c., make an epicure's mouth water."

The editors concluded the 1783 articles with their own commercial appeal "[I]f any of our kind friends, appreciating our efforts to add to the business and prosperity of our little city, feel inclined to make the heart of the editor glad and filled with thankfulness, they can hand in their subscriptions for 1874, and enter into contracts for next year's advertising on most reasonable terms."

Another article provided admonitions for children. "Get your stockings ready, little folks, for the coming of Santa Klaus, and see that there be no holes in heel or toe. We have just received a dispatch from old Chris, who states that his is hitching up his fleet-footed deer and loading the good things ready for a grand Christmas tour.... Mind that you do not sleep with one eye open; for unlike men, he only bestows gifts when he cannot be seen. Hang your little stocking in the chimney, go to bed early and dream your brightest dream, and wake early to find it true."

In 1884, the *Capital* published a lengthy account of religious services at the First Methodist Church and a general review of Christmas in Annapolis. "Christmas passed off as it usually does in this locality, and was ushered in by the blowing of horns, firing of pistols, and the beating of drums. The day dawned brightly with a clear sky and a cool, bracing atmosphere. The snow which covered the ground, afforded

excellent sleighing.... The children all seemed to have their good time with the enjoyment of their toys, and the good things they had received through the mythical Santa Claus. Each family enjoyed its turkey, and those who were not committed to local option partook freely of libations of wine, eggnog, apple-tody, &c., and hospitality, fun and pleasure seemed to reign supreme.... We believe, as a general thing, the Christmas festivities of this year, despite the great depression in business, and the consequent scarcity in money, were fully equal to those of any former years.”

Ten years later, Christmas day began similarly “with the usual hilarity of blowing horns, beating drums and firing crackers. Singing bands made the early morning air musical with their melodies, and the ringing of the church bells reminded the slumberer that the anniversary of Christ... had again come around. The day dawned bright and fair with a crisp atmosphere and heavy wraps and bright fires were quite in keeping with the season. Many homes were made bright and cheerful with the traditional Christmas tree, trimmed in glittering diadems, of unique characters and designs, which made them most pleasing and attractive to the little ones. Some of them were most gorgeously trimmed, with beautiful and rustic surroundings, resembling fairy scenes. Many were recipients of time-honored tokens of love and friendship of handsome and useful presents, and it was a day of general rejoicing in every household, however humble.

On December 25, 1894, two local teams, the Tigers and Young Americans of Annapolis, played a football game at St. John’s College for the city championship. “The game was a rough and tumble one and threatened to result in a general row, which was checked by the police. As it was, several persons were struck and knocked down.” The Tigers won by a score of 12 to 0. The Norris Bros. Equestrian and canine show at the Opera House provided alternative entertainment for the holiday.

“One hundred and seventy-five cadets had their Christmas dinner at the Naval Academy. Holly and evergreen extended the entire length of the spacious dining-room, and the long tables at which the cadets

were seated were ornamented with flowers. Owing to the restrictions against the cadets leaving the city the parents of a number of the young men visited them in Annapolis. At 7 P.M. the holidays ended and studies were again resumed.” How many cadets today would want a resumption of this tradition?

The Archivists’ *Bulldog*

Vol. 16 No. 1, January 14, 2002

ROADS IN COLONIAL MARYLAND, 1666-1765 by Pat Melville

In 1898 the General Assembly directed the Maryland Geological Survey to investigate road construction in the state and to report its findings. Agency staff conducted research and traveled throughout the state to examine road conditions. The resulting *Report on the Highways of Maryland* (MdHR 789518, E14948) contained over 500 pages of text, maps, and photographs. The publication included eight sections:

Part I, “Introduction, Including an Account of the Organization of Highway Investigations,” by William Bullock Clark;

Part II, “The Relations of Maryland Topography, Climate and Geology to Highway Construction,” by William Bullock Clark;

Part III, “Highway Legislation in Maryland, and Its Influence on the Economic Development of the State,” by St. George Leakin Sioussat;

Part IV, “The Present Condition of Maryland Highways.” by Arthur Newhall Johnson;

Part V, “Construction and Repair of Roads,” by Arthur Newhall Johnson;

Part VI, “Qualities of Good Road-Metals, and the Methods of Testing Them,” by Harry Fielding Reid;

Part VII, “The Administration of Roads, Including the Method and Expense of Road Improvements,” by Harry Fielding Reid; and

Part VIII, “The Advantages of Good Roads,” by

Harry Fielding Reid.

Part III represents an attempt to look at the history of roads in Maryland through an analysis of legislation enacted over time, along with an examination of some county records to ascertain how the laws were implemented. That historical account is being used as a framework for this article and others to follow. Supplemental information will be garnered from county and state records at the State Archives, some of which will be the same materials used by Sioussat.

The Chesapeake Bay and its multiple tributaries provided the principal means of transportation for 17th century Marylanders. Gradually, as settlements expand beyond navigable bodies of water, roads become more important for the movement of people and goods. The first road law in Maryland, passed in 1666, provided for the construction and maintenance of highways and of passages over streams and swamps suitable for horse and foot. Only later does transportation by wagon become an important factor in the construction and maintenance of roads. The commissioners in each county, composed of the county justices, were required to determine what roads were needed, appoint road overseers, and levy taxes. In lieu of taxes, citizens could furnish labor for road work.

The overall effect of this general road law that remained in effect for 30 years was meager. Many roads continued to resemble mere paths from one place to another. The overseers provided minimum services by removing underbrush, cutting trees, and draining marshy areas. In 1696 and 1704, the legislature enacted more comprehensive laws in order to improve conditions. Main roads were supposed to be at least twenty feet wide and kept clear and well grubbed. The county commissioners were required annually to list all public roads and appoint overseers. Instead of paying taxes, residents were required to work on the roads, or provide laborers, for a specified number of days per year. Fines could be imposed for failure to comply.

Some of the early roads were established by widening trails used by the Indians. Many routes began or ended at a body of water, across from which there

might be another road. Important terminals for colonists in an agrarian environment included landing places, ferries, grist mills, courthouses, and churches and meeting houses.

To aid travelers not familiar with an area, the 1704 law laid out a system of tree notching for roads leading to ferries, courthouses, churches, and, ports of Annapolis and Williamstadt, now called Oxford. For example, periodic trees along roads leading to Annapolis would be marked with AA, and those to Williamstadt with a W. One of those marked roads became known as the Three Notch Road and is not Rt. 235 in St. Mary's County.

If the county commissioners actually did designate public roads every year, the clerk only recorded the lists occasionally. The appointments of overseers were noted more often. Also in the early 18th century, the county commissioners were required to establish rolling roads to landings along the rivers for the transportation of tobacco packed in casks.

Except for a few amendments to the 1704 act and some local laws, little road legislation was enacted until 1765 by which time population growth and a more diverse economy led to greater demands for improved roads and bridges.

AN UNUSUAL WILL by Pat Melville

On April 24, 1723, Daniel Macha of Calvert County wrote his will that was proved the next year on February 1, 1723/24. The document contained only one provision:

I order that my goods and chattels be sold and that they and with what money I have in England should be [in] some part given towards the setting free of Capt. Jenifer's Negro woman Sue['s]... two children Priscilla and Robin. If there should not be enough to set both free it is my desire the Boy should be free. But if the Boy happens to die before he is free from Capt. Jenifer than the effects to be apply'd towards the setting the girl free. And what happens to remain of my Estate to be paid them when at age.

I leave Charles Clagett and James Somervell Joynt Executors of this my Last Will and that they should

take care of the said children till the[y] arrive to the usual age of white Orphans.

The estate of Daniel Macha, at least in Maryland, was fairly meager. His personal property consisted of five horses and two cattle, valued at £12. His debts and costs of administration exceeded that amount by £13. The question of whether Macha's wishes were carried out was not answered in the probate records of his estate.

[Sources: Prerogative Court (Wills) 18, p. 235, MSA S538; (Inventories) 10, p. 150, MSA S534; (Accounts) 6, pp. 411-12, MSA S531; and (Testamentary Proceedings) 27, pp. 24, 175, 183, 215, 277, and 375.]

The Archivists' *Bulldog*

Vol. 16 No. 2, January 28, 2002

ROADS IN SOMERSET COUNTY, 1666-1765 by Pat Melville

Appearing in the previous issue of the *Bulldog* was an article about the legal requirements concerning roads in Maryland. Beginning in this issue and several to follow will be articles about how the county justices implemented the laws, as shown in extant records.

(Judicial Record) in series C1774 of the Somerset County Court contains the minutes of the justices. The first nine volumes, 1665-1692, are available online as transcripts and image files through the *Archives of Maryland Online*. These minutes plus the originals for the later years were sampled to ascertain the types of information available about roads under the laws passed in 1666 and 1704.

Most of the entries concerning roads were brief and precise routes were seldom specified. The normal description mentioned the beginning and ending points, often with one or both being a person's plantation or farm. The earliest extant reference to roads occurred November 8, 1670, in regard to "high wayes at Wiccocomoco." The justices resolved an unspecified dispute between the overseer and the residents by ordering "a way made for horse & foote to the

point of marsh against Mr. James Jones house."

The county court heard petitions about the establishment of new roads and bridges and the alteration or repair of existing ones. Road construction in the colonial period meant clearing a path for the movement of people and freight. As a result changing a route was relatively simple. In 1683 James Round wanted a road moved because it was too close to his house and a planned water mill would flood it. The court gave him permission to alter the course of the road and ordered John Cropper and Richard Hill to mark the new route.

In 1689 Rev. William Traill was preparing to clear land on a plantation along the Pocomoke, but was hindered by a road running through the middle of the future corn field. He requested permission to change the path of the road at his own expense. The petition was granted with the proviso that the new route cause no damage to his neighbors. In 1702 Thomas Potter was authorized to remove a road through his plantation, as long as he bore the cost of clearing the new route. In 1729 the county court permitted Jeremiah Brittingham to move part of the Seaside Road 1/4 mile south so it no longer interfered with his corn field.

Upon agreeing to open a new road the county justices could order the road overseers to construct it. Thus, in 1705 Peter Benton was ordered to clear the road from Pluncketts Road to the unnamed main road and William Alexander to clear the road from his house to that of Robert Wilson. Sometimes the directions specified geographical landmarks. In 1727 the court directed William Gray to grub a road from Windsors Bridge over Drappers Mill to Gravelly Branch.

Some of the residents of Mattapony Hundred in 1741 asked for a public road to Mattapony Landing because of bad conditions on the existing private route. The justices ordered a road built from the seaside county road to the landing. By 1753 the court was requiring an inspection of any new or altered road before it was accepted as a public facility. Notations about the subsequent reports begin to appear in the records by 1763. Two years later Planner Williams and Isaac Coulbourn reported on viewing a change

on the route between the farms of William Whittington and Josephus Bell.

Inhabitants could protest against the laying out of a road. In 1727 the justices ordered Andrew Smith to clear a road from the county road to Mrs. Hampton's plantation on the sea side to Aaron Simmons' plantation. After complaints about the route, the court stopped work on the road and declared that the route no longer be considered a county road. Unfortunately the record does not provide the reasons for the objections.

The road laws required the county courts annually to list all public roads and to appoint overseers responsible for maintenance. The justices executed their obligations, but the clerk seldom used the minutes for recordation of the lists and appointments. The designations of overseers for new roads and to fill vacancies appeared frequently within the records. Only two full lists of roads and overseers were found in the records through 1765. Both listed the appointed overseers in relationship to specific roads or areas within a hundred. One appeared in the minutes for August Term 1723 and the other for March Term 1733/34.

Examples from the lists of overseers and roads include the following. In 1723: "Levin Gale appointed Overseer in the [Wicomico] hundred from Merrick Ellis's Gate to the head of Wickacomoco Creek and from his own house to the main road that leads from white haven river to the witch Bridge & the road that leads from Jay Hobb's to John Leatherbury's, and likewise to clear a new road from his own house along by the corner of Thomas Holbrook's fence." In 1734: "Ordered that William Jones of Goos Creek be overseer of the Road from the head of the branch that leads to Mr. Rigsby's to the Bridge by Mr. Ballard's plantation at the head of Manocan and from the head of Goose Creek to the new Church, and from the New Church into the main Road that leads from the head of Saint Peter's Creek to the aforesaid Bridge, and to clear a road to the north side of John Shore's plantation."

The roads were important to the people who relied on them for transportation. Complaints about failures to maintain roads were filed with the county

court. In 1690 some residents accused Capt. Ratcliffe of neglecting the highways of the upper part of the seaside. The justices named John Freeman as the new overseer. Sometimes the overseers themselves sought relief. In 1703 Matthew Wallice claimed he could not handle all the road work. The court authorized him to hire Adam Hitch as an assistant. A similar complaint in 1705 was handled by dividing the duties among Peter Benton and William Stevens.

Other complaints resulted from individuals blocking usage of the roads. In 1703 Gideon Tilman accused John Strawbridge of blocking the road to Tilman's landing, a route that had existed for twenty years, thus preventing people from rolling tobacco to the landing. The court gave Tilman permission to remove the obstacles. In 1741 John Purnall was charged with erecting a fence across a road that had been open for forty years. This time the justices ordered a new route laid out around the fence. Even blockage of a commonly used private road was considered appropriate for a hearing. In 1753 six men objected to disruption of their use of a route through the plantation of Capt. Sampson Wheatley to land they owned in Condockway Marsh. The court ordered that the route be laid out and declared a county road.

Bridges and ferries were also important for the transportation of people and goods in Somerset County. The county court licensed keepers of public ferries and handled the construction and maintenance of bridges and other crossings. In 1727 Samuel Dorman agreed to keep the ferry over the Pocomoke River and to maintain the one-half of the causeway next to it. Philip Quinton, an overseer, was ordered to maintain the other half. The county justices in 1729 directed Gabriel Cooper, an overseer in Nanticoke Hundred, to repair the causeway through the marsh to the Vienna ferry.

Several residents of Salisbury petitioned the court in 1741 for a horse bridge at the head of the Wicomico River where John Caldwell, also one of the petitioners, kept a ferry for his own use. People had to travel six miles to the Cypress Bridge in order to cross the river. The court contracted with Caldwell for the construction of a twelve foot bridge. He was paid

£65 and consented to maintain the bridge for the next fifteen years at his own expense. The overseers arranged for laborers to fulfill their work obligations by working on the facility. Also built were roads on either side of the bridge.

In the 18th century taxpayers were required to work on the roads or supply laborers for a few days each year under the supervision of the overseers. This procedure was deemed easier than trying to hire laborers with tax funds. The county court could make special arrangements for the fulfillment of the labor obligation. Four men had petitioned for a county road through their lands on Wicomico Creek. After its construction in 1727, the court ordered the men to maintain the road and excused them from the regular maintenance duties. In 1752 the justices directed John White and Mr. Whittingham to fulfill their duties by having their hands work on the road from Princess Anne over Whittinghams Bridge to the Pacosens.

Despite the brevity of most entries, enough information exists in the minutes of the county court to compile a general representation of the road network in Somerset County in the colonial period.

The Archivists' *Bulldog*

Vol. 16 No. 3, February 11, 2002

ROADS IN KENT COUNTY, 1669-1757 by Pat Melville

As in Somerset County, information about roads in Kent County appear as short entries in the court minutes, recorded in (Proceedings) in series C1091, for 1669-1720 and in (Petition Record) in series C1089 for 1739-1757. The proceedings through 1676 appear in the *Archives of Maryland Online*. After 1720 the extant minutes gradually become more abbreviated, until by 1731 the record books for court cases no longer contain the minutes. The clerk may have recorded minutes in separate books, but the earliest such surviving record dates from 1774. The petition record contains summary notations about various petitions filed with the county court concerning such matters as new or renewed ordinary licenses, viola-

tions of indentures, land boundaries, and roads.

The court minutes of October 9, 1669 provided the first reference to roads in Kent County and included a fairly extensive list of "highways." The public roads consisted of routes from Kent Point to the head of Broad Creek, from this road to the courthouse, from the courthouse to Piggquarter Creek along Gunn Ridge to Isaac Winchester's to the road by Morgan Williams' to Love Point, from the head of Piggquarter Creek to Robert Dunn's house by John Dabb's plantation to William Granger's house, and from Maj. Thomas Ingram's house up the neck by Mark Benton's plantation to the head of Stowells Branch by Robert Dunn's plantation to William Head's to the main road. The justices appointed two overseers, one for the Upper Hundred and one for the Lower Hundred. Their names, except for the surname Harris, appeared on missing parts of the page.

One year later the court ordered the continued maintenance of the same roads, without naming them. Another road, from Pigg Quarter Creek to the road at the head of Broad Creek, was listed along with three bridges that included ones at the head of Pigg Quarter Creek, head of Tarkeele, and spring at Little Neck. John Dabb was designated overseer for the roads in Upper Hundred and Edward Burton for Lower Hundred.

After these initial entries the sampled minutes contained appointments of overseers, orders regarding roads and bridges, and considerations of petitions filed by individuals. By 1686 the road system required the services of more than two overseers. Appointed then were Henry Carter for the Upper Hundred of Kent Island, Andrew Toulson for the Lower Hundred of Kent Island, Benjamin Ricand and Josias Lanham for Eastern Neck and Swan Creek, and Robert Browne, William Pearle, and John Parson for Langford Bay. The justices could designate an overseer for a specific road, such as John Primrose in 1702 for the road from John Sollers' to the main road to Whitwells Branch to Capt. John Whittington's.

Sometimes the appointment of an overseer included instructions to establish or maintain specific roads

or bridges. In 1686 Josias Lanham, as the overseer for Eastern Neck, was ordered to clear a road to New Yarmouth, build a bridge over Piney Swamp, and clear a path from the "hole in the race" to New Yarmouth through the Narrows to Maj. Wickes'. In 1703 the county court directed the overseer to clear the "straight road" from Morgans Creek by Francis Collins' to the Sassafras Ferry.

Overseers could be reimbursed for extra expenditures. In 1717 the county judges authorized William Comegys to build a bridge over Toae or Toads Old Mill Branch and to be paid for food and drink he provided the laborers.

Descriptions of roads in the records ranged from vague to fairly specific locations. In 1703 Henry Williams had petitioned for a road and was given permission to build a one through the woods, probably wherever he owned land. In 1704, on the basis of a petition from inhabitants at the head of the Chester River, the court ordered William Comegys to clear a road between the plantations of John Ellis and John Toaes and from Prickle Pear Mill to the forest. In 1716 Lambert Wilmer was appointed overseer to clear the road from his house to the head of Cyprus Branch towards Duck Creek and from that route to Black Walnut Branch along the old path leading to Black Birds Creek.

A description of a road could change slightly over time. In 1716 the justices appointed Thomas Hynson overseer over the main road from Thomas Joce's over the Narrows and through Eastern Neck Island to the place formerly called Oyster Shell Landing. Eight years later the description became the road from Thomas Joce's house to the narrows and over to the Neck to where an old road formerly lay.

The county justices acted on petitions to abandon roads, alter routes, and establish new ones. In 1694 John Hynson, executor of the estate of Maj. Wickes, wanted a road declared non-public. A roadway went through the land of Maj. Wickes to Love Point that he also had owned, and residents were trespassing by using the road that did not go to a public landing or any other public place. The judges agreed and in essence privatized the road. A more normal request concerned a desire to have a private road declared a

public highway. Thus, the county court accepted as public roads the route from Joseph Gleaves' plantation to the mouth of Morgan Creek to Horn Bridge in 1739 and from the head of Morgans Creek to Worton Road in 1743.

Petitions to change routes usually involved roads through land owned by the petitioners. In 1747 Charles Ringgold filed such a request concerning the road from Swan Creek Bridge to the main Eastern Neck road. He wanted to straighten the route between the bridge at Edward Gibb's plantation to the Swan Creek Road near where Patrick Walters lived. The court accepted his offer to do the work. Some later petitions referred to attached plats which unfortunately were not recorded. In 1748 several residents proposed a relocation of part of the road from Chester Town to the River Bridge and public warehouse in order to shorten the route by 1.5 miles, and filed a plat to demonstrate their plan. The justices authorized construction of a new route from Old Mill Branch in a straight line the bridge and warehouse.

Blockage of an existing road prompted some petitions for road changes. In 1755 James Dunn was building a mill at the head of the northwest fork of Langfords Bay and the resulting pond would flood the road to the Lower Church. The county court gave him permission to move the road below the dam. A few months later residents living above the Cyprus Bridge complained about Mr. Bordley's tenant blocking their passage to a mill and suggested a new route, accepted by the justices. The change took the road from Duck Creek Road past Joshua Vansant's mill to a new bridge below his mill and across the branch to intersect Queen Anns Road.

Petitions for new roads appeared less frequently than ones for alterations. In 1739 Christopher Hall, Benjamin Palmer, and Joshua Vansant wanted a market road laid out to the road going to Georgetown. The court appointed Thomas Hynson and James Spencer to review the request and report their findings. The favorable report resulted in the petitioners being ordered to clear and maintain the road. In 1740 Rev. George William Forester asked for a road from his chapel to George Town. Here again the justices

ordered a review and report that was not forthcoming until 2 ½ years later at which time the road was established.

The last record found concerning transportation in Kent County involved a petition for a public ferry over the Sassafras River between George Town and Frederick Town. The court granted the request in 1757 and appointed John Gray the ferry keeper.

The existing Kent County records offer researchers many pieces of information that can be used to construct a mosaic of many of the roads established and maintained in the colonial period.

MISCELLANEOUS KENT COUNTY INFORMATION by Pat Melville

During the search for information about roads in the records of Kent County, the author noted other interesting tidbits of historical data. During the colonial period counties in Maryland were divided into hundred. Extant records seldom indicate when they were established and usually offer only hints about the boundaries. The (Proceedings) in series C1091 does contain one of these rare notations. In 1703 the justices ordered the creation of a new unnamed hundred in the upper part of Chesters Upper Hundred from the head of Morgans Creek.

Inclement weather today can cause closings and cancellations. On January 23, 1704/05 the county judges postponed everything for that term until the court sat in March “because of extraordinary bad weather and other inconveniences.”

During court sessions justice could be rendered immediately. In June 1717 William Mackey came into the courtroom drunk and disturbed the proceedings. The justices ordered the sheriff to put him in the stocks for two hours.

References to Indian slaves were found in two instances, once in the minutes of the court and another in (Petition Record) in series C1089. In 1717 John Nancoyne brought into court his slave, an Indian girl named Sarah, to have her age determined. The judges decided she was eight years old. In 1745 Indians Will and Hannah petitioned for their freedom, alleging

that William Spencer was illegally holding them as slaves. The court set them free and ordered Spencer to pay them 500 pounds of tobacco.

The last unusual record entailed a petition filed in 1739 for the registration of a house built for worship by Presbyterians on Lot 100 in Chester Town.

The Archivists' Bulldog

Vol. 16 No. 5, March 11, 2002

ROADS IN QUEEN ANNE'S COUNTY, 1709-1765 by Pat Melville

As with previous counties, information about roads in Queen Anne's County appear as short entries in the court minutes, recorded in (Judgment Record) in series C1416. The earliest extant minutes date from 1709, three years after the county was established. The (Judgment Record) contains the administrative and judicial minutes and the recorded criminal and civil proceedings of the county court. Images of the contents of the first book in the series, ET B, 1709-1716, are available online as part of plats.net for Queen Anne's County. That record plus four others were surveyed for the types of road information found within the minutes.

In the first entries about roads, the court in November 1709 appointed three overseers of roads, including John Pemberton for the area from the Talbot County line to Edward Satterfoot's plantation, Maj. John Hawkins for the area from Queens Town to Chester Church, and Thomas Fisher for the area from Elizabeth Town to Tuckaho Bridge. The earliest records showed the justices appointing overseers whenever a vacancy occurred or new roads were established. In 1710, only two new overseers were named, and they were John Johnson for the road from Collins Mill over the head of Double Creek Marsh and James Bennett for the rest of the road to the head of the Chester River. In addition, Bennett was directed to clear Rawlings Road from his plantation to Nicholas Massey's.

By 1715, the clerk was recording many appointments of overseers without a description of the area or road.

The entries for March 1715 listed Edmund Thomas replacing Robert Walter, William Mounsier in place of Gilbert Tate, and Thomas Hynson Wright in place of George Jackson. In one instance a term of office was given. In June 1729, the court appointed James Earle, Jr. as overseer for two years.

Provincial law required an annual compilation of public roads and the one for Queen Anne's County first appeared in March 1730. By the next decade, the list was being recorded on the mandated annual basis. The records also included the names of the overseers. The 1730 list contained the following road and overseers:

- From Queens Town to Richard Bennett's plantation to the wading place of Kent Island and back to Queens Town. John Smith, overseer.
- From Queens Town to Wye Mill to William Coursey's plantation back to Queens Town and from Arthur Emory's to William Merson's plantation. William Dawson, overseer.
- Lower Kent Island Hundred. James Hutchins, overseer.
- From Collins Mill to White Marsh Branch. William Burton, overseer.
- From Thomas Burk's plantation to the branch between Solomon Yewell's and William Hemsley's plantations. Thomas Routh, overseer.
- From the widow Mounsieur's plantation into the Forrest, from Frenches Landing to the rolling road into the Forrest, and from Coppings's old field near Red Lyon Branch to the Chappel in Red Lyon Forrest. Daniel Newman, overseer.
- From Whittels Branch to the prize house opposite New Town and to Augustine Thompson's plantation. John Dempster, overseer.
- From Chester Mill to Wye Mill and from Thomas Yewell's plantation to William Clayton's bridge. Arthur Emory, Jr., overseer.
- From the main road at Thomas Punny's to the ferry over the Chester River at Old

Town to the road over Elliots Branch to the road from Punny's to Collins Mill and from that last mentioned road back to the ferry. John Earle, overseer.

By 1741, the list of roads had grown to include twenty-seven areas and remained at that level through at least 1765. Petitions from residents usually involved requests for new roads or alterations or restorations of existing routes. In 1709, John Nicholson wanted a road from his house convenient to church and mill. The court ordered a road established from the head of Double Creek to William Wyatt's plantation. In 1710, Joseph Atwell complained that his dwelling on Parsons Point on Kent Island was blocked by "his unkind neighbours having fenced in the ancient road." The justices gave him the right to reopen the route. In 1715, William Mounsier asked for a change in the path of a new road through his land so he could plant corn. The judges directed the altered route to run on the north side of Humphrey Well's plantation.

In 1730, James Earle petitioned for a new passage over Elliots Branch where he was building a mill that would flood the existing bridge. The court ordered several residents to lay out a new route for that part of the road from White Marsh Branch to Collins Mill. In 1764, several citizens requested a new road about five miles long. The justices agreed and directed the road laid out from Great Bridge at the head of Old Town Branch (near the plantation of the late Absalom Swift on the road from Choptank Bridge to Gum Causeway) across the Choptank River Branch at Robertson Steven's plantation to meet the road from Dover Town and Forrest Landing.

Sometimes individuals constructed roads for their own use. Neighbors seeing advantages to such routes could petition the court to make them public roads. In 1730, several residents of the upper part of the county filed a request to make public the road John Dempster cleared from the main road to the New Town Ferry. The request was granted.

The county court also considered matters concerning bridges and ferries. In 1711, John Lawrence was paid for constructing a bridge over Tuckahoe Creek

between Mr. Grundy's and Mr. Pemberton's. His fee was expected to cover the cost of repairs in the future. This arrangement apparently did not last long because, two years later, Thomas Fisher was authorized to hire workmen to fix the bridge. The court ordered additional repairs in 1728 and 1754.

The county justices licensed and regulated the keepers of public ferries. The first mention of a ferry in the Queen Anne's County minutes was the one at the wading place [probably Kent Narrows] at Kent Island in 1711 when John Oldson was reappointed keeper. In 1741, the keeper at the wading place, John Hart, was given a reduced allowance because he failed to run the ferry according to the contract.

The ferry over the Chester River was operated from the Kent County side. In 1742, John Hollingsworth defined the need for one on the other side. The court granted him the right to keep on at Kings Town.

The Queen Anne's County court minutes provide researchers with a fairly complete picture of the road network pattern within the county during the mid 18th century, primarily because of the annual listing of roads, a feature not found regularly in the Somerset and Kent county records.

The Archivists' *Bulldog*

Vol. 16 No.7, April 8, 2002

ANOTHER RESEARCH LESSON

by Pat Melville

Judicial Cases Concerning American Slavery and the Negro, Vol. IV, Hellen Tunnicliff Catterall, ed., p. 57, contains a brief reference to a murder case where the sentence was fourteen years of labor on the public roads of Baltimore County. The author's ongoing research into road records and the unusual punishment for a crime led to further investigation of the matter and, ultimately, to learning the potential fallacy of relying on assumptions.

Catterall's extraction came from I Harris and Johnson 99 that contained the arguments and opinion concerning the sentence given Negro Ben by the General Court of the Eastern Shore in September 1801.

The court had tried and convicted the defendant of murder and sentenced him to fourteen years of labor on Baltimore County roads, pursuant to the Acts of 1793, Ch. 57, sec. 13. The Attorney General questioned the legality of the sentence since murder was not one of the felonies enumerated in sec. 10 of the act. The Chief Judge concluded: "That murder was a felony within the meaning of the act of 1793, and that therefore the prisoner's case was within that act. It was therefore adjudged, that he should labour on the public roads of Baltimore County for the term of fourteen years."

As research continued, a question lurked in the background. Why was the trial involving a murder committed in Baltimore County being heard by the General Court of the Eastern Shore instead of the General Court of the Western Shore?

The next step involved a search of the docket book for an outline of the case. Nothing appeared in (Docket) in series S479 in the book covering the September 1801 court term. In fact the volume contained no separate section for criminal cases. A search of the case files in (Judgments) in series S471 netted the same result. Only an entry in (Minutes) in series S484 contained information about the trial, meager though it was. The name of the person murdered was not recorded, nor was the place. The notations did include the charge, verdict, sentence, and names of the jurors and witnesses. The sentence included an order to the sheriff of Caroline County to transport the prisoner to Baltimore County. Three of the nine witnesses - Dr. Andrew Mitchell, Thomas Wing, and John Flaherty - were listed in the Census of 1800 as residents of Caroline County.

By now it seemed fairly conclusive that the murder occurred in Caroline, not Baltimore County. Newspaper abstracts contained no references to the trial. The newspapers themselves are unavailable at the State Archives.

The final phase of the research led to a review of the legislation empowering the General Court to impose the road labor sentence, and led the author to conclude that this should have been the first document read. Baltimore County would have been eliminated immediately as the venue for the crime. Chapter 57

of the Acts of 1793 concerned punishments for criminal actions. Section 10 gave judges the authority to sentence free men and male servants, convicted of specified crimes, to labor on roads in the respective counties or the streets of Baltimore. Section 13 applied to slaves convicted of criminal charges where the sentence could be death. In such instances the judge could “in their discretion adjudge such slave to serve and labour for such time as they may think proper, not exceeding fourteen years ..., on the public roads of Baltimore county, or in making, repairing or cleaning the streets or bason [sic] of Baltimore-town....”

Owners of slaves sentenced under this section 13 were given compensation that was set by the judges and paid by the county government. The judges of the General Court of the Eastern Shore valued Negro Ben at £80 common currency, but the clerk did not record the name of the owner.

The Archivists' *Bulldog*

Vol. 16 No. 9, May 13, 2002

ROADS IN TALBOT COUNTY, 1669-1765

by: Pat Melville

As with previous counties, information about roads in Talbot County appears as short entries in the court minutes, as recorded in (Judgment Record) in series C1875. The earliest court records date from 1662, and the first entry concerning roads occurs in 1669. The (Judgment Record) contains the administrative and judicial minutes and the recorded criminal and civil proceedings of the county court. Images of the contents of the first book in the series, BB 2, 1662-1674, are available online as part of the Archives of Maryland.

By 1701, the clerk of the court began to record most lists of roads and appointments of overseers in (Road Record) in series C1908. Both the judgment and road records were sampled for an analysis of types of available road information.

The first entry involving roads mentioned the ap-

pointment of William Coursey and John Edmundson as overseers of the highways on November 16, 1669. In September 1672, the court selected four men as overseers and designated the area of the county for which each was responsible: Thomas Hynson from Corsica Creek to the church by the highway between the Chester and Wye Rivers, John Scott from the mill to where Mr. Hynson lives, Richard Gorsuch in the Neck to the market road, and John Kinemont from the town at the mouth of Wye River to the mill. The court clerk sent warrants to the overseers that authorized them to obtain labor and supplies for road clearing and maintenance.

The court minutes provide tidbits of information about roads in Talbot County through notations about filling vacancies among the overseers and appointing new ones to establish roads or work within a newly defined geographic area. Some entries do not specify the roads or areas, and merely list the names of the appointees and their predecessors. Occasionally, the records are even less informative. In 1696, warrants were issued to unnamed overseers “to clear the roads as directed”. For at least two years, 1682-1684, the clerk mistakenly gave the overseers the title of surveyors of highways .

For 1701-1713 and 1721-1722, the clerk maintained separate road records in which he placed the legally mandated annual list of roads and some appointments of overseers. The minutes for those time periods also contained the names of overseers, some of which were duplicates, but most of which were not. None of the minutes included the full list of roads. By 1733, the recording of overseer appointments in the minutes had ceased. There may have been separate road records between 1722 and 1745, but they are not extant. After 1745, the series resumes and runs through the rest of the time the county court handled road matters.

The first full list of roads in the road record series appeared in January 1702/03. Thereafter complete lists would be recorded periodically. In the interim, additional or altered roads would be described and new appointments of overseers listed. All road lists included the names of the respective overseers. The road lists provide an outline of the expansion of

surface transportation in the colonial period. The number of roads was not always readily apparent. For example, in 1703 the judges appointed ten overseers, and some of them seemed to be responsible for more than one road. In March 1720/21, the court designated twenty-one overseers for an equal number of roads. Beginning in March 1747, the roads were assigned numbers, then one through twenty-five. By 1761, the number had grown to thirty-one.

The descriptions of roads can show the general outline of their routes and provide information about places and people in Talbot County. The following examples are taken from the lists of roads in 1703, 1721 and 1747:

- From the north end of Moses Harris' bridge to the north side of Wye Mill Branch to Lobbs Crooke Branch to Thomas Emersons to Indian Bridge to the first road; Daniel Baker, overseer, 1703
- From Three Bridges to Tuckahoe Bridge to Wooters' Mill to Three Bridges; John Keld, overseer, 1703
- From Col. Lloyd's Bridge by the head of Leeds Creek along the old road by Richard Barrows to St. Michaels River Ferry; Henry Jones, overseer, 1721
- From the place called Rich Bottom to the middle of Kings Creek Bridge; Francis Neale, overseer, 1721
- From White Marsh Church to the place called Bonded Hicory to the place called ID where a school house lately stood to the overseer's dwelling plantation; Nicholas Goldsborough, overseer, 1721
- No. 1, from Bayside Meeting House to Choptank Narrow; Ralph Dawson, overseer, 1747
- No. 3, from Oxford Ferry to St. Michaels Church; Robert Spencer, overseer, 1747
- No. 11, from St. Peters Church to the plantation of the late Francis Neal, from the road at the north end of Thomas Bullen's plantation to Parsons Landing, from the parting road near William Troth's old plantation until it intersects the road

from Thomas Bullen's to Parsons Landing, from Barkers Landing to the outside gate through the plantation of the late George Robbins to the brow of the northernmost valley of the branch that runs by the old dwelling house of the late William Troth to the first road; Daniel Powell, overseer, 1747

- No. 22, from Miles River Ferry Landing by Thomas Bruff's plantation along Miles River and round the neck to Col. Lloyd's plantation; John Carslake, overseer, 1747.

Petitions and orders concerning roads and ferries appeared intermittently throughout the court minutes. In May 1696, the justices fined Rodger Baddy for failure to answer a summons to work on the roads. At the same court session residents near the wading place to Kent Island requested a road to the ferry that was being established. In August 1706, Thomas Robins wanted a change in the road through White Marsh because it frequently flooded and offered his land for a new route. In July 1720, inhabitants on one side of the St. Michaels River asked the court to stop the clearing of a road because the route was "long and tedious." The judges agreed that they had been misinformed and ordered the construction to cease.

In November 1706, John Oldson of Kent Island informed the Talbot County Court that Thomas Jackson, the keeper of the wading place ferry, was neglecting his duties. Apparently the justices agreed since they appointed Oldson keeper and ordered him to construct a causeway sufficient for boats to land at any tide. At the same session Jackson did get his ordinary license renewed. In November 1764, the court appointed four ferry keepers, two of them women: Deborah Nicols at Barkers Landing, Elizabeth Skinner at Oxford, Rigby Foster at Chancellors Point, and Anthony Banning over Miles River.

With the existence of so many annual lists of roads, information about roads, bridges, and ferries in colonial Talbot County is more extensive than for the other Eastern Shore counties already examined. In addition, the road descriptions should assist research-

ers interested in mills, churches, schools, plantations, and place names.

The Archivists' *Bulldog*
Vol. 16 No. 10, May 28, 2002

QUEEN ANNE'S COUNTY JAIL
by: Pat Melville

The establishment of a new county in Maryland necessitated the construction of two public buildings - courthouse and jail. Queenstown was the first county seat of Queen Anne's County, erected in 1706.

The court justices, sitting as the commissioners of the county, on November 26, 1709, contracted with Col. Richard Tilghman to build a jail, otherwise called a "prison house." The specifications for the facility were laid out in detail and recorded in the first (Judgment Record) in series C1416.

The dementions [sic] whereof to be thirty foot long, eighteen foot wide, one halfe to be sunk three foot and a halfe in the ground for the secure confinement of criminal persons. The wall to be eighteen inches thick, and lined with plank of inch and a half thick, well nailed to timber laid in the wall. The lower story to be six foot and a halfe in the clear. The story above (to secure debtors) to be seven foot in the clear, the wall thereof to be fourteen inches thick lines with plank as aforesaid. The joists in every floor both above and below to be substantial and to lye within six inches of each other. The other halfe of the house to consist of fourteen inch wall with floors and doors as usual in other buildings, and a chimney for the use of a goaler. The doors into the prison to be in the goalers room, with doors, locks and bolts suitable, and all to be finished to the well liking and approbation of the said commissioners....

The commissioners gave Tilghman an advance payment of 10,000 pounds of tobacco, and agreed to pay him 30,000 pounds of tobacco upon satisfactory completion of the structure, "to be finished with all convenient speed."

The Archivists' *Bulldog*
Vol. 16 No. 13, July 8, 2002

BOUNTIES FOR LINEN by Pat Melville

In 1765 the General Assembly passed "An Act for the Benefit of the Poor And Encouragement of Industry." It provided for the payment of bounties to individuals who manufactured the best white and non-white linen made from hemp and flax grown in Maryland. The award could be given in each county by the local justices who were required to levy taxes sufficient to fund the program. Eligibility was limited to linen made by white persons. Presumably to assist the small planters over large plantations with slaves. The law limited the bounty initiative to five years and was not renewed by the legislature.

Until recently the author had never encountered a record of bounties for the production of linen and, in fact, was unaware of the law itself. We now know that one county court did pay the bounties. In the minutes for August 1769 recorded in (Judgment Record) in series C623 the Cecil County justices awarded bounties for the five best pieces of white linen and brown linen. Lawson Beard received the first prize of 1,100 pounds of tobacco for white linen. The other four recipients included Ann Burns, Jane Meek, John Crookshanks, and Robert Bolton, with prizes ranging from 1000 to 700 pounds of tobacco. John Burns got the first prize of 900 pounds of tobacco for brown linen. The other four winners included Robert Evans, Millison Hyland, Jr., Zebulon Hollingsworth, and Andrew Smith, with award ranging from 800 to 500 pounds of tobacco.

The Archivists' *Bulldog*
Vol. 16 No. 16, September 9, 2002

ROADS IN CECIL COUNTY, 1700-1762 by: Pat Melville

As with previous counties, information about roads in Cecil County appears as short entries in the court minutes, as recorded in (Judgment Record) in series C623. The series contains the administrative and judicial minutes and the recorded criminal and civil

proceedings of the county court. The series dates from 1683, but minutes are not extant until 1700. After that, there are several short periods of time for which no judgments or minutes exist, and some record books contain judgments but no minutes.

The first road entry in 1700 authorized a toll for riding or leading a horse over the bridge between the courthouse and Thomas Keltor's. Another entry listed the overseers of the roads and geographic areas of responsibility: Hermanus Shees for the lower part of Worton Hundred and James Barber for the upper part, John James for the lower part of South Sassafras Hundred and James Wilson for the upper part, Thomas Therson for the upper part of North Sassafras Hundred and Thomas Cox for the lower part, Alexander Camble for the road from his house to Bohemia ferry to Bartlett's, Richard Franklin for the road from Back Creek to Kerseys Run to New Castle Road, Thomas Yeaman for the road from Kerseys Run to Susquehanna ferry, and Samson George for the road from Susquehanna Road to Turkey Point to the head of North East River.

The county justices appointed overseers annually and filled vacancies as they occurred. Sometimes the annual appointment record contained the names of the new officials with a notation that the rest were continued in office. In other instances, the minutes included a full roster of overseers accompanied by a list of all the public roads, or the areas of concern expressed as parts of hundreds, or a combination of the two, as done in 1700. By 1759, the number of overseers had reached 41, a figure that grew to 45 a year later.

By law, the county court was required to ascertain annually the roads deemed public facilities. If the judges performed this duty every year, the clerk did not faithfully record the lists. A sampling of the minutes revealed complete lists of roads in 1710, 1759, and 1760. The 1710 list described most roads as going from one point to another. Using Bohemia Ferry as the focal point, examples include courthouse to the ferry, ferry to Franklins Point, ferry to Broxsons by way of White Marsh and Harris mill, from ferry to head of Bohemia via John Rauington's, ferry to head of Back Creek where Hance Marcus once lived, and ferry to Elk ferry.

The roads listed in 1759 provided more geographic points of reference, even if today some of them are not readily meaningful.

- Pearces Neck to St. Stephens Church and Pearces Neck to Bohemia Ferry,
- Lower road on Bohemia Manor from Benjamin Moody's plantation along Burkles Ridge east to the upper road that leads over the head of Bohemia River,
- Nelsons Mill to Peach Bottom,
- Horse Head, or Spencers, Road from Little Elk River to Samuel Gilpin's mill on a branch of North East River, and
- Elk Ferry to Doffeys Point on North East River, as follows: from upper end of James Veazey's plantation west northwest to the corner stone of Veazey's land, northwest to Quits Mountain, and south to North East River.

Residents could file petitions concerning road matters, such as opening new ones, changing routes, and building bridges. In 1716, the court ordered Henry Ramsey to clear the old Reden Island Road as far as the old bridge. In 1723, several citizens requested a road from the head of Elk to New Castle and Christine Bridge to replace existing nonpublic routes that were subject to blockages and sharp turns. In 1729, inhabitants of Susquehanna Hundred asked for a road to be laid out from the church road by the Indian town Poppemetto to the road leading to the Quaker meeting house at the west end of Nottingham. This was meant to replace an old road no longer useful for a growing population. The justices granted both petitions.

Robert Evans, in 1759, sought a road from his land through the lands of Ellinor and Mary Campbell who refused to give him access. The court appointed three men to review the situation and make recommendations. Their report was adopted for a road from Evans' house on Duck Neck to the division fence between the lands of the two women, then along the fence to the woods. In 1760, Francis Hall, living on a peninsula on the Sassafras River below Frederick Town, petitioned for a route change on a road that he described as a path through the land of Dr. John Jackson and passing over a steep hill. After a review

by commissioners, the justices decided the existing road was adequate.

The county court was responsible also for the management of public ferries through the annual appointment of ferry keepers and determination of the amount to be paid those individuals. Usually these matters progressed fairly routinely. But in 1710 and 1712, the justices initially could not find anyone to operate the Elk River Ferry. Eventually, individuals did agree to run the ferry.

In colonial Maryland, all counties were divided into administrative units called hundreds. Rarely were descriptions of boundaries recorded. One of the few examples can be found in the Cecil County court minutes for November 1714. North Elk Parish was divided and Milford Hundred established. The boundary was described as going from the main run of the North East River as it forded by Mr. Voues along the main road to the fording place of the Elk River by Jacobs Mill, then easterly to the county line (defined as the “exterious” parts of the county), then with the county line to the main branch of the North East River.

The Archivists’ *Bulldog*

Vol. 16 No. 17, September 23, 2002

CHATTEL RECORDS OF ANNE ARUNDEL COUNTY by Pat Melville

In 1995, the author wrote two articles concerning the chattel records of Kent County, one about African American documents and the second about other materials. Those records covered the period of 1750-1851.

The separately recorded (Chattel Records) for Anne Arundel County extend from 1829 through 1901 and are described in series C49 and C50. Earlier documents appear in (Land Records) in series C97. Chattel records contain instruments pertaining to personal property, including mostly bills of sale and mortgages. Over time, chattel mortgages become the predominant documents file for recording. Many involved crops, both harvested and in the field, and

were executed by farmers to secure funds advanced to keep their farms operating.

The Anne Arundel County chattel records contain much less variety than those for Kent County. Even so, one can find interesting tidbits of information within the documents.

Facts about retail businesses can be gleaned from individual records. In 1841, James D. Weems mortgaged the contents of his general store in a brick house on Church St. in Annapolis that was recently occupied by Ben H. Hall [WSG 2, pp. 142-144]. The instrument included an inventory of items in the store. A similar itemization occurred in George Michael’s mortgage of a dry goods store on State House Circle in 1875 [SH 3, p. 390].

In 1857, Philip G. Schurar mortgaged the contents of his store at the U.S. Naval Academy. The equivalent of a modern college book store, Schurar’s establishment contained textbooks, miscellaneous school supplies, linens, and toiletries. The amount of the mortgage was \$1459.53.

To secure a much larger debt of \$50,000, the Bay Ridge Company in 1887 mortgaged its entire business to the Baltimore & Ohio Railroad [SH 6, pp. 256-261]. This covered the summer resort at Bay Ridge in Annapolis and the office in Baltimore at 217 E. Baltimore St. Property at the resort consisted of the fixtures, furniture, linens, china, silverware, and cooking utensils in the hotel, hotel annex, opera house, and restaurant. Other items located on the grounds included machinery, boats, and railroad cars.

Owen M. Taylor compiled and edited a History of Annapolis and the United States Naval Academy, published and copyrighted by the Turnbull Bros. of Baltimore in 1872. The publisher gave Taylor 195 copies of his book. He then conveyed his rights to the remaining copies to Turnbull Bros. [SH 3, pp. 71-72].

For many years, the sculpture of a bust of Reverdy Johnson resided in the old Hall of Records Building; to be more precise in this author’s office in an alcove above her head. What a surprise to find that

object being used to secure a debt in 1876. The sculptor, Thomas D. Jones of Washington, DC, mortgaged the bust to Benjamin G. Perry for \$120 [SH 3, pp. 490-491]. There is some question about the legality of this document since the State had paid for the sculpture and, in fact, had it on display in the State House in 1872.

Treasures can be found even among the most mundane of records.

The Archivists' *Bulldog*

Vol. 16 No. 18, October 15, 2002

ROADS IN ANNE ARUNDEL COUNTY, 1703-1765: Part I by Pat Melville

Following the usual recording practices, information about roads in Anne Arundel County appears as short entries in the court minutes, as recorded in (Judgment Record) in series C91. The books contain the administrative and judicial minutes and the recorded criminal and civil proceedings of the county court. Records prior to 1703 were destroyed by fire, and those for 1723-1734 are not extant. The court clerks also maintained notations in (Minutes), 1725-1775, in series CM93, records available only on microfilm. Many entries are unreadable because of the conditions of the originals and very few pertain to roads.

Of the county records examined thus far, the ones for Anne Arundel County contain the most extensive materials about roads. Lists of overseers and notations summarizing petitions and court orders appear regularly.

The first entry in the judgment records concerning roads listed the overseers appointed by the county justices in March 1702/03. Each overseer was responsible for maintenance of all roads in a hundred, the upper or lower part of a hundred, or another designated area such as the Swamp, a reference to what is now Shady Side. Appointments were made annually, with vacancies filled during the interim. Some vacancy appointments provided supplemental information about the individuals. In August 1711, the court chose John Chew to be the

overseer for Herring Creek Hundred in place of his brother Samuel Chew who had gone to England. In August 1713, Thomas Davis replaced Stephen Gill who had moved to Baltimore County.

By law, residents were required to provide labor for helping the overseers keep the roads clear and bridges in repair. Failure to do could result in fines imposed by the court. Richard Williams, overseer of part of South River Hundred, asked the court to summon several men, named in the minutes, for not furnishing labor.

The overseers themselves could be fined for dereliction of duty. This happened to William Liddall in June 1705 when he neglected repairs to Lyons Creek Bridge. At the August court term, the judges ordered several overseers to appear to answer charges of nonperformance of duties. At the November term, the charges were dropped as the overseers presented proof of work performed by them.

Given the rudimentary nature of roads during the colonial period, good maintenance was undoubtedly an elusive goal. In March 1717/18, Evan Jones, a pressmaster who traveled throughout the county in search of supplies for the militia, asked the court to remind overseers of the need to remove trees and bushes growing on the roads and objected to the number of gates erected to prevent livestock from wandering into fields.

County inhabitants filed many petitions to open roads, declare others public, or change the paths of the roadbeds. The court usually designated two justices to investigate a matter and report their findings or proceed directly to have the overseer do the necessary work and then report the results. The clerk seldom recorded the full petition or report. Most entries summarized the request and subsequent actions. Even so, the records can be informative and supply geographic, economic, and social data.

Citizens of Lyons Creek Hundred in March 1702/03 petitioned for restoration of the original route of the road from Lyons Creek Bridge to the main road at the plantation of John Batty. Abraham Birkhead had laided it out eight to ten years earlier, and, since then, Richard Harrison had changed the part that went

through his plantation. The court approved the request. Fourteen years later, Mrs. Elizabeth Battie wanted to include part of the roadway in a cornfield. The justices ordered a route change.

At the court session in March 1702/03, an even older road was the subject of a petition filed by Ann Jobson who claimed that a pathway to her house on the Severn River had existed for thirty years and was currently being blocked by a fence built by John Brice. Brice defended himself by saying there were so many paths through and around his cornfield that it was hard to determine which was the original road. The court appointed two justices to decide a proper route.

Sometimes the path of a roadbed changed before it was even constructed. Inhabitants near the head of the South River and Patuxent River filed a petition in November 1708 concerning a road, mandated by law, from the head of Beards Creek at the South River to Taylors Landing at the Patuxent River. They wanted the highway to go to the town of Kilkenny just above Taylors Landing. The court agreed. Within five years, parts of the road had become enclosed by gates and used for crops. Two justices were ordered to view the route and direct the overseer in making changes.

Most petitions to change the route of a road resulted from interference with use of the landowner's property. After one such request and a subsequent investigation, a report was filed in August 1743 about a road through the cornfield of Vachel Denton. Witnesses testified that the gate next to Ferry Creek and near the main road to Severn Ferry was being left open, allowing hogs and horses to eat the corn. The court allowed Denton to close the gate and to clear a road through Mr. Brices's land along Campbells Fence.

Six years later, several inhabitants of Broad Neck in Westminster Parish requested a road to Westminster Church that had been laid out by Nicholas Maccubbin and then closed off by Vachel Denton. The justices ordered that the road from Broad Neck to the church turn at the top of the hill by the structure built as a school house near Ferry Creek Branch and go up the hill along a ridge until it came to the

main road from Severn Ferry to the Patapsco River, then to the gate that went into Denton's pasture near the church.

Not unexpectedly, some requests from landowners pertained to rolling roads to transport tobacco to landings. In January 1705/06, Richard Harrison, a resident of Calvert County, wanted to establish a rolling road from his plantation in Anne Arundel County through an old field or pasture of Josias Towgood who was denying access. Two justices were appointed to view the route and report back to the court.

Roger Beele operated a plantation on Anne Arundel Manor and, in March 1740/41, petitioned for a rolling road from the road to Mt. Pleasant between the plantations of Capt. Thomas Harwood and Benjamin Lane and to intersect another road near the plantation of John Sheckles. The court appointed two justices to lay out the road.

Occasionally, the court rejected petitions. In August 1711, Charles Carroll asked for authority to alter one of the two roads going through his plantation to lessen interference with his cornfield. Two justices were appointed to view the road and report their findings. Three months later, the court rejected the request as being unreasonable. Before November 1717, the court had ordered a road laid out through the land of Richard Galloway, Jr. in West River Hundred. Galloway objected because a report on the road was not filed. His petition for a reexamination and assessment of damages was turned down.

[The next installment will provide more examples of information about roads in Anne Arundel County.]

The Archivists' *Bulldog*

Vol. 16 No. 19, October 28, 2002

ROADS IN ANNE ARUNDEL COUNTY, 1703-1765, Part II by Pat Melville

A way to reach a mill was considered a necessity for proprietors and customers and necessity for proprietors and was specified by law as one of the justifications for establishing a road. Joseph Jones, Jr., had

constructed a mill on Spunknot Branch near the Patuxent River and, in November 1722, wanted a road built from Benjamin Dufour's to the facility so the public could reach it. The court granted his request. The same result occurred when John Dorsey, Jr., in August 1746, asked for a road from his newly erected mill, located between the Patuxent River and Plum Tree Branch, to the wagon road near where Philip Howard lived. By March 1759, Dorsey had closed the mill and filed a petition to close the road so he could put a meadow where the pond had existed. The justices approved his plan.

In August 1721, Joseph White, the proprietor of Whites Mill, formerly Proctor Mill, on a branch of the South River discussed how heavy rains had washed out the mill dam used by travelers on the road from the head of South River. He wanted assistance with the repairs. The court ordered the overseer to summon taxables to provide labor for the repairs.

Some roads in Anne Arundel County were private owned and maintained and usually available for use by other travelers. As such a road became more heavily used and burdensome to maintain, the landowner could petition to have it declared a public facility. Col. Hammond's effort in March 1742/43 succeeded. The highway ran from the left side of the Elk Ridge or Huntington main road just before the Indian pictures at the head of one of the draughts of Mercers Branch to the new bridge over Severn Run just below Sumerland's mill and then to the main road that went around the north side of the Severn River where Isaac Hall lived.

Richard Snowden filed a petition in November 1721 to have a road built by him and his neighbors through the woods in a fork of the Patuxent River declared a public facility. The justices designated two men to view the road and report their findings. Snowden or another individual with the same name appeared in court thirteen years later to request the establishment of roads to a planned iron works on the Patuxent River. Public roads were needed from the head of the Patapsco River at Elkridge Landing to the iron works and from there to Indian Landing at the head of the Severn River. A road from the works to Bell

Town on the Eastern Branch of the Potomac River already existed. Two men were appointed to lay out the roads and direct the overseers in clearing them.

In June 1747, Charles Connant filed a petition regarding the road going through his plantation to Mark Job's fishing house. With the consent of his neighbors, he had cleared another road that was closer to Mt. Pleasant by one half mile. Most people were already using this route to go to Mt. Pleasant to roll tobacco to a landing and to reach the ferry. Connant wanted the new road declared public and the old one closed and the court gave its consent.

Bridges were important components of the colonial road system in Maryland. In January 1703/04, John Howard was clearing a road from his plantation

to the main road and could not complete the work because of two streams. He wanted the court to order the overseer to build bridges over the streams, and the justices agreed. During the March 1747/48 court term, Richard Snowden applied for a contract to rebuild three bridges over the Patuxent River - near Hyats, between William Richardson and John Gaither, and near Richard Green's mill. Snowden's application was approved, but was conditional upon an agreement from the Prince George's County Court to pay one half the costs.

By 1760, a contract to build or repair a bridge included a provision obligating the builder to maintain the structure for 10 years. In August 1767, Henry Hall posted a bond for such a contract for a twelve foot wide bridge over the Patuxent River from the landing below Jeremiah Crabb's at Queen Anne Town and another bridge over a stream below Kilkenny.

Sometimes the county court found ways to recover the costs of road construction. In March 1703/04, the justices ordered the overseer to sell the dead trees along the main road from John Batty's to Pig Point. His instructions included a directive to clear a road through the plantations of Solomon Sparrow and Samuel Lane, avoiding branches and gullies as much as possible.

Maryland law specified the annual listing of public

roads by the county courts. In Anne Arundel County, only one such list appeared in the court minutes. In August 1734, the justices declared twenty-two roads as public, including the following:

- Annapolis over the Severn Bridge to the Patapsco Ferry
- Annapolis to the South River Ferry
- Elk Ridge to Indian Landing
- South River Ferry to the Bay Side Road that leads to Fishing Creek
- Severn Ferry to Long Bridge by the Chapel to the Mountain
- head of Road River Hundred to the Queen Anne Ferry
- Henry Ridgeley's to the landing at Patapsco at the mill
- Catlins old fields to Carrolls Manor

In subsequent years, the court clerk periodically recorded supplemental lists of roads. As shown above, most lists described a road as going from one point to another. Occasionally, a lengthy description can be found as when a road was declared public in November 1740: from Snowdens Landing, at the head of South River, by a school house, to the southern corner of Ann Green's cornfield, then with the field to Snowden Taylor's tobacco house along the ridge to the Great Branch, then to Wilmotts quarter and up Long Jack's old field through Linthicum's or Fowler's tobacco ground, leaving the tobacco house on the right, then through Thomas Linthicum's plantation, then with the road as now used to the main road that goes from Capt. Bell's dwelling house to the Patuxent Bridge.

As a reminder, this article illustrates the types of information available in the court minutes recorded in Anne Arundel Court (Judgment Record) in series C91.

The Archivists' *Bulldog*

Vol. 16 No. 20, November 12, 2002

HUNDREDS OF ANNE ARUNDEL COUNTY

by Pat Melville

The minutes of the Anne Arundel Court as recorded in (Judgment Record) in series C91 contain informative details about the boundaries of several hundreds, administrative and judicial areas that evolved into election districts. For historical background, see *The Hundreds of Maryland* by Richard Richardson.

The first entry regarding hundreds occurred in November 1719 when the justices ordered a division of South River Hundred because the area was too large. The division line ran from Russells Bridge to Cattle Meadow Branch to the Patuxent River. The lower part was named Road [Rhode] River, and the upper part South River. Forty-four years later in 1763, Rhode River Hundred was split into upper and lower parts. The boundary line began at Welshs Mill, formerly Moores Mill, then by the plantation of Benjamin Welsh, formerly owned by Robert Welsh, deceased, then along the road by the plantation of Michael Mackemara to Muddy Creek Bridges, then along the creek and South River. The Welsh plantation was placed in the lower part of the hundred.

In November 1737, the county court set the east side of Middle River as a boundary of Middle River Hundred. Adjoining it was Campbells Hundred defined as bounding on Middle River Hundred, to include all the roads to Snowden River, and then down Snowden River to the mouth of Clarks Branch, then with the branch to its head, the down Hammonds Branch to a road from Nicholas Aldredge to Middle River.

Sometimes the county justices would partition a hundred into upper and lower parts when the roads became too numerous for one overseer to maintain. At the November court term of 1741 the court appointed Samuel Smith to divide West River Hundred into two "overseer precincts." Six years later he filed his return describing the division line as starting at William Richardson's Spring Branch and then along the road to Joseph Richardson. In March 1754 the justices divided Severn Hundred into two parts from the head of the spring branch of Richard Warfield,

Jr. to Elizabeth Gaither's gate at South River Road. Eighteen months later they partitioned the hundred for the Barrens by a line from the wading place over Snowdens River near Spires the Taylor to Pools Branch near Brazil Pools, then with Pools Branch to Patapsco Falls. In November 1763 Herring Creek Hundred was divided, beginning at Samuel Chew's, then along the main road, leaving John Chew's to the southward, to the Calvert County line.

In November 1752, the rector, vestrymen, and wardens of Queen Caroline Parish filed a petition to firmly establish the boundaries of the hundreds in the parish. The existing condition of uncertain boundaries led to levies not being assessed on several taxables living in those areas. Church officials, of course, were concerned since the Protestant Episcopal parishes received public funds. The petition contained suggestions for the boundaries:

- Huntington Hundred to be bounded by the road from Ephraim Howards Bridge to the rolling road near the lower end of Barnes old field, then up the rolling road to the dwelling house formerly owned by Capt. John Howard, then to the ford on Patapsco Falls, then along the falls and the bounds of the parish to the Patuxent River, then along the river to the above bridge;
- Patuxent Hundred to contain all the lands south of the road from the bridge on the main branch of the Patuxent River at Richard Green's mill to the bridge of Ephraim Howard, and west of the river down from the bridge;
- Elk Ridge Hundred to be bounded by the road from Ephraim Howard's to Dr. Warfield's Bridge, then up Middle River to Locust Thicket Branch, then along the branch on the east side of Peter Barnes' quarter to the wagon road, then along the wagon road to Pooles Branch, then along the branch to Patapsco Falls, then down the falls to a ford, then along a rolling road to another one near Barnes old field, then along that road to Howard's Bridge;
- Bare Ground Hundred, to be created out of the upper part of the current Patuxent

Hundred with the boundary between the two to be the road from the bridge near Richard Green's to Dr. Warfield's. The boundary with Elk Ridge Hundred was defined as Middle River, Locust Thicket Branch, the wagon road, and Pooles Branch.

The court granted the petition and accepted the boundaries.

In another instance where the collection of proper taxes probably was the motivating factor the justices in June 1767 ordered the county surveyor to run

the boundary line between St. James and All Hallows parishes from the southern bounded tree of Whites Plains to the southern bounded tree of Ewen or Ewington. His return in August 1767 defined the line as South 78° East 435 perches. Dwelling houses on the boundary were assigned to specific parishes: Thomas Sprigg, Mrs. Mary Webster, Samuel Battee, Nicholas Watkins, Mrs. Kelley Lewis, and Mrs. Ann Harwood to All Hallows and Samuel Galloway, John Thomas' quarter, formerly belonging to William Richardson, Mrs. Elizabeth Smith, Samuel Smith, Capt. Thomas Harwood, and Stephen Watkins to St. James.

Entries in the Anne Arundel County court minutes listing the appointments of overseers make it apparent that other hundreds were divided in order to facilitate the maintenance of roads. Either the division lines were unofficial or they were unrecorded.

The Archivists' *Bulldog*

Vol. 16 No. 21, November 25, 2002

ROADS IN DORCHESTER COUNTY,
1690-1755 by: Pat Melville

As in other counties, information about roads in Dorchester County appears as short entries in the court minutes, as recorded in (Judgment Record) in series C704. The books contain the administrative and judicial minutes and the recorded criminal and civil proceedings of the county court. Normally the clerks placed the minutes at the beginning of the record for each court term, followed by proceedings

of the cases being heard. In Dorchester County the minutes are interspersed in clusters throughout the records for each court term. In addition, few judgment records from the colonial period have survived. Surviving materials cover the years 1690-1692, 1728-1729, 1733-1734, 1742-1745, and 1754-1755.

The earliest entries involved complaints of John Makeebe, Jr., overseer in Fishing Creek Hundred, and John Lecompt, overseer in Little Choptank Hundred, about several citizens who failed to provide the legally mandated labor to help clear roads in 1690. The court justices issued summons for all to appear and answer the charges.

Most complaints came from the residents themselves. In 1733 the inhabitants of Fork Neck objected to the work on the road from Transquaking Bridge to the Lower Bridge of Chickacomica because the route was inconvenient. They wanted their labor assigned to a path through Fork Neck that was overgrown with bushes and blocked with old, downed trees. The court granted the request and appointed an overseer for the road. In 1744 several citizens petitioned for relief from excessive work that included maintenance on the road from Thomas Mace's bridge to Manning's gate along with construction of a new road from Arthur Whitely's plantation to Mr. Stephen's plantation. Especially objectionable was the need to build several causeways through swampy areas. The justices agreed, but did not specify an alternative.

Petitions for and orders to clear new roads occurred regularly. In 1690 the court ordered the overseer in Fishing Creek Hundred to clear a road from the dwelling plantation of Arthur Whitely to the town of Islington. Residents of Lawsons Island in 1743 cited the lack of a ferry or public roads to provide means of transportation of people and goods. The justices approved the building of a road from widow Comfort Hopkins' to Holland Straights. Two years later petitioners requested a new road from Kennerlys Mill down Transquakin and over Haywards Dam to Transquakin Road at a place where Mathew Skillit formerly lived. The request was granted.

Some roads probably disappeared through neglect of maintenance. Some were reopened by petition-

ing the court. In 1742, citizens described a former road that went from the Northwest Fork of the Nanticoke River to Cabin Creek. The request to repair the section from Thomas Williams' to Cabin Creek was granted. A similar petition filed in 1743 by inhabitants on the west side of the Northwest Fork of the Nanticoke concerned the road from the upper bridge of the fork to the lower bridge. The justices ordered the route reopened.

On one occasion, as work began on a new road, the area residents wanted construction stopped. The citizens of Taylors Island described the road from Richard Keene's to the road from Oyster Creek to Barnes Ferry as burdensome because it was three miles long and mostly traversed deep swamp. The court issued a work stoppage.

Bridges were important components of the colonial transportation system, but were more costly because of the materials and expertise needed to construct them. In November, the county court authorized a ten foot wide bridge over the Northwest Fork of the Nanticoke River and drew up detailed specifications that are recorded in the minutes. Peter Taylor received the contract.

In 1729, the inhabitants of Armitage Hundred petitioned for a bridge over the Blackwater River at Joseph Merchant's to make it easier to reach Cambridge. The court designated two justices to find someone to build the structure. In 1743 or 1744 the court apparently contracted with William Standford to rebuild that bridge or to construct another one over the Blackwater River. In an unusual move the justices in August 1744 awarded him additional funds "for his Extraordinary Building Blackwater Bridge and for Sundry Services beyond his Bargain."

Maryland road laws required the county justices to annually designate the public roads and appoint the overseers. The recording of these lists of public roads occurred more regularly in Dorchester County than in many other counties. Lists were found for the following dates: August 1729, March 1734, November 1742, June 1743, March 1745, and March 1755. Over time, the number of roads increased fairly substantially, beginning with eighteen in 1729 and reaching

seventy-eight in 1755. The actual number of roads might have varied because some entries seemed to combine two roads under the jurisdiction of one overseer and others split the maintenance of one road among two or more overseers.

Examples from the ascertainment of public roads include the following:

- Piney Point to Mathew Carrawin's causeway
- Mathew Carrawin's causeway to Macknamarra's bridge
- Macknamarra's bridge to the Straits
- William Rawley's to Punching Bridge on Vienna Road
- Long Causeway by Daniel Fallon's to Little Bridge by the schoolhouse where Thomas Thompson lately lived
- Winsmores Bridge at the head of Little Choptank to the head of Fishing Creek "and to the Other Road at the Crooked Hickory"
- Whites Inspection house to the road from Town Point to the "Crooked Hickory" (obviously a significant place)
- Woollens Point to Dunkins Point on Oyster Creek around the head of St. John Creek to Slaughter Creek at Gadds Point
- Blackwater Bridge on a direct line to the road from Worlds End Creek at the head of Staplefords Creek
- Hunting Creek Church to the further end of Hog Isle opposite Barkers Landing
- Choptank Bridge to the head of Muddy Branch to the main road leading from Cambridge toward Dover Town in Delaware
- Morgan's lower gate to the wind mill on Hascombs Island

The description of one road offers intriguing possibilities – "Choptank Bridge up the County as far as the Inhabitants pay taxes in the County." Perhaps the road went to the county line. Maybe part of the county was uninhabited, or people there were not paying their taxes.

DORCHESTER COUNTY JAIL by Pat Melville

Research for the article on Dorchester County roads turned up an interesting entry concerning the county jail. In August 1691 Arthur Whitely applied to keep a bridewell [jail] at his house at the head of Fishing Creek. The justices appointed him master and keeper of the bridewell to serve at the court's pleasure. Without extant records it cannot be determined easily how long Whitely maintained the jail at his house.

The Archivists' *Bulldog*

Vol. 16 No. 22, December 9, 2002

BADGES FOR OUTPENSIONERS

by Pat Melville

The dictionary defines an outpension as a "public pension granted to one not required to live in a charitable institution." This method of caring for the poor is the predecessor of the modern welfare system. During the colonial period and through the 19th century, county governments in Maryland provided at public expense annual allowances to individuals unable to work or to the persons who cared for them.

To prevent fraud and, perhaps, to discourage unworthy applicants, the recipients of the outpensions, during the colonial period, were required to wear badges. Refusal or neglect to display them in public could result in severance of the pension. Notations about these requirements appeared periodically in the minutes of the Anne Arundel Court in (Judgment Record) in series C91. In 1734, Amos Woodward received a contract to provide 36 white badges with the letters AAC in red.

By 1750, the number of badges had increased to 60 and by 1754 to 100, presumably reflecting the anticipated number of outpensioners. In both years, Patrick Creagh held the contract to furnish the badges.

The badge concept was continued as county governments established almshouses for housing the poor, beginning in 1768. Residents were required to wear badges marked with the letter P.

The Archivists' *Bulldog*

Vol. 17 No. 2, January 27, 2003

ROADS IN CHARLES COUNTY, 1666-1765 by Pat Melville

As in other counties, information about roads in Charles County appears as short entries in the court minutes, as recorded in (Court Record) in series C658. The books contain the administrative and judicial minutes and the recorded criminal and civil proceedings of the county court. Normally the clerks placed the minutes at the beginning of the record for each court term, followed by proceedings of the cases being heard. The first six volumes have been transcribed and appear as Volumes 53 and 60 in the Archives of Maryland series. The court records were sampled for the availability of information about roads.

“The waters of the Potomac were naturally the first roadway known to Charles Countians. It was a roadway that needed no building, it never called for repairs, it came to every man’s landing.” [Jack D. Brown et al, *Charles County, Maryland: A History*, p. 13]

The earliest entry involving roads appeared fairly early in November 1666 when the county justices ordered the constables to appoint overseers to maintain the roads in their respective hundreds. Later courts followed the more normal procedure of naming the overseers directly. Usually an individual was assigned a specific area. Examples from the 1710 list of appointments include Joseph Piles for the part of Newport Hundred east of Piles Fresh and Henry Milles for the north part, Thomas Green for the west side of Portobacco Creek and John Dodson for the east side, James Moncaster for the upper part of Durham Parish and Jesse Doyne for the lower part, and Barton Smoot for the Zachiah Bridges.

By 1744, the court was complying with the law to list the public roads in the county. At the same time, overseers were appointed and given responsibility over groups of specific roads. Road descriptions included:

- from the head of Portobacco Creek to Stones Mill and through Cedar Point Neck to Pissimon Point
- from Piscataway Road by David Southerland’s to Richard Wheeler’s mill
- from Elgins Run the usual road to the riverside by Simon Smith
- old path that strikes out of Burdicks Creek
- from Mrs. Verlinda Harrison’s along the bank head to the long wharf
- from Cool Spring Road by Joseph Johnson’s to Benedict Town
- from the road by John Anderson’s to Indian Creek Bridge

The number of road groups expanded from 16 in 1744 to 24 in 1756. Among the new routes were:

- from the head of Portobacco Creek to the post of directions below Joseph Jameson’s plantation near Mr. Countee’s quarter to Chapels Point
- from the post of directions by Marshall’s hill to the cross roads to Fendalls Ferry Landing
- from the post of directions to Wicomico Road at the bottom of the hill below Fendall’s old house and down the Wicomico Road till it intersects Benjamin Guinn’s north line and Mr. Yates’ church road

Overseers could be cited for neglecting the repair of roads and bridges, as happened to James Galwith in August 1721. Or, overseers might complain about the refusal of citizens to provided labor for road work. In March 1673/74 four men were presented for refusing to help repair roads. Clement Thompson ap-

peared, but was drunk and fined for that offense and ordered to come to the next court to answer the road presentment. John Longe claimed no one ever asked him to work, and his charge was dismissed. William Cotton was deceased, and the sheriff could not find Robert Lofton.

Until the provincial capitol was moved to Annapolis the availability of a road to St. Mary's City was important for residents of Charles County. Even the General Assembly became involved by passing a law in 1674 that directed the justices of Charles and St. Mary's counties to find and construct a new route over the Wicomico River within two miles of a mill that was making the existing road through Zachiah Swamp impassable.

Normally the alteration of routes or the construction of new roads was based on petitions from county residents. In March 1720/21 several citizens wanted to clear a road from the new bridge at Zachia to Stephen Cawood's for rolling tobacco to the Potomac River. The justices granted the request on condition that the petitioners clear the road themselves and not be exempt from doing their duty on other public roads. At the same court session the justices considered the petition of Ubgatt for a road from his land because he claimed that William Hunter, the adjoining land owner, had blocked access with a fence. The court rejected the request as frivolous and groundless.

In August 1731, the justices directed that the path around Portobacco Hill toward the old courthouse be cleared and kept as a public road for a cart way, besides the road then in use, and that the old Panginah Road from Charles Town to Mamazink to the old courthouse be cleared and kept as a main road. In November 1732 Col. George Mason, with a post office at his house, filed a petition to alter the road from his residence to the Wicomico River because the existing pathway was overgrown with bushes. The court granted the petition and appointed Mason overseer.

In August 1744, Robert Yates cited his plan to move from his current dwelling plantation to one higher up the Wicomico River, located between the plantation of the late Col. Fendall and of Charles Yates ,

and wanted the existing road repaired and or a new one laid out to connect with the main road from Pickawaxon. He blamed poor maintenance on the fact that few people except plantation overseers lived in the area. Obviously trying to further his cause, Yates mentioned his recent appointment as a justice of the peace. The court granted the petition and ordered Yates to direct the road overseer in clearing a new road.

With roads going through private property, the possibility of complaints and conflicts always existed. Rebecca Howard, Joseph Guinard, and William Howard in June 1745 petitioned for reconsideration of the proposed road to the ferry at Cedar Point because it interfered too much with their farming operations. A committee was appointed to review the matter and report to the court. The committee accepted the premise of the petitioners and the court in August adopted a new route to begin at the main road between Portobacco and Pickawaxon Church near Coady's gate, then through a lane between Coady and Joseph Guinn, then around Capt. Benjamin Douglass' plantation, in possession of his son John Douglass, and then by Philip Jenkin's to Cedar Point.

In June 1734, another landowner, Alexander Contee, complained about residents using the landing on his plantation where tenant Thomas Crimpton lived. Several people protested saying the landing was deemed public by the neighbors who had used it for years. The court agreed with the residents and rejected Contee's petition.

Although more expensive to build and maintain, bridges were important components of the road system. In March 1757 the court ordered two justices to find someone to repair the bridge over Grasilla Creek Fresh. At the same session, based on the petition of several citizens, the court contracted with Edmund Berry Godfrey Pain to build a bridge over Benedicts Creek similar to the one over Allens Fresh.

To go back to the quote at the beginning of the article, water remained a constant factor for transportation in Charles County, whether as the roadway for ships and boats or an obstacle to be drained or bridged.

The Archivists' *Bulldog*

Vol. 17 No. 4, February 24, 2003

ROADS IN BALTIMORE COUNTY, 1693-1765 by Pat Melville

As usual for the colonial period, information about roads in Baltimore County appears as short entries in the court minutes, as recorded through 1756 in (Proceedings) in series C400. The books contain the administrative and judicial minutes and the recorded criminal and civil proceedings of the county court. Normally the clerks placed the minutes at the beginning of the record for each court term, followed by proceedings of the cases being heard. Beginning in 1755, the clerks recorded the minutes separately in (Minutes) in series C386. Both series were sampled for the availability of notations about roads. Records for 1726-1727, 1748-1749, 1752-1753, and 1764 are not extant.

Also consulted was Henry C. Peden, Jr., *Baltimore County Overseers of Roads, 1693-1793* (Westminster: Family Line Publications, 1992). The author transcribed from the minutes the names of overseers appointed by the court along with associated descriptions of the roads.

The first entry concerning roads involved the appointment of Thomas Hooker as an overseer in place of George Norman in November 1693. At the same session, Edward Boothby was presented for failure to work on the roads.

Initially, the appointment of overseers was based on a hundred or part of a hundred, such as the upper or lower portion. Gradually, the geographical descriptions became more specific. In November 1709, the justices appointed Henry Butler, a carpenter, as overseer for the area from Gwins Falls to Jones Falls and the back roads between the falls. By 1728, when the first full list of roads was recorded, the court assigned a specific group of roads to each official. The number of overseers and, by extension, groups of roads grew from fifteen in 1728 to fifty-eight in 1754 and then to seventy nine in 1763.

These road lists appear regularly throughout the court minutes and thus provide a fairly comprehensive list

of public roads over time. Descriptive examples include:

- From the end of Edward Hall's plantation to the Red Lyon Bridge where the old church stood, then over the long bridge to St. George's Church, and then to Rev. Stephen Wilkinson's at the glebe
- Long Calm of Gunpowder Falls to Edward Riston's plantation at Garrisons Ridge
- From Jones Quarter to the Iron Works and the Indian Road out of that road to Gwins Falls, from Jones Road to Gists Mill, from the Lower Wading Place of the Main Falls of Patapsco to the Second Wading Place of Gwins Falls, from the Fording Place of Davis Run to Moales Point, from the Iron Works to William Hammond's, from the Lower Fording Place of Gwins Falls to Moales Point, and the Ragland Roads to Moales Point.

The overseer system of road maintenance sometimes failed to function properly. Overseers might neglect their duties, or taxpayers might forget to provide labor. In 1745, David Thomas complained about the lack of an overseer for almost two years for the roads from Ignatius Wheeler's to Thomas Bond, Sr.'s and from William Grafton's to the quarter of Thomas Bond, Jr. to Jacob Bull's mill. Thomas nominated William Grafton, Sr., Daniel Preston, and Benjamin Colegate. The court selected Preston and added two more roads to his jurisdiction - from Thomas' quarter along the north side of Deer Creek to William Grafton's and from the head of the race ground between Rigdon's and Robert Clark's old place to Isaac Butterworth's.

Other petitions pertained to the establishment of new roads, alteration of routes, and obstructions. In 1717, Thomas Hughs requested a road to his house from Patapsco Ferry Landing through the plantation of Nicholas Fitsimonds, and the court agreed. In August 1717 the justices again ordered that this road be cleared, but not until the last day of November. The reason for the postponement of work was not given. The inhabitants of My Lady's Manor in 1742

asked for and received a road through the manor to connect with the main road to Joppa.

Through a grant from Lord Baltimore, Thomas Cresap operated a ferry over the Susquehanna River between Conjaulagh and Blew Rock. In 1733 he petitioned for a road from his house to Peter Hance's. The justices granted the request, and made Cresap the overseer to clear it along the "connestage" road with alterations as needed.

For several years, county residents on the north side of Deer Creek tried to obtain a road from the late Col. Rigbie's to the Susquehanna Ford, commonly called the Bald Frier Landing. The court had approved the road, but the route remained uncleared. In August 1756, the inhabitants filed a new petition, stressing additional urgency, especially with a ferry being kept across from the landing where a store has been built. The road was needed for taking crops to market and for travel to Lancaster. The petitioners suggested a different route - from the Chapel adjoining John Dunn's land and continuing to near the house of John West and then down the river. The justices designated three persons to lay out the road and file a report, and approved their plan in November.

Citizens could clear their own roads, sometimes with permission in advance or approval after the fact. Samuel Howell had cleared a road through his plantation from the main road leading to Susquehanna Lower Ferry and wanted the court to accept it as being more convenient and dryer than the existing low and swampy road. Dr. Charles Carroll had promised to clear, at his own expense, a new road from his mill race on Gwinns Falls to the main road leading from Baltimore Town to the falls at a small run near Charles Ridgeley's. The court appointed two men to view the road upon its completion and accept it as a public road if meeting specifications.

When roads interfered with farm operations, the land owners usually petitioned for realignment of the routes. George Ogg, in 1710, requested a route change before a road was cleared because it was marked to go through his corn and wheat fields without his input. The justices had ordered Henry Butler to realign the Garrison Road to Patapsco. The court

agreed to reconsider the route and appointed three men to consult with the inhabitants of the area.

Through disuse or neglect roads became overgrown and obstacles to travel. With enough demand the court would order such roads reopened. In June 1755 Richard Johns was appointed overseer to open the old Quaker Road from William Perkin's ferry to the road leading from Durbin's old plantation to the Susquehanna lower ferry. Isaac Wood was assigned the part from where it intersected the road from Durbin's old plantation to the Susquehanna lower ferry along Thomas Horner's land to the main road at John Critchet's.

Petitions, court orders, lists of roads, and appointments of overseers taken together provide a firm basis for an analysis of surface transportation in colonial Baltimore County which then included the present counties of Carroll and Harford.

HUNDREDS OF BALTIMORE COUNTY by Pat Melville

Encountered during the review of the minutes of the Baltimore County Court for entries about roads were court orders for the division of hundreds, the administrative units within the county, predecessors of election districts. The entries are being offered as examples of unexpected treasures to be found in the records of routine business of government. The boundaries of most hundreds in Maryland seldom were described in state or county records. In November 1755 the Baltimore County justices divided Soldiers Delight Hundred into three hundreds, now part of Carroll County:

- Lower Soldiers Delight Hundred. The division line to run along the Indian Road, which comes across from Back River Upper Hundred near Dutton Lane, Sr., to the residence of James Dawkins on the main falls of Patapsco, then down the falls to Patapsco Upper Hundred.
- Delaware Hundred. The north division line to begin where the old Indian Road crossed the main falls of Patapsco at the residence of James Dawkins and to follow the Indian

Road to the Frederick County line.

- Pipe Creek Hundred. To include all of the county (not included in Middle River or Back River Upper Hundreds) north of the old Indian Road.

At the same court session Middle River Upper Hundred was divided into two parts by a line from the mouth of Black Run to the upper fork of Gunpowder Falls at Nehemiah Hick's land. The area northwest of that line was named North Hundred.

In November 1761, the court split Baltimore Town Hundred into two parts, with Jones Falls as the division line. The area west of the line was called Baltimore Town West Hundred, and to the east Baltimore Town East Hundred.

An examination of the minutes not sampled for road information could reveal additional descriptions of the boundaries of hundreds.

The Archivists' *Bulldog*

Vol. 17 No. 5, March 10, 2003

OATHS OF TEACHERS by Pat Melville

During the French and Indian War and at a time of heightened anti-Catholic sentiments, many officials in England and Maryland sought ways to curb the inculcation of Papist doctrines that could hamper the military campaigns against France. Instructions given the newly appointed Governor Horatio Sharpe in 1753 included a provision that any schoolmaster coming from England could teach in Maryland only with a license from Lord Baltimore. The governor was authorized to license those already in the province and any coming from elsewhere. Evidence of actual licensing has not been found.

At the same time the Committee on Grievances and Courts of Justice of the Lower House of the General Assembly reported on the potential perversion of Protestant citizens and the spread of Popery through public preaching by priests and teaching by Catholic school masters. The Lower House passed a bill for "the Security of his Majesty's Dominions, and to prevent the growth of Popery." It provided for the

seizure and sale of lands owned by any Catholic priest or Jesuit, with the proceeds to be used to finance the war against France. The less anti-Catholic Upper House rejected the proposal.

At least twice during the mid-18th century, the governor and council issued orders requiring teachers to take an oath of abjuration. The one in 1754 does not appear in the proceedings of the governor and council, but the one for 1757 was recorded. The county magistrates were ordered to "call before them all Persons keeping public or private Schools" and administer "the Oaths to the Government required by Law...."

Evidence of the oath taking activities in 1754 is found mostly in Maryland State Papers (Black Books) in series S987. Vol. IV, Nos. 133 and 135-137, and Vol. X, Nos. 38-39, that contain lists of teachers from Talbot, Queen Anne's, Somerset, Prince George's, and Dorchester counties. The minutes for these county courts, except for Dorchester, do not include references to the oaths. Other extant county court minutes, specifically Anne Arundel, Baltimore, Charles, Frederick, and Kent counties, also lacked such information.

The lists of school masters provide names, whether or not the oath was taken, and some information about location and status. In Talbot County, George Rule, as master of the county free school, took the oath. Others included Samuel Hopkins, Joseph Toope, William Sikes, Richard Street, Thomas Ellis, Richard Rawlinson, William West, Thomas Smith, John Davison, Lawrence Maynard, William Adams, and James Donald. Not taking the oath were David Jones, servant of Mathew Tilghman; James Price, servant of William Lambden; and Joseph Williams, Quaker.

The Queen Anne's County Court chose to list all known teachers, but only one had taken the oath. The county free school was not open in 1754. The return grouped school masters by hundred and specified the Catholics - Worrell: Thomas Walker, William Heath, John Morton, Michael Flower, Thomas Wilkinson, and John Walker; Town: John Fare and John Holt; Choptank: Joseph Councill (Catholic), Nicholas Seamore, and George Warren (Catholic);

Kent Island: Michael Griffith, William Obryan (took oath), and William Weaver; Tuckahoe: Nicholas Bedgood, Nathaniel King, Thomas Marsh, and Thomas Vickars; Chester: John Jackson; Wye: John Browne; Island: John Lumley, John Marsh, Christopher Irwin, Stephen Gudgeon, Jonathan Jolly, and George Perssnett.

The Somerset County Court provided a list of teachers taking the oath - Benjamin Burrige, William Taylor, William Fodred, John Finch, John Chatbourn, George Gastans, John Pitts, John Dawson, W. Austen, Samuel Jarvis, Thomas Parramore, Isaac Jones, Francis Mathews, James Smith, Richard Bigland, Benona Wheldon, and Stephen Harris. Alexander Fullerton was the only one who did not take oath.

The Prince George's County return included supplemental information about many of the individuals who subscribed to the oath - Rev. William Brogden, master of the county free school; James Beck, private schoolmaster and register of Queen Anne Parish; Capt. Thomas Gantt's servant, a Protestant; Enoch Magruder, a convict servant; Jeremiah Berry's indentured servant; Francis Waring's indentured servant, a Protestant; David Price, a Protestant; Samuel Selby's convict servant; Peter Robinson; John Haggerty's indentured servant; Richard Blew; Thomas Harrison, a convict; Daniel Wallahorn's convict servant; and James Gibson, a Protestant.

The Dorchester County list identified Edward McShehey as the master of the free school. Masters of private schools taking the oath included Patrick McGauran, Charles Rawlins, Samuel Rose, Thomas Calwell, Isaac Obier, John Swan, Joshua Wheeler, John Kidd, Nehemiah Froumantiel, John Day, and Andrew Willson. Of the teachers who did not take the oath Lancelot Slevin was said to be Catholic and had left the county, Charles Handley as a Catholic refused, and Francis Edwards and Andrew Banning were summoned to appear at the next court session. The minutes of the March 1755 term in Dorchester County Court (Judgment Record) in series C704 show that Francis Edwards came to court to take the oath, along with John Clark and Martin Stoughton.

Records of teachers' oaths in 1757-1758 are sparse, with a few appearing in the minutes of only three

county courts - Queen Anne's, Talbot, and Prince George's. In Queen Anne's County in 1758 Francis Rochester, Jr., John Kitts, and Patrick McGauran took the oath, as recorded in Queen Anne's County Court (Judgment Record) in series C1416. Four years earlier McGauran had been teaching in Dorchester County.

Talbot County minutes for 1757 in Talbot County Court (Judgment Record) in series C1875 show oaths taken by Michael Griffith, John Davison, George Warren, William Sykes, Joseph Price, William Edmondson, and schoolmistress Sidney Hughs. Davison and Sykes had been included in the 1754 list. Prince George's County minutes between June 1757 and March 1758 in Prince George's County (Court Record) in series C1191 contains information about several teachers. Three repeats from the 1754 record appeared - Thomas Harrison, James Gibson, and David Price. Other school masters and mistresses taking the oath included David Read, Edward Baughan, Ely Valetta, Peter Longsworth, William Lumly, John Scholfield, Hannah Tool, William Ellis, John Willen, and Mary Flowers. Four individuals refused to subscribe, three because they did not consider themselves real educators. John Rivers taught only dancing, and his wife taught French and needlework to girls. Ann Campbell taught sewing, but not reading, to three girls.

The fourth person was Mary Ann March whose refusal in March 1758 was based on her Catholic religion. Apparently she previously had operated a school in Baltimore. Rev. Thomas Chase in a deposition before the House Committee on Grievances and Courts of Justice in April 1757 mentioned a school opened in Baltimore by Mary Ann March, a reputed Papist, and closed about October 1756. Chase had applied to three magistrates to stop her teaching, but they did nothing. In fact, one justice was sending his child to the school.

Peter Robinson, another Prince George's County teacher who had taken the oath in 1754, failed to do so in 1757 for very good reasons. In August 1755, he was imprisoned for nonpayment of debts, and was still there two years later. In August 1755, he filed a petition with the court, describing his situation and

seeking a recommendation so he could ask for relief through the General Assembly. His family consisted of three children and a wife who had broken her arm while traveling to visit him in jail. “[I]t is well known your petitioner has been serviceable to multitudes in his vocation of teaching for above twenty years; and (with compassion and permission authority) may still continue to be useful to society. That your petitioner hopes all merciful men will make such allowance for poverty, inadvertence; want of prudence or economy; and have such bowels of compassion for their fellow creatures and his deplorable family; as not to desire his perpetual confinement....” Not until August 1757 did the justices recommend Robinson as a person worthy of consideration by the legislature. The attempt failed as the Lower House in November 1757 rejected numerous petitions for relief by persons imprisoned for debt.

The Archivists’ Bulldog

Vol. 17 No. 9, May 12, 2003

ROADS IN PRINCE GEORGE’S COUNTY, 1696-1765 by Pat Melville

As usual for the colonial period, most information about roads in Prince George’s County appears as short entries in the court minutes, as recorded in (Court Record) in series C1191. The books contain the administrative and judicial minutes and the recorded criminal and civil proceedings of the county court. Normally, the clerks placed the minutes at the beginning of the record for each court term, followed by proceedings of the cases being heard. In addition, two other sets of records of the Prince George’s County Court contain relevant documents pertaining to transportation, specifically (Levy Book), 1734-1765, in series C1245 and (Road Papers), 1747-1754, in series C1292. All three series of records were sampled in order to demonstrate the types of available materials.

The first (Court Record) has been transcribed and published as *Court Records of Prince George’s County, Maryland, 1696-1699*, American Legal Records, Vol. 9 (Washington, DC: American Historical Association, 1964). Extracts from all volumes

of (Court Record) appear in R. Lee Van Horn, *Out of the Past: Prince Georgians and Their Land* (Riverdale, MD: Prince George’s County Historical Society, 1976). Targeted abstracts are found in Patricia Abelard Andersen, “Petitions, Constables and Overseers of the Roads in Frederick County Before 1748,” *Western Maryland Genealogy*, Vol. 18, No. 1, pp. 33-47.

The earliest entry concerning roads contained the list of overseers appointed in April 1696: James Brooke for Mount Calvert Hundred, George Jones for Matapony Hundred, James Mullican for Collington Hundred, Thomas Davis for Patuxent Hundred, Francis Durham for Piscataway Hundred, and Francis Prisly for New Scotland Hundred. During the next annual appointment process the judges designated two overseers for each hundred.

By 1726, the court had divided each hundred into two or more overseer precincts, a term not encountered in other county court records. The precincts were described as portions of a hundred, such as upper, lower, or middle. As settlements moved north and west, new ways were devised to designate an overseer area. The minutes for November 1739 list the area from the top of “Shannandore” Mountain to the top of “Kitockton” Mountain and another from the latter mountain to Monocacy Wagon Road near Thomas Beatty’s.

In 1740, the court appointed 50 overseers and, in 1747, it needed 71 to cover the county. After Frederick County was erected out of Prince George’s in 1748, the number of overseers dropped to 34.

Occasionally, overseers failed to perform their maintenance duties. In 1757, Samuel Brashears, describing himself as a resident of Collington Hundred for 40 years, complained about the overseer neglecting to maintain the road going past his land. The justices granted his request to revive the road. The next year, John Loggins asked to be relieved of his responsibilities as overseer for the lower part of Piscataway Hundred because he was in jail for failure to pay his debts. His wife and four young children could not assume the job. As other reasons he cited fear of presentment for failure to perform his duties and unwillingness to see the road neglected.

The court appoint Thomas Harvey in his place.

The preparation of a legally mandated list of public roads was mentioned periodically in the minutes but seldom recorded. In September 1697, the court ordered the overseers to inventory all public roads so a list could be sent to the governor according to an order of the council. The resulting list, if done, did not appear in the minutes or the proceedings of the governor and council. The record for November Term 1755 referred to a list of roads on pp. 13-16 that are missing from the book. A full record was made the next year, with roads grouped by overseer precinct, including the following:

- Back part of Mattapony Hundred: from the Horsehead by the church to the head of Rotherfords Branch, from the Horsehead by Walls' to the end of the parish, from the Indian Head to the road by Thomas Taylor's, from the main road by Walls' to Mattapony Branch, and from the Brick Church by John Saspers' to the end of the county.
- Riverside Road Precinct: from Piscataway Bridge by Mr. Digges' quarter and by Broad Creek Church to Henson Branch, from the main road through Mr. Adinton's plantation to Broad Creek Warehouse to Broad Creek Church, and from the main road near the head of Clash Creek through Swann Creek to Mr. Digges' and to Shipping Landing.
- Western Branch Precinct of Mount Calvert Hundred: from the Western Branch Bridge through Marlboro by John Clagett's and to Charles Branch Bridge, from the main road by Mr. Keen's quarter to Bradley's Mill on Charles Branch, from Upper Marlboro to Mr. Bradley's and to Charles Branch Bridge, from Upper Marlboro to Charles Branch Lower Bridge, from that bridge to Marlboro Town to the warehouse and on to the wharf.
- Fourth part of Patuxent Hundred: from Horsepen Branch up to the Iron Works.

Efforts to establish new roads, alter existing ones, and close others usually resulted from petitions filed

with the court. In June 1712, Samuel Brashears cited the need for a road to his newly erected mill on a branch of Collington Branch near Mr. Riley's. The justices ordered John Gerard to lay out the road on the east side of the branch. Three years later, Brashears again petitioned for a road to his mill. Either the previous road as not built or he constructed another mill. Could his be the same road described above as being neglected in 1757 and perhaps the same individual?

In November 1715, the court issued a fairly comprehensive order concerning roads and bridges. It directed the overseers of Collington Hundred to clear the road from St. Barnabas Church by way of James Mullikin's plantation to Collington Bridge and to Humphrey Beckett's, and the overseers of Patuxent Hundred to clear the way from Collington Bridge to Jacob Henderson's and to Colonel Ridgley's Cart Road to the Patuxent River at the place called Sturgeon's Shoal. The overseers were charged with putting bridges that were wide enough for coaches or carts over every branch.

Landings were important components for agriculture and commerce. In March 1712/13, Ninian Beall and John Jackson, describing themselves as "seated far back from inhabitants of the Eastern Branch of Potomack," wanted a road to a landing where boats could come for tobacco. The justices granted the petition. Thomas White, ferry keeper at Mount Pleasant Landing, in August 1727 detailed the advantages of a road from the landing to Thomas Beale's that would provide another way to travel to Annapolis, and the court agreed.

In August 1738, several inhabitants and traders near or at Bealls Town on the Eastern Branch of the Potomac River filed a petition with two requests. Recent floods had brought trees and trash into the channel, thus hampering passage of boats to the landing. The citizens also wanted an alteration of a road over a steep hill at the lower end of an old field. Orders were issued to contract with someone to clear debris and to have the overseer change the road.

Several citizens, in August 1713, petitioned for closure of the existing public road from the head of

Piscataway to Mt. Calvert and the establishment of a new one. James Stoddert laid out the new road. The overseer of Piscataway was assigned maintenance as far as the two chestnut stumps in Brooks Mill Road, and the Patuxent overseer was given the rest.

In March 1727, the justices ordered Jeremiah Belt and Thomas Hillery to change the route of the road from the northeast bridge towards Col. Belt's land, call Chelsea. Afterwards, Dr. Henry Williams agreed to maintain the road as long as he had taxables, during which time he would be exempt from providing labor for other roads in the hundred.

By 1739, the consideration of road petitions changed to allow time for reviews by individual justices and reports of recommendations to the court. In June of that year, Patrick Sim asked for a road from Woodyard to Selbys Landing. A favorable report was filed and accepted in August. The proposed route went through several cornfields, but the affected people had promised to move fences and gates after crops were harvested.

With roads passing through private property, conflicts were apt to occur. In August 1696, William Prather complained about threats from landowner John Joyce, and wanted the court to order Joyce to let him pass through the plantation or clear another convenient road. The court rejected the petition for unstated reasons. At the November 1714 court term, the justices ordered all persons traveling to and from Marlborough to stay on the main road and not go through Col. Beall's cornfield without his permission.

Several citizens in March 1739 petitioned for restoration of a rolling road plowed up by Dr. Andrew Scott. At the same time, Dr. Scott requested a change in the route of the road through his plantation near Upper Marlboro. After a review, the court ordered Dr. Scott to clear a road, 20 feet wide and level, around the ground he had plowed, placing it about 50 to 60 yards below Beall's old road.

Thomas Talbert had built a grist mill on Henson Run and, by law, was entitled to have a public road to the facility. Plantatin owners were refusing to let a road

go through their lands, thus obliging customers to travel through a swamp that was inconvenient and often impassable. Talbert and sever other individuals asked the court in March 1758 to lay out a public road. The men designated to review the situation filed a favorable report in June. The justices appointed commissioners to lay out the road to the mill.

In this article, only the court minutes have been used for examples of information about roads in Prince George's County. Those records plus the (Levy Book) and (Road Papers) contain numerous notations involving bridges throughout the county, enough to warrant a future article about this element of colonial transportation.

The Archivists' *Bulldog*

Vol. 17 No. 10, May 27, 2003

BRIDGES IN PRINCE GEORGE'S COUNTY, 1696-1765 by Pat Melville

An examination of records of the Prince George's County Court for information about roads revealed many entries concerning bridges. The documents appear in the court minutes as recorded in (Court Record) in series C1191, (Levy Book) for 1734-1765 in series C1245, and (Road Papers) for 1747-1754 in series C1292. The levy record shows annual expenditures for the court system and county administration. The road papers contain bridge bonds and a petition.

The county court usually contracted with an individual for the construction of bridges and initially assigned maintenance to the road supervisors. By 1726, the justices began to incorporate maintenance into the construction contracts, making the builder responsible for the condition of the bridge for a specific period of time.

Mention of the bridge or bridges over the Western Branch occurred frequently throughout the records. In June 1698 the grand jury reported the need for repair. Three months later John Browne and Joshua Hall filed a petition for its repair. In June 1699 the court designated three justices to meet at Col. Ninian Beall's mill to agree with Archibald Edmundson for

rebuilding or repairing the bridge.

Mention of the bridge or bridges over the Western Branch occurred frequently throughout the records. In June 1698, the grand jury reported the need for repair. Three months later John Browne and Joshua Hall filed a petition for its repair. In June 1699, the court designated three justices to meet at Col. Ninian Beall's mill to agree with Archibald Edmundson for rebuilding or repairing the bridge.

In August 1710, the court ordered the overseers in Patuxent, Collington, and Mount Calvert hundreds to meet with laborers to repair the Western Branch bridge. Three years later the justices were seeking someone to build a new one. Construction was completed by August 1714, when overseers were ordered to clear a road to the "new bridge over Western Branch."

The court minutes for November 1726 contain an example of a construction contract that includes a maintenance component. John Clarvoe agreed to build the Piscataway Bridge and to maintain it for 20 years. From 1735 to 1756, the court paid William Thomas for maintenance of the structure, a task taken over by George Smallwood by 1759.

In 1734, Samuel Brashears was paid for rebuilding Western Branch Bridge. By June 1739, another one was being built by Thomas Nicholls who in November asked for more money to cover cost overruns due to higher prices for timber and delays caused by illness. The court rejected his request. Nicholls was involved with several other bridges. From 1735 to 1744, he maintained the Eastern Branch bridge. In 1747 he built the Beaver Dam Branch Bridge and support it for ten years. In 1748, he constructed a bridge over the Patuxent River at Sturgeon Shoals and posted bond for maintaining it for ten years.

Occasionally, an individual constructed a bridge using his own funds. In a petition filed in June 1713, Richard Duckett described the structure, 180' long and 8' wide, he built over a swampy meadow for hauling crops from his fields. He allowed his neighbors to use it and within three years it became part of a rolling road to Queen Anne Town. Duckett wanted the bridge declared a public facility because

so many people traveled over it. The court granted the request and directed the overseer of the upper part of Patuxent Hundred to take care of repairs.

In August 1738, several inhabitants asked for a bridge over Seneca Creek. Cornelius Etting was planning to build one at the old ford and wanted to make it a public facility and be reimbursed. At the next court term after completion of construction and a favorable inspection report, the justices offered to pay Etting provided he maintain it for ten years.

Bridge work must have been lucrative enough to attract repeat business. James Perry and Edward Owens received funds in the 1740s for the construction and maintenance of bridges over Rock Creek, Seneca Creek, and Northwest Run. They built one over Rock Creek and after its destruction by a flood in 1748 contracted to rebuild it.

The Prince George's County records seldom provide precise information on the locations of the bridges. Most merely name the river or creek. Examples of slightly more specific descriptions include Piscataway Branch near John Hawkins, Northwest Branch of the Eastern Branch of the Potomac River near George Moore, Rock Creek below Holmeads Mill, and Patuxent River at Queen Anne Town.

The Archivists' *Bulldog*

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ROADS IN FREDERICK COUNTY, 1748-1765 by Pat Melville

As usual for the colonial period, most information about roads in Frederick County appears as short entries in the court minutes, as recorded in (Judgment Record) in series C810 and in (Minutes) in C831. The judgment books contain the administrative and judicial minutes and the recorded criminal and civil proceedings of the county court. Normally, the clerks placed the minutes at the beginning of the record for each court term, followed by proceedings of the cases being heard. The minute books contain abbreviated versions of the administrative and judicial matters. Abstracts from series C810 appear in

Millard Milburn Rice, *This Was the Life: Excerpts from the Judgment Records of Frederick County, Maryland, 1748-1765* (Redwood City, CA: Monocacy Book Co., 1979).

Frederick County was established in 1748 from Prince George's County and initially encompassed all of western Maryland, including what is now Montgomery County and part of what is now Carroll County.

The first reference to roads occurred in March 1748/49 when Alexander Magruder filed a petition for a road from his house to the main road to the Rock Creek Warehouse. The court rejected his request. The rejection rate for such petitions seemed higher in Frederick County than in other counties. In August 1753, new settlers in the upper part of Potomac Hundred asked for a road from the head of Back Branch to Capt. Henry Crabb's road, a distance of about three miles. Again, the justices responded negatively.

The more informative rejections included the rationales for the decisions. In March 1764, John Semple, who was establishing an iron works at the head of Shenandoah Falls on the Potomac River, wanted a road opened along the river from Ore Hill to Harpers Ferry to serve as portage past the falls. The court designated three men to view the site and report back. At the next court session in June, they filed an unfavorable report, deeming the road impractical because of the prevalence of large rocks and the lack of sufficient taxables to support it with labor.

The justices actually granted most petitions to establish new roads or alter existing ones. In March 1748/49, they appointed three men to lay out a road from Capt. Joseph Ogle's ford to John Biggs' ford on the Monocacy River. At the same session, Joseph Wood complained about the road from Monocacy Ford to Lancaster, PA, describing it as crooked and blocked by fallen trees. He suggested a shorter route from the ford across the manor lands and Little Pipe Creek to Great Pipe Creek and then to the "temporary line" of the province. The court accepted his plan.

Several individuals in August 1761 petitioned for a road from Conococheague Creek to cross over the

mountains so they could transport wheat to Baltimore. They suggested a wagon road from Stoner's Mill across the mountains at Smiths Gap and then to the road from George Trucks' to Baltimore. The justices designated to review the matter proposed a route from Stoner's Mill across Mount Misery and by Gasber Smith's to near Capt. Ogle's late dwelling place, then to Ogle's ford on the Monocacy, and then to the new road from George Trucks' to the Baltimore County line. The court accepted this proposal.

Sometimes, the opening of a new road caused more problems than it solved. At the November 1753 session, Richard Cooke, who was renting a plantation formerly possessed by Stephen Julian, cited a new road cleared through the upper part of his land that destroyed one entire field. He wanted the old road restored because it went over level ground, whereas the new one was "one entire hill and full of grubbs". The petition was granted. A year later, John Smith sought permission to change the route of the road on the west side of Antietam Ford where it had deep ruts and was subject to flooding by runoff from the surrounding hills. The court authorized him to make the alterations.

Annually at the November court term, the justices appointed road overseers to maintain roads for specified areas of the county. The number of road areas grew from 47 in 1750 to 65 in 1763. From the lists recorded by the court clerk come the following examples of road descriptions:

- River Road and Richard Touchstone's Road
- From Nicholls Neck to Fifteen Mile Creek
- From Fifteen Mile Creek to Great Tonoloways
- From the temporary state line to William Ambrose's mill
- From Capt. Johns Bridge to Lawrence Owens, then down to Rock Creek Bridge beyond Caleb Litton's, then to Rock Creek Bridge near James Smith's, then from Lawrence Owens' to a bridge over Rock Creek by Peter Butler's plantation
- Sligo Bridge to Charles Perry's old fields and from the Northwest Branch to Sligo by

the schoolhouse and from the mouth of Rock Creek to Sligo Bridge

- From Frederick Town to Jacob Peck's fulling mill
- All the streets in Frederick Town and the bridge below John Charlton's and from there to Dulanys Mill.

Along with the appointments of overseers came the responsibility of dealing with related issues. In March 1754, overseer John Purdom was listed as "run away" and Samuel Farmer, Jr. was named in his place to maintain the roads in the forks of Haling's and Snowden's River. During the next year, the court discharged John Nicholls from a presentment for neglect of duty as overseer since he was in his majesty's service and could not perform his duties.

Overseers who felt overburdened could petition for relief. In November 1753, John Mills, overseer in Conococheague Hundred, said he was responsible for 24 miles of roads and could keep on 18 miles in good condition for wagons. He asked to be relieved of maintaining the other six miles because they were impassable. Joseph Sim, overseer in Tonoloway Hundred, described a predicament of maintaining twenty miles of roads in bad condition with only ten laborers to help him. He requested unspecified relief. The justices denied both petitions. One is left to speculate about the reasons for the decisions, especially when encountering a 1759 petition that was granted. Jeremiah Hays, overseer of the twelve-mile road between Seneca Creek and Monocacy Creek, felt the road was too long for one person to handle and wanted it divided between two overseers.

The county court often provided for the maintenance of bridges by awarding contracts to individuals, many times as part of the package for the construction of the structure. In November 1751, Richard Beall agreed to repair the bridge over Rock Creek by Caleb Litton's and to maintain it for two years. Clementius Davis accepted a contract to fix the bridge over Seneca, increase its length to ninety feet, and maintain it for ten years.

Three years later, several residents petitioned for a bridge over Sideling Hill Creek where people had drowned while trying to get across. The court ap-

pointed three justices to contract with someone to build the bridge and maintain it for ten years. A year later, the inhabitants returned with a modified petition for a bridge over Sideling Hill Creek or Town Creek. The court changed its course of action and agreed to contract for the latter. In March 1761, another request was made for a bridge over Town Creek, citing the transportation of supplies to the armies north and west of the area as one of the benefits. The court rejected the petition.

The French and Indian War also affected bridges in Frederick Town where by November 1761 many needed repair, and timber in the area was scarce because so much had been appropriated by the army. Town residents proposed replacing the wooden bridges with ones built of stone. The court accepted the idea.

This article concludes the series on road related records for the colonial period through 1765. The next series will cover the years 1765 through 1795.

The Archivists' *Bulldog*

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MILITARY LOTS, TAXES AND FEES

by Pat Melville

Much of the land west of Fort Cumberland was allocated to soldiers who served in the Continental Army during the American Revolution. Rather than move to the western limits of the state and in order to obtain ready cash, most of the men sold their rights to these military lots. Others may have ignored or forgotten about their 50 acre or 100 acre lots. Over time land titles became murky and the names of the owners remained unknown. As a result, officials in Allegany and Garrett counties could not collect the property taxes.

During the latter part of the 19th century, the Board of County Commissioners of Garrett County, where most of the military lots were located, formulated a plan to get unassessed land on the tax rolls. The commissioners had a standing offer of 1/2 the first year's taxes collected on unassessed land to anyone who

could locate and trace titles to the unclaimed parcels. Several people tried but no one succeeded. In 1887, Hiram P. Tasker undertook the job, and by January 1888 had found over 100,000 acres of untaxed land, equal to one quarter of the area of the county. Since success seemed probable, the commissioners contracted with Tasker to compile a book of title abstracts for all unassessed land in the county. Later that same year the Allegany County commissioners hired Tasker to do the same work in their county.

Tasker conducted part of his research at the Land Office in Annapolis in order to use the patent and survey records, and charged the copying fees to the respective county commissioners. The Commissioner of the Land Office at that time was J. Thomas Scharf, author of a 3-volume *History of Maryland* and a 2-volume *History of Western Maryland*. After paying \$700 for title work in Annapolis, the Garrett County officials refused to authorize any more expenditures for searches at the Land Office, leaving \$900 unpaid. Scharf responded by declining services to Tasker until the bill was satisfied.

Tasker used his political clout to get around the stalemate by securing passage of legislation in 1890. Chapter 513 was entitled "An Act to provide for the assessment of the unclaimed military lots and tracts of land in Allegany and Garrett Counties, and for the collection of state and county taxes thereon by selling the delinquent lands and turning the net proceeds into the state treasury." Heirs, assignees, devisees, and representatives of officers and soldiers who were awarded military lots were given until April 1, 1891 to legally establish their claims and pay state and county taxes. Failure to do so would result in forfeiture of rights to the state. Those lots not patented or claimed would be sold to the highest bidders.

To facilitate title searches in time for the approaching general assessment, the law gave the county authorities or their agent free access to the records in the Land Office. All fees previously charged to Garrett County for searches made by Tasker were to be remitted in consideration of state taxes to be collected in the future. Proceeds from the sales of un-

claimed lands would be used first to cover taxes due, and then to pay the costs of tracing titles and locating and selling the lots.

Scharf, being less than pleased with this new law, deemed it unconstitutional and refused to comply. When Tasker tried to use the provision for free access to the records, Chief Clerk George H. Shafer demanded payment of the usual fees. Tasker applied to the Anne Arundel Circuit Court for a writ of mandamus to compel the Commissioner of the Land Office to comply with the law and it was granted. Scharf appealed the decision to the Court of Appeals on the basis of unconstitutionality of the law in several areas:

- It embraced more than one subject.
- Its title did not reflect all topics.
- It diminished the compensation of the commissioner of the land office, contrary to sec. 35 of Art. III of the Maryland Constitution.
- It took away fees already earned by the commissioner.
- It released persons from obligations owed the state without recommendation of the governor or treasury department.

"[I]t would be subversive of the Land Office to allow any person not connected with the office in an official capacity, access to all the records thereof, to use them at his pleasure, free from the control and supervision of the respondent, and he has resisted the attempted invasion of his office by the petitioner under the provisions of the [law] because the right of the Legislature to grant such powers to the petitioner involves its right to grant the same powers to any number of persons...." The same argument was applied to the issue of fees. In addition, it was argued that the General Assembly could not legally declare the forfeiture of military lots in the manner provided in the law.

The Court of Appeals reversed the lower court decision and declared Ch. 513, Acts of 1890, invalid and unconstitutional. The legislature had exceeded its authority when it undertook to forfeit title and estate of all unknown owners upon their failure to produce

evidence of ownership within the time designated. The title of unknown owners could not be forfeited without due process of law. "The 1890 law does not even have a semblance of due process."

Equally invalid were the provisions for free services and remission of fees, in part because neither was mentioned in the title of the law. The fee portion conflicted with the general law providing for fees to be collected by the land office. The court agreed that securing taxation of the military lots might necessitate access to records in the land office, but not free searches and copies. Remission of fees already paid had no relevancy to the purpose of the law, and the legislature possessed no authority to remit them without a recommendation from the governor or treasury department.

The 1890 law referenced an expected general assessment that was the subject of another piece of legislation and that Ch. 513 could facilitate. The governor had vetoed the general assessment bill, thus removing one rationale for the military lot legislation.

Scharf summarized his viewpoint in his 1890-1891 annual report. "The Land Office is a repository for information concerning titles to land, and all citizens have free access thereto, under the supervision and control of the Commissioner, as to the manner in which records there deposited are used, and upon payment of the fees prescribed by the Constitution and laws. This is necessary for the dignity of the office and security of records there deposited, and for the protection of the Commissioner of the Land Office as a bonded officer. Free access does not mean without payment of legal charges."

[Sources: Annual Report of Land Office, 1890-1891; Court of Appeals (Briefs) T2088, Records and Briefs, Oct. Term 1890, J. Thomas Scharf, Commissioner of the Land Office, vs. Hiram P. Tasker; Maryland Reports 73 MD 378]

The Archivists' *Bulldog*

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PUBLIC FERRIES IN COLONIAL MARYLAND by Pat Melville

Efficient transportation of people and goods in colonial Maryland depended upon, in part, the existence of ferries, both public and private, across its many rivers. The public ferries were regulated by the county courts. The justices determined the locations of the facilities and contracted annually with someone to run each ferry. The contract specified the annual compensation, the number of boats to be used (usually one), and the hours of operation. County taxpayers rode the ferries for free, and non-residents paid tolls.

The first general law concerning ferries appeared in 1658 and it required each county, except Kent, to maintain at least one ferry out of the tax levy. The law remained in effect until 1676 when it was not renewed. The county courts, nevertheless, continued to function as if the law still existed.

Occasionally, the General Assembly became involved with specific situations and passed legislation to establish or abolish individual ferries. In the fall of 1710, the Lower House received a petition from several Prince George's County inhabitants to close the ferry at Mount Calvert that went across the Patuxent River to Pig Point. The rationale is unknown since the contents of the petition were not recorded. The Lower House did order the ferry keeper, James Stoddart, to cease operation. The Prince George's County grand jury deemed the ferry essential and wanted the court to maintain it as a public facility. With only two justices in agreement, the recommendation was rejected. A ferry did continue to run from Mount Calvert but as a private operation. In 1740 a petition to the county court resulted in the ferry being converted to a tax supported facility.

In 1718 and again in 1733, Lord Baltimore tried to interject a claim that the proprietor of Maryland possessed the right to control public ferries and appoint ferry keepers. The justices of the Anne Arundel Court received a letter in November 1718 from the propri-

etor, asserting his right to grant patents to operate ferries and requesting the submission of recommendations for keepers. The court responded by describing its long standing right to contract with individual keepers. While acknowledging the right of the proprietor to grant exclusive patents for ferries, the justices questioned the value of such a policy without some way to ensure the faithful execution of the duties. The provincial and local records show no further action in this matter.

The attempt in 1733 to establish control over ferries was more widespread since the court minutes for several counties alluded to the effort. On June 18, 1733 the governor issued instructions to Daniel Dulaney:

Whereas the Justices of the Several County Courts have taken upon them to Agree for Certain rates with persons for keeping ferries over Several of the Rivers within my Province for the Inhabitants of their Several Countys and to assess the rates upon the Inhabitants without any Law to warrant Such assessment which practice is not only an Invasion of our right but an Injury to the People who are assess Contrary to Law. You are therefore hereby Directed to take proper Measures to put a Stop to Such illegal practices and to take all necessary care that neither our right or property be Invaded or the people Imposed on in that Particular.

Dulaney forwarded the instructions to the county justices in November, along with directions on implementation:

The ... Lord Proprietor having the Sole and undoubted right of granting Licences to keep Ferrys within this Province, and Judging it unreasonable and unequal that they should be supported by a Tax upon the People (many of whom never receiving any Advantage from the Ferrys) without an Express Law to warrant Such taxation, has been pleased to give it in Charge to his Agent to Insist on his Lordships rights; I herewith send your Worships a Copy of his Lordship's Instructions which contains his resolution and the reasons for it in Terms so Strong and Explicit, that I am

persuaded you will be Convinced of the Justice of his Lordship's proceedings.... And herefore Doubt not but your Worships will for the future forbear giving Licences for Ferrys or Levying anything upon the people for Supporting them, but let such as are Inclivable to keep ferries apply to me who have Express Authority as his Lordship's Agent to Grant such Licences.... Should any body keep Ferry by Colour of any Authority..., my duty will Oblidge me to prosecute such person as an Invader of his Lordship's rights....

Some courts, such as Dorchester County, complied with the new policy and ordered that ferries no longer be kept as county charges. More common was the adverse reaction of the Baltimore County justices “that they have an Undoubted right Warrantable by Law and Custom to Support and Grant Licence for such ferries in this County as shall be Deemed Necessary and Convenient for the Inhabitants thereof in the usual manner...”

The county court decided to continue existing practice and so informed the governor in November 1733: “And for as much as we Conceive that practice is Consonant to the Customs of this Province, and Such assessments Supported by Law, we have Done nothing by the said Letter and Instruction but Caused them to be Entered on record....”

After these episodes in 1733, the proprietor dropped efforts to gain control over the licensing of ferries and the county courts as before continued to regulate ferries and appoint keepers.

Information about ferries can be garnered from extant minutes of the various county courts, and include such matters as establishment of public operations, consideration of petitions from citizens, and appointment and determination of compensation for ferry keepers. The records often reflect the importance of this component of the colonial transportation system.

In November 1727, several Dorchester County residents petitioned for a public ferry over the Northwest Fork. The court rejected the idea because the person offering to keep the ferry demanded too much money. The citizens returned four months later and

described their difficulties in trying to build a causeway through the marsh. This time the justices approved the ferry and contracted with John Mahann to run it. In August 1729 inhabitants of Taylors Island and James Island, where 236 people lived, requested a ferry over Slaughter Creek at Capt. Tobias Pollard's. Part of their reasoning reflect a desire to be treated as well as the upper part of the county where bridges and ferries were publicly maintained.

Farther west in what is now Washington County, inhabitants along Conococheague Creek told the Frederick County Court in November 1749 that it was unnecessary to keep a ferry at the mouth of the creek except "to support idleness and run the County to charges...." They alleged that county residents seldom used the facility. The court rejected the idea of eliminating the ferry. Sometimes county justices would convert a private ferry into a public operation, such as happened in November 1758 when the Frederick County Court took control over the ferry at the mouth of the Monocacy River.

Most ferry keepers retained their positions for several years, and they usually maintained nearby inns in order to accommodate and profit from travelers. Public ferries on major transportation routes seemed to be financially lucrative operations. One such facility was the South River ferry at Londontowne, where individuals actually competed for appointment as keeper. In November 1712 Edward Rumney asked to take over the ferry because Richard Dixon, the current keeper, was sometimes absent. The Anne Arundel Court rejected the request, but did threaten removal if additional complaints were made. In August 1713 Dixon said he no longer wanted the ferry, and Rumney again petitioned for the appointment. Instead the justices chose Thomas Gassaway. A year later Rumney tried again, identifying himself as a ship carpenter and citing his twenty-eight years of residence in Londontowne and service to the county as a juror, constable, and road overseer. As before, his petition was rejected.

Finally in 1715, Edward Rumney succeeded in his effort to be appointed keeper of the South River ferry, followed shortly by a contention from Stephen West that he was authorized by patent from the governor

to keep the public ferry over South River exclusive of anyone else. The court initially rejected this petition, but upon reconsideration appointed West as keeper and voided Rumney's contract. A year later, the ferry was awarded to John Holland after West refused to continue his contract. A few days later West changed his mind and unsuccessfully tried to oust Holland.

By March 1720, Elinor Rumney, wife of Edward Rumney, was managing the ferry but not according to the terms of the contract. Stephen West came forth and agreed to take over the operation. He retained the position of ferry keeper until November 1748 by which time he was being allowed to run two boats during busy seasons. Periodically, citizens filed complaints concerning the level of service, which the court handled by reminding West about the terms of his contract.

Thomas Lusby served as sole keeper of the South River ferry from 1748 to 1757. In the latter year, the court designated both Lusby and William Brown as keepers, each to operate one boat. When Thomas Lusby died in 1758, his son Jacob Lusby took over the position. Throughout the rest of the colonial period, Brown and Lusby served as dual keepers or Brown operated alone. In 1759, the court, unaware of Lusby's application, appointed only Brown, and upon learning of the oversight offered a second contract to Lusby which he refused. The next year found both of the men accepting the appointments.

The need for more than one boat at the South River ferry landing was another indication of the importance of that crossing. In 1762 the justices permitted William Brown, acting as sole keeper, to run three boats when the state and county courts were in session and during elections. In November 1767 the court once again divided the position between Brown and Jacob Lusby, with the former allowed one or two boats and the latter one boat. Also specified were hours of operation: 4 a.m. to 8 p.m. from April 1 to September 29, 6 a.m. to 6 p.m. from September 29 to March 1, and 6 a.m. to 7 p.m. from March 1 to April 1.

The county courts established, maintained, and regulated ferries despite sporadic attempts by the propri-

etary to assert control. During the colonial period, and for many years afterwards, ferries could become profitable ventures, even as public facilities, as exemplified by the South River ferry.

The Archivists' *Bulldog*

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Roads in Maryland, 1765-1794: An Overview by Pat Melville

Previous articles on roads in colonial Maryland concentrated on the period prior to 1765 and explored the records available at the State Archives. Now the emphasis will shift to the period between 1765 and 1794, marked by substantial legislative involvement regarding general policies and procedures and especially individual roads. In 1794 much of the administrative aspects of maintenance and construction shifted from the county courts to the newly established levy courts.

The increase in legislation enacted by the General Assembly came in response to the growth in population, a divergence in the transportation needs of the different sections of the state, and the demands for improved and shortened roads. As settlements moved westward the need for roads to transport crops to major markets, such as Baltimore City and Georgetown, became greater. This factor alone resulted in the passage of numerous laws applicable to the northern counties from Baltimore County westward and to the central counties of Anne Arundel and Montgomery.

The legislation can be classified into four categories: statewide general laws, general laws applicable to individual counties, laws regarding specific roads, and development of the turnpike system.

In 1765, the justices of each county court annually appointed overseers who were responsible for maintenance of individual public roads. Citizens could petition the court for the establishment of new roads and changes to existing ones. All maintenance and much construction was financed through compulsory road labor from taxable inhabitants. Most changes in the next twenty-nine years occurred within indi-

vidual counties. Only a few laws applied statewide. The first such road law under the new state government was passed in 1779 (Chap. 14). It established higher fines for neglect of duty by overseers and refusal of laborers to work on the roads. The existing fines were deemed insufficient to compel compliance.

Another section of the 1779 legislation put limitations on the authority of the county courts to repair and build bridges. Any repair of a bridge costing over £800 or erection of a new one costing over £1500 could be authorized only by the General Assembly.

In 1785 (Chap. 49), the General Assembly recognized the right of citizens to have private roads and formalized the process. Individuals were entitled to have roads from their farms and plantations to places of public worship, mills, market towns, public ferries, and courthouses. A citizen could apply to the county court for a private right of way, not to exceed 16 feet in width. The court could order the road laid out with as little damage as possible to landowners and could hear objections and, if necessary, alter the route. The applications and plats were supposed to be recorded. The petitioners were responsible for paying compensation for damages suffered by landowners and for subsequent maintenance of the private road.

Most laws passed between 1765 and 1794 dealing with general provisions for the management, funding, and maintenance of roads pertained to individual counties, rather than the province or state as a whole. The first one, enacted in 1766 (Chap. 32), dealt with maintenance in Baltimore County and for the first time authorized a road tax and substituted the employment of hired labor in place of the compulsory attendance required by the existing law. Chap. 21 of the acts of 1774 provided for substitute labor in Anne Arundel and Frederick counties. Taxable inhabitants could hire laborers to work in their place. In addition, limits were placed on the maximum amount of labor. No overseer or taxable was required to work more than six days a year or eight hours a day.

Not until 1791 did more local general road laws appear. Chap. 66 empowered the Cecil County Court to straighten and amend public roads and outlined

the procedure. The justices would levy taxes for road maintenance and appoint commissioners to inspect the roads and have surveyed those that could be straightened.

The commissioners or the court appointed supervisors who were authorized to direct and contract for work on roads, bridges, and causeways. They could accept labor from taxpayers in lieu of payment of the road tax. This system proved to be ineffectual and was replaced in 1793 (Chap. 72). Thereafter, the court annually would appoint supervisors for divisions and districts within the county. These officials were responsible for maintenance and repairs and for clearing new roads as ordered by the court as it considered petitions from citizens. The provisions for the road tax and ability to substitute labor for taxes were retained.

Another law passed in 1791 (Chap. 70) concerned the neighboring county of Harford. The overseer system was modified to allow those officials to hire laborers for road work which would be funded by a road tax imposed by the county justices. Taxpayers were allowed to substitute their own labor for the taxes. Each overseer would be allotted a specific sum of money, and when that was expended he could not be held liable for failure to maintain roads. Similar provisions were enacted in 1793 (Chap. 65) for Queen Anne's County.

By far the vast majority of road laws between 1765 and 1794 concerned individual public roads within one county or extending through two or more counties. Sample titles included the following:

- An act for a road from Elizabeth Town through Charltons Gap in South Mountain to intersect the road from Frederick Town to York Town in Pennsylvania (Chap. 41, Acts of 1782)
- An act to open a road from or near Christian Bower's mill on Big Pipe Creek by Ox Morr's mill on Patapsco Falls to intersect the great public road from Westminster to Baltimore (Chap. 2, Acts of 1789)
- An act to straighten and amend the post road from Havre de Grace to Baltimore (Chap. 31, Acts of 1791)

- An act to open a main road and change the old road that was formerly the division line between Dorchester and Caroline counties (Chap. 19, Acts of 1792)

When a road was designed to benefit primarily one or two individuals, often mill owners, they were made responsible for the expenses of construction and damages to landowners. Examples of titles included:

- An act for laying out a road from Philip Shoal's mill in Baltimore County to the main road from Frederick Town to Baltimore, between Mansells and Hoods tavern in Anne Arundel County (Chap. 11, Acts of 1782)
- An act to open a road from Venable's Mills on Barren Creek to Dean's Landing on the Nanticoke River (Chap. 13, Acts of 1791)
- An act to lay out and open a road to and from the mill of Benjamin Lawrence and Elias Dorsey on the western fork of Patapsco Falls (Chap. 18, Acts of 1792)

Almost all of these road specific laws appointed three to five commissioners to handle the process of getting the highway laid out and constructed. Even for the roads benefiting more than one or two individuals, the applicants who filed the petition with the General Assembly often were charged with supplying the needed funding. Frequently, the legislation required the petitioners to formally subscribe to pay their share and authorized the commissioner designated as treasurer to collect the funds, through court action if necessary. Approximately one-fourth of the laws provided for funding through the imposition of special road taxes. After the roads were constructed, the county courts were expected to maintain them with the system of overseers and compulsory labor, except as changed by the few laws specific to a county.

Turnpike legislation began in 1787 with Chap. 23, applicable only to Baltimore County. The roads to be built possessed two of the three usual characteristics of a turnpike: improvement of the road beds

and establishment of toll gates. Construction and subsequent management was entrusted not to a private company but to officials appointed by the county court. The 1787 law was amended ten times within fourteen years. The expansion of turnpikes beyond Baltimore County did not occur until after 1794, mostly in the early 19th century.

Sources for this article include "Highway Legislation in Maryland, and Its Influence on the Economic Development of the State," by St. George Leakin Sioussat, in Report on the Highways of Maryland (MdHR 789518, E14948) and the laws themselves as extracted from the Archives of Maryland Online. Future articles will deal with individual counties, legislation pertaining to them, and records pertaining to roads available at the Archives.

The Archivists' Bulldog

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Roads in Baltimore County, 1765-1794

by Pat Melville

Information about roads in Baltimore County for the years 1765-1794 can be found in the laws of the General Assembly, available through *Archives of Maryland Online*, and through the administrative proceedings of the Baltimore County Court as found in (Minutes) in series C386.

Baltimore County was the first local jurisdiction authorized to levy taxes for road maintenance and to establish turnpikes. Ch. 24 of the Acts of 1766 substituted the employment of hired labor in place of the compulsory attendance of taxable inhabitants required by the existing law. In addition, the overseers appointed to maintain roads were provided with a salary on a per diem basis. The county justices were given the power to impose taxes to fund these maintenance expenses.

The county courts also acted on petitions to lay out private roads and to establish, alter, and close public roads. Responsibility for the latter activities began to shift in Baltimore County in 1787 with legisla-

tion (Ch. 23) for a system of turnpikes. The preamble outlined the somewhat lofty purposes of the law:

Whereas the public roads leading from Baltimore-town to the western parts of this state, by means of the great number of wagons, that use the same, are rendered almost impassable during the winter season, and the ordinary method of repairing the said roads is not only insufficient, but exceedingly burthensome; and the establishment of several turnpike roads in the said county would greatly reduce the price of land-carriage of produce and merchandise, and raise the value of the land in the said county, and considerably increase the commerce of the state

The roads to be built possessed two of the three usual characteristics of a turnpike: improvement of the road beds and establishment of toll gates. Construction and subsequent management was entrusted not to a private company, but to public officials. The legislation authorized five turnpikes and specified the general routes, each to be 66' wide - Baltimore toward Frederick, Baltimore to Reisterstown, Reisterstown to Winchester Town, Reisterstown towards Hanover, and Baltimore towards York. The law even directed the order of completion with the road to Reisterstown first and then the road towards York for eighteen miles, the road towards Frederick as far as the county line, and the rest of the road towards York.

Three or five commissioners were appointed for each turnpike to examine, survey, lay out, and mark the road bed. The oversight body consisted of commissioners of review, specifically Otho Holland Williams, Charles Ridgely of William, Benjamin Nicholson, James Gittings, and Daniel Bowley. The turnpike commissioners filed their surveys, remarks, and observations with the review body for examination. That body could confirm, correct, or alter the returns and then have three certificates and plats made-one for the county clerk, one for the commissioners of Baltimore Town, and one for the turnpike commissioners to construct the road. These survey records and the files of the various commissioners

have not been located and probably are no longer extant.

Funding for the turnpikes came from taxes levied to pay for damages to landowners and from tolls, supplemented by taxes, to pay for construction. The review commissioners were authorized to borrow against anticipated toll collections.

Within three years, the General Assembly began to expand the duties of the review commissioners by giving them oversight over the establishment and construction of other roads authorized by law. Such roads were the subject of six pieces of legislation between 1782 and 1789, and seven between 1790 and 1793.

Many of the laws dealt with public roads sought by one or only a few individuals who were made responsible for the expenses of construction and for damages to landowners. Roads to be laid out included the following:

- from Philip Shoal's mill in Baltimore County to the main road from Frederick Town to Baltimore Town, at a point between Mansell's and Hood's taverns in Anne Arundel County (Ch. 11, Acts of 1782)
- from William Matthew's mill in Baltimore County to intersect a main road (Ch. 11, Acts of 1783)
- from Nicholas Randall's mill on the main falls of the Patapsco to the road between Ellicotts lower mill to Baltimore Town at or near John Pierpoint's smith shop (Ch. 53, Acts of 1784)
- from Samuel Owing's bridge in the Garrison Forest to Nicholas Carrol's grist mill to Chestnut Ridge to intersect the road at the plantation formerly possess by Peter Bond (Ch. 29, Acts of 1790)
- three roads from the mills of Elisha Tyson, William Jessop, Charles Jessop, John Ellicott, and George Leggett on Jones Falls (Ch. 30, Acts of 1791)
- from Shoal's mill, now owned by John Hood, to intersect the turnpike from Baltimore through Libertytown at or below

Benjamin Bennetts' plantation (Ch. 36, Acts of 1792)

- from Benjamin Bennett's plantation on the turnpike road from Libertytown to Baltimore to Lawrence and Dorsey's newly erected mills on Patapsco falls (Ch. 13, Acts of 1793)
- from Francis Snowden's mill to the great falls of the Patapsco at or near Solomon Allen's mill and from Snowden's mill to intersect the old road from Baltimore to Libertytown (Ch. 25, Acts of 1793)

Common to these laws was the appointment of commissioners to lay out the roads and ascertain damages to landowners. Some required the recording of the plat by the county clerk [none have been found]. Beginning in 1791 disputes over the damages awarded by the commissioners were assigned to juries called by the sheriff or a constable.

Other laws pertaining to particular roads encompassed larger areas, often extending into neighboring counties. All made use of commissioners names in the legislation to carry the act into effect, including the determination of damages to landowners. Most provided for the recording of descriptions and plats with the county clerk [only one list of courses was found].

An act to straighten the post road from Havre de Grace to Baltimore in 1787 (Ch. 29) designated commissioners from both Baltimore and Harford counties, who were directed to clear, stone, and grub the road, construct bridges and causeways, make trenches and ditches, and set up mile stones. They could contract with someone to build a bridge over the great falls of the Gunpowder and to erect a gate or turnpike for the collection of tolls. They could fund the road and bridge work and pay damages through private subscription, lottery, or loans against the collection of the tolls. The tolls would cease after the loans were paid off.

An act (Ch. 2, Acts of 1789) to open a wagon road from or near Christian Bower's mill on Big Pipe Creek to go by Ox Moor's mill on Patapsco Falls and then to intersect the "great public road" from Westminster to Baltimore provided for expenses and

damages to be paid by subscription from the petitioners. The commissioner designated as treasurer was authorized to collect the funds, through court action if necessary. A jury summoned by a constable would decide disputes about damage awards.

Financed also by subscription was the road from the great falls of the Gunpowder at Merridiths Ford to intersect the main road from Baltimore to York at Burcks old field (Ch. 21, Acts of 1789). The courses, but not the plat, for the road, which was 5.0375 miles long, were recorded in the court minutes for August 1791.

In 1790, a law was enacted (Ch. 32) to amend eighteen principal market and post roads in Baltimore, Cecil, Montgomery, Frederick, and Washington counties. The roads ranged from the Delaware line west to Williamsport and to Nicholsons Gap on the Pennsylvania line. The only one located in Baltimore County went from Baltimore westward of Randallstown and by the lands of Nicholas Dorsey and William Buchanan in the Barrens and to the Frederick County line near Philemon Barnes' plantation. This legislation marked the beginning of assigning oversight to the review commissioners of Baltimore County established by the turnpike law of 1787. Additional responsibilities included the authority to appoint one or more supervisors to handle the actual construction of the road and to pay expenses from the turnpike funds.

Another measure passed in 1788 (Ch. 26) to improve travel involved a floating bridge across the Patapsco River at Hammonds Ferry to be constructed by William Hammond, the keeper of the ferry. By using his own funds for construction, he was authorized to collect tolls for twenty years. The structure could not obstruct or impede the passage of vessels on the river. The same law declared the road from Hammonds Ferry to the Baltimore Iron Works a public facility.

[The next article will focus on information contained in (Minutes)].

The Archivists' *Bulldog*

Vol. 18 No. 1, January 15, 2004

Roads in Baltimore County, 1765-1794, Part II

by Pat Melville

The previous article dealt with information gleaned from laws passed by the General Assembly. This one concerns the actions of the Baltimore County Court as reflected in administrative proceedings recorded in (Minutes) in series C386.

As before 1765, the county justices continued to handle petitions for private roads, route alterations, and new public roads and to appoint overseers and designate the roads assigned to them. Much of the road development activity took place outside the court system through legislation, especially after 1787 with the establishment of turnpikes, that appointed commissioners to handle planning and construction.

Most petitions for private roads, i.e. easements to public roads, were granted routinely. In September 1788, John Deale asked for a private road through the land of Richard Richards to intersect the road going through the plantation of Jonathan Hudson and that led to the public road from Baltimore to Hanover Town. The record included the surveyor's description of the road, but not a plat.

In August 1791, Charles Ridgely petitioned for a private road between his forge and his mills and furnace. He had been traveling through the lands of Vincent Trapnell, William Worthington, Henry Howard, and Joseph Sutton to Old Court House Road. The landowners closed the road, alleging that it is was an unauthorized facility. The court granted the petition and ordered the surveyor to lay out the road through the lands of same landowners.

Sometimes, the issues concerning a private easement resulted in formal hearings. In April 1789, John Cornelius described his grist mill that had been erected over 30 years ago and rebuilt on Gwinns Falls. Until obstructed two years previously, a road from the mill to Pipe Creek Road near Hooks Town existed for use by his customers. Now Cornelius wanted the road restored. The favorable court order

was caveated by Thomas Jones. Depositions were taken and a hearing was held in September 1790. The details of the dispute were not recorded, but it was resolved by Cornelius' agreement to pay damages to Jones.

Most petitions for new or altered roads resulted in court orders to individuals to view the route, make recommendations to the court or return a certificate and plat, and ascertain damages to landowners. The recorded information seldom contained the reports and usually included the descriptions of the route, but not the plats.

In November 1772, William Lyon and William Buchanan wanted to change the route of the public road leading through their land, a tract called North Carolina. The justices ordered the applicants to clear the road at their expense and to leave the old one open until completion of the work. At the same court term inhabitants of Deer Creek petitioned for a road from the "Great Road" between Ashmeads to Ashmores Mill to go through the lands of William Morgan and Ignatius Wheeler, Jr. to intersect the road from the Chapple to Deer Creek by Samuel Webb's tan yard. Inhabitants of Fells Point requested a road from Rutters Hill south to Fells Point to intersect any convenient street.

An application in August 1777 from inhabitants in the fork of the Gunpowder River to open a road from great falls of the river to the provincial line contained details about the proposed route: to begin at the public road at Traceys level, where the old road turned off, then along the west side of Robert Cummings' enclosure to Tego Tracey's old field, then along the east side of Tracey's enclosure along a ridge to Bennett Hurst's plantation, then through his land across the great falls near where a bridle road went over the Barrens to Daniel McComas' plantation where William Jones lived, and then through the plantations of John Shields and Thomas Cole to intersect the road from Western Run to Absalom Barney's.

In March 1792, Joshua Simmons wanted to straighten the portion of a road that went through his land. The road began at Benjamin Rogers' plantation in the Barrens. Simmons claimed that the road

prevented water from reaching his fields and cut off a valuable corner of his land. He suggested a route from the end of Thomas Cole's land to the upper side of a small field behind the school house on Simmons' land, then to Abraham Cole's land and along his boundary line to the existing road. The court appointed commissioners to lay off the route.

By 1768, the county justices were appointing thirty-three overseers to maintain the public roads. The court assigned specific areas to each overseer, and between 1772 and 1786 listed the annual allocation for each area. In 1772, fifty-one overseers were appointed, and in 1776, after the formation of Harford County, thirty-eight. By 1791, the number had risen to fifty-five. Descriptions of areas given individual overseers included the following:

- from Philpots Bridge to Fells Point
- from Josias Slade's to Benjamin Rogers' mill and from there to Ezekiel Towson's
- from Winters Run by Morris Baker's to Onions Iron Works
- from Baltimore Town to the Garrison Church
- from Armstrong's to Monktons Mill, from Daniel Shaw's to the main road to the Chapel, from the road above Bacon Smith's shop to Coxes Ford on the Great Falls of the Gunpowder to the main road from Wheelers Mill to Charles Gorsuch's
- from Ely Dorsey's plantation to the Frederick County line

One overseer was assigned several specific roads and other general, geographically distant, areas, and correspondingly the largest appropriation. His area of responsibility encompassed:

- all public streets east of Jones Falls
- road from the Lower Bridge by John Deaver's brick kiln to Herring Run
- road from the Upper Bridge to the road by Benjamin Rogers meadow
- road from Fells Point to Philpotts Bridge to Baltimore Town West Hundred
- all streets in Baltimore Town West Hundred

- all streets in Westminster
- road from Baltimore Town to Ferry Point
- road from Baltimore Town to Carrolls Bridge and Welch's forge road from Rutters Hill to Fells Point

The most detailed description of an overseer's area appeared in June 1777: from the Little Falls where Bond's stave road begins, then through the lands of Samuel Young and Charles Baker, Sr. to the Fork Road, from there to cross the road near a field of George Thornton, then through his land and that of Charles Wells that has been commonly used for five years to James Bosley's land, then through a valley of Bosley's land and near his fence to the house of Mr. Tredway, from there with the road now commonly used to Thomas Lucas' mill, then with the mill road and from the mill to the land of Capt. Charles Ridgely, then with his fence to the dwelling house of Henry Hendon, then with the old road to the Great Falls, then with a road that intersects the road below Peter Miles' at White Oak Swamp.

Any research about roads in Baltimore County should involve both the minutes of the court and laws enacted by the General Assembly because each dealt with different routes. The court tended to handle private easements and shorter roadways, and the legislature the larger and more complex networks.

Record Storage in the Baltimore County Courthouse by Pat Melville

In 1768, the county seat of Baltimore County was moved from Joppa to Baltimore City. Problems were encountered during the move into the new courthouse, as evidenced by an entry in the (Minutes) in series C386 for August 1768. The clerk informed the justices that the courthouse was not secure because the lower door needed a lock and windows lacked shutters and glass. In addition, Gerald Hopkins, a cabinetmaker, had constructed only one of the five authorized cases for the storage of books and papers. As a result many records remained in the trunks used to move the materials from the courthouse in Joppa.

The court designated two justices to contract for window shutters, bars, and glazing, for a good lock, and for storage cases. For fire prevention the court ordered the closing of the chimney fire places.

The Archivists' *Bulldog*

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Roads in Western Maryland, 1765-1794

by Pat Melville

An overview of laws passed during this period can be found in a previous *Bulldog* article: "The increase in legislation enacted by the General Assembly came in response to the growth in population, a divergence in the transportation needs of the different sections of the state, and the demands for improved and shortened roads. As settlements moved westward the need for roads to transport crops to major markets, such as Baltimore City and Georgetown, became greater. This factor alone resulted in the passage of numerous laws applicable to the northern counties from Baltimore County westward and to the central counties of Anne Arundel and Montgomery."

Concerns with transportation westward from Baltimore County were evidenced before the Revolution and resumed with greater vigor afterwards. In a law (Ch. 26) dealing with bills of credit in 1773, the General Assembly appropriated funds for the cutting and clearing of a wagon road from Fort Cumberland to the nearest waterway, navigable by a bateau, on the western side of Allegany Mountain. Supervisors were appointed to execute the act; they included well known men in the area - Thomas Johnson, Jr., Henry Griffith, Charles Beatty, Thomas Sprigg Wootton, Joseph Sprigg, Thomas Price, and Jonathan Hagar.

The preamble to Ch. 21, Acts of 1774, summarized the general purposes of providing good transportation routes to Western Maryland. "Whereas an Improvement of the Principal Market Roads in the said Counties [Anne Arundel, Baltimore, and Frederick] will render the Intercourse and Carriage between the Parts of this Province distant from Navigation, and

the Places from whence the Produce of those Parts are and may be most conveniently exported, much easier and cheaper, whereby Trade will be increased and the Settlement, Cultivation, and Improvement of Lands will be encouraged and promoted.” The proprietor was authorized to loan money to the counties for the opening, straightening, and repairing of specific routes, including one from the mouth of Conococheague Creek to Frederick Town crossing South Mountain at Turners Gap and another from Hagerstown to the west side of South Mountain.

Road laws after the Revolution increased in number and in detail. An act (Ch. 41) passed in 1782 provided for a road from Hagerstown through Charltons Gap in South Mountain to the road between Frederick Town and Yorktown, PA. Two sets of commissioners were appointed, one for each side of the mountain. They were directed to lay out the routes and call on the county road overseers to gather residents to clear the roadways. The citizens received payment in the form of exemption from militia muster duty equal to the number of days devoted to road work. The commissioners were authorized also to ascertain damages to landowners, to be paid by the county justices through taxes.

The same procedures, minus the exemption from military duty, were adopted in 1786 (Ch. 30) to straighten the road between Hagerstown and the Potomac River at the mouth of Conococheague Creek.

A law (Ch. 19) enacted in 1790 contained slightly different provisions for getting a road built. Several citizens had petitioned the General Assembly for a road from Swearingens ferry on the Potomac River to the iron works and mills at the mouth of Antietam Creek and then to the main road to Frederick in order to transport farm produce to market. Commissioners were designated to lay off and open the road and to determine damages to landowners. The petitioners were required to pay all expenses through legally binding subscriptions.

A lack of uniformity and standardization meant that each piece of legislation had to specify the process for the accomplishment of the tasks and the means of meeting expenses. Another 1790 act (Ch. 32) to

straighten and repair roads in several counties outlined one procedure for Cecil, Frederick, Montgomery, and Washington counties and another for Baltimore County. The latter is described in another *Bulldog* article. The law listed eighteen routes and, except for Baltimore County, appointed commissioners for each one, who were directed to lay out, survey, and mark the roads. They were required to file the plats and descriptions with the county justices who could approve the returns or specify changes. Then the justices would appoint a supervisor to superintend and contract for the building of the road. Expenses would be funded through annual county taxes.

At the next session in 1791 (Ch. 82) the General Assembly revised the list of roads. The additions demonstrated the movement of settlements further west in the state with the following roads being designated - Hancock along the old road to Sideling Hill, Hancock to Cumberland, Cumberland to the Turkey Foot Road on the Pennsylvania line, and Knipton's mill on George's Creek to the road at Savage River.

Continuing with the theme to open “a better communication with the western country”, the legislature authorized the straightening of a road from Cumberland to one at Winding Ridge that came out of Uniontown, PA. The procedures were identical to those in Ch. 19, Acts of 1790.

Legislation between 1765 and 1794 demonstrate the increasing settlement of Western Maryland and its importance to the rest of the state. Road activity at the local level should reflect the same factors. A future article will examine information derivable from the minutes of the judges of the county courts in Western Maryland. In all counties the justices functioned as the county government until 1794.

The Archivists' *Bulldog*

Vol. 18 No. 7, July 15, 2004

Roads in Frederick County, 1765-1794

by Pat Melville

To quote from the roads article in the previous *Bulldog*: "Legislation between 1765 and 1794 demonstrate the increasing settlement of Western Maryland and its importance to the rest of the state. Road activity at the local level should reflect the same factors. A future article will examine information derivable from the minutes of the judges of the county courts in Western Maryland. In all counties the justices functioned as the county government until 1794."

The effort to examine evidence of local activity regarding roads in Western Maryland was stymied by the lack of available court minutes for Washington and Allegany counties, an area that until 1776 was part of Frederick County. Also created out of Frederick County were Montgomery County in 1776 and part of Carroll County in 1837.

(Minutes) of the Frederick County Court housed at the State Archives include records for the years 1765, 1769-1779, 1781, 1783-1784, 1786, 1788, and 1793-1794. A sampling of the records revealed no direct correlation with the legislation being passed in Annapolis, but did show the efforts to manage the road programs over which the county justices held jurisdiction.

Most petitions from county residents concerned the building of new roads and the changing of routes. Those deemed worthy of consideration were assigned to two or three justices to examine in detail and report to the full court. In June 1769 the court issued such orders regarding roads from Antietam Furnace to Antietam Forge, from Halderman's plantation through Charltons Gap, and from Westminster Town to William Buchanan's mill.

In August 1783 Benjamin Mackall and Thomas Beatty requested a change in the route of a road through land lately purchased as confiscated British property. In November, the justices reported favorably on a route through Lots 75 and 79 of Monocacy

Manor.

During the next year James Johnson & Co. requested a road from its ore banks purchased from John Trammell through his land to the Potomac River or public roads in accordance with articles of agreement among the parties. Later inhabitants of Carroll Manor asked for closure of a road from the mouth of Tuskarora Creek on the Potomac River to the main road between Frederick Town and the mouth of the Monocacy River. References to subsequent reports were not located.

Annually in November, the court designated the public roads in the county, grouped them into areas, and appointed an overseer to maintain the roadways in each area. The number of roads grew fairly steadily, expanding from 89 areas in 1769 to 102 in 1775. The number dropped to 50 when Montgomery and Washington counties were formed. By 1783 the number of areas had expanded to 65.

If roads were not maintained, overseers could be charged with neglect. In 1773 the grand jury presented William Hawker for failure to keep clear the road from Bennetts Branch to Seneca Creek. In 1774 Thomas Cresap provided information on neglect of duties by the overseer of the "Great Road in Conolaway Hundred."

Occasionally the county court considered requests to convert private roads to public facilities. In 1784 the justices declared public the road from John Davidson's plantation to John Stoner's mill to the west side of the Monocacy River at Stoners Ford and from Stoners Ford to the PA line. Two years later Ludwick Kemp petitioned to make public the road from near the magazine to his mill. The route in the past had been a public road but inadvertently left off the annual list and discontinued. The justices made all three roads public.

The court also dealt with the construction and maintenance of bridges, but in a manner designed to acquire the necessary skills. The court contracted with individuals to build bridges and to maintain them. In 1769 Simon Nicholls agreed to keep in repair the bridge he had built over Rock Creek near Charles Jones. Seven years later he made a similar

contract for a bridge over Rock Creek.

Sometimes the court appropriated specific funds for bridge projects. In 1784 funds were levied for repairing or rebuilding the Israels Creek Bridge at James Beatty's, building a bridge over Big Pipe Creek at Col. Bruces mill, and completing the bridge over Town Creek between the lots of Balsh Heck and Jacob Miller. At other times the justices switched priorities. In 1783 money for the repair of three town bridges [presumably in Frederick Town] was diverted towards repair of the jail.

The Archivists' *Bulldog*

Vol. 18 No. 9, September 15, 2004

Roads in Montgomery County, 1777-1794

by Pat Melville

Montgomery County was formed in 1777 from Frederick County. An examination of the minutes of the county court, found in (Minutes) in series C1134 and dating from 1779, shows a low level of activity regarding roads. Just as telling is the low number of road laws passed by the General Assembly. Much of the interest in roads during this time period centered in the areas between Western Maryland and Baltimore City in order to facilitate the transportation of agricultural products and other goods. Although Georgetown remained an important port, the transportation concerns were focused on the Potomac River, rather than on land routes except for those terminating at the river. Most of the entries in the court minutes consist of the annual list of road areas and appointments of road overseers who were responsible for maintenance. The number of road areas changed very little, ranging from thirty-eight to forty-two. The following examples of road descriptions illustrate their usefulness, or lack thereof, for locating routes, identifying local features, and placing individuals.

- From the house where the courts are held to Rock Creek Bridge near James Smith's former plantation, from the courthouse to a bridge on Rock Creek near William Beckwith's plantation, from Rock Creek Church to George Town Road, and from

- the fork of the road below Rock Creek Church to the Rock Creek bridge below James Beall's;
- From the fork of the road near Brock Macbees to the county line above Little Bennetts Creek;
- From the east side of Jacobs Bridge to the Sugarland road leading from O'Neill and Deakens Mill on Seneca Creek;
- From the Mill Branch to George Robertson's bridge and from William Beckwith's plantation to Dents Mill;
- From the bridge on Rock Creek to the crossroads going by W. Carroll's plantation and from Thomas Williams' mill to the Watery Branch near where Thomas Roby formerly lived;
- From Green's bridge to the fork of the road commonly called Buceys Road near Joshua Dorsey's quarter;
- From Captain Johns Meeting House to the plantation of Zachariah Macubbin;
- From the fork of the road below Seneca to the fork of the road above Richard Thomas' quarter;
- From the bridge near George Snell's to the fork of the road below Richard Thomas' from there across Hawlings River to the road near Green's Bridge;
- From Rock Creek near Benjamin Rickett's to George Robertson's bridge and from William Beckwith's plantation to Williams' Mill;
- From Captain John's Run, to include the bridge and causeway near James Moore's to the courthouse;
- From Muddy Branch to Benjamin Edwards's from above Thomas Pack's plantation and by the south side of the Quince Orchard hill to the old road through Abraham Holland's plantation and with the old road to a road through Abraham Holland's lane and with that lane to Zachariah Maccubbin's mill;
- From Conrad Myers's Ferry on Potomac River to the road commonly called Wilcoxens Road to the road from Benjamin

Edwards to the mouth of the Monocacy River.

The other references to roads in the minutes may be sparse, but do correlate to two pieces of legislation relating to Montgomery County. In November 1791 the justices considered straightening of specific roads authorized by Ch. 32, Acts of 1790. They approved parts of the routes, and deferred the rest until the court term. Funds were allocated for the road from Georgetown to Captain John Bridge and from Georgetown to the courthouse. In March 1793 the court appointed commissioners to lay out two roads from Conrad Myers' ferry on the Potomac River, as designated by Ch. 53, Acts of 1791.

Also in March 1793, the justices directed the surveyor to lay out a road from the plantation of Thomas Plater through the land of John Rawlings to the public road at Logg Town.

Only one other piece of legislation dealt with Montgomery County roads. In 1792 several individuals petitioned the General Assembly for a road from the Frederick County line to the mills of Thomas Morton and Zachariah Maccubbin and then to the main road that went to Georgetown. Through Ch. 26 the court was authorized to construct the road and the petitioners were made responsible for paying damages to land owners.

The Archivists' *Bulldog*

Vol. 18 No. 10, October 15, 2004

Roads in Anne Arundel County, 1765-1794

by Pat Melville

Information about roads and bridges in Anne Arundel County for 1765-1794 can be gleaned from laws passed by the General Assembly and minutes of the court found in (Judgment Record) in series C91. The legislation, mostly affecting the part of the county that became Howard County, clearly reflects the heavy emphasis on transportation concerns between Baltimore and areas toward the west and the need for good roads to and from mills.

The first law specific to Anne Arundel County was

enacted in 1774 (Ch. 21) and provided loans for the opening, straightening, and repairing of roads between Annapolis and Baltimore and Frederick. Actual accomplishments were probably minimal in the face of upcoming conflicts with Great Britain. Some road legislation resulted from petitions filed by individuals. The laws named commissioners to lay out the route and ascertain damages to landowners. The petitioners were often made responsible for paying part of the costs, usually the damages, on the theory that the petitioners would benefit from the resulting laws. Examples include the following.

- Ch. 14, Acts of 1783: road from Dr. Ephraim Howard's tilting forge to the upper parts of Elk Ridge to intersect the main road to Elk Ridge Landing, going by William Hobb's dwelling plantation. Howard was the petitioner.
- Ch. 53, Acts of 1784: road from the mill seat of Nicholas Randall on the main falls of the Patapsco River. The route was to begin at or near Isaac Harlin's along the road leading to Ellicott's upper mill and then by Randall's mill to the road between Ellicott's lower mill and Baltimore at or near John Pierpoint's blacksmith shop. Randall was the petitioner.
- Ch. 37, Acts of 1792: two roads from the grist and fulling mills of Joshua Askew on the main falls of the Patapsco River, one to begin at David Cumming's new buildings on the main road by Ellicott's upper mills and the other to begin on the same road 2 miles west of Ellicott's upper mills. Askew was the petitioner.

Petitioners escaped personal expenses when roads were deemed beneficial to the general public. Then money was raised through subscriptions or taxes. A 1787 law (Ch. 2), with a stated purpose of transportation of produce to market, prescribed roads from Snells Bridge and Greens Bridge over the Patuxent River to the bridge over Patapsco Falls near Ellicott's lower mills. Subscriptions by individuals were identified as the source of funds for construction and payment of damages. The commissioners appointed

to lay out the route were also authorized to enforce subscription payments by court action.

By Ch. 53, Acts of 1791 the court was directed to allocate taxes for the expenses involved in laying out a road from the turnpike in Baltimore County to intersect the road from Frederick Town at the county line near William Hobb's. The appointed commissioners were authorized to award contracts for construction, and supervisors were allowed to accept labor in lieu of road taxes.

Heavily used private roads were eligible to become public facilities, if widely beneficial for transportation. Such a law was enacted in 1792 (Ch. 35). "...from time immemorial there hath been a road leading from Baltimore-town to the town of Frederick by Dillon's Field, Ellicott's upper mills, Cumming's new buildings, Fox's, the Red House tavern, Cook's tavern, and the Poplar spring...." Repair expenses were to be paid by petitioners or by those who benefited the most. The criteria for deciding who benefited was not outlined.

Entries about road matters in the Anne Arundel County court minutes were sparse in comparison to the earlier colonial period. The judges annually appointed overseers for maintenance, but the clerk did not record any itemized lists of public roads.

Bridges were a frequent subject of concern before the court. In 1767 Henry Hall contracted to build a bridge over the Patuxent River at the landing just below Jeremiah Crabb's at Queen Ann Town and to maintain it for ten years. The court paid John Ellicott & Co. in 1772 for maintenance of Ellicott's Bridge over the great falls of the Patapsco River, and Ely Dorsey in 1773 for maintaining Push Pin Bridge over the Patuxent River. In 1783 Joseph Leek, Jr. agreed to build Greens Bridge over the Patuxent River.

The Archivists' *Bulldog*

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Roads in Charles County, 1765-1794

by Pat Melville

Lying outside the area of extensive commercial ac-

tivity and transportation concerns, Southern Maryland received little attention from the General Assembly during the time period under consideration. In fact, the one law pertaining specifically to this part of the state concerned the public road from Port Tobacco to Leonardtown. The portion between Allens Fresh and Piles Creek in Charles County had become "almost impassable because of hilly and broken grounds." The legislation authorized the county court to appoint commissioners to repair the road, ascertain damages to landowners, and levy taxes to pay costs.

The court minutes for 1765-1780, found in Charles County Court (Court Record) in series C658, contain some notations about roads, mostly petitions to establish new routes or amend existing ones.

One petitioner was George Washington who had acquired a farm on the Virginia side of the Potomac River, south of Mount Vernon, in 1769. With the farm came ferry boats and ferry rights associated with Poseys Landing, across from the landing at Marshall Hall in Charles County. In August 1771 and again in March 1772 Washington asked the court to make public the road from Port Tobacco to W. Marshall's land opposite Poseys Ferry and to appoint an overseer to maintain it. The justices agreed to review the matter, but the resulting report, if ever completed, did not appear in the records.

In order to more easily transport tobacco to a warehouse for inspection, residents of Durham Parish in November 1771 requested a road from the plantation of William Elgin by the lands of Humphrey Posey, Sr. and James Murdock to intersect the road from Wards Run to Chickamuxon Warehouse or by the plantation of Clement Kennedy near Stretchsmock Hill on which Ignatius Maddox lived. The court ordered an examination and report.

At the same court term James Craik described his lack of an outlet from his plantation due to a fence erected by John Quade. The justices issued the usual order for viewing and reporting.

Forced Move from Annapolis to Hagerstown

by Pat Melville

In March 1786, a curious entry appeared in Frederick County Court (Minutes) in series C831. William Hook, “a poor infirm person,” had been sent to Frederick Town by the Anne Arundel County justices with a request that he be sent to Washington County where he could claim a residence, entitling him to public support. The Frederick County Court ordered the county trustees of the poor to transport him to Hagerstown along with the Anne Arundel County order, “if it has not been lost or misplaced.” A search of the Anne Arundel County Court minutes found no entry about Hook, and the Archives does not possess the minutes for Washington County. Perhaps Hook was originally a resident of Washington County, and the Anne Arundel County justices did not feel obligated to provide public support for a nonresident.

The Archivists’ *Bulldog*

Vol. 19 No. 1, January 18, 2005

Washington County Court Minutes

by Pat Melville

A previous *Bulldog* article referred to the minutes of the Washington County Court as unavailable at the Archives. That turned out to be an erroneous statement. The court clerk did maintain the minutes, but within the docket books, records that have been transferred to the Archives as series T3063, covering the years 1778-1900. To accurately reflect content, the series title has been changed to (Docket and Minutes).

The earliest volumes, 1778-1779, do contain only docket entries, with no minutes. A gap exists for the years 1780 through December 1792. From that latter date minutes are found in the dockets, either as separate booklets or transcribed in the volumes at the beginning of each court term.

Some elements of the court minutes remain consistent through 1900. Each daily entry mentions the date and names of court personnel present. The record for each court term contains names of jurors; names

of witnesses before the grand jury; presentments from the grand jury; notes about cases regarding charges, verdicts, judgments, and decisions; admissions of attorneys; appointments of ferry keepers; and naturalization documents.

A review of grand jury presentments reveals a repetition of criminal charges: assault and battery, assault with intent to kill, theft of such items as clothing, poultry, flour, meat, ax, money, penknife, wheat, clover seed, horses, and coal, keeping a disorderly house, selling liquor or merchandise without a license, selling liquor on Sunday, bastardy, murder, gambling.

Other criminal actions appear infrequently or are limited to specific time periods, such as laws dealing with slaves and free blacks: neglect of duty by road overseers, obstruction of a public road, cutting down a bounded tree that served as a boundary marker for a tract of land, selling a slave out of state, selling liquor to slaves, illegal entry of free blacks into the state

Entries that appear only in the earlier minutes include appointments of constables and road overseers, guardianships and apprenticeships of minors, issuances of licenses, road petitions, and list of roads. In December 1792, the justices appointed overseers for roads that were grouped into 24 areas. Examples of road descriptions:

- From Ringgold’s quarter to Booth’s Bridge
- From Wolgamot’s mill to Col. Davis’ late place of abode
- From Swearingen’s Ferry through Sharpsburgh to Orendorff’s mill
- From Orendorff’s mill to Gorman’s on the mountain
- From Hagar’s Ferry to Mackey’s mill
- From Col. Stult’s bridge to the Nine Mile Tree on top of the mountain
- From Jacques’ Furnace to leave the old road at the mouth of the hollow below the furnace, then up the hollow to join the old road again, then with the old road to the ford on Conococheague near Henry Ashes

The road petitions involved mostly private routes, such as the request from Daniel Hughes for a roadway between Antietam Forge and Funks Mill.

The Archivists' *Bulldog*

Vol. 19 No. 2, February 15, 2005

Slave Isaac Brown: Subject of Legal Maneuvering by Pat Melville

In the antebellum period of American history, legal issues concerning fugitive slaves came to the forefront with increasing frequency. The case of Isaac Brown provides evidence of this conflict, and reveals the sometimes strained relations between the neighboring states of Maryland and Pennsylvania. The incident begins with the shooting of his master and ends eighteen months later with a failed attempt to extradite him from Pennsylvania.

Isaac Brown was a slave of Alexander Somerville in Calvert County. On October 23, 1845, someone shot Somerville in the head, neck, and shoulders. His overseer heard the shots, but did not see anyone. Somerville told his overseer to check whether Isaac Brown was at home. The overseer failed to comply, but Brown was arrested anyway and charged with attempted murder.

The *Maryland Republican* reported: "The circumstances, as related to use, are very strong, and will, no doubt, be sufficient to convict him." Brown himself, in an affidavit given 18 months later, claimed to be innocent of the charges. At the time of the incident he said he was present on the plantation that he managed for Somerville and the was located three miles from his master's residence. Upon hearing about the shooting, "he got out his horse to go to the residence ... for the purpose of seeing him." Shortly thereafter he was arrested and placed in jail.

There is no way to review court records concerning Brown's trial, if one was held, because of the courthouse fire in Prince Frederick in 1882. None of the sources reviewed for this article provided direct evidence of such a trial.

In his affidavit, Brown described whippings inflicted on two occasions, one hundred lashes each time, during the thirty-three days he spent in the Calvert County jail. Then he was sold to Samuel Y. Harris, a slave trader who immediately turned him over to Hope H. Slatter. In a Pennsylvania court, Thomas C. Wilson testified that he worked for Slatter who

owned a slave yard in Baltimore and bought slaves to sell in the South.

In mid-December 1845, Brown was shipped to New Orleans on the *Victorine*. The manifest lists his age as 30. He was sold to a plantation owner in Louisiana, but was residing in Philadelphia by the next spring. Presumably he had run away. At some point, his wife and nine children joined him in Philadelphia.

Maryland officials became aware of Brown's presence in Philadelphia through a letter he wrote to someone in Calvert County. On April 26, 1847, Governor Thomas G. Pratt issued a requisition to the governor of Pennsylvania for the apprehension of Brown on the attempted murder charge and delivery of him to agent John Zell. Through a warrant issued by the mayor, Brown was arrested around May 1. His attorneys filed for and were given a writ of habeas corpus by Judge Parsons. By May 4, the day of the hearing, the judge had received his copy of the precept from Governor Shunk for an arrest warrant. The judge ruled that the "command of the Governor" took precedence and dismissed the habeas corpus.

Judge Parsons ordered a hearing for May 5 to prove the identity of the prisoner. Harris and Wilson, the two slave traders, provided this testimony. Brown's attorneys objected to the narrowness of the hearing and requested an opportunity to present arguments on the merits of the whole proceeding, including habeas corpus. One counsel declared that Brown could not be a fugitive from justice, having been sent out of the state of Maryland against his will and that the assault charge was a ruse to evade a recently passed Pennsylvania law on kidnapping.

During a two-day recess, Governor Shunk asked Judge Parsons to suspend proceedings until he obtained an opinion from the Attorney General. On the basis of that opinion saying the evidence submitted by Maryland was insufficient, the governor on May 21 revoked his precept. But, at the same time, he sent a second precept to issue an arrest warrant because Governor Pratt had issued another requisition on May 11 accompanied by a bill of indictment. Since the man in question was still in jail, the judge de-

clared it unnecessary to issue a new warrant and set a hearing for May 24.

In the meantime, Brown's attorneys went before the Pennsylvania Supreme Court and on May 22 obtained a rarely used writ *de homine replegiando*, which freed a person from jail upon giving security to remain available to answer charges. As a result Brown was released from jail.

Judge Parsons did not learn about the release until the 24th. He accused the jailer of allowing Brown to escape and even, after seeing a copy of the writ, ordered him to post bail to appear at a later date to answer the charge. The judge declared the Supreme Court had no right to order the discharge of a prisoner held under a warrant from his court.

Isaac Brown did not remain in Philadelphia to see the result of all this legal maneuvering. He and his family fled to Canada.

The case of Isaac Brown received considerable publicity in both Maryland and Pennsylvania. The *Baltimore Sun* published several articles in May 1847, based mostly on coverage by the *Philadelphia Ledger*. Abolitionists in Philadelphia produced a pamphlet entitled "Case of the Slave Isaac Brown: An Outrage Exposed." Governor Pratt included the incident in his last annual message to the General Assembly in December 1847.

Sources:

- *Maryland Republican*, Nov. 1, 1845, SC3655
- *Baltimore Sun*, May 5, 1847 - May 26, 1847, State Law Library
- Library of Congress, American Memory, Slaves and the Courts, 1740-1860, Case of the Slave Isaac Brown
- General Assembly (Public Documents) A, Annual Message of the Executive, December Session 1847, 812036
- Governor (Proceedings) April 26, 1847, S1072-3 [Special thanks to Millington Lockwood for his research assistance.]

Excerpts from Case of the Slave Isaac Brown

"The time fixed by the laws of Maryland for holding the Courts in Calvert County, is the second Monday in May, and *the second Monday in October in each year*. It would seem, then, that the Court was actually in session in Prince Frederick, when Isaac Brown was taken from the jail of that town to Slatter's yard in Baltimore! He was in jail upon *legal process* and could only be taken from it by legal process, *issuing from the Court then in session....*"

"Every reader must therefore see, from the law and the facts here presented, that Isaac Brown, whether guilty or not, was *actually punished in 1845, under the laws of Maryland*, for the alleged assault and battery upon Somerville! He was both *lashed and banished* "by transportation and *sale into*" *the State of Louisiana, and Somerville was paid for him, "as directed by law.*" And yet a grand jury of Calvert County, twenty months after the alleged commission of the crime, and eighteen months after Isaac Brown was punished for it, finds a bill of indictment against him, and lends itself to this outrage of Somerville and his confederates, to trick the Governor of Pennsylvania, evade our laws, insult our people, and kidnap the man!

"Had Brown been arrested and detained as a fugitive slave, according to the laws of the land, perhaps the circumstance would have created no unusual excitement. But his master lives in Louisiana—the kidnapers from Maryland had no title to him, and the only chance they had to secure their prey and *swindle his owner* was by means of the fraud that has been exposed. Their purpose was defeated by the writ *de homine replegiando*, and *a citizen of Pennsylvania* is held to bail *as a criminal*, by a *Pennsylvania Judge*, for not disregarding the process of the Supreme Court of our Commonwealth!"

The Archivists' *Bulldog*

Vol. 19 No. 3, March 17, 2005

Roads in Prince George's County, 1765-1794

by Pat Melville

At a time when the General Assembly was increasing its involvement in the construction and maintenance of roads in the state, only one law pertained directly to Prince George's County, mostly because the county lay outside the principal commerce routes to the west and north. The legislation, Chap. 28 of the Acts of 1789, authorized the county court to levy taxes for the construction of a bridge over the Eastern Branch of the Potomac River near Bladensburg where the post road to Georgetown passed by.

Even the minutes of the county court, found in (Court Record) in series C1191 and (Judgment Record) in series C1231 contain little information about roads except for the annual appointment of overseers for sections of each hundred. Most activity, especially after the Revolution, concerned bridges.

In March 1771, several residents petitioned for the replacement of two bridges over Piscataway Creek, which had been washed away. Six months later citizens of Bladensburg wanted a replacement for the bridge over Eastern Branch of the Potomac River, destroyed during an ice jam the previous winter. James Sprigg and Richard Duckett were appointed to supervise the project. Construction did not begin until 1773 when Benjamin Beall contracted for the work. The specifications called for a length of 130' and a width of 12'.

At the August 1776 court term, Jeremiah Moore was awarded a contract to build a bridge over the Northwest Branch of the Eastern Branch of the Potomac River at the plantation of his father, George Moore, below the existing bridge. The estimated cost was 20,000 lbs. of tobacco.

After the Revolution more time and material was available to devote to bridge building. In March 1784 three bridges were authorized - over Piscataway Creek, Cabben Branch, and Matapony Branch. Two years later commissioners were appointed to contract for bridges over the Patuxent River at Governors Bridge and Queen Anne and over the Western

Branch near Addison Murdock's.

Several inhabitants of the county filed a petition in 1788 for bridges to facilitate commerce, in which was stated "That much of the exportable produce that formerly came to Bladensburg ... now goes elsewhere owing to the want of a good bridge on the great road to Frederick Town and to Baltimore over the Southwest Branch by Moore's and over Paint Branch at the Baltimore Road: We therefore hope for the good of the County of which you are the guardians in order to keep up our ability to pay taxes by increasing the value of property instead of allowing it to sink, your Worships will restore to us the benefits we used to have of good bridges...." The court ordered the awarding of contracts to build the two bridges and to dispose of the old one at the Southwest Branch.

The few petitions concerning roads usually involved the relocation of existing routes. In 1771 Daniel Clarke and James Alder requested and obtained permission to relocate roads passing through their plantations. In August 1774 the justices appointed a committee to examine and report on a proposed change on a two-mile stretch of road between Deep Branch Bridge and the land of James Hunt. Five years later John Read Magruder wanted to reroute the part of the road from Upper Marlboro to the Eastern Branch Ferry that when went through his plantation.

Other Items in the Prince George's County Court Minutes

In November 1772, Capt. Christopher Lowndes brought two young girls, Catherine Grant, age 12, and Rachel Grant, age 10, to have the court handle their indentures. They and their parents had sailed from Scotland on Lowndes' vessel, and by agreement with the captain the girls would become indentured servants upon their arrival in Maryland. Because both parents died during passage, the agreement could not be executed without permission of the justices who were authorized to handle matters concerning orphans. The court ordered the girls apprenticed to Lowndes until each reached the age of 21.

Notation from the minutes for June 1786: "No Grand Jury for this session for the reason that the town of Upper Marlboro is overrun with Smallpox."

The Archivists' *Bulldog*

Vol. 19 No. 6, June 17, 2005

Roads in Cecil County, 1765-1794

by Pat Melville

Despite the number of road specific laws enacted by the General Assembly during the years between 1765 and 1794, none pertained to Cecil County. The two laws that were passed dealt with roads in the county in a more general manner. The 1791 act (Chap. 66) authorized the Cecil County Court to straighten and amend public roads through the use of commissioners. The justices appointed the commissioners annually and assigned each one to a section of the county. Their initial assignment required each commissioner to lay out, survey, mark, and bound the roads within his area in as straight a manner as possible. Plats and descriptions were to be returned to the county court and recorded by the clerk. These would serve as the records of public roads. The commissioners also assumed responsibility for any resulting road work which could be accomplished through contracts with other individuals. In addition, the court could appoint supervisors to direct and contract for the road work.

The court (Minutes) in series C635 contain few entries about the implementation of these procedures. The court in August 1792 did establish rates of pay for the road commissioners, surveyors, chain bearers, and axe men, and appointed Thomas Wallace one of the commissioners.

Apparently the new system did not work as well as planned. In November 1792 the court ordered the plats to be returned to the county for recording so that the road maintenance could be well managed. During the 1793 legislative session, the 1791 act was repealed and a "more effectual method" put in place to lay out new roads and amend them.

Chap. 72, Acts of 1793, eliminated the road commissioners and returned to a reliance on road supervisors. Upon a petition from inhabitants for a new road or to straighten or amend an old one, the justices could appoint three persons to view, survey,

and plot the route and make a return to the court which could accept, reject, or alter the plan. Then the three men would mark and bound the road and direct the supervisor(s) to clear or improve the road. In addition, the justices would determine damages, with disputes to be decided by a jury. The duties of the road supervisors included the authority to hire laborers, horses, carts, and wagons and to purchase wood and timber. They were required to give notice of road work so local laborers could seek the jobs.

Other information, although sketchy, about roads in Cecil County can be garnered from the court minutes. Most of the entries concern private roads. In August 1786 James Warum filed such a petition. He kept a public ferry on the North East River across from Charles Town, reachable by an existing private road that went through the land of William Lynch. Because he was threatening to block access, Warum wanted the court to officially lay out the route on the basis of the law providing for roads to public places. The county surveyor was ordered to lay out the road.

Either nothing occurred or a new petition for the same road or a different one was filed, because in October 1792 the court ordered the surveyor to lay out a private road requested by a James Waram [sic]. The records contained insufficient details to reach any conclusion.

In August 1786 Dr. Michael Wallace requested the examination of a new road. At his own expense Dr. Wallace had rerouted the part of Nottingham Road going through his land because it was crooked and prone to flooding. After the ordered review, the court approved the closing of the old road and accepted the new route.

Two months later Robert Evans sought a private road, of less than one mile, from his fishery on the Susquehanna River to the "great road" from Octoran to Rock Run to follow an existing route. The justices granted his request.

More instances of existing roads being officially recognized as private roads to public places occurred in November 1792. One was described as a road from

“Red Letter A to Red Letter B on the plat.” Without the referenced document, the description alone cannot lead to a location. However, the names of the landowners offer some clues. Henry Gribben agreed to maintain the road and to pay Richard Heath and Joseph Thomas compensation for the use of their property. The second road intersected the public road from Back Creek to Head of Elk. In this instance Richard Bouldin was ordered to compensate John Richardson and Harman Alexander. The other land owners relinquished their rights to damages.

In a statement of the obvious the justices in August 1792 ordered “that the road from the Delaware line to the river Susquehannah be first begun and compleated.”

Excerpts from the *Calvert Gazette*, June 17, 1905
[From the *Calvert Gazette* Collection, MSA SC 2965]

The newspaper was published in Prince Frederick, and in 1905 contained general news, local news, fictional writings, poetry, legal notices, and ads. The local news was organized by topic, such as “Personal Mention,” or by geographical area, such as “Items from Solomons.”

Recent college graduates were recognized. John P. Briscoe, Jr. received a medical degree from Georgetown University, and Elizabeth G. Gourley completed studies at St. Mary’s Seminary. Another personal notice concerned M. Elizabeth Talbott, a public school teacher at Lower Marlboro, who was spending the summer with her parents at the Wil- lows.

The obituary column contained two death notices. Carrie E. Bowen, wife of Weldon C. Bowen, died at the age of 39 of heart failure at her home in Bowensville. She was the daughter of the late Reverdy E. King and mother of seven children, the youngest being two months old. Bernard Stinnett, age 24, died of consumption at the Battle Creek home of his uncle James A. Gott. Also noted was the death of Emily Petherbridge, daughter of the late Dr. J.F. Petherbridge, who had lived near Smithville. Her brothers, Dr. Weems Petherbridge from St. Mary’s

County and W.F. Petherbridge of Anne Arundel County attended the funeral.

The launching of a passenger vessel was described at length. “A company of interested spectators were at Dare’s Tuesday afternoon to witness the launching of a little pleasure boat owned by Rev. Benjamin B. Lovett. In fact the gathering ... was at Prince Frederick where the trim little craft was constructed by the ingenuity of Mr. Wesley Shemwell.” It was moved to the Chesapeake Bay by wagon. “The vehicle was backed out into the deep water and as the boat was being pushed from its stationary position to become a moving object on the crests of the Chesapeake, Ethelbert, the little son of the minister, christened her by breaking a bottle of lacteal fluid obtained from a bovine herd over the bow and naming her ‘Nancy’ for his still younger sister. Rev. Mr. Lovett, Messrs. Wm. W. Duke, Arthur W. Dowell, Paul Cassard and Bert Force were the first passengers aboard.”

The news from Solomons included a burglary at the smoke house of William H. Crockett, from which were taken ten hams, two sides of bacon, and a box of Rumford’s yeast powder. Following this was an editorial comment: “Each store here has been visited by thieves at different times and it is time these depredations were stopped and the guilty ones made to suffer.”

Capt. Thomas Moore, Jr. and his son who had bought a cannery at Solomons from George W. Johnson were making repairs in order to be ready for the processing of corn, tomatoes, and blackberries.

The results of local baseball games were published. On a Saturday afternoon the Lower Marlboro boys defeated the Baden team by a score of 14 to 8. At the same time the Jewell team was victorious over the Friendship players with a score of 10 to 5.

Third District news items included a notice about the career of Morris Chaney, a student at the Maryland University College of Medicine and eldest son of Dr. T.M. Chaney. He “is now enjoying a cruise as an assistant to Surgeon Adkins, of the gunboat *Sylvia*, in the fleet under Admiral Dickens. After his return

upon the seventeenth he will enter the Maryland University Hospital where he has an appointment ... as resident student”

Even a visiting pigeon received a few inches of column space. “A carrier pigeon recently rested two days at one of our neighbors [in the Third District]. The little messenger carried two bands about its little limbs, one of brass and the other of silver. He seemed thoroughly fatigued. One of the ladies first saw him as he sat crouched under the eaves of the front portion of the house.... [W]hen she called him to lunch of wheat, meal and water he ate heartily.” After several more feedings, the pigeon departed to continue his journey.

The Archivists’ Bulldog

Vol. 19 No. 10, October 17, 2005

Roads in Kent County, 1765-1794

by Pat Melville

During a period of road expansion from Baltimore City northward and westward, little state legislation dealt with ground transportation on the Eastern Shore. Only three laws between 1765 and 1794 specifically pertained to roads in Kent County, all involving access to mills. A 1791 law (Ch. 23) authorized John Wilson of George to replace an unstable mill dam in a different location and lay out a road to the new site. Commissioners were appointed to survey and construct the route and to ascertain damages to land owners. No provision was made for the means to make these payments. Usually the petitioner was required to provide the funds.

Another 1791 law (Ch. 44) directed commissioners to determine the necessity for a road between New Market and Isaac Perkins’ mill, and, with a positive response, to survey and construct the route and to ascertain damages. In this case the county justices were given the task of deciding how to pay the affected landowners - by the petitioners, parties interested in the road, or taxation. The legislation specified the continuation of the existing road from March’s Lane to New Market.

Legislation enacted in 1793 (Ch. 41) dealt with roads to John Newel’s grist mill at the head of Still Pond Creek. Newell and other landowners along the roads hired Jeremiah Ford and Donaldson Yates to survey and redirect the existing private roads and to determine damages. Newel then petitioned the General Assembly to have the routes declared public and to have a jury decide the damages due the minor heirs of John Unick. Newel agreed to assume responsibility for paying funds due the landowners.

Kent County Court (Minutes) in series C1086 provide other information about road activity administered at the local level. Petitions filed with the court mostly pertained to route changes and the establishment or obstruction of private roadways. The latter transportation system was designed to give residents access to public roads and facilities such as mills, churches, courthouses, and wharfs. In addition, the court justices annually appointed overseers to maintain roads.

Most petitions for road changes came from landowners who wanted routes that were less disruptive to their fields. In 1779 Dr. John Scott requested movement of the present road to the head of his plantation Pentridge. The court agreed to let him make the alterations, under the supervision of two justices. In 1780 this road was included in the assignment to overseer William Kendall: “Your Roads are from Ambrose’s lane to a lane at the head of Doctor Scotts Land, called Pentridge, then through and down the present large road until it intersects the Old Main road leading down to Cackaway Neck; from thence to Charles Tilden’s Gate, and so on the large Main Road down to Cackaway point.”

Another indication of the importance of crops occurred in June 1789 when the court postponed the opening of part of a new road until the flax was harvested.

Benjamin Riley and John Greenwood in 1782 asked for an alteration to a road going through their lands. The change would cause the route to run alongside Riley’s cleared land and to intersect the main road between New Market and Perkins Mill two hundred

yards from the existing location. The justices granted the request and appointed two justices to review the work.

Abraham Falconer owned lots in Bridgetown and in 1783 wanted the road altered to run on the division line between his lots and those owned by the heirs of Thomas Gilpin. A court ordered review did not appear in later minutes, and Falconer withdrew the petition in 1786.

In 1785 the justices received a petition from thirty-six individuals for the closing of a road. They conceded that community interests could override private concerns. "They hope, however, that this Maxim will not be found to mitigate against the prayer, they are about to make to your Worships. They apprehend that the road from the said Simon Wilmer's Mill to the George Town Road, although a great burthen to them, is of little, if any, importance to the public. They therefore pray your Worships permission to stop the same up." The court granted the request.

The county justices seemed to doubt their authority to deal with obstructions in roadways. In 1785 James Ringgold, Jr., owner of Plains, described a long standing road from that tract to the main road from Chestertown to Fairley. Now John Burk, a tenant of Anthony Benning, was blocking the road, and Ringgold wanted it reopened. The court dismissed the petition saying it lacked the authority to take action. A year later Ringgold successfully got around the issue by applying for a private roadway.

In June 1786 John Thrift filed a similar petition. He owned an island in the mouth of Island Creek, and for many years had used a road through the land of William Frisby for access to public facilities. Now he was being prohibited from using the route. The justices postponed consideration to the October term. But before then Thrift filed another petition asking for a private way from his island to the main road between Downes Crossroads and Chestertown.

Many of the annual appointments of overseers included descriptions of the areas assigned to each individual, such as:

- From the head of Gray's Inn Creek to Joces Run, from Red Root Bridge to Langfords Bay Warehouse, from John Hurt's fence along the new road till it intersects Gresham's land, all the streets in Chestertown, from there to Wilmore Mill Race, from the Gallows to Still Pond Road along Ringgold's fence, from Club House Lane to the Free School;
- From William Fray's to where William Powell formerly lived, from Thomas Bowers' east gate to Deborah Powell's;
- From the Narrows at Eastern Neck to the head of Grays Inn Creek, from the crossroad at John Ringgold's to the wharf of Toveys Warehouse;
- From Carter's road to Col. Lloyd's plantation.

The court dealt with other matters related to transportation. Contracts were made with ferry keepers. In 1786 commissioners were appointed to meet with counterparts from Queen Anne's County to reach an agreement on the construction of a stone bridge over the Head of Chester. The Queen Anne's County officials failed to make the meeting, and no action was taken until two years later. In 1789 the justices levied funds for repairing the wharf and ferry stairs in Chestertown.

Excerpts from the *Salisbury Advertiser*, October 14, 1905[from the *Salisbury Advertiser* Collection, MSA SC3659]

Surprisingly, this edition of the *Salisbury Advertiser* contained few of the usual notices about personal events such as marriages, deaths, fires, and accidents. Instead, articles concentrated on news about businesses and the upcoming referendum on a state constitutional amendment.

A front page article discussed the increase in manufacturing in Salisbury, especially on Mill St. The W.A. Chew Concrete Works made water and air proof vaults for graves. Brittingham & Parsons was enlarging its grain mill which produced two grades of flour and several kinds of feed, including bran, meal, table hominy, and buckwheat. The F.C. Todd

Brick Plant manufactured concrete, ornamental, and face bricks.

Even Chapter 2 of the “History of Mardela” was business oriented. The area was initially named Boiling Springs and then changed to Barren Creek Springs. In 1894 Thomas Bacon, engaged in bottling water, combined the first syllables of Maryland and Delaware to come up with the name Mardela for the town. “The name Barren savors too much of unproductiveness, and this will not do for our fertile soil.” The writer was predicting that in ten to twelve years Mardela would become the second largest city on the Eastern Shore as it attracted manufacturing.

To be voted on in November 1905 was an amendment to the Maryland Constitution that added a literacy requirement to the right to vote. At the time of registration the potential voters would be required to read and explain the state constitution. Those unable to read would have the document read to them by the registration officer and then give an explanation.

A question and answer column portrayed the purpose of the amendment in very stark terms. It began with “Q. What are the issues involved in this campaign? A. There is only one issue—Negro Suffrage.” and ended with “Q. Who should favor the pending Amendment? A. Every man who believes a majority of the white people should control the State Government.”

Fortunately, the literacy amendment was rejected by the voters of the state by a vote of 104,286 to 70,227.

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Washington County Coroners Inquests by Pat Melville

Recently scanned and made available as pdf images through the *Guide to Government Records* section of the Archives web site is Washington County Circuit Court (Coroners Inquests), 1853-1939, in series CE396.

Prior to the establishment of the centralized state Department of Postmortem Examiners in 1939, locally appointed coroners, who were actually justices of the peace, investigated suspicious and violent deaths and those unattended by physicians. For each incident the coroner summoned a jury to take testimony, examine the evidence, and render a decision about cause of death and culpability of any individual. Sometimes physicians were hired to provide medical expertise.

The coroners filed the inquests with the clerk of the circuit court so the records could be used for any resulting criminal indictment or trial and so the investigating parties could be paid for their services. In many counties the inquest files are no longer extant. One exception is Washington County where the records seem to be fairly complete for the years 1853 to 1939. Even more unusual is the fact that the documents were actually recorded in the (Judgment Record) series, books that remain at the courthouse.

The inquest records can provide a variety of historical information, including patterns of accidental deaths, types of and changes in economic activities and modes of transportation, social and political commentaries, and genealogical data. Documents usually found in an inquest file consist of a description of the incident to be investigated, findings about the cause of death, date of death, and names of the decedent, coroner, jurors, physician if present, and witnesses. Occasionally a transcript of the testimony was prepared. In Washington County the records before 1870 and after 1930 tend to be rather cryptic, and those in-between tend to contain more detail about the incidents and causes of death.

Although no statistical analysis was conducted, it appears that a substantial number of accidental deaths resulted from drowning until the early 20th century and after that due to motorized vehicles. Most drowning deaths, often by falling overboard, occurred in the C & O Canal as long as it remained an important means of transportation. Other episodes resulted from trying to save livestock during a flood, backing a horse and wagon over the canal wall, and “labouring under insanity from intemperance.” In 1862 an unnamed man was tentatively identified as a federal soldier from a telegraphic unit.

Motorized transportation led to accidents involving trains, cars, motorcycles, trolleys, trucks, and buses. Incidents with trains span the entire time period and include collisions with other vehicles and pedestrians, derailments, and riders and workers falling off railroad cars. Head-on collisions of trains resulted in deaths in 1907, 1912, and 1913. In one case, the railroad company was faulted for its record keeping that should have shown where trains were traveling.

The increasing popularity of the automobile can be traced through the number of deaths caused by accidents. The first one was investigated in 1907 when a train hit a car. The first pedestrian death occurred in 1913. After that the number of incidents involving cars continued to grow, especially in the 1930s. Speed and reckless driving led one inquest jury to recommend a remedy, one still echoed today. In 1938 a man riding on a running board died as a result of striking his head on a pole when the driver swerved to avoid hitting a truck and another car. “We believe both cars were driven recklessly and were exceeding the speed limit and we recommend the suspension of the drivers Licenses of all parties concerned as a way of curbing future fatalities of this kind.”

Many deaths were caused by violence among individuals, some accidental and others deliberate. The coroner investigated deaths resulting from stab wounds, gun shots, assaults, and poisons. For some reason, perhaps the mountainous terrain, many people used stones as assault weapons. One intriguing incident involved a woman who shot her husband at the Antietam National Cemetery.

Especially sad were the jury findings that a mother was responsible for the death of a child, including an instance of putting a newborn in a dog house where the baby died of exposure. The jury declared the mother to be insane.

Several inquests of violent deaths were ruled to be suicides caused by gunshots, hangings, drownings, and poisons. In the 19th century most suicides were described as “voluntarily and feloniously” committed acts. In the rural areas of the county barn rafters were convenient for taking one’s life. How someone could use a dogwood sapling for a hanging does seem somewhat mysterious.

In addition to the train wrecks already mentioned, accidents in the workplace resulted in several deaths. Incidents included falls in a mill and furniture factory, blasting to remove rocks, boiler explosion, and electrocution. One man fell off a scaffold while working on a tower at Antietam Battlefield. Another died when a bridge over the Potomac River at Williamsport collapsed due to faulty construction.

Other types of deaths investigated by the coroner involved exposure and freezing in a pond, exposure and starvation, lightning, laudanum overdose, abortions, asphyxiation from a gas leak, burning near a still, alcoholism, and falls from such structures as a porch, bridge, hotel window, and abandoned chair factory.

Occasionally it was impossible to determine the cause of death, or even identify the individual. In addition, many deaths were adjudged as due to natural causes such as strokes, heart failure, apoplexy, and stillbirths. Frequently used was the phrase “by the visitation of God in a natural way.”

The Washington County inquests will not be a heavily used record series, but researchers seeking information available in the papers will find them helpful.