SEEKING HERRINGTON: SETTLEMENT IN A VERY EARLY MARYLAND TOWN

Joseph B. Thomas, Jr. and Anthony D. Lindauer

Colonial Maryland was dotted with small, nucleated settlements. These concentrations of people and structures were called "towns" by their inhabitants, but usually were no larger than a rural village today. While Maryland was in no sense an urban society (notwithstanding the presence of larger places like Annapolis), these little places were significant in their own worlds and are interesting to archeologists and historians. They can be hard to study, however. Few Maryland towns had municipal self-government until after the American Revolution, making focused, detailed information on particular towns hard to come by. This is especially true for the smallest, most ephemeral places. To learn about these sites, scholars must use the same kinds of sources that they use with rural settlements like plantations: land records, probate records, and other documents that describe the activities of individuals rather than the activities of municipalities. Often archival information can be combined with archeological information to provide a remarkably broad view of life in colonial towns.

The Lost Towns of Anne Arundel Project has used this method successfully on colonial town sites, notably at London on the South River and Providence on the Severn. As part of its effort to identify other colonial towns, the project recently turned its attention to Herrington, on Herring Bay in the far southern end of Anne Arundel County. Herrington is a particularly challenging case. It is a very early example of town founding in Maryland, dating at least from the late 1660s. It was never very big and it did not survive for very long — the town probably did not last into the eighteenth century, although individual lots may have retained their legal identities that long. But there are hints that Herrington was more than just a name on a map, although just how much more remains unclear. The Project's research on Herrington is still very preliminary, but enough is known to suggest that further investigation would be useful.

Herrington first appeared during a poorly understood period in the history of Maryland town planning. In June 1668 the colony's governor Charles Calvert, at the direction of his father the second Lord Baltimore, joined with his council to issue a declaration establishing ports in the province. The declaration named eleven sites to serve as "Sea Ports Harbours creeks & places for the discharging and vnlading of goods and merchandizes out of shipps & boates and other vessells." Persons loading or unloading ships anywhere else were threatened with a year's imprisonment, and could not sue for payment of debts resulting from sales made at illegal sites. Anne Arundel County received one port "Att Richard Actons land" on the Severn River, while Calvert County got two: "Brickhill point in Mattapany Man^{r}," and "Hollowing point in Calvert Manno^{r} in Patux[en]^{t} riu^{r}."[1]

This declaration often has been regarded as the first town planning legislation passed in colonial Maryland;[2] however, this interpretation may not be accurate. The 1668 declaration did three things: it required colonists to load and unload merchandise at specified places, it named eleven such places, and it established penalties for noncompliance. It did not establish procedures for acquiring, surveying, or selling lots, as did later town legislation. It did not require inhabitants to build houses. It did not provide incentives for colonists to live at one of the designated sites. In fact, the word "town" only occurred once in the declaration, as part of a place name for a Charles County site. It wasn't that Lord Baltimore and his officials did not know how to write municipal legislation: in November of the same year the proprietor formally established St. Mary's City as an incorporated city, with a full inventory of officials and powers.[3] Simply, the 1668 port declaration established ports — particular transfer points between land and water transportation — not towns.

But towns were being established during this period. In April 1669, the proprietor promulgated an ordinance with many of the same port-related provisions (and town-related omissions) as the 1668 declaration, which by then was only ten months old. Of the twelve designated ports, however, ten were near or "afore" towns. Calvert County had two ports in the 1669 ordinance: "in Patuxent River afore Harrington" and "afore Calverton in Battle Creek in the same [Patuxent] River." Anne Arundel County also had two: "afore the Town Land purchased of Richard Acton," and, of greatest interest here, "afore Herrington in Herring Creek."[4]

Where did these places come from, if not from the first port proclamation in 1668? This is not clear, although there are hints that a separate town-founding process was occurring at the same time that the port declarations were being published. For example, a 1668 warrant from Somerset County directed the surveyor to lay out a town on twenty acres of land recently given to the Lord Proprietor for that purpose.[5]

In Talbot County, a landowner granted thirty acres to the proprietor for a town sometime in 1668, but had to recover fifteen acres that were found to be under prior lease.[6] A 1683 petition from the inhabitants of Calvert County to the General Assembly cited a 1669 proclamation "Commanding that Convenient Places in evey [sic] County within this Province should be laid out for Towns."[7] In Anne Arundel County, Richard Acton sold eighteen acres to the proprietor for a town in time to have the purchase cited in the 1669 port ordinance, quoted above.[8]

No similar references have been found for the establishment of Herrington; however, there was almost certainly something there in the late 1660s. An election report from March 1668 — *before* the first port declaration — recorded that an Anne Arundel County burgess election was held in Herrington.[9] The town appeared on Augustine Herrman's 1670 map of Virginia and Maryland, which was published in 1673 (Figure 1). John Ogilby's 1671 atlas of America incorrectly placed Herrington across the border in Calvert County (Figure 2):

> There are Foundations laid of Towns [in Maryland], more or less in each County, according to [Lord Baltimore's] Proclamation, to that effect Issu'd in the year 1668. In *Calvert County* about the River of *Patuxent*, and the adjacent Cliffs, are the Bounds of three Towns laid out, one over against *Point Patience*, call'd *Harvy Town*, another in *Battel-Creek*, call'd *Calverton*, and a third upon the Cliffs, call'd *Herrington*, and Houses already built in them, all uniform, and pleasant with Streets, and Keys [quays] on the Water side.[10]

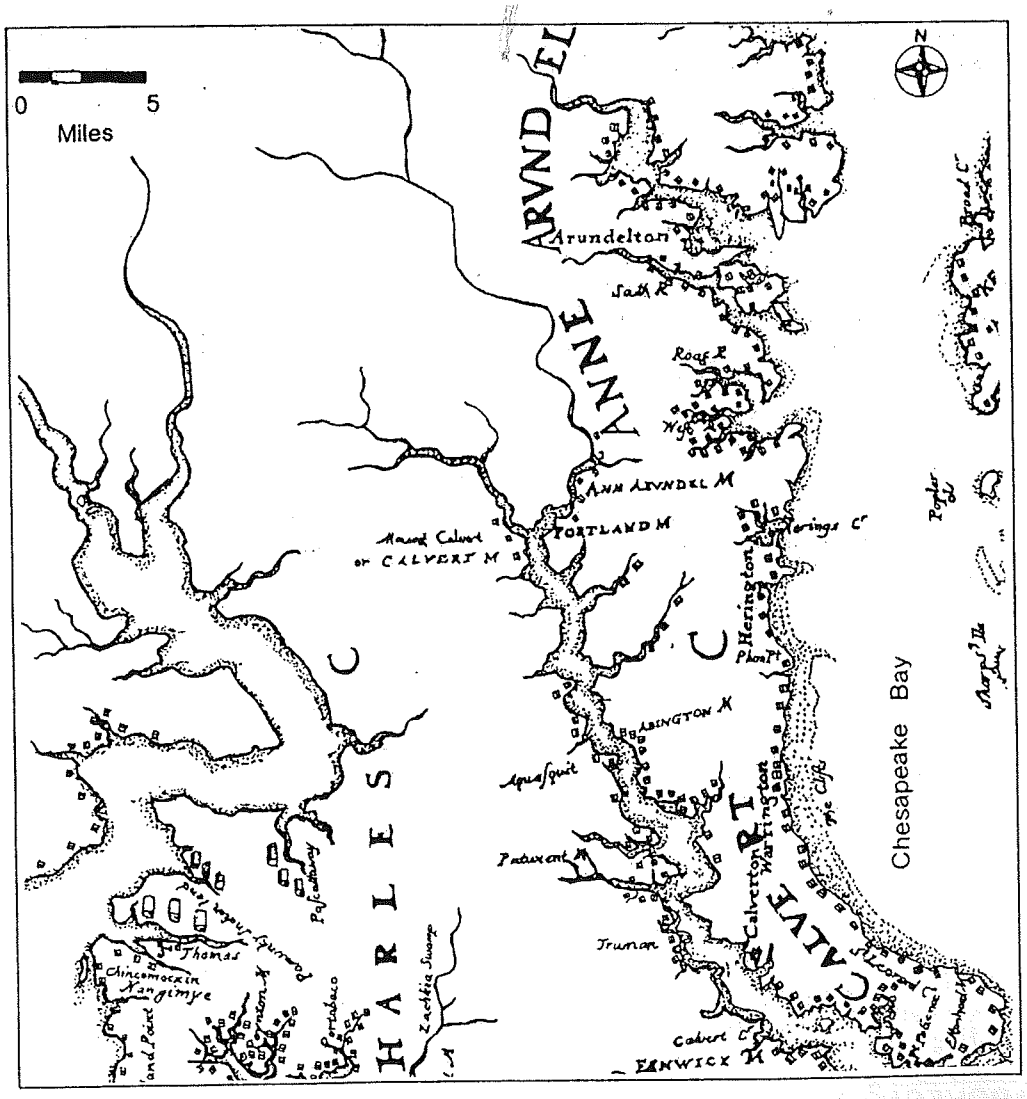

FIGURE 1. Augustine Herrman's 1673 map of Virginia and Maryland (detail, enhanced).

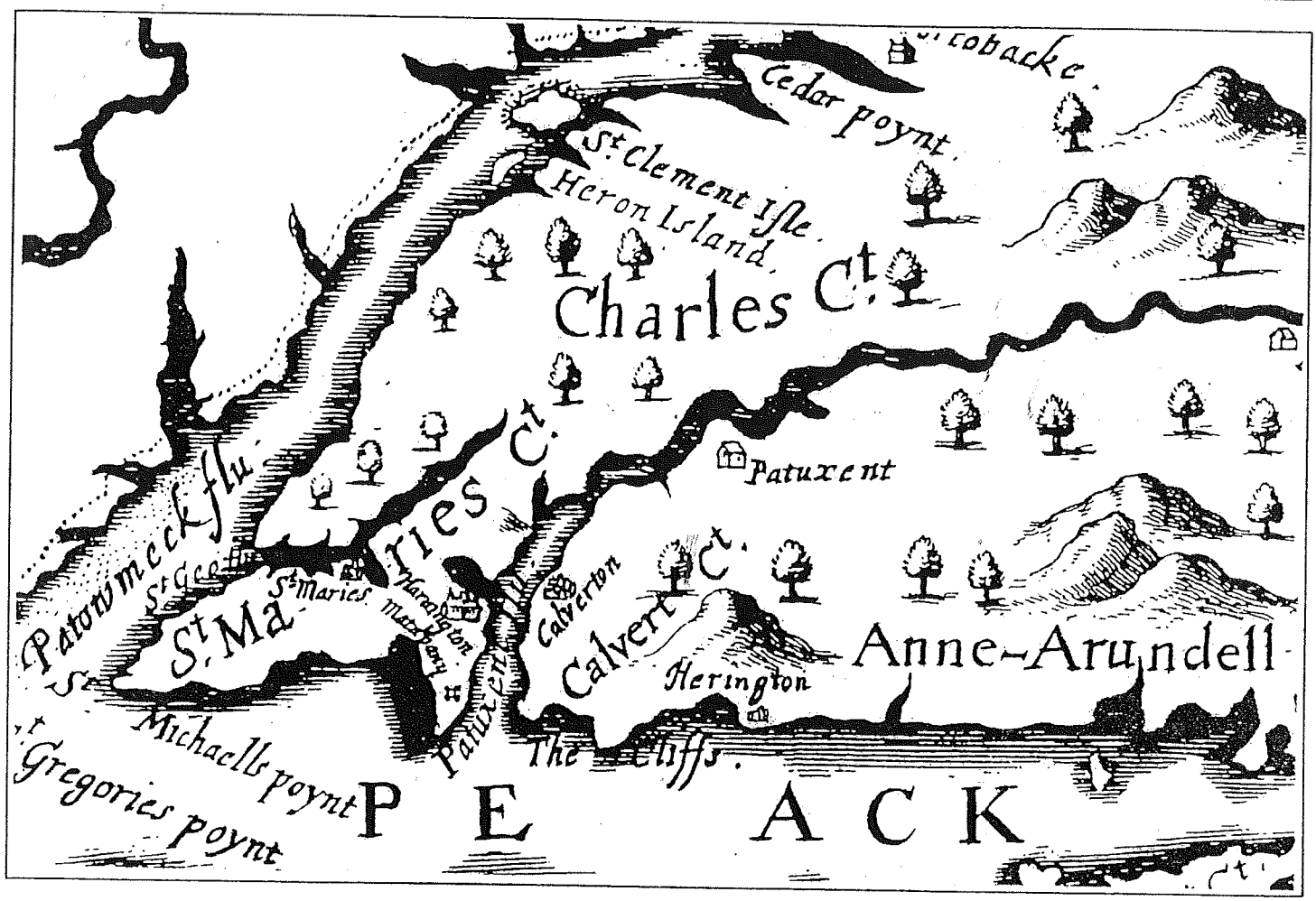

FIGURE 2. John Ogilby's 1671 map of Maryland.

The accompanying map shows Herrington, but without enough landmarks to help in locating the site precisely.[11] The map also shows Harrington on the west bank of the Patuxent River, but the reference to cliffs suggests that Ogilby meant Herrington in Anne Arundel County.

The Maryland Assembly's first indisputable attempt to establish towns was passed in 1683. Unlike the port proclamations, this "Act for Advancement of trade" provided formal instructions for establishing towns. The legislation required designated county commissioners to buy (whether voluntarily or by condemnation) hundred-acre parcels specifically for use as towns. The commissioners then directed the survey of each parcel into streets, public lands, and one hundred lots, and oversaw the sale of the lots. The act also provided incentives to live and trade in towns: nearly all imports and exports had to go through them, public fees and levies were to be paid there, and customs officials were to station themselves in the towns. Lot buyers had to build a twenty-foot square house on the property within a specified time or forfeit the lot.

Calvert County got four towns in the 1683 act, while Anne Arundel got three, including one "att Herring Creeke on the Towne Land."[12] The record of Herrington's resurvey and lot sale under the 1683 act has not been found. It likely occurred in 1683 or 1684 — if in 1684, then probably under the influence of a supplementary town act published in April, which criticized the slowness with which towns were being surveyed and required commissioners to act more quickly.[13]

Although town surveys began to occur after the 1684 supplementary act, mariners and planters seem to have ignored the legal provisions requiring that most trade be conducted in towns. By 1686, the situation was bad enough that the governor's council published a proclamation that further restricted trade outside of towns, and forbade anyone from even writing or speaking against the town laws. The council also

named an officer for each town to see that the laws were enforced, giving the "Herring Creek Town" position to a Mr. Thomas Knighton. A month later the assembly passed legislation to reinforce the proclamation, but the restrictions were so onerous that within two years the proprietor suspended the punitive provisions of the early acts, and a further act passed in 1688 had no trade restrictions at all.[14]

As the Maryland assembly found out, law is one thing — actual settlement is something else entirely. What can we say about actual occupation of the Herrington site between the late 1660s and 1700? Records relating to the town are sparse, but not completely absent. The 1668 election report mentioned above indicates that there was enough of Herrington to hold an election in, but perhaps not much more than that. Ogilby's 1671 description of the town suggests that someone among Ogilby's circle of informants had actually seen the place.

A little more detail can be found in the 1676 will of Samuel Chew. Chew was a successful planter and merchant who had immigrated to Maryland from Virginia in 1659. He was a leader of Maryland's Quaker community, and at different times served in the upper and lower houses of the assembly, as a county justice, as a provincial court justice, and as sheriff of Anne Arundel County. Among much other property, Chew owned a six-hundred-acre plantation called "Herrington," which he bequeathed to his wife Anne during her lifetime, and after her death to his eldest son, also named Samuel. Chew also left "all my Lott of ground within the towne of Herrington with all houses & appurtenances thereunto belonging" to a younger son William, who was a minor. The formulaic phrase "with all houses & appurtenances thereunto belonging" does not provide much information about what was actually on the lot, but it is unlikely that the will would have contained a bequest for houses if there had been no buildings.[15]

The 1680s do not provide much more information. The 1686 designation of Thomas Knighton to be the town's officer indicates that Knighton spent time there even if he did not actually live there — the proclamation's insistence on town officers scrupulously enforcing and obeying the town laws was very clear. In 1688, a planter named John Wilson gave to his son, also named John, several parcels of land in Anne Arundel and Baltimore counties, including "the Lott I have at herring Towne and the house thereupon built." The gift of the lot was to take effect after the senior Wilson's death. Wilson actually lived on a plantation called "Burridge Lands," but he clearly had some kind of presence in Herrington.

A 1691 Herrington conveyance provides the most detail. James Maxwell, called a "gentleman" in the deed, had inherited the land around and under Herrington from his father in 1669/70. Living in Baltimore County, relatively recently married, and just embarking on a long career of public service, Maxwell may have decided to reduce his Anne Arundel land holdings by sale. The buyer of the two-hundred-acre parcel was Luce Evans, the widow and executrix of Lewis Evans, an Anne Arundel County planter. The deed, however, specifically excepted from the sale,

> five acres parte of the above mentioned parcell of Land being five Severall Lotts taken up & surveyed into herrin [*sic*] Creek Towne & bargained & Sold to the five Severall persons hereafter mentioned (that is to say) to Mr Thomas Tench one acre of Land[,] To Francis Holland one acre of Land[,] to Wm Cole one acre of Land[,] to John Wilson one Acre of Land, and to Nehemiah Birkhead one acre of Land . . .

These five lots appear to have been the full extent of Herrington in 1691.[16]

Luce Evans immediately gave the property — less the Herrington lots — to her two oldest daughters in fulfillment of her late husband's will. She soon married a planter named Christopher Vernon, and over the next few years Vernon bought at least three of the five excepted lots, perhaps in an effort to remove other landowners from the two-hundred-acre tract. In 1699 Thomas Tench, a merchant, planter, and legislator who would serve as Maryland's governor between 1702 and 1704, sold Vernon his Herrington lot and the "thirty foot house" standing on it for twelve pounds current money. In 1701, the older and younger John Wilsons sold their lot and house to Vernon for eight pounds English money. This deed confirms that the elder Wilson had taken up the lot under the provisions of the 1683 town act. The same day, the merchant Nehemiah Birkhead sold his lot to Vernon for four hundred pounds of tobacco. Birkhead's father Christopher first acquired the lot early in the town's history, passing it to Nehemiah before the 1683 town act. Nehemiah paid for the lot under the provisions of the 1683 act, and either used an existing house or built a new house to satisfy the law's house-building provisions. Conveyances for the Cole and Holland lots have not been found, but a 1705 resurvey of the property did not mention any remaining town lots.[17]

Little more was heard of Herrington after the resurvey. The extensive 1706 town act directed that a hundred-acre town be established "at Herring Creek where the Town was formerly laid out," but the 1707

supplementary act reduced the size to fifty acres, and no lot conveyances from a post-1707 town have surfaced.[18] There are occasional references to Samuel Chew's former tract "Herrington" during the eighteenth century. The 1747 act establishing public tobacco warehouses throughout the colony skipped Herring Bay entirely, leaving south county planters to choose between a public warehouse on West River or one on the Patuxent.[19]

Herrington probably was settled in the late 1660s, lasting for some thirty-five years with no more than a handful of occupied lots at any given time. Herrington's function during this brief period revolved around the tobacco trade. An important purpose of both the port proclamations and the town legislation was to improve the control and taxation of trade by channeling it through specific places. Herring Bay was a point of entry for southern Anne Arundel County throughout the colonial period, and no doubt Herrington provided a focus for this activity during its lifetime.[20] Merchants and planter-merchants then might have considered buying town lots to take part in this trade. Other planters might have bought a lot to avoid having to pay others to handle their trade. Of the dozen or so verifiable Herrington lot owners, several had plantation holdings as well, including Samuel Chew, John Wilson the elder, James Maxwell, and Thomas Tench. Tench owned more than 1500 acres of land at his death; Chew and Maxwell each owned more than 2000 acres. For these planters, investment in a town lot would have made economic sense. Wealthier individuals also could have bought lots as speculative ventures. The requirement to build a house on each lot would have prevented persons of more modest means from speculating in the town lot market.

Although shipping was an important economic activity in Herrington, shipbuilding probably was not. A 1697 inventory of ships, shipowners, builders, and mariners did not mention any known Herrington lot holders among its list of Anne Arundel shipbuilders. The inventory did record that Thomas Tench, the future governor, was operating a sloop in the county, possibly out of Herring Bay. The list of mariners included the apprentice Thomas Knighton, son of Thomas Knighton, presumably Herrington's 1686 officer.[21]

Herrington's physical appearance is not known, but we can speculate. Three of the five 1691 lots had at least one building, according to their subsequent conveyances to Christopher Vernon, and probably were adjacent to each other. The other two lots probably had at least one building, or they would have been forfeited in the 1680s under the town acts' building provisions. An occupied lot also might have had storage buildings and other outbuildings in addition to the principal structure. Dwelling houses would have had kitchen gardens, small orchards, and perhaps livestock enclosures near them. A lot that was the site of mercantile operations might have had separate storehouses as well. Some waterfront structures might have been present, such as piers, storehouses, or weight-handling equipment like small cranes.

A 1682 resurvey of Herrington's neighbor Calverton (Figure 3) may be the best representation we

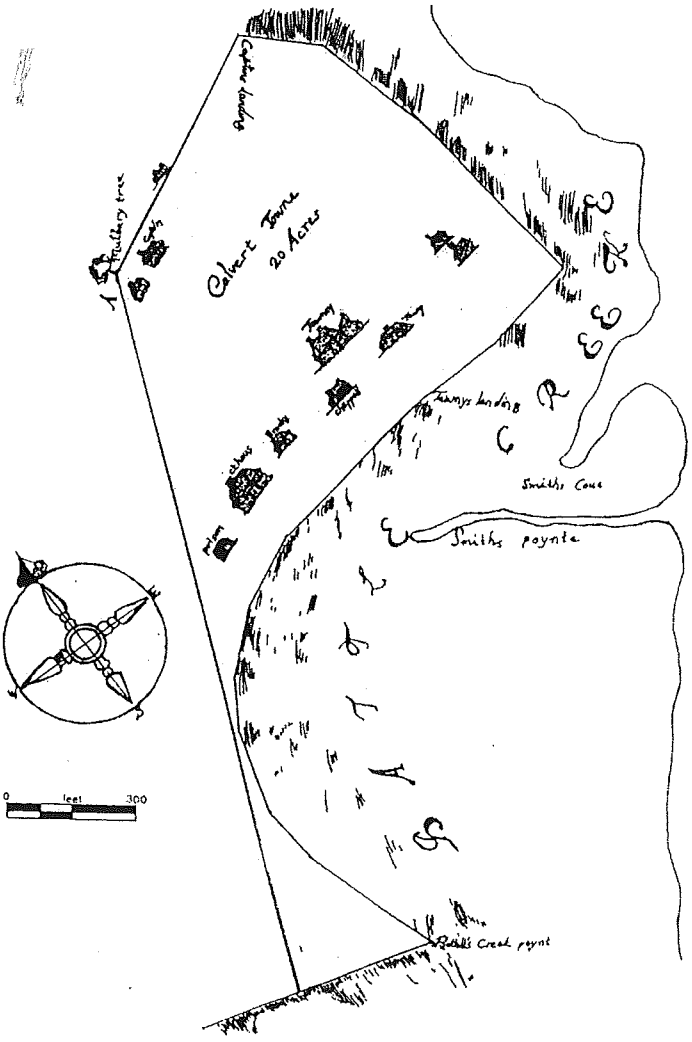

FIGURE 3. Charles Boteler's 1682 resurvey of Calverton, Calvert County, Maryland (enhanced). *(Robert Jones Survey Book, 1682-1684; Maryland Historical Society, MS 446, Vol. 1)*

have of settlement in a town of this period.[22] (Most other contemporary town plats, including those in Reps [1972], show towns as designed but not as actually occupied.) Calverton was founded in the 1660s under the same circumstances as Herrington, and the failure of its original owner to formally convey lot titles to town inhabitants gave rise to the petition for resurvey and clear conveyance of title. The resurvey depicts a line of buildings along the waterfront roughly centered on Tawny's landing, with two more buildings unaccountably located in the back corner of the town land. This focus on the waterfront was likely repeated at Herrington, and at any other very small settlement whose reason for being was to accommodate waterborne trade.[23]

A mariner aboard a ship at anchor in Herring Bay at the end of Herrington's short life would have seen this small group of structures extending along a few hundred feet of shoreline. Any activity visible to this hypothetical mariner probably would have been related to the arrival of the ship itself. Arrivals in Herring Bay were likely infrequent, and there are few indications in the records that Herrington had other economic functions that would have provided continuous activity, like a tavern or a ferry. Herrington probably would not have been high on the list of desirable port calls for sailors arriving in the Chesapeake after a hard Atlantic crossing.

Compare this with London, on the South River only some twenty miles by water up the bay. Although London probably started later than Herrington and had not yet hit its full growth by 1700, it was already a busier place. A ferry crossed the South River from London, allowing travelers from the south direct access to the new capital of Annapolis, and to points north. The county court had moved from London to Annapolis in 1695, but at least one innkeeper remained for awhile, and was soon joined by others. London's peak was still thirty years away (and its eventual decline fifty years beyond that), but even in 1700 London probably would have been a more congenial place for a mariner to get reacquainted with life ashore — or for anyone else to live, for that matter. Why the difference? Location, probably.

The ferry and the courthouse gave London a reason for existing beyond tobacco shipping, although the relocation of the courthouse could have quieted things for awhile. Herrington was distant from the centers of life and government in Anne Arundel and Calvert counties, and was not on the way to anywhere in particular. In addition, the South River could provide better and more convenient shelter to ships than could Herring Bay, which was open to the wider Chesapeake. This shelter and London's accessibility to planters living between the South and West rivers made the South River a frequent destination for tobacco ships. Between 1705 (the first year in which freight rate notices were required) and 1712, 26 ships calling in South River publicly advertised freight rates, compared with 9 in Herring Bay.[24] London eventually became a minor shipbuilding center as well.

Even though Herrington was no London (which in turn was no Annapolis, which in turn was no Philadelphia), it remains of historical interest. The records cited here do not allow more than mere speculation about the town, which could still hold surprises. Were the town's only lot owners a few planters who lived elsewhere and used their town lots only for business? If not, who did live there, and what did they do when they were not loading tobacco onto ships? Were other lots settled and abandoned before the 1691 land sale that gives us our best glimpse of the size of Herrington? The many questions that remain about Herrington's place in its neighborhood and in the Chesapeake economy hold for other small places as well.

Herrington is a good place to explore these questions. Except for the town itself and a late twentieth century housing development, the tract on which the town is thought to have been located has been in agricultural use throughout its history. The town is therefore less likely to have suffered intrusions from other periods. Documentary evidence is sufficient only to demonstrate the town's existence and duration, leaving the details of its form, function, and chronology to archeological study — a tall order, but given the town's tight temporal and physical boundaries, perhaps not entirely unreasonable. The possibly equally tight functional and social aspects of life at Herrington make it a particularly tantalizing subject for study.

Even the smallest, least "townlike" towns have something to offer to students of the colonial Chesapeake. Herrington's short time on the Maryland landscape left documentary traces that are only beginning to make sense to us. The physical traces of Herrington remain to be explored, but may in the end tell the most exciting story of all.

Notes

1. William Hand Brown, et al., eds., *The Archives of Maryland*, 72 vol. (Baltimore, Md.: Maryland Historical Society, 1883+), 5:31.
2. For example, John W. Reps' seminal work *Tidewater Towns: City Planning in Colonial Virginia and Maryland* (Williamsburg, Va.: Colonial Williamsburg Foundation, 1972), 92-94.

3. *Archives of Maryland* 57: 348.
4. *Archives of Maryland* 5: 47. A third and final port declaration in 1671 was very similar to the 1668 declaration, and reverted to describing port sites by geographical landmark or by the name of the adjacent landowner. A port was established "at Herring Creeke" in 1671. *Archives of Maryland* 5:92.
5. *Archives of Maryland* 54: 721.
6. Talbot Land Records liber A1, folio 51.
7. *Archives of Maryland* 7: 278. A county resident had applied to have twenty acres on Battle Creek laid out as a town — Calverton in the 1669 ordinance — but never quite got around to conveying the town lots to the people who settled on them. This omission eventually sparked the petition, which requested that the assembly confirm lot titles legislatively. An attached 1668 survey warrant casts doubt on the 1669 date given for the proclamation in the petition — the proclamation would have had to predate the warrant.
8. The amount of land sold is cited in Chancery Court Records liber 6, folio 239.
9. *Archives of Maryland* 51: 325.
10. John Ogilby, *America: being the latest, and most accurate description of the New World* . . . (London: John Ogilby, 1671), 189.
11. Ogilby, *America*, between pages 182 and 183.
12. *Archives of Maryland* 7: 609-619.
13. *Archives of Maryland* 13: 111-120.
14. 1686 proclamation: *Archives of Maryland* 5:495-498. Officer designations and instructions: *Archives of Maryland* 5: 500-504. 1686 act: *Archives of Maryland* 13: 132-139. 1688 proclamation canceling punitive provisions: *Archives of Maryland* 8: 61. 1688 act: *Archives of Maryland* 13:218-220.
15. Anne Arundel County wills, liber #5: 241-248. A biographical summary for the elder Chew can be found in Edward C. Papenfuse, Alan F. Day, David W. Jordan, and Gregory A. Stiverson, *A Biographical Dictionary of the Maryland Legislature, 1635-1789* (2 volumes) (Baltimore: Johns Hopkins University Press, 1979 (vol.1) and 1985 (vol. 2)), 1: 218.
16. Anne Arundel County deeds, liber IH#1: 163-171. A biographical summary for James Maxwell can be found in Papenfuse et al., *Biographical Dictionary* 2: 584-585.
17. Tench to Vernon: Anne Arundel County deeds, liber WT#1: 43-45. Wilsons to Vernon: Anne Arundel County deeds, liber WT#1: 325-327. Birkhead to Vernon: Anne Arundel County deeds, liber WT#1: 327-328. 1705 resurvey: Anne Arundel County deeds, liber WT#2: 246.
18. *Archives of Maryland* 26: 636-645 (1706); 27: 159-168 (1707).
19. *Archives of Maryland* 44: 595-638.
20. For an idea of eighteenth-century tobacco shipping in Herring Bay (along with the rest of the county), see John M. Hemphill, "Freight Rates in the Maryland Tobacco Trade, 1705-1762," *Maryland Historical Magazine* 54 (1959): 36-58 (article) and 153-187 (appendix). The appendix lists all vessels whose publicly announced freight rates were subsequently recorded in the Anne Arundel County land records, including their anchorage at the time of publication.
21. *Archives of Maryland* 25: 595-596.
22. Robert Jones Survey Book, 1682-1684; Maryland Historical Society, MS 446, volume 1. Reprinted in James G. Gibb, *The Archaeology of Wealth: Consumer Behavior in English America* (New York and London: Plenum Press, 1996), 104.
23. For a demonstration of the durability of lot titles in the face of limited development and town site abandonment, see Joseph B. Thomas, Jr., "Settlement, Community, and Economy: The Development of Towns on Maryland's Lower Eastern Shore, 1660-1775," *Volumes in Historical Archaeology XXXVIII.* The South Carolina Institute of Archaeology and Anthropology, The University of South Carolina, Columbia.
24. Hemphill, "Freight Rates in the Maryland Tobacco Trade," 154-157.

Joseph B. Thomas, Jr., Ph.D.
Navy Cultural Resources Office
COMNAVFACENGCOM (PLN)
1322 Patterson Ave, SE, Suite 1000
Washington, DC 20734-5063

Anthony D. Lindauer
Staff Historian
The Lost Towns of Anne Arundel Project
P.O. Box 6675/PACE
Annapolis, Maryland 21401