

JUDGE CARMICHAEL DEAD.

CLOSE OF AN HONORED CAREER.

LAWYER, JUDGE AND STATESMAN.

His Resistance to Military Encroachments—Dragged from the Bench and Imprisoned—A Notable Incident of the War—His Life and Public Services.
(Special Dispatch to the Baltimore Sun.)

CENTREVILLE, Md., Oct. 11.—Hon. Richard B. Carmichael died at his residence, "Wye," near Queenstown, Queen Anne's county, at 8.30 this morning. He had been in feeble health for several years, but was in full possession of his faculties with the exception of a slight deafness, and, notwithstanding a lameness, due to rheumatism in one of his legs, was able to ride on horseback and take a good deal of active exercise. He made two trips to Baltimore during the summer, visiting his daughter, Mrs. Charles Tighman, on Eutaw Place, near Dolphin street, and one to Annapolis, where he spent several days at "Acton," the residence of his niece, Mrs. James Murray, wife of Pay-Directory Murray, U. S. N. He also made a trip to Old Point a few weeks ago. He was recently quite sick from an attack of indigestion, but was in his usual health on Saturday last, so that his death, though not unexpected, was comparatively sudden. He had been under medical treatment for heart trouble for some time past, and his death is attributed by his physician to paralysis of the heart.

Sketch of His Career.

Richard Bennett Carmichael was born at Centreville, Queen Anne's county, Md., on the 25th of December, 1807. He was the only son of William Carmichael and Sarah, daughter of Edward Downes, of the same county. William Carmichael was the son of Richard Bennett Carmichael, who in turn was the son of William Carmichael, the first settler. William Carmichael came from Scotland and settled at Round Top, at the head of Chester river, famous in recent years as one of the largest, if not the largest, peach farms in the world. His wife was a Miss Brooks, niece of the second wife of Richard Bennett, who was one of the wealthiest planters of his day, and owned large tracts of land in Queen Anne's and Talbot counties. Bennett died without issue, and left a vast estate to his widow, who bequeathed a considerable portion of it to the Carmichaels, sons of her niece, one of whom was named Richard Bennett, after her husband. William Carmichael, second, entered the diplomatic service of the American colonies on the breaking out of the revolutionary war. While on his way home to America, in July, 1774, with dispatches from Arthur Lee, he was detained in Paris by sickness and assisted Elias Deane, the American minister, in his correspondence and transaction of business for more than a year. He communicated to the King of Prussia, at Berlin, intelligence concerning American commerce; assisted the American commissioners at Paris; was a delegate to Congress from Maryland in 1773-'81; was secretary of legation during Mr. Jay's mission to Spain, and when the latter left Spain, in June, 1782, remained as charge d'affaires and retained that office about thirteen years. In March, 1782, Wm. Short was joined with him in a commission to negotiate a treaty with Spain, but the attempt was unsuccessful. He died abroad in 1795. His brother, Richard Bennett Carmichael, grandfather of the late Judge Carmichael, devoted himself to the cultivation of a large landed estate, but took a lively interest in public affairs. He was an earnest and active member of the Protestant Episcopal Church, and delegate from Maryland to the first General Convention. His son William was born in Queen Anne's county in 1775, and studied law at Annapolis, where he was the intimate friend of Roger B. Taney, afterwards chief justice of the United States. For many years Mr. Carmichael successfully pursued the practice of his profession at Centreville, but finally retired to the family homestead, "Wye," so named on account of its proximity to the Wye river, and devoted the balance of his life to farming. He was a member of the Senate of Maryland from 1816 to 1821. His death occurred in 1853. Of Mr. Carmichael Judge Taney is quoted by his biographer as saying:

"I have always deemed it a fortunate circumstance that William Carmichael, of the Eastern Shore of this State, came to Annapolis to read law while I was there. We became intimate friends and roomed together for a year. We read in different offices, but we read the same books and at the same time, and every night we talked over the reading of the day and the principles of law it established and the distinctions and qualifications to which they were subject. We did not talk for victory, but for mutual information, and neither of us felt or was entitled to feel any inferiority of genius or information over the other. He afterwards became eminent at the bar, but inheriting by the death of his father a large landed estate, and attached to a country life, he gradually withdrew from the profession, and finally, while he was yet in the prime of life, abandoned it altogether and devoted himself to the pursuits of agriculture. . . . The friendship formed between us when students together subsisted and undiminished to the hour of his death, and I could not write my biography without recording our early associations, nor can I introduce his name without expressing the cordial friendship I entertained for him. He was a frank, manly and high-minded gentleman."

Wm. Carmichael left one son, the late Judge Carmichael, and two daughters, one of whom died within the past few years, unmarried, and the other, also deceased, became the wife of Col. Wm. A. Spencer, for many years clerk of the Maryland Court of Appeals.

Richard Bennett Carmichael, second, received his preliminary education at the Academy in Centreville, at a school in Lawrenceville, N. J., and at Dickinson College. At the latter institution he remained one year. He was then sent to Princeton, where he graduated in 1828, sharing the full honors of his class with another competitor. After studying law with his father he was admitted to the bar in 1830, and in the following year was elected as a democrat to the Maryland House of Delegates. In 1833 he was elected to Congress from the district composed of Cecil, Kent, Queen Anne's, Talbot and Caroline counties, beating his white opponent, Daniel C. Hopper, also of Queen Anne's, by 300 majority. He declined a re-election. In 1835 he was married to Miss Elizabeth M. Holiday, (who died in 1883,) daughter of Henry Holiday, of "Ratcliffe," Talbot county, Md., and sister of Hon. Richard M. Holiday, late secretary of State of Maryland. In 1841 Mr. Carmichael was elected to the House of Delegates, and was appointed in that body to the chairmanship of the committee of ways and means. In this position he rendered invaluable service in maintaining the credit of the State by putting forth all his efforts to counteract the tendency towards repudiation which had followed the financial disorders of 1837 and subsequent years. In the constitutional convention of 1861, when the friends of ex-Governor Pratt claimed for that gentleman the honor of having saved the State from the disgrace of repudiation the late Benjamin C. Prestman, of Baltimore, rose and said there was another individual to whom the credit was largely due. That person, he added, was Richard B. Carmichael, who had been mainly instrumental, in his position as chairman of the ways and means committee, in securing the legislation necessary to maintain the credit of the State. Mr. Carmichael was a candidate for the Legislature again in 1844, but was defeated in common with many other democrats in the Clay campaign of that year. In 1847 he was a candidate for Congress from the district composed of Harford, Cecil, Kent, Queen Anne's and Caroline counties, but was defeated by the whig candidate, Alexander Evans, of Cecil, who was twice elected afterwards. In 1855 he was again a candidate for the House of Delegates, but was again defeated along with the rest of the democratic ticket. In April, 1858, he was appointed by Governor Hicks Judge of the circuit composed of Kent, Queen Anne's, Talbot and Caroline counties, to fill the vacancy caused by the death of Hon. Pallemont B. Hopper. In the fall of 1859 he was elected judge without opposition.

At the breaking out of the war Judge Carmichael was what was known as a States' rights democrat. He maintained the constitutional right of a State to secede, but was opposed to the withdrawal of Maryland from the Union. When the authorities at Washington began to put in force the policy of arbitrary arrests, invasion of private rights, and interference at elections, he felt called upon as judge to assert the supremacy of the organic law over the unconstitutional abuse of power, and with characteristic fearlessness he charged the grand juries of the different courts in his circuit to take cognizance of the interference of the military with the rights of citizens. In his capacity as a private individual he had been among the first to protest against the encroachments of the general government. In June, 1861, in company with 450 other citizens of Queen Anne's county, he addressed a memorial to the State Legislature, then in session at Frederick, praying it to do everything in its power to resist encroachments on the liberties of the people. "The right of the people to bear arms," said the memorial, "has been infringed and the militia of the State is being disbanded, thereby depriving us of the best security of a free State. On the holy Sabbath last an armed force—strangers and aliens to the State—marched into a neighboring peaceful village, private citizens were arrested on the high road without imputation of offense against any law, and acts of outrage perpetrated by outlaws bearing the authority of the person who is styled 'The Governor of Maryland.' On yesterday, a gang similarly armed and bearing the same authority, visited our county town and subjected our people to like oppression. This day they are traversing the county, invading the sanctity of our homes, alarming the children and the tender sex, with a Minie rifle in one hand and the Governor's warrant in the other." Judge Carmichael's unequivocal and outspoken course made him the object of much hostility on the part of extremist supporters of the government, and he soon became a conspicuous target for those who were anxious to demonstrate the nature of their loyalty.

For two weeks prior to the election of 1861 a detachment of Delaware troops under command of Lieut. Col. Bailey were encamped in the vicinity of Centreville, and on the morning after the election, November 1, they visited the home of Madison Brown, Capt. Robert Goldsborough, Lieut. John Palmer and Lieut. James Tighman, all of these gentlemen except Mr. Brown, being officers of local military organizations. Mr. Brown and Lieut. Palmer were apprehended, and after having been detained a short time in camp were released. These and other arrests by the military caused the judge to instruct the grand jury at the next term of court that every arrest without warrant of law was a crime subject to their engagement. The jury brought in bills of indictment against the parties implicated, but before any further action could be taken the troops were removed from the county. Judge Carmichael then proceeded to Talbot county, where similar arrests had been made. He instructed the Talbot county grand jury to the same effect,

and proceedings were instituted against Lieutenant-Colonel Bailey and others, for illegally arresting persons for the purpose of influencing the elections. Judge Carmichael's bold and aggressive course was naturally viewed with extreme displeasure at Washington, and on the 23d of May, 1862, when the trials of the persons indicted were about to commence, Deputy Provost Marshal McPhail received instructions from Gen. Dix, commanding at Baltimore, to proceed to Easton, the county seat of Talbot, and arrest Judge Carmichael and the State's attorney, L. C. W. Powell, on the charge of treason. On the following morning McPhail left Baltimore on the steamer Champion, accompanied by his deputies, William H. Cassell, John L. Bishop, Easton Horner and James Fryor, and Lieut.-Col. Bailey, Captain Hicketts, Captain Chredman and Lieut. Geyer, of the Second Delaware regiment. The military officers had been summoned to appear before the court to stand their trial on the charge of having interfered with the freedom of elections. The party reached Easton on Saturday evening, May 24, and took quarters at the hotel. Early on Sunday morning the rumor had spread through the town that officers had arrived from Baltimore for the purpose of arresting Judge Carmichael, and great excitement ensued. Approaching an outbreak, Marshal McPhail telegraphed Gen. Dix for troops, and 125 men of the Delaware regiment were at once dispatched to the scene. They arrived at Wye Landing on Tuesday, May 27, but owing to a misapprehension of their orders did not proceed at once to Easton. In the meantime the arrest of Judge Carmichael had been effected. Accompanied by his deputies, Marshal McPhail proceeded to the court-house, where the judge was in the act of trying a case. Advancing to the platform, McPhail shouldered his hand upon Judge Carmichael's shoulder and told him to consider himself a prisoner. The judge demanded his authority for making the arrest, whereupon McPhail replied, "The authority of the United States government." Judge Carmichael then asked for the marshal's warrant and to be informed of what he was accused. McPhail replied that he had no warrant, and that the charge would be made known when he (the judge) arrived at Fort Mchenry. Judge Carmichael then protested against the arrest, and remarked that the marshal had no right to interfere with the proceedings of the court while in session. The marshal thereupon turned to the spectators and exclaimed: "This court stands adjourned." Judge Carmichael retorted that he had no right to adjourn the court and ordered the order to arrest one of the marshal's deputies, who had threatened to take him (the judge) from the bench. The deputy resisted and choked the cry, and Marshal McPhail gave the order to seize the judge and drag him from the bench. Deputy Marshal Bishop at once seized the judge by the throat, but was repulsed. The other deputies then closed in upon the judge and beat him over the head with the butts of their revolvers. Deputy Marshal Cassell interfered for his protection, but not until five wounds had been inflicted, and the judge, stunned and bleeding, had been dragged from the recess behind the desk at which he was sitting. After his wounds had been dressed he was taken on board the steamer Balloon, and in company with Mr. Powell, the State's attorney, and William Nabb and Alexis Pascault, citizens of Easton, who had also been arrested, was conveyed to Fort Mchenry, where he was kept in confinement until the 9th of June, 1862, when he was taken to Fort Lafayette. On the 21st of September he was taken to Fort Delaware, and on the 3d of December was unconditionally released. No trial had been granted him, nor had any notice been taken of repeated demands upon the President and the other authorities to state the nature of the charges against him.

After his release from Fort Delaware, Judge Carmichael returned home and at once resumed the discharge of his duties upon the bench. In January, 1864, he resigned the judgeship and was succeeded by Hon. James R. Ricard, of Kent county, who was appointed by Gov. Bradford. In 1866 Judge Carmichael was elected to the House of Delegates and took an active part in the movement in favor of calling the convention which framed the constitution of 1867. He was chosen as a delegate to the convention from Queen Anne's county; was elected presiding officer of that body, and throughout its deliberations was among its most prominent and influential members. In 1873 he received the democratic nomination for Congress from the first congressional district, but declined it. He was chosen presidential elector in 1868 and 1874.

For many years Judge Carmichael had been a trusted and influential leader in his party, but although an earnest and unwavering democrat, he never hesitated to condemn party practices and methods which he considered pernicious or unwise. He was particularly outspoken in reprobation of bribery and corruption at elections and of the introduction of "machine" methods and "bossism" into Maryland politics. Besides the offices it conferred upon him the party repeatedly honored him in the bestowal of complimentary positions within its own organization. He was a member of the democratic national conventions of '54, '64, '68 and '74, and was chosen president of the democratic State convention in 1874.

He had long served as one of the trustees for the poor in Queen Anne's county, besides filling other positions of trust and honor in his native county. Since early youth he had been a regular attendant of a prominent church in its diocesan conventions. In all the relations of life Judge Carmichael was distinguished for his unwavering integrity, the bold and uncompromising assertion of his convictions, and his singularly pure and unswerving character. Personally he was a genial, hospitable gentleman; a delightful conversationalist, and remarkable for his gentle and chivalrous demeanor towards all who had any claim upon his consideration or forbearance, especially the weak and unfortunate. Among the people of his own locality he was universally beloved and venerated, even by those from whom he differed most widely in taste and convictions. As a lawyer, judge and legislator, he held a deservedly high position among the public men of Maryland, and but for his voluntary withdrawal from active participation in political affairs, while still in the full enjoyment of his powers, might have attained to almost any position within the gift of the people of his State. In 1867 he was prominently mentioned for the democratic nomination for Governor, but refused to permit the use of his name except as a measure of compromise. During recent years, he has led a retired life on his beautiful estate, "Bellevue," which he sold last summer. Since then he has lived with his daughter, Mrs. Pace, at the old Carmichael homestead, "Wye."

At his death, Judge Carmichael left five daughters and two sons, William Carmichael, who resides in Texas, and Richard Bennett Carmichael, a farmer in Queen Anne's county, who served one term as member of the House of Delegates in 1873, and was a delegate to the democratic State conventions of 1869 and 1873.