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## Abstract

The Following examines the complexities of slavery in Maryland in the antebellum period and argues that as a result of Maryland's geographic location as a border between North and South, Maryland slaveholders desperately clung to the institution and attempted to shape their world into a slave society, regardless of the fact that slavery had long been dying out as an economic necessity. In the process, they called for federal protection of fugitive slave property, subscribed to a strict code of white southern conduct, and attempted to weed out any threat to slavery— mainly the state's large free black population. This concept is intended to argue against the idea that Maryland was a middling ground where ties to slavery were somehow weak or insignificant as a result of economic forces. As the Civil War approached, Maryland slaveholders in fact hardened the institution at the expense of Maryland's African American population.

MARYLAND AND THE MODERATE CONUNDRUM: FREE BLACK POLICY IN AN  
ANTEBELLUM BORDER STATE

By

Talbot Anne Kuhn

Thesis submitted to the Faculty of the Graduate School of the  
University of Maryland, Baltimore County, in partial fulfillment  
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To my Slimmy— I wish we'd had the opportunity to learn more from each other.



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## Introduction

On a hill in rural Maryland, nineteen miles due north of Baltimore City, stands an old graveyard, with stones memorializing members of a longstanding and respectable Maryland family. The markings on the stones reveal the names of people who lived on this same land for generations. Joshua Gorsuch, the famous sea captain, born in 1770 and died in 1844, is forever remembered “on the deep blue waters thy pathway be o’er its ramparts thy cry was heard, but here in thy long green sleep of the grave thou shalt rest unmoved by its billows.” In the row next to Joshua, Dickenson Gorsuch, born in 1769 and buried in 1815, is revered as “The Pioneer Farmer.” Others, like William Gorsuch, who died in 1835, were given the words, “loved in life, in death remembered.” Scattered across the stones read the words “beloved husband, Fond parents, Gone but not forgotten.” The newest stone, given to my own grandmother and grandfather summarizes the priorities of the clan with the words “Faith Farm Family.”

From this hilltop, the memorials and their visitors can overlook a small kingdom—the real memorial to a proud family. From below the hill, the omnipresent view of the graves serves to reiterate, “remember us, remember your past, and remember from whom you came.” As a small child, I played in this graveyard. Throughout a summer day, I’d wander from these stones through a well-manicured lawn to the seemingly ancient buildings that stood in the shadow of a large white house. Looking for an adventure or a place to hide out for an afternoon, I’d climb the skinny, weathered, wooden stairs to the second story of our log blacksmith’s shop. This space, above the blacksmith’s forge below, is a very different space than the large white house above it. My relatives told me that this room, a square room with a single window, a small brick

fireplace that continued up from the shop, simple wooden floorboards, and a rustic door that led to an eight-foot drop, housed slaves. I don't remember a specific time that I realized I am descended from slaveholders. I just remember always knowing it and always wondering about these nameless people who only survived in stories that bolstered the history of my own family.

I have few memories of my grandfather because he died when I was only nine, but I remember him telling me about this place, home to our family since 1762. On the wall by his easy-chair hung pictures of old southern homes— all belonged to our ancestors. He'd pull them off the wall and show them to me and point out the small black children lined up on the front porch of neighboring "Gorsuch's Retreat Farm" home to his great-great grandfather's brother, Edward Gorsuch. I knew at a young age that fugitive slaves killed Edward after he attempted to recover them in Pennsylvania, and I realized that something made us very different than our close neighbors to the north.

When I grew older and went to school, I was confused to learn that Maryland was some how a weak slave state where ties to slavery were less significant than states further south. Somehow, Maryland slaveholders had become of the middling sort, their power lessened and overshadowed by the fact that Maryland lies in a border region between the Deep South and the free North. This just didn't fit with my own experience and my own interpretation of my past. If slavery wasn't significant in Maryland, why was it so ingrained in me to know the affluence of my own family as part of the slaveholding elite? Why was Edward Gorsuch willing to die in defense of the institution? And why had we forgotten about the humanity of the people who toiled under and attempted to escape the reign of white slaveholders? It seemed that white Marylanders manipulated the story of

slavery, quelled the voices of African Americans, and refused to acknowledge both the privileges associated with controlling memory, and the privileges of slaveholding that white Marylanders possessed in the nineteenth century. White privilege seems to allow white Marylanders to decide what slavery means today, what it was, and what it was not. This was also true in the nineteenth century, when slaveholders decided how and why slavery was significant to them, why it was worthy of maintenance, and how it could be preserved.

As all scholars of Maryland slavery make clear, slavery as an economic institution and profitable labor source was dying out in many parts of Maryland by the nineteenth century. By the early years of the nineteenth century, slaveholding and economic affluence weren't necessarily the same thing. In the post-Revolutionary period, most regions of Maryland made an agricultural shift from tobacco to grain, which required a smaller labor force for only a portion of the year.<sup>1</sup> Maryland's largest city, Baltimore, boomed quickly and significantly with what historian Christopher Phillips describes as a "marginal dependence on the institution of slavery."<sup>2</sup> As a result Maryland masters manumitted slaves at a steady rate and a diverse slave system appeared that looked much different than the plantation slavery of the Deep South. As Christopher Phillips points out, this diverse system created a culture of "quasi-slavery" where term slaves, rented slaves, and free blacks all interacted with slaves-for-life.<sup>3</sup>

Manumission created the biggest problem for Maryland slaveholders' identity as members of a slave society. As the rising rate of manumission created a swelling free

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<sup>1</sup> Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 11.

<sup>2</sup> *Ibid.*, 29.

<sup>3</sup> *Ibid.*, 31.

black population, Ira Berlin describes how post-revolutionary Maryland “was fast transformed from a slave society into a society with slaves.”<sup>4</sup> It was clear at the time, that were literally undoing slavery in their state; the rising free black population was evidence of that. But despite slavery’s economic shortcomings, Maryland slaveholders fervently clung to the institution. The question remains, *why*? In the mid nineteenth century, Maryland slaveholders wanted to preserve their position and status as masters because of an emotional connection to a system that allowed white Marylanders to perpetuate white privilege at the expense of thousands of slaves and free black people.<sup>5</sup> Manumission is therefore not a sign of a weakening slave system in Maryland. In fact, the reaction to the threat of a flagging system resulted in a harsh slave regime while Maryland slaveholders attempted to save and preserve the crumbling institution. When slavery died out as an economic institution, it’s growing importance as a social institution prompted the birth of white privilege to shape what slavery meant not only to white Marylanders, but also allowed white Marylanders to manipulate black Marylanders in order to give prestige to all whites. This philosophy manifested itself in policies that attempted to restore and preserve the social order by manipulating any threat to slavery, mainly the largest threat to white dominance— the growing free black population.

Unlike states farther south, Maryland’s economy was less conducive to slavery.

The result was a decrease in the proportion of the slave population over time. While in

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<sup>4</sup> Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998), 283.

<sup>5</sup> Historian Calvin Schermerhorn attributes this emotional connection to slavery in the entire South to tradition. Regardless of the wave of freedom that swept the nation in the years following the American Revolution, southern slaveholders felt that slavery was too ingrained in their American tradition of racism to let go of the institution. Calvin Schermerhorn, *Money over Mastery, Family over Freedom: Slavery in the Antebellum Upper South*, 1 edition (Johns Hopkins University Press, 2011), 12.

1790, slaves constituted about one-third of the state's population, by 1850, enslaved persons had fallen to about one-sixth of the population.<sup>6</sup> In 1810, the height of Maryland's slaveholding, white Marylanders owned 111,502 slaves.<sup>7</sup> By 1850, 90,368 slaves labored within Maryland's borders.<sup>8</sup> By 1860, the number of slaves in the state dropped slightly to 87,189.<sup>9</sup> In that year, slave owners made up 12% of the state's population, while slaves accounted for 13%.<sup>10</sup> In the fifty years from 1810-1860, Maryland's slave population decreased by 24,000. Maryland was the only southern state to see such a steady decrease, with the exception of Delaware, which was home to only 1,798 slaves in 1860, with a slaveholding population of only 3%. Demographically, Missouri most closely resembled Maryland's slave population, since 13% of the total population owned slaves. Maryland, then was already an anomaly among the southern states, which all (with the exception of Delaware) witnessed a steady increase in slavery over the first half of the nineteenth century. This trend created the largest free black population in the entire Union, only rivaled in proportion by Delaware. By the Civil War, free blacks were almost as numerous as slaves in Maryland. According to historian Barbara Jeanne Fields, these numbers put Maryland "in a class alone among slave states."<sup>11</sup> Fields argues that "the atmosphere of the American Revolution, with its egalitarian rhetoric and its emphasis upon natural rights philosophy, undoubtedly

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<sup>6</sup> Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground* (New Haven: Yale University Press, 1985), 1.

<sup>7</sup> Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998), 369.

<sup>8</sup> Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground* (New Haven: Yale University Press, 1985), 2.

<sup>9</sup> *Ibid.*, 12.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*, 1.

contributed to the surge of manumission following the [Revolutionary] War.”<sup>12</sup> But not all scholars agree. According to Christopher Phillips, “the powerful economic changes during the years following the Revolution created a huge surge of emancipation in Maryland, as hundreds of slave owners chose either to liberate or sell off their slaves or to allow them to purchase their own freedom.”<sup>13</sup> On the influence of Revolutionary ideology on Maryland masters, Phillips argues that “when contemplating the liberation of their slaves, monetary considerations appear to have been weighed more heavily on owners’ minds than did republican principles, religious persuasion, or anti-slavery activity,” especially since many Maryland slaveholders kept their slaves in bondage only until it wasn’t economically profitable.<sup>14</sup> In *Scraping By*, historian Seth Rockman describes the wave of manumission after the Revolution as a combination of the transition to the grain economy followed by the “Revolutionary-era critique of slavery as burdensome and sinful.”<sup>15</sup>

The problem in Maryland is that ideology changed and the economy did not. The Revolutionary ideology did not live on in the nineteenth century. While slaves continued to decline in numbers, throughout the antebellum period, Christopher Phillips explains how “white Marylanders would create an ideological atmosphere that would make it increasingly difficult, if not impossible, for the black community to escape its slave

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<sup>12</sup> Ibid., 4.

<sup>13</sup> Christopher Phillips, *Freedom’s Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 37.

<sup>14</sup> Ibid., 40.

<sup>15</sup> Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009), 33.



past.”<sup>16</sup> The result was a culture of slavery that defied the prevalence of slavery even in places like Baltimore where “white Marylander’s commitment to white supremacy... swept up a reluctant Baltimore, significantly constricting the city’s once liberal racial climate.”<sup>17</sup>

In order to understand what drove Maryland slaveholders to a strong defense of slavery, it is important to understand their identity as slaveholding southerners. As James Oakes describes, “slaveholders were a ruling class,” and they “justified their power by defining themselves as a superior race.”<sup>18</sup> Maryland slaveholders no doubt saw themselves as honorable southern gentleman and as a part of the larger southern gentry. In his classic history of the 1851 Christiana Riot, historian Thomas Slaughter uses Maryland slaveholder Edward Gorsuch and his deadly decision to recover his fugitive slaves in the name of honor to make larger point about elements of southern culture in Maryland.<sup>19</sup> In this thesis, Gorsuch’s story will serve a larger purpose as both a case study for voting Marylanders’ political stance on national slave issues and the prevalence of southern honor culture in the state. Like Nat Turners rebellion in Virginia twenty years earlier, the Christiana Riot cemented white support for racial dominance via slavery in Maryland. Masters and non-masters alike viewed Gorsuch’s death at the hands of slaves and abolitionists as the ultimate example of the loss of white supremacy. This united both classes of white society. In Maryland, social mobility was therefore built-in to the system

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<sup>16</sup> Christopher Phillips, *Freedom’s Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 176

<sup>17</sup> *Ibid.*, 178.

<sup>18</sup> James Oakes, *The Ruling Race: A History of American Slaveholders* (New York: W.W. Norton and Company, 1998), x.

<sup>19</sup> Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 68.

of white supremacy, which automatically made masters out of all white men.<sup>20</sup> In Ira Berlin's description of a slave society, the fact that "nearly everyone...aspired to enter the slaveholding class," kept slavery desirable even for non-slaveholders.<sup>21</sup> Although Berlin claims Maryland doesn't fit into this description of a slave society, the actions and concerns of Maryland's slaveholders suggests that even if they didn't fit economically, these masters believed they were culturally suitable, and perhaps that is more important because of the society produced by this mentality. For Maryland slaveholders then, Maryland was absolutely a slave society.

Most scholars who study slavery in Maryland examine the free black population primarily as the factor that made slavery in Maryland unique. Barbara Jeanne Fields, Ira Berlin, James Wright, Frank Towers, Calvin Schermerhorn, Seth Rockman, and Richard Hall all point out the significance of the free black population to the makeup of Maryland's population and its impact on slavery. For the most part, the free black population is a representation of a weakening slave system in antebellum Maryland. In her complex analysis of the contradictory personality of nineteenth century Maryland, Fields uses this mentality to defend the notion that there were essentially two Marylands by the Civil War.<sup>22</sup> For Ira Berlin, the growing free black population was evidence that Maryland transformed from a slave society to a society with slaves after the American Revolution. However, in *Slaves without Masters*, Berlin describes whites in the Upper

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<sup>20</sup> James Oakes, *The Ruling Race: A History of American Slaveholders* (New York: W.W.

Norton and Company, 1998), xxi.

<sup>21</sup> Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998), 8.

<sup>22</sup> Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground* (New Haven: Yale University Press, 1985), 1.

South as more severe in their approach to defend slavery by suppressing free blacks than the states in the Deep South.<sup>23</sup> It seems then, that perhaps Berlin's analysis of a slave society— where “the master-slave relationship [was] the social exemplar” could also apply in antebellum Maryland, where tensions along the border made the defense of slavery more difficult.<sup>24</sup> Only Christopher Phillips fully develops the point that white used social control over free blacks as a way to keep slavery in check, although his goal is to show the resilience of black culture and communities in an oppressive environment.<sup>25</sup>

Michel Foucault's analysis of social control is useful in understanding race relationships in antebellum Maryland. Foucault defines the Panopticon as an architectural structure and “marvelous machine which, whatever use one may wish to put it to, produces homogenous effects of power.”<sup>26</sup> Although Foucault mostly discusses prisons, the principles of the Panopticon can be applied to any institution, which determines and dominates the behavior of individuals and singles them out unless they conform to the expectations of the dominant entity. Slavery is therefore a perfect Panopticon, since the Panopticon serves as both a reminder to enforce discipline and punish dissent. If the 19<sup>th</sup> century South is the setting, the white population the discipline determinant, the black population the submissive masses, and the institution of slavery the Panopticon, then it is slavery which determines the behavior and punishment of all people, white and black

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<sup>23</sup> Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (Oxford University Press, 1981), 212.

<sup>24</sup> Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998), 8.

<sup>25</sup> Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 77.

<sup>26</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*, (New York: Random House, 1975), 202.

who threaten the institution. Because slavery sets the standard of behavior for the black population, free blacks are automatic dissenters. Free blacks are criminals simply because they are not slaves.

Because Maryland had a larger population of black dissenters from slavery, white Marylanders believed it was necessary to maintain the Panopticon. They therefore put all African Americans in a place where they could be checked by an institution which, by Foucault's model, "guarantees order," where the "inmates are convicts," and "there is no danger of a plot, an attempt at collective escape, the planning of new crimes for the future, or bad reciprocal influences."<sup>27</sup> In Maryland, people could only be organized into two groups, slave/black and free/white. This desire to organize society in order to maintain control over the black population meant that free blacks had to be returned to the status of the convicted slave. For whites, this was a solution to protect the racial order.

White Marylanders, and especially white males and slaveholders, took part in what historian Benedict Anderson described as an imagined community. According to Benedict Anderson, communities are not natural or rational, but they are inspiring. They are founded on the idea that communities and cultures are eternal and that survival depends on re-generation and strong walls against infiltration from the "hated other."<sup>28</sup> The nineteenth century South was not an exception from Anderson's analysis. Although each Southern state had its own cultural quirks, they were all united by slavery. Slavery created a bridge that tied every slave state together through a mutual desire to maintain an imagined way of life. Maryland slaveholders saw themselves as a part of a larger culture

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<sup>27</sup> Ibid., 200.

<sup>28</sup> Benedict Anderson, *Imagined Communities* (New York: Verso, 1983), 141.

of slavery characterized by a southern code of honor and power structure. But what happens when these slaveholding Marylanders start to lose their identity by factors out of their control, like an increasing free black population and a changing economy? They not only risk their place in the southern community, but the entire power structure they have created falls apart. As internal and external conditions threatened the institution, white Marylanders feared a world where the privilege of slaveholding and racial dominance through the sheer existence of slavery, ceased to exist. Free blacks were the constant reminder of this threat.

In the spirit of Anderson's analysis, the following is more-or-less a story of how the origins of white privilege are rooted in the threat to white supremacy that white Marylanders perceived in the thirty or so years before the Civil War. These feelings were exposed most often in reaction to national conflicts over slavery that were directly tied to the health of the institution in Maryland. They are also reflected in the cultural mores to which white Marylanders subscribed to uphold what they felt was both a part of their heritage and their right as citizens. Especially elite, white Marylanders clung to slavery because it allowed them to determine what it meant to be a black person in Maryland. As a result, they marginalized thousands of free black Marylanders, criminalized their existence, and literally stripped them of their status as free. This is a story about life in a borderland where ideologies were constantly threatened and therefore warranted hard methods of protection. At the same time, this work illuminates how Maryland slaveholders reacted to threats to their identity and the consequences of a power struggle focused on maintaining a system of dominance.

Chapter One examines the political climate in Maryland in the forty or so years leading up to the Civil War, and argues that on the national debates over slavery that dominated the national political arena and sectionalized the nation, white Marylanders, and especially those given a political voice, made common cause with other slave states. These Marylanders dynamically urged the federal government to quell abolitionism and protect slave property. Chapter Two explores Maryland's masters' emotional connection to slaveholding and how a white culture of slaveholding especially united white men. The final chapter examines how these slaveholders dealt with their unique threat to slavery in order to mold Maryland into a slave state that resembled a more stable slave society.

In all these chapters it is important to note that many of the voices being represented are white voices, and come mostly from political sources. Many of the actors in these sources are political actors, governors or government officials who are only known to represent their constituents or political parties, that are even further limited to the voting population. As a result, this is not a work of social history. It is rather an intellectual and political history of Maryland's slaveholders. Sources from local newspapers, and especially the *Baltimore Sun*, founded in 1837 and the most widely read newspaper in the region, help us get closer to uncovering how ordinary white Marylanders felt about race issues and slavery.<sup>29</sup> But overall, these voices are underrepresented. Women are almost completely absent from this study. As a result, the segments of Marylanders who are represented are usually white males with the luxury of a political voice— those with the most to lose if humanity, much less political representation were extended to the African American population. Black voices do

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<sup>29</sup> Harold A. Williams, *The Baltimore Sun: 1837-1987* (Baltimore: Johns Hopkins University Press, 1987).

appear in an effort to show that the most important people in this study, the victims of a tyrannical white regime, were in fact aware of the pro-slavery mentality they experienced, and fought, at every turn. They also serve to remind us that the people discussed in these laws and newspapers, lumped in a group and for the most part wiped clean from the historical record by a system that didn't care to remember them, were real people with families and passions and opinions.

## Chapter I: Political Allegiances with the Slaveholding South

Slavery was of both national and local concern to voting Marylanders and it drove a cultural and political wedge between white Marylanders and their northern neighbors. In his book *Maryland- A Middle Temperament*, Robert Brugger argues, “[Marylanders] cultivated a middle-state ethos— a sensibility founded on compromise given conflict, on toleration given differences among people and their failings, on the pursuit of happiness given the brevity of life...”<sup>30</sup> In the spirit of all things moderate, Brugger argues more specifically that by the mid-nineteenth century, Maryland “had become a sectional netherland, giving itself to neither North nor South.”<sup>31</sup> Brugger’s analysis paints Maryland as an austere middle ground where slavery was considered as a marginal economic institution and hardly studied as a social one. This is not true. Maryland was a borderland, but it was not a calm one. This was a land where proslavery ideology and abolition clashed in a ferocious way. Politically active white Marylanders’ involvement in national politics of the nineteenth century suggests that they clearly aligned with the slaveholding South because they wanted specifically to defend slavery not as marginal economic institution, but as an institution with relevant, practical and emotional purposes.<sup>32</sup> Because enslaved Marylanders refused to remain in the chains of slavery and constantly sought freedom in the nearby north and free blacks, and abolitionists refused to stop helping them, local fugitive slave issues became national issues. These local-

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<sup>30</sup>Robert J. Brugger, *Maryland, A Middle Temperament: 1634-1980* (Baltimore: Johns Hopkins University Press, 1996), x.

<sup>31</sup> *Ibid.*, 248.

<sup>32</sup> Calvin Schermerhorn, *Money over Mastery, Family over Freedom: Slavery in the Antebellum Upper South*, 1 edition (Johns Hopkins University Press, 2011), 12. Schermerhorn provides an example from Virginia to make this point.



turned-national issues surrounding slavery forced white Marylanders to take a side and they repeatedly defended slavery throughout the nineteenth century, especially since Maryland's geographic location as a borderland meant that slavery was constantly challenged.

On a local level, Maryland's political makeup was fragmented and varied by region. Northern and Western Maryland were less dependent on the institution of slavery because of the nature of agriculture in those regions. Cereal crops that grew well there required a smaller labor force than the tobacco regions of the southern counties and the Eastern Shore.<sup>33</sup> Rural districts were usually more concerned with protecting slavery as a primary goal, while urban areas like Baltimore, with an especially high immigrant population, usually elected local neighborhood representatives, often influenced by national origins.<sup>34</sup> The city of Baltimore grew rapidly upsetting many rural residents who worried that Baltimore would gain too much political authority by the 1850 State Constitutional Convention. Rural residents believed that because Baltimore was a diverse and overwhelmingly free town with little economic dependence on slavery, Baltimoreans would threaten the institution. They shouldn't have worried. As Frank Towers argues, "Baltimoreans led the convention in pledging to maintain all laws that defended slavery, in declaring that slave holders had been ill served by the Compromise of 1850, and in banning slavery's future abolition."<sup>35</sup> Know-Nothings were appealing to pro-slavery Marylanders because they were convinced that abolitionists, Catholics, and immigrants

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<sup>33</sup> Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground* (New Haven: Yale University Press, 1985), 5.

<sup>34</sup> Frank Towers, *The Urban South and the Coming of the Civil War* (Charlottesville: The University of Virginia Press, 2004), 80.

<sup>35</sup> *Ibid.*

conspired to undermine the authority of native slaveholders and the institution of slavery.<sup>36</sup> Clearly, most of the white, male, voting population felt some sort of attachment to slavery, or at least they were willing to concede to the institution and keep the status quo.

If white Marylanders were less likely to fight over slavery amongst themselves, they were very willing to clash with their neighbors to the north over the issue. As Stanley Harrold argues, the entire borderland region can be viewed as a warzone where “violence grew out of the proximity of free and slave labor societies.”<sup>37</sup> States like Maryland were a gateway to alternate worlds where the nerves of northerners and southerners were left exposed. For Marylanders, slavery was the primary issue, and most significantly, the fugitive slave issue that plagued Maryland slaveholders for generations. As the century wore on, Maryland slaveholders became increasingly interested in a national fugitive slave law and their pro-slavery language became progressively abrasive and forceful.

Stanley Harrold concludes that the entire Border South witnessed the most immediate threat to slavery because of the proximity to the free north. For white Marylanders, Pennsylvanians were the nearest enemy, and most Maryland slaveholders believed that Pennsylvanians were to blame for the fugitive slave issue.<sup>38</sup> In 1852, just two years after the passage of the national Fugitive Slave act, Governor E. Louis Lowe described Maryland’s place on the frontline of the issue as “practical...whereas, with the

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<sup>36</sup> Ibid., 83.

<sup>37</sup> Stanley Harrold, *Border War: Fighting over Slavery before the Civil War*, (The University of North Carolina Press, 2010), xiii.

<sup>38</sup> Ibid., 73.

South generally, they [were] matters of abstract principle.”<sup>39</sup> Well before the Compromise of 1850, the General Assembly pressed the governor to take action against neighboring states over the fugitive slave question. In 1817, they asked Governor Charles Ridgley to converse with the governors of Pennsylvania and Delaware and convince them to quell their residents’ “evil” abolitionist activities. The General Assembly referred to the “difficulty which owners experience in recovering them even after they are discovered,” and requested the governor exert his executive “influence with their respective legislatures, by recommending such laws as shall have a tendency to remedy the grievances complained of.”<sup>40</sup> Again, in 1820, the General Assembly described Pennsylvanians as “always ready to lend every practicable aid in thwarting the just and legal efforts of the owner in the recovery of his Negro.”<sup>41</sup> Through this resolution, the Assembly claimed “it is the duty of the Congress of the United States to enact such a law as will prevent a continuance of the evils here complained of,” and encouraged congress to adopt “such measures as will effectually protect the rights of slave-holders.”<sup>42</sup>

Just a year later, the General Assembly’s language over the issue became even more severe. In 1821, the “harboring and employing of run-away negroes from this state by sundry citizens of the commonwealth of Pennsylvania and state of Delaware...increased to such an alarming degree” and “the inconvenience arising therefrom to the good people of this state” became “so great and intolerable as to make

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<sup>39</sup> Governor E. Louis Lowe, *Message of the Executive of Maryland to the General Assembly*, January Session (1852), 36-40. Maryland State Archives.

<sup>40</sup> Adjoined Resolution no. 43, 1817 Maryland General Assembly, December session (Maryland State Archives) Volume 636, page 252.

<sup>41</sup> Adjoined Resolution no. 28, 1820 Maryland General Assembly, December session (Maryland State Archives), Volume 625, page 175.

<sup>42</sup> Adjoined Resolution no. 28, 1820 Maryland General Assembly, December session (Maryland State Archives), Volume 625, page 175.

longer silence on this subject on the part of the General Assembly of Maryland, if not criminal, highly improper.”<sup>43</sup> Pennsylvanians and Delawareans were to blame, suggesting a perception of a strong cultural divide between Marylanders, Pennsylvanians and Delawareans.

Of course, most escaped slaves ran away on their own free will, but slaveholders never gave up their accusations against Pennsylvanians and the two states seemed to clash at every corner. Pennsylvania was the first state to enact gradual emancipation and was a hotbed of abolitionism.<sup>44</sup> Free States, like Pennsylvania, required southern masters to prove slavery was legal in their state in order to recapture fugitive slaves.<sup>45</sup> As a result of this loophole, in 1839, the General Assembly declared slavery legal in the state of Maryland, and claimed slaves as “the property of their owners,” and therefore, “may be hereafter held in slavery.”<sup>46</sup> Maryland slaveholders saw northern meddling as “warfare... against the rights of citizens in these states which still retain the institution of slavery.”<sup>47</sup> They implicated Pennsylvanians because slaves did indeed run to the free state. Throughout the nineteenth century, Marylanders and Pennsylvanians came to blows over a slew of fugitive slave cases. These cases brought out the most volatile feelings of

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43. Adjoined Resolution no. 53, 1821 Maryland General Assembly, December Session (Maryland State Archives), Volume 626, page 179

44 Stanley Harrold, *Border War: Fighting over Slavery before the Civil War*, (The University of North Carolina Press, 2010), 21.

45 Ibid.

46. *An Act Declaring Domestic Slavery to be Lawful in the State*, Maryland Session Law 1839, Ch. 42 (Maryland State Archives), Volume 600, page 42.

47 *Report of the Select Committee Appointed to Consider so Much of the Governor’s Message as Relates to The Murder of Edward Gorsuch, and the Trial of the Treason Case in Philadelphia, Maryland House of Delegates*, May 19, 1852, (Maryland State Archives), 13.

Maryland slaveholders who responded passionately to what they saw as an assault on their peculiar institution.

Maryland's slaveholders wanted more federal regulation of the fugitive slave issue in order to stop free states from complicating the process of obtaining freedom-seeking slaves. Clearly, the border slave and free states were failing in their attempt at interstate diplomacy.<sup>48</sup> The 1842 U. S. Supreme Court case *Prigg vs. Pennsylvania* stood out for white Marylanders as an example of the struggle of living in a borderland with severely divergent ideologies. Edward Prigg was a Maryland slave catcher, sent by a Maryland woman to recapture Margaret Morgan, whom she asserted was her slave property and Prigg obtained an arrest warrant for the Morgan. However, after her capture, the Justice of the Peace in York County, Pennsylvania prohibited Prigg to take Morgan to Maryland. On April 1, 1837, Prigg dragged Morgan across the border without approval, and found himself arrested for kidnapping.<sup>49</sup> The refusal of the Justice of the Peace to turn Morgan over to Prigg outraged slaveholders who saw this as another blockage against obtaining federally protected property. Marylanders, turning to Article IV of the federal Constitution claimed "that the provision in the Constitution of the United States relative to fugitive slaves executes itself so far as to authorize the owner or his agent to seize the fugitive in any state of the union, as property; and that no state law is constitutional which interferes with such a right."<sup>50</sup> While the Supreme Court ultimately upheld this constitutional right of slave catchers to recapture fugitives and return them to slavery, the *Prigg* case served as an example of the difficulties and hostility masters faced

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<sup>48</sup> Stanley Harrold, *Border War: Fighting over Slavery before the Civil War*, (The University of North Carolina Press, 2010), 77.

<sup>49</sup> *Ibid.*, 75-76.

<sup>50</sup> "The Maryland and Pennsylvania Case," *The Sun (1837-1989)*, March 5, 1842.

in Pennsylvania. For Pennsylvanians, the Prigg case proved that southern slaveholders would keep their grasp on the Supreme Court and impede state efforts against slave catching.<sup>51</sup> White slaveholders and slave catchers from Marylanders feared the consequences of recapturing fugitive slaves and wanted further protection from the federal government.<sup>52</sup>

The Prigg case did little to soothe the tension between Marylanders and Pennsylvanians and the violence over the fugitive slave issue only grew. In 1842, a predominately black mob in Carlisle Pennsylvania mortally wounded Maryland slave owner James Kennedy while he pursued fugitive slaves. This enraged white Marylanders. Before his death was reported, *The Baltimore Sun* concluded, “Mr. Kennedy’s negroes have escaped, and will perhaps, not be heard from again— while he, in the endeavor to recover them, has it is presumed from the nature of his wounds, been maimed for life.”<sup>53</sup> Kennedy was apparently the first slaveholder to die in pursuit of his slaves above the Mason-Dixon line. The local population in Carlisle rallied together in an attempt to capture the fugitives as Kennedy pursued them at the local jail.<sup>54</sup> Although multiple residents were arrested as a result, including a professor from nearby Dickinson College, the Pennsylvania Supreme Court ultimately threw out the case.<sup>55</sup> To Marylanders, James Kennedy was a martyr, a “valuable citizen of Maryland...murdered at the courthouse

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<sup>51</sup> Joe Lockard, “Justice Story’s ‘Prigg’ Decision and the Defeat of Freedom,” *American Studies* 52, no. 4 (January 1, 2007): 467–80.

<sup>52</sup> Stanley Harrold, *Border War: Fighting Over Slavery before the Civil War* (University of North Carolina Press, 2010), 76.

<sup>53</sup> “The Slave Riot at Carlisle, Pa.,” *The Baltimore Sun (1837-1989)*, June 7, 1847.

<sup>54</sup> Martha C. Slotten, “The McClintock Riot of 1874,” 14. (<http://housedivided.dickinson.edu/library/Slotten2000.pdf>)

<sup>55</sup> *Ibid.*

door...by a mob because he was lawfully pursuing his fugitive slaves.”<sup>56</sup> Self-identifying southern students at Dickinson College formed a makeshift committee to report the events back to their home states. Those students identifying with the South came from Maryland, Virginia, Washington D.C. Delaware, Kentucky, North Carolina, South Carolina, Mississippi, and Louisiana. Of the ninety students, the majority (fifty-seven) were Marylanders disturbed by the death of a fellow statesman.<sup>57</sup>

The Fugitive Slave Law of 1850 represented an attempt to offer Marylanders, and other southern slaveholders, the protection they desired. The Fugitive Slave Law of 1850 put an end to state laws that obstructed masters from recovering slaves and made northern residents responsible for aiding in the capture of freedom seekers.<sup>58</sup> But in 1851, just after Congress passed the legislation, Maryland’s slaveholders and Pennsylvanians came to blows again and this time the result was the largest treason trial in the history of the United States. Baltimore County resident Edward Gorsuch was one of the larger slaveholders in Central Maryland. In 1850, Gorsuch owned seven slaves.<sup>59</sup> In the late 1840s, four of Gorsuch’s slaves escaped to Lancaster Pennsylvania after they were accused of stealing grain and other goods from Gorsuch’s barn.<sup>60</sup> In September of 1851, after the Fugitive Slave Law gave him the security he desired to pursue his slaves, Gorsuch, his son Dickenson, a U.S. Marshal, and some other members of the Gorusch

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<sup>56</sup> Robert J. Brent, *Report of Attorney General Brent to His Excellency, Governor Lowe in Relation to the Christiana Treason Trials in the Circuit Court of the United States Held at Philadelphia* (Annapolis, Maryland, December 22, 1851), The Library of Congress, 18.

<sup>57</sup> “The Riot at Carlisle: Prof. McClintock,” *The Sun (1837-1989)*, June 11, 1847.

<sup>58</sup> 1850 U.S. Constitution, amend. 60, sec. 7.

<sup>59</sup> 1850 U.S. Federal Census, “Seventh Census of the United States Slave Schedules,” Edward Gorsuch, district one, Baltimore, Maryland.

<sup>60</sup> Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 14.

family, headed to Christiana Pennsylvania to recover the fugitives, whom they learned were staying at the home of William Parker, also a fugitive slave. Gorsuch and his posse approached the Parker home armed with pistols and ready for a confrontation. When they reached Parkers home, they discovered a group of much the same mindset. Between William Parker, the Gorsuch slaves, and other black community members, the Maryland gang was outnumbered “as much as ten or twenty to one.”<sup>61</sup> A general scene of commotion drew a crowd of somewhere between fifty to one hundred locals, many of them African American.<sup>62</sup> As Gorsuch approached the door, refusing to back down from a fight, someone in the home fired at him.<sup>63</sup> An all out brawl ensued. Edward lay dead on the ground, his son seriously wounded, and the other members of the Gorsuch party dispersed with clear battle scars. The fugitives won and made their immediate escape to Canada with the help of fellow Marylander, Frederick Douglass. During the aftermath, 38 locals, including Parker’s neighbor Castner Hanway were indicted on 117 separate counts of treason.<sup>64</sup>

Deemed a “Tragedy”, “Riot,” or “Massacre,” the events at Christiana set off a firestorm across the country and especially in Maryland. For Marylanders, Gorsuch’s murder was a brutal assault on southerners, slaveholders, and the federal legislation intended to protect slaveholders from this sort of violence. In response to the outrage, the General Assembly formed a committee specifically assigned with the task of reporting on the Christiana trial in Philadelphia. The committee reflected the sentiment that Northerners were actively provoking an illegal war on slavery and slaveholders. The

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<sup>61</sup> Ibid., 68.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid., 63.

<sup>64</sup> Ibid., 114-115.



committee reported, “Would not an insurrection in all the free states to prevent by force the execution of the fugitive slave act, be a levying of war against the authority of the United States?”<sup>65</sup> Gorsuch’s death was compared to similar instances, prior to the Compromise of 1850. White Marylanders feared that as in the case of James Kennedy, the perpetrators would go unpunished.<sup>66</sup> As the trial progressed, they anticipated a decision and feared “the State of Maryland [was] powerless to protect her citizens.”<sup>67</sup>

Their suspicions proved true. The Pennsylvania jury refused to convict Hanway of treason. The men who killed Gorsuch fled to Canada, and the federal government did not press charges against the other prisoners.<sup>68</sup> Although most of the prisoners accumulated ruining debts, no one was convicted of any crime associated with the events at Christiana.<sup>69</sup> To white Maryland and other white southerners, whether they owned slaves or not, the events at Christiana were proof that the Fugitive Slave Law was not carried out in the North and that northerners were a threat to the institution of slavery. White Marylanders weren’t surprised that the Pennsylvania jury would uphold the Fugitive Slave Law claiming, “No additional evidence...could have changed the result.”<sup>70</sup>

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<sup>65</sup> Robert J. Brent, *Report of Attorney General Brent to His Excellency, Governor Lowe in Relation to the Christiana Treason Trials in the Circuit Court of the United States Held at Philadelphia* (Annapolis, Maryland, December 22, 1851), The Library of Congress, 9.

<sup>66</sup> *Ibid.*, 18.

<sup>67</sup> *Ibid.*

<sup>68</sup> Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 135.

<sup>69</sup> *Ibid.*

<sup>70</sup> Robert J. Brent, *Report of Attorney General Brent to His Excellency, Governor Lowe in Relation to the Christiana Treason Trials in the Circuit Court of the United States Held at Philadelphia* (Annapolis, Maryland, December 22, 1851), The Library of Congress, 2.

Again, white slaveholding Marylanders were reminded of the challenges to slavery they faced throughout the nineteenth century, threats that fired up a population that was losing its economic dependence on slavery every decade. *The Committee Appointed to Consider so Much of the Governor's Message as Relates to The Murder of Edward Gorsuch, and the Trial of the Treason Case in Philadelphia* offered the question:

How have the sister states in which slavery has ceased to exist fulfilled their obligations under the Federal compact? Let the history of the last thirty or forty years, with its dark catalogue of aggressions upon the constitutional rights of the South be appealed to for the answer... by denying to the inhabitants of those territories the privileged of being governed by laws of their own adoption...<sup>71</sup>

Governor Thomas Lowe went even further in his ultimatum to President Fillmore:

The citizens of Maryland 'would not remain one day in the confederacy if finally assured either that the powers of the federal [government] were inadequate or that the public opinion of the non-slaveholding states was adverse to the protection of the rights, liberties, and lives of her citizens. If the Union is to be merely a union of minority slaves to majority tyrants, then indeed our government has failed in the end of its creation and the sooner it is dissolved the better.'<sup>72</sup>

The Christiana Riot served to radicalize white Marylanders whether they owned slaves or not. They sympathized with slaveholders like Gorsuch, martyred as the "murdered son," and they were more inclined to identify with slaveholders and the institution in general.<sup>73</sup>

Years later, with the riot still fresh in their minds, and the fugitive slave issue still a national problem, Governor Thomas Hicks claimed there was "NO grosser outrage, no

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<sup>71</sup> *Report of the Select Committee Appointed to Consider so Much of the Governor's Message as Relates to The Murder of Edward Gorsuch, and the Trial of the Treason Case in Philadelphia, Maryland House of Delegates*, May 19, 1852, (Maryland State Archives), 8. John E.H. Ligget, a member of the House of Delegates from Carroll County, served as the chairman of this committee.

<sup>72</sup> Governor Thomas Lowe as quoted in: Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 105.

<sup>73</sup> Governor E. Louis Lowe, *Message of the Executive of Maryland to the General Assembly*, January Session (Annapolis, 1852), 36-40, Maryland State Archives

more complete and disgraceful violation, not only of good faith, but of solemn compact” than what he saw as “organized political conspiracies” against slavery.<sup>74</sup> White Marylanders feared that the failure of the federal government to convict African Americans of the murder of slaveholders could only embolden “black regiments with white allies in their work of murdering Southern masters who dare pursue their slaves.”<sup>75</sup> They further described Northerners as “diabolical...fanatics,” who worked to “excite the slaves of the South to insurrection, and the indiscriminate massacre of the white race.”<sup>76</sup> White Marylanders feared a race war and events like the Christiana riot led them to believe that the “demon of fanaticism [reigned] triumphant at the North,” and not only threatened the institution of slavery, but also their lives, giving all white Marylanders a reason to back the institution.<sup>77</sup> As a result, Maryland slaveholders formed grassroots county and district associations “for the protection of the people...in their slave and other property.”<sup>78</sup> These associations, like one in Baltimore County, were made up of local

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<sup>74</sup> Governor Thomas Hicks, *Annual Message of the Executive of Maryland to the General Assembly*, January Session, 1860, (Maryland State Archives), 13.

<sup>75</sup> Robert J. Brent, *Report of Attorney General Brent to His Excellency, Governor Lowe in Relation to the Christiana Treason Trials in the Circuit Court of the United States Held at Philadelphia* (Annapolis, Maryland, December 22, 1851), The Library of Congress, 17.

<sup>76</sup> *Report of the Select Committee Appointed to Consider so Much of the Governor’s Message as Relates to The Murder of Edward Gorsuch, and the Trial of the Treason Case in Philadelphia, Maryland House of Delegates*, May 19, 1852, (Maryland State Archives), 8.

<sup>77</sup> *Ibid.*

<sup>78</sup> Reported for the Baltimore Sun John Philpot, L. K. Bowen, and James Nelson, “Public Meeting of the Citizens Residing in the Vicinity of the Late Edward Gorsuch,” *The Sun (1837-1989)*, September 18, 1851.

farmers and lawyers, some slaveholders, and others probably non-slaveholders with close social ties to the slaveholding community.<sup>79</sup>

Maryland slaveholders also supported the protection of slave property through the expansion of slave markets. Maryland slaveholders, and especially the state government advocated expanding slavery into the western territories. With its surplus of excess slaves, Maryland was a heavy producer of slave labor for the expanding markets in the Deep South. Marylanders, and other Upper South states like Virginia, kept their hold on the domestic slave trade by profiting from the fertility of their female slaves.<sup>80</sup> As a result, white, males elected representatives who supported popular sovereignty, or the ability of the residents of territories to decide for themselves whether they would allow slavery or prohibit it. New states had a constitutional right to decide for themselves without pressure from Northerners to “forgo their constitutional right...and confirm their governmental systems to northern views and northern interests.”<sup>81</sup> By viewing slaves as any form of property, *The Sun* encouraged readers to consider how northerners would react if the federal government prohibited them from bringing their cattle and horses into

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<sup>79</sup> Ibid. Members of this association included lawyers John Philpot and Richard Emory, and likely farmers Joshua Hutchins, L.K. Bowen, and James Nelson. Philpot and Emory were slaveholders- Emory being a larger slaveholder for the area, with twenty-five slaves, according to an 1850 slave schedule. Census records reveal no slave schedule records for Joshua Hutchins and Bowen is difficult to find in the records because his first name is unknown, and James Nelson was also difficult to pinpoint with confidence. 1850 Federal Census slave schedules for Baltimore County, Maryland.

<sup>80</sup> Calvin Schermerhorn, *Money over Mastery, Family over Freedom: Slavery in the Antebellum Upper South*, 1 edition (Johns Hopkins University Press, 2011), 13.

<sup>81</sup> *Report of the Select Committee Appointed to Consider so Much of the Governor's Message as Relates to The Murder of Edward Gorsuch, and the Trial of the Treason Case in Philadelphia, Maryland House of Delegates*, May 19, 1852, (Maryland State Archives), 7.

the territories.<sup>82</sup> Governor Phillip Thomas instructed the General Assembly to side with their constituents over the issue of the Wilmot Proviso, which proposed the prohibition of slavery from any land acquired as a result of the Mexican war, and encouraged them “to make common cause with the South, and to resist to the end, the execution of a measure so palpably volatile of her rights and so pregnant with injustice, disgrace and degradation.”<sup>83</sup>

Maryland’s political elite delighted in the fact that the Kansas Nebraska act of 1854 effectively undid the Missouri Compromise of 1820 by allowing popular sovereignty in the West. When the Dred Scott Decision in 1857 officially negated the Missouri Compromise, *The Sun* reported, “we cannot... refrain from expressing our gratification that this important subject has at last had a final adjudication, and one which is in accordance with the great principle of popular sovereignty.”<sup>84</sup> The Sun went further, calling dissent from the Supreme Court decision, “indiscreet and suicidal ravings” by “those who *know no love* except that of their own violent self-will and passions.”<sup>85</sup> The same newspaper later encouraged Northerners to accept the decision as “the law of the land,” and to “govern their conduct accordingly,” claiming that they “have no less rights than their brethren from the Southern States, and they should not desire to have more.”<sup>86</sup>

The *Dred Scott* decision, presided upon by Rodger Taney was a two-fold Supreme Court decision. Not only did Taney declare the Missouri Compromise null and

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<sup>82</sup> “The Message and the Dred Scott Case,” *The Sun (1837-1989)*, December 31, 1859.

<sup>83</sup> Governor Philip P. Thomas, *Annual Message of the Executive of Maryland to the General Assembly*, December Session, 1849 (Maryland State Archives), 32. The Wilmot Proviso was a proposal to ban slavery from all new territories, originally acquired as a result of the Mexican War.

<sup>84</sup> “The Decision in the Supreme Court,” *The Sun (1837-1989)*, March 9, 1857.

<sup>85</sup> *Ibid.*

<sup>86</sup> “The Dred Scott Case,” *The Sun (1837-1989)*, March 11, 1857.

void, the court also ruled that African Americans were not citizens of the United States because their ancestors were “imported to this country and sold as slaves.”<sup>87</sup> This is the decision Maryland slaveholders hoped for. Fearing that “slavery agitators” to the north were using the Dred Scott case for “political effect,” they were pleased that “calm reason and sober judgment” prevailed.<sup>88</sup> *Sun* editorialists revered Judge Taney for his decision even after his death in 1864. White Marylanders defended Taney’s claim that African Americans “had no rights which the white man was bound to respect,” and offered him the highest praise claiming “that a purer and abler judge never lived than Roger B. Taney.”<sup>89</sup> Even today, visitors to Baltimore and the State House in Annapolis can gaze upon statues memorializing the mastermind behind the *Dred Scott* decision.

Why did Maryland’s slaveholders support a national expansion of slavery in a period when slavery was on the decline as a labor force and had been for some time in their own state? The first consideration has to do with the domestic slave trade and the influence of increasing markets for slavery in the Deep South and presumably the West. As Seth Rockman points out in his study of labor in early Baltimore, slaves were valuable in Maryland because they brought a profit in the slave trade.<sup>90</sup> Baltimore was a hub of slave trading, where slave traders like Hope Slatter and Austin Woolfolk sold Maryland’s excess slaves to the markets in the Deep South.<sup>91</sup> Slaves were more than a labor system.

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<sup>87</sup> *Dred Scott Vs. Sandford Opinion of Rodger B. Taney*. In: Paul Finkelman, *Defending Slavery: Proslavery Thought in the Old South A Brief History with Documents* (Boston: Bedford/St. Martins, 2003), 133.

<sup>88</sup> “History of the Dred. Scott Case,” *The Sun (1837-1989)*, March 20, 1857.

<sup>89</sup> “Tribute to the Late Chief Justice,” *The Sun (1837-1989)*, December 29, 1864.

<sup>90</sup> Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2008), 235.

<sup>91</sup> Christopher Phillips, *Freedom’s Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 230.

They were more valuable to slaveholders as an investment that held value over time because that value increased with every newfound slave market and with slave reproduction.<sup>92</sup> As a result, the domestic slave trade loomed over Maryland slaves and free blacks alike.<sup>93</sup>

The slave trade ensured that Maryland slaves would be more likely to remain enslaved as long as they held their value.<sup>94</sup> But the domestic slave trade also served as a method of social control, as long as white Marylanders could decide who was sold. The Dred Scott decision gave slaveholders even more legal backing to regard free black citizens as potential expendable property that could be rounded up and sold into the institution. Taney's decision reinforced white Marylanders' desire to reign over all blacks, not only as racial superiors but also as slave masters and slave traders.<sup>95</sup> The domestic slave trade tied white Marylanders to the Deep South and further legitimized their identity as slave masters.

In 1856, the debate over slavery in the Senate resulted in attempted murder. When South Carolina Congressman Preston Brooks beat Senator Charles Sumner nearly to death on the Senate floor after Sumner insulted Brook's southern relatives, *The Sun* sided with Brooks and blamed the Massachusetts senator for provoking him. In response to the incident, Massachusetts enacted legislation permitting their representatives and congressmen to arm themselves in Washington. Editors of *The Sun* answered, "If, instead of revolvers, they were furnished with broad national views, and good common sense,

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<sup>92</sup> Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2008), 234.

<sup>93</sup> *Ibid.*, 237.

<sup>94</sup> *Ibid.*

<sup>95</sup> This will be covered in length in chapter 3

unmixed with fanaticism and narrow-minded bigotry, it would be far better for themselves, and redound to the honor of the State of Massachusetts.”<sup>96</sup>

White male Marylanders consistently voted for representatives who protected slavery. The sweeping tide of the anti-slavery Republican Party that washed over much of the North, and claimed a victory in every northern state by the presidential election of 1860, did not penetrate the border into Maryland, where southern Democrats triumphed in the same election<sup>97</sup> Maryland had three major political parties by the outbreak of the Civil War, and the Republicans were not among them. The Republican Party formed out of the splintering on sectional lines of the Whig, Know-Nothing, and Democratic parties. Since all major parties had ties in the north and the south, they had to walk a fine line between pro-slavery and anti-slavery to keep their constituency.<sup>98</sup> The Kansas Nebraska Act further splintered the major national parties and allowed the new Republican Party to pick up anti-slave power northerners, disheartened by the Democrats and Whigs.<sup>99</sup> Northern Know-Nothings, previously concerned with immigration issues and fueled by nativism, also disintegrated into the Republican Party over slavery controversy.<sup>100</sup>

Voting Marylanders were willing to stick with any party, as long as that party clearly supported slavery. From 1833-1860, Maryland had nine governors— three Whigs, five Democrats, and the last was a Know-Nothing. All three parties reflected pro-slavery ideology, and all these candidates led the state in the years of the most extreme defenses

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<sup>96</sup> “The Sumner Assault” *The Sun (1837-1989)*, June 3, 1856.

<sup>97</sup> The American Presidency Project, “Election of 1860 Results,” The University of California, <http://www.presidency.ucsb.edu/showelection.php?year=1860> (accessed April 12, 2015).

<sup>98</sup> Michael F. Holt, *The Fate of their Country: Politicians, Slavery Expansion, and the Coming of the Civil War* (New York: Hill and Wang, 2004), 99.

<sup>99</sup> *Ibid.*, 111.

<sup>100</sup> *Ibid.*, 118.



of slavery. In the mid-1850's, the Know Nothing Party gained significant strength and even dominance in southern cities like New Orleans and Baltimore.<sup>101</sup> Baltimore, the largest city in the South, had the largest Know Nothing presence of all the slave states.<sup>102</sup> Know Nothings held a certain appeal in southern cities like Baltimore, where, as Frank Towers points out, "disputes over slavery's status in the West contributed to the downfall of the state's longstanding Whig majority."<sup>103</sup> The Know-Nothings appealed as a third party because voters were dissatisfied with the anti-slavery aspects of both major national parties.<sup>104</sup>

On all of these national issues, white Marylanders were clear about their allegiances. Their language alone well defined the enemy of both Maryland and the rest of the slaveholding states. Maryland slaveholders didn't trust northerners because they couldn't trust them with their most impassioned issue. White Marylanders were not Pennsylvanians regardless of the fact that Marylanders were often forced to manumit or sell their slaves as a result of an economic revolution which more aligned with Pennsylvania. After all, Abolitionists were northerners; "sundry, misguided, and wickedly disposed citizens residing chiefly in the Northern and Eastern States of the Union ...who have sought...and are still seeking...to destroy the peace, happiness and security of all of the citizens of this, and of all of our sister states in the south."<sup>105</sup> Governor Hicks described this mistrust as a result of "the attacks of fanatical and

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<sup>101</sup> Frank Towers, *The Urban South and the Coming of the Civil War* (Charlottesville: The University of Virginia Press, 2004), 72.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid., 76.

<sup>105</sup> Governor James Thomas *Address to the Senate, Journal of Proceedings of the Senate of the State of Maryland*, December Session, 1835 (Maryland State Archives), 14.

misguided persons against the property in slaves...formerly confined to a few” which in by 1860 had “assumed a more dangerous shape.”<sup>106</sup>

Maryland’s ruling elite often portrayed the Union as a family, in which each state was like a sibling. However, they reserved the right to dismiss certain family members, and the fissure between Maryland and Pennsylvania threatened Pennsylvanians’ place at the dinner table. Maryland slaveholders could only regard Pennsylvania as a “sister state” if she “redeemed herself” on the slavery issue and stopped meddling in the institution. Other slave states, however, were always welcome at the dinner table and they got the best silverware and all the finest fixings.

Maryland’s political actors made clear their position among the southern states by always referring to themselves as such. To Governor James Thomas, northern abolitionism was a common threat that sought to “destroy the peace, happiness and security of all of the citizens of this, and of all of our sister states in the south.”<sup>107</sup> Again, over the fugitive slave issue, Maryland politicians referred to the southern states as common “sisters” while in the next breath referring to the northerners simply as “citizens of non-slaveholding states.”<sup>108</sup> Other southern states were in fact, full-fledged sister states, because a mutual interest in the preservation of slavery tied them together. When state representatives did refer to northern states as sisters, if it wasn’t in a way to exclude them, it was intended to shame them into supporting southern interests. On the failure of

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<sup>106</sup> Governor Thomas Hicks, *Annual Message of the Executive of Maryland to the General Assembly*, January Session, 1860 (Maryland State Archives), 13.

<sup>107</sup> Governor James Thomas *Address to the Senate, Journal of Proceedings of the Senate of the State of Maryland*, December Session, 1835 (Maryland State Archives), 14.

<sup>108</sup> *Report of the Select Committee Appointed to Consider so Much of the Governor’s Message as Relates to The Murder of Edward Gorsuch, and the Trial of the Treason Case in Philadelphia, Maryland House of Delegates*, May 19, 1852, (Maryland State Archives), 1-16.

the Compromise of 1850, Governor Thomas Ligon stated that such an act “furnished most unmistakable proof that we of the south have but little to expect but injustice and oppression from that fell spirit of abolition so busily engaged in shaping the legislation and inflaming the minds of the people of some of our sister states against their southern neighbors.”<sup>109</sup>

The national issues concerning slavery that disconnected slave states and free states during the thirty years before the Civil War made many Marylanders question their place in the Union. They concluded that the federal government was incapable of protecting the rights of its citizens and therefore, the government needed serious reform. After the Compromise of 1850 failed to solve the contention over slavery, Governor Ligon described the Constitution as “an instrument of undisguised tyranny” rather than “a protecting shield and a blessing to the people of the South.”<sup>110</sup> Slavery was the linchpin that brought the slaveholding states into the Union, and without the guarantee of federal protection of slave property, “neither Maryland nor any other state in which slavery was likely to become permanent, could or would have become parties of the Union.”<sup>111</sup> As Governor Lowe concluded in reaction to the Christiana Riot, the failure of the federal

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<sup>109</sup> Governor Thomas Watkins Ligon, *Message of the Executive of Maryland to the General Assembly*, December Session, 1856 (Maryland State Archives), 31.

<sup>110</sup> *Ibid.*

<sup>111</sup> *Report of the Select Committee Appointed to Consider so Much of the Governor’s Message as Relates to The Murder of Edward Gorsuch, and the Trial of the Treason Case in Philadelphia, Maryland House of Delegates*, May 19, 1852, (Maryland State Archives), 7.

government to guarantee the protection of slavery pushed Maryland's slaveholders to consider disbanding the federal government.<sup>112</sup>

The thirty years prior to the Civil War were trying times for the entire country, and especially for Maryland, where practical evidence of a divided nation brought constant conflict. To be clear, Maryland was a mixing ground, because slavery was challenged here. It was challenged by African Americans, both slave and free, by northern abolitionists, and by internal white abolitionists like the Quakers. Formerly slaveholders themselves, by the eighteenth century, Maryland's Quakers began moving towards abolition in their own communities, and by the nineteenth century, they succeeded.<sup>113</sup> Still, Maryland's Quakers were wary of the legal punishments associated with abolitionist activity.<sup>114</sup> Maryland was not a land of mixing ideologies where two sides of an extreme came together to create a moderate middle ground. Cooler heads did not prevail in this period, especially for the African American population that suffered from the tyrannical rule of frantic pro-slavery politicians.

From the perspective of nineteenth century national politics, Maryland was no "sectional netherland, giving itself to neither north nor south," as Robert Brugger claims. Maryland slaveholders clearly gave themselves to the South. Brugger also suggests that Marylanders "both championed liberty and relied on slavery."<sup>115</sup> But white Marylanders

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<sup>112</sup> Governor Thomas Lowe as quoted in: Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 105.

<sup>113</sup> Kenneth L. Carroll, "Maryland Quakers and Slavery," *Quaker History* 72, no. 1 (April 1, 1983): 27–42.

<sup>114</sup> Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 10.

<sup>115</sup> Robert J. Brugger, *Maryland, A Middle Temperament: 1634-1980* (Baltimore: Johns Hopkins University Press, 1996), x.

did not champion liberty in the nineteenth century. They fought liberty for slaves at every corner. Slaveholders relied on slavery for their economic well-being, and for their social status. Slavery defined Maryland's political landscape, and it dominated the cultural landscape too. While historians are often confused about Maryland's identity, Maryland's nineteenth century slaveholders were not confused; they were southerners because they defended slavery and wished to see it survive so that the status of slaveholder could remain open to all.

## Chapter II: Upholding a Culture of Slaveholding

Practical issues over fugitive slaves and the preservation of slaveholding were not the only elements that dictated the political climate in nineteenth-century Maryland. An entire culture of slaveholding influenced white Marylanders' drive to fight for slavery on a national and local level. Historian Ira Berlin claims that Maryland and other border slave states were societies with slaves rather than slave societies because "no one presumed the master-slave relationship to be the social exemplar."<sup>116</sup> But Maryland slaveholders certainly believed that they dominated the social and political agenda, and made certain that most Marylanders followed the rules necessary for upholding that institution.

The heart and soul of Maryland's slave society rested on the desire to uphold an institution for a social and cultural identity— slaveholding was socially valuable. As historian Calvin Schermerhorn concludes, slaveholders in the upper south tied themselves to slavery with emotional bonds to mastership and their purse strings because they had a heavy hand in the domestic slave trade.<sup>117</sup> Because Maryland masters wanted to keep their identity as slaveholders, they held steadfast to the characteristics associated with the slaveholding elite much as their counterparts in the Deep South. While slavery did not dominate Maryland's economy in the 1830s, 1840s, and 1850s, Maryland was in fact a slave society, because slavery did in fact proscribe social relationships and define race, class, and gender. Maryland slaveholders saw themselves as a dominating force in the

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<sup>116</sup> Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America*, 2nd Printing edition (Place of publication not identified: Belknap Press, 2000).

<sup>117</sup> Calvin Schermerhorn, *Money over Mastery, Family over Freedom: Slavery in the Antebellum Upper South*, 1 edition (Johns Hopkins University Press, 2011), 209.

state, defended their social position with a strict adherence a code of honorable conduct, and clung to a tradition of slaveholding in order to ensure the preservation of a slaveholding elite. Maryland slaveholders, like Edward Gorsuch were offended by fugitive slave escapes, not simply because they wanted federal protection of their slave property, but also because slave escapes were an assault to a southern man's honor and threatened to tear down the entire culture upholding slavery. The portrayal of fugitive slave cases like the Christiana Riot were therefore as much about safeguarding white supremacy as it was about upholding federal law. All white Marylanders were struck by the riot because the death of Gorsuch and the failure of the Pennsylvania jury to convict was an assault on southern honor and threatened the supremacy of white privilege as the social norm.<sup>118</sup> The events surrounding Gorsuch's death can therefore be used as a case study for the sense of how white Marylanders viewed race relations and their role in maintaining the institution of slavery.

Historian Eugene Genovese laid the groundwork for defining how slaveholders across the South viewed their social position. As Genovese concludes, southern culture developed out of the interaction between masters and slaves. Slavery "laid the foundation" for both separate white and black cultures to emerge, while existing simultaneously.<sup>119</sup> Genovese points out that, "slavery made white and black southerners

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<sup>118</sup> Part of Southern Honor as a system of white supremacy was based upon the desire to protect white womanhood from the supposed threat it faced from African American men. W.J. Cash argued in his book "Mind of the South" that the white southern mindset of the antebellum period was entangled with masculine protection of femininity and purity. W. J. Cash and Bertram Wyatt-Brown, *The Mind of the South*, Vintage Books edition (New York: Vintage Books, 1991). See also, William R. Taylor, *Cavalier and Yankee: The Old South and American National Character* (New York: Oxford University Press, 1993).

<sup>119</sup> Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage, 1976), xvi.

one people, while making them two.”<sup>120</sup> The society created by slavery, then, could not be sustained without either masters or slaves— an important point for Maryland masters and aspiring masters who watched their subordinate slave population slowly disappear before their eyes. Maryland masters were well aware that slavery and freedom could not coexist for Maryland’s black population.<sup>121</sup> Genovese’s concept of paternalism, which defined the relationship between masters and slaves, “grew out of the necessity to discipline and morally justify a system of exploitation.”<sup>122</sup> In Maryland, it is useful to add that the culture surrounding slaveholders grew also out of the desperation to keep the system of exploitation.

Far from an economic principle, slavery was about human relationships and whether they intended to or not, Maryland masters recognized slaves as more than chattel property.<sup>123</sup> To borrow from Stephen Deyle, “The close contact that most owners had with their slaves meant that they did get to know them as people. This not only helped to reinforce the notion that there was more to the master-slave relationship than simple economic gain, but it also fostered a paternalistic sense of obligation in many toward those under their care... even if it was based on racist assumptions about black inferiority.”<sup>124</sup> The fundamental humanity of slaves forced masters and other whites who wished to uphold the institution to acknowledge the role slaves played as a part of the complex social web.

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<sup>120</sup> *Ibid.*, xvii.

<sup>121</sup> Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press), 39.

<sup>122</sup> Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage, 1976), 4.

<sup>123</sup> *Ibid.*, 5.

<sup>124</sup> Steven Deyle, *Carry Me Back: The Domestic Slave Trade in American Life* (New York: Oxford University Press, 2006), 216.



Paternalism, when viewed as a way to protect slaveholders, was alive in Maryland in the nineteenth century. Paternalism is grounded in the belief that some men are destined to reign over others and that all people must accept their own social position.<sup>125</sup> Paternalists are hierarchical elitists with an allegiance to a patriarchy in which men dominate the household and the rest of society.<sup>126</sup> Paternalism was the foundation white patriarchs needed to claim that all blacks were racially inferior and therefore needed the guidance of a superior white ruling race. As Christopher Phillips argues, Maryland's "entire social system was predicated on the maintenance of white supremacy."<sup>127</sup>

Paternalism argues against free society in favor of a rigid one. George Fitzhugh's analysis of southern society in his 1857 work *Cannibals All* reflects the ideal southern masters hoped might govern in the South. Fitzhugh argued, among many things, that the "unrestricted exploitation of so-called free society is more oppressive to the laborer than domestic slavery."<sup>128</sup> Fitzhugh argued that slaves were the "freest people in the world," under the care of their masters who supposedly guaranteed their well being and sheltered them from the competition for resources in the free market.<sup>129</sup> Not only did Fitzhugh believe blacks were ill suited for the free market because of their apparently inherent racial inferiority that made them little more than children, but he went even further,

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<sup>125</sup> Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage, 1976), 3. James Oakes, *The Ruling Race: A History of American Slaveholders*, (London ; New York: W. W. Norton & Company, 1998), xvii.

<sup>126</sup> James Oakes, *The Ruling Race: A History of American Slaveholders*, (London ; New York: W. W. Norton & Company, 1998), xvii.

<sup>127</sup> Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 177.

<sup>128</sup> George Fitzhugh, *Cannibals All! Or, Slaves without Masters*, ed. C. Vann Woodward (Cambridge: Belknap Press, 1966), 5.

<sup>129</sup> *Ibid.*, 18.

arguing that poor whites should also be enslaved. Fitzhugh argued “how can we contend that white slavery is wrong, whilst all the great body of free laborers are starving; and the slaves white or black throughout the world, are enjoying comfort?”<sup>130</sup>

Fitzhugh’s conclusions embody paternalism taken to the extreme, and it’s unlikely that most southerners would have encouraged enslaving white people alongside blacks slaves, even though white elitists certainly looked down upon lower classes of both races. Fitzhugh was attempting to make slavery seem like a moral system in the eyes of anti-slavery advocates of the 1850s. But southern whites replicated his belief in racial inferiority, even though most southerners, and especially most Marylanders, were not large slaveholders or even slaveholders at all. Fitzhugh’s vision was his ideal society, one that was impossible to achieve in the North or the South because most Americans never achieved the kind of economic independence Fitzhugh imagined, especially in the poorer rural areas of the south and urban cities like Baltimore, where all poor laborers competed to patch together employment to carve out a meager existence.<sup>131</sup> Baltimore’s free black people were among the poorest of the entire population in state and faced the most hardship both economically and socially.<sup>132</sup>

The fact that most white southerners didn’t own slaves didn’t keep principles like Fitzhugh’s from permeating southern society. White southerners rallied around their cohesive whiteness as a bottom line factor that made even the most destitute white southerner more than a slave, or any black person in general. Because race based slavery

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<sup>130</sup> Ibid., 201.

<sup>131</sup> Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore*, ed. Cathy Matson, 1st edition (Baltimore: The Johns Hopkins University Press, 2009).

<sup>132</sup> Christopher Phillips, *Freedom’s Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 3.

existed in Maryland and other southern states, race united all whites in a way that class could not.<sup>133</sup> However far stretched this fantasy was from the truth is less important than the influence this mindset had on slaveholders and the power they held in the South. Although it's difficult to determine whether or not Marylanders read Fitzhugh and the like, many white Marylanders, and especially slave holders, engaged in paternalist behaviors, whether consciously or not. For them, they were upholding a code of conduct essential for maintaining their imagined community, or attempting to reflect a sense of identity bestowed upon them by society.

Paternalism and honor were tied to the tradition of slaveholding in Maryland. Slavery was a part of Maryland's culture because it was a part of the history of the state. The first slaves came to St. Mary's City in 1642, and next to Virginia, Maryland was the earliest and most substantial slave state. By 1690, the profitability of slavery in the tobacco growing Chesapeake region cemented the institution of race-based slavery in Maryland and Virginia.<sup>134</sup> The racial order created by African slavery replaced the previous societies based on class, more representative of earlier centuries.<sup>135</sup> The early tobacco planters of the seventeenth and eighteenth centuries made up powerful gentry of slaveholders who politically dominated the colonial period.<sup>136</sup> Even into the nineteenth century, the slaveholding gentry dominated Maryland politically, since the southern and

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<sup>133</sup> David R. Roediger et al., *The Wages of Whiteness: Race and the Making of the American Working Class*, (London ; New York: Verso, 2007), 8.

<sup>134</sup> Allan Kulikoff, "The Colonial Chesapeake: Seedbed of Antebellum Southern Culture?," *The Journal of Southern History* 45, no. 4 (November 1, 1979): 513–40.

<sup>135</sup> *Ibid.*

<sup>136</sup> Louis Green Carr, Russell R. Menard, and Lorena S. Walsh, *Robert Cole's World* (Chapel Hill: The University of North Carolina Press, 1991), xviii.

eastern regions of Maryland, where slavery was more profitable and had a longer history, wielded the most political power in the state.<sup>137</sup>

White Marylanders asserted that African Americans were inferior and therefore well suited for slavery. They argued that emancipation had “conferred no benefit upon the African race either in the United States or elsewhere.”<sup>138</sup> Free blacks in Maryland were used as evidence of this, as lawmakers claimed their “idleness and vagrancy” burdened the state, made everyone “subject to their pilfering” and their poor behavior set an “evil example” for the slaves in the state.<sup>139</sup> As descendants of Africa, a continent the *Baltimore Sun* concluded had “supplied the civilized world with menial service,” supposed racial inferiority meant that Maryland’s black population was ill suited for self-government.

Maryland’s state-sponsored support of African colonization is evidence of this. White Marylanders saw little opportunity for free blacks who lived outside of the system of slavery (although, they never escaped it). White Marylanders believed that as a result of inferiority, free blacks, without the care of their masters, could never compete on the same economic and social plane with whites. In 1852, The Maryland Colonization Society reported that the growth of a free white population over time would leave “to the colored man no alternative but colonization.”<sup>140</sup> As a recurring theme of paternalism,

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<sup>137</sup> William W. Freehling, *The Road to Disunion: Secessionists at Bay*, (New York: Oxford University Press, 1990), 204.

<sup>138</sup> Correspondence of the *Baltimore Sun*, “Policy of Excluding Free Blacks from the New and Other States--Effect on the African Race-- Search of American Vessels by British Cruisers --Slave Trade--The Minnesota Claimants, &c.,” *The Sun (1837-1989)*, May 15, 1858.

<sup>139</sup> Governor Thomas Hicks, *Annual Message of the Executive of Maryland to the General Assembly*, January Session 1860 (Maryland State Archives), 11.

<sup>140</sup> “Maryland State Colonization Society,” *The Sun (1837-1989)*, March 3, 1852.

Maryland slaveholders portrayed themselves as caring philanthropists, looking out for the best interests of the African American race. Whites made their appeal to free blacks asking them to consider the Colonization Society's offer as "actuated by the disinterested motive of doing good to [the black] race."<sup>141</sup> White Marylanders of course, were not disinterested and colonization served only to remove free black people and keep black slaves.<sup>142</sup>

White Southerners, Marylanders included, concluded then, that because all black people were better off in a system of slavery, any menace to slavery threatened to disrupt the social work provided by white rulers. In response to fugitive slave cases and especially abolitionism, newspaper editors and legislators nearly always claimed that slaves were happier in slavery. Abolitionism was "not only vexatious to masters, but extremely pernicious and calculated to destroy the contentment and happiness of slaves."<sup>143</sup> For one Baltimore journalist, abolitionism and not the institution of slavery that inhibited the happiness of African Americans. In an article addressing the Underground Railroad, the *Baltimore Sun* claimed, "That the abolitionists are again pursuing a course well calculated to excite fierce animosity against them in this state, and which can only result in injury to the slaves, by making further restrictions necessary upon them."<sup>144</sup> Slaveholders concluded that without the trifling of northern anti-slavery agendas, Maryland slaves could exist in their happiest state. They viewed outside

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<sup>141</sup> "African Colonization," *The Sun (1837-1989)*, August 30, 1847.

<sup>142</sup> The relationship between Colonization and pro-slavery in Maryland will be analyzed further in Chapter Three.

<sup>143</sup> Adjoined Resolution no. 28, 1820, Maryland General Assembly, December Session, (Maryland State Archives) Volume 635, page 175.

<sup>144</sup> "Stampede Among the Slaves--The Under Ground Railroad," *The Sun (1837-1989)*.

influence not only “extremely pernicious” but also “calculated to destroy the contentment and happiness of slaves.”<sup>145</sup>

If slaves were incapable of caring for themselves, and abolitionists only served to disrupt their happiness, who then looked out for the slave? For Maryland slaveholders, the white ruling race was the only friend to the black slave. As self-proclaimed patriarchs, slaveholders usually believed or at least pretended to believe that they knew what was in the best interests of black people and used religion to justify both their intension and the institution. Civilized white Christians served as the benevolent model for African descendants. Southerners argued that their peculiar institution coincided with their simultaneous religiosity, claiming “the Old and New Testament speak of slavery— that they do not condemn the relation, but on the contrary, expressly allow it or create it... it cannot then, be wrong.”<sup>146</sup> Under paternalism, a master believed he could be both an all-encompassing ruler by natural right, and well as a benevolent Christian burdened with the task of caring for a Christianizing his inferior subordinates. Maryland slaveholders like Edward Gorsuch believed their slaves saw them as such, and therefore believed that, subdued by a benevolent form of slavery under the care of a paternalistic ruler, slaves were less likely to bring harm to their masters.<sup>147</sup>

Whether slaves believed this or not, it was still important for masters to ensure that slaves saw their master as their central caretaker. Take, for example, the case of

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<sup>145</sup> Adjoined Resolution no. 28, 1820, Maryland General Assembly, December Session, (Maryland State Archives) Volume 635, page 175.

<sup>146</sup> *De Bow's Review: Slavery and the Bible*, In: Paul Finkelman, *Defending Slavery: Proslavery Thought in the Old South A Brief History with Documents* (Boston: Bedford/St. Martins, 2003), 108.

<sup>147</sup> Thomas P. Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1994), 18.

fugitive slave Thomas Mitchell. Mitchell escaped slavery in Cecil County Maryland, sometime in the late 1830s and made a life with his family in Chester County Pennsylvania. In 1849, slave trader, Thomas McCreary, captured him in Chester County, imprisoned him in a Baltimore slave jail, and sold him, with the consent of his master, presumably to the Deep South. Although Mitchell's white employer and neighbors in Chester County attempted to buy his freedom, their efforts came too late. Reporting on the case, the *Cecil Democrat* perfectly captured this paternalistic relationship between slaves, abolitionists, and masters, claiming that Mitchell had trusted "sham philanthropists" in Pennsylvania. Had Mitchell remained with his master, his fate would have been much different. *The Cecil Democrat* was attempting to make a point; Mitchell made a mistake by running off. The abolitionists turned their back on him, and as a result, left the "the poor deluded slave who had toiled so long in their service, to await his destiny in the South."<sup>148</sup> As Stephen Deyle argues, paternalism allowed slavery's defenders to claim that few owners ever willingly sold their people and that those sales that did take place usually only involved unruly slaves, who deserved to be sold, or where the result of manipulative slave traders, who were always viewed as outcasts in southern society."<sup>149</sup>

White Southerners were overwhelmingly sensitive to assaults on their character, and especially on their honor. It was therefore crucial that all people, northerners, southerners, whites, blacks, freeman, and slaves buy the code of conduct that southern masters sold to their audience through paternalism. As historian Wyatt Brown argues,

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<sup>148</sup> *The Cecil Democrat and Farmers' Journal* (Elkton, MD). "Slave Case." September 1, 1849.

<sup>149</sup> Steven Deyle, *Carry Me Back: The Domestic Slave Trade in American Life* (New York: Oxford University Press, 2006), 209.

maintenance of the system required “coercive lines between acceptable behavior for all members of the Southern social order.”<sup>150</sup> Honor Culture excluded blacks, and was reserved for white males below the Mason-Dixon line. An enslaved man could never reach the status of an honorable gentleman because slaves were often associated with deceit.<sup>151</sup> Northerners too, were often excluded for their perceived tendency to uncover the secrets that lie underneath.<sup>152</sup> Honor, therefore was a crucial element to southern identity and an important tool Maryland slaveholders used to separate themselves from Pennsylvanians. Southern honor culture had deadly repercussions in Maryland where proximity to the free states meant that every fugitive slave case was primarily a shot to southern honor more than anything else.

Honor culture depended on the exchange of and acceptance of a presentation at face value. Much in the same way that paternalism was a front for southern masters to hide behind slavery, honor culture was a superficial tool that southern masters used to uphold their morality in an immoral position. Historian Wyatt Brown defines honor as a “moral code,” that allowed southern masters to believe that they had “made peace with God’s natural order.”<sup>153</sup> Kenneth Greenburg described southern men as overly concerned with “the world of appearances.”<sup>154</sup> Southerners therefore, did not base society on “the

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<sup>150</sup> Wyatt Brown, *Honor and Violence in the Old South*, (New York: Oxford University Press, 1986), 154.

<sup>151</sup> Kenneth S. Greenburg, “The Nose, the Lie, and the Duel in the Antebellum South,” *The American Historical Review* 95 (February, 1990): 65.

<sup>152</sup> *Ibid.*, 58.

<sup>153</sup> Wyatt Brown, *Honor and Violence in the Old South*, (New York: Oxford University Press, 1986), 3.

<sup>154</sup> Kenneth S. Greenburg, “The Nose, the Lie, and the Duel in the Antebellum South,” *The American Historical Review* 95 (February, 1990): 58.



nature of some underlying reality” but rather on “the acceptance of their projections.”<sup>155</sup> For Greenburg, this means, “The men who achieve the most honorable positions in such a culture are statesmen— men whose vision of themselves and their world is confirmed by popular acclamation.”<sup>156</sup> Honor culture was dangerous in the South because of a word against a man’s honor required that man to answer with violence.<sup>157</sup> For southern elite, dueling was the result of an ultimate assault to honor and a way to restore lost pride. For lower classes, assaults on honor resulted in fistfights or rough music like mob justice.<sup>158</sup> Either way, the need to defend one’s honor and uphold the reputation of a trustworthy man who adhered to the social norms, a man had to be willing to die to prove the truth behind his projections. Kenneth Greenburg argues that dueling fell out of favor in the North in the early years of the nineteenth century, but remained popular in the South because of the need to “avoid shame before a public audience— an audience that clearly understood and accepted the language and values of honor.”<sup>159</sup>

The principles behind dueling carried on in Maryland in the nineteenth century. A suspected duel between two former Maryland congressmen from Somerset County resulted from “a previous personal recountre.” Like most states, Maryland’s 1850 Constitution banned dueling and punished the act by banning participants from holding public office. Still, D.C. natives would often enter Maryland settle disputes by dueling, as was the case for two editors of Richmond newspapers who left D.C. to duel in

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<sup>155</sup> *Ibid.*, 62.

<sup>156</sup> *Ibid.*

<sup>157</sup> Wyatt Brown, *Honor and Violence in the Old South*, (New York: Oxford University Press, 1986), 144.

<sup>158</sup> Kenneth S. Greenburg, “The Nose, the Lie, and the Duel in the Antebellum South,” *The American Historical Review* 95 (February, 1990): 58.

<sup>159</sup> *Ibid.*

Maryland.<sup>160</sup> Even before the act of legislation, dueling, while practiced, was unpopular among most people. In 1847, the editor of the *Baltimore Sun* outlined his hope that the General Assembly in Maryland would outlaw dueling as other southern states, like Virginia had done earlier. The editor claimed that Maryland “would stand in no danger of compromising her reputation,” by enacting anti-dueling legislation.<sup>161</sup> However, while dueling fell out of favor with most, displays of honor still drove white southern men to risk their lives to make a point—and these men were often willing to die in the name of their status as a slaveholder.

The culture surrounding dueling, even if the practice itself was rare, heightened slaveholders’ sensitivity to insults. It was important for slaveholders specifically, to be viewed as role models of paternalism by their community. Portraying the persona of a benevolent master who kept his slaves happy was most severely threatened by slave escapes. It was one thing for a gentleman to insult another gentleman’s honor, but for a slave to insult his master’s honor was a horrible affront. A runaway slave could pull off his owner’s mask and expose the reality of the system—that the slave wanted to be free from that master, presumably because he was a bad master. Edward Gorsuch’s story is more than an example of the desire for the protection of fugitive slave property. His determination to recover his fugitive slaves is the shining example of a Maryland master driven to act brazenly by a strong sense of honor.

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<sup>160</sup> Correspondence of the Baltimore Sun Mercury, “A Bloodless Duel--The Defalcation in the Treasury Department--Tournament--Crazy Ants-Camp-Meeting--Georgetown and Alexander Matters, &c,” *The Sun (1837-1989)*, August 22, 1859.

<sup>161</sup>“Dueling In Virginia-- Maryland Legislation: An Example for Maryland Legislation,” *The Sun (1837-1989)*, January 5, 1847.

Edward Gorsuch had all the trappings of a respectable southern master that were important for a southern gentleman. He had a rich bloodline with a long history in the state. The Gorsuch family had lived in Baltimore County for almost two hundred years by 1849, and the original land grant of 10,000 acres was still substantial, even though it had been subdivided over the years. By 1849 it was primarily made up of two estates—*Retreat Farm*, home to Edward Gorsuch, and *Retirement Farm*, home to his brother, Thomas Talbott Gorsuch.<sup>162</sup> In 1845, Edward inherited *Retreat Farm* from his Uncle John Gorsuch, and became one of the larger slaveholders in the state, since only ten percent of Marylanders owned eight or more slaves.<sup>163</sup> Under conditions dictated by his uncle upon his death, Gorsuch was to free some of the slaves at a certain age, a detail that made him seem benevolent to many. As historian Thomas Slaughter describes, Gorsuch was “rightly proud of his new status as patriarch of Retreat, he determined to manage the farm and slaves inherited from his uncle in a manner that sustained the honor and wealth of this substantial southern family.”<sup>164</sup>

Noah Buley, Nelson Ford, and George and Joshua Hammond’s 1849 escape from the Gorsuch farm was an immediate assault on Gorsuch’s honor. He was humiliated in the eyes of his friends and neighbors that his slaves, some of them close to gaining their freedom by law, would risk such a daring escape to avoid his control.<sup>165</sup> When Gorsuch, his son Dickenson, his nephews Dr. Thomas Pearce, Nicholas Hutchins, Nathan Nelson, and Joshua Gorsuch, along with other neighbors and relatives set off to Christiana, they

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<sup>162</sup>Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 6.

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

<sup>165</sup> *Ibid.*, 14.

did so to recover fugitive slave property, not for money, but for honor.<sup>166</sup> As Slaughter claims, “His good name and that of his family and his ancestors, was at risk. Gorsuch, like other southern men of his day, would sacrifice his wealth, and even his life to salvage the honor lost by the escape of his slaves.”<sup>167</sup> Both Dickenson and Edward expressed that money was not the issue, and when Edward met resistance at the door of William Parker, he apparently responded, “My property I will have or I’ll breakfast in hell.”<sup>168</sup> Edward risked and lost his life in pursuit of honor. He was willing to die for it, and he did— at the hands of armed fugitive slaves.

The Christiana riot set off a media firestorm, not simply because of the implications it exposed regarding the Fugitive Slave Law, but because of the person white Marylanders believed Edward to be and the events surrounding his death. Much like in a duel, Edward Gorsuch won back his lost honor in death. To Governor Thomas Lowe, Gorsuch was a “highly respected citizen... an aged and venerable father... a murdered son.”<sup>169</sup> The assault on Gorsuch could be viewed as an assault on the honor of the entire state, he warned the General Assembly, “beware that your state does not become a mockery!”<sup>170</sup> The media described Edward Gorsuch as “the pride of the community. All of the parties with him were most respectable, intelligent and useful citizens. It is an outrage of no ordinary Character, and one that has filled our community

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<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid., 63. A different Witness claimed Gorsuch said he would “have his slaves or die in the attempt.” Reported for the Baltimore Sun, “The Christiana Treason Trials, [Eight Day]: Defense Continued--A Duel Probably on the Tapis, &c.,” *The Sun (1837-1989)*, December 4, 1851.

<sup>169</sup> Governor Enoch Lowe, *Address to the General Assembly of Maryland*, December Session, 1852 (Maryland State Archives), page 37-38.

<sup>170</sup> Ibid., 39.

with melancholy gloom.”<sup>171</sup> For Marylanders, future events like the Christiana Riot could only ensure the death of more of “the best citizens of Maryland.”<sup>172</sup> Gorsuch became a martyr for more than the fugitive slave law on the national level, but also for a way of life that many white Marylanders valued. As a result, they gathered by the thousands to rally together over the loss of their martyr and to discuss with local leaders the steps they thought necessary to redeem the loss at the hands of “lawless fanatics.”<sup>173</sup>

However, the most appalling assault on Gorsuch’s honor and the honor of Maryland slaveholders came from the slaves and the abolitionist white Marylanders believed supported them. Unlike in a duel, Gorsuch’s death wasn’t at the hands of one of his own kind. Where in the case of Mr. Cochran and Mr. May, the assailants couldn’t just ride off into the sunset, undisturbed, although they did escape to freedom. For Marylanders, this wasn’t a duel between gentlemen— it was murder at the hands of the lowest classes of society— fugitive slaves, free blacks, and abolitionist. From the perspective of Marylanders, the riot was an attack by the African American residents of Christiana inspired by white abolitionists. The details of the event are difficult to decipher, which no doubt played a hand in the acquittal of all those accused. However, in Maryland, the media took off with stories meant to paint a horrid picture of the result of African Americans run amok with the aid of abolitionists. The Christiana Riot represented the result of the fall of the paternalistic slaveholder and further justified for slaveholders the need for a stratified society based on social control.

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<sup>171</sup> “Great Riot: Awful Loss of Life in an Attempt to Capture Fugitive Slaves,” *The Sun (1837-1989)*, September 13, 1851.

<sup>172</sup> Ibid.

<sup>173</sup> Reported for the Baltimore Sun, “Town Meeting Relative to the Christiana Outrage,” *The Sun (1837-1989)*, September 16, 1851. “The Christiana Outrage,” *The Sun (1837-1989)*, September 16, 1851.

In their attempt to uncover the events at the riot, white Marylanders were already at a disadvantage since they discounted accounts given by any African American witness.<sup>174</sup> The result was a collection of outrageous stories, all of which further assaulted Gorsuch's honor and the honor of white Marylanders who related to him as a father, brother, or fellow upstanding citizen. The descriptions that came out of the riot painted the free black and fugitive residents of Christiana as barbaric—untamed by the institution of slavery, rather than daring men and women, willing to defend their freedom as adamantly as Gorsuch defended his alleged right to hold slaves. This came primarily from Marylanders' insistence that Edward Gorsuch was brutally assaulted and maimed even after his death.<sup>175</sup>

According to Kenneth Greenburg, “to mutilate [a] dead body is to turn [a man's] physical projection into an ugly object worthy of scorn and shame,” especially in a culture where “men read the character of other men through the external features of their face and body.”<sup>176</sup> Therefore, to Edward's son J. S. Gorsuch, a highly respected reverend, his father's death was a planned attack by the residents of Christiana, encouraged by the “white...Quaker” Castner Hanway. According to the young Gorsuch:

Negroes were arriving from every quarter...armed with guns...the Quaker on the horse said something to the negroes that had assembled near him, when they set up the most hideous yell and rushed towards the house, the negroes in the house at the same time rushing out, and whooping like savages, met the advancing gang around my father. As soon as these two gangs met in the narrow lane, the attack was made upon the diminished band by a negro from behind striking my father on

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<sup>174</sup> African Americans could not testify against a white man in a Maryland Court of Law.

<sup>175</sup> Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 86.

<sup>176</sup> Kenneth S. Greenburg, “The Nose, the Lie, and the Duel in the Antebellum South,” *The American Historical Review* 95 (February, 1990): 67.

the head, which caused him to fall forward on his knees, when he was shot several times and cut over the head with corn-cutters.<sup>177</sup>

J.S. Gorsuch explained how even on into the evening, the “Negroes, whooping and yelling with savage glee...kept on to the woods, which they searched and guarded until late at night, to find and butcher their desired victim.”<sup>178</sup> The Coroner’s report, however, only mentions gun shot wounds as cause of death claiming, “he came to his death by gunshot wounds that he received in the above mentioned riots, caused by some person or persons to us unknown.”<sup>179</sup> For the editor of the *Baltimore Sun*, this testimony only proved, “this coroner’s jury evidently were sympathizers of the negro rioters.”<sup>180</sup>

J.S. Gorsuch’s description of the violence disturbed southern whites. According to Thomas Slaughter, the events fellow Marylanders recounted from the riot made it “even more difficult... for southern masters to suppress the reality of their slaves’ attitudes toward enslavement and their willingness to engage in violence under circumstances favorable to their triumph.”<sup>181</sup> And yet, the media and state leaders perpetuated the violent story of black on white violence. In his call to action, Governor Lowe asked white Marylanders to “Consider the likelihood of [a border war] springing from the exasperated feelings of friends, relatives, and neighbors, when they gaze upon the mangled remains of such men as Edward Gorsuch, who may hereafter be butchered in the exercise of a constitutional right.” But why did Marylanders, including Gorsuch’s own son, put so

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<sup>177</sup> For the *Baltimore Sun* J.S. Gorsuch, “History of the Christiana Tragedy,” *The Sun (1837-1989)*, September 18, 1851.

<sup>178</sup> *Ibid.*

<sup>179</sup> “The Christiana Outrage: Investigation Before Com. Ingraham,” *The Sun (1837-1989)*, September 16, 1851.

<sup>180</sup> *Ibid.*

<sup>181</sup> Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 86.

much emphasis on the dishonor that befell Edward at the hands of fugitives? Especially since, as Slaughter explains, “It was...necessary for Southerners to explain how superior fighting men— white southern gentlemen— could be outdueled by a ragtag band of escaped slaves.”<sup>182</sup> One answer to this question was Castner Hanway, the white abolitionist who rallied together the “rag-tag” fugitives.<sup>183</sup> Hanway’s role as the ringleader meant that Gorsuch could escape the shame of death at the hands of black slaves.<sup>184</sup> However, abolitionists like Hanway, were also dangerous to the front of paternalism used by slaveholders. Abolitionists sought to tear the mask off of paternalism and expose the truth of the institution of slavery. In Maryland, Abolitionism was never tolerated. Legislation enacted to stamp it out shows that it definitely existed in Maryland, but the punishments for abolitionist activity were severe. Abolitionist literature was regulated by the state and in 1835, the General Assembly made it a felony to circulate, or assist in the circulation of any material, be it a pamphlet, newspaper or pictorial representation of anything “having a tendency...to stir up to insurrection the people of color” in Maryland.<sup>185</sup> As Frederick Douglass observed during his time in Maryland, “the slightest show of sympathy toward a person of color was denounced as abolitionism; and the name of abolitionist subjected its hearer to frightful liabilities.”<sup>186</sup>

The portrayals of the events at Christiana were so outrageous and so intended to represent the ultimate defacement of honor that the story served to call white

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<sup>182</sup> *Ibid.*, 96.

<sup>183</sup> *Ibid.*

<sup>184</sup> *Ibid.*

<sup>185</sup> *A Further Supplement to an Act Entitled An Act Relating to Free Negroes and Slaves*, Maryland Session Law, 1835 (Maryland State Archives), Ch. 325, Page 556.

<sup>186</sup> Frederick Douglass, *The Life and Times of Frederick Douglass*, (New York: Collier Books, 1962).



Marylanders to action. White Marylanders who didn't own slaves and may not have felt as invested in the institution still cared about honor, and worried about their own safety at the hands of out-of-control slaves and free black people. The dishonor suffered by the Gorsuch family not only martyred them in the eyes of white Marylanders, but also helped cement support for an institution that could guarantee a subdued black population, as long as that institution was free from the meddling of northerners and abolitionists. Historian Wyatt Brown concludes that white on black violence and intimidation as “a celebration of white solidarity, the maintenance of which was reconfirmed by the very disorders and agitations accompanying these exercises in social control.”<sup>187</sup>

White Marylanders of all classes participated in the social control of African Americans. Thomas Mitchell's master, John Hayes, a man of little social standing and owner of only one or two slaves at a time, sought his re-capture even years after his escape.<sup>188</sup> Mob violence against African Americans ensured white dominance by inflicting fear and revenge for any step out of line. In 1838, a white mob drove out a black congregation worshipping on Sharp Street in Baltimore causing “great alarm among the congregation...many were considerably injured, but not dangerously, by the stones and jumping from the windows.”<sup>189</sup> The mob acted in response to an altercation between a white night watchman and “a band of disorderly negroes, which resulted in the

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<sup>187</sup> Wyatt Brown, *Honor and Violence in the Old South*, (New York: Oxford University Press, 1986), 155.

<sup>188</sup> 1830 U.S. Census Slave Assessment for John Hayes of Cecil County Maryland, source page 40. In 1830, John Hayes is listed as owning three slaves, one male and one female under the age of ten, and a female between twenty-four and twenty-five. Although this source doesn't name names, it does show what kind of slaveholder Hayes was. He wasn't a large slaveholder, and he probably owned an enslaved mother and her children.

<sup>189</sup> “Mob and Riot,” *The Sun (1837-1989)* August 28, 1838.

watchmen's receiving a severe beating."<sup>190</sup> This sort of mob intimidation occurred regularly in Maryland, especially after periods of racial unrest. Frederick Douglass described this fear when his Sabbath school in St. Michaels was "rushed by a mob...armed with sticks and other missiles."<sup>191</sup> They told him "never to meet for such purposes again" and accused him of desiring "to be another Nat Turner."<sup>192</sup> The mob warned him that if he "did not look out" he "should get as many balls in [him] as did Nat."<sup>193</sup>

Maryland slaveholders clung to the tradition of slaveholding in the state as reason for the institution's preservation. While declaring slavery legal in the state of Maryland in response to Northern loopholes to returning fugitive slave property, the General Assembly declared "that negroes and mulattoes have been held in slavery in this State as the property of their owners from the earliest settlement of this state, and are, and may be hereafter held in slavery as the property of their owners" as justification for the legislation.<sup>194</sup> In 1852, an editor of the *Planter's Advocate*, a pro-slavery newspaper published in Southern Maryland strongly advocated, "We said long ago that the institution of slavery was the corner-stone of this republic and today we apply facts in confirmation of this truth. The unity of interests growing out of the possession of such property has overshadowed all minor questions of policy."<sup>195</sup> This editor's language mirrored that of later Confederate Vice President Alexander Stephens, who in 1861

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<sup>190</sup> Ibid.

<sup>191</sup> Frederick Douglass, *The Life and Times of Frederick Douglass*, (New York: Collier Books, 1962).

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> *An Act Declaring Domestic Slavery to be Lawful in the State*, Maryland Session Law, 1839 (Maryland State Archives), Ch. 42, Page 41.

<sup>195</sup> "The Conservatism of the South," *The Planters Advocate*, March 3, 1852.

delivered his infamous “Cornerstone Speech” claiming of the government, “It’s foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery... is his natural and normal condition.”<sup>196</sup>

But perhaps the greatest defense of slavery used tradition justified by supposedly indisputable science as its main argument and came from the *Committee Appointed to Consider so Much of the Governor’s Message as Relates to The Murder of Edward Gorsuch*. This argument justified slavery as an apparently inevitable system in the southern states. In 1852, the committee claimed:

These confederate states spread out over a vast extent of territory and presenting every variety of climate, soil, and productions, naturally possessed diversified and conflicting interests.... The climate of that region was uncongenial with the constitution and habits of the Negro race, whilst its soil and productions were equally unsuited to the profitable employment of the species of labor. On the contrary, under the burning sun of the southern clime, the African was at home—in his native element— whilst in the growth and fabrication of its products, his labor could be employed with vastly remunerating results. Thus, whilst it was apparent that under the antagonistic circumstances attendant upon differences of geographical position and productions, slavery must gradually languish and die at the North, it would be fostered and extended indefinitely in the south, unless repressed in its growth, and limited in its extension by restrictions engrafted in the federal compact.<sup>197</sup>

The culture created by slavery that endured in the nineteenth century and perhaps became even more desperate as slaveholders watched slavery slip from their grasp had serious repercussions. Honor culture, paternalism, issues over fugitive slaves, and an

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<sup>196</sup> Alexander Stephens, *Corner Stone Speech*, March 21, 1861, “Teaching American History,” Ashland University. <http://teachingamericanhistory.org/library/document/cornerstone-speech/> (accessed April 12, 2015).

<sup>197</sup> *Report of the Select Committee Appointed to Consider so Much of the Governor’s Message as Relates to The Murder of Edward Gorsuch, and the Trial of the Treason Case in Philadelphia, Maryland House of Delegates*, May 19, 1852, (Maryland State Archives), 4.

identity rooted in a tradition of slaveholding prompted slaveholders, and Marylanders who shared a common interest with them because of a untied sense racism, a fear of black violence, or a common desire to keep an identity, to enact a harsh regime over African Americas, legitimized by the state and supported by constituents. As I will show in my next chapter, panicked many white Marylanders who feared a loss of control exerted more force on the free black population which made it increasingly difficult for free people to escape the institution of slavery.

### Chapter III: Quelling the Most Pressing Threat

The most telling evidence to show that Maryland slaveholders desired to maintain their status as masters comes from the way they addressed the most obvious and pressing threat to slavery—the ever-growing free black population. Maryland’s large free black population, in part due to the increasing trend of manumission that took place during the nineteenth century, has long been the defining factor of slavery in antebellum Maryland. As the nineteenth century progressed, Marylanders witnessed a slow decline of slavery and a steady and significant rise in the population of free black people who lived among their enslaved brothers and sisters. Free black people were the largest internal threat to slavery in the state because they defied the entire system of slavery. White Marylanders seeking to uphold their dominance through slavery view free black people, freed from the chains of slavery and integrated into the world of white men, as the ultimate threat to the identity white Marylanders were attempting to create. Free blacks challenged the delusion that all white men were slaveholders and were therefore enemies to white Marylanders’ identity. As a result, the state of Maryland, primarily through acts of legislation, forced free black Marylanders to the margins of society, restricted their freedoms, and in some instances, forced them into slavery. White Marylanders’ desire to keep slavery and minimize any threat to the institution meant that thousands of free and enslaved black Marylanders suffered under the thumb of radicals, and especially at the hands of the state government, which legitimized the sale of free blacks into literal slavery.

It is important to remember that on the eve of the Civil War, there were still almost 90,000 people living in bondage in Maryland, and by 1860, there were almost as many free black people living in the state. Every decade, the populations became closer

to leveling out so that by 1860, the ratio of free black people to slaves had reached .96—almost one free black person for every slave.<sup>198</sup> Slaveholders in Maryland then, faced a set of unique problems, which were less relevant to other slave states. The free black population was the largest internal threat to slavery because free African Americans were a direct symbol of what black people could not be in any society that kept tens of thousands of people in a harsh system of race based slavery; black people could not be *free* in the sense that they could escape white power. For Marylanders, and especially those who represented the state politically, free blacks were tangible evidence that white Marylanders were on the verge of losing the potential to identity as southern slave masters. More than that, free blacks were an active threat to slavery because the entire community rallied to fight the institution. In their fight for freedom, black Marylanders witnessed what Barbara Jeanne Fields describes as “the agony of slavery’s slow death, but not the deliverance.”<sup>199</sup> This was a result of the agricultural climate in Maryland which was more suited to growing less labor-intensive cereal grains in many parts of the state. In order to remedy a problem created as a result of an economy that was increasingly hostile to slave labor, the Maryland state government with the support of white Marylanders, attempted to secure their Master status and to allow others the potential to transfer into the slaveholding elite. The result was an increasingly harsh regime, which attempted to expel, subdue, control, and ultimately re-enslave free black people as their population continued to rise, in a frantic attempt to preserve slavery and maintain slaveholding status.

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<sup>198</sup> Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground* (New Haven: Yale University Press, 1985), 2.

<sup>199</sup> *Ibid.*, 24.

The African American community across Maryland, and especially in Baltimore (home to over 25,000 free blacks in 1860), was a tightly knit community, where free and enslaved people created strong bonds and eroded social barriers between slavery and freedom.<sup>200</sup> Baltimore was the South's largest urban free black community, and with a population of only 2,218 slaves in 1860, it was overwhelmingly free proportionally.<sup>201</sup> As Christopher Phillips argues, the "communal organization and group solidarity" that characterized Baltimore's African American community "reached black residents throughout Maryland and even the Upper South."<sup>202</sup> This strong community, centered around "churches, schools, and other social institutions," gave African Americans "agency, but also served to unify the community in times of crisis."<sup>203</sup> The interconnectivity of the African American community was often enough to keep many free black people in Maryland even when pushed to the breaking point by a white population that increasingly saw them as undesirable.<sup>204</sup>

African Americans, especially in more urban areas, had experience with both freedom and slavery because of the anomaly Christopher Phillips describes as "quasi-freedom." Increasingly in this period of manumission pushed by economic factors, slaveholders looked for ways to maximize the profits they earned from their slaves. The result was often a system of term slavery, which offered slaves freedom on a certain date in exchange for loyal service. Owners also hired out excess slave laborers and collected

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<sup>200</sup> Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 15.

<sup>201</sup> *Ibid.*

<sup>202</sup> *Ibid.*, 3.

<sup>203</sup> *Ibid.*

<sup>204</sup> Calvin Schermerhorn, *Money Over Mastery, Slavery over Freedom: Slavery in the Antebellum Upper South*, (Baltimore: Johns Hopkins University Press, 2011), 20.

all or a portion of the earnings slaves received from this system of subcontracting.<sup>205</sup> Maryland's labor force, especially in more industrialized Baltimore, included immigrants, poor whites, slaves, and free blacks. When describing the labor conditions in Baltimore in the early part of the nineteenth century, Seth Rockman concludes, "Whether male or female, native born or immigrant, Euro-American, or African American, enslaved, indentured, or free, these working people struggled to scrape by."<sup>206</sup> For free blacks, this life of poverty was especially common since African American families were often poorer and less likely to own property.<sup>207</sup> Although slavery was certainly not the dominating labor system in Maryland by the eve of the Civil War, its existence had an outsized effect on white mentality and touched almost every aspect of black life in Maryland because of white insistence on preserving the institution.

This interconnectivity between slave and free extended beyond the labor market. Many African American households were composed of both freedmen and slaves. Husbands, wives, and children often lived apart and in different households since marriages were often made up of one free spouse and one enslaved. Children were also entangled in this complex system since the offspring of slave women were legally bound to slavery unless manumitted by their master or purchased by their parents or other family members. The common desire to buy the freedom of loved ones put increased economic stress on African American families attempting to unite their families fragmented by slavery. This non-traditional extended family system further complicated

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<sup>205</sup> Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 57.

<sup>206</sup> Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009), 2.

<sup>207</sup> Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 98.



the boundaries of free and slave in Maryland but also strengthened ties between family and community members who were united in their pursuit for freedom.<sup>208</sup> Calvin Schermerhorn concludes that the movement of African Americans across the Upper South especially, allowed and encouraged all black people— free and slave— to created complex networks of intertwined communities.<sup>209</sup>

This chaotic muddle of slave and free blurred the lines enough that runaway slaves were often able to disappear into the free community with little difficulty— a phenomenon that gave Baltimore a reputation as a beacon of freedom for many slaves toiling in Maryland.<sup>210</sup> Free African American communities were welcoming and encouraging support systems for newly freed and escaped slaves. Masters recognized this threat to their status as slaveholders in a slave society and encouraged the state to enact policies to remedy this problem, encourage the perpetuation of slavery, and discourage the loss of more slaves into the growing free black population. In 1860, after decades of attempting to deal with the free black threat, Governor Thomas Hicks still called “for further legislation in regard to the free negro population,” which he described as a burden on the community.<sup>211</sup> His real concern though was what he described as “the ill effects of their evil example on the servile population.”<sup>212</sup> Governor Hick’s concern came after decades of legislation intended to deal with this problem. Clearly, he didn’t think the state had gone far enough.

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<sup>208</sup> Ibid., 93.

<sup>209</sup> Calvin Schermerhorn, *Money Over Mastery, Slavery over Freedom: Slavery in the Antebellum Upper South*, (Baltimore: John’s Hopkins University Press, 2011), 210.

<sup>210</sup> Christopher Phillips, *Freedom’s Port: The African American Community of Baltimore, 1790-1860* (Chicago: University of Illinois Press, 1997), 4.

<sup>211</sup> Governor Thomas Hicks, *Annual Message of the Executive of Maryland to the General Assembly*, January Session, 1860 (Maryland State Archives), 11.

<sup>212</sup> Ibid.

White Marylanders' first attempts to deal with the free black problem encouraged the separation of free blacks and slaves. Eighteenth century slaveholders and abolitionists thought that by returning African Americans to their supposed homeland in Africa they could prevent the racial conflict and fear associated with a mixed population.<sup>213</sup> In his *Notes on The State of Virginia*, Thomas Jefferson claimed "Deep rooted prejudices entertained by whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions, which nature has made; and many other circumstances, will divide us into parties, and produce convulsions, which will probably never end but in the extermination of one or the other race."<sup>214</sup> For some late eighteenth century masters in the Upper South and abolitionists into the mid-nineteenth century, colonization was a method of emancipation. But increasingly in the nineteenth century, white Marylanders used colonization not as a way to gradually rid the state of slaves, but as a way to protect slavery and rid the state of free blacks.

Coupled with harsh settlement laws, which banned free black immigration to the state in 1807, and in 1844 redefined the definition of immigrant to include any free black person who left the state for a certain period of time and attempted to return, it became obvious to African Americans that colonization was not a plan intended for their best interest.<sup>215</sup> Frederick Douglass, a fugitive from Maryland, recognized the motive of

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<sup>213</sup> Richard L. Hall, *On Africa's Shore: A History of Maryland in Liberia, 1834-1857*. (Baltimore: Maryland Historical Society, 2003).

<sup>214</sup> Thomas Jefferson, *Notes on the State of Virginia Query XIV*, in *The Complete Jefferson: Containing His Major Writings, Published and Unpublished, Except his Letters*, ed. Saul Padover (New York: Book for Libraries Press, 1943), 661-665.

<sup>215</sup> *Act to Prohibit the Emigration of Negros*, Maryland Session Law 1806 (Maryland State Archives), Ch. 56, Page 34. This policy was supplemented by an 1823 act entitled: *A Supplement to and Act to Prohibit the Emigration of Negros*, Maryland Session Law

government plans for colonization and concluded that colonization was merely a method to dispel free blacks, not for their benefit, but in order to “get rid of the Negro, who is presumed to be a standing menace to slavery.”<sup>216</sup> This disinterest in emancipation was reflected again and again in legislation. A law introduced by the General Assembly in 1831 and passed in March of 1832, created colonization boards to encourage immigration, and required county sheriffs to compile lists of the free black residents of their county.<sup>217</sup> In a gross conflict of interest, sheriffs were compensated for every free black they removed from the state, and penalized for every free black they neglected to remove for violating immigration and settlement laws.<sup>218</sup> Many of the earliest severe attempts like these to monitor, control, placate, and remove free black people began in the 1830’s after Nat Turner and his followers killed dozens of white Virginians in the largest slave insurrection in the history of the American South.

While black Marylanders held strong reservations about colonization, white Marylanders had high hopes for the institution.<sup>219</sup> Members of the Maryland Colonization society saw it as an opportunity for free blacks to escape the despair they faced in the

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1823 (Maryland State Archives) Ch.161, Page, 34. *Act to Exempt Free Negroes of the State*, Maryland Session Law, 1844 (Maryland State Archives), Ch. 283, Page, 239.

<sup>216</sup> Frederick Douglass, *The Life and Times of Frederick Douglass*, (New York: Collier Books, 1962).

<sup>217</sup> *Act Relating to the People of Color*, Maryland Session Law, 1831 (Maryland State Archives) Ch. 281, Page 343.

<sup>218</sup> *Supplement to the Act Relating to the People of Color*, Maryland Session Law 1832 (Maryland State Archives), Ch. 145, Page 154.

<sup>219</sup> In his MA thesis, Kevin Kelly discusses the reluctance of free blacks to Colonize as well as the financial relationship between the Maryland Colonization Society and the General Assembly that lasted until the Civil War. Kevin Kelly, “The Persistent Presence of a Successful Failure: The Maryland State Colonization Society and the Importance of its Existence” (master’s thesis, University of Maryland Baltimore County, 2009).

state— despair that was placed upon them by patriarchal white residents.<sup>220</sup> The pro-slavery *Baltimore Sun* gave high praise to Maryland’s colony in Liberia, described the colony “as in better condition now than it ever was,” and expressed its optimism for the future of colonization.<sup>221</sup> In reality though, colonizer’s intentions were less noble. Maryland’s General Assembly paid little mind to the success or failure of the free colony in Liberia. The state, in fact, did not care if the free black immigrants even ended up in Liberia. It permitted the board responsible for colonization to “take such measures as they may think necessary for their removal as soon as practicable, either to the colony of Liberia, or to such other place or places beyond the limits of this state.”<sup>222</sup>

The state government was clear about its hopes for colonization and the future of free blacks and slavery. In his 1837 address to the legislature of Maryland, Governor Thomas Veazey, an advocate for slavery, offered his opinion on colonization. He described the method as “that which [was] best suited to the conditions of the slaveholding states of the Union.”<sup>223</sup> While the government invested a great deal of money in Colonization to remove free blacks, no legislation from this period attempted to limit the slave population. The Marylanders who made up the General Assembly, and many of their constituents did not desire to rid the state of slaves. The legislation from this period shows that black slaves weren’t the problem— African Americans who were not confined to slavery were the issue.

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<sup>220</sup> “Colonization Society,” *Federal Gazette*, July 8, 1818.

<sup>221</sup> “Colonization,” *The Sun* (1837-1989), March 10, 1840.

<sup>222</sup> *Act Relating to the People of Color*, Maryland Session Law 1831 (Maryland State Archives), Ch. 281, 343.

<sup>223</sup> Governor Thomas Veazey, *Annual Message From the Executive to the Legislature of Maryland*, December Session 1837 (Maryland State Archives), 15.

While the state toiled over legislation to remove free blacks, the legislature was simultaneously busy writing laws to welcome slaves and nurture the institution. In 1823, the General Assembly passed two laws meant to remove free blacks and encourage slavery. The first law was a continuation of earlier statutes banning free black immigration and encouraging removal. The second refined the stipulations for bringing slaves into the state. Before this law, residents who wished to bring slaves into the state needed special permission to do so. Under this new law, the General Assembly stated that because “no great inconvenience can occur from a general law embracing most of such cases...any citizen of this state...may at any time remove and bring such slave or slaves for the purpose only of working or employing such slave or slaves within this state.”<sup>224</sup> Most telling of all, In 1842, the General Assembly declared that non-residents were able to bring slaves into the state from other states and territories, provided they pay a certain amount for the benefit of the colonization society.<sup>225</sup> The General Assembly was using colonization to perpetuate slavery and slavery to perpetuate colonization. By 1849, the General Assembly had repealed all of the laws and restrictions that prohibited any introduction of slaves into the state.<sup>226</sup> While the restrictions on slavery and slaveholders were relaxed, the restrictions on free blacks increased and became increasingly severe, further impeding the freedom of the African American community, and raising questions about the degree to which black freedom even existed in Maryland.

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<sup>224</sup> *A Supplement to an Act Entitled An Act Relative to Negroes and Slaves*, Maryland Session Law 1823 (Maryland State Archives), Ch. 87, Page 43.

<sup>225</sup> *Act Relating to Slaves*, Maryland Session law 1842 (Maryland State Archives), Ch. 213, Page 175.

<sup>226</sup> *Act to Repeal all laws Prohibiting the Introduction of Slaves into the State*, Maryland Session Law 1849 (Maryland State Archives), Ch. 165, Page 160.

The resilient free black community to which Christopher Phillips referred faced increasing regulation by the state government as well. In order to discourage any ounce of abolitionist propaganda, economic opportunity, class-consciousness, and insurrection, the state enacted a series of laws to control the behavior of the free African Americans. The purpose of these laws was clear, as they were often titled “For the Better Protection of Slaveholders.” All black people in Maryland were barred from voting, going to public schools, or testifying against white people in court.<sup>227</sup> African American public meetings were limited and beginning in 1820, the state established patrols in several counties for the purpose of conducting nighttime searches “to disperse all unlawful and riotous assemblages of coloured persons.”<sup>228</sup> In 1831, Nat Turner’s Rebellion heightened these fears and the resulted in a further tightening on black autonomy.<sup>229</sup> Frederick Douglass described this fear when his Sabbath school in St. Michaels was “rushed by a mob...armed with sticks and other missiles.”<sup>230</sup> They told him “never to meet for such purposes again” and accused him of desiring “to be another Nat Turner.”<sup>231</sup> The mob

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<sup>227</sup> *Proceedings and debates of the 1850 Constitutional Convention* (Maryland State Archives) Volume 1, Article 5. *Act for the Purpose of Establishing Free Schools*, Maryland Session Law 1821 (Maryland State Archives), Ch. 139, Page 139. *The Law of Evidence*, Maryland Session Law 1846 (Maryland State Archives) Ch. 27, Page 19.

<sup>228</sup> *An Act to establish a Patrol in Saint Mary's, Anne-Arundel, Prince George's, and Charles Counties*, Maryland Session Law 1820 (Maryland State Archives), Ch. 200, Page 162. In 1821 this law was extended to include Frederick County by: *A Supplement to an Act Entitled An Act to establish a Patrol in Saint Mary's, Anne-Arundel, Prince George's, and Charles Counties*, Maryland Session Law 1821 (Maryland State Archives) Ch. 148, Page 99. It was extended to Calvert County in 1822; *An act to establish a Patrol in Calvert County*, Maryland Session Law 1822 (Maryland State Archives), Ch. 85, Page 55.

<sup>229</sup> Stanley Harrold, *Border War: Fighting Over Slavery before the Civil War* (University of North Carolina Press, 2010), 36.

<sup>230</sup> Frederick Douglass, *The Life and Times of Frederick Douglass*, (New York: Collier Books, 1962).

<sup>231</sup> *Ibid.*

warned him that if he “did not look out” he “should get as many balls in [him] as did Nat.”<sup>232</sup> In the same year, free blacks were forbidden to associate with slaves and if they were found meeting with them, they were punished with public whippings, like slaves.<sup>233</sup> Although free blacks were originally permitted to congregate under the supervision of a white person, in 1845 such meetings were ruled unlawful, described as “nuisances to the respective neighborhoods in which they may be held.”<sup>234</sup> All gatherings of black communities were considered “unlawful and tumultuous” unless they were held at “appointed houses of worship” which complied with the law.<sup>235</sup> Laws like these stemmed from the concern that abolitionists encouraged hostility among the black population and incited slave insurrections.<sup>236</sup>

All black Marylanders, slave and free were restricted in their freedom of movement in order to discourage runaways. All African Americans were prohibited from piloting vessels without the presence of at least one white person on board.<sup>237</sup> Permits were required to allow free blacks to travel by train or by boat.<sup>238</sup> Those traveling by railroad and steamboat were required to produce free papers, be “measured and carefully examined before they could enter the cars, and could only go in the day time, even when

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<sup>232</sup> Ibid.

<sup>233</sup> *Act Relating to Negroes and Slaves*, Maryland Session Law 1831 (Maryland State Archives) Ch. 323, Page 445.

<sup>234</sup> *A Supplement to an Act Relating to Free Negroes and Slaves*, Maryland Session Law 1845 (Maryland State Archives), Ch. 94, Page 90.

<sup>235</sup> Ibid.

<sup>236</sup> Stanley Harrold, *Border War: Fighting Over Slavery before the Civil War* (University of North Carolina Press, 2010), 36.

<sup>237</sup> *An Act to Prohibit the Owners of Vessels, and Others from Navigating Under the Sole Command of Negroes or Mulattoes*, Maryland Session Law 1836 (Maryland State Archives), Ch. 150, Page 144.

<sup>238</sup> *An Act to Prevent Free Negroes and Slaves from Having or Using Boats on the Potomac River*, Maryland Session Law 1858, Ch. 35, Page 37.

so examined.”<sup>239</sup> The government’s restriction on free black movement was not only inconvenient, but these restrictions and others limited the economic opportunities of free blacks. The state required black merchants to obtain licenses to sell products like corn, wheat, and tobacco.<sup>240</sup> Not only did these licenses come with a fee, which further strapped struggling African Americans, but they were also only granted if the applicant could provide proof from a “respectable” citizen of their neighborhood that the goods had been justly acquired.<sup>241</sup> In 1831, the restrictions and requirements were expanded. In that year, freemen were required to buy permits to sell bacon, pork, beef, mutton, rye, oats, gunpowder, and alcohol.<sup>242</sup> These licenses were only granted with the recommendation of three respectable white people and some of them could be revoked at any time by a judge.<sup>243</sup> Free African Americans were also forbidden from working as clerks anywhere in the state and at one point were even forbidden from collecting oysters in Worcester County.<sup>244</sup>

The slaveholders who ruled the General Assembly wanted to ensure that free black people remained in a state of economic dependency so the state could take legal action to punish poverty and economic inequality. While the state excluded African

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<sup>239</sup> Frederick Douglass, *The Life and Times of Frederick Douglass* (New York: Collier Books, 1962).

<sup>240</sup> *An Act to Prevent Free Negroes from Selling any Corn, Wheat or Tobacco Without Having a License for that Purpose*, Maryland Session Law 1825 (Maryland State Archives) Ch. 199, Page 196.

<sup>241</sup> *Ibid.*

<sup>242</sup> *Act Relating to Negroes and Slaves*, Maryland Session Law 1831 (Maryland State Archives) Ch. 323, Page 445.

<sup>243</sup> *Ibid.* By 1852, in some counties, certain licenses required up to 12 recommendations; *An Act to Regulate the Issuing of License to Free Negroes*, Maryland Session Law 1852 (Maryland State Archives), Ch. 288, Page 289.

<sup>244</sup> *Ibid.* *An Act to Protect the Growth of Oysters in Worcester County*, Maryland Session Law 1852 (Maryland State Archives), Ch. 57, Page 44.



Americans from certain sectors of the job market, Governor Hicks also called for “a law,<sup>245</sup> which should require every free Negro to be engaged in some employment or business.” Hicks was not the first Marylander to advocate for legislation meant to punish economic despair. In 1825 an act was passed that required constables to seek out any “idle” free black person who had “no visible means of support.”<sup>246</sup> Those the Justice of the Peace deemed unemployed were fined and required to leave the state within fifteen days.<sup>247</sup> In many counties free African Americans not employed by a white person, were required to work on public roads for a certain number of days each year.<sup>248</sup> Those free blacks that did work were often at the mercy of their employers and could have been imprisoned for neglecting to fulfill their obligations to their employers.<sup>249</sup>

This harsh regime extended beyond the words spelled out on the law books. The effects were real and noticeable. Newspapers like the *Federal Gazette* emphasized the “ardent proof of the vigilance and vigor with which such penalties [were] enforced.”<sup>250</sup> Visitors to Baltimore, like northerner Ethan Allen Andrews, observed that the conditions of the free blacks in that city were worse than those of the slaves. Likely biased by nineteenth century perceptions of racial inferiority and patriarchy, Andrews commented that while free blacks enjoyed “the satisfaction which arises from the consciousness of

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<sup>245</sup> Governor Thomas Hicks, *Annual Message of the Executive of Maryland to the General Assembly*, January Session 1860 (Maryland State Archives), 11.

<sup>246</sup> *An Additional Supplement to an Act Relating to Negroes*, Maryland Session Law 1852 (Maryland State Archives) Ch. 161, Page 156.

<sup>247</sup> *Ibid.*

<sup>248</sup> *Ibid.*

<sup>249</sup> *An Act for the Better Protection of Slaveholders*, Maryland Session Law 1854 (Maryland State Archives), Ch. 273, Page 368.

<sup>250</sup> *Federal Gazette*, March 30, 1819.

freedom” they were in fact “more depressed” than when they were slaves.<sup>251</sup> Andrews neglected to realize that it was the rule of Pro-slavery whites that stripped African Americans of their “consciousness of freedom.”<sup>252</sup>

Keeping African Americans in a constant and seemingly inescapable state of economic despair allowed the government to increasingly criminalize free black people. The overall goal was literal, and not just economic, re-enslavement. Selling free black people into slavery offered the most benefits to slaveholders and a society which desired to maintain its identity with the ever increasingly slave holding South. This method didn’t separate free blacks from slaves— it combined free blacks and slaves and placed them in the same category.

Maryland’s African Americans feared the slave trade because of its nature, reputation, and the number of ways they could fall victim to it. Aware of the profitability of the domestic slave trade and the need for slaves in the Deep South and expanding West, most free blacks avoided colonization because they saw it as an extension of the slave trade. Maryland’s freemen believed that those who left for Liberia were really “carried to the south and sold as slaves.”<sup>253</sup> All African Americans risked being auctioned off and sold illegally, and this fear permeated this community.<sup>254</sup> Black Marylanders were well aware of the success of the slave trade as well as the influence the “great high price of negroes” had on “unprincipled men” who were encouraged to capture free black

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<sup>251</sup> E. A. Andrews, *Slavery and the Domestic Slave Trade in the United States* (Boston: Light and Sterns, 1863), 43.

<sup>252</sup> *Ibid.*

<sup>253</sup> *Ibid.*, 69.

<sup>254</sup> Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground* (New Haven: Yale University Press, 1985), 36.

people and sell them as slaves.<sup>255</sup> While limited measures were taken by the state to prevent illegal human trafficking, the General Assembly was not motivated by principle since the state itself profited from the legal sale of free people and the same domestic slave trade through the revenue these sales were designed to bring in for other projects. Throughout the antebellum period, the state of Maryland went to increasingly extreme measures to make actual and genuine slaves out of free black men, women, and children. The fear of idleness and abolition that the state associated with the free black population, as well as the profits obtained through the slave trade and the principles behind race-based slavery, drove the state to force certain free blacks into slavery. These harshest attempts to control the free black problem meant that poor and, especially criminally accused, free African Americans were auctioned off and sold like any other slave, by, and for the benefit of the state.

The earliest laws to force free blacks into servitude concerned children and minors. In 1818, the General Assembly passed a law requiring free black children, who were not learning a trade, to be bound out by the orphan's court to the service of a white person.<sup>256</sup> This system made slaves out of free children and masters out of white Marylanders. By this law, male children were required to serve until the age of twenty-one, and females until eighteen. In 1860, females were required to serve until their *thirtieth* birthday.<sup>257</sup> Masters desired to keep women enslaved during their reproductive

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<sup>255</sup> E. A. Andrews, *Slavery and the Domestic Slave Trade in the United States* (Boston: Light and Sterns, 1836), 181.

<sup>256</sup> *An Act Authorizing the Judges of the Orphans Court to Bind out the Children of Free Negroes*, Maryland Session Law 1818 (Maryland State Archives), Ch. 117, Page 66.

<sup>257</sup> *An Act to Add a New Article to the Code of Local Public Law*, Maryland Session Law 1860 (Maryland State Archives), Ch. 232, Page 318.

years, especially since slavery was passed down through mothers.<sup>258</sup> The original law required the guardian of the child be notified of the court's decision and allowed said guardian to offer an opinion as to the child's preferred master.<sup>259</sup> However, in 1844, parents no longer had any input in their child's fate, as the General Assembly declared that masters could transfer the services of these children to other masters, as long as they registered the modification with the orphan's court.<sup>260</sup>

The state also used vagrancy laws and legislation criminalizing poverty as a method for re-enslavement. Following Governor Hicks's speech to the Senate in which he expressed his desire for a law to prevent the idleness of the free black population, the General Assembly obliged and created a board of commissioners in several Maryland counties for "the better control and regulation of the free colored population."<sup>261</sup> Under this piece of legislation, any free black person who was not hired "to some industrious and respectable citizen" or could not prove that they owned one hundred and fifty dollars in assessed property was exposed by the board "at public sale to the highest bidder for the term of one year."<sup>262</sup> This law made the highest bidder a bona fide slave master, entitled to every part of his new property, including the slave's loyalty. The freemen and women sentenced to this form of term slavery and who were accused of "absconding, *secreting*,

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<sup>258</sup> Calvin Schermerhorn, *Money Over Mastery, Slavery over Freedom: Slavery in the Antebellum Upper South*, (Baltimore: John's Hopkins University Press, 2011), 13.

<sup>259</sup> *An Act Authorizing the Judges of the Orphans Court to Bind out the Children of Free Negroes*, Maryland Session Law 1818 (Maryland State Archives), Ch. 117, Page 66.

<sup>260</sup> *An Act to Better Provide for the Regulation of Free Negro Children*, Maryland Session Law 1844 (Maryland State Archives), Ch. 247, Page 193.

<sup>261</sup> *An Act to Add a New Article to the Code of Local Public Law*, Maryland Session Law 1860 (Maryland State Archives), Ch. 232, Page 318.

<sup>262</sup> *Ibid.*

or running away” were re-exposed at auction and *sold for life* to the highest bidder.<sup>263</sup>

Apart from the vague language that no doubt benefited slaveholders and made it easier to keep those sentenced to term slavery in bondage, the state and local governments benefitted too. First, this method was meant to rid the state of idle and troublesome free blacks and put a dent in the free black problem. Second, the state government benefited financially since the money from these sales went directly to the highly acclaimed primary school fund to expand educational opportunities for white children.<sup>264</sup>

Re-enslaving free people and support for colonization also went hand in hand, and benefited the state financially and slaveholders overall. By Criminalizing free black settlement and immigration, the General Assembly could punish violators with not only forced colonization, but also with enslavement, which paid for further colonization. Colonization cost the state money. By selling free black residents who violated the settlement laws, the state made money. In 1831, free African Americans were again, banned from settling in the state or from coming to the state for more than ten consecutive days.<sup>265</sup> Violators were fined. Those who neglected to pay the fine were sold at public auction “for a time,” presumably set by the judge on the case.<sup>266</sup> In 1839, this act was extended to sell at public auction any second time offender who refused to pay a fine of five hundred dollars.<sup>267</sup> Whether the money was collected from the fine or from the sale, it was used to benefit the Colonization Society. Theoretically, under this system,

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<sup>263</sup> Ibid.

<sup>264</sup> Ibid.

<sup>265</sup> *Act Relating to Negroes and Slaves*, Maryland Session Law 1831 (Maryland State Archives), Ch. 323, Page 445.

<sup>266</sup> Ibid.

<sup>267</sup> *An Additional Supplement to an Act Relating to Free Negroes and Slaves*, Maryland Session law 1839 (Maryland State Archives), Ch. 38 Page, 36. This law applied to both state citizens and noncitizens.

two free people were removed for the price of one because for every free person who was re-enslaved, another could be colonized.

Because white Marylanders criminalized free blacks by determining so many behaviors as criminal, they could ensure that they could always find a victim to sell. The way Maryland dealt with free black “criminals” evolved over time and became increasingly severe as the Civil War approached. Very early in the antebellum period both Maryland and Virginia enacted laws that prohibited black prisoners from being incarcerated in state penitentiaries. In 1817, the General Assembly enacted a law banning all black people from the penitentiary for all sentences less than one year.<sup>268</sup> Under this law, the judge had the authority to determine an equivalent punishment such as public whipping.<sup>269</sup> In 1825, Maryland enacted a law that completely banned black persons from the penitentiary. Under this law, African Americans convicted of a crime that did not justify death by hanging, were sold into slavery.<sup>270</sup> Some of these criminals were sold in the state, some in other states, and some were sold to foreign countries.<sup>271</sup> Virginia enacted a similar law. Interestingly, both states later repealed these laws because they were viewed as unnecessarily cruel.<sup>272</sup> The earlier laws, which were later repealed, may have had less to do with the free black problem, and more to do with overcrowded

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<sup>268</sup> *A Supplement to an Act Concerning Crimes and Punishments*, Maryland Session Law 1817 (Maryland State Archives), Ch. 72, Page 62.

<sup>269</sup> *Act Relating to Negroes and Slaves*, Maryland Session Law 1831 (Maryland State Archives), Ch. 323, Page 445.

<sup>270</sup> *A Further and Additional Supplement Concerning Crimes and Punishments*, Maryland Session Law 1825 (Maryland State Archives), Ch. 93, Page 68.

<sup>271</sup> *Ibid.*

<sup>272</sup> Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 183.

prisons.<sup>273</sup> Interestingly, in 1831, Maryland again took up the practice of selling free black criminals who violated the settlement laws. Across the south, and especially in Maryland and Virginia, Nat Turner's Rebellion encouraged state governments to enact harsher restrictions on their black populations.<sup>274</sup> After 1831, the General Assembly enacted multiple laws, which permitted the state to auction off free black people.

After Nat Turner's Rebellion, and as the free population continued to rise at a strong and steady rate, Maryland's General Assembly enacted a plethora of laws adapting the sale-into-slavery method as the preferred way to deal with the threat that a large free black community posed to slavery and the master class. The settlement and vagrancy laws were all enacted after 1831. In 1842, theft was added to the list of sale-worthy crimes. Free blacks convicted of selling stolen goods were sold into slavery for five to ten years.<sup>275</sup> In 1854, Ellen Smith, a free black woman, was convicted of stealing a shawl from a white man and sold out of the state for a sentence of five years.<sup>276</sup> Also in 1842, the General Assembly enacted a law that intended to discourage insurrection and secret societies. Any black person found to be a member of a secret society faced a fine and risked a sentence as a slave for a "term...determined by the court."<sup>277</sup> For this crime, a second offense resulted in a lifetime of slavery.<sup>278</sup>

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<sup>273</sup> Ibid.

<sup>274</sup> William W. Freehling, *The Road to Disunion: Secessionists at Bay*, (New York: Oxford University Press, 1990), 202.

<sup>275</sup> *An Act to Prevent Unlawful Dealing with Negroes*, Maryland Session Law 1842 (Maryland State Archives), Ch. 279, Page 234.

<sup>276</sup> "Proceedings of the Courts," *The Sun* (1837-1989), January 21, 1854.

<sup>277</sup> *An Act to Prohibit the Formation and Assemblage of Secret Societies of Negroes*, Maryland Session Law 1842 (Maryland State Archives), Ch. 281, Page 238.

<sup>278</sup> Ibid.

In 1858 the General Assembly further radicalized their system for exploiting free black criminals. Under the “Act to Modify the Punishment of Free Negroes Convicted of Crimes in the State,” crimes ranging from simple to severe were punishable by public sale into slavery. This law mandated that any free black person convicted of stealing anything worth less than one dollar be sold at public auction as a slave for two to five years.<sup>279</sup> Any free black convicted of robbing a horse or mule, or convicted of being an accessory to such robbery, was sentenced to the auction block and sold as a slave for two to fourteen years. The theft of a vessel resulted in a sentence into slavery for two to twelve years. Arson, attempted arson, and accessory to arson, were all crimes that resulted in a lifetime sentence as a slave. Free black citizens who aided or harbored fugitive slaves were also in danger of receiving a lifetime sentence into slavery.<sup>280</sup>

With this legislation in place, the state began enforcing its unforgiving rule. When the General Assembly requested that the Warden of the Maryland penitentiary “sell at once the Negroes... who are now in the penitentiary” for the benefit of the counties, the committee appointed to examine the affairs of the penitentiary reported to the General Assembly that “they [had] endeavored to discharge the duties committed to them.”<sup>281</sup> Freeman like Daniel Mackey, convicted of enticing two slaves to run away, were sold to slave trader and presumably sold to the Deep South.<sup>282</sup> The part of this 1858 law the state seemed less willing to enforce were the sections seemingly intended to protect those

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<sup>279</sup> *An Act to Modify the Punishment of Free Negroes Convicted of Crimes in the State*, Maryland Session Law 1858 (Maryland State Archives), Ch. 324 Page 491.

<sup>280</sup> *Ibid.*

<sup>281</sup> *Report of the Joint Committee Appointed by the Legislature to Examine the Affairs of the Maryland Penitentiary*, Maryland State Senate 1860 (Maryland State Archives) 7-8.

<sup>282</sup> “William Hayward,” Archives of Maryland Biographical Series, *Maryland State Archives Online*.



convicted from being held longer than their sentence. The General Assembly seemed to care little if those sentenced to slavery for a term, and not for life, were ever heard from again. The “Act to Modify the Punishment of Free Negroes Convicted of Crimes in the State,” set a mild punishment for slave traders who sold criminals for longer than their sentence. Those who held slaves longer than their sentence were presented with a fine for double the price of the slave.<sup>283</sup> If they neglected to pay the fine, they could go to prison for thirty to ninety days.<sup>284</sup> These laws did little to protect freemen like Daniel Mackey, whose destination was never recorded and is therefore unknown.<sup>285</sup> To further complicate the dark shadows of the halls of the Maryland State House, this system was beneficial to the state because in most cases, when the money from a sale wasn’t given to the colonization society or to those affected by a particular crime, it went to the county in which the freeman was convicted and sold.<sup>286</sup>

Another insight into the motivations and mindset of the General Assembly is found in the lack of detail provided in this piece of legislation and similar others. In all of these laws forcing free people into bondage, there exists no requirement that the newly enslaved leave the state. In all cases, it was specified that the accused be sold to the highest bidder with no terms or conditions specific to place. If the highest bidder was a Maryland resident and intended to hold their property in the state of Maryland, that was fine by the law. Many white Marylanders did not have a problem with black slavery, but

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<sup>283</sup> *An Act to Modify the Punishment of Free Negroes Convicted of Crimes in the State*, Maryland Session Law 1858 (Maryland State Archives), Ch. 324 Page 491.

<sup>284</sup> *Ibid.*

<sup>285</sup> “William Hayward,” Archives of Maryland Biographical Series, *Maryland State Archives Online*.

<sup>286</sup> *An Act to Modify the Punishment of Free Negroes Convicted of Crimes in the State*, Maryland Session Law 1858 (Maryland State Archives), Ch. 324 Page 491.

they did have a problem with African Americans who were not slaves. The General Assembly wanted to preserve the institution of slavery in Maryland by intentionally re-enslaving the institution's most threatening population. This system was the only way to maintain the status quo, undo the wave of emancipation of the past, and ensure that the master slave relationship would not dwindle, but flourish in Maryland.

This desire was clearly presented in 1860 by an extreme attempt to curb the growth of the free black population and encourage slavery. In this year, the state "prohibited the manumission of Negro slaves" and declared, "No slaves shall henceforth be manumitted by deed or last will and testament."<sup>287</sup> This law had two shocking and significant facets. The first was to significantly curb the rising free black population once and for all and to keep existing slaves in the position of slavery. The second, and perhaps most unsettling of all, encouraged free black individuals to submit themselves to slavery and become slaves for life. The General Assembly encouraged free people to "renounce" their freedom outright.<sup>288</sup> They encouraged any free African American man or woman over the age of eighteen to go before the circuit court of their county and renounce their freedom, at which point, they were permitted to "select a master or mistress and become a slave for life."<sup>289</sup> Women who followed suit subjected their children to a lifetime of slavery also. Her children age five and older were slaves for life. In accordance with earlier laws, any children older than five were bound out to white masters.<sup>290</sup>

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<sup>287</sup> *Act to Amend the 65<sup>th</sup> Article of the Codes of General Public Law*, Maryland Session Law 1860 (Maryland State Archives), Ch. 322 (1860), Page 484.

<sup>288</sup> *Ibid.*

<sup>289</sup> *Ibid.*

<sup>290</sup> *Ibid.*

In the antebellum period, most states instituted policies rooted in racism and white supremacy that were meant to keep African Americans in a class below white citizens. However, it is clear that Maryland slaveholders weren't merely following national and regional trends of the period. All southern slaveholding states had an interest in defending slavery. Maryland's defense of the institution and its identification with other slave states prove that Maryland was not exempt from these interests. Although Maryland more resembled Border States on the northern side of Mason-Dixon in the size of its free black population, it is clear that Maryland's free black codes were instituted as a direct defense of slavery. There is no doubt that in the same time period, many northern states, and especially mid-western states, implemented legislation limiting the freedoms of African Americans. Many northern and mid-western states enacted harsh black codes and anti-immigration laws with the aim of keeping out all African Americans, whose presence they believed soiled white communities. White northerners, especially in the mid-west apparently wanted to avoid "the lowering of the better class, towards the standard of the inferior class."<sup>291</sup> However, in Maryland and other slave states, free blacks were "an evil example on the servile population," and therefore restrictions on African American freedom were driven by the necessity to protect slavery. While many white northerners found black codes highly desirable, many states enforced them "sporadically."<sup>292</sup> In

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<sup>291</sup> Leon F. Litwack, *North of Slavery: The Negro in the Free States 1790-1860*, (Chicago: The University of Chicago Press, 1961), 60. Free states did not enact policies to sell free blacks into slavery like Maryland did. For more on racial violence in the Civil War and pre-Civil War ear North, see, Michael J. Pfeifer, "The Northern United States and the Genesis of Racial Lynching: The Lynching of African Americans in the Civil War Era," *The Journal of American History* 97, no. 3 (December 1, 2010): 621–35.

<sup>292</sup> Leon F. Litwack, *North of Slavery: The Negro in the Free States 1790-1860*, (Chicago: The University of Chicago Press, 1961), 60.

Maryland, free black individuals who violated the immigration laws were sold into slavery.<sup>293</sup> This was not so in the northern states.<sup>294</sup>

Of all the threats to slavery that existed in Maryland in the mid-nineteenth century, the growing free black population was not only the most obvious sign that slavery was on the physical decline, but it was also the population over which the state had the most control. As the bottom crust of society and in a world ruled by the white master class, Maryland's African Americans were easily exploited and criminalized because they didn't fit in a slave society. Rather than let slavery die a slow and painful death at the hands of an ever changing economy, Maryland masters and their constituents attempted to revitalize the institution to gain a firmer grasp on an identity they feared losing. Moderate and middle tempered hardly describe the significance of slavery to the way white Marylanders structured their society and viewed their identity and heritage. These adjectives come no where near defining the way Maryland's slaveholders fought for slavery at the expense of thousands of free African Americans and slaves.

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<sup>293</sup> *Act Relating to Negroes and Slaves*, Maryland Session Law 1831 (Maryland State Archives) Ch. 323, Page 445.

<sup>294</sup> Leon F. Litwack, *North of Slavery: The Negro in the Free States 1790-1860*, (Chicago: The University of Chicago Press, 1961), 71.

### Concluding Thoughts

In the years leading up to the Civil War, white Marylanders reclaimed their hold on slavery in order to preserve not only the institution, but also an entire identity that could only exist in a slave society. Although these goals weren't always achieved, their influence has significant meaning. Slaveholders' identity as members of a slave society was threatened, but it wasn't uncertain. Political actors of the period expressed their alignment with other slave societies in the South, white men upheld a code of conduct based on white supremacy and southern tradition, and free blacks faced the reality of an increasingly pro-slavery state government. The years of struggle for equality that have yet to be realized have some of their strongest roots in the ideologies and identities of this period. The effects of a white dominated story of slavery continue today and shape the way we remember slavery in the border region and in Maryland.

To discredit the influence a slaveholding identity had on white society in nineteenth century Maryland in our modern narrative of slavery does an injustice to all African Americans who suffer as a result of white supremacy both then and now. Although we traditionally think of Maryland as a liberal state, the responsibility white Marylanders take for their slaveholding past is weak at best. Unfortunately, Robert Brugger's conclusion that Maryland is a "middle-temperament" is still reflected in the public realm. Marylanders, and all Americans should be aware that the border region was not only the opposite of mild, but that white privilege to control all aspects of African American life, including their own story, molded a collective white identity and made border regions hardly moderate at all.

From my own experience it seems that in the public realm, Americans get a broad interpretation of slavery that denies white privilege and refuses to take responsibility for a slaveholding past. Take the display in Gettysburg National Park's visitors center as an example. In the free section of the visitor's center, next to the gift shop, and just a few feet from the entrance to the diorama, is a wall display that lays out how many men from each state fought on either side of the war. Maryland's display is slightly startling for its level of inaccuracy. The Gettysburg museum claims that 46,638 men from Maryland fought for the Union Army while only 3,324 fought for the Confederacy. While actual and reliable numbers are difficult to track down, this sneaky under-estimation paints a cleaner picture of Marylander's loyalties than reality, fails to show the torn allegiances in Maryland, and allows white Marylanders to escape their pro-slavery past. This whitewashing and under-exaggeration extends to the public school system too. At a recent family dinner, I asked my middle school aged cousin what she had learned about slavery in school, specific to Maryland. As a student in the Baltimore County Public School system, not only was she unaware of Maryland's slaveholding past, but she also told me that she never learned that slavery was specific to any place, but rather a poorly grounded theoretical concept.<sup>295</sup>

But beyond this, my own desire to study this topic came from a more personal experience with the memory of the relationship between slaves and their owners. Edward Gorsuch's brother, Thomas Talbott Gorsuch was my fourth great grandfather and my namesake. Both men ruled over large tracts of land that were part of an original grant to

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<sup>295</sup> For more on how memory shapes American interpretations of the past through public spaces see: Edward Linenthal, *Sacred Ground: Americans and their Battlefields*, (The University of Illinois, 1993).

the Gorsuch family over one hundred years before the Civil War.<sup>296</sup> Edward's Retreat Farm and Thomas's Retirement Farm sit almost directly across from each other today. Edward's house no longer stands, but his barn, carriage house, and a springhouse are visible from the road. The picture of his house is one of the ones my grandfather would pull off the wall and describe to me while he smoked his pipe. Today, his barn serves as an auction house and an interesting epithet for a place where enslaved men and women once worked. When I was a child, it was an antique store where I used to go with my mother or my grandmother to get a lollipop and look at what seemed like endless rows of old stuff all waiting to find new meaning in a new home. Hardly even a country mile away still stands Thomas's beloved Retirement Farm, almost entirely intact. A long and winding driveway points to a white house on a hill, not the same one Thomas inhabited, but built on the same foundation by his son and no less imposing. The graveyard is visible from the driveway along with the rolling hills and trees that have existed in the same place with the same people for generations. For me, these sites remind me that I am home.

Like my father and my grandfather, I can't imagine it being anything else but home. The land itself has become an ancestor, an advisor, and an inspiration. But this place was home to others. Who were the slaves who lived here? One reminder of the people who inhabited this place survives inside the family graveyard. Among the stones committed to the memory of each individual ancestor sits one stone with a different name. A single marble stone is inscribed with the name *Jemima E. Myers*, born in 1797, and died January 19, 1898. Her stone is different from the rest. It's bigger, the biggest in

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<sup>296</sup> Thomas Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 6.

fact, and she lived longer than those around her, a full one hundred years. But the most unusual thing about this stone is the name, *Myers*. At first glance, hers seems one of the more important stones in the yard, simply because of its size and placement. And yet, unlike those who encircle her, she is practically lost to history. We know almost nothing about her. Her stone says nothing about remembrance, nothing about family, but instead, “I have fought the good fight- I have finished my course-I have kept the faith.”

The legend passed down through my family painted Jemima as a loyal slave who although freed as a result of the Civil War, remained a faithful servant to our ancestors. For her service, Jemima was rewarded. She could be buried with the Gorsuch family, but she had to buy her own tombstone. Jemima bought the largest. This tale sparked my interest.

The description of the loyal slave (whom no one ever bothered to confirm was indeed a slave), conjured up images of *Uncle Tom*, *Song of the South*, and *Gone with the Wind*. As a more experienced student of the Civil War, I came to understand these descriptions as remnants of the Lost Cause theory whereby the benevolent institution of slavery united master and slave under bonds of childlike love and dependence.<sup>297</sup> But it seemed Jemima intended to tell a different story. As the story goes, she was buried among her white masters in an outward appearance of loyalty. But her words “fought the fight... finished my course... kept the faith,” suggest a lifetime of struggle. What was Jemima’s fight? Who was Jemima? And then there is another issue— Jemima is alone.

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<sup>297</sup> In his book, *Been in the Storm So Long: The Aftermath of Slavery*, Leon Litwack explores the tense relationship between former slaves and whites and how those interactions shaped the end of slavery and post-emancipation race relations. Leon Litwack, *Been in the Storm So Long: The Aftermath of Slavery*, (New York: Random House, 1979).



Where is Jemima's family? Did they live here? Slaves lived here. Who were they? How is she connected to them? Where are they buried? What service is provided by the way they are remembered? It's possible these "others" received no stone at all. Their legends survive to contribute to, defend and uphold the greatness of the master class through oral histories and remnants of the buildings where they once lived. But while their bodies could be there, their memories, their stories of slavery are gone.

Either this place meant something to Jemima, or she meant something to this place. I don't really know who she was, beyond a woman with a name on a stone and a connection to this farm. The only Jemima Myers to fit her description lived in Chambersburg, Pennsylvania in 1870. The census records describe a black woman, about seventy years old who lived with a black man named Jeremiah Myers, a seventy-four year old shoemaker. Both were born in Virginia, and both apparently had a "father of foreign birth."<sup>298</sup> If they are husband and wife, or brother and sister is unclear. But, if this is the same Jemima, it suggests that she did have some kind of relation outside of the white Gorsuch family. She is not listed as living with the Gorsuch's in any of their census records, as a free person prior to the Civil War, or as a resident in the house after the end of slavery. So who was she? What is her connection to this place? Why is she buried here? Why was her presence desired here? For now, it's been left to the people who have the privilege of owning her stone. The only part of her own voice that remains are found in the words she left behind: "I have fought the good fight- I have finished my course-I have kept the faith."

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<sup>298</sup> *United State Federal Census*, 1870, Jemima Myers, Chambersburg South Ward, Franklin, Pennsylvania.

I'd like to think that I have some kind of connection to her, like a friendship where we talk to each other and she tells me things about this space and her experience here. As a little kid I used to run around the graveyard and liked to think my grandmothers enjoyed the life of the small feet and giggles that passed by their heads, knowing that their grandchildren still remembered them and that their existence was still a part of our lives. I like to think Jemima enjoyed it too because maybe it made her feel like she wasn't alone. And perhaps it's a sense she shares with the other women here. I'd like to know what these same fields and buildings and pathways meant to her. I know what they meant to everyone else and it boils down to pride. I know because I too share that sense of pride. But I also feel a sense of cunning deficiency; a lack of the full story. The constant stir of unanswered questions keeps that pride in a constant state of instability. The problem with things always staying the same here is that beneath every unturned rock lives a story that hasn't been told and a discussion that hasn't happened. Jemima is silent, but she's not. She lives on in the questions she raises. Her voice lies in the contradiction between the size, placement, and message of her stone and the story that's been passed down about her. It's the same phenomenon that exists in the paradox of Edward Gorsuch's delusion of himself as an upstanding master and the desire of Noah Buley, Nelson Ford, and George and Joshua Hammond to escape his reign. It was reflected again in the relationship between free blacks and slaves and the contradictions inherent in race-based slavery. Maryland slaveholders' true objectives and character lies somewhere in the similar contradiction between a dying institution and the simultaneous creation of a dominating slaveholding identity.

The problem then is the continued ability of those who dominate the narrative to erase the past at the expense of people who have no say in the past they helped shape, and that sometimes shaped them. White Marylanders of the nineteenth century attempted to shape slavery into an institution that corroborated, rather than contradicted their desired identity as slaveholders. Meanwhile, this research raises more questions than it answers. How do white Marylanders think about slavery as a part of their own identity? How do black Marylanders think about it? What was the relationship between black women, white women and the system of paternalism?<sup>299</sup> How are institutions manipulating the narrative in order to protect some sense of an identity? And what identity are we trying to protect today? How can we change the public's historiography on the subject and encourage especially white Marylanders to abandon their pre-conceived notions of Maryland's slaving history? Most importantly, how can we change the narrative and open up the past to the experiences of people who were purposely erased from memory in a way that undoes the ideologies that supported the institution of slavery? For me, that process will include my continued search for Jemima and those like her, but we can only start answering this questions by acknowledging the origin and complexity of their existence.

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<sup>299</sup> For more on the relationship between women and racial violence in the antebellum South see, Jacquelyn Dowd Hall, *Revolt Against Chivalry: Jessie Daniel and the Women's Campaign Against Lynching* (New York: Columbia University Press, 1979).

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