“ON THE PRECIPICE IN THE DARK”: MARYLAND IN THE SECESSION CRISIS, 1860-1861

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This dissertation is a study of the State of Maryland in the secession crisis of 1860-1861. Previous historians have emphasized economic, political, societal, and geographical considerations as the reasons Maryland remained loyal to the Union. However, not adequately considered is the manner in which Maryland understood and reacted to the secession of the Lower South. Historians have tended to portray Maryland's inaction as inevitable and reasonable. This study offers another reason for Maryland's inaction by placing the state in time and space, following where the sources lead, and allowing for contingency. No one in Maryland could have known that their state would not secede in 1860-61. Seeing the crisis through their eyes is instructive. It becomes clear that Maryland was a state on the brink of secession, but its resentment, suspicion, and anger toward the Lower South isolated it from the larger secession movement. Marylanders regarded the Lower South's rush to separate as precipitous, dangerous, and coercive to the Old Line State.

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CHAPTER 1

INTRODUCTION

In *Reluctant Confederates* (1989), the historian Daniel W. Crofts contended that the traditional understanding of secession in the winter of 1860-61 focuses largely on the experiences of the Lower South states that seceded in the wake of Abraham Lincoln's election in 1860. This focus creates a picture in which secession "appears inevitable and even reasonable." Conversely, in *Lincoln and His Party in The Secession Crisis* (1942), David M. Potter aptly pointed out that the election of Abraham Lincoln in 1860 failed to unite the slaveholding states. In fact, Lincoln's election "divided the South as never before," as seven Lower South states seceded and began to form the Confederate States of America while the remaining eight slave states hotly debated whether or not to join them. Following the events at Fort Sumter in April 1861, four of the eight seceded and joined the southern confederacy, but four did not, choosing to remain loyal to the Union. The story of why those states remained in the Union is of critical importance in understanding the deep divisions, resentments, and suspicions white southerners had toward one another, even when a consensus existed on the threat Lincoln's administration posed to the slaveholding South. "It cuts against the grain of much modern scholarship," Crofts asserted, "to emphasize that southerners disagreed on so fundamental a matter as secession." Yet, ample evidence suggests that they did.[1]

[1] Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill, NC: The University of North Carolina Press, 1989), *xv*; David M. Potter, *Lincoln and His Party in the Secession Crisis* (New Haven, CT: Yale University Press, 1942, 1962), Preface to the 1962 edition, *xxix*.

For example, consider a January 1861 published letter from "a distinguished gentleman of Talbot County, Maryland," to a fellow Marylander, John H. Sothoron, who had urged Maryland to follow South Carolina's lead and secede from the Union immediately. Comparing the states of Maryland and South Carolina, the author argued that "beyond the mere institution of slavery there is nothing [in] common between [Maryland] and South Carolina." After explaining the major differences between the two states, the author indicated that South Carolina's secession was perpetrated "without the slightest regard to our necessities, or our convenience." To the writer, Maryland could not, should not, and would not follow South Carolina out of the Union because the latter's actions had abandoned Maryland to the mercy of the North, because secession would mean war for Maryland, and because war would result in devastation in the Old Line State. Perhaps most damning of South Carolina's actions was the author's confession that "as much as I hate abolitionists, I dread [South Carolina's] rashness more than I do their hostility." In the end, the letter writer and a great many more in Maryland perceived his state to be "like a man standing on the precipice in the dark," whose decision to secede or not would serve only to "precipitate her own ruin." Immediate secession had forced her into a decision she could not make. "If that be honorable, I do not know what honor is," he concluded, referring to South Carolina's actions.[2]

This Marylander's attitude toward South Carolina's decision to secede illustrates the clear cleavages that existed between the Upper South/Border States and the Lower South. The decision of South Carolina and the other slave states that left the Union between late 1860 and early 1861 shocked the remaining slave states of the Upper South and Border States. Rather

[2] *Easton Gazette*, January 12, 1861.

than consulting and cooperating with their fellow slaveholding states, the Lower South chose to bring about a crisis of the Union through the immediate act of secession. This decision divided the region along arguments for and against immediate secession, debates on the effect that such an action would have on the South, and disputes about secession as a mode of redress for the South. The Lower South's decision to secede immediately, state by state, created a hostile relationship with the Upper South and Border States, a relationship that exposed ever growing divisions in 1860-1861. Forced to choose between a potentially hostile North and a rash and precipitous Lower South, the Upper South and Border States found themselves having to adjust to the "new condition of affairs which is about to be forced upon us," in the words of a famous Maryland Unionist, John Pendleton Kennedy.[3]

Recent scholarship emphasizes the social, political, and economic divisions in the American South, and in the process it has fundamentally altered our understanding of southern unity in the antebellum era. While the region shared common institutions, values, practices, and beliefs that gave southern society a sense of homogeneity, recent historians are quick to point out that a sense of kinship did not necessarily lead to political unity. In fact, throughout the antebellum era, whenever sectional crises arose, as they did in 1832, 1850-52, and 1860-61, the southern consensus broke down.[4] Admittedly, in each of these crises southerners could find common ground: they shared a common culture and faced a common enemy. However,

[3] John Pendleton Kennedy, *The Border States: Their Power and Duty in the Present Disordered Conditions of the Country* (Philadelphia, PA: J. B. Lippincott & Co., 1861), 3. I define "immediate secession" as seceding before the inauguration of Abraham Lincoln and/or without regard to a convention of southern states to co-operatively secede.

[4] In 1832, during the Nullification crisis over protective tariffs, the slaveholding states could not find a consensus on how to respond. This failure was duplicated at the 1850 Nashville Convention, during which the slaveholding states could not agree on joint secession and failed to produce southern unity. In 1860-61, another failure to achieve a southern consensus resulted when Abraham Lincoln's victory in the 1860 election divided the South along arguments for and against secession, and the manner in which it should be carried out.

there still remained the ever-present disagreement on whether the South could better protect itself inside the Union or outside of it. This disparity, David Potter noted, became even more controversial and divisive when the conversation turned from generalities to specific plans of action. If, and only if, the states agreed that secession was the only means left to protect their rights, then the issue became whether to secede through co-operative action (all or some of the southern states seceding jointly through a southern convention) or separately, one-by-one, through individual state conventions. Thus, even in the crucible of secession there existed no consensus, no unity, on how to secede. As a result, modern scholars have pointed out that Lincoln's election (an event Southerners agreed was deplorable and dangerous) failed to produce a united South in support of secession. Instead, events in the winter of 1860-61 created deeper divisions than ever.[5]

In addition, recent scholars have begun to move away from examining secession through the lens of the Lower South states and have refocused their attention on the Upper South (Virginia, North Carolina, Tennessee, Arkansas) as well as the slaveholding Border States (Missouri, Kentucky, Maryland, Delaware). This shift in focus has provided a more complete picture of the dynamics and effects that secession had on the South. By placing an emphasis on the manner in which the Upper South and Border States reacted to Lincoln's election and the secession of the Lower South states, researchers are left with a profound understanding that an

[5] For works that emphasize a lack of southern unity in the antebellum era, and especially in the 1860-61 secession crisis, see Crofts, *Reluctant Confederates*; William W. Freehling, *The South v. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (New York: Oxford University Press, 2001); William W. Freehling, *The Road to Disunion, Volume 1: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990); Freehling, *The Road to Disunion, Volume 2: Secessionists Triumphant, 1854-1861* (New York: Oxford University Press, 2007); Potter, *Lincoln and His Party in the Secession Crisis*; David M. Potter, *The Impending Crisis, 1848-1861* (New York: Harper & Row Publishers, 1976); James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), pp. 276-307. I define "co-operative secession" as a group of, or all, the southern states seceding in unison through a special convention.

internal crisis unfolded in the slaveholding South long before a crisis of the Union took root. Yet, the emergency in the winter of 1860-61 is usually described as a conflict of loyalties: the Upper South and Border States retained deep emotional bonds of loyalty to the Union, and this sentiment thwarted secession for a time in some states and stifled it altogether in others. While Unionism was indeed prevalent in the Upper South and Border States, the two regions did harbor deep-seated resentment and suspicion of the North. Unionism ran only so deep in those states. Interestingly, the same resentment and suspicion toward the North was also directed at the Lower South. Why? Did similar societal, political, and economic institutions not bind the whole section? If not, what caused this resentment and suspicion of the Lower South? Perhaps focusing on the Upper South and Border States' prevalent Unionism is not the complete answer to why four slaveholding states remained loyal to the Union. Maybe the question should be directed more toward the Lower South. What was it about the lower cotton states that alienated the people of the Upper South and Border States from the idea of immediate secession, and later, prevented them from joining a southern confederacy? How did the states of the Upper South and Border States react to the very act of secession in the first place?[6]

[6] For works that examine the Upper South and the Border States, their experiences in the 1860-61 secession crisis, and Unionist sentiment within them see Crofts, *Reluctant Confederates*; Freehling, *South v. The South*; Henry T. Shanks, *The Secession Movement in Virginia, 1847-1861* (New York: De Capo Press, 1970); Richard O. Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh, PA: University of Pittsburgh Press, 1964); Joseph C. Sitterson, *The Secession Movement in North Carolina* (Chapel Hill: University of North Carolina Press, 1939); Marc W. Kruman, *Parties and Politics in North Carolina, 1836-1861* (Baton Rouge, LA: Louisiana State University Press, 1983); Mary Emily Robertson Campbell, *The Attitude of Tennesseans toward the Union, 1847-1861* (New York: Vantage Press, 1961); Jean H. Baker, *The Politics of Continuity: Maryland Political Parties from 1858 to 1870* (Baltimore, MD: The Johns Hopkins University Press, 1973); William J. Evitts, *A Matter of Allegiances: Maryland from 1850 to 1861* (Baltimore, MD: The Johns Hopkins University Press, 1974).

In *The Road to Disunion*, William Freehling correctly recognized that the slaveholding South reacted to events in the winter of 1860-61 in three different ways, and he emphasized the profound effect that South Carolina's unilateral secession had on the other slaveholding states. South Carolina's actions exposed the basic regional fault line in the South – that between the Upper South/Border States and the Lower South. Although the act of immediate, unilateral secession by South Carolina initiated a similar reaction across the Lower South, this was not the case in the Upper South and Border States. These areas were simply not willing to throw their lot in with the Lower South before some overt, hostile act was perpetrated by the incoming Lincoln administration. Only after President Lincoln's call for volunteers on April 15th, 1861, a clear indication he intended to wage war against the Lower South, did the states of Virginia, North Carolina, Arkansas, and Tennessee sever their ties to the Union. Yet, within the states of Missouri, Kentucky, Delaware and Maryland, secession failed. Why?[7]

The answer may lie in understanding the singular event of immediate, unilateral secession on the part of South Carolina, for that state's actions in 1860 created a situation that ultimately forced the people of all the slaveholding states – a majority of whom opposed secession – to make a choice between leaving the Union and waging a war against the South. In other words, the Palmetto State transformed the question posed to the slaveholding states: Do we secede? to Do we support a fellow southern state that has already seceded. The subtlety was crucial. The separation of the Lower South placed the Upper South and Border States in an exposed position, caught in the middle both figuratively and literally. To support their sister slaveholding states and secede from the Union was understood by a great many in

[7] Freehling, *Road to Disunion*, 2:345-462. I define "unilateral secession" as the separation of a single state from the Union without regard to the other southern states.

the Upper South and Border States to carry with it dire consequences of war and devastation. Conversely, to remain loyal to the Union was to condone a possible war on the Lower South and open the door for the possible agitation of the slavery question by the Free States. The decision was not an easy one, nor a clear one. What is clear is that the decision to secede by South Carolina and the other cotton states was viewed with shock, animosity, and hostility in the Upper South and especially the Border States.

Of course, the intention of South Carolina was not to divide the South; rather, it was to unite it. Unilateral secession had, by 1860, come to be understood by secessionists as the only way to precipitate a general revolution in the South that would establish an independent southern republic. Secessionists had twice been frustrated in their efforts (in 1832 and 1850-52), and these lessons, combined with encouragement from other secessionist leaders, had convinced more radical separatists that the action of a single state could pry loose the other slaveholding states from the Union when they were forced to choose sides. South Carolina's decision tipped the balance in the Lower South, where, in spite of significant opposition to immediate secession (at least in Alabama, Georgia, and Louisiana), six other cotton states ultimately left the Union. This was the primary motive for South Carolina's actions in December 1860 – namely, to force the issue of disunion by immediate means rather than delay. Moderation and deferment had quelled secession in 1832 and again in 1850-52, and it was the purpose of separate, unilateral separation to overcome that obstacle. In other words, immediate withdrawal from the Union was chosen as the mode of secession in order to deny the opportunity for opposition to organize itself.[8]

[8] Freehling, *Road to Disunion*, 2:385-394; Potter, *Impending Crisis*, 500-503.

Yet the actions of South Carolina and the Lower South in the winter of 1860-61 alienated and shocked the Upper South and Border States in spite of significant support there for the secession movement. In fact, ample evidence suggests that the critical Border States contained large numbers of conditional Unionists as well as outright secessionists. The Border States, more than the Lower South, had suffered the ill effects of decades of abolitionist agitation about slavery. Nowhere else in the South did the citizens of a state have more legitimate and practical criticisms of federal polices than in the Border States. Yet, the secession movement failed in these states, a failure that did not result from the actions of the northern states. Understanding why this occurred requires us to understand how the Border States reacted to the unilateral actions of South Carolina and, later, the rest of the Lower South. The manner in which secession occurred sheds valuable light on the courses of action in other slave states in the winter of 1860-61.

Maryland in the secession crisis of 1860-61 is the subject of both monographs and more general studies. These works tend to emphasize the importance of Maryland's geographical location, Unionist sentiment, economic integration with the North, political diversity, or its comparatively lighter commitment to slavery as primary determinants of its behavior in the winter of 1860-61. The most cited source for information on the secession crisis is the work of Dwight L. Dumond. In *The Secession Movement, 1860-1861* (1968), Dumond offers only a fleeting paragraph on Maryland during the secession crisis and ultimately asserts that the reasons for that state's refusal to secede came down to "a strong combination of circumstances, including a long non-slaveholding frontier and the location of the national capital" as the reasons for Maryland's inaction. Clearly, more of an explanation is needed to

understand Maryland's refusal to secede. What was this "combination of circumstances"? Why would Maryland not secede when other Upper South states did? Dumond does raise the point that Maryland shared a common border with the non-slaveholding North, and this fact has often been the linchpin that other historians of Dumond's era have used to explain Maryland's decision to remain in the Union.[9]

For example, E. Merton Coulter fully explained the implications of Maryland's geographical position and its effect on that state in the secession crisis. In *The Confederate States of America, 1861-1865* (1950), Coulter argued that the Upper South had reached political maturity earlier than the Lower South, where, he contended, "rampant democracy" had deeply entrenched itself. As a result, the Upper South was much more conservative in its approach to national as well as sectional issues. This conservatism, Coulter contended, was the product of the Upper South's "exposure to Northern influences, both cultural and economic." In other words, the Upper South (Maryland in particular) had, by 1860-61, developed an agricultural economy in the image of the North, and "many small trading connections were having their effect."[10]

More recent scholarship also draws on economic, demographic, and political reasons to explain why the Upper South hesitated to secede in the wake of Lincoln's election and why the Border States never seceded, even after the events of Fort Sumter. The best example is Daniel W. Crofts's *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (2001). He asserts that two things must be considered in any attempt to understand why the Upper South

[9] Dwight Lowell Dumond, *The Secession Movement, 1860-1861* (reprint of 1931 edition: New York: Negro Universities Press, 1968), 216.

[10] E. Merton Coulter, *The History of the South, Vol. VII: The Confederate States of America, 1861-1865* (Baton Rouge, LA: Louisiana State University Press, 1950), 3.

refused to follow the lead of the Lower South in the secession crisis. First, smaller concentrations of slaves and slave owners in the Upper South diluted the secessionist impulse and fear mongering over the possibility that Lincoln sought to agitate slavery in the South. Second, the Upper South and Border States still maintained strong state-wide, two-party political systems that offered anti-secessionists an "indispensable base" with which to rally the forces of Unionism. They could draw on the support of former Whigs, a political base that was not accessible to anti-secessionists of the Lower South. The prominence of the Upper South's vibrant two-party system as a reason for the thwarting of secessionists' designs is also the topic of a state-level examination of Maryland. In *The Politics of Continuity* (1973), Jean H. Baker reinforces Crofts' assertions. According to Baker, Maryland had developed and maintained a strong two-party system before and during the Civil War. She argues that the strong political base the Know-Nothings created in Maryland served them well during the secession crisis by transforming their political platform from "nativism into Unionism." In other words, political life in Maryland revolved around party loyalty, rather than devotion to a geographical section of the nation, and this allegiance continued throughout the secession crisis and the Civil War.[11]

Building upon this explanation, William Freehling pays particular attention to the lack of slaves and slaveowners in the four loyal slaveholding states. In *The South v. The South* (2001), he provides the reader with empirical data to illustrate his overarching explanation for the Upper South's inaction. For example, he stresses the fact that the Border South, as he calls the four loyal slaveholding states, saw a drop in their percentage of the United States' slave population from 19.9 percent in 1790 to 11.3 percent in 1860. On the eve of the Civil War, the

[11] Crofts, *Reluctant Confederates*, 130-131; Baker, *Politics of Continuity*, xiv-75.

Border South produced "almost none of the South's cotton, sugar, or rice." Freehling builds upon this idea in his masterful two-volume set, *The Road to Disunion*. He notes that "in the less enslaved half of the South, the cry of disloyalty [to slavery] carried less weight, alliance with suspect Northerners brought less notoriety, and emphasis on nonslavery issues attracted more voters." In short, old fashioned Whiggery remained more firmly entrenched in the Upper South than it did in the Lower South, and this fact "empowered Upper South Unionists" who used "stronger Whiggish parties" to sustain Unionism and dismiss allegations of Lincoln's supposed immediate menace. In the end, Freehling argues that in order for secessionists to pry Maryland loose from the Union, they would need to overcome immense obstacles such as a smaller concentration of slaves than in the Lower South states, political structures that provided valuable Unionist foundations, and the Upper South's economic alignment with the free North.[12]

In *A Matter of Allegiances* (1974), William Evitts contended that Mayland was a divided state, "torn by internal divisions," and lacked a "clear sectional identity." Fearful of what this divided loyalty within the state was capable of producing, Marylanders acted as conservative "brokers" on national issues. However, by the time the secession crisis of 1860-61 gripped the state, "Maryland had evolved into a pattern of life so different from that of the Southern states that secession was never more than a distant possibility." Evitts admitted that federal force played a crucial role in the trauma of 1860-61, but he elevates Maryland's political systems and

[12] Freehling, *South vs. The South*, 19; Freehling, *Road to Disunion,* 2:499-503.

economic alignment with the northern states as primary explanations for its refusal to join the Lower South in disunion.[13]

Clearly, Maryland in the secession crisis has not been ignored in the academy. However, what all the above authors and their works fail to do is place the experience of Maryland in the larger context of the secession movement. To emphasize economic, political, societal, and geographical considerations as the reasons Maryland remained loyal to the Union ignores other factors that shaped the Old Line State's experience in the secession crisis of 1860-61. Not adequately considered is the manner in which Maryland understood and reacted to the secession of the Lower South. Historians have tended to portray Maryland's inaction as inevitable and reasonable. This study offers another reason for Maryland's inaction by placing the state in time and space, following where the sources lead, and allowing for contingency. No one in Maryland could have known that their state would not secede in 1860-61. Seeing the crisis through their eyes is instructive. It becomes clear that Maryland was a state on the brink of secession, but its resentment, suspicion, and anger toward the Lower South isolated it from the larger secession movement. Marylanders regarded the Lower South's rush to separate as precipitous, dangerous, and coercive to the Old Line State.

Some critical questions surround the secession crisis of 1860-61 in Maryland. First, what was the intended outcome of the Lower South's decision to secede immediately, a process started by a single state and followed by six others? The mode by which secessionists chose to create disunion is of great import because it was by design and with an intended effect in mind. Second, what actions did the Lower South take to urge and perhaps coerce, the Upper South

[13] William J. Evitts, *A Matter of Allegiances: Maryland from 1850 to 1861* (Baltimore, MD: The Johns Hopkins University Press, 1974), 190-191.

and Border States to secede immediately? Once secession had occurred, Lower South secessionists were determined to convince other states to follow suit or risk being isolated. Commissioners were sent by the Lower South states to carry the secessionist message to the farthest regions of the South. The duties and functions of these commissioners illustrate the critical role they were to play in convincing the Upper South and Border States to follow the Lower South in immediate secession. The arguments advanced by these commissioners linked their efforts to the larger effort made by the Lower South to convince the Upper South and Border States to secede. Third, how did Marylanders comprehend the designs of immediate, unilateral secession, and what role did that understanding play in preventing them from seceding in the initial wave of secession? It is clear that the actions of the Lower South bitterly divided Maryland. Although secession sentiment ran high in the state in the winter of 1860-61, the actions of the Lower South alienated and angered many citizens of Maryland. Fourth, what role did Maryland's executive, Governor Thomas H. Hicks, play in preventing his state from seceding immediately, and how did his understanding of immediate secession, its pitfalls, and his state's relationship with the Lower South shape the secession crisis in Maryland? Fifth, what role did the Lincoln administration play in Maryland being secured for the Union? Sixth, what does the division over secession in Maryland say about the Border States in general? And finally, what does the story of Maryland in the secession crisis reveal about southern unity in 1860-61, and, in a larger context, what does Maryland's refusal to join a southern confederacy say about the antebellum South on the eve of the American Civil War?

A focus on a single state like Maryland allows a deeper, richer understanding of the dynamics, forces, and characteristics of the secession movement and the federal government's

response to it. It cuts through the larger debates about the causes of secession and instead focuses on the manner in which secession was carried out, the intended effect of it, the actual effect it generated in the vitally important state of Maryland, and what it all says about the nature of internal divisions in the South at large. The manner in which a member of the Border States understood the designs and intended effects of immediate secession was a major determinant of whether it seceded in the winter of 1860-61.

CHAPTER 2

"A STANDARD AROUND WHICH OTHER STATES MAY RALLY"[14]

THE DESIGNS OF UNILATERAL SECESSION

In exactly fifty-four days, seven states of the American slaveholding South seceded and formed a southern confederacy. Secessionists across the Lower South were able to create a new nation by convincing majorities of representatives in secession conventions within seven states to endorse ordinances of disunion. In addition, Texas gained a popular majority in a statewide referendum endorsing separation. The astonishing speed by which secession occurred in the winter of 1860-61 sent shockwaves throughout the country, and the manner it occurred – initiated by a single state, acting unilaterally, and leading to six other states seceding sequentially – is of great import to understanding why some slaveholding states hesitated to secede, and why four states never did. Radical separatists throughout the Lower South realized that the essential occurrence of unilateral secession by a single state could alter the fundamental question facing the slaveholding states in the wake of Lincoln's election from "Do we secede" to "Do we join a sister slaveholding state that has already seceded?" Noted historian William W. Freehling has produced a masterful account of the importance of this singular event. To Freehling, once South Carolina opted for unilateral secession, nothing could stop the other Lower South states from following suit, in spite of significant opposition to immediate action in at least three of them (Alabama, Georgia, Louisiana). But, that was

[14] Speech by Leonidas W. Spratt to Florida Secession Convention, (Charleston) *Mercury,* January 12, 1861.

precisely the intended outcome that South Carolina counted on when it took action in December 1860.[15]

The critical decision by the Palmetto State to secede unilaterally deserves close scrutiny. South Carolina was the state that initiated secession, and its leadership was crucial to the future prospect of disunion and the creation of a southern confederacy. Some key questions surround the mode by which disunion occurred in the winter of 1860-61. First, how and why did South Carolina arrive at its decision to secede unilaterally rather than to cooperate with other states? Second, what was the intended reaction in the other slaveholding states that South Carolina hoped to achieve through its independent action? Third, what effect did unilateral withdrawal have on the Lower South, Upper South, and Border States? It is not the purpose of this chapter to detail the political, economic, and societal cleavages between North and South that produced disunion. That focus does not adequately explain *how* secession actually occurred, only *why* separatists argued it should occur. Instead, the emphasis here is on a thorough examination on how the process of disunion occurred, with one state leading and others following. This method, as it will be shown, had a profound effect on the course and scope of the entire secession movement across the South and greatly affected Marylanders, in particular. Evidence indicates that South Carolina's actions in the winter of 1860-61 bitterly divided the Old Line State because the vortex of disunion threatened to plunge the state into insecurity and isolation.

South Carolina's decision in 1860 to forgo cooperative secession in favor of unilateral action was based in no small part on the lessons it had learned at two important moments in

[15] Freehling, *Road to Disunion*, 2:345-462.

recent American history – the 1832-33 Nullification Crisis and the Compromise of 1850. In each of these cases, South Carolina was in the vanguard of a secessionist impulse that brought the country to the brink of disunion, only to be spurned by the other slaveholding states at the last moment. In 1832, amid a sectional controversy over protective tariffs, South Carolina asserted the concept of state sovereignty through the nullification of the federal tariff by a special convention, to be effective January 1st, 1833, and implied secession as a legal remedy for the state should the federal government attempt to enforce the voided tariff. The specter of disunion was raised when the state convention issued an "Address to the People of the United States," stating that "if South Carolina be driven out of the Union, all of the other planting states, and some of the Western States, would follow by an almost absolute necessity." This prediction, however, did not come to fruition.[16]

President Andrew Jackson responded strategically to South Carolina's challenge of federal authority by drawing on his reputation for toughness and working to isolate the Palmetto State by driving a wedge between it and other slaveholding states (particularly Virginia and Georgia). In late 1832 Jackson obtained Congressional authorization for the use of force against the troublesome state and proclaimed its actions to be treasonous. In 1833 Congress agreed to a compromise tariff that forced South Carolina to choose between compromise and armed conflict. When the state's nullification convention reconvened in March of 1833, it accepted the Congressional compromise on the grounds that "the firmness of the State seems, at length, in some degree to have triumphed," and separatist designs were

[16] "Address to the People of the United States, Report of the Convention of 1832," in John A. Scott, ed., *Living Documents in American History* (New York: Washington Square Press, 1963), 417-427; Daniel W. Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 412–13; Laura A. White, *Robert Barnwell Rhett: Father of Secession* (Gloucester, Mass.: Peter Smith, 1965), 25.

abandoned. Although South Carolina claimed moderate success in this event, the state was ostracized by many southerners, who now regarded it as a pariah. In fact, during the crisis southern states publicly denounced South Carolina's radical actions. "The doctrine of Nullification is neither peaceful, nor a constitutional remedy," stated the Georgia legislature in late 1832, "but, on the contrary, as tending to civil commotion and disunion." Alabama and North Carolina's legislatures claimed, respectively, that "nullification…is unsound in theory and in practice," and "revolutionary in character, subversive…and leads to the dissolution of the Union."[17]

The isolation of South Carolina during the Nullification Crisis is important for many reasons. First, evidence suggests that if the state had had the support of the other slaveholding states, the tariff compromise would not have been enough to avert it from withdrawing from the Union. "The leading nullifiers," wrote Benjamin F. Perry, a notable Unionist, "have been induced to stop because they saw that the other states would not go with them." Second, while the Nullification Crisis left South Carolina isolated, it taught radicals there a valuable lesson – any attempt to bring about secession required cooperation on the part of the other slaveholding states. It was not enough to assume other states would follow South Carolina in disunion. In the event of another sectional emergency an effort needed to be made to forge a consensus for secession, an accord that could be formed through a convention of southern states. However, separatists in South Carolina doubted the prospects of joint secession through a southern convention. As early as 1844, the firebrand Robert Barnwell Rhett saw this

[17] As quoted in Herman V. Ames, ed., *State Documents on Federal Relations: the States and the United States* (New York: Da Capo Press, 1970), 180-181. For the best account of the Nullification Crisis of 1832, see William W. Freehling, *Prelude to the Civil War: The Nullification Controversy in South Carolina, 1816-1836* (New York: Harper & Row, 1966).

issue clearly. "It may be next to impossible…to obtain any cooperation amongst the Southern States," wrote Rhett, "while it may be very easy to obtain their aid and cooperation . . . after the proper issue is made by the conduct of a single state." [18]

In the late 1840s disputes between the free and slave states over such issues as northern personal liberty laws that seemed to nullify federal Fugitive Slave laws, slavery and the domestic slave trade in Washington, D.C., the entrance of California to the Union, and the boundaries of Texas gave rise to another sectional crisis. However, the most contentious and divisive issue facing the nation in the aftermath of the Mexican War was the expansion of slavery into the Mexican Cession, a large tract of land gained as a result of that war. In 1846 a Pennsylvania congressmen named David Wilmot proposed a proviso to a congressional appropriations bill that would have restricted slavery from the Mexican Cession. Led by John C. Calhoun, southerners responded that the restriction of their institution from the territories violated the doctrine that "every State, as a constituent member of this Union of ours, should enjoy all its advantages, natural and acquired, with greater security, and enjoy them more perfectly," including within the "public domain." In a series of region-wide correspondence with leading southerners, Calhoun urged the southern states to convene in a caucus and issue a

[18] Quoted in Lillian A. Kibler, *Benjamin F. Perry: South Carolina Unionist* (Durham, N.C.: Duke University Press, 1946), 156; quoted in William L. Barney, *The Secessionist Impulse: Alabama and Mississippi in 1860* (Princeton, New Jersey: Princeton University Press, 1974), 117 (italics in original). For a masterful account of the effects the 1832 Nullification Crisis had on South Carolina, see Freehling, *Road to Disunion*, 1:211-27.

unified ultimatum to the North. This convention, Calhoun argued, "might yet save the Union, or in failing to do that, the South and its institutions."[19]

In October, 1849 a bi-partisan meeting in Jackson, Mississippi, urged the slaveholding states to send representatives to Nashville, Tennessee, in June 1850, in order "to counsel together for their common safety." By February 1850 nine states (South Carolina, Texas, Georgia, Virginia, Tennessee, Alabama, Arkansas, Florida and Mississippi) agreed to send delegates, and other states passed resolutions supporting the assembly. The Nashville Convention, as it became known, was sustained by enough public support in the South to make it a viable political body and a clear indication that should Congress endorse legislative measures restricting slavery from the territories, a very real crisis of the Union would ensue. The convention was organized, however, with a keen awareness that if it appeared it was being directed by South Carolina, its assemblage was unlikely.[20]

As southern states readied themselves for the Nashville Convention, forces at work in Washington, D.C., ultimately stifled the support and influence it garnered. In January 1850 Henry Clay proposed eight resolutions designed to alleviate the growing sectional emergency. For the next six months, Congress tiredly debated the particulars of Clay's plan, in one form or another, and eventually passed most of the resolutions in one of the most important pieces of

[19] John C. Calhoun, "Speech On The Introduction Of His Resolutions On The Slave Question, February 19, 1847," in Ross M. Lence, ed., *Union and Liberty: The Political Philosophy of John C. Calhoun* (Indianapolis: Liberty Fund, 1992), 523-538; John C. Calhoun to J. R. Mathews, June 20, 1848, John C. Calhoun to Henry W. Conner, February 2, 1849, both in the Calhoun Papers, 1765-1902, Rubenstein Rare Book & Manuscript Library, Duke University, Durham, North Carolina; White, *Robert Barnwell Rhett*, 103-104.

[20] "We adopted the idea with ardor," wrote Mississippi's Anderson Hutchinson, "but all concurred…that if we proceed on a course recommended from South Carolina, we should fail." In fact, the state's semi-official agent to the convention had to operate around Mississippians' "dread of attaching themselves to any mode of action having its origins in South Carolina." Anderson Hutchinson to John C. Calhoun, October 5, 1849 in John Caldwell Calhoun Papers, (Mss. 200, folder 383); D. Wallace to Whitemarsh B. Seabrook, October 20, November 7, 1849 in Whitemarsh B. Seabrook Papers, 1840-1859, in The Southern Historical Collection, University of North Carolina, Chapel Hill, North Carolina. Also see, Potter, *Impending Crisis*, 94-95.

legislation in American history, referred to as the Compromise of 1850. While the resolutions were debated, 176 delegates from nine southern states arrived in Nashville in June. For weeks excitement reigned about the prospects of achieving southern unity through the convention. The Charleston *Mercury* claimed the convention was an "ark of Southern safety," and to radicals the caucus represented the culmination of years of effort to forge a unified South. Thus, for many southerners the Nashville Convention offered the dawn of a new era. [21]

As it was constituted, however, the Nashville Convention could hardly be called a *southern* convention. Although nine states had sent official, or un-official, delegates to the convention, it could scarcely have been ignored by anyone in attendance that six slaveholding states (Delaware, Maryland, Kentucky, Missouri, North Carolina, and Louisiana) were not represented. However much the convention was viewed by some southerners as a display of regional unity, the absence of these states indicated that the effort to craft a sectional consensus had failed again. Thus, the Nashville Convention was symptomatic of the serious divisions that existed in the South in the antebellum era. While southerners might agree that their rights in the Union needed to be maintained, there was bitter division on how that was to be achieved. Radical separatists in attendance were convinced that the only means of protection was through disunion and viewed the Nashville Convention as a tool by which to accomplish that end through unified, cooperative secession. In fact, one of South Carolina's delegates, Robert Barnwell Rhett openly suggested this when he wrote, "If the Convention does not open the way to dissolution, I hope it shall never meet."[22]

[21] Potter, *Impending Crisis*, 104; (Charleston) *Mercury*, November 26, 27, December 1, 1849
[22] As quoted in White, *Robert Barnwell Rhett*, 103.

Delegates from the Palmetto State recognized the immense opportunity the convention afforded to them in their effort to bring about disunion. They were careful, however, not to take a leading role in the convention's formulation of a strategy to protect southern interests for fear it would result in inaction on account of the state's reputation for radicalism. David F. Jamison, a representative to Nashville and future presiding officer of the state's 1860 secession convention, wrote to a fellow South Carolinian, Isaac Holmes, that the delegation wanted to show the other states in attendance "that we were reasonable and ready to go as far back to unite with any party of resistance as honor and safety would permit." This was a bitter reminder that many southerners regarded the state with suspicion and distrust.[23]

While a majority of southerners were aware of the threats posed to slavery by such measures as the Wilmot Proviso, in 1850 a majority was not prepared to bolt from the Union, especially while it appeared as though a compromise was likely to occur on the important issues of the day. Talk of secession was seen as disloyal, if not treasonable, and they chided radicals and their tactics. Southern unity was achieved only in extreme moments of crisis and was never long-lived. In 1850 the fear of the Wilmot Proviso being forced upon the South led to the Nashville Convention, but when it met in June, Clay's proposals were already being seriously considered and debated in Washington, D.C. As the prospect of compromise increased with each passing week, the threat of a free-soil policy in the Mexican Cession diminished, southerners lost their initial enthusiasm for the Nashville Convention, and the assembly devolved into bitter divisions. Thus, the meeting did very little but wait for the

[23] David F. Jamison to Isaac Holmes, September 20, 1850, Isaac Holmes Letters, Manuscript Division, Library of Congress, Washington, D.C.

Congressional vote on the compromise measures. On June 12th, 1850, the convention adjourned with an agreement to reconvene when the results from Washington were known.[24]

In the meantime, radicals across the South began urging the Palmetto State to unilaterally secede, rather than submit to a "compromise." Nathaniel Beverly Tucker of Virginia, the Nashville Convention's "notorious extremist," wrote to James Henry Hammond that "secession must begin somewhere…If she [South Carolina] alone can act with unanimity then she alone can save herself and us." Additionally, since the adjournment of the Nashville Convention, radical leaders across a few states began preparing their citizenry for the possibility of disunion. However, on September 20th, 1850, the last of five resolutions passed the U.S. Congress, and the Compromise of 1850 was enacted. The worry now was whether the compromise would be accepted by the North, and more important, the South.[25]

Most Americans regarded the Compromise of 1850 just as President Millard Fillmore referred to it in a December 1850 message to Congress – "a final settlement." Radicals, however, regarded the compromise's measures as superficial at best. In South Carolina, separatists led by Governor Whitemarsh B. Seabrook were "ready and anxious for immediate secession," rather than submitting to the compromise, which they regarded as making the southern states "forever mere dependencies of a great Central Head." Just days after the compromise resolutions were passed, Seabrook dispatched letters to the governors of Alabama, Mississippi, and Virginia in order to inform them that if two or more states would give evidence of their intention to resist acceptance of the compromise, he would convene his

[24] For a great account of how the compromise efforts in 1850 in Washington, D.C., affected southerners' enthusiasm for the Nashville Convention, see Thelma Jennings, *The Nashville Convention: Southern Movement for Unity, 1848-1851* (Memphis, TN: Memphis State University Press, 1980).

[25] Nathaniel Beverley Tucker to James Henry Hammond, July 17, September 21, 1850, in Nathaniel Beverley Tucker Papers, Rubenstein Rare Book & Manuscript Library, Duke University, Durham, North Carolina.

state's legislature in special session "to arrest the career of an interested and despotic majority." The governor became emboldened when he was informed by Georgia's executive, George W. Towns, that the Empire State of the South was prepared to take action and that a special state convention would be held in December with elections set for November. However, Towns urged Seabrook to delay calling South Carolina's legislature into special session for fear it would "contribute largely" to arrest the secessionist momentum in Georgia. Seabrook replied that his state was "clamorous" for immediate disunion, but he recognized that "precipitate action" would "ruin, perhaps the cause of the South." He agreed to wait until the state's normal legislative session in November, after Georgia's election. Further delay on the part of South Carolina resulted when Mississippi's governor, John A. Quitman, assured Seabrook that the Magnolia State would convene its legislature in November and that he would press for a special state convention to consider secession. "Having no hope of an effectual remedy for existing and prospective evils," wrote Quitman, "my views of state action will look to secession."[26]

The correspondence between Seabrook and Quitman presented the strong possibility that had Mississippi or South Carolina acted without delay, it's likely both states would have seceded in late 1850. For example, Quitman assured Seabrook that if South Carolina would "adopt the decisive course," that Mississippi "will be found at your side." Given the assurance that his state would be joined in secession, Seabrook urged Quitman to take the lead in order

[26] John D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789-1897*, 10 volumes (Washington, D.C.: Government Printing Office, 1897), 5:93; Whitemarsh B. Seabrook to John A. Quitman, October 23, 1850, in John F. H. Claiborne Papers, Mississippi Department of Archives and History, Jackson, Mississippi; Whitemarsh B. Seabrook to Governors of Alabama, Virginia, and Mississippi, September 20, 1850, George W. Towns to Whitemarsh B. Seabrook, September 25, 1850, Whitemarsh B. Seabrook to George W. Towns, October 8, 1850, John A. Quitman to Whitemarsh B. Seabrook, September 29, 1850, in Seabrook Papers.

to prevent the appearance that the movement was being initiated by the Palmetto State. Quitman's reply caused Seabrook to proclaim that separatists could "confidently rely" on Mississippi to act first once its convention assembled. Cooperative secession appeared probable. But a sequence of events that transpired in late 1850 and 1851 frustrated South Carolina radicals yet again, leaving the state further isolated.[27]

On November 11th, 1850, the Nashville Convention reconvened but was now denounced, especially in the Border States, as a pact to obstruct the Compromise of 1850. As a result, very few moderates were in attendance in an apparent boycott, and the convention now rested firmly in the hands of radicals. Yet, the futility of the meeting was obvious when only seven states showed up with a total of 59 delegates, frustrating its ability to speak on behalf of the entire region. In spite of being controlled by radicals, the convention failed to endorse South Carolina's proposal for cooperative secession and, in the end, the only meaningful acts it performed before adjourning a second time was to recognize the constitutional right of secession and to schedule another southern convention in 1852. Less than a week after the suspension of the Nashville Convention, Georgia elected representatives to a special caucus to consider secession, as predicted by Governor Towns. A coalition of moderates, however, led by Howell Cobb, Alexander H. Stephens, and Robert Toombs successfully defeated secessionists (46,000 to 24,000) in that election on account of booming cotton prices and economic prosperity. In short, "there was too much contentment for secession to take root." In Mississippi the movement toward secession faltered because Governor Quitman overestimated his state's willingness to lead off secession. Unionists within the state organized a formidable

[27] Whitemarsh B. Seabrook to John A. Quitman, September 20, October 23, 1850, Seabrook Papers.

opposition to Quitman's proposal that a state convention be convened in order to make demands of the federal government. These demands, it was argued by moderates, hardly stood a chance of being accepted, and it was understood by Mississippians that the purpose behind the proposed conclave was disunion and as the recognition of the compromise grew among other southern states, most notably Georgia, the movement lost strength. Added to the momentum shift was the negative reaction to extreme expressions of opinion emanating from South Carolina. The final blow came when the election for state officials coincided with elections to the state convention. Unionists ran Henry Foote against Quitman, who resigned his post amid charges of disloyalty and possible treason for his role in secretly fomenting cooperative secession with South Carolina. Unionists won a majority in the state convention as well and endorsed the Compromise of 1850.[28]

The debacle at Nashville and the secessionist defeat in Georgia and Mississippi left South Carolina isolated and without hope of outside support. Moreover, the state was divided internally. Just months before, during the height of the sectional crisis, the fundamental issue facing South Carolina secessionists was whether to resist or submit to the Compromise of 1850. Now, a subtle, yet crucial, change had taken place. Now, the issue facing separatists was how best to carry out disunion. In the summer of 1850 secession appeared a *fait accompli*, but by the end of the year the movement became divided on how to salvage itself. As a result, the entire effort faltered and divisions within South Carolina pitted those who called for immediate, unilateral action by a single state, or two states, and those that preferred to defer action in the

[28] Elizabeth R. Varon, *Disunion! The Coming of the American Civil War, 1789-1859* (Chapel Hill, NC: The University of North Carolina Press, 2008), 227; Avery O. Craven, *The Growth of Southern Nationalism, 1848-1861* (Baton Rouge: Louisiana State University Press, 1953), 108-111; Potter, *Impending Crisis*, 126. Also see, Richard Harrison Shyrock, *Georgia and the Union in 1850* (Durham, N.C.: 1926), 295-363; John T. Hubbell, "Three Georgia Unionists and the Compromise of 1850," *Georgia Historical Quarterly*, 51 (November 1967): 307-323.

hope that cooperative secession could occur later. In December 1850 immediate separatists in South Carolina's legislature attempted to call for a state convention, but that proposal was defeated by cooperationists. A compromise was brokered that called for both a state convention *and* a southern convention. Delegates to the state convention would be elected in February 1851, but the assembly would not take place until a southern caucus met in January 1852, in Montgomery, Alabama.[29]

Elections to the state meeting resulted in a sweeping majority for immediate secessionists, and at a gathering in May 1851 elected delegates announced that they would carry the state out of the Union "with or without the co-operation of the other Southern states." Even the new governor, John H. Means, boasted that "there is now not the slightest doubt but that…the state will secede." Expressions such as these turned out to be a blunder. Setting the date for a state convention so late in 1851 allowed time to pass, tempers to cool, and opponents to organize. When word of Mississippi's inaction reached the Palmetto State, Benjamin F. Perry famously told dis-unionists to "hang up their fiddles." Although opposition to immediate, unilateral action had organized rather quickly in the summer of 1851, the movement for cooperative secession had already squandered its momentum and opportunity. Cooperation had failed, immediate secession had failed, and the 1852 Montgomery Convention never took place.[30]

The nullification controversy of 1832 was the first extended crisis between South Carolina and both national and regional moderates. During that crisis, the state had applied the

[29] Chauncey S. Boucher, "The Secession and Cooperation Movement in South Carolina, 1848-1852," *Washington University Studies*, 5 (April 1918): 92-138.

[30] Philip May Hamer, *The Secession Movement in South Carolina, 1847-1852* (Allentown, PA: H. Ray Haas & Co., 1918), 62-143; Craven, *Growth of Southern Nationalism*, 114; Means quoted in Potter, *Impending Crisis,* 128.; Perry quoted in Kibler, *Benjamin F. Perry,* 262-77.

doctrines of its leader John C. Calhoun, but had received little support from its fellow slaveholding states. Thus, the episode demonstrated that South Carolina could not count on fellow southerners to provide a strong bulwark against the overreach of federal authority (in this case, the protective tariff). Instead, many in the South came to regard the Palmetto State with suspicion and fear. In 1850 the compromise proposals adopted by Congress afforded South Carolina another opportunity to build a consensus around secession, and the state did not misrepresent itself on the source of its concern. Separatists were ultimately hoping for strong support among the slaveholding states, and, while partly successful, the state was further ostracized for being too radical and precipitous, and was abandoned by its cohorts of Georgia and Mississippi.

South Carolina was the last of the southern states to acquiesce to the Compromise of 1850, but its acceptance was not the result of loyalty to the Union but rather recognition that the majority of its leaders and citizenry were not prepared to secede without the cooperation of the other southern states. The Sumter *Banner* demonstrated this point when it published: "It may be taken as a fixed fact that the people of South Carolina do not love this Union." Only South Carolina, it appeared, was willing to go as far as necessary to protect southern rights, but the state was looked upon with doubt, alarm, and resentment. As a result, Palmetto State secessionists retreated from the national stage. But in 1859-1860, when it became clear that a Republican might win the presidency, the separatist impulse re-emerged. Perhaps this possibility could be *the* issue that could precipitate and justify secession in South Carolina and across the South. James Hammond saw the prospect clearly when he wrote in 1858 that "999

in every 1000 of the voters and 49 in every 50 of the substantial and influential men of the South" would support the Union, "until it pinches them and then for dissolving it." [31]

The years that followed the failure to produce secession in 1850-52 were characterized by an internal struggle in South Carolina. Radicals led by Robert Barnwell Rhett Sr. and William H. Gist were contested by moderates led by James L. Orr, Barnwell Rhett, and Christopher Memminger. The two factions quarreled over how to best protect the rights of the slaveholding states. Moderates favored a cautious approach of placing conditions on the federal government to be met to the South's satisfaction and, if it came to it, cooperative secession. Radicals were in ardent favor of immediate, unilateral action as a means of protection from an overbearing federal government. In the early half of the 1850s, radicals were largely discredited due to their part in the 1850-52 crisis, but in the latter half of the 1850s their arguments gained traction as a result of the formation of the Republican Party, the northern reaction to the Dred Scott decision, and John Brown's controversial raid on Harpers Ferry, Virginia. At the 1860 Democratic National Convention, South Carolina delegates were largely moderate in ideology, but they too abandoned that convention when Alabama, Mississippi, and Louisiana agreed they could not support Stephen A. Douglas's bid for the

[31] Ralph A. Wooster, *The Secession Conventions of the South* (Princeton, N.J.: Princeton University Press, 1962), 11-12; (Sumter, South Carolina) *Banner*, January 29, 1851; James Henry Hammond to William Porcher Miles, November 28, 1858, in William Porcher Miles Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, North Carolina; Lacy K. Ford, Jr., *Origins of Southern Radicalism: The South Carolina Upcountry, 1800-1860* (New York: Oxford University Press, 1988), 367-371.

nomination. Delegates elected from South Carolina to the Southern Democratic National Convention were very much in the radical camp and had the support of other southern states.[32]

In weeks that followed it became clear that control of the federal government would pass to the Republican Party and its nominee for president, Abraham Lincoln. This outcome resulted in a great deal of fear among southerners due to the consequences it could produce. The real threat was not to be derived from the passage of Congressional legislation affecting slavery; rather, the danger was the possibility that once a Republican was in the executive office, he could set to appointing judges, postmasters, customs collectors, and marshals in the South. These appointees, it was feared, could disrupt planter control over southern political, societal, and economic systems by attracting non-slaveholders to the cause of anti-slavery, or worse, the ranks of the Republican Party. Yet, when Lincoln's election finally came, the people of the slaveholding states were not unified around any idea of southern nationalism. Shared institutions, values, traditions, and kinship did not bind together the slaveholding states because, politically, they were varied. In fact, deep divisions existed in the South on such large issues as the need for, and nature of, secession and the formation of a southern confederacy. Therefore, before a crisis of the Union gripped the nation in 1860, an internal crisis unfolded in the South.[33]

Since the days of the Nullification Crisis, a profound disagreement persisted in the white South on whether the time had arrived for secession. Beyond that question the most

[32] Roy Franklin Nichols, *The Disruption of American Democracy* (New York: Free Press, 1967); Wooster, *Secession Conventions of the South*, 12-15; Harold S. Shultz, *Nationalism and Sectionalism in South Carolina, 1852-1860* (Durham, N.C.: Duke University Press, 1950), 212-213; Chauncey S. Boucher, "South Carolina and the South on the Eve of Secession, 1852-1860," *Washington University Studies*, 6 (April 1919): 79-144.

[33] Potter, *Impending Crisis*, 476-477, 485; Clement Eaton, "Censorship of the Southern Mails," *American Historical Review*, 48 (January 1943): 266-280; William Sherman Savage, *The Controversy over the Disruption of Abolition Literature, 1830-1860* (reprint of 1938 edition, New York: Negro Universities Press, 1968).

important disparity among southerners was *how* secession should actually be carried out in order to maintain the fragile sectional unity that existed in 1860. If the southern states seceded on their own, state-by-state, they might wind up drifting aimlessly and isolated from one another. If they waited to form an agreement to secede in unison, history had shown that the entire movement risked falling apart because the hesitancy of some states could hamper the momentum of others, and the initiative might never be taken at all. This dilemma, as noted above, was painfully familiar to secessionists in 1860. The actual problem was not difficult to achieve on paper. Technically, all that was needed was a convention of southern states to meet, an agreement put in place to secede, and each state execute it individually. However, the real problem was not procedure, but how to initiate the chain reaction.[34]

If the mode of disunion was of great import to the South, and it was, it is necessary to appreciate the primary arguments separatists of the Lower South made in favor of immediate, state-by-state, secession. Unilateral, immediate secession, enacted by a single state rather than through a convention of southern states, was intended to pry loose from the Union the entire slave South by forcing it to choose immediately to withdraw once disunion had become a *fait acompli*, or remain loyal to the Union and be subjected to the perceived threats to slavery posed by Lincoln's election. Much has been written on the subject of secession in the Lower South in the winter 1860-61, and most scholars agree that the debates over whether to secede immediately or by a convention of southern states broke along the lines of tactics and timing.

Within the separatist movement of 1860-61, an ideological battle persisted over the manner in which the slaveholding states should withdraw from the Union. The dispute

[34] Potter, *Impending Crisis*, 485-487.

centered on two groups of dis-unionists. The first group, known as immediate secessionists, argued that Lincoln's election was the culmination of over thirty years of insult and degradation, that delay in secession only gave Republicans time to consolidate their recent victory and methodically divide the South in order eventually to end slavery there, that the present crisis was due to a radical change within the northern mind that resulted in a belief that slavery was morally wrong, that the U.S. Constitution prohibited states from entering into treaties, alliances, or confederations with other states or nations and to form a pact to secede violated it, and, finally, that disunion was final and would not lead to civil war. In order to secure protection from the perceived threats that the Republicans posed, immediate secessionists urged separate state action and then the formation of a southern confederacy.[35]

On the other hand, cooperationists favored a more cautious approach to the crisis brought on by the election of 1860. Although they were willing to admit that an emergency existed as a result of the Republican victory, cooperationists operated under a basic premise that secession would result in civil war. To the cooperationists, every means of redress should be exhausted before secession occurred. If it came to disunion, they preferred that it be accomplished through a southern convention. Historian William L. Barney aptly pointed out that the cooperationists were "confused and hesitant," while the immediate secessionists were "confident and aggressive," and this largely explained the latter's ultimate success. The intention here is to assess the objective of immediate secessionists in their tactics and rhetoric. Evidence abounds that underlying their motives for immediate, unilateral action was a desired

[35] For works that chronicle the secession of the Lower South, see Wooster, *Secession Conventions of the South*; Potter, *Impending Crisis*; Freehling, *Road to Disunion, Vol. II*; Craven, *Growth of Southern Nationalism*; Steven A. Channing, *Crisis of Fear: Secession in South Carolina* (New York: W. W. Norton & Company, Inc., 1974); White, *Robert Barnwell Rhett*; Ford, *Origins of Southern Radicalism.* For detailed accounts of the arguments used by immediate secessionists, see Dumond, *Secession Movement*, 113-145; Barney, *Secessionist Impulse,* 231-245.

response on the part of the other slaveholding states to follow their lead and secede from the Union.[36]

Although many radicals throughout the slave South favored immediate, unilateral secession, in South Carolina the impulse to act alone was unusually strong. A larger majority of the South, however, was less precipitous and refused to heed the warnings that secessionists presented. Their belief, of course, was that Republicans were not as hostile to the South and its institutions as their campaign rhetoric seemed to indicate. Only an overt act on the part of the incoming Lincoln administration, they argued, could convince them to support secession. The prevailing opinion held by a majority of southerners was best described by the New Orleans *Bee* when it published an editorial entitled "WAIT."[37] But the likely results of delay and hesitancy were well known to the separatists of the Lower South, and secessionists recognized that leadership and timing was crucial to any attempt at disunion among a group of diverse and sovereign entities. Thus, South Carolina radicals developed a strategy not only to induce

[36] For a detailed account of the cooperationists arguments, see Dumond, *Secession Movement,* 113-145; Barney, *Secessionist Impulse,* 232, 237-245.

[37] "We're looking to an immediate [state] convention," wrote Robert Barnwell Rhett, "to carry the state out of the Union while the resentment over the election was still at its height." Rhett's fellow South Carolinian, Congressman William Porcher Miles, wrote that he was "sick and disgusted" with all the talk of secession and hoped for immediate action if Lincoln were elected. James L. Orr gave assurances that "no Black Republican President…[would] ever execute any law," within South Carolina's borders unless "at the point of bayonet and over the dead bodies of…[our] slain sons." Rhett quoted in the (Charleston) *Courier*, November 3, 1860; William Porcher Miles to James Hammond, August 5, 1860, (Box 28, reel 14) in James Henry Hammond Papers, Manuscript Division, Library of Congress, Washington, D.C.; Orr quoted in Charles E. Cauthen, "Secession and Civil War in South Carolina," (Ph.D. dissertation, University of North Carolina, 1937), 49; (New Orleans) *Bee*, November 9, 1860.

secession in the Lower South but also, it was hoped, in the vitally important Upper South and Border States. Time was of the essence.[38]

The strategy to set off a chain reaction of secession began in the aftermath of John Brown's raid on Harpers Ferry, Virginia, in October 1859. In early 1860 South Carolina dispatched Christopher G. Memminger to Virginia in order to consult with that state on a proposal for a southern convention in order "to concert measures for united action." In spite of the fact that Brown's raid was perpetrated within Virginia's borders, the event was insufficient to radicalize the Old Dominion, and Memminger's mission resulted in a failure to gain the state's leadership and cooperation in a southern convention. Historians have long debated the motive behind Memminger's mission to Virginia, but it is clear that it accomplished three things. First, the mission's failure provided South Carolina (and the Lower South) evidence that even in the wake of John Brown's raid, the Upper South could not be counted on to join them in any attempt to defend southern interests. Second, the mission seemed to confirm the separatist belief that the more radical Lower South states "must be compelled to act, and to drag after us these divided states." Memminger, who previously had been a cooperationists, now gave the opinion that to achieve united action on the part of the entire South, a single

[38] Writing to James H. Hammond of South Carolina, A. P. Aldrich asserted that average southerners did not understand the momentous events unfolding in front of them as result of Lincoln's election. To Aldrich a "great move was to be made," and South Carolina "must make the move and force them to follow. That is the way of all revolutions and all great achievements." Christopher Memminger, who at one time opposed secession but accepted it as a necessity in the wake of Lincoln's election, echoed Aldrich's sentiments. Realizing that delay and cooperative action would never result in secession, he urged his state to "move the other Southern States before there is any recoil." The well-known fire-eater, Leonidas Spratt, believed that "if instead of acting for ourselves, we had named some future time for the cooperation of the other States, we believe the measure would have failed." Howell Cobb most certainly would have agreed with Spratt's assessment when he stated: "It looks as if they were afraid that the blood of the people would cool down." A. P. Aldrich to James H. Hammond, November 25, 1860, Box 29, Reel 15, James H. Hammond Papers; Memminger and Cobb quoted in Channing, *Crisis of Fear*, 283, 248, respectively; Leonidas Spratt speech in the (Charleston) *Mercury*, January 12, 1861; White, *Robert Barnwell Rhett*, 177, 180.

state must unilaterally secede, and "that of course must be at home." Virginia's inaction in supporting a southern convention mattered little to South Carolina. Its interests were served nonetheless by Memminger's mission. This attempt to bring about cooperative action allowed South Carolina to claim that it had not abandoned moderate measures. And finally, the mission's failure forced South Carolina to seek an alternative method for securing southern unity and protection of southern interests. Virginia's refusal to take a lead in cooperative action resulted in South Carolina's emergence as the *de facto* leader of the secession movement. When one considers the Palmetto State's flirtation with disunion since the 1830s, Virginia's refusal to cooperate made unilateral separation (at least by South Carolina) all the more likely.[39]

Encouraged by the failure of Memminger's mission, immediate secessionists were convinced that cooperative action was impossible and only unilateral seperation could effectively tear the Union asunder. For example, months after the mission to Virginia, William Gilmore Simms wrote that "every thinking man in South Carolina discovered…that there was but one process of safety left; that co-operation…was not to be expected…and secession was the only means left for safety." Frances W. Pickens saw the implications of the mission's failure all too well. Writing to Robert M. T. Hunter of Virginia, Pickens dreaded to see "any hasty or ill-advised, ill-conceived measures resorted to," but asserted that if a southern convention leading to secession was impossible, then "it is our duty to save ourselves." The unilateral secession of a single state could instantly change the dilemma facing the South from a question of whether

[39] For the debate over the motives of Memminger's mission, see Ollinger Crenshaw, "Christopher G. Memminger's Mission to Virginia, 1860" *The Journal of Southern History* 8 (August 1942): 334-349; Boucher, "South Carolina and the South on the Eve of Secession," 133. For quotations from Memminger, see Christopher G. Memminger to Wiilliam Porcher Miles, January 24, 1860, February 6, 1860, William Porcher Miles Papers. For the effect of the failure of Memminger's mission, see Channing, *Crisis of Fear*, 127-128.

to secede to a question of whether to join a sister, slaveholding state in disunion. The subtlety was crucial. To secessionists, one state's majority in favor of disunion could control the decision of a great many other states. The historian William Freehling points out, from a single state's secession, radicals believed, "many good things for disunion could come, including other southern states' decision that they had better back their erring brother."[40]

Throughout the summer and fall of 1860, South Carolina separatists worked tirelessly to mobilize support for immediate secession within their state. They also spent considerable time and effort informing other southern states of their intention to secede immediately and sought assurances that if the federal government attempted to coerce the state back into the Union, the other slaveholding states would resist. By early fall 1860, the decision to secede, alone if it came to that, had all but been made in South Carolina. "The complexion of our legislature is good," Robert Barnwell Rhett explained to Edmund Ruffin, "and I believe we are going to break up the Union." Frank Sexton of York district echoed Rhett's assessment: "Clearly there is *now* no alternative left but…submission or resistance." The only thing that remained was to gauge the reaction such action would produce in the South. [41]

In its earliest stages, the effort to produce unilateral action in late 1860 began with the governor of South Carolina, William H. Gist, who in October addressed letters to the governors of North Carolina, Louisiana, Mississippi, Alabama, Georgia, and Florida. Seeking knowledge on

[40] Francis W. Pickens to Robert M. L. Hunter, December 10, 1860, in Charles Henry Ambler, ed., *The Correspondence of Robert M.L. Hunter, 1826-1876* (Washington D.C.: Government Printing Office, 1918), 275-277; Channing, *Crisis of Fear*, 130; Freehling, *Road to Disunion*, 2:377; Mary C. Simms, Alfred Taylor Odell, and T.C. Duncan Eaves, eds., *The Letters of William Gilmore Simms*, 5 vols. (Columbia: University of South Carolina Press, 1955) 4:297-306.

[41] Robert Barnwell Rhett to Edmund Ruffin, October 20, 1860, Edmund Ruffin Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, North Carolina; Frank Sexton to Andrew Baxter Spring, February 15, 1860, Springs Family Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, North Carolina.

where these states stood on the issue of immediate secession, Gist's letters were intended to begin mobilizing support for section-wide disunion by gauging the level of radicalism in other Lower South states. "It is the desire of South Carolina'" wrote Gist, "that some other State should take the lead, or at least move simultaneously with her." Rhett echoed this sentiment to Ruffin when he wrote, "We wait…to give Alabama and Mississippi and Georgia every opportunity to lead." Gist pledged that if one of the Lower South states moved for immediate secession, his state would follow, and if not, predicted that "South Carolina will secede…alone, if she has any assurances that she will soon be followed by another or other states…." Gist meant to avoid the debacle of 1850-52, when Governor Seabrook's scheming with Georgia and Mississippi had halted South Carolina's momentum toward disunion. This time around, there could be no delay, no time given for opposition to form, no waiting for an overt act or a southern convention to assemble. The letters from Governor Gist are an important marker on the road toward the secession of South Carolina because they signaled the state's willingness to take a calculated risk. If it seceded unilaterally, and had pledges from other states that they would follow, the risk was worth taking.[42]

The responses received by Governor Gist ranged from reassuring to downright discouraging. North Carolina's governor, John W. Ellis, let it be known that the "majority of our people would not consider [Lincoln's election] as sufficient ground for dissolving the Union." Yet, Ellis did assure Gist that any attempt by the federal government to coerce South Carolina would be resisted. From Louisiana, Governor Thomas Moore wrote back that while the election

[42] Robert Barnwell Rhett to Edmund Ruffin, October 20, 1860, Edmund Ruffin Papers; William Henry Gist to Governor Thomas Moore, October 5, 1860, William Henry Gist Papers, South Caroliniana Library, University of South Carolina, Columbia, South Carolina.

of Lincoln would be "deplorable," he would not advise the secession of his state, nor did he think the people of Louisiana would ultimately decide on that course of action. Instead, Moore recommended that Louisiana meet with the other slaveholding states and "endeavor to effect a complete harmony of action." Moore concluded with a warning: "Some of the Cotton States will pursue a more radical policy than will be palatable to the border States." From Alabama, Governor Andrew B. Moore also disagreed that Lincoln's election alone was sufficient cause to dissolve the Union, but he did view it as symptomatic of northern aggression toward the slaveholding states and "sufficient cause for dissolving every tie which binds the Southern States to the Union." In Moore's opinion, his state would not take the lead, but if one or two other states "will cooperate" with Alabama, it would secede. From Mississippi, Governor John J. Pettus agreed with Gist's assessment that the South needed to prevent itself from passing under the "Black Republican yoke." However, Pettus admitted that "I do not believe that Mississippi can move alone." Similarly, from Georgia, Governor Joseph E. Brown informed Gist that in the event of Lincoln's election "the people of Georgia will…decide to meet all the Southern States in convention and take common action." Brown even went so far as to opine that if the question of whether to secede based upon the election of Lincoln was left to the people of Georgia, then "without regard to the action of other States, they would determine to wait for an overt act." Thus, of the six letters Gist wrote, five responses indicated an unwillingness to take immediate action first, and support for a southern caucus rather than unilateral secession.[43]

[43] John W. Ellis to William H. Gist, October 18, 1860, in John G. Nicolay and John Hay, eds., *Abraham Lincoln: A History*, 10 vols. (New York: Century Co., 1890), 2:308; Thomas O. Moore to William H. Gist, October 26th, 1860, ibid, 2:308-310; Andrew B. Moore to William H. Gist, October 25th, 1860, ibid, 2:311-314; John J. Pettus to William H. Gist, October 26th, 1860, and Joseph E. Brown to William H. Gist, October 31st, 1860, ibid, 2:310-311.

Nevertheless, contained within the replies to Gist were encouraging signs that if South Carolina took the lead and seceded unilaterally, it could expect to be accompanied by other states. In fact, Governor Pettus urged the Palmetto State to act alone, stating, "If any state moves, I think Mississippi will go with her." Georgia's governor let it be known that "the action of other States may greatly influence the action of the people of this State." Alabama's Andrew Moore assured Gist that "if South Carolina or any other Southern State should go out alone," his state would "immediately rally to her rescue." And finally, from Florida, Governor Madison Starke Perry pledged that his state was "ready to wheel into line with the gallant Palmetto State, or any other Cotton State or States." Although admitting that Florida would not "subject herself to the charge of temerity or immodesty by leading off," Perry was confident that it would "assuredly…follow the lead of any single Cotton State which may secede."[44]

Unilateral separatists in South Carolina were thus emboldened by some of the replies received to Governor Gist's letters. Franklin J. Moses recalled that the "vast majority" of the state legislature "favored separate State action," believing that it would carry other slaveholding states with it. They had assurances that should South Carolina take the lead and secede alone, it could expect to be joined by other Lower South states or, at the very least, protected by them from federal aggression. Regardless of the manner in which Moses described the sentiment of the legislature, division still existed. But by November 1860 the debate within South Carolina was no longer over whether to secede; rather, it was over when to hold its secession convention. Supporters of unilateral action wanted to move quickly and

[44] John J. Pettus to William H. Gist, October 26, 1860, ibid., 2:310-311; Joseph E. Brown to William H. Gist, October 31, 1860, ibid., 2:310-311; Andrew B. Moore to William H. Gist, October 25, 1860 and Madison Starke Perry to William H. Gist, November 9, 1860, ibid., 2:311-314.

hold a convention in late December, while the results of the 1860 election were still fresh. Others still clung to the hope that some other southern state would take the lead in secession. They wished Alabama or Mississippi would initiate the action, but they feared the dangers of waiting even more. Others still, remained unconvinced that unilateral action by the state would produce a sequential secession of the other slaveholding states, and they feared, as James Hammond did, being isolated. It appeared as though South Carolinians would need convincing of what would result from acting alone. [45]

The influential Charleston *Mercury* offered to its reading public numerous arguments in favor of unilateral secession that asserted economic and political benefits for the state. In terms of economics, the *Mercury* argued that individual action would produce an opportunity for South Carolina not only to safeguard its economic system from northern transgressions but also use its agricultural products as leverage to do so. In addition, unilateral secession, it was argued, would go a long way in silencing cooperationist arguments in favor of a joint secession by fundamentally altering the question of whether to secede to whether to join a fellow slaveholding state that has already left the Union. "Prompt action," wrote the author of a *Mercury* editorial, would "unite the Southern members of Congress," and "unite and stimulate state action in the states we represent." This sentiment was echoed in the correspondence of leading secessionists within the state. Robert Barnwell Rhett, writing to Robert Woodward Barnwell, contended that although Alabama or Mississippi "refused to agree beforehand to go out of the Union with us," the action of a single state would create a contingency that "they would secede with us." Furthermore, Rhett argued, "I think we will have to secede first…we

[45] Franklin J. Moses, Jr., "How South Carolina Seceded, by the Private Secretary of Gov. Pickens of South Carolina" *The Nickell Magazine*, 7 (December 1897): 345-347; Channing, *Crisis of Fear,* 247.

must expect the others to follow." For the better part of three decades, Rhett was convinced that if his home state would act, "even in unpopular and lawless ways, other states would be dragged along." Lawrence Keitt was of the firm belief that South Carolina was the only state that could begin the revolution. In a letter to William Porcher Miles, he wrote that Palmetto State "will have to lead…if we wait for Ala[bama] we will wait eternally…we must rely on ourselves in moving off."[46]

Moreover, unilateral separatists evidenced a growing desire in other southern states for South Carolina to take act alone, and decisively. Harping on the failure of South Carolina to secure a consensus on secession in 1850-52, John Cunningham, a prominent state senator from Charleston, argued that in the ten years since "the States Rights cause for Southern institutions has made rapid and decisive progress." The other slaveholding states, Cunningham contended, had previously "asked us to pause," but now they "appeal to us to act." While other states "invoke us to lead," he questioned whether "there [was] a co-operationist…who will ask us to wait until cooperation is tendered, or will he not tender it at once by taking the lead?" However quickly and unilaterally the state acted, Cunningham assured his fellow South Carolinians, "we will have concert and support from the other Southern States." To delay, he argued, was dangerous, just as dangerous as acting too precipitously. "Far better to lose York District [a politically moderate upcountry district] through haste," stated Cunningham, "than Alabama through delay." In other words, it was preferable to lose some support for secession at home by moving too quickly than to sacrifice the opportunity for support outside the state.[47]

[46] (Charleston) *Mercury*, November 1, 1860; Robert Barnwell Rhett to Robert Woodward Barnwell, October 16, 1860, quoted in White, *Robert Barnwell Rhett,* 176n; Lawerence Kiett to William Porcher Miles, October 3, 1860, William Porcher Miles Papers; Freehling, *Road to Disunion*, 2:383.

[47] (Charleston) *Daily Courier*, October 12th, 1860.

South Carolinian John Archer Elmore, in a letter to Alabama's governor, Andrew B. Moore, argued that the only course of action that could produce a united South "must ensue after one State had seceded…and the plain question presented to the other Southern States." That question, Elmore contended, would be "whether they stand by the seceding State…or abandon her to the fate of coercion." In a report to the South Carolina Secession Convention, Elmore advised that body to move unilaterally for disunion because that action would "give the cause strength not only in Alabama, but in other states united with her in sentiment."[48]

Cunningham was not alone in using his position of authority and prominence to sway fellow South Carolinians. State representative and future Confederate general James Johnston Pettigrew gave assurances that the state legislature had received "numberless letters from Cotton States urging [South Carolina] to secede alone as under the moral lead of a single State the rest would certainly follow." In addition, the *Mercury* claimed there were "innumerable" pledges that reputable men in all the southern states desired the Palmetto State to act with "promptitude and decision." These statements indicated that the movement to achieve secession had changed, albeit slightly, into one that implied that external support for unilateral action was high, so high in fact that it would crush any dissent to the contrary. In short, the unilateralists of South Carolina were becoming the South at large. Cooperationists were now labeled obstructionists to their own desired result. If secession and unification into a confederacy was the end game, unilateral secession now provided the best means to achieve that end. Cooperation through unilateral secession would have seemed incoherent in 1832 and

[48] John A. Elmore to Andrew B. Moore, January 5th, 1861, in *Journal of the Convention of the People of the State of Alabama, held at the city of Montgomery commencing on the 7th day of January, 1861* (Montgomery, AL: Shorter & Reid, State Printers, 1861), 390-391; (Charleston) *Mercury*, December 19th, 1860.

1850, but in 1860 that very concept seemed the best method to set in motion a chain reaction of disunion. Thus, as Americans went to the polls in November 1860 to vote for the next President of the United States, in South Carolina the sentiment of the incoming state legislature was described as "tremendously, out [and] out secession."[49]

Election day in 1860 was on November 6. By midnight, the American public knew who had won. In South Carolina the news of Lincoln's victory was met with a strong surge of resistance. Public meetings were held across the state in order to draw up petitions in favor of secession, to be sent to the state legislature. In addition, many locales formed minutemen associations calling for "young men to step forward and emulate the patriotic example set by…the whole South." Newspapers reported disunion movements were underway in other slaveholding states and urged its readers to prepare for secession at home. Two days after Lincoln's election, on November 8, the Charleston *Mercury* proclaimed, "The tea has been thrown overboard; the revolution of 1860 has been initiated."[50]

On November 10, 1860, four days after the election of Abraham Lincoln, the South Carolina House of Representatives approved a bill that set December 17 as the date for a secession convention with elections on December 6. The Senate approved the House Bill unanimously. Secessionists everywhere elected their delegates, and the convention was packed with radicals. Thus, there was scarcely a reason to delay the action of the state when the convention met at the Baptist Church in Columbia. On that day, the convention set to the business of electing the assembly's officers. To the position of convention president, the group

[49] James J. Pettigrew to W.S. Pettigrew, October 24th, 1860, Pettigrew Papers, Southern Historical Collection, University of North Carolina, Chapel Hill; (Charleston) *Mercury*, November 1st, 1860; Simms, et. al., *Letters of William Gilmore Simms*, 4:247-250.

[50] *The Anderson (South Carolina) Intelligencer*, November 8, 1860; (Charleston) *Mercury*, November 8, 1860; (Abbeville, SC) *Abbeville Press*, November 9, 1860.

elected David F. Jamison, who upon taking the stand to offer opening remarks urged his fellow South Carolinians to "go forward and not be diverted from our purpose by influences from without…To dare! And again to dare! And without end to dare!" The delegates responded with a vote of 159 to 0 to endorse a secession resolution and the appointment of a committee to draft an ordinance. However, due to a smallpox scare, the convention was moved to Charleston, where on December 18, the delegates reconvened in Institute Hall amid scores of bands and military companies that had descended on the Holy City in anticipation of the state's withdrawal from the Union. Due to the boisterous atmosphere in and around Institute Hall, the convention met the next day, December 19, in St. Andrews Hall. After a roll call, Jamison read aloud a communication from John A. Elmore, South Carolina's agent in Alabama, who had written the convention's president with an urgent message from Governor Andrew B. Moore that read: "Tell the Convention to listen to no propositions of compromise or delay."[51]

The next day, December 20, by a vote of 169 to 0, the convention affirmed an ordinance of secession. The *Mercury* reported that as each delegate's name was called, it "fell upon the ear of the silent assembly, the brief sound was echoed back, without one solitary exception in that whole grave body – Aye!" The convention's doors had been closed during the day's proceedings, but following the vote the results were announced to a growing crowd outside and "loud shouts of joy rent the air." Newspapers reported that the excitement was unsurpassed as cannons fired and "bright triumph was depicted on every countenance." Later that night, the delegates gathered at St. Andrews Hall and formed in procession and "moved forward in silence" to Institute Hall, which was "filled to overflowing" with what was estimated

[51] *Journal of the Convention of the People of South Carolina, 1860-61* (Charleston, S.C.: Evans & Cogswell, 1861), 5, 13, 21, 28-29.

to be over 3,000 people. The scene was described as "profoundly grand and impressive" by the Charleston *Mercury*. One-by-one the delegates affixed their names to the ordinance "in the presence of the constituted authorities of the State, and of the People," while the crowd in attendance heralded each of the great secessionist leaders of the state. At the close of the signatures, Jamison declared the state "a separate, independent nationality," and the *Mercury* reported that to describe the enthusiasm with which the announcement was greeted, "is beyond the power of the pen…the high, burning, bursting heart alone can realize it." Amongst an energetic crowd and much fanfare, in Charleston's largest public space, the Palmetto State dissolved its ties with the Union.[52]

In contrast to the joyous scene taking place in Charleston, in Maryland the results of the 1860 Election were met with mixed emotions. Although Lincoln attracted little support in the state, many Marylanders were aware of the effect his probable victory would mean for their state. "We live in a state between the Disunionists of the South and the Black Republicans of the North," wrote a concerned Marylander, "and the ascendency of either will be alike subversive of our happiness and prosperity." Thus, citizens of the Old Line State watched with melancholy acknowledgment as the election results came in throughout the nation. When the results were published, the *Baltimore Sun* cautiously observed, "As we cannot offer…one word of congratulation on so inauspicious a result, we are disposed to do no more than announce the fact this morning, and await the developments that may ensue."[53]

[52] (Charleston) *Mercury*, December 21, 1860; *Journal of the Convention…South Carolina, 1860-61*, 49; (Charleston) *Daily Courier*, December 21, 1860

[53] *Port Tobacco (Maryland) Times*, February 3, 1860; *Baltimore Sun*, November 7, 1860.

In the end, disunion occurred in the manner it did because one state, South Carolina, emerged as the vanguard and other states followed. This interpretation alters the traditional understanding of why secession occurred in the way it did and why for decades South Carolina's decision to secede unilaterally had been explained as the result of that state's distinguishing characteristic of widespread slaveholding and high numbers of slaves. This fact suggested that mobilization in defense of slavery and in support of secession could draw its strength from fears among whites that white society would be controlled politically and economically by former slaves and that the southern economy would be destroyed if its foundation was abolished. Hence, traditional understanding of South Carolina's decision for unilateral action rests upon taking the secessionists at face value and assuming they wanted out of the Union before Lincoln was inaugurated. Yet the evidence suggests that immediate secessionists in South Carolina had additional motives for taking unilateral action. Indeed, South Carolina radicals were deeply concerned with mobilizing a defense of slavery, but more important, they wished to organize locally in such a way as to increase the likelihood of a general secession across the white slaveholding South. Their interests were fed by a desire to turn a revolution in one state into a more general revolution. In the context of the Lower South, this design succeeded.

The actions of the Lower South states were not strictly determined by culture and structure. They were greatly influenced as well by the strategic choices of unilateral secessionists in the Palmetto State who were more willing to take action than they otherwise would have been. Although these states did not enjoy the same unity that South Carolina had on the question of disunion, they nonetheless eventually seceded and joined together in

Montgomery, Alabama, in February 1860 to create the Confederate States of America. The forces acting within the states that left the Union after South Carolina (but before April 1861) were qualitatively and quantitatively similar to those in the Palmetto State. It took only a single state to secede to force the hesitant hand of the other Lower South states. That was the purpose behind South Carolina's decision to act alone. That politically shrewd decision precipitated secession among those southern states that identified closely with South Carolina in demographics, economics, societal, and political characteristics. The decision, ultimately, was based upon an agreed assumption and calculation that the other southern states lacked only the will to lead and act first.

Yet, what was the intended reaction in the Upper South and pivotal Border States that South Carolina and secessionists across the Lower South hoped to achieve by choosing unilateral secession? In spite of the vital importance that the Upper South and Border States held in any contingency that resulted in secession and the formation of a southern confederacy, the evidence suggest that in the final lead up to South Carolina's separation, the concerns of these geographically, strategically, and economically significant regions of the South were largely ignored. Lower South secessionists were not oblivious to the apprehensions of the Upper South and Border States. Indeed, Leonidas Spratt understood them well: "In other sections of the South…it is urged we should have waited, but there could be no motive in waiting." To secessionists, it was assumed that the other states would "properly conceive our motives," and South Carolina's action would "aid them in their movements." As a result,

unilateralists pressed the measure sternly onward in the hopes that the rest of the South would look upon the Palmetto State as "a standard around which other states may rally."[54]

Secessionists of the Lower South believed that it was they who held the initiative and could effectively draw the Upper South and Border States into disunion through unilateral secession. Robert Barnwell Rhett expressed this idea to Edmund Ruffin when he wrote that the Upper South and Border States could "only be managed," by forcing them, through unilateral action, "to choose between North and South, and then they will redeem themselves, but not before." Many in the Upper South and Border States were committed to resisting federal coercion of another southern state. Clear indications were given that these regions of the South were dedicated to such a contingency. But that played into the thinking of unilateral secessionists, who argued that the actions of those states could be predicted, and potentially forced.[55]

Efforts were certainly made by secessionists in late 1860 and early 1861 to convince the Upper South and Border States to follow South Carolina and the Lower South into disunion. Crucial communications with these states were established during the events of December 1860 and January 1861. Nevertheless, in the final push for unilateral secession, separatists assumed these states would follow suit with the Lower South once the issue had been changed from whether to secede to whether to join fellow slaveholding states that had already withdrawn. Secessionists, realizing that their strategy was predicated on speed and emotion, were able to seize the momentum and carry their designs out with astonishing speed. Within ninety days of Lincoln's election separatists were able to convince ten southern state

[54] Leonidas W. Spratt quoted in (Charleston) *Mercury*, January 12, 1861.
[55] Robert Barnwell Rhett to Edmund Ruffin, October 20, 1860, Edmund Ruffin Papers.

legislatures to hold elections for a special convention, seven of which were actually held. Within those elections, secessionists gained a majority and approved seven ordinances of disunion and laid the groundwork for a southern confederacy. Thus, unilateral secession was chosen because secessionists were convinced it would result in other states following once the action was taken. At every turn, the strategy was to create a situation that would force the people of the South to make a choice between seceding from the Union and possibly waging armed conflict against their fellow slaveholding states. But in the Upper South and Border States, the initial excitement over Lincoln's election did not produce the intended outcome secessionists had hoped. In fact, the coolness of those regions to Lincoln's election worried separatists, and that worry led to an effort on the part of the Lower South to draw those states into the vortex of disunion. Without doubt, the speed with which South Carolina moved for disunion gave comfort and, more important, encouragement to secessionists across the Lower South, and the decision, it turns out, was of great import to the entire secession movement.[56]

Secession occurred because radical separatists wanted to occur it for over three decades, learned from their past failures at it, and by 1860 had arrived at a strategy to accomplish it. Disunion was not something that simply happened, or the result of a miscalculation, nor were radicals recent converts to the idea once it appeared possible. Secession occurred in the manner it did because it was devised that way. The failure of secessionists to produce disunion in 1832 and 1850-52 had convinced them that unilateral action was needed to force the hand of the rest of the slaveholding South. It was a calculated risk that in many ways paid off when one considers that seven states seceded from the Union

[56] Charles Edward Cauthen, "South Carolina's Decision to Lead the Secession Movement," *North Carolina Historical Review*, 18 (October 1941): 364.

and formed the Confederate States of America, all before Lincoln's inauguration in March 1861. Unilateral secession hit its intended mark, as it were, but only partly. It was hoped that such action would spread revolution to the entirety of the slaveholding South. It did not, and that raised doubts in the minds of secessionists about the course of action the Upper South and Border States might take. Although South Carolina's action had broken the Union, only time would tell if that deed would leave the state isolated, or joined by future secessions.

In Maryland, the election of 1860 and the subsequent actions of South Carolina and the other states of the Lower South raised feelings of anxiety and fear. Its geographical position bordering the Free States and the fact that the nation's capital resided within its borders placed Maryland in a precarious position as the whirlwind of disunion swept across the South. The state's situation in the secession crisis required it to move cautiously and conservatively.

CHAPTER 3

"A COMMON CAUSE SHOULD HAVE INDUCED A COMMON APPEAL"[57]

MARYLAND REACTS TO THE ELECTION OF 1860 AND THE FIRST WAVE OF SECESSION

The results of the 1860 election were met by the Lower South with "highly excited scenes" and feelings "gradually widening and deepening into hostility toward Northern men of all parties." In South Carolina, Mississippi, Georgia, and other states, companies of men were formed, money was allocated by state legislatures to purchase arms and ammunition, and a strong sense of resistance rallied around the idea that secession was to become reality. But in the farthest upper regions of the slave states, a strong sense of impending doom mixed with optimism held sway. The Border States, whether by virtue of their geographical position or their economic standing, offered immense advantages to whichever section of the nation they chose to support in the sectional crisis of 1860-61. Maryland was of considerable importance, but not because of its resources or its population (both of which were significant). Rather, the Old Line State's value rested in its geographical position. If Maryland joined the secessionist movement, the United States capital would be cut off from the North. Lincoln's biographers, Nicolay and Hay, saw this point clearly when they wrote, "Of more immediate and vital importance . . . than that of any border slave State was the course of Maryland in this crisis." In fact, Maryland attracted the attention of the whole nation, and as events unfolded in the winter of 1860-61, it became clear that its decision would have a greater impact upon the brewing conflict than any other Border State. It is not surprising, then, that both northerners

[57] Speech by U.S. Senator James A. Pearce printed in *Baltimore Sun*, November 27, 1860.

and southerners exerted immense pressure on the state to declare itself openly. The election of 1860 and the subsequent secession of the Lower South forced the Old Line State to make difficult and dangerous decisions that originated from external forces. Forced to choose between its fellow slaveholding states of the South and remaining loyal to the Union, Maryland was a state "standing at the crossroads of circumstance."[58]

Maryland in 1860-61 was a state greatly affected by its geographical position, its vibrant two-party political structure, and the existence of two economic systems within the state. The state's people, at least in 1860-61, came from a variety of different backgrounds, held different interests, sentiments and occupations, and celebrated diverse cultures. The upper Western Shore and the state's largest city, Baltimore, were the more populous areas of the state and boasted a demographic and economic diversity not seen in other regions. The Eastern Shore and southern Maryland were much more agrarian, conservative in ideology, and contained the majority of the state's slave population. In 1860 Maryland had a free population of 599,860, of which 118,799 were born in either a foreign country, a northern state, another border state, or the District of Columbia. The state's slave population stood at 87,189 in 1860. The number of slaveholding families in 1860 was 110,278, which was 12 percent of the total number of families in 1860. When compared to the other Border States, Maryland's percentage of slaveholding families was the lowest.[59]

[58] (Anderson Court House, South Carolina) *Anderson Intelligencer*, November 8, 1860; (Maryland) *Easton Gazette*, January 12, 1861; Nicolay and Hay, eds., *Abraham Lincoln*, 4:93; Carl M. Frasure, "Union Sentiment in Maryland, 1859-1861," *Maryland Historical Magazine*, 24 (September 1929): 210-211.

[59] Charles Branch Clark, "Politics in Maryland During the Civil War," *Maryland Historical Magazine*, 36 (September 1941): 241-243; *Population of The United States in 1860; Compiled from the Original Returns of the Eighth Census* (Washington, D.C., Government Printing Office, 1864), 211-217.

The Old Line State's diverse population had, by 1860, led to a variety of political opinions. The inhabitants of the Eastern Shore and the farthest southern portions of the state, whether by occupation of inclination, were aligned with the Lower South. It is not surprising then, that when the question of Maryland's secession arose, these portions of the state organized mass meetings, proclaimed speeches, and circulated petitions demanding that the state wheel in line with the separatist movement of the Lower South. Yet the inhabitants of the Western Shore and the state's largest city, Baltimore, were less inclined to support secession due to their economic ties with the North. Disunion, they argued, threatened to undercut the economic prosperity of the state. Thus, Maryland's reaction to Lincoln's election and the resultant first wave of secession offers the reader a unique glimpse into the saga of the Border States on the eve of the Civil War. A few key questions concerning Maryland in the weeks following the Election of 1860 and the manner in which the Old Line State broke along ideological lines as the crisis of the Union unfolded in 1860-61 are important. For example, how did the state react to Lincoln's election, and did this reaction change over time? If so, how and why? Finally, how did the state perceive the secession of the Lower South, and why did the state not follow those states out of the Union in the initial rush to separate. By focusing on this mode of inquiry, it becomes clear that Maryland, like the rest of the Border South, went through three distinct reactions concerning secession, the last of which ultimately explains why the state hesitated to secede before the Confederate shelling of Fort Sumter in April 1861.

As the election of 1860 approached, Maryland was in political turmoil. The state had a strong southern leaning to it, but its Whiggish heritage created a deep division in the population. In the end, the Breckenridge ticket (southern Democrats) garnered 42,482 votes,

compared to 41,760 for the Bell-Everett ticket (Constitutional Unionists). Stephen A Douglas (northern Democrats) received 5,966 votes, and Lincoln (Republicans) received 2,294. The results indicate that within Maryland there was a plurality in favor of the southern wing of the Democracy, but also solid support for the more moderate Constitutional Union party. Thus, Breckenridge's edge cannot be interpreted as a ringing endorsement of his platform, just as Bell's defeat cannot be regarded as a rejection of his party's moderate approach. Instead, the campaign results in Maryland point to two important characteristics of the Old Line State on the eve of the Civil War. First, the vote count clearly shows there was very little support, at least publicly, for the Republican Party and Lincoln. Second, and more important, the state was nearly evenly split between southern radicalism and Upper South moderation. These cleavages would fracture the state in the months following Lincoln's victory.

In the months before the election, Maryland seethed with excitement. Republican supporters brave enough to announce their allegiance were often met with intimidation and sometimes violence. When a group of Republicans in Baltimore attempted to stage a rally, the city nearly erupted in riot. A Baltimore merchant hesitated to announce his endorsement of Lincoln because, "everyone declared they would not patronize me any more." Breckenridge Democrats often held large campaign events in Baltimore amid much fanfare. At one such rally, they hung a large banner that read "Maryland Must and Will Be True to the South." The major newspapers routinely published speeches from all the major candidates for president and engaged in personal attacks against candidates their editors detested. For example, one pro-Bell paper informed its readers that it was "impossible to accept Mr. Breckenridge's personal

worth or fealty to the Constitution." As election day drew near, tempers and emotions ran high in the Old Line State.[60]

In spite of the political hysteria that characterized the state in the lead up to the election, November 6, 1860, was fairly uneventful in Maryland. Although the citizenry of the state had for some time been prepared for the "gloomy probability" that Lincoln would win, the state was oddly quiet. Whether it was shock or apprehension, the Old Line State was characterized by calmness and restraint as the results of the election were made known. The *Baltimore Sun* reported only one instance of violence: a spittoon was thrown from a Bell-Everett campaign headquarters and struck a city police officer, who upon pulling his revolver accidentally discharged the weapon and wounded a fellow officer. Even John P. Kennedy, a man noted for his public spirit and willingness to engage in political discourse, mentioned nothing of import in his diary. Yet by the next day, November 7, the first convulsions gradually reawakened public expression and recognition of the seriousness of the situation.[61]

Maryland's initial reaction to Lincoln's election was decidedly pro-southern and inclined toward immediate secession. Many citizens saw the election as "the victory of fanatics," and there is evidence that in some areas of the state, Republican supporters were banished for voting for Lincoln. Indeed, many of the state's newspapers argued that "practical disunion" had already occurred on account of the North's refusal to obey federal fugitive slave laws as well as countless other violations of southern rights. Some newspapers began to print lengthy and stirring reports of separatist movements across the Lower South, and as early as November 12,

[60] N. Burnham to Montgomery Blair, November 1, 1860, and William L. Donenbury to Montgomery Blair, November 6, 1860, Montgomery Blair Papers, Library of Congress, Manuscript Division, Washington, D.C.; *Baltimore Sun*, October 23, 1860.

[61] *Baltimore Sun*, November 24, 1860; *Frederick Examiner*, October 17, 1860. For the lone instance of violence reported in Baltimore that day, see *Baltimore Sun*, November 7, 1860.

the Frederick *Herald* called outright for the state to consider immediate secession seriously. This sentiment was later echoed by the Centerville *Advocate* and the Patapsco *Enterprise*. The Frederick *Examiner*, in western Maryland, sought to rally pro-southern support when it printed a call to action: "Up Southians…the tocsin sounds! Will ye be mere submissionists? Cavaliers to the rescue!" Speaking at a bi-partisan town hall meeting in Baltimore, one man argued that the Old Line State could not remain part of a nation controlled by "a republican people who had pledged themselves to exterminate slavery." In his estimation, Maryland should "go with the South." For many Marylanders inclined to secede, the only question that mattered after Lincoln's election, was (as a *Baltimore Sun* editorial put it): "Is Maryland prepared to choose whether she will be the ally of black republicanism and the antagonist of the South, or one with the South and the antagonist of black republicanism." In Baltimore a group of "Southern Volunteers" suddenly appeared on November 24, and pro-southern elements across the state began wearing the blue cockade (a symbol of anti-government sentiment) and calling themselves "Minute Men," a clear reference to the colonial rebels of the American Revolution. Militia regiments were formed, such as the one in Hartford County that petitioned the state's governor, Thomas H. Hicks, to muster it into active duty in order to protect the state from the "Black Republican hordes of the North." [62]

Popular opinion in favor of immediate secession appeared to be strongest among the inhabitants of the state's Eastern Shore region and of the extreme southern part of Maryland. Part of so-called Delmarva (Delaware, Maryland, and Virginia) Peninsula, the Eastern Shore was

[62] *Frederick Herald*, November 7, 8, 1860; George L. P. Radcliffe, *Governor Thomas H. Hicks of Maryland and the Civil War* (Baltimore: John Hopkins Press, 1901), 19; *Frederick Examiner*, November 24, 1860; Yollett's remarks in *Baltimore Sun*, December 24, 1860; *Baltimore Sun*, January 2, 1861, November 24, 27, December 1, 1860; *Frederick Herald*, January 29, 1861.

racially varied. By 1860 the region contained a fifth of the state's white population and a third of its black inhabitants. So too was southern Maryland dedicated to tobacco production and slavery. In fact, the five most southern counties of the state contained 46.6 percent of the entire state's slave population, according to the 1860 Census. This was the work force that produced Maryland's famous Oronoco tobacco. Compared to the state average, southern Maryland contained a higher percentage of planters and had larger than average farms. The area was marked by an unchanging rural gentry and that held jousting tournaments as a form of popular entertainment. These areas of the state were as closely allied to the Lower South as any pro-southern portions of the Border States. As a result, the inhabitants of the Eastern Shore and southern Maryland early instituted a campaign of petitions, speeches, and mass meetings designed to bring about the Old Line State's immediate, and unilateral secession.[63]

The "excited politicians" of the Eastern Shore and southern Maryland, as Governor Thomas H. Hicks referred to them, employed various economic and sentimental assertions to appeal to Marylanders' sense of common identity with the Lower South. Association with the "cotton states," it was argued, would place Maryland in the company of people with similar economic, social, and political institutions as well as with people of common values and principles. James A. Stewart, one of Maryland's six Representatives in the House and a resident of the Eastern Shore, argued that Maryland's "destiny is with the South; her interests, her inclinations, her institutions, her habits . . . will all prompt to that course." At a bi-partisan meeting in Baltimore, Chief Justice of Maryland's Supreme Court, John Carroll LeGrand, remarked that while South Carolina's movement toward disunion was rash, the Palmetto State

[63] Clark, "Politics in Maryland," 249-251; Frasure, "Union Sentiment in Maryland" 217; Baker, *Politics of Continuity*, 7, 8-9.

carried with it "many reminiscences that bind her close to the hearts of Marylanders," and questioned whether his state would "tamely submit to the march of foreign legions over her soil?" To immediate secessionists inside Maryland, the state's course of action was clear. If the Lower South should secede, they argued, the Old Line State should do the same and join them in the formation of a southern Confederacy.[64]

In addition to emotional pleas for disunion, immediate separatists in Maryland offered up economic benefits to be derived from taking such bold action. For example, if the state seceded, it would free itself of the protective tariff, which would permit European manufactured products to flow freely into Maryland at a cost much lower than goods from northern manufacturers, and the state's raw materials would find a profitable market in Europe. Baltimore, the state's greatest manufacturing and commercial center, was already the primary trading partner with states further south along the Atlantic coast. Secession, therefore, held the added benefit of increasing this trade exponentially over time. Immediate separatists also pointed out that if Maryland's bordering slaveholding states seceded, the Old Line State was made vulnerable to a southern blockade of the Chesapeake Bay which would, in turn, deny the state's commercial centers their primary outlet for goods and ruin the foreign commerce of the state. Immediate secession, contended the inhabitants of the Eastern Shore and southern Maryland, was the only logical course of action that the Old Line State could take. By late November, however, the initial secessionist impulse to leave the Union immediately was countered by a rising Unionist tide.[65]

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[64] Hicks quoted in Frasure, "Union Sentiment in Maryland," 217; Stewart's remarks in *Congressional Globe*, 36th Congress, 1st Session, Appendix, 297; LeGrand's remarks in *Baltimore Sun*, December 24, 1860.

[65] Frasure, "Union Sentiment in Maryland," 218-220.

After the excitement of the election waned, Marylanders turned their attention to what effects the election result would have on the Lower South, and more important, their state. Citizens of the Old Line State were well aware of the secessionist momentum in the Lower South in the months following Lincoln's election. As early as election day, newspapers in Maryland reported that there was an "evident disposition" on the part of the Lower South "to act instead of talk" if Lincoln emerged victorious. Other newspapers predicted that South Carolina would "probably act immediately," without waiting for cooperation from the other slaveholding states, "because such delay would probably defeat the whole movement." This was surprising to many Marylanders because it was assumed that the decision to secede would "be deferred" until after Lincoln had been inaugurated and his intentions made known. However, numerous accounts filled Maryland's newspapers detailing the actions of Lower South separatists, including a recommendation from South Carolina's governor, William Gist, that disunion was "the only alternative left." The *Baltimore Sun* informed its readers that there were clear indications that if the Palmetto State seceded, it would "instantly bring about that of the entire South." Thus, external secessionist forces at work in the Lower South forced upon Maryland a crisis even before a crisis of the Union took hold. As the vortex of disunion swirled to the south, the Old Line State watched with growing anxiety, fearing it would soon have to make a decision about where it stood on the issue. The *Baltimore Sun* best described the state's situation when it wrote, "we are disposed to . . . await the developments that may ensue." As November turned into December, Unionist voices stressing moderation and calmness grew.[66]

[66] *Baltimore Sun*, November 7, 1860; *Montgomery County Sentinel*, November 16, 1860.

In his inaugural address as mayor of Baltimore, George William Brown insisted that Lincoln's election presented no immediate threat to southern institutions and that "the policy of Maryland is to adhere to the Union." Brown's words represented a growing Unionist sentiment within the state. Presbyterian churches in Baltimore called for "Union prayer meetings," and in the cities of Frederick, Cumberland, and Baltimore, pro-Union gatherings convened throughout the winter of 1860-61. The resolutions adopted by a December 6 meeting in Baltimore were typical of the gatherings: "If worse come to worse…we will defend the State of Maryland in and not out of the Union." These expressions indicate that Unionist sentiment existed within the Old Line State, although it was not as prevalent as one might expect for a Border State. Opposition to secession was strongest in the central and western sections of the state; areas that contained large portions of German immigrants and few slaves. In the state's largest city, Baltimore, a sizable Unionist population resided, especially among the manufacturing interests.[67]

Similar to their Unionist brethren throughout the South, pro-Union Marylanders saw no legal right in secession and, in the case of the Old Line State, the practicality of it. "It is difficult to understand," opined the *Weekly Civilian*, "how any intelligent man can discover in the Constitution the right to withdraw from the Union." To Unionists, there existed no foundation in constitutional right for disunion and no single state, acting by its own motion, could break up the "Federal compact" to which all the states belonged, especially based on an abstract and forced idea such as "inherent sovereignty." Congressman James M. Harris chose to refer to

[67] Speech by Mayor George W. Browns in *Baltimore American*, November 13, 1860; *Kent Conservator*, November 27, 1860; *Baltimore Sun*, November 16, 19, December 7, 1860; Frasure, "Union Sentiment in Maryland," 218-220.

South Carolina's actions as a "revolution" because it told the "whole story without the necessity of hedging it around with constitutional ideas of constitutional rights, and abstract notions of constitutional abstractions." Citizens of Clearspring, Maryland, voiced their opposition to secession at a public meeting when they resolved that disunion was "political heresy, an insult to the dignity of our government, and a watchword for treason." Thus, to Unionists in the Old Line State, secession was akin to a revolt. John P. Kennedy, the famous politician and novelist, summed it up best when he wrote, "Union . . . is loyalty, disunion . . . is rebellion."[68]

Unionists also castigated secessionists for their irresponsibility. Congressman James M. Harris complained that the separatists really did not want redress for their grievances and that "ambitious politicians of the South" only wanted separate nationhood in order to "rise to greater eminence than they could aspire to under the present system." In other words, the nation had been thrust to the brink of civil war because of South Carolina's attempt to "realize her dream of thirty years in this matter of secession." Criticism of the rashness by which South Carolina and the Lower South were proceeding toward disunion evolved into larger condemnations that such action would result in armed conflict between the two sections of the country and that Maryland would be caught in the middle of it. Maryland's geographical features rendered the state vulnerable to both belligerent sections of the nation if it came to civil war. Unionists predicted, quite correctly, that Maryland would become a military proving ground, and regardless of who might win in an armed conflict, the *Montgomery County Sentinel* contended, the state would "always be losers." Thomas Swann pointed out to Salmon Chase that of all the slaveholding states, Maryland "occupies a position most delicate," due to its

[68] *Weekly Civilian*, November 22, 1860; Speech by James M. Harris, *Congressional Globe*, 36th Congress, 2nd Session, Appendix, 117; *Herald of Freedom & Torch Light*, January 30, 1861; Kennedy, *Border States*, 29.

exposed northern border with Pennsylvania and a coastline that could not adequately be protected.[69]

Merchants and businessmen in Baltimore, a Unionist stronghold, used much the same logic when they argued that the disruption of the Union would result in the crippling of the state's foreign and domestic trade. If the state seceded, Unionists believed the United States Navy would effectively blockade the Chesapeake Bay and destroy foreign commerce, which was estimated to exceed $12 million in 1861. In addition, Unionists contended that if Maryland joined a southern confederacy, the Union would be in a position to destroy the vitally important Baltimore and Ohio Railroad leading into the state from the west, which provided the Old Line State's supply of raw materials. Secession would render this railroad useless, and the state's mills, industries, and plants could not be maintained without it. Unionists within the merchant class of Maryland contended that a southern confederacy would likely implement a free-trade policy in reference to the tariff. Thus, Baltimore merchants saw nothing but economic ruin if they were forced to compete with lower priced European products. Above all other economic considerations was the fact that the North was the most important section in Baltimore's trading life, and disunion threatened to destroy the city's entire economy.[70]

Lastly, Unionists in Maryland contended that the Union was a priceless asset and shouldn't be abandoned haphazardly. Outpourings of respect, devotion, and historical reminiscence of the Union dominated the writings, speeches, and newspaper editorials of

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[69] Speech by James M. Harris, *Congressional Globe*, 36th Congress, 2nd Session, Appendix, 117; *Montgomery County Sentinel*, January 6, 1861; Thomas Swann to Salmon P. Chase, January 28, 1861, Salmon P. Chase Papers, The Historical Society of Pennsylvania, Philadelphia, Pennsylvania.

[70] *Baltimore American*, January 22, 1861; Frasure, "Union Sentiment in Maryland", 218-220; William B. Catton, "The Baltimore Business Community and the Secession Crisis, 1860-61," Master's thesis, University of Maryland, 1952, 41.

Maryland Unionists. Congressman James A. Harris remarked to Congress that the Union had "attained a position of substantial greatness that eclipses the empires of antiquity," and that secession threatened to destroy what was regarded by the world as a "fixed and stable illustration of the capacity of man for perfect freedom." The Union, remarked Congressman Henry Winter Davis, "has given us, for seventy years…a blessing of inestimable value." Davis was the most influential Unionist in Maryland and worked tirelessly to hold the country together. Former Congressman James W. Crisfield described the federal government as a "wise, and beautiful, and efficient system," and desired his home state to "remain faithful to the Union."[71]

While the existence of Unionist sentiment in Maryland during the secession crisis is not an overlooked topic by historians of the era, it is usually presented as the determining factor for why the Old Line State did not separate from the Union in 1860-61. This interpretation ignores the strength of secessionist impulses within the state and relies heavily on the assumption that if the state remained loyal to the Union, then the state must have been dominated by Unionists. Evidence abounds that in spite of large pockets of Unionism, the state contained a majority of citizens and leaders that favored separation in one form or another. Immediate secessionists ruled the hour in the days following Lincoln' election, but as emotions cooled in the state, Unionism gained strength. However, once disunion had actually occurred the situation in Maryland changed, and Unionism appeared to retreat from mainstream expressions on the issue. With the withdrawal of South Carolina and the rest of the Lower

[71] *Kent Conservator*, November 27, 1860; Speech by James M. Harris, *Congressional Globe*, 36th Congress, 2nd Session, Appendix, 116; John Woodland Crisfield to Henry Page, January 20, 1860, Henry Page Papers, 1860-1861, Southern Historical Collection, The University of North Carolina, Chapel Hill, North Carolina.

South from the Union, calls for Maryland to join them intensified, and the issue facing the state changed. Before South Carolina's action in December, Maryland faced only the question of whether to secede immediately, and evidence suggests that the state was firmly in opposition to it. Yet, once secession had occurred, the likelihood of armed conflict between the sections of the nation increased. As the prospects of civil war strengthened, the state's leadership desperately sought a way either to prevent it or, if civil war came, place the state in a position to avoid being torn asunder by the contending armies.[72]

As the pace of disunion quickened across the Lower South, Maryland became deeply embroiled in conflicting loyalties and sympathies toward the slaveholding South and the Union, and what course the state should take in the crisis. Plans on how to proceed were plentiful and advice was abundant. The mayor of Baltimore, George W. Brown, could at one time state that there was "no doubt" that Maryland's course was to "adhere to the Union," and in the same speech add, "so long as she can do so with honor and safety." An editorial in a newspaper from a farmer in Carroll County left little doubt as to his loyalties when he wrote that "[Maryland's] sympathies are, of course, wholly with the South." An editorial in the *Baltimore Sun* suggested that the state demand its rights, proceed to wage economic warfare against the North until those rights were secured, and if that failed, secede. The *Fredrick Herald* advocated that the state arm itself for protection and declare neutrality in any armed conflict that erupted. Another editorial recommended a convention of the slaveholding states to urge constitutional changes and secession if that failed. The *Baltimore Sun* admitted that its editors had a "total incapacity" to write a satisfactory word about the Union, and to denounce both secession and

[72] For historians that argue Unionists sentiment explains Maryland's refusal to secede, see Evitts, *Matter of Allegiances*, 154-191; Baker, *Politics of Continuity*, 47-75; Frasure, "Union Sentiment in Maryland," 210-223.

republicanism in one breath was to "constantly realize conflicting sentiments." The confusion and conflicting advice gave rise to the impression that Maryland was leaderless and "almost paralyzed by the extreme excitement." The state was not paralyzed for long though, because crucial leadership began to emerge. John Pendleton Kennedy predicted this occurrence when he noted in his journal that it was "scarcely possible that this wicked frenzy can last much longer."[73]

The actual secession of South Carolina and the other Lower South states transformed the dilemma facing the Old Line State and, as a result, altered the reaction of the state's citizens and leadership. Unionism could prevail so long as the Union was unbroken. Once it had been dissolved, everything changed, and the sentiment of the state's people and leaders reflected this change. Elements of secessionism intermixed with those of Unionism to produce in Maryland a deep resentment toward the actions of the Lower South, a willingness to secede if necessary but through a convention of states, and an enthusiasm for the creation of a central confederacy made up of the Border States and Upper South. Evidence suggests that Marylanders became bitterly angry toward the Lower South because its unilateral secession was viewed as coercive in nature, carried through without the slightest regard to the interests of the Old Line State, and highly dangerous to the physical well-being of the state's citizens and institutions. As a result, Maryland's leadership pursued a path designed to place on stable ground the state's interests and security from both sections of the nation. This path did not end with Maryland joining a confederacy with the Lower South; rather, the state was steered in

[73] *Baltimore Sun*, November 16, 12, 28, 1860; *Frederick Herald*, November 27, 1860; *Baltimore Sun*, December 3, 1860; "Baltimore Correspondence" in *New Orleans Picayune*, November 23, 1860; John P. Kennedy, Journal, November 29, 1860, John Pendleton Kennedy Papers, Peabody Institute Library, Baltimore, Maryland.

the direction of cooperative disunion and the possible formation of a central confederacy as a means to protect its borders, economic interests, and citizens from two antagonistic sections of the country hurtling, at an alarming rate, toward armed conflict.

Some pertinent questions arise about the willingness of Maryland to secede but not join the Lower South in the creation of a confederacy. For example, what evidence suggests that secession was seen as constitutionally legitimate by many of the state's leadership and citizens? Second, what arguments against joining the Lower South in the formation of a southern confederacy were made by the state's political leadership? And finally, how did would-be secessionists propose to steer Maryland through the secession crisis of 1860-61? Answers to these critical questions will illuminate how the state's response to the separation of the Lower South pitted secessionists (who wished to see Maryland unilaterally secede and wheel in line with a southern Confederacy) against those who preferred a joint secession of the Border States and the formation of a central confederacy. This conflict within the state was unique to the experience of the entire Upper South and demonstrates that, in addition to the divisions within the South at large, there existed deep divisions within Maryland over the proper mode, necessity, and results of secession.

Many within the ranks of the state's political leadership supported secession in one way or another, and because of the positions they held in government, they were in a unique situation to steer Maryland's course of action in the crisis of 1860-61. For example, Maryland was represented in the United States Congress by two senators and six representatives. Senator James A. Pearce, a longtime congressman and planter, chastised the Lower South for acting precipitously but warned that if the North did not give "just consideration of Southern

complaints," his home state would "strike for her violated rights," and he would support such action. Furthermore, Pearce favored letting the Lower South go in peace by voting against the 1860 anti-southern resolution, proposed by Senator Daniel Clark of New Hampshire, which directed all energies of the federal government toward maintaining the Union as it was then constituted. He also voted against two naval appropriation bills that many southern congressmen saw as coercive toward the seceded states. In a speech delivered to the Senate in early 1861, Pearce doubted the Union could be preserved, but admitted he did not see "the value of a Union which can only be kept together by dint of military force." While he was not a fervent supporter of immediate disunion, he nevertheless endorsed the idea that the Lower South should be allowed to leave in peace and thus recognized the legitimacy of secession. Pearce also appeared to be willing to support Maryland's separation once it had "exhausted every means to remedy . . . the evils of Northern aggression."[74]

Of the six representatives from Maryland in the House, James A. Stewart, George W. Hughes, and Jacob M. Kunkel supported the right of secession. Stewart was an ardent defender of states' rights and a strong opponent of northern coercion to hold the Union together. On December 13, 1860, he introduced a resolution to be submitted to the Committee of Thirty-Three. It asked what "reasonable and just" constitutional measures could be secured by the southern states "in a state of separation" from the Union if efforts to secure them within the Union were "impracticable." In another speech the Congressman asserted that each state was "inherently sovereign" and that the people held primary allegiance to the state, having delegated only certain powers to the federal government. Similar to other defenders of the

[74] Speech of James A. Pearce printed in *Baltimore Sun*, November 27, 1860; *Congressional Globe*, 36th Congress, 2nd Session, 741; *Baltimore Sun*, November 27, 1860.

right of secession, Stewart maintained that the Declaration of Independence granted the right of the people to change their form of government when they believed it was necessary. He routinely made it clear that he was a southerner and that his home state desperately wanted a peaceful settlement to the growing crisis, but if that failed he contended that "the North and South must part." The representative even went so far as to support the Lower South's justification for secession when he referred to the Republican Party as a lot of "Constitutional-despoilers." Stewart, like so many Marylanders, proposed a convention of the Border States to settle the growing crisis, and while not openly urge his state to secede, he supported the actions of the Lower South in both the abstract and as a matter of necessity. [75]

Two additional Maryland congressman in Washington reflected Stewart's attitude toward disunion. In a speech before the U.S. House, George W. Hughes stated that his "feelings, sympathies, and the dictates of my judgment are with the South," and while deploring the present crisis, he took the position that a state had the right to withdraw from the Union and that the federal government had no right to use force to hold it. Jacob M. Kunkel routinely cast his votes in the U.S. House in line with the interests of the South and in favor of peaceable separation. Although Kunkel did not deliver any meaningful speeches on the floor of Congress, a representative of Ohio, Samuel S. Cox, commented that Kunkel "seemed to be most sympathetic to the South." Thus, Maryland was represented in the national congress by one senator and three (out of six) congressmen who supported secession. In each of their cases, however, there was little support for joining a southern confederacy. This is a crucial aspect of the secessionist impulse in Maryland. While much of the state's political leadership

[75] Speech by James A. Stewart in *Congressional Globe*, 36th Congress, 1st Session, 77. Also see, *Congressional Globe*, 36th Congress, 1st Session, Appendix, 297, 298.

was of the opinion that secession was a state's right, they were not in favor of Maryland's withdrawal from the Union if it meant joining a confederacy with the Lower South.[76]

Those Marylanders that defended disunion and were inclined to secede, but refused to join a southern confederacy put forth a wide array of arguments against the actions of South Carolina and the Lower South. For example, to citizens of this mindset, immediate secession represented a deliberate conspiracy to pry loose from the Union the vitally important Border States in order to secure the obvious advantages of manpower, natural resources, and strategic positions they contained. The present crisis, argued John P. Kennedy, had been forced upon the nation with "a haste that allowed no halt," because the separatist leaders of the Lower South "feared the sound of that voice from the Border States . . . that would speak peace." Rather than the 1860-61 crisis stemming from the rise of the Republican Party, would-be secessionists in Maryland argued that the "real germs of discontent" rested with South Carolina and the Lower South and that they were attempting to propagate that discontent amongst the Upper South and Border States because it was "useful to [their] project" of persuasion, solicitation, and convention to lure them into a southern confederacy. Instead, a majority of Marylanders seemed poised to defend their rights within the Union because to abandon those rights by seceding would "plunge us into new troubles far greater than any we have, or are likely to have." In fact, one Marylander remarked that the possible hostile actions of the incoming Lincoln administration would be "nothing compared with the evils, which secession and a Southern Confederacy will bring on us." Senator James A. Pearce, remarked that the independent secession taking place in the Lower South seemed to imply, "if not a distrust, a

[76] Hughes remarks in *Planter's Advocate*, December 26, 1860; Samuel S. Cox, *Eight Years in Congress, From 1857-1865: Memoir and Speeches* (New York: D. Appleton and Company, 1865), 22.

complete disregard of [Maryland's] opinions," and that no state should act without a "common appeal to all who were alike interested." Some citizens of the Old Line State claimed that the North's antagonistic attitude toward slavery, exemplified by that section's refusal to enforce fugitive slave laws, impacted Maryland far more than the Lower South. "We ought to be the state who should take the initiative," wrote Lewis H. Wheeler, "because we have suffered more than any other Slave State."[77]

Charges that the actions of South Carolina and the Lower South were coercive in their design were prevalent in Maryland and arose from a historical context. As early as Election Day in 1860, the major newspapers of Maryland indicated that South Carolina considered disunion the "only alternative left," and assumed that the state's secession would "instantly bring about that of the entire South." Furthermore, it was clear to the editors of the *Baltimore Sun* that the Palmetto State would not wait for the cooperation of the other slaveholding states because "such delay would probably defeat the whole movement." Knowledge of separatist designs in the Lower South, by late November 1860, gave way to assertions that "an effort to precipitate our noble state into all the dreadful elements of secession" was being perpetrated upon Maryland. Senator James A. Pearce contended that the actions of South Carolina and the Lower South were the result of their belief that Maryland "must follow where they choose to lead us." Former U.S. Congressman, John Woodland Crisfield, admitted that South Carolina "will have much influence upon Maryland," but vowed that it would not be "a controlling

[77] Kennedy, *The Border States*, 6-9; *Easton Gazette*, November 24, 1860; John Woodland Crisfield to Henry Page, January 20, 1860, Henry Page Papers; James A. Pearce quoted in *Baltimore Sun*, November 27, 1960; Lewis H. Wheeler to John Pomeroy, December 22, 1860, January 3, 1861, Baker Wheeler Papers, Special Collections, University of Virginia Library, Charlottesville, Virginia.

influence." The unwillingness of Maryland to be dragged into secession by the more radical states of the Lower South was widely expressed.[78]

The accusations that the actions of immediate secessionists were coercive in nature also contained within them an element of feeling slighted, ignored, and insulted. For example, many Marylanders resented the fact that secession had been carried out "without a word of consultation with their brethren" of the Upper South and that South Carolina had acted without the slightest regard "to our necessities, or our convenience." According to Senator Pearce, "a common cause should have induced a common appeal" before any action was taken, and rather than counseling with the Border States the Lower South had, according to another Marylander, "abandoned [Maryland] to the mercy of [its] enemies at the very moment of danger." In the context of nineteenth-century notions of honor and integrity, many Marylanders were left to wonder: "If that be honorable, I do not know what honour is." Furthermore, the *Easton Gazette* told its readers that the Border States "have a right to be heard, and heard on account of the . . . enormous stake they have at issue." Marylanders questioned whether the Lower South would "turn a deaf ear to their friends," in the same manner they had to the North.[79]

The feeling of abandonment, isolation, and alienation that gripped Maryland in the winter of 1860-61 left many citizens with a sense that the state was now in a vulnerable position within the Union and that it was the actions of the Lower South that had created that situation. Marylanders had concern that secession was going to lead to a bloody civil war that

[78] *Baltimore Sun*, November 7, 1860; *Easton Gazette*, November 24, 1860; Senator James A. Pearce's remarks in *Baltimore Sun*, November 27, 1860; John Woodland Crisfield to Henry Page, January 20, 1860, Henry Page Papers.

[79] *Kent Conservator*, November 27, 1860; *Baltimore Sun*, November 27, 1860; *Easton Gazette*, January 12, 1861, November 24, 1860.

would be waged within their state on account of its geographical position between the seceded states and the North. The dilemma of the state's position was acute due to fear that as the nation ripped apart, the Old Line State would be the seam upon which the rupture would occur. Maryland's vulnerability became more apparent when one considered the location of Washington, D.C., within its borders. It was assumed that any movement toward unilateral secession would be met with a swift reaction by the North. "Is there a man upon earth," questioned a citizen of Talbot County, "so imbecile as to suppose the Federal government will abandon [Washington, D.C.] at the behest of Maryland?" The state shared a common border with the North while the Lower South was "environed by a cordon of slave states," thus rendering it "impossible" for Maryland to act alone. If it did unilaterally separate, one Marylander predicted the state would be "torn by cannon shot and musket fire, her buildings ruined, industries at a standstill, commerce disrupted, laborers out of work, and the people at the mercy of contending armies."[80]

Maryland's governor, Thomas H. Hicks, argued that if Maryland seceded alone, it "must become the battle ground of the hostile sections, subject to all the horrors of border warfare." These two frightening potential outcomes produced in Maryland a powerful backlash against the secessionists of the Lower South that played out in expressions of resentment, anger, and defiance aimed at the separatists' designs. "While our sympathies are with our Southern brethren," wrote U.S. Senator James Pearce, "we cannot but deplore their precipitation in the movements which threaten evil consequences to us." One Marylander went so far as to

[80] *Kent Conservator*, November 27, 1860.

proclaim that as much as he abhorred abolitionists, "I dread [the Lower South's] rashness more than I do their hostility."[81]

In spite of fostering secessionist impulses themselves, many Marylanders resented the actions of South Carolina and the Lower South. The offence, isolation, and coercion felt by the Old Line State produced a refusal to "completely transfer herself to the war-cry of South Carolina," and Maryland was thus forced to chart its own course through the secession crisis, a course that would allow the state to "be free of the extremes," both North and South. One thing was clear, however: Maryland would not secede in order to join a southern confederacy, or as John W. Crisfield aptly put it: "We will not connect our fortunes with the Cotton States!" Instead, the prevailing attitude among willing secessionists in Maryland was to seek a convention of the remaining slaveholding states, similar to the Nashville Convention of 1850-51.[82]

Through this assembly, many believed, the Upper South and Border States could achieve three things. First, the convention could provide the states a platform from which they could demand to have their rights recognized and guaranteed through new constitutional measures. This united action, it was argued, carried with it much influence and warranted strong consideration on the part of Lincoln's administration. Second, if they failed to achieve additional guarantees of southern rights, and if a consensus was reached concerning the need to secede before Lincoln's inauguration, the southern states could do so *en masse* and avoid isolating one or more states. And third, if the states jointly seceded from the Union they could

[81] *Easton Gazette*, January 12, 1861; "K" to John H. Sothoron, date unknown, published in *Easton Gazette*, January 12, 1861.

[82] "Secessionists still on the Move," in *Easton Gazette*, November 24, 1860; John W. Crisfield to Henry Page, January 20, 1861, Henry Page Papers.

form a central confederacy in order to prevent the North from attacking the Lower South militarily, a potential outcome that was assumed would lead to the state being invaded. Maryland was, therefore, a state "standing on the precipice in the dark." If it stepped either toward the Lower South or the North, it would be, in the words of one Marylander, "precipitating [its] own ruin." The state's only course of action was to stand still until a light could illuminate the darkness and allow the Old Line State to "take a step most likely to lead to her safety." Thus, the idea of a central confederacy was born.[83]

Maryland's desire for a convention of the slaveholding states and the possible creation of a central confederacy has not been completely ignored by historians, but it is often dismissed as minor in importance. Whether purposely minimized or forgotten amid the polarities of North and South, the movement in favor a central confederacy to counteract sectional extremism had much support among the state's leadership and citizenry. Numerous public meetings produced resolutions calling for a convention of the remaining slaveholding states in order to "take counsel with our Southern brethren," and to request "further constitutional guarantees from our Northern brethren." This plan of action was endorsed by such state leaders as Governor Thomas H. Hicks, Congressmen James A. Stewart and George W. Hughes, Senator James A. Pearce, Benjamin Chew Howard, and even the firebrand John P. Kennedy. In fact, the opportunity afforded the Border States to mediate the growing crisis served as the theme for Kennedy's widely disseminated pamphlet, *The Border States: Their Power and Duty in the Present Disordered Condition of the Country*. Its purpose, proponents asserted, would be to

[83] "K" to John H. Sothoron, date unknown, published in *Easton Gazette*, January 12, 1861.

consider the grievances of the South, and if the North refused to address them, to "organize a separate Confederacy of the Border States."[84]

The idea of a central confederacy represented Maryland's unwillingness to join a confederacy of the Lower South yet revealed the state's inclination to secede. This sentiment is important because it demonstrates pertinent aspects of the Old Line State's relationship to the Lower South. First, it shows Marylanders' cognizance that their state had different interests from those of their more southern neighbors. For example, many citizens were quick to point out that their state had differing economic interests from the Lower South. John P. Kennedy disparaged the Lower South as "one vast cotton field," while Maryland enjoyed "the most diversified" economy of the South. In addition, some assumed that a southern confederacy would be interested in re-opening the international slave trade, which would result in a "swarm of reinforcements from the shores of Africa." A citizen of Talbot County pointed out that Maryland would oppose that policy because it wanted "restrictions to continue in order to get high prices for our slaves," and to "get rid of our surplus negro population." The tariff too was an economic obstacle. The Lower South "wants her ports open to free trade," complained one citizen, "that her cotton may command higher prices in foreign markets." Yet, Maryland's manufacturing interests relied on the protective tariff to bolster internal production and purchasing. Many citizens held strong beliefs that the state would suffer economically "without a revenue system based on customs." Thus, the economic interests of Maryland did not align

[84] Interestingly, historians have minimized the importance of the idea of a central confederacy among Maryland's political leaders. For example, Jean H. Baker contends that the central confederacy movement "never developed into anything more than the abstraction of pamphleteers." In addition, Carl Frasure and William J. Evitts completely ignore the concept in their works. See, Baker, *Politics of Continuity*, 52; Frasure, "Union Sentiment in Maryland," 210-223; Evitts, *Matter of Allegiance*. "Public Meeting in Frederick County," in *Baltimore Sun*, December 20, 1860; Kennedy, *Border States*, 21.

with the supposed polices of a Lower South confederation. “Beyond the mere institution of slavery,” contended one Marylander, “there is nothing in common between us.”[85]

More important, the Old Line State looked toward the creation of a central confederacy as a means to physically protect itself from antagonistic forces outside its borders by providing a common defense among likeminded Border States, the Upper South, and possibly the southernmost states of the North. Former Maryland congressman Benjamin C. Howard feared the Union was “destined to be cut up…like bread,” and if so, “our slice should be with the Upper South and Pennsylvania.” If the Union failed, declared John P. Kennedy, Maryland should join together with “the Middle States, on both sides of Mason & Dixon’s line.” The benefits of such a confederacy were widely expressed by proponents of the idea. It was hoped that the “whole body of the Middle and Western States” would constitute such a formidable body that the Lower South would be forced to reconsider its actions. Also, a central confederacy could prevent federal coercion of the Lower South by acting as a “natural and appropriate medium” through which the settlement of all differences between the North and Lower South could be obtained. An anonymous letter to the editor of the Baltimore *Daily Exchange* argued that the Border States could “form a wall of brass that neither the fire” from North or South “will be able to overleap.” A central confederacy would also provide Maryland with the necessary security it required for self-defense. And finally, a central confederacy would prevent the Old Line State from aligning itself with the states of the Lower South, whose actions had thrust Maryland into a dangerous position and which was viewed with suspicion,

[85] Ibid, 30-31; *Easton Gazette*, January 12, 1861.

resentment, and fear by many Marylanders. Each of these possible outcomes was preferable to the alternatives.[86]

The willingness of Maryland to accept secession if it led to the formation of a central confederacy also establishes the manner in which the state recognized the designs of immediate, unilateral secession. Citizens of the Old Line State saw such rash action as coercive, insulting, and carried out without the slightest regard for its interests. Coercion of the Upper South and Border States was, in fact, the intended purpose of unilateral action, but Maryland's coolness toward immediate disunion, its refusal to join a southern confederacy, and its enthusiasm for a central confederacy all produced a major setback for Lower South radicals. Instead of producing a unified South, immediate secession ripped the slaveholding states apart and produced alienation, resentment, and suspicion among states of similar economic, societal, and political interests. This result exposed the frailty of southern unity and revealed old antagonisms stemming back to the 1830s.

The election of Abraham Lincoln placed before Maryland the prospects of disunion and war. As one Marylander put it, "no one who did not live south of the Mason-Dixon Line can comprehend the feeling from the election of Lincoln." The election results were seen, at best, as a sectional victory by the Republican party and, at worst, a victory of abolitionist "vampires." Within days of the election, Maryland showed a strong impulse to secede immediately. "The growing sentiment [in Maryland]," wrote the *Philadelphia Inquirer*, "is to unite with the consolidated South." Yet, by the end of November 1860, Unionists worked to check the initial

[86] Benjamin C. Howard to John P. Kennedy, December 27, 1860, John Pendleton Papers, Enoch Pratt Library, Baltimore, Maryland; John P. Kennedy to George S. Bryan, December 27, 1860, ibid; Kennedy, *Border States*, 22-24, 35; "The Union and the State of Maryland," unsigned letter to the Editor of the Baltimore *Daily Exchange*, January 8, 1861.

separatist fervor brought on by Lincoln's election. The news of South Carolina's secession and the likelihood that other Lower States would follow halted the newly rising Unionist tide and shifted momentum back toward those in favor of disunion. The actual breaking of the Union forced upon Maryland a crisis that threatened to rip the state apart. The actions of the Lower South heightened the chances of armed conflict between the sections of the country, a conflict that would likely play out within the borders of the Old Line State. In addition, some Marylanders looked on with hope that compromise efforts under way in Washington, D.C., would produce a peaceful solution, but the state's leadership did not hold much confidence that would happen. Maryland, therefore, could not pin its hopes on solutions offered by the Lower South or by the North. Even if it clung to the Union, the Old Line State was now physically vulnerable because of the unilateral actions of the Lower South. This fact produced suspicion and resentment aimed southward and an outward refusal to join any confederacy with the seceded states. But so too did Maryland's leadership look upon the incoming Lincoln administration with similar suspicion, and many saw little hope for a sensible solution emanating from the North or from Congress. Coupled together, these two sentiments produced in Maryland an enthusiasm to seek alternative arrangements, some middle ground, in order to protect the state from a war many believed was now irrepressible. Cooperative secession and the formation of a central confederacy, many of the state's leaders believed, could provide such an alternative.[87]

[87] Libertus van Bokkelen, "Memorandum on the Civil War," in Muller-Van Bokkelen-Allison Papers 1878-1889, Library of Maryland History, Maryland Historical Society, Baltimore, Maryland; *Philadelphia Inquirer*, November 20, 1860.

As the whirlwind of secession played out in the Lower South, discussion in Maryland centered entirely on the single question of whether the Old Line State should follow the Lower South in disunion or remain in the Union. Many within the state's political leadership supported secession in some manner, but believed that the state should refrain from joining the Lower South in the formation of a southern confederacy. To understand this seemingly contradictory dynamic, one must understand how Marylanders, and the state's political leadership, comprehended the actions of South Carolina and the Lower South. It is clear that there was immense anger, resentment, and frustration on the part of the Old Line State toward the Lower South and its plan of immediate, unilateral secession. Anti-Lower South sentiment ran high in the winter of 1860-61 and produced a belief among many leading Marylanders that the separatists of the Lower South had purposely ignored the Border States, had perpetrated immediate disunion in order to coerce the Border States out of the Union, and had made the Border States physically, politically, and economically vulnerable. Expressions of resentment toward South Carolina, and the Lower South in general, were not unique to Maryland. Indeed, throughout the entire Upper South and Border States, similar reactions occurred. In the Old Line State they were especially important because they largely explain that state's hesitancy to join the Lower South in disunion.

The secession of the Lower South forced the state to choose between conflicting loyalties – to a Union now in control of a sectional party that was perceived to regard the institution of slavery as evil, or to an impulsive southern confederacy Maryland shared little in common with outside a desire to preserve slavery. Politicians, journalists, and public meetings debated a wide range of options for the state to consider: unconditional unionism, conditional

unionism, qualified disunion, and unconditional secession. All involved in the debate invoked honor, history, the Constitution, and the relationship of the Old Line State to the rest of the South. Maryland's struggle in the secession crisis, however, was not between the forces of Unionism and secessionism. The clash over what position Maryland should take was largely a conflict between unilateral secessionists and those who wished to leave the Union through a cooperative effort with the other states. [88]

Maryland was heavily influenced by secessionists and was not the Unionist stronghold often depicted in previous accounts. Half of the state's representatives in the United States Congress supported the right of a state to secede, countless newspapers endorsed the legitimacy of disunion, and numerous public meetings held throughout the state called for either unilateral secession or cooperative separation if additional constitutional guarantees could not be obtained from the incoming Lincoln administration. The major matters of contention were the timing, need for, and execution of secession, not the actual right to do so. The Old Line State's leadership generally favored one kind of secession or another. This is exactly what Illinois Congressman Elihu B. Washburne expressed to Abraham Lincoln when he warned the president-elect that "the very worst secessionists and traitors at heart, are *pretended* Union men." To Washburne, Maryland was "rotten to the core."[89]

The idea of a central confederacy was also predicated on Marylanders' sense of duty to prevent the two antagonistic sections of the country from instigating an armed conflict. In fact, there was widespread agreement in the state that the Lower South should be allowed to go in

[88] Remarks of William H. Ryan in *Baltimore Sun*, December 24, 1860; For historians that emphasize a Unionist majority within Maryland see Frasure, "Union Sentiment in Maryland," 210-224; Evitts, *Matter of Allegiance*.

[89] Elihu B. Washburne to Abraham Lincoln, January 10, 1861, in David C. Mearns, *The Lincoln Papers*, 2 vols. (New York: Doubelday and Company, 1948), 2:398.

peace and that the federal government should not resort to forced coercion to hold them in the Union. A central confederacy could act as a buffer zone between the North and South. This commitment to resisting the coercion of any southern state sent a message to the Lower South. If the Border States were committed to resisting federal strong-arming, then perhaps those states' choice between remaining in the Union and disunion could be predicted if armed conflict erupted. And, if their choice could be predicted, perhaps it could be forced. South Carolina's David Hamilton was aware of this when he wrote, "I am amused at the coolness with which the Southern States offer to march to the assistance of [South Carolina] – they must be sleeping in fancied security – why in less than a year it is more than likely that the whole South will be in a blaze from one end to the other." Yet, Maryland did not sleep in fancied security. Instead, it understood the explicit truth that the Lower South or the North could precipitate a war from which Marylanders could not escape. With secession of the Lower South came the understanding that only two courses of action remained for the federal government. It could let the Lower South go in peace, or it must attempt to coerce them back into the Union. Maryland was committed to resisting the latter while supporting the former. This commitment was embodied in the state's willingness to form a central confederacy in order to achieve both outcomes and prevent the state from being torn asunder.[90]

The struggle in Maryland between unilateralists and cooperationists was characterized by the former, along with external aid, exerting immense pressure on the state's leadership to call for a secession convention to secede unilaterally and join the Lower South in a southern confederacy. Yet in order for the state to secede, Maryland's Governor, Thomas H. Hicks, had

[90] David Hamilton quoted in Charles E. Cauthen, *South Carolina Goes to War* (Chapel Hill: The University of North Carolina Press, 1950), 134.

to convene the legislature to consider calling for a secession convention. Maryland's legislature was not scheduled to meet again until 1862, so Hicks was in a unique position to resist impulsive cries for disunion because only he could call for a special session. In Hicks, more than in any other figure in Maryland, rested the momentous decision of whether the Old Line State would secede before Lincoln's inauguration and join a southern confederacy or pursue other avenues of action in the tumultuous months of the secession crisis. This fact was well known to unilateral secessionists both inside and outside the state. Within Maryland, radicals pummeled Hicks with petitions and demands for immediate action. From the Lower South, the governor was besieged by commissioners dispatched in order to persuade him to act.

CHAPTER 4

"WHEN TIME FOR ACTION ARRIVES . . . YOU MAY BE ASSURED I SHALL BE READY TO ACT"[91]

GOVERNOR THOMAS HOLLIDAY HICKS AND THE SECESSION CRISIS

The most difficult figure in Maryland to understand during the secession crisis was the state's governor, Thomas Holliday Hicks. Indeed, he was as baffling to understand for his contemporaries as he has proven to be for modern historians. Writing in 1865, Horace Greeley contended that Hicks exhibited "unflinching devotion to the Union, the Constitution, and the enforcement of the laws." Henry Wilson, a United States Senator from Massachusetts, wrote in 1877 that Hicks was "opposed to the policy of secession, distrusted its leaders, and refused" to act with them. Even Lincoln's secretaries, John Nicolay and John Hay, in 1886, wrote that "the Governor of Maryland was a friend to the Union," and "was active and energetic in behalf of the Government."[92]

Among modern historians, Governor Hicks is usually described as a devoted Unionist who held Maryland loyal to the Union in the face of withering public and private assaults on his leadership and character. For example, In *A Matter of Allegiances*, William J. Evitts argued that Hicks resisted both external and internal forces urging Maryland to secede because "he desired to keep Maryland in the Union," and that his "devotion to the Union was firm." Jean Baker, in *The Politics of Continuity*, comes closest to uncovering Hicks's true sentiments. According to

[91] Thomas H. Hicks to Thomas G. Pratt, Sprigg Harwood, J.L. Franklin, Llewllyn Boyh, and T. Pickney, November 27, 1860, Governors' Letterbooks, Maryland State Archives, Baltimore, Maryland.

[92] Horace Greeley, *The American Conflict: A History of the Great Rebellion in the United States of America, 1860-65* (Hartford, CT: O. D. Case & Company, 1867), 461; Henry Wilson, *History of the Rise and Fall of the Slave Power in America*, 3 volumes (Boston: James R. Osgood and Company, 1877), 3:185; Nicolay and John Hay, eds., *Abraham Lincoln*, 4:93.

Baker, Hicks wavered on Maryland's proper relationship to both the Union and the South and was "firmly convinced of the need of common action by the border states." Once the Washington Peace Conference collapsed, however, Baker argues, Maryland chose to remain in the Union because of Hick's "revived Unionism." In *The Impending Crisis*, David M. Potter likens Hicks to Texas Governor Sam Houston, and while he does not directly label Hicks as a Unionist, it is implied by the comparison. Evidence will show, however, that while Hicks was not a radical separatist, in favor of his state taking unilateral action, he did believe that secession was constitutionally legitimate, favored allowing the seceded states to go in peace, laid the groundwork for possible cooperative action by the Border States, and advocated the creation of a central confederacy. What has misled observers is that Hicks did not support Maryland joining the Lower South in confederation; therefore, he appeared to be a pure Unionist.[93]

Pertinent questions arise, then, concerning Hicks and his actions in the secession winter of 1860-61. First, what was Hicks's attitude toward secession in general and as a remedy for southern grievances? Second, how did Hicks interpret the unilateral actions of the Lower South, and how did that interpretation shape his approach to the secession crisis of 1860-61? Third, what role did Hicks play in preventing Maryland from immediately seceding following Lincoln's election, and what obstacles did he have to overcome to achieve this? And finally, what course of action did Hicks pursue concerning Maryland and the other Border States, and why did he support that plan of action rather than joining the Lower South in the creation of a southern confederacy? Answers to these inquiries will demonstrate that Thomas H. Hicks, in spite of tremendous pressure both inside and outside the state, played a central role in

[93] Evitts, *Matter of Allegiances*, 162; Baker, *Politics of Continuity*, 50, 54; Potter, *Impending Crisis*, 510.

preventing Maryland's immediate separation by pursuing a path that did not discount secession's legitimacy but insisted that it be carried out in a manner that served the Old Line State's interests.[94]

Thomas Holliday Hicks was born on September 2, 1798, near East Market in Dorchester County, in Eastern Maryland. The eldest of thirteen children born to Henry C. and Mary (Sewell) Hicks, Thomas spent his youth living and working on the family farm located on the Eastern Shore. In spite of limited opportunities to gain an education, he entered public service at the age of twenty-one after being elected town constable. In 1824 he served as sheriff of Dorchester County and remained a public servant until his death. In 1829, 1830, and 1836 he served as one of four representatives from Dorchester County to the Maryland House of Delegates, the state legislature's lower house. Appointed a member of the state's senatorial electoral college in 1836, he participated in deliberations that resulted in reforms made to the Maryland constitution. The next year the state legislature appointed Hicks to the Governor's Council, a five person advisory body of considerable influence. In 1838 he was Register of Wills for his home county and remained in that post until 1857. Amid the unsettling sectional crisis of the late 1840s, Maryland became embroiled in a heated debate concerning reforms to the state constitution that would have the effect of lessening the disproportionate political control the Eastern Shore and Southern Maryland wielded over the rest of the state. In 1850 Hicks served on the Maryland Constitutional Revision Commission and worked to propose reforms for a new state constitution. He later represented Dorchester County at a constitutional convention that produced Maryland's 1851 governing charter. Thomas belonged to several

[94] Thomas H. Hicks to William Burton, January 2, 1861, Thomas H. Hicks Papers, Maryland Historical Society, H. Furlong Baldwin Library, Special Collections: Manuscripts, Baltimore Maryland.

different political parties during the course of his public service. He started out as a Democrat, but by 1836 he had become a Whig. In 1857 Hicks converted his party affiliation once again, this time to the American, or the "Know-Nothing," party. As a standard bearer of that party he defeated John C. Groome by nearly 9,000 votes in the 1857 gubernatorial election, becoming the Old Line State's eldest elected governor.[95]

He married three times in his life and had a number of children. When he did not reside in Annapolis, he could be found on his farm along the Choptank River in southern Dorchester County where, according to the 1860 Federal Census, he owned two elderly slaves. Hicks was an ordinary man, a farmer of middling means, and a state politician from the Delmarva Peninsula who devoted his life to climbing the state's political ladder from county official to state governor. Three years into his term of office, Thomas H. Hicks was confronted with a greater responsibility than any other Maryland governor in the state's history. A rather ordinary politician by most standards and nearing the end of his term, the unassuming Hicks was to play a major role determining Maryland's fate in the secession crisis of 1860-61, a crisis, one historian noted, "nothing in his experience had prepared him for."[96]

It can be difficult to overcome hindsight in the matter of Thomas H. Hicks's views on secession. Since he prevented Maryland's immediate separation, many have assumed that he not recognize the right of secession. However, ample evidence indicates that he accepted the right of a state to withdraw from the Union in both the abstract and as a reality. As far back as

[95] For biographical information on Thomas H. Hicks, see *Biographical Directory of the United States Congress* (http://bioguide.congress.gov/scripts/biodisplay.pl?index=H000567); Radcliffe, *Governor Thomas H. Hicks of Maryland*, 11-12; Frank F. White, Jr., *The Governors of Maryland, 1777-1970* (Annapolis: The Hall of Records Commission, 1970), 153-157.

[96] Evitts, *Matter of Allegiances*, 161. For census data concerning Hicks in 1860, see *Eighth Census of the United States, 1860, Schedule I – Free Inhabitants*: NARA microfilm series M653, roll 457, p. 770, and *Schedule II – Slave Inhabitants*, NARA microfilm M653, roll 484, p. 246.

1850, while a member of the Maryland Constitutional Revision Commission, Hicks exhibited an open mind on secession. This commission's responsibility was to recommend and institute reforms to the Maryland state constitution, and Hicks fought unsuccessfully for the inclusion of a clause granting "any portion of the people of this state . . . the right to secede . . . provided such withdrawal . . . be peaceable, mutual and in accordance with the authority of the United States." In defense of this motion, he stated that he did not necessarily wish a division of the state, but simply wanted the abstract right of separation to be formally stated. However, the subdivision of a state and the secession of an entire state from the Union are not the same thing. One can accept the former and reject the latter. Nevertheless, it is a noteworthy statement by Hicks because it implied he might be sympathetic to the idea of secession based upon his opinions concerning the division of a state. Hicks's support for such action contained within it important qualifiers that it be "mutual" and "peaceable." If applied to the idea of secession, it is clear that without mutual agreement by all parties involved, Hicks did not believe the act could be carried out peaceably. It is this precise belief that guided him in the secession crisis of 1860-61. Without common approval of secession's legitimacy by both North and South, it would be impossible to prevent a war between the states. Hicks reflected this understanding by always projecting Maryland as a state caught between two antagonistic sections of the nation. In his inaugural address on January 13, 1858, the governor strongly supported the Union, but positioned Maryland between radical factions trying to destroy the Union. Maryland, Hicks stated, had "never listened to the suggestions of disunion from the Southern states, and has refused to join the misguided people of the Northern states in their assaults on slavery." Based upon his views concerning the subdivision of a state, Hicks held an

open mind on the possibility of secession's legality even before the 1860-61 crisis began. That liberalism in thought as well as his placement of Maryland outside the trappings of radicals both North and South becomes more obvious in his statements during the winter of 1860-61.[97]

In the weeks following Lincoln's election it is clear that Hicks did not favor rushing into disunion and adopted a cautious approach indicative of conditional Unionists across the South. The governor admitted countless times that he was opposed to Lincoln's election and, as far as his influence could extend, "did all in my power to defeat him." He routinely reminded citizens that while they may not like the Republican victory, Lincoln had been constitutionally elected and "the South must recognize and respect the result." While quick to assure citizens that he was "by birth and every other tie with the South, a slave holder," Hicks consistently felt compelled to declare that he saw nothing in Lincoln's election "which would justify the South in taking any steps toward a separation of these States."[98]

The public and private statements made by the governor always strongly implied action if circumstances dictated that he and the state must act. For example, Hicks assured state politicians and the public that he was prepared to "seek redress or our grievances by any and all proper means," and that "when it becomes necessary, and the true time for action arrives . . .

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[97] *Debates and Proceedings of the Maryland Reform Convention to Revise the State Constitution*, 2 volumes (Annapolis: William McNeir, 1851), 1:150-151; The Inaugural Address of Thomas H. Hicks, Governor of Maryland, Delivered in the Senate Chamber, at Annapolis, Wednesday, January 13th, 1858, *Proceedings of the Governor, 1839-1861*, Maryland State Archives microfilm series M3162, Unit 3, 1095.

[98] Hicks always made it a point to emphasis his southern credentials. In a public address to the people of Maryland he wrote: "It is unnecessary for me to make extravagant professions of devotion to the South…I am a Marylander by birth, and descent, and by a residence of more than sixty years. Every dollar of property I own is invested in this State. I am a slaveholder, not by accident, but by purchase, out of the hard earnings of a long life of toil. I have not a conviction or prejudice which is not in favor of my native State. I have never lived and should be sorry to be obliged to live, in a State where slavery does not exist, and I never will do so if I can avoid it. Whatever would impair the rights of slaveholders in Maryland, would equally injure me, and the instinct of self-interest, if no higher motive, would impel me to stand by the South while life shall last." See "Address of Gov. Thomas H. Hicks to the People of Maryland," January 3rd, 1861, Governors' Letterbooks.

you may be assured I shall be ready to act." The use of the term "action" is quite significant here because it meant that something was to be done. Remaining in the Union was not an action; therefore, action meant secession. Still, Hicks was not prepared to "consent to an effort" to dissolve the Union until "every honorable, Constitutional and lawful effort" to secure southern rights was exhausted. Governor Hicks never eliminated secession in theory nor in fact. He freely admitted that if Maryland could not enjoy its rights guaranteed by the Constitution, then he would "be the last one to object to a withdrawal of our State." But, until that effort was found to be in vain, the governor assured citizens, he would not "aid in the dismemberment of this Union."[99]

Statements such as these indicate that Hicks blurred the line between conditional Unionist and conditional (very conditional) secessionist. There was, however, not much difference between the positions because the former would accept the position of the latter based upon timing. The governor was clearly not prepared to act rashly and did not believe the Lower South should either, but he was prepared to act if circumstances arose that forced him to do so. As news of the Lower South's intentions to secede reached the Old Line State, Hicks observed that the Union was "under a dark cloud" of rampant fanaticism. Nevertheless, he did not wish to see the secession of the Lower South violently resisted by the North. His initial reaction to news that South Carolina was about to secede was expressed to John J. Crittenden when he wrote that the Palmetto State should be allowed to separate "without collision, the

[99] Thomas H. Hicks to Thomas G. Pratt, Sprigg Harwood, J.L. Franklin, Llewllyn Boyh, and T. Pickney, November 27, 1860, Governors' Letterbooks; Gov. Thomas H. Hicks to Tilghman Nuttle, John E. Smith, John S. Watkins, Coleman Yellott, Andrew A. Lynch, John B. Brooke, Thomas J. McKaig, Franklin Whitaker, Charles F. Goldsborough, John J. Heckart, January 5th, 1861, ibid; Thomas H. Hicks to Alexander Hamilton Handy, December 19, 1860, ibid; Gov. Thomas H. Hicks to John Contee, Esq., December 6, 1860, published in *Easton Gazette*, December 21, 1860; Thomas H. Hicks to Alexander Hamilton Handy, December 19, 1860, Governor's Letterbooks.

shedding of blood I mean." He held out hope that once Lincoln was inaugurated and the president's intentions toward addressing southern grievances were known, southern radicals would be "ashamed of what they are now endeavoring to do." Hicks appears to have been committed to the Union based upon certain conditions being met by the incoming Lincoln administration. He remained committed to this position once secession had actually occurred.[100]

The reaction of Governor Hicks to the secession of the Lower South is best characterized as resentful, angry, and indicative of someone unwilling to be dragged into disunion by radical separatists. In public addresses and private correspondence, Hicks routinely described the actions of the Lower South as radical, coercive, and carried out without the slightest regard for the interests of the Old Line State. The governor considered the actions of the Lower South to be based upon causes that were "without just foundations." He did not believe that the election of Lincoln, grievances over governmental policies such as tariffs, nor personal liberty laws in many northern states justified the radical actions taken by the seceding states. Describing the secession of the states of the Lower South as "precipitate and revolutionary action," Hicks considered the timing of their withdrawal to be drastic and "the worst possible means of remedying the evils," of which they complain, or of preventing the hostility they believed would result from Lincoln's election.[101]

In addition, he charged that the Lower South was attempting to "precipitate into secession" the Old Line State in order to achieve certain objectives, such as securing for it the

[100] Gov. Thomas H. Hicks to Gov. Beriah Magoffin, December 10th, 1860, and Gov. Thomas H. Hicks to John J. Crittenden, December 13th, 1860, Thomas H. Hicks Papers.

[101] Thomas H. Hicks to Thomas G. Pratt, Sprigg Harwood, J.L. Franklin, Llewllyn Boyh, and T. Pickney, November 27, 1860, Governor's Letterbooks; Thomas H. Hicks to Alexander Hamilton Handy, December 19, 1860, ibid; Thomas H. Hicks to Jabez L. M. Curry, January 8, 1861, ibid.

District of Columbia for an emerging southern confederacy and providing a buffer against the North. This interpretation was paramount in Governor Hicks's thought process throughout the secession crisis and underscores the reasons he did not pursue a policy that would have resulted in Maryland's separation only to join a southern confederacy. With regard to the location of Washington, D.C., within the original borders of Maryland, Hicks saw quite clearly the strategic advantage his state could provide secessionists. Indeed, he believed this to be a fundamental motive for coercing Maryland out of the Union: "A great effort . . . to secure Maryland with the recusant Southern states is prompted by their desire to get the National Capitol in their Southern Union when it is formed." It appeared to him that the "post haste" with which some of the southern states moved toward disunion stemmed from a conviction that to hesitate, as they had in 1850, would lose the Border States. In short, Hicks was convinced that the intended outcome of the Lower South's unilateral secession was to coerce the Old Line State to act.[102]

In an address to the people of Maryland, he contended that "there is nothing in the present causes of complaint to justify immediate secession." The state was being precipitated into disunion "because South Carolina thinks differently." The governor believed that the unilateral separation of the Lower South was carried out in order to "control our actions" and to force Maryland to "obey their mandates." To Hicks, the designs of immediate secession were to force the Border States to act "without time for reflection," and sway states such as Maryland to either join in disunion or risk being "discarded by its Southern Sisters." As a result,

[102] Thomas H. Hicks to William Burton, January 2, 1861, Thomas H. Hicks Papers; Gov. Thomas H. Hicks to John Contee, Esq., December 6, 1860, published in *Easton Gazette*, December 21, 1860.

the governor was inclined to "regard with deepest concern" the actions of the Lower South as "greatly affecting [Maryland's] position."[103]

Charges made by Hicks that the Lower South had acted impulsively and coercively led to accusations that secession was carried out without the slightest regard for the interests of the Border States, and particularly Maryland. He regularly emphasized the importance of Maryland's geographical position as well as those of the other Border States, and it was this position that Hicks contended had been wholly ignored by the separatists of the Lower South. "The position of Maryland," wrote Hicks, "renders [secession] a matter of very grave importance." Chief among the concerns of the Border States was the likely outcome of civil war following the secession of the Lower South. The location of Washington, D.C., within Maryland's borders virtually ensured armed conflict. Simple considerations such as these are what Hicks railed against when considering the actions of the Lower South. To Hicks, the immediate secession of Maryland would make his state the "battle ground of the hostile sections, subject to all the horrors of border warfare." This occurrence, he noted, would shift the violence "from the States which provoked it," to the Border States and force Maryland "to fight the battles of the *Cotton* States."[104]

In addition, Governor Hicks argued that the Lower South's action had ignored the Old Line State's peculiar institution, specifically as it related to fugitive slaves. Maryland now found itself in a vulnerable position within the Union, and the governor looked upon the withdrawal

[103] Address of Gov. Thomas H. Hicks to the People of Maryland, January 3rd, 1861, and Thomas H. Hicks to Ambrose R. Wright, March 1, 1861, Governors' Letterbooks.

[104] The emphasis on "*Cotton* States" was added by Hicks and is telling of the governor's distinction between the Border States and Lower South. Address of Gov. Thomas H. Hicks to the People of Maryland, January 3rd, 1861, Governors' Letterbooks; Gov. Thomas H. Hicks to John Contee, Esq., December 6, 1860, published in *Easton Gazette*, December 21, 1860.

of southern votes and influence from Congress with immense regret. The secession of seven slave states from the Union resulted in the remaining slave states becoming an even smaller minority. Hicks's fear was that with the loss of southern influence in Congress, there would be little to stop the federal government from "becoming the instrument of destruction" that secessionists claimed it already was. Without the bulwark of southern votes and influence, Hicks predicted, the Border States would be greatly affected by any northern effort to "interfere with the institutions or domestic relations of the slaveholding states." Furthermore, he predicted if Maryland did secede, "in ten years there will not be a slave within her limits." The 233 miles of exposed border between Maryland and Pennsylvania provided ample opportunity for slaves to run away to the North. Hicks argued that within the Union, Maryland was able "to have right to complain and to redress," for their return. However, if it seceded, the state would lose these rights and be left with "a foreign hostile asylum to fugitive slaves" upon its immediate border to the north and subject to "a foreign hostile population," unrestrained by constitutional law, which could "incite insurrection . . . the worst of all possible calamities." Hicks believed Maryland had been abandoned and deserted by the Lower South, a development he described as producing a "profoundest sorrow" in him.[105]

A high level of indignation toward the Lower South permeates the writings of Governor Hicks during the secession crisis. Given the vitally important issues facing the state, he assumed that the "wishes and interests and feelings," of Marylanders were entitled to consideration by the Lower South. However, the sudden withdrawal of the lower states was cited by the governor as "evincing a disregard" of the interests of the Border States. He was forced to

[105] Gov. Thomas H. Hicks to John Contee, Esq., December 6, 1860, published in *Easton Gazette*, December 21, 1860; Gov. Thomas H. Hicks to Jabex L. M. Curry, January 8, 1861, Governor's Letterbooks.

question whether the Old Line State owed anything to the Lower South because if those states had "refused to wait for our counsel," then was Maryland "bound to obey her commands?" Additionally, he often stated he viewed the radical separatists with "mortification and regret," and argued their actions would lead "not to the security of our rights, but to their injury, and to the final and speedy destruction of those very interests on whose behalf such precipitate action was begun." This sentiment is important because it indicates that while Hicks viewed the incoming Lincoln administration with suspicion, he placed the blame for creating the present crisis squarely on the shoulders of the Lower South, which is an important aspect of how the governor processed the entire secession crisis. [106]

The Border States, Hicks contended, were disregarded by the Lower South, whose radical actions were taken in order to shelter themselves "from imagined evils, or of those they pretend to apprehend." But in doing so, he argued, they condemned Maryland to the very real prospect of "utter destruction and ruin." The governor believed that it would be the Border States, "more than all others combined," that would suffer as a result of immediate, unilateral secession. While Hicks was willing to sympathize with his far southern brethren, he freely admitted that Maryland was "not yet willing to follow the example which the [Lower South] afforded." This does not mean that he would not support Maryland's secession at a later date and under different circumstances. It does mean, however, that in the direct aftermath of Lincoln's election, Maryland would not follow the Lower South in disunion. Moreover, Hicks's

[106] Gov. Thomas H. Hicks to Alexander H. Handy, December 19, 1860, Governors' Letterbooks,; Gov. Thomas H. Hicks to Jabex L. M. Curry, January 8, 1861, ibid; Address of Gov. Thomas H. Hicks to the People of Maryland, January 3rd, 1861, ibid. A hand written copy of this address exists in the Governor's Letterbooks at the Maryland State Archives, but it was also printed in countless newspapers across the state. The emphasis on "Cotton States" was added by Hicks and is telling of the Governor's distinction between the Border States and Lower South. Gov. Thomas H. Hicks to Jabex L. M. Curry, January 8, 1861, Governors' Letterbooks.

belief that the impulsive actions of the radical separatists were, at best, wholly ignorant of the Border States' interests or, at worst, coercive by design left Maryland alienated, slighted, and discounted by fellow slaveholding states. This sentiment would have a tremendous effect on the course of action he, and his state, would take in the secession crisis.[107]

Governor Hicks played an important role in preventing his home state from following the first wave of seceding states out of the Union. By the time the Lower South states seceded from the Union, most Marylanders thought only in terms of the state's response to it, and as it became clear the Union was broken, they asked "What shall Maryland do?" In order for the state to secede from the Union, its legislature was required to call for a special convention to consider the question. However, the state constitution prescribed biennial sessions of the state legislature, which had already met in early 1860 and would not meet again until 1862. If Maryland wanted to secede, the legislature had to be convened in a special session, something only the governor could do. Thus, within the hands of Governor Thomas H. Hicks rested the immense power to determine Maryland's course of action. Cognizant of this fact, he complained that his "duties would perplex a saint."[108]

Convening Maryland's General Assembly would present definite hazards. For example, those sections of the state (Eastern Shore and southern Maryland) that contained the highest percentages of Maryland's slaves and slaveholding families and hence were more pro-southern,

[107] Thomas H. Hicks to Jabex L. M. Curry, January 8, 1861, and Thomas H. Hicks to Alexander H. Handy, December 19, 1860, and Thomas H. Hicks to Ambrose R. Wright, March 1, 1861, Governor's Letterbooks.

[108] The power to convene the General Assembly in a special session is given to the governor in Article 2, Section 16 of the Maryland State Constitution. It reads: "The Governor may convene the Legislature or the Senate alone, on extraordinary occasions." The term "extraordinary" had profound meaning for both those Marylanders that wanted to see the General Assembly meet, as well as the Governor, who would argue that he did not believe the times constituted and "extraordinary occasion." Thomas H. Hicks to James Dorsey, March 22, 1861, John W. Dorsey Papers, H. Furlong Baldwin Library, Maryland Historical Society, Baltimore, Maryland.

were overrepresented in the legislature.[109] Also, in early 1860 amid high tensions between the sections of the nation, the General Assembly resolved that in the event of the Union being dissolved, "Maryland will cast her lot with her sister states of the South and abide their fortune to the fullest extent." Merely charged rhetoric at the time of its passage, this resolution became disturbing oratory once secession had actually occurred because members of the 1860 General Assembly would be the members in any special session called for by Hicks. As a result, those who wished to see their state immediately secede looked upon the legislature as the gate to disunion and, by proxy, they looked upon Governor Hicks as the key master. A small, but vocal, segment of the Old Line State began to exert heavy pressure upon Hicks, urging that he call the General Assembly into session at once.[110]

Immediate secessionists addressed countless petitions to the governor. They also held numerous public meetings across the state to drum up support for their cause. The petitions that poured in upon Hicks suggested no single course of action or line of policy as to what the legislature, after being assembled, should adopt. In the main, however, the petitions did

[109] While the Eastern Shore and southern Maryland contained only 25.3 percent of the state's white population, the counties that made up these areas controlled nearly half of all the seats combined in both houses of the General Assembly (forty-six out of ninety-six seats). State law gave a disproportionate amount of control and influence to the lesser populated slaveholding counties. For more on the history of Maryland's legislative apportionment, see James Warner Harry, *The Maryland Constitution of 1851* (Baltimore: The Johns Hopkins University Press, 1902); Ralph A. Wooster, *Politicians, Planters, and Plain Folk: Courthouse and Statehouse in the Upper South, 1850-1860* (Knoxville: University of Tennessee Press, 1975); Wooster, *Secession Conventions of the South*.

[110] The resolution adopted by the 1860 General Assembly warrants context. In the aftermath of the John Brown raid on Harpers' Ferry, Virginia, South Carolina Governor William H. Gist sent letters to the other slaveholding states' governors calling for a special convention of the southern states to consider "concerted action." Gist assured Hicks that "concerted action" did not have to imply secession. Hicks replied to Gist that he was pleased to read the moderate purpose of the proposed convention but that he saw no reason to convene the slaveholding states. The Maryland General Assembly formally upheld Hicks's response to Gist. However, in early 1860 no state had actually seceded yet, and while the Maryland legislature declined to align themselves with the radicals of South Carolina, it did resolve that if the Union dissolved, Maryland would go with the South. See *Journal of the Proceedings of the Senate of Maryland, January Session, 1860* (Annapolis, Maryland: Beale H. Richardson, 1860), Document CC. Also, see *Journal of the Proceedings of the House of Delegates*, January Session, 1860 (Annapolis, Maryland: Elihu S. Riley, 1860), Document KK.

express a common desire that the state's legal authorities should take steps to preserve peace in the state and guard the interests of Maryland if they became imperiled. Two petitions from Talbot County linked the calling of the legislature with a declaration that Maryland was a southern state. In another, "concerned citizens" of Hartford County argued that the legislature should be convened so that a convention could be specifically empowered to "entertain" the idea of unilateral action. At a public meeting at the Old Universalists Church in Baltimore, attendees were treated to opinionated speeches from some of the state's leading citizens. The purpose of the meeting was to pressure "the Governor to convoke the Legislature," and newspapers reported it to contain "an unusual unity of feeling" that Maryland should take its "position with her sister States of the South." The speakers, including Chief Judge John Carroll LeGrand of Maryland's Court of Appeals, all agreed that while a majority of Marylanders had opposed immediate secession, "circumstances alter cases," and that now the Old Line State should "go with the South."[111]

In spite of the outpouring of petitions, Hicks chose to ignore their requests because he was convinced the legislature would at once declare in favor of the seceded states, authorize a special convention that would vote to secede unilaterally, and align Maryland with the creation of a southern confederacy. This course of action was viewed by the governor as dangerous and counter to the state's best interests. "Public Property and even private is in danger," argued a close friend of Hicks, "and personal safety is at a discount should the legislature of this state be

[111] *Baltimore Sun*, December 24, 1860, January 10, 19, and February 3, 1861. John C. Legrand was a leading political figure in the state. He had been a member of the House of Delegates from 1839 to 1841 and served as Speaker of the House in 1841. From 1842 to 1844 he served as Maryland's Secretary of State and from 1844 to 1851 he was judge on Maryland's Sixth Judicial Circuit Court. From 1851 to 1861 he was the Chief Justice of Maryland's Court of Appeals. See Carroll T. Bond, *The Court of Appeals of Maryland: A History* (Baltimore: The Barton-Gillet Company, 1928).

brought together." In late November in Baltimore a convention of Douglas Democrats resolved that a special session should not be called because "a majority of that Legislature are secessionists," and should not be allowed to "effect such object." With these sentiments the governor completely agreed, and he freely expressed his opinion that to convene the legislature at that time would only increase "the excitement now pervading the country." If he called the General Assembly to a special session, he feared that it would send the wrong message to the North and be seen as evidence that Maryland had abandoned all hope of preserving the Union and was "preparing to join the traitors to destroy it."[112]

Hicks operated under the assumption that if the North believed Maryland was preparing to secede unilaterally, it would immediately invade the state in order to secure Washington, D.C.. "From the location of the National Capitol" wrote Hicks, "Maryland would inevitably become the chosen battle ground." The thinking went, then, that immediate action by Maryland would result in "civil war upon Maryland soil," and "our homes the scenes of violence and excess plunder." He admitted that giving in to demands to convene the legislature would be easier for him and secure for him "the ephemeral outward popularity of the day," but he could not escape the nagging realization that if he acted hastily it would only result in driving the state "headlong into war and misery."[113]

Beyond the potential of armed conflict within Maryland's borders, Hicks also had to contend with the issue of what relationship Maryland would have with the other slaveholding states if it did secede. The intentions of the Lower South to form a southern confederacy were

[112] William Louis Schley to Thomas H. Hicks, January 16, 1861, Hicks Papers (MS 1313), H. Furlong Baldwin Library, Special Collections, Maryland Historical Society, Baltimore; *Easton Gazette*, December 1, 1860.

[113] Gov. Thomas H. Hicks to Thomas G. Pratt, Sprigg Harwood, J.L. Franklin, Llewllyn Boyh, and T. Pinkney, November 27th, 1860, and Address of Gov. Thomas H. Hicks to the People of Maryland, January 3rd, 1861, Governors' Letterbooks.

well known in the days leading up to and weeks after the first wave of secession. If Maryland wanted to secede, it could do so knowing it had the option to join in the creation of a southern nation. This understanding greatly influenced the governor's refusal to convene the legislature because he did not see Maryland's future linked with that of the Lower South. In fact, Hicks believed that efforts to force him to convene the legislature were a "scheme" designed to align the Old Line State with a southern confederacy. Beyond this conviction, the governor exhibited strong feelings of anger and resentment toward the Lower South's actions. All of this combined to create an attitude in Hicks that if Maryland did secede, it could expect "no relief in a new Confederacy," because it offered "far less security than the present Union."[114]

Statements such as these referred to the idea that any southern confederacy would be powerless to protect Maryland's coastline and harbors from a northern blockade, nor could it protect the state's northern border. In Hicks's mind "difficulties multiplied as we proceed with the consideration of this subject." These statements are profound because they show very clearly that Governor Hicks believed that if he called the General Assembly together, it would result in Maryland's secession as well as the state's eventual joining with the Lower South in confederation, the latter of which Hicks was adamantly opposed to: "I would rather die a thousand deaths than . . . allow Maryland to slide into the ranks of the seceding states." In other words, Hicks was unwilling to be coerced into disunion by extremists of the Lower South

[114] Ibid.

who had ignored and would likely continue to ignore Maryland's interests. Instead, he pursued a course of action he believed placed the interests of the state on secure ground.[115]

Throughout the secession crisis, Governor Hicks routinely altered his position concerning Maryland's course of action. In the immediate aftermath of Lincoln's election, he maintained a strong stance that this event was not enough for Maryland to take "hasty action." And yet, he always maintained that Marylanders "will not fail to act with boldness, when it becomes necessary." Until that time arrived, he would not "rush into peril which prudence may avoid." By late November, he concluded that Maryland might need to secede but that it could not do so independently from the other southern states. "If the Union be dissolved," Hicks wrote a close friend, "let it be done calmly, deliberately, and after full reflection on the part of a United South." The governor's use of the term "United South" is important because he was advocating that secession, if needed, be carried out jointly among all the slaveholding states. However, a reasonable amount of time must be afforded the federal government for action, the governor argued, and if it failed to "observe the plain requirements of the constitution" then, in his judgment, "we shall be fully warranted in demanding a division of the country." On the surface, it appeared as though Hicks was a conditional Unionist in his attitude toward the crisis, but willing to accept secession, as a last resort, if it were carried out cooperatively among all the slaveholding states. Indeed, he urged moderation and patience for Maryland to allow the U.S. Congress time to settle the dispute. The time for disunion had not arrived, he believed, but if conditions did not change, the Southern states, including Maryland, should withdraw

[115] Address of Gov. Thomas H. Hicks to the People of Maryland, January 3rd, 1861, Governors' Letterbooks; Thomas H. Hicks to William Burton, January 2, 1861, Thomas H. Hicks Papers; Thomas H. Hicks to Jabez L. M. Curry, January 8, 1861, and Thomas H. Hicks to Thomas G. Pratt, Sprigg Harwood, J.L. Franklin, Llewllyn Boyh, and T. Pinkney, November 27th, 1860, Governor's Letterbooks.

from the Union. And yet, he never pinned Maryland's future to that of the Lower South states.[116]

While advocating patience in the crisis, he was, at the same time, pragmatically laying the groundwork for possible joint action of the Border States. He realized that Maryland would be in an exposed position if it left the Union alone, and he wanted to ensure that if disunion was imminent, the Border States would act together. As early as November 27, 1860, Hicks was advocating that Maryland should consult with the other Border States before any initiative was taken on the matter of secession. He routinely expressed the idea that if he did convene the General Assembly, it would only be after "full consultation, and in fraternal concert with the other Border States." This mode of action was vital to Maryland's interests because in the event of secession those states would "suffer more than all others combined," and, as a result, "should adopt particular measures of co-operation and conciliation." By December 9, 1860, he informed Marylanders that he was in correspondence with the governors of the Border States. "I do not doubt the people of Maryland are ready," Hicks wrote, "to go with the people of [the Border States] for weal or woe." Hicks obviously suggested a joint action with the Border States, but for the time being he advocated this cooperation as part of a region-wide secession. That all changed on December 20, 1860, with the unilateral action of South Carolina. Hicks was forced now to choose between aligning Maryland with the Lower South and remaining in the Union. He chose to remain in the Union for the time being, but understood that Maryland might have to secede in the future. As a result, he shunned the Lower South's actions and

[116] Thomas H. Hicks to Thomas G. Pratt, Sprigg Harwood, J.L. Franklin, Llewllyn Boyh, and T. Pinkney, November 27th, 1860, Governor's Letterbooks; Thomas H. Hicks to John Contee, Esq., December 6, 1860, published in *Easton Gazette*, December 21, 1860.

continued to consult with only the Border States. Before, he supported the secession of the entire South, but he now felt abandoned by the Lower South. Now, he supported the possible secession of the Border States and worked diligently to consult with those states for such a contingency. He later clarified this consultation in statements concerning a central confederacy.[117]

Once the Lower South states had seceded, Hicks believed wholeheartedly that the Border States needed to stick together in the crisis. If this meant seceding jointly and creating a central confederacy, then so be it. However, the governor's vision of what a central confederacy would accomplish is confusing at best. At times, he indicated that a Border State alliance could act as a buffer of neutral states that would prevent the two hostile sections of the country from fighting each other. He viewed the Border States as a great moderating force in the nation and believed they could play a vital role in preventing war. Indeed, the "salvation of the Union" might depend on their actions. In a private letter to John J. Crittenden, the governor quoted an old Methodist hymn – "unless the fold he first divide, the sheep he never can devour." This applied to the Border States, according to Hicks, "the sheet anchor of the stranded ship of state." In short, he appears to have believed that if the Border States seceded together and formed an independent nation, it would prevent armed conflict because neither the North nor the South would risk driving those states into the arms of the other. This would, in effect, prevent a war on Border State soil. The governor also appears to have placed faith in a central confederacy as a force of reunification. A central confederacy, he contended, discredited the aspirations of the Lower South's movement toward a southern confederacy.

[117] Gov. Thomas H. Hicks to Thomas G. Pratt, Sprigg Harwood, J.L. Franklin, Llewllyn Boyh, and T. Pinkney, November 27th, 1860, Governor's Letterbooks.

Without the cooperation of the Border States, Hicks asserted, the "Cotton States" could never command "the influence and credit and men essential to their existence as a nation." In addition, without the Border States the "Northern half of the republic" would be "shorn of its power and influence."[118]

At times, the governor seemed to imply that he sought a central confederacy in order to prevent conflict on Maryland's soil. Yet, on numerous occasions he implied that he sought a Border State alliance in order to establish an independent nation separate from the United States and the emerging Confederacy. Even more confusing is that he also contended that the secession of the Border States would actually have the effect of saving the old Union. The confusing nature of his statements is likely the result of enormous stress and his frantic grasping at solutions without thinking them through. For example, if Maryland seceded from the Union, the position of Washington, D.C., within its original borders would heighten the possibility of a northern invasion of the Old Line State. In addition, if a Border State alliance successfully prevented a federal invasion of the Lower South, this would have significantly lessened the chance the Lower South would ever return to the Union because they would have nothing to fear from the North. Regardless, there is a consistency to Hicks's seemingly confused approach to the crisis. He did not, under any circumstances, wish to see the Old Line State align itself with a southern confederacy. This was paramount if he wanted to prevent

[118] Gov. Thomas H. Hicks to Thomas G. Pratt, Sprigg Harwood, J.L. Franklin, Llewllyn Boyh, and T. Pinkney, November 27th, 1860, Governor's Letterbooks; Thomas H. Hicks to Alexander H. Handy, December 19, 1860, ibid; Address of Gov. Thomas H. Hicks to the People of Maryland, January 3rd, 1861, ibid; Thomas H. Hicks to John J. Crittenden, January 5, 1861, John J. Crittenden Papers, Manuscript Division, Library of Congress, Washington, D.C; Thomas H. Hicks to John Contee, December 6, 1860, cited in Thomas J. Sharf, *History of Maryland from the Earliest Period to the Present Day*, 3 volumes (Hatboro, Pennsylvania: Tradition Press, 1967), 3:367.

armed conflict in his state. He was pinning his hopes on the Border States, not the Lower South.

The governor's decision to seek a convention of the Border States and a central confederacy was buttressed by ample support for the idea. Ten Maryland state senators informed him that they considered his judgment in the matter to be prudent and that they wished to see an "effort made" to "act . . . with the border States of the South." Another state senator, Anthony Kimmel, commended Hicks on overcoming the "heavy pressure" to convene the legislature and gave his "hearty approval" to the governor's plan of action. Kimmel even went so far as to predict that the plan was supported by "seven eighths of the people of Maryland." John P. Kennedy was, by late December 1860, already laying the ground work for such an endeavor. His political pamphlet, *The Border States*, proposed a scheme to unite those states in an informal conference to determine whether joint secession was needed. To Kennedy, the Border States had their own personal grievances that were separate from those of the Lower South and should be considered separately by the federal government. If the North refused to accept the conference's grievances, "the Border States will be forced to organize a separate Confederacy," from the Lower South. In fact, Kennedy went so far as to write Governor Beriah Magoffin of Kentucky on Christmas Day in 1860, urging him to call for a conference of the Border States and informing him that "my friend, Gov. Hicks of this state, I am very sure, will be most happy to cooperate with you." Whether Kennedy and Hicks were working together is impossible to determine from their correspondence, but it is clear they had the same idea in mind – to unite the Border States in a central confederacy. The governor was supported by additional state leaders, such as Benjamin C. Howard, James A. Pearce, James A.

Stewart, and George Hughes. Even devoted Unionists such as Henry Winter Davis believed Hicks was acting to save the District of Columbia from the disunionists and, thus, prevent civil war. Prominent newspapers also backed Hicks's plan of action. "We are pleased to learn," reported the *Easton Gazette*, "that [Hicks] is prepared to act with [the Border States] in any action that may be deemed proper in the present crisis."[119]

The plan to create a central confederacy began with Hicks's desire to have the Border States meet in a convention in order to consult with one another about how to proceed. As early as December 10, 1860, he was engaged in corresponding with the governors of Kentucky, Missouri, Virginia, and Tennessee in order to solicit their support for a convention so that "we of the Southern states may act together." As a sign of the cooperative nature of Hicks's tone, he expressed a desire to make his executive acts "accord . . . with those of the Executives of the other border states." His caution was apparent early in the secession crisis, when he remained hopeful that Congress could find a settlement to the growing emergency. However, after the secession of the Lower South, he was convinced he needed to pursue his plan with more aggression. As a result, by January 1861 Hicks was now openly discussing the need to secede and form a central confederacy as a "last dreadful alternative," as opposed to "remaining for the present as we are." He advocated this heightened sense of emergency to three leading citizens of Talbot County who presented him with resolutions supporting his refusal to convene

[119] Tilghman Nuttle, John E. Smith, John S. Watkins, Coleman Yellott, Andrew A. Lynch, John B. Brooke, Thomas J. McKaig, Franklin Whitaker, Charles F. Goldsborough, and John J. Heckart to Gov. Thomas H. Hicks, December 28th, 1860, Governor's Letterbooks; Anthony Kimmel to Thomas H. Hicks, January 26, 1861, Thomas H. Hicks Papers; Kennedy, *The Border States*, 21; Henry Winter Davis to Samuel F. DuPont, January 13 and 23, 1861, Samuel F. Dupont Papers, Eleutherian Mills Historical Library, Greenville, Delaware; *Easton Gazette*, December 29, 1860. For more editorial praise for Hicks's decision to delay calling the legislature into session and seeking a convention of the Border States see, *Easton Gazette*, January 14, 1861, *Baltimore Sun*, January 11, 12, and 24, 1861, *Cecil Whig*, January 19, 26, and February 2, 1861.

the Legislature. They reported that the governor had assumed a more active role in forming a "a central confederacy confined to the border slave holding states," rather than place hope in compromise measures or risk Maryland's joining a southern confederacy by convening the General Assembly.[120]

On, January 2, 1861, Hicks wrote to Governor William Burton of Delaware, expressing the same idea that the best position for the Border States was in a separate nation, a central confederacy. Hicks asked Burton whether their states' "safety, honor, and interests" were best served by remaining in the Union for the time being. If no compromise was reached by Congress to "restore our distressed Country to her former fraternal relations," the Marylander questioned Burton as to whether it would be proper to "form ourselves into a Central Government as the last alternative." He even expressed confidence that the other Border States of Virginia, Kentucky, Missouri, Tennessee, and North Carolina would "go with us." The governor was loath to submit to the calls for Maryland's immediate separation; instead, he lamented to Burton that the Border States "cannot allow our interests to be compromised by the extremists of the South, whose interests, social and pecuniary, differ so widely from ours." While Hicks still retained a glimmer of hope that the Union might be preserved by a compromise, his correspondence with Governor Burton indicates he was not optimistic about this possibility. Thus, he saw within the Border States the key to restoring the nation to its

[120] Thomas H. Hicks to Beriah Magoffin, December 10, 1860, Thomas H. Hicks Papers. Hicks placed much hope in the Committee of Thirty-Three. In a private letter to John J. Crittenden, the Governor wrote that "millions of perturbed spirits look to you, and the Committee of 33." See, Thomas H. Hicks to John J. Crittenden, December 13, 1860, Thomas H. Hicks Papers; The three citizens of Talbot County that met with Gov. Hicks were J. L. Adkins, Thomas P. Williams, and Finch Tilgham. Their report is located in "War of the Rebellion in Talbot County," Dr. Samuel A. Harrison Collection, 1790-1890, H. Furlong Baldwin Library, Maryland Historical Society.

"former design and effect" by adopting a "firm, wise, and prudent" course of action. "At all events," pleaded Governor Hicks, "let us try it."[121]

The purpose behind Hicks's correspondence with other Border State governors was to build a consensus for action if, and when, the time came. It is significant that he was willing to secede if he believed armed conflict was imminent because it demonstrates that he was not in favor of remaining in a Union that threatened his state with the ravages of war. If the Union could be not be saved, he favored uniting with other slaveholding states, and a proclamation to the people of Maryland on January 3, 1861, leaves little doubt about this: "I have never lived, and should be sorry to obliged to live, in a state where slavery does not exist, and I never will do so if I can avoid it." And yet, he feared the extremists of the Lower South as much as he did those in the North. His solution was to unite the other Border States in a central confederacy in order to act as a neutral group of buffer states that he hoped would prevent a war that made Maryland the battlefield, while at the same time serving the political, societal, and economic interests of these states.[122]

Hopes of such a counterforce were sadly misplaced, however, because the idea of a central confederacy never moved beyond the subject of pamphleteers such as John P. Kennedy and Hick's correspondence with Border State governors. But that assessment has the benefit of hindsight. The governor could not have known that this early course of action would ultimately fail. Instead, from November 1860 to February 1861, the idea that Maryland might

[121] Thomas H. Hicks to William Burton, January 2, 1861, Thomas H. Hicks Papers. While this is the only letter in existence of those written by Governor Hicks to various Border State governors in December, a conversation he had with Ambrose R. Wright, Georgia's secession commissioner to Maryland, in February 1861 confirms the uniformity of the correspondence.

[122] Quoted in Charles B. Clark, *The Eastern Shore of Maryland and Virginia*, 3 vols. (New York: Lewis Historical Publishing Company, 1950), 1:542.

need to secede with the other Border States, and only with them, dominated Hicks's approach to the secession crisis. He remained committed to the idea of a central confederacy so long as he believed it was possible. Until circumstances demanded he alter his approach, he remained committed to maintaining Maryland in the Union, supported the Washington Peace Conference called for by Virginia, held radical secessionists at bay inside his state, rebuked outside attempts to precipitate Maryland's disunion, and continued to work toward the creation of a central confederacy.[123]

Rather than the ardent Unionist so often depicted by contemporaries and later historians, Thomas H. Hicks was, at best, a conditional Unionist and perhaps, a conditional secessionist. As early as 1850 he harbored inclinations that he might support the idea of secession, under the proper circumstances, and in the early phases of the secession crisis he asserted that he would support, under certain conditions, the withdrawal of Maryland from the Union. Moreover, he never questioned the right of the Lower South to secede in 1860-61, only their motives for doing so. On the whole, he exhibited the tendencies of a conditional Unionist. True, he was willing, if circumstances dictated, to support Maryland's secession, but he remained hopeful that Congress or the incoming Lincoln administration would redress the grievances of the South. His idea to form a central confederacy was a contingency plan if that hope proved to be futile. The governor was keenly aware that the interests of the Lower South were not aligned with those of the Border States. The differences in the Lower South and

[123] It is clear from Governor Burton's reply, the only such reply to Hick's letters to Border State governors that exists, that little thought outside of Maryland had been given to the idea of forming a central confederacy. Burton answered Hicks letter with an opinion that "a majority of our citizens . . . sympathize with the South." To the idea of a central confederacy, Burton relied that "it has never been discussed to any extent in our state, and I know not the feelings of our citizens in relation thereto." See William Burton to Thomas H. Hicks, January 8, 1861, Hicks Papers.

Border States were never more pronounced than they were during the secession winter of 1860-61. By forgoing cooperative action with the Border States, Hicks contended, the Lower South had abandoned his state and left it vulnerable to hostile northern legislation and the possible ravages of civil war. For Maryland's governor, this was an unforgivable sin, and one that eliminated any chance of joining the Lower South in a southern confederacy. Maryland stood at the crossroads of the nation, both figuratively and geographically. Governor Hicks saw nothing but potential ruin on either side. Thus, he took steps to avoid both sides and unite with states that socially, economically, and politically were more like his than the extremes of North and South.

In order to prevent Maryland from joining the Lower South, Governor Hicks refused to call the state legislature into special session. Many in the North took this to mean he was holding the Old Line State in the Union. However, he had ulterior motives for taking this course of action, namely to hold firm until he could convince other Border States to form a central confederacy. In late 1860 and early 1861, Hicks navigated the crisis facing his state with extreme caution by first deflecting immediate calls for secession and refusing to convene a special session of the legislature. His ardent hope was that the crisis would subside with a congressional compromise as had occurred in 1820-21, 1832-33, and 1850-51. This particular crisis of the Union now involved the secession of seven states, though, and he did not have much confidence in conciliation. Hicks was forced to steer his state in a direction he believed offered the best chance of maintaining its interests and perhaps stave off a civil war between the two sections of the country. He wanted to unite the other Border States in a central

confederacy. He did not, however, want the Old Line State to join with the states of the Lower South, whose interests, "social and pecuniary," differed from Maryland's own.[124]

What confused his contemporaries and baffles modern historians is that Thomas H. Hicks opposed joint action with the Lower South; therefore, he seemed be a strong Unionist. For example, William J. Evitts, in *A Matter of Allegiances*, argued that Hicks resisted calls for disunion because "he desired to keep Maryland in the Union and feared the consequences of secession for his border state." This line of reasoning only partly hits the mark. Indeed, Hicks feared the result of his state's immediate secession, but evidence indicates he advocated letting the Lower South go in peace and, if needed, favored his own state's withdrawal if it was part of a cooperative movement with the Border States and led to a central confederacy. Of great significance is the fact that at all times he wanted to keep Maryland out of a southern confederacy, but he did not necessarily want to remain with the northern states. In the early weeks of the crisis, he advocated the joint secession of all the slaveholding states if Southern grievances were not addressed. However, after the unilateral actions of the Lower South, he sought consultation with the remaining Border States and supported their cooperative withdrawal from the Union, if needed. In reality, he had simply abandoned the Lower South states as he believed they had abandoned him. Hicks sensed that secession was a very real possibility for his state, but, after the actions of the Lower South, he limited his outlook to only the Border States and the creation of a central confederacy to prevent his state from joining the "extremists of the South." He understood that if he called the state legislature into session it would likely secede and attach Maryland to a southern confederacy. Thus, he could not do it.

[124] Thomas H. Hicks to William Burton, January 2, 1861, Thomas H. Hicks Papers.

Only if an alternative to a southern confederacy presented itself would he entertain the idea of convoking the legislature. To Hicks, that alternative was a central confederacy. Thus, gradually Hicks shifted his views in the crisis, not perfidiously as his critics alleged, but rather in accordance with the shifting conditions in both Maryland and the nation.[125]

In the early months of the crisis, he pinned Maryland's future on the idea of a central confederacy, which could be attained only by preventing the state legislature from meeting. Consequently, Hicks became the target of immediate secessionists both inside and outside his state, who wished to link Maryland with the cause of the Lower South. As the winter of 1860-61 progressed, the pressures on Hicks increased from all sides. Beginning in mid-December 1860, the first of three commissioners dispatched from the Lower South states arrived in Maryland to meet with Hicks and attempt to persuade him to call his state's legislature together in order to secede and join a southern confederacy. If Hicks was going to steer Maryland in the direction he wanted during the crisis, he had to come face-to-face with the very extremists of the South he so despised as well as stare down increasingly hostile threats from within the Old Line State.

[125] Evitts, *Matter of Allegiances*, 162.

CHAPTER 5

"TO THE PEOPLE OF MARYLAND BELONGS THE RIGHT TO DETERMINE WHETHER THE TIME HAS COME"[126]

GOVERNER HICKS AND THE SECESSION COMMISSIONERS OF THE LOWER SOUTH

Amid withering and increasingly hostile pressure from Marylanders who wanted him to convene the state legislature in a special session, Governor Thomas H. Hicks also contended with external radical secession elements. Because he refused to convoke the legislature, Hicks was targeted by leaders of the Lower South, who pressed him to act immediately. This outside influence took many forms during the secession crisis. At times it was subtle. For example, Governor John J. Pettus of Mississippi deemed Hicks's policy of inaction so detrimental to the secessionists' cause that he sent an urgent telegram to the governor on January 10, 1861, announcing Mississippi's withdrawal from the Union – an act that called forth a forcible comment from Hicks: "Mississippi has seceded and gone to the devil."[127] In general, however, the Lower South was more direct in its approach to coercing Maryland out of the Union. During the secession winter of 1860-61, five states of the Lower South appointed commissioners to travel to the other slaveholding states with the purpose of swaying their fellow southerners to leave the Union and form a southern confederacy. Mississippi, Alabama, South Carolina, Georgia, and Louisiana selected a total of fifty-five commissioners who journeyed to the farthest reaches of the South between December 1860 and April 1861. Once the commissioners arrived in the states they were assigned to visit, most addressed the state

[126] Thomas H. Hicks to Ambrose R. Wright, March 1, 1861, Governors' Letterbooks.

[127] Telegram from John J. Pettus to Thomas H. Hicks, January 10, 1861, Thomas H. Hicks Papers. Hicks's comment is written on the telegram's envelope.

legislatures or conventions that would vote on secession. They delivered speeches to large crowds whenever possible and wrote letters to governors and state legislators. The commissioners' letters, speeches, and actions provide unparalleled insight into the mindset of the secessionist movement during the critical weeks before the Civil War. Their message was clear, their resolve immense. When they set out to their assigned states in late 1860 and early 1861, they carried with them the seeds of secession, formation of a new confederacy, and ultimately civil war. [128]

The use of secession commissioners, dispatched to various Upper and Lower South states as well as the Border States, represented a vital component of the immediate secessionists' designs. The primary mission for the first waves of commissioners was to convince their fellow southerners to leave the Union independent from one another and, later, to form a southern confederacy. By doing this, immediate separatists hoped to influence southerners who were wary of taking such drastic action by forcing them to choose between seceding with states that shared common social, political, and economic interests or remaining under a potentially hostile government. In order to achieve this, the commissioners were charged with creating and fostering a nascent sense of southern unity and avoiding the creation of mistrust among the slave states. Thus, the commissioners to the Upper South and Border States attempted to make certain that opposition to immediate secession would be minimized

[128] In spite of the important role that the secession commissioners were expected to play during the secession crisis of 1860-61, little has been written about them. Indeed, only two major scholarly works have been produced. In 1963 Durward Long described the labors of Alabama's commissioners and concluded, among other things, that their efforts were significant because they provided meaningful consultation between the slaveholding states during the secession crisis. The only other significant scholarly study of the commissioners is the work of Charles B. Dew. Larger in scope, Dew's account included the actions, letters, and speeches of forty-one commissioners. See Durward Long, "Alabama's Secession Commissioners," *Civil War History* 9 (March 1963): 55-66; Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville, VA: University Press of Virginia, 2001); Charles B. Dew, "Apostles of Secession," *North & South* 4 (April 2004): 24-38.

and that those states would follow the Lower South out of the Union. Nowhere, outside of Virginia, did this mission take on higher importance than in Maryland. [129]

The speeches, actions, and correspondence of the secession commissioners sent to Maryland revealed the attitudes of immediate disunionists across the South. Critical questions arise concerning their mission to the Old Line State. For example, what was the purpose of the commissioners sent to Maryland, and what were the principal arguments they used to achieve this aim? What communication did the commissioners have with leading and prominent Marylanders, and what impact did that interaction have upon Maryland? What communication did the commissioners have with Thomas H. Hicks, and how did the governor respond to them? What effect, if any, did the commissioners have in shaping Hicks's attitude toward the Lower South and his course of action in the secession crisis? Their mission provides an understanding of Thomas H. Hicks's shifting attitude toward the crisis and, in a larger sense, the manner in which southerners, on the eve of the Civil War, disagreed on such important issues as secession, its mode, and its end result. Indeed, this stark difference of opinion is nowhere more apparent than in the Old Line State.

Between December 1860 and February 1861 Maryland was visited by three secession commissioners from the states of Mississippi, Alabama, and Georgia. Why these men were chosen to serve as commissioners to Maryland is unclear because only one had any direct tie to the Old Line State. However, a review of their speeches to unofficial assemblages of

[129] The response of the Upper South and the Border States to the commissioners' message is largely absent from Dew's work. Indeed, Daniel Crofts review of Dew's study noted that he failed to set the account of the secession commissioners within a fuller examination of the separatist movement across the entire South. Furthermore, Jon L. Wakelyn noted that no "adequate" study of the secession commissioners from the Lower South sent to the Upper South presently exists. See Daniel W. Crofts, review in *The American Historical Review* 107 (February 2002): 197-198; Jon L. Wakelyn, ed., *Southern Pamphlets on Secession, November 1860 – April 1861* (Chapel Hill, NC: University of North Carolina Press, 1996), xviii.

Marylanders and correspondence with Governor Hicks, demonstrates that they all possessed a talent for oratorical and written expression. Each of them was commissioned to urge Hicks to convene the state legislature, support a state secession convention, and endorse Maryland's withdrawal from the Union. All three, however, soon discovered that their mission would be much more difficult to accomplish than previously thought as they made a final effort to convince Maryland's chief executive, and the people of the state, that the preservation of southern institutions and southern independence were interwoven and inseparable. The first commissioner to undertake this critical task was Alexander Hamilton Handy, from the state of Mississippi.[130]

Handy's commission was recommended by Governor John J. Pettus and authorized by the Mississippi legislature even before that state convened a convention to decide the issue of secession. Before the results of the 1860 election were known, Pettus pushed for his state to prepare to take immediate action if Lincoln was elected. According to the governor, in order to prevent the "cess pool of vice, crime and infamy," he predicted would result from "Black Republican rule," Mississippi exercise the "reserved right of the States to withdraw from injury

[130] Alexander Hamilton Handy was born on Christmas day in 1809 in Somerset County, Maryland. He was named after Alexander Hamilton, a close friend of his father. Handy devoted his professional career to law. He was a lawyer in Maryland and, later, Mississippi, where he moved in 1835. During the Civil War he was elected to the Mississippi Supreme Court, eventually becoming its chief justice in 1866. In 1867 he resigned his position in opposition to the court having been placed under control of the military following the passage of the First Reconstruction Act. The following year, Handy moved to Baltimore, Maryland, and resumed a law practice. Later, he was appointed professor of law at the University of Maryland where he remained until 1871 when he returned to Mississippi at the close of Reconstruction. Handy died in Canton, Mississippi in 1883. His contemporaries described him as highly educated, a fluent speaker, a polished writer, and an accomplished lawyer. He was a moderate landowner and slaveholder and known for his firm belief in the doctrine of states' rights, a decidedly Southern point of view, and an attitude that secession was not only just, but a necessity. For biographical information, see James B. Loyd, ed., *Lives of Mississippi Authors, 1817-1967* (Oxford, MS: The University Press of Mississippi, 1981), 217; Dunbar Rowland, *Courts, Judges, and Lawyers of Mississippi, 1798-1935* (Jackson, MS: Press of Hederman Bros., Printed for the State Department of Archives and History and the Mississippi Historical Society, 1935), 94-96.

and oppression." On November 26, 1860, he recommended the use of appointed commissioners, authorized to speak for Mississippi, to travel to the other slaveholding states and inform them of Mississippi's intentions to leave the Union and to solicit their conformity to such action. On November 30 the Mississippi state legislature requested that Governor Pettus make his appointments and commission representatives to "secure a common defense and safety" with the other slaveholding states by consulting and advising with their assigned state's secession convention. The commissioners were authorized to appeal to the governors of the respective states to convene their legislatures into session in order to call for special conventions. Above all, the commissioners were instructed to push for the immediate secession of the state where they were assigned. Time was of the essence as the commissioners fanned out across the South. Pettus named a total of sixteen commissioners from the ranks of both Democrats and Whigs, a telling sign of the political unity within his state.[131]

Having received his commission, Handy traveled to Maryland "without delay," and reached Annapolis on December 18, 1860. His arrival was followed by editorials in the *Baltimore Sun* that described him as a native Marylander, confirmed that his appointment was "well made," and opined that he had the "reputation of a prudent, experienced, and intelligent man." The state legislature not being in session, Handy sought a personal interview with Maryland's governor. During this meeting, Handy made the case for immediate secession by asserting that "many considerations [now] appeared to demand the assemblage of the

[131]"Governor's Message," November 26, 1860, *Journal of the Senate of the State of Mississippi: Called Session [1860]* (Jackson, MS: 1860), 7, 11-12; *Laws of the State of Mississippi, Passed at a Called Session of the Mississippi Legislature…November, 1860* (Jackson, MS: 1860), 42; Percy Lee Rainwater, *Mississippi: Storm Center of Secession, 1856-1861* (Baton Rouge, LA: Otto Claitor, 1938), 170-71; Robert W. Dunbay, *John Jones Pettus, Mississippi Fire-Eater: His Life and Times, 1813-1867* (Jackson, MS: University Press of Mississippi, 1975), 71.

Legislature," and he pressed the governor to do so. With regard to the course of action his home state had adopted, the commissioner contended that the election of Lincoln, "upon a platform of principles destructive of our Constitutional rights," had rendered it necessary for Mississippi to call for prompt and decisive action for the purposes of "our protection and future security." Lastly, Handy proposed that Mississippi and Maryland co-operate, along with the other slaveholding states, in immediate disunion and "the formation of a new government among themselves." [132]

The Mississippian arrived in Maryland before his home state had actually seceded. Thus, he and the governor could only speculate on what action Mississippi would take when its secession convention met. In addition, Hicks had made it abundantly clear before the commissioner's arrival that he was not prepared to act while compromise efforts were still underway in Washington, D.C. (i.e., John J. Crittenden's resolutions and the Committee of Thirteen).[133] The governor's position on this matter was already known to Handy because he expressed this concern to Governor Pettus: "I was not hopeful of doing any good to the cause of Southern rights through the direct action of the Executive of that state." Governor Hicks's reaction to the meeting and subsequent correspondence with Handy did not do much to

[132] *Journal of the [Mississippi] State Convention and Ordinances and Resolutions adopted in January, 1861* (Jackson, MS: E. Barksdale, State Printer, 1861), 180; *Baltimore Sun*, December 19, 1860; *Journal of the [Mississippi] State Convention*, 182.

[133] The Committee of Thirteen was established on December 18, 1860, for the purpose of sifting through all the compromise proposals introduced in the Senate. It included powerful figures such as William H. Seward, John J. Crittenden, Benjamin Wade, Stephen Douglas, Robert Toombs, and Jefferson Davis. Crittenden proposed an actual plan to amend the U.S. Constitution that would, among other things, guarantee slavery in the Southern states and within territories of the United States below the 36̊ 30' parallel. On December 31, 1860, upon the urging of President-elect Abraham Lincoln, five Republicans on the committee voted against the plan. They were joined by Robert Toombs and Jefferson Davis on the grounds that any compromise was worthless if opposed by Republicans. For more information on the Committee of Thirteen, see James M. McPherson, *Battle Cry of Freedom*, 252-254; Allen Nevins, *The Emergence of Lincoln: Prologue to the Civil War, 1859-1861*, 2 vols. (New York: Charles Scribner's Sons, 1950), 2: 397-402.

alleviate this fear. In fact, the commissioner described Hicks as distant and antagonistic during their personal meeting.[134]

At Handy's request, Governor Hicks wrote a lengthy letter detailing his views on the crisis, to be laid before the Mississippi secession convention. In it he argued that he was hesitant to convene the state legislature for the purpose of calling for a state convention because, as a small Border State, the exercise of such action was, "a matter of very grave importance." Unwilling to "awake the apprehension and excite the alarm" that would result if he convoked the legislature, the governor proceeded to lay out his views on the crisis. He stated that he knew "the sentiment of [Maryland's] people in this matter," and that they intended to uphold the Union and maintain the Old Line State's rights under it until it was certain that those rights were no longer respected. He would not consent, therefore, to the Union's dissolution until time and opportunity had been afforded for a redress of southern grievances. "Until that effort is found to be in vain," he wrote, "I cannot consent, by any precipitate or revolutionary action, to aid in the dismemberment of the Union." As to Handy's report that Mississippi was likely to secede in the very near future, the governor replied that he simply did not see such action as warranted based solely on the election of Abraham Lincoln. He did, however, indicate to the commissioner that if an overt and hostile act was perpetrated by the incoming administration, Maryland would "take such steps as her duty and interest shall demand." The governor closed his correspondence to Handy with a stern warning that the Lower South needed to act "with prudence as well as with courage," as those states marched

[134] *Journal of the [Mississippi] State Convention*, 182.

toward disunion. "Let us show moderation as well as firmness," he wrote, "and be unwilling to resort to extreme measures until necessity shall leave us no choice."[135]

Among the important features of Hicks's correspondence with Handy, one is critical to understanding the governor's mindset in the early weeks of the secession crisis. He mentioned that whatever power he had would be exercised only "after full consultation, and in fraternal concert with the other Border States." In the event of disunion, he argued, those states stood to suffer "more than all others combined." He went on to explain that he was in correspondence with the other Border State governors and awaited, "with solicitude," an indication of the course to be pursued by them. That correspondence contained a strong sense that the Border States needed to urge the postponement of South Carolina's impending secession "to a reasonable time," in order for compromise measures to be enacted. "Our once glorious Union is now under a dark cloud of fanaticism" Hicks wrote to Kentucky governor Beriah Magoffin, "I desire to make my Executive acts accord . . . with those of the Executives of the other border states." This reference to cooperation among the Border States is paramount to understanding Hicks's approach to the crisis in its early weeks. It was a subtle reminder to the Lower South commissioner that the Border States needed to be consulted before any hasty action was taken. In addition, it demonstrates the disconnect between these two regions of the South because Hicks was preparing to act only if the other Border States acted, not if the Lower South did so. This is why he stressed that Mississippi needed to act with moderation, firmness, and courage in the crisis lest it abandon the Border States, which were not prepared to secede unilaterally. Only through a cooperative effort, in unison, would Hicks acquiesce to

[135] Thomas H. Hicks to Alexander H. Handy, December 19, 1861, Governors' Letterbooks.

disunion. And even then, it appeared, he would do so only after every means of redress had been exhausted.[136]

Clearly, Hicks had adopted the position indicative of a conditional Unionist in the early weeks of the secession crisis. His correspondence with Handy was rife with references to Maryland's "devotion to the Union . . . under the Constitution." While he may have held Unionist sentiment in those early weeks, he did have conditions upon which that Unionism was predicated. However, what is striking is that he did not discount secession in general, only the manner in which the Lower South was pursuing it, and the reasons for such action. This implied that he was willing to accept secession, as a last resort, if he was convinced the power of the federal government had become "perverted to the destruction, instead of being used for the protection," of southern rights. Furthermore, he warned Handy that the evident unilateral action of the Lower South would be counter-productive to securing the interests of the Border States and urged the commissioner to tread lightly because extreme actions would endanger those states. It was not an unreasonable position for the governor to assume because at the time of Handy's arrival no state had actually seceded, and compromise efforts designed to stave off secession were already underway in Washington, D.C.. These efforts at conciliation, Hicks wrote in a letter to John J. Crittenden, were viewed by the governor as the only means by

[136] Thomas H. Hicks to Alexander H. Handy, December 19, 1861, Governors' Letterbooks; Thomas H. Hicks to Beriah Magoffin, December 10, 1860, Thomas H. Hicks Papers. It is unclear if the sentiments expressed by Hicks to Governor Magoffin are in accordance with what he wrote to other Border State governors, but he did inform the Kentuckian that he had "written simultaneously and similarly" to the governors of Virginia, Missouri, and Tennessee.

which to "stave off a collision," and "extinguish the lava of Hell that had been flung by fanatics."[137]

As a result of the Hicks rebuke, Handy sought to circumvent the state's chief executive through extralegal means by taking his radical message directly to the citizens of Maryland. He was determined to inform them of Mississippi's "views . . . in relation to our rights and duties in common with all the Southern States." Before returning to Mississippi, Handy visited several parts of the Old Line State and addressed assemblages of people who had gathered to hear him speak. In general, the commissioner's public speaking engagements contained a couple of pertinent arguments. First, he made clear Mississippi's reasons for its impending secession and invited Maryland to cooperate with his state in that venture. Second, he consistently urged his audiences to pressure their governor into convening the state legislature. Of all these public addresses, the one most widely covered by Maryland's media was held in Baltimore just a couple of days after Handy's meeting with Hicks.[138]

Braving inclement weather, hundreds of Marylanders crowded into the Hall of the Maryland Institute, where at eight o'clock in the evening on December 20, 1860, the same day as South Carolina's secession, Handy appeared on stage accompanied by "some of the most prominent citizens of Baltimore," while a band played "Washington's March." The assembly's chairman, William G. Harrison, introduced Handy: "The selection of this gentleman…because he is a native Marylander, expresses strongly the importance of his mission and the depth of sympathy with and for us." Harrison criticized Governor Hicks's refusal to convene the

[137] Thomas H. Hicks to Alexander H. Handy, December 19, 1861, Governors' Letterbooks; Thomas H. Hicks to John J. Crittenden, December 13, 1860, Thomas H. Hicks Papers.

[138] *Journal of the [Mississippi] State Convention*, 180.

legislature by stating that such inaction debarred Marylanders of the "formal [and] legal expression of their determination." With that, Mississippi's commissioner took the stage and opened his speech by informing the crowd that he did not intend "to excite prejudice or discord"; rather, he was sent to Maryland in order to "excite the patriotism of the sons" of the Old Line State. Next, he asserted that Mississippi was likely to secede because it believed that Lincoln's election embodied a dangerous and revolutionary turn of events. Lincoln and his party's platform, Handy contended, represented a "determination to overthrow the constitution, and subvert the rights of the South." The commissioner further asserted that the position of the Republican party, and the North as a whole, was that slavery was a sin, that it should be confined to its present limits, and that to achieve that end the "Black Republicans" sought to exclude slavery from the territories, Washington D. C., and federal forts. Handy warned that once Lincoln took office, at "that moment the safety of the rights of the South will be entirely gone." Mississippi's determination to secede, he argued, was designed to "preserve the Constitution and the Union" by acting as a counter-revolutionary measure. [139]

Next, Handy trained his argument toward the threats the Lincoln administration posed to Maryland. The commissioner raised the Border States' concerns over the highly lucrative interstate slave trade by stating that Lincoln would seek to abolish the commerce in the hope that "the evil will become so great that the South will be obliged to abolish slavery in self-defense." Handy stoked Marylander's fears even more when he asserted that the Republican party would seek to end slavery where it already existed by repealing laws that prohibited the circulation of abolitionists' "incendiary documents," in order to "excite [the slaves] against their

[139] Ibid, 180-181.

masters." As a matter of personal safety, he argued, the master would be forced to give up his slaves. Admitting that Lincoln was incapable of such action on his own, the commissioner contended that through the appointment of "postmasters and other officials" by the president, abolitionist sympathizers would induce the slave "to cut the throat of the master."[140]

For these reasons, Handy argued that Maryland, similar to Mississippi, could not trust or risk the Lincoln administration because it was pledged to "trample the Constitution" as well as recent Supreme Court decisions. "If these pledges are carried out," the Mississippian pondered, "what would be the condition of the Southern States and of Maryland?" Any talk of waiting until Lincoln's intentions were made known was dismissed by Handy as foolish. Referring to the compromise efforts made by the Committee of Thirteen in Washington, D.C., the commissioner blasted such endeavors as simply tactics designed to "delude the country" until Lincoln's inauguration. Concerning arguments that radical action should be untaken by the slaveholding states only if Lincoln committed an overt and hostile act, the Mississippian reminded his audience that scores of Marylanders had been imprisoned in northern states for trying to reclaim runaway slaves and asked: "Should they wait for an overt act?" According to the *Baltimore Sun*, the audience responded with a repeated, "No, no!" And finally, regarding arguments that secession should be carried out cooperatively and through a southern convention, Handy unfurled a constitutional argument that supported the primary goal of his mission. "Such a convention was contrary to the expressed condition of the constitution," he

[140] *Baltimore Sun*, December 20, 1860. The fiery language used by Handy is indicative of the secession commissioners as a whole. They all tended to use the most frightening arguments they could conjure up in order to achieve the most impact. To the commissioners, hyperbole was an art form. The commissioners also tended to tailor their arguments to the state they had been assigned. For example, those dispatched to the Border States tended to discuss fugitive slave laws and abolitionist pamphlets because it was in those states that the controversies over those issues existed.

proclaimed, because "the States had no right to go out together." Citing Article Ten, Clause One, of the United States Constitution (which prohibited the states from entering into alliances, treaties, or confederations with any other state and/or nation), Handy warned off such cooperative action. Instead, he pressed the issue of immediate secession, and the audience responded with "intense excitement, cheers and hisses, and three cheers for South Carolina." One newspaper praised the commissioner's arguments concerning secession and reported it was presented "in a business point of view."[141]

In closing, Handy stressed that Maryland needed to "take action before Lincoln comes into power" in order to be beyond the reach of his "myrmidons." He promised the crowd that "the Southern states will go out of the Union for the purposes of getting it right in the Union," and that South Carolina, Georgia, Florida, Alabama, Louisiana, Texas, and Mississippi would be out by March 4th, 1861, the day of Lincoln's inauguration. The crowd, in the manner characteristic of such gatherings, expressed vigorously both approval and disapproval at the commissioner's address. For example, the *Baltimore American* reported that "a call for three cheers for Governor Hicks was responded to with a mingled chorus of cheers, groans and hisses." On the other hand, the *Baltimore Sun* informed its readers that Handy's address was met with "thunderous applause" as he and some "other Southern gentlemen" exited the building.[142]

Upon returning to Mississippi, Handy wrote to Governor Pettus and informed him that Hicks had resolved not to convene the Old Line State's legislature "under the circumstances existing," but that he had fulfilled his assignment by directly addressing the people of Maryland.

[141] *Baltimore American*, December 20, 186; *Baltimore Sun*, December 20, 1860.
[142] *Easton Gazette*, December 20, 1860; *Baltimore Exchange*, December 20, 1861.

Assuring Pettus that a large number of "the most eminent men of the State" agreed with the current course being pursued by Mississippi, Handy tempered his expectations of Maryland for the short term. The commissioner informed Pettus that part of Maryland's hesitancy to immediately withdraw stemmed from its geographical location as a Border State, and because Washington, D. C., was located within its original borders. Handy predicted, however, that Marylanders would soon force Governor Hicks to call for a special session of the legislature. Indeed, the commissioner believed that he had ignited a "Revolutionary spark" in the hearts of Marylanders and that it would never be extinguished until "the establishment of her rights and her honor." According to Handy, the people of Maryland were being silenced from expressing their true sentiment by Governor Hicks's refusal to convene the legislature. Based upon his interactions with average and prominent citizens, he was "happy to believe" that the people of Maryland sympathized with the Lower South. Once they had forced Governor Hicks to act, he calculated that Maryland would "ultimately be with us in political union and wheel into the line of the Southern Confederacy."[143]

Handy's mission to Maryland was designed to further the radical separatists' designs of fomenting region-wide disunion. He fulfilled his commission by meeting personally with Hicks, informing him of Mississippi's reasons for secession, and pressing him to convene the state legislature so that Maryland could follow. Having failed to achieve the intended outcome he sought by interacting with Hicks, the commissioner decided to take his arguments directly to the people of Maryland by publicly addressing countless citizens whenever the opportunity arose. Handy's activities raised serious concerns in the mind of Governor Hicks about the

[143] *Journal of the [Mississippi] State Convention*, 180-181.

purpose of the Lower South's impending unilateral secession and the dispatching of commissioners to the various slaveholding states. These concerns would play a role in the course of action he pursued later in the crisis. In the meantime, Maryland was visited by a second commissioner, Jabez Lamar Monroe Curry of Alabama. By the time of his arrival, however, the crisis facing the nation had heightened and, as a result, Governor Hicks's course of action for Maryland had changed. [144]

Jabez L. M. Curry's appointment as commissioner to Maryland dated back to early December 1860 when Alabama's governor, Andrew B. Moore, was authorized by the state legislature to send representatives to the other slaveholding states. Given the "great and vital question" of what action the South should adopt in the wake of Lincoln's election, Governor Moore concluded that commissioners were necessary to "consult and advise" with other slaveholding states, so far as was practicable, on the course of action needed to "protect their interest and honor in the impending crisis." This consultation was logical, Moore agued, because these states had a common interest in slavery and would thus be "common sufferers of its overthrow." He assured Alabamians that he had appointed commissioners "distinguished for their ability, integrity, and patriotism," and who would serve well the interests of Alabama.

[144] Jabez Lamar Monroe Curry was born on June 5, 1825, in Lincoln County, Georgia, but moved to Talladega County, Alabama, in 1838. He was a well-educated man having been graduated from Franklin College (now the University of Georgia) in 1842 and Harvard University in 1845. He served in the Alabama state legislature from 1847 to 1855 and in the U. S. House of Representatives, from 1857 to January 21, 1861, when he withdrew following his home state's secession. During the Civil War, Curry was a representative to the First Confederate Congress, a special aide to General Joseph E. Johnston and Major General Joseph Wheeler, and a lieutenant colonel in command of the Fifth Alabama Cavalry. After the war, he was elected president of the Alabama State Baptist Convention, became president of Howard College (now Samford University) in Marion, Alabama, and was ordained a Baptist minister. In 1885 President Grover Cleveland named him as American minister to Spain. Curry died in 1902. For biographical information, see Edwin A. Alderman and Armistead Gordon, *J. L. M. Curry: A Biography* (New York: The Macmillan Company, 1911); *Biographical Directory of the United States Congress* (http://bioguide.congress.gov/scripts/biodisplay.pl?index=C001003); *Dictionary of Virginia Biography* 3 vols. (Library of Virginia, 2006), 3:612-14.

In all, Governor Moore appointed sixteen commissioners to fourteen states.[145] His decision to dispatch these gentlemen served both state and regional purposes. Within Alabama there existed a sizable cooperationist contingent that would accept disunion only if it was agreed upon by all the slaveholding states and carried out through a southern convention. If the commissioners could convince other states to secede or report that other states were readying to act, the cooperationists of Alabama would be disarmed of their arguments because secession would be a *fait accompli*. The commissioners could also silence cooperationists regionally if they were successful by informing their assigned states that Alabama was prepared to leave the Union immediately rather than delay. Between December 1860 and January 1861, the commissioners from Alabama fanned out across the South. [146]

The commission issued to Curry was straightforward: it authorized him to consult and advise the other slaveholding states "as to what is best to be done to protect [their] rights, interests and honor . . . from a party whose leading and publicly avowed object is the destruction of the institution of slavery as it exists." It also instructed Curry to report the results of his consultations in Maryland to Governor Moore by the time of Alabama's secession convention, which would convene on January 7, 1861. Given the timing of the appointment, Curry traveled to Maryland with no actual knowledge of how his state would act in the crisis, but he was confident it would secede. Thus, while his official mission was to "consult and

[145] In order to give official recognition to their mission, on January 11, 1861, the Alabama secession convention approved Moore's appointments, and on January 14, the convention instructed the commissioners to be furnished with copies of Alabama's secession ordinance. See *Journal of the Convention of the People of the State of Alabama, held at the city of Montgomery commencing on the 7th day of January, 1861* (Montgomery, AL: Shorter & Reid, State Printers, 1861), 17.

[146] "Andrew B. Moore to the Gentlemen of the Convention," January 8, 1861, *Journal of the Convention . . . Alabama*, 16-17; *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* 128 vols. (Washington, D.C.: Government Printing Office, 1880-1900), Series IV, 1:47; Clarence Phillips Denman, *The Secession Movement in Alabama* (Norwood, MA: Norwood Press, 1933), 110.

advise," his true purpose was to convince the Old Line State to join Alabama in immediate disunion. Acting under the authority of his commission, Curry traveled from Washington D.C., where he represented Alabama in the House, to Annapolis, Maryland. He arrived in that city on December 28, 1860. Having prior knowledge of Alexander H. Handy's visit to Annapolis and already aware of Governor Hicks's resistance to convening the state legislature, Curry sought a personal interview with Maryland's chief executive. However, Hicks was absent from the state capitol at that time, so the commissioner addressed a letter to him the following day.[147]

Curry informed the governor that his state had "affirmed her reserved and undelegated right of secession" from the Union, and it would withdraw soon. He stated that his mission was to "secure concert and effective cooperation" with Maryland because Alabama recognized the "common interests and destiny" of all the slaveholding states. Although he sought the Old Line State's collaboration in disunion, he did not mean collaboration in the mode demanded by cooperationists across the South; rather, he envisioned a coordinated effort of state-by-state secession. Curry repeated the constitutional argument previously made by Alexander H. Handy that the reason disunion had been, and would continue to be, carried out in this manner was that under the U. S. Constitution, states were barred from entering into alliances, treaties, or confederations. To secede through a southern convention violated the Constitution, and,

[147] Although Curry's commission is not in the official journal of the Alabama secession convention, Governor Moore did submit one for John A. Elmore (commissioner to South Carolina). Yet, Governor Moore stated that Elmore's commission was a copy of commissions given to all of Alabama's commissioners. Thus, there is no reason to assume Curry's was different. In order to establish the uniformity of Governor Moore's commissions, the commission of John G. Shorter (Alabama commissioner to Georgia) is compared. The wording of Shorter's commission is an exact copy of Elmore's, except for the name of the commissioner. See "Commission of Col. John A. Elmore," *Journal of the Convention . . . Alabama*, 18; "Commission of John G. Shorter" in Allen D. Chandler, *The Confederate Records of the State of Georgia* 6 vols. (Atlanta, GA: Chas. P. Bryd, State Printer, 1909), 1: 623; Also see William R. Smith, ed., *The History and Debates of the Convention of the People of Alabama, Begun and held in the city of Montgomery, on the seventh Day of January, 1861* (Montgomery, AL: White, Pfister & Co., 1861), 400.

according to Curry, "the South should be careful not to part with her distinguishing glory of having never . . . departed from strictest requirements of the Federal Covenant." He arrived, then, at the true nature of the commissioner system – "to secure . . . a mutual league, united thoughts and counsels, joined in the enterprise of accomplishing deliverance from Abolition domination." This form of secessionist argument was a construct designed to justify unilateral action and negate efforts to summon a convention of all the slaveholding states to discuss cooperative action.[148]

As to the reasons for his state's likely withdrawal, Curry asserted that Lincoln's election would fundamentally alter the relationship between the South and the federal government. So thorough would this change be that the commissioner stated it would "amount to a revolution," and once Lincoln had been inaugurated, the federal government would "become foreign to the South" and refuse to recognize its rights. Curry declared that the citizens of the slaveholding states would be "reduced to inferiority and inequality." Indeed, the commissioner warned that Republicans sought to undermine the "Constitutional Compact" by denying the equality of the states in the territories and establish "a common government that will discriminate offensively and injuriously against the property of a particular geographical region." To Marylanders who favored seeking redress from Lincoln's administration for southern grievances or constitutional guarantees of slavery, Curry showed little patience. Republicans, he argued, would never bend in their party's platform because to do so would undermine their legitimacy as a political party and because they felt entitled to "reap the fruits of their recent victory." Even if Lincoln did affirm the constitutional rights of the South, Curry

[148] "Jabez L. M. Curry to Thomas H. Hicks, December 28, 1860" in Smith, ed., *History and Debates of the Convention . . . Alabama*, 401.

believed little evidence existed to suggest that they would abide by them because "Anti-slavery fanaticism would probably soon render them nugatory." The problem, Alabama's commissioner explained, was that the northern people had slowly undergone a radical change in mindset concerning the South. "An infidel theory has corrupted the Northern heart," wrote Curry, "the sentiment of the sinfulness of slavery seems to be imbedded in the Northern conscience." This opinion was widely expressed by radical separatists during the secession crisis. As a result, commissioners such as Curry predicted that it was "not probable that settled convictions at the North . . . can be changed by Congressional resolutions or constitutional amendments."[149]

Curry was cognizant of the suspicion that Hicks harbored toward the rapid separatist movement in the Lower South, and he sought to quell those concerns by assuring the governor that Alabama had "no ulterior motives or unavowed purposes to accomplish" by unilaterally seceding. He stated that Alabama's likely withdrawal stemmed from its vital interest in "the preservation and security of African slavery," an interest he assumed was shared by all the slaveholding states. As such, neither Alabama nor Maryland could risk waiting for Lincoln to be inaugurated. The commissioner strongly urged Governor Hicks to convene the state legislature so that Maryland could "cooperate" with Alabama in disunion and in the formation of a southern confederacy. In addition, Curry understood that Hicks was concerned about joining Maryland to the Lower South. For example, the Alabamian acknowledged that many citizens of the Border States were worried that a southern confederacy might re-open the international slave trade, which would devalue the slaves they sold to the Lower South. Curry promised

[149] Ibid, 403-404.

Hicks that Alabama's slave population was "not to be increased by importations from Africa." To remain in the Union, he argued, Maryland would accept a position of inferiority and "be deprived of an outlet for surplus slaves." Tailor-made arguments and assurances such as these were a vital and logical component of the mission of secession commissioners to the Border States and differed from arguments used by commissioners sent to other areas of the South.[150]

Alabama's commissioner expressed to Governor Hicks that Maryland had only two available courses of action. It could delay immediate action and seek from the North redress for grievances or constitutional guarantees. This option, Curry warned, placed Maryland "under an Abolition Government," only to be "assaulted, humbled, dwarfed, degraded and finally crushed out." On the other hand, Maryland could follow the lead of the Lower South by immediately withdrawing from the Union. This option, Curry argued, carried with it security for Maryland's interests and knowledge that it would join a southern confederation that would "have an identity of interests, protection of property, and superior advantages in the contest for the markets." To the Alabamian, the choice was clear. However, time was of the essence, and if Maryland was going to act, it needed to be sooner rather than later. "One state has seceded," Curry wrote, "others will soon follow." In closing, he expressed to Governor Hicks a firm trust that Maryland and Alabama would soon form a new nation that was "as strong as the tie of affection, and as lasting as the love of liberty . . . which will stand as a model of a free, representative, constitutional, and voluntary Republic." All that was required, the

[150] Ibid, 404.

commissioner urged, was for the governor to convene the state legislature and "let the voice of Maryland be heard."[151]

In a letter dated January, 8, 1861, Hicks replied to Curry's assertions with a confusing and, at times, contradictory answer. The governor indicated that Maryland regarded cooperative measures among the states, "especially with any view to secession," as a violation of the Constitution, unless consented to by the U.S. Congress. If this be true, he argued, the Lower South's invitation for Maryland to take part in a "mutual league" was something that the Old Line State could never do. These statements seemingly contradict previous declarations the governor made to the people of Maryland and to the previous commissioner from Mississippi. However, a close reading of Hicks's entire reply to Curry reveals that the governor had altered his approach to the crisis. By the time of his reply to Curry, two important events had occurred that transformed the national crisis and, as result, Hicks's attitude toward it. The first, of course, was South Carolina's unilateral secession on December 20. The other was the Committee of Thirteen's rejection of John. J. Crittenden's compromise resolutions on December 22 and its tabling on December 31, 1860.[152]

These two events fundamentally altered the situation Maryland found itself in. The actual breaking of the Union placed the Old Line State in a dangerous position. South Carolina's secession heightened the crisis of the Union and, in Hicks's estimation, the possibility of civil war. Unless compromise efforts eased the crisis, he was concerned armed conflict would soon engulf Maryland. Efforts at conciliation and redress of southern grievances appeared to Hicks, for the time being, to be dashed as a result of the failure of the Crittenden Compromise.

[151] Ibid, 405.
[152] McPherson, *Battle Cry of Freedom*, 252-254; Nevins, *Emergence of Lincoln*, 2: 397-402.

Therefore, the governor could not sit idly by as the threats his state faced closed in around it. He had already pledged that Maryland would act if it became clear that southern rights would not be recognized, and that now appeared to be the case. This explains why on January 2, 1861, Hicks formally reached out to the other Border State governors with a plan to "remain for the present as we are and if no compromises be effected by Congress . . . we should then form ourselves into a Central confederacy." This is the where the confusion in his statements becomes obvious. At the same time he started working for united action on the part of the Border States, he also informed Curry that any cooperation among the states that resulted in secession was a violation of the Constitution. How can one reconcile these conflicting views? The answer lies in Hicks's perception of why South Carolina acted in the manner it did and why other Lower South states were endeavoring to do the same. In short, it came down to who he blamed for placing Maryland in such a dangerous position.[153]

The remainder of Hicks's reply to Curry is filled with obvious anger, resentment, and suspicion toward the Lower South and the commissioner's mission to Maryland. "The people of this state," the governor chided, "have seen, with mortification and regret . . . the action of South Carolina already taken and the action of which it is supposed and feared the other states bordering on the Gulf will take, as the worst possible means of remedying the evils of which they complain or preventing the injury they say is imminent." Furthermore, Hicks blamed the failure of the Crittenden Compromise squarely on the shoulders of South Carolina and the rest of the Lower South. By leaving the Union, the governor argued, a state lost its "rightful complaint against any violation of the Constitution," and, as a result, those states' interests

[153] Thomas H. Hicks to William Burton, January 2, 1861, Thomas H. Hicks Papers.

could be wholly ignored by the North. In other words, because South Carolina had seceded and other states were soon to follow, there was no reason, Hicks contended, for the North to compromise with the South. He also predicted that the actions of the Lower South would plunge the nation into civil war, "the most frightful and devastating the world has ever seen," and that Maryland would bear the brunt of it. Given the deepest concern his state had in the matter, Hicks claimed that the Lower South was carrying out its plans of disunion "in complete disregard of the interests of those Border States," and that Marylanders viewed with "profoundest sorrow [the idea that] any Southern state [would] desert her Sister States." [154]

With regard to Curry's encouragement that Maryland should secede and join a southern confederacy, the governor's reply was even grimmer. The people of Maryland, Hicks contended, saw no remedy for their grievances in disunion. "To this state it is ruin," remarked the governor, "for which she sees no relief in a new Confederacy" because it offered far less security than the present Union. Any southern confederacy, the governor asserted, would be riddled with "rival interests, local prejudices, low ambitions, demagogues and fanatics." In such a nation, he predicted that "corruption and intrigue, the lust for power and the pride of place" would quickly bring it to ruin. A confederacy born from the "disease" of secession would never survive because the only remedy for its problems would be "fresh secession, and still newer confederation." In closing, Hicks urged the Lower South to halt the secessionist movements, remain in the Union, and stand with Maryland. [155]

[154] Thomas H. Hicks to Jabez L. M. Curry, January 8, 1861, Governors' Letterbooks.
[155] Ibid.

Governor Hicks's indignation toward the actions of South Carolina and the likelihood other Lower States would follow is indicative of his shifting attitude toward the crisis. While he still maintained a conditional Unionist tone in his reply to Curry, it is clear that he was angry and put off by the commissioner's report that Alabama would soon secede. If taken at face value, it appears that even after the Union was broken, Hicks remained committed to it by stating that he viewed secession as unconstitutional. This may be true, but it is also clear from the letter that he had a high level of contempt for the Lower South and blamed it for abandoning his state, causing the failure of the Crittenden Compromise, and endangering Maryland with the frightening prospects of civil war. When one considers that before his reply to Curry, the governor was attempting to gauge interest among the Border States for the possible creation of a central confederacy, it is clear why he would make such conflicting statements. The actual fracturing of the Union by South Carolina changed everything. Before, Hicks could maintain a conditional Unionist posture; however, now he was forced to choose between joining the Lower South, or remain in a Union that, after the failure of the Crittenden Compromise, appeared ready to disregard the rights of the South. Both prospects presented Maryland with potential pitfalls.

Instead, Hicks decided to pursue a central confederacy as a last alternative. He still hoped for reconciliation by Congress in the future, but he could not count on it, nor did he know that efforts would be made in the future. He needed to prepare for any contingency that Maryland might face. Based upon his response to Curry, it is clear that seceding independently and joining a southern confederacy was not a possibility for him. When the governor informed Alabama's commissioner that Maryland would "never agree to disunion, for any abuse," but

that it might be "compelled to disunion," once the federal government committed an overt act, he meant it. But, when Hicks reported that Maryland did not wish to form a "mutual league" with Alabama because it violated the Constitution, it must be regarded more as an indictment against the Lower South than a firm belief that such action was illegitimate. He was, after all, openly discussing such "mutual league" with the other Border States at the time he made this statement. Therefore, his declaration that joining the Lower South was unconstitutional was a useful argument to ward off linking up with states whose actions, he believed, evinced a complete disregard of the Border States' interests and was coercive in nature. [156]

Curry's report to Alabama's governor, Andrew B. Moore, contained within it a peculiar statement. In spite of "numerous requests" from citizens of Maryland being denied, as well as his own failure to convince Hicks to convene the legislature, Curry stated that the Old Line State "will not long hesitate to make common cause with her Sister states." It is not entirely clear why, or how, the commissioner formulated this opinion. The evidence he based this assumption on was conversations he claimed to have had with "prominent citizens," and "other sources" in Maryland, but that did not include his interview and correspondence with Maryland's chief executive. While it is likely that his interactions with other important Marylanders convinced Curry of this, Hicks certainly did not give him this opinion. Regardless, similar to Alexander Handy's mission to Maryland, Curry's effort to convince Governor Hicks to act swiftly had failed. To immediate separatists, eager to pry Maryland loose from the Union for a southern confederacy, additional pressure was called for.[157]

[156] Ibid.

[157] "Report of Hon. J. L. M. Curry, Commissioner to Maryland" in Smith, ed., *The History and Debates of the Convention . . . Alabama*, 400.

The last commissioner to visit Maryland, Ambrose Ransom Wright, hailed from Georgia. His appointment as commissioner began on January 18, 1861, when the Georgia Secession Convention resolved to "consult" with the other slaveholding states in order to explain the reasons for Georgia's impending secession (the convention endorsed an ordinance of secession the following day), to "urge their conformity" by unilateral action, and to express its ardent desire to "promptly and cordially unite with the other Southern States similarly situated." On January 25 the convention called for nominations "of fit and proper persons" to represent Georgia. Three days later, Wright was nominated and confirmed to his post as commissioner to the Old Line State.[158]

Upon receiving his appointment, Ambrose Wright traveled to Baltimore rather than Annapolis, the state capital of Maryland. While there he witnessed a convention of Marylanders who had assembled in order "to take advisory action upon the condition of the country." This convention, known as the Maryland State Convention Conference, was not a legally constituted body; rather, it was designed to pressure Governor Hicks into convening the state legislature and was composed of men who favored secession in some fashion. Due to the convention's lack of power to commit the Old Line State to any line of policy, Wright felt he was not authorized by his commission to discharge his duties or "hold any intercourse with them of

[158] *Journal of the Public and Secret Proceedings of the Convention of the People of Georgia, Held in Milledgeville and Savannah in 1861* (Milledgeville, GA: Boughton, Nibet & Barnes, State Printers, 1861), 19, 77, 90. Ambrose Ransom Wright was born April 26, 1826, in Jefferson County, Georgia. A lawyer by vocation, Wright operated a law practice in Georgia from 1843 to the outbreak of the Civil War. By 1860 he was a wealthy landowner and slaveholder. During the Civil War, he fought in every major engagement with the Army of Northern Virginia, from Malvern Hill to Petersburg. In November 1864, he was promoted to major general and transferred to Savannah, Georgia, to aid in the defense against Union Gen. William T. Sherman's actions there. He saved the city of Augusta, his home town, from being sacked and retreated north into North Carolina with Gen. J. E. Johnston's forces where he surrendered. After the war, Wright reopened his law practice in Augusta and became the editor of the *Chronicle and Sentinel*. Wright died on December 21, 1872, at his home in Augusta. For biographical information, see John L. Wakelyn and Frank E. Vandiver, eds., *Biographical Dictionary of the Confederacy* (Westport, CT: Greenwood Press, 1977), 447-448.

an official character." However, in an unofficial capacity Wright visited the convention, was invited to a seat on its floor, and held meetings with some of its members. Wright reported that he was struck by the attitude among the delegates. "The situation of Maryland geographically," he wrote, "is that she is compelled to direct her action in concert with Virginia . . . and North Carolina," because those states buffered Maryland from the "Cotton States." The commissioner further informed his home state that the Maryland State Conference Convention had adjourned until March 12, unless Virginia took direct action in the interval. If that occurred, the convention resolved that it would reassemble and move for "binding and definite action," and "co-operate with the seceding states." Having failed to meet with Hicks and thus discharge his official duties as commissioner to Maryland, Wright left Baltimore and returned to Washington, D. C. He revisited the state, this time traveling to Annapolis, on February 21 but failed again to meet personally with Governor Hicks.[159]

On February 25, Wright returned and finally held a personal interview with Hicks in Annapolis. It is important to place this meeting within the context of national events as they had occurred since the correspondence between Governor Hicks and Alabama's commissioner, Jabez L. M. Curry. Since that time, the rest of the Lower South had joined South Carolina in disunion, and those states had already formed the Confederate States of America. In addition, during the interim the Crittenden Compromise was briefly revived from committee, but defeated by a 25-23 margin in the Senate, and conciliation efforts made by the House of Representatives had fallen through as well. In a last-ditch attempt to prevent a civil war,

[159] "Report of A. R. Wright Esq., Commissioner from Georgia to Maryland" in *Journal . . . Convention of the People of Georgia*, 328, 330; William C. Wright, *The Secession Movement in the Middle Atlantic States* (Rutherford: Fairleigh Dickinson University Press, 1973), 38. For a detailed account of the February, 1861, Maryland State Conference Convention's proceedings see *Baltimore Sun*, February 19, 1861.

Virginia called for a convention of all states to discuss a peaceful preservation of the Union. The Washington Peace Conference, as it became known, convened on February 4, 1861, but accomplished little except to mark time. It did, however, further divide the Lower South and Upper South because the seceded states plus Arkansas refused to send delegates and Republican participation was "perfunctory or hostile." At the moment of Wright's arrival on February 25, no one, including Hicks, yet knew the outcome of the convention's efforts. But, by the next day, it was widely reported that Lincoln did not support specific measures of the conference's plan and was, therefore, unlikely to approve its actions. [160]

The meeting, between Hicks and Wright was described by the commissioner as a "pretty free exchange of opinion," which resulted in the Georgian presenting the governor with a copy of his state's secession ordinance, a written explanation of why that state left the Union, and a series of arguments as to why Maryland should follow suit. Wright's correspondence was accompanied with a suggestion that Hicks produce a written statement to be submitted to the Georgia Convention, but the governor reportedly declined. The Georgian did, however, officially submit an account of his meeting with Hicks, providing direct evidence of their interaction and the arguments he used to induce the governor to convene the Maryland legislature and to secede.[161]

Wright informed Hicks that his mission was to "urge . . . the policy of withdrawal, or secession, of Maryland from the power known as the United States," and to convince it to join the Confederacy "for the mutual defense, protection and welfare of the Southern States." For

[160] For detailed accounts of the convention, see Robert G. Gunderson, *Old Gentlemen's Convention: The Washington Peace Conference of 1861* (Madison, WI: The University of Wisconsin Press, 1961) and Jesse L. Keene, *The Peace Conference of 1861* (Tuscaloosa, FL: The University of Florida Press, 1961).

[161] *Journal . . . Convention of the People of Georgia*, 330.

more than thirty years, the commissioner wrote, "the Northern people have been waging a violent, inflammatory and wholly unjustifiable war upon the institution of domestic slavery." While admitting that radical abolitionists "never commanded the respect," nor the support of the majority of northerners, Wright maintained that the former had sought to "inflame the passions, arouse the jealousies, and excite the hatred," of southerners. The Republican party, he argued, sprang from the "dead body of abolitionism," and had the avowed object of preserving the territories from the "blasting effects of involuntary servitude." After enumerating a long list of perceived insults and injuries perpetrated by the Republican party upon the South, Wright arrived at a pointed observation. Echoing the sentiments of the two previous commissioners, he queried as to what "reasonable hope" could be entertained that the Northern mind would "undergo a change – will yield to its prejudices?" To the commissioner, it was foolish to believe that the Republican party, fresh off its electoral victory, would denounce its principles and "deny the faith which has alone secured them place and power." For the Republicans to make compromises with the South would lead to "utter ruin and disgrace at home." Instead, he predicted they would adhere to a policy of "crushing out African slavery," and eventually "annihilate" it from the American continent. Georgia had seceded from the Union, the commissioner argued, because of "existing causes," not because of supposed eventualities. [162]

Next, Wright attempted to link Maryland's interests to those of the Lower South when he asserted that Georgia was not the only slaveholding state to have "suffered wrong and injustice from the Northern States." The commissioner assured Hicks that Georgians

[162] Ibid, 334, 336-337.

considered any insult or injury committed on the Old Line State to be a wrong perpetrated on them. "Common action," Wright urged, was therefore necessary for the preservation of "common liberties and the defense of their common rights . . . to the last extremity." To achieve this end, the Georgian pressed Hicks to convene the legislature, endorse a secession convention, support the Old Line State's withdrawal from the Union, and wheel into line with the Confederacy. Similar to the preceding commissioners, Wright stressed the potential benefits that Maryland stood to enjoy as part of the southern confederacy. For example, he contended that Baltimore, once free from "the oppression and unequal administration of the present Federal Government" would become the "great commercial and financial centre, and importing agent for the entire South," thus earning it a title of one of the "first cities in the world."[163]

Cognizant of the governor's support for consultation with other Border States in the formation of a central confederacy, the commissioner regretted to inform him that Georgia considered such action a "doubtful policy" regarded by the Lower South as "hesitation in taking a prompt and decided position." In addition, by late February 1861 U.S. military personnel were massed within Maryland's borders and its federal forts had been reinforced. Wright asserted that Hicks's policies of delay had allowed this to occur. As a result, the commissioner advocated delaying no further, advised the governor to act immediately, and assured him that if the federal government attempted to prevent such action, Georgia would come to the Old Line State's aid. In closing, the commissioner drove home one last point concerning the Border States' desire that the seceding states would come back to the Union. Wright countered Hicks's

[163] Ibid, 333-339.

claims of precipitous action by arguing that Georgia had seceded only after "careful consideration," and was "determined to take no step backward." Even if the slavery question was settled to the satisfaction of Georgians, they would be "unwilling again to confederate with a people whose views of the power of the Federal Government are so entirely different from [their] own." In other words, secession was permanent. The aforementioned request that Hicks produce a written statement of his views on the matter that could be submitted to the Georgia secession convention was reported by Wright to have been denied. However, it appears that was not entirely true. Whether the commissioner chose not to submit Hicks's statement, or he never received it, or he did not receive it in time, it does exist. Regardless, both Hicks's statement and Wright's account of their meeting offer insight into the governor's attitude toward the crisis as it existed by March 1861. [164]

The Georgian described Hicks as "not only opposed to the secession of Maryland from the Federal Union – but that if she should withdraw . . . he advised and would urge to confederate with the Middle States in the formation of a Central Confederacy." With regard to Georgia's actions, Wright reported that Hicks viewed it as "hasty, ill-advised, and not justified," by only the election of Lincoln. Furthermore, the governor reportedly stated that he believed the use of secession commissioners was designed to "coerce" Maryland into seceding, something that greatly angered him. Hicks echoed this sentiment in his official reply to Wright: "To the People of Maryland belongs the right to determine for themselves whether the time has come, and the occasion for their taking part in breaking up the Union." He did not appreciate the aggressive techniques that radical separatists employed to try to pry Maryland

[164] Ibid, 339-341.

from the Union. This reaction explains a couple of noteworthy comments Hicks made to the commissioner. Reflecting the anger and resentfulness he had toward the immediate secession of the Lower South, the governor claimed that even if the federal government attempted to use force to hold the seceded states in the Union, he would still refuse to convene the state legislature, and, most disturbing for Wright, he would "interpose no objections to the marching or transporting of troops across his state." The latter of these declarations contradicted previous statements made by Hicks. He had, on numerous occasions, avowed to oppose the federal government if it resorted to force to hold the Lower South in the Union. His contrary statement to Wright resulted from the immense frustration he had with the actions of the Lower South and the emotional atmosphere of the increasingly dangerous crisis. The Georgian was, after all, the third of such emissaries to the Old Line State, and the governor was already on record claiming that the use of commissioners was designed to coerce Maryland. Additionally, two of the commissioners, Wright included, had publicly addressed ordinary Marylanders in town meetings and assemblies. All of this combined to create a good deal of anger and hostility within Hicks toward Wright, the physical manifestation of the Lower South. This is purely conjecture, of course, but without definitive evidence of Hicks having altered his position on the matter and knowing he remained opposed to such a policy by the federal government after his interaction with Wright, it is an informed estimation. [165]

Regardless, Wright assured the Georgia Convention that Hicks's statements "were not entertained" by the majority of Marylanders and that he had no doubt that they would "spontaneously rise *en masse*" and resist a federal invasion of the South. The people of

[165] *Journal . . . Convention of the People of Georgia*, 331-332; Thomas H. Hicks to Ambrose R. Wright, March 1, 1861, Governors' Letterbooks.

Maryland, Wright stated, "are true to the memories of the past . . . gallant, patriotic, and brave . . . whose feelings and sympathies are warmly enlisted in our cause." Admitting that some Marylanders regarded Georgia's secession as carried out "precipitately," the commissioner expressed confidence that most viewed disunion as being "justified by past events" and that the Old Line State was determined to assist "in sustaining our independence." It was regretful, Wright opined, that the people of Maryland were prevented "from giving an authoritative expression of their conviction," by the actions of the governor, without whose consent the state legislature or a secession convention could not be assembled. In spite of this fact, the commissioner had "no hesitancy" in stating that if Virginia seceded, the people of Maryland would "assemble in spontaneous Convention, and unite their destinies with the Confederate States of the South."[166]

In the end, Wright's mission to Maryland met with failure, similar to those of the previous two commissioners. His personal interview with Hicks appears to have been a disaster, and he was unable to convince the governor to convene the state legislature. In short, he had failed to secure Maryland for the southern confederacy. He was, however, seated at the Maryland State Convention and openly conversed with its leaders and other prominent Marylanders, even though that body had no authority to speak in any official capacity for the entire state, nor the ability to set policy. It appeared to the commissioner that Maryland would not budge from its current position unless Hicks convened the legislature or the secessionists within Maryland took matters into their own hands. On the first option, it was clear that the governor was opposed to unilateral secession, but more important, he opposed joining a

[166] *Journal . . . Convention of the People of Georgia*, 331-332.

southern confederacy. Indeed, Hicks reaffirmed his position that he hoped for the creation of a central confederacy in the event of his state's withdrawal from the Union. On the second option, Wright contributed to this possibility by his interaction with the Maryland State Conference Convention and through his communications with its leaders.

It is clear that the purpose behind the three commissioners' missions to Maryland was to explain the reasons behind their respective states' secession, strongly urge the Old Line State to pursue the same course of action, and to request its cooperation in the formation of a southern confederacy. They were the tool by which radical separatists applied their pressure on the other slaveholding states and, more important, the Border States. The commissioners who traveled to Maryland in the winter of 1860-61 interacted with many citizens of the state, and two even publicly addressed assemblages of Marylanders on occasions that presented themselves. However, to achieve their true purpose of prying Maryland from the Union, their interaction with Governor Hicks was paramount. Only he could call for a special session of the state legislature, which was needed in order to convene a secession convention. Understanding this fact, the commissioners discharged their duties by either corresponding with Hicks or holding personal interviews in an official capacity.

Attempting to persuade the governor with arguments that highlighted the potential danger of inaction and the benefits associated with immediate secession and the formation of a southern confederacy, the commissioners were all met with stiff resistance and, at times, a cold reception by Hicks. They attempted to tailor arguments that they believed citizens of a Border State would appreciate (e.g. continuance on prohibition of the international slave trade, commercial benefits for Maryland, and the removal of a protective tariff), but at each instance

the governor rebuked their assertions. Thomas H. Hicks's interactions with the three secession commissioners exposed a deep rift between the Border States and the Lower South. The governor believed in the right of secession in the abstract, but he never advocated an immediate assertion of that right. He stated that he did not believe that circumstances yet existed that justified such rash action, though unless the northern people redressed the wrongs of the South, he would favor separation from the Union. The argument advanced by Hicks in all three instances was that the immediate withdrawal of the Lower South was a coercive measure, designed to force his state to make hard choices in the secession crisis, something he very much resented. Furthermore, he repeatedly argued that if his state acted unilaterally, even if it was done peacefully, it would place a hostile country on Maryland's northern border and lead to the gradual, but eventual, downfall of slavery in the state.

Though Hicks had steadfastly declined to enter into any "league or mutual understanding" with the commissioners from the Lower South, he desired some manner of cooperation among the Border States, which would, he hoped, bring about a compromise between the North and South. It was with this view in mind that he spurned the efforts of the commissioners and continued his correspondence with the Border State governors. It was not entirely clear (perhaps even to Hicks) how he proposed to go about forming a central confederacy, but the idea dictated his dealings with the Lower South emissaries. While the commissioners maintained that their respective home states sought "cooperation" with Maryland in forming a southern confederacy, the governor was quick to point out that their states' actions had abandoned the Old Line State and threatened its interests. When the commissioners attempted to explain why Maryland should secede and join a southern

confederacy, Hicks pushed back at them with suggestions that secession had not yet been warranted and that a southern confederacy offered little tangible benefits, only the possibility of ruin. And lastly, with each passing commissioner's pressure to convoke the state legislature, the level of anger and resentment exhibited by the governor rose to the point that he openly chastised Georgia's representative and declared that not only would he not convene the legislature in the face of federal coercion of the Lower South, but he would allow federal armies to cross his state to carry out the coercion. On the whole, Governor Hicks exhibited increasing annoyance and suspicion toward the Lower South as its emissaries applied pressure on him.[167]

And why would he not? The actions of two commissioners (Alexander H. Handy and Ambrose Wright) went far beyond their interaction with Governor Hicks when they addressed assemblages of Marylanders and corresponded with prominent state leaders, some of whom were ardent separatists. This type of behavior had an immense effect on Hicks. It appeared to him that radical separatists, from outside his state no less, were actively engaged in undermining his authority within Maryland. Between the election of 1860 and February of 1861, Governor Hicks's primary concern was holding Maryland in the Union until a compromise could be effected in Washington, D.C. Congress's failure to accept the resolutions of Senator John J. Crittenden in December 1860 only served to exasperate Hicks's efforts to protect the Old Line State's interests. From December 1860 to February 1861, he worked diligently to build a consensus among the Border States for possible joint secession and the formation of a central confederacy. However, by the end of February Hicks became increasingly worried about internal threats to his state.

[167] Thomas H. Hicks to Alexander H. Handy, December 19, 1861, Governors' Letterbooks.

The secession commissioners to Maryland were a vital component shaping Hicks's approach to the crisis. Their missions to the Old Line State forced him to interact with the radical separatists on a personal level, and with each passing visit the governor became increasingly hostile toward, and suspicious of, the Lower South. The effect the commissioners had on Hicks was profound and actually counterproductive to their ultimate aim. From February 1861 until the shelling of Fort Sumter in April, Maryland became an ideological battleground between radical separatists and an interesting alliance of ardent Unionists and Marylanders who now accepted the Union because the idea of a central confederacy was untenable and because the alternative – joining a southern confederacy – was too dreadful to contemplate.

Governor Hicks had successfully weathered the initial crisis by steadfastly refusing to give in to emotional reactions to Lincoln's election and earnest demands for immediate action. He did so by posturing as a conditional Unionist and urged moderation and cooperation among all the slaveholding states in seeking redress for southern grievances. He deplored the notion of calling the legislature together for fear it would take drastic measures. However, he was forced to adjust his approach to the crisis following the withdrawal of South Carolina from the Union and the failure of the Committee of Thirteen. By January 1861, he understood that Maryland might need to secede in the future, but instead of aligning with the Lower South, he pursued a course of action designed to keep the Old Line State out of a southern confederacy, because he believed it did not serve the state's interests and because the Lower South had ignored those interests to begin with. By late February 1861, he remained committed to the idea of a central confederacy, but only if every opportunity for conciliation had been exhausted.

While the Washington Peace Conference still debated compromise measures into early March, there was still hope. He was commended for this course of action by many northerners and Marylanders. However, he was held in contempt by radical secessionists within, and outside, his state, who urged him to act immediately. These types of coercive measures greatly angered the Marylander as he attempted to maintain his state's interests in the whirlwind of the secession winter. In spite of the Lower South's attempts to persuade Hicks to convene the legislature, the governor remained committed to resisting such demands. As a result, secessionists within Maryland began to exert increasingly hostile and dangerous pressure on him to act. While maintaining hope in conciliation and working to create a central confederacy as a last alternative, Hicks now had to contend with the designs, intrigues, and plots secessionists within his state began to engage in to secure Maryland for the new southern confederacy.

CHAPTER 6

"O MISCHIEF, THOU ART SWIFT TO ENTER IN THE THOUGHTS OF DESPERATE MEN!"[168]

GOVERNOR HICKS BECOMES THE "OLD GIBRALTAR"

In March 1861 Governor Hicks received an anonymous letter that menacingly declared: "your days are certainly numbered." The angry author asserted that unless Hicks allowed Maryland to "redeem her honor" by convening the legislature, then upon his head would fall "some deed . . . which we hold justifiable; we are desperate indeed." This was not the only threat of violence against Hicks during the secession crisis. Indeed, throughout the winter and spring of 1861 the governor's personal safety was routinely menaced, often by individuals who made their identity public. The source of the anger toward him was clear. His refusal to convene the legislature had become a rallying cry for radical separatists both inside and outside Maryland. For example, in testimony before a select committee of the U.S. House of Representatives, a Baltimore lumber merchant named Joseph H. Boyd stated he was "satisfied" that the people of Maryland "were not going to be governed much longer" by Hicks. When the committee questioned Boyd as to the meaning of his statement, he claimed that Marylanders were "getting tired of being debarred the privilege . . . of being heard through their legislature or through a convention." Within the Old Line State, radicals attacked Hicks's inaction by claiming it dishonored the state and prevented the people from expressing their true sentiment on Maryland's position in the crisis. In the Lower South, Hicks's policies were seen as a major

[168] This quotation is from William Shakespeare's "Romeo and Juliet." It was used by Anthony Kimmel to describe the scheming of radical separatists within Maryland. See Anthony Kimmel to Thomas H. Hicks, January 26, 1861, in Hicks Papers.

obstruction to the secessionists' hopes of uniting all the slaveholding states in a southern confederacy. The stress placed upon Maryland's executive was immense and the stakes were high. Hicks understood that any move to convene the legislature would likely end in the Old Line State's withdrawal from the Union and, he feared, bring about a civil war. Even his political enemies, such as Henry Winter Davis, understood this likely outcome. "There is a determined effort to compel the Governor to convoke the Legislature," wrote Davis, "and it is my deliberate judgment that the calling of the Legislature is the first step towards civil war."[169]

While there was still hope for a peaceful compromise among the states, the governor publicly stated that he was committed to the idea of keeping Maryland in the Union. "Until every honorable and constitutional and legal effort is exhausted," proclaimed Hicks, "I intend to uphold the Union." Behind the scenes, however, he worked to build a consensus for a Border State alliance as a last alternative to seceding and joining the Lower South in confederation. In a larger sense, he hoped to create a buffer between the Lower South and the North. The failure of Congress to accept the Crittenden Compromise represented a serious blow to the governor's refusal to convene the state legislature, but Virginia's January 1861 invitation for a national conference sustained Hicks in his continued refusal to act. The Washington Peace Conference was viewed by the governor with great optimism, and evidence indicates he worked diligently for its success. Yet at the same time, Hicks became increasingly aware of the potential for an outbreak of violence within Baltimore or, worse, in Washington, D.C. As a result, his actions became increasingly dictated by daily allegations, rumors, and information of

[169] "Anonymous" to Thomas H. Hicks, March 1861, Thomas H. Hicks Papers; *Reports of Committees of the House or Representatives Made During the Second Session of the Thirty-Sixth Congress*, 1860-61, 3 vols. (Washington: Government Printing Office, 1861), 2:161, 164; Henry Winter Davis to Samuel F. DuPont, March 12, 1861, Samuel Francis du Pont Papers, Hagley Museum and Library, Wilmington, Delaware.

secessionist plots and conspiracies that ranged from his assassination, to an illegal state convention to vote on secession, to rumors that secret organizations in the South intended to violently resist Lincoln's inauguration.

The Washington Peace Conference and the governor's belief that "the secessionists [were] engaged covertly in some scheme," were not separate issues. Indeed, the relationship between them greatly affected the governor's dealings between January 1861 and the Confederate shelling of Fort Sumter in April. Thus, critical questions arise concerning the governor's involvement and reaction in both matters. For example, what efforts did Hicks make to sustain the Washington Peace Conference, and what effect did that assembly's failure have on his previous refusal to convoke the state legislature? If his position remained unchanged, what would cause the governor to ignore his earlier assurances that he would act if compromise failed? Finally, what role did the allegations and rumors of secessionist conspiracies have in shaping Hicks's policies in the crisis? Answers to these questions reveal that as the national crisis became more dangerous, forces inside and outside Maryland worked to compel Hicks to finally choose between remaining loyal to the Union or throwing the Old Line State's support behind the Confederacy.

Hicks's correspondence with the secession commissioners suggests that he remained committed to the idea of a Border State alliance as late as February 1861. Of course, opponents of such a plan heavily criticized the governor for this pursuit. They charged that he was pledging the Old Line State to a line of policy without first consulting the legislature. In addition, his detractors argued that Maryland needed to stand by its fellow slaveholding states that had already seceded and formed a new nation. "[Maryland] has deserted her sisters,"

wrote one Marylander, "and consents to sit under a ruffian, bloodthirsty, and treacherous administration." It is not entirely clear how Hicks proposed to create a Border State alliance. Indeed, his attempt appears to have been confined solely to a letter writing campaign to the other Border State governors. However, a consideration of his correspondence and public addresses reveals that he viewed the Border States, acting as a unit, as an independent force that could prevent the North and South from antagonizing one another and, perhaps, force a compromise. The governor believed this alliance was possible because the Border States were naturally inclined to prevent armed conflict on account of their geographical position. Interestingly, the most credible form of Border State consultation did not originate with Hicks, in spite of his best efforts; rather, it was Virginia that took the lead.[170]

On January 19, 1861, the Virginia legislature issued an invitation to all the states in the Union to send commissioners to Washington, D.C., on February 4, 1861. The Washington Peace Conference, or the "Old Gentlemen's Convention," as this assembly was commonly referred to, was convened in order to convince all parties to refrain from "acts tending to produce a collision of arms" and to consider "employing every reasonable means to avert so dire a calamity." Governor Hicks responded to Virginia's invitation with great enthusiasm by quickly, and unilaterally, dispatching seven delegates to represent the state at the conference. The appointment of the Maryland delegation was made without the sanction of the state legislature, a decision that earned Hicks considerable condemnation from his enemies and was questioned by even some of his closest friends. Considering the individuals that Hicks chose to represent Maryland at the Washington Peace Conference, it is clear why the governor

[170] "Anonymous" to Thomas H. Hicks, March 1861, Thomas H. Hicks Papers.

unilaterally appointed them. Hicks pinned great hope on the conference's ability to prevent armed conflict between the sections of the country. Therefore, he chose delegates that maintained a high reputation in the state, held diverse political opinions, and, above all, were conservatives – a clear indication that he wanted a bipartisan, yet moderate, approach to the convention. The Maryland delegation included such notable and influential figures as the firebrand novelist John Pendleton Kennedy, former U.S. Congressman and then U.S. Supreme Court Reporter of Decisions Benjamin Howard, and future Maryland governor Augustus A. Bradford. The caliber of Marylander sent to Washington is important because it underlines the governor's desire to prevent a civil war. He dispatched individuals who were steadfastly committed to the Union and thus more willing to agree on compromise measures to preserve it. To appoint Marylanders that harbored secessionist sentiment would hardly serve Hicks's policy toward the crisis. His critics, however, argued that he had appointed only "strong Union men," and demanded that he also dispatch representatives to Montgomery, Alabama, in order to balance Maryland's approach to the crisis.[171]

It is clear that the governor viewed the conference as the last struggle for compromise and appointed representatives he believed would not waste it. Hicks had long formed plans of consultation among the Border States, even to the point of cooperative secession and the

[171] L. E. Chittenden, *A Report of the Debates and Proceedings in the Secret Sessions of the Conference Convention, for Proposing Amendments to the Constitution* (New York: D. Appleton & Company, 1864), 9. The Maryland delegation to the Washington Peace Conference consisted of Reverdy Johnson, John T. Dent, John W. Crisfield, Augustus C. Bradford, William T. Goldsborough, J. Dixon Roman, and Benjamin C. Howard. For criticism of Hicks's decision to appoint delegates to the Washington Peace Conference, see *Baltimore Exchange*, January 23, 1861. For an example of Hicks's friends questioning his unilateral appointments, see E. H. Webster to Thomas H. Hicks, January 23, 1861, Hicks Papers. For studies of the Washington Peace Conference, see Robert Gray Gunderson, *Old Gentlemen's Convention*; Mark Tooley, *The Peace That Almost Was: The Forgotten Story of the 1861 Washington Peace Conference and the Final Attempt to Avert the Civil War* (Nashville, TN: Nelson Books, 2015).

formation of a central confederacy, in order to preserve their interests. To date, the Washington Peace Conference represented the best opportunity to form this consultation, and, as a result, the governor labored hard for its success. He visited the conference while it was in session and, according to the *Baltimore American*, was received "with much cordiality by the members." Hicks even went so far as to write William H. Seward and Abraham Lincoln, urging both to "throw [their] influence in aid of the conference," and predicted that if they would, "it would be successful." [172]

At the same time, however, a movement to circumvent Hicks's authority was underway. It began as a series of local meetings held around the state, but soon exploded into a spontaneous outburst of frustration. On February 1, 1861, a mass meeting in Baltimore called for "the position of Maryland to be ascertained by a convention of the people." The assembly repeatedly denounced Hicks's appointment of delegates to Washington, D.C., as a "flagrant and unconstitutional usurpation of power," a statement that reportedly received "great applause" from the audience. The meeting further resolved to sidestep the governor's refusal to convene the legislature, even by extralegal means, and recommended that each county hold primaries for the election of delegates to a state convention to be held on February 18, 1861. This was the origin of the Maryland State Conference, the assembly that Georgia's secession commissioner, Ambrose R. Wright, conversed with during his visit to the state. The Baltimore assembly's call for a state convention was, however, without any authority and was adopted by members that were incensed over Hicks's refusal to convene the state legislature. Under the circumstances, they argued, Marylanders needed to resort to unconstitutional measures in

[172] *Baltimore American*, January 23, 1861; Thomas H. Hicks to William H. Seward, February 28, 1861, and Thomas H. Hicks to Abraham Lincoln, February 11, 1861, Thomas H. Hicks Papers.

order to let their voices be heard. Threats of radical and hostile acts were freely expressed among the members of the assembly, and Hicks was condemned on all sides. For example, Sevren Teackle Wallis of Baltimore County opined that Hicks's unwillingness to trust the legislature was sufficient reason why Marylanders should trust it. Wallis explained that the governor's course of action was "filled with inconsistencies from beginning to end." Another member, Henry May, claimed that the meaning of Hicks's refusal to convoke the legislature arose from the governor's belief that "the people of Maryland were not capable of being entrusted with a serious duty." He added that "[Hicks's] conduct is that of an oppressor; and if the people of Maryland longer submit to it, they are, in my humble opinion, only fit to be oppressed." Another speaker, Robert M. McLane, even suggested that "the most effective and expeditious" way to end the controversy was to "gibbet" the governor.[173]

The Baltimore event was not the only anti-Hicks gathering in the state. Indeed, numerous meetings were held throughout Maryland in 1861 that employed the same rhetoric used in Baltimore. All were extensively covered by the state's printed media, making it highly unlikely the governor was unaware of them. The language and tone of the assemblies had the effect of confirming in Hicks's mind that radicals within his state were engaged in some type of "wicked design" to undermine his policies and authority. On February 9, 1861, he wrote Winfield Scott to inform him that the "desperados" were being frustrated in their "unholy purposes" by the ongoing negotiations at the Washington Peace Conference. Hicks assured the general, however, that "they have not abandoned their designs," and added that they were engaged in efforts to convene a "Revolutionary Convention" (referring to the planned Maryland

[173] *Baltimore American*, February 2 and March 2, 1861; *Baltimore Exchange*, February 4, 1861; "Letter of May to President of the Baltimore Convention" in *Baltimore Exchange*, February 9, 1861;

State Conference), which he feared was intended to "continue the excitement" and aid their plot. The governor's fear was echoed in many of Maryland's newspapers as well as among concerned citizens of the state. For example, alarmed by the uproar created by the planned state conference, the *Cecil Whig* warned its readers that unless the governor checked the "minority of disunionists," Maryland would be "dragged into the revolution." A close friend of the governor, William S. Schley, argued that the conference was "another part of [the secessionists'] programme" and suggested that many Marylanders were "sorry to see such good names mentioned in connection to it."[174]

The Maryland State Conference convened on February 18, 1861, but did little of importance except criticize Hicks's policies and produce resolutions calling on him to convoke the legislature. The convention's chairman, Judge Ezekiel Chambers, informed the gathering that he had heard rumors of Hicks willingness to convene the General Assembly if the Washington Peace Conference failed. Thus, the chairman recommended that the conference await news from Washington, D.C., before proceeding with any extralegal actions. It is not entirely clear what gave Judge Chambers this opinion, but a letter from Hicks to a close friend indicates the governor entertained these thoughts. "If the efforts now being made, including the Peace Convention, shall fail," Hicks wrote, "I shall then go to the people as asked by the . . . Counties Convention." Regardless, the state conference adjourned with an understanding it would reconvene on March 12, 1861, to consider what actions needed to be taken.[175]

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[174] Thomas H. Hicks to Winfield Scott, February 9, 1861, Thomas H. Hicks Papers; *Cecil Whig*, January 17, 1861; William Louis Schley to Thomas H. Hicks, January 16, 1861, Hicks Papers.

[175] For a detailed account of the February, 1861, Maryland State Conference Convention's proceedings, see *Baltimore Sun*, February 19, March 13 and 14, 1861; *Baltimore Exchange*, March 13 and 14, 1861; *Baltimore American*, March 13 and 14, 1861. Thomas H. Hicks to Dr. Joseph J. Duvall, February 9, 1861, Governors' Letterbooks.

In the meantime, high January hopes to preserve the Union through the efforts of the Washington Peace Conference came crashing down by late February. The conference's delegates recommended that a politically fractured Congress frame and adopt constitutional amendments that would, among other things, reinstate and extend the Missouri Compromise Line and guarantee slavery's protection from federal interference. Benjamin Presstman, a Maryland delegate to the conference, expressed his pessimism to a fellow delegate: "Little by little hope has faded. What good can come of these deliberations when upon every question which is presented the lines of sectionalism are tightly drawn?" On March 1, 1861, the U.S. Congress rejected the recommendations of the conference. With its collapse, so too did the expectations for an independent force to check the division of the country.[176]

On March, 12, 1861, the Maryland State Conference reassembled in Baltimore, although with fewer attendees than before. Those who did show up lent a more partisan and pro-secessionist attitude to resolutions, and, overall, the assembly was described as vehemently "anti-Lincoln, anti-Union, and anti-Hicks." Over the course of two days, the gathering heatedly debated numerous resolutions concerning what course of action Maryland should adopt. For example, one resolution declared Baltimore's commercial destiny to be with the Lower South and warned that if the Old Line State remained in the Union, it "would give a fatal blow to its commercial, manufacturing and mechanical interests." In addition, the delegates' speeches indicate that Hicks's detractors were reaching their breaking point. Incitements of personal violence against the governor were routinely expressed, and references to the idea that Marylanders needed to take matters into their own hands were prevalent. The conference

[176] Benjamin Presstman to Benjamin C. Howard, February 3, 1861, Bayard Papers , H. Furlong Baldwin Library, Maryland Historical Society, Baltimore, Maryland.

talked tougher in terms of considering an illegal state convention. Had it not been for the meeting's presiding officer, former state judge Ezekiel F. Chambers, who urged the convention to compromise on a moderate outcome, it is entirely likely the meeting would have taken revolutionary actions. Chambers, however, was able to calm the rhetoric and support a compromise in which delegates resolved to appeal once more to Governor Hicks to convene the legislature and to await his response. Thus, while the assembly exhibited radical tendencies, it did little of importance except to denounce Hicks and apply additional pressure to coerce him into action. The governor, however, worried enough about the outcome of the convention's deliberations to write Lincoln on March 11, 1861, concerning rumors that the president was considering the appointment of John J. Crittenden to the Supreme Court. "A convention is to be held in Baltimore on the 12th by the secessionists," wrote Hicks, and "the appointment of [Crittenden] will do much to disarm them on that occasion." [177]

The Maryland State Conference's decision to appeal once more to the obstinate Hicks exposed the delegates' reservations about taking such rash, even revolutionary, action of calling for an unofficial convention. This passivity was not lost on the governor, either. While he understood radical sentiment in the state was building momentum, his authority over Maryland's affairs remained intact, although it was admittedly fragile. The conference itself was important because it demonstrated the level of activism among Marylanders who wished to see their state secede and join the Confederacy. Radical separatists within Maryland had progressed in their actions to the point of holding state conventions in order to pressure Hicks. The conference's rhetoric greatly alarmed him, and, as a result, he desperately sought ways to

[177] *Baltimore Sun*, March 13 and 14, 1861; *Baltimore Exchange*, March 13 and 14, 1861; *Baltimore American*, March 13 and 14, 1861; Thomas H. Hicks to Abraham Lincoln, March 11, 1816, Thomas H. Hicks Papers .

quell it. Yet, upon the collapse of the Washington Peace Conference, Governor Hicks was left with few options. He had previously indicated that in the absence of compromise efforts, and devoid of a Border State consensus to form a central confederacy, he would call the legislature into a special session. It appeared that contingency had now arrived. However, the governor still refused to convoke the legislature. His reasons for continued inaction stemmed from, among other things, events such as the Maryland State Conference. Hicks was convinced that Maryland would secede if he called the legislature into session – a conviction made firmer by the Maryland State Conference. Senator Anthony Kimmel agreed with Hicks about the "dire consequences" that would result if the legislature was convoked. "The only check there is or can be to this Terrified Democracy," wrote Kimmel, was the continued resistance of the governor. The Maryland State Conference was not the only source of concern for Hicks. Indeed, in the whirlwind of the secession crisis there existed countless allegations of secessionist plots to coerce Maryland into disunion and secure it for the Confederacy. Fear of an internal and revolutionary conspiracy reinforced the governor's commitment to keep the Old Line State in the Union as a matter of necessity.[178]

In a widely publicized address to the people of Maryland on January 3, Governor Hicks had indicated that, "to our shame," there were disunionists in Maryland who "have resolved that the [state] shall be precipitated into secession with the Cotton States" before Lincoln's inauguration. He added that these radical factions sought to undermine his authority and the will of the people, but assured that he would not allow "this minority element to drive us into a disastrous war." Hicks claimed to have received evidence about this plot from "persons having

[178] Anthony Kimmel to Thomas H. Hicks, January 26, 1861, Hicks Papers.

the opportunity to know, and who are entitled to the highest confidence," although he never publicly mentioned his sources by name. His correspondence from December 1860 to April 1861, indicates that he received constant information regarding myriad secessionist conspiracies. For example, James C. Welling, editor of the *National Intelligencer* in Washington, D.C., informed Hicks that "disunion leaders in this city" were satisfied that the Lower South was sufficiently pledged to secession and hoped to bring Maryland into line by making it "the base of their operations." Welling added that separatist leaders sought to undermine his policies and authority by "industriously manufacturing . . . every variety of appeal" to manipulating Marylanders and "resort[ing] to threats of violence" in order to force the governor to convene the legislature.[179]

Another informant wrote Hicks with evidence of a secessionist scheme to "take possession of the City of Annapolis and expel the public authorities there by force." The governor was so disturbed by this letter that he sent a copy to the commanding officer of the United States Naval Academy, though Hicks tore off the author's signature to protect the informant. After Baltimore's chief of police, George P. Kane, was made aware of the letter, he pressed Hicks for the name of the informant on the grounds that the head of the police and detective departments were in "a better position to ferret out the alleged conspirators" than the governor was. Hicks refused to give up the name on the correspondence on grounds that "publicity" would close up his means to obtain future information. There were also newspaper reports about numerous county meetings that implied Marylanders were growing increasingly impatient with Hicks's refusal to convene the legislature and that these dissatisfied citizens

[179] "Address of Gov. Thomas H. Hicks to the People of Maryland, January 3rd, 1861, Governors' Letterbooks; James C. Welling to Thomas H. Hicks, December 25, 1860, Hicks Papers.

were plotting ways to circumvent the governor's authority in the matter. For example, a meeting in Prince George's County resolved that, in spite of such action being in clear violation of the state constitution, Maryland's Speaker of the House of Delegates and the President of the Senate would be justified in calling a special session of the legislature. Other meetings, such as one in Talbot County, suggested bypassing the General Assembly altogether and preferred to move toward the object for which it would be convened – a state convention. Another assembly in Frederick County, presided over by Maryland's former governor Enoch Louis Lowe, passed, according to the *Baltimore Sun*, "strong Southern resolutions." Of all the rumors of secessionist plots and conspiracies, none gripped the state more than those aimed at violently preventing Lincoln from assuming office.[180]

In the interval between the 1860 election and Lincoln's inauguration there existed great fear among many Americans that secessionists would attempt to prevent the president-elect from being sworn into office. In addition, many believed Governor Hicks was the only one who could prevent such an occurrence. "It is the opinion of many," wrote New Jersey governor Charles Smith Olden, "that the peaceful inauguration of Mr. Lincoln depends on the firmness of your excellency." As early as January, Hicks was aware of such conspiracies to prevent Lincoln's inauguration. For example, on January 2nd, 1861, the governor informed Winfield Scott that radicals were contemplating a "scheme to secure the counting of returns" of the electors for president and vice-president. There was also the fear that secessionists might resort to violent measures to disrupt Lincoln's ascent, an alarm Hicks alluded to in his address to the people of Maryland on the 3rd of that month. In it, he warned that secessionists within the state

[180] George P. Kane to Thomas H. Hicks, January 21, 1861, Governors' Letterbooks; Thomas H. Hicks to Lt. Gen. Winfield Scott, January 31, 1861, Thomas H. Hicks Papers ; *Baltimore Sun*, January 4 and February 2, 1861.

designed to force Maryland from the Union in order to secure Washington, D.C., for a new southern confederacy. This conspiracy contemplated, in part, "the forcible opposition to Lincoln's inauguration," a circumstance which Hicks predicted would "produce civil war upon Maryland soil."[181]

Throughout January and February the governor received additional information from numerous sources that added credence to the plot. For example, a concerned citizen informed Hicks that a southern sympathizer had told her that "three thousand men in Maryland" had sworn to prevent, by violent actions, the inauguration of Lincoln. Sensational newspaper articles routinely appeared that described, at times in great detail, plans to capture Washington, D.C., or assassinate Lincoln. The president-elect's journey from Springfield, Illinois, to the nation's capital was widely publicized. Lincoln was, according to newspapers, to pass through Baltimore on February 23, 1861. Earlier that month, an employee of the Philadelphia, Wilmington, and Baltimore Railroad informed Governor Hicks that an attempt would be made to burn the bridge spanning the Back River (a presumptive railroad route for Lincoln's train). He added that "parties from Baltimore" wanted to set fire to the bridge at the moment Lincoln's train crossed it and, in the excitement, "to assassinate him." In spite of the lack of definitive proof of any specific plot, Hicks became more and more convinced that the conspiracies actually existed. The governor's informants frequently declared that there must be some truth behind the rumors, and the constant threats of violence toward him reinforced their credibility. Of course, given the excited condition of the public mind during the secession

[181] Charles Smith Olden to Thomas H. Hicks, January 1861, Hicks Papers; Thomas H. Hicks to Lt. Gen. Winfield Scott, January 2, 1861, Thomas H. Hicks Papers; Address of Gov. Thomas H. Hicks to the People of Maryland, January 3rd, 1861, Governors' Letterbooks.

crisis, any allegation created the impression that a well-organized plot existed. Indeed, fear of violent resistance to Lincoln's inauguration extended to parts of the highest levels of the federal government. [182]

On January 26, 1861, the U. S. House of Representatives created a five-member select committee to investigate the rumored existence of an "alleged hostile organization" against the government within the District of Columbia. Over the course of the next three weeks, the committee conducted interviews of prominent Marylanders regarding their knowledge of any organization, secret or open, civil or military, whose object it was to coerce Maryland into disunion in order to seize Washington, D.C., and prevent Lincoln's inauguration. While countless testimonies were given to the committee, those of former Maryland governor Enoch L. Lowe and Governor Hicks stand out. During Lowe's testimony, the committee pressed the former governor about his presence at a meeting held at the National Hotel in Washington in mid-January, 1861. Previous witnesses testified that this meeting involved secessionists from Maryland plotting violent action within the federal capital. Lowe admitted his attendance at the meeting but described it as merely a gathering of "eminent men from Maryland" for the purpose of consulting on "the most efficient means" of convincing Governor Hicks to convene the legislature. He added that the only agreement made at the meeting was to appeal to Hicks "through the instrumentality of county conventions."[183]

Nevertheless, the most revealing aspects of Lowe's testimony were his frequent expressions of irritation with Hicks's refusal to allow for a special session of the legislature. He

[182] Alma Phelps to Thomas H. Hicks, January 14, 1861, Hicks Papers; George Stearns to Thomas H. Hicks, February 7, 1861, Thomas H. Hicks Papers.

[183] *Reports of Committees of the House or Representatives Made During the Second Session of the Thirty-Sixth Congress*, 1860-61, 3 vols. (Washington: Government Printing Office, 1861), 2: 98-99.

informed the committee that the agreements made at the National Hotel were designed to "give the people of Maryland an opportunity to speak for themselves," because they had been silenced "by their constituted authorities." Lowe's indignation toward Hicks was further apparent when he alleged that the governor was actually the source of the wild rumors then in circulation and that he was perpetuating them for "ulterior purposes." When the committee questioned Lowe's meaning, the former governor replied that Hicks wanted to "create panic" among the more timid portions of Marylanders and thereby induce them to sustain his policy of "refusing them the privilege of being heard at the ballot-box in this crisis." Lowe went so far as to suggest Hicks breathed life into these rumors in order create a pretext for the purpose of stationing an armed force in the federal capital. This force was not to protect Lincoln, Lowe argued, "but to overawe the people of Maryland hereafter." The former governor urged the committee to summon Hicks to testify and demand he provide proof to substantiate the claim that he knew of a plot against the federal government. "That claim," Lowe argued, "is one of the principal reasons he addresses to the people to induce them to sustain his policy." The former governor concluded his testimony with a stern warning that in spite of Hicks's refusal to convoke the legislature, the people of Maryland would be heard "either with or without his permission," and would "settle their destinies for themselves." Lowe's testimony reflected the growing anger and resentment held by many Marylanders toward Hicks's refusal to convene the legislature.[184]

Upon the advice of Lowe, the committee summoned Hicks to appear before them on February 13, 1861. The primary aim of this interview was to solicit from the governor

[184] *Reports of Committees . . . Thirty-Sixth Congress*, 2: 98-100.

information upon which he based his claim to have a working knowledge of a secessionist plot to coax Maryland from the Union, seize Washington, D.C., and prevent Lincoln from assuming office. Throughout the questioning, Hicks routinely expressed a reluctance to "bandy names about" concerning his informants because he did not want to jeopardize future "avenues of information that may hereafter become important." He claimed that the safety of Maryland, and "perhaps in part the safety of the Union" depended on his discreetness. The governor did, however, detail the general sources of information that produced his belief that a conspiracy existed within Maryland. This plot, he alleged, was designed to force him to convene the legislature or, having failed that, circumvent his authority in the state in order to secure Maryland for a southern confederacy and "defeat the inauguration of Lincoln." Hicks testified that "interviews with several distinguished gentlemen" first made him aware of a growing resentment to his policies. Second, Hicks remarked that he was called upon by a small group of prominent figures appointed by a December 21, 1860, pro-secession meeting in Baltimore. During that interaction, he claimed, "taunts were used, my personal safety was alluded to, and reference was made to the hazard I would run by persisting [in my policies]." The governor added that references were made to the "shedding of blood" and the group's desire to see Lincoln prevented from taking office. To Hicks, the "ball was set in motion" by the meeting in Baltimore and subsequent assemblages in other counties, "all seemingly dovetailed one into the other." All this, he stated, convinced him that there was a plot designed to use violence to assure Maryland's secession and to prevent Lincoln's inauguration.[185]

[185] Ibid, 2: 166-68, 171, 174.

The governor also reported that he received two anonymous letters on December 25, 1860, informing him of "a movement on foot to . . . carry Maryland with the South and seize upon the capital with an armed force." In addition, Hicks testified that he met with "four or five highly respectable and reputable men," on December 30, 1860. At that meeting he was told, "by a gentleman connected to one of the first families of Maryland," of a similar plot as well as the designated leader of the movement and the exact number of men who were secretly organizing in Maryland to carry out its design. Based upon this information, Hicks told the committee that, while he was not a timid man, he believed in the old adage "forewarned, forearmed," and that he was prepared to repel any secessionist scheme.[186]

There is another important aspect to Governor Hicks's testimony with regard to his interaction with the secession commissioners sent to Maryland. Having read the widely publicized official correspondence between the commissioners and Hicks, the committee was curious about the personal interaction the governor had with the emissaries. Hicks informed the congressmen that much of the opinion he had formed with regard to the secessionist conspiracy "had grown out of interviews with those gentlemen." For example, he stated that Mississippi's commissioner, Alexander H. Handy, told him that "Mr. Lincoln and Mr. Hamlin would never be installed into office," a statement the governor "did not feel easy about." Hicks testified that Handy "seemed to be very pressing" and acting with "hot haste" when the commissioner declared that the entire South needed to secede before Lincoln's inauguration. When asked why every slaveholding state had to be out of the Union before March 4, 1861, the commissioner replied: "We never intend that Abraham Lincoln shall have dominion over us."

[186] Ibid, 2: 168-169.

The committee inquired as to whether the commissioner's statements referred to a direct attack upon Washington, D.C., or simply a declaration of Mississippi's intention to secede before Lincoln's inauguration. Hicks responded that Handy did not explain his comments; however, based upon information he had already received, Hicks believed that the commissioner's comments indicated a willingness to resort to violence because Lincoln's inauguration "could not be prevented otherwise."[187]

Hicks also implicated the secession commissioners in fomenting discord between himself and Marylanders who wished to see him call the legislature together. He had little doubt that the commissioners had fanned the secessionist flames within the Old Line State and had encouraged schemes to undermine his authority "for the purpose of thwarting the regular course of public affairs." The correspondence with the commissioners, the anonymous letters he had received, the interaction with prominent Marylanders, the constant petitions from county and state meetings, all pressing, "in the earnest manner they did," to convene the legislature, convinced Hicks that "there was a design on foot . . . and that if they could succeed they would do it." Whether it was a state wide effort to pressure him to convoke the legislature, a scheme by the Lower South to stimulate and excite Marylanders into opposing his authority, or rumors that a secret conspiracy existed to violently resist Lincoln's inauguration, it was clear to Hicks that "such things must end in the destruction of the State of Maryland."[188]

Whether or not an actual plot existed to violently prevent Lincoln's inauguration, it is clear that the governor was alarmed by the evidence. The governor's critics, however, relentlessly denounced him and placed blame for the persistent rumors of a secessionist plot

[187] Ibid, 2: 170-171, 175.
[188] Ibid, 2: 175-177.

on his shoulders. They claimed that Hicks had created unnecessary excitement in the state, had made assertions that could not be proven, and had "harmed the honor or Maryland." The *Baltimore Exchange*, for example, argued Hicks's allegations had proved to be "an unprolific speculation," and "barren of results." An anti-Hicks meeting in Prince George's County adopted a resolution denouncing the governor's "representations that the people of the State intended to seize [Washington, D.C.] by force." Based upon the evidence Hicks provided to the congressional committee, it is doubtful he should have made such public declarations that he knew of a conspiracy. However, that opinion is supported by hindsight. In the excitement of the secession crisis, rumors of violent schemes could not be taken lightly. In fact, Hicks routinely referenced the consequent events of John Brown's raid on Harpers Ferry, Virginia, in 1859. Virginia's governor at that time, Henry A. Wise, extensively wrote to the Marylander about correspondence he had received that threatened his life, warned of a military invasion of Virginia, and alleged rescue missions were afoot to free Brown. "Now I have letters," proclaimed Hicks, "going to show that there is a design contemplated to burn a particular bridge or assassinate particular individuals." In 1859 Governor Wise, not wanting to ignore rumors, called out the state militia companies to guard against a possible rescue attempt of Brown. Hicks argued that taking threats he now received seriously was not an attempt to fan the flames of fear for ulterior purposes; rather, he was acting prudently and diligently.[189]

Regardless, newspapers from around the state continued to fill their pages with stirring accounts of secessionist conspiracies within Maryland and Washington, D.C., some with an

[189] Ibid, 2: 99; *Baltimore Exchange*, February 16, 1861; *Baltimore Sun*, February 1, 1861; *Reports of Committees . . . Thirty-Sixth Congress*, 2: 175; *Governor's Message and Reports of the Public Officers of the State, of the Boards of Directors, and of the Visitors, Superintendents, and other Agents of Public Institutions or Interests of Virginia* (Richmond, VA: William F. Ritchie, Public Printer, 1859), 15.

abundance of detail. This is not surprising considering the strong opposition many Marylanders had to the Republican party assuming political power, but there has never been, to date, any satisfactory evidence to suggest that an actual design existed in Maryland to take the life of Lincoln, at least not by any organized movement having that purpose in mind. The public appearance of the president-elect in Baltimore might have produced such an occasion for mob violence, foreshadowing the events of April 19, 1861, but that contingency never materialized.

Lincoln's twelve-day roundabout trip to Washington was widely publicized, and all its stops were announced well ahead of time, which greatly increased the potential for violence. On February 22, 1861, Lincoln was in Philadelphia preparing to make the final leg of his tour, a route that took him through Baltimore, a city rife with secessionist sympathizers and notorious for political riots. The Pinkerton Detective Agency and an agent of the War Department caught wind of a plot to assassinate Lincoln as he changed trains in Baltimore. These two sources had infiltrated pro-southern political groups in that city, and their information was credible enough to convince Lincoln's travel party to alter its plans. At 11:00 pm on February 22, he boarded a train in Philadelphia and slipped, unannounced and unwelcomed, into Baltimore in the early morning hours of February 23. Without being seen, he then boarded a train at Calvert Street Station and rode off into the darkness, arriving in Washington at 6:00 am. Maryland newspapers critical of Hicks credited the governor with supplying information that had caused the alteration in travel plans, an allegation that he adamantly denied. Nevertheless, Lincoln's secretaries, John Nicolay and John Hay, wrote that the president-elect believed "there was no

evidence before him that the official authority of the city would be exercised to restrain the unruly elements which on such occasions densely pack the streets of Baltimore."[190]

According to newspaper accounts, at the original and publicized time Lincoln was to arrive in Baltimore, a crowd of around ten to fifteen thousand people gathered near the Calvert Street Station. Some were merely curious, others downright hostile. Rumors swirled that Lincoln had already arrived in Washington, D.C., but apparently few believed it because the crowds did not disperse. Finally, a train supposedly carrying Lincoln arrived but only Mary Todd Lincoln and her children disembarked. Stunned and angry, the crowd of Marylanders began shouting "where's the damned Black Republican!" as Mrs. Lincoln and her party nervously made their way unharmed to their connecting train. One reporter, however, claimed that the Lincoln family were repeatedly shoved and verbally assaulted. Maryland's secessionists and unionists were both disgusted with Lincoln's secret trip through Baltimore. The general feeling in the state was expressed by the *Baltimore Sun*: "Had we any respect for Mr. Lincoln . . . this would have utterly destroyed it." The mayor of Baltimore, George W. Brown, argued that the president-elect could have made a positive impression on the city but instead had shown "little confidence and respect" toward it. Another Marylander commented that it was a great misfortune to have a president for whom the state could "not entertain political sympathy and hardly personal respect – it greatly weakens the chances of sustaining the Government." Lincoln's decision to slip through Baltimore in the middle of the night discredited the arguments of many Marylanders, like Hicks, who urged that the state should not act unless the incoming

[190] James G. Randall, *Lincoln the President*, 2 vols. (New York: Dodd, Mead and Company, 1955), 1:288-91; Norma B. Cuthbert, ed., *Lincoln and the Baltimore Plot, 1861; From Pinkerton Records and Related Papers* (San Marino, CA: Huntington Library, 1949); *Baltimore American*, February 27, 1861; Nicolay and John Hay, *Abraham Lincoln: A History*, 3: 308-309

administration gave it reason to act. Presidential prestige, already dangerously low in the Border States, suffered significant damage by the Baltimore escapade. Montgomery County's magistrate, Allen Bowie Davis, noted that instead of Lincoln "expressing [to Maryland] the kind feelings which were in his heart," he had done irreparable harm to the governor's position and encouraged the radicals of the state.[191]

As the calendar turned to March, Maryland seemed to have been lulled into a lethargic state. Newspaper records for the month contained little of importance. Lincoln was inaugurated without incident. The Maryland State Conference, of course, reconvened on March 12, but refrained from taking radical action by calling a popular convention. The Washington Peace Conference had failed to produce a workable compromise, and those who still held hope of peace found Lincoln's silence on national matters highly disturbing, in the same manner they viewed the Confederacy's preparations for war and its seizing of federal property. To the people of Maryland, March 1861 was a period of anxiety and pessimism about what the future held in store. "We are at present like a ship stranded," wrote one concerned citizen, "becalmed in a heavy fog, no sun, no moon, no stars to be seen above our horizon." Under the surface, however, tensions in Maryland were reaching a boiling point, and Governor Hicks sensed it. There was always a concern that Maryland could be persuaded – that forces inside or outside could violently sway the state toward disunion. As a result, Hicks began to offer his cautious support to the Lincoln administration as a matter of necessity. Only Maryland's governor held the power to determine Maryland's course of action. As a result,

[191] Cuthbert, ed., *Lincoln and the Baltimore Plot*, 134; *Baltimore Sun*, February 25, 1861; George W. Brown, *Baltimore and the Nineteenth of April, 1861* (Baltimore: N. Murray, 1887), 12; Allen Bowie Davis to Wilkins W. Davis, April 16, 1861, Allen B. Davis Papers, H. Furlong Baldwin Library, Maryland Historical Society, Baltimore, Maryland.

Hicks was isolated and alone. The governor needed help and encouragement if he was to preserve the state's interests. [192]

In the absence of another effort to achieve a peaceful compromise, and his idea for a Border State alliance all but dead, Hicks aligned Maryland with the only remaining alternative to secession and civil war – the Lincoln administration. Yet this alignment was not without its pitfalls. The governor knew that his continued refusal to convoke the legislature would be an unpopular decision. In order to quell a potential outbreak of violence in Maryland, Hicks needed to work closely with the new administration in Washington. Beginning in February 1861 the governor engaged in extensive correspondence with Abraham Lincoln, William H. Seward, and Winfield Scott over myriad issues facing the Old Line State. Chief among these concerns was the ability of Hicks to either stave off, or suppress, an outbreak of hostility in Maryland. The governor's correspondence from this time period indicates that he sought assurances from the new administration that it would not pursue any policy that would excite the secessionists of the state – most notably the appointment of federal officers in Maryland.

Abraham Lincoln was well-informed of the delicate condition in the state. For example, Simon Cameron reported that the Old Line State's continued loyalty to the Union hinged upon Hicks remaining "firm" in his refusal to call the legislature into session. If the governor stayed the course, Cameron was sure that "the rest can be cared for." Josiah M. Lucas, the House of Representatives' Postmaster and close friend of Governor Hicks, informed Lincoln that "consternation and grief seems to be setting upon . . . the border slave states." While Hicks believed the president would not violate the rights of the South, Lucas argued that the

[192] Hester Ann Davis to Esther Davis, February 20, 1861, Allen Bowie Davis Papers.

governor could not "make [his] people believe it." He reported that Hicks was "undergoing a terrible pressure" that threatened to crush him "beneath the wheels of a juggernaut car. . . I greatly fear trouble is inevitable." James S. Flanagin, a concerned citizen of Pennsylvania, advised Lincoln to make "proper federal appointments" to the Border States. If the president did not, Flanagin warned that "Governor Hicks cannot restrain Maryland, Kentucky will also be uncontrollable, and Tennessee will likewise surrender to the demon."[193]

Lincoln, therefore, solicited Hicks for advice on how best to hold the Old Line State in the Union. On February 26, the president-elect summoned Hicks to Washington to discuss the situation. The meeting was also attended by the prominent Marylander, co-founder of the Republican party, and future Postmaster General, Montgomery Blair. Hicks used the meeting to strongly urge that Lincoln lobby Republican leaders in Congress to support the efforts of the Washington Peace Conference. On March 1, just days before his inauguration, Lincoln again summoned the governor to Washington to solicit his opinion on the merits of appointing either Henry Winter Davis or Montgomery Blair to the cabinet. According to newspaper reports, Hicks informed Lincoln that the appointment of Davis or Blair would be regarded as a direct insult to a great deal of Marylanders. The governor, however, adamantly denied later that he had recommended any one to Lincoln for appointment, or that he would do so in the future, unless asked by the president.[194]

Instead, Hicks strongly urged the administration to defer federal appointments in Maryland "for a time." In a letter to William H. Seward, the governor admitted that he was no

[193] Simon Cameron to Abraham Lincoln, January 3, 1861, Abraham Lincoln Papers, Series I: General Correspondence, 1833-1916, Library of Congress, Washington, D.C.; Josiah M. Lucas to Abraham Lincoln, January 10, 1861, and James S. Flanagin to Abraham Lincoln, January 25, 1861, Abraham Lincoln Papers.

[194] *Baltimore American*, March 2, 1861; Thomas H. Hicks to William Price, published in *Baltimore American*, March 19, 1861.

Republican, but claimed to be "a Union man . . . and one ready to aid you by faithful advice." He warned: "You gentlemen do not understand as I do the condition of things here." To Hicks, "everything depends upon proper appointments to leading places in [the] border states." The governor was worried that Lincoln might assign to federal offices individuals who were considered antagonistic toward southern institutions. If this occurred, Hicks feared it would be seen as a confirmation of the Lower South's assertions concerning the intentions of the Lincoln administration. Chief among those arguments was the allegation (made by all three of the secession commissioners to Maryland) that Lincoln, through his power of appointment, intended to undermine the South's peculiar institution from within. So far, Hicks could argue that Lincoln's presidency, while deplorable, did not actually threaten southern institutions. However, if the president appointed, for example, postmasters or judges that Marylanders regarded as a threat, the governor feared it would only excite the radicals of his state and affirm the arguments made by the Lower South. To Lincoln, Hicks wrote the following: "I have suffered along with the country and I desire peace."[195]

In addition to opening a formal dialogue with Lincoln and Seward, Hicks engaged in an ongoing correspondence with General Winfield Scott about security concerns within Maryland. "The secessionists are engaged covertly in some scheme," Hicks wrote "2000 arms are needed to meet an emergency if it shall arise." On March 18, 1861, he again wrote to Scott requesting firearms for two thousand men if it became necessary to "to put down a rebellion in this state." He was "strongly inclined" to believe the "spirit of insurrection" was increasing in the state, and he wanted to be prepared for that contingency. "Preparation," he stated, "may prevent

[195] Thomas H. Hicks to William H. Seward, March 28, 1861, Abraham Lincoln Papers; Thomas H. Hicks to Abraham Lincoln, March 11, 1861, Thomas H. Hicks Papers.

bloodshed." Foreshadowing later events, the governor warned Scott that in the event of an outbreak of hostility, do not "send any of your force now in Washington," because it would only complicate matters and likely incite more conflict. On March 28, Hicks wrote to Seward expressing a conviction that "matters in Baltimore are in a very unsatisfactory condition," and that if national affairs continued on their present trajectory, "we shall have a desperate struggle in Maryland."[196]

If Hicks felt unsure about his policies, encouragement from concerned citizens and leaders of other states sustained his actions. For example, his friend Josiah M. Lucas, praised him for "standing firm against all assaults within and without," and informed the governor that many Americans regarded his actions as doing more "to thwart [the secessionists'] treasonable designs than all congressional committees in existence." From Virginia came letters commending Hicks for "staying the tide of passion and excitement," with "Roman like conduct." From Pennsylvania came resolutions adopted by county meetings that tendered "heartfelt thanks" for "checking and heading off the demon of secession." One resolution went so far as to suggest that the governor's name was deserving to be placed "next to the highest on the temple of American Liberty." Support for Hicks's policies also emanated from within Maryland. At a meeting in Worcester County, the introduction of anti-Hicks resolutions caused several of the attendees to leave the gathering. In Baltimore County, a Unionist meeting endorsed separate resolutions that condemned disunion and supported the governor's course of action; so too did a meeting in Annapolis. Cecil County held three Unionist meetings, all of which voted to support the governor's refusal to call the General Assembly into session. Augustus W.

[196] Thomas H. Hicks to Lt. Gen. Winfield Scott, January 25, 31, and March 18, 1861, Thomas H. Hicks Papers; Thomas H. Hicks to William H. Seward, March 28, 1861, Abraham Lincoln Papers.

Bradford, a future governor of Maryland, publicly endorsed Hicks. United States Senator James A. Pearce of Maryland had previously supported convening the legislature, but now renounced that action and urged the governor to stay the course. The *Odd Fellow*, in Boonsboro, Maryland, began favorably referring to Hicks as "Old Gibraltar."[197]

While he claimed to "know the sentiment of Marylanders," Hicks could not ignore the fact that by pursuing a policy of inaction in the crisis, he was sitting on a powder keg in Maryland. The open hostility between Hicks and some state leaders was compounded by the governor's complete disregard for the opinion of the state legislature. Without the approval of the General Assembly, Hicks had corresponded with other Border State governors about a central confederacy, appointed delegates to the Washington Peace Conference, and refused to convene a special session of the legislature in spite of numerous demands to do so. As the national crisis entered its fifth month, the governor's actions had produced within the Old Line State a dangerous atmosphere of emotion, fear, and anger. Newspapers that had previously endorsed Hicks began referring to him as a "despot." An anonymous letter to Hicks informed the governor that his "destiny is fixed," and that the author intended to shoot him for "being a damned Black Republican." Teagle Townshend, a state senator from Worchester County, announced to a crowd of Marylanders that he intended to travel to Annapolis in order to "offer . . . personal violence" to Hicks, a statement that received thunderous applause. Radical secessionists in the state demanded that he let the voice of the people of Maryland be heard.

[197] Josiah M. Lucas to Thomas H. Hicks, January 11, 1861, and William C. Payne to Thomas H. Hicks, January 18, 1861, and G. H. Onindil to Thomas H. Hicks, March 14, 1861, Hicks Papers; *Baltimore Sun*, January 11, 12, 14, 24, and February 8, 1861; *Cecil Whig*, January 19, 26, and February 2, 1861; *Boonsboro Odd Fellow*, January 19, 1861.

The governor, however, was committed to refusing such action for fear it would lead to the state's secession and alignment with the Confederate States of America. Hicks remained opposed to any special session while there was still hope of conciliation through the Washington Peace Conference. But Congress's refusal to take action on any of the conference's recommendations ultimately collapsed the effort, and with its demise so too did Hicks's expectations for an independent force to check the division of the nation. With no future compromise efforts on the horizon and his last alternative of a central confederacy all but dead, the internal pressure on Hicks mounted from all sides. Besieged by petitions, correspondence, newspaper editorials, and threats of physical violence, the governor now faced a growing threat from radicals within his state that demanded he convene the legislature. The governor deprecated the efforts of "reckless and designing" Marylanders who sought to secure the state for the Confederacy "before the people shall have had time for reflection so imperatively demanded by the vast interests involved in the threatened separation."[198]

Upon the collapse of the Washington Peace Conference the excitement in Maryland steadily increased, and public meetings were more and more frequently called in order to urge Governor Hicks to act. "I trust all may be right," Hicks optimistically wrote, "but I think we should not be lulled into ease and quiet, but look to the movements of the secessionists." As a result, the governor's approach gradually shifted in accordance with conditions in both his state and the nation. Indeed, his belief that radicals within the state were actively engaged in some scheme greatly altered his position in the crisis. In order to maintain law and order in the state

[198] Thomas H. Hicks to John J. Pettus, December 19, 1860, in Frank Moore, ed., *The Rebellion Record: A Diary of American Events, with Documents, Narratives, Illustrative Incidents, etc.*, 11 vols. (New York: G. P. Putnam, 1869), 1:109; *Frederick Herald*, January 22, 1861; "Southern Rights" to Thomas H. Hicks, April 23, 1861, and B. Everett Smith to Thomas H. Hicks, April 24, 1861, Hicks Papers. According to B. Everett Smith, the editor of the *Worchester County Shield*, the anonymous author, "Southern Rights," was Teagle Townshend.

and prevent Maryland from joining a southern confederacy, Hicks turned to the only remaining avenue open to him – the federal government. Since January 1861 this contingency had always been in the back of his mind. In a letter to his close friend, William L. Wilcox, the governor stated that if the need arose, he would "apply to the general government for help." That time had arrived. [199]

Whether it was a "revived" sense of Unionism, as one historian has argued, or it was out of pure necessity, Hicks was compelled to accept the idea that Maryland must remain in the Union because all other options proved too dreadful. He was inclined from the beginning of the crisis to shy away from radical action, and, based upon his interaction with the secession commissioners of the Lower South, Hicks remained committed to it even after all hope of avoiding a war had seemingly disappeared. His reasons for keeping Maryland in the Union stemmed from his ardent belief that the Lower South had endangered his home state and, through the secession commissioners, was actively stirring up radicals within Maryland who were increasingly inclined to challenge his authority. Hicks received daily information concerning countless plots against himself, the state, and Lincoln. Based upon his testimony to the congressional committee investigating plots to seize control of Washington, it is clear that he blamed the radicals of the Lower South for all of it. With this type of mindset, it only makes sense that when forced to either convene the legislature, an action that most believed would lead to secession and confederation with the Lower South, or going back on his word, he chose the latter. Of course, to maintain his authority and keep his state from becoming the first

[199] Thomas H. Hicks to John Contee, Esq., December 6, 1860, published in *Easton Gazette*, December 21, 1860: Thomas H. Hicks to William J. Wilcox, January 24, 1861, MS 1860, Thomas H. Hicks Papers.

battle ground of the civil war, he would need help. He needed the Union as much as the Union needed him.

Previous accounts of Hicks's actions in the secession crisis emphasized that he did not ignore the threat of violence and the danger of his authority being usurped. However, these works fail to adequately explain his reaction to these threats or the effect they had on his continued policy of refusing to convene the legislature. For example, in *A Matter of Allegiances*, William Evitt's argued that the "record of Maryland shows more fear of the consequences of war than it shows any entrenched treason." Furthermore, Evitts asserts that by April 1861 the "pattern of life" in Maryland had become so different from the other southern states that "secession was never more than a distant possibility." Likewise, in *Politics of Continuity*, Jean Baker draws the conclusion that "most contemporaries agreed" that Maryland was never in any real danger of seceding. While the fear of war played a large role in Maryland's course of action in the crisis, Evitts's statements minimize the threat of internal violence in the state and the effect it had on Hicks. In addition, both Baker's and Evitts's comments imply a sense of inevitability to Maryland's ultimate loyalty to the Union. While hindsight gives the appearance that rumors of violence against Hicks, the state, Lincoln, and Washington, D.C., were unfounded, and that there was no serious threat to Hick's authority, the evidence clearly shows that the governor did not take them lightly. In fact, they played a critical role in forcing Hicks to abandon any course of action that would lead to the Old Line State's withdrawal from the Union, something he did not fully grasp until March 1861. For the

governor, and many other Marylanders, secession was a very real possibility, whether it was led by him or done illegally through an unofficial state convention.[200]

Following the failure of the Washington Peace Conference, most Marylanders assumed Hicks would weaken in his refusal to convene the legislature. Instead, he came out more positively than ever in his opposition to all measures that in any way looked toward disunion. His repudiation of secession did not imply that his previous statements in favor of it were disingenuous. Quite the opposite in fact. His willingness to secede, if it came to that, were predicated on the idea that Maryland would not join a southern confederacy; rather, it would form a Border State alliance. Hopes to achieve that central confederacy were misplaced and the idea died along with the Washington Peace Conference. The only options available for Hicks were (1) to call the legislature into session, knowing it would form a convention and likely vote to join the Lower South in confederation, or (2) to align the state more closely with the new administration in Washington. The governor's resentment toward the Lower South for their actions is already well documented, and that anger intensified as he came to believe that radicals from outside his state were engaged in exciting the people of Maryland and were aiding in the design of treasonous, dangerous, and violent plots against him, his authority, and his state. Hicks meant what he had previously stated concerning secession, but national events eliminated the only option in which he would accept Maryland's withdrawal from the Union. Left with the alternatives, the governor changed his mind and sought to secure the state for the

[200] Evitts, *A Matter of Allegiance*, 190; Baker, *Politics of Continuity*, 54. Baker gives minimal treatment to the themes discussed here. In fact, the author's only source of evidence in this matter is a quotation from a Baltimore lawyer named William Schley: "There never was a moment when Maryland could have been forced into secession." It is important to note that Schley wrote those words to William H. Seward on November 4, 1861, nearly five months after the events at Fort Sumter. See William Schley to William H. Seward, November 4, 1861, *OR*, Series II, 1:610-611.

Union in order to maintain its peace and security, something that was always at the forefront of his thinking. His contemporaries accused him of acting perfidiously, but he shifted his views in the crisis in accordance with conditions in both his state and nation. Throughout March 1861, he drew close to the new administration in Washington in order to position Maryland to be ready for any internal outbreak of hostilities that he was convinced would occur the longer he refused to convene the General Assembly. Clearly, the governor knew that Maryland was a powder keg that could ignite with the slightest spark. "Any unfortunate movement," he wrote, "may cause an outbreak in Maryland." Although Hicks had the legal power to refuse to call the legislature into session, secessionists could make the more emotional case to ignore that authority if national events broke their way. In this situation, Maryland could be severed from the Union by an explosion of feeling that overrode interest, stamped out reason, and interjected rage. The alarming situation of federal soldiers under siege in Charleston Harbor, South Carolina, threatened to become that explosion. [201]

[201] Thomas H. Hicks to Winfield Scott, March 18, 1861, Thomas H. Hicks Papers.

CHAPTER 7

"THE WORLD'S SATURDAY NIGHT HAS COME!"[202]

MARYLAND REACTS TO THE START OF THE CIVIL WAR

Marylanders awoke on April 13, 1861, to headlines declaring "Bombardment at Sumter!" The word most used by the newspapers to describe the atmosphere in the Old Line State that day was "excitement." William Wilkins Glenn, proprietor of the *Baltimore Exchange*, noted in his diary that "there is great excitement in Baltimore." One concerned Marylander noted that "the most fearful excitement prevails everywhere," and questioned whether it was "possible we can be living in the last days of the present dispensation?" The *Baltimore Sun* claimed the news from Charleston Harbor had "produced a thrilling excitement throughout the entire county, and it is as great in Baltimore as elsewhere . . . nothing that occurred during the Mexican war equaled it." The *Sun* added that South Carolina had acted just as the United States had done "with respect to England at the opening of the revolutionary war . . . just as any nation would do under the same circumstances." The *Baltimore American* reported that "the excitement consequent upon the stirring news" was indicated by an unprecedented demand for the paper's morning edition which was "exhausted before ten o'clock." Word of the Confederate shelling spread like wildfire across the state, and the heightened level of anxiety, already present in Maryland, soon erupted in spontaneous combustion. Citizens of the Old Line State were taken completely off guard by the events in South Carolina, but President Lincoln's Proclamation of Insurrection on April 15, 1861, which called for 75,000 volunteers to

[202] Hester Davis to Rebecca Davis, April 20, 1861, Allen Bowie Davis Papers.

put down the rebellion, set them ablaze. A marked division among the people of Maryland manifested itself as large crowds, eager for news, congregated in Baltimore, businesses ground to a halt, and the police struggled to keep the peace. One newspaper in Baltimore reported that the excitement had reached "the inflammatory stage of fever . . . occasionally marked with alarming exhibitions of personal feeling and rancor." The city's mayor, George William Brown, described the atmosphere: "Strife was in the air . . . there was a deep and pervading impression of impending evil." It was all enough to make one Marylander declare that "the world's Saturday night has come!"[203]

Previous historians have noted that the events in Charleston Harbor in April 1861 produced a "stunned, if not totally surprised" reaction in Maryland. Furthermore, these historians assert that the outbreak of the civil war forced Governor Hicks either to sustain the Lincoln administration or defy it. In each case, the governor's actions after the shelling of Fort Sumter are defined variously as showing a sense of "revived Unionism," or being "quite cooperative" toward the administration in Washington. These viewpoints, however, discount the enormous stress Hicks found himself under and fail to explain adequately how this pressure ultimately affected his decision to convene the legislature, which assembled on April 26, 1861. Without a doubt, the month's events played a critical role in this development. Thus, crucial questions arise concerning Hicks's policies after the surrender of Fort Sumter and President Lincoln's subsequent call for troops to quell the rebellion. For example, what effect did these two events have on his longstanding refusal to convene the legislature? If Hicks remained

[203] *Baltimore Sun*, April 13 and 15, 1861; Bayley Ellen Marks and Mark Norton Schatz, eds., *Between the North and South: A Maryland Journalist Views the Civil War: The Narrative of William Wilkins Glenn, 1861-1869* (Rutherford, NJ: Fairleigh Dickinson University Press, 1976), 27; Hester Davis to "daughters", April 17 and 20, 1861, and Hester Davis to Rebecca Davis, April 20, 1861, Allen Bowie Davis Papers; *Baltimore American*, April 15, 1861; Brown, *Baltimore and the Nineteenth of April, 1861*, 35-36.

unwilling to call the General Assembly together, why did he continue to refuse, and what effect did that consistency of inaction have upon Marylanders who earnestly desired to see their state join the Confederacy? What ultimately convinced the governor to convoke the legislature, and what role did the Lincoln administration play in that development? Answers to these questions provide great insight into the mind of a Border State political leader as he attempted to place his state's interests above all else, as well as deal with the divided nature of that region upon the outbreak of the civil war. In addition by placing the governor's actions in the context of national events as they unfolded around him allows for contingency and minimizes hindsight, thus providing a clearer picture of why Hicks made the decisions he made in the final days of his control over Maryland's fate in the national crisis. [204]

The Confederate decision to fire upon Fort Sumter created new and dangerous emergencies for Governor Hicks to contend with. In fact, as a result of the Civil War's commencement only two courses of action remained tenable to him – both of which conflicted with his previous record. On one hand, he could give in to the demands to convene the General Assembly and stand idly by as that legislative body worked towards Maryland's secession, He could claim, in this instance, that he did so on the grounds that enough provocation had been tendered by the Lincoln administration. On the other hand, he could support the new administration's policies and continue to cultivate the cordial relationship he had already stuck up the previous month. In this scenario, Hicks would remain steadfast in his refusal to call the legislature into session and would thus be preserving Maryland for the Union. The former of these options was something he had outright refused since the Election of 1860 on the grounds

[204] Evitts, *Matter of Allegiances*, 175-176; Baker, *Politics of Continuity*, 54-55.

that it did not serve the state's interest, would align Maryland with extremists of the Lower South, and would likely produce armed conflict within the state. The latter of these options, however, was not without pitfalls. For example, to keep Maryland committed to the Union implied that it would aid in the war effort to preserve that Union in the event of forcible coercion by Lincoln. This was an outcome that he repeatedly stated was unacceptable, and evidence indicates that this sentiment was supported by a majority of Marylanders. Accounting for the citizenry's growing frustration with his policies, this option also ran the risk of an outbreak of violence perpetrated by portions of the population that sought to take matters into their own hands. Faced with the options of joining the Confederacy and having his state become the great battlefield of the war, or the dreadful prospects of having to wage a war against his southern brethren and potentially ignite an internal state challenge to his authority, Hicks found himself in an impossible situation. He was, however, not the only governor facing hard decisions. Indeed, the other Border States faced similar difficulties.

As shocking as the events in Charleston Harbor were, the nation was electrified by Abraham Lincoln's April 15, 1861, Proclamation of Insurrection, which declared the Confederacy to be in a state of rebellion and called for 75,000 volunteers from the various states in order to put down the revolt. Acting under the authority of the president and the Congress, Secretary of War Simon Cameron informed the governors of the various states still loyal to the Union that they were required to meet certain quotas of enlisted men, officers, and regiments to meet the needs of the United States military. The north responded with enthusiastic commitments to furnish troops, but the Border States, including Maryland, felt betrayed by the president's decision. Arkansas's governor, Henry M. Rector, wrote to Cameron

that if troops from Arkansas were to be used to "subjugate the Southern States," he would refuse to comply with the president's orders. "The demand," he explained, "is only adding insult to injury." In Missouri, Governor Claiborne Fox Jackson argued that Lincoln's proclamation was "illegal, unconstitutional, and revolutionary in its objects." In Kentucky, Governor Beriah Magoffin emphatically stated that his state would "furnish no troops for the wicked purpose of subduing her sister Southern States." North Carolina's governor, John Willis Ellis, announced that his state could "be no party to this wicked violation of the laws of the country and to this war upon the liberties of a free people." In Tennessee, Governor Isham G. Harris assured Cameron that "no gallant son of Tennessee will ever draw his sword . . . in such an unholy crusade." And in Virginia, Governor John Letcher informed Cameron on April 16, 1861, that soldiers from his state would not be furnished "to the powers at Washington for any such purpose as they have in view." Letcher concluded: "You have chosen to inaugurate civil war, and having done so, we will meet it in a spirit as determined as the Administration has exhibited toward the South." The next day Virginia seceded from the Union. Lincoln's decree had destroyed all hope of a peaceful compromise, and it played directly into the hands of Border State radicals who wished to see their respective states join the Confederacy.[205]

In Maryland, especially Baltimore, word of Lincoln's proclamation served only to excite the people further. The *Baltimore Sun* reported that cordial disagreements between friends had now regressed into hostile arguments, that symbols of the Confederacy (such as a red-and-white cockade) were freely adorned, and that the Palmetto Flag was hoisted in various places

[205] For Cameron's dispatch to the state governors, see *OR*, Series III, 1:68-69; Henry M. Rector to Simon Cameron, April 22, 1861, *OR*, Series III, 1:99; Claiborne Fox Jackson to Simon Cameron, April 17, 1861, *OR*, Series III, 1:82-83; Beriah Magoffin to Simon Cameron, April 15, 1861, *OR*, Series III, 1: 70; John Willis Ellis to Simon Cameron, April 15, 1861, *OR*, Series III, 1:72; Isham G. Harris to Simon Cameron, April 17, 1861, *OR*, Series III, 1:81; John Letcher to Simon Cameron, April 16, 1861, *OR*, Series III, 1:76.

throughout the city. Filling the state's newspapers were rumors about Confederate military recruiters in Baltimore and stirring reports that militias sympathetic to the South had seized federal arsenals in the state. Amid the heightened sense of anxiety came renewed calls for the governor to convene the legislature. For example, John F. Dent, a member of Maryland's House of Delegates from St. Mary's County, informed Hicks that that the circumstances of national events were "most extraordinary," and that Maryland clearly and emphatically had to act. "She must take some position," he wrote, "she must abandon her passive neutrality . . . The people must speak by authority." According to Dent, the time had arrived for the General Assembly to meet and decide Maryland's fate. The governor's continued refusal to do so, he argued, gave "aid and comfort to the enemies of Southern rights and institutions," and he warned that many people regarded the governor's policies as an "unpardonable tyranny" over them. While Marylanders had not yet taken matters into their own hands, Dent warned that he could not see how they could refrain "to do it any longer." The rising tension within the state was not lost on Governor Hicks. "The unfortunate state of affairs now existing in the country," he proclaimed, "has greatly excited the people of Maryland." As a consequence, the governor prepared to head off trouble before it manifested itself. He immediately set out for Baltimore to "consult as to the progress of matters" because he understood that "the temper of men's minds was so changed by the news of the bombardment and fall of Fort Sumter."[206]

Of primary importance to the governor was his response to President Lincoln's call for troops. Refusing to call a special session of the legislature was one thing, but resisting the

[206] *Baltimore Sun*, April 17, 1861; Brown, *Baltimore and the Nineteenth of April, 1861*, 35-36; John F. Dent to Thomas H. Hicks, April 17, 1861, Hicks Papers; "Proclamation of Governor Hicks to the People of Maryland" in *Baltimore Sun*, April 18, 1861; "Memorandum," April 15, 1861, in *Proceedings of the Governor, 1839-1861*, Microfilm MSA SC M3162, Maryland State Archives, Baltimore, Maryland.

president's demand for soldiers was quite another. He had to make a decision. Evading the question of Maryland's position was no longer possible. True to form, Hicks endeavored a policy designed to protect the peace and security of the state. On April 15, 1861, Cameron wired Governor Hicks indicating that Maryland was to supply a total of 3,123 men (151 officers and 2,972 enlisted men), organized into four regiments, for the suppression of the rebellion. The next day, Hicks arrived in Washington for a personal meeting with Cameron and Winfield Scott. At this meeting, the governor declared that a majority of Marylanders were highly opposed to the coercion of the South and urged the administration not to deploy regiments raised in Maryland outside the state's borders. Cameron and Scott assured Hicks that Maryland regiments would only be used within the limits of the state or to defend Washington. These promises, however, did not reassure the governor. On April 17 he wrote President Lincoln seeking a definitive guarantee on the matter. On behalf of the president, Secretary Cameron responded that the administration had "no intention" of removing the soldiers raised in Maryland beyond the limits of the state except for the defense of Washington. The matter seemingly satisfied, Hicks informed the secretary of another problem. The governor was convinced that many officers of the state militia and the volunteer corps of Baltimore were "in league with the conspirators" who sought to challenge his, and Lincoln's, authority. Although there were loyal military units in the state, Hicks understood them to be "undisciplined and entirely unarmed." As a result, the governor urgently requested that Cameron place firearms in the hands of "true men" that were "loyal to the United States Government alone." He believed that "the condition of affairs" warranted arming only such militia units that could be trusted and requested that the secretary place firearms at the disposal of a staunch unionist, John

Reese Kenly, who was the Assistant Adjutant General of Maryland. Meanwhile, the situation in Baltimore was deteriorating.[207]

On April 18, 1861, Secretary Cameron wrote Hicks that President Lincoln had been informed of threats made, and measures taken, by "unlawful combinations of misguided citizens of Maryland" to prevent, by force, the movement of federal troops across the state in order to defend Washington. "Such an attempt could have only the most deplorable consequences," argued Cameron, and "you [Hicks] need to be prepared to take immediate action and effective measures against it." The secretary added that any outbreak of violence should be prevented, or overcome, by "loyal authorities and citizens of Maryland, rather than averted by any other means." In other words, Cameron understood the precarious situation in Maryland and was trying to work with Hicks to keep peace in the state rather than antagonizing the radicals by resorting to using federal authorities to quell any uprising. The governor took this advice to heart and promptly issued a statewide proclamation. In it, Hicks admitted that "the emergency is great," but advised that "the consequences of a rash step will be fearful." He added that Marylanders had an "imperative duty" to check the "threatened evil" he foresaw on the horizon if Federal troops were opposed by force. In order to achieve this aim, he argued, citizens needed to "withhold their hands from whatever may lead to precipitate us into the gulf of discord and ruin, abstain from all heated controversy, and avoid all things that tend to

[207] Thomas H. Hicks to Abraham Lincoln, April 17, 1861, Governors' Letterbooks; Simon Cameron to Thomas H. Hicks, April 17, 1861, *OR*, Series III, 1:79-80; "Message of the Governor of Maryland to the General Assembly," in *Proceedings and Documents of the Senate, December 1861 and 1862* (Annapolis, MD: Thomas J. Wilson, 1861), December Special Session, Document A, 5; Thomas H. Hicks to Simon Cameron, April 17, 1861, Governors' Letterbooks. John R. Kenly was a career military officer who served in both the Mexican War and the Civil War. After the attack on Fort Sumter in April 1861, he began organizing regiments of volunteers that were loyal to the federal government. Commissioned by Lincoln as a colonel in June 1861, Kenly eventually obtained the rank of major-general after a long and illustrious service in the Union army. For more on Kenly, see *Appletons' Annual Cyclopedia and Register of Important Events of the Year 1891*, 31 vols. (New York: D. Appleton and Company, 1892), 16:633.

crimination and recrimination." Giving assurances that he would do all in his power to preserve the peace and honor of the state, Hicks promised readers that soldiers raised in Maryland would not be used against their southern brethren. He also attempted to calm citizens' fears about the likelihood that volunteer regiments from the north would be transferred through Maryland. Hicks guaranteed Marylanders that Federal troops crossing through the state were only being deployed to protect Washington, not to occupy the Old Line State. At all points, he urged caution and moderation as he worked to maintain peace in the state. In the end, however, the governor could only appeal for the "assistance of every true and loyal citizen to aid [him] in this end."[208]

While some Marylanders undoubtedly took to heart the governor's pleas for peace, it is clear that some did not. The *Baltimore American* reported large crowds had gathered in that city and the interference of the police was "frequently required in order to prevent collisions and breaches of the peace." The *Baltimore Exchange* informed its readers that "the streets . . . were thronged with excited men, and . . . the interchange of irritating cries and taunts evidenced a dangerous state of excitement." On April 17, 1861, a secret meeting was allegedly held in Baltimore at the home of William Norris, a prominent lawyer. According to one of the attendees, this meeting consisted of thirteen "southern extremists" whose purpose was "to organize an armed resistance to the passage of troops through Maryland." On the morning of April 18, a pro-southern group known as the National Volunteers Association held a large meeting in Baltimore where strong speeches, given by "well-known" citizens, denounced Hicks's refusal to convene the legislature and the federal government's attempt at coercion.

[208] Simon Cameron to Thomas H. Hicks, April 18, 1861, Governors' Letterbooks; "Proclamation of Governor Hicks to the People of Maryland" in *Baltimore Sun*, April 18, 1861.

The meeting's presiding officer, state legislator Thomas Parkin Scott, urged those in attendance to make preparations to meet the contingency of Federal troops marching over Maryland soil. Clearly, the radicals of the Old Line State had adopted a more determined position.[209]

Amid the anti-Lincoln, pro-southern atmosphere of Baltimore the appearance of northern soldiers, visible symbols of the federal government's coercion, was certain to incite aggression. In the morning on April 18, four companies of 25th Pennsylvania Volunteers arrived in Baltimore on their way to Washington. After disembarking at the Calvert Station, the soldiers had to march through the city to the Mount Clare Depot, a maneuver that made them vulnerable to assault. A large, but unorganized, crowd had gathered in the city expecting the arrival of the troops. While no physical harm was brought to bear against the soldiers, the *Baltimore Sun* reported that the crowd sang "Dixie" and cheered the Confederacy, all while hurling verbal insults at the Pennsylvanians. That night, however, a pro-secessionist group calling themselves the "State-Rights Convention" met in Baltimore. One of the meeting's speakers, state Representative Ross Winans, argued that a lack of organization had made "Southern men" powerless to resist the Federal troops earlier in the day and he used strong language in support of armed resistance to the future passage of soldiers through Maryland. The meeting ultimately endorsed four resolutions that bordered on treason. For example, the meeting resolved to oppose the garrisoning of southern federal forts by "militia drawn from the Free States," and condemned such action as an attempt by the Lincoln administration to "overawe" the state and treat its people "with contempt and distrust." The state, it appeared, was coming loose at the seams. "There is a difference of opinion in our state," wrote one

[209] *Baltimore American*, April 19, 1861; *Baltimore Exchange*, April 19, 1861; Marks and Schatz, eds., *Between the North and South*, 27; Scharf, *History of Maryland*, 3:402.

concerned Marylander, "some are for upholding the present government . . . others for joining the Southern Confederacy . . . the most fearful excitement prevails everywhere." Another citizen described the atmosphere in Baltimore as "a state of intense excitement" that required only "a little friction to cause an explosion."[210]

In the face of such radical rhetoric, Hicks remained undeterred and steadfastly refused to convene the legislature. The governor's stubbornness in this matter agitated many Marylanders to the point that his word was not taken seriously. Hicks's public assurances that militiamen from the Old Line State would not serve outside its borders, and his statements that Federal soldiers were only passing through the state in order to secure Washington, were simply not believed by fearful and angry citizens. The governor and other state authorities could sense the tension, annoyance, and volatile atmosphere in the state, most notably within the city of Baltimore. Hicks telegraphed Lincoln on April 18, urging the president not to deploy troops through Baltimore. The city's mayor, George W. Brown, also wired the president that day, informing him that the city was rife with anger and urging him not to send any soldiers through it on their way to Washington. In spite of the Hicks and Brown warnings, that night a volunteer regiment of Massachusetts militiamen, ordered to the defense of Washington, boarded a train in Philadelphia and headed south toward Baltimore. They were heading into the eye of a storm.[211]

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[210] *Baltimore American*, April 19, 1861; *Baltimore Exchange*, April 19, 1861; *Baltimore Sun*, April 19, 1861; Hester Davis to "daughters," April 17, 1861, Allen Bowie Davis Papers. For a complete list of the resolutions adopted by the "State-Rights Convention," see Scharf, *History of Maryland*, 3:401; George Wilson Booth, ed., *A Maryland Boy in Lee's Army: Personal Reminiscences of a Maryland Soldier in the War Between the States, 1861-1865* (Lincoln, NE: University of Nebraska Press, 2000), 7.

[211] Thomas H. Hicks to Abraham Lincoln, April 18, 1861, and George William Brown to Abraham Lincoln, April 18, 1861, Abraham Lincoln Papers.

For a majority of Marylanders, April 19, 1861, was a day to remember. The 6th Massachusetts Volunteer Regiment, commanded by Colonel Edward F. Jones, was scheduled to arrive in Baltimore just before noon. Accompanying the Massachusetts unit was an unarmed regiment of Pennsylvania militia. Combined, the federal force numbered nearly 1,700 men. One historian, William J. Evitts, points out that Baltimoreans were sure to be agitated at the appearance of Federal troops in their city, but the fact that most of the soldiers were from Massachusetts, the hotbed of abolitionist sentiment, was "doubly offensive." Evidence indicates that the commander of the Massachusetts regiment was cognizant of the potential for hostilities. The day before, Colonel Jones received an "intimation" that the regiment's passage through the city "would be resisted." As a result, he distributed ammunition amongst his soldiers and informed them that they would "undoubtedly be insulted, abused, and, perhaps, assaulted." If the regiment was fired upon, he ordered his men not to fire indiscriminately; rather, they should "select any man . . . aiming at you, and be sure to drop him." City authorities were not informed of the regiment's arrival until 10:00am on April 19. As a result, the city's police marshal, George P. Kane, along with Mayor Brown, hastily assembled as many police officers as possible near the President's Street and Camden stations where the troops were to arrive at and depart from for Washington, respectively. Eyewitness accounts indicate that a large and angry crowd began to gather in the vicinity of the Baltimore policemen. The Federal soldiers faced a mile and a half journey down Pratt Street amid a growing mob of irritated Marylanders. The plan was to haul, "at a rapid pace," the train cars with the soldiers in them by horse from the President's Street station to the Camden station where they would then pass on to Washington. Except for the "jeers and hisses" from the crowd of Baltimoreans,

seven companies reached Camden station without incident. However, once the people in the streets realized what was happening, the irritated mob began to obstruct the rail lines along Pratt Street by tearing them up and laying ship anchors across them. This tactic forced the remaining four companies of federal troops to vacate their train cars, form up, and march through a crowd that was "beginning to sense its power."[212]

As the soldiers advanced down Pratt Street a shouting mob began to mill about them. Suddenly, the horde began to pelt the troops with cobblestones and bricks. As the throng of people grew more excited, the "occasional pistol shot" was fired which caused the commanding officer, Captain Albert S. Follansbee, to order his troops to break into a double-quick march. At Camden station Mayor Brown, hearing the situation up the street, ordered Kane to gather his force and follow him toward the commotion. Brown recalled later that upon arriving on the scene he witness the Federal soldiers "firing wildly . . . sometimes backward, over their shoulders." In an attempt to calm the furious uproar, the mayor positioned himself next to Captain Follansbee at the head of the column and urged the officer to slow down the pace of the march, which was reportedly infuriating the rabble. For the moment, Brown's show of firmness quieted the masses. "My presence for a short time had some effect," recalled the mayor, "but very soon the attack was renewed." Before the soldiers could progress another block the frustration and rage of the crowd exploded into a full-scale riot. The scene was chaotic. For example, Private Luther Ladd, a seventeen-year-old mechanic from Lowell, Massachusetts, was struck in the head by a large piece of scrap iron thrown from the roof of a nearby building. Staggered and dazed, Ladd could not prevent a rioter from seizing his musket

[212] Evitts, *Matter of Allegiances*, 178-79; "Report of Col. Edward F. Jones, Sixth Massachusetts Militia" in *OR*, Series I, 2:7; Charles Howard to Maryland General Assembly, May 3, 1861, *OR*, Series I, 2:9-11.

and killing him with it. Another demonstrator, George Booth, recalled seeing a soldier drop his firearm after being struck in the head with a rock. The musket, Booth remembered, was immediately picked up by a citizen, "who raised it to his shoulder and fired into the column." Finally, Police Marshal Kane arrived with a large detachment of police and quickly deployed the officers between the soldiers and their assailants, which had the effect of driving back the mob. The wounded, battered, and terrified troops proceeded to Camden station without further incident. When it was finally over, four soldiers lay dead and three dozen were wounded. At least twelve citizens of Baltimore lost their lives that day in addition to the large, but undetermined number of wounded. The first deaths of the Civil War had occurred in Maryland.[213]

The Baltimore riot, or Pratt Street riot, sent shockwaves throughout the state and the nation. As the unrest unfolded, Governor Hicks reacted with the same determination to protect his state he had consistently exhibited throughout the secession crisis. John Edgar Thompson and S. M. Felton, presidents of the Pennsylvania Railroad and the Philadelphia, Wilmington, and Baltimore Railroad, respectively, operated the rail lines that ferried the Federal soldiers to Baltimore. They were informed within hours after the start of the riot that the troops had been "stopped" and that it was "impracticable" to send any more through the city. In a telegraph to Secretary Cameron, the two men reported that Governor Hicks had shut down the railroads so that "no more troops [could] pass through." Lorenzo Thomas, the Adjutant-General of the United States, replied to Felton that the governor had "neither the

[213] Brown, *Baltimore and the Nineteenth of April, 1861*, 45-46; *Harper's Weekly*, June 1, 1861; Booth, *A Maryland Boy in Lee's Army*, 8. In spite of the important role the 1861 Baltimore riot played in determining Maryland's ultimate course in the crisis, no academic monograph exist that does the event justice. The standard reference source and work most often cited by modern historians is George W. Brown's *Baltimore and the Nineteenth of April, 1861*.

right nor authority to stop troops coming to Washington," and that the railroads were to send additional soldiers, "prepared to fight their way through, if necessary," on to the nation's capital. Hicks's decision to prevent the arrival of additional Federal soldiers bordered on treason. However, given the intense excitement in Baltimore, it was manifest to the governor that no more troops could pass through without significant shedding of blood. In addition to closing the rail lines leading from Philadelphia to Baltimore, Hicks also sent an urgent telegraph to Lincoln that reiterated the previous day's warning: "A collision between the citizens and the Northern troops has taken place in Baltimore, and the excitement is fearful . . . send no troops here." He added that Mayor Brown and he would do all in their power to prevent bloodshed by calling out "the troops of the State" to preserve the peace. "They will be enough," Hicks adamantly informed Lincoln, in another attempt to keep additional Federal soldiers from coming to Baltimore.[214]

In the afternoon on April 19, both Mayor Brown and the governor addressed a public meeting in Baltimore's Monument Square. Brown stated that while he did not believe in the right of secession, he also did not believe in Lincoln's call for volunteers in order to pacify the Confederacy. "If the North cannot live with the South," spoke the mayor, "let us part in peace, and each section work out its own destiny." Hicks spoke last, and his tone and rhetoric stood in stark contrast to public and private remarks he had made in the last month. While endorsing Brown's comments as "well said," the governor assured the large crowd that he could not take upon himself "to dictate the course to be pursued in this exigency"; rather, Hicks contended,

[214] John Edgar Thompson and S.M. Felton to Simon Cameron, April 19, 1861, and Lorenzo Thomas to S.M. Felton, April 19, 1861, *OR*, Series I, 2:578; Thomas H. Hicks to Abraham Lincoln, April 19, 1861, in Moore, ed., *The Rebellion Record*, 1:79.

his wish was simply to "co-operate" with the people of Maryland. He continued by stating he had always been "devotedly attached to the Union," but he now recognized that it was "broken." While he still hoped that the Union could be restored (a comment that, according to the *Baltimore American*, drew considerable shouts of "Never!"), Hicks claimed: "I bow in submission to the mandate of the people. . . I would rather [my] right arm should be separated from my body than raise it to strike a sister State." This statement was far out of line with the governor's steadfastness in refusing to convene the legislature and his comments to the secession commissioners. In fact, his critics often used these words to levy charges of hypocrisy and going back on his word. The comments, however, were made in the heat of the moment and, certainly, with a great a deal of fear. He was surrounded in Baltimore by his enemies and pressured by the demands of the day's events. In addition, Hicks had just spent five feverish and draining days traveling back and forth between Washington and Annapolis, all along the way having to make hard decisions. To many, it appeared as though the governor was cracking under the pressure.[215]

In the evening on April 19, Hicks and Brown continued their efforts to preserve the peace by summoning three prominent Maryland Unionists – Hugh Lenox Bond, John C. Brune, and George W. Dubbins – and commissioned them with traveling to Washington, meeting with Lincoln, and explaining "fully the fearful condition of affairs" in Baltimore. The commissioners carried with them a message from Brown and Hicks that assured the president that they had done their best to prevent bloodshed, but also cautioned that it was not possible to transfer Federal troops through Baltimore "unless they fight their way every step." The two

[215] *Baltimore Sun*, April 20, 1861; *Baltimore American*, April 20, 1861.

Marylanders' message concluded with a stern warning that "the responsibility of blood shed [would] not rest upon [them]" if the president did not refrain from transferring Federal soldiers through Baltimore. Despite the late hour, the day's events were not concluded. Around midnight on April 19 Baltimore's police commissioner, George Kane, and ex-Governor E. Louis Lowe called upon the mayor with disturbing reports that more Federal troops were in route to the city. The gentlemen awoke Hicks, who was staying in Brown's house in Baltimore, and "laid the matter before him." During this exchange, the dire consequences of allowing these troops to pass through the city was discussed, and the three men strongly suggested that the only feasible means to prevent it was for the governor to order the destruction of the railroad bridges outside Baltimore. According to Brown, the governor replied in the affirmative "distinctly, although apparently with great reluctance." Kane and Lowe also later reported that they heard the governor concur. For example, Lowe stated that Hicks expressed "some doubt" as to whether he had the authority to give such an order, but nevertheless relented and "fully and most distinctly assented."[216]

Over time, the above conversation became the source of bitter controversy. In May 1861, Hicks informed the General Assembly that although he was in an excited state, he went only so far as to say that "the Mayor could do as he pleased . . . I had no power to interfere with his design; if this be consent to the destruction of the bridges, then I consented." In view of the intense excitement that prevailed from the day's events, it is not surprising to find contradictory records. With hindsight it is possible to know that a number of men, some acting

[216] Thomas H. Hicks and George W. Brown to Abraham Lincoln, April 19, 1861, *OR*, Series I, 2:12; George W. Brown to General Assembly of Maryland, May 9, 1861, *OR*, Series I, 2:13; John Thomas Scharf, *The Chronicles of Baltimore; Being a Complete History of the "Baltimore Town" and Baltimore City* (Baltimore, MD: Turnbull Brothers, 1874), 603-604

under official authority and some not, did in fact burn the railroad bridges leading into Baltimore. The question is whether the governor consented to it. It is important, however, to remember that the participants in the meeting in question were under a tremendous amount of stress and nothing was written down, only recollected later. It is also important to remember that Hicks was strongly opposed to the transfer of federal soldiers through Maryland, and likely exhausted by the stress of the day's events. It is entirely possible that he did not mean to give such a strong expression to his words, or perhaps his words simply were misconstrued in the passions of the moment. Regardless, there is little doubt that Hicks gave some form of authorization to the burning of the bridges. As a result, on April 20, 1861, the Baltimore Board of Police Commissioners authorized Chief of Police Kane to burn the bridges on the routes into the city owned by the Northern Central Railroad and the Philadelphia, Wilmington, and Baltimore Railroad. In addition, telegraph lines were destroyed along these routes leading to and from Baltimore. "The orders," wrote ex-Governor Lowe, "had been carried into effect." The burning of the bridges was important because, for the moment, Hicks had allied himself with forces inside Maryland that opposed the Lincoln administration. Without the bridges into Baltimore, the nation's capital was isolated and vulnerable. John Sherman, a United States senator from Ohio, expressed this fear to Severn Teackle Wallis, a member of Maryland's House of Delegates. "[Maryland] has arrested the march of the troops of the United States by a warlike operation of the most decisive kind," wrote Sherman, "and jeopardized the safety of the Capital and the existence of the Government."[217]

[217] Thomas H. Hicks to the People of Maryland, May 4, 1861, in Moore, *Rebellion Record*, 2:181; Enoch Louis Lowe to John Cummings Brown, May 10, 1861, *OR*, Series I, 2:13; John Sherman to Severn Teackle Wallis, December 26, 1862, in *New York Times*, December 31, 1862.

Meanwhile, the Maryland commissioners sent to Washington were received by Lincoln and discharged their duties by informing the president of Hicks's and Brown's misgivings about the continued passage of Federal troops through Baltimore. In this meeting, Lincoln sympathized with the governor's fears and indicated he understood the precarious condition of Maryland. However, the president also made it known that he required soldiers to defend the capital. For Lincoln, Maryland required a soft, yet firm approach. The idiom "an iron hand in a velvet glove" is an apt description of the president's approach toward Maryland in the week after the outbreak of the war. Having read the mayor and governor's requests that accompanied the Maryland commissioners, Lincoln responded to both Marylanders with "sincere thanks" for their efforts to keep the peace. In regard to more troops being transferred across Maryland, the president argued that while he must have troops to defend Washington, "I make no point of bringing them through Baltimore." This compromise, Lincoln hoped, would avoid a "collision" of the people of that city with federal soldiers. However, he implored Hicks and Brown to "exert [their] influence" in order to prevent this occurrence from taking place elsewhere in the state. Pleased with the president's decision, the governor wrote Brown that he had hoped Lincoln would send no more troops anywhere through Maryland, not just Baltimore, but that he understood that that he had "no right to demand this."[218]

While Hicks had assurances from Lincoln that Federal troops would no longer pass through Baltimore, the damage was already done. The riot had made it painfully obvious to the governor that things were spiraling out of control in his state and his ability to keep Maryland

[218] Abraham Lincoln to Thomas H. Hicks and George W. Brown, April 20, 1861, in Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, 8 vols. (New Brunswick, NJ: Rutgers University Press, 1953), 4:340; Thomas H. Hicks to George W. Brown, April 20, 1861, Governors' Letterbooks.

out of a bloody conflict was greatly diminished. On April 20, in a sort of after-action report, Hicks informed Secretary Cameron that he and Mayor Brown had labored hard to prevent an outbreak of violence but that the "turbulent passions of the riotous elements prevailed [and] fear for safety became reality." The governor had long suspected that secessionists were concealing some plot against himself or the federal government. The bloodshed of April 19, 1861, was the result, Hicks argued, of the secessionists' plots "no longer being concealed, but made manifest." He admitted that on the streets of Baltimore "the rebellious element had control of things," and that radical elements within Maryland controlled the "principal part of the [state's] organized military forces," some of which had taken possession of the state's armories. The previous day's anger was not diminished, however, because the issue for secessionists was never to prevent Federal troops from entering Baltimore, but to prevent government forces from reinforcing Washington from any point. In the afternoon on April 20 another angry mob formed near the headquarters of the German Turners Union in Baltimore. The throng of people, reportedly comprised of southern sympathizers who were angry at the strong unionist sentiment of the city's German population, broke through the entrance to the headquarters and set to ransacking the building. Another mob attacked the publishing offices of Wilhelm Rapp, editor of the unionist newspapers *Wecker* and *Turnzeitung*. Rapp and his wife were "separated only by a door from the raging mob." As the crowd shouted, "We want Rapp!" the police arrived and dispersed the rabble, who upon leaving hanged a "secessionist flag" in the office window." The *Baltimore Sun* reported that the "Union gun is silenced . . . a vast change in the sentiments of the people has taken place, and nearly all stand with the South." Confederates also recognized the importance of the outbreak of violence in Baltimore.

For example, Confederate Secretary of War, L. P. Walker, was informed by a witness to the riots that "the city is in arms and all are Southern men now. . . Maryland is rising."[219]

The next few days were all confusion in Maryland. John P. Kennedy wrote that "anxiety, alarm, and rage" had taken possession of Baltimore. Mayor Brown, a man well known for his mundane character, recalled that "woman, children, and men, too, were wild with excitement," and that the times had become "like that predicted in Scripture . . . when he who had no sword would sell his garment to buy one." The April 19 riot and the appearance that law and order was breaking down in Baltimore produced a profound effect upon the governor. In his desperation to preserve the peace of the state, Hicks made a calculated decision and informed Cameron that it would be "prudent to decline (for the present) responding affirmatively to the requisition . . . for four regiments" to meet Lincoln's call for volunteers. This decision fetched Hicks considerable praise among the state's more pro-Confederate elements. For example, the *Baltimore Sun* reported that his dispatch to Cameron was cheered by the "old seceders" in Annapolis. Now that the governor had seen first-hand the level of resistance to federal authority exhibited by some Marylanders, he was forced to push his luck with Lincoln. For example, on April 20 he had been informed of a plan to garrison Federal troops at Fort Madison, near Annapolis. Hicks instantly wired Cameron "earnestly" advising that none be sent. These bold decisions, in direct defiance of the federal government, resulted in immediate telegraphs from Lincoln to both Hicks and Brown informing them that they were to "come

[219] Thomas H. Hicks to Simon Cameron, April 20, 1861, Governors' Letterbooks; George William Brown to Baltimore City Council, July 11, 1861, *OR*, Series I, 2:17; Scharf, *History of Maryland*, 416; Brown, *Baltimore and the Nineteenth of April*, 63; *Baltimore Sun*, April 20, 1861; H. D. Bird to L. P. Walker, April 20, 1861, *OR*, Series I, 2:771-772.

immediately by special train" to Washington in order to "consult . . . relative to preserving the peace of Maryland." Hicks was instructed to "answer forthwith."[220]

Whether he sensed the anger and tension in Lincoln's telegraph or he simply did not grasp the seriousness of the president's request, the governor, who had returned to Annapolis, decided not to go to Washington. Instead, Hicks requested that Mayor Brown go as his proxy. He gave no explanation to Lincoln for his refusal to comply, but it is entirely possible he feared the meeting's outcome. Accompanied by several prominent citizens of Baltimore, Brown had an interview with Lincoln in which the Maryland delegation imparted the danger that would incur if the president attempted to pass troops through anywhere in Maryland. Cognizant of the damage that a repeat of the April 19 riots would have on the temperament of Marylanders, Lincoln informed the gentlemen that it was "an absolute, irresistible necessity" of transiting troops through the state for the defense of Washington. Brown recalled that the president assured him that troops brought through Maryland would not be used for purposes hostile to the state or "against the Southern States," but he must have them nonetheless, "or abandon the capital." As a result, Lincoln guaranteed that he would not send troops through Baltimore; instead, future transfers of federal soldiers to Washington would be carried out by using steamships to land them at the Naval Academy in Annapolis where they would march over land to the nation's capital. Of primary importance to the Marylanders at this interview was a guarantee by Lincoln that no more soldiers would march through Baltimore. The president agreed that such an occurrence was not only troublesome, but impossible. Thus, the

[220] John. P. Kennedy, Journal, April 20, 1861, John Pendleton Kennedy Papers, Enoch Pratt Free Library, Baltimore, Maryland; Brown, *Baltimore and the Nineteenth of April*, 60, 75; Thomas H. Hicks to Simon Cameron April 20, 1861, Governors' Letterbooks; *Baltimore Sun*, April 20, 1861; Abraham Lincoln to Thomas H. Hicks, April 20, 1861, Governors' Letterbooks.

delegation was satisfied in their concerns. Had the governor attended the meeting with Lincoln as he was requested to do, his concerns about troops passing anywhere through the state could have been addressed. Hicks would have provided a perspective that encompassed statewide concerns. His failure, or refusal, to attend this meeting actually resulted in a new and potentially dangerous situation for the governor. Lincoln's decision to divert soldiers through Annapolis created another opportunity for an outbreak of violence. This time, however, the outbreak would come in the Old Line State's capital, a city that in the aftermath of the April 19 riot was described by the *Baltimore Sun* as full of citizens that wanted "immediate secession and revenge."[221]

Late on April 20, 1861, Lincoln ordered the War Department to divert any federal forces in Philadelphia to Havre de Grace, Maryland, and "thence by ferry-boat to Annapolis," and then on to Washington. Brigadier General Benjamin Butler, who had just arrived in Philadelphia with the 8th Massachusetts Regiment, was ordered to proceed immediately to Annapolis. After commandeering a ferry boat on the Susquehanna River, he arrived early on the morning of April 21. Hicks, who was in Annapolis, was instantly alerted to the presence of Butler's regiment, which was anchored offshore of the city. The governor urgently wrote to the general "earnestly" advising him to land his men elsewhere because "the excitement here is very great." Hicks also wrote to Cameron with the same urgent plea. In the meantime, it was rumored that a number of armed men were organizing near Baltimore with plans to travel to Annapolis in order to prevent the landing of Butler's detachments. The governor immediately telegraphed Mayor Brown to do all in his power to stop the alleged mob, lest an outbreak of

[221] Brown, *Baltimore and the Nineteenth of April*, 71-73; *Baltimore Sun*, April 20, 1861.

violence occur again. The next day, Butler replied that he was acting under the "requisitions of the President" and was preparing to land his troops at the Naval Academy before passing them "quickly" through the state. "I am sorry that your excellency should advise against my landing here," added Butler, "[but] I am obliged to make this detour . . . because of our being driven here by . . . the burning of railroad bridges" outside Baltimore "by a mob." Hicks responded with another stern protest against Butler's intentions. "In view of the excited condition of . . . this state," wrote the governor, "I cannot but consider this movement an unwise step on the part of the Government."[222]

Failing to convince General Butler of the virtue of landing his troops somewhere besides Maryland, Hicks turned to Lincoln in a last-ditch attempt to stave off a potential disaster. In a significant and borderline treasonous letter, the governor implored the president that "no more troops be ordered or allowed to pass through Maryland." However, Hicks took his plea further by urging Lincoln to offer a "truce" to the Confederacy in order to prevent the continued "effusion of blood." The governor even went so far as to suggest that Lord Richard B. P. Lyons, Great Britain's minister to the United States, act as a mediator between the "contending parties of our country." The tone and rhetoric of Hicks' letter stood in stark contrast to his earlier correspondence with Lincoln because it clearly shows that the governor had come to his wit's end concerning the crisis. Not once had Hicks suggested that no troops be allowed to pass through all of Maryland and not once had he recommended the president offer an armistice between the two warring sections of the nation, complete with a foreign mediator. His

[222] Lorenzo Thomas to Major-General Robert Patterson, April 20, 1861, *OR*, Series I, 2:583; Thomas H. Hicks to Benjamin Butler, April 21, 1861, and Thomas H. Hicks to George William Brown, April 21, 1861, and Benjamin Butler to Thomas H. Hicks, April 22, 1861, Governors' Letterbooks.

insistence that this should be the case now speaks to the effect that the Baltimore riot and Lincoln's determination to hold the seceded states in the Union had upon the governor's approach to the national emergency. Hicks was not the only Marylander urging Lincoln to accept a peace with the Confederacy. Indeed, the same day he wrote Lincoln, a committee of fifty Marylanders representing the Young Men's Christian Associations of Baltimore beseeched Lincoln to request "peace on any terms." The president replied to the committee with a stern condemnation that they had not denounced the Confederacy's actions or those of southern sympathizers that sought to capture Washington. "The rebels attack Fort Sumter," Lincoln stated, "and your citizens attack troops sent to the defense of the Government." He stated that while he did not yet have plans to invade the South, he must have troops to defend the national capital. The president offered a clever analogy: "Our men are not moles, and can't dig under the earth; they are not birds, and can't fly through the air." In the opinion of Lincoln, the only way to defend Washington was for his troops to march across Maryland soil, "and that they must do." Lincoln closed with a firm suggestion that the fifty Marylanders go home, and work to confine their state's "rowdies" to Baltimore. If they could accomplish this, the president assured them that there would be no further bloodshed. However, if federal troops were attacked again, Lincoln warned that "we will return it, and that severely." Lincoln's statements led one of the members of the delegation to later remark: "God have mercy on us, when the government is placed in the hands of a man like this!"[223]

[223] Thomas H. Hicks to Abraham Lincoln, April 22, 1861, Governors' Letterbooks; Abraham Lincoln to "Baltimore Committee," April 22, 1861, in Basler, ed., *Collected Works of Abraham Lincoln*, 4:341-42; *Baltimore Sun*, April 23, 1861.

By April 22 it was clear that the moods of Governor Hicks and President Lincoln could not have been more antagonistic toward one another. On one hand, the governor reflected an authority that was out of options in order to preserve his state's safety and security. Hicks had played his last card by suggesting that Maryland essentially become a neutral state in the conflict and pleaded for Lincoln to refrain from pursuing war with the Confederacy. On the other hand, Lincoln appeared more determined than ever to defend the federal government at all costs and, thus, could not accept Hicks's appeal not to march troops across Maryland for that purpose. While Lincoln did not respond directly to Hicks, Secretary of State William H. Seward did. The secretary began with assurances that the president had "weighed the counsels" of the governor but that the "demonstrations against the safety of the United States," forced Lincoln to call out the soldiers anchored off Annapolis under General Butler. Seward further stated that Butler's regiments were intended only for the defense of Washington and would pass through Maryland on a route "farthest removed" from the more populated sections of the state. As to the governor's suggestion that Lord Lyons be requested to mediate a truce with the Confederacy, the secretary dismissed the idea as counterproductive to the president's larger objective in the conflict. "No domestic contention that may arise among the parties of this Republic," wrote Seward, "ought . . . to be referred to any foreign arbitration, least of all . . . a European Monarchy." Seward closed by reminding Hicks that no American could recall a time in the nation's history when a general of the United States military was not welcome in the state of Maryland.[224]

[224] William H. Seward to Thomas H. Hicks, April 22, 1861, Governors' Letterbooks.

Meanwhile, Assistant Adjutant-General Edward D. Townsend ordered Captain Morris S. Miller, Assistant Quartermaster of the United States Army, to travel to Annapolis to organize the landings of Butler troops and arrange for their safe passage to Washington. Townsend ended his order to Miller with an ominous warning: "Take care to admonish the troops to be prepared, in landing, to repel force by force, as in war." As Butler's regiment made final preparations to land in Annapolis, the general came ashore to meet with the governor and Annapolis Mayor John R. Magruder. Both Hicks and Magruder warned Butler that "the enthusiasm of the people of Annapolis could not be long restrained," and that the railroads leading from the city toward Washington had been destroyed and were guarded by militiamen opposed to the federal government. Butler replied that in spite of their concerns his troops would disembark and would require provisions. According to the general's memoirs, Magruder defiantly warned the general that "no patriot would sell [provisions] to Yankee troops." Angered at the mayor's reply, Butler retorted with a stern warning of his own: "If the people [of Annapolis] will not sell those provisions, a thousand hungry, armed men have other means of getting what they want to eat besides buying it."[225]

Governor Hicks greatly feared the repercussions of Lincoln's determination to land Federal troops in Annapolis. The city had become, like Baltimore, a powder keg of anti-Lincoln, pro-Confederacy sentiment, especially after the events at Fort Sumter and the Baltimore riot. The *Baltimore Sun* expressed this attitude when it wrote: "There is a most perceptible change in public sentiment in [Annapolis], in favor of secession . . . nearly all persons are now

[225] Edward D. Townsend to Morris S. Miller, April 22, 1861, *OR*, Series I, 2:591-592; Benjamin F. Butler, *Butler's Book: Autobiography and Personal Reminiscences of Major-General Benjamin F. Butler* (Boston: A. M. Thayer & Company, 1892), 195.

secessionists." The paper added that "the desire now is to teach the black republicans that the people of the South are not base submissionists." The vulnerability of Washington and Maryland's increasingly favorable attitude toward the secessionists was not lost on the leaders of the Confederacy. For example, on April 22, Jefferson Davis wrote to Governor John Letcher of Virginia that regiments raised in his state should "sustain Baltimore, if practicable. We will reinforce you." In pursuance of Davis's request, Letcher ordered 1,000 firearms seized from Harper's Ferry to be delivered to troops near Baltimore that wished "to resist the passage of Northern troops to Washington." Also, a close friend of Robert E. Lee informed the future general that the people of Maryland were "united" in their opposition to prevent Federal soldiers raised "against Virginia and the other sister Southern States" from passing over Maryland soil. From the North came startling revelations of the immense resolve on the part of northerners to maintain the federal capital. For example, the *New York Times* warned: "We shall preserve our right of way intact through Maryland [even] if the task needs half the men of the North, and all the artillery and missiles of death to do it . . . We hold the fate of [Maryland] in our hands." Concerning that fate, the newspaper proved prophetic. Marylanders were bombarded by headlines that read, "Rapid Concentration of Troops at the National Capital" and "Troops Coming Forward from All Points." For Hicks, it appeared his state was now being closed in on from all sides and he was out of options. Maryland's fate was no longer in the hands of its governor, and he now realized it.[226]

[226] *Baltimore Sun*, April 22, 1861; Thomas H. Hicks to George William Brown, April 21, 1861, Governors' Letterbooks; Jefferson Davis to John Letcher, April 22, 1861, and John Letcher to Advisory Council of the State of Virginia, April 22, 1861, *OR*, Series I, 2:773; L. P. Bayne and J. J. Chancellor to Robert E. Lee, April 22, 1861, *OR*, Series I, 2:774; *New York Times*, April 21, 1861; *Baltimore Sun*, April 22, 1861.

Late on the evening of April 22, 1861, Governor Hicks finally relinquished his control over the course Maryland would take in the national emergency. In a proclamation that was widely published the following day, the governor announced that the "present condition of the State, involving as it does the safety and lives and property of our citizens," necessitated that he summon the members of the Senate and House of Delegates in a special session of the state legislature. With that, Hicks was freed of the tremendous burden he had shouldered since the election of Abraham Lincoln in November 1860. Maryland's fate now rested with the General Assembly, which would meet in Annapolis on April 26, 1861, to deliberate and consider "such measures as in their wisdom they may deem fit to maintain peace, order, and security within our limits."[227]

Certainly, the events of April 1861 were a pivotal turning point in the story of Maryland in the secession crisis. Chief among these events was the Confederate bombardment of Fort Sumter and President Lincoln's proclamation that called for volunteers from the various states to quell the rebellion. Both incidents produce an excited and dangerous reaction within Maryland that threatened to undermine the governor's efforts to preserve the security of the state and, in a broader scope, destabilize the Border States' loyalty to the Union. For example, the shelling of Fort Sumter intensified the pressure Hicks was under to convoke the state legislature. In the face of withering criticism and personal threats, the governor refused to give in to the angry passions of Marylanders who sought to secure the Old Line State for the Confederacy. His reasons for doing so were consistent with his previous statements concerning the Lower South and highlights the fact that even in the crucible of war, the Border States

[227] "Proclamation by the Governor," in *Baltimore American*, April 23, 186. Also see *Baltimore Sun*, April 23, 1861.

exhibited a good deal of mistrust and resentment toward those states' actions. However, Governor Hicks was also concerned about the idea of Maryland soldiers being used to coerce the Lower South back into the Union. While he had indicated to one of the secession commissioners that he would not hesitate to allow northern armies to cross Maryland in order to wage a war on the Lower South, he never implied that Maryland would actively take part in that effort. This attitude was a nearly universal sentiment in the Old Line State, and it is clear that Hicks went to great lengths to gain assurances that any volunteer from Maryland would be used only to protect the state or Washington, D.C. He corresponded, telegraphed, and held personal meetings with William H. Seward, Simon Cameron, Winfield Scott, and President Lincoln to ensure this would be the case. He did not pursue these assurances out of some nascent sense of Unionism; rather, he did so out a desire to protect his state's interests and to prevent, as Lincoln called them, "the rowdies" of Maryland from plunging the state into a bloody conflict. Initially, Hicks responded favorably to Lincoln's call for troops even though he knew it would be an unpopular decision. Having been guaranteed by the Lincoln administration that Maryland troops would not be used outside the state's borders, it was a logical and far less antagonistic position to take for a governor of a Border State. The same cannot be said, however, of the positions taken by the other Border State governors. In spite of the increased hostility toward his policies, Hicks remained committed to not calling the legislature into session. That position, however, became less tenable as a result of the April 19, 1861, riot in Baltimore.

The Baltimore riot is not a subject ignored by historians; however, previous accounts of it fail to place its occurrence amid the backdrop of Hicks's refusal to convene the legislature and

the knowledge of secessionist plots to coerce Maryland out of the Union. Instead, the rioters' motives are explained as a symptom of the outright anger at Lincoln's decision to raise the army to fight the Confederacy and result of a staunch belief among Marylanders that federal coercion toward the seceded states was deplorable. Adding fuel to the anti-Lincoln sentiment of the city, and state, were rumors that the troops passing through Baltimore were part of some larger plot by Washington to subjugate the Old Line State. While both of these attitudes are not to be discounted, it does not tell the whole story. Anger directed at Hicks's authority and his policies had been building in Maryland for months. In fact, public meetings across the state had passed resolutions that denounced the governor as a tyrant and demanded that he convoke the legislature before it was too late. The passage of Federal soldiers, from Massachusetts no less, through the state's hotbed of secessionist sentiment was perceived by many to be a harbinger of things to come, a direct result of the governor's stubborn refusal to call the General Assembly into session, and his growing public relationship with the Lincoln administration. Passion, anger, and excitement boiled over as citizens of the Old Line State, unable to voice their opinion on matters through their elected representatives, took matters into their own hands.

The events of April 19, 1861, clearly exposed the dangerous state of affairs in Maryland. To the governor, the riot was a symptom of the secessionists' anger towards his policies. It demonstrated the level of resistance exhibited by radicals within the Old Line State as they exerted their influence and challenged his official capacity as the chief architect of the state's position in the crisis. In order to prevent another outbreak of violence that threatened the state's interests, Hicks resorted to bold and, arguably, treasonous measures. It is clear that he

gave some sort of affirmation to the burning of railroad bridges leading into Baltimore and he pleaded with the Lincoln administration to refrain from sending Federal troops through that city. In addition, he eventually declined to fulfill his state's quota of troops as requisitioned by Lincoln. Faced with an imminent landing of Federal soldiers in Annapolis, the governor resorted to even more extreme measures by suggesting Federal troops not be allowed to pass anywhere through Maryland in route to Washington, and implored Lincoln to sue for peace with the South, even suggesting the British act as arbitrators in negotiations between the Union and Confederacy. When all of these attempts to quell the simmering attitudes of Marylanders were met with resistance by Lincoln, the governor was forced to relinquish his hold on the state because he was out of options, except to convene the state legislature. Hicks's reaction to the events of April 1861 resulted in his condemnation by many northerners. The *Philadelphia Ledger*, for example, claimed that the governor's actions showed he was either "playing into the hand of the secessionists" or he was weak, "where to be weak is to be wicked."[228]

The summoning of the General Assembly by Hicks, especially after he had for so long refused, was considered by many of his contemporaries to be a weakening on the governor's part. In many ways it was, since he had surrendered his authority in the crisis to a legislative body that he had so often denounced as unfit to direct Maryland in the national emergency. In addition, by relinquishing his control to the state legislature, the governor was arraying Maryland against the Lincoln administration because he had publicly stated that the General Assembly would seek measures designed to support the Lower South and possibly lead the Old Line State out of the Union. One northern newspaper claimed that Hicks was giving

[228] *Philadelphia Ledger*, April 25, 1861.

"countenance to the revolutionists . . . his proclamation [calling the legislature into session] is an act of treason." Yet, there were other factors at play in Hicks's decision to convoke the legislature. For example, the governor's refusal to act in the crisis endangered his personal well-being. Regardless of this fact, the events of April 1861 clearly showed that Hicks no longer directed policy in Maryland, that forces beyond his control dictated what would happen to the Old Line State.[229]

The Baltimore riot laid bare the fact that Hicks had lost the ability to govern his state's affairs. Had he not acquiesced to demands for the legislature to be assembled, it cannot be denied that the people of Maryland, in some unconstitutional way, would have taken matters into their own hands. The *Baltimore Sun* concluded this when it informed it readers on April 22, that "Governor Hicks's refusal to yield will encourage a spontaneous demonstration of the people towards some other form of organized authority . . . make necessary those revolutionary proceedings which it is best to avoid." The newspaper's ambiguous warning appeared to take shape later that day. After conferring with the Board of Police Commissioners and instigated by prominent secessionists, Coleman Yellott, state senator from Baltimore County, unlawfully issued a "proclamation" calling for the members of the General Assembly to convene in Baltimore. Upon hearing this news, Hicks later stated: "I knew it was time to act." Hicks always claimed that he knew the true sentiments of the people of Maryland concerning the convoking of the legislature. Indeed, he routinely stated that a majority of Marylanders opposed such action. However, by April 1861 it was painfully obvious that a serious demand for the assemblage of the legislature existed. Whatever misgivings he

[229] Ibid.

harbored as to what Maryland's relationship should be with the Union or the Confederacy, he was convinced by the month's events of that it was not advisable to continue to resist convening the General Assembly. [230]

The momentous question of the Old Line State's continued loyalty to the Union now passed to the members of the Senate and House of Delegates of Maryland. What exact measures the assembly would adopt were unknown at the time, but past indications led many to believe that it would at once call for a state convention to consider secession. Meanwhile, the Lincoln administration was preparing to occupy Maryland with Federal soldiers. If the members of the state legislature wanted to sever the Old Line State from the Union, it is certain such an action would be experienced in Maryland very differently from the other seceded states. The state could not peacefully withdraw because they were becoming increasingly surrounded by Federal regiments. The welfare of the state, its citizens, and perhaps their very lives rested upon the General Assembly's deliberations. Indeed, the legislative branch of the Maryland state government was about to convene the most important session in its history.

[230] *Baltimore Sun*, April 22, 1861; Evitts, *Matter of Allegiances*, 187; "Message of the Governor of Maryland to the General Assembly," in *Proceedings and Documents of the Senate, December 1861 and 1862*, December Special Session, Document A.

CHAPTER 8

"DEATH OR VICTORY FOR THE UNION!"[231]

THE DEFEAT OF SECESSIONISM IN MARYLAND

Previous to its convening in April 1861, the General Assembly of Maryland had last gathered on January 4, 1860. At that session, both legislative chambers had resolved "that should the hour ever arrive that the Union must be dissolved, Maryland will cast her lot with her sister states of the South and abide their fortune to the fullest extent." Dismissed by most at the time as mere rhetoric, this resolution nevertheless committed the Old Line State to secession if any other state withdrew from the Union. On December 20, 1860, that contingency occurred when South Carolina seceded and was soon followed by six other southern states. Governor Hicks had previously refused to convene the legislature into special session largely because he feared that it would make good on the resolution it adopted in January 1860. He remained steadfast in his refusal to act amid withering pressure from secessionists both within and outside the state. After President Lincoln's call for volunteers to suppress the Confederate rebellion, which was followed by the withdrawal of four additional slaveholding states, the governor still declined to budge. But finally, on April 22, 1861, Hicks acquiesced to demands to convoke the General Assembly and called for a special session of the legislature to convene on April 26.[232]

[231] Thomas H. Hicks to George B. McClellan, August 26, 1861, *OR*, Series I, 51, pt. 1:458.

[232] *Journal of the Proceedings of the Senate of Maryland, January Session, 1860*, Document CC; *Journal of the Proceedings of the House of Delegates of Maryland, January Session, 1860*, Document KK.

As the state's representatives prepared to make their way to Annapolis, citizens of Maryland anxiously awaited any news concerning the course of action the legislature might adopt. They had good reason to be nervous. Annapolis was, by this time, occupied by Federal soldiers under the command of General Benjamin Butler, whose presence in the city was to provide the military with an alternative route to Washington, D.C., one that bypassed Baltimore. The appearance of these Federal troops in the state's capital city created great angst among its citizens. For example, the *Baltimore American* informed its readers that throughout Annapolis, Sunday services were disrupted, "ladies shrieked and fainted, congregations dismissed themselves, and terrified women hurried to their homes." Hester Davis, daughter of prominent Montgomery County planter Allen Bowie Davis, described the state of affairs as "truly alarming," and pleaded for divine intervention: "Our only hope now is in the Almighty God, who holds in His hands the destinies of the children of men." Unlike those states that formed the Confederate States of America, which had endorsed secession ordinances without federal interference, Maryland had to make its decision on whether to secede while occupied by thousands of Union soldiers and under the watchful eye of the Lincoln administration.[233]

The actions of the Maryland legislature in the spring and summer of 1861 represented the final chapter in the Old Line State's movement toward disunion. With his decision to convene the General Assembly, Governor Hicks had relinquished, for the movement, his control over the state's affairs. The members of the state legislature who met in special session in 1861 held in their hands the momentous issue of Maryland's disunion. What factors, both internally

[233] *Baltimore American*, April 22, 1861; Hester Ann Davis to "My Dearest Child," April 23, 1861, Allen Bowie Davis Papers.

and externally, shaped the legislature's debates and decisions? What role did Governor Hicks play in the actions taken by the General Assembly, and what relationship did they have with one another? Finally, what role did the Lincoln administration and, by proxy, the United States military, play in shaping the actions of the Maryland legislature? Answers to these critical questions provide the reader with an appreciation of how and why the Old Line State was ultimately secured for the Union.

Rather than convene the legislature in Annapolis, Governor Hicks choose to move the location to the town of Frederick, Maryland. His decision was a curious one and has not escaped the scrutiny of historians. For example, Evitts contends that Hick's motives in changing the venue derived from a nascent sense of Unionism; that Frederick was "more safely Unionist than Annapolis." However, another historian, Jean Baker, argues that the governor moved the location of the legislature out of concern for the well-being of the assemblymen, and ample evidence exists to support this contention because Hicks was, at that time, engaged in a disagreement with General Butler who had commandeered the railways leading to and from Annapolis. On April 23 the governor informed Butler that the state legislature had been summoned to assemble on the twenty-sixth. However, the Union general's "military possession" of the Annapolis and Elk Ridge Railroad forced Hicks to lodge an official protest because it threatened to prevent the state's legislators from reaching the city. Butler replied that he had taken possession of the railroad in order to prevent "the threats of the mob" from being carried out; namely, "that if my troops passed over the railroad, the railroad should be destroyed." The general assured Hicks that his intentions were "to save, and not to destroy," and that he endeavored to secure the railroad in order to vacate Annapolis prior to the

legislature convening in order to avoid the "painful necessity" of occupying "your beautiful city" while the General Assembly was in session. Butler's guarantees, however, appeared not to have calmed the governor's fears, and on April 24, 1861, Hicks decided to move the General Assembly to Frederick, Maryland, out of concern "for the safety and comfort of [its] members," and because the "extraordinary condition of affairs" deemed it prudent.[234]

Thus, at 1:00PM on April 26, 1861, the members of the state legislature finally gathered in the Frederick County courthouse. Undoubtedly, some of the congressmen had arrived prepared to stave off the adoption of any course of action that would lead to Maryland's secession, while others in attendance aimed to secure that very end. Regardless of their intentions, all of the legislators were well aware that they were partaking in perhaps the most critical session of the legislature's long history. Maryland stood on the edge of the abyss. One precipitous step and the state, and all of its inhabitants, would be plunged into a nightmarish period of suffering, violence, and bloodshed. The following day, due to the cramped quarters of the county courthouse, the legislature moved to nearby Kemp Hall which was owned by the German Reform Church. The *Frederick Herald* reported that the members of the legislature seemed "comfortable and well provided for" in Kemp Hall, which was described as "tastefully and appropriately fitted" for their purpose. That day, the General Assembly was treated to an official message from Governor Hicks. This communication was no doubt eagerly awaited by the legislature because it contained the policy the state's chief executive would urge the assembly to pursue. If Hicks denounced Lincoln's actions and advised the legislature to

[234] Evitts, *Matter of Allegiances*, 188; Thomas H. Hicks to Benjamin F. Butler, April 23, 1861, Governor's Letterbooks; Benjamin F. Butler to Thomas H. Hicks, April 23, 1861, *OR*, Series I, 2: 593-594; Thomas H. Hicks to Benjamin F. Butler, April 24, 1861, Governor's Letterbooks; *Baltimore Sun*, April 25, 1861.

cooperate with the seceded states, Maryland would probably be secured for the Confederacy. If, however, the governor struck a more sober tone and urged moderation, perhaps the state could be spared the disastrous effects of civil war. Regardless, it is clear from Hicks's message that he fully understood the serious and dangerous state of affairs engulfing the Old Line State.[235]

The governor was convinced that the General Assembly would likely take measures to effect the state's withdrawal from the Union. As such, he viewed his message to that body as the last chance he had to shape the outcome of the legislature's deliberations. The message requires a careful reading. In it, Hicks assured the legislators that he had worked diligently over the previous six months to protect the citizens of Maryland and to "preserve peace within our borders." However, he warned that "lawless occurrences," such as the Baltimore riot, would continue to occur unless "prompt action" was taken by the assembly. He urged the legislature to ignore the "causes which have induced [our] troubles" and instead focus on the "distressing present, and . . . our portentous future." Hicks contended that the fate of Maryland, and perhaps that of the entire Border States, would undoubtedly "be seriously affected by the action" of the legislature. The governor also believed it was his duty to submit his own opinions concerning the course they should pursue. "I honestly and earnestly entertain the conviction," wrote Hicks, "that the only safety of Maryland lies in preserving a neutral position between our brethren of the North and of the South." To the governor, Maryland's security rested in remaining neutral in the "impending war," that he argued had not come by "any act or wish of ours." Furthermore, Hicks strongly advised that the legislature not "take sides against the

[235] *Journal of the Proceedings of the Senate of Maryland, April Special Session, 1861* (Frederick, Maryland: Beale H. Richardson, Printer, 1861), 8; *Frederick Herald*, April 30, 1861.

General Government," until it committed "outrages . . . which would justify us resisting its authority." To the casual observer, his recommendations seemed to imply that Maryland should, at a future date, secede from the Union. He did not, however, specify in his message whether he was suggesting that Maryland should commit an act of rebellion or that he regarded the right of a state to secede to be constitutional.[236]

Indeed, there appears to be confusion in Hicks's mind about the subject. However, it is clear that the governor was committed to the idea, prevalent in the Border States, that Maryland could stay loyal to the Union without offering any tangible assistance to its prosecution of a war against the Confederacy. "If war must be between the North and the South," the governor remarked, "may we force the contending parties to transfer the field of battle from our soil." He admitted that this idea had been the "sole groundwork" of his actions thus far in the crisis, and but for a "momentary frantic excitement" during the Baltimore riot, he was convinced he was "sustained by a large majority" of the state's citizenry. Channeling the same themes that Abraham Lincoln stressed in the closing paragraph of his first inaugural address, Hicks implored the assembly not to be swayed by the "passions" of the moment and to avoid "what future generations to come . . . shall ever deplore." In closing, the governor displayed his ardent desire to preserve the safety of Maryland by appealing, not as the state's chief executive, but as a "devoted citizen . . . , husband and father," to the legislators' sense of wisdom, prudence, and "Christian-like temper."[237]

[236] Thomas H. Hicks to Gentlemen of the Senate and House of Delegates, April 25, 1861, Governors' Letterbooks.

[237] Ibid.

Emotional appeals for moderation aside, Hicks did not urge the legislature to commit to a single line of action. While he admitted that the situation now demanded the input of the General Assembly, he did not recommend that it adopt a clear policy with regard to the crisis except that it should remain neutral in the conflict while also adhering to the Union. Confusing as this recommendation was, two things are clear. First, Hicks did not advocate the legislature adopt a line of policy that would result in secession and joining the Confederacy. And second, he did not urge the legislature to actively assist the Lincoln administration in the prosecution of the war. Since November 1860 Hicks had worried the Old Line State would become the great battlefield of an armed conflict and throughout the crisis thus far he had remained consistent in his desire to prevent that from happening. The governor's message to the legislature showed he was still committed to that outcome. "I can give no other counsel," he wrote, "than that we shall array ourselves for Union and peace, and thus preserve our soil from being polluted with the blood of brethren."[238]

Of course, Hicks could not force the legislature to adopt the line of policy he recommended. Indeed, so much of Maryland's fate was now outside of his control. While the Old Line State's legislators eagerly listened to the governor's message, Abraham Lincoln was preparing to take action in the event the legislature moved toward disunion. On April 25, 1861, Lincoln telegraphed Union General Winfield Scott and informed him that the Maryland State legislature would convene the next day. The president warned that there was a chance the assembly would take action "to arm the people of that State against the United States," and that he had been advised "to arrest, or disperse" the members of the legislature on the grounds

[238] Ibid.

it was a "necessary defense." Lincoln, however, understood that Maryland had a clear legal right to convene its legislature, and even if Federal troops intervened the administration could not "permanently prevent their action." Since he could not know in advance what policy the legislature would adopt, Lincoln was prevented from intervening. Furthermore, if the legislature did adopt hostile measures toward the federal government, the arrest of its members after they had acted would, in Lincoln's mind, "not lessen the effect of their action." Finally, if the Maryland legislators were arrested by the federal government before they could meet, the president worried that he could "not long hold them as prisoners," and, once freed, they would reassemble somewhere else and "take their action." In spite of his constitutional concerns, Lincoln ordered Scott to "watch, and await [the legislature's] action."[239]

If the General Assembly resolved to secede or to arm Marylanders against the Federal government, Scott was ordered to "adopt the most prompt and efficient means to counteract." The president went so far as to authorize the general "to the bombardment of their cities, and in the extremist necessity, the suspension of the writ of habeas corpus." Scott forwarded Lincoln's orders to Benjamin Butler in Annapolis with assurances to the president that his directives would be carried our "in the right spirit – that is with moderation and firmness." Additionally, Scott guaranteed the president that Butler would, if need be, arrest any "individuals notorious for their hostility to the United States." John Hay, Lincoln's private secretary and, later, his biographer, remarked that the president was optimistic the situation would not end in violence. "The president seemed to think," wrote Hay, "that if quiet was kept

[239] Abraham Lincoln to Winfield Scott, April 25, 1861, Abraham Lincoln Papers.

in Baltimore a little longer, Maryland might be considered the first of the redeemed." Whether quiet was kept depended entirely on the actions of the Maryland State legislature.[240]

It was the state senate that moved first in deciding the Old Line State's fate. On April 27 its members unanimously adopted resolutions that they styled as the "Address to the People of Maryland," which was later approved by the House of Delegates. In it, the legislators acknowledged that a "large proportion" of the state's citizenry believed that the General Assembly's deliberations would result in the passage of "some measure committing this State to secession." In order to alleviate those fears, the resolution sought to reassure weary citizens. "We are Marylanders, as you are," read the resolutions, "We have families, as you have. Our interests are identified with yours." The General Assembly further resolved that citizens' fears that the legislature would carry the state out of the Union were "without just foundation" because it had no "constitutional authority" to do so under the state's governing document. Only a special convention, called for by the legislature, could legally consider the issue of secession, and the resolutions argued that the state's "future destiny" could be decided only by its people acting through that convention.[241]

In the end, Marylanders' immediate fears that the legislature would endorse an ordinance of secession were alleviated by the assembly's resolutions. Secession was still a possible outcome for the Old Line State, but only through a sovereign convention. Surprisingly however, the legislators promised only to call for a convention if, and when, they believed it was "desired" by the people. "We may go thus far" in reserving the right to call a special

[240] Ibid.; Winfield Scott to Benjamin Butler, April 26, 1861, *OR*, Series II, 1:675-76; Tyler Dennett, ed., *Lincoln and the Civil War in the Diaries and Letters of John Hay* (New York: Dodd, Mead and Company, 1939), 16.

[241] *Journal of the Proceedings of the Senate of Maryland, April Special Session, 1861*, 8; *Proceedings and Documents of the Senate, December 1861 and 1862*, Document B.

convention, the assembly stated, "but certainly will not go further." Their position was challenged, however, when on April 29, 1861, a petition signed by 216 citizens of Prince George's County called for the legislature to "pass an Ordinance of Secession without delay." The petition was referred to the House of Delegates' Committee on Foreign Relations which steadfastly denied the power to pass such an ordinance and therefore could not grant the request. The motion to deny the resolution was carried by a near unanimous vote, excepting Delegate William Bryan of Prince George's County who stated that he was "in favor of secession."[242]

To be sure, the inaction of the legislature was somewhat of a surprise to many Marylanders. The forces of immediate disunion in Maryland were dealt a devastating blow by the General Assembly's refusal to endorse an ordinance of secession or to call for a special convention to consider the issue. If the legislature would not take action in opposing the Lincoln administration, the fear among many Marylanders sympathetic to the Confederacy was that the state was vulnerable due to a lack of military preparedness and the fact the state was becoming increasingly occupied by Union troops. From various parts of the state came news that pro-Confederate militia companies were organizing and arming. In addition, reports indicated that several pending commissions to militia officers who were known to be pronounced secessionists were finally granted. There were even instances in which individuals having no official commission were engaged in enlisting and arming men for military service. It was all enough for Governor Hicks to issue a proclamation on April 29 that warned against this occurrence. "It has been represented to me," Hicks stated, "that certain citizens of Maryland . .

[242] Ibid.; *Journal of the Proceedings of the House of Delegates, Extra Session, 1861* (Frederick, MD: Elihu Riley, 1861), 21, 23;

. are in degradation of the authority and dignity of the State." The governor described those citizens engaged in such acts as "subversive to good order," and in the midst of the excited condition of the state, were "well calculated to impede public peace." He implored the state's authorities to "see that the laws of the State [are] not violated," and personally tried, but to no avail, to invalidate the commissions of persons he suspected of being Confederate sympathizers. The governor's interference in the organizing and arming of anti-Lincoln militia companies led the more secessionist-leaning members of the legislature to initiate a controversial plan designed to wrestle away Hicks's control over state affairs.[243]

On the evening of May 1, 1861, in a secret session of the Maryland senate, Baltimore's representative, Coleman Yellott, a man widely known to be pro-secession and anti-Hicks, proposed a plan to defend the Old Line State from federal aggression. Acting under the assertion that Marylanders "demand[ed] that prompt and efficient measures" be adopted by the General Assembly, Yellott proposed a bill that he argued would prevent the Old Line State from suffering "the evils and horrors of civil war." In what became nicknamed the "Safety Bill," Yellott called for the creation of a seven-member Board of Public Safety which would possess "full power and authority to provide for the . . . arming and regulation of the militia of this State." In addition, the state senator proposed the board be granted the authority to remove and appoint any officer of the militia as well as be subject to the authority of a special convention, if called for by the legislature. Proponents of the bill argued that desperate times demanded drastic measures, and implied that the state's militia, under the control of the Board of Public Safety, could offer adequate protection from the Federal government's meddling in

[243] *Baltimore American*, April 30, 1861; "Proclamation by Governor Hicks," *Easton Gazette*, May 4, 1861; *Baltimore Sun*, May 8, 1861; *Baltimore Exchange*, May 4, 1861.

the affairs of the state. Opponents, however, denounced the measure as dictatorial and a violation of the state's executive authority over the militia as prescribed by the state constitution. Enflaming the bill's opponents were the nominee's for the Board's membership. Of the seven individuals nominated, only Governor Hicks was considered a moderate towards the idea of secession. The other nominees included Ezekiel F. Chambers, Enoch Lewis Lowe, John V. McMahon, Walter Mitchell, Thomas G. Pratt, and Thomas Winans. All were pronounced Confederate sympathizers, including some (Winans and Pratt) who were ardent secessionists.[244]

The general public was made aware of the proposal on May 4, 1861, and generally protested against its passage. For example, an "immense meeting" was held in Baltimore that denounced the measure. Even Severn Teackle Wallis, a man known for his anti-Lincoln proclivities, condemned the bill's framers as wholly ignorant of the far-reaching constitutional effects of it. George Vickers, future U.S. Senator from Maryland and well-known Unionist, expressed his concerns in correspondence with Governor Hicks. "Our community here is astounded," wrote Vickers, "by the intelligence that a Military Despotism is about to be erected by the Legislature, under the name of a Committee of Safety." To the Marylander, the "Safety Bill" would only arouse a feeling of indignation and create "divisions, if not strifes," in the state. He advised Hicks to let the people know that in spite of the "extreme policy of such a Locofoco Legislature," their governor would remain in control of the state's militia. Vickers use of the term "Locofoco" was telling of his disdain toward advocates of the Safety Bill because the moniker refers to a faction of the Democratic Party, prevalent in the 1840s, that ardently

[244] J. Thomas Scharf, *History of Western Maryland*, 2 vols. (Philadelphia: Louis H. Everts, 1882), 1:202-203; *Journal of the Proceedings of the Senate of Maryland, April Special Session, 1861*, 32-49.

opposed centralized government authority. Ralph Waldo Emerson once described Locofocos as "stiff, heady, and rebellious; they are fanatics in freedom; they hate tolls, taxes, turnpikes, banks, hierarchies, governors, yea, almost all laws." In another correspondence with Hicks, an anonymous author offered a grim outlook on the effect of Yellott's proposal. According to the Marylander, if Hicks did not place the state under the "protection of the General Government," and, instead, allowed the Board of Public Safety to become "our *de facto* Governor . . . then we are a doomed people." For two days, the Maryland senate argued over the nominees, the language, and the virtue of the bill. Opponents of the bill in the Maryland senate repeatedly offered up alternative nominees as means of packing the Board of Public Safety with Unionists. Additionally, proposed amendments sought to strip the bill of its more radical features but were mostly met with defeat. After much heated and contentious debate that included Frederick County's Anthony Kimmel sarcastic proposal to strike from the bill the words "a Board of Public Safety," and insert the words "a Military Despotism," the bill was referred back to the committee whence it came and never emerged again.[245]

Meanwhile, on May 6 a report from three commissioners sent by the General Assembly to meet with President Lincoln was read before the state senate. Just four days earlier, the House of Delegates' Committee on Federal Relations proposed a resolution calling for the appointment of these commissioners to act as representatives of the state and be instructed to

[245] J. Thomas Scharf, *History of Baltimore City and County* (Philadelphia: Louis H. Everts, 1881), 131; S. Teackle Wallis to John Sherman, January 3, 1863, in *Correspondence between S. Teackle Wallis, Esq. of Baltimore and the Hon. John Sherman of the U.S. Senate, Concerning the Arrest of Members of the Maryland Legislature, and the Mayor and Police Commissioners of Baltimore in 1861* (Baltimore, n. p., 1863), 30; George Vickers to Thomas H. Hicks, May 3, 1861, Hicks Papers; Ralph Waldo Emerson, "Historic Notes of Life and Letters in New England" in *The Complete Works of Ralph Waldo Emerson*, 12 vols. (New York: Houghton Mifflin Company, 1883), 10:327; "Anonymous" to Thomas H. Hicks, May 4, 1861, Hicks Papers; *Journal of the Senate of Maryland, April Special Session, 1861*, 32-49.

seek a conference with Lincoln. Their purpose, according to their own report, was to "ascertain . . . the precise position which the General Government has determined to occupy towards the State, and to . . . modify the embarrassments and diminish the perils with which the existing state of things is fraught." In other words, they were charged with trying to understand Lincoln's intentions toward Maryland in the wake of the Baltimore riot and the convoking of the legislature. The commissioners selected and unanimously affirmed were Otho Scott, Robert M. McLane, and William J. Ross. On May 4, 1861, they met personally with the president, Secretary of State William H. Seward, and Secretary of War Simon Cameron. The commissioners' report to the General Assembly indicated that they were received by Lincoln, with "respectful courtesy," and described the meeting as a candid discussion in which they offered "full explanations . . . as to the facts and circumstances" that had led to the Baltimore riot and Governor Hicks's opposition to General Butler's landing Federal troops at Annapolis. While acknowledging the "legal obligations" their state had to the federal government, the commissioners detailed the strength of sympathy held by a large portion of Maryland's citizenry for their "Southern brethren in the present crisis."[246]

Lincoln reportedly offered the commissioners a proposal that if Maryland did not take a "hostile attitude" toward the federal government, then he would consider a military occupation of the state's "ways of communication" and the seizure of its citizen's property to be "without

[246] *Journal of the Proceedings of the Senate of Maryland, April Special Session, 1861*, 25-27; General Assembly of Maryland, *Senate Documents of 1861*, Document D, 3-4. The three commissioners dispatched to meet with President Lincoln were Otho Scott, Robert M. McLane, and William J. Ross. For biographical information on Otho Scott, see Walter Preston, *History of Harford County, Maryland* (Baltimore: Press of Sun Book Office, 1901), 228-229. For Robert M. McLane, see *Biographical Directory of the United States Congress, 1774-2005* (Washington, D.C.: Government Printing Office, 2005), 1557-1558. For Ross, see Conway W. Sams and Elihu S. Riley, *The Bench and Bar of Maryland: A History, 1634-1901*, 2 volumes (Chicago: The Lewis Publishing Company, 1901), 1:670-672.

justification." The president added that the federal government's occupation and confiscation thus far was only out of "necessity or self-preservation." The commissioners, however, were not authorized to enter into this agreement on behalf of Maryland, but informed Lincoln that they would report his offer to the state legislature. In conclusion, the three Marylanders admitted that while their official mission did not require them to give expression on certain matters, they believed it was "proper" to do so with regard to their opinion about Lincoln's intentions toward the Confederacy. The commissioners were "painfully confident" that the president intended to wage a war to hold the seceded states in the Union, and warned that "the whole military power of the Federal Government will be exerted to accomplish that purpose."[247]

Armed with the report from the commissioners and inundated with daily reports of Federal troop movements and the general disposition of the state's citizenry, the House of Delegates' Committee on Federal Relations struggled for days to produce resolutions that would be acceptable to the diversity of opinion that existed in the General Assembly as to Maryland's proper course of action. In fact, since the legislature's convening on April 27, 1861, weeks had passed without a formal declaration of the General Assembly's policy for Maryland. Finally, on May 9, 1861, the committee submitted a report, complete with five resolutions, which the House immediately took up for consideration. The committee's report contained significant components that warrant a close examination because they detailed the attitude of the legislature toward the crisis. To the members of the committee, Lincoln's Proclamation of Insurrection on April 15, 1861, had created "an intense and immediate excitement" in the

[247] *Journal of the Proceedings of the Senate of Maryland, April Special Session, 1861*, 25-27; General Assembly of Maryland, *Senate Documents of 1861*, Document D, 3-4.

Border States because it was regarded as a declaration of war against the Confederacy. They further contended that this was a natural reaction "by those who sympathized with the people against whom it was fulminated." The report condemned Lincoln's proclamation on the grounds that its basis, the Militia Acts of 1792 and 1795, were meant to be a "domestic remedy" to aid civil authorities to secure obedience to the laws in a state that still recognized the authority of the Federal Government. This did not apply to the Confederate States of America, which the committee contended was an independent nation, regardless of whether secession was constitutional. "To issue a proclamation to three millions of free Americans . . . asserting the sacred and indefeasible right of self-government," was, according the committee, "an absurdity too gross to be here respectfully discussed." Following a lengthy and, at times, convoluted expression of the unconstitutional nature of the president's ability to wage war on the seceded states, the report concluded with a scathing attack on Governor Hicks.[248]

With regard to Hicks's plea for peace and ardent desire to avoid bloodshed on Maryland soil, the committee admitted that they were perplexed as to how the governor planned to achieve such aims. Indeed, they argued it was impossible to protect the state from the "pollution of fraternal blood" without possessing the means by which to "force back the tide of war," when it threatened to come surging over its borders. Hicks urged the legislature to place Maryland in a neutral position with regard to the war, but the committee saw no way for the state to achieve that end. According to the committee members, Hicks had "always steadfastly maintained" that nothing had yet occurred in the crisis that should alter the relationship

[248] "Report of the Committee on Federal Relations in Regard to the Calling of a Sovereign Convention," General Assembly of Maryland, *House Documents of 1861*, Document F (Frederick, MD: E. S. Riley, Printer, 1861), 4-6.

between the state and the federal government and that the Constitution still tied Maryland to the Union. If this be true, the report continued, Maryland could not be neutral when the Union was at war. "Neutrality . . . is nullification pure and simple," the committee argued, "and armed neutrality is merely rebellion and not peace." In other words, Maryland would choose a side the instant it failed to take the side of the federal government. Therefore, since Maryland had not seceded the committee could not counsel the legislature to adopt a policy of neutrality because, they argued, that was a policy hostile to the federal government. Nor could the committee recommend any action that might be misconstrued by the Lincoln administration as preparing the state to secede. "If no better argument existed against such projects," the committee quipped, "a sufficient one would be found in its hopeless futility."[249]

Finally, the report addressed the critical issues upon which it was tasked by making recommendations to the General Assembly, primarily the calling of a special secession convention and the re-organization and arming of the state militia. The committee admitted that at the time the legislature was called into special session there was little difference of opinion among its members, of all parties, as to the "propriety of speedily adopting" both measures. However, since that time the committee argued that the rapid pace of national events, the "warlike purposes" of the Lincoln administration, and the concentration of large numbers of Federal troops within Maryland's borders had produced "great changes of opinion and feeling" among the members of the legislature and the citizenry of the state. This change in sentiment, they argued, was made apparent to them though correspondence with fellow members of the legislature, memorials sent to the House from county meetings, and

[249] Ibid, 7, 17-18,

expressions from private citizens. As a result, the committee had "no hesitation" in expressing its belief that there was now a near unanimous sentiment in Maryland against calling a convention "at the present time," or of arming the state militia.[250]

The committee's recommendations contained sound logic and demonstrated its understanding that, unlike the states that had already seceded, Maryland had to contend with the heavy presence of federal authorities within its borders. This did not mean, however, that the committee wasn't upset over the Lincoln administration's decision to use force against the Confederacy. "This is a war," they stated, "against a people of our own name and blood and . . . this made it chiefly obnoxious to the people of Maryland." Yet the committee repeatedly pointed out that Maryland was "under military rule," and thus its options were limited. The occupation of the state was "sufficient and conclusive" reason to postpone consideration of a special convention until such time that Federal soldiers "shall no longer be upon us." The fear of calling for a convention at that time was that the election of delegates to said convention would not be "fair or free" due to the presence of Federal troops, and thus would fail to accurately reflect the will of the people of Maryland. Although this was a practical argument, it was secondary to the fact that if the legislature called for a convention, the government would doubtless intervene immediately, and violently if necessary. For reasons almost identical, the committee also warned against arming the state militia. "If the holding of a Sovereign Convention were not regarded as a hostile movement by the Federal Government," the report cautioned, "the re-establishment of the military force of the State . . . certainly would be." While admitting Maryland had a constitutional right to organize and arm its militia, the

[250] Ibid, 19.

committee believed it would be "foolish for us to shut our eyes" to the fact that the Lincoln administration would regard this as an overtly hostile action. This understanding was made apparent by the report from the three Maryland commissioners sent to meet with Lincoln just days earlier. Thus, the committee recommended "no action" on this issue "or the doing of any other act" which might be construed as hostile toward the federal government.[251]

After delivering its report, the committee submitted five resolutions to be considered by the General Assembly. The first registered an official protest against the Lincoln administration's decision to wage a war against the Confederacy and, in spite of the committee's denunciation of Hicks's plan of neutrality, announced Maryland's "resolute determination" to have no part, "directly or indirectly," in its prosecution. The second resolution implored President Lincoln to cease his "unholy and most wretched and unprofitable strife" against the Confederacy and allow time for "cooler and better counsels" to emerge. Another demanded that the federal government immediately recognize the Confederate States of America as an independent nation. "We have a profound conviction," the resolution stated, "that the willing return of those states to the Union was a thing beyond hope." One resolution declared the Lincoln administration's "military occupation" of Maryland to be a "flagrant violation" of the Constitution, yet at the same time it called on citizens of the state to "abstain from all violence and unlawful interference" with the Federal troops garrisoned within the state. The final resolution determined that it was "inexpedient" to call a special convention or take any measure for the immediate re-organization and arming of the state militia "at this

[251] Ibid, 20.

time." On May 9, 1861, the Maryland House of Delegates voted 50 to 11 in favor of adopting the resolutions.[252]

The report and resolutions of the Committee on Federal Relations represented the final act in Maryland's refusal to secede from the Union. The tone of the report is, at times, antagonistic, especially towards President Lincoln and Governor Hicks. However, it is also pragmatic and underlined the difficult position Maryland found itself in during the secession crisis of 1860-61. The committee members themselves recognized that the Old Line State's situation, as it existed by May 1861, was precarious at best. If the legislature called for a special convention to consider secession, there was little doubt as to the reaction the Lincoln administration would have to such a contingency. In addition, the report also indicated that the committee understood that Maryland could not even exercise a constitutional right –organizing and arming its militia – guaranteed to it under the Second Amendment for fear the president would consider it a hostile action. The committee did not, however, repudiate the idea of secession or that Maryland might take such action in the future. For the General Assembly, secession was a possibility, yet, under the present circumstances, not a practicality at the moment. Nevertheless by May 9, 1861, two significant developments had occurred in the state legislature that stayed the secession of Maryland. The resolutions adopted by the state senate on April 27 had denied the General Assembly any power to consider secession except the authority call for a special convention. The May 9 resolutions adopted by the House of Delegates clearly indicated that the General Assembly would not call for that convention.

[252] *Resolutions of the Committee on Federal Relations of the House of Delegates of Maryland, with Senate Amendments, Extra Session, 1861* (Frederick, MD: Beale H. Richardson, Printer, 1861), 3-4.

It is clear from the report of the Committee on Federal Relations that the presence of Federal troops played a crucial role in its recommendation that the General Assembly not call for a convention or organize the state militia. Any movement that could be construed as hostile toward the Federal Government was to be avoided at all cost. For his part, Lincoln played a key role in shaping the opinions of the committee. Acting with caution, yet firm purpose, the president slowly saturated the Old Line State with Federal soldiers under the assertion they were needed to protect Washington, D.C. By April 22 General Benjamin had taken possession of Annapolis thereby seizing control of the state's capital and the machinery necessary for the administration of the state. By April 24 Federal troops had captured the railroad between Annapolis and Washington, D.C., and taken control of the Chesapeake Bay. All this resulted in three critical effects upon Maryland. First, it provided the federal government a steady flow of soldiers to defend Washington. Second, by securing an alternative route that bypassed Baltimore, the city became isolated from the rest of the state. Third, and most important, it resulted in Maryland's isolation from the rest of the South. The problem facing President Lincoln was how best to prevent the Maryland legislature from either seceding or inciting an internal rebellion in the state. In a letter to Winfield Scott dated April 25, the president recommended the suspension of the writ of habeas corpus as an extreme measure. The next day, Scott informed General Butler of Lincoln's authorization. Finally, on April 27, 1861, Lincoln formally authorized Scott to suspend, whenever he believed it was necessary, the writ of habeas corpus along, and in the vicinity of, "any military line running from Washington and Philadelphia."[253]

[253] Nicolay and Hay, *Works of Lincoln*, 2: 38-39.

Additionally, orders issued from Washington divided Maryland into three military departments, and Secretary of War Cameron ordered the immediate occupation of the Northern Central Railroad between Philadelphia and Baltimore. "I will never consent," wrote Cameron, "that a rebel force shall prevent the passage of our fellow-citizens from coming to [Washington, D.C.] unmolested." The secretary indicated that President Lincoln had given him "full power" to seize and hold open any line of communication to and from Washington, and Cameron indicated that he intended to comply fully with those orders. Also on that day, President Lincoln informed Winfield Scott that if he encountered any organized resistance in Maryland the general was authorized to suspend the writ of habeas corpus "for the public safety." On April 28 Scott explained to Major General Robert Patterson that once communications between Washington and Annapolis were secured, and sufficient numbers for the defense of the national capital achieved, the next step would be to occupy Baltimore, "by force," in order to reopen communications with Philadelphia. The next day, Scott ordered General Butler to take full possession of the Baltimore, Annapolis, and Elk Ridge Railroad and to send on regiments to secure Washington. Butler was instructed, however, to retain some regiments to be used for "an expedition against Baltimore."[254]

By April 29, 1861, the situation in Maryland appeared secure for the Lincoln administration. The railroads from Annapolis to Baltimore were controlled by Butler, preparations for Baltimore's occupation continued unabashed, and thousands of Federal troops, massed along the northern border of Maryland, began slow marches toward Frederick

[254] Lorenzo Thomas, General Orders, No. 12, April 27, 1861, *OR*, Series I, 2:607; Simon Cameron to J. Edgar Thompson, April 27, 1861, *OR*, Series I, 2:603; Abraham Lincoln to Winfield Scott, April 27, 1861, *OR*, Series II, 1:567; Winfield Scott to Robert Patterson, April 28, 1861, *OR*, Series I, 2:607; Winfield Scott to Benjamin Butler, April 29, 1861, *OR*, Series I, 2:611.

and Baltimore. Thus, by May 1861 the Federal Government seemed poised for a complete military occupation of the state. Indeed, on May 1, General Robert Patterson, commander of the Department of Pennsylvania, informed the War Department that his 12,000 troops were positioned to move on Baltimore once the railroads leading to that city were secured. In another report to Secretary Cameron, Patterson observed that "the North seems to be spoiling for a fight with Baltimore . . . and the sooner it comes off the better, in my judgment." Thus, throughout the legislature's important special session, President Lincoln, working through the War Department, had implemented aggressive policies designed to suppress dissent in Maryland and was clearly prepared for any contingency that might arise from the actions of the General Assembly. To Marylanders, it appeared the Lincoln administration was treating their state as if it had actually seceded.[255]

There can be no doubt that the members of the Maryland legislature were aware of these developments. Virtually all of the state's newspapers carried daily reports on Federal troop movements. The *Baltimore Sun*, for example, had a regular column entitled "The War Crisis" that informed its readers on the size and disposition of Federal regiments in the state. On April 29, the *Sun* carried an ominous report reprinted from the *New York Times* that General Benjamin Butler was under orders to arrest the entire General Assembly if it passed an ordinance of secession. The *Frederick Herald* reprinted a message from Pennsylvania's governor to his state's legislature that included a sworn statement that "no hostile soil" would be permitted to exist between Washington, D.C., and those states loyal to the Union, regardless of whether Maryland "stays in or goes out." The state's newspapers reflected the citizenry's

[255] Robert Patterson to Edward E. Townsend, May 1, 1861, *OR*, Series I, 2: 615-616; Robert Patterson to Simon Cameron, May 1, 1861, *OR*, Series I, 2:616.

growing apprehension toward the large number of Federal soldiers arriving in Maryland, and they could only guess as to what their intended use was to be.[256]

As Marylanders idly watched as more troops massed along their northern border and their towns and cities were slowly occupied, the *Sun* expressed their anxiety when it reprinted a *New York Herald* column on May 2. "Baltimore is to be completely filled with troops," the editorial read, "and Maryland is to be compelled to act like a State still in the Union." The next day newspapers carried information about the Union blockade of Virginia's port cities by a contingent of vessels "mounted with cannon, well manned, and almost innumerable." In another column from the *Baltimore American*, readers were treated to reports that information gathered from military officers stationed in Philadelphia seemed to indicate that the Lincoln administration intended to wage "a war on a scale of magnitude not yet imagined," and that the first operation of the campaign would be the "military occupation of Baltimore." A May 4 report in the *Sun* reported over 6,000 troops being transported from Annapolis toward Baltimore on a steamer. "It is generally understood," the column stated, "that they are to land near Baltimore, and co-operate with troops approaching the city from the North."[257]

Undoubtedly, citizens of Maryland perceived their state on the brink of being overrun by overwhelming numbers of Federal troops and concluded that the state's defenses were wholly inadequate to prevent it. The conditions in Maryland, as they were in early May 1861, were unquestionably known by the state's political leaders. In Frederick the members of the legislature could not have endorsed any other measures than what they did without plunging

[256] *Baltimore Sun*, April 29, 1861; *Frederick Herald*, April 29, 1861.

[257] *Baltimore Sun*, May 1, 2, 1861; *Easton Gazette*, May 3, 1861, *Baltimore American*, May 3, 1861; *Baltimore Sun*, May 4, 1861;

the Old Line State into civil war, and they knew it. In short, it was too late to take any decisive action that would have led to disunion without being hampered, obstructed, and violently suppressed by the federal government. Reduced to impotence, the legislature lacked effective influence after it adjourned on May 14, 1861. As a result, the initiative passed to the Lincoln administration and it moved quickly to squash Confederate sympathizers. Two days before the legislature adjourned, General Butler, leading battalions from the Sixth Massachusetts and the Eighth New York Infantry, finally occupied the city of Baltimore and immediately fortified Federal Hill, the heights surrounding the city, and declared martial law. The next day, he reported finding several arms manufactories producing weapons for the Confederacy, one of which was thought to be owned by Ross Winans, a member of Maryland's House of Delegates from Baltimore City and an iron manufacturer. On April 14 while traveling home from the special session of the legislature in Frederick, Winans was arrested by an officer of the U.S. Army, acting without a writ from a judge, and was charged with treason, and his right of habeas corpus suspended. The Marylander was quickly released, however, after taking an oath in which he agreed to "not openly commit an act of hostility against the Government." His arrest was only the beginning of Lincoln's crackdown on Confederate sympathizers in Maryland.[258]

On May 25, 1861, the most famous case involving the arrest and imprisonment of a pro-Confederate Marylander took place when John Merryman, a member of the Baltimore County Democratic executive committee and a first lieutenant in the Baltimore County Home Guards, was arrested by Federal troops. Merryman was detained on suspicion that he was an officer

[258] Benjamin F. Butler to Winfield Scott, May 15, 1861, *OR*, Series I, 2:29-30; Edward D. Townshend to George Cadwalader, May 16, 1861, *OR*, Series II, 1:571-172; *Baltimore Sun*, May 15, 1861; Brown, *Baltimore and the Nineteenth of April, 1861*, 87.

"of a secession company" which allegedly had in its possession arms belonging to the federal government. From a prison cell at Fort McHenry, Merryman sent a petition to fellow Marylander and Chief Justice of the United States Supreme Court, Roger B. Taney, claiming he was incarcerated "without any process or color of law." After Taney granted a writ of habeas corpus, military officials at Fort McHenry refused to honor the court's order, arguing their authority in the matter was derived from President Lincoln's instructions to suspend habeas corpus in matters of "public safety." Enraged by the military's refusal to obey his writ, Taney issued an arrest warrant for George Cadwalader, the commanding officer at Fort McHenry. In the meantime, Winfield Scott ordered Cadwalder to "hold in secure confinement all persons implicated in treasonable practices," and to "most respectfully decline" to comply with any writ of habeas corpus until "the present unhappy difficulties are at an end." When U.S. Marshals appeared at Fort McHenry to serve their arrest warrant for Cadwalader, they were denied entry and turned away. Taney responded with *Ex Parte Merryman* in which he blasted the executive overreach of the Lincoln administration and denounced its suspension of habeas corpus as a symptom of "the substitution of military government . . . administered and executed by military officers." Merryman's case, however, was not unique, as many members of the state legislature would soon find out.[259]

Following the adjournment of the General Assembly there was marked difference in Hicks's demeanor towards the Lincoln administration. Gone was the hesitation and vacillation that characterized his previous policies and attitude towards the president. Now that it was

[259] James Miltimore to Samuel Yohe, May 25, 1861, *OR*, Series II, 1:575; Edward D. Townsend to George Cadwalader, May 28, 1861, *OR*, Series II, 1:576-577; J. L. Power, ed., *The Merryman Habeas Corpus Case, Baltimore. The Proceedings in Full and Opinion of Chief Justice Taney* (Jackson, MS: J. L. Power, 1861), 1-2, 9.

clear the General Assembly would not take any immediate action toward disunion, Hicks moved with deliberateness to see his state safeguarded against the outbreak of violence. This, of course, required him to actively assist the president in securing Maryland for the Union and, as a result, suppress any organized resistance to the federal government. The clear shift in the governor's approach was first announced on May 14, 1861, the same day the state legislature adjourned in Frederick. In a proclamation to the citizens of Maryland, Hicks urged "loyal citizens" of the state to volunteer for service in the four regiments that the Old Line State was required to raise as part of Lincoln's April 15 proclamation. On May 30 the governor ordered Colonel E. R. Petherbridge, an officer in the Maryland militia, to "collect immediately" arms and military equipment belonging to the state and holds them for "safe keeping."[260]

In another proclamation, dated June 7, Hicks followed up on his order by calling upon "the loyal as well as the disloyal citizens of Baltimore" to surrender and "deliver up" any state owned firearms in their possession. Hicks's motives in ordering the collection of arms and munitions owned by the state were clear. He was aware that many of the militia companies affected by this order were sympathetic to the Confederacy, or at least he had cause to believe they were. In fact, the governor was so worried about these weapons falling into the wrong hands that he ordered the collected firearms to be stored at Fort McHenry, under the control of Federal troops, rather than depositing them in the state arsenals at Easton and Frederick. The measures taken by Hicks in the brief interim between the sessions of the legislature resulted in a strained relationship between the two bodies of the state government. Indeed, their

[260] "Proclamation of Governor Hicks," in *Easton Gazette*, May 18, 1861; Thomas H. Hicks to E. R. Petherbridge, May 30, 1861, Governors' Letterbooks; "Maryland Political Affairs," in *Baltimore Sun*, May 31, 1861.

antagonism toward each other was apparent when the legislature reconvened on June 4, 1861.[261]

For example, upon gathering again in Frederick, the Maryland Senate immediately passed a resolution demanding Hicks explain why he had placed the state's firearms under Federal control and what guarantees he had that they would be returned if requested by the legislature. Emboldened by the assembly's lack of action in the previous session, the governor defiantly replied that the arms were collected because he possessed information, "from a source not accessible to the people," that many weapons had previously been stolen and sent to "those persons now in rebellion against the United States Government." The only guarantee that the weapons would be restored to the control of the state, he wrote, was the "honor" of the Lincoln administration and that it would have been "absurd and insulting" to request anything more. Admittedly, Hicks and the legislature had always exhibited a tenuous relationship throughout the secession crisis, but up to this point the governor had usually shown a willingness to cooperate with it. Now, however, Hicks no longer needed to fear the repercussions of treating that assembly with contempt due to the fact they had declined to take immediate action and secede.[262]

Although, what the legislature lacked in power, it more than made up for in the vigor with which it denounced and criticized the governor. For example, a report from the Senate's Committee on Judicial Proceedings referred to Hicks's decision to collect the state's firearms as "a palpable usurpation of authority, which ought not to be tolerated." They even called the

[261] "Proclamation by Governor Hicks," in Moore, *Rebellion Record*, 1: 347-348; *Journal of the Proceedings of the House of Delegates of Maryland, June, 1861* (Annapolis: Elihu S. Riley, Printer, 1861), Document I.

[262] *Journal of the Senate of Maryland, April Special Session 1861*, 146; Thomas H. Hicks to the Gentlemen of the Senate, June 5, 1861, Governors' Letterbooks.

governor a "military despot," who, for "disloyal purposes," had lied about evidence concerning weapons being secretly sent to the Confederacy. In the end, the legislature demanded that Hicks return the arms to the militia companies from which they were collected, a request the governor ignored.[263]

In addition to wrangling with the Maryland Senate, Hicks contended with demands and resolutions passed by the House of Delegates. For example, to a request that he turn over all communications between himself and "any officer" of the federal government, the governor replied that he had already submitted all the "necessary" correspondence they required. The defiant tone of Hicks's reply caused the House to appoint a committee to review all records pertaining to the governor's interaction with the Lincoln administration under the accusation that he was engaged in secret cooperation with the federal government. Hicks responded with his own accusations that the House of Delegates' actions were a "feeble effort to offer an indignity" to him and that any review of his correspondence would prove the "utter falsity of the many malignant charges" brought against him by "partisans" in the legislature. The arrest, imprisonment, and suspension of the writ of habeas corpus of a handful of Marylanders, such as Winans and Merryman, was also a point of contention between the governor and the legislature.[264]

On June 5 the House demanded to know what action Hicks had taken, if any, "to protect the citizens of Maryland." Again, the governor curtly responded that he had received no "official information" of the arrests nor was "any complaint or demand for [his] interference"

[263] *Journal of the Senate of Maryland, April Special Session, 1861*, 251-255.

[264] Thomas H. Hicks to Gentlemen of the House of Delegates, June 5 and June 14, 1861, Governors' Letterbooks; *Journal of Proceedings of the House of Delegates, April, June, and July Special Sessions, 1861* (Frederick, MD: Elihu S. Riley, 1861), 170; Thomas H. Hicks to Gentlemen of the House of Delegates, June 5, 1861, Governors' Letterbooks.

made in either case. This response, however, was inconsistent with Hicks's previous comments concerning knowledge of secessionist plots and conspiracies. Previously, he had always maintained that anonymous sources provided him with intelligence concerning matters of controversy. Now, however, he claimed ignorance on a matter so public and well-known that his response is best considered an attempt at evasion on the governor's part to avoid having to cooperate with the legislature. The House of Delegates even reminded him of this inconsistency in a June 11 report by the Committee on Federal Relations. In it, the House concluded that it was impossible for Hicks to have never "opened a newspaper, nor taken part in a public conversation" without gaining knowledge of the detainment of specific Marylanders. The governor's coyness aside, there was no doubt that he was aware of the arrests but there was little he could have done in the matter. To oppose the suspension of the writ of habeas corpus would have placed him in firm opposition to the Lincoln administration, which was something he was unwilling to do by June 1861.[265]

The divide between the state's chief executive and legislature continued to grow for the entirety of the June session. In one instance a point of contention arose concerning firearms that were apparently seized from a state arsenal in Worcester County on the orders of General Butler. The House of Delegates accused Governor Hicks of being the real culprit behind the confiscation and questioned him as to their whereabouts and what actions had been taken to recover them. Hicks replied that the first line of question was "impertinent" and referred the House to General Butler for information to their other questions. In another case, the

[265] *Report of the Committee on Federal Relations upon the Messages of the Governor, in Regard to the Arbitrary Proceedings of the United States Authorities, and the Governor's Correspondence with the United States Government* (Frederick, MD: Elihu R. Riley, Printer, 1861), 3.

Maryland Senate ordered Hicks to turn over a list of all military and civil appointments he had made since March 1860. The governor refused to comply and claimed that the Maryland Constitution required him only to send executive nominations to the Senate during regular, not special, sessions of the legislature.[266]

As a result of the governor's noncooperation in virtually every aspect of the legislature's requests, the assembly was reduced to lashing out at the Lincoln administration's policies toward the state and expressing a growing fondness for the Confederacy. Compared to resolutions adopted by the April session of the legislature, those accepted by the June session did not contain anything new. The tone of the resolutions, however, became more radical and antagonistic. For example, on June 22, 1861, the Senate adopted a series of resolutions that, among other things, protested the "unjust, oppressive, and tyrannical" policies of the Lincoln administration. Secession, they argued, was a "sovereign right," independent of the Constitution, and exercised at the discretion of the individual states. As such, the Senate strongly urged the Lincoln administration to recognize the independence of the Confederacy. Furthermore, the legislators resolved that the suspension of the writ of habeas corpus, "the great safe-guard of personal liberty," was the usurpation of a constitutional right by a "despotic power," as in the case of John Merryman. That same day, the General Assembly also adopted an official protest against the "oppressive and tyrannical . . . exercise of military jurisdiction within the limits of Maryland." The protest was communicated to Maryland's senators in Washington, James Pearce and Anthony Kennedy, with instructions to submit it to the U.S.

[266] *Journal of the House of Delegates, April, June, and July Special Sessions, 1861*, 268; Thomas H. Hicks to Gentlemen of the House of Delegates, June 17, 1861, Governors' Letterbooks; *Journal of the Senate of Maryland, April Special Session, 1861*, 165-166; Thomas H. Hicks to the Gentlemen of the Senate, June 19, 1861, Governors' Letterbooks.

Senate, and, if given the opportunity, vote to recognize the Confederate States of America. This inflammatory rhetoric exposed the general attitude of the Old Line State's legislature toward the Lincoln administration. If not suppressed, the General Assembly might become the standard for Maryland's secessionists to rally around, a potential outcome Hicks and federal authorities became increasingly aware of over the course of the summer of 1861.[267]

As early as June 2, Hicks was informed by a source in Baltimore that secessionists there were engaged in "secret meetings" and planned to instigate an "insurrection" in the city. The "secret plot," the informant wrote, involved launching an internal rebellion as soon as "the first blow is struck" between Confederate and Union forces. The source added that the conspirators were "men of rank Secession proclivities," well known and respected, heavily armed, "and mean what they say." Lastly, the informant stated that the city's "police and functionaries are with them in their conspiracy." Five days later, on June 7, another source in Baltimore informed Hicks of rumors that secessionists in Virginia, "in connection with their confederates at Frederick," were making arrangements to abduct the governor and stow him away to the Confederacy. "This rumor appears to me . . . as unworthy of belief," wrote the informant, "but we know that the Rebels are prepared to do anything on earth to precipitate [Maryland] into secession." Having possession of the state's governor who had, for some time now, obstructed the designs of Maryland's secessionists would, in the words of the source, "be big game for them." The reference to "confederates at Frederick" is significant because it refers to the members of the Maryland General Assembly that favored their state's withdrawal from the

[267] *Resolutions of the General Assembly in Regard to the Relations of the State of Maryland to the Federal Government* (Frederick, MD: Beale H. Richardson, Printer, 1861), 4; *Protest of the General Assembly Against the Illegal Arrest and Imprisonment by the Federal Government of Citizens of Maryland* (Frederick, MD: Beale H. Richardson, Printer, 1861), 4.

Union. Thus, by the time the legislature reconvened for its June session, Hicks was already aware that secessionists both inside and outside his state might be preparing to instigate some design that would result in Maryland's disunion.[268]

Confederate forces occupying Harpers Ferry, Virginia, became a primary concern for the governor. He worried that these troops might attack toward Frederick, Maryland, thereby providing an atmosphere there for the legislature to adopt an ordinance of secession. Combined with the fact that the legislature's sentiment toward the Lincoln administration was becoming increasingly hostile, Governor Hicks decided to act in order to prevent the anti-Lincoln members of the General Assembly from being bolstered by the sudden appearance of Confederate military units located a short distance away. He appealed immediately to Winfield Scott, seeking authorization to requisition Federal troops for the protection of Frederick from the "rebels at Harpers Ferry," and to prevent arms and munitions from being sent from the city to the Confederacy. Scott granted Hicks's request and instructed the governor to requisition troops from Major General Robert Patterson, who commanded U.S. forces near Chambersburg, Pennsylvania. In a dispatch to Patterson, the governor requested that a detachment of Federal soldiers be sent to Frederick because "in my discretion, I deem it necessary to the public welfare." On June 10, Patterson replied that he would, as soon as possible, send troops under his command, to "protect and secure you against molestation by the common enemy of our country."[269]

[268] W. R. Mortitmer to Thomas H. Hicks, June 2, 1861, and Edward L. Thomas to Thomas H. Hicks, June 7, 1861, Hicks Papers.

[269] Thomas H. Hicks to Robert Patterson, June 9, 1861, *OR*, Series I, 2:671.

Meanwhile, Hicks continued to receive information concerning the danger posed by the legislature to his hope of preventing the state's secession. On June 25 the governor was warned by a member of the Baltimore City Guard that its ranks were filled with pro-Confederate sympathizers. "There are but 30 Union men," the informant wrote, "the remainder being secessionists and commanded by officers, two thirds of whom, are of the same stamp." The level of separatist sentiment among Baltimore's police and militia units was something "well known" to the members of the legislature. The source regarded these men as "the greatest curse that has ever befallen this state." Unless Hicks informed Federal authorities and took additional preemptive measures, the informant warned, the legislature would not "hesitate . . . to further their hellish designs." In the end, the Marylander implored the governor to remain steadfast and continue to regard the legislature with the "contempt it justly merits," and to call upon Federal authorities "to secure your patriotic endeavors from these . . . emissaries of the Devil."[270]

By June 26, 1861, an entire regiment of the infantry under Patterson's command, and at the behest of Hicks, finally occupied Frederick. With the arrival of Federal troops the legislature's second special session came to an end, and with it, whatever designs some of its more pro-Confederate members had to precipitate Maryland's secession. By the time the legislature met again on July 30, 1861, the energies of the Lincoln administration were fully engaged in prosecuting the Union war effort. As a result, Hicks and the federal government

[270] Robert Patterson to Thomas H. Hicks, June 10, 1861, *OR*, Series I, 2:673; "One of the Old Guard" to Thomas H. Hicks, June 25, 1861, Hicks Papers.

prepared to enact swift and decisive measures designed to neutralize the secessionist elements within the legislature as well as those among the leading authorities of Baltimore.[271]

The hammer fell first in Baltimore. On June 27, 1861, two days after the General Assembly adjourned, the first of many arrests occurred involving suspected Confederate sympathizers within the Baltimore police department. After replacing George Cadwalder as commander of the Department of Annapolis, Major-General Nathanial P. Banks ordered the arrest of Baltimore's Chief of Police, George P. Kane. On July 1, Charles Howard, William H. Gatchell, John W. Davis, and Charles D. Hinks, all members of the city's Board of Police Supervisors, were also detained by Federal soldiers. In a proclamation to the people of Maryland, Banks claimed he did not intend to interfere with the "legitimate" government institutions of the state. However, the general argued that "unlawful combinations of men," who resisted federal laws, trafficked weapons to the Confederacy, and who "stealthily await opportunity" to rebel were "well known" to exist in the city's police department. All of the detainees were incarcerated in Fort McHenry. This was the beginning of the Lincoln administration's larger plan to secure the Old Line State for the Union.[272]

On July 30, the state legislature reconvened in Frederick for its final memorable session of 1861. Again, the General Assembly was reduced to little more than adopting resolutions and submitting official protests against the policies of the Lincoln administration, which they called "a gross and unconstitutional abuse of power which nothing can palliate or excuse." The legislature also instructed Maryland's two senators, Kennedy and Pearce, to submit a protest to

[271] Ibid.

[272] "General Orders, No. 5," June 11, 1861, *OR*, Series I, 2:675; Nathanial P. Banks to the People of the City of Baltimore, June 27, 1861, *OR*, Series I, 2:140-141, 144;

the U.S. Senate. As the Senate clerk read the protest aloud, he was interrupted by Minnesota Senator Morton S. Wilkinson who denounced it as "an insult to this Government." Senator Lot M. Morrill of Maine also condemned the protest on the grounds it was "not respectful to the President of the United States." Back in Frederick, a scathing report of the present condition of Maryland was submitted by a joint committee appointed to consider when the legislature should adjourn and when it should reconvene. "The extraordinary events which have transpired," the report read, "clearly indicate that the Federal authorities at Washington have . . . fully determined to disregard all the rights which the Constitution has . . . provided to a free State." Furthermore, the joint committee argued that the Lincoln administration's actions within Maryland had "render[ed] it in vain" for the General Assembly to "interpose any measures, looking to the immediate relief of the State." Lastly, it was the opinion of the committee's members that the legislature should continue to meet "from time to time" in order to submit official protests against the "wrongs" to which the people of Maryland have suffered, or may suffer in the future. "The suppression of their civil liberties," the report argued, "should not be passed over in silence." On August 7 the General Assembly adjourned and agreed to meet again on September 17, 1861, this time in Annapolis. That session never occurred.[273]

Before the legislature could meet again in Annapolis, the final suppression of an organized secessionist movement in Maryland took place. On August 17 Governor Hicks wrote to Simon Cameron to inform the secretary of his firm belief that "vigilant preparation" was

[273] *Report and Resolutions of the Joint Committee of the Senate and House of Delegates of Maryland upon the Reports and Memorials of the Police Commissioners and the Mayor and City Council of Baltimore* (Frederick, MD: E. S. Riley Printer, 1861), 1; *Congressional Globe*, Thirty-Seventh Congress, First Session, Monday, August 5, 1861; *Journal of the House of Delegates, April, June, and July Special Sessions, 1861*, 366, 369-370.

being made by secessionists in Maryland for an internal "rising" in order to unite with Confederate forces believed to be preparing for an attack on Washington, D.C. "You must not suppose me a sensationalist," wrote Hicks, "but attribute all to an anxious desire to co-operate with you in heading off the rebel forces." The governor went on to explain that secessionists inside and outside the state were contemplating a "descent" upon Maryland, with the intentions of driving it from the Union and "carrying us South." His concern was that Maryland separatists in the legislature would pass an ordinance of secession on September 17, in conjunction with a Confederate military movement toward the state. A week later, Hicks received a disturbing letter from three prominent Unionists from Chestertown, Maryland, with instructions to pass on the information contained within to Secretary Cameron. The authors of the letter gave their opinion that "secessionism" in Maryland had increased in the time since the Battle of [First] Manassas, on July 21, 1861. "We think [the secessionists] may avail themselves," cautioned the Marylanders, "at the first occasion that offers to precipitate us into revolution." In a separate note, Chestertown banker S. W. Spencer warned Hicks that he observed "movements" in Baltimore that indicated the secessionists were "only biding their time and waiting for a chance to rise up in rebellion."[274]

Obviously disturbed by these warnings, and clearly unwilling to leave anything to chance, Hicks proceeded to once again reach out to federal authorities. On August 26, he wrote General George B. McClellan, commander of Federal units occupying Annapolis. "I look upon it as being most important to have all assailable points well looked to," wrote the governor, "as much foul play is going on." Hicks reported the intelligence he had gathered from

[274] Thomas H. Hicks to Simon Cameron, August 17, 1861, *OR*, Series I, 51 (part 1):451;S. W. Spencer, Jessie K. Hines, George Vickers to Thomas H. Hicks, August 24, 1861, *OR*, Series III, 1:463.

his informants and urged the general to remain vigilant because a "wily foe" lurked in the shadows. "I am convinced," Hicks warned, "that feints will be made and strategies resorted to by the enemy to draw you into their clutches." Two days later the governor echoed these concerns to Secretary Cameron and forwarded the information his sources had provided. The intelligence, Hicks contended, came from "gentlemen of high character . . . known to me as good Union men."[275]

In addition to Hicks's warnings, information flowed in to the Lincoln administration from myriad sources. For example, on September 12, 1861, Frederick Schely, editor of the *Frederick Examiner*, warned William H. Seward that at the coming session of the legislature "some effort will be made . . . to convulse [Maryland] and force it into an attitude of hostility to the Government." This conviction, Schely argued, was the result of "intelligent quarters" which assured him that at the last session of the legislature a secret "caucus" resolved to pass, "at all hazards," an ordinance of secession at the next meeting of the assembly. While admitting this information might be nothing more than "unfounded apprehensions," the editor urged the Lincoln administration to not gamble on it. "The magnitude of the risk," wrote Schley, "should leave no foothold for uncertainty, and surely the course of the legislature has not been one to inspire confidence." The Marylander also claimed that a majority of the state's citizens were opposed to secession and that the "interposition of the Federal Government" in the arrest of separatist legislators would secure the Old Line State for the Union. Authorities in Washington also received intelligence from Union military officers in the field concerning the disposition of the Maryland legislature. For example, General McClellan wrote to Secretary Cameron on

[275] Thomas H. Hicks to George B. McClellan, August 26, 1861, OR, Series I, 51 (part 1): 457-458; Thomas H. Hicks to Simon Cameron, August 28, 1861, *OR*, Series III, 1:463.

September 11 stating that from the "best information" he could obtain, "it would seem necessary to arrest at once" prominent members of the anti-Lincoln faction of the General Assembly.[276]

Armed with warnings from Governor Hicks and suggestions from leading Union officers, it is clear that Cameron viewed the upcoming session of the state legislature with a great deal of suspicion. Wasting no time, the secretary instigated preemptive actions designed to suppress secessionist sentiment in the General Assembly. In orders to General Banks, he wrote that "the passage of any act of secession by the Legislature of Maryland must be prevented." If necessary, Cameron instructed, the general was to arrest all or any part of the members of the General Assembly suspected of aiding the secession movement in the state. "Exercise your own judgment," wrote the secretary, "but do the work effectively." Apparently unwilling to take any chances, Cameron also issued orders to the commander of Federal troops in Baltimore, Major General John A. Dix, directing him to arrest "forthwith" T. Parkin Scott, S. Teackle Wallis, and Henry M. Warfield, all of whom were representatives of Baltimore in the House of Delegates. In addition, Frank Key Howard, editor of the *Baltimore Daily Exchange*, and Thomas W. Hall, Jr., editor of the pro-secessionist paper, *The South*, were slated for arrest, as was Henry May, a sitting United States Congressman from Maryland. On September 12 the arrest warrants were executed and the six Marylanders were apprehended.[277]

However, the purge was not over. Evidence from a September 12 meeting in Washington attended by McClellan, Seward, Cameron, and Lincoln indicates that the president

[276] Frederick Schley to William H. Seward, September 12, 1861, *OR*, Series II, 1:679-680; George B. McClellan to Simon Cameron, September 11, 1861, *OR*, Series II, 1:678.

[277] Simon Cameron to Nathanial P. Banks, September 11, 1861, *OR*, Series II, 1:678-679; Simon Cameron to John A. Dix, September 11, 1861, *OR*, Series II, 1:678. For a report on the arrests of September 12, 1861, see Allen Pinkerton to William H. Seward, September 23, 1861, *OR*, Series I, 5:195-196.

"decided to effect" a larger operation which, by September 16, resulted in the apprehension and confinement of a total of twenty-nine members of the Maryland General Assembly. Originally, the plan was to make a scene of the arrests on the first day of the session. Orders from General Banks indicate that the "process of arrest" was to be carried out by Federal troops entering both houses of the legislature at the same time and "announcing that they were arrested by orders of the Government." This plan proved untenable, however, because the General Assembly never actually convened. Instead, members of the legislature identified by the Lincoln administration were arrested at various points across the state, most occurring in Baltimore. In the end, the twenty-nine detained members of the legislature stood accused of conspiring "to pass an ordinance of secession to take [Maryland] out of the Union in violation of the Constitution and against the wishes and sentiment of the people of Maryland." Due to Lincoln's suspension of the writ of habeas corpus, the legislators were given no representation, charged with no crime, and given no trial. After short detainments in Fort McHenry, all of the political prisoners arrested in Maryland eventually found their way to Fort Warren, in Boston harbor. Over the course of the summer and fall of 1861 petitions and letters flooded the Lincoln administration urging it to release the prisoners. Those members of the legislature that posed little or no threat to the Union war effort were released by the end of 1861 after taking oaths of allegiance to the United States. Some, it appears, refused to take the oath because it would force them "to acknowledge a partial criminality." Others, however, refused to take the oath under any circumstances. "The term Government as used in this [oath]," wrote Josiah H. Gordon, delegate from Allegany County, "is unauthorized by the Constitution or by any act of Congress." Those who refused to take an oath of loyalty, or others who were reported to be

"as unscrupulous in [their] secessionism" as ever, were held for over a year. On November 26, 1862, President Lincoln ordered the release of all "Maryland State prisoners," and the next day the remaining members of the legislature were set free.[278]

With the arrest of twenty-nine members of the state legislature came the end of any organized movement toward disunion in Maryland. By the end of September 1861, the Lincoln administration, and to a lesser extent, Governor Hicks, were so firmly in control of the state's affairs that the movement for secession became the concern of small groups of conspirators, whose schemes and designs continued throughout the war. Whether the inclinations of the legislature's members, or even a majority of them, had been for secession they certainly did not take any direct action toward that end. Indeed, in the April session both houses resolved that they neither possessed the authority to pass an ordinance of secession nor believed circumstances dictated they call for a special convention to consider such action. They did, however, on repeated occasions pass numerous resolutions that were nonetheless antagonistic toward the federal government. For example, the legislature resolved that the Lincoln administration immediately recognize the independence of the Confederacy, and did not refrain from using inflammatory rhetoric in denouncing the president's policies toward Maryland and the seceded states. This rhetoric produced within Lincoln and Hicks a strong

[278] George B. McClellan to Nathanial P. Banks, September 12, 1861, in Andrew Dickson White, ed., *Secret Correspondence Illustrating the Condition of Affairs in Maryland* (Baltimore, MD: n.p., 1863), 13; Nathanial P. Banks to Thomas H. Ruger, September 16, 1861, *OR*, Series II, 1:681; Nathanial P. Banks to R. B. Marcy, September 20, 1861, *OR*, Series II, 1:684-685; Henry M. Warfield to J. Dimick, February 22, 1862, *OR*, Series II, 1:740; Josiah H. Gordon to Edwin M. Stanton, April 2, 1862, *OR*, Series II, 1:746; H. Dunn to Edwin M. Stanton, March 6, 1862, *OR*, Series II, 1:741; E. D. Townsend to J. Dimick, November 26, 1861, and J. Dimick to Lorenzo Thomas, November 27, 1861, *OR*, Series II, 1:748. Of the 26 Maryland legislators arrested in the fall of 1861, 3 were state senators and 23 were members of the House of Delegates, including the speaker. For more information on who these individuals were, why they were arrested, and their disposition for the remainder of the war, see "Memoranda Concerning the Arrested Members of the Maryland Legislature," *OR*, Series II, 1:667-675.

belief that the General Assembly sought to place the state in a direct alliance with the Confederate States of America.

In order to prevent this outcome, both executives took steps to undercut the legislature's control over the state's affairs. The governor, for instance, removed the state's arms to Fort McHenry in order to keep them from pro-Confederate militias in Maryland. President Lincoln flooded the Old Line State with Federal troops and resorted to the suspension of the writ of habeas corpus and the ultimate arrest of members of the General Assembly suspected of actively, whether physically or verbally, conspiring to pry Maryland loose from the Union. It is difficult to ascertain how many members of the legislature wished to see their state secede, but it is clear that at least some did endorse either the idea of Maryland's immediate withdrawal from the Union or the belief that it might do so at a later date. In reality, the legislature had cut itself off at the knees. It was unable to what many at the time expected, and some wanted, it to do by passing an ordinance of secession, and it was unwilling to do what it could do, which was call for a special convention. Instead, it was reduced to protesting the policies of the Lincoln administration through resolutions that could be, and were, interpreted as treasonous.

Regardless, the arrest of the members of the General Assembly effectively ended any chance that the legislative branch would precipitate the state into disunion. For Hicks, this was something to be applauded. On September 20, 1861, following the arrest of numerous Maryland legislators, Hicks expressed to General Banks that the state was already seeing the "good fruit" produced by the detainments. "We can no longer mince matters with these desperate people," wrote the governor, "I concur with all you have done." In November 1861,

upon hearing that the Lincoln administration was entertaining the idea of releasing interned members of the legislature that had been superseded by the election of successors, Hicks strongly objected with a "word of admonition upon the subject." Even though some of those detained no longer held official government positions in the state, Hicks contended their release would produce trouble at a time when "everything is working well." In closing, the governor urged caution: "Do not be over liberal with these fellows." By August and September of 1861, it is clear that Governor Hicks had fully attached himself to the Lincoln administration. Throughout that time he regularly corresponded with leading federal authorities in Maryland and Washington, D.C., and repeatedly offered assistance and advice on how best to stamp out secessionist sentiment in the state. His correspondence showed him to be actively engaged in protecting state owned firearms and ammunition from pro-secessionist militias, as well as encouraging and supporting the arrest of Marylanders suspected of aiding the Confederacy. Thomas H. Hicks had, by late 1861, become so entrenched in his commitment to the uphold the federal government that in a letter to General McClellan, the governor boasted that he now lived by a simple motto: "Death or victory for the Union."[279]

[279] Thomas H. Hicks to Nathanial P. Banks, September 20, 1861, *OR*, Series II, 1:685; Thomas H. Hicks to William H. Seward, November 12, 1861, *OR*, Series II, 1:704-705; Thomas H. Hicks to George B. McClellan, August 26, 1861, *OR*, Series I, 51, pt. 1:457-458.

CHAPTER 9

CONCLUSION

On November 6, 1861, Marylanders went to the polls to elect a new governor, a new House of Delegates, 11 state senators, and numerous local officials. Federal authorities in the state put forth tremendous efforts to sway these elections in favor of candidates who supported the national government. General John A. Dix instructed election inspectors to "satisfy themselves as to the qualifications" of the electorate and, if possible, to "detect traitors" so as to prevent "the pollution of the ballot boxes by their votes." These instructions resulted in some citizens being barred from casting a ballot, regardless of whether they had actually engaged in treasonous activities. The anti-Unionist vote was further diminished on account of countless Marylanders of secessionist proclivities having fled southward since the start of the war to enter the ranks of the Confederate military. As a result, the November elections filled the state legislature with representatives loyal to the Union and the selection of Augustus W. Bradford, a strong Union man, as governor. Although the election hardly represented a true reflection of the will of the people of Maryland, its outcome was such a relief to the Lincoln administration that its heavy handed policies toward the state began to relax. The president was so pleased to hear of Maryland's "adhesion to the Union," that he

considered the immediate release of the state legislators who had been arrested under his orders, though he eventually thought better of it.[280]

Upon knowing the results of the state elections, Governor Hicks summoned the new legislature into special session in Annapolis on December 3, 1861, in order to determine what steps were necessary to enable Maryland to aid the other loyal states "in defense of the Constitution and the Union." At the opening of that session, he addressed the General Assembly in order to explain his actions since the 1860 presidential election. He also used the opportunity to urge the legislature to devote itself to the Union unequivocally. This speech was one of the governor's last official addresses, and a close inspection of it is warranted because it contains key elements to understanding why secessionism ultimately failed in Maryland.

Hicks contended that from the time of South Carolina's secession, and for several months thereafter, he had been "importuned" by radical separatists inside and outside the state who wanted him to convene the Maryland legislature. The Lower South's decision to secede immediately and unilaterally following the 1860 election was designed, he argued, to coerce Maryland into joining "their mad crusade against the continuance of the Union." The governor explained that he refused to comply with these demands because he was "thoroughly acquainted" with the sentiments held by a majority of the legislators, and was convinced that they "desired Maryland to leap, no matter how blindly, into the vortex of secession." Over the course of the next few months, he continued to deny secessionism a proper and legitimate

[280] John A. Dix to Daniel Engel and William Ecker, November 1, 1861, *OR*, Series II, 1:609; Baker, *Politics of Continuity*, 70-75; "Draft of a proclamation by the President of the United States found among the files of the State Department," undated, in *OR*, Series II, 1:617. As early as March 1861 Confederate authorities were engaged in recruiting Marylanders to serve in the Confederate military. In fact, Louis T. Wigfall, acting under the authority of Secretary of War LeRoy P. Walker, had established a recruiting station in Baltimore. See Louis T. Wigfall to P. G. T. Beauregard, March 16, 1861, *OR*, Series I, 1:276.

medium by which to express itself. Since he alone held the authority to convene the legislature, he chose not to do so in order to stay the hand of secession in the Old Line State. He ardently believed that separatists in Maryland, whether "by the bayonet of by some other equally cogent or persuasive process," would use the power of the legislature to aid them, and through "some juggle" the state would be forced to secede. "I could not," Hicks stated, "trust [the legislature] in so momentous a crisis."[281]

In the initial excitement over Lincoln's election, Hicks successfully stared down the immense pressure from citizens of his home state and commissioners sent to Maryland from the Lower South. It is clear that his reasons for doing so were three fold. First, he was not convinced that secession was the proper mode of action so long as there was still hope for compromise. Second, to secede unilaterally would place the state in an exposed position due to its geographical location and the position of Washington, D.C., within its borders. And third, immediate disunion would likely lead to the Old Line State's confederation with the states of the Lower South, states that Hicks had come to resent, fear, and despise for their actions and disregard for Maryland's interests. Thus, in the early weeks and months of the secession crisis, the governor concerned himself with only the protection of his state. He flirted with the idea of secession, if compromise failed, and the creation of a central confederacy of the Upper South and Border States. Flawed as this concept was, it was the result of the governor's refusal to join Maryland with the "extremists of the South." His actions in the crisis therefore made him a controversial and confusing figure, and he remains so today.[282]

[281] "Message of the Governor of Maryland to the General Assembly, Special Session, December, 1861" (Annapolis: Thomas J. Wilson, Printer, 1861), 3-4.

[282] Thomas H. Hicks to William Burton, January 2, 1861, Thomas H. Hicks Papers.

Historians have had difficulty explaining and characterizing Governor Hicks's actions in the secession crisis. It is entirely understandable that his true nature has remained so elusive because he confused even his contemporaries. For instance, in sworn testimony before a January 1861 U.S. House committee investigating alleged hostile organizations in Maryland, James Hicks (no relation to Governor Hicks) was asked by the committee's chairman whether the governor was a secessionist. The Marylander replied, "Well sir, it is hard to tell what he is; it is hard to define his position." Indeed, it is. However, a close study of the governor and his shifting position in the crisis reveals that he was an authority figure ill-prepared to deal with the immense stress and requirements of the office he held on the eve of the Civil War. But in the emotionally charged atmosphere of the 1860-61 secession crisis, who was? The crisis affected him more than he affected the crisis, and he was continuously swept along by circumstances far beyond his control which forced him to routinely alter his views and policies. His indecisiveness was a direct product of his inability to process the perplexing issue of secession. He exhibited a duality about him that could claim to be in favor of the Union yet rationalize cooperative secession and a central confederacy as a solution to the crisis. This duality extended even after the Confederate attack on Fort Sumter when he proposed a plan by which the state could be loyal to the Union yet not participate in its war against the Confederacy. In both cases it is clear that he did not fully grasp the fact that it would likely result in the federal government's potentially violent intervention in Maryland's affairs, which was the very thing he hoped to avoid.[283]

[283] Testimony of James Hicks, January 30, 1861, in *Reports of Committees of the House or Representatives Made During the Second Session of the Thirty-Sixth Congress*, 1860-61, 3 vols. (Washington: Government Printing Office, 1861), 2:38.

With such a confusing central figure to the story of Maryland in the secession crisis, it is easy to assume that he was a Unionist since he refused to convene the legislature, thereby denying the state's separatists a vehicle by which to act. To be sure, by the summer and fall of 1861 the governor reflected the qualities and virtues of a steadfast Union man. Yet in the months preceding he routinely failed to denounce secession as unconstitutional, repeatedly gave assurances that he would accept secession if compromise failed, attempted to forge a central confederacy through cooperative secession of the Border States, and committed acts of overt insubordination toward federal authority that bordered on treason. To ignore his statements, viewpoints, and policy proposals between Lincoln's election and the arrests of the state legislators prevents a full appreciation of the governor. Perhaps he was, as Jefferson Davis described him, a man that "kept himself in equipoise and fell at last as men without convictions usually do, upon the strongest side." Or maybe he was the "Old Gibraltar," as one Maryland newspaper called him at the height of the crisis. Regardless, he is of crucial importance to understanding why Maryland refused to be coerced into disunion in the critical weeks following the election of Abraham Lincoln. But, it is also important to remember that he was a Border State governor amid the chaos and perplexing problems that were forced upon him during the waning months of his governorship. He clearly did not understand the constitutional points and counter-points to the question of secession, but he grasped the basic concept that any attempt made by Maryland to secede unilaterally would result in the state being turned into the great battlefield of the Civil War. "It is my purpose," he wrote in January

1861, "so far as I am able to do so, to keep Maryland out of the strife that now seems to be inevitable."[284]

Another important element of the governor's December 1861 address was his explanation for finally convening the General Assembly in April 1861. Hicks always claimed in the crisis that a majority of the state's citizens opposed secession, but admitted that he underestimated the disunionists, a fact made painfully obvious to him on April 19, 1861, during "that treasonous outbreak" known as the Baltimore riot. It is clear that the riot, and subsequent events connected to it, marked a turning point in his approach to the national emergency. He confessed to harboring a "misguided hope" that all was well in the state, and this blinded him to the dangerous and potentially violent effects of his continued refusal to convene the legislature. According to Hicks, when he was informed that a state senator (Coleman Yellott) was preparing to circumvent his authority and call for the legislature to convene in Baltimore, he "knew it was time to act." He first thought about appealing to the Lincoln administration for help, but decided against it on the grounds it likely would have meant the destruction of Baltimore. Another option was to call out the state's militia in order to restore quiet. However, the governor contended that the officers of Baltimore's volunteer corps were "in league with the conspirators" and to call forth the militia would serve only to aid them in their designs. Hicks chose to convene the legislature because continued inaction would have resulted in his losing all authority. He admitted that he feared the legislature would

[284] Jefferson Davis, *The Rise and Fall of the Confederate Government*, 2 vols. (New York: D. Appleton and Company, 1881), 1:337; Thomas H. Hicks to Rev. William Whittingham, January 11, 1861, Thomas H. Hicks Papers (MS 2104).

immediately take steps to secede and was thus resigned to pinning Maryland's fate on the "merciful intervention of Providence."[285]

Divine intervention aside, the legislature failed to take any action that might lead toward disunion. This was a surprising turn of events to Hicks because he expected that pro-secessionist legislators would make a stronger showing. Why they did not is explained by the manner in which the Lincoln administration quickly and aggressively moved Union soldiers into Maryland. The president claimed he needed these troops to defend Washington, but it is clear that they served the ulterior motive of influencing the course of the proceedings of the Maryland state legislature. And it worked. When the General Assembly convened in Frederick it first denied the right to pass an ordinance of secession and then refused to call for a convention to consider it. To do otherwise, however, would have been futile, and the secessionist elements of the assembly knew it. Openly committing the state to secession in the presence of such overwhelming federal authority was foolish and doomed to fail. The initiative now passed to Hicks and Lincoln, and neither relinquished it. The governor acted with a firm deliberateness in his dealings with the legislature and confidently deflected attempts to wrestle away his authority, such as the Safety Bill. President Lincoln played his part by further saturating the state with Union troops, suspending the writ of habeas corpus, and detaining Marylanders known to be actively engaged in support of the Confederacy. Out of frustration, the General Assembly reacted by passing resolutions that denounced Lincoln's actions that could be, and were, loosely interpreted as treasonous. Over the ensuing weeks, the inflammatory and subversive rhetoric of the legislature mounted and was heightened by

[285] *Message of the Governor of Maryland to the General Assembly, Special Session, December, 1861*, (Annapolis: Thomas J. Wilson, Printer, 1861), 5-6.

alarming reports of Confederate sympathizers actively engaged in plots to create an internal uprising in Maryland. Fearing the worst, President Lincoln decided to arrest Confederate sympathizers in the state before they could organize an effective movement toward secession. This included the apprehension and imprisonment of twenty-nine state legislators, some newspaper editors, and leading members of Baltimore's city government.

While the arrests were a source of great controversy at the time, the necessity of such action has become a subject of great debate for historians today. For example, in *A Crisis of Allegiances*, the historian William Evitts asserts that the apprehension and confinement of members of the state legislature and city authorities in Baltimore was "unnecessary" because "no serious resistance" to the federal government existed in Maryland after April 1861. Admittedly, it is impossible to know for sure just how adamant Maryland's radical separatists were in attempting to coerce the state to secede, or how far along they were in their schemes, or how committed pro-secessionists in the legislature were to seeing secession made reality. It is, however, possible to gauge the seriousness of the situation by studying the manner in which Governor Hicks, President Lincoln, and other leading authorities understood the threat.

While they could not know for sure whether Maryland might be precipitated into disunion, they were not willing to risk it. Based upon the correspondence and actions of Governor Hicks, President Lincoln, and myriad Federal authorities including cabinet officials and military officers, it is clear that the secession of Maryland was, to them, a very real possibility. In September 1861, for example, Hicks expressed his relief over the arrests and reported that the action had already produced "good fruit" for Maryland's future loyalty to the Union. In his address to the state legislature in December 1861 the governor echoed this sentiment when he

argued that by their passage of "treasonable resolutions," the separatist legislators had attempted to unlawfully assume "both the purse and sword," and plunge the state into disunion. This was prevented, Hicks argued, by the federal government's actions in the summer and fall of 1861. Secessionism in Maryland, the governor contended, was dealt a fatal blow by the Lincoln administration after it had "ample reason" to fear the legislature would "go through the farce" of precipitating the state's withdrawal from the Union.[286]

All of this, of course, raises the issue of whether Maryland was ever in serious danger of seceding. In *The Politics of Continuity*, the historian Jean H. Baker claims that "most contemporaries" agreed with Marylander William Schley's assertion that "there never was a moment when Maryland could have been forced into secession." The evidence, however, does not support this view. Accepting that Unionist sentiment in Maryland was strong does not imply that secessionism was weak. Indeed, there were multiple occasions during the crisis in which Maryland would have seceded, had things broken differently. For example, in the initial fervor brought on by the election of Lincoln it would have been very easy for Governor Hicks to give in to the intense demands to call for a special session of the legislature. He refused, however, because he was convinced that assembly would sweep the state into disunion and confederation with the Lower South. This is an entirely probable outcome given the powerful wave of excitement that swept the South once it was clear Lincoln had won the election. Hicks must have ardently believed the legislature would immediately act because he remained steadfast in his refusal to convene it, even in the face of withering criticism and threats to his physical well-being. Later, when secession commissioners were dispatched to Maryland to

[286] Evitts, *Matter of Allegiances*, 190-191; Thomas H. Hicks to Nathanial P. Banks, September 20, 1861, *OR*, Series II, 1:685; *Message of the Governor of Maryland to the General Assembly, Special Session, December, 1861*, 6.

entice it to secede, the governor could have given in to the outside pressure of the Lower South emissaries but was unconvinced of the virtue of attaching the Old Line State to the "extremists of the South," in spite of strong public approval to do so. [287]

Additionally, had Hicks's plan for the joint secession and confederation of the Upper South and Border States actually gained traction, it is entirely possible that the failure of compromise efforts in Washington and the start of the war would have resulted in the state's withdrawal from the Union in some form. And once Hicks acquiesced to public pressure to convene the legislature in late April 1861, it was highly likely – in fact it was expected by many in the state – that the General Assembly would immediately take steps for Maryland to secede. They did not, however, because of the federal government's forceful actions in the state. And finally, while it is impossible to know for sure whether the legislature would have called for a special convention or endorse an ordinance of secession in September 1861, it is clear that President Lincoln was convinced it might and thus took steps to ensure it would not. Evitts correctly points out that by the end of 1861 a "new phase" in the Old Line State's history emerged as the war began to control virtually every facet of public, private, and political opinion within the state. "The crisis of allegiances was over," wrote Evitts, "Maryland was Unionist in sentiment." This may have been the case after the events of the summer and fall of 1861, but before that time Maryland's ultimate place in the Union was in serious doubt. Before the intervention of the Lincoln administration, the Old Line State's position was, as one Marylander described, "like a man standing on the precipice in the dark."[288]

[287] Baker, *Politics of Continuity*, 54; William Schley to William H. Seward, November 4, 1861, *OR*, Series II, 1:610.

[288] Evitts, *Matter of Allegiances*, 190-191; *Easton Gazette*, January 12, 1861.

In *Reluctant Confederates*, the historian Daniel W. Crofts argued that our understanding of the secession movement is centered on the actions of the lower South, which used Lincoln's election as a catalyst to secede. From this viewpoint, Crofts argues, the secession movement revolves around a perspective of inevitability and reason. To argue that southerners disagreed on so fundamental a matter as secession goes against popular understanding and modern scholarship. Furthermore, in *The Impending Crisis, 1848-1861*, David M. Potter asserted that the southern states were never as united before and during the Civil War, as they were after the war. This statement can be applied to this study. Indeed, during the crisis of 1860-61 there existed great divisions among the Lower South and the Upper South on the issue of secession. It would be wrong to assume that because a state allowed for the existence of slavery within its borders that it would naturally identify with other slave-holding states. This fact was something the secession commissioners to Maryland learned firsthand as they tried in vain to convince the Old Line State to leave the Union and join a Southern Confederacy.[289]

Yet within the Old Line State attitude towards immediate secession was as divided as it was across the entire slave-holding South. Although many prominent Marylanders favored the course taken by South Carolina, their efforts to convene a state secession convention and, once assembled, to secure the secession of the state were stifled by Governor Hicks's fear of the extremists of the Lower South. His stubbornness in refusing to convene the state legislature, and his confusing pursuance of alternative courses of actions were designed to prevent Maryland's attachment to the Confederacy. Later, once Hicks relinquished control over the situation, the organized secession movement in the Old Line State was ultimately suppressed

[289] Crofts, *Reluctant Confederates*, *xv;* Potter, *Impending Crisis*, 340.

by President Lincoln's aggressiveness and "dispersion of the traitors." In his closing statement to the December 1861 special session of the legislature, Hicks argued that only through "the blessing of Heaven" had Maryland been spared "the dreadful evils and horrors inseparably connected with the war." He might have looked in a mirror and toward Washington, D.C., rather than to the heavens for an understanding of how Maryland stayed in the Union. [290]

[290] *Message of the Governor of Maryland to the General Assembly, Special Session, December, 1861*, 5.

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