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*This posthumous portrait of Chief Justice Samuel Ames (1806-1865) of the Rhode Island Supreme Court was painted by Hugo Bruel in 1896. It hangs in the Lawyers' Lounge of the Supreme Court.*

# RHODE ISLAND HISTORY

VOL. 24                                      JULY, 1965                                      NO. 3

## SAMUEL AMES: THE GREAT CHIEF JUSTICE OF RHODE ISLAND

by C. PETER MAGRATH  
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1965 IS THE HUNDREDTH ANNIVERSARY of the death of Samuel Ames, chief justice of the Supreme Court of Rhode Island. It provides an appropriate occasion to re-examine his life and achievements which today are buried, half-forgotten, in dusty law reports. There is another reason, however, why Samuel Ames deserves our serious consideration: he is an outstanding representative of a remarkable group of state judges who too long have been neglected by lawyers, historians, and students of our legal system. Too long we have emphasized only the United States Supreme Court, as if all the significant law and the history of its development could be found in the United States Reports, with perhaps a short bow being made to Chancellor Kent of New York. In fact, the decisions and opinions of such nineteenth-century state judges as Cooley in Michigan, Doe in New Hampshire, Gibson and Tilghman in Pennsylvania, Roane in Virginia, Ruffin in North Carolina, Parsons and Shaw in Massachusetts—and Samuel Ames in Rhode Island—are at least as significant as the better publicized decisions of Marshall, Story, Taney, and Waite on the federal Supreme Court.

Samuel Ames was born in Providence on September 6, 1806, the son of Samuel Ames, Sr., and Anne Becker Checkley, a well-established colonial family. Samuel's father was a merchant, and he was able to provide his son with an excellent education. Samuel first studied in the Providence public schools and later at Phillips Academy in Andover, Massachusetts. He entered Brown University in 1819, at the age of thirteen, and was graduated in 1823. Young Samuel Ames then studied law. He read law for two years in the office of General



Samuel W. Bridgman, one of the finest lawyers in the state during the early nineteenth century. He studied also for a year at the nation's first law school, the famous Litchfield Law School in Connecticut, established by Judge Tapping Reeve in 1784.

In 1826 Samuel Ames was admitted to the Rhode Island Bar and quickly established his credentials as one of the state's ablest attorneys. One measure of the success which Ames attained was his large practice; eventually the demand for his services compelled Ames to open a branch office in Boston. By the 1840s Ames was a leader of the Rhode Island Bar, and he frequently appeared before the United States Supreme Court. Another measure of his success is that at the age of twenty-six he was asked by the distinguished legal scholar, Joseph K. Angell, to co-author the book, *Treatise On The Law Of Private Corporations Aggregate*, which made its first appearance in 1832. The title may seem ponderous, but Angell and Ames on Corporations became a standard authority on every aspect of the law governing private corporations; it went through ten editions and sold 12,000 copies — a large figure in those days.

As might be expected, Samuel Ames rooted himself deeply in the city of Providence. He was an Episcopalian and one of the founders of St. Stephen's Church. He served for many years as a vestryman and as a teacher of its Sunday School. There is, in fact, a vivid sketch of Ames on his way to teach Sunday School that has been preserved in a description given by his early partner, Abraham Payne. As he started off to the Sunday School at St. Stephen's Church, Payne recalled,

in his heavy lion's skin overcoat with his Bible under his arm, for his duties at the school, he reminded me of those churchmen of the middle age who, though not unmindful of the duties to which they were especially consecrated, were yet more at home when intrusted with the command of armies.<sup>1</sup>

In Providence, too, Samuel Ames established his family. In 1838 he married Mary Throop Dorr, the sister of one Thomas Wilson Dorr, a fact, as we shall see, that makes for what our newspapers like to call a human interest story. Ames was thoroughly devoted to his wife and she was to him; they gave birth to a daughter Mary and to four sons — Sullivan, William, Edward, and Samuel.

According to the labels commonly (and too casually) thrown

<sup>1</sup>Abraham Payne, *Reminiscences of the Rhode Island Bar* (Providence: Tibbitts and Preston, 1885), p. 86.

about today Ames would probably be called a conservative. But perhaps it is best simply to refer to him as he was, as a partisan of the Whig Party in the days when the flamboyant Henry Clay was the idol of many millions of Americans. Ames was a man of property and substance, and in an age of emerging capitalism much of his practice quite naturally was geared to the service of business needs. His clientele, for example, included that ultimate symbol of nineteenth-century American capitalism, the railroad. Perhaps the most revealing glimpse of how well acclimated Samuel Ames was to the capitalist environment occurs in a passage in the treatise he and Joseph Angell prepared on corporations. There, in a section defining the word *corporation*, we are told that "the *United States* may be termed a corporation" because "they are a collective invisible body, which can act and be seen only in the acts of those who administer the affairs of the government, and also their agents duly appointed."<sup>2</sup>

In the days of Ames partisan political participation was regarded as a civic duty to be undertaken by those who had social and economic stature. Samuel Ames exemplifies this ideal. He served in the Providence City Council; from 1841 to 1851 he sat as a Whig representative in the state House of Representatives; in 1845 and 1846 he was Speaker of the House. During the 1850s Ames served on a number of state commissions. He was a member of a commission which revised the Massachusetts-Rhode Island boundary, chairman of an important commission which revised the state's statutory laws, and, in 1861, a delegate to the Washington Peace Conference, a conference which failed to repress the irrepressible conflict.

There is much that could be said about the political career of Samuel Ames. I will, however, confine myself to discussing briefly his behavior during those exciting events which, with some exaggeration, we call the "Dorr War." I say "with some exaggeration" because, if we are to have wars, the Dorr War represents my favorite kind of war — soldiers marched and paraded but fortunately only one person lost his life.<sup>3</sup>

An excellent study by Professor Peter J. Coleman of the University of Wisconsin has shown that the issues underlying the Dorr War

<sup>2</sup>Joseph K. Angell and Samuel Ames, *Treatise On The Law of Private Corporations Aggregate*, 5th ed. (Boston: Little, Brown and Company, 1855), p. 11.

<sup>3</sup>Arthur May Mowry, *The Dorr War* (Providence: Preston & Rounds Co., 1901), pp. 221-222.



were more complex than is commonly supposed.<sup>4</sup> It was not only a matter of conflict between oppressed workers, foreign-born Catholics, townsmen, and Democratic Party members on one side, and rich employers, native-born Protestants, farmers, and Whig Party members on the other side. This was part of the story, but only a part. The issues that led to the Dorr War cut across class, ethnic, religious, geographic, party and, indeed, family lines.

Dorr himself was a moderate — a reformer, not a radical — and the objectives of his movement undoubtedly strike most of us as eminently reasonable ones. He sought a reapportionment of the legislature to give the growing cities more equitable representation, an expanded suffrage that would eliminate the freehold requirement written into the old charter constitution, a bill of rights, and an independent judiciary.<sup>5</sup> In the short run the reform movement failed; the Dorr rebellion collapsed harmlessly. In the long run, however, the objectives of the reformers prevailed. Certainly Dorr's opponents felt the pressure that he and his supporters generated. In sponsoring the Constitution of 1843, the Law and Order Party made possible an expansion of the suffrage which eventually stimulated democratic reforms.

What, in any event, was the relationship of Samuel Ames to the reform movement? He opposed it, though he apparently was not a die-hard old Charter man, for he supported the changes adopted in the Constitution of 1843. Despite the fact that his wife was the sister of Thomas Dorr and that his friend, Joseph Angell, was prominently identified with the reform movement, Ames stood firmly with the Law and Order Party. Under the pen name *Town Borne* he wrote scores of articles for the *Providence Journal* in 1841 and 1842, which deftly ridiculed the suffrage reformers.<sup>6</sup> He voted with the Law and Order Party in the state legislature. During the disturbances in the spring of 1842 he served as quartermaster general with the loyal state militia. Ames, in fact, was in command inside the state arsenal in Providence on the night of May 17-18, 1842, when Dorr's rag-tag army made its half-hearted and completely unsuccessful attack on

<sup>4</sup>Peter J. Coleman, *The Transformation of Rhode Island 1790-1860* (Providence: Brown University Press, 1963), especially chapter 6.

<sup>5</sup>*Ibid.*, pp. 255, 272.

<sup>6</sup>These articles are collected in a specially bound volume located in the John D. Rockefeller Library of Brown University; the volume includes a miscellany of newspaper clippings on events in which Ames played a part. Most of the items concern the Dorr War. See *Rhode Island Rebellion 1842, Extracts From Newspapers*, Vol. 4 (no date).

the arsenal.

Samuel Ames knew how to speak effectively, and he could hit hard. Consider this excerpt from a General Assembly debate in 1841. Ames was rebutting the arguments of Samuel Y. Atwell, a strong Dorr supporter. Atwell had said that if the suffrage were not reformed, a violent revolution might follow, even though he would deplore it and would side with the constituted authorities. Ames responded to Atwell's statement with this comment:

As to revolution and fear of revolution, which the gentleman suggested, and said that he would resist with all his might; he gave me great encouragement. He will be with us if such a time comes; he will fight on our side. And he will be of great assistance. He is a gentleman of great influence in this State; he has held a high military office under this General Assembly. Aye, Mr. Speaker, he has fought shoulder to shoulder in our militia with the gentleman who is now sleeping by your side. (The Attorney General was nodding at the time in his chair beside the Speaker, but was aroused by the peals of laughter which followed this allusion.)<sup>7</sup>

Or, consider another example. During the Dorr War Ames and his friends put together a number of satirical pamphlets, most notably *The Dorriad* and *The Great Slocum Dinner*, which roundly mocked Thomas W. Dorr. In one piece of doggerel Dorr is labeled as *The Caesar of Rhode Island* in verses that read:

The quick, decisive mind of Dorr,  
No chains of custom hampered,  
Like Caesar's, short his tale of war,  
HE CAME, HE SAW, HE SCAMPERED.<sup>8</sup>

The testimony of his contemporaries suggests also that Ames was a positive and strong man. Prominent in politics and law and well-read in literature and theology, Ames was not blessed with the virtue of being able to suffer fools gladly. "His consciousness of his own great powers," one fellow lawyer recalled, "made him frequently impatient in dealing with men of less capacity."<sup>9</sup> This, no doubt, was a flaw in his personality, but it was made tolerable by the fact that Samuel Ames

<sup>7</sup>*Providence Journal*, June 26, 1841, in *Rhode Island Rebellion 1842*, Vol. 4.

<sup>8</sup>*The Dorriad and the Great Slocum Dinner* (Providence: Sidney S. Rider & Brother, 1870), pp. 41-42. Samuel Ames's collaborators in the writing of this spoof were Henry B. Anthony, William P. Blodget, Thomas A. Jenckes, and George Rivers.

<sup>9</sup>Payne, *op. cit.*, p. 85.



was intellectually powerful. Conceit rooted in ability is tolerable; conceit rooted in mediocrity is insufferable.

Ames, fortunately, had the saving quality of a sense of humor. On Christmas morning, 1856, he sent a letter to his son, Sullivan Dorr Ames. Sully, as the family called him, was then a first-year cadet at the United States Naval Academy. "I wish you a merry Christmas," he wrote,

and send two dollars pasted above, from your uncle Sullivan — sent with other money to the *children* without distinction; and so we send to you your share. If not a *child* send it back for the others. We do not see how you can lawfully spend so much pocket money — some 40 dollars in 14 weeks. You must be more careful if you would have a penny in hand.<sup>10</sup>

He was, too, a man of sensitive emotions. The reports of a number of incidents involving Ames bring this out,<sup>11</sup> but the most conclusive proof is contained in his own writings. Apparently, although the reasons are not clear, Ames suffered business losses and personal embarrassments from former friends in the years between 1854 and 1856. He became depressed and felt alienated from the world. To escape from his gloom, he gave his spare hours to writing a thoroughly romantic novel. Its purpose, he declared in a preface addressed to his wife, was "to create an ideal world . . . in which the men and women should be and do just as I would have them." This he did. His unpublished book of sixteen manuscript chapters is called, "Arthur Ledgeley or Some Passages in the Life of a Lawyer."<sup>12</sup> He subtitled it, "A Love Story," and, appropriately enough, his heroes lived happily ever after. Ames idealized love "in its best and purest form," and he asked his wife not to "think lightly of me for this endeavor to regain my youth of heart by depicting the 'great'-heaven-ordained passion. . . ."

On June 26, 1856, the Grand Committee of the General Assembly elected Samuel Ames to be chief justice of the Supreme Court; undoubtedly his former service in the state legislature was not a liability. The salary provided for Chief Justice Ames was \$2,500.

<sup>10</sup>Samuel Ames to Sullivan Dorr Ames, Dec. 25, 1856. Library of The Rhode Island Historical Society.

<sup>11</sup>John Henry Stiness, "Samuel Ames," in William D. Lewis (ed.), *Great American Lawyers*, Vol. 5 (Philadelphia: The John C. Winston Company, 1908), pp. 322-323; *Providence Journal*, December 23, 1865.

<sup>12</sup>The preface, which Ames wrote after completing the novel, is dated May 1, 1856. "Arthur Ledgeley," in its original handwritten manuscript version, is among the holdings of the Library of The Rhode Island Historical Society.

To ease his financial sacrifice in giving up his law practice, he was also appointed reporter of the Court's decisions — for another \$500 a year. Interestingly, the state's two leading newspapers, one Democratic and the other Republican, favored his election. The Democratic *Providence Post* declared that the selection of Ames gives "satisfaction to nearly all classes of people"; the Republican *Providence Journal* commented that the state judiciary would be strengthened by his appointment.<sup>13</sup>

Why did Ames go on the bench and thus abandon his lucrative practice? I think we can safely believe the answer he gave to a friend who asked him this question:

I never designed to continue at the Bar all my days. If I continued practice to the age of fifty years, I did not design to continue it longer. I do not like to be at the Bar. I do not desire to be compelled to make the worse appear the better reason. I wish to pursue the better reason.<sup>14</sup>

Samuel Ames served as chief justice of the Rhode Island Supreme Court for a comparatively short period, from 1856 to 1865, which makes his accomplishments all the more remarkable. As late as the 1840s some of the state's judges refused to publish their opinions, claiming that oral statements from the bench were adequate. Chief Justice Ames, believing that reasoned judicial opinions were an essential part of a civilized legal system, set an example for all of the state's judges. He saw to it that he and his associates wrote full opinions on all the legal questions argued before the Supreme Court. Equally important, as reporter he placed the reporting of the Court's decisions on a thoroughly professional plane, carefully reporting both the essential arguments of opposing counsel and the factual circumstances of the case. As one of Ames's successors as chief justice, John Henry Stiness, has written, a comparison of his reports in volumes four through part of eight of the Rhode Island Reports "with the preceding three volumes and indeed with other reports of that period, show that his were compiled by a masterhand."<sup>15</sup> In addition, he introduced new and more orderly procedural rules of practice. The influence of Ames on the quality of the Supreme Court was quickly reflected in a sharp rise in its case load. During the first half of the last century,

<sup>13</sup>*Providence Post*, June 27, 1856; *Providence Journal*, August 11, 1856.

<sup>14</sup>"Proceedings Upon The Death of Chief Justice Ames," 8 R. I. 588 (1865).

<sup>15</sup>Stiness, *op. cit.*, p. 299.



partly because federal Supreme Court Justice Joseph Story presided in this judicial circuit and partly because our state supreme court lacked distinction, most litigants maneuvered to have their equity and commercial suits tried in the federal court. After Ames's accession the imbalance ended, and there was a marked rise in the number of cases tried in the state courts.<sup>16</sup>

None of these accomplishments, important as they are, ultimately account for the greatness of Samuel Ames. It is rather to a case, *Taylor v. Place* (1856), that we must turn in order to understand why the chief justice deserves to be ranked as one of our most significant judicial figures. For until Ames became chief justice of the state, the Rhode Island judiciary was not truly independent of the legislature. The reasons extend back into our colonial history when the judicial and legislative powers were freely mingled and jointly exercised by the General Assembly. Well into the 1840s the judiciary was subservient to the legislature. The legislature granted divorces, passed probate and bankruptcy laws, annulled criminal convictions, and in effect over-ruled the state courts by authorizing new trials in civil suits. Indeed, a well-known lawyer of the state in 1829 boasted that the Rhode Island General Assembly was "the best chancery court in the world."<sup>17</sup>

Within his first term on the Court Chief Justice Ames and his three associates were squarely presented with the question of the judiciary's relation to the legislature. The case was *Taylor v. Place*.<sup>18</sup> The G. and D. Taylor Company initiated two suits against a manufacturing company in the Providence County Court of Common Pleas for a recovery of debts. Two men by the name of Place, who were acting as garnishees for the debtor, filed affidavits disclosing that they held certain properties of the manufacturing company. As a consequence, Taylor began an action against Place to recover the sum which the affidavits had revealed to be in the hands of the garnishees. Taylor won a verdict and a financial award. At this point, Place, as had often been done in the past, successfully appealed to the General Assembly for a law ordering a new trial and authorizing the court to receive new affidavits; the garnishees claimed that their original affidavits had been mistaken. The Court of Common Pleas complied with the

<sup>16</sup>*Ibid.*, pp. 318-319.

<sup>17</sup>John Whipple arguing before the Supreme Court of the United States in *Wilkinson v. Leland*, 2 Peters 631, 634 (1829).

<sup>18</sup>4 R. I. 324 (1856).

law, and on a retrial issued a judgment in favor of Place.

Now it was Taylor who was aggrieved, and he appealed to the Supreme Court of Chief Justice Ames. The legal dispute was really quite simple. Could the legislature constitutionally pass laws which upset the verdicts of courts? Under the Constitution of 1843 the executive, legislative, and judicial powers are distributed among three separate branches of government; the judicial power, for example, is vested in the supreme and inferior courts. But the Constitution also contains a provision stating that "the general assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution."<sup>19</sup> Since the Assembly had often exercised its powers in such a way as to upset court orders, was the law that decreed a new trial in the case of Taylor and Place, a law prohibited by the Constitution of 1843? This question, while simple, raised a momentous issue. Taylor and Place were not the only parties involved. Standing behind them were the real parties to the case — the legislative and the judicial branches of the state government. Between these two parties the issue was a profound one: was the judiciary to be a co-equal and independent branch of government, or was it to be, ultimately, subservient to the legislature?

Speaking on behalf of a unanimous court, Chief Justice Ames declared that the Assembly's law decreeing a new trial was unconstitutional. Although the legislature had traditionally interfered with the decisions of courts, he skillfully drew on various provisions of the Constitution to build a powerful argument that the judicial power was to be exercised by courts alone. It was not to be exercised by the courts and the legislature together — with the General Assembly sitting as a sort of super supreme court. Nor was the chief justice impressed by the fact that, despite the provisions of the Constitution, the legislature had continued to exercise judicial power:

... our short and true reply is, that the exercise of judicial, and especially of chancery powers, is prohibited to them by the constitution; and that we must be false to history, right reason, the settled rules of judicial exposition, the established meaning of the language of the constitution as given unvaryingly by the highest authorities, and with that meaning adopted by the people in adopting the constitution, and so false both to the people and the constitution, if we come to any other conclusion.<sup>20</sup>

<sup>19</sup>Article IV, section 10 of the Rhode Island Constitution.

<sup>20</sup>4 R. I. 324, 361.



The Ames opinion in *Taylor v. Place* is distinguished by its masterful analysis of the nature of the judicial power. The chief justice wisely noted that "it is difficult to draw and apply the precise line separating the different powers of government."<sup>21</sup> He realized that in performing their own distinctive functions each branch of government inescapably exercised some of the power characteristic of its fellow departments. But, he wrote, "to hear and decide adversary suits at law and in equity, with the power of rendering judgments and entering up decrees according to the decision, to be executed by the process and power of the tribunal deciding . . . is the exercise of the *judicial* power, in the constitutional sense."<sup>22</sup> And this power he reserved exclusively for the courts.

While *Taylor v. Place* deserves admiration for the soundness of its reasoning, it also deserves recognition as a shrewd assertion of judicial power. In many ways it is reminiscent of the performance of Chief Justice John Marshall in that landmark case of our federal constitutional law, *Marbury v. Madison*.<sup>23</sup> Like Marshall, Chief Justice Ames asserted in uncompromising terms the independence of the judiciary and its power to void unconstitutional legislative acts. Like Marshall in *Marbury v. Madison*, he did so in a case where the assertion of judicial power would be most logical and least controversial. The context of *Taylor v. Place*, after all, was a legislative interference in a *judicial* case.

Naturally enough, Ames's decision provoked some muttering. One newspaper editorial called it "ridiculously unsound," and said that it wrongly deprived the Assembly of its traditional "judicial and *quasi* judicial powers." The same editorial went so far as to condemn the opinion as extrajudicial!<sup>24</sup> There was resistance in the legislature, but there were also allies of the judiciary in the General Assembly. In 1859 an attempt was made to pass a law reversing a controversial decision of the Supreme Court, but it was beaten back, and the failure of this bill indirectly confirmed the ruling in *Taylor v. Place*.<sup>25</sup> When

<sup>21</sup>*Ibid.*, 332.

<sup>22</sup>*Ibid.*, 336.

<sup>23</sup>1 Cranch 137 (1803).

<sup>24</sup>Stiness, *op. cit.*, p. 311.

<sup>25</sup>The case was *Ives v. Hazard*, 4 R. I. 14 (1856), in which the Court ruled that Charles T. Hazard was obligated to carry out the terms of a contract for the sale of a piece of land to Robert H. Ives. Although the *Ives* case was decided before Ames became chief justice, he was deeply involved in the prolonged *Ives-Hazard*

Ames died a few years later there was no longer any dissent from the conclusion of the *Providence Journal* that his decision in the case of *Taylor and Place*, by freeing the judiciary from legislative control, built a "bulwark" for the liberties of the citizens of Rhode Island."<sup>26</sup> Ironically, then, the man who opposed Thomas W. Dorr became the judge who furthered one of Dorr's objectives—judicial independence.

Although Chief Justice Ames strongly asserted judicial power, he believed that the judiciary should use its power sparingly whenever it evaluated the constitutionality of legislative acts. I refer here to such judicial gems as *In the Matter of Dorrance-Street* (1856), *State v. Paul* (1858), and *State v. Keeran* (1858). Ames believed, in other words, that courts should uphold the validity of controversial legislation unless it could be shown that the laws violated specific constitutional guarantees. In particular he rejected the arguments of business attorneys, which were already becoming a commonplace in the 1850s, that the regulation of private property could often be voided on the vague ground that it violated "due process of law."<sup>27</sup> The rights of property, Ames believed, were not absolute and unqualified; subject to explicit constitutional prohibition, property rights were open to legislative restriction in the name of "the greater right of the community, to have them so exercised within it as to be compatible with its well-being."<sup>28</sup> As he put it in a pungent example in a decision upholding the constitutionality of a confiscatory prohibition law, a person cannot "use his pick for burglary, or his sword for murder, merely because they are his."<sup>29</sup>

Not only did Chief Justice Ames refuse to use vague constitutional provisions to place limits on the state police power, but he insisted that

dispute. He had served as counsel for *Ives* in his successful appeal to the Supreme Court in 1856, and subsequently, as the Court's Reporter, he reported the *Ives v. Hazard* case. This led Hazard to claim that there had been irregularities in Ames's reporting of the case; indeed, he charged that the chief justice had libeled him. After a good deal of pamphleteering and an investigation by a joint committee of the General Assembly, Ames was wholly exonerated of all charges of impropriety. See, for example, "Remarks of Samuel Ames In Explanation of his Report of the Case," *Providence* (1859); "Memorial Of Thomas R. Hazard," *Providence* (no date).

<sup>26</sup>*Providence Journal*, December 23, 1865.

<sup>27</sup>*State v. Keeran*, 5 R. I. 497, 505-507 (1858).

<sup>28</sup>*State v. Paul*, 5 R. I. 185, 191 (1858).

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



the best guard against unwise legislation lay in the vigilance of the people in electing wise legislators. "In a popular government, as in all governments," he declared in *State v. Keeran*, "power must be reposed somewhere; and he does not take in its theory who does not see, that in the power of the people at short intervals to change their rulers and agents, consists their main security against the dangerous and excessive exercise of the powers necessarily vested in them."<sup>30</sup> Ironically, again, the man who opposed the popular party of Thomas W. Dorr became the judge who spoke for another of Dorr's grand objectives — popular sovereignty. Those who think that the behavior of judges is easily deduced from their earlier social and political associations would do well to ponder the career of Samuel Ames as politician and Samuel Ames as judge.

In 1865 Ames's health became poor. He resigned from the Supreme Court on November 15, and he died a few weeks later, on December 20, 1865. Samuel Ames was called by his generation "The Great Chief Justice," a tribute no doubt intended to compare him favorably with perhaps the greatest American Chief Justice of all — John Marshall. Historians delight in revising the judgment of earlier generations, but in the case of Samuel Ames I think we are compelled to confirm the judgment of those who knew him: Samuel Ames was the Great Chief Justice of Rhode Island. He has, moreover, left us with a valuable legacy. By contributing to the construction of a strong and independent judiciary, Chief Justice Ames helped create a system of law — of ordered liberty — that is well worthy of the respect and obedience of our citizens.

As for Samuel Ames he unwittingly wrote his own epitaph in a decision where he said:

For once, and for all, and everywhere, we desire it to be understood, that we look upon the highest judicial station as a station of infamy and disgrace, if it does not elevate us above every fear but that of doing wrong, and above every inclination but that of doing right.<sup>31</sup>

Chief Justice Ames fulfilled his own high standards — he pursued "the better reason" — and this is the basis of his greatness.

<sup>30</sup>5 R.I. 497, 508.

<sup>31</sup>*Ibid.*, 501.

## ALEXANDRE BERTHIER'S JOURNAL OF THE AMERICAN CAMPAIGN

### *The Rhode Island Sections*

Translated by MARSHALL MORGAN

IN 1951 the Institut Français de Washington published *Alexandre Berthier Journal de la Campagne d'Amérique 10 Mai 1780 — 26 Août 1781* with a foreword by Professor Gilbert Chinard of Princeton University, who had transcribed the manuscript. Professor Chinard has consented to have an English translation of the portion of the journal relating to Rhode Island published in *Rhode Island History*. The original manuscript is in the Princeton University Library.

Louis-Alexandre Berthier (1753-1815), son of an army officer, began his military service at the age of seventeen. Ten years later he served as aide-de-camp to Rochambeau, making maps showing routes of march, camp sites, and battle deployments. In later life Berthier had a brilliant career under Napoleon, serving as his chief of staff, being named a marshal of France and created Prince of Wagram and of Neufchâtel.

The journal is in the form of letters written to a friend in France.

*October. The 4th.*

... Headquarters have been set up at Newport and the troops are camped near the southern tip of the island. The sea is on the left and the town on the right. The legion is in forward position at the Neck, and the camp is entrenched between two rows of redoubts. The ships have been placed broadside and are defended by excellent batteries. Everything has been well prepared. In my next letter I will give you more precise details which will be more interesting than the preceding, which is only a superficial account of things that I saw but very poorly because of the short time that I spent.

*October. The 4th.* Good-bye, my friend; may my wish come true that I will soon see gunfire. I seem to be running about in vain — everywhere I go, I find peace. / .

P.S. My brother has completely recovered and we have both received captaincies in the Soissonnais regiment.



Providence, 16 July 1781:

*October.* My dear friend, along with this letter I am sending you a memoir about Newport and Rhode Island with particulars on the positions of the English, the Americans, and those of the French. Included also is a map, which will clarify my notes, as well as a description of the French army.

The present situation of the troops in America is one of military inaction — General Greene has been carrying on observations in Carolina since the taking of Charlestown. The English are occupying New York and Kings bridge with their main forces and have positions in Jersey. General Washington and his troops are at West Point and hold Kings Ferry. The English squadron of 10 ships is on observation in Gardiners Bay, whence they continually send ships to cruise off Rhode Island. The French army occupies Newport and Rhode Island. I am waiting impatiently for the first movement of all these troops that keep observing each other.

The English have let us spend the summer in our camp peacefully, each observing the other. We were too weak to undertake any expedition whatsoever. General Rochambeau took advantage of every good day by having the army march and by having the men make preparations at all points on the island vulnerable to a landing.

Our minds have been occupied by Arnold's despicable treason, which was disclosed by Major André after his arrest. His plan was to turn West Point over to the English. I will send you details on the outcome of this dreadful affair, which will inevitably be tragic.

I have spent the rest of my time working on my map of Rhode Island. All of those that we had seemed quite imperfect to me.

General Rochambeau, receiving no news whatsoever from France and being sure that he would not get a second division, saw that he could never undertake anything with such limited means and decided that he would send his son to France to explain the difficulty of carrying out the intentions of the Court with so few troops. ♣

*November 29.* On the 29th he therefore had Viscount Rochambeau leave on the King's frigate *Amazone*.

We got ready to have the troops enter winter quarters. The French army had received permission from the States to take over all the houses abandoned by the Tories. The army would have them recon-ditioned at its own expense in order to make them ready to receive the troops and the officers would be lodged in private homes. On the

1st of November, after the repairs had been made and bad weather had set in, the army broke camp and took up quarters in the town. Only the infantry of the Lauzun legion and 50 of its horses stayed at the Neck and were quartered in houses there. The rest of the legion took up quarters at Lebanon, 45 miles from Providence for two reasons:—the ease of obtaining forage and the construction of stables, and the establishment of a position of readiness from which to march against enemy forces which might land from the Sound.

*December.* At the beginning of winter Count Rochambeau, concerned with the welfare of his small army, had a large hall built where all the officers could assemble. There were tables for "jeu de commerce" where he himself set an example of small wagers at the game. This building was a meeting place where everyone assembled. It prevented idleness, which could only serve to entice the troops into going to evil places where it is only too common to see young people ruin themselves. Our general gave us entertaining balls there and, in my opinion, this hall was a great help. It was very useful to the whole army, and does honor to Count Rochambeau, who was there like the head of a real family.

*The 18th.* M. de Ternay died on December 18. M. Destouches has taken command of the fleet. The death of this general, who was not well liked has caused very little concern. This was the last event of note of the year.

*1781. January.* The general was pleased with the map of the island which I had finished and ordered me to make a copy of it to send to the Court, and on the 12th of January he named me "aide maréchal general des logis surnuméraire" with a pay of 100 crowns a month. My brother was then aide-de-camp of M. le Cte de St. Meme. This position made me very happy. It's an open door to the army's general staff and enables an officer who works to become a general, and it isn't like the situation at Court where a person can become a colonel. My brother is as concerned as I am about this matter. He is working with me and we hope the campaign will not end without the general's giving him a blue uniform, too. As you see, my friend, I am a man of importance, and quite rich. I must admit the 1,800 livres that we had for the both of us to live on was very little, but we did make arrangements which made us very happy. We had beef soup every day, and that's all, but our friendship made the meals we had together delicious.



That is the time when I was the most happy. I have not changed my way of life. I still want to buy horses for us to put in the campaign. Both of us have prospered and we have had praises, good health, good horses, and have saved some money.

*February. The 3rd.* On the 3rd of February we learned that the English observation squadron anchored at Gardiners had set out to cruise off Rhode Island, having found out that two frigates and a few ships were supposed to come to us from Boston. A severe storm had come up which pushed the *Culloden* on to the shore at Montir Point with all hands and supplies lost, stripping the *Bedford* as well as the *America* of all masts. The rest, after having reached open sea, got back but in very poor condition.

The first idea that came to me was to take advantage of this by having our 7 ships, which were in good condition, weigh anchor and in Gardiners Bay destroy a squadron which must have been in such bad shape as to be able to make only a weak defense. The short distance of 15 leagues would not expose the fleet to anything, but we have the misfortune of never being ready.

Arnold had left New York with a convoy and about 1,500 men to take up a position on the Elizabeth River in Virginia. The Marquis de la Fayette had left West Point to oppose his advance, but was numerically very inferior. I repeat, why aren't we ready to move troops to Virginia to destroy the English ships and Arnold's corps?

Since the English squadron had at least a month to remain inactive before being made seaworthy and able to go out, we found ourselves masters of the sea. But we took very poor advantage of it, as you will see.

*The 9th.* The same ideas had come to everyone; we all complained about our inaction at such a propitious moment. At last on the 9th of February we sent out the *Eveill e*, a ship of 64 cannon, along with two frigates, to go into Chesapeake Bay and up the Elizabeth River to set fire to and destroy all the English ships, which would remove all chance of Arnold's retreat, but it would have required the whole fleet, and it was not ready.

*February.* During this expedition the English were very watchful of our every move. They put an incredible amount of work into repairing their squadron, which, despite the loss of the *Culloden*, would still be much stronger than ours. The departure of the *Eveill e*, which

suggested only a simple cruise, worried them less than the activity that was going on in our squadron, the activity of officers on land beginning to rejoin their ships. . . .

You see, my dear chevalier, that our brave Americans know how to fight even though the majority are without shoes and poorly fed.

I leave their success to come back to ours.

*The 24th.* The *Eveill e*, commanded by M. de Tilly, and the two frigates having left on the 9th returned on the 24th of February. Having arrived at the Chesapeake, the small squadron learned that Arnold had retreated as far as possible up the Elizabeth River with all his transports, a frigate, and a vessel of 44 guns broadside, from which he had removed the artillery to lighten it and permit it to go up the river.

M. de Tilly, having secured pilots, was determined to go up the river to attack and burn them, but his good intentions were useless. After having made several attempts he could not find enough depth. In his zeal this excellent officer made use of all possible resources, until that moment when the frigate *Surveillante* ran aground and he was forced to abandon his project. After great travail he succeeded in refloating it, and had it moored at the entrance to the bay, under an English flag, in order to set upon the first ship which might arrive for Arnold, and by taking a few prizes he could in this way compensate for not being able to carry out his orders.

After several seizures, which were due to his flying the English flag, he noticed a vessel and a corvette at sea. He immediately weighed anchor and, because of his faster speed, joined them very quickly. He took them without firing a shot. They were the *Romulus*, a ship of 44 cannon, and a corvette with 18. He then set off for Newport and took a few more prizes along the way. In all they had 9 merchant ships or corsairs, one of which was carrying 7,000 guineas to Arnold's troops. He was well received in Newport because, even though he hadn't completed his mission, he had made a very useful and profitable sortie.

M. de Tilly gave proof of his lack of self-interest for the carrying out of his orders which deserves to be mentioned. He had taken a merchant ship carrying goods worth 100,000 crowns. Since it would have delayed his mission several hours to unload it, he took only the crew and burned the ship fully loaded, not wishing to reduce his already meagre crew in order to take the vessel into a friendly port.



*The 23rd.* The King's frigate *Astrée* having left Brest December 4th arrived in Boston after a 71 day crossing. Although it had reached the Newfoundland Terre-Neuve Bank in 13 days, northwest winds drove it back to the Azores. This made it necessary to take a more southern route. The frigate brought the army 5,000,000 in money as well as some interesting dispatches. We learned of the replacement of Mr. de Sartines by Mr. le Marquis de Castries and of Mr. le Prince de Montbarey by Mr. le Marquis de Segur.

*February. The 24th.* I also learned of the change of office which the King had accorded me in the administration of the War Department. I accept your congratulations and am assured of the pleasure which this good news which guarantees the fortune of my whole family will give you. So without talking to you any further about this I will resume my journal.

*March.* The consequences of the storm which caused the loss of the *Culloden*, and the taking of the *Romulus*, had tended to equalize the French and English forces. They could put to sea only one ship more than we could, but all these ships were more powerful. Everyone complained because we weren't taking advantage of the moment. Arnold's raids caused a great uproar. Mr. le Ct. de Rochambeau, always ready to seize the opportunity to prove to America France's interest, did not delay telling his secret wish to see the fleet in condition to go out. He persuaded Mr. Destouches to hurry in preparing his ships to receive Mr. le Baron de Vioménil with 1,200 men. They were to take them up the Elizabeth River where they would join with Mr. le Marquis de la Fayette, to whom he had sent a courier, in order to march on Arnold and capture him. During that time the flagship was to turn broadside to the Chesapeake in case the English fleet, being repaired, came to attack it. This project, whose success would have been certain if it had been carried out one month sooner, became uncertain because of the activity with which the English set about in making their repairs; especially from that time when they found out that the French squadron was preparing to go out.

*March. The 6th.* On the 6th the troops embarked, but unfavorable winds held the squadron back. Mr. Destouches, despite the bad weather, had as much work done as possible, but trouble came from Mr. de Ternay, who had left the squadron in the roadstead as though it were disarmed.

No one knew what would become of the expedition. With considerable effort I succeeded in obtaining permission to embark as an officer of the general staff; my brother accompanied Vicomte de Noailles as his aide-de-camp.

*The 6th.* General Washington, whom the French army had awaited for several days, arrived on the morning of the 6th. Since he had come by ferry, he was soon on board the flagship, where he received the salute of a Marshal of France.

*March.* All the generals were assembled. He then went ashore where all the general staff of the army received him on the slip to the accompaniment of the noise of cannon from the French batteries. All the troops were under arms, forming a huge parade, lining the route on both sides of the street from the slip to his quarters. Each general saluted him at the head of his division. Similarly, Mr. le Comte de Rochambeau, who preceded him along with his whole staff, saluted him at the head of the senior regiment. The general passed through the massed soldiers where the nobility of his stature and of his face, the imprint of all his virtues, inspired in everyone the affection and the respect due him, increasing, if that were possible, the high opinion which we had of his rare quality.

He dined at General Rochambeau's. That night he was driven through the town which was everywhere illuminated. All the people hurried to march in front of him with torches and with marks of genuine joy. A Tory house which refused to light its lamps had all its windows broken by stones thrown by the crowd and was forced to do the same as the others in order to restore calm. He had supper at Baron de Viomenil's.

*The 7th.* On the morning of the 7th the Baron was on board his ship and I was on the *Neptune*. Because the wind was still unfavorable, we did not weigh anchor till the 8th of March at 5 in the evening with 7 ships and the *Romulus* with 44 cannon, the *Fantasque* armed like a "flute," and 2 frigates.

General Washington saw us weigh anchor from the top of the Neck where he had gone to see the army's entrenched camp.

Mr. de Rochambeau's position being uncovered because of the absence of the squadron, he had a strong battery of 36 guns built on the bank near the town in order to defend it from the attacks of frigates which might come to fire on it. He furnished his redoubts with



600 militiamen. Orders were given to 1,800 to keep themselves ready to come from the mainland to Rhode Island at the first signal in case the English might have wished to take advantage of this moment for some action. . . .

*The 25th.* On the 25th the squadron was reunited, including the *Surveillante*, which had been sent to the Chesapeake and about which we were quite anxious. The winds, which were very brisk, were from the southeast and the squadron cast anchor at 6 o'clock in the evening in Newport roadstead.

*March. The 26th.* The *Surveillante* was anchored at Cape Henry when the English arrived there at midnight on the 17th and anchored 3 leagues off Cape Charles. At daybreak the frigate weighed anchor and came upon the English squadron, which it thought was ours. Since it was proceeding cautiously, it recognized its error. The pursuit, which was vigorously begun, was quickly abandoned because of the *Surveillante's* greater speed. She returned again to examine the condition the English were in. They weighed anchor and later moored at Cape Henry. After making his observations of the fleet M<sup>is</sup> de Sillan came to rejoin us.

The loss which the French squadron suffered on the 16th rose to about 80 men killed and 120 wounded. Among the more important were M.M. de Cheffontaine, the ship captain, Ensign de Kergue, and two auxiliary officers.

Nothing happened in Newport during our absence except for a great deal of anxiety on our account.

General Washington stayed with the French army eight days, which he spent in seeing all the defenses and in maneuvering the regiments. This conference definitely apportioned the projects of the campaign among the generals.

*The 15th.* We received news that the English squadron was anchored at Sandy-Hook and that the ships *Robuste* and *Royal* were at the wharf in New York laid up for repairs because of their poor condition because of the battle of March the 16th.

*April. The 20th.* M. de Beville, quartermaster general, had just returned from a voyage on the North River and everything foretold a coming movement. Orders were given to transport to the storehouse prepared in Providence all the stores and everything that might not be necessary, in case we were to march.

*May. The 6th.* The frigate *Concorde* which left Brest on the 27th of March arrived in Boston after a 42 day crossing, bringing Vicomte de Rochambeau and M. de Baras who was coming to take command of the squadron in place of M. de Ternay. Vicomte de Rochambeau brought news of a convoy being escorted by the *Sagittaire* loaded with materiel and recruits for the army. This convoy was to leave Brest with a large squadron commanded by Cte de Grasse who was going to the Windward Islands.

The end of the month of May was used for transporting to Providence everything which was not to travel with the troops. We received orders to prepare a departure, which could not be but up the North River in order to join with the American army.

The whole army had spent a pleasant winter in Newport, and with this news everyone got ready to leave. Pleasures ended and were replaced by the regrets of all the town especially the women.

Although Newport is inhabited mainly by Tories, and although the English had given a very adverse opinion of the French (in order that on their arrival all doors were closed to them), there was now only a general cry of regret. Feelings were so changed that each officer was like one of the family in his host's home. Those who had been the strongest Tories had now become friends of the French. This was the consequence of the honest, wise, and peaceful conduct as well as the good discipline which M. le Cte de Rochambeau required of his army.

The island, 4 leagues long and 1½ wide, is crossed by 9 superb roads and is filled with houses, peopled by honest families living simply by their labors, all carrying out the different practices of their various religions without any fear, as they never discuss such matters. Their blood is of an extraordinary purity. All the women are pretty and youthful, a fact which they owe to their customs, to the regularity and sobriety of their lives, and to the climate, which is very healthy.

They do not believe that a man ever has any idea of trying to seduce a girl. Also, girls have such extraordinary freedom that parents often leave them alone with young men. They embrace with no importance attached to it. Girls have no other care than to try to please and to take advantage of a liberty where they live with men in order to make a proper choice on which the happiness of their lives depends. If two lovers are suited for each other, they tell their parents and from that moment on they are always together. They even spend half the night talking, while their parents are in bed, without those liberties, which



are sanctified under the seal of trust, ever producing anything contrary to propriety. (In Connecticut it is even common for two lovers to withdraw during the day, and especially at night, and to spend several hours together alone, lying on a bed, what is called "bundling," where they talk about their future happiness. I entered several rooms where I found it so. The couple observed proper conduct and gave each other all the proper tokens of their love.)

But when a young girl is married she is as reserved with other men as she was free and seeking to please them before her marriage. As a wife she is all to her husband, the sole object of his intentions, busying herself endlessly with her housework, with her children, and with everything which might contribute to their happiness. You will have to admit, my friend, that that isn't the way it is in France, but . . .

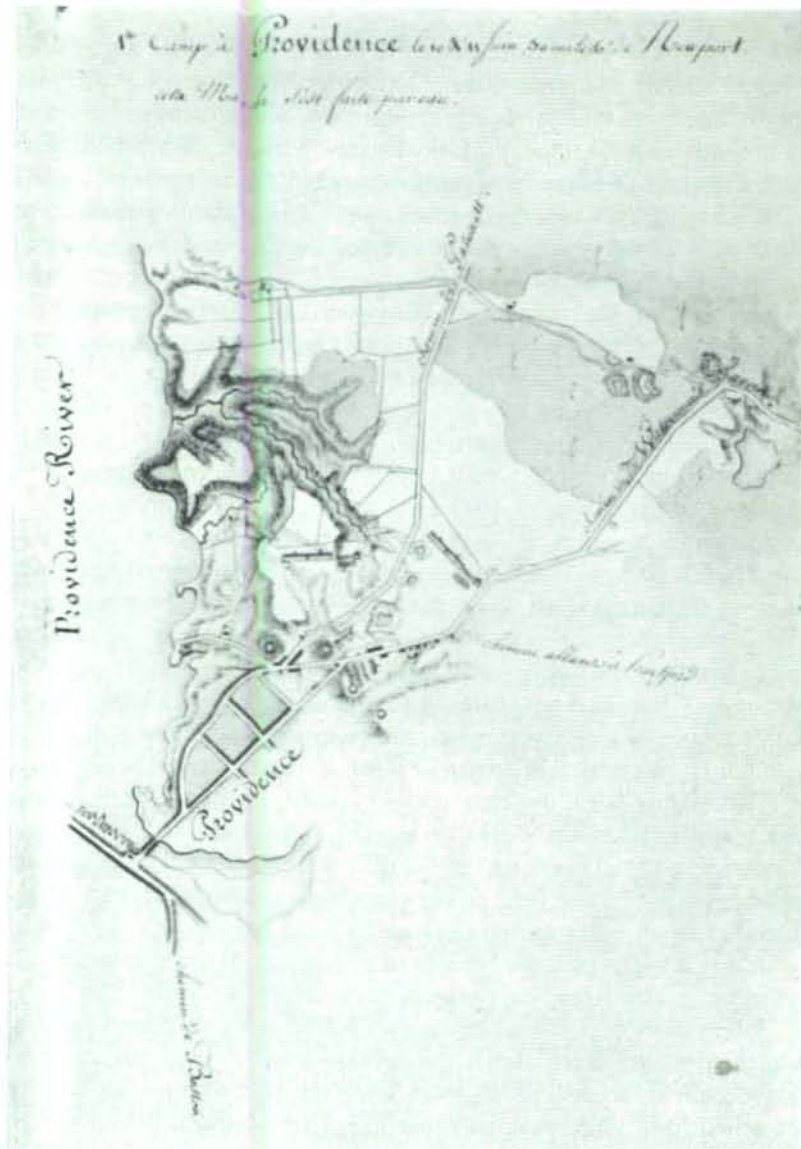
All the young ladies had the same freedom towards us, something which we couldn't help but attribute to our amiability. And charmed in finding a route which seemed to us so simple, we were very embarrassed and felt cheated to find, all of a sudden, an insurmountable barrier. And if a few of us did cross it, it was only by the base means of false promises, a type of seduction unknown before our arrival. As to married women there are no instances of seduction.

*June. The 7th.* We were very anxious for the convoy which had been announced by M. le Vicomte de Rochambeau when we learned that they had just entered into Boston, one by one, after having become separated by a wind storm. The *Stanislas* was taken by an English frigate. Mr. le Cte de Rochambeau had arranged with General Washington a campaign plan which could front only the two points held by the English — New York or Chesapeake Bay. He dispatched a frigate to M. le Cte de Grasse in the Islands, concerning plans which have been kept secret.

*The 9th.* The army received orders to leave Newport the 9th of June. The two divisions embarked on succeeding days in order to go into camp at Providence 25 miles away.

*June the 10th.* The camp was outside the city a mile and a half along the road to Hartford. It was bounded on the right by the road and on the left by the Providence River.

M. de Choisy remained behind with about 400 French troops and 1,000 American militiamen to occupy Newport and defend our fleet anchored broadside on which had been loaded all our siege artillery.



Courtesy of the Princeton University Library

#### MAP OF THE CAMP AT PROVIDENCE

From the original in the Berthier papers



Providence is a small second rate city, well built, well populated and a center of commerce in times of peace because of its location, since frigates are able to come right up to it; it is the residence of the governor of the State of Rhode Island.

The army stayed until the 18th, during which time the recruits from the convoy arrived. There were military marches to harden the soldiers, and there was work done on all the wagons to make them ready. There was one of 1500 weight (capacity) to carry all the baggage and tents of the soldiers and officers of each company, one for the general staff, and an extra one for each regiment, a total of 12.

Because of the difficulty of gathering forage and finding enough houses for the accommodation of the army general staff, and the quartermaster general the decision was made to march in 4 divisions, each of which had its share of artillery.

*The 18th.* The first division commanded by M. Count Rochambeau, left the 18th of June for its camp at Waterman's Tavern 15 miles away and led by Viscount Rochambeau, assistant quartermaster general.

*The 19th.* The second division commanded by Baron Viomenil and led by Chevalier Lameth, assistant quartermaster general left on the 19th.

*The 20th.* The third division commanded by Count Viomenil, and led by M. Collot, assistant quartermaster general left on the 20th.

The legion of Lauzun, which had spent the winter at Lebanon, had received orders to hold itself in readiness to leave on the 20th, the day when the first division would be in Windham. . . .

*The 21st.* The 4th division, commanded by Count Gastine and led by M. Berthier, left on the 21st.

From now on I will be telling you of this last division and not of the rest of the army. It left at 4 o'clock in the morning from Providence, arrived by a very bad road in camp at Waterman's Tavern at 11 o'clock in the morning. The supplies, after many wagon breakdowns arrived at half past six in the evening; and the train of artillery at midnight.

The camp was on the left of the road facing the Sound.

*June. The 22nd.* The column left its camp at Waterman's Tavern at 4 o'clock in the morning and arrived at Plainfield. . . .

## A QUESTION AS TO BUENOS AYRES

### *Rhode Islanders in the River Plate Slave Trade 1806-07\**

by EARL C. TANNER

IN OCTOBER 1805 the ship *Resource*, 423 72/95 tons,<sup>1</sup> cleared Providence for Baltimore. There she picked up 3,000 barrels of flour as cargo for the first leg of a projected voyage to Lisbon and Canton. On board were the owners, William F. Megee and Amos T. Jenckes.

In due course Megee and Jenckes reached Lisbon and there sold their flour to good advantage. Then, on March 12, 1806, Jenckes made the following journal entry:<sup>2</sup>

Paid McClure for Plank, 61 Books & African Pilot	\$141.00
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When the change in plans took place is not known. Perhaps Megee and Jenckes had never really intended to proceed to Canton. However that may be, the *Resource* sailed from Lisbon in March or April, not for Canton, but for Goree, Senegal. The details of Megee's and Jenckes's activities at Goree are unrecorded, but their main business is apparent from the following entry for April, 1806:<sup>3</sup>

To cash paid in Goree pr. Minute for 23 Slaves as pr. memo.	\$3000.00
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Proceeding with her involuntary passengers, the *Resource* made a safe voyage to the River Plate, arriving at Montevideo, as it happened, on June 17, just in time to witness one of the most exciting episodes in the history of the area. For several years the British Navy had been operating against French, Spanish, and allied possessions

\*This article is adapted from the author's *Trade between the Port of Providence and Latin America 1800 to 1830* (typed Ph.D. thesis, Harvard University, 1951), 89-91.

<sup>1</sup>The Survey of Federal Archives Division of Community Service Programs, Works Projects Administration, *Ship Registers and Enrollments of Providence, Rhode Island, 1773-1939* (Providence, 1941), I, 904.

<sup>2</sup>Amos T. Jenckes's account book is at The Rhode Island Historical Society.

<sup>3</sup>For further information on slave trading by Rhode Islanders during this period, see Elizabeth Donnan, ed., *Documents Illustrative of the History of the Slave Trade to America* (Washington, 1932), III, 383-404; Elizabeth Donnan, "The New England Slave Trade after the Revolution," *The New England Quarterly*, III, 251 (1930).



in the Caribbean. Then, on June 27, 1806, a squadron under the command of Sir Home Popham seized Buenos Aires.<sup>4</sup>

One must suppose that Jenckes and Megee recognized the important commercial implications of the invasion. Jenckes's account book, however, takes no notice of the event. The first entry on shore is dated June 29 and reads "To paid for Lettice, Bread & Oranges this day for Company - - 1. - -" The next entry reads, "To bread for Slaves 4/6 fish for Ship 3/9 Boat and Porterag 7/6."

While the patriots of the Viceroyalty were preparing a counter-attack against the British in Buenos Aires, Jenckes was tending to personal business and pleasure in Montevideo. On July 5 he paid \$2.00 "Gratification to Old Straw Hatt Guard pr advice of Mr. F." On July 19 he gave 9 d. to charity. On July 31 he spent 1/6 for a ticket to the opera.

On August 12 the British in Buenos Aires surrendered to an Argentine force organized and led by Santiago de Liniers y Bremond. That day Jenckes's only entry was "Billiards 4/6." For several months "Billiards" was a recurrent item on his expense account. Then, on December 1, 1806, Jenckes bought a backgammon board. This same day he made the following entry: "Lost foolishly betting with Bumbury \$5.00."

Meanwhile the main business progressed very slowly — delayed, no doubt, by political and military uncertainties. The record is incomplete, but the following items are sufficiently illuminating:

Sold 1 woman and child to Francisco \$200.00

Paid soldiers to look for Negroes \$1.00

At the same time Megee and Jenckes were giving attention to the purchase of a return cargo. From eleven different dealers they obtained 5,973 quintals of jerked beef, 1,968 ox hides, 300 horse hides, and 47 bales sheep's wool. The names of their suppliers suggest the international character of the merchant community in early nineteenth century Montevideo. They were, according to Jenckes's orthography: Frederic King, Franco, Delas Caxxexas, Inglesias, Old Seco, Don Juan, Casavalla, Heistal, Jos. M. Bowler, Antonio Peceixahh, Saml Bartholomew, and P. Reilly. The value of the

<sup>4</sup>For a brief summary of the English invasions of 1806-07 see R. Levene, ed., *História de la Nación Argentina* (Buenos Aires, 1938), 2d ed., IV, 437-475.

cargo was \$13,999.50.

On February 3, 1807, a new British expeditionary force led by Sir Samuel Achmuty climaxed a three weeks' campaign by capturing Montevideo. Again Jenckes's account book takes no note of the event. About March 9, 1807, the *Resource* finally got under way and made for Charleston, South Carolina, where she arrived, as it appears, sometime in May.

Megee was immediately bombarded with letters from his creditors, including Brown & Ives of Providence and James and T. H. Perkins of Boston. The latter's communication is of particular interest:<sup>5</sup>

You must be sensible of the great disappointment under which we have labored in laying so long out of the sum due to us on your note as well as in your having deviated from the original intention of the voyage which was to have been to China and which would have terminated long since. We presume that you will re-ship your cargo on other vessels for Havana and not trust it to the same ship in which it came as it may be a question as to Buenos Ayres being Spanish or English.

<sup>5</sup>James and T. H. Perkins, Boston, Mass., to William F. Megee, Charleston, S. C., June 6, 1807, Nightingale & Jenckes papers at The Rhode Island Historical Society.

## BOOK REVIEW

*Winthrop's Boston: Portrait of a Puritan Town, 1630-1649*, by Darrett B. Rutman. Chapel Hill, University of North Carolina Press, published for The Institute of Early American Culture, 1965. x, 324 p., \$7.50.

The tragedy of *Winthrop's Boston* was that, even by 1649, Boston was no longer Winthrop's. Professor Rutman's splendid portrait reveals that the town quickly ceased to be Winthrop's Christian commonwealth, bound together by charity and a readiness to sacrifice individual advantage to the common good. It became instead a mercantile town, many of whose inhabitants preferred profits to piety.

Mr. Rutman shows that Winthrop initially intended church and commonwealth to be complementary institutions in his community. Each was to include most of the adult population in its membership. In this way church and state would combine to foster the continuing unity of Winthrop's godly society. The church, however, soon became a closed circle of converted saints, an exclusive spiritual club which ignored the duty of preaching to the unconverted multitudes. Moreover, since only church members could be freemen and vote in



commonwealth affairs, civil government likewise became the privilege of a closed circle. Consequently new categories of citizenship had to be created to define the status of those who were residents of the town and, in many cases, considerable property-holders but not church members. While church and commonwealth were thus excluding many inhabitants, a separate town government of Boston evolved. In this not only church members but all residents participated and coped with a variety of local problems. These ranged from land distribution to poor relief and included licensing pubs, inspecting bread, impounding stray animals, and punishing drunkards, Sabbath-breakers, and other more serious offenders against law and order. With a wealth of detail Mr. Rutman admirably chronicles the daily pressures of doubt and crisis and precedent that shaped the town's growth and defeated Winthrop's original plan. The result is a colorful and convincing picture of Boston's economy, society, and institutions.

Less convincing, however, is the picture of Winthrop's ideal which Mr. Rutman constructs to interpret the town's development. Winthrop was a layman, not a minister, and Mr. Rutman justly emphasizes that he and his lay associates conceived of church reform within the larger context of the whole Christian commonwealth. Mr. Rutman accordingly sees Winthrop's *Modell of Christian Charity*, composed on board the *Arbella*, as a definitive statement of his ideal. But did this ideal represent Winthrop's actual expectations? Mr. Rutman suggests not only that it did, but that Winthrop hardly recognized, let alone acknowledged, the subsequent failure of his hopes. I could more confidently accept Mr. Rutman's version of what Winthrop expected, however, had he more carefully shown how Winthrop's vision of the godly society reflected his general religious outlook. In establishing this background, Mr. Rutman often portrays Winthrop's mind with rather sweeping strokes which contrast with his carefully detailed picture of the town. Is it, for example, helpful to label Winthrop's ideal of love and brotherhood medieval in order to contrast it with the modern reality of Boston? It was a general Christian ideal of biblical antiquity; it was also a particular characteristic of the voluntary gathered church, that engine of modernity which acted as a solvent of medieval ideas of order and hierarchy in society. Moreover, Mr. Rutman evidently wishes to refute previous interpretations of Massachusetts as an expression of a system of Puritan theological doctrines. His own alternative interpretation, however, is not elucidated by his comment that "Winthrop expressed social ideas in theological terms only because there were no other terms available to him, not because they formed the basis of his thought." [p. 13] These contrasts of "medieval" and "modern," of "social" [p. 13] and "theological," of static ideal and dynamic reality overdramatize without explaining the interrelations of "Society and Puritanism." But Mr. Rutman does admirably accomplish his chief aim of explaining the growth of Boston. His lively and valuable analysis adds significantly to our understanding of New England's history.

Providence

JOYCE RANSOME

## JOHN SMITH, THE MILLER, OF PROVIDENCE, RHODE ISLAND

### SOME OF HIS DESCENDANTS

by CHARLES WILLIAM FARNHAM

[continued from April, 1965, page 61]

- 136 VII AMASA<sup>6</sup> SMITH, b. in Feb. 1797 in West Gloucester, where he d. 2 Sept. 1872; m. in Gloucester 23 Oct. 1826 Sarah Wood Turner, daughter of James Turner and granddaughter of Stukeley Turner.

#### CHILDREN OF AMASA<sup>6</sup> AND SARAH WOOD (TURNER) SMITH:

- 1 PHEBE<sup>7</sup> SMITH, b. 6 April 1827; d. 18 June 1850.
- 2 JOANNA WILKINSON<sup>7</sup> SMITH, b. 11 July 1829; d. 22 Jan. 1908; m. Almon Babbitt; no children.
- 3 HARRIET RUSSELL<sup>7</sup> SMITH, b. 7 Mar. 1831; d. 19 Mar. 1832.
- 4 JAMES ANTHONY<sup>7</sup> SMITH, b. 23 Dec. 1832; d. 8 Mar. 1887, unmarried.
- 5 MARY ANGELINE<sup>7</sup> SMITH, b. 19 Jan. 1835; d. 9 Oct. 1852, unmarried.
- 6 ALBERT HENRY<sup>7</sup> SMITH, b. 1 Jan. 1837; d. 6 Jan. 1913; m. Hannah E. Sweet of Stephen and had two daughters: IDA who m. Harry Flint, and ELSIE who died of tuberculosis at 25.
- 7 SARAH JANE<sup>7</sup> SMITH, b. 17 May 1843; d. 30 May 1888, unmarried.
- 8 LUCY ELLEN<sup>7</sup> SMITH, b. 21 Feb. 1845; d. 12 May 1909; m. William Babbitt of Edward and had two children who grew up: LORENA Babbitt who m. Harry Evans and WILFRED MASON Babbitt who m. Evelyn Steere.
- 9 BYRON AMASA<sup>7</sup> SMITH, b. 26 Nov. 1847; d. 16 Feb. 1920, unmarried.

All the children of Amasa except Joanna are buried in the Jeremiah Smith cemetery in Gloucester.

- 78 LINDON<sup>5</sup> SMITH (*Daniel*,<sup>4</sup> *Elisha*,<sup>3</sup> *John*,<sup>2</sup> *John*<sup>1</sup>), b. Smithfield 20 Nov. 1768; d. 27 July 1829 in Gloucester; m. Phebe Mathewson of William and Mary Mathewson of Johnston 10 April 1796.<sup>626</sup> She was b. 21 Sept. 1774 and d. in Gloucester 31 May 1838.

<sup>626</sup>Arnold, *op. cit.*, Gloucester Marriages, 3:35.



Lindon lived just west of the present Echo Lake in Glocester in a red gambrel-roofed house which later burned. It stood below the hill called the Lin Smith or Brandy Brook Hill.

Lindon made a will in Glocester 6 July 1829 which was offered for probate 29 Aug. 1829. It named his wife Phebe, gave to son Daniel, "infant under 21," \$200; bequeathed \$100 to son Emor; left a cow and sheep to daughter Phidelia, wife of Fenner Mowry; and the rest and residue to sons Joseph, Charles, Renselaer, Emor, and Daniel, with Joseph named as executor.

The family burial ground of Lindon Smith is on the so-called A. G. Bartlett farm, bought from the Arnold Irons heirs around 1920. Buried there are Lindon and his wife, Renselaer B. Smith, Emor and wife Rebecca, Charles and first wife Arodromina, and Phebe Smith. Martha (Mowry) Smith, the second wife of Charles, and her son, Charles Mowry Smith, are buried in the Mowry burial ground on Wionkhiege Hill in Smithfield.

CHILDREN OF LINDON<sup>5</sup> AND PHEBE (MATHEWSON) SMITH:<sup>627</sup>

- 137 I JOSEPH<sup>6</sup> SMITH, b. 2 Feb. 1798; m. 4 Nov. 1833 Mary Ann Jenks, b. 8 July 1810, daughter of Pardon and Freelove (Pitcher) Jenks.
- 138 II CHARLES<sup>6</sup> SMITH, b. 4 March 1800; d. in Glocester 18 Dec. 1837; m. (1) in Glocester 11 April 1825 Arodromina, only child of Asa and Ruth Burden, b. 9 July 1801, d. 3 July 1828;<sup>628</sup> (2) 15 May 1837 Martha Mowry, b. 2 Feb. 1807 in Smithfield, daughter of David and Martha (Plummer) Mowry. She d. 12 Sept. 1896.

CHILDREN OF CHARLES<sup>6</sup> AND ARODROMINA (BURDEN) SMITH:<sup>629</sup>

- 1 RUTH B.<sup>7</sup> SMITH, b. Glocester 2 March 1826.  
2 ARODROMINA<sup>7</sup> SMITH, b. 3 Oct. 1827.

CHILD OF CHARLES<sup>6</sup> AND MARTHA (MOWRY) SMITH:<sup>630</sup>

- 3 CHARLES MOWRY<sup>7</sup> SMITH, b. 6 Jan. 1838; d. 29 Sept. 1856 while attending school in Wilbraham, Massachusetts.
- III PHIDELIA<sup>6</sup> SMITH, b. 25 Dec. 1802; m. Fenner Mowry, son of Benedict and Phebe (Mowry) Mowry. Fenner Mowry m. (2) Sarah Monroe of Pawtucket. No children.

<sup>627</sup>Data on children from Miss Bertha Clark, Boston.

<sup>628</sup>Arnold, *op. cit.*, Glocester Births, 3:62.

<sup>629</sup>*Ibid.*, Glocester Marriages, 3:32.

<sup>630</sup>*Ibid.*

CHILDREN OF FENNER AND PHIDELIA<sup>6</sup> (SMITH) MOWRY:<sup>631</sup>

- 1 PHEBE S.<sup>7</sup> Mowry, d. at 18 years.  
2 SIMON B.<sup>7</sup> Mowry, b. 22 June 1831.  
3 RENSELAER<sup>7</sup> Mowry, b. 21 June 1833.  
4 ORVILLE<sup>7</sup> Mowry, d. at three years.
- 139 IV RENSELAER B.<sup>6</sup> SMITH, b. 4 July 1804 in Glocester but erroneously recorded as Reuben B. Smith; d. 23 June 1878 in his 74th year.
- V PHEBE<sup>6</sup> SMITH, b. 26 March 1807; d. in Glocester 26 Nov. 1824.
- 140 VI EMOR<sup>6</sup> SMITH, b. 13 May 1809; d. 28 Nov. 1875 at 66 years; Root manuscript says he married Rebecca Daggett. She d. 1 Aug. 1884 at 51 years and 18 days.
- 141 VII DANIEL MATHEWSON<sup>6</sup> SMITH, b. 21 July 1818; m. 8 March 1856 Louisa Courtney.
- 79 ALFRED<sup>5</sup> SMITH (*Daniel*,<sup>4</sup> *Elisha*,<sup>3</sup> *John*,<sup>2</sup> *John*<sup>1</sup>), b. 27 Feb. 1770; d. 15 Oct. 1828 in Smithfield; m. 27 July 1805 Elizabeth Shaw, daughter of John Shaw, b. 16 Sept. 1785; d. 25 Feb. 1840.<sup>632</sup> The widow Elizabeth made a will in Smithfield 21 Sept. 1837. It was probated 4 March 1840. In it she named her daughter Huldah E. and mentioned that her daughter Almira had received her share. The cemetery of Alfred Smith is in Stillwater, Smithfield.

CHILDREN OF ALFRED<sup>5</sup> AND ELIZABETH (SHAW) SMITH:

- I ALMIRA<sup>6</sup> SMITH, b. Smithfield 7 March 1807; d. 1 Dec. 1891; m. John A. Mowry.
- II EMOR<sup>6</sup> SMITH, b. 19 Dec. 1808; d. 11 Feb. 1826.
- III HULDAH<sup>6</sup> SMITH, b. 13 July 1815; d. 15 Feb. 1816.
- IV HULDAH ELIZABETH<sup>6</sup> SMITH, b. Smithfield 30 Sept. 1819; d. 23 Jan. 1893; m. 22 March 1857 Munroe Bartlett of Stillwater, Smithfield, who d. 14 March 1877.
- V HARRIET ELIZA<sup>6</sup> SMITH, twin sister of Huldah Elizabeth, b. in Smithfield 30 Sept. 1819; d. 17 May 1823.
- 80 DANIEL<sup>5</sup> SMITH (*Daniel*,<sup>4</sup> *Elisha*,<sup>3</sup> *John*,<sup>2</sup> *John*<sup>1</sup>), b. in Smithfield 28 Aug. 1771; d. in Smithfield 15 Jan. 1817; m. Robey Mowry of Gideon Mowry. There were no children.<sup>633</sup>

<sup>631</sup>William A. Mowry, *op. cit.*, p. 183.

<sup>632</sup>Data on Alfred's family from Root manuscript, The Rhode Island Historical Society.

<sup>633</sup>*Ibid.*



81 EMOR<sup>5</sup> SMITH (*Daniel*,<sup>4</sup> *William*,<sup>3</sup> *John*,<sup>2</sup> *John*<sup>1</sup>), b. in Smithfield in 1755; d. 12 Feb. 1791; m. 14 Feb. 1773 in Smithfield Sarah Smith, daughter of Daniel Smith and granddaughter of Elisha Smith. She d. 12 Aug. 1790. Both are buried in the family graveyard of Emor's grandfather, Major William Smith, on the family homestead in Esmond, Smithfield.

CHILDREN OF EMOR<sup>5</sup> AND SARAH (SMITH) SMITH:

142 I ESEK<sup>6</sup> SMITH, buried in the family lot; d. 4 Nov. 1821 at 48 years, 3 months, and 2 days. He m. 19 June 1794 in Smithfield Desire Eddy, daughter of Zephaniah Eddy.<sup>634</sup> She d. 28 March 1844 at 67 years, 2 months, and 5 days.

A monument in the Major William Smith burial ground in Esmond is inscribed: "Daniel Smith was the son of William; Emor the son of Daniel; Esek the son of Emor. Sarah, Melissa and Amanda were the only children of Esek and Desire. Sarah (Smith) Olney is buried in Ohio, Melissa (Smith) Smith in North Burial Ground, Providence, and Amanda P. (Smith) Fenner in Swan Point Cemetery, Providence."

CHILDREN OF ESEK<sup>6</sup> AND DESIRE (EDDY) SMITH:

- 1 SARAH<sup>7</sup> SMITH. Her marriage to John Olney of North Providence is recorded in *The Providence Phenix*, issue of 1 Nov. 1814. Moved to Ohio where she died.
- 2 MELISSA<sup>7</sup> SMITH. The marriage of Melissa, daughter of the late Esek, and Elisha, both of and at Smithfield, was reported in the 1 Jan. 1825 issue of *The Providence Phenix*. As noted above, she is buried in North Burial Ground. Elisha was the son of Junia and Martha (Appleby) Smith and grandson of Elisha and Elizabeth (Appleby) Smith.
- 3 AMANDA P.<sup>7</sup> SMITH, m. John Fenner at Smithfield, the marriage recorded in *The Providence Phenix* issue of 2 May 1830. Buried in Swan Point Cemetery, Providence.

II MARY<sup>6</sup> SMITH, d. in 1812 at 37 and is buried in the Major William Smith lot in Esmond. She m. 23 May 1793 Jonathan Ballou, son of Aaron Ballou of Smithfield.<sup>635</sup> In

1797 when distribution of the property of Daniel Smith, grandfather of Mary, was made, Mary (called Polly) and her husband were living in North Adams, Massachusetts.

CHILDREN OF JONATHAN AND MARY<sup>6</sup> (SMITH) BALLOU:<sup>636</sup>

- 1 SARAH<sup>7</sup> Ballou, b. 22 Feb. 1795; m. Pardon Davis.
- 2 AARON<sup>7</sup> Ballou, b. 30 June 1796; m. Anna Davis 25 Dec. 1819.
- 3 EMOR SMITH<sup>7</sup> Ballou, b. 26 June 1798; m. Lydia Davis about 1822.
- 4 LILLIS<sup>7</sup> Ballou, d. young.
- 5 MELISSA<sup>7</sup> Ballou, d. young.

<sup>636</sup>Adin Ballou, *An Elaborate History and Genealogy of Ballous in America* (Providence, 1888), p. 259.

NEW MEMBERS (continued from back cover)

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|---|--|
| Mr. Joseph McNulty                                  | Mr. Allan L. Seltzer                               |
| Mrs. Robert A. Meehan                               | Mr. Raymond C. Sherman<br>Coventry, R.I.           |
| Mr. Harold W. Munro                                 | Mr. Matthew J. Smith                               |
| Mr. Cyrus Musiker                                   | Mr. Anthony S. Stasio                              |
| Mr. Joseph M. Norton                                | Mr. William B. Stevens, Jr.<br>Brooklyn, N.Y.      |
| Mr. John J. O'Brien<br>Barrington, R. I.            | Rev. Alexander D. Stewart<br>Riverside, R. I.      |
| Mrs. Christopher D. Pease, Jr.<br>Barrington, R. I. | Mr. John P. Sturges                                |
| Mr. Thomas J. Pickering, Jr.<br>Fall River, Mass.   | Mr. Robert F. Taylor<br>Grosse Pointe Farms, Mich. |
| Mr. Arthur R. Pontarelli<br>Pawtucket, R. I.        | Mr. Laurence S. Walsh                              |
| Mr. Earl B. Randall<br>Andover, Mass.               | Mr. Roger S. Webb<br>Cambridge, Mass.              |
| Mrs. Earl B. Randall<br>Andover, Mass.              | Mr. Gustave Wiedeman<br>Barrington, R. I.          |
| Mrs. Albert C. Rider                                | Miss Frances E. Wurtz<br>Riverside, R. I.          |
| Mrs. Edward W. Roberts                              | Mr. Howell T. Young                                |
| Mendell Robinson, M.D.                              | Mrs. Howell T. Young                               |
| Mrs. Bernard Roseman<br>Cranston, R. I.             |  |

<sup>634</sup>Arnold, *op. cit.*, Smithfield Marriages, 3:68.

<sup>635</sup>*Ibid.*, 3:15.



## NEW MEMBERS



*April 1, 1965 to June 30, 1965*

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|--|---|
| Mr. J. Drisko Allen<br>Rumford, R. I.            | Mr. Armand J. DiNofrio<br>Warwick, R. I.          |
| Miss Edith E. Appleby                            | Very Rev. Vincent C. Dore, O.P.                   |
| Mr. Harold Arcaro                                | Mr. Earl S. Dulgarian                             |
| Mrs. David H. Atwater, Jr.<br>Barrington, R. I.  | Mrs. Earl S. Dulgarian                            |
| Mr. Frank Barad                                  | Miss Marian Dunlop                                |
| Mrs. Frank Barad                                 | Mrs. Edward R. Eberle                             |
| Mrs. Glidden L. Brooks                           | Mr. Donald L. Farren                              |
| Mrs. Morris Henry Brown<br>Suffern, N.Y.         | Mr. Dennis Forcier<br>Warwick, R. I.              |
| Mr. Carlton C. Brownell<br>Little Compton, R. I. | Mr. Frank E. Fuller                               |
| Mr. Harold W. Browning<br>Kingston, R. I.        | Dr. Ralph E. Gauvey<br>Barrington, R. I.          |
| Mr. Carroll L. Cartwright<br>New York, N.Y.      | Mrs. M. L. Greeley, Jr.<br>Winnetka, Ill.         |
| Mrs. Carroll L. Cartwright<br>New York, N.Y.     | Mrs. Leroy L. Greeley<br>Portland, Me.            |
| Mr. E. Leonard Chaset                            | Mrs. H. Towle Greenhalgh<br>Pawtucket, R. I.      |
| Mrs. E. Leonard Chaset                           | Mr. Henry B. Hathaway<br>West Barrington, R. I.   |
| Mrs. William B. Clark<br>Rehoboth, Mass.         | Joseph A. Hindle, M.D.                            |
| Mr. Eugene F. Cochran                            | Mr. C. P. B. Jefferys<br>Newport, R. I.           |
| Miss Jean Colavecchio                            | Mr. Stanley Brown Jordan<br>Cranston, R. I.       |
| Mrs. Charles Cole<br>Cranston, R. I.             | Mrs. Nathan J. Kiven                              |
| Mr. David Cole<br>Cranston, R. I.                | Mr. Steven L. Lerner<br>Pawtucket, R. I.          |
| Miss Marion S. Cole<br>Bristol, R. I.            | Mrs. Richard C. Loebis<br>New York, N.Y.          |
| Mr. Kenneth H. Colt<br>East Providence, R. I.    | Mrs. Henry W. Markoff                             |
| Mrs. Rachel Ada Conant                           | Mrs. Richard Marsden<br>Lincoln, R. I.            |
| Mr. Carl S. Darelus<br>Warwick, R. I.            | Mrs. Charles McGowan<br>Newport, R. I.            |
| Mrs. Arthur Darling<br>Seekonk, Mass.            | Mr. Francis X. McNamara, Jr.<br>Barrington, R. I. |

(continued on inside cover)