Crisis and Response: The Creation of Maryland's Militia, 1793-1794

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CRISIS AND RESPONSE:
THE CREATION OF MARYLAND'S MILITIA,
1793-1794

A Thesis
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The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree of
Master of Arts

By
John Kenneth Rowland
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APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of
Master of Arts

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ABSTRACT

The purpose of this study is to examine the events leading to the creation of a militia system in Maryland and to place its formation in the context of the diplomatic and military crises with France and Great Britain confronting the United States in 1793 and 1794.

The organization of voluntary military companies in the summer of 1793 and the passage of a general militia law that December are shown to have been expressions of Maryland public opinion in favor of neutrality and state defense. Local affairs and concerns, it is demonstrated, however, always took precedence over national objectives.

The formation of additional volunteer defensive units in 1794, before the militia law went into effect in June, is shown as another indication of self-interest as a reaction to the threat of war and invasion.

Often, however, Marylanders did not act even in their own public interest without the stimulus of pressure from external sources. The rejection of a militia bill in 1792—when crisis had not yet developed—and the failure of state officials to implement properly the militia act—after the crisis of 1794 had passed—are offered as final indications that apathy and provincialism were the dominant features of Maryland affairs during the mid-1790's.
CRISIS AND RESPONSE:
THE CREATION OF MARYLAND'S MILITIA,
1793-1794.
INTRODUCTION

During the early development of the United States as a nation, direct contact of individual citizens with their state governments was usually limited to the traditional forms of tax payments, voting, legal adjudications, and military service. In Maryland, no military service was required until 1794. There was no Indian frontier and no standing militia. Some citizens had formed volunteer companies since the end of the Revolution, but they had remained social clubs for old soldiers. In 1793, however, Maryland and Baltimore, its chief town, were stimulated into raising a number of active military units for self-defense when the neutrality of the state and nation was threatened by the illegal actions of French privateers. The reaction was strong and carried over into the legislature in November which was induced to approve a militia act it had rejected a year earlier during a more peaceful time.

Although the state, therefore, was technically prepared to put militiamen into uniform the act did not go into effect until midway through 1794 after a second crisis, with England, had come and gone. Volunteers were raised as in 1793. And local interests rather than national concerns again predominated. Public interest had been difficult to raise in 1792, but under the pressure of crisis, an interest
was created that lasted, however, only as long as the crisis did. During that time military pomp and political ambition were characteristic factors in the drive to complete militia organization. Apathy and provincialism were never fully eliminated, although individuals were occasionally able to influence public activity. Naval war and invasion of Maryland were the two threats most capable of arousing public opinion, and defense and safety were the goals most considered. Volunteer units reflected both the apathy and the energy of the people at different times by the degree of military discipline and enthusiasm maintained. Tangential emotions, such as anti-French sentiment in 1793, or English hatred in 1794, did not raise the crisis above the local level. National goals were hardly ever considered.

This essay is a case-study, first, of state reaction to the crises of 1793-94, with special emphasis on the role of militia units in Maryland where no military establishment existed until after the crises had ended; and, secondly, of the interest of citizens in state rather than national affairs.

The author wishes to express his appreciation to the librarians and archivists who assisted him during research; to Dr. Herbert Johnson for his numerous helpful suggestions and criticisms of the essay in its many different forms; and especially to those individuals whose encouragement and understanding brought it to completion.
CHAPTER ONE:

The French Crisis of 1793

On July 9, 1793, fifty-three ships arrived at Baltimore with 1500 terror-stricken white and Negro refugees from the horrors of the Negro insurrection in Haiti.\(^1\) Native slaves there had revolted against the old royal government after French democrats had promised their freedom. Although the citizens of Baltimore attempted to relieve the suffering of the exiles by quartering them in private homes and raising money, problems of overcrowding and the presence of such large numbers of Negroes during the hot summer months increased tension within the city. The incident—climaxing a series of occurrences—thus marked a turning point in Baltimore's reaction to the possibility of American involvement in France's war with England which had begun in February.

The actions of privateers commissioned since April by the French Minister Edmond Genet were threatening the neutral status of the United States. President Washington had declared American neutrality that same month, but the terms of the Franco-American commercial treaty of 1778 remained vague. Its articles denied enemies of France the right to outfit and increase the armaments of privateers visiting ports within the United States, but it did not specifically grant that right to France. Not until August 1793 was a workable policy for-
mulated by Washington and the cabinet which did nullify any French rights and clarified American neutral duties and responsibilities.²

Before the neutrality policy of August went into effect, confusion was widespread, and Baltimore feared the coming of war. The French privateer Citoyen Genet had brought two English prizes into the port on July 6th. A few days later news arrived of the escape from Philadelphia of the privateer Petit Democrat amid a storm of diplomatic protest and governmental indecision. Both occurrences heightened tensions that were later severely aggravated by the arrival of the French refugees and armed ships. Soon afterwards, the Citoyen Genet was detained by federal officials, and John Stricker, a prominent merchant in the town, formed a volunteer military company which he placed at the disposal of the governor for the enforcement of neutrality in Maryland. Because no federal troops were available, and because Maryland had no organized militia establishment, this unit represented the only military force which could be employed at that time. It also reflected the intensity of concern among some individuals in Baltimore for defense and their desire to help prevent war in Maryland.

Washed by the Atlantic and Chesapeake Bay, Maryland was highly vulnerable to attack from the sea. Deep, navigable rivers and creeks indent the two sections of the state for miles inland, leaving towns and countryside open to invasion. During the Revolution, British naval expeditions
MAP A: Maryland, 1793-1794
had patrolled the coast and had occasionally landed armed troops. The ease with which the British were later able to penetrate Maryland during the War of 1812 may be taken as an indication of the geographic dangers facing the state in 1793. Yet these dangers were both real and fancied. Late in April the French frigate *Embuscado* had captured two English merchantmen inside Delaware Bay, in American territorial waters, and had taken the prizes to Philadelphia. Despite the popularity of the incident among pro-French Philadelphians, the seizures disturbed many people, causing friction in Anglo-American diplomatic relations. War was too dangerous a possibility to ignore. And Maryland's fear of naval war and invasion, already established by her historical experience, was reinforced by the development of this and other events in the spring and summer of 1793.

A sense of uneasiness and apprehension enveloped the state during the year. The English Minister George Hammond had formally protested the ship captures in Delaware Bay and continued to question the actions of Genet's privateers. Although Washington had issued the neutrality proclamation on April 22d, and Maryland's Governor, Thomas Sim Lee, had supplemented it by "earnestly exhorting the good people of this state to observe the peaceable and impartial conduct recommended" by the President, problems of enforcing these decrees were readily apparent. Two privateers were operating off the Virginia Capes, capturing many English ships. One
privateer, it was rumored, was owned by a citizen of Cambridge, Maryland, in direct violation of the proclamations. If this were true, and if the privateers decided to sail up the Chesapeake, what defense could the citizens offer? If the French were bold enough to enter American waters in Delaware Bay, why not the Chesapeake as well? What if they decided to bombard Maryland towns and destroy the crops? Such actions had to be prevented, even if it meant war. These unreasoning fears gripped the town of Easton in May. John L. Bozman, Maryland's Deputy Attorney General, described his neighbors' preparations for a large-scale invasion (although only two privateers were within a day's sailing distance).

All Easton was in arms;--The huts vomited forth their glaring countenances of squalid filth;--The Clerks Offices poured forth their Quilldrivers; Every Thing in the Garret and every thing in the cellar, was out upon the Commons.

Yet however absurd this response was in the context of the actual development of events, it reflects the tendency of Marylanders to act when they were confronted by external pressures. Complacency was transformed into energetic action only when crises arose. Again and again during 1793 and 1794, crises played the role of stimulating public opinion and creating new methods of solving problems.

Public opinion among articulate Marylanders during the summer of 1793 increasingly favored enforcing the President's proclamation. The official view of the state government--represented by Governor Lee's message of May 4th--complemented the popular acceptance of neutrality which was
observed by Attorney General Edmund Randolph during his tour of the southern states. The Mechanical Society and a group of Baltimore merchants had declared their adherence to the proclamation by writing letters of support to President Washington. On the basis of such sentiment, both Randolph and Oliver Wolcott, Assistant Secretary of the Treasury, confidently predicted Maryland's loyalty to the federal policy decision. 

All Marylanders, of course, did not remain neutral. Many were sympathetic to the ideals of the French Revolution, even though the exposure of Genet's intrigues in August disappointed them. Earlier, Georgetown in the new Federal District, had enthusiastically welcomed Genet during his overland journey to Philadelphia. As noted above, also, at least one of the French privateers was probably owned by a citizen of Maryland and may have had Marylanders as crewmembers. In Baltimore, moreover, the Federal Collector, Otho H. Williams, wrote letters of introduction for both Genet and his consul there, one Citizen Moissonnier. Williams may have met Genet upon the latter's arrival at Charleston in April. In an case, Williams now sought unsuccessfully to commission John Stricker—who later formed the militia company mentioned above—to supply provisions for Genet's activities. It cannot be determined if Williams himself sympathized with the French because of their revolutionary ideas, because of the current crisis, or because he felt he owed them a debt for their participation in the American Revolution. He had been a
major general and had known many French officers. During the remainder of 1793, in any case, he continued to help Moissonnier, around whom a group of "French Patriots" organized in Baltimore. The club was composed of refugees from Haiti and perhaps some Marylanders. As late as January 1794, it was still active and invited Williams to a celebration of French military victories.10

In spite of these exceptions, however, Maryland opinion remained generally in favor of neutrality in order to avoid war. And it was the problem of privateers in Baltimore harbor which developed that sentiment into a more demonstrable anti-French reaction.

Privateers were frequent visitors to Baltimore in 1793. Many times, however, they were allowed to escape by the inexperience of state and federal officials and the lack of available military strength. Late in May, Governor Lee had requested instructions from the government concerning the status and disposition of the captured British merchantman Eunice. Secretary of War Henry Knox and Secretary of State Thomas Jefferson sent replies. Knox wrote that state militia could be used to suppress or detail illegally armed vessels or prizes or those privateers operating inside American territorial waters. Such a ship, Jefferson wrote, was reported in the vicinity of Baltimore and should be inspected for illegal armaments.11 This ship may have been the privateer Sans Culotte, which had been in port on May 31 and remained until the middle of June when it escaped without
opposition, The British armed ship Trusty also left the port without adequate inspection by the collector to determine if it had violated American treaty obligations and responsibilities. Williams was ill from old war wounds throughout 1793 and had delegated most of his duties to an assistant. In the uncertainty of this breakdown of normal bureaucratic procedure and the inability of state officials readily to assume the burden, much confusion existed which may never have arisen had the United States had more experience as a nation.¹² Federal lines of communication were not clearly established until the Attorney General was empowered to handle prize cases after the Supreme Court had refused to do so. Previously his office, the departments of state and war, and the Treasury had each sought to control affairs.¹³

The succession of events from May to early July, therefore, provides the background to the formation of the first unit of militia volunteers in Baltimore. The growing tensions were aggravated by the arrival of the privateer Citoyen Genet¹⁴ and the Haitian exiles in July. A week earlier on June 29th, John Stricker, whose actions are strong evidence of the trend in public opinion of the town, refused to have any business dealings with Genet in spite of the appeal from Collector Williams, an old friend.¹⁵ Anti-French sentiment grew greatly, upon news of the detention of the Citoyen Genet; the escape of the Petit Democrat from Philadelphia; pro-French agitation there over the illegally armed British merchant ship Jane; and the suspicious approach
of a French fleet to Philadelphia and New York. As a merchant, Stricker was informed of the developing crisis in Franco-American relations. On July 27th he advertised in a local newspaper for the organization of a voluntary defense company. The members met on the thirtieth, on August third and again on the seventh. Thus did a man of influence in Baltimore deny his support to the French Minister and move to active opposition to French influence in Maryland within the course of four months.

Although Maryland had no official militia system in 1793, several companies had had an intermittent existence since the end of the Revolution. In Baltimore, two units had been formed before Stricker's, but it is probable that they remained relatively unorganized and greatly understrength until after August. Until Stricker's company was organized, then, there was no military force in the town available for use in enforcing Maryland and American neutrality.

As the summer of 1793 wore on, the formation of volunteer units in Baltimore kept pace with increased difficulties concerning Genet's exploits and the illegal arming of privateers. Maryland sentiment for French revolutionary ideals had been changed to dislike for Genet and his intrigues. The impetus for the organization of several new companies in August, however, came from a number of specific incidents. First, part of the French West Indies fleet that had visited Baltimore arrived at New York on August 2d, causing alarm there among Federalists. Secondly, the French
warship *Embuscade* defeated the British ship *Boston* off the American coast near New York. The news and rumors of these actions which filtered southward became exaggerated and presented a frightful picture of the United States being forced into the Anglo-French war. The most important event, however, occurred in Baltimore itself.

John Kilty, Secretary of the Maryland Executive Council, had been ordered by Governor Lee to investigate the reported presence of two armed French vessels in Baltimore's crowded harbor. For two days in early August Kilty and the English consul, Edward Thornton, examined the ships there but found none fitting the description given by the Governor. During this investigation, Kilty had boarded the ship *Industrie*, part of the French fleet from Haiti. Because it was armed with twelve guns and appeared ready to sail at any time, Kilty returned on the evening of August 8th with the district marshal and "a few trusted gentlemen," and set an armed guard over it until its status could be determined. Although the crew returned later that night from a local tavern, they caused no trouble with the guards.

According to the French treaty of 1778 the *Industrie* was allowed to remain in port because it had been armed when it had arrived in July. Had any new armaments been purchased and mounted or any other military work done, the ship was liable to be seized by the American government under rules set forth by the treaty and the neutrality policy. The ship's captain, however, returned the next day, August 9th, became
enraged at the presence of the armed men, and presented papers purporting that no new guns had been purchased. Those which had recently been mounted had come from the cargo hold and had been on the ship at the time of her arrival. Kilty, therefore, unable to prove otherwise, removed the guard. Once the men were gone, the Industrie sailed out of Baltimore before further legal action could be taken.21

The incident seems to have provided the major impetus for the organization of new militia volunteer companies. Stricker had become suspicious of French activity in the town during July, had assisted in at least one investigation, and had requested a stock of muskets from the Governor. His men had received their guns on August 7th, and were probably the armed "gentlemen" Kilty had used the following night. No other volunteers were available. John Mackenheimer's infantry company, although formed originally in 1787, was unarmed until after it petitioned the governor for guns on August 15th, and Nicholas Moore's dragoons, the other company which had been raised before Stricker's, did not begin to meet actively until September 3rd.22 News of the Industrie spurred action. Three new units advertised for organizational meetings on August 9th, 12th, and 17th respectively. An artillery company from the Fell's Point district of Baltimore called for a meeting on August 23rd.23 Governor Lee issued arms to these units, later justifying his action by citing the "alarm" created in Baltimore by the presence of the French refugees and privateer crews and because of the need for a
military contingent to implement directives of the federal government. Thus, by the end of August, six of the units had been fully recruited and were available for use by the Governor.

Although four of the volunteer companies were raised as a direct response to the incident, their formation was also part of a wider reaction of Marylanders against Genet and French activities in America. On August 12th, Genet's secret attempts to influence American foreign policy were exposed in the public press. As early as July 22nd, however, groups of New England merchants and others had begun to condemn the French minister and support Washington's stand on neutrality. After letters of support had been submitted from citizen groups in other states, Dorchester and Talbot Counties on the Eastern Shore and Annapolis sent similar letters on August 19th and after. Other city and county groups passed resolutions of support but did not transmit them to the President. Thus, the creation of the militia units must be viewed not only as an independent reaction to a strictly local situation, but also as an element of more widespread Maryland opposition to Genet and potential involvement in a European war. At no time, however, was national defense need considered. The threat was to the state and especially to Baltimore because of its location on the Chesapeake Bay and its vulnerability to sea attack, and that threat alone seems to have motivated public action.
Almost as an escape from anti-French emotionalism, Baltimore soon became threatened by the yellow fever epidemic that had broken out in Philadelphia in August. Philadelphians by the hundred fled their city, and Marylanders sought to prevent their escape southward. In September volunteer militia and non-military town guards were called out to establish roadblocks. Chester, Easton, and Hagerstown committees drew up resolutions requiring the service of all able-bodied men. The task, however, was very difficult. The lack of a state militia system left the committees without any experience or precedents for organization and discipline. Town rules varied considerably, but the purpose of all was to provide guards at the town entrances to turn away travellers from the north. In Baltimore the volunteer companies filled the need. Detachments were posted north of town for about a month during September and early October. Units rotated daily and continued to practice the manual of arms and drill when not on duty. Although no new companies were formed during the fever scare, at least one petitioned the governor for arms.  

Throughout the fever crisis and into November, privateers continued to call at Baltimore. The Industrie and the Republic returned with English prizes which soon became entangled in admiralty cases. Although these proceedings received little public notice because of the fever crisis, diplomatic action was heavy. The Sans Culotte with the prize Maxwell led to an exchange of notes. The case of the Industrie and her prize, the Rochamorton, became especially irritating.
The presence of these privateers were a source of continuing vexation which affected American neutrality and kept interest alive in Maryland's defense. By December, however, enthusiasm began to wane and units suffered from absenteeism. Perhaps the strain of guarding roads and performing real military duties was too much for some of the gentlemen soldiers. Company rules forbidding changes in membership from unit to unit may be an indication of the attempt to maintain the appearance of military pomp without the accompanying duties.28

Public interest in Maryland's defense was revived in part by military parades and musters held during November and December. The six companies that formed the core of Baltimore's militia organization met regularly for exercise and drill. A general review was planned for December 1st. That day Baltimore awoke to the sound of drums, bugles, and marching feet. The drawing of the town lottery was even cancelled for the event.29 General Otho Williams, the Port Collector and Revolutionary War veteran, was appointed reviewing officer for the day. Afterwards he praised the militiamen highly, commenting upon their skill and expertise, their maneuvers and discipline. Their organization was the "epitome of a large army," its parts corresponding to the divisions of troops into artillery, cavalry, and light and heavy infantry regiments.30

The appearance of these men must have caused a great stir among the citizens of Baltimore. Uniforms and buttons, muskets and pistols, cannon and horses, precision marching
and drilling made an impressive sight that day. The enthusiasm of the spectators contributed manpower for the formation of five new companies. Two infantry units advertised for members soon after the review. And two companies of riflemen and another of infantry were formed around Christmas.  

It seems that the raising of new units was not simply a patriotic impulse stimulated by the excitement and military glamor of the review. The legislature was meeting in Annapolis, considering passage of a bill to organize a militia establishment in Maryland. As will be shown below, the review and perhaps all the activity during November when the legislative session opened was intended to influence the delegates in favor of passage. A similar bill had been rejected the year before, but now crisis and an aroused public opinion created pressure for legislative approval.

Although the diplomatic crisis had generally abated after Genet's recall as minister, the problems created during the summer of 1793 continued to vex the state and federal governments. The formation of militia units in Baltimore had been in direct reaction to the threat to neutrality and the possibility of war in Maryland, and the passage of a general militia law was the logical consequence.  

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CHAPTER TWO:
The Maryland Militia Act of 1793

The meeting of the Maryland legislature in November and December 1793 opened in an atmosphere of intense concern for the safety and defense of the state. The neutrality crisis had aroused public opinion and brought the nation close to war with France. Marylanders had reacted in a variety of ways, from holding town and county meetings and passing resolutions of support for American neutrality, to the formation of volunteer military companies. This response now carried into the legislature meeting at Annapolis. Just a year before a militia bill had been proposed which would have provided the framework for state defense had it passed, but it had been rejected, and Maryland remained practically defenseless during 1793. Another militia bill was thus presented in the 1793 session. In order to understand the act that finally passed, it is necessary to review the reasons why the 1792 bill was rejected before examining the immediate events leading to passage in 1793.

A bill to establish a militia organization in Maryland had been introduced in the Senate early in November 1792. Its provisions had conformed to the national militia
act of the previous May. Charles Carroll of Carrollton, a member of both the Maryland and U. S. Senates and a principal supporter of the bill, felt then that this version was actually an improvement over the federal counterpart. The national act called for a militia system consisting of all able-bodied, free, white, male citizens, eighteen to forty-five years old, each required to furnish his own uniform small arms, and equipment. The Maryland Senate bill of 1792, on the other hand, had granted many more exemptions from service than the few allowed by the federal government. This bill had also proposed to rotate the training of militiamen so that only a small number would have to serve at any one time.

Defects in the national militia act were glaring. William Vans Murray, one of Maryland's Eastern Shore Representatives at Philadelphia, had sought to amend it in November 1792, by proposing resolutions to delete the requirement that individuals supply their own weapons. His constituents had complained of the expense of the regulation and had requested him to seek revision. While the state legislature met at Annapolis, therefore, Murray had acted, but his resolutions had been rejected and the federal act remained unchanged.

The House of Delegates had also defeated the Senate's version of the militia bill. Amendments widened the categories of permanent exemptions, increased the rates of fines and penalties, but did not change the basic provisions for organizing, arming, or calling out the militia stipulated
by the federal act. Senate innovations of temporary exemptions, rotation training, and partial officer appointment, as explained below, however, had been eliminated. In effect, the House bill passed on December 11th, required the entire militia force—except those exempted—to exercise four times a year, with heavy fines for those absent, late, or improperly equipped. The full complement of officers was also to be appointed immediately although the organization of individual units would not be completed for some time. ¹

Senate reaction had been hostile to this action. Its message to the House of December 15th enumerated three important objections to the amended bill. ² First, "obliging the whole militia of the state to exercise four times in each year in times of peace," was a requirement that could easily be modified and still conform to federal legislation. Experience during the Revolution had shown that a few weeks of actual service was much more effective training than a few days muster annually. The federal act of May 8th had simply required militiamen to appear armed and equipped "when called out to exercises, or into service" without stipulating the number of men nor the frequency of musterdays.

The Senate secondly had objected to the rate of fines imposed by the House. Some were extremely heavy for the poorer members of the militia to pay, especially because of the federal regulation that each man furnish his own arms and equipment. Finally, the Senate had also felt it inexpedient to appoint the full quota of officers until the time when
the militia organization could be successfully completed. Maryland law forbade dual officeholding, and by such a mass appointment, "a proportion of men of talents and merit would be excluded from a seat in the legislature" without any corresponding advantages. Because of these objections, therefore, the Senate had proposed a conference to discuss changes in the two versions of the bill.

Among the Senate members of the conference committee, Charles Carroll was an important figure. Both he and John Henry had been members of the state and federal Senates in 1792. Although Carroll had delayed his departure for Philadelphia in order to fulfill his duties at Annapolis, each man kept the other informed of the progress of legislation in their respective bodies.

A day after the appointment of the conference committee, Carroll had set forth his own analysis of the conflicts arising from the differing versions of the militia bill. He believed that the House had sacrificed efficiency and effectiveness in the militia system, and that little hope remained for creating an adequate defense for the state. Rather than require thirty thousand men to muster four times a year, Carroll proposed that a five thousand man force be created, with no more than three hundred mustering at any one time. Such a large assemblage of men as the House proposed will be a very serious evil and felt as such when we come to experience the consequences which will inevitably arise from such large assemblages of men; and waste of time and drunkenness will be the least pernicious of these consequences.
Carroll believed that the federal act stipulated only that every qualified man was supposed to be enrolled, not that every individual had to be trained immediately.

The conference committee, however, had been unable to compromise. In a final attempt to influence the House, the Senate had submitted a number of amendments which would have returned the bill to its original form. These the House rejected, without explanation. Carroll and John E. Howard, a former governor of Maryland, had then been appointed to answer the Delegates' action. Their message presented two arguments: the expense of exercising so many men so often; and the legality of the Senate's exemption categories. 8

The Senate bill, Carroll and Howard had argued, 'overcame "the many evil consequences" of mustering the entire militia so frequently. By exempting certain occupation or age groups temporarily--rather than permanently--a smaller, better trained force could be created than by the provisions of the House bill. The exempted groups could be trained later and added to the men available for service some time in the future. Such a segmented arrangement would save over fifteen thousand pounds sterling annually which would be wasted under the House version. Further, there were probably only enough guns in the state for seven thousand men, more men than the Senate proposed to muster within the first three years.

No exigency, we apprehend, can suddenly arise, which would authorize the President of the United States to call on this
State for a greater number of militia than four thousand; yet, should such exigency unexpectedly happen, our amendments provide for it."

Besides, four days of annual exercise would "not give the militia even a tincture of military discipline." Training for the bulk would best come by actual field service.

The second major argument presented by Senators Carroll and Howard had concerned the temporary exemptions mentioned above and their legality under the federal law. The Delegates had argued that the Senate bill did not comply adequately with the national act. The Senators, on the other hand, contended that "a literal compliance" was not necessary. Individual states had been given wide discretionary power in implementing their own militia organizations and could extend the number and type of exemptions ad infinitum if they pleased. By proposing to exempt certain classes temporarily, the Senate believed "the principal design" of the federal act was fulfilled. The Constitution had given Congress the power to organize, arm, and discipline the militia, but reserved to the states power to appoint officers and provide for the actual training.

To assert the message continued that the States have not the power to exempt from militia duty for a time only (where not called into the service of the United States) a part of their militia, and to admit that they have the right expressly recognized by the Federal Constitution, to exercise the militia under the modifications just mentioned is such a contradiction as not to be reconciled in any other manner than by the construction we have put on the act of Congress, a
In spite of this final attempt to save the militia bill, the House had refused to compromise. When the session closed two days later on December 23rd, all hope for an organized state militia died for another year. Carroll lamented this situation to John Henry the same day. He believed "a rage to be Major-Generals, Brigadiers, Colonels, etc., etc.," had caused the House of Delegates to favor organizing the entire available manpower into the militia, appointing the full quota of officers, and mustering the whole force four times a year, regardless of the lack of efficiency and waste of money of such an undertaking. Such action appeared to him "unnecessary and mischievous." Yet, now the state was defenseless.

The militia bill of 1792 had aroused little interest in the press. Before the session had opened, only one letter had appeared, urging a public meeting at Hagerstown to discuss "the important questions of the Militia Law" and changes in the state constitution. On January first, at the close of the session, a Baltimore paper had suggested that whether the House or Senate version of the bill was finally passed, an effort had to be made beforehand to determine the number of men and officers to be organized, and an estimate of expenses and of the time and money that would be lost during the annual
By the time the legislature met again in November 1793, Maryland had been confronted by the threat of war. As seen in Chapter One, Genet's privateers had captured ships inside American territorial waters. They had armed themselves illegally in American ports. And those in Baltimore had excited public opinion considerably, leading to the formation of six volunteer military companies in August and September, and increasing the desire for militia defense greatly over what it had been in 1792.

On the day the legislature convened in Annapolis in November 1793, Captain John Stricker's Baltimore Independent Company held an impressive ceremony in Baltimore, receiving the company flags, parading, and exercising with their muskets. Throughout November the city's volunteer units met and practiced, not only to prepare for the general review in December, but also to impress the Delegates of their sincerity and interest in Maryland's defense.

Baltimore's Grand Review was held on December 1, 1793. A few days afterwards, General Otho Williams, the reviewing officer, wrote an open letter to the company commanders, expressing his hope that the Assembly of the State, now in Session, will not rise without passing a law to incorporate us, or to permit us so to incorporate ourselves as that a perfect organization of the Effective Men of the State may be completed in due time by the Executive.

Yet Williams sought more than incorporation. In a
long letter to his old friend and state senator, John E. Howard, Williams set forth his own ideas on creating and organizing the militia. From his military experience and his observations of the people of Maryland, he believed that an all-inclusive system such as that proposed by the House was not possible. Even a "Select Militia"—with wide categories of exemptions—would be very difficult and perhaps impractical be to be realized upon the principles of justice or equity, and consequently not easy to be reconciled to the feelings of the people.\footnote{15}

The only solution, therefore, was a Volunteer Militia, small and compact, capable of implementing legislation and providing a ready defense. Although the Governor and Council had the prerogative to appoint militia officers, Williams suggested that individual militiamen nominate or recommend the appointment of their own leaders, thus giving the militiamen more interest in the organization and a greater respect for orders and discipline.\footnote{16}

Interest in the militia bill also appeared in the form of newspaper editorials and letters from private citizens. On November 28th and 29th, the Baltimore Daily Intelligence printed a copy of the militia bill as presented in the legislature, with the comment,

we present it thus early to our readers and the public, that they may have full information on a subject in which every citizen is so much interested.

The following day a Mr. A. Nailor argued in print that calling out the entire militia so often would disrupt Maryland's
industries. The loss of time and the equipment necessary to outfit the men were just "so many indirect taxes on the manufactures of this country." Such a drain would weaken the state rather than strengthen it. 17

All the public and private agitation was successful. Maryland's militia bill became law on December 28, 1793, to go into effect on June 20, 1794. As finally enacted, it required obedience to the basic provisions of the federal law: enrollment of all free, able-bodied, white, male citizens, with each man to provide his own arms and equipment. Only religious ministers were exempted from service. In the original bill, there had been exemptions for the governor and council, all judges, the state treasurers, tobacco inspectors during harvest, teachers, and ferrymen. These were deleted before the bill passed. Militia officers were required to take an oath of allegiance to the state. Muster days for the entire militia were four times annually, in April, August, October, and November. Fines were quite heavy in some cases, especially for commissioned and non-commissioned officers, but the fine of sixty-six cents per day of muster missed by privates as proposed in 1792, was reduced to one cent per day. Conscientious objectors, although not required to attend musters, had to be enrolled and were eligible for service during emergencies. Substitutes were allowed to serve in place of anyone who did not wish to do so himself. Finally, Baltimore's volunteer companies were allowed to maintain their separate existence, with all rights and privileges
held before June 1794, but were also required to meet all regular militia responsibilities. Other volunteer units, such as those formed in Hagerstown and Annapolis, were officially dissolved.\textsuperscript{18}

In comparing the 1793 act with the House bill proposed in 1792, there had been few major changes. Provisions for four annual musters and immediate appointment of officers was retained. The schedule of fines, however, was reduced, particularly for private soldiers. Apparently the war crisis had made the Senate willing to compromise in order to provide defense for the state. The act now conformed almost literally to the national militia act, only expanding the federal list of exemptions.\textsuperscript{19}

The pressures created by the 1793 neutrality crisis had transformed legislative stalemate into active consideration of the problems of defense facing the state. The Senate had relented in its demand for a small, well-trained force in order to provide immediate protection and perhaps the framework for an effective organization some time in the future. Yet, because the threat of war had subsided after Genet's recall in August, the need for emergency implementation of the act was not apparent. The delay from January to June in 1794 was almost fatal. Crisis with England that spring brought the country much closer to war than had the crisis with France. Again, volunteer militia organizations performed the duties of a state militia.
CHAPTER THREE:

The English War Scare of 1794

War with Great Britain came perilously near during the winter of 1794. Diplomatic relations had been severely strained by repeated English depredations on American ships trading in the French West Indies. Seizure and condemnation of their cargoes in British admiralty courts and allegedly ruthless treatment of American sailors inflamed public opinion. Many people demanded war to avenge the national honor. Marylanders became more and more incensed as reports of the captures increased, especially after ships from Baltimore had been seized. Defense and patriotism seemed their only concern. Britain was the old adversary, and anger toward France was soon forgotten. As Congress heightened the legislative tempo of defensive and retaliatory economic measures during March and April, Marylanders acted as groups and as individuals to prepare the state for possible invasion. Military companies were raised and an old fort in Baltimore was rebuilt. Yet, at the height of public reaction, the federal government began negotiating for reconciliation with Britain. Maryland enthusiasm waned as the prospect of war decreased. By the time the state militia law went into effect in June, apathy and absenteeism had reasserted themselves.
delaying organization, and causing the state to be little better prepared for emergencies in July 1794 than it had been a year earlier. Yet, the continuing conflict in Europe, which had created the neutrality crisis of 1793, again had threatened to involve the United States as a belligerent.

War conditions and the extinction of French sea trade by the British navy created many opportunities for American and Maryland merchants. As carriers of French colonial produce, American shipping increased tremendously during 1793. So great was the volume of the commerce that England ordered the blockade of France on June 8th and began to seize all neutral American ships carrying corn, wheat, and meal to French ports. The United States protested early in September against this classification of foodstuffs as contraband, but because Britain was dominant on the seas, the outcry was ineffective. Instead of rescinding the order in council, the English ministry issued another on November 6th, prohibiting, in addition, all trade of neutrals with the French West Indies. This was a particularly severe blow. Over two hundred American ships were captured during December, and most were later condemned in British admiralty courts. The public, however, did not become aware of these actions until nearly two months later. Thus, not until February and March of 1794 did Congress and the nation begin to react.

Anglo-American relations had been uneasy throughout 1793. Many old diplomatic problems had remained unsolved.
First, because there were no treaty arrangements to regulate commerce between the two nations, American merchants lacked any of the privileges they had enjoyed before the Revolution. Goods were subject to all the fluctuations of the price system and received none of the special treatment accorded goods of other nations having treaties with England. Second, English troops still occupied forts in the Ohio River valley, within the boundaries of the United States, which were supposed to have been evacuated at the end of the Revolution. Third, English ships were arming illegally in American ports. As noted in Chapter One, the armed merchantman Trusty had been in Baltimore, but had escaped without adequate inspection by the port collector. Finally, the Royal navy no longer protected American ships from attacks by the Barbary pirates. As news of the French blockade reached them, therefore, Americans became angry, their Anglophobia increasing as anti-French sentiment died in the last months of 1793.

James Madison, a leading Virginia Republican representative, had long advocated economic discriminations against Great Britain. The "Commercial Propositions" he had advocated in 1791 and 1792 had sought to limit trade with England until a trade treaty could be negotiated and until the other problems were settled. On January 2, 1794, he reintroduced them in the House of Representatives as a series of resolutions, which merchants and most other Federalists opposed for being too extreme. Samuel Smith,
one of Maryland's representatives and a merchant from Baltimore, objected strongly to any action which might damage existing trade. No matter how disadvantageous in the short run, commercial relations could not be jeopardized. England was America's most important customer, and Federalists believed America's ultimate defense against foreign intervention was a strong economy based on extensive and established trade. An English treaty was highly desirable, but not at the risk of destroying the entire commercial structure and bringing the United States to bankruptcy.

When news of the English spoliations in the West Indies reached America in March, Congressmen and many private citizens became excited and perplexed. Madison's resolutions --rather radical measures during the calm of January--were quickly tabled for still more forceful legislation. A naval bill was passed and provisions were made for the fortification of American ports and harbors. Theodore Sedgwick, a staunch New England Federalist, presented a series of resolutions in the House which would prepare the nation for war in case negotiation failed. Although his later bill for a wartime army of fifteen thousand regular troops was rejected, a resolution requesting the states to prepare eighty thousand militiamen for immediate service was approved. Arsenals were created for manufacture and storage of war materiel, and the President was empowered to impose an embargo on American foreign shipping. Federalists did not want war, but they were willing to prepare for it if no other solution was possible.
Federal implementation of this defense legislation produced interesting results in Maryland. Port Collector Otho H. Williams continued to play the same significant role in Baltimore affairs that he had in 1793. Decrying the inadequate defenses of the port and the lack of an organized militia to enforce whatever "coercive measures" Congress might take, Williams warned Governor Lee that Baltimore's volunteers were only a temporary expedient. Some more effective official action had to be taken by the state government to ensure the safety of Maryland. Representative Smith in Philadelphia kept Williams informed of the progress and nature of bills being considered and often expressed his opinion of their possible effect on the state. Both he and Williams, for example, favored the appointment of John Stricker as port defense engineer and the improvement of fortifications around the harbor. On March 20th, an act was signed by the President which did authorize the completion of military works in the major seaports. Baltimore, and Alexandria, and Norfolk in Virginia, were organized into a district, and heavy cannon, ammunition, and supplies were apportioned to it.

The national embargo on shipping, proclaimed on March 27th, gave Baltimore's volunteer companies the opportunity to participate in federal defense activity. As a power "incidental to an embargo," President Washington had requested state governors to use militia to enforce the ban on foreign trade. Accompanying this request, the resolution for eighty
thousand militiamen was passed. These men were to be used if military force was necessary to prevent ships from sailing, as well as to provide a strategic manpower reserve in case of war. Governor Lee later informed Williams officially that the state was unprepared to carry out this request, that Williams could, therefore, not be considered as commander of the militia, and that he would have to continued to depend on the volunteers. Because the Treasury Department's revenue cutter did not return to Baltimore until March 29th, therefore, David Stodder's artillery company volunteered to serve, and Williams used them as port guards for two days.

War fever in Baltimore grew rapidly in late March and early April when the full consequences of the November order in council began to be felt. Captain Joshua Barney, a Revolutionary War naval hero from Maryland, had lost his ship to privateers off Jamaica in December, and had been arrested on charges of piracy and armed assault on English sailors. During an earlier voyage to the French West Indies, Barney's ship had also been seized and a prize crew put on board. Barney and another American had overcome these men and returned his ship to Baltimore. There, Edward Thornton, the British Vice Consul, had summarily forced the release of the prisoners. Barney was popular in Maryland, and as news of the 1794 captures increased and the wave of Anglophobia grew stronger, Thronton feared for his safety. Rioting had occurred in Philadelphia in March and broke out in Baltimore early in April.
Barney's letters from prison in Jamaica inflamed public opinion still more. The very men the consul had set free had testified against Barney at his trial. Thornton fled the town on April 16th, to escape the wrath of Marylanders. During the month following this incident, everyone and everything British became suspect and dangerous. No Englishman felt safe within the town. 18

Five new volunteer companies organized themselves into the First Baltimore Battalion at this time. One, an artillery unit, had advertised for members the same day David Stodder's men had served as port guards. The other units were raised soon afterwards, perhaps both as a response to the Congressional resolution for eighty thousand men and as a desire to enforce the embargo, but mostly for the defense of Baltimore. 19 Because these companies were born in an atmosphere of violence and extreme hatred of England, many of their members may have been influenced to join by the emotional nature of April's occurrences. Barney's letters had been highly effective in inciting public action, and may have also stimulated the desire among these men for a more potent means of expressing their commitment to Baltimore and the United States.

The extent to which the threat of war affected the population of Maryland is also shown by the number of newspaper articles and letters discussing militia organization and state defense. 20 Some noted the militia practices of other states. For instance, in describing Massachusetts,
one editor wrote

A well-organized and disciplined militia . . . has been long acknowledged the palladium of a free country. In that situation, the militia are equally ready to resist any encroachments on their rights as men, or extension of power, in their local government; and to protect their country from invasion and plunder, by extraneous armies.

Probably the most important letter which appeared was from an anonymous "REPUBLICAN CITIZEN," addressed "To the Militia of Maryland." Dated April 4th, it was reprinted from a Frederick newspaper in the Baltimore Maryland Journal at the end of the month. It urged the people to make defense their most important consideration, ignoring the arguments of "a number of old anti revolution men, and not a few new-comers" who sought to prevent any military measures from being adopted.

But as you value the safety of your country, and your freedom, you will reject their councils and watch their motions, under a conviction, which ought to be deeply impressed on your minds, that they will joyfully embrace the first favourable moment to feast on your ruin. Many of you will recollect how greatly we suffered during the last conflict with Britain, from the influence of men of this stamp.

The writer further examined the national militia resolution for eighty thousand men.

It appears [He wrote] that the eastern states are all in readiness to obey the summons, their militia having for some time past been completely armed and well trained.
But, he cautioned, this was not true for most of the middle and southern states. Maryland's militia law, for example, was so obviously inadequate that amendments to strengthen it would have to be made during the next legislative session. Until then volunteers had to be depended upon for state defense. Companies in Baltimore, Frederick, and Annapolis demonstrated what interested citizens could accomplish without governmental aid. In fact, because regular militia enrollments had not been completed on schedule, the militia would not be organized by June 20th, and the burden of defense had to remain on the volunteers and the few regular militiamen who could be raised under the militia act.22

Soon after the national embargo was extended until May 25th, Stricker's Independent Company planned a "State Parade." Postponed several times, it was finally held on May 3rd. Exercises were held and fireworks were set off from Federal Hill. The "young BALTIMOREAN SOLDIERS" under General "SENAS," a newspaper editor wrote, "met, agreeable to notice, to commemorate the late glorious successes of our republican allies."23 Such public displays were undoubtedly calculated to increase patriotism in Baltimore. Yet, the six new volunteer companies formed during May were organized without particular regard to this demonstration. The national detachment Act, to "detach" eighty thousand militiamen from normal state militia duties for one year and prepare them for service
at a moment's notice, was passed on May 9th. Two new units advertised for members on May 9th and 10th, perhaps because the act particularly allowed state quotas to be filled by volunteer companies. A patriotic impulse for the formation of companies on May 17th, 21st, and 22nd, may have been stimulated also by Joshua Barney's return to Baltimore on May 16th. In any case, by the end of May 1794, twenty volunteer companies were actively meeting in the town and were available for service.

Another indication of excitement and patriotism in Baltimore, especially among the young people, was the enthusiasm with which volunteers and townsmen worked together to rebuild the old Revolutionary War fort on Whetstone Point overlooking the mouth of the harbor. John Strieker had been appointed defense engineer late in March. Major John Rivardi, the federal district engineer, left Strieker in almost complete supervision at Baltimore while he was busy at Fort Norfolk. Soon after David Stodder's volunteers had served as port guards, they had begun work on Fort Whetstone Point. Strieker's men had helped them. At the end of April, a local newspaper urged the people to help these "young gentlemen volunteers" finish construction.

Such exertions as those plainly evince the heroic, republican, and liberal sentiments of the Americans: Truly deserving of the distinction of their country, and the example of the whole world. And it is to be hoped that the inhabitants in
general will participate in so spirited and necessary an undertaking—as there is no knowing how soon we may feel the want of it.  

During May and June, more and more townsmen began to appear at the fortification site. Advertisements appeared for young people between twelve and twenty-five years old, Negroes, and people living on the outskirts of Baltimore.29 "Like true republicans," everyone helped.

The patriotic exertions of our citizens . . . are continued with increased ardor. It is evident that every gentleman considers it his duty to contribute his proportion of personal labors, to the advancement of this laudable undertaking. It has afforded very great and universal happiness, that in the company of yesterday, occupied at the fort, were seen a number of very respectable foreigners, whose generous zeal obtained them the highest commendations of their fellow-laborers, and justly entitles them to the gratitude of the town.30

With completion of the fort and the dimming prospect of war, patriotism in Baltimore began to wane. In order to bolster public interest, the First Baltimore Battalion held a general review on June 12th. General Williams had been invited to attend, but John E. Howard took his place as reviewing officer at the last moment. Editorial comment the next day was complimentary.

Too much honor cannot be done them for their elegance, precision, and regularity, while going through the manoeuvres; nor can too much praise be given to the officers who have so patriotically and assiduously exerted themselves in promoting an institution
so replete with benefits to their country, we are informed, that the reviewing-general is extremely well satisfied with the military ease and exactness with which the whole battalion went through the different evolutions. The horse, no doubt, particularly attracted his attention; the order and discipline which they are already under, exceeds, perhaps, anything of the kind ever before known.31

The company uniforms were colorful. Adapted from a current French style, the jackets were blue, with red lapels and facings, and edged with white. The men wore white vests and trousers, short-laced boots, black knee bands, and white stockings. In addition the two so-called "Hatman" companies were distinguished by their cocked hats.32

Despite the military glamor of parades and field days, all did not go smoothly in the organization of the Maryland militia. A number of problems had been encountered in implementing the act itself. Enrollment, secondly, had lagged behind schedule, and many men, it was rumored, opposed being assigned to any unit. A letter signed "UNITED" was printed in a Baltimore paper on the day of the battalion review, discussing these problems. The consequences of such action on the part of men liable for service, he felt, were dangerous.

It would be great encouragement for foreign powers to invade our country. But a contrary effect would a well disciplined militia have; for when a foreign power is acquainted with the strength of a nation they wish to invade, and find . . . . that the militia are numerous, and the country in general
This problem of non-participation extended into the companies already formed. Absenteeism had become such a problem that fines were levied on members who failed to appear for muster or guard duty. As had occurred nine months earlier during the yellow fever episode, the strain of military responsibility—guard duty and frequent drills and marching—reduced the zeal of many. It must be remembered, however, that the companies were voluntary organizations, not yet under state control. Until June 20th, the members need not have attended at all and no real disciplinary action could have been taken against them. Once military pomp was replaced by laborious duties, the attractiveness of voluntary membership wore off and absenteeism resulted.

The Maryland militia act went into effect on June 20, 1794. Officers had already been appointed for most of the five hundred companies contemplated, plus divisional, brigade, regimental, and battalion officers. In Baltimore, the volunteer units composed over half the thirty-six companies assigned. In all, one general, four colonels, eight majors, and thirty-six captains were appointed for the town, not including staff officers and lieutenants. Many of these men had been members of the volunteer units, and others were well-known in the town, either by their own reputation, or as sons of merchants or other promin-
Itil

ent townsmen. 35

Enrollment of militiamen into these new companies was the first task of the battalion commanders. Although Baltimore was divided into enlistment districts and considerable effort was made to complete the entire brigade organization, the task was unsuccessful. Not until the crisis of the Whiskey Insurrection and the federal call for a militia expedition aroused interest again, was a semblance of order and organization achieved. As illustrated many times before, Marylanders did not act even in their own public interest without the stimulation created by emergency and external pressure. The delays and difficulties in implementing the militia act were just another demonstration of that characteristic.

The gradual abatement of the war scare had reduced tensions throughout the nation. An additional British order in council in January had qualified the November one, directing that only neutral ships carrying contraband goods to and from the French West Indies were to be captured. And John Jay's mission to England appeared to be leading toward reconciliation. News of ship seizures had ceased, and the embargo had been lifted at the end of May. Marylanders no longer concerned themselves with defense and foreign affairs, but returned to their own private pursuits. Some residual interest in the militia system remained, and the urban brigades were able to maintain some degree of manpower availability. But the strength of the drive for defense, so strong during the spring, was broken.
CONCLUSION:
Apathy and Inactivity Transformed, 1792-1794.

Volunteer military companies played a leading role in the affairs of Maryland and especially of Baltimore during 1793 and 1794. At that time, as has been seen, no state militia system existed. By banding together as soldiers, individual citizens indicated their concern for the safety of Maryland by providing military force for implementing federal and state legislation. This action, and the verbal expression of interest in defense and neutrality through newspaper articles and private correspondence, are convenient indicators of trends in public opinion among articulate Marylanders. The particular methods taken to convey their opinion, moreover, suggest something of their psychological outlook. Dependence on temporary solutions to problems—the volunteer companies—and the curious inability to carry out permanent projects and plans—the militia act—represent major elements of Maryland's reaction to crisis.

Maryland was a border state during the 1790's in many ways. Geographically encompassing the northern portion of the Chesapeake Bay, the state sent its water commerce southward toward Norfolk and the Virginia Capes. Roads to
the north were poor and often impassable. On the other hand, agriculture was becoming more akin to that of Pennsylvania rather than that of Virginia with the decline of tobacco production and the great increases in wheat farming. Commercial interests and urban development in Baltimore set Maryland further apart from the more rural southern states. Although plantation culture and manners remained a prominent characteristic, small farmers and the many recent German immigrants added new, eventually overwhelming factors in the evolution of Maryland mentality. And Federalism rather than Virginia Republicanism dominated state politics throughout this period.

Maryland was unique in other of its characteristics. It had no Indian frontier and thus no need for a standing militia organization. Since the end of the Revolution, in fact, only a few volunteer companies had been formed, more to furnish military atmosphere for old soldiers than to provide for defense. Further, Maryland had little reason to fear border warfare. The Chesapeake Bay, the poor roads inland, and the Delaware Peninsula isolated the state from danger. Only when danger threatened to penetrate this asylum from the sea did Marylanders transform their apathetic lassitude toward national goals of defense into energetic activity for the creation of volunteer companies. As has been emphasized in this essay, again and again local interests took complete precedence over national needs, and individuals
rather than the state government had to be relied upon to stimulate the population into action.

Events in Baltimore, especially, motivated activity throughout the state. The town had become the center of inland and water commerce, of political influence and activity, and of wealth and power. This peculiar economic and political status within the state allowed it to lead the state in militia preparedness. Its newspapers circulated widely in the western counties, and when military companies were formed in Baltimore in 1793 and 1794, similar units appeared in Annapolis, Frederick, and Hagerstown. The concentration of wealthy and able merchants, the availability of arms and equipment, and the vulnerability of the town to attack from the Bay made the people of Baltimore willing to cooperate with those individuals who took initiative for defense. Combined with popular sympathy for the ideals of the French Revolution—which, however, were changed to wonder and indignation at the Reign of Terror and Genet's attempts to involve the United States in France's war—these Marylanders sought neutrality rather than belligerency in 1793. In 1794, on the other hand, Baltimore Marylanders even more energetically prepared for war with the old adversary England. Yet, by the time the militia law went into effect in June, this energy had dissipated. The war scare had ended, and few people saw the need to create a militia system which had no apparent usefulness. Baltimore opinion, therefore, represents the spectrum of attitudes,
from apathy in 1792 to energy in 1793 and 1794, to apathy again midway through the second year. It was this same reaction that seems to have permeated much of the nation, and represents a synthesis of northern and southern with Federalist and Republican responses.

Local events in Maryland acted as stimulants for action. Marylanders had generally sympathized with the democratic ideals of the French Revolution. The Reign of Terror and Genet's intrigues, however, disappointed their expectations. And although national needs for militia defense were great—the bulk of the regular army was engaged in an Indian war in the west and was not able to come east—the state did not act. The Maryland militia bill proposed in 1792 had not passed in spite of Congressional request for prompt action. In 1793, individual citizens, such as John Stricker, David Stodder, and Otho Williams, took the initiative of response. Maryland fear of war and desire for neutrality was greater than sympathy for France. Thus, when the Industrie escaped in August 1793 and Genet's schemes were exposed, enough men were recruited to form six companies of volunteers. After the crisis had subsided, these same men stimulated agitation for the passage of a military law, and their military reviews led to the formation of three additional companies in December 1793.

During 1794, local needs again influenced Maryland activity. The English war scare was much greater than the 1793 crisis, but not until Collector Williams summoned
David Stodder for aid did a second artillery company organize. In April 1794, the Baltimore Battalion of five companies and a troop of dragoons were raised in response to Joshua Barney's letters from captivity in Jamaica and the riots against Consul Thornton. Four more units were created in May, in an atmosphere of extreme patriotism and enthusiasm. At no time did national goals come into consideration. Even the building of Fort Whetstone Point was deemed necessary for the safety of Baltimore. With their greatest opportunity to establish state defense permanently, Marylanders failed to implement the militia law adequately. The crisis had passed. The law was no longer essential. Thus, not until the crisis of the Whiskey Insurrection at the end of 1794 proved this belief erroneous was the law carried into real effect.

Volunteer companies had as many advantages as disadvantages over ordinary militia units. The members tended to be enthusiastic about soldiering and reliable in performing their duties, at least temporarily. Once military glamor and pomp were exchanged for hard work and responsibility, however, the enthusiasm vanished and absenteeism predominated. Volunteers were usually well-armed and equipped—at their own expense—and expert in drill and exercise. Yet their whole existence was often based on ambition for both military and political advancement. John Stricker, for example, had served in the Revolution, became captain
of his volunteer company and colonel under the militia act, and retired in 1814 as brigadier general. Collector Williams had attempted to become the militia field commander in 1794. Four members of Nicholas Moore's dragoons became captains of companies in June 1794, and David Stodder, a major, advanced steadily. John E. Howard was appointed major general and second-in-command of the militia, and Samuel Smith and Uriah Forrest, Representatives at Philadelphia, became brigadiers. From the number of other officers who later became prominent in politics, it is apparent that militia service was a stepping stone for ambition.

Although volunteers were zealous, many were young and too inexperienced to endure military duties for very long. Some of the older men had had war service, and the others undoubtedly considered themselves in the tradition of Morgan's Riflemen or Spotswood's Maryland Line. Yet to see them parading about in fancy dress uniforms and pretending to be soldiers evoked no hope for the future among some citizens. Only the hard discipline, the organization, and the experience of real military training could create an effective defense force. Although militia quotas were later often difficult to fill and conscription had to be resorted to during emergencies, a state militia system offered a degree of stability and reliability never achieved by volunteer units. Volunteers, for example, could be fined
or ousted from membership, but they could not be disci-
plined without their consent.

The militia act, therefore, provided the means for
creating a viable, permanent system, while the volunteers
offered only a temporary expedient. During crisis times
the volunteers played an invaluable and frequently decisive
part, but their use was severely limited. Their zeal was
short-lived when military duties were onerous, and they
could not be depended upon for extended field service out-
side Baltimore. Maryland's militia law, however, was a
product of the same patriotism which gave rise to the vol-
unteers. The attempt at implementation in 1794 expressed
Maryland public opinion for self-defense as eloquently
as had John Stricker's militiamen when they boarded the
Industrie in August 1793.

In the long run, the national militia act, but-
tressed by the Maryland act, presented the best hope for
creating a home defense force. Yet neither act achieved
this goal. The militia system was neglected and became
outdated long before the legislation was removed from the
statute books in 1903. Maryland was as unprepared for war
in 1797, 1812, and 1861 as was the nation as a whole. The
failure of the volunteer system to establish adequate de-
fense in 1793 brought Maryland's militia law into existence.
The short-comings of the national and state acts, however,
were compounded by slow, piece-meal implementation and the
ineffectual amendments which were approved occasionally.
Thus, in 1793 and 1794, the beginnings of the long history of militia mismanagement and neglect and of the decline of public interest in self-defense except during emergencies is clearly evident in the experience of Maryland and its major town, Baltimore.
### APPENDIX A

#### VOLUNTEER MILITIA UNITS ORGANIZED IN BALTIMORE, 1793-1794

<table>
<thead>
<tr>
<th>Name</th>
<th>Date Organized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baltimore Independent Company</td>
<td>30 July 93</td>
</tr>
<tr>
<td>Mechanical Volunteer Corps</td>
<td>9 Aug. 93</td>
</tr>
<tr>
<td>Republic Volunteer Corps</td>
<td>12 Aug. 93</td>
</tr>
<tr>
<td>1st Company, Baltimore Light Infantry</td>
<td>15 Aug. 93</td>
</tr>
<tr>
<td>Baltimore Rangers</td>
<td>17 Aug. 93</td>
</tr>
<tr>
<td>Fell’s Point Volunteer Artillery Company</td>
<td>23 Aug. 93</td>
</tr>
<tr>
<td>1st Troop, Baltimore Light Dragoons</td>
<td>3 Sep. 93</td>
</tr>
<tr>
<td>Baltimore Columbians</td>
<td>4 Dec. 93</td>
</tr>
<tr>
<td>Baltimore Guards</td>
<td>9 Dec. 93</td>
</tr>
<tr>
<td>Baltimore Washington Rifle Company</td>
<td>23 Dec. 93</td>
</tr>
<tr>
<td>Baltimore Riflemen</td>
<td>23 Dec. 93</td>
</tr>
<tr>
<td>Baltimore Union Volunteers</td>
<td>27 Dec. 93</td>
</tr>
<tr>
<td>Deptford Fuzileers</td>
<td>3 Mar. 94</td>
</tr>
<tr>
<td>1st Baltimore Battalion:</td>
<td>29 Mar. 94</td>
</tr>
<tr>
<td>Artillery Company</td>
<td>29 Mar. 94</td>
</tr>
<tr>
<td>Grenadier Company</td>
<td>3 Apr. 94</td>
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<tr>
<td>1st Company Hatmen</td>
<td>3 Apr. 94</td>
</tr>
<tr>
<td>2nd Company Hatmen</td>
<td>3 Apr. 94</td>
</tr>
<tr>
<td>Light Infantry Company</td>
<td>3 Apr. 94</td>
</tr>
<tr>
<td>Independent Light Dragoons</td>
<td>23 Apr. 94</td>
</tr>
<tr>
<td>Baltimore Republican Volunteer Company</td>
<td>9 May 94</td>
</tr>
<tr>
<td>Baltimore Friendship Volunteer Company</td>
<td>10 May 94</td>
</tr>
<tr>
<td>Deptford Republican Volunteers</td>
<td>17 May 94</td>
</tr>
<tr>
<td>Light Infantry Company (Green Hunting Shirts)</td>
<td>21 May 94</td>
</tr>
<tr>
<td>Baltimore Artillery Company</td>
<td>22 May 94</td>
</tr>
<tr>
<td>Fell’s Point Protecting Company</td>
<td>22 May 94</td>
</tr>
<tr>
<td>Baltimore Sans Culottes</td>
<td>8 July 94</td>
</tr>
</tbody>
</table>

**ONG:** Organization not completed.

**:* Formed after militia law went into effect.
APPENDIX B

ORGANIZATION OF THE 3d BRIGADE, MARYLAND MILITIA,
BALTIMORE, 20 June 1794.*

Brigadier General Samuel Smith

1st Battalion, Maj. Samuel Sterett
1st Co., Capt. John Mackenheimer (1st Co., Balt. Lt. Inf.)
2nd Co., Capt. James H. McCulloch
4th Co., Capt. James Allen (Balt. Riflemen)
5th Co., (No appointment made)

2nd Battalion, Maj. William Lowry (Capt., 1st Balt. Battln.)
1st Co., Capt. James A. Buchanan
2nd Co., Capt. Labritt Bowen
3rd Co., Capt. Solomon Etting
4th Co., Capt. Thomas McElderry
5th Co., Capt. John Holmes (Balt. Republ. Co.)

6th Regiment, Lt. Col. John O'Donnell
1st Battalion, Maj. John Coulter
1st Co., Capt. Joseph Biays
2nd Co., Capt. Tobias Stansbury (Deptford Republ. Vol.)
3rd Co., Capt. William McDonald
4th Co., Capt. James Biays
5th Co., Capt. Richard Lawrence

2nd Battalion, Maj. David Stodder (Capt., Fell's Pt. Arty.)
1st Co., Capt. Edward Johnson
2nd Co., Capt. Jonathan Harrison
3rd Co., (No appointment made)
4th Co., (No appointment made)
5th Co., (No appointment made)

27th Regiment, Lt. Col. John Swann
1st Battalion, Maj. Nicholas Rogers (1st Balt. Battln.)
1st Co., Capt. Robert Taylor (1st Co. Hatmen)
2nd Co., Capt. Archibald Robinson (2nd Co. Hatmen)
3rd Co., Capt. Robert Smith (Grenadier Co.)
4th Co., Capt William Robb (Lt. Inf. Co.)
5th Co., Capt. Frederick Reese (Balt. Wash. Rifle Co.)

* Companies listed in parentheses indicate either the previous rank and unit of a particular officer, or the volunteer company from which the new organization was formed.
2nd Battalion, Maj. John Spear
   1st Co., Capt. George Lindenberger (Balt. Sans Culottes; Pvt., Balt. Lt. Drag.)
   2nd Co., Capt. Hugh McCurdy
   3rd Co., Capt. James Winchester
   4th Co., Capt. Seth Barton
   5th Co., Capt. James Nichols.

39th Regiment, Lt. Col. John Bankson
   1st Battalion, Maj. Philip Grayball
   1st Co., Capt. Caleb Hewitt (Balt. Friendship Vol.)
   2nd Co., Capt. Robert Moale (Secty., Balt. Lt. Drag.)
   3rd Co., Capt. Robert Mickle
   5th Co., Capt. George Decker

2nd Battalion, Maj. George Keepports
   1st Co., Capt. John McFaden
   2nd Co., (No appointment made)
   3rd Co., (No appointment made)
   4th Co., (No appointment made)
   5th Co., (No appointment made)

Artillery attached to the 3rd Brigade:
   1st Co., Capt. David Stodder (Fell's Pt. Vol. Arty.)

Cavalry Attached to the 3rd Brigade:
   1st Co., Capt. Jehu Bowen (Indpt. Lt. Drag.)
   2nd Co., Capt. Nicholas R. Moore (1st Troop, Balt. Lt. Drag.)
CHAPTER ONE:

1 12 July 1793, Daniel Delozier, Assistant Collector (Baltimore) to Otho Holland Williams, Collector, Calendar of the General Otho Holland Williams Papers in the Maryland Historical Society (Baltimore, 1940), (hereafter Williams Calendar), no. 809. J. Thomas Scharf, Chronicles of Baltimore (Baltimore, 1874), p. 266.


3 2 May 1793, George Hammond (Phila.) to Thomas Jefferson, National Archives, Records of the Department of State, Record Group 59 (hereafter N.A., R.G. 59), Notes from the British Legation.

4 2 and 8 May 1793, ibid.


6 5 May 1793, Col. Thomas Newton and William Lindsay, Collector (Norfolk) to Jefferson, N.A., R.G. 59, Miscellaneous Letters. John A. Carroll and Mary W. Ashworth, George Washington: First in Peace (New York, 1957), pp. 66-67n. Although Annapolis and Baltimore newspapers had wide circulation in the Chesapeake basin, it is possible that the privateer owner was unaware of Washington's proclamation, dated April 22, which was not printed in the Easton Maryland Herald until May 7.

7 21 May 1793, John L. Bozman (Easton) to William Vans Murray, Library of Congress (hereafter L.C.), Bozman Family MSS.

9 16 May 1793, Williams (Balt.) to Genet, Williams Calendar, no. 785. 27 May, Madison (Phila.) to Jefferson, Letters and Other Writings of James Madison (Washington, 1894), (hereafter Madison Writings), I, 579. Genet's arrival is described in Meade Minnigerode, Jefferson, Friend of France, 1793: The Career of Edmond Charles Genet (New York, 1928), pp. 185-89. 18 June, Williams (Balt.) to Consul Moissonnier, Williams Calendar, no. 798. Williams had been in Charleston from March 28 until April 13, during which time Genet arrived. Although Williams's list of visits (ibid., no. 782) does not include Genet, it is likely that they may have been introduced, especially because of Williams's later efforts on Genet's behalf.


12 31 May 1793, Williams (Balt.) to Dr. Philip Thomas, Williams Calendar, no. 792. 14 June, Hammond (Phila.) to Jefferson, N.A., R.G. 59, Notes from the British Legation. 21 June, Delozier (Balt.) to Lee, ibid., Domestic Letters, V, 192. 22 June, Lee (Annap.) to Knox, ibid., V, 190. Williams's assistant during most of this period was Daniel Delozier, previously a minor Maryland official. Williams also received information on Baltimore affairs from his father-in-law, merchant William Smith.


15 29 June 1793, John Stricker (Balt.) to Williams, Williams Calendar, no. 803. Stricker wrote that some of his friends had persuaded him from taking orders to supply Genet and Moissonnier.


17 Baltimore Daily Repository.

18 With few exceptions company meetings were advertised some days ahead of time. There is no indication that either Mackenheimer's or Moore's units were active before the date mentioned in the text. According to the record book of Moore's company, which does show an expenditure made in March 1793, no meetings were held until that fall. Maryland Historical Society (hereafter MdHS), MS "Accounts, Minutes, Etc. of the Baltimore Light Dragoons, 1793-1811."


Kilty later found evidence of certain illegalities in the ship's armament but was unable to prove it at the time.

Baltimore Daily Repository. 15 Aug. 1793, John Mackenhheimer, et al. (Balt.) to Gov. Lee, Cal. Md. State Papers, The Red Books, III, no. 1511. Maryland Hall of Records (Annapolis), Records of the Adjutant General, Statement of Arms Issued. On Aug. 2d, 75 guns had been delivered to Stricker's company, and 150 to Mackenhheimer's on Aug. 19th. Earlier, for a few days following July 17th, an Irish merchant had unsuccessfully attempted to attract Frenchmen or their sympathizers to his store by displaying a French flag: 20 Aug., Samuel Smith (Balt.) to Hamilton, Steiner, Life and Correspondence of James McHenry, p. 143. And just before Kilty's arrival for his investigation, Stricker and two others had gone to Fell's Point to observe the rumored rendezvous of Frenchmen, but they found nothing: ibid.

Baltimore Daily Repository.


29 Baltimore Daily Intelligencer and Maryland Journal and Baltimore Advertiser (hereafter Maryland Journal).

30 3 Dec. 1793, Williams (Balt.) to Officers of the Baltimore Volunteer Corps, MdHS, Williams MSS, docu. no. 800. Printed, 6 Dec., Baltimore Maryland Journal.

31 Baltimore Daily Intelligencer and Maryland Journal.


* * * * * * * * * * *
CHAPTER TWO:

1  8 May 1792, Richard Peters, ed., The Public Statutes at Large of the United States (hereafter U.S. Statutes at Large), I, 271.


5  Ibid., p. 85.

6  Because of the prohibition against dual officeholding, Carroll resigned his federal seat and remained at Annapolis. Evidently, however, the rule did not apply to militia appointees, as Carroll thought. Under the Militia Act that passed in 1793, state officials were not exempt from duty as they had been under the militia bill proposed in 1792.


8  21 Dec. 1792, quoted in Rowland, Life of Carroll, II, 184-87.

9  Ibid., p. 184.

10  Ibid., p. 187.


13  The following companies, with dates of meetings, prepared for the Grand Review. Notices for their practice exercises appeared in both the Baltimore Daily Intelligencer and the Maryland Journal.
A volunteer company had also been raised in Annapolis:
26 Oct. 1793, Maryland Gazette.

14 6 Dec. 1793, Baltimore Maryland Journal. Original is dated 3 Dec., MdHS, Williams MSS, docu. no. 800.

15 Undated letter, Nov. 1793, Williams (Balt.) to John E. Howard, ibid., docu. no. 798.


17 28, 29, and 30 Nov. 1793, Baltimore Daily Intelligencer.


19 Neither Rowland, Life of Carroll, nor Votes and Proceedings reveal the changes that had occurred in Senate thinking since 1792.

* * * * * * * * * * * * *

CHAPTER THREE:

1 1 March 1794, Fulwar Skipwith (St. Eustatia) to Randolph, American State Papers (Washington, 1832-34), Foreign Relations, I, 428.

2 The extent of this trade is well-described in Brooks Adams, "The Convention of 1800 with France," Massachusetts Historical Society Proceedings, XLIV (1914), 377-428. France's naval decline is examined in Alfred T. Mahan,
The Influence of Sea Power upon the French Revolution and Empire, 1793-1812 (Boston, 1892). See also, Anna G. Glauder, American Commerce as Affected by the Wars of the French Revolution, 1793-1810 (Philadelphia, 1932); Gerald S. Graham, Sea Power and British North America, 1783-1820 (Cambridge, 1941).


4 7 March 1794, Skipwith (St. Eustatia) to Randolph, Am. State Papers, For. Rel., I, 429. His estimate was 250 ships captured, while Madison's was about 100: 12 March, Madison (Phila.) to Jefferson, Madison Writings, II, 6-7. Cf. Alfred L. Burt, The United States, Great Britain and British North America, 1783-1812 (New Haven, 1940); Arthur B. Darling, Our Rising Empire, 1763-1803 (New Haven, 1940).


6 An indication of Marylanders' attitudes toward England and France is found in the toasts offered by John Stricker’s company during its celebration of Washington’s birthday: George Washington; the People of the United States; the Proclamation of Neutrality; Congress; the State Governments; the People of France; a responsible American Navy; and a Navigation Act without restrictive articles. 24 Feb. 1794, Baltimore Maryland Journal.

7 Annals of Congress, III, 155. A copy of his speech is found in Gaillard Hunt, ed., The Writings of James Madison (New York, 1900-10), VI, 203-08. Jefferson had submitted an important report on American commerce earlier, on Dec. 19th, advocating just such retaliatory measures if England did not treat with the United States.

8 28 Jan. and 6 March 1794, Samuel Smith (Phila.) to Wil­liams, Williams Calendar, nos. 874, 904.

9 Marshall Smelser, The Congress Founds the Navy, 1787-1798 (Notre Dame, 1959). The Barbary pirates had become a real threat to America's Mediterranean and Portuguese trade, and some Congressmen believed that behind it lay covert British designs to harass the United States. A

10 Ibid., p. 345. Sedgwick's resolutions were presented on March 12th, Annals of Congress, III, 500-01; and the militia resolution passed on March 27th, I U.S. Statutes at Large, 352, the same day the embargo was approved, Annals of Congress, III, 75, 531. A bill for the repudiation of private debts to English merchants was also debated and later narrowly rejected. Maryland's Eastern Shore Representatives, John F. Mercer and William Vans Murray, opposed a non-importation bill proposed at the same time. 14 Apr., William Hindman (Phila.) to James McHenry, "Some Correspondence of Dr. James McHenry," Bernard Steiner, ed., Penn. Mag. of Hist. and Biol., XXIX (1905), 327.

11 14 Feb., 1794, Williams (Balt.) to Lee, Scharf MSS Vertical File, MdHS.

12 28 Jan., 25 Feb., 6 and 20 March 1794, Samuel Smith (Phila.) to Williams, Williams Calendar, nos. 874, 896, 904, and 916.


15 2 April 1794, Lee (Annap.) to Williams, MdHS, Williams MSS, docu. no. 886. 15 Apr., Christopher Richmond (Annap.) to Williams, Williams Calendar, no. 948. The Maryland Constitution forbade the Governor to command the militia field forces without special permission of the legislature. Charles J. Rohr, The Governor of Maryland, A Constitutional Study (Baltimore, 1932).

16 29 March 1794, Williams (Balt.) to David Stodder, Williams Calendar, no. 931. Stodder was a prominent shipbuilder in Baltimore: 20 Jan. 1794, Thomas W. Jarvis (Phila.) to Williams, N.A., Records of the Treasury Department, R.G. 56, Correspondence of the Secretary of the Treasury with Collectors of Customs. He had aided Williams's search for cannon earlier in the month: 13 March, Stodder (Balt.) to Williams, Williams Calendar, no. 907.

20 17 March 1794, George Dent (Phila.) to the Citizens of St. Mary's, Charles, and Calvert Counties, printed 21 April in Baltimore Maryland Journal. Representative Dent urged his constituents to develop home industries, such as cotton and flax growing, to counteract the influence of loss of trade in event of war.

21 5 April 1794, Baltimore Daily Intelligencer.

22 23 April 1794, Baltimore Maryland Journal.

23 8 May 1794, Baltimore Daily Intelligencer.


25 17 May 1794, Strickler (Balt.) to Williams, Williams Calendar, no. 956.
26 The fortifications were later renamed Fort McHenry in honor of James McHenry, President Adams's Secretary of War.


28 29 April 1794, Baltimore Daily Intelligencer.

29 20-24, 28 and 29 May 1794, ibid.

30 8 May 1794, ibid.


32 Scharf, Chronicles of Baltimore, p. 247.

33 12 June 1794, Baltimore Daily Intelligencer.

34 Announcements for meetings of the Mechanical Volunteer Corps, for example, also included warnings of fines for non-attendance; 30 May and 2 June 1794, ibid., and Maryland Journal. The new companies, on the other hand, were not as badly hurt by absenteeism, because of the recentness of their organization and because of the use of live ammunition during drills, giving more of an air of excitement and glamor.

35 Regimental and battalion officer appointments were printed in state newspapers. 16 June 1794, Baltimore Daily Intelligencer and Maryland Journal; 17 June, Easton Maryland Herald; 18 June, Hagerstown Washington Spy. J. Thomas Scharf, History of Maryland (Baltimore, 1879), II, 583. The entire list, including company and staff officers, is among the Records of the Adjutant General of Maryland: Militia Appointments, No. 1, 1794-1804, Maryland Hall of Records. See also Appendix B, below, for appointments to the Baltimore Brigade. Francis B. Culver, ed., Historical Sketch of the Militia of Maryland (Baltimore, 1907), p. 272, lists the county of origin of each of the forty-nine authorized regiments. Cf. John K. Mahon, The American Militia, Decade of Decision, 1789-1800 (Gainesville, Fla., 1960).
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