

The Country Party

Patriarch and recognized leader of the Country Party at the time of the Revolution was Matthew Tilghman (1718–1790), whom J. Thomas Scharf in his *History of Maryland* characterized as “one of the richest and worthiest citizens that Talbot County has ever known.”⁸ Without formal training in the law, he had been a justice of the Talbot County Court for more than thirty years. He had served almost as many in the Provincial House of Delegates and was Speaker in 1773 and 1774, the last two years of its existence. He presided over five of the seven Conventions that gradually took over the government of the Province from 1774 to 1777, including the one that created the Constitution of 1776. In addition, he was a delegate to the Continental Congress, and was on most of the important revolutionary committees in Maryland, including the one that drafted the new Constitution.

At the time of the Declaration of Independence, Tilghman was 58 and belonged to an earlier generation than most of the other revolutionary leaders in Maryland. Closest to his age in the group that drafted the Constitution was his son-in-law, Charles Carroll, Barrister, five years his junior. At the core of the revolutionary leadership were the individuals we will meet as members of this group. All of them were lawyers or trained in the law. Those other than Tilghman, and their ages at the time of the Declaration of Independence, were:

Charles Carroll, Barrister (1723–1783), 53
Charles Carroll of Carrollton (1737–1832), 38
Samuel Chase (1741–1811), 35
Robert Goldsborough (1733–1788), 42
Robert T. Hooe (1743–1809), 33
Thomas Johnson (1732–1819), 43

⁸ J. Thomas Scharf, *History of Maryland* (1879), II, 76.

William Paca (1740–1799), 35
George Plater (1735–1792), 40

The two Charles Carrolls have often been confused, a mistake compounded by the fact that each was the son of another Charles Carroll, and that all four maintained residences in Annapolis. As they played key parts in the creation of the Constitution, it seems desirable to differentiate them at the outset.

Charles Carroll, Barrister,⁹ received this appellation because he had been admitted to the English bar in 1754 after study at Cambridge University and the Middle Temple in London. His father, Dr. Charles Carroll (1691–1755), had at one time been a physician and for fifteen years was a leader of the Country Party in the House of Delegates. Upon his death, the Barrister was elected in his place, and became, like him, a staunch and able opponent of the Proprietary, although a friendly one. Both had given up the active practice of their professions and had prospered as merchants and investors. Among their profitable ventures was an interest in the Baltimore Iron Works, operated in partnership with the other Carrolls and the Dulanys.

The two Carroll families were distantly related, but upon coming to America Dr. Charles had renounced the Catholic faith that they had shared in Ireland, and had become a Protestant. As a result he and his son were not disqualified from holding office and taking an active part in political life. Among other things, the Barrister presided over the Maryland Convention of May 8, 1776.

Although trained in the law, the Barrister once seriously ruffled the feathers of Colonel John Tayloe of Richmond by asking him to

⁹ See W. Stull Holt, "Charles Carroll, Barrister: The Man," in 32 *Md. Hist. Mag.* (1936) 112-26. This and succeeding issues of the Magazine contain many of his letters, although none about the 1776 Constitution. His Baltimore home, "Mount Clare," is still one of the show places in the City.

forward a claim to some honest attorney, "if any such there be." The Colonel expressed such indignation at this slur on his fellow Virginia lawyers that the Barrister tried to placate him by writing: "When I hinted at the honesty of Attorneys, I assure you I did not intend to apply it to those of Virginia only but to our whole fraternity."¹⁰ We doubt that the Colonel was mollified.

Charles Carroll of Carrollton¹¹ used the name of his estate in Frederick County to differentiate himself from other Carrolls. He even signed himself this way in letters to his father, who for a like reason was sometimes known as "of Doughoregan," the family estate outside of what is now Ellicott City. Like the Barrister, Charles of Carrollton had studied abroad and had attended the Middle Temple, but he had not been admitted to the bar. As a Catholic he was disqualified from voting, holding office, or practicing law in Maryland prior to the Revolution, and he did not practice thereafter.

The other members of the Committee that drafted the 1776 Constitution were also lawyers or trained in the law. Like most members of the bar of that day, they engaged in farming and other income-producing activities. This was fortunate, as during much of the Revolution the courts were closed and the pickings from practice were slim. They were an able and distinguished group. Three were signers of the Declaration of Independence (Charles Carroll of Carrollton, Samuel Chase, and William Paca); three later became governors of Maryland (Johnson, Paca, and Plater); and two became justices of the U.S. Supreme Court (Johnson and Chase).

¹⁰ 31 *Md. Hist. Mag.* (1936) 317.

¹¹ A considerable amount has been written about Charles of Carrollton, especially in the present bicentennial year. The most complete biography is still Kate Mason Rowland's two volumes, *The Life of Charles Carroll of Carrollton, 1737-1832* (N.Y., 1908). The period with which we are chiefly concerned is particularly well covered in the illuminating and readable biographical sketches by Sally Mason, Ronald Hoffman and Edward C. Papenfuse in the Balto. Museum of Art Exhibition Catalogue on *C.C. of C., His Family, and His Md.* (Balto., 1975).

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**THE
MARYLAND CONSTITUTION**

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