

# The Maryland Records in the Revolutionary War

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THE CARE OF PUBLIC RECORDS during a war has always been a responsibility of peacetime custodians who have had to evaluate the dangers from invading armies, from friendly soldiers, and from shells, bombs, and fire. The custodians are, in general, ill equipped for this responsibility, and if they were to ask the military for advice, they would usually be worse off than if they had relied on their own common sense. Many examples of the unfortunate dispersal of records are to be found in the history of the last world war. Who would have guessed that the Hotel de Ville of Paris would become the headquarters of the underground and that it would have to hold out against a siege? Who would have known that the attack on Italy would come from the south, thereby imperiling the records that had been brought to Sicily and Monte Cassino in order to be protected against a breakthrough in the north such as that of Caporetto in World War I?<sup>1</sup> As the Germans abandoned the city, the Brussels Hotel de Ville, with its records, was burned by the Belgians themselves in order to destroy the personnel dossiers which the Nazi had accumulated there. Also, in our own Civil War the records of eastern Virginia were removed to Richmond for safe-keeping. There they were lost in the fire on the day that Lee abandoned the city.

Much of the same sort of thing happened in the American Revolution. The records of Georgia were moved to Savannah, then to Charleston. South Carolina's records found their way somehow to Baltimore; North Carolina had no fixed capital at the time, and presumably the records were kept in wagons or buried.<sup>2</sup> Delaware had put its records on board a boat in a river

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<sup>1</sup> *American Archivist* 7 (January 1944):75-76.

<sup>2</sup> H. G. Jones, *For History's Sake* (Chapel Hill: University of North Carolina Press, 1966), pp. 54-76.

where boat and records were taken by the British in one swift assault.<sup>3</sup> So it went throughout the thirteen colonies.

Fortunately, Maryland guessed correctly that danger to the records would come by sea and not by land. The Proceedings of the Revolutionary Convention and the Council of Safety have remained almost intact, and there we find the account of what was done with the records.<sup>4</sup>

The Maryland planners faced certain complications. In the first place, a new state house had been authorized in 1769, the third on the same site. Space was planned not only for the offices and records of the state government but for those of Anne Arundel County and the city of Annapolis as well. A notice in the *Maryland Gazette* on December 28 of the same year called for "undertakers" to submit plans by April 7 of the next year to the building committee. No one having submitted plans by the date mentioned, the job was undertaken by a member of the committee itself, Charles Wallace, a partner in the merchant firm of Wallace, Davidson and Johnson. He could not, of course, begin his work on the new state house until the 1706 building had been removed from the site. This removal was accomplished in 1771 by Jonathan Pinkney, and the construction work was begun by Wallace. Work had progressed to the point where all was ready for the cornerstone to be laid March 28, 1772, but, because of war conditions, its completion was delayed for seven years. From 1772 until 1779, when the building was first used, state officers and state records had to find lodgings elsewhere.<sup>5</sup>

The first alarm over the care of the records was sounded by Samuel Chase in a letter of November 1, 1775, to the Council of Safety: "Gentlemen, the Congress have directed the enclosed Resolutions, and Papers to be transmitted to you. I submit to your consideration whether it would not be proper to communicate copies to the Committee of Observation of each County and request their diligent attention and steady execution of the Resolves, and if Annapolis cannot be defended it would be advisable to remove the public Records and Loan Office."<sup>6</sup> The Loan Office was located on the State House

<sup>3</sup> Harold Hancock, "Delaware's Captured Colonial Records," *Delaware History* 9 (October 1961):355-73.

<sup>4</sup> Not quite all the convention manuscripts have survived. See Morris L. Radoff, "An Elusive Manuscript—The Proceedings of the Maryland Convention of 1774," *American Archivist* 30 (January 1967):59-65.

<sup>5</sup> Morris L. Radoff, *The State House at Annapolis*, Hall of Records Commission Publication No. 17 (Annapolis, 1972).

<sup>6</sup> William Hand Browne, ed., *Archives of Maryland* (Baltimore: Maryland Historical Society, 1892), 11:89.

grounds in the small building constructed in 1735–37 and referred to now as the Old Treasury Building. Early the next year, the Council of Safety took measures to remove the records from their places of deposit.<sup>7</sup>

Early in the year 1776, in the correspondence of the Council of Safety, we find the following action: “Ordered that the matrosses and Militia who assist in throwing up Intrenchments in the City of Annapolis be allowed an Addition to their pay, of 9 pence per Day.”<sup>8</sup> And later that year we see that the construction of the fortifications was progressing: “Ordered That the Treasurer of the Western Shore pay to Mr. William Wilkins three hundred Pounds on Account of the Fortifications at and near the City of Annapolis.”<sup>9</sup>

The Council of Safety took sweeping action in regard to the records on January 20, 1776, when they summarily ordered that “the Registers of the Commissary and the Land Office and the Clerks of the Provincial Court and the Court of Anne Arundel County immediately furnish the Council of Safety with lists of the record books in their respective offices, and prepare for the removal of the records and papers in the said offices to such a place as shall be directed by the said council.” It was then resolved that each register and clerk affected by these orders be furnished with copies of the resolve. This resolve brought about very detailed lists, which fortunately have been preserved, of the records then in the custody of the state.<sup>10</sup>

All these acts were precautionary preliminaries; there had been thus far no specific threat to Annapolis. The situation changed radically when, on March 5, a pilot boat came into the Annapolis harbor and announced that a flotilla of British ships proceeding up the Bay was at that moment between the mouths of the Potomac and the Patuxent Rivers. The largest ship of the lot was identified as the sloop *Otter*, which had participated, with the *Liverpool*, in shelling Norfolk and thereafter in burning the town. The Council of Safety meeting in Annapolis immediately dispatched a warning to Baltimore, and the next morning the Baltimore Committee of Observation was making plans to repel the *Otter* and her escort. In addition to manning the still unfinished sloop *Defense* under the command of Captain James Nicholson, the militia was called out to line the shores with swivel guns and muskets, and a boom was laid at Whetstone Point. Finally the committee resolved “to Have the Public

<sup>7</sup> Ibid., p. 99.

<sup>8</sup> Browne, ed., *Archives of Maryland* (1893), 12:53.

<sup>9</sup> Ibid., p. 501.

<sup>10</sup> *Archives of Maryland*, 11:106–7, 112–19.

Records of the County [Baltimore] immediately packed up in chests, in order for their removal to a Place of Safety."<sup>11</sup> Meanwhile the city's inhabitants—at least those who had some place to go—departed.

The Council of Safety then began to heed the danger always present at Annapolis, which housed the records of the state government as well as the records for Anne Arundel County and the city of Annapolis. All these were formerly kept in the State House, but after its demolition in 1771 they found a place in the Assembly Room in the city or were dispersed to residences of officials and leading citizens of Annapolis. The removal of the first records from the city, those of the Commissary's Office, was noted in the proceedings of the Council of Safety.

Meanwhile, by March 21, 1776, we note that many of the records had been moved to Upper Marlboro. We learn later that they had been placed in the care of the Register of Wills of Prince Georges County and were being kept in his office in the courthouse in Upper Marlboro.<sup>12</sup>

The Council of Safety also followed the example set by Baltimore and the caution of Samuel Chase: they hastened the defense works of Annapolis. The crude breastworks under construction were completed by late July 1776, and the builders, Allen Quinn and William Wilkins, were paid and discharged. Moreover, the militia companies then on duty in Annapolis were also discharged, leaving Major Fulford's matroses alone to handle the artillery pieces in the breastworks and to take full responsibility for the defense of the city.

So far as the records were concerned, the first crisis had passed with the withdrawal of the *Otter* beyond Bay waters. It took another dangerous crisis to stir the Council of Safety to action and not just resolutions. And this crisis began to appear in July 1777 when the British fleet under Howe and Carleton was at sea, and none knew where it was headed. On July 6 the Council of Safety resolved "That Mr. Contee, Mr. Beall, and Mr. Tolley be a committee in the recess of the convention, to examine and report to the Council of Safety, the state of the accounts and proceedings of the Commissioners of the Loan Office; and that the Council be directed to order the monies, books and papers, in that office, to be packed up in proper chests and removed, if they should think proper, to some place of security."

<sup>11</sup> Committee of Observation, Baltimore County, 6 March 1776, Peter Force Collection, Library of Congress.

<sup>12</sup> *Maryland Gazette*, 21 March 1776.

As the British fleet sailed up the Bay, the inhabitants of Annapolis were warned days in advance of its coming, and Charles Wallace, who was then building the new State House, told of the near panic which prevailed in the City: "in 1777, when the British fleet appeared in our Bay, all my workmen left me and fled from this City to the interior parts of the State, where they got engaged in business, and though I made every exertion in my Power, I could not thereafter draw together one fourth part of the sufficient number of workmen."<sup>13</sup>

The builders of St. Anne's Church also were hard hit, not so much by the defection of workmen as by the loss of materials, especially planks and other timbers which apparently had been stored on the grounds of the church without precaution against theft. Some of these were returned after the war was over, and the state paid for some that had been used in the construction of the fortifications and in the building of the new State House. But despite the losses and the danger of conflagrations caused by the invading fleet, building went on in the town. The State House was pushed to completion in 1779; St. Anne's was finally consecrated in November 1792.

With the certainty that the British fleet would come up the Bay toward Baltimore and therefore pass by Annapolis, an effort was made by the Council of Safety to remove the public records from danger: "Ordered that the Records of the Land Office, also the Records of the Secretary's Office including the Provincial and Chancery Court, and also the records of the Commissary's Office be removed on Monday next from the City of Annapolis to William Brown's house in London Town and thence on Wednesday next, if a fair day, to Upper Marlborough and there placed in the storehouses of Messrs. Samuel Hepburn and David Crawford under the care and management of one of the clerks of the said offices respectively." The council further ordered:

1. That the Records of the Land Office be committed to the care and management of Mr. David Steuart one of the Clerks of said office.
2. That the Records of the Secretary's Office, including the Provincial and Chancery Court be committed to the Care and Management of Mr. George Rankin one of the clerks of said office.
3. That the Records of the Commissary's Office be Committed to the Care and Management of Mr. Elie Vallette one of the clerks of the said office.
4. That two gentlemen of the Committee of Observation for Anne Arundel County be requested to attend the Records from the City of

<sup>13</sup> Morris L. Radoff, "Charles Wallace as Undertaker of the State House," *Maryland Historical Magazine* 51 (March 1956):50-53.

Annapolis to Mr. William Brown's of London Town and thence on Wednesday next if a fair Day to Queen Anne, when they are to deliver them to two gentlemen of the Committee of Observation for Prince George's County.

5. That two Gentlemen of the Committee of Observation for Prince George's County be requested to receive the Records at Queen Anne on Wednesday next, and conduct them from thence, if a fair day, to Upper Marlborough, when they are to be lodged in the Store Houses of Messrs. Samuel Hepburn and David Crauford agreeable to an Order of the Council."<sup>14</sup>

This crisis was over after the British landed at Head of Elk and began their march to Philadelphia and the subsequent withdrawal of the fleet from the Chesapeake Bay in September 1777. No attempt was made on the city of Annapolis, and the records stored in the office of the Register of Wills and the warehouse of Samuel Hepburn and David Crawford at Upper Marlboro about thirty miles inland from Annapolis suffered no loss. But there were some difficulties insofar as use of the records was concerned. George Rankin, who was in charge of the secretary's records at Upper Marlboro, petitioned for relief from these duties in March 1778. All the clerks who had been singled out for duty with the records suffered separation from their families and necessarily had to maintain two households during their period of service.

In order to spare further expense, a resolution was passed in June 1778 permitting the return of the records to Annapolis. Shortly thereafter, however, it all had to be done again because on October 16, Major General Alexander Leslie sailed from New York with about 3,000 troops in the hope of effecting a junction with Cornwallis. He landed at Norfolk, where he met little resistance, and then moved to Portsmouth which he fortified heavily and prepared as a permanent base. He then unexpectedly withdrew his troops and embarked them. In the meanwhile, his coming to the Bay had caused alarm up and down the Chesapeake. Soon the authorities at Annapolis were again taking measures to safeguard their records.

The governor and council on Monday, 17 May 1779, adopted the following order: "that Mr. Thomas Harwood, Treasurer of the Western Shore and Commissioner of the Continental Loan Office in this State, The Commissioners for Emitting Bills of Credit, the Auditor General, the Register of the High Court of

<sup>14</sup> *Archives of Maryland*, 11:141-42.

Chancery, the Clerk of the General Court, the Keeper of the Records of the Commissaries Office, the Register of the Land Office and the Clerk of the Council pack up in Boxes, Cases, Chests or other Packages immediately all the Money in their Hands and the Records, Books and Papers belonging to their Offices respectively that the same may be carried to places of Safety on the first notice that is to say; the Money, Books and Papers of the Loan Office Treasury and Paper Office to Henry Ridgelys in Elk Ridge the others to Upper Marlboro."<sup>15</sup> Then, on the same afternoon, they wrote to their prospective host asking permission to use his house as a refuge. "It has become prudent, indeed it appears necessary in our present situation again to remove our public Offices. The Continental Loan Office, the State Treasury and the Office of the Commissioners for emitting Bills of Credit, we have directed to be removed to your House. If we had had any Opportunity, we should have previously consulted you how far it might Suit with your Convenience to have given them Room, though we do not know any Place so convenient or where we might so probably have got them in. Presuming on your Inclination to assist the Public at such a juncture, we have ordered them forward, the Occasion will not permit Delay, we desire & expect to make you a reasonable Compensation."

It was on the occasion of the expedition of the British navy in 1777 that the state of Maryland suffered its greatest loss of records. According to the petition from the inhabitants of Cecil County to the General Assembly in the spring session of 1778, all the records before the year 1775 were carried off by a detachment of the British army, and their fate remained unknown.<sup>16</sup>

The records which Sir Guy Carleton captured, so far as can be determined, were the county land records through the year 1775. There were thirteen volumes altogether, a small lot when it is considered that only a few weeks later the same Carleton carried off all the records of the state of Delaware. There are many explanations of why just the land records were taken, but the most reasonable is that the loyalists had singled them out for removal because without them titles to land holdings of loyalists and patriots alike would be in confusion. All these records were supposed to be returned in compliance with Article VII of the Treaty of Paris. Although almost every state is mentioned in the headquarters papers of Carleton before he sailed with his last troops to England, there is no mention of

<sup>15</sup> Browne, ed., *Archives of Maryland* (1901), 21:395-96.

<sup>16</sup> Proceedings of the House of Delegates, Sunday, 19 April 1778, p. 109.



Maryland.<sup>17</sup> Presumably, in 1783 or 1784 the state or the county sent someone to New York to fetch the records back to Cecil County.

After the land records were returned, the General Assembly in 1790 passed an act which read as follows:

Whereas it is represented to this General Assembly, that in the year seventeen hundred and seventy-seven the British Army took possession of the record books and other papers belonging to Cecil County Court, and carried the same to New York; that on the restoration of peace, part of the said records were returned abused and defaced, and sundrey volumes were entirely lost, to the great injury and prejudice of the inhabitants of the said county; therefore,

Be it enacted by the General Assembly of Maryland, that the justices of Cecil County Court shall be authorized and required to cause all such of the record books and papers, of Cecil County, as have been defaced or otherwise injured, to be transcribed into new record books by the Clerk of the Court of said county; and the record so transcribed shall be as good in law, to all intents and purposes, as the original records from which they are transcribed.<sup>18</sup>

In that same year a new clerk, John Dowdell, took office. An exceptional man in many ways and especially known for his physical energy and stamina, he was responsible for the transcription. The original records as well as Dowdell's transcripts are now in the Hall of Records at Annapolis.

There was no attempt to harm the records of the province, however, and the movement back and forth of these records continued through 1777 and 1778. For example, Elie Valette, formerly deputy commissary for Anne Arundel County and in 1777 keeper pro tempore of its records, on June 25, 1777, presented a memorial to the House of Delegates as follows: "by a resolve of the last session of Assembly, the records of the Perogative Office are at the present entrusted to the care of the Register of Wills for Prince George's County, until the same be removed to another county."

This memorial was in response to the Council of Safety order of February 8, 1776: "Ordered that the Register in Chancery immediately furnish the Council of Safety with a list of the Record Books in the Chancery Office, and prepare for the removal of the Records and Papers in said Office to such place as shall be directed by the said Council."

There were no further movements of the public records until

<sup>17</sup> Historical Manuscripts Commission, *Report on American Manuscripts in the Royal Institution of Great Britain*, 4 vols. (London: His Majesty's Stationery Office, 1904).

<sup>18</sup> *Acts*, chap. 48, 1790.



they were all returned to Annapolis after the surrender of Cornwallis at Yorktown. At the November 1781 session of the legislature it was resolved that "the Governor and Council be requested to direct the officer or officers who have the superintendence of the Public Records now at the Elkridge Landing, to cause the same to be removed to the City of Annapolis as soon as the same can conveniently be done, and that proper packages be provided for removing the same at the public expense; and that persons employed in the removing of the records be paid by the public, by orders to be drawn by the Governor and Council on the Treasurer of the Western Shore." One person who had had superintendence of the records was ordered paid by the governor and council on May 9, 1782: "Ordered that the said Treasurer pay to Thomas Brooks Hodgkin, one hundred and fifty pounds of the same emission (Bills of Credit) for his trouble in superintending the Public Records at Elkridge from March 1781 to March 1782 including extra house rent incurred by his removal from Annapolis on the above service."<sup>19</sup>

Only one detail remained to be settled. There were many papers belonging to the last colonial governor, Robert Eden, and others belonging to the last proprietor, Henry Harford. The papers had been left behind when Eden departed the colony for England aboard the *Fowey*, and they were now released to Robert Smith, former secretary to Governor Eden. According to the account they formed a "chest full."<sup>20</sup>

And so, with this gracious gesture, Maryland closed the chapter on the care of her archives during the Revolution. Some of these manuscripts have found their way back to Annapolis through gifts and purchases in Great Britain.

<sup>19</sup> *Executive Papers*, 1 February 1781.

<sup>20</sup> *House Journal*, November Session, 1784, pp. 78, 90, 99, 104.