
Morris Goldsmith: Deputy United States Marshal

Stephen M. Passamaneck

Morris Goldsmith, a Jewish immigrant to the United States, served as a deputy United States marshal in Charleston, South Carolina, from about 1815 until well into the 1850s. Throughout much of his period of service he was a deputy to Morton A. Waring, who was initially marshal for the District of South Carolina,¹ but on January 9, 1822, when South Carolina was split into Eastern and Western Districts,² became marshal for the Eastern District.³

Goldsmith has occasionally come to the attention of historians of American Jewry, but by and large none of them has been interested specifically in his career as a lawman.⁴ This paper will present the facts of that career, insofar as they can be determined, and will offer some comment and analysis from the twin perspectives of historian and law enforcement officer. For all the obscurity of Morris Goldsmith's life as a whole, it is possible to retrieve a rather good picture of a hardworking and dedicated cop to whom any law enforcement agency could point with satisfaction and admiration.

The qualification already given, that facts "insofar as they can be determined" will be reviewed here, is necessary because much of what is known about Goldsmith is sketchy and at times contradictory. Even his year of birth is a minor mystery. As for his career, one must read between the faded lines of official documents to sense what Goldsmith was really doing. Moreover, the record is all the poorer because federal troops under General William T. Sherman destroyed so many records—along with so much else—when they marched into South Carolina in 1865, to wreak punishment upon the land that had begun the secessions from the Union in 1860 and fired the first shots against Fort Sumter, to begin the Civil War.

Duties and Prospects of a U.S. Marshal

In order to assess Morris Goldsmith's career in law enforcement at a particular time and place, we must necessarily take two matters into account. First, we require some notion of the nature and pur-

pose of the office of United States marshal (and deputy marshal) when Goldsmith served; and second, we need the specific historical circumstances and data bearing on Goldsmith's life in general.

Who and what, then, was a U.S. marshal? One authority on American Jewish history writes that "Goldsmith . . . never rose higher than a deputy United States Marshal, yet served notably in that post."⁵ The statement suggests that a deputy marshal could have aspired to higher rank, perhaps could have risen up some promotional ladder. That was certainly not the case in 1819, and it was really not until well into our own century that deputy marshals began to be a highly trained, professional force among other federal law enforcement agencies, with genuine advancement and career prospects.⁶

In Goldsmith's time, as indeed to a degree today, the United States marshal for a given district was a local gentleman of good reputation in his neighborhood, appointed by the President to serve a four-year term, at presidential pleasure. As a presidential appointee, the marshal generally shared and supported the political views of the President. Indeed, U.S. marshals are still presidential appointees, but nowadays they reckon, among other qualities, some law enforcement experience or background. The marshal's deputies were in effect his employees and were covered by the bond which the marshal had to post.⁸ If the marshal himself had a limited term and served at pleasure, it is clear that the deputies he hired could not have had any illusions about the future of their own employment.

The office of marshal was established by the Judiciary Act of September 24, 1789.⁹ In addition to the specification of the term of service, the Act contained a broad charge as to the marshal's duties. The marshals of each district were required "to execute throughout the District, all lawful precepts directed to them, and issued under the authority of the United States."¹⁰ The Act also provided for deputies to be appointed by the marshal.¹¹ The marshals were charged with executing lawful precepts (written orders) from any of the branches of the federal government. They served federal warrants, subpoenas, and summonses, and they carried out lawful orders issuing from the President, from Congress, and from the federal court system.¹² One marshal, in 1812, styled himself as the

"Executive Civil Officer of the nation within this District."¹³

Such was the task of Marshal Waring, and such was the task of his deputy, his employee, Morris Goldsmith, in the years 1819 and 1820, the most crucial ones in Goldsmith's career as a federal lawman.

Law Enforcement in the Nineteenth Century

It is worth remembering that law enforcement as a profession—and we include federal marshals under the broad heading of law enforcement—was hardly even advanced as far as infancy in 1819. Law enforcement experience could hardly have been a requisite for appointment as a marshal or deputy in 1819 or indeed for many years to come. After all, the first modern police force did not appear on the scene until 1829, when Sir Robert Peel founded the Metropolitan Police Department in London.

Law enforcement was certainly not a profession or even much of a career; and the task of enforcing laws resided in the more or, often, less capable hands of town watchmen, town marshals, town militias, the citizenry as a posse, and the like.¹⁴ Two brief stories in the *Charleston Courier* indicate the quality of policing in that city just at the time Deputy Marshal Goldsmith and his people were fully involved in some dangerous detective work. There is no reason to assume that Charleston was any better, or any worse, than any other American city of the period with respect to crime and law enforcement. The first article appeared on February 28, 1820, and it is presented in full.

It is with extreme pleasure the inhabitants of *Ward No. 4* notice the formation of a *Patrol Guard*, for the protection of lives and property, which stand in such imminent danger, from the repeated attempts lately made to fire the city, and they hope the citizens in other Wards will use the like vigilance to rid themselves of a gang of rascals who now infest the city.

It costs the city somewhat near twenty thousand dollars per annum to support the City Guard, who, it is evident, do not do their duty. Scarcely a watchman is to be seen at 12, though plenty at 10 o'clock, when there is a chance of committing a negro to the guard house.

In other words, where are the cops when we need them? We citizens pay a great deal of money and the patrolmen are not doing their job!

On July 28, 1820, the *Courier* ran a call for improved police service and an end to corruption and bribery in law enforcement. The paper complained that one city marshal could not do an adequate job; there were simply too many "questionable characters," "pirates," and "robbers"—and "improper associations are known to exist."

Public indignation with the police is clearly an ancient theme in American history.

It was in precisely this context of civic policing that Deputy U.S. Marshal Morris Goldsmith carried out his solemn obligation to uphold the lawful authority of the United States. When Morris Goldsmith became a deputy marshal, there was no such thing as a career in law enforcement, as it is understood today, and the system of fees for service of process, making arrests, etc., was hardly calculated to yield a regular and sufficient income.¹⁶

So much for a quick sketch of the post of deputy U.S. marshal: who, then, was Morris Goldsmith, and what are the historical data that we have about him?

Goldsmith's Vital Statistics

Morris Goldsmith was born in London and immigrated to the United States sometime before 1802.¹⁷ In that year he was living in Charleston and married a local girl, Sarah Levy. He died of old age at his residence on Tradd Street in Charleston on February 2, 1861.¹⁸ Various sources, plus simple arithmetic, add up to general confusion over the year of his birth and his age at death. Synagogue records and county death records apparently put his age at death at eighty-three.¹⁹ Since he died in February, he perhaps had not yet passed his birthday in 1861, so simple subtraction puts his year of birth at 1778, or possibly 1777. His age when he married would have been twenty-four or twenty-five. So far so good.

Census data and his naturalization record give quite a different picture. Goldsmith became a naturalized citizen of the United States on September 15, 1812, having become a denizen of the United States on February 4, 1805.²⁰ The age on his naturalization record is twenty-eight. If he were twenty-eight in 1812, his year of birth becomes 1784 and his age at marriage, eighteen—a trifle young perhaps but in harmony with ancient rabbinic dicta.²¹ His age at death, however, becomes seventy-seven, still quite old

enough in 1861 to suffer from "old age." But the census of 1850, in which Goldsmith, functioning as assistant to the marshal, was himself the enumerator for the district of Charleston, gives his precise age that year at sixty-four.²² Quick subtraction discloses a birth year of 1786, making his age at naturalization twenty-six, his age at marriage sixteen, and his age at death seventy-five or so. Then most curious of all: the census of 1860 shows his age as seventy-nine.²³ His birth year is thus 1781 or so, but he is fifteen years older than he was in 1850, something of a biological, not to mention mathematical, impossibility. Further, if he were seventy-nine in 1860, he would have been seventy-nine or eighty when he died, not eighty-three; about twenty when he married, and thirty when he was naturalized.

There are all manner of discrepancies among unimpeachable sources, and there is no way to reconcile them. The major events of Morris Goldsmith's law enforcement career occurred when he was somewhere between his early thirties and his early forties; on any reading he was no longer a youngster, but a man whose years suggest a person with some degree of experience and worldly wisdom. He put all of that at the service of his adopted homeland.

Family and Private Life

The facts of Goldsmith's personal life are quite sparse. We do not know why he selected Charleston as his destination when he emigrated from England, but an Abraham Goldsmith was present there by 1802²⁴ and became a naturalized citizen in 1818. Abraham was a shopkeeper and a clerk to the synagogue, K.K. Beth Elohim. Perhaps Morris and Abraham were related. Perhaps both men left London together to find a new life in the States. Perhaps they already had some friends or relatives in Charleston who wrote them of fine opportunities in the new country. Charleston in that era boasted the largest Jewish community in the United States; and its Jews participated actively and productively in all sorts of enterprises, in civic leadership, politics, the professions, and the intellectual life of that vigorous and cosmopolitan city.²⁵ Charleston's Jews had founded what was even then deemed a distinguished synagogue and other communal institutions.²⁶ What better place for a young and eager Jewish boy to establish his own roots in a

vigorous new society? But precisely when and why Morris Goldsmith came to Charleston is and remains unknown.

Morris's wife, Sarah, was born in Charleston in 1785, and died of convulsions on December 23, 1828, at the age of forty-three.²⁷ Her parentage is unknown. She would have been seventeen at the time of her marriage to Morris; their union lasted twenty-six years. Sarah's age at marriage suggests that Morris would have been at least eighteen, which is just the age one derives from the information on the naturalization record.

Morris and Sarah had a number of children. The 1830 census, the first after Sarah's death, reflects the presence in the Goldsmith household of one male and four females who could have been offspring.²⁸ The record shows one male between forty and fifty, Morris himself, and one between thirty and forty, too old, really, to be their child. This person was probably not one Henry Goldsmith who had been born in England in 1805, and was likely a younger brother, cousin, or nephew of Morris's.²⁹ Henry would have been twenty-five or so in 1830. The male between thirty and forty cannot be identified on the basis of the data available.

Henry Goldsmith died of a "complicated disease" at a Tradd Street residence—doubtless Morris's—on January 9, 1861, not quite a month before Morris died.³⁰ Henry had become a naturalized citizen in 1821, was also a member of K.K. Beth Elohim, and found employment in the courts as a deputy registrar in equity and as a shop clerk.³¹ Morris and Henry also shared the same address in 1831, 129 Wentworth Street, according to the *Directory and Strangers Guide for the City of Charleston*, a sort of city directory, which Morris published in that year.³²

The one remaining male was no doubt Joseph H. Goldsmith, born in Charleston in 1813.³³ He also died at the Tradd Street residence, on December 5, 1853, of "intemperance." He worked as a clerk, was listed at the Wentworth Street address in 1831, and is the right age to have been Morris's son. The 1850 census data show Joseph in Morris's household, at age thirty-six, a clerk. Joseph was most probably the son of Morris and Sarah Goldsmith.

Morris and Sarah had perhaps five daughters. The best-documented of all of them is Rosy, who died on October 5, 1813, when

she was only eighteen months old.³⁴ She was, therefore, born sometime around April, 1812. Perhaps Rosy's birth prompted Morris to complete the naturalization process. After all, his infant daughter (perhaps his firstborn) was a citizen—he should be one as well. But there may have been other reasons behind naturalization in 1812, as we shall presently suggest.

The other four females noted in the 1830 census have left far fainter traces. The documents lists one female under five, two between five and ten, and one between twenty and thirty.³⁵ An Abigail Goldsmith was born in 1823, and a Cecilia D. Goldsmith was born in 1826.³⁶ Historical records also disclose the presence of a Catherine Goldsmith, but she appears to have been the daughter of Isaac and Frances Phillips Goldsmith, unrelated to the Morris Goldsmith family.³⁷ Abigail is listed in Morris's household in 1850 and Cecilia is listed in Morris's household for both 1850 and 1860; the latter census gives her age as thirty-six: close enough to a birth year of 1826!³⁸ Thus we can account for Abigail as one of the two between ages five and ten, and Cecilia as the child under five. But the other female between five and ten and surely the one between twenty and thirty left no discernible traces. Even poor Rosy would only have been eighteen in 1830.

The Goldsmith's had, so it seems, five or perhaps six children if the one mysterious female is counted. None of the birth dates of the children coincides with Morris's most active period of law enforcement activity.

Goldsmith's Early Years in Charleston

Even though we do not know quite when or why Morris Goldsmith fetched up in Charleston, sometime before 1802, we do know that at the time of his naturalization, September, 1812, he listed his occupation as inspector of the customs.³⁹ Presumably he had been serving in that capacity for some time. Moreover, we know that another transplanted Jewish Londoner, Abraham Alexander, was a clerk in the Charleston Customs House in 1802.⁴⁰ So again we come to one or more sorts of perhaps: perhaps Goldsmith knew Alexander through some family or business connection; perhaps Alexander's experience in Charleston had filtered

back to London and prompted Morris to take ship and pursue his fortune; perhaps Morris, already having arrived in Charleston, came to Alexander's attention as a bright young fellow; perhaps Goldsmith as a newly married man—or a man on the eve of marriage—was casting about for some good, steady work; perhaps he had brought some experience of ships and cargoes from London or had quickly acquired knowledge of such matters working on the Charleston docks. One or some combination of these possibilities could account for the notation that Morris Goldsmith was an inspector of the customs by September 15, 1812. Whatever sequence of events led to Goldsmith's appointment as inspector, one important factor had to have been a productive political connection. Political patronage was the pathway to a job in the customs service, just as it was to the office of marshal or deputy marshal. Someone with political leverage apparently befriended Goldsmith and helped his career. Somebody who knew somebody knew Goldsmith; there is no indication of who that person was: another minor mystery.

The years 1811 and 1812 could not have been pleasant for someone employed on the docks of Charleston in any capacity. The country was stumbling toward a second war with Britain.⁴¹ The supremely powerful British fleet had interdicted American trade with continental Europe with a heavy hand. United States merchantmen were being taken on the high seas and American seamen pressed into British service. The life-and-death struggle with Napoleon left the British no room for half-measures. The Jefferson administration imposed an embargo prohibiting trade with both the British and the French, but American commerce suffered badly, and doubtless customs inspectors were seriously affected by the collapse in trade during the slide toward war. Congress finally declared war on June 18, 1812.⁴²

Perhaps Morris Goldsmith, preoccupied with the addition to his family in 1812, became a naturalized citizen because of concern that he might come to the attention of the government as an enemy alien. When war broke out, President Madison, under the authority of the Alien Act of 1798, charged U.S. marshals to take notice of all enemy aliens in their districts.⁴³ British citizens were required to register with the marshals, who monitored their activities.⁴⁴ The

possibility of espionage was a serious matter, and any alien—even though a denizen—might become suspect; the ports were particularly sensitive areas. So it may have been as much due to the pressure that larger events often exert on the lives of individuals as to the birth of little Rosy that Morris Goldsmith became a United States citizen in September of 1812.

Sources on Goldsmith's Early Cases

Presumably, Goldsmith continued to work as a customs inspector during and after the War of 1812, which finally ended in 1815. The few extant sources suggest that he became a deputy marshal somewhere around 1815. The principal sources are a report by the congressional Committee on Claims from 1824, and two petitions by Goldsmith, one dated 1820 and the other dated 1834.⁴⁵ Contemporary newspaper reports supply a variety of details which, as we shall see, reveal the background for some specific events and supplement the 1824 report and the petitions with pertinent information.⁴⁶ The newspaper stories, however, require some careful sifting because they give dates and numbers that do not square precisely with the major sources. The records of the federal district court for South Carolina furnish an additional dimension to the recreation of Morris Goldsmith's law enforcement career, as do two personal letters, one from Judge John Drayton to Representative Charles Pinckney of South Carolina, and one from Pinckney to President James Monroe.⁴⁷ Both letters are dated in 1820.

Although the various sources are somewhat at odds with each other, the outline of the picture they disclose is, on the whole, quite sharp and distinct. The 1824 report asserts that Goldsmith was a deputy at the time of the events enumerated, i.e., late 1818 through August, 1820. It is reasonable to assume that he was *already* a deputy in 1818, since his appointment as such is not noted in the report. In the 1834 petition, Goldsmith states that he had been a deputy under Marshal Morton Waring for "nearly twenty years." Waring served from 1813 to 1832, nineteen years all told. In 1834 a period of "nearly twenty years," say nineteen, would mean somewhere around 1815. While this dating of his appointment is admittedly vague, it is the best that can be made from the sources. So

Morris Goldsmith seems to have become a deputy U.S. marshal somewhere around 1815.

Goldsmith's years as a customs inspector were probably excellent training for the tasks he was to face as a deputy marshal. He certainly got to know the captains and vessels that frequently called at Charleston. He doubtless got to know many of the seamen, factors, and merchants who made their living on the docks as well as the laborers and hangers-on. He must also have had an excellent knowledge of the geography of Charleston Bay and the Charleston waterfront area, its warehouses offices, taverns, flophouses, and so forth.

Clearly, Goldsmith knew his territory and was ready to do his job. Among his many waterfront and seafaring acquaintances, he probably also knew who was honest, who was not above some smuggling, and who might fit out a vessel for a bit of piracy down the eastern coast of Florida and on toward Cuba and the Caribbean islands.

This was especially important, because East Florida had belonged to Spain until February of 1819, when it was ceded to the United States, and American pirates certainly had no qualms about taking Spanish ships and cargoes.⁴⁸ To compound the problem, independent states were emerging throughout Spanish America, as Simon Bolivar and others shattered Spain's power on the South American continent. In particular, the former Spanish province of Buenos Aires (Buenos Ayres in the contemporary documents), which was for practical purposes functioning as an independent state in 1819 and 1820, was recruiting American vessels, American captains, and American seamen willing to sail as privateers. Cruising the Atlantic and even the Mediterranean in search of plunder, the privateers particularly sought out Spanish ships and cargoes.

The Anti-Piracy Task Force

The most comprehensive source for events between January 1819 and August 1820, the most critical phase of Goldsmith's law enforcement career, is the report of the Committee on Claims of the 18th Congress, first session, in the case of Goldsmith and a fellow

deputy marshal, Roderick. Dated March 22, 1824, the report to the House was accompanied by a bill for the relief of Goldsmith and Roderick. The bill was read twice and committed to a Committee of the Whole. Private in nature, it was passed on April 30, 1824, almost four years after the events which prompted it, and sent to the Senate, which passed it on May 19, 1824. The law authorized and directed the Secretary of the Treasury to pay Goldsmith and Roderick the funds they had sought.⁴⁹

The committee report indicates that Goldsmith, identified as a deputy to the marshal for South Carolina, went out of pocket in the course of his law enforcement endeavors. In the absence of an expense account or fund to reimburse deputy marshals for monies advanced, the only way he could get his money back was by Act of Congress. Just as a deputy U.S. marshal could expect little in the way of remuneration, so too, apparently, could he expect little—or nothing—in reimbursement.

The document begins by explaining that in late 1818 and early 1819 piracy had become very frequent along the U.S. coast and on the high seas, causing serious alarm. The federal government took various and sundry steps to suppress piracy up and down the Atlantic coast. Among other things, "the late Thomas Parker, then District Attorney" (i.e., U.S. attorney),

communicated freely and frequently with the said Goldsmith, and directed him to obtain the assistance of the most active and energetic men that could be procured, and to be unremitted [*sic*] in his exertions to detect those pirates, who were believed to be concealed in the city, where their plunder was brought secretly, and disposed of; and that the said Goldsmith, and his associates, would doubtless be rewarded by the Government for any extraordinary exertions that might be made in this respect.

Apparently the D.A. knew there was no funding for the operation, but he enlisted Goldsmith and others anyway. What Parker did, of course, was to appoint what we would today call a special task force unit. Curiously, Marshal Waring's name does not appear anywhere in the document, though we shall see that he was certainly aware of Parker's, and Goldsmith's, activities. Why Parker chose Goldsmith for this duty has already been suggested. Who better to detect pirates and their loot than a former customs inspec-

tor who was in a position to know the major players in the waterfront underworld, their associates, and their hangouts?

The "Louisa" Case

At any rate, the 1824 report proceeds to list the successes scored by Goldsmith and his associates in the prosecution of the anti-piracy campaign. In January 1819 they arrested eighteen persons on charges of piracy; the evidence they developed led to four convictions, and two of the four received capital punishment. How the other fourteen got off is not recorded, but Goldsmith and his crew had clearly put a serious dent in the piracy operation in Charleston.

Goldsmith's petition for reimbursement presumably describes the same event but provides details that are somewhat at odds with the 1824 report. The petition was originally submitted to Judge John Drayton of the federal district court, before whom Goldsmith had appeared on numerous occasions to testify in condemnation and forfeiture proceedings, and Justice William Johnson of the Supreme Court, who had heard numerous causes in the U.S. circuit court for South Carolina.⁵⁰ On January 28, 1820, a full year after the first series of arrests, Drayton wrote to Charles Pinckney, then a congressman from South Carolina, enclosing Goldsmith's petition for reimbursement. The object of the letter to Pinckney was to get Goldsmith's reimbursement plea before President Monroe for appropriate action by way of a draft on the contingent fund. Eventually, in a letter dated March 16, 1820, Pinckney solicited the President's consideration of Goldsmith's case.

As all this makes evident, Goldsmith had access to powerful men who knew him and what services he had performed. We shall presently return to their handsome remarks, but the details of the petition are in immediate point.

Goldsmith addressed his petition to the "Honorable The Judges of the Circuit Court of the United States for the District of South Carolina." He made the following points: He had been ordered the preceding January (i.e., 1819) to execute a bench warrant against several members of the crew of the ship *Louisa* who had been charged with piracy. Goldsmith had employed some people to help in the service of the warrant, and had paid them. Their fees

and other expenses came to \$30.50. This sum may also have included payments to informants; after all, Goldsmith and Roderick could not have known every secret on the waterfront. Informants, or snitches, who for money will set the cops on to a crook, may not appeal to high-minded and law-abiding persons as very savory characters, but they are often the difference between making a case and not making a case.

The two judges certified the account and sent it on to the Secretary of State, says Goldsmith in his petition, but nothing more has been heard. He asserts that he spent six days and nights on the case and arrested eleven of the crew. The petition then passes to other arrests that occurred in August 1819, which we will discuss in due course.

The 1824 report and Goldsmith's 1820 petition differ on details of the anti-piracy operation. This does not mean, however, that Goldsmith's task force served two different warrants in January 1819. The 1824 report and the petition presumably concern the same event. Perhaps the petition is the more accurate, since it comes from Goldsmith himself. He provides the name of the ship and the actual amount of money in question. He tells us that the development of the case took six full days. The number of arrests, however, is different: eleven, as opposed to the report's eighteen. There is no mention of subsequent convictions and punishments, but the main point on Goldsmith's mind in the petition is recouping his expenses. For that, he only needed to declare briefly how long he had worked and what he had done. The judges had already certified the account, and a full recital of events in detail was not necessary at this stage. Goldsmith is only reiterating that he went out of pocket while executing a lawful precept, that the paperwork had indeed been indeed certified, but that no check had come in the mail.

The *Charleston Courier* for Monday, January 18, 1819, ran a story under the head "Piracy" which mentions six persons under arrest and in jail for that crime. The *Courier* for February 2, 1819 notes in passing that part of the crew of the pirate ship *Louisa* was in jail. The newspaper does not tell us whether these were the same as the six arrested in the earlier story. Goldsmith asserts that he and his

men spent six days and nights on the case, so it may be that there were two groups of arrestees, the six, and then "part of the crew." The team may have arrested the pirates piecemeal as they discovered them.

For a moment we should reflect on where and when these piracy arrests occurred. We should imagine the chill and damp of a waterfront in January darkness. No lamp or lanterns could do more than emphasize the darkness of the night. When honest folk went home at sundown, the gloom and shadows of the docks and warehouses must have afforded a thousand places of concealment. Moreover, piracy was a major federal felony. Those who practiced robbery and murder at sea would probably not have yielded to men any less determined than themselves. It is fair to suppose that Deputy Marshal Goldsmith and his men planned their operation very carefully indeed and then struck with overwhelming force. To this day the surest way to prevent injury to arresting officers and suspects is to present the villains with absolutely no choice but to go quietly.

Due notice should also be taken that six full days and nights on a plainclothes surveillance-and-apprehension operation is a very long time. (Later on we shall come across a case that took thirteen nights of surveillance.) Any officer who has ever worked an extended surveillance will read volumes between the lines of the petition, ". . . after Six Nights and Days of labor, Succeeded in Arresting Eleven of the Crew." These few spare words stand for hours of fatigue, boredom, anxiety, and even fear as the case progressed through nerve-racking hours of daylight and hours of pitch-black night when even familiar surroundings loom ominously in the murk. The strain of those days was punctuated by a few minutes of violent, heart-pounding action, with adrenalin suddenly surging; and then, when the crooks were cowed and cuffed, relief and euphoria masked the officers' utter fatigue for a little while. Goldsmith and his men accomplished a tough and dirty job, and they did it well.

Further, if the *Courier's* description of the quality of police service available to Charlestonians of that era is anywhere near accurate, federal officers who would carefully plan and then success-

fully execute an operation over an extended period of time must have been far more devoted and hardworking than their law enforcement colleagues in the employ of the city.

Back to the documents. Judge Drayton's letter to Representative Pinckney expresses the hope that Goldsmith's reasonable claim will come to President Monroe's attention and that the President will satisfy it from the contingent fund. Drayton assures Pinckney that "Goldsmith is a very deserving officer," and provides another detail: Goldsmith was the "Cryer of the District and Circuit Courts." He is also described as deputy to the marshal. Drayton writes that the bench warrants for pirates came from him, and thus he knows that the claim is entirely justified. He includes in his letter the information that "Mr. Goldsmith is an *Hebrew* [emphasis in original]; and a deserving one of that profession: but in low and indigent circumstances, very active and zealous in the service of the U.S."

Goldsmith, it seems, made himself generally useful—customs inspector, deputy marshal, court crier—but still did not earn a decent living. In his last years, Goldsmith gave his occupation as clerk, and there is no reason to assume that he did not supplement his meager earnings as a deputy U.S. marshal with store clerking. He had a family to support.

Pinckney, as requested, wrote to President Monroe, enclosing the communications from Judges Dayton and Johnson. He added his own word of support to the petition: ". . . they are of the opinion that the uncommonly meritorious exertions of Mr. Goldsmith the Deputy Marshal in apprehending so many Pirates as he has done and who through his exertions as I understand solely were taken and brought to Justice entitle him to the particular attention of the Government." The matter of Morris Goldsmith's religion was apparently irrelevant for Pinckney.

Alas, the urging of friends in high places by itself does not seem to have opened the federal coffers. As we have seen, all the formality of an act of Congress was required to claim a just debt. Once the Treasury had been ordered to pay, one supposes that President Monroe signed the bill and the check eventually arrived to reimburse Goldsmith and Roderick.⁵¹

The congressional report of 1824 speaks of two accounts.

Goldsmith's petition really only gives one. The first account in the report gives the number of days and nights Goldsmith (and Roderick) actually spent in federal service for all the incidents mentioned. The fee per day was \$3 to \$5 each, "according to the dangers and privations of the service." (We are not far off the mark about the dangers of chasing pirates in the dark cold of the Charleston waterfront. Five dollars was very good money for a day's work in 1820.) The other account is for expenses incurred in employing assistance ("and furnishing refreshment to the men in their employ": one can imagine that the men needed a hot drink of something strong after a night out in the cold and wet.)

The first account came to \$476, and Justice Johnson of the Supreme Court certified it with words of praise for Roderick and Goldsmith: ". . . they discharged several dangerous laborious, and critical duties with extraordinary zeal." Marshal Waring also certified that "from his knowledge of the services performed" the amount sought was not extravagant.

The second account appears to be the petition itself, which Goldsmith submitted to Justice Johnson and Judge Drayton, and which we have already reviewed in some detail. The report notes that the two jurists had certified that account to be correct on the basis of vouchers they examined. The amount in question there, we recall, was \$30.50, though why this precise sum is not recorded in the report is not clear. Perhaps the figures in the petition, which was, one imagines, part of the full file reviewed by the committee, was quite enough. The total claim, therefore, was for \$506.50, the sum which the law specified for payment.

The "Lawrence" Case

We return to the law enforcement activities of Morris Goldsmith as recorded in both the 1824 report and the petition.

According to the 1824 report, Goldsmith's task force, in June 1819, operating in Charleston, and in Savannah, a short distance down the coast, arrested the crew of the pirate schooner *Lawrence*. No number of arrests is given. The vessel had captured the British brig *Ann*, killing her captain and four of the crew. The cargo of the *Ann* was restored to its owners. The task force discovered the cargo

of another vessel as well, the *Francisco*, and that, too, was restored to its owners. The 1824 report then records vaguely that "both vessels were libelled, condemned and sold," and the U.S. Treasury became \$800 richer for the sale. "Both vessels" may refer to the *Lawrence* and the *Ann* or to the *Lawrence* and the *Francisco*.

The contemporary news story (published in late July, of which more presently) describes the piratical seizure of the *Ann* and how the pirates had cut her masts and run her aground. Perhaps the beached hulk was recovered, or perhaps the *Francisco*, which is not mentioned at all in the paper, was the other libeled vessel. This little mystery remains unsolved. The more striking problem is the correct date of the *Lawrence* affair. The 1824 report places it in June; the other sources differ.

The petition declares that Goldsmith was ordered in August to execute a bench warrant against certain persons charged with murder and piracy, and that he spent thirteen nights searching out and apprehending nine of them. Surely this statement is a reference to the *Lawrence* case.

The vivid detail surrounding these arrests and seizures appears in the *Charleston Courier* for July 30, 1819, which published a brief story under the head "Piracy and Murder" relating how the crew of the sloop *Lawrence* had seized the British brig *Ann* and murdered people on board her. On July 31, there was news of an arrest in the *Lawrence* case. On August 2, the paper ran a full column of particulars on the depredations of the sloop *Lawrence*. (August 1 was a Sunday, and the paper did not appear on Sundays.) The story of the piracy and murder surpasses any seafaring fiction on the subject. The paper no doubt relieved its readers that day by declaring that seven of the culprits were then in jail. On August 5, one James Brian, another crewman of the *Lawrence*, was arrested after an abortive attempt at burglary on board another vessel in which he had wanted to ship out of Charleston. On August 7, the *Courier* reported that two more of the pirates had been arrested in Savannah, and that a jailbreak by the pirates in Charleston had been foiled.

The 1824 report mentions arrests in Charleston and Savannah. According to the *Courier* as well, arrests occurred in both places.

The petition and the newspaper agree closely enough to allow the conclusion that the 1824 report, written a few years after the events, somehow confused the facts and put the *Lawrence* case in June rather than late July and early August. The number of arrests in the petition is nine; the *Courier's* tally appears to total ten: seven in jail by August 5, plus Brian and the two in Savannah. The numbers are close enough, even without suggesting that Goldsmith included in the petition only those he personally arrested. The difference in dates does not, of course, affect the substance of the matter. Whether the deeds were done in June or July, the deeds were done. The point to be drawn is perhaps that archival material, even official archives, can occasionally err. Corroboration of them wherever possible is only prudent.

The *Courier* of July 8, 1820, reports that one James Chase, mate of the piratical sloop *Lawrence*, received punishment for misprision of piracy. He was put into the pillory in front of the jail, from noon until to one in the afternoon. Unfortunately the fate of his several piratical compatriots is not mentioned in any of the records pertaining to Morris Goldsmith.

Contemporary admiralty court records for South Carolina mention the condemnation and sale of a sloop named the *Laurence* on September 23, 1819.⁵² The libelant was A. A. Villalobos, Spanish consul in Charleston. Spain had ceded East Florida to the United States only seven months before, so Spanish interests and Spanish property were still much in evidence along the southeastern coast. After expenses and charges, half the sum realized went to the libelant and half to the United States. The court action had begun on August 24, 1819, so the timing is about right for identifying the *Laurence* as the *Lawrence*; the seizure of the *Lawrence* was in July (June, in the 1824 report).

There are, however, two unresolved elements in the identification. The court records and the newspaper accounts describe the *Lawrence* as a sloop. The 1824 report calls her a schooner. Both are fore-and-aft rigged ships, but a schooner has two masts while a sloop has one. Again, there may have been some error in the transmission of the records that were used to prepare the 1824 report. Newspapermen in a port city, not to mention admiralty court

clerks, must have known the difference between basic ship types. They would not have made that sort of an error. A landsman could make it—with ease. So the schooner or sloop problem may be a simple error by a land-bound clerk in Washington.

The second unresolved matter is why Consul Villalobos was concerned in the case. The *Lawrence* was a U.S. vessel, the *Ann* was British. *Ann's* cargo, and *Francisco's*, were restored to their owners. What was Spain's interest in the *Lawrence*? Or was there another vessel—a sloop—named *Laurence*? Did Spain's interest have something to do with the ship *Francisco*, whereabouts unknown? There is not enough information on any of these matters to form a conclusion. It is, however, not at all unreasonable or farfetched to identify the *Laurence* and the *Lawrence* as one and the same despite the unresolved questions.

The entire affair of the *Lawrence* must have kept Charlestonian tongues wagging at a furious pace. The *Lawrence* was a local ship, and her captain, Atwick, a well-known figure in town.⁵³ Goldsmith probably knew Captain Atwick, or knew of him, and probably recognized some of the crewmen he later arrested.

In another admiralty case on February 20, 1820, the court condemned the schooner *Ann*. The brig *Ann* was seized in June 1819. The differences between a brig and a schooner suggest strongly that these were two different ships, each with the same name.

In the petition, Goldsmith states that owing to his exertions in the line of duty, he got "the Feaver" and was ill in bed for more than a week, incurring medical expenses—"For which service (Without which most probably the Criminals would have escaped) your Petitioner receives no remuneration." Thirteen straight nights of dangerous surveillance work in the heat and damp of a South Carolina August could easily sap the strongest constitution. It is not clear how the medical bill was figured into the total, but presumably there was a voucher for it somewhere in the paperwork. The "Feaver" was no small medical concern in Charleston in 1819. Just as January was cold and wet, so August could be stifling with sultry heat that hardly abated at night. Every physician in town was familiar with epidemics of yellow fever and cholera. An exhausted man who developed "a Feaver" would have been easy pickings for

yellow fever or malaria, the knowledge of whose origin, prevention, and cure still lay generations in the future in 1819.

The "General Ronderaus" Case

There seems to have been a hiatus in Goldsmith's anti-piracy activities until June 1820. In that month, the pace quickened considerably. The matter-of-fact narrative of the 1824 report is supplemented by newspaper stories which demonstrate that the deputy marshal was in the thick of the biggest news stories in Charleston that summer of 1820. What had he been doing from, say, September 1819 to June 1820? He was probably working for Marshal Waring, acting as court crier, and perhaps helping out the collector of customs, or even doing some clerking in order to scrape together some sort of a living.

The report jumps ahead to June 10, 1820, when Goldsmith and Roderick arrested Andrew Hudson, John Thomas, William Thomas, and others who were part of the crew of the *General Ronderaus*, charging them with piracy. They also recovered money and merchandise.

The story of the *General Ronderaus* broke in the *Charleston Courier* on Monday, June 12, 1820, and remained the hot story until July, when, as we shall see, another fast-breaking news story crowded it out of the paper.

The voyage of the *General Ronderaus*, which the *Courier*, with no apparent reason, method, or consistency, variously calls the *General Ronderaus*, *Ronderau*, and *Rondeu*, is the stuff of high adventure. The armed brig *General Ronderaus*, Captain David Miles, out of Baltimore, had hoisted the Buenos Ayrean flag to sail the Atlantic and the Mediterranean as a privateer, doubtless looking for Spanish prizes given the political situation then existing between Spain and its late South American viceroyalty.⁵⁴ A privateer was nothing more than a fast, well-armed commerce raider, commissioned by a government that lacked a strong navy but had serious financial and political problems, to go after the commerce of its "enemies," whoever they might turn out to be.⁵⁵ The commissioning of a privateer was a "state" business venture. The backers invested in the enterprise for profit; the captain and crew sailed

for a piece of the action, so to speak. Plain piracy, on the other hand, was purely private enterprise. At any rate, Captain Miles took the Baltimore brig off to plunder the sea lanes under the flag of Buenos Ayres.

Apparently the privateer had a rather successful voyage at first. On the return leg, however, there was mutiny and murder.⁵⁶ Captain Miles was wounded. His lieutenant, one McSweeny, was killed. When the ship reached U.S. coastal waters off the Carolinas, small groups of crew members apparently put off for shore, taking with them a portion of the loot. One group fetched up at Wilmington, North Carolina; another group of seven or eight came ashore near Georgetown, South Carolina, a tiny port sixty or so miles north of Charleston.⁵⁷ The *General Ronderaus* sailed on, meanwhile, with a revenue cutter in pursuit, but she escaped over the horizon.

On Monday, June 12, the *Courier* broke the story that three of the pirate crew—for in many respects privateersmen were really pirates—had been arrested in Charleston.⁵⁸ Several citizens had spotted them and, according to the news story, had taken the three before a magistrate.

The 1824 report identifies three men, Andrew Hudson, John Thomas, and William Thomas, whom Goldsmith and Roderick took into custody on June 10, which would have been the Saturday. (We recall that the paper did not publish on Sunday.) At some point between the time the citizens spotted the three and their appearance before a magistrate, Goldsmith and Roderick must have come on the scene. The interrogation in the presence of the magistrate elicited contradictory stories. The men's lodgings were searched (Goldsmith and Roderick again, no doubt), and two trunks of jewelry and clothing turned up.

What possibly or even probably occurred that June weekend in Charleston is perfectly familiar to any police officer. Three strangers showed up around the waterfront. They were obviously seamen, but not off any ship in port; they probably had some money to spend; and doubtless asked where they could fence some jewelry and other valuables for cash. They probably had some loot on them to give the locals an idea of the great values

they offered. While the strangers were pursuing their salesmanship, somebody snitched on them. The lawmen came round to the shop, or saloon, or bordello, or whatever while the three strangers were engrossed in their business and asked a few questions: "Where are you men from? Where did you get those fancy trinkets? Hey, maybe they're stolen? They don't look like the kind of stuff you'd buy!" The men's answers were halting and unconvincing. Then: "Well now, we're U.S. marshals, and you boys are under arrest—suspicion of burglary (or suspicion of receiving stolen property, or some such). Let's go talk to the judge." No *Miranda* cautions in 1820.

The three pirates had been in town for perhaps a day. They had already secured lodgings, and their goods were quickly found when their rooms were searched. It turned out that they had come ashore as part of the Georgetown group of seven or eight and made their way overland to Charleston. The rest of the Georgetown group also landed in jail.

On June 14, the *Courier* ran another story on the stranded pirates. The ship's boy, who had been arrested in Georgetown, and had probably had enough of the carefree life of the pirate to last him a lifetime, blurted out the whole lurid tale of the *General Ronderaus*.

The *Courier* kept on publishing related stories. The June 17 edition ran a report from Wilmington, dated June 11, relating that six men had been put ashore from the *General Ronderaus*. On June 19, we have a report that the pirates arrested in Georgetown had arrived by cutter in Charleston.

On Friday June 23, charges of piracy and murder were brought against the late crew members of the *General Ronderaus*, then in custody in Charleston, in the U.S. district court. They were held to stand trial. Goldsmith was no doubt in court that day. We do not know whether the ship's boy, whose age was given as fourteen, received any special consideration for turning in his erstwhile shipmates. On Wednesday, June 28, three more of the *General Ronderaus's* crew were picked up and sent to Charleston for trial.

In all, the *Courier* ran eleven stories on the *General Ronderaus* and related matters. The excitement provoked by the voyage of the *General Ronderaus* is drained away in the single sentence of official

prose that recalls Goldsmith's part in the matter. On June 27, a report in the Norfolk, Virginia, paper informs us that the *Wilson* was being sent to take the place of the *General Ronderaus*, which had become a ship of scoundrels and an utter loss to its enterprising owner. We shall hear more of the *Wilson*.

The *Courier* for July 21 ran a brief story about some multiple arrests: "Another attempt was made Wednesday night to embark between 20 and 30 men for the brig *Wilson* which was frustrated by the vigilance of the Marshal and other U.S. officers."

The "Bolivar" Affair

The highly successful *Ronderaus* operation was still a major focus of public attention in July 1820, when the armed Buenos Ayrean brig *Bolivar*, "alias *Wilson*," with her prize *Santiago* (also: *St. Iago*) in consort stood off Charleston harbor and became the premier story of the month in the news columns of the *Courier*. The *Wilson* was apparently a worthy privateer successor to the *General Ronderaus*.

The capture and arrest briefly noted in the 1824 report occurred on July 19. Back on July 7, the *Courier* had informed its readers that the *Bolivar* (*Wilson*) and the *Santiago* were offshore and that an officer of the brig had been in town on July 6 purchasing supplies. Further, a boat filled with men had inquired for Captain Almieda's ship (the *Bolivar* / *Wilson*). They were "no doubt a reinforcement" for her crew. A group of men in Norfolk had eluded the U.S. marshal there and joined the ship. The story concluded, "By a like expedient, she may soon recruit her full complement of men upon the coast."

Privateers generally carried large crews in order to have plenty of force on hand when they boarded their captures and in order to have plenty of prize crews available. Of course, the more men the more prizes the ship had to seek, so that there would be money enough to repay the owners and the seamen for their considerable risk.

On July 11 the citizens of Charleston learned from the *Courier* that two U.S. revenue cutters had gone out in pursuit of the *Wilson* and the *Santiago*. The privateers were too fast for the cutters. They escaped over the horizon. But there was good news, too. The cutter *Gallatin* had captured a fishing smack from the *Wilson* and

recovered some specie and coconuts which, it was suggested, were going to be smuggled ashore. The paper does not say so, but arrests must have been made as well. The boat would hardly have been taken without the crew.

On July 12, there was more *Wilson—Santiago* news. One Job Weeden, supposedly the ship's doctor of the *Wilson*, appeared before Judge Johnson on a writ of habeas corpus to get out of jail. The court required him to return to prison to await trial at the next session of the U.S. district court or to make bond for his appearance in the amount of \$3,000 "and one or more securities in like sum."

The paper does not tell us what charge or charges were laid against Weeden. He may have been the ship's officer who had been in town back on July 6 and had been arrested for recruiting hands for the privateer. Alternatively, he may have been taken off the fishing smack that the *Gallatin* captured. The *Courier* on July 24 reported that a Mr. Dean had been taken on board the smack. Dean could be a corruption of Weeden, just as *Rondeu* was for *Ronderaus*! At any rate, Weeden was arrested on a federal charge relating to the *Wilson/Santiago* matter sometime between July 6 and July 11. On July 12, he apparently made bail, because on August 3 he and William Christie, according to the 1824 report, were arrested for enlisting men for the privateer *Willson* (*sic*). Job Weeden, unlike his biblical namesake, hardly seems to qualify as a perfectly righteous man. He needed a good attorney in Charleston, and he found one. We shall presently meet Mr. Weeden again in the U.S. district court.

The *Courier* for July 20 primly reports that "notwithstanding the arrest and confinement in jail of upwards of 20 seamen with the persons who enlisted them," twenty or thirty men recruited in Charleston had shipped out on Tuesday, July 18, and joined the *Wilson*, Captain Almieda.

Further, a new suit of sails for the *Santiago*, made in Charleston, had also been taken out to the privateers. Those ships had come to Charleston with at least two purposes, first, to recruit more men, and second, to refit *Santiago* as a privateer. The sailyards and ship chandlers must have been doing an excellent business. The article ends with the somber remark, "Thus are our laws evaded and our public officers circumvented in the execution of their duty."

Any detective will agree that, despite good information and good planning, some of the crooks slip through the net. The big success, like the one on July 19, becomes all the more important because of the difficulties and frustrations of the failures in other operations. Doubtless Goldsmith and Roderick had moved through the waterfront, along the docks and into the ships and yards, collecting intelligence and gathering information, but they must have known better than anyone that they could not win them all. Perhaps those "improper associations" played a part in foiling some attempts to catch the pirates. The difficulties and frustrations of the job, whatever they were, made the July 19 arrests all the sweeter.

The July 19 story added gleefully that the new sails for the *Santiago* had also been recovered from a small boat by revenue cutter *Gallatin*. On July 24 and 25, however, the *Courier* printed stories which retracted the account of the recovery. The customs collector, a fine officer, according to the *Courier*, had no right to detain the sails. The sails had been given proper legal clearance through customs and could not be held.

It would appear that the *Wilson* and the *Santiago* were still off Charleston on August 3, when Goldsmith and Roderick arrested Job Weeden for recruiting men for the *Wilson*. If the ships had sailed off, what would have been the point of Weeden's effort? At any rate, Weeden was in jail again and perhaps made bail a second time. His second arrest, in any event, did not stop his attorneys from skillfully representing his interests in court. If they were half as skillful in arranging bail for the August 3 arrest, Weeden was present in court when two particular lawsuits were heard in U.S. district court in August 1820.

What happened to the *Wilson* and the *Santiago*? Our data do not reveal the fate of those speedy privateers. And we must get back to the career of Deputy U.S. Marshal Morris Goldsmith.

Two "Qui Tam" Actions

On August 1, 1820, Morris Goldsmith appeared in the admiralty court *in re: Morris Goldsmith, qui tam v. Certain Sails* and on August 2, 1820, he appeared *in re: M. Goldsmith, qui tam v. 23 coils of rigging*.³⁹ The legal term *qui tam* means "who as well." In a *qui tam*

action, an informer, in this case Goldsmith, sues in a civil action to recover the statutory penalty for omission or commission of an act.⁶⁰ The penalty goes in part to the informer and in part to the state, because the informer is suing for himself as well as for the state. In these cases, Goldsmith was suing to get part of the money from the libel and condemnation of the seized sails and rigging, with the other part going to the United States Treasury. The seizure of the sails and rigging probably came sometime during the hectic weeks of July, either in one or another of the events chronicled by the *Courier* or in some incident it did not report. Presumably the case was heard by Judge Drayton sitting in admiralty.

On August 10, 1820, the court ordered the sails to be sold, with Goldsmith and the United States sharing the proceeds after deduction of costs and charges. On August 14, the court rescinded the sale order on a motion by Job Weeden's attorney. On August, 28, the twenty-three coils of rigging were returned to a claimant whose name is indecipherable in the record. Thus Goldsmith lost both suits.

Weeden had been up to his neck in outfitting vessels, and perhaps was already notorious for his involvement with pirates. Morris Goldsmith apparently lost his share of the proceeds because the lawyers cut a legal corner and Judge Drayton would not go along. Deputy Goldsmith had certainly been led to expect some remuneration for his hard and dangerous work. He came very close to getting it. The attorney, however, had misled him; he lost his chance at the money because of the attorney's error. The case was probably one of the first, but not the last, in the United States in which a law enforcement officer suffered because of the mistakes of attorneys. The judge gave his decree on November 2, 1820, returning the goods to Weeden.

Here is what happened. Job Weeden petitioned the court through his attorney that the condemnation and sale should be rescinded because the sails, and canvas for sails, had been new and "never affixed to any vessel." The sail canvas had been seized on shore, from a store in Charleston. Now the information that had been filed against the sails and the canvas asserted that they had been procured for the brig *St. Iago Santiago* which was going to

commit hostilities, that is, piracy, against subjects of the King of Spain, the United States and Spain then being at peace.

In any case, all the paperwork for the warrant was duly executed and the warrant issued by the admiralty court. Deputy Marshal Goldsmith was, of course, the informer, and no doubt it was his showing of probable cause that gave rise to the warrant. Everything went smoothly until Weeden petitioned to have the sale set aside and the matter heard in district court because the property in question "had never been attached to any vessel so as to become her tackle, apparel or furniture or to bring them under the admiralty jurisdiction and could only be considered *in rem* and as *merchandise*" (emphasis in the original).

This finding alone was enough for Judge Drayton to cancel the sale. The matter had never been under admiralty jurisdiction, and therefore the warrant was no good. The judge declared that, though the information had been filed in the district court, the matter had been handled as an admiralty case, "and it was a known principle of law that silence, inadvertence, or consent cannot give jurisdiction where the Law has not given it." The parties were directed to start all over again in district court, before a jury.

But how did the admiralty court wind up outside its jurisdiction? The proctor for the libelant (i.e., Goldsmith's attorney) explained that years before the same sort of case had been instituted before a jury in district court but "the lawyers found it so inconvenient that cases of similar nature have been allowed to be carried on under admiralty process." An inadvertent sanction for such procedure had been established, but Judge Drayton recognized the error, corrected it, and asserted that he would not accept a "plea of *inconvenience* among Gentlemen of the Bar to warp or obstruct the course of law."

Drayton, who knew Goldsmith and had written on behalf of his petition back in January, may have had a pang of regret that the deserving deputy marshal would not get a portion of the sale. (After all, Judge Drayton himself had probably issued the flawed warrant.) Goldsmith would now have to take his chances, probably not very good chances, before a jury in the district court.

Whether or not the parties did in fact proceed, and what the outcome of their case was, are unknown.⁶¹

Census-Taking and Other Activities

The 1824 report covers a twenty-month period in the career of Morris Goldsmith, January 1819 to August 1820. He—with his associates—compiled quite a record. They arrested pirates in job lots, seized ships and property, and generally dampened the ardor of the pirate fraternity. They made piracy a very risky proposition. It had been a dangerous and exhausting assignment. The precise number of arrests is uncertain, since the petition gives the figure in one case and only mentions “certain persons” in another. The 1824 report mentions forty-seven arrests, but some cases in the report note only “the crew” or some other indeterminate reference. The total number of arrests could easily have been somewhere between fifty and sixty. Any pair of detectives who can point to a record of fifty-plus felony arrests in a period of twenty months, as Goldsmith and Roderick could probably have done, would have ample reason to feel quite satisfied indeed with their accomplishments.

Law enforcement was not Goldsmith’s only task in 1820, however. From 1790 until 1870, assistants to U.S. marshals acted as census enumerators.⁶² Thus, in addition to everything else he did that year, Goldsmith took the census for Charleston County. His name as enumerator and assistant to the marshal of the South Carolina District appears on the census submitted by Marshal Waring for 1820. Morris Goldsmith must have been a very busy man that year.

For the next fourteen years Goldsmith’s law enforcement career apparently disappeared from the record. Doubtless he continued his various duties—executing precepts, serving federal writs, acting as court crier, taking the census, and perhaps doing some clerking. Whatever he was doing, he seems to have prospered. The 1830 census notes that the Goldsmith household then had twelve slaves, and the 1840 census registers thirteen of them. The head of the Goldsmith household apparently had achieved some modest degree of wealth. In the 1850 census, Goldsmith had \$5,000 in real estate in his name. By 1860, however, he has none listed on the census.⁶³

During this long period of quiet in his law enforcement career, Morris Goldsmith took a hand in Jewish communal matters. (He was the secretary of the Reformed Society of Israelites from 1825 to 1827. This group was a breakaway from the K.K. Beth Elohim synagogue to which Goldsmith had previously belonged and which he apparently rejoined after the Reformed Society faded away.

Goldsmith's Last Case

Over the years, the problems of the waterfront probably remained Goldsmith's special area of interest. After a fourteen-year break, he again comes into focus as a lawman.

By any reckoning of his age, Morris Goldsmith was past fifty when he became a key member of an antismuggling patrol on the Charleston wharves. The story is well documented because Goldsmith and his colleague William Neve, another deputy U.S. marshal, subsequently petitioned the Secretary of the Treasury in order to obtain what they believed to be their legitimate portion of the proceeds from sales of seized property.⁶⁵ The customs collector had interpreted the law in such a manner as to squeeze Goldsmith and Neve out of their share of the money, although "they were led to believe that there was no doubt about their right." Again the cops took the short stick when it came to the money.

This petition describes in ample detail what went on in the summer of 1834 on the Charleston waterfront. By that time, T. D. Condy had become the United States marshal and Morris Goldsmith had been reappointed as a deputy.

In conversation with Condy one day, Goldsmith brought up the subject of smuggling and how it had become so common. He expressed the opinion that something should be done to stop this illegal traffic. The marshal agreed and suggested a night watch on the wharves, since the customs inspectors almost always left the vessels in their charge after nightfall. Condy appointed Deputy William Neve to assist in the anti-smuggling patrol. Neve and Goldsmith went to work with a will; on occasion they used their own money to hire assistants.

Soon they made some small seizures and got a conviction of one

smuggler, who was, however, too poor to pay his fine. Goldsmith and Neve appeared content that at least the one smuggler was out of business and that the conviction would deter the rest of his gang from their crimes.

Early in August the two deputies developed information that the steward on board a British ship, the *Lady Rowena*, was going to smuggle into Charleston some "ready made clothing." They informed Marshal Condry, and further told him the name of the person suspected of being the receiver of the contraband. When the vessel made port in Charleston, the two asked the marshal to file the information with the collector of customs, which he duly did. A guard was posted on the vessel, and that night the steward and another person, a citizen of Charleston—not, however, the suspected receiver—were apprehended in possession of the contraband. The men were arrested and the goods seized. The surveyor of the revenue was told of the seizure and arranged to have the ship searched for other contraband. The search party (including Goldsmith and Neve?) found more contraband, which was promptly libeled, condemned, and sold, the proceeds going to the collector of customs.

A few days after those events, deputy Goldsmith informed the collector that another vessel which would soon call at Charleston was also carrying packages of ready made clothing and broadcloth that were to be smuggled into the United States. Sure enough, when the ship made port, a search party found the contraband goods, which were thereupon seized, libeled, condemned, and sold. Doubtless the collector took charge of the proceeds as well. Goldsmith and Neve insist that without their information neither seizure would have occurred. There is no reason to believe that their claim was not valid. After more than twenty years on the docks as a customs inspector and then as a deputy marshal, Goldsmith must have had a network of informants who gave him the whispered word of what was up.

His informants must have trusted him to keep their identities quiet; a snitch in 1834 doubtless wanted his confidence and anonymity respected as much as a snitch today does. Further, Goldsmith must have been a master at handling his sources of

information, because Charleston, though a major port of call in early nineteenth-century America, was still by modern standards a small town. The crooks, the informants, and the officers all worked within a few-score city blocks of each other.⁶⁶ Less than one hour of leisurely walking covers the distance from one end of the old port to the other. If Goldsmith could move through that crowded area, gather his intelligence, make his cases, and continue to do so for twenty years, he must have possessed enormous skill and tact, as well as zeal and courage.

Goldsmith and Neve petitioned that, according to section 91 of the 1799 Act to Regulate the Collection of Duties on Imports and Tonnage, they should have received a quarter of the proceeds from the condemnation sales, the proportion due to informers. But the collector saw matters differently. In his view, Goldsmith and Neve were not entitled to the informer's share of the proceeds because they had named one person as the suspected receiver in the *Lady Rowena* case but the goods were found with other persons. Goldsmith and Neve remained adamant that the goods were in fact seized *in consequence* of their information, and therefore that "they come not only within the Spirit, but actually the letter of the Law: viz., 'in pursuance of such information.' "

The petitioners went on to declare that two more prosecutions stemming from the information they provided were still pending in the district court.

The document ends in a burst of anger and frustration. Goldsmith and Neve lay it on the line to the Secretary of the Treasury. Smuggling had been a very serious problem, and they, with help hired out of their own pockets, had instituted the night patrol. They do not reiterate their record of successes against smuggling—that was clear in the previous paragraphs, and a matter of public record, but they complain bitterly that under the collector's interpretation of the law, their hard work gained them nothing except "the degrading name of Informers." Others share the petitioners' just due. They assert that if they had entertained any idea that their claim was somehow questionable, "they would have applied to the Court to decide the Question," but they had been misled. Their only hope for redress lay in the fair-mindedness

of the Honorable Secretary of the Treasury.

It is not known what action, if any, that gentleman took in the matter. Whatever the outcome, Morris Goldsmith remained a deputy United States marshal for many more years. Unfortunately, the newspapers of the era provide no further background or details. It would seem that smuggling was just not newsworthy in 1834. In August of that year, railroad accidents and test-oath politics supplanted crime stories in the news columns of the *Courier*.

The census of 1840 lists Goldsmith as a deputy marshal, and so does the census of 1850.⁶⁷ By 1860, though, Goldsmith was far too old for the rigors of federal service. The census that year records him as a clerk. Perhaps when the weather was fine the old deputy strolled down to the familiar waterfront, to sit in the sun and swap stories with the other old-timers.

The young men at the docks probably did not stop to listen. Youngsters usually have little time or patience for the yarns of old men, and in the late 1850s the young men of Charleston probably had even less time for tales of the past because they sensed a great tide of events sweeping them toward a splendid future of Southern independence and gallant deeds. Just two months before Morris Goldsmith died, church bells all over Charleston pealed joyously when the state's Ordinance of Secession was passed, December 20, 1860. He must have heard them.⁶⁸ The writ of the federal government that the old man had served so many years no longer ran in his adopted city and state. The country was racing toward disunion and war when Deputy U.S. Marshal Morris Goldsmith died of old age on February 21, 1861. He was buried in the Coming Street cemetery of K.K. Beth Elohim.⁶⁹

Less than two months later, South Carolina batteries thundered a declaration of war against the lawful authority of the United States that Morris Goldsmith had enforced with dedication, courage, and honor for so many years. We know nothing specifically of Goldsmith's politics at any stage of his life (though clearly he had enjoyed some political connection from the start); was the old man overwhelmed by the secession fever that gripped virtually every South Carolinian? All we know is that the cannonade began the destruction of the world he had known and doubtless

cherished. Perhaps it is just as well that the old scourge of pirates and smugglers did not live to hear the guns of Sumter.

Steven M. Passamaneck is Professor of Rabbinic Literature at the Hebrew Union College—Jewish Institute of Religion, Los Angeles, and a reserve captain in the Los Angeles County Sheriff's Department. He served for more than four and a half years in an elite surveillance unit and has written extensively on law enforcement in the traditional Jewish legal system.

Notes

Professor Stanley Chyet read the manuscript of this article and exercised his masterful editorial hand upon it. Any remaining errors and unclarities are the sole responsibility of the author.

The author also wishes to thank Dr. Frederick S. Calhoun, the historian of the United States Marshals Service, who read the manuscript and offered several valuable suggestions for its improvement.

1. Information on Marshal Waring and the division of the South Carolina district comes from a letter written by David Scott Turk, a research analyst with the United States Marshals Service, to the author. The letter is dated August 19, 1992.

2. *Ibid.*

3. *Ibid.*

4. E.g., Jacob R. Marcus, *United States Jewry*, 2 vols. (Detroit: Wayne State University Press, 1991) and Joseph L. Blau and Salo W. Baron, eds., *The Jews of the United States, 1790—1840*, 3 vols. (New York: Columbia University Press, 1963). Even though several of the most important sources on Goldsmith are found in the latter work, both in its text and its notes, the editors are intent on providing a documentary history and do not explore his career in any depth.

5. Marcus, *United States Jewry*, vol. 1, p. 91.

6. Frederick S. Calhoun, *The Lawmen: United States Marshals and Their Deputies, 1789—1989* (New York: Penguin Books, 1991). Dr. Calhoun's history of the Marshals Service, for all its thoroughness and detail, does not mention Morris Goldsmith and hundreds of other anonymous deputies from times past. There was obviously not enough time, space, documentation to do so. The book does occasionally mention Marshal Waring. On the prospects for career development and advancement in the post of deputy marshal, see pp. 2, 7, 249—251, 295 f.

7. *Ibid.*, pp. 12, 15.

8. *Ibid.*, p. 15.

9. *Ibid.*, p. 14.

10. *Ibid.*

11. *Ibid.*

12. *Ibid.*, pp. 15—23.

13. *Ibid.*, p. 17, quoting Marshal James Prince of Massachusetts in 1812.

14. The complexity of local law enforcement is illustrated both by the *Charleston Courier*, as we shall presently see, and by some references to Jews in Charleston city law enforcement bodies in Barnett A. Elzas, *The Jews of South Carolina* (Philadelphia: J. B. Lippincott, 1905). The *Courier* story mentions the city guard and a citizen patrol guard; Elzas records Moses Salomon, a constable in 1802; Nathan Hart, a constable in 1821; and Solomon Moses, a constable in 1822; also, Elisha Elizer, a city deputy sheriff in 1806, and Mark Marks, a city deputy sheriff in 1822. Solomon Moses was the city marshal from 1833 to 1836. Thus we have a collection of guards, constables, sheriffs, and marshals. And that is only for the city. There is no reason to believe that Charleston was unique among American cities in the complexity of its law enforcement bodies. See also the next note.

15. The *Charleston Courier* was published daily except Sunday for the period of Goldsmith's documented activity. As the city's only daily newspaper, it is an excellent source of corroborative detail for Goldsmith's exploits. The *Courier* apparently ran every bit of crime news it could find. On December 23, 1818, for instance, a story of murder in the

streets and an arrest for bank robbery. On March 18, 1819, there was a story about George Clark, late captain of a pirate ship, who supposedly broke out of jail with a murderer; on March 19, Clark was reported to be still in jail, but there was a \$1,000 reward for the murderer. The escapee was caught on March 20 by Edward Morris, nineteen, a relative of the murder victim, who was out looking for the felon with the Charleston Riflemen Militia units. So the local military companies also took a hand in law enforcement! There are reports of hangings, e.g., on February 2, 1820; and of thefts from the mail, February 23, 1820.

All in all, crime stories were as popular 173 years ago as they are today. We can be quite confident, therefore, that if there was something brewing in the underworld, or if the forces of law and order had triumphed in some small way, the columns of the *Courier* would tell the tale.

The *Courier* material comes from the Microfilm Collection of the South Caroliniana Library, University of South Carolina, Columbia, S.C., from the originals on file in the College of Charleston Library.

16. Calhoun, *The Lawmen*, pp. 17 f., 21. ff. Although the figures given come from the period 1790—1802, there is no reason to assume that the situation had materially improved by the time Goldsmith came along fifteen years later.

17. Information on Goldsmith's life is taken from various sources. One of them is a letter to the author from Mr. Solomon Breibart, the historian of K.K. Beth Elohim of Charleston, which was founded in 1749. Mr. Breibart's letter is dated December 11, 1991. He uses newspaper material, census data, and of course synagogue records. This source will be hereafter styled the Breibart letter.

A second source of data was supplied by James Hagy, professor of history at the University of Charleston. On November 24, 1992, he supplied the author with a series of computer printouts giving the vital statistics, birth dates, death dates, causes of death, marriage information, names of children, etc., of every person in the Jewish community of Charleston named Goldsmith during the first half of the nineteenth century. Prof. Hagy had prepared this database on the early Jewish community of Charleston as part of his own research, and he is most kind to have shared the material with me. The database includes information from newspapers, journals, city directories, state and local archives, the federal census, various books which treat Charleston Jewry, synagogue records, and so forth. It is a most comprehensive compilation; if a Goldsmith was in the neighborhood and left any sort of a trace, Prof. Hagy found it. I am in his debt for his assistance on my own much smaller project. His material will be hereafter styled the Hagy Database.

18. Breibart Letter; Hagy Database.

19. Ibid.

20. National Archives Microfilm Collection. U.S. Circuit and District Court, Charleston, South Carolina, List of Aliens admitted to citizenship, 1790—1860. Record group no. RG 21.

21. Pirqe Avoth 5:21, in the name of R. Judah B. Tema(?): "Twenty is the [proper] age for marriage." See also B. Qiddushin 29b f.

22. National Archives Microfilm for the census of 1850 for Charleston County, S.C., p. 133; Hagy Database.

23. National Archives Microfilm for the census of 1860 for Charleston County, S.C., p. 240; Hagy Database.

24. Hagy Database.

25. Marcus, *United States Jewry*, vol. 2, p. 31.

26. Ibid.

27. Hagy Database.

28. National Archives microfilm for the census of 1830 for Charleston County, S.C., p. 100. This report is far easier to read than those from previous enumerations. A printed form was employed. The enumerator simply put the proper numbers in the proper spaces and did not have to write the entire document in longhand.

29. Hagy Database.

30. Ibid.

31. Ibid.

32. Marcus Goldsmith, *Directory and Strangers Guide to the City of Charleston and Its Vicinity from the Fifth Census of the United States* (Charleston: printed at the Office of the Irishman, 1831). The book gives names in alphabetical order, occupations, and addresses. Page 77 lists Goldsmith, Morris; Goldsmith, Henry; and Goldsmith, Joseph H.; all at 129 Wentworth St. The only occupation listed is for Morris—deputy U.S. marshal. The women of the household are not listed. The information was, after all, taken from the census which Morris had compiled. Presumably the book was sold publicly for profit. Such use of information by a federal officer who had collected the information at government expense apparently raised no eyebrows in 1831. Goldsmith remained a deputy marshal for years to come. The 1830s were a far more relaxed and benevolent era in such matters.

33. Hagy Database.

34. Hagy Database; Barnett A. Elzas, *The Old Jewish Cemetery at Charleston, S.C.* (Charleston, 1903), p. 74.

35. Hagy Database; and cf. n. 28 above.

36. Ibid.

37. Hagy Database.

38. Cf. above, nn. 22 and 23.

39. Cf. above, n. 20.

40. Elzas, *Jews of South Carolina*, p. 44. The old Customs House, now known as the Old Exchange Building and Provost Dungeon, stands at the foot of East Bay Street. The splendid colonial building has been restored as a tourist attraction and is one of the finest examples of colonial architecture extant. In 1791, the city of Charleston held a concert and ball there for President Washington. Its basement has been restored as the dungeon where pirates were chained two centuries ago. This is also the building where Morris Goldsmith worked as a customs inspector. If one is of an imaginative turn of mind, one can get a sense down there of Deputy Marshal Goldsmith and Deputy Roderick herding their prisoners into the noise and reek of the dungeon by the dim and shadowy light of lanterns. The Old Exchange stands only moments away from eighteenth-century cobbled alleys and squares, surrounded by eighteenth-century buildings, now restored and refurbished and used as private business offices. Despite more than eight-score years of natural disaster (including Hurricane Hugo), war, and "progress" of all sorts and descriptions, there remains still the faint hint of the waterfront, the wharves and ships and warehouses, that Morris Goldsmith knew so very well so long ago.

41. See, e.g., Richard B. Morris, ed., *Encyclopedia of American History* (New York: Harper & Brothers, 1953), pp. 140 f.; Frederic L. Paxson, *History of the American Frontier, 1763—1893* (Boston: Houghton Mifflin Co., 1924); Calhoun, *The Lawmen*, pp. 40—48.

42. Ibid.

43. Calhoun, *The Lawmen*, pp. 44 f.

44. Ibid.

45. See *Debates and Proceedings in the Congress of the United States, Eighteenth Congress, first session* (Washington, 1856); *Annals of the Congress of the United States, Eighteenth Congress, first session*; Blau and Baron, *Jews of the United States*, vol. 2, pp. 336—339 and pp. 613 f. at note 66.

The author wishes to thank the staffs of U.S. Senator Dianne Feinstein and Representative Anthony Beilenson for providing provide material on the fate of the bill for the relief of Goldsmith and Roderick in the House and Senate.

46. Cf above, n. 15.

47. Blau and Baron, *Jews of the United States*, vol. 2, pp. 334 ff.; National Archives Microfilm, Minutes, Circuit and District Courts, District of South Carolina, 1789—1849; National Archives Microfilm, Admiralty Minute Books for the State of South Carolina, 1819—1826.

48. See Morris, *Encyclopedia of American History*, pp. 157 f.; Paxson, *History of the American Frontier*, pp. 183 ff.

49. Cf. above, n. 45, *Debates and Proceedings*, col. 1873; Monday March 22; Mr. Whittlesey from the Committee on Claims made a report on the petition of Morris Goldsmith and Anthony Roderick, accompanied with a bill for their relief; which was read twice and committed to a Committee of the Whole.

Col. 2504, Thursday, April 29, third reading of the bill ordered.

Col. 2506, Friday, April 30, the bill was read for the third time, passed, and sent to the Senate for concurrence. On the Senate action, see *The Public Statutes at Large of the United States of America*, vol. 6 (Boston: Charles C. Little and James Brown, 1846), pp. 308 f. The statute book gives the full text of the enacted bill, which of course includes the precise amount to be funded.

50. Blau and Baron, *Jews of the United States*, vol. 2, p. 614 at n. 67.

51. Cf. above, n. 49.

52. Cf. above, n. 47. Admiralty Minute Books for South Carolina.

53. *Charleston Courier*, August 2, 1819.

54. See *Encyclopaedia Britannica* (1965 ed.), s.v. "Buenos Aires" (vol. 4, p. 373).

55. On pirates and privateers, see Alexander Winston, *No Man Knows My Grave* (Boston: Houghton Mifflin Co., 1969), pp. 3—40, 224—231.

56. *The Courier* for July 4, 1820 dates the mutiny and the murder to May 24, 1820.

57. Cpl. Hess of the Georgetown, S.C., Police Department informed me that Georgetown lies about 60 miles north along the coast from Charleston by modern highway, and about 70 or so miles by way of the back roads. The country is flat and open. In 1820 Georgetown would have been a very small community where strangers stood out. Three men could have made the journey from Georgetown to Charleston in a week or less on foot, and faster if they had horses. This would have put them on shore at Georgetown on or about June 1, about a week after the murder. The chronology appears to fit well enough.

58. Cf. above, n. 55.

59. National Archives Microfilm, Admiralty Minute Books for the State of South Carolina, 1819—1826.

60. See Henry C. Black, *Black's Law Dictionary*, rev. 4th ed. (St. Paul: West Publishing Co., 1968), p. 1414.

61. The National Archives pamphlet on the *Minutes, Circuit and District Courts, District of South Carolina, 1789—1849* (National Archives Trust Fund Board, Washington, D.C., 1981) bluntly states that no district court minute books have been located for the period October

1814—November 1833, which covers the period in which we are interested. Were those records another casualty of the Civil War?

62. Calhoun, *The Lawmen*, pp. 17 ff.

63. For all this, see National Archives Microfilms for the 1830, 1840, 1850, and 1860 census returns for Charleston County.

64. Marcus, *United States Jewry*, vol. 1, p. 91, and the Breibart Letter.

65. Blau and Baron, *Jews of the United States*, vol. 2, pp. 336—339.

66. The author has strolled along the waterfront and in the area surrounding the old Customs House. The old city of Charleston with much narrower streets and alleys cutting in at all sorts of angles, really covered a relatively small area. A fast walk from the battery up along the waterfront to the "new" Customs house requires perhaps 20 minutes, and a morning's walk covers much of old Charleston.

67. Apparently Morris Goldsmith continued as a deputy marshal for as long as he possibly could. He must have been very good at what he did and rather skilled as an adviser and diplomat to have remained so long in a position that was always exposed to the winds and storms of political change. He weathered them all: from the time of Madison to the time of Pierce or perhaps even Buchanan.

And one more thing: Goldsmith must have loved the work. He must have relished being a federal lawman. Many cops would never admit it, but being a peace officer gives a person a very special sense of pride and dignity. I think Morris Goldsmith would have agreed.

68. W. A. Swanberg, *First Blood: The Story of Fort Sumter* (New York: Charles Scribner's Sons, 1957), p. 80.

69. Breibart letter; Hagy Database.