

# THOMAS KENNEDY



The Poet Who  
Loved Liberty  
and Led a  
Struggle for  
Religious  
Tolerance

Dan Guzy

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*Thomas Kennedy*

*for Evie*

Table of Contents

|           |                             |    |
|-----------|-----------------------------|----|
| Chapter 1 | Paisley                     | 1  |
| Chapter 2 | Georgetown and Matildaville | 4  |
| Chapter 3 | Williamsport                | 8  |
| Chapter 4 | "Mr. Madison's War"         | 15 |
| Chapter 5 | The "Jew Bill"              | 19 |
| Chapter 6 | Hagerstown                  | 26 |
| Chapter 7 | Cholera                     | 37 |
| Chapter 8 | Legacy and Memorials        | 37 |
| Notes     |                             | 42 |

## Chapter 1 Paisley

*Your pious instructions enforced by noble examples, have guided and guarded me through life . . . and in the calm moments of reflection they served to convince me that the paths of virtue were also the only paths to peace and true pleasure.*

from Thomas Kennedy's dedication to his parents in his book, *Poems*<sup>1</sup>

When Thomas Kennedy was born in Paisley on November 29, 1776, his native Scotland had just finished a century and a half of religious, political, and economic upheaval. Internal and external wars, along with the clearances of farm families in both the lowlands and highlands to facilitate more efficient cattle and sheep raising, led to a mass emigration of Scots. The Scottish Enlightenment and the beginning of the industrial revolution may have improved opportunities for Kennedy and his eleven siblings at home. However, all of them who lived long enough would leave their country as part of the Scottish Diaspora.

Paisley and Glasgow, seven miles apart, were Scotland's major textile centers during the latter part of the eighteenth century. The emergence of the Scottish textile industry in that century began with linen, then wool, and later cotton. By 1778, Paisley had 1,300 weavers.<sup>2</sup>

Paisley's most identifiable product is the Paisley pattern, featuring multiple bent-tear-drop shapes filled with ornamentation. The pattern, now seen on bandanas and occasionally on men's ties, originated long before in Persia—not in tartan-loving Scotland. Undoubtedly it was more the Scottish weavers' love of profit rather than of exotic motifs that led them to weave the Paisley pattern into their imitation Kashmir shawls, so popular with Europeans in the eighteenth and nineteenth centuries.



A Paisley pattern

Thomas was the youngest of twelve children born to Grizal and William Kennedy. Most of what we know about his family comes from Thomas Kennedy's own writings. In particular, his poetry book entitled simply *Poems* contains a long dedication to his parents along with odes written upon the deaths of his mother ("January 9th, 1804, in her 70th year, married 49 1/2 years") and father ("Died, September 2d, 1807, aged 77 years").<sup>3</sup> The dedication, dated February 22, 1800, contains very high praise for both parents penned in Kennedy's romantic writing style, with sentiment perhaps influenced by a touch of homesickness. Thomas wrote of how Grizal and William stressed religion, education, and kindness.

In a footnote in the dedication, Kennedy stated that both his parents were descended from noble families—Grizal from the house of Lindsay and William from the house of Cassillis. However, they were not rich. Kennedy presented a picture of his father as a man wealthy in virtues but not in money: "Though humble his estate, his soul was rich and great." William Kennedy might have been a Paisley weaver, but Thomas never cited his father's occupation.

The Scottish Enlightenment produced a very literate society. As a bright young man, Thomas Kennedy displayed enough writing and business skills to immediately gain employment in office-type jobs, thus avoiding manual labor. He never mentioned having formal schooling, but instead praised his mother for teaching all her children to read and giving them a "useful education."

Grizal Kennedy also taught kindness and charity to her children—and practiced those as well. A footnote to the ode about his mother refers to a time of famine when the family had little food, but Grizal shared half of what they had with a woman who begged for bread.

Thomas Kennedy was most likely influenced by the political radicals and poets that the Scottish lowlands produced. Paisley weavers were among those whose dissatisfaction with their plight would eventually lead to the "Radical War" or "Scottish Insurrection" of 1820. Robert Burns (1759-1796) of nearby Ayrshire was Scotland's favorite poet and inspired those who would champion liberalism and socialism. Robert Tannahill (1774-1810) was Paisley's own "Weaver Poet." Thomas Kennedy would become another poet and social reformer who came from Paisley.

In writing the dedication to his parents in 1800, Thomas noted that they were the only ones in his immediate family still in Scotland. None of their twelve children remained there alive. Thomas's eldest brother died in childhood and three of his sisters had died by 1800 as well. One of his brothers had perished in the East Indies and another in the West Indies. Thomas and his three surviving siblings were all abroad. Grizal Kennedy passed away in 1804, followed by her husband William in 1807.<sup>4</sup>

Records do not explain precisely why Thomas Kennedy and his brothers wanted to leave Scotland, but employment opportunities in the new United States were a likely draw. Thomas's older brother Matthew had immigrated to America around 1783. Having heard nothing more from Matthew and fearing him dead, his parents at last received a letter from him in 1795. The letter spoke of his success in his new country and his good prospects there. Matthew lived in Georgetown, a part of the newly established capital of Washington D.C.<sup>5</sup>

The United States attracted Thomas Kennedy by more than just job prospects and the chance to be with his long-lost brother. In 1795, while still in his teenager years, Thomas penned a poem in which he celebrated that county's "rough independence and sweet liberty."<sup>6</sup> Liberty, democracy, and citizen rights were lifelong ideals and goals for Kennedy.

In the spring of 1796, Thomas's brother John sailed from Glasgow headed for New York. A few days later, on April 18th, the nineteen-year-old Thomas Kennedy embarked from the same port on a ship bound for Georgetown on the Potomac River.<sup>7</sup>

## Chapter 2 Georgetown and Matildaville

*When first unto Matildaville,  
 With careless steps I quick did rove,  
 Ascending up the airy hill,  
 I saw a maiden form'd for love;  
 With pleasure beaming in her eyes,  
 And grace all o'er without disguise,  
 O! were she mine.*

from "O! Were She Mine" by Thomas Kennedy<sup>8</sup>

Thomas Kennedy's ship from Glasgow, the *Britannia*, arrived at Georgetown on May 28, 1796. Georgetown was the uppermost port on the Potomac River reached by seagoing vessels and had been a center of commerce long before it became part of the new federal capital called the District of Columbia, or simply Washington.

As the *Britannia* anchored, her guns were fired to alert Georgetown's inhabitants. Kennedy wrote later in a journal that he was the first to jump from the ship, "glad once more to tread on solid ground—and that too in the land of liberty." At the wharf, a tall man inquired from where he came and who he was, and then established that he was Matthew Kennedy—the brother Thomas had last seen in Paisley eleven or twelve years before.<sup>9</sup>

Matthew immediately took Thomas to his home and introduced him to his wife and child. Matthew had married Christina Hines in 1794. In Georgetown he ran a hotel or tavern. Matthew's two-story house was near the main road to Frederick, Maryland. It was described in an 1801 advertisement as "peculiarly well adopted for a tavern or store," and having "a wagon yard large enough to hold 25 wagons and teams."<sup>10</sup>

Thomas wrote that he and Matthew celebrated on the day of Thomas's arrival with "some republican whiskey" and "some wholesome fare, the product of Columbia . . . the first of all with luncheon made of Indian meal and well know by the name of Poan" (pone). The next day the brothers toured the beginnings of the federal capital, the site for which had been established just six years before. A grog shop and very few other buildings were all that had been completed. The Capitol building and what would later be called the White House were still under construction in 1796.<sup>11</sup>

Thomas Kennedy found work as a bookkeeper, first for a Georgetown merchant and then for a contractor building the first bridge over the Potomac River.<sup>12</sup> The wooden toll bridge was about three miles upstream from Georgetown and just downstream of Little Falls, the upper Potomac's last rapids. Kennedy later composed a long poem he entitled *The Meeting of Virginia and Maryland* that celebrated the bridge's completion in 1797. That bridge and several others that followed were destroyed by floods and then replaced by newer versions. The current bridge at the site is still known as Chain Bridge, referring back to the chain suspension construction used in the third bridge at the site.

In February 1797, the Potomac Company hired Thomas Kennedy as a clerk with a salary of twenty-four dollars per month. The company was the result of George Washington's long-time vision for opening the upper Potomac for improved navigation. Washington believed that

commercial shipping on the river would facilitate communication and commerce with the Ohio River valley, and thus help keep the Northwest Territory out of foreign hands.

Washington became the Potomac Company's first president in 1785. With his hands-on management style, he placed his company directors in boats early that year and together they inspected all of the Potomac's major rapids while moving downstream. Based on their inspection, the Potomac Company focused its early efforts towards building navigational sluices at Shenandoah (i.e., Harpers Ferry) Falls and Seneca Falls, and bypass canals with locks at Great Falls and Little Falls. The company also went on to erect smaller navigational weirs and sluices at numerous riffles all along the river.<sup>13</sup>

When Thomas Kennedy joined the Potomac Company in 1797, it had completed all its initial major navigational works except for the canal and five locks that would bypass the 76½-foot Great Falls. The company stationed Kennedy at Matildaville, Virginia, a growing new town next to those falls that hoped to profit from the construction and operation of the mile-long canal there. The canal would also supply waterpower to future mills. Kennedy's letters and reports imply his duties there were like a supply officer and bookkeeper.<sup>14</sup>



The Potomac River's Great Falls at low water level

(D. Guzy)

Matildaville was a land development project of General Henry "Lighthouse Harry" Lee. Lee named the town for his first wife, Matilda, who died in childbirth the same year the Virginia General Assembly chartered it, 1790. With James Madison as a fellow investor, they laid out the town into one-half acre lots next to the route of the canal. For the Potomac Company employees, Matildaville had workers' quarters and a two-story superintendent's house. Dickey's Tavern was completed there about the time Kennedy arrived. And eventually there would be a market house, a sawmill, a gristmill, ironworks, an icehouse, boarding houses, and residences.<sup>15</sup>

While Thomas Kennedy was working at Matildaville, the Potomac Company completed and watered the Great Falls canal and boat basin and constructed a temporary lifting machine and wooden inclined plane used to transfer cargo between boats on the upper canal and the lower river. The latter was an awkward arrangement but satisfied navigational goals in the Potomac Company's charters with Virginia and Maryland. Thus, the company was permitted to begin collecting tolls in early 1798. It would take until 1802 for the company to complete its five locks at Great Falls, allowing boats to travel continuously along the Potomac. The first boat with cargo to pass through those locks would belong to Thomas Kennedy.<sup>16</sup>

Thomas Kennedy's adventure as a young bachelor clerk in the rising boom town lasted ten months. He wrote poetry while in Matildaville and later published at least a half dozen poems written there. One of those proclaimed that the patriot's motto should still be "Death or Liberty" and another told with humor the results of a novice rider on a spirited horse. But most of the poems concerned romantic love, particularly his own toward the woman he would eventually marry.

Rosamond Harris Thomas of Frederick, Maryland was visiting Great Falls when Thomas Kennedy met her. In poems about her, whom he mentions as "R\*\*\*\*\*d" or "Harris," Kennedy shows he was deeply smitten. In "Farewell, On Leaving Harris and Matildaville," dated November 8, 1797, Kennedy addressed her as: "Harris—thou dearest to my soul, Thou—dearest to my heart."

Kennedy resigned his Matildaville duties in early November 1797, formally turning over lists of supplies (including whiskey and gunpowder), the company papers, and "the Books." He was going off to establish a new business with his brothers. However, he would eventually work for the Potomac Company again.

Georgetown still thrives today with high-end shops, restaurants, bars, and pricey residences. But Matildaville is now gone. It benefited indeed from the trade and commerce brought by the Potomac Company's bypass canal, but declined after the Chesapeake and Ohio Canal Company completed its continuous canal on the Maryland side of Great Falls in the late 1820s. Dickey's Tavern, Matildaville's the last remaining structure, burned down in 1950. The National Park Service's Great Falls Park in Virginia now displays the ruins of Matildaville and the remnants of the canal and locks there.



Remnants of Potomac Company locks at Great Falls (D. Guzy)

## Chapter 3 Williamsport

*To others leaving wealth and place and pow'r,  
I'll to my home, and to my Harris hie,  
Our wants are few, those industry supply,  
All that we want, or wish for in life's hour,  
Heaven still will grant us—they are only these,  
Poetry—health—peace—freedom—bread and Cheese.*

from Thomas Kennedy's "Ode to the Mammoth Cheese," Williamsport, January 1802<sup>17</sup>

Before leaving Matildaville permanently, Thomas Kennedy and his brother John took a trip to Williamsport, Maryland—a place neither had visited before. John had shipped out from Glasgow a few days before Thomas did in 1796 and sailed to New York. Now together, they would soon become business partners at Williamsport.

The Kennedy brothers began their journey from Matildaville on Thursday, September 21, 1797, in a horse-drawn carriage with a removable chair. Thomas kept a journal of the trip. He wrote in a small notebook in which he jotted down his thoughts on romance, Rosamond, and his native Scotland. The journal became something of a travelogue, with notes on the taverns and homes they visited, the meals and whiskey they consumed, and the several carriage mishaps they experienced.<sup>18</sup>

They traveled along the Virginia side of the Potomac River, over the Blue Ridge Mountains, and then, on Sunday, they reached the “grand picturesque scenery” at Harpers Ferry—a “scene so Romantically beautiful I felt my bosom expand.” Kennedy later published his journal’s long and eloquent prose about Harpers Ferry in *Poems*, his first book of poetry. After crossing the Potomac and struggling along a mile of “the Devils own road” toward Frederick, Maryland, they gave up on the route and doubled back to Harpers Ferry. Again, Thomas could indulge in that town’s “delightful scene,” but expressed that not having Rosamond there to enjoy it too was “the one thing wanting.”

On Monday, September 25, they crossed the Potomac at Shepherdstown and spent the night in Sharpsburg. On Tuesday they reached Williamsport, where Kennedy wrote of the town’s good access to roads and water routes, its “mostly English” inhabitants, and its “fine youngsters.” Here the brothers conducted the business portion of their trip by renting a store on Potomac Street. Kennedy devoted a mere half sentence to this transaction in his journal, then wrote four pages of thoughts about the marriage of the couple with whom he and his brother had spent the night. Thomas’s mind at that time was clearly on love and marriage, not business.

Over the next few days, the brothers passed through Hagerstown, breakfasted in Middletown, and ate dinner in Frederick, where John left Thomas “to settle some business.” Thomas walked two miles out of town to Happy Cottage, the home of Rosamond’s parents. There he met her father and the ladies of the house. After reuniting in Frederick, the Kennedy brothers bid farewell to the Thomas family and returned to Matildaville.<sup>19</sup>

Thomas Kennedy’s last poem about Matildaville, “Elegy – Sacred to the Memory of the Hard Gum Tree of Air Hill, Matildaville, which was most inhumanely cut down, January 4th, 1798, Transcribed to Her who Mourn’d its Fall,” is dated February 9, 1798, “at Williamsport.”<sup>20</sup> Those two dates imply he was still in Matildaville in January but had settled in Williamsport by

February 1798. By then his brother had already established John Kennedy & Co., to sell dry goods, hardware, and groceries.

The confluence of the Potomac River and Conococheague Creek had been a center of commerce since colonial times. It was the boyhood home of General Otho Holland Williams, who founded the town of “Williams-Port” there in 1787. Like Matildaville, Williamsport grew as a consequence of the Potomac Company’s opening of Potomac River navigation. In 1791, a Williamsport merchant declared, “many thousand bushels of wheat came down the river in boats and were unloaded on its bank, and many boats loaded with more than a hundred barrels of flour were sent down the river to Georgetown from this Port.”<sup>21</sup>

While working as a partner with his brother in their store, Thomas Kennedy also served as a toll collector for the Potomac Company at Williamsport. During the late winters of 1798 and 1799, he placed in the local newspaper a “Notice of Levy of Tolls—Potomac Company—Watkins Ferry.” (Watkins Ferry ran across the Potomac at Williamsport and was later know as Light's and Lemen's Ferry.) Kennedy sent monthly letters containing accounts of the tolls he collected to the president and directors of the Potomac Company, showing that he collected tolls for flour, wheat, salt, fish, liquor, coal, pig iron, planks, logs, locust posts, and “sundries.”<sup>22</sup>

Although some boatmen cooperated, Kennedy noted that others tried to avoid the tolls:

On my return from Great Falls I was informed that several Rafts of Logs had passed this place without paying the stated Tolls; My brother John (I being a little lame) went down to Shepherdstown, and found that most of the owners of said rafts had sold them and gone off, he, however, took a note of their names, and as it is probable they will be down again, I shall endeavor to obtain payment.<sup>23</sup>

Kennedy went on to relate that boatmen and raftsmen complained that the Potomac River had been little improved upstream from Williamsport, and in some places made worse. The width of the river at the mouth of the Conococheague Creek, clear of obstructions and without good landings for rafts, further prompted some not to stop to pay tolls. Kennedy recommended that the toll collection place be moved downstream from Williamsport to Shepherdstown.

In his spare time, Thomas Kennedy continued to write poetry, including those having his beloved “Harris” as the subject. On October 23, 1798, Kennedy wed Rosamond Harris Thomas in Georgetown. On that day, he penned his poem “To Harris,” which begins: “Art though mine Harris?—yes thou art, By law—by the more sacred tie of love” and ends “And O! may love still o’er the day preside, That saw the sacred union ratified.”<sup>24</sup>

The couple settled in Williamsport and their first child, Grace Amelia, was born there on November 14, 1799. Thomas and Rosamond Kennedy seemed destined for a happy marriage but, as will be detailed later, would suffer several personal tragedies.

Thomas and John Kennedy ran their store in Williamsport together until when, on January 31, 1801, they announced that they were dissolving their partnership. Thomas advertised then that he “continues to keep store in the brick house, corner of the public square, Williamsport. Goods will be sold on moderate terms for cash or country produce.” John gave notice that he had moved to Georgetown that day and had rented a “commodious Warehouse and Wharf, exceedingly well calculated for receiving flour and other produce. . . . Produce will be received in Williamsport by T. Kennedy and sent by water to Georgetown, Alexandria, or Baltimore on moderate terms.”<sup>25</sup>

Writing eighty years later, J. Thomas Scharf said that Thomas Kennedy “became the leading merchant of that region, selling merchandise that went to Fort Cumberland on

packhorses." Kennedy also focused on down-river trade by entering the warehouse and boating business, as did several others in Williamsport as the Potomac Company was completing its navigational improvements along the river. Boats were built along the banks of Conococheague Creek and in the streets of the town. These boats could make the round trip to Georgetown and back in five days. "The tonnage was about one hundred barrels of flour, and freight to Georgetown [cost] one dollar per barrel. Captains carried to the city markets, eggs, butter and poultry. . . . Groceries, fresh and salt fish, were brought back on return trip."<sup>26</sup>

From 1798 to 1801, boat captains unloaded their cargoes at Matildaville and stored their goods in the Potomac Company warehouse or transferred them downward to other boats using the lifting machine and inclined plane at the downstream end of the bypass canal. In early 1802, after the Great Falls locks were finally operational, boats could travel directly to the tidewater from Williamsport and the other ports on the uppermost stretches of the Potomac.

The first boat to make that through-trip belonged to Thomas Kennedy. As noted in the March 17, 1802, [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*:

Potomac Navigation. Georgetown March 4, 1802. Yesterday arrived here from Conococheague, after passage of three days, the Boat Maryland, Capt. Stake—belonging to Tho. Kennedy, Williams-port, with a cargo of Flour & Whiskey consigned to John Kennedy of that place. This is the first load of Flour, Whiskey, &c. that has ever reached the Territory of Columbia, through the Locks at the Great Falls.

The growth of Williamsport's business and boat-building industry required lumber, and in 1802 Kennedy reached an agreement with Gabriel Friend to rent his "land and appurtenances" along Conococheague Creek. Kennedy agreed to build there a dam, millrace, and sawmill, which he would turn over to Friend at the end of his lease. The annual rent was one hundred dollars.<sup>27</sup>

An important date in 1802 for Thomas Kennedy was August 25, the day he became a naturalized citizen of the new country he loved so much.<sup>28</sup> Kennedy, like others for decades to come, experienced few (if any) restrictions on immigration into the United States. Anyone could come to live and conduct business there if they paid taxes and met other obligations of residence. But becoming a citizen was another matter. And, as will be discussed later, all citizens did not share equal political rights, particularly at the state level.

The Naturalization Law of 1798, passed by a Federalist Congress and John Adams, allowed only "free white" immigrants to be eligible for citizenship after having been in residence for fourteen years. In Thomas Kennedy's case, he would have had to wait until 1810. The Federalists claimed the long waiting period was for national security reasons, but historians believe its real motivation was to restrict the voting of new immigrants who were generally supported by Thomas Jefferson's rival Republican Party. (Historians sometimes call Jefferson's political party the Democratic-Republican Party to distinguish it from the later Republican Party that exists today.)

The elections of Jefferson as President and fellow Republicans into Congress brought about the Naturalization Law of 1802. That lessened the required residence period to five years and allowed for Kennedy's naturalization in 1802.

From his poetry, we can see that Kennedy held Jefferson in high esteem even before he became President in March 1801. In 1799, Kennedy wrote of his "secret admiration" for the author of the Declaration of Independence. A year later, he praised Jefferson in a song, "The

Son of Liberty,” and placed in its footnotes “establishing religious freedom” at the head of the list of noble acts the statesman had instituted to overturn Virginia’s “cruel laws.”<sup>29</sup>

Thomas Kennedy would become active in the Republican Party and support its ideals, including religious freedom and tolerance. This begs the universal question of whether one joins a political party because it agrees with one's own values or, instead, are one's values shaped later through tribal loyalty to the policies and positions one's chosen party takes. For Kennedy, the former seems to be the case; religious tolerance is part of the ideal of liberty he loved so much.

Thomas Kennedy likely never personally met his idol, Thomas Jefferson, but two documents from him are in collections of Jefferson's papers. The first is a whimsical poem he wrote about the mammoth cheese given to Jefferson on January 1, 1802. The 1,230-pound cheese was made by a Baptist congregation in Cheshire, Massachusetts and presented to President Jefferson "in honor of his republicanism and his support of religious liberty."<sup>30</sup>

The other was a letter Kennedy wrote to Jefferson on August 26, 1803. In that he asked for a pardon for his brother-in-law Francis Thomas, who had enlisted as an ordinary seaman on the frigate *United States* and deserted shortly afterward, in November 1800. Kennedy stressed that Francis's youth (he was about twenty in 1800) and poor judgment induced him to leave his ship at the request of a female relative seeking assistance.<sup>31</sup>

Kennedy's letter attempted to solicit sympathy for Francis Thomas. Kennedy noted that Francis's (and Rosamond's) father, William Thomas, and brother Samuel had left Frederick for Natchez about 1791, but Indians killed Samuel and another man on the Ohio River while on their way. William settled in Natchez and was on his way back to Frederick in 1795 or 1796 to gather the rest of his family, but his ship was lost at sea near Cuba. After deserting in 1800, Francis went to Natchez in quest of his father and brother, and there learned of their fates. Thomas Kennedy told Jefferson that Francis was under his direction at the time of his letter and noted Francis's fine qualities while asking for his forgiveness. Various collections of Jefferson's papers do not reveal what was the President's response to this sad tale, if any.

Thomas Kennedy had no formal schooling in the law, so it is a testament either to his great natural abilities or to the low standards of the time that he qualified as a Washington County attorney sometime prior to 1805. Kennedy's involvement in Republican politics led to political appointments long before he gained elected office. In 1803, he served as justice of the peace for Washington County. Maryland governors and their councils reappointed him to such a post every year of his life, excepting 1813–1819 (when Federalist governors replaced Republicans and controlled the patronage) and in 1821.<sup>32</sup>

By 1806, Kennedy was serving on Republican nominating committees in Washington County, where Republicans dominated local politics. In 1807, the governor and council also granted him a position of notary public for the state of Maryland, to reside in Hagerstown.<sup>33</sup>

Thomas Kennedy initially bought much real estate in Williamsport. The Washington County tax tables for 1803-1804 list him as owner of three houses, five lots, five horses, and three silver plates—but no cattle, sheep, hogs, carriages, or slaves. The last Washington County deed recorded for Thomas Kennedy is dated 1804. A series of lawsuits soon left him insolvent and although he eventually recovered financially, Kennedy apparently never owned land or a house for the rest of his life.<sup>34</sup>

Kennedy's shipping business still held promise. Early in 1804, 1805, and 1806 he placed newspaper advertisements for using his warehouse and offering to ship flour and other articles by boat to “any wharf in George-town, Washington City, or Alexandria.” Kennedy seems to have

closed his store around November 1804. A newspaper advertisement then offered to rent the “two story brick house, situate on the corner of Potomac and Conococheague streets, in the town of Williamsport, opposite Mr. Wm. McCoy’s Tavern, lately occupied by Mr. Thomas Kennedy as a store.”<sup>35</sup>

Kennedy’s businesses had evidently failed, and creditors filed at least a dozen suits against him between 1804 and 1808. For example, an 1805 mortgage Kennedy made to William S. Compton cited a suit by Joseph and Adrianna Kennedy (no apparent relationship) “for the use of William Lee, Brooke and Dillon merchants of Baltimore.”<sup>36</sup>

Thomas Kennedy’s last will and testament, written nine years later, included the bitter statement:

Should the Heirs of Wm. Lee ever produce any claims against my Estate, I desire they may not be paid, as to him it was owing in a great measure that my property in Williamsport was sacrificed and the claims they have were obtained in an unjustifiable way.

|   |   |
|---|---|
| <p style="text-align: center;"><i>Thomas Kennedy,</i><br/>WILLIAMSPORT—</p> <p><b>I</b>NTENDING in a few months to remove from his present Stand, and to do business in one part of his WAREHOUSE, lower end of Potomac Street—requests all persons to whom he is indebted to send in their accounts for settlement, and those indebted to him, who are able and willing—will please make payment; those who are willing, but not at present able, are also requested to call and give their Notes:—And in order to make settlements quick and easy, he will receive Grain of any kind, Bacon, Pork or Whiskey, at the current prices, in payment.</p> <p>His present stock of Goods he will sell by Wholesale or Retail, on moderate terms for cash; produce or good paper, having not more than six months to run.</p> <p>Williamsport, November 29, 1803.</p> <p><i>N. B. Having a large quantity of Pine, Oak, Poplar and Ash Logs at his Saw Mill adjoining Williamsport, he will receive orders for Boards, Plank or Scantling, which can be delivered next Spring:—He will also receive and execute orders for the purchase of Wheat, Rye, Corn or other articles.</i></p> <p><i>And having a large and convenient WAREHOUSE, and several BOATS which he intends to run from hence to tide water, during the next boating season, he will be ready to receive, and forward almost any quantity of FLOUR or other articles by the first day of February next ensuing.</i></p> | <p style="text-align: center;">Notice is hereby given,</p> <p><b>T</b>HAT the subscriber intends applying to the Judges of Washington county Court, at the October term, for the benefit of the insolvent laws passed in 1805 and 1806.</p> <p>This is a circumstance which the subscriber much regrets; but after having used every exertion in his power to avoid it, he has not been able to succeed—altho’ he has met with many losses, yet his property at a fair valuation would still be nearly equal to his debts; but as his creditors have refused to take property in that way, he must submit. He must sacrifice the fruits of ten years industry, and he still hopes that it will be in his power some day to settle every claim—for he shall always consider himself bound in honour to pay every cent, if ever in his power.</p> <p style="text-align: right;">THO: KENNEDY.<br/>Washington county, Aug. 25, 1807.</p> |
|---|---|

Notices from the March 21, 1804 (left) and August 28, 1807 (right) editions of the [Hagerstown] *Maryland Herald and Elizabethtown Adviser*

In August 1807, William S. Compton placed a newspaper advertisement for the public sale of:

The house now occupied by Thomas Kennedy, Williamsport—the house is 40 by 24—stone smoke-house—large corn-house, stables, etc. The lot has near 200 feet front and is near as deep, the whole under an excellent paling fence. It is a very handsome situation. . . . At the same time will be offered for sale, that large and commodious warehouse, situate near the mouth of Conococheague Creek—the warehouse is 100 by 27, one story stone, the upper an excellent frame. . . . At same time, will be offered for sale, a lot and an unfinished house in one of the back streets of Hagerstown.<sup>37</sup>

Thomas Kennedy was broke. He placed a newspaper notice in August 1807, saying he intended to apply to the judges of Washington County at the October term:

for the benefit of the insolvent laws passed in 1805 and 1806 . . . having used every exertion in his power to avoid it, he [Kennedy] has not been able to succeed—altho' he has met with many losses, yet his property at a fair valuation would still be nearly equal to his debts; but as his creditors have refused to take property in that way, he must submit. He must sacrifice the fruits of ten years industry, and he still hopes that it will be in his power some day to settle every claim.<sup>38</sup>

In February 1808, the Washington County Court placed a newspaper notice that Thomas Kennedy had petitioned it praying the benefit of an act of assembly entitled “An Act for the relief of sundry insolvent debtors,” which had been passed in 1805. Kennedy, who had been imprisoned for his debts, had been discharged upon giving bond and was scheduled to appear on May 2, 1808, to answer “interrogatories as may be proposed to him by his creditors.” The legal wrangling to resolve Kennedy’s debts went on for more than two years until at least November 1810, when the court ordered Kennedy to turn over all his property except “necessary wearing apparel and bedding” to the court-assigned trustee for his debtors. The 1805 and 1806 insolvent debtor laws provided some relief from imprisonment, but Kennedy would later champion laws for further debtor relief when he became a member of the Maryland House of Delegates.<sup>39</sup>

In addition to confronting financial ruin, Thomas and Rosamond Kennedy also suffered personal tragedies during their years in Williamsport. In *Poems*, Thomas tells of his wife’s sickness during pregnancy in 1801. Rosamond recovered and gave birth to their second daughter, Amelia Thomas, who “after a life of anguish, died September 26th 1801, age 15 days.” A son, William Thomas, “died of the croup, after a short, but severe illness, November 12, 1803, age 13 months and 6 days.” A second son, also named William Thomas, “died August 8th, 1805, aged nearly 11 months.”<sup>40</sup>

Fortunately, the next son, John Francis (born in 1805) survived into adulthood along with his older sister Grace Amelia. After having lost three children, the Kennedy family consisted of four when they were evicted from their Williamsport home in 1807.



Two slabs at Williamsport's River View Cemetery cover the graves of Thomas Kennedy's four young children  
(D. Guzy)

## Chapter 4 "Mr. Madison's War"

*Ye brave Hussars who nobly stand  
 Prepar'd to guard with sword in hand,  
 The laws and rights you hold so dear,  
 The laws and rights you hold so dear.  
 Who bear the high, immortal name,  
 Of Washington, the great in fame;  
 Like him undaunted, meet the foe,  
 Like his may all your bosoms glow,  
 With liberty's celestial fire,  
 The goddess freemen most admire.*

from Thomas Kennedy's "The Washington Hussars"<sup>41</sup>

Thomas Kennedy and his family moved several times following their eviction in 1807. They first settled at Wooburn (or Woburn), five miles from Williamsport. Rosamond gave birth to her next son Howard there on September 15, 1808. The next day, Thomas penned the poem "To Howard, the Author's Son." In 1809, the family moved to Mount Liberty, in Williamsport, where their daughter Catherine was born on New Years Day, 1811. The next year, the Kennedys were living at Roslin Castle, one mile away.<sup>42</sup>

In March 1807, James Madison was sworn in as the President of the United States. Madison was a Republican like Jefferson before and James Monroe afterward. Thomas Kennedy supported all three as a fellow party member. Washington County was strongly Republican at the time. President Madison's inauguration was celebrated in Hagerstown with the ringing of bells, the firing of canon, the playing of martial music, and speeches.<sup>43</sup>

While the opposing Federalist Party of Alexander Hamilton and John Adams favored a strong central government and tended to be pro-British, the Republicans favored small government, and tended to be pro-French. In Maryland, the Federalists represented the traditional planter aristocracy along the seaboard and tidewater. Republicans supported the interests of the western parts of the state, plus the new immigrants and entrepreneurs in the rapidly growing city of Baltimore. Republicans desired to increase their representation in the Maryland General Assembly through reapportionment based on population rather than geography. Federalists wanted to keep the status quo and their seats in the General Assembly. Washington and Allegany Counties were strongly Republican, whereas nearby Frederick County was Federalist.<sup>44</sup>

As Great Britain was fighting its war with Napoleon's France, it hindered American merchant trade by setting up a naval blockade and impressing seamen off American vessels into its Royal Navy. Tension and conflicts between Britain and the United States grew. The June 22, 1807, attack of H.M.S. *Leopard* on the American frigate *Chesapeake* angered Americans. Thomas Kennedy was among the enraged, despite having been a British citizen for nearly twenty six of his then thirty years. In response to the *Leopard's* attack, Kennedy wrote "Rouse Ye Sons of Liberty," the first of many patriotic songs and poems he composed

before and during the War of 1812. Perhaps his best known was "The Impressed Seaman," written in 1813.<sup>45</sup>

During this period and afterward, many of Thomas Kennedy's poems appeared in the "Poets Corner" section of local newspapers like the *Maryland Herald*. In writing about Kennedy many decades later, J. Thomas Scharf called him "the poet-laureate of Washington County in his day, as well as one of the ablest and best-known writers in the State of Maryland."<sup>46</sup>

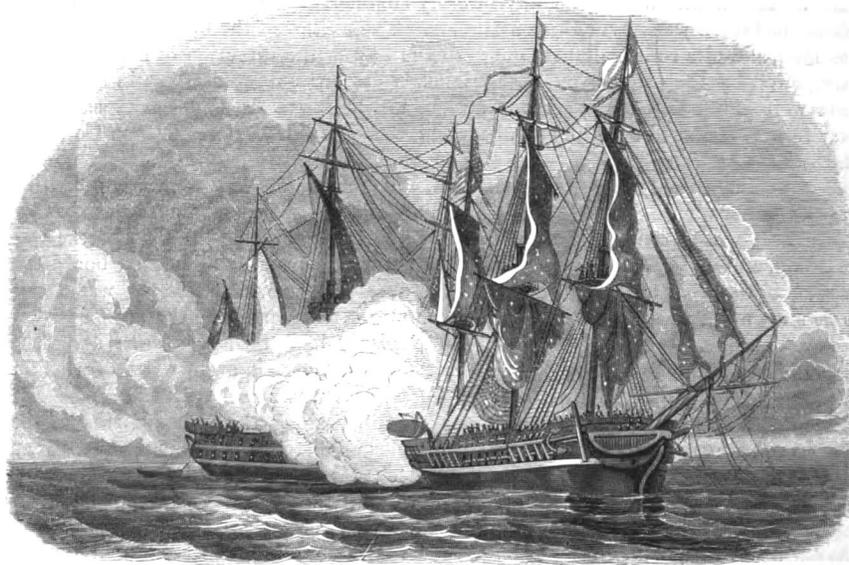
The forthcoming war with Great Britain would divide the nation. Federalists were generally opposed to it. New Englanders derided it as "Mr. Madison's War." But Republicans would generally support the war. Thomas Kennedy, in particular, was prepared to fight in it.

The Washington Hussars and the American Blues were cavalry companies in the Washington County militia, from Williamsport and Hagerstown, respectively. In 1808, Captain Frisby Tilghman commanded the Hussars; Captain Otho H. Williams (son of the Revolutionary War general and Williamsport founder) commanded the Blues; and Captain John Ragan commanded the volunteer riflemen from Hagerstown. By 1809, Kennedy joined the Washington Hussars and, while serving as its secretary, often placed newspaper notices for upcoming musters and parades. He soon wrote the lyrics of "The Washington Hussars" to the tune of "Hail Columbia," and "American Blues" to the tune of "To Anacreon in Heaven."<sup>47</sup>

The British continued their high-handed treatment of American ships and sailors and provoked the country into preparing for war. In February 1812, Lieutenant Colonel Frisby Tilghman took command of the 1st Maryland Cavalry Regiment, consisting of men and horses from Frederick, Washington, and Allegany Counties. Otho H. Williams, now a major, took charge of the "horse squadron" including the Washington Hussars (commanded by his brother, Captain Edward G. Williams) and the American Blues (commanded by Captain Moses Tabbs).<sup>48</sup>

President James Madison signed the declaration of war with Great Britain on June 18, 1812. In March 1813, Major Williams's cavalry reported to Annapolis where the Blues and Hussars camped for a brief period. It is unclear to this writer whether Thomas Kennedy was part of that specific maneuver.

On August 26, 1813, Kennedy was at his new home, Ellersie, a farm off Downsville Pike, three miles from Williamsport and six miles from Hagerstown. On that day, Rosamond gave birth to another son, for whom Kennedy composed the poem "To Lawrence Ludlow." The boy's first name was given in honor of Captain James Lawrence, who, though mortally wounded during a ship-to-ship fight on June 1, 1813, between the U.S. Frigate *Chesapeake* and H.M.S. *Shannon*, famously shouted: "Don't give up the ship." The boy's middle name was for Lawrence's second-in-command, Captain Augustus Ludlow, who also died of his battle wounds.<sup>49</sup>



1813 sea battle between HMS Shannon (left) and USS Chesapeake<sup>50</sup>

Early in August 1814, Levin Winder, Maryland's Federalist governor, prepared for a British invasion of his state. He ordered Frisby Tilghman's 1st Maryland Cavalry to the Washington area. Tilghman's regiment of about three hundred arrived there on August 16. On the nineteenth, the British landed at Benedict on the Patuxent River. The next day, Major Williams's cavalry arrived east of Washington at Wood Yard (now Woodyard, Maryland), the place of rendezvous in Prince George's County that Brigadier General William H. Winder, commander of the Maryland militia (and the governor's nephew) had selected.<sup>51</sup>

Colonel John Ragan's Hagerstown foot soldiers were in the heat of the battle at Bladensburg on August 24, 1814. Kennedy later memorialized Ragan's death in "To the Memory of Col. J. R.": "Thou hast met without dismay the foe, And 'midst a scene of terror true was found." Although seven thousand American troops outnumbered the four thousand British troops at the Battle of Bladensburg, the British routed the Americans and went on to burn Washington. Factors in the American defeat were the incompetence of General Winder and the rawness of the Maryland militia in contrast to British troops seasoned by the Napoleonic Wars.<sup>52</sup>

Kennedy's notes for his sixteen-page poem, *Ode-On the Conflagration at Washington City, August 24th, 1814*, provide a little information about the Washington Hussars' and his own involvement in the battle for the nation's capital:

The author was in Washington for about 10 days previous to the capture, and considers he is as well qualified to give his opinion impartially as any other spectator, having neither for any of his friends nor for himself military fame to gain or lose.<sup>53</sup>

Calling himself a "spectator" implies that Kennedy and the Washington Hussars were not combatants. A letter from one of Frisby Tilghman's officers noted that although the British fired some rockets at his cavalry at the beginning of the Bladensburg battle, they suffered no harm and the "cavalry did not participate much in the fight, being ordered not to

charge until the enemy showed a disposition to retire, which unfortunately did not take place.”<sup>54</sup>

The will of record upon Thomas Kennedy’s death in 1832 was one he prepared on August 9, 1814, when the possibility of dying in battle loomed over him. In it he wrote:

the Troop of the Washington Hussars to which I belong are ordered to be ready for actual service and it may be the fate of some to die in the service of their Country and in support of the rights and liberties of their fellow citizens. I now declare that should such be my fate I shall consider death in so good and so glorious a cause as truly enviable.

Years later, when Thomas Kennedy unsuccessfully ran for a fifth consecutive term in the Maryland House of Delegates, a statement from an anonymous “Ultramontane Citizen” attacking his war record appeared in the September 25, 1821, Hagerstown *Torch Light and Public Advertiser*. The writer said that the candidate tried to avoid combat by seeking a non-combatant assignment and that he did not “join any ranks & march to repel the enemy.” Because of this, the writer urged men not to vote for Kennedy. This accusation of cowardice was most certainly part of the smear campaign that led to Kennedy’s defeat, and kept him out of House of Delegates the following year.

Kennedy may not have seen real fighting, but his 1814 will tells us he clearly anticipated it. Had he done anything dishonorable, it is unlikely that comrades in arms like Otho H. and Edward G. Williams would have remained his friends and associates for decades after the war. Edward G. Williams, Thomas Kennedy, Moses Tabbs and Frisby Tilghman were all former Washington County cavalymen who later served together in the Maryland House of Delegates and Senate.

The War of 1812 ended as essentially a draw. However, Americans gained great pride in their effort against Britain. They rejoiced in Andrew Jackson’s victory at the Battle of New Orleans on January 8, 1815, even though it occurred after the peace treaty was signed by the warring nations in the far-off Netherlands, two weeks before. Americans now viewed the Federalist Party’s opposition to war as unpatriotic, and the party collapsed on a national level after 1815. Members would join conservative, anti-Jackson factions of the Republican Party and eventually the Whig Party.

In Maryland, however, the Federalist Party lasted until the early 1820s. Federalists remained in the majority of the Maryland House of Delegates until 1818. The Senate was completely Federal until 1821. This allowed the conservative Federalists to keep a nativist agenda and to block progressive legislature in Maryland.<sup>55</sup>

## Chapter 5 The "Jew Bill"

*There are few Jews in the United States; in Maryland there are very few, but if there was only one—to that one, we ought to do justice. I have already observed that I have no acquaintance with any of them, but I have good authority for saying, that those among us are worthy men, and good citizens; and during the late war, when Maryland was invaded, they were found in the ranks by the side of their Christian brethren fighting for those who have hitherto denied them the rights and privileges enjoyed by the veriest wretches.*

from Thomas Kennedy's January 20, 1819 speech to the Maryland General Assembly in support of the "Jew Bill"<sup>56</sup>

After the war, Thomas Kennedy returned to Ellerslie, where he ran the farm and its distillery while he remained active in politics and poetry. Thomas and Rosamond Kennedy's last-born arrived there on November 7, 1815. She was named Rosamond Thomas after her mother, but her father called her Rosa. Tragedy struck again the next year. Lawrence Ludlow Kennedy died of "an obstinate continual fever" on August 10, 1816, just shy of his third birthday. Kennedy wrote a second poem about his young son, this one lamenting his death.<sup>57</sup>

Today Ellerslie has an 1885 house with gingerbread decoration that replaced an earlier house. It has a springhouse said to be on the site of an early nineteenth-century distillery. That distillery must have been one used by Thomas Kennedy. The 1820 census of manufactures recorded that Kennedy had four stills and employed two men to turn rye and corn into whiskey worth fifty cents a barrel. With capital investments, annual wages of four hundred dollars, and other expenses, it would seem that Kennedy's stills needed to produce well over a thousand of barrels of whiskey a year to turn a profit.

The advertisement for Thomas Kennedy's moving sale in 1822 gives us a sense of what activities at Ellerslie were. At a public auction Kennedy offered to sell: a "number of farming articles, horses, colts, cows, wagons, carts, ploughs, harrows etc.; a complete set of stills capable of a barrel of whiskey per day, a loom and gears, household and kitchen furniture, and many other articles." The next year, he again advertised the stills for sale again, plus a crop of rye and corn "at my former residence near General Ringgold's." Kennedy advertised only those items for sale and not the farm itself or its buildings, which he likely had rented.<sup>58</sup>

Records of the 1820 population census tell us who were living at Ellerslie at the time. They account for Thomas Kennedy, his wife, and his surviving three daughters and two sons—plus five "free colored" males and nine "slaves." Early nineteenth century censuses simply recorded the head of households followed by a list of unnamed others in the household grouped by age in certain categories. For Thomas Kennedy's household in 1820, the free colored males living with him consisted of one under fourteen years old, one under forty five, and three forty five or older. Two enslaved males under fourteen years old

and three forty-five years or older also lived there. One enslaved female under fourteen, one between twenty-six and forty-five, and two forty-five years or older were also at Ellerslie.

The census recorded the habitation, not the ownership of slaves. However, an advertisement in the April 9, 1817 *Hagerstown Herald* implied that Kennedy did indeed own slaves. In the ad, Kennedy offered to sell a "black man named JEM" who was "a valuable hand, a good wagonner and distiller," and also to sell a eighteen-year-old enslaved woman who was married.<sup>59</sup>

For us in the twenty-first century, it seems odd that a man like Thomas Kennedy who celebrated liberty and fought for religious rights might be a slaveholder. But men that Kennedy admired—Washington, Jefferson, Madison, Monroe and Jackson—all were. Recent studies had shown that Kennedy's idol Thomas Jefferson, who ironically wrote "all men are created equal," could be very harsh to those he enslaved and was not otherwise intimate with.<sup>60</sup>

As noted before, county tax records for 1803-1804 showed Thomas Kennedy owned no slaves at the time when he was a merchant in Williamsport. In 1810, after the Kennedy family had returned to Williamsport and were living at Mount Liberty, the census recorded one "free" person but no "slaves" living with them. At Ellerslie, however, Kennedy had a farm and distillery to run. Those required labor (free or enslaved) beyond what his young family could provide, particularly as he was heavily involved in other pursuits. For example, Kennedy continued to serve as a justice of the peace. At least four times between 1815 and 1821, he also acted as a supervisor for various roads within Washington County.<sup>61</sup>

In the summer of 1815, Thomas Kennedy was the secretary of the Republican committee that nominated Jacob Schnebly, John Bowles, Martin Keshner, and Edward G. Williams as candidates for the four Washington County seats in the Maryland House of Delegates. Williams was absent at the time he received the nomination, but he exchanged letters with Kennedy, who announced Williams' willingness to serve. Voters elected all four Republicans for the one-year term.<sup>62</sup>

On January 8, 1816, Peter Stake gave a ball at his house on West Potomac Street in Williamsport. It was a celebration of the first anniversary of General Andrew Jackson's victory at the Battle of New Orleans. Thomas Kennedy was among the prominent folks invited and presented a long rhyming address prepared for the occasion. Kennedy was described "by those who knew him to be an honest, jolly, good-hearted man, with no enemy on the face of God's green earth."<sup>63</sup>

Kennedy again served as the secretary to the 1816 and 1817 Republican nominating committees. The latter had an unexpected outcome when Edward G. Williams declined his nomination. Kennedy was then nominated in Williams' place. Kennedy won the 1817 election and so he began his career as an elected official. As member of the House of Delegates and later the Maryland Senate, Kennedy would travel to Annapolis for the General Assembly sessions. In Kennedy's time, these sessions lasted from December through February or March.<sup>64</sup>

During this period, Thomas Kennedy published the poems and songs he had been writing since he arrived in America. In 1816, Daniel Rapine of Washington, D.C., printed *Poems*. The 334-page book of ninety poems, including odes, "extempores," sonnets, elegies, and hymns, sold for \$1.25. In 1817, Rapine printed Kennedy's *Songs of Love and Liberty*, ninety-eight pages of lyrics written to tunes already familiar to the readers. That book sold for 75 cents per copy.<sup>65</sup>

Kennedy did not publish any other books, but his later poetry continued to appear in the "Poet's Corner" of local newspapers. He remained a prolific writer, and politics drew a new audience. Newspapers frequently published his multi-column, and sometimes multi-page, speeches, reports, and letters to the editor. As would become his custom, upon his election to the House of Delegates in 1817, Kennedy asked the local newspaper to print his letter of thanks in which he promised to send periodic reports from Annapolis, a practice he continued throughout his political career.<sup>66</sup>

One of Thomas Kennedy's first actions as a member of the House of Delegates was to introduce a bill to repeal the 1774 law that required a fifty-two-day imprisonment for debts under two hundred dollars. Kennedy, who had personally experienced imprisonment for debt, later supported other measures to bring relief to insolvent debtors. He also worked in favor of turning the private toll roads in Washington County into public roads.

For many years, Kennedy could be counted upon to present patriotic speeches and poems at Fourth of July celebrations and occasionally in the legislature. An example of the latter was in January 1818, when after being introduced as "a farmer and delegate from Washington County," his speech borrowed some phrasing from Francis Scott Key and praised Baltimore as "the Home of the Brave" that had foiled the British under "the Star Spangled Banner."<sup>67</sup>

Of all his life's accomplishments, Thomas Kennedy is best remembered and honored for his long effort in championing the political rights for Jews in Maryland. His so-called Jew Bill would alter the religious test required by the Maryland constitution that restricted public office only to Christians.

Religious tests required applicants to swear an oath that they held certain religious beliefs before they could obtain certain positions. Article VI of the United States Constitution banned religious tests for "any office or public trust under the United States." However, that ban applied then only to national and federal officeholders. State and local governments were free at the time of the Founding to impose religious tests as they saw fit, and most of them did. Some limited public offices to Christians and some only to Protestants.

Maryland got its "Free State" nickname not for religious tolerance and certainly not for freedom from slavery, which it did not abolish until 1864. Maryland's Tolerance Act of 1649 initially made the colony a haven for Catholics as well as Protestants, but Catholics suffered persecution after William and Mary succeeded James II to the English Crown. An act in 1716 forbade Catholics from holding Maryland's civic offices. In Thomas Kennedy's time, non-Christians were kept from such offices. Rather, the "Free State" was coined in the 1920s by the editor of the *Baltimore Sun* in recognition of the governor's defiance of Prohibition and of statewide practices that made Maryland then "the wettest state in the Union."<sup>68</sup>

The 1776 Maryland state constitution allowed non-Christians to worship as they chose and to vote. However, to be admitted to "any office of trust or profit," persons had to swear oaths of "support and fidelity to this State" and of "a declaration of a belief in the Christian religion." The constitution allowed Quakers, Mennonites, and "Dunkers" to make a "solemn affirmation" of Christian beliefs rather than swear an oath. But no exception was made for Jews or those of other non-Christian religions, and so they could not honestly hold a state or local civic office or be a militia officer. Because a lawyer was considered to be an officer of the state, a non-Christian could not become one. Another law, dating back to 1717, prevented non-Christians and slaves from serving on juries or as witnesses during trials of white Christian people.<sup>69</sup>

The first attempt to remove Maryland's religious test began in 1797, when Solomon Etting, Bernard Gratz, and other Baltimore Jews petitioned the Maryland General Assembly on the issue. The petition was directed to a committee, where it stayed for five years. In 1802, a new petition "from the sect of people called Jews" noting "that they are deprived of holding any office of profit and trust under the constitution and laws of this state" was referred to the General Assembly. It was defeated with a tally of thirty eight against and seventeen for. Another vote in 1804 lost by thirty nine to twenty four. These failures disheartened those promoting the repeal of the test ban and the issue laid dormant for several years.<sup>70</sup>

Ironically, while Jews were banned from public offices at the state level, Thomas Jefferson appointed Reuben Etting, Solomon's brother, to be a United States marshal for Maryland. A Jew could become a United States marshal or even the President, but not a lowly Maryland constable.<sup>71</sup>

During the War of 1812, Maryland's Jewish population was small and mainly within Baltimore. However, Solomon Etting, Cohen family members, and other Jews served with distinction in the defense of Baltimore and other military engagements. After the war, Baltimore Jews again appealed to the Maryland Assembly, which this time had veterans more sympathetic to their cause. Among them was Thomas Kennedy.<sup>72</sup>

Kennedy did not take on the issue until after he had been elected to his second term in the House of Delegates. In December 1818, he introduced a resolution to form a committee "to consider the justice and expedience of placing the Jewish inhabitants on equal footing with the Christian." The committee was approved. It had Kennedy as its chairman, and Henry Brackenridge, a judge from Baltimore, and Ebenezer S. Thomas from Baltimore County as the other members. The committee issued a long report that covered such diverse topics as the Apostle Paul and Martin Luther, but made the point: Maryland denied Jews state and local rights that the United States Constitution afforded them at the national level.<sup>73</sup>

Kennedy presented to the House of Delegates a bill for a proposed "act to extended to the sect of people professing the Jewish Religion, the same rights and privileges that are enjoyed by Christians." Key parts of the bill were that Jews would be excluded for any religious test "as a qualification to hold or exercise any office or employment of profit or trust in this state," and that any oath administered to Jews would be done on "the five books of Moses, agreeably to the religious education of that people, and not otherwise."

On January 20, 1819, after the clerk read the bill again, Kennedy rose to give a long and rambling speech in its favor. He cited both the Old and New Testaments and even touched upon John Smith and Pocahontas. Only about one hundred Jews lived in Maryland at this time and Kennedy claimed he knew none personally. He said it was the principle of the issue that motivated him. It was unfair to him that Maryland excluded Jews from state office but compelled them to pay taxes and perform military service.<sup>74</sup>

Kennedy included a personal revelation in his speech about how he regretted his Presbyterian father's prejudice against Roman Catholics. "I never expect to be as good a man as my father, but having seen so many more Catholics than he, and having been intimate with many of them, and having found them as amiable in all respects as the professors of other doctrines—my prejudice against them, if ever I had any, is forever at an end." Kennedy's point was that if one only got to know those of unfamiliar religious sects—Catholics and Jews in his case—then they would cease to be seen as "the other."<sup>75</sup>

Kennedy closed his speech by asking: "I call upon you as Christians to consider what you would expect, what you would ask, were you now in their [the Jews'] situation—and do them justice, do them justice—I ask not more." Although Republicans now held a slim majority in the House of Delegates, Kennedy's arguments failed to persuade enough. The bill lost by a vote of fifty to twenty four. Republican delegates voted twenty two to seventeen in its favor, while Federalist voted thirty three to two against. The Federally-controlled Maryland Senate did not even vote on it.<sup>76</sup>

We should note that while Thomas Kennedy was the leader of the effort to change the religious test oath, he did not act alone and he had outside support. Hezekiah Niles was a Quaker who published a national magazine, the *Niles Weekly Digest*, from Baltimore. Niles wrote articles defending the rights of Jews, including one published just before the January 1819 vote in the House of Delegates. It made the case:

The number of persons professing the Jewish religion in the State of Maryland is very small, but if there were only ONE such, the constitution ought to be altered in his favor . . . [T]ests of belief in any particular set of dogmas only tend to make hypocrites. The good man does not require them and the bad fearlessly march through them.<sup>77</sup>

Thomas Kennedy was determined to reintroduce his bill, which opponents dubbed the "Jew Bill," in the next session of the Maryland General Assembly. It became a key issue in the election in the fall of 1919. One vociferous critic, Benjamin Galloway, declared that the Jew Bill was a "shameful attack on the Christian religion" and equated Kennedy to Judas Iscariot. Four men ran on the "Christian ticket," in opposition to Thomas Kennedy and three others who were derisively labeled as the "Anti-Christian or Jewish ticket."<sup>78</sup>

Benjamin Galloway was Kennedy's political nemesis. Born in Anne Arundel County in 1752, he moved to Hagerstown about 1796 and died there in 1831. To some extent, opposition to the Jew Bill was part of a Federalist effort to prevent the legislature from reapportioning representation based on population rather than geography, and to keep power from shifting to Baltimore and Republican-dominated counties. But Galloway was a Republican. The vehemence of the language used by him and others in Kennedy's own party suggest that religious prejudice was indeed an important reason for resistance to the bill.<sup>79</sup>

**Voters of Washington county, Maryland,**

Next Monday will be election day, when you will have to make choice of four men as delegates to the assembly. The question will be, Christians or Jews, alias Anti Christians.

Anti Christian or Jewish ticket will be composed as follows:—Thomas Kennedy, Thomas Kellar, Joseph Gabby, George Locher.

Christian ticket will be composed of Jacob Schnebly, John Bowles, Joseph I. Merrick, Ezra Slifer.

Doctor Schnebly has rendered himself very obnoxious to certain great men, because he voted against Thomas Kennedy's anti christian bill commonly called the Jew bill, which he the said Kennedy laboured hard to have enacted into a law, last winter at Annapolis. If T. Kennedy should be re elected, he will renew his shameful attack on the christian religion. It is reported that he is in high spirits, and has not a doubt that he will be able to execute, in the course of the next assembly, the abominable work which, Judas Iscariot like, he was prevented from accomplishing, as before stated, by such men as Jacob Schnebly. A few days will shew to the world whether the friends or the enemies to Christianity constitute the majority of voters in Washington county, state of Maryland. Will a Christian vote for a man whom he knows is one half Jew, and the other half not a Christian?—Voters, T. Kennedy disgraced you when he tried to carry his blasted Jew bill through the house of delegates. Place him on Monday next in the back ground, from whence he ought never to have been advanced one inch towards a seat in the general assembly. The fountain from whence he has been observed to draw the copious streams with which he has quenched his thirst, for many years, is at length discovered to be as impure as a duck puddle. Like master like man.

Yours Respectfully, \*

**BENJAMIN GALLOWAY.**

Hagerstown, }

Sept. 27th. 1819 }

from [Hagerstown] *Torch Light & Public Advertiser*, September 28, 1819

Despite such negative campaigning against him, Washington County voters re-elected Kennedy to a third consecutive term in the fall of 1819. On January 29, 1820, Kennedy reintroduced another version of the bill to the House of Delegates, this one entitled: "An Act for the relief of persons professing the Jewish Religion in this State." It failed by a vote of forty seven to twenty. The tally among Republican delegates was twenty eight against and sixteen for, and among Federalists it was nineteen against and four for. This time the delegates' vote against the Jew Bill was bipartisan.<sup>80</sup>

In response to the defeat, Kennedy wrote a poem—"To the Children of Israel in Baltimore"—and sent the consolatory verse to several Baltimore Jews. It contained a stanza that scolded those Christians who opposed to the bill:

I blush for Christians that they should forget,  
The Golden Rule their great Law-giver set,  
That they the precious precept should condemn,  
Which their ador'd Redeemer taught to them—  
Do unto others—as you'd wish they'd do  
In the same situation unto you—  
And those this just command who disobey,  
Seek not for Heaven in the true Christian way.<sup>81</sup>

Elected to a fourth consecutive term in the House of Delegates in the fall of 1820, Kennedy did not re-introduce the Jew Bill in the following legislative year. He did introduce a bill for a lottery to raise fifty thousand dollars for a turnpike road from Boonsboro to Hagerstown and Williamsport. He drew attacks for voting for "An Act to regulate the inspection of Flour in the city of Baltimore," particularly from the editor of Hagerstown's *Torch Light and Public Advertiser*. That newspaper issued several editorials in August 1821 that sparred publicly with Kennedy's in the *Maryland Herald & Hagerstown Weekly Advertiser* and urged voters specifically not to vote for Kennedy.<sup>82</sup>

Thomas Kennedy came in fifth in the fall of 1821 election, losing his delegate seat to Casper W. Wever. Nonetheless, he again publicly thanked those who had supported him.<sup>83</sup>

## Chapter 6 Hagerstown

*I have seen the first of my wishes as a public servant gratified by seeing the principles of civil and religious liberty established in the United States, and see persecuted Children of Israel placed on an equality with their fellow citizens.*

Thomas Kennedy's reflections on the passage of the Jew Bill in a May 1826 letter<sup>84</sup>

After his first defeat for re-election in the fall of 1821, Thomas Kennedy spent the winter at home on his Ellerslie farm with Rosamond and their five surviving children. Having been temporarily passed over for justice of the peace, he then held only one appointed position, that of road supervisor. He was reappointed a Washington County justice of the peace early in 1822, and for every year afterward for the rest of his life.

By March of 1822, the Kennedys decided to change their way of life, leave their farm, and sell off their farm animals and implements as well as their whiskey stills. An advertisement for the Hagerstown Academy reveals the location of the family's next home: "The Boarders are placed in the family of Mr. Thomas Kennedy, who has lately removed to the Academy for the education of his own sons, and are all welcome to use his library, consisting of several hundred volumes, without any additional charge."<sup>85</sup>

When the Hagerstown Academy building was completed on Walnut Street in 1813, it was meant to accommodate the higher education of "one hundred fifty scholars." Many prominent students and instructors passed through there until the building was torn down in 1877 to be replaced by the Washington County Central High School. Otho H. Williams, Thomas Kennedy's friend, was the Academy's first president and likely was a factor in the Kennedy family's move to there.<sup>86</sup>

In March 1822, a new act allowing for more state agents enabled Governor Samuel Sprigg (a Republican) to appoint Kennedy, ironically a former debtor, as "state debt collector for the Western Shore." (The "Western Shore" comprised all of Maryland's counties west of the Chesapeake Bay.) Kennedy took little time to capitalize on his new positions, and that month advertised that he had:

opened an office in Hagerstown, near Mr. Beltzhoover's Tavern and nearly opposite the Bank; where he will execute the duties of a Justice of the Peace, Draw Wills, Deeds, Bills of Sale, Articles of Agreement, prepare Insolvent papers and other Instruments of Writing—and will assist Executors or Administrators in stating and settling their Accounts with the Orphan's Court. . . . in pursuance of his duties as state agent, he will be in other counties and will attend to the transaction of business of those Western Shore counties or in Washington DC or Annapolis.<sup>87</sup>

In June 1822, Kennedy announced that he had returned to Hagerstown from his first tour of state debt collecting duties and was back for business. As a "steward" from the

Hagerstown Academy, a week later he participated in laying the cornerstone for a new building to house the town hall, a Masonic Hall, and a market.<sup>88</sup>

Kennedy ran again for the House of Delegates in 1822 and won. He then introduced a resolution to repair the National Road and endorsed what would become the Chesapeake and Ohio Canal. But again, his focus was on the Jew Bill, which he and other supporters broadened to include political rights for those of all religions, not just Jews. In December, Kennedy presented a proposed act “to extend to all citizens of Maryland the same civil rights and privileges that are enjoyed under the Constitution of the United States.”<sup>89</sup>

In introducing the bill to the House of Delegates on January 10, 1823, Kennedy began with false modesty about being a poor orator and then went on to deliver a twelve-page speech. As clever politicians often do, he took ownership of a contemptuous term, “Kennedy’s Jew Baby,” although now the baby was of all religions: “The bill now before us has been playfully called more than once, a favorite baby, or bantling of mine, and although I do not claim he honor of being its first parent, in my eyes it does indeed appear a sweet, a lovely child, and ere it is a year old will be come the darling and the pride of Maryland.” Kennedy’s speech gave a long history of religious tests in America and stated that Maryland was an exception among states in still having one. (Actually, North Carolina, for one, still had a religious test oath.) He speculated that if Maryland’s constitution had been written after the United States Constitution, it too would have outlawed religious tests. And he closed with a short verse pleading for a unanimous vote:

Lay old superstition low,  
Let the oppressed people go,  
To the Bill let none say no,  
Act unanimously.<sup>90</sup>

The vote was not unanimous, but the bill passed. On January 29, 1823, the House of Delegates voted forty to thirty three in its favor. The Senate, which had long been controlled by Federalists but now was Republican, voted eight to seven in favor. One obstacle still remained, however. Because the act would change the state constitution, the measure required confirmation in the next legislative session. The long delay before the final vote would give opponents of the bill time to organize a nasty counterattack that influenced the fall elections.<sup>91</sup>

While in Annapolis for the legislature session in January 1823, Thomas Kennedy was initiated into the Annapolis Freemason lodge. When he returned to Hagerstown, he joined the Mount Moriah Lodge of the freemasons there. He helped arrange the dedication of the Masonic Hall above the Hagerstown City Hall. The governor reappointed Kennedy “agent for the collection of debts on the Western Shore.” That year, Kennedy issued his “Second report of the State Agent.” He also announced his intent to publish *A History of the State of Maryland*, an ambitious project he never completed.<sup>92</sup>

During the 1822-1823 Maryland legislative session that initially approved the repeal of religious tests, Benjamin Galloway (then almost seventy) served as a Washington County delegate along with Ignatius Drury, Thomas Kellar, and Thomas Kennedy. While the latter three voted for the bill repealing the religious test oath, Galloway voted with “point blank opposition to the Infidel act,” which he said would throw “open the doors of our state to the admission of Jews, Pagans and all unbelievers.” In the 1823 election campaign, Galloway announced that he shunned

the support of “Jews, Deists, Mahometans or Unitarians” (of which there were few or none in Washington County) and urged citizens to fight confirmation of the act by voting for him and others “that believe in the divinity of Jesus Christ,” and to not vote for Drury, Kellar, or Kennedy.<sup>93</sup>

T. B. Hall joined Drury, Keller, and Kennedy on the "Jew Bill Ticket." In addition to heated exchanges in the newspapers, candidates on both sides of the issue publicly aired their views at a "spouting" held at Cold Spring, a resort near the southern outskirts of Hagerstown.<sup>94</sup>

**To the Christian Voters residing in Washington County, Md.**

**FELLOW-CITIZENS!**

I have not withdrawn myself as a candidate, nor will I cease so to be till the close of the polls on Monday next, all the false reports that a gang of evil minded men, their base, contemptible, electioneering lick-spittles, echoes and hangers-on, already have or can fabricate and circulate to the contrary notwithstanding.

The Christian Ticket will contain the names of the following persons, to wit, Joseph Gabby, Andrew Kershner, Benjamin Galloway and James H. Bowles; who, if they should be elected, (being neither Jews, Deists nor Unitarians,) will, by their votes in the House of Delegates, use their best faculties and endeavor all in their power to support, maintain & defend the Christian Religion, by opposing a confirmation of the abominable Infidel act, which was passed at the last meeting of the General Assembly of this state, and which has been published for your serious consideration. Thomas Kennedy, Thomas Kellar and Ignatius Drury, voted in support, Benjamin Galloway in point blank opposition to said Infidel act.

“SIT LUX.”

“Let there be Light.”

Fellow-Citizens,

Yours, respectfully,

**BENJAMIN GALLOWAY.**

Hagers-town, Sept. 30, 1823.



**To the Voters of Washington County.**

**FELLOW CITIZENS,**

On next Monday your duty will call you to the Polls, to elect four Delegates to represent you in the next General Assembly of Maryland. Nine candidates are before you, and among the rest my name has been announced; and it is you who are to judge and determine, and to your decision we all must submit.

Candidates for your suffrages must generally expect opposition—there will generally be some electioneering clamour to arouse your feelings in support of some, and against others; and this year the cry is not a political, but a religious one.

You have heard much of a bill which I brought into the House of Delegates at the last session, on the subject of the Test in our constitution—This bill has been much misrepresented, and its opponents have been obliged to resort to arguments against it, that have nothing to do with the question—And if their cause was not weak, they could support it upon principles without resorting to misrepresentations.

If this bill is to be condemned, then we must condemn the constitution of the United States, for it contains the same principle, and the very same words, a constitution which every public officer is sworn to support. We must condemn principles sanctioned by Washington and the patriots of seventy-six, and principles sanctioned, approved, and acted upon in every other state.

When you all understand the question fairly, when you examine it impartially, when you see it in its true light, you will, I am confident, approve the conduct of those Delegates who voted in favour of civil and religious liberty.

Do you wish to see Christianity spreading its mild influence over mankind according to the spirit and precepts of the Gospel? Do you wish to see an end to the reign of religious persecution? Do you wish to see the citizens of Maryland placed upon an equality with the citizens of other states? Do you wish to see civil and religious liberty flourish in Maryland? I know you do; and these are my wishes; and this was my sole object in bringing forward the bill in question.

Let me, fellow citizens, earnestly request you to go to the polls on Monday next—examine well for yourselves; for the cause I advocate courts investigation; it shuns not the light; it is the cause of truth and justice, and I feel confident that the people of Maryland will on Monday next rise in the majesty of their strength and put an end to religious tyranny; and you citizens of Washington county, will unite in support of civil and religious liberty.

I am, with sincere regard,  
Your old friend,

**THOMAS KENNEDY.**

Although Galloway received the fewest votes of the nine local candidates for House of Delegates in the fall election of 1823, three others on his “Christian Ticket” and another who promised opposition to expanding religious rights won the four Washington County delegate seats. Kennedy came in fifth, losing his seat along with Ignatius Drury and Thomas Kellar.<sup>95</sup>

The demagoguery and backlash against the act “to extend to all citizens of Maryland the same civil rights and privileges that are enjoyed under the Constitution of the United States” rippled through the state. Only sixteen of the forty delegates who voted for the act in January 1823 were reelected that fall. Colonel William G. D. Worthington of Baltimore was among those.

Colonel Worthington gave a long speech in favor of the act before its confirmation vote on January 29, 1824. He noted that the new proposed bill would extend political rights to those of all religions but emphasized the Jews. He shared information from Solomon Etting that Maryland then had “at least one hundred and fifty” Jews among six thousand in the country. John S. Tyson, also from Baltimore, followed Worthington with a speech that described Jewish persecution through the ages and warned of the consequences of placing one religion above others. Tyson concluded with an homage to the absent Thomas Kennedy: “Atlas-like [Kennedy] bore it [the struggle for the Jew Bill] upon his shoulders at a time when it was too heavy for all other men. It fell, he raised it, it fell again, he raised it again and again.”<sup>96</sup>

Despite Worthington's and Tyson's arguments, many of which Kennedy had made before, the new delegates followed their own agenda. The House of Delegates voted forty four to twenty eight against confirmation, although the Senate approved it by eight to six. The proposed act was thus “rendered nugatory.”<sup>97</sup>

Thomas Kennedy lost again in the 1824 election, coming in sixth out of eight candidates. Once again he thanked those who voted for him in a letter published in a newspaper, closing with “in power your servant—out of service your friend.” No longer holding elected office, Kennedy continued with his roles as state debt collection agent and justice of the peace. With Frisby Tilghman and Otho H. Williams, he became increasingly active in committees to promote the Chesapeake and Ohio Canal. Kennedy had played a role in developing and using the navigational works of the Potomac Company, but now he threw his support to the proposed continuous canal along the Maryland shore of the Potomac River that would eventually take commercial navigation off the river. Kennedy served as the secretary to Washington County canal committees and represented the county in the canal conventions held in Washington in November 1823 and December 1826. During a January 1, 1824, canal meeting in Hagerstown, Kennedy gave remarks in which he estimated that the Chesapeake and Ohio Canal would cut the cost of shipping a barrel of flour to Georgetown from one dollar by wagon to thirty two cents by canal boat, and a cross-cut canal to Baltimore would cut the cost from one dollar to forty two cents.<sup>98</sup>

In March 1825, Kennedy advertised that his duties as state agent took him throughout the western Maryland counties and offered his services as agent to those having business there and in Washington and Alexandria, Virginia. He welcomed potential clients from “any part of America, Europe or the West Indies.” In October, he announced his services as a real estate agent for lands and houses, and offered for sale properties in Washington and Allegany Counties, and in the far-off Arkansas Territory. In November and December, in addition advertising his real estate business, he also offered to act as an

intermediary between those wanting apprentices and those parents who wanted to bound out their children.<sup>99</sup>

Meanwhile, Maryland's failure to repeal its religious test oath drew increasing national attention. Newspapers and magazines across the country published editorials in favor of the Jew Bill, and scolded Benjamin Galloway and his followers for their intolerance.<sup>100</sup>

During Thomas Kennedy's two-year absence from the House of Delegates, others in the House, particularly Colonel William G. D. Worthington, John S. Tyson, and John Van Lear McMahon of Allegany County, continued the fight for the Jew Bill. In the 1824-1825 legislative session, they prepared a new version of the bill and strategically waited until the last day of session, when many delegates would have already left to go home, to bring it to a vote. On February 26, 1825, with only fifty one of eighty members present, "an act for the relief of Jews in Maryland" passed by one vote, twenty six to twenty five. It passed the Senate too, and again the act awaited confirmation in the next year's legislative session.<sup>101</sup>

Thomas Kennedy ran for the House of Delegates in 1825 on the "Antietam" and "Independent" tickets and won. He thanked voters, noting that their "renewed mark of confidence" made him "more anxious than ever to discharge his duty faithfully."<sup>102</sup>

Neither Colonel Worthington nor John Van Lear McMahon returned to the House of Delegates for the 1825-1826 session, but John S. Tyson was there again along with Kennedy. To expedite matters, the House version of the Jew Bill was postponed indefinitely in favor of a similar bill developed by Reverdy Johnson and already passed in the Senate. Tyson deferred the honor of introducing that bill in the House of Delegates to Thomas Kennedy. The House's confirmatory vote was forty five to thirty two in favor of the "act for the relief of Jews in Maryland." It passed into law on January 28, 1826. After a difficult seven-year pregnancy, "Kennedy's Jew Baby," was finally born.<sup>103</sup>

A description of Thomas Kennedy given around 1827 said he was "a man of medium height, rather portly in build, with the bluest of eyes that seemed to pierce through those with whom he spoke. He had iron-gray hair; his round, ruddy face, which seemed continually about to break into a smile, attracted all; his magnetic personality kept his friends close to him throughout his life."<sup>104</sup>

With the Jew Bill finally enacted, Kennedy applied his talents and "magnetic personality" toward other efforts. During his last term in the House of Delegates, Kennedy, pressed for support of the Chesapeake and Ohio Canal and road improvement in Washington County. In March 1826, Kennedy announced that he would be a candidate for United States Congressman from Maryland's Fourth Congressional District. At home, he continued selling properties and performing his duties as justice of the peace.<sup>105</sup>

In August 1826, Thomas Kennedy was appointed to be the postmaster at Hagerstown. That was major responsibility because the postal business at Hagerstown was second only to Baltimore in Maryland. Kennedy managed a staff of clerks and, as was his wont, issued reports through the newspapers on such mundane items as dead letters and postal procedures.<sup>106</sup> Michael C. Sprigg of the Jacksonian Party won the United States Congressman's seat in the fall election, and so Kennedy, who placed third, was temporarily out of elected office. But when Daniel Sprigg declined to serve in the Maryland Senate, Thomas Kennedy was unanimously voted to take the seat on January 12, 1827. It was a five-year appointment and Kennedy promised to continue his newspaper reports as "the only senator from Washington and Allegany Counties." He also remained active in meetings and

committees supporting the proposed new canal, such as one held in April 1827 at the Hagerstown courthouse in which he delivered a pitch for the canal. The Chesapeake and Ohio Canal Company would officially succeed the Potomac Company in the summer of 1828.<sup>107</sup>

Although becoming state senator led Thomas Kennedy to resign as postmaster and state debt collection agent, he held on to his annual appointments as Washington County justice of the peace or magistrate.<sup>108</sup> These helped his private legal and real estate businesses, the services of which he advertised in April 1828:

Thomas Kennedy has moved to the brick house in South Potomac street, next door to Dr. Jacob Schnebly's. Magistrate's business will be attended to—Deeds, Wills, Agreements and other instrument of writing drawn—Executors and Administrators assisted in preparing their accounts for settlement. Lands & Houses bought, sold, and rented.<sup>109</sup>

That brick house on Potomac Street was likely the one Kennedy called Castle Hope in a letter he signed on May 28, 1829. In the close of that letter, he noted those residing with him were his wife, Rosamond Harris, and his three daughters—Grace Amelia, Catherine Sim, and Rosamond Thomas (Rosa). His eldest son, John Francis, was to graduate the next month from West Point. His other son, Howard, was living in Williamsport after having graduated from medical school the year before.<sup>110</sup>

Kennedy supported William Crawford in the 1824 presidential election, in which Andrew Jackson received the most electoral votes but not a majority, and the House of Representatives gave the office to John Quincy Adams. But in the 1828 election, Kennedy actively campaigned for Old Hickory, becoming “the head and pillar of the Jackson party in this county.”<sup>111</sup>

In the nineteenth century, newspapers were often associated with political parties. The pro-Jackson *Hagerstown Mail* printed its first issue on July 4, 1828. On April 1, 1831, the *Mail's* first editor, James Maxwell, said goodbye to his readers and noted that Thomas Kennedy was taking his place. Becoming the owner and editor of a newspaper was a logical move for Kennedy, who had written so many political editorials, legislative reports, and poetry in newspapers. As editor of the *Hagerstown Mail*, Kennedy backed Jackson and his party in the 1832 campaign. Editorials from Kennedy in the *Mail* sparred with those from William D. Bell in the *Torch Light and Public Advertiser*, which supported the anti-Jacksonians, or National Republicans as they were then called.<sup>112</sup>

After Thomas Kennedy's term as state senator expired, he was again out of elected office. However, when Governor George Howard appointed delegate Colonel William H. Fitzhugh as sheriff of Washington County, Fitzhugh's seat in the House of Delegates was left vacant. Kennedy won that seat in a special election held on February 27, 1832. There was only a small voter turnout due to low interest and bad road conditions. Kennedy won by just 200 votes.<sup>113</sup>

One issue Kennedy took on as a senator, delegate, and editor regarded the state license fees for selling manufactured goods, produce, and spirits. In 1828, he expressed his opposition to license fees that were the same for “the richest wholesale dealer and the poorest retailer and huckster.” In a speech to the General Assembly in March 1832, Kennedy expressed how the fees were overly burdensome to single women and widows who tried to

seek out small livings as milliners or peddlers. In response, the legislature rescinded the most harmful parts of the license law.<sup>114</sup>

Kennedy also arrived at the General Assembly in time to vote with the other Washington County delegates against "An act relating to the People of Color of this state." That bill, passed on March 12, 1832, established the Maryland State Colonization Society, whose intent was to free slaves and send them to Liberia. Kennedy's public remarks in opposition to the bill included his opinion that most Maryland slaves were happier than their masters and that "slavery instead of having been a curse to this country has . . . been a blessing."<sup>115</sup>

As noted before, Thomas Kennedy's attitude toward slavery reflected those of his southern political heroes. But his involvement in two separate incidents involving runaway slaves seem to show opposing sympathies. In one, he petitioned Maryland Governor Sprigg to pardon a free black man named Samuel Riley so that he could earn wages in the wheat harvest and support his impoverished family. Riley had been imprisoned fourteen months for assisting fugitive slaves.<sup>116</sup>

The other incident was in the spring of 1824, when Kennedy was a key witness in the defense of a slave catcher accused of kidnapping a free black man. At the trial in Huntingdon, Pennsylvania, Kennedy identified the captured man as a slave who had escaped from his friend, Edward G. Williams. The jury declared the slave catcher not guilty of kidnapping.<sup>117</sup>

It appears that even after leaving Ellerslie and its needs for farm and distillery labor, Kennedy still kept slaves. The 1830 census recorded that four enslaved persons still lived with him in Hagerstown: one male and one female under twenty-four years old, and one male and one female fifty or over.

At fifty-five, Thomas Kennedy had reached the pinnacle of his career in 1832. He sold real estate, served as a Washington County magistrate, and now had his own newspaper in which to publish his literary efforts and express his political views. He ran again for the House of Delegates and won, along with three others on the Jackson ticket from Washington County. All seemed good. But suddenly and unexpectedly, disaster struck.<sup>118</sup>

## Chapter 7 Cholera

*I pray God I may die before I cease to be the friend of civil and religious liberty and a supporter of the rights of the people.*

quote from Thomas Kennedy on his memorial plaque at Baltimore's Sinai Hospital



Thomas Kennedy's portrait (Maryland Historical Society)

Cholera was an ancient disease of the Indian subcontinent. It had not spread out of that part of the world until the first cholera pandemic, which lasted from roughly 1817 to 1824. That pandemic spread as far as China, Africa, and the Mediterranean Sea. Most of Europe and all of North America were spared, but folks in Hagerstown were well aware of it. Thomas Kennedy wrote to Maryland Governor Samuel Sprigg in September 1822, noting that Hagerstown's mayor had declared a day of "humiliation and prayer" for deliverance from the economic depression, drought, *and cholera*.<sup>119</sup>

The second cholera pandemic reached Eastern Europe in 1831. Then it moved swiftly. A year later it reached England and France. In June 1832, it came to Montreal and New York. Doctors had misunderstood the cause of cholera for many years, but they soon learned of its terrible consequences firsthand. The disease attacked healthy people, giving them diarrhea, acute spasmodic vomiting, and painful cramps. Subsequent extreme

dehydration rendered faces and bodies blue, drawn, and puckered. Victims often died within a few days, or even hours.<sup>120</sup>

Hagerstown followed the news of the 1832 cholera pandemic with growing apprehension. In July, Dr. Howard Kennedy, Thomas Kennedy's youngest son, and another local physician visited New York and Philadelphia to see the impact of disease and report back home. In the middle of that month, Thomas Kennedy wrote to his daughter Rosa, who was being schooled near Baltimore, that she should "mind your studies and cholera will not trouble you." By early August the disease had abated somewhat in New York and Philadelphia, but Baltimore was seeing more than twenty new cases daily, and several Chesapeake and Ohio Canal workers along the Potomac River had died from it.<sup>121</sup>

Cholera reached Hagerstown in late September of 1832. William D. Bell, editor of the *Torch Light*, was assigned the role of "Hagerstown moderator" to manage the epidemic in the city. Although the exact cause of the disease was unknown at the time, Bell rightfully suspected filth as a contributor and led a campaign to clean up cellars, gutters and yards. The third week of October saw a peak of the epidemic in the city, with seventeen deaths. The next week Kennedy's newspaper reported only one death and few cases, and declared an "almost entire suspension" of cholera in Hagerstown.<sup>122</sup>

While cholera was spreading in Hagerstown, Thomas Kennedy thanked Washington County voters for re-electing him to the Maryland House of Delegates. He bragged of the success of the Jackson ticket, saying that Henry Clay's men might as well "give it up" in Washington County. On October 16, Kennedy attended the funeral of "one of his household" (but not of his immediate family) who had succumbed to the disease.<sup>123</sup>

On Wednesday, October 18, 1832, cholera killed Kennedy himself, after only a few hours of the sickness. Kennedy's obituary summarized his character: "He was a sincere and obliging friend, warm hearted and liberal—as a husband and father, kind and affectionate—as a neighbor and citizen, accommodating and generous—and as a public man, useful and devoted."<sup>124</sup>

Thomas Kennedy, a life-long Presbyterian, was originally buried in the Presbyterian cemetery on South Potomac Street in Hagerstown. His two living sons, John Francis and Howard, served as the administrators of his estate. In the November 2, 1832, *Hagerstown Mail*, they advertised that their father's newspaper was for sale, called for whatever claims were held against him to be reported to them, and announced the upcoming sale of his personal items "consisting of household furniture such as tables, chairs, cups, boards, bedsteads and bedding, woolen carpeting, a variety of kitchen furniture, also a large number of books and other articles too numerous to particularize."<sup>125</sup>

Of Thomas Kennedy's two sons, Howard was the one living in Washington County, and so he continued administering his father's estate for two more years. John Francis Kennedy, the older brother, was a second lieutenant in the United States Army artillery when his father died. He had graduated from West Point in 1829, in the same class as Robert E. Lee. After being promoted to first lieutenant in 1835, he served in the Second Seminole War. On May 19, 1837, at age thirty, he died of either consumption or overexposure in Charlestown, South Carolina and was buried in the Beaufort National Cemetery. John Francis Kennedy never married.<sup>126</sup>

Although a medical doctor, Howard Kennedy followed his father's example of holding many occupations. These included Thomas Kennedy's former positions as the Hagerstown postmaster and proprietor of the *Hagerstown Mail*, which Howard bought in

partnership with another man. He also served as a post office special agent and as a state director of the Baltimore and Ohio Railroad Company. And he was in the stagecoach and express shipping businesses with, respectively, the National Road Stage Coach Company and Adams and Company.

After graduating from a medical college in Baltimore in 1828, Howard Kennedy resided in Williamsport. He moved to Hagerstown after being appointed postmaster there in November 1829. In 1850, Howard purchased and lived with his family at Mount Pleasant, the large house formerly at the corner of Hagerstown's Washington and Prospect Streets that Nathaniel Rochester built in 1789, before leaving and founding Rochester, New York. Howard Kennedy died on June 12, 1855, at the age of forty-six.<sup>127</sup>

Rosamond Harris Kennedy died on March 30, 1837 and was buried next to her husband Thomas in the old Presbyterian cemetery. They were joined there by their unmarried daughter, Catherine, in 1849. Thomas and Rosamond's oldest daughter, Grace Amelia, married Captain William Neal in 1833 and moved with him to Ohio and then Frostburg and Cumberland, Maryland before William died in 1862. According to Thomas Scharf, Grace Amelia Neal was still alive at age eighty two. This writer failed to learn the fate of the other daughter, Rosamond Thomas Kennedy ("Rosa") after her schooling in Baltimore.<sup>128</sup>

The old Presbyterian church building and its graveyard on South Potomac Street no longer exist. A much grander building was built for the church on Prospect Street in 1875. The remains of Thomas and Rosamond and their daughter Catherine now lie in Rose Hill Cemetery, which was established after the Civil War in the southern part of Hagerstown. Nearby are the graves of Howard Kennedy and his wife and four of their children. The May 13, 1913, *Morning Herald* described Thomas Kennedy's re-interment:

The bodies of Thomas Kennedy, wife and daughter will be taken up within the next several days and reinterred in Rose Hill Cemetery. The movement for the erection of a monument to Thomas Kennedy by members of the Jewish race, stated by I. S. Kahn, is growing. The Kennedy graves [in the Presbyterian graveyard] are near the fence of the graveyard lot. Vines and weeds abound there as elsewhere.<sup>129</sup>

Movements to honor Thomas Kennedy would continue into the twenty first century.

## Chapter 8 Legacy and Memorials

*One who loves his fellow man—This monument was erected in 1918 by a few Jewish citizens in recognition of services rendered by Thomas Kennedy in the MD legislature of 1818.*

inscription on the Thomas Kennedy monument in the Rose Hill Cemetery

Thomas Kennedy had a rich and varied life. His occupations included: bookkeeper, clerk, merchant, sawmill proprietor, shipper, lawyer, justice of the peace, farmer, distiller, soldier, real estate agent, postmaster, newspaper editor, politician, and poet. He was an immigrant, a good friend, a devoted husband, and a father of nine children—four of whom died young. Once a debtor, he became a debt collector for the state. He succeeded after financial failure to become a prominent citizen of Washington County. We can only wonder what else he would have done had cholera not killed him in 1832.

After Kennedy's remains had lain for fifty years beneath vines in Hagerstown's old Presbyterian graveyard, J. Thomas Scharf wrote extensively about him in his 1882 *History of Western Maryland*. Thomas J. C. Williams did the same in his 1906 *History of Washington County, Maryland*. Both discussed the Jew Bill and Kennedy's role as a prominent citizen, but Scharf also lauded his literary achievements. Scharf's *History* called Kennedy "the poet" in several places and reprinted some of his War of 1812 poetry. However, it is fair to note that when Kennedy published poetry and prose, less than a third of publications in the United States came from American writers. So almost any home-grown verse would have been appreciated.

The quality of Kennedy's poems is not on the level of his fellow Scotsman Robert Burns. In this writer's humble opinion, they are somewhat equivalent to those of his contemporary Marylander, Francis Scott Key (not counting the latter's one great hit). One twentieth century literary critic gave Kennedy's poetry faint praise: "his poems are not so poorly wrought as to make them worthless." Another said: "He wrote poetry almost as long-winded as his speeches, if not templates of rhetoric, were vessels of patriotism."<sup>130</sup>

This writer also finds both Kennedy's poetry and prose to be overwrought and overwordy. Like many of his contemporaries, Kennedy's poems are in a neo-Classic and Romantic styles, leaving one to wonder to what extent was he overemphasizing for effect his passions for liberty, for his country, and for his wife and children. The real value of his poems today seems to be in what they tell us about national events and feelings in his time, and also about his personal life.

There is no question that the Jew Bill was Thomas Kennedy's crowning achievement. The confirmation of the "act for the relief of Jews in Maryland" in January 1826 was a definite win for him and others who fought for years to expand political rights for Jews. However, the final act was not the broader victory for religious political rights hoped for when the Maryland legislature initially passed the act "to extend to all citizens of Maryland the same civil rights and privileges that are enjoyed under the Constitution of the United States" in January 1823. That act, rejected by the new legislature the following year, would have eliminated all religious tests for everyone. The act confirmed in 1826 allowed only Jews to waive an oath declaring "a belief in the Christian religion" if replaced by an oath declaring a "belief in a future state of

rewards and punishments." Restrictions to Jews serving as jurors and witnesses in Maryland trials were not repealed until 1847.<sup>131</sup>

Until 1864, the Maryland constitution still permitted test oaths that excluded those of religions other than Christianity and Judaism. Article 37 of the 1864 constitution changed that by allowing test oaths that declared a "belief in the Christian religion, or in the existence of God, and in a future state of rewards and punishments." Three years later, a newer version of the Maryland constitution had a Bill of Rights that said: "no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution." Thus, the Maryland constitution finally became acceptable to most religious groups, but not to agnostics and atheists.<sup>132</sup>

Test oaths including a declaration of a belief in God remained in effect in Maryland and seven other states until 1961, when the United States Supreme Court ruled in favor of Roy Torcaso, another Marylander. Torcaso had been appointed by the Maryland governor to be a notary public, but he refused to declare a belief in God and so was refused the office. The Supreme Court's ruling in the Torcaso versus Watkins case essentially overruled all state religious tests.

In discussing the history of political rights for citizens of the United States, we must not forget those denied such rights because of race or gender. Several states did not accept Afro-Americans even as citizens until the adoption of the 14th Amendment in 1868. And before the 19th Amendment was passed in 1920, many states did not give women the right to vote, much less hold political office. Nevertheless, historians today cite the passage of Maryland's Jew Bill as a major milestone toward achieving political rights and religious tolerance. And they recognize Thomas Kennedy as the major figure in that effort.

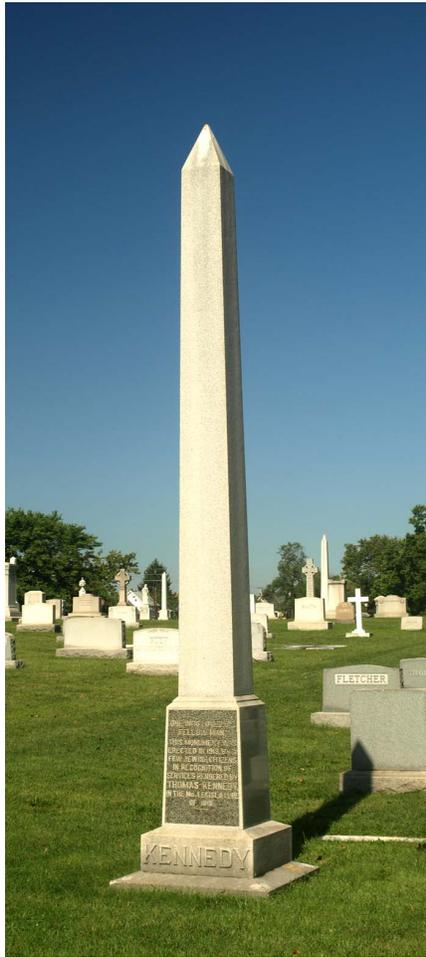
In 1913, the graves and gravestones of Thomas, Rosamond, and Catherine Kennedy were moved from the Presbyterian cemetery and placed in the Hagerstown's Rose Hill Cemetery. Frank Kennedy and Anna Findlay paid for their new plot. Frank Kennedy, Howard Kennedy's grandson and Anna Findlay's nephew, lived in San Francisco. Anna was Howard Kennedy's daughter and was just three when he died. She continually lived at Mount Pleasant until her own death in 1941, residing there at least part of the year while her banker and judge husband, James Findlay, still lived. Anna Findlay was a civic and charity leader in Hagerstown. She chose to be buried in the Rose Hill Cemetery next to her parents and three siblings, at a location about one hundred yards west of Thomas Kennedy's grave.<sup>133</sup>

As noted before, there was a movement to honor Thomas Kennedy with a monument in 1913, when he was re-interred at the Rose Hill Cemetery. Delayed by World War I, the matter was taken up again in January 27, 1918, during a meeting of the Independent Order of B'rith Sholom in Baltimore. The reported results of that meeting stated they "expected that a fitting monument will be erected at his [Kennedy's] grave by the Jews of Baltimore."<sup>134</sup>

The Order erected their tall, white marble obelisk at the grave later in 1918. The dedication of the memorial was on June 1, 1919, with state and city officials in attendance along with B'rith Sholom members and Thomas Kennedy's living descendants. Anna Findlay unveiled the obelisk. Senator H. S. Bomberger and Rabbi Morris Lazon of Baltimore were among the speakers.<sup>135</sup>

Thomas Kennedy's grave and monument in the Rose Hill Cemetery have seen several pilgrimages and ceremonies since. In 1922, one hundred members of the

Independent Order of B'rith Sholom journeyed from Baltimore to decorate the monument. In 1926, a centennial commemoration of the confirmation of the Jew Bill was held at the grave, and a bronze tablet in memory of Kennedy was erected at the cemetery. On June 26, 1934, Maryland's Governor Albert Ritchie, Anna Findlay, and others spoke to a crowd of over two thousand there, while wreaths were laid by the Independent Order of B'rith Sholom and American Legion posts from Baltimore and Hagerstown. B'rith Sholom and other Jewish groups paid tribute during pilgrimages in 1954, 1963, and 1976.<sup>136</sup>



Kennedy monument in Rose Hill Cemetery - left (D. Guzy)  
Model of Kennedy statue - right (Thomas Kennedy Center)

A three by five-foot pink marble plaque in Baltimore's Sinai Hospital has words that begin: "In memory of Thomas Kennedy of Hagerstown, Maryland, 1776-1832. A Christian gentleman and an earnest advocate of civil and religious liberty." The plaque once hung in the lobby of the old hospital building but was in the "memorabilia section" of the new building in 2018.<sup>137</sup>

For over a century, Jewish organizations and writers have shown their appreciation for Thomas Kennedy leadership in giving them the Jew Bill. Jews, Christians and those of other religions and groups who adhere to the Golden Rule hold him up as a fighter for

religious tolerance. For example, a 1934 article in the Masons' *New Age* magazine referred to "Brother Kennedy's" fight, political fall, and induction into the freemasons in 1823: "[H]e served his state and proved himself to be a representative Mason, and as members of the Fraternity we can glory in the tolerance and courage of our ancient Brethren in recognizing him into their fellowship at the very height of his unpopularity and immediately following the crushing defeat which threatened to terminate his public career." In 1950, Anson Phelps Stokes praised Kennedy and wrote: "The debate over Jewish constitutional rights in Maryland was in many ways one of the memorable contests of its kind in American history, ranking in significance only after the winning of such great charters as the religious-freedom provisions of the Federal Constitution." More recently, Gustav Niebuhr cited Kennedy as a model advocate for religious tolerance in his 2008 book, *Beyond Tolerance*.<sup>138</sup>

Thomas Kennedy also serves today as representative champion for the separation of church and state at all political levels, and as a prototype for those who still struggle for liberty and freedom. The Speaker's Society of the Maryland House of Delegates, comprising all past and present members of that branch of the state legislature, has presented a Thomas Kennedy Award since 1995. The society gives this award annually to recognize a former member of the House of Delegates "for his or her personal courage and dedication to the principles of liberty and freedom."

The Thomas Kennedy Center in Hagerstown led the effort to develop the Thomas Kennedy Memorial Park, located across the street from Hagerstown's Congregation B'Nai Abraham synagogue. A ten-foot bronze statue of Thomas Kennedy stands in the plaza of the park. One hundred people attended the park's dedication on October 11, 2019, including U.S. Senators Ben Cardin and Chris Van Hollen. Rabbi Ari Plost of Congregation B'nai Abraham and Rabbi David Saperstein, president of the World Union of Progressive Judaism, gave speeches at the dedication.<sup>139</sup>

Thomas Kennedy lived only six years after the Jew Bill was passed and undoubtedly still felt the cold sting of criticism flung at him by the "Christian ticket" and other intolerant people. He never saw how much he is respected now. However, he must have experienced warm satisfaction upon learning of the first two Maryland Jews gaining public office only months after the bill was confirmed. Solomon Etting and Jacob I. Cohen were elected to the Baltimore City Council in October 1826.<sup>140</sup>

Kennedy was an immigrant who fully embraced America's ideal of religious tolerance. He had flaws in other areas, but in that right cause he was a staunch crusader. Throughout the years since, newspapers and magazines have published articles in which each writer encourages the readers to rediscover Kennedy. Let us hope that Thomas Kennedy and his good example will not be forgotten again.



Historical Marker outside Rose Hill Cemetery (D. Guzy)

## Notes

<sup>1</sup> Thomas Kennedy, *Poems* (Washington, D.C.: Daniel Rapine, 1816), 3.

Parts of this biography were published before in Dan Guzy, "Thomas Kennedy: Washington County's Poet Politician," *Maryland Historical Magazine*, 106 (Winter 2011): 448-472.

<sup>2</sup> Michael Jenner, *Scotland through the Ages*, (London, U.K.: Michael Joseph Ltd., 1987), 199.

<sup>3</sup> Kennedy, *Poems*, 220-226, 242-246.

<sup>4</sup> J. Thomas Scharf, in his *History of Western Maryland* (Philadelphia: Louis H. Everts, 1882), presented what may have been the first biographical material on Thomas Kennedy not written by Kennedy himself. At least one of Scharf's statements is wrong (Kennedy arrived in America in 1796, not 1777 as Scharf wrote) and others seem inconsistent with what Kennedy wrote. For example, Kennedy said he was the youngest of twelve children and Scharf wrote "of eleven." Kennedy wrote only that two brothers died in the West and East Indies. Scharf added that they died "in the English service." Kennedy's footnote to his poem *On the Death of William Thomas, the Author's Son*, implies that his brother named William, or William Thomas, "was lost at sea on his way from New Orleans." That raises the question of why would a man "in the English service" be headed for New Orleans.

Genealogy information on Kennedy family members available from Ancestry.com is inconsistent and incomplete. The most detailed family tree posted there lists only nine siblings for Thomas Kennedy (all born in Paisley) and spells his mother's name as Grizzel rather than Grizal. This writer assumes Thomas Kennedy's own writings are the most accurate source.

<sup>5</sup> Thomas J. C. Williams, *A History of Washington County, Maryland* (Hagerstown, 1906), Volume 1, 169-171. E. Milton Altfeld, *The Jew's Struggle for Religious and Civil Liberty in Maryland* (Baltimore: M. Curlander, 1924), 15-17.

<sup>6</sup> The poem is in Kennedy's *Poems*, entitled "Ode - Composed for the 6th Anniversary of the French Revolution, July 14th, 1795." The ode celebrated the results of both the American and French revolutions. Footnotes added later when published expressed how Kennedy was still bound to the United States "by every tie of Love, Friendship and Affection," but lamented: "Many and sad are the changes that have taken place in France."

<sup>7</sup> Williams, *A History of Washington County*, 179. Altfeld, *The Jew's Struggle*, 16.

<sup>8</sup> Kennedy, *Songs of Love and Liberty* (Washington, D.C.: Daniel Rapine, 1817), 3. Kennedy's lyrics were to be sung to the tune "To Heave the Lead." He placed an asterisk on Matildaville to add the note: "A little village at the Great Falls of Potomac."

<sup>9</sup> Williams, *A History of Washington County, Maryland*, Volume 1, 170.

<sup>10</sup> Williams, *A History of Washington County, Maryland*, Volume 1, 170. Advertisement in the March 26, 1801, *Maryland Herald & Elizabethtown Advertiser*. John Clagett Proctor, *Johannes Heintz and His Descendants* (Greenville, Pa., 1918), 15. Matthew and Christina Kennedy later moved to Ohio, where they died respectively in 1847 and 1836.

<sup>11</sup> Williams, *A History of Washington County, Maryland*, Volume 1, 170.

<sup>12</sup> Williams, *A History of Washington County, Maryland*, Volume 1, 170.

<sup>13</sup> Minutes from the February 6, 1797, meeting of Potomac Company president and directors (File 79.12.1 "Records of the Potomac Company," Record Group 79, National Archives Annex II, College Park, Maryland—hereafter "Potomac Company records"). Detailed histories of the Potomac Company are in Robert J. Kapsch's *The Potomac Canal: George Washington and the Waterway West* (Morgantown: West Virginia University Press, 2007) and in Dan Guzy, *Navigation on the Upper Potomac and Its Tributaries* (2<sup>nd</sup> edition, 2011—online at <http://www.whilbr.org/PotomacNavigation/index.aspx>).

- <sup>14</sup> Williams, *A History of Washington County, Maryland*, Volume 1, 170. Altfeld, *The Jew's Struggle*, 17. Letters from Thomas Kennedy to John Goulding dated March 28, 1797, and from Kennedy to Potomac Company president and board of directors dated October 31, November 7, and November 8, 1797 (in Potomac Company records).
- <sup>15</sup> Joel Achenbach, *The Grand Idea* (New York: Simon & Schuster, 2004), 168-170.
- <sup>16</sup> "An Act to authorize the Patowmack company to receive tolls on produce carried through the canal at the Great Falls, and for other purposes therein mentioned," *Maryland Session Laws of 1797*, Chapter 93, passed January 20, 1798.
- <sup>17</sup> From "Ode to the Mammoth Cheese," in Kennedy, *Poems*, 85-87.
- <sup>18</sup> Thomas Kennedy's 1797 journal is in the Kennedy Collection, Washington County Historical Society. One can imagine Kennedy carrying similar notebooks to jot down his poems.
- <sup>19</sup> J. Thomas Scharf, *History of Western Maryland*, (Philadelphia: Louis H. Everts, 1882), 1225, noted that Rosamond Harris Thomas was the daughter of William and Amelia (Selby) Thomas, of Welsh extraction. "Happy Cottage" is the third song in Kennedy's *Songs of Love and Liberty*.
- <sup>20</sup> Kennedy, *Poems*, 53-56.
- <sup>21</sup> Scharf, *History of Western Maryland*, 1223. Elie Williams, the general's brother, laid out Williamsport. Elie later became a president of the Potomac Company and was one of the commissioners of the 1822 survey of the Potomac. That survey led to the death of Elie Williams from "bilious fever," and also the death of the Potomac Company from the survey's harsh assessment of the company's business and engineering capabilities. (See Dan Guzy, "The Potomac River Survey of 1822," *Maryland Historical Magazine*, 103 (2008): 382-403.) General Otho Williams' sons, Otho H. and Edward G. Williams, became militia leaders and political figures later closely allied with Thomas Kennedy. (See Williamsport Chamber of Commerce, *Williamsport and Vicinity Reminiscences* (Williamsport, Md., n.p. 1933), 20, 22.)
- <sup>22</sup> [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*, March 1, 1798, and February 28, 1799. Letters from Thomas Kennedy to president and directors of Potomac Company, March 26, 31, and April 23, 1798 (Potomac Company records). In the last letter, Kennedy inquired about what form his toll accounts should take. Perhaps a decision was made not to issue further letters, because no more letters from Thomas Kennedy can be found in the Potomac Company's correspondence file.
- <sup>23</sup> Letter from Thomas Kennedy to president and directors of Potomac Company, March 26, 1798, (Potomac Company records).
- <sup>24</sup> Scharf, *History of Western Maryland*, 662, lists their marriage license issued on October 23, 1798. Kennedy, *Poems*, 168.
- <sup>25</sup> Three separate advertisements in the [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*, February 5, 1801.
- <sup>26</sup> Scharf, *History of Western Maryland*, 1225. *Williamsport and Vicinity Reminiscences*, 70.
- <sup>27</sup> October 25, 1803, Land Record Book P, page 327, Washington County Land Records, Hagerstown courthouse.
- <sup>28</sup> Entry for Thomas Kennedy in Marsha Lynne Fuller, *Naturalizations in Washington County, Maryland prior to 1880* (Hagerstown, MD: Desert Sheik Press; 1997).
- <sup>29</sup> The first reference to Kennedy's admiration of Thomas Jefferson is in "Epistle To S\*\*\*\*\* R\*\*\*\*\*, Esq.," Kennedy, *Poems*, 69. Kennedy, *Songs of Love and Liberty*, 23-24.
- <sup>30</sup> "Ode to the Mammoth Cheese," in Kennedy, *Poems*, 85-87. Discussion of the mammoth cheese is on the Monticello website: <https://www.monticello.org/site/research-and-collections/mammoth-cheese> .

<sup>31</sup> Kennedy's August 26, 1803 letter to Jefferson and Francis Thomas's August 6, 1803 letter to Jefferson are in the online Jefferson papers collections of both the National Archives and the Library of Congress. Searches of both collections found no response from Jefferson to Kennedy's letter about his brother-in-law.

<sup>32</sup> Scharf, *History of Western Maryland*, 1131. [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*, February 2, 1803. Similar announcements of the appointments of Washington County justices of the peace appeared in Hagerstown newspapers in the early parts of each year, with the number of appointees increasing as time progressed. In 1831 and 1832, the justice of the peace position was renamed, and Kennedy was appointed as a “magistrate.”

<sup>33</sup> [Hagerstown] *Maryland Herald & Hagerstown Weekly Advertiser*, June 6, 13 and August 6, 1806. Kennedy's state notary public position was announced in the *Maryland Herald & Hagerstown Weekly Advertiser*, July 24, 1807.

<sup>34</sup> “Washington County Taxes, 1803-1804,” on Western Maryland Historical Library (WHILBR) website (<https://digital.whilbr.org/digital/collection/p16715coll46>). February 11, 1804, deed of lease from Christian Ardinger to Thomas Kennedy in Land Record Book P, page 473, Washington County Land Records, Hagerstown courthouse.

<sup>35</sup> [Hagerstown] *Maryland Herald & Elizabethtown Advertiser*, March 21 and November 30, 1804, March 1, 1805, and March 21, 1806.

<sup>36</sup> Edward C. Papenfuse, “Thomas Kennedy and the Maryland Test Oath,” January 13, 1987, draft in Maryland State Archives, Special Collection MSA SC 1456-576. Papenfuse cited “Washington County Judgments” as the source for his statement about “at least a dozen suits” between 1804 and 1808, and MSA SC 1138-1747 contains handwritten notes on these suits. The mortgage to William S. Compton was recorded in the Washington County land records on July 20, 1805 (Land Record Book R, page 311, at Hagerstown courthouse).

<sup>37</sup> [Hagerstown] *Maryland Herald & Hagerstown Weekly Advertiser*, August 28, 1807. In the April 1, 1808, edition of this newspaper, Compton announced another public sale of Kennedy's former warehouse, unfinished dwelling house, and lots.

<sup>38</sup> [Hagerstown] *Maryland Herald & Hagerstown Weekly Advertiser*, August 28, 1807.

<sup>39</sup> *Ibid.*, February 12, 1808. Deed from Robert Kennedy to John Irwin, recorded on November 26, 1810 in the Washington County land records, Land Record Book W, pages 344–345, Hagerstown courthouse.

<sup>40</sup> Kennedy, *Poems*, 206-212, 215-220, 232-236.

<sup>41</sup> Kennedy, *Songs of Love and Liberty*, 37-39. This poem also appears in Scharf, *History of Western Maryland*, 178-181, among others written by Kennedy and related to the War of 1812.

<sup>42</sup> Scharf, *History of Western Maryland*, 1226. At the end of many of his poems in his book, *Poems*, Thomas Kennedy often assigned a place and date—ranging from “Williamsport 1789” to “Ellerslie 1817.” (The latter date of 1817 conflicts with the book's stated publication date of 1816, suggesting that this writer reviewed and referenced a later edition of the book.) Places cited in *Poems* include: “Wooburn (formerly part of Chews Farm),” Roslin Castle, and Ellerslie. But only “Washington County” or “Williamsport” are cited for the 1809-1812 period when the Kennedy family lived at Mount Liberty in Williamsport.

Thomas Buchanan, a Hagerstown lawyer and future associate district court judge, bought the large Woburn estate in 1810, after the Kennedys had left, and built a substantial manor house there. Patricia Schooley, *Architectural and Historical Treasures of Washington County, Maryland* (Keedysville, Md.: The Washington County Historical Trust, 2002), 312–314. *Hagerstown Herald-Mail*, July 13, 2000.

Catherine S. Kennedy's grave is next to her parents at Rose Hill Cemetery. The gravestone reads "daughter of Thomas & Rosamond Kennedy, Born Jan. 1, 1811—Died July 20, 1849."

<sup>43</sup> Scharf, *History of Western Maryland*, 181-182.

<sup>44</sup> Eitches, "Maryland's 'Jew Bill,'" *American Jewish Historical Quarterly*, Volume LX, Numbers 1-4 (September 1970 to June 1971), 263-264. Joseph A. Whitehorne, *The Battle for Baltimore, 1814* (Baltimore: Nautical & Aviation Pub. Co. of America, 1997), 4, 13-16.

<sup>45</sup> Kennedy, *Songs of Love and Liberty*, 29-30, 68-70.

<sup>46</sup> Scharf, *History of Western Maryland*, 177. Scharf cited a collection of Kennedy's poems published in 1810, which may have been an earlier edition his *Poems* issued in 1816 or 1817.

<sup>47</sup> Scharf, *History of Western Maryland*, 176. *Maryland Herald & Hagerstown Weekly Advertiser*, March 17, August 30, 1809, June 20, 1810, October 31, 1810 and September 8, 1813. Kennedy, *Songs of Love and Liberty*, 35-39. Francis Scott Key's poem "The Defense of Fort McHenry" was also set to the tune of "To Anacreon in Heaven," but is better known today as "The Star-Spangled Banner."

<sup>48</sup> Scharf, *History of Western Maryland*, 182-190.

<sup>49</sup> Scharf, *History of Western Maryland*, 1226. Kennedy, *Poems*, 173. *Poems* also includes "To the Memory of the Gallant Lawrence" on pages 290-291.

<sup>50</sup> Illustration from Benson J. Lossing, *Pictorial Field-Book of the War of 1812*, (New York; Harper & Brothers, 1868), 706.

<sup>51</sup> Scharf, *History of Western Maryland*, 184, 186. William M. Marine. *The British Invasion of Maryland, 1812–1815* (1913, reprinted Hatboro, Pa.: Tradition Press, 1965), 87. Whitehorne, *Battle for Baltimore*, 119. Ralph E. Eshelman, Scott S. Sheads, and Donald R. Hickey, *The War of 1812 in the Chesapeake* (Baltimore: The Johns Hopkins University Press, 2010), 9, 18, 83.

<sup>52</sup> Kennedy, *Poems*, 287-290.

<sup>53</sup> Kennedy, *Poems*, 311.

<sup>54</sup> Scharf, *History of Western Maryland*, 189.

<sup>55</sup> Eitches, "Maryland's 'Jew Bill,'" 263, 265.

<sup>56</sup> Altfeld, *The Jew's Struggle*, 97. Anson Phelps Stokes, *Church and State in the United States*, (New York; Harper & Brothers, Volume 1, 1950), 870.

<sup>57</sup> Rosamond Thomas (Rosa) Kennedy was born on November 7, 1815 and was alive in 1832 (from personal communication with Katharine Minott, the great, great, great granddaughter of Thomas Kennedy). "To Lawrence Ludlow—A Dear Departed Son" is on pages 291-293 of Kennedy *Poems*.

<sup>58</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, March 19, 1822, and July 8, 1823.

[Hagerstown] *Torch Light and Public Advertiser*, March 19, 1822.

<sup>59</sup> The *Maryland Herald & Hagerstown Weekly Advertiser* for August 1, 1820, announced another sale of a slave associated with Thomas Kennedy. That is, a sheriff's sale on August 22, 1820 would auction off "one Negro Boy about 15 years old, taken as the property of John Ridenour, at the suit of Thomas Kennedy, use of George Sprecker."

<sup>60</sup> See Henry Wiencek, "The Dark Side of Thomas Jefferson," *Smithsonian Magazine*, October 2012.

<sup>61</sup> Becoming a road supervisor required setting a bond with the state. Washington County land records for November 13, 1815, June 26, 1817, November 20, 1820, and October 11, 1821, record the road and bonds associated with Kennedy. Land Record Books AA, page 685; CC, page 125; EE, page 824; and FF, page 397, at Hagerstown Courthouse.

<sup>62</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, August 30 and September 13, 1815.

<sup>63</sup> *Williamsport and Vicinity Reminiscences*, 67-68. The "Address, Delivered to the Company at the Jackson Ball, at Williamsport" is on pages 159-162 of Kennedy's *Poems*.

<sup>64</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, September 18, 1816, August 27, and September 24, 1817.

<sup>65</sup> The version of *Poems* this writer studied has "1816" on its title page, but its last poem was dated as "March 14, 1817, at Ellerslie." So perhaps a new edition was printed in 1817 or afterward. The *Maryland Herald & Hagerstown Weekly Advertiser*, July 16, 1817, advertised *Poems* as "just received and for sale at Anthony B. Martin's store. Price \$1.25. A few copies left at this office and at Mr. Sackett's, Williamsport." The *Maryland Herald & Hagerstown Weekly Advertiser*, May 6, 1818, stated: "Just received for sale by A. B. Martin *Songs of Love and Liberty* by Thomas Kennedy. Price 75 cents. A few copies of Kennedy's *Poems* on sale at Mr. Sackett's, Williamsport for one dollar."

<sup>66</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, December 10, 1817.

<sup>67</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, December 17, 1817, January 1, 1818.

<sup>68</sup> Altfeld, *The Jew's Struggle*, 1,2. Kevin Dayhoff, "Eagle Archive: Here's a toast to Maryland's origins as 'The Free State'", *Baltimore Sun*, October 7, 2012.

<sup>69</sup> Altfeld, *The Jew's Struggle*, 59. Eitches, "Maryland's 'Jew Bill'", 258. Maryland's restriction on Jews acting as witnesses and serving on juries was not removed until 1847. See Benjamin H. Hartogenis, "Unequal Religious Rights in Maryland Since 1776," (*Publications of the American Jewish Historical Society*, No. 25, 1917), 101-103.

<sup>70</sup> Peter Wiernik, *A History of Jews in America*, (New York: The Jewish History Publishing Co., 1931), 124-125. Altfeld, *The Jew's Struggle*, 10. Eitches, "Maryland's 'Jew Bill'", 265. Jerry Klinger, "From Test Oath to the Jew Bill," *Jewish Magazine*, July 2004.

<sup>71</sup> Reuben Etting joined the Baltimore Independent Blues militia in 1798 during the Quasi War with France and was elected captain. He had to relinquish that position when the state took over the Blues in 1801. See Eitches, "Maryland's 'Jew Bill'" 265.

<sup>72</sup> Peter Wiernik, *A History of Jews in America*, 124-125.

<sup>73</sup> Altfeld, *The Jew's Struggle*, 70-110. Harry Golden, "The First Kennedy," *Baltimore Sun*, March 19, 1972.

<sup>74</sup> The *Maryland Herald & Hagerstown Weekly Advertiser*, April 27, 1819, took over two full pages to print Thomas Kennedy's January 20, 1819, speech. Although Kennedy said he knew no Jews and there were few, if any, Jews in Washington County at the time, Isaac M. Fein claimed that Kennedy had met and presumably befriended Jacob Cohen and other Baltimore Jews before he took up the Jew Bill. See Isaac M. Fein, *The Making of an American Jewish Community: The History of Baltimore Jewry from 1773 to 1920* (Philadelphia: The Jewish Publication Society of America, 1971), 30, 32, 35.

<sup>75</sup> Altfeld, *The Jew's Struggle*, 100, 101.

<sup>76</sup> Altfeld, *The Jew's Struggle*, 23, 107. Eitches, "Maryland's 'Jew Bill'", 266, 274.

<sup>77</sup> Niles's quote is in Isaac M. Fein, "Niles Weekly Register on the Jews," (reprinted from *Publication of the American Jewish Historical Society*, Vol. L, No.1, September 1960), 19, which noted it appeared originally in *Niles Weekly Register*, Vol. XV, January 16, 1819, 388.

<sup>78</sup> [Hagerstown] *Torch Light and Public Advertiser*, September 28, 1819.

<sup>79</sup> Information on Benjamin Galloway is from Maryland State Archives File MSA SC 3520-472. Eitches, "Maryland's 'Jew Bill,'" 283-285, discusses Federalist Party resistance to the Jew Bill and reapportioning legislative representation.

<sup>80</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, February 15, 1820. Altfeld, *The Jew's Struggle*, 23,134, 135. Eitches, "Maryland's 'Jew Bill'", 266, 274.

<sup>81</sup> Altfeld, *The Jew's Struggle*, 25. Stokes, *Church and State in the United States*, 870.

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- <sup>82</sup> [Hagerstown] *Torch Light and Public Advertiser*, January 17, August 7–28, September 25, 1821.
- <sup>83</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, October 2, 9, 16, 1821. The vote tally was: John Bowles 1647 votes, Joseph Gabby 1646 votes, C.W. Wever 1568 votes, A. Kershner 1564 votes, T. Kennedy 1405 votes. Kennedy, Bowles, Gabby and Kershner had all voted for the flour inspection act, but Kennedy took the brunt of the attack against it. Kennedy claimed that his votes were mainly from Republicans while Wever's came from Federalists. Casper W. Wever would later become an engineer builder for the B&O Railroad and the founder of Weverton, an industrial village in the southern tip of Washington County, powered by the Potomac River, and which eventually failed.
- <sup>84</sup> Altfeld, *The Jew's Struggle*, 15.
- <sup>85</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, April 23, 1822.
- <sup>86</sup> Scharf, *History of Western Maryland*, 1156-1157.
- <sup>87</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, March 26, 1822. Beltzhoover's Tavern could claim "George Washington slept here" in 1790. It was on the north side of Hagerstown's current Washington Street (US 40) between Summit Avenue and Potomac Street. The Washington House Hotel was erected on the site in 1856.
- <sup>88</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, June 18, 1822. Scharf, *History of Western Maryland*, 1195-1196.
- <sup>89</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, December 17 and December 31, 1822.
- <sup>90</sup> *Speech of Thomas Kennedy. Esq., in the Legislature of Maryland of the Bill Respecting Civil Rights and Religious Privileges*, (Annapolis; J. Hughes, 1823). Scharf, *History of Western Maryland*, 1226 cites the use of the derisive term, "Kennedy's Jew Baby."
- <sup>91</sup> Altfeld, *The Jew's Struggle*, 28. Eitches, "Maryland's 'Jew Bill'," 267.
- <sup>92</sup> Paul R. Kach, "An Advocate of Tolerance: Thomas Kennedy, Mason," *The New Age Magazine*, September 1934, 546-548. *Maryland Herald & Hagerstown Weekly Advertiser*, February 4, March 11, and May 6, 1823. [Hagerstown] *Torch Light and Public Advertiser*, May 13, 1823.
- <sup>93</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, August 19 and 26, September 16 and 30, 1823.
- <sup>94</sup> Williams, *History of Washington County*, Volume 1, 169.
- <sup>95</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, September 23, 1823.
- <sup>96</sup> *Governor Worthington's Speech on the Maryland Test Act, 1824* (Baltimore; William Woody, 1924). This writer did not find out how Worthington got the title of "Colonel," but his title as "Governor" apparently came from his appointment by President James Monroe in 1821 as the Governor and Secretary of the Territory of East Florida. Isaac M. Fein, *The Making of an American Jewish Community* (Philadelphia; The Jewish Publication Society of America, 1971), 32-34.
- <sup>97</sup> "A Battle for Political Freedom," *Baltimore Sun*, April 6, 1902. *The Jewish Encyclopedia* (New York: Funk and Wagnalls Company, 1905) 8:361. Eitches, "Maryland's 'Jew Bill'," 267. Altfeld, *The Jew's Struggle*, 34.
- <sup>98</sup> [Hagerstown] *Torch Light and Public Advertiser*, October 5 and 12, 1824. T. J. C. Williams, *History of Frederick County, Maryland* (Baltimore: Regional Publishing Company, 1967), 149. *Maryland Herald & Hagerstown Weekly Advertiser*, October 24 and December 30, 1823, and January 6, 1824. Routes for a canal from Baltimore to the Chesapeake and Ohio Canal were surveyed, but eventually plans for the Baltimore and Ohio Railroad superseded such connecting canal plans.

- <sup>99</sup> [Hagerstown] *Torch Light and Public Advertiser*, March 22, October 18, November 1, December 8, 1825.
- <sup>100</sup> Altfeld, *The Jew's Struggle*, 36.
- <sup>101</sup> Eitches, "Maryland's 'Jew Bill'," 267. Altfeld, *The Jew's Struggle*, 164. "A Battle for Political Freedom," *Baltimore Sun*, April 6, 1902.
- <sup>102</sup> [Hagerstown] *Torch Light and Public Advertiser*, September 27, October 4, 11, 1825.
- <sup>103</sup> Eitches, "Maryland's 'Jew Bill'," 258, 267. *1825 Session Laws*, Maryland State Archives. Altfeld, *The Jew's Struggle*, 36. Stokes, *Church and State in the United States*, 874.
- <sup>104</sup> Altfeld, *The Jew's Struggle*, 39. Unfortunately Altfeld, who provided no notes in his book, did not attribute the description of Kennedy to a specific person.
- <sup>105</sup> [Hagerstown] *Torch Light and Public Advertiser*, January 31, February 28, March 21, 1826.
- <sup>106</sup> Scharf, *History of Western Maryland*, 1004. Williams, *A History of Washington County, Maryland*, Volume 1, 182. Kennedy resigned as postmaster when he became a Maryland senator in early 1827. In 1829, this postmaster position was filled by his son Howard Kennedy, replacing Otho H. W. Stull who had been "removed" from the post. Howard served as the Hagerstown postmaster until 1838.
- <sup>107</sup> [Hagerstown] *Torch Light and Public Advertiser*, January 18, February 1, April 5, 1827.
- <sup>108</sup> [Hagerstown] *Torch Light and Public Advertiser*, July 27, 1826.
- <sup>109</sup> [Hagerstown] *Torch Light and Public Advertiser*, April 3, 1828.
- <sup>110</sup> Altfeld, *The Jew's Struggle*, 43. Altfeld transcribed the name of Kennedy's first daughter as "Grace Carmelia" rather than Grace Amelia, which seems to have been a mistake.
- <sup>111</sup> [Hagerstown] *Torch Light and Public Advertiser*, August 9, 1827, September 25, 1828. *Hagerstown Mail*, October 17 and 31, 1828.
- <sup>112</sup> *Hagerstown Mail*, April 1, 1831. [Hagerstown] *Torch Light and Public Advertiser*, April 7, 1831. Scharf discussed the history of the *Hagerstown Mail* on page 1147 of his *History of Western Maryland* and noted Kennedy becoming its editor on April 1, 1831. Scharf's later statement on page 1226 that Kennedy bought and edited the *Mail* in 1828 is apparently a mistake.
- <sup>113</sup> *Hagerstown Mail*, February 17, March 2, 9, 1832.
- <sup>114</sup> [Hagerstown] *Torch Light and Public Advertiser*, May 22, 1928. Max L. Grivno, *Gleanings of Freedom: Free and Slave Labor along the Mason-Dixon Line, 1790-1860*. (Urbana, IL; University of Illinois Press, 2011), 176, 177.
- <sup>115</sup> *Hagerstown Mail*, April 13, 1832.
- <sup>116</sup> Max L. Grivno, *Gleanings of Freedom*, 156. Grivno did not cite a date for Kennedy's petition to Governor Samuel Sprigg, but it must have been between 1819 and 1822, when Sprigg was governor.
- <sup>117</sup> *Maryland Herald & Hagerstown Weekly Advertiser*, April 27, 1824. [Hagerstown] *Torch Light and Public Advertiser*, April 27, 1824. Williams, *History of Washington County*, Volume 1, 251.
- <sup>118</sup> *Hagerstown Mail*, October 5, 1832.
- <sup>119</sup> Kennedy's September 19, 1822 letter to Governor Sprigg is mentioned in Max L. Grivno, *Gleanings of Freedom: Free and Slave Labor along the Mason-Dixon Line, 1790-1860*, (Urbana, IL; University of Illinois Press, 2011), 65.
- <sup>120</sup> Charles E. Rosenberg, *The Cholera Years: The United States in 1832, 1849, and 1866* (Chicago: University of Chicago Press, 1987), 2, 23–36.
- <sup>121</sup> *Hagerstown Mail*, July 20, and August 7, 1832. Personal communication with Katharine Minott revealed the July 15, 1832, letter Kennedy wrote to "Miss Rosamond T. Kennedy c/o Thomas Compton . . . near Baltimore." Rosenberg, *The Cholera Years*, footnote on page 25.

<sup>122</sup> Works Project Administration, *Maryland - A Guide to the Old Line State*, (New York: Oxford University Press, 1940), 283-284. *Hagerstown Mail*, September 28 and October 12, 17, and 26, 1832.

<sup>123</sup> *Hagerstown Mail*, October 12 and 19, 1832.

<sup>124</sup> *Hagerstown Mail*, October 19, 1832.

<sup>125</sup> Scharf, *History of Western Maryland*, 1097. *Hagerstown Mail*, November 2, 1832.

<sup>126</sup> *Hagerstown Mail*, June 28, November 22, 1833, and August 15, 1834. Scharf, *History of Western Maryland*, 1226. Find a Grave website for John Francis Kennedy at:

<https://www.findagrave.com/memorial/2951326/john-francis-kennedy> *Register of Officers and Graduates of the United States Military Academy, Class of 1829* at: [http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/America/United\\_States/Army/USMA/Cullums\\_Register/Classes/1829.html](http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/America/United_States/Army/USMA/Cullums_Register/Classes/1829.html).

Embalming did not become popular until the Civil War era. Without embalming, deceased bodies would deteriorate rapidly and could not be conveniently transported over long distances. That likely was a factor in John Francis Kennedy being buried in Beaufort SC rather than by his parents in Hagerstown.

<sup>127</sup> Altfeld, *The Jew's Struggle*, 43. Williams, *History of Washington County*, Vol. 1, 94, 195. Scharf, *History of Western Maryland*, 1004, 1051. *Maryland, Guide to the Old Line State*, 289, 290.

Mount Pleasant, or the "Rochester House," was torn down in the 1950s and replaced by a parking lot. After the Civil War's Battle of Antietam, Howard Kennedy's widow, Frances, provided care at the house for wounded Federal soldiers, including Oliver Wendell Holmes, Jr. of later Supreme Court fame. In 1906, Thomas J. C. Williams wrote (in *History of Washington County*, Volume 2, 624) that Howard and Frances Kennedy's daughter Anna resided with her husband James Findlay in Mount Pleasant for part of the year.

<sup>128</sup> Scharf, *History of Western Maryland*, 1097, 1225, 1226. Inscriptions on Kennedy gravestones at Rose Hill Cemetery, Hagerstown. Two large gravestones in Williamsport's River View Cemetery currently mark the burial sites for the four Kennedy children who died during childhood.

<sup>129</sup> The May 13, 1913, [Hagerstown] *Morning Herald* article incorrectly inferred that John and Hugh Kennedy and four others whose remains were exhumed were relatives of Thomas Kennedy. John and Hugh Kennedy were merchants and founders of the Hagerstown Presbyterian church. Those Kennedys had emigrated from Londonderry, Ireland and were Scots-Irish, and thus were seemingly unrelated to the Kennedys of Paisley, Scotland.

<sup>130</sup> Francis Scott Key's poems were published in *Poems of the Late Francis S. Key, Esq., Author of "The Star Spangled Banner," with an Introductory Letter by Chief Justice Taney*, (New York: Robert Carter & Brothers, 1857). Robert Mehlman, "The Poems of Thomas Kennedy of Maryland," *The Journal of Rutgers University Libraries*. Volume 33, Number 1 (1969), 9-19. Harry Golden, "The First Kennedy," *Baltimore Sun*, March 9, 1972.

<sup>131</sup> Hartogenis, "Unequal Religious Rights in Maryland Since 1776," 101-103. Isidore Singer, editor, *The Jewish Encyclopedia*, (New York; Funk & Wagner, Volume 8, 1906), 361. Altfeld, *The Jew's Struggle*, 59.

<sup>132</sup> Stokes, *Church and State in the United States*, 877, 878. 71. Altfeld, *The Jew's Struggle*, 59, 60.

<sup>133</sup> "Securing the Privileges of Citizenship for Jews," *Baltimore Sun*, November 2, 1930. Williams, *History of Washington County*, Volume 2, 623-624. [Hagerstown] *Morning Herald*, January 31, 1941. Anna Findlay recalled Oliver Wendell Homes Jr. and his convalescence at her

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Mount Pleasant home in 1862. Judge James A. Findlay died in 1914 and was buried at Williamsport's River View Cemetery.

<sup>134</sup> "Honor Memory of Legislator," *The American Jewish Chronicle*, February 1, 1918, 375.

<sup>135</sup> Atlfeld, *The Jew's Struggle*, preface, 41. "Securing the Privileges of Citizenship for Jews," *Baltimore Sun*, November 2, 1930. The Thomas Kennedy monument and gravesite are in the eastern part of Section K of the Rose Hill Cemetery, and near Henry's Lane.

<sup>136</sup> "Jews Plan Tribute to Thomas Kennedy," *Baltimore Sun*, May 29, 1922. "Jottings from Yesterday - 40 Years Ago," [Hagerstown] *Daily Mail*, May 27, 1966. Frank D. Clawson, "Thomas Kennedy, Hagerstown's 'Thomas Jefferson.'" *Maryland Cracker Barrel*, July 1987.

"2,000 Pay Homage at Grave of Fighter for the Jews," *Jewish Daily Bulletin*, June 27, 1934.

"Thomas Kennedy, Benefactor of the Jews Honored," [Hagerstown] *Daily Mail*, May 24, 1954.

"Brith Sholom Pilgrimage Set Sept. 8," [Hagerstown] *Daily Mail*, August 29, 1963. "Pilgrimage to Thomas Kennedy Grave Planned," [Hagerstown] *Daily Mail*, May 15, 1976.

<sup>137</sup> "Honor Plaque," letter to editor from Paul Umansky (Sinai Hospital public relations director) in the *Baltimore Sun*, April 26, 1992. Robert I. Levy, "History of Sinai Hospital, Baltimore Maryland," *Essays in the History of Medicine* (Sam Sapozhnik Publishers, 2018), 107. Harry Golden, "The First Kennedy," *Baltimore Sun*, March 19, 1972, presented a detailed photograph of the plaque.

<sup>138</sup> Paul R. Kach, "An Advocate for Tolerance," *The New Age*, Volume XLII, Number 9 (September 1934), 546-548. Stokes, *Church and State in the United States*, 867-876. Gustav Niebuhr, *Beyond Tolerance* (Penguin Books, 2008), 132, 157-159.

<sup>139</sup> *Herald Mail* (Hagerstown, MD), October 11, 2019.

<sup>140</sup> Wiernik, *History of the Jews in America*, 127. "A Battle for Political Freedom - The Historic Struggle in Maryland for the Removal of the Disabilities of Jewish Citizens," *Baltimore Sun*, April 6, 1902. Both Solomon Etting and Jacob I. Cohen would ultimately become presidents of the Baltimore City Council.

Thomas Kennedy is best remembered and honored today as the leader of the effort that gave political rights to Jews in Maryland. That was just part of the rich and interesting life of this Scot who immigrated to America in 1797 and became a poet, bookkeeper, clerk, merchant, shipper, lawyer, justice, farmer, distiller, soldier, real estate agent, postmaster, newspaper editor and politician before dying in the cholera pandemic of 1832. Kennedy was a romantic who embraced the ideals of liberty and freedom that the United States promised but did not always deliver. This book details the struggles, heart-breaks, and triumphs of this prominent historical figure of Washington County, Maryland.

Do you wish to see Christianity spreading its mild influence over mankind according to the spirit and precepts of the Gospel? Do you wish to see an end to the reign of religious persecution? Do you wish to see the citizens of Maryland placed upon an equality with the citizens of other states? Do you wish to see civil and religious liberty flourish in Maryland? I know you do; and these are my wishes; and this was my *sole object* in bringing forward the bill in question.

Let me, fellow citizens, earnestly request you to go to the polls on Monday next—examine well for yourselves; for the cause I advocate courts investigation; it shuns not the light; it is the cause of truth and justice, and I feel confident that the people of Maryland will on Monday next rise in the majesty of their strength and put an end to religious tyranny; and you citizens of Washington county, will unite in support of civil and religious liberty.

I am, with sincere regard,

Your old friend,

THOMAS KENNEDY.

Excerpt from Thomas Kennedy's September 1823 advertisement for his re-election to the Maryland House of Delegates, a campaign he lost due to opposition to his championing political rights for those of all religions.