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Presented

By

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2 May 2011

To

The Indianapolis Literary Club

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How do we determine a person's place in history? By single event, a life time of accomplishments, or the impact of the person's actions on the populace as a whole? We live in a day of sound bites and easily defined statements to categorize individuals and groups. This paper will attempt to redefine a person beyond one single event. A person, who had many life experiences that could be used to define him by present day standards. Born into a prominent family well connected politically and socially. In the well watered Monocacy Valley of Western Maryland not far from the Pennsylvania line, was the plantation of the Key family. The plantation was situated west of the stage road that ran from Frederick, Maryland to York and Philadelphia in Pennsylvania. Philip Key, the progenitor of the Key family in America was granted a tract of 1,865 acres under the name of Terra Rubra (Red Land). Key was educated in London, members of the family had held important Civil and military positions in the English government for over one hundred years. He began the practice of law in Maryland, sat in the Provincial Assembly, served for a time as High Sheriff, was Presiding Justice of the County, later occupying a seat in the Council of the Governor.

His son, Francis married Ann Arnold Ross daughter of John Ross, Registrar of Land for Maryland. This Francis Key was appointed Clerk of Cecil County Court in 1765. He added to the real estate holdings of the family, a tract of 3,677 acres in Frederick County was patented under the name of Runnymeade to him and his brother-in-law Dr. Upton Scott, a physician at Annapolis.

Francis Key had three children, the eldest John Ross Key, Philip Barton Key, and the youngest Elizabeth. When the father Francis Key died in 1770 with out a will, Terra Rubra became the property of John Ross Key under the law of primogeniture.

It was here that Francis Scott Key was born 1 August 1779 to Anne Phoebe Penn Dagworthy Charlton and John Ross Key. In 1789 at the age of 10, his parents sent him to St. John's College, then preparing to open in Annapolis. Charles Carroll of Carrollton, Samuel Chase, Thomas Stone and William Paca, Maryland's four signers of the Declaration of Independence, were among the founders of St. John's College. Key was invited to stay with his great aunt Elizabeth and her husband Dr. Upton Scott, Key's namesake. The Scotts lived within a mile of the college on Shipwright Street. Dr. Scott had supported the British during the Revolution and had returned to Ireland until peace was restored.

St. John's College was composed of three departments, grammar, French School(intermediate), and College. It was during his time at St. John's that Key began to write poetry, which he continued throughout the remainder of his life. Key was selected as the valedictory orator of the class at commencement. At the age of 17 he graduated with honors.

Coming from a family of lawyers, it was only natural that Francis Scott Key made the decision to study law. His father John Ross Key had been appointed Associate Justice of the Fiftieth Judicial Court comprising of Allegany, Washington, and Frederick Counties in Maryland. Because the leading lawyers of Maryland congregated in Annapolis to argue their cases before the General Court, Annapolis was the best place for a young man to study law.

His uncle, Philip Barton Key was a leading member of the Maryland Bar, was now located in Annapolis, invited Francis to begin the study of law in his office. Philip Key had an exiting career, Captain of the Maryland Loyalist Regiment, his Maryland property was

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confiscated because of his allegiance to King George III. After the Revolution he practiced law in St. Mary's County. In 1790 at the age of thirty-three, he married Ann Platter, sixteen year old daughter of George Plater governor of Maryland. They settled in Annapolis until they relocated to Georgetown were he had a very successful law practice. Philip Key was later elected to serve in the United States House of Representatives.

While Francis Scott Key was studying under his uncle's guidance he met Roger Brooke Taney, who was studying law in the office of Jeremiah T. Chase, Judge of the General Court. Taney would later marry Francis Scott Key's sister Anna. Later Taney would become Chief Justice of the Supreme Court of the United States.

In 1800 Francis Scott Key would receive a Master of Arts degree from St. John's College and completed his law studies with his uncle. Later in 1800, Key was admitted to the bar in Frederick County, Maryland. The town of Frederick was located at the intersection of two major roads from Baltimore to Georgetown and to the West and North. It was a flourishing inland town situated in a fertile valley producing abundant crops. It has been estimate that eighty grist mills existed for the purpose of grinding grain. There were between 300-400 stills in Frederick County distilling rye whiskey. Then too, there were two iron furnaces, two forges, two paper mills, and two glass works. The population of the county was approximately 31,000.

Roger B. Taney and Francis Scott Key traveled together in their early legal careers, in and around Frederick, sometimes they would be on the same case and other times on opposing sides. They were both admitted to the Montgomery County, Maryland Bar at Rockville on November 5, 1801. Francis Scott Key married Mary Tayloe Lloyd the evening of 19 January 1802 in the Annapolis home of her parents. The rector of St. Ann's Episcopal Church officiated. The Keys moved to Frederick where Key was practicing law.

In the fall of 1805, Francis Scott Key his wife Mary, and two children left Frederick to move to Georgetown and join Uncle Philip's law practice. Georgetown was a flourishing community of four thousand inhabitants. Located at the tidewater on hills that rolled back from the Potomac River at the mouth of Rock Creek. It was a shipping port and stage coach center to the west and north. Georgetown was crowed with lawmakers and foreign diplomats who sought the quiet of Georgetown heights to escape the mud and dust of the District of Columbia.

The Keys purchased a home on the south side of present M Street, west of the present Francis Scott Key Memorial Bridge. The house of brick construction had been built just three years earlier. The yard slopped to the Potomac River. Nearby was St. John's Episcopal Church which the Key family became members. Key was active in the parish as a lay reader, vestryman, delegate to the Diocesan Convention, and a delegate to the National Convention of the Episcopal Church. Key was also an incorporator and board member of what is now the Virginia Seminary of the Episcopal Church in Alexandria. He served from the inception of the Seminary in 1820 until his death. He also served on the Mission board of the Protestant Episcopal Church. Key was a pious man, prayers were said twice daily with all family members and servants present..

In the spring of 1806 came the opportunity for Key to appear before the Supreme Court of the United States. The case in which he appeared was the habeas corpus hearing for two prisoners charged with treason as accomplices of Aaron Burr. The two Dr. Justus Erich Bollman of Philadelphia and Samuel Swartwout had been selected by Aaron Burr to carry a message to General James Wilkerson, Governor of Upper Louisiana. Bollman carried a copy by sea and Swartwout carried another by land. When General Wilkerson received the message in New Orleans, meditated over the best method by which he could save himself and brighten his own reputation. Wilkerson decided to denounce his associates in the Mexican Plot as traitors and

assume the mantle of loyalty to the United States. Bollman and Swartwout were arrested, denied counsel, access to the courts, and ordered to be taken under military guard to Washington. Upon their arrival the Jeffersonians in the Senate drafted and passed a bill for the President to suspend the writ of habeas corpus. Rejected by the House, the two were now brought before the Circuit Court for the District of Columbia. The prosecutors were Caesar A. Rodney, Jefferson's Attorney General and Walter Jones, the Jefferson appointee as attorney for the District of Columbia. The Court was divided in its decision and the case was now to be heard by the Supreme Court. Key advanced the view "that treason against the United States consisted only in leading war against, or in adhering to the enemies, giving them aid and comfort." He then passed to the next step in his argument, still two things had to be shown: (1) that war had been levied; and (2) that the accused were confederates in that war. The court ruled that since the alleged crime had not been committed in the District of Columbia, the Court believed the accused could not be tried in this District.

When Burr was brought before the Circuit Court in Richmond, Key's argument in the defense of his client was used by Burr's lawyers in his defense, which lead to Burr's acquittal, that Burr was not proven guilty by any evidence submitted to the Court.

In 1809, Key again appeared before the Supreme Court representing a negro Ben, seeking his freedom from bondage. During the same term he appeared with his uncle Phillip before the court. He appeared on three other occasions assisting Charles Lee.

Key was elected Recorder (Legal Advisor) of the municipality of Georgetown in 1808, reelected in 1809,1810,1813,1815,and 1816. He was among a group of men to organize a Lancaster Society in Georgetown to give free education to all children whose parents could not afford to pay tuition. The society was named after Joseph Lancaster, a Quaker who established over a hundred schools in England and Ireland that accommodated about thirty thousand children. Key was a member of the Society, and its building committee. Congress incorporated the Lancaster Society with Key as one of the incorporators.

The War of 1812 placed Key in a quandary, a man of peace, was not a conscientious objector. To him war was abhorrent; it was brutal, un Christian and absurd. Being a Federalist he was sorry the War Hawk faction in Congress was so eager to rush into hostilities with Great Britain. As American troops were waging their Canadian campaign, Key was passing through the gloomiest and most discouraging period of his career. Many of his friends had entered the Army or Navy. Business in most lines was retarded, litigation was greatly reduced, his income had fallen. In the summer of 1813, Key gave serious consideration to giving up the practice of law to enter the ministry of the Episcopal Church. He had no fear of keeping the wolf from his door, the Keys were people of means. His wife's family were of wealth and influence, he had taken an estate of 700 acres to add to the plantation Terra Rubra. Key owned property in five Maryland counties.

The British fleet was attacking and plundering towns along the Chesapeake shore. The possibility of an attack on Washington was now becoming clear and apparent danger. Key, now joined the Field Artillery, a part of the District Militia, he retired from the militia twelve days later.

Key used his invitation to deliver the annual oration before the Washington Society of Alexandria on the 22nd of February 1814, to proclaim his convictions regarding the war. Key fell upon Washington's Farewell Address as the theme of his speech. Comparing the events of the past year to Washington's unheeded warnings against political parties, entangling foreign alliances, and the belief held by Washington that the only salvation of the people lay in

themselves. The address was given in the Presbyterian Church, as it had the largest seating in the community.

While Key's faith in his fellow men had been shaken, his faith in God remained steadfast. In early April 1814, he received an invitation to become assistant rector of St. Paul's parish in Baltimore. After considerable deliberation, he chose to continue the practice of the law. 1814 was a year of many events in Key's life. His law practice was at a standstill as the courts had adjourned, due to the arrival of the British fleet on the Patuxent River. He again joined the Light Artillery as a lieutenant and quartermaster. The militia was dispatched to the Patuxent , where they found the British withdrawn to the Chesapeake. The militia was ordered back to Georgetown, and Key was discharged on 1 July.

After the defeat of Napoleon, the British were able to send a large force of seasoned veterans to attack the United States. One brigade was placed under the command of Sir Robert Ross and joined force with Vice Admiral Alexander Cochrane to proceed into the Chesapeake. The defense of Washington was placed under the command of General William H. Winder after considerable discussion between President Madison and the Secretary of War General John Armstrong, much time was lost in the preparation of a adequate defense due to the length of these deliberations. Armstrong was convinced that Baltimore was the objective of the British not Washington. General Winder was able to muster four thousand militia and several hundred regulars, the Virginia militia was called, but found they had no flints for their weapons. On the 19th of August the British landed upward of five thousand troops in Charles County, Maryland. By the 22nd the British troops reached Upper Marlboro, where General Ross selected the mansion of Dr. William Beanes for his headquarters. Dr. Beanes was a leading physician in Prince George's County. Upper Marlboro is about thirty miles from Baltimore and sixteen miles from Washington. Ross could easily march to either city from this encampment. The British began the march to Washington, reaching the town of Bladensburg on a hot stifling 24th of August.

Although Key had not favored the war, he volunteered when Washington and his home were threatened. He volunteered to be and aid to General Walter Smith, who had been placed in command of the Washington and Georgetown militias. Shortly, before one o'clock the long lines of the British appeared, after a few volleys the British charged with bayonets. The militia panicked and fled the battlefield. If not for the actions of the artillery and Commodore Joshua Barney's 500 sailors and Marines delaying actions, the causalities among the militia would have been devastating. The Battle of Bladensburg came to an end after two hours of combat. Casualties on both sides consisted of a few score men killed, several hundred members of the militia were missing, they had simply gone home. The remnants of General Winders forces, fled to the heights of Georgetown after they burned bridges over Rock Creek behind them.

The Key family had stayed in Georgetown, rather then fleeing to Terra Rubra or the safety of Frederick. The family watched the burning of Washington as the British troops entered the city at sundown. The troops began the burning of the government buildings, homes, and the White House. These flames joined the already burning arsenals and Navy Yard which had been put to the torch by retreating American forces. As the British withdrew a terrific thunders storm hit the area surrounding Washington helping to extinguish the fires in the city. This storm took a greater toll on the withdrawing British troops than the American defense of the city.

Word came that Dr. William Beanes of Upper Marlboro had been arrested by the British and was now a prisoner aboard a man of war in the Chesapeake. Dr. Beanes was entertaining friends when three British stragglers entered and demanded food and drink, becoming

disorderly, Dr. Beanes had them arrested and jailed. One eluded his capturers and reported the incident to his superiors. Admiral Cockburn sent a contingent of marines to release the soldiers and arrest Dr. Beanes. Beanes was arrested and taken to Cockburn's flagship the Tonnant in the Chesapeake. He was not being held as a prisoner of war but as a civilian for interfering with the military mission of the British, he was awaiting transport to Halifax to stand trial.

Key knew Dr. Beanes as he had been one of the founders of the Episcopal Church in Upper Marlboro. Conferring with President Madison, Key was sent to James Monroe, who was acting as Secretary of War and Secretary of State, who gave permission to proceed as an emissary under a flag of truce. With the company of Col. John S. Skinner, agent and flag officer for the General of Prisoners, They proceeded to Baltimore, arriving on the 4th of September, where they were given the services of a cartel ship, used for communicating with the enemy and flying the white flag. Proceeding down the Chesapeake they made contact with the British fleet on the 7th near the mouth of the Potomac. Upon delivering the letters from the General of Prisoners and Monroe, Key and Skinner were informed of the gravity of the charges against Dr. Beanes. Skinner then presented letters from British soldiers who have been wounded at the Battle of Bladensburg, detailing the kind treatment they had received from Dr. Beanes while he treated their wounds. Key then proceeded to explain the Doctor's humanitarian efforts on the behalf of the British wounded, and that he had been provoked by the stragglers well after the main body of the army had left Upper Marlboro. The presentation of letters from the wounded and Key's arguments gained Dr. Beanes release. The Americans were now returned to their cartel ship under the guard of six British Marines. The ship remained tied to the frigate Suprize until after the attack on Baltimore had finished.

The assault on Ft. McHenry guarding Baltimore began on 12 September 1814, it was on the deck of an American vessel, tied to the British frigate that Key, Skinner and Dr. Beanes witnessed the bombardment of the fortress. The Americans could see the large American flag (29feet by 36 feet) floating above the fort. At dusk they were chided by British officers to take a good look at the flag. because in the morning it would not be there. Key stood on the deck of the cartel ship all night watching the bombs bursting, the glare of the rockets, and the return fire from the American forts. Key began writing his observations on paper, finishing a rough draft as the British Marines debarked the cartel ship to join the withdraw down the Chesapeake. The cartel ship returned to Baltimore, where Key found a room, to rest and finish his poem. On the morning of the 15 September, He showed his four stanza poem to his brother-in-law Judge Joseph Hooper Nicholson, who had been serving as a Captain of artillery at Ft. McHenry.

The poem begins with a question, "O say cay you see by the dawn's early light?" The second stanza answers the first question as the writer catches a glimpse of the banner waving in the morning breeze. The third stanza asks where the invaders are who boasted they could take the country. The fourth and final stanza gives credit to God, for the repulse of the invaders, with the statement "In God is our trust."

Judge Nicholson was so pleased with the poem that he wanted it published at once. Nicholson took the poem to the office of the Baltimore American, finding a fourteen year old apprentice Samuel Sands, to put it into galley proofs which were circulated. It was titled "Defense of Fort McHenry, no where did Key's name appear. The following day the poem was published in the Baltimore American. Thomas Carr, who kept a music establishment in Baltimore and was the organist at St. Paul's Episcopal Church, set the poem to music for the first time and published the song with the notation, adop. and arr. By T. C.

The origin of the tune to the "Star Spangled Banner" is uncertain. It was first located in the period of 1775, as the song of the Anacreontic Society in London, an organization of wealthy men and musicians, who met periodically for an orchestral concert, a "cold collation" and some informal singing. Ralph Tomlinson, their president, wrote the text "To Anacreon in Heaven," which was first published in the Vocal Magazine during August 1778. A sheet music edition with both the tune and text was published the following year by Longman & Broderip, prominent London music publishers. No composer is mentioned in any eighteenth century edition. Attempts have been made to credit the tune to Samuel Arnold, who conducted the society's orchestra and to John Stafford Smith, who published an arrangement for three voices in 1799. It is more probable that the tune had a prior existence, possibly a military one, since it has characteristics of a trumpet march of the period.

Use of the tune is first indicated in this country when a parody "The genius of France from his star begem'd throne" was published in New York newspaper in 1793. By 1795 the words of "To Anacreon in Heaven," as well as other parodies, were appearing regularly in American songsters. An estimated 100 patriotic parodies have survived. An early parody by Francis Scott Key, was sung by Key himself at a dinner in honor of Stephen Decatur during December 1805 at Georgetown.

Key was not just a poet, but he composed several hymns, six of which were published in hymnals and published a book, "The Power of Literature and Its Connections with Religion" in 1834. Fourteen years after the death of Francis Scott Key, a one hundred fifty seven page collection of Keys poems were published in 1857. Did he write his poem with the tune "To Anacreon in Heaven" in mind as he watched and reflected on the bombardment of Ft. McHenry? He was obviously not looking for credit to the poem as his name did not appear on the broadsides or newspapers in association with the poem. The melody was already widely known and apparently not then criticized for its wide range, as in more recent years. Key's words were soon recognized for their sterling ideals of American patriotism which had been produced in song form. It was used with several other songs and marches as a national anthem. President Wilson in 1919 instructed military bands to use the "Star Spangled Banner" at all official national occasions. It was not until 3 March 1931 that the "Star Spangled Banner" was officially made the National Anthem by an act of Congress. This was not enacted without debate and controversy. A number of patriotic songs were in use and were used at various time as the national anthem. But the actual words were not included in the legal document. Key himself had written several versions with slight variations, so discrepancies in the exact wording still occur.

In the years following the War of 1812, Key continued to be active in the affairs of many institutions. One being St. John's College his alma mater. By 1827, St. John's was struggling financially, the state had withdrawn financial support and the school was in trouble. Key, A. C. Magruder, and James Murray incorporated an Alumni Association to support the College. Key was instrumental in soliciting the alumni to provide the funds to reopen the school. Key remained close to the College the remainder of his life.

Politics were changing in the 1820's and Key and his brother in law Taney were now the supporters of Andrew Jackson. The fact that Key had been a Federalist, the son of a Federalist Judge, the nephew of a Federalist member of Congress, could not prevent Key and his brother in law from becoming Jacksonian Democrats. Key was appointed District Attorney for the District of Columbia a position he held for eight years. Taney was appointed to the Cabinet following the disruption to the Cabinet as a result of the quarrel over Peggy Eaton, the wife of

Secretary of War John H. Eaton. As Cabinet members resigned, the vacancies could not be filled promptly. Taney had the distinction of being the Attorney General but also the Secretary of War. During the entire controversy Key's client was the Rev. Campbell one of the accusers of Peggy Eaton, the brother in law of the Attorney General, and a friend of President Jackson.

Key was called upon to defend another friend of the President, this time before the House of Representatives during the Spring of 1832. Sam Huston, former Governor of Tennessee and a former member of Congress, had beaten Congressman Stanberry of Ohio on a street in Washington. Stanberry had questioned Houston's integrity on a matter of Indian Rations, in a speech on the floor of the House of Representatives. The Trial was conducted over most of a month in the House Chamber. With Key questioning the authority of the House to set in judgment of a civil matter, Houston was found guilty, his punishment was to appear before the Speaker Stevenson for a reprimand.

That fall Key received a call from President Jackson to go on a special mission to Alabama. The purpose of the mission was to mediate between the Federal and State officials in their contest for jurisdiction over lands ceded by the Creek Indians. As tensions grew over the disputed lands, armed conflict between federal troops and state militia was becoming a strong possibility. Nullification talk was being heard through out Tuscaloosa the capital and surrounding area. Key's successfully negotiated a settlement which kept the Indian Lands from being open for settlement, federal and states rights recognized for the time. While in Alabama, Key held Episcopal Lay services in several locations throughout the state.

As District Attorney for the District of Columbia, Key was responsible for the prosecution of Richard Lawrence for the 30 January 1835 attempted assassination of President Andrew Jackson. Jackson had just attended the funeral service of Congressman Warren R. Davis in the House chambers in the Capital. As Jackson and his party were leaving the capital, Lawrence accosted the President with two pistols that failed to fire. When later tested both fired. After a lengthy trial, Lawrence was found not guilty, due to him being insane at the time of the attempted assassination. He thought that he was the King of England. He spent the next forty years in the Asylum for the Insane, near Washington.

Shortly after the War of 1812, the American Colonization Society was formed on 28 December 1816, when the constitution, drafted by Francis Scott Key was ratified. Key with many prominent men and political figures of the time were concerned with what to do about the role of free blacks in the United States. The constitution of the American Colonization Society declared the purpose of the society to be the promotion of a "plan for colonization(with their consent), the Free People of Colour residing in our country, in Africa, or such other place as Congress shall deem most expedient." Key must have been troubled by that he had named the American Flag the ensign of the "land of the Free" and the "home of the brave." In his 1837 will, Key gave to his wife his negro slaves as long as she lived, if she wanted them. If not they were to be freed. Key worked tirelessly to raise funds, protect Negroes in court, and aided in seeking the establishment of the colony, Monrovia, and the recognition of Liberia. Key remained an active member of the Society for the remainder of his life.

Key and his wife Mary moved to Washington, after 30 years of living in their Georgetown home. The move was within a couple of blocks of the Taneys. Mary and Frances were the parents of six sons and five daughters. Only three remained at home for the move from Georgetown. The Key family was not without its share of sadness as well as happy occasions. Maria married Henry Maymaedier Steel (1823), Elizabeth the eldest married Charles Howard (1825), Alice married Senator George Pendleton, Francis Jr. married Elizabeth Lloyd Harwood

(1826), and John married Virginia. The family was not without its tragedies, Edward drowned in July 1822 while swimming with friends in the Potomac behind their Georgetown home. John died 21 May 1837 of excruciating pain (possibly appendicitis), leaving his widow and two sons,, who were taken into the home of Francis and Mary. On 23 June 1836, Daniel a midshipman in the U.S. Navy fought a duel with another midshipman and died of his wounds. The fourth son to suffer a tragic end to his life was Philip Barton, who in 1859 fought a duel with Daniel Sickles of later Civil War and political fame. He like his brother died of his wounds. Philip was serving as District Attorney for the District of Columbia, when he was accused of having an affair with Sickles' wife. During the Civil War, eight of Francis Scott Key's grandsons served in the Confederate Army. Another Francis Howard was editor of the Baltimore Exchange and wrote an editorial about Lincoln's suspension of the Writ of Habeas Corpus, he was arrested and confined to detention in Ft. McHenry.

Francis Scott Key died 11 January 1843 at the home of his daughter Elizabeth Howard in Baltimore while on business in the city. Key was first buried in the Howard family plot in the graveyard of St. Paul's Church in Baltimore. In 1866 his body was move to the Key family plot in Mt. Olivet Cemetery, Frederick. With a small headstone marking his grave. Then in 1898 Key's body was re-interned with his wife in Mt. Olivet Cemetery under a monument designed by Alexander Doyle. Other monuments to Key exist in Golden Gate Park, San Francisco, a monument in Baltimore, the giant Orpheus at Ft. McHenry was made possible by an appropriation of Congress in 1922. Two bridges, one in Baltimore and the Francis Scott Key Bridge in Washington near his Georgetown Home.

So how do we judge and honor the man Francis Scott Key? Is he to be only remembered for only writing the words to our National Anthem? Were the words written with the tune in mind as he stood on the deck of a ship watching the events unfolding at Ft. McHenry? I would observe that he was first and foremost a husband and father, devout churchman, an educator (St. John's and Lancastrian Society activities), successful attorney, civic leader, humanitarian. and poet. Not a man to be remembered for a single event!